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2023/08/07 APA Justice Monthly Meeting

The next APA Justice monthly meeting will be held via Zoom on Monday, August 7, 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 Perez Kusakawa**, Executive Director, Asian American Scholar Forum (AASF), speakers will include:

- **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, to report on the latest developments of the lawsuit against Florida's discriminatory alien land law
- **Echo King** 金美声, President, Florida Asian American Justice Alliance (FAAJA), to provide on-the-ground reports about the July 18 court hearing, press conference, and protests in Tallahassee; and a report by **Jenny Liu** 刘洁, President, Yick Wo Institution 益和学会
- **Cynthia Choi**, Co-Executive Director, and **Shanti Prasad**, Advocacy Manager, Chinese for Affirmative Action (CAA), to give a brief introduction of CAA and its recent roles and activities in alien land laws, warrantless surveillance/reauthorization of Section 702, anti-Asian hate, and related topics
- **Christine Chen**, Executive Director, APIAVote, to give a brief introduction of APIAVote, observations on the communities' reaction to the alien land bills/laws, introduction of laws in some states criminalizing those who assist voters (AP report: <https://bit.ly/3NM9z3s>), and APIAVote plans for the upcoming 2024 elections

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

"Can we move?" - Chinese Residents Fearful Over New US Laws Banning Property Ownership

Through the roof
Florida

'Can we move?' Chinese residents are fearful over new US laws banning property ownership

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About this content

Frank Wu

Wed 26 Jul 2023 07:13 EDT



Composite: The Guardian/Getty Images

According to *the Guardian* on July 26, 2023, a Florida law barring certain foreign nationals from buying property has brought confusion, thoughts of moving and protests. Earlier this year, Fort Lauderdale resident **Yulin Wu**'s white co-workers told her not to worry about a Florida bill that would prohibit some Chinese people and entities from acquiring real estate. She had heard about the proposed legislation on Chinese-language social media.

On May 8, Governor **Ron DeSantis** signed Senate Bill (SB) 264 into law, a measure that bars almost all property ownership for people or entities from various "countries of concern" including China, Cuba, North Korea and Russia. Under the law, they cannot buy property with some exceptions; individuals who hold a non-tourist visa or have been granted asylum can buy a residence of less than 2 acres (0.8 hectares) if it is at least 5 miles (8 km) away from a military base or "critical infrastructure". The law singles out Chinese people with higher penalties for violation, but it does not apply to those who are naturalized US citizens or who have legal permanent "green card" residency.

Wu said: "I don't understand why this law passed. It definitely changed my feelings about Florida and the United States. I'm not welcome here."

That sentiment is echoed by many Chinese residents in the US as laws banning foreign property purchases, most targeting Chinese people, have proliferated around the nation. According to the advocacy group [APA Justice](#), 33 states have proposed or enacted similar bans against ownership of real estate by people of specific national origins. As legislators have revised their bills to address arguments that they are bigoted, some have added exceptions for lawful permanent residents who hold green cards.

Many Chinese residents in the United States, like Wu, are alarmed by this latest anti-Chinese

development, and some are becoming activists.

Wu, the first in her family to attend college, spoke to the Guardian via phone while visiting New York City. She's now mulling a move there. Wu settled in Florida just two years ago, passed the bar exam and landed a job. Wu bought a townhome as an investment property just before Florida's SB 264 was passed, and she wonders now whether she will be forced to sell it. The land of anyone who buys or sells property in violation of the law could be seized by the government. Wu's townhome is located near an airport, and she's unsure whether such an area is off-limits under the law.

Gabriel Chin, a law professor at the University of California, Davis, said this latest trend follows a long history of "alien land laws". Florida's alien land law was only repealed in 2018, making it the last state to do so. Chin led his students in an effort to undo similar laws that remained on the books.

At a July 18 court hearing in which a judge considered blocking the law, [Chinese Americans demonstrated](#), some traveling from around the country.

Zhengfei Guan is a University of Florida professor who has organized protests against the new law. He immigrated to the US in 2006. He noted that recently, "My daughter was asking, 'Can we move?'" The 17-year-old, who is a US citizen, fears the increasingly hostile environment for people of Asian descent.

He and Wu, the Fort Lauderdale lawyer, see the Florida measure as one component of the Chinese-US conflict, along with a trade war, accusations about the origins of Covid and violent attacks on Asian people. According to Guan, he and fellow Chinese academics have been adversely affected by China-fighting rhetoric and professional discrimination through the US justice department's "China Initiative". Discontinued last year, that federal effort investigated researchers under the theory that spies in unconventional places were sharing valuable intelligence data with Beijing. Even though Florida would allow Guan's children, as citizens, to buy a house there, he perceives the property ban as part of a pattern of bias.

This new batch of alien land laws has sparked confusion and thoughts of relocation, but also coalition building across the nation. **Steven Pei**, a Taiwanese immigrant and electrical engineering professor in Houston, flew to Tallahassee for last week's court proceeding. Although naturalized, he observed: "Nobody can tell if I am a citizen or not. I have to prove it?"

Pei credited Black politicians, especially US Representative **Al Green** of Texas, for key support in defeating that state's version of an alien land law in May. Pei said: "He organized the major rallies here ... and what really touched me is he has been meeting [ethnic] leaders every Saturday since March." Green encouraged the formation of a new non-partisan Multicultural Advocacy Coalition that Pei said includes African Americans and Latinos alongside Asian Americans.

Green himself said: "I'm concerned we not discriminate based on where you are from." Recalling segregated facilities and having to step off the sidewalk if a white person were approaching during Jim Crow, he added: "I was unfortunate enough to be born a son of the segregated south. I know what discrimination is like. There are many things I lived through I would not want us to return to."

Read *The Guardian* report: <https://bit.ly/3qf8itW>.

U.S. Senate Approves Amendment to FY2024 National Defense Authorization

Act. According to *Forbes* and other media reports, the Senate voted 91-7 on July 25, 2023, to prevent China, Russia, North Korea and Iran from purchasing U.S. farmland—part of a bipartisan push to scrutinize adversaries' business dealings in the United States.

The proposed rule—passed as an amendment to the annual defense budget bill—would require the president to review farmland transactions from those four countries, and block any deals that would give a foreign entity from any of the countries “control” of U.S. farmland and waive those that don't.

The measure would also give the Committee on Foreign Investment in the United States, commonly known as CFIUS, the power to evaluate land deals, using data from the Department of Agriculture, and block those deals if it sees fit (CFIUS already evaluates other transactions with foreign actors).

Prior to this amendment being attached, the bill was narrowly passed by the Republican-led House earlier this month, but that version included a number of conservative priorities related to abortion, transgender care and other hot-button issues that are unlikely to be accepted by the Democrat-controlled Senate. The Senate bill will return to the House for debate and a vote with the new amendments.

Read the *Forbes* report: <https://bit.ly/3DwWoPn>

After the Senate vote, Senator **Chris Van Hollen** (D-MD) provided a [vote explanation](#), which says in part: "As written, the language [of Rounds amendment No. 813 to S. 2226, the FY24 National Defense Authorization Act] seems to equate individuals from the specified countries as synonymous with their governments. Under this provision, if an individual with a valid visa, who has no connection to one of the governments listed, seeks to buy agricultural property above a certain threshold, the U.S. Government would deny them the ability to proceed with the purchase simply because of their national origin. While the national security concerns this amendment seeks to address are real, we must not discriminate on individuals based on national origin, race, or ethnicity. I voted in favor of my colleagues' amendment in order to continue the conversation on this important issue, but will not support any final provision that does not resolve these civil liberties concerns."

Axed China Initiative's Racial Profiling Legacy Haunts Scientists in US



Illustration: Henry Wong

According to the *South China Morning Post* on July 25, 2023, physicist **Xiaoxing Xi**'s life changed forever when a team of armed FBI agents burst into his home in Philadelphia and rounded up his family at gunpoint.

Xi was arrested and charged with sharing sensitive US company technology on May 21, 2015 – three years before the **Donald Trump** administration launched its controversial China Initiative targeting scientists in the US for perceived connections with Beijing.

The charges against Xi – who was accused of trying to transfer information to China about the design of a pocket heater – were dropped four months later, but not before he lost his position as chairman of the physics department at the Philadelphia-based Temple University. During the FBI's investigation, Xi was also not allowed to appear on campus, apply for research grants or talk to his students, even privately.

“That’s a very traumatic experience,” Xi said the US government’s case was based on four emails sent from his Temple University address that had nothing to do with the pocket heater.

Xi’s ordeal took place under former president **Barack Obama**, but the Trump administration’s initiative vastly broadened the scope of later investigations into scientists of Chinese heritage in the US.

About 150 academic scientists were openly investigated and two dozen hit with criminal charges before the initiative was eliminated by the justice department in February 2022. But the scrutiny has never stopped and there is little sign that the **Joe Biden** administration is doing enough to repair the damage, scientists of Chinese heritage have told researchers.

The China Initiative, touted as a response to “economic espionage” by Beijing, was heavily

criticized at the time as “unconstitutional” by the American Civil Liberties Union, which said it was based on racial profiling because it “singled out scientists based on their race, ethnicity or national origin”.

A lasting impact of the initiative is the widespread fear still reported by many scientists with Chinese heritage, according to a study by researchers from Princeton University, Harvard, and the Massachusetts Institute of Technology (MIT).

The study, published last month in the National Academy of Sciences peer-reviewed journal PNAS, found general feelings of fear and anxiety had led many of the scientists to consider leaving the US or refrain from applying for federal grants.

Before he became a target for the FBI, Xi’s research was funded by nine federal grants and he had 15 people on his team. Today, Xi receives one grant for a much smaller focus of study, with just one researcher to help him.

MIT mechanical engineering professor **Gang Chen** – who was arrested in January 2021 under the China Initiative and had his charges dismissed one year later – said he was afraid to apply for federal grants because of anxieties around being racially profiled.

“Basically, I’m done with federal funding,” Chen told *NBC Asian America* in August. He has also shifted from nanotechnologies with obvious commercial applications to more fundamental research, according to the February edition of *Nature*.

Another study, published in March by *The Review of Higher Education*, found a “consistent and statistically significant pattern” of racial profiling of Chinese and other Asian scientists.

The researchers – from the University of Arizona and Committee of 100, a Chinese-American non-profit – surveyed about 2,000 scientists from the top US research universities and concluded that concerns about racial profiling remained, despite the end of the China Initiative.

Lead author **Jenny Lee** said there was no sign of “any governmental action to undo the harmful effects” of the China Initiative.

One Chinese-American scientist who recently returned to China, because of the initiative’s impact, said the aim of the initiative had been to create fear among scientists, as part of a US effort to contain China’s scientific progress.

“[The US] has achieved its purpose. US-based scientists are coming back to China and those in China are afraid to go back to the US,” said the scientist, who requested anonymity because of the subject’s sensitivity. “It’s happening every day.”

But some experts argue that cutting off relations with Chinese academia undermines Washington’s intention of competing and winning a technology race against Beijing.

Junming Huang, an associate research scholar at Princeton University and co-author of the PNAS study, said the US should “continue to welcome and attract Chinese scientists to maintain [its] global leadership in science and technology in the long run”.

“A key lesson we can learn from the China Initiative is we cannot apply a broad brush to solve problems and apply policies. We need surgical precision and data-based solutions that offer genuine steps moving forward to tackle specific problems,” he said.

Despite the challenges reported by scientists of Chinese heritage in the US, not everyone is returning to China.

Meanwhile, Xi’s efforts to seek redress from the courts for his experience continues. A lawsuit filed against the lead FBI agent and others in 2017, alleging that they “made knowingly or recklessly false statements” to support their investigation and prosecution was dismissed by a district court in 2021.

Xi appealed the decision last year and in May the Third Circuit Court of Appeals ruled his case had been wrongfully dismissed. Xi and his family are waiting to see if the US government will appeal the ruling and move the case forward, he said. In written testimony presented in 2021, Xi said that “whether the US and China are in a cold war or hot war, it is wrong for law enforcement to profile Chinese scientists based on where they come from”.

“All Chinese professors, scientists and students are not non-traditional collectors, or spies, for China,” he said.

Speaking to the *South China Morning Post* last week, Xi said the China Initiative had been based on the assumption that Chinese scientists were “suspected of spying for China”. “That’s the fundamental reason for all these cases and all the investigations that have happened ... In a sense, ‘presumed guilty until proven innocent’. This condition has not changed,” he said.

Read the *South China Morning Post* report: <https://bit.ly/3rCJixk>

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