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Federal District Court Refuses to Halt Florida's Discriminatory Housing Law

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**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

YIFAN SHEN, ZHIMING XU, et al.,

Plaintiffs,

v.

Case No. 4:23-cv-208-AW-MAF

**WILTON SIMPSON, in his official
capacity as Florida Commissioner of
Agriculture, MEREDITH IVEY, in her
official capacity as Acting Florida
Secretary of Economic Opportunity, et
al.,**

Defendants.

ORDER DENYING PRELIMINARY INJUNCTION MOTION

On August 17, 2023, a federal district court judge refused to preliminarily block Senate Bill (SB) 264, an unconstitutional Florida law banning many Chinese immigrants, including people here as professors, students, employees, and scientists, from buying a home in large swaths of the state. As a result, SB 264 remains in effect. The judge's order denying the preliminary injunction motion is posted here: <https://bit.ly/3QHsorA>

- 2023/08/18 Washington Post: [Florida judge refuses to halt law restricting Chinese land ownership](#)
- 2023/08/18 South China Morning Post: [US judge declines to block Florida law restricting Chinese from buying property](#)
- 2023/08/17 AsAmNews: [District Court declines to stop Florida Chinese land ban](#)
- 2023/08/17 National Iranian American Council: [NIAC Condemns Florida Court's Denial of Preliminary Injunction for Alien Land Law \(S.B. 264\)](#)

1. Press Release by ACLU



According to a press release by the American Civil Liberties Union (ACLU), the Florida District Court ruling addressed the plaintiffs' request for emergency relief and does not resolve the underlying legal arguments brought in the case.

ACLU, ACLU of Florida, DeHeng Law Offices PC, the Asian American Legal Defense and Education Fund (AALDEF), and the law firm Quinn Emanuel are representing four Chinese immigrants who live, work, study, and raise families in Florida, but are prohibited under SB 264 from buying a home, as well as Multi-Choice Realty, a local real estate firm whose business is harmed by the law.

"This law is hurting immigrants who are trying to build lives in Florida," said **Jian Song**, owner of Multi-Choice Realty LLC. "As a Chinese American who has called Orlando my home for over 20 years, I've been extremely worried since this law went into effect."

Under SB 264, people who are not U.S. citizens or permanent residents, and whose "domicile," or permanent home, is in China, are prohibited from purchasing property, including homes, in Florida. The sole exception is narrow: People with non-tourist visas or who have been granted asylum may purchase one residential property under two acres that is not within five miles of any "military installation." This term is vaguely defined in the law, but there are at least 21 large military bases in Florida, many of them within five miles of cities like Orlando, Miami, and Tampa — putting many major residential and economically-important areas completely off-limits. A similar but less restrictive rule also applies to many immigrants from Cuba, Venezuela, Iran, North Korea, Russia, and Syria. But the law singles out people from China for especially draconian restrictions and harsher criminal penalties.

"While today's decision is disheartening, our clients will continue to fight for their rights to equality and fairness on appeal," said **Ashley Gorski**, senior staff attorney at ACLU's National Security Project. "Florida's law legitimizes and expands housing discrimination, in violation of both the Constitution and the Fair Housing Act."

"Today's ruling heavily relies on a decision from the Supreme Court in 1923, a time when Asian

immigrants were not allowed to become citizens, own land, or vote,” said **Clay Zhu**, Managing Partner of DeHeng Law Offices PC. “We shall not go back.”

In the early 20th century, politicians used similar justifications to pass “alien land laws” in California and more than a dozen other states, prohibiting Chinese and Japanese immigrants from becoming landowners. These racist policies severely restricted economic opportunities for immigrants and exacerbated discrimination against Asian communities in the United States, before eventually being overturned in the courts and by state legislatures. Florida was one of the last states to repeal its “alien land law” in 2018.

“Our community will continue to fight against Florida’s unjust and racist law,” said **Bethany Li**, legal director at the Asian American Legal Defense and Education Fund. “These types of laws use false stereotypes about Asian Americans as perpetual foreigners and have repeatedly harmed our community — from the Chinese Exclusion Act, to the Japanese Americans’ incarceration during World War II, and the surveillance of South Asians in the post-9/11 period.”

“We are disappointed by today’s decision, and believe it fails to account for our clients’ constitutional and statutory rights,” said **Derek Shaffer**, partner at Quinn Emanuel. “In our view, which the U.S. Government has supported as an amicus, people from China should be no less welcome in Florida than they are elsewhere in the United States and free to participate in the housing market on equal footing with everyone else. Recognizing that this decision decides only our request for a preliminary injunction, we look forward to continuing this litigation and to seeking recourse on appeal.”

Read the ACLU press release: <https://bit.ly/45p3Mlq>

2. Statement by CALDA



法院的错误裁决

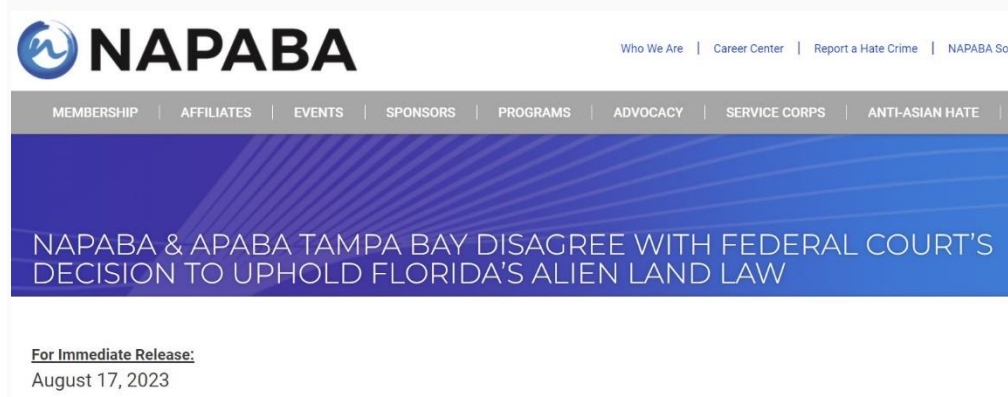
In a statement by the Chinese American Legal Defense Alliance, CALDA announced that 历史不容倒退：地区法院未批准禁止令，我们将立即全力上诉 (History Shall Not Regress: District Court Did Not Grant Restraining Order, We Will Appeal Immediately With Full Strength).

"We believe the District Court's decision was entirely wrong. We will not stop here, and our legal team will quickly file an appeal to the 11th U.S. Circuit Court in Atlanta in the next few weeks to overturn the district court's decision as soon as possible," the statement said. "CALDA and our civil rights alliance have formulated a response strategy. We will immediately appeal to the Eleventh Circuit Court, striving to overturn the ruling of the District Court as soon as possible. Next, we will continue to pursue our lawsuit with unwavering determination."

"CALDA firmly believes that the road to rights protection may be difficult, but the door to fairness and justice has never been closed. We have only encountered a temporary setback. The truth must take time to practice and validate, but our belief in the final victory has never wavered! While the struggle against SB264's diabolical law may continue for some time, CALDA and allies are bound to overturn it completely. Our mission is to completely eliminate systematic racial discrimination against the Chinese, and to ensure that the rights and interests of the Chinese are treated fairly and justly."

Read the CALDA statement in Chinese: <https://bit.ly/3P0zGpd>

3. Statement by NAPABA



According to a statement on August 17, 2023, the National Asian American Bar Association (NAPABA) and the Asian Pacific American Bar Association of Tampa Bay (APABA Tampa Bay) profoundly disagree with the Florida federal court ruling.

After the plaintiffs moved for a preliminary injunction seeking to bar the enforcement of SB 264, NAPABA and APABA Tampa Bay joined a coalition of partners and submitted an amicus brief in support of the injunction. Notably, the United States, in a Statement of Interest submitted by the U.S. Department of Justice, supported the injunction and advised that SB 264 violated the Equal Protection Clause of the Fourteenth Amendment.

"The Florida statute is a textbook example of invidious discrimination. The plain sweep of SB 264 not only places restrictions on individuals from China and certain other countries, including those lawfully present in the United States, in purchasing property, but it also imposes greater criminal penalties on Chinese buyers than for those from other restricted countries," the statement said.

"The District Court's reasoning relies heavily on the United States Supreme Court's decision in *Terrace v. Thompson*, 263 U.S. 197 (1923), which upheld Washington State's alien land law and barred a Japanese citizen from leasing farmland. In doing so, the District Court endorses an outdated historical legal argument that alien land laws do not violate equal protection because they applied broadly to all aliens ineligible for citizenship. This theory completely disregards the fact that at the time of enactment, Asian immigrants were not eligible to naturalize. *Terrace*, which has not been directly overturned, noted in 1923 that it was "reasonable" that "eligible aliens are free white persons and persons of African nativity or descent," and that "the natives of European countries are eligible. Japanese, Chinese and Malays are not." Resting today's decision on such discredited case law and reasoning is unacceptable.

"Despite the setback today, NAPABA's vigorous advocacy will continue.

"At bottom, policymakers are free to address the legitimate national security concerns of the United States, but they may not enact discriminatory laws on the backs of the AANHPI community."

Read the NAPABA statement: <https://bit.ly/44uwMOF>

The Case of Dr. Yanping Chen vs FBI et al

Case 1:18-cv-03074-CRC Document 148 Filed 08/17/23 Page 1 of 28

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

YANPING CHEN, Plaintiff, v. FEDERAL BUREAU OF INVESTIGATION, <i>et al.</i> , Defendants.	Case No. 18-cv-3074 (CRC)
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MEMORANDUM OPINION AND ORDER

On August 17, 2023, the U.S. District Court for the District of Columbia issued a Memorandum opinion and Order on the civil case of Dr. **Yanping Chen** 陈燕平 vs Federal Bureau of Investigation et al.

According to the Memorandum Opinion and Order,

"In 2017, Fox News Network aired a series of investigative reports about Plaintiff Yanping Chen. The thrust of the stories, principally authored by journalist **Catherine Herridge**, was that Ms. Chen had concealed her former membership in the Chinese military on her U.S. immigration forms and might have been using a professional school she founded in Virginia to funnel valuable information about the American military to the Chinese government. The reports also contained materials—including photographs and images of internal government documents—that Chen alleges were leaked by government personnel to Herridge and Fox, in violation of the Privacy Act. After extensive discovery and several opinions by this Court, Chen has been unable to identify the source of the alleged leak. She thus issued subpoenas to Herridge and Fox, seeking to compel them to reveal their confidential source or sources. Asserting the First Amendment's qualified privilege for journalists, and urging the Court to adopt a federal common law newsgathering privilege, Herridge and Fox moved to quash the subpoenas.

"The Court recognizes both the vital importance of a free press and the critical role that confidential sources play in the work of investigative journalists like Herridge. But applying the binding case law of this Circuit, the Court concludes that Chen's need for the requested evidence overcomes Herridge's qualified First Amendment privilege in this case. The identity of Herridge's source is central to Chen's claim, and despite exhaustive discovery, Chen has been unable to ferret out his or her identity. The only reasonable option left is for Chen to ask Herridge herself."

Read the Memorandum Opinion and Order: <https://bit.ly/3YET7XS>

An FBI Spy Hunter's Rise and Fall



Charles McGonigal illegally cultivated ties with foreign officials while serving as the F.B.I.'s top counterintelligence official in New York City, prosecutors said. Hiroko Masuike/The New York Times

According to *AP News* and the *New York Times*, **Charles McGonigal**, a former high-ranking Federal Bureau of Investigation (FBI) counterintelligence official pleaded guilty to conspiring to violate sanctions on Russia by going to work, after he retired, for an oligarch he once investigated.

As the chief of counterintelligence for the FBI in New York, he was tasked with rooting out foreign efforts to steal vital national security and economic secrets.

McGonigal pleaded guilty to a single count of conspiring to launder money and violate the International Emergency Economic Powers Act. He could face up to five years in prison. Judge **Jennifer H. Rearden** scheduled his sentencing for December 14. He is one of the highest-ranking FBI agents ever to be convicted of a crime.

The case has raised unsettling questions about the FBI's ability to detect corruption within its ranks. Prosecutors suggested that McGonigal traveled extensively while at the bureau, meeting with foreign officials and businesspeople who, on the surface, had nothing to do with his job. Agents are required to report such contacts and certain financial transactions and to take lie-detector tests, but the bureau relies heavily on the integrity of the people it has placed in positions of trust.

- 2023/08/16 AP News: [Ex-FBI counterintelligence official pleads guilty to conspiracy charge for helping Russian oligarch](#)
- 2023/08/14 New York Times: [Fast Living and Foreign Dealings: An F.B.I. Spy Hunter's Rise and Fall](#)

“United Against Hate” Forum in San Francisco



According to a LinkedIn post, The Asian American Foundation (TAAF) partnered with U.S. Attorney **Ismail Ramsey** for the second “United Against Hate” forum in San Francisco. The continued goal for these events are to strengthen relationships between government partners and community-based organizations by hosting a space for honest and open dialogue for law enforcement and community advocates.

Participants recounted stories of anti-AAPI hate and explained why many victims do not report incidents to law enforcement. They discussed the need for accountability and stronger prevention measures to help the community feel safer. The District Attorney’s Civil Division also shared civil remedies that the community can access to address incidents of anti-AAPI bias and discrimination.

Read the TAAF LinkedIn post: <https://bit.ly/3P404i9>

2023/08/26 March on Washington



On August 26, 2023, a 2023 March on Washington will commemorate the 60th anniversary of the historic March on Washington, organized by Dr. **Martin Luther King Jr.** and other civil rights leaders in 1963, to continue the fight for democracy, social justice and civil rights. Join the King family and the Asian American, Native Hawaiian, and Pacific Islander communities at the Lincoln Memorial to honor the past, acknowledge the present and march toward a future of progress and equality.

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