

The United States Commission on Civil Rights
Briefing: The Federal Response to Anti-Asian Racism in the United States
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Asian Americans Advancing Justice | AAJC submits this statement to the United States Commission on Civil Rights for its briefing entitled “The Federal Response to Anti-Asian Racism in the United States” on March 24, 2023.

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 (AJSoCal), 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 launched a web-based hate incident reporting tool, www.standagainsthated.org, in January 2017, 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, 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, Native Hawaiian, and Pacific Islander Communities

The Asian American, Native Hawaiian, 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 Asian American, Native Hawaiian, and Pacific Islander community remain hidden when data is not disaggregated.

Often viewed as homogenous, these communities include more than 50 ethnicities¹ speaking over 100 languages,² 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.³ Among Native Hawaiian and Pacific Islanders (NHPIs), about 49% of Marshallese Americans live below the poverty line, compared to 5% of Fijian Americans.⁴

Roughly 73% of Taiwanese Americans hold a bachelor's degree, yet only 12% of Laotian Americans do.⁵ Similarly, while almost 18% of NHPI adults overall have a bachelor's degree, only 3% of Marshallese Americans do.⁶ 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.⁷

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

¹ Asian Pacific Institute on Gender Based Violence, *Census Data & API Identities*, <https://www.api-gbv.org/resources/censusdata-api-identities/>

² 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>

³ 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”].

⁴ 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/wpcontent/uploads/2014/06/A_Community_of_Contrasts_NHPI_US_2014-1.pdf [hereinafter “NHPI Report”].

⁵ Asian American Report at 31.

⁶ NHPI Report at 11.

⁷ 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/>.

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.⁸

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.

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 and more than half of this population, 52% of Asian American immigrants, has limited proficiency in English proficiency. Limited English Proficiency (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 rate 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.⁹

In the discussion above, we described the community as “Asian American, Native Hawaiian and Pacific Islander” in order to use the broader terms for this incredibly diverse population. For the rest of this testimony, we will use the term “Asian American,” not because anti-Asian racism does not impact Native Hawaiians or Pacific Islanders, but because the impact has mainly been felt by Asian Americans, primarily Chinese Americans.¹⁰

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

While Asian Americans in the United States do not necessarily have their own unique definitions of bias, the ways that hate and harassment have been manifested against Asian Americans, particularly in recent years, have been shaped by the pandemic as many have blamed COVID-19 on Asian Americans, especially Chinese Americans. In addition to elected officials and others labeling the coronavirus as the “China virus,” the reports submitted to Asian Americans

⁸ 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-amongasians/>

⁹ 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-aajc.org/inside-thenumbers-report-2019> [hereinafter “Advancing Justice Immigration Report”]

¹⁰ Stop AAPI Hate analyzed the nearly 11,500 incidents reported to its website between March 2020 and March 2022 and found that 43% of those reporting identified as their ethnicity as Chinese. Stop AAPI Hate, *Two Years and Thousands of Voices: What Community-Generated Data Tells Us About Anti-AAPI Hate*, p. 13 (July 20, 2022) <https://stopaapihate.org/wp-content/uploads/2022/07/Stop-AAPI-Hate-Year-2-Report.pdf> [hereinafter “Two Years, Thousands of Voices report”]

Advancing Justice include all manner of anti-Chinese and anti-Asian slurs, including being told they caused, brought, or were spreading COVID-19; being coughed at and spit on; experiences of shunning, avoidance, and denial of service; and reports of anti-immigrant harassment, including being told to “go home” and “go back to your country.”

We have significant documentation of the increased violence and harassment of Asian Americans during 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.¹¹ 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 2021, 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. More recently, two young Asian women were murdered in separate attacks in New York in early 2022, reigniting fear of anti-Asian violence. Asian American communities were devastated anew in January 2023 by mass shootings in Monterey Park and Half Moon Bay, California, that left a total of 18 dead during the celebration of Lunar New Year. Although the motivations for some of these attacks are unclear, the impact is clear: Asian Americans no longer feel safe and live in fear of attacks because of their race and ethnicity.

While attention tends to focus on more egregious hate crimes, where a crime is committed and there is evidence that the criminal act was motivated by bias, it is important that we also acknowledge the harm that comes from the hate and harassment that we generally characterize as “hate incidents,” either because there were no laws broken or where there are challenges with proving discriminatory intent. The majority of reports submitted to Advancing Justice | AAJC involve verbal harassment and acts of discrimination, what we would classify as hate incidents. We recognize that hate incidents can be traumatic and have profound impact on the victims who experience hate and harassment. Asian Americans Advancing Justice | AAJC marks it as progress that recent federal response to anti-Asian hate has not been limited to addressing only hate crimes, but has encompassed hate incidents as well. In addition, we view it as a step forward that more is being done to encourage the reporting of all forms of hate and harassment, including hate incidents.

This hate and harassment are 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

¹¹ 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>

caused the Asian American community to become the target for blame for many of our country's current fears.

There have been many who have helped to foment this anti-Asian hate, including current and former elected officials who have and continue to use racist and harmful terms for COVID-19 and seek to blame the pandemic on China and, by extension Chinese Americans and the broader Asian American community. 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, 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 also must 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.

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.

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 continue to 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. There is no scientific or medical benefit to such terminology, which adversely impacts the Asian American community. Public and government officials must be cautious of engaging in anti-China rhetoric and must challenge colleagues and peers who do so. 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.

Anti-Asian Hate Prior to the COVID-19 Pandemic

The experience of anti-Asian racism is not new to people of Asian descent living in the U.S. History demonstrates that our communities have been scapegoated during earlier pandemics, during periods of economic insecurity, and in the name of national security.

Prior to the pandemic, within the Asian American community, Muslim, Arab, and South Asian (MASA) communities were those most impacted by bias, which is often motivated by racial and religious animus. This harassment and hate – profiling, including being labeled as a “terrorist;” racial and religious slurs; vandalization and desecration of houses of worship; and intimidation, death threats, and violence, including murder – has been well-documented by advocates over the years. MASA communities came under increased attack in the aftermath of 9/11¹² and now, more than two decades later, the harassment and hate directed at Muslims, Arabs, and South Asians continues.

The Council on American-Islamic Relations (CAIR) regularly publishes civil rights reports, including reports for 2021 and 2022, documenting discrimination against Muslims.¹³ In a recent New York-focused report, CAIR reported that 45% of Muslim women who wear a headscarf say they have experienced a hate crime or bias incident or that a woman in their family has experienced a hate crime or bias incident.¹⁴ The Sikh Coalition has documented close to 1,000 complaints regarding the Transportation Safety Administration.¹⁵ In a survey by the Sikh American Legal Defense and Education Fund, 63% of turbaned respondents report being discriminated against for wearing a turban and 85% of respondents report that they do not feel safe practicing Sikhism.¹⁶ South Asian Americans Leading Together has documented discrimination against the South Asian community over the years, including rising discrimination in connection with the 2016 election.¹⁷

In January 2017, the Advancing Justice affiliation launched its Stand Against Hatred website 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 Communities Against Hate coalition, led by the Leadership Conference on Civil and Human Rights, published a report in 2019 drawing from nearly 4,000 community stories and a nationally representative Hate Incidence Poll. As detailed in the HATE MAGNIFIED report, 84 percent of individuals polled felt hate incidents were very prevalent or somewhat prevalent in the U.S. This finding was felt most by communities of color: 81 percent of African Americans, 83 percent of

¹² The Arab American Institute has reported on discrimination against Arab communities following 9/11, including providing testimony to this Commission in October 2001. Arab American Institute, *How Did 9/11 Impact Arab Americans?* (September 9, 2021), <https://www.aaiusa.org/library/how-did-9/11-impact-arab-americans>

¹³ For CAIR civil rights reports, see <https://www.cair.com/resources/cair-civil-rights-reports/>.

¹⁴ Ahmed Mohamed, Afaf Nasher, and Asad Dandia, *Feeling the Hate: Bias and Hate Crimes Experienced by Muslim New Yorkers*, CAIR New York (September 8, 2022) <https://www.cair-ny.org/feeling-the-hate-full-report>

¹⁵ Sikh Coalition, *Combating Bias, Bigotry, and Backlash: Sikh American Civil Rights Policy Priorities* (June 28, 2021) <https://www.sikhcoalition.org/wp-content/uploads/2020/07/2020-Policy-Priorities-v1.0.pdf>

¹⁶ Jyot Singh, *Taking on Hate & White Supremacy: Recommendations Ten Years after the Attacks in Oak Creek, Wisconsin*, Sikh American Legal Defense and Education Fund, <https://saldef.org/wp-content/uploads/Taking-on-Hate-White-SupremacyL.pdf>

¹⁷ South Asian Americans Leading Together, *Communities on Fire: Confronting Hate Violence and Xenophobic Political Rhetoric* (January 2018) <https://saalt.org/wp-content/uploads/2018/01/Communities-on-Fire.pdf>

Hispanic individuals, and 89 percent of Arab/Middle Eastern individuals surveyed felt that hate incidents are either very or somewhat prevalent in the U.S.¹⁸

As reported in HATE MAGNIFIED, which includes data submitted to Advancing Justice’s Stand Against Hatred website, a significant number of hate incidents reported in 2017 and 2018 invoked then-President Trump. Overall, nearly 40 percent of reports (1,444 hate incidents) invoked the name of an alt-right hate group or Trump and Trump-related rhetoric.¹⁹

Anti-Asian Hate During the COVID-19 Pandemic

The first report Advancing Justice | AAJC received to its Stand Against Hatred website regarding discrimination connected to COVID-19 was submitted in February 2020. Since that time, the reports we have received have overwhelmingly been of anti-Asian hate and harassment related to the COVID-19 pandemic. In 2020, 399 individual reports of anti-Asian hate and harassment were submitted to Stand Against Hatred. We received even more reports the following year, a total of 455 in 2021. While the number of reports in 2022 decreased, the total of 114 is still significant.

A substantial majority of reports (61-67% each year) involved harassment and discrimination, with more than one in three reports (33-42% each year) involving verbal harassment. While even one report is too many, it is notable that reports of physical assault comprised between 5-6 percent of reports in 2020, 2021, and 2022.

Over this three year period, we received reports to Stand Against Hatred from all 50 states and the District of Columbia. Of the total number of reports submitted, nearly one-quarter of the reports (24%) were from California and 15 percent were from New York. The next highest number of reports came from Washington, Massachusetts, Texas, Florida, Georgia, Illinois, Maryland, Pennsylvania, the District of Columbia, New Jersey, and Virginia.

In many of the attacks on Asian Americans in the last few years, it has been difficult to identify the motive of the attacker, which has led to instances of hate and harassment that most would characterize as hate crimes not being pursued as such by law enforcement. Regardless of whether and how these matters are resolved through the criminal justice system, one clear impact is that many Asian Americans remain fearful that they will face attacks because of their racial identity.

The Data on Anti-Asian Hate and Violence

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.²⁰ 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

¹⁸ Communities Against Hate and the Leadership Conference for Civil and Human Rights, *Hate Magnified: Communities in Crisis* (January 2019), <https://hatemagnified.org/CAH-hatemagnified2019.pdf> (hereinafter “Hate Magnified report”).

¹⁹ *Id.*

²⁰ 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-havewitnessed-covid-19-bias/>

COVID-19 outbreak.²¹ These racist views and beliefs about who is to blame for the pandemic have had a demonstrable 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.²² 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.²³ 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%).”²⁴

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 enabled Advancing Justice | AAJC to speak about the many examples of real harm reported by community members who have suffered hate and harassment, which was important in the early days of the pandemic when some doubted whether anti-Asian sentiment was on the rise. Asian Americans of many different ethnic origins, reporting from across the country, have recounted being targeted with racial slurs; being called “dirty” or “diseased;” being accused of causing, bringing, or spreading COVID-19; 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 December 2021, the number of reports detailing hate incidents and hate crimes submitted by individuals to Stop AAPI Hate had risen to 10,905.²⁵ In addition, a national survey conducted by Stop AAPI Hate in the fall of 2021 found that one in five Asian Americans and Pacific Islanders had experienced a hate incident in 2020 or 2021.²⁶

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 attention in early 2021. Vicha Ratanapakdee, an 84-year old Thai American man, died after he was assaulted while

²¹ 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-haveexperienced-discrimination-amid-the-covid-19-outbreak/>

²² *Id.*

²³ *Id.*

²⁴ 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/>

²⁵ Aggie Yellow Horse, Russell Jeung, Ronae Matriano, *Stop AAPI Hate National Report 3/19/2020 to 12/31/2021*, Stop AAPI Hate (March 4, 2022), <https://stopaapihate.org/wp-content/uploads/2022/03/22-SAH-NationalReport-3.1.22-v9.pdf>

²⁶ *Id.*

on a walk in his San Francisco neighborhood in January.²⁷ Juanito Falcon, a 74-year old Filipino American man, died after he was assaulted, also while on a walk, in Phoenix in February.²⁸ 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.²⁹ 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 community is still grappling with fears around COVID-19, Asian Americans 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 in public even further, out of fear of facing hate and violence.³⁰ In the spring of 2021, the 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.³¹ 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.³²

By the summer of 2021, media attention and public discourse seemed to have moved on from anti-Asian hate. In early 2022, two young Asian women, Michelle Go and Christina Yuna Lee, were brutally murdered in separate attacks in New York, reigniting fear of anti-Asian violence.³³ At the start of 2023, Asian American communities were shattered by mass shootings in Monterey

²⁷ 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>

²⁸ 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/>

²⁹ 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/>

³⁰ In April 2020, Advancing Justice | AAJC, working in partnership with Right To Be (formerly 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 by early summer, we had trained more than 100,000 people. 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.

³¹ 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-atlantamassacre/UMRT3TF6W5DY5EBZ2PDYSD2CXU/>

³² 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-coalitionholds-memorial-victims/7392102002/>

³³ Kimmy Yam, *NYC subway station death of Michelle Go leaves Asian Americans reeling*, NBC ASIAN AMERICA (January 19, 2022) <https://www.nbcnews.com/news/asian-america/nyc-subway-station-death-michelle-go-leaves-asian-americans-reeling-rcna12650>; Precious Fondren and Ashley Southall, *Christina Yuna Lee Stabbed to Death in Her Chinatown Apartment*, NEW YORK TIMES (February 13, 2022), <https://www.nytimes.com/2022/02/13/nyregion/murder-chinatown-nyc.html>

Park and Half Moon Bay, California, just two days apart, during the celebration of Lunar New Year. Eighteen people were killed in these attacks.³⁴

Again, although the motivations for some of these attacks are unclear, the impact is undeniable: Asian Americans do not feel safe, and live in fear of attacks because of their race and ethnicity.³⁵

Asian American women have been disproportionately impacted by discrimination, harassment, and violence. In its report published in March 2022, the National Asian Pacific American Women's Forum shared study findings that "74% of Asian American and Pacific Islander women report personally experiencing racism and/or discrimination, 38% report experiencing sexual harassment, and 12% report experiencing gender and/or race-based physical violence" over a 12 month period.³⁶

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.³⁷ As detailed in a report from the Movement Advancement Project published in July 2021, only an estimated 3.6% of hate crimes are reported to the FBI each year.³⁸ 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.³⁹

Even with concerns about under-reporting, we saw a significant increase in reported hate crimes against Asian Americans in 2020. The FBI's 2020 Hate Crimes Report documents a significant increase in criminal incidents over 2019, including a 76% increase in hate crime incidents

³⁴ Marc Sternfield, Josh DuBose, Cameron Kiszla, *Death toll in Monterey Park shooting now 11; motive still unclear*, KTLA5 / ASSOCIATED PRESS (January 23, 2023), <https://ktla.com/news/local-news/monterey-park-shooting/suspect-dead-2/>; Mike Ostler, *Looking back on the Half Moon Bay shooting one month later*, KRON SAN FRANCISCO (February 23, 2023) <https://www.msn.com/en-us/news/us/looking-back-on-the-half-moon-bay-shooting-one-month-later/ar-AA17RTTg>

³⁵ 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>

³⁶ Drishti Pillai and Alyssa Lindsey, *The State of Safety for Asian American and Pacific Islander Women in the U.S.*, National Asian Pacific American Women's Forum (March 3, 2022), <https://www.napawf.org/our-work/march-2022/state-of-safety>

³⁷ 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>

³⁸ Movement Advancement Project, *Policy Spotlight: Hate Crimes Laws* (July 2021), 4, <https://www.lgbtmap.org/file/2021-report-hate-crime-laws.pdf>

³⁹ *Id.*

motivated by anti-Asian bias: 279 hate crime incidents against individuals of Asian descent were reported in 2020, compared to 158 incidents reported in 2019.⁴⁰

The number of reported anti-Asian hate crimes in 2021 increased again, to 305.⁴¹ It is important to note, however, that there are significant gaps in the 2021 FBI data as this was the first time that law enforcement agencies were asked to report crime, including hate crimes, through the National Incident-Based Reporting System (NIBRS). In the transition to NIBRS, several major jurisdictions failed to submit their reports by the deadline, including New York, Chicago, Phoenix, and almost the entirety of California and Florida. Of 18,812 law enforcement agencies, almost a third did not report – resulting in 3,300 fewer organizations reporting than in 2020 and what appear to be the lowest overall counts of hate crimes in years.⁴² Therefore, while the number of reported hate crimes motivated by anti-Asian bias continues to increase, the FBI’s 2021 data present an incomplete picture of the reality of anti-Asian hate.

Recognizing that comprehensive data are an essential part of understanding, responding to, and preventing hate crimes, Advancing Justice | AAJC has joined with fellow civil rights advocates to urge the Justice Department and the FBI to make greater efforts to swiftly and effectively complete the transition to NIBRS, which we will believe will yield more accurate data in time. We also continue to advocate for improved reporting and data collection, including exploring making reporting to the FBI by law enforcement mandatory.

Even with marked improvement in FBI data, community reporting sites like the Stand Against Hatred website and Stop AAPI Hate will continue to fill an important role. There will still be a need for community reporting sites as many people of color and immigrants remain distrustful of law enforcement and the government. Asian Americans (30%) are the least likely of all racial groups to feel comfortable reporting an incident to law enforcement (36% of Pacific Islander, 45% of Black, 42% of Latinx, and 46% of Native American respondents indicated they would feel comfortable reporting a hate crime to authorities).⁴³ Only a small proportion of any racial group believed that justice would be served if they reported, and some feared unwanted attention or being attacked again.

For individuals who come forward to report hate crimes and hate incidents, the authorities to whom they report must be accessible and responsive. Language access and cultural competence are vital for effectively serving the Asian American community and building greater trust. Moreover, we can look to entities outside of law enforcement and the criminal justice system. For example, advocates are pursuing having state hate crimes hotlines operated by non-law enforcement agencies. In California, advocates have proposed to have the state hate crimes hotline run by the Department of Fair Employment and Housing. In addition, we recommend

⁴⁰ Federal Bureau of Investigation Crime Data Explorer, 2020 Data, <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/hate-crime>

⁴¹ Federal Bureau of Investigation Crime Data Explorer, 2021 Data, <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/hate-crime>

⁴² Louise Liu, *The 2021 FBI Hate Crime Statistics Failed to Capture the Reality of Anti-Asian Hate. Here’s why.*, Asian Americans Advancing Justice | AAJC (December 21, 2022), <https://medium.com/advancing-justice-aaajc/the-2021-fbi-hate-crime-statistics-failed-to-capture-the-reality-of-anti-asian-hate-heres-why-adeb12f0bb68>

⁴³ Janelle Wong, *Beyond the Headlines: Review of National Anti-Asian Hate Incident Reporting/Data Collection Published over 2019-2021*, Asian American Studies Program, University of Maryland (June 7, 2021), <https://docs.google.com/document/d/191IMUCDHX-hLKru-cnDCq0BirlpNgF07W3f-q0J0ko4/edit>

greater engagement and coordination with equal employment opportunity / human rights / human relations offices and crime victims assistance programs to provide community support and serve as part of a more holistic response system.

Promising Practices

Regarding prevention, greater emphasis must go to community solutions and not just increasing security and “hardening” community gathering sites like schools and places of worship. Increased funding for community programs is vital and government grant programs must be made more accessible to community-based organizations that provide vital services. Asian Americans Advancing Justice | AAJC has worked with Asian Americans Advancing Justice Southern California to create the [Asian Resource Hub](#), a searchable directory of Asian American-serving community organizations, mainly social service organizations, as a way of making assistance more accessible for Asian Americans across the country.

Provide Bystander Intervention Training

Asian Americans Advancing Justice | AAJC and Right To Be, formerly Hollaback!, have partnered to help people learn tactics and feel empowered to safely intervene in and respond to anti-Asian hate and harassment. Together, we have held hundreds of free online training sessions, including sessions in 7 Asian languages, and, with our Advancing Justice affiliates, have reached more than 150,000 people since launching our partnership in April 2020.

In these one-hour virtual trainings, we discuss how our identities impact how we experience public spaces, help people identify harassment in our discussion of a “spectrum of disrespect,” share historical context of anti-Asian discrimination, and take people through current examples of the harassment and violence that Asian American communities have been facing during the pandemic. Then we teach participants practical, actionable tactics – Right To Be’s “5Ds of Bystander Intervention” – to help them feel empowered to intervene in and respond to anti-Asian hate and harassment.

While our work with Right To Be has focused on addressing anti-Asian hate and discrimination, bystander intervention is applicable to all forms of harassment, and Right To Be offers training for many communities and different contexts.

These trainings are meeting an important need as people have sought out ways to learn about what they can do to support Asian American communities during the pandemic and take action against hate and harassment. Through these trainings, we have been able to reach diverse audiences and engage people on subjects including Asian American history, intersectionality, implicit bias, and systemic racism, which we hope opens space for deeper reflection about race, racism, and other forms of bias and discrimination. We look forward to being able to reach, teach, and empower more people to become part of our movement to end harassment in all of its forms.

While Advancing Justice | AAJC is proud of our work on bystander intervention, we also acknowledge that the burden of addressing racism cannot fall only to individuals. Issues like hate, harassment, and discrimination are complex and require multi-faceted responses. Bystander intervention training is intended to equip people with tactics that they can use to intervene and

protect others experiencing harassment. We encourage people to use the 5Ds to intervene in might be considered “everyday harassment,” including racist jokes and microaggressions, because we believe that helping more people to become bystanders in action is what is needed to change our culture from one where harassment is normalized to one that encourages care and respect for one another, with the ultimate goal of ending harassment. Advancing Justice | AAJC will continue to work with Right To Be to provide training to people who are interested in learning what they can do to respond to harassment at an individual level as we also continue to work for systemic change through our policy advocacy efforts.

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 continue to be impacted 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.

Reach Out to and Invest in Impacted Communities

We must have 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 crimes and 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 many in our community are prioritizing. Many local organizers and advocates are calling for different solutions for community safety, and not responses that will further criminalize communities of color.

In fact, while facing hate crimes and hate incidents, Asian American communities are also facing violence from the police, those meant to help keep them safe. We note the December 2020 killing of 30-year-old Filipino American Angelo Quinto, who died after police knelt on him for 5 minutes.⁴⁴ 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 the specific needs on the ground. A law enforcement-focused approach fails to address the underlying environment and inequities that allow hate to flourish.

⁴⁴ 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>

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 Asian American 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 expect greater effort to ensure that Asian American 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 – by providing interpretation assistance and translated documents, and, even more importantly, by hiring frontline service staff with the cultural competence and language ability to effectively reach out to and communicate in the languages spoken by impacted communities. Federal agencies also must hold community roundtables, listening sessions, and other engagements focused on Asian American communities – and it is equally important that these programs are accessible for individuals with limited proficiency in English.

In supporting 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,⁴⁵ the COVID-19 Hate Crimes Act,⁴⁶ and President Biden’s recent Executive Order on Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,⁴⁷ 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.

We need government to make itself more responsive to Asian American communities and also help community-based organizations to bolster their capacity to meet community needs. Community-based organizations that provide social services, legal assistance, and mental health programs often do tremendous work with very limited resources. In order to make the recommendations above a reality, the federal government must make greater investment into community organizations that deliver these critical services and resources. There are many community organizations that are well-versed in reaching and serving vulnerable communities impacted by hate, harassment, and discrimination that can be valuable partners to the government. With greater investment, these community organizations can do even more to help support community health and well-being. We recommend making work with and through community-based organizations a priority for grants to government entities and also creating

⁴⁵ 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/presidentialactions/2021/01/26/memorandum-condemning-and-combating-racism-xenophobia-and-intolerance-against-asian-americans-and-pacific-islanders-in-the-united-states/>

⁴⁶ Public Law No: 117-13

⁴⁷ The White House, *Executive Order on Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (February 16, 2023), <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/02/16/executive-order-on-further-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>

grant programs to directly resource non-profit organizations working with communities impacted by hate crimes and hate incidents.

Improve Enforcement of Nondiscrimination Laws

In May 2020, this Commission 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.”⁴⁸ 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.”⁴⁹ 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 Continue to Address Harms Associated with 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. While we were pleased by the announcement by the Justice Department that it would be terminating its “China 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, our work here is not done. The Justice Department must review all related prosecutions, including pending cases and 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 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.

Supporting Anti-Harassment Training and Education in Asian American History

In addition, we must continue to educate communities about how to stand up to racism and hate. These efforts can serve to counter the spread of racist and white nationalist sentiment and help to

⁴⁸ 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>

⁴⁹ *Id.*

prevent the radicalization that leads to domestic terrorism. The government can lead in providing education and training, and it cannot allow itself to be limited in its efforts to carry out anti-discrimination and anti-bias training by those who derisively label such efforts as “woke” or “unpatriotic.”

As detailed above, Advancing Justice | AAJC has partnered with Right to Be 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. Together, we have trained thousands 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. Advancing Justice | AAJC and Right To Be have been able to bring this training to many different audiences and would welcome opportunities to scale our reach even further.

Addressing bias 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 biases, 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 to dispel myths and develop 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.

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 Muslim, Arab, and South Asian communities after 9/11, including profiling and discrimination by the federal government that culminated in the Muslim ban enacted by then-President Trump via Executive Order in 2017.

Problematic and Harmful Practices

In addition to the promising practices described above, Advancing Justice | AAJC must also raise concerns about a number of federal programs and practices.

Law Enforcement Involvement in Immigration Enforcement

The 287(g) program⁵⁰ is a problematic program created in the 1990s that was designed to more closely connect local law enforcement and federal immigration enforcement. The 287(g) program allows local and state law enforcement officials to enter into formal agreements with the Department of Homeland Security (DHS) and, to some limited degree, act as enforcers of immigration law.

This program has harmed our immigrant communities and is particularly harmful in the context of local law enforcement seeking to engage with communities affected by anti-Asian hate. Given that two thirds of all Asian Americans are immigrants, and 1.7 million Asian Americans are undocumented,⁵¹ 287(g) agreements create chilling effects within our communities.⁵² As studies have shown, immigrant community members are less likely to report crimes that they witness or that are perpetrated against them if they are told that local law enforcement is working with federal immigration authorities.⁵³ This makes the reporting and investigation of anti-Asian hate crimes, especially those perpetrated against immigrant Asian Americans, much more difficult.

There are other options for local governments and local law enforcement officials: studies show that communities that do not assist federal immigration enforcement officials have less crime.⁵⁴ Adopting policies that protect immigrant communities, who are doubly vulnerable to acts of hate, is good not just for immigrants, but also for the community as a whole.

Countering Violent Extremism / Center for Prevention Programs and Partnerships

Programs previously labeled as “Countering Violent Extremism” have undergone a rebranding and are now referred to as CP3 programs, which refers to the Center for Prevention Programs and Partnerships within the Department of Homeland Security. These programs continue under this new brand despite the fact that President Biden promised to end the Targeted Violence and Terrorism Prevention program, which was the name given to CVE during the Trump administration.

The social theory guiding CP3 programs is dubious at best, with some counterterrorism scholars believing that “despite decades of research, . . . we still do not know what leads people to engage in political violence.”⁵⁵

⁵⁰ Named after Section 287(g) of the Immigration and Nationality Act.

⁵¹ Advancing Justice Immigration Report

⁵² Reluctance to communicate with law enforcement officials that communicate with DHS has unfortunately proven to be justified: as an example, an undocumented immigrant who testified to help convict a murderer was ultimately deported after the state attorney general’s office reported them to DHS. Lynn Tramonte, *Debunking the Myth of “Sanctuary Cities,”* Immigration Policy Center, American Immigration Council (April 2011) https://www.immigrationresearch.org/system/files/Community_Policing_Policies_Protect_American_042611_update.pdf

⁵³ Laura Munoz Lopez, *How 287(g) Agreements Harm Public Safety,* Center for American Progress (May 8, 2018) <https://www.americanprogress.org/article/287g-agreements-harm-public-safety/>

⁵⁴ Tom K. Wong, *The Effects of Sanctuary Policies on Crime and the Economy,* Center for American Progress (January 26, 2017) <https://www.americanprogress.org/article/the-effects-of-sanctuary-policies-on-crime-and-the-economy/>

⁵⁵ Brennan Center for Justice, *Why Countering Violent Extremism Programs Are Bad Policy* (September 9, 2019) <https://www.brennancenter.org/our-work/research-reports/why-countering-violent-extremism-programs-are-bad-policy#:~:text=CVE%20programs%20are%20designed%20around,inexorably%20toward%20becoming%20a%20terrorist>

Furthermore, the focus of CP3 programs has unfairly targeted minority communities and not focused enough on far-right extremism. The reality is that according to the Anti-Defamation League, almost all of the extremist-linked incidents and deaths in the past decade have been from far-right actors.⁵⁶

Advancing Justice | AAJC stands opposed to federal government efforts to surveil immigrants, particularly within MASA and Chinese communities. We believe that these programs are not legitimate “community outreach” but rather thinly veiled efforts to sow distrust within targeted communities and foment discord between these members of communities and the federal government. Consequently, innocent people are too often swept up in overreaching CP3 tactics.

Existing CP3 grants also inadequately provide protections for civil liberties and rights (i.e. First Amendment protections), thus failing to follow the federal government’s own rules.⁵⁷ There should be much more accountability and transparency around these programs and grants.

The China Initiative

While this statement has addressed anti-China rhetoric and the profiling of individuals of Chinese descent above, it bears repeating here that although the China Initiative may have been formally ended by the Biden administration in 2022, Advancing Justice | AAJC remains vigilant about any residual investigations and cases and we continue to monitor developments in existing prosecutions. We remain concerned about the unfair and unnecessary scrutiny that may still apply to Chinese and Chinese American scientists, researchers, and academics, particularly with respect to grants. We are also seeing the problematic blurring of lines between economic disputes which ought to be settled through civil courts rather than unnecessarily escalated into criminal investigations which can perpetuate fear, harmful stereotypes, and the permanent disruption of families.

Countering Mis and Disinformation about Perpetrators of Anti-Asian Violence

While this is not a federal government program or practice, Advancing Justice | AAJC is deeply concerned about prevalent narratives that the primary perpetrators of anti-Asian violence are Black. There is no research that corroborates this narrative. According to the Virulent Hate Project, the perpetrators of anti-Asian hate attacks in 2020 were overwhelmingly white (89.6%).⁵⁸ This is consistent with pre-COVID-19 data, which indicates that the majority of offenders of anti-Asian hate between 1992-2014 were white (75%).⁵⁹ We must counter the false narrative that the face of anti-Asian hate is Black. This divisive narrative undermines racial solidarity and perpetuates white supremacy.

⁵⁶ ADL Center on Extremism, *Murder and Extremism in the United States in 2022*, Anti-Defamation League (February 22, 2023) <https://www.adl.org/resources/report/murder-and-extremism-united-states-2022>

⁵⁷ Brennan Center for Justice, *Why Countering Violent Extremism Programs Are Bad Policy* (September 9, 2019).

⁵⁸ Melissa Borja and Jacob Gibson, *Virulent Hate Anti-Asian Racism in 2021*, Virulent Hate Project, University of Michigan (May 17, 2021) <https://virulenthate.org/wp-content/uploads/2021/05/Virulent-Hate-Anti-Asian-Racism-In-2020-5.17.21.pdf>

⁵⁹ Yan Zhang, Lening Zhang, and Francis Benton, *Hate Crimes against Asian Americans*, American Journal of Criminal Justice (January 7, 2021) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7790522/>

Working with Law Enforcement

Along with many civil rights organizations, Advancing Justice – AAJC had long advocated for the passage of the Jabara-Heyer NO HATE Act and we applauded the incorporation of that bill into the COVID-19 Hate Crimes Act, which was signed into law in May 2021. As detailed above, much remains to be done to improve data collection and reporting of hate crimes by law enforcement agencies to the FBI. Advancing Justice | AAJC continues to work with fellow civil rights advocates to call on the Biden administration, including the Justice Department, to properly implement all aspects of the COVID-19 Hate Crimes Act, and to urge Congress to fully fund its implementation.

Since we are not a direct service organization, Advancing Justice – AAJC does not often engage with local law enforcement. Here we would like to highlight the work of our colleagues with the Sikh American Legal Defense and Education Fund who regularly engage with and train law enforcement officials to build greater understanding of Sikh communities.⁶⁰

Reflecting on recent events, we would like to note that we have heard from colleagues involved in the response to the mass shootings in Monterey Park and Half Moon Bay, California, that coordination by local government was seriously lacking. Greater effort should be made by government agencies that provide services that would be called upon in community crises to share information and coordinate so that they are able to work together and are better prepared to respond in emergency situations.

Conclusion

Three years into the COVID-19 pandemic, Asian Americans are still impacted by anti-Asian hate and violence. 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. 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. 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. 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 providing culturally competent and linguistically accessible services and improving enforcement of federal nondiscrimination laws. We must end profiling and take care not to perpetuate the harms associated with the now-terminated “China Initiative.” In addition, we must take care not to create new laws and advance policies that perpetuate discrimination and systemic racism against communities of color. 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.

⁶⁰ See <https://saldef.org/working-with-law-enforcement/>