



**Testimony of John C. Yang
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**Before the United States Senate
Committee on Homeland Security and Governmental Affairs**

**Hearing on
“Domestic Terrorism and Violent Extremism: Examining the Threat of
Racially, Ethnically, Religiously, and Politically Motivated Attacks”**

Tuesday, August 3, 2021

Asian Americans Advancing Justice | AAJC submits this testimony to the United States Senate Committee on Homeland Security and Governmental Affairs Hearing on “Domestic Terrorism and Violent Extremism: Examining the Threat of Racially, Ethnically, Religiously, and Politically Motivated Attacks” on Tuesday, August 3, 2021.

The Asian American community has long struggled for visibility and equity, and since early 2020, our communities have faced additional physical and mental health harms arising out of the COVID-19 pandemic. There has been a sharp increase in anti-Asian hate incidents, with web-based self-reporting tools hosted by a number of Asian American community-based organizations recording over 7,300 incidents in an approximately one-year period, from late February 2020 through March 2021. 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, in spring 2020, 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 Starting in early 2021, we have seen heartbreaking violent attacks on vulnerable Asian elders, several of whom have died as a result of their injuries. Then, in March, eight individuals were murdered in a series of shootings at Asian spas in the Atlanta area. Six Asian women were among the victims of these shootings. Less than a month later, the Asian American community experienced another mass shooting, this time at a workplace in Indianapolis, where four members of the Sikh community were killed. 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 Associated Press, *Victims of anti-Asian attacks, discrimination reflect a year into COVID-19 pandemic*, KTLA.com (March 1, 2021), <https://ktla.com/news/nationworld/victims-of-anti-asian-attacks-discrimination-reflect-a-year-into-covid-19-pandemic/>

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 are legitimized and white nationalism and white supremacy are able to flourish. 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 for blame for many of our country’s current fears.

The FBI defines domestic terrorism as “Violent, criminal acts committed by individuals and/or groups to further ideological goals stemming from domestic influences, such as those of a political, religious, social, racial, or environmental nature.”² A common-sense way of understanding terrorism is the act of instilling fear into a community such that such a community may become paralyzed or minimized with respect to its willingness to assert itself. What has happened to our community can be seen as acts of terror. Particularly during the first half of 2021, the Asian American community has lived in fear – fear that has led many to alter how we live, how we show up, and how much we are willing to show ourselves publicly. Stated differently, our community has been terrorized by the epidemic of anti-Asian hate over the past 18 months.

We do not need to be able to tie anti-Asian hate – and the terror it has instigated – to organized groups or formalized ideologies to acknowledge its very real harm to our community. Moreover, there have been many who have helped to foment this anti-Asian hate, including former President Trump and others who have continued to use racist and harmful terms for COVID-19 and sought to blame the pandemic on China and, by extension Chinese Americans and the broader Asian American community. Whether we label these acts as terrorism is in many ways irrelevant to our community; the undeniable effect has been to create a climate of fear and terror.

Addressing this violence and this pervasive climate of fear requires a multi-faceted approach. First, we must address anti-Asian hate, including 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. The needs and concerns of Asian Americans must be included in all aspects of policymaking at all levels of government, including improving enforcement of federal nondiscrimination laws and providing culturally competent and linguistically accessible services. We must end profiling and the “China Initiative.” We must have better data to make informed decisions about hate incidents and hate crime, and to determine the most effective methods of prevention and response. In addition, we must take care not to create new laws and advance policies that perpetuate discrimination and systemic racism. We also must have greater investment in and engagement of the Asian American community, including engagement with organizations that work directly with impacted communities at the local level. Finally, in the short-term, we must continue to educate communities and provide tools people can use 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.

² FBI website, <https://www.fbi.gov/investigate/terrorism>

Organizational Background

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 partner 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.standagainsthated.org, and had previously issued reports on hate crimes and hate incidents since the mid-1990s until the early 2000s.

Through our work protecting our communities in the wake of COVID-19, 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 advocating for improvements to hate crimes laws and government data collection, and 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 nearly 250 Asian American and Pacific Islander (AAPI)-serving community-based organizations; and the media to address anti-Asian racism and xenophobia.

The Diversity of Asian American and Pacific Islander Communities

The Asian American and Pacific Islander community is not a monolith. In fact, many of the needs of our community are hidden by the myth of the model minority, which has led to widespread acceptance of stereotypes of Asian Americans as highly educated and affluent. The reality is that

our community is bi-modal – with high concentrations at the high and low end of the economic spectrum, but lower numbers in the middle. Many disparities within the AAPI community remain hidden when data is not disaggregated.

Often viewed as homogenous, these communities include more than 50 ethnicities³ speaking over 100 languages,⁴ and can differ dramatically across key social and economic indicators. Among Asian Americans, 6% of Filipino Americans nationwide live below the poverty line, compared to 26% of Hmong Americans.⁵ Among Native Hawaiian and Pacific Islanders (NHPIs), about 49% of Marshallese Americans live below the poverty line, compared to 5% of Fijian Americans.⁶ Roughly 73% of Taiwanese Americans hold a bachelor's degree, yet only 12% of Laotian Americans do.⁷ Similarly, while almost 18% of NHPI adults overall have a bachelor's degree, only 3% of Marshallese Americans do.⁸ 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.⁹

Not surprisingly, then, 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.¹⁰

These disparities often reflect the circumstances under which different communities came to settle 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 myth of the model minority.

³ Asian Pacific Institute on Gender Based Violence, *Census Data & API Identities*, <https://www.api-gbv.org/resources/census-data-api-identities/>

⁴ White House Initiative on Asian Americans and Pacific Islanders, *Critical Issues Facing Asian Americans and Pacific Islanders* (2011), <https://www2.ed.gov/about/inits/list/asian-americans-initiative/criticalissues.html>

⁵ 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”].

⁶ 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://empoweredpi.org/wp-content/uploads/2014/06/A_Community_of_Contrasts_NHPI_US_2014-1.pdf [hereinafter “NHPI Report”].

⁷ Asian American Report at 31.

⁸ NHPI Report at 11.

⁹ 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/>.

¹⁰ 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/>

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.¹¹

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

Asian Americans have been hit hard by the COVID-19 pandemic, as have all Americans.

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.”¹² This is particularly devastating given California has the highest number of Pacific Islanders in the contiguous U.S.

Despite popular misconceptions, including misleading surveys that excluded Asian Americans with limited proficiency in English,¹³ Asian Americans have suffered tremendous financial hardships during the course of the pandemic. For example, in New York city, as detailed in a report by our community partner, the 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 2020.¹⁴ 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 2020.¹⁵

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.

¹¹ 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>.

¹² Ben 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>

¹³ 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”).

¹⁴ Asian American Federation, *Impact of COVID-19 on Asian Employment in New York City*, (2020).

¹⁵ *Id.*

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.¹⁶ 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.¹⁷ These racist views and beliefs about who is to blame for the pandemic clearly have had an impact. The Pew Report also shows that Black and Asian Americans are more likely than their white and Hispanic counterparts to say they have been subject to slurs or jokes because of their race or ethnicity, but Asian adults are the most likely to say this has happened to them since the beginning of the coronavirus outbreak.¹⁸ More than 30% of Asian adults surveyed reported that they have been subject to slurs or jokes because of their race or ethnicity since the outbreak began, compared with 21% of Black adults, 15% of Hispanic adults and 8% of white adults.¹⁹ More recent findings from an AAPI Data survey carried out in March 2021 reveal that “Black and Asian American respondents were the most likely to say they worried ‘all the time’ or ‘often’ about being the victims of a hate crime (31%), followed by Native Hawaiian/Pacific Islanders (24%), Latinos (19%), Native American Indians (16%), and whites (8%).”²⁰

Reports of hate crimes and hate incidents targeting Asian Americans sharply rose with the onset of the pandemic. In 2020, more than 3,000 hate incidents targeting Asian Americans were reported to Stop AAPI Hate (<https://stopaapihate.org/>) and the Asian American Advancing Justice affiliation’s Stand Against Hatred reporting site (<https://www.standagainsthatred.org/>).

The reports shared through the Stand Against Hatred site have enabled Advancing Justice | AAJC to speak about the many examples of real harm reported by community members who have suffered hate and harassment. Asian Americans of many different ethnic origins, reporting from nearly all 50 states and the District of Columbia, have recounted being targeted with racial slurs; being called “dirty” or “diseased;” being accused of causing, bringing, or spreading the coronavirus; 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. By the end of the first quarter of 2021, the number of reports submitted to Stop AAPI Hate and Stand Against Hatred had risen to more than 7,300.

Furthermore, while hate incidents targeting Asian Americans sharply rose with the onset of the pandemic and have continued since, violent attacks against elderly Asian Americans captured on video heightened fears in the community as these attacks slowly drew greater media media

¹⁶ 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/>

¹⁷ 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/>

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Janelle Wong and Karthick Ramakrishnan, *Anti-Asian Hate Incidents and the Broader Landscape of Racial Bias*, AAPI DATA (March 30, 2021), <https://aapidata.com/blog/cross-racial-march2021-survey/>

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.²¹ Juanito Falcon, a 74-year old Filipino American man, died after he was assaulted, also while on a walk, in Phoenix in February.²² 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 in March.²³ 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 more must be done to protect our vulnerable elders. At a time when the Asian American community is still grappling with fears around COVID-19, we should not have to also fear that we might face attack based on our identity. We must build greater safety for all, especially for our elderly parents and grandparents.

As these reports of violent and deadly assaults on Asian elders were gaining greater attention, many in the Asian American community responded by isolating themselves in their homes or limiting their time out in public even further, out of fear facing hate and violence.²⁴ This spring Asian American community was further devastated by two separate mass shootings in a one month period. On March 16, 2021, eight individuals were murdered in a series of shootings at several Asian spas in the Atlanta area, resulting in the death of six Asian women.²⁵ These killings, where the shooter appeared to have targeted Asian businesses, intensified fears among Asian Americans across the country. Then, on April 15, 2021, eight people, including four members of the Sikh community, were killed in an attack on a FedEx facility in Indianapolis.²⁶ Again, although the motivations for some of these attacks are unclear, the impact is clear: Asian Americans do not feel safe,²⁷ and live in fear of attacks because of their race and ethnicity.

The anti-Asian hate crimes and hate incidents that make the news, as well as those reported to Advancing Justice's Stand Against Hatred site, Stop AAPI Hate, and other community groups, are deeply troubling and yet we know that they very likely are only a fraction of what our communities are facing since hate crimes are chronically un- and under-reported.²⁸ As detailed in a

²¹ 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>

²² 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/>

²³ 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/>

²⁴ In April 2020, Advancing Justice | AAJC, working in partnership with Hollaback!, launched bystander intervention training workshops to equip people with tools to intervene when they see or experience anti-Asian hate. Demand for these workshops spiked in spring 2021 and we have trained more than 100,000 people to date. Through these interactive workshops, we have heard from hundreds of community members expressing fear of leaving their homes, feeling that they must be on guard whenever they venture out into the public, and experiencing persistent anxiety for family members and friends.

²⁵ Jeremy Redmon, Christian Boone, Chris Joyner, and Joshua Sharpe, *Nation stricken by metro Atlanta massacre*, THE ATLANTA JOURNAL-CONSTITUTION (March 20, 2021), <https://www.ajc.com/news/nation-stricken-by-metro-atlanta-massacre/UMRT3TF6W5DY5EBZ2PDYSD2CXU/>

²⁶ Arika Herron, *'A huge part of our lives': Sikh community holds memorial for victims of FedEx shooting*, INDIANAPOLIS STAR (May 1, 2021), <https://www.indystar.com/story/news/local/indianapolis/2021/05/01/fedex-indianapolis-shooting-sikh-coalition-holds-memorial-victims/7392102002/>

²⁷ Chloe Weiner, *On Capitol Hill, Asian American Leaders Say Community Has Reached 'Crisis Point,'* NPR (March 18, 2021), <https://www.npr.org/2021/03/18/978438147/on-capitol-hill-asian-american-leaders-to-voice-very-real-fear-in-community>

²⁸ H.J. Mai, *Anti-Asian Attacks Higher Than Numbers Indicate, Group Says*, NPR, (March 11, 2021), <https://www.npr.org/2021/03/11/975592502/asian-americans-experience-far-more-hate-incidents-than-numbers-indicate>

recently-released report from the Movement Advancement Project, only an estimated 3.6% of hate crimes are reported to the FBI each year.²⁹ There is a significant gap between the FBI's Uniform Crime Reporting (UCR) Program's database of reported hate crimes and overall hate crime experiences of people living in the United States, as collected by the Department of Justice's National Crime Victimization Survey (NCVS):

The NCVS data show that, from 2013 to 2017, an average of 204,600 'hate crime victimizations' were experienced every year—but only 7,500 hate crimes were eventually reported by law enforcement to the FBI's UCR Program....Put another way, while the FBI's 2019 data show an average of 20 hate crimes reported per day, the NCVS data suggest closer to 556 hate crime incidents per day.³⁰

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, which is part of a rising tide of white nationalism. 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 has resulted in disparities faced by many communities of color. 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, including profiling and discrimination by the federal government that culminated in the Muslim ban enacted by President Trump via Executive Order in 2017.

Moreover, it is important to note that this spike in anti-Asian racism and hate follows years of attacks on immigrant communities by the Trump administration. In fact, the Advancing Justice affiliation launched its Stand Against Hatred website 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. The racist rhetoric used by former president Trump and other elected officials blaming China for COVID-19, calling it the "Chinese virus," "kung flu," and "China plague" poured fuel on the fire of anti-immigrant and anti-Asian sentiment that was slowly burning for years.

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 (CCP) 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. The cost to the Asian American community,

²⁹ Movement Advancement Project, *Policy Spotlight: Hate Crimes Laws* (July 2021), 4, <https://www.lgbtmap.org/file/2021-report-hate-crime-laws.pdf>

³⁰ *Id.*

detailed in this testimony, is clear. The U.S.'s shifting approach towards the Chinese government has not been sufficiently nuanced. We are deeply aware of the human rights abuses perpetrated by state actors worldwide, including CCP, but must also be cognizant of how these escalating tensions and anti-China rhetoric impact the Asian American and Asian immigrant community here domestically. At minimum, our federal government should not be employing rhetoric or advancing policies that result in backlash against Asian Americans and Asian immigrants in the U.S.

Online mis- and disinformation about Chinese and Asian Americans has spread without adequate moderation, fostering the normalization of racist and scapegoating rhetoric. Social media platforms have failed to enforce their own internal guidelines and policies prohibiting hate speech and the incitement of violence, allowing racist and xenophobia to proliferate online. Derogatory online content has fueled, justified, and inspired acts of violence targeting AAPI individuals and perpetuated fear in Asian American communities across the country.

While expressing legitimate criticism of or disagreement with the Chinese government for its handling of COVID-19 based on verified facts is important, what cannot be tolerated is the use of “dog whistles” to spread verifiably false information or to falsely equate the actions and responsibilities of a government entity to an entire community of people based on race. Language that conflates Asians and Asian Americans with the Chinese government has been weaponized to mischaracterize and harm an entire race. Failure to recognize and remove such “dog whistles” perpetuates and escalates harm to Asian American communities.

White supremacist and nationalist organizations have weaponized COVID-19 disinformation falsely placing blame on immigrants, those of Chinese and other Asian descent, and Jewish people. These extremists have organized online dissemination of propaganda and in-person demonstrations to justify their Sinophobia and xenophobia, recruit new members, urge members to harm immigrants and Asians with violence or by intentionally infecting them with COVID-19, and call for the end of all immigration policies.³¹ Conspiracy theories about the origins of the virus and the responsibility of the Chinese government have empowered new and seasoned members of these organizations to remobilize anti-Chinese tropes online. The number of channels dedicated to white supremacist COVID-19 discussions and their members on messaging applications like Telegram have increased by 800% throughout the pandemic; and at least one of these users was a “potentially violent extremist” who had planned a mass attack at a hospital.³² Discussions on these channels and other online platforms often advocate for taking violent action against non-white and other minority groups in retaliation for their supposed role in spreading the virus.

Recommendations

We must combat racism head-on. Past experience tells us that we cannot, unfortunately, 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

³¹ Anti-Defamation League, *White Supremacists Respond to Coronavirus with Violence Plots and Online Hate*, (March, 26, 2020), <https://www.adl.org/blog/white-supremacists-respond-to-coronavirus-with-violent-plots-and-online-hate>

³² Billy Perrigo, *White Supremacist Groups Are Recruiting With Help From Coronavirus – and a Popular Messaging App*, TIME, (April 8, 2020).

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 and this tension will continue to fuel backlash against people of Asian descent in the United States.

We have been here before. In the 1980s, anti-Japanese sentiment arose out of 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 to distinguish between the actions of the Chinese government and Chinese or Asian culture generally. We urge caution in the use of anti-China rhetoric. Here, words matter. Public health experts have advised that terminology that stigmatizes communities must not be used.³³ There is no scientific or medical benefit to such terminology, and the cost to the Asian American community is clear. Public and government officials must be cautious of engaging in anti-China rhetoric and must challenge colleagues and peers who do so. Likewise, the media must be vigilant to avoid similar offensive language or images when covering COVID-19.³⁴ When the pandemic first hit the U.S., many media outlets used stock photos of Asian American neighborhoods or Asians in masks even though the story had nothing to do with Asia or Asian Americans. 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. While there are valid reasons to critique the policies and actions of the Chinese government, broader animus toward China and Asia can contribute to and inflame bias against Asian Americans and immigrants.

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, 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 pandemic³⁵ and calling on the prioritization of coverage of anti-Asian racism and violence.³⁶ We welcome the efforts of the Biden Administration to unequivocally condemn anti-Asian hate and violence,³⁷ and industry and celebrities who have called out anti-Asian hate from their platforms. This includes, in particular, the cooperation of

³³ World Health Organization, *WHO issues best practices for naming new human infectious diseases*, (May 8, 2015), <https://www.who.int/news/item/08-05-2015-who-issues-best-practices-for-naming-new-human-infectious-diseases>

³⁵ Asian American Journalists Association, *AAJA Calls on News Organizations to exercise care in Coverage of the Coronavirus Outbreak*, (February 13, 2020), <https://www.aaja.org/2020/02/13/aaja-calls-on-news-organizations-to-exercise-care-in-coverage-of-the-coronavirus-outbreak/>

³⁶ Asian American Journalists Association, *Press Release: AAJA Condemns Anti-Asian Racism and Challenges Newsrooms to Prioritize Coverage of Anti-Asian Violence*, (February 11, 2021), <https://aaja.org/2021/02/11/aaja-condemns-anti-asian-racism-and-challenges-newsrooms-to-prioritize-coverage-of-anti-asian-violence/>

³⁷ The White House, *Memorandum Condemning and Combating Racism, Xenophobia, and Intolerance against Asian Americans and Pacific Islanders in the United States*, (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 “Presidential Memorandum”].

online platforms in developing and enforcing policies against content fomenting racism, xenophobia, and violence.

In addition, the needs and concerns of the Asian American community must be included in policy initiatives at all levels of government. Particularly in this moment when our communities are being terrorized by anti-Asian hate, the government must take steps to protect our community against hate and discrimination and take care not to further xenophobic sentiment and stoke unfounded fears and stigma about Asian Americans.

Improve Enforcement of Nondiscrimination Laws

In May 2020, the U.S. Commission on Civil Rights offered recommendations 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.”³⁸ Advancing Justice | AAJC supports these recommendations. 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 and 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.”³⁹ Vigilant enforcement of civil rights laws is vital to address anti-Asian hate in the short term and discrimination against our communities in the long term.

End Profiling and the “China Initiative”

We encourage the federal government to review and take measures across agencies at all levels of government to combat racial bias against Asian American and Asian immigrant scientists and federal employees, including but not limited to anti-bias training. Intelligence agencies must examine existing procedures to find ways to address and eliminate bias, both explicit and implicit. The Justice Department should review training materials, testimony, and presentations to academic, research, and trade organizations regarding economic espionage for evidence of bias, remove those references, and take action to address such bias.

We are particularly concerned with racial bias and profiling under the Department of Justice’s “China Initiative.” Advancing Justice | AAJC calls for an end to this initiative, which is based upon the bigoted premise that all scientists of Chinese descent or with connections to China should be treated with suspicion and investigated without evidence of wrongdoing. The Justice Department should immediately halt the “China Initiative” and review all related prosecutions, including investigations closed prior to prosecution under the “China Initiative” to determine whether these cases targeted individuals based on their race, ethnicity, or ancestry, and, if so, take remedial action to prevent such profiling in the future. Moving forward, federal resources devoted

³⁸ U.S. Commission on Civil Rights, Letter regarding anti-Asian discrimination, (May 8, 2020), <https://www.usccr.gov/press/2020/05-14-CLhamon-Letter-to-Senators-re-Anti-Asian-Discrimination.pdf>

³⁹ *Id.*

to economic espionage prosecutions should focus on cases in which evidence indicates that foreign governments directed the illegal activity under investigation, regardless of what nation is involved.

Improve Hate Crimes Reporting and Data Collection

In order to combat racism effectively, we must have data to make informed decisions about prevention. Passage of the COVID-19 Hate Crimes Act, which incorporates the Jabara-Heyer NO HATE Act, was an important step forward to promote better hates crimes reporting and data collection.⁴⁰ Advancing Justice | AAJC looks forward to working with policymakers and advocates to implement this new law, which will assist in providing oversight and understanding of the scope of the issue, including reporting that is linguistically accessible and culturally competent. We appreciate that this newly-enacted legislation aims to improve law enforcement policies on identifying, investigating, and reporting hate crimes; enables states to establish hate crimes hotlines; and creates opportunities to restore communities and address the root causes of hate crimes through alternative sentencing for offenders. Good data are vital and while the current systems in place for hate crimes reporting and data collection are limited and should not be viewed as a model, much also needs to be done with respect to data collection on domestic terrorism.

Reach Out to and Invest in Impacted Communities

We also 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 crimes and hate incidents, Asian American 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.⁴¹ 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 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 community-based approaches, where government works closely with community organizations on multi-pronged solutions that work for

⁴⁰ Public Law No: 117-13

⁴¹ Jacey Fortin, *California Man Died After Police Knelt on Him for 5 Minutes, Family Says*, NEW YORK TIMES (February 25, 2021), <https://www.nytimes.com/2021/02/25/us/angelo-quinto-death-police-kneel.html?searchResultPosition=1>

the specific needs on the ground. A law enforcement-focused approach fails to address the underlying environment and inequities that allow hate to flourish.

Moreover, we have no wish to see domestic terrorism, including white nationalist violence, used as a reason to create new laws and government programs that likely will disproportionately target communities of color. The federal government already has many tools available to it, including many terrorism-related crimes and criminal statutes, that it can use to address domestic terrorism.

All government programs, including those tasked with security and public safety, should be proactive about outreach to and engagement with AAPI communities – and all diverse 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 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 individuals with limited proficiency in English.

In supporting state and local efforts to prevent discrimination, bullying, harassment, and hate crimes against Asian Americans, federal agencies implementing the Presidential Memorandum Condemning and Combating Racism, Xenophobia, and Intolerance Against Asian Americans and Pacific Islanders in the United States,⁴² 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.

Supporting Anti-Harassment Training and Education in Asian American History

Finally, we must continue to educate communities about how to stand up to racism and hate incidents. These efforts can serve to counter the spread of racist and white nationalist sentiment and help to prevent the radicalization that leads to domestic terrorism. Advancing Justice | AAJC has partnered with Hollaback!, 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 more than 100,000 people on how to intervene safely to stop a hate incident or mitigate the harm from that hate. 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 is important in addressing root causes of racism. Often, these behaviors and attitudes are learned early, and without education to counter stereotypes and learned

⁴² Presidential Memorandum

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 and provide education about these communities' contributions to the U.S. 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.

Conclusion

Asian Americans are being terrorized by anti-Asian hate and violence during the COVID-19 pandemic. Addressing this violence and this pervasive climate of fear requires a multi-faceted approach. We must address anti-Asian hate, including 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. In order to protect Asian American communities, their needs and concerns must be included in all aspects of policymaking at all levels of government, including improving enforcement of federal nondiscrimination laws and providing culturally competent and linguistically accessible services. We must end profiling and the "China Initiative." We must have better data to make informed decisions about hate crimes and hate incidents, and to determine the most effective methods of prevention and response. In addition, we must take care not to create new laws and advance policies that perpetuate discrimination and systemic racism against communities of color. We also must have greater investment in and engagement of the Asian American community, including engagement with organizations that work directly with impacted local communities to build safe and thriving communities. Finally, we must continue to educate communities and provide tools people can use to address harassment and hate, and we as a nation must educate students 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.