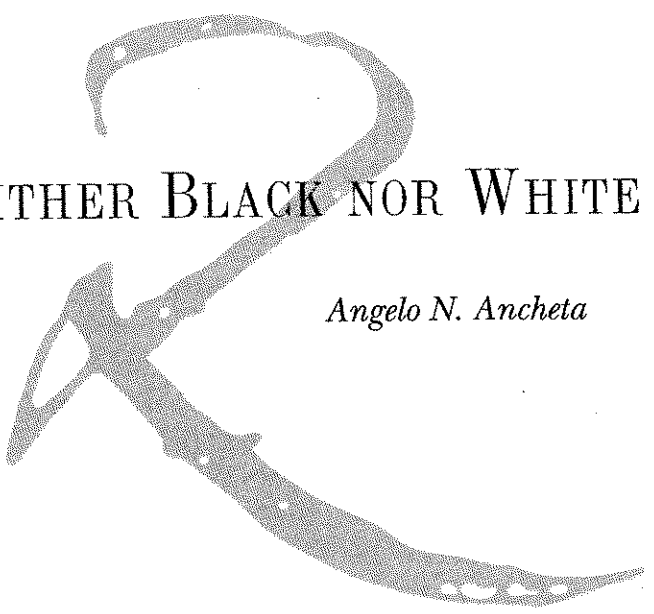




NEITHER BLACK NOR WHITE

Angelo N. Ancheta

In his 1989 feature film *Do the Right Thing*, filmmaker Spike Lee explores urban race relations by tracing the interplay of a set of characters during a sweltering day in the Bedford-Stuyvesant section of Brooklyn, New York. Lee's film tracks the life of a neighborhood during a twenty-four-hour span, punctuated by inter-racial tensions that culminate in violence and rioting.

A climactic scene near the end of the film features the movement of an angry mob outraged by the killing of a black youth by white police officers. The crowd's rage is turned on Sal's Famous Pizzeria, a neighborhood restaurant owned and operated by a white family. After Mookie, Sal's only black employee, throws a garbage can through the front window, others in the crowd rush into the restaurant, ransacking and setting fire to it. As flames engulf the pizzeria, the mob turns toward a new target: the grocery store across the street owned by Korean immigrants.

Tensions build as three men lead the others to confront the store's owner, Sonny. Anxious and confused, Sonny swings a broom wildly through the air in a desperate attempt to hold back the crowd. He shouts out:

I not white! I not white! I not white!
I black! I BLACK!

Several people laugh and scoff at Sonny's pleas. He responds, "You, me—same!" One of the men retorts incredulously: "Same? *Me* black! Open your eyes!" But others in the crowd begin sympathizing with the grocer. They nod their heads in agreement with Sonny and move closer to restrain the men who first challenged him. Sonny extends an open hand in friendship, as another man says, "He's all right. He's black." Tensions subside, and the crowd turns and moves on.

Real life is rarely as tidy as cinematic fiction, but the imagery and dialogue from *Do the Right Thing* offer a glimpse into the potential violence that many Asian immigrants encounter in the nation's inner cities. And since the film's original release, reality has proved to be far more dramatic than fiction. The country witnessed the destruction of thousands of Asian American-owned businesses during the civil unrest in Los Angeles and other cities in the spring of 1992, following the acquittal of Los Angeles Police Department officers on trial for the beating of Rodney King.

The scene illustrates the volatility of urban race relations, but it also encapsulates some of the distinctive problems that Asian Americans face as a racial group. On one level, the idealistic and convenient ending to the mob scene offers an insight into the parallels between Asian Americans and African Americans. The grocer identified himself as black and many in the crowd agreed with him because Asian Americans and African Americans share similar histories and experiences with racial subordination in the United States.

On another level, though, the scene portrays a more complex dynamic: the grocer, caught in the middle of a race riot, invoked an inaccurate but successful appeal to be treated as if black. The crowd initially equated the Korean grocer with the white pizzeria owner because of his store ownership and his economic stature within the neighborhood. But the grocer took on a new identity when confronted by the crowd. The entreaty "I black" placed him squarely on one side of the conflict, resolving any ambiguity about his alignment within the neighborhood's racial matrix.

The grocer's transformation is an extreme example but it illuminates a dilemma that Asian Americans typically encounter in matters involving race. When discourse is limited to antagonisms between black and white, Asian Americans often find themselves in a racial limbo, marginalized or unrecognized as full participants. The assertion of other experiences, different from black or white, can be misunderstood, become trivial or ineffectual, or even prove to be dangerous. Within a less perilous context, the grocer might have been expected to declare a different identity—Korean or Asian American. But placed within a conflict that had been reduced to black versus white, the grocer assumed the safety of a black identity.

RACE RELATIONS IN BLACK AND WHITE

"Are you black or are you white?" For Asian Americans the obvious answer would seem to be "neither." Yet, when questions of race relations arise, a dichotomy between black and white typically predominates. Formed largely through inequities and conflicts between blacks and whites, discourse on race relations provides minimal space to articulate experiences independent of a black-white framework. The representation of Asian Americans is especially elusive and often shifts, depending on context, between black and white.

Popular works on race suggest that expositions of Asian American experiences are peripheral, more often confined to the footnotes than expounded in the primary analyses. Studs Terkel's *Race* frames race relations through a dialogue

about blacks and whites, confined almost entirely to the opinions of blacks and whites. Andrew Hacker's *Two Nations: Black and White, Separate, Hostile, Unequal* contains, as its subtitle implies, extensive discussions of inequality between blacks and whites, but only a minimal analysis of inequality among other racial groups.¹ The controversial books *The Bell Curve*, by Charles Murray and Richard Herrnstein, and *The End of Racism*, by Dinesh D'Souza, go to considerable length to expound arguments that blacks as a group are less intelligent than whites and suffer from cultural pathologies that inhibit advancement to the level of whites. When discussed at all, Asian Americans are offered as a "model minority" group, to be contrasted with blacks and likened to whites because of their higher IQ scores and cultural values stressing family, hard work, and educational achievement.

News media portrayals of racial minorities suffer from the same tendency to reduce race relations to a simple black-white equation. Popular television news shows such as ABC's *Nightline* offer recurring programming on race relations, but typically confine their analyses to black-white relations. Public opinion polls on race and civil rights usually exclude Asian Americans as subjects or as participants, or reduce them to the category of "Other." News coverage of racially charged events is most often framed by black versus white antagonisms. The murder trial of O. J. Simpson, for instance, provoked extensive dialogue on the impact of race and racism on the criminal justice system, but excluded for the most part any perspectives from Asian Americans or Latinos, which is ironic for a trial held in Los Angeles, a city where half of the population is Asian American and Latino.²

Public policies that reflect and reinforce race relations also approach race in terms of black and white. Historically, the major landmarks denoting both racial subordination and progress in racial rights have been measured through the experiences of African Americans. Slavery and its abolition, the black codes and the Reconstruction-era constitutional amendments, Jim Crow laws and the desegregation cases culminating in *Brown v. Board of Education*, the struggles of the civil rights movement and the federal legislation of the 1960s—these are the familiar signs that have dominated the landscape of civil rights in the United States. Debates on affirmative action have occasionally shone the spotlight on Asian Americans, but almost exclusively as unintended victims of affirmative action in higher education. Problems of ongoing racial discrimination and inequality among Asian American communities are largely ignored.

Not that focusing on black experiences is unjustified. African Americans have been the largest racial minority group in the United States since the country's birth, and continue to endure the effects of racial subordination. By any social or economic measure, African Americans suffer extensive inequality because of race. In describing the African American experience, the statement of the Kerner Commission resonates as strongly today as it did in 1968: "Our nation is moving toward two societies, one black, one white—separate but unequal."³ But to say that our nation is moving toward two separate and unequal societies, however disconcerting, is fundamentally incomplete. Underlying the Kerner Commission's statement is the assumption that our nation's cities are divisible

along a single racial axis. Cleavages between black and white persist but American race relations are not an exclusively black-white phenomenon and never have been. The civil unrest in Los Angeles in 1992 is just one example of the intricacy of contemporary racial dynamics, shedding light on a host of race-based and class-based conflicts, as well as an array of racial and ethnic groups—blacks, whites, Asians, Latinos—who were both victims and victimizers.

BLACK AND WHITE BY ANALOGY

Dualism is a convenient lens through which to view the world. Black or white, male or female, straight or gay—the categories help us frame reality and make sense of it. In matters of race, a black-white dichotomy has been the dominant model, based primarily on the fact that African Americans have been the largest and most conspicuous nonwhite racial group in the United States. But the legal history of the United States is punctuated by the abridgment of rights among other racial and ethnic groups such as Asian Americans, and the country's changing demographics are mandating new perspectives based on the experiences of immigrants. Still, the black-white model is the regnant paradigm in both social and legal discussions of race.

How can Asian Americans fit within a black-white racial paradigm? Historian Gary Okihiro poses the question this way: "Is yellow black or white?" Okihiro suggests that Asian Americans have been "near-blacks" in the past and "near-whites" in the present, but that "[y]ellow is emphatically neither white nor black."⁴ Recognizing the dominance of the black-white paradigm in the law, Frank Wu adopts a similar view proposing that Asian Americans have been forced to fit within race relations discourse through analogy to either whites or blacks. He posits that American society and its legal system have conceived of racial groups as whites, blacks, honorary whites, or constructive (legal jargon for "implied") blacks.⁵

For most of the nation's history, Asian Americans have been treated primarily as constructive blacks. Asian Americans for decades endured many of the same disabilities of racial subordination as African Americans—racial violence, segregation, unequal access to public institutions and discrimination in housing, employment, and education. The courts even classified Asian Americans as if they were black. In the mid-nineteenth century, the California Supreme Court held in *People v. Hall* that Chinese immigrants were barred from testifying in court under a statute prohibiting the testimony of blacks, by reasoning that "black" was a generic term encompassing all nonwhites, including Chinese: "[T]he words 'Black person' . . . must be taken as contradistinguished from White, and necessarily excludes all races other than the Caucasian."⁶

Similarly, in *Gong Lum v. Rice*, decided twenty-seven years before *Brown v. Board of Education*, the United States Supreme Court upheld the constitutionality of sending Asian American students to segregated schools. Comparing its earlier rulings on the "separate but equal" doctrine, the Court stated: "Most of the cases cited arose, it is true, over the establishment of separate schools as between white pupils and black pupils, but we can not think that the question is

any different or that any different result can be reached . . . where the issue is as between white pupils and the pupils of the yellow races."⁷ In the eyes of the Supreme Court, yellow equaled black, and neither equaled white.

In more recent years, the inclusion of Asian Americans in civil rights laws and race-conscious remedial programs has relied on the historical parallels between the experiences of Asian Americans and African Americans. The civil rights protections available to Asian Americans are most often contingent upon the rights granted to African Americans. Civil rights laws that apply to Asian Americans, as constructive blacks, can usually trace their origins to a legislative intent to protect African Americans from racial discrimination.

The treatment of Asian Americans as "honorary whites" is more unusual. In the Reconstruction-era South, Asian Americans were initially afforded a status above blacks for a period of time during the nineteenth century; Louisiana, for example, counted Chinese as whites for census purposes before 1870.⁸ The status was short-lived: the Chinese were soon reduced to constructive black status under systems of racial segregation. More contemporary race relations controversies appear to have elevated Asian Americans to the status of honorary whites, particularly in the minds of those who oppose race-conscious remedies such as affirmative action. Asian Americans are often omitted from protection in affirmative action programs as a matter of course, lumped with whites even in contexts where Asian Americans still face racial discrimination and remain underrepresented.

The rigidity of the legal system's treatment of race as either black or white is evident in civil rights litigation filed by Asian American plaintiffs in the earlier half of this century. Unlike the fictional grocer in Spike Lee's *Do the Right Thing*, Asian Americans sought, quite unsuccessfully, to be classified as white under the law, in recognition of the social and legal stigmas attached to being categorized as black. Gong Lum, for example, argued that his daughter Martha should not have to attend the school for colored children in Mississippi because "[c]olored" describes only one race, and that is the negro."⁹ Because his daughter was "pure Chinese," Gong Lum argued that she ought to have been classified with whites rather than blacks. The Court rejected this reasoning and held that yellow was black when it came to segregation.

During the late nineteenth and early twentieth centuries, Asian Americans sought to be classified as white in attempts to become naturalized citizens.¹⁰ Congress enacted naturalization legislation in 1790 to limit citizenship to "free white persons." After the Civil War, the law was amended to allow persons of "African nativity" or "African descent" to naturalize, but Congress rejected extending naturalization to Asian immigrants. Asian immigrants sought relief through the courts, but had little success arguing that they were white: Burmese, Chinese, Filipino, Hawaiian, Japanese, and Korean plaintiffs were all held to be nonwhite; mixed-race plaintiffs who were half-white and half-Asian were also held to be nonwhite.¹¹ The United States Supreme Court laid to rest any questions about the racial bar in *Ozawa v. United States*, ruling that Japanese immigrants were not white, and in *United States v. Thind*, ruling that Asian Indian immigrants were not white.¹² Asian immigrants were prohibited by statute from

naturalizing through the 1940s, and the racial bar on naturalization was not repealed until 1952.

From today's vantage point, these attempts by Asian immigrants to be classified as white may seem absurd and even subordinative, because they symbolically pushed blacks down the social ladder relative to whites and Asians. But when the legal paradigm limits options to black or white and nothing else, curious and unseemly choices inevitably arise. The solution, of course, is to develop and rely on theories that comprehend the complexity of race relations, which includes discerning that the experiences of Asian Americans are not the same as the experiences of African Americans.

RACISM IN CONTEXT: ANTI-ASIAN VIOLENCE

To better understand the experiences of Asian Americans, consider how racial subordination operates within a specific context: anti-Asian violence. Racial violence is not a new phenomenon, and the histories of all racial minorities include extensive violence, whether it is the genocide of Native American tribes during the expansion of the United States, the terrorism against blacks in the South, the military conquest and ongoing border violence against Latinos in the Southwest, or the attacks on Asian immigrant laborers in the West. Incidents of anti-Asian violence reveal unique themes of prejudice and discrimination that illustrate the dynamics of racism against Asian Americans.¹³

Chronicling the growth of anti-Asian violence in recent years, a 1986 report by the United States Commission on Civil Rights concluded that "anti-Asian activity in the form of violence, harassment intimidation, and vandalism has been reported across the nation."¹⁴ The Asian American Justice Center (formerly the National Asian Pacific American Legal Consortium) has measured anti-Asian violence since the 1990s and has tracked a wide variety of crimes, including graffiti, vandalism, cross burnings, property damage, arson, hate mail, intimidation, physical assaults, homicides, and police misconduct. Calculating figures is difficult because of underreporting—many immigrants face language barriers or are fearful of the police—and because of major weaknesses in law enforcement's compilation of statistics. The numbers that are available are sobering. During the eight-year period from 1995 to 2002, audits of anti-Asian violence by the Asian American Justice Center reported a nationwide total of 3,581 incidents against Asian Americans and Pacific Islanders, with at least 400 incidents logged for almost every year during the period.¹⁵

The most notorious episode of recent anti-Asian violence was the killing of Vincent Chin in 1982. Chin, a twenty-seven-year-old Chinese American, was celebrating his upcoming wedding at a Detroit bar when he was approached by Ronald Ebens and Michael Nitz, two white automobile factory workers. Ebens and Nitz thought Chin was Japanese and blamed him for the loss of jobs in the automobile industry. After calling Chin a "jap," the two men chased him out of the bar. They eventually caught Chin and proceeded to beat him repeatedly with a baseball bat. Chin died from his injuries a few days later. Ebens and Nitz each pleaded guilty to manslaughter but received only probation and a fine.

Ebens was later convicted of federal civil rights violations, but his conviction was overturned on appeal and he was acquitted on retrial. Neither Ebens nor Nitz spent any time in prison for the killing.

A similar incident occurred in 1989 in Raleigh, North Carolina. Jim (Ming Hai) Loo had been playing pool with several friends when he was approached by Robert Piche and his brother Lloyd Piche, who began calling Loo and his friends "chinks" and "gooks" and blaming them for the death of American soldiers in Vietnam. Once outside, Robert Piche pistol-whipped Loo on the back of the head, causing Loo to fall onto a broken bottle that pierced his brain. Loo died from his injuries two days later. Robert Piche was convicted and sentenced to thirty-seven years in prison; Lloyd Piche was sentenced to six months in prison by a state court, and sentenced to four years in prison for federal civil rights violations.

Another tragic illustration of anti-Asian violence is the multiple killings of Asian American children at the Cleveland Elementary School in Stockton, California, in 1989. Patrick Purdy used an AK-47 assault rifle to spray bullets into a crowded schoolyard, killing five children and wounding over twenty others before turning the gun on himself. Although initially labeled the product of a disturbed mind obsessed with guns and the military, the shootings were later proved to be motivated by racial hatred. A report issued by the California attorney general's office found that Purdy targeted the school because it was heavily populated by Southeast Asian children.¹⁶

Perpetrators who are affiliated with hate groups have been responsible for many anti-Asian crimes. During the early 1980s, when tensions erupted between Vietnamese immigrant fishermen and native-born fishermen in several coastal states, the Ku Klux Klan engaged in extensive harassment and violence against Vietnamese fishermen along the Gulf Coast of Texas. Federal litigation was required to end a pattern of threats, cross burnings, arsons, and shootings.¹⁷ In 1990, Hung Truong, a fifteen-year-old Vietnamese boy living in Houston, was attacked by two men who were later identified as white supremacist "skinheads." After following Truong and his friends as they walked down the street, the two assailants jumped out of their car, one wielding a club, and shouted "White power." They chased Truong and proceeded to kick and beat him, even as he pleaded for his life. The two men admitted at trial that they attacked Truong because he was Vietnamese.

In August 1999, Joseph Iletto, a Filipino American postal worker, was gunned down in California's San Fernando Valley by Buford Furrow, Jr., a white supremacist who earlier the same day had riddled the North Valley Jewish Community Center with over seventy rounds from a semi-automatic weapon and wounded several individuals, including three small children. Linked to anti-Semitic and white supremacist groups, Furrow shot Iletto nine times and admitted that he had targeted Iletto because he was a "chink or spic," terms that were no doubt tied to Furrow's perception that an individual like Iletto was somehow less than fully American. Ironically, Iletto was wearing a clear symbol of membership in American society—the uniform of a U.S. Postal Service mail carrier—at the time he was killed. Pleading guilty to avoid the imposition of a federal death penalty,

Furrow was ultimately sentenced to multiple life sentences without possibility of parole.¹⁸

More common, however, are incidents that do not involve formal hate groups and that occur in day-to-day interactions among people at work, in schools, at home, and on the street. Here are some examples, all of which occurred during 2002:

- A Japanese American man in Rancho Santa Margarita, California was attacked in his front yard by a perpetrator who threw eggs at him and shouted "You dirty Jap!" while leaving the scene.
- While stalled in traffic, a Korean American woman, along with her young son, were approached by a man who slapped the woman, asked her if she was Korean several times, and shouted: "Why don't you go fuck some Japanese bastard?," "What are you doing in this country?," "Go back to your country," and "Go back to where you came from."
- In a supermarket parking lot in Fort Lee, New Jersey, a Korean American woman was verbally assaulted by a couple, one of whom yelled, "Where did you learn to drive? You chink!" After confronting the couple, the woman was threatened by another customer who yelled, "Yeah, go back to your own country!"
- While leaving a casino in Lake Tahoe, Nevada, three Chinese American families were verbally and physically assaulted by an individual who, after already having confronted a Latino security guard, shouted out, "This is America, you fucking chinks. Do you want some of me?" During the perpetrator's detention by security guards, he told one of the guards: "Hey man, I can respect you. Not like these fucking spics and slant-eyes who are just there to take our money."
- At a business in Los Angeles, a perpetrator brandished a knife and told a South Asian American victim, "I don't like Indians or Pakistanis and if you don't go back to your country, I'll kill you."
- A Filipino American's tax business in Castaic, California was vandalized by an unknown suspect who wrote in black ink on the doors of the business: "Fuck you Asians."
- In Beverly Hills, California, a South Asian American man working as a restaurant valet was accosted by an individual who called the man an "Indian mother fucker" and asked "Are you a terrorist?" before attempting to assault the victim.¹⁹

Even the virtual world of computer networks has been the site of anti-Asian intimidation. In September 1996, a threatening electronic message was sent to about sixty students at the University of California, Irvine—a college campus whose undergraduate student population is approximately one-half Asian American—accusing Asians of being responsible for all crimes on campus, ordering them to leave the university, and threatening to hunt them down and kill them if they did not leave. The e-mail was signed "Asian-hater."²⁰

Many incidents of anti-Asian violence arise from conflicts among racial minorities. During the 1990s, Asian American tenants in San Francisco's public

housing projects—primarily Southeast Asian refugees and their families—were subjected to harassment and violence by African American tenants. Inadequate institutional policies, including poor overall security and a flawed racial integration strategy, aggravated cultural differences and tensions among the tenants, resulting in intimidation and numerous assaults. Many families feared for their lives and became prisoners in their own homes, while others moved out of public housing altogether.²¹

Anti-Asian violence is even linked to political rhetoric and public policy making. During the 1994 campaign for California's Proposition 187, the ballot initiative designed to restrict the rights of undocumented immigrants, racial rhetoric and literature abounded. In Los Angeles, for example, mailboxes were stuffed with flyers that supported the passage of Proposition 187 and stated: "WE NEED A *REAL* BORDER. FIRST WE GET THE SPICS, THEN THE GOOKS, AND AT LAST WE GET THE NIGGERS. *DEPORTATION*. THEY'RE ALL GOING HOME." Other flyers pointed to the "invasion" of the "Gooks," stating "they had to go"; references to genocide and "taking back America" were also common.²²

Attempting to solve anti-Asian violence is as difficult and troubling an exercise as reading the graphic reports of the violence itself. The Asian American Justice Center has identified several problems on both the national and local level that remain unaddressed by government and policy makers: incomplete reporting and monitoring mechanisms among law enforcement; the weakness or absence of hate crimes laws; inadequate training of law enforcement personnel; insufficient funding for civil rights agencies; and major barriers to reporting, including the absence of bilingual services for limited-English-speaking immigrants.²³

Even where reporting mechanisms and laws are in place, prosecuting hate crimes is problematic: inadequately trained officers may not collect relevant evidence, and prosecutors may be reluctant to press charges because of the difficulty of proving intent on the part of the perpetrator.²⁴ The problem is compounded when the victims are recent immigrants who may speak little English and may be reluctant to report the crimes because of their distrust of law enforcement. In some areas of the country, such as New York City, police relations have been so poor that police misconduct itself became a major source of anti-Asian violence.²⁵ At its base, addressing anti-Asian violence means developing explanations and solutions to racial subordination against Asian Americans in general; violence is the most pernicious variation on several general themes.

RACIAL THEMES

Without question, the examples of anti-Asian violence demonstrate that overt racism is still a serious problem for Asian Americans, just as it has been for African Americans and other racial minorities. Some types of anti-Asian violence can thus be explained by treating violence against Asian Americans and other racial minority groups as expressions of white racism. Anti-Asian violence committed by white supremacists targeting anyone who is not white fits within a

binary model of race that places all racial minorities in the same category of "nonwhite."

But many incidents of anti-Asian violence suggest that more complex dynamics are at work. Members of one Asian ethnic group are often mistaken for being members of other Asian ethnic groups. Racial and ethnic slurs are interlaced with nativist anti-immigrant rhetoric. Resentment about economic competition, both foreign and domestic, is often implicated. Even hostility rooted in the United States' previous military involvement in Asian countries may be a factor. And a white-nonwhite framework cannot explain racial violence in which members of one nonwhite group victimize members of another nonwhite group. Several basic themes can be gleaned from these and other examples of violence against Asian Americans.

Racialization

One theme is the importance of *racial* categorizing in anti-Asian violence. The killing of Vincent Chin is an example of how anti-Asian violence is racialized: based on his physical appearance, Chin, a Chinese American, was taken to be a Japanese national by his killers, who had made him the focus of their anger and frustration toward Japanese competition in the automobile industry. A perpetrator who makes the race-based generalization that all Asians look alike puts every Asian American at risk, even if the specific antagonisms are targeted against a smaller subset of people.

The attribution of specific ethnic characteristics to anyone falling within the racial category of "Asian" is common in anti-Asian violence. For example, when Luyen Phan Nguyen, a Vietnamese premedical student, was killed in Coral Springs, Florida, in 1992, he was taunted with slurs at a party and later chased down by a group of men who beat and kicked him repeatedly. Among the epithets directed at Nguyen during the beating were "chink," "vietcong," and "sayonara"—three separate and distinct ethnic slurs.

Nativism and Racism

Another theme manifested by anti-Asian violence is the centrality of nativism, which John Higham defines as "intense opposition to an internal minority on the ground of its foreign (i.e., 'un-American') connections."²⁶ Asian Americans are equated with foreigners, or they are at least presumed to be foreign-born. Race and nativism thus intersect to produce a distinctive form of subordination of Asian Americans—what Robert Chang labels "nativistic racism."²⁷

In many incidents, Asian American victims are perceived and categorized as foreigners by their assailants: Vincent Chin was transformed into a Japanese national; Jim Loo became a Vietnamese adversary; immigrant merchants were remade as foreign investors and capitalists. Even Joseph Ileto, wearing the uniform of a U.S. Postal Service mail carrier, was reduced to the position of an outsider. Anti-immigrant epithets such as "Go home!" or "Why don't you go back to your own country?" frequently accompany anti-Asian violence, along with specific racial and ethnic slurs. And under the rubric of foreign outsider, Asian Americans fall into an array of unpopular categories: economic competitor, organized criminal, "illegal alien," or just unwelcome immigrant.

Patriotic racism is a peculiar and especially deep-seated form of nativist racism. American military conflicts against the Japanese during World War II, against Koreans and Chinese during the Korean War, and against the Vietnamese during the Vietnam War have generated intense animosity against Asian Americans. During World War II, the federal government's internment of Japanese Americans, most of whom were United States citizens, reflected patriotic racism at its worst, as a formal governmental policy. Intimidation and violence against Asian Americans is still common on December 7 because of the hostility that arises on the anniversary of the bombing of Pearl Harbor by Japan. And with the ongoing war against terrorism, South Asians, coupled with Arab Americans and Muslim Americans, have been subjected to extensive harassment, intimidation, and discrimination.

Racial Hierarchies and Interracial Conflict

A related theme made evident by anti-Asian violence revolves around the intermediate position that Asian Americans appear to occupy on a social and economic ladder that places whites on top and blacks at the bottom. Black-on-Asian hate crimes often contain strong elements of cultural conflict and nativism—blacks, like whites, treat Asians as foreigners. But black-on-Asian crimes also have strains traceable to resentment over the economic achievements of Asian Americans, particularly their entrepreneurial success in the inner cities. The destruction of Korean immigrants' businesses in 1992, many located in the historically black residential area of South Central Los Angeles, reflected a growing anger against Asian American prosperity.

In this context, the "model minority" stereotype of Asian Americans becomes a two-edged sword, breeding not only incomplete and inaccurate images of Asian American success but resentment and hostility on the part of other racial groups. Racial differentiation often places Asian Americans in a middle position within the racial hierarchy of the United States—neither black nor white, and somewhere between black and white.

THE LIMITS OF BLACK AND WHITE

Hate violence is the most extreme form of racial subordination against Asian Americans, but it sheds light on important differences between the subordination of Asian Americans and African Americans. A binary model of race based on relations between blacks and whites cannot fully describe the complex racial matrix that exists in the U.S. In terms of representation, a black-white model ignores or marginalizes the experiences of Asian Americans, Latinos, Native Americans, Arab Americans, and other groups who have extensive histories of discrimination against them. A black-white model discounts the role of immigration in race relations and confines discussion on the impact race has had on anti-immigrant policies that affect the nation's growing Asian American and Latino populations. A black-white model also limits any analysis of the relations and tensions between racial and ethnic groups, which are increasingly significant in urban areas where racial "minorities" are now becoming majorities.

In essence a black-white model fails to recognize that the basic nature of discrimination can differ among racial and ethnic groups. Theories of racial inferiority have been applied, often with violent force, against Asian Americans, just as they have been applied against blacks and other racial minority groups. But the causes of anti-Asian subordination can be traced to other factors as well, including nativism, differences in language and culture, perceptions of Asians as economic competitors, international relations, and past military involvement in Asian countries. Recent immigration from Asian countries has elevated culture and language to prominent places on the race relations landscape, challenging even the integrity of the racial category "Asian American." And the promotion in recent years of a "model minority" racial stereotype, based on the high education levels and incomes of some Asian Americans, represents a curious and distorted form of racism, denying the existence of Asian American poverty and inequality. All of these considerations point to the need for an analysis of race that is very different from the dominant black-white paradigm.

ASIAN AMERICANS AND THE CIVIL RIGHTS LAWS

Racial discourse finds expression in the civil rights laws—the sections of the federal Constitution and the anti-discrimination statutes designed to address racial discrimination. Hate crimes laws, for instance, create special crimes based on racial violence or augment the punishment for violent crimes when there is finding of racially discriminatory intent. Asian Americans are protected by these laws and other antidiscrimination laws from racial discrimination. But, like other manifestations of race, the antidiscrimination laws define most rights within a black-white framework, and the laws contain significant limitations in accommodating the full array of Asian American experiences. When questions of civil rights move beyond a black-white dichotomy, rights and remedies become problematic and Asian Americans are often left without the full protection of the law.

The laws fail to recognize the intersection of race and nativism found in anti-Asian discrimination. When United States-born Asian Americans suffer discrimination as perceived immigrants, antidiscrimination laws may provide relief, but only if the facts permit a finding of discrimination based on categories of race or national origin, and not on the basis of being perceived as a foreigner. Laws such as the Immigration Reform and Control Act of 1986, which requires employers to verify the immigration status of all newly hired employees, have actually caused more discrimination against Asian Americans because of the common perception that all Asian Americans are immigrants and are therefore more likely to be undocumented.

Governmental ambivalence toward anti-immigrant discrimination is a significant weakness in the system of civil rights enforcement. Most antidiscrimination laws protect immigrants from discrimination based on race or national origin, but they lack specific protections for immigrants as immigrants. Attempts to expand civil rights legislation to protect immigrants have been rebuffed in the past. In California, for instance, legislation to protect immigrants from intimidation and hate violence was introduced and passed twice by

the state legislature during the mid-1990s, but was vetoed each time by Governor Pete Wilson.

Some laws, such as California's Proposition 187, openly discriminate against undocumented immigrants. Federal laws discriminating against immigrants have gone even further, because the federal laws related to immigration enjoy special constitutional status arising from deference to national sovereignty. Welfare reform legislation enacted in 1996 not only discriminated against undocumented immigrants but against lawful permanent residents—"green card" holders—by stripping many permanent residents of eligibility for entitlement programs such as Food Stamps and Supplemental Security Income, which remained available to citizens. The impact of anti-immigrant policies falls most heavily on Asian Americans and Latinos because of the large numbers of immigrants within their communities and because of the linkage between nativism and race.

Characteristics inherent to immigrants are often ignored in the law. Forms of language-based discrimination dealing with accent and the ability to speak a second language at work are problematic under the civil rights laws, which generally lack explicit protections for language minority groups. Language may serve as a proxy for race, but the nexus between language and race is usually absent in statutes and in judicial interpretations of the law. In addition, the ability to access important government services such as police and fire, emergency health care, and public education is often compromised because of the narrowness of rights related to language and ethnicity.

Within the broader race relations landscape, where Asian Americans are ignored or, increasingly, where they occupy a racial middle ground, civil rights laws are not well equipped to recognize variations in both discrimination and the remedies for discrimination. The "model minority" image often leads to the exclusion of Asian Americans from corrective civil rights programs; Asian Americans are even labeled, along with whites, as victims of affirmative action. The image also leads to antagonisms between Asian Americans and members of other racial groups because of the perceptions of relative inequality and the resentment arising from those perceptions. In the area of interethnic relations, as in other areas, the antidiscrimination laws do not go far enough in recognizing and addressing the problems of Asian Americans.

NOTES

1. Andrew Hacker, *Two Nations: Black and White, Separate, Hostile, Unequal*, rev. ed. (New York: Ballantine Books, 1995). Hacker even suggests that Asian Americans and Latinos, particularly second- and later-generation individuals, are "merging" into the white race, through intermarriage and assimilation (18–19).
2. Ishmael Reed, "O. J. Bias—Black and White," *San Francisco Chronicle*, 10 February 1997, p. A23.
3. *Report of the National Advisory Commission on Civil Disorders* (New York: Bantam, 1968), 1.
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11. *Ibid.*, appendix A. As Haney López notes, a legal strategy arguing for whiteness rather than blackness may have had some tactical advantage at the time, because the 1870 naturalization statute employed a geographic test rather than a racial test of eligibility for blacks: the law referred to persons of "African nativity, or African descent," rather than to "black persons." More likely, though, Asian American plaintiffs sought to distinguish themselves from blacks because of the stigmas attached to being black, and sought the only available alternative—to be classified as white.
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