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## Neither Black nor White

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### Race Relations in Black and White

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

Popular works on race suggest that expositions of Asian American experiences are peripheral, more often confined to the footnotes

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

News media portrayals of racial minorities suffer from the same tendency to reduce race relations to a simple black-white equation. Popular television news shows such as ABC's *Nightline* offer recurring programming on race relations, but typically confine their analyses to black-white relations. Public opinion polls on race and civil rights usually exclude Asian Americans as subjects or as participants, or reduce them to the category of "Other." News coverage of racially charged events is most often framed by black versus white antagonisms....

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

Not that focusing on black experiences is unjustified. African Americans have been the largest racial minority group in the United States since the country's birth, and continue to endure the effects of racial subordination. By any social or economic measure, African Americans suffer extensive inequality because of race. In describing the African American experience, the statement of the Kerner Commission resonates as strongly today as it did in 1968: "Our nation is moving toward two societies, one black, one white—separate but unequal."<sup>2</sup> But to say that our nation is moving toward two separate and unequal societies, however disconcerting, is fundamentally incomplete. Underlying the Kerner Commission's

statement is the assumption that our nation's cities are divisible along a single racial axis. Cleavages between black and white persist but American race relations are not an exclusively black–white phenomenon and never have been....

## **Black and White by Analogy**

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

How can Asian Americans fit within a black–white racial paradigm? Historian Gary Okihiro poses the question this way: “Is yellow black or white?” Okihiro suggests that Asian Americans have been “near-blacks” in the past and “near-whites” in the present, but that “[y]ellow is emphatically neither white nor black.”<sup>3</sup> Recognizing the dominance of the black–white paradigm in the law, Frank Wu adopts a similar view proposing that Asian Americans have been forced to

fit within race relations discourse through analogy to either whites or blacks. He posits that American society and its legal system have conceived of racial groups as whites, blacks, honorary whites, or constructive (legal jargon for “implied”) blacks.<sup>4</sup>

For most of the nation’s history, Asian Americans have been treated primarily as constructive blacks. Asian Americans for decades endured many of the same disabilities of racial subordination as African Americans—racial violence, segregation, unequal access to public institutions and discrimination in housing, employment, and education. The courts even classified Asian Americans as if they were black. In the mid-nineteenth century, the California Supreme Court held in *People v. Hall* that Chinese immigrants were barred from testifying in court under a statute prohibiting the testimony of blacks, by reasoning that “black” was a generic term encompassing all nonwhites, including Chinese: “[T]he words ‘Black person’ ... must be taken as contradistinguished from White, and necessarily excludes all races other than the Caucasian.”<sup>5</sup>

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

is any different or that any different result can be reached ... where the issue is as between white pupils and the pupils of the yellow races.”<sup>6</sup> In the eyes of the Supreme Court, yellow equaled black, and neither equaled white.

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

The treatment of Asian Americans as “honorary whites” is more unusual. In the Reconstruction-era South, Asian Americans were initially afforded a status above blacks for a period of time during the nineteenth century; Louisiana, for example, counted Chinese as whites for census purposes before 1870.<sup>7</sup> The status was short-lived: the Chinese were soon reduced to constructive black status under systems of racial segregation. More contemporary race relations controversies appear to have elevated Asian Americans to the status of honorary whites, particularly in the minds of those who oppose race-conscious remedies such as affirmative action. Asian Americans are often omitted from protection in affirmative action programs as a matter of course, lumped with whites even in

contexts where Asian Americans still face racial discrimination and remain underrepresented.

The rigidity of the legal system's treatment of race as either black or white is evident in civil rights litigation filed by Asian American plaintiffs in the earlier half of this century... Asian Americans sought, quite unsuccessfully, to be classified as white under the law, in recognition of the social and legal stigmas attached to being categorized as black. Gong Lum, for example, argued that his daughter Martha should not have to attend the school for colored children in Mississippi because “[c]olored’ describes only one race, and that is the negro.”<sup>8</sup> Because his daughter was “pure Chinese,” Gong Lum argued that she ought to have been classified with whites rather than blacks. The Court rejected this reasoning and held that yellow was black when it came to segregation.

During the late nineteenth and early twentieth centuries, Asian Americans sought to be classified as white in attempts to become naturalized citizens.<sup>9</sup> Congress enacted naturalization legislation in 1790 to limit citizenship to “free white persons.” After the Civil War, the law was amended to allow persons of “African nativity” or “African descent” to naturalize, but Congress rejected extending naturalization to Asian immigrants. Asian immigrants sought relief through the courts, but had little success arguing that they were white: Burmese, Chinese, Filipino, Hawaiian, Japanese, and Korean plaintiffs were all held to be nonwhite; mixed-race plaintiffs who were half-white and half-Asian were also held to be nonwhite.<sup>10</sup> The

United States Supreme Court laid to rest any questions about the racial bar in *Ozawa v. United States*, ruling that Japanese immigrants were not white, and in *United States v. Thind*, ruling that Asian Indian immigrants were not white.<sup>11</sup> Asian immigrants were prohibited by statute from naturalizing through the 1940s, and the racial bar on naturalization was not repealed until 1952.

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

## **Racism in Context: Anti-Asian Violence**

To better understand the experiences of Asian Americans, consider how racial subordination operates within a specific context: anti-Asian violence. Racial violence is not a new phenomenon, and the histories of all racial minorities include extensive violence, whether it is the genocide of Native American tribes during the expansion of the United States, the terrorism against blacks in the South, the military conquest and ongoing border violence against Latinos in



the Southwest, or the attacks on Asian immigrant laborers in the West. Incidents of anti-Asian violence reveal unique themes of prejudice and discrimination that illustrate the dynamics of racism against Asian Americans.<sup>12</sup> ...

The most notorious episode of recent anti-Asian violence was the killing of Vincent Chin in 1982. Chin, a twenty-seven-year-old Chinese American, was celebrating his upcoming wedding at a Detroit bar when he was approached by Ronald Ebens and Michael Nitz, two white automobile factory workers. Ebens and Nitz thought Chin was Japanese and blamed him for the loss of jobs in the automobile industry. After calling Chin a “jap,” the two men chased him out of the bar. They eventually caught Chin and proceeded to beat him repeatedly with a baseball bat. Chin died from his injuries a few days later. Ebens and Nitz each pleaded guilty to manslaughter but received only probation and a fine. Ebens was later convicted of federal civil rights violations, but his conviction was overturned on appeal and he was acquitted on retrial. Neither Ebens nor Nitz spent any time in prison for the killing.

A similar incident occurred in 1989 in Raleigh, North Carolina. Jim (Ming Hai) Loo had been playing pool with several friends when he was approached by Robert Piche and his brother Lloyd Piche, who began calling Loo and his friends “chinks” and “gooks” and blaming them for the death of American soldiers in Vietnam. Once outside, Robert Piche pistol-whipped Loo on the back of the head, causing Loo to fall onto a broken bottle that pierced his brain. Loo died from

his injuries two days later. Robert Piche was convicted and sentenced to thirty-seven years in prison; Lloyd Piche was sentenced to six months in prison by a state court, and sentenced to four years in prison for federal civil rights violations.

Another tragic illustration of anti-Asian violence is the multiple killings of Asian American children at the Cleveland Elementary School in Stockton, California, in 1989. Patrick Purdy used an AK-47 assault rifle to spray bullets into a crowded schoolyard, killing five children and wounding over twenty others before turning the gun on himself. Although initially labeled the product of a disturbed mind obsessed with guns and the military, the shootings were later proved to be motivated by racial hatred. A report issued by the California attorney general's office found that Purdy targeted the school because it was heavily populated by Southeast Asian children.<sup>13</sup>

Perpetrators who are affiliated with hate groups have been responsible for many anti-Asian crimes. During the early 1980s, when tensions erupted between Vietnamese immigrant fishermen and native-born fishermen in several coastal states, the Ku Klux Klan engaged in extensive harassment and violence against Vietnamese fishermen along the Gulf Coast of Texas. Federal litigation was required to end a pattern of threats, cross burnings, arsons, and shootings.<sup>14</sup> In 1990, Hung Truong, a fifteen-year-old Vietnamese boy living in Houston, was attacked by two men who were later identified as white supremacist "skinheads." After

following Truong and his friends as they walked down the street, the two assailants jumped out of their car, one wielding a club, and shouted “White power.” They chased Truong and proceeded to kick and beat him, even as he pleaded for his life. The two men admitted at trial that they attacked Truong because he was Vietnamese.

In August 1999, Joseph Iletto, a Filipino American postal worker, was gunned down in California’s San Fernando Valley by Buford Furrow, Jr., a white supremacist who earlier the same day had riddled the North Valley Jewish Community Center with over seventy rounds from a semi-automatic weapon and wounded several individuals, including three small children. Linked to anti-Semitic and white supremacist groups, Furrow shot Iletto nine times and admitted that he had targeted Iletto because he was a “chink or spic,” terms that were no doubt tied to Furrow’s perception that an individual like Iletto was somehow less than fully American. Ironically, Iletto was wearing a clear symbol of membership in American society—the uniform of a U.S. Postal Service mail carrier—at the time he was killed. Pleading guilty to avoid the imposition of a federal death penalty, Furrow was ultimately sentenced to multiple life sentences without possibility of parole.<sup>15</sup>

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

- A Japanese American man in Rancho Santa Margarita, California was attacked in his front yard by a perpetrator who threw eggs at him and shouted “You dirty Jap!” while leaving the scene.
- While stalled in traffic, a Korean American woman, along with her young son, were approached by a man who slapped the woman, asked her if she was Korean several times, and shouted: “Why don’t you go fuck some Japanese bastard?,” “What are you doing in this country?,” “Go back to your country,” and “Go back to where you came from.”
- In a supermarket parking lot in Fort Lee, New Jersey, a Korean American woman was verbally assaulted by a couple, one of whom yelled, “Where did you learn to drive? You chink!” After confronting the couple, the woman was threatened by another customer who yelled, “Yeah, go back to your own country!” ...
- At a business in Los Angeles, a perpetrator brandished a knife and told a South Asian American victim, “I don’t like Indians or Pakistanis and if you don’t go back to your country, I’ll kill you.” ...
- In Beverly Hills, California, a South Asian American man working as a restaurant valet was accosted by an individual who called the man an “Indian mother fucker” and asked “Are you a terrorist?” before attempting to assault the victim.<sup>16</sup> ...

## Racial Themes

Without question, the examples of anti-Asian violence demonstrate that overt racism is still a serious problem for Asian Americans, just

as it has been for African Americans and other racial minorities. Some types of anti-Asian violence can thus be explained by treating violence against Asian Americans and other racial minority groups as expressions of white racism. Anti-Asian violence committed by white supremacists targeting anyone who is not white fits within a binary model of race that places all racial minorities in the same category of “nonwhite.”

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

## **Racialization**

One theme is the importance of *racial* categorizing in anti-Asian violence. The killing of Vincent Chin is an example of how anti-Asian violence is racialized: based on his physical appearance, Chin, a Chinese American, was taken to be a Japanese national by his

killers, who had made him the focus of their anger and frustration toward Japanese competition in the automobile industry. A perpetrator who makes the race-based generalization that all Asians look alike puts every Asian American at risk, even if the specific antagonisms are targeted against a smaller subset of people.

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

## **Nativism and Racism**

Another theme manifested by anti-Asian violence is the centrality of nativism, which John Higham defines as “intense opposition to an internal minority on the ground of its foreign (i.e., ‘un-American’) connections.”<sup>17</sup> Asian Americans are equated with foreigners, or they are at least presumed to be foreign-born. Race and nativism thus intersect to produce a distinctive form of subordination of Asian Americans—what Robert Chang labels “nativistic racism.”<sup>18</sup>

In many incidents, Asian American victims are perceived and categorized as foreigners by their assailants: Vincent Chin was

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

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

## **Racial Hierarchies and Interracial Conflict**

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

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

## **The Limits of Black and White**

Hate violence is the most extreme form of racial subordination against Asian Americans, but it sheds light on important differences between the subordination of Asian Americans and African Americans. A binary model of race based on relations between



blacks and whites cannot fully describe the complex racial matrix that exists in the U.S. In terms of representation, a black–white model ignores or marginalizes the experiences of Asian Americans, Latinos, Native Americans, Arab Americans, and other groups who have extensive histories of discrimination against them. A black–white model discounts the role of immigration in race relations and confines discussion on the impact race has had on anti-immigrant policies that affect the nation’s growing Asian American and Latino populations. A black–white model also limits any analysis of the relations and tensions between racial and ethnic groups, which are increasingly significant in urban areas where racial “minorities” are now becoming majorities.

In essence a black–white model fails to recognize that the basic nature of discrimination can differ among racial and ethnic groups. Theories of racial inferiority have been applied, often with violent force, against Asian Americans, just as they have been applied against blacks and other racial minority groups. But the causes of anti-Asian subordination can be traced to other factors as well, including nativism, differences in language and culture, perceptions of Asians as economic competitors, international relations, and past military involvement in Asian countries. Recent immigration from Asian countries has elevated culture and language to prominent places on the race relations landscape, challenging even the integrity of the racial category “Asian American.” And the promotion in recent years of a “model minority” racial stereotype, based on the high education levels and incomes of some Asian Americans,

represents a curious and distorted form of racism, denying the existence of Asian American poverty and inequality. All of these considerations point to the need for an analysis of race that is very different from the dominant black–white paradigm....

## Notes

- [1.](#) Andrew Hacker, *Two Nations: Black and White, Separate, Hostile, Unequal*, rev. ed. (New York: Ballantine Books, 1995). Hacker even suggests that Asian Americans and Latinos, particularly second- and later-generation individuals, are “merging” into the white race, through intermarriage and assimilation (18–19).
- [2.](#) *Report of the National Advisory Commission on Civil Disorders* (New York: Bantam, 1968), 1.
- [3.](#) Gary Y. Okihiro, *Margins and Mainstreams: Asians in American History and Culture* (Seattle and London: University of Washington Press, 1994), 34.
- [4.](#) Frank H. Wu, “Neither Black nor White: Asian Americans and Affirmative Action,” *Boston College Third World Law Journal* 15 (Summer 1995): 225, 249–251.
- [5.](#) 4 Cal. 399, 404 (1854).
- [6.](#) 275 U.S. 78, 87 (1927).
- [7.](#) James W. Loewen, *The Mississippi Chinese: Between Black and White* (Cambridge, Mass.: Harvard University Press, 1971).
- [8.](#) *Gong Lum v. Rice*, 275 U.S. 78, 79 (1927).
- [9.](#) Ian F. Haney López, *White by Law: The Legal Construction of Race* (New York and London: New York University Press, 1996).
- [10.](#) *Ibid.*, appendix A. As Haney López notes, a legal strategy arguing for whiteness rather than blackness may have had some tactical advantage at the time, because the 1870 naturalization statute employed a geographic test rather than a racial test of eligibility for blacks: the law referred to persons of “African nativity, or African descent,” rather than to “black persons.” More likely, though, Asian American plaintiffs sought to distinguish themselves from blacks because of

the stigmas attached to being black, and sought the only available alternative—to be classified as white.

**11.** 260 U.S. 178 (1922); 261 U.S. 204 (1923).

**12.** Note, “Racial Violence against Asian Americans,” *Harvard Law Review* 106 (June 1993): 1926.

**13.** Nelson Kempsey, *A Report to Attorney General John K. Van de Kemp on Patrick Purdy and the Cleveland School Killings* (Sauamento: California Department of Justice, Office of the Attorney General, 1989).

**14.** *Vietnamese Fisherman’s Association v. Knights of the Ku Klux Klan*, 543 F. Supp. 198 (S.D. Tex. 1982) (permanent injunction); *Vietnamese Fisherman’s Association v. Knights of the Ku Klux Klan*, 518 F. Supp. 993 (S.D. Tex. 1981) (preliminary injunction).

**15.** “Moving Beyond the Past,” *AsianWeek*, 25 May 2000; Henry Weinstein, “Furrow Gets 5 Life Terms for Racist Rampage,” *Los Angeles Times*, 27 March 2001, p. B1.

**16.** National Asian Pacific American Legal Consortium, *2002 Audit of Violence against Asian Pacific Americans: Tenth Annual Report* (Washington, D.C.: National Asian Pacific American Legal Consortium, 2004), 14–23.

**17.** John Higham, *Strangers in the Land: Patterns of American Nativism, 1860–1925* (New York: Atheneum, 1970), 4.

**18.** Robert S. Chang, “Toward an Asian American Legal Scholarship: Critical Race Theory, Post-Structuralism, and Narrative Space,” *California Law Review* 81 (October 1993): 1241, 1255.