



Outlook

SUMMER 2011

ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND

Page 2
Restricting and Keeping
Communities Together
Voter ID Laws Challenged

Page 3
New Report: Anti-Muslim Bias in
Immigration Laws
NJ Town Blocks Mosque

Pages 4-5
2011 Lunar New Year Gala

Page 6
Cutbacks Threaten Services for
Immigrant Students
Read AALDEF's Blog
Staff News

Page 7
Sweet Justice for Indian Workers
Trafficker Arrested At Airport
Guestworkers Class Action Update

Page 8
Celebrate the Summer Solstice at
AALDEF's Cocktail Party – June 20

▼ Actor BD Wong congratulates JIA award winner Lillian Kimura. See pp. 4-5 for more photos of the AALDEF Gala. (photo by Karen Zhou)



A.B. CRUZ III AND LILLIAN KIMURA RECEIVE 2011 JUSTICE IN ACTION AWARDS



▲ From L to R: Emcee Sree Sreenivasan, dean of student affairs, Columbia School of Journalism; AALDEF Executive Director Margaret Fung; actor BD Wong; presenter Philip Tajitsu Nash, AALDEF Board Member; 2011 JIA Award recipients Lillian Kimura, Japanese American redress activist and A.B. Cruz III, Chief Legal Officer of Scripps Networks Interactive; emcee Juju Chang, ABC *Nightline* special correspondent; and Ken Lowe, Chairman, President and Chief Executive Officer of Scripps Networks Interactive. (photo by Lia Chang)

A sold-out crowd of 750 was present at AALDEF's annual Lunar New Year Gala on Tuesday, February 8, 2011, to honor Lillian Kimura, former president of the Japanese American Citizens League, and Scripps Networks Interactive's Chief Legal Officer A.B. Cruz III with 2011 Justice in Action Awards. AALDEF's major fundraising event was held at PIER SIXTY, Chelsea Piers in New York City.

The evening's emcees were Juju Chang, special correspondent for ABC's *Nightline*, and Sree Sreenivasan, dean of student affairs and digital media professor at Columbia School of Journalism. Tony Award-winning actor BD Wong delivered a personal and uproarious special message.

Lillian Kimura accepted her Justice in Action award from AALDEF board member Philip Tajitsu Nash. He cited Kimura as one of the "skilled, selfless committed leaders" of

the Japanese American redress movement and praised her lifelong efforts to eliminate gender barriers while at the YWCA and as the first female president of the Japanese American Citizens League in 1992.

A.B. Cruz III, Chief Legal Officer and Corporate Secretary at Scripps Networks Interactive, spoke about three pressing issues in the Asian American community: eliminating human trafficking, the need for more Asian Americans to do public interest law, and the right of Asian American youth to an education "free from prejudice and violence." He challenged each person in the room to be a "force multiplier" for social justice and commended AALDEF's civil rights efforts.

Cruz received his Justice in Action award from Ken Lowe, Chairman, President and Chief Executive Officer of Scripps

Continued on Page 6



Challenging Voter ID Laws

In a surprise decision, the 9th Circuit U.S. Court of Appeals will reconsider the decision by a three-judge panel last October striking down the Arizona law requiring people registering to vote to prove their citizenship. This decision could affect a similar law in Georgia, S.B. 86, that requires proof of citizenship for newly-registered voters. AALDEF had intervened on behalf of Asian American voters in Georgia in a federal challenge to S.B. 86, which was subsequently dropped.

With pro bono co-counsel Milbank, Tweed, Hadley & McCloy LLP, AALDEF will file an *amicus* brief in the 9th Circuit on behalf of Asian American voters. The reconsideration hearing date has not been set, but will likely take place next year.

REDISTRICTING IMPERATIVE: KEEPING ASIAN AMERICAN COMMUNITIES TOGETHER

2010 Census data confirms what community advocates have known for years—Asian American communities are reaching significant thresholds in many states and cities throughout the country. AALDEF’s Democracy Project has launched redistricting efforts in six states, to ensure that political districts are redrawn to allow fair representation of Asian American communities under the Voting Rights Act.

Glenn D. Magpantay, AALDEF’s Democracy Program Director, remarked, “Asian American communities are often split among districts, thereby diminishing our political power. It’s imperative that communities of interest be kept intact in the redistricting process.”

AALDEF and other Asian American groups, which testified at local hearings, celebrated a redistricting victory in New Jersey when a sizable and growing Korean American community spanning Fort Lee and Palisades Park was drawn into the same state legislative district. All NJ legislative seats are up for election this November, with primaries held in June.

AALDEF has been analyzing Census data on Asian American populations in New York, New Jersey, Pennsylvania, Massachusetts, Nevada, and Virginia. Efforts are ongoing to define neighborhoods at the grassroots level, with input from individuals, community advocates and social service providers where they live and work.

AALDEF has also released educational materials on redistricting in English and nine Asian languages: Chinese, Korean, Vietnamese, Khmer, Bengali, Urdu, Punjabi, Hindi, and Gujarati. Glenn Magpantay, new staff attorney Jerry Vattamala, and special consultant Nancy Yu are conducting presentations and technical assistance workshops across the country.

“AALDEF is working to increase community involvement in the redistricting process,” said AALDEF executive director Margaret Fung. “We are prepared to challenge redistricting plans and other practices that violate the Voting Rights Act and unlawfully prevent Asian Americans from electing candidates of choice.” ❁

Ten Largest Asian American Populations by State

	2000	2010	Growth Ratio
California	4,029,884	5,324,591	32.1%
New York	1,146,572	1,545,106	34.8%
Texas	622,595	1,063,715	70.9%
New Jersey	516,779	780,769	51.1%
Hawaii	666,184	725,913	9.0%
Illinois	465,269	652,951	40.3%
Washington	387,583	587,411	51.6%
Florida	320,237	546,075	70.5%
Virginia	299,949	512,103	70.7%
Pennsylvania	245,190	394,941	61.1%

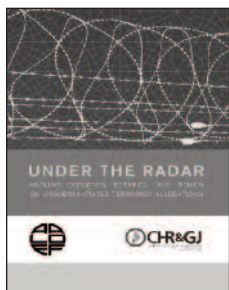
Ten States with Fastest-Growing Asian American Populations

	2000	2010	Growth Ratio
Nevada	108,019	230,685	113.6%
Arizona	110,710	212,889	92.3%
North Dakota	4,828	8,987	86.1%
North Carolina	132,952	245,810	84.9%
Georgia	195,930	357,791	82.6%
New Hampshire	18,968	34,018	79.3%
Delaware	18,648	33,042	77.2%
Arkansas	24,668	43,589	76.7%
Indiana	71,133	123,750	74.0%
Texas	622,595	1,063,715	70.9%



GOVERNMENT TARGETS MUSLIMS VIA U.S. IMMIGRATION SYSTEM

The U.S. government's aggressive use of the immigration system in its counter-terrorism efforts discriminates against Muslims and violates international human rights law, according to a Briefing Paper on the issue released in May by AALDEF and the Center for Human Rights and Global Justice (CHRGJ) at NYU School of Law.



Under the Radar: Muslims Deported, Detained, and Denied on Unsubstantiated Terrorism Allegations includes a number of case studies that suggest extremely

problematic patterns of the U.S. government's targeting of Muslims through the immigration system.

Drawing on interviews with immigration and criminal defense attorneys and community-based groups, court documents, and media accounts, the paper identifies five key under-documented patterns of government practices that appear to be targeting Muslim communities through the use of immigration laws.


For example, the government's willingness to broadly interpret terrorism bar provisions in immigration law resulted in a young Palestinian student, Tareq Abu Fayad, to languish in detention for more than four years. Fayad was denied entry upon his arrival at San Francisco International Airport, despite having a valid immigrant visa. The government never claimed that Abu Fayad

had taken any action toward terrorist or criminal activity, but instead argued that he shouldn't be allowed within the United States because he was "likely to engage in terrorist activity" at some point in the future. The government's "expert" pointed to factors like his university education in computer science and clean criminal record as what made him an "exceptionally attractive target for recruitment" by militants.

In April, the government suspended its controversial National Security Entry-Exit Registration System (NSEERS), which required noncitizen men mostly from Muslim-majority countries to submit to government registration and fingerprinting.

"We have a long way to go before Muslim immigrants are treated with the fairness and dignity that is owed to all immigrant communities in the United States," said Sameer Ahmed, AALDEF Attorney and Skadden Fellow. "Other reforms to the immigration system must be implemented to ensure the United States is following international human rights principles."

CHRGJ and AALDEF are calling for the immediate stop to the discriminatory targeting of Muslims through the immigration system as outlined in the Briefing Paper, and for greater transparency and accountability of immigration policies and enforcement.

Under the Radar is available for free download from AALDEF's website, www.aaldef.org/publications. 

New Jersey Town Sued to Allow Mosque

The Al Falah Center has brought a lawsuit against Bridgewater Township (NJ), seeking to compel the town to allow Al Falah to move forward with plans to renovate an existing building so it could be used as a mosque and community center. These plans were derailed recently when the Township suddenly altered its zoning laws, transforming the applicable zoning for the proposed mosque property to prohibit rather than permit development of a house of worship.

The complaint, which was filed in federal district court in New Jersey, alleges that the new zoning ordinance prevents members of the Muslim community from freely exercising their religion and discriminates against them on the basis of religion. Al Falah is represented by AALDEF, Archer & Greiner, the Brennan Center for Justice, and its pro bono partner Arnold & Porter, LLP, which is lead counsel.



Gala Sponsors

BENEFACTORS

Mercedes-Benz USA, LLC

PATRONS

Bristol-Myers Squibb Company

Davis Polk & Wardwell LLP

Dell Inc.

DuPont

Greenberg Traurig, LLP

Pfizer Inc

Prudential Financial

The Rockefeller Group

Scripps Networks

Interactive, Inc.

Skadden, Arps, Slate,

Meagher & Flom LLP

Weil, Gotshal & Manges LLP

FRIENDS

Akin Gump Strauss Hauer
& Feld LLP

Allen & Overy LLP

Arent Fox LLP

Arnold & Porter LLP

Baker and Hostetler LLP

Cadwalader, Wickersham
& Taft LLP

Irene and Alexander Chu

Cleary Gottlieb Steen
& Hamilton LLP

Clifford Chance US LLP

Debevoise & Plimpton LLP

DLA Piper LLP (US)

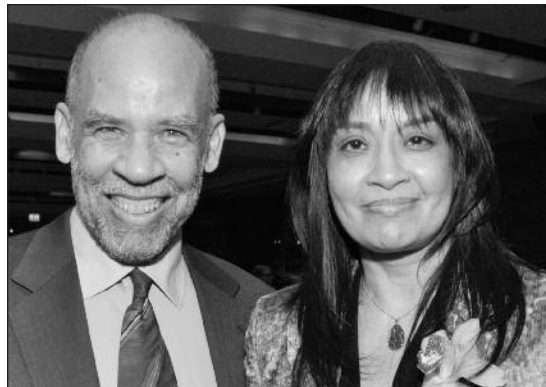
Fried, Frank, Harris, Shriver
& Jacobson LLP

Fulbright & Jaworski L.L.P.

General Electric Company



▲ From L to R: Ken Lowe, Sree Sreenivasan, JIA honoree A.B. Cruz III, Jill Cruz, Roopa Unnikrishnan, BD Wong, Terence Todman, Jr., AALDEF board member Gail Wright Sirmans, AALDEF board president Tommy Shi (photo by Lia Chang)



▲ NAACP-LDF Director-Counsel John Payton and AALDEF executive director Margaret Fung (photo by Karen Zhou)



▲ Actor BD Wong questions the political correctness of "Ching Kee" cookies (photo by Lia Chang)



▲ JIA honorees Lillian Kimura and A.B. Cruz III (photo by Lia Chang)



▲ From L to R: Roopa Unnikrishnan, emcee Sree Sreenivasan, journalist and AALDEF blogger Emil Guillermo, AALDEF senior staff attorney Stanley Mark, Annie Wang (photo by Corky Lee)



▲ National Asian Pacific American Bar Association friends. Back row: Joseph J. Centeno, Andrew T. Hahn, Sr., Jim Goh, Alan K. Tse. Front row: Michael Korniczky, Norman Lau-Kee, former JIA honoree Javade Chaudhri, Glenn Lau-Kee (photo by Lia Chang)



▲ U.S. Circuit Judge (Second Cir.) Denny Chin and emcee Juju Chang (photo by Corky Lee)



▲ AALDEF staff gathers to ring in the Year of the Rabbit (photo by Corky Lee)



▲ Gala co-chairs and former JIA honorees Don Liu of Xerox and Alice Young of Kaye Scholer LLP (photo by Corky Lee)



▲ Joe Johnson of Mercedes-Benz USA, LLC and gala co-chair Darrell S. Gay of Arent Fox LLP join AALDEF board member Gail Wright Sirmans (photo by Karen Zhou)



▲ From L to R: AALDEF Board member Sandra Leung of Bristol-Myers Squibb Co., gala co-chair Parkin Lee of The Rockefeller Group, Stephen Kim, Andrew T. Hahn, Sr., Jennifer Choe Groves (photo by Corky Lee)



▲ AALDEF board member Denley Chew and Alexander Lee with a lively group from the Asian Pacific American Lawyers Association of NJ (photo by Lia Chang)



▲ EDNY Magistrate Judge Marilyn D. Go and gala co-chair Sylvia Fung Chin of White & Case (photo by Corky Lee)

FRIENDS (cont'd)

- Hogan Lovells
- Johnson & Johnson
- Jones Day
- Katten Muchin Rosenman LLP
- Kaye Scholer LLP
- Kenyon & Kenyon LLP
- Kramer Levin Naftalis & Frankel LLP
- Latham & Watkins LLP
- Microsoft Corporation
- Milbank, Tweed, Hadley & McCloy LLP
- Morgan Stanley
- Morrison & Foerster LLP
- The New York Times*
- Orrick, Herrington & Sutcliffe LLP
- Patterson Belknap Webb & Tyler LLP
- Patton Boggs LLP
- Paul Hastings LLP
- Paul, Weiss, Rifkind, Wharton & Garrison LLP
- Pillsbury Winthrop Shaw Pittman LLP
- Proskauer Rose LLP
- Schulte Roth & Zabel LLP
- Sidley Austin LLP
- Simpson Thacher & Bartlett LLP
- Sullivan & Cromwell LLP
- Wachtell, Lipton, Rosen & Katz
- White & Case LLP
- Wiley Rein LLP
- WilmerHale
- Xerox Corporation



Where else can you find thoughtful and provocative posts on hate crimes, paper tigers, terrorism and twinkies? Read Emil Guillermo's blog at www.aaldef.org/blog. Follow us on Twitter (@aaldef) and like us on Facebook (bit.ly/aaldef).



Staff News

AALDEF welcomes two new staff attorneys. Joining the Educational Equity and Youth Rights Project is Thomas Mariadason, a graduate of CUNY Law School. Before attending law school, Thomas worked on youth rights issues at the Vera Institute of Justice and Esperanza.

Jerry Vattamala, a Hofstra law graduate, joins the Democracy Project. He was a litigation associate at Proskauer Rose LLP for four years and worked on AALDEF's *amicus* brief to the U.S. Supreme Court in *Northwest Austin Municipal Utility District Number One v. Holder*, a closely watched voting rights challenge.

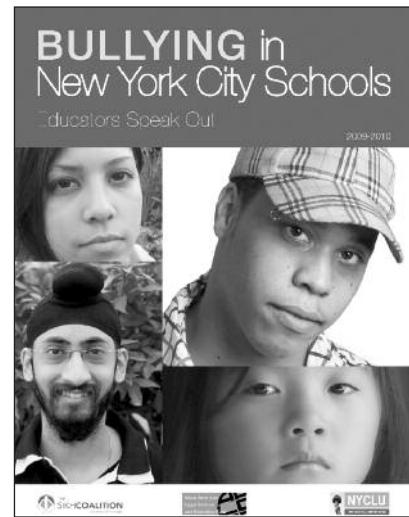
CUTBACKS THREATEN EDUCATION SERVICES FOR IMMIGRANT STUDENTS

Budget cutbacks at the state level and school restructuring influenced by federal education policy pose significant challenges for immigrant students, in particular English Language Learners (ELLs). AALDEF is working with local advocates in Detroit, Philadelphia, and New York City to ensure educational equity for low-income Asian American students and ELLs. In Detroit, drastic budget cuts have severely curtailed ELL services, disproportionately affecting the vulnerable Hmong student population. In Philadelphia and New York City, large school closures and charter school proliferation can lead to inadequate programming available for ELLs.

AALDEF is also busy advocating on behalf of Asian American students as Congress gears up to reauthorize the Elementary and Secondary Act (ESEA) by September. Ethnic data disaggregation, bolstering professional development for ELL instructors, and enabling parent engagement by increasing language access are some of the issues AALDEF will focus

on in the coming months.

AALDEF, the Sikh Coalition, and NYCLU have issued a report on bias-based bullying in New York City public schools (see cover below). Through surveys with nearly 200 public school teachers at 117 schools, the report details the nature of harassment faced by minority and immigrant students and provides specific recommendations on affirmative measures to prevent bullying and harassment. ❄️



Continued from Page 1-Lunar New Year

Networks Interactive. Lowe noted that Cruz is one of just 20 Asian Americans serving as general counsel in a Fortune 1000 company and holds the distinction of being the first Filipino American to attain the rank of Rear Admiral in a non-medical field in the U.S. Navy.

Tony Award-winning actor BD Wong, who currently stars in the television show *Law & Order: SVU*, delivered a side-splitting special message. Wong, who sat at the head table at the White House state dinner with

Chinese president Hu Jintao, had the audience roaring at his cultural observations on such topics as White House etiquette, the "hot" factor of former President Bill Clinton, and the political incorrectness of Chinatown's traditional new year "Ching Kee" cookies.

Social media websites were ablaze with references to AALDEF's Justice in Action Awards Ceremony after Chang and Sreenivasan urged attendees to pull out their smartphones, rather than silence them. ❄️



INDIAN IMMIGRANT WORKERS WIN “SWEET” JUSTICE

Two Indian Gujarati food factory workers prevailed in their efforts to be paid minimum wage and overtime pay as required by federal and state law, with a \$8,500 settlement from Rajbhog Foods, Inc., a large manufacturer and nationwide distributor of Indian sweets and snack foods located in Jersey City, New Jersey.

The workers labored between fifty to sixty hours per week, often for ten or more hours each day, frying snacks and packing orders for shipping. Despite repeated requests for their earnings, Rajbhog Foods deliberately failed to pay the workers. After leaving their jobs, the workers sought assistance from AALDEF NJ-AALP at one of its community legal clinics.

AALDEF also filed a federal complaint against another food

manufacturer in Jersey City, Suruchi Foods LLC, on behalf of two immigrant Indian workers and obtained a \$1,600 settlement. “These two successful legal claims are a clear signal to employers that immigrant workers will not be exploited and that labor laws must be followed,” said Aparna Garg, AALDEF attorney and Equal Justice Fellow. ❁



▲ Indiraben Patel and Asmeeta Patel with AALDEF attorney Aparna Garg (center) at Apr. 19 press conference announcing settlement against Rajbhog Foods. Photo by AALDEF.

ACCUSED TRAFFICKER ARRESTED AT JFK AFTER AALDEF FILES LAWSUIT

In a trafficking lawsuit widely covered in the mainstream media, AALDEF is representing a Filipina domestic worker in her federal civil case against her employer, a military officer from the United Arab Emirates (U.A.E.), who illegally trafficked her to the U.S. and failed to pay her wages, confiscated her passport, and cut her off from contact from anyone outside of the household.

The defendant, Colonel Arif Mohamed Saeed Mohamed Al-Ali, and his family were detained after boarding an international flight at New York’s John F. Kennedy Airport on April 12, 2011, the same day AALDEF filed its civil complaint. A week earlier, federal prosecutors had arrested Al-Ali for two counts of fraud and

misrepresentations to Immigration and Customs Enforcement.

AALDEF’s client was a domestic worker for the couple and their five children for several years in the U.A.E. before they asked her to provide child care for their younger children in the United States. Al-Ali and his wife Samah Alharmoodi did not allow her any days off, sent her wages in dirham currency to her family in the Philippines, and subjected her for three months to involuntary servitude, forced labor, peonage, debt bondage, and slavery as a domestic worker in their home. Samuel Bodurtha of Hinshaw & Culbertson LLP in Rhode Island is serving as pro bono co-counsel. ❁

Guestworkers Class Action Bolstered by EEOC Lawsuit



The Equal Employment Opportunity Commission (EEOC) filed a lawsuit in April against Signal International, LLC for abusing hundreds of foreign guestworkers lured to work in the U.S. after Hurricane Katrina (see above photo of guestworkers in 2008). The EEOC lawsuit reinforces claims brought by the guestworkers in a class action lawsuit alleging trafficking and racketeering by Signal filed in 2008 by AALDEF, Southern Poverty Law Center, ACLU, and the law firm Dewey & LeBoeuf LLP.

Ken Kimerling, AALDEF litigation director, said, “We welcome the EEOC’s lawsuit. It highlights the untold and shocking abuse these immigrant workers suffered.”



Outlook

OUTLOOK is a publication of the Asian American Legal Defense and Education Fund. Founded in 1974, AALDEF protects and promotes the civil rights of Asian Americans through litigation, advocacy, and community education.

AALDEF
99 Hudson Street
New York, NY 10013-2815
212.966.5932 (t)
212.966.4303 (f)
www.aaldef.org
info@aaldef.org
Facebook: bit.ly/AALDEF
Twitter: @aaldef

Board President:
Tommy Shi

Executive Director:
Margaret Fung

Editor:
Claire Hsiang Marx

Design Consultant:
Fresh Concentrate LLC



The Asian American Legal Defense and Education Fund

Annual Summer Cocktail Party

Monday, June 20, 2011, 6-9pm

RSVP by June 16, 2011

\$50 contribution \$40 member \$55 at the door

Lexicon
226 E. 54th Street
between
2nd & 3rd Ave.

raffle • live dj • cash bar • hors d'oeuvres

Join the hundreds of generous individuals who make AALDEF's work possible. Membership includes a one-year subscription to Outlook, discounts to special members' events and updates on civil rights issues and legal developments affecting Asian Americans.

- | | | |
|--------------------------------|---|---|
| <input type="checkbox"/> New | <input type="checkbox"/> Basic / \$50 | <input type="checkbox"/> Contributing / \$250 |
| <input type="checkbox"/> Renew | <input type="checkbox"/> Joint / \$75 | <input type="checkbox"/> Advocate / \$500 |
| | <input type="checkbox"/> Associates / \$100 | <input type="checkbox"/> Defender / \$1,000 |

Name: _____ Phone: _____

Address: _____ Email: _____

City/State/Zip: _____

Please check here if your employer has a matching gifts program

Name of company: _____ Please send me more information on:

_____ Donating stocks or securities to AALDEF

_____ Including AALDEF in my estate planning

We now accept: Visa Mastercard or AmEx Volunteer opportunities at AALDEF

Name (as it appears on your card): _____

Account Number: _____ Expiration Date: _____

Signature (required): _____

All membership contributions are tax-deductible. Please make checks payable to the Asian American Legal Defense and Education Fund (AALDEF). Thank you!

