

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2021-2022 Regular Session**

SR 12 (Min)  
Version: March 5, 2021  
Hearing Date: March 16, 2021  
Fiscal: No  
Urgency: No  
AWM

**SUBJECT**

Hate Crimes

**DIGEST**

This bill recognizes the appalling increase in hate crimes, hateful rhetoric, and hateful acts against Asian Americans and Pacific Islanders (APIs) dating to the beginning of the COVID-19 outbreak, and resolves that the Senate denounces the tragic increase in hate towards APIs and works to ensure that APIs feel safe and welcome in California, both during the pandemic and beyond.

**EXECUTIVE SUMMARY**

Since the outbreak of the COVID-19 virus, the number of racist verbal and physical attacks against APIs has skyrocketed. There is no basis for these attacks beyond blind prejudice, which unfortunately has been encouraged at the highest levels of government.

Earlier this year the Assembly, in House Resolution 23 (Low), formally recognized the increase in anti-API hate crimes and rhetoric and resolved both to denounce the increase in hateful acts and to work to ensure that APIs feel safe and welcome during the COVID-19 pandemic and beyond. This resolution would make the same findings and resolutions on behalf of the Senate.

This bill is sponsored by the author, and there is no known opposition.

## PURPOSES OF THIS MEASURE

This resolution:

1) Makes the following findings:

- a) The Asian Pacific Policy and Planning Council and Chinese for Affirmative Action launched a hate-incident-reporting website, titled "Stop AAPI Hate," at the beginning of the COVID-19 outbreak in March of 2020;
- b) The Stop AAPI Hate reporting center documented over 2,800 hate incidents nationally against Asian Pacific Islander (API) Americans in 2020;
- c) Over 700 of these incidents occurred in the Bay Area of California;
- d) Racism toward APIs has always existed, such as the 19th century scapegoating of APIs, also known as the "Yellow Peril";
- e) Racism against APIs has been exacerbated by the COVID-19 pandemic;
- f) Politically charged and culturally insensitive rhetoric referring to COVID-19 as the "Chinese virus" or "kung flu" further encourages racism, prejudice, and hate crimes against APIs;
- g) The promotion of such language by former President Donald Trump during his term further propagated anti-API sentiments in light of COVID-19;
- h) On January 31, 2021, three elderly APIs were assaulted in the City of Oakland's Chinatown District, including a 91-year-old API man who sustained serious injuries, such as lacerations, abrasions, and a contusion to the left thumb, in what is deemed a hate crime;
- i) On January 30, 2021, 84-year-old Vicha Ratanapakdee, a nearly blind and gentle elderly Thai man, died from injuries resulting from an attack while he was walking in the City of San Francisco, in what is deemed as a hate crime;
- j) About 31 percent of APIs report having been subject to discrimination since the beginning of the COVID-19 pandemic, according to a Pew Research Center report;
- k) APIs in the State of California are increasingly concerned about their safety and well-being, given the rise of hate crimes and other racially motivated attacks; and
- l) In 2020, the California State Legislature's API Legislative Caucus made efforts toward defending immigrant and refugee communities, engaged with hundreds of people to discuss xenophobia, and spoke out against anti-API hate incidents and hate crimes, while confronting realities of a worldwide pandemic.

2) Resolves the following by the Senate:

- a) That the Senate denounces hate crimes, hateful rhetoric, and hateful acts against Asian Americans and Pacific Islanders, and works to ensure that APIs feel safe and welcome, both during this COVID-19 pandemic and beyond; and

- b) That the Secretary of the Senate transmit copies of this resolution to the author for appropriate distribution.

### COMMENTS

#### 1. Author's comment

According to the author:

In California, there has been a surge in brutal attacks against AAPI individuals. These include several well-publicized attacks against the elderly, including one in San Francisco on January 28, 2021, that caused the death of an 84-year-old Thai man, Vicha Ratanapakdee. The attack, which was captured on video and was widely shared around the world, shows Ratanapakdee being violently shoved to the ground during his morning walk in San Francisco. He died days later.

On January 31, 2021, three elderly Asian Americans were assaulted in the City of Oakland's Chinatown District, including a 91-year-old Asian man who sustained serious injuries. In early February of 2021, a 64-year-old grandmother was assaulted in San Jose after leaving a bank with \$1,000 in cash that she had just withdrawn for Lunar New Year. Law enforcement, AAPI groups, and advocates for the elderly believe that the increase in attacks has been fueled by pandemic-related economic upheaval and racism.

SR 12 denounces hate crimes, hateful rhetoric, and hateful acts against Asian Americans and Pacific Islanders, and works to ensure that APIs feel safe and welcome, both during this COVID-19 pandemic and beyond.

#### 2. This resolution condemns the substantial increase in anti-API hatred and violent attacks on APIs in California

California is no stranger to anti-API prejudice. Throughout the nineteenth century, California and the federal government adopted numerous measures explicitly aimed at excluding APIs and preventing them from becoming citizens.<sup>1</sup> The first half of the twentieth century saw a glut of legislation intended to prevent APIs from participating

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<sup>1</sup> See, e.g., Ch. 113, Statutes of 1858; 22 Stat. 58, Chap. 126 (Chinese Exclusion Act); see also 27 Stat. 25 (Geary Act, written by California Representative Thomas J. Geary, extending the ban on immigration from China another 10 years and permitting deportation of people of Chinese origin who failed to carry identification certificates).

equally in society and culminated with the unconstitutional confinement of persons of Japanese ancestry in concentration camps during World War II.<sup>2</sup>

The latter half of the twentieth century saw the repeal of many expressly anti-API laws but also saw the rise of the “model minority myth,” which pits APIs and other racial and ethnic minorities against each other as a means of maintaining white supremacy.<sup>3</sup> The pressure to live up to the artificial standards propped up by the model minority myth takes a huge toll on APIs, compounded by the fact that APIs are overall much less likely to seek health and financial assistance.<sup>4</sup> Moreover, the conditional tolerance extended to APIs complying with the model minority myth is revocable on a whim, at which point overt anti-API language and violence comes roaring back.

The COVID-19 virus, believed to have originated in Wuhan, China, incited one such surge in overt racism and violence against APIs. Anti-API, racist language was propagated at the highest levels of the federal government, with former President Donald Trump referring to COVID-19 as the “Wuhan virus,” the “Chinese virus,” and “kung flu.”<sup>5</sup> The Anti-Defamation League found a clear connection between the rhetoric surrounding the virus and hostility towards APIs: in an analysis of 2.7 million tweets after the former president announced he had contracted COVID-19, anti-API language spiked by 85 percent.<sup>6</sup> And in an analysis of the former president’s tweets, Stop AAPI Hate found that his tweets that reflected anti-API racism or stigma were liked or retweeted millions of times, and that he was “the greatest spreader among politicians of anti-Asian American rhetoric related to the pandemic.”<sup>7</sup>

Sadly, but predictably, the increase in inflammatory language against APIs coincided with a surge in anti-API violence and acts. Stop AAPI Hate received over 2,800 reports

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<sup>2</sup> See, e.g., Stats. 1913, p. 206 (prohibiting persons of Japanese descent from owning land); Irons, *Justice at War* (1993) pp. 10-12 (San Francisco had segregated schools for persons of Chinese and Japanese descent; U.S. Immigration Restriction Act of 1924 banned immigration from Japan).

<sup>3</sup> E.g., Wu, *Asian Americans and the model minority myth*, Los Angeles Times (Jan. 23, 2014), available at <https://www.latimes.com/opinion/op-ed/la-oe-0123-wu-chua-model-minority-chinese-20140123-story.html> [last visited Mar. 2, 2021].

<sup>4</sup> Yam, *The mental health toll of being a ‘model minority,’* NBCNews.com (Dec. 23, 2020), <https://www.nbcnews.com/news/asian-america/mental-health-toll-being-model-minority-2020-n1249949> [last visited Mar. 2, 2021].

<sup>5</sup> E.g., Nakamura, *With ‘kung flu,’ Trump sparks backlash over racist language – and a rallying cry for supporters*, Washington Post (Jun. 24, 2020), available at [https://www.washingtonpost.com/politics/with-kung-flu-trump-sparks-backlash-over-racist-language--and-a-rallying-cry-for-supporters/2020/06/24/485d151e-b620-11ea-aca5-ebb63d27e1ff\\_story.html](https://www.washingtonpost.com/politics/with-kung-flu-trump-sparks-backlash-over-racist-language--and-a-rallying-cry-for-supporters/2020/06/24/485d151e-b620-11ea-aca5-ebb63d27e1ff_story.html) [last visited Mar. 2, 2021].

<sup>6</sup> Dvoskin, *When Trump gets coronavirus, Chinese Americans pay a price*, Washington Post (Oct. 9, 2021), available at <https://www.washingtonpost.com/technology/2020/10/09/twitter-asian-americans-discrimination/> [last visited Mar. 2, 2021].

<sup>7</sup> Stop AAPI Hate, Report, *The Return of “Yellow Peril”* (Oct. 1, 2020), available at [https://secureservercdn.net/104.238.69.231/a1w.90d.myftpupload.com/wp-content/uploads/2020/10/Stop\\_AAPI\\_Hate\\_2020-Candidates-and-Anti-Asian-Rhetoric\\_201021.pdf](https://secureservercdn.net/104.238.69.231/a1w.90d.myftpupload.com/wp-content/uploads/2020/10/Stop_AAPI_Hate_2020-Candidates-and-Anti-Asian-Rhetoric_201021.pdf) [last visited Mar. 2, 2020].

of anti-API hate crimes nationwide from the beginning of the pandemic to the end of 2020.<sup>8</sup> Most of the reported incidents involved verbal harassment (70.9 percent), while physical assaults, including coughing or spitting on an individual, make up over 15 percent of the incidents.<sup>9</sup>

California has been home to some of the most brutal attacks against APIs. Just this year, there have been several widely publicized assaults against elderly APIs, including Vicha Ratanapakdee, an 84-year-old Thai man who was killed in San Francisco and a 91-year old man in Oakland's Chinatown being pushed facedown onto the sidewalk in an unprovoked attack. Victims from last year include a 16-year-old Asian-American boy who had to go to the hospital after being attacked by bullies "who accused him of having the coronavirus."<sup>10</sup> In addition to these violent physical assaults, countless APIs have endured physical intimidation and verbal attacks driven by the erroneous, racist belief that APIs are somehow connected to COVID-19.<sup>11</sup>

In recognition of the historic, horrifying uptick in attacks on the API community, especially the recent attacks on particularly vulnerable API individuals, this resolution makes a number of factual findings about the rash of hate crimes and other anti-API prejudice. The resolution further denounces the hate crimes, hateful rhetoric, and hateful acts against APIs, and expresses the intent of the California State Senate to work to ensure that API Californians feel safe and welcome, for the duration of the pandemic and beyond.

## SUPPORT

### California Professional Firefighters

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<sup>8</sup> Stop AAPI Hate, Press Release, *Stop AAPI Hate: New Data on Anti-Asian Hate Incidents Against Elderly and Total National Incidents in 2020* (Feb. 9, 2021), <https://secureservercdn.net/104.238.69.231/a1w.90d.myftpupload.com/wp-content/uploads/2021/02/Press-Statement-re-Bay-Area-Elderly-Incidents-2.9.2021-1.pdf> [last visited Mar. 2, 2021].

<sup>9</sup> *Ibid.*

<sup>10</sup> Tavernise and Oppel, *Spit On, Yelled At, Attacked: Chinese-Americans Fear for Their Safety*, New York Times (Mar. 23, 2020; updated Feb. 26, 2021), <https://www.nytimes.com/2020/03/23/us/chinese-coronavirus-racist-attacks.html> [last visited Mar. 2, 2021].

<sup>11</sup> E.g., Do, "You started the corona!" As Anti-Asian hate incidents explode, climbing past 800, activists push for aid, Los Angeles Times (Jul. 5, 2020), <https://www.latimes.com/california/story/2020-07-05/anti-asian-hate-newsom-help> [last visited Mar. 2, 2021]; Tavernise and Oppel, *Spit On, Yelled At, Attacked: Chinese-Americans Fear for Their Safety*, New York Times (Mar. 23, 2020; updated Feb. 26, 2021), <https://www.nytimes.com/2020/03/23/us/chinese-coronavirus-racist-attacks.html> [last visited Mar. 2, 2021]; Liu and Hatzipanagos, 'Nobody came, nobody helped': Fear of anti-Asian violence rattle the community, Washington Post (Feb. 25, 2021), <https://www.washingtonpost.com/nation/2021/02/25/asian-hate-crime-attack-patrol/?arc404=true> [last visited Mar. 2, 2021].

## OPPOSITION

None known

## RELATED LEGISLATION

Pending Legislation: AB 57 (Gabriel, Chiu, 2021) finds that, despite an increase in hate crimes in the state, law enforcement has not done enough to identify, report, and respond to these crimes, and requires the Department of Justice to take specific actions to increase enforcement of anti-hate-crime laws. AB 57 is pending before the Assembly Public Safety Committee.

### Prior Legislation:

HR 23 (Low, 2021) made findings and resolutions condemning anti-API hate crimes and hateful rhetoric, in a resolution substantially similar to SR 12.

AB 85 (Budget Bill, Ch. 4, Stats. 2021) made available \$1.4 million in one-time funding to the Asian American Studies Center at the University of California Los Angeles campus, to support Stop AAPI Hate and conduct research and analysis relating to the hate incidents experienced by API individuals during the COVID-19 pandemic.