



**SEARAC**

Statement of  
**Southeast Asia Resource Action Center**

Submitted to:  
**House Committee on the Judiciary**  
**Subcommittee on the Constitution, Civil Rights, and Civil Liberties**  
for  
**Hearing Titled**  
“Discrimination and Violence Against Asian Americans”

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The Southeast Asia Resource Action Center (SEARAC) appreciates this opportunity to submit a statement for the record for the March 18, 2021 hearing on “Discrimination and Violence Against Asian Americans.” As Congress considers the experiences of impacted individuals, academics, and community leaders, we ask that members also consider the importance of centering community-based solutions that invest deeply in bridging the fear, misunderstanding, and ignorance that belies division and hate rather than focusing only punitive resolutions, further criminalizing already overpoliced communities, and expanding the power of our criminal legal system.

SEARAC is a national civil rights organization that empowers Cambodian, Laotian, and Vietnamese American communities to create a socially just and equitable society. As representatives of the largest refugee community ever resettled in the United States, SEARAC stands together with other refugee communities, communities of color, and social justice movements in pursuit of social equity.

Between 2019 and 2020, anti-Asian hate crimes increased by 149%, despite a 7% decrease in overall hate crimes<sup>1</sup>. It is clear that the previous President’s dangerous rhetoric on China and the coronavirus directly led to an increase in hate by emboldening racist individuals and giving rise to racist ideology during a time of fear. However, this kind of prejudice against our communities

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<sup>1</sup> Jeung, R., Ph.D., Horse, A. Y., Ph.D., Popovic, T., & Lim, R. (2021, March 16). *Stop AAPI Hate National Report* (Rep.). Retrieved March 20, 2021, from Stop AAPI Hate website: <https://secureservercdn.net/104.238.69.231/a1w.90d.myftpupload.com/wp-content/uploads/2021/03/210312-Stop-AAPI-Hate-National-Report-.pdf>



is not new in the United States, and our country has a long history of discriminatory policies based on irrational fears that propagate discrimination and violence against our communities<sup>2</sup>. The mass attacks on Asian Americans highlight a systemic lack of understanding and knowledge necessary to cultivate racial empathy among certain segments of the American public and show how targeted rhetoric against Asian Americans by President Trump furthered two hundred years of targeted state sanctioned violence against Asians. In order to truly eradicate discrimination against our communities, Congress must resist the urge to further embolden our enforcement systems and should instead take bold steps to eliminate all forms of violence against Asian Americans by promoting cross-racial and cross-cultural understanding by funding ethnic studies curricula and investing in community based, restorative justice centric solutions.

**An enforcement approach to hate crimes does not take into consideration the current failure of law enforcement to document and report hate crimes; account for incidents where racial bias is a core component of violence against minority communities by law enforcement; or decrease hate incidents or address the root causes of acts of hate.**

Current hate crime laws may incarcerate the perpetrator of hate crimes, but it does not address the fear and anxiety that linger in both the victim and the broader community. Though such laws were passed with the intent to prevent future hate crimes, current laws do not necessarily prevent future hate crimes from occurring. FBI data from 2008<sup>3</sup> and 2018<sup>4</sup> show that these types of incidents have not significantly decreased over a ten-year period despite passage of historical hate crimes legislation. Increasing enforcement does not seem to have a broad deterrent effect, prevent future hate crimes, or restore a sense of safety for individuals and communities targeted by such actions. Further investment in enforcement-only approaches to hate crimes divests from rehabilitative and restorative focused efforts that would address the root causes of hate more effectively than incarceration and further criminalization.

Additionally, law enforcement in the United States have a long record of continuously ignoring hate crimes in the United States and underreporting these incidents to the Federal Bureau of Investigations (FBI). Between 2010 and 2019, participating law enforcement agencies in Mississippi reported only 1-6 annual hate crimes to the FBI, far lower than in other states. Additionally, in 2019, Alabama didn't report a single hate crime to the FBI. Either both states stand as shining examples of eliminating hate crimes within their jurisdictions or their law

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<sup>2</sup> Brockell, G. (2021, March 20). The long, ugly history of anti-Asian racism and violence in the U.S. Retrieved March 23, 2021, from <https://www.washingtonpost.com/history/2021/03/18/history-anti-asian-violence-racism/>

<sup>3</sup> United States, Federal Bureau of Investigations, Uniform Crime Reporting. (2008). *2008 Hate Crimes Statistics*. Retrieved March 23, 2021, from <https://ucr.fbi.gov/hate-crime/2008>

<sup>4</sup> United States, Federal Bureau of Investigations, Uniform Crime Reporting. (2019). *2019 Hate Crimes Statistics*. Retrieved March 23, 2021, from <https://ucr.fbi.gov/hate-crime/2019>



enforcement agencies are unwilling to identify crimes of hate. Comparatively, over the last year and a half, thousands of individuals who have experienced incidents of hate have reported to community based organizations and their reporting sites. This reporting discrepancy highlights the lack of trust Asian American communities have towards law enforcement and underscore why Congress must invest in already functioning community centric approaches.

The lack of trust among Asian Americans for law enforcement also stems from local police often being seen as one of the most prolific perpetrators of violence against Asian communities and racialized violence against other minorities. On December 15, 2019, Minneapolis police answered a domestic violence call only to shoot Chiasher Vue, age 52, 13 times with over 60 different shots being fired at his family home<sup>5</sup>. In 2006, Minneapolis police also shot 19-year-old Fong Lee 8 times in the back, eventually killing him<sup>6</sup>. According to a 2017 NPR survey of Asian Americans, 50 percent of Asian respondents do not believe that police departments treat racial and ethnic groups equally<sup>7</sup>. Given the history of violence against minority communities by law enforcement and the lack of trust among Asian Americans of the police, Congress should not seek to increase enforcement as a solution to hate crimes but instead focus on funding and developing trusted, community centric solutions. In this vein, Congress should not expand the definition of a hate crime or increase sentencing for hate crimes, but rather, focus on solutions that heal the victim and broader community, hold the offender accountable to the victim, and address the root causes of race-based violence in our country.

**Restorative justice and community centric solutions promote safety and accountability without further increasing already expansive enforcement system.**

The focus of restorative justice on individual the immediate community allows such practices to advance healing for both the victim and others from the same community who are indirectly targeted by the offender while simultaneously holding them directly accountable to the impacted individuals rather than the state. In doing so, the perpetrators are also given an opportunity to learn and restore trust to their victim and the larger community. Investing in restorative justice programs rather than increasing punitive measures allow policymakers an opportunity to address the racism in ways that incarceration does not.

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<sup>5</sup> Faircloth, R., & Jany, L. (2019, December 18). Family, community leaders question why police fired so many shots, killing man during confrontation. Retrieved March 24, 2021, from <https://www.startribune.com/authorities-identify-man-fatally-shot-in-confrontation-with-minneapolis-police/566275072/>

<sup>6</sup> Moua, W. (2014, August 29). Community seeks justice in Fong Lee shooting. Retrieved March 24, 2021, from <https://www.tcdailyplanet.net/community-seeks-justice-fong-lee-shooting/>

<sup>7</sup> Wang, H. (2017, April 18). On police treatment, Asian-Americans show ethnic, generational splits. Retrieved March 24, 2021, from <https://www.npr.org/sections/thetwo-way/2017/04/18/524556485/on-police-treatment-asian-americans-show-ethnic-generational-splits>



Victim-offender mediation is a form of restorative justice that has seen widespread recognition since its endorsement by the American Bar Association. Mediation allows the victim to address the incident with the perpetrator and hold them accountable for their actions. Other restorative justice approaches that have been suggested to address hate crimes also include sentencing circles, a practice in which both the victim and offender, along with interested community members, are given an opportunity to directly discuss the incident, its impact, and restitution<sup>8</sup>.

Community centric programs, like the Chinatown Community Ambassadors in Oakland, California, also restore a sense of safety and security in Asian and other minority communities without resorting to increased enforcement. The Ambassadors program provides safety resources and services to residents of the area, and in doing so, fosters and restores trust to those who have been directly and indirectly harmed by acts of hate<sup>9</sup>. And given that over one third of the Asian American population is limited English proficient<sup>10</sup>, victims and communities impacted by hate crimes need culturally and linguistically appropriate resources for mental health and legal support. All of this remains critically underfunded, and Congress should seek to allocate funding for such programs and services in order to support those impacted by hate crimes.

### **Ethnic studies promote cross-racial and cross-cultural understanding and racial empathy among the many different communities in the United States.**

Racial empathy is necessary for cross-racial and cross-cultural understanding among the various diverse communities in the United States. However, a 2011 study found that individuals are less empathic to the pain of others from a different racial background and even posits that they may unconsciously see different racial groups as inherently less human<sup>11</sup>. Development of racial empathy through understanding of culturally and racially diverse peoples can be fostered through programs like ethnic studies. Ethnic studies teach students to better understand the various minority communities within the United States, with an emphasis on the structural and historical challenges that these peoples face. The curricula give students the tools to critically analyze the

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<sup>8</sup> Sapir, B. (2007). Healing A Fractured Community: The Use of Community Sentencing Circles In Response to Hate Crimes. *Benjamin N. Cardozo School of Law Journal of Conflict Resolution*, 9(1), 207-236. Retrieved March 23, 2021, from <https://cardozoocr.com/vol9no1/207-236.pdf>

<sup>9</sup> Ramrayka, L. (2021, March 24). Asian Americans build Trust, community solutions in face of hate. Retrieved March 25, 2021, from <https://www.aljazeera.com/news/2021/3/24/asian-americans-build-trust-community-solutions-face-of-hate>

<sup>10</sup> Southeast Asia Resource Action Center, & Asian Americans Advancing Justice - LA. (2020, February 27). *Southeast Asian American Journeys* (Rep.). Retrieved March 23, 2021, from [https://www.searac.org/wp-content/uploads/2020/02/SEARAC\\_NationalSnapshot\\_PrinterFriendly.pdf](https://www.searac.org/wp-content/uploads/2020/02/SEARAC_NationalSnapshot_PrinterFriendly.pdf)

<sup>11</sup> Forgiarini, M., Gallucci, M., & Maravita, A. (2011). Racism and the empathy for pain on our skin. *Frontiers in psychology*, 2, 108. <https://doi.org/10.3389/fpsyg.2011.00108>



role that race and ethnicity play in the lived experiences of these communities, helping develop understanding and solidarity with individuals from backgrounds different than their own. In SEARAC's work with previously incarcerated individuals and removable Southeast Asian Americans, the vast majority of our community members cite ethnic studies as a primary reason for why they are able to find remorse for their actions, understand themselves and their communities, and better relate to other communities of color. This is particularly notable for individuals who experienced racism, engaged in race-based antagonism, and were previously affiliated with race-based gangs.

Though there has been significant progress in advancing ethnic studies in both K-12 and higher education institutions, such as the adoption of an ethnic studies curricula in the California K-12 system, this area of study and academia remains critically underfunded in the United States. Increasing funding for ethnic studies programs and Minority Serving Institutions, such as Asian American Native American Pacific Islander Serving Institutions, and support for Representative Meng's Teaching Asian Pacific American History Act, would foster more understanding of minority communities and, in turn, reduce racial animus against Asian American communities.

In conclusion, our hearts ache from these acts of hate, gun violence, misogyny, and white supremacy. In the last year, we've seen attacks against Asian Americans increase, primarily against Asian women, many of whom work in frontline and service sector industries, and elders. It is imperative that Congress address the root causes of the hate and xenophobia against Asian Americans in its efforts to combat hate crimes. We have seen that enforcement and retribution-based solutions only further criminalize communities without adequately preventing acts of hate nor resolving the fear that linger in communities targeted by such actions. In order to protect the most vulnerable among us from future hate crimes, Congress must invest deeply into community centric solutions and services for victims and impacted communities, focus on restorative justice programs that target the root causes of hate, and fund ethnic studies programs to promote cross cultural and cross racial understanding and racial empathy. For these impacted families and for so many others who've suffered harm and trauma, community-centered solutions for safety and healing are necessary for them to move forward with their lives.