

DISCRIMINATION AND VIOLENCE AGAINST ASIAN AMERICANS

HEARING BEFORE THE SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND CIVIL LIBERTIES OF THE COMMITTEE ON THE JUDICIARY U.S. HOUSE OF REPRESENTATIVES ONE HUNDRED SEVENTEENTH CONGRESS FIRST SESSION

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DISCRIMINATION AND VIOLENCE AGAINST ASIAN AMERICANS

Thursday, March 18, 2021

U.S. HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS,
AND CIVIL LIBERTIES

COMMITTEE ON THE JUDICIARY

Washington, DC

The Committee met, pursuant to call, at 10:09 a.m., in Room 2141, Rayburn House Office Building, Hon. Steve Cohen [Chair of the Subcommittee] presiding.

Members present: Representatives Cohen, Nadler, Raskin, Ross, Johnson of Georgia, Garcia, Bush, Jackson Lee, Jordan, McClintock, Roy, Fischbach, and Owens.

Also present: Representatives Jayapal and Lieu.

Staff present: Arya Hariharan, Deputy Chief Oversight Counsel; David Greengrass, Senior Counsel; John Doty, Senior Advisor; Madeline Strasser, Chief Clerk; Moh Sharma, Member Services and Outreach Advisor; Priyanka Mara, Professional Staff Member/Legislative Aide; Cierra Fontenot, Staff Assistant; John Williams, Parliamentarian; Keenan Keller, Senior Counsel; James Park, Chief Counsel for Constitution; Caroline Nabity, Minority Counsel; Sarah Trentman, Minority Senior Professional Staff Member; and Kiley Bidelman, Minority Clerk.

Mr. COHEN. The Committee on the Judiciary's Subcommittee on the Constitution, Civil Rights, and Civil Liberties will come to order. Without objection, the Chair is authorized to repair to a recess to the Subcommittee at any time.

I welcome everyone to today's hearing on Discrimination and Violence Against Asian Americans. Before we begin this meeting, I would like to ask that we have a moment of silence in memory of the individuals tragically killed, murdered, in Atlanta, Georgia.

Thank you. I would like to remind Members that we have established an email address and distribution list dedicated to circulating exhibits, motions, or other written materials that Members may want to offer as part of our hearing today. If you would like to submit those materials, the site is *judiciarydocs@mail.house.gov*. We will distribute them to Members and staff as quickly as possible.

I also ask unanimous consent that our Judiciary Committee colleagues, Representatives Jayapal and Lieu participate in today's

hearing. Hearing no objection, I welcome them to our Subcommittee. They will be able to question our Witnesses if they are yielded time by Subcommittee Members.

Finally, I would ask all Members, both those in person and those appearing remotely to mute your microphones when you are not speaking. This will help prevent feedback, other technical issues, and unmute yourself when you are recognized.

I will now recognize myself for an opening statement. While there are still many details to be learned about Tuesday's horrific shootings in Atlanta that left eight people dead, six of them reportedly of Asian descent, one thing is certain. For many Asian Americans, Tuesday's shocking events felt like the inevitable culmination of a year in which there were nearly 3,800 reported incidents of anti-Asian hate incidents that grew increasingly more violent over time as the COVID-19 pandemic worsened and some people wrongly blamed Asian Americans or implied such by calling it the China virus.

These incidents include cases of verbal harassment, being spat at, slapped in the face, lit on fire, slashed with a box cutter, or shoved violently to the ground. That number of reported incidents is just likely the tip of the iceberg.

I want to make clear that all Asian Americans who are understandably feeling hurt and afraid right now and wondering whether anyone else in America cares, that Congress sees you, we stand with you, and we will do everything in our power to protect you. Anti-Asian hate did not begin with the COVID-19 pandemic and will not end when the pandemic is over. All the pandemic did was exacerbate latent anti-Asian prejudices have a long and ugly history in America. It also provided an excuse for some to Act on those prejudices. In fact, there has been discrimination against lots of people in this country and all that has been exacerbated, but the Asian situation has been the most extreme.

Pandemics worsen geopolitical tensions and economic competition and the fear and resentment that these situations create, have historically provided the conditions for anti-Asian racism and xenophobia to take root, often leading to tragic consequences for Asian Americans. For example, social and economic resentment against Chinese laborers in the 1800s led to the enactment of the Chinese Exclusion Act of 1882 which barred nearly all immigration from China. The 1924 Immigration Act effectively barred immigration from all Asian countries.

In 1942, the United States Government committed the most sweeping violation of civil liberties in American history, other than slavery itself, when it ordered the forced internment of 120,000 Japanese Americans, many of them second and third generation Americans during the Second World War, based not on any legitimate national security concerns, but on the racist and xenophobic assumption that Americans of Japanese ancestry would be disloyal.

In 1982, Chinese American Vincent Chen was beaten to death by two White auto workers because his attackers thought he was Japanese and therefore responsible for the decline of the U.S. automobile industry.

On September 15, 2001, Balbir Singh Sodhi, a Sikh gas station owner in Arizona, was murdered by a man who blamed him for the 9/11 terrorist attacks.

To this list, we now add the more recent victims of anti-Asian hate as Asian Americans are wrongfully blamed for the COVID-19 pandemic. While many of the recent anti-Asian incidents may not meet legal definition of hate crime, these attacks nonetheless create an unacceptable environment of fear and terror in Asian American communities.

Attacks like the one on 84-year-old, Vichar Ratanapakdee on January 28 of this year, was on a walk in his neighborhood. He was walking in his neighborhood. He was violently slammed to the ground. He died a few days later from the brain trauma that he sustained.

Now, I would like to play a video of that attack caught by a nearby surveillance camera.

[Video available at <https://www.dropbox.com/s/6huk2gqtx0kgo7y/Cohen%20Video.mp4?dl=0>]

Mr. COHEN. Sadly, this incident was one of several recent ones where elderly Asian Americans were similarly knocked violently to the ground. Left unchecked, racist attitudes stoked by racist rhetoric can have deadly consequences for innocent people as we have just witnessed in that sad clip.

In such a fraught time as the ones we are living in it is incumbent on all elected, all public officials, elected or otherwise, and public figures to speak out against the irrational hatreds and prejudices that could overtake society in the face of a national emergency. In short, words matter.

Indeed, the wrong words can be very harmful. Leaders who promote stereotypes or use rhetoric aimed at a particular ethnic or racial group can cause increases the levels of discrimination or violence directed against that group.

When politicians use terms like “China virus” or “kung flu” or to refer to COVID-19 has the effect and intention of putting a target on the back of all Asian Americans.

Use of the right words of our leaders can help calm fears, reassure those feelings, those feeling under threat and remind everyone that we all share the same basic dignity as human beings and that we should treat each other accordingly.

Thankfully, we have two panels of Witnesses who can help show us the way forward and I eagerly await their testimony. As best we can tell, the last time there was a congressional hearing specifically focused on anti-Asian hate was in 1987 before this Subcommittee. That hearing took place during another time when economic and social problems were getting blamed on an Asian country, and by unfair extension, Asian Americans.

We can’t ever forget Asian Americans, not Asians, Asian Americans. Clearly more work needs to be done. Let us use this hearing as a chance to do better.

Now, I would like to recognize—the Ranking Member is not here.

Mr. Roy, are you taking his place?

Mr. ROY. Yes, sir.

Mr. COHEN. In lieu of Mr. Johnson, Mr. Chip Roy of Texas, will give the statement for the minority as the Ranking Member.

You are recognized for five minutes, Mr. Roy.

Mr. ROY. Well, thank you, Chair Cohen, and I appreciate our gathering here today. This is obviously an important subject matter.

To be clear, all Americans deserve protection and to live in a free and secure society and the fundamental nature of what we expect out of government, right, to secure the blessings of liberty as we say in the Constitution of the United States.

The victims of race-based violence and their families deserve justice. The case where we are talking about here with the tragedy what we just saw occur in Atlanta, Georgia. I would also suggest that the victims of cartels moving illegal aliens deserve justice. The American citizens in South Texas, they are getting absolutely decimated by what is happening at our southern borders deserve justice. The victims of rioting and looting in the streets last week, businesses closed—I am sorry, last summer—deserve justice.

We believe in justice. I think there are old sayings in Texas about find all the rope in Texas and get a taller tree. We take justice very seriously. We ought to do that, round up the bad guys. That is what we believe.

My concern about this hearing is that it seems to want to venture into the policing of rhetoric in a free society, free speech, and away from the rule of law in taking out bad guys. As a former Federal prosecutor, I am kind of predisposed and wired to want to go take out bad guys. That is bad guys of all colors. That is bad guys of all persuasions. That is bad guys targeting people for all different reasons. I think we need to be mindful of that.

So, now we are talking about whether talking about China, the ChinaComs, the Chinese Communist Party, whatever phrasing we want to use and if some people are saying hey, we think those guys are the bad guys, for whatever reason. Let me just state clearly, I do. I think the Chinese Communist Party running the country of China, I think they are the bad guys. I think that they are harming people. I think they are engaging in modern-day slavery and I think that what they are doing to the Uighurs and I think what they are doing targeting our country and I think that what they are doing to undermine our national security and what they are doing to steal our intellectual property and what they are doing to build up their military and rattle throughout the Pacific, I think it is patently evil and deserving of condemnation. I think that what they did to hide the reality of this virus is equally deserving of condemnation.

There is hardly any getting around that, in fact, happened, right? We have got the World Health Organization, on Twitter, saying preliminary investigations conducted by the Chinese authorities found no clear evidence of human-to-human transmissions of the novel coronavirus. Well, WHO had to go back and redo all that. We know full well, I have got a bill that I introduced that posthumously awarded Congressional Gold Medal to Li Wenliang for coming out and exposing what the Chinese Communist Government has done to hide the virus.

Dr. Wenliang was a 34-year-old ophthalmologist in Wuhan, China who died in 2019 coronavirus after he sought to draw attention to the spread of the virus. Research indicates the first patient,

in fact, did exhibit symptoms in early December 2019. On January 3rd, after raising concerns about the spread, Dr. Wenliang and seven other doctors were detained and questioned by Chinese officials. He was forced to sign a statement retracting his warnings and confessing he spread only rumors. That is the reality. He ended up dying, but he was beaten. They were targeted for engaging in free speech to try to bring to light what was happening.

That is the reality of what I tend to refer to as the ChinaComs. I am not going to be ashamed of saying I oppose the ChinaComs. I oppose the Chinese Communist Party. When we say things like that, and we are talking about that, we shouldn't be worried about having a Committee of Members in Congress policing our rhetoric because some evildoers go engage in some evil activity as occurred in Atlanta, Georgia. Because when we start policing free speech, we are doing the very thing that we are condemning when we condemn what the Chinese Communist Party does to their country.

That is exactly where this wants to go. This is the road this wants to head down. Nothing could be more dangerous than going down that road. Because who decides what is hate? Who decides what is the kind of speech that deserves policing? A panel? A panel of this body? A panel in the Executive Branch? A panel in the Department of Justice? Then what does that mean? Who is deciding?

When we get into making crimes out of thought, crimes out of speech, as opposed to crimes out of the action of the evildoers. Find those who perpetrated what happened in Atlanta. Find those who engage in hate of all forms and punish the absolute hell out of them, but don't go around policing thought.

One other thing, I hope today's hearing will examine the discrimination against Asian Americans in educational settings, a matter that the Trump Administration prioritized, took seriously, and acted upon. In October, for example, the Department of Justice sued Yale for race and national origin discrimination after determining that Yale was noncompliant with title VI of the '64 Civil Rights Act which prohibits Federal financial assistance to any program engaged in racial or discriminatory practices.

Following a two-year investigation, the Department of Justice concluded that Asian American and White students have only one tenth to one fourth the likelihood of admissions as African American applicants with comparable academic credentials. The Justice Department alleged that Yale discriminated against Asian Americans by favoring certain applicants based upon their race, rather than looking for race-neutral alternatives to achieve the university's goals.

Then Assistant Attorney General of the Civil Rights Division explained all persons who apply for admission to colleges and universities should expect and know that they will be judged by their character, talent, and achievements, and not the color of their skin. To do otherwise, would permit our institutions to foster stereotypes, bitterness, and division. I couldn't agree more. However, only two weeks into President Biden's term, the Biden Administration suddenly reversed course and dropped the lawsuit against Yale.

Mr. Chair, I will close, but I will just say I will just say I hope this is the direction we will go. I hope we will look at this and we will look through the lens of clarity and objective truth, trying to

seek justice and not trying to police speech and trying to achieve the objectives we want to achieve. I thank the Chair.

Mr. COHEN. Thank you, Mr. Roy. Before I recognize the Chair for his statement, I would just like to reiterate that while speech is important and has meaning, the incidents I mentioned in my opening statement were being spat at, slapped in the face, lit on fire, slashed with a box cutter, and shoved bodily to the ground as the video showed. That is not speech.

Mr. ROY. Just as a reminder, I didn't say it exactly was speech.

Mr. COHEN. That is not speech. That is action. I would like to recognize the Chair for his opening statement, Mr. Nadler.

Chair NADLER. Thank you, Mr. Chair, we are here today to address the horrific rise in violence, harassment, and discrimination against Asian Americans that is surging across the country.

As we convene this hearing, our thoughts are with the victims, but especially the Asian American victims in Georgia who were brutally murdered on Tuesday night. Although the motive is still to be investigated, the effect on the Asian American community has been profound and it is certainly appropriate for us to address the fear gripping the Asian American community. So, I want to thank the Chair for convening this hearing.

Hate crimes and hate incidents against Asian Americans have been on the rise since 2017. Last year alone, nearly 3,800 hundred incidents were reported, with about 68 percent of Asian Americans reporting that they have experienced racial slurs or verbal harassment since the pandemic began.

Distressingly, one of the largest increases in the country of hatred and violence against Asian Americans has occurred in my own congressional district in New York City.

This short clip shows just some of the verbal and physical abuse many Asian Americans have faced in recent years.

[Video available at <https://www.dropbox.com/s/3pe9ip35m3vfid5/Nadler%20Video.mp4?dl=0>]

Chair NADLER. Last February, a woman was hit in the face on the subway and called "diseased."

Last March, a Chinese-American dad from Queens and his 10-year-old son were harassed and attacked by an assailant who was screaming at him for appearing to be Chinese.

Last April, an Asian-American woman in Brooklyn suffered significant burns after a chemical attack.

Last July, an 89-year-old grandmother in Bensonhurst was attacked and set on fire by two men.

Just last month, a New Yorker was slashed across the face with a box cutter. He needed more than 100 stitches.

Also, last month, in separate incidents on the same day, two elderly women were punched in the face on the subway.

A few weeks ago, a man was stabbed outside of the Federal courthouse.

Just this Tuesday, a woman in Midtown had an unknown liquid poured on her neck as she was picking up packages.

The common denominator? All the victims were Asian American or of Asian descent.

These are our neighbors, friends, family members, constituents, and fellow Americans.

It is not only severe violence that Asian Americans in New York have had to fear. There has also been a barrage of verbal attacks and discrimination against the community. New Yorkers have had racially derogatory remarks written onto the outside of their restaurants and had flyers posted around New York City neighborhoods blaming Asian Americans for the virus. Many of these attacks go unreported and official statistics represent only a fraction of hate crimes or hate incidents.

These examples are certainly not exhaustive, and the harassment, abuse, and violence extend to communities across the country. We have Witnessed Asian Americans bloodied and beaten in stores; learned that Asian-American parents fear sending their children back to schools because of racial violence; and observed harrowing videos of verbal attacks aimed at Asian Americans in our public spaces.

Perhaps even more heartbreaking, we have seen our Asian-American frontline workers battle not only the pandemic, but also racism and disproportionately high death rates.

It is important to recognize that this surge did not spontaneously arise only out of fears regarding the coronavirus pandemic. Some of this blame lies squarely on political leaders who have demonized China, both because of the virus and ongoing geopolitical tensions, and in turn, Asian Americans have fallen in harm's way.

Words have power. What we say matters. How we treat each other matters. The expectations and standards we set in how we address this pandemic matter. The conversation we are having today is long overdue, and it is vital that Congress shine a light on this issue.

The last congressional hearing held on violence against Asian Americans was in 1987, in this Subcommittee. Thirty-four years is too long for Congress to leave this issue untouched. Our government must thoroughly investigate and swiftly address growing tensions and violence against the Asian-American community, especially in light of the pandemic, because lives and livelihoods are truly at stake.

Last week, we reached the one-year anniversary of the COVID-19 pandemic in this country, a solemn and difficult moment for our Nation as we reflected on all we have suffered and lost. Such hardship cannot be used as an excuse for dismissing the pain of our fellow Americans, enabling discrimination against them, or devaluing their sense of belonging and citizenship.

Today, we are privileged to have our fellow Members of Congress, from both sides of the aisle, testifying about their personal experiences.

In addition, we have an expert panel that will walk us through the rise in discrimination and violence and its impact on the community, as well as historical perspectives and challenges to inform our legislative efforts moving forward. I look forward to hearing how we can better ensure protection, justice, and healing for our Asian-American neighbors, in this time of crisis and moving forward.

Thank you, and I yield back.

Mr. COHEN. Thank you, Mr. Nadler. We welcome our Witnesses and thank them for participating in today's hearing.

I will now introduce each of the Witnesses and after each introduction will recognize that Witness for his or her oral testimony. Please note that each of your written statements will be entered into the record in its entirety. Accordingly, I ask you to summarize your testimony in five minutes.

To help you stay within that five minutes while you are testifying, there is a timing light on your table. Of course, we don't have a table. Is there a process? On the screen, they can see if it is green, you are good. If it is yellow, you are in the last minutes. If it is red, finish it. It means your five minutes are up. That is on your Webex view.

Before proceeding with the testimony, I would like to remind all the Witnesses appearing on the panel that you have a legal obligation to provide truthful testimony and answers. Any false statements you make today could subject you to prosecution under section 1001 of title 18 of the United States Code.

Today we have two Witness panels. Our first panel will be Members. Our first Witness is Representative Doris Matsui. Congressman Matsui represents the 6th Congressional District of California and has represented that area of Sacramento environs since 2005.

Congressman Matsui, you are recognized for five minutes. Apparently, Congressman Matsui, you are recognized for five minutes. Apparently, there is a technical problem with Webex and not with my iPad. We are going to recess for as much time as is necessary to correct this error. Technology is not perfect.

[Recess.]

Mr. COHEN. The hearing will now come back to order. Now, being in order, I recognize the distinguished lady from Sacramento, California, the Honorable Doris Matsui for five minutes.

STATEMENT OF THE HONORABLE DORIS MATSUI

Ms. MATSUI. Thank you very much, Mr. Chair, Ranking Member, and Members of the Committee for this opportunity to testify.

I am very proud to join this distinguished panel of our colleagues and yet, I wish it were not necessary for us to be here under such troubling circumstances to address the disturbing spike in discrimination and violence against AAPI communities across the nation. Just a couple days ago, eight people, six of whom were women of Asian descent, were shot and killed outside of Atlanta. This latest attack stands as a horrible reminder of the fear and pain felt by the AAPI communities across this country.

I have lived an American story. I grew up on a farm in California, went to UC Berkeley, and got a great public education. I got married and settled in Sacramento with my husband where we raised our son and I have had the privilege to work in public service in the White House and here in Congress where we work together on issues of healthcare, and clean energy, and all the issues that define us as a country.

I have a responsibility and a moral obligation to speak out about the normalizing of attacks on the AAPI community. Since the beginning of the pandemic, we have heard constant hostile rhetoric directed at the AAPI community, including from leaders at the highest levels of our government. There is a systemic problem here

and we are duty bound to stop the spread of xenophobic and racist ideas that have escalated to physical threats.

Justice Ruth Bader Ginsburg, who fought against discrimination in her remarkable life, used to talk about her mother and ask questions about what the difference was between a bookkeeper in Brooklyn's garment district and a Supreme Court Justice. Her answer: "One generation." This kind of family history is essential to understanding American history. We all share the charge to ensure that our country not only learns from but does not forget its past. Because of my history and background, I know I have a duty to speak up. Future generations are listening, especially my grandchildren.

In 1942, President Franklin D. Roosevelt signed Executive Order 9066, approving the removal of American citizens of Japanese descent to remote camps. My parents and grandparents were among 120,000 forced to leave their homes and businesses. They were sent by their own government, our government, to a camp in Poston, Arizona. They lived in appalling conditions, surrounded by a barbed wire fence, armed guards on towers, incarcerated, solely because of their ancestry.

Despite the good fortune in my life, I am not even one generation removed from that experience. I was born in the Poston internment camp, but because I was a baby, I have no personal memories. My parents rarely talked to me about their time there. I had an ordinary childhood. I think my parents didn't want to burden me with that experience. They just wanted me to move forward and reach for the stars. I would hear conversations from time to time about life in the camp. I sort of knew what happened, but I did not realize at that time how much their lives had been turned upside down.

It was when I went to college that I met students whose parents were very affected by the internment, and we started talking. The vast majority of the people who were sent to camp were American citizens. You wonder how did this happen? It was then that we all realized that we had to learn more about it. It is part of our family history. It is part of American history.

During World War II, many were blinded by prejudice. Our government and many of its leaders advanced the myth that the Japanese-American community was inherently the enemy. Americans across the country believed it, acceded to institutionalized racism, and acted on it. It was not uncommon to accuse an innocent person of violating our country's trust with no evidence. This societal shift to accept and normalize wrongdoing was exactly what kept Japanese Americans imprisoned for over three years.

These were Americans who previously lived normal lives. They owned homes, shops; were farmers, doctors, lawyers, teachers, just regular folks who were betrayed by their country because of a dangerous spiral of injustice.

Last year, when I heard at the highest levels of government those people use racist slurs like "China Virus" to spread xenophobia and cast blame on innocent communities, it was all too familiar. Comments like these only build upon the legacy of racism, anti-Asian sentiment, and insensitivity that seeks to divide our nation.

So, yes, I was deeply shaken by the angry currents in our nation. The heated discourse at the highest levels of our government cannot be viewed in isolation from the ensuing violence in our communities. The fear of “the other,” whether racial, religious, or tribal, that works to suppress the better angels of our nature, we have seen the consequences when we go down this path. My family has lived through these consequences. This is what we are working to root out from its deepest place in our social conscience.

After the incarceration of the Japanese-American community, our country moved on for decades without coming to terms with what our government did and what many Americans turned a blind eye to. It took decades for testimonies to be heard in Congress. It took decades for lawmakers to hear our pain.

My late husband, Bob Matsui, was first elected to Congress in 1978 and served on the Ways and Means Committee. He loved that work. Because of his parents’ experience, the experience of the Japanese-American community, he passionately believed that justice could not be denied and therefore devoted an enormous amount of time and dedication to the passage of the Civil Liberties Act of 1988, by which the United States Government apologized and paid token compensation to the Japanese Americans who had been incarcerated. Bob said in the floor debate on that legislation that he believed it was possible because “this is a great and wonderful country.”

Today’s hearing is another reminder that our country is capable of growth, that this legislative body will no longer sit in silence while our communities suffer racism and hatred. Now, is the time we recommit to moving forward with a shared vision for our future built upon basic human dignity. Again, I thank the Chair, the Ranking Member and I yield back. Thank you.

[The statement of Ms. Matsui follows:]

Written Testimony for Congresswoman Doris Matsui (CA-06)
House Judiciary Committee
Subcommittee on Constitution, Civil Rights, and Civil Liberties
Hearing on “Discrimination and Violence Against Asian Americans”
Thursday, March 18th, 2021

Thank you Chairman Cohen, Ranking Member Johnson, and members of the committee for the opportunity to testify.

I am very proud to join this distinguished panel of our colleagues. And, yet, I wish it was not necessary for us to be here under such troubling circumstances – to address the disturbing spike in discrimination and violence against AAPI communities across the nation. Just a couple days ago, eight people, six of whom were Asian women, were shot and killed outside of Atlanta. This latest attack stands as a horrific reminder of the fear and pain felt by AAPI communities across our country.

I have lived an American story – I grew up on a farm in central California, went to UC Berkeley and got a great public education; I got married and settled in Sacramento with my husband where we raised our son, and I have had the privilege to work in public service in the White House and in Congress. Here at the Capitol, I identify with clean energy policy, good healthcare and jobs, and flood protection for my district.

But I feel I have a responsibility and a moral obligation to speak out about the normalizing of attacks on the AAPI community. Since the beginning of the pandemic, we have heard constant verbal hostile rhetoric directed at the AAPI

community, including from leaders in our government from whom we should expect more. There is a systemic problem here. We are dutybound to stop the spread of xenophobic and racist ideas that have escalated to physical assaults.

Justice Ruth Bader Ginsburg, who fought against discrimination in her remarkable life, used to talk about her mother and ask audiences what the difference was between a bookkeeper in Brooklyn's garment district and a Supreme Court Justice. Her answer: "One generation." As I am reminded in my service on the Board of Regents of the Smithsonian Institution, this kind of family history is essential to understanding American History. We all share the charge to ensure that our country not only learns from but does not forget its past. Because of my history and background, I know I have a duty to speak up in this moment. Future generations are listening – more importantly my grandchildren Anna and Robby.

In 1942, President Franklin D. Roosevelt signed Executive Order 9066, approving the removal of American citizens of Japanese descent to remote camps. My parents were among 120,000 forced to leave their homes and businesses. They were sent by their own government – our government – to a camp in Poston, Arizona. They lived in appalling conditions, surrounded by a fence, incarcerated solely because of their ancestry.

Despite the good fortune in my life, I am not even one generation removed from that experience. I was born in the Poston internment camp, but because I was only three months old when my parents were allowed to leave, I had no

personal memories. My parents rarely talked to me about their time there. I had an ordinary American childhood. I think my parents didn't want to burden me with that experience; they just wanted me to move forward and reach for the stars. I would hear conversations sometimes about someone they knew in camp who moved on to Chicago or some other city. I sort of knew that it happened, but I didn't experience their emotions at all. So, when I went to college at Berkeley, I met students whose parents were very affected by the internment. The vast majority of the people who were sent to camp were American citizens. And if you think about that, how did this wonderful country do that? I think it was then that I started realizing, "I have to learn more about this," and I started asking my parents about it, started having conversations about it. And when the story was told, the emotions came out. It was unbelievable.

During World War II, many were blinded by prejudice. Our government and many of its leaders advanced the myth that the Japanese American community was inherently our enemy. Americans across the country believed it – acceded to institutionalized racism and acted on it. It was not uncommon to accuse an innocent person of violating our country's trust – with no evidence or reason. This societal shift to accept and normalize wrongdoing was exactly what kept Japanese Americans imprisoned for over three years.

These were Americans living normal lives. They owned homes, shops, or were farmers. They were doctors, lawyers, teachers – regular folks who were betrayed by their country because of a dangerous spiral of injustice. Many families lost everything.

Last year, when I heard those at the highest levels of government use racist slurs like “China Virus” to spread xenophobia and cast blame on innocent communities, it was all too familiar. Comments like these only build upon the legacy of racism, anti-asian sentiment and insensitivity that seeks to divide our nation.

So yes, I was deeply shaken by the angry currents in our nation. I was appalled a few years ago when elected officials cited the Japanese-American internment – incarceration because of what they looked like – as a precedent rather than a warning. The former president called for a ban on Muslims entering the United States and invoked Japanese-American internment as a model for his dehumanizing policies.

The heated discourse at the highest levels of our government cannot be viewed in isolation from the ensuing violence in our communities. The fear of “the other,” whether racial, religious, or tribal, that works to suppress the better angels of our nature. We have seen the consequences when we go down this path. My family has lived through these consequences. This is what we are working to root out from its deepest place in our social conscience.

More optimistically, I know that our country can triumph over these demons. My late husband, Bob Matsui, was first elected to Congress in 1978 and after briefly serving on this distinguished committee, he moved to the Ways and Means Committee where he had an important career as a leader on

tax, trade, and social security policy. But he did devote enormous time to the Civil Liberties Act of 1988, by which the government apologized and paid token compensation to the Japanese Americans who had been interned. Bob said in the floor debate on that legislation that he believed it was possible because “this is a great and wonderful country.” Those words are engraved on his tombstone because they capture what motivated him throughout his career. I believe in that vision, too.

To anyone who has any doubt, I urge you to watch the video of Amanda Gorman reading her beautiful poetry at the inauguration last January. As she said, “we are striving to forge a union with purpose, To compose a country committed to all cultures, colors, characters and conditions of man; And so we lift our gazes not to what stands between us but what stands before us.”

After the incarceration of the Japanese American community, our country moved on for decades without coming to terms with what our government did and what many Americans turned a blind eye to. It took decades for testimonies to be heard in Congress. It took decades for lawmakers to hear our pain. Today’s hearing is another reminder that our country is capable of growth – that this legislative body will no longer sit in silence while our communities suffer racism and hatred. Now is the time to recommit to moving forward with a shared vision for our future built upon basic human dignity.

I do want to mention that earlier this week, I introduced the Japanese American Confinement Education Act, which

would work to educate younger Americans about what the Japanese American community went through. We must tell the story because it is important not only to Japanese Americans, but to all Americans.

Again, I thank the Chairman, the Ranking Member and the entire committee for calling attention to this vital issue.

With that, I yield back.

Mr. COHEN. Thank you, Congressman Matsui for that history and that testimony.

Our next Witness is Representative Judy Chu. Congressman Chu represents the 27th Congressional District of California which includes Pasadena Polytechnic School and the San Gabriel Valley, in that order. She has been a Member of Congress since 2009. Among other things, she is Chair of the Congressional Asian Pacific American Caucus.

Congressman Chu, you are recognized for five minutes. Congressman Chu, you need to unmute, unmute.

STATEMENT OF THE HONORABLE JUDY CHU

Ms. CHU. Thank you so much. Thank you, Chair Nadler, Ranking Member Jordan, Subcommittee Chair Cohen, Ranking Member Johnson, and other distinguished Members of the Committee for the opportunity to testify before you today.

It is with a heavy heart that we are here today still shocked and heartbroken about the murder of eight in Georgia, including six Asian-American women by a gunman who targeted three Asian businesses, the first one being Young's Asian Massage, then driving 27 miles to two other Asian spas. His targets were no accident. What we know is that this day was coming.

Because of crimes like this, I as Chair of the Congressional Asian Pacific American Caucus or CAPAC, urged the Committee to undertake this hearing because the Asian-American community has reached a crisis point that cannot be ignored.

Since the beginning of the COVID-19 pandemic, Asian Americans have been terrified by the alarming surge in anti-Asian bigotry and violence we have Witnessed across our nation. In fact, it was over one year ago that CAPAC first began to sound the alarm bells about the anti-Asian discrimination we were beginning to see due to misinformation and stigma that wrongly associated Asian Americans with the coronavirus.

What started out last January, just dirty looks and verbal assaults, has escalated to physical attacks and violence against innocent Asian Americans. These attacks have increasingly become more deadly. Just as many Asian Americans were preparing for the Lunar New Year last month, we saw a surge in anti-Asian violence. Many of the victims are older and vulnerable like Vicha Ratana-pakdee, an 84-year-old Thai man in San Francisco who was killed in an unprovoked assault while on his morning walk.

In New York, 61-year-old Noel Quintana's face was slashed from ear to ear with a box cutter in the subway, requiring 100 stitches.

In Oakland's Chinatown, a camera captured a 91-year-old man being thrown to the ground by an assailant.

In my own congressional district, a Chinese-American man was attacked at a bus stop in Rosemead with his own cane causing him to lose part of his fingers. This has become almost a daily tragedy and has had a chilling effect on our community.

Today, we find that there has been nearly 3,800 anti-Asian hate crimes and incidents in just a year alone. They were stoked by work of former President Donald Trump who sought to shift blame and anger away from his own flawed response to the coronavirus. He used racial slurs like "Wuhan virus," "China plague," and

“Kung flu” despite the fact that the CDC and the World Health Organization warned not to associate the virus with a specific ethnicity, country, or geographic region due to the stigma it causes.

Immediately, we in CAPAC took Donald Trump on about this racist terminology. We issued statements, held press conferences, and sent letters. Our pleas and the guidance from experts were ignored. Instead, he doubled down on using these slurs, directing more hate and blame at the Asian-American community.

Over the past year, hostile anti-Asian COVID comments on Twitter increased by 900 percent and we saw a nearly 150 percent surge in anti-Asian hate crimes in major U.S. cities. Even though Donald Trump is no longer President, I believe the most recent round of anti-Asian attacks are the aftermath of one year of hateful attacks and four years of ugly comments about immigrants and people of color.

That is why I am so grateful that we have a new President Joe Biden, who is working to stop these attacks, not incite them. Within his first week as President, President Biden issued a Presidential Memorandum to combat and condemn xenophobia against AAPIs and ensures the Department of Justice works with our community to address these surging hate crimes.

Congress must do its part as well. That is why CAPAC pushed for legislation, such as Congresswoman Grace Meng’s resolution to condemn anti-Asian sentiment related to COVID-19, which passed the House last fall. That is why it is important to pass critical legislation like Congressman Beyer’s NO HATE Act and Congresswoman Meng’s COVID-19 Hate Crimes Act that will help us to better track and respond to hate crimes and incidents against Asian Americans. We are calling for a National Day to speak out against Asian hate on March 26.

It is time that we continue to push back against xenophobia every time it rears its ugly head. Asian Americans must not be used as scape goats in times of crisis. Lives are at stake, and it is critical that Congress take bold action to address this pandemic of discrimination and hate.

I yield back.

[The statement of Ms. Chu follows:]

Testimony of Congresswoman Judy Chu (CA-27)
Chair of the Congressional Asian Pacific American Caucus

**Before the House Judiciary Subcommittee on the Constitution, Civil Rights,
and Civil Liberties**

Hearing on “Discrimination and Violence Against Asian Americans”

March 18, 2021

Thank you Chairman Nadler, Ranking Member Jordan, Subcommittee Chairman Cohen, Ranking Member Johnson, and other distinguished members of the Committee for the opportunity to testify before you today. It is with a heavy heart that we are here today, still shocked and heartbroken about the murder of eight in Georgia, including 6 Asian immigrant women by a gunman in Georgia who targeted 3 Asian American businesses, with the first one named Young’s Asian Massage. Because of crimes like these, I, as Chair of the Congressional Asian Pacific American Caucus, or CAPAC, urged the Committee to undertake this hearing because the Asian American community has reached a crisis point that cannot be ignored.

Since the beginning of the COVID-19 pandemic, Asian Americans have been terrified by the alarming surge in anti-Asian bigotry and violence we have witnessed across our nation. In fact, it was over one year ago that CAPAC first began to sound the alarm bells about the anti-Asian discrimination we were beginning to see due to misinformation and stigma that wrongly associated Asian Americans with the coronavirus.

But what started out last January as dirty looks and verbal assaults has escalated to physical attacks and violence against innocent Asian Americans. And these attacks have increasingly become more deadly. Just as many Asian Americans were preparing for the Lunar New Year last month, we saw a surge in anti-Asian violence. Many of the victims have been older and vulnerable, like Vicha Ratanapakdee, an 84-year-old Thai man in San Francisco who was killed in an unprovoked assault while on his morning walk. In New York, 61-year-old Noel Quintana’s face was slashed from ear to ear with a box cutter in the subway. In Oakland’s Chinatown, a camera captured a 91-year-old man being thrown to the ground by an assailant. In my own congressional district, a Chinese American man was attacked at a bus stop in Rosemead, causing him to lose part of his finger. This has become almost a daily tragedy and has had a chilling effect on our community.

Today, we find that there have been nearly 3,800 anti-Asian hate crimes and incidents in just the past year alone. They were stoked by the words of former President Donald Trump who sought to shift blame and anger away from his own flawed response to the coronavirus. He used racial slurs like “Wuhan virus,” “China plague,” and “Kung flu” despite the fact that the CDC and the World Health Organization warned not to associate the virus with a specific ethnicity, country, or geographic region due to the stigma it causes, hence they named it a neutral term, COVID-19.

Immediately, we in CAPAC took Donald Trump on about this racist terminology. We issued statements, held press conferences, and sent letters. But our pleas and the guidance from experts were ignored. Instead, he doubled down on using these slurs, directing more hate and blame at the Asian American community. Over the past year, hostile anti-Asian COVID comments on Twitter increased by 900% and we saw a nearly 150% surge in anti-Asian hate crimes in major U.S. cities. And even though Donald Trump is no longer president, I believe the most recent round of anti-Asian attacks are the aftermath of one year of hateful attacks and four years of ugly comments about immigrants and people of color.

That is why I am so grateful that we have a new President, Joe Biden, who is working to stop these attacks, not incite them. Within his first week in office, President Biden issued a presidential memorandum to combat and condemn xenophobia against AAPIs and ensures the Department of Justice works with our community to address these surging hate crimes.

But Congress must do its part as well. That's why CAPAC pushed for legislation, such as Congresswoman Grace Meng's resolution to condemn anti-Asian sentiment related to COVID-19, which passed the House last fall. And that's why it is important to pass critical legislation like Congressman Beyer's NO HATE Act and Congresswoman Meng's COVID-19 Hate Crimes Act that will help us to better track and respond to hate crimes and incidents against Asian Americans. And we are calling for a National Day to speak out against anti-Asian hate on March 26.

We must continue to push back against xenophobia every time it rears its ugly head. Whether it's the Chinese Exclusion Act of 1882, Japanese American incarceration during World War II, or the surveillance of South Asian, Muslim, and Sikh communities after 9-11, our history has shown us what happens when Asian Americans are used as scapegoats in times of crisis. Lives are at stake, and it is critical that Congress takes bold action to address this pandemic of discrimination and hate.

Mr. COHEN. Thank you, Congressman Chu. I remember the smog in the San Gabriel Valley.

Our next Witness is Senator Tammy Duckworth and after her, we will hear from Representative Young Kim. Senator Duckworth represents the State of Illinois in the United States Senate, first elected in 2016. She previously served in the United States House of Representatives, and she represented the 8th Congressional District of Illinois for two terms. She has an outstanding communications team and standing record in Congress.

Senator Duckworth, you are recognized for five minutes.

STATEMENT OF THE HONORABLE TAMMY DUCKWORTH

Ms. DUCKWORTH. Thank you, Mr. Chair, and it was a pleasure to serve alongside you previously in the House. It is good to see you up on the dais today. Thank you for this hearing.

In New York, as you have heard, an 89-year-old was slapped and, in California, a 91-year-old was pushed to the ground.

In the middle of a park, a little girl was shoved off her bike and, in the middle of a city sidewalk, a little boy watched as his father was beaten up.

Families have had rocks thrown at them. Nurses have been spit on. Heroes, frontline workers, hospital staff have been blamed for COVID-19. They have been denied service and treated as other-than or less-than, simply because they are members of the AAPI community.

Now, less than 48 hours ago, six members of the Asian-American community were murdered in Atlanta, Georgia, another unspeakable tragedy after a year of unfathomable cruelty. There is nothing, nothing we can say today that will piece back together the shattered lives of the victims' loved ones. There is nothing we can do that will give them the solace they deserve, nothing we can provide that will even begin to make sense of this senseless tragedy.

What we can say and should say clearly and unambiguously is that blaming the AAPI community for a public health crisis is racist and wrong and continuing to treat our fellow Americans as others only further divides our country at a time when we should be pushing, pulling, tugging at our Nation with all our might until it lives up to its founding ideas of equality and justice for all.

Unfortunately, this type of prejudice is far from new. It is a similar brand of discrimination to the one that marred some of our country's darkest days and toughest fights, from segregation to immigration. As Congresswoman Matsui mentioned, it is in a similar vein as to what was witnessed in World War II as our Nation incarcerated Japanese Americans because of their heritage and trapped thousands of families, like Congresswoman Matsui's, even as their loved ones sacrificed everything on the war front to defend our Nation overseas.

Fortunately, the United States Government recognized that this type of bigotry was un-American. Yet, the risk of repeating past grave errors is real and chilling. That is why I introduced the Korematsu-Takai Civil Liberties Protection Act which would be a first step toward safeguarding freedom and establishing a clear statutory prohibition against un-American policies that seek to im-

prison or otherwise detain American citizens on the basis of who they are, rather than what they have done.

As the daughter of an American Vietnam Veteran and an immigrant with Chinese-Thai heritage, I am deeply committed to supporting our community's fight against discrimination.

I applaud the efforts of this Subcommittee to raise awareness of this crisis and to discuss a plan to advance civil rights for Asian Americans and protect the well-being of all our families.

The American story as we know it, would not exist without the strength of the AAPI community. Quite literally, Asian Americans helped build this country. With their bare hands and bent backs, they laid the railroad tracks that connected us from coast to coast. They tilled the fields and started the businesses and also picked up the rifles necessary to develop and defend this Nation that we all love. Today, even as we face so much bigotry and violence, our community is helping to keep the country running.

So, I just want to take a minute to thank all the incredible, heroic, front line workers who are getting our Nation through this crisis. From the doctors and the nurses risking their own lives to try to save the lives of strangers to the cashier at the market who is helping our families stay fed, from the janitors sweeping up hospital rooms at night to the teachers patiently helping our kids learn their ABCs over Zoom, I hope you know that we see you and we see your sacrifices and that we are forever in your debt.

We will never be able to fully express our gratitude for all the AAPIs on the front lines, but every hour of every day, I am going to keep trying because that is the least that these folks deserve.

So, I just want to say thank you one more time for everything that you do. Going forward, I hope that all Americans will speak up against such hatred towards their neighbors and I look forward to continuing to work with President Biden's Executive Order that assists States and community organizations make this kind of discrimination a thing of the past.

Please note that we have so much work ahead of us and I thank this Committee for holding this hearing to shed a light on this very, very serious issue that will divide our Nation and make us weaker, not stronger.

With that, I yield back, Mr. Chair. Thank you.

[The statement of Ms. Duckworth follows:]

Statement of Senator Tammy Duckworth (D-IL)
House Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties
March 18, 2021

- Thank you for the opportunity to join YOU today as our nation faces an awful spike in hate crimes, hate incidents and discrimination against the Asian American and Pacific Islander community.
- In New York, an 89-year-old was slapped and, in California, a 91-year-old was pushed to the ground.
- In the middle of a park, a little girl was shoved off her bike and, in the middle of a city sidewalk, a little boy watched as his father was beat up.
- Families have had rocks thrown at them... nurses have been spit on... heroes, frontline workers, hospital staff have been blamed for COVID-19... THEY'VE been denied service and treated as other-than... as less-than... simply because they are members of the AAPI community.
- Unfortunately, this type of prejudice is far from new.
- It's a similar brand of discrimination to the one that marred some of our country's darkest days and toughest fights, from segregation to immigration.
- It's a similar vein as to what was witnessed in World War II... as our nation incarcerated Japanese Americans because of their heritage...
 - THEY TRAPPED thousands of families, even as their loved ones sacrificed everything to defend our nation overseas.
- Fortunately, the UNITED STATES government recognized that this type of bigotry was un-American. Yet, the risk of repeating past grave errors is real and chilling.
- That's why I introduced the *Korematsu-Takai Civil Liberties Protection Act*...
 - Which would be a first step toward safeguarding freedom and establishing a clear statutory prohibition against un-American policies that seek to imprison or otherwise detain American citizens on the basis of who they are, rather than what they have done.
- And as the daughter of an American Vietnam Veteran and an immigrant with Chinese-Thai heritage, I am deeply committed to supporting our COMMUNITY'S FIGHT against discrimination.

- I applaud the efforts of this subcommittee to raise awareness of this crisis and to discuss a plan to advance civil rights for Asian Americans and protect the well-being of all our families.
 - You know, the American story as we know it wouldn't exist without the strength of the AAPI community.
 - In a very literal sense, Asian Americans helped build this country—laying the railroad tracks, tilling the fields, starting the businesses and picking up the rifles necessary to develop and defend the nation we love.
 - And today, even as we face so much bigotry and violence, our community is helping keep this country running.
 - So I just want to take a minute to thank all the incredible, heroic frontline workers who are getting our nation through this crisis.
 - From the doctors and nurses risking their own lives to try to save the lives of strangers to the cashier at the market who's helping our families stay fed...
 - From the janitors sweeping up HOSPITAL ROOMS at night to the teachers patiently helping our kids learn their ABCs over Zoom ...
 - I hope you know that we see you and SEE YOUR sacrifices... and that we are forever in your debt.
 - We'll never be able to fully express our gratitude to those of you on the frontlines. But every hour of every day, I'm gonna keep trying. Because it's the least you deserve.
- So I just want to say thank you one more time. For everything that you do. For being so selfless even in the face of such prejudice. For helping our country push through this crisis, despite the fear-mongering and the racism...the alienation and the discrimination. For helping our country live up to its founding values of equality and inclusion.
- Going forward, I hope that every American will speak up against such hatred toward their neighbors... and I look forward to continue working with PRESIDENT BIDEN'S Executive Order that assists States and community organizations make this kind of discrimination a thing of the past.
 - Please know that I will never stop working to protect your families, fighting day and night against the kind of bigotry that's plagued our country for far, far too long.
 - Thank you.

Mr. COHEN. Thank you, you Senator. It is nice to see you and have you back in the House again.

Now, we would like to recognize a new Member of the House, Representative Young Kim. Representative Kim represents the 39th Congressional District of California which includes the northern parts of Orange County. I am not sure if she has got the big A in Anaheim, the ballpark or Disney World or Knott's Berry Farm or those places. They are all out there. First elected in 2020, you are recognized for five minutes, please.

STATEMENT OF THE HONORABLE YOUNG KIM

Mr. KIM. Thank you, Chair, and Ranking Member and the Members of the Committee for holding this hearing today on a very important topic that has been prevalent in our national conversation, but one that is very, very personal to me as an Asian American.

I represent California's 39th Congressional District. This is one of the most diverse districts in the country and it is also a home to a vibrant Asian-American community. My district is truly a representation of America and what makes our country great. Asian Americans have and continue to make countless contributions to communities across the country and right here in the halls of Congress.

Since the beginning of COVID-19, we have increasingly seen Asian Americans becoming targets of hate across the nation, with more than 3,000 hate crimes against the Asian-American and Pacific-Islander community. Those crimes have been reported nationwide, with an increased number of attacks against seniors.

This week, we saw senseless violence in Atlanta that took the lives of six Asian-American women. While the investigation is ongoing and we wait for more information, this comes during a time when violence and attacks against Asian Americans are on the rise. The hate, the bias, and the attacks that we have seen against the Asian-American community are unacceptable and they must be stopped. This is wrong, and it has no place in our political discourse and is contrary to the values America stands for.

This should not have to be said, but I want to be very clear. No American of any race or ethnic group is responsible for the COVID-19 pandemic. The virus does not discriminate. It affects everyone. We must come together as Americans, not just to fight COVID-19, but also to stand against the rise of hate and discrimination against the AAPI community and any other group of Americans. We also cannot forget that discrimination we have seen against the AAPI community is not limited to the violence and attacks.

I hope we can look at the nation's elite universities and other institutions of learning. We have seen institutions discriminating against Asian Americans in their admissions process to deny them the entry. Discrimination is wrong and goes against our fundamental American values that we hold dear. In America, we value the individual, and we believe that people deserve to be judged on their merits and not penalized because of their heritage, race, or background. These are the values that my family and countless of immigrants came here for.

When our country seems more divided than ever, we should work together to unify our country and ensure future generations of Americans, regardless of their background, have the same opportunity to access the promise of America.

No matter our race or background, we are all Americans. Asian Americans are Americans. As an Asian American and a Member of Congress, I feel a duty to speak out. So, I stand with the AAPI community today and always.

I want to thank you for allowing me to speak on this very, very important issue. I yield back the balance of my time. Thank you.
[The statement of Mr. Kim follows:]

**Statement of Rep. Young Kim
House Judiciary Subcommittee on the Constitution, Civil Rights, and
Civil Liberties
March 18, 2021**

Thank you to the Chair and Ranking Member for holding this hearing today on a topic that has been prevalent in our national conversation but is also very personal to me as an Asian American.

I represent in California's 39th Congressional District, which is one of the most diverse districts in the country and home to a vibrant Asian American community.

My district is truly a representation of America and what makes our country great. Asian Americans have and continue to make countless contributions to communities across our country and right here in the halls of Congress.

Since the beginning of COVID-19, we have increasingly seen Asian Americans becoming targets of hate across the nation, with more than 3,000 hate crimes against the Asian American and Pacific Islander

community reported nationwide, with an increased number of attacks against seniors.

This week, we saw senseless violence in Atlanta that took the lives of six Asian American women. While the investigation is ongoing and we wait for more information, this comes during a time when violence and attacks against Asian Americans are on the rise.

The hate, bias and attacks we've seen against the Asian American community are unacceptable and must be stopped. This is wrong, has no place in our political discourse and is contrary to the values America stands for.

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I hope we can look at the nation's elite universities and other institutions of learning. We have seen institutions discriminating against Asian Americans in their admissions process in order to deny them entry.

Discrimination is wrong and goes against our fundamental American values that we hold dear.

In America, we value the individual, and we believe that people deserved to be judged on their merits and not penalized because of their heritage, race or background. These are the values that my family and countless of immigrants came here for.

When our country seems more divided than ever, we should work together to unify the country and ensure future generations of Americans – regardless of their background – have the same opportunity to access the promise of America.

No matter our race and background, we are all Americans. As an Asian American and a Member of Congress, I feel a duty to speak out. I stand with the AAPI community today and always. Thank you for allowing me to speak on this important issue. I yield back the balance of my time (if any time left).

Mr. COHEN. Thank you, Congressman Kim. Our next Witness is Representative Michelle Park Steel. Congressman Steel represents the 48th Congressional District in California which includes other portions of Orange County. She was first elected in 2020. Congressman Steel, you are recognized for five minutes.

STATEMENT OF THE HONORABLE MICHELLE STEEL

Ms. STEEL. Chair Steve Cohen and Ranking Member Chip Roy, thank you for holding this important conversation today.

It has been heartbreaking to see the rise in Anti-Asian American hate and harassment over the last year. As we will hear today from our Witnesses, and we have been hearing from our Witnesses, hate against the Asian-American community is not new.

According to Shan Wu, a former Federal prosecutor, violence against Asian Americans has been “under scrutinized, under prosecuted and often condoned.” This is a long, sad history of intolerance and hate directed at our community.

In the last year, almost 4,000 incidents of verbal harassment, physical assault, and discrimination have been reported. California is at the top of the list, with 44 percent of all incidents reported happening in my home State. New York is second on the list, making up 13 percent of all the incidents reported. Sixty-eight percent of these incidents and crimes were targeted towards Asian-American women. This has to stop.

When I was chair of the Orange County Board of Supervisors, I introduced a resolution that called for tolerance and compassion towards all residents, and condemned discrimination against the AAPI community.

I was proud this year to introduce a similar resolution in Congress, with another Orange County Congresswoman Katie Porter. That is because combating hate is not a partisan issue. We can all agree that violence against any community should never be tolerated.

As a first generation Korean American, who is now serving her community in the halls of Congress, this is my American dream. I want future generations of Americans to know they can achieve anything in this great country.

That is why I would also like to use some of my time today to talk about the discrimination that the AAPI community is experiencing in our nation’s education system. It is one of the reasons why my colleague Representative Kim and I joined Ranking Member Jordan and Subcommittee Ranking Member Johnson to request the President of Yale University to testify at today’s hearing.

Last year, the Department of Justice filed a case alleging that Yale University was discriminating against Asian-American and White applicants. The Biden Administration dropped the suit last month. This is totally wrong and sets a dangerous precedent.

In 1996, I supported and campaigned for California’s Proposition 209, which banned racial preferences in public hiring, education, and contracting. It was modeled after the Civil Rights Act. Before Proposition 209 was passed, the four-year graduation rate for underrepresented racial minorities in the University of California system was 31.3 percent. By 2014, that had increased to 51.1 per-

cent. The six-year graduation rate is even better, increasing from 66.5 percent in 1998 to 75.1 percent in 2013.

Last year in California, Democrats introduced Proposition 16 to bring back racial preferences in hiring, contracting, and our education system. Californians overwhelmingly rejected it.

As a new Member of Congress and an immigrant to this country, we should be encouraging all students and young people to succeed, especially in our education system.

Discrimination is against the fundamental values of American culture, and that includes discrimination against the AAPI community in the halls of our schools and universities.

This is wrong. This type of behavior is only hurting future generations. We should be working together to stop this discrimination and hate in its tracks, and to encourage the next generation to achieve their own American dream.

I thank the Committee for the opportunity to testify and share this with you today. I yield back.

[The statement of Ms. Steel follows:]

**Statement of Rep. Michelle Steel
House Judiciary Subcommittee on the Constitution, Civil Rights,
and Civil Liberties
March 18, 2021**

Chairman Steve Cohen and Ranking Member Chip Roy, thank you for holding this important conversation today.

It has been heartbreaking to see the rise in Anti-Asian American hate and harassment over the last year.

As we will hear today from our witnesses, hate against the Asian American community is not new.

According to Shan Wu, a former federal prosecutor, violence against Asian Americans has been “underscrutinized, underprosecuted and often condoned.”

There is a long, sad history of intolerance and hate directed at our community.

And in the last year, almost 4,000 incidents of verbal harassment, physical assault and discrimination have been reported.

California is at the top of the list, with 44% of all incidents reported happening in my home state.

New York is second on the list, making up 13% of all the incidents reported.

68% of these incidents and crimes were targeted towards Asian American women.

This has to stop.

When I was chair of the OC Board of Supervisors, I introduced a resolution that called for tolerance and compassion towards all

residents, and condemned discrimination against the AAPI community.

I was proud this year to introduce a similar resolution in Congress, with another Orange County Congresswoman Katie Porter.

That's because combating hate is not a partisan issue.

We can all agree that violence against any community should never be tolerated.

As a first-generation Korean American, who is now serving her community in the halls of Congress, this is my American dream.

I want future generations of Americans to know they can achieve anything in this great country.

That's why I'd also like to use some of my time today to talk about the discrimination that the AAPI community is experiencing in our nation's education system.

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Last year, the Department of Justice filed a case alleging that Yale University was discriminating against Asian American and White applicants.

But the Biden Administration dropped the suit last month.

This is totally wrong and sets a dangerous precedent.

In 1996, I supported and campaigned for California's Proposition 209, which banned racial preferences in public hiring, education and contracting.

It was modeled after the Civil Rights Act.

Before Prop 209 was passed, the four-year graduation rate for underrepresented racial minorities in the University of California system was 31.3%.

By 2014, that had increased to 55.1%.

The six-year graduation rate is even better, increasing from 66.5% in 1998 to 75.1% in 2013.

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This is wrong.

This type of behavior is only hurting future generations.

We should be working together to stop this discrimination and hate in its tracks, and to encourage the next generation to achieve their own American dream.

I thank the committee for the opportunity to testify and share this with you today. I yield back the remainder of my time.

Mr. COHEN. Thank you, Congresswoman Steel. Thank you very much.

Final Witness on this first panel is the Honorable Representative Grace Meng. Congressman Meng represents the 6th Congressional District of the Empire State, New York that includes Flushing, Bayside, Fresh Meadows, and other portions of northeastern Queens. She has been in Congress since 2013.

Congressman Meng, you are recognized for five minutes.

STATEMENT OF THE HONORABLE GRACE MENG

Ms. MENG. Thank you, Chair Nadler, Chair Cohen, Ranking Member Johnson, and distinguished Members of this Committee for organizing today's hearing. The topic is discrimination and violence against Asian Americans. Some of us seem to be going a little off topic. I am not sure why.

For over a year, Asian Americans have been fighting an additional virus of hate and bigotry. Anti-Asian rhetoric like "China-virus" or "Kung-flu," misinformation, racism, have left Asian Americans traumatized and fearful for their lives.

Mr. Roy mentioned the WHO and it is the same World Health Organization that actually said not to use countries of origin when we are referring to diseases. Since last year, there has been over 3,800 reported incidents of anti-Asian hate. We know that the majority of incidents go unreported and in fact, nearly 70 percent of reported anti-Asian hate incidents have happened to Asian-American women. In fact, just this week, we saw the terrible news about the six Asian women who were shot and killed in the Atlanta-area. Our community is bleeding. We are in pain, and for the last year, we have been screaming out for help.

Asian American discrimination, however, is not new in this country. From the 1882 Chinese Exclusion Act to the World War II incarceration of Japanese Americans and from the 1975 police brutality in Manhattan's Chinatown to the 1982 murder of Vincent Chin, discrimination against Asian Americans is a shameful part of our history. Unfortunately, so much of this history is not taught in our schools. Excluding Asian Americans from our history books renders us invisible and deems us the "perpetual foreigner." In fact, history has excluded the history of Asian Americans, Black Americans, Latino, and Native Americans and that has led to the systemic inequities at many institutions including our academic institutions.

In the 116th Congress, I introduced my resolution to condemn anti-Asian sentiment related to COVID. I was grateful my resolution passed the House with bipartisan support except for 164 of our Republican colleagues who voted against it, even though some had the audacity to tweet condolences after events of tragedy.

I am glad to hear about my colleague, Representative Steel's resolution and I hope that she has better luck getting her party to support the resolution.

During this last year, it became painfully apparent that we need a comprehensive effort from our local communities to the Federal level. That is why I support bills like the No Hate Act and that is why Senator Hirono and I introduced the COVID-19 Hate Crimes Act which would assign a point person at the Department of Jus-

tice to quickly review hate crimes and to make it easier for people to report these incidents. My bill also builds on President Biden's Presidential Memorandum by directing relevant Federal agencies to work with community-based organizations to find ways to talk about the virus in a way that is not racist. I urge my colleagues on this Committee for swift consideration of these bills. We cannot turn a blind eye to people living in fear.

I want to go back to something that Mr. Roy said earlier. Your President and your party and your colleagues can talk about issues with any other country that you want, but you don't have to do it by putting a bull's eye on the back of Asian Americans across this country, on our grandparents, on our kids. This hearing was to address the hurt and pain of our community to find solutions and we will not let you take our voice away from us.

Thank you. I yield back.

[The statement of Ms. Meng follows:]

March 18, 2021

Congresswoman Grace Meng

**Statement to the House Judiciary Subcommittee on Constitution, Civil Rights, and Civil Liberties
Hearing: *Discrimination and Violence Against Asian Americans***

Chairman Cohen, Ranking Member Thompson, and distinguished members of this Committee, thank you for organizing today's hearing on Discrimination and Violence Against Asian Americans. For over a year, against the backdrop of a raging COVID-19 virus and an economic crisis, Asian Americans have been fighting an additional pandemic – the virus of hate and bigotry.

Anti-Asian rhetoric like “China-virus” or “Kung-flu,” misinformation, racism, discrimination, and unfounded blame for the spread of COVID-19 have left Asian Americans traumatized and terrorized. Since last year, there has been over 3,800 reported incidents of anti-Asian hate. But we know the majority of incidents go unreported. Just last week, in my district, an Asian mother and baby were spat on three times and told “China-virus, go home.” Also in New York, a 61-year-old Filipino man had his face slashed, and an 83-year-old Korean American woman was punched and knocked unconscious; she was left lying in the street in her own blood.

We also cannot ignore the fact that nearly 70 percent of reported anti-Asian hate incidents have come from Asian American women. In fact, just this week, we saw the terrible news about the six Asian women who were shot and killed in the Atlanta-area. Our community is bleeding. We are in pain, and for the last year, we have been screaming out for help.

Asian American discrimination is not new in this country. From the 1882 Chinese Exclusion Act to the World War II internment of Japanese Americans; and from the 1975 police brutality in Manhattan's Chinatown to the 1982 murder of Vincent Chin – discrimination against Asian Americans is a shameful part of U.S. History. Unfortunately, so much of this history is not taught in our schools. Excluding Asian Americans from our history books and curriculum renders us invisible and deems us the “perpetual foreigner.”

Chairman Cohen, Ranking Member Thompson, I come before your panel today fearful and furious. Even as schools are re-opening across the country, Asian American parents are scared to send their children back to school. We are forbidding our elderly parents and grandparents from leaving their homes for fear of harassment or – worse – death.

In the 116th Congress, I introduced my resolution to condemn anti-Asian sentiment related to COVID-19. I was grateful my resolution passed the House of Representatives in September 2020 with bipartisan support. It cannot go unnoticed, however, that 164 of our Republican colleagues voted against it – even though some had the audacity to tweet condolences in the aftermath of this tragedy in Atlanta. Where was their support over the past year when we have been telling everyone that the Asian American community is in danger? In light of the recent attacks against elderly Asian Americans, I reintroduced my resolution in February. I am also grateful to President Biden for speaking out so unequivocally and for taking executive action against this hate.

During this last year, it became painfully apparent that we need a comprehensive effort – from local communities to the federal level. That is why I support the No Hate Act and that is why I also introduced the COVID-19 Hate Crimes Act. My bill would assign a point person at the Department of Justice to quickly review hate crimes related to COVID-19; direct guidance for online reporting in multiple languages; and expand linguistically appropriate public education campaigns to make our communities more comfortable to report these incidents. My bill also builds on President Biden's January 26th Presidential Memorandum by directing relevant federal agencies to work with community-based organizations to find ways to talk about the COVID-19 virus in a way that is not racist or discriminatory. I urge my colleagues on this committee for swift consideration of this bill. We cannot turn a blind eye to people living in fear.

Thank you again for this opportunity to come before your committee. I hope we can work together to end this hate. After all, this is not an Asian American issue; this is an American issue.

Mr. COHEN. Congressman Meng, thank you very much. You are correct about the genesis of this hearing.

Now, we will go to our second panel. The second member panel should turn their cameras on. There we go. We are coming along there. First member panel can turn their cameras off. Great light show. I guess we are ready. We are going to be ready.

We are now on our second panel. The first Witness is Mr. John Yang. Mr. Yang is President and Executive Director of Asian Americans Advancing Justice, the AAJC, which seeks to advance the civil and human rights of Asian Americans and to build and promote a fair and equitable society for all through policy, advocacy, education, and litigation. He received a JD from George Washington University School of Law and a B.A. from Washington University in St. Louis.

Mr. Yang, you are recognized for five minutes.

STATEMENT OF JOHN YANG

Mr. YANG. Thank you very much. Thank you very much, Chair Cohen. Thank you to the Ranking Member, Ranking Member Johnson, and the other Members of the Committee.

Really appreciate the opportunity to testify before all of you today, and I really appreciate the powerful words from Representative Meng and the other CAPAC members as to why we are here today.

When I agreed to testify at this hearing, no one could have imagined that this would come two days after the horrific shooting in Atlanta, Georgia, and so I also want to take a moment to recognize and honor the victims and their families, and the suffering that they are going through at this moment, and to remember that we must center ourselves in the Atlanta community and all the local communities that have been affected during this past year with respect to the anti-Asian violence.

Well, for a year now, Asian Americans have been fighting two viruses: The COVID-19 pandemic affecting all of us, as well as this virus of racism.

Asian Americans, like all Americans, have suffered the economic and health consequences of COVID-19. At the same time, Asian Americans have been at the front lines as essential workers in grocery stores, delivery trucks, custodial services, as well as in health professions.

Unfortunately, Asian Americans have also been fighting the second virus, this virus of racism. We have long struggled for visibility and equity, and now our communities are faced with this additional physical and mental harm that is arising out of the COVID-19 pandemic.

As Ms. Kulkarni will testify, web-based self-reporting tools have recorded a tremendous increase in the number of anti-Asian hate that we have seen this past year.

A Pew report from last year confirmed what that data shows, that a majority of Asian Americans say it is more common for people to blame Asians for COVID-19 and have expressed insensitive and completely inappropriate views about Asian Americans than before COVID-19.

An ISPOS survey shows the same thing, where over 30 percent of the American population say that they have witnessed harassment or blame of the Asian community for COVID-19 and 60 percent of the Asian-American population showed that this was similar behavior that they were seeing.

So, these fears are real. The other thing is the impact on the Asian-American communities is clear with respect to their businesses.

As noted in a report by McKinsey and Company, misguided fears of the virus effectively shuttered businesses in many Asian-American cultural districts, a full month before lockdowns began nationwide.

Our organization and others started talking about this issue in late January when we saw that happening [audio interference] districts during that time when we saw this happening and to State that it was still safe to go there before the lockdowns.

In New York, as demonstrated by a study by our community partner, Asian American Federation, there has been record job losses for the Asian-American community.

In New York, there was a 6,000 percent increase in unemployment benefit applications from February through June of 2020, and Asian Americans suffered the largest increase in unemployment, going from three percent in February of 2020 to over 25 percent.

Now, Asian-American racism is rooted in two very dangerous stereotypes, that of the perpetual foreigner and that of the model minority.

The perpetual foreigner suggests that we can be here, and we can be born here, and we can live here as long as we want, but we are still seen as foreigners, we are still seen as the other, not to be trusted and to be feared.

On the flip side of that stereotype is the so-called model minority, to suggest that Asian Americans are held up as a good people of color when it is convenient, to plant seeds of division within our communities of color.

Here, I will call out people that try to use affirmative action as a wedge to drive between Asian Americans and other communities of color.

That model minority myth hides the complexities of our community and the economic disparities that exist among Asian Americans. Even as the COVID-19 pandemic recedes, we must remember that anti-Asian racism is likely to continue.

We do have legitimate concerns and geopolitical differences with the Chinese government and the Chinese Communist Party, that that is likely to remain for the foreseeable future.

If we are not careful, those differences will have consequences on our Asian-American community, and we can expect a backlash against our community.

We have seen that happen with the Japanese-American community and World War II. We have seen that happen with the Arab Middle Eastern Muslim and South Asian-American community after 9/11, and we saw that happen with the murder of Vincent Chin in 1982.

We have to do better than that. We have to have the proper nuance to call out xenophobia racism whenever it occurs against our community, and we must call this out to stop the cycle of violence.

It is only then that we will stop seeing Asian Americans as this perpetual foreigner to be feared and come up to a better place in addressing this racism.

Thank you very much. I look forward to your questions.

[The statement of Mr. Yang follows:]



Testimony of John C. Yang
President and Executive Director
Asian Americans Advancing Justice | AAJC

Before the United States House of Representatives
Committee on the Judiciary
Subcommittee on the Constitution, Civil Rights, and Civil Liberties

Hearing On
“Discrimination and Violence Against Asian Americans”

March 18, 2021

Asian Americans Advancing Justice | AAJC (Advancing Justice | AAJC) submits this written testimony to the U.S. House of Representative Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Civil Liberties for its hearing entitled “Discrimination and Violence Against Asian Americans” on March 18, 2021.

The Asian American community has long struggled for visibility and equity, and now our communities face additional physical and mental health harms arising out of the COVID-19 pandemic. Most notably, there has been a sharp increase in anti-Asian hate incidents, with web-based self-reporting tools hosted by the Asian Pacific Policy & Planning Council, Chinese for Affirmative Action, Asian Americans Advancing Justice, OCA – Asian Pacific American Advocates, South Asian Americans Leading Together, and other organizations recording over 4,000 incidents since late February 2020. While most of the incidents involve bullying, racial epithets, and verbal abuse and harassment, an increasing number of incidents have involved physical violence. For example, last spring a father and his two young children were stabbed at a Sam’s Club parking lot in Texas by an individual who thought that the Asian family had brought COVID-19 to the U.S.¹ At the beginning of this year, we have seen heartbreaking violent attacks on vulnerable Asian elders, including Vicha Ratanapakdee in San Francisco, Juanito Falcon in Phoenix, and Pak Ho in Oakland, who have died as a result of their injuries. And, just two days ago, the murder of eight individuals, most if not all of whom are Asian. Although the motivations for some of these attacks are unclear, the effect is clear: Asian Americans no longer feel safe, and live in fear of attacks because of their race and ethnicity.

¹ Caitlin Randle, *Man accused in Sam’s Club stabbing indicted*, Houston Chronicle (June 17, 2020), <https://www.chron.com/news/crime/article/Man-accused-in-Sam-s-Club-stabbing-indicted-15348034.php>

This hate is fueled by fear and misinformation. The health and economic fears caused by COVID-19 have led people to look for someone to blame. The use of racist terms, the focus on a society or culture as the “cause” for the COVID-19 pandemic, and policies that demonize immigrants all contribute to an atmosphere where racism and xenophobia is legitimized. It is also part of a broader structural racism that this country is continuing to confront. All of these factors have caused the Asian American community to become the target to be blamed for the current fears.

Addressing these issues requires a multi-faceted approach. First, we must have the data to make informed decisions about hate incidents and hate crime, and the most effective methods of prevention and response. Second, the needs and concerns of Asian Americans must be included in all aspects of policymaking at all levels of government, including robust enforcement of federal nondiscrimination laws and providing culturally competent and linguistically accessible services. Third, we need greater investment in and engagement of Asian American community organizations that work directly with impacted communities at the local level. Fourth, in the short-term, we must continue to educate communities providing tools to respond when they see or experience hate incidents, and in the long-term, we as a nation must provide education from the earliest grades on the histories of our diverse communities to ensure Asian Americans, and all Americans, are seen as equally integral to American history and American society. And finally, we must be vigilant in calling out and putting an end to xenophobic and racist rhetoric and scapegoating of our communities – whether it comes from elected officials, the media, or online platforms that have the potential to cause harm.

Organizational Information

Asian Americans Advancing Justice | AAJC (Advancing Justice | AAJC) is a national non-profit, non-partisan organization that works through policy advocacy, community education, and litigation to advance the civil and human rights of Asian Americans and to build and promote a fair and equitable society for all. Founded in 1991, Advancing Justice | AAJC is one of the nation’s leading experts on civil rights issues of importance to the Asian American community.

Asian Americans Advancing Justice | AAJC is a member of Asian Americans Advancing Justice (Advancing Justice), a national affiliation of five civil rights nonprofit organizations that joined together in 2013 to promote a fair and equitable society for all by working for civil and human rights and empowering Asian Americans and Pacific Islanders and other underserved communities. The Advancing Justice affiliation is comprised of our nation’s oldest Asian American legal advocacy center located in San Francisco (Advancing Justice | ALC), our nation’s largest Asian American advocacy service organization located in Los Angeles (Advancing Justice | LA), the largest national Asian American policy advocacy organization located in Washington D.C. (Advancing Justice | AAJC), the leading Midwest Asian American advocacy organization (Advancing Justice | Chicago), and the Atlanta-based Asian American advocacy organization that serves one of the largest and most rapidly growing Asian American communities in the South (Advancing Justice | Atlanta).

Advancing Justice | AAJC was a key player in collaboration with other civil rights groups in creating the Communities Against Hate coalition in 2016, which includes the Leadership Conference for Civil & Human Rights and the Lawyers Committee for Civil Rights Under Law. Advancing Justice | AAJC also serves as a co-chair for the National Council for Asian Pacific Americans, an umbrella organization for 37 Asian American Pacific Islander national advocacy organizations. The Asian Americans Advancing Justice affiliation has a web-based hate incident reporting tool, www.standagainsthate.org, and had previously issued reports on hate crimes and hate incidents since the mid-1990s until the early 2000s.

Through our anti-hate work, Advancing Justice | AAJC strives to ensure that the civil rights and human rights of Asian Americans are protected. Advancing Justice | AAJC works to advance laws and policies that address anti-Asian hate, including improvements to hate crimes laws and government data collection, and advocating for increased resources to respond to hate crimes and hate incidents. Advancing Justice | AAJC works with policy makers on the Hill, in the White House, and in executive agencies; with civil rights advocates, including the Leadership Conference on Civil and Human Rights Hate Crimes Task Force; community leaders, including our Community Partners Network of over 160 Asian American and Pacific Islander (AAPI)-serving community-based organizations; and the media to address anti-Asian racism and xenophobia.

The Dual Pandemics of COVID-19 and Anti-Asian Hate

The lives and livelihoods of Asian Americans, just as all Americans, have been hit hard by the COVID-19 pandemic.

While the lack of disaggregated data on Asian Americans clouds the true health impact of the COVID-19 pandemic, data at the state and local level show a glimpse of the disparities across our communities. In California, the Los Angeles Times reported that “Native Hawaiian and other Pacific Islanders are dying the most disproportionately — at four times their share of the state’s population. They are followed by black and Asian Californians.”² This is particularly devastating given California has the highest number of Pacific Islanders in the contiguous U.S. In Nevada, the death rate of Asian Americans is twice that of Whites.³ At the local level, in San Francisco, Asian Americans accounted for 13.7% of cases but 52% of deaths.⁴ Furthermore, Asian American workers hold “high-contact essential jobs” with higher health risk at a disproportionately higher rate.⁵

²Ben Poston, Tony Barboza, Alejandra Reyes-Velarde, *Younger black and Latinos are dying of COVID 19 at higher rates in California*, L.A. Times (April 25, 2020), <https://www.latimes.com/california/story/2020-04-25/coronavirus-takes-a-larger-toll-on-younger-african-americans-and-latinos-in-california>

³ McKinsey & Company, *COVID-19 and advancing Asian American recovery*, 6 (August 2020) [hereinafter “McKinsey Report”].

⁴ *Id.*

⁵ *Id.* at 2

Despite popular misconceptions, including misleading surveys that excluded Asian Americans with limited English proficiency,⁶ Asian Americans have suffered tremendous financial hardships during the course of the pandemic. For example, in New York city, in a report by our community partner Asian American Federation, the pandemic has created record job losses for Asian American New Yorkers, with a 6000% increase in unemployment benefit applications in February through June 2020.⁷ In fact, Asian Americans suffered the largest increase in unemployment amongst all racial groups, going from 3.4% in February 2020 to 25.6% in May 2020.⁸ Furthermore, the pandemic has had an immense negative impact on Asian Americans who were already socioeconomically disadvantaged. In California, according to a UCLA report, 83% of Asian Americans with a high school education or less filed unemployment claims, a rate more than twice the rest of California's labor force at the same education level.⁹

Compounding the devastating health and financial impacts on the Asian American community is the onslaught of anti-Asian hate. We have seen racist harassment and violence toward Asian Americans who are wrongly blamed for COVID-19 since the emergence of the pandemic.

An Ipsos survey published in April 2020 revealed that over 30 percent of those surveyed witnessed someone blaming Asian people for the COVID-19 pandemic, and over 60 percent of Asian Americans witnessed the same behavior.¹⁰ A Pew Report published in July 2020 revealed similar findings, with a majority of Asian adults (58%) saying it is more common for people to express racist or racially insensitive views about people who are Asian than it was before the COVID-19 outbreak.¹¹ These fears are real.

Since February 2020, over 4,000 hate incidents targeting Asian Americans have been reported, predominantly to Stop AAPI Hate (<https://stopaapihate.org/>) and also to the Asian American Advancing Justice affiliation's Stand Against Hatred reporting site (<https://www.standagainsthared.org/>). The reports shared through our website enable us to speak about the many examples of real harm reported by community members who have suffered hate and harassment. Through their reports to *StandAgainstHatred.org*, Asian Americans of many different ethnic origins have recounted being targeted with racial slurs; being called "dirty" or "diseased;" being accused of causing, bringing, or spreading the coronavirus;

⁶ See, e.g., NPR/Robert Wood Johnson Foundation/Harvard T.H. Chan School of Public Health, *The Impact of Coronavirus on Households by Race/Ethnicity*, 24 (Survey methodology: "Data collection was conducted in English and Spanish").

⁷ Asian American Federation, *Impact of COVID-19 on Asian Employment in New York City*, (2020).

⁸ *Id.*

⁹ Donald Mar and Paul Ong, *COVID-19's Employment Disruptions to Asian Americans*, (July 20, 2020) http://www.aasc.ucla.edu/resources/policy-reports/COVID19_Employment_CNK-AASC_072020.pdf

¹⁰ Ipsos and Center for Public Integrity, *Survey: More than 30 Percent of Americans Have Witnessed COVID-19 Bias Against Asians*, (April 28, 2020), <https://publicintegrity.org/health/coronavirus-and-inequality/survey-majority-of-asian-americans-have-witnessed-covid-19-bias/>

¹¹ Pew Research Center, *Many Black and Asian Americans Say They Have Experienced Discrimination Amid the COVID19 Outbreak*, (July 1, 2020), <https://www.pewresearch.org/social-trends/2020/07/01/many-black-and-asian-americans-say-they-have-experienced-discrimination-amid-the-covid-19-outbreak/>

being told to “go back to your country,” and being threatened with deportation. Asian Americans have also reported being coughed at and spit on, yelled at both for wearing masks and not wearing masks, enduring threats of violence, and suffering physical assault.

It is important to note that anti-Asian racism and hate are not new phenomena and come on the heels of years of attacks on immigrant communities by the Trump Administration. In fact, the Advancing Justice affiliation launched the Stand Against Hatred website¹² in January 2017 in response to the increase in hate incidents against Asian Americans connected to the xenophobic, anti-immigrant, and racist rhetoric of Trump’s presidential campaign in the 2016 election cycle. It comes as no surprise that the racist rhetoric used by former President Trump and other elected officials blaming China for COVID-19, and calling it the “Chinese virus,” “Wuhan virus,” “kung flu,” and “China plague” poured fuel on the fire of anti-immigrant and anti-Asian sentiment that was slowly burning for years.

While hate incidents targeting Asian Americans sharply rose with the onset of the pandemic and have continued have over the past year, the recent spate of violent attacks against elderly Asian Americans captured on video¹³ has drawn previously unseen media attention. Vicha Ratanapakdee, an 84-year old Thai American man, died after he was assaulted while on a walk in his San Francisco neighborhood in January.¹⁴ Juanito Falcon, a 74-year old Filipino American man, died after he was assaulted, also while on a walk, in Phoenix in February.¹⁵ And just last week, Pak Ho, a 75-year old man from Hong Kong, died following an attack while he was on his morning walk in Oakland’s Chinatown.¹⁶ While many feel that these attacks resulted from racial animus, the motivation is not immediately apparent in a number of these cases. What is clear is that we must do more to protect our vulnerable elders. At a time when we are still afraid of COVID-19, we should not have to also fear for our safety – or that of our elderly parents, aunts, uncles, and grandparents.

Furthermore, anti-Asian hate and discrimination has impacted almost every aspect of life for Asian Americans during the pandemic, including housing, employment, and places of public accommodation like restaurants, stores, and so much more.¹⁷ In Indiana, two Hmong men were denied lodging by a motel employee who asked if they were Chinese and refused to give them a

¹² Asian Americans Advancing Justice, www.standagainsthatred.org

¹³ Kyung Lah and Jason Kravarik, *Family of Thai immigrant, 84, says fatal attack ‘was driven by hate’*, CNN, (February 16, 2021), <https://www.cnn.com/2021/02/16/us/san-francisco-vicha-ratanapakdee-asian-american-attacks/index.html>

¹⁴ Evan Sernoffsky, *Family of 84-year-old killed in SF ‘believe attack was racially motivated’*, FOX2 KTVU (February 1, 2021), <https://www.ktvu.com/news/family-of-84-year-old-killed-in-sf-believe-attack-was-racially-motivated>; Thomas Fuller, *He Came From Thailand to Care For Family, Then Came a Brutal Attack*, The New York Times, (February 27, 2021), <https://www.nytimes.com/2021/02/27/us/asian-american-hate-crimes.html>

¹⁵ Chris Harris, *Ariz. Man, 74, Is Killed on Street, and Family Believes He Was Victim of Anti-Asian Hate Crime*, PEOPLE, (March 10, 2021), <https://people.com/crime/arizona-man-killed-family-believes-anti-asian-hate-crime/>

¹⁶ Dion Lim, *75-year-old Asian man warned about increase in attacks days before murder in Oakland*, ABC7 NEWS (March 12, 2021), <https://abc7news.com/oakland-asian-attack-teaunte-bailey-pak-ho-chesa-boudin/10412069/>

¹⁷ Catherine Thorbecke and Deena Zaru, *Asian Americans face coronavirus ‘double whammy’: Skyrocketing unemployment and discrimination*, ABC News, (May 20, 2020), <https://abcnews.go.com/Business/asian-americans-face-coronavirus-double-whammy-skyrocketing-unemployment/story?id=70654426>

room.¹⁸ Other reports include Asian American renters being refused housing based on their race. In New York City alone, between February and April 2020, there were 105 reports of anti-Asian incidents reported to the New York Commission on Human Rights, including 5 reports of housing discrimination, 9 reports of discrimination in public accommodation, and 91 reports of harassment.¹⁹

This same anti-Asian hate has expectedly impacted Asian American-owned businesses. As noted in a report by McKinsey & Company, “misguided fears of the virus effectively shuttered businesses in many Asian American cultural districts” a full month before lockdowns began nationwide.²⁰ Adding to the hit to Asian American-owned businesses, they are overrepresented in some of the sectors that have suffered the worst economic effects of the pandemic, including accommodations and food service (26%), retail (17%), and education-services (11%).²¹ And with the hateful acts of anti-Asian violence instilling fear in business owners, employees,²² and customers, Asian Americans are doubly threatened with both their physical and financial security at risk.

Racist sentiment towards Asian Americans is not a passing trend but a continuing reality, fueled in recent years by a growing xenophobic and racist backlash against immigrants. Numerous hate crimes have been directed against Asian Americans either because of their minority group status or because they are perceived as unwanted immigrants. More generally, this anti-Asian racism and xenophobia are part of the deep structural racism that many communities of color are facing at this moment. Despite the long history many of our communities have in the U.S., Asian Americans are often still viewed as foreign, as not fully American. This racism has manifested itself at many points throughout U.S. history, including with the “Yellow Peril” and the Chinese Exclusion Act of 1882, the incarceration of over 120,000 Japanese Americans during World War II, and the scapegoating and violence directed against the Arab, Middle Eastern, Muslim, and South Asian communities after 9/11.

The current geopolitical tensions between the U.S. and China likewise have fanned the flames of xenophobia. To be clear, the United States has legitimate differences with the Chinese Communist Party on issues related to human rights, freedom of the press, and transparency. Such differences, however, should not lead to generalizations about “the Chinese” or characterizations that fail to distinguish between the government and the people and culture. Stereotypes and overgeneralizations have caused Chinese Americans – as well as other Asian Americans – to be targeted, profiled, and harassed.

¹⁸ Shawn Nottingham and Dave Alsop, *Hmong men record alleged coronavirus discrimination at Indiana hotels*, CNN, (February 15, 2020), <https://www.cnn.com/2020/02/14/us/hmong-men-hotel-refusals/index.html>

¹⁹ Stephanie Yang, *New York City Has Logged 248 Complaints of Coronavirus Discrimination*, Wall Street Journal, (April 19, 2020), <https://www.wsj.com/articles/new-york-city-has-logged-248-complaints-of-coronavirus-discrimination-11587308400>

²⁰ McKinsey Report at 8.

²¹ *Id.*

²² Elizabeth Elkind, *CEO of Chinese food chain speaks out about attacks on Asian Americans*, CBS News, (March 4, 2021) <https://www.msn.com/en-us/news/us/ceo-of-chinese-food-chain-speaks-out-about-attacks-on-asian-americans/ar-BB1efjVm?ocid=uxbndlbing>

The Diversity of Asian American and Pacific Islander Communities

As in all other areas, AAPIs cannot be treated as a monolith when discussing racial justice. In fact, many of the needs of our community are hidden by the myth of the model minority. Our community is bi-modal with high concentrations at the high and low end of various socioeconomic indicators – educational attainment, income, poverty, etc. – but lower numbers in the middle. These disparities within the AAPI community are not apparent when data is not disaggregated.

Often viewed as homogenous, these communities include more than 50 ethnicities²³ speaking over 100 languages²⁴, and can differ dramatically across key social and economic indicators. Among Asian Americans, only 6% of Filipino Americans nationwide live below the poverty line, compared to 26% of Hmong Americans.²⁵ Among Native Hawaiian and Pacific Islanders (NHPIs), about 49% of Marshallese Americans live below the poverty line, compared to only 5% of Fijian Americans.²⁶ Roughly 73% of Taiwanese Americans hold a bachelor's degree, yet only 12% of Laotian Americans do.²⁷ Similarly, while almost 18% of NHPI adults overall have a bachelor's degree, only 3% of Marshallese Americans do.²⁸ Another example is pay equity. While AANHPI women are paid an average of 86 cents for every dollar a white man is paid, disaggregated data demonstrate that, for example, Native Hawaiian women are paid only 66 cents for every dollar a white man is paid; for Vietnamese, Laotian, and Samoan American women, 61 cents; for Burmese American women, 53 cents; and for Bhutanese American women, only 38 cents.²⁹

Asian Americans have the greatest income disparity amongst all racial groups in the United States. While income inequality has grown in the United States overall in the past half century, the Asian Americans at the top of the income distribution experienced more growth than any other group in the U.S., while Asian Americans at the bottom experienced the least growth, less than any other group in the U.S. – resulting in the top 10% of Asian American income earners making over 10 times what Asian Americans in the bottom 10% make – the biggest disparity amongst all racial groups in the U.S.³⁰

²³ Asian Pacific Institute on Gender Based Violence, *Census Data & API Identities*, <https://www.api-gbv.org/resources/census-data-api-identities/>

²⁴ White House Initiative on Asian Americans and Pacific Islanders, *Critical Issues Facing Asian Americans and Pacific Islanders* (2011), <https://www2.ed.gov/about/initiatives/list/asian-americans-initiative/criticalissues.html>

²⁵ Asian Pacific American Legal Center & Asian American Justice Center, *A Community of Contrasts: Asian Americans in the United States: 2011*, 36 (2011), http://www.advancingjustice.org/pdf/Community_of_Contrast.pdf [hereinafter “Asian American Report”].

²⁶ Asian Americans Advancing Justice & Empowering Pacific Islander Communities, *A Community of Contrasts: Native Hawaiians and Pacific Islanders in the United States, 2014*, 18 (2014), http://empoweredapi.org/wp-content/uploads/2014/06/A_Community_of_Contrasts_NHPI_US_2014-1.pdf [hereinafter “NHPI Report”].

²⁷ Asian American Report at 31.

²⁸ NHPI Report at 11.

²⁹ Miriam Yeung, American Association of University Women, *Overcoming the “Model Minority” Myth: AAPI Women Are Not Paid Equally* (Mar. 15, 2016), <http://www.aauw.org/2016/03/15/aapi-equal-pay-day/>.

³⁰ Pew Research Center, Social & Demographic Trends, *Income Inequality in the U.S. Is Rising Most Rapidly Among Asians*, (July 12, 2018), <https://www.pewresearch.org/social-trends/2018/07/12/income-inequality-in-the-u-s-is-rising-most-rapidly-among-asians/>

These disparities are often reflective of the circumstances under which different communities settled in the United States – as students seeking higher education, as professionals and investors, as families seeking democracy and a better life for their children, as refugees of war – or in prior centuries, as laborers who built this nation’s continental railroad, or indigenous peoples whose roots preexist by centuries America’s annexation of their sovereign land. These roots, whether new or centuries old, are varied, myriad, and equally American – and the needs and disparities emerging from these roots should not be erased by the so-called myth of the model minority.

Often lost in the broad brush of the model minority myth are the inequities created by lack of language access. Nearly two-thirds of the Asian American population are immigrants, with 52% of Asian American immigrants having limited English proficiency (LEP). LEP rates vary sharply across Asian American communities.

The top languages spoken among Asian immigrants are Chinese, Tagalog, Vietnamese, Korean, and Hindi. The rates of limited English proficiency among these groups vary: 66% of immigrants from China are LEP, as are 35% of immigrants from the Philippines, 72% of immigrants from Vietnam, 64% of immigrants from Korea, and 29% of immigrants from India. At 79%, immigrants from Burma have the highest LEP rates among Asian Americans, and it is notable that even among the Asian American immigrant groups with lower LEP rates, about one-third of the population face challenges communicating in English.³¹

Even prior to the pandemic, LEP individuals have limited employment opportunities and often have difficulty accessing educational and training opportunities, as well as other critical services. During the pandemic, we heard many stories of peoples’ inability to access unemployment benefits – these access issues were compounded for people with limited proficiency in English. Furthermore, information about relief programs may have been slow to be relayed to LEP individuals – if the information reached them at all. Even assuming they were able to access information about such programs, navigating application processes would be challenging for LEP individuals. Furthermore, contrary to popular perception, there are segments of the Asian American community that lack reliable internet access or may not know how to navigate online platforms.³²

The Path Forward

First, we must combat racism head on. To do so, we must have the data to make informed decisions about prevention. Passage of legislation such as the Jabara-Heyer NO HATE Act is critical to promoting better hate crimes data collection. The legislation would also enable states to establish reporting hotlines, and would improve law enforcement policies on identifying, investigating, and reporting hate crimes. Furthermore, this legislation would create opportunities to restore communities and address the root causes of hate crimes through alternative sentencing

³¹ Asian Americans Advancing Justice – AAJC and Asian Americans Advancing Justice – Los Angeles, *Inside the Numbers: How Immigration Shapes Asian American and Pacific Islander Communities* (June 2019), <https://advancingjustice-aaajc.org/inside-the-numbers-report-2019>.

³² Asian Americans Advancing Justice – AAJC, *Telecommunications and Technology, Lifeline Backgrounder*, https://advancingjustice-aaajc.org/sites/default/files/2020-02/Lifeline_Backgrounder.pdf

for offenders. Congresswoman Grace Meng and Senator Mazie Hirono’s legislation focused on COVID-19 hate crimes likewise would assist in providing oversight and understanding of the scope of the issue, including reporting that is linguistically accessible and culturally competent.

Second, the needs and concerns of the Asian American community must be included in policy initiatives at all levels of government.

Robust Enforcement of Nondiscrimination Laws

In May 2020, the U.S. Commission on Civil Rights offered recommendations³³ to reduce the dangerous and hateful spread of anti-Asian sentiment that were already on the rise during the pandemic. Specifically, the Commission recommended that “all federal civil rights offices... use enforcement where necessary to secure rights violated within their jurisdictions.” Vigilant enforcement of civil rights laws is vital to address anti-Asian hate in the short time and discrimination against our communities in the long term.

The Commission noted that the federal government must communicate and act in a manner that demonstrates to communities that it will protect all Americans regardless of race, national origin, or other protected characteristics. We were pleased to see President Biden take action on these recommendations within a week of taking office by signing a Memorandum Condemning and Combating Racism, Xenophobia, and Intolerance Against Asian Americans and Pacific Islanders in the United States.³⁴ In addition to recognizing the role that the federal government has played in furthering xenophobic sentiment and stoking unfounded fears and stigma about Asian Americans and Pacific Islanders, contributing to “increasing rates of bullying, harassment, and hate crimes against AAPI persons,” the Memorandum noted that “these actions defied the best practices and guidelines of public health officials and have caused significant harm to AAPI families and communities that must be addressed.”

The Commission also advised that the federal government take note of “the particular needs of the Asian American community,” specifically referencing discrimination impacting Asian Americans “in relation to education, employment, hate crimes, health, housing, and immigration enforcement.”³⁵

³³ U.S. Commission on Civil Rights Unanimously Issues Recommendations to Secure Nondiscrimination in the COVID-19 Pandemic Context, and Specifically to Address Anti-Asian Racism and Xenophobia (May 8, 2020), <https://www.usccr.gov/press/2020/05-14-CLhamon-Letter-to-Senators-re-Anti-Asian-Discrimination.pdf> [hereinafter “USCCR Recommendations”]

³⁴ Memorandum Condemning and Combating Racism, Xenophobia, and Intolerance Against Asian Americans and Pacific Islanders in the United States, 86 Fed. Reg. 7485, (January 26, 2021), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/memorandum-condemning-and-combating-racism-xenophobia-and-intolerance-against-asian-americans-and-pacific-islanders-in-the-united-states/> [hereinafter “AAPI Presidential Memorandum”]

³⁵ USCCR Recommendations

Language Access

In its May 2020 letter, the U.S. Commission on Civil Rights emphasized that government efforts to address discrimination against Asian Americans “must always take into account the critical requirement to provide for language access for limited English proficient populations.”³⁶

In order to access essential government services, Asian American communities need to know about the services that are available to them and that language support is available to help them access services. In-language outreach and education are critical, as are ensuring that translated materials are readily available and agency staff are trained to assist individuals with limited English proficiency.

Under Executive Order 13166, federal agencies, and entities receiving federal funding, are required to provide “meaningful access” to agency services for LEP individuals.³⁷ While the expectation under this requirement is that federally-funded agencies have robust language access plans and self-monitor for compliance with EO 13166 and their obligation under Title VI to provide meaningful access to LEP individuals, in practice, we have seen significant gaps leaving LEP populations underserved.

Especially during this pandemic, LEP Asian Americans have faced language barriers to accessing financial relief programs. According to an August 2020 report by McKinsey & Company, none of the four financial-relief services offered by the U.S. Small Business Administration provided translations in any Asian languages on their websites.³⁸ Only the Paycheck Protection Plan enacted last year offered translated application forms for seven Asian languages,³⁹ but without sufficient and linguistically accessible outreach to Asian American businesses, Asian Americans lost out on critical business aid. In fact, a survey by the Asian/Pacific Islander American Chamber of Commerce & Entrepreneurship (ACE) found that 61 percent of Asian American businesses did not apply for federal relief because they did not know they were eligible.⁴⁰

³⁶ *Id.*

³⁷ Exec. Order No. 13,166, 65 Fed. Reg. 50121 (August 11, 2000), <https://www.justice.gov/crt/executive-order-13166>

³⁸ McKinsey Report at 8.

³⁹ *Id.*

⁴⁰ Press Release, National Asian/Pacific Islander American Chamber of Commerce and Entrepreneurship, Survey: Largest Survey focused on AAPIs Business Owners Show More Businesses Face Closures and Employee Layoffs, (February 5, 2021), <https://www.issuewire.com/survey-largest-survey-focused-on-aapis-business-owners-shows-more-businesses-face-closures-and-employee-layoffs-1690887698538157>

The federal government must ensure compliance with Executive Order 13166 to ensure that critical government services reach Asian American communities in a linguistically accessible way.⁴¹

Third, we need greater investment in and outreach to our communities. Long term solutions cannot take hold without fully engaging and increasing the capacity of local Asian American community organizations working directly with impacted communities. Federal agencies must engage in outreach and community education focused on Asian American communities, including investing in community resources and working directly with community-based organizations for both prevention and response to anti-Asian hate incidents.

Here we must note that, while the media and public perception may focus on law enforcement and prosecution as the primary response to hate crimes and hate incidents, that is not the model that our community is prioritizing. Local organizers and advocates are calling for different solutions for community safety, and not responses that could further criminalize communities of color. In fact, while facing hate incidents, our communities are also facing police violence. A recent example is the December 2020 killing of 30-year-old Filipino American Angelo Quinto who died after police knelt on him for 5 minutes.⁴² The parallels to the murder of George Floyd at the hands of police cannot be denied. We recognize that systemic inequities in law enforcement practices have victimized communities of color, including Asian American communities, but in particular Black communities, and we stand in solidarity with all communities of color in facing injustice in the criminal justice system. We call on policymakers to seek solutions to hate incidents and hate crimes that do not further criminalize communities of color or pit communities of color against each other. We must focus on a community-based approach, where government works closely with AAPI community organizations on multi-pronged solutions that work for the specific needs on the ground. A law enforcement-focused approach fails to address the underlying environment and inequities that allow hate to flourish.

We lift up this recommendation in particular in the implementation of the Presidential Memorandum Condemning and Combating Racism, Xenophobia, and Intolerance Against Asian Americans and Pacific Islanders in the United States.⁴³ In supporting state and local efforts to prevent discrimination, bullying, harassment, and hate crimes against Asian Americans, federal agencies should engage fully with national Asian American advocacy organizations and AAPI-serving local community-based organizations, to ensure approaches are culturally competent, linguistically accessible, and reflect the diverse and specific needs of the local communities.

For all government programs, whether it is the Community Relations Services of the U.S. Department of Justice that is tasked with community outreach, or the Office of Justice Programs which may have grant opportunities for local communities, or the many others tasked with

⁴¹ The challenges facing the AAPI community in language access needs is not limited to government services. In fact, this “dual pandemic” of COVID and anti-Asian hate has had a significant impact on the Asian American community’s mental health. However, many are unable to access mental health services as many providers do not offer services in Asian languages. (McKinsey Report at 6)

⁴² Jacey Fortin, *California Man Died After Police Knelt on Him for 5 Minutes, Family Says*, The New York Times, (February 25, 2021), <https://www.nytimes.com/2021/02/25/us/angelo-quinto-death-police-kneel.html>

⁴³ AAPI Presidential Memorandum

engaging diverse communities, these agencies should be proactive about outreach to and engagement with AAPI communities to share information about the work they do and the services they provide. In light of the Biden administration's commitment to equity and better supporting underserved communities, we would expect greater effort to ensure that AAPI communities receive vital information that is linguistically accessible so that they are aware of key programs and funding, and that they are provided support in order to better access government programs and services. It is important that federal agencies hold community roundtables, listening sessions, and other engagements focused on AAPI communities – and it is equally important that these programs are accessible for LEP individuals.

Prioritization of community needs could also come in the form of reinstituting the position of an ombudsman within the Civil Rights Division of the Department of Justice to field and direct issues related to anti-Asian discrimination. Such a role was created in the aftermath of hate violence scapegoating Muslim Americans post-9/11. A similar role in an official capacity should be explored.

Fourth, we must continue to educate communities about how to stand up to racism and hate incidents. Advancing Justice | AAJC has partnered with Hollaback! Inc., an organization dedicated to ending harassment in all its forms, to adapt their bystander intervention training to address anti-Asian harassment connected to COVID-19. This training, developed to build the knowledge and capacity of our community partners and ally networks to respond to hate includes a primer on the long history of anti-Asian xenophobia and racism in this country. Since launching our joint bystander intervention trainings in April 2020, Advancing Justice | AAJC and Hollaback! have trained about 18,500 people on how to intervene safely to stop or minimize a hate incident in progress. Importantly, these tools are equally applicable to any type of harassment, whether it is based on race, gender, or any other vulnerable class.

Addressing biases and prejudice early is important in addressing root causes of racism. Often, these behaviors and attitudes are learned early, and without education to counter stereotypes and learned biases in the environments of children and students, these harmful behaviors and attitudes are given fertile ground to flourish. Long term, we need to educate Americans about the history of Asian Americans and other communities of color in the United States – education about these communities' contributions to the United States and the challenges that they have faced. Such education will help break down the image of Asian Americans as “perpetual foreigners,” and help the country better understand that Asian Americans are just as much part of America as any other community. Including comprehensive curricula for K-12 schools on Asian Americans and other communities of color is important in dispelling myths and developing a greater understanding of the diverse communities that comprise the fabric of American society. By showing that Asian Americans are part of all aspects of America, we can break down stereotypes that lead to misinformation, disinformation, bias, prejudice, and ultimately violence.

Finally, we cannot expect that anti-Asian hate will end once the COVID-19 pandemic is behind us. We know from the experiences of Muslim, Arab, and South Asian communities, who continue to face discrimination and harassment nearly twenty years after 9/11, that anti-Asian hate will not dissipate quickly. Furthermore, tensions between the U.S. government and the Chinese government will remain. This tension will continue to fuel backlash against Asian

Americans in the U.S. A direct historic reference would be to the 1980s and the anti-Japanese sentiment that arose of out competition over trade. One result of that trade war was the murder of Vincent Chin in Detroit, Michigan by two out-of-work autoworkers who blamed him, a Chinese American man, for the woes of the U.S. auto industry. Recent attacks suggest that we already may be repeating history. We must curtail this violence and hate.

Leaders on both sides of the aisle must be challenged if they engage in “China-bashing” without the proper nuance between the actions of the Chinese government and Chinese or Asian culture generally. Here, words matter. Use of terminology that experts have recognized to stigmatize communities must not be used. There is no scientific or medical benefit to such terminology, and the cost to the Asian American community is clear. Likewise, media must be vigilant to avoid similar offensive terminology or photographs when discussing COVID-19. When the pandemic first hit the United States, media used stock photos of Asian American neighborhoods or Asians in masks even though the story had nothing to do with Asia or Asian Americans but rather increasing infection rates in areas of the United States. Such imagery promoted misinformation that Asians bore a special responsibility for bringing the virus to the United States, or that areas with Asian American populations were more susceptible to outbreaks.

Just as anti-Asian hate was fomented across multiple media and governmental platforms, moving forward, we must call out anti-Asian hate on all of these platforms. That includes the continued good work of journalists who have covered this issue in recent weeks, and the longstanding work of the Asian American Journalists Association issuing guidance against the use of language fueling xenophobia and racism from the outset of the pandemic⁴⁴ and calling on the prioritization of coverage of anti-Asian racism and violence.⁴⁵ This includes the welcome efforts of the Biden Administration in condemning anti-Asian hate and violence in no uncertain terms.⁴⁶ This also includes the participation of industry and celebrities, calling out anti-Asian hate from the platforms they hold. And this includes, in particular, the cooperation of online platforms in developing and enforcing policies against content fomenting racism, xenophobia, and violence.

CONCLUSION

Given the immense diversity of the AAPI community, and the extreme disparity in needs across socioeconomic status, language, geography, and much more, any efforts to address racial inequities, discrimination, and violence in this nation must address the true needs of the AAPI community that are masked by the model minority myth. The other myth is that of “perpetual foreigner” – that we, no matter the centuries of American history we have been part of building –

⁴⁴ Press Release, Asian American Journalists Association, Joint Statement Denouncing Anti-Asian Racism During Coronavirus Outbreak, (March 19, 2020), <https://aaja.org/2020/03/19/joint-statement-denouncing-anti-asian-racism-during-coronavirus-outbreak/>

⁴⁵ Press Release, Asian American Journalists Association, AAJA Condemns Anti-Asian Racism and Challenges Newsrooms to Prioritize Coverage of Anti-Asian Violence, (February 11, 2021), <https://aaja.org/2021/02/11/aaaja-condemns-anti-asian-racism-and-challenges-newsrooms-to-prioritize-coverage-of-anti-asian-violence/>

⁴⁶ AAPI Presidential Memorandum, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/memorandum-condemning-and-combating-racism-xenophobia-and-intolerance-against-asian-americans-and-pacific-islanders-in-the-united-states/>

do not belong. These dual myths have, in this moment of the COVID-19 pandemic, resulted in a lack of access to critical government services for many AAPIs across this country at the exact time we are suffering from vicious acts of racist and xenophobic hate. While we urgently work with communities, businesses, and government to raise awareness, provide trainings, and create support systems for our communities targeted by anti-Asian hate, we also call on policymakers to enact long-term institutional change to address not only the crises at hand, but to focus on changing the systems and environment that have allowed these inequities to thrive.

Elements of racism – including against the Asian American community – are deeply imbedded in many societies, including in the U.S. Deep structural changes are necessary to protect Black Lives, to prevent “China bashing,” and other forms of racism, prejudices, and biases. There is no single solution that will cure racism quickly. Rather, it will be through a combination of different efforts that will produce lasting change.

Mr. COHEN. Thank you, Mr. Yang.

Our next Witness is Manjusha Kulkarni. She's Executive Director of the Asian Pacific Policy and Planning Council, a coalition of over 40 community-based organizations that serve and represent the 1.5 million Asian American and Pacific Islanders in Los Angeles County.

She's also a co-founder of Stop AAPI Hate, an online self-reporting and tracking tool launched on March 19, 2020, in response to a sharp rise in anti-Asian xenophobia and bigotry resulting from the references to the COVID-19 pandemic's provenance.

She received her JD from Boston University School of Law and her BA from Duke University.

Ms. Kulkarni, you are now recognized for five minutes.

[No response.]

Mr. COHEN. Ms. Kulkarni, could you hear me? You're recognized for five minutes. You may need to unmute. Did we lose sound again? Can anybody here me?

[No response.]

Mr. COHEN. Amy, this isn't my fault.

We will have a five-minute recess and we'll be back.

[Recess.]

Mr. COHEN. Testing. Testing.

Mr. YANG. This is John Yang. I can hear you.

Mr. COHEN. Great. We're back. We're back. Recess is over. No more milk and cookies.

Ms. Kulkarni, you're recognized for five minutes. Unmute.

STATEMENT OF MANJUSHA KULKARNI

Ms. KULKARNI. Thank you, Chair, Ranking Member, and distinguished Members of the Subcommittee for the opportunity to testify before you today.

"Go back to Wuhan and take the virus with you. You are the reason for the coronavirus."

"Damn, another Asian riding with me."

"Hope you don't have COVID."

These are but a few examples of what Asian Americans have experienced over the course of the last year alongside with refusal of service, workplace discrimination, and sadly, now homicide.

For that reason, on March 19, 2020, my organization, Asian Pacific Policy and Planning Council, in conjunction with Chinese for Affirmative Action in San Francisco State University's Asian American Studies Department, launched Stop AAPI Hate.

In the past 11 months, we have received almost 3,800 self-reported incidents of bias and discrimination from all 50 States and the District of Columbia, making Stop AAPI Hate the nation's leading aggregator of Asian American hate.

From our analysis, the following trends have emerged. Sixty-eight percent of incidents involve verbal harassment, 20 percent involve avoidance or shunning, 11 percent physical assaults, and nine percent civil rights violations including refusal of service, vandalism, workplace discrimination, and discrimination in housing.

The vast majority do not involve a hate crime. Businesses, including grocery stores, pharmacies, and big box retail, are the pri-

mary site of discrimination. This is followed by public streets and public parks.

The fact that so many incidents take place at businesses is especially concerning, given that retail venues sell goods necessary for daily living, essential during a pandemic.

Given that 35 percent of incidents occur in public spaces is also worrisome. These figures give credence to the anxiety felt by AAPIs that purchasing food, refilling prescriptions, or simply going on a walk might leave them vulnerable to being attacked.

Our data indicates that especially vulnerable populations, including women, youth, and seniors have reported experiencing anti-Asian hate incidents at significant rates.

As has been noted, 68 percent of incident reports come from women. This is, perhaps, to be expected, given the lessons learned from the *#MeToo* movement and a survey of Stop Street Harassment, which found that 81 percent of women experienced street harassment in their daily lives.

While Chinese Americans have often been the explicit target of perpetrators, they make up only 42 percent of individuals who reported to our site. Fifteen percent identify as Korean Americans, nine percent as Vietnamese, and eight percent as Filipino American.

We have also received reports from South Asian Americans as well as Pacific Islanders and others, evidencing the fact that Asian Americans across ethnicities are experiencing hate and racism today with our Pacific Islander sisters and brothers.

Sadly, the 3,800 reported to Stop AAPI Hate represent only a fraction of what has happened in this country. The widespread nature of anti-Asian hate is confirmed by a study by the Pew Research Center released last July that found that three in 10 Asian Americans experienced racist jokes and slurs.

Similarly, a poll by the Center for Public Integrity found that 60 percent of Asian Americans have witnessed someone blaming our community for COVID-19.

Before I close, I want to acknowledge the tremendous mobilization done by Asian-American groups in Georgia in response to the violence there and read a portion of their statement.

During this time of broader crisis and trauma in our Asian-American communities, we must be guided by a compass of community care that prioritizes assessing and addressing our community's immediate needs, including in-language support for mental health, legal employment, and immigration services. We must stand firm in decrying misogyny, systemic violence, and White supremacy.

In addition to sharing our data and the statement from Georgia advocates, I want to share the fact that we have been developing resources for community members who experience incidents of hate in providing direct assistance through local networks.

We are also closely working with local, State, and Federal policymakers to address hate incidents that have occurred and seek to prevent additional incidents from taking place in the future.

Thank you for the opportunity to testify, and I look forward to taking any questions.

[The statement of Ms. Kulkarni follows:]



**WRITTEN TESTIMONY FOR THE HOUSE JUDICIARY COMMITTEE,
SUBCOMMITTEE ON CONSTITUTION, CIVIL RIGHTS AND CIVIL LIBERTIES**

**By Manjusha P. Kulkarni
Executive Director, Asian Pacific Policy & Planning Council,
and Co-Founder, Stop AAPI Hate**

Thank you, Chairman Nadler, Ranking Member Jordan and distinguished members of the subcommittee for the opportunity to testify before you today.

On March 19, 2020, my organization Asian Pacific Policy & Planning Council, in conjunction with Chinese for Affirmative Action and San Francisco State University's Asian American Studies Department, launched Stop AAPI Hate, because of what we saw as an emerging pattern of hate incidents against Asian Americans and Pacific Islanders related to COVID-19. Between March 2020 and February 2021, we have received 3795 self-reported incidents of bias and discrimination from all fifty states and the District of Columbia, making Stop AAPI Hate the nation's leading aggregator of anti-Asian hate.

Examining the totality of incidents received since Stop AAPI Hate began tracking nearly one year ago, our data indicates:

- Verbal harassment (68.1%) and shunning (20.5%) (i.e., the deliberate avoidance of Asian Americans) make up the two largest proportions of the total incidents reported.
- Physical assault (11.1%) comprises the third largest category of the total incidents.
- Civil rights violations — e.g., workplace discrimination, refusal of service, and being barred from transportation — account for 8.5% of the total incidents.

- Online harassment makes up 6.8% of the total incidents.
- Women report hate incidents 2.3 times more than men. Youths (0 to 17 years old) report 12.6% of incidents and seniors (60 years old and older) report 6.2% of the total incidents.
- Chinese are the largest ethnic group (42.2%) that report experiencing hate, followed by Koreans (14.8%), Vietnamese (8.5%) and Filipinos (7.9%).
- Businesses are the primary site of discrimination (35.4%), followed by public streets (25.3%) and public parks (9.8%). Incidents that take place online account for 10.8% of the total.

These 3,795 hate incidents likely represent only a fraction of those experienced by the AAPI community, as studies have [indicated](#) that as many as three in ten Asian Americans report having experienced racial slurs or racist jokes since the beginning of the pandemic. In recent weeks, there have also been a number of highly-public incidents — including violent attacks and assaults against Asian American around the country. Similarly, a poll last April by the Center on Public Integrity, found that 30% of all Americans and 60% of Asian Americans had witnessed someone blaming Asians for the spread of COVID-19. It is no surprise then that a Harris Poll from the same month reported that 75% of Asian Americans are concerned about hate and discrimination against AAPIs, underscoring the high levels of fear and anxiety among community members.

In addition to sharing our data and analysis with policymakers and the public, Stop AAPI Hate is developing resources for community members who experience incidents of hate and providing assistance through local networks. We are also working closely with local, state and federal policymakers and governmental officials to address the hate incidents that have occurred and seek to prevent additional incidents from taking place in the future.

Specifically, we recommend the following in terms of federal actions:

1. Expand civil rights protections for individuals experiencing discrimination. Applicability of Title II under the Civil Rights Act of 1964 has been confined to inns, restaurants and entertainment venues. Congress should amend Title II to broaden the definition of “public accommodations” to include more businesses like retail outlets, including grocery stores, pharmacies and big box stores and public transportation, all places where AAPIs report being discriminated against. Additionally, Congress should extend the rights afforded under Title II beyond those discriminated against based upon “race, color, religion or national origin” to those experiencing bias because of gender, disability, ethnicity and sexual orientation.

2. Ensure passage of the Jabara-Heyers NO HATE Act. In addition to closing gaps in law enforcement's investigation and reporting of hate crimes, the Jabara-Heyers NO HATE Act addresses a foremost challenge in the fight against anti-AAPI discrimination, which is the lack of resources and assistance by state and local agencies as well as legal services providers. The Act would take a step toward rectifying this problem by establishing federally-funded, state-run hotlines dedicated to receiving reports of hate crimes and other incidents of anti-AAPI discrimination while providing victims with guidance on which law enforcement officials and community services groups to contact for further help. Additionally, the Act would improve full and accurate reporting by providing grants to states and local governments to train public employees on how to recognize and properly classify hate crimes and report them to the FBI's National Incident-Reporting System. Finally, the NO HATE Act proposes funding to help states and local governments establish liaisons with community-based organizations and conduct public meetings and forums for discussing hate crimes and the resources available to victims.
3. Direct the U.S. Attorney General to investigate and initiate civil actions on anti-AAPI hate. Title II depends on individuals who have suffered the harm of discrimination to initiate lawsuits, which can be costly and prolonged, especially for marginalized communities without easy access to legal assistance. Title II adds to this burden on plaintiffs by making injunctive relief the sole remedy for a violation. Empowering the attorney general to initiate civil actions against any person or entity engaged in discriminatory practices in places of public accommodation would send an important signal to AAPI communities and could serve to prevent such practices moving forward.
4. Direct the US Civil Rights Commission to implement fully its May 2020 recommendations, including funding community outreach, conducting trainings, and enforcing civil rights protections. The commission should also host public hearings on anti-Asian American hate. The U.S. Civil Rights Commission in May 2020 issued recommendations to secure non-discrimination during COVID-19 and, specifically, to address anti-Asian racism. These recommendations included directing all federal civil rights offices to enforce civil rights violations and ordering the federal government to communicate it will protect all Americans regardless of race, national origin, or other protected characteristics. Further, this document urged offices to "use all tools at its disposal," such as outreach, public education, and technical assistance, as well as to increase grants and training to address bias motivated incidents. We endorse this directive and recommend national public hearings to amplify the government's responsibility to educate the public, train local jurisdictions and safeguard our community's civil rights.
5. End racial profiling of Chinese scientists and researchers, specifically the Department of Justices' China Initiative. The Department of Justice China

Initiative program has led to the wrongful targeting and prosecution of Chinese scientists by the Federal Government's law enforcement, intelligence and scientific research funding agencies in recent years. The racialization of national security and current anti-China rhetoric has created a climate of fear and caused irreparable personal and professional harm to individuals and their families who have been targeted and proven innocent. We call upon the Biden-Harris administration to end this program immediately, to drop investigations where no evidence of wrongdoing has been produced and to issue a formal apology for government abuse. Furthermore, we urge the administration to take strong action to review and take steps throughout the federal government's agencies to ensure they are not engaged in systemic racial bias and profiling against Asian American and Asian immigrant scientists and federal employees.

6. Support restorative justice and community mediation efforts such as work conducted by the Department of Justice's Community Relations Services. The Community Relations Service of the Department of Justice was established concurrently with the passage of Title II. Described as "America's Peacemaker," the Community Relations Service is required to assist state and local jurisdictions in working together with public organizations and leaders to address racial strife at the community level. The service is empowered to fully investigate any complaint alleging a violation of Title II that is referred to it by a court. Building on the service's work to meet with community leaders in CA in early 2020 to address the rise in anti-AAPI hate, service staff should be directed to increase these outreach efforts and include restorative justice and mediation strategies. Additional funding should be made available to make this happen. Dispute mediation programs would assist individuals to resolve any infractions without burdening themselves with the legal costs associated with filing a lawsuit in court. Furthermore, restorative justice practices involved in dispute resolution can address the impact of AAPI-hate in a safe space while reducing police involvement. In Los Angeles' program alone, community mediators initiated 7,704 mediation cases and successfully assisted with resolving 71% of them."

The time is now for members of Congress and the Biden Administration to take action. A comprehensive approach is necessary to addressing not only physical assaults, but also acts of discrimination in the workplace, housing and public accommodations and verbal harassment and avoidance. Resources are needed at state and local levels to provide direct assistance to AAPI community members experiencing anti-Asian hate incidents as well as hate crimes. Much like our law enforcement infrastructure ensures that hate crimes in our country are addressed appropriately, a civil rights infrastructure is necessary to securing individuals' civil rights. Unless we address the discrimination and harassment against Asian Americans today, they will become deeply entrenched in the body fabric of our nation, causing unimaginable harm and suffering and take

decades to undo. We urge members of this subcommittee to strengthen our civil rights laws and dedicate necessary resources to addressing anti-Asian hate to help our community members live and thrive alongside their fellow Americans.

Mr. COHEN. Thank you very much, and you were perfect on the five minutes.

Our next Witness is Erika Lee. She is a Regents Professor of History and Asian American Studies and the Director of the Immigration History Research Center at University of Minnesota.

She's the author of four award-winning books, including "America for Americans: A History of Xenophobia in the United States," which won the 2020 American Book Award and the 2020 Asian Pacific American award for literature.

Professor Lee received her MA and Ph.D. in history from the University of California, Berkeley, and her BA from Tufts University.

Professor Lee, you're now recognized for five minutes.

STATEMENT OF ERIKA LEE

Dr. LEE. Thank you so much, Chair Cohen and the Members of the Committee. I'm so honored to join you. I also want to thank all the congressional staffers who have helped to make this hearing possible.

As we just heard from my fellow Witnesses, anti-Asian racism and violence has risen alarmingly. As shocking as these incidents are, it is so vital to understand that they are not random acts perpetrated by deranged individuals.

They are an expression of our country's long history of systemic racism targeting Asian Americans and Pacific Islanders. We have heard in the past 24 hours many describe anti-Asian discrimination and racial violence as un-American. Unfortunately, it is very American.

This history, this American history, is over 150 years old. Let me share just a few examples.

In 1871, 17 Chinese were lynched by a mob of 500 in Los Angeles. This was the largest mass lynching in U.S. history. In 1886, a mob of 1,500 forced out all Seattle's Chinese residents.

In the early 20th century, South Asians were expelled from cities and Filipino Americans and Japanese Americans were attacked. Most recently, in 1982, Vincent Chin, a Chinese American, was beaten to death in Detroit because his attackers thought he was Japanese and blamed him for the economic decline in the auto industry.

Throughout the 1980s, attacks on Korean shopkeepers and Southeast Asian refugees were widespread. After 9/11, hate crimes targeting Muslim, Middle Eastern, and South Asian Americans increased by 1,600 percent.

As these incidents reveal, Asian Americans have been terrorized. We have been treated as enemies. We have been discriminated against. Today, we are still viewed as foreigners rather than U.S. citizens.

The government of this country has not just ignored this problem, it has been part of the problem. Throughout much of our history, Congress and other elected officials have promoted and legalized anti-Asian racism through its laws and its actions.

In 1875, Congress passed the so-called Page Act, which effectively barred the entry of Chinese women because lawmakers believed that all Chinese women were prostitutes.

In 1882, Congress passed the Chinese Exclusion Act, the first Federal law singling out an entire group for immigration exclusion based on race.

By the 1930s, all other Asian groups—Japanese, Korean, South Asians, and Filipinos—were also barred from the U.S. and prevented from becoming naturalized citizens. Asian immigration did not fully open again until 1965.

In 1942, President Roosevelt signed an executive order that allowed for the incarceration of 120,000 Japanese Americans as prisoners without trial, and I want to thank Representative Matsui so much for sharing her own family's history so that we never forget the real consequences of racism.

For many years after 9/11, not just right after the terrorist attack but for many years after, South Asian Americans faced systemic racism in the form of profiling by government agencies.

During this past year, some of our highest elected officials deliberately and consistently use racist language tying COVID-19 to Asians. This included the phrases that we have been talking about this morning—Chinese virus, Wuhan virus, and also telling Americans to quote, “Blame China for the pandemic” unquote.

These words matter, especially when they repeatedly came from the White House during the previous Administration. Researchers have found that the anti-Asian rhetoric promoted by leaders directly correlated with the rise in racist incidents against Asian Americans.

This history of racism is not taught in our schools. Instead, many Americans believe the deceptive model minority stereotype portraying Asian Americans only as success stories, proving that AAPIs do, indeed, experience structural racism and institutionalized discrimination remains a persistent challenge.

The last time and seemingly the only other time in our country's history that Congress has held hearings on anti-Asian racism was 34 years ago before this Committee. Over 20 million in number, Asian Americans are now the fastest growing racial group in the United States.

We are your constituents. We are in crisis from the multiple and disproportionate effects of the pandemic on our diverse AAPI communities.

U.S. citizens are being told to go back to their own countries. Nurses and doctors on the front lines are subjected to racist tirades. As we have seen in Atlanta, Asian-owned businesses and workers are being attacked, and all this violence especially targets women.

Like all Americans, AAPIs are struggling with the public health crisis and a shuttered economy. That we also have to worry about being attacked or harassed in our own neighborhoods makes our pandemic experience even more difficult.

Congress needs to Act definitively and immediately to address the enduring problem of anti-Asian racism in the U.S. The acts facing AAPIs today are a systemic national tragedy. They will not simply go away after the pandemic.

We call upon our leaders to condemn racism in all its forms, invest in the AAPI communities, and support individuals who've ex-

perienced race-based violence. We cannot afford to wait another 34 years for Congress to act.

Thank you very much.

[The statement of Dr. Lee follows:]

Testimony of Erika Lee, PhD, Regents Professor of History and Asian American Studies and
Director of the Immigration History Research Center at the University of Minnesota on
“Discrimination and Violence Against Asian Americans”

Before the Subcommittee on Civil and Constitutional Rights
Committee on the Judiciary

March 18, 2021

Chairman and committee members: thank you for holding this hearing to discuss the vital issue of racial violence. I am honored to join you.

We are here because there has been an alarming rise in anti-Asian racism and violence over the past year. Beginning in late January of 2020, Asian Americans reported being harassed, yelled at, attacked, and shunned in stores and restaurants; on city streets, buses, and subways; and in their own neighborhoods. A new report recently released by the Center for the Study of Hate and Extremism at California State University, San Bernardino found that hate crimes targeting Asian people rose by nearly 150 percent in sixteen of America's largest cities.¹ It could be even higher. In 2018, the FBI's hate crime statistics recorded 148 anti-Asian hate incidents. From March to the end of December, 2020, Stop AAPI Hate recorded over 2,800 reports of racist incidents from forty-seven states and the District of Columbia. This represents an 1,800 percent increase from previous years. In New York City, there was a staggering 2,600 percent increase in anti-Asian hate crimes.²

These attacks have been happening throughout the pandemic, and there is no sign of them slowing down. One national survey found that sixty percent of Asian Americans reported that racism against them had increased during the pandemic. And racist attacks of Asians have continued across the country in 2021. This has included the case of a 91-year-old Asian man being shoved to the ground in Oakland's Chinatown and the murder of an 84-year-old Thai American man in San Francisco in February.³

As shocking as these incidents are, it is vital to understand that they are not random acts perpetrated by deranged individuals. They are an expression of our country's long history of systemic racism and racial violence targeting Asian Americans and Pacific Islanders.

This history is over 150 years old. Let me share just a few examples:

- In 1871, seventeen Chinese immigrant men were lynched by a mob of 500 in Los Angeles; this was the largest mass lynching in U.S. history.
- On September 2, 1885, twenty-eight Chinese workers were massacred at Rock Springs, Wyoming, and the homes and bunkhouses of seventy-nine Chinese men were torched. The bodies of the dead were thrown into the fire; the wounded, unable to run, were also tossed onto the pyre.
- In 1885, a mob of five hundred armed white men forcibly expelled 700 Chinese residents from Tacoma, WA. They kicked down doors, dragged Chinese from their homes, pillaged their businesses and marched them out of town. Then they burned down Chinatown to the ground. A few months later, a mob of 1500 gathered to force all Chinese out of Seattle.
- In the summer and fall of 1906, local police recorded nearly 300 attacks on Japanese immigrants in San Francisco.

- In 1907, all South Asians in Bellingham, WA were forced out of their homes, dragged off streetcars, and forced out of town or into the city jail.
- In the 1920s, Filipinos were stabbed and beaten in Stockton, expelled from the Yakima Valley in Washington, attacked in Dinuba, Exeter, Modesto, Turlock, and Reedley, CA. In December 1929, a mob of 400 white men attacked a Filipino dance hall in Watsonville. Four days of rioting ensued, leaving many Filipinos beaten and one dead.
- In 1932, Native Hawaiian prizefighter Joseph Kahahawai was abducted, shot and killed by four white vigilantes after a white US navy wife falsely claimed that she had been raped by Kahahawai and other Native Hawaiian and Asian American men.
- During and after World War Two, Japanese Americans were victims of multiple acts of terrorism that included gunshots fired into their homes and businesses, arson fires, threats, and vandalism.

The 1980s represented another increase in anti-Asian racism. An economic recession, an increase in xenophobia, media stereotypes, and inflammatory anti-Asian language by government officials and business leaders relating to US trade tensions with Japan, resulted in violence.

- In 1982, Vincent Chin, a Chinese American, was beaten to death in Detroit because his attackers thought he was Japanese and blamed him for the economic decline in the auto industry. “It’s because of you motherfu—ers that we’re out of work,” they said.
- In 1987, a South Asian man was killed in Hoboken, New Jersey, and then another was severely beaten a few days later in Jersey City. Attackers called themselves “dotbusters,” a reference to the symbol worn by Hindu Indian women on their foreheads.
- Attacks on Asian Americans – ranging from Korean shopkeepers to Lao and Cambodian refugees were so many in 1987 that the *Los Angeles Times* published an article titled “Wave of Violence Against Asians Plagues the Nation.”

In the week and months after 9/11, hate crimes directed against Muslim, Middle Eastern, and South Asian Americans increased by 1,600 percent throughout the nation, according to the Federal Bureau of Investigation. These included murders, property damage, physical violence, and harassment.

- On September 15, 2001, Balbir Singh Sodhi, a Sikh gas station owner in Mesa, Arizona, was murdered by a self-proclaimed American “patriot” who blamed him for the terrorist attacks.
- In the eight weeks that followed 9/11, more than a thousand incidents of racial violence were reported, including nineteen murders, attacks on places of worship, and personal intimidation and harassment.

- More than ten years after 9/11, Sikh Americans remained targets of extreme racial and religious violence, as seen in the shooting rampage at Oak Creek, Wisconsin, in August of 2012 that left six Sikh Americans dead and a responding police officer severely wounded.

As these incidents reveal, Asian Americans have been terrorized, treated as enemies, and discriminated against. Like African Americans and American Indians, Asian Americans were considered racially inferior and unfit for U.S. citizenship for most of our country's history. They were denied equal rights, barred from becoming naturalized citizens, prohibited from owning or leasing land and marrying whites in some states, and subjected to social and residential segregation.

The government of this country has not just ignored this problem. It has been part of the problem. Throughout much of our history, Congress and other elected officials have promoted and legalized anti-Asian racism through its laws and its actions.

- In 1882, Congress passed the Chinese Exclusion Act, the first federal law to single out an entire group for immigration exclusion based on race and class. Initially passed as a temporary measure to bar Chinese laborers; it prohibited Chinese immigrants from becoming naturalized citizens, made it harder for all Chinese, including American citizens of Chinese descent, to enter and reenter the country, until the law was repealed in 1943.
- By the 1930s, Japanese, Korean, South Asians, and Filipinos were also barred from entering the US and from becoming naturalized citizens. Asian immigration was not placed on equal footing with other immigrant groups until 1965.
- After President Franklin Delano Roosevelt signed Executive Order 9066 in February of 1942, the government initiated the forced relocation and mass incarceration of 120,000 Japanese Americans. Forced from their homes, they were sent to prison camps as "prisoners without trial" for the duration of the war. Two-thirds were American-born citizens.
- Beginning after 9/11 and for many years after, South Asian Americans faced systemic racism in the form of profiling and surveillance by various government agencies and officials.⁴
- During this past year, some of our highest elected officials deliberately and consistently used racist language tying COVID-19 to Asians. This included phrases like the "Chinese virus" and "Wuhan virus" and telling Americans to "blame China" for the pandemic.

This history is not often taught in our schools. Instead, many Americans believe the deceptive "model minority" stereotype portraying Asian Americans only as success stories. But these recent acts of anti-Asian violence show that Asian Americans and Pacific Islanders do indeed experience systemic racism and discrimination.

We need to acknowledge the seriousness of the crisis facing AAPIs today: “‘Alarming surge’ in anti-Asian violence across US terrifies community members,” reported *The Guardian* on February 20, 2021; “Anti-Asian hate crimes and harassment rise to historic levels during COVID-19 pandemic,” wrote the *LA Times* on March 5th. And from NBC News on March 10: “Racism Virus: Anti-Asian Attacks Surge.”⁵

As the virus has spread across the country, so has anti-Asian racism. This violence follows the racist tradition that has defined the Asian American experience in the U.S.: despite long histories and deep roots in America, Asian Americans are still viewed as racial others, outsiders, and foreigners; as enemies rather than citizens. Many perpetrators blame China and all Chinese-appearing people for the virus and its spread within the United States. “A man right outside of the main Massachusetts General Hospital entrance yelled at me, ‘Why are you Chinese people killing everyone? What is wrong with you? Why the f**k are you killing us?’” a victim reported from Boston. In Dickson City, Pennsylvania, another victim described an incident that occurred while walking to a supermarket. A “man yelled, ‘This pandemic wouldn’t have happened if you stayed in your country where you belong, you chink. You brought the virus on purpose.’”⁶

The violence also stems from America’s longstanding practice of identifying foreigners – and those perceived to be foreign – with disease. On February 2, 2020, an Asian woman was attacked in the New York City subway station for wearing a mask. One witness said she heard a man call the woman, who appeared Asian, a “diseased bitch.”⁷ In Marietta, Georgia, a victim reported that she was in line at a pharmacy when she was attacked. “A woman approached me and sprayed Lysol all over me. She was yelling out, ‘You’re the infection. Go home. We don’t want you here!’”⁸

Lastly, the anti-Asian violence also reflects the ways in which exceedingly diverse populations of people who can trace their roots to countries throughout East Asia, South Asia, and Southeast Asia have been lumped into one homogenous group and treated similarly. A majority of those who have reported hate incidents identified as Chinese and as female (70 percent). But Asian Americans who identified as many other ethnicities, including Korean, Vietnamese, Japanese, Thai, and Filipino, have also been victimized. Last March, 34-year-old Bawi Cung, originally from Burma, was grocery shopping at a Sam’s Club in Midland, Texas, when a man grabbed a knife from a nearby rack. Cung was slashed on his face, his 3-year-old was stabbed in the back, and his 6-year-old was stabbed in the face.⁹ In the suburbs outside of Minneapolis, a Hmong American family returned to their house to find a sign posted at their door: “We’re watching you,” the note said. “Take the Chinese virus back to China. We don’t want you here infecting us with your diseases.” It was signed, “Your friendly neighborhood.”¹⁰

But what has happened in 2020 and 2021 has been more than just the logical culmination of America’s long history of racism. A confluence of factors have allowed anti-Asian racism to reach full force during the coronavirus pandemic: more than 500,000 lives lost, economic uncertainty and record unemployment, political division, and international turmoil.

But an equally important factor has been that some members of the media and some of our highest elected officials have deliberately and consistently used racist language tying COVID-19 to Asians. This has included phrases like the “Chinese virus” and “Wuhan virus” and telling Americans to “blame China” for the pandemic.

These words matter, especially when they repeatedly came from the White House during the previous administration. Researchers found that the anti-Chinese rhetoric promoted by leaders directly correlated with a rise in racist incidents against Asian Americans. President Trump, whose “Chinese virus” tweets were retweeted millions of times, was “the greatest spreader...of anti-Asian American rhetoric related to the pandemic,” they argued.¹¹

Anti-Asian violence has exacerbated the pandemic and disrupted and cost lives. But it is just one of the ways in which the pandemic has impacted Asian Americans. Numerous studies show how Black, Indigenous, Latinx, Asian Pacific American, and other peoples of color are at increased risk of COVID-19 infection and death. In San Francisco, Asian Americans made up 37 percent of all COVID-19 deaths, the most of any ethnicity.¹²

Representing 8.5 percent of all essential healthcare workers, Asian American and Pacific Islander healthcare workers have also played outsized roles on the frontlines of the war against the virus. They are providing critical response and risking their lives to keep hospitals running and Americans healthy. More than 1 in 5 (or 195,000) physicians and surgeons are AAPI, and 1 in 7 (or 132,000) are specifically AAPI immigrants. In California, almost one-fifth of all registered nurses are Filipino. On the frontlines in hospitals and nursing homes, many of these nurses have underlying health conditions and tend to work in the ICU and acute care and surgical units where COVID-19 patients are treated. The toll has been devastating. Nearly a third of the nurses who have died of coronavirus in the US are Filipino, even though Filipino nurses make up just 4% of the nursing population nationwide.¹³

Over 1.2 million AAPI workers are working in food-related industries nationwide at farms, food processing factories, grocery stores, and restaurants. They are helping to secure the U.S. food supply chain, but they are also placed at disproportionate risk of infection and mortality.¹⁴ At the same time, the unemployment rate for Asian Americans spiked by more than 450 percent in the first six months of the pandemic. In San Francisco and New York City, shuttered Chinatown businesses placed both low-income workers and residents at even greater economic risk.¹⁵

Like all Americans, Asian Americans and Pacific Islanders are struggling with the public health crisis and the shuttered economy. That we also have to worry about being attacked or harassed in our own neighborhoods makes our pandemic experience even more difficult.

The acts of hate facing Asian Americans and Pacific Islanders today are a systemic national tragedy. They will not simply go away after the pandemic. Just as anti-Black racism is deeply rooted in our past, so is anti-Asian racism.

So, what can be done? What *must* be done?

The last time (and seemingly the only other time in our history) that Congress held hearings on anti-Asian racism was thirty-four years ago. In 1987, this committee, the Subcommittee on Civil and Constitutional Rights of the Judiciary Committee in the House of Representatives, met to address anti-Asian violence. Hon. Don Edwards, chairman of the subcommittee, opened the hearings by saying “We know far too little about anti-Asian prejudice and violence.”¹⁶ Thirty-four years later, we still know far too little. But it could not be clearer that Congress has failed to sufficiently address the enduring problem of anti-Asian racism in the United States.

Last year, Congresswomen Judy Chu (D-CA) and Grace Meng (D-NY), along with Senators Kamala D. Harris (D-CA), Tammy Duckworth (D-IL), and Mazie Hirono (D-HI) introduced House and Senate resolutions denouncing anti-Asian sentiment. House Resolution 908 - Condemning all forms of anti-Asian sentiment as related to COVID-19 passed on September 17, 2020. The Senate’s concurrent resolution 53 condemning all prejudice against individuals of Asian and Pacific Island ancestry in the United States also passed around the same time.¹⁷ During his first week in office, President Joseph R. Biden issued a memorandum condemning and combating racism, xenophobia, and intolerance against Asian Americans and Pacific Islanders in the United States. He recently denounced attacks against Asian Americans again.¹⁸

These are all crucial actions. But they are not enough.

Over 20 million in number, Asian Americans are now the fastest growing racial group in the United States. We are your constituents. But we are in crisis from the multiple and disproportionate effects of the pandemic on our diverse AAPI communities.

Congress needs to act definitively and immediately to address the enduring problem of anti-Asian racism in the United States. We call upon our leaders to condemn racism in all of its forms, invest in AAPI communities, and support individuals who have experienced race-based violence.

We cannot afford to wait another thirty-four years for Congress to act.

¹ Center for the Study of Hate and Extremism, California State University San Bernardino, “Fact Sheet: Anti-Asian Prejudice March 2020,” March 1, 2020, <https://www.csusb.edu/sites/default/files/FACT%20SHEET-%20Anti-Asian%20Hate%202020%203.2.21.pdf>.

² Increase in anti-Asian hate incidents calculated from the FBI’s 2018 Hate Crime Statistics, which listed 148 anti-Asian incidents in 2018, the most recent year statistics are available, and Stop AAPI Hate, “Georgia Report,” December 28, 2020, which recorded over 2800 incidents between March and December 2020, <https://secureservercdn.net/104.238.69.231/a1w.90d.myftpupload.com/wp-content/uploads/2020/12/Georgia-Report-3.20-10.28.pdf>. US Department of Justice, Federal

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⁴ Most of these historical events are covered in Erika Lee, *The Making of Asian America: A History* (New York, NY: Simon & Schuster, 2015). See also United States Congress, House Committee on the Judiciary, Subcommittee on Civil and Constitutional Rights, *Anti-Asian violence: oversight hearing before the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary, House of Representatives, One Hundredth Congress, first session, November 10, 1987* (Washington: U.S. G.P.O., 1989), <https://hdl.handle.net/2027/pst.000014989100> (p. 10); South Asian American Leaders of Tomorrow, *American Backlash: Terrorists Bring War Home in More Ways than One* (Washington, DC: South Asian American Leaders of Tomorrow); "Gunman, Six Others Dead at Wisconsin Sikh Temple," CNN, August 5, 2012, <https://www.cnn.com/2012/08/05/us/wisconsin-temple-shooting>; "Written Statement of Deepa Iyer, Executive Director, South Asian Americans Leading Together (SAALT), Federal Civil Rights Engagement with Arab & Muslim American Communities Post 9/11, United States Commission on Civil Rights, December 5, 2012," SAALT Website, <https://saalt.org/wp-content/uploads/2012/09/SAALT-Statement-for-U.S.-Commission-on-Civil-Rights-December-2012.pdf>.

⁵ "'Alarming Surge' in Anti-Asian Violence Across US Terrifies Community Members," February 20, 2021, <https://www.theguardian.com/us-news/2021/feb/20/anti-asian-violence-us-bigotry>; Jaweed Kaleem, Kurtis Lee, Melissa Etehad, "Anti-Asian Hate Crimes and Harassment Rise to Historic Levels During COVID-19 Pandemic," *Los Angeles times*, March 5, 2021, <https://www.latimes.com/world-nation/story/2021-03-05/anti-asian-crimes-harassment>; "Racism Virus: Anti-Asian Attacks Surge," March 10, 2021, <https://www.nbcnews.com/now/video/the-racism-virus-anti-asian-attacks-surge-103761989787>.

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Mr. COHEN. Thank you, Professor Lee.

Our next Witness is Charles Lehman. Mr. Lehman is a Fellow with the Manhattan Institute working primarily on the Policing and Public Safety Initiative.

He is also a contributing editor of City Journal. Mr. Lehman received his BA from Yale University.

Mr. Lehman, you're recognized for five minutes.

STATEMENT OF CHARLES LEHMAN

Mr. LEHMAN. Thank you to the Committee for the invitation to speak today about the important issue of rising crime against Asian Americans.

Many of our fellow citizens now fear for their safety in their own neighborhoods. I am glad this matter has not escaped Congress' attention, particularly in light of Tuesday's awful shooting outside of Atlanta.

I am speaking today as a researcher focused on crime, and it is in that capacity that I want to offer two points.

The first is that while some of these offenses were doubtless motivated by bias, you should be cautious when interpreting the broader trends solely as a spike in hate crimes.

The second, relatedly is that these crimes should be understood as part of a larger surge in violence. As you're aware, crime is rising and several Asian-American communities, particularly, in the greater Bay Area and New York City.

There have been reports of assaults, daylight robberies, and general mayhem targeting Asian citizens, especially the elderly. Many have identified these offenses as hate crimes, linking them to bigoted sentiments inspired by the coronavirus pandemic.

The FBI, which tracks such offenses, defines a hate crime as one motivated by a defendant's, quote, "bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity."

Last spring saw a spike in hate crimes against Asian Americans as major cities experienced a 150 percent increase over 2019. This was doubtless driven by rhetoric blaming Asians for the coronavirus crisis.

In the latest wave, some offenses are plainly bias motivated like the attack in Seattle, which assailant Samuel Green told Kathryn Yeager, quote, "Asians need to be put in your place," as he shoved her to the ground.

Not all the recent cases are so clear cut. The reason for Tuesday's horrific shootings in Atlanta remains unclear. The police suspect it is not racially motivated. Law enforcement in both New York and Northern California are reportedly not investigating many of the high-profile offenses as hate crimes.

Other factors are likely at play. Consider Yahya Muslim, arrested for shoving three Asian adults, including a 91-year-old, in Oakland's Chinatown. Muslim, who is homeless, has a history of mental illness which his defense counsel blames for the attack.

Counsel for Antoine Watson, who allegedly shot and killed 84-year-old Vichar Ratanapakdee in San Francisco, has also appealed to the teenager's mental health, rejecting charges of bias.

Other cases start to look different given context. Filipino New Yorker, Noel Quintana, was a victim of a subway knife attack that

some have called racially motivated. Several other non-Asian victims have also recently been slashed on the MTA, part of rising transit crime which swept up Quintana.

My purpose in making these points is not to deny the role biases played in some offenses or to downplay the seriousness of anti-Asian bigotry.

I want to condemn in no uncertain terms hate crimes of all sorts. They are a particularly vicious species of offense, motivated by special animus and deserving a special denunciation. No American should have to face discrimination of any kind.

Rather, I wish to emphasize to the Committee that if they analyze these offenses solely as hate crimes, they will miss critical context and, thereby, risk making under informed decisions.

In particular, we cannot discuss these offenses without highlighting the past year's violent crime wave. Criminologist Jeff Asher has estimated that 2020 saw the largest one-year spike in homicides on record as murder increased by more than 30 percent in nearly 40 major cities.

New data indicates the trend has persisted into early 2021. That pattern appears in cities where Asian residents are being attacked. In San Francisco, homicide is up 17 percent.

In New York, homicides rose 40 percent while shootings nearly doubled. In Oakland, 2020 saw the highest homicide rate in eight years and the city is on track for a worse 2021. With 157 dead, the Atlanta Journal Constitution called 2020 the city's deadliest year in decades.

That violence is a product of free-roaming criminals. Carl Chan, head of Oakland's Chinatown Chamber of Commerce, describes how, quote, "Businesses are so fearful they prefer to close early. We also have many juveniles driving around Chinatown and carrying guns, so they're also hurting people before they're being robbed."

This is description not of hate crimes but of out and out lawlessness. This behavior seems, obviously, tied to recent political hostility to the police. Many cities have yielded to activists' demands that they slash police budgets and cut public safety services.

Bigotry may have played a role in these offenses. Changing the hearts and minds of bigots is far harder from a policymaker's perspective than preventing bigotry-driven crimes.

If anything is to blame for the terror now plaguing Asian Americans, it's public officials' dereliction of their duty to preserve public safety.

I urge the Members of the Committee to advocate a restoration of public safety by pushing back on anti-police rhetoric and by supporting more Federal funding for police.

This is the best way to ensure that Asian Americans and all Americans can again walk the streets free from the fear of violent crime.

Thank you, and I look forward to taking your questions.

[The statement of Mr. Lehman follows:]

**Statement before the Constitution, Civil Rights, and Civil Liberties Subcommittee,
House Judiciary Committee, United States Congress**

A hearing on "Discrimination and Violence Against Asian Americans"

March 18, 2021, 10:00 am ET
2141 Rayburn House Office Building, and remotely on Cisco Webex Events
Washington, DC

Statement by

Charles Fain Lehman

Fellow, Manhattan Institute for Policy Research
Contributing Editor, *City Journal*
52 Vanderbilt Avenue
New York, NY 10017

Charles Fain Lehman is a fellow at the Manhattan Institute for Policy Research, working primarily on the Policing and Public Safety Initiative, and a contributing editor of *City Journal*. He was previously a staff writer with the *Washington Free Beacon*, where he covered domestic policy from a data-driven perspective. His work on criminal justice, immigration, and social issues has appeared in the *Wall Street Journal*, *National Review Online*, and *Tablet*, among other publications, and he is a contributing writer with the Institute for Family Studies.

The Manhattan Institute does not take institutional positions on legislation, rules, or regulations. Although my comments draw upon my research as an Institute scholar, the views represented today are solely my own, not my employer's.

Statement

Thank you to the committee for the invitation to speak today about the important issue of rising crime against Asian Americans. Many of our fellow citizens now fear for their safety in their own neighborhoods. I am glad this matter has not escaped Congress's attention, particularly in light of Tuesday's awful shooting outside of Atlanta.

I am speaking today as a researcher focused on crime, and it is in that capacity that I want to offer two points. The first is that, while some of these offenses were doubtless motivated by bias, you should be cautious when interpreting the broader trend solely as a spike in hate crimes. The second, relatedly, is that these crimes should be understood as part of a larger surge in violence.

As you are aware, crime is rising in several Asian-American communities, particularly in the greater Bay Area and New York City. There have been reports of assaults, daylight robberies, and general mayhem targeting Asian citizens, especially the elderly. Many have identified these offenses as hate crimes, linking them to bigoted sentiments inspired by the Coronavirus pandemic.

The FBI, which tracks such offenses, defines a hate crime as one motivated by "an offender's bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity."¹ Last spring saw a spike in hate crimes against Asian Americans, as major cities experienced a 150 percent increase over 2019.² This was doubtless driven by rhetoric blaming Asians for the Coronavirus crisis.

In the latest wave, some offenses are plainly bias-motivated, like the attack in Seattle in which assailant Samuel Green told Kathryn Yeager "Asians need to be put in your place" as he shoved her to the ground.³

But not all of the recent cases are so clear-cut. The reasons for Tuesday's horrific shootings in Atlanta remain unclear, but police suspect it was not racially motivated.⁴ Law enforcement in both New York and northern California are reportedly not investigating many of the high-profile offenses as hate crimes.⁵

Other factors are likely at play. Consider Yahya Muslim, arrested for shoving three Asian adults, including a 91-year-old, in Oakland's Chinatown. Muslim, who is homeless, has a history of mental illness which his defense counsel blames for the attack.⁶ Counsel for Antoine Watson, who allegedly shoved and killed 84-year-old Vichar Ratanapakdee in San Francisco, has also appealed to the teenager's mental health, rejecting charges of bias.⁷

Other cases start to look different given context. Filipino New Yorker Noel Quintana was a victim of a subway knife attack that some have called racially motivated.⁸ But several other, non-Asian victims have also recently been slashed on the MTA—part of rising transit crime which swept up Quintana.⁹

My purpose in making these points is not to deny the role bias has played in some offenses, nor to downplay the seriousness of anti-Asian bigotry. I want to condemn, in no uncertain terms, hate crimes of all sorts—they are a particularly vicious species of offense, motivated by special animus and deserving of special denunciation. No American should have to face discrimination of any kind.

Rather, I wish to emphasize to the committee that if they analyze these offenses solely as hate crimes, they will miss critical context, and thereby risk making underinformed decisions. In particular, we cannot discuss these offenses without highlighting the past year's violent crime wave.

Criminologist Jeff Asher has estimated that 2020 saw the largest one-year spike in homicides on record, as murder increased by more than 30 percent in nearly 40 major cities.¹⁰ New data indicate the trend has persisted into early 2021.¹¹

That pattern appears in cities where Asian residents are being attacked. In San Francisco, homicide was up 17 percent over 2019.¹² In New York, homicides rose 40 percent, while shootings nearly doubled.¹³ In Oakland, 2020 saw the highest homicide rate in eight years,¹⁴ and the city is already on track for a worse 2021.¹⁵ With 157 dead, the *Atlanta Journal-Constitution* called 2020 "the city's deadliest [year] in decades."¹⁶

That violence is a product of free-roaming criminals. Carl Chan, head of Oakland's Chinatown Chamber of Commerce, describes how "[businesses] are so fearful they prefer to close early. We also have many juveniles driving around Chinatown and carrying guns, so they're also hurting people before they're being robbed."¹⁷ This is a description not of hate crimes, but of out-and-out lawlessness.

This behavior seems obviously tied to recent political hostility to the police. Many cities have yielded to activist demands that they slash police budgets and cut public safety services. The NYPD lost half a billion dollars;¹⁸ Oakland slashed \$15 million, and aims to cut the full budget in half.¹⁹

Bigotry may have played a role in these offenses. But changing the hearts and minds of bigots is far harder, from a policymaker's perspective, than preventing bigotry-driven crimes. If anything is to blame for the terror now plaguing Asian Americans, it is public officials' dereliction of their duty to preserve public safety.

I urge the members of the committee to advocate a restoration of public safety, by pushing back on anti-police rhetoric, and by supporting more federal funding for police. That is the best way to ensure that Asian Americans, and all Americans, can again walk the streets free from the fear of violent crime.

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Mr. COHEN. Thank you, Mr. Lehman.

Our next Witness is with us here in person. That's a nice exception. Nice for you to be here. Mr. Wencong Fa is an attorney with the Pacific Legal Foundation litigating cases focused on free speech and equality before the law.

He received his JD from the University of Michigan—not in the NCAA tournament, I think. Maybe they are. I don't know. A Master's—they are in the tournament, aren't they? A Master's degree of political philosophy from the London School of Economics and a BA from the University of Texas Dallas.

Mr. Fa, you are recognized for five minutes, sir.

STATEMENT OF WENCONG FA

Mr. FA. Chair, Ranking Member, thank you for inviting me to testify today. Before I begin, I want to express my—I want to say that I'm saddened by the violence committed in Georgia on Tuesday. I express my heartfelt condolences to the families of the victims.

I never could have imagined being here today when I boarded a flight from Beijing to San Francisco 25 years ago. I knew two words of English when I got to America: Banana, which I likely learned on the plane, and goodbye, which my grandmother taught me in Beijing as she dropped me off at the bus stop every Sunday.

Since then, I became the first person in my family to receive a law degree, and I won the first case I litigated before the Supreme Court in June 2018.

A few hours after I got the decision in the Supreme Court case, I went to take a citizenship test in front of an immigration officer, and I laughed when he asked me how many justices there were on the Supreme Court.

I have since become a proud citizen of the United States. I am here today to say that racial discrimination is wrong. When it comes to Asian Americans in education, far too many in our government condone discrimination.

This is something I've experienced firsthand as an attorney with the Pacific Legal Foundation, where my colleagues and I represent Asian-American families who have felt the sting of government-sanctioned discrimination.

These families seek to vindicate the principle of equality before the law, which requires government to treat people as individuals and forbids government from treating us differently on the basis of government-sanctioned stereotypes.

Last week, Pacific Legal Foundation filed a case challenging Fairfax County's discriminatory changes to its admission policy for Thomas Jefferson High School, or TJ, as it is more commonly known.

We represent a coalition of parents, including Dr. Chen, a Chinese American and a Chinese immigrant who is now a chemistry professor. His oldest daughter attends TJ but her younger sister might not get that chance.

That's because the county replaced an objective test with a so-called holistic process designed to racially balance the student body at the expense of Asian-American students.

The changes at TJ were made against the backdrop of unfounded racial stereotypes. One school board member referred to the culture at TJ as toxic.

A Virginia State delegate accused Asian Americans of being dishonest in getting their children admitted and made the baseless claim that the parents had no intention of staying in America.

We're pursuing a similar case in Montgomery County where efforts to racially balance the magnet middle schools have drastically reduced the number of Asian-American students. In yet another case I represent Asian-American families in New York.

My clients include Asian-American immigrants who want the opportunity for their children to earn their way into public schools like Stuyvesant, Bronx Science, and Brooklyn Tech.

Mayor de Blasio stated that the majority Asian compositions of those schools was a, quote, "monumental injustice," and changed the admissions policy to make it harder for low-income Asian-American students to get into those schools.

Pacific Legal Foundation has also filed a friend of the court brief and students for *Fair Admissions v. Harvard*, the case challenging Harvard's explicit use of race in a way that decreases Asian American enrollment.

This, too, has led to pernicious stereotypes, including college guidebooks telling Asian-American students to refrain from saying that they aspire to pursue a career in medicine or major in math or science. Apparently, those interests are too Asian.

This is America. Government should not condone discrimination and it must not actively engage in it. The Subcommittee should continue to explore ways in which official government policy has discriminated against Asian Americans and continue to work with Pacific Legal Foundation and others to end this racial discrimination.

Thank you.

[The statement of Mr. Fa follows:]

**Wencong Fa
Attorney
Pacific Legal Foundation**

**Statement on Discrimination against Asian Americans in Education
Before the House Subcommittee on the Constitution, Civil Rights, and Civil Liberties**

March 18, 2021

Chairman Cohen, Vice Chair Ross, and Ranking Member Johnson — Thank you for inviting me to testify today. I never could have imagined being here when I boarded a flight from Beijing to San Francisco over 25 years ago. But I did have one distinct advantage over other Asian-American immigrants. Many come to this country not knowing a word of English. I knew two. “Banana,” which I likely learned on the plane, and “goodbye,” which my grandmother taught me in Beijing as she dropped me off at the bus stop every Sunday.

Seventeen years later, I became the first person in my family to earn a law degree. In June 2018, I won the first case I litigated before the Supreme Court of the United States. Just a few hours later, I appeared before an immigration officer for my citizenship test, and I laughed when he asked me how many justices there were on the Supreme Court. I have since become a proud citizen of the United States.

It speaks to the greatness of America that immigrants who come here knowing only the words “banana” and “goodbye” can one day litigate cases before the highest court in the land and testify in front of Congress. We’re fortunate to live in a country that cherishes the Constitution and the individual rights that it protects. And in my role as an attorney with Pacific Legal Foundation, I’m grateful and eager to be able to defend the constitutional rights of all Americans, including Asian-American immigrants and their children.

Racial discrimination is wrong. This may seem like a popular position, but when it comes to Asian Americans, far too many in our government condone racial discrimination.

One of the most important features of our republic is that we are governed by the rule of law. And there is no rule of law without equality before the law. That principle requires the government to treat us as individuals, and recognizes that every individual is unique. It forbids the government from treating us differently and labeling us according to some arbitrary government-imposed stereotype. As the late Justice Scalia put it, “in the eyes of government, we are just one race here. It is American.”

The Asian-American families who my colleagues and I at Pacific Legal Foundation represent have felt the sting of government-sanctioned discrimination. Last week, Pacific Legal Foundation filed a case challenging Fairfax County’s discriminatory changes to its admissions program for Thomas Jefferson High School, or “TJ” as it is better known. We represent a coalition of parents, including Hanning Chen, a chemistry professor who was born in China and immigrated to the United States to pursue his doctoral degree. His daughters love academics. The eldest attends TJ. Her younger sister, who is now in middle school, might not get that chance. That’s because the county

eliminated an objective test, and replaced it with a so-called “holistic process” that the record makes very clear was designed to racially balance the student body at the expense of Asian-American students.

These changes were made against a backdrop of unfounded racial stereotypes. One school board member referred to the culture at TJ as toxic. A Virginia state delegate, as part of a working group to address diversity and equity, made baseless claims of “unethical ways” Asian-American parents “push their kids into [TJ],” when those parents are “not even going to stay in America,” but instead are “using [TJ] to get into Ivy League schools and then go back to their home country.” This stereotyping and discrimination against Asian-American families is all too common.

In another case, I represent Asian-American families in New York City. One of my clients there is Yi Fang Chen. She is a data scientist who immigrated to the United States from China while speaking little English, and went on to receive a Ph.D. at Stanford. My clients in New York want an equal opportunity for their children to go to public schools like Stuyvesant, Bronx Science, and Brooklyn Tech. Mayor Bill de Blasio and outgoing Schools Chancellor Richard Carranza believe that the schools’ previously transparent and objective process for admissions has led to too many Asian students being admitted. Mayor de Blasio called the racial composition of the specialized high schools a “monumental injustice,” and unilaterally changed the admissions policy to deny opportunity for students at many schools made up of primarily low-income Asian-American students. Pacific Legal Foundation is also representing Asian-American parents of students seeking admissions to magnet middle schools in Montgomery County, Maryland. To address a “lack of diversity,” the county there altered its admissions program in a way to drastically decrease the number of Asian-American students.

Finally, Pacific Legal Foundation has filed a friend-of-the-court brief in *Students for Fair Admissions v. Harvard*, a case that we believe will be heard by the Supreme Court next term. That case involves Harvard’s express use of race in a way that decreases Asian-American enrollment at the school. This too has led to pernicious stereotypes, including college guidebooks telling Asian-American students to refrain from saying that they aspire to pursue a career in medicine or major in math or science. Apparently, those interests are “too Asian.”

This is America. Government should not condone discrimination, and it must not actively engage in it in any form. It should not prevent anyone from aspiring. It should not punish anyone for achieving. It should instead abide by the principle that we all have our individual aspirations, our individual abilities, and our individual achievements. This subcommittee should continue to explore the ways in which official government policy has discriminated against Asian Americans and work with Pacific Legal Foundation and others to end this racial discrimination.

Mr. COHEN. Thank you for your testimony, thank you for appearing in person, and thank you for keeping your mask up. That is appreciated by all on this Committee.

Our next Witness is Mr. Daniel Dae Kim. Mr. Kim is an actor and producer. He's best known for his role as Jin-Soo Know on the TV series "Lost" in which he shared a 2006 Screen Actors Guild Award for Best Ensemble. He also portrayed Chin Ho Kelly on the series "Hawaii Five-O" for seven seasons.

Last month, together with actor Daniel Wu, he offered a \$25,000 reward for information regarding a January 31 assault of a 91-year-old man in Oakland's Chinatown, following two similar incidents targeting elderly Asian residents.

Mr. Kim received a Master of Fine Arts degree from New York University and his undergraduate degree from Haverford College.

Mr. Kim, you're recognized for five minutes.

STATEMENT OF DANIEL DAE KIM

Mr. KIM. Thank you, Chair Cohen, and Ranking Member Roy, and the Members of the Judiciary Committee.

I am both honored and dismayed to be back in front of you again. Some of you may remember that I was with you just this past September discussing the importance of diversity in American media.

You may recall that the reason I was moved to speak then was because the House had just recently passed H.R. 908 condemning all forms of anti-hate Asian sentiment.

I was disheartened to find that for a bill that required no money or resources, just a simple condemnation of acts of hate against people of Asian descent, 164 Members of Congress, all Republican, voted against it.

No, here I am again, because as every Witness in this hearing has pointed out, the situation has gotten worse, much worse. Vichar Ratanapakdee murdered. Pak Ho murdered. Noel Quintana face slashed with a blade from ear to ear. An 89-year-old woman set on fire. Tadataka Ono, a professional jazz pianist, beaten so badly he can no longer play piano. Now, seven Asian people shot dead in Georgia two days ago, six of whom were women.

These are only a few of the 3,800 reported incidents since last March. I was speaking to a pollster during the recent elections, and I asked him why, when I see polling results broken down by race, do I so rarely see Asian Americans as a separate category.

He heard my question, he looked me dead in the eye, and he said, "Because Asian Americans are considered statistically insignificant." Statistically insignificant.

Now, all of you listening to me here by virtue of your own elections are more familiar with the intricacies of polling than I am. So, undoubtedly, you already know what this means. Statistically insignificant literally means we don't matter.

We, as Asian Americans, have come to this country because we believe in the American dream. Many of us have succeeded and some of us are even the front-line healthcare workers upon whom we have all come to depend during this terrible pandemic.

Many of us are struggling, too. In fact, the wealth disparity between the richest Asian Americans and the poorest is the largest of any ethnic group in America. In New York, Asian Americans

have a higher poverty rate than any other minority group where fully one in four are living below the poverty line, and poverty rates among Asian-American seniors are much higher than the national average. That's something to consider as we watch the most vulnerable in our community get taunted, pushed, slashed, and murdered.

Despite this wide disparity of experiences, we continue to be tagged the model minority. We simply cannot continue to live with the myth that the most successful of us represent the totality of us.

So, we know the hurdles we face. The question for us here, is what can we do about them? One of the places that starts is with education.

Let's teach them everything that Professor Lee so eloquently highlighted for us, including celebrating the fact that the most decorated combat unit in U.S. military history was the 42nd Combat Team, a unit in World War II made up entirely of Asian Americans.

Now, these are not moments in Asian-American history. This is American history. When we are erased from our history books, we are made invisible and the result, to quote Congresswoman Meng, is "that we are perpetually made to feel like foreigners in our own country."

Include our stories because they matter. We must also empower our local community organizers by directing funds to areas that have been historically impoverished, not just for the benefit of the AAPI community but for the benefit of all communities living there, most of whom are nonWhite.

It's no wonder that there's historically been tension among racial groups when the thing they have most in common is poverty and lack of access to services.

There happen to be two pieces of legislation before this Committee as we speak that deal with these specific issues. One is the No Hate bill. It provides necessary grants of money to community organizations, counseling for those convicted of hate crimes, and improve data collection for hate crime reporting, among other important services.

The Committee also has before it right now the COVID-19 Hate Crimes Act, introduced by Congresswoman Meng and Senator Hirono. It's crucial that we have reliable reporting for these hate crimes and an infrastructure that makes it easy for people for whom English is not their primary language.

Chair Nadler, you have been an ally to the AAPI community in the past. I respectfully urge you not to let these bills languish in Committee but see them through so that they can be passed by the Full House and then on to the Senate.

Now, I'm not naive enough to think that I'm going to convince all of you to stand up for us. Trust me, I've seen your voting records. I am speaking to those to whom humanity still matters.

In closing, let me just say that there are several moments in a country's history that chart its course indelibly for the future. For Asian Americans, that moment is now.

What happens right now and over the course of the coming months will send a message for generations to come as to whether

we matter, whether the country we call home chooses to erase us or include us, dismiss us, or respect us, invisibleize us, or see us.

Because you may consider us statistically insignificant now, but one more fact that has no alternative is that we are the fastest growing racial demographic in the country. We are 23 million strong. We are united and we are waking up.

Thank you.

[The statement of Mr. Kim follows:]

Written Statement of
Daniel Dae Kim

Submitted to the U.S. House Committee on the Judiciary
Subcommittee
on the Constitution, Civil Rights, and Civil Liberties

For a Hearing on
“Discrimination and Violence against Asian Americans”

March 18, 2021

CONGRESSIONAL TESTIMONY

Thank you Chairman, Ranking Member, and Members of Congress. I am both honored and dismayed to back in front of you again. Some of you may remember that I was with you just this past September, discussing the Importance of Diversity in American Media. You may recall that the reason I was moved to speak then was because the House had just recently passed HR 908, condemning all forms of anti-Asian sentiment, and I was disheartened to find that for a simple bill that required no money or resources, just a condemnation of acts of hate and bigotry against people of Asian descent, only 14 Republicans voted for it and 164 voted AGAINST it. That’s 91%. And now here I am again, because the situation has gotten worse. Much worse. Vicha Ratanapakdee murdered, Pak Ho murdered, Noel Quintana, face slashed with a blade from ear to ear, an 89 year old woman set on fire, Tadataka Ono, a professional jazz pianist beaten so badly he can no longer play. And now, 7 Asian people shot dead in Georgia two days ago, 6 of whom were women. These are only a few of the almost 3800 reported incidents since last March. I wonder, will the 164 members of the House who refused to acknowledge us last fall, do so again, canceling the humanity of an entire community of Americans?

I was speaking to a pollster during the recent elections and I asked him why, when I see polling results do I see a breakdown of results by gender – men and women, by age – old and young, and also by race – African American and Latinx, but rarely do I see a polling category for Asian Americans. After I asked why, he looked me

dead in the eye and said “Because Asian Americans are considered ‘statistically insignificant.’” Those words rang in my ears. Statistically insignificant. Now all of you listening to me here, by virtue of your own elections, are more familiar with the intricacies of polling than I am, so undoubtedly, you already know what this means – statistically insignificant literally means that we don’t matter.

Maybe that’s why it’s been so difficult to feel like our government cares about the Asian American Pacific Islander community. After all, it was this very same government who categorically barred the Chinese from entering our country in the first law that prevented all members of a specific ethnic or national group from immigrating to the US. It was this government that refused those of us already living here the right to any path to citizenship, coining the term “permanent alien.” It was this government who imprisoned more than 120,000 Japanese American citizens for simply looking like the enemy, even though throughout the entirety of World War 2, not ONE was ever found guilty of treason against our country.

We, as Asian Americans, come to this country because we believe in the American Dream. We believe that if we keep our heads down, turn the other cheek to bigotry, and work hard, that one day we will receive the full privileges of being American. And many of us have succeeded. We’ve become lawyers, CEO’s, and large number of us are even the frontline workers upon whom we’ve **all** come to depend during this terrible pandemic.

But many of us are struggling, too. The wealth disparity between the richest Asian Americans and the poorest is the largest of any ethnic group in the country. In NY, Asian Americans have a higher poverty rate than any other minority group, where fully 1 in 4 are living below the poverty line. And poverty rates among Asian-American seniors are much higher than the national average. Something to consider as we watch our elderly loved ones get taunted, pushed, slashed and murdered – repeatedly.

Despite this wide disparity of experiences, we continue to be tagged the “Model Minority.” A term that itself only came into existence as a means of comparing one minority to another, thereby pitting all communities of color against each other. Another unfortunate byproduct of this fallacy is that our needs as a community are often dismissed or ignored using the rationalization that “they

seem to be doing just fine.” What is clear through anything beyond a cursory examination is that we are not a monolith. We cannot simply be painted with the broad brush of assumption that the most successful of us represent the totality of us. Within ourselves we are a proud and diverse diaspora, but to those who believe the foolish rhetoric of terms like the “China virus” or the “kung flu,” which some of the members of this very body have been heard to utter, all that matters is that we look different – different enough to attack. And attack regardless of where in Asia our ancestry may be from, or more discouragingly, whether we may even be fellow Americans.

So we know the hurdles we face. The question for us here, is what we can do about it.

One of the places it starts is with education. We must find ways to teach our children the truth about how Asian Americans have contributed to the success of this nation. Let’s teach them how many of us helped build the railroad that brought together the east and the west, but when it was time to take a photo and celebrate the golden spike, were told to get out of the frame. Let’s teach them that the largest mass lynching in our history was of Asian, specifically Chinese, people, in the heart of downtown Los Angeles. Let’s also celebrate the fact that the most decorated combat unit in US military history was the 442nd combat team, a unit in World War 2 made up entirely of Asian Americans!

These are not moments in Asian American History, this is AMERICAN history. When we are erased from our history books, we are made invisible to our own society, and the result is, As Congresswoman Meng so eloquently put it, “we are perpetually made to feel like foreigners in our own country.” Include our stories. Because they matter.

Beyond education, we must also recognize the needs of our underprivileged communities. Funding to the areas that have been historically impoverished is imperative, not just for the AAPI community but for all the communities living there, most of whom are non-white. It’s no wonder that there has been tension among racial groups when the thing they have most in common is poverty and lack of access to services. We must recognize the contributions of our local community organizers.

And by no coincidence, there happen to be two pieces of legislation that are before this committee, as we speak; one of which deals with this specific issue, the NO HATE Bill. I want to express my sincere thanks to the members of Congress who voted to pass it during its last term. It begins to address many of the very things that community organizations need to do the work vital to their neighborhoods; grants and money to community organizations, counseling for those convicted of hate crimes and improving data collection for hate crime reporting, to name only a few.

This committee also has before it, right now, the COVID Hate Crimes Act introduced by Congresswoman Meng and Senator Hirono. It is crucial that we have reliable reporting of hate crimes, and an infrastructure that makes it easier for people for whom English is not their first language to report. Chairman Nadler, You have been an ally to the AAPI community in the past, I respectfully urge you not to let these bills languish in committee, but push them through so they can be passed by the full House, where I call on Senate Majority Leader Schumer to champion these bills and guide them successfully to approval and finally, into law. Show us, beyond words, that our leaders truly care about our community.

Now I'm not naïve enough to think I'm going to convince all of you to stand up for us. Trust me, I've seen your voting records. But I'm speaking more to the members to whom humanity still matters, more than partisan posturing. Because we need allies. This kind of systemic change absolutely requires it. To solve this issue and ones like it, we must come together. I look to those of us who still believe the words of Martin Luther King, Jr when he said:

"Injustice anywhere is a threat to justice everywhere.

We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly."

There are several moments in a country's history that chart its course indelibly for the future. For Asian Americans, now is one of those times. What happens right now and over the course of the next months will send a message for generations to come as to whether we matter. Whether the country we call home chooses to erase us, or include us, dismiss us or respect us, invisibilize us or see us.

Because you may consider us “statistically insignificant” now, but one more fact that has no “alternative,” is that we are the fastest growing racial demographic in the country.

We are 23 million strong,
we are united,
and we are waking up.

Thank you.

Mr. COHEN. Thank you, sir.

Our next Witness is Shirin Sinnar. She is a professor of law and Johnnie Wilson faculty scholar at Stanford Law School. Her scholarship focuses on, among other things, the role of institutions for protecting individual rights and democratic values in the national security context.

Her recent work assesses the legal regime for domestic and international terrorism under U.S. law. Professor Sinnar holds a JD from Stanford, a Master of philosophy and international relations from Cambridge University, and an MA and a BA as well from Harvard.

She was a law clerk for the Honorable Warren G. Ferguson—Warren J. Ferguson of the U.S. Court of Appeals for the Ninth Circuit.

Professor Sinnar, you are now recognized for five minutes.

STATEMENT OF SHIRIN SINNAR

Ms. SINNAR. Thank you for convening this important hearing and inviting me to participate.

I want to begin by acknowledging the horrific mass shootings in Atlanta. Whatever the motive, those murders have traumatized Asian-American communities already reeling from a year of persistent hate violence.

I'd like to make two points today. First, while the causes of hate crimes are complex, academic research shows that hostile rhetoric from political leaders towards immigrants or racial minorities can embolden people to commit violence against them.

Research also shows that political events that change perceptions of social norms, like acceptability of racist or xenophobic views, have triggered hate violence.

Specifically with respect to former President Trump, prior studies have shown that hate crimes spiked immediately after his election and that his negative tweets towards Muslims strongly correlated with anti-Muslim hate crimes.

That brings us to the past year when former President Trump and other political leaders relentlessly characterized the coronavirus in racist terms as recently as this week. Stop AAPI Hate's research shows that Donald Trump's anti-Asian tweets were shared on social media over a million times. A substantial number of anti-Asian hate incidents used language similar to Trump's.

Beyond rhetoric, the racial profiling of Chinese and Chinese-American researchers, scientists, and students as security risks exposes Asian-American communities to a higher risk of societal discrimination and violence.

This is familiar from the experience of South Asian, Muslim, Sikh, and Arab-American communities treated as suspects over the nearly two-decade-long war on terror.

While hostile rhetoric or discriminatory policy is certainly not the sole cause of recent anti-Asian violence, it has made Asian Americans vulnerable both to racially motivated and to opportunistic attacks.

The second point I'd like to make is that while the response to hate crimes is often billed as a call for increased sentences, many

Asian-American community organizations are now advocating a broader set of strategies to address hate crimes.

Horrific acts like the Atlanta shootings require a serious law enforcement response. For several reasons, community groups are also looking for solutions beyond criminal law, especially with respect to the more common forms of hate crimes that occur.

For one thing, many incidents of hate speech targeting Asian Americans do not qualify as criminal, but they still create significant harm.

In addition, many victims do not report incidents to police because of mistrust of law enforcement, and concern around over policing and mass incarceration has led many communities of color to consider other avenues to help victims heal, hold perpetrators accountable, and prevent violence.

Numerous Asian American organizations have emphasized the importance of cross-racial solidarity in response to hate crimes rather than pitting struggling communities against one another. Many have advocated deep investments in communities to strengthen support systems, both to prevent violence and to support violence when hate crimes occur.

That support can take many forms, whether it is in funding culturally competent mental healthcare services, reforming victim compensation programs to better support hate crimes victims, hosting conflict de-escalation training, or establishing grant programs to protect institutions at high risk of hate crimes.

There is also growing interest in exploring forms of restorative justice to address hate crimes, especially with respect to young offenders and relatively less serious offenses.

Restorative justice refers to processes that bring together people affected by an offense to address the harm and agree upon mechanisms to repair it.

Some evidence suggests that restorative justice programs reduce recidivism and alleviate the emotional harm of survivors better than traditional criminal processes. They are not an option in every case and much more research is necessary.

There is growing interest within communities in creative alternatives to hold people accountable, help victims recover their sense of safety, and prevent further violence.

Thank you for the opportunity to share these thoughts.

[The statement of Ms. Sinnar follows:]

Written Statement of

Shirin Sinnar
Professor of Law
Stanford Law School

Submitted to the U.S. House Committee on the Judiciary
Subcommittee
on the Constitution, Civil Rights, and Civil Liberties

For a Hearing on
“Discrimination and Violence against Asian Americans”

March 18, 2021

Discrimination and Violence against Asian Americans

Written Statement of Professor Shirin Sinnar, Stanford Law School

I thank Chairman Nadler and Ranking Member Jordan of the U.S. House Committee on the Judiciary and Chairman Cohen and Ranking Member Johnson of the Subcommittee on the Constitution, Civil Rights and Civil Liberties, for the opportunity to testify at this hearing. I am a law professor at Stanford University. I research and teach on national security law, civil rights and liberties, and civil procedure. My scholarly work addresses the legal treatment of political violence, including terrorism and hate crimes, and national security oversight through courts and executive agencies.¹ Prior to my initial appointment at Stanford Law School in 2009, I served as a civil rights lawyer for the Asian Law Caucus and the Lawyers' Committee for Civil Rights in San Francisco. For the past year, I have been working with a team of Stanford Law students and the Brennan Center for Justice on a policy research project assessing the criminal legal response to hate crimes and other mechanisms for addressing and preventing hate crimes. My testimony today draws in part on that research but represents my perspective alone.

I. Recent Anti-Asian Hate Violence

Asian American communities over the past year have experienced fear and stigma from a wave of harassment and hate violence. During the first six months of the pandemic alone, the coalition Stop AAPI Hate logged over 2,500 anti-Asian hate incidents across the nation, including verbal harassment and physical assaults.² The Center for the Study of Hate and Extremism at California State University-San Bernardino reports that anti-Asian hate crimes in 2020 in 16 of the largest U.S. cities, as reported to police departments, surged to 149% of the previous annual total.³

As hate crime scholars have documented, hate violence inflicts psychological and citizenship harm on both direct victims and the larger communities that share the victims' identities, in addition to society at large.⁴ The recent spate of anti-Asian violence has left elderly people afraid to leave their homes and parents reluctant to send their children to in-person school out of

¹ For examples, please see Shirin Sinnar & Beth A. Colgan, *Revisiting Hate Crimes Enhancements in the Shadow of Mass Incarceration*, 95 N.Y.U. L. REV. ONLINE 149 (2020); Shirin Sinnar, *Separate and Unequal: The Law of "Domestic" and "International" Terrorism*, 117 MICH. L. REV. 1333 (2019); Shirin Sinnar, *Procedural Experimentation and National Security in the Courts*, 106 CAL. L. REV. 991 (2018); Shirin Sinnar, *Rule of Law Tropes in National Security*, 129 HARV. L. REV. 1566 (2016); and Shirin Sinnar, *Protecting Rights from Within? Inspectors General and National Security Oversight*, 65 STAN. L. REV. 1027 (2013).

² Press Release, Stop AAPI Hate, Attacks Against AAPI Community Continue to Rise During Pandemic, Aug. 27, 2020.

³ Ctr. for the Study of Hate & Extremism, Fact Sheet: Anti-Asian Prejudice March 2020 – Center for the Study of Hate & Extremism (Mar. 2020), <https://www.csusb.edu/sites/default/files/FACT%20SHEET-%20Anti-Asian%20Hate%202020%203.2.21.pdf>.

⁴ See, e.g., MARK WALTERS, HATE CRIME AND RESTORATIVE JUSTICE: EXPLORING CAUSES, REPAIRING HARMS 76, 88 (2014) (noting empirical research on heightened harm to hate crime victims). See also *Wisconsin v. Mitchell*, 508 U.S. 476, 487-88 (1993) (noting arguments that bias-motivated crimes inflict "greater individual and social harm" and are "more likely to provoke retaliatory crimes, inflict distinct emotional harms on their victims, and incite community unrest.").

fear of racial harassment.⁵ For many people within targeted communities, hate incidents shake one's sense of belonging in this nation—affecting even those born in the United States or whose families have lived here for generations. For many Asian Americans, hate violence sends the message that, no matter how deep your roots, you remain “perpetual foreigners.”

Many South Asian Americans can relate to the recent targeting of Chinese Americans and other Asian American communities. The pervasive racialization of South Asian, Muslim, Sikh, and Arab American communities as “terrorists” over the past two decades has created an abiding fear of hate violence for those communities. In 2012, a white supremacist who had been active in a neo-Nazi skinhead gang shot dead six Sikh worshippers at the Sikh Temple of Washington.⁶ Between 2015 and 2017, multiple reports documented a surge in hate violence directed at South Asian, Muslim, and Arab communities.⁷ The advocacy group South Asian Americans Leading Together observed that this “wave of hate violence against South Asian, Muslim, Sikh, Hindu, Middle Eastern, and Arab communities” occurred at a level “not seen since the year after the attacks of September 11, 2001,” amid anti-immigrant and racial rhetoric that created a “palpable and unparalleled atmosphere of hate and suspicion.”⁸ While that immediate surge may have subsided, hate violence persists. For instance, attacks on Sikh Americans in recent years have included a Denver business owner run over with a vehicle after being told to “go back to your country,” a California man ambushed by two men who then spray-painted a neo-Nazi image on his truck, and a Washington state Uber driver choked by a passenger who assailed his skin color and Indian descent.⁹

II. The Impact of Political Rhetoric and Policies on Hate Violence

The causes of hate crimes are complex and cannot be reduced to a single explanation. That said, academic studies substantiate the notion that government speech and actions towards racial minority groups can influence the level of hate crimes committed against those groups.¹⁰ For

⁵ See, e.g., Kiara Brantley-Jones & Stacy Chen, *Violent Attacks On Elderly Asian Americans In Bay Area Leaves Community Members 'Traumatized,'* abcnews.com Feb. 11, 2021 (referring to elderly Asian Americans afraid to walk the streets); Moriah Balingit, et al, *As Schools Reopen, Asian American Students Are Missing From Classrooms*, WASH. POST, Mar. 4, 2021 (reporting greater absence of Asian American children from classrooms as a result of factors including fears of transmitting virus within multigenerational families and racial harassment).

⁶ A.C. Thompson, *Sikhs in America: A History of Hate*, PROPUBLICA, Aug. 4, 2017.

⁷ Eric Lichtblau, *Hate Crimes Against American Muslims Most Since Post-9/11 Era*, N.Y. TIMES, Sept. 17, 2016 (noting highest level of anti-Muslim hate crimes since the post-9/11 aftermath, based on police department data analyzed by the Center for the Study of Hate and Extremism at California State University-San Bernardino).

⁸ SOUTH ASIAN AMERICANS LEADING TOGETHER, *COMMUNITIES ON FIRE: CONFRONTING HATE VIOLENCE AND XENOPHOBIC POLITICAL RHETORIC* 3 (2018).

⁹ See, e.g., *Man Charged With Hate Crime In Attack On Sikh Uber Driver*, Komo News, Dec. 11, 2019; Lakshmi Sarah & Kate Wolfe, *Hate Crime? Sikh Community Asks FBI to Investigate Stabbing Death in Tracy*, KQED, Aug. 29, 2019; *Man Accused Of Running Over Sikh Man Charged With Hate Crime*, Assoc. Press, July 24, 2020.

¹⁰ Laura Dugan & Erica Chenoweth, *Threat, Emboldenment, or Both? The Effects of Political Power on Violent Hate Crimes*, 58 CRIMINOLOGY 714 (2020). Dugan and Chenoweth studied the relationship between U.S. federal government speech and policies supporting or opposing racial minorities and federal violent hate crime statistics between 1992 and 2012. They found support for two hypotheses drawn from earlier literature: the “political threat hypothesis,” which “predicts that violent backlash against specific groups is triggered by political gains made by those groups,” and the “emboldenment hypothesis,” which predicts increases in hate crimes “triggered by government elites who signal supremacy over those groups, emboldening some members of the dominant group to commit violent action.” *Id.* at 716. The study concluded that, in their data, federal actions against immigrants and

instance, hostile rhetoric from elites targeting particular racial groups can embolden people to engage in hate violence against those communities.¹¹ Studies have also shown an increase in hate crimes following political events that change perceptions of social norms, such as the acceptability of anti-immigrant or racist views.¹² In this case, former President Trump's use of racist language to characterize the coronavirus, such as the "China virus" or "kung flu," licenses the public to blame Chinese Americans for the pandemic.¹³ According to one analysis, a quarter of anti-Asian hate incidents reported during the pandemic used "language similar to Trump's," such as his racist terms for the virus.¹⁴ Political rhetoric that scapegoats a particular ethnicity makes that group vulnerable to both racially motivated and opportunistic attacks.

Other research supports a connection between hate crimes levels and the rhetoric and policies of former President Trump. Studies showed a surge in hate crimes during and immediately after the 2016 presidential election, which Donald Trump won after campaigning to ban Muslims from entering the United States and build a wall barring Mexican migrants. For example, the Center for Study of Hate and Extremism at California State University-San Bernardino found that November 2016 represented the highest monthly total for hate crimes since 2007, with a spike on the day after the election of President Trump and in the following two weeks, and that in 2017, hate crimes reported to law enforcement in the ten largest U.S. cities rose 12.5%, the fourth consecutive annual rise.¹⁵

Latinx persons emboldened violent hate crimes committed against them, but that federal speech and actions supporting Black people catalyzed violent backlash. Id. at 742.

¹¹ Id. at 743 ("Indeed, our results confirm evidence from other studies suggesting that hate speech among elites can motivate hate crimes among constituents.").

¹² For example, a number of empirical studies attributed a spike in hate crimes in England and Wales to the unexpected "Brexit" referendum vote to leave the European Union, which was associated with anti-immigrant sentiment. See, e.g., Daniel Devine, *Discrete Events and Hate Crimes: The Causal Role of the Brexit Referendum*, 102 SOC. SCI. Q. 374, 374, 383 (2021) (concluding that Brexit vote led to a 19-23% increase in racial and religious hate crimes and that this result is consistent with the explanation that the "outcome of the referendum legitimated or validated these underlying [anti-immigrant] prejudices enough to lead to public expressions of this prejudice in the form of hate crimes."); Joel Carr et. al, *Love Thy Neighbour? Brexit and Hate Crime*, IZA Institute of Labor Economics 2-5 (Nov. 2020), <http://ftp.iza.org/dp13902.pdf> (concluding that Brexit vote caused a 15-25% increase in racial and religious hate crimes); Facundo Alborno et al, *The Brexit Referendum and the Rise in Hate Crime: Conforming to the New Norm*, Nottingham Interdisciplinary Centre for Economic and Political Research Working Paper (Nov. 9, 2020), <https://www.nottingham.ac.uk/research/groups/nicep/documents/working-papers/2020/nicep-2020-06.pdf> (concluding that increase in hate crimes was greater in areas that voted to remain in the E.U. and theorizing that Brexit vote updated perception of social norms especially for people within pro-Remain areas who had previously repressed anti-immigrant beliefs because of social norms).

¹³ See Bruce Y. Lee, *Trump Once Again Calls Covid-19 Coronavirus The 'Kung Flu'*, FORBES, June 24, 2020; Donald Trump CPAC 2021 Speech Transcript, rev.com, Feb. 28, 2021 (referring several times to the "China virus").

¹⁴ Jaweed Kaleem et al, *Anti-Asian Hate Crimes And Harassment Rise To Historic Levels During COVID-19 Pandemic*, L.A. TIMES, Mar. 5, 2021 (citing Manjusha Kulkarni, co-founder of the Stop AAPI Hate tracker and the executive director of the Asian Pacific Policy and Planning Council).

¹⁵ Brian Levin & John David Reitzel, Center for the Study of Hate & Extremism, Cal. State. Univ.-San Bernardino, Report to the Nation Hate Crimes Rise in U.S. Cities and Counties in Time of Division & Foreign Interference 3, 15 (2018). Several other studies using FBI hate crime data similarly demonstrated a spike in hate crimes during the month of November 2016 or the final quarter of 2016. Id. at 15 (listing studies). See also Griffin Edwards & Stephen Rushin, *The Effect of President Trump's Election on Hate Crimes* (Jan. 14, 2018), available at SSRN: <https://ssrn.com/abstract=3102652> (finding a "statistically significant surge in reported hate crimes across the United States, even when controlling for alternative explanations" and that "counties that voted for President Trump by the widest margins in the presidential election experienced the largest increases in reported hate crimes."). Edwards and

Moreover, a significant fraction of perpetrators in these earlier hate incidents invoked then-President Trump or his campaign policies. A 2018 report from the South Asian Americans Leading Together asserted that, of 302 incidents of hate violence targeting South Asian, Muslim, Sikh, Hindu, Middle Eastern, and Arab communities in the year after the election, one in five perpetrators “referenced President Trump, a Trump policy, or a Trump campaign slogan, underlining a strong link between President Trump’s anti-Muslim agenda and hate violence post-election.”¹⁶ To cite just one example, after the Trump administration announced its second “travel ban” directed at citizens of several majority-Muslim countries, hateful messages sent to a Hawaii mosque stated: “Now we have a president who knows that you guys are evil and we’re going to exterminate you.”¹⁷ While no single hate crimes audit supplies a comprehensive or representative account of U.S. hate crimes, these studies suggest a relationship between presidential rhetoric and policies and a substantial subset of hate crimes. Further support comes from research demonstrating a “strong time series correlation between Trump’s tweets on Islam-related topics and the number of anti-Muslim hate crimes after the start of his presidential campaign, even after controlling for general attention paid to topics associated with Muslims.”¹⁸

Legal scholars have long posited a relationship between “private” hate violence and “public” rhetoric and racial profiling, extending beyond any one administration. When government language and policies treat racial, ethnic, or religious communities as suspicious or dangerous, that encourages ordinary people to do the same. For example, scholars argued that the over 1,000 hate crimes targeting Muslim, South Asian, Sikh, and Arab communities in the months after September 11, 2001, bore a relationship to the explicit racial profiling of the U.S. government.¹⁹ In the same period that witnessed as many as nineteen hate-motivated murders, the “fire bombings of mosques, temples, and gurdwaras,” and “assaults by fist, gun, knife, and Molotov cocktail,” the federal government detained between 1,200 and 2,000 Muslim, South Asian, and Arab immigrants, mandated the registration and questioning of immigrants from 25 Muslim countries, and targeted immigration enforcement measures at Muslims.²⁰ These programs were largely premised on race, religion, or nationality, rather than an individual basis for suspicion, and stigmatized communities without uncovering terrorist threats.²¹ While the

Rushin argue that it was not the rhetoric alone, but Trump’s subsequent election, which appeared to “validate” his claims and led hate crimes to spike.

¹⁶ SOUTH ASIAN AMERICANS LEADING TOGETHER, COMMUNITIES ON FIRE: CONFRONTING HATE VIOLENCE AND XENOPHOBIC POLITICAL RHETORIC 3 (2018). See also Levin & Reitzel, *supra* note 15, at 14 (citing ProPublica study identifying over 300 hate incidents in 39 states, out of 4,700 incidents, in which perpetrators cited Trump by name). See also COMMUNITIES AGAINST HATE & LEADERSHIP CONFERENCE EDUCATION FUND, HATE MAGNIFIED: COMMUNITIES IN CRISIS 9, 16, 19 (2019) (reporting that 16% of hate incidents reported between March 2017 and May 2018 to the Communities Against Hate database or partner organizations or identified through news media accounts invoked then-President Trump by name or “Trump-related rhetoric,” such as the travel ban or border wall).

¹⁷ SOUTH ASIAN AMERICANS LEADING TOGETHER, *supra* note 16, at 33.

¹⁸ Karsten Müller and Carlo Schwarz, *From Hashtag to Hate Crime: Twitter and Anti-Minority Sentiment* at 3-4 (July 24, 2020), available at SSRN: <https://ssrn.com/abstract=3149103>. The study also examined 115 million tweets from a random 1% sample of Trump’s Twitter followers and found that “Trump’s negative tweets about Muslims are not only widely shared by his followers over the next days but also systematically followed by a spike in new content about Muslims.” *Id.* at 34.

¹⁹ Muneer I. Ahmad, *A Rage Shared By Law: Post-September 11 Racial Violence as Crimes of Passion*, 92 CAL. L. REV. 1259, 1265 (2004); Leti Volpp, *The Citizen and the Terrorist*, 49 UCLA L. REV. 1575, 1582-83 (2002).

²⁰ Ahmad, *supra* note 19, at 1266-77.

²¹ See, e.g., Shirin Sinnar, *The Lost Story of Iqbal*, 105 GEO. L.J. 379, 420-25 (2017) (describing profiling in, and lack of terrorism convictions arising out of, post-9/11 immigrant detentions).

government officially denounced hate crimes, federal policies “projected violence against Arabs, Muslims, and South Asians as a social norm” and legitimized the private violence that ensued.²² Nearly two decades later, the sweeping scope of U.S. counterterrorism policies directed at Muslim communities at home and abroad²³ reinforces perceptions of Muslims as terrorists, subjecting Muslim, South Asian, and Arab Americans to a greater risk of discrimination and hate violence even as studies show that far-right political violence has outpaced that of all other ideologies.²⁴

In light of the fraught U.S.-China relationship, the U.S. government has a responsibility to ensure that opposition to the Chinese government’s economic, geopolitical, or human rights practices does not lead to stigmatization, racial profiling, and discrimination targeting Chinese Americans and immigrants. Programs such as the Justice Department’s “China Initiative” send the message that those of Chinese descent constitute a threat by virtue of their race and heritage.²⁵ Even before the Trump Administration, Chinese American scientists and researchers had faced wrongful prosecutions in which their ethnicity likely played a role.²⁶ As with the post-9/11 framing of Muslim, South Asian, and Arab Americans, the “public” framing of Chinese Americans as national security threats exposes the community to a greater risk of “private” discrimination and violence.

To be clear, none of this suggests that political rhetoric or government policy is the sole cause of recent anti-Asian hate violence. Hate crimes research posits a range of individual and social factors that influence the commission of hate crimes. For instance, some research suggests that “thrill-seeking” behavior characterizes a large number of hate crimes, especially by young people subject to peer influence.²⁷ In addition, although the evidence is mixed as to the relationship between hate crimes and economic factors, some theories predict that competition for scarce resources triggers intergroup hostility or that, “when things are difficult, people will strike out at a convenient target.”²⁸ Multiple explanations for hate crimes can co-exist with the

²² Ahmad, *supra* note 19, at 1323-24.

²³ The U.S. global “war on terror” now spans military operations in 80 countries on six continents at the cost of \$6.4 trillion and over 300,000 civilian lives. Neta C. Crawford, Watson Inst. for Int’l & Pub. Aff., Brown Univ., United States Budgetary Costs and Obligations of Post-9/11 Wars through FY2020: \$6.4 Trillion at 1 (Nov. 13, 2019); Neta C. Crawford & Catherine Lutz, Watson Inst. for Int’l & Pub. Aff., Brown Univ., Human Cost of Post-9/11 Wars at 1 (Nov. 13, 2019). Within the United States, security agencies have “mapped” U.S. Muslim communities, deployed informants throughout these communities, conducted wide-scale “voluntary interviews,” and extensively monitored Internet activity—all with little oversight or accountability. Amna Akbar, *Policing “Radicalization,”* 3 U.C. IRVINE L. REV. 809, 854-68 (2013).

²⁴ SETH G. JONES ET AL, CENTER FOR STRATEGIC AND INT’L STUDIES, THE ESCALATING TERRORISM PROBLEM IN THE UNITED STATES 1, 3 (June 2020); Peter Bergen et al, New America Foundation, Part IV: What is the Threat to the United States Today?, <https://www.newamerica.org/in-depth/terrorism-in-america/what-threat-united-states-today/>.

²⁵ Margaret K. Lewis, *Time to Reassess and Reframe the U.S. Government’s “China Initiative,”* U.S.-Asia Law Institute, Jan. 7, 2021, <https://usali.org/usali-perspectives-blog/time-to-reassess-and-reframe-the-us-governments-china-initiative>; Rory Truex, *What the Fear of China Is Doing to American Science*, Feb. 16, 2021.

²⁶ See, e.g., Teresa Watanabe, *Leading Chinese American Scholars Decry Racial Profiling From Trump’s Hard-Line Policies Against China*, L.A. Times, Sept. 29, 2019.

²⁷ See, e.g., PHYLLIS B. GERSTENFELD, HATE CRIMES: CAUSES, CONTROLS, AND CONTROVERSIES 99-100 (2018) (describing research from multiple studies).

²⁸ See *id.* at 120-23 (describing theoretical and empirical evidence related to the relationship between economics and hate crime).

legitimizing role of political speech and policies. And even when people committing crimes are not acting out of prejudice, anti-Asian political rhetoric can make Asian Americans easy targets by lowering the expected social cost of such targeting.

III. Beyond the Hate Crimes Legal Paradigm

Much of the official response to hate crimes over the past several decades has centered on the enactment and enforcement of laws that either create standalone hate crime charges or that lengthen criminal sentences for bias-motivated crimes.²⁹ For instance, in California, the application of a hate crime enhancement can add up to four years to a person's felony conviction.³⁰ States and the federal government adopted hate crimes laws both because civil rights advocates pressed for governments to take hate violence seriously and because the political climate of the 1980s and 1990s emphasized "tough on crime" responses to social problems.³¹ Nearly all states now have laws directed at crimes targeting victims on the basis of race, ethnicity, religion, and other protected characteristics.³² At the federal level, Congress mandated the collection of hate crime statistics in 1990, authorized federal penalty enhancements for hate crimes in 1994, and expanded federal hate crimes offenses and their coverage of sexual orientation and gender identity through the 2009 Shepard Byrd Hate Crimes Prevention Act.³³

While the dominant hate crimes legal model involves charging bias-motivated crimes as hate crimes or seeking enhanced penalties, civil rights and community organizations are also pursuing a range of other strategies to prevent and respond to hate violence. There are several reasons for this interest in broader strategies. First, many hate incidents directed at Asian Americans and others do not necessarily qualify as criminal violations, such as hate speech that does not rise to the level of an actionable threat or assault.³⁴ The law does not criminalize hateful speech alone in part because of First Amendment constraints,³⁵ but these incidents nonetheless cause

²⁹ Avlana Eisenberg, *Expressive Enforcement*, 61 UCLA L. REV. 858, 922-25 (2014) (listing statutes).

³⁰ See CA STATE AUDITOR, HATE CRIMES IN CALIFORNIA LAW ENFORCEMENT HAS NOT ADEQUATELY IDENTIFIED, REPORTED, OR RESPONDED TO HATE CRIMES 7 (2018) (noting that California law provides for the lengthening of a felony sentence for up to four more years for defendants who "voluntarily acted in concert with another person").

³¹ For more on the politics that led to the enactment of hate crimes laws, including the convergence between civil rights advocacy and conservative law-and-order political dynamics, see Note, Terry A. Maroney, *The Struggle Against Hate Crime: The Movement at a Crossroads*, 73 N.Y.U. L. REV. 564, 568-78 (1998); VALERIE JENNESS & RYKEN GRATTET, MAKING HATE A CRIME: FROM SOCIAL MOVEMENT TO LAW ENFORCEMENT 26-32 (2001); CHRISTOPHER WALDREP, AFRICAN AMERICANS CONFRONT LYNCHING: STRATEGIES OF RESISTANCE FROM THE CIVIL WAR TO THE CIVIL RIGHTS ERA 113-17 (2009).

³² MICHAEL GERMAN & EMMANUEL MAULEÓN, BRENNAN CTR. FOR JUSTICE, FIGHTING FAR-RIGHT VIOLENCE AND HATE CRIMES 10, 21-41 (2019) (identifying forty-four states with hate crimes laws as of 2019). Note that the recent passage of hate crimes legislation in other states may have changed this tally.

³³ Hate Crimes Statistics Act, Pub. L. No. 101-275, 104 Stat. 140 (1990); Violent Crime Control and Law Enforcement Act of 1994 § 280003, Pub. L. No. 103-322, 108 Stat. 1796 (1994); Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, in National Defense Auth. Act for FY 2010, Pub. L. No. 111-84, 123 Stat. 2190 (2009), codified at 18 U.S.C. § 249.

³⁴ In August 2020, Stop AAPI Hate reported that, of 2,583 incidents, 8.7% included a physical assault, 6.4% involved being coughed or spat at, 21.8% involved shunning, and 70.6% involved verbal harassment or name-calling. STOP AAPI HATE, STOP AAPI HATE NATIONAL REPORT 3.19.20 - 8.5.20 (2020). It appears that incidents could be categorized as more than one incident type. Although some of the verbal harassment may have crossed the line into criminal violations, it appears likely that a large number of the reported incidents would not be criminal.

³⁵ In 1993, the U.S. Supreme Court upheld a state statute that enhanced penalties for crimes selecting victims on the basis of their race because it "aimed at conduct unprotected by the First Amendment" and was supported by an

significant stigma and harm. Second, even when hateful conduct amounts to a crime, many people do not report those crimes to police, especially in communities of color with significant mistrust of law enforcement.³⁶ If a majority of victims do not report hate crimes—as some national data suggests³⁷—then policy responses must consider other means of supporting victims. Third, there is growing concern that the U.S. legal system relies too heavily on criminal law and carceral solutions to social problems, contributing to police lethality and mass incarceration. For all these reasons, many hate crime survivors, community groups, and policymakers are exploring additional avenues to help victims heal, hold perpetrators accountable, and prevent hate violence.

In response to recent attacks on Asian Americans in Oakland and San Francisco, community leaders emphasized cross-racial solidarity and support for the targeted communities. They organized multiracial rallies that drew hundreds of participants, a volunteer effort to escort Asian American seniors in public, and cross-racial fundraising campaigns to support Asian American victims and organizations.³⁸ According to advocates, longstanding mutual aid efforts across communities fostered these efforts to counteract the fear and division the attacks created.³⁹ In addition, nearly one hundred Asian American organizations called for “culturally-relevant and trauma-informed investments” in their communities and cautioned against “an over-reliance on law enforcement approaches” as “disproportionately harmful to Black communities and other communities of color.”⁴⁰ At the state level, California provided \$1.4 million to efforts to track and publicize anti-Asian hate crimes, and legislators introduced bills to fund mental health

adequate explanation, the state’s belief that “bias-inspired conduct...inflict[s] greater individual and social harm.” *Wisconsin v. Mitchell*, 508 U.S. 476, 487-88 (1993). A year earlier, the Court struck down a city ordinance that prohibited the placement of a burning cross or other symbol known to generate “anger, alarm or resentment in others on the basis of race, color, creed, religion or gender” because the ordinance “prohibits otherwise permitted speech solely on the basis of the subjects the speech addresses.” *R.A.V. v. St. Paul*, 505 U.S. 377, 379 (1992). *See also* *Virginia v. Black*, 538 U.S. 343, 347-48 (2003) (holding that a state may prohibit cross-burning with an intent to intimidate, but not use the cross-burning as *prima facie* evidence of intimidation).

³⁶ A majority of hate crime victimizations reported to the National Crime Victimization Survey were not reported to police between 2011 and 2015, with victims in 41% of cases stating that they did not report to police because they handled the incident in a different way and 23% indicating that they did not report to police because of a belief that the “police would not want to be bothered or to get involved, would be inefficient or ineffective, or would cause trouble for the victim.” MADELINE MASUCCI & LYNN LANGTON, BUREAU OF JUST. STAT., HATE CRIME VICTIMIZATION, 2004-2015 at 5 (2017).

³⁷ *Id.*

³⁸ Claire Wang, *Multiracial Mutual Aid Efforts Help Chinatown Senior Citizens*, *Asian American Communities*, NBC News, Feb. 19, 2021; Christie Smith & Thom Jensen, *Black, Asian Communities Show Solidarity With Oakland Rally*, NBC Bay Area, Feb. 13, 2021; Kelsie Smith, *Hundreds of People Are Volunteering to Escort Elderly Asian Americans to Help Keep Them Safe*, CNN, Feb. 15, 2021.

³⁹ Cady Lang, *Hate Crimes Against Asian Americans Are on the Rise. Many Say More Policing Isn’t the Answer*, *Time*, Feb. 18, 2021.

⁴⁰ Chinese for Aff. Action, et. al, *Asian Organizations Across the Bay Area Join Forces to Demand Action Against Violence*, Feb. 9, 2021, at <https://caasf.org/press-release/asian-organizations-across-the-bay-area-join-forces-to-demand-action-against-violence/>. In addition, a statement by many national Asian American organizations and allies struck a similar note. *See* Organizations Representing Asian-American Communities Across the Nation and Allies Release Statement Rejecting Criminalization and Retribution, and Call for Responses Addressing the Root Causes of Racial Violence, Feb. 17, 2021.

services for survivors and restorative justice programs.⁴¹ These initiatives exemplify a growing interest in expanding approaches to hate crimes, beyond the traditional criminal legal model.

One set of alternative responses to hate crimes focuses on mitigating the harm to victims and communities through expanding social services. Beyond providing support, such efforts can serve one of the traditional purposes of hate crimes laws: to send a message that society recognizes the distinct harm that hate crimes inflict.⁴² These efforts can take a variety of forms. For instance, government programs can fund mental health care services for hate crime victims, including through funding nonprofit groups already serving particular identity groups.⁴³ The city of Portland, Oregon, recently funded trainings on hate violence for mental health professionals through Portland United Against Hate, a coalition of over 80 community organizations.⁴⁴ In addition, states can reform their existing victim compensation programs to better support hate crimes victims, both by ensuring that such programs fully cover hate crimes and that they do not exclude victims who did not report the crimes to law enforcement.⁴⁵ Furthermore, several states have established grant programs to protect institutions frequently targeted by hate crimes, such as places of worship or community centers.⁴⁶ Apart from securing sufficient funding for these new initiatives, one challenge will be to design social service programs that can reach people in geographic areas without nonprofit providers or resources tailored to affected communities.

A second set of approaches to hate crimes now under consideration involves forms of “restorative justice”—an umbrella concept for processes that bring together people directly affected by an offense in order to agree upon methods for the person responsible to repair the harm.⁴⁷ Some restorative processes exist outside the criminal legal system, like school-based programs or community mediation services, while others operate to divert cases from the standard criminal process. Among other goals, the latter restorative justice approaches seek to reduce the role of incarceration as a punishment, while holding perpetrators accountable and

⁴¹ Catherine Thorbecke, *California Commits \$1.4 Million To Combat 'Horrific' Attacks On Asian Americans*, abcnews.com, Feb. 24, 2021; Press Release, Rep. Rob Bonta, Bonta Introduces AB 886 to Combat Recent Surge in Hate Attacks with Community-based Solutions Including Prevention Steps and Victim Assistance, Feb. 22, 2021.

⁴² For more on this expressive rationale for hate crimes laws, see generally Avlana Eisenberg, *Expressive Enforcement*, 61 UCLA L. REV. 858 (2014).

⁴³ For a leading example of such a nonprofit group, see About Us, NYC Anti-Violence Project, <https://avp.org/about-us/> (noting “free, confidential counseling to LGBTQ survivors of all forms of violence including hate violence, intimate partner violence, sexual violence, police violence and HIV-related violence.”).

⁴⁴ Portland United Against Hate, 2017-2018 Special Appropriations and 2018-2019 BMP Grant Report Portland United Against Hate Coalition 30 (2019).

⁴⁵ Sinnar & Colgan, *supra* note 1, at 155-63.

⁴⁶ See, e.g., AB-1548, California State Nonprofit Security Grant Program (2019) (establishing grant program “to improve the physical security of nonprofit organizations, including schools, clinics, community centers, churches, synagogues, mosques, temples, and similar locations that are at a high risk for violent attacks or hate crimes due to ideology, beliefs, or mission.”); NY State Governor’s Office, Apply to the Securing Communities Against Hate Crimes Grant Program, <https://www.governor.ny.gov/apply-securing-communities-against-hate-crimes-grant-program>. Such programs should ensure that measures to improve security at institutions, such as the use of private security guards or surveillance technology, do not increase racial profiling or insecurity for other users of those institutions or area residents.

⁴⁷ See HOWARD ZEHR, *THE LITTLE BOOK OF RESTORATIVE JUSTICE* 40 (2002) (describing restorative justice as “a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible.”).

restoring victims' sense of safety through other mutually agreed upon commitments.⁴⁸ In her review of restorative justice programs, Georgetown Professor Carrie Menkel-Meadow concluded that a number of studies show that restorative justice "creates greater compliance with agreements or judgments, reduces imprisonment (and therefore costs to the system), provides greater satisfaction for both victims and offenders, and reduces recidivism rates."⁴⁹ Although U.S. research on restorative justice in the hate crimes context is limited, a study of a U.K. restorative justice program specific to hate crimes concluded that it helped alleviate victims' emotional harm.⁵⁰

Interest in restorative responses to hate crimes appears to be growing, especially as applied to youthful offenders and relatively less serious offenses.⁵¹ Existing restorative justice programs in several jurisdictions have included hate crimes cases among the larger set of cases they address.⁵² Such programs offer potential in the hate crimes context, but should be evaluated systematically to inform future efforts. In particular, these programs must address potential concerns that survivors might feel pressure to participate, that restorative meetings with offenders could retraumatize victims, or that segments of the public may (mis)construe restorative justice as an insufficiently serious response to hate crimes.⁵³ Restorative justice programs address some of these concerns through screening mechanisms to ensure that offenders are prepared to accept responsibility, the careful training of facilitators, and extensive preparation of all parties before any direct encounters.⁵⁴ Still, these programs may not be appropriate in all cases, and restorative justice initiatives require careful design and rigorous assessment to ensure that they limit reoffending and help survivors heal.

⁴⁸ These can include apologies, educational requirements, community service obligations, participation in anti-violence programs, or other more tailored requirements sought by victims to restore their sense of safety, with the possibility of the case returning to a traditional criminal process if the person responsible does not comply.

⁴⁹ Carrie Menkel-Meadow, *Restorative Justice: What Is It and Does It Work?*, 3 ANN. REV. L. & SOC. SCI. 10.1, 10.14 (2007).

⁵⁰ MARK AUSTIN WALTERS, HATE CRIME AND RESTORATIVE JUSTICE 184 (2014) (concluding that a U.K. restorative justice program helped hate crime victims by enabling them to articulate their experiences, receive support from trained facilitators, and obtain assurances from perpetrators that they would desist from future harm).

⁵¹ See, e.g., Evan Sernoffsky & Alejandro Serrano, *SF District Attorney Withdraws Charges Against Defendant in Attack on Asian Man*, S.F. CHRON. (Mar. 2, 2020) (describing the dropping of charges against a young man who had videotaped an attack on an older Asian man after the victim expressed interest in a restorative process); NYC AGAINST HATE, NYC AGAINST HATE COALITION POLICY FRAMEWORK: INVESTING IN A RESTORATIVE COMMUNITY-BASED APPROACH, <http://static1.squarespace.com/static/5e1b96b78d93e3087ddd7675/t/5e4720bc9f8d66363b969e34/1581719741136/NYC+Against+Hate+Policy+Platform.pdf> (advocating a restorative justice pilot program for young people suspected of hate violence).

⁵² For example, a Restorative Justice Program within the D.C. Attorney General's Office recently addressed the case of a 16-year-old who participated in an attack on a transgender woman on public transportation. Carrie Johnson, *D.C. Prosecutors, Once Dubious, Are Becoming Believers In Restorative Justice*, Nat'l Public Radio, July 2, 2019. See also DANIELLE SERED, UNTIL WE RECKON: VIOLENCE, MASS INCARCERATION, AND A ROAD TO REPAIR 115-18 (2019) (describing New York restorative justice organization Common Justice's work with the perpetrator and victim of an anti-Semitic hate crime).

⁵³ See Sinnar & Colgan, *supra* note 1, at 166-68. Even incorrect caricatures of restorative justice can be a problem given the desire to communicate a strong message of condemnation for hate crimes, both to targeted communities as well as to would-be perpetrators.

⁵⁴ See Sinnar & Colgan, *supra* note 1, at 167-68.

IV. Conclusion

Political leaders' demonstrations of support for Asian American communities—through words and action—are an important step towards undercutting anti-Asian racism and hate violence, including recent rhetoric and policies that have stigmatized and threatened those communities. Federal, state, and local governments should also support the efforts of diverse community organizations to help survivors heal and prevent further violence, especially through actions that build cross-racial solidarity.

Mr. COHEN. Thank you for sharing.

Our last Witness is Hiroshi Motomura. He is Susan Westerberg Prager Distinguished Professor of Law Faculty co-director, Center for Immigration Law and Policy at UCLA. His teachings and scholarship focus on immigration and citizenship.

His book "Americans in Waiting: The Lost Story of Immigration and Citizenship in the United States" won the Professional and Scholarly Publishing Award for the Association of American Publishers as the year's best book in law and legal studies.

Professor Motomura received his JD from Cal Berkeley and his BA from Yale.

Professor, you're now recognized for five minutes.

STATEMENT OF HIROSHI MOTOMURA

Mr. MOTOMURA. Mr. Chair and Ranking Member, thank you for the opportunity to speak to you today.

My remarks take a step back from the specifics of the incidents that other Witnesses addressed. There's a natural tendency to explain away these crimes as the isolated acts of a few individuals, and related is the natural tendency to avoid a deep look at why these crimes were committed. Why more crimes now, why against victims of Asian ancestry.

These crimes follow a long historical pattern, as you've heard today. Well, I'd like to explain a key reason for this history. Individuals commit crimes, but they do so in a society that reflects the laws under which we live.

To see hate crimes as isolated is to close our eyes to the role of law in shaping attitudes, especially about who is worthy and who is not.

My focus is on the immigration laws of the United States and especially how these laws have laid the foundation of hate crimes against Asian Americans in the past, in the present, but I hope not in the future.

I'll start by observing that throughout our nation's history, immigration laws and statutes, regulations, and Executive Branch orders have discriminated and excluded on the basis of race, nationality, religion, and ethnicity.

There are many examples. Chinese exclusion, as you've heard, dates back to the 1870s and 1880s, but it was the law of the land until 1943. My own family was one of the very small number of Japanese allowed to come from America before 1965, when immigration from Asia was severely limited.

Similarly, the large undocumented population from Mexico reflects an immigration system that historically has treated Mexican immigrants as disposable labor and today offers too few legal opportunities to work and live with family in this country.

Most recently, many people have been barred from the United States because they come from certain majority-Muslim or African countries.

The immigration laws, at their simplest, separate "them," in quotes, outside the border from "us," also in quotes, inside the border, and this may be why public figures have felt free to disparage and insult people from certain other countries, even when some of

those same public figures might never say the same thing about U.S. citizens who trace their family roots to those very same places.

Immigration laws don't just affect people outside the United States. Immigration laws can make it hard or even impossible for some U.S. citizens, but not others, to live in this country, in their United States, with their spouses and children and other close relatives—in other words, to make a family here, to make a life here in this United States as a family.

In this way, immigration laws tell some U.S. citizens they're still foreigners, that they cannot fully partake in American life.

If they trace their family origin to disfavored parts of the world, or if they follow a disfavored faith, the message is that their citizenship isn't as worthy of respect as the citizenship of other Americans.

Their citizenship is devalued, and in these ways, immigration laws enable discrimination that's based on race, often against U.S. citizens.

Chinese exclusion, for example, was rooted in the idea that people of Chinese descent do not become equal citizens of this country because they're not White.

When 120,000 people of Japanese ancestry, most of whom were U.S. citizens, were incarcerated in relocation camps during World War II, this too was only possible because they were seen as foreign because of their race.

So, especially when this permission to discriminate is embraced, endorsed, or amplified by public figures, what happens next should come as no surprise.

The message is that some U.S. citizens don't belong, that they're really foreigners, and that their lives and property aren't worth as much.

That message leads to hate crimes against people cast by our American immigration laws as fundamentally less American. No hate crime is an isolated act. We need to take national responsibility for the role of law in what we're seeing today.

By discriminating in ways that suggest some U.S. citizens don't belong here, our immigration laws have laid the foundation for hate crimes, and as long as our laws continue to lay this foundation our entire country will suffer because the promise of a shared citizenship that can unite us all will remain unfulfilled.

Thank you.

[The statement of Mr. Motomura follows:]

Testimony of Hiroshi Motomura

Susan Westerberg Prager Distinguished Professor of Law and
Faculty Co-Director of the Center for Immigration Law and Policy
at the School of Law, University of California, Los Angeles (UCLA)

on Discrimination and Violence Against Asian Americans

Before the Subcommittee on
the Constitution, Civil Rights, and Civil Liberties
Committee on the Judiciary
House of Representatives
U.S. Congress

March 18, 2021

Mr. Chairman and Committee Members,

Thank you for the opportunity to speak today.

My remarks take a step back from the details of incidents that the other witnesses have addressed.

There is a natural tendency to explain away these crimes as the isolated acts of a few individuals. Related is a natural tendency to avoid a hard look at why these crimes were committed — at why more crimes now, and why against victims of Asian ancestry.

These crimes follow a long historical pattern, as you have heard today. I'd like to explain a key reason for this history. Individuals commit crimes, but they do so in a society that reflects the laws under which we live. To see hate crimes as isolated is to close our eyes to the role of law in shaping attitudes, especially about who is worthy of respect, and who is not.

My focus today is on the immigration laws of the United States, and especially on how these laws have laid the foundation for hate crimes against Asian Americans in the past and in the present, but I hope not in the future.

I'll start by observing that throughout our country's history, immigration laws — in statutes, regulations, and executive branch orders — have discriminated and excluded on the basis of race, nationality, religion, and ethnicity.

There are many examples. Chinese exclusion dates back to the 1870s and 1880s, but it was the law of the land until 1943.¹ A federal statute in 1917 blocked immigration from most of Asia.² From the 1920s, Congress sought to preserve the racial mix of the United States by adopting the national origins system, which with its elaborate caps on immigration based on ethnicity.³ Until 1965, this system kept immigration to the United States from outside the Western Hemisphere almost

¹ See Act of May 6, 1882, ch. 126, § 14, 22 Stat. 58, 61 (1882); Act of Apr. 27, 1904, ch. 1630, § 5, 33 Stat. 392, 428 (1904); repealed by Act of Dec. 17, 1943, ch. 344, § 1, 57 Stat. 600, 600 (1943).

² See Act of Feb. 5, 1917, ch. 29, § 3, 39 Stat. 874, 876. Exceptions were the Philippines, other U.S. possessions, and Japan, which agreed in 1907 to limit emigration to the U.S. mainland. For discussion, see Hiroshi Motomura, *Americans in Waiting: The Lost Story of Immigration and Citizenship in the United States* 32 (Oxford Univ. Press 2006).

³ For discussion, see Motomura, *Americans in Waiting*, at 126–32. After a temporary screening measure in 1921, the National Origins Act of 1924 made these ethnic caps a core feature of federal immigration law. See Act of May 19, 1921, ch. 8, §§ 2(a)(6), 3, 42 Stat. 5, 5–7; Act of May 26, 1924, ch. 190, § 5, 43 Stat. 153, 155.

entirely white and largely from western and northern Europe.⁴ My own family was one of the small number of Japanese allowed to come to America before 1965, when immigration from Asia remained severely limited.

Similarly, the large undocumented population from Mexico reflects an immigration system that historically has treated Mexican immigrants as disposable labor and today offers too few legal opportunities to work and live with family in this country.⁵ Most recently, many people have been barred from the United States because they come from certain majority-Muslim or African countries.⁶

Immigration laws, at their simplest, separate “them” *outside* the border from “us” *inside* the border. This may be why public figures have felt free to disparage and insult people from certain other countries, even when some of those public figures might never say the same things about U.S. citizens who trace their family roots to those very same places.

But immigration laws don’t just affect people outside the United States. Immigration laws can make it hard or even impossible for some U.S. citizens, but not others, to live in this country — in *their* United States — with their spouses and children and other close relatives — in other words, to make a life here, together as a family.⁷

In this way, immigration laws tell some U.S. citizens that they are still foreigners — that they cannot fully partake of American life. If they trace their family origins to disfavored parts of the world, or if they follow a disfavored faith, then the message is that their citizenship isn’t as worthy of respect as the

⁴ For discussion, see Motomura, *Americans in Waiting*, at 132–33.

⁵ See U.S. Immigration Comm’n, *Abstract of the Report on Japanese and Other Immigrant Races in the Pacific Coast and Rocky Mountain States*, in *Reports of the Immigration Commission: Abstracts of Reports of the Immigration Commission with Conclusions and Recommendations and Views of the Minority*, S. Doc. No. 61-747, at 690–91 (3d Sess. 1911). For discussion, see Hiroshi Motomura, *Immigration Outside the Law* 31–55 (Oxford Univ. Press 2014).

⁶ See *Protecting the Nation from Foreign Terrorist Entry into the United States*, Exec. Order No. 13,769, 82 Fed. Reg. 8977 (Feb. 1, 2017); *Protecting the Nation from Foreign Terrorist Entry into the United States*, Exec. Order No. 13,780, 82 Fed. Reg. 13,209 (Mar. 9, 2017); *Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or Other Public-Safety Threats*, Proclamation 9645, 82 Fed. Reg. 45,161 (Sept. 27, 2017).

⁷ For discussion, see Motomura, *Immigration Outside the Law*, at 94; Hiroshi Motomura, *The New Migration Law: Migrants, Refugees, and Citizens in an Anxious Age*, 105 Cornell L. Rev. 457, 471–73 (2020); Hiroshi Motomura, *Whose Immigration Law?: Citizens, Aliens, and the Constitution*, 97 Colum. L. Rev. 1567, 1572 (1997); Hiroshi Motomura, *Whose Alien Nation?: Two Models of Constitutional Immigration Law*, 94 Mich. L. Rev. 1927, 1946–51 (1996).

citizenship of other Americans. Their citizenship is devalued. In these ways, immigration laws enable discrimination that is based on race, often against U.S. citizens.

Chinese exclusion, for example, was rooted in the idea that people of Chinese descent could not become fully equal citizens of this country because they were not white.⁸ When 120,000 people of Japanese ancestry, most of whom were American citizens, were incarcerated in relocation camps during World War II, this, too, was only possible because they were seen as foreign because of their race.⁹

Especially when this permission to discriminate is embraced, endorsed, and amplified by public figures, what happens next should come as no surprise. The message is that some U.S. citizens don't belong, that they are really foreigners, and that their lives and property aren't worth as much. That message leads to hate crimes against people cast by our immigration laws as fundamentally less American.

No hate crime is an isolated act. We need to take national responsibility for the role of law in what we are seeing today. By discriminating in ways that suggest some U.S. citizens don't belong here, our immigration laws have laid the foundation for hate crimes. As long as our laws continue to lay this foundation, the promise of a shared citizenship¹⁰ that can unite us will remain unfulfilled, and our entire country will suffer.

Thank you.

⁸ See *Chae Chan Ping v. United States*, 130 U.S. 581, 606 (1889). For discussion, see Motomura, *Americans in Waiting*, at 29.

⁹ See *Personal Justice Denied: Report of the Commission on Wartime Relocation and Internment of Civilians*, National Archives (1982).

¹⁰ The racist patterns in U.S. immigration laws have their counterpart in U.S. citizenship laws. In 1857, the U.S. Supreme Court read the U.S. Constitution to deny citizenship to anyone of African ancestry. See *Dred Scott v. Sandford*, 60 U.S. 393, 454 (1857). Only after the Civil War did the Fourteenth Amendment confer citizenship on all persons born on U.S. soil and subject to U.S. jurisdiction. See U.S. Const. amend. XIV, § 1. Citizenship by naturalization also depended on race. Starting in 1790, a federal statute limited naturalization to "free white person[s]." See Act of Mar. 26, 1790, ch. 3, § 1, Stat. 103, 103 (1790). In 1870, Congress opened eligibility to "aliens of African nativity and to persons of African descent"—but not Asian immigrants. See Act of July 14, 1870, ch. 254, § 7, 16 Stat. 254, 256 (1870). A statute in 1943 made Chinese immigrants eligible, Act of Dec. 17, 1943, ch. 344, § 3, 57 Stat. 600, 601, but only in 1952 did Congress repeal the last racial bars to naturalization.

Mr. COHEN. Thank you, sir. We appreciate your attendance and your participation in our hearing. We will now enter a round of questioning and we will be under the five-minute rule ourselves and I'll begin by recognizing myself for a question.

I'd like to ask Ms. Lee, is there empirical or historical evidence supporting the claim that leaders promoting stereotypes or using rhetoric aimed at a particular ethnic racial group leads to increased levels of discrimination or violence against that group? Are there historical examples of this?

Dr. LEE. Thank you, Chair, for that wonderful question, and the answer is, clearly, yes. There is, unfortunately, a huge amount of historical evidence. The record is very clear. We have got mayors of major cities, we have lawmakers in Congress explaining Asian people in the crudest, most racist terms.

In 1876 in San Francisco, Mayor Bryant, a mayor of the time of that city, gathered a mob of thousands of people in downtown San Francisco and talked about the Chinese immigration question as one that needed to be solved, or that if Chinese immigration would continue it would lead to the downfall of American civilization and of the White race.

In 1882, when Congress is introducing—lawmakers introduced the Chinese Exclusion Act, some of the lawmakers, including Senator Miller of California, described Chinese immigrants as a degraded and inferior race and a threat to national security. They stole jobs from White workers. They were also a danger to the public good of the country.

Then during World War II, our military leaders were very explicit in their descriptions of Japanese people, Japanese Americans, as quote, "an enemy race" unquote.

One of the leaders of that was one of our military officials, Lieutenant General John L. DeWitt, who was in charge of making sure that Japanese Americans were forcibly removed and relocated from the West Coast.

Mr. COHEN. Thank you very much.

Dr. LEE. We know that—thank you.

Mr. COHEN. Thank you. We have a miserable history in this area. I appreciate your elucidating upon it.

I'd now like to yield the remainder of my time to the Honorable Ted Lieu, Congressman from California.

Mr. LIEU. Thank you, Chair Cohen, for holding this important hearing and for allowing me to participate.

Asian Americans have now experienced a surge in hate crimes, hate incidents, and discrimination since the start of the pandemic, and I want to explore some of the reasons for that.

I was struck, Professor Motomura, when your testimony stated that individuals commit crimes, but they do so in a culture and a society that reflects many influences. Professor Sinnar, in your testimony you talk about the rhetoric being employed.

Can we discuss whether there's a link between the rhetoric being employed and the increase in hate crimes against Asian Americans?

Ms. SINNAR. When [audio interference] former President Donald Trump uses racist dog whistles that are, clearly, interpreted as an effort to blame one community or one government and, by implica-

tion, the community of people who are thought to be associated with it, that affects the entire society, and Stop AAPI Hate's research shows as well that those tweets from the former President were retweeted over a million times.

So, once you have that norm setting at the top that normalizes stigmatizing a particular community for hate, it does lead to ripple effects across society at large.

Mr. LIEU. Thank you very much.

I'd like to now respond to the Ranking Republican Member today at the hearing. I previously served on active duty in the United States Air Force. I'm very aware of who the bad guys are and who our foreign enemies are.

This hearing is about Americans of Asian descent who are being targeted in the United States. It's not about policing speech. I served on active duty so you can say whatever you want under the First Amendment. You can say racist stupid stuff if you want.

I'm asking you to please stop using racist terms like Kung Flu or Wuhan virus other ethnic identifiers in describing this virus.

I am not a virus, and when you say things like that it hurts the Asian-American community. Whatever political points you think you are scoring by using ethnic identifiers in describing this virus, you are harming Americans who happen to be of Asian descent. So, please stop doing that.

I yield back.

Mr. COHEN. Thank you, Representative Lieu, for your service to our country and your service to our country today.

I now recognize Mr. Burgess Owens who is virtually with us. So, Mr. Burgess Owens, the ball is in your court. Five minutes.

Mr. OWENS. Thank you. Thank you so much, Mr. Chair. One second. Hold tight.

Now, we have heard a lot today about the alarming rise in violence against Asian Americans. My heart goes out to the Asian-American community and all victims of crime. No one should feel unsafe in their own neighborhoods.

I'm concerned that there's a culture of lawlessness that's become pervasive and attacks every community, and we need to follow the facts.

For example, in 2008 a survey by the San Francisco Police Department studied 300 robberies. In 85 percent of the assault crimes, the victims were Asian, the perpetrators were Black Americans.

Between 1980 and 2008, the Department of Justice found that 84 percent of White victims were killed by White offenders and 93 percent of Black victims were killed by Black offenders.

What does this tell us about the possibility of a deeper, more systemic issue like the deterioration of the family unit and the negative impact it is having on all communities?

In addition to the violence, we're also seeing institutional discrimination against Asian Americans in universities. Although the Asian community has been very successful academically, but it's also been discriminated against because it's a culture committed to meritocracy.

As someone who's grown up in the 1980s, I understand exactly what institutional racism looks like, and using someone's race as

a factor against admission to college is totally un-American. Our colleges must end that now.

These issues are complicated, and I hope we can get to the bottom of the rise of the lawlessness that no American should experience—no American should experience, and the institutional discrimination against Asian Americans through our colleges and universities.

Our government cannot condone or take part in this type of racism.

Mr. Lehman, I do have a question. As you state, citizens in all communities, Asian Americans among them, have the right to live free from [audio interference].

Mr. COHEN. Mr. Owens, you asked a question of someone, I believe. Who did you direct your question to?

Mr. OWENS. Mr. Lehman.

Mr. COHEN. Mr. Lehman?

[Technical issues.]

Mr. COHEN. Sounds like.

[Technical issues.]

Mr. COHEN. It seems we have a problem with our system.

Can anybody hear me out there?

[Simultaneous speaking.]

Mr. COHEN. Yeah, but nobody can hear it. So, can we stop the time? Are we fixing it? Is he muted, maybe? I don't think—Mr. Lieu, can you hear me?

[No response.]

Mr. COHEN. Mr. Lehman, can you hear me?

[No response.]

Mr. COHEN. Well, I guess now we know why they call it WebEx. Testing. Is there any—anybody hears?

[Pause.]

Mr. LEHMAN. —it should swiftly and certainly enforce law in these communities.

Mr. COHEN. Mr. Lehman, I think we're back. Can you hear me? Can people hear me?

Mr. Lehman, try to talk again.

Mr. LEHMAN. Yes, I can hear you. I'm sorry. I didn't realize we had cut out.

Mr. COHEN. You're back on. You cut out at the 2:47 mark. If you could rewind too there.

[Laughter.]

Mr. LEHMAN. Oh, yes. I'm sorry. I've been talking to Representative Owens. I'm not sure—I guess it did not come through.

Mr. COHEN. Nobody could hear you. Rewind to 2:40 and start over again. That's something a Yale man should be able to do.

Mr. LEHMAN. Yes, sir.

I don't know what we were talking about—

Mr. OWENS. Do we need to repeat—do I need to repeat the question?

Mr. COHEN. Please repeat the question.

Mr. OWENS. Okay. What do we need to do to end these attacks that we're now seeing on the rise of it being perpetrated against Asian Americans and, I will say, at other Americans that are going through the same issues at this point?

Mr. LEHMAN. Yeah. I think that the most important and most possibly effective policy response comes down to acting to ensure safety in communities and the best tool that we have for that public safety enforcement is the police on the streets.

I agree with my co-panelists that we want to combat bigotry in the hearts and minds of some Americans, but that's not the most swift or certain way to reduce violent crime in our communities. Effective policing is.

Mr. OWENS. Okay, thank you.

Mr. FA, is there a way to achieve diversity at institutions of higher learning without considering race within the application or admissions process?

Mr. FA. Yes, I think there are ways to achieve diversity without using race on college campuses. I think when we talk about diversity, it's a mistake just to think about it in terms of racial diversity.

I think a lot of universities are not very diverse in terms of different ideologies, different viewpoints, and I think we should be doing more to ensure that students on college campuses are hearing views from all sides.

In terms of racial diversity itself, I think there are certain ways that were proffered by the Students For Fair Admission in the Harvard case.

Harvard currently, as it stands, gives preferences to athletes, to legacy admits, to big donors, and to children of faculty, and I think reducing or eliminating those preferences would lead to an increase in even racial diversity without using racial preferences.

Mr. OWENS. Very good. Thank you so much, and I'm going to yield back my time. Thank you so much.

Mr. COHEN. Thank you, Representative Owens.

I now yield five minutes to the honorable, distinguished, the renowned, and the respected gentleman from Maryland, Mr. Raskin.

Mr. RASKIN. Thank you, Mr. Chair.

Anti-Asian American violence is skyrocketing. We have seen a 150 percent surge in anti-Asian American hate crimes in major cities including an 81-year-old woman being punched in the face and lit on fire outside her own home, a 61-year-old man being slashed in the face with a box cutter on the subway in New York City, a woman being doused in the face with a burning toxic chemical as she took out the trash at her home, and a 15-year-old boy being hospitalized after being attacked at school by a bully assailant who claimed he had COVID-19 because he was Asian.

The governor of Maryland, Larry Hogan, whose wife, Yumi, is Korean American, told me in a phone conversation yesterday that he and his wife and his daughter's closest friends have all been affected by the new wave of hostility against the AAPI community.

Governor Hogan told me that close family friends have been assaulted in a convenience store, screamed at by racists telling them to go back to China, and told that they did not want to sit next to them on an airplane because they were Asian and had COVID.

There's no free speech defense to commission of violent assaults on Asian Americans or anybody else and the bizarre invocation of free speech in this context is a dangerous and irrelevant distraction from the violence engulfing AAPI communities across the land.

We have got Korean-American, Japanese-American, and Vietnamese-American constituents who've been attacked by racist fanatics screaming about the Wuhan flu. So, just consider the leaps of illogic and fallacy which lead to this kind of crime.

First, you've got to blame the COVID-19 virus on the Chinese government or the Chicoms, as the Ranking Member probably puts it, an authoritarian government which President Trump lavishly praised 37 different times in the first three months of COVID-19 for its excellent response.

Then you've got to blame the lethal recklessness of President Trump, who said COVID-19 would magically disappear by Easter and suggested injecting bleach as a miracle cure and refused to develop any nationwide plan to crush the virus on the Chinese government and on the Chinese people.

Then you've got to associate the alleged policy errors of the Chinese government with the Chinese people. Then you must associate the Chinese people with Chinese-American citizens of the United States.

Then you must associate Chinese-American citizens with Korean- and Vietnamese-Americans citizens, and so on. Then you must assume that all your misguided and fallacious views justify violent attacks on Asian-American strangers.

All these fallacies and lies are built on assumptions of collective guilt, mass punishment, and vigilante justice that are completely at odds with our constitutional values.

So, it's remarkable to me that when we try to put a stop to this deranged violence, we have colleagues who think it's relevant or productive to defend Donald Trump's totally unmolested First amendment rights to blame his own failures on the Chinese government, which he enthusiastically praised 37 different times.

So, Mr. Yang, is the invocation of free speech relevant or constructive to the dialogue about anti-Asian American violence and racism today?

Mr. YANG. Thank you for that question and thank you very much for expressing the powerful words that you do.

Free speech is not a defense. We have no free speech right to yell "fire" in a crowded theater, and what is happening right now is the Asian Americans are in a crowded theater where we are being endangered.

The other point is, regardless of free speech, all of us as leaders have an obligation to model behavior that we want our community to follow and model behavior that would lift our entire country up, instead of trying to be divisive and make individuals or communities targets of hate when it is unnecessary.

The last thing that I would say is, as has been established by previous speakers, everyone agrees there is no medical benefit to using terms such as China virus and Wuhan flu, and everyone agrees that there is some effect, and you could debate how much, but there is an effect on the hate that the Asian-American community has received.

So, the cost benefit analysis is clear. The cost to the community, the Asian-American community, of calling the term that it is great. The benefit not used—the benefit of using these terms is nil. So, in that sense, it makes no sense.

Mr. RASKIN. Thank you so much.

Professor Lee, would you agree that it is dangerous and irrational to conflate the question of random vigilante attacks in violence on American citizens with questions of foreign policy and the behavior of foreign governments?

Dr. LEE. Yeah, thank you for that great question. It is irrational, but it has been part of our historical record and we have seen where that hate has led. There's been too many times when Japanese Americans, for example, had been conflated with the Japanese enemy.

This is one of the ways in which American racism works. We think we should have learned this lesson by now in the 21st century, that, as all the fellow Witnesses have reiterated a point that really should not need to be made in the first place.

We are Americans. We are Americans of Asian descent. We are proud of that ancestry and heritage. Conflating us with a foreign government has been an age-old way of denigrating us, separating us, making us other. That has led to racism in the past and it's leading to racism today.

Mr. RASKIN. Thank you very much.

Mr. Chair, thank you for this great hearing and I yield back to you.

Mr. COHEN. Thank you, Mr. Raskin.

This problem that we see with the Asian-American community has been going on for years. The people who thrust this at us have seen Jews as being double citizens and having double citizenship—dual citizenship with Israel—which, of course, is not true. That's been put out too, and this type of stuff has gone on for years.

As Professor Wiesel said, people who hate, hate everyone.

I'd now like to yield to Ms. Fischbach.

Ms. FISCHBACH. Thank you, Mr. Chair.

I just have a quick, I guess—maybe not quick—a question for Mr. Fa, and I was just wondering, in your work fighting discrimination in the education admissions process, do you find this type of discrimination to be across all types of schools like public, private, regional, religious, and nonreligious?

I guess I'm just wondering if there's a pattern or a general trend that you observe in the schools, the types of schools, that are having issue?

Mr. FA. Well, certainly—thank you, Congresswoman, for that question. Certainly, this type of discrimination happens at different types of schools. The Harvard case, obviously, considers a private school that is sub—that receives Federal funding. So, that's a lawsuit based on title VI.

The work that we do at Pacific Legal Foundation really focuses on the equal protection clause, and the defendants in those cases are government entities and public schools.

We see that throughout the country. We have fought discrimination in places like New York, places like Virginia, places like Maryland, and we fought racial quotas representing not just Asian-American families across the United States, but also Black and Hispanic families who are being denied educational opportunities on the basis of race.

So, this is a prevalent issue in America, sadly, today. We look forward to enforcing our clients' rights under the equal protection clause and their right to equality before the law.

Ms. FISCHBACH. Mr. Fa, maybe just a follow-up. There are some schools that, certainly, do better at not discriminating, and if you found that there are some characteristics about those schools that they share that the others don't have? Have you found anything about that?

Mr. FA. Sure. So, many of those schools are—that we have litigated are the admissions system, at least previously, have been governed by an objective test that anybody can take that is—and their chances of getting into those specialized schools or magnet schools they're determined by their score on the test. The highest scores on the test would get in no matter what their race or ethnicity.

Unfortunately, local government in places like New York, Montgomery County, Thomas, and Virginia have found the results to be the schools have had too many Asians, in their opinion.

So, they changed the admissions policies in cases to discriminate against Asian-American students, and in the case of our New York clients, low-income Asian-American students, only because there were too many—in their view, too many Asian Americans at those schools.

Ms. FISCHBACH. Thank you, Mr. Fa, and thank you, Mr. Chair. I yield back.

Mr. COHEN. Thank you, Ms. Fischbach. As terrible as that all is, when my father went to medical school, many of those medical schools did not accept Jews at all.

I now recognize Ms. Ross.

Ms. ROSS. Thank you so much, Mr. Chair, and thank you for holding this very important hearing during this very important and sad week.

I want to thank everyone on the panel for being here. I want to let you know that my district in North Carolina is home to a large and vibrant Asian-American community.

These individuals, whether they were born here or came to North Carolina as immigrants, are an essential part of the Research Triangle's workforce and community. Wake County would not be the hub of innovation and culture that it is without their contributions.

I'd like to ask unanimous consent to enter an article from our newspaper, the Raleigh News and Observer, on Asian hate crimes that appeared today.

Mr. COHEN. Without objection it will be done.

[The information follows:]

MS. ROSS FOR THE RECORD

The Wayback Machine - <https://web.archive.org/web/20210415054619/https://www.newsobserver.com>



The News&Observer

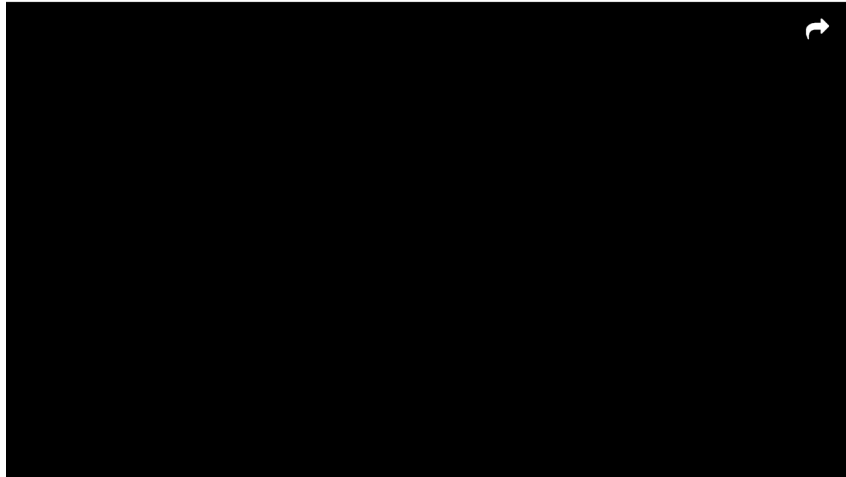


LOCAL

Triangle-area Asian Americans suffer 'grief, devastation' in wake of Atlanta killings

BY JULIAN SHEN-BERRO, ASHAD HAJELA, AND ADAM WAGNER

MARCH 17, 2021 05:34 PM, UPDATED MARCH 18, 2021 10:59 AM



BY

When the COVID-19 pandemic hit North Carolina, Chutikan Hoover, a Thai massage therapist in Raleigh, said one of her employees no longer felt comfortable being seen in public.

Her employee, who is Chinese, feared the impact of the rhetoric of some politicians, including then President Donald Trump, which associated her nationality with the spreading virus.

Asian American communities in the Triangle and across the country saw their fears realized Tuesday when eight people, including six Asian American women, were killed at three Atlanta-area spas. A white man has been charged in the shootings.



“I feel bad for the victims, the Asian women — who are victims, who are innocent in the situation,” Hoover told The News & Observer. She and her husband, Scott, opened the licensed Sukho Thai Massage studio in 2012.

Scott Hoover, who is white, said he has “become more concerned for her safety, seeing how people are targeted across the country.”

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CLAIM OFFER

Chavi Koneru, the executive director of North Carolina Asian Americans Together, said the group first noticed a rise in anti-Asian discrimination in January of last year — as Asian American community events, like Chinese New Year festivals, were being canceled before the coronavirus had been detected in the U.S.

But she said when the virus arrived in North Carolina in March and Trump began using terms that linked China to the virus, the discrimination became more widespread and targeted. Koneru said recent months have seen that discrimination become more aggressive.

“My first response was grief, devastation,” she said about the attacks in Atlanta. “We think of Georgia as part of the South, as close to home — and so this feels a lot more real and a lot scarier in some ways than what was happening across the country.”

Stop AAPI Hate, a San Francisco-based organization that [tracks incidents of harassment and violence](#) against Asian Americans and Pacific Islanders across the country, received reports of about 3,800 incidents between March 19, 2020, and Feb. 28, 2021. North Carolina was not among the states with the most reported incidents, but a Stop AAPI presentation notes, “The number of hate incidents reported to our center represent only a fraction of the number of hate incidents that actually occur.”

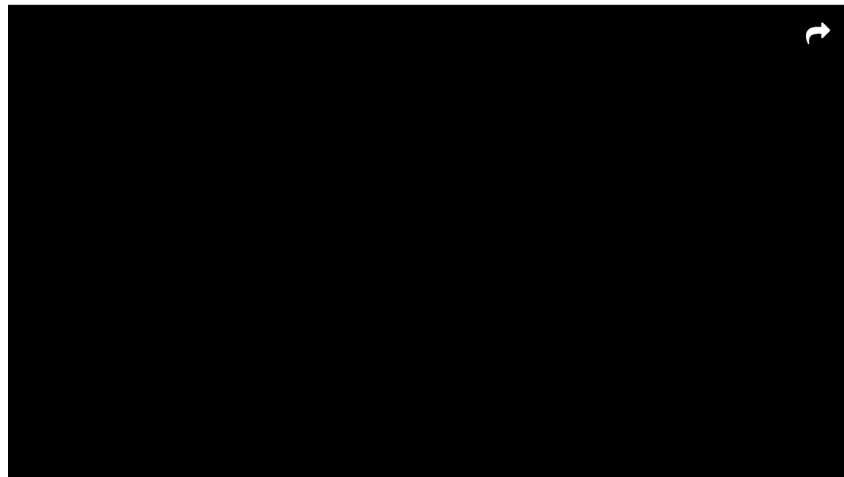
Of the incidents that were reported, 68% involved verbal harassment and more than 20% involved intentionally avoiding Asian Americans. Businesses and public parks were the most likely locations of discrimination; Chinese people were the ethnic group that reported the most incidents of discrimination.

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BY

TRIANGLE BUSINESSES, RESIDENTS WORRIED ABOUT VIOLENCE

Jing Lin owns Chuan Cafe, a Chinese restaurant that has been open for almost two years in East Raleigh. She also runs a restaurant in Atlanta. While she hasn't had too many problems, Lin said she is "still a little bit scared" that what happened in Atlanta could happen at her restaurants.

“We’re scared, because as the owner we have a responsibility,” Lin said. “We hope our employees protect themselves.”

Lin said her restaurants and the malls where they are located have security cameras. She hopes people will communicate and talk through their problems instead of resorting to violence.

“We should make everything more peaceful,” she said.

Sophia Khotil was born in the Philippines, but has lived in Raleigh since 2007. Khotil has worked for 10 years as a licensed massage therapist, including at Sukho Thai Massage for the past four years.

When Khotil heard about the killings in Atlanta, she said she was scared to see people so close to her profession be killed. She was similarly fearful when Asian restaurants in the area reported several robberies.

“Being Asian and an immigrant to the United States, we know how hard people work to fulfill the American dream and for this to happen to the Asian community, this kind of shakes us up,” she said. “They were probably mothers and sisters and aunts and friends of people and it’s terrible that they were taken away.”

“Safety has always been a concern in our business,” Khotil said.

Sophia Khotil has worked for 10 years as a licensed massage therapist, including at Sukho Thai Massage, a Raleigh massage studio, for the past four years. She was photographed at the studio Raleigh Wednesday, March 17, 2021. Ethan Hyman EHYMAN@NEWSOBSERVER.COM

‘IT’S GOTTEN WORSE’

Lawrence Yoo, a pastor at Durham County’s Waypoint Church, said he felt heartbroken and fearful when he first heard about the shootings in Atlanta.

“I actually called my parents as soon as I heard about it, and made sure they weren’t going out in the next couple days,” he said.

In New York, California and other parts of the country, elderly Asian and Asian American people have been the targets of violent assaults in recent months.

Yoo said he's also worried about his wife, who is a pediatric dentist, and members of his congregation who own businesses. He worries that people might see them as targets.

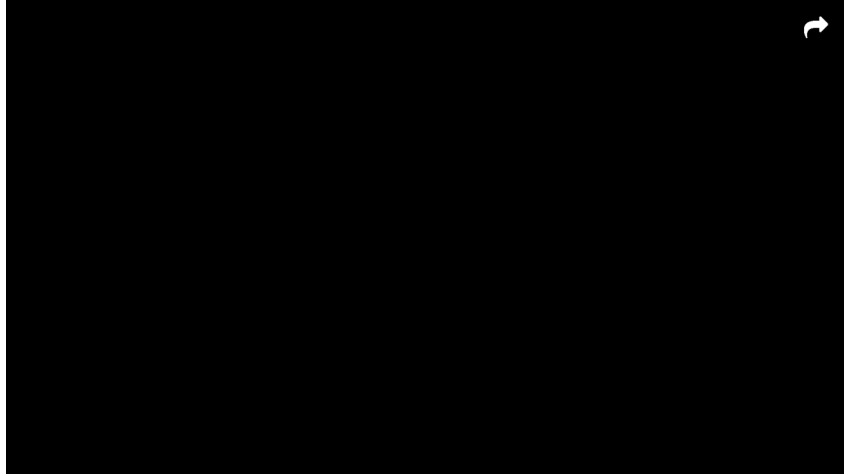
Near the start of the pandemic, Yoo said he was driving when another driver opened their window to hurl racial slurs at him.

"It's something that we've dealt with as a community for a long time, kind of quietly," Yoo said of the violence and discrimination. "Lately, it's gotten worse."

In late February, Hy Huynh, a Duke University global mental health disparities researcher, spoke at a virtual gathering of N.C. Asian Americans Together about [Asian American mental health during the COVID-19 pandemic](#) and the spike in discrimination.

Trump's racist tropes linking COVID-19 with Asian people, Huynh said, were "a blatant misrepresentation and did nothing to stop or slow down this pandemic. Rather, the language only contributed to the anti-Asian American discrimination and stigma and gave people an excuse to harass, assault and murder Asian people."

Among the steps Huynh recommended were reporting any acts of discrimination and building a sense of community by seeking out other Asian Americans.



BY

ASIAN AMERICAN DISCRIMINATION NOT NEW

“Words escape me,” said Professor Nayoung Aimee Kwon, the director of Asian American and Diaspora studies at Duke University. Kwon said the violence in Atlanta wasn’t unexpected, but added that “you never really are prepared.”

Kwon emphasized that discrimination against Asian Americans is not new, pointing to the exploitation of Chinese labor in the building of the railroads in the 1800s, and more recent examples like the discrimination and harassment of Muslim and other South Asian communities in the aftermath of 9/11. During World War II, the U.S. government held more than 115,000 people of Japanese descent in internment camps. Neither German nor Italian Americans were confined.

“The problem is that these (Asian) communities are always perceived as perpetually foreign — although there have been generations who have always been in this country,” Kwon said.

Kwon said anti-Asian and anti-Chinese sentiment has been building in contemporary times, stemming from trade wars and political rhetoric.

“If you don’t have a basic understanding of the history,” she said. “It’s very easy to hunker down and let your fears and anxieties against people who look different from you take over.”

Kwon stressed the need for educators to incorporate Asian American history into the classroom. She said it’s important to contextualize the issue within a larger American history — one that includes the historical and contemporary struggles of Black Americans and other people of color, and promotes solidarity across different groups.

TRIANGLE ACTS OF VIOLENCE

In 2018, Hong Zheng, an Asian American, was shot and killed in the driveway of his Durham home while [returning home from](#) the restaurant he owned.

The incident was the fifth time someone had broken into or tried to break into the house since 2015, family members told The News & Observer at the time, and raised concerns about [criminals targeting first-generation immigrants](#).

In 2015, a white man shot and killed Deah Barakat, 23, his wife, Yusor Abu-Salha, 21, and her sister Razan Abu-Salha, 19, in their Chapel Hill home. According to The News & Observer, prosecutors portrayed the shooter, who was not charged with a hate crime, as being motivated by [his hatred of their religion](#).

The case was initially framed as a parking dispute, but the victims’ families pushed back on that explanation for years, insisting the victims’ religion sparked the crime.

After the shooter pleaded guilty, the Chapel Hill Police Department released a statement that said, “The man who committed these murders undoubtedly did so with a hateful heart, and the murders represented the taking of three promising lives by someone who clearly chose not to see the humanity and the goodness in them.”

In the aftermath of the Chapel Hill shooting, some legislators and community advocates called for the state to adopt stronger hate crime legislation. Under current North Carolina law, hate crimes are treated as misdemeanors, and do not

include attacks on the basis of ethnicity, religion, sexual orientation or gender identity.

Bills to strengthen the state's laws and provide felony provisions have been introduced in the General Assembly in recent years, but they have consistently failed to make it out of committee.

To Koneru, the Atlanta murders and the discrimination of the past year further emphasize the need for this legislative change. She said NCAAT will continue to advocate for such change, but that in the immediate future her focus is on giving the community space to grieve.

And though there's a history of discrimination against Asian Americans that predates the pandemic, "we don't want to normalize this," Koneru said.

She said after the initial grief hit her, her concern became: "Are we now going to be desensitized to these types of hate crimes against Asian Americans in the same way that we are about school shootings and police brutality? Is this just one more event?"

"Or," she said, "are we going to address this, and do something about it?"

VIGIL TO MOURN VICTIMS OF RACIAL VIOLENCE

North Carolina Asian Americans Together, a nonprofit that advocates for the civil rights of Asian Americans in the state, held a vigil over Zoom on Wednesday night to mourn the people killed in Atlanta and other victims of violence against Asian Americans.

Heidi Kim, director of UNC's Asian American Center, spoke about how stereotypes against Asian Americans divide members of the community.

"These stereotypes really constrain us," Kim said. "They divide us from each other within the Asian American community, and they divide us from other Black, indigenous and people of color in this country who have also suffered and suffer the same kind of racist attacks."

State Sen. Jay Chaudhuri, the first Indian American elected to the General Assembly, said at the vigil that he will reintroduce the [Hate Crimes Prevention Act](#)

this week. He will hold a press conference on the reintroduction of the bill at the N.C. General Assembly Thursday at 10 a.m.

The bill never received a hearing when it was first introduced in March 2019, he said. The bill would strengthen existing protections and add new ones against hate crimes based on sexual orientation and ethnicity.

The bill would also require the State Bureau of Investigation to collect information on hate crimes from local enforcement. It would train law enforcement officers and prosecutors on how to enforce prosecution against hate crimes.

“We hope that the bill will serve as an opportunity to begin to have a conversation in the General Assembly,” Chaudhuri said. “It’s going to be really incumbent upon us to try and lift and push for this bill.”

Kim said while the attacks in Atlanta and across the country are devastating, there is hope to be found in the history of anti-Asian violence across the country.

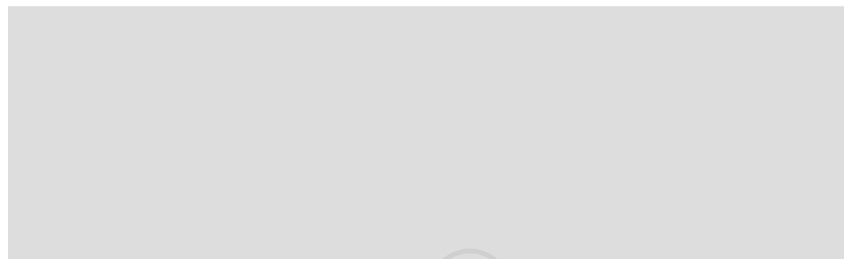
“We have suffered these attacks for decades, really centuries, in this country, but we also know that we have risen above,” Kim said. “We are resilient, and that, I think is an equally important lesson to take away from this history.”

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POLITICS-GOVERNMENT

NC legislators to reintroduce Hate Crimes Prevention Act in wake of Atlanta shootings

MARCH 18, 2021 10:24 AM



Ms. ROSS. Thank you, Mr. Chair.

Since the beginning of the COVID-19 pandemic, several of my constituents of Asian descent have reported racist incidents.

One Chinese constituent was labeled a communist in a disparaging newspaper article. A college student found her Chinese New Year display in her dorm destroyed. Others have been verbally harassed to the extent that they worry about their safety in public.

Unfortunately, this is not the first time in our nation's history. Asian Americans have found themselves subject discrimination, as we have heard today.

This stems directly from xenophobic Federal policies. Earlier we heard Representative Matsui testify about the impact of living in an internment camp on her family.

I would like to address my first question to Professor Motomura. I know that we have talked about anti-Asian laws and how they've contributed to our society. Could you give us examples of when anti-Asian laws have been repealed and how public sentiment has come to allow for that repeal?

Mr. MOTOMURA. Well, there are several examples, but one is that, as I mentioned in testimony, the Chinese exclusion laws were in place until the—from 1870s until 1943, and I think that one of the influences that resulted in the repeal of Chinese exclusion was the allyship between the United States and China during World War II.

So, there are other events that came in. I'm not sure there was a particular change of heart with regard to the Chinese-American community.

There was at that time, and Professor Lee might be able to speak more to this, but there's much more of a change of attitude trying to distinguish—there was efforts during a time to distinguish Chinese on foreign policy and war-related reasons from Japanese Americans.

So, in some sense, you can look at this as a change of art with regard to Chinese Americans, but you could also look at it as an attempt to demonize the Japanese Americans. This was in 1943. That would be one example.

Then also in 1965, of course, and this is a very long history, and you probably don't want me to get into it on your time, but in 1965, of course, you have the National Origins Act, and that too is a racially restrictive scheme that was in place from 1921 until 1965.

So, a lot of influences. That was really part of the civil rights movement to end the senseless scheme that had restricted migration from 1965. So, we have had these incidents. We have had examples of this.

Ms. ROSS. Thank you very much.

Then just to follow up, are there examples of current or more recent immigration policies that have impacted Asian Americans and their families, even if perhaps they were not the targeted demographic?

We're taking up immigration bills this week and I think that would be an important thing to know.

Mr. MOTOMURA. Yeah. Well, I think that there are different aspects of this. Some of this has to do with the inability of the Amer-

ican immigration system to fully accommodate the needs of the American economy with regard to workers.

So, you have bills in place right now that would essentially grant legal immigration status to a number of workers, many of whom are essential workers, many of whom are from Asia. That would be one example of this.

I think that there are restrictions right now that limit the ability of Asian immigrants to come to this country. I think this is also a pattern that—and the patterns that I was trying to describe earlier. They relate to all different sorts of ethnic groups.

I think a much more concerning piece of this or an equally concerning piece of this is, as I mentioned in testimony, the treatment of Latino immigrants and the inability of Latino immigrants to acquire lawful immigration status.

So, that would be another one that I think is actually going to demographically have significance as well.

Ms. ROSS. Thank you, Mr. Chair. I yield back.

Mr. COHEN. Thank you, Madam Vice Chair.

Next, I'll recognize Mr. Henry "Hank" Calvin Johnson.

Mr. JOHNSON of Georgia. I thank the Chair for hosting this very timely hearing and I would like to ask unanimous consent to submit a 31-second video produced by the Asian Americans Advancing Justice Atlanta organization regarding violence against members of the AAPI community, along with a letter asking for a community-based response to the violence in Atlanta, which is dated March 18th, 2021, and is signed by multiple Asian-American community groups in my district, for the record.

Mr. COHEN. Unanimous consent is granted. Ms. Garcia, Ms. Ross, it's unanimous.

[The information follows:]

MR. JOHNSON OF GEORGIA FOR THE RECORD

A video produced by Asian Americans Advancing Justice—Atlanta, submitted by the Honorable Hank Johnson, a Member of the Subcommittee on the Constitution, Civil Rights, and Civil Liberties from the State of Georgia for the record:
<https://www.dropbox.com/s/phrlkuontbeid0r/Johnson%20Video.mp4?dl=0>

Discrimination and Violence Against Asian Americans

Subcommittee on the Constitution, Civil Rights, and Civil Liberties
House Committee on the Judiciary
U.S. House of Representatives

March 18, 2021

Testimony Submitted by Asian Americans Advancing Justice- Atlanta

A Community-Centered Response to Violence Against Asian American Communities:

On March 16, eight people were killed at three different spas in North Georgia including six Asian women. We are heartbroken by these murders, which come at a time when Asian American communities are already grappling with the traumatic violence against Asian Americans nationwide, fueled by the United States' long history of white supremacy, systemic racism, and gender-based violence.

As we collectively grieve and respond to this tragedy, we must lead with the needs of those most directly impacted at the center: the victims and their families. And during this time of broader crisis and trauma in our Asian American communities, we must be guided by a compass of community care that prioritizes assessing and addressing our communities' immediate needs, including in-language support for mental health, legal, employment, and immigration services.

We must also stand firm in decrying misogyny, systemic violence, and white supremacy. We must invest in long-term solutions that address the root causes of violence and hate in our communities. We reject increased police presence or carceral solutions as the answers. For centuries, our communities have been frequently scapegoated for issues perpetuated by sexism, xenophobia, capitalism, and colonialism. Asians were brought to the United States to boost the supply of labor and keep wages low, while being silenced by discriminatory laws and policies. From the Chinese Exclusion Act in 1882, to the incarceration of Japanese Americans during World War II, to the forced migration of refugees from U.S.-led military conflict in Southeast Asia, to post-9/11 surveillance targeting Muslim and South Asian communities, to ICE raids on Southeast Asian communities and Asian-owned businesses, Asian American communities have been under attack by white supremacy.

Working class communities of color are disproportionately suffering from the ongoing COVID-19 pandemic. The Trump administration's relentless scapegoating of Asians for the pandemic has only exacerbated the impact on Asian business owners and frontline workers and inflamed existing racism. The hypersexualization of Asian American women and the broad normalization of violence against women of color, immigrant women, and poor women make Asian American women particularly vulnerable. Hate incidents against Asian Americans rose by nearly 150% in 2020, with Asian American women twice as likely to be targeted.

We are calling on our allies to stand with us in grief and solidarity against systemic racism and gender-based violence. Violence against Asian American communities is part of a larger system of violence and racism against all communities of color, including Black, Brown, and Indigenous communities.

In this time of crisis, let's come together and build just communities, where we are all safe, where all workers are treated with dignity and respect, and where all our loved ones thrive.

In Solidarity,

Asian Americans Advancing Justice-Atlanta & Georgia NAACP
 Georgia Organizations
 159 Georgia Together
 9to5
 Absolute Justice now & Protect The Vote Ga coalition
 ACLU of Georgia
 Adjunct agency
 All Voting is Local, Georgia
 America Votes-Georgia/America Votes
 Asian American Advocacy Fund
 Asian American Law Student Association at Georgia State University College of Law
 Asian Pacific Islander Desi American Activists
 Asian Real Estate Association
 Asian Youth for Civic Engagement Atlanta
 Athena's Warehouse Inc
 Athens Immigrant Rights Coalition
 ATL Radical Art
 Atlanta Antifascists
 Atlanta Jobs with Justice
 Better to Speak
 Black Alliance for Just Immigration (BAJI)
 Black to the Future Action Fund
 Black Voters Matter
 CAIR-Georgia
 Cambodian American Association of Georgia
 Caminar Latino, Inc.
 Campus Vote Project - Georgia
 Care in Action
 Center for Civic Innovation
 Chinese Southern Belle LLC
 CivicGeorgia
 Coastal Georgia Minority Chamber Inc
 Common Cause GA
 Community Foundation for Greater Atlanta

Compassionate Atlanta
Crystal in the City
Dignidad Inmigrante en Athens
E Equals MC Squared Educational Services LLC
EDU: Education & Democracy United
Environment Georgia
Eritrean-American Community Center
Fair Fight Action
Faith in Public Life
Feminist Women's Health Center
Fulton County Democratic Party
GA Familias Unidas
GALEO & GALEO Impact Fund
Georgia AFL-CIO
Georgia Alliance for Social Justice
Georgia Asylum and Immigration Network (GAIN)
Georgia Budget and Policy Institute
Georgia Chapter of the Council on American-Islamic Relations
Georgia Coalition for the People's Agenda
Georgia Equality
GEORGIA LATINO ALLIANCE FOR HUMAN RIGHTS
Georgia Muslim Voter Project
Georgia NAACP
Georgia Shift
Georgia Stand-Up
Georgia State AFL-CIO
Georgia WAND
Georgia Working Families Party
Georgians for a Healthy Future
GSU Colony of Pi Delta Psi Fraternity, Inc.
Homestead Foundation
Indivisible Georgia Coalition
International Action Center, Atlanta
International Rescue Committee (IRC) in Atlanta
JCRC of Atlanta
Justice For Georgia
Kindred Southern Healing Justice Collective
Korean American Coalition
Laotian American Society
Latino Community Fund Inc.
Los Vecinos de Buford Highway
Madina Institute
Mayor's Office of Immigrant Affairs - Welcoming Atlanta
NAACP Atlanta, CivivGa, Justice For Georgia

National Asian Pacific American Women's Forum (NAPAWF)
 Necessary Trouble Indivisible
 New Georgia Project Action Fund
 No Safe Seats
 Partnership for Southern Equity
 Planned Parenthood Southeast Advocates
 Poder Latinx
 POSITIVE IMPACT HEALTH CENTERS
 ProGeorgia
 Progress Georgia
 Promote Positivity Movement
 Protect Our Care Georgia
 Protect The Vote GA
 Rainbow PUSH Coalition
 Raksha, Inc
 Reform Georgia
 Refugee Women's Network
 Rep GA Institute
 Represent Georgia Action Network
 Savannah Undocumented Youth Alliance
 Showing Up for Racial Justice - Atlanta
 Sierra Club, Georgia Chapter
 Southeast Immigrant Rights Network
 Southern Poverty Law Center
 SPARK Reproductive Justice NOW!, Inc.
 Step Up Savannah, Inc.
 Tahirih Justice Center
 Taiwanese American Professionals - Atlanta
 Tapestri Inc,
 The Black Heritage Museum & Cultural Center, Inc.
 The Counter Narrative Project (CNP)
 The New Georgia Project
 They See Blue Georgia
 Twice Consulting Services LLC
 Union of Vietnamese Student Associations of the Southeast
 We Love BuHi (Buford Highway) Inc.
 Women Engaged
 Women Watch Afrika
 National/ Out of the State Organizations
 A Legacy of Equality Leadership and Organizing
 AAPIs for Civic Empowerment
 AAPIs for Justice San Antonio TX
 Act To Change
 Advancement Project, National Office

African American Ministers In Action
 All On The Line
 Alliance for A Just Society
 Alliance for Youth Action
 Alliance of Rhode Island Southeast Asians for Education
 Alliance San Diego
 America Votes-Georgia/America Votes
 American Federation of Teachers (AFT)
 American-Arab Anti-Discrimination Committee
 Amnesty International USA
 AnakBayan Not Cbus
 APALA MN chapter
 Apex Express
 API RISE
 Apna Ghar
 Asian American Arts Alliance
 Asian American Federation
 Asian American Organizing Project (AAOP)
 Asian American Progressive Student Union
 Asian American Resource Workshop (AARW)
 Asian Americans Advancing Justice - Asian Law Caucus
 Asian Americans Advancing Justice - Los Angeles
 Asian Americans in Action
 Asian Community Development Council (NV)
 Asian Counseling and Referral Service
 Asian Economic Development Association
 Asian Family Support Services of Austin
 Asian Law Alliance
 Asian Media Access
 Asian Pacific American Labor Alliance, AFL-CIO
 Asian Pacific Environmental Network
 Asian Pacific Institute on Gender-Based Violence
 Asian Pacific Islander Council of San Francisco (API Council)
 Asian Pacific Islander Political Alliance (API PA)
 Asian Pacific Policy and Planning Council
 Asian Prisoner Support Committee
 Asian Services in Action (ASIA)
 Asian Youth for Civic Engagement
 ASIAN, Inc. 美亞輔鄰社
 Asian/Pacific Islander Domestic Violence Resource Project
 Association of Asian Pacific Community Health Organizations (AAPCHO)
 ATL Social Change
 Autistic Self Advocacy Network
 Ballot Initiative Strategy Center

Battle Born Progress
 BCAC
 Bend the Arc: Jewish Action
 Black Lives Matter Global Network
 Body Politic
 Brooklyn Chinese-American Association
 CA Healthy Nail Salon Collaborative
 CADEM Delegate AD 9
 California Democratic Party
 Cambodian American Community Council of Washington
 CANN-A (COFA Alliance National Network - Arizona)
 Center for Asian American Theology and Ministry at Fuller Seminary
 Centro Cultural de México
 CHETNA
 Chinatown Manpower Project
 Chinese American Progressive Action
 Chinese American Service League
 Chinese Culture Center of San Francisco
 Chinese Progressive Association (CPA)
 Church World Service
 Coalition for Humane Immigrant Rights (CHIRLA)
 Coalition of Asian American Leaders
 College of San Mateo Mana Learning Community
 Common Cause
 Community Justice Action Fund
 Council on American-Islamic Relations (CAIR)
 CPAF
 Culinary Union
 Cullasaja Synergy Consulting, LLC
 Daya Inc
 Denver Celtic Women's Circle
 Desert AIDS Project d/b/a DBA Health
 Donors of Color Network
 EDU: Education & Democracy United
 EMBARC
 Empowering Pacific Islander Communities (EPIC)
 Encuentro
 ENVIRONMENTAL HEALTH COALITION
 Episcopal Church of St. John the Baptist
 Episcopal Diocese of San Joaquin
 Equality California
 Equality Labs
 Fair Elections Center
 Filipino Advocates for Justice

Filipinx for Immigrant Rights & Racial Justice Minnesota (FIRM)
 Freedom Network USA
 Georgia State AFL-CIO
 GGE Media
 Global Sikh Economic Forum
 Grassroots Asians Rising
 Grassroots Global Justice Alliance
 Haitian Bridge Alliance
 Hate Is A Virus
 Hawj United of Minnesota
 Immigrants Rising
 Immigration Hub
 Immigration Task Force of the Diocese of San Joaquin
 Inland Equity Partnership
 Innovation Law Lab
 INTO ACTION LAB
 Islamic Networks Group (ING)
 Islamophobia Studies Center
 Japanese American Citizens League, Twin Cities Chapter
 Japanese Community Youth Council
 jennyyang.tv
 Jetpac Resource Center
 Jewish Voice for Peace
 Jewish Voice for Peace - Denver/Boulder
 Just Breathe Manual Therapy
 KAN-WIN
 Kansas City Indian Center
 Khmer Girls in Action
 Korean American Center (a division of Korean Community Services)
 Korean American Democratic Committee (KADC)
 Korean American Family Services (KFAM)
 Korean American Federation of Los Angeles (KAFLA)
 Koreatown Youth and Community Center (KYCC)
 Latino Union of Chicago
 Lawyers for Good Government (L4GG)
 Little Tokyo Service Center
 Mai Family Services
 Maitri
 Make It Work Nevada
 MALO- Motivating Action Leadership Opportunity
 Manavi
 March For Our Lives GA
 Mary Reynolds Babcock Foundation
 Math circles of Chicago

Media Justice
Mekong NYC
MICHIGAN APALA
More Than A Vote
MoveOn Civic Action
MPower Change
Muslim Advocates
Muslim American Society-Public Affairs and Civic Engagement (MAS-PACE)
Muslim Anti-Racism Collaborative (MuslimARC)
Muslim Justice League
Muslim Wellness Foundation
National Action Network, Atlanta Chapter
National CAPACD
National Council of Jewish Women
National Domestic Workers Alliance
National Federation of Filipino Associations (NaFFAA) Capital Region
National Korean American Service & Education Consortium (NAKASEC)
National Network for Arab American Communities
National Network for Immigrant & Refugee Rights
National Organization for Women
National Resource Center on Domestic Violence
Native Voters Alliance Nevada
Network in Solidarity with the People of Guatemala (NISGUA)
New American Voices
New Breath Foundation
New Era Colorado
New Haven Teachers Association CTA/NEA
New York Immigration Coalition
NFLUENCE
North Carolina Asian Americans Together (NCAAT)
NPNA
OCA - Asian Pacific American Advocates
Ohio Immigrant Alliance
One APIA Nevada
OPAL Environmental Justice Oregon
Orange County Asian and Pacific Islander Community Alliance (OCAPICA)
Pacific Islander Health Board of WA
Pacific Islander Health Partnership
PANA
Partnership for Working Families
People For the American Way
Philippine Study Group of Minnesota
Pi Delta Psi Fraternity
Pilipino Workers Center of Southern California

PIVOT
Presente.org
Progressive Leadership Alliance of Nevada
Providence Youth Student Movement
Puente Human Rights Movement
RAICES
Rainbow PUSH Coalition
Release MN8
RESULTS
Revere Youth in Action
Reviving the Islamic Sisterhood for Empowerment
Rising Voices of Asian American Families
Saahas for Cause
Sacramento ACT
Saheli Boston
Saheli Inc
Sakhi for South Asian Women
San Francisco Rising
San Jose Nikkei Resisters
Seac village
Seed the Vote
Seeding Change
SEWA-AIFW
Siengkane Lao MN
South Asian Americans Leading Together (SAALT)
South Asian Helpline and Referral Agency
South Asian SOAR
South Asian Youth Action
South Asian Youth In Houston Unite (SAYHU)
South Bay Youth Changemakers
Southeast Asia Resource Action Center (SEARAC)
Southeast Asian Defense Project
Southeast Asian Freedom Network
State House District 47
State Innovation Exchange (SIX)
State Voices
Step Up Savannah, Inc.
Tahirih Justice Center
TaikoArts Midwest
Taiwanese American Citizens League
Taiwanese American Professionals - Austin Chapter
Taiwanese American Professionals - New York
Taiwanese American Professionals - San Diego
Taiwanese American Professionals - San Francisco Chapter

Taiwanese American Professionals - Washington DC
Taiwanese Americans for Progress
Taulama for Tongans
Tenderloin Neighborhood Development Corporation
The Door - A Center of Alternatives
The Revolutionary Love Project
The SEAD Project
The We Collective
TIRRC
Transforming Generations
Tsuru for Solidarity
Twice Consulting Services LLC
Union of North American Vietnamese Student Associations
Unite Oregon
United Cambodian Community
United We Dream
University Settlement Society of New York
UPROSE
VietLead
Vietnamese American Roundtable
Vietnamese Social Services of Minnesota
VietRISE
Voto Latino
WDN Action
Western States Center
Win Without War
Wind of the Spirit Immigrant Resource Center
Yemeni American Merchants Association
Young Bhutanese Coalition of New York
Young Center for Immigrant Children's Rights
Youth Leadership Institute

Mr. JOHNSON of Georgia. Thank you.

Mr. Chair, my heart cries tears of sorrow and solidarity with the families of those killed [audio interference] mass murder [audio interference] left with fears of terror of what might happen next to them, their families, and AAPI friends.

Whether the massacre in Atlanta was sex based or race based, it was hate based and directed at Asian women. No question about it. If genocide against Native Americans and slavery are our nation's Original Sin, then harassment and violence against Asian Americans is its progeny.

As Georgia State Senator Michelle Au presciently said on Monday, this recent violence against Asian Americans is a new chapter in a very old story. The correlation between the rise of xenophobic and racist rhetoric by President Trump and his Republican Party supporters and the dramatic and alarming rise in violence against Asian Americans is not coincidental.

It is an unfortunate and calculated result, which is open season on Asian Americans in this country, and when folks on this Committee talk about Chicomos what they're doing is using they're using an ethnic—they're using ethnic stereotypes against any people, and I resent it.

As a Black man in America, I understand what it's like to be targeted because of how you look. I understand how terrible it is to be viewed by your fellow citizens as other in a Nation that prides itself, supposedly, on being the melting pot of the world.

America, it's time to admit that we have a problem. It's time to take affirmative action to correct that problem. I look forward to a time where we can banish hate and replace it with love in this country.

With that, I'd like to ask you, Mr. Yang, about the fact that healthcare workers have specifically suffered disproportionately during the pandemic.

How have Asian-American healthcare workers been impacted by discrimination and violence over the last year, particularly those involved in the healthcare industry specifically?

Mr. YANG. Thank you very much for that question, and thank you, first, for lifting the work that is being done in Atlanta by our communities there, because that is vital. It is important.

With respect to the healthcare workers in particular, those are the essential frontline workers that we talk about, the people that are putting their health at risk to serve our entire country—not just Asian Americans, but to serve our entire country—and both Ms. Kulkarni as well as myself, when we look at the incidents that we have coming in, we can cite just so many examples of healthcare workers getting shunned, getting spit, getting coughed on or a statement saying that “We don't want them to see us.”

So, it has had both a mental toll as well as, in some cases, a physical toll.

If I might, I do want to go back to one other piece with respect to the community-based response that we're talking about, which is public safety is not the same thing as law enforcement.

Yes, we absolutely need public safety. We can reimagine it in a way that we're not so reliant on law enforcement when we don't—oftentimes, our communities don't trust that vehicle.

Thank you.

Mr. JOHNSON of Georgia. Thank you. This hearing is not about defunding the police either, and how does violence and discrimination affect the mental health of members of the AAPI community, collectively?

Mr. YANG. If the question is directed to me, it's clear it affects our entire community. If you ask any of your Asian-American friends right now, they will say that this is on their minds.

So, one thing I would urge people to do in this moment is to reach out to your friends, reach out to your community, and make sure that they feel seen, they feel heard, and they feel protected.

Mr. JOHNSON of Georgia. Thank you.

Mr. Kim, has the government provided enough support to Asian-American healthcare workers and what role do you see Congress playing in addressing these concerns and providing more support to Asian-American healthcare and other front-line workers?

Mr. KIM. Well, thank you for the question. I think, you know, as it pertains to healthcare workers, the thing that I find most anecdotally is that many of them are experiencing bigotry and hate even as they're trying to help people fighting this virus.

I think the ways that we can support them as, as friends and members of our community, is some of the ways that we have. We have seen people play music for them at 7:00 o'clock and clap for them.

The ways that our government can help is really just to support the community at large, and I think those front line workers are also members of the AAPI community. They may be at work helping people, but they go home and they still—they're scared to go home the same way the rest of us are.

So, I encourage us all to think about the front line workers as part of the larger community and these two bills that are before the Committee right now will help all AAPIs.

Mr. JOHNSON of Georgia. Thank you.

Professor Kulkarni, what is the correlation between the rhetoric of the Trump Administration and the rise in violence against AAPIs?

Ms. KULKARNI. Thank you, Congressman, for your question.

We know from a study that we did in the fall that actually over 700 of the incidents reported to Stop AAPI Hate of the 2,500 we had received at that point actually correlated to comments that were made about China as the China virus, the Wuhan virus, and Kung Flu and similar comments that were made about sending people back to their country.

So, we know that, in fact, comments like that have absolutely resulted in hate incidents being perpetrated against our community members and we know that because the data shows it.

If I may add to that just in terms of some of the resources that can be provided, I think local communities, as you have pointed out, could very much benefit from added funding and an infrastructure to provide support for our community members.

Mr. JOHNSON of Georgia. Thank you. I want to make it clear that it's not just White folks who are acting against AAPIs. It's other communities, including Black people, and I want to issue a challenge to all communities to be aware of the fact that our brothers

and sisters in the AAPI community are particularly targeted right now and we need to embrace them with love and not contribute to the hate that is enveloping them.

With that, I yield back.

Mr. COHEN. Thank you, Mr. Johnson.

Now, I recognize the lady from Houston, Texas, Ms. Garcia.

Ms. GARCIA. Thank you, Mr. Chair. Thank you, Mr. Chair, and thank you to all the Witnesses, especially my colleagues, for sharing your very, very personal stories.

At a time when we should be working together, helping one another as Americans to grapple with a COVID-19 pandemic, we have all Witnessed the Asian-American community, like Latinos and other communities, that are facing an alarming rise in violence, hate, and discrimination.

It is inherently un-American for anyone to discriminate and launch vicious hate crimes against an Asian American. Too often, immigrants have been blamed and scapegoated or harassed, telling them to go back to their country. I know I've been told to go back to Mexico.

We can play a quick video clip, Mr. Chair?

Mr. COHEN. Yes, ma'am. Play the video.

[Video available at <https://www.dropbox.com/s/cltlmwj496ol3im/Garcia%20Video.mp4?dl=0>]

Ms. GARCIA. Go back to blank Asian country that you belong. Many of us have heard that. This is just one example of the various types of discrimination and harassment that Asian Americans, Latinos, and others face too often in our country.

This does not represent who we are as a nation. As President Biden has said, violence against Asian Americans is un-American and it must stop.

Mr. Kim, I know that you also added that we need to look at this as a humanity issue because humanity matters, and the last time you were before this Committee you also told us that what is in the media visually, in print, everywhere also matters.

I wanted to ask you specifically about the rhetoric coming from politicians, as some of you have testified. I know we have focused on the former president, but Senator Cornyn of Texas said, "China is to blame, because a culture where people eat bats and snakes and dogs and things like that, China has been the source of a lot of these viruses like SARS, like MERS, the swine flu, and now the coronavirus."

Senator Cruz, also from Texas, said that Trump was not worried because he wasn't served bat soup in Hunan Province, an apparent nod to the now-debunked myth that the outbreak started in Hunan.

How do these words and all the coverage that all this gets in print, and sometimes in the news visually, how does that impact hate crimes, hate incidents in this country?

[No response.]

Ms. GARCIA. Are you unmuted sir? Mr. Kim—

Mr. KIM. Thank you for that question, Representative. Can you hear me?

Ms. GARCIA. Yes, I can.

Mr. KIM. First, I want to thank you for showing that clip of the woman in Torrance, California. That happens to be the neighborhood where my brother and his family live.

That woman is Latina, which highlights the point that you were trying to make that this is not just an issue of White people versus Asian people, or Black people versus Asian people.

It is really a question about everybody versus acts of hate and bigotry. That really needs to be highlighted because this is not part just of the Asian-American history. It's part of the history of America.

Now, to your question, I will say that, yes, it matters that other representatives other than the President have been using these terms of hate and connecting Americans to a virus that they have no connection to whatsoever.

It is part of our leadership and I'm an idealist because I still do believe in the words of my leaders. I want to believe that they are setting the tone for the rest of the country, and that when they use rhetoric like this it not only affects adults, but it affects our children.

It's a shameful thing to have to say, "Don't listen to what your President is saying. Don't listen to what your Senator is saying." If you cannot teach your children the same things that you would ask of your leaders, then what example are we setting.

The way it becomes insidious in our culture is that this language permeates through the places like Jay Baker, the spokesman for the sheriff's office in Cherokee County, who actually tweeted out t-shirts making fun of coronavirus and connecting it to China.

This is a person who has a direct connection to the shooter of eight people. He is not impartial, and so it calls into question the veracity of his position.

So, these are all ways in which it's connected and words matter from our President, from our leaders, for anyone with a platform, which is why I'm here today to ask those of you who are leading us to speak out for us instead of encouraging hate.

Ms. GARCIA. Thank you. Thank you for that answer, and I think what our children and all Americans see in the news or hear or read in the paper matters because words do matter, and as you said, humanity matters.

So, thank you for the response.

Mr. Chair, I want to introduce the articles that I've referenced together with other articles, which, unfortunately, the rhetoric is building and the coverage is building. So, I'd like to introduce these into the record and ask for unanimous consent.

Mr. COHEN. So done, without objection.

[The information follows:]

MS. GARCIA FOR THE RECORD

Materials submitted by the Honorable Sylvia R. Garcia, a Member of the Subcommittee on the Constitution, Civil Rights, and Civil Liberties from the State of Texas for the record:

- A statement entitled, "Our Response to the Murders of Asian American Women in Atlanta," National Korean American Service & Education Consortium, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD061.pdf>
- An article entitled, "The long history of anti-Asian hate in America, explained," Vox, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD062.pdf>
- An article entitled, "Hate Crimes Targeting Asian Americans Spiked by 150% in Major US Cities," Voice of America, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD063.pdf>
- An article entitled, "Attacks on Asian-Americans in New York Stoke Fear, Anxiety and Anger," The New York Times, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD064.pdf>
- An article entitled, "Anti-Asian violence must be charged as a hate crime," CNN, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD065.pdf>
- An article entitled, "House Dems renew call for hate crime law after anti-Asian attacks," Roll Call, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD066.pdf>
- An article entitled, "We're being scapegoated: Asians and Asian Americans speak out against spate of violence," ABC News, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD067.pdf>
- A document entitled, "Memorandum Condemning and Combating Racism, Xenophobia, and Intolerance Against Asian Americans and Pacific Islanders in the United States," The White House, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD068.pdf>
- An article entitled, "FBI Report: Bias-Motivated Killings At Record High Amid Nationwide Rise In Hate Crime," NPR, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD069.pdf>
- A document entitled, "The Return of 'Yellow Peril,'" Stop AAPI Hate, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD070.pdf>
- A press release entitled, "Rep Lieu Leads 150 Member Letter Urging DOJ to Condemn Covid-Related Anti-Asian Discrimination," available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD071.pdf>
- An article entitled, "Donald Trump's 'Chinese virus': the politics of naming," The Conversation, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD072.pdf>
- An article entitled, "Federal agencies are doing little about the rise in anti-Asian hate," NBC News, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD073.pdf>
- An article entitled, "The Slur I Never Expected to Hear in 2020," The New York Times Magazine, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD074.pdf>
- An article entitled, "Spit On, Yelled At, Attacked: Chinese-Americans Fear for Their Safety," The New York Times, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD075.pdf>
- An article entitled, "As coronavirus spreads, some Asian Americans worry their leaders' language stokes a stigma," The Texas Tribune, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD076.pdf>
- An article entitled, "Sen. Cornyn: China to blame for coronavirus, because 'people eat bats,'" NBC News, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD077.pdf>
- An article entitled, "Key facts about Asian origin groups in the U.S.," Pew Research Center, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD078.pdf>
- An article entitled, "How Racism Created America's Chinatowns," The Huffington Post, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD079.pdf>
- A document entitled, "Hate Crime Statistics," FBI, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD080.pdf>

Ms. GARCIA. With that, Mr. Chair, I thank you and I yield back.

Mr. COHEN. Thank you, Ms. Garcia. I believe we have Ms. Bush, the honorable Congressperson from St. Louis, Missouri up the river, is recognized. You must unmute though, Ms. Bush. Unmute.

Ms. BUSH. All right, I'm here. Thank you. St. Louis and I, again, thank you, Chair, for convening this hearing.

I want to extend my deepest condolences to the AAPI community, many of whom have lost loved ones, been victims of White supremacist hate crimes, or in some way have been victimized by the horrific incidents of this past year.

My heart is with you. There are more than, and it's been said before over and over again, 3,000 hate crimes reported over the last year as a result of anti-Asian American racism. That 3,000 number, it's horrific and I don't want to just gloss over it. It's 3,000 incidents.

The rise of hate crimes against Asian Americans is inherently tied to anti-Asian American rhetoric, some of which have come out of this very chamber, rhetoric, which we have been told even on this hearing today that words don't matter, that we shouldn't be worried about words.

Especially when people from a place of privilege speak about that, what can directly lead to physical harm, you have to own that. You have to own it causes harm.

It causes harm to people, especially people of color, and so to call it out as if it does not matter, it does, because we're talking about lives at stake. This is a refusal of responsibility, and I'm going to call it out. This is not a partisan thing.

Last week, we held a hearing about Member conduct and the need to engage from a place of respect, how we conduct ourselves as leaders, what we say and who we engage with.

That has a direct impact on what happens in our streets. It is our words, and it's why our words and our actions as leaders are so important. Leading from a place of hate only fuels hateful and violent acts across our country.

Leading with love starts with what we say, the words we use and the meaning behind them. Words can build up communities or break them down. What we have Witnessed over the last four years is hateful White supremacist rhetoric.

While I cannot speak on behalf of the AAPI community, I do want to say that I stand in solidarity with you. So, organize, galvanize, and get justice. Fight against White supremacy with us.

Two nights ago, for the six Asian women who tragically lost their lives as a result of racist sentiments, racist rhetoric, and racist policies, it's not lost on me that we lost women, working women.

In fact, a majority of anti-Asian hate crimes are committed against Asian women, and you all have said that over and over again today. As a Black woman, I want to speak that point.

So, Professor Lee, are there reports or experiences that have particularly impacted you on an emotional level? Have you had increased fear for your own safety? I want to bring the humanity into this a little bit more.

Dr. LEE. Thank you so much for asking. Thank you for those powerful words—powerful words of solidarity, and I think all our communities really appreciate it.

I am an educator. I'm also a researcher and writer. My real day job is to get in the classroom or, in this case during the pandemic, just here through Zoom, and my students are traumatized. Our communities are traumatized.

What this brings up is lifetimes, histories, family histories of trauma, trauma that perhaps some of our families thought was over and done with because, as Mr. Yang pointed out, the popular media image is that Asian Americans have made it, and everything is okay.

What the pandemic has revealed is the stark truth that Asian Americans and Pacific Islanders remain victims of the similar types of White supremacy that has infected our country for so long.

So, we have people who are afraid to go about their neighborhoods to do their daily businesses. We also have an outpouring of new resilience, I believe. A wake-up call, as Daniel Dae Kim mentioned.

A reminder that we have been here before, that we have acted out. We have organized. We have sought justice in solidarity with others, and that we will continue to do so.

Ms. BUSH. Thank you.

Mr. Yang, in addition to potential legislation, are there community actions being successfully taken to combat this anti-Asian American violence and harassment and how best can the government support these efforts, the Federal government?

Mr. YANG. Thank you very much for that question. Thank you for the solidarity.

Absolutely, the Federal government can do more in terms of appropriations to make sure that these community organizations have the resources that they need, whether it is through grants, through the Office of Justice Programs at DOJ, ensuring that there's language access, ensuring that there's multilingual capacities, there's budget items for that.

Those are some of the small pieces that the Federal government can do. Certainly, the COVID-19 hate crimes bill from Representative Meng and Senator Hirono is another piece to that along with the Jabara-Heyer NO HATE Act.

I apologize, but I do need to go to one prior statement that Representative Garcia made about statements by Senators. One report that we received on our website tracking hate, this person reported,

My dad and I were stopped at a red light when my dad noticed the man on the sidewalk. That man came up to me, called me a B—a female, so I'm not going to use the word—a few times, and then threatened to kick our teeth in. He did this while calling us disgusting mother F-ers and telling us we need to stop eating bats and bringing disease over here.

So yes, words matter. Words of our leaders matter.

Thank you.

Ms. BUSH. Yes, thank you.

Mr. Chair, I ask consent to enter into the record a document from the Asian American Table that details the kinds of programming that are crucial in this moment.

Mr. COHEN. Without objection, shall be done.

[The information follows:]

MS. BUSH FOR THE RECORD

Written Statement from Asian American Leaders Table on COVID-19 Racism

**“Hearing on Discrimination and Violence Against Asian Americans”
United States House of Representatives Committee on the Judiciary
Subcommittee on the Constitution, Civil Rights, and Civil Liberties**

March 18, 2021

We comprise a national network of local and national Asian American organizations that convened in the wake of the pandemic a year ago to address the incidences of anti-Asian racism that were beginning to occur around the country.

Since last March, community groups have been tracking reports of anti-Asian racism and have observed alarming trends. Stop AAPI Hate received 3,800 reports of [anti-Asian hate](#) over the last year, with women twice as likely to report incidences of hate as men. It is important to recognize that this current surge of anti-Asian hate is not occurring in a vacuum. The Trump Administration’s sinophobic, racist rhetoric and scapegoating of Asians for the COVID-19 pandemic has contributed to today’s climate of hate. In addition, the systems and policies of white supremacy, misogyny, imperialism, and capitalism have long compounded to harm the bodies, livelihoods, and rights of Asian Americans through exclusion, incarceration, displacement, deportation, surveillance, profiling, and exploitation.

On Tuesday, March 16th, our worst fears materialized as a massacre occurred in three different places of business in the metropolitan Atlanta area, leaving 8 people killed, including six Asian women. Asian community members in Georgia and around the country [experience](#) these shootings as acts of anti-Asian racism, sexism, and sexual violence against Asian American women. And, they occur in the broader context of racist, misogynistic, and xenophobic systems and policies that harm Black and brown communities in the United States.

In the wake of anti-Asian hate and in the midst of a pandemic, Asian American communities are not staying silent. From Chinatowns around the country to online spaces, we are making it clear that everyone has a role to stop anti-Asian hate and to find solutions that keep all of our communities safe. Young Asian Americans are walking the elderly home, people are becoming trained to peacefully intervene when witnessing an act of hate, and leaders representing Black, indigenous, and Latinx communities are uniting with us in solidarity.

Now, members of Congress and the federal government must take action.

We call for interventions and responses that address the root causes of violence and systemic racism through a community-centered approach. This means providing culturally and linguistically sensitive services for survivors, victims, and their families including access to mental health, legal, financial, and healing support. Federal and state agencies must ensure robust enforcement of civil rights laws to protect people targeted by hate and discrimination. Government agencies, from the Community Relations Service at the Department of Justice to state and local level programs, must prioritize violence prevention, restorative justice, and victims’ assistance funds.

Beyond these immediate steps, members of Congress and federal agencies must invest in our communities with long-term solutions that uplift the lives of everyone. Congress must ensure access to a robust social safety net that includes equitable housing, jobs, health care and education while ending policies that lead to the deportation, criminalization, and surveillance of immigrants and communities of color.

Anti-Asian hate has been a part of the American experience in the past and the present. But, it does not have to be part of our future. What we do today matters. We call upon members of Congress and the White House to work closely with local and national Asian American leaders to identify and implement community-centered solutions that stop anti-Asian hate.

The Asian American Leaders Table on COVID-19 Racism is coordinated by Asian Americans Advancing Justice – Asian Law Caucus, and includes the following members.

18 Million Rising
 AAPIs for Civic Empowerment Education Fund
 AAPIs for Justice San Antonio, TX
 Asian American Legal Defense and Education Fund (AALDEF)
 Asian Americans Advancing Justice – AAJC
 Asian Americans Advancing Justice – Asian Law Caucus
 Asian Americans Advancing Justice – Atlanta
 Asian Americans Advancing Justice – Chicago
 Asian Americans Advancing Justice – Los Angeles
 Asian Pacific American Labor Alliance, AFL-CIO (APALA)
 Asian Pacific Policy & Planning Council
 Asian Solidarity Collective
 AYPAL: Building API Community Power
 ChangeLab
 Chinese for Affirmative Action
 Freedom Inc
 Grassroots Asians Rising
 Hate Is A Virus
 Japanese American Citizens League
 ManForward
 Mekong NYC
 National Asian Pacific American Women’s Forum (NAPAWF)
 National CAPACD
 National Korean American Service & Education Consortium (NAKASEC)
 National Queer Asian and Pacific Islander Alliance (NQAPIA)
 OPAWL – Building AAPI Feminist Leadership in Ohio
 People’s Collective for Justice and Liberation
 Seeding Change
 South Asian Americans Leading Together (SAALT)
 Tsuru for Solidarity
 W-Isms

Ms. BUSH. Thank you, and I yield back.

Mr. COHEN. Thank you, Ms. Bush.

Now, I recognize the—I shouldn't say the other lady. The first lady from Houston, Texas, home of Archie Bell and the Drells, where they not only saying but they dance, Ms. Sheila Jackson Lee.

Ms. JACKSON LEE. Chair, thank you so very much.

Let me, very quickly, say that all of us went into an extensive moment of mourning for the loss of those women and men and others in the killings in Atlanta.

We cannot ignore, we cannot be unsisterly and unbrotherly like to not notice the fact that they were innocent and six were Asian women. Asian Americans, our sisters, we will not ignore.

I would like to have a video shown right now.

[Video available at <https://www.dropbox.com/s/hiqyf9zrq4pcwbv/Jackson%20Lee%20Video.mp4?dl=0>]

Ms. JACKSON LEE. A three-year-old baby cut, a father cut. The assailant did this heinous act.

Are we live?

The assailant did this heinous Act because he thought the family was Chinese and infecting people with the coronavirus. He thought the family was Chinese and they were infecting people with the coronavirus.

Take your heads out of the sand. Where is the dignity? Where is the power of the respect for all people and the love of Americans?

So, as we look at the outrage, let me put into the record the 45th President always referring to coronavirus as the China virus or Kung Flu. Let me call his name, President Trump.

[The information follows:]

MS. JACKSON LEE FOR THE RECORD

BUZZFEED NEWS

A Man Who Allegedly Tried To Kill An Asian American Family Because Of The Coronavirus Could Face Hate Crime Charges

The incident is just one in a surge of racist attacks that Asian-Americans have faced during the coronavirus pandemic.



Julia Reinstein BuzzFeed News Reporter

Posted on April 1, 2020, at 4:27 p.m. ET



Midland County Sheriff's Office

A man who allegedly tried to kill an Asian American family of three because he believed they were spreading the coronavirus at a Sam's Club in Texas could face hate crime charges, the FBI told BuzzFeed News on Wednesday.

Jose L. Gomez, 19, stabbed the three people on March 14 at the Midland, Texas, Sam's Club before being taken down by a store employee, who saved the family's lives and was injured in the process, police told BuzzFeed News.

Gomez was then taken into custody by an off-duty Border Patrol agent. He was charged with three counts of attempted capital murder and one count of aggravated assault with a deadly weapon.

Bernie Ramirez, the Border Patrol agent, told CBS7 he initially approached Gomez and family with the intention of breaking up what he thought was a fight over scarce goods.

Ramirez said "credit is due" to Zach Owen, the store employee who stopped Gomez by putting him in a chokehold and suffered stab wounds to the hand in the process.

"He went into a knife fight bare-handed," Ramirez said. "He took control of the individual, and he disarmed him. If Zach had not been there, things could've gone really badly."

Ramirez did not immediately respond to a request for comment. The father in the family declined to comment.

Gomez allegedly stabbed the three "because he thought the family was Chinese, and infecting people with the coronavirus," the FBI stated in a document obtained by ABC News.

An FBI spokesperson told BuzzFeed News they were unable to comment on the document but confirmed that the case is being treated as a possible hate crime.

According to the FBI report, federal law enforcement officials are warning there could be a surge in hate crimes against Asian Americans.

"The FBI assesses hate crime incidents against Asian Americans likely will surge across the United States, due to the spread of coronavirus disease ... endangering Asian American communities," the document reportedly states. "The FBI makes this assessment based on the assumption that a portion of the US public will associate COVID-19 with China and Asian American populations."

The Texas stabbing was just one of the many racist attacks Asian Americans have been facing amid the coronavirus pandemic's rise in the US.

On March 11, a woman in New York punched another woman for not wearing a face mask and "made anti-Asian statements and fled the location on foot." In February, a 16-year-old boy was sent to the hospital after being physically attacked by bullies who

accused him of having the coronavirus. One couple in Minnesota got a note on their door that said "we're watching you" and "take the Chinese virus back to China."

President Donald Trump has deliberately referred to COVID-19 as the "Chinese virus" on multiple occasions, which critics have seen as a way of scapegoating China and, in turn, inciting hatred and harassment of people of Asian descent. The World Health Organization has urged people not to attach locations or ethnicity to the virus to prevent social stigma.

When questioned, Trump defended his use of the term.

"It's not racist at all, no. Not at all," Trump said. "It comes from China."

The FBI spokesperson told BuzzFeed News the agency "will use all authority granted to us by federal law to investigate and hold those who commit violent acts accountable for their actions."

"During the COVID-19 pandemic, we want to remind everyone that any violent criminal act against any person because of their race, ethnicity or national origin is a hate crime," the spokesperson said. "This includes violence toward Asian Americans or individuals from East Asian countries."



Bawi Kung and his son, victims of anti-Asian violence because the assailant "thought the family was Chinese and infecting people with coronavirus."



Ms. JACKSON LEE. Let me also say in 1942, and I'm glad Congresswoman Matsui mentioned it, President Franklin Delano Roosevelt signing Executive Order 9066, which ordered the forced internment of 120,000 Japanese Americans during World War II. Innocent patriotic Americans.

In 1982, amid a downturn in the U.S. motor vehicle industry, the competition was blamed on Japanese companies. A Chinese American, Vincent Chin, was beaten to death. Not one of his perpetrators experienced time in jail.

So, to you, Mr. Kim, on the evening of the discovery of who did this heinous crime of killing eight people, six of them Asian, when a law enforcement officer decided to say the words, "This individual had a bad day and this is what happened."

I have a question as well for Ms. Kulkarni. Would you, Mr. Kim, just from your gut, just from your spirit, when you hear on national television after the murder of six Asian women that he had a bad day, what are your thoughts?

Mr. KIM. Thank you for your question, Representative.

Well, I will tell you to start that when I have a bad day, I think about going home, having a beer, and watching a movie with my family. I don't think about going out and murdering eight people.

It says a lot about this person that when he says that he's trying to eliminate temptation from life, instead of seeking help for himself, his way of eliminating temptation is to kill people, take a gun and shoot people.

When he talks about sexual temptation, what does it mean when he sees the manifestation of sexual temptation as an Asian female?

These are three places all that had an association with Asian people. If this were a synagogue or a Black church and someone shot up those places, would we really be asking whether this is a hate crime or not and would we really have the burden of proof?

It's really important that you highlight Vincent Chin because the judge in the case of Vincent Chin said that his White murderers, "These are not the kind of men you put in jail."

Ms. JACKSON LEE. Thank you, Mr. Kim.

Mr. KIM. It echoes directly with what Jay Baker when he tried to downplay the crime by saying he was having a bad day. Thank you.

Ms. JACKSON LEE. Thank you so very much.

Ms. Kulkarni, if I could get this—a question to you. What does the data show about the impact of anti-Asian rhetoric and violence that has on the mental health of members of the community?

Then just quickly, Ms. Lee, if you would just quickly on the historical record which we have seen in other populations like African Americans who were enslaved, that 1882 law, how does it continue to negatively impact, Ms. Kulkarni, on the data, very quickly?

I thank the Chair for his indulgence. I'll be finished after these questions. I thank him very kindly.

Ms. Kulkarni?

Ms. KULKARNI. Thank you so much for your question. We know that over 700 incidents result—including use of rhetoric against our community members and that included virulent animosity, scapegoating, as well as an anti-immigrant sentiment and racist

characterization, and it is led to a 155 percent increase in depression and anxiety in our community members.

Ms. JACKSON LEE. I thank you.

Professor Lee? Let me indicate, Ms. Kulkarni—let me correct the record. Thank you so very much. I had stepped out when you were doing your testimony.

Professor Lee, how has that historical moment—

Dr. LEE. Yes, thank you. Absolutely interconnected. When we are passing these first Federal laws to single out an immigrant group for exclusion based on race, we are also instituting Jim Crow segregation.

We are also continuing our wars and genocide of indigenous Americans. White supremacy impacts all of us. It may impact us differently, but it impacts us all the same.

Thank you.

Ms. JACKSON LEE. Thank you, Mr. Chair. This is an excellent hearing. I thank you. I will commit to all the Witnesses my commitment to anti-hate legislation specifically dealing with Asian Americans and, really, all of us, your dad and others, stand together in fighting against inequality in America. We will not have it. We will not stand for it. We stand with you.

With that, I yield back, Mr. Chair.

Mr. COHEN. Thank you, Ms. Lee. I would ask unanimous consent to submit 60 letters and documents from civil rights groups and NGOs that were submitted today.

Without objection, they're entered into the record.

[The information follows:]

MR. COHEN FOR THE RECORD

Materials submitted by the Honorable Steve Cohen, Chair of the Subcommittee on the Constitution, Civil Rights, and Civil Liberties from the State of Tennessee for the record:

- A statement from the National Council of Asian Pacific Americans, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD001.pdf>
- A statement from Asian Pacific American Labor Alliance, AFL-CIO, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD002.pdf>
- A statement from South Asian Americans Leading Together, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD003.pdf>
- A letter from Grace Huang, Director of Policy, Asian Pacific Institute on Gender-Based Violence, March 17, 2021, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD004.pdf>
- A statement from APIA Scholars, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD005.pdf>
- A statement from the Asian American Psychological Association, available at <http://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD006.pdf>
- A letter from the National Asian Pacific American Women's Forum, March 17, 2021, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD007.pdf>
- A statement from Abraham Kim, Ph.D., Executive Director, Council of Korean Americans, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD008.pdf>
- A statement from the National Asian Pacific Center on Aging, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD009.pdf>
- A statement from the National Korean American Service & Education Consortium Network, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD010.pdf>
- A statement from Asian American Leaders Table on COVID-19 Racism, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD011.pdf>
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- A document entitled, "AAPI Progressive Action and AAPI Victory Fund Call for Allyship and Healing After Atlanta Killings," AAPI Victory Alliance, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD014.pdf>
- A document entitled, "APIAHF Condemns Anti-Asian Hate and Calls For Racial Healing," Asian and Pacific Islander American Health Forum, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD015.pdf>
- A document entitled, "Statement: Atlanta Shootings," Congressional Asian Pacific American Staff Association, Congressional Korean American Staff Association, and Congressional South Asian American Staff Association, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD016.pdf>
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- A document entitled, "Stand Against Hate," National Asian Pacific American Bar Association, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD018.pdf>
- A document entitled, "Organizations Representing Asian American Communities Across the Nation and Allies Release Statement Rejecting Criminalization and Retribution, and Call for Responses Addressing the Root Causes of Racial Violence," Asian Americans Advancing Justice—Asian Law Caucus, available at

- <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD019.pdf>
- A document entitled, “Our Shared Statement Against Anti-Asian Violence,” Asian Americans Advancing Justice—LA, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD020.pdf>
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- A document entitled, “ACLU Calls on Elected Officials to Denounce Rise of Racist Attacks on Asian Americans Amid COVID–19,” American Civil Liberties Union, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD022.pdf>
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- A letter from Claire Guthrie Gastanaga, Executive Director, ACLU of Virginia, and Sookyoung Oh, D.C. Area Director, NAKASEC, April 28, 2020, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD027.pdf>
- A document entitled, “Asian Minnesotan Organizations Urge Communities and Leaders to Be Proactive About COVID–19 Related Racism and Violence Against Asian American and Pacific Islanders,” available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD028.pdf>
- A document entitled, “Asian Organizations Across the Bay Area Join Forces to Demand Action Against Violence,” Chinese for Affirmative Action, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD029.pdf>
- A document entitled, “Joint Statement of Asian American and Pacific Islander Leaders and Over 260 Civil Rights Organizations Call on Congress to Denounce Anti-Asian Racism around COVID–19,” Association of Asian Pacific Community Health Organizations, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD030.pdf>
- A document entitled, “APANO condemns pandemic-linked anti-Asian hate and bias incidents,” Asian Pacific American Network Oregon, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD031.pdf>
- A document entitled, “TAPABA and APA Bar Associations Support Congressional Resolutions on Anti-Asian Hate,” Tennessee Asian Pacific American Bar Association, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD032.pdf>
- A document entitled, “Standing in Solidarity With the Asian and Asian American Community,” Asia Society, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD033.pdf>
- A document entitled, “Joint Statement Rejecting Criminalization and Retribution,” Coalition of Asian American Leaders, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD034.pdf>
- A document entitled, “Labor Movement Fighting Anti-Asian Racism in All Forms,” Asian Pacific American Labor Alliance, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD035.pdf>
- A document entitled, “AAJA Condemns Anti-Asian Racism and Challenges Newsrooms to Prioritize Coverage of Anti-Asian Violence,” Asian American Journalists Association, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD036.pdf>
- A document entitled, “Solidarity Statement—Supporting Communities Targeted for Hate,” The Leadership Conference on Civil and Human Rights, available at

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- A document entitled, "APALA Statement Against Anti-Asian Violence," Asian/Pacific American Librarians Association, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD038.pdf>
- A document entitled, "AAFE's Statement on Anti-Asian Racism and Hate Crimes," Asian Americans for Equality, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD039.pdf>
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- A document entitled, "Statement Re: Noodle Tree Restaurant Vandalism Incident," Alamo Asian American Chamber of Commerce, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD041.pdf>
- A joint statement denouncing the hate crime committed at the Noodle Tree Restaurant from San Antonio—Chinese American Citizens Alliance and the Asian American Alliance of San Antonio, March 14, 2021, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD042.pdf>
- A document entitled, "Statement from Asian Americans in Action: We Are Outraged by the Atlanta Area Massacre," Asian Americans in Action, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD043.pdf>
- A letter to the White House on rising hate crimes against the Asian American community from Rebecca S. Pringle, President, National Education Association, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD044.pdf>
- A document entitled, "Practice Solidarity to Stop Hate Crimes Against Asian Americans," San Francisco Foundation, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD045.pdf>
- A document entitled, "A Call For Unity: Ending Violence In Asian American Communities," East Bay Community Foundation, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD046.pdf>
- A document entitled, "Statement on anti-Asian, anti-Muslim violence," Ecotrust, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD047.pdf>
- A document entitled, "The Health Trust Joins Allies in Joint Statement on Anti-Asian Violence," The Health Trust, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD048.pdf>
- A document entitled, "NIRH President Releases Statement Condemning Anti-Asian Violence; Calls for Support and Action," National Institute for Reproductive Health, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD049.pdf>
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- A document entitled, "Statement on anti-Asian American Racism," California Museum, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD052.pdf>
- A document entitled, "Memorandum Condemning and Combating Racism, Xenophobia, and Intolerance Against Asian Americans and Pacific Islanders in the United States," The White House, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD053.pdf>
- A letter to President Donald J. Trump from United States Senators, April 21, 2020, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD054.pdf>
- A document entitled, "Inslee statement on rising cases of anti-Asian hate crimes," Governor Jay Inslee, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD055.pdf>
- A document entitled, "Statement by the Pennsylvania Governor's Advisory Commission on Asian Pacific American Affairs Condemning Racial Violence Against Asian

- Pacific Americans,” available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD056.pdf>
- A document entitled, “COVID-19 Call to Action,” Oregon Attorney General Ellen Rosenblum’s Steering Committee Against Hate Crimes, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD057.pdf>.
- A document entitled, “Governor Northam Statement on Rise in Violence Against Asian Americans,” Virginia Governor Ralph Northam, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD058.pdf>
- A document entitled, “Statement: Mayor Garcetti and Councilmember Ridley-Thomas On Rise in Anti-AAPI Hate Crime,” Office of Los Angeles Mayor Eric Garcetti, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD059.pdf>
- A document from Sherriff Scott Parks, Marathon County, Wisconsin, March 25, 2020, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD060.pdf>

Mr. COHEN. Mr. McClintock, I see you're with us, and would you desire any time? You're certainly afforded it.

Mr. MCCLINTOCK. Yes, I would. Thank you, Mr. Chair.

Mr. COHEN. You're welcome. You're recognized for five minutes.

Mr. MCCLINTOCK. It seems to me—thank you. We seem to be confusing opposition to the Chinese government, including its actions during the coronavirus pandemic, with hostility toward eight Americans of Asian descent, and I find that very confusing since many Asian Americans fled abusive governments, including and especially the Chinese Communist regime.

Hostility to that government is not hostility towards victims. Quite the contrary. That seems to be the connection that many people are making today.

There are despicable racists of every color in every society. It is the baser side of human nature. No Nation has struggled harder to transcend that nature and isolate and ostracize its racists than have Americans.

The America Founders placed principles in the Declaration of Independence that they believed would someday produce a Nation of free men and women of all races and all religions, together enjoying the blessings of liberty and equal protection of our laws.

Lincoln denounced any other claim as "having an evil tendency if not an evil design." The violent attacks that have been cited today against Asian Americans are heinous. They're despicable. They're inexcusable. There are two statistics that should add some perspective to this issue.

According to the FBI's Hate Crimes Statistics report, of all 4,930 victims of reported hate crimes motivated by race or ethnicity, 48.5 percent were due to anti-Black bias, 15.7 percent were due to anti-White bias, 14.1 percent were due to anti-Hispanic or Latino bias, and 4.4 percent were due to anti-Asian violence.

What should make us all proud as Americans is the fact that Asian Americans have the highest median income of any ethnic group in America, including White Americans. Median income for Asian Americans is 38 percent higher than the national median.

If America were such a hate-filled discriminatory racist society, filled with animus against Asian Americans, how do you explain the remarkable success of Asian Americans in our country? Their success should bring us all together as Americans to celebrate the opportunities that our country offers to all who seek the blessings of liberty.

It deeply saddens me that instead of uniting as Americans, this hearing seeks to divide us as Americans. Any racist sentiments, speech, or Act needs to be vigorously condemned.

To attack our society as systemically racist, the society that has produced the freest, most prosperous, and most harmonious multi-racial society in human history, well, that's an insult and it's flat out wrong.

Shakespeare reminded us that we have no such mirrors as we'll turn our hidden worthiness into our eye, that we might see our shadow.

The protesters fighting for their freedom in Hong Kong, resisting their takeover by the communist government of China, waved American flags as a symbol of their aspirations.

Perhaps we should look to them as a mirror to appreciate our own society's hidden worthiness, and I'd ask Dr. Fa if he's still in the Committee room for any thoughts he might have on the subject.

Mr. COHEN. Do you yield back the rest of your time, sir?

Mr. MCCLINTOCK. I'd like to yield it to Dr. Fa if he's still there.

Mr. COHEN. Okay. Sure.

Dr. Fa, he yielded to you.

Mr. FA. Oh, thank you. It's Mr. Fa. I don't have my doctorate degree.

Thank you. I think the Congressman's words were very powerful. I do agree that we're all Americans. We're all entitled—We all have our individual rights, individual liberty. No one has more or less liberty than someone else because of race.

So, I think what comes out of this hearing should be that we're all entitled to equality before the law, to be treated as individuals, to be treated based on our own individual aspirations, individual achievements, and individual accomplishments, and not to be discriminated against because we happen to be in a racial group that someone else might not like.

Thank you.

Ms. JACKSON LEE. Would the congressman yield?

Mr. MCCLINTOCK. My sentiments exactly. Thank you.

Ms. JACKSON LEE. Would the Congressman yield?

Mr. MCCLINTOCK. Yes.

Ms. JACKSON LEE. Would you yield for a moment, Mr. McClintock?

Mr. MCCLINTOCK. Of course.

Ms. JACKSON LEE. Let me express my appreciation for your interpretation. I think one of the things I would ask the gentleman to consider, 4 percent, but we don't want one life to be taken in the name of hatred and race discrimination or ethnicity discrimination. In the Chin case, Mr. McClintock, where an individual was beaten to death because they thought he was Chinese when the car industry went down, and his perpetrators were not even one day in jail because—

Mr. MCCLINTOCK. Reclaiming my time. I agree with the gentlelady completely.

What I think we need to be careful about is tainting our entire society with the actions, the hideous actions, of the few, whatever their race and whatever is the race of their victim.

Mr. COHEN. Thank you, Mr. McClintock. Appreciate—

Mr. MCCLINTOCK. I yield back.

Mr. COHEN. Thank you, sir. I appreciate your comments. You're right, we're still trying to form a more perfect union.

We're now in the situation of having a second round, and the first person in the second round is me and I'm going to yield my time to Ms. Jayapal. She'll have five minutes. You're recognized.

Ms. JAYAPAL. Mr. Chair, thank you so much for including me in this hearing and for yielding your time.

I want to start by saying some names, some names that we all should be saying every minute of every day, and there are just a few: Delaina Ashley Yaun, Paul Andre Michels, Xiaojie Tan, Daoyou Feng, Elcias Hernandez-Ortiz, Julie Park, and Hyun Jung

Park. These were people who were murdered in Georgia just a couple of days ago.

Mr. Chair, I would just say as an Indian immigrant woman, the first South Asian American elected to the House of Representatives, the violence and discrimination targeting the Asian-American community hits very close to home, and it's been a difficult hearing. An important hearing, but a very difficult hearing for many of us.

Shortly after 9/11, I founded One America, Washington State's largest immigrant rights group, initially to fight back against backlash targeting Muslim Sikh and South Asian communities.

Back then, it was Balbir Singh Sodhi, who was murdered on September 15th, 2001, in Mesa, Arizona. He was shot five times by a man who just, quote, "wanted to kill a Muslim," a man who said as he was arrested, "I stand for America all the way."

Mr. Chair, there is no question that our words matter, our framing matters, and particularly as Members of Congress, when we use our platforms to continue slurs that are seen in a way that encourages racist hate crimes, it is a big problem.

Just recently in a Committee's hearing, some of my colleagues across the aisle continue to call it the China virus. I spoke up. I said that was not correct language, number one, and number two, it incited this kind of hate. Yet, my colleagues continued to use that language.

Now, here we are, continuing to see a huge surge in hate crimes and violence targeting, in particular, most recently, Asian women.

I want to start with you, Professor Motomura. How does the history of racist laws that promoted distrust towards Asian Americans influence the hate we are seeing today?

Mr. MOTOMURA. Well, those influences are very profound. We started with the Chinese exclusion era, its exclusion, as we have heard today, exclusion of Asian immigrants, and most Asian immigrants—I'm sorry, Chinese immigrants that started in 1882. It prevails for 60 years. It starts to grow through the Chinese-American community.

We have severe restrictions on Asian immigration, formal restrictions until 1965, and I feel, as I mentioned in my testimony, just very strongly because my—our family was one of the few families that managed to get to the United States during that period.

So, we joined the community that really didn't exist at that time of my parents' contemporaries. So, these are things that you carry with you for your whole life.

I remember a lot of the sorts of incidents that we're talking about today, having close calls and those sorts of things.

This is a long time ago, but things that we see from those laws I think we have seen this with regard to the ban that was imposed on Muslim-majority countries that prevailed over the last couple of years, and I think that that's not exactly entirely what we're talking about today, but I think it's closely related.

So, I think that a lot of this is something that prevails over time. I mean, this is not something that is related to a five- or ten-year period. I think we're still seeing effects, as we see them today, of anti-Asian laws which took effect in 1875 and 1882.

Ms. JAYAPAL. Thank you, Professor.

Professor Sinnar, you have written about 9/11 and the discriminatory laws and policies against Asian-American, Arab, Muslim, and Sikh communities that came after.

Do you believe that there's a strategy behind demonizing these groups in times of crisis and fear?

Ms. SINNAR. So, thank you for your comments and your question to me, Representative Jayapal.

What happened after 9/11 is that the government undertook a number of dragnet immigration programs that treated entire communities as threats. So, hundreds of immigrants were detained on the basis of their race and ethnicity without an individual basis for suspicion.

Twenty-five Muslim countries and their citizens were subject to special registration, fingerprinting, and interrogation, and all this sent the message that Muslim, Arab, and South Asian communities were disloyal and threatening.

The lesson here is that in times of geopolitical tension and security fears, it's especially important for the government to avoid stigmatizing entire communities, because it does lead to greater violence and discrimination, both in the public sphere as well as within policy directly.

Ms. JAYAPAL. Thank you. I just want to say I hope that my colleagues understand their words matter and we need everyone's help in fighting back against these heinous racist attacks.

Thank you, Mr. Chair. I yield back.

Mr. COHEN. I yield back. Thank you.

That concludes today's hearing, and I want to thank all our witnesses. It was a spectacular panel—a lot of knowledge, a lot of information that was important to be dispensed, and I think we did a lot of good today. I hope so.

It brought "Hawaii Five-O's" theme song back to my mind, which has been playing over and over and over and over again.

Without objection, all Members will have five legislative days to submit additional written questions for the Witnesses or additional materials for the record.

With that, the hearing is adjourned.

[Whereupon, at 1:17 p.m., the Committee was adjourned.]

APPENDIX

Materials submitted by the Honorable Steve Cohen, Chair of the Subcommittee on the Constitution, Civil Rights, and Civil Liberties from the State of Tennessee for the record:

- A statement from the Asian & Pacific Islander American Health Forum, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD101.pdf>
- A statement from the National Federation of Filipino American Associations, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD102.pdf>
- A statement from Elisa Rhodes, Interim CEO, YWCA USA, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD103.pdf>
- A statement from the American Federation of Labor and Congress of Industrial Organizations, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD104.pdf>
- A letter from the Laotian American National Alliance, March 19, 2021, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD105.pdf>
- A statement from the National Asian American Pacific Islander Mental Health Association, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD106.pdf>
- A statement from the National Asian Pacific American Bar Association, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD107.pdf>
- A statement from OCA—Asian Pacific American Advocates, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD108.pdf>
- A letter from Erin Hustings, Director of Government Relations, Civil Rights, Anti-Defamation League, March 25, 2021, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD109.pdf>
- A statement from the Sikh American Legal Defense and Education Fund, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD110.pdf>
- A statement from Asian and Pacific Islander American Vote, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD111.pdf>
- A statement from the Southeast Asia Resource Action Center, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD112.pdf>
- A letter regarding violence and discrimination against Asian Americans from 247 organizations, March 25, 2021, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD113.pdf>
- A statement from Joe Lowndes, Professor of Political Science, University of Oregon, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD114.pdf>
- A statement from A Better Balance, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD115.pdf>
- A statement from the Japanese American Citizens League, available at <https://docs.house.gov/meetings/JU/JU10/20210318/111343/HHRG-117-JU10-20210318-SD116.pdf>

Congressman Mike Johnson
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As reported by STOP AAPI Hate, from March 19, 2020 through February 28, 2021, almost 3800 incidents of Anti-Asian harassment and violence have been tracked by their reporting center.¹ Stop AAPI Hate reports that Asian American women and girls are three times more likely than men to report violence or harassment. In addition, recent polling commissioned by the National Asian Pacific American Women's Forum (NAPAWF) has revealed that nearly half

¹ [https://www.nbcnews.com/news/asian-america/there-were-3-800-anti-asian-racist-incidents-mostly-against-n1261257?](https://www.nbcnews.com/news/asian-america/there-were-3-800-anti-asian-racist-incidents-mostly-against-n1261257?hpid=hp_trending-top%3Aasia%3Ahomepage%2Ftrending-top)

of Asian American and Pacific Islander (AAPI) women have been affected by anti-Asian racism in the past two years. Violence against women against AAPI's is so common that it's embedded in our culture, and it is often minimized or ignored until it manifests in lethal violence.

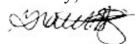
Research further shows that common motive of those who commit mass shootings is misogyny or a history of violence against women.² As the committee considers responses to anti-Asian violence, it is imperative to do so by addressing the intersections with violence against women, girls and transgender and gender non-conforming communities, as well as immigrant communities. While the House has recently considered the reauthorization of the Violence Against Women Act, there are additional opportunities to address gender-based violence in AAPI communities.

We join our colleagues in the Asian American and Pacific Islander community in calling for investment in our communities and in communities of color. There is an urgent need for resources to prevent and mitigate the impacts of violence and harm. Congress must **improve access and investment in-language resources to address** healthcare, food, housing, immigration concerns, legal issues, employment, and economic supports to reduce the vulnerability of many in our communities to exploitation and trauma. Meaningful investment in culturally specific prevention and responses to gender-based violence, including domestic violence, sexual assault, and human trafficking continue to be sorely needed.

In addition, to address the vulnerability to members of AAPI communities who have insecure immigration status, **we urge Congress to put forth policies that support targeted members of our communities to come forward to access help without fear.** Strengthening and expanding immigration protections for victims of hate crime acts and violence must be a priority.

In summary, we urge Congress to ensure that attention to the gendered nature of anti-Asian hate is incorporated as you move forward you to devise legislative responses. Thank you for your consideration. Please feel free to contact me with questions or concerns at ghuang@api-gbv.org.

Sincerely,



Grace Huang
Director of Policy
Asian Pacific Institute on Gender-Based Violence

² <https://www.nytimes.com/2019/08/10/us/mass-shootings-misogyny-dayton.html>

AACE Denounces the Rising Violence and Hate Crimes Targeting Asian Americans, Calls for Thorough Investigations and Policies to Address Root Causes: AACE Policy Statement on Anti-Asian Violence and Hate Crimes

asianamericanforeducation.org/en/pr_20210318

admin



Asian American Coalition for Education

For Immediate Release

March 18, 2021

Livingston, New Jersey: In the wake of rising violence and hate crimes against Asian Americans, the Asian American Coalition for Education (AACE) issues the following statement to denounce the rising crime wave targeting Asian Americans, and to call for thorough investigations and policies to address root causes.

AACE strongly condemns the increasing violence and rising hate incidents targeting Asian Americans in recent months. We call for the federal, state and local governments to take the following actions to better protect Asian-American lives and property. Governments at all levels must address the root causes behind such vicious attacks.

While empirical evidence regarding the causes behind rising anti-Asian crimes is inconclusive at best, neither symbolic proclamation nor one-sided partisan condemnation serves any purpose in alleviating violence and discrimination targeting our fellow Asian Americans. Instead, we must recognize that many of such horrific crimes are also rooted in our society's growing tendency to engage in racial divisions and toxic identity politics. We must strive for a fair, honest and transparency process to advance equal rights and promote love and unity as fundamental values undergirding a safe and cohesive society.

Most importantly, the recent surge of violence and hate incidents victimizing Asian Americans underscores both political and educational failures in America. These root problems are exacerbated by an unprecedented pandemic, political pandering, persistent

underperformance in K-12 public education in inner cities, a lack of adequate parenting, broken families and disheartening community-level despondence. Any well-intentioned attempt to combat the surge must acknowledge deep-seated contributing factors. Therefore,

1. AACE calls for the federal, state and local governments to add sufficient law enforcement resources to better protect Asian-American lives and property. They must uphold our constitutional principle of equal protection under the laws as the overarching framework to combat these cruel and often senseless acts and to strengthen social solidarity in lieu of these egregious incidents.
2. In an unifying spirit, AACE calls upon federal and local agencies to conduct thorough, evidence-based and transparent investigations to identify the motives and root causes behind such vicious attacks. So far, existing evidence indicates multiple culprits and often conflicting accounts. Many lawmakers and media outlets point finger at the imprudent use of the word of “Chinese” in describing COVID-19. On the other hand, a few studies associate heightening crimes with the baseless labeling of Asian Americans as “privileged” or “over-represented”. Others examine increasing criminality on a general level, such as robberies and looting as a likely result of defunding police and other larger societal factors.
3. AACE urges politicians to dissociate the pandemic with any ethnic groups because Asian Americans did not cause the COVID-19 pandemic. Instead, Asian Americans have been working very hard on the front line saving lives, developing cures and helping others. In the Chinese American community alone, since March 2020, more than 690 Chinese-American grassroots organizations have raised over \$18 million and delivered millions of personal protection equipment (PPE) and meals to various hospitals, nursing homes, police departments and other agencies.
4. AACE also calls upon politicians and the media to stop playing identity politics or labeling Asian Americans as “over-represented” or “privileged.” Asian Americans have been historically discriminated against in American society. Nevertheless, many of us have achieved our American dream solely through hard-work and an emphasis on education and family values, rather than political favoritism or privilege. It is baseless and reckless to stereotype Asian Americans as “over-represented” or “privileged.” This will only create racial animosity against Asian Americans.
5. Instead, we must collectively improve education to discourage violent behaviors, bullying, to build bridges, and to promote equal protection under the law. AACE urges educational institutions to abstain from perpetuating racial animosity and to treat everyone equally as Americans. To teach love and understanding as antidote to hate and intolerance, we also must look to solve serious social issues including poverty, drug addictions, broken families, inadequate parenting and community distress which have been well-documented as contributing factors to violent crimes.

6. Finally, AACE calls for zero-tolerance on hate languages, pro-violence raps, and foul games that target Asian Americans or any other Americans. Unfortunately there are too many violence-inciting contents in our pop culture that embolden criminal behaviors. In December 2016, over 114,000 Asian Americans signed the White House Petition to request to ban YG's rap, "meet the flockers" which glorifies robbing Chinese Americans. To our disappointment, the Obama Administration refused to ban such an outrageous rap specifically targeting Chinese Americans. Today, we formally request the Biden Administration again to ban this hate-filled rap because it has been causing more severe harms to the Asian-American community than a racial slur or a cartoon with racial stereotypes.

As a national leader in protecting Asian Americans' legal rights, we strongly believe the rule of law, zero-tolerance on violence, inclusion, equal treatment of each American, racially harmonious education and responsible parenting are the keys to fight against violence and hate crimes!

Asian American Coalition for Education

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About the AACE: www.asianamericanforeducation.org

Asian American Coalition for Education (AACE) is a non-political, nonprofit, grassroots national organization, the proven leader in fighting for Asian-American children's equal educational rights. On May 15, 2015, the founders of AACE united 64 Asian-American organizations and jointly filed a civil rights complaint with the Department of Education (DOE) and the Department of Justice (DOJ) to request that they conduct investigations into Harvard University's discriminatory admissions practices against Asian-American applicants. As the largest joint action taken by Asian-American communities over the last few decades, this complaint is now being investigated by the Justice Department. Over the years, we have advanced the cause of equal education rights for the Asian-American community. In July 2018, the federal government adopted our policy recommendations by rescinding Obama era guidance that promoted racial balancing and acquiesced to racial discrimination in college admissions.