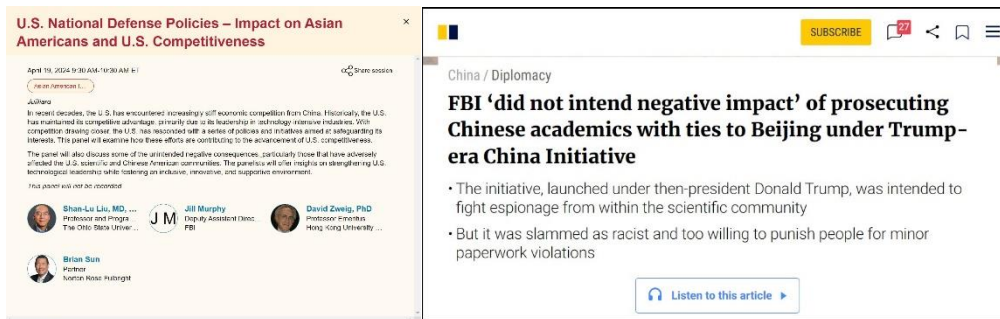


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FBI Senior Official: "FBI Did Not Intend Negative Impact"



Speaking at the Committee 100 conference on April 19, 2024, a senior FBI official said the Bureau did not intend to create negative impact of prosecuting Chinese Academics with ties to Beijing under the previous China Initiative, according to a report by the *South China Morning Post*.

“We value your ideas and your criticisms,” said **Jill Murphy**, deputy assistant director of counter-intelligence with the Federal Bureau of Investigation. “It makes us better.”

Murphy added that she is a supporter of scientific collaboration with China, and that the FBI values its relationship with the Asian American community, but said it must also ensure that American secrets are protected.

“Hold us accountable,” she added. “My hope is that we can continue our work together.”

Shan-Lu Liu, a virology professor with Ohio State University, said too many academics had been caught up in the law enforcement campaign, undermining US competitiveness, particularly in areas that have nothing to do with national security, such as the search for a cure for cancer.

The scientific community has legitimate concerns, said **David Zweig**, professor emeritus with the Hong Kong University of Science and Technology.

There are currently 100,000 Chinese-born scientists in the United States making an enormous contribution to US science and competitiveness.

There's nothing wrong with trying to entice talent to return and blunt the brain drain, he added. Several economies have talent programs, including Germany, Canada and Taiwan. "I am one of those drains," said the Canadian, who now lives in the US.

One lesson Asian Americans need to draw from this experience, said participants in the conference, is the need to stand up more forcefully politically and ensure the right balance is maintained between security and successful collaboration.

China Initiative was launched in November 2018 under the Trump administration. It originally aimed at stemming industrial espionage by Beijing; instead, the program prosecuted scientific researchers and academics with ties to China, often without strong evidence for their charges. Facing strong backlash from the Asian American and scientific communities, the Biden administration disbanded the China Initiative in 2022.

Brian Sun, Partner at Norton Rose Fulbright and C100 member, served as moderator for the session.

Read the *South China Morning Post* report: <https://bit.ly/4d3L0uP>



At the Committee of 100 gala in the evening of April 19, 2024, a lively discussion unfolded between **Nicholas Burns**, the current U.S. Ambassador to China, and **Gary Locke**, former U.S. Ambassador to China and current Chair of the C100. They engaged in an insightful exchange, delving into the current state and recent developments in U.S.-China relations, including an upcoming visit to China by Secretary of State **Antony Blinken**, a pair of pandas from China is coming to the San Francisco Zoo in 2025, and the need for more U.S.-China people-to-people exchanges.

Ambassador Burns said only about 900 American students are studying at Chinese universities today. This is far too few in a country of such importance to the United States. Rebuilding the student exchanges is under active consideration. Beijing has also taken steps to attract American students to study in China. **Xi Jinping**, President of China, said China is ready to invite 50,000 American students to exchange and study programs in the next five years during the APEC summit in San Francisco last year.

Florida: Hearing and Rally in Miami; Hiring Ban Harms Research

1. Appeals Court Hearing and Community Rally Against Florida's Anti-Chinese Alien Land Law in Miami



According to *AP*, *Bloomberg News*, *Courthouse News*, and other media reports, **Ashley Gorski**, senior staff attorney of the American Civil Liberties Union (ACLU), told a three-judge panel from the 11th Circuit Court of Appeals that “Florida is unlawfully restricting housing for Chinese people.” The state law known as SB 264 bars Chinese nationals and citizens from Russia, Iran, North Korea, Syria, Cuba, and Venezuela that Florida sees as a threat from buying property near military installations and other “critical infrastructure.” She asked the court to block the Florida law, calling it discriminatory and a violation of the federal government’s supremacy in deciding foreign affairs.

Three of the individual plaintiffs reside in Florida on time-limited, nonimmigrant visas, and the fourth is seeking political asylum. They are being represented by ACLU, ACLU of Florida,

DeHeng Law Offices PC, the Asian American Legal Defense and Education Fund (AALDEF), and the law firm Quinn Emanuel.

The panel of three judges holding the hearing are Judge **Charles R. Wilson**, a Clinton appointee, and Trump-appointed Judges **Robert J. Luck** and **Barbara Lagoa**.

Gorski compared SB 264 to long-overturned laws from the early 20th century that barred Chinese from buying property. “It is singling out people from particular countries in a way that is anathema to the equal protection guarantees that now exist,” Gorski told the court.

The law specifically restricts people from China who are not citizens or lawful permanent residents from owning any real property in Florida, regardless of location. The sole exception is that people with a valid non-tourist visa or who have been granted asylum are permitted to purchase one residential property, but only if it is less than two acres and not within five miles of a military installation.

Any person living in Florida that is “domiciled” in China must register their existing property with the state or face civil penalty and forfeiture consequences for failure to comply. Under the law, Chinese immigrants face up to five years in prison for trying to buy a home — the seller faces up to one year in prison — as well as thousands of dollars in fines.

The challenge to Florida SB 264 is the biggest legal test so far for a torrent of state laws restricting land ownership by foreign individuals or entities. SB 264 revives a 100-year-old, discredited legal precedent that unconstitutionally discriminates against Asian immigrants. The 1920s case law has been superseded by subsequent rulings, Ashley Gorski told the Eleventh Circuit panel. SB 264 goes even further than that case, *Terrace v. Thompson*, in its explicit discrimination.

The law has had a “chilling effect” for not only Chinese immigrants but Asian Americans generally in the state, said **Bethany Li**, legal director at AALDEF. “The law sends the message that Asians aren’t welcome in the state of Florida and some of the interactions that we’re seeing day-to-day are certainly reflective of that,” Li said in an interview.

The U.S. government filed an amicus brief in support of the plaintiffs, arguing that the law violates the Fair Housing Act and equal protection clause of the 14th Amendment. “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,” the government wrote in its brief.

Florida was one of 16 states that enacted legislation restricting land ownership by foreign entities or individuals last year, according to the Congressional Research Service. And lawmakers introduced bills to regulate foreign property ownership in another 20 states, it found. Opponents say Florida’s law is one of the most sweeping adopted so far.

Read the AP report: <https://bit.ly/4cZ4wZg>. Read the Bloomberg Law report: <https://bit.ly/44bPCes>. Read the Courthouse News report: <https://bit.ly/3w3zRte>



A coalition of Asian American organizations, community members, elected officials, and allies held a rally on April 19, 2024, in opposition to SB 264, a Florida law banning many Chinese immigrants from buying homes in large swaths of the state. The rally was held immediately following oral arguments at the U.S. Court of Appeals for the 11th Circuit.

Activists from all over the country showed up for the rally.

“Many people are leaving or considering [leaving]. The people are selling houses, because we don’t know what to do, you see, not welcoming,” **Echo King**, co-founder and President of the Florida Asian American Justice Alliance (FAAJA), told *AsAmNews*. “We don’t feel welcome. So you know, people are leaving.”

King expressed during the rally that it is dangerous to conflate individuals with their country of birth. Bethany Li, legal director of AALDEF, echoed the sentiment that the law cannot be divorced from the current political climate, where both Republicans and Democrats have voiced anti-China rhetoric.

“Unfortunately, from casting China as the enemy, what we see is that the direct impact of that type of anti-China rhetoric is actually on everyday interactions for Asian Americans in the United States. It worsens the types of daily interactions that we have on streets, in schools, and the workplace, trying to get homes,” Li told *AsAmNews*.

Read the *AsAmNews* report: <https://bit.ly/4b6WnQD>. Read the press release by Stop AAPI Hate: <https://bit.ly/4d4n62d>

2. Science: Hiring Ban Disrupts Research at Florida Universities



University of Florida economist Zhenfei Guan has protested and sued to overturn a state law restricting hires of graduate students. ZHENFEI GUAN

A report by *Science* on April 12 shared insights on the disruption caused by a new Florida law prohibiting the state's 12 public universities from employing graduate students and postdocs from China and six other "countries of concern" without special permission. The report featured **Zhengfei Guan**, an agricultural economist at the University of Florida (UF), who failed efforts to recruit a new Chinese postdoc to join his research team last summer. The candidate rejected his offer because of concerns about the new law.

The article further stated that the new law disrupts graduate admissions across Florida's public universities. One UF department removed every student from a country of concern from a list of people the department wanted to hire as graduate assistants. Another UF department, dependent on students from the country on the list, has asked to lower its usual GPA requirement due to a lack of qualified local applicants.

While universities can still hire faculty from targeted countries like China, the law is affecting recruitment. In UF's College of Liberal Arts and Sciences, the top two candidates for a tenure-track position declined offers due to the law's employment restrictions.

Read the *Science* report: <https://bit.ly/4a12ET3>

Biden Signs Bill Reauthorizing Contentious FISA Surveillance Program



According to *AP* and multiple media reports, President **Joe Biden** on April 20, 2024, signed legislation reauthorizing a key U.S. surveillance law known as Section 702 of the Foreign Intelligence Surveillance Act, or FISA. The law gives the government expanded powers to monitor foreign terrorists and allows the government to gather communications from foreigners overseas without court warrants.

For months, privacy and rights groups have argued that it violates Americans' constitutional right to privacy. The bill was blocked three times in the past five months, before passing the House last week by a 273-147 vote when its duration was shortened from five years to two years. Though the spy program was technically set to expire at midnight, the Biden administration had said it expected its authority to collect intelligence to remain operational for at least another year, which was approved by the Foreign Intelligence Surveillance Court.

Barely missing its midnight deadline, the Senate approved the bill by a 60-34 vote. Hours before the law was set to expire, U.S. officials were already scrambling after two major U.S. communication providers said they would stop complying with orders through the surveillance program.

A group of progressive and conservative lawmakers who were agitating for further changes had refused to accept the version of the bill the House sent over the previous week.

The lawmakers had demanded that **Chuck Schumer**, D-N.Y., allow votes on amendments to the legislation that would address civil liberty loopholes in the bill. In the end, Schumer was able to cut a deal that would allow critics to receive floor votes on their amendments in exchange for speeding up the process for passage. The six amendments ultimately failed to garner the necessary support on the floor to be included in the final passage.

One of the major changes detractors had proposed centered around restricting the FBI's access to information about Americans through the program. Though the surveillance tool only targets non-Americans in other countries, it also collects communications of Americans when they are in contact with those targeted foreigners. Sen. **Dick Durbin**, the No. 2 Democrat in the chamber, had been pushing a proposal that would require U.S. officials to get a warrant before accessing American communications.

“If the government wants to spy on my private communications or the private communications of any American, they should be required to get approval from a judge, just as our Founding Fathers intended in writing the Constitution,” Durbin said.

Read the AP report: <https://bit.ly/4a2k1qB>

Commissioner Yvonne Lee on USDA Equity Report and Asian American Farmers



During the APA Justice monthly meeting on April 8, 2024, Commissioner **Yvonne Lee** began with warm memories of Dr. **Robert Underwood** who also spoke at the meeting, fondly recalling his inspiring demeanor and urging all present to embrace accountability and responsibility as public servants.

Commissioner Lee has also dedicated her career to public service, having served on the U.S. Commission on Civil Rights and is the only Asian American member of the USDA Equity Commission that produced a final report for the Secretary of Agriculture in February 2024. The final report contains 66 recommendations. Three of them are specific concerns from the AANHPI community perspective.

- Language access, which Commissioner Lee was happy to report, has been fully implemented last year.
- Issues related to procurement, minority contracting, sub-contracting, and similar opportunities.
- Land ownership.

Commissioner Lee emphasized the report's significance as an official federal document chronicling AANHPI community involvement in American agriculture. She discussed the decline of Asian American agricultural dominance, citing historical discrimination.

“Dating back to the 1880s, Asian American farmers have contributed two-thirds of California’s produce. Asian American growers introduced asparagus, celery, strawberries, sugar, and beans, to the American palate,” Commissioner Lee wrote in 2023. “When we examine how we want to advance social and economic justice for underrepresented communities and families,

we must consider local food systems and how they were shaped. Discriminatory laws dissipated much of Asian American businesses and producers' work in the agriculture industry." Today Asian American farmers produced less than 2% of the food output nationwide.

The 1882 Chinese Exclusion Act was a major contributor to the decline of Asian American participation in farming as it often extended to people of Asian-descendent and specifically prohibited the immigration of Chinese laborers. The Act was a gateway to additional discriminatory and exclusionary laws such as the Alien Land Laws which banned Asian Americans from owning land.

The USDA Equity report serves as a poignant reminder of past achievements and ongoing challenges.

There is a parallel to today's continued assault to diminish our right to access land and properties and our role as full-fledged Americans because of a perceived background. "We can use this document to reflect and to use it to educate the public and to continue to advocate within and beyond our communities," Commissioner Lee said as she urged collective reflection and advocacy, particularly regarding recommendation number 37 on page 52 of the USDA Equity Report —"Right to Access Agricultural Land"—as a means to combat discrimination and safeguard community interests.

The Committee on Foreign Investment in the United States (CFIUS), an interagency committee chaired by the Secretary of Treasury, has the authority to review, approve, or deny any proposed foreign transactions that might raise national concerns, including in the food and agricultural sector. Currently, USDA is not a CFIUS member, however, the U.S. Treasury may designate USDA as a co-lead in a CFIUS investigation on a case-by-case basis. The Equity Commission recommends that USDA serve as a permanent member of the committee and request the necessary Congressional appropriations to carry out this role.

Commissioner Lee explained that this gives the public an additional tool to apply our voice and our advocacy to have one more voice to amplify.

Read Commissioner Lee's 2023 blog: <https://bit.ly/3xMfb9C>. Read the USDA Equity Report: <https://bit.ly/4ceyXKE>.

A summary for the April monthly meeting is being prepared at this time. The virtual monthly meeting is by invitation only. It is closed to the press. 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.

Some Facts about Asian American Farm Workers



Filipino farmworkers, including Larry Filong (left), were the first to walk out of vineyards, prompting the Delano Grape Strike. They would join forces with Mexican laborers led by Cesar Chavez to form the United Farm Workers.

- The agricultural labor movement was inspired by Filipino leaders and workers who pulled their resources together and brought in **Cesar Chavez**. Read the NPR report about the forgotten Filipinos Who Led A Farmworker Revolution: <https://bit.ly/4d6vsX0>
- The Bing Cherry was named after a farm worker known by the name of **Ah Bing**, not **Bing Crosby**. Ah Bing was a head foreman for a commercial cherry nursery near the city of Milwaukie, Oregon. He was known to be a Chinese immigrant and worked at the nursery for over 35 years. He returned to China in 1889 to visit his family. While he was visiting, tensions rose in the Pacific Northwest against Chinese workers due to the Chinese Exclusion Act of 1882. New restrictions were placed on travel, and borders were sealed, preventing Ah Bing from returning to the United States. He did not leave records or any information behind, leading Bing cherries to be the only memory. Read the *Atlas Obscura* report: <https://bit.ly/4b4bRoJ>
- Before Disneyland, strawberry fields flourished. In 2022, *PBS* recounted the **Fujishige** family's journey, starting in the 1920s when their Japanese parents faced land ownership restrictions due to racist laws. In 1942, when the U.S. military forced Japanese Americans to evacuate the West Coast, the Fujishige family moved in with relatives in Utah. Despite adversity, the brothers bought a 58-acre berry farm for \$3,500 in 1953, after the Supreme Court overturned the Alien Land Law. They grew strawberries, vegetables and herbs. Despite Disney's offer to buy the land for \$90 million, they refused. The city attempted to seize the land in 1985, leading to **Masao Fujishige's** tragic suicide. Expressing solidarity with other people of color who have struggled to hold on to their land across the United States, **Hiroshi Fujishige** told the *LA Times* in 1991 that he didn't want to sell too early because he "didn't want to end up like those Indians who used to own Manhattan Island.". The family finally sold the farm in 1998, paving the way for Disney's California Adventure. Read the *PBS* report: <https://bit.ly/3Qd7Ki7>

News and Activities for the Communities

1. APA Justice Community Calendar

APA Justice Public Events

Today ← → April 2024 Print Week Month Agenda

Today ← → Sunday, April 21 Print Week Month Agenda

Tuesday, April 30
3:00pm Understanding Implicit Bias and How to Combat It

Thursday, May 2
AAGEN 2024 Executive Leadership Workshop

Saturday, May 4
4:00pm Corky Lee's Asian America: Fifty Years of Photographic

Sunday, May 5
9:00pm Rep. Gene Wu's Town Hall meeting

Monday, May 6
1:55pm APA Justice Monthly Meeting

Monday, May 13
9:00am 2024 APAICS Legislative Leadership Summit

Tuesday, May 14
Serica Initiative: 7th Annual Women's Gala dinner

Events shown in time zone: Eastern Time - Detroit Google Calendar

Upcoming Events:

2024/04/30 Understanding Implicit Bias and How to Combat It
 2024/05/02 AAGEN 2024 Executive Leadership Workshop
 2024/05/04 Corky Lee's Asian America: Fifty Years of Photographic Justice Book Tour
 2024/05/05 Rep. Gene Wu's Town Hall Meeting
 2024/05/06 APA Justice Monthly Meeting
 2024/05/13-14 2024 APAICS Legislative Leadership Summit
 2024/05/14 Serica Initiative: 7th Annual Women's Gala dinner

Visit <https://bit.ly/45KGyga> for event details.

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