



**STATEMENT OF  
Asian Pacific American Legal Center, a member of the  
Asian American Center for Advancing Justice**

**Hearing on Hate Crimes and the Threat of Domestic Extremism**

**Senate Committee on the Judiciary  
Subcommittee on the Constitution, Civil Rights and Human Rights**

**United States Senate**

**September 17, 2012**

Dear Chairman Durbin, Ranking Member Graham and members of the Subcommittee:

Thank you for the opportunity to submit this testimony for the record regarding today's hearing on hate crimes and the threat of domestic extremism.

APALC is the nation's largest Asian American legal and civil rights organization and assists more than 15,000 individuals and organizations every year. As a member of the Asian American Center for Advancing Justice, APALC works with the Asian American Justice Center (AAJC) in Washington, D.C., Asian American Institute (AAI) in Chicago, and Asian Law Caucus (ALC) in San Francisco to extend the reach of our programming and enhance the impact of our collective work. Together, we strive to build a more powerful and unified social justice voice for Asian Americans and Native Hawaiians and Pacific Islanders (NHPIs).

Since its founding nearly 30 years ago, APALC has had a history of countering hate crimes through preventative education, advocacy, and leadership development in intergroup relations. APALC has advocated for justice and supported the families of hate crime victims such as Vincent Chin, who was killed in 1982 by white auto workers in Detroit who mistook him for being Japanese, and Joseph Ileto, a Pilipino postal worker who was gunned down by a white supremacist outside Los Angeles in 1999. In the wake of community centers and places of worship in Los Angeles being vandalized by messages of hate in the 1980s, APALC also created the Leadership Development in Interethnic Relations (LDIR) program that provides individuals with the skills to address and improve intergroup relations.

APALC commends the Senate Judiciary Committee for convening a hearing on hate crimes and domestic extremism. The United States is built on inclusion, pluralism, and diversity; hate crimes and the actions of hate groups affect all Americans. We respectfully urge Congress and federal government agencies to take increased measures to prevent, address, and combat hate crimes and domestic extremism in the United States.

## ***Hate Crimes and Asian Americans, Native Hawaiians and Pacific Islanders in Southern California***

While it has been nearly three years since the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act was signed in 2009, strengthening existing legal protections, hate crimes and hate groups continue to be a serious threat facing this country. Oak Creek and other recent incidents have brought attention to this serious issue, but it is important to remember that Oak Creek was not an isolated incident. In the past few weeks alone, numerous Islamic institutions have been vandalized, shot at with paintballs and a high velocity air rifle, attacked with an acid bomb, and suspiciously burned down.

Despite being one of the most racially and ethnically diverse regions of the country, Southern California has witnessed significant anti-Asian violence. Many of the victims have been young people, such as 24-year-old Thien Minh Ly and 17-year-old Kenneth Chiu, killed in separate hate crimes in 1996 and 2001, or the 60 AAPI students at the University of California, Irvine who received e-mailed death threats in 1996. Other victims have included the many South Asian, Sikh, and Muslim Americans singled out for violence after September 11th. In many of these cases, Ly, Chiu, and Ito (see above), the perpetrators were white supremacists. In all cases, the victims were innocent targets of misplaced hatred — including Sundeep, an Indian American man viciously beaten by strangers shouting racial slurs and blaming him for September 11th.

Unfortunately, hate crimes continue to afflict and traumatize affected communities in Southern California. For example, on August 7, 2012, two women left three pig legs at entrances to a mosque in Ontario, California, a suburb of Los Angeles.

In examining the underlying and historical context for these hate crimes, it is important to note that the persistent stereotype of Asian Americans as “perpetual foreigners” has fueled discrimination, hostility, and even violence against Asian American and NHPI individuals. Political or economic tensions between the U.S. and Asian countries during rough economic times have also led to increased violence against Asian Americans and NHPIs in the past. More recently, inflammatory rhetoric targeting immigrants has instigated an increase in hate-based violence against those perceived to be immigrants – including Asian Americans and NHPIs. The escalation in the level of anti-immigrant vitriol on the public airwaves has created a toxic climate that encourages some individuals to violently target immigrants and those perceived to be immigrants.

### ***Impact of the Government's Actions***

At the same time that some groups, particularly South Asians, Sikhs, Muslims, and Arabs, have suffered a proliferation of hate crimes perpetrated against them, the U.S. government has implemented deliberate and misguided programs and policies that profile these same communities based on their perceived race, ethnicity, religion or national origin. This has been the case in many governmental arenas, including immigration enforcement, FBI investigations, and in measures advanced to address national security and counterterrorism.

APALC's affiliate in San Francisco, the Asian Law Caucus, has received more than 40 complaints since 2007 from individuals – mostly U.S. citizens and legal permanent residents who are Muslim or of South Asian or Middle Eastern descent – who have been subjected to lengthy detentions and invasive questioning and searches at U.S. land borders and international airports. A groundbreaking report released in 2009<sup>i</sup> reveals the disturbing extent to which U.S. Customs and Border Protection has interrogated these individuals about their political and religious beliefs, volunteer activities and associations without first establishing any basis for suspecting these individuals of violating the law. Professors, religious and community leaders, attorneys and entrepreneurs have been among those whose laptop computers, digital cameras, cell phones, books and personal papers have been turned inside out for evidence of wrongdoing.

The sad and unjust irony is that while these communities face a “double targeting” of being subjected to both violent hate crimes and baseless government policies, organized hate groups—responsible for the bulk of domestic terrorism—have grown and have gone largely unchecked. According to the Southern Poverty Law Center (“SPLC”), an organization internationally known for tracking hate groups, the number of active hate groups in our country, which currently numbers over a thousand, has grown by almost 70 percent since 2000.<sup>ii</sup> Indeed, news reports indicate that the Oak Creek shooter, Wade Michael Page, was a neo-Nazi and a member of two hate groups, and accordingly, had been tracked by SPLC since 2000.<sup>iii</sup> Clearly, discriminatory targeting and overbroad questioning of individuals from certain minority communities diverts law enforcement from their charge to investigate and eliminate actual security threats. The practice of racial, ethnic, religious or national origin profiling truly fails to make America safer.

## ***Conclusion***

Intolerance and bias-motivated violence have no place in a country that is built on the principles of inclusion, equality and diversity. APALC urges Congress, the White House and government agencies to work together to take increased and more aggressive measures to prevent, address and combat hate crimes and violent extremism in the United States:

- Rigorously enforce the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act by filing appropriate cases under the Act, defending its constitutionality, and ensuring continued education, outreach and training to law enforcement officials on the law and its requirements;
- Pass robust anti-racial profiling policies, such as the End Racial Profiling Act (S. 1670; H.R. 3618), which prohibits profiling based on race, religion, ethnicity or national origin by federal, state and local law enforcement, establishes requirements for law enforcement to collect data, provide anti-profiling trainings, and develop a complaint mechanism for affected individuals, allows the Department of Justice to withhold grants to entities that fail to comply with the law and provide funding to these seeking to eliminate the practice, and allows affected individuals to seek redress in court;
- Amend the 2003 Department of Justice Guidance Regarding the Use of Race by Federal Law Enforcement Agencies to apply to profiling based on religion and national origin, remove national and border security loopholes, cover law enforcement surveillance

activities, apply to state and local law enforcement agencies acting in partnership with federal agencies or receiving federal funds, and make the guidance enforceable;

- Ensure sufficient funding for the Department of Homeland Security and other federal law enforcement agencies to monitor and prevent attacks from violent, domestic non-Islamic extremist organizations, such as white supremacist and neo-Nazi groups;<sup>iv</sup>
- Improve federal hate crime reporting and data collection, including by reducing barriers for immigrants and limited-English speaking victims to report hate crimes and potential threats;
- Encourage federal agencies to work with non-governmental organizations that monitor violent, extremist organizations to increase the government's awareness about possible domestic terror threats;
- Strengthen community-based networks that prevent hate violence and respond to hate incidents by funding community programs that help educate and train individuals about their rights, provide services for victims of hate incidents, and improve collaboration with local law enforcement agencies;
- Address the growing number of hate incidents in public schools by providing funding for diversity, anti-bias and tolerance training programs in schools and by urging schools to adopt and enforce anti-hate policies; and
- Fund and support successful models of intergroup relations programs for youth and adults that focus on skills-building to develop community leaders who can bridge differences and effectively communicate about race and culture.

We urge that, in addition to these policy recommendations, political leaders present more vigorous and public denouncements of biased or hateful views and threats against Asian Americans and NHPs, particularly South Asians, Muslims and Sikhs. This is a critical time to reinforce our nation's commitment to fairness, inclusion and equality.

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<sup>i</sup> ASIAN LAW CAUCUS & STANFORD LAW SCHOOL IMMIGRANT RIGHTS CLINIC, RETURNING HOME: HOW U.S. GOVERNMENT PRACTICES UNDERMINE CIVIL RIGHTS AT OUR NATION'S DOORSTEP (2009); available at <http://www.asianlawcaucus.org/publications/us-border-report-returning-home>.

<sup>ii</sup> *Hate and Extremism*, SPLCENTER.ORG, <http://www.splcenter.org/what-we-do/hate-and-extremism> (last visited Sept. 19, 2012).

<sup>iii</sup> Heidi Beirich & Mark Potok, *Alleged Sikh Temple Shooter Former Member of Skinhead Band*, SPLCENTER.ORG (Aug. 6, 2012), <http://www.splcenter.org/get-informed/news/alleged-sikh-temple-shooter-former-member-of-skinhead-band>.

<sup>iv</sup> See Spencer Ackerman, *DHS Crushed This Analyst for Warning About Far-Right Terror*, WIRED.COM (Aug. 7, 2012), <http://www.wired.com/dangerroom/2012/08/dhs/2/> (describing dearth of DHS resources toward "domestic non-Islamic extremism").