

HEALING OUR OWN

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For this keynote address, I will talk about something that links us, divides us, and has the potential to bind us closely—something, however, that we often find difficult to discuss and to write about. That something is, first, grievances among our communities of color that sometimes prevent us from building deep alliances, and second, ways to heal the wounds resulting from those grievances.¹

Our time together today will be largely what we call in Hawai'i "talk story." Its meaning lies in the messy stories of interracial grievance and healing that I will tell and in the greater clarity those stories will bring to your own similar experiences.

Let us start by acknowledging that for many of us these are "Alice in Wonderland" times—times in which "civil rights initiative" means the dismantling of affirmative action;² times in which a "civil rights victory" can mean an agreement to *end* a school desegregation consent decree in San Francisco backed by the NAACP;³ and times in which a progressive civil rights group pays a large sum to a white teacher to forestall a Supreme Court ruling.⁴

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¹ For a fully developed discussion on interracial grievances and healing, see ERIC K. YAMAMOTO, *INTERRACIAL JUSTICE: CONFLICT AND RECONCILIATION IN POST-CIVIL RIGHTS AMERICA* (1999) [hereinafter YAMAMOTO, *INTERRACIAL JUSTICE*]. See generally MARTHA MINOW, *BETWEEN VENGEANCE AND FORGIVENESS* (1998); NICHOLAS TAVUCHIS, *MEA CULPA: A SOCIOLOGY OF APOLOGY AND RECONCILIATION* (1991).

² See CAL. CONST., art. I, § 1(a) (1996) ("The State shall not discriminate against or grant preferential treatment to any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting."). This law is colloquially known as Proposition 209.

³ See generally Eric K. Yamamoto, *Critical Race Praxis: Race Theory and Political Lawyering Practice in Post-Civil Rights America*, 95 MICH. L. REV. 821 (1997) [hereinafter Yamamoto, *Critical Race Praxis*] (describing settlement of Chinese American claims of discrimination in *Ho v. San Francisco Unified Sch. Dist.*, (N.D. Cal. 1986)).

⁴ See generally *Taxman v. Bd. of Educ. of Piscataway*, 91 F.3d 1547 (3d Cir. 1996), cert. dismissed, 522 U.S. 1010 (1997). Sharon Taxman, a white schoolteacher, was laid off while an equally qualified black teacher was retained. See *id.* at 1551. Her appeal, pending before the Supreme Court, was withdrawn as part of a \$433,500 settlement, paid partially by a civil rights organization which sought to preclude the conservative Court from ruling on the case. See also David Savage, *Black & White Case*, A.B.A.J., Jan. 1998, at 33.

In this milieu, we observe two colliding impulses in our racial communities. One impulse is the desire of nonwhite racial groups to build interracial alliances. The broad multiracial coalition opposing California's anti-affirmative action measure, Proposition 209, is one of many examples.

The other impulse, amid shifting racial and class demographics, is to distrust "others," to doubt their motivations and question their actions. Consider the rapid dissolution of multiracial coalitions, fueled by accusations and countercharges, following the South Central Los Angeles rebellion-riot in 1992. This latter impulse militates against building deep alliances.

How, then, are we to deal with this complex, dissonant reality—a movement toward interracial alliances characterized partially by anger and distrust?

As framed, this question is one that many in our racial communities prefer to avoid. By focusing on interracial tensions, the question can be twisted to obscure what David Roediger calls the "wages of whiteness," continuing white dominance in most aspects of American life.⁵ By acknowledging interracial grievances, the question also airs dirty laundry, with no easy affirming answers. Indeed, as Elizabeth Martinez says, the answers require a knowledge and wisdom we have yet to attain.⁶

Nevertheless the question is worth our time and commitment. By avoiding it, racial communities risk having someone else frame the concepts and language of interracial grievance and the methods of reconciliation. A recent news article headline, for instance, coarsely framed interracial relations as "Asians, Blacks and Intolerance."⁷ "Given Asian prejudice against blacks," the article said, "it's not surprising many blacks resent Asians."⁸ This is more inflammatory than informative.

To deal forthrightly with the dissonant impulses, we must develop sharper ways to handle the deep group-on-group grievances that underlie many superficial face-to-face conflicts. This means we must

⁵ See DAVID R. ROEDIGER, *TOWARDS THE ABOLITION OF WHITENESS: ESSAYS ON RACE, POLITICS, AND WORKING CLASS HISTORY* 1 (1994).

⁶ See Elizabeth Martinez, *Beyond Black/White: The Racisms of Our Time*, 20 *SOC. JUST.* 22, 32 (1991).

⁷ See YAMAMOTO, *INTERRACIAL JUSTICE*, *supra* note 1, at 8-9 (describing media attempts to fill the void by narrowly portraying conflicts between African American and Asian American communities).

⁸ *Id.*

grapple with what we see and hear but do not often discuss. Amid changing racial conditions, groups simultaneously can be harmed in one relationship and complicitous in the harm of others in another.

The question then for communities of color is not so much "Can we all get along?" but rather, "How do we all get along?" To ground this question, let us turn to Seattle and New Orleans—vastly different stories but with common threads. I ask you to listen with an open ear; some of it is hard to hear, and my brief accounts are at best incomplete.

In July, 1999, 6,000 journalists of color congregated in Seattle. Four journalist associations—African American, Hispanic, Native American, and Asian American—met, as they did five years ago, to deal with the media's role in shaping race issues, to build coalitions around specific tasks (for example, to challenge stereotyping in news-casts), and to forge larger reporter alliances.

Despite general agreement about the continuing white dominance in media and despite many cooperative efforts, simmering grievances among the associations threatened to turn disagreements about specifics—where to hold a Native American ceremony and how to respond to Washington's version of Proposition 209—into inter-group fires. The escalating sense of mistrust ("Are they just out for themselves?") and grievance ("In here is no different from out there.") threatened their larger effort to collectively shape the tenor of race understanding in America, all before the conference even began.⁹

In the hot New Orleans summer of 1996, neighborhood tension erupted in a street brawl between Tho Nguyen's son and Ulysses Narcisse.¹⁰ African American residents and the Committee for Justice boycotted Nguyen's PNT grocery store.¹¹ They accused the owners of assault and discrimination as well as "refusing to accept pennies, taxing food stamps and allowing neighborhood drunkards to loiter."¹² The Nguyens brought charges of their own about African Americans' untrustworthiness and years of tolerating obscene language and repeated taunts to "go back to your own country."¹³

⁹ Interview with Diane Wong, Executive Director of Unity 99, in San Francisco, Cal. (Mar. 23, 1999).

¹⁰ See YAMAMOTO, *INTERRACIAL JUSTICE*, *supra* note 1, at 1.

¹¹ *See id.*

¹² *See id.*

¹³ *See id.*

A rally at the Greater Antioch Full Gospel Church demanded that African American proprietors take over the store.¹⁴ "It's time to reclaim the community from a stream of foreigners who invade our neighborhood and bleed it for money."¹⁵ A state politician encouraged the protesters to "fight on," and a minister hoped that the "campaign against outside shop owners in African American neighborhoods [would] spread all over the city."¹⁶

The city's Human Relations Commission and the United States Department of Justice offered to mediate the escalating dispute.¹⁷ The Committee for Justice declined to participate, however, because the Human Relations Director was siding with the "mean spirited grocer" who "operated a reign of terror" and should be "rendered penniless."¹⁸

How did the Nguyens respond? They closed the store permanently and took to the courts.¹⁹ Their federal court complaint stated: "The defendants (Committee and Church) are not merely exercising their First Amendment right to peacefully assemble and protest. Rather, they are engaged in a pattern or practice of economic terrorism" against Vietnamese immigrants.²⁰ African American spokespersons, on the other hand, described the storeowners as foreign shopkeepers.²¹ "It is clear that some groups just arriving in America see us as the bottom of the pecking order and intend to use us as a stepping stone to their own prosperity."²² For both sides, these kind of stock stories carried the day.

The legal process and media reporting failed to unravel those stories. They failed to engage the community in a probing analysis of what transformed a street brawl into a widespread interracial controversy. The entire dispute resolution process, including mediation, failed to settle the matter.²³ The Nguyens and the neighborhood residents failed to develop a thoughtful account of each other's histories and present-day struggles in the area.²⁴ The process also did not gen-

¹⁴ See *id.* at 2.

¹⁵ YAMAMOTO, *INTERRACIAL JUSTICE*, *supra* note 1, at 3.

¹⁶ *Id.*

¹⁷ See *id.*

¹⁸ See *id.*

¹⁹ See *id.* at 3.

²⁰ YAMAMOTO, *INTERRACIAL JUSTICE*, *supra* note 1, at 5.

²¹ See *id.*

²² *Id.* at 3-4.

²³ See *id.* at 5.

²⁴ See *id.*

erate a complex understanding of African American, white American, and Vietnamese American relations in New Orleans: the harsh, unique effects on African Americans of southern slavery, Jim Crow apartheid, and contemporary white racism; the existence of stark poverty in both the black and Vietnamese communities; the recent southern violence against Vietnamese immigrants; and the publicized inner-city conflicts between Asian American merchants and African American customers.²⁵ It did not generate deep understanding of New Orleans' history of racial hierarchy, including its middle positioning of Creoles, and potentially of Asian Americans, below whites and above blacks.²⁶

Three separate attempts at formal dispute resolution failed.²⁷ Mediation and negotiation sessions focused narrowly on the sale of the store and ignored the opportunities to heal deep, personal wounds and to repair broken group relationships.

Seven months after the altercation, the Nguyens sold the store to a Palestinian.²⁸ The residents welcomed the new owner, they said, because Palestinian owners treated blacks well.²⁹ The picketing stopped, but the lawsuit's damage claim and the interracial distrust remained.³⁰

For this reason, 350 Vietnamese Americans and African Americans from five community churches gathered to promote "understanding of our cultural and ethnic heritages."³¹ "Let us celebrate the possibility of what we can become," said Reverend Thomas Glasgo.³² Monsignor Dominic Luong hoped the prayer service in English and Vietnamese would help unify multiracial eastern New Orleans.³³ Fourteen-year old Hoang Tran "liked how they all came together as a community. There was no fighting or anything like that. It was without racism."³⁴

The warm sense of harmony, however, was largely ephemeral. The prayer service glossed over difficult racial issues. It provided few tools for critically examining and acting on the PNT grocers contro-

²⁵ See YAMAMOTO, *INTERRACIAL JUSTICE*, *supra* note 1, at 5.

²⁶ *See id.*

²⁷ *See id.*

²⁸ *See id.* at 4-5.

²⁹ *See id.* at 5.

³⁰ See YAMAMOTO, *INTERRACIAL JUSTICE*, *supra* note 1, at 5.

³¹ *See id.*

³² *Id.*

³³ *See id.* at 5-6.

³⁴ *Id.* at 6.

versy and others like it. Yet the service was a start. People were talking and hoping. Was this healing? False grace? Or something else?

In the fall of 1997, the new Palestinian owner of the store was shot and killed during a store robbery.³⁵

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How do we think about Seattle and New Orleans? We can start with this: How do communities of color heal their racial wounds, not only those inflicted directly by white America, but also those apparently opened or rubbed raw by other racial groups? How can communities of color build relationships, reconciling where appropriate, so that we can live together peaceably and work together politically? And what is the role of legal scholars and activists?

Think again about New Orleans.³⁶ Why did a civil rights lawsuit and the rhetoric of discrimination, generated initially to meet white against black discrimination, appear to be a stark misfit?³⁷ Why did three narrowly focused alternative dispute resolution efforts fail?³⁸ Think about the Lowell High School suit brought by Chinese American plaintiffs to invalidate a San Francisco school desegregation order obtained by the NAACP.³⁹ Why did plaintiffs deploy civil rights law and the rhetoric of equality so uncritically and so destructively?⁴⁰

How do we develop the concepts, language and methods our communities need to deal with intergroup grievances in ways that build, rather than destroy, relationships? And how do 6,000 journalists of color, attempting to coalesce and powerfully shape public understandings of race in America, avoid fracturing along the subsurface fault lines of racial grievance?

One suggestion I make is that we focus on interracial justice. As I developed in another work, within a larger setting of continuing white racism, interracial justice entails hard acknowledgment of the historical and contemporary ways in which racial groups harm one another, as well as affirmative efforts to address deeper group grievances and to rearticulate and restructure present-day relations.⁴¹ It means grappling with the challenge of dismantling "a system in which one group (usually but not always white) dominates others and of providing for a

³⁵ See YAMAMOTO, *INTERRACIAL JUSTICE*, *supra* note 1.

³⁶ See generally *id.*

³⁷ See generally *id.*

³⁸ See *id.* at 5.

³⁹ See generally Yamamoto, *Critical Race Praxis*, *supra* note 3.

⁴⁰ See generally *id.*

⁴¹ See generally YAMAMOTO, *INTERRACIAL JUSTICE*, *supra* note 1.

new order without producing oppressive structures and attitudes."⁴² So conceived and practically implemented, I believe interracial justice opens a path toward building relationships among communities of color.

I will not describe here how this concept of interracial justice draws from disciplines of law, theology, social psychology, ethics, political science, and indigenous group-healing practices. Nor will I explain the practical framework—a framework marked by four Rs: Recognition, Responsibility, Reconstruction, and Reparation—for inquiry and action in concrete situations.⁴³

What I will do in closing is highlight the significance and difficulty of interracial efforts to heal, reconcile, and build relationships through the legal process and beyond. And in doing so, I highlight what we, as legal scholars and teachers drawing on our individual experiences, might turn our collective powers to. Taunya Banks has done just that with her insightful new article in the *Asian Law Journal*,

⁴² Lisa Lowe, *Heterogeneity, Hybridity, Multiplicity: Marking Asian American Differences*, 1 *DIASPORA* 24, 28 (1991) (presenting Franz Fanon's argument).

⁴³ See YAMAMOTO, *INTERRACIAL JUSTICE*, *supra* note 1, at 10–11.

The first dimension is *recognition*. It asks racial group members to recognize and empathize with the anger and hope of those wounded; to acknowledge the disabling social constraints imposed by one group on another and the resulting group wounds; to identify related justice grievances often underlying current group conflict; and to critically examine stock stories of racial group attributes and interracial relations ostensibly legitimating those constraints and grievances. The second dimension is *responsibility*. It suggests that amid struggles over identity and power, racial groups can be simultaneously subordinated in some relationships and subordinating in others. In some situations, a group's power is both enlivened and constrained by specific social and economic conditions and political alignments. Responsibility therefore asks racial groups to assess carefully the dynamics of group agency for imposing disabling constraints on others and, when appropriate, to accept group responsibility for healing the resulting wounds.

The third dimension is *reconstruction*. It entails active steps (performance) toward healing the social and psychological wounds resulting from disabling group constraints. Those steps might include apologies by the aggressors and, when appropriate, forgiveness by those injured and a joint reframing of stories of group identities and intergroup relations. The fourth dimension, closely related to the third, is *reparation*. It seeks to repair the damage to the material conditions of racial group life in order to attenuate one group's power over another. This means material changes in the structure of the relationship (social, economic, political) to guard against "cheap reconciliation," in which healing efforts are "just talk."

"Both Edges of the Margin: Blacks and Asians in Mississippi Masala, Barriers to Coalition Building."⁴⁴

So think broadly about the recent international and domestic phenomena of groups participating—sometimes meaningfully, sometimes fatuously—in processes of truth-telling, joint analysis of history and the current political economy, and apology and reparation: Japanese American internment; Rosewood; the Tuskegee experiment; the Tulsa riots; Texaco; Rutgers University's President; South Africa; Swiss Banks; Australia's aborigines; the Baptists and slavery; the Lutherans and anti-Semitism; Queen Elizabeth and imperialism; French President Chirac and Nazi complicity; Pope John Paul and . . . lots of things; Bill Clinton and American slavery; and others.⁴⁵

As I said, some meaningful efforts, and some fatuous. But how can we tell the difference? And how can we help guide the difference in future actions?

More specifically, concerning interracial grievances, recall Seattle—how the four associations of journalists of color searched hard for a way to deal with interracial mistrust—for a way to creatively struggle through lingering group grievances that transcend individuals.⁴⁶ Prior to their convention, they dealt with cross-culture mediators and not with lawyers or academics. What does that say about how our work is perceived?

Also recall eastern New Orleans. Three hundred and fifty community residents, five churches, and government officials, all trying not only to bridge a cultural divide but also to heal the African American/Asian American wounds inflamed by racial tiering, the media, and a limited court system's notion of "dispute resolution."

Think about Hawai'i: certain Asian Americans and indigenous Hawaiians struggling with a chill in their relations characterized by, in their words, a "mutual demeaning stereotyping and mistrust."⁴⁷ They are coming to grips, through historical-cultural analysis, apologies and reparations with partial Asian American complicity in keeping Hawaiians down during the 100 years following the overthrow of the Hawai-

⁴⁴ See generally Taunya Lovell Banks, *Both Edges of the Margin: Blacks and Asians in Mississippi Masala, Barriers to Coalition Building*, 5 *ASIAN L.J.* 7 (1998).

⁴⁵ See generally Eric K. Yamamoto, *Race Apologies*, 1 *IOWA J. GENDER, RACE & JUST.* 47 (1997) (cataloging national and international trends of race apologies).

⁴⁶ See Interview with Diane Wong, *supra* note 9.

⁴⁷ See Eric K. Yamamoto, *Rethinking Alliances: Agency, Responsibility and Interracial Justice*, 3 *U.C.L.A. ASIAN PAC. AM. L.J.* 33, 40 (1995).

ian government by U.S. businessmen and military, even while Asian Americans there were the objects of white racism.⁴⁸

And even though these kinds of self-critical affirmative efforts by community groups and frontline civil rights workers, teachers, lawyers, clergy, organizers and scholars bear the risk of mischaracterization by those on the Right, even though they bear the risk of failure on their own terms, think of the rich, complex possibilities. For healing. For building alliances.

⁴⁸ For a more in-depth discussion on Asian American and Native Hawaiian apology and redress, see Banks, *supra* note 44 and accompanying text.

