Editor's Note

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Editors’ Note

The election of President Trump shaped the 2016–2017 year. For Asian Americans, as for many minority groups, the rhetoric of the election and the policies of Trump’s subsequent presidency have raised questions about our place and purpose in today’s America. In an America that rewarded a campaign fueled by nativist, ethnocentric rhetoric, where are Asian Americans situated? Under an administration enacting xenophobic immigration policies, what role can and should Asian Americans play in protecting the civil liberties of the most vulnerable?

The Asian American Law Journal seeks to help answer these questions, and others, by providing a platform for Asian American legal scholarship. This past year reemphasized that the political voices of Asian Americans have been unheard and the lessons from Asian American legal history have been unheeded. This volume, in particular, spotlights the often forgotten and neglected voices, narratives, and histories of Asian Americans to give guidance and context to issues arising from today’s political atmosphere.

The lead article in our volume directly addresses issues raised by Trump’s presidency. In “Loaded Weapon” Revisited: The Trump Era Import of Justice Jackson’s Warning in Korematsu, Professor Eric K. Yamamoto, Maria Amparo Vanaclocha Berti, and Jamie Tokioka look at Trump era immigration policy through the lens of the Supreme Court’s Korematsu v. United States Japanese American internment decision and subsequent fallout. The authors explain how the judiciary can protect civil liberties in times of national distress.

The next article also recalls Japanese American internment but in a much different context. The Art of War: How Japanese Internment Art Was Saved from Auction and Conserved for Posterity by Debra Ann Ichimura Gass details an interesting dispute and resolution that arose from an attempted auction of artwork created by Japanese Americans who sought to distract themselves from the harsh living conditions and indignity of involuntary incarceration in World War II internment camps.

We are also publishing two student notes that emphasize the different ways in which the legal system marginalizes Asian and Asian American voices. In Bringing the Aliens Home: The Influence of False Narratives on Judicial Decision Making in the Amerasian Context, Trúc Doan, UC Berkeley School of Law, J.D. Class of 2016, examines how popular “false narratives” of Amerasians have tangible effects on judicial decision makers. Doan uses examples from case law, as well as a personal story, to
show the harmful impact these false narratives can have on individuals. Then, in *Divided and Conquered: Los Angeles Koreatown and the Inadequacies of Voting Law*, Joseph Jung, Harvard University, J.D. Class of 2016, discusses how the current voting rights laws are especially inadequate at protecting Asian Americans. After examining the current state of voting rights law, Jung suggests changes needed to better protect the political voices of racial minorities.

Our symposium this year was titled *Undocumented & Unheard: Perspectives of Undocumented Asian Pacific Islanders of America*. In common discourse, undocumented immigration is not seen as an issue affecting Asian Americans. Undocumented Asian Pacific Islanders in America have thus gone unheard. The symposium brought forth the unique and diverse stories and issues facing these API undocumented immigrants. Our keynote speaker was Prerna Lal, clinical supervisor at the East Bay Community Law Center and immigration attorney for the UC Berkeley Undocumented Student Program. Professor Leti Volpp moderated a panel that featured Professor Stephen Lee, UC Irvine School of Law; Esther Cho, UC Berkeley doctoral student in sociology; and Hong Mei Pang, immigration rights program manager at Chinese for Affirmative Action.

We are proud to publish two pieces from our symposium speakers that further highlight issues affecting API immigrants. *A Double Bind—“Model Minority” and “Illegal Alien”* by Esther Cho provides a survey of questions and considerations specific to the Asian undocumented immigrant experience. It looks at how the contrasting identities of “model minority” and “illegal alien” intersect in the undocumented Asian immigrant context. In *Legal and Extra-Legal Challenges to Immigrant Detentions*, Prerna Lal traces challenges to the mandatory detention statute in the Immigration and Nationality Act. It examines challenges of two different types: through litigation challenges in the legal system and through “extra-legal” challenges by immigration activists.

Every year, we highlight the scholarship of an upcoming Asian American legal scholar in our Neil Gotanda lecture. This year, the tenth annual Neil Gotanda Lecture, Professor Christina Chong of the University of San Francisco, School of Law was chosen as the Neil Gotanda lecturer. Her lecture—*Where Are the Asians in Hollywood?*—focused on the lack of representation of Asian Americans, and other racial minorities, in the entertainment industry. She explained the structural obstacles and biases in entertainment industry practices and potential legal solutions for the representation problem.

As a student organization, our presence on campus has continued to grow. We are proud to have expanded our membership while maintaining a close, tight-knit community engaged in the development of our membership and the larger law school community. Next year will be the *Asian American Law Journal*’s twenty-fifth volume, and we are heartened
by our journal’s substantial history and its promising future—we have elected our largest editorial board yet for the next volume, and we are excited to hand leadership of the journal over to next year’s Editors-in-Chief Wesley Chao and Sarah Chen.

It is impossible to reflect on this past year without considering the many challenges and setbacks faced by the Asian American community as a result of the Trump administration’s discriminatory rhetoric and policies. However, the year also included steps towards progress: from judicial decisions upholding affirmative action and striking down immigration bans to milestone numbers of Asian Americans in the House and Senate. Despite the tumultuous political environment, and indeed, because of it, the *Asian American Law Journal* remains deeply committed to publishing pieces and highlighting issues impacting the most vulnerable in our community, in hopes that we will move positively towards progress. We thank all of our members and sponsors who make continued publication of the journal possible.

In solidarity,

Peggy Ni and Jon Tanaka
Editors-in-Chief
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*Asian American Law Journal*
The mandate of the *Asian American Law Journal* is to publish commentary, analyses, and research on the experiences and concerns of Asian Americans. We believe that to advance the Asian American movement, we must recognize the diversity among Asian American communities and cultivate scholarship that promotes understanding and empowerment in order to foster resistance to oppression and the achievement of justice. The movement includes, but is not limited to, the intersections of gender, class, sexual orientation, religion and race. We recognize the histories of Pacific Islanders and support those who choose to maintain distinct community identities. In solidarity with all peoples who have been subordinated, we embrace the opportunity to publish works that address issues relating to all marginalized communities. The mission of our journal is to speak truth to power; to borrow from poet Janice Mirikitani, “We give testimony. Our noise is dangerous.”