2001

Planet Asian America

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8 Asian L.J. 169-186 (2001)

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Planet Asian America*

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Planet Asian America*

Mari Matsuda†

When we were kids, we played on Kochi-san’s truck: an old blue pick-up that carried a permanent smell of cut grass, gasoline, and bug killer. I did not understand until many years later how special those Okinawan Issei gardeners were, working all day on other people’s lawns, coming home at night to read Marx and Lenin.1 We learned from them not the theory, but the practice: the dignity in manual labor, the intelligence of workers, the reflexive generosity toward others, the doing of everything – from odori,2 to building a club house, to Marxist study - in a group. The self and the selfish were foreign in this world, and to be a child amongst such folk meant that you learned you were special because you were part of a community. You got a coin or two every time you saw the old folks, which you were taught to refuse so they could press it aggressively upon you. “Your grandfather helped me once when I needed it, here, take this.” It was the safest place I have ever known in my life, that place of complete acceptance, love, and care that started in my family of origin and flowed seamlessly out to the relatives and kenjinkai,3 some related by blood, some by village ties that no one can explain to me.

“So Dad, are we related to them?”

“Well, just like related,” he says.

My particularity as a descendant of Okinawan radicals and, on my mom’s side, of Miyagi ken4 plantation workers, means no one else in this room shares my particular ethnic identity. Should they make me my own census category? Yes, if you fear a yellow planet. Choose fission, not fusion, to keep me apart from my brothers and sisters.


* This essay was the keynote address at the annual Asian Law Caucus dinner in March 2000.
† Mari Matsuda is the co-author, with Charles Lawrence, of WE WON'T GO BACK, MAKING THE CASE FOR AFFIRMATIVE ACTION. She is a Professor of Law at Georgetown University School of Law. She thanks the founders and current staff of the Asian Law Caucus for inspiring these words. Special thanks to Hayley Macon, David Meyer, Dawn Veltman-Smith, Anna Selden for their excellent research and editorial assistance.

1. See PAUL KOCHI, IMIN NO AIWA (AN IMMIGRANT’S SORROWFUL TALE) 12-13, 48 (Ben Kobashigawa trans., 1978).
2. Translation from Japanese: “dance”
3. Translation from Japanese: “place-of-origin club”
5. In the late 1980s, Asian American political organizations came together across ethnic lines and joined with Asian American legislators to demand that the 1990 census include a check-off system, which would provide separate subcategories for various Asian ethnicities. See YEN LE ESPRITU, ASIAN AMERICAN PANETHNICITY: BRIDGING INSTITUTIONS AND IDENTITIES 126, 128, 131, 133 (1992).
Have you noticed that rooms full of Asians make some people nervous? What is Asian American anyway? What do a sansei lawyer and a Filipino yardman have in common? What do a South Asian dot-commer and an undocumented Thai garment worker have in common? How can an organization like the Asian Law Caucus purport to speak for all of them? And why should we treat this vast swath of humanity as one community, for any purpose, including racial remediation? And while we're asking that question, don't you think all this focus on racial identity is racist? I mean, aren't we all just human beings?

I live on Planet Asian America. It is a chosen place, forged by twin fires of pride and necessity. I like it here, where I claim as my kin the sansei lawyer, the Filipino yardman, the South Asian dot-commer, the Thai garment worker, who, as Yellow Pearl once sang, are "leav[ing] their stamp on America."

By choosing Asian America as a home place I do not reject other homes. Let me make it clear: for purposes of this historical moment, I am also Black. By this I mean, I do not reject the Black/White paradigm of racial oppression in the United States. There is criticism of the civil rights movement for excluding the perspective of Asian Americans. In any coalition, it is critical to incorporate the unique perspective and experiences of those who sit at the margins. We must not let this quest for inclusion, however, destroy a key insight of the Black liberation movement: Fear of blackness and oppression of African Americans formed American culture. This is a nation that had slavery for longer than it did not have slavery. In our first centuries, Americans learned from the middle

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7. According to the Transforming Race Relations Executive Summary, the Asian Pacific American (APA) population has doubled every ten years since 1960. The report argues that with this population increase, policy debates about race in America must move beyond the Black/White paradigm. See Paul M. Ong, LEAP ASIAN PACIFIC AMERICAN PUBLIC POLICY INSTITUTE and UCLA ASIAN AMERICAN STUDIES CENTER, TRANSFORMING RACE RELATIONS: A PUBLIC POLICY REPORT 2 (2000), at <http://www.leap.org/pubs/pubs-frameset.html>.

8. Through the lens of white American literature, Toni Morrison illustrates how the fear of blackness shaped American culture. Europeans in the United States saw the movement from the Old World to the New as a transition from oppression and limitation to freedom. Oppression necessarily preceded the quest for freedom and thus oppression was required, in some form, to give meaning to freedom through contrast. As young America searched for national validation, images of darkness came to represent the feared object in literature. Major themes in American literature, including autonomy, authority, power, and difference, were formed and made possible by awareness and use of a black presence. See Toni Morrison, Playing in the Dark: Whiteness and the Literary Imagination 34, 36-37, 44 (1992).

9. See U.S. Const. Amend. XIII. See 25 Encyclopedia Americana 20-21 (1997). Europeans brought the first African slaves to the "New World" in 1510. See id. at 21. The United States did not abolish slavery until 1865 with the passage of the 13th Amendment. See id. at 24. This means that slavery has existed for 355 years in what is now the United States and has not existed here for only 135 years.

10. See Jacqueline Dowd Hall, Revolt Against Chivalry: Jessie Daniel Ames and the Women's Campaign Against Lynching 234-36 (2d ed. 1993). See Ralph Ginzburg, 100 Years of Lynchings 238-252 (1962) (In this collection of local newspaper articles reporting lynchings, nine of those lynchings occurred after 1945, including that of Emmett Till, the fifteen-year-old who was
passage, from the auction block, from the lynching mob, from Jim Crow, that torture and disregard of humanity are normal. We learned to watch human bodies being whipped, beaten, burned, and mutilated. We learned to watch mothers screaming as their children were sold. This was a regular occurrence in America for the larger part of our history.

This is what our Asian American ancestors found when they landed here: a nation in which racial justifications for violence were bred in the bone, where lynchings were witnessed by babes in arms. My students are surprised to learn that Chinese in America were lynched,

See Emma Coleman Jordan, *Crossing the River of Blood Between Us: Lynching, Violence, Beauty, and the Paradox of Feminist History*, 3 J. GENDER RACE & JUST. 545, 553-58, 560-65 (2000) (discussing how lynching and its effects have touched a majority of Black people, even today, and have affected the meaning of the law for Black people; also arguing that the white feminist anti-lynching movement was racist). Some of those saved from lynching mobs were rescued by law enforcement who promised the lynchings would occur “legally” later on. From 1882-1901, there were 3,130 reported lynchings in the United States. By 1946, the number of reported lynchings fell to “at least six.” The lynching of Willie Earle, an epileptic construction worker, in 1947 made it clear that the United States had not eliminated lynching following World War II. Earle was charged with having robbed and stabbed a white taxi driver. A mob formed outside the jail where Earle was held, demanding that he be turned over to them. The mob was asked to refrain from using profanity (as not to offend the jailer’s wife) and was led to Earle’s cell. The mob stabbed Earle and shot off a portion of his head, leaving his mutilated body about five miles from the jailhouse. Despite national outcry and a federal investigation, the trial for the lynching occurred in a segregated South Carolina state courtroom. Defense counsel made openly racist arguments and the jury acquitted the defendants on all accounts. See Herbert Shapiro, *White Violence and Black Response* 31-32, 357-358, 366, 368 (1988). Ida B. Wells, a key activist in the anti-lynching movement, wrote prolifically about the lies of the black male rapist and the sexual purity of the Southern white woman. Despite death threats, Wells continued to speak out against lynching, traveling to England to spread her anti-lynching message. Her advocacy in Britain was so effective that the British Anti-lynching Committee was created to put political and economic pressure on the United States to stop lynching. Black club women, including Mary Church Terrell, responded to the prevalence of lynching by encouraging self-betterment among African Americans, believing that black achievement would cause whites to respect blacks as human beings, making lynching more difficult to justify. See Amii Larkin Bamard, *The Application of Critical Race Feminism to the Anti-Lynching Movement: Black Women’s Fight Against Race and Gender Ideology, 1882-1920*, 3 UCLA Women’s L.J. 16, 19, 26 (1993).

On August 3, 1920, one thousand men stormed the jail in Center, Texas, abducting prisoner Lige Daniels and hanging him from a courthouse-yard oak. A photo of the lynching captures three young boys in the front row of the mob. On July 19, 1935, one hundred masked men removed Rubin Stacy from a Miami jail, filled him full of bullets, and lynched him. His alleged crime was attacking a white woman. During the investigation following the lynching, it was revealed that Stacy was a homeless tenant farmer who had gone to the “victim’s” home to ask for food. The woman became frightened and screamed. A photo of the lynching shows four young girls at the very front of the crowd of onlookers. One girl stares at Stacy’s body with a gleeful expression on her face. See James Allen et al., *Without Sanctuary: Lynching Photography in America* 116, 119 (2000). Shapiro quotes Melinda Meek Hennessey’s analysis of 33 race riots, finding that “[r]hetoric about protecting white womanhood might be employed, especially following violence, but the activating motivation was generally to maintain political, economic, and social domination.” See Shapiro, *supra* note 10, at 13. See also Charles R. Lawrence III & Mari J. Matsuda, *We Won’t Go Back: Making the Case for Affirmative Action* 206 (1997) (describing a history professor’s classroom use of a picture of a mother and baby at a lynching).

Fifteen Chinese were lynched and four others were killed by a mob of whites during a massacre in Los Angeles in 1871. The mob of 500 whites stormed Negro Alley, where many Chinese lived, and hung their victims from makeshift gallows. See William R. Locklear, *The Celestials and the Angels*, in *Anti-Chinese Violence in North America* 239, 244 (Roger Daniels ed., 1978). Sing Lee, a Chinese laundry man, was attacked by an anti-Chinese mob. A rope was placed around his neck and he was dragged down the street to his death by the mob. See Roy T. Wortman, *Denver’s Anti-Chinese
were flogged and killed on the plantations,¹³ that Chinatowns were burned to the ground,¹⁴ that Chinese miners were massacred.¹⁵ They might not be so surprised if they had really learned American history, for when the Chinese first arrived,¹⁶ the slave auctions were still going on, and the patrollers were still roaming the swamps and forests seeking out human prey.¹⁷ When the Chinese were first gaining an economic foothold,  

building community institutions, starting small businesses, and attempting to practice trades, we were entering the period in American history called Reconstruction, when newly freed slaves were attempting to achieve that same foothold.

It was not to be allowed. Law intertwined with violence kept Blacks from enjoying freedom, and so it was for the Chinese.\(^\text{18}\) We Asian Americans landed here and were essentially Black: our lives expendable, and our economic success a threat to White supremacy. Every law student

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\(^{18}\) The replacement of state sponsored violence with state condoned violence following the Reconstruction Amendments has been well documented. See LYNCHING, RACIAL VIOLENCE, AND LAW viii-viii (Paul Finkelman ed., 1992) (introducing an anthology of historical accounts of racial violence with the following: "In the years after Reconstruction southern whites continued to use violence to destroy black political power and to create and maintain a segregated society. Riots and semi-organized attacks on black communities, such as those in Atlanta in 1906, set the stage for black disenfranchisement."); SHAPIRO, supra note 10, at 8 ("[Radical Reconstruction] provided a new context within which the struggle as to the South's future would be fought out ... Repeatedly, acts of terror in the South challenged the federal government to demonstrate its willingness to enforce constitutional rights, and the government's response was to show that it would not take the action necessary to suppress racist violence."); ALLEN W. TRELEASE, WHITE TERROR 31-32 (1971) ("There was no legal protection against the Ku Klux Klan wherever it became established. The civil authorities, like the general white public, were either in sympathy with the order or intimidated by it."); ERIC FONER, RECONSTRUCTION: AMERICA'S UNFINISHED REVOLUTION 198 (1998) ("Virtually from the moment the Civil War ended, the search began for legal means of subordinating a volatile black population that regarded economic independence as a corollary of freedom and the old labor discipline as a badge of slavery."); JOHN HOPE FRANKLIN, RECONSTRUCTION AFTER THE CIVIL WAR 46-69, 150-69 (University of Chicago Press 1994) (1961) (emphasizing that the moderate approach taken by the Republicans was met by Southern violence). Violence against Chinese Americans closely followed violence against African Americans during the Reconstruction period. See Charles J. McClain, IN SEARCH OF EQUALITY: THE CHINESE STRUGGLE AGAINST DISCRIMINATION IN NINETEENTH-CENTURY AMERICA 175 (1994) (describing the national government's unwillingness to assume any responsibility for preventing anti-Chinese violence); John Hayakawa Torok, RECONSTRUCTION AND RACIAL NATIVISM: CHINESE IMMIGRANTS AND THE DEBATES ON THE THIRTEENTH, FOURTEENTH, AND FIFTEENTH AMENDMENTS AND CIVIL RIGHTS LAWS, 3 ASIAN L. J. 55, 69 (1996) ("The Chinese immigrant litigation victories cannot be understood outside the context of the late nineteenth century judicial evisceration of the protections extended to Black freedmen and women by the Reconstruction amendments and laws.").
reads the case of *Yick Wo v. Hopkins*, in which local governments attempted to keep Chinese from operating successful laundry businesses. What they don’t teach in law school is that when these legal devices were insufficient to keep Chinese down, violence was the standard back-up. This combination of legal and extralegal means used to prevent economic ascendancy of non-whites was an American product of the Reconstruction era: slave codes were replaced with Black codes, which made it essentially illegal to refuse slave-like conditions of employment. Historian Jon Wiener describes an Alabama vagrancy statute that imposed the penalty of “39 lashes upon his or her bare back” for Blacks who left peonage jobs. An early draft of this statute was reprinted and distributed to planters to read to laborers. When these legal devices could not keep Blacks down, violence was used to prevent them from purchasing land and to stop them from obtaining a fair return on sharecropping arrangements. This was Reconstruction America, also known to our ancestors as the Gold Mountain.

At the turn of the century the next wave of Asian immigrants arrived, primarily Japanese. They landed just at the moment of greatest racial
hatred in this country since Reconstruction. Membership in the Ku Klux Klan reached all-time highs in the 1920's, not only in the South, but also in the North and the Midwest as well: an estimated 400,000 members in Ohio and 100,000 in Pennsylvania. Governors, congressmen, mayors, and judges were members. Harry Truman and Justice Hugo Black were one-time members. The American mantra, "if it's different, kill it," reached fever pitch in so-called "race riots," more accurately, ethnic cleansing or pogroms, which were epidemic in the early 1900s. In New York, Chicago, Atlanta, Springfield, and East St. Louis, murderous rampages against African Americans brought cities to a standstill. In many instances,
moved on, beating blacks at railroad depots and dragging them from trolley cars. Rioters destroyed almost every building in the black sections of town. Bullets were fired, hitting several black victims. Two men were lynched. One, an old barber, had his house burned by the mob. When he fled from the house, he was shot four times and his body was dragged through town by a rope. His corpse was eventually hung from a tree where the body was mutilated with guns and knives. A second victim, an 84-year-old cobbler who had been married to a white woman for over thirty years, was hung from a tree near the State House. His body was also cut and stabbed by the lynch mob. State militia was eventually able to restore order, but that did not prevent 3,000 blacks from fleeing the city in search of safety. Many were now jobless, having been fired by employers who feared the rioter's wrath. See id. at 8-9, 14-17.

A race riot also occurred in Springfield, Ohio in 1906. Two black men were accused of murdering a local railroad man. After the sheriff moved the accused men out of town to protect their safety, a mob attacked innocent people, setting fire to black neighborhoods and driving the inhabitants out. Law enforcement was able to gain control of the mob and prevented an attempt to repeat the violence on the following night. Id. at 4-5.

In Chicago in 1919, race riots ensued from July 27 until August 2. During the riots, streetcars were stopped and black passengers were dragged off the cars and beaten. Men who walked to work through segregated neighborhoods were killed during their commute. Cars drove through black neighborhoods, shooting into the homes of black citizens. During this time, 38 people were killed, 537 injured, and 1,000 left homeless. See THE CHICAGO COMMISSION ON RACE RELATIONS, THE NEGRO IN CHICAGO I-8 (1922).

Racial tensions in East St. Louis came close to the breaking point when local unions went before the mayor and city counsel to protest that "Negro and cheap foreign labor [is being imported by the Aluminum Ore Company] to tear down the standard of living of our citizens." ELLIOTT RUDWICK, RACE RIOT AT EAST ST. LOUIS 27 (1982). About a month later, on July 2, 1917, rioters stopped streetcars and pulled off black passengers, no matter their age or sex. Mobs dumped their bloody victims in the street while other rioters shot and killed the black citizens who lay dying in the streets. Black corpses were clubbed, stoned, and burned. Over 200 black homes were set on fire, with white firing squads shooting black homeowners as they fled to escape the blazes. Ambulance drivers were threatened with their lives if they attempted to pick up injured blacks. See id. at 44-48. Those observing the riots described the rioters and spectators as "in good humor ... like waiting for a circus parade." Id. at 44. One reporter noted that "there was a visible coolness and premeditation about it ... this was not the hectic and raving demonstration of men suddenly gone mad." Id. at 46. A final death toll was nearly impossible to reach because so many bodies had been burned or sunk in the river, but at least 39 black people were killed, including a one-year-old boy and two-year-old girl who were both shot in the head. See id. at 48-50.

In New York on August 12, 1900, a plainclothes police officer attempted to arrest a black woman for alleged "solicitation." The woman's husband, who did not know that the plainclothes officer was a policeman, tried to rescue his wife. When the officer hit the man with a club, the man retaliated by fatally stabbing the officer. The death of this policeman enraged the white community, which called for vengeance against the black community generally. Whites repeatedly attacked blacks on Manhattan's West Side, with police officers both encouraging and participating in the violence. See SHAPIRO, supra note 10, at 93-94.

31. Although the Chicago police are largely not reported to have engaged in serious criminal activity during the 1919 riot, on several occasions police left the riot scene with suspicious excuses, denying black citizens the protection they needed from the rioting mobs. In addition, the police contributed to the racial tension that provoked the riots by making racially discriminatory decisions about whom to arrest before the riots broke out. On the first day of the riot, a police officer reportedly refused to arrest a white man accused of throwing a rock that caused the drowning death of a black youth. Instead that officer arrested a black man following a complaint by a white man. THE CHICAGO COMMISSION ON RACE RELATIONS, supra note 30, at 1, 4, 39.

The East St. Louis police Department and the Illinois National Guard were wildly ineffective at quelling the riot violence and there is evidence that they ignored or aided the murderous mobs. Some police officers refused to report to work the day of the riot. Several of those who did report did not leave the police station, failing to respond to emergency calls and even making false reports of black counterattacks to distract the National Guard from the actual sites of violence. Police officials ordered the confiscation of news cameras so possible evidence against the rioters would be destroyed. Observers said the National Guardsmen were like "passive spectators" during the lynching of one man and that a black man who sought their protection was turned over to the mob by the guardsmen. Even
the Issei came to. In fact, in my research for this talk, I came across a picture of white men chasing down Blacks in the Chicago riot of 1919, and another of the mob stoning a Black man to death. The photo credits were to Mr. Jun Fujita, Issei.32

The pattern of our arrival coinciding with violence against African Americans is perhaps not coincidental - for immigration is stimulated by international instability and domestic economic change, both creating status anxiety that easily erupts into violence. Sound familiar? Many of you here are from post-1965 families, representing the most recent wave of immigration.33 Your families, too, arrived at a moment when fires of racial hatred burned, literally. Watts burned in 1965.34 Is there a connection between that event and the end of explicitly white supremacist immigration laws? The fires of 1968 were in the wings.35 The discordant duet of Black
liberation and White justification was the confused music that greeted my brothers and sisters, the Kims, the Changs, and the Lees when they arrived. The last fires of Sa-i-gu were the bitter truth of just what price we pay for that discord. 36

We walk through the fire that the color line produced, and we ignore this history at our peril. Thus I do not reject the Black/White paradigm. I claim the cause of Black liberation as my own, and I submit that the day the Amadou Diallos 37 are safe from police murder is the day my Asian brothers are safe from police murder. 38 The day my brother Mumia 39 is free from state frame-up is the day my uncle Wen Ho Lee 40 is free from
to the wanton murder of their young leader.” Id.

36. The 1992 Los Angeles rebellion, known as Sa-i-gu, affected approximately 2,500 Korean merchants with an estimated loss of $400 million. See Do Hyung Kim, Community Leadership Needed in Wake of Riots, PACIFIC TIES, Apr. 29, 1966, at 8.

37. Amadou Diallo was shot to death in the vestibule outside his Bronx apartment by four New York City police officers on February 4, 1999. See Amy Waldman, Diallo Parents Sue City and Officers Over Son's Death, N.Y. TIMES, Apr. 19, 2000, at B4. Diallo, a 23 year-old immigrant from Guinea, had come to the United States to build a life for himself. See Lynne Duke, Amadou Diallo Case: A Cause for Mourning, WASH. POST, Apr. 1, 2000, at C1. On the night of his death, Diallo was approaching his apartment on foot when the four plainclothed police officers decided to approach him. See Tom Morganthau, Cops in the Crossfire, NEWSWEEK, Mar. 6, 2000, at 22. One officer said he didn’t like the way it looked. The officers were in plainclothes and driving in an unmarked car. It was a little after midnight. According to the officers, they identified themselves to Diallo and asked him to keep his hands out. Diallo then allegedly “darted” into the vestibule of his building and reached in his pocket. One officer allegedly shouted, “Gun.” And 41 bullets were shot. Diallo was hit by 19. He had no gun. He had been reaching for his wallet. See id. at 22-24. For this author’s response to the Diallo murder, see Mari J. Matsuda, On Causation, 100 COLUM. L. REV. 2195, 2197-98 (2000).

38. On February 14, 1996, during a live televised pursuit, Hong Il Kim, a 27 year-old Korean national living in California, was shot to death by Orange County police officers. See Renee Tawa, Korean Groups Want Answers on Police Killing, L.A. TIMES, Feb. 17, 1996, at B1. The tragic pursuit started when police attempted to pull over Kim for a traffic violation. Kim was stopped, “boxed in,” and unarmed in a parking lot at the time that police fired approximately 10-15 rounds at him. See id. No criminal charges were filed against the police officers involved. See Tracy Weber, Officers Justified in Killing Driver, O.C. D.A. Says, L.A. TIMES, June 8, 1996, at A1. The District Attorney’s office called it a “justifiable homicide.” See id. There also was no civil justice for the Kim family. U.S. District Judge Linda H. McLaughlin dismissed the Kim family’s wrongful death suit finding the officers’ conduct “objectively reasonable.” Thao Hua, Suit Over Shooting By Police Is Dismissed, L.A. TIMES, Apr. 4, 1998, at B1. After witnessing the footage, deadly force experts, activists, and even other police officers have said that the use of force in this situation was excessive and unwarranted. See Weber, supra; see also the police murder of Kuanchung Kao, infra note 49.


40. Wen Ho Lee, a Chinese American scientist at the Los Alamos National Laboratory, was fired in March of 1999 and indicted on fifty-nine counts of mishandling nuclear secrets. The government had
state frame-up. The numbing cruelty learned at the flogging tree, at the lynching tree, was packaged in atom bombs that dropped on our cousins in Hiroshima and Nagasaki, packaged in napalm sent to burn the flesh of our baby brothers and sisters in Vietnam. Without the killing history of white over black in America, without the hidden genocide of Native Americans that whispers from below the ground anywhere you lay a footstep in our nation, our American soul would be alive enough to feel our present inhumanities.

I embrace the Black/White paradigm as a powerful truth, even as I embrace my sister, Angela Oh, who has been astutely eloquent in her efforts to make sure Asian American interests are not ignored in America’s conversation about race. This is not a contradiction. There is a reason why historian John Hope Franklin’s admonition that we must learn the history of white over black is seen as oppositional to Angela Oh’s admonition that we must remember the unique issues facing a largely

minimal evidence against Lee, including the downloading of nuclear data that were not “formally classified as secret until after Lee had downloaded them.” Lars-Erik Nelson, *Witch Hunt: The Wen Ho Lee Case was McCarthyism at the Hands of a Liberal Democratic Administration*, *Daily News* (New York), Sept. 17, 2000, at 47. The other bit of evidence, according to FBI investigators, was a public hug Lee received from a visiting Chinese weapons expert. *See id.* Subsequently, the legislative branch involved itself in the condemnation of Lee when a house committee reported that all Chinese visitors to the United States, all Chinese nationals attending universities in the U.S., all Chinese American scientists, and all other ethnic Chinese residents of the U.S. with access to sensitive information were potential recruits for service in Chinese espionage campaigns. *See Select House Committee on U.S. National Security and Military/Commercial Concerns with the People’s Republic of China, 105th Cong., 21, 39-41 (Comm. Print 1999).* “Lee himself was threatened with electrocution and then held in solitary confinement for nine months.” Nelson, *supra.* Lee was also shackled and a light was kept burning in his cell throughout the night. *See Anthony Lewis, *Abroad at Home; It Did Happen Here,* N.Y. Times, Sept. 16, 2000, at A15.* Yet on Wednesday, September 13, 2000, the prosecution’s case was dropped and Lee walked out of the courtroom a free man after pleading guilty to one count of downloading classified material. James A. Parker, the presiding judge in the Lee case, said that he was “led astray” by federal prosecutors. Judge Parker apologized to Lee “for the unfair manner in which you were held in custody by the executive branch” and told him that “[t]he decision to prosecute you on the 39 Atomic Energy Act [charges], each of which had life imprisonment as a penalty, was made personally by the president’s attorney general.” Steve Chapman, *Janet Reno’s Department of Injustice,* Chi. Trib., Sept. 17, 2000, at C25. Following the judge’s assignment of blame to the executive, President Clinton proclaimed that he “always had reservations about the claims that were being made” to deny bail to Lee. *Slick Willie Ducks Again,* Boston Herald, Sept. 16, 2000, at 16. Despite his “always,” Clinton also stated that he had “no reason to believe” that the standard set to deny bail had not been met until the case began to fall apart. *See Presidential Buck-Passing,* Wash. Post, Sept. 16, 2000, at A18. These expressions of outrage all came after Mr. Lee had spent nine months in solitary confinement. *See David A. Vise & Ellen Nakashima, Two Internal Reviews Launched in Lee Case,* Wash. Post, Sept. 23, 2000, at A4. The President and major news outlets all failed to mention the lack of evidence when Lee was first charged. *See Nelson, supra.* The Asian American community stood alone in proclaiming Lee’s innocence in the Spring of 2000, when this Planet Asia American speech was made, even though there was no evidence whatsoever of espionage at any time presented by the government. *See Esther Wu, Scientist’s Case Unified Population; Asian Americans Had Rallied to His Defense,* Dallas Morning News, Sept. 11, 2000, at A6A; Matthew Purdy & James Sterngold, *The Prosecution Unravels: The Case of Wen Ho Lee,* N.Y. Times, Feb. 5, 2001, at A1.

41. During the first meeting of the President’s advisory panel on race, Angela Oh declared that it was time to get rid of “the black-white paradigm. . . . We need to go beyond that, because the world is about much more than that.” William Powers, *Oh My!*, New Republic, Aug. 11, 1997, at 9. See One America in the 21st Century: Forging a New Future, Op. Advisory Board of the President’s Initiative on Race 33 (Sept. 1998) [hereinafter “One America”].
immigrant Asian American community.\textsuperscript{42} As long as the mainstream press can frame this as an opposition, it can deflect discussion from the core issue of white supremacy.

Does this mean I think racial politics are the only politics? No. Like the Asian Law Caucus, I believe all forms of oppression are relevant to the struggle for racial justice.\textsuperscript{43} I focus on racism here because of my concern that the theoretical move to deconstruct race is sometimes used to soft-pedal racism.

Here are a few comments that I have heard recently: Aren’t Asian Americans going to disappear because of their rate of out marriage?\textsuperscript{44} It’s not like being Black, you can assimilate. If Asians have so little in common, how can any one group claim to represent them?\textsuperscript{45} I don’t think of myself as Asian, I just want people to think of me as an individual. Aren’t things getting better for Asians? Asian men are in!\textsuperscript{46}

You might believe these things if all you read is the stuff put out by Media, Inc. But if you get the Asian Law Caucus Reporter, The Korea Times, The Rafu Shimpo, and all those e-mail reports from struggling Asian American civil rights organizations, you will see the reality facing Asian Americans. Asian American men are in—jail, that is—by racial profiling that says: inscrutable, sneaky, evil.\textsuperscript{47} We have a Day of
Remembrance to remind us that WE end up behind barbed wire under indictment by this lie.

It is a progressive insight that race is socially constructed. For this insight to remain progressive, we must remember its corollary. As John Powell once warned, “race is a social construction that can kill you.”

Kuan Chung Kao was shot dead by the police on his own front lawn because of a social construct that says a drunken Asian man staggering in the dark must be a deadly martial arts expert. Wen Ho Lee is in jail because of a social construct that says a Chinese scientist who travels overseas and takes work home from the office must be a spy. As Patricia Williams says, when she reads something in the papers that doesn’t make sense, she presumes that race has something to do with it. Understanding the culture of racism in America is the only way to understand why brother Kao is dead and Uncle Lee is in jail.

This is why I resist all efforts to push me off of Planet Asian America. This is my chosen place of struggle. We arrived, and without a moment’s hesitation, American racism chose to treat us as less than human. We dignify and give meaning to our lives by choosing to fight back.

In forming the Asian Law Caucus, the elders - some of whom are here

viewed by whites as hypersexualized invaders, lusting after white women and ready to produce Asian children with them if given the opportunity. See Peter Chua & Diane C. Fujino, Negotiating New Asian-American Masculinities: Attitudes and Gender Expectations, 7 J. Men’s Stud. 391, ¶ 10, 13 n.3 (Apr. 30, 1999) at <http://www.softlineweb.com/softlin...uaq14.softTemplate.w&softpl=toc>. See Jungwon Kim, Youth in Crisis, A. MAG., August/September 1999, at 38 (discussing increasing numbers of Asian American youth in the criminal justice system and the intense anti-Asian violence experienced by those incarcerated). The 9th Circuit recently ordered a trial for a Korean man, Yong Ho Choi, who alleged that he was a victim of racial profiling by Anaheim police. Choi was suspected in the killing of a police officer and was wrongly held in jail for two days. Although police had been told that the killer was an 18 year-old Vietnamese man who was 5'10", they still arrested Choi, who is 5'7" and 32 years old at the time. The court said that there was enough evidence for a trial, with the jury deciding whether arresting officers violated Choi's Fourth Amendment rights. Choi v. Gaston, 220 F.3d 1010, 1012-13 (9th Cir. 2000) (finding sufficient evidence for a jury question). There have been other complaints of Asian racial profiling in Orange County, with college students alleging that police aggressively pull over the customized Honda Accords and Acura Integras preferred by many young Asians. See Richard Marosi, Trial Ordered on Racial Profiling Claim, L.A. TIMES, Aug. 9, 2000, at B1. Cf. John W. Dower, War Without Mercy (1986) (chronicling, inter alia, the types and uses of anti-Asian stereotypes in U.S. war propaganda in the Pacific theater during WWII).


49. Kuan Chung Kao, a 33 year-old father of three children, was standing inebriated on his own property when the police arrived in response to a neighbor’s complaint. Within 30 seconds of arrival, the police shot Kao and prohibited his wife, a registered nurse, from administering first aid. Kao died within 10 minutes. The police said they feared Kao to be a martial arts expert. See Julie Chao, 3 Probes into Cop Shooting of Asian Engineer, S.F. EXAM’R, May 25, 1997, at A-1; see also Julie Chao, Cop Won’t Face Charges for Killing Drunken Man, S.F. EXAMINER, June 19, 1997, at A-16.

50. See NAPALC, 1998 Audit of Violence Against Asian Pacific Americans 23 (1999); see also ASIAN LAW CAUCUS, IN DEFENSE OF CIVIL RIGHTS 9 (1999).

51. A bank robber called the police to report a mugging after his stolen bag of cash was taken from him by two other men. Upon hearing this seemingly nonsensical story, Williams became curious and called the police station for more details on the story. As she suspected, the bank robber was white and the men who had robbed him of his stolen cash were black. When one considers the prevalent belief of white entitlement and black “otherness” among white Americans, this illogical story suddenly makes more sense. See Patricia J. Williams, The Rooster’s Egg 187 (1995)
in this room - chose resistance. They created a space in which Asian Americans were in charge, deciding what mattered to them and what strategies worked for them. If someone else were in charge, things would have gone differently. Risks were taken, and victories were won that would not have happened using traditional litigation strategies or leaving the work to traditional civil rights organizations. It was important to create an Asian American space to do this work: to fight Chinatown evictions, to pursue redress for the internment, to focus on violence against Asian Americans, to push for language rights, to stand up for immigrants, to haunt the sweatshops, and to bring the aspirations of the civil rights movement to corners yet unvisited.

I support the Asian Law Caucus because I am the granddaughter of immigrant toilers. I have a covenant with them to remember how they were treated and to speak up when I see others treated that way. I claim as my family the women hunched over circuit boards in closed up rooms in the hidden part of Silicon Valley, their lives as bitter as those of the ancestors who bent over shorthanded hoes in the blazing heat of the Central Valley. Planet Asian America is a choice called resistance.

Welcome to Planet Asian America where you can meet my cousin, the cop; my cousin, the billiards champion; my cousin who owns a pet shop in Kalihi; my kin with whom I have nothing and everything in common; the young sister putting on Prada to go to an east coast Korean night club; the old man planning a victory at J-town Go Club number A, not to be confused with Suburban Korean Go Club B; the Nisei vet quietly raising a tissue to the corner of his eye at a memorial ceremony where a Texan commander of the Lost Battalion humbly gives thanks; the law student who is trying to explain to her Taiwanese immigrant parents that although her boyfriend is a descendant of a KMT officer, he’s really not a horrible person; the law student who won’t even try to explain to her immigrant parents...
parents that although her girlfriend is a girl, she comes from a really good family, all graduates of Seoul National University; the retired gardener clipping his poodle pom pom pom hedges; the retired waitress from the bowling alley casting a line at San Pedro pier; the kids who are raising themselves because their parents are working all night in the shop; the kids who are raising themselves because they were parachuted to Orange County; the kids who are raising themselves in street families because that is the only place where anybody knows their name; the angry little Asian girls who produce websites; the angry little Asian boys who become rappers; the ones in line for the latest Bollywood flick; the Chinese Indonesian who feels nothing in common with those other Chinese; the Chinese Jamaican who feels nothing in common with those other Chinese; the Chinese from Memphis who feels nothing in common with those other Chinese; the Chinese grandmother who insists that dark baby is just true Hakka and NOT part Hawaiian; the Hmong social worker answering yet another time, the question “what are you, anyway?”; the Filipina nurse passed over for a promotion; the Bangladeshi professor who is mistaken for Indian; the Filipino veteran who is mistaken for Mexican; the Burmese cook who is mistaken for Cambodian; the Laotian in public housing beaten up by his neighbors; the dry cleaner with a PhD in mathematics; the donut shop owner who cannot read; the Nisei radical who calls me up to ask me to help out with yet another death row case; the ladies posting contributor lists at church; the ladies making sushi for the bon odori; the ladies letting drop what their kid got on the SAT; the ladies worrying about whether their kids will make it through high school; the family of Vietnamese janitors who come to clean the office after dark; the ancestors who died blasting tunnels; the ancestors who died when there was no money for a doctor; the ancestors who died rescuing the Lost Battalion; the ancestors who died in the Rock Springs massacre; the ancestors whose hands are etched on this landscape. San Francisco, you glorious city, built on railroad money, from crosstie and rail laid by the ancestors—do you know your father was Chinese?

Langston Hughes said “I, too, sing America.” I echo him. There is a


56. Elephant Tracks is a coalition of various Asian American hip hop artists who have made it their mission to represent their take on true hip hop culture. See Elephant Tracks, at <http://www.elephanttracks.com> (last visited Sept. 22, 2000). See also MOUNTAIN BROTHERS, SELF VOLUME: 1 (Pimpstrut Records 1988).


59. See supra, notes 12, 15.

rich variety in our community that no one could ever homogenize, and yet there is also a familiar sense of home. People are skeptical of the formation called Asian American. I can only say I live here with deepest love for each branch of my chosen family. Their inter-generational conflicts and sagas are familiar, as in family. The rice served each night is familiar to me. The sense that you are not an individual, but a member of your family, your village, your culture of origin, is familiar to me. The stories of obligation, burden and bitterness that our parents tell are familiar to me. The conformity side by side with the iconoclasm is familiar, and humanly beautiful to me, here on Planet Asian America.

I ask my students what we have in common. They hesitate, and offer a few cultural connectors – the Confucian ethic, or, perhaps, the genetically encoded belief that if you don’t have twice as much food as you need at a party everyone will perish from shame.

We had little in common, they point out, in the old country. We became a group here out of political necessity.

I think we are more than an arranged marriage. The history of race and racism in America does more than just force us together like strangers on a lifeboat. We share a bright spirit of intercultural experience, of resistance, and of proud survival, the theme with variations that greets each successive wave of Asian American immigration. Like African Americans, who have built a truly American culture of language, literature, voice, beat, and song out of their experience of oppression, we, too have a rich Asian American culture built next door. When I took my husband to a cousin’s wedding banquet at a Crenshaw Chinese restaurant, he asked, “why are they only playing Black music from the 60’s and 70’s?” I answered, “because it’s a sansei wedding in Los Angeles.” Ten thousand and one gold cranes, Cantonese food, James Brown, and Earth, Wind and Fire. Our experience as Asians in America is intensely intercultural: our sojourns have placed us side by side with Native people, other Asians, Blacks, Latinos, and Europeans, borrowing and adapting as we go, fighting back when we must. My grandfather and great-grandfather on the Matsuda side went first to Arizona, where they heard Spanish alongside English. My great-uncle, a famous drinker, scolded me, when I came home as a college kid to report I was studying Nihongo. “What for?” he said. “Why you no learn Yaqui?” That was the indigenous language that had facilitated his geographic wanderings. My plantation grandfather spoke a little Ilocano, a little Hawaiian, a little English, and a lot of pidgin.

Today you can go to kitchens in Chinatown and see Chinese cooks speaking broken Spanish to Salvadoran dish washers; go to the garment district and watch Latino organizers struggling through a few words in Cantonese, echoing conversations from a hundred years ago, when Spanish and Chinese were spoken in fields along the Stockton River as America.

61. Eric Lui, Harvard Law student and former speech-writer for President Clinton, wrote The Accidental Asian in 1998. In this memoir Lui, the son of Chinese immigrants, describes his feeling that the Asian American identity is “contrived,” “unnecessary,” and a “choice” not an “imperative.” See Yahlin Chang, Asian Identity Crisis, NEWSWEEK, June 22, 1998, at 68.
rose to agricultural ascendancy on our backs. Up against the banner of English only, we fly ours: on Planet Asian America all languages are heard and spoken, and Black music is our choice for weddings.

We are treated as perpetually foreign, yet Planet Asian America has been here longer than most Americans of European descent can trace their American roots. We have never, in our time here, accepted the definition of us as less than equal. To catalog our resistance would take more time than I have left in this soon-to-end speech, but the fact that you are in this room means that you, too, know something about resistance and make it your heritage.

Paul Kochi, my calabash grandfather, was an illegal immigrant. Rather than shrinking from this label, he claimed it, saying in Dr. Ben Kobashigawa’s translation of his story, “Illegal immigrants contributed a great deal toward building a better America.”62 He wrote of his journey, traveling over the Mexico desert as an undocumented entrant, past the skeletons of those who did not make it, just as do our brothers and sisters who walk that same desert today, dreaming of a better life for their children. Kochi-san describes a low point in his journey. His feet are bleeding, the nights are freezing. He and his travel companions, Japanese and Chinese, are near collapse, sharing one last lemon and a crumbling biscuit, when they come upon an Indian home. The kind family offers them food and gourds of water. He writes:

What surprised me in having a good look at the mother was how much her type and her actions were exactly like my own mother’s. And the daughter bore a close resemblance to a farmer’s daughter back home...

The mother pulled out several thorns from the bottoms of my feet and gave me a pair of home-made zapatos—leather sandals.63

The year was 1918. The story reads, to me, like sacred text. Kochi-san moved over the desert, helped by Chinese farmers, Mexicans, Indians, and a Frenchman. He showed the sores on his feet and was wordlessly offered a ride to Mexicali on the back of a wagon.64 His offer of money in exchange for help was turned down. He wrote: “It seemed for them we were all immigrants traveling the same road and they understood our situation from their hearts. This class consciousness cuts across race and nationality and promotes a mutual understanding which, if preserved and extended, would make the deserts bloom.”65

For over two hundred years, we Asian Americans have intertwined our lives and destiny with one another and with the vast multi cultural rhythms of America: the beat that traveled from Africa, transmuted via Cuba, met the echo of the Ghost Dancers, picked up in Elysian Park by Okinawan drummers, carried to demonstrations where Taiko meets Conga and we say, “no justice, no peace,” marching ten thousand strong through the streets of America, claiming those streets, since, after all, we built them.

62. KOCHI, supra note 1 at 9.
63. See id. at 33-34.
64. See id. at 35.
65. See id. at 39.
Pity those who resist the beat, who say they can’t dance, who want to erase the history of racial subordination, erasing thereby their capacity to let the beat carry them up and set them free. I feel no ambivalence about my place here, where I am at once the only one with my genealogy and simultaneously just one drop of dew in a vast sea of kin who uplift me and share the aspiration for . . . peace. Here, on Planet Asian America.