

# Converging Stereotypes in Racialized Sexual Harassment: Where the Model Minority Meets Suzie Wong

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*I'LL GET right to the point, since the objective is to give you, in writing, a clear description of what I desire. . . . Shave between your legs, with an electric razor, and then a hand razor to ensure it is very smooth. . . .*

*I want to take you out to an underground nightclub . . . like this, to enjoy your presence, envious eyes, to touch you in public. . . . You will obey me and refuse me nothing. . . .*

*I believe these games are dangerous because they bring us closer together, yet at the same time I am going to be more honest about the past and present relationships I have. I don't want you to get any idea that I am devoting myself only to you—I want my freedom here. . . . The only positive thing I can say about this is I was dreaming of your possible Tokyo persona since I met you. I hope I can experience it now, the beauty and eroticism.<sup>1</sup>*

The previous passage comes from a letter written by a white male professor to a Japanese female student at a major university. The more unsavory details referring to physical specifications and particularly demeaning and sadistic demands by the professor have been edited. In her complaint against him, the student stated that the faculty member "sought out Japanese women in particular" and "uses his position as a university professor to impress and seduce Japanese women." The professor had a history of targeting Japanese women because "he believes they are submissive and will obey any parameters he sets for the relationship." According to the student's complaint, "He said that he wants sex slaves, that he considers and treats women as disposable. . . . He rarely takes precautions in a sexual relationship."<sup>2</sup>

Another Japanese female student and former officer of a campus Japanese student organization testified in support of the student's complaint that the same professor had approached her outside of a convenience store near the campus and

asked for her phone number, stating that he was interested in meeting Japanese women. The student explained that she gave him her number, "because I was the vice-president [of the Japanese student organization] and felt I should be gracious." Through the course of their conversations, the professor told the student that he "hangs around campus looking for Japanese girls" and asked "where [he] could meet them." He told her that "he was not popular in high school and college." However, "when he went to Japan he found out that he was popular" and was now "making up for lost time." The professor told the student that "[h]e liked Japanese females because they were easy to have sex with and because they were submissive."<sup>3</sup>

I have long been haunted by this case, which was unsuccessfully resolved due to the effective intimidation of the courageous student and those who sought redress. Victims of sexual harassment often fear coming forward precisely because of the type of administrative, legal, and community discouragement and intimidation that constituted the "secondary injury"<sup>4</sup> in this case. Here, the secondary injury was inflicted by the university's affirmative action office, which claimed to find no evidence of an actionable claim worth investigation, by the self-proclaimed "feminist law firm" that defended the predator-professor, and by the university attorney who bolstered the intimidatory tactics of the professor's lawyer.

## Converging Stereotypes and the Power Complex

Asian Pacific American women are at particular risk of being racially and sexually harassed because of the convergence of race and gender that produces sexualized racial stereotypes and racialized gender stereotypes. In order to understand the particular risks that such stereotypes pose to these women, one must grasp the social construction of Asian Pacific American women in the U.S.

Before 1965, immigration laws discriminated both racially and on the basis of gender. The racial economy of pre-civil rights America preferred a "bachelor society" of single Asian men who proved to be a source of cheap, vulnerable labor. This preference resulted in the creation of a "yellow proletariat" which helped to keep wages low and served as a convenient scapegoat for the socioeconomic dislocations of an industrializing society.

This bachelor society led to the importation of Asian women as prostitutes. Because many Chinese prostitutes in California during the nineteenth century were "*mui jai*," or indentured servants and were perceived as hyper-degraded, they were favorite subjects for white female missionaries' rescue crusades, as well as for nativist politicians' justifications for restricting and excluding Chinese immigration. Sensational newspaper headlines reflected widespread images of Asian Pacific American women as the abused chattel of brutal Chinese proprietors, which effectively combined the racialized narrative of a harsh, heathen, and unas-similable Chinese culture with a gendered one of sexual slavery. Historical stereotypes of Chinese prostitutes, metaphorized as "lotus blossoms," would remain intact in subsequent reformulations of Asian Pacific American women's

identity. The "domesticated" lotus-blossom version of Asian female identity, however, co-existed with the "foreign" counterpoint known as the "dragon lady"—a conniving, predatory force who travels as a partner in crime with men of her own kind. These two Asian female identities covered the range of behavior from tragically passive to demonically aggressive, in one-dimensional and stereotypical forms.

The Civil Rights Movement in the 1950s and 1960s changed popular stereotypes of Asian Pacific Americans. The model minority myth developed in the mid-1960s provided a counter-example to politically active African Americans. A much criticized racial stereotype of Asian Pacific Americans, this myth painted a misleading portrait of groupwide economic, educational, and professional super-success, as well as images of political passivity and submissiveness to authority. But despite much writing by Asian Pacific Americans on the model minority stereotype, few have theorized how it specifically relates to Asian Pacific American women.

The stereotype of obedient and servile Asian Pacific women in popular culture is depicted, for example, in an episode entitled "China Girl" from the 1978-'79 television series *How the West Was Won*. The opening sequence was narrated in a docu-fiction "voice-of-God" style:

Of all the immigrants for whom America eventually became a permanent home, perhaps none were so manipulated, or suffered as many indignities, as the Chinese. Though 12,000 of them built the western half of the transcontinental railroad, they were not permitted to become citizens of this country, and they had no rights whatsoever. They could not even testify against a white man in court. *And seven years after the Emancipation Proclamation freed Black slaves, naked Chinese girls were being sold at auction to their own countrymen on the streets of San Francisco.* But with famines sweeping China still they came [by the] thousands seeking food for their bellies and hope for the future. In the beginning, they often labored sixteen hours a day for as little as twenty cents. But they somehow survived these hardships to become a vital part of a growing America as one of the finest and proudest chronicles in the history of the West.<sup>5</sup>

This episode embodies the key features of model minority texts: (1) Asian Pacific American political subjugation; (2) comparison to African Americans; and (3) eventual success through perseverance and compatibility with the Protestant work ethic. To the extent that it suggests that Chinese culture was somehow uniquely patriarchal, this passage is unremarkable as a racialized popular cultural form displaying an enlightened, albeit hypocritical, western attitude toward Chinese culture. Note, also, its implicit characterization of Asian women as subordinate to whites because of their race, and enslaved to Chinese men because of their gender. In this way, the model minority figure integrates the historical depiction of the dually-subjugated Asian woman with the larger narrative of assimilationist success, to create "one of the finest and proudest chronicles in the history of the West."

Similarly, the process of objectification that women in general experience takes on a particular virulence with the overlay of race upon gender stereotypes.

Generally, objectification diminishes the contributions of all women, reducing their worth to male perceptions of female sexuality. In the workplace, objectification comes to mean that the value of women's contributions will be based not on their professional accomplishments or work performance, but on male perceptions of their vulnerability to harassment. Asian Pacific women suffer greater harassment exposure due to racialized ascriptions (for example, they are exotic hyper-eroticized, masochistic, desirous of sexual domination, etc.) that set them up as ideal gratifiers of western neocolonial libidinal formations. In a 1990 *Gentleman's Quarterly* article entitled "Oriental Girls," Tony Rivers rehearsed the racialized particulars of the "great western male fantasy":

Her face—round like a child's, . . . eyes almond-shaped for mystery, black for suffering, wide-spaced for innocence, high cheekbones swelling like bruises, cherry lips. . . .

When you get home from another hard day on the planet, she comes into existence, removes your clothes, bathes you and walks naked on your back to relax you. . . . She's fun, you see, and so uncomplicated. She doesn't go to assertiveness-training classes, insist on being treated like a person, fret about career moves, wield her orgasm as a non-negotiable demand. . . .

She's there when you need shore leave from those angry feminist seas. She's a handy victim of love or a symbol of the rape of third world nations, a real trouper.<sup>6</sup>

As the passage demonstrates, Asian Pacific women are particularly valued in a sexist society because they provide the antidote to visions of liberated career women who challenge the objectification of women. In this sense, this gender stereotype also assumes a "model minority" function, for it deploys this idea of Asian Pacific women to "discipline" white women, just as Asian Pacific Americans in general are frequently used in negative comparisons with their "non-model" counterparts, African Americans.

The passage is also a telling illustration of how colonial and military domination are interwoven with sexual domination to create the "great western male fantasy."<sup>7</sup> Military involvement in Asia, colonial and neocolonial history, and the derivative Asian Pacific sex tourism industry have established power relations between Asia and the West that in turn have shaped stereotypes of Asian Pacific women. Through mass media and popular culture, these stereotypes are internationally transferred so that they apply to women both in and outside of Asia. Rivers suggests that the celluloid prototype of the "Hong Kong hooker with a heart of gold" (from the 1960 film, *The World of Suzie Wong*) may be available in one's own hometown: "Suzie Wong was the originator of the modern fantasy. . . . Perhaps even now, . . . on the edge of a small town, Suzie awaits a call."<sup>8</sup> These internationalized stereotypes, combined with the inability of U.S. Americans to distinguish between Asian Pacific foreigners and Asian Pacific Americans, result in a globalized dimension to the social construction of Asian Pacific American women.

Given this cultural backdrop of converging racial and gender stereotypes, Asian Pacific American women are especially susceptible to racialized sexual harassment. The university, despite its image as an enlightened, genteel environ-

ment of egalitarianism, unfortunately is no different from other hostile work environments facing Asian Pacific American women. Consider now two cases in which Asian Pacific American women faculty were subjected to hostile environment and quid pro quo forms of harassment. Although racialized sexual harassment experienced by professionals should not be assumed to be identical to that facing women of color employed in blue- and pink-collar jobs, the social construction of the victims across settings may present an overarching commonality that allows for broader theoretical linkages.

### THE JEAN JEW CASE: HOSTILE ENVIRONMENT

Dr. Jean Jew came to the University of Iowa in 1973 from Tulane University. She was hired at the same time that another physician, who was also her mentor, was appointed chair of the anatomy department in the College of Medicine. Almost immediately, rumors began to circulate about an alleged sexual relationship between the two. These rumors would persist for the next thirteen years. Despite the increased number of incidents of harassment and vilification Dr. Jew experienced after joining the anatomy department, she was recommended for tenure by the department in December 1978. Her promotion, however, did not quiet her detractors. In a drunken outburst in 1979, for example, a senior member of the anatomy department referred to Dr. Jew as a "stupid slut," a "dumb bitch," and a "whore."<sup>9</sup> Dr. Jew and three other professors complained separately to the dean about the slurs.

Dr. Jew's tenure promotion not only failed to quiet her harassers, but also apparently further fueled the rumor mill and provided colleagues with an opportunity to air personal grievances and exploit polarized departmental politics. Jean Jew was the only woman tenured in the College of Medicine's basic science departments, and one of a few Asian Pacific American women among the University of Iowa faculty. In this homogenous setting, stereotypes flourished to such an extent the faculty did not even recognize the difference between jokes and racial slurs. One faculty member who referred to Dr. Jew as a "chink" contended that he was merely "us[ing] the word in a very frivolous situation" and repeating a joke.<sup>10</sup> The model minority stereotype of competence and achievement fed existing insecurities and jealousies in a department that was already deeply polarized. In responding to these insecurities, a traditional gender stereotype informed by racialized ascriptions rebalanced the power relations. Gender stereotypes with racial overtones painted Dr. Jew as an undeserving Asian Pacific American woman who traded on her sexuality to get to the top. To Dr. Jew, this stereotyping and her refusal to accede to it played a large role in the "no-win" configuration of departmental power relations:

If we act like the [passive] Singapore Girl, in the case of some professors, then they feel "she is [unequal to me]." If we don't act like the Singapore Girl, then [our] accomplishments must have derived from "a relationship with the chair." There were quite a few people that felt that way to begin with. They thought because I was working with the chair, I was his handmaiden. Many faculty testified that in

inter-collaborative work, I was doing the work that led to publication but that he was the intellectual, with Jean Jew as his lackey. The term used was that I was the collaborative force, but not independent.<sup>11</sup>

Other colleagues also denigrated Dr. Jew. After he was denied tenure in 1991, one doctor filed a grievance with the university stating that his qualifications were better than those of Jew, who had been tenured. To support his case, the doctor submitted an anonymous letter to the dean, which claimed that Jew's promotion was due to her sexual relationship with the chair. The letter stated, in fortune-cookie style, "Basic science chairman cannot use state money to . . . pay for Chinese pussy."<sup>12</sup> Another doctor, who held administrative responsibilities in the department, frequently posted, outside his office where students congregated, obscene *Playboy* magazine-type line drawings depicting a naked, copulating couple with handwritten comments referring to Dr. Jew and the department chair.<sup>13</sup> On the very day that the senior departmental faculty were to evaluate Jew for promotion to full professor, the following limerick appeared on the wall of the faculty men's restroom:

*There was a professor of anatomy  
Whose colleagues all thought he had a lobotomy  
Apartments he had to rent  
And his semen was all spent  
On a colleague who did his microtomy.<sup>14</sup>*

The faculty voted three in favor, five against Jean Jew's promotion, and she was denied full professorship.

### THE ROSALIE TUNG CASE: QUID PRO QUO

Rosalie Tung joined the University of Pennsylvania Wharton School of Business (hereinafter Business School) in 1981 as an associate professor of management. In her early years at the Business School, she earned praise for her performance. In the summer of 1983 a change in leadership brought a new dean and new department chair to the school. According to Tung, "Shortly after taking office, the chairman of the management department began to make sexual advances toward me."<sup>15</sup> In June 1984, the chair awarded Professor Tung a twenty percent increase in salary and praised her highly for her achievements in the areas of research, teaching, and community service.

However, when Tung came up for tenure review in the fall of 1984, the chair's evaluation of her performance changed dramatically. "After I made it clear to the chairman that I wanted our relationship kept on a professional basis," she stated, "he embarked on a ferocious campaign to destroy and defame me. He solicited more than 30 letters of recommendation from external and internal reviewers when the usual practice was for five or six. . . ."<sup>16</sup> Although a majority of the department faculty recommended tenure, the personnel committee denied Professor Tung's promotion. Contrary to the rules, the department chair deliberately withheld news of the decision for one week so that he could

deliver it to Tung on Chinese New Year's Day. He offered no reason for her tenure denial. Tung later learned through a respected and well-placed member of the faculty that the justification given by the decisionmakers was that "the Wharton School is not interested in China-related research."<sup>17</sup> Tung understood this to mean that the Business School did "not want a Chinese-American, Oriental" on their faculty. Of over sixty faculty in the management department, there were no tenured professors of color or tenured women. At the entire Business School, which had over three hundred faculty, there were only two tenured people of color, both male.

Tung filed a complaint with the Equal Employment Opportunity Commission (EEOC) in Philadelphia alleging race, sex, and national origin discrimination. She also filed a complaint with the university grievance commission. Tung's file and those of thirteen faculty who were granted tenure within the previous five-year period were turned over to the grievance commission. During this process, the peer review files revealed that out of multiple batches of mailings, the department chair had arranged specifically to solicit negative letters—only three such letters were in her file—two of which were from the chair himself! One of the chair's negative letters was written only six months after his rave review in June 1984. Professor Tung's file constituted an impressive list of achievements, with over thirty letters consistently praising her as one of the best and brightest young scholars in her field, including one from a Nobel Prize laureate. Her peers had acknowledged her contributions by electing her to the board of governors of the Academy of Management, a professional association of over 7000 management faculty. Tung was the first person of color ever elected to the board.

### **How the Convergence Shapes the Secondary Injury: The University Response**

Following the denial of her application for full professorship in 1983, Dr. Jew registered a complaint of sexual harassment with the university affirmative action office, the Anatomy Review and Search Committee, and the university's academic affairs vice-president. No action was taken on her complaint. In January of 1984, her attorney, Carolyn Chalmers, submitted a formal written complaint alleging sexual harassment to the vice-president. In response, the university appointed a panel to investigate Dr. Jew's charges. On November 27, 1984, the panel made four findings: (1) a pattern and practice of harassment existed; (2) defamatory statements were made by two members of the anatomy faculty; (3) there was inaction by the administration; and (4) there were resulting destructive effects on Dr. Jew's professional and personal reputation both locally and nationally. The panel recommended that the administration take immediate action to inform the department of their findings and that a "public statement [be] made on behalf of the University of Iowa."<sup>18</sup> The university took no meaningful action. In utter frustration at the university's unwillingness to correct the hostile work environment, Jew and Chalmers took the case to court.

Jean Jew's first suit in federal district court alleged that the University of Iowa failed to correct the hostile work environment from which she suffered. After fourteen days of testimony, Judge Viotor issued a ruling, finding that the University of Iowa had failed to respond to Jew's complaints that sexual bias played a significant role in her denial of promotion to full professor in 1983, and that four of the five professors who voted negatively on her promotion had displayed sexual bias. He ordered the university to promote Jew to full professor and awarded over \$50,000 in back pay and benefits dating back to 1984. Jew also filed a defamation suit in state court in October 1985. The suit alleged that she was the victim of sexually-based slander perpetrated by another member of her department. The six-woman, one-man jury unanimously found for Jew and awarded \$5,000 in actual damages, and \$30,000 in punitive damages. One of the most disturbing aspects of the university's behavior in the Jew case was its attempt to use the defense of academic freedom as a shield for slanderous faculty comments and university inaction. The university attempted to dismiss Jew's complaint, arguing that the statements later found to amount to sex discrimination and sexual harassment were merely legitimate criticism and "speech protected from regulation by the First Amendment."<sup>19</sup> Thus, the university argued that it was under no obligation to regulate speech privileged by the First Amendment's implied recognition of academic freedom.

Judge Viotor rejected the university's argument and the university announced it would appeal. The Iowa Board of Regents governing the university provided the public rationale, stating that Viotor's decision made the university responsible "for policing the statements and behavior of faculty members in ways that appear inconsistent with academic life and constitutional protections."<sup>20</sup> "In an academic community, this is extremely disturbing," the statement continued. "The effect of chilling speech in a community dedicated to the free exchange of ideas and views—even unpleasant ones—requires that the board and the university pursue the matter further."<sup>21</sup>

Only when a storm of public criticism broke out did the university cut its losses and accept the verdict. It later came out that the University of Iowa paid the legal expenses for the offending professor's defense in the defamation suit for over five years, as well as the \$35,000 judgment entered against him by the court. One wonders to what extent the university's persistent litigiousness in the face of adverse administrative and legal findings reflects the prevalence of racial and sexual stereotypes, leading it to side with the harasser and formulate an aggressive legal strategy to "bully" a plaintiff perceived to be politically weak and passive.

In the Tung case, by contrast, following forty hours of hearings, the university grievance commission found that the university had discriminated against her. Despite a university administrative decision in her favor, the provost overseeing the matter chose to do nothing. Professor Tung suspects that race and gender stereotypes played a role in shaping the provost's inaction:

[T]he provost, along with others in the university administration, felt that I, being an Asian, would be less likely to challenge the establishment, because Asians have traditionally not fought back. In other words, it was okay to discriminate



against Asians, because they are passive; they take things quietly, and they will not fight back.<sup>22</sup>

Tung also noted the comments of one of her colleagues, who described her in a newspaper article as "elegant, timid, and not one of those loud-mouthed women on campus." Her colleague continued, "In other words, [Professor Tung was] the least likely person to kick over the tenure-review apple cart."<sup>23</sup>

Despite the university's non-response to its own internal committee's findings, Rosalie Tung pursued her EEOC claim. In its investigation, the EEOC subpoenaed her personnel file along with those of five male faculty members who had been granted tenure around the same time. The University of Pennsylvania refused to turn over the files; and the case, known as *University of Pennsylvania v. EEOC*, eventually reached the Supreme Court. Among its claims, the university asserted a First Amendment privilege of "academic freedom" as a defense to the subpoena. Rejecting those claims, the Court gave little weight to the university's assertion that compliance with the subpoena would violate its First Amendment rights. The unanimous decision in favor of Tung and the EEOC, by a conservative Rehnquist Court, set an important precedent in establishing baseline procedures for Title VII claims in academic employment. *University of Pennsylvania v. EEOC* represents the Court's willingness to alter (at least somewhat) its long-standing tradition of absolute deference to higher education's decision-making processes in the face of allegations of egregious discrimination and harassment.

## A Theory of Racialized Sexual Harassment

In light of converging racial and gender stereotypes of Asian Pacific American women as politically passive, and sexually exotic and compliant [*Eds. viz. Suzie Wongs*], serious attention must be given to the problem of racialized sexual harassment as illustrated by the two cases discussed. On a theoretical level, new frameworks that integrate race and gender should be developed to account for the multi-dimensional character of harassment that occurs and is challenged across races, social classes, and borders. The law's current dichotomous categorization of racial discrimination and sexual harassment (to name only two) as separate spheres of injury is inadequate. Both the *Jew* and *Tung* cases fall within the parameters of "usual" sexual harassment jurisprudence. *Tung* represents a case of sexual harassment where the harassing party seeks to punish the would-be-victim for refusing his advances. *Jew* suffered from a more generalized form of sexual harassment, where the harassing parties created a hostile work environment by repeated defamatory and gender-specific references designed to destroy her professional reputation. Both cases included injuries that became "material" when employment rights in the form of earned promotions were infringed.

However, both cases also contain elements of a unique form of injury that is not as readily captured in conventional terms. The specifically racialized feature

of the injuries to Tung and Jew inheres in the harassers' and the institutions' processing of their victims as not only women, but Asian Pacific American women. In both cases, racialized references were hostilely deployed against the women. In Tung's, these include the chair's choice of Chinese New Year's Day to inform her of her denial, as well as the explanation that Wharton just was not interested in scholarship related to China. In Jew's case, repeated racial epithets and the use of fortune-cookie language to make insinuations about Jew's relationship to the chair were unambiguously racial.

Moreover, the *injuries* suffered by the women uniquely result from the synergy of race and gender. The injuries suffered by Tung and Jew materialized not only according to the set of abstract employment rights the law observes, but also along the lines of their subjecthood as Asian Pacific American women. In both cases, harassers formulated their plans in full light of their advantages as white males *vis-à-vis* the Asian Pacific American women they targeted. In order to deter harassment such as this, the law should acknowledge the particular white male supremacist logic at work.

In a similar fashion, the law must incorporate a fuller conception of workplace power relations, so that the synergistic effects of race and gender are given the consideration they warrant. The behavior of the wrongdoers in these two cases was informed by a particular set of perceptions and preconceptions of the Asian Pacific American women involved. Both the isolation of the victims as Asian Pacific Americans and assumptions about their passivity led the wrongdoers to create a "steamroller" dynamic that was designed to further disadvantage and disempower their victims. These particularized forms of power imbalance, power deployment, and exploitation of stereotypes against women of color require a legal discourse that understands and addresses the unique subjecthoods of those it seeks to regulate and protect.

## NOTES

1. Letter from white male professor to Japanese female student. This letter and other materials cited for this case are on file with author. I am not at liberty to publicly disclose the sources related to this case.

2. Transcript of conversation with former vice-president of Japanese student organization (on file with author) [hereinafter Transcript].

3. *Id.*

4. Cf. Martha Chamallas, *Jean Jew's Case: Resisting Sexual Harassment in the Academy*, 6 YALE J.L. & FEMINISM 71, 72 (1994) [identifying the "second injury" in her analysis of the Jew case as "the injury sexual harassment victims experience when they bring their claims to court"].

5. See DARRELL HAMAMOTO, MONITORED PERIL 43 (1994). [Emphasis added.]

6. Tony Rivers, *Oriental Girls*, GENTLEMAN'S Q. (Brit. ed.), Oct. 1990, at 158, 161, 163.

7. *Id.* at 158.

8. *Id.* at 163. Suzie Wong is the Hollywood prototype for the masochistic eroticism of Asian Pacific American women. In *The World of Suzie Wong*, Nancy Kwan portrays "Suzie Wong," a prostitute who falls in love with a struggling American artist self-exiled in Hong Kong, played by William Holden. Suzie invites Holden's character to beat her so she can show her injuries to her Chinese girlfriends as a measure of his affection. In the final "love scene," Suzie pledges to stay with her American man until he says, "Suzie, go away." *The World of Suzie Wong* (Paramount Pictures 1960).

9. Plaintiff's Memorandum in Opposition to Defendants' Motion for Summary Judgment at 20, *Jew v. University of Iowa*, 749 F. Supp. 946 (S.D. Iowa 1990) (No. 86-169-D-2) (on file with GENDER, RACE, & JUST.).

10. *Jew v. University of Iowa*, 749 F. Supp. 946, 949 (S.D. Iowa 1990).

11. Interview with Dr. Jean Jew in Berkeley, Cal. (Oct. 15, 1991), cited in Sumi Kae Cho, *The Struggle for Asian American Civil Rights* 40 (1992) (unpublished dissertation, University of California, Berkeley) (on file with author) (citation omitted).

12. Plaintiff's Memorandum in Opposition to Defendants' Motion for Summary Judgment at 19, *Jew v. University of Iowa*, 749 F. Supp. 946 (S.D. Iowa 1990) (No. 86-169-D-2). The harasser who was sued received his Master's Degree in Physical Education from the University of Iowa in 1960. He continued his education at Iowa and received his Ph.D. in Physical Education in 1967. He has neither an M.D. nor a Ph.D. in anatomy, unlike Dr. Jew.

13. *Jew*, 749 F. Supp. at 946, 949.

14. Plaintiff's Memorandum in Opposition to Defendants' Motion for Summary Judgment at 6 of Timeline addendum, *Jew* (No. 86-169-D-2).

15. Out of three hundred faculty, for example, she was selected by her dean to represent the school at Harvard Business School's 75th anniversary in 1983. Rosalie Tung, *Asian Americans Fighting Back*, Speech at University of California, Berkeley (Apr. 1990), quoted in Rosalie Tung, *Tung Case Pries Open Secret Tenure Review*, *BERKELEY GRADUATE*, Apr. 1991, at 12-13, 30-31 (copy and videotape of speech on file with author).

16. *Id.* at 12. According to Tung, the thirty letters were collected in batches. After an initial attempt to procure negative letters in the first set of letters, he mailed a second set, and then a third. *Id.*

17. *University of Pa. v. EEOC*, 493 U.S. 182, 185 (1990).

18. Plaintiff's Memorandum in Opposition to Defendants' Motion for Summary Judgment at 7 of Timeline addendum, *Jew* (No. 86-169-D-2).

19. *Jew*, 749 F. Supp. at 946 (citing Defendants' Memorandum for Summary Judgment at 21).

20. Linda Hartmann, *UI Faculty Say Appeal Sends Bad Message*, *Iowa City Press-Citizen*, Oct. 13, 1990, at 1A.

21. Andy Brownstein, *Regents: 1st Amendment Behind Appeal*, *Daily Iowan*, Oct. 15, 1990, at 1A.

22. Tung, *supra* note 15, at 31.

23. *Id.*