



**Submitted Comments of the
Japanese American Citizens League
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Submitted to the
US House Committee on the Judiciary
Subcommittee on the Constitution, Civil Rights, and Civil Liberties
For the Hearing:
“Discrimination and Violence Against Asian Americans”
on March 18, 2021 at 10:00 AM
Submitted March, 25, 2021**

Dear Chairman Cohen, Ranking Member Johnson, and Members of the Subcommittee on the Constitution, Civil Rights, and Civil Liberties of the House Committee on the Judiciary,

The Japanese American Citizens League is pleased to submit this written statement to the Subcommittee on the Constitution, Civil Rights, and Civil Liberties of the U.S. House Committee on the Judiciary for the March 18, 2021 hearing titled “Discrimination and Violence Against Asian Americans.”

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.

We thank the subcommittee for conducting this hearing to understand the alarming rise in discrimination, harassment, and violence against Asian Americans in the wake of the ongoing COVID-19 pandemic, and we welcome the opportunity to share the experiences of the communities that we serve.

COVID-19 Motivated Anti-Asian Hate

Asian Americans have been facing a dual pandemic of the coronavirus and of racism. Our communities have endured not only health disparities and economic hardships but also racism and xenophobia from being unjustly scapegoated for the spread of the coronavirus.

Attacks against Asian Americans began nearly as soon as COVID-19 arrived in the United States and have not abated since. In March 2020, an Asian American family with two children, ages 2, and 6, was stabbed in Texas. The next month, an Asian American woman in Brooklyn, New York was attacked with a substance that gave her chemical burns. Incidents of verbal abuse, harassment, threats, and violence like these happened across the country and throughout 2020 and into the new year.

In January 2021, Vicha Ratanapakdee, a 84-year old Thai American, died after being shoved to the ground while walking in San Francisco. Later in February, Noel Quintana, a 61-year old Filipino American man, was slashed in the face during his morning commute on the New York City subway.

In September, a Japanese musician and composer was attacked and in the aftermath has been unable to play the piano with the damage to his hand. Over the summer, several Japanese American restaurants and businesses in Torrance, California, a large Japanese American community, were vandalized. At the same time, a Japanese American family in Northern California was harassed while going out for a hike. Most recently in February, a Buddhist Temple in the historic Little Tokyo neighborhood was vandalized. All throughout the pandemic, members of congress, state, and local politicians have attacked the Japanese American community at large, falsely equating mask mandates and safety guidelines to the breach of civil liberties that led to the mass incarceration of the Japanese American community during World War II.

Over 3,000 hate crimes and hate incidents against Asian Americans were reported to Stand Against Hatred (Asian Americans Advancing Justice | AAJC), OCA - Asian Pacific Advocates, and Stop AAPI Hate in 2020. In the past year, offenses legally classified as hate crimes against Asian Americans increased by 150% in major cities like Los Angeles and New York City. All these attacks, whether they qualify as hate crimes or not, constitute a disturbing pattern of violence that must be addressed.

It is crucial to note that violence and discrimination against Asian Americans have been startlingly constant throughout the COVID-19 pandemic. It is even more crucial to understand that Asian Americans have experienced structural violence and racism for decades and beyond. Our communities deserve safety and justice and demand an end to racism and white supremacy that endangers all of us.

Ongoing Structural and Historical Racism Against Asian Americans

These attacks on Asian Americans are unjust and unacceptable, and they are not new. Our communities have experienced violence and racism—interpersonal, institutional, and structural—since the beginning of our stories in this nation.

From the first mass immigration of Japanese nationals to the United States, the Japanese American community has been subjected to extreme violence and racism. Japanese immigrant laborers were first sought out by the United States after the waves of anti-Chinese sentiment that led to the Chinese Exclusion Act of 1882, and caused a labor shortage across various industries including agriculture. Japanese immigrants came as indentured workers to sugarcane and other plantations across the Hawaiian territories and the West Coast, where they were forced to work for 3 or more years to pay off their debts and make little to no money in return. As more Japanese Americans arrived for work and tales of new opportunities, many found they did not make the fortunes they had been sold on and stayed in the United States hoping for better work or too poor to return.

As Japanese and Japanese American settlement expanded throughout the West Coast and the American interior, they befell the same sentiments that had led to violence and hate against the Chinese American community only a few years prior. With over 130,000 Japanese Americans in the United States by 1907, this so-called “Yellow Peril” was seen as a danger and a menace to the general public. As a result, the United States government undertook another racially motivated effort. While not a formal bill such as the Chinese Exclusion Act, the 1907

Gentlemen's Agreement slowed immigration from Japan to nearly a trickle. By 1924 however, the United States shut down immigration from Japan almost completely for the next 30 years.

This period also saw the rise of anti-Asian organizations take hold, with groups such as the Asiatic Exclusion League and others, pushing Japanese Americans out communities and finding ways to stop them from integrating into American society. This also took place in politics and written law, as Japanese Americans were barred from owning land under the Alien Land Laws which sprouted up across the country. First generation Japanese Americans (Issei) were barred from becoming citizens, with one case even making it to the Supreme Court arguing that Japanese immigrants fit the requirements for naturalization.

These years of anti-Japanese sentiment paved the way for the mass incarceration of the Japanese American community during World War II. The Office of Naval Intelligence and the FBI had begun lists of possible "saboteurs" and "enemy" Japanese Americans as early as the 1930s, and with the growing rift between Japan and the Western World, the lists only grew. Despite a Presidential investigation launched prior to 1941, which found that there was "No Japanese problem" on the West Coast, when the Japanese Empire attacked Pearl Harbor on December 7, 1941, thousands of Japanese Americans were rounded up by law enforcement agencies. Many of them were held for years without trial, or even charges as to why they were being held. Only a few months later, on February 19, 1942, President Roosevelt signed Executive Order 9066, the document that led to the incarceration of the community for the next four years.

The incarceration was more than a loss of property, of civil rights and civil liberties, it irreparably damaged the community in ways that are still seen today. When the Army asked the community to prove its loyalty with an incriminating questionnaire. The final two questions of which read "Are you willing to serve in the armed forces of the United States on combat duty wherever ordered?" and "Will you swear unqualified allegiance to the United States of America and faithfully defend the United States from any or all attack by foreign or domestic forces, and forswear any form of allegiance or obedience to the Japanese emperor, or any other foreign government, power, or organization?" Both of these questions forced Japanese Americans to choose between fighting for a country that had imprisoned them and renouncing allegiance to a country for which they never had any. This led to a rift between those who answered "yes, yes" and those who answered "no, no" or even with qualified affirmative answers. Friends, family members, neighbors no longer spoke to one another, they verbally and physically attacked each other, and their children and grandchildren were ostracized and taught to hate one another for the choices they were forced to make in camp.

This is on top of the deepset trauma that the incarcerated faced in losing their homes, properties, livelihoods, and civil liberties. As studies have shown over the years, these years of incarceration led to intergenerational trauma which has affected generations of Japanese Americans nearly 80 years later. It was years later too that a long lost report was found from 1943, issued by General John L. DeWitt, who was behind the incarceration, was found to be forged by the Army. Fearful that the report would paint the Army in a racist light, and undermining previous statements that the incarceration was a “military necessity”, DeWitt and his men changed the report at the last minute, destroying all copies of the report, except 1 they had missed. This report was used as a basis to convict Fred Korematsu in his supreme court case, and for 40 years was used as a basis to uphold the constitutionality of the incarceration. The Army in 1943 knew what it had done and wanted to hide their wrongdoings from the government and the American people. These are only some highlights of the vast history of racism and structural violence against the Japanese American community, which is only a fraction of what has occurred within the larger AAPI community throughout our nation’s history.

It is with that historic context and using the example of our history, that JAACL approaches its mission “to secure and maintain the civil rights of Japanese Americans and all others who are victimized by injustice and bigotry” and “work to promote cultural, educational and social values and preserve the heritage and legacy of the Japanese American community.” With our past history of egregious abridgement of civil rights, the hope and expectation would be that our country not repeat similarly. Yet as we know all too well from our own example, and many others in other disenfranchised communities, racism and discrimination remain a prominent part of our current societal narrative.

Recommendations

This month has marked a year since the start of the COVID-19 pandemic, but also a year full of violence and hate towards our Asian American community. The previous administration, and many who are still in positions of leadership, continue to stoke the flames of hate through the use of terminology that associates the threat of COVID with racial and ethnic identity. This must stop. With the blatant dehumanization of the Asian community, it has emboldened people to act on their biases with not only increasing number and frequency but also in degree of violence and ultimately loss of lives. We need tangible actions to end this hate now.

While we applaud the President and the administration for taking steps in condemning anti-Asian hate, to change the tone and tenor of speech about our communities, we need the next step of action to help our communities. We need support on all levels, local, state, and federal to combat these rising incidents. But not only on the outside but within as well, all government agencies need to enforce their anti-discrimination policies to ensure that the

people who are charged with protecting and governing us are not also contributing to violence we are seeing.

The Department of Justice must ensure that victim support resources are made available to Asian communities and the organizations that directly support our communities. Investment must be made to restorative justice programs that will unteach hate and prejudice. If we focus on police force expansion, we will have missed the opportunity to change hearts and minds that will actually lead to reduction of incidents in the long term. The Community Relations Services program should be better leveraged and properly funded to carry out the work of building relationships with our communities and seeking appropriate responses in the community to hate crimes and incidents.

The federal government must improve its tracking and data collection around hate crimes and incidents. The vast number of documented incidents from independently run programs has demonstrated the inadequacy of the numbers being reported through the FBI reporting system. State and local law enforcement should be incentivized to correctly report hate crimes statistics. Additionally, police officers need appropriate training in responding to victims of hate crimes and proper identification and reporting. Passage of the Jabara Heyer NO HATE Act will make significant strides in accomplishing this.

Asian Americans need our voices to be heard. Countless organizations, nationally and locally, and hundreds of Asian Americans leaders have spoken up this past year urging Congress to take action against these incidents. Congressional and Government leaders must heed their warnings and their calls if they really wish to support our communities.

Part of the challenge in being heard is the deficiency in representation of Asian Pacific Americans in our government. We need representatives in Congress and throughout our government. We should all strive for a government that truly represents the people, not just on paper but in experiences, history, culture, language, and so much more. Despite our community's support for several candidates for cabinet secretary positions, this administration was the first in over 20 years to not have an Asian American in the cabinet.

Although history seems to continuously repeat itself, we firmly believe that education about our country's history is vital to eradicating the misunderstanding of our communities that leads to prejudice which combined with hate, can have disastrous results. Ethnic studies and awareness must be a part of curriculum standards throughout the primary and secondary education. Teachers need to be equipped to ensure history lessons incorporate stories from a diversity of perspectives. The Teaching Asian Pacific American History Act and Japanese American

Confinement Education Act are two legislative initiatives that would support this goal. Hate will not be eradicated overnight, but without approaches such as education, we will never approach the goal of truly understanding one another and our experiences as Americans.

Conclusion

The Japanese American Citizens League thanks the Subcommittee on the Constitution, Civil Rights, and Civil Liberties for bringing attention to harm that Asian American communities have been experiencing during this pandemic and for holding this hearing. We urge members of this subcommittee to bear in mind that racism and discrimination against Asian Americans did not begin with the start of the pandemic. There are no easy nor quick fixes to this problem, but with sustained and national effort, we can make progress in countering people's prejudices that serve as the basis for these incidents.

We ask for your support for our communities, especially for the victims. We are all suffering from widespread community trauma now, from a fear that any one of us could be the next headline. The final lesson from the Japanese American experience is that so long as our community ignored the trauma we had been inflicted from the war, we were unable to find healing. Stoic perseverance, or *gaman* in Japanese, prevented us from addressing our trauma for years after the incarceration ended. It was not until we faced the trauma that we could move forward. As a country, we also must now face the wounds that hate and prejudice have inflicted on our country and begin healing for all Americans.

Sincerely,

Japanese American Citizens League