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From the Community Lawyers’ Lens:

The Case of the “Quincy 4” and Challenges to Securing Civil Rights for Asian Americans

Zenobia Lai† and Andrew Leong‡

We dedicate this article to the six Asian Americans who placed their liberty and good names on the line to speak out against police brutality and to test the promise of equal justice for all. We make a special dedication to Karen Chen, whose tenacity, generosity and leadership throughout this case awakened others to recognize that civil rights are an Asian American issue. We believe that the private agonies of these individuals and the community’s journey alongside them throughout this ordeal should not be silenced by the ultimate outcomes of the criminal trial. It is in this spirit that we wrote this article.

I. INTRODUCTION

The case of the “Quincy 4” revolves around an encounter between

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four Asian Americans and the police in Quincy, Massachusetts on the eve of "The Great American Strike of 2006" and the resulting criminal prosecutions. The four victims and their supporters assert that the police used excessive force in making the arrests, whereas the police and other Quincy residents paint the incident as a simple case of young adults misbehaving. Unlike other well-known incidents involving excessive force against the African American and Latino communities, this case involved no serious physical injuries. Still, this case raises several questions, the answers to which prove illuminative. First, given that there are few documented cases of police brutality or excessive force in the Asian American community, how have various sectors in this community reacted to the case? Second, since Asian Americans are typified as the "model minority," how do the mainstream public and press view this case? Third, in case of similar future incidents, how could the organizing principles and strategies used in this case be put to use? Last, since many cities and towns are, like Quincy, experiencing growth in Asian American populations, what lessons can we draw from this incident?

The authors write this article not primarily as the Quincy 4’s criminal defense attorneys. We write as community lawyers who counseled each of the Quincy 4 as well as the surrounding Asian American community of the Somerville 5 alleged that the incident was indicative of racial profiling and false prosecution. See, e.g., Chuck Turner et al., Support Letter for Somerville 5 Defendants, available at http://www.icenter.org/polprisoners/somerville5_06282006.htm (last visited Apr. 8, 2008).

2. "The Great American Boycott"—El Gran Paro Americano in Spanish, and also known as "the Great American Strike," and "a day without an immigrant"—was a one-day boycott of schools and businesses by immigrants, both legal and undocumented. It followed the million person march that took place in late March of 2006 during which immigrants and immigrant rights advocates called for humane immigration reform that included legalization for the estimated 12 million people lacking an immigration status in the United States. The date of the boycott was selected to coincide with International Workers' Day, which although not officially recognized in the United States, is celebrated in most parts of the world. The organizers of the strike called for supporters to refrain from buying, selling, working, and attending school in order to demonstrate the economic contribution and impact of both documented and undocumented immigrants. In Los Angeles alone, an estimated crowd of one million took to the streets. Similar demonstrations took place in many cities across the United States. In Massachusetts, there were small scale protests across the state, with an estimated 8,000 Latino students boycotting school. See, e.g., Anna Gorman et al., The May Day Marches: Marchers Fill L.A.'s Streets, L.A. TIMES, May 2, 2006, at A1; David Streitfeld, The May Day Marches: Throngs Show Their Potent Role in Economy, L.A. TIMES, May 2, 2006, at A1; Monica Davey, With Calls for Boycott by Immigrants, Employers Gird for Unknown, N.Y. TIMES, May 1, 2006, at A1; Kristopher Hanson, L.A. Leads Nation in Pro-Immigration Demonstrations, LONG BEACH PRESS-TELEGRAM, May 2, 2006, at A1; Patricio G. Balona, Immigrantes, Supporters Seize Day with Protests, DAYTONA BEACH NEWS-J., May 2, 2006, at A1; Adam Welch, Millions Strike, March in Massive May Day Protests, INDUSTRIAL WORKER, June 2006, at 1.

throughout the case, with a personal interest in protecting individual liberties and building the community’s political power. To further these two aims, we helped the victims secure defense lawyers and helped coordinate legal and organizing strategies. Both authors have extensive experience working with and within the Asian American community as legal services lawyers, teachers, and activists. As lawyers, we have both worked on numerous campaigns, struggles, and a myriad of policy reforms that affect the Asian American community in Massachusetts and beyond. Our involvement in this case was both logical and expected.

Section II of this article presents the background of the “Quincy 4” case. Section III addresses the history of Asian American migration into Quincy and of anti-Asian violence in the city during the 1980s. Sections IV and V address the organizing strategies and challenges in mobilizing the community around the case. Here, we discuss how Quincy’s history of anti-Asian violence, coupled with a reluctance to “make waves” and with a bipolar Black/White view of civil rights, deterred many Asian Americans from engaging in the campaign. In Section VI, we examine media coverage of the case and consequences for different communities’ responses to the verdict and sentencing. In Section VII, we revisit the trial and examine the jury deliberation process and historical parallels between this case and People v. Hall, namely concerning the deployment of Asian American stereotypes during the trial to the victims’ detriment. In Section VIII, we discuss how the guilty verdict and the disproportionate sentencing silenced the Asian American community. In Section IX, we discuss lessons learned about organizing Asian Americans for social change. Section X addresses lessons learned as community lawyers. We touch on tensions between community lawyering principles and organizing goals; we discern the success in this seeming defeat. In closing, we argue that we must “put race back on the table” in order to highlight civil rights as an Asian American issue.

II. BACKGROUND HISTORY OF THE CASE

The events of the Quincy 4 case started around 12:45 a.m. on April 30, 2006 along a major thoroughfare in the City of Quincy near Wollaston, a neighborhood that is home to many Asian American residents and businesses.4

A. Facts of the Case

On that fateful morning, six individuals—two of whom had celebrated their engagement with family and friends a few hours earlier—were on their way to their respective homes in two separate cars. One car was

4. The City of Quincy lies on the southern border of Boston. For more demographic information, see infra, Section III.
driven by the bride-to-be, Ying Mei Cheung, with the groom-to-be Tat Man Yuen in the front seat and two friends, Karen Chen and Howard Ng, in the back seat. In the other car, Joanna Ng was driving with her boyfriend Quan Thin. During the drive, Joanna and Quan began to argue. Joanna parked against the curb on Hancock Street outside the parking lot of a Chinese supermarket, exited the car, and walked toward a 7-Eleven to get a bottle of water. Still upset, she passed the convenience store, called her friends in the other car, and asked them to pick her up and drive Quan home. During this time, a state trooper had pulled up behind Joanna’s parked car and began a verbal exchange with Quan. The trooper alleged that Quan appeared drunk and was “confrontational” even though Quan had complied with his requests.

A few minutes after the trooper arrived, the car driven by Mei Ying Cheung picked up Joanna and pulled up behind the parked cruiser. Joanna and Karen Chen exited the car to investigate the situation between Quan and the trooper. As they approached, Joanna had her driver’s license in hand to inform the trooper that she was the driver and owner of the car. Howard Ng also exited the car to stand by Quan on the passenger side of Joanna’s car as Karen and Joanna talked to the trooper. While the parties clustered around Joanna’s car sorting out the situation, Officer Curtis of the Quincy Police Department arrived. Within a minute or so, he deployed pepper spray on the faces of Quan, Howard, and Karen “in a sweeping motion” without warning or provocation.

5. See Zenobia Lai, Trial Notes 35-36 (on file with authors) [hereinafter Trial Notes]. The official transcript of the trial proceedings is not yet available as of the date of publication. The Trial Notes were derived from notes taken by co-author Lai during the trial.

6. The state trooper demanded to see Quan’s driver’s license even though he was in the passenger’s seat and was not operating the car. He also commanded Quan to sit back in the car, which he did, as the trooper reached into the car and removed the keys from the ignition. See Charles F. McGrail, Supplemental Police Report, Quincy Police Incident #6020600 (April 30, 2006) [hereinafter McGrail Report]. The trooper affirmed this account at the trial. Trial Notes, supra note 5, at 5.

7. Trial Notes, supra note 5, at 5. See also McGrail Report, supra note 6. The trooper affirmed this account at the trial.

8. In the initial report filed on the morning of the incident, Officer Curtis stated, “I sprayed the man in the neck and lower face area just as I sprayed the man one of the females leaped into the fray and she was inadvertently sprayed with the OC.” To explain why Quan was not the only person sprayed, Officer Curtis invented a second spraying that did not in fact happen by stating, “I held up my OC spray and ordered the three men and the female to back away. I told them that I was going to spray them. . . . [Tat] had both clenched fists up in front of him. The others were right there with him and surging forward. I sprayed these people with a sweeping motion trying to spray all of them.” Robert Curtis, Quincy Police Department Incident Report #620600, at 1-2 (April 30, 2006). The second report filed by Officer Curtis more than five months after the incident contained a more embellished account of that night. In that account, Tat, Karen and Howard were all portrayed as “wild and angry,” as they “surged forward towards [him]” in a “threatening manner,” especially because the two men “got into a fighters stance,” thus forcing him to spray them “using a sweeping motion” after Quan was already sprayed and handcuffed on the hood of the car. See Robert Curtis, Incident Supplement #6020600-1 (printed Oct. 7, 2006). There was no mention of the second spray in the State Trooper McGrail’s report. McGrail Report, supra note 6, at 2. Nor was Tat in the area when Curtis sprayed Quan, Howard and Karen. Id.
moved away from the car and into the parking lot. Quan was moved to the front hood of Joanna’s car and handcuffed by the trooper.

At this point, at least two other officers from the Quincy Police Department arrived. One, Officer Folan, blocked Tat from approaching Joanna’s car as his friends were dispersed and crouched on the ground. By then, Karen began to wail in pain as she felt the pepper spray’s effects in her eyes. An officer told Karen not to rub her eyes and threatened to arrest her if she did not keep quiet. Within seconds, three police officers tackled Karen to the ground, ripped her jacket off, tore her blouse, and handcuffed her. Tat, who tried to come to her aid, was knocked to the ground unconscious. Howard and Tat were then arrested also. Quan, Howard, Tat, and Karen were taken to the Quincy Police Department for booking. Before returning the keys and car registration to Joanna, Officer Curtis twice questioned her as to where she was from. When she did not

9. Officer Curtis’ testimony of what happened and why he pepper sprayed the individuals was sharply contradicted by the testimony of the state trooper and Joanna Ng, the only witnesses up to that point. Officer Curtis testified that he only sprayed Quan because Quan swung his fist at him. He also testified that Karen was affected by the pepper spray in the manner she was because she “jumped in the fray” and smudged her face on Quan in the area where he was sprayed. In court, Officer Curtis testified that he used his right foot to tilt open the car door, pinning it onto Quan while he used his right hand to grab Quan’s left wrist, holding his pepper spray in his left hand and swaying his hips to the left to bump Karen off him. Officer Curtis claimed that he had warned the individuals that he was going to spray and sprayed a second time only because Tat and Howard approached him in fighters’ stance, screaming at him that he had “sprayed a girl,” challenged him to fight, which made him fear for his life. See Trial Notes, supra note 5, at 15. In truth, Tat was still sitting in the second car as Quan, Howard, and Karen were pepper sprayed by Officer Curtis. Tat was not near Joanna’s car where the mayhem occurred. See id. at 4-7, 28-30, 36-37. Howard, on the other hand, was positioned between Quan and Karen behind an open car door of the car, and was not in a position to approach Officer Curtis from his back, as the officer claimed. See Joanna Ng, Citizen Complaint of Police Misconduct, at 1-2 (June 6, 2006) (on file with authors) [hereinafter Joanna Ng Complaint]; McGrail Report, supra note 6, at 2 (stating that Karen and Howard were attempting to keep Quan in the car and were still near the passenger door with Quan as Curtis arrived at the scene).

10. Karen then went to Mei’s car to get water to help Howard wash off the pepper spray before realizing that she too had been sprayed. Karen Chen, Citizen Complaint of Police Misconduct, at 3 (June 6, 2006) (on file with authors) [hereinafter Karen Chen Complaint].


12. See Patrick Folan, Incident Supplement #6020600-3 (Oct. 8, 2006) ("I also noticed a man and woman in the parking lot of the Supper 88 market. This man and woman were yelling and screaming and both held their hands to their faces. . . . An additional man later identified as Tat Yuen . . . was running toward Officer Curtis and Trooper McGrail. I now positioned myself in front of Tat Yuen who was in close proximity to Officer Curtis and the Trooper McGrail."). Karen’s cries were recorded in the turret tape admitted into evidence at trial.

13. See Joanna Ng Complaint, supra note 9, at 1-2.

14. The picture that was taken by a cellular phone admitted into evidence at trial shows three officers piling on top of each other in the area where Karen was, with Joanna kneeling to the left attempting to look for Karen under the pile of officers. To the right of this commotion was Tat, lying on his back, with Mei crouched to his left and a police officer standing on his right. At trial, none of the police officers admitted that the picture was an accurate depiction of what happened that night. Each repeatedly claimed that the quality of the picture was too poor to discern anything. See Trial Notes, supra note 5, at 18, 20, 32. Only Officer Folan admitted that he saw himself in the picture and that the individuals in dark blue clothing were in fact police officers. Id. at 29.
respond as he expected, Officer Curtis told her, "Go back to Somerville, they might do things differently there."\textsuperscript{15}

As a result of this encounter, Karen received a black eye and sustained bruises on her head, elbows, and lower back.\textsuperscript{16} Her blouse was torn at the neck and on the sides.\textsuperscript{17} Tat suffered a concussion.\textsuperscript{18} On top of inflicting these injuries, the Quincy Police charged Karen, Quan, and Tat with two offenses each\textsuperscript{19}: disorderly conduct\textsuperscript{20} and resisting arrest.\textsuperscript{21} Howard, who remained quiet throughout the incident, was charged only with disorderly conduct. All four were arraigned at the Quincy District Court on May 1, 2006. In the ensuing fourteen months, five pre-trial hearings took place.\textsuperscript{22}

\textbf{B. The Trial}

On June 18, 2007, nearly fourteen months after the incident, a jury trial occurred. At the outset, presiding judge Mary Orfanello urged the parties to resolve the case. The prosecutor made a tentative offer to dismiss the case if the parties would agree to a mutual release, which would have protected the Quincy police from potential civil claims in exchange for a pre-trial probation disposition on the criminal case.\textsuperscript{23} The offer was rescinded, however, when Quincy's Corporate Counsel rejected the compromise because she believed that it left the city open to future lawsuits by the parties. The only outstanding offer was to dismiss Howard's case if he would provide a written apology to the Quincy Police and waive all

\textsuperscript{15} See id. at 38. While this statement from Officer Curtis seems innocuous, Asian Americans are accustomed to hearing "Go back to China" and other variants of that anti-foreign sentiment. For more discussion on this point, see infra note 60.

\textsuperscript{16} Pictures of Karen's injuries were taken at the police station during the booking process. At trial, the police officers denied that they had observed Karen's injuries at the station, even though they admitted that the pictures were standard pictures routinely taken during the booking process. See Trial Notes, supra note 5, at 33-36; Picture A, app., infra (photo taken of Karen the day following the attack).

\textsuperscript{17} At trial, the police officers denied noticing what Karen was wearing that night or the fact that her blouse was torn, requiring her to use a towel provided by the EMT at the scene to cover herself. See Trial Notes, supra note 5, at 11, 21, 27, 32-33, 35.

\textsuperscript{18} Tat visited the emergency room twice after experiencing dizziness subsequent to the incident.

\textsuperscript{19} None of the victims realized they had been charged with crimes until they met with a lawyer a few hours after they were released from the police station. See infra Section IV.B.

\textsuperscript{20} MASS. GEN. LAWS ch. 272, § 53 (2000).

\textsuperscript{21} MASS. GEN. LAWS ch. 268, § 32B (2000).

\textsuperscript{22} The prosecution did not comply with the defense's discovery request until the last pre-trial hearing on December 22, 2006, six months after the defense filed the request. The response included eight supplemental police reports, most of which were written more than five months after the incident. Howard Ng moved to dismiss the charge against him and to have a separate trial. Both motions were denied despite the lack of any facts about his wrongdoing in the complaints and police reports filed at that point and the fact that the Assistant District Attorney was not pursuing a joint venture theory. In the meantime, the prosecutor offered to dismiss the charge against Howard in exchange for a written apology to the police and a release of liability to the Quincy Police Department for any claims stemming from the incident.

\textsuperscript{23} A pre-trial probation in a criminal matter usually leads to a dismissal at the end of the probationary period if the defendant satisfies all the conditions.
The defense rejected the offer and chose to proceed to trial for all four defendants. Jury selection took one and a half days. Of the thirty-seven potential jurors in the pool, only one was a person of color. The final jury consisted of three men and five women; the lone Black juror was the only person of color. The prosecution’s case consisted of the testimonies of six police officers, two of whom were involved only post-arrest.\footnote{24} Despite Judge Orfanello’s jury instructions that the defendants’ post-arrest conduct could not be used to prove the resisting arrest allegation, she allowed the two officers to testify to the defendants’ alleged unruly behavior during the transportation and booking processes. Obviously, the jury would have taken in all the allegations—jury instructions given at the end of the trial would have been too late to remedy any prejudicial impact created during the trial.

The defense’s witness, Joanna Ng, was one of two people at the scene who faced no criminal charges.\footnote{25} Joanna corroborated the trooper’s testimony that the parties were at peace when Officer Curtis arrived. She contradicted Officer Curtis’ claim that he had to deploy pepper spray because the parties were “out of control.”\footnote{26} Instead, she testified that Karen was sitting on the ground screaming because her eyes hurt, that Karen was neither unruly nor threatening, and that Karen was not screaming at the police or interfering with the police action.\footnote{27} Joanna also told the court that for a split second, she lost sight of Karen but saw three officers piling on top of the spot where Karen had been only seconds earlier. She pointed out that the picture showing her crouching on the ground depicted the moment when she lost sight of Karen behind the pile of officers.\footnote{28} She indicated that, immediately following, she saw Karen being pulled up by the handcuffs behind her back. Joanna also noticed that Karen’s jacket was

\begin{itemize}
\item Officer Keenan arrived at the scene in a transport vehicle after all four defendants were arrested. Officer Flaherty was the booking officer when the four were transported to the Quincy Police Station.
\item None of the defendants testified at the trial. By the end of the fourth day of the trial, the defense felt quite confident that the prosecution had not met its burden of proof given the contradictory testimonies of the police officers. Despite the jury instruction on the prosecution’s burden of proof, the defendants’ right to not take the stand, the prohibition of drawing an inference of guilt from the defendants’ choice to not testify, and the detailed calibration of the elements of the crimes, the jury was swayed by certain elements of the testimony and the defense’s tactic of not taking the stand might have backfired.
\item See Trial Notes, supra note 5, at 40. On the turret tape introduced at trial, Officer Curtis reported that “everything [was] under control” before the arrival of the other officers and asked the dispatcher to send in the transport wagon. \textit{Id} at 23.
\item See \textit{id.} at 37-38, 42, 45; Joanna Ng Complaint, supra note 9, at 1-2.
\item See Picture B, app., \textit{infra}. Her testimony contradicted the claims of the police officers that Karen was wildly swinging her handcuffed hand and endangering the safety of the officers. Trial Notes, \textit{supra} note 5, at 15-16, 20, 24-25, 31. The third officer, Officer Wilbur, who also tackled Karen to the ground, did not testify at the trial.
\end{itemize}
wrapped around her ankle and tripping her.29

None of the officers admitted that the photograph depicted their actions that night.30 Officer Folan, who was standing a few feet away from the commotion, claimed that he was so focused on Tat, whom he knocked unconscious to the ground, that he did not notice the officers jumping on Karen.31 State trooper McGrail, on the other hand, claimed that he was so focused on Quan—already handcuffed, pepper-sprayed, and pressed face-down on the hood of the car—that he did not see or hear anything happening a few feet away.32

The trial ended around noon on Friday, June 22, 2007. The jury was charged to deliberate around 2:40 p.m. that afternoon, after almost an hour of jury instructions. At around 4:50 p.m. the jury returned to the court room with an acquittal for Howard and guilty verdicts for the other three defendants. Quan was found guilty on both charges, Tat was found guilty of disorderly conduct, and Karen was found guilty of resisting arrest. The prosecutor asked for probation periods of up to two years for the three convicted defendants but did not seek jail time. After a round of appeals by the defense, the judge issued sentences much harsher than what the prosecution recommended. The judge sentenced Quan to a six-month suspended sentence at the house of correction, of which he was immediately to serve ten days; two years of probation; attendance in an Alcoholic Anonymous program three times a week through his probationary period; and random urine testing. The judge also instructed the court officer to handcuff Quan and remove him from the court in front of a roomful of stunned supporters. After learning that Karen was a tenant services coordinator at a public housing development in Boston Chinatown, the judge sentenced her to eighteen months of probation. For a conviction of disorderly conduct, Judge Orfanello sentenced Tat to six months in the house of correction, of which he was immediately to serve ten days, and two years of probation. The court officer handcuffed Tat as well and removed him from the court immediately.

III. ASIAN AMERICAN DEMOGRAPHICS IN QUINCY

The case of the Quincy 4 must be examined in the context of a growing Asian American population in Quincy, Massachusetts, a city roughly seven miles southeast of Boston. Based on the 2000 U.S. Census, Quincy has a population of about 88,000, of which Asian Americans comprise 15.7% and Whites comprise 81%. The Asian American population in Quincy grew from 5,554 in 1990 to 13,546 in 2000: an

29. Trial Notes, supra note 5, at 38, 43, 45. See Joanna Ng Complaint, supra note 9, at 1-2; Karen Chen Complaint, supra note 10.
30. See Trial Notes, supra note 5, at 18, 20, 32.
31. Id. at 30.
32. Id. at 6, 11.
increase of 143.9%.33

Historically, Quincy was built on its granite quarrying and ship building industries. The economic downturn of both industries led to a focus on expanding the retail and commercial sectors with an emphasis on the building of residential neighborhoods. Quincy—with its proximity to Boston, cheaper real estate, and easy access to public transit and major highways—became a magnet for Asian immigrants in the 1980s.

The influx of Asians via immigration and refugee resettlement in the late 1970s and early 1980s reflected a nationwide trend. Like many other racially homogenous cities experiencing a surge of new immigrants, Quincy had its share of growing pains. By the late 1980s when Asians were attempting to establish roots in their new homes, hate crimes became a major issue. Several cases of anti-Asian violence surfaced across Massachusetts. A surge of hate crimes against Southeast Asians occurred in Boston, Dorchester, Revere, Chelsea, and Lynn, as well as Quincy.34

Today, Quincy boasts a growing Asian population, with Asian Americans comprising 15% to 20% of the population. Twenty years have passed since the tumultuous 1980s, but it remains to be seen whether Quincy has learned to address its Asian American residents' civil rights concerns and to provide accessible service to this community’. An examination of the case of the Quincy 4 can shed light on these issues as pertinent not only to Quincy, but also to other cities facing a growing Asian American population.

A. Review of Anti-Asian Violence in the 1980s in Quincy

Before discussing the Quincy 4 case, it is instructive to present some historical background. A 1989 Patriot Ledger35 report focused on the arrival of Asian Americans into Quincy36 and highlighted many related social issues. One section discussed the numerous hate crimes committed against Asian Americans in Quincy, including tire slashing, window


34. See Renee Graham, Growing Community is Plagued by Racially Motivated Violence, BOSTON GLOBE, Jan. 24, 1989, at 1 (“Between 1982 and 1987, violence against Asians rose 60 percent statewide. In Boston, Asians make up 3 percent of the population, but they accounted for 15.2 percent of the victims in civil rights cases last year, said Detective Sgt. William Johnston, who heads the Boston Police Department's Community Disorders Unit, which investigates civil rights crimes.”); See also ELAINE SONG, ASIAN AMERICAN RESOURCE WORKSHOP, TO LIVE IN PEACE . . . RESPONDING TO ANTI-ASIAN VIOLENCE IN BOSTON: A REPORT OF THE CIVIL RIGHTS CAPACITY-BUILDING PROJECT (1987).

35. The Patriot Ledger is the local newspaper that serves the South Shore area outside of Boston.

36. This ninety-two-page report included sections on immigration, real estate, family and work life, health care and social services, education, the race factor, the city's role, and the next generation. One specific section focused on discrimination and listed and summarized numerous incidents involving Chinese, Vietnamese, and Cambodian victims of hate incidents. See PATRIOT LEDGER, THE ASIANS: QUINCY'S NEWEST IMMIGRANTS: REPRINTED FROM THE PATRIOT LEDGER, MARCH 20--APRIL 1, 1989 [hereinafter QUINCY'S NEWEST IMMIGRANTS].
smashing, egging of windshields, physical assaults, and verbal assaults ("gook"; "chink"; "Go back to China").

According to a newspaper poll of 400 white and Asian American residents of Quincy, supplemented with over 200 interviews, almost one-third of Asian Americans polled experienced racial discrimination. On two particular streets, "seven of eleven Asian American families reported smashed car windows, spray-painted racial slurs, or house windows hit by snowballs or rocks. One window was shattered by BBs from an air gun. The homes or cars of five families have been vandalized more than once."

Despite the astoundingly high rate of victimization, few incidents were reported. 82% of Asian Americans polled by the Patriot Ledger said that, regardless of whether the crime was racially motivated, they did not notify the police. This meant that for every reported anti-Asian incident, six went unreported. This report further stated: "Since September [1988], [Sergeant Thomas] Casey has investigated 16 cases of vandalism, assault and harassment against Asian Americans. He determined that 14 were civil rights violations. He has made no arrests. A clerk-magistrate declined to issue civil rights charges in Quincy District Court against one suspect."

Even when victimization is reported, deeper institutional problems exacerbate the problems outlined by the Patriot Ledger report; these problems will be elaborated below.

1. Police Officer Cannot Find Racial Motivation in a Crime

In April 1998, a North Quincy Asian woman was driving home around midnight when a group of teenagers banged their fists against her car. When she stopped to ask them why, four female teenagers proceeded to beat and kick her until neighbors finally came to her aid and she was taken to the hospital. The woman later reported to police that her attackers directed "discriminatory words" towards her during the beating. However, a police investigation by a civil rights officer revealed no racial motivation behind the attack. This is peculiar, since most hate crime experts understand that racial epithets (i.e., "discriminatory words") are key indicators of hate crimes. Most troubling is that a police officer trained in recognizing "civil rights" violations failed to identify the racially oriented

37. Id. at 35.
38. Id. at 36.
39. Id.
40. Id. at 37.
nature and motive of the crime. This failure kept the police from understanding the true nature and scope of the problem.

Fortunately, the State Attorney General’s Office stepped in, secured temporary restraining orders against the perpetrators, and prosecuted the four teenagers on hate crime charges. After the restraining orders were issued, the police officer in charge of the Quincy Police Department’s Civil Rights Unit—the officer who had denied hate crime motives in the case—was quoted as saying, “[t]his sends a message to those thinking of this type of activity that it will not be tolerated. This policy will be enforced by this department, and you can rest assured this injunction will be reinforced by this department.” One can only speculate as to why the officer changed his opinion.

2. Clerk Magistrate Will Not Issue Civil Rights Charges

In a 1998 case involving a white youth’s harassment of a group of Asian Americans on Halloween, the district attorney and the police sought to prosecute a 17-year old Quincy High School senior for hate crime violations. The defendant, along with four friends, allegedly threw eggs and yelled racial slurs at two Chinese American youths while driving through a neighborhood. In January of 1989, the Clerk Magistrate in Quincy District Court determined that there was insufficient evidence to issue a hate crime warrant against the white youth, despite the defendant’s admission that he threw eggs at the Chinese American’s car and kicked in a car window. Charges were dropped in exchange for the defendant’s agreement to write a letter of apology to the two victims. This outcome frustrated the efforts of the District Attorney’s office and the police to address an ongoing problem. One can only wonder in how many other instances had local court personnel thwarted hate crime prosecutions by wielding discretionary powers.

3. Prevailing Attitudes of Police Officers

The *Patriot Ledger* report also included interviews of six Quincy police officers. Though not representative of the police department as a whole, this report provides a window into police attitudes. The Quincy

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45. *Quincy’s Newest Immigrants*, supra note 36, at 46.

46. *See* Graham, supra note 34, at 1; *infra* note 179, Hearings on Anti-Asian Violence, at 26 (Statement of Rep. Norman Mineta that suggests some prosecutors have the tendency to conduct “less than vigorous prosecution” where they sympathized with perpetrators and defendants); *see generally* COMMISSION TO STUDY RACIAL AND ETHNIC BIAS IN THE COURTS, *Equal Justice: Eliminating the Barriers: Final Report to the Massachusetts Supreme Judicial Court* (1994).

47. Five out of the six police officers requested that their names not be used in the interviews.
Police Department had been known for its innovative approach to civil rights issues. In addressing the rise of anti-Asian violence, the police chief appointed a civil rights officer, persuaded the Norfolk County District Attorney’s Office to draft a policy that prioritized civil rights cases, and brought in experts to conduct sensitivity training of all officers.\textsuperscript{48} One officer’s view of these initiatives was that the city had turned Asians Americans’ civil rights into a cause célèbre: “First it was battered woman [sic], then it was drunk driving, now it’s civil rights. A guy yells ‘gook’ and they put him behind bars. Let’s be careful we don’t screw up someone’s life just because they yelled ‘gook’.”\textsuperscript{49} Regarding language barriers, some officers believed that Asian Americans feign ignorance of English in order to avoid charges: “They play that no-speaky-English game . . . you don’t know it for sure, but you feel it. You know when they’re driving the Volvo and the lady’s dressed in clothes from Lord and Taylor that gives you some cause to wonder.”\textsuperscript{50}

Whether or not these sentiments signify an institutional problem in Quincy, they cast negative light on the Police Department. The apparent situation is one of white officials overlooking cases of Asian American victimization and exercising leniency in cases where Whites were the perpetrators. All things being equal, city officials should have been concerned with such tendencies and investigated whether there was a pattern.

4. Justice System’s Inability to Prosecute Civil Rights Violation

In addition to institutional intransigence, further barriers have prevented hate crime prosecutions, as a Northeastern University study illuminates. The study used data from the Boston Police’s Community Disorders Unit (“CDU”), whose purpose is to investigate crimes involving racial overtones. Of 452 cases recorded from 1983 to 1987, thirty-eight were tried, eighty-three were deemed unsupported by sufficient evidence, one hundred and twenty-seven were dropped when victims declined to move forward, one hundred and thirty involved no arrested suspects, and twenty-two involved victims declining to press charges. Of the thirty-eight cases tried, six involved civil rights charges, with assault and battery or vandalism allegations comprising the other charges. Of the four hundred and fifty-two cases, only five perpetrators were sent to jail, and only one was convicted of a civil rights violation.\textsuperscript{51}

Asian American victims face multiple hurdles to attaining justice: reluctance to report crimes; lack of cultural and linguistic resources in the

\textsuperscript{48} QUINCY’S NEWEST IMMIGRANTS, supra note 36, at 39-40.
\textsuperscript{49} Id. at 40.
\textsuperscript{50} Id. See also Mari J. Matsuda, Voices of America: Accent, Antidiscrimination Law, and a Jurisprudence for the Last Reconstruction, 100 YALE L.J. 1329 (1991).
\textsuperscript{51} QUINCY’S NEWEST IMMIGRANTS, supra note 36, at 39.
police department; inability of police to find the perpetrator or identify the nature of the crime; negative attitudes of some police officers toward Asian Americans; and court personnel’s discretion and possible biases in handling these cases.

IV. THE ORGANIZING STRATEGIES

The Quincy 4’s organizing strategy was heavily influenced by our collective experience with anti-Asian violence cases and with community organizing generally. Five essential devices emerged from the onset: community meetings, rallying, petitioning, filling of the courtroom, and media outreach. A Support Committee was formed within two weeks of the incident to centralize the organizing of strategies and to carry out discrete campaigns. As this was a criminal proceeding, we knew that overall efforts must be coordinated with the defense team’s legal strategy, with the Support Committee serving a clearinghouse function. As such, co-author Lai helped secure defense lawyers who were open to community organizing. Organizing tactics were assessed through the lens of the liberty interests that the defense sought to protect.

A. Influences of Earlier Anti-Asian Violence Cases

Most participants in the organizing effort knew of the tragic Vincent Chin case, in which an Asian man was beaten to death in Detroit in 1982, during a time of animosity toward Japanese automobile production. The two white defendants, Ronald Ebens and Michael Nitz, never served a day in jail. Furthermore, not a single family member of the victim was notified of the court date of the criminal sentencing; the family had to learn through a friend about the lenient sentence of two years’ probation and a $1,500 fine for each defendant.

Boston area activists were also familiar with a local 1985 police brutality case in which a man, Long Guang Huang, had been beaten by a Boston detective who mistakenly accused him of propositioning a white prostitute. Huang was charged with assault, battery, and resisting arrest. After three months of community-based outcries, the 56-year-old Huang was acquitted of all criminal charges and won an $85,000 settlement in his civil rights suit against the Boston Police Department. Significantly, the

54. See WHO KILLED VINCENT CHIN?, supra note 53.
55. See Gary McMillan & Doris Sue Wong, Suit Eyed Against Hub Officer, BOSTON GLOBE, May 4, 1985, at 1; Gary McMillan, Immigrant Beaten in Chinatown is Escorted to Hospital by Mayor, BOSTON GLOBE, May 7, 1985, at 17; Doris Sue Wong, Asian Americans Urge Officer’s Suspension, BOSTON GLOBE, May 10, 1985, at 24; Paul Langner, Hearing OK’d in Chinatown Case, BOSTON
Huang case occurred at the height of publicity surrounding the federal civil rights prosecution of Chin's murderers. The Huang case was thus an opportunity for the Boston community to organize against anti-Asian violence by galvanizing the Asian American community and uniting local political forces. Although the Chinese Progressive Association led the organizing effort, other Boston community organizations supported the campaign wholeheartedly on the premise that an attack on one Asian is an attack on all Asians. These groups included mainstream service organizations such as Boston Chinatown's Josiah Quincy School Community Council and conservative organizations such as the Chinese Consolidated Benevolent Association.

The lesson from the Chin case, which saw neither family nor community involvement in the initial criminal trial, is that community members cannot sit by and expect the court to deliver justice. The Huang case proved that if we would mobilize and stay vigilant, the court would take notice. The positive outcomes of the Huang case were echoed and reinforced a few years later by another anti-Asian incident in Lowell, Massachusetts, in the case of Prem Suksawat. Thus, the lessons of recent history called for us to organize, mobilize, and be vigilant in the Quincy case.

B. Putting the Organizing Strategies to Work

A few hours after release from the police station, Karen contacted her


56. At the time, the Chinese Progressive Association had the reputation of being a “leftist” or “communist” organization within the community.

57. This case involved an Asian American woman of Thai origin who was verbally assaulted and physically intimidated by a white defendant near Lowell, Massachusetts. The Asian American community had also rallied around this case and attended the various court hearings against the white defendant. After the trial, the defendant and his mother both signed and consented to a permanent injunction to desist and refrain from “assaulting, threatening, intimidating, coercing or harassing, or attempting to assault, threaten, intimidate, coerce or harass [the victim] . . . .” See Permanent Injunction order in Commonwealth v. Sullivan, No. 89-4460D (on file with authors). The defendant had earlier threatened to sue the victim’s witnesses, including the Cambodian Mutual Assistance Association, a community group. Through this settlement, the defendant and his mother also agreed to not sue any party connected to the case. It was a huge victory for the victim and the Asian American community that rallied behind her. See id.; Letter from Stanley J. Eichner, Assistant Attorney General, Commonwealth of Massachusetts, to Andrew Leong (Oct, 16, 1992) (on file with authors).
employer and also her former supervisor, co-author Lai. The immediate task was for the victims to undergo medical evaluation and treatment. On the evening of April 30, 2006, the six of them met with co-author Lai to discuss the incident—and only then did the parties realize that they been beaten by the police for no reason, that they had been charged with crimes, and that their arraignment was scheduled for the following morning in Quincy District Court.

Like the Huang case, this incident took place at a volatile time—in the context of a nationwide conversation about legalizing an estimated 12 million undocumented immigrants. In fact, the incident occurred the morning before “The Great American Strike 2006,” when advocates called for all immigrants to boycott work and commerce in order to demonstrate the economic impact of immigrant communities in the United States. Given this backdrop, the police officer’s words to Joanna—“Go back to Somerville”—indicate that anti-immigrant sentiments played a role in the police’s treatment of the Quincy 4 that evening.

At the arraignment on May 1, 2006, the defendants had hoped that the prosecutor would drop the charges, as they believed they had done no wrong. If the police intended to teach them a lesson for talking back, it seemed that the pepper spray, physical battery, and four-hour detention had been more than sufficient. Besides, none of the defendants had criminal records, and the charges here were minor. No pre-trial disposition, however, was forthcoming. The case was scheduled for a pre-trial hearing on June 27, 2006.

It became clear after the arraignment that this case was not simply about the liberties of four individuals. It was a case to challenge anti-Asian violence, to combat anti-immigrant sentiments, and to test the ideals of equality under the law. The question for us became how we could arouse the sleeping giant that was the growing Asian American population in Quincy. We faced two immediate tasks: securing counsel for all the defendants, and establishing a Support Committee to coordinate the campaign. A third, loftier goal was to organize the community to secure justice. The first task proved far easier to accomplish than the other two.

58. Karen contacted Zenobia Lai, one of the authors of this article at around 11:00 a.m. on April 30, 2006, less than six hours after her release from the police station.
59. See supra note 2.
60. Trial notes, supra note 5, at 38. As immigrants or native-born persons of color, many of us have been told at least once in our lives to “go back” to wherever the speaker perceived us to be from. It is not meant to be a benign request to just go away; it is an unmistakable racist taunt. Joanna’s response of Somerville when the officer asked her where she was from was clearly not the name of the foreign country that the officer was expecting. This response, together with Karen’s earlier muffled scream “this is police brutality, it is so wrong,” perhaps set the stage for the Quincy police’s relentless pursuit of the criminal prosecution of the four defendants.
61. Only Quan was found eligible for court-appointed counsel. The other three defendants had to find and pay for their own defense lawyers.
1. Community Meeting

Within a week of the incident, the core group that included co-author Lai and key Chinese Progressive Association personnel had met with the group of six to understand the facts of the case and to explore the legal terrain of both the criminal prosecution and possible civil claims against the police. The group also discussed filing civilian complaints against the police and developing a media strategy. Although Karen suffered personal and physical injury, she made it clear from the onset that her battle went beyond personal vindication. At the May Day Rally at the Boston Commons, she stated, "If this can happen to me, imagine how much more likely that this can happen to other immigrants who do not speak English!" In that spirit, the organizing and community mobilization began. But unlike Karen, who had been active in the community for a decade, the other five victims did not choose to be activists. They wanted only justice. As Quan put it, "How can they take away my freedom just like that?"

The location of the first community meeting on the Quincy 4 case was critical. There were discussions about holding the meeting in Boston Chinatown where we enjoyed a base of supporters from years of community organizing. This was dismissed in favor of a location in Quincy, even though organizers knew they were entering uncharted territory without a robust support base. The Support Committee made this decision for several reasons. First, the incident took place in Quincy, and if we sought to activate the Quincy Asian American community, we needed to be on their "turf." Second, if we wanted to explore how many people of color had experienced similar incidents in Quincy, and if we wanted to build a coalition across racial and ethnic lines, we needed to step beyond our Chinatown comfort zone and work with other potential constituents and organizations. Finally, as Asians were a racial minority in Quincy, the Asian American community had to begin to assert itself by collectively organizing and maintaining a physical presence in Quincy.

Initial contacts with Asian American social service organizations in Quincy proved lukewarm. These organizations were reluctant to lend either space or support to the Support Committee. Potential reasons for this situation will be explored later. In the end, the Support Committee found an initial organizing space in a Chinese church in Quincy.

2. Filling the Courtroom

Between the arraignment on May 1, 2006 and the trial that

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62. A civil rights lawyer met with the group three days after the incident to explain to them their rights under the criminal justice system and the correlation between the criminal matter and any civil suit they might consider filing against the police. However, the group felt so wronged that it did not contemplate any real detriments from the criminal case. The group's focus remained on seeking redress for civil rights violations.

63. See Section V. Part A, infra.
commenced on June 18, 2007, five pre-trials took place. The Quincy 4 Support Committee made it a priority to organize large crowds of people to attend these hearings. The purpose of these court attendances was twofold. First, the Committee wanted to ensure that the defendants felt supported. Second, the Committee wanted to demonstrate to the court and city officials that the community was concerned about this case and was watching it closely.

The first pre-trial hearing occurred on June 26, 2006, two days after a rally was held in front of Quincy City Hall, calling for the District Attorney's office to drop the charges. Approximately seventy people attended this hearing, including members of the Quincy Human Rights Commission. As this was a pre-trial hearing, the case was scheduled simultaneously with at least twenty other cases. The courtroom was too small to accommodate all the community observers, and most stood, filling the back and sides of the room. The court personnel, surprised by the overwhelming interest, suggested that a larger courtroom be used for the next hearing. When the second pre-trial hearing took place on July 26, 2006, an estimated 120 people attended. Many could not secure standing room and had to wait outside. Because it was time-consuming to usher in and locate space for the participants—many of them elderly—court personnel began to show resentment toward the community members. The judge admonished the crowd for making noise, and others in the courtroom made snide remarks about our presence. When yet another pre-trial hearing was set, some attendees, including members of the Chinese press, began to doubt the effectiveness of the organized court attendances. To allay these doubts, the co-authors debriefed the community members on what had occurred at the end of every hearing in order to educate the community not only about the case, but also more generally about the American criminal justice system. By comparing the disposition of other cases before the court and the Quincy 4 case, these debriefings also allowed community members to judge for themselves the injustice of the prosecution.

As the case continued well into the winter, thirty to fifty members of the community consistently attended the next three pre-trial hearings. The attendees included members of the Chinese American community, as well as students, professors, labor organizers, clergy, workers, politicians, candidates for political office, teachers, supporters of the Somerville 5 case, and activists of all stripes spanning racial and ethnic lines.

3. Rallies and Petitions

Over the course of the Quincy 4 case, the Support Committee organized two rallies in Quincy. Public rallies were a central component of the Support Committee's strategy; they signified unity of purpose not just

64. See Picture C, app., infra.
regarding the Quincy 4 case, but also in the cause against police brutality. For instance, we invited members of the Somerville 5 to speak at one rally. These rallies also facilitated outreach to other communities or groups whose members learned of the case and attended to show their support. One group, Militant Labor, attended our first rally in June of 2006 and remained as a consistent presence throughout the case. In addition to attending all court hearings and public events and reporting the case in its international newspaper, Militant Labor was instrumental in connecting the issues of immigrant rights and police brutality through its newspaper and its monthly forum held in Boston.

In addition to promoting outreach, rallies also served as venues to educate people about the facts of the case. Because of the pendency of the criminal prosecution, the defendants were under their counsel’s advice not to speak publicly about the case. As a result, tension developed between the public’s desire to hear from the defendants and the defendants’ need for protection in the legal proceedings. The compromise solution of having members of the Support Committee speak on their behalf was less than ideal since the news media preferred first-hand information. Some community members also wondered whether the defendants had something to hide. As the case proceeded to trial, the decision to protect the defendants from public exposure proved to be prudent. The prosecution subpoenaed the Chinese Progressive Association’s Executive Director as a witness, seeking to introduce into evidence flyers that the Support Committee had distributed and e-mail messages obtained in order to attribute statements to the defendants for impeachment.65

The second rally took place in front of the Quincy City Hall around noon on a weekday following the second pre-trial hearing. 120 attendees at this hearing marched from the courthouse to City Hall. The protest was highly visible to passersby, since the site had heavy automobile traffic and was near a subway stop. This was probably the first instance in which an Asian American group made a public impact in Quincy.

In addition to holding rallies and protests, the Support Committee also circulated petitions with seven demands, including the dismissal of all criminal charges against the Quincy 4.66 The petitions allowed those who could not attend court hearings to show their support. The Quincy 4 Support Committee gathered over 1,000 signatures urging the Mayor of Quincy, the Quincy Police Chief, and the Norfolk District Attorney to exonerate the victims and to investigate the police misconduct. Although these actions helped boost the spirits of the four defendants, they ultimately

65. The subpoena was not renewed when the case went to trial. However, some documents provided by the District Attorney’s office during discovery suggested that the prosecution was trying to introduce outreach flyers and e-mail messages that were forwarded to its office to impeach the defendants, should they take the stand.

66. See infra note 77.
did not change the outcome of the criminal case.\textsuperscript{67}

4. Reaching Out to Politicians and Public Officials

Experience has taught us that a successful campaign must carry both “sticks and carrots.” While petitions, protests, rallies, and court-packing could be interpreted as “sticks,” meetings with city officials would be “carrots,” representing our desire to reconcile and find an acceptable disposition. We wanted to first connect with members of the Quincy Human Rights Commission, some of whom attended the first community meeting at the church. These members invited Support Committee members to attend a Commission meeting. Although the Commission did not have jurisdiction to deal with the case, it was reassuring to know that there were people in Quincy who cared about Asian American residents and about the defendants’ mistreatment.\textsuperscript{68}

Prior to the pre-trial hearing on July 26, 2006, the Support Committee had notified the Mayor’s office about the post-hearing rally and asked to meet with the Mayor. By that point, the Support Committee had collected over 1,000 petitions and letters asking the City to drop the charges and to investigate police misconduct. The Support Committee decided to pressure the Mayor regarding the demands and to find out more about a report stating that the City had referred Karen and Joanna’s civilian complaints to an outside law enforcement agency.

After the march, seventy-five protesters entered Quincy City Hall and asked to meet with the Mayor. On seeing the crowd, the Mayor’s receptionist indicated that only one person from the group might see the Mayor.\textsuperscript{69} Within seconds, five to six Quincy police officers appeared in the lobby.

This encounter with the receptionist was problematic on many fronts. First, her abrasive attitude may reflect the way city gate-keepers interact with the public. It is little wonder that Asian Americans rarely set foot in

\textsuperscript{67}. Indeed, some even doubted whether the outcome of the criminal case would have been more positive had the community not organized. The Quincy 4 Support Committee felt that had the community not organized, the four victims would have been offered unacceptable pleas or convicted anyway. The only difference would have been that the community would never have known about the injustice.

\textsuperscript{68}. The Quincy Human Rights Commission had reportedly met with twenty-five members of the Asian community at its June 2006 meeting. The Commission Chairman, Edmund Grogan, told a news reporter, “[the Quincy 4 incident] does cause us concern so we just want to solve it in the right way, . . . [t]he folks there on Tuesday felt that (the four people arrested) were singled out because of their race” and “[w]hether or not [the defendants] did something wrong, they shouldn’t have that feeling.” Sue Reinert, \textit{Asian Activists Protest Arrests: Misconduct Allegations Being Investigated by an ‘Outside Agency’}, \textit{PATRIOT LEDGER}, June 9, 2006, at 11.

\textsuperscript{69}. The two-minute exchange between the receptionist and co-author Lai was a vivid demonstration of how Asian Americans are treated in Quincy’s public venues. Upon hearing that we were there to see the Mayor, who was expecting us, the receptionist raised her voice, slowed the pace of her speech, and declared, “Only one of you can go up.” She repeated this statement twice as the congregation looked on.
City Hall.\textsuperscript{70} Second, her demand that only one person meet with the Mayor forced us to choose a single representative, which contradicted the Support Committee’s non-hierarchical organizing principle. We wanted all supporters to participate in any such meeting. After a quick consultation, we decided that the co-authors would go to the Mayor’s office as intermediaries, bringing along the Chinese press.\textsuperscript{71} The co-authors informed the Mayor that many other community members were waiting to speak with him but were barred by the receptionist.\textsuperscript{72} The mayor instructed his assistant to invite all supporters to his office. To the fifty to sixty supporters, the Mayor explained that he could not discuss the case itself, but that he had referred the civilian complaints to the Federal Bureau of Investigation and that the Department of Justice would investigate. Some supporters questioned the impartiality of such an investigation and reiterated the Committee’s demand for an open and public investigation, while others raised the prospect of a civilian review board to investigate police misconduct. The Mayor dismissed these ideas.

Though the meetings with the Human Rights Commission and the Mayor produced no breakthroughs, they were positive events. These meetings brought the supporters to the table for once and held elected officials accountable to the entire community, especially those portions not proficient in English. Despite having to climb three flights of stairs, everyone, including many elderly supporters, drew energy from this small but significant victory. The experience of sitting across the table from the Mayor and questioning him was inherently empowering for community members.\textsuperscript{73} The Quincy 4 were also empowered by their ability to tell their story to the Quincy Human Rights Commission. On this front, the Support Committee surely remained true to democratic organizing values.

V. MOBILIZATION OF COMMUNITY AND ITS CHALLENGES

Although the Chinese Progressive Association has hundreds of members who live in Quincy, it does not have an office or an established base in the city. Recognizing that outsiders, no matter how well intentioned, cannot just parachute into the community and dictate action, the small, ad hoc committee comprising of co-author Lai and Lydia Lowe of the Chinese Progressive Association solicited community leaders for support. By doing so, the committee hoped to educate them about the Quincy 4 case before rumors obscured the truth in the community, and to

\textsuperscript{70} See infra note 155.

\textsuperscript{71} See Picture D, app., infra. The group of sixty to seventy community members remained in the lobby as the co-authors and the Chinese press went to meet with the Mayor.

\textsuperscript{72} See Picture E, app., infra (representing the “power broker” approach to which the Mayor was probably most accustomed, in direct contrast to the Quincy 4 organizing principle as depicted in Picture F, app., infra.).

\textsuperscript{73} See Picture F, app., infra.
solicit their sponsorship of a community meeting in Quincy. The initial response was interesting. One community leader suggested postponing the community meeting until after a meeting with community leaders could take place. His ostensible concern was that in order to achieve a high turnout for the community meeting, community leaders must first be convinced to support the event. The ad hoc committee interpreted this as a retreat to back door dealings between “leaders” and politicians, which was not our model of community empowerment.  

Another community leader who supported the meeting believed that this incident could not be swept under the rug. He felt that while it was important to respect community leaders, the community voice was important. With their lukewarm blessing, the committee set out to organize the community meeting in Quincy.

A. Internal Quincy Challenges

The community meeting of May 21, 2006 gave the Quincy 4 Support Committee its first taste of organizing in Quincy. The Chinese Progressive Association staff phone banked its Quincy members to ask them to attend the meeting. Some members questioned the defendants’ integrity, whereas others felt sympathy for the victims and indignation at the violence perpetrated on fellow Asian Americans. Most telling was the debate over Chinese wording in the flyer among CPA staff before the meeting. Some felt that the term “police brutality” (that is, its Chinese equivalent) was too inflammatory because not all police officers were bad. Other community leaders in Quincy found the initial flyer, which summarized the facts and presented the seven demands, too polarizing. Still another community leader felt that the predominant representation of Chinese Americans on the Support Committee was problematic and would be seen as pitting the...
Chinese against the Quincy police. Most doubted that the Asian American community or the Quincy community at large would be ready to support the defendants at the community meeting. Given the time sensitive-nature of criminal proceedings, the Committee chose to proceed with the meeting and to map out future plans based on the community’s reaction at the meeting. To alleviate concerns about Chinese wording on the flyer, the Committee used a relevant Chinese newspaper article with a caption for the notice of the community meeting.  

During the outreach process, volunteers distributed hundreds of flyers at the North Quincy and Wollaston subway stations. Many people began telling volunteers about their own experiences with the Quincy police. These stories recounted conduct ranging from discourtesy and threats to abuse of authority and use of excessive force.

For the community meeting on May 21, 2006, organizers prepared the room for about 100 people. People began to arrive half an hour beforehand. It took only a few minutes for the seats to fill up. When the meeting began, there was a standing-room-only crowd of 140 people. Before the meeting, co-author Lai spoke to a few attendees. Two middle-aged Chinese men took the few minutes before their restaurant shifts to attend because they felt they had waited long enough for someone to expose Quincy police misconduct. They relayed how some Quincy police officers, in uniforms or in plain clothes, often showed up at their restaurants around closing hour, then ate and drank without paying. One man recalled the community’s response to the Huang case and felt strongly that the community had to be organized to tackle the current case.

The attendees of the meeting represented a wide spectrum of supporters, including Quincy residents; the Executive Secretary of the Mayor of Quincy; representatives from the Quincy Human Rights Commission, the Massachusetts Alliance of Portuguese Speakers, and various unions and immigrant groups; others who had worked with Karen on campaigns, and still other concerned citizens, including many Whites. The community meeting’s goals were three-fold: (1) to inform the community about the Quincy 4 incident, (2) to hear from the community about similar incidents involving the Quincy Police, and (3) to rally the community around the goals set forth by the Support Committee. By a show of hands, a majority of those in attendance supported the seven demands. The sheer number of attendees at the meeting, and the enthusiasm expressed by some attendees to join task-oriented sub-committees, belied the community leaders’ prior perception of Quincy as apathetic and unready to push for changes. The Support Committee hoped to build on this momentum.

77. See Ye Zhao, Four Asian Americans Accused Police of Using Excessive Force: Chinese Progressive Association will Organize Protest against Misuse of Pepper Spray and Battery against One of the Victims Causing Concussion, WORLD J., May 6, 2006, at 1.
THE CASE OF THE “QUINCY 4”  

B. Lack of Participation from Asian Americans in the Struggle

The timing of this case could not have been worse. The main (if not only) organizing capacity in the Asian American community rested with the Chinese Progressive Association, which was on its last leg of a campaign to buy office space on the hard-fought Parcel C. At this time the CPA was planning its office relocation and raising funds for the building; moreover, key personnel were on summer vacation. Hence, organizing capacity was vastly diminished. Even worse, CPA’s lead organizer was Karen who, as a defendant in this case, was in many ways hampered in her efforts to lead the organizing. Still, absent other organizing resources, Karen continued to play a role in organizing, both within the defendant group and within the community. Meanwhile, some community leaders, rather than support the struggle for justice, undermined the defendants’ cause by challenging their claims based on the police’s report. While the case was pending, another racial incident occurred in Quincy involving Asian American middle school students who were tied to a schoolyard fence and stoned by white students. Community leaders who knew of the incident refused to share information with the Quincy 4 Support Committee, claiming that the incident was merely one of “bad kids” misbehaving rather than racial in nature. The leaders did not believe that the middle school incident was linked to the Quincy 4 case, or that both incidents reflected an underlying problem of anti-Asian hostility.

To situate the Quincy 4 case within a long history of anti-Asian violence, the Support Committee screened a made-for-television documentary, produced in the late 1980s, entitled “Violence Against Asians.” The film depicted a surge of anti-Asian violence in Massachusetts throughout the 1980s, highlighting the Huang case in Boston Chinatown as well as incidents in Chelsea, Revere, and Quincy. The screening was intended to inform a generation that was too young to have known of these events at the time, to portray anti-Asian violence as a theme linking the past to the present, and to energize younger activists in training. About thirty people attended the screening and discussion.

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78. For background information on Boston Chinatown community’s struggle to regain Parcel C in the early 1990s, see Zenobia Lai et al., supra note 52.
79. Co-author Lai confirmed with news reporter Chutze Chou of Sing Tao Daily that the incident took place around late August of 2006, but neither she nor the co-authors could locate the actual news report of the incident.
80. Violence Against Asians (WHHD-TV, Boston television broadcast 1987).
81. In the last decade, a group of activists who grew up in the 1960s and 1970s and who were active participants in various Asian American activist groups, such as East Coast Asian Students Union (ECASU) and I Wor Kuen (IWK), has consistently attempted to create a local and national forum to provide training and mentoring to the upcoming generation of Asian American activists. The screening of the documentary was part of the local activities that brought together the younger generation of Asian American activists. For more information about this local and national undertaking, see Asian American Movement EZine, http://www.aamovement.net (last visited Apr. 20, 2008).
However, the enthusiasm following the May 2006 community meeting and screening proved short-lived. One community meeting attendee, a religious leader in Quincy, decided based on his own research that the police action was justified. In the week after the meeting, he sent out a lengthy e-mail enumerating his analysis, alleging factual errors, and asked to be removed from the listserv. Many others who signed up to join the sub-committees did not follow through. By the end of the summer, the Support Committee had no more support than it had at the outset of the case. Other young Asian American activists who had showed initial enthusiasm now attended events sporadically.

1. “Let’s Not Make Waves!”

Both the “blame-the-victim” mentality and the lack of follow-through may be attributed to a cultural reluctance to “make waves.” This attitude, like anti-Asian violence in Quincy, has a long history. According to the 1989 *Patriot Ledger* report, Asian American victims often sought only an apology from their perpetrators, rather than invoking the law to hold them accountable.

In August of 1988, a fight erupted between Vietnamese refugees and white youths at the Welcome Young Playground, resulting in the hospitalization of three white and three Vietnamese youths. By October, four Vietnamese youths and two white youths involved were charged with assault and battery; no civil rights complaints were filed. A month later, the presiding judge at the Quincy District Court found the Vietnamese defendants not guilty. Subsequently, the Vietnamese youths decided to drop all charges against the white defendants.82 One of the Vietnamese youths, Kim Dang, who was hit by a rock, stated, “I didn’t care about a conviction. All I want is to change their understanding. I want to ask them, ‘Why don’t you like me?’ Afterward, the kid said thank you and we shake hands. I felt like something was released—something really heavy. All I want is to walk down the street and be able to play in the playground. That’s freedom.”83

Sam Lee, a 16-year-old eleventh grader, was passing through a turnstile at the Massachusetts Bay Transportation Authority (“MBTA”) subway station when a toll collector, believing that he had evaded payment, chased him and yelled derogatory remarks. As Lee recalled, the man had yelled: “I should send you back to your rice paddies; you ruined our lives in Vietnam.” The collector detained Sam and locked him in the tollbooth for forty-five minutes. At a departmental hearing, the MBTA determined that the collector had erred and should be fired. Sam’s mother agreed with the dismissal and refused to press charges against the MBTA. She

82. *Quincy’s Newest Immigrants*, supra note 36, at 38, 46.
83. Id. at 37.
reasoned, "If I go to court, they will make a record for the collector . . . . I don't want to punish the man." She only wanted the MBTA to publish an apology in the newspaper, and to print fare signs in Quincy in Chinese. Sam himself preferred a harsher punishment: "That’s not enough . . . . I'm not mad at what he called me, I'm mad he touched me. The guy's like 6-feet tall." Sam's friends were also surprised that he did not take the perpetrator to court: "They say, 'How can you let him do that to you?'"84

Many Asian Americans,85 like Sam's mother, have tended to downplay incidents of discrimination and racism and to allow perpetrators to get away with lesser punishments. Some are motivated by fear of retaliation. This fear, combined with the common self-perception of first-generation immigrants or refugees as not "full Americans," might explain the prevailing tendency among Asian Americans to "just let it go." The Sam Lee case reflects a contrasting mentality among second-generation Asian Americans who acculturate to a different sensibility.

Our experience in the Quincy 4 case indicates that the first-generation attitudes persist. Because Asian Americans remain a minority in Quincy, fear of retaliation is legitimate. After a post-verdict community meeting in Quincy, co-author Leong, while driving in Quincy in the late afternoon, received racial taunts from white drivers and pedestrians on three occasions. Another Support Committee member, on coming from the MBTA station to the same community meeting, was ignored by several individuals whom she asked for directions, and then was called "chink" as she exited the station. The Quincy 4, and Karen in particular, defied the prevailing "let's not make waves" mentality by refusing to let the incident dissipate through the passage of time.86

C. Lack of Civil Rights Within the Asian American Community

As soon as the Quincy 4 incident hit the news,87 rumors abounded.

84. Id. at 42-43.

85. "To me, I want to make friends with everyone. I don't want to talk about discrimination" (Chi Tran); "If police caught the guy and he went to jail, when he came out, we think he would do something bad to us" (Heng Y); "Generally, I don't think the discrimination problem is that terrible in this town. Maybe they [Asians and whites] just misunderstand each other." (Michael Hui) Id. at 37.

86. Speaking about her encounter with the police, Karen's own brother stated, "I'm not sure if it's racially motivated—I don't want to make that assumption . . . . She helps the community, so she will not let something like this go." Carolyn Y. Johnson, Arreets Spark Protests of Racism: Mayor Asks for Outside Review, BOSTON GLOBE, Globe South Section, July 2, 2006, at 1. See also Chutze Chou, Quincy 4 Case Continued to July 26th, SING TAO BOSTON, June 28, 2006, at B1 ("Most Asians have the attitude of wanting to minimize any ordeal into nothing, but he [Warren Chen, Karen's brother,] felt that his sister was maligned") [translation supplied by authors].

87. Through her work in community organizing, Karen has many contacts with the news media. The first contact she made to the media was on the morning of the arraignment to the Patriot Ledger, a regional newspaper. However, the reporter expressed no interest in covering the case at that point. Karen then contacted a news reporter of a bilingual community newspaper, Sampan. The news reporter met with Karen in the afternoon of the arraignment and was one of the few reporters who actually saw the bruises on Karen and the picture showing the officers on top of Karen at the scene. The news story
Some assumed that the defendants must have been culpable because they were out at midnight. Many also reflected a heavy presumption that the police action was justified.

Even the name of the Support Committee was debated. Some suggested "Quincy 6," since six Asian Americans were involved. In the end, to avoid confusion, we settled on "Quincy 4" to reflect the number of defendants formally charged. The use of Quincy 4 was intentional, meant to build solidarity with other minority victims of police brutality and racism. Such name association would allow for easy identification as an incident involving the police, and signified multi-racial and multi-ethnic solidarity. However, not everyone agreed.

1. Assumptions of Guilt and Trust in Authority

At the May 2006 community meeting, a young Asian American man voiced the view that the defendants had to prove their innocence. He

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ran on May 5, 2006. Adam Smith, Activists Claims Excessive Police Force in Quincy: 'Two Sides to Every Story' Says Quincy Police Captain, It's Her and Her friends' Story Versus the Police's, SAMPAN, May 5, 2006, at 1. A shorter account of the incident also appeared in the Boston Globe on June 25, 2006. Ric Kahn, Neighborhood Activist says Quincy Police Roughed Her, BOSTON GLOBE, City Weekly Section, June 25, 2006, at 3. The parties were eager to tell their story. They believed that by talking about what happened, others would see the truth and they would be exonerated. It was only after long, and often testy, discussions that they accepted counsel's advice to decline any request for interviews. The Support Committee and its designated spokespersons would become the voice for the Quincy 4. However, there continued to be dissent within the Support Committee as many continued to question the reason for "silencing" the victims. They believed that their previous experience organizing immigrants, workers, and tenants had informed them that the public needed to hear from the victims in order to drum up support. The concern was that anything the defendants said directly, and anything that might be attributable to them, could be used against them during the criminal trial.

88. Support Committee members knew about incidents such as the "Somerville 5" and "Jena 6" cases.


90. One objection was that "Quincy 4" would be associated with the infamous "Gang of 4" that caused great turmoil during the Cultural Revolution in the 1960s and 1970s. To many, such an association might suggest lawlessness rather than justice. Others felt the name lacked the seriousness that the occasion called for. In any event, "Quincy 4" was used in all the English-language outreach materials. However, because Karen was the rallying point to many supporters, "the case involving Karen Chen" was used to identify the case in most Chinese media and outreach materials.
questioned the presence of the six individuals on the roadside during early morning hours and doubted that police would have used pepper spray or tackled them unless they had engaged in illegal behavior. Bespeaking faith in the police, he expressed incredulity at the notion that the officer could have pepper sprayed the victims without provocation and that three officers would then tackle Karen to the ground for no reason.

2. Interplay Between the Model Minority Myth and Asian Americans' Inability to Recognize Racism

During the fourteen months between arrest and verdict, the co-authors and other activists visited college campuses and talked to Asian American students about the case. Most of these gatherings were small and predominantly comprised women. Unfortunately, these gatherings did not arouse collective outrage. There were certainly expressions of concern about Karen and questions about the criminal proceedings and the potential for civil claims. However, these events failed to arouse the students to connect the Quincy 4 case with broader challenges of anti-immigrant attitudes, anti-Asian violence, and racial tension, or to inspire campus activism.

This lack of response perhaps reflects acquiescence to the model minority myth enshrouding Asian Americans. Statistics show that Asian Americans, relative to other racial groups, have high household incomes, a high proportion of degree holders, high representation on selective

91. Members of the Support Committee spoke about the Quincy 4 case at the Boston Asian Student Intercollegiate Conference and the Inaugural Five College Leadership Conference held in Amherst, Massachusetts. Members also appeared as guest speakers at Asian American studies classes at local universities and for Asian American student groups.

92. The Quincy 4 case did not inspire any campus activism beyond the forwarding of e-mail messages from the Support Committee.

93. The term “model minority” was first used in print in sociologist William Petersen’s *Success Story: Japanese- American Style*, N.Y. TIMES MAG., Jan. 6, 1966. In the article, Peterson argues that Japanese culture, with its family values and strong work ethic, saved the Japanese people from becoming a “problem minority.” A similar article using Chinese Americans appeared later in the same year. *Success Story of One Minority Group in U.S.*, U.S. NEWS & WORLD REP., Dec. 26, 1966, at 73. The “Model Minority” image was more recently used to point out a way to improve the education achievement of the “other” categories of students. See Nicholas D. Kristof, Editorial, *The Model Students*, N.Y. TIMES, May 14, 2006, at 14.

94. According to the 2006 American Community Survey, Asian households had the highest median household income at $63,642 per annum, compared to the next highest group, the non-Hispanic White households which had a median income of $52,375 during the same period. Income, Earnings, and Poverty Data from the 2006 American Community Survey, U.S. Census Bureau, Aug. 2007, tbl. 3, at 3, available at http://www.census.gov/prod/2007pubs/acs-08.pdf (last visited Apr. 10, 2008). Asian men had the highest median earnings at $50,159, compared to the non-Hispanic white men, the next highest earning group whose median, income was $47,818. *Id.* at 15. Asian women also had the highest median income among all women, at $38,613, compared to the next highest earning group, the non-Hispanic whites, whose median was $35,151. *Id.*

95. According to Census information, almost half of individuals age twenty-five and above who identified themselves as Asian alone, or Asian in combination with “other race,” have at least a bachelor’s degree. *Id.* at tbl. 1, available at http://www.census.gov/population/www/socdemo/
college campuses, and high representation in management, professional and related occupations. These statistics, however, mask the diversity among Asian Americans and do not account for household size, education level, immigration history, and English-language proficiency. Nevertheless, Asian Americans have become the socially acceptable minority group, having overcome challenges that persist for other groups, even without external assistance. Asian Americans have been cast as a role model for other minority groups to emulate. Given this placement on a pedestal, many Asian Americans cannot fathom the notion of anti-Asian sentiment. The implication, then, is that those who face the wrath of police, such as the Quincy 4, must deserve it due to individual misconduct.

3. Going Beyond Black and White: Asian Americans Have Civil Rights Too

The Quincy 4 originally faced difficulty in securing legal counsel for their criminal matters. Within a week of the incident, co-author Lai contacted the local Lawyers Committee for Civil Rights, various criminal

96. According to a newly released study, Asian American students are facing increasing barriers in entering their college of top choice. One of the barriers has been financial, as 31% of Asian American families make less than $40,000 per year, making an Ivy-league college education unaffordable for many. See MITCHELL J. CHANG ET AL., BEYOND MYTHS: THE GROWTH AND DIVERSITY OF ASIAN AMERICAN COLLEGE FRESHMEN, 1971-2005 (2007).


99. See McGowan & Lindgren, supra note 98, at 335. So what does the model minority portrayal boil down to? First, Asian Americans are supposed to be extremely hard working—more hard working than whites. Second, they are said to be intelligent and highly educated, though a large number of them are dismissed as math and science geeks. Third, as a group they are seen as economically successful, especially compared to other ethnic minorities, even though they faced severe discrimination in the past and may encounter some (fairly minor) discrimination now. In other words, a regrettable history of past discrimination has not kept them down—and indeed may have spurred them on. Fourth, Asian Americans are described as "assimilating" into mainstream American life—living in the suburbs and intermarrying with whites—well, mostly assimilating, but not entirely . . .

Id.

100. See Kristof, supra note 93.

101. Of course, statistics that show Asian households having the highest median income and the largest percentage of college graduates, and those that show Asians are highly represented in prestigious colleges and in various professions, mask the diversity among the Asian population by lumping all Asians into one “Asian American” category. Larger household size, immigration paths and history, socioeconomic background, and English-language proficiency also play a role in these statistics. In dissecting the discussions that pitch Asian Americans as the “model minority,” one should question whether Asian Americans are being used to malign other groups and to dismantle programs that aim to eradicate the impact of generations of structural racism. For more discussion, see Mari Matsuda, We Will Not Be Used, 1 ASIAN AM. PAC. ISLANDS L.J. 79, 80 (1993); Pat K. Chew, Asian Americans: The “Reticent” Minority and Their Paradoxes, 36 WM. & MARY L. REV. 1, 25-28 (1994); Gabriel J. Chin et al., Beyond Self-Interest: Asian Pacific Americans Toward a Community of Justice. A Policy Analysis of Affirmative Action, 4 ASIAN PAC. AM. L.J. 129, 151 (1996).
defense lawyers from the National Lawyers’ Guild, and a criminal defense firm known for its challenges of police brutality. None followed up or offered referrals. The authors speculate that their inaction reflects failure to recognize the civil rights implications of the case and its significance to the Asian American community. The only civil rights group to offer assistance to the Support Committee was the Asian American Legal Defense and Education Fund in New York City.

The established civil rights community may be slow to recognize that victims of civil rights violations are not always Black. This tendency is not surprising; most of the existing civil rights literature assumes a Black/White paradigm, mentioning Asian Americans in passing, if at all. Asian Americans share this tendency to forget that Asian Americans, too, have civil rights and that those rights are routinely violated. Of the studies that discuss Asian Americans civil rights issues, most are authored by Asian Americans and published in Asian American-focused journals. This trend of civil rights issues in separate tracks is troubling; it tends to drive a wedge between different communities of color and fosters a “zero-sum” mentality, diminishing what should be a collective conversation into an argument over whose suffering has been greater. Anger that might be focused by a collective understanding of systemic injustice, and hence channeled into collective action toward racial justice for all, is instead squandered in internal bickering.

VI. EXAMINING THE MEDIA COVERAGE

The Long Guang Huang case and subsequent community organizing have demonstrated that media coverage can influence the outcome of a case. More than fifty print media news reports featured the Quincy 4 case between May 2006 and July 2007; 70% of these appeared in the

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103. See discussion of Huang case supra Section IV.A; supra note 55.
Chinese press. The case was also reported on various blogs and websites. A majority of these online postings consisted of information posted by the Support Committee on its listserv and Quincy 4 websites. No mainstream broadcast media covered the case, and only one Chinese-language cable access program covered the May 2006 community meeting.

A. Exploring Coverage Between Chinese Press, the Militant and the Mainstream Press

Coverage by mainstream English press and Chinese press differed significantly. *Sampan*, a bilingual community newspaper, first reported the incident. The *Sampan* reporter was one of the few journalists who actually met Karen, interviewed her, and personally witnessed her black eye and bruises. A second account was reported by the *World Journal*, a Chinese newspaper with a worldwide circulation. It provided more details about the night of April 30, 2006 but lacked reference to an official police report.


107. Keeping track of the postings on the blogs is challenging because older postings are often not archived.

108. Even before the Support Committee was officially formed, the Chinese Progressive Association put together a listserv with more than one hundred e-mail addresses collected from the individual address books of CPA members and covering a wide range of interests and individuals. This listserv, with minor changes, was used throughout the legal proceedings and beyond. A separate listserv with the e-mail addresses of the core Support Committee was later created to allow for more strategic discussion on the organizing tactics.

109. The Quincy 4 website was linked to the main webpage of the Chinese Progressive Association, creating the impression that the all supporters of the Quincy 4 were affiliated with the Chinese Progressive Association. The progressive ideology and non-traditional approaches of the Chinese Progressive Association in leading campaigns to fight for tenants’ rights, immigrants’ rights, workers’ rights, land use decisions, and environmental justice had apparently led some to misperceive that the Chinese Progressive Association was once again “stirring up trouble.” As such, many failed to see the Quincy 4 case within the framework of racial justice. This website has subsequently been taken down. A different website created to reach a younger, more technologically savvy group was set up on MySpace, at http://www.myspace.com/thequincy4 (last visited Apr. 10, 2008).

110. A one-hour, biweekly cable access program called *Asian Spectrum* has been in operation since 1995. It targets Chinese-speaking residents of Malden, a city a few miles north of Boston that has experienced a rapid growth in its Asian American population in the past decade. The programs are also aired on Boston’s cable network.

111. On the day of the arraignment, May 1, 2006, one of the Quincy 4 victims contacted the *Patriot Ledger* about the incident, but the newspaper was not interested in covering the story unless the defendants were going to take further action. Because Karen Chen was well-known in the Asian American community, the *Sampan* reporter was more eager to cover the incident.

report.113

All the major Chinese press attended the May 2006 community meeting, but no English-language media were present.114 Nor did the mainstream English media cover the June 2006 rally.115 Only two mainstream English newspapers in the Boston region, the Boston Globe and the Patriot Ledger, covered the case; together they published fourteen reports on the Quincy 4. Beyond the Boston area, one other English-language newsweekly, the Militant, covered the case.116 Despite the Support Committee’s efforts to circulate details of Karen and Tat’s physical injuries, none of the Ledger’s nine news accounts mentioned harm sustained by the defendants.117 Yet, in a parallel article on the July 2006 meeting with the Mayor, the Ledger included nearly the entire police report of the incident.118 Reports filed during trial were also silent about Karen and Tat’s injuries, even though the defense entered relevant photos into evidence.119 Further, in covering the trial, the Ledger did not indicate that Officer Curtis’s testimony was contradicted by the other five officers who testified. Nor did it report on the racial composition of the jury,120 which is

113. See Zhao, supra note 77, at 1 (“Four Asian Americans accused police of using excessive force: Chinese Progressive Association will organize protest against [police] misuse of pepper spray and battery against one of the victims causing concussion”) [translation supplied by authors].

114. The Patriot Ledger did report the community meeting about three weeks after it took place, but the report focused on reactions from various parties about the meeting instead of reporting first-hand observation of the meeting itself. See Reinert, supra note 68, at 11.

115. The Boston Globe mentioned the June 2006 rally in passing in an article about the first pre-trial hearing on June 27, 2006. However, the article did not run until a few days after the court hearing occurred and only in the Sunday regional section. See Carolyn Y. Johnson, Arrests Spark Protests of Racism: Mayor Asks for Outside Review, BOSTON GLOBE, Globe South Section, July 2, 2006, at 1.


117. See generally Reinert, supra note 68, at 11; Sue Reinert, Protestors Pack Court in Racially Charged Trial: Four Defendants Say They Were Wrongfully Arrested, PATRIOT LEDGER, June 26, 2006, at 1; Don Conkey, Big Protest in Quincy: FBI Called in on Brutality Claim: Demonstrators Go to Courthouse, City Hall Claiming Police Brutality, PATRIOT LEDGER, July 27, 2006, at 1.


120. The jury was made up of three men and five women, two of whom became alternates before jury deliberation began. Robert Sears, Trooper: Quincy Man ‘Confrontational’: Court Crowded as Trial Begins in Controversial Case of Four Asian Men Charged with Being Disorderly, PATRIOT LEDGER, June 20, 2007, at 12.
often a crucial factor in cases where race is an issue.\textsuperscript{121}

Unlike the Ledger, the Boston Globe took a more neutral, even sympathetic approach.\textsuperscript{122} However, the Globe did publish a long letter by a state trooper who suggested that the defendants and their supporters were un-American, and condemned the supporters for playing the race card.\textsuperscript{123} In addition, while the case was pending, the Globe gave front-page treatment to Quincy’s public relations event—a police outreach to older Chinese residents accompanied by a photograph of a roomful of elderly Chinese proudly displaying their certificates.\textsuperscript{124} Without any reference to the Quincy 4 case, the article failed to reveal that it was the tension between the Quincy police and the growing Asian American community that spurred such community outreach in the first place.

The Militant’s coverage provided a stark contrast to the mainstream English-language coverage. One reporter followed the case from June 2006 until the end. Unlike the Ledger, which depicted the Mayor’s meeting with Quincy 4 supporters as conciliatory, the Militant reported the contentious meeting that actually took place.\textsuperscript{125} Such candid reports, however, had limited circulation because its readership remains small in number.\textsuperscript{126}

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\textsuperscript{121} Unfortunately, race has a history of preventing people of color from testifying as witnesses in criminal trials and serving as jurors. See, e.g., People v. Hall, 4 Cal. 399 (1854); Dred Scott v. Sanford, 60 U.S. 393 (1856). Legal scholars have discussed how a juror’s race largely impacts the outcome of a criminal prosecution, particularly in the sentencing phase where the death penalty is involved. See, e.g., William J. Bowers et al., Death Sentencing in Black and White: An Empirical Analysis of The Role of Juror’s Race and Jury Racial Composition, 3 U. PA. J. CONST. L. 171 (2001); Douglas L. Colbert, Challenging The Challenge: Thirteenth Amendment As A Prohibition Against The Racial Use of Peremptory Challenges, 76 CORNELL L. REV. 1 (1990).

\textsuperscript{122} Compare Jonathan Saltzman, 3 Asian-Americans Found Guilty in Quincy Fracas, BOSTON GLOBE, June 23, 2007, at B2 ("Three of four young Asian-Americans whose arrests in a fracas last year spurred protests and accusations of racism against Quincy police were found guilty yesterday of resisting arrest or disorderly conduct or both after a jury deliberated less than three hours. The verdict in Quincy District Court stunned about two dozen friends and relatives of the group dubbed 'the Quincy Four' and caused many to weep and condemn the justice system.") with Robert Sears, Racism Alleged: 2 Get Jail for Disorderly Conduct, PATRIOT LEDGER, June 23, 2007, at 1 ("Two Quincy men whose arrests last year brought an outcry of police misconduct from the Asian community have received jail sentences . . . . Quincy Patrol Officers’ Association President Bruce Tait said officers were ‘extremely gratified’ by the jury’s decision.").

\textsuperscript{123} Sal Giarratani, Letter to Editor, Don’t Judge Police Until the Case Has Been Examined, BOSTON GLOBE, Globe South Section, July 9, 2006, at 11.

\textsuperscript{124} Maria Cramer, Arresting Fear, Bridging cultures: Quincy Police Reach Out To Asians, BOSTON GLOBE, Oct. 26, 2006, at A1 (failing to mention the Quincy 4 case).


“This FBI is going to do it, and that’s it,” [Mayor] Phelan shot back. “Government is empowered to do investigations of this sort. If they’re not part of law enforcement I will not ask them to be part of the investigation.”

The meeting ended with the [M]ayor saying there is no systemic problem between city police and the people of Asian descent. “Quincy has undergone some big changes and the community has been made inviting,” Phelan said.

\textsuperscript{Id.}

\textsuperscript{126} See supra note 116 for a description of The Militant. Although The Militant is available online, it is not generally available in newsstands or most book stores.
Compared to the English press coverage, the Chinese press coverage was more frequent and detailed. Because all three major Chinese-language newspapers were present at community meetings, rallies, and court hearings, the Chinese press coverage invariably contained more details about events, which gave readers a greater understanding of the proceedings. Differences in Chinese and English-language press were particularly apparent during the trial. The reporter from the Chinese newspaper Sing Tao, covered the trial from start to finish, often arriving at the courthouse at the same time as the defendants and remaining until everyone had left. Her reports provided details that Ledger articles omitted, including descriptions that undercut the officers’ claims that they felt threatened during the encounter. Her reports also pointed out contradictions in Officer Curtis’ testimony during cross-examination. Her foreboding about the lack of impact of key defense strategies, such as the introduction of the turret tape, photographs taken at the scene, and the booking sheets, captured the mood of those present though the trial. Further capturing the case’s ultimate impact on the Asian American community at large, Sing Tao wrote on day five of the trial: “police put fear in the people who will from now on be afraid to enter Quincy.” Similar accounts of the trial were reported in other Chinese-language newspapers.

The detailed Chinese press coverage enabled the readers to understand the injustice of the verdict and sentencing. One reader, in response to the articles, even showed up in front of the Quincy District Court to protest.
In contrast, readers who had access only to the English press believed that the three who were convicted deserved the harsh sentences, as evidenced by electronic messages sent to the Support Committee.

VII. THE TRIAL REVISITED

The Quincy 4 case was decided by a jury of five Whites and one African American. The jury pool was drawn from Norfolk County, a larger geographic area than Quincy. Members of the Support Committee were concerned that on the first day, there was not a single person of color in the jury pool. At the conclusion of jury selection on the second day, when one African American woman joined the jury, the Support Committee concluded that one person of color was better than none. This seeming imbalance is reminiscent of the 1854 California Supreme Court decision People v. Hall.

A. Jury Selection: Echoes of People v. Hall

In People v. Hall, the California Supreme Court nullified the testimonies of Chinese witnesses in an earlier conviction of a white defendant's murder of a Chinese man. As a matter of public policy, the Hall Court was concerned that "[t]he same rule which would admit [the Chinese] to testify, would admit them to all the equal rights of citizenship, and we might soon see them at the polls, in the jury box, upon the bench, and in our legislative halls." The Court continued,

The anomalous spectacle of a distinct people [i.e. the Chinese], living in

BOSTON, June 27, 2007, at B1 [translation supplied by authors]. Despite the reproachful headline, the photograph accompanying the article depicted the lone protestor kneeling in front of the courthouse and the words "human rights" over his mouth and with his wrists bound by duct tape handcuffs. This powerful image summed up the disgust felt by many in the Asian American community about the outcome of the Quincy 4 case. See Photo G, app., infra (photograph courtesy of Sing Tao Boston).

133. Messages such as the following were e-mailed to the Chinese Progressive Association for several weeks after the verdict: "Wah Wah Wah, just keep on crying. You people just set back relations between asians [sic] and citizens of quincy [sic] several decades. Maybe next time you will look at the facts and not listen to what a few of your young trouble makers tell you." This e-mail was sent by a 43-year-old man from Wellesley, M.A. Another e-mail sent to the CPA stated:

Your stupid, idiotic drunken activities caused the action by the Massachusetts State Police. The Quincy Police were called after one of your Chinese "brothers" was acting like an idiot. Surely, in China this Behaviour would NEVER be tolerated. Why the fuck should you pull this crap in Quincy?? In HK you would be locked up. Why do you want special treatment here in The USA?? You were all drunk. You were acting like drunken idiots. The Police got involved. They sprayed you with Mace. So what? Your group of drunken monkeys brought this shameful behaviour to yourselves. Get real.


135. People v. Hall, 4 Cal. 399 (1854).

136. Id.

137. Id. at 404.
our community, recognizing no laws of this State, except through necessity, bringing with them their prejudices and national feuds, in which they indulge in open violation of law; whose mendacity is proverbial; a race of people whom nature has marked as inferior, and who are incapable of progress or intellectual development beyond a certain point, as their history has shown; differing in language, opinions, color, and physical conformation; between whom and ourselves nature has placed an impassable difference, is now presented, and for them is claimed, not only the right to swear away the life of a [white] citizen, but the further privilege of participating with us in administering the affairs of our Government.\footnote{Id. at 404-05.}

More than 150 years since the \textit{Hall} decision, the Quincy 4 case came down to weighing the veracity of one Chinese female witness against that of six white police officers. Furthermore, with the exception of the one African American juror in the Quincy 4 trial, the racial composition of the jury had not changed. The four Asian American defendants in this case were tried by a jury that did not reflect their racial diversity. This gives rise to questions of the degree to which racial stereotypes played a part in the police and prosecution's strategies, as well as in the jury deliberation room—and how such stereotypes might have impacted the outcome of this case.\footnote{See \textit{Commission to Study Racial and Ethnic Bias in the Courts, Equal Justice: Eliminating the Barriers: Final Report to the Massachusetts Supreme Judicial Court}}

\textbf{B. Strategies of Police and Prosecution}

The police reports and the officers' testimonies strongly suggested that the four defendants were aggressors who compelled Officer Curtis to use pepper spray and forcibly restrain Karen. For instance, Officer Curtis testified that he stood by the open car door, caught the door with his foot, and trapped Quan between the door and the car. Curtis then grabbed Quan's wrist and used the pepper spray in his face. Seconds later, as he was pulling Quan from behind the car door, he saw Karen leap in and hit her with his hip as she tried to grab Quan.\footnote{If one were to reenact the events as described in Officer Curtis' testimony, one would notice the physical impossibility of performing all the motions described in the short amount of time testified to by the officer. See Trial Notes, \textit{supra} note 5, at 16, 20.} On the stand, Officer Curtis justified his use of force by claiming that he became fearful when Tat and Howard put up a "fighter stance" to challenge him.\footnote{Id. at 16.} The Officer's claims invoked the stereotype that all Asians know kung fu and are thus dangerous even when unarmed.
1. Kuan Chung Kao and the Kung Fu Fighter Stereotype

Asians have long been stereotyped as dangerous "kung fu fighters" who need to be restrained by police force. In 1997, in Rohnert Park, California, Kuan Chung Kao fell victim to this stereotype when he was shot in the chest by a deputy while waving a broomstick. The Sheriff's Department issued a press release to justify the police officer's action on the grounds that Kao was "brandishing a stick in a threatening martial arts fashion." This nine-page press release contained many references to martial arts, including a neighbor's claim that Kao had been spinning the stick "in a manner consistent with a 'Ninja Fighter'" and had been standing in a "Samurai warrior-type stance." The officers involved in the Quincy 4 incident, in a similar vein, described (in the police report and on the witness stand) the Quincy 4 as unreasonably dangerous, thus justifying their use of force.

i. Depictions of the Quincy 4 as Asian Kung Fu Fighters at Trial

Quincy Police Officer Curtis wrote about the incident in the following manner:

The males took positions on each side of Karen Chen. Karen Chen had Tat Yuen to her right and Howard Ng to her left. All three, Tat Yuen, Karen Chen and Howard Ng started to surge forward towards me. I was threatened by their actions and in fear of being attacked. I held up my pepper spray in my left hand and pointed it at Tat Yuen, Karen Chen, and Howard Ng. Tat Yuen had both fists clenched and up in front of him. His facial expressions were wild and angry. He got into a fighters stance, straight on and approached me. Karen Chen, with Tat Yuen at her side, was screaming, "fuck you, you sprayed me!" Karen Chen's facial expression was also wild and angry. She too approached me in a threatening manner. Howard Ng had both arms extended with his fists clenched. He also got into a fighters stance.

Although portions of the above statement were inconsistent with Officer Curtis' report and testimony, as well as with the other officers' descriptions, all accounts depicted the defendants as wild-eyed kung fu fighters. Another common theme is the implicit notion that just one Asian fighter, even if hurt or incapacitated, can overcome numerous armed opponents:

...Patrolman Wilbur and I completed handcuffing Karen Chen. Upon arrival of the ambulance that I had called, I escorted Karen Chen over to

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144. Id.
the EMT’s to have her treated for exposure to pepper spray. As I walked her over to the ambulance, Karen Chen continued to yell, swear and threaten to ‘get me!’ She was yelling to the others who were not under arrest to help her. Karen Chen was acting violently and she was very unpredictable. I felt that having her treated at this time was a physical risk to the ambulance personnel. The transport wagon was on scene. I told the EMT to respond to the police station cell block where they could treat Karen Chen more securely.146

During the trial, Officer Curtis repeated this description. Another officer agreed with Curtis in his report, explaining why it took three police officers to handcuff a petite Asian woman:

I then grabbed Chen by the arm and she went crazy, Chen began violently kicking and trying to punch me. Officer Curtis came over and grabbed Chen to assist me. Officer Curtis and myself brought Chen to the ground to immobilize her. Officer Curtis had gotten a handcuff on her right wrist and she pulled her arm away and locked her arms together in front of her body and began kicking towards us as she was on the ground. I placed my knee on her shoulder blade and attempted several times to break her grip without hurting her arm. Chen was actively resisting and we were still unable to break her grip on the handcuffs. Officer Mahoney came over to assist us as Chen violently struggled with us. Finally after several moments Officer Curtis managed to get her to release her grip and she was handcuffed.147

The over-dramatized depiction of the Quincy 4’s supposed violent tendencies indicates a prosecutorial strategy to sell this “kung fu fighter” stereotype to a non-Asian jury. This stereotypical image served to justify the need for three police officers to take down Karen Chen, as she was only half cuffed—she might have used the metal handcuff as a weapon. Neither the police nor the prosecutor mentioned that Karen weighed under 100 pounds, stood just over five-feet tall, was untrained in martial arts, and that Curtis was more than twice her size.

VIII. THE VERDICT AND THE AFTERMATH: SILENCING OF THE ASIAN AMERICAN COMMUNITY

When the case was handed over to the jury on a Friday afternoon, we correctly feared that the defendants would fall victims to “speedy justice.” Around 3:30 p.m., the jury returned to the courtroom to seek instructions on the many confusing statutory elements of each charge.148

146. Id. at 4.
147. Incident Supplement #6020600-2, Statement of Patrolman Keith Wilbur, Quincy Police Department, Quincy, MA, October 8, 2006, at 1. Officer Curtis also attempted to convince the jury that despite her small size, Karen was a formidable kung fu fighter and thus, three policemen, each more than twice her size, were required to overpower her. See Trial Notes, supra note 5, at 25.
148. The jurors were not allowed to take notes during the hour-long jury instruction when the judge described the multi-prong elements of each crime.
When the verdict came in at 4:45 p.m., we were collectively relieved by Howard’s acquittal. He was released and led from the courtroom. Supporters of the Quincy 4 were quickly stunned, however, by the convictions of the other three defendants. Quan was convicted on both charges, Karen of resisting arrest, and Tat of disorderly conduct. The court then moved to sentencing phase.

Despite the Assistant District Attorney’s recommendation of probation for all three defendants, the judge ordered ten days of jail time each for Quan and Tat, to begin immediately. Quan was handcuffed and whisked away by a court officer. When he came out of the room he held up his cuffed hands so the supporters in the hallway could witness the injustice. Tat followed.

Ten days, in a criminal justice system that has issued far harsher punishments on other victims, is nothing. Yet given our knowledge of the Quincy 4’s innocence, it was difficult to contemplate a guilty verdict, much less jail time. Furthermore, based on our legal knowledge of the typical sentence in similar cases, and witnessing the lenient disposition of other misdemeanor and simple felony cases in the same court by the same judge, most of us expected the usual probation and fines, as the Assistant District Attorney recommended. It was clear to us that by sentencing Quan and Tat to jail, the judge intended not only to punish these two, but also to punish and silence their supporters in attendance. If there was some logic behind the sentencing and the judge’s use of discretion to exceed the prosecution’s requests, it was not made public.

The community had come full circle. Twenty years earlier, presiding Judge Albert Kramer of the Quincy District Court had encouraged Asian Americans to come forward as witnesses and participants in the judicial process. In commenting on why they should do so in hate crime cases, Judge Kramer said, “[Asian Americans] find living with these things is far more dangerous than attempting to deal with it . . . . [by not coming forward,] [i]t sends a message that attacking them is fine because you won’t get caught.” Suggesting that Asian Americans can play a role in securing strict court sentences, he added, “If you come to court, we have to show you the experience is worth the risk.”

Here, the Asian American community was more than highly visible. The Quincy 4 supporters came out en masse, made themselves visible in protests and rallies, and attended the trial and hearings religiously. These were not the docile, unassuming Asian Americans to which Quincy’s white inhabitants were accustomed. The harsh sentences given to the Quincy 4

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149. There were about fifty supporters at the courthouse on the day the verdict was read. However, before the jury returned to the courtroom with the verdict, the police and supporters of the prosecution entered the locked courtroom through a back door. Because they took up half of the seats in the courtroom, many of the Quincy 4 supporters had to wait outside.

150. QUINCY’S NEWEST IMMIGRANTS, supra note 36, at 37.
might be viewed as a statement by the court to future Asian American litigants: do not waste the court’s time with a trivial case; take the plea bargain or take a settlement; if you do not cooperate and you are unlucky enough to come before me for sentencing, be forewarned. The harsh sentences were deterrents for future defendants seeking justice through the criminal process. As with the initial criminal matter in the Vincent Chin case, the Quincy court seemed primarily concerned with the administrative efficiency of its docket.

A. Attempt to Tell Our Story Through a Public Letter: Fiasco with the Quincy Sun

One post-trial resolution adopted by the Quincy 4 Support Committee was to publish a letter in the mainstream media to voice our outrage regarding the case’s outcome. The only news outlet in which the Support Committee could afford to publish was a local newspaper that circulated within Quincy. The letter, to be published as an advertisement, read:

For fourteen months, we have supported four Asian Americans (Karen Chen, Howard Ng, Quan Thin and Tat Yuen) in their quest to clear their names after being pepper-sprayed and beaten up by several Quincy police officers and then prosecuted for crimes that they insisted they did not commit.

On June 22, 2007, after a five-day trial, the jury cleared the charge against Howard Ng, but found the other three guilty of either disorderly conduct, or resisting arrest, or both. We disagree with the guilty verdicts returned by the jury. The four remain adamant that they were falsely charged after being victims of police brutality in the early hours of April 30, 2006.

We are outraged by the disproportionately harsh sentences that Judge Orfanello handed down. Judge Orfanello issued sentences that far exceeded the prosecutor’s recommendation, which did not include any jail time for anyone. Despite the fact that Thin and Yuen have no prior criminal records, Judge Orfanello ordered their immediate incarceration to serve 10 days of the six-month suspended sentence and two years’ probation for resisting arrest and/or disorderly conduct. They were not even allowed a moment to speak to their family members who were waiting in court. Likewise, Judge Orfanello placed Chen under a lengthy 18-month probation for her first conviction. In delivering the above sentences, Judge Orfanello provided no basis or reasoning to support such harsh punishment that did not fit the crimes alleged. We see this as a punishment of these individuals for exercising their constitutional right to

151. In the documentary Who Killed Vincent Chin?, both Judge Kaufman and the prosecutor stressed that they have to deal with numerous cases at a time, and used that as an excuse for letting Chin’s killers loose with only probation and fines. Who Killed Vincent Chin?, supra note 53.

152. The Support Committee debated whether the letter should merely express our outrage or also be endorsed by other groups to show the amount of support the victims had. Because of time constraints, the Support Committee decided to publish an open letter to express its own outrage at the verdict and sentencing.
have their day in court.

We stand by these four individuals in their proclamation of their innocence and we demand no retaliation against them or their families, or any others in the Asian American community, for standing up for their rights. We will not tolerate any unfair treatment toward any Asian Americans.

The morning after the Support Committee placed the advertisement, co-author Lai received a call from the paper’s advertising sales agent, who asked that the Support Committee omit “being pepper sprayed and beaten by” because, according to her, this was inconsistent with the police reports. The sales agent further asked that the CPA be listed as the entity that paid for the advertisement complete with its contact information, since CPA was the source of the check used to pay for the advertisement. Co-author Lai pointed out that the police report was only one version of the account and that the police officer himself testified in court that he had used pepper spray and physical force. The sales agent then claimed that the individuals were pepper sprayed only after they attacked the police, and that the newspaper’s legal counsel strongly suggested removal of those references. She also insisted that the entity placing the advertisement was legally required to list its full identity.

Co-author Lai protested, defending the accuracy of her version of the incident and explaining that the advertisement was paid for by the Quincy 4 Support Committee, with the Chinese Progressive Association acting as its fiscal agent. Ultimately unwilling to publish an advertisement with censored content, the Support Committee withdrew the placement.

This censorship attempt itself was troubling. Even more troubling was the fact that this small newspaper went to the trouble of studying the police reports

153. The Chinese Progressive Association served as the fiscal agent for the Quincy 4 Legal Defense Fund, which was established to help pay for the victims’ legal fees and costs associated with organizing their defense. Co-author Lai, acting as the Support Committee’s chairperson, approved all expenditures from the fund. Advertisement expenses were drawn from this account, which was held in the name of the Chinese Progressive Association.

154. Another advertisement was paid for by forty-one private individuals and was published in the Quincy Sun on August 2, 2007. The advertisement read:

To all Quincy Residents:

We are concerned Quincy residents who feel an obligation to speak up. We’ve been following the news of the Quincy 4 trial. We are shocked at the outcome. We want to say that we cannot understand why two young men with no prior record were sentenced to serve the first 10 days of a six-month suspended jail sentence and two years probation for resisting arrest and/or disorderly conduct.

The breaking of silence is to acknowledge that we care about what happened. We care about our community.

We would like to thank all the individuals and organizations who have been helping to inform and guide the public through this process. This incident helped us learn about the judicial system and to witness how justice is served. Our hope is that this experience is an enlightenment to the residents in Quincy.

A few days after the advertisement was published, a reader sent an e-mail to the website set up for organizing the above ad which read, “If you do the crime you have to do the time. Welcome to the USA.”
and seeking clearance with its lawyer within twenty-four hours of receiving the placement; this suggested that the Quincy 4 incident was far more significant to the City than the level of mainstream media exposure suggested. Regardless, the controversial nature of the case revealed the latent tensions between Quincy’s Asian American and white residents. It also suggested that Asian American residents who claimed otherwise were deluding themselves.155

B. Would the Verdict be Different Had We Not Organized?

The proper question is whether we were right to organize around the case at all. We believe the answer is an unconditional “yes,” stemming from lessons learned from our collective history as Asian Americans fighting injustice. Discrimination inherent in law does not disappear simply because legal or political decision makers suddenly realize what is right and fair. Legal changes entail the exercise of advocacy skills: litigation, lobbying, organizing, and education. To overlook the need for such activism is to remain mentally locked, hoping for the best while doing nothing to work toward progress.

Another question to ask is whether the sentences would have been more lenient if the community had not organized. The answer here is “yes.” Based on our collective legal experience, we have surmised that the court prioritizes efficiency. Therefore, had the defendants apologized to the officers who brutalized them and signed away their claims, the case would have been resolved. The defendants rejected this compromise, however, based on their conviction that they had done no wrong and owed no apology. Admitting guilt would have been easier for the individual victims, but not necessarily better for the collective good.

155. To help the Quincy 4 Support Committee evaluate the racial environment in Quincy, we conducted an informal survey targeting the residents and users of services in Quincy. Half of the surveys were conducted during Quincy’s August Moon festival in 2006, while the other half were distributed and collected through other community venues. The Support Committee collected a total of fifty-six completed surveys, thirty-nine of which were completed by Quincy residents. Forty-eight of the respondents claimed they got along with their neighbors, while five stated that they did not get along with their neighbors because of language or cultural barriers. When asked how often the respondents visited certain public facilities (public library, City Hall, City Council, public school/parent council, police department, public housing authority, and human resources office), the most visited place was the public library, where sixteen respondents said they visited. The least visited places were the City Council and the human resources offices, where only 1 respondent visited with some frequency. Some respondents indicated they had never visited certain public places because they perceived they would be treated either with hostility or be ignored. Six of the thirteen respondents who reported having occasionally visited the police department reported unwelcoming treatment, ranging from being ignored to being treated with hostility. In another part of the survey, thirteen of the respondents reported witnessing police discrimination. In response to the statement, “In Quincy, I feel that I am treated differently because of my race, ethnicity, immigrant status, or English proficiency,” twelve of the respondents answered “agree” or “strongly agree,” while nineteen responded “disagree” or “strongly disagree.” Surveys of Quincy residents (on file with authors).
What if Yick Wo\textsuperscript{156} had not sued the City of San Francisco? What if Rosa Parks had simply moved to the back of the bus? Progress is incompatible with “the easy way out.” And if one were concerned about being convicted and having a criminal record, the Quincy 4 would have role models in Fred Korematsu, Min Yasui, and Gordon Hirabayashi to follow.\textsuperscript{157}

IX. LESSONS FOR THE ASIAN AMERICAN COMMUNITY IN ORGANIZING FOR CHANGE

As previously discussed, the Quincy 4 case occurred at an inopportune moment. Various circumstances conspired to create a vacuum of leadership from the community in the Support Committee. Co-author Lai took it upon herself to chair the Support Committee during the summer of 2006, coordinating the campaign until the CPA and others could take over. Throughout the campaign, the Support Committee had a fluid membership, with CPA personnel becoming de facto campaign staffers. This decentralized structure made it difficult to map out strategies or to make decisions. Unlike the organizers in the Long Guang Huang case, who rallied supporters from across the political spectrum by depicting the incident as an attack on all Asian Americans, the Quincy 4 Support Committee failed to convey that message. In this case, there was no unity among Asian American constituencies, nor any agreement within the Support Committee on broader systemic issues that should be challenged. As a result, the Support Committee became a task-oriented operation focused only on planning rallies and court hearings; the campaign lacked any full strategy discussion or contingency plan.

A. Mobilizing Groups

Throughout the Quincy 4 case, the Support Committee used a variety of methods: old-fashioned literature drops, notices in organizational newsletters, and phone banking; as well as mass e-mails, websites, and blogs.

The initial goal of the campaign was to challenge inequality and racial discrimination in Quincy. Another goal of the outreach was to build a cross-racial and ethnic coalition focusing on misuse of police authority and to demand better accountability and racial justice.

\textsuperscript{156} Yick Wo v. Hopkins, 118 U.S. 356 (1886).

\textsuperscript{157} These Japanese Americans had been imprisoned for violating the curfew imposed under the civilian exclusion order implemented pursuant to Executive Order 9066 during the World War II. Their constitutional challenges to the civilian exclusion order were rejected by the U.S. Supreme Court on the basis of national security. See Korematsu v. United States, 323 U.S. 214 (1944); Hirabayashi v. United States, 320 U.S. 81 (1943); Yasui v. United States, 320 U.S. 115 (1943). It took more than forty years for two of the original three convictions to be overturned. See Korematsu v. United States, 584 F. Supp. 1406 (N.D. Cal. 1984); Hirabayashi v. United States, 828 F.2d 591 (9th Cir. 1987).
Essentially, four groups were consistently present during the yearlong ordeal, most notably a group of elderly Chinese immigrants, based in Chinatown, who knew Karen and had a long history of working with the CPA—namely in struggles for community preservation, tenant rights, immigrant rights, worker rights, and voting rights. More importantly, these Chinatown-based supporters understood the history of discrimination, knew of the Long Guang Huang case, and readily perceived the Quincy 4 case as yet another incident of anti-Asian racism. Hoping that the American legal system would dispense justice for the four victims, these supporters maintained a strong courtroom presence throughout the trial.

Other consistently supportive community partners included lawyers from Greater Boston Legal Services, organizers from the Center to Support Immigrant Organizing, members of the Institute for Asian American Studies and the Asian American Resource Workshop, and various labor groups and organizers. As part of the local social justice network, these groups were naturally invested in the case’s outcome.

The Support Committee made a special concerted effort to reach out to Asian American youth—from high school students to young professionals—through e-mail listservs, websites, and blogs. Involving this constituency was crucial because its members represented the future of the progressive movement, and because the issue of police harassment of young people of color should resonate most strongly with them. However, this demographic proved to be the most skeptical and least engaged in the cause. Aside from those college students affiliated with the CPA youth program and the Coalition of Asian Pacific American Youth, including a handful who drove through the night to attend the court hearing in the morning, most local college students were apathetic. The young people became more active after the verdict; they began attending Support Committee meetings, helping to develop the agenda, facilitating small group discussions, and participating in long-term strategy discussions. But even then, the enthusiasm was short-lived; it lasted only through the summer.

The Quincy 4 case drew additional support from groups beyond the Asian American community—most notably from the supporters of the Somerville 5. Also, candidates for state and local offices made brief shows of support during the ordeal. Their numbers were small, but their presence was noted in media coverage of the case. Representatives from Militant Labor also participated. Various individuals who learned of the case through e-mail or by word of mouth also lent support, including a Catholic nun from Quincy who heard about the case through the Support Committee’s outreach for the May 2006 community event.

Notably absent from this support network were community leaders from the Quincy Asian American community, mainstream civil rights organizations, Chinatown social service organizations, and Asian American
politicians. Their absence cannot be explained by ignorance of the case or inadequacy of notice; many voiced opinions about organizing or legal defense after the verdict. Indeed, the absence of these groups during crucial moments of the struggle made their post hoc offers to help appear self-serving and hollow. The lack of support from these mainstream groups suggests that perhaps civil rights is still viewed as a Black and White issue.

1. Use of Internet: Its Limitation as an Outreach Strategy

Much more so than in the case involving Long Guang Huang, information technology played a key role in outreach and organizing around the Quincy 4 case. However, the core supporters of the Quincy 4 turned out to be the elderly, whom the Support Committee organized through old-fashioned phone banking. Though notifications about the rally and court hearing were sent to hundreds of listserv recipients, overall, outreach to young Asian Americans by electronic means was not particularly effective. Young Asian Americans were far less consistent in event attendance and overall support than were older supporters.

2. Lack of Asian Americans Serving Jury Duty

As experienced legal services attorneys, the authors have helped numerous Asian immigrants seek waivers from jury duty service based on limited English-language proficiency. However, Norfolk County, which encompasses Quincy, is home to many Asians who are not limited in English proficiency. Norfolk includes more than 50,000 persons of Asian descent who collectively represent 7.7% of the county’s population. Given these statistics, the utter lack of Asians in the jury pool of thirty-seven for this case was suspect.

Many immigrants wish to be naturalized so they can enjoy the full rights of citizenship. The desire to sponsor their families may be pertinent for most, but we have also encouraged many immigrants to become citizens in order to “get out the (Asian) vote,” and even urged citizen members of our community to run for public office. Yet, we at times had forgotten to remind these prospective American citizens that full political participation includes jury duty. Recognizing that Asian immigrants are often intimidated by the language barrier, we must develop a national initiative for Asian America that embraces jury duty as a component of civic participation. We must keep in mind the Hall court’s racist language

158. The Lawyers Committee for Civil Rights was the first group that co-author Lai contacted soon after the incident. Another group, the National Lawyers’ Guild, was asked to monitor the community rally held in June of 2006, but never responded. The Quincy Asian Resources, Inc. sent a letter to Mayor Phelan expressing concern about the case in the summer of 2006, but its members were not present at any public action or court hearings.

as a call to full political engagement by Asian Americans.

B. Realities That We Cannot Overcome

In previous organizing attempts—i.e., around land use, voting rights, immigrant rights, tenants’ rights, and workers’ rights—filing suit, or threatening to do so, was a tool of last resort, which the community could invoke upon exhaustion of other conflict resolution channels.\textsuperscript{160} In the Quincy 4 case, not only was the lawsuit filed at the onset of organizing, but it was also a criminal prosecution that proceeded swiftly and held the potential of great detriment to those involved.

Despite the community’s previous experiences organizing around Long Guang Huang, gathering support for the Quincy 4 presented novel challenges. First, there were no third-party non-Asian witnesses to the incident\textsuperscript{161} who could corroborate the Quincy 4’s account; this situation pit the police’s version against that of the defendants.\textsuperscript{162} Second, being young Asian Americans, the victims did not necessarily evoke as sympathetic an image as the elderly Mr. Huang did. Third, Karen’s position as a CPA organizer worked against her. Within the Asian American community, this affiliation turned away some who felt that CPA was too radical in its approach (even though it had won many campaigns for workers, tenants, and voters in the Chinatown community). Beyond Asian American and progressive communities, Karen’s work as an organizer could be perceived as troublemaking. Such perceptions led some to believe that she had either provoked the attack or played the race card to malign the City of Quincy.\textsuperscript{163} In addition, the Quincy Asian American community and the City of Quincy were not ready to tackle the issue of local racial tensions.\textsuperscript{164}

\textsuperscript{160} Ross Dolloff & Luke Hill, Collaborations with Broad Based Organizing Projects: The Legal Services Staffer and Organizer Perspective, 9 MGMT. INFO. EXCHANGE J 3, 3 (2000) ("A lawsuit is generally a tool of last resort for organizers because it tends to take the political action out of the hands of many leaders and place it in the hands of a few lawyers.").

\textsuperscript{161} In the Huang case, several white eyewitnesses testified to the police beating. See supra Section IV.A; supra note 55.

\textsuperscript{162} This was exactly what the English-language press and readers who wrote to the press asserted. See, e.g., Adam Smith, Activists Claims Excessive Police Force in Quincy: ‘Two Sides to Every Story’ Says Quincy Police Captain, It’s Her and Her Friends; Story Versus the Police’s, SAMPAN, May 5, 2006, at 1; Sal Giarratani, Letter to Editor, Don’t Judge Police Until the Case Has Been Examined, BOSTON GLOBE, Globe South Section, July 9, 2006, at 11.

\textsuperscript{163} This sentiment can be inferred from the defensive statements of various Quincy and police representatives. See, e.g., Saltzman, supra note 122, at B2 (The President of the Quincy Police Patrol Officers’ Association reacted to the racial implication of the verdict by saying, ‘‘Prior to this and after this we had an excellent relationship with our Asian community, . . . [t]he most sad thing of all was that these defendants were willing to totally trash that relationship in order to excuse their unlawful behavior.’’); Sue Reinert, Asian Activists Protest Arrests: Misconduct Allegations Being Investigated by an ‘Outside Agency,’ PATRIOT LEDGER, June 9, 2006, at 11 (when asked about the community meeting held in May 2006, the Mayor’s executive secretary stated that some attendees of the meeting told him that the relationship between the Quincy police and the Asian community was good).

\textsuperscript{164} During the pendency of the Quincy 4 case, there were two apparent anti-Asian incidents in Quincy. The first involved five Chinese American middle school students who were reportedly attacked
Despite our determination not to let litigation drive community organizing, the Quincy Asian American community needed a moral victory in the criminal case before attempting to address more fundamental issues. However, the drawn-out process eventually sapped the community's optimism and, as a result, the Quincy Asian American community settled back in where it began—sitting on the sidelines, waiting for lawyers to deliver results.

C. Trying to Serve Two Masters: Community Versus Defendant Interests

On many occasions, the interests of individual members of the Quincy 4 differed and even clashed with those of the Asian American community as a whole. For example, although many community members supported the Quincy 4, many others doubted their innocence. To the extent that the latter questioned the Quincy 4's intent in pursuing the case and even their truthfulness, it would have been easier for members of the Quincy 4 to "take a deal" with the prosecution rather than face public scrutiny. A principal goal of the Support Committee was to balance these two interests.

To protect their own interests, the Quincy 4 defendants retained separate lawyers, each of whom was charged with promoting his or her client's best interest. As a result, the defense team collectively had little interest in the community's stake. Yet, in the Support Committee's perspective, this case had to be approached from both an individual and a community front. The defendants met with their respective lawyers, but these meetings were usually preceded or followed by discussion, debriefing, or strategizing amongst the Quincy 4 and a subset of the Support Committee. Further, the co-authors often explained legal processes and the impact of various strategies to the defendants, reviewing court documents with them and preparing them with trial scenarios when they could not meet with their lawyers. Through these group sessions, the Quincy 4 tried to reach common understandings as to the next steps in collective action.

The Support Committee's task of balancing the community's and the

by a white student at school. When the co-authors' intern began to investigate, the advocacy group that received the initial complaint, the pastor who ran youth program, and a school guidance counselor who were privy to the facts all refused to discuss the matter. They claimed that the children's parents did not want to publicize the event and that because the attacker was a well-known bully, no racism was involved. The second incident involved the flying of the national flag of the Peoples' Republic of China by a newly-formed organization in Quincy. Although the organization could legally fly the flag, it needed a permit from the City before doing so. The City Council met to discuss how to discourage the organization from flying the flag because it was "a symbol with unfavorable associations for some military veterans and Asian immigrants who fled China's Communist government." Robert Knox, Flag That Sparked Protest Comes Down: Quincy Awaits Forum on New Chinese Group, BOSTON GLOBE, Oct. 22, 2006, at 13; see Christopher Walker, Officials Would Like China Flag Taken Down, PATRIOT LEDGER, Oct. 6, 2006, at 9. When protests and political pressure to bring the flag down failed, some people took it upon themselves to chop the flagpole down. Editorial, Running Hate Up the Flagpole, PATRIOT LEDGER, Oct. 9, 2007, at 6.
defendants' individual interests was difficult. In cases of conflicting interests, we usually decided in favor of the individuals who faced potential conviction. In turn, defendants had to consider the actions and strategies according to their own personal beliefs on what would be best for them individually.

One particular instance aptly exemplifies this conflict. The day after the convictions were handed down, a scheduled event to commemorate Vincent Chin’s death occurred; clips of “Who Killed Vincent Chin?” were shown and key parts interpreted to a packed room consisting primarily of Chinese-speaking audience. Dismay at the Quincy 4 outcome, combined with outrage at the injustices of the Chin case, led to discussions about holding a protest in front of the courthouse to demonstrate to the judge that, though she might incarcerate individual Asian American defendants, she could not silence the Asian American community. The Chinese press were present and published this announcement in the newspapers.

However, we were forced to cancel this protest out of concern for the safety of Quan and Tat, who remained in jail. Their families were concerned that the protest may cause the court to punish them further by increasing their sentences. Apparent ties between the police and correctional facility personnel contributed to the fear that Quan and Tat would be mistreated. Since we had no means of directly contacting Quan or Tat, we had no idea whether they would favor such a protest. Thus, we decided to postpone the protest to assuage their families’ fears.

In this situation, serving the immediate needs of Quan and Tat did not serve those of the community. Clearly, the Asian American community was silenced by the convictions and the sentences, and they desired a quick outlet to demonstrate their anger, frustration, disbelief, and distrust in the judicial system. By putting off the protest, we lost critical momentum.

X. LESSONS FOR COMMUNITY LAWYERS

As lawyers, we have worked on many occasions with organizers to support the community’s struggle for justice and equality. We are proud to lend our legal training and knowledge to support mobilization for causes such as equitable land use, environmental justice, and immigrant rights. However, the Quincy 4 case presented us with new challenges and new

165. WHO KILLED VINCENT CHIN?, supra note 53.
167. Due to the correctional facility’s procedures, new inmates had to undergo an orientation process and could not communicate with the outside world for days upon arriving. Because Quan and Tat were locked up on a Friday evening, they could not be processed until the following Monday. In the meantime, they did not have telephone privileges. The only people who could visit them were their defense attorneys. James Reidy, who represented Quan, visited him on Saturday and informed Quan and Tat’s families that they were all right.
lessons.

A. Organizer Versus Lawyer—Where Do Our Skills Lie?

Although it was necessary for co-author Lai to assume the organizer role, leading the Support Committee violated a cardinal rule of community lawyering: a lawyer should not organize, let alone lead, a campaign or chair a Support Committee. 168 As is generally the case, the dual role of lawyer and organizer was problematic since organizing strategies often conflicted with legal considerations. For example, from an organizer’s perspective, it would have helped organizing efforts for the victims to share their stories with the community; however, a lawyer would counsel the defendants to stay silent on details so as to avoid damaging their case. The lawyer’s role is to protect the defendant’s and not community’s interests. Such conflicts persisted throughout the Quincy 4 case. We have learned that we cannot effectively serve two masters.

In addition, the Support Committee often spoke to the community and press on behalf of the defendants who could not do so on their own. As chairperson during the pivotal initial months of the campaign, co-author Lai assumed this responsibility. This violated yet another important rule of community lawyering: never do for people what they can do themselves. 169

B. Resisting the Seduction of Power:
Playing the Supporting Versus Lead Role

On many occasions, the co-authors could have led the campaign in various ways. The community often looked to us to lead because we are lawyers and speak English. As professionals, we have been trained to lead and act as spokespersons. The potential for self-aggrandizement could have led us astray from the basic principles under which we have practiced for so many years: community lawyering is about empowering ordinary people to speak and act. We believe that, given the opportunity, people can speak for themselves. 170 On many occasions, it would have been easier and more efficient for us to speak or act on behalf of the community and then report back, but we consciously resisted this temptation.

A case in point was the meeting with Quincy’s Mayor. The co-authors were thrust into a situation as unelected delegates to speak with the Mayor. We could have easily met with him as representatives of the group and relayed the message to the community afterward. 171 However, we steadfastly communicated that the supporters were waiting downstairs to

169. See, e.g., Dolloff & Hill, supra note 160, at 3
171. See Picture E, app., infra.
meet with the Mayor. In the end, a room full of community members and diverse supporters all conversed with him.\textsuperscript{172} To accentuate the co-authors' role as only facilitators, co-author Lai stepped away from the table and interpreted for many who had limited English proficiency. In such a situation, others employing a different model of empowerment might have met alone with the Mayor, thus silencing the supporters' voices.

As community lawyers, the co-authors believe that one of our main roles is that of a facilitator who allows the community to speak for itself. We knew that the community had been through multiple struggles and that its voice was as eloquent as ours if given the opportunity to exercise its power. This is the essential difference between the community lawyering model and an approach in which lawyers assume power to "speak on behalf of the community" on the implicit premise that the community is not sophisticated enough to address the issues.

Also, in brokering this meeting, we emboldened community members to realize that they had the right to be there and express their opinions to the Mayor. The Mayor's invitation for the group to come to his office was an affront to the receptionist who would have barred the community, and to the waiting Quincy police who expected to enforce the blockade.

\textit{C. Conducting Impromptu Community Legal Education About the Legal Process Through Court House Debriefing}

One key organizing principle was to support the defendants in the legal processes. For many observers, pre-trial hearings were their first exposure to the American court system. Prior to the first pre-trial hearing, the Support Committee briefed community observers on what to expect and advised them of courtroom etiquette. Yet, even for those who spoke English, the courtroom exchanges between the judge and the lawyers proved unintelligibly technical. Thus, after the first hearing, the Support Committee held bilingual debriefing sessions and began a series of impromptu bilingual community trainings on the American justice system. These sessions not only provided updates on the Quincy 4 case, but also explained how the court handled the other calendared cases witnessed by supporters. In these sessions the community learned about civil versus criminal systems, plea bargains, sentencing, and the limits of the criminal system's endeavors to punish and rehabilitate. These debriefings became the most valuable form of community legal education used during the Quincy 4 case.\textsuperscript{173}

\textsuperscript{172} See Picture F, app., infra.

\textsuperscript{173} To many of the community observers who attended the pre-trial hearings and observed how white defendants with various drug or property offenses were given short-term rehabilitation or short probation sentences, the disproportionate sentences given to the Quincy 4 became all the more disappointing and infuriating.
D. Ensuring Access and Protecting Rights by Bridging Linguistic and Cultural Gaps

As community lawyers, the co-authors are often called upon to bridge language barriers between the English-speaking world and limited-English-proficient clients and community members. The mantra of allowing ordinary people to speak for themselves is meaningless if they cannot communicate with the audience or understand the situation in which they must speak. As well, inability to understand rules and regulations governing the courtroom can cause misunderstanding and undue embarrassment for the limited-English-proficient.

During the Quincy 4 case, co-author Lai had, on numerous occasions, interpreted the instructions from the court officers and judge. Basic instructions prohibiting cellular phones, beverages, gum chewing, newspaper reading, and wearing of hats would have been missed and could have led to unnecessary furor or punishment from the bench, had co-author Lai not been there to interpret. These are minor details that the English-speaking public would not consider barriers to the courthouse, but they were important considerations for the Quincy 4 supporters.

Moreover, bridging the communication gap involves interpreting cultural nuances beyond linguistics. During post-hearing debriefings, we addressed everything that transpired in court to provide a holistic perspective on how the system works. For instance, community members wondered why police officers who came to support their own case were allowed to stand despite the judge’s “no standing” order. Or, more bewilderingly, why police officers were allowed to sit in front of the lawyer’s bar next to the prosecution. Our answers to these questions dispelled idealistic views about American equality. Explanation of these minute issues helped reinforce the notion that the justice system does not just dispense equal justice unless people monitor and challenge it.

E. “Putting Race Back on the Table”:
Civil Rights is an Asian American Issue

In the twenty-five years since the Vincent Chin case, the Asian American community has developed tremendously. Most notably, it has organized and developed its political clout. With the emergence of Asian Americans as players on the political front, and as well on multiple public policy fronts, issues that most immediately impact community members, such as anti-Asian violence, have taken a backseat. We must revisit the recommendations made over twenty years ago regarding anti-Asian violence. These recommendations include: (1) local and state government...
review of whether their laws adequately protect Asian Americans’ rights; (2) concerted efforts by the media to raise public awareness of incidences of anti-Asian violence, (3) restraint by political leaders from using “race-baiting” tactics in election campaigns; (4) coordinated national efforts to promote understanding of Asian Americans and to ensure the successful implementation of the Hate Crimes Statistics Act, (5) training of local law enforcement to properly implement the Hate Crimes Statistics Act; (6) an increase in Asian American representation on police forces; (7) availability of interpreter services to limited-English-proficient Asian Americans in police departments; (8) establishment of police department and civilian review boards to actively monitor allegations of police harassment and brutality; and (9) police departments’ adoption of community policing methods to build trust with Asian American community. Americans still approach civil rights issues within a Black/White paradigm; unfortunately, it takes a tragedy like Vincent Chin’s murder for mainstream society to link civil rights with Asian Americans.

1. The Need for Dedicated Resources to Tackle Anti-Asian Violence

Following the Vincent Chin case, Asian Americans experienced an alarming increase in anti-Asian hate crimes. Finally, in this context of heightened violence, the Asian American community united to organize around hate crimes and related issues. Advocacy efforts arose on local, state, and national fronts to establish watch groups, hold hearings, enact legislation, and to place civil rights officers in law enforcement positions ranging from those of local police to district attorney, attorney general, and other federal offices. On a community level, organizations such as the Committee Against Anti-Asian Violence (“CAAAV”) in New York City were established to mobilize the Asian community. Over time, reflecting a broader trend across Asian America, CAAAV transformed into an organization fighting broader systemic injustices. This expansion of focus into other pressing policy issues naturally siphoned off resources from the issue at hand. Moreover, an exclusive focus on Anti-Asian violence may not have been financially feasible for these community-based


organizations, given their reliance on private foundations for support. Private donors interested in providing seed money to launch anti-hate crime initiatives may have been reluctant to devote too many resources over time to hate crime-related issues given the statistical trends. For example, the 2002 hate crime audit report by the National Asian Pacific American Legal Consortium ("NAPALC") noted a drop in hate crime rates. This drop arguably reflected not a decrease in incidents but less reporting by victims who feared anti-terrorism government policies. As a result, fewer resources have been devoted to tackling anti-Asian violence.

In the late 1980s, the Norfolk County District Attorney’s Office heralded a Civil Rights Office that had an Asian American liaison, but this position disappeared by the late 1990s. The ebb and flow in resources for addressing anti-Asian violence, locally and nationally, suggest that when we identify certain conditions as an emergency, mainstream authorities will respond with services or resource; however, once the incident fades into the past and community pressures slacken, programs and remedies are eliminated by cost-cutting measures. It has been suggested that, to counter the decline in resources allocated for hate crime prevention, we need to focus on increasing Asian American presence in the system through an increase in the number of Asian American police officers, political officials, and legal professionals. Such increase in representation is desirable, but it is an indirect and long-term solution for an urgent problem. In addition, no increase in Asian American personnel will automatically sensitize and change the flawed system. An adequate solution should incorporate not only this long-term indirect systemic approach, but also the programs initiated in the late 1980s that provided for staff experts on hate crimes. Moreover, in view of the link between anti-immigrant sentiments and anti-Asian hate crimes, staff should be trained in immigration issues as well. As we struggle for these changes, we must keep our discourse focused on the underlying racial animus that drives hate crimes.

F. Defining Success in the Face of Failure

In the wake of disappointing verdicts and excessively harsh sentencing, it has been difficult to find success in the Quincy 4 case. Yet, as community lawyers and activists, we know that success is not solely defined by the immediate outcome of a case. As lawyers for Japanese American internees and for initial civil rights claimants did not see immediate results, we may not see success spring from the Quincy 4 case.

177. NAPALC is now known as the Asian American Justice Center.
for many years. What is important in movement building is for participants to understand that if it were not for them and their supporters, many more Asian Americans might have been victimized. The hope is that the next time police officers stop an Asian American, they will think twice about their behavior and its consequences before they act. A pessimist might conclude that this case’s outcomes would embolden police to terrorize the Asian American community. But the case’s aftermath indicates otherwise.

Although the rally planned for the Tuesday after the trial was cancelled, the notice did not reach everyone. The Chinese press publicized the rally and reported that some people showed up. One photograph published by the Chinese newspaper showed a middle-aged Asian man in front of the Quincy Court House engaging in symbolic protest by taping his mouth and “handcuffing” his hands in duct tape. This man’s actions evidence the community’s refusal to be silenced and the way in which the Quincy 4 case has bolstered the community’s protest against injustice. Even more significant is that this man had the courage to protest alone. Prior to the Quincy 4 incident, nothing like this show of bravery would have even been fathomable.

Additionally, a few weeks after the decision, the CPA received a complaint from an Asian American homeowner in Quincy about discrimination from her condominium manager, who demanded that she secure unnecessary permits, including an elevator use permit (she lived on the ground floor), before she could move in. Meanwhile, her white husband (the manager was unaware of their relationship) was given free rein to move in without hassle. The incident raises several questions: (1) Why did the victim not report the incident to any Quincy Asian American organizations; and (2) Why did she contact the CPA instead? The fact that she came forward indicated that she was willing to fight this injustice, and her approaching the CPA in Boston suggested that she knew the organization would advocate for her as it had for the Quincy 4—in ways that Quincy Asian American organizations might not.

Both examples indicate that the Quincy 4 case has raised consciousness about racial discrimination suffered by Asian Americans. Further, such awareness led to direct action in both instances. But for the visible courage of the Quincy 4, these instances and many more might not have happened. Taken together, these instances indicate progress.

XI. CONCLUSION

Today, twenty-five years after the Vincent Chin case, anti-Asian
sentiments persist. A simple sign written in a non-English-language, intended as a service to linguistic minorities, is seen by the Whites as a threat. This language issue has been complicated by feelings and displays of cultural pride.

One 2006 incident continues to plague an organization that flew a People's Republic of China flag alongside an American flag at its office. The issue stirred controversy from veteran groups who opposed the sight of a communist flag next to the American flag. Ward 6 Councilor Brian McNamee remarked during a city council hearing, "If you want to live in America, don't be a hyphenated American, don't keep one foot planted in your country of birth and another in this country. Put both feet firmly in America." Responding to the news that the Chinese flagpole had been hacked, one resident wrote in a letter to the editor, "But for the people who lost their flagpole to what is called vandals and continue to fly the Communist banner over Beal and Hancock Streets in Quincy, they call it vandalism. I call what the people did, Patriots. This country is known as a democracy, not a doctoral [sic] state, as is China. If the Chinese United Association wants to fly the Communist banner, let them fly it over their home property—China—not here in the United States of America." These comments by white protesters reveal aversion to local diversity. Whereas it may be acceptable to describe European Americans as Italian Americans or Irish Americans, the same cannot be said for Asian Americans. Meanwhile, Irish flags are commonly found hanging in Quincy pubs.

Judge Mary Orfanello's sentence may have been a blessing in disguise. Had she accepted the Assistant District Attorney's recommendation for probation and no jail time, the case would have

182. In October of 1988, the City of Quincy put up a metal sign to identify the Atlantic Neighborhood Center in North Quincy. In replacing one that was only in English, the City put up a new one that was in English, Vietnamese, and Chinese. This was supposedly the beginning of an outreach program in the Asian American community by the police. Within one week, the sign was twisted and damaged, and the Asian languages were covered in spray paint. A replacement sign installed by the City was similarly vandalized. The City relented by putting back an English only sign. See QUINCY'S NEWEST IMMIGRANTS, supra note 36, at 37.


184. North Quincy resident Gary Sottile said he had been protesting the People's Republic of China flag every weekend: "It's my heart and soul that brings me here to protect and defend the freedoms my father and many, many men and women have died for. ... We say, 'Tear down that flag.'" See Ryan Menard, 'Communist Ploy': Some See Conspiracy in Flying of Flag, PATRIOT LEDGER, Oct. 27, 2006, at 10.


disappeared and the cause for further organizing would have vanished. Instead, her excessive sentences outraged the Asian American community, just as the decision in Vincent Chin’s criminal trial did. Even people who were unfamiliar with the judicial system found it extraordinary that defendants who were being convicted for minor infractions, and who had no prior records, were given jail time. Moreover, the harshness of the sentences may have awakened to action some Asian Americans who were previously skeptical about the defendants’ innocence or about the Support Committee’s strategies. Hopefully these skeptics have realized that silence, inactivity, and capitulation do not wear out injustice.

Although three of the Quincy 4 were convicted, the great achievement in the case has been the collective realization that standing up to challenge the powers that be—and the white establishment—is the beginning of victory for our community. It is our hope that if similar situations recur, the police in Quincy and beyond will act differently toward Asian Americans. This case is not merely about four individuals; it is about America’s attitude towards Asian Americans involved in the criminal justice system, and it is about Asian America’s attitudes towards people of color—including our own. Our community must realize that when one individual is wrongly incarcerated, we are all wrongly incarcerated. Though the Quincy 4 might have “lost” their case, we must remain vigilant in pressing on toward victory in the fight for equal justice.

APPENDIX

For more pictures, please see http://www.boalt.org/aalj/quincy4

Picture A: Karen’s appearance the day after the incident. (Photograph taken by Zenobia Lai)
Picture B: the crime scene on April 30, 2006. From left to right: Joanna Ng kneeling on the ground searching for Karen Chen who was hidden under the pile of police officers to her right. Mei Ying Cheung kneeling next to Tat Man Yuen who was lying on the ground unconscious after being tackled by a police officer. 2 shadows on the foreground indicate the presence of two more police officers on the scene. (Commonwealth v. Karen Chen et al, Exhibit 3)

Picture G: The lone protester outside of the court house on June 26, 2007 when the cancellation notice did not reach all. (Photograph credit: Chutze Chou of Singtao Daily, used with permission.)