



2018 Annual Report

In a year marked by extreme anti-immigrant policies and relentless attacks on civil rights, the Asian American Legal Defense and Education Fund spearheaded legal action nationwide on behalf of the rapidly growing Asian American community. We initiated strategic litigation, legal advocacy, outreach and education to protect the civil rights and civil liberties of Asian Americans. Activating a strong and forceful defense of our nation's core principles was needed, and as we have done since our founding in 1974, AALDEF stood with low-wage workers, the elderly, immigrant families and children, college students, working professionals, and small business owners. We focused our efforts in the following priority areas:

- Voting Rights
- Immigrant Rights
- Census 2020
- Economic Justice
- Educational Equity
- Housing and Environmental Justice
- Community Legal Rights Education

AALDEF's reach could be felt in Harris County, Texas, as we sued on behalf of Asian American voters denied language assistance under the Voting Rights Act, and in Philadelphia, as we represented Chinese restaurant owners challenging the discriminatory enforcement of a night curfew that impacted their livelihoods. We mobilized a vast network of 88 student groups, community advocates, and bar associations in 14 states to poll Asian American voters on Election Day in 12 different Asian languages—the largest and only exit poll of its kind.

In this 2018 annual report, we shine a spotlight on our cases and advocacy campaigns. While these highlights reflect the overarching range of AALDEF's work, they represent only a portion of our efforts on behalf of Asian American communities across the country. In 2019, AALDEF will mark its 45th anniversary. We remain focused on marshaling national efforts to achieve our mission to protect and promote the civil rights of Asian Americans and all Americans.

Mission Statement

The Asian American Legal Defense and Education Fund (AALDEF), founded in 1974, is a national organization that protects and promotes the civil rights of Asian Americans. By combining litigation, advocacy, education, and organizing, AALDEF works with Asian American communities across the country to secure human rights for all.

Protecting the Right to Vote

The 2018 midterm elections heralded an unprecedented turnout of Asian American voters, demonstrating the growing political strength of our community. Yet at the same time, Asian American voters, especially those with limited English proficiency, experienced difficulties in accessing polling sites and exercising their right to vote. Some of these barriers have been the result of an uptick in local voting practices that discriminate against racial or language minority voters, in violation of the Voting Rights Act. Some challenges echo the historical barriers of racial discrimination and anti-immigrant sentiment that Asian Americans and immigrant Americans have experienced for hundreds of years.

Advocating for Language Access

- **Texas** - In Harris County, 43% of the population speaks a language other than English at home, and one in four are foreign born. However, for voters who need an interpreter, a discriminatory state voting rule prevented interpreters from entering the polling station, making it difficult to vote. AALDEF sent a letter opposing efforts of Harris County to restrict the rights of limited English proficient (LEP) voters and their access to interpreters within the 100-foot zone outside of polling stations. AALDEF noted the Fifth Circuit federal appeals court had found that Texas Election Code 61.033 "flatly contradict[s] Section 208" of the VRA, and that Section 208 does not only apply inside the voting booth or within the polling station, but applies throughout the entire voting process, including from registration to exiting the station."

As a result of AALDEF's advocacy, election officials agreed that Korean interpreters can be sworn in and serve as official poll site interpreters and permitted the Korean American groups to set up a tent and distribute information cards to voters seeking language assistance.

- **New York** - AALDEF joined elected officials and other community organizations in support of increased translation services at New York City poll sites. NYC Board of Elections is already mandated by the Voting Rights Act to provide interpreters in four languages (Spanish, Chinese, Korean, and Bengali). AALDEF advocated in support of legislative efforts to expand interpreter services in the 10 most commonly spoken languages in New York City, including Arabic. The legislation would also allow interpreters be stationed inside the polling sites.

2018 Asian American Election Protection Project

A hallmark of AALDEF voting rights work is its annual Asian American Election Protection Project, which consists of a multilingual exit poll and poll monitoring efforts. In 2018, AALDEF polled 8,058 Asian American voters in a national exit poll that was conducted in English and 12 Asian languages in collaboration with 88 national and local community groups—the largest survey of its kind in the nation. The 2018 Asian American Exit Poll provides a unique snapshot of the voting patterns of Asian Americans in 14 states with large or fast-growing Asian American populations: New York, New Jersey, Massachusetts, Pennsylvania, Virginia, Maryland, Michigan, Texas, Georgia, Louisiana, Florida, New Mexico, Nevada, California, and Washington, DC. It was conducted at 80 poll sites in 50 cities in 12 languages: Chinese, Korean, Vietnamese, Tagalog, Khmer, Arabic, Bengali, Hindi, Punjabi, Urdu, Gujarati, and English. Results of the Exit Poll were released nationally to members of Congress and other elected officials, community groups, and media outlets. Asian American voters played a key role in the 2018 midterm elections, and as they continue to grow in numbers, findings from AALDEF’s annual Asian American Exit Polls continue to provide valuable insights and data on their voting preferences.

AALDEF also monitored 46 poll sites in 3 states and recorded more than 100 complaints from Asian American voters facing barriers or other problems at polling places. These included lack of interpreters and translated voting materials, poll workers making hostile remarks to voters or providing incorrect information, names missing in voter lists or errors in voters’ names, machine breakdowns, denial of provisional ballots and access to language assistance, and illegal demands for proof of identification and citizenship when it was not required. These complaints are documented and transmitted to local election registrars and reviewed for possible Voting Rights Act violations.

Testifying before New York City Charter Revision Commission

AALDEF testified in June before the New York City Charter Revision Commission, speaking about specific challenges facing New York City voters and problems with the city’s electoral system affecting Asian American voters. We provided multiple examples of mishaps and mistakes committed by the New York City Board over the past 30 years with translated voting materials and access to translators. This testimony was important since the NYC Charter Revision Commission is charged with reviewing the New York City Charter and, after public hearings, issuing a report outlining findings and recommendations to amend or revise the Charter. Included in the 2018 Charter Revision Commission’s report was a finding on importance of making voting more accessible and breaking down barriers to civic participation, especially for eligible voters who are limited in English proficiency.

Immigrant Rights

For more than four decades, AALDEF has been a trusted legal advocate on behalf of Asian immigrants and their families. In 2018, AALDEF condemned the current administration’s continuing efforts to attack and instill fear in immigrant communities of color. AALDEF provided analysis of immigration policies and proposals, issued legal guidance for the community, and

spoke out forcefully against tactics driven by racism and anti-immigrant sentiment. AALDEF continues to call on Congress to pass immigration legislation that maintains the principle of family reunification and facilitates the development of strong communities.

Opposing the Rollback of Deferred Action for Childhood Arrivals (DACA)

The President's decision to rescind DACA in September 2017 continued to throw immigrant families and children into chaos as a series of legal challenges worked their way through the courts. AALDEF issued new guidances on DACA—available in several Asian languages—when necessary, and also held several Know Your Rights events and free DACA renewal clinics in partnership with legal and community groups.

Speaking Out Against the Muslim Ban

AALDEF spoke out against the Supreme Court's decision to uphold the Muslim ban, which denies the entry of nationals from Iran, Libya, North Korea, Somalia, Syria, Venezuela, and Yemen. The U.S. Supreme Court upheld the discriminatory targeting and exclusion of nationals from mostly Muslim-majority countries by a 5-4 vote. The ruling found that the president did not overstep his broad powers under immigration laws. AALDEF criticized the Supreme Court's opinion in *Trump v. Hawai'i* as a major setback for this country's immigrants, refugees, and their families. Justice Sotomayor, in a strongly worded dissent, cited the amicus brief joined by AALDEF and other civil rights groups, and agreed with the majority opinion denouncing the *Korematsu v. U.S.* case as "gravely wrong the day it was decided." The amicus brief drew comparisons between the current Muslim ban and the Supreme Court's failure to scrutinize the government's abhorrent treatment of Japanese Americans during World War II, another example of the government covering its racially discriminatory policies in the cloak of national security.

Preserving Birthright Citizenship

AALDEF condemned the President's intention in October to sign an executive order ending birthright citizenship. AALDEF identified these statements as campaign rhetoric intended to stir up anti-immigrant sentiments, especially offensive to Asian Americans. In 1898, at a time when the racist Chinese Exclusion Act prevented Asian immigration to America, the Supreme Court in *U.S. v. Wong Kim Ark* ruled that a person born in this country is a U.S. citizen under the 14th Amendment to the Constitution. AALDEF will continue to forcefully challenge these and other blatantly unconstitutional proposals affecting immigrants and citizens.

Opposing the Public Charge Rule Change

In August 2018, the Department of Homeland Security proposed a new rule that widens the definition of a "public charge," a factor used when deciding green card applications. A public charge is someone who the U.S. government decides may be primarily dependent on the federal government for sustenance and has historically been interpreted as immigrants needing cash assistance or the Temporary Assistance for Needy Families. The rule would have devastating effects upon immigrant communities. It was estimated that approximately 2.1 million people, including 645,000 children, could be adversely impacted. AALDEF submitted a comment to the Department of Homeland Security, opposing the proposed rule change to

inadmissibility on public charge grounds. AALDEF urged that the rule be withdrawn in its entirety, and that longstanding principles set forth in the 1999 field guidance remain in effect. AALDEF plans to participate in litigation to block this proposed rule, which would fundamentally change the U.S. immigration system and create barriers for Asian immigrants with limited English proficiency and working-class immigrants.

Economic Justice for Workers

We all benefit from the immigrant workers who serve patrons at restaurants, deliver take-out orders, work as manicurists in nail salons, and sustain small businesses and other service industries. These workers are often trapped in low-wage jobs, subject to long working hours and substandard working conditions, and in some cases, the demands of unscrupulous business owners. AALDEF litigates wage and hour cases on behalf of Asian immigrant workers and facilitates their organizing efforts.

Representing Korean restaurant workers

AALDEF won a major enforcement ruling on behalf of Asian and Latino restaurant workers in their ongoing saga to be paid their rightful wages by the owners of Kum Gang San, a well-known Korean restaurant in New York City. In 2012, these eleven workers had filed a lawsuit claiming violations of several federal and state labor laws. A federal magistrate judge in 2015 found that the workers had received grossly substandard wages and awarded \$2.7 million in back wages and damages.

On April 18, 2018, a Manhattan federal court ruled that the owner of Kum Gang San, Ji Sung Yoo, fraudulently transferred his property to his wife in order to avoid paying the \$2.7 million wage theft judgment. The court also ordered that Yoo's wife, Sandra, return \$950,000 in mortgage moneys that she obtained from the transferred properties, which included a condominium at 320 Fifth Avenue in Manhattan, a family home in Little Neck, Queens, and a commercial and residential building on Avenue U in Brooklyn.

The plaintiffs, nine Korean American waiters and waitresses and 2 Latino bussers, had regularly worked 12-hour shifts without any break time, six or seven days a week, without overtime pay. The restaurant also kept part of their tips. The owner once told the workers to "volunteer" to harvest vegetables at the farm owned by a friend of the owners. Workers who failed to do so lost their jobs. When Mr. Yoo learned that some workers were going to sue him, the restaurant threatened workers with blacklisting and deportation. Co-counsel LatinoJustice PRLDEF and Shearman & Sterling LLP.

Challenging Discriminatory Enforcement of Night-Closing Laws in Philadelphia

AALDEF is representing 23 Chinese restaurant owners in a lawsuit against City of Philadelphia for the discriminatory enforcement of its "11 p.m. Ordinance." This 2005 local ordinance was created to protect residential streets from nuisance activity spurred by late night activity. It requires businesses on blocks that are at least 80% residential to close at 11 p.m. The Chinese

restaurant owners filed a federal complaint, citing police data indicating that 96% of violations were issued to Chinese restaurant owners. Co-counsel Pepper Hamilton LLP.

Educational Equity

Contrary to the "model minority" myth, Asian American students are as varied as the broader Asian American community. The Asian American student population reflects a myriad of different ethnicities, cultures, and languages, with a range of religions, socioeconomic backgrounds, and educational attainment. They are immigrants, refugees, and native-born, and have a range of experiences, challenges, and educational needs. AALDEF's Educational Equity work includes impact litigation, advocacy, and public outreach to address the needs of this diverse student population.

In Support of Harvard's Admissions Policy

AALDEF and 34 Asian American groups and higher education faculty filed an amicus "friend of the court" brief in Massachusetts federal court, opposing a challenge to Harvard's race-conscious admissions policy in *Students for Fair Admissions (SFFA) v. Harvard*. AALDEF and other Amici contended that by improperly grouping the diverse pool of Asian American applicants into a single "Asian" category, SFFA actually perpetuates the "model minority" myth and fails to disclose that its requested remedy—the elimination of race-conscious admissions—would mostly benefit white applicants, not Asian Americans. The Amici reiterated their opposition to caps, quotas, or any negative action against Asian Americans but asserted that SFFA improperly conflates negative action with a race-conscious admissions policy that recognizes the importance of diversity. Co-counsel Foley Hoag LLP.

Census 2020

Since 1980, AALDEF has advocated for a fair and accurate count of Asian Americans in the decennial Census. The 2020 Census will have critical impacts on the Asian American community, the fastest growing minority group in the U.S. In addition to the allocation of billions of dollars in federal resources, 2020 Census data will be used to create new congressional, state, and local redistricting plans, which could provide Asian Americans with better opportunities to elect candidates of their choice. The U.S. Census Bureau will also release new data that may require new jurisdictions to provide language assistance and translated voting materials for Asian American citizens with limited English proficiency under Section 203 of the Voting Rights Act.

In 2018, AALDEF joined in launching the NYC APA Complete Count Committee, working with elected officials and a wide range of community groups to coordinate advocacy and education efforts, especially among hard-to-reach populations. AALDEF will continue to fight with our coalition partners against politically motivated efforts to suppress the accurate Census count of immigrants and their families.

Opposing the citizenship question

Throughout 2018, AALDEF called on the Census Bureau to reverse immediately its decision to include a citizenship question in Census 2020. The effect of including such a question is clear: immigrant communities of color, including the Asian American and Asian immigrant community, will participate in lower numbers, resulting in severe undercounts in New York City and other major population centers around the country. Citizenship data is already available through the American Community Survey and other census documents. AALDEF noted that the census has not included a citizenship question in 70 years, and emphasized that the purpose of the census is to count all people in the United States, not just citizens.

Housing and Environment Justice

AALDEF provides legal representation, community education, and organizing support to Asian American communities on land use, anti-gentrification, and environmental justice issues. Asian Americans have witnessed the involuntary displacement of low-income residents and small businesses that cannot afford the rising costs of rent and everyday goods. Gentrification has transformed many immigrant neighborhoods from vibrant, residential communities into tourist spots. Our project aims to counter this impact in our neighborhoods.

Lawsuit against Two Bridges residential towers

The waterfront area in Manhattan's Chinatown and the Lower East Side has become a major development area for several large-scale high-rise luxury residential towers. AALDEF submitted comments to the New York City Department of City Planning on behalf of several community groups, opposing the Two Bridges Large Scale Residential Development because the towers violate the New York City Zoning Resolution and their adverse environmental impacts were not adequately assessed. AALDEF filed a lawsuit in New York Supreme Court against the City of New York, challenging the luxury towers project on behalf of Lower East Side residents and community groups affected by these developments.

Legal Access and Community Education

AALDEF offers free legal advice clinics in New York and New Jersey, providing legal counseling and referrals to Asian immigrants and their families with limited incomes. Weekly clinics at MinKwon Center for Social Action in Flushing, Queens are geared toward immigrants seeking to become naturalized citizens, while monthly clinics at New York Taxi Workers Alliance focus on employment, immigration, and labor issues.

AALDEF also offers legal rights presentations at community agencies, street fairs, summer festivals, and other special events, such as the annual Asian American and Pacific Islander Heritage Day Festival in Manhattan's Chinatown. AALDEF staff, interns, and volunteers provide community education materials in English and several Asian languages.

Special Events

AALDEF's special events bring together leaders from Asian American and other communities in support of issues affecting the Asian American community and help to build networks of public interest lawyers and volunteers. We are thankful to the law firms that provide pro bono support, bar associations, and our community partners who work in tandem with AALDEF in support of our mission to protect and promote civil rights.

2018 Lunar New Year Gala and Justice in Action Awards

Since 1987, AALDEF has presented Justice in Action Awards to exceptional individuals for their exceptional accomplishments and their efforts to advance social justice. The 2018 Justice in Action Award recipients were Preet Bharara, former U.S. Attorney for the Southern District of New York and Distinguished Scholar in Residence at NYU Law School; Linda Greenhouse, Yale Law School lecturer and New York Times contributing op-ed writer; and Chan Lee, General Counsel North America at Sanofi. The emcees were Juju Chang, Emmy Award-winning co-anchor of ABC News' Nightline, and Sree Sreenivasan, digital and social media strategist and co-founder of the South Asian Journalists Association. More than 750 people attended AALDEF's lunar new year gala.

2018 Summer Party

In June, AALDEF held its Annual Summer Party, a fun networking event that brings together summer interns, law firm associates from New York City's top law firms, and community advocates. The event, held at Rumi event space in Manhattan, attracted 500 people.

2018 Film Premiere of "And Then They Came for Us"

AALDEF co-sponsored the New York City premiere of the film, "And Then They Came For Us," about the incarceration of 120,000 Japanese Americans during World War II and its significance in current times. The film, featuring George Takei, won a social justice prize at the Queens World Film Festival.

* * *

Looking forward, AALDEF remains committed to its mission and will continue to be a strong advocate for the Asian American community. 2019 will mark our 45th anniversary as the first organization on the East Coast to protect and promote the civil rights of Asian Americans. We thank all of our supporters for championing our efforts to pursue our mission, and we invite others to join us in this important work ahead.

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National Organizations

18 Million Rising

APIAVote

Asian Pacific American Labor Alliance (APALA)

Lawyers' Committee for Civil Rights Under Law (LCCRUL)

National Korean American Service and Education Consortium (NAKASEC VA)

National Asian Pacific American Bar Association (NAPABA)

National Council of Asian Pacific Americans (NCAPA)

National Federation of Filipino American Associations (NaFFAA)

National Queer Asian Pacific Islander Alliance (NQAPIA)

OCA – Asian Pacific American Advocates

South Asian Fund for Education, Scholarship and Training (SAFEST)

Local

Apex for Youth

APIAVote-Michigan (APIAVote-MI)

Asian American Federation

Asian Americans United (AAU)

Asian Community Development Council (ACDC)

Asian Employee Network at American Express (ANA – New York)

Asian Health and Social Service Council

Asian Pacific Islander American Public Affairs Association (APAPA Austin)

Association of Chinese Americans, OCA Detroit (ACA)

Boat People SOS Houston

Center for Pan Asian Community Services (CPACS)

Charles B. Wang Community Health Center (CBWCHC)

Chinatown YMCA

Chinese Progressive Association (CPA Boston)

Chinese American Family Alliance for Mental Health

Chinese-American Planning Council (CPC)

Coalition for Asian American Children and Families

Connie Chung

Dallas Fort Worth Asian American Citizens Council (DFW-AACC)

Federation of Indian Associations (FIA)

Florida Asian Services Center (FASC)

Flushing YMCA

GAPIMNY—Empowering Queer & Trans Asian Pacific Islanders

Greater Boston Legal Services

Korean American Civic Empowerment

Korean American Family Service Center

Korean Community Services of Metropolitan New York

MinKwon Center for Community Action
NAKASEC D.C.
National Asian Pacific American Women's Forum NYC Chapter (NAPAWF-NYC)
National Center for Law and Economic Justice
National Federation of Filipino American Associations (NaFFAA) - Nevada
New Mexico Asian Family Center (NMAFC)
New Virginia Majority (NVM)
Nodutdol for Korean Community Development
OCA Greater Houston Chapter
Pennsylvania Immigration and Citizenship Coalition (PICC)
Pilipino American Unity for Progress NY (UniPro NY)
Pilipino American Unity for Progress San Diego (UniPro San Diego)
Southeast Asian Mutual Assistance Associations Coalition, Inc. (SEAMAAC)
United Chinese Association of Brooklyn (UCA)
Vietnamese American Young Leaders Association of New Orleans (VAYLA)
VietLEAD

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Asian American Bar Association of New York (AABANY)
Asian American Bar Association of the Greater Bay Area (AABA)
Asian American Lawyers Association of Massachusetts (AALAM)
Asian Law Alliance (ALA)
Asian Pacific American Lawyers Association of NJ (APALA-NJ)
Asian Pacific Bar Association of Pennsylvania (APABA-PA)
Austin Asian American Bar Association (AAABA)
Filipino American Lawyers Association of New York
Louisiana Asian Pacific American Bar Association (LAPABA)
Muslim Bar Association of New York (MuBANY)

South Asian Bar Association of Greater Boston (SABAGB)
South Asian Bar Association of New York (SABANY)

Schools

Brandeis Southeast Asia Club (SEAC)
Cardozo APALSA
Columbia APALSA
Columbia Asian American Alliance
Columbia School of Social Work Asian Pacific Islander Student Caucus (CSSW API Caucus)
George Mason APALSA
Georgetown APALSA
Harvard APALSA
Harvard Kennedy School Asian Pacific American Caucus
Michigan Law APALSA
NYU APALSA
Pace University American Studies Program
Princeton Asian American Students Association (AASA)
Rutgers Law School Newark-Pro Bono and Public Interest Office
Rutgers Law School-Camden APALSA
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UPenn Asian Pacific Student Coalition (APSC)
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Financial Statement

Statement of Income and Expenditures

for the Fiscal Years ended June 30, 2018 and June 30, 2017

| | <u>2018</u> | <u>2017</u> |
|-------------------------------|----------------|----------------|
| SUPPORT AND REVENUE | | |
| Contributions | 309,982 | 361,950 |
| Grants | 1,709,676 | 618,300 |
| Legal fee awards | 38,304 | 8,750 |
| Events | 601,155 | 437,052 |
| Interest and other | 5,415 | 757 |
| | <hr/> | <hr/> |
| TOTAL SUPPORT AND REVENUE | 2,664,532 | 1,426,809 |
| EXPENDITURES | | |
| Program services | 1,262,108 | 1,397,289 |
| Management and general | 162,411 | 205,036 |
| Fundraising | <u>165,318</u> | <u>134,682</u> |
| TOTAL EXPENDITURES | 1,589,837 | 1,736,996 |
| CHANGE IN NET ASSETS | 1,074,695 | 620,442 |
| NET ASSETS, BEGINNING OF YEAR | 1,200,310 | 1,510,497 |
| NET ASSETS, END OF YEAR | 2,275,005 | 1,200,310 |