

Comparative Racialization and Unequal Justice in the Era of Black Lives Matter:

The Dylan Yang Case

By

Pao Lee Vue, Louisa Schein and Bee Vang

Hmong Studies Journal

Volume 17, 21 Pages

Abstract

Through a close examination of the Dylan Yang-Isaiah Powell case in Wausau, Wisconsin, we argue that while Hmong experiences may have remained marginalized or invisible in the era of Black Lives Matter, this case and the mobilization efforts around it suggest both commonalities and disjunctures among boys of color, especially in relation to the US justice system. The Dylan Yang case, in which a Hmong teen was convicted of murder for the stabbing of another boy, perceived to be black Latino, in an altercation at his home, demands comparative racialization analytics to gain perspective on the implementation of unequal justice. Unpacking the effects of the gangster stereotype, especially for Southeast Asian youth, we suggest how, despite the Asian American model minority trope, Hmong American boys have been racialized as monstrous thugs comparable (but not identical) to their black and Latino counterparts, and thus treated by law enforcement as suspects in need of “cataloging” as part of the school-to-prison pipeline. We also delve into the actual practices of young men in order to reveal their strategies in tense and conflictual multiracial contexts, then turn to issues such as long sentences and juvenile solitary confinement that imply the disposability of young lives of color. We conclude with a curation of links to articles, blogs and social media that we invite readers to explore using the critical lens we provide.

Key Words: Dylan Yang, comparative racialization, unequal justice, profiling, coalition, Black Lives Matter, gangster stereotyping, criminalization

With national attention increasingly focused in recent years on miscarriages of justice involving young men of color, this piece zooms in on a case well known to many Hmong Americans, but little noted by others. The Wisconsin teen conflict between Hmong boys and other boys of color that culminated in the tragic death of one and the arrest, trial and conviction of another underscores the urgency of thinking about raced relations in American society as more complex than black and white. Here, we summarize the Dylan Yang case, offer some critical reflections on comparative racialization and unequal justice, and curate 20 documents that capture multiple views, Hmong and non-Hmong, of what has played out in this unfortunate story. As an anti-racist collaborative team made up of two Hmong male scholars and one white

female scholar, we suggest that the documents we have collected here be read in light of the interpretive tools we offer, placing this case squarely in the field of race and justice discussions that have intensified nationwide, especially in light of the rise of the Black Lives Matter movement and the 2016 presidential election.

The Day Of...

In March 2016, Hmong American Dylan Yang, 16, was [found guilty](#) of “first-degree reckless homicide” for stabbing Isaiah Powell, then 13, in an altercation that took place in the Wisconsin town of Wausau in 2015.¹ The case has raised a litany of issues that beg questions of how ongoing racial dynamics impact the Wisconsin justice system. Although Isaiah has been identified as “Hispanic” by his family, according to his mother, Dylan perceived Isaiah and the others who arrived at his house that regrettable day as black and Latino. Why might it matter that an overwhelmingly white collection of authorities – from teachers to school administrators, from counselors to cops, from jurors to judges – managed this case involving the death of a teen of color at the hands of a Hmong teen? What lies ahead for Dylan who now has embarked on a punitive sentence and an uncertain appeal process? What can be done to diminish the uneven implementation of the law intimated by this case?

Here is what is known to have transpired: After hostile exchanges over Facebook, six or seven teen boys of color, including Isaiah, arrived in front of Dylan’s home, driven by 19-year-old Nia Phillips. Knowing that violence had been threatened online, and seeing Isaiah open fire with what Dylan didn’t know was a BB gun, Dylan, then 15, ran into the house. He rushed back to the scene with a kitchen knife, and upon seeing Isaiah on top of his friend, stabbed Isaiah twice in the back. Tragically, Isaiah died at the hospital from those injuries.

After the incident, police arrived at Dylan’s home to take him in for an interrogation. His mother requested to accompany him, but the officers refused. It is not clear when they officially placed him under arrest, but he was alone when read his Miranda rights at the station. With no lawyer at hand, and in the presence of authority figures, he did not exercise his right to remain silent.

On an interrogation tape, later played in full during the trial, police can be heard using local gang acronyms and prodding Dylan to confess gang alignment as reflected in his social media communications: “So were you indicating that – that – that you’re a GDK, a GD Killer?” “Yeah, something like that. I was really mad so I really wasn’t thinking. So whenever I get mad I just type whatever.” Dylan appears here, through words such as “just type whatever,” to be contravening the accusation that he was an actual member. But the officer insisted: “Okay. Then you said, ‘OTB gang all the way.’” “Uh-huh.” “So now earlier you said you’re not OTB anymore. You’re just rep’ing OTB.” “Yeah.”

¹ This account relies on media reporting, research on the court proceedings and our numerous meetings and conversations with Dylan's parents and other players in the case.

The officer continued, asking a third way: “I’m not the brightest bulb out there, but that sounds like someone who is a member of OTB if they’re saying, ‘GDK, OTB gang all the way.’ Like we’re the best gang and we’re gonna kill you. Is that – am I interpreting this correctly?” was the officer’s prodding question... “No.”

A moment later, Dylan was asked once again, and explained his words as a verbal sparring over respect, an instrumental performance: “since they disrespect then you disrespect them back and you say that you’re the top.” “Okay. But if you’re not part of the gang, why are you saying, ‘OTB all the way?’” “I don’t know I just – like to say that sometimes.”

With several variations, Dylan’s words conveyed that he used the gang name whenever he became angry, that he was deploying gang names at moments of interpersonal conflict. Nonetheless, through a discounting of his self-description that “whenever I’m upset I just – I’m just like yeah OTB whatever,” the officers could be heard struggling on to convert Dylan’s statements into actual criminal status.

Adjudication, Adult Status and Profiling

It is at this critical juncture that we believe a kind of gangster profiling of Southeast Asian American men became operative. The police quest for a confession of gang membership can be read as laying the groundwork for what Lisa Cacho (2012) describes as a “de facto status crime [which] does not refer to illegal activity; rather it refers to others’ perception that a person of a certain status is certain to commit future crimes and may well have already committed crimes unwitnessed” (p. 43). For putative gang members, “to be criminalized is not contingent upon committing a violent crime; the gang member is criminalized because he or she might commit crimes in the future” (p. 66). It is this stance that we suspect was in play throughout the interrogations, the trial, the conviction and eventually the sentencing.

For the purposes of prosecution and jailing, Dylan was designated an adult, which meant that while awaiting trial he would serve a year in *de facto* solitary confinement to separate him from the adults whose jailhouse he shared. It also meant that, if convicted, he would stand to be sentenced to 60 years in adult prison. Months after a jury found Dylan guilty, he continued to serve alone, while he waited for resolution on his actual term of incarceration.

Despite being the only person in this conflict facing a serious charge in adult court, Dylan was left without a lawyer; the public defender’s office claimed a conflict of interest since they were representing the other kids involved in the incident. Dylan went a month without an alternate court-appointed attorney. By the time the public defender’s office finally appointed one, his family had already hired [Jay Kronenwetter, who was simultaneously running for mayor](#) and preparing for an imminent election. During the gap in legal representation, Dylan’s family had spent a week scrambling in vain to find him any legal counsel at all.

After the guilty verdict and in anticipation of sentencing, Dylan’s family, deeply aggrieved that neither racial bullying experiences nor self-defense motives had received serious consideration in mitigating the conviction for reckless homicide, found a new attorney, Harry Hertel, for the sentencing hearing and going forward. Kronenwetter had said publicly that he

believed Dylan was innocent and hoped he would be exonerated on appeal. [Hertel's strategy was to seek a retrial based on a finding of "ineffective counsel"](#) applied to his predecessor. The sentencing date was then pushed back, perhaps also out of consideration for the [letters that were piling up](#) at the court from people across the country urging leniency. In the Midwest a Hmong-led network called the JUSTICE team organized rallies and disseminated [a call for pleas to the judge](#). National organizations began to come forward to offer help in constructing Dylan's defense.

The [sentencing hearing took place on October 19, 2016](#). In a courtroom packed with both supporters of Dylan and those seeking retribution for the loss of Isaiah, witness testimony was heard from a University of Minnesota law professor specializing in juvenile justice, Perry Moriarty; an expert on Hmong young men and schools, Kari Smalkoski; and Dylan's own therapist, Tracey Anne Schindler. The case was made that a history of having been bullied *as Asian* as well as the impulsiveness typical of 15-year-old brains should mitigate the accusations that Dylan had acted as a cold-blooded, rational murderer.

If the judge was swayed, it was only moderately, for he nonetheless came down with a sentence of 30 years, 13 of which would be in confinement, with the remaining 17 under extended supervision. Judge LaMont Jacobson's lengthy sentencing speech stitched together a history of transgressions, citing marijuana, cigarettes, alcohol and previous instances of fighting as evidence that the public needed to be protected from Dylan. In weighing his "culpability," Judge Jacobson emphasized Dylan's agency: "You chose to go into your house, grab a rather large knife and stab Isaiah Powell to death." Turning the fact of his therapy on its head, he asked why on that day Dylan hadn't used the "anger control techniques" he had purportedly garnered in counseling sessions: "You had the tools available to you, such as deep breaths or playing forward what might occur. And despite the tools, you did not put those tools to use on February 27th 2015." With the gangster profile dominating adjudication, more community-oriented forms of restorative justice seemed not to have been entertained. Wordings such as "choose," "as a result of your actions, and your actions alone," and "stab to death" ignored the intergroup context of the confrontation and singled out Dylan for blame, even though there was no evidence that he had intended to kill. Ironically, the transcripts of the police report indicate that much of the interrogation took place *before* Dylan knew that Isaiah was to die.

At this writing, [Hertel has filed for an appeal](#). He hopes to move the case back to juvenile court, and to bring in evidence of Dylan having been bullied and of how bullying impacts Southeast Asian and Hmong American boys.

Race and Criminalization

In June of 2016, sixteen months after Dylan was taken in, his mother Annahli recalled to us: "Right after the hearing, Dylan called me up from prison. He was crying and confused. 'Mom,' he asked, 'they make me sound like a monster. I feel like a wild animal that they have to cage up. I turn around and there are bars all around me. Am I really that bad? Am I a monster?'"

Like so many mothers of color giving their boys ‘[the talk](#),’ Anna struggled to steady her teen, to bring him back to himself, and steel him for what he would have to remember: “At least you recognize that that’s not who you are.”

This crisis moment for Dylan was precisely that moment of dawning awareness too often recounted, that moment when a young man of color comes to grasp his devaluation at the hands of American society and the legal system. The awareness is not only of being devalued, but of being profoundly misrecognized as something else, something worthy of rough handling and societal vengeance. That Dylan could not fathom the way he was perceived, his incredulity, should tell us several things about the extra ideological freight that has shaped this case. So much of Dylan’s treatment, from the initial police interrogation to being tried and jailed as an adult to the gangbanger accusations that contributed to his conviction, rested on his being characterized as a hardened criminal. We maintain that this attribution was *racial*. How so?

Waves of critique have been increasingly articulated since the [Trayvon Martin](#) and [Michael Brown](#) cases by Black Lives Matter, a racial justice oriented social movement which aims to address challenges to black life posed especially by extrajudicial violence and brutality. The movement has made it abundantly clear that a disparity persists in which black men in the US are disproportionately criminalized and subjected to inordinately severe treatment by the justice system. From devastating and killings by police to sharply higher rates of imprisonment, blacks have been shown to be treated in a way that bespeaks their alignment in dominant ideology with criminality. In *The New Jim Crow*, Michelle Alexander (2012) evokes how this works through the institution of prisons: “Today mass incarceration defines the meaning of blackness in America: black people, especially black men, are criminals. That is what it means to be black” (p. 78). With chilling recursivity, then, *because* black men have been disproportionately jailed, their criminal status has been relentlessly confirmed in popular perception.²

This pattern was brought to light recently at the level of Supreme Court decision making. In a [scathing dissent to a decision](#) allowing the admission of evidence obtained through illegal police stops, Justice Sonia Sotomayor bemoaned the legalizing of practices in which police can stop someone, then justify it after the fact by searching to see if they have any warrants out for them, even for traffic violations. Citizens’ suspected legal transgressions do not vindicate police procedural transgressions, she insisted, with the zinger: “Two wrongs don’t make a right.” But at base, her protest was precisely about the racially unequal justice that has been implemented across the United States as reflected in her acerbic quip that the recent decision, for American people of color: “Implies that you are not a citizen of a democracy but the subject of a carceral state, just waiting to be catalogued.” A more sinister rendering of this message would be: If you are a man of color, you will not receive equal protection under the law; indeed, the justice system is, in effect, saying that your life is disposable.

² See also the recent Ava Duvernay (2016) documentary, *13th*, on the how the historical bloating of the carceral regime was driven by antiblackness.

Disposability may also be found in practices of public attention, news coverage and sensation. Despite occurring in Wisconsin – the state recently made notorious by the hit Netflix documentary “Making a Murderer” (Demos and Ricciardi 2016) – Dylan Yang’s juvenile justice experience has evaded greater scrutiny. Indeed, in mid-August, the [conviction of white teen Brendan Dassey was overturned](#) amidst [calls for a “new paradigm on how to handle juvenile interrogations.”](#) Dassey had been interviewed alone, made false promises by police, and had eventually delivered a reluctant “confession.” The reversal rested on the recognition that Dassey’s constitutional rights had been violated. No such effort has been made on Dylan’s behalf.

Living Race in the Upper Midwest

March 18, 2016. Picture a courtroom in a small community of about 40,000. A 16-year-old Asian boy is on trial, the charges serious, deadly. He searches the sea of faces. His eyes survey those in the process of meting out his judgement. The lawyers are white. The judge, white. And the jury, whose charge it is to be impartial and look only at the case at hand - all white....

Will they see the boy’s race? In heartland Wisconsin, still seething with memories of [Chai Soua Vang](#) and [Cha Vang](#), will they forget that conflicts with Hmong are chronically coded through the bitter frames born of decades of fraught run-ins, run-ins that were themselves arguably conditioned by antagonistic memories of the Vietnam war? Decades in which immigrant belonging was always in question, where the perpetual foreigner attribute of Asian Americans transmuted for Southeast Asian refugees into “perpetual warrior” (Schein and Thoj 2008, 2009)?

Can the boy be sure the white supremacists so documented in this region won't have agreed to serve on the jury, or will have checked their hate in their coat pockets at the door? Will the stealthy cloaks that mask diehard hate movements protect these people while they determine his fate?

November 10, 2016. Three days after the Trump victory. 23 days after Dylan was sentenced to decades of incarceration and punishment, the judge averring he was murderously impulsive and too gang-aligned. Look again. Look over Dylan's shoulder at the Marathon County courtroom. How neutral does its whiteness look now?

Only two days after Trump’s victory, over 200 acts of hateful harassment and intimidation had been reported to the [Southern Poverty Law Center](#). [USA Today](#) reported that racist graffiti including swastikas, “Make America White Again,” and various hate messages – sometimes coupled with Trump support – rapidly cropped up across the nation in the wake of the election. Ominously, at a Trump speech on the University of Wisconsin-Eau Claire campus a week before the vote, a female Asian student had already recounted walking through the crowd and being taunted by “Go back to where you came from!!!” “You're sapping off of the government, be grateful!” “Do you even speak English??” and a mocking, “Ching Chong, Asians for Trump!!!” [At the University of Wisconsin-La Crosse](#) soon after Trump’s victory, “go home” (followed by an undisclosed racial slur) was scribbled on the front door of a residence. Another

Hmong woman lamented on social media: “Someone in my immediate family was beaten up last night by Trump supporters in downtown St. Paul while getting off the city bus. I never thought it would happen to my family, in my country. Is this how we make America great again?????” What questions do we need to ask about how unequal justice comes about in light of these incidents that intensified just within the 48 hours after an election seething with the white vengefulness that is now erupting?

Comparative Racialization

In the surge of hateful speech called out by Trump’s reckless vitriol, the longstanding tropes of perpetual foreigner and undeserving immigrant were amply reiterated in the myriad run-ins recounted by Hmong and other Asians in Wisconsin and Minnesota. Assuming, then, the discrepant (il)logic of Asian racialization, what Dylan Yang’s case reveals is not only that boys of color have been disproportionately prosecuted and incarcerated when compared to whites, but also that Asian boys’ experience, in the wake of highly audible Black Lives Matter outcries, may play out quite distinctly. This is *not*, we maintain, simply because they have been whitened by perceptions of the model minority privilege, so often attributed to East and sometimes South Asians based on the generalized barometers of their high education and earning levels. Instead, we point to the stifling illegibility of Asian race *per se*. How can we understand that no change of venue was proposed for the trial despite how polarized the Wausau community had become over a case that had been heavily reported on in the *Wausau Daily Herald* as well as by local television and many other media outlets? Or that no one seems to have questioned that “gangbanger” Dylan’s purportedly intentional murderous acts would be designated so by an all-white jury? How is it imaginable that whites could have remained unmarked simply as a “jury of peers” in a state still haunted by such high profile and deadly conflicts between Hmong and white hunters?

To figure Southeast Asian men, especially those from post-Vietnam War refugee families, into the above conundrum, we turn to *comparative* racialization. While some analytical work may be done by referring to Southeast Asians as “subjected to a kind of ideological blackening” based on welfare dependency, teen pregnancy rates and inner city residence (Ong 2003: 86), it is crucial to remember that Southeast Asians have *also* been racialized *as Asians*, and therefore as symbolically closer to whiteness, while perhaps having been *stratified* “closer to blackness” (Vue 2012:13-15). This multiplicity amounts to illegibility. In a discussion of South Asians, Stanley Thangaraj (2015) describes the ambiguous status of Asians in the American racial order: “to understand South Asian American racialization, we must see its relationship to Asian American, Native American, Latino/a, and African American racializations. In contrast to desis and Asian Americans, black men are not racially ambiguous but rather racially overdetermined. Black bodies are interpreted not through fuzzy racial categories but, rather, through cemented stereotypes” (p. 114). Fuzziness, ambiguity, indeterminacy, doubleness, we maintain, are by contrast the signature features of Asian, and particularly Southeast Asian American racialization.

When it comes to Dylan having been framed as a gangster, then, Lisa Cacho (2012) points out that only whites are exempt from such habitual profiling: “Although the various legal

definitions of a ‘gang’ can be thought to encompass any number of groups and unlawful activities, only people of color are imagined with and criminalized by the term ‘gang.’ Racial masculinities of impoverished inner cities serve as the only signifiers for criminal street gangs” (p. 46). Much as this principle might ring true, however, the risk is of genericizing men of color, thereby obscuring the “fuzziness” that particularly plagues imaginaries of Asians in the US. Only by also reckoning with the “honorary white” status that Asian Americans may intermittently access, is it conceivable, for instance, that Dylan’s case would have gone forward adjudicated by an all-white jury, a scenario that would be a stretch to envision were a black boy on trial.

What is important, then, in comparative racialization analytics, is to keep in view the relations *between* the raced categories, not only their opposition to whiteness. Notable for the Southeast Asian refugee status is their history of invisibility, and a kind of new-kid-on-the-block syndrome that has underpinned violence. Eric Tang (2015) recounts how this worked through his ethnography: “Cambodian youth I worked with believed that society was indifferent to them and their families. ‘Cambodians walk around here invisible, like a bunch of ghosts,’ one said, and whatever attention they did receive was unwelcome. During the early resettlement years, Black and Latino teenagers saw their Cambodian counterparts as easy marks, to be routinely disrespected and attacked” (p. 8).

The Enigma of Masculine Posturing

Studies examining specific ethnic Asian American groups suggest that Asian Americans *have* been disproportionately bullied and that this varies by gender. “A survey of more than 1,300 6th graders in CA schools with predominantly Latino or Asian American students found that Asian Americans were the most frequently victimized ethnic group regardless of the school racial composition... at one multi-ethnic public school in NYC, Asian American students described students verbal harassment (e.g., racial slurs, being mocked, teased) and physical victimization (e.g., being randomly slapped in hallways, physically threatened, punched, having possessions stolen) more than [any]other racial group” (Tran and Okazaki 2012:2).

Disaggregating data is crucial in understanding the “bullying” of Southeast Asian youth and the nature of intergroup conflicts. Cara Maffini’s (2016) study of Southeast Asian American youth, for example, “showed that 60% of respondents reported having had at least one experience contributing to reduce school safety (e.g., were offered drugs, had something stolen, were threatened, or engaged in a physical fight)” (p. 7). Males were also more likely than females to report that they felt unsafe at school, which supports prior research (Le & Wallen 2009; see also Tran and Okazaki 2012) suggesting that among Southeast Asian American youth, boys are more likely than girls to be targets of violence.³ Not surprisingly, then, in Smalkoski’s

³ Comparative research on proportional “bullying” of Asians remains mixed. In a report for the [American Psychological Association](#) (APA) for example, Tran and Okazaki (2012) suggest that “(f)ewer Asian American students (18%) reported being bullied at school or cyber bullied, compared to Whites (35%), Blacks (31%), and Hispanics (28%)” (1). Of those that reported bullying, however, “(m)ore Asian American victims of bullying say that they were bullied *because* of their race (11.1%), compared to Whites (2.8%), Black (7.1%), and Hispanic (6.2%)” [1, emphasis added]. Smalkoski (forthcoming) also found that the nature of intergroup violence with Hmong boys in schools was racially motivated.

(2014) study of recently arrived Hmong refugee youth in Minneapolis, even though both girls and boys were subject to violence, it was *much* more common for boys to be physically assaulted.

So how do we get from invisible boys being picked on by schoolmates to the marauding gangsters that Southeast Asian young men became in the American imaginary? Tang (2015) goes on to report: “Some, particularly the young men, responded with their own propensity for violence” (p. 8). But this picture is partial and doesn’t do justice to the complex situation on the ground. During Pao’s fieldwork on Hmong youth in the Upper Midwest, many of the Hmong male participants described being bullied and beaten up at school *on a daily basis*, having items stolen from in front of their homes, and being robbed/mugged in broad daylight for items they were wearing (e.g., Starter jackets, clothing, shoes). Some of the boys eventually formed gangs out of a need for protection, many simply banded together to confront the aggressors as a team, especially since the aggressors were themselves almost always a part of a group.

Another scenario, as described in Pao’s (2012) book on Hmong import car racers in the Upper Midwest, is that some of these young Hmong men engaged in what could be called masculine posturing. Here he focuses on one he calls Will:

Many... wore baggy clothing and some had matching accessories (hats, bandanas, etc.) and/or distinctive hairstyles that made them resemble their Black urban counterparts and Asian gang members of the 1990s. The way they stood, walked, and leaned up against a car all gave me (and, I suppose, others) the impression that they could “handle” themselves. Big, one of Will’s best friends, often wore color-coordinated (usually white and red) bandanas, do-rags, and baseball caps to match the rest of his clothing; among all of Will’s friends, Big looked most like a stereotypical urban youth gang member, and he intimidated me at first. Not only did he look like a gangster, but he also talked like one with his strong urban accent and use of slang.

Although I was generally less intimidated by Will than the others (because of his friendly demeanor), he had another trait that made him stand out from the rest. With his long ponytail that extended down his lower back, Will looked much like some of the most “hardcore” (i.e., dangerous) Asian gangsters in the 1990s. But, while Asian gang members in the 1990s would usually allow their hair to flow naturally or controlled by only one hair-tie/rubber band, Will’s was carefully wrapped with at least a dozen hair-

Reports by the [Asian American Pacific Islander \(AAPI\) Bullying Prevention Task Force](#) and the APA also discuss limitations in measuring “bullying” solely through youth reporting. The Task Force notes that “(s)everal organizations that responded to the informational survey commented that AAPI students feel uncomfortable reporting bullying incidents due to embarrassment, shame, or a fear of retaliation or no resolution” (p. 17). Tran and Okazaki (2012:2) also point out that the way questions were asked elicited different responses from children: “Asian American middle school boys were less likely to report being a victim when asked how often they were ‘bullied’ in the previous month, but more frequently reported being a victim when asked if someone had repeatedly tried to hurt them or make them feel bad with specific behavior (e.g., name-calling, threatening, pushing/shoving, ignoring, spreading rumors).”

ties/rubber bands, spaced about an inch apart, forming a tidy rope of hair. The way in which his hair is “controlled” ironically symbolizes how he thinks of himself...

Certainly the manner in which Will, Big, and other Hmong import racers carry themselves is hyper-masculine...and the thug stereotype that others use to characterize them mirrors this image...The gendered image they create may be intended to demand respect from their peers and others... Hmong import racers are aware that others may stereotype them inconsistently with how they view themselves, but they believe that others need to change their views. (P. 81-83)

Critics may discourage such fronting of hypermasculinity and style, as did news anchor Don Lemon for black boys, incurring the [opposition of others in the black public sphere](#) who bemoaned the [tyranny of respectability politics](#). However, these decisions of style and comportment afforded Hmong men such as Will the ability to go about their days without much conflict with neighbors. During fieldwork, Pao watched several groups of black youth greet Hmong youth in their neighborhoods with a respectful and friendly nod, which he attributed to how these Hmong men carried themselves. Consider the following incident recalled to Pao by Will:

Will: The other day, this black dude comes up to my car and places his shoe on my bumper to tie his shoes. I said real nicely to him from up here (his porch), “Dude, is that your car?” He said, “No.” (Then I said) “Then get your motherfucking foot off that car! That’s my car! Don’t be putting your dirty shoes on my car!”

Will’s self-assured attitude could have ended in a physical confrontation, but his physical presence – not in size but through style – and his reputation for having a lot of visitors who also *appear* to be equally menacing announces to others that he and his property are not to be messed with. Some of the second generation and subsequent generations of Hmong have definitely mastered what Elijah Anderson (1999) described as the “code of the street” where acting tough is crucial to avoiding conflicts with others. Although Will was always worried about auto theft and kept a watchful eye on his property, he never had anything stolen or vandalized from his unfenced home. By contrast, at least one family that conformed less to the “code of the street” and engaged in more immigrant-identified activities continued to have various items (e.g., balls, shoes, truck) stolen from in front of their home despite having a chain-link fence and gate.

To be clear, Will and many of the young Hmong men Pao encountered were far from formal gang members; likewise, Dylan was hardly the bloodthirsty gangbanger the court made him out to be. As evinced in his own interrogation above, Dylan might be characterized mainly as an internet gangster for his posturing online. Indeed, this was even recognized by the [Wausau Police Chief Jeff Hardel](#), who stated that “the young people involved may have used names for their groups, but any actual gang ties were very loose.” Accordingly, we call for attention to the specific scrutiny that is in play when Southeast Asians are made into monstrous gangsters with impunity.

Hip-Hop and Street Racing Profiled

As found in Pao's (2012:54-68) work on the profiling of Hmong import racers, there were real consequences associated with being a young Hmong man marked with a deviant label. Asian drivers in La Crosse, WI (note that Hmong are the majority of Asians in La Crosse) were much more likely than white drivers to be cited rather than warned for equipment and muffler violations. Contravening the stereotype that police seemed to apply to Hmong youth – that Asian men engage in higher rates of criminal behavior, such as illegal street racing – Asians were in fact statistically no different than whites in quantity of moving violations. In other words, even though data did not suggest that Asian drivers street-raced or sped more than their white counterparts, heightened vigilance was applied in citing Asian drivers for minor infractions not associated with actual driving behavior but with style.

Law enforcement also engaged in a relatively high level of supervision of young Hmong hip-hop practitioners. When police were looking for a young Hmong gang member, they interrupted a hip-hop and spoken word poetry class to question a young Hmong male hip-hop artist who was teaching the class. When a few of the boys in the hip-hop class went fishing, police confiscated the fish they had grilled at the park – supposedly to stop them from starting another fire. When a young hip-hop artist was distributing his demo music at an annual Hmong soccer tournament, police confiscated his CDs claiming that they were a bad influence on youth. When a group of young break-dancers tried to organize a b-boy “battle,” police warned one venue that when Hmong boys get together, there is bound to be gang-related trouble; taking the police warning at face value, the venue canceled the event. When the break-dancers showed up at a park (during an annual Hmong soccer tournament) to do their b-boy battle, police showed up to surveil the event.

It may be significant that Dylan was also himself a b-boy and part of a break-dancing group called Stylist Shadows Crew.



Dylan had gotten into hip-hop after watching the Jabbawoockeez win the first season of “America’s Best Dance Crew” on television. That Dylan - the boy wearing glasses and a baseball cap in the photo above - could so easily be aligned with gangsterhood simply through association with hip-hop or through masculine posturing online, highlights how criminalization weaves its web of blame through impressions and tropes. Consider as well, that a photo such as this one achieves infinitesimal circulation and impact in comparison to such images as those in the Eastwood feature film *Gran Torino* (2008) which pigeonholed Hmong boys into the perennial roles of gang members versus geeks (Schein, Thoj and Vang 2012).

Disparities Without End

Grace Hong and Roderick Ferguson (2011) assert that “taking the intersection of race, class, and gender seriously means understanding that differently gendered racialized immigrant subjects...can be considered different racial formations that can be subjected to comparison” (p. 21). In other words, in the variegated American racial order, Asians are not equivalent to blacks, even though they are all people of color; Southeast Asians and Hmong are not equivalent to all Asian Americans because their class positions and immigration histories vary; Hmong young men are not equivalent to Hmong young women, since it is predominantly men who have been excessively criminalized. These differences are most poignantly illustrated by the fact of highly racialized conflicts *between* two or more groups of color, as in the case at hand, as well as many instances in Pao’s research.

Nonetheless, disparities with whites have a special place in this analysis, for whites seem to continue to elude the extremities of retributive (in)justice, as seen in the many uncharged and acquitted white police officers who had opened fire on unarmed citizens, as well as in treatment of violent perpetrators within the Wisconsin system. For example, 43-year-old Kevin Elberg, 6

feet tall, was charged with felony “aggravated battery with the intention of bodily harm” for having brutally beaten Hmong hunter Sao Lue Vang - age 63 and 5’3”- to the point where he sustained internal bleeding and a lacerated liver. But the charges were later amended to “misdemeanor battery,” to which Elberg pleaded no contest, garnering a sentence – decided on by a Pepin County Judge in May, 2015 – of only [10 days in jail, two years of probation, and 72 hours of community service in the local Hmong community](#). In another county, 39-year-old, Dan Popp, charged with the more serious crime of “first degree intentional homicide” for killing a Hmong couple and a Puerto Rican father, had his original [bail set at \\$150,000 in March, 2016](#). One month later, however, in April 2016, [Popp was ruled incompetent and was eventually admitted to a mental health institution](#). In December 2016, [Milwaukee County Circuit Judge Jeffrey Conen ruled that Popp was now competent to stand trial](#) and set Popp’s new bail amount at \$750,000. By contrast, Dylan, despite being a minor, was deemed a flight risk for having out-of-state ties, and his [bail was set at a spectacular \\$1 million in March, 2015](#).

Men of color, then, are arguably those routinely criminalized in the US; and what this means in racial terms is that their mere being will durably align with criminal status. As Cacho (2012) explains: “Criminalized conduct has been intimately linked to the use of ‘status’ to refer to identity categories such as race, gender, sexuality, and class...de facto status crime does not refer to illegal activity; rather it refers to others’ perception that a person of a certain status is certain to commit future crimes and may have already committed crimes unwitnessed” (p. 43). This kind of perception is not conscious and rational; it falls closer to unwitting bias, of the kind that makes people unknowingly commit racial microaggressions against each other, or makes cops grab their guns because something – or someone – causes them to feel threatened. Perhaps it sheds light on how Dylan could have been convicted in less than three hours of deliberation -- by an all-white jury.

In the Black Lives Matter era, American society is beginning to call out certain of these acts *as racial* no matter how unintentional is the racism at work. But rigorously comparative racialization cautions us against assuming that increased awareness about how this has been perpetrated on blacks will necessarily spill over to other men of color. Indeed, we suggest that the prosecutor was able to convincingly demonize Dylan as a monstrous thug – essentially contributing to racialization of Hmong youth as an aggregate – precisely because the general public is *not* mindful about protesting Asian criminalization. Perhaps so much energy has been siphoned off in analyzing the model minority and perpetual alien stereotypes that the gangbanger has been effectively cast aside as some kind of anomaly. As we’ve seen for young Hmong men, such inattention can have acutely high stakes.

Countering invisibility, [Cynthia Wu](#) (2016) articulates the fraught reality of Asian positioning in Midwestern sites such as Minneapolis-St Paul: “The criminalization of Asian Americans in areas with large Southeast Asian populations means that in the Twin Cities, the Black Lives Matter movement, which challenges police abuse, is directly relevant to the viability of Asian lives as well.” Yet this relevance remains fraught precisely because it has been so masked under the hegemony of “honorary white” categorization. Presumed access to white privilege, along with its evil twin “anti-blackness,” that runs like a leitmotif through the ways

other people of color perceive Asians, ultimately cuts Asians loose from solidary actions and the exposure of racial miscarriages of justice. [Kao Kalia Yang](#) (2016) brings this point home in her mea culpa about having encouraged her Hmong students to mute their own racial injuries in order to prioritize supporting Black Lives Matter concerns: “I, too, am responsible for the silence that has kept [Hmong] isolated in our hurt, that has allowed the oppression to happen not only systematically but personally, each and every time I have not spoken of our pain, have confused and destroyed the validity of our experience so that the black and white conversation can happen — because it must.”

As Wu (2016) puts it, wondering aloud where non-black antiracist activism fits in: "Black lives matter in Minnesota, and around the country, to non-Black people of color, because we are also actors upon this country's racial stage; but what role will we play?" In recent years, and especially in the mobilizations that ensued after Dylan's conviction, Hmong and other solidary groups have begun to blow the whistle on gang profiling of Hmong, after too many grievous deaths – most notoriously [Fong Lee](#), [Chonburi Xiong](#), and [Vang Thao](#).

Coalition and its Malcontents

In an unprecedentedly vocal action, [a march and rally in Wausau on May 31, 2016](#), which called for healing, reflection, and justice in Dylan's case, attracted perhaps a thousand participants as well as local and national media coverage. Advocating for a widened agenda, a broad network of Hmong organizers coalescing as the JUSTICE team, worked under the moniker of “peace,” as understood in manifold ways. Staging a “multi-state, multi-cultural, multi-coalition, and multi-generational community peace march to reflect on events in our community, to begin the healing process,” [their platform](#) identified the following goals: “1) To Combat Bullying 2) To Prevent Violence 3) To address the racism and racial disparities in our judicial system and demand for equity and transparency for people of color.” While some of the placards carried by marchers foregrounded the unresolved case at hand, with slogans such as “I am Dylan Yang” and “Justice for Dylan,” much of the advocacy was pointed in its systemic critique: “The system is unjust. Equity is a must;” “Racist Institutions, Racist Justice;” “END WHITE SUPREMACY;” “Our lives begin the day we become silent about the things that matter. – Martin Luther King, Jr.” Some took up issues of excessive incarceration, with slogans such as “Prison isn't the solution” and the wry “Marathon County: Race to Juvenile Incarceration.”

A majority of the participants were Hmong and included people from as far away as California. Some of the speech content was specific to Hmong minority status in the US, such as: “We are pissed off being treated like second-class citizens.” “We came to the United States escaping war, only to find a race war.” Nonetheless the event was a very concerted staging of cross-racial solidarity, with representation from nonprofit organizations, such as [NAOMI](#), the First Universalist Unitarian Church, and [Comunidad Hispana](#). The prominent Madison-based organization Freedom Inc, which is expressly dedicated to Hmong and black youth, sent black representatives to lead chants.

Also in attendance were white Marathon County Administrator Brad Karger, white Wausau Mayor Robert Meilke, and of course, the parents of Dylan Yang. Some of the

participants spoke to the greater stakes in the case: [Karger](#) himself stated about the march, “It’s really an opportunity really to discuss justice in our criminal justice system and making sure that everybody gets well represented in that system.” Perversely, such outspokenness may have been a bit *too* high stakes for official power, resulting in Karger [being probed](#) for his role in the event. Here is where we can witness institutional colorblindness, the aggressive cordoning off of racial content from public proceedings, a silencing that can be imaginable primarily because it involves Asians. For implying “that the local criminal justice system is corrupted by racial bias” [Marathon County officials suspended Karger without pay for 30 days and hired attorneys to produce a legal analysis](#) that determined that “the county’s interests in maintaining Karger’s working relationship with staff members and performing as a leader outweigh his constitutional right to free speech.” The baby thrown out with the bathwater of free speech was of course the overt naming of race.

Meanwhile with the hope of a fragile coalition emerging, the nascent recognition of uneven justice across racial divides holds promise for a more resilient collaboration between communities of color in and beyond Wausau. Chants throughout the event included: “What do we want? Justice! When do we want it? Now! No justice, no peace!” but also named the need for solidarity: “United, we’ll never be defeated.” [One black speaker](#) put the cross-race protest squarely on the table: “We understand that the system does not care about justice. If the system cared about justice, the killer of Trayvon Martin would be behind bars right now.”

Precarious Youth

In this contentious climate, as second generation Hmong become parents, how will they speak with their kids, as the incidents pile up and they struggle to protect them from the profiling that can get them wrestled to the ground, charged with crimes and even killed? Father of three boys, one of whom is a teen, Pao soberly reflects on this: “When I was growing up, we were new refugees; our parents told us that white people were nice, that they were our benefactors and brothers in arms against the Pathet Lao and Viet Cong.” Bee also recalls having been told that whites were friendly helpers....

But times changed as did racial perceptions; Hmong as cared-for refugee gradually morphed into Hmong as targeted person of color, one who could no longer trust whites and authorities as solely benevolent figures. Now Pao reluctantly admonishes his boy: “Obey the officer unless obeying an officer means that you will put your life at risk. Police have guns and they can shoot you dead on the spot and justify the situation later. It’s just the sad reality that we live in. Your chances of getting shot are higher if you resist than if you comply. Live to fight another day. Live to fight in court. File a complaint. Launch an investigation. If you don’t like how things are, change it! Become someone who can make a difference. Become a researcher. Become a lawyer, or better yet, a judge. Live and become a senator or even the president of the United States! You can’t do that if you’re dead.”

What may be too grim for Pao to say in educating his own boy of color is that being shot dead is only one devastating scenario. Unjustified arrest and overly punitive incarceration are the far more common outcomes of these encounters, and failure to comply with law enforcement can

end up being the rationale for such repressive measures. As [Eng-Beng Lim](#) (2015) trenchantly points out, there are multiple ways to extinguish a soul: “To murder is to end another’s life or the conditions of possibility for life. It is to force the other to die, whether instantly or slowly and unbearably, by force or self-destruction, and then to perversely care that that death is justified in rational, economic or procedural terms. It is to disregard life itself and to strip away everything that constitutes a person’s humanity.”

No wonder solitary confinement, as perhaps the most brutal form of the slow death that imprisonment brings about, has recently garnered President Obama’s attention. Banning the use of solitary for juveniles in federal prisons, the [President touted research](#) (Obama 2015) suggesting “solitary confinement has the potential to lead to devastating, lasting psychological consequences. It has been linked to depression, alienation, withdrawal, a reduced ability to interact with others and the potential for violent behavior... Prisoners in solitary are more likely to commit suicide, especially juveniles and people with mental illnesses.”

With this in mind, it is disquieting to imagine what long-term toll will it take on Dylan’s psyche that he was handled as an adult, gangsterized to the point of feeling monstrous or like an animal, and shut up in solitary confinement for countless months, years, decades. Adult incarceration is simply not defensible for minors if society hopes to reintegrate youth back into communities in which they belong. As summarized by the [National Institute of Justice](#) (2008), despite the belief that harsher punishment will yield better crime control, research shows “that being exposed to inmates who have higher propensities to crime may increase criminal behavior or reinforce antisocial attitudes.” We do not know the damage that has already been done to Dylan since he was placed in solitary confinement beginning at age 15; but sentencing him to eventually serve an extended period of time in adult prison has the chilling potential to socialize him to become the monster that the court originally made him out to be.

After only a month, Dylan captured his struggle to hold on in a letter to his family, shared with us by his mother:

I miss you all, I miss you guys like crazy. I feel very lonely in this hell hole... I wish to see you guys... I miss all your laughs and smiles, I miss the good food... I miss pho even more... ha ha. I’m tired of the shitty as food that they cook and serve. The only thing that is good to eat is ramen noodles with flaming hot cheetos in it. I really wish that I can get the hell out of here... I wish that this was only a dream. Sometimes I can’t sleep and sometimes I wake up crying from really bad dreams. I would wake up sweating and crying... sometimes I would twitch. My mistake really haunts the shit outta me. I’m scared... I’m really scared about this. I don’t want to be put away for a long time... it scares the shit outa me. *sigh*(...) Well I’ve been praying every night and I’m trying my best to stay strong, but honestly, somedays I lose hope and somedays I have hope. I’ve been in here for a month already and it feels like I’ve been gone for years. (sic)

Each of the letters he writes his family ends with a craving for a human connection other than with the jailers who bring him food: “P.S. write back ASAP.”

Linking Arms and Restorative Justice

Can mobilizations around this case serve to impact the future handling of teens like Dylan so that gangster typing cannot proceed unquestioned in court? How can institutions such as schools (and perhaps community centers and after-school programs) better confront racialized conflict head on in the hopes of defusing hardened animosities among youth that can develop into violence? What kind of community reconciliation could come about, so that blacks, Asians, Muslims, Natives and Latinx could recognize common interests in contesting racial injustices in law enforcement, could work together with solidary whites to strive for more equal justice, and maybe together seek to mend wounds such as this tragic encounter has inflicted on families and friends?

It is striking that despite the intense acrimony that attended Dylan's sentencing, there were also conciliatory understandings, and anti-carceral intimations. [In letters to Judge Jacobson](#), non-Hmong commenters also weighed in with empathy on the verdict. Kristi Goetsch, of Whitefish, Montana averred: "I don't feel (Dylan Yang) was treated justly when it was decided to try him as an adult. His young life will be in ruins." Alexander Lucier of Mankato, Minnesota, concurred: "I honestly and humbly believe that Dylan is a young boy who feared for his life, not knowing whether he or his friends and family were in danger." Even relatives of the deceased were ambivalent. Josiah Powell, Isaiah Powell's own cousin, ruminated: "I kind of (feel) sad for Dylan because he has to sit in jail, but I wish I could have Isaiah back."

"Dehumanization," proposes anticarceral scholar Ruth Wilson Gilmore (2007), "is ... a necessary factor in the acceptance that millions of people...should spend part or all of their lives in cages....[And] racism is the ordinary means through which dehumanization achieves ideological normality" (p. 243). What alternatives might counter dehumanization, what Cacho (2012) calls "disposability," or what Dylan Yang calls being made into a monster? The relatively new practice of restorative justice, which departs from crime control, retribution or rehabilitation, may constitute a missed opportunity in Dylan's harsh sentencing. Many states have begun to experiment with this approach to dealing with juvenile offenders and some research suggests that they have been successful in reducing recidivism rates.⁴ In restorative justice the focus is on healing and accountability – requiring that the offender repairs or makes amends for their wrongdoing, sometimes working directly with the victim but also with the community at large.

Looking forward, especially in relation to what we have seen both nationwide and in Wisconsin in the wake of the 2016 presidential election, the aftermath of the Dylan Yang-Isaiah Powell tragedy may yet usher in a much needed moment for Wausau residents to work on healing — to bring collectivities of color together to deal with issues which they all must now face. And maybe, just maybe, to imagine that a boy who is still maturing could one day come out of confinement and contribute to his community.

⁴ For example, rates of re-offenses among teens enrolled in the [Restorative Justice program in Longmont, Colorado](#) dropped to a mere 10% in 2013, which is quite low compared to 60-70% nationwide at the time.

What would happen if we listened closely to Dylan's own words, let them carry us way beyond the brother and sister to whom he writes below, to a unity based on linking arms?: "... It's hard for me to stay strong when you feel hopeless... When this storm is over and the sun is shining, I'll get a chance to hold you guys in my arms once again..."

.....

For more information about activism and mobilization efforts to support Dylan Yang, visit the [support page for Dylan Yang](#).

Acknowledgments. With appreciation to Brian Chin and Lai Wo for research assistance, to Donna Auston, Mai Der Vang, Ma Vang and the anonymous *Hmong Studies Journal* reviewers for critical feedback during writing. All opinions and errors remain, of course, our own.

The Documents

Charge & Hearing, Summary of Facts:

<http://www.wausaudailyherald.com/story/news/crime/2015/03/12/fatal-stabbing-case-stays-adult-court/70207166/>

<http://www.wausaudailyherald.com/story/news/2016/05/26/things-know-dylan-yang-trial/84939440/>

Op-Ed/Blog:

<http://reappropriate.co/2016/06/doesnt-mean-we-bang-reckless-criminalization-and-monstrous-peril-in-the-case-of-dylan-yang/#more-10982>

<http://newamericamedia.org/2016/06/beyond-the-making-of-monsters-hmong-organize-against-racial-blame.php>

A letter to the editor:

<http://www.wausaudailyherald.com/story/opinion/readers/2016/04/05/dylan-yang-wrongly-portrayed-gang-member/82670130/>

Activism by Hmong people:

<http://www.wausaudailyherald.com/story/news/2016/04/28/letters-pile-up-dylan-yang-stabbing-case/83648714/>

<http://www.nbcnews.com/news/asian-america/hundreds-march-support-dylan-yang-teen-convicted-murder-n585476>

Social Media by Hmong people:

<http://the05experience.blogspot.com/2015/04/wausau-teen-stabbing-bias-in-news.html>

<http://www.facebook.com/touger.bennettxiong/posts/1085895488147085>

Comparative Racialization and Unequal Justice in the Era of Black Lives Matter: The Dylan Yang Case by Pao Lee Vue, Louisa Schein and Bee Vang, *Hmong Studies Journal* 17(2016): 1-21.

<https://www.facebook.com/notes/yog-kuv-hang/bully-awareness-a-mothers-message-dylan-yang/1300775123272856> (message by Dylan’s mother, Anna)

https://www.youtube.com/watch?v=3_2tOhyYD5s (video recording of the JUSTICE team’s meeting at Wausau Town Hall – plea for support)

New Attorney Announced & New Sentencing Date; Former Attorney Under Investigation:

<http://www.waow.com/story/32102967/2016/05/31/new-attorney-for-wausau-teen-in-2015-fatal-stabbing>

<http://www.nbcnews.com/news/asian-america/new-sentencing-date-attorney-dylan-yang-teen-convicted-homicide-n595566>

<http://www.nbcnews.com/news/asian-america/former-lawyer-hmong-american-teen-convicted-homicide-under-investigation-n643456>

Hmong and 40 Years in Wausau:

<http://www.theatlantic.com/politics/archive/2016/06/wausau-wisconsin-southeast-asia-hmong/485291/>⁵

<http://www.wpr.org/dylan-yang-unlikely-focus-wausau-hmong-communitys-40th-year>

Sentencing on October 17, 2016 and Potential Appeal:

<http://www.nbcnews.com/news/asian-america/dylan-yang-teen-convicted-homicide-sentenced-13-years-n670836>

<http://www.wausadailyherald.com/story/news/2016/10/17/yang-sentence-can-there-justice/91500702/>

<http://www.wausadailyherald.com/story/news/2016/10/20/yangs-attorney-appeal-conviction/92467024/>

<http://www.wausadailyherald.com/story/news/local/2016/10/19/crowds-arrive-yang-sentencing/92401056/>

⁵ Please note that in this article, the author mistakenly attributes the following quote to Dylan Yang, saying: “At the end of his criminal trial, as courthouse security led him away, Yang turned to his family and relatives, and said: ‘I’m sorry. I was defending myself, and I was defending the Hmong people’.” This misattribution, we believe, reveals the way in which the history of fraught court decisions haunts each case occurring in the present, suggesting a racial memory for Hmong living in the Midwest. The quote is actually a gloss of what Hmong hunter Chai Soua Vang said to his family after being convicted of the shooting of 8 white hunters in 2005. According to Annahli Vue, Dylan’s mother, author Doualy Xaykaothao attended a fundraiser where a man, while speaking in support of Dylan, compared the legal ramifications – particularly the foreclosure of a self-defense argument – in Chai Soua Vang’s and Dylan’s cases.

Works Cited

Alexander, Michelle. 2012 (2010). *The New Jim Crow: Mass Incarceration in the Age of Color Blindness*. New York: The New Press.

Anderson, Elijah. 1999. *Code of the Street: Decency, Violence, and the Moral Life of the Inner City*. New York/London: W.W. Norton & Company.

Cacho, Lisa Marie. 2012. *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected*. New York: New York University Press.

Demos, Moira and Laura Ricciardi. 2015. "Making a Murderer." A Netflix Original Documentary. Los Angeles, CA: Synthesis Films.

DuVernay, Ava. 2016. "13th." A Netflix Original Documentary. Sherman Oaks, CA: Kandoo Films.

Gilmore, Ruth Wilson. 2007. *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*. Berkeley: University of California Press.

Hong, Grace Kyungwon and Roderick A. Ferguson. 2011. "Introduction." In *Strange Affinities: The Gender and Sexual Politics of Comparative Racialization*. Pp. 1-22. Durham, NC: Duke University Press.

Le, T. N., & Wallen, J. 2009. "Risks of non-familial violent physical and emotional victimization in four Asian ethnic groups." *Journal of Immigrant and Minority Health* 11:174-187.

Lim, Eng-Beng. 2015. "Trigger Warning: Toxic Masculinity in the U.S. Gun Phallocracy." <https://bullybloggers.wordpress.com/2015/08/02/toxic-masculinity-in-the-u-s-gun-phallocracy/>

Maffini, Cara S. 2016. "Feeling Unsafe at School: Southeast Asian American Adolescents' Perceptions and Experiences of School Safety." *American Education and Advancement* 11(1):1-18.

National Institute of Justice. 2008. "Impact of Prison Experience on Recidivism." <http://www.nij.gov/topics/corrections/recidivism/pages/prison-experience.aspx#note2>

Obama, Barak. 2016. "Why we must rethink solitary confinement." *Washington Post*. https://www.washingtonpost.com/opinions/barack-obama-why-we-must-rethink-solitary-confinement/2016/01/25/29a361f2-c384-11e5-8965-0607e0e265ce_story.html?utm_term=.0496ecc855d0

Ong, Aihwa. 2003. *Buddha Is Hiding: Refugees, Citizenship, the New America*. Berkeley, CA: University of California Press.

Nichols, John. 2016. "Sonia Sotomayor's Epic Dissent Explains What's at Stake When the Police Don't Follow the Law." *The Nation*. <https://www.thenation.com/article/sonia-sotomayors-epic-dissent-shows-why-we-need-people-of-color-on-the-supreme-court/>

Comparative Racialization and Unequal Justice in the Era of Black Lives Matter: The Dylan Yang Case by Pao Lee Vue, Louisa Schein and Bee Vang, *Hmong Studies Journal* 17(2016): 1-21.

Schein, Louisa and Va-Megn Thoj. 2008. "Violence, Hmong American Visibility and the Precariousness of Asian Race." *PMLA (Publications of the Modern Language Association)*. Correspondents at Large section on Comparative Racialization. Vol 123 (5): 1752-1756. Reprinted in: *Routledge Major Works Series: Asian American Literature Vol. IV Drama and Performance*. 2012. David Liwei Li, ed. London: Routledge.

_____. 2009. "Gran Torino's Boys and Men with Guns: Hmong Perspectives." *Hmong Studies Journal Volume 10*

Schein, Louisa, Va-Megn Thoj, Ly Chong Thong Jalao and Bee Vang. 2012. "Beyond Gran Torino's Guns: Hmong Cultural Warriors Performing Genders." *Positions: Asia Critique* 20(3): 763-792.

Smalkoski, Kari. 2014. *Performing Masculinities: The Impact of Racialization, Space, and Cultural Practices on Hmong Immigrant Youth*. (Unpublished doctoral dissertation). University of Minnesota, Twin Cities.

Smalkoski, Kari. Forthcoming. "Hmong Boys: Rewriting Narratives on Masculinity, Race, and Violence." *Since Kimmel*. J. Allan & F. Karioris (Eds.).

Tang, Eric. 2015. *Unsettled: Cambodian Refugees in the New York City Hyperghetto*. Philadelphia: Temple University Press.

Thangaraj, Stanley I. 2015. *Desi Hoop Dreams: Pickup Basketball and the Making of Asian American Masculinity*. New York: New York University Press.

Tran, Nellie and Sumie Okazaki. 2012. "Bullying & Victimization and Asian American Students." *American Psychological Association*.

<http://www.apa.org/pi/oema/resources/ethnicity-health/asian-american/bullying-and-victimization.pdf>

Vue, Pao Lee. 2012. *Assimilation and the Gendered Color Line: Hmong Case Studies of Hip-Hop and Import Racing*. El Paso: LFB Scholarly Publishing LLC.

Wu, Cynthia. 2016. "The Mattering of Black Lives for Non-Black People of Color." *Reappropriate*. <http://reappropriate.co/2016/07/the-mattering-of-black-lives-for-non-black-people-of-color/>

Yang, Kao Kalia. 2016. "In the narrative of race, why only black ink on white paper?" *Star Tribune*. <http://www.startribune.com/in-the-narrative-of-race-why-only-black-ink-on-white-paper/386614121/>