

Written Testimony before the Senate Committee on the Judiciary

On “Combating the Rise in Hate Crimes”

Developing Greater Understanding of Asian American Communities

BY THE

JAPANESE AMERICAN CITIZENS LEAGUE

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The Japanese American Citizens League (JACL) submit this written testimony for the record for the March 8, 2022 hearing before the Senate Committee on the Judiciary on “Combating the Rise of Hate Crimes.”

JACL is the nation’s oldest and largest Asian American civil rights organization in the United States. The JACL monitors and responds to issues that enhance or threaten the civil and human rights of all Americans and implements strategies to effect positive social change, particularly to the Asian Pacific American community.

As Japanese Americans, our experience of mass incarceration during World War II compels us to say “never again.” We use our history as one example in the context of our nation’s full history, that racism and xenophobia have persisted and continue today. The hatred born from this tradition is what leads to the targeting of individuals specifically for crimes, often violent, but tragic in the lasting trauma inflicted upon the victim.

The Covid-19 pandemic has resulted in an alarming increase in hate crimes, and the number of those targeting Asian Americans is staggering. With the passage of the bipartisan COVID-19 Hate Crimes Act/Jabara-Heyer NO HATE Act, Congress has shown that they recognize the ongoing threat to our communities. The Committee's convening of this hearing gives us the opportunity to help better inform our representatives about how hate crimes have affected our communities, and what policy solutions will be most effective in keeping us safe.

Members of the Asian American community have suffered a variety of incidents, from aggressive insults towards our children to tragic deadly attacks on our elders. In order to help our communities heal from these wounds and to prevent further attacks, we must ensure that the data we are collecting about these hate incidents and crimes is accurate, the discussion on hate crimes is directed towards relevant issues, and the solutions that we formulate are productive and community focused.

Data and Reporting

Unfortunately, we are now seeing a rise in criminal acts of hate across the country. The 2020 FBI Crime Statistics report serves as a reminder of the importance of tracking and recording hate crimes data. From 2019 to 2020 the number of incidents of Anti-Asian hate increased 70%, from 161 to 274. In comparison, overall hate crimes increased only 6.5%. This disproportionate increase is alarming but fails to capture the full scope of what the Asian American community has experienced in the past year and a half. Other community based sites have collected reports of over 9,000 incidents from March 2020 to June 2021. While we cannot assume that all 9,000 reported incidents rise to the level of criminal activity, even a small fraction of that total dwarfs the nationally reported numbers from the FBI. Crimes are either not being fully reported and recorded due to victim reticence or agency’s failure to report, or possible hate crimes are not being identified by law enforcement and prosecutors. This was demonstrated in the high profile Atlanta area shootings where the murderer was not charged with racial bias by one of the prosecutors despite the specific targeting of Asian owned and operated businesses.

Another issue that confounds the data is the difference between hate incidents and hate crimes. While not all hate incidents are prosecutable offenses, they still add to feelings of unease and unsafety within our communities. These incidents are not included in law enforcement reporting data because of their non-prosecutable nature, and they are rarely reported to even trusted organizations within our own community.

Anti-Asian hate is intolerable, and these numbers encompass only a few of the experiences that our communities have faced in the last year. Accurate data is needed in order to properly understand the scope of the issues that our community faces. Since policy solutions are so often driven by data and analytics, it is imperative that the data that is collected by law enforcement agencies is accurate to make sure that our Asian American communities get the resources that are needed right now.

Use of Affirmative Action as a Example of Anti-Asian Hate is Disrespectful

When media outlets and members of congress discuss the threat of Anti-Asian hate, they must make sure that they are talking about issues that are relevant to the threats that our communities face. When this conversation is directed towards discussions of affirmative action and academic equity, it deviates from the core issues at the heart of these issues.

The case against Harvard law school that is to be heard by the supreme court is the most frequently cited example of this. However, academic affirmative action does not equate to the violent hate crimes that our community suffers. When these talking points arise, it minimizes and silences victims of hate crime experiences. It also perpetuates harmful model minority stereotypes. Equating affirmative action to a hate crime against our community also wastes precious time instead of achieving real solutions, and makes the diagnosis of the true source of anti-asian hate much more difficult.

We do not want our community trauma to be used as a talking point in debates about school acceptance rates. It is demeaning and disrespectful to our losses and pain.

Community Based Solutions to Anti-Asian Hate

When combating hate, community-based solutions offer the most immediate and effective approach, especially when implemented locally. Sets of actions, such as educational campaigns and restorative justice programs, have all worked in the past to raise awareness about the devastating effects hate crimes have on marginalized communities. JACL's 100 chapters plan educational events that instruct on the history and impacts of hate on our Japanese American community. The wartime incarceration of Japanese Americans did not occur in a vacuum, but within the context of years of anti-Asian, and anti-Japanese racism. This history is important and instructional when seeking to combat modern hate. This is why we support the passage of the Japanese American Confinement Education Act to continue the education carried out through the JACS Grant program, as well as providing additional resources to expand education programs teaching about the incarceration experience.

In addition to advocating for anti-hate educational programs and resources to be disseminated at the local level, we also urge Congress to issue a mandate that would require AAPI history to be taught in classrooms across the country. At the time of this writing, only two states have signed

legislation that requires schools to teach about the experiences, the hardships, and the achievements of AAPIs: Illinois and New Jersey. By implementing AAPI history into public schools on the national level, we could collectively work to put an end to AAPI discrimination. We recognize that there needs to be a greater public awareness of the contributions and life experiences of AAPIs in order to challenge and eliminate harmful stereotypes and prejudices confronted by AAPIs. For that reason, we also support the Teaching Asian Pacific American History Act (H.R. 2283), which would ensure the expansion of this conversation into institutions of higher education, libraries, and museums. While the previous two solutions would help further the public understanding of AAPIs and our history to mitigate the stereotypes that lead to hate, we recognize the need for additional measures to support our communities. There is a critical need to ensure that the language access needs of AAPIs are met, especially to ensure accessibility of services related to their health and safety. Our communities need further training from local and federal law enforcement on how and when to report hate incidents. This training must be done in a culturally and linguistically appropriate manner.

President Biden declared in his State of the Union on March 1, 2022, that he would address the mental health crisis in the country by implementing a broad plan that would holistically tackle the structural inequities and deficiencies that continue to plague the nation. While we thank the Biden administration for their commitment to strengthen the nation's response to the crisis, we also encourage the administration to do its part to recognize the unique challenges that face communities of color, including AAPIs. According to the Department of Health and Human Services' Office of Minority Health Resources in 2018, Asians were "60 percent less likely to have received mental health treatment as compared to non-Hispanic whites"¹. Mental health services must be made available to AAPIs in a culturally and linguistically appropriate manner.

We also ask that the Department of Justice (DOJ), Department of Health and Human Services (HHS), and members of congress continue to cultivate and build upon the COVID-19 Hate Crimes Act. This Act requires the DOJ to issue guidance for "state, local, and tribal law enforcement agencies on establishing online hate crime reporting processes, collecting data disaggregated by protected characteristic (e.g., race or national origin), and expanding education campaigns."² It also allows the DOJ and HHS to issue guidance surrounding the COVID-19 virus and the hate crimes that are associated with it. This bill ensures that each of the aforementioned recommendations is implemented and practiced in order to safeguard vulnerable populations against hate crimes, particularly the AANHPI community who have suffered a surge in hate incidents since the outbreak of the pandemic.

The automatic reaction to crime is often to increase funding to law enforcement and increase punitive measures. As an alternative, JACL supports the exploration and funding of more humane and sustainable forms of intervention to bring restorative justice. Any funding that is

¹ <https://minorityhealth.hhs.gov/omh/browse.aspx?lvl=4&lvlid=54>

² <https://www.congress.gov/bill/117th-congress/senate-bill/937>

allocated in the name of preventing and reducing hate crimes should go towards programs and resources that educate the public on historic biases to mitigate their effect to foster hate crimes based on racial profiling and discrimination. The end to hate incidents is to end the misunderstanding that leads to the discriminatory beliefs that lead to hate crimes.

Conclusion

We, as the Japanese American Citizens League, continue to ask that congress works towards productively addressing the issues of hate crimes. The increase in hate incidents targeting Asian Americans has left our people feeling vulnerable and unwelcome in our own communities. We need congress and government agencies to develop an accurate understanding of the scope of the issue, and that can only be accomplished through diligent and accurate data collection. The current methodology is flawed, and we can't move forwards towards effective solutions as long as there continues to be a shortfall in reporting. When discussions on the issues are conducted, they should be directed towards relevant issues and not to meandering diversions like academic equity.

As our Japanese American experience has demonstrated, the racism and xenophobia that leads to hate incidents against our community has existed since the founding of our nation. We believe that the only way to eradicate these false beliefs and stereotypes is through education, so that all may see the past harm of unbridled discrimination leading the the mass incarceration of nearly 120,000 Japanese Americans. It is the casual and seemingly insignificant daily actions that without challenging, grow into the more severe and violent actions we see today. We must shine a light on the past so that we truly can say "never again."