

## The Moral Dilemma of Honorary Whiteness: A Comment on Asian Americans and Affirmative Action

The below is an edited transcript based on the presentation made by Frank H. Wu, Chancellor & Dean of University of California Hastings College of the Law, at a “conversation” sponsored by the non-profit CAUSE in Los Angeles on September 16, 2014.<sup>1</sup>

An audience member asked the following question.

S.C.A. 5.<sup>2</sup> On this issue, Asian Americans stood up and stood up very loudly. The Latino community seems to have taken this issue down, in hopes to maintain a coalition, but it will come back up again. What lessons can we take from this? Strategically, how should we position ourselves when taking positions? This was definitely a point when there was a lot of friction.<sup>3</sup>

The answer from Wu follows.

That is a great question.

I think you’re absolutely right. This was a crossroads, a moment of truth – we had a moral dilemma, a choice we had to make. It has temporarily subsided, but it will come back – with a vengeance.

People will want to know where we stand. Are we people of color or are we honorary whites?<sup>4</sup>

That’s the choice.

Let me give you what I hope to be a thoughtful answer, because I have been thinking about this for about a quarter century now if not longer. I hope to provoke you

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1. *A Conversation with Frank Wu*, CAUSEUSA.ORG, <http://www.causeusa.org/#1A-Conversation-with-Frank-Wu/cu6k/03AC96DD-52E1-4BF4-8CC3-FB62211190FB> (last visited Dec. 25, 2014).

2. S.C.A. 5, Reg. Sess. (Cal. 2012).

3. See Lanhee J. Chen, *An Asian American Turn to the Right?*, L.A. TIMES (Apr. 15, 2014), <http://articles.latimes.com/2014/apr/15/opinion/la-oe-0416-chen-affirmative-action-asians-democrat-20140416>; Karthick Ramakrishnan, *California Needs to Look Again at Asian Stance on Affirmative Action*, L.A. TIMES (Sept. 25, 2014), <http://www.latimes.com/opinion/commentary/la-oe-0925-ramakrishnan-affirmative-action-asians--20140925-story.html>; Laurel Rosenhall & Jeremy B. White, *Capitol Backlash Over UC Diversity Affirmative Action Splits Democrats Along Ethnic Lines*, THE SACRAMENTO BEE (Apr. 8, 2014), [http://www.latimes.com/local/la-me-asian-divisions-20140519-story.html](http://infoweb.newsbank.com/ezproxy.sfpl.org/iw-search/we/InfoWeb; Frank Shyong, Affirmative Action Amendment Divides State’s Asian Americans</i>, L.A. TIMES (May 18, 2014), <a href=); Dan Walters, *Asian-Americans Opposing Undoing Prop. 209*, THE SAN DIEGO UNION-TRIB. (Mar. 14, 2014), <http://www.utsandiego.com/news/2014/mar/14/walters-asians-affirmative-action/>; Yunlei Yang, *Asian Americans Would Lose Out Under Affirmative Action*, L.A. TIMES (Oct. 1, 2014), <http://www.latimes.com/opinion/opinion-la/la-ol-affirmative-action-sca5-asian-americans-20141001-story.html>.

4. See generally MIA TUAN, *FOREVER FOREIGNERS OR HONORARY WHITES?: THE ASIAN ETHNIC EXPERIENCE TODAY* (1999).

to think for yourselves, not to persuade you to believe as I do. I think we all need to think about this, anyone who claims to be a leader in any way. I'm not a politician, not running for office, not campaigning for your vote. So I'm just going to speak my mind.

I want to make three points.

Here's the first point. Asian Americans are angry. They are right to be angry.

I understand Asian Americans being angry. I'm angry too.

Asian Americans are angry, because of bias. Asian Americans face racial bigotry. We've talked about all of that already tonight: The Chinese Exclusion Act;<sup>5</sup> the Japanese American internment;<sup>6</sup> the Vincent Chin case;<sup>7</sup> attacks on Vietnamese refugee fishermen in Louisiana and South Asian immigrants in New Jersey;<sup>8</sup> the glass ceiling;<sup>9</sup> and so on.

Much of this is hardcore, egregious, and undeniable. It is, in legal terms, *de jure* discrimination. Some of it is structural, subtle, ambiguous, complex. It is, in legal terms *de facto* discrimination.

We know it all too well. You've been engaged, and I've been moved by having this conversation. Many of you have personal experience with these issues.

But there is something further, another reason for Asian Americans to be upset. It's more than the discrimination itself.

It's denial. This is the "perpetual foreigner syndrome."<sup>10</sup>

Many people insist we have no right to complain: we're newcomers (or so they suppose); we have it better here than we would "back home" (as they see it); we're doing well anyway (meaning we deserve to be taken down a notch).

One of the things that is so frustrating, that is so depressing, is that when you stand up and speak out, you finally declare to yourself and others, "I'm going to do something about this," when you talk about Asian Americans, sometimes people who are civil rights leaders, who are African American or Hispanic look at you and say, "What do you have to complain about? You're trying to horn in on our movement."<sup>11</sup>

It isn't easy for Asian Americans to march, protest, and join a movement. We've been told we should just go back to where we came from.

And there is a germ of truth to stereotypes.<sup>12</sup> Asian cultures haven't encouraged participation in democracy and dissent. The Japanese proverb, "The nail that

5. *Chae Chan Ping v. United States*, 130 U.S. 581 (1889).

6. *Korematsu v. United States*, 323 U.S. 214 (1944); see also GREG ROBINSON, *A TRAGEDY OF DEMOCRACY: JAPANESE CONFINEMENT IN NORTH AMERICA* (2010).

7. See Frank H. Wu, *Why Vincent Chin Matters*, N.Y. TIMES (June 22, 2012), <http://www.nytimes.com/2012/06/23/opinion/why-vincent-chin-matters.html>.

8. See *Vietnamese Fishermen's Ass'n v. Knights of the Ku Klux Klan*, 518 F. Supp. 993 (1981); Michel Marriott, *In Jersey City, Indians Protest Violence*, N.Y. TIMES (Oct. 12, 1987), <http://www.nytimes.com/1987/10/12/nyregion/in-jersey-city-indians-protest-violence.html>.

9. See generally JANE HYUN, *BREAKING THE BAMBOO CEILING: CAREER STRATEGIES FOR ASIANS* (2006).

10. FRANK H. WU, *YELLOW: RACE IN AMERICA BEYOND BLACK AND WHITE* 79 (2002).

11. Toni Morrison, *On the Backs of Blacks*, TIME (Dec. 2, 1993) <http://content.time.com/time/magazine/article/0,9171,979736,00.html>.

12. See *ASIAN AMERICANS AND POLITICS: PERSPECTIVES, EXPERIENCES, PROSPECTS* (Gordon H. Chang ed., 2002).

sticks up is pounded down” and the Chinese saying “The loudest duck is shot first” encourage deference to authority and conformity to tradition. Compare the American adage, “The squeaky wheel gets the grease.”

Yet when Asian Americans finally get the courage and then become organized, the response from those whom we would like to join can be surprising.

They perceive us as Johnny-come-latelies. We’re a threat.

The people who we are counting on to be our allies aren’t there for us. Sometimes, not often but every now and then, you run into someone who is black or brown – and anti-Asian. Given the opportunity, they say things that are just like what a white bigot would say. Then you’re flabbergasted, and you say, “I thought we were together.”

I get Asian American anger about being excluded, and not just excluded, but being excluded when you show up and you say, “I want to be part of the process to fight,” and people won’t let you fight with them, because they want to fight against you.

There is a mirror image to that, though. That’s the second point.

Every now and then, I’m in a room, not this room but a room like this, where there are a lot of Asian Americans. You get to talking, and I’m appalled by someone, in a room similar to this, who is Asian American and says, “You know, we really are smarter. We really do work harder. We really are going to take over.”

Instead of critiquing the model minority myth, they want to celebrate it.<sup>13</sup> They take it as a point for bragging. For some, it’s biological superiority; for others, it’s cultural superiority. In either case, the “Yellow Peril” threat posits that Asians want to take over the world.<sup>14</sup> It’s Fu Manchu plotting. Some would like to make that true. They do believe on some sort of conquest, and it’s as silly as the Fu Manchu machinations.

Then they express these notions of Asian supremacy – what has been popularized as the “tiger mother” phenomenon;<sup>15</sup> it’s as if they are thinking to themselves, “we’re better, the Blacks should just study and work hard.” Some of them will use the n-word, or other words like that (in their original tongue), and they will be open in their contempt.

I’m not going to mince words; I’ve been around Asian American bigots. It is ugly, and I think to myself, “Wow, you actually hold such views about ‘those people.’”

I don’t know whether you’ve been in a room like that where it’s your cousin, or your cousin’s cousin, or your in-laws. Sometimes, they’re not really bigots. They just haven’t learned the etiquette of race. Other times, it would be difficult to deny that they’re unreconstructed racists. They’re saying things that the Ku Klux Klan would say, but they’re saying it in an even more brute way.

13. See Wu, *supra* note 10, at 39-78.

14. See JOHN KUO WEI TCHEN, *YELLOW PERIL!: AN ARCHIVE OF ANTI-ASIAN FEAR* (2014).

15. AMY CHUA, *BATTLE HYMN OF THE TIGER MOTHER* (2011). See also AMY CHUA, *THE TRIPLE PACKAGE: HOW THREE UNLIKELY TRAITS EXPLAIN THE RISE AND FALL OF CULTURAL GROUPS IN AMERICA* (2014).

We've got to deal with this problem candidly. There are Asian American big-ots; there are Asian Americans who have attitudes which, let me put aside principle, let me just talk nitty-gritty politics: The people who are Asian Americans who say things like that, if they went out in public and said anything like that, they would last about two seconds. There is no Asian American in their right mind who has any leadership role – whether corporate, non-profit sector, or higher education – who is going to stand up and say things like that, because they know better.

But I'm just waiting for the day when some Asian American leader or some purported leader, who gets caught saying something like that, because it's going to happen. Then, the people who might have been our allies or who we want to be our allies, we will have lost them forever, because someone said something avoidable. That would be just so stupid. (The Prime Minister of Japan a generation ago, for example, made remarks along these lines.)<sup>16</sup>

We cannot allow ourselves to burn bridges before we've crossed them. Maybe some people in this room would name names. There are Asian Americans who I think come pretty close to doing that. They claim to represent a race and do everyone a disservice.

Or Asian Americans who are purely self-interested. Of course, we all care about our own success, our families, our communities (however defined). That is human nature. I am not disputing that.

But raw self-interest is not the same as principled self-interest. Regardless of your politics, the one position you cannot take if you intend to be a member of a democracy is one in which you declare: I am in it for my own gain and nothing else.

The concrete version of this is an Asian American who advocates for, demands affirmative action or diversity programs if she herself will be included and benefit directly, but then opposes it, claiming to have some ideal, if they believe (sometimes erroneously) that others will receive an advantage at their expense. They do this simultaneously: we need affirmative action at the workplace, because of the glass ceiling, but we reject it in college admissions.<sup>17</sup>

You certainly can present yourself in this manner. But you will have few allies. There is nothing persuasive to anyone else about your position.

Here's my third point. Here's the challenge. Here's my real answer to your excellent question.

How do we frame this so this is not a story of African Americans and Hispanics versus Asian Americans, but instead it's a story about equity, and fairness, and access, and support for public higher education. How do we get people to see that it's not a choice between African Americans and Asian Americans, between Hispanics and Asian Americans?

That is a false dilemma. That's a dichotomy. That is a divide-and-conquer.

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16. Mark Landler & Andrew Horvat, *Nakasone Apologizes to Americans for Remarks*, L.A. TIMES (Sept. 27, 1986), [http://articles.latimes.com/1986-09-27/news/mn-10375\\_1\\_nakasone-apologizes-remarks.html](http://articles.latimes.com/1986-09-27/news/mn-10375_1_nakasone-apologizes-remarks.html).

17. See Gabriel J. Chin et al., *Beyond Self-Interest: Asian Pacific Americans Toward a Community of Justice, a Policy Analysis of Affirmative Action*, 4 UCLA ASIAN PAC. AM. L.J. 129 (1996).

It's exactly the way you put it in your question.

What's really going on here, when you step back and look at it, is that UCs, the CSUs, the community colleges, have not grown at the pace they need to grow at. There's been a disinvestment in public higher education, rankings have made everyone a little crazy, plus there is global competition. All these factors come into play.

Here's what happens, you could not invent anything better if you were a white supremacist. What happens is, African Americans and Hispanics get all stirred up, the Asian Americans all get stirred up, and everyone misses the big picture. We are locked into this struggle. That's what SCA 5 did; it forced minority groups to come into conflict in a terrible way.

You know who's going to suffer?

While I'm not a politician, but I know politicians.

You know who the real losers in this are?

Progressive Asian American office holders.

They are caught between the proverbial rock and a hard place. Think about democratic politics; think about Sacramento and Washington DC. I'm talking about the people whom we are proud of, Asian Americans who have been elected – not easy, since they typically have to be great bridge-builders to have any chance of success at the polls. They cannot rely on Asian American supporters alone, which means they are among the most talented Asian Americans in their abilities within the hurly-burly of democratic politics.

Well, they need to work with the Black Caucus and Hispanic caucus.

Do you think, if we force Asian American public officials to take positions where they have to burn the bridge to placate us, do you think they'll ever get a piece of legislation passed, ever? If you ask Asian Americans, at least progressive Asian Americans, "Who do you need to carry a bill for you in Sacramento?" Their friends, people they caucus with, are Black and Hispanic.

If they come out hard, because they're forced to, and condemn the people they spent decades working to foster ties with, that's it.<sup>18</sup>

There's part of me that says, I don't care what your politics are, I don't care what color you are, I don't care what your principles are: just be pragmatic about this.

Stirring up a fight where you're going to take on African American and Hispanic leaders, do you think Asian Americans are sufficiently powerful that in a head-to-head racial contest, that we want to bring that on?<sup>19</sup>

There is a better way to do this. We can frame this about building more flagship campuses, increasing access, and ensuring that there is a fair opportunity for every individual, every family, and every community. There is a third way, and

18. See ERIC K. YAMAMOTO, *INTERRACIAL JUSTICE: CONFLICT AND RECONCILIATION IN POST-CIVIL RIGHTS AMERICA* (2000).

19. In sheer numerical terms, the Asian American population in 2010 was 14.7 million. The African American population was 38.9 million. The Hispanic population was 50.5 million. 2010 Census Data, UNITED STATES CENSUS 2010, <http://www.census.gov/2010census/data/>.

it's not about conflict, it's not about minority versus minority conflict that would destroy California.

The only future we have here, I think, is ensuring that we all work together. When you look at Asian Americans, when you look at segregation, when you look at voting, there's something very interesting about Asian Americans. And this is in general, when you average it all out. This is not me saying this is how it should be or shouldn't be. If you look at the social sciences that study all these statistics,<sup>20</sup> guess where Asian Americans fall on all this stuff: about halfway between Blacks and Whites. It's really interesting. Asian Americans, we're neither Black nor White. If you take housing segregation, if you look at some of these metrics, Asian Americans face segregation, but they don't face nearly as much as Blacks and Hispanics, but they face it. (Disaggregation of Asian Americans reveals these effects starkly.)

That means there is something we can do.

I don't mean to be grandiloquent, pompous or overreaching for us as a group. There's something we can do, because we are neither black nor white.

We can see both sides. There's a role that we can play that's conciliatory, that's bridge building.

That is what, to me, is unique about the Asian American experience. It's not racial pride; it's this idea that we will bridge build.

Asian American inherently is like that. To call yourself "Asian American" is to say that I will align myself with people where my grandparents were at war with their grandparents.<sup>21</sup> Hyphenated identity is accused of being "balkanizing." It's the opposite. It's uniting: Asians whose ancestors hated one another become Asian Americans who embrace shared experiences. (It's also an expression of putting down roots here: the declaration of "American" in the term is not trivial.)

Here in the United States, we're not at war anymore. Here we create something new and different.

We write the scripts of our own lives. By doing so, we do more than talk about ourselves. We rewrite the story of America. That's what drew us, strangers from a different shore in the words of the leading history of us as a people.<sup>22</sup>

That is what I hold out as our hope.

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20. See JOHN R. LOGAN & WEIWEI ZHANG, US2010 PROJECT, SEPARATE BUT EQUAL: ASIAN NATIONALITIES IN THE U.S. (2013); NAT'L ASIAN AM. SURVEY, <http://www.naas-survey.com/reports/field-2014-affaction.html> (last visited Jan. 19, 2015). See also KARTHICK RAMAKRISHNAN & TAEKU LEE, NAT'L ASIAN AM. SURVEY, VIEWS OF A DIVERSE ELECTORATE: OPINIONS OF CALIFORNIA REGISTERED VOTERS IN 2014 (2014) (noting that Asian Americans are supportive of affirmative action programs).

21. See YEN LE ESPIRITU, ASIAN AMERICAN PANETHNICITY: BRIDGING INSTITUTIONS AND IDENTITIES (1992); WILLIAM WEI, THE ASIAN AMERICAN MOVEMENT (1993).

22. See RONALD TAKAKI, STRANGERS FROM A DIFFERENT SHORE (1998).