



Unveiling Injustice: The Systemic Racism faced by AAPI Individuals

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Abstract

The rise of discrimination originates from misconceptions and stereotypes. This is notably seen in the rise in hate crimes among Asian American and Pacific Islander (AAPI) communities in the United States. Surveys noting AAPI hate crime incidents reported before compared to after the COVID-19 pandemic, increased tremendously. However, the number of reported incidents only represents a fraction of actual occurrences. To understand the complexity of this topic, observing from a political and sociocultural perspective highlights the urgency for advocating for comprehensive hate crime legislation.

Keywords: AAPI, hate crime, legislation, policy, xenophobia, COVID-19

Introduction

In a world abundant with diversity, hatred is inevitable, fueling discrimination and systemic racism. The rise of hatred originates from misconceptions and stereotypes, notably evident in the increase in crimes among Asian American and Pacific Islander (AAPI) communities highlighting an ongoing struggle faced by marginalized groups in the U.S. Lawrence conveys this through art; symbolizing brutality and injustice of the violence inflicted on the peaceful protesters. On the other hand, Elouise Cobell tirelessly fights for justice in the mismanagement of Indian Trust Funds by the U.S. government and ineffective improvement efforts in legislation (25). The struggles of peaceful protestors and indigenous communities underline the need for systemic reform and solidarity among diverse groups. Emphasizing the necessity for broad systemic reforms and solidarity across diverse communities to

address racism and injustice effectively. MK Luff, a member of the STOP AAPI HATE coalition, highlights that approximately “12,000 hate crime incidents have been officially reported” (3). This represents only a fraction of the actual occurrences, Luff emphasizes that according to a national survey, an estimated minimum of “3 million AAPI individuals encountered hate crime incidents” from March 2021-2022 (3). This statistic shows that the pandemic increased the hate crimes against AAPI individuals. Due to this issue, the question is asked: What other factors contribute to the increase in hate crimes against AAPI individuals in the United States, and what measures can be taken to prevent such crimes? To understand the complexity of this topic from political and sociocultural perspectives highlights the necessity of advocating for comprehensive hate crime legislation

communities, mainly exacerbated by former President Trump’s rhetoric. Roland Hwang, co-founder of American Citizens for Justice, notes Trump’s labeling COVID-19 as the “Chinese flu” (35). The World Health

Pandemic-Induced Discrimination

Experts have noted a surge in COVID-19-related hate crimes against AAPI

Organization (WHO) and the Center for Disease Control (CDC) caution against this, by addressing not to associate the disease with “ethnic or geographic terms” (35). This rhetoric has contributed to the negative attitude towards China. Daisuke Akiba, a professor of psychology at Queens, suggests there’s “no compelling evidence” that supports the claims that China is responsible for the COVID-19 pandemic (11). Akiba acknowledges Hwang’s observation regarding the labels Trump and his associates have used for the disease, referencing Trump’s speech where terms like “Asian virus” and “Chinese flu” were used (11). Sungil Han, an assistant professor of criminal justice at the University of North Carolina, observes a connection between accusations. Han links the association between the virus with AAPI individuals and expresses concern over the rise in hate crimes reported by the FBI (2). Justin Hill, a graduate of law at the Case Western Reserve University, suggests that Trump’s labeling was not intended as a direct insult but as a “customary naming practice” (44). Despite this Hwang expresses that both the WHO and CDC disagree with associating the virus’s name origins with the virus itself, particularly when no evidence exists to link the two (35). Nonetheless, Hill acknowledges the association being false. These experts underscore the complexity of rhetoric among the increasing discrimination against AAPI communities.

Political Rhetoric & Policies

Experts stress the role politics and media play in Asian hate crimes, particularly when politicians attribute COVID-19 to China, intensifying associations and fostering an environment normalized to AAPI hate crime. Akiba notes that the escalation of “Asia Phobia” during Trump’s presidency has influenced public perception of AAPI communities, often scapegoating them for the pandemic (11). In response, Han highlights President Biden’s signing of the COVID-19 Hate Crimes Act in May 2021 to combat anti-AAPI violence, recognizing the underreporting of such incidents (2). The legislation aims to improve accessibility for reporting hate crimes, raise awareness among the public, and allocate government resources to anti-hate crime initiatives. The Community Relations Service, a division of the U.S Department of Justice (DOJ), adds onto Akiba and Han’s analysis by underscoring the White

House’s commitment to prioritizing AAPI hate crime. Stressing the government’s duty is to combat “racism, xenophobia, and intolerance” (11). Beverly McPhail, a holder of a PhD in social work at the University of Texas, adds to the DOJ’s statement and emphasizes the necessity of conducting thorough policy analysis. She examines more incidents occurring each day where people and property are “attacked out of bias and bigotry”, and such crimes have evoked “public outrage” and “new public policy” (4). Overall, experts unanimously agree on addressing underlying issues in politics and legislative responses to effectively combat the alarming surge in Asian hate crimes.

Limited Solutions with Legislation

Experts recognize the limitations associated with hate crime legislation policies. Fabiola Cineas, a race and policy reporter at Vox, emphasizes that the COVID-19 Hate Crimes Act passed by Biden deals only with actions taken “post-crime” (23). Discussion among legislators, advocates, and protests regarding hate crime penalties, debate on the effectiveness of “harsher punishments remains unsubstantiated” (12). Also, Cineas examines whether there’s a “moral distinction” to increase the penalty for hate crimes over other offenses (23). Philosophers Marcia Baron and David Brax offer a different perspective on hate crime legislation. Baron suggests that penalty enhancement should be “consistent across all offenses”, while Brax advocates for “targeting the motive behind the crime” (19). The debate over penalizing individuals accused of hate crimes reflects differing opinions on its actual effectiveness. All connecting to Rebecca Farmer’s critique of hate crime legislation from the Movement Advancement Project. Farmer underscores limitations in hate crime laws, highlighting “inconsistencies and incomplete strategies” (1). She notes that legislation alone cannot combat escalating violence due to internal racism and overlooked causes (1). Additionally, Farmer raises concerns about deficiencies in hate crime data collection, attributing them to “victims’ lack of trust in reporting incidents to law enforcement” (1). These experts collectively assert the limitations of hate crime legislation and advocate for a more comprehensive approach to address underlying causes and prevent anti-Asian violence.

Legislative Action & Community Engagement

In response to the rise in hate crimes targeting the AAPI community, advocating for legislative measures and conducting thorough investigations can enhance accountability and deter violence. Recent initiatives like the COVID-19 Hate Crimes Act highlight federal support, but comprehensive legislation and community empowerment are essential to “address underlying causes” and “ensure public safety” (19). The legislation provides funding for authorities to adopt the “National Incident-Based Reporting System” which supports law enforcement efforts and crime prevention programs targeting hate crimes (19). Furthermore, courts may mandate participation in educational programs or community service as part of supervised release terms for individuals convicted of hate crimes. Advocating for legislative action and community enforcement is the most effective means to combat Asian hate crimes, promoting comprehensive legislation, safer reporting, and awareness.

Advocate : Legislative Measures & Funding Initiatives

Experts advocate the implementation of legislation at federal, state, and local levels that introduces and passes bills targeting AAPI hate crimes, including funding for better reporting and resources for communities. The COVID-19 Hate Crimes Act mandates reporting hotlines and grants for the “National Incident-Based Reporting System” (NIBRS) funded by the DOJ’s Community Relations Service (11). The DOJ allocates “\$10 million in grant funds” for newly established initiatives targeting hate crimes, a portion from the Bureau of Justice Statistics to facilitate NIBRS adoption. Additionally, “\$21 million in grant funds” is allocated to support law enforcement efforts in investigating and prosecuting hate crimes (11). The Attorney General allocates “grants to states for NIBRS implementation and training personnel” (12). Grants also support law enforcement and crime reduction targeting hate crimes through the Uniform Crime Reports program (12). These grants aim to improve reporting systems, establish data collection, form specialized units, and implement community relation initiatives to

prevent hate crimes (12). Rather than solely focusing on post-crime measures, efforts aim to address underlying reasons. Lawmakers addressing AAPI hate crimes must recognize the broader context of systemic injustices and discrimination. Cobell’s advocacy regarding the mishandling of the Indian Trust Reform Act of 1994 highlights the need for comprehensive reform to address racial inequalities through legislation. Government divisions and experts advocate legislative actions and funding to combat AAPI hate crimes and address systemic injustices, emphasizing the urgent necessity for comprehensive reform in current legislation.

Enhance : Law Enforcement Efforts

Experts concur that a factor contributing to this effort is the quality and quantity of training that state and local law enforcement agencies receive regarding the identification and reporting of suspect bias-motivated crimes (13). The Attorney General issues guidance to law enforcement agencies, directing them on “establishing online reporting systems” for hate crime incidents, which accommodates disabilities and language barriers (13). Additionally, the Attorney General’s issuance of grants under the “Byrd, Jr. The Hate Crimes Prevention Act” has empowered federal authorities to better understand, investigate, and prosecute hate crimes (13). These grants support various initiatives including the “Uniform Crime Reports Program”, a standardized data collection system, specialized with investigation units, and community engagement efforts for prevention and education (14). Moreover, the guidance provided for law enforcement agencies encompasses multiple aspects, such as establishing accessible online reporting mechanisms, collecting data disaggregated by protected characteristics, and expanding public education campaigns with such data (14). These collective efforts strengthen the response to hate crimes and promote a more inclusive and just society.

Promote : Community Outreach & Education

Experts emphasize the pivotal role of community outreach in raising awareness and fostering engagement. The Department of Health and Human Services aims to “raise public consciousness about COVID-19-related

hate crimes” (8). The DOJ has appointed a dedicated official to review hate crime reports and is expanding public education campaigns to raise awareness and support victims (9). Guidance from the DOJ outlines steps for law enforcement and government officials to “prevent and respond to hate crimes” (9). Funding has been specifically granted to establish programs aimed at combating hate crimes and to support “community-based organizations and civil rights groups” in implementing comprehensive strategies to enhance community awareness and preparedness (9). They seek to increase reporting among victims of hate crime which can enhance the public’s response to hate crimes, and strengthen community resilience. The DOJ allocated a “\$21 million grant fund” to support law enforcement in “investigating and prosecuting hate crimes” (9). This funding extends efforts to “educate the public, perpetrators, and victims of hate crimes” (10). Collecting data from country wide reports and the expansion of public education campaigns will be key to effecting change in hate crimes. The Bureau of Justice Assistance (BJA) under the DOJ has released a “\$5 million grant fund” through the “Community-Based Approaches Program” to prevent and address hate crimes (10). Experts, in conjunction with various government agencies, concur on the vital role of community outreach and education in addressing the misinformation about hate crimes, especially those directed toward the AAPI community.

Limitations & Implications

While advocating for comprehensive legislation and community enforcement is a preferable solution that addresses most reasons, it comes with limitations that legislation cannot address. Weaknesses in the legislation primarily focus on law enforcement agencies dealing with criminal matters, which fails to address the majority of reported incidents. Despite efforts by the DOJ to prioritize

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investigating and prosecuting, a lingering debate persists in political and government circles regarding the penalty to hate crime offenses. However, experts suggest that hate crime laws might inadvertently categorize AAPI communities as a “protective group”, potentially hindering efforts to foster tolerance and equality. Furthermore, some politicians’ fail to address underlying internal racism that renders this legislation ineffective in combating hate crimes. To address these concerns, politicians must advocate for increased awareness of hate crimes, leading to the passage of more laws addressing these issues in the future. By raising awareness and speaking out against discrimination, communities can intervene in hate crimes as they happen. This combined with comprehensive legislation and heightened awareness can prompt action and provide law enforcement with better reporting methods, improving investigation and prosecution processes.

Conclusion

Examining the surge in AAPI hate crimes reveals the need for comprehensive legislation. While laws are crucial, challenges like underreporting and law enforcement issues persist. To combat these crimes effectively, collaboration among policymakers, law enforcement, community leaders, and the public is essential. This effort should include enforcing laws, educating against misinformation, raising awareness, supporting affected communities, and fostering resilience against systemic racism. Addressing underlying causes and advocating for systemic reforms can create a safer and more inclusive community.

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