

The CAAV VOICE

Newsletter
of the
Committee
Against
Anti-Asian
Violence

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SPRING 1989

Editorial

CAA AV CALLS FOR AN END TO KOCH RULE

The New York City mayoral campaign is heating up, and it's time that Asian Americans look closely at the incumbent, Edward I. Koch, and at how his three terms in office have affected us.

One critical issue for Asian Americans is the increasing racial polarization and violence in this city. Asian students are being attacked in their schools. Families who venture into predominantly white communities to live are being harassed and their homes vandalized. On the streets of New York, Asian Americans have been the victims of unprovoked assaults, sometimes by NYC police of-

icers. The situation demands leadership and thoughtful intervention from our city officials, institutions, and agencies. Mayor Koch's position has given him the most responsibility and the greatest opportunity to affect racial relations in this city. How has he responded to these challenges?

To answer this question, we cannot ignore the desperate economic situation of many New Yorkers. During these eleven Koch years the quality of life has plummeted in New York City. In 1988, over 45% of adult New Yorkers were not in the labor force. Meanwhile, the mayor's Talent Bank, supposedly a job-referral program for women and minori-

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Mody Killers Let Off With Aggravated Assault

The Mody trial closed on the last day of March with one defendant convicted of simple assault and three convicted of aggravated assault. Sentencing of those convicted of aggravated assault occurred in mid-April, resulting in maximum sentences of 10 years, but with an undetermined minimum sentence.

Navroze Mody died after he was attacked September, 1987 by a group of eleven young men in Hoboken, NJ. Only four of the eleven attackers were indicted, and the original charges against them did not include murder.

To protest the verdict in the trial, a coalition of Indian community groups organized a rally at Journal Square in Jersey City on April 9 at which hundreds of Indians attended.

The Mody killing occurred in the context of rising racially motivated vi-

olence, coming from a group called the "Dotbusters," whose sole objective is to terrorize the Indian community into leaving New Jersey.

The prosecution in the Mody trial did not sufficiently investigate the racial motivation in Navroze Mody's murder, even when later reports came in that two of the defendants were implicated in an earlier attack on Indians. The prosecutor claimed that the defendants were not "dotbusters."

CAA AV continues to support the Indian community in its fight to remain in New Jersey without further attacks. We deplore not only the inadequate charges of the killers, but also the failure of the prosecution to charge racially motivated bias and that seven criminals remain free of charges.

See page 5 for more on NJ Indians.

CAA AV Comments

Wife Killing Is Murder!

On March 30, recent Chinese immigrant Dong Lu Chen was sentenced to five years probation for second-degree manslaughter in the beating death of his wife.

Involving a complicated use of the so-called "cultural defense," the case has sent, nevertheless, a very simple, and dangerous message: Asian women may not be protected under American law from domestic violence, even unto death.

The presiding judge in the trial, Judge Edward W. Pincus, was heavily swayed in his decision by the "expert testimony" of Burton Pasternak, a Hunter College anthropologist.

Pasternak testified that in China marriages are held sacred and that a wife's infidelity would bring "great shame and humiliation" upon her husband for his entire life. So much so, argued Chen's attorney Stewart Orden, that because of his background, upon learning that his wife was having an affair, Chen could reasonably have been expected to become enraged and strike her, causing her death.

This argument brings together serious misperceptions of contemporary Chinese culture and a double standard regarding sexual conduct that penalizes women in virtually all cultures.

According to Sharon Hom, a CUNY Queens College Law School professor (who recently returned from two years in Beijing as a Fulbright law professor), Chinese law specifically addresses and condemns domestic violence. Contrary to the implications

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NYC Special Services for Children Targets Filipino Family

We always believed the system going to protect our interests. When we look back, it looks like naivete was what got us in this predicament."

This was the sad summation made by Geobaldo Guce, a Filipino immigrant, about his encounter with the New York City Special Services for Children. It ended with his conviction on charges of rape, sodomy, incest and child abuse against his five-year-old daughter. He was sentenced to nine years in jail December 1988. To this day, Guce maintains his innocence and is appealing his conviction.

A Health Department physician initiated the charges of sexual abuse, based on physical findings observed during a routine pre-school exam of Guce's daughter. According to medical experts who subsequently examined the child, those findings alone could not prove sexual abuse. The doctor attempted, unsuccessfully, to present an accusation from the child by threatening separation from her parents. The next day, she and her two siblings were forcibly taken from their

parents and isolated from each other for the next two weeks in separate foster homes.

They were subjected to two months of interrogation by a series of social workers. During these two months, the children first denied sexual abuse and then attempted to satisfy the interrogators with various alternative perpetrators. They were finally interrogated by a woman who six months previously had been found by a Queens County Supreme Court judge to have orchestrated her own children's allegations of sexual abuse against her estranged husband. With threats of continued separation from the parents, she finally extracted an accusation from the five-year-old girl.

Two psychiatrists have since reviewed the process of questioning the children. They have concluded that the child's allegation against Mr. Guce was unreliable, probably the product of induced false memories and beliefs. Unfortunately, the defense counsel did not seek out such expert consultation for the trial.

Many in the Filipino community are convinced that the Guce family was

victimized because the Special Services for Children was anxious to turn around its reputation for inadequately protecting children.

As Theresa Rodrigues, spokesperson for the Committee for Justice for the Guce family, aptly put it, "Aldo and Rose Guce became a convenient statistic for reforming the embattled child protection system. Overworked, barely trained social workers found in them two vulnerable immigrants, who did not know their way around and were, therefore, easy prey to a powerful but chaotic system."

The Committee is calling on Commissioner Cesar Perales of the New York State Department of Social Services to look into irregularities of the Guce case. They are also raising funds for Guce's appeal. The Committee's address is: 80-13 87th Avenue, 2/F, Woodhaven, NY 11421.

--*Lourdes Marzan*



Wife Killing cont.

Pasternak's testimony, she maintains that Chinese society has made great efforts in the past decade to reverse the feudal acceptance of wife abuse under any circumstance.

Why then did Judge Pincus accept this outdated and perhaps biased testimony? One reason was certainly the prosecutor's failure to challenge it with his own expert, or at the minimum, a rigorous cross-examination. The wife outrage from other scholars on Chinese society following the sentencing points to any number of credentialed witnesses who would have contradicted Pasternak's conclusions.

Although Brooklyn District Attorney Elizabeth Holtzman immediately condemned the Chen sentencing because it "suggests that women's lives, and particularly minority women's lives, are not valued," it was her office that missed the opportunity to convince Judge Pincus that women's lives are valued in Chinese society. Not only Chinese women, but all

women, have historically been accused of deserving what they get if they stray from the norms of submissive female behavior. Just as rape victims' actions are scrutinized as if they, and not their attackers, were on trial, Jian Wan Chen's alleged extramarital affair was used to justify her husband beating her in the head eight times with a hammer.

Whatever Jian Wan Chen's conduct, her brutal murder was an outrage. If the roles had been reversed, would she have received probation? This case legitimizes a sexual double standard under the guise of respecting an immigrant's native culture.

Already, the precedent set by the case endangers the work of organizations like the New York Asian Women's Center, which counsels primarily immigrant women to use legal means to protect themselves from their abusers. After this case, many women are even more reluctant than before to utilize the criminal justice system for fear

of their abusers claiming cultural justification for their violence.

In a multicultural society such as ours, we have an obligation to protect women equally as men, in addition to maintaining a cultural sensitivity. Part of that protection is sending a clear judicial message that wife abuse will be dealt with strictly. The use of cultural information in criminal trials should be introduced if the facts support it, but it must be carefully examined for accuracy, relevance, and to insure that it does not mask a bias against women. In the Chen case, this was not done.

CAAAV is working with other women's and Asian groups to raise the problematic and difficult issues of this case. We will be co-sponsoring a forum to discuss legal and political responses to the Chen case. Watch for a mailing.

Filipino Family Harassed in Queens

The happiness of moving into a new home rapidly turned into a nightmare for a Filipino family in Queens.

Albert Betito and Elizabeth Tejada moved into a two-family house with their seven-month-old son, Nikko, in July, 1987. At first, their neighbors in this predominantly white neighborhood treated them as if they did not exist. But this "peace" did not last long.

Neighborhood white youth began a sustained campaign of harassment and abuse. Taunts such as "look at that monkey," gibberish that supposedly sounded like Tagalog, obscene gestures, and snowballs and eggs have been hurled at the family, other relatives and friends who visited their home. Twice they found broken eggs on their windows, and a rock was thrown at their van, denting the side.

After this harassment became unbearable, the family took their case to court, which directed them to community mediation. The ringleader was reprimanded and both parties were ordered to stay away from each other. Shortly thereafter, their van was stolen and then recovered badly vandalized.

Since this personal nightmare began, Betito/Tejada found that they were not alone in their plight. Since non-whites began moving into the area, every such household has been the target of harassment.

The home of a Puerto Rican/Chinese couple was pelted with rocks. An Iranian man was verbally abused. A Latino boy was beaten up at a nearby park. Two older immigrant women have been taunted. When Betito/Tejada tried to bring their neighbors together, most felt that nothing could be done and resisting would only make the situation worse. Harassment of Betito/Tejada escalated after they tried to start a neighborhood petition.

It is clear that these experiences are not an isolated case of bad relations among some neighbors. Rather, it is the racist reaction of whites who feel "their turf" is being overrun by people of color.

Stockton, CA Asian Community Sees Killings As Racist

"The Asian community's first reaction to hearing about the Stockton killings was, contrary to the official response, that this certainly was racially motivated," stated Mike Wong, steering committee member of Break the Silence Coalition Against Anti-Asian Violence in the San Francisco Bay Area. Yet, a few days after January 17, when Patrick Purdy went on a shooting rampage at an elementary school killing four Cambodian and one Vietnamese child, the Stockton Police Department closed the case, stating that it could not find any racial motivation by Purdy, be-

other Asian community organizations, immediately called upon state and local officials to investigate this tragedy. In addition, they urged that hearings be held to focus on the background conditions which led up to and helped create the volatile situation in the San Joaquin area. Although Attorney General John Van de Kamp has ignored their request for hearings, he has assigned two agents and a psychiatrist to explore Purdy's mental and criminal history and to assess the degree to which ethnic hatred was part of his motiva-



Grieving for the victims of the Stockton massacre.

cause he was already dead.

"Purdy's entire trappings suggested planning, deliberation, and hate against Southeast Asians," said Wong. Purdy wore military fatigues and carried assault weapons. His target was a school which is nearly 70% Asian. One student present during the attack reported that Purdy did not fire randomly, but specifically targeted Asians students. Twenty-two of the thirty-one wounded were of Southeast Asian descent. Purdy was described by a former co-worker as a man who "hated Vietnamese" and believed that Vietnamese took jobs from Americans. "Surely," continued Wong, "this is evidence that this was no random, drive-by shooting."

Break the Silence, joined by several

tion.

Both California Governor George Deukmejian and the Stockton Police Department have denied the request for public hearings to examine the tragedy. Such an inquiry is critical to prevent another such incident in areas where large numbers of refugees reside. Since 1975, the population of Southeast Asians in San Joaquin County has grown to 30,000.

The hostility against the Southeast Asian community is likely to be shared by many in the San Joaquin area. As with much of the history of racist violence in this country, the same economic factors exist: an influx of immigrants into an area with high unemployment and a depressed economy, with no job market able to

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End Koch Rule cont.

ties, is being investigated as a corrupt source of patronage jobs. Thousands of New Yorkers have been forced to make the streets their homes. In response, Koch designed a campaign against beggars, declaring that "either they are mentally disturbed or it's a scam." Our public hospitals have become "worse than Beirut," according to an emergency room physician alarmed at the lack of staff and resources. Koch offered no solutions except to suggest that the whistleblowing doctor resign. Last year, Jesse Jackson's campaign galvanized all peoples to hope for a better life in New York City. Koch's reaction to Jackson's campaign was offensive and divisive, saying that Jews would be "crazy" to vote for Jackson. In the face of worsening conditions, shrinking options, and a mayor who tends to polarize situations, escalating racial violence is inevitable.

In October, 1987, Asian residents and shopkeepers were confronted with a racist campaign to drive them out of south Brooklyn. Several hundred thousand anonymous fliers, delivered door-to-door, warning of "a complete takeover" by Chinese "drug lords" and Korean "Moonies." Residents were urged to boycott Asian businesses and refuse to sell their homes to Asians. The problem did not stop at hateful words. Asian residents and shopkeepers suffered harassment, vandalism, and a partial boycott. Two real estate offices named in the fliers had their windows smashed repeatedly. Other realtors removed listings in Chinese and Korean from their windows.

How did Mayor Koch respond to this crisis? Koch made a single appearance, well-covered by the media, at a community meeting that urged residents to work together to oppose the fliers. Behind the scenes, the mayor's office attacked CAAAV for raising concerns about racism at the meeting and opposed our work to broaden Asian participation in the community coalition.

These efforts were not those of a mayor truly addressing our problems. What we witnessed was a cynical ef-

fort to use a crisis in our community as an opportunity to make a public show of concern. Koch's office tried to maneuver and control the situation so that it could be used to counteract his abysmal record in dealing with racial polarization in this city. Certainly, a brief, one-time appearance does not provide leadership, let alone a substantive solution.

Where was Mayor Koch last fall when tensions flared between Korean merchants and some African American residents in Bedford-Stuyvesant? This time there was no cameo appearance by the mayor. When Korean merchants contacted the mayor's office, there was no offer to



*Korean Americans for Peace & Justice joined CAAAV in March for Racial Justice on Martin Luther King Day, 1989.
Photo by Monona Yin.*

mediate the situation. Instead, the only intervention proposed by Koch's office was increased police protection, a step that could have easily inflamed an already volatile situation. Koch's representatives did not appear until negotiations, convened by Assemblyman Al Vann and facilitated by Bill Chong, from the State Division of Human Rights, were well underway. This belated and inadequate response shows Koch's callousness toward the Asian American community's struggles and the African American community's anger at their lack of economic empowerment. Under the Koch administration, the Asian, African American, Latino, and gay and lesbian communities have been plagued by assaults and murders perpetrated by the New York City and transit police, on and off duty. **Mayor Koch and his appointee, Police Commissioner Ward, must be held responsible for the alarming incidence of police violence against minority communities.**

CAA AV has documented assaults by

police officers against Koreans, Chinese, and Japanese Americans in Queens, upper Manhattan, midtown, Chinatown and Brooklyn. Asians have been beaten in the street for minor traffic violations. A family was attacked in their home and dragged to jail for two days because of a brief, verbal disagreement with a repairman. A Thai-Chinese man, making his weekly trip to Chinatown, was murdered by transit police. No disciplinary or criminal action has been taken against any of these police officers. The mayor has yet to take a stand against these assaults on our community. This serves not only to

encourage racist violence by the police, but also by private citizens.

Despite Mayor Koch's professed concern for the Asian American community, his actions have proven to be opportunistic at best. He has polarized this city by repeatedly antagonizing different racial and ethnic communities, and by making scapegoats of the very victims of his administration's economic and social policies. Asian Americans should not be fooled by Mayor Koch's rhetoric or false promises, which have produced little except resentment from other struggling, disenfranchised communities.

Asian Americans must join with the growing movement - of African Americans, Latinos, gays and lesbians, workers, the homeless - demanding to be put on the agenda of this city and working to defeat Koch in 1989.

**More on the Mayoral Race
in the Next Issue!**

Do You Know What the NYC Police Do For Bias-Related Crimes?

This article is the first part of a series on the various governmental agencies that have some role in dealing with the problem of racist discrimination and violence. We will not only be listing offices with their telephone numbers and their mandated functions. We will also be evaluating their usefulness, based on our experiences and observations.

NYC POLICE DEPARTMENT

Bias Incident Investigating Unit

(BIIU) (212) 374-5267

Contact: Inspector Michael Markman

The BI IU investigates and classifies criminal activity with bias motivation. At best, this is only useful for documentation of the problem, because bias motivation does not carry any additional criminal penalties in New York State at this time. BI IU involvement brings extra staff, specially trained for such situations, to a case. The BI IU also trains police officers in recognizing and handling bias cases.

An investigation for bias motivation is normally initiated by the police officer or precinct captain involved with the arrest. If they feel that bias might be a factor in the crime, they report it to the BI IU. The BI IU makes the determination as to bias motivation. Private citizens can report an incident or appeal a precinct captain's evaluation by calling the BI IU directly.

We have found the BI IU all too eager to minimize the problem of racism in New York City. Even when they do classify incidents as bias-motivated, they tend to claim that attacks are isolated incidents by a few hateful people. This belies the pervasiveness and depth of the problem. It also leads the BI IU to discourage public outcries against racism as unnecessary reminders of a problem that they believe would otherwise fade away by itself.

New Immigrants Unit

(212) 674-5370

Asian liaisons: Jeff Hong (Korean)

George Chin (Chinese)

This unit offers information to immigrants on their rights in the criminal

justice system - rights to police protection, importance of reporting crimes, rights as a criminal defendant. They act as a liaison between the police and immigrant communities. They do not generally deal with crimes involving racial violence, except to aid the BI IU.

Civilian Complaint Review Board

(CCRB) (212) 323-8750

295 Lafayette Street, NY, NY 10012

The CCRB reviews complaints of police use of excessive force, abuse of authority, ethnic or racial slurs, or discourtesy. To file a complaint against a police officer you can: (1) go to any police precinct, not necessarily where the incident occurred, to fill out a complaint form; (2) fill out a form at the CCRB office; or (3) write a letter or telephone a complaint in to their office.

Victims of police abuse are often arrested to justify the use of force. If you have charges pending against you, you should consult your attorney before filing a complaint or talking to CCRB investigators.

The CCRB is heavily influenced by the police department and often bases its conclusions on police investigations and reports. They rarely rule against the police. In January of this year, Ward threatened to strip the CCRB of

its powers to recommend departmental trials or punishment. This would further limit its usefulness.

Internal Affairs Division (IAD)

(718) 834-4300

IAD investigates police officers for corruption or criminal activity and recommends departmental disciplinary action. These investigations are generally activated by the police department itself. A private citizen can also contact IAD with a complaint. This can be done anonymously if you fear harassment or retribution. However, the investigation might be hampered without the complainant's testimony. If the abuse occurred while you were under arrest, you certainly should not speak to IAD without consulting your attorney.

IAD is a branch of the police department. It is unusual for IAD to act against a police officer.

TRANSIT AUTHORITY POLICE

Civilian Complaint Review Board

(CCRB) (718) 330-3319

The two police forces are separate entities. This CCRB has similar functions as the NYCPD CCRB. To

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NJ Schools Begins Diversity Training

A pilot training program on "Bias, Diversity and Life Skills" at Dickenson High School in Jersey City is part of an educational response to continuing racial violence in New Jersey.

Some students at Dickenson High School were found with "Dotbuster" ID cards, and racial tensions in the school have been high in recent months.

Elizabeth Miu-Lan Young of Inter-Change Consultants designed the program specifically for this setting, and began implementation in early March. Indian Youth Against Racism (IYAR) helped to set up the training, and has also drafted an informational pamphlet on India and the Indian American population which will be made available as a teaching resource at all levels in the Jersey City public school system.

The Jersey City public school admin-

istration is enthusiastic about this approach to racial and cultural conflict, and plans to integrate it into the curriculum throughout the school system. Program objectives are to start students talking about diversity in an empowering way, to teach them skills to handle conflict, and to train a core group of social studies teachers to continue both the dialogue and the training. The approach is designed to benefit all participants, not only members of groups that are targets of bias.

IYAR has been fundraising to cover the costs of this year's pilot program. Any contribution would be appreciated. Please contact IYAR, c/o Sonya Gidumal, 415 Central Park West, NYC 10025, (212) 749-2996.

Stockton cont.

absorb their numbers.

Break the Silence is meeting with Southeast Asian community groups in the Stockton area to discuss future action. The coalition sees local and state hearings as a valuable tool for educating the Stockton community to the types of problems faced by refugees. Organizers believe hearings could spur the implementation of specific recommendations for addressing hate-related violence, such as the establishment of a human relations commission for the San Joa-

quin County, and the development of prejudice-reduction programs in the schools and community

The Stockton Southeast Asian community has organized a scholarship fund in the memory of the slain children, dedicated to youth who are committed to building and organizing the community. Contributions may be mailed to: Southeast Asian Community Development Foundation, c/o the Center for Southeast Asian Refugee Resettlement, 875 O'Farrell Street, San Francisco, CA 94109.

Do You Know cont.

file a complaint, you can: (1) report to any police officer; (2) fill out a complaint form at any police precinct or transit office; (3) write a letter to the Chief of the NYC Transit Police, 370 Jay Street, 2/F, Brooklyn, NY 11201; or (4) telephone the above number with your complaint, asking for the Civilian Complaint Investigation Bureau.

This CCRB has the power to recommend departmental discipline. However, it too is heavily influenced by the very department it is meant to investigate.

To be continued in the next issue.

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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