



GW Law Student Bar Association

Condemning Anti-AAPI Violence

Joint Resolution No. 8

Sens. Celeste Kim, Pavan Patamalla, and Nima Youchidje, Senate Sec’y Yun-Da Tsai

Spring 2021

Condemning Anti-AAPI Violence

PURPOSE: *To recognize the surge in violence against those of Asian descent in the United States, unequivocally condemn violence in all forms against Asian American and Pacific Islander (AAPI) communities in the United States, and urge tangible action from the Law School administration.*

WHEREAS: On March 16, 2021, three Asian-owned spas in the Atlanta area were attacked in this country’s sixth mass killing this calendar year, resulting in the death of eight people;

WHEREAS: Out of the eight victims, six were women of Asian descent:

- Soon Chung Park, aged 74;
- Suncha Kim, aged 69;
- Yong Yue, aged 63;
- Hyun Jung Grant, aged 51;
- Xiaojie Tan, aged 49; and
- Daoyou Feng, aged 44;

WHEREAS: A suspect was apprehended in the wake of the shootings, with certain state law enforcement officials — some of whom have anti-Asian rhetoric on their personal social media history — relying on statements from the suspect himself in suggesting that the suspect murdered eight people in a targeted shooting spree because these women were threatening to his “sex addiction” and he was having “a really bad day”;

WHEREAS: Federal and state law enforcement officials are currently investigating the motives of the suspect to determine whether the attack was racially

motivated despite the evidence demonstrating that the killer targeted Asian businesses and predominantly Asian individuals in a city in which only 4.44% of the population is Asian¹;

WHEREAS: The South Korean government, through statements expressed by officials of its consulate-general in Atlanta and foreign ministry in Seoul, has taken an active interest in the investigation of the tragic killings of its nationals;

WHEREAS: These killings of Asians and Asian-Americans in Atlanta were committed against a backdrop of heightened anti-Asian violence in the United States, with statistics bearing out a 150 percent spike in hate incidents as compared to the previous year in the country’s major metropolitan areas²;

WHEREAS: The diverse array of ethnic and cultural groups comprising Asians, Asian-Americans, and Pacific Islander Americans — commonly designated “AAPI” — have been a part of the social, political, economic, and cultural fabric of the United States since at least the early 19th century;

WHEREAS: AAPIs have made and continue to make significant contributions to the betterment of American society, often with great personal and communal sacrifices, such as:

- Working on the railroads, mines, farms, and factories that were vital to expansion and industrialization of the United States, most notably the deadly toil on the Transcontinental Railroad;
- Serving in the armed forces of the United States, as exemplified by the Japanese-American “Purple Heart Battalion” during the Second World War — the most-decorated unit for its size in U.S. military history;
- Advocating, in the face of great racial animosity, for civil, political,

¹ *QuickFacts: Atlanta city, Georgia*, U.S. Census Bureau, <https://www.census.gov/quickfacts/atlantacitygeorgia> (last visited Mar. 20, 2021).

² Russell Jeung, Aggie Yellow Horse, Tara Popovic, and Richard Lim, *Stop AAPI Hate National Report*, Stop AAPI Hate (Mar. 16, 2021), <https://secureservercdn.net/104.238.69.231/a1w.90d.myftpupload.com/wp-content/uploads/2021/03/210312-Stop-AAPI-Hate-National-Report-.pdf>; Masood Farivar, *Hate Crimes Targeting Asian Americans Spiked by 150% in Major US Cities*, VOA News (Mar. 2, 2021, 12:39 AM), <https://www.voanews.com/usa/race-america/hate-crimes-targeting-asian-americans-spiked-150-major-us-cities?fbclid=IwAR33jX2cSu7iAx3kfpclvtbmRMmUA6VPAD5A-dpY-MU8vo2Xu0WlpPfEdv8>.

legal, economic, social, and racial justice and equality in the statehouses, courthouses, deliberative assemblies, and civil bureaucracies that undergird institutions of politics, law, and power in the United States;

- Trailblazing in the fields of academia and science, including the contributions to the Manhattan Project by the “First Lady of Physics,” Nobel laureates across four categories, and the development of the birth control pill and antidepressants; and
- Creating innovative works and pressing the boundaries of our cultural zeitgeist in the fields of arts and entertainment;

WHEREAS:

Anti-Asian violence has been embedded in United States history for as long as AAPIs have been in the United States, most notably:

- Explicit designation as undesirable and therefore ineligible for citizenship and equal protection under law by local, state, and federal governments, as exemplified by the Chinese Exclusion Act of 1882 — the only federal legislation on immigration banning a specific ethnic group — Justice Harlan’s famous dissent in *Plessy v. Ferguson*,³ and the Gentlemen’s Agreement of 1907⁴ and later Immigration Act of 1924⁵;
- Internment of 80 percent of the entire Japanese American population in the continental United States during the Second World War⁶ — “legaliz[ed] racism” that was “utterly revolting among a free people who have embraced the principles set forth in the Constitution of the United States”⁷;

³ 163 U.S. 537, 559-561 (1896) (Harlan, J., dissenting). See also, e.g., *People v. Hall*, 4 Cal. 399 (1854) (upholding and expanding statutes rendering testimony by non-white (“Indian” and “Black”) witnesses inadmissible to Chinese witnesses); *Lum v. Rice*, 275 U.S. 78 (1927) (holding that the exclusion of a child of Chinese ancestry from state high school on basis of race did not violate Fourteenth Amendment).

⁴ *Gentlemen’s Agreement*, Encyclopaedia Britannica (last revised Sept. 27, 2019), <https://www.britannica.com/event/Gentlemens-Agreement> (diplomatic understanding between Japan and United States where Japan agreed to generally not issue passports to emigrants in exchange for U.S. President Theodore Roosevelt’s efforts to urge San Francisco to rescind order by its school board segregating children of Japanese parents from white students).

⁵ Office of the Historian, *The Immigration Act of 1924 (The Johnson-Reed Act)*, U.S. Dept. of State: Milestones in the History of U.S. Foreign Relations, <https://history.state.gov/milestones/1921-1936/immigration-act> (Act “completely excluded immigrants from Asia” by forbidding entry for persons born in a “geographically defined ‘Asiatic Barred Zone’ except for Japanese and Filipinos,” as Japanese government had voluntarily limited Japanese immigration under 1907 Gentlemen’s Agreement, the Philippines was a U.S. colony, and Chinese immigrants were barred under the Chinese Exclusion Act of 1882).

⁶ Gary Okihiro, *The Columbia Guide to Asian American History* 104, Colum. U. Press (2001).

⁷ *Korematsu v. United States*, 323 U.S. 214, 242 (1944) (Murphy, J., dissenting), *overruled in dicta by Trump v. Hawaii*, 138 S. Ct. 2392, 2423 (2018) (“*Korematsu* was gravely wrong the day it was decided, has been

- Demonization of Asians during the height of the Cold War, as the United States engaged in armed conflicts across Asia;
- Deadly physical mass violence against Asian communities, such as the Los Angeles Chinese Massacre of 1871, the 1907 Pacific Coast race riots, the disproportionate destruction of Koreatown during the 1992 Los Angeles Riots, the torching of mosques and myriad Islamophobic murders in the wake of the 9/11 attacks, and the 2012 Wisconsin Sikh temple shooting;

WHEREAS: The history of violence in AAPI communities in the United States has been situated within the triangulation of racial groups that uses the AAPI community to justify the subjugation of Black and Latino communities on the basis of the "model minority" myth;

WHEREAS: The recent surge of anti-Asian rhetoric across the United States, in large part stoked by social media conspiracies and the public remarks of high-ranking elected officials using inflammatory language that scapegoats the Asian community for the ongoing COVID-19 pandemic, has fueled a similar spike in physical violence against individuals of Asian descent;

WHEREAS: The media coverage surrounding instances of violence against Asians is often plagued with harmful tropes — such as the sexual fetishization of Asian women, the emasculation of Asian men, and the stereotype of the “model minority” — thereby obfuscating the highly nuanced and complex issues surrounding racism and misogyny experienced by members of the Asian community and negatively shaping national discourse;

WHEREAS: The AAPI community across the United States has expressed its horror at the targeted attacks, reiterated its grave concern for the safety and security of community members and the community as a whole, and repeated its calls for support and action to combat anti-Asian violence in the United States;

WHEREAS: It is a settled matter of domestic and international law that no

overruled in the court of history, and—to be clear—has no place in law under the Constitution.” (internal quotation marks omitted)).

individual or community should ever be subject to questions challenging their right to exist⁸;

WHEREAS: The Biden Administration has recognized the need to condemn the rising tide of xenophobic language surrounding the pandemic, formally issuing an executive action on January 26, 2021,⁹ that specifically instructs the Justice Department to collect data on hate crimes and harassment directed towards individuals of Asian descent;

WHEREAS: Congress, for the first time in over three decades, held a hearing on discrimination against Asians on March 18, 2021, a week after legislation designed to bolster prosecution of hate crimes was introduced in both chambers ;

WHEREAS: GW Asian Pacific American Law Students Association (APALSA) released a statement to its members on March 17, 2021, expressing its condemnation of the Atlanta killings, notifying members of an open mic opportunity that evening, and publicizing *inter alia* mental health and hate crime reporting resources;

WHEREAS: The Student Bar Association Executive promulgated a statement “supporting AAPI community and condemning violence” on March 18, 2021, which, *inter alia*, encouraged affected students to seek out accommodations from the Dean of Students Office and report incidents of bias;

WHEREAS: A plurality of student organizations have issued statements condemning the senseless acts of violence perpetrated against Asians in Atlanta and around the country and standing in solidarity with the GW Law AAPI community;

⁸ *Cf.* the Declaration of Independence (“We hold these truths to be self-evident: that all men are created equal; that they are endowed, by their Creator, with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness.”); U.S. Const. amend. V (“No person shall . . . be deprived of life, liberty, or property, without due process of law.”); U.S. Const. amend. XIV, § 1 (“No state shall . . . deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”); American Declaration of the Rights and Duties of Man, art. I (“Every human being has the right to life, liberty and the security of his person.”); Universal Declaration of Human Rights, art. III (“Everyone has the right to life, liberty and security of person.”).

⁹ 86 Fed. Reg. 7485.

WHEREAS: University President LeBlanc and GW Law Dean Matthew issued separate statements on March 18, 2021, condemning the killings, recognizing the troubling surge in anti-Asian violence, and directing students to school-wide resources for counseling and bias reporting; and

WHEREAS: Incidents of Anti-Asian violence across the country and around campus do not appear to be abating anytime in the near future; *now, therefore,*

BE IT RESOLVED: That The George Washington University Law School Student Bar Association as a whole—

1. *Condemns* the despicable and reprehensible targeting of Asian businesses in the Atlanta area on March 16, 2021, that resulted in the deaths of eight people, six of whom were of Asian descent;
2. *Also condemns* the disparaging statements by Georgia state law enforcement officials seeking to prematurely rationalize and apparently justify the motives of the suspect by shifting the focus towards the identity, sex, gender, and occupations of the victims of the attack;
3. *Further condemns* the deadly rising trend in anti-Asian violence, especially amid a nationwide pandemic, emboldened white supremacist activity, and wider movements for social justice and equality for all;
4. *Stands* in solidarity with the AAPI members of the GW Law community;
5. *Recognizes* the timely statements put forth by University President LeBlanc, GW Law Dean Matthew, and the Student Bar Association Executive;
6. *Directs* all members of the GW Law community to the various University-wide mental health and counseling resources, including¹⁰:
 - a. University Counseling and Psychological Resources (CAPS)¹¹;

¹⁰ A full listing of available resources (including non-GW resources) can be found at law.gwu.edu/wellness.

¹¹ <https://healthcenter.gwu.edu/counseling-and-psychological-services>.

- b. Graduate School of Education and Human Development Community Counseling Services Center (CCSC)¹²; and
 - c. Cross-departmental CARE Network¹³;
7. *Directs* all members of the GW Law community to the various University-wide bias reporting resources, including¹⁴:
 - a. University Office for Diversity, Equity and Community Engagement Bias Incident Response system¹⁵; and
 - b. University Office of Ethics, Compliance, and Privacy Title IX reporting system¹⁶;
 8. *Notes* that, apart from the consultation and referral services of the Law School Dean of Students Office, GW Law students do not have access to Law School-specific counseling resources that are specially oriented towards addressing the particular counseling needs of law students;
 9. *Calls upon* the Law School administration to provide and publicize counseling resources uniquely tailored to address the specific issues and needs that arise from violent attacks against minorities;
 10. *Notes* the availability of on- and off-campus incident reporting systems:
 - a. GW Police Department — including its Incident Report Request,¹⁷ emergency number of (202) 994-6111, and non-emergency number of (202) 994-6110;
 - b. Metropolitan Police Department hate crime reporting,¹⁸ including the anonymous Hate Crimes Voicemail at (202) 727-0500; and
 - c. Stop AAPI Hate reporting form¹⁹; and
 11. *Urges* all members of the GW Law community to check in on their minority peers and colleagues, offer support and assistance to address their concerns about personal safety, and engage in serious discussions

¹² <https://gsehd.gwu.edu/ccsc>.

¹³ https://gwu-advocate.symplicity.com/care_report/index.php/pid461310.

¹⁴ A full list of University-wide reporting systems can be found at <https://compliance.gwu.edu/reporting>.

¹⁵ <https://diversity.gwu.edu/bias-incident-response>.

¹⁶ <https://compliance.gwu.edu/title-ix-sexual-harassment-and-related-conduct-policy>.

¹⁷ <https://safety.gwu.edu/gwpcd-incident-report-request>.

¹⁸ <https://mpdc.dc.gov/node/199902>.

¹⁹ <https://stopaapihate.typeform.com/to/zhMP3fUx>.

to understand their experiences and build community and solidarity;

BE IT ALSO RESOLVED: That The George Washington University Law School Student Bar Association as a whole—

1. *Recalls* the summer 2020 petition by GW Black Law Students Association demanding “immediate institutional change at the University”²⁰ and the lack of any meaningful response from the University or Law School administrations;
2. *Calls upon* the Law School administration to communicate developments in its articulated efforts to combat racism in and around GW Law;
3. *Recognizes* the importance of facilitating necessary conversations between the Law School administration and the student body to produce substantive solutions that, among other pressing needs of the student body, can ensure student safety;
4. *Calls upon* the Law School administration to regularly meet with GW Law affinity groups, in furtherance of common goals of diversity and inclusion in the legal community and the anti-racist aims articulated by the Law School administration;
5. *Commends* GW APALSA for hosting its “Open Mic Night” to air grievances and have a frank discussion about the myriad complex issues raised by current events on the evening of March 17, 2021;
6. *Recommends* student organizations and the Student Bar Association Executive hold similar events to engage the student body in substantive discussions and develop inclusive and effective initiatives to address racial violence at school and beyond;
7. *Also recommends* education for members of the GW Law community on bystander intervention in incidents of race-based violence to better equip the entire GW Law community with the resources and training

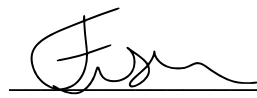
²⁰ <https://www.change.org/p/george-washington-university-law-students-and-alumni-george-washington-university-s-black-law-students-association-immediate-call-to-action>

to respond to incidents of racism;

8. *Further calls upon* the Law School administration to establish conversation spaces and develop their own initiatives to address concerns raised by student affinity groups and the general student body; and
9. *Reiterates* its call²¹ for continuing and deepening collaboration between the Law School administration and the Student Bar Association to ameliorate the worst impacts of these extraordinary times and effectively advocate for GW Law students to the University administration and beyond; and

BE IT FURTHER RESOLVED: That upon signature by the President of the Student Bar Association, a copy of this joint resolution shall be forwarded to GW Law Dean Dayna Bowen Matthew.


_____ 03/24/2021
Jendaya T. Bell Date
Executive Vice President


_____ 03/25/2021
Jacqueline Fisher Date
President



[entered as RESOLUTION 2021-J008 on March 25, 2021]

²¹ Resolution 2021-J004, *On January 6th, 2021* (enacted Jan. 13, 2021), accessible at <https://drive.google.com/file/d/1RwbNhlfbPqfZx0tVX-gg0Bduvx4Eps5g/view>.