

The CAAAV VOICE

Newsletter
of the
Committee
Against
Anti-Asian
Violence

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Editorial

CANDIDATES SURVEYED ON RACIAL VIOLENCE

This summer, the whirl of controversy surrounding Spike Lee's "Do the Right Thing" highlighted people's concerns around racial tensions and police violence. The alarming increase in racist hostility and attacks, by both citizens and police officers in this city, needed to be addressed in this year's electoral campaigns. With this in mind, CAAAV joined with the Center for Law and Social Justice (Medgar Evers College) and the Latino Rights Project to survey the candidates on their proposals for combatting racial violence. (see survey on pages 3 and 4).

We sent the survey to all six mayoral candidates. Mayor Koch and the two Republican candidates, Rudolph Giuliani and Ronald Lauder, failed to reply, even after repeated calls. We also polled the candidates for District Attorney in-Brooklyn, the only borough with an active District Attorney race. Because Dan Feldman and Norman Rosen never responded, only Charles J. Hynes' answers are noted. As for those candidates that did not bother to complete this survey, we can only assume that addressing racism is not a priority for them.

The following comments are directed to the responses made by the three mayoral candidates. Copies of the complete survey responses are available upon request.

All three candidates acknowledge the importance of combatting racial violence and support enactment of a

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Panelists Yin and Maguigan at community forum.

(Photo by Y. Yoshikawa)

Forum on Chen Wife-Killing Case COMMUNITY CALLS FOR WATCHDOG ON USE OF CULTURAL DEFENSE

"Although the Chen decision is final, this is just the beginning of the use of the cultural defense. That's why it is crucial for Asian Americans and women's rights advocates to help frame its appropriate use," maintains CAAAV co-chair Monona Yin.

Toward this end, 85 people turned out on June 27 for a standing-room-only forum on the Dong Lu Chen case. Three months earlier Chen had been sentenced to only five years probation for killing his wife, based largely on information of questionable accuracy and relevance about Chinese culture. (see Spring 1989 CAAAV Voice).

The forum speakers were Holly Maguigan, professor at New York University Law School and an expert on battered women and the legal system; Barbara Chang, staff person for the New York Asian Women's Center, and Monona Yin, representing CAAAV and the Organization of Asian Women.

Chang discussed the enormous problems of Asian battered immigrant women and the numerous obstacles they face in seeking legal and social assistance. She also described how the Chen case served to reinforce these women's feelings that the criminal justice system does not value their lives, and that it is futile to seek justice through it.

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ASIAN MAN MURDERED Vincent Chin Revisited

The racially motivated killing of an Asian American, shockingly similar to that of Vincent Chin seven years ago, was repeated in Raleigh, North Carolina on July 29. That evening, Ming Hai Loo, a 24 year old Chinese American, preparing to enter the University of North Carolina this fall, was pistol-whipped to death by two white men. The assailants called Loo and his four Asian companions "gooks, slant-eyes and Chinks" and said their "brothers went over to Vietnam in the war, and they never came back." Loo and his friends, three of Chinese and one of Vietnamese descent, were accosted inside a North Raleigh poolhall and then physically attacked outside. Witnesses report that the victims repeatedly attempted to avoid any confrontation. Approximately 50 other patrons in the poolhall apparently stood by while Robert C. Pitch and Lloyd R. Pitch went to their car for weapons. First they returned with a shotgun which they swung and shattered on the ground. They then used the butt of a pistol to hit Loo in the head. He died two days later.

As the CAAAV Voice goes to press, the grand jury is scheduled to consider indictments against the Pitch brothers whom the police have charged with murder. However, District Attorney C. Colon Willoughby, Jr. said his office would not be influenced by racial considerations in its investigation. As racial bias is the only known motivation in this case, CAAAV calls for both murder and federal civil rights charges to be brought against the defendants. CAAAV urges you to write to the Civil Rights Division, U.S. Department of Justice, Washington, D.C. demanding a civil rights investigation of Loo's murder. Send copies of the letters to CAAAV. □

VICTORY IN CHINATOWN POLICE BRUTALITY CASE

After two and a half years, the case of police brutality against the Wong/Woo family has finally come to a close. The determined efforts of the family, their attorneys, Asian American Legal Defense and Education Fund, and the New York Asian American community were vindicated with the settlement - \$80,000 from the city and \$10,000 from Manhattan Cable TV.

In January, 1987, two white police officers forcibly entered the Wong's Chinatown apartment, assaulted the four family members and arrested them on false charges. The continual

community presence in the courtroom and the petition campaign protesting the family's treatment, organized by CAAAV, eventually led to all charges against the family being dismissed. Subsequent CAAAV demonstrations at the District Attorney's office and the police precinct were not successful in bringing indictments against the police officers involved. However, these actions certainly influenced the city's decision to settle, rather than go through a public trial. □



Wong/Woo Family Supporters Deliver Community Indictment of 5th Precinct Police on July 28, 1987.
(Photo by Kahang Chan)

CHEN FORUM cont.

Maguigan debunked parallels between the Chen case and the Kimura case that took place in California two years ago, which has often been cited as a precedent for the use of a cultural defense. Fumiko Kimura, a Japanese immigrant, received probation for the drowning deaths of her children. Community members had argued successfully that Kimura's attempt to perform "oyako-shinju" (parent-child suicide) was a result of her culture and is very common in Japan, where it is regarded as manslaughter. As a result, Kimura was allowed to plead guilty to manslaughter.

However, in the Chen case, it cannot be argued that his crime would have been treated as manslaughter in either China, Hong Kong, or Taiwan,

according to attorneys in those countries. Rather, he would most likely have been tried for murder.

Thus, Maguigan concluded, we should be clear that the cultural defense succeeded in the Chen case primarily because of our own legal system's failure to protect battered women, especially women of color.

CAA AV, along with other concerned organizations and individuals, is exploring ways to educate criminal defense attorneys, prosecutors and judges about legitimate interpretations of our social and cultural backgrounds. We must demand sensitive and informed use of the cultural defense to put the lives of Asian Americans, immigrants, and people of color coming before the criminal justice system within the appropriate social context. □

CANDIDATES SURVEY ON RACIAL VIOLENCE

	Hynes	Koch	Dinkins	Ravitch	Giuliani	Lauder	Goldin
1. BIAS-MOTIVATED VIOLENCE							
a. Do you support the enactment of a New York State anti-bias crime bill that would increase the penalties for crimes motivated by a victim's race, color, national origin, creed, sex, disability, age or sexual orientation?	yes		yes	yes*			yes
b. Do you support the establishment of a special prosecutor's office to prosecute bias crimes?	no		yes				no
c. Would you support funding to increase the availability in NYC law enforcement agencies of multilingual staff and quality translators to reflect the city's immigrant population?	yes		yes	yes*			yes
d. In neighborhoods where there are racial and ethnic tensions, do you believe your office should play a role in resolving conflicts? If so, what steps would you take? What agencies would you involve in the process?	yes		yes*				yes*
2. EXCESSIVE USE OF FORCE BY NYC POLICE							
a. Do you think that excessive use of force by the police is a problem in NYC?	no		yes				no*
b. Are structural changes needed in the NYC Police? If so, in what areas - composition, training, supervision, disciplinary process?	yes		yes				yes*
c. Do you support the restructuring of the Civilian Complaint Review Board? If so, how - in membership, staffing, powers?	yes		yes				
3. CIVIL RIGHTS							
a. Do you support the City Council resolution to make New York a multilingual city?	yes		yes	yes*			yes
b. Would you increase funding for ESL classes for immigrant New Yorkers?	yes		yes	yes*			yes
c. Do you support the City Council bill which would add alienage as a protected class under NYC's Human Rights Law?	yes		yes	yes*			yes
d. Would you enhance the ability of the NYC Commission on Human Rights to investigate and prosecute instances of discrimination in employment, housing, and other areas?	yes		yes	yes*			yes
e. Do you think the NYCCHR is taking an adequate role in addressing areas of racial tension in this city?	no		no				no
f. Would you establish other programs or offices to deal with racial issues?	yes		no*	yes*			no
4. CRIMINAL JUSTICE SYSTEM							
a. Do you believe the criminal justice system has been sensitive to the diverse racial and ethnic groups that comprise NYC?							
b. Do you support the death penalty?	no		no	no*			no
c. Do you think the death penalty would disproportionately affect specific racial or ethnic groups more than others?	yes		yes				yes
d. Do you think that the Tactical Narcotics Team (TNT) is effective in the war on drugs?	no		no*	no*			yes
e. Do you believe that additional safeguards are needed to ensure that civil rights are not violated in the implementation of TNT?	no		yes*				no
f. Would you propose other programs to combat drugs?	yes		yes	yes*			yes
g. Do you support the expansion of drug treatment programs? What type of programs, if any, would you support?	yes		yes	yes*			yes
h. Do you favor continuation of the grand jury system? What alternatives, if any, would you recommend?	yes						yes
5. YOUTH							
a. Do you believe that the NYC public school system is racially and/or economically segregated?	yes		yes*	yes*			
b. Would you support curriculum or other programmatic changes or addi-	yes		yes*				yes

* Indicates candidate did not respond directly to question and answer was inferred.

SURVEY cont.

	Hynes	Koch	Dinkins	Ravitch	Giuliani	Lauder	Goldin
tions in the NYC public schools to decrease racial tensions and promote inter-ethnic understanding?							
c. Would you increase funding for bilingual education in the schools to accommodate the growing immigrant population?	yes		yes*	yes*			yes
d. Would you allocate more funding for after-school programs?	yes		yes	yes*			yes
e. Would you support job training programs for youth to provide them with careers with a future? What kind?	yes		yes	yes*			yes
6. ECONOMIC DEVELOPMENT							
a. Would you take measures to stop redlining of minority and poor communities by banks?	yes		yes				yes
b. Would you develop policies in city hiring, at all job levels, to overcome the underrepresentation of Latino, African and Asian American workers?	yes		yes				yes
c. Would you improve and expand job training programs so that minority workers could gain access to skilled jobs?	yes		yes				yes
d. Would you improve programs to aid small, minority-owned businesses?	yes		yes*				yes

VOTE IN THE PRIMARY, TUESDAY SEPTEMBER 12

Racist Violence in NYC

CAAAV PLATFORM FOR CHANGE

Criminal Justice System

- Support a New York State bill that increases penalties for bias-motivated crimes
- Urge institution of permanent special prosecutor's office for bias-related crimes
- Oppose the death penalty
- Institute reforms for vigorous prosecution of excessive use of force by NYC police
- Restructure Civilian Complaint Review Board to be all civilian, with independent functions and powers
- Increase multilingual staff and qualified translators throughout the system

Civil Rights

- Declaring NYC multilingual
- Ensure aggressive enforcement of the newly expanded NYC Human Rights law which includes alienage as a protected class
- Expand role of NYC Commission on Human Rights in enforcement of NYC Human Rights Law and in intervention in areas of racial tension

Youth & Education

- Institute ethnic studies and anti-racism curricula in public schools for all ages
- Establish after-school and training programs that better prepare youth for jobs with a future

Economic Development

- Enact measures to stop discriminatory practices by banks against poor and minority communities
- Improve and expand job training programs for women and people of color
- Implement a stringent affirmative action plan in city hiring at all levels
- Establish set-asides to encourage minority and women-owned businesses to compensate for past discrimination

EDITORIAL cont.

state anti-bias crime bill. However, only Dinkins feels that the increasing problem of bias-related crimes "demands vigorous, consistent prosecution" by a state special prosecutor's office. This view reflects CAAAV's position. All three call for the mayor's office to take a leadership role in resolving racial conflicts. In addition, Dinkins sees the need to "address the root causes of racial inequality." Goldin comments that "communities without hope foster an atmosphere that contributes to uncontrollable youths and racial and ethnic tension."

On the question of police violence the candidates' views are more disparate. Considering the great influence that the Mayor's office has on this problem, for example the appointment of the police commissioner, the differences among the candidates are critical. The Patrolmen's Benevolent Association - an organization that not only has a history of conflict with police officers of color, but also has vociferously protested disciplinary or criminal action against police officers who have assaulted or murdered people of color - has endorsed Mayor Koch. In his survey response, Ravitch refuses to deal with the issue of police reform at all. Both Goldin and Dinkins call for im-

WHO WILL RUN NYC --- AND WHO DECIDES?

Did you know that you are living under a city government that has been declared unconstitutional and that, in a city of half a million Asian Americans, not a single Asian American sits on the commission appointed to design a new city government?

On March 22, 1989, the Supreme Court ruled that the New York City Board of Estimate is unconstitutional, violating the principle of "one person - one vote," as guaranteed for underrepresented groups by the Voting Rights Act. The Board of Estimate controls the key economic decisions affecting New York City, including dispersal of billions of dollars of city contract money and land use decisions, and shares power with the New York City Council to approve the city budget.

On August 2, 1989, the Charter Re-

vision Commission completed its plan for restructuring the New York City government. If approved by the U.S. Justice Department, this plan will appear on the November, 1989 ballot.

Asian American, Latino, African American and other concerned people have protested this extraordinarily short, rushed process for developing a new city government. Few in the Asian American community were even aware the process was underway, given the extremely late outreach to Asian organizations by the Commission, lack of translated materials until very recently, and the absence of Asians on the Commission or its staff.

The African American, Latino, and Asian American Coalition for a Just Government, of which CAAAV

is a member, has submitted a challenge to the Commission's proposal to the Justice Department, charging that the truncated process was undemocratic, especially against people of color who have historically been excluded from the political process, and that the new proposal fails to remedy the constitutional violations. The Coalition urges a delay in the referendum until November, 1990 to provide time for input from the underrepresented groups. The Justice Department has until this October to rule on the constitutionality of the new Charter.

While the Commission's final proposal did expand the City Council to 51 members, which will hopefully facilitate more minority representation, and give more power to the City Council over some land use and budget decisions, the Mayor also gained power. He would appoint the majority of the

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EDITORIAL cont.

provements in training and supervision of the police. However, on the problem of excessive force by the police, Goldin states that "while it is still comparatively rare, there seem to be more incidents than a decade ago." (emphasis added.) He then retreats from even this mild condemnation by making excuses for the police. "The police force of today is less experienced and faces greater dangers than in the past. This inevitably increases the possibility that police officers under extreme stress might overstep the bounds of proper police conduct by acting precipitously or employing excessive force." (emphasis added.)

Dinkins does not hesitate to condemn the police for excessive use of force and abusive and discriminatory behavior. "I have repeatedly spoken out on many of the egregious cases, including the deaths of Michael Stewart and Eleanor Bumpurs and the police riot in Tompkins Square Park. I also established...a public safety hotline...to assist those who have been victims of police abuse and misconduct."

In the survey as well as on the televised debate of August 1, Dinkins calls for a Civilian Complaint Review Board that would be independent of the police, with all civilian personnel

who are not employed by the Police Department. In this same debate Ravitch opposed Dinkins' proposal. Judging from our experiences with the Board and police disciplinary procedures, these changes are certainly necessary.

All three candidates see the City's Human Rights Commission as an important agency for prosecuting discrimination under the City Human Rights Law. Ravitch advocates "empower[ing]" the Commission, while both Dinkins and Goldin support additional funds to enable the Commission to fulfill its mandate. They both feel the Commission needs to take a more aggressive role in instituting programs to defuse racial tension before it starts. Goldin states that he would call on the Commission to develop "a plan to deal with racism in city services and to reduce racial tension in the city within 90 days after I assume office."

Overall, candidates Dinkins, Goldin and Ravitch do agree on various recommendations for decreasing racial polarization and confronting racist violence. Their proposals for an anti-bias crime bill, measures to recognize language and alienage rights, and expansion of the Human Rights Com-

mission's role would all better protect the rights of people of color in this city. Efforts to prevent redlining, to encourage minority businesses, and to improve job training programs would enhance economic opportunities for poor and working people and increase economic development in our communities.

Beyond these measures, we see an urgent need for stronger actions to challenge city institutions that permit or encourage racist harassment and attacks. Dinkins is the only candidate to call for a special prosecutor's office for bias crimes, an all-civilian Civilian Complaint Review Board, affirmative action for city jobs, and set-asides in city contracts for minority businesses. Furthermore, we found Dinkins' proposals, in general, to be more specific and substantive.

Then there are the candidates who did not answer our survey. No candidate can represent the interests of people of color without addressing the racial tensions in this city. Racist violence and police brutality are blatant manifestations of deep and pervasive problems for New York City. These issues cannot be ignored.

As the majority in this city, African Americans, Asian Americans and Latinos must demand that our concerns be addressed. □

WHO DECIDES cont.

important City Planning Commission that will oversee land use, and assume some powers previously in the hands of elected officials.

As an example of the Commission's disregard for minority concerns, it refused to revise section 440 of the City Charter, which sets forth the structure of the Civilian Complaint Review Board (CCRB) of the New York City Police Department. The CCRB consists of six mayoral appointees and six civilian

employees of the Police Department, appointed by the Police Commissioner. Community groups have called for the establishment of an independent CCRB. The current CCRB was virtually useless in the police beatings of the Wong/Woo family in Chinatown and of the Korean bicyclist, Yong Kook Ou, and the transit police killing of Vuthikrai Thienvanich, a Thai man in Brooklyn.

In two brief discussions, the Commission decided that the board was "working well" and "ought to

be given a fair shot," in spite of the numerous CCRB complaints raised by minorities at previous Commission hearings.

The Coalition for a Just Government is requesting letters to be sent by September 15 to the Justice Department to support their challenge to the revised Charter. The Coalition's analysis and sample letters describing Asian community concerns are available from CAAAV. Call for a copy. □

The Committee Against Anti-Asian Violence (CAAAV) was formed in the spring of 1986 to give a voice to Asian American concerns about racism, racist violence and police brutality in the New York area and to work with other communities under attack. Our work includes advocacy for victims, community mobilization, documentation of incidents of anti-Asian violence, public education, lobbying and coalition-building.

CAAAV can be reached at (718) 857-7419.

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