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Chinese Immigrants Sue Florida Over Unconstitutional and Discriminatory Law Banning Them From Buying Land



On May 22, 2023, a group of Chinese citizens who live, work, study, and raise families in Florida, as well as a real estate brokerage firm in Florida that primarily serves clients of Chinese descent, filed a lawsuit to combat Florida’s discriminatory property law, SB 264. Signed by Governor **Ron DeSantis**, the legislation unfairly restricts most Chinese citizens — and most citizens of Cuba, Venezuela, Syria, Iran, Russia, and North Korea — from purchasing homes in the state. Unless the courts act, the law will take effect on July 1, 2023.

The plaintiffs are represented by the American Civil Liberties Union (ACLU), the ACLU of Florida, DeHeng Law Offices PC 德恒律师事务所, and the Asian American Legal Defense and Education Fund (AALDEF), in coordination with the Chinese American Legal Defense Alliance 华美维权同盟 (CALDA).

The lawsuit was filed in the Northern District of Florida of the U.S. District Court. It argues that SB 264 will codify and expand housing discrimination against people of Asian descent in violation of the Constitution and the Fair Housing Act. It will also cast an undue burden of suspicion on anyone seeking to buy property whose name sounds remotely Asian, Russian, Iranian, Cuban, Venezuelan, or Syrian. Gov. DeSantis has argued that this law is necessary to protect Florida from the Chinese Communist Party and its activities. But this misguided rationale unfairly equates Chinese people with the actions of their government, and there is no evidence of national security harm resulting from real estate ownership by Chinese people in Florida.

Florida's dangerous new law recalls similar efforts over the past century to weaponize false claims of "national security" against Asian immigrants and other marginalized communities. In the early 1900s, politicians across the country used similar justifications to pass "[alien land laws](#)" prohibiting Chinese and Japanese immigrants from becoming landowners. These racist policies not only hurt immigrants financially, but also severely exacerbated violence and discrimination against Asian communities living in the United States. Over time, these laws were struck down by the courts or were repealed by state legislatures because they violated the Constitution's equal protection guarantees.

APA Justice has created a web section to track the lawsuit via [CourtListener](#) at <https://bit.ly/3OzDEFv>

Clay Zhu 朱可亮, Partner of DeHeng Law Offices PC 德恒律师事务所 and Co-Founder of CALDA 华美维权同盟, is scheduled to speak at the June 5 APA Justice monthly meeting. Please send a request to contact@apajustice.org if you wish to join the by-invitation-only meeting. A tentative agenda will be sent to the invitees early next week.

Related References and Links

- ACLU Press Release: [Chinese Immigrants Sue Florida Over Unconstitutional and Discriminatory Law Banning Them From Buying Land](#)
- Complaint: [SHEN v. SIMPSON 4:23-cv-00208-AW-MAF](#)
- ACLU Case Page: [Shen v. Simpson - What's at Stake](#)
- Media reports: [AP News](#), [AsAmNews](#), [Axios](#), [CBS News](#), [Forbes](#), [Fortune](#), [Politico](#), [Reuters](#), [The Hill](#), [Independent Florida Alligator](#), and [Tallahassee Democrat](#)
- Smithsonian Institution: [A More Perfect Union - Japanese Americans and the U.S. Constitution](#)
- Equal Justice Initiative: [California Law Prohibits Asian Immigrants from Owning Land](#)
- APA Justice: [Lawsuit Against Florida Senate Bill 264](#)

Texas SB147 Dies in Legislature, with Help from Protests; Louisiana and Alabama



According to the *Houston Chronicle* on May 22, 2023, Texas Senate Bill 147 to stop Chinese citizens from buying land in Texas won't become law.

Even after major revisions were made to the bill to respond to statewide protests, the Texas House did not pass the legislation out of committee over the weekend — effectively killing the legislation for the regular session, which ends next week.

The bill triggered protests among Asian-American communities and civil rights groups who said it would block even Chinese citizens who fled the communist nation and are legal permanent residents — including green card holders — from buying property. There are about 100,000 legal green card holders in the United States from the four targeted nations, according to the U.S. Department of Homeland Security.

"We've got to quit dividing our society," state Sen. **John Whitmire**, D-Houston, said during a debate in the Senate last month on the bill.

Though it passed the Texas Senate, the House State Affairs Committee declined to even hold a hearing on the legislation.

State Rep. **Gene Wu**, a Houston Democrat whose family is from China, said the changes made to the bill didn't dispel the major problems he had with it.

"National security is a serious issue, but if we are concerned about the actions of foreign governments, then legislation should only affect foreign governments and their agents," Wu said. "Labeling every person from a nation as an agent of that government is not only unjust, but is also counterintuitive given the number of asylum-seekers and refugees that our nation welcomes from those same counties."

Read the *Houston Chronicle* report: <https://bit.ly/3Izh7oG>

Louisiana Protests Against Alien Land Bills



According to *The Advocate* on May 23, 2023, the Louisiana Legislature is advancing a slate of bills that seek to ban certain “foreign adversaries” – including Chinese companies and people – from buying land in Louisiana, part of a national effort largely pushed by Republican-led states to prevent foreign actors from buying up important land.

The bills have garnered a wave of opposition and protests from Chinese-American citizens, including college professors who say the legislation is discriminatory and could threaten their ability to buy homes, either through law or through discrimination from sellers.

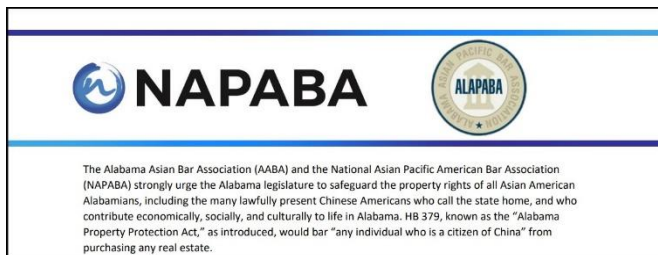
At least three Republican legislators are pushing bills targeting foreign land ownership, but House Bill 537 by Rep. **Valarie Hodges**, R-Denham Springs, has drawn the most scrutiny. Hodges’ bill, which the House approved on a 78 to 22 vote, would ban anyone tied to the governments of China, Cuba, Iran, North Korea, Russia and Venezuela from buying or leasing property in Louisiana.

“This bill tells us we’re not good Americans,” **Abigail Hu**, a recent high school graduate in New Orleans, said during a committee hearing on Hodges’ bill. “I believe the language in this bill continues to have an anti-immigrant and xenophobic fear-mongering undertone.”

Chinese companies own relatively little U.S. farmland – less than 1%, [according to Pew Research](#) – but some U.S. farming groups have nevertheless raised concerns.

Read the *Advocate* report: <https://bit.ly/3oB05PU>

NAPABA Statement on Alabama House Bill 379



The Alabama Asian Bar Association (AABA) and the National Asian Pacific American Bar Association (NAPABA) issued [a statement](#) strongly urging the Alabama legislature to safeguard

the property rights of all Asian American Alabamians, including the many lawfully present Chinese Americans who call the state home, and who contribute economically, socially, and culturally to life in Alabama. HB 379, known as the “Alabama Property Protection Act,” as introduced, would bar “any individual who is a citizen of China” from purchasing any real estate.

Surveillance Misuse Will Impact Section 702 Reauthorization



According to the *Washington Post* on May 22, 2023, the battle to reauthorize expiring surveillance authorities that U.S. national security officials describe as a key cybersecurity tool may have just gotten even more difficult.

The FBI has misused the powers — known as Section 702 of the Foreign Intelligence Surveillance Act — more than 278,000 times between 2020 and early 2021, according to an unsealed April 2022 court ruling by Judge Rudolph Contreras of the Foreign Intelligence Surveillance Court.

“Yet again, the public is learning about shocking abuses of FISA Section 702, in particular the FBI’s warrantless searches through 702 data for information on Americans,” said Sen. **Ron Wyden** (D-Ore.). “These abuses have been going on for years and despite recent changes in FBI practices, these systematic violations of Americans’ privacy require congressional action. If Section 702 is to be reauthorized, there must be statutory reforms to ensure that the checks and balances are in place to put an end to these abuses.”

The redacted document details instances where the FBI violated its own standards when officials searched for information about Americans. Section 702 is used to spy, without a warrant, on the electronic communications of foreign targets, but that can include their communications with Americans. Agencies can later query the repository using identifiers of those Americans, such as Social Security numbers.

The opinion is more proof of the need for a warrant requirement before agencies conduct queries on Americans, the Brennan Center for Justice’s **Elizabeth (Liza) Goitein** said via email. The Biden administration opposes such a requirement.

“The government is trying to dismiss these examples as irrelevant because it has since implemented changes to its training and oversight requirements,” she wrote. “But for 15 years, the government has been telling Congress and the American people that its training and oversight requirements were more than sufficient to protect Americans’ privacy. Clearly, that wasn’t true. This is a textbook case of ‘fool me once, shame on you; fool me twice, shame on me.’”

Liza Goitein will 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 the *Washington Post* article: <https://wapo.st/43lfldb>

Yellow Whistle Campaign Co-Founder Agnes Hsu-Tang Receives 2023 Statue of Liberty-Ellis Island Award



Since 2001, The Statue of Liberty-Ellis Island Foundation has celebrated individuals who embrace the best of what these two American treasures represent: the unique tapestry woven from the stories of our nation’s immigration history, and the role of America and its citizens in championing the ongoing global struggle for liberty and freedom.

One of three recipients of the award this year is Yellow Whistle Campaign Co-Founder Dr. **Agnes Hsu-Tang**.

Dr. Hsu-Tang is the first Asian American to lead an American history museum, as Board Chair of the New-York Historical Society, New York’s first museum founded in 1804; she is also Co-Chair of The Met Museum’s Objects Conservation Visiting Committee. Born in Taipei and educated in the U.S. and England in Archaeology and Art History, Dr. Hsu-Tang served on UNESCO scientific committees and participated in missions to Uzbekistan and Turkmenistan; she later advised President Obama’s Cultural Property Advisory Committee on the U.S.-China bilateral agreement to reduce the illicit trafficking of cultural objects. Dr. Hsu-Tang was a Mellon Fellow at Cambridge University and taught at Brown and Stanford, and has authored academic publications and white papers. She was the host of History Channel’s *Mysteries of China* series and a Discovery Channel Asia contemporary art series that debuted during Art Basel Hong Kong in 2014. A Classical musician, Dr. Hsu-Tang performed at the Kennedy Center at 18 and was a Managing Director on the board of the Metropolitan Opera (2014-2021).

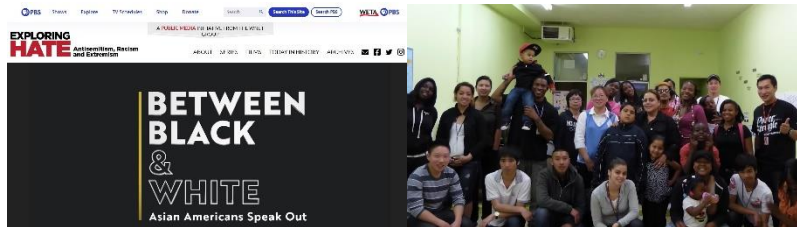
APA Justice is a proud member of the Yellow Whistle Team, helping to distribute some of the

500,000 yellow whistles with the message of "We Belong." Read about the Yellow Whistle Campaign: <https://bit.ly/2RDZMmB>.

Read the award announcement: <https://bit.ly/3Wvvno2>

News and Events for the Communities

1. Episode 1 of 3-part PBS Series, *Between Black & White: Asian Americans Speak Out*



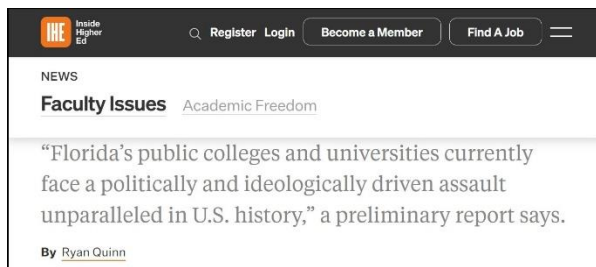
On May 18, 2023, PBS, in partnership with The Serica Initiative, aired Episode 1 of a 3-part series, *Between Black & White: Asian Americans Speak Out*.

“There was a lot of fear in the community. How do we nurture trust? How do we build trust?” — **Eddie Zheng**, president of The New Breath Foundation and former inmate

Eddie Zheng spent 21 years behind bars in California for a crime he committed at age 16. Now he’s committed to building bridges — and bridging the divide between Asian Americans and other communities of color. But he’s not doing it alone. In one San Francisco neighborhood, Blacks and Asian Americans are working together to confront racism, fear, and misperceptions about one another.

Watch the PBS Episode: <https://to.pbs.org/3op3sJV> (video 7:30)

2. AAUP Calls to Fight ‘Tooth and Nail’ in Florida



According to *Inside Higher Ed* on May 24, 2023, the American Association of University Professors (AAUP) released a preliminary report sounding alarm about Florida higher education under **Ron DeSantis’s** governorship—and calling for academe to fight back.

“It is imperative that we pay attention to the dire situation in Florida now,” the report says. “What is happening in Florida will not stay in Florida. We call on all professional organizations, unions, faculty, staff and administrators across the country to fight such ‘reforms’ tooth and nail and to offer support to our colleagues in Florida however they can. We are in this together.”

Read the Inside Higher Ed report: <https://bit.ly/3IEiVg5>

3. Advancing Health and Well-Being of Asian American, Native Hawaiian, and Pacific Islander (AANHPI) Communities

The poster features a blue background with white and yellow text. At the top, it reads "TIME TO ACTION: Advancing Health and Well-Being of Asian American, Native Hawaiian, and Pacific Islander (AANHPI) Communities through Leadership Development and a Shared Health Equity Research Agenda". Logos for the National Academy of Medicine, AAPIANA (Asian American Pacific Islander Nurses Association), and the National Council of Asian Pacific Islander Physicians are displayed. The event is scheduled for May 25th, 2023, from 1:30-4:30 PM EDT. A QR code is provided for registration. The poster lists several featured speakers and panels, including a Webinar Seminar on "Championing Leadership in Academic Health Science Systems: Building Culture and Success", a Research Panel on "Creating A Shared Health Equity Research Agenda in AANHPI Health", and a Leadership Panel on "AANHPI Leadership Development: Strategy and Success".

On May 25, 2023, the National Academy of Medicine, the Asian American Pacific Islander Nurses Association, and the National Council of Asian Pacific Islander Physicians will co-host “Advancing Health and Well-Being of Asian American, Native Hawaiian, and Pacific Islander (AANHPI) Communities through Leadership Development and a Shared Health Equity Research Agenda.” This free virtual event will bring together leaders, researchers, and community members alongside professional organizations to discuss strategies for advancing health equity and leadership development for AANHPI communities.

The event will feature keynote speakers and panel discussions exploring topics such as the current state of health disparities among AANHPI communities, effective models for leadership development within AANHPI communities, and strategies for developing a shared health equity research agenda that addresses the unique needs of these communities.

Participants will have the opportunity to engage in interactive sessions, networking opportunities, and discussions to exchange knowledge and ideas on how to improve health outcomes and well-being for AANHPI communities. By bringing together diverse perspectives and expertise, this event aims to foster collaboration and inspire action towards achieving health equity for AANHPI communities.

Registration is free, but is required for attendance. Read and register for the

event: <https://bit.ly/3MxY4fx>

4. Our Voices Now: A Black and Asian Dialogue to Action



On May 24, 2023, AARP will convene Asian American and Pacific Islander and Black communities to address the double pandemic of COVID and systemic racism. In this free online event, AARP will explore the overlooked history of working together for positive change and open up the conversation on empathy, healing and the shared vision of tomorrow.

Where do we go from here, and how might we build bridges for multi-generational Asian and Black solidarity? By bringing the communities together, we can move towards our collective physical, mental and financial well-being and how we can uplift Black and Asian communities.

The event will be moderated by **Richard Lui**, NBC News anchor. Panelists are

- **Paula Madison**, author and journalist
- **Jose Antonio Vargas**, Pulitzer Prize-winning journalist
- **Alex Reid**, the first non-Asian Black K-Pop Star

Read and register for the event: <https://bit.ly/3WvQ6rL>

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