# THE INTERRELATIONSHIP BETWEEN ANTI-ASIAN VIOLENCE AND ASIAN AMERICA

*By Victor M. Hwang*†

## Introduction

The concept of the Asian Pacific American community is unique in the field of American race relations. Our community is neither united by a common experience such as slavery or by a common language such as Spanish. We are individually Vietnamese Amerasians, second generation South Asian Americans, kibei, third generation Sansei activists born of World War II internees, 1.5 generation Korean Americans, FOBs, JOJs (just off the jet), Pilipino seniors, hapas, Taiwanese nationalists, and more. In many ways, the Hmong veteran escaping persecution from Laos may have much more in common with the political refugee from Guatemala in terms of language and cultural barriers, moral and family values, psychological trauma, job skills and education than with a third generation Japanese American who grew up in Gardena. The Taiwan computer software salesman may identify closer along class and political interests with the German transnational machine parts manufacturer than with a second generation Cantonese seamstress in Chinatown. Our community encompasses differences in ethnicity, religion, language, culture, class, color, immigration history, politics and even race.

What we obviously do have most in common is the way that we look to those outside our community and the way we are treated in America based upon the way we look. Our commonality begins with a recognition that whether you are a first-generation Vietnamese American rollerblading at a park or a second-generation Chinese American celebrating at your bachelor party, you are constantly at risk of being killed without warning or

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provocation based upon the belief that you are a foreign "Jap." Whether you are second generation South Asian American or a fifth generation Chinatown native, we are faced constantly with the implicit and explicit question, "No, really, where are you from?"

Yet, while anti-Asian violence forces individuals to band together at times for physical or political protection, it plays a much greater role in shaping the Asian Pacific American community than simply acting as the outside threat which drives the flock together. It is not the action of anti-Asian violence which is so important to the development of our community as much as it is the reaction to the incident. For "Asian America" lives not in the Chinatowns or the Little Tokyos, but in the hearts of those who recognize that incidents of anti-Asian violence are not isolated attacks, but are part of the historical treatment of Asians in America for the past two hundred years.

As much as immigration and anti-miscegenation laws work hand-in-hand to control and manipulate the number of Asian immigrants in America to serve the labor needs of the country, the pattern of anti-Asian violence dictates the role and character of our community and its relationship to mainstream society. From the unofficially sanctioned massacres of Chinese mining camps to laws prohibiting the testimony of Chinese witnesses in courts against the murderers, the unspoken policy and history of America has been to erase the experience of Asians in America and to silence the voice of the community. Thus, we have been displaced from our role in American history, from our place in America, and more than two hundred years after the first Asians came to America, we are still being collectively told to go back to where we came from.

It is in our struggle against this pattern of violence and its underlying message of physical, political, and historical exclusion that we find ourselves as Asian Pacific Americans. Not every Asian in America is a member of the Asian Pacific American community. We are born or naturalized as Americans by geographic and legal definitions and we can be distinguished as Asians based upon certain physiological and racial characteristics. But we become Asian Americans as we begin to recognize that we share a common bond and experience with all other Asians in America based upon our history, our treatment and our status as a racial minority in the United States. The formation of the community begins not when ten Asian families happen to live in the same neighborhood, but when one family has been attacked and the other nine rally to their assistance.

The Asian American community is based on an understanding and appreciation of the fact that we have struggled for nearly two centuries against this violence and exclusion in the plantations, in the courts, and on the battlefields. From the early organizing efforts of the Chinese Six Companies in San Francisco to protect the Chinese workers from nativist attacks to the more recent campaigns to bring justice to the killers of Vincent Chin and Kao Kuan Chung, Asian Americans have not always been the silent victims of hate crimes, but have strived to defend and empower our communities in the American tradition.

This paper will discuss the role of anti-Asian violence as a foil and as a catalyst in the development of an Asian American identity and a community. Our community lives in the contradiction, in the friction between competing notions of ethnicity and nationality, in the margins and as a wedge between black and white in American society. It is not a physical community, but one that exists in flashes, in movements, in speeches, in hearts and minds, and in struggle. It is within the heat of the response to these incidents of extreme racial violence that we continue to forge our identity and our sense of community. We build our community in times of crisis by speaking out against the incidents of anti-Asian violence and claiming our piece of history.

However, in times of racial tension, it is sometimes difficult to process the elements of the hate crime to craft an effective and targeted response which serves both the needs of the individual victim as well as empowering the community. In this paper, I will explore two recent incidents of anti-Asian violence as a framework to discussing the crafting and mis-crafting of a progressive community response. I believe we should approach hate crimes in the same way a doctor would approach a medical problem. Prior to making a diagnosis, we need to understand the nature of the injury as well as who has been hurt. Further, without an understanding of the history of anti-Asian violence, hate crimes, and the community, we can do little for either the protection of the individual or the development of Asian America.

## ANTI-ASIAN VIOLENCE AND THE INDIVIDUAL: WHAT IS THE INJURY?

Individual victims of hate crimes and their families often suffer injuries far beyond the physical wounds inflicted upon them. It is both the sticks and stones which break our bones and the accompanying words and hateful intent which hurt us. Like a snake's bite, the venomous injuries of anti-Asian violence go far deeper than the physical injury because they are intended to inject a poison to strike at the core of our being. As advocates, we

must recognize the injury to the internal psyche as well as the physical injury in crafting a remedy for the individual and the community. Just as you cannot treat a snakebite with a Band-Aid, you cannot treat the hate crime as either a simple crime or an accident.

## THE INCIDENT

Sylvia is a 63 year old Korean American who came to the United States as a teenager. She grew up in Washington, D.C., the daughter of a Korean minister and attended an all-white segregated high school. She spent most of her adult years in Arizona as the wife of a university professor where, as she describes it, never thought she experienced much racism in the ivory tower setting. "Oh, every once in a while, my kids would tell me that someone had called them a Chinaman in school or had tried to put them down on account of their race," she said. "But I always told them just to work harder and prove to every one else that they were superior. I knew that we were descendants of a proud people with many centuries of culture and civilization. I never worried much about what the other people thought. I knew we were better."

She never had much contact with African Americans, but says that she always sort of looked down her nose at them since she felt that they tended to complain too much about racism and did not adopt the Asian work ethic to work twice as hard when confronted with racist behavior.

Sylvia moved to California a number of years ago and ironically it was in San Francisco that she experienced her first taste of anti-Asian violence. She was coming out of the Borders Bookstore in Union Square when a 6-foot tall "Timothy McVeigh"-looking Caucasian man ran up to her and said "My mother is not Chinese but yours is." Sylvia was somewhat taken aback, but tried to ignore him while she passed him.

He repeated the remark from behind her and when she did not react, he picked her up from behind and threw her against a nearby concrete wall, shattering her hip. Her assailant then ran away. As she lay there in shock, she was assaulted again in a much more painful and personal way as two Caucasian tourists walked by and in an attempt to be helpful, asked her if she spoke English.

Sylvia noted afterwards that even in an emergency situation, the first thought that crossed the minds of these Caucasians upon seeing an injured Asian woman was not the injury, but the race. "I was so outraged then, I couldn't even respond. Here I lay, on the ground, I was beaten, my hip was shattered, and the first

thing they asked me was if I spoke English, not if I was ok, if I needed help, or if they should call an ambulance. The first thing they asked me was if I spoke English — and they were clearly tourists. I was so shocked, I couldn't even say anything."

Sylvia was eventually taken to the hospital and underwent extensive surgery to have her entire hip replaced. But as her physical injuries were treated by the doctors, her psychological injuries remained unattended, festering as she fell into a deep depression. "My co-workers, who were mostly Caucasian, came by to see me and I guess that they were trying to be funny. One of them said something like 'Well, at least you got a new hip.' At that moment, I just felt so angry because they couldn't understand that I was almost killed because of my race. I just didn't think I could ever see them in the same light again. "

"[My coworkers] had a hard time saying 'assault'; they felt embarrassed and responsible," according to Sylvia. "The first thing they ask is, 'Did he take your money?" Her friends felt that she was obsessed with the racial nature of the attack and that she should not dwell on the incident. Sylvia, on the other hand, felt like she was unable to talk with them anymore.

The police had talked to a few witnesses, but were unable to develop any substantive leads and, in the opinion of the family, discouraged them from pursuing an active criminal investigation. Time and time again, Sylvia was told by the officer in charge of the investigation it was not worth her while to pursue the assailant, suggesting it was better to forget the incident and simply let old wounds heal. Though witnesses indicated that the assailant had been hanging around the area previously and had harassed other people of color, the police closed their investigation shortly after the incident.

But as time progressed, Sylvia did not just "get over" the racial attack. Her mental health continued to deteriorate to the point where the family contacted the Asian Law Caucus expressing grave concerns over her well being. They were frustrated over the lack of police response, angry over the racist nature of the attack, and distressed over Sylvia's deepening depression.

Initially, I spoke with Sylvia a few weeks after the incident and made some inquiries with the police regarding the status of her case. Although this was clearly a hate crime and had been treated as such by the police department, as is the case with the overwhelming majority of hate crimes, there was little the criminal justice system could do for her since the assailant had not been caught. The police expressed a general resistance to conducting any additional investigation into her case, stating that it was hopeless to pursue a random assault like this. I then worked

with Sylvia to put her story into the media since she felt this would encourage greater interest in her case and help her talk through what had happened to her.

## THE RESPONSE: WHAT IS THE INJURY?

In treating only her physical injuries, the doctors treated Sylvia the same way they would handle a patient who fell down the stairs or who was in an automobile accident. While the doctors were able to replace her shattered hip, they were unable to give her a replacement for her shattered frame of reference which had helped her in life to interpret, deflect, and respond to racism. In a moment's notice, she was inexplicably attacked and her life drastically changed, all by an idea which she had tried to suppress or ignore for most of her life. In failing to address the underlying cause of the injury, the doctors failed to treat the most serious injury of all - the one to her psyche. As such, Sylvia was left feeling confused and powerless, without the ability to either explain or prevent another unprovoked attack.

The isolated hate crime is particularly venomous because of its seemingly random nature and the inability of the victim to rationalize its occurrence. Even as children, we learn to create mental defenses and white lies to guard against the mental attacks from others. Rationalization is an important defense in our logical world and, as thinking beings, it is important for us to believe that the world is controlled by rationality. By using rational reasons to explain the occurrence of bad things, we can learn from our experiences and change to avoid a reoccurrence. The inability to explain the incident subjects the victim to further trauma because if you can't explain it, there's nothing you can do to prevent it from happening again. The well-documented tendency of victims to blame themselves can often be mitigated by a belief that a change in behavior will prevent it from happening again. We like to think of life events as cause and effect, order and chaos.

Victims of burglary may rationalize that they did not take enough safety precautions and install a better alarm system. Someone who is involved in an automobile accident will try to remember to look both ways next time before crossing the street. But there is nothing you can do to hide your race, skin color, gender, or sexual orientation. There is simply no escape or change in behavior possible for victims of hate crimes and they understand that they have to live with the possibility of reoccurrence without warning. In Sylvia's case and in other similar cases, this helplessness may be exacerbated by the fact that the actual perpetrators are rarely caught.

Moreover, this may be compounded by the fact that victims of hate crimes may have never even viewed themselves as representatives of the community, but in the hate crime they are subject to attack, not as individuals, but as a symbols. They are stripped of their individuality and reduced to their race. In Sylvia's case, as she was being attacked, her assailant kept repeating, "My mother is not Chinese, but yours is." Sylvia was not attacked for anything about her, anything she stood for, but on the basis of her birth. Her "crime" in the eyes of the attacker was not acting Chinese, or even being Chinese, but the crime of her ancestors in being born Chinese. The message was direct and terrifying - you are different from me and so you must be hurt.

This is the poison of hate crimes which distinguishes it from other types of victimization. The consistent message of violence directed against Asian Pacific Americans is that you are the foreigner, you do not belong here, you are not an American. This message was one that Sylvia was not prepared to receive as it violently contradicted all of the promises of America she was raised to believe and which she adopted as her own values. Like many immigrants, Sylvia always believed in the ideal of America as the land of equality and opportunity. If you worked hard, you could get ahead, blend in, and be considered an equal. In the instances where she or her family were confronted with racist attitudes, her external response was to work twice as hard to go around the wall of racism, to work harder to prove her worth as an American.

In coming to America, Asians accept the unspoken racial hierarchy which will allow them to succeed up to the point where they hit the glass ceiling. They do not even carry the expectations of parity with whites. As such, they are identified as the "model minority," willing to accept a second-class standard of living as opposed to the African Americans whose civil rights paradigm has demanded an equal playing field. As in Sylvia's case, it is precisely due to this reason that many immigrants look down upon African Americans, because they themselves have made the difficult choice to swallow their pride and accept their status to provide their children with a better future. Sylvia believed that African Americans chose to complain too much and did not work hard enough to fight their way through the wall of racism.

The attack shook Sylvia to the core not only due to the extreme violence, but because it forced her to confront the fact that regardless of the years of work that she put into proving herself, the goodwill offered little protection to her from either the attacker or the tourists who did not view her as an equal American.

In an incident lasting less than a minute, one man stripped her of her veneer, her status as an honorary white, and reduced her to her race. Despite years of sacrifice and hard work to form a protective layer of class, assimilation, and privilege, she understood now that she was still as vulnerable as the newly-arrived Asian immigrant or the African American. And, as Sylvia discovered, you could not just turn your back and try to ignore the racism because it would just follow you and haunt you. The advice that she had given herself and her children for years simply did not work and failed to protect her from the brutal assault.

The attack also undermined Sylvia's second learned form of psychological defense of internally strengthening herself against racist attacks by relying upon her heritage as a Korean immigrant. In less severe incidents, Sylvia was able to disregard the incidents and dismiss the rejection by falling back upon the strength of Korean culture. As a first-generation immigrant with some degree of grounding in the Korean culture, she was able to draw strength in the idea that in her true home, she would be regarded as an equal. Therefore, in America, as a guest or sojourner, she could accept second class citizenship. Essentially, Sylvia was saying, "I don't deserve to be treated like a regular American and I don't need to respond to these demeaning attitudes because I have another home in Korea where they treat me like an equal." This is a standard form of mental gamesmanship that we all engage in to protect our sense of pride when denied a certain goal; we always create a lie that we didn't really want it anyway.

However, perhaps due to the passage of time and her tenure in the United States, or perhaps due to the seriousness of her injuries, she was no longer able to ignore the fact that her rights had been violated and that she was not respected as an equal in the country where she had spent the majority of her life. Although Sylvia was originally an immigrant, her fifty years of struggle and survival here in the United States had earned her the right to be recognized as an American, equal and unquestioned. But now, only moments after her physical assault, she was assaulted again verbally by well-meaning by-passers, questioning her identity even before asking about her injuries. From skinhead to good Samaritan, she was viewed as a foreigner, as an outsider, told physically and orally that she did not belong.

The inability to use her birthplace heritage as a source of comfort was a first step towards establishing an identity as an Asian American. The birth of the Asian Pacific American identity begins when the standard tag of "Oh, you speak English so well (for a foreigner)?" is no longer considered a compliment but

taken as an insult. However, without a further bridge to developing an Asian American consciousness, she knew only that a door had closed behind her without yet seeing a path before her. Lost and feeling abandoned, Sylvia fell into a depression over the realization that she was homeless, neither Korean nor American. In this nether world, she could no longer claim the protection of her cultural heritage or the promises of American equality.

## SYLVIA'S RESPONSE: KNOCKING DOWN WALLS

Metaphorically speaking, Sylvia was thrown against the concrete wall of racial reality, which forced her to re-examine her internal and external defenses which were previously erected to deny or mitigate the existence of racism in her life. In a context far beyond the racial taunts suffered by her children, the seriousness of the injury forced her into a position where she could no longer dismiss the prejudice as irrelevant. The life-threatening nature of her injuries forced her to take a second look not only at racism, but her own responses and attitudes in the past.

Sylvia's response as she gradually healed was to build an entirely new frame of reference in relating to American society incorporating elements of Asian American and cross-cultural studies. Ironically, at the time that she was subject to this hate violence, Sylvia had been taking a class in cross-cultural studies to become a certified ESL instructor. She had actually gone to the Borders Bookstore that day to buy some of the assigned books for the class. She tells me that initially she hadn't put much stock in the class and found many of the African American attitudes to be tiresome. "Why couldn't they just work harder?" I thought, "Why do they always complain so much?"

But as she lay in her hospital bed, one of the African American students from her class made it a special point to visit with her. She watched as he was stopped by the hospital staff and questioned as to his reasons for being at the hospital. And as he made his way to her bed and held her hand, Sylvia began to cry. "And all I could say to him was, 'I'm sorry, I'm sorry, only now can I begin to understand."

Although her attacker was Caucasian, the attack prompted Sylvia to re-examine her beliefs and attitudes towards all of race relations with a particular emphasis on African Americans. By turning to the theories she acquired through cross-racial studies courses, she found a framework for recovery, a new structure for re-evaluating her own life and experiences through the lens of race. After her attack, that which had been theoretical and incomprehensible found form and substance. What had previously existed outside her reality now became her point of view. She

read books on Martin Luther King Jr. and other African American leaders, looking to them for answers.

As she began to understand the broader context of racism and race relations in the United States, her incident of hate violence began to seem less a random occurrence. At the same time, it became less painful as she read about the history of African Americans in the U.S. "I just stopped feeling sorry for myself. After all, it had just happened to me for a few times. But this sort of thing was happening to African Americans all the time."

Talking with her children and others about her experiences and newfound framework, she eagerly embraced learning about new cultures and ideas. It was as if she were born again at the age of 63. She told me how recently, in watching a documentary "Once We Were Kings," regarding the life of Muhammad Ali, she broke down weeping in the theatre. "I grew up hearing about this Muhammad Ali and to tell you the truth, we always sort of looked down on him. In the Korean culture, we don't respect physical accomplishments that much - perhaps it is the Confucian teachings which tell us to respect that which you can accomplish with your brain."

"But now, for the first time, I understand the courage and honor of Muhammad Ali in changing his name and taking a stand for his people. I used to think of him as a braggart. Now, I see him as a hero. I never knew he risked so much. In a way, my biggest regret is that this beating I suffered didn't happen to me 60 years earlier," she laughs. "I now look back on my life and think how blind I was. I now spend time reflecting on my whole life and I think what I might have done different if only my eyes had been opened sooner to the racism in our society. I wish I had been able to do more; to do something about it."

Sylvia credits her exploration and increased understanding of the African American struggle with providing her with the strength and context to fight her way out of her pit of depression. "I don't hate white people. I still don't know that much about black people, but I know more now about where I fit in than I did before."

Sylvia has recovered both physically and psychologically and now continues to attend classes in exploring race relations and cultural studies. After the release of the 1996 National Asian Pacific American Legal Consortium report on violence against Asian Pacific Americans, Sylvia was profiled widely by the media including an appearance on the Lehrer News Hour. She hopes to be certified as an ESL instructor soon and intends to teach new immigrants not only about English, but about America.

SWASTIKAS IN THE SUNSET: WHO IS THE VICTIM?

*The Incident:*

The Sunset District of San Francisco is an affordable, residential and small business community located in the western section of the city, running above Golden Gate Park along Irving and Judah streets. It is a culturally diverse and middle-class neighborhood with a long-established Irish, Jewish and Russian community and a rapidly growing Asian American immigrant population. The Asian American population of the Sunset District has doubled in recent years and many now refer to the area as the "New Chinatown." The area has historically prided itself on its neighborhood "mom and pop" stores and has been highly resistant to the influx of chain stores and fast food franchises.

In 1996, a Chinese American business owner opened a Burger King franchise in the area, which was immediately met with community resistance, both reasoned and racist. While some residents protested the change in the neighborhood character, others posted flyers calling for "Chinks and Burger King Out of the Sunset." The Burger King was subject to a barrage of vandalism, graffiti, and protests through the following months, continuing to this day.

In February of 1997, an individual or a group of individuals known as the "SWB" or "Sunset White Boys," carved swastikas into the glass storefronts of nearly two dozen Asian American businesses, mostly along Irving Street. The placement and selectivity of the swastikas was particularly ominous in that primarily Asian-owned businesses were targeted and non-Asian businesses were passed over with the exception of a Caucasian-run karate studio with Asian lettering on the storefront. The clinical precision exercised in the choice of the targets indicated a familiarity with the community, leading people to suspect that this was an "inside" job. There were also the biblical overtones of genocide and divine retribution.

The vandalism ranged from small, red spray-painted swastikas accompanied by the initials "SWB" to three-foot high swastikas carved with some sharp instrument into the glass storefronts of several Asian-owned businesses. A great deal of attention and energy was focused in particular upon the Bank of the Orient, with the swastika carved prominently next to the word Orient.

Surprisingly, many of the store owners were immigrants from China and Vietnam who confessed ignorance at the significance of the swastikas. All they knew was that they were vandalized once again, and due to the indifferent or hostile treatment that they had received at the hands of the police in previous cases of vandalism, most failed to even report the occurrence. Many

did not even realize that other Asian businesses along the street had suffered similar etchings and more than a week went by without any action being taken. During this time, the swastikas remained prominently displayed to the public.

The swastikas were finally brought to the attention of a Chinese American officer in another jurisdiction who decided to look into it on his own. The Asian Law Caucus was notified through a distant source during the course of the investigation and immediately responded to the location to document the hate vandalism, interview the targeted merchants and offer assistance. On two different occasions, staff and volunteers walked up and down Irving Street, meeting with each of the merchants as well as customers and people in the streets.

Even after I spoke with them, some of the store owners indicated that they did not intend to replace the glass panes defaced with swastikas since vandalism was rampant and they would just be hit again after spending the money. In visiting these merchants, it was chilling to see customers and families coming to the area to shop or do business as usual in broad daylight with each of the storefronts marked by swastikas.

Many of the merchants were reluctant to have their businesses photographed or identified for fear of retaliation. In fact, many were surprised that what they viewed as another routine round of vandalism had attracted outside attention. After speaking with the merchants and documenting the incidents, we alerted the mainstream press. Both print and broadcast media ran widespread coverage on the swastikas even though the vandalism had taken place a week earlier. In response to the media coverage and subsequent public outcry, police and elected officials flocked to the community.

*The Response: Who is the victim?:*

The response to a hate crime must be carefully tailored to address both the needs and concerns of the primary victim and also that of the community. A directed and strategic response works to counter the hateful message of exclusion and intimidation. However, in many cases it is unclear at the outset who the primary victim is and towards whom the communal remedy should be directed. Was the true victim of the hate crime the more established Jewish community at large which was forced to confront the painful reminder of the Holocaust? Or was the victim the potential APA (Asian Pacific American) store owner, resident, or customer considering coming into the Sunset District but who was then scared away by the prospect of being racially targeted because of his/her ethnicity? Or was it the San Fran-

cisco community at large? The responses of various authorities in this case differed depending upon their determinations on the identity of the victim. While all were successful in achieving some measure of combating hate crimes, no one fully addressed the underlying tensions which created the hate-filled environment.

*The Police Response*

Typically, the police are focused solely on the apprehension of the criminal and exhibit little sympathy or understanding of the needs of the victim or community. Generally, they are reluctant to categorize any case as a hate crime, perhaps out of an unwillingness to invest the extra time into conducting additional investigation, or perhaps due to a resistance to taint their jurisdiction with an insinuation of racism.

In this case, the police responded exceptionally poorly, which was surprising given the fact that San Francisco Police Department Chief Fred Lau is Chinese American and for years the department maintained a separate investigative unit specially trained and devoted to working on hate crimes. In response to press inquiries, the police captain incredulously countered that these carvings were not hate crimes since swastikas are anti-Semitic in nature and not anti-Asian. While this initial statement was quickly retracted, the captain then adopted the position that these acts of vandalism were the acts of juveniles and therefore, should not be taken seriously. The acts were dismissed and somehow excused as childish pranks and therefore, not worthy of community discussion and intervention.

Under increasing scrutiny and public pressure, Chief Fred Lau intervened. Several bilingual officers were re-assigned to patrol the Sunset District, the case was turned over to the special hate crimes unit, and general police presence in the area was increased over the short term in an attempt to apprehend the perpetrator(s).

Several juveniles were soon arrested and the newspaper headlines reported that the responsible parties had been found. Conveniently, one of the youths was Pilipino and so the police took the opportunity to declare that this was clearly not a hate crime since one of the suspects was Asian. Weeks later, with smaller fanfare, it was reported that the youths who were arrested - while admitting to general tagging in the neighborhood - did not actually have anything to do with the swastikas. After a few weeks when community and media pressure died down, nothing further was heard from the police regarding their efforts to find the perpetrators.

### ASIAN AMERICAN MERCHANTS AS VICTIMS?

One Asian American San Francisco county supervisor organized a highly successful volunteer clean-up day and recruited elected officials, union labor, community members and donations of materials to clean up all of the graffiti, sweep the streets, and replace the glass at no charge to the merchants. Volunteers turned out from all parts of the city and the media flocked. The event removed the obvious signs of hate and arguably sent a message to the perpetrators and the community that such hate violence would not be tolerated and that San Francisco was united in stamping out the signs of racism. The clean-up day was successful in removing the swastikas from public view, in giving the community a chance to directly demonstrate its commitment to fighting hate crimes, and bringing together diverse communities for a day to take a joint stand against hate crimes.

However, while this clean-up day was an unqualified success in removing the physical vestiges of racism, it is questionable as to how successful it was in addressing the underlying attitudes that lead to acts of hate. In addressing the problem as one of vandalism, the effort failed to acknowledge that the swastikas were reflective of ideas and beliefs held much closer to heart of the community. The focus upon the physical element of the hate crime overlooked the intangible factors of prejudice and racial tensions which had created an environment conducive to the racist expression of the swastikas.

On the other hand, one may argue the lesson learned in bringing together diverse communities to tackle a common goal was that the volunteer physical labor itself served as a symbol of the community coming together to fight anti-Asian violence. Undoubtedly, a major part of this effort was intended to impart upon the individual merchants that they were a part of the community and to demonstrate that in times of crisis they could rely upon the community to come to their assistance.

The focus upon these individual merchants was perhaps misplaced in that many of them were unaware of the historical and genocidal significance of the swastikas. Given their political naiveté, it is debatable as to whether or not they were truly the victims of a hate crime and whether or not they could appreciate the reasons for the volunteer response. One merchant told me that the clean-up was a great gesture, but asked why they had not come out before to clean up and whether or not they would come out again when the storefronts were defaced the following week.

Certainly, the store owners were economically and physically the victims of vandalism, but can they also be considered the victims of a hate crime if some failed to understand the in-

tended message of the perpetrator(s)? Given that several did not understand the importance of the symbols, was it critical for the people and politicians to rally behind them in a show of community support?

According to the traditional principles of criminal law and specifically the law around hate crimes, these store owners are the victims of a hate crime. Generally, the definition of a hate crime turns on the intent of the perpetrator and not the understanding of the victim. For example, many jurisdictions hold that a man who is attacked because he is perceived to be gay — even if he is not — would be the victim of a hate crime and the perpetrator could be subject to enhanced penalties. On the other hand, a person who fights with a gay person motivated solely by a dispute over a parking space, would not be subject to a hate crime even if the gay person was subjectively afraid that the dispute was over his sexual orientation. This follows the general principles of criminal law that focuses on the intent of the perpetrator.

However, what makes hate crimes punishable above and beyond the physical act of criminality is the recognition that hate violence carries levels of psychological and emotional impact well beyond the simple commission of the crime. The penalties for hate crimes are more severe because we recognize that based upon a history of racial intolerance, the victims are particularly vulnerable and suffer levels of injuries far beyond the physical and objective damages. A cross-burning on an African American lawn is much more than an act of arson or vandalism. It carries with it the clear threat of further escalation of violence when considered in the context of historical precedent. Thus, when the victim does not understand or is unaware of the message of hate, much of the psychological trauma and venom of the crime is not present and from the individual victim's viewpoint, it becomes indistinguishable from a simple act of vandalism. Here, several of the merchants indicated that they were unaware of the swastikas or their meaning until after the police and media explained to them the significance behind the symbol.

Therefore, should some of the merchants who did understand the message of intimidation and racial hatred and suffered the psychological consequences be considered hate violence victims while the other merchants are not? Should the white karate store owner who also had his store defaced be considered a victim of anti-Asian violence? Clearly, the focus on the individual level makes little sense because the bottom line is that property-based hate crimes such as these are clearly an attack upon the community. Common sense dictates that the use of a swastika

defines the incident as one of hate violence given its symbolism for racial hatred and violence regardless of the understanding of the owner of the property. But if the merchants were not particularly intimidated by this act, then was the clean-up perhaps for the benefit of the community as opposed to assisting these particular individuals? After all, the older neighborhood is predominantly Jewish and was certainly put on notice similar to the cross-burning once the swastikas were carved into their community stores. A more cynical and jaded viewpoint would be that the clean-up was not directed at helping the Asian American merchants at all but rather at the larger Jewish community which had to be confronted with these symbols every day.

### THE NEIGHBORHOOD/GEOGRAPHIC COMMUNITY AS VICTIM?

A second Asian American county supervisor organized two town hall meetings to facilitate discussions on the placement of swastikas in the community. The events were advertised in several languages to both the Asian merchants and the Sunset community at large. Myself and several other volunteers conducted outreach to the merchants along the Irving corridor in an attempt to encourage their participation in the hearings. A non-Asian leader in hate crimes coalition work was selected to lead the discussions and hate crimes "experts," police, elected officials, media, and community groups were invited to attend.

Nearly two hundred people attended the first town hall meeting, but virtually none of the Asian merchants attended either of the sessions. The discussions were mostly dominated by a number of neighborhood conservation and watch groups from the Sunset community- many of whom were involved and continued to be involved in the efforts to drive the Burger King out of the Sunset District.

The first forum was opened with statements of support from local elected officials and presentations by the hate crimes experts. However, as the discussions progressed and the floor was opened up to those in attendance, the talk quickly turned to combating vandalism generally in the community and the changing character of the neighborhood. The changing character of the neighborhood, of course, was a euphemism for the rapid growth of the Asian American community in the Sunset district, which some say at the expense of the older Jewish Russian community. More neighborhood watch groups and closer cooperation with the police were proposed, a vandalism task force and hotline were discussed, and after the opening few minutes, the discussion of "hate" had been dropped and the audience spoke only of the "crimes."

In a more disturbing segment of the town hall meeting, audience members testified that the real problem contributing to the rise in crime was the fact that the community had changed so much that they did not feel that this was their community anymore. Some attendees remarked that Asian-language signs dominated the streets and you no longer heard English being spoken. Others commented that these "new" residents packed too many family members in a house, did not try to assimilate, hung out only with their own, did not participate in the civic affairs of the community, and generally did not fit into the Sunset character.

It is important to note that this was as much a case of ethnic conflict as it was a dispute between long time residents and newcomers. Some of those who spoke out against the transformation of the neighborhood included established Japanese American who could not read the Chinese language signs or understand the foreign languages being spoken on the street.

In an ironic twist, several residents complained that the merchants were at fault for not acting quickly to eradicate the swastikas once they appeared. These residents stated that they were offended that the stores did not act responsibly and rapidly to remove these signs of hate once they were carved on their front windowpanes. The residents who appeared at this public forum indicated that the problem was that the Asians did not participate in the neighborhood watches and other civic duties of the "community" and thus, hate crimes and vandalism were allowed to flourish. In a loosely-controlled forum, the audience had come full circle in scape-goating the victims as the perpetrators, and these were the voices and faces heard that night on the eleven o'clock news.

One resident in particular, who was widely featured during the media coverage of the community forums as a neighborhood leader, was regarded by the Asian American merchants as the leader of the racist and exclusionary forces against them. He had months earlier led the campaign against the Burger King and said to the owner of the Burger King "we don't want your cheap, sleazy, *yellow*, sign here in the Sunset."

In earlier discussions, the Asian American merchants expressed a general disinterest in attending such a forum and noted that the scheduled times conflicted with their business hours. I tried everything to encourage their attendance from pleading to their sense of community, to challenging their ethnic pride, to pitching attendance at the forum as a smart business decision. But I think the true reason why many failed to attend was a premonition that their issues, concerns and needs were not going to be addressed in this public setting. Perhaps the merchants

thought they would not be able to communicate the depth of their hopes and fears through an interpreter. Many expressed a fear in becoming involved and subjecting themselves to potential future retaliation. And maybe they already knew who their neighbors were and did not want to walk into a hostile trap.

In trying to open up discussions with the community, the officials had allowed the content of the discourse to shift without moderation and granted legitimacy and press to a particular viewpoint of the community. In empowering a certain segment of the community which was hostile to the "Asian invasion," the town hall meetings served to further divide and separate the community. Sometime between the first and second town hall meetings, several businesses owned by non-Asians displayed signs calling for "No hate crimes in the Sunset, except against Burger King."

All of a sudden, it became clear "who killed Vincent Chin,"[1] these community leaders who had turned out to ostensibly combat hate crimes were in fact perpetuating much of the hate crimes messages in their own homes. No doubt, it was some juvenile that had committed the physical act of vandalism, but the hate was something being taught at home. The town hall meetings ended with the second forum. Nothing ever came of those meetings.

## THE CALIFORNIA PUBLIC AS VICTIM?

The final response from the government involved a state assembly member who proposed legislation nearly a year later which would elevate hate crimes to a "wobbler" offense, allowing prosecutors the discretion to charge perpetrators with either a misdemeanor or felony, depending on the seriousness of the offense. In doing so, he cited the growing increase in hate crimes in general and the swastikas in the Sunset, in particular.

In doing so, the legislator also planned a press conference involving leaders of the Asian Pacific American community and other hate crimes professionals designed to send out a message

1. "Who Killed Vincent Chin?," is a question raised in the documentary by the same name directed by Renee Tajima-Pena and Christine Choy. Vincent Chin was killed by two unemployed autoworkers on June 19, 1982, a week before he was to be wed. The two murderers yelled at Chin "It's because of motherf***ers like you that we're out of work," chased him down a street and one held him while the other beat his head in with a baseball bat. His murderers never served a day in jail and were sentenced to three years probation and a $3000 fine. The case became a symbol for anti-Asian violence in America and the filmmakers raised in their documentary the question of societal responsibility for Chin's death. The high level of Japan-bashing and Asian-bashing promulgated by the auto manufacturers, especially in this period, created an environment conducive to violence and anti-Asian American violence.

to the community that hate crimes would be prosecuted seriously and the offender would be subject to felony imprisonment.

There is arguably some deterrent value to this legislation to the extent that it would generate some degree of publicity in having a public official condemn the commission of hate crimes. However, following passage of the law onto the books, it is unlikely to have much impact given that only a small fraction of hate crimes are ever solved by the police and an even smaller fraction are ever prosecuted as hate crimes. In San Francisco, there is a hate crimes investigation unit within the police department and a hate crimes prosecution unit within the District Attorney's Office. Yet, out of more than 300 hate crimes reported yearly to the police unit, there were only 13 arrests referred to the District Attorney's office. This resulted in an annual total of only seven convictions for hate crimes, six of which were the results of plea bargains. While the legislation deters the commission of a hate crime in the future by increasing the penalty, even if the perpetrators had been arrested in this case, the imprisonment of these individuals would do nothing to address the underlying tensions within the community.

## THE ASIAN PACIFIC AMERICAN COMMUNITY AS VICTIM?

The swastikas were only a symptom of a more deeply rooted problem. The vandalism was neither a juvenile prank, nor a simple act of vandalism, but rather a powerful symbol of communities in conflict and a visible mark of the underlying tensions around a changing demographic in the Sunset District.

Undoubtedly, the commission of the hate vandalism in this case was a juvenile act, but the intent behind the swastikas was not a childish thought, but one shared by a large segment of the community. Asian Americans in the Sunset district were being told both by symbol and by comments made in community forums that they were threatening the integrity and character of the neighborhood, and therefore, should be marked. And in the town hall discussions, while many residents repudiated the specific action taken in this case, no one spoke against the underlying message of racial intolerance and disharmony.

Anti-Asian violence is the friction generated from two communities beginning to rub up against each other where there is no discussion or relationship between the communities. Viewing this situation in a historical context, what happened in the Sunset District was identical to what happened in countless other cities such as Monterey Park in Southern California or Queens in New York where a fast-growing Asian American immigrant population began to threaten the character of an "older" neighborhood.

Like an earthquake, the shifting and overlapping plates build up increasing resentment until there is a sudden release in the form of a hate crime.

On a macro level, anti-Asian violence represents the growing pains of our community as we expand and bump shoulders with neighboring communities. Because we are perceived as new, because we are seen as foreign, we are interpreted as a threat. The 1996 national audit on anti-Asian violence prepared by the National Asian Pacific American Legal Consortium and the Asian Law Caucus documents an increase in hate crimes in the housing projects, in the political arena, in the schools, and in these emerging communities. As our community continues to grow, we can only expect to see a greater incidence of hate violence directed against us.

## CONCLUSION

Contrary to what many may think, Asian Americans are not born or naturalized. Anti-Asian violence is the pain prefacing the light which delivers the Asian American identity into our community. It is a recognition not only that you share a common bond and experience with all other Asians based upon your experiences here in the U.S., but that based upon that bond, you have an obligation to act on behalf of the community. The Asian American identity is based upon an understanding that anti-Asian violence has played an integral part in the history of both America and Asian America and that it has always served to exclude and deny us our rightful place. Asian America lives in the struggle for recognition and existence and in combating anti-Asian violence, we fight the message that we do not belong. It is a recognition that the attack upon the individual is an attempt to silence us all and therefore, to break our silence, we must speak up for the individual. Thus, while the community may be defined by the isolation and exclusion by the mainstream, it is also created from the response to anti-Asian violence.

But more than exclusion, it is a recognition that Asian America lives in the hearts of those in our community. The history of Asian Americans reflects the struggle for recognition and equality. Our forefathers planted seeds in the cracks of mountains and they planted dynamite high above the railroads, in concentration camps located in the deserts of Wyoming and Arizona, across the oceans on flotsam and refugee boats, parachuted in from modern jets and seared in the fires of Koreatown. The acres of history that we have tilled have not been welcoming nor fertile, but we have persevered and out of the desert we have taken seed and we have grown. The promise of America is not

happiness or equality, but the pursuit of happiness and the opportunity to advocate for equality. In order for us to be recognized as equals, we must struggle to assert our right to sit at the table.