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Warrantless Surveillance - More Violations of Section 702 Revealed



On May 19, 2023, multiple media including [AP News](#), [Washington Post](#), and [New York Times](#), FBI analysts improperly and repeatedly used a warrantless surveillance program to search for information about hundreds of Americans who came under scrutiny in connection with two politically charged episodes of civil unrest: the protests after the 2020 police killing of **George Floyd** and the Jan. 6, 2021, attack on the Capitol. The violations occurred more than 278,000 times and were detailed in a secret court order issued last year by the Foreign Intelligence Surveillance Court, which has legal oversight of the U.S. government's spy powers.

The surveillance program, known as Section 702 under the Foreign Intelligence Surveillance Act (FISA), empowers the government to collect, without a warrant and from American companies like Google and AT&T, the communications of foreigners abroad who are targeted for intelligence purposes — even when they are talking with or about Americans.

Intelligence and law enforcement officials can search the database of communications intercepted under Section 702 using the names or other identifiers of Americans, but only under certain circumstances. The FBI has repeatedly failed to comply with those limits.

Section 702 expires at the end of the year unless it is renewed by Congress.

Sen. **Ron Wyden** (D-Ore.), a longtime critic of what he says is dangerous overreach by U.S. intelligence officials, decried what he called the “shocking abuses of FISA Section 702.” He said that the abuses have been going on for years and that officials are still withholding key details from the public. “There is important, secret information about how the government has

interpreted Section 702 that Congress and the American people need to see before the law is renewed,” Wyden said in a written statement.

“You can tell your department, not a chance in hell we’re going to be reauthorizing that thing without some major, major reforms,” Republican Sen. **Mike Lee** of Utah told Attorney General **Merrick B. Garland** at a Justice Department oversight hearing earlier this year.

“Today’s disclosures underscore the need for Congress to rein in the FBI’s egregious abuses of this law, including warrantless searches using the names of people who donated to a congressional candidate,” said **Patrick Toomey**, deputy director of the ACLU’s National Security Project. “These unlawful searches undermine our core constitutional rights and threaten the bedrock of our democracy. It’s clear the FBI can’t be left to police itself.”

The ACLU represents Professor **Xiaoxing Xi**, who is suing the government over its dismissed prosecution of him for supposedly sharing sensitive technology with scientists in China. New York Police Department Officer **Baimadajie Angwang** reportedly also fell victim to Section 702 under the now-defunct “China Initiative.”

Privacy and civil rights advocates have revived a proposal to require the government to obtain a warrant from the surveillance court before it may search the Section 702 repository using an American’s identifiers.

Elizabeth Goitein of the Brennan Center for Justice at New York University School of Law, who backs that idea, said the violations disclosed in the opinion, particularly for the political campaign donors and those arrested in connection with the racial justice protests, showed the necessity of that proposal. “The opinion provides frightening proof of the need for a warrant requirement before agencies conduct U.S. person queries,” she said.

[Elizabeth Goitein](#) has accepted APA Justice's invitation to speak on this topic at the June 5 monthly meeting. Please send a request to contact@apajustice.org if you wish to join the by-invitation-only meeting.

Read more about warrantless surveillance and Section 702 at <https://bit.ly/3O6T43Q>

APA Justice Seeks Up to Two Motivated Paid Interns

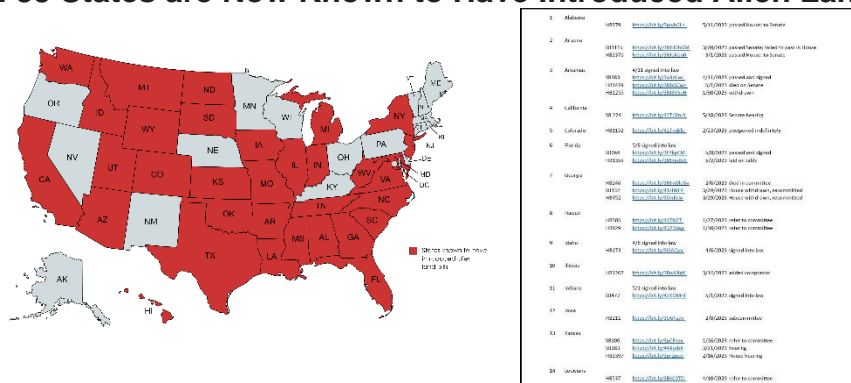


APA Justice is looking for up to two motivated paid website design and content management interns to join our team for the summer months. The successful candidates will assist in designing, developing, and maintaining the APA Justice website at <https://www.apajustice.org/>. The interns will work closely with the co-organizers and other members of the organization to ensure that the website reflects our mission and values and provides a user-friendly experience for all visitors. These are paid internship positions that allow for working remotely and flexible hours, and option to extend to part time positions beyond the summer. Responsibilities include the innovative development of a virtual library and related content. The job description is here: <https://bit.ly/438Oh6c>. Interested candidates should send their resume and questions to contact@apajustice.org.

Cornell University is Seeking A Research Associate & Program Coordinator for Its China U.S. Policy (CUSP) Initiative. This is a 2-year term appointment with benefits and the possibility of extension depending on funding. Professor Jessica Chen Weiss is Director. Review of applications will begin June 1. Interviews will take place early to mid-June. The anticipated start date is July 1, 2023 with an end date of June 30, 2025. Learn more about the job and apply at <https://bit.ly/3MnFPJz>

Latest Developments on Discriminatory Alien Land Bills

1. 33 States are Now Known to Have Introduced Alien Land and Property Bills



As of May 20, 2023, there are 33 states known to have introduced some form of alien land and property bills in the current or recent legislative session. A few have passed and signed into state law; some have died; others are still pending.

State-by-state links to the legislations and a companion map are provided as community resources at <https://bit.ly/402IG1w>. They are collected from multiple sources including APA Justice, Committee of 100, National Agricultural Law Center, Project South, and crowdsourcing. Due to the dynamic nature of these developments, we plan to update the information periodically. We anticipate the continuation and introduction of alien land and property bills into future state legislative sessions.

The map and a list of state legislations are posted at <https://bit.ly/402IG1w>

2. Alien Land Bill in Alabama - House Bill 379



According to *WHNT-TV19* on May 19, 2023, a bill that would have initially prevented Chinese citizens from buying a home in Alabama underwent some major changes after a committee hearing this week.

The “Alabama Property Protection Act” changed to ban just government entities from “countries of concern” from buying land near military bases. But some Chinese American Alabamians said they still have some concerns with the new version of the bill.

Lily Moore is a realtor in Montgomery and a U.S. citizen living in Alabama for the last 25 years. She said the first version of this bill concerned her not only as someone from China but as a real estate agent who would have had to question homebuyers.

“It could be like a Caucasian that looks like an Asian. I think of my job as not a realtor anymore,” Moore said. “It’s like an investigator for FBI.”

After she and many others voiced concerns, the bill changed — no longer preventing people from China from buying land in Alabama but targeting instead government entities from countries on a federal sanctions list, including China, Iran, North Korea and Russia.

Moore and **Linyuan Guo-Brennan** with the Central Alabama Association of Chinese Americans said they are glad to see the changes to the bill but are still concerned that the mere listing of the countries could lead to discrimination, even though the bill is now aimed at government actors.

“This is one way, or most effective way, to enforce systemic discrimination,” Guo-Brennan said. “The members of the Chinese American community have already feel that we are the political pawns of the two parties playing politics.”

The length of the regular Alabama legislative session is limited to 30 meeting days within a period of 105 calendar days. The bill will next be considered by the House to either concur with the substitute bill or make changes. Tuesday May 23 will begin day 24 out of 30 meeting days for the legislative session.

Read the *WHNT-TV19* report: <https://bit.ly/3opbrq7>

"Alabama not a sweet home for Asians." According to an opinion published by *AL.com* on May 18, 2023, at the onset of this Asian American and Pacific Islanders (AAPI) Heritage Month in May, the House of Representatives in the State of Alabama approved HB-379, also known as

the Alabama Property Protection Act. This legislation specifically aims to prohibit Chinese citizens, Chinese companies, and the Chinese government from acquiring property. Such a measure flagrantly infringes upon the civil rights of Chinese individuals residing in the state and demonstrates a blatant disregard for the principles upheld by the Fair Housing Act.

It is crucial to halt the ratification of this bill before law-abiding citizens are unjustly deprived of their ability to purchase homes or engage in economic activities. While one may assume that such xenophobic legislation belongs to a bygone era, it is essential to acknowledge that Alien Land Acts have persisted until modern times.

During this AAPI Heritage Month, it is essential to celebrate the remarkable achievements and invaluable contributions of the AAPI community. We must resist the regression into xenophobic laws that mirror a bygone century. Our unwavering belief rests upon the establishment of a just and inclusive society that upholds the rights and dignity of all individuals, irrespective of their ethnicity. It is incumbent upon us to reject the existence of discriminatory legislation, as none of us would desire to witness the marginalization of foreign American nationals in their respective countries or the unjust exclusion of American corporations from foreign market investments.

The author of the opinion, Dr. **Ken Yang**, holds an MD and PhD and lives in Birmingham where he has been a research scientist at the University of Alabama at Birmingham the past 19 years.

Read Dr. Yang's opinion at *AL.com*: <https://bit.ly/3luxcMI>

3. Alien Land Bills in Arizona - Senate Bills 1115, 1112 and House Bill 2376

AZ HB2376 | 2023 | Fifty-sixth Legislature 1st Regular

[f](#) [t](#) [in](#) [yt](#)

Arizona House Bill 2376

[AZ State Legislature page for HB2376](#)

Summary | Sponsors | Texts | Votes | Research | Comments | Track

Status

Spectrum: Partisan Bill (Republican 10-0)

Status: Engrossed on February 23 2023 - 50% progression

Action: 2023-03-01 - Senate read second time

Pending: Senate Natural Resources, Energy and Water Committee

Text: Latest bill text (Engrossed) [HTML]

Summary

Agricultural land; foreign ownership; prohibition

According to LegiScan and [Arizona Capitol Times](#) on March 3, 2023, Arizona Senate passed [Senate Bill 1115](#) by a margin of 16-14 that would prohibit land sales to the government, companies, and citizens of China, Cuba, Iran, North Korea, Russia, Saudi Arabia, Syria or Venezuela. The bill was sent to the Land, Agriculture & Rural Affairs Committee of the Arizona House of Representatives and failed to advance on a 3-6 vote on March 30, 2023.

[Arizona SB1112](#) was introduced on January 19, 2023, to originally target China, but was expanded in the government committee to ban individuals from a list of countries from buying property in Arizona. It passed the committee on a 5-3 vote, but has seen no further action.

[Arizona House Bill 2376](#) was introduced on January 18, 2023. It passed the Arizona House on a 43-17 vote on February 22, 2023. The bill is currently pending at the Arizona Senate Natural Resources, Energy and Water Committee.

4. Alien Land Bill in Louisiana - House Bill 537



On May 15, 2023, the Civil Law and Procedure Committee of the Louisiana House of Representatives held a hearing that included [Louisiana House Bill 537](#). High school graduate **Abigail Hu**'s testimony started at 3:12:45 and ended at 3:16:16. The Louisiana House has scheduled floor debate for May 23, 2023.

Watch the Louisiana House of Representatives proceedings: <https://bit.ly/3luWfoG> (video 3:34:11).

Florida Governor DeSantis Criticized for Mandating Asian American History While Banning Courses on "Systemic Racism"



According to a report by *NBC News* on May 18, 2023, a new law in Florida mandates the teaching of Asian American and Pacific Islander history in public schools. But many Asian Americans are not celebrating, pointing to how other marginalized communities are being affected by the state heavily limiting the instruction of systemic racism and gender identity in the classroom.

Asian American academics and civil rights organizations are speaking out after Republican Gov. **Ron DeSantis** signed the bill last week, requiring that Asian American and Pacific Islander history to be included in the K-12 curriculum. The measure coincides with another bill signed into law to no longer permit public colleges to spend money on diversity, equity and inclusion

(DEI) efforts. It also limits the way race and gender will be taught in the state's higher education institutions.

Gregg Orton, national director of National Council of Asian Pacific Americans, a coalition of dozens of AAPI organizations, said the history law is far from a “win” for the Asian American community, adding that “racial justice can’t be a zero-sum game for communities of color.”

“When you advance a bill that uplifts AAPI communities, but don’t want to acknowledge the fact that in the same state, there are real intentional efforts to invisibilize or erase Black history, or [critical race theory], you are on the wrong side of history,” Orton said. “With Florida, it’s hard to draw any other conclusion than they are actively trying to use the Asian American Pacific Islander community as a wedge here.”

Make Us Visible, the group that spearheaded the push, has been working on the legislation for more than two years, according to **Mimi Chan**, president of the Florida chapter. All students in the state, from grades K-12, will “benefit from this legislation because moving forward all histories will be taught together,” she said in a statement provided to NBC News.

The history mandate would require the teaching of Japanese American incarceration in World War II, immigration, citizenship and the “contributions of Asian Americans and Pacific Islanders to American society.” Conversely, the anti-Diversity, Equity and Inclusion bill, effective July 1, will ban the teaching of courses that legislators say “distort significant historical events or include a curriculum that teaches identity politics.” It also bans “theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities.” The bills come after state officials rejected an Advanced Placement African American studies course in January, leading the College Board to water down its framework for the curriculum.

Pawan Dhingra, president of the Association for Asian American Studies, said that the effort from activists to implement Asian American studies in schools is admirable. However, the greater context around race education in the state can’t be ignored, he said. The language in the higher education bill, particularly its use of “identity politics,” Dhingra said, in part dismisses many groups’ real experiences and meaningful critiques.

“What they’re saying is basically denying that there’s just real injustice going on,” he said.

Moreover, Asian American history is intertwined and inextricably tied to others’ experiences, challenges and struggles, **Russell Jeung**, professor of Asian American studies at San Francisco State University, said. Omitting those aspects of education would create an untruthful representation, he said.

Manjusha P. Kulkarni, co-founder of Stop AAPI Hate, similarly noted that Asian American experiences cannot be separated from that of Black, Indigenous and other groups, calling into question what “version” of history will be taught in schools.

Kulkarni said: “We cannot address racism and hate in a silo. We know that our communities are interconnected.”

She added that the history mandate also coincides with DeSantis' signing of SB264, a law that in part prohibits Chinese nationals who do not have U.S. citizenship from buying property or land in the state.

"DeSantis and the Florida officials are not truly interested in seeing our full humanity. And that raises further questions about what the bill signing of AAPI history means," she said.

For now, the experts say, progress is still distant.

"I don't want to discount the eagerness and the desire and hunger for our community to see advancements like this," Orton said of the history mandate. "But it can't be done at the expense of others."

Read the *NBC News* report: <https://nbcnews.to/3WpTGnu>

According to multiple media reports including [AP News](#), [CBS News](#), [CNN](#), and [New York Times](#), the National Association for the Advancement of Colored People (NAACP), the League of United Latin American Citizens (LULAC), and Equality Florida have issued travel advisories for Florida, warning potential tourists that recent laws and policies championed by Gov. Ron DeSantis and Florida lawmakers are "openly hostile toward African Americans, people of color and LGBTQ+ individuals."

Florida is one of the most popular states in the U.S. for tourists, and tourism is one of its biggest industries. More than 137.5 million tourists visited Florida last year. Tourism supports 1.6 million full-time and part-time jobs, and visitors spent \$98.8 billion in Florida in 2019.

News for the Communities

1. For First Time, FBI San Diego's Special Agent in Charge is Asian American



According to Fox5-San Diego on May 18, 2023, for the first time at FBI San Diego, the bureau's top cop or special agent in charge (SAC) is of Asian American descent. SAC **Stacey Moy** grew up in San Diego. Moy had humble beginnings as a kid from Solana Beach, a third generation Chinese American whose father worked for the Navy. He found his fit in the U.S. Navy, graduating from the Naval Academy in 1998. He was commissioned and served as an officer in the Surface Warfare and Naval Special Warfare communities. Moy joined the FBI as a special

agent in 2004 and served on the SWAT team. He was promoted to top leadership positions in Washington, D.C. and San Francisco before becoming Special Agent in Charge in San Diego. Moy's second in command is Assistant Special Agent in Charge **John Kim**, who is Korean American. Only a little over 3% of the FBI special agents are AAPI. The FBI has reportedly created Diversity Advisory Committees to help improve and increase diversity within its rank. Watch and read the Fox5-San Diego report: <https://bit.ly/3pZKsSH>

2. Asian American Fellows Elected to the National Academy of Sciences



In addition to MIT Professor **Gang Chen**, other known Asian American fellows elected to the 2023 National Academy of Sciences include:

- **Chao, Moses V.**; professor, Department of Cell Biology, Psychiatry, Neuroscience and Physiology, Skirball Institute of Biomolecular Medicine, New York University School of Medicine, New York City
- **Lin, Xihong**; coordinating director, program in quantitative genomics, Harvard T.H. Chan School of Public Health; and professor of statistics, Department of Biostatistics, Harvard University, Boston
- **Pan, Duoqia**; investigator, Howard Hughes Medical Institute; and professor and department chair of physiology, University of Texas Southwestern Medical Center, Dallas
- **Sundaresan, Venkatesan**; Distinguished Professor, College of Biological Sciences, University of California, Davis
- **Ting, Alice**; professor of genetics, biology, and, by courtesy, chemistry, Department of Genetics, Stanford University, Stanford, Calif.
- **Tye, Bik-Kwoon**; professor, molecular biology and genetics, College of Agriculture and Life Sciences, Cornell University, Ithaca, N.Y.
- **Venkatesh, Akshay**; Robert and Luisa Fernholz Professor, School of Mathematics, Institute for Advanced Study, Princeton, N.J.
- **Wang, Michelle D.**; investigator, Howard Hughes Medical Institute; and James Gilbert White Distinguished Professor of the Physical Sciences, Department of Physics, Cornell University, Ithaca, N.Y.
- **Xiao, Shuhai**; professor of geobiology, Department of Geosciences, Virginia Tech, Blacksburg
- **Zeng, Hongkui**; executive vice president and director, Allen Institute for Brain Science, Seattle
- **Zhou, Min**; Walter and Shirley Wang Endowed Chair in US-China Relations and Communications, Department of Sociology, University of California, Los Angeles

Read the 2023 National Academy of Sciences announcement: <https://bit.ly/3Oz32Lw>

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