

# Killing Spawned Asian American Civil Rights Movement

## 34th Milestone to Highlight Vincent Chin Case

By Roland Hwang

The 1982 beating death of Vincent Chin stirred and outraged the Asian American community. The two cases that arose from Chin's death and the legal wrangling at both the state and federal courts spurred Asian Americans to action, spawning a civil rights movement that spread far beyond Michigan's borders. On June 19—27 years to the day that Chin was beaten—a ceremony will be held to commemorate the case and to reflect on its significance in our legal heritage. The State Bar Michigan Legal Milestone program will dedicate a plaque memorializing what occurred and the repercussions that followed.

### Underlying Facts

Michigan and its automotive industry were in a severe downturn in 1982. On June 19, 1982, Ronald Ebens and Michael Nitz were involved in an altercation at a bar in Highland Park where Vincent Chin was celebrating his upcoming wedding with three friends. During the altercation, Ebens reportedly said, "Because of you m-----f-----, we're out of work." Ebens, Nitz, Chin, and his friends were bounced out of the bar. Ebens and Nitz pursued Vincent Chin and one of his friends, Jimmy Choi, enlisting Jimmy Perry to find the "Chinese guys." They caught up with Chin on Woodward Avenue. Nitz held Chin, while Ebens beat him with a baseball bat. Two off-duty Highland Park police officers saw the beating. Vincent Chin died on June 23,

1982, when he was disconnected from life support.

The Asian American community believed a civil rights violation occurred. The defendants claimed it was a barroom brawl that resulted in a death, but with no intent to violate Chin's civil rights.

### *State v Ronald Ebens and Michael Nitz*

The second-degree criminal case was pled down to manslaughter. Ebens pled guilty and Nitz pled no contest to the reduced charge of manslaughter. Sentencing was before Chief Judge Charles Kaufman.

At the time, the Wayne County Prosecutor's Office did not have a policy of attending the sentencing proceeding. Occurring before the days of victims' impact statements at sentencing, the victim's family was not given an opportunity to speak at sentencing. Chief Judge Charles Kaufman sentenced the men to three years probation and a fine of \$3,000.

The sentence caused an outcry in the Asian American community. As president of the Detroit chapter of the Organization of Chinese Americans, I worked with Kin Yee, who headed the Chinese Benevolent Association. We launched a series of community meetings that gave rise to American Citizens for Justice (ACJ), an Asian American civil rights organization. Journalists such as author Helen Zia, automotive engineers, volunteer lawyers, and others came together to create this movement. ACJ members held

The FBI investigated the case and the Department of Justice decided to press civil rights charges.

a rally at Kennedy Square and sought reconsideration of the sentence on the basis of perceived misrepresentations. ACJ retained Thomas Brennan and Liza Cheuk May Chan to argue for reconsideration in front of Judge Kaufman and the Michigan Court of Appeals.

### *United States v Ebens*

Given the perceived miscarriage of justice at the state level, ACJ examined the possibility of having the Department of Justice (DOJ) bring a federal civil rights suit. ACJ hosted picnics, runs, and a debate between Wayne Law Professor Robert Sedler and then Civil Rights Director of Research Jeffrey Jenks on whether Asian Americans were protected under the federal civil rights laws. The FBI investigated the case and the DOJ decided to press civil rights charges.

The case was heard by Hon. Anna Diggs Taylor. The jury found Ebens guilty of federal civil rights violations and he was sentenced to 20 years in prison. The jury found Nitz not guilty of civil rights violations,

ostensibly because he did not say anything racial. Ebens appealed to the Sixth Circuit Court of Appeals, where a Cincinnati jury found him not guilty of depriving Chin of his civil rights. Ebens and Nitz never served a full day in jail for their actions.

### The Importance of the Case

- The case is recognized for giving birth to the **Asian American victims and civil rights movement**.
- The case led to the formation of **American Citizens for Justice, Inc.**, recognized as an outstanding Asian American organization by the Association of Asian American Studies in 1994 at its national meeting at the University of Michigan.
- The case revealed the shortcomings of the judicial system by its failure to allow victims' families to testify during the sentencing phase, later addressed by statute.
- The case revealed the latitude that judges had in sentencing, which was addressed by the Supreme Court and the legislature with **mandatory minimum sentencing guidelines**.
- The case revealed the sensitive nature of **changing venue**. Like the Rodney King case, as a later example, changing venue may well change the result.
- The case drew **media attention** in the *New York Times*, the *Chicago Tribune*, and *Asabi-Japan*, and was the focus of the movie *Who Killed Vincent Chin?*, which was nominated for an Academy Award for Best Documentary in 1987.
- The case was remembered with 10-, 20-, and 25-year remembrance ceremonies. In 2007, those remembrances took place in Madison Heights in the Metro Detroit area at the Association of Chinese Americans' Chinese Community Center. Similar commemorations were held in San

Francisco, Boston, New York City, and Grand Rapids.

The State Bar, through its Public Outreach Committee and the Michigan Legal Milestone Program, is collaborating with several organizations for the dedication of this milestone. These organizations include the Michigan Asian Pacific American Bar Association, American Citizens for Justice/Asian American Center for Justice, and the Asian American Journalists Association. ■

*The views expressed do not reflect the views of the Department of Attorney General.*

---

*Roland Hwang is an attorney with the Michigan Department of Attorney General. He is the immediate past president of American Citizens for Justice, Inc., and a former hearing referee with the Michigan Department of Civil Rights. He is also a member of the State Bar Public Outreach Committee.*