

Editor's Note

At last year's Advancing Justice Conference hosted by the Asian Law Caucus, Jose Antonio Vargas reminded us in his keynote speech that the very question of who an American is and what an American looks like is not just black or white. In this volume, the *Asian American Law Journal* strives to remind our community that who an Asian American is and what an Asian American looks like is remarkably diverse.

In public discourse, Asian Americans are represented as a monolith; members of a community that look the same, speak the same language, and eat the same food. Frequently, Asian Americans are represented as Chinese or "Chinese-looking" despite the fact that the term Asian American encompasses a vast variety of countries of origin and ethnicities, including India, Laos, the Philippines, Vietnam, and Micronesia.

What's more, discrete, marginalized communities within the Asian American community fall even further under the radar than the general population. These Asian Americans—Asian American survivors of domestic violence; lesbian, gay, bisexual, transgender Asian Americans; and other Asian Americans with multiple identities have a different and unique set of struggles.

This volume reflects *AALJ's* renewed commitment to expanding and deepening the dialogue surrounding what it means to be Asian American. The articles in this volume were selected to ensure that Asian American communities that have traditionally been underrepresented in our journal and elsewhere, have a voice.

Our volume begins with an article by Roel Mangiliman and Myron Dean Quon entitled, *In the Margins: How Mainstream Legal Advocacy Strategies Fail to Fully Assist Asian American, Native Hawaiian, and Pacific Islander LGBT Youth*. This is the first legal article to explore the relationship between Asian American, Native Hawaiian, and Pacific Islander LGBT youth community and the law, and attempts to account for why no legal scholarship or popular legal decisions have been associated with this community.

In *The Demise of Community Policing? The Impact of Post-9/11 Federal Surveillance Programs on Local Law Enforcement*, Veena Dubal examines the recent growth in joint federal and local surveillance programs and what happens to local policy when it becomes entangled with federal counterterrorism initiatives. Dubal argues that the federal focus on unpredicated "pre-emptive policing" destabilizes the mutual trust that is fundamental to the letter and spirit of local community-policing reforms.

Cecilia Chen and Andrew Leong's piece, *We Have the Power to Make Change: The Role of Community Lawyering in Challenging Anti-Asian Harassment at South Philadelphia High School*, is a companion piece to Chen's 2010 recent development article, *We Want an Education in a Safe School: Students Demand Institutional Accountability for Anti-Asian Violence at South Philadelphia High School*. Chen and Leong's article explores the complexities that a community lawyering approach brings and the value that it lends in a case study of virulent anti-Asian violence at South Philadelphia High School.

In, *The Taraval Hate Crime*, Eugene Lee and Max Mizono compare and contrast the highly publicized deaths of Vincent Chin and Kuanchang Kao with the vicious mob-style beating of five young Asian American men in 2003, now known as the Taraval Hate Crime. The authors then propose solutions to help ensure that perpetrators of hate crimes are convicted so that victims and their families can achieve justice.

Paul Yin's piece, *The Narratives of Chinese-American Litigation During the Chinese Exclusion Era*, captures some of the personal narratives and stories of the Chinese community during an era where racial discrimination against Chinese Americans was codified in the law. The article examines how they challenged the exclusionary laws in the courts, or sought to enforce rights that they believed inhered by residence or birth in the United States.

James Thomas Tucker defends the importance of Section 203 of the Voting Rights Act in his recent development piece, *The Census Bureau's 2011 Determinations of Coverage Under Section 203 of the Voting Rights Act Mandating Bilingual Voting Assistance*. Tucker argues that Section 203 helps non-English speaking, voting-age U.S. citizens overcome language barriers to political participation by requiring covered jurisdictions to provide bilingual written materials and oral language assistance.

In his recent development piece, *How State Photo Identification Standards Can be Used to Undermine Religious Freedom* Rajdeep Singh contends that facially neutral and generally applicable laws that forbid headcoverings in driver license photographs can harm religious minorities.

Similar to the themes explored throughout this year's volume, race and identity issues played a considerable role in our event programming throughout the academic year. The 15 year anniversary of the approval of Proposition 209 (preventing universities from considering race, ethnicity, and gender) and the recent veto of SB 185 (permitting use of these factors) sparked substantial conversation and reflection surrounding affirmative action. It became apparent that a central question missing from the ongoing debate was the impact of affirmative action on the Asian American community. Does it help or hurt? Does it reflect the diverse experiences and the educational and economic gaps within the community?

To explore these questions, *AALJ* and the South Asian Law Students

Association (SALSA) invited Grace Lee, Policy Advocate for Chinese for Affirmative Action; Karan Dhadialla, President of SALSA at UC Berkeley School of Law, and Derek Zhou, Internal Vice President of UC Berkeley College Republicans, to address the divergent views on the role of affirmative action and its impact on the Asian American community.

Our fifth annual symposium was entitled: *Landscaping Racism and the Asian American Movement in the 21st Century*. Our symposium included morning and afternoon plenary sessions addressing the issues and trends of racism against Asian Americans in the status quo, both in academic theory and in practice. The lunch keynote speech was given by the honorable Edward M. Chen, Federal Judge for the Northern District of California. During the morning discussion distinguished academic scholars from across the country were asked to provide their perspectives on how the traditional academic lens used to understand race relations applies to or fails to account for Asian Americans. During the afternoon discussion practitioners from Chinese for Affirmative Action, the Asian Law Caucus, and the Sikh Coalition were asked to discuss how their work furthers the Asian American movement, their thoughts on what is being done to fight racial and religious injustice, and the legal obstacles that impair that work.

While our symposium addressed the role of race in the Asian American movement, our annual Neil Gotanda Lecture, *Asian Identity and the Market*, examined the role of race and gender in reproductive tourism. Professor Lisa Ikemoto, AALJ's 2012 Neil Gotanda lecturer, discussed the ways in which Asian identity intertwines with concepts of biological race, stratifies reproduction, and deploys "orientalism" to validate certain choices.

The *Asian American Law Journal* would like to thank the Asian American community—the youth at South Philadelphia High School, the Chinese immigrant pioneers who fought against racist legislation in the early 1900s, the victims of the Taraval Hate Crime, the countless Arab, Muslim, and South Asian Americans who are profiled and targeted by local and federal authorities, and the brave APA LGBT youth around the country—for its contributions to our society. Their courage inspires us to document their struggles, and reminds us that the Asian American community is not only diverse, but also incredibly resilient.

In Solidarity,

Gina Szeto
Editor-in-Chief
2011-2012
Asian American Law Journal