

**Testimony of
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For

**Hearing on
“Academic Freedom Under Attack: Loosening the CCP’s Grip on America’s Classrooms”**

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Chair Bean, Ranking Member Bonamici, and members of the Subcommittee, thank you for the opportunity to provide testimony to the House Committee on Education & the Workforce in conjunction with its hearing on “Academic Freedom Under Attack: Loosening the CCP’s Grip on America’s Classrooms.”

I am Gisela Perez Kusakawa, the executive director of the Asian American Scholar Forum (“AASF”). AASF is a national non-profit, non-partisan organization that works to promote academic belonging, openness, freedom, and equality for all. AASF accomplishes this through education and research, advocacy, and building up leaders within the Asian American scientific and academic community. In response to heightened anti-Asian bigotry and profiling in the U.S., AASF has been a leading national voice fighting for the rights of Asian American and immigrant scientists, researchers, and scholars. Our membership includes the National Academy of Engineering, the National Academy of Medicine, the National Academy of Science, and the American Academy of Arts & Sciences members as well as past and current university presidents, provost, vice provosts, deans, associate deans, and past and current department chairs. AASF is a member of the National Council for Asian Pacific Americans (NCAPA). Founded in 1996, NCAPA is a coalition of 47 national Asian American, Native Hawaiian, and Pacific Islander (AANHPI) organizations serving to represent the interests of the greater AANHPI communities and to provide a national voice for Asian American and National Hawaiian Pacific Islander issues.

Previously, I was also the founding director of the Anti-Profiling, National Security & Civil Rights department at Asian Americans Advancing Justice | AAJC, a national civil rights organization. In my prior role, I acted as the supervising attorney for legal referrals, and laid the groundwork for the program. I spearheaded coalition work to combat profiling and bring partnering organizations together to successfully work towards the end of the “China Initiative”. Understanding the cyclical nature of discrimination against Asian Americans as economic or national security threats, I have worked both in my prior and current role towards building infrastructure to better equip the Asian American community to address this long-term issue. I currently serve on numerous non-profit boards, and have been a recognized expert on policy and

advocacy on anti-profiling, national security, research security, and civil rights appearing on multiple media publications and podcasts such as NPR, CNBC, Financial Times, MIT Technology Review, Science, Washington Post, Los Angeles Times, Inside Higher Ed, and WTOP Podcast “Colors: A Dialogue on Race in America.” I previously taught elementary and middle school students in Japan, and provided assistance to indigent immigrants, particularly from West Africa and Central America, through AmeriCorps in Ohio. I am admitted to practice law at the District of Columbia and the Third Circuit Court of Appeals and received my J.D. from The George Washington University Law School.

The Asian American community has a long history of being treated as “perpetual foreigners” and scapegoated as economic or national security threats based on our race, ethnicity, religion, or ancestry. More than eighty years ago, on February 19, 1942, President Franklin D. Roosevelt signed Executive Order 9066, authorizing the removal of people of Japanese ancestry—citizens and children alike—from their homes and communities; over 120,000 U.S. residents of Japanese ancestry were incarcerated in remote detention camps in the name of “national security” under the racist rationale that any people of Japanese descent were more prone to acts of espionage or sabotage.¹ In 1988, the government issued a formal admission of failure, and Congress eventually acknowledged that “these actions were carried out without adequate security reasons and without any acts of espionage or sabotage documented by the Commission [on Wartime Relocation and Internment of Civilians], and were motivated largely by racial prejudice, wartime hysteria, and a failure of political leadership.”²

Yet decades after the systemic incarceration of Japanese Americans, we find ourselves repeating history as Asian Americans are treated as “perpetual foreigners” and economic or national security threats. It has become a harmful pattern that when the United States has tensions with an Asian country, Asian Americans and immigrants face the backlash at home and become collateral damage. Perceived as “not American,” Asian Americans are blamed for the actions of a foreign government or entity, face heightened scrutiny, and are subjected to questioning about their loyalty. Racial justice and the treatment of Asian Americans are intrinsically tied with the perception of being “foreign”—whether the individual in question is a citizen or a fifth generation in the United States. Seen as perpetual foreigners, we too often are perceived as outsiders, and make for convenient scapegoats as economic or national security “threats.” Therefore, it becomes essential that we do not allow U.S. tensions with a foreign Asian country to translate into an overreaction that negatively impacts Asian Americans.

The consequences of being perceived as a “perpetual foreigner,” and unjustly as the representative of a foreign government or entity has often proven to be fatal. This was the case for Vincent Chin, a Chinese American who was murdered in 1982 by two white men who mistook him as Japanese at a time when US-Japan tensions were high due to economic competition. The two men walked away with just a \$3,000 fine. Kin Yee, president of the Detroit Chinese Welfare Council, claimed that the light sentence essentially gave them “a license to kill for \$3,000.” One of the killers had said during the brutal attack, “It’s because of you little

¹ Japanese American Life During Internment, NAT’L PARK SERVICE, <https://www.nps.gov/articles/japanese-american-internment-archeology.htm>

² 50 U.S. Code § 4202

motherf—ers that we're out of work,” revealing their rationale behind the murder.³ Like all too many before him, Vincent was a scapegoat and blamed for the problems that the American auto industry faced in competition with the Japanese auto industry.

In this modern age, Asian Americans are still made for convenient scapegoats. Alarming, 1 in 5 Americans believe Asian Americans are partly responsible for COVID-19, and 1 in 3 Americans believe Asian Americans are more loyal to countries other than the U.S.⁴ As a result, the Asian American community has experienced not only years of anti-Asian hate and violence within their own neighborhoods and homes, but also heightened scrutiny from their places of learning or employment and their own government. We have seen in the past decade U.S. government officials fuel anti-Asian bigotry through xenophobic and anti-China rhetoric and policymaking.

Due to the long-standing legacy of scapegoating, Asian Americans such as Professor Xiaoxing Xi and Sherry Chen found themselves subjected to heightened scrutiny and their lives upended along with many other scientists.⁵ This intensified under the Department of Justice's now-defunct⁶ “China Initiative,”⁷ which wreaked havoc on the lives of scholars such as Professor Anming Hu and Professor Gang Chen,⁸ along with their families. The Biden administration's decision to end the problematic initiative was a welcomed step towards healing for our communities, but we still have a long way to go as anti-Asian bigotry continues to manifest itself in our society and institutions. We must remain vigilant that history does not repeat itself, and tackle the underlying issues and deeply rooted perception of Asian Americans as disloyal “perpetual foreigners.”

As racial bias against persons of Asian descent has permeated our society, academic institutions, and federal agencies for decades, our communities, including our youth, have experienced waves of profiling and targeting in all facets of their life. This has created an unwelcoming environment and chilling effect for the Asian American community. An annual survey revealed that 1 in 2 Asian Americans do not feel safe due to their race and ethnicity and “80% of Asian Americans do not feel they belong and are accepted,” with young and female Asian Americans feeling the least like they belong. In particular, 29% feel unsafe on public transportation and 19% at their school; while 32% do not feel that they belong in their schools. Of those surveyed, 47% attribute the violence against Asian Americans on the blame they received for Chinese

³ Becky Little, How the 1982 Murder of Vincent Chin Ignited a Push for Asian American Rights, HISTORY (Sep. 14, 2023), <https://www.history.com/news/vincent-chin-murder-asian-american-rights>.

⁴ Meghan Roos, Survey Shows 1 in 5 Americans ‘Partly’ Blame Asian Americans for COVID, NEWSWEEK (May 5, 2022), <https://www.newsweek.com/survey-shows-1-5-americans-partly-blame-asian-americans-covid-1704024>.

⁵ Emil Guillermo, Petition Demands Apology for Chinese-American Scientists Previously Accused of Spying, NBC NEWS (May 17, 2016), <https://www.nbcnews.com/news/asian-america/petition-demands-apology-chinese-american-scientists-previously-accused-spying-n575461>.

⁶ Ryan Lucas, The Justice Department is ending its controversial China Initiative, NPR (Feb. 23, 2022), <https://www.npr.org/2022/02/23/1082593735/justice-department-china-initiative>.

⁷ Attorney General Jeff Sessions Announces New Initiative to Combat Chinese Economic Espionage, U.S. DEP'T OF JUSTICE (Nov. 1, 2018), <https://www.justice.gov/opa/speech/attorney-general-jeff-sessions-announces-new-initiative-combat-chinese-economic-espionage>.

⁸ Ellen Barry and Katie Bennet, U.S. Drops Its Cases Against M.I.T. Scientist Accused of Hiding China Links, NY TIMES (Jan. 20, 2022), <https://www.nytimes.com/2022/01/20/science/gang-chen-mit-china-initiative.html>.

government spying.⁹ This comes at a time when just last year, an 18-year-old student of Asian descent was stabbed seven times in the head by a white passenger in Bloomington, Indiana. The passenger told officers that she stabbed the victim because she appeared “Chinese” and that her intent was to kill, saying “it would be one less person to blow up our country.”¹⁰ At the White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders (WHIAANHPI)’s summit one youth advocate and recent high school graduate said, “Since the pandemic [she] feel[s] terrified for [her] safety [...] and [her] Asian peers. It feels dangerous to even be Asian in public, especially as a teenager who might be more susceptible to attack.”¹¹ Unfortunately, she is not alone as Stop AAPI Hate received 341 reports of anti-Asian discrimination involving the youth, with over half of the incidents involving anti-Chinese language.¹² A recent report in the spring of 2021 by Act to Change reported over 3785 incidents of “verbal harassment, shunning, and physical assaults from early March 2020 to February 2021. Of these incidents, 13% of the victims were 0 to 17 years old and adults were the perpetrators in 60% of the incidents involving the youth.”¹³

We need to do better for the Asian American community and our youth, and address the underlying issues of these inherent biases against and scapegoating of Asian Americans. We must be prepared to be critical of economic or national security pretexts that can be used to perpetuate racial bias, profiling, and hate against Asian Americans. Asian Americans must not continue to be treated as threats and viewed as “perpetual foreigners” in our own country. Fred Korematsu, a civil rights icon who challenged the incarceration of Japanese Americans during WWII, cautioned against this perception of Asian Americans as threats stating that: “No one should ever be locked away simply because they share the same race, ethnicity, or religion as a spy or terrorist. If that principle was not learned from the internment of Japanese Americans, then these are very dangerous times for our democracy.”¹⁴ We must learn from the past and those before us, and create a more welcoming environment for Asian Americans and the next generation.

⁹ Annual Surveil Reveals 1 in 2 Asian Americans Feel Unsafe; Nearly 80% Do Not Fully Feel They Belong and Are Accepted in the U.S., TAAF (May 2, 2023), <https://www.taaf.org/news/staatus-index-23-press-release>.

¹⁰ Tina Burnside, Christine Sever, and Davin Andone, Indiana University student stabbing suspect says attack was motivated by race, CNN (Jan. 17, 2023), <https://www.cnn.com/2023/01/16/us/indiana-university-student-stabbed-race/index.html>.

¹¹ Youth Advocates Speak at White House Summit on Asian American, Native Hawaiian, and Pacific Islander Mental Health, PUB. HEALTH INST. (2023), <https://www.phi.org/about/impacts/youth-advocates-speak-at-white-house-summit-on-asian-american-native-hawaiian-and-pacific-islander-mental-health/>.

¹² Russell Jeung, Aggie J. Yellow Horse, Anna Lau, Krysty Shen, Charlene Cayan, Mai Xiong, and Richard Lim, STOP AAPI HATE (2021), <https://stopaapihate.org/wp-content/uploads/2021/04/Stop-AAPI-Hate-Report-Youth-Incidents-200917.pdf>.

¹³ Asian American Bullying Survey Report, ACT TO CHANGE, ADMERASIA & NEXTSHARK (2021), <https://acttochange.org/bullyingreport/>.

¹⁴ Gisela Perez Kusakawa, From Japanese American Incarceration to the China Initiative, Discrimination Against AAPI Communities Must End, ACLU (May 31, 2022), <https://www.aclu.org/news/racial-justice/from-japanese-american-incarceration-to-the-china-initiative-discrimination-against-aapi-communities-must-end>.