



SEARAC

April 11, 2023

Stephen Gilchrist
Commissioner

J. Christian Adams
Commissioner

Victoria Nourse
Commissioner

Rochelle Garza
Commissioner

Gail Heriot
Commissioner

Mondaire Jones
Commissioner

Peter Kirsanow
Commissioner

Glenn Magpantay
Commissioner

U.S. Commission on Civil Rights

RE: The Federal Response to Anti-Asian Racism in the United States, and crimes against Asian Americans

Dear Commissioners Gilchrist, Adams, Nourse, Garza, Heriot, Jones, Kirsanow, and Magpantay:

I write on behalf of the Southeast Asia Resource Action Center (SEARAC) to comment on ongoing efforts by the U.S. Commission on Civil Rights to respond to anti-Asian racism, and to address comments made about crimes against Asian Americans during the Commission's hearing on March 24, 2023. Founded in 1979, SEARAC is a national civil rights organization that builds power with diverse communities from Cambodia, Laos, and Vietnam to create a socially just and equitable society. As representatives of the largest refugee community ever resettled in the United States, SEARAC stands together with other refugee communities, communities of color, and social justice movements in pursuit of social equity.

As refugees and descendents of refugees, as survivors of war and genocide, Southeast Asian American (SEAA) communities also know the devastating impacts of policing. Many SEAA refugees were scattered across the U.S. and neglected after they fled violence in Southeast Asia during the Vietnam War, Cambodian Genocide, and Secret War in Laos. Most experienced severe poverty, with few available avenues for economic or social mobility due to misguided resettlement policies and racially inequitable laws. In this context of need, some individuals became entangled with the criminal legal system and were harshly punished through laws created during the "tough on crime" era.

SEAA communities were swept up in overzealous policing and sentencing efforts, which created the school-to-prison-to-deportation pipeline for SEAA youth, while simultaneously removing the heads of already-impooverished households. During the prison boom of the 1990s, the Asian American and Pacific Islander (AAPI) prisoner population grew by 250 percent, and juveniles in California were more than twice as likely to be tried as adults compared to white juveniles who committed similar crimes. Arrests of AAPI youth increased 726 percent from 1977 to 1997. In cities such as Oakland, California, AAPI youth experienced very high arrest rates: Cambodians with 63 per 1000 and Laotians with 52 per 1000. For more information, see *Asian Americans & Pacific Islanders Behind Bars: Exposing the School to Prison to Deportation Pipeline*, a joint report by SEARAC and other AAPI organizations.

Furthermore, the 1996 immigration laws (the Anti-Terrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act) established mandatory detentions and automatic deportations, heavily expanded crimes considered deportable, and restricted judicial discretion for many immigration cases. And because of the retroactive nature of these laws, many SEAA refugees suddenly became deportable overnight for convictions prior to 1996. Though many have already served their time, became valued members of their families and communities, and turned their lives around, Immigration and Customs Enforcement continues to detain and deport SEAs. More than 17,000 SEAs have been ordered removed from the United States, with over 2,000 individuals deported since 1998. Now, roughly 15,000 SEAs still live with a final order of removal, and roughly 80% of those removal orders are based on past convictions.

The discriminatory way that policing is done in the U.S. negatively impacts communities of color, including Asian American communities. Increased policing in our communities will perpetuate – rather than solve – anti-Asian violence. In order for our communities to truly heal and feel safe, we must overhaul racist laws and the systems that maintain them. As we have in previous statements, SEARAC rejects increases to policing. Instead, we support comprehensive changes that also deeply invest in the needs of communities of color.

Thank you for the opportunity to comment on the federal government’s response to anti-Asian racism in the U.S. If you have any questions, please contact Kham S. Moua (he/him), SEARAC National Deputy Director, at kham@searac.org, or Anna Byon (they/them), SEARAC Director of National Policy, at anna@searac.org.

Sincerely,

Katrina Mariategue

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Southeast Asia Resource Action Center