



March 25, 2021

The Honorable Steve Cohen
Chairman
House Judiciary Subcommittee on Constitution, Civil Rights, and Civil Justice
Washington, DC 20515

The Honorable Mike Johnson
Ranking Member
House Judiciary Subcommittee on Constitution, Civil Rights, and Civil Justice
Washington, DC 20003

Dear Chairman Cohen, Ranking Member Johnson, and Members of the Subcommittee:

ADL (the Anti-Defamation League) appreciates the opportunity to submit this testimony to the Subcommittee concerning our findings of, and our acute dismay at, the persistent and widespread occurrence of anti-Asian attacks. In the year since the COVID-19 pandemic disrupted quotidian life in the United States, racist comments by political leaders and everyday Americans who have blamed AAPI nations and people for the spread of the virus have fostered and encouraged these expressions of hate, and exacerbated individuals' fears of becoming the target of invectives, vandalism, battery, and even deadly aggression of the sort unleashed on Atlantans on March 16, 2021. Although condemnation is not a sufficient response by itself, Congress's attention and strong statement of opposition to anti-Asian hate is mandatory, and we welcome its leadership in turning the tide against scapegoating of Asian communities. We submit this testimony to share data and anecdotal evidence of the epidemic of anti-Asian aggression, and recommendations to federal lawmakers whose public platform and broad influence afford opportunities to elevate this issue to the place of prominence it deserves.

ADL is a leading anti-hate organization. Founded in 1913 in response to an escalating climate of antisemitism and bigotry, its timeless mission is to stop the defamation of the Jewish people, and to secure justice and fair treatment to all. Today, ADL is a global leader in exposing extremism, delivering anti-bias education, and monitoring and fighting the spread of hate online. Our Center on Extremism (COE) features a staff of investigators, analysts, researchers and technical experts who strategically monitor, expose and disrupt extremist threats. It is the foremost authority on extremism, terrorism, and hate. Informed by COE's efforts, we provide resources, expertise, and trainings that enable law enforcement officers, public officials, and community leaders, as well as internet and technology companies, to identify and counter emerging threats. Our ultimate goal is a world in which no group or individual suffers from bias, discrimination, or hate.

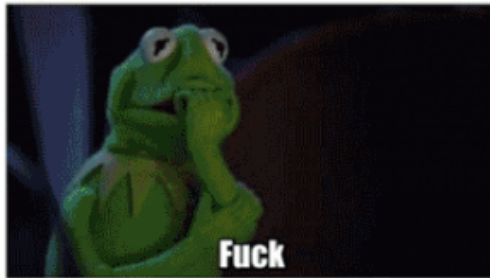
Unfortunately, we find ourselves far from realizing this ideal and instead in an environment in which civility and solidarity have declined, as some actors have exploited pandemic-driven fears and hardship to advance racist views. As COVID-19 surged globally, xenophobic and hateful messages and conspiracy theories (and antisemitic tropes) proliferated rapidly online. These messages have spread hate and misinformation, making it more difficult to access accurate information while elevating fear and anxiety.

Even before quarantining and social distancing became the norm in the United States, elements of society were blaming Asian people for the advancing pandemic. In a report posted in March 2020, ADL's COE noted that, "Many users on social media are sharing bigoted memes and messages that denigrate Chinese people and blame the Chinese for spreading the disease. People, including politicians, have taken to calling the coronavirus offensive names such as the 'Chinese flu,' the 'Wuhan virus,' and the 'kung flu.'" Our researchers catalogued posts such as the following on platforms including Instagram, Reddit, and Telegram in January and February of 2020:



Me and the Boys Original Memes

When you eating your food, but the Chinese workers start coughing:



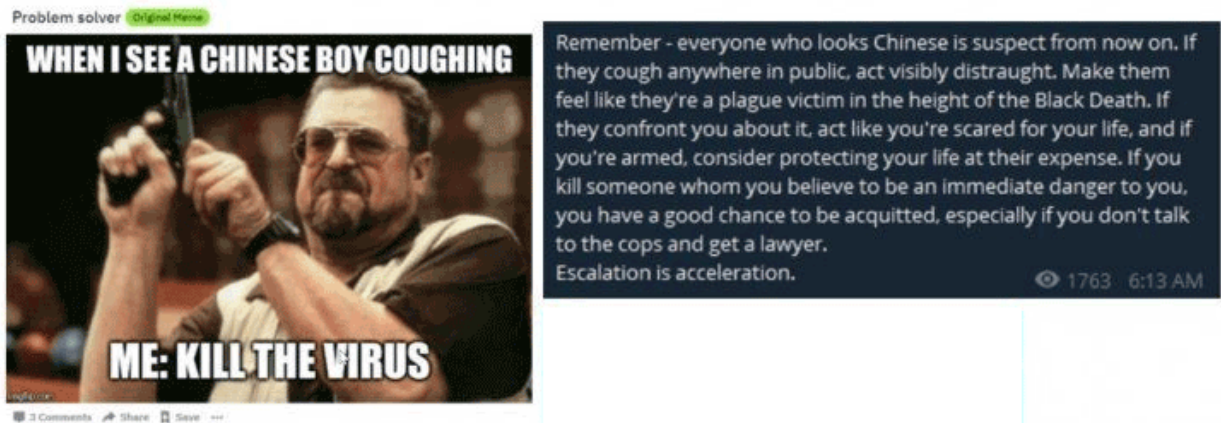
Me and the boys headed to the Chinese Buffet.



Comment Share Save

When your one chinese friend wants to take a sip:





The pandemic also resulted in early and persistent xenophobic calls to limit immigration, which were encouraged by the Trump Administration's decision to adopt a supposedly public health-related prohibition on entry of undocumented asylum-seeking immigrants that internal documents showed [CDC scientists](#) had recommended against. ADL's COE noted an early trend of online posters arguing that immigration causes the spread of diseases and that a complete stop to immigration was the only way to keep the United States safe, because diseases were always foreign and brought by people from other countries.

Statements conflating Asian people, immigration generally, and the dangers of spreading illness also traveled from online into the physical world as anti-lockdown protest movements took to the streets. Widespread media coverage of these events heightened their attractiveness to white supremacist sympathizers as a platform for spreading their hateful views of Asian people and members of other communities perceived as threats to white supremacy. Extremist and racist elements again played on well-founded fears of the potentially deadly consequences of falling ill with COVID-19 to stoke anti-Asian and anti-Chinese sentiment with public displays, such as the following observed in Miami:



Extremists, racists, and those susceptible to their messaging have been encouraged by pointedly anti-Asian terminology and statements emanating from the upper echelons of political and social influence in our country. For example, although the World Health Organization quickly recognized the danger of and counseled strongly against using geographic terms to refer to COVID-19, President Trump first tweeted “Chinese virus” in March 2020, and [subsequent analysis](#) found that in the days and weeks thereafter, the phrase trended in dramatic fashion and was increasingly accompanied by other anti-Asian expressions in other users’ social media posts. Yulin Hswen, a University of California at San Francisco epidemiology professor who studied the impact of the President’s insistence on calling the virus names explicitly linked to China, recently told the Washington Post, “[President Trump’s actions] perpetuated this idea that the disease was the fault of the Chinese. It normalized these racist attitudes.” Subsequently, similar themes began to pervade many of the online spaces that became so important because of the imperative to maintain social distance. Unsurprisingly, but alarmingly, in a [survey](#) of online gamers commissioned by ADL’s Center for Technology and Society (CTS) in July 2020, 17% of respondents reported having been exposed to anti-Asian conspiracy theories about COVID-19 in online games.

As it became clear that the pandemic would endure over an extended period, ADL increasingly observed the result we expected and anticipated in a cautionary [opinion piece](#) co-authored by our CEO Jonathan Greenblatt and Presidential candidate Andrew Yang in USA Today in March 2020: a direct and strong connection between scapegoating of the Asian community in the public square and private actions that stigmatize and marginalize Asian individuals and institutions throughout our country. In June 2020, we published an early list of more than 100 anti-Asian hate incidents that had been reported to ADL or described in media coverage over the course of the first six months of 2020. These painful encounters occurred in numerous locations in more than 20 states and represent just the tip of an iceberg more thoroughly documented by community-based organizations’ collaborative efforts: [Stop AAPI Hate](#), for example, counted nearly 3,800 apparently hate-motivated attacks between March 2020 and March 2021.

In our mid-year 2020 assessment, hate crimes and incidents of hate speech targeting Asian people that had been reported directly to ADL included the following:

March 6 – Cumberland County, PA: A passerby on campus harassed and hurled racist insults at an Asian-American student at a local college.

March 21 – Huntington Beach, CA: A flier that read, “You guys are Chinese Viruses” and “Get out of our country” was posted on a family’s front door and left on their car.

March 27 – Evanston, IL: Someone spray-painted the words “Make China Pay” inside a bus shelter.

March 31 – Webster Groves, MO: American Identity Movement, an alt right group, distributed propaganda that promoted their group and featured a Corona beer bottle with the coronavirus germ and read: “Immigration kills,” and “Made in China.”

April 10 – New York, NY: A Zoom session hosted by an Asian American organization was disrupted by unknown individuals who wrote racist and anti-Asian slurs in the chat function.

April 12 – Seattle, WA: Patriot Front, an alt right group, posted propaganda around Seattle’s International District targeting Asian American/Pacific Islander businesses.

April 16 – Brooklyn, NY: An Asian woman was walking on the street in the Bedford-Stuyvesant neighborhood when two men harassed her with remarks about Chinese people and called her a “Fucking freak.”

April 17 – Albuquerque, NM: A Chinese American man reported that while at a supermarket another customer singled him out and told him to “stay away.”

May 17 – Contra Costa, CA: A farm stand displayed a racist sign that read "Fresh bat soup" and "Thank you China."

June 6 – Denver, CO: Two Asian American people were verbally accosted while walking on the street by a woman who told them they "smell like shit" and "You guys are all disgusting! You all!"

Despite mounting concerns about this trend, proponents of racist rhetoric blaming Asian people for pandemic conditions persisted. ADL’s COE and CTS noted another pivotal moment for anti-Asian hate and hate-motivated attacks occurring in conjunction with the September 29, 2020 presidential debate, during which President Trump called COVID-19 the “China plague” and claimed that the spread of the virus in the U.S. was “China’s fault,” and with the announcement of his and the First Lady’s positive COVID-19 tests shortly thereafter. CTS analyzed a subset of conversations on Twitter about this announcement, and determined that in the 12 hours following it, the rate at which posters expressed anti-Asian hostility in these conversations increased by 85 percent, and remained at that high level for at least three days.

As we begin this second year of life in challenging pandemic conditions, ADL is heartened by the Biden Administration’s recognition of the harm caused by anti-Asian violence, and its commitment to ending the scapegoating of and attacks against our Asian communities. The Presidential Memorandum condemning anti-Asian racism, xenophobia, and intolerance issued within a week of President Biden’s inauguration, and officials’ consistent statements of concern and support for the Asian community, set the right tone for the country and exhibit the kind of leadership that our nation needs to end this terrifying trend. Nevertheless, the threat of harassment of and violence against Asian people remains high, and the recent murders of Vicha Ratanapakdee in San Francisco and of six women of Asian descent in the Atlanta area have reminded us that this virulent hate can have the worst consequences imaginable.

Since the beginning of 2021, ADL’s COE has continued to see frequent, frightening attacks on Asian people and institutions perpetrated from coast to coast, including the following representative examples:

February 9 – San Francisco, CA: Anti-Asian slur written on wall near Chinese American International School ([source](#))

February 13 – Mountain View, CA: Woman arrested on anti-Asian hate crime charges after yelling racial epithets, spitting in direction of an Asian customer ([source](#))

February 25 – Omaha, NE: Authorities investigate after explosive device reported at Nebraska Chinese Association ([source](#))

February 25 – Riverside, OH: 2nd fire at Asian market under investigation following racist threats in January ([source](#))

March 9 – Queens, NY: Asian American mother says she was spit at while holding baby, called 'Chinese virus' ([source](#))

March 11 – Oakland, CA: Video shows man's racist tirade before pepper spraying Asian gas station owner in Oakland ([source](#))

March 15 – Portland, ME: Police charge man who damaged an Asian woman's car and harassed her by telling her to "go back to where she came from" ([source](#))

In addition, the most recent iteration of CTS's annual, nationally-representative [survey](#) of users' encounters of hate and harassment online, released on March 24, 2021, revealed that in 2020, Asian Americans experienced the largest single rise in severe online hate and harassment year-over-year in comparison to other groups. Seventeen percent of survey respondents who identified as Asian reported having experienced sexual harassment, stalking, physical threats, swatting, doxing or sustained harassment, compared to 11 percent in the previous year. Half of Asian-Americans who were harassed reported that the harassment was because of their race or ethnicity. These experiences carry severe negative consequences: many survey respondents who had been targeted with hateful or harassing content reported subsequently having trouble sleeping and concentrating, and feeling anxiety and depression; 16 percent went as far as changing their routines, taking self-defense classes, or avoiding being alone to lessen their sense of vulnerability.

In partnership with concerned elected and appointed officials, non-profit organizations, and Jewish community leaders, including AAPI Jews, who recognize our responsibility to defend any group of people targeted for hateful and violent attacks because of who they are, ADL will continue to promote policies and programming that safeguard our Asian sisters and brothers, prevent the spread of hate, and interrupt the process that leads people susceptible to white supremacist thought to act with hate to intimidate and harm members of Asian communities. We will continue, as in Jonathan Greenblatt's and Minnesota Attorney General Keith Ellison's recently-published USA today [op-ed](#) piece, to use our voice and bully pulpit to call out anti-Asian attacks and remind others of the magnitude of this problem, and we urge Members of Congress to do the same. We will encourage our colleagues, family, friends, and all people residing in the United States to educate and train themselves to be part of the solution to the problem of anti-Asian hate, and we will look to Congress and President Biden to support this work with funding and through the robust participation of federal personnel.

Members of Congress must, finally, demonstrate deeper, longer-term commitment to turning the tide of hate by enacting long-needed enhancements to hate crime reporting protocols, and supporting legislative proposals that would make it less likely that white supremacist hate manifests in violence or harassment. The FBI's most recent Hate Crime Statistics Act [report](#) revealed that 2019 was the deadliest year yet on record with 51 hate crime murders. Total hate crime incidents rose to 7,314, marking the fourth increase in the past five years. As disturbing as these statistics are, they only tell us about a small fraction of all hate crimes: data from the National Crime Victimization Survey suggests that these represent fewer than 10 percent of hate crimes actually committed in the United States in a typical year. In 2019, for the second straight year, the number of law enforcement agencies answering the call to voluntarily provide hate crime data to the FBI declined. In addition, in 2019, 86 percent of participating agencies did not report a single hate crime to the FBI, including at least 71 cities with populations over 100,000. The gap in our awareness and understanding of how to prevent hate-motivated aggression results both from victims' reluctance to report incidents to law enforcement

agencies and from those agencies' failure to recognize, investigate, and report perpetrators' bias-related motivations.

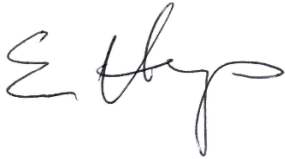
ADL urges Members to improve hate crime data collection by enacting the Khalid Jabara and Heather Heyer NO HATE Act. This bill would authorize grants to promote hate crime training, prevention, best practices, and data collection initiatives, and to develop state hate crime reporting hotlines to refer individuals to local law enforcement and support services. The NO HATE Act's title highlights the problem of hate crime underreporting, because it is named after two hate crime victims whose murders were not included in state and federal data collection reports. Khalid Jabara was shot by his neighbor in Tulsa, Okla., on August 12, 2016. The murder was the culmination of a series of escalating bias-motivated incidents; Jabara's family had a restraining order against Khalid's killer at the time of the murder. The murderer was successfully prosecuted under Oklahoma's hate crime law, yet the murder was not included in either state or federal HCSA reports for 2016. Heather Heyer was struck and killed by a car driven by a white supremacist in Charlottesville, Va., on August 12, 2017. The murderer was convicted of killing Heyer in December 2018, and later pleaded guilty to federal hate crime charges, too. Yet this was not reported as a hate crime to either Virginia state authorities or included in the FBI's report for 2017.

In addition, ADL calls on Congress to prioritize measures that reject the kind of anti-Asian rhetoric that has inspired the present epidemic of hate speech and hate crime, and that commit government resources to dissuading and disarming those who may perpetrate hate-motivated speech or violence. It is particularly important that Members set aside partisan divisions to join in support of resolutions condemning anti-Asian hate, including H. Res. 151, "Condemning all forms of anti-Asian sentiment as related to COVID-19", and H. Res. 153, "Condemning recent hate crimes committed against Asian-American and Pacific Islanders". We urge Members' active support for H.R. 1843, the COVID-19 Hate Crimes Act, which would ensure swift government response to the hate crimes that are plaguing our already-hurting communities during this challenging time and enlist DOJ in helping law enforcement agencies collect hate crime reports online, improve outreach to Asian communities, and fight the spread of racist pandemic-related rhetoric.

Finally, we urge Members to take action on H.R. 1931, the Japanese American Confinement Education Act, and the Disarm Hate Act (H.R. 2708 in the 116th Congress), which would implement longer-term systemic changes that reduce the health and security risks posed by anti-Asian hate. Taking note of the importance of Holocaust education to the fight against antisemitism, the Japanese American Confinement Education Act would support continued preservation of World War II confinement camps and expansion of educational programs that counter anti-Asian racism and hate by humanizing its victims and making clear its tragic consequences. The Disarm Hate Act would add another layer of protection against violence by prohibiting gun sales to people convicted of misdemeanor hate crime offenses. Keeping guns out of the hands of extremists might prevent many, or most, of the worst attacks attempted in our country: ADL's COE has determined that guns have been used in the majority of extremist-related killings in every year since 2014.

ADL will continue to monitor hate against Asian people and institutions both on- and offline; to conduct anti-bias and anti-hate education and advocacy; and to support Members' efforts to eliminate harassment of and attacks against Asian communities. The long-term effects that the pandemic itself, and those who blame China or Asian people for causing it, clearly will counsel in favor of extended vigilance and commitment to confront and reject anti-Asian hate. We commend this Subcommittee for the importance it has accorded to these issues by calling this hearing, and look forward to working with Members to overcome hate in the interest of the safety and stability of communities throughout the nation.

Sincerely,

A handwritten signature in black ink, appearing to read "Erin Hustings". The signature is fluid and cursive, with the first letter "E" being particularly large and stylized.

Erin Hustings
Director of Government Relations, Civil Rights