

CHINESE AMERICAN BAR ASSOCIATION

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October 7, 2016

Ms. Vanita Gupta
Principal Deputy Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington DC 20530-0001

Dear Ms. Gupta,

On behalf of over 100 Chinese American and other Asian organizations, this letter serves as an expression of our outrage over the rap artist YG's "Meet the Flockers" lyrics and video, which incites hate crimes against Chinese-American residents and businesses. We hereby request the U.S. Department of Justice to investigate this matter and take appropriate actions to prevent Chinese Americans from victimization by this hateful video.

In *Watts v. United States*, 394 U.S. 705 (1969), the Supreme Court ruled that threats must be distinguished from expression that is entitled to First Amendment protection. Where speech threatens the safety of others, state and federal governments can regulate such expression. That is, speech that threatens public peace may be regulated precisely because of its content.

The Supreme Court, in *Virginia v. Black*, 538 U.S. 343 (2003), specified that intimidation is a type of true threat, and that "a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals" fell outside the scope of protected expression. Whether there is lack of immediate risk of violence or the lack of the speaker's own intent to carry out the threat does not diminish the seriousness of the threat conveyed by such speech.

The lyrics of YG's rap song tastelessly provide a clear and precise roadmap to exploiting and violating the home of a family in a Chinese neighborhood, chosen because, stereotypically, Chinese people "don't believe in bank accounts". YG brags about carrying loaded firearms ("nines with two clips on you") and seeking out valuable items in the family's home (laptop, plasma television, jewelry box) to steal. Then he tells his fellow criminals not to feel ashamed for their vicious and terrorizing behavior, to rob and hence to injure innocent Chinese-Americans.

YG's portrayal of Chinese families as easy targets who possess nice items to steal degrades and dehumanizes Asian-Americans in a way that reinforces harmful and negative stereotypes about Asians: Asians are easy and convenient victims. While news reports about race relations problems between blacks and Asians do not grab headlines as frequently as violence between blacks and whites, violence perpetrated by blacks on Asians has been a significant proportion of violent crime for many years, and is increasingly common. Even prior to YG's YouTube video in 2014, San Francisco's own Police Department had conducted a survey in 2008 where it found that Asian Americans were targeted in 85% of physical assault crimes and the perpetrators were African-

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American. Over the past year, northern Philadelphia has suffered an increase in crimes committed against Asian-Americans, including violent crimes such as armed robberies and burglaries. Videos and rap lyrics such as YG's reassure listeners and followers that such behavior is perfectly appropriate – even admirable and worth bragging about.

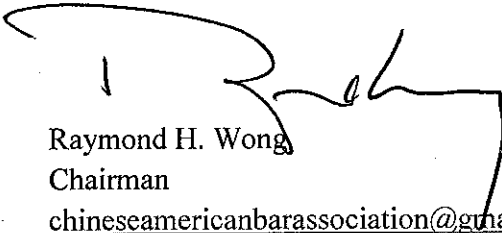
In the past, rap lyrics have enjoyed protection as artistic expression, and sensational lyrics and exaggerated posturing are understood to be common elements of rap lyrics where the speaker seeks to establish his "street cred" by appearing tough, aggressive, unafraid, etc. But the fact that YG's video is posted on YouTube, with 1 billion active users every month, means that YG's hateful lesson, inciting and encouraging violence against Chinese families and Asian-Americans generally, is reaching a wider audience than ever. Young and impressionable children have access to such YouTube videos, and absorb demeaning ideas about Asian stereotypes. YG's lyrics provide listeners who are eager wannabes with clear, specific instructions to target and harm members of a racial group to improve their own reputations and images. Enthusiastic listeners are encouraged to act out the scenario described in the lyrics, possibly escalating the level of violence and thereby contributing to an atmosphere of fear, suspicion and hostility between African-American and Asian-American communities.

Past Supreme Courts considering how to balance between protected expressions and their potentially harmful or violent effects did not have to take into consideration the influence of the internet and social media. Thanks to modern technology, modern-day communications can be disseminated easily and widely, and therefore have far greater reach and potentially greater effect. Therefore, YG's lyrics and video go far beyond artistic expression that deserves protection. The intent and impact of YG's rap, from promoting crime and advocating injury to a particular group of people, moves "Meet the Flockers" beyond the threshold of speech that is protected by the First Amendment to hate speech.

While the video of YG's "Meet the Flockers" has been removed by YouTube following complaints by Chinese and Asian groups, many remaining links and caches exist where it can still be accessed and viewed. To prevent further violence, we respectfully ask that your office investigate and take appropriate action against any individuals or media perpetrating such bigoted and hateful criminal behavior.

Should you have any questions, please feel free to contact the undersigned.

Yours Truly,



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Chairman

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