

Chapter 12

Asian Americans, Deviance, Crime, and the Model Minority Myth

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This chapter examines how Asian Americans' experiences with the criminal justice system have been discussed in academic and community advocacy research and how the model minority myth is engaged or reproduced in this body of work. As a group, Asian Americans have a relatively lower incarceration rate compared to other races, particularly African Americans. And yet there remain concerns about the criminalization of Southeast Asian Americans and the lack of attention and services available to Asian Americans entangled in the criminal justice system. Regardless if the research focuses on these issues, published works and commentaries about Asian Americans and crime indicate a preoccupation with the model minority myth and how it explains, is demonstrated by, or obscures realities about their criminal justice experience. The model minority myth is one of the most commonly employed frameworks in scholarship and punditry about Asian Americans, including research about Asian Americans and the criminal justice system. Compared to other minority groups, it is argued that Asian Americans successfully respond to discrimination by drawing from their social capital and thus provide a model for how other minority groups can mediate their outsider status in American society.

Critics of the model minority myth generally emphasize the following limitations of the framework for analyzing Asian-American social, political, and economic life. First, the myth reproduces biological or cultural explanations of racial inequality by claiming that there is something

genetically or culturally distinct about Asian Americans that predisposes them to success. Second, the myth assumes that Asian Americans do not experience racism. Finally, the myth glosses over the heterogeneity of Asian Americans in terms of ethnicity, migrant histories, nativity, language, and socioeconomic status.¹ As we will see later in this chapter, some of these criticisms of the model minority myth are raised in the scholarship on Asian Americans, deviance, and crime.

Despite debate regarding the myth's relevance, there are a few shared aspects of the literature on Asian Americans and the criminal justice system that I address. The first is what appears to be misreading of the model minority myth in terms of its development as an analytical model in the social sciences. I suggest that this misreading creates an "intellectual straw man," where some scholars make a false intervention based on a selective reading of assimilation scholarship. The second and related aspect is that research on Asian Americans and the criminal justice system reproduces the preoccupation with social organization and "moral codes" among ethnic groups, a preoccupation foundational to the model minority myth. The third shared aspect is that many of the studies accept or operate with the antiblack ethos embedded in the model minority myth heuristic. As I show, some of the studies purporting to challenge either traditional assimilation scholarship or the model minority myth reproduce the antiblack ideology of the latter in the way it investigates or explains Asian-American criminal justice patterns.

To counter these shared dimensions of the scholarship, I provide a brief history of the model minority myth as a sociological framework and as a racially liberal environmental approach to race, poverty, and assimilation. In the process, I analyze how Japanese Americans in particular were studied before and after World War II and how a fixation on their social organization in a racist society is foundational to the model minority myth. Additionally, I consider how earlier scholarship promoting the model minority myth explained Asian Americans and crime and at times—contrary to the model minority myth's contemporary critics about racial homogenization²—*disaggregated* the data. I then discuss how the model minority myth is embedded or addressed in contemporary academic and community advocacy research, paying close attention to how the criminal justice experiences of Southeast Asian Americans are rhetorically and theoretically framed. By doing so, I am not suggesting that those challenging the myth have not identified some notable problems of the framework, *per se*. But what I draw attention to is how earlier proponents of the model

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minority myth addressed, albeit in some limited ways, some of the concerns of their later critics. Further, I show how the continued promotion of adaptation, ethnic social organization, and antiblack ideology as determinants of positive assimilation binds the model minority myth with both the work of some of its critics and contemporary scholarship on Asian Americans and delinquency.

In the first section of my chapter, I provide an overview of the model minority myth in terms of its utilization in social science research on Asian-American assimilation and as an example of environmental and racially liberal explanations for inequality. In the second section, I present some current criminal justice data on Asian Americans and explore some of the methodological concerns raised by scholars and community advocates. Addressing the call by some to disaggregate the race data and instead focus on Asian-American ethnicities, I consider whether disaggregation actually undermines the *logic* of the model minority myth to the extent that some advocates of this methodological move suggest. The final section analyzes how Southeast Asian American delinquency and incarceration are discussed in contemporary studies investigating "segmented assimilation" and in community advocacy research. As I show, these works, when taken together, tend to promote what Eric Tang describes as a "narrative of refugee exceptionalism," which in turn, reproduces central tenets of the model minority myth.³

The Model Minority Myth as a Sociological Framework about Crime and Deviance

Commonly employed in sociological research on assimilation and intergenerational socioeconomic mobility, the model minority myth posits that some minority groups successfully adapt to unfamiliar, competitive, or discriminatory contexts by drawing from or developing resources among their racial or ethnic group. Presumably, racial groups negotiate their outsider status through forms of social capital, which include a commitment to helping co-ethnics, family support, an optimistic group psychology, and ethnic retention. Additionally, model minorities are purportedly self-reliant, thereby needing little support from the state in terms of social welfare or minority-targeted initiatives; it is presumed that model minorities reject social welfare and government intervention even when it may be available to them because they *prefer* to rely on their co-ethnic networks. This image of model minorities as self-reliant is related to the claim that

certain minority groups are able to police themselves with little authoritative oversight and thus can manage crime from becoming a "social problem."

The model minority myth is an environmental explanation for divergent assimilation trajectories among racial groups. Whereas strict biological frameworks conclude that social inequality—including criminal justice patterns—are genetically determined, environmental approaches are preoccupied with the interaction between group characteristics (biological or cultural) and the environment. This emphasis on adaptation can be traced to the work of European naturalist Jean-Baptiste de Monet de Lamarck, who, in the early 1800s, "argued that evolution occurred through the inheritance of *acquired* characteristics, not natural ones."⁴ His theory focused "less on nature than on nurture, more on history and environment than on genes or stock."⁵ Lamarck proposed "individual organisms acquired new habits in new environments" and "their anatomical structure responded to their habitat in order to survive."⁶ The premise of Lamarck's argument is summed up in the phrase "survival of the fittest."

Although environmental explanations have been invoked for centuries to justify beliefs in a racial hierarchy and systems of subjugation such as slavery, genocide, and colonialism,⁷ they were also popularized in social science research by racial liberals who rejected biologists' claims that socioeconomic inequality was genetically determined and racial conflict was inevitable. Conceptualizing "the environment" as social or contextual factors ranging from discrimination, neighborhood effects, history, or family structure, social scientists considered how ethnic and racial groups responded to and in turn influenced their environs and whether they did so successfully or maladaptively. Some of the major works and schools of thought in U.S. sociology exemplify the environmental approach and are widely cited in work on race, poverty, and "social problems."⁸ With the exception of the scholarship produced by the Chicago School of Sociology in the earlier half of the twentieth century, a good deal of social science research produced during the twentieth century focused primarily on African Americans and how they responded to "the environment," which has been sociologically measured as slavery, segregation, deindustrialization, or racial discrimination.⁹ While this literature often expresses a concern about the plight of African Americans, it nevertheless laments and lambasts black "social disorganization" and at times characterizes African Americans as "pathological."¹⁰ It is often presumed that black social disorganization is both a result and a determinant of African Americans'

persistent poverty, crime rates, and incarceration. In many of these studies, social disorganization is characterized by a range of factors, including single-parent headed households, a pessimistic group psychology, a perverse preoccupation with racial discrimination, and a lack of work ethic, self-sufficiency, frugality, or moral discipline.¹¹ Regardless of the ethnic or racial groups originally studied, these environmental works share a common preoccupation in terms of how racial outsiders or newcomers respond to unfamiliar or inhospitable environments and the level of social disorganization among them.

The model minority myth is an example of an environmental approach. William Petersen, a white sociologist specializing in migration who was commissioned by the *New York Times* to write about Japanese Americans for a 1966 *Sunday Magazine* feature, is often credited with coining the term "model minority." Despite the significance of Petersen's article "Success Story, Japanese-American Style" in popularizing an already existing sociological argument about Asians, the term "model minority" never appears in the *NYT* article. Rather, consistent with other racial liberal's concerns, Petersen used the term "problem minorities" for those groups who failed to adapt and demonstrated "social pathology." African Americans were, according to Petersen, the prototypical problem minorities. Against this specter of blackness as unassimilability, Petersen mapped out Japanese-American assimilation in his *NYT* article as well as in his 1971 book *Japanese Americans: Oppression and Success*.¹²

Although some critics of the model minority myth claim it denies that Asian Americans experience racism, Petersen sought to determine, how "within a decade or two after the degrading and debilitating internment in camps," Japanese Americans rose "above even prejudiced criticism."¹³ Despite presenting "no adequate documentation . . . to allow the reader to judge whether the empirical questions regarding relative odds and levels and types of racial oppression are what he claims they are,"¹⁴ Petersen concluded that Japanese Americans had "been subjected to the most discrimination, the worst injustices" compared to other minority groups.¹⁵ One may even fairly argue that Petersen fetishizes racism as a motivation for success. He states, "Every attempt to hamper the progress of Japanese Americans, in short, has resulted only in enhancing their determination to succeed."¹⁶ Indeed, surveying Japanese Americans' "postwar progress" and "low incidence of virtually every type of social pathology," Petersen points out, "the record is even better on the mainland than in Hawaii, where most of the Japanese were not subjected to the camp experience."¹⁷

By taking into account anti-Japanese racism, including the U.S. government's internment of over 100,000 Japanese Americans, Petersen's model minority myth also reflected the spirit of racial liberalism that had been promoted by the U.S. federal government from World War II and beyond.¹⁸ During World War II, the U.S. federal government began to deliberately and publicly acknowledge some of its racist "history" to deter accusations of hypocrisy for condemning Nazi fascism abroad while enforcing Jim Crow and exclusionary immigration policies at home. In an effort to stem this criticism—and to win the hearts and minds of third world countries waging decolonization movements—the U.S. government, in particular the White House and the State Department, promoted cultural programs that envisioned a multicultural America. Wars and military conflict in Asia, independence movements, and the establishment of the People's Republic of China during the mid-1900s also pushed business and civic leaders to promote an image of a more tolerant American society.¹⁹

Among many whites, the belief in Japanese biological inferiority that some publicly admonished still existed.²⁰ Nevertheless, as World War II came to a close, the White House as well as an increasing number of whites began to see their future as tied to political developments in Asia, particularly the "spread of communism." Demonstrating that white supremacy can exist despite integration, a fear of communism and threats to U.S. hegemony, including the racial order, pushed many white Americans to reconsider their open support of racial segregation—at least when it came to the exclusion of Asian Americans—as some were anxious that communists would exploit "the race question" in a propaganda war. In the process, Japanese Americans, as well as in some cases Chinese Americans, were reimagined as important U.S. allies after World War II,²¹ a reimagining that, as Charlotte Brooks (2004) notes, reified Asian Americans as racial foreigners supporting "real" (read: white) Americans.²² While distinct from strict biological racism that presumes social pathology or morality is genetically determined, racial liberalism does not fundamentally challenge whites' control of resources and space. Rather, racial liberalism promotes the progressive—even very slow—integration of people of color into American society and posits that how a group *responds* to discrimination will ultimately determine if it will remain negatively impacted by racism and thus unassimilated.²³

Where racial liberals may differ is whether ethnic retention is a deterrent to assimilation and how much government involvement is needed to

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facilitate successful adaptation. For Petersen, ethnic retention in the form of ethnic pride, perseverance, and self-sufficiency gave Japanese Americans the "strength to thrive on adversity"²⁴ and make "remarkable progress by their own almost unaided effort."²⁵ Not only did Japanese have ethnic pride, they were *ethnocentric*: "One important reason that Japanese Americans overcame their extraordinary hardships is that they truly believe (as do Jews) that they are innately superior, that others are inferior."²⁶ Conversely, Petersen's problem minorities failed to assimilate because they did not have enough pride: "And an important reason that Negroes have made far less progress against no greater odds is that too many of them (like most other colored minorities in the United States) accept as valid the depreciation expressed in others' prejudices."²⁷ Thus, Petersen's environmental claim reversed what up to that point had been a general tenet of straight-line assimilation theorists: that ethnic retention impeded a group's assimilation. In Petersen's account, Japanese Americans' ethnic pride was a quiet dignity that differed from the nationalisms some derisively associated with the purported despotic nature of the Japanese empire or the racial militancy of African Americans.²⁸ Both, to a certain extent, are presumably at odds with "elements of American democracy" that Petersen argues Japanese immigrants embraced: "universal education, the free labor market, citizenship for all native-born residents, color-blind justice."²⁹ Therefore, it was their retention of ethnic pride, as opposed to nationalism, that permitted Japanese Americans to not make what Petersen characterizes as misplaced demands on the state. By remaining committed to American values while practicing ethnic self-reliance, Japanese immigrants reportedly "were neither the hapless beneficiaries of social welfare nor the cause of militant placard-bearers."³⁰

Additionally, Petersen relates Japanese Americans' ethnic pride to their relatively lower crime rates.³¹ His conclusion was like that of "many other writers" researching Japanese Americans since the 1930s, who "developed the same theme of the Nisei as a homogeneous group of well-behaved, quiet strivers."³² Although Paul R. Spickard and Blackie Najima warn that "the common image of the Nisei generation does not tell the whole story,"³³ which in their account includes a Nisei "underclass" that experiences economic marginalization and participates in gangs, Petersen nevertheless concludes in his book that "the Japanese have been exceptionally law-abiding since their first arrival in either Hawaii or mainland United States."³⁴ Proffering a reason, Petersen goes out of his way to counter the argument that differential treatment by the police or the courts may shape

crime rate disparities, as cautioned by other scholars, notably the Japanese-American psychologist and Petersen's contemporary, Harry L. Kitano, in his 1969 book *Japanese Americans: The Evolution of a Subculture*. Discussing crime statistics for Japanese Americans, Kitano reminds the reader, "Who is caught . . . may not reflect the actual incidence of problem behavior" and "Intermediaries—policemen or psychiatrists—play a major role in the determination and processing of a potential 'statistic.'"³⁵ While he does not discuss *criminalization*, or how some racial groups are associated with deviance and thus may be actively targeted by the state and public for policing and incarceration (nor does he necessarily reject a preoccupation with behavioral approaches to crime), Kitano's assessment nevertheless provides an opening for considering how racism shapes disparities in crime rates.

Petersen rejects Kitano's proposition and in so doing, reveals, once again, his preoccupation with how minority groups *attitudinally* respond to their circumscribed environs: "Not all frustration leads to crime: some whose ways are blocked exert still greater effort, and others become apathetic."³⁶ Despite whatever frustration Japanese Americans may have in response to racism, they have, according to Petersen, a moral code, one that often overrides intergenerational tension within Japanese families. Acknowledging that some of the Nisei—the Japanese second generation—may have inspirations for individual freedom that conflict with the "rigidity of the family structure,"³⁷ Petersen claims that they, for the most part, adhere to the "most important" of the "maxims" they "memorized in Japanese-language schools": "Honor your obligations to parents and avoid bringing shame on them."³⁸ This purported moral code, however, extends beyond Japanese families and is enforced by *the entire community*. To demonstrate his point, Petersen gives the example of how Japanese Americans in Sacramento established the Japanese Family Guidance Council, which sponsored community forums when several "Sansei teenagers had been arrested there for shoplifting."³⁹ Petersen concludes, "The final success of such community efforts is to instill a sense of shame for wrongdoing in the minds of the young people themselves."⁴⁰

Along with other sources, Petersen argues his point by drawing from two articles published in the 1930s by the *American Journal of Sociology* and written by sociologist Norman S. Hayner. Both of Hayner's studies are preoccupied with how *embedded* Asian Americans are in their ethnic communities and how this impacts their crime rates. Similar to the scholarship analyzing assimilation paths among post-1965 immigrants of color,⁴¹ Hayner's work operates with the logic that "Embedded in immigrant life

were kinship solidarity, primordial ties, and an ineluctable sense of loyalty and trust."⁴² Related to Petersen's account of Japanese ethnic retention, embeddedness as a framework suggests that segregation does not automatically translate into "frustration" among the quarantined minority groups but can instead result in success facilitated by community norms and a strong moral code. "The strength or density of these networks, which hold the embedded relationship, are determined by the number and cluster of 'enforceable ties,' 'normative expectations,' and 'reciprocity obligations' that can be counted in a given field."⁴³

Hayner's 1933 study "Delinquency Areas in the Puget Sound Region" posits embeddedness as a determining factor shaping relatively low crime rates among Asians. In the process, Hayner, according to Petersen, was making an important sociological contribution by challenging the theory that "certain neighborhoods have a consistently high incidence of all types of delinquency, irrespective of the nationalities residing in such 'delinquency areas.'"⁴⁴ As Petersen notes, Hayner's 1933 study on Japanese youth (which he erroneously cites in his book as having been published in 1934), provides "the best refutation of this generalization."⁴⁵ Embeddedness, or in Hayner's words, "the strong family and community organization+ characteristic of this immigrant group,"⁴⁶ is an important deterrent for Japanese youth delinquency. Ostensibly, a lack of embeddedness can explain the outliers, or those Japanese Americans who are accounted for in delinquency statistics. For instance, in Hayner's study, the three Japanese-American youth among the 710 boys sent to a reformatory school were those who "in no instance" experienced "vital contact with the racial colony" of Japanese Americans.⁴⁷ They were therefore more susceptible to the negative influences of their environs and relationships with non-Japanese Americans because they "lacked the restraining influence of the Japanese ghetto."⁴⁸

In his 1938 article "Social factors in Oriental crime," Hayner compares three Asian American ethnic groups, Japanese, Chinese, and Filipino, to explain "variations in the extent of criminality when compared with one another."⁴⁹ Considering how contemporary criticism of the model minority myth claims that it is racially homogenizing, Hayner's comparison is important to remember because it demonstrates how the basic ethos of the model minority myth can remain even after race data is disaggregated. In other words, comparing Asian *ethnic groups* to one another or to other racial groups does not necessarily undermine the premise of the model minority myth, which posits "the importance of both family and

community factors” in determining criminal justice patterns.⁵⁰ For example, explaining the relatively lower delinquency rates of Japanese youth compared to Chinese youth in Vancouver, Hayner concludes, “One of the major factors that accounts for this low rate of criminality is the extent to which the Japanese are incorporated in those closely integrated families that are characteristic not only of Japan but also of China and the Philippines.”⁵¹ Like Petersen, Hayner emphasizes the ethnic pride of Japanese Americans, reminding readers, “It should be remembered that the Japanese are proud. They hate to ‘lose face.’ They do everything possible to maintain a high status for their community or family.”⁵²

Chinese and Filipinos, in Hayner’s assessment, reportedly have family characteristics like the Japanese. Yet divergent migration histories have, according to the sociologist, impacted how much of a resource their families may be in terms of establishing positive community norms and mitigating circumstances in their new environment. Although stating, “The prejudice of American law-enforcement officers, is, however stronger against Filipinos than against Chinese or Japanese,”⁵³ Hayner nevertheless centralizes problems with Filipinos’ *families* and *attitudes* when discussing their crime rates. He concludes, “In contrast to the Chinese and Japanese the Filipino is probably too readily Americanized.”⁵⁴ More, the gender imbalance of their immigration to the United States—what Hayner describes as an “abnormal sex ratio”—“means that the closely knit family life of the Philippines is not transplanted to America.”⁵⁵ Subsequently, Filipinos do not have a strong form of community control, as is reportedly found among Japanese Americans, to deter them from crime. As he does with the Filipinos, Hayner correlates the gender politics of Chinese Americans’ early migration history (that resulted in Chinatowns often being “bachelor societies”) with their relatively higher crime rates compared to Japanese Americans. Like the Filipinos, the Chinese did not have the same community controls or moral code of the Japanese because their family structures differed: “the absence of family controls in America undermined the characteristic Chinese temperance.”⁵⁶ Unlike the Filipinos, however, who are deemed “too Americanized,” more recent Chinese migrants, at the time of Hayner’s writing, were reportedly “greatly influenced by the ideas of post-revolutionary China” and are subsequently “more aggressive than American Chinese, and are more sensitive to the attitudes of the dominant group.”⁵⁷ These Chinese do not possess the celebrated ethnic pride but rather demonstrate the nationalism that Petersen associates with problem minorities. As Hayner puts it, “After graduation

from school some of the Chinese boys of Vancouver . . . develop a grudge against society, take over the common Chinese attitude that it is all right [sic] to evade the white man's law, and forthwith get into trouble."⁵⁸

This image of the Chinese put forth by Hayner would shift substantially by the time Petersen's *New York Times* article was published in January 1966.⁵⁹ At the end of the same year, *U.S. News and World Report* published "Success Story of One Minority Group in the U.S.," which depicts Chinese Americans in much the same way Petersen did the Japanese. Penned by an anonymous writer, the article portrays the Chinese as self-sufficient and law-abiding. Regarding the latter characterization, "Chinese districts" in "crime-ridden cities" are described as "islands of peace and stability."⁶⁰ Unlike Hayner's Chinese youth in Vancouver, the Chinese Americans celebrated by *U.S. News and World Report* still felt the positive influences of traditional Chinese family life; according to a police officer quoted, the Chinese maintained "a tradition of respect for parents."⁶¹ And similar to the Japanese Americans of both Hayner's and Petersen's studies, this family influence was enforced at the community level. For example, the magazine quotes a publisher of a Chinese-language newspaper in Los Angeles, who declares, "We're a big family. If someone has trouble, usually it can be solved within the family. There is no need to bother someone else. And nobody will respect any member of the family who does not work and who just plays around."⁶² Or, as a psychologist who studied New York City's Chinatown put it, "There's a strong incentive for young people to behave." Quoting a respondent in his research study, the psychologist mentions, "As one informant said, 'When you walk around the streets of Chinatown, you have a hundred cousins watching you.'⁶³

Asian-American Criminal Justice Patterns and (the Limits of) Data Disaggregation

When it comes to statistics for different aspects of the criminal justice system, Asian Americans are underrepresented compared to their population size. However, because of how the data is collected or disseminated, it is at times difficult to determine Asian-American rates in comparison to other racial groups in regards to specific stages of the criminal justice process. Because different sources of data comprise the research and reports available for various processes, it is also difficult to connect the results of one stage to another in a perfectly linear fashion. In this section, I analyze

figures for arrests and arrest rates, sentenced prisoners, and community supervision as they pertain to Asian Americans. Drawing from other sources, including those written by community advocates working in criminal justice policy, I also discuss some of the methodological issues with the existing data.

In 2009, Asian Americans, who are grouped with Pacific Islanders, made up 5 percent of the total U.S. population but accounted for only 1 percent of total arrests among juveniles and adults for all offenses.⁶⁴ Between 1980 to 2009, Asian Americans and Pacific Islanders, for each year, made up 1 percent of the total arrests for all racial groups, but their share of the total U.S. population grew steadily over the years from 2 percent in 1980 to 1986, then to 3 percent between 1987 to 1994, and to 4 percent from 1995 to 2002. Then from 2003 to 2009, Asian Americans represented 5 percent of the U.S. population.⁶⁵ Additionally, between 1980 and 2009, Asian Americans and Pacific Islanders had the lowest arrest rate, which is the "number of arrests per 100,000 persons in the demographic group"⁶⁶ out of all the racial groups. Indeed, Asian Americans' arrest rates never exceed 1,700 per 100,000; in 2009, the rate was at an all-time low for the three-decade period at 1,044. Asian Americans and Pacific Islanders' arrest rate was far below the *lowest* arrest rates for other racial groups during the same period. The lowest arrest rates for whites, blacks, and American Indian/Alaskan Natives, were 3,848 (in 2009); 9,345 (in 2009); and 5,362 (in 2008), respectively.⁶⁷

Whereas these data on arrests come from the Uniform Crime Reporting Program (Bureau of Justice Statistics), data on sentenced prisoners come from the Bureau of Justice Statistics (BJS) National Prisoner Statistics (NPS) series, "which annually collects data on prisoner counts and characteristics, as well as admissions, releases, and capacity, from the 50 states and the Federal Bureau of Prisons."⁶⁸ Asian Americans and Pacific Islanders make up the smallest portion of races represented in the data for the years 2000 to 2010. During this period, they never exceeded 8 percent (in 2010) of the total number of sentenced prisoners. During this period, their percentage of the total number of sentenced prisoners was as low as 2 percent for three different years (2000, 2001, and 2003).⁶⁹

Given their aforementioned total U.S. population size, it may appear that Asian American and Pacific Islanders are overrepresented among sentenced prisoners. Yet we cannot easily make such a claim. Indeed, it is actually a bit misleading for me to report these figures as representing Asian Americans and Pacific Islanders when data were never presented

individually for this racial group as they were for arrests and arrest rates. In terms of sentenced prisoners, race data were presented for whites, blacks, and Hispanics, while figures for "American Indians, Alaska Natives, Asians, Native Hawaiians, other Pacific Islanders, and persons identifying as two or more races" were included in the total figures for all sentenced prisoners.⁷⁰ The figures I give for Asian American and Pacific Islander sentenced prisoners were calculated from adding the numbers for whites, blacks, and Hispanics, then subtracting that sum from the total number of sentenced prisoners given by the BJS. What data I report, then, for Asian Americans and even for Asian Americans and Pacific Islanders is most likely an overcount, as the numbers I use include other racial groups. Because I am unable to discern which groups make up what portion of these figures, drawing from this data source, I cannot state with certainty how many Asian American sentenced prisoners there are. What I can safely state is that given much higher arrest rates for American Indians/Alaskan Natives referenced earlier in this discussion, it is highly unlikely that the majority of sentenced prisoners are Asian Americans and Pacific Islanders. Unfortunately, the figures for Asian American and Pacific Islander imprisonment rates are also embedded in imprisonment rates of the total U.S. population. While the data on sentenced prisoners include imprisonment rates for whites, blacks, and Hispanics, including by gender, they do not provide imprisonment rates explicitly for the remaining racial groups.

Yet another data source is used for figures on community supervision, which includes "adults on probation and adults on parole or any other post-prison supervision."⁷¹ The numbers come from the BJS's Annual Probation Survey and Annual Parole Survey, both of which "collect data from U.S. probation and parole agencies that supervise adults."⁷² The 2010 data include an "Asian" category and groups "Other Pacific Islanders" with Native Hawaiians.⁷³ In these data, Asians comprise 1 percent of the total adult population under community supervision, with a larger number under state supervision. However, Asians make up less than 1 percent of the total adult population under community supervision under state jurisdiction.⁷⁴ Of the 26,668 Asian adults under community supervision, the overwhelming majority—20,684—are on probation as opposed to parole.

The issue of the availability of data, data collection, and how figures are presented or made available to the public is a growing topic among academicians and community advocates concerned with Asian Americans in the criminal justice system.⁷⁵ Along with empirical issues regarding the

amount of available data and how much we know about Asian Americans' experiences from analyzing data, there are also political concerns. Some, particularly community advocates, caution that limitations of data collection and reporting may lead some to erroneously conclude that the criminal justice system does not negatively impact Asian Americans. A related concern is that some see this conclusion enforcing the image of Asian Americans as model minorities.

For example, in their article "Asian and Pacific Islander Youth Victimization and Delinquency: A Case for Disaggregated Data," Thao N. Le and Isami Arifuku state, "The current means for collecting and accessing data on API youth delinquency are inadequate."⁷⁶ One problem with the data is that "more than sixty distinct ethnicities" with varying immigration patterns and circumstances, geographical distribution, socioeconomic backgrounds, and fluency in the English language are lumped together in the data.⁷⁷ Thus, there is "scant information for particular ethnic groups within the API population."⁷⁸ As the pair warns, there are empirical and political "consequences of combining all API ethnicities in the racial group of Asian."⁷⁹ One problem with aggregation is that in terms of Asian Americans, "the extent to which they are represented in the juvenile justice system or victimized is underreported."⁸⁰ Le and Arifuku suggest that limited knowledge of the "complex" reality of Asian-American youth delinquency may reinforce the "common stereotypes of Asians as the 'model minority' or as gang members." An additional "implication of aggregated data" is that "API delinquency and victimization is not an issue of concern to the general public or API communities."⁸¹ The solution, according to Le and Arifuku, is for racial data to be disaggregated. They claim that this level of data will not only combat the common stereotypes of Asian Americans—as they put it, the disaggregation "illuminates the picture of how API youth are portrayed"—it may also help us understand how "youth delinquency looks quite different for different API ethnic groups and raises several analytic and policy implications."⁸²

Other community advocates and public officials addressing the impact of the criminal justice system on Asian Americans echo these concerns about the relationship between data collection and policy and programmatic initiatives.⁸³ In their report "Asian and Pacific Islander Reentry: A Profile of Characteristics, Issues and Programs," Angela E. Oh and Karen Umemoto declare that Asian Americans' "incarceration and subsequent reentry is one of the least understood topics of minority confinement. There are few national estimates for the API prisoner population, due to the fact

that many state jurisdictions do not maintain complete racial or ethnic classifications for this group."⁸⁴ Although less preoccupied with using the data to refute or test the image of Asian Americans as model minorities, the authors do mention the model minority myth image as a hindrance to successful reentry of released Asian-American prisoners.⁸⁵ Although Oh and Umemoto assert that the "barriers to successful reentry in the API population are similar to those faced by other groups in that employment, housing and mental health counseling are critical needs,"⁸⁶ they suggest that there is a unique dimension of the reentry process for Asian Americans due to stigmatization. While undoubtedly all racial groups experience stigmatization as part of a postincarceration experience, Oh and Umemoto suggest that there is something particularly Asian in terms of feeling shame and that this makes reentry a unique, if not more difficult, process for released prisoners who are Asian American. For example, drawing from the reentry experience of "Jong Il," a 27-year-old Korean-American man, they argue: "Strong family ties can also bring an additional challenge to the process of reentry":

This was clearly stated by Jong Il . . . Based on his experience, he believes that African American and Mexican American former prisoners have a distinct advantage over Asian Americans with regard to their families, because he believes that non-Asian families understand the political, social and economic consequences of being a former prisoner. Non-Asian families are ready to provide support and contacts for jobs and other assistance. He believes Asian Americans are blind to the problems of former inmates and cannot accept or trust those who have been to prison.⁸⁷

In this case, the model minority image of Asian Americans possessing a particular moral code or having a high level of shame that is emphasized in sociological literature is not necessarily refuted. More, the invocation of the model minority myth *underscores* rather than minimizes Asian Americans' rates of incarceration that are lower than those of other minority groups in this conversation, which in turn works to assert a need for more initiatives targeting Asian Americans' reentry despite their relatively lower incarceration rate. This point is made more explicit in this passage:

Thus, for groups or communities with lower rates of incarceration, there may be greater social stigma against returning prisoners. It could be that Jong Il's thoughts about the lack of support for former prisoners among API families applies more to groups that view themselves as "successfully achieving the

American dream." The well documented myth of the "model minority" may also play into community attitudes towards former inmates in their midst.⁸⁸

Although Oh and Umemoto never explicitly state that the myth is true—indeed, they point out it is "a myth that is undoubtedly *believed* by a large percentage of APIs"⁸⁹—they nevertheless connect the model minority myth with the actual lack of reentry services for Asian-American prisoners. Further, they suggest that this is a "theme" "tied to being API" that "may also be part of the reason why there aren't more programs for API prisoners trying to reenter society": "This is the sense that the broader ethnic communities don't necessarily support ex-convicts out of the notion that they would bring shame to those communities. As a result of this perception, there is a sense that many of the former prisoners don't seek help outside their immediate families."⁹⁰ In short, Oh and Umemoto do not necessarily refute the dominant image of Asian Americans as possessing a moral code associated with the model minority⁹¹ even as they emphasize the reality of Asian-American incarceration and the lack of adequate reentry services.

One of the implications of the limited availability of data about Asian Americans and the criminal justice system is a difficulty making comparisons between racial groups and discerning if some are more discriminated against during different stages of the criminal justice process. Katherine J. Rosich notes that social scientists have made "efforts to examine the causes and consequences of racial/ethnic disparities in criminal justice processing" and "the extent to which these differences are attributable to discrimination."⁹² However, "relatively few studies have focused on Hispanics, or on Asians and Native Americans."⁹³ Brian D. Johnson and Sara Betsinger's article "Punishing the 'Model Minority': Asian-American Criminal Sentencing Outcomes in Federal District Courts" addresses this void mentioned by Rosich. In scholarship investigating "race relations in the legal system," Johnson and Betsinger (2009) comment, "more contemporary work argues persuasively for expanding the racial ken to include Hispanic ethnicity." Nevertheless, "conspicuously little attention is devoted to Asian-American offenders—discrimination and inequality among Asian Americans in the justice system remain virtually uninvestigated."⁹⁴ Acknowledging "insufficient numbers or a lack of detail on Asian Americans," they argue, "data limitations alone cannot account for the dearth of research."⁹⁵ Similar to Le and Arifuku (2005), Johnson and Betsinger suggest that the perception of Asian Americans as "model

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minorities" influences the lack of scholarly attention given to Asian Americans and the criminal justice system:

The growing interest in the treatment of other ethnic groups has not spread to Asian Americans in part because of the perception that Asian Americans are not a disadvantaged racial group in society. Whereas other minority groups are equated with the socially disadvantaged, Asian Americans have been labeled an American success story. Given their underrepresentation in official crime statistics . . . the relative recentness of appropriate data, and the general success image associated with the "model minority" stereotype, it is not surprising that few empirical studies have focused on Asian offenders—in many ways they represent a unique racial group.⁹⁶

Yet, as the authors assert, "it is exactly this uniqueness that establishes the need for empirical research. Because Asian Americans occupy a singular niche in American race relations, an examination of their punishment outcomes provides a useful opportunity to expand current theoretical conceptions."⁹⁷ In short, an examination of Asian Americans' experiences in the criminal justice system "has important theoretical implications for understanding punishment in society" Although Johnson and Betsinger do not explicitly mention it, comparisons involving various nonwhite groups, including Asian Americans, can help us empirically test what sociologist George Yancey has termed the "Black/non-Black divide." Most scholarship on racism has examined differences between whites and nonwhites, and more specifically black/white inequality. As such, not enough empirical investigations have tested the black/nonblack dichotomy, a paradigm that centralizes black social isolation in a multiracial society in which whites, Latinos, and Asian Americans racially prefer one another in comparison to African Americans. Diversification of the data by race allows us to consider whether all nonwhite groups are uniformly treated the same by whites and dominant institutions or if some nonwhite groups experience more rejection than others. More, it helps us to extend the reach of Yancey's powerful theory beyond the racial attitudes his research is preoccupied with by utilizing diverse data to investigate if there is a black/non-black divide in institutional decisions, such as those of the criminal justice system.

While not explicitly testing Yancey's thesis, Johnson and Betsinger take up this task by providing what they describe as "the first systematic investigation of racial disparities in sentencing" for Asian Americans.⁹⁸ Utilizing

sentencing data from the United States Sentencing Commission (USSC) for various offenses in U.S. federal district courts, the authors are unable to provide ethnic specific data as called for by some scholars and community advocates.⁹⁹ Nevertheless, the data set includes valuable information from reports on presentencing, sentencing and court orders, with a sample of a "relatively large number of Asian-American offenders." Analyzing figures for the fiscal year 1997 to fiscal year 2000, Johnson and Betsinger assessed outcomes in "88 federal districts that had sentenced Asian offenders."¹⁰⁰ They found that "basic descriptive statistics intimate less severe outcomes for Asian Americans relative to other minority groups in the federal system."¹⁰¹ Compared to other minority groups, "Asians have shorter criminal histories, are given shorter presumptive sentence lengths, and are less likely to be detained prior to sentencing."¹⁰²

Asian Americans are also "significantly more likely to be convicted of fraud and are less likely to be convicted of drug offenses."¹⁰³ After controlling for a variety of factors, including "proxies for socioeconomic status (SES)" and acknowledging they do not "have a direct measure for SES,"¹⁰⁴ Johnson and Betsinger still find that Asian Americans tend to be punished less severely compared to other minority groups. Even when noncitizenship status is taken into consideration, Asians are "less disadvantaged" by it than other minority groups, a finding that may, according to the scholars, "indicate that the positive attributions tied to the model minority stereotype at least partially transcend xenophobic concerns over Asian citizenship with regard to punishment in society."¹⁰⁵ As the authors conclude, we can consider how "positive stereotypes associated with the model minority image translate into more favorable outcomes for Asian offenders in the federal justice system relative to other racial minority groups like blacks and Hispanics."¹⁰⁶

Southeast Asian American "Exceptionalism" and the Model Minority Myth

In their call for disaggregation of Asian-American race data, scholars and advocates often draw attention to the representation of Southeast Asian Americans in the criminal justice system.¹⁰⁷ Because of the way race data is collected, Southeast Asian Americans' experiences may go relatively unnoticed. Yet after some creative methodological work conducted by scholars and community advocates, some Southeast Asian American groups show patterns that presumably differ from the dominant perception

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of Asian Americans as model minorities. For instance, after reclassifying Asians in a juvenile probation data set for California's Alameda and San Francisco Counties into specific ethnic groups by using surnames as proxies for nationality, Le and Arifuku found "rates for Laotian and Vietnamese youth are higher than European American and Hispanic/Latino youth in San Francisco County, and rates for Cambodian, Laotian, and Vietnamese youth are higher than European American youth in Alameda County."¹⁰⁸ Additionally, after disaggregating Asian-American race data for the California Youth Authority (CYA), "a placement for the most serious committed young adults or juveniles in California," the authors found that "Cambodian youth are incarcerated at the same rate as African American youth, whereas Laotian and Thai youth are incarcerated at nine and eight times their representation in the general population, respectively." Other sources also emphasize Southeast Asian Americans as "more heavily affected by the criminal justice system"¹⁰⁹ than other Asian-American ethnicities.

Because of these criminal justice patterns, as well as higher rates of poverty compared to both other Asian Americans and some racial groups, Southeast Asian Americans have been portrayed as exceptions to the model minority myth in social science research.¹¹⁰ Part of a larger conversation about assimilation trajectories, some researchers consider how "different immigration and migration patterns and circumstances (e.g., voluntary vs. involuntary immigration; refugee vs. immigrant status)"¹¹¹ influence Southeast Asian Americans' "numerous difficulties including illiteracy, poverty, poor health, reliance on government programs, limited educational attainment, problems with acculturation and significant linguistic isolation."¹¹² Drawing attention to how the "history of the Southeast Asian refugees in the United States is bound by war and the after affects of war," scholars and community advocates also assert that "many of the Southeast Asians that came to the United States were unprepared educationally, socially, economically, and psychologically for the assimilation process."¹¹³ Related research considers how the resettlement of "most Southeast Asian refugees" in "public housing or in low-income neighborhoods with high rates of crime and violence" impacts the assimilation trajectories of Southeast Asian American youth.¹¹⁴

Also related to these issues, scholars examine what Alejandro Portes and Reuben Rumbaut term the "contexts of reception" for Southeast Asian Americans as they are recently arrived migrants—many coming in as refugees—and do not have established ethnic enclaves like other

immigrants. Speaking about recent migrants, not just Southeast Asians, Portes and Rumbaut argue, "The fate of these late arrivals depends, to a large extent, on the kind of community created by their co-nationals."¹¹⁵ In studying the "fate" of "these late arrivals" and the paths of their children, whom Portes and Min Zhou label "the new second generation," immigration scholars have developed "segmented assimilation theory" as an analytical alternative to straight-line assimilation models. The latter predicted that "the foreign-born and their offspring will first acculturate and then seek entry and acceptance among the native-born as a prerequisite for their social and economic advancement."¹¹⁶ Examining the patterns of "the new immigration," those immigrants who entered the United States after the 1965 Immigration Act (75), scholars are mapping alternative trajectories than the generational progress anticipated by straight-line theorists. Portes and Zhou's segmented assimilation theory posits three "distinct forms of adaptation":

One of them replicates the time-honored portrayal of growing acculturation and parallel integration into the white middle-class; a second leads straight in the opposite direction to permanent poverty and assimilation into the underclass; still a third associates rapid economic advancement with deliberate preservation of the immigrant community's values and tight solidarity. This pattern of segmented assimilation immediately raises the question of what makes some immigrant groups become susceptible to the downward route and what resources allow others to avoid this course.¹¹⁷

Along with racial and ethnic discrimination and a changing "structure of economic opportunities" related to deindustrialization, an adoption of "outlooks and cultural ways" of native-born Americans may, contrary to the prediction of straight-line theorists, impede assimilation. Simply put, for segmented assimilation scholars, culture matters, but how it matters and whose culture is adopted (or maintained) can make a crucial difference. Speaking to this point, Portes and Zhou argue:

An emerging paradox in the study of today's second generation is the peculiar forms that assimilation has adopted for its members . . . the outlooks and cultural ways of the native-born does not represent, as in the past, the first step toward social and economic mobility but may lead to the exact opposite. At the other end, immigrant youths who remain firmly ensconced in their respective ethnic communities may, by virtue of this fact, have a

better chance for educational and economic mobility through use of the material and social capital that their communities make available.¹¹⁸

As purported exceptions to the model minority image, Southeast Asian American youth have been studied through the lens of segmented assimilation. Given that many were either refugees or the children of refugees following the Vietnam War, they were simultaneously the recipients of what Portes and Zhou describe (perhaps too enthusiastically) as a "generous benefits package" under the 1980 Refugee Act and, as previously mentioned, were "settled in public housing or in low-income neighborhoods with high rates of crime and violence."¹¹⁹ Despite their relatively recent migration, the lack of an established co-ethnic community, and residential placement, studies show that compared to other nonwhite or co-ethnic youth, some Southeast Asians have educational success and fewer problems with "delinquency."¹²⁰ Attempting to identify what explains these outcomes, some scholars draw from segmented assimilation theory. In the process, they reveal how aspects of segmented assimilation echo arguments about the relationship between ethnic retention and deviance proposed by scholars promoting Asians as model minorities.¹²¹

For example, in their chapter in Portes's edited book *The New Second Generation*, Zhou and Carl Bankston III argue that family structure and social norms among the New Orleans Vietnamese community mediate the effects of "modest socioeconomic backgrounds" and living in poor, "biracial" neighborhoods.¹²² Titled "Social Capital and Adaptation: Vietnamese Youth," their chapter reports, "The most conspicuous characteristic of the Vietnamese family is the high level of normative integration of families," with children "instilled with the idea that 'the family always goes first.'"¹²³ Interviews with Vietnamese parents and students yielded the finding that "families emphasized obedience, industriousness, and helping others but discouraged egoistic values of independent thinking and popularity, which are most commonly associated with contemporary American society." Like the "Chinese family" depicted in the aforementioned 1966 *U.S. News and World Report* article, the "Vietnamese family" in Zhou and Bankston's study does "not function in isolation" but rather is "contained in a web of social kinship relations."¹²⁴ As they put it, "Strong normative integration of families is accompanied by a high degree of consensus over values and behavioral standards, which supports goal attainment in the community."¹²⁵ And similar to the Japanese Family Guidance Council

in Petersen's book, helping maintain these positive values among Vietnamese youth in New Orleans is a "system of formal civic organizations" established as "some members of the community have achieved a measure of material success."¹²⁶

Although the bulk of their study focuses on how Vietnamese Americans' purported values and behavioral standards impact their educational outcomes, the authors are preoccupied with questions relevant to research examining Asian Americans' criminal justice patterns. As Zhou and Bankston ask, "How may the culture furnish social support and *control*?"¹²⁷ In the case of the Vietnamese community in New Orleans, a "high level of involvement in the ethnic community" allows for Vietnamese families to stay abreast of who in the community has experienced "success" (such as opening a store or purchasing a house) as well as "whose child has been involved in a gang or a shameful activity."¹²⁸ Akin to the residents of Chinatown living under the watchful eyes of 100 cousins in the *U.S. News and World Report* article, Vietnamese adults and youth are studied under a "Vietnamese microscope": "If a child flunks out or drops out of school, or if a boy falls into a gang or a girl becomes pregnant without getting married, he or she brings shame not only to himself or herself but also to the family."¹²⁹

Thus, like the Asian Americans of earlier studies who defied the odds while residing in what Petersen referred to as "delinquency areas," the Vietnamese community in New Orleans is purportedly able to "succeed" despite their refugee experience because of a certain moral code that insulates them from the negative effects of living "in close proximity to urban ghettos" and the "often disruptive environment of urban public schools."¹³⁰ More to the point, Vietnamese youth are reportedly able to resist ending up like Petersen's problem minorities, that is, the black kids they live around and go to school with, because of their strong moral code, or what Zhou and Bankston refer to as "ethnicity." According to the authors, a strong moral code among the entire community helps newcomers who "lack individual resources" or "find themselves in relatively undesirable neighborhoods" avoid joining the ranks of the underclass (or blacks).¹³¹ "In such a situation," conclude Zhou and Bankston, "ethnicity itself can be a resource; indeed, *it may be the only resource available*."¹³²

Some may fault Zhou and Bankston for implying that there is something uniquely, and perhaps even genetically, "Asian" that predisposes the Vietnamese to pursue a path of achievement. Yet as an environmental approach, their argument is much more complicated. Like other

environmentalists, Zhou and Bankston are preoccupied with adaptation, and as the title of their book chapter implies, they conceptualize ethnicity as a form of "social capital" or "closed systems of social networks inherent in the structure of relations among persons within a collectivity."¹³³ Further, they seek to situate their study of Vietnamese New Orleans in a "growing body of scholarship" that "suggests that immigrant groups may adjust their original cultural orientations to fit the current struggle for incorporation into American society and that these adjusted orientations may serve as potential resources rather than disadvantages."¹³⁴ By conceptualizing ethnicity as a form of "social capital," Zhou and Bankston claim "it becomes possible to suggest a mechanism by which the adherence to community-based support systems and positive cultural orientations can provide an adaptive strategy for immigrants and their offspring."¹³⁵ Although they caution that "this mechanism is never stagnant" and "constantly accommodates changes in the process of immigration," the authors nevertheless prioritize social norms, dispositions, and "immigrant cultures" as what "confer disadvantages or advantages" in new social contexts.

In this sense, Zhou and Bankston's work differs little from that of the proponents of the model minority myth making similar pronouncements about crime patterns among various Asian ethnic groups.¹³⁶ Much like the earlier work promoting Asian Americans as model minorities, the segmented assimilation theory and its application to Southeast Asian Americans are reminiscent of social Darwinism, or what Stephen Steinberg labels "the new Darwinism," where culture replaces genes as the explanation for group mobility.¹³⁷ As an environmental approach, certain groups, such as Southeast Asian refugees, are depicted as "exceptions" among Asian Americans who nevertheless possess model minority characteristics, that is, the cultural capacity to adapt to a competitive and temporarily hostile context and thus avoid the downward trajectory of the "underclass."

Overall, despite taking into account a variety of factors for competing paths of assimilation, segmented assimilation theorists nevertheless prioritize ethnic groups' adaptation and ability to draw from what they conceptualize as ethnic resources—whether "the kind of community created by their co-nationals"¹³⁸ or enforceable social norms regarding achievement, deviance, and shame. Yet Portes and Zhou overreach when they claim that such examples studied through the lens of segmented assimilation theory stand "the cultural blueprint for advancement of immigrant groups in American society on its head."¹³⁹ Although they are referring to straight-line assimilation as "the cultural blueprint," some segmented assimilation

scholars do not adequately address how their theoretical approach reproduces the basic tenets of environmental approaches *and* the model minority myth as a sociological framework. Both approaches were employed before the term "the new second generation" was coined, and like some segmented assimilation scholars fixated on ethnic social organization and norms, willfully imposes a correlation between culture and crime.

Another shared problem between the model minority myth scholarship and some of the contemporary research on Southeast Asian Americans is that it presumes an inherently "good" culture among Asian Americans that can either be strengthened as a "mechanism" or perverted by negative influences in the new environment or during the migration process. For example, the previously discussed studies by Hayner asserted that various Asian ethnic groups, in his case, Japanese, Chinese, and Filipino, had positive values regarding familial piety and shame but that intervening factors, such as immigration histories, interracial relationships, or political influences, impeded the maintenance of these ethnic values. Similarly, Petersen assumed that Japanese, by maintaining and asserting their ethnic culture, as well as insulating themselves from "American" influences, allowed themselves to demonstrate good behavior better than even white Americans. As he put it in 1971: "By almost any criterion of good citizenship that we choose, not only are Japanese Americans better than any other segment of American society, including native-born whites, but they have established this remarkable progress by their own almost unaided effort"¹⁴⁰ Although Petersen claimed that the reported outcomes among Japanese Americans were the result of their "almost unaided efforts"—a conclusion some might claim does not apply to Southeast Asian refugees given what Portes and Rumbaut describe as their "generous benefits package"¹⁴¹—those celebrating Southeast Asian refugees' lack of a downward spiral nevertheless reproduce the notion that Southeast Asians initially possessed positive cultural norms.

Indeed, this belief in Asian-American cultural value is *underscored* when discussing the failure of Southeast Asian Americans to *avoid* delinquency or the criminal justice system. For example, in their report on the "health impacts of criminalization on Asian Pacific American children, youth and families," Pronita Gupta and Stefanie Ritoper emphasize how resettlement disrupted what many would view as "positive" traits among Asian Americans: "The resettlement of Southeast Asian refugees in the US has greatly impacted the structure and cultural norms of these communities. Traditionally patriarchal with high deference to community elders, these

communities are challenged by shifting gender roles and the growing dependence on their children to assist in navigating public systems and US culture.¹⁴² Discussing criminal deportations of Southeast Asian immigrants, Bill Ong Hing describes the cultural norms of Southeast Asians before their resettlement in the United States as "family-oriented . . . deference to elders, and respect for parents . . . and children accepted without question that they were permanently indebted to their parents."¹⁴³ Although Gupta, Ritoper, and Hing are attempting to draw attention to the very real violence, terror, and trauma that are part of the war and refugee experience, particularly for those who survived refugee camps or, in the case of Cambodians, Pol Pot's camps, they nevertheless reproduce what Tang describes as "an argument of refugee exceptionalism." Although not addressing the writings of Gupta and Ritoper or Hing, Tang's point is relevant to my assessment of how the relationship between culture and crime is mapped in their work. As Tang describes it, the "refugee exceptionalism" argument posits that the "breakdown in social and familial organization can be attributed to the psychological trauma that stems from war and refugee flight," which suggests that "Southeast Asian crime is the result of an *absence* of support networks and tightly knit extended family organizations."¹⁴⁴ By asserting, to a degree, an argument about refugee exceptionalism, some scholars and community advocates ultimately promote an image of Southeast Asians as model minorities even as they seek to expose the reality of Southeast Asian-American suffering obscured by the myth. Moreover, while culture is not a fixed property, the scholarship and commentaries rarely question the narrative of Asian Americans originally possessing a moral code before migration or, to use Tang's words, "refugee flight"; nor do they adequately challenge the presumption that a strong moral code or certain family or community structure are the determinants for avoiding criminalization or getting caught up in the criminal justice system.¹⁴⁵

In some research, Southeast Asian-American youth delinquency is attributed to the negative influences of Petersen's problem minorities, that is, African Americans. Given that many Southeast Asian refugees "were settled in public housing or in low-income neighborhoods" in which, in many cases, African Americans live, the disruption in their reported cultural norms is attributed to both the posttraumatic stress of war, refugee camps, and resettlement *and* their contact with blacks once in the United States. Indeed, it is suggested that the inability of Southeast Asian Americans to insulate themselves from the reportedly harmful effects of

black neighbors and school peers contributes to some Southeast Asian-American youths getting entangled with the criminal justice system and experiencing downward assimilation.

This is the premise of Bankston and Zhou's 1997 article "Valedictorians and Delinquents: The Bifurcation of Vietnamese American Youth." Consistent with their preoccupation with ethnicity as social capital and on social capital as a fluid property, the authors investigate how ethnic values such as "respect for elders and diligence in work" are impacted by community settlement in "low-income American neighborhoods where the young people are influenced by the disadvantaged native youth culture that has been shaped by the position of disadvantaged youth in the American economy."¹⁴⁶ Although Bankston and Zhou take into account the impact of "native youth" disadvantage in the American economy to a degree that Petersen did not when discussing African Americans in his 1971 book, they nevertheless fail to consider how African Americans may be targeted by the police more severely due to antiblack racism. Related, even as they may identify economic factors as causing blacks' "deviance," in associating "native youth culture" with pathology, Bankston and Zhou depict African Americans as "problem minorities" akin to Petersen. They also perpetuate the image of Southeast Asian culture as inherently positive when they argue that "all social behavior . . . must be learned."¹⁴⁷ When they declare, "we offer evidence that contemporary Vietnamese youth are forming two distinct social groups as a result of these two contradictory sets of influences,"¹⁴⁸ they work with the premise that Vietnamese culture is distinct from, and superior to, that of African Americans. Consider, for, example, this passage:

If Vietnamese adolescents, and other children of immigrants, follow the path of delinquency rather than that of scholarship, it is, we hypothesize, because they live in frustrated, low-income communities where the lessons of delinquency are taught. If, however, they take the path of scholarship, we hypothesize it is because they are being steered away from delinquent behavior.¹⁴⁹

Some may suggest that I am making an unfair charge regarding antiblack racism operating in Bankston and Zhou's article given that they never mention African Americans specifically in this passage and instead use a psycho-spatial description ("frustrated, low-income communities") that can apply to neighborhoods of various racial compositions. Yet in their previously discussed book chapter (Zhou and Bankston 1996), the authors

provide data showing that Vietnamese in New Orleans live in areas in which blacks tend to comprise the majority. In their 1997 study, which involves surveying Vietnamese youth about factors contributing to their delinquency or nondelinquency, the authors take great pains to not reveal the specific city in which they are conducting their research. However, Bankston and Zhou's discussion of the demographics of the block group studied in their 1997 article reveal the same exact racial make-up of "Block 3" in their 1996 book chapter. In other words, it appears that the "native youth culture" Bankston and Zhou are concerned about is that which they associate with African Americans. Although not all, nor only, blacks listen to rap music or aesthetically express themselves by wearing gold necklaces or having pierced noses, these aesthetic expressions and tastes, as well as other activities, are asked about on a survey the authors administered to a sample of Vietnamese youth to test the influence of "local youth culture" on their delinquency. More, as this passage shows, they associate "local youth culture" as distinct from Vietnamese culture; in turn, the maintenance of Vietnamese cultural norms helps Vietnamese youth avoid delinquency:

The nondelinquents tended to favor traditional Vietnamese music, helping around the house, reading, and school clubs. The delinquents tended to dislike these things. The delinquents were more likely than the nondelinquents to favor gold necklaces, hanging out, jewelry in pierced noses, and rap music. These two sets of interests fit fairly neatly into the division of young people into those who were tightly integrated into Vietnamese ethnic society and those who were strongly influenced by the local youth culture. It is notable that the interest most strongly associated with the nondelinquents was a liking for traditional Vietnamese music . . . whereas the interest most strongly associated with the delinquents was rap music, a musical expression that emerges from American youth culture.¹⁵⁰

Additionally, Bankston and Zhou consider how friendships or ties with non-Vietnamese impacted delinquency rates. According to them, the Vietnamese "nondelinquents were characterized by social ties that link them primarily to other Vietnamese and who express interests and activities that reflect integration into Vietnamese ethnic society."¹⁵¹ Conversely, as they point out, Vietnamese delinquents had "relatively numerous ties to non-Vietnamese American youth in this low-income neighborhood and who adopt interests and activities that seem to be associated with American youth culture."¹⁵² While Bankston and Zhou do not explicitly state in this

sentence that delinquent Vietnamese respondents are socializing with black youth, the survey results indicate that it is blacks to whom they are referring. Specifically, findings show that Vietnamese delinquents report having a larger percentage of black friends than white friends, with some having "mostly" or "almost all" black friends. In contrast, all the Vietnamese delinquents reported very few or no white friends.

This concern with Vietnamese youth being negatively influenced by other racial groups' negative moral codes is another dynamic that connects the segmented assimilation scholarship on contemporary Southeast Asian-American trajectories with the model minority myth research and commentary. For example, Petersen recounts how some Japanese youth "were in revolt against both the narrow confines of their subculture and also what they saw white society to be." He follows this point with an example of a "Sansei" (third-generation Japanese American) who was "charged with assault with intent to kill" and points out he was a "member of the Black Muslims." According to Petersen, "lacking any other spiritual home," the Japanese-American "sought an identity among extremist black nationalists."¹⁵³ Writing decades before segmented assimilation theory emerged as a sociological framework, Petersen nevertheless championed a basic tenet of it as found in contemporary scholarship on Vietnamese youth: abandoning the "good culture" of Asian America and associating with African Americans (presumably) leads to criminal behavior.

Conclusion

This chapter examined how Asian Americans' criminal justice patterns are discussed by scholars and community advocates and the ways in which the model minority myth is engaged in their work. As I showed, the model minority myth is omnipresent in research on Asian-American "deviance," crime, and incarceration, even in unstated, and perhaps unintended, ways. An environmental approach, the model minority myth, posits that ethnic and racial groups are able to mediate the harmful effects of their environments because they possess a moral code that values achievement over deviance and are socially organized to enforce their positive ethnic norms. Even when they disagree over the degree of harm environmental effects play in disrupting the social organization and ethnic values of Asian Americans, many writers still accept the premise of the model minority myth in terms of a presumed relationship between ethnic values and criminal justice patterns. In this sense, what people have posed as "interventions"

into the model minority myth are not really interventions at all because they are based in misreading or neglect of previous scholarship that, within the social sciences, helped develop the model minority myth into an analytical framework for examining race and class inequality.

I have demonstrated that segmented assimilation scholars declare that in studying the "new second generation,"¹⁵⁴ we can begin to identify alternative paths to assimilation than those predicted by straight-line assimilation theory. However, such propositions, while not couching themselves in "segmented assimilation," were already being proffered before the growth of the new second generation after the 1965 Immigration Act. Some of these studies, such as those of sociologists like Hayner and Petersen, are important not because they provide anything particularly useful for critical examinations of policing, mass incarceration, and immigration enforcement. Rather, a closer reading exposes the analytical and political limitations of contemporary efforts to address Asian Americans' experiences with the criminal justice system. Even scholars and community advocates who may be rightfully critical of the limitations of segmented assimilation theory for the way it callously addresses Southeast Asian refugees' wartime and resettlement experience unfortunately end up promoting aspects of the model minority myth in terms of borrowing its language, logic, and preoccupation with social disorganization and ethnic morality as determining factors of incarceration.

Mass incarceration is a crisis, and we need to politically challenge it as an actual system and logic. Regarding the latter, there needs to be scholarship and advocacy work that traces the very real struggles that people and communities experience at every stage of the criminal justice process. For those who choose to write on these matters, serious consideration needs to be given to the political implications of the frameworks employed. When I speak of political implications here, I am talking about the conclusions we make in terms of why masses of people are incarcerated and why some have been able to avoid being locked up. The frameworks we select to map our research, organize our thoughts, and analyze our data can easily lead to certain questionable conclusions about racial disparities in the criminal justice system. Whether it is the model minority myth, the segmented assimilation myth, or the "narrative of refugee exceptionalism,"¹⁵⁵ all frameworks lead to the inevitable and racist conclusion that racial disparity in criminal justice patterns is due to differing culture, values, and social organization among racial groups. Given that African Americans are such a significant portion of those arrested and incarcerated,¹⁵⁶ such a

conclusion not only obscures the real struggles that some Asian Americans face with the police, the courts, and prisons, it also help promote the racist myth that African Americans are to blame for their overrepresentation in prisons. While proponents of the model minority myth and segmented assimilation theory may say this more “politely,” this sentiment is expressed in various ways in their work. For this reason alone, when analyzing Asian Americans’ experiences with the criminal justice system, we must abandon the model minority myth and other approaches using its logic, including the segmented assimilation scholarship and the narrative of refugee exceptionalism. Additionally, by relying on models that, regardless of how explicitly it is mentioned, depict blacks as the problem minorities,¹⁵⁷ we also fail to really grapple with what Jared Sexton (2007) describes as “the truth” about the “vicissitudes of racial rule and the machinations of the racial state” as “what happens to blacks indicates the truth (rather than the totality) of the system;” blacks are “the prototypical targets” of policing and “the juridical infrastructure.”¹⁵⁸ If, in work on Asian Americans and the criminal justice system, we continue to rely on theories that are fixated on blacks as problem minorities rather than utilize frameworks understanding blacks as the prototypical targets of state violence, we may fail to politically understand the logic and practices of policing, incarceration, and immigration enforcement occurring in the *singular* political environment in which we all live and in which Asian Americans are experiencing the criminal justice system.

Notes

1. Le and Arifuku, 2005; Prashad, 2000; Steinberg, 2001.
2. Le and Arifuku, 2005; Steinberg, 2001.
3. Tang, 2000.
4. Zuberi, 2003, p. 20, emphasis in original.
5. Go, 2004, p. 40.
6. Zuberi, 2003, p. 20.
7. Zuberi, 2003; Go, 2004.
8. O’Connor, 2002; Steinberg, 2001.
9. O’Connor, 2002; Steinberg, 2001; Yu, 2002.
10. Bogan and Darity, 2008; Darity, 2011; O’Connor, 2002; Steinberg, 2001.
11. Bogan and Darity, 2008; O’Connor, 2002.
12. Petersen, 1966, p. 21.
13. Petersen, 1971, p. 5.
14. Ikeda, 1973, p. 498.

15. Peterson, 1971, p. 3.
16. Peterson, 1971, p. 5.
17. Peterson, 1971, p. 6.
18. Savage, 1999.
19. Brooks, 2004; Kurashige, 2008; Wong, 2008.
20. Tyner, 2006.
21. Brooks, 2004; Kurashige, 2008.
22. Brooks, 2000, p. 474.
23. Brooks, 2000; Ngai, 2005.
24. Peterson, 1971, pp. 5, 225.
25. Peterson, 1971, p. 5.
26. Peterson, 1971, p. 225.
27. Peterson, 1971, p. 225.
28. Ngai, 2005; Sexton, 2012.
29. Peterson, 1971, p. 5.
30. Peterson, 1971, p. 5.
31. Peterson, 1971, pp. 134–135.
32. Spickard and Najima, 1999, p. 80.
33. Spickard and Najima, 1999, p. 79.
34. Spickard and Najima, 1999, p. 135.
35. Kitano, 1969, p. 117.
36. Kitano, 1969, p. 138.
37. Peterson, 1971, p. 5.
38. Peterson, 1971, pp. 6–7.
39. Peterson, 1971, p. 141.
40. Peterson, 1971, p. 142.
41. Portes and Rumbaut, 1996; Portes and Zhou, 1993.
42. Tang, 2000, p. 60.
43. Tang, 2000, p. 60.
44. Peterson, 1971, p. 135.
45. Peterson, 1971, p. 136.
46. Peterson, 1971, p. 319.
47. Peterson, 1971, p. 319.
48. Peterson, 1971, p. 321.
49. Hayner, 1938, p. 909.
50. Hayner, 1938, p. 909.
51. Hayner, 1938, p. 910–911.
52. Hayner, 1938, p. 912.
53. Hayner, 1938, p. 915.
54. Hayner, 1938, p. 917.
55. Hayner, 1938, p. 917.
56. Hayner, 1938, p. 914.

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57. Hayner, 1938, p. 915.
58. Hayner, 1938, p. 910.
59. *U.S. News & World Report*, 1966; Wong, 2008.
60. *U.S. News & World Report*, 1966, p. 6.
61. *U.S. News & World Report*, 1966, p. 8.
62. *U.S. News & World Report*, 1966, p. 9.
63. *U.S. News & World Report*, 1966, p. 6.
64. Nopper, 2012.
65. Nopper, 2012.
66. Guerino, Harrison, and Sabol, 2011.
67. Nopper, 2012.
68. Guerino, Harrison, and Sabol, 2011, p. 1.
69. Nopper, 2012.
70. Guerino, Harrison, and Sabol, 2011, p. 26.
71. Glaze and Bonczar, 2011, p. 1.
72. Glaze and Bonczar, 2011, p. 2.
73. Glaze and Bonczar, 2011, pp. 35, 45.
74. Nopper, 2012.
75. Figueroa, 2012; Johnson and Betsinger, 2009; Le and Arifuku, 2005; Oh and Umemoto, 2005a; 2005b; Rosich, 2007.
76. Le and Arifuku, 2005, p. 30.
77. Le and Arifuku, 2005, p. 29.
78. Le and Arifuku, 2005, p. 31.
79. Le and Arifuku, 2005, p. 29.
80. Le and Arifuku, 2005, p. 31.
81. Le and Arifuku, 2005, p. 31.
82. Le and Arifuku, 2005, p. 30.
83. Figueroa, 2012; Gupta and Ritoper, 2006; Oh and Umemoto, 2005a, 2005b.
84. Oh and Umemoto, 2005a, p. 8.
85. Oh and Umemoto, 2005a, p. 29.
86. Oh and Umemoto, 2005a, p. 9.
87. Oh and Umemoto, 2005a, p. 28.
88. Oh and Umemoto, 2005a, p. 28.
89. Oh and Umemoto, 2005a, p. 29, emphasis added.
90. Oh and Umemoto, 2005a, p. 28.
91. Hayner, 1933, 1938; Petersen, 1971; *U.S. News & World Report*, 1966.
92. Rosich, 2007, p. 3.
93. Rosich, 2007, p. 22.
94. Johnson and Betsinger, 2009, pp. 1045–1046.
95. Johnson and Betsinger, 2009, p. 1048.
96. Johnson and Betsinger, 2009, p. 1049.
97. Johnson and Betsinger, 2009 pp. 1049–1050.

98. Johnson and Betsinger, 2009, p. 1046.
99. Figueroa, 2012; Gupta and Ritoper, 2006; Le and Arifuku, 2005; Oh and Umemoto, 2005a, 2005b.
100. Johnson and Betsinger, 2009, p. 1057.
101. Johnson and Betsinger, 2009, p. 1064.
102. Johnson and Betsinger, 2009, p. 1066.
103. Johnson and Betsinger, 2009, p. 1066.
104. Johnson and Betsinger, 2009, p. 1080.
105. Johnson and Betsinger, 2009, p. 1072.
106. Johnson and Betsinger, 2009, p. 1076.
107. Le and Arifuku, 2005; Oh and Umemoto, 2005a, 2005b.
108. Le and Arifuku, 2005, pp. 32-33.
109. Oh and Umemoto, 2005a, p. 7; Gupta and Ritoper, 2006.
110. Gupta and Ritoper, 2006, p. 6; Tang, 2000.
111. Le and Arifuku, 2005, p. 29.
112. Gupta and Ritoper, 2006, p. 7.
113. Gupta and Ritoper, 2006, p. 7; Hing, 2005; Oh and Umemoto, 2005a.
114. Bankston and Zhou, 1997; Gupta and Ritoper, 2006, p. 7; Tang, 2000; Zhou and Bankston, 1996.
115. Portes and Rumbaut, 1996, p. 83.
116. Portes and Zhou, 1993, p. 83.
117. Portes and Zhou, 1993, p. 83.
118. Portes and Zhou, 1993, pp. 81-82.
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120. Bankston and Zhou, 1997; Zhou and Bankston, 1996.
121. For example, Hayner, 1933, 1938; Petersen, 1966, 1971.
122. Zhou and Bankston, 1996, pp. 204-205.
123. Zhou and Bankston, 1996, p. 206.
124. Zhou and Bankston, 1996, p. 207.
125. Zhou and Bankston, 1996, p. 207, emphasis added.
126. Peterson, 1971, p. 208.
127. Bankston and Zhou, 1997, p. 209, emphasis added.
128. Bankston and Zhou, 1997, p. 208.
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130. Zhou and Bankston, 1996, p. 202.
131. Zhou and Bankston, 1996, p. 219.
132. Zhou and Bankston, 1996, p. 209, emphasis added.
133. Zhou and Bankston, 1996, p. 200.
134. Zhou and Bankston, 1996, p. 200.
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136. Hayner, 1933, 1938; *U.S. News & World Report*, 1966; Petersen, 1966, 1971.

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t, 1966.

137. Steinberg, 2001, p. 71.
138. Portes and Rumbaut, 1996, p. 83.
139. Portes and Zhou, 1993, p. 83.
140. Peteron, 1971, p. 4, emphasis added.
141. Portes and Rumbaut, 1993, p. 87.
142. Gupta and Ritoper, 2006, p. 7.
143. Hing, 2005, p. xiii.
144. Tang, 2000.
145. Tang, 2000, p. 66.
146. Bankston and Zhou, 1997, p. 343.
147. Bankston and Zhou, 1997, p. 347.
148. Bankston and Zhou, 1997, p. 343.
149. Bankston and Zhou, 1997, p. 347.
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151. Bankston and Zhou, 1997, p. 361.
152. Bankston and Zhou, 1997, p. 361.
153. Peterson, 1971, p. 141.
154. Portes and Zhou, 1993.
155. Tang, 2000.
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157. Petersen, 1966, 1971.
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