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Stop AAPI Hate Welcomes Executive Order Against Anti-AAPI Hate; Shares Specific Policies Needed to Combat Hate

January 25, 2021 – *President Biden is expected to sign an executive order tomorrow, Jan. 26, that disavows discrimination against the AAPI community, particularly in light of rhetoric around the COVID-19 pandemic. Stop AAPI Hate issued the following statement:*

After four years of policies targeting the Asian American community and other communities of color, and increasing xenophobic, anti-Asian rhetoric from the former president, we are relieved that one of President Biden’s first actions is to issue an order disavowing discrimination against the AAPI community.

Since the start of the pandemic, the Asian American community has struggled not only with the COVID-19 pandemic, but with a climate of increasing fear and discrimination. [Thousands of us](#) have been the victims of racist attacks, with the knowledge that much of the racist hate we face has been fueled by leaders in our government, including the former president.

While we await the details of this executive order, which President Biden is expected to sign tomorrow, we acknowledge that significant work must be done to address the harm done to the AAPI community. This is a time for the Biden-Harris administration to take bold action.

Building upon the executive orders ending the Muslim and African bans and the ban on racial sensitivity trainings, we call upon President Biden to reverse other xenophobic executive orders and policies put into place by the Trump administration – including the ban on Chinese students and researchers and policies targeting the use of WeChat. Furthermore, we call on the Biden-Harris administration to prioritize policies of public education, community mediation and restorative justice to end racial bias and profiling.

Specifically, we urge the Biden-Harris administration to take the following, necessary actions to address anti-AAPI hate:

1. Expand civil rights protections for individuals experiencing discrimination. Applicability of Title II under the Civil Rights Act of 1964 has been confined to inns, restaurants and entertainment venues. Congress should amend Title II to broaden the definition of “public

accommodations” to include more businesses like retail outlets, including grocery stores, pharmacies and big box stores and public transportation, all places where AAPIs report being discriminated against. Additionally, Congress should extend the rights afforded under Title II beyond those discriminated against based upon “race, color, religion or national origin” to those experiencing bias because of gender, disability, ethnicity and sexual orientation.

2. Ensure passage of the Jabara-Heyers NO HATE Act. In addition to closing gaps in law enforcement’s investigation and reporting of hate crimes, the Jabara-Heyers NO HATE Act addresses a foremost challenge in the fight against anti-AAPI discrimination, which is the lack of resources and assistance by state and local agencies as well as legal services providers. The Act would take a step toward rectifying this problem by establishing federally-funded, state-run hotlines dedicated to receiving reports of hate crimes and other incidents of anti-AAPI discrimination while providing victims with guidance on which law enforcement officials and community services groups to contact for further help. Additionally, the Act would improve full and accurate reporting by providing grants to states and local governments to train public employees on how to recognize and properly classify hate crimes and report them to the FBI’s National Incident-Reporting System. Finally, the NO HATE Act proposes funding to help states and local governments establish liaisons with community-based organizations and conduct public meetings and forums for discussing hate crimes and the resources available to victims.

3. Direct the U.S. Attorney General to investigate and initiate civil actions on anti-AAPI hate. Title II depends on individuals who have suffered the harm of discrimination to initiate lawsuits, which can be costly and prolonged, especially for marginalized communities without easy access to legal assistance. Title II adds to this burden on plaintiffs by making injunctive relief the sole remedy for a violation. Empowering the attorney general to initiate civil actions against any person or entity engaged in discriminatory practices in places of public accommodation would send an important signal to AAPI communities and could serve to prevent such practices moving forward.

4. Direct the US Civil Rights Commission to implement fully its May 2020 recommendations, including funding community outreach, conducting trainings, and enforcing civil rights protections. The commission should also host public hearings on anti-Asian American hate. The U.S. Civil Rights Commission in May 2020 issued recommendations to secure non-discrimination during COVID-19 and, specifically, to address anti-Asian racism. These recommendations included directing all federal civil rights offices to enforce civil rights violations and ordering the federal government to communicate it will protect all Americans regardless of race, national origin, or other protected characteristics. Further, this document urged offices to “use all tools at its disposal,” such as outreach, public education, and technical assistance, as well as to increase grants and training to address bias motivated incidents. We endorse this directive and recommend national public hearings to amplify the government’s

responsibility to educate the public, train local jurisdictions and safeguard our community's civil rights.

5. End racial profiling of Chinese scientists and researchers, specifically the Department of Justice's China Initiative. The Department of Justice China Initiative program has led to the wrongful targeting and prosecution of Chinese scientists by the Federal Government's law enforcement, intelligence and scientific research funding agencies in recent years. The racialization of national security and current anti-China rhetoric has created a climate of fear and caused irreparable personal and professional harm to individuals and their families who have been targeted and proven innocent. We call upon the Biden-Harris administration to end this program immediately, to drop investigations where no evidence of wrongdoing has been produced and to issue a formal apology for government abuse. Furthermore, we urge the administration to take strong action to review and take steps throughout the federal government's agencies to ensure they are not engaged in systemic racial bias and profiling against Asian American and Asian immigrant scientists and federal employees.

6. Support restorative justice and community mediation efforts such as work conducted by the Department of Justice's Community Relations Services. The Community Relations Service of the Department of Justice was established concurrently with the passage of Title II. Described as "America's Peacemaker," the Community Relations Service is required to assist state and local jurisdictions in working together with public organizations and leaders to address racial strife at the community level. The service is empowered to fully investigate any complaint alleging a violation of Title II that is referred to it by a court. Building on the service's work to meet with community leaders in CA in early 2020 to address the rise in anti-AAPI hate, service staff should be directed to increase these outreach efforts and include restorative justice and mediation strategies. Additional funding should be made available to make this happen.

Dispute mediation programs would assist individuals to resolve any infractions without burdening themselves with the legal costs associated with filing a lawsuit in court. Furthermore, restorative justice practices involved in dispute resolution can address the impact of AAPI-hate in a safe space while reducing police involvement. In Los Angeles' program alone, community mediators initiated 7,704 mediation cases and successfully assisted with resolving 71% of them."

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About Stop AAPI Hate – *Stop AAPI Hate is a national coalition aimed at addressing anti-Asian discrimination amid the pandemic, was founded by the Asian Pacific Policy and Planning Council (A3PCON), Chinese for Affirmative Action (CAA) and San Francisco State University's Asian American Studies Department. Between March 19 and October 7, 2020, Stop AAPI Hate has received 2,738 reported incidents of racism and discrimination targeting Asian Americans across the U.S. Visit www.stopaapihate.org*