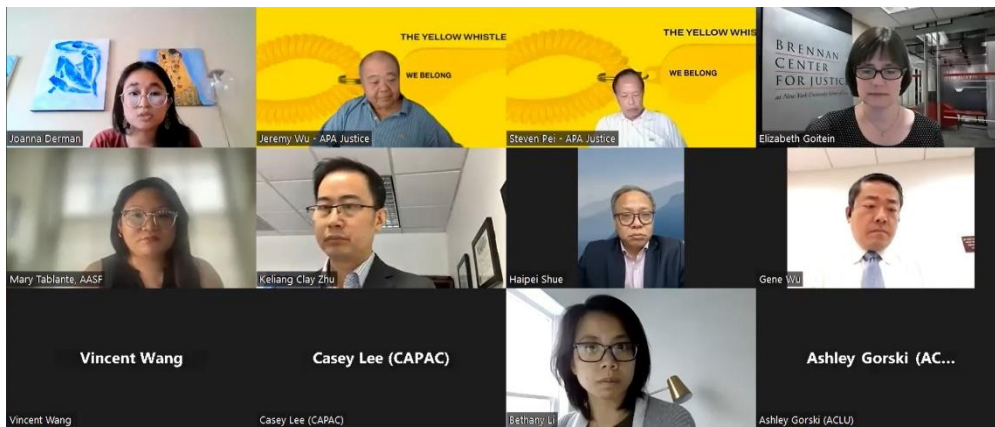


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2023/06/05 Monthly Meeting Summary Posted



The June 5, 2023, APA Justice monthly meeting summary has been posted at <https://bit.ly/42N0htX>. We thank the following speakers for their updates and discussions:

- **Casey Lee**, Policy Advisor, Congressional Asian Pacific American Caucus (CAPAC), provided updates on the Preemption of Real Property Discrimination Act introduced by Reps. Al Green and Judy Chu and uplifted a primer on the alien land law issue that was published by **Edgar Chen**, Special Policy Advisor, National Asian Pacific American Bar Association.
- **Joanna Derman**, Director of the Anti-Profiles, Civil Rights and National Security Program, gave updates on three Advancing Justice | AAJC activities: (a) messaging guidance and suggested talking points on how to frame conversations and policy work related to US-China strategic competition, (b) tracking all discriminatory land laws being introduced across the country, and (c) bill analysis guide on US-China legislation and determine its potential for immediate harm.
- **Mary Tablante**, Associate Director of Strategic Communications, Asian American Scholar Forum, gave updates on three activities: (a) a video series titled “Project Pioneer” with the National Science Foundation on contributions of Asian American and immigrant pioneers to the US and the world, (b) meetings with the Biden Administration

to educate and give voice to issues of concern from the scholar community, and (c) convening an event in partnership with the Asian Pacific American Institute for Congressional Studies on presidential appointments in the Federal Government.

- **Elizabeth Goitein**, Senior Director, Liberty & National Security Program, Brennan Center for Justice at NYU School of Law, gave a briefing on the history, problems, and ongoing legislative battle over the reauthorization of section 702 of FISA. Section 702 authorizes warrantless surveillance. It is supposed to target only foreigners overseas, but for the last 15 years it has become a rich source of warrantless access to American's communications - their emails, their phone calls, their text messages - in a way that completely undermines Congress's intent and Americans' constitutional rights. Asian Americans and Chinese Americans in particular are extremely likely to be victims of these types of abuses. The Brennan Center's position is that Congress should not reauthorize Section 702 without significant, sweeping reforms. In the case of Professor **Xiaoxing Xi 郝小星**, a physics professor at Temple University, he was prosecuted based on false charges that he had shared secret information about superconductor technology. Those charges were the result of the Government's misreading of emails that the Government had intercepted. The Government ultimately had to drop the charges, but only after significant damage to Dr. Xi and his family. Dr. Xi has filed suit against the Government. In that suit, he alleges that the Government accesses emails using Section 702.
- **Clay Zhu 朱可亮**, Partner, DeHeng Law Offices 德恒律师事务所; Founder, Chinese American Legal Defense Alliance (CALDA) 华美维权同盟, gave an update on the lawsuit led by the legal team of CALDA, ACLU, AALDELFF, and a law firm against the discriminatory Florida Senate Bill 264 which was signed by Governor **Ron DeSantis** into law on May 22. The legal team was working on a motion for preliminary injunction. The legal team has received tremendous support from organizations and communities. It shows our communities have realized that this is something we need to take a stand. Clay has also received tremendous support from sister and partner organizations and is monitoring the situations in other states. There is a lot of community efforts happening in Texas and Florida by Professor **Steven Pei 白先慎** and many other people and Texas-based organizations lobbying the legislature and voicing our opposition to the bills.
 - **Ashley Gorski**, Senior Staff Attorney, National Security Project, ACLU, commented that it is essential that we do all that we can to stop this Florida bill in its tracks to prevent copycat litigation from going forward and to work alongside so many community organizations that have been doing the hard work of advocating directly with the legislatures to try to stop these bills from going into effect. Ashley underscores that this law is stigmatizing and discriminatory just by virtue of it being in the books. People's lives are very concretely affected by this law going into effect. They risk losing deposits on the property that they have already contracted. If this law goes into effect, they are going to lose out on the opportunity to purchase that property. A real estate brokerage firm has already

seen a decline in prospective clients and expects to lose a significant percentage of its business because of this law.

- **Bethany Li**, Legal Director, Asian American Legal Defense and Education Fund (AALDEF), commented that the work that we are doing here on this case is very much in line with the China initiatives that we have done in the past, such as with the South Asian and Muslim community after 9/11. Asian American communities have been targeted for being national security threats and harmed. Throughout the call today, we are hearing not just the alien land law passed in Florida and the ones that we continue to monitor, but also a lot of the surveillance issues that have affected Asian American communities across the board as well as communities of color. One of the ways in which we try to approach our work against violence in Asian American communities is to pay closer attention to how the United States and different states enact laws and policies at different levels contribute to that violence, despite their rhetoric about wanting to protect and support Asian American communities from violence.
- **Haipei Shue** 薛海培, President, United Chinese Americans, reported from Florida where he convened a two-day statewide retreat with the Chinese American community leaders to summarize what they have learned and how to move forward on community matters. With the sudden appearance of the alien land bill, the participants not only saw the bill firsthand, but many were also actively involved in fighting it. About 60 people from six major cities in Florida attended the retreat in Orlando. A new 501(c)(4) organization was born out of this protest movement. The name is Florida Asian American Justice Alliance (FAAJA). At the same time, Chinese American communities in Louisiana and Alabama are still fighting against the bills that impact their lives in their states. The alien land bills impact the Chinese community countrywide. UCA will have similar retreats in other states that have been affected by such laws and prepare for next year, a presidential election year. Participants from California, Georgia, North and South Carolina to Florida. have joined weekly meetings started by Texas state representative Gene Wu every Sunday evening since February.
 - **Gene Wu** 吴元之, Member, Texas House of Representatives, saw how angry the community has become because of the importance of the alien land bills, massive organizational efforts, and some real key leaders stepping up to fill the gap. That was how the Texas bills were defeated. The real key was the community's participation. It is very clear in other states like Louisiana and Florida, they did not have a strong Asian presence in the legislative body. Gene was glad to see in many other states, African American legislators just stood up and took the lead in defending against some of these bills. We need more national leadership on this issue because this issue is not going away. This is an existential crisis for the Asian community and especially for the Chinese community. We have periods and waves of anti-Chinese, anti-Asian sentiment in our nation's history, but this is one of the strongest pushes against our community that Gene has ever seen. Either we stand up and fight, or it is game over. The laws are just the tip of the wave, the crest of the coming wave is anti-Asian hate. There is a perfect storm of Covid, of tensions with China, and economic factors that are going to create the right environment for dramatically

increased anti-Asian hate. It should be incumbent upon all Asian communities to start a campaign nationally that this is wrong. It is racist to hold Asian Americans responsible for what happens in other parts of the world when you don't do that to anybody else. We need to engage our media celebrities. We need to engage elected officials. We need to engage the President. We need to engage a lot of other groups to push back against this. A part of this is also fighting these bills at the national level.

Read the 6/5 meeting summary: <https://bit.ly/46G16ZO>. Watch the 6/5 meeting video: <https://www.youtube.com/watch?v=EBYYQipLmis> (1:36:15). Read past monthly meeting summaries: <https://bit.ly/3kxkqxP>

Asian Americans Feel Particularly Targeted By New Laws Criminalizing Those Who Assist Voters



— People check in to vote during the Massachusetts State Primary in Boston, on Sept. 1, 2020.
Joseph Prezioso / AFP via Getty Images file

According to the *Associated Press* (AP) on July 7, 2023, for a century, the League of Women Voters in Florida formed bonds with marginalized residents by helping them register to vote — and, in recent years, those efforts have extended to the growing Asian American and Asian immigrant communities. But a state law signed by Gov. **Ron DeSantis** in May would have forced the group to alter its strategy. The legislation would have imposed a \$50,000 fine on third-party voter registration organizations if the staff or volunteers who handle or collect the forms have been convicted of a felony or are not U.S. citizens.

A federal judge blocked the provision. The NAACP and other groups that register voters sued

the state over provisions in a larger elections bill Republican Gov. DeSantis signed on the same day he announced he is running for president. its passage reflects the effort by DeSantis and other GOP leaders to crack down on access to the ballot.

“If there’s not access, in terms of language, we can’t get to as many people, which particularly affects AAPI voters,” Executive Director **Leah Nash** of the League of Women Voters said, referring to the state’s Asian American and Pacific Island population, which has grown rapidly and where more than 30% of adults have limited English proficiency.

In states where penalties are getting tougher, the developments have sowed fear and confusion among groups that provide translators, voter registration help and assistance with mail-in balloting — roles that voting rights advocates say are vital for Asian communities in particular.

“It’s specifically targeting limited English proficiency voters, and that includes AAPI voters,” said **Meredyth Yoon**, litigation director at Asian Americans Advancing Justice in Atlanta.

In Texas, Republican Gov. **Greg Abbott** signed a bill in June that raises the penalty for illegal voting to a felony, upping it from a misdemeanor charge that was part of a sweeping elections law passed two years earlier. **Alice Yi**, who is Chinese American, used to help translate in Austin, Texas, but said the new law isn’t clear about whether good faith mistakes will be criminalized and worries that she could get into trouble by offering assistance.

Ashley Cheng, the founding president of Asian Texans for Justice, recalls discovering her mother was not listed in the voter rolls when she tried to help her vote in 2018. They never found out why she wasn’t properly registered. Advocates say this highlights flaws in the system and illustrates how volunteers are essential to overcoming them.

Farha Ahmed, an attorney in Texas, said the increased liability in helping these marginalized communities access the ballot box forced her to decide against continuing as an election judge, a position that administers voting procedures and settles disputes concerning election laws. “There’s not a lot of resources and there’s not a lot of protection,” said Ahmed. “Election judges want to help make it easy for people to vote, but with these new laws in place, they’re very unsure of where is their liability when they’re really just trying to do their best to help.”

A section of Georgia’s 2021 election bill made it a misdemeanor to offer a voter any money or gifts at polling places, a provision that included passing out water and snacks for those waiting in lines. Attempts to get a court to toss out the ban on snacks and water have so far been unsuccessful. **James Woo**, the communications director at Asian Americans Advancing Justice-Atlanta, said he won’t even get his parents a drink of water while helping them with their ballots.

Read the *AP* report: <https://bit.ly/3NM9z3s>

No Longer Suffering In Silence: Asian Americans Denied Tech Leadership Roles Go To Court



Protesters hold signs as they march along Market Street in San Francisco before a 2021 rally to show solidarity with Asian Americans. Justin Sullivan, Getty Images

According to *USA Today* on July 6, 2023, **Vaishnavi Jayakumar** joined Facebook and Instagram owner Meta after stints at Disney, Google and Twitter in January 2020. Her job on the youth policy team was to protect children and teens from bullying, harassment and other forms of abuse. But Jayakumar – an Asian American originally from Singapore – says she couldn't shield herself from racial bias on the job.

Soon after inquiring how she could move up at Meta, Jayakumar says her supervisor began leaving her out of opportunities and initiatives that used to be in her scope and “layering” her under less experienced employees. Despite years of experience and positive feedback as a team player, Jayakumar says her supervisor told her she was not senior or collaborative enough to be promoted, according to a complaint Jayakumar filed with California's Civil Rights Department.

While her workload and responsibilities increased, Jayakumar says her performance ratings began to slip. “I've never felt more keenly that as an Asian woman, I'm destined to be a worker, I'm not destined to be a leader,” she said in an interview. “And that's an awful feeling... The generations of men and women before us had to suffer in silence. I don't think any one of us wants this to continue for a minute longer than it already has.”

Jayakumar is one of a growing number of Asian Americans in the tech industry breaking their silence and going public with charges of discrimination and retaliation. In a series of recently filed lawsuits, they say that racial biases spanning decades in Silicon Valley that typecast Asian Americans as worker bees have shut them out of management and executive positions with greater power, profile and pay.

Research shows that Asian Americans are the most likely to be hired in professional roles yet

the least likely of all racial groups to break into tech company leadership. At Meta, 46% of employees were Asian American in 2021, but just 27% of executives. White employees, on the other hand, accounted for 39% of Meta's workforce but 58% of its executives.

"The tech industry has made progress in becoming more racially diverse in its workforce but has made virtually no progress in becoming more racially equitable in its leadership pipeline," said **Buck Gee**, an executive adviser to Ascend Foundation, the nation's largest network of Asian American professionals.

Asian Americans are left out of diversity discussions and initiatives because there is a perception that they don't face adversity in the workplace when, in fact, the economic realities for Asians and Asian Americans vary greatly, particularly for those in low-wage and low-opportunity jobs on H-1B visas, said **Pawan Dhingra**, president of the Association for Asian American Studies president and a professor at Amherst College. "Asians are seen as an immigrant group that in many ways is doing pretty well," Dhingra said. "There is not a major movement to worry about the plight of Asian Americans outside of hate crimes on the street."

That began to change with the groundswell of anti-Asian hate and violence during the COVID pandemic. Participation in employee resource groups and workplace activism surged. More Asian Americans began calling out workplace bias, even in the insular tech industry. "The pandemic really galvanized the community, especially those of us in tech, because I think we all saw that what was happening in the streets was happening in the workplace," said **Jack Song**, who advises tech startups on their communications and branding.

Song says he was inspired to share his story publicly by **Justin Zhu**, the ex-CEO of tech startup Iterable who is suing his former company and co-founded the nonprofit organization Stand with Asian Americans to help others in a similar situation. Zhu says he filed a lawsuit alleging retaliation after he says he was fired for raising complaints about anti-Asian discrimination. Not everyone has the resources to fight back, Zhu says. So Stand with Asian Americans is launching a workplace justice initiative.

"A core purpose of the workplace justice initiative is to show that you are not alone in fighting racism in the workplace. We connect people with survivors who have faced discrimination, give moral support, give legal support and we help them tell their story so they can get the support they need in this David vs. Goliath fight," he told *USA Today*.

Ben Huynh says his troubles began in May 2022 when he was promoted into the management ranks at software company Coda. Huynh says he didn't get a pay increase with the promotion unlike his peers and believed he was earning less than his peers. So he complained to human resources. "Despite the quality of my work, once I had spoken out, the gates began closing around me," said Huynh, who is Vietnamese American. "I felt iced out and like a pariah."

"There's a shift because people are seeing that they have to take action or things will not change," said Huynh, who filed a lawsuit against Coda in June, alleging discrimination and retaliation based on race. "If we want to see something change, we have to do something about it."

But with the industry roiled by large-scale layoffs that are disproportionately affecting people of

color, the decision to act can be fraught, said attorney **Charles Jung**. Asian Americans often worry that no one will have their back if they come forward, said Jung, a name partner with Nassiri & Jung. The few Asians who make it to the top seem hesitant to rock the boat or bring up diversity issues, he said.

Jung's client **Andre Wong**, who is Chinese American, says he found out firsthand the consequences of speaking out in an industry where anti-Asian bias is rarely acknowledged. Wong, who worked at Lumentum for more than 20 years, says he led the development of the company's most profitable product line and helped the company expand into new markets.

In 2021, Wong says he helped start the Asian Employee Resource group which obtained demographic data showing that while 60% of Lumentum's U.S. workforce is Asian, senior executives were mostly white, with less than 15% of them Asian. In May 2022, Wong said he was given a "glass cliff" assignment – a role that women and minorities are handed with little chance of success – as the only non-white employee on a team. He says he accepted the assignment with assurances he would soon be considered for a promotion to senior vice president. Instead, he was terminated in December.

Wong is suing Lumentum for \$20 million in damages. He says he would donate a big chunk of any award he receives to the cause of fighting anti-Asian discrimination.

"Asian Americans are the engine behind all these tech companies. Many of these technical teams are almost exclusively Asian American employees. But the leadership in strategic or business positions are not minorities," Wong said. "When you finally step back and see it, it's so stark."

Read the *USA Today* report: <https://bit.ly/3D4mCsk>

Houston Town Hall Meetings on Asiatown Community Safety



According to *Houston Public Media* on July 7, 2023, Houston police said they are still looking for a second suspect involved in a shooting robbery that led to a restaurant worker being hospitalized. During a townhall meeting in Houston's Asiatown in the evening of July 6, police said they arrested the first suspect in the robbery of **Holam Cheng**, who was shot four times, but still need help on finding the second. The meeting was held to address concerns of crime in

the community, especially after Cheng was shot. The meeting was attended by U.S. Reps. **Sheila Jackson Lee** and **Al Green**, Texas state representative **Gene Wu**, Chief **Troy Finner** and Assistant Chief **Ben Tien**.

Throughout the meeting community members discussed concerns with their own experiences. One speaker claimed he and his sister were the victims of a hate crime, but they have yet to get a case number from police on it. "I ended up with concussion, my sister ended up in the hospital with life threatening injuries, she spent a couple of weeks in the hospital. And I've reported it to the police and our investigator," he said. "He refused to contact the perpetrators, three white men. And he refused to interview them."

Finner said he would make sure that he got a case number and would personally look into the case.

Other speakers said they wanted the department to increase officers patrolling in Asiatown, and address language barriers when reporting crimes. Finner warned the community that some see them as a target, and to be vigilant.

Read the *Houston Public Media* report: <https://bit.ly/43ciTDD>

Asian residents in Houston demand more bilingual officers to fight crime



The second townhall was held in the morning of July 8 at the Chinese Civic Center. HPD Assistant Police Chief **Yasar Bashir**, Houston Fire Chief **Samuel Pena**, representation from HCSO, U.S. Congressional Members **Sheila Jackson Lee** and **Al Green**, Texas State Senator **John Whitmire**, Stafford City Council member **Alice Chen** attended. The discussion was led by Texas State Representative **Gene Wu**.

According *Fox26* on July 8, 2023, Asian residents in Houston are concerned about crime in their community and are calling for more bilingual officers to help them feel safe. Residents said in the meeting they are worried about the recent violent crime in the Asiatown area. They specifically cited the case of **Holam Cheng**, who police say was robbed and shot six times on June 25.

According to an update from [GoFundMe](https://www.gofundme.com/c/holam-cheng), "my father has woken up thankfully. He has been undergoing many surgeries and will be continuing to. Thank you everyone for the blessings and support. We will share updates whenever possible."

Read and watch the *Fox26* report: <https://bit.ly/3D30Rc2>

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