



ANNUAL REPORT

2014



Dear Friends:

In 2014, the Asian American Legal Defense and Education Fund (AALDEF) celebrated 40 years of righting wrongs in the Asian American community. Over the past 40 years, AALDEF has been a pioneering voice in protecting the civil rights of Asian Americans, litigating precedent-setting cases with broad impacts on our community.

Highlights of these success stories include:

- AALDEF brought the first federal wage and hour cases on behalf of restaurant take-out delivery workers in New York City and won a \$4.6 million judgment in 2008 for the workers at Saigon Grill restaurant.
- Through our legal advocacy in 1994, AALDEF won the first fully-translated Chinese-language ballots in New York City, assisting 55,000 Asian American voters with limited English proficiency. We later brought cases under the Voting Rights Act in 2006 to secure full implementation of bilingual ballots and voting assistance in Chinese and again in 2013 for Bengali ballots.
- In 1986, AALDEF won a major ruling for tenants when New York's highest court held, for the first time, that new developments are subject to environment review if they might displace low-income tenants and small businesses.
- After 9/11, AALDEF defended the rights of South Asians, Arabs, and Muslims, who were detained without any criminal charges. We challenged the unfair enforcement of post 9/11 immigration laws and counseled hundreds of immigrants facing deportation.
- In a 2009 case, AALDEF overcame the defense of diplomatic immunity asserted by a former United Nations consular official seeking to escape liability for his exploitation of a Filipina domestic worker and human trafficking survivor.
- AALDEF filed federal civil rights complaints on behalf of Asian immigrant students targeted for racial violence and harassment at Lafayette High School in Brooklyn and at South Philadelphia High School. These cases were resolved by settlements that have become a model for other anti-bullying cases around the country.

While we celebrate our legal victories over the past 40 years, we also recognize how much important work lies ahead. Racial and economic inequality still persist, and many civil rights protections we have fought hard to establish are under attack.

In this report, you will read stories of the Asian Americans we have assisted in 2014. While these accounts represent only a fraction of AALDEF's work, they demonstrate the very real needs facing the Asian American community today. Please visit our [website](#) and [Facebook page](#), and follow us on [Twitter](#) for the latest updates on our activities.

Margaret Fung
Executive Director

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.

Fighting for Economic Justice

Asian immigrants are often trapped in low-wage jobs, earning meager wages and working long hours without overtime pay. AALDEF litigates wage and hour cases on behalf of Asian immigrant workers and facilitates their organizing efforts in many industries, including restaurants, garment factories, hotels, nail salons, construction, and domestic service.

- **Chinatown garment workers win back wages and damages** In May 2014, AALDEF won a \$1.2 million judgment in back wages, overtime pay, and damages on behalf of 13 Chinese garment workers employed in a Manhattan factory. They worked over 10-12 hours a day, six or seven days a week, to complete garments for two retailers, Dress Barn and Lane Bryant. The defendants' testimony at trial was deemed "inconsistent and incredible" by the judge.
- **Korean and Latino restaurant workers sue employer for stolen tips and wages** After a federal trial in June 2014, 11 Korean and Latino restaurant workers are awaiting a decision in their lawsuit to recover back wages against Kum Gang San, a popular Korean restaurant with locations in Manhattan and Flushing. The restaurants are open 24 hours a day, with workers assigned to 12-hour shifts. The management stole tips from the waiters and falsified their time cards. The workers are seeking \$2.7 million in back wages and damages.

Taking Action to End Human Trafficking

In the United States, more than 20,000 individuals are trafficked every year. For every trafficking victim subjected to forced prostitution, three individuals are trafficked for other forms of forced labor. Domestic workers are particularly vulnerable to exploitation and abuse due to their isolation in the household, often working for 10 to 16 hours a day for little pay.

Through its Anti-Trafficking Initiative, AALDEF supports these survivors of modern day slavery, from the victim's initial escape to prosecution of the trafficker. AALDEF's goals are to promote the physical safety, economic security, and future well-being of trafficking survivors.

- **Lawsuit against labor trafficking in the Gulf Region** AALDEF, with co-counsel Southern Poverty Law Center and the ACLU, is representing five Indian guest workers who were defrauded and exploited in a labor trafficking scheme in the Gulf Region. Hundreds of Indian workers were lured to a Mississippi shipyard with false promises of permanent U.S. residency after post-Hurricane Katrina clean-up efforts. They were forced to pay \$1,050 a month to live in overcrowded and racially segregated labor camps.
- **Recruitment scheme targets Indonesian Workers** AALDEF represented an Indonesian domestic worker trafficked by a family in the DC metropolitan area. She was part of a larger recruitment scheme in which more than a dozen other workers were brought to the East Coast from Indonesia.
- **"Cultural exchange" becomes volunteer exploitation** AALDEF is assisting five Thai college-educated "volunteers" in securing T visas. They came to the U.S. for a cultural exchange program and to learn English, but after they arrived, they were housed in two large

rooms with dozens of other "volunteers," where they slept on the floor. They were coerced to leaflet and solicit money daily for this religious charity group.

Protecting Immigrant Rights and Post 9/11 Liberties

The tragedy of 9/11 is still used as a rationale to justify abuses by law enforcement agencies against American Muslims. South Asians, Arabs, and Muslims continue to be stopped, interrogated, and detained on the basis of race, ethnicity, and religion, rather than evidence of any crime.

Through the targeted use of a wide range of immigration and law enforcement policies, the U.S. government has cast American Muslims as dangerous threats to national security, leaving communities across the country vulnerable to discriminatory profiling. Local communities across the country have sought to block the construction of mosques, using various pretexts to challenge plans presented by American Muslim community groups.

- **Removing zoning barriers to allow construction of a mosque in Bridgewater, NJ** AALDEF challenged a New Jersey town's discriminatory zoning ordinance that prohibited the construction of a mosque and community center in a residential neighborhood. After several unsuccessful attempts to settle the case, AALDEF and co-counsel Arnold & Porter sought a preliminary injunction in New Jersey federal court to prevent enforcement of the zoning ordinance. The judge granted the motion and found that Al Falah had shown irreparable injury. In December 2014, Al Falah reached a settlement with Bridgewater Township, allowing the community group to build its mosque.
- **Fighting religious discrimination in Norwalk, CT** In Norwalk, CT, the Al Madany Islamic Center submitted a proposal for a facility that would include a prayer hall, classrooms, and a community center. The Connecticut Planning and Zoning Commission rejected the proposal, claiming the mosque would "fundamentally alter the character of this quiet, New England neighborhood." AALDEF is representing Al Madany in a religious discrimination lawsuit.
- **Challenging NY Police Department surveillance** Joined by 17 civil rights organizations, AALDEF filed an *amicus* brief in a federal lawsuit challenging the constitutionality of the NYPD's post-9/11 surveillance of American Muslims. AALDEF is asking the U.S. Court of Appeals for the Third Circuit to reverse the district court's ruling dismissing the suit. In the brief, AALDEF details the NYPD's pervasive bias against American Muslims and challenges the district court's implicit endorsement of harmful stereotypes in its decision.

Ensuring Educational Equity

Despite the model minority myth, many Asian American students struggle through public school like other minority students. The educational obstacles affecting Asian American students revolve around larger intersecting issues of immigrant rights, language access, and racial bias. Southeast Asians face school dropout and pushout challenges; South Asians are subjected to post 9/11 profiling; English Language Learners are denied access to bilingual education, dual language instruction, and ESL programs; and Asian students of all backgrounds are plagued by discrimination, harassment, and hate violence.

AALDEF's Educational Equity program advocates for fair public education policies affecting low income and immigrant Asian American students and supports equal educational opportunity in higher education. We partner with youth groups and community organizations across the country to support local policy goals and represent students and parents in individual cases.

- **Asian American high school student in Kentucky challenges racial harassment** On July 3, 2013, AALDEF filed complaints with the U.S. Department of Justice and the U.S. Department of Education, urging both federal agencies to investigate the racial harassment suffered by a 14-year-old basketball player and student in Kentucky's Russell Independent School District (RISD). The Asian-Kazakh student, Milena Clarke, had been the target of severe, persistent, and ongoing racial harassment by her teammates since July 2011. Despite her family's numerous attempts to report incidents to school coaches and officials, the harassment continued unchecked for two years.

We shared Milena's story with her basketball hero Jeremy Lin, who spoke to Milena directly. "It was the best day of my life," said Milena after Jeremy called her. "I was so shocked by how similar his treatment was to mine." Since then, Milena has been selected for the Kentucky Premier AAU basketball team. The Department of Education has opened an investigation into her racial harassment claims.

- **Standing up for English Language Learners** After three years of prodding by AALDEF and our community partners, the New York State Department of Education (NYSED) finally issued revised administrative regulations concerning English Language Learner (ELL) programming. The new regulations broadly extend ELLs' civil rights, especially in the areas of identification, programmatic entitlement, language access, and parent engagement, as well as teacher and staff training and qualifications.
- **Widespread bullying reported in NYC schools** Working with the Sikh Coalition, our priority for the 2013-14 school year was the improvement of public reporting of harassment data by both the New York State and City education departments. This goal was based on the findings in our report, *One Step Forward, Half a Step Back*, indicating that one-half of children in New York City public schools reported bullying in 2012.
- **Reaffirming the University of Texas-Austin's Affirmative Action Program** The 5th Circuit federal appeals court found on remand in *Fisher v. UT-Austin* that the university's affirmative action program was legal and satisfied constitutional scrutiny. AALDEF filed an *amicus* brief in the U.S. Supreme Court, together with Asian American and Pacific Islander youth groups and university officials, urging the Court to uphold the admissions policy and its consideration of diversity in higher education.

Protecting the Right to Vote

As the fast-growing Asian American population becomes more actively engaged in our nation's democratic process, they still face major barriers to voting, especially newly-naturalized citizens and persons not yet fluent in English. Many jurisdictions required by the federal Voting Rights Act to provide language assistance--interpreters and translated ballots and other voting materials--ignore these mandates.

Asian Americans are still asked more often than other voters to produce identification at the polls, even when ID is not required, and they often are not given provisional ballots, as mandated by the Help America Vote Act (HAVA). Moreover, AALDEF election monitors have observed overtly racist behavior and voter intimidation by poll workers and fellow voters hostile to the increasing number of Asian Americans at the polls.

The Supreme Court's decision in *Shelby County, Alabama v. Holder*, which weakened the preclearance provisions of the Voting Rights Act, has opened the door to a new wave of discriminatory voting measures, such as voter ID and proof of citizenship laws, in several states affecting Asian Americans and other communities of color.

- **Securing Bengali ballots in Queens, New York** The Census Bureau in 2011 reported that the fast-growing South Asian population in Queens County, NY was entitled to language assistance under the Voting Rights Act. After four elections passed without the City's full compliance with federal law, AALDEF sued the NYC Board of Elections. The lawsuit was resolved in March 2014 after the Board agreed in writing to provide Bengali ballots, interpreters, and translated materials.
- **Challenging Pennsylvania's discriminatory voter ID law** AALDEF and the Asian Pacific American Bar Association of Pennsylvania (APABA-PA) filed an *amicus* brief in 2013 in the Pennsylvania Supreme Court, supporting a challenge to the constitutionality of the state's restrictive voter ID requirement in *Applewhite v. Pennsylvania*. Our brief asserted that Asian American voters had been deterred from voting because of the law's disproportionate burdens upon naturalized citizens. The court struck down the photo ID law in 2014, finding it was unnecessary to prevent voter fraud or keep public confidence in the election process.
- **Documenting voting problems at the polls in the 2014 midterm elections** In October 2014, AALDEF staff trained 580 volunteers in 11 states to observe voting problems at the polls on Election Day and gave an overview of relevant voting rights and election laws. The sessions, co-sponsored by more than 80 groups, were held at law firms, community organizations, law schools and universities.

AALDEF monitored 91 poll sites in 14 cities in four states: New York, New Jersey, Massachusetts, and Virginia. We received over 340 complaints from Asian Americans who faced voting barriers or other problems at the polls, such as a lack of interpreters, improper requests for ID and proof of citizenship, and missing or incorrect names on voter rolls.

- **Surveying Asian American voting preferences** On Election Day, AALDEF volunteers surveyed 4,102 Asian American voters in 11 Asian languages at 64 poll sites in 38 cities in 11 states—Georgia, Louisiana, Maryland, Massachusetts, Michigan, Nevada, New Jersey, New York, Pennsylvania, Texas, Virginia—and Washington, DC about their voting preferences. More than 580 volunteer attorneys, law students, and community volunteers conducted the multilingual exit poll, designed to provide a snapshot of Asian American voting patterns.

Asian Americans indicated the top issues influencing their votes for Congress were Economy/Jobs (50%), Health Care (34%), Education (32%) and immigration (19%). Two out of three Asian Americans polled were in favor of President Obama taking executive action on immigration.

Highlighting the Voices of DREAMers

Our nation's immigration laws are in urgent need of reform, but Congress has failed to take action. The core value of family reunification in immigration law has been undermined by draconian enforcement and deportation practices. Employers routinely exploit low-wage immigrant workers who are undocumented. Undocumented youth who have lived in the U.S. for most of their lives are unable to work legally, secure driver's licenses, or access college scholarship assistance.

AALDEF helped launch the first pan-Asian group of DREAMers on the East Coast, enabling undocumented youth to share their stories, learn about their legal rights, and organize and advocate for changes in immigration laws and policies. By sharing their stories and coming out of the shadows, members of RAISE (Revolutionizing Asian American Immigrant Stories on the East Coast) are building a movement to enable families to remain together in pursuit of the American Dream.

On August 13, 2014, *Letters from UndocuAsians* premiered at Barrow Street Theatre in New York City. The production was written, directed, and performed by members of RAISE. *Letters from UndocuAsians*, a sequel to last year's successful performance, examined the joys, triumphs, and challenges of Asian undocumented youth living in the face of seemingly insurmountable odds.

RAISE member Neriél Ponce spoke on a panel on December 11 about Ferguson and Asian American activism at the Museum of Chinese in America, moderated by *New York Times* deputy editor Sewell Chan.

A special highlight in 2014: RAISE core group member Rhustie Valdizno was honored by the White House on June 17 as one of ten DACA (Deferred Action for Childhood Arrivals) Champions of Change, for his leadership in advocating for undocumented immigrants. He joined other honorees to discuss immigrant rights' issues at a panel in Washington, DC.

40th Anniversary Gala, 2014 Justice in Action Awards, and Special Events

Since 1987, AALDEF has presented Justice in Action Awards to exceptional individuals for their efforts in advancing social justice and human rights for Asian Americans. The 2014 Justice in Action Awards were presented on March 25, 2014 in New York City to **John G. Chou**, Executive Vice President & General Counsel, AmerisourceBergen Corporation, **Mari J. Matsuda**, professor of law at the University of Hawai'i at Manoa, William S. Richardson School of Law, and **Aasif Mandvi**, actor and correspondent for *The Daily Show*.

AALDEF also released two videos for its 40th anniversary. The first, "[40 Years of Righting Wrongs](#)," included highlights of AALDEF's legal victories over the past 40 years. The second, "[40 Years of Social Justice](#)," pays tribute to current and former AALDEF staff, board, and volunteers.

AALDEF has a long history of supporting Asian American artists, playwrights, and filmmakers. On February 12, 2014, AALDEF hosted a theater party and Q&A with Tony Award-winning playwright David Henry Hwang for his new play, "Kung Fu," at the Signature Theatre in New York City. AALDEF also organized a film screening and panel discussion with Evan Leong, director of "Linsanity," a film about NBA player Jeremy Lin, at Cardozo School of Law.

Looking Forward

Looking to the future, AALDEF has trained hundreds of young lawyers and students, encouraging them to use their legal skills to serve the community. With their assistance, and the support of several pro bono attorneys and volunteers, AALDEF has achieved many milestones over the past 40 years. AALDEF remains committed to the ongoing fight for freedom, justice, and equality for all, and we hope you will support our programs for the next 40 years.

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Financial Statements

Condensed Statement of Income and Expenditures
for the Years ended June 30, 2013 and June 30, 2014

SUPPORT AND REVENUE	<u>2014</u>	<u>2013</u>
Contributions	316,397	205,891
Grants	518,189	1,273,418
Legal fee awards	22,565	30,500
Events	535,328	479,819
Interest	521	1,104
Other	5,647	6,446
 TOTAL SUPPORT AND REVENUE	 1,398,647	 1,997,178
 EXPENDITURES		
Program services	1,477,550	1,794,723
Management and general	234,329	243,986
Fundraising	179,334	170,057
 TOTAL EXPENDITURES	 1,891,213	 2,208,766
 CHANGE IN NET ASSETS	 (492,566)	 (211,588)
 NET ASSETS, BEGINNING OF YEAR	 1,256,995	 1,468,583
NET ASSETS, END OF YEAR	764,429	1,256,995