BREAKING NEWS: DOJ Files Amicus Brief in Florida Alien Land Lawsuit

On June 27, 2023, attorneys for the U.S. Department of Justice (DOJ) filed a statement of interest in support of the motion for preliminary injunction: https://bit.ly/3PsKSvw

The 22-page statement, also called an amicus curiae **“friend-of-the-court”** brief, begins with this introduction:

"The State of Florida recently enacted a statute that imposes new prohibitions on owning or purchasing land in the State. Among other provisions, Senate Bill 264 (“SB 264”) prohibits individuals who are not U.S. citizens or permanent residents and whose “domicile” is in China, or other so-called “foreign countries of concern,” from owning or purchasing real property. The United States respectfully submits this Statement of Interest under 28 U.S.C. § 5171 to advise the Court of the United States’ view that the provisions of SB 264 to be codified at Florida Statutes §§ 692.201–2052 violate the Fair Housing Act (“FHA”) and the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution. 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. Plaintiffs are likely to succeed on the merits of these claims challenging the provisions of SB 264 that restrict and prohibit land ownership. Accordingly, the United States supports Plaintiffs’ motion to enjoin Defendants from implementing and enforcing these provisions.

The brief proceeds to explain these two arguments:

1. Plaintiffs are likely to succeed on the merits of their Fair Housing Act Claims
2. Plaintiffs are likely to succeed on the merits of their Equal Protection Claim

The brief concludes:

"For the foregoing reasons, the provisions of SB 264 that restrict and prohibit land ownership violate the Fair Housing Act and the Equal Protection Clause of the Fourteenth Amendment, and Plaintiffs are likely to succeed on the merits of those claims."


2023/07/03 APA Justice Monthly Meeting

The next APA Justice monthly meeting will be held via Zoom on Monday, July 3, 2023, starting at 1:55 pm ET.

In addition to updates by Nisha Ramachandran, Executive Director, Congressional Asian Pacific American Caucus (CAPAC); John Yang 杨重远, President and Executive Director, Advancing Justice | AAJC; and Gisela Kusakawa, Executive Director, Asian American Scholar Forum (AASF), speakers will include:
• Al Green, Member of U.S. House of Representatives; Member, Executive Board and Chair of Housing Task Force, CAPAC, on alien land bills and multicultural advocacy coalition

• 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.

How Frederick Douglass and Wong Kim Ark Helped Define Who Can Be American
During a recent roundtable with state organizers and activists on alien land laws and related issues, Helen Zia 谢汉兰 shared a picture of Wong Kim Ark 黄金德 and Frederick Douglass - it is a story of Asian Americans and solidarity that is missing in American history.

According to a KCET report on May 19, 2022, Frederick Douglass escaped slavery and was a powerful voice for racial justice. In his view, the struggle for equality of the Black man also meant a fight for equality for all people. "... I want the Asiatic to find a home here in the United States, and feel at home here, both for his sake and ours. Right wrongs no man," he said in Boston in December 1869. Wong Kim Ark, who was born in the United States and barred from re-entry in 1895, took his case to the US Supreme Court and won, paving the way for birthright citizenship for all.

"I am especially to speak to you of the character and mission of the United States, with special reference to the question whether we are the better or the worse for being composed of different races of men. I propose to consider first, what we are, second, what we are likely to be, and, thirdly, what we ought to be," Douglas said in his speech. "There are such things in the world as human rights. They rest upon no conventional foundation, but are external, universal, and indestructible. Among these, is the right of locomotion; the right of migration; the right which belongs to no particular race, but belongs alike to all and to all alike. It is the right you assert by staying here, and your fathers asserted by coming here. It is this great right that I assert for the Chinese and Japanese, and for all other varieties of men equally with yourselves, now and forever. I know of no rights of race superior to the rights of humanity, and when there is a supposed conflict between human and national rights."

According to Wikipedia, Wong Kim Ark was born in San Francisco, California, at 751 Sacramento Street. In November 1894, Wong sailed to China for a temporary visit, to rejoin his wife at his family's village in Taishan, Guangdong. But when he returned in August 1895, he was detained at the Port of San Francisco by the Collector of Customs, who denied him permission to enter the country, arguing that Wong was not a U.S. citizen despite his having been born in the U.S., but was instead a Chinese subject because his parents were Chinese. Wong was confined for five months on steamships off the coast of San Francisco while his case was being tried. In a 6–2 decision issued on March 28, 1898, the Supreme Court held that Wong Kim Ark had acquired U.S. citizenship at birth and that "the American citizenship by which Wong Kim Ark acquired by birth within the United States has not been lost or taken away by anything happening since his birth."

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APA Justice
P.O. Box 1242
McLean, VA 22101

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