



**WRITTEN TESTIMONY FOR THE HOUSE JUDICIARY COMMITTEE,
SUBCOMMITTEE ON CONSTITUTION, CIVIL RIGHTS AND CIVIL LIBERTIES**

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Thank you, Chairman Nadler, Ranking Member Jordan and distinguished members of the subcommittee for the opportunity to testify before you today.

On March 19, 2020, my organization Asian Pacific Policy & Planning Council, in conjunction with Chinese for Affirmative Action and San Francisco State University's Asian American Studies Department, launched Stop AAPI Hate, because of what we saw as an emerging pattern of hate incidents against Asian Americans and Pacific Islanders related to COVID-19. Between March 2020 and February 2021, we have received 3795 self-reported incidents of bias and discrimination from all fifty states and the District of Columbia, making Stop AAPI Hate the nation's leading aggregator of anti-Asian hate.

Examining the totality of incidents received since Stop AAPI Hate began tracking nearly one year ago, our data indicates:

- Verbal harassment (68.1%) and shunning (20.5%) (i.e., the deliberate avoidance of Asian Americans) make up the two largest proportions of the total incidents reported.
- Physical assault (11.1%) comprises the third largest category of the total incidents.
- Civil rights violations — e.g., workplace discrimination, refusal of service, and being barred from transportation — account for 8.5% of the total incidents.

- Online harassment makes up 6.8% of the total incidents.
- Women report hate incidents 2.3 times more than men. Youths (0 to 17 years old) report 12.6% of incidents and seniors (60 years old and older) report 6.2% of the total incidents.
- Chinese are the largest ethnic group (42.2%) that report experiencing hate, followed by Koreans (14.8%), Vietnamese (8.5%) and Filipinos (7.9%).
- Businesses are the primary site of discrimination (35.4%), followed by public streets (25.3%) and public parks (9.8%). Incidents that take place online account for 10.8% of the total.

These 3,795 hate incidents likely represent only a fraction of those experienced by the AAPI community, as studies have [indicated](#) that as many as three in ten Asian Americans report having experienced racial slurs or racist jokes since the beginning of the pandemic. In recent weeks, there have also been a number of highly-public incidents — including violent attacks and assaults against Asian American around the country. Similarly, a poll last April by the Center on Public Integrity, found that 30% of all Americans and 60% of Asian Americans had witnessed someone blaming Asians for the spread of COVID-19. It is no surprise then that a Harris Poll from the same month reported that 75% of Asian Americans are concerned about hate and discrimination against AAPIs, underscoring the high levels of fear and anxiety among community members.

In addition to sharing our data and analysis with policymakers and the public, Stop AAPI Hate is developing resources for community members who experience incidents of hate and providing assistance through local networks. We are also working closely with local, state and federal policymakers and governmental officials to address the hate incidents that have occurred and seek to prevent additional incidents from taking place in the future.

Specifically, we recommend the following in terms of federal actions:

1. Expand civil rights protections for individuals experiencing discrimination. Applicability of Title II under the Civil Rights Act of 1964 has been confined to inns, restaurants and entertainment venues. Congress should amend Title II to broaden the definition of “public accommodations” to include more businesses like retail outlets, including grocery stores, pharmacies and big box stores and public transportation, all places where AAPIs report being discriminated against. Additionally, Congress should extend the rights afforded under Title II beyond those discriminated against based upon “race, color, religion or national origin” to those experiencing bias because of gender, disability, ethnicity and sexual orientation.

2. Ensure passage of the Jabara-Heyers NO HATE Act. In addition to closing gaps in law enforcement's investigation and reporting of hate crimes, the Jabara-Heyers NO HATE Act addresses a foremost challenge in the fight against anti-AAPI discrimination, which is the lack of resources and assistance by state and local agencies as well as legal services providers. The Act would take a step toward rectifying this problem by establishing federally-funded, state-run hotlines dedicated to receiving reports of hate crimes and other incidents of anti-AAPI discrimination while providing victims with guidance on which law enforcement officials and community services groups to contact for further help. Additionally, the Act would improve full and accurate reporting by providing grants to states and local governments to train public employees on how to recognize and properly classify hate crimes and report them to the FBI's National Incident-Reporting System. Finally, the NO HATE Act proposes funding to help states and local governments establish liaisons with community-based organizations and conduct public meetings and forums for discussing hate crimes and the resources available to victims.
3. Direct the U.S. Attorney General to investigate and initiate civil actions on anti-AAPI hate. Title II depends on individuals who have suffered the harm of discrimination to initiate lawsuits, which can be costly and prolonged, especially for marginalized communities without easy access to legal assistance. Title II adds to this burden on plaintiffs by making injunctive relief the sole remedy for a violation. Empowering the attorney general to initiate civil actions against any person or entity engaged in discriminatory practices in places of public accommodation would send an important signal to AAPI communities and could serve to prevent such practices moving forward.
4. Direct the US Civil Rights Commission to implement fully its May 2020 recommendations, including funding community outreach, conducting trainings, and enforcing civil rights protections. The commission should also host public hearings on anti-Asian American hate. The U.S. Civil Rights Commission in May 2020 issued recommendations to secure non-discrimination during COVID-19 and, specifically, to address anti-Asian racism. These recommendations included directing all federal civil rights offices to enforce civil rights violations and ordering the federal government to communicate it will protect all Americans regardless of race, national origin, or other protected characteristics. Further, this document urged offices to "use all tools at its disposal," such as outreach, public education, and technical assistance, as well as to increase grants and training to address bias motivated incidents. We endorse this directive and recommend national public hearings to amplify the government's responsibility to educate the public, train local jurisdictions and safeguard our community's civil rights.
5. End racial profiling of Chinese scientists and researchers, specifically the Department of Justice's China Initiative. The Department of Justice China

Initiative program has led to the wrongful targeting and prosecution of Chinese scientists by the Federal Government's law enforcement, intelligence and scientific research funding agencies in recent years. The racialization of national security and current anti-China rhetoric has created a climate of fear and caused irreparable personal and professional harm to individuals and their families who have been targeted and proven innocent. We call upon the Biden-Harris administration to end this program immediately, to drop investigations where no evidence of wrongdoing has been produced and to issue a formal apology for government abuse. Furthermore, we urge the administration to take strong action to review and take steps throughout the federal government's agencies to ensure they are not engaged in systemic racial bias and profiling against Asian American and Asian immigrant scientists and federal employees.

6. Support restorative justice and community mediation efforts such as work conducted by the Department of Justice's Community Relations Services. The Community Relations Service of the Department of Justice was established concurrently with the passage of Title II. Described as "America's Peacemaker," the Community Relations Service is required to assist state and local jurisdictions in working together with public organizations and leaders to address racial strife at the community level. The service is empowered to fully investigate any complaint alleging a violation of Title II that is referred to it by a court. Building on the service's work to meet with community leaders in CA in early 2020 to address the rise in anti-AAPI hate, service staff should be directed to increase these outreach efforts and include restorative justice and mediation strategies. Additional funding should be made available to make this happen. Dispute mediation programs would assist individuals to resolve any infractions without burdening themselves with the legal costs associated with filing a lawsuit in court. Furthermore, restorative justice practices involved in dispute resolution can address the impact of AAPI-hate in a safe space while reducing police involvement. In Los Angeles' program alone, community mediators initiated 7,704 mediation cases and successfully assisted with resolving 71% of them."

The time is now for members of Congress and the Biden Administration to take action. A comprehensive approach is necessary to addressing not only physical assaults, but also acts of discrimination in the workplace, housing and public accommodations and verbal harassment and avoidance. Resources are needed at state and local levels to provide direct assistance to AAPI community members experiencing anti-Asian hate incidents as well as hate crimes. Much like our law enforcement infrastructure ensures that hate crimes in our country are addressed appropriately, a civil rights infrastructure is necessary to securing individuals' civil rights. Unless we address the discrimination and harassment against Asian Americans today, they will become deeply entrenched in the body fabric of our nation, causing unimaginable harm and suffering and take

decades to undo. We urge members of this subcommittee to strengthen our civil rights laws and dedicate necessary resources to addressing anti-Asian hate to help our community members live and thrive alongside their fellow Americans.