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“The Implications of ‘Bleached-Out’ Professionalism for Racialized Lawyers and Communities”
Panel Discussion with Avvy Y. Y. Go, Charles Smith, and Frank H. Wu

Transcript of session delivered by
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I'd like to tell you a story—a story about a case that occurred in Detroit, Michigan, in 1982. It's a story about a case that I remember well because I grew up in the suburbs of the motor city and it's a story that was important in the formation of the Asian American community, not just in the State of Michigan, but throughout the midwest. For this story to make sense, it's important to set the context. As many of you know, having grown up on this side of the border, Detroit, Michigan, was once a place of hope and optimism, of industry. It was the fourth largest city in the United States, with the peak population shortly after World War II of almost two million. People flocked to Detroit then, from the world over, whether it was immigrants from Europe or the great migration of African Americans from the south. They came because it was home to what was then the “Big Four”, the auto makers—Ford, General Motors, Chrysler and AMC—who had good, high-paying jobs that didn't require a tremendous education. And so, people could find their way to those factories and work on the assembly line, have good careers, be represented by unions, raise families, own their own houses, and retire with benefits.

But all that changed. All that changed in Detroit because of the very automobiles that were produced. As Detroit grew, as suburban sprawl started, as strip malls opened, the city's core started to empty out. That began well before 1967, but it was accelerated when the worst riots, the worst race riots in the United States, occurred in 1967. It was after the Watts riots in Los Angeles but before the riots across the United States in 1968, when Martin was shot, when Bobby Kennedy was also shot. In 1967 it happened in Detroit at a time when the population was still predominantly white—when the boulevards were still graced by elm trees before they were ravaged by disease—when there were many middle-class neighbourhoods there. There was a riot there that took the lives of some four dozen people that caused billions of dollars of damage—

when the National Guard had to be called out, and when tanks rolled down Woodward Avenue, the major thoroughfare.

That was the defining moment of the modern era. It accelerated the exodus from the city so that today, Detroit is the only city in the United States to have reached a million in population and then to have shrunk back below one million—a city that was once 70% white is now 85% black. A city that once had a stable middle-class, now is impoverished and on the verge of bankruptcy. And it's in that context that the case that I'd like to tell you about occurred, in what is the United States statistically the most segregated metropolitan area—where Eight Mile Road, made famous by the recent movie, was a border that was not just political, not just geographic, but political and cultural as well. That was symbolic. In 1982, Detroit was doing even worse than it is now, for it has rebounded and it's starting to see better times again as it has seen in the past.

But in 1982, times were tough throughout the United States. There was a recession going on far worse than anything that we've seen recently. Mortgage rates were at 15 per cent or higher. The Detroit auto industry was struggling. It was facing competition as it never had before. After the oil embargo in 1973 and 1974 when the United States had to ration gasoline, when prices per gallon went over \$1.00 and shockingly, when you had to line up to fill up the tank, well the U.S. cars—those gas-guzzling V8s, the American iron, the muscle cars—they ceased to be as popular as they once were. And throughout the 1970s, imported cars, that people would have sneered at, scoffed at, never wanted to buy before—those economy cars, the compacts made by Honda or what was then called Datsun or Toyota—well, they started to do well. People started to buy not just a few here and there as a novelty, as a curiosity, but they started to buy enough that the U.S. automakers' shares began to plummet. And so, across the border from here, there were layoffs, there were plant closings. It was a time when the U.S. auto industry finally realized that competition would be global and that its dominance was no longer assured and that Detroit might not always be the home of global automobile manufacturing.

Well, it was against that backdrop that this case took place. Against a backdrop when there was quite a bit of what was then called “Japan bashing”. People were very angry about Japan as they said “It's because of Japan we have these mortgage rates, it's because of Japan that we have to ration gas, it's because of Japan that the U.S. auto workers are imperilled, that plants

are closed, that people are being laid off, there are pink slips and firings, and the Big Four aren't making the profits that they used to." If you turned on the television, you could see commercials for domestic auto dealerships where they'd raffle off the opportunity to throw a cinder block through the windshield of an imported car or to take a baseball bat and bash one to pieces. It was a time when people wore T-shirts that showed an atomic bomb mushroom cloud, that said proudly, "Made in the U.S.—Tested in Japan". It was a time when people feared the Land of the Rising Sun. There was a sense that the Pacific was ascendant, that the West was failing. And it was against this sort of backdrop that it was dangerous to drive imported cars. There were places where you couldn't park. It simply said, "No Jap cars here." And if you did park in that zone, someone would come along and key your car. They'd take a key and run along the fender and gouge it and ruin the paint job.

Well, it was in 1982, in a suburb of Detroit, close in and not that far from the city proper, that a young man named Vincent Chin, a U.S. citizen, 27 years old, of Chinese descent, as it happened, went out with some friends of his to celebrate his upcoming wedding. It was a bachelors night out, no different than that that many American men, red-blooded, patriotic American men, might have engaged in. These were no saints—they went out to a bar, it was actually a strip club. It was called the Fancy Pants Lounge. They just wanted to have a good time. And Vincent and his friends, they went out there and well, they had a few drinks. They watched the show. They ran into two other gentlemen, two gentlemen who were auto workers who had been laid off, who happened to be white. It was a father and a stepson, they were there to watch the show and to have a few drinks as well. And they spotted Vincent Chin and they said to him, "It's your fault, it's your fault we're out of work." They called him a dirty, mother-f.....g Jap. They used some other racial slurs and obscenities. It wouldn't have been much more than one of those unpleasant encounters of men at a strip club, if they've had a little too much to drink, if not for what happened afterward.

For Vincent and his friends, well, they'd had enough and they left after a short while. And these two other gentlemen, they left as well. They left. They followed Vincent Chin. This was, remember, in a time when we didn't have the concept of hate crime. That term didn't even exist. We didn't have any laws that would protect against people being targeted for violence, even death, on the basis of their skin colour, the texture of their hair, or the shape of their eyes. Well, these two gentlemen, they drove around the neighbourhood, a few blocks by the strip club,

looking for Vincent Chin and his friends because, well, they wanted to find him. They wanted to catch up to him. In essence, they hunted him down and when they caught up with him—about half an hour later after they'd been searching, it was at a fast food restaurant, not that far away—they went up to him, accosted him. One of them knocked him down and the other one went to the trunk of his car where, as it happened, well, they happened to have a baseball bat, a Louisville Slugger. They took repeated swings at Vincent Chin's head just as you would have had at an imported car to show your anger, to show who's really in charge. They took repeated swings at his head until they had literally fractured his skull open. And they left him unconscious in a pool of his own blood there. He never recovered. He fell into a coma and three days later, Vincent Chin died from mortal wounds inflicted upon him. Because though he was of Chinese descent, though he was a U.S. citizen, he was in some vague way associated with Japan, with Asia, with the Japanese automakers—Honda, Toyota, Datsun—the Japanese Prime Minister. In the minds of men who were angry, who faced genuine economic uncertainty, who had had a drink or two and who, well, who were expressing a sort of visceral competition in fear, this notion of invasion, of being taken over, of jobs being lost, real Americans being squeezed by these immigrants from different shores.

And what was interesting about this case is what happened afterward. As if it weren't tragic enough that the guests for Vincent Chin's wedding went to his funeral instead, what happened, there were plenty of witnesses to this brutal assault. There was no question of guilt. But these two gentlemen, knowing that the prosecution would be successful, they plead. They plead out and they were sentenced to manslaughter, not murder. They were given a sentence by a judge who said in a statement from the Bench, an impromptu statement—this happens every now and then with judges, there as here, I'm sure—the judge said—Well, these were decent men, they were family men. They had jobs. They're not likely to do this again. And so, we have to fit the punishment to these individuals—so he gave them probation and a fine that they did not pay—a fine of \$3,780.00 for having killed Vincent Chin in this moment of anger and hatred. I wonder if the judge would have done this to anyone else if it had been two African American men who had hunted down someone who was white and taken a baseball bat and beaten him, bludgeoned him to death—if he would have made the same statement that these were decent men with families, who had jobs, they wouldn't do this again.

Well, be that as it may, this was a moment for, not just people of Chinese descent or Japanese descent, but everyone of Asian descent, and everyone who cared about civil rights. It was a moment when people realized it was not enough to be complacent. It was not enough to put your head down and to work hard, to try to succeed, to try to assimilate, to fit in in the suburbs because your very success could be a cause for resentment to people who would nonetheless look at you, whatever your job was, even if you, like so many of the other Asian immigrants, like my own father, worked for the U.S. car companies, for that then, as now, is how they make up their research and development departments with Asian immigrants who toil away facing a class ceiling, never being promoted into the upper echelons of management. But there were so many Asian immigrants, no different than Vincent Chin and his family in the Detroit metropolitan area, who suffered no differently than anyone else than their neighbours who were white or black, the uncertainty of the mortgage rates, the possibility of a layoff by what would then have been the Big Four. Well, it was a moment when people realized that it wasn't enough to go about their lives, to urge your children to study hard and to get into a good school—that there was this risk, this danger that someone who was angry with you, someone who had had a drink or two, someone who had been laid off or for fear of the layoff, might look at you—and because as you would hear said so often, “Well, you all look alike anyway.” Well, they would take their anger toward Japan out on you, whether or not you were a citizen, whatever passport you carried, whatever occupation you practised. It was a moment too of coalition-building out of this tragedy, out of the travesty of justice, out of this crisis. Asian Americans, whose ancestors would have hated one another in Asia—for there is no sense of Pan-Asian identity in Asia other than that associated with imperialism or conquest—well, people realized you could be called “Jap” even if you were Chinese, you could be called “Chink” even if you were Japanese, you could be called “Gook” whether you were Korean or not. And so, it was important to build bridges. It was important to build bridges because this one union leader remarked before the protests started at the sentence given to Vincent Chin's murderers—this one union leader actually remarked, “Well, the problem here was that they picked on someone who was Chinese, not Japanese,” as if to suggest that the brutal assault would have been justified had they only been a little more precise in their hatred, had they identified someone of the correct ethnicity.

And so, it was a moment when Asian Americans realized that they had to reach out—Chinese to Japanese, to Koreans, to Vietnamese, and to South Asians—that for so many with

hatred in their hearts it really made no difference, these subtleties, these distinctions we might want to maintain—of language, of religion, and so on and so forth. It was a moment too when Asian Americans realized how important it was to reach out to other ethnic groups, to organized African American groups, to Jewish groups that had non-profits, that had community centres, that were experienced in activism. For this was a group that although it was middle-class, there were professionals, there were engineers and there were doctors. Those people with skills. Well, because they literally spoke another language, they didn't know the language of civil rights, of protest. They didn't know how to march, to gather. They didn't know what to do when faced with what they knew to be an injustice other than they knew they had to do something.

And so, it was in this context that a group of lawyers, graduates most of them of Wayne State University, formed a group called American Citizens for Justice. And they did march. They did protest. They wrote letters to the editor. They did everything that others counselled them to do. They did everything that is so American in spirit, to stand up and speak out, to not follow the Asian traditions of deference to authority, fidelity to tradition, of avoiding controversy. This group did everything they could to ensure federal prosecution, which was moved to Cincinnati and ultimately, was unsuccessful. They worked in a civil suit which did succeed, although the murderers of Vincent Chin, pleading poverty, did not ultimately pay any of the judgment that was awarded to his mother and to his estate. And so, these lawyers worked tirelessly and on a pro bono basis for a number of years, and out of this grew the Asian American Bar Association of Detroit. And it persevered and kept up its work for so long as there was a sense of injustice, for so long as people could remember the Vincent Chin case. But it waned over time, this sense of injustice, this sense of community, this demand to be engaged and people went back to their lives. They went back to their families, their careers. And over time, American Citizens for Justice—well, it doesn't have an executive director now, it doesn't have an office. The Asian American Bar Association more or less folded and has been inactive for half a decade now.

And so I wonder, if someone who grew up here and who returned here, looking at the better times that we are now seeing, I wonder in our discussions about professionalism whether we can sustain this sense of mission, this sense of the importance for each of us to do something for all of us. In the absence of a crisis, in the absence of an egregious mistake, in the absence of the extreme cases that we all know to condemn, whether it is possible for us to be pro-active, to be positive, to see that with civil rights for communities come civil responsibilities for leaders,

especially for lawyers. For, in the end, it turned out that the lawyers who worked on the Vincent Chin case, what was most important about their professional role, and this was not merely because they were Asian immigrants, not merely because they had to do this literally, it is true I believe for most lawyers, what was important about their role was that they served as translators. They served as translators to explain the justice system to Asian immigrants and Asian immigrants in turn to the justice system. They served as translators who would form a narrative, who would be able to tell the story, as I have told, about Vincent Chin and about the life that he led, about the community of which he was a part—a story that would be compelling, a story from these disparate pieces, from the actions which, taken by themselves, don't have any particular meaning. But it is that effort for those of us as members of the Bar, of those of us who are on the Bench, to give meaning to the lives of, especially in these confrontations, these disputes, as violent as they may be, to form them into a narrative that compels us to do more. To care about the people who don't look like us. And to learn as we care about individuals who are ever more distant, that there are principles at stake that we all can subscribe to.

And so, it is an honour to have been asked to be part of this panel discussion. I hope that cases such as the Vincent Chin case, as tragic as they are, will provide the impetus for all of us in this room to ask what it is that we can do, not only to remedy the situation after the fact, but what it is that we can do to ensure that we can form a sense of community, a sense of stakeholding, where we are not judged in this way, where violence is not done to our bodies, where the message is not sent to our communities that some of us belong as equals and others are to be excluded and shunned and driven out. If we can do that, then the United States and Canada will be able to live up to the promise of the new world of which we are a part—a world to which we have welcomed people from cultures from throughout the globe who subscribe to the common notions of democracy, of diversity, of decency and, above all, of the rule of law. It is up to us, I would suggest, to give this notion of professionalism and practice, meaning not merely through panel discussion, but in the work that we do, each of us and all of us, on a day-to-day basis.