



# The Federal Response to Anti-Asian Racism in the United States

## Key Findings from U. S. Commission on Civil Rights Report

Throughout 2020 and 2021 incidents of growing anti-Asian sentiment and hate crimes against persons of Asian descent were reported across the nation. Between March 20, 2020, and December 31, 2021, there were 10,905 reported hate incidents against persons of Asian descent collected by Stop AAPI Hate's reporting center. In light of the increase in anti-Asian racism and discrimination, this report examines the rise in anti-Asian hate crimes in the U.S. from 2019 through 2021 and the federal role in preventing and enforcing federal hate crime laws.

## THE HISTORY OF ANTI-ASIAN DISCRIMINATION IN THE UNITED STATES

**People of Asian descent have been living in the U.S. for centuries. As with many marginalized communities, Asian communities have faced a long history of discrimination in the United States.**

The myth of the "perpetual foreigner" continues to play a role in understanding the rise of anti-Asian racism and discrimination during the pandemic. The first major migration of Asian immigrants to the U.S. occurred in the 19th century. From 1875 to 1965, the federal government enacted several laws that infringed on the rights of people of Asian descent living in the U.S., as well as imposed immigration limits from China, Japan, and other Asian countries. Such laws perpetuated stereotypes about Asian Americans, which have contributed to the anti-Asian sentiment and bias-motivated attacks experienced during the COVID-19 pandemic.

## COVID-19 AND ANTI-ASIAN HATE CRIMES

During the pandemic, there were several other names that were used in the media and by government officials to refer to COVID-19, including the "Chinese virus," the "Kung flu," and the "Wuhan virus," potentially perpetuating negative views of Asian individuals and communities and leading to many Asian Americans feeling blamed for bringing COVID-19 to the U.S. This resulted in stereotypes, racism, and xenophobia towards Chinese people or people perceived to be Chinese. As the virus spread, so did discrimination, fear, and violence towards many members of Asian communities. This discrimination manifested in various types of bias-motivated incidents including harassment, racial slurs, and shunning, as well as violent actions such as battery, assault, vandalism, and murder.

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**Research shows that hate crimes against Asian Americans increased 149 percent in 2020 across 18 cities.**

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## HATE CRIMES: BARRIERS TO PREVENTION AND ACTION

A major impediment to understanding the severity and magnitude of hate crimes against persons of Asian descent is the lack of comprehensive data. Without mandatory national data collection and training law enforcement on how to accurately identify and report hate crimes, preventing these crimes is substantially challenging. Hate crime victims are less likely to report incidents due to fear of retaliation, concerns that justice would not be served, and distrust in the criminal justice system. Hate crime data are underreported by victims and by law enforcement and are less likely to be reported to police compared to other types of crimes. Some research suggests that Asian Americans may be even less likely to report discriminatory behavior when it occurs.

Another major barrier to gaining a comprehensive understanding of the magnitude of hate violence against Asian communities may be due to incidents not rising to the legal benchmark of a hate crime. Many incidents that are reported to community organizations, such as being spit on or called racial slurs are not accounted for in official numbers, yet still invoke fear in community members.

**Language access serves as a major barrier to action:** few police departments have officers fluent in Asian languages, even in metropolitan areas with high numbers of AAPI residents. Under the COVID-19 Hate Crimes Act, funding is provided for state and local incident reporting hotlines, and in May 2022, the Department of Justice expanded its language services to be available in 18 of the most frequently spoken AAPI languages across the nation. However, at the Commission's briefing panelists testified the local reporting hotlines, victim services, and law enforcement were not accessible to victims with limited English proficiency, possibly pointing to a discrepancy between federal and local resource availability.

## KEY RECOMMENDATIONS FOR ACTION

### Data & Reporting:

- The FBI should require local law enforcement to submit crime data, or in lieu of that, Congress should make submission mandatory, or consider a range of options to expand implementation.
- Federal civil rights agencies should be required to collect and report critical data related to civil rights enforcement and the Attorney General to annually publish this data.
- Law enforcement agencies should improve data collection, requiring the tracking and reporting of both hate incidents and hate crimes, and ensuring reporting forms are easy to mark an incident or crime as a suspected hate incident or crime.

### Training & Partnerships:

- The Justice Department should provide safety training and workshops in the respective languages of targeted communities, expand federal funding for community advocacy groups fighting hate crimes, and codify the role of the language access coordinator into federal law to ensure that all individuals have equal access to justice and access to federal programs and benefits regardless of language access.

- Prosecutors and law enforcement should vigorously investigate and prosecute hate crimes and harassment against Asian Americans.
- Increased investment in the strengthening and expansion of local networks will enable victims to have ready access to community-based places where they can report attacks, receive support services, and take safety training and workshops in their own languages.

### Civil Rights Protections:

- Title II of the Civil Rights Act should be expanded to include retail stores and other businesses where discrimination occurs to protect employees and customers from bias-based discrimination and harassment.