

Foreword: Reigniting Community: Strengthening the Asian Pacific American Identity

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The Asian Pacific American Law Students Association (APALSA) at the University of California, Irvine School of Law is pleased to collaborate with the *UC Irvine Law Review* to present articles from the first school-sponsored, student-organized symposium at the UC Irvine School of Law.¹ It is fitting that the first collaboration between student groups and the *Law Review* addresses law and the Asian Pacific American (APA) community. The UC Irvine School of Law is particularly well situated to highlight and grapple with APA legal issues because its demographics allow it to reflect the concerns of a substantial portion of the local and greater community. In fact, the 2010 United States census indicates that Asian Americans in the United States make up 4.8% of the country's overall population and 17.9% of Orange County's population. Additionally, APAs have experienced the largest growth, forty-six percent, in the past decade of any major race group and constitute the majority, fifty-three percent, of UC Irvine's undergraduate student body.

In this foreword, we describe the origins of APALSA at the UC Irvine School of Law, discuss the "Reigniting Community" symposium project, and provide a brief introduction to the articles and essays in this issue.

APALSA AT THE UC IRVINE SCHOOL OF LAW

When the inaugural class of students at the UC Irvine School of Law gathered for the first orientation session in the fall of 2009, students excitedly discussed their hopes and dreams for their legal educations, their professional careers, and their new institution. Among the many topics of conversation was

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1. The Environmental Law Society organized an earlier conference focused on environmental law issues in the spring of 2011 that external donors funded. APALSA was honored to build on their pioneering efforts to host a symposium and release a symposium issue of the *Law Review*.

what student organizations would populate the new school. Student organizations were widely seen as one of the places at the institution where students could autonomously build from the bottom up and leave their legacy.

An intimate group of approximately six students from the inaugural class founded APALSA in the spring of 2010. Compared to other student organizations, APALSA had a late start. The beginnings of the organization were largely focused on setting the framework for its future. Founding members had deliberate conversations about nuanced yet meaningful issues, like the organization's name, its mission, and its target membership. In what has become the typical UC Irvine School of Law process, founding members created collaborative documents and exchanged redlines, and all voices were brought into the mix. Aware that while many APA student organizations at other law schools tended to focus on networking and social activities, the founders sought to distinguish APALSA and wanted to provide a particular space for APA issues on campus with a focus on political advocacy, social justice, community service, and public interest lawyering. With this as a backdrop, students founded APALSA with the specific mandate to promote awareness of, and discourse and activism on key social justice issues facing the APA community as well as other marginalized groups.²

In furtherance of this mission, APALSA hosted film screenings, organized panel discussions, participated in workshops and roundtables, and served the local community through naturalization and legal aid clinics throughout Southern California during the first few years of its existence. As the student body grew, heated discussions became commonplace over such topics as the role of APAs in affirmative action programs and the *Fisher v. University of Texas at Austin et al.*³ case; race, speech, and the Muslim American community; and the 2011 California bill

2. The full founding mission statement of UC Irvine School of Law APALSA is as follows: UCI Asian Pacific American Law Students Association (APALSA) is a political, community service, academic, and social organization dedicated to serving the Asian and Pacific Islander American (APIA) communities at the UC Irvine School of Law, in Southern California, and in the greater community at large. We define the communities as broadly encompassing, but not limited to: East Asians, Pacific Islanders, South Asians, and Southeast Asians, and including immigrants and U.S.-born individuals. The mission of UCI APALSA is to promote awareness, discourse, and activism on key social justice issues facing Asian and Pacific Islander Americans, as well as other marginalized groups. UCI APALSA is committed to activities that increase the access to justice and legal services of APIA communities as a way to effect practical change. In remembering the cross-racial solidarity movement at various UC campuses in the 1960s, UCI APALSA seeks to accomplish this mission by working collaboratively with other like-minded organizations at UC Irvine, in Orange County, and around the country. UCI APALSA provides a social and academic network for APIA students in the UC Irvine School of Law community. UCI APALSA is open to all UC Irvine School of Law students. Asian Pacific American Law Students Association Constitution (on file with the *UC Irvine Law Review*).

3. *Fisher v. Univ. of Tex. at Austin*, 133 S. Ct. 2411 (2013).

that banned the sale, trade, and possession of shark fin.⁴ Through planning these discussions, panels, and events, APALSA sought to expand and promote inclusive conversations on contemporary community issues.

REIGNITING COMMUNITY

The 2011–2012 academic year marked the first year in which students filled all three classes of the UC Irvine School of Law. Energized by the larger student body and with generous funding from the UC Irvine School of Law Office of the Dean, APALSA organized and hosted a one and one-half day symposium on Thursday, March 16 and Friday, March 17, 2012 around the following four questions: (1) Who identifies as APA, and what implications does the APA identity have for these individuals? (2) Is economic justice and socioeconomic achievement an APA issue, and how does it comport with commonly held assumptions based on the model minority myth? (3) How is the APA identity complicated by the intersectional analyses? (4) How do the struggles and successes of APA racial formation inform community collaboration and interracial coalition building more broadly?

In planning this symposium, APALSA drew inspiration from the national movement of Asian American activism following the death of Vincent Chin in the early 1980s. Two men, frustrated by the loss of American automobile manufacturing jobs to Japan, beat Chin, a Chinese American man, into a vegetative coma in Detroit, Michigan. Chin died four days later. As the 2012 documentary *Vincent Who?* suggests, although this high-profile incident—wrought with ethnic and economic tensions—occurred just three decades ago, Chin’s legacy has greatly diminished, and younger APAs have largely forgotten his story.⁵ APALSA organized “Reigniting Community” to reignite our community’s once incredible momentum; inspire passion for social justice; and strengthen the APA identity through thoughtful and probing inquiry.

With this mission in mind, “Reigniting Community” began with a community-oriented kick-off event showcasing APA artwork.⁶ The evening concluded with a screening of *Vincent Who?* and a follow-up dialogue among conference participants co-facilitated by Preeti Kulkarni, one of the *Vincent Who?* producers, and a symposium organizer about key issues such as Vincent Chin’s legacy and the state of Asian American organizing today. The conversation was

4. Assemb. B. 376, 2011–2012 Reg. Sess. (Cal. 2011); *see also* Judy Lin, *Shark Fin Trade Banned in California: Jerry Brown Signs Bill*, HUFF POST (Oct. 7, 2011, 6:03 PM), http://www.huffingtonpost.com/2011/10/07/shark-fin-trade-banned-california_n_1000906.html.

5. *See* VINCENT WHO?—OFFICIAL MOVIE SITE—A FILM ON VINCENT CHIN, <http://www.vincentwhofilm.com> (last visited Dec. 20, 2013).

6. Participating performing and visual artists included: Oak and Gorski, D’Lo, Sara Jane Boyers, and Sofia Panuclos.

particularly fitting in light of the fact that 2012 marked the thirtieth anniversary of Vincent Chin's death.

The symposium began the following day, with back-to-back panels of legal scholars and practitioners presenting their research, observations, and insights to address the symposium's core questions. With hopes of advancing a culture of collaboration, APALSA organized each of the day's panel presentations in conjunction with another law student organization,⁷ showcasing the school's diversity of student organizations.

The symposium's first plenary panel focused on racial formation, pushing the complex and malleable boundaries of the Asian Pacific American political and racial identity in America. Professors Nancy Leong, Trina Jones, and Robert Chang presented research on the topic, moderated by Professor Mario Barnes. The second plenary session then examined economic justice as an APA issue, exploring current litigation strategies on behalf of low-wage workers and the histories of APA workers and lawyers striving for economic justice. Moderated by Professor Stephen Lee, panelists included Professors Julian Lim and Marc-Tizoc González as well as Asian Americans Advancing Justice-Los Angeles⁸ attorney Yungsohn Park.

The working lunch featured a facilitated discussion by UC Irvine School of Law students⁹ on recent incidents of anti-Asian violence across the country, and posed difficult questions such as why the disturbing pattern exists and what can be done to remedy or reduce identity-based violence against our communities. Next, the symposium split into a series of concurrent panels, aiming to explore intersections of APA identity and challenging the model minority myth. Panel topics included APA LGBT civil rights,¹⁰ criminality and identity,¹¹ APA feminism,¹² and APA access to education.¹³

7. Participating UC Irvine School of Law student organizations included: American Constitution Society, Black Law Students Alliance, Criminal Law Society, Latino/a Law Students Association, Orange County Human Rights Association, OutLaw, underRepresented Student Alliance, and Women's Law Society.

8. Formerly known as the Asian Pacific American Legal Center.

9. Participating UC Irvine School of Law students included: Christine Luu '13, Daniel Phan '12, Edgar Aguilasocho '12, Erica Choi '14, Isra Shah '12, Jean Su '12, Jennifer Henry '13, Jin Chong '14, Joni Carrasco '12, Kelly Suk '14, Kevin Chi '14, Lauren Davis '12, Rebecca Liu '14, Shaleen Shanbhag '14, Stefanie Wilson '14, and Zeenat Hassan '13.

10. Moderated by UC Irvine School of Law student Stefanie Wilson, panelists included Professor Kim Hai Pearson and API Equality-LA executive director Eileen Ma.

11. Moderated by Professor Jennifer Chacón, panelists included Professors Gabriel "Jack" Chin and Amna Akbar as well as Community Youth Center of San Francisco Project Manager Eddy Zheng.

12. Moderated by Professor Carrie Menkel-Meadow, panelists included Law Professor Kim D. Chanbonpin and doctoral candidate Lee Ann S. Wang.

13. Moderated by Professor Jonathan Glater, panelists included Asian American Legal Defense and Education Fund attorney Khin Mai Aung and Asian Americans Advancing Justice—Los Angeles attorney Nicole Ochi.

Symposium participants reconvened for the final plenary session on political participation, prompting a timely discussion on APA political and civic participation given the 2012 general election later that year. Moderated by Political Science and Asian American Studies Professor Claire Jean Kim, panelists included Ana Henderson from the Chief Justice Earl Warren Institute on Law and Social Policy, Professor Angelo Ancheta, and Asian Americans Advancing Justice-Los Angeles attorney Eugene Lee. Lastly, the symposium closed with remarks from UC Irvine School of Law founding Dean Erwin Chemerinsky and Western State University College of Law Professor Neil Gotanda. All panels featured academic heavyweights from leading institutions across the country as well as local practitioners dedicated to serving and advocating on behalf of the community. Their original ideas and scholarship have made this unprecedented special symposium issue of the *UC Irvine Law Review* evolve from a simple idea in conversation to actual pages of text.

SCHOLARSHIP

We continue the conversation from March 2012 in the thirteen pieces in this special symposium issue of the *UC Irvine Law Review*. Organized around the ideas of reigniting community and strengthening the APA identity, the articles approach these issues from perspectives and theoretical frameworks nearly as diverse as the APA community itself.

Amna Akbar's article, "Policing 'Radicalization,'"¹⁴ analyzes the police shift in focus from crime to "radicalization" metrics to meet preventative counterterrorism goals. Akbar questions the legitimacy and impact of this framework, particularly when used to address future rather than committed crimes.

In "Pitting Our Youth Against Each Other: Moving School Harassment and Bullying Policy from a Zero Tolerance Discipline to Safe School Environment Framework,"¹⁵ Khin Mai Aung critiques the effectiveness of the punitive approach to school bullying and harassment. She argues models that focus on prevention and rehabilitation rather than punishment can help close the gap Asian American students face as the most likely of all minority groups to be subject to bias-based abuse.

The article "'It's a Kākou Thing': The DADT Repeal and a New Vocabulary of Anti-Subordination"¹⁶ by Kim D. Chanbonpin presents and applies the Native Hawaiian term "Kākou" to ongoing efforts of the U.S. military to address and

14. Amna Akbar, *Policing "Radicalization,"* 3 U.C. IRVINE L. REV. 809 (2013).

15. Khin Mai Aung, *Pitting Our Youth Against Each Other: Moving School Harassment and Bullying Policy from a Zero Tolerance Discipline to Safe School Environment Framework,* 3 U.C. IRVINE L. REV. 885 (2013).

16. Kim D. Chanbonpin, *"It's a Kākou Thing": The DADT Repeal and a New Vocabulary of Anti-Subordination,* 3 U.C. IRVINE L. REV. 905 (2013).

remedy its exclusionary practices. Her article pushes readers to reimagine anti-subordination work as our society strives for greater inclusivity.

Robert S. Chang takes a more introspective look at the symposium's theme, "Reigniting Community: Strengthening the Asian Pacific American Identity," and explains how the Asian American community is in a constant flux. In his article,¹⁷ Chang uses the debate surrounding affirmative action as an example of how Asian American groups on opposite sides of the table are vying to "ignite" community by forging an identity more in line with their respective principles.

This issue also includes Gabriel J. Chin's article, "'A Chinaman's Chance' in Court: Asian Pacific Americans and Racial Rules of Evidence."¹⁸ In this article, Chin mines statutes and common law to unearth the presumption of dishonesty associated with Asian appearance in the United States until the mid-twentieth century. His historical look at substantially biased evidence practices prompts readers to consider ways that evidence law retains bias based on racial appearance.

In his article "Critical Ethnic Legal Histories: Unearthing the Interracial Justice of Filipino American Agricultural Labor Organizing,"¹⁹ Marc-Tizoc González examines the interracial organizing efforts of organizers in and beyond the state of California. Gonzalez presents partial histories of Filipina/o American agricultural labor organizing to advocate for critical consciousness of diversity within groups of peoples interested in advancing justice.

Ana Henderson, in her piece titled "Citizenship, Voting, and Asian American Political Engagement,"²⁰ evaluates the ways in which recent citizenship verification and data requirements under the Voting Rights Act impact the APA community's electoral clout. Henderson posits that citizenship verification laws disproportionately affect the APA community, impeding APA electoral participation as well as diluting APA voting strength.

This issue includes the article "The Significance of Skin Color in Asian and Asian-American Communities: Initial Reflections,"²¹ by UC Irvine School of Law founding faculty member Trina Jones. Building on her previous work on colorism in African American communities, Jones's article continues her interrogation of the ways in which color may be used to signal racial status and hierarchy within communities of color.

In "Half/Full,"²² Nancy Leong examines mixed Asian identity performance,

17. Robert S. Chang, *The Invention of Asian Americans*, 3 U.C. IRVINE L. REV. 947 (2013).

18. Gabriel J. Chin, "A Chinaman's Chance" in *Court: Asian Pacific Americans and Racial Rules of Evidence*, 3 U.C. IRVINE L. REV. 965 (2013).

19. Marc-Tizoc González, *Critical Ethnic Legal Histories: Unearthing the Interracial Justice of Filipino American Agricultural Labor Organizing*, 3 U.C. IRVINE L. REV. 991 (2013).

20. Ana Henderson, *Citizenship, Voting, and Asian American Political Engagement*, 3 U.C. IRVINE L. REV. 1077 (2013).

21. Trina Jones, *The Significance of Skin Color in Asian and Asian-American Communities: Initial Reflections*, 3 U.C. IRVINE L. REV. 1105 (2013).

22. Nancy Leong, *Half/Full*, 3 U.C. IRVINE L. REV. 1125 (2013).

discussing the uses and harms of commodifying and exploiting mixed Asian identity. Building on her work on what she has called “racial capitalism,” Leong sees mixed-Asian racial identity as a possible site for dialogue, challenging common understandings of race, and moving forward the national conversation on race in America.

Julian Lim’s article, “Reconceptualizing Asian Pacific American Identity at the Margins,”²³ draws on a transnational migration and multiracial framework to argue for a broader conceptualization of APA identity. According to Lim, a transnational immigrant identity can destabilize the unilinear assimilationist presumptions of past narratives while supporting broader multiracial political alliances.

In “Legal Solutions for API Transracial Adoptees,”²⁴ Kim H. Pearson explores racial identity development in the context of Asian adoptees. Using white LGBT parents with Asian adoptees as a vehicle, Pearson discusses how the Asian American community is unique in its lack of effort to claim Asian adoptees as important members of the community and how such an effort may benefit both adoptees in their quest for identity formation and the Asian American community in shielding itself from discrimination.

Lee Ann S. Wang’s article, “‘Of the Law, but Not Its Spirit’: Immigration Marriage Fraud as Legal Fiction and Violence Against Asian Immigrant Women,”²⁵ critiques the legal fiction of fraud espoused in the Immigration Marriage Fraud Amendments of 1986. The article draws from Wang’s ethnographic fieldwork conducted during 2009 and 2010 with nonprofit legal advocates who work with Asian immigrant survivors of domestic violence and human trafficking in California.

In “An Invisibility Cloak: The Model Minority Myth and Unauthorized Asian Immigrants,”²⁶ Denny Chan, a UC Irvine School of Law inaugural class member, explores how the general public conflates unauthorized immigration as a uniquely Latino issue. In his piece, Chan explains how colorism and the model minority myth work together to create the misconception that APA immigrants are not unauthorized. In addition, Chan concludes that the commonalities between Latinos and APAs, as seen with SB 1070 litigation, should help the two communities transcend the model minority myth’s wedge-like effect.

These twelve articles and one student note begin to answer the symposium’s

23. Julian Lim, *Reconceptualizing Asian Pacific American Identity at the Margins*, 3 U.C. IRVINE L. REV. 1151 (2013).

24. Kim H. Pearson, *Legal Solutions for API Transracial Adoptees*, 3 U.C. IRVINE L. REV. 1181 (2013).

25. Lee Ann S. Wang, “*Of the Law, but Not Its Spirit’: Immigration Marriage Fraud as Legal Fiction and Violence Against Asian Immigrant Women*,” 3 U.C. IRVINE L. REV. 1221 (2013).

26. Denny Chan, *An Invisibility Cloak: The Model Minority Myth and Unauthorized Asian Immigrants*, 3 U.C. IRVINE L. REV. 1281 (2013).

core questions and further showcase how the complex APA identity did and can give rise to specific and unique challenges, even thirty something years after the beginning of an APA civil rights movement. They also offer critical insight into the lessons these challenges provide for this community, and in doing so they provide the opportunity to call into question the ways in which Asian Pacific American identity is framed and viewed and to reignite the community's fervor.