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Can “Asians” Truly Be Americans?

Vinay Harpalani, J.D., Ph.D.*

Abstract

*Recent, tragic events have brought more attention to hate and bias crimes against Asian Americans. It is important to address these crimes and prevent them in the future, but the discourse on Asian Americans should not end there. Many non-Asian Americans are unaware or only superficially aware of the vast diversity that exists among us, along with the challenges posed by that diversity. Some have basic knowledge of the immigration and exclusion of Asian Americans, the internment of Japanese Americans which was upheld in *Korematsu v. United States*, and the “model minority stereotype”, but these are Asian Americans 101. This Essay builds on the national conversation on hate crimes against Asian Americans, using it as a launching point to delve into a number of more nuanced issues: 1. History, creation, and reinforcement of Asian American racial stereotypes; 2. Different racialized experiences of various Asian American groups; 3. Complex and multifaceted dilemmas of identity politics among Asian Americans; and 4. Terminology that people use to describe Asian Americans and the implications thereof. It also argues that using the term “Asian” alone to describe Asian Americans is problematic, even though many (including Asian Americans) do this as shorthand. The Essay argues that “Asian” obscures our diversity, detracts from understanding of complex identity dilemmas, promotes exoticism and fetishization, and marks Asian*

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Americans as “foreigners.” As long as Asian Americans are thought of simply as “Asians”, we will never truly be seen as Americans.

Can “Asians” Truly Be Americans?

Recent, tragic events have brought more attention to hate and bias crimes against Asian Americans.¹ There has been a large rise in such incidents since the onset of the COVID-19 pandemic in the United States in March 2020.² And on March 16, 2021, a twenty-one-year-old white male shooter killed eight people in Atlanta, Georgia, six of whom were Asian American women.³ The shooter was apparently motivated by, among other things, a racist sexual fetish.⁴ The increase in hate towards Asian Americans has risen to the point where President Joe Biden has addressed it several times.⁵ After the Atlanta shootings, President Biden even

1. In this Essay, I use the term “Asian American,” but I acknowledge that other terms such as Asian Pacific American (APA), Asian American Pacific Islander (AAPI), Asian American Native Hawaiian Pacific Islander (AANHPI), and Asian Pacific Islander Desi American (APIDA) may also be appropriate or preferred. For reasons explained *infra*, I discourage use of the singular label “Asian” to refer to any group, and I particularly critique omission of the term “American” when referring to Asian Americans. Throughout this Essay, I include “American” whenever referring to Asian Americans, even if it appears repetitive. I also do not use “Asian” alone unless the reference is specifically: 1. A geographic reference to the entire Asian continent and 2. A specific reference to “Asian” as a term that denotes fetishization and othering based on exoticism and stereotypes of foreignness.

2. See *Stop AAPI Hate National Report 3/19/20–2/28/21*, STOP AAPI HATE, <https://secureservercdn.net/104.238.69.231/a1w.90d.myftpupload.com/wp-content/uploads/2021/03/210312-Stop-AAPI-Hate-National-Report.pdf> (reporting nearly 4,000 hate incidents as of February 28, 2021) [perma.cc/J7BK-7XDY]; Angela R. Glover, Shannon B. Harper & Lynn Langton, *Anti-Asian Hate Crime During the COVID-19 Pandemic: Exploring the Reproduction of Inequality*, 45 AM. J. CRIM. JUST. 647, 647 (2020) (noting that during COVID-19 pandemic “Asian Americans have also reported a surge in a second epidemic targeting them specifically—racially motivated hate crimes involving physical violence and harassment . . .”).

3. Jiayang Fan, *The Atlanta Shooting and the Dehumanizing of Asian Women*, NEW YORKER (Mar. 19, 2021), <https://www.newyorker.com/news/daily-comment/the-atlanta-shooting-and-the-dehumanizing-of-asian-women> [perma.cc/3QNF-7XWQ].

4. *Id.*

5. Masood Fariver, *Asian American Group Receives Nearly 3,800 Reports of Hate and Bias*, VOICE OF AM. (Mar. 16, 2021), <https://www.voanews.com/usa/asian-american-group-receives-nearly-3800->

cancelled a recent trip to promote his American Rescue Plan so that he could meet with Asian American leaders in Atlanta.⁶

All of these unfortunate events have brought more national visibility to Asian Americans. And while it is important to address the racist violence and scapegoating of Asian Americans, this is just one aspect of our experience. We should also use this opportunity to educate people about Asian Americans more broadly. This Essay builds on the national conversation on hate crimes against Asian Americans, using it as a launching point to delve into a number of more nuanced issues: 1. History, creation, and reinforcement of Asian American racial stereotypes; 2. Different racialized experiences of various Asian American groups; 3. Complexities and dilemmas of identity politics among Asian Americans; and 4. Terminology that people use to describe Asian Americans and the implications thereof.

Racist acts towards Asian Americans are nothing new: They date back to the very beginning of Asian immigration to the United States.⁷ In the late nineteenth and early twentieth centuries, long before COVID-19, immigrants from China and Japan were dubbed the “Yellow Peril.”⁸ Similarly, migrant laborers from India were called “Hated Hindoos,”⁹ even though many of them were Sikh.¹⁰ In 1885, a mob of white miners killed twenty-eight Chinese American labors, wounded fifteen, and drove away hundreds.¹¹

reports-hate-and-bias [perma.cc/WRQ6-DLCT].

6. Grace Segers, *Biden Meets with Asian American Leaders in Atlanta following shootings*, CBS NEWS (Mar. 19, 2021), <https://www.cbsnews.com/news/biden-harris-asian-american-leaders-atlanta-shootings/> [perma.cc/KWL7-XQBR].

7. See Li Zhou, *The Long History of Anti-Asian Hate in America, Explained*, VOX (Mar. 5, 2021), <https://www.vox.com/identities/2020/4/21/21221007/anti-asian-racism-coronavirus-xenophobia> (explaining that this discrimination was even “enshrined into law” in the 1800s) [perma.cc/28W8-UQCJ].

8. GARY OKIHIRO, MARGINS AND MAINSTREAMS: ASIANS IN AMERICAN HISTORY AND CULTURE 141–47 (1994).

9. *Workingmen Driving Out the Hated Hindoo*, S.F. CHRON. (Sept. 6, 1907), at 1; Vinay Harpalani, *DesiCrit: Theorizing the Racial Ambiguity of S. Asian Am.*, 69 N.Y.U. ANN. SURV. AM. L. 77, 157 (2013).

10. See Harpalani, *supra* note 9, at 123 (“Although the majority of [immigrants from South Asia the early 1900s] were Sikh faith, they were referred to as “Hindoos”).

11. Robert S. Chang, *Toward an Asian American Legal Scholarship: Critical Race Theory, Post-structuralism, and Narrative Space*, 81 CAL. L. REV. 1241,

Similarly, in September 1907, there was a violent riot against “Hindu” immigrant workers in Bellingham, Washington.¹² Asian American immigrants were also blamed for other problems, such as smallpox and bubonic plague outbreaks in San Francisco in the late nineteenth century.¹³ These incidents portended later scapegoating of Asian Americans for the COVID-19 pandemic,¹⁴ along with the anti-Asian American hate incidents that followed.¹⁵

The Chinese Exclusion Act of 1882 excluded immigrants from China¹⁶—and the United States eventually banned Asian immigrants with the Immigration Act of 1917—in the wake of economic competition between these immigrants and white American laborers. Those Asian Americans who remained in the United States were not eligible for naturalization, which was limited to “free, white persons.”¹⁷ In *Ozawa v. United States*,¹⁸ the U.S. Supreme Court ruled that Japanese Americans were not “Caucasian” and thus not “white,” rendering them ineligible for citizenship.¹⁹ Under the pseudoscientific racial frameworks accepted by many at the time, this ruling would also apply to Chinese Americans and other immigrants from East and Southeast Asia. Less than a year later, in *United States v. Thind*,²⁰ the Supreme Court ruled that while Asian Indian Americans were

1254–55 (1993).

12. Gerald N. Hallberg, *Bellingham, Washington’s Anti-Hindu Riot*, in *THE NORTHWEST MOSAIC: MINORITY CONFLICTS IN PACIFIC NORTHWEST HISTORY* 140 (James A. Halseth & Bruce A. Glasrud eds., 1977).

13. Zhou, *supra* note 7; Joanne B. Trauner, *The Chinese as Medical Scapegoats in San Francisco, 1870-1905*, Vol. 57 *CALIFORNIA HISTORY* 70 (Spring, 1978).

14. *See infra* notes 38–43.

15. *See infra* notes 44–48.

16. Chinese Exclusion Act, ch. 126, 22 Stat. 58 (1882).

17. Naturalization Act of 1790, ch. 3, 1 Stat. 103 (Mar. 26, 1790). For an analysis of litigation over the meaning of “white” under this Act, see IAN F. HANEY LOPEZ, *WHITE BY LAW: THE LEGAL CONSTRUCTION OF RACE* (1996).

18. *See Ozawa v. United States*, 260 U.S. 178, 198 (1922) (holding that the Japanese appellant was not Caucasian and therefore “on the negative side” of the law’s reach).

19. *See id.* 260 (denying appellant’s admission to citizenship).

20. *See United States v. Thind*, 261 U.S. 204, 214–15 (1923) (holding that Indians could not be “free white persons”).

“Caucasian,” they too were not “white,” as they did not fit into the common understanding of whiteness.²¹

Asian Americans also continued to face racist oppression throughout the twentieth century. The internment of Japanese American during World War II is a well-known example.²² The U.S. Supreme Court upheld this internment in *Korematsu v. United States*.²³ Like much of the Asian American experience, these racist incidents are rooted in the view of Asian Americans as “perpetual foreigners”—people who can never truly be Americans.²⁴

Nevertheless, World War II had many other consequences for global power distribution, and it changed the trajectory for Asian Americans. In 1946, the Luce-Celler bill reopened small annual immigration quotas from countries in Asia.²⁵ The 1952 McCarran-Walter Act removed racial restrictions on immigration.²⁶ The Asian American population grew quickly after the Immigration Act of 1965²⁷ targeted educated professionals from Asian countries: Scientists and engineers whose technical expertise helped America keep up with the Soviet Union during

21. See *id.* at 215 (“[W]hatever may be the speculations of the ethnologist, it does not include the body of people to whom the appellee belongs.”).

22. See generally *Korematsu v. United States*, 323 U.S. 214 (1944) (upholding internment of Japanese Americans during World War II).

23. *Id.*; see also *Gong Lum v. Rice*, 275 U.S. 78, 87 (1927) (ruling that Chinese Americans could be subject to segregation in public schooling).

24. See Frank Wu, *Where Are You Really From? Asian Americans and the Perpetual Foreigner Syndrome*, 6 C.R. J. 14, 16 (2002) (discussing how people with Asian faces are automatically presumed to be foreigners and are persistently asked “where are you really from?”); see also Neil Gotanda, *Comparative Racialization: Racial Profiling and the Case of Wen Ho Lee*, 47 UCLA L. REV. 1689, 1694 (2000) (noting that “foreignness is a crucial dimension of the American racialization”); Vinay Harpalani, *Racial Stereotypes, Respectability Politics, and Running for President: Examining Andrew Yang’s and Barack Obama’s Presidential Bids*, L. PROFESSOR BLOGS NETWORK (June 14, 2020), <https://lawprofessors.typepad.com/racelawprof/2020/06/racial-stereotypes-respectability-politics-and-running-for-president-examining-andrew-yangs-and-bara.html> [perma.cc/98LB-FKUZ].

25. Act of July 2, 1946, ch. 534, Pub. L. No. 79-483, 60 Stat. 416 (repealed 1952).

26. McCarran-Walter Act, Pub. L. No. 82-414, 66 Stat. 163 (1952).

27. Pub. L. No. 89-236, 79 Stat. 911 (1965) (extending Visa availability to those with exceptional ability in the sciences or arts).

the Cold War.²⁸ The children of these professionals had the advantage of growing up in educated home environments and often became high academic achievers. This phenomenon facilitated the “model minority” stereotype of Asian Americans—the notion that Asian Americans are successful because of hard work and cultural factors.²⁹ The model minority stereotype masks the hardships that some Asian American groups such as Filipino Americans commonly face.³⁰ It is also employed as a weapon against Black, Latina/o, and Native Americans in debates over social and educational policies.³¹ Most notably, this has occurred with affirmative action—particularly in the recent cases brought against Harvard and the University of North Carolina at Chapel Hill.³²

The model minority image has not stopped Asian Americans from becoming targets of racism: It increased resentment and fear from white Americans.³³ By the 1980s, when large numbers of

28. See Vinay Harpalani, *DesiCrit: Theorizing the Racial Ambiguity of South Asian Americans*, 69 N.Y.U. ANN. SURV. AM. L. 77, 138–42 (2013) (describing shift in immigration and its contribution to model minority stereotype).

29. *Id.* at 139; see also RONALD TAKAKI, *STRANGERS FROM A DIFFERENT SHORE: A HISTORY OF ASIAN AMERICANS* 474–84 (1989); Wu, *supra* note 24, at 38–77.

30. See Louise Hung, *Who is Forgotten in the “Model Minority” Myth?*, GLOB. COMMENT (Dec. 7, 2017), <http://globalcomment.com/forgotten-model-minority-myth/> (“Filipino-Americans do not garner the same social status as Chinese-Americans or Japanese-Americans might. They are often stereotyped as less qualified, less educated, and more prone to crime—stereotyping more in keeping with Latinx, Native American, and Black experiences.”) [perma.cc/Q6AB-95FS].

31. Kat Chow, *‘Model Minority’ Myth Again Used As A Racial Wedge Between Asians And Blacks*, NPR (Apr. 19, 2017), <https://www.npr.org/sections/codeswitch/2017/04/19/524571669/model-minority-myth-again-used-as-a-racial-wedge-between-asians-and-blacks> (“The effect? Minimizing the role racism plays in the persistent struggle of other racial/ethnic minority groups—especially black Americans.”) [perma.cc/C7RJ-PQCV].

32. See *Project on Fair Representation Announces Lawsuits Challenging Admissions Policies at Harvard Univ. and Univ. of North Carolina-Chapel Hill*, STUDENTS FOR FAIR ADMISSIONS (Nov. 17, 2014), <https://studentsforfairadmissions.org/project-on-fair-representation-announces-lawsuits-challenging-admissions-policies-at-harvard-univ-and-univ-of-north-carolina-chapel-hill/> [perma.cc/SV5C-3YNU].

33. See Harpalani, *supra* note 28, at 140 (stating that the model minority and perpetual foreigner stereotypes are related in some ways, and both have links to U.S. immigration policy); *Id.*; see also Okihiro, *supra* note 8, at 141–47 (noting how Asian Americans have been viewed as a “yellow peril,” emphasizing threats to white Americans due to economic competition, and a “peril of the mind,”

Asian Americans started enrolling at elite universities,³⁴ xenophobia on college campuses emerged as a reaction. Different campuses were labelled with racial epithets that reflected the perpetual foreigner stereotype: MIT became "Made in Taiwan," and UCLA became "University of Caucasians Lost among Asians."³⁵ The 1980s also saw incidents of racist violence against different Asian American groups: Two of the most high-profile incidents were the 1982 murder of Vincent Chin (Chinese American) in Detroit, Michigan,³⁶ and the 1987 murder of Navroze Modi (Indian American) in Jersey City, New Jersey.³⁷ And in the late 1990s and early 2000s, the well-known spying case of Chinese American scientist Wen Ho Lee, who was later absolved of almost all accusations, also illustrated negative sentiments towards Asian Americans.³⁸

All of these events set the historical context for the racist backlash during the COVID-19 pandemic. After shutdowns began in America, former President Donald Trump repeatedly pointed blame for the pandemic towards China. He referred to the novel coronavirus as the "Chinese virus,"³⁹ even though the World

emphasizing threats to white Americans due to educational and occupational success).

34. See DANA TAKAGI, *THE RETREAT FROM RACE: ASIAN PACIFIC AMERICAN ADMISSIONS AND RACIAL POLITICS* 21 (1998) ("Between 1970 and 1980 Asian Americans were the fastest-growing minority in undergraduate enrollment at U.S. colleges and universities.").

35. *Id.*

36. See Becky Little, *How the 1982 Murder of Vincent Chin Ignited a Push for Asian American Rights*, HIST. (May 5, 2020), <https://www.history.com/news/vincent-chin-murder-asian-american-rights> (noting that Chin was murdered because he was thought to be Japanese and responsible for the auto industry's decline in Detroit) [perma.cc/38MN-BVJT].

37. See Deborah N. Misir, *The Murder of Navroze Mody: Race, Violence, and the Search for Order*, 22 AMERASIA J. 55, 55 (1996) (stating that Mody's murder was committed by the by "Dotbusters"—a gang that specifically targeted South Asian Americans in Jersey City).

38. See Lowen Liu, *Just the Wrong Amount of American: Wen Ho Lee's 1999 Arrest Taught Chinese Americans that Their Country May Never Trust Them*, SLATE (Sept. 11, 2016), <https://slate.com/news-and-politics/2016/09/the-case-of-scientist-wen-ho-lee-and-chinese-americans-under-suspicion-for-espionage.html> (discussing Wen Ho Lee's spying case and aftermath) [perma.cc/229B-VU8H].

39. See Allan Smith, *Photo of Trump Remarks Shows 'Corona' Crossed Out and Replaced with 'Chinese' Virus*, NBC NEWS (Mar. 19, 2020), <https://www.nbcnews.com/politics/donald-trump/photo-trump-remarks-shows-corona-crossed-out-replaced-chinese-virus-n1164111> (noting that Trump went

Health Organization has issued specific guidance against referring to viruses by geographic names.⁴⁰ In the notes before one of his speeches, Trump even crossed out the term “coronavirus” and replaced it with “Chinese virus.”⁴¹ He also called COVID-19 the “China Plague”⁴² and “Kung Flu.”⁴³ Other Republican politicians followed suit and also blamed China for the pandemic.⁴⁴

While it is difficult to measure the broad social impact of these statements, there has been an increase in racist crimes and incidents against Asian Americans since March 2020, when the pandemic came to the forefront of American public consciousness.⁴⁵ Between March 19, 2020 and February 28, 2021,

out of his way to refer to COVID-19 as the Chinese virus) [perma.cc/229B-VU8H].
40. See Tedros Adhanom Ghebreyesus, Director-General, WORLD HEALTH ORG., Media Briefing, WHO Director-General’s remarks at the media briefing on 2019-nCoV on 11 February 2020, (Feb. 11, 2020) <https://www.who.int/director-general/speeches/detail/who-director-general-s-remarks-at-the-media-briefing-on-2019-ncov-on-11-february-2020> [perma.cc/D2M5-GK GK].

[W]e now have a name for the disease: COVID-19 [U]nder agreed guidelines between WHO, the World Organisation for Animal Health and the Food and Agriculture Organization of the United Nations, we had to find a name that did not refer to a geographical location, an animal, an individual or group of people, and which is also pronounceable and related to the disease. Having a name matters to prevent the use of other names that can be inaccurate or stigmatizing.

41. Smith, *supra* note 39.

42. Kimmy Yam, *Donald Trump Touts Racial Equality While Referring to COVID-19 as ‘China Plague’*, NBC NEWS (June 5, 2020), <https://www.nbcnews.com/news/asian-america/donald-trump-touts-racial-equality-while-referring-covid-19-china-n1226176> [perma.cc/A9M4-EQL6].

43. Bruce Y. Lee, *Trump Once Again Calls Covid-19 Coronavirus The ‘Kung Flu’*, FORBES (June 24, 2020), <https://www.forbes.com/sites/brucelee/2020/06/24/trump-once-again-calls-covid-19-coronavirus-the-kung-flu/?sh=6cb20b031f59> [perma.cc/B4GG-HNT6].

44. See STOP AAPI HATE, THE RETURN OF “YELLOW PERIL”: ANTI-AAPI RHETORIC AND POLICIES LEADING UP TO THE 2020 ELECTION (Oct. 21, 2020), 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 (cataloging anti-Asian and Asian American sentiment by politicians during the 2020 campaign season) [perma.cc/F9BZ-XY6D].

45. See, e.g., Ben Chapman, *New York City Sees Rise in Coronavirus Hate Crimes Against Asians*, WALL STREET J. (Apr. 2, 2020), <https://www.wsj.com/articles/new-york-city-sees-surge-in-coronavirus-hate->

STOP AAPI Hate reported 3,795 such incidents in the United States.⁴⁶ In an earlier survey, Stop AAPI Hate found that over thirty percent directly involved anti-Chinese rhetoric, and close to fifteen percent had direct mention of the pandemic.⁴⁷ A Stop AAPI Hate study of approximately 1,000 Asian American youth also reported that one in four had been the victim of some anti-Asian American bias after the beginning of the pandemic.⁴⁸ Additionally, from 2019 to 2020, the New York Police Department reported a seven-fold increase in hate crimes with Asian American victims.⁴⁹ Other sources indicate that media coverage of Asian Americans has amplified bias against Asian Americans, and social media and internet reflect this trend also.⁵⁰

Asian Americans are identified as targets largely based on physical traits such as eyelid shape—which serve as markers of foreignness. Implicit bias research shows that Americans tend to perceive faces with epicanthic folds (or single eyelids)⁵¹ as foreign

crimes-against-asians-11585828800?mod=searchresults&page=1&pos=13&mod=article_inline (discussing the increased hate crimes against Asian people in New York City following the start of the Coronavirus pandemic) [perma.cc/KV5Y-6NP].

46. STOP AAPI HATE, STOP AAPI HATE NATIONAL REPORT 3/19/20–2/28/21, <https://secureservercdn.net/104.238.69.231/a1w.90d.myftpupload.com/wp-content/uploads/2021/03/210312-Stop-AAPI-Hate-National-Report-.pdf> [perma.cc/2FG2-U388].

47. STOP AAPI HATE, ANTI-CHINESE RHETORIC EMPLOYED BY PERPETRATORS OF ANTI-ASIAN HATE 1 (Oct. 11, 2020), https://a1w.90d.myftpupload.com/wp-content/uploads/2020/10/Stop_AAAP_Hate_Anti-China_Rhetoric_Report_201011.pdf. [perma.cc/X9DL-VTFU].

48. Katherine Park, *1 in 4 young Asian Americans experienced anti-Asian hate amid COVID-19*, FOX11 NEWS LA (Oct. 5, 2020), <https://www.foxla.com/news/1-in-4-young-asian-americans-experienced-anti-asian-hate-amid-covid-19> [perma.cc/XK3C-JFBZ].

49. Alexandra E. Petri & Daniel E. Slotnik, *Attacks on Asian-Americans in New York Stoke Fear, Anxiety and Anger*, N.Y. TIMES (Feb. 26, 2021), <https://www.nytimes.com/2021/02/26/nyregion/asian-hate-crimes-attacks-ny.html> [perma.cc/6NV6-3KWX].

50. See MEGAN DELA CRUZ ET AL., THEY BLAMED ME BECAUSE I AM ASIAN: FINDINGS FROM YOUTH-REPORTED INCIDENTS OF ANTI-AAPI HATE 11 (2020), <https://secureservercdn.net/104.238.69.231/a1w.90d.myftpupload.com/wp-content/uploads/2020/09/Stop-AAPI-Hate-Youth-Campaign-Report-9-17.pdf> (explaining how news media and social media have contributed to the dissemination of Anti-Asian rhetoric) [perma.cc/G5AD-2G39].

51. See Daniel Nelson, *What Are Monolid Eyes: Epicanthic Fold*, SCI. TRENDS (Dec. 5, 2018), <https://sciencetrends.com/what-are-monolid-eyes-epicanthic-fold/> [perma.cc/2BFC-D53K]. There is no consensus on how to describe

rather than American.⁵² Just as dark skin has come to denote criminality, single eyelids represent a menacing foreignness—marking people who possess them as targets for hate and bias. Eyes are among the most noticeable of human physical features, and racist sentiments towards one group of Asian Americans often leads to the targeting of other groups also. For example, during World War II, although the United States and China had a common enemy in Japan, white Americans could not tell the difference between Japanese and Chinese Americans. In December 1941, after the Pearl Harbor attack and the United States’ declaration of war on Japan, *Life Magazine* published an article entitled “How to Tell Japs from the Chinese,” delineating what the editors perceived were physical differences between the two groups.⁵³ And the COVID-19 pandemic has seen targeting of

this eye shape. The term “almond-shape” is considered pejorative by some people, although it is still used by others. See generally Kat Chow, *Why Do We Describe Asian Eyes as ‘Almond-Shaped?’*, NAT’L PUB. RADIO CODE SW!TCH: WORD WATCH (Sept. 16, 2013, 11:52 AM) <https://www.npr.org/sections/codeswitch/2013/09/16/219402847/-almond-shaped-eyes-remarkably-exotic-yet-too-foreign/> [perma.cc/EGY5-SZJD]. In addition to eyes, other facial features such as nose shape can also influence the perception of certain faces as foreign. Nevertheless, eyes have a greater symbolic linkage to foreignness, due to derogatory terms such as “slanted eyes” and to the prominence of eye contact as a facet of human interaction.

52. See MAHZARIN R. BANAJI, *BLINDSPOT: HIDDEN BIASES OF GOOD PEOPLE* 109 (2013)

A]n [Implicit Association] measure of an *Asian = foreign* stereotype . . . used images of students’ faces to represent the groups *Asian* and *White*, making it clear that both the Asians and Whites were born and raised in the United States, and measured associations to symbols that represented *American* and *foreign*, using pictures of monuments, currencies, and maps . . . The results . . . showed that both White and Asian American respondents were more adept at associating White Americans than Asian Americans with American symbols such as a dollar bill or a map of the United States.

53. See *How to Tell Japs from the Chinese*, LIFE, Dec. 22, 1941, at 81

The typical Northern Chinese . . . is relatively tall and slenderly built. His complexion is parchment yellow, his face long and delicately boned, his nose more finely bridged. Representative of the Japanese people . . . [is] . . . a squat, long-torsoed build, a broader, more massively boned head and face, flat, often pug, nose, yellow-ocher skin and heavier beard.

various Asian American groups among which single eyelids are common.

But single eyelids are not common among all Asian American groups. They are most frequently possessed by East Asian Americans (descended from China, Korea, Japan, Mongolia, or Taiwan)⁵⁴ and Southeast Asian Americans (descended from Thailand, Vietnam, Laos, Cambodia, Myanmar, Malaysia, Singapore, the Philippines, Indonesia, Brunei, or Timor-Leste).⁵⁵ Other Asian American groups, such as South Asian Americans (descended from India, Pakistan, Bangladesh, Sri Lanka, Nepal, Bhutan, Afghanistan, or the Maldives Islands),⁵⁶ are less likely to have single eyelids and have not been primary targets of COVID-19 hate crimes.⁵⁷

54. See Isabelle Khoo, *The Difference Between East Asians And South Asians Is Pretty Simple*, HUFFPOST CANADA (May 30, 2017), https://www.huffingtonpost.ca/2017/05/30/difference-between-east-asians-and-south-asians_n_16872338.html#:~:text=East%20Asians%20are%20people%20who,Bhutan%2C%20Sri%20Lanka%20or%20Maldives.&text=People%20who%20are%20Southeast%20Asian,China%2C%20but%20east%20of%20India (“East Asians are people who are from China, Korea, Japan, Taiwan or Mongolia”) [perma.cc/6KXH-3TC8].

55. *Id.*

56. *Id.*; see generally UNITED NATIONS, WORLD POPULATION PROSPECTS 2019 17 (2019) [perma.cc/FQA2-KGXC]. Classification schemes for Asian countries can vary. The United Nations, Population Information Network (POPIN) also includes Iran as part of South Asia and does not include Bhutan or the Maldives Islands (which this Article does include). The South Asian Association for Regional Cooperation (SAARC) includes India, Pakistan, Afghanistan, Bangladesh, Sri Lanka, Nepal, Bhutan, and the Maldives Islands. See South Asian Ass’n for Regional Cooperation, Charter (Dec. 8, 1985). The World Bank includes these same nations in its definition. Cf. *South Asia Overview*, WORLD BANK, <http://www.worldbank.org/en/region/sar/overview#3> [perma.cc/CJQ7-S8S8].

57. Cf. STOP AAPI HATE, STOP AAPI HATE NATIONAL REPORT 3.19.20-8.5.20, (Aug. 5, 2020), https://securerervercdn.net/104.238.69.231/a1w.90d.myftpupload.com/wp-content/uploads/2020/10/Stop_AAPI_Hate_National_Report_200805.pdf (noting the percentage of hate crimes committed against various Asian American subgroups) [perma.cc/72HD-RRSA]. Although it is rare, there are times when South Asian Americans and East Asian Americans have been confused—I have experienced this myself. See Vinay Harpalani, *Ambiguity, Ambivalence, and Awakening: A South Asian Becoming “Critically” Aware of Race in America*, 11 BERKELEY J. AFR.-AM. L. & POL’Y 71, 71–72 (2009) (noting how I was called epithets denoting Japanese and Chinese identities).

Single eyelids are also not the only symbols of perpetual foreignness. South Asian Americans, along with Arab and Middle Eastern Americans, have been stereotyped as terrorists and targeted for anti-Muslim hate and bias crimes—particularly after 9/11. Racial profiling and bias crimes in the wake of 9/11 targeted both Muslims and those who are perceived as Muslims. Perpetrators of these racist acts link Islam with terrorism through a process of ideological misarticulation and misunderstanding.⁵⁸ They also conflate language, ethnicity, and geography: “Arab” and “Middle Eastern” are equated with “Muslim”⁵⁹—even though many Arab Americans are not Muslim, and many Middle Eastern Americans are neither Arab nor Muslim.⁶⁰ Similarly, most South Asian Americans are not Muslim,⁶¹ but they are still targets of anti-Muslim violence based on superficial physical and cultural

Looking back [to 1979, when the incident happened], I suspect that [being referred to as Japanese] was related to the rising economic competition between the U.S. and Japan in the late 1970s, particularly in the automotive industry. I wonder now if any of those kids had parents who worked at the Chrysler plant down the street from my elementary school; that might explain where they learned the racial epithet.

58. See Harpalani, *supra* note 28, at 161 (“Since September 11, 2001, both hate crimes and racial profiling have involved the joint classification of Arab and South Asian Americans as terrorists.”).

59. *Id.*

60. See *Arab and Other Middle Eastern Americans*, MINORITY RTS. GRP. INT’L, <https://minorityrights.org/minorities/arab-and-other-middle-eastern-americans/> (outlining religions and nationalities of Middle Eastern Americans) [perma.cc/V6C8-53EQ].

61. See Joseph Liu, *Asian Americans: A Mosaic of Faiths*, PEW RSCH. CTR. (July 19, 2012), <https://www.pewforum.org/2012/07/19/asian-americans-a-mosaic-of-faiths-overview/> (noting South Asian countries actually have a larger population of Muslims than Middle Eastern nations, after Indonesia, India, Pakistan, and Bangladesh which have the world’s largest Muslim populations) [perma.cc/92DN-Z6AD]; see also Jeff Diamant, *The Countries with the 10 Largest Christian Populations and the 10 Largest Muslim Populations*, PEW RSCH. CTR.: FACTTANK (Apr. 1, 2019), <https://www.pewresearch.org/fact-tank/2019/04/01/the-countries-with-the-10-largest-christian-populations-and-the-10-largest-muslim-populations/> (showing that the United States is not included in the list of the top ten countries with the largest Muslim populations) [perma.cc/342P-W3PJ].

similarities.⁶² Sikh Americans,⁶³ particularly males, have often been mistaken for Arab/Muslim because they grow long beards and wear turbans.⁶⁴ South Asian Americans without beards or turbans often have hair, eye color, and skin tones that are similar to peoples from the Middle East, owing in part to the long history of migration and interaction between the two regions. All of these features can also be symbols of foreignness—manifested through Muslim terrorist stereotypes.⁶⁵

COVID-19-related and anti-Muslim hate incidents thus reveal the different racialized experiences of various Asian American communities. Although the perpetual foreigner stereotype is a common theme, it can be manifested in a variety of ways. Failure to distinguish between East Asian Americans, South Asian Americans, and Southeast Asian Americans can obscure important differences between subgroups.⁶⁶

62. See Harpalani, *supra* note 28, at 161–62 (noting that South Asians and Arab Americans are often grouped together based on similarities like physical appearance and cultural symbols).

63. See *Who are Sikhs? What is Sikhism?*, SIKHNET, <https://www.sikhnet.com/pages/who-are-sikhs-what-is-sikhism> (explaining the basics of Sikhism) [perma.cc/W3J2-37FC].

64. Lily Kuo, *Sikhs, Often Mistaken for Muslims, Call for Better Understanding of Their Religion*, FILIPINOS ABROAD (Aug. 7, 2012), <http://www.filipinosabroad.com/sikhs-often-mistaken-for-muslims-call-for-better-understanding-of-their-religion> [perma.cc/RJ6V-GE84]. See Shaun Tandon, *Year After Massacre, Threat Persists for US Sikhs*, YAHOO! NEWS SING. (Aug. 2, 2013), <https://sg.news.yahoo.com/massacre-threat-persists-us-sikhs-142547547.html> (noting the discriminatory violence faced by Sikh men who are easily visible as their faith requires them to keep beards and wear turbans, which attackers falsely link with radical Islam) [perma.cc/8RE6-YWW7]. Another violent incident against Sikh Americans occurred on April 15, 2021, when a shooter in Indianapolis, Indiana killed eight people—including four Sikh Americans—at a FedEx ground facility. Simran Jeet Singh, *Why Sikh Americans Again Feel Targeted After the Indianapolis Shooting*, CNN (Apr. 17, 2021), <https://www.cnn.com/2021/04/17/opinions/indianapolis-shooting-sikh-singh/index.html> [perma.cc/4CS3-4ZZV].

65. See VIJAY PRASHAD, UNCLE SWAMI 8 (2012) (noting that Muslim terrorist stereotypes include characteristics such as “olive skin, turbans, head scarves, facial hair”).

66. See, e.g., Nancy P. Gordon, Teresa Y. Lin, Jyoti Rau, and Joan C. Lo, *Aggregation of Asian-American Subgroups Masks Meaningful Differences in Health and Health Risks Among Asian Ethnicities: An Electronic Health Record Based Cohort Study*, 19 BMC PUB. HEALTH 1551, at 14 (2019) (“In most instances, the prevalence estimates for the All Asian group significantly differed from estimates for the individual Asian-American ethnic groups, confirming that

Formal racial classifications make the issue even more confusing. Ironically, although South Asian Americans and Arab and Middle Eastern Americans are joint targets based on perceived race; the U.S. Census Bureau classifies the two groups in different racial categories: South Asian Americans are part of the “Asian” category, whereas Arab and Middle Eastern Americans are classified as “white,”⁶⁷ even though these regions are considered part of Western Asia.⁶⁸ Americans descended from other parts of Asia are also not considered under the rubric of “Asian American.” Those from Central Asia (consisting of Iran and of the former Soviet Republics of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan)⁶⁹ and those from North Asia (which include “Russian regions east of the Ural Mountains: Ural, Siberia and the Russian Far East”)⁷⁰ are also formally classified as “white” in the U.S. Census.⁷¹ The majority of the Asian continent

reporting statistics for an aggregated Asian-American race group masks meaningful differences between Asian-American ethnic subgroups.”). Additionally, Pacific Islanders are sometimes classified with Asian Americans. See *infra* notes 104–105 and accompanying text.

67. See Harpalani, *supra* note 28, at 162 (“South Asian Americans are included in the ‘Asian/Pacific Islander’ category, while Arab Americans are classified as ‘[w]hite.’”). For the 2020 Census, Middle Eastern Americans lobbied unsuccessfully for a Middle Eastern and North African (MENA) designation. See Laura Measher, *The 2020 Census Continues the Whitewashing of Middle Eastern Americans*, NBC NEWS (May 21, 2020), <https://www.nbcnews.com/think/opinion/2020-census-continues-whitewashing-middle-eastern-americans-ncna1212051> (stating the discord between racial classification and everyday experience also speaks to different modes of racialization) [perma.cc/6UQH-DP54]; see also Harpalani, *supra* note 28, at 111 (defining “formal racialization” as “creation and application of official racial classification schemes by the government or another source of authority[]” and “informal racialization” as “racial characterizations that do not involve official classification schemes, but rather situational characterizations based on social meanings associated with race”).

68. Definitions of Western Asia are more contested: Regions typically included are “Anatolia, the Arabian Peninsula, Iran, Mesopotamia, the Levant region, the island of Cyprus, the Sinai Peninsula, and Transcaucasia (partly).” See *Map of Western Asia*, UNITED NATIONS, <https://www.un.org/Depts/Cartographic/map/profile/westasia.pdf> [perma.cc/NUX8-LWJE].

69. *Central Asia*, BRITANNICA, <https://www.britannica.com/place/Central-Asia> [perma.cc/E7RM-CPNQ].

70. See *North Asia*, BRITANNICA, <https://www.britannica.com/place/North-Asia> [perma.cc/CVE6-2FR6].

71. See *Race*, U.S. CENSUS BUREAU,

is not included in the Census’s formal definitions of “Asian” ancestry.⁷²

As the Asian American population grows rapidly and becomes more visible, the nuances of identity become even more significant. The demographic profiles of Asian American subgroups can vary widely.⁷³ And even within the subgroups, demographics and experiences can vary significantly. For example, among Southeast Asian Americans, a large percentage of immigrants from Vietnam have been refugees,⁷⁴ while Filipino Americans have historically experienced American colonialism.⁷⁵ Non-Asian Americans are often unfamiliar with any of these types of distinctions.⁷⁶

The 2020 Democratic presidential primary also illustrated the diversity of Asian Americans and how some groups are rendered invisible. Three candidates had Asian American roots: Hawaii

<https://www.census.gov/quickfacts/fact/note/US/RHI625219> (defining “Asian” as those from the Far East or Southeast Asia) [perma.cc/W4NR-26VE].

72. *Id.*

73. See generally *Asian Americans: A Diverse and Growing Population*, PEW RSCH. CTR., <https://www.pewresearch.org/topics/asian-americans/> [perma.cc/AAH6-TBLK].

74. See Elijah Alperin & Jeanne Batalova, *Vietnamese Immigrants in the United States*, MIGRATION POLY INST. (Sept. 13, 2018), <https://www.migrationpolicy.org/article/vietnamese-immigrants-united-states-5> (“Large-scale Vietnamese migration to the United States started as an influx of refugees following the end of the war.”) [perma.cc/24SS-32FQ].

75. See Hung, *supra* note 30 (“Additionally, because of that colonial history (both Spanish and American) the Filipino-American experience has much in common with Native American or African American culture.”).

76. See Vinay Harpalani, *Why I am not “Asian” and Other Reflections on Asian American Identities*, L. PROFESSOR BLOGS NETWORK (July 19, 2017), <https://lawprofessors.typepad.com/racelawprof/2017/07/why-i-am-not-asian-and-other-reflections-on-asian-american-identities.html> [perma.cc/RPB9-EA2G].

Often, when I present my research on South Asian American racial ambiguity to academic audiences, a fellow scholar who is not Asian American will come up to me afterwards to talk about my presentation. Although I used the term ‘South Asian American’ dozens of times during the presentation, the person will say something like ‘your work on Southeast Asians is really interesting’—despite the fact that I did not use the term ‘Southeast Asian’ at all. Of course, I realize that this is a perfectly innocent mistake, but it does reflect a general lack of familiarity with Asian Americans, even among some scholars who are interested in race.

Congresswoman Tulsi Gabbard, California Senator and future Vice President Kamala Harris, and entrepreneur Andrew Yang.⁷⁷ The former two only got occasional attention for their Asian American heritage. But Yang's quest for the 2020 Democratic presidential nomination made him the most visible Asian American politician in U.S. history.⁷⁸ Yang, whose parents immigrated to the United States from Taiwan, fit the stereotypical image of Asian Americans: East Asian American with single eyelids.⁷⁹ He also highlighted his Asian American identity at various times during his campaign, sometimes drawing on the

77. See Matt Stevens, *at a Historic Moment for Asian-American Candidates, Andrew Yang Leans In*, N.Y. TIMES (May 22, 2019), <https://www.nytimes.com/2019/05/22/us/politics/andrew-yang-2020-asian-candidates.html> ("For the first time, there are three Asian-American and Pacific Islanders seeking a major party's nomination for president.") [perma.cc/4MY-8AW2].

78. See Vinay Harpalani, *Racial Stereotypes, Respectability Politics, and Running for President: Examining Andrew Yang's and Barack Obama's Presidential Bids*, L. PROFESSOR BLOGS NETWORK (June 14, 2020), <https://lawprofessors.typepad.com/racelawprof/2020/06/racial-stereotypes-respectability-politics-and-running-for-president-examining-andrew-yang-and-bara.html> [perma.cc/8Y9W-KS9K]. There have been Asian American presidential candidates in prior years. Hawaii Senator Hiram Fong, a child of Chinese (Cantonese) immigrants, won votes for the 1964 Republican presidential nomination from both the Hawaii and the Alaska delegations. In 1972, Representative Patsy Mink, also from Hawaii, a third generation Japanese American, became the first Asian American to seek the Democratic presidential nomination. However, neither received the national visibility that Yang received, as they ran in an era when primary campaigns were shorter and received less media coverage, when racial identity was not politicized as much, and when Asian Americans were less numerous and visible. *Id.* Former Louisiana Governor Bobby Jindal, who is of South Asian descent, was a 2016 Republican presidential candidate, but Jindal deliberately de-emphasized his heritage. See Marina Fang, *Bobby Jindal Has Antiquated Views on Immigrant Assimilation*, HUFFPOST (Aug. 7, 2015), https://www.huffpost.com/entry/bobby-jindal-immigration_n_55c3fe0de4b0923c12bc5d88 ("Throughout [Bobby Jindal's] rise as a politician, he has celebrated his process of assimilation to draw attention to his success.") [perma.cc/A78Y-QAN5].

79. See Jennifer Lee & Karthick Ramakrishnan, *Who Counts as Asian?*, 43 ETHNIC & RACIAL STUDIES 1733 (2020) ("For White, Black, Latino, and most Asian Americans, the default for Asian is East Asian."); see also *Asian*, SEPARATED BY A COMMON LANGUAGE BLOG (Sept. 6, 2006), <https://separatedbyacommonlanguage.blogspot.com/2006/09/asian.html> (noting that in the United States, the term "Asian" is typically used to refer to people and things from East Asia, while people from South Asia are labelled by nationality, often incorrectly under the mistaken assignment of Indian) [perma.cc/7F7M-N5TD].

model minority stereotype. During one rally, Yang called his own campaign “the nerdiest presidential campaign in history[.]”⁸⁰ and he pledged to use PowerPoint during his State of the Union address.⁸¹ Yang also joked that “I am Asian, so I know a lot of doctors”;⁸² and “the opposite of Donald Trump is an Asian man who likes math.”⁸³ “MATH,” which stands for Make American Think Harder,⁸⁴ was Yang’s campaign slogan: He wore a “MATH” pin as his signature, playing to the notion that Asian Americans excel at math, science, and academics generally.⁸⁵ Yang brought attention to his racial background by jovially playing up racial stereotypes—drawing criticism from some Asian American commentators.⁸⁶ He also underscored his Asian American identity when he recounted his experiences with racism.⁸⁷ Later, in response to

80. Todd Bishop & Taylor Soeper, *In Seattle Visit, Presidential Hopeful Andrew Yang Calls on Amazon to Admit Job Loss from Automation*, GEEK WIRE (May 4, 2019), <https://www.geekwire.com/2019/seattle-visit-presidential-candidate-andrew-yang-calls-amazon-admit-job-loss-automation/> [perma.cc/8UZM-HUTU].

81. *Id.*

82. Li Zhou, *Andrew Yang’s Use of Asian Stereotypes is Reinforcing Toxic Tropes*, VOX (Sept. 17, 2019), <https://www.vox.com/policy-and-politics/2019/9/17/20864861/andrew-yang-debate-asian-stereotype-model-minority-myth> [perma.cc/7F3D-5MQP].

83. *Id.*

84. Matt Stevens, *Andrew Yang’s Quest to ‘Make America Think Harder’*, N.Y. TIMES, Sept. 6, 2019, <https://www.nytimes.com/2019/09/06/us/politics/andrew-yang-2020.html> (noting that those voters disaffected by Trump have swapped their red MAGA hats for blue MATH ones) [perma.cc/33UD-BV7J].

85. See Matt Stevens, *Is Andrew Yang ‘Too Nice’ to Beat President Trump?*, N.Y. TIMES (May 10, 2019), <https://www.nytimes.com/2019/05/10/us/politics/andrew-yang-2020-president.html?action=click&module=RelatedCoverage&pgtype=Article®ion=Footer> (noting that Yang was also sometimes stereotyped as too passive) [perma.cc/7E4A-VZ2W]; see also Harpalani, *supra* note 78 (stating that Yang also sometimes defied the Asian American “nerd” stereotype that is associated with the model minority: he was often “cool, poised, and humorous during his debate appearances”).

86. See, e.g., Zhou, *supra* note 82.

87. Tim Hains, *Andrew Yang on Growing Up Asian-American, Being ‘Bullied’ With Racial Slurs*, REALCLEAR POLS. (Sept. 10, 2019), https://www.realclearpolitics.com/video/2019/09/10/andrew_yang_on_growing_up_asian-american_being_bullied_with_racial_slurs.html (noting his experiences with struggling to fit in, as well as his experiences with being called racial slurs due to his minority status) [perma.cc/M3S6-ZUDD]. After his presidential bid,

COVID-19-related hate and bias crimes against Asian Americans, Yang wrote a Washington Post op-ed urging Asian Americans to show their patriotism.⁸⁸ He was again criticized sharply for placing responsibility on the wrong party and being a “white-people pleaser.”⁸⁹

But what about Gabbard’s and Harris’s Asian American identities? Gabbard is one-half American Samoan and one-half German. Because she is Hindu and has a South Asian first name,⁹⁰ she was sometimes mistakenly thought to be of South Asian descent.⁹¹ All of this led to her racial identity being quite

Yang began a campaign for Mayor of New York City, during which he has faced critiques that draw upon the model minority stereotypes and stoke recent xenophobia against Asian Americans. See Erin Durkin, *A Mini-Trump: New York Mayoral Candidates Look to Take Down Yang*, POLITICO (Apr. 7, 2021), <https://www.politico.com/states/new-york/albany/story/2021/04/07/a-mini-trump-new-york-mayoral-candidates-look-to-take-down-yang-1371914> (noting that one of Yang’s opponents in the New York City mayoral campaign, Brooklyn Borough President Eric Adams, claimed: “This is a city where a leader must have been a worker. People like Andrew Yang never held a job in his entire life,” although Yang has worked several jobs) [perma.cc/33LC-HUNH]. Adams, a former New York Police Department police captain, also seeks to exploit the fact that Yang graduated from Brown and Columbia and has been employed at corporate law firms, startups, and a technology non-profit organization. *Id.* All of these reflect the model minority stereotype and can invoke its connection to xenophobia. Yang’s campaign managers, Sasha Ahuja and Eric Coffey, also noted the xenophobic context of Adams’ comments. See *id.* (“The broadside drew a particularly pointed response from Yang’s camp, who accused him of hateful rhetoric amid a spike in anti-Asian attacks. ‘Eric Adams today crossed a line with his false and reprehensible attacks. The timing of his hate-filled vitriol towards Andrew should not be lost on anyone[.]’”).

88. See Andrew Yang, *We Asian Americans are Not the Virus, but We Can Be Part of the Cure*, WASH. POST (Apr. 1, 2020), <https://www.washingtonpost.com/opinions/2020/04/01/andrew-yang-coronavirus-discrimination/> (“[Asian Americans] need to embrace and show our Americanness in ways we never have before . . . step up, help our neighbors, donate gear, vote, wear red, white and blue . . . show without a shadow of a doubt that we are Americans who will do our part for our country . . .”) [perma.cc/XZ9M-LPKX].

89. See Canwen Xu, *Andrew Yang was Wrong. Showing Our ‘Americanness’ is Not How Asian-Americans Stop Racism*, WASH. POST (Apr. 3, 2020), <https://www.washingtonpost.com/opinions/2020/04/03/andrew-yang-wrong-showing-our-american-ness-is-not-how-asian-americans-stop-racism/> (calling Andrew Yang a “white-people pleaser”) [perma.cc/Y37F-KY8G].

90. “Tulsi” is also a gender-neutral name. As a South Asian American, I have both male and female relatives named Tulsi.

91. See *Fact-check: Is Tulsi Gabbard of Indian Origin?*, DECCAN HERALD (Sept. 25, 2019), <https://www.deccanherald.com/international/world-news-politics/fact-check-is-tulsi-gabbard-of-indian-origin-763866.html> (“In conclusion,

ambiguous.⁹² Perhaps as a consequence, Gabbard received less attention for her racial and ethnic background and more for her unorthodox political positions and her criticism of other candidates.⁹³

Kamala Harris’s Asian American identity was attenuated for various reasons. She is also biracial: The child of a South Asian (Tamil) immigrant mother and Black Jamaican immigrant father.⁹⁴ For many reasons, *Black* is a more visible and salient racial status in the United States, and American media emphasized Harris’s Black identity more than her South Asian American identity.⁹⁵ Although Harris discussed her mother’s cultural and personal influence,⁹⁶ she talked more frequently

many mainstream outlets misreported that Democratic presidential candidate representative Tulsi Gabbard is a woman of Indian-origin while she has herself publicly denied to have Indian ancestry.” [perma.cc/93PL-7TPK].

92. Gabbard is also a military veteran. *Id.* In a sense, she epitomized superficial notions of diversity rooted solely in belonging to marginalized and selected groups: A one-half American Samoan one-half German Hawaiian Hindu military veteran with a gender-neutral South Asian name.

93. See Kelefa Sanneh, *What Does Tulsi Gabbard Believe?*, NEW YORKER (Oct. 30, 2017), <https://www.newyorker.com/magazine/2017/11/06/what-does-tulsi-gabbard-believe> (describing Gabbard’s “stubbornly personal” approach to politics) [perma.cc/H27F-49FJ].

94. See Vinay Harpalani, *Dreams From My Father, Dreams From My Mother: Tracing the Multiple Identities of Barack Obama and Kamala Harris*, L. PROFESSOR BLOGS NETWORK (Feb. 23, 2019, 3:40 PM), <https://lawprofessors.typepad.com/racelawprof/2019/02/dreams-from-my-father-dreams-from-my-mother-reflections-on-barack-obama-and-kamala-harris.html> (last updated Sept. 25, 2019, 3:49 PM) (“By crediting her mother for both her South Asian pride and strong Black identity, Harris’ story, perhaps even more than Obama’s, illustrates the full potential of cross-racial understanding.”) [perma.cc/43TE-E4Y6].

95. See William Wong, *If Kamala Harris is also of Asian descent, why does the press only label her ‘Black?’*, POYNTER (Aug. 11, 2020), <https://www.poynter.org/reporting-editing/2020/if-the-d-a-is-of-half-asian-descent-why-does-the-press-label-her-black/> (noting the media’s repeated labeling of Kamala Harris as Black and potential reasons) [perma.cc/Z2GH-69Y7]. Media in India has emphasized Kamala Harris’s South Asian roots to a greater extent. See, e.g., Ravikumar P & Sudarshan Varadhan, *Indian Villagers Celebrate Inauguration of Kamala Harris*, NEWS TIMES INDIA (Jan. 21, 2021), <https://www.newsindiatimes.com/indian-villagers-celebrate-inauguration-of-kamala-harris/> (celebrating Harris’s inauguration in India) [perma.cc/M238-TJX8].

96. KAMALA HARRIS, *THE TRUTHS WE HOLD* 10 (2019) (“My mother . . . instilled us with pride in our South Asian roots . . . [o]ur classic Indian names harked back to our heritage, and we were raised with a strong awareness

about her experiences as a Black woman. Moreover, the limited media coverage of Harris's South Asian roots focused on her family in India and her childhood experiences visiting there,⁹⁷ rather than on any unique experiences she had as a South Asian American. This itself illustrates that Asian Americans generally are viewed as foreigners, more associated with their homelands than with their experiences in the United States.⁹⁸ Additionally, in the United States, only groups whose members commonly have single eyelids are seen as "Asian" or Asian American.⁹⁹ Americans view peoples descended from the Indian subcontinent separately.¹⁰⁰ Even among Asian American groups, South Asian Americans are "A Part, Yet Part."¹⁰¹

All of this raises the question of whether the category of "Asian American" itself makes sense. South Asian Americans are typically classified with Asian Americans but not thought of as such in the

of and appreciation for Indian culture . . .").

97. See, e.g., Jeffrey Gettleman and Suhasini Raj, *How Kamala Harris's Family in India Helped Shape Her Values*, N.Y. TIMES (Sept. 17, 2020), <https://www.nytimes.com/2020/08/16/world/asia/kamala-harris-india.html> (discussing Kamala Harris's family and ancestry, particularly her mother's side in India) [perma.cc/B7B8-A5MY].

98. See sources cited *supra* note 24. In the wake of the March 16, 2021 shooting of six Asian American women in Atlanta and the Biden Administration's attention to such hate crimes, Vice President Kamala Harris's Asian American identity has taken on more prominence at times. See David Nakamura, *Raised to Identify as Black, Harris Steps Into Role as a Voice for Asian Americans Amid Rise in Hate Incidents*, WASH. POST (Mar. 28, 2021), https://www.washingtonpost.com/national-security/kamala-harris-asian-americans/2021/03/27/46efd156-8e3a-11eb-a6bd-0eb91c03305a_story.html?utm_campaign=wp_main&utm_medium=social&utm_source=facebook&fbclid=IwAR32BA7MvyQluxz4NZ6gI8yof8VyfbWZ83LfYPDODkoBj_8b5lTmOTf3QjA (reporting on Vice President Harris's speech after the Atlanta attacks) [perma.cc/LEZ8-Z4JE].

99. Cf. Lee & Ramakrishnan, *supra* note 79 ("For White, Black, Latino, and most Asian Americans, the default for Asian is East Asian.").

100. *Id.*; see also *Asian*, SEPARATED BY A COMMON LANGUAGE BLOG (Sept. 6, 2006), <https://separatedbyacommonlanguage.blogspot.com/2006/09/asian.html> (explaining that in the United Kingdom however, the term "Asian" is used to refer to people of South Asian descent) [perma.cc/7F7M-N5TD].

101. See LAVINA SHANKAR, A PART, YET APART: SOUTH ASIANS IN ASIAN AMERICA 183 (Lavina Dhingra Shankar & Rajini Srikanth eds., 1998) (discussing how South Asian Americans occupy a marginal position among Asian Americans as a whole).

United States.¹⁰² Peoples descended from North, Western, or Central Asia are not even classified as Asian Americans.¹⁰³ Inclusion of Pacific Islanders is also contested. Terminology can vary depending in large part on whether Pacific Islanders are included.¹⁰⁴ “Asian American” is often used in common parlance, but “Asian Pacific American” (APA), “Asian/Pacific Islander” (API), and “Asian American Pacific Islander” (AAPI) are also used as more inclusive terms, particularly on the West Coast where there are more Pacific Islanders. “Asian American Native Hawaiian Pacific Islander” (AANHPI) is even more inclusive. Formerly, the U.S. Census Bureau combined these groups into the “Asian/Pacific Islander” category, but the current Census separates Native Hawaiian and Pacific Islander from “Asian,” and it lists many different sub-groups under “Asian.”¹⁰⁵

The ambiguous nature of Asian American identity has played out in recent politics, as President Biden has made nominations for administrative posts and judgeships. One example of this is reaction to Asian American representation in President Biden’s Cabinet and high-level administrative positions. Katherine Tai, a Chinese American who was chosen for U.S. Trade Representative, will be the only East Asian American member of Biden’s Cabinet.¹⁰⁶ In January 2021, the Asian Pacific American Institute for Congressional Studies (APAICS) criticized the Biden

102. See *id.*; sources cited *supra* note 79.

103. See *supra* notes 68–73 and accompanying text.

104. See *Defining Diaspora: Asian, Pacific Islander, and Desi Identities*, CAL. ST. UNIV. SAN MARCOS, [https://www.csusm.edu/ccc/programs/diaspora.html#:~:text=Pacific%20Islanders%20refer%20to%20those,%2C%20and%20Tonga%20\(Tongan\)](https://www.csusm.edu/ccc/programs/diaspora.html#:~:text=Pacific%20Islanders%20refer%20to%20those,%2C%20and%20Tonga%20(Tongan)) (noting that “Pacific Islander” typically includes people from three major island groups in the Pacific Ocean: Micronesia, Melanesia, and Polynesia) [perma.cc/VFP6-G2Z8].

105. *What Census Calls Us*, PEW RSCH. CTR. (Feb. 6, 2020), <https://www.pewresearch.org/interactives/what-census-calls-us/> [perma.cc/NXM9-ER6Q].

106. See *Biden picks Asian-American Katherine Tai for USTR*, NIKKEI ASIA (Dec. 10, 2020), <https://asia.nikkei.com/Politics/International-relations/Biden-s-Asia-policy/Biden-picks-Asian-American-Katherine-Tai-for-USTR> (explaining that one example of this is recent criticism of sparse Asian American representation in President Joe Biden’s Cabinet and high-level administrative positions as Katherine Tai, a Chinese American who was chosen for U.S. Trade Representative, will be the only East Asian American member of Biden’s Cabinet) [perma.cc/59SS-5S96].

Administration for its failure to nominate an Asian American Cabinet Secretary.¹⁰⁷ APAICS “urge[d] that the [Biden] administration remedy [its] blatant oversight . . . with future appointments that include other leadership positions in agencies, White House staff, and Boards and Commissions.”¹⁰⁸ However, the Biden Administration did nominate several South Asian Americans for relatively high level positions: Vivek Murthy as U.S. Surgeon General, Neera Tarden as Director of the Office of Management and Budget, Vanita Gupta as Associate Attorney General, Ali Zaidi as Deputy National Climate Advisor, Vinay Reddy as Director of Speechwriting, and others.¹⁰⁹ And of course, Vice President Kamala Harris is also part of Biden’s Cabinet. It is unclear how APAICS viewed these appointments in terms of filling high-level positions with Asian Americans. Perhaps APAICS’s critical statement was intended to be specifically aimed at the lack of Asian American Cabinet Secretaries.

Later, when President Biden announced his first eleven judicial nominees, APAICS praised his selection of four Asian

107. See Press Release, Asian Pac. Am. Inst. for Cong. Stud., AIPACS Statement on Lack of AAPI Cabinet Secretary In Over 20 Years, (Jan. 8, 2021), <https://apaics.org/media/press-releases/biden-no-aapi-cabinet-secretary/?fbclid=IwAR1TKoVPfngaDo5N-8zBZqVpkisi7iD2cW51QsjRc3fzzJHurchJ91SWxg0> (noting that in January 2021, APAICS criticized the Biden Administration for failing to nominate an Asian American Cabinet Secretary and “urge[d] that the [Biden] administration remedy [its] blatant oversight . . . with future appointments that include other leadership positions in agencies, White House staff, and Boards and Commissions”) [perma.cc/7LSA-M5GL].

108. *Id.*

109. See Kunal Gaurav, *Biden’s Inauguration: Here’s a List of Indian-Americans nominated for key roles*, HINDUSTAN TIMES (Jan. 11, 2021, 4:35 PM), <https://www.hindustantimes.com/world-news/bidens-inauguration-here-s-list-of-indian-americans-nominated-for-key-roles-101610361491434.html> (noting the Biden Administration nominated several South Asian Americans for relatively high level positions: Vivek Murthy, U.S. Surgeon General; Neera Tarden, Director of the Office of Management and Budget; Vanita Gupta, Associate Attorney General; Ali Zaidi, Deputy National Climate Advisor; Vinay Reddy, Director of Speechwriting; and others) [perma.cc/E7T2-YJWR]; Neera Tarden eventually withdrew her nomination amidst criticism over her past caustic tweets. Lalit K. Jha, *Neera Tanden withdraws her nomination as White House budget chief*, NEWS MINUTE (Mar. 3, 2021), <https://www.thenewsminute.com/article/neera-tanden-withdraws-her-nomination-white-house-budget-chief-144510> [perma.cc/E7QQ-WQ69].

Americans: Judge Florence Y. Pan (Chinese American),¹¹⁰ Judge Zahid N. Quraishi (Pakistani American),¹¹¹ Judge Rupa Ranga Puttagunta (Asian Indian American),¹¹² and Regina Rodriguez (one-half Hawaiian Japanese American and one-half Mexican American).¹¹³ Interestingly though, in commending the President’s judicial nominees, APAICS referred to “Asian Americans, Native Hawaiians, and Pacific Islanders (AANHPIs)” even though its own name does not disaggregate all of these groups.¹¹⁴

110. It was very difficult to find a source that gave an indication of Judge Pan’s ethnicity or nation of ancestry. Many sources referred to her Asian American or Asian Pacific American, but none directly stated that she was Chinese American. The only inference that could be made was from a print source from her wedding announcement in the New York Times, which stated that there was a “Chinese wedding banquet.” See *WEDDINGS/CELEBRATIONS: Florence Pan, Max Stier*, N.Y. TIMES, May 23, 2004, <https://www.nytimes.com/2004/05/23/style/weddings-celebrations-florence-pan-max-stier.html> [perma.cc/BK5Q-H82T]. The difficulty in identifying Judge Pan’s ethnicity or nation of ancestry in print media or other internet sources illustrates how Asian American groups (and particularly East Asian American groups) are often lumped together, erasing national and ethnic identities.

111. *Booker, Menendez Applaud Nominations of Julien Xavier Neals and Zahid Quraishi for Federal Judgeships*, INSIDER NJ (Mar. 30, 2021), <https://www.insidernj.com/press-release/booker-menendez-applaud-nominations-julien-xavier-neals-zahid-quraishi-federal-judgeships/> [perma.cc/7FXV-LSYV].

112. Arun Kumar, *Indian American Rupa Ranga Puttagunta Named as Federal Judge*, AM. BAZAAR (Mar. 31, 2021), <https://www.americanbazaaronline.com/2021/03/31/indian-american-rupa-ranga-puttagunta-named-as-federal-judge-444760/> [perma.cc/DN9Y-YT22].

113. See Press Release, Off. of Senator Michael Bennet, Bennet, Hickenlooper Applaud Biden’s Intent to Nominate Regina Rodriguez to Serve on U.S. District Court (Mar. 30, 2021), <https://www.bennet.senate.gov/public/index.cfm/2021/3/bennet-hickenlooper-applaud-biden-s-intent-to-nominate-regina-rodriguez-to-serve-on-u-s-district-court> (“Rodriguez is the daughter of a Mexican American father and a Japanese American mother.”) [perma.cc/RN5X-5YZU]. As with Judge Pan, it was difficult to find a source that gave Rodriguez’s ethnicity or nation of ancestry. This again speaks to the erasure of Asian American identities—particularly for East Asian Americans.

114. *APAICS Commends the Biden Administration on its Commitment and Response to Asian Americans, Native Hawaiians, and Pacific Islanders*, APAICS (Mar. 31, 2021), <https://apaics.org/media/press-releases/apaics-commends-the-biden-administration-on-its-commitment-and-response-to-asian-americans-native-hawaiians-and-pacific-islanders/> [perma.cc/74RK-XQKN].

Terminology is always contested, but it does reflect the salience of particular identities. Should groups such as Pacific Islander Americans and Native Hawaiians be considered distinct from Asian Americans, be combined but named separately in a category such as AANHPI, or simply be included in the rubric of “Asian American”? Whichever classification is chosen will affect how these groups are thought of and talked about not only in conversations about race, but more in American society more generally.

Similarly, South Asian Americans could merit a separate category because of our own different racialized experiences. Whereas East and Southeast Asian Americans have suffered the most scapegoating during the COVID-19 pandemic, South Asian Americans (along with Arab and Middle Eastern Americans) were targeted more after 9/11.¹¹⁵ And we are not typically thought of as Asian American.¹¹⁶ However, while that notion of “South Asian” is salient to progressive South Asian Americans,¹¹⁷ it may not be to recent immigrants from countries in South Asia.¹¹⁸ A term like “Desi”—which refers to the entire South Asian diaspora—might be more accepted.¹¹⁹ But this can still lead to erasure of national identities such as Indian, Pakistani, and Sri Lankan and ethnic

115. See *supra* notes 58–62 and accompanying text.

116. See *supra* notes 99–102.

117. See Prema Kurien, *To Be or Not to Be South Asian: Contemporary Indian American Politics*, 6 J. ASIAN AM. STUD. 261, 277 (2003)

Groups that are lumped together, such as ‘blacks,’ ‘Asians,’ ‘Native Americans,’ and ‘Latinos,’ have developed ethnic solidarity by voluntarily adopting the ascribed category and by reinterpreting the history of individual groups to create a common heritage . . . [and] . . . [t]his is the same logic that explains the formation of South Asian groups in the United States.

Professor Kurien gives South Asian Americans Leading Together and South Asian Network as examples of organizations that have adopted this identity. *Id.* at 267–69. Progressive South Asian Americans in particular may want to reject religious and national conflicts between India and Pakistan and to embrace an identity such as “South Asian” that unifies the two.

118. See, e.g., *id.* at 265 (“Members of Hindu, or Indic, groups . . . maintain that it is disadvantageous for India to be lumped together with other countries in South Asia.”).

119. Terms like “Desi American” or “Sindhi American” could also be adopted in order to emphasize American-ness. See *infra* notes 141–143 and accompanying text.

identities such as Punjabi, Sindhi, etc., which may be the most salient identities for some people. For example, at the University of Pennsylvania ("Penn"), there is not only an Asian Pacific Student Coalition, South Asia Society, and an Assembly of South East Nations, but also cultural student organizations focusing on numerous specific national or ethnic identities: Arab, Bangladeshi, Bengali, Chinese, Hawaiian, Hong Kongese, Indonesian, Iranian/Persian, Japanese, Korea, Lebanese, Malaysian, Pakistani, Singaporean, Taiwanese, and Thai.¹²⁰

Combining different groups into a larger whole can always lead to the erasure of certain identities.¹²¹ But there are also experiences common to all Asian Americans, such as the model minority and perpetual foreigner stereotypes. While distinctions between and within groups are important, it may also be advantageous at times for all Asian Americans to organize together politically and promote a common identity.¹²² Groups have taken various approaches to resolve these dilemmas. Another example comes from Penn: In 2000, the Pan Asian American Community House (PAACH), a cultural resource center for Asian American students, opened at Penn.¹²³ PAACH was created through campus activism by Asian American students.¹²⁴ South Asian American students in particular advocated for the term "Pan

120. *Pan Asian American Community House Student Organizations*, U. PA., <https://paach.vpul.upenn.edu/organizations/> [perma.cc/XG55-YV6H]. Part of the reason there are so many Asian American student organizations is that college is a salient time for identity formation and exploration.

121. *See supra* notes 115 & 120.

122. *See* 80/20 NAT'L ASIAN AM. EDUC. FOUND., <http://www.80-20initiative.net/> (describing 80-20 as a national, nonpartisan PAC dedicated to winning equal opportunity and justice for all Asian Americans) [perma.cc/67MJ-2LR4]; *see also* Li Zhou, *What We Know About Who Asian American Voters Supported in the Election*, VOX (Nov. 14, 2020, 1:30 PM), <https://www.vox.com/21561408/asian-american-voters-presidential-election> (noting that AAPI voters are far from a monolith) [perma.cc/3T6T-25WB]; *see also* Matt Stevens, *Asian-American Voters Can Help Decide Elections. But for Which Party?*, N.Y. TIMES, (Jan. 3, 2021), <https://www.nytimes.com/2021/01/03/us/politics/asian-american-voters.html?fbclid=IwAR0S7HOvTKlPIJssMwBtPqJrQmU2Hv72ewdT6kim-JMpqcg8t2wGFpOoOIM> (noting that the Asian American vote is significant enough to influence the outcome of elections) [perma.cc/J2W8-BFAG].

123. *See History of PAACH*, U. PA., http://www.vpul.upenn.edu/paach/about_history (last visited Nov. 5, 2013).

124. *Id.*

Asian American” in the name, feeling that this would allow South Asian Americans to feel more included.¹²⁵

Such issues are inherent in the complexity of identity politics. Sometimes the choices between emphasizing Asian American subgroups versus Asian Americans as a whole will be difficult and will lead to disagreement. There is no singular and definitive answer to the question of identity groupings. And individuals and groups can adopt different, overlapping identities and terms for different purposes.

However, it is problematic to use the broad term “Asian” alone to refer to any group of people. It is a common shorthand, and people use it quite frequently without critical reflection.¹²⁶ Even many Asian Americans refer to themselves as “Asians.” Some Asian American groups and entities also use the term “Asian” alone in their names—although others that once did have switched to “Asian American.”¹²⁷ But in my view, use of “Asian” to refer to Asian Americans is questionable for several reasons.

First, “Asian” by itself reinforces the perpetual-foreigner stereotype.¹²⁸ The “American” part is especially important for a group that has long been considered foreign and un-American.¹²⁹

125. Harpalani, *supra* note 28, at 139 n.358. More recently, the term “Asian Pacific Islander Desi American” (APIDA) has been adopted to highlight the inclusion of both South Asian Americans and Pacific Islanders. *Northwestern APIDA Staff Affinity Group (ASAG), Who is APIDA?*, Nw. U., <https://sites.northwestern.edu/asag/about-us/who-is-apida/> [perma.cc/CX2L-TKP5].

126. See Harpalani, *supra* note 76 (noting that the exclusion of “American” from “Asian American” contributes to the perpetual foreigner stereotype).

127. One example is the Asian American Law Journal (AALJ) at the University of California Berkeley School of Law. ALJ was known as the Asian Law Journal until 2007, when changed its name. See *About This Journal*, U.C. BERKELEY, <https://www.law.berkeley.edu/library/ir/aalj/about.php> [perma.cc/WKH8-F7NG].

128. *Id.*

129. *Id.* There is the more general issue of whether it is fair to refer to people in the United States as “American,” given that “American” could refer to anywhere in North America or South America. Cf. Sophie-Claire Hoeller, *25 Common American Customs that are Considered Offensive in Other Countries*, BUS. INSIDER (Aug. 5, 2015), <https://www.businessinsider.com/american-customs-that-are-offensive-abroad-2015-8> (“In South America, claiming you’re from America, rather than the United States, is seen as being politically incorrect, as it implies that only the US should be considered America, and that South America is unworthy of the title.”) [perma.cc/9WRA-BE37]. While this is an issue worthy of discussion, it is beyond the scope of this Essay.

Beyond the overt forms of racism, the perpetual foreigner stereotype characterizes the everyday experiences of Asian Americans—often in subtle ways. Many people assume that Asian Americans cannot speak English well, that we are unfamiliar with American customs, and that we are more loyal to our ancestral countries than to the United States.¹³⁰ Failure to distinguish between natives of Asian countries, recent immigrants to the United States, and Asian Americans who were born in the United States obscures important differences in everyday experiences.¹³¹ Second-generation Asian Americans are raised in different cultural environments than natives of our ancestral nations or even immigrants from those nations who come to the United States as adults.¹³² And generational conflicts over career choice, dating, and other issues are well known in Asian American families that include both adult immigrants and second-generation Asian American children.¹³³ Referring to Asian Americans as simply “Asian” obscures all of these important differences.

Second, dropping the “American” is unusual for racial terminology in the United States. The term “African” is not typically used as shorthand for African Americans,¹³⁴ nor is

130. See Wu, *supra* note 24, at 15 (noting that Asian Americans are often viewed as visitors at best, intruders at worst).

131. It is possible that people who are not U.S. citizens do not view themselves as “American.” My own view is that anyone who resides in the United States is an “American.” But if those who are only residing temporarily do not want to adopt the American label, it is best to refer to them by their nation of citizenship (or by their ethnicity if they prefer), rather than simply calling them “Asian.”

132. See *Immigrant vs. Second-generation: Difference in Asian-American Experience*, DYSKE (Dec. 12, 2017), <https://dyske.com/paper/1258> (highlighting the differences in experiences and attitudes that Asian immigrants and first-generation Asian Americans have) [perma.cc/H8TW-KB3B].

133. See BANDANA PURKAYASTHA, NEGOTIATING ETHNICITY: SECOND-GENERATION SOUTH ASIAN AMERICANS TRAVERSE A TRANSNATIONAL WORLD 110 (2005) (highlighting familial opposition to dating choices, for example).

134. Some African American entities do emphasize ancestral connections to Africa. For example, many universities have Africana Studies departments and programs which focus on African diaspora experiences. See, e.g., *Mission Vision and Purpose*, UNIV. OF N.M. AFRICANA STUD. PROGRAM, <http://africanastudies.unm.edu/about-us/index.html> (“Africana Studies at UNM uses a critical Africana philosophy and worldview to investigate African descended peoples’ experiences from the perspective of their interests, aspirations, possibilities and envisioned destinies.”) [perma.cc/2MJ5-UBLT]; see also *Department of Africana Studies*, UNIV. OF PA. DEP’T OF AFRICANA STUD., <https://africana.sas.upenn.edu/department> (noting that “Africana Studies is an

“European” used as shorthand for white Americans. “Black” and “white” are used for these respective groups, but those terms do not reference other geographic regions of the world. “Native American” is more contested terminology, as some indigenous peoples prefer not to label themselves as “American.” Latina/o Americans often have the “American” label dropped: For example, sometimes Mexican Americans are referred to as just “Mexican.” But perhaps not uncoincidentally, Latina/o Americans are also often viewed as foreigners.¹³⁵ The root of the perpetual-foreigner stereotype is confusing people who were born and raised in countries like Mexico, China, and India with Americans who just trace their ancestry to these regions.¹³⁶

interdisciplinary field of study devoted to the critical and systematic examination of the cultural, political, social, economic, and historical experiences of African Americans, Africans, and peoples of African descent around the world.”) [perma.cc/ZH2L-CW2A]; see also *Kwanza: A Celebration of Family, Community and Culture*, OFF. KWANZAA WEBSITE, <https://www.officialkwanzaawebsite.org/> (noting that holidays such as Kwanzaa allow African Americans to connect to their African roots) [perma.cc/YMR5-V2PH]; However, the default assumption for Black people in America is that they are African American, not African or Afro-Caribbean immigrants. See Cydney Adams, *Not All Black People are African American. Here’s the Difference*, CBS NEWS (June 18, 2020), <https://www.cbsnews.com/news/not-all-black-people-are-african-american-what-is-the-difference/> (noting that “[m]any people often default to ‘African American.’”) [perma.cc/C6B7-ZD2P]. Only with cues such as accent or dress are Black people in America identified as immigrants. Also, it is important to note that African Americans are in a fundamentally different position from Asian Americans. African Americans generally came to the United States involuntarily and were stripped away from their heritage. Conversely, Asian Americans generally came to the U.S. voluntarily, seeking economic and social opportunities. See generally JOHN OGBU, *MINORITY EDUCATION AND CASTE: THE AMERICAN SYSTEM IN CROSS-CULTURAL PERSPECTIVE* 23 (1978) (distinguishing between three types of minority groups: (1) Autonomous minorities; (2) immigrant (or “voluntary”) minorities; and (3) caste-like (or “involuntary”) minorities). Asian Americans largely maintained some connection to our homelands, and while Asian Americans do celebrate their ancestral traditions, we do not have to find and assert their ancestry in the same way that African Americans do.

135. See Suzanne Gamboa, *Racism, Not a Lack of Assimilation, is the Real Problem Facing Latinos in America*, NBC NEWS (Feb. 26, 2019), <https://www.nbcnews.com/news/latino/racism-not-lack-assimilation-real-problem-facing-latinos-america-n974021> (noting that Latina/os Americans are “[f]oreigners in their own land.”) [perma.cc/8FJB-ME8M]. The issue may be more complicated for Native Americans, whose presence predated European colonization of the Western Hemisphere, and who thus have a claim to this land that pre-dates the existence of the United States of America.

136. See Harpalani, *supra* note 76 (“The ‘American’ part is really important

Third, the singular label “Asian” also lumps together almost 4.7 billion people¹³⁷—more than one half of the world’s population.¹³⁸ It is too broad to describe any population meaningfully.¹³⁹ It may be a convenient shorthand, but it conflates too many different experiences. It is a lazy term which connotes a lack of interest in understanding the vast diversity among the people it references. As typically used in the United States, it is also geographically off-base: “Asian” does not even include people descended from several parts of the Asian continent—North Asia, Central Asia, and Western Asia.¹⁴⁰

Fourth, people in Asian countries do not think of themselves as “Asian.” Typically, they associate with their nation of citizenship or with their ethnic group (e.g., Punjabi, Han Chinese, etc.). Ironically, only diasporic peoples use the term as a self-referent,¹⁴¹ and even there it has different connotations. In the United States, single eyelids are the marker: It is usually East Asian Americans and Southeast Asian Americans who refer to themselves as “Asian.”¹⁴² In the United Kingdom however, people

to many of us.”).

137. *Asia Population (Live)*, WORLDOMETER, [https://www.worldometers.info/world-population/asia-population/#:~:text=Asia%20Population%20\(LIVE\)&text=The%20current%20population%20of%20Asia,of%20the%20total%20world%20population](https://www.worldometers.info/world-population/asia-population/#:~:text=Asia%20Population%20(LIVE)&text=The%20current%20population%20of%20Asia,of%20the%20total%20world%20population) [perma.cc/RW28-KF8Z].

138. *See Current World Population*, WORLDOMETER, <https://www.worldometers.info/world-population/> (listing the world’s population at almost 7.9 billion) [perma.cc/3P2K-KNRB].

139. “Asian American” is also a broad term, but at least an identity that we created for ourselves. Unlike “Asians” as a whole, Asian Americans do at least sometimes think of ourselves as a meaningful group. We have some common experiences in the U.S. and Asian American denotes not several billion people, but approximately 23 million. *See* Don Lee, *Atlanta Shootings Expose Outdated Asian American Stereotypes—and Largest U.S. Income Gap*, L.A. TIMES (Apr. 2, 2021), <https://www.latimes.com/politics/story/2021-04-02/atlanta-shootings-provide-glimpse-into-the-other-side-of-asian-americans> (noting that Asian American population, including those born abroad, is 23 million) [perma.cc/DW2A-8PKV]. For more on Asian American identity formation, see Robert S. Chang, *The Invention of Asian Americans*, 3 U.C. IRVINE L. REV. 947 (2013).

140. *See supra* notes 6867–73 and accompanying text.

141. *See* Kurien, *supra* note 117, at 277 (“Groups that are lumped together, such as . . . ‘Asians’[] . . . have developed ethnic solidarity by voluntarily adopting the ascribed category . . .”).

142. *See supra* notes 51–57 and accompanying text.

of South Asian descent are the largest minority group and are referred to as “Asian.”¹⁴³

Finally, at its root, “Asian” is a Western construct that promotes fetishization—a label of foreignness and exoticism, similar to “Oriental.” How we label people affects how we view and treat them. Indeed, the most accurate use of “Asian” is to describe a form of othering—reflected in fetishization and violence of the Atlanta shooter.¹⁴⁴ As long as Asian Americans are thought of simply as “Asians,” we will never truly be seen as Americans.

143. *Supra* note 100 and accompanying text.

144. *See supra* notes 3–6 and accompanying text. One could argue that social justice movements that directly move against such othering can use the term “Asian” as a descriptor. For example, #StopAsianHate is a hashtag that represents a progressive movement focused on elimination of othering. *See* STOP ASIAN HATE, <https://www.stopasianhate.info/> [perma.cc/N7K8-S99P]. Such movements are important, although I would still avoid using “Asian” alone.