

- **Clay Zhu 朱可亮**, Partner, DeHeng Law Offices 德恒律师事务所; Founder, Chinese American Legal Defense Alliance 华美维权同盟, on the recent developments of the Florida lawsuit
- **Scott Chang**, Senior Counsel, National Fair Housing Alliance, on NFHA and its work on alien land bills
- **Edgar Chen**, Special Policy Advisor, National Asian Pacific American Bar Association, on NAPABA's work on alien land bills and related activities
- **Cindy Tsai**, Interim President and Executive Director, Committee of 100, on the recent roles and activities of C100

The virtual monthly meeting is by invitation only. If you wish to join, either one time or for future meetings, please contact one of the co-organizers of APA Justice - **Steven Pei 白先慎**, **Vincent Wang 王文奎**, and **Jeremy Wu 胡善庆** - or send a message to contact@apajustice.org.

Affirmative Action in College Admissions: What Have We Won? What Have We Lost?



The Supreme Court, by a vote of 6-3, strikes down affirmative action programs in college admissions on June 29, 2023.

According to a report by the *Brunswick News* originated from the *Los Angeles Times* on July 1, 2023, the 80-20 Initiative, a Chinese political action group, sent out an email with the subject head "VICTORY."

"What have we won?" the article asked. In their email, the 80-20 Initiative's answer was "Equal opportunity for Asian Americans in education." But that is false. The court's ruling makes the current method of achieving a diverse student body illegal, but doesn't replace it with anything. Colleges and university systems must create their own.

There is no guarantee that Harvard or any other elite university will admit more Asian American students. The guess is that a transitional patchwork of different diversity strategies will actually

make the college application process more confusing and less transparent. And all methods of producing a diverse student body are more vulnerable to legal challenges, now that the case against Harvard succeeded in the nation's highest court.

It's still too early to know how college admissions by race will change. Colleges will still attempt to produce racially diverse student bodies, but considering race in the process is not allowed. It's like trying to take a test blindfolded, but failing is illegal. One predictor is what happened after California's affirmative action ban in 1996. White and Asian student enrollment throughout the University of California system rose slightly, while Black and Latino enrollment at UCLA and Berkeley fell by 40% the first year the ban was implemented.

But even those gains in Asian student enrollment can't be attributed entirely to race-blind admissions. At the time, cash-poor universities and colleges in California were drastically increasing their admissions of international students, largely from Asian countries, because those applicants paid premium tuition fees.

So we have to ask ourselves, truly, what have we won? Every Asian American and anyone else who considers Thursday's decision a victory should wonder.

An easier question to answer is what we have lost.

America's racial tolerance is enshrined in a set of laws and legal opinions that make the practice of some forms of racism illegal. Affirmative action was a major foundation of those protections. It began as an executive order by President **John F. Kennedy** in 1961 requiring federal contractors to implement fair hiring practices around race. It was a flawed policy with many valid criticisms, but affirmative action represented the federal government's primary recognition that the wrongs of racism should be corrected.

It's why the Los Angeles Police Department and countless other institutions got more diverse. A 1995 study found that affirmative action had added 6 million women to the workforce. Black families who never had equal access to the American dream were able to enter the middle class in record numbers. And many low-income Asian Americans, especially those with Southeast Asian, Filipino and Pacific Islander backgrounds, became the first people in their families to attend college.

That's what we lost. But we can't properly assess victories and defeats without knowing what our values are. Maybe a better question to start with is: Why did we come to America?

Read the *Brunswick News* report: <https://bit.ly/46lBpqa>. Read the *Los Angeles Times* report: <https://lat.ms/3Xx9d5p>



President **Joe Biden** [responded](#) to the Supreme Court's decision: "While talent, creativity, and hard work are everywhere across this country, equal opportunity is not, and we cannot let this decision be the last word."

In [an announcement](#) of actions to promote educational opportunity and diversity in colleges and universities, President Biden stated that "[t]he Supreme Court upended decades of precedent that enabled America's colleges and universities to build vibrant diverse environments where students are prepared to lead and learn from one another. Although the Court's decision threatens to move the country backwards, the Biden-Harris Administration will fight to preserve the hard-earned progress we have made to advance racial equity and civil rights and expand educational opportunity for all Americans." He calls on colleges and universities to seize the opportunity to expand access to educational opportunity for all. "Our nation is stronger when our colleges and universities reflect the vast and rich diversity of our people. But while talent, creativity, and hard work are everywhere across this country, equal opportunity is not."



"Affirmative action refers to certain education, contracting, and employment policies—such as race-conscious policies that consider race as one factor in a holistic admissions process—that aim to increase the representation of racial and ethnic groups that have been historically underrepresented. These groups include Black, Latino/Latina, Native American, and Asian American, Native Hawaiian, and Pacific Islander (AANHPI) students who face systemic barriers to educational opportunity, including cultural biases in standardized test questions and far less access to college preparatory courses, that harms their competitive edge in the college admissions process."

Tri-Caucus leaders in Congress - The Chairs of the Congressional Asian Pacific American Caucus (CAPAC) Rep. **Judy Chu** (CA-28), Congressional Black Caucus Rep. **Steven Horsford** (NV-04), and Congressional Hispanic Caucus Rep. **Nanette Barragán** (CA-44) -

released [a joint statement](#) to denounce Supreme Court's decision, which states in part:

"Today's decision deals a needless blow to America's promise of equal and fair opportunity. Casting aside decades of precedent, the Court's anti-opportunity majority further undermines its own legitimacy by gutting race-conscious university admissions, which will benefit the wealthy and well-connected most.

"We know that not all students are afforded equal opportunity in our education systems, and we know that diversity on college campuses benefits the entire student body by enriching their college experiences and better preparing them to enter our workforce. Holistic, race-conscious admissions policies allow all students, regardless of their race or ethnicity, to be able to tell the full story of who they are and participate in a thriving, multiracial democracy.

"Importantly, though, this decision should not be viewed to impact race-conscious processes outside the scope of university admissions.

"Despite this decision, the Tri-Caucus will never quit fighting alongside the unified civil and human rights community for an America where everyone can find belonging and pursue their aspirations on an equal footing. This extremist Supreme Court does not get to decide our values. We will always fight for diversity and representation in politics, business, culture, and beyond. It's who we are as a nation and what makes us strong."

CAPAC members including Reps. Judy Chu, **Grace Meng**, **Mark Takano**, **Ted Lieu**, **Jill Tokuda**, **Bobby Scott**, **Pramila Jayapal** and Senator **Mazie Hirono** also released [a statement](#) to condemn Supreme Court's decision gutting race-conscious decisions

Statements from Some Prominent Groups

- 1990 Institute: [Statement on United States Supreme Court Affirmative Action Ruling](#)
- AAPI FORCE-EF: [AAPIs for Civic Empowerment Education Fund Statement on SCOTUS Affirmative Action Decision](#)
- ACLU: [ACLU Comment on Supreme Court's Ruling Against Harvard and UNC's Affirmative Action Policies](#)
- APAICS: [APAICS Statement on Affirmative Action Cases](#)
- MacArthur Foundation: [Statement in Response to Supreme Court Decision on Affirmative Action](#)
- Asian American Advancing Justice: [Asian Americans Advancing Justice Denounces Supreme Court Decision on Affirmative Action](#)
- Chinese for Affirmative Action: [Affirmative Action Resources: Responding to the Supreme Court Decision](#)
- Committee of 100: [Statement by Committee of 100 on the Race-Conscious Admissions Decision By The U.S. Supreme Court](#)
- EEOC: [Statement from EEOC Chair Charlotte A. Burrows on Supreme Court Ruling on College Affirmative Action Programs](#)
- NAACP Legal Defense Fund: [In An Alarming Departure from Long-Settled Precedent, U.S. Supreme Court Holds Harvard and UNC's Admissions Practices Unconstitutional](#)
- National Academies: [National Academies Presidents' Statement on Affirmative Action](#)

- National Asian Pacific American Bar Association: [NAPABA Statement on the U.S. Supreme Court's Affirmative Action Decision](#)
- NCAPA: [NCAPA Criticizes Supreme Court Decision on Affirmative Action](#)
- UAW: [UAW Statement on Supreme Court Decision on Affirmative Action in Higher Education](#)
- University of Michigan: [Statement on Supreme Court's Affirmative Action ruling](#)

DOJ Says Florida Law is Unconstitutional



According to *NBC News* on June 29, 2023, the Department of Justice said in a filing that a new Florida law that prohibits some Chinese citizens from buying property in the state violates the federal Fair Housing Act and the Equal Protection Clause of the Constitution. The legislation, which Florida Gov. **Ron DeSantis** signed into law last month, also restricts — though it does not ban — land purchases by some citizens of Cuba, Iran, North Korea, Russia, Syria and Venezuela.

"These unlawful provisions will cause serious harm to people simply because of their national origin, contravene federal civil rights laws, undermine constitutional rights, and will not advance the State's purported goal of increasing public safety," the Justice Department wrote in support of a lawsuit seeking to block the law.

Critics argue that the law will worsen existing discrimination and that it could cause property owners in Florida to become hesitant to sell to members of the Asian American and Pacific Islander community out of fear of violating it.

"DeSantis has said this bill is necessary to combat the influence of the Chinese Communist Policy in Florida, but he is wrongly equating Chinese people with the Chinese government," **Patrick Toomey** and **Clay Zhu**, two of the plaintiffs in the suit, wrote in a recent *Time magazine* op-ed.

Manjusha Kulkarni, the executive director of AAPI Equity Alliance and a co-founder of Stop AAPI Hate, compared the measure to the "alien land laws" passed in California and other states in the 20th century, which restricted Asian migrants' right to own land. The law, she said, signals to Chinese Americans "that they don't belong."

"There's no question that these bans on Chinese land ownership would have a devastating impact on Chinese immigrants in the United States, essentially preventing them from buying homes and settling their families" she said. "Measures like this appear to be solutions looking for a problem."

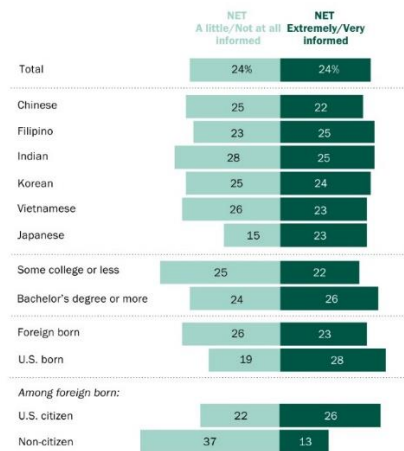
Read the *NBC News* report <https://nbcnews.to/3pxDLXW>. Read APA Justice coverage on Alien Land Bills: <https://bit.ly/43epBcl>

Advancing Justice | AAJC One-Pager. According to a post by AAJC on 23, 2023, Florida was the last state to repeal its "alien land law" which did not happen until 2018. The language existed in its state Constitution, and it took decades for local Asian American activists to finally repeal it. Just 5 years later, S.B. 264 was introduced. It took barely 2 months for the bill to pass both chambers of the Florida Congress and signed by Florida Governor Ron DeSantis (R). This bill is worse than Texas SB 147. It contains language that applies to all three relevant property types such as agricultural land, critical infrastructure, and real property. Florida has also incorporated procedures for registration and penalties which are a legitimate cause for concern. For example, failure to follow property registration regulations and sign affidavits could lead to civil penalties, misdemeanors, or both. Read the AAJC post: <https://bit.ly/3XxRZVe>

Relatively Few Asian Americans Say They're Well-informed About Asian History In The U.S.

Among Asian Americans, U.S. citizens are more likely than non-citizens to say they are well-informed about U.S. Asian history

% saying they consider themselves ___ about the history of Asian people in the U.S.

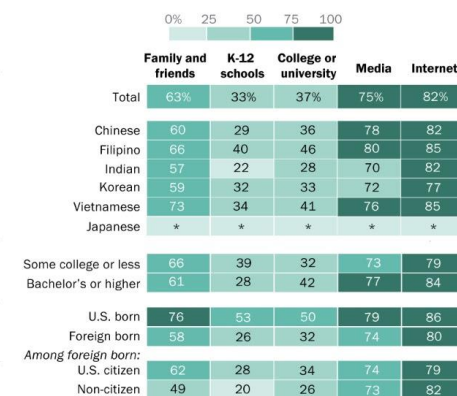


Note: "Some college" includes those with an associate degree and those who attended college but did not obtain a degree. Source: Survey of Asian American adults conducted July 5, 2022-Jan. 27, 2023.

PEW RESEARCH CENTER

Internet and media are the most common sources of information about Asian history in the U.S. across Asian American subgroups

% saying they have learned about the history of Asian people in the U.S. from ...



Note: "Some college" includes those with an associate degree and those who attended college but did not obtain a degree. Question was asked only of Asian Americans who said they were at least a little informed about the history of Asian people in the U.S. Source: Survey of Asian American adults conducted July 5, 2022-Jan. 27, 2023.

PEW RESEARCH CENTER

According to Pew Research Center on June 29, 2023, just 5% of Asian Americans say they are extremely informed the history of Asian people in the United States, and 19% say they are very informed. Half say they are somewhat informed, and another 24% say they are a little (18%) or not at all (6%) informed.

Knowledge of U.S. Asian history is relatively consistent across the United States' six largest Asian origin groups. Between 22% and 25% of Chinese, Filipino, Indian, Korean, Vietnamese and Japanese Americans say they are well-informed about Asian history in the U.S. Asian Americans who were born in the U.S. are slightly more likely than those who were born in other countries to be well-informed about U.S. Asian history (28% vs. 23%). And among Asian American immigrants, naturalized U.S. citizens are about twice as likely as non-citizens to be well-informed about it (26% vs. 13%).

Majorities of Asian Americans say they have learned about U.S. Asian history informally – from the internet (82%), media (75%), and family and friends (63%). In contrast, fewer than four-in-ten have learned about it through formal education, including college or university (37%) and K-12 schools (33%).

Among Chinese, Filipino, Indian, Korean and Vietnamese Americans, the internet and media are the most common ways of learning about U.S. Asian history. (The sample size for Japanese Americans on this question was too small to analyze separately.) Chinese and Filipino Americans are especially likely to have learned about U.S. Asian history from the media, while Vietnamese Americans are especially likely to have learned about it from the internet or from family and friends.

Asian Americans who were born in the U.S. are more likely than those born outside the U.S. to have learned about U.S. Asian history from each of the five sources asked about in the survey. The difference is largest for K-12 schools: 53% of U.S.-born Asian Americans say they have learned about U.S. Asian history there, compared with 26% of foreign-born Asian Americans.

Accounting to the sampling design and methodology, the margin of sampling error for these respondents is plus or minus 2.1 percentage points at the 95% level of confidence.

Read the Pew Research Center report: <https://pewrsr.ch/3psuEb1>

Rice University Names AVPs for Research Security, Technology Transfer



On June 21, 2024, Rice University named **Tam Dao** as assistant vice president for research security and **Patricia Stepp** as assistant vice president for technology transfer. Both will begin their new roles on July 17.

Dao will help Rice elevate its research programs to a position of global prominence as he leads the strategy and implementation of its research security efforts. He will serve as a trusted resource to Rice's leadership, faculty and community of scholars and engage constructively with government officials and external advisory boards. Dao will help the university achieve its security objectives related to research, international collaborations and commercialization.

Tam Dao was a special agent in the FBI Houston Division who primarily investigated national security crimes. Before joining the FBI, Dao was a tenure-track professor at the University of Houston. He holds a bachelor's degree in psychology from the University of Texas at Austin, a master's from the University of Pennsylvania and a doctorate from Florida State University. He completed a postdoctoral fellowship in advanced psychology and psychiatry at the Michael E. DeBakey Veterans Affairs Medical Center in Houston. He was born in Vietnam just weeks before the fall of Saigon in 1975.

Read the Rice University announcement: <https://bit.ly/3raNBPT>

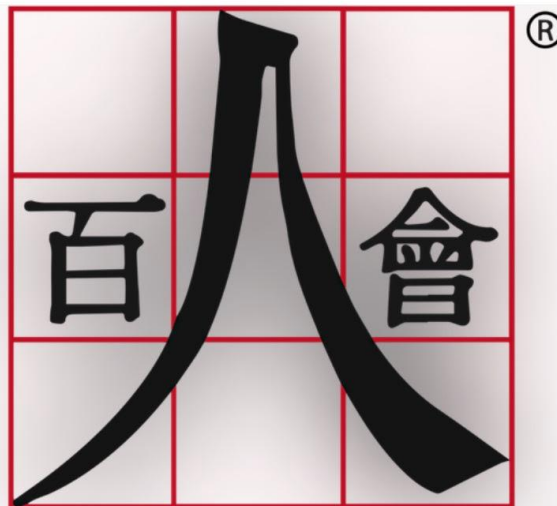
News and Activities for the Communities

1. 2023/07/12-16 OCA National Convention



The 2023 OCA National Convention will be held in Washington DC on July 12-16. There will be an OCA Day on the Hill, a community fair, three town halls, and over twenty breakout sessions. There will be facilitated group discussions among attendees and guest speakers in every session. Read and register for the OCA convention: <https://bit.ly/3psw4IW>

2. Mark Your Calendar - C100 Asian American Career Ceilings: Obstacles in Academia



Jul 20



Committee of 100 Asian American Career Ceilings: Obstacles in Academia

The panelists will discuss the obstacles to advancement that they had to overcome in their academic careers, how serious the problem is, etc

The Committee of 100 Asian American Career Ceilings Initiative will feature a fireside chat on

the topic of “Asian American Career Ceilings: Obstacles in Academia” on July 20, 2023, including three leading Asian American academics from three different universities. The panelists will be **Gordon H. Chang**, Professor of History, Stanford University; **Guiyou Huang**, President, Western Illinois University; and **Frank H. Wu**, President, Queens College. All three are Committee of 100 members. The webinar will include a panel, Q&A and a networking session at the end. Read more about the event and register: <https://bit.ly/3CTNk6S>

3. Report on Climate of Fear Among Asian-Origin Scientists and Researchers

RESEARCH ARTICLE | SOCIAL SCIENCES | 

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Caught in the crossfire: Fears of Chinese–American scientists

Yu Xie , Xihong Lin , Ju Li ,  +1, and Junming Huang  [Authors Info & Affiliations](#)

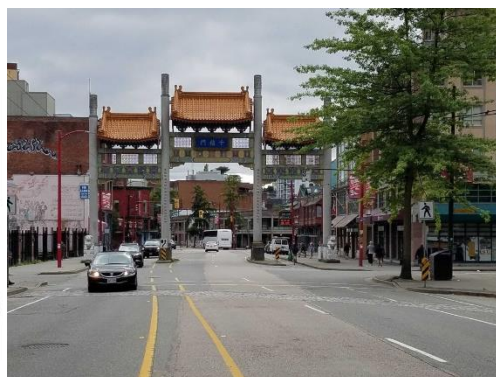
Edited by Mary Waters, Harvard University, Cambridge, MA; received September 27, 2022; accepted April 18, 2023

June 27, 2023 | 120 (27) e2216248120 | <https://doi.org/10.1073/pnas.2216248120>

According to the Asian American Scholar Forum (AASF) on June 27, 2023, the groundbreaking report, “Caught in the Crossfire: Fears of Chinese–American Scientists,” has been published in the *Proceedings of the National Academy of Sciences (PNAS)*. The report authors are AASF Data & Research Committee Chairs **Yu Xie** and **Xihong Lin**, along with **Ju Li**, **Qian He**, and **Junming Huang**. The report sheds light on the widespread fear experienced by scientists of Chinese descent in the United States during the course of their routine research and academic activities. Failing to alleviate these concerns may result in significant loss of talent, hampering America’s scientific progress and potentially losing ground to global competitors. By cultivating an environment that is inclusive, welcoming, and supportive to all scientists, regardless of their background, the U.S. can both retain and attract scientific talent, ensuring its continued leadership in science and technology on a global scale. Read the PNAS report: <https://bit.ly/3NuuBU8>

4. A Push to Save North America’s Chinatowns

18 Cities at First US-Canada Chinatowns Conference
Other Chinatowns and big Asian enclaves exist in North America



According to *Bloomberg* on June 20, 2023, across North America, Chinatowns from San Francisco to New York have been battered by challenges intensified by the Covid-19 pandemic and a surge in anti-Asian racism. Public safety, gentrification and the struggles of small businesses pose existential threats to historic neighborhoods. Such problems prompted representatives from 18 US and Canadian Chinatowns to convene in Vancouver for the first intra-Chinatown conference in May. More than 50 attendees represented chambers of commerce, law enforcement, social service providers, museums, advocacy groups and others serving Asian American communities, as well as the US and Canadian governments. Read the *Bloomberg* report: <https://bloom.bg/3pqpMTQ>

5. Freedom of Speech or Agent for China?

According to *Peoples Dispatch* on June 22, 2023, labor leaders and organizers are banding together to demand justice for Chinese-American unionized worker and activist **Li Tang “Henry” Liang 梁利棠**. Liang was indicted and then arrested in early May in Boston in retaliation for exercising his free speech rights. “The federal government has targeted Liang for advocating peaceful relations between the US and China,” say labor activists in the Asian Pacific American Labor Alliance of the AFL-CIO, the largest trade union in the US.

As a hotel worker, Liang was an active member in his union, UNITE HERE Local 26. He is also an activist in the Chinese-American community, rallying against the US’s propaganda war against China. He previously served on the board of directors for Chinatown Main Street, an organization promoting Chinese-American small businesses in Boston’s Chinatown, and the Chinese Consolidated Benevolent Association of New England.

According to the Department of Justice on May 15, 2023, Litang Liang, 63, of Brighton, was arrested on May 9 for allegedly acting as an agent of the People’s Republic of China (PRC) without providing notification to the U.S. Attorney General. He was indicted on one count of acting as an agent of a foreign government without providing notification to the U.S. Attorney General and one count of conspiracy to act as an agent of a foreign government without providing notification to the U.S. Attorney General.

Read the *Peoples Dispatch* report: <https://bit.ly/3JJ7gwT>