

Summer 2021 U.S. Immigration Alert!

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Biden's Anti-Asian American Chinaphobia, Anti-Immigrants Racism while Failed to Responds to the Surge of COVID

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8/12: More than 9,000 anti-Asian American incidents reported since the pandemic began

Terry Tang – Associated Press

The frequency of anti-Asian incidents — from taunts to outright assaults — reported in the United States so far this year appears poised to surpass last year's despite months of political and social activism, according to a new report released Thursday.

Stop AAPI Hate, a national coalition that has gathered data on racially motivated attacks related to the COVID-19 pandemic, received 9,081 incident reports between March 19, 2020, and June 2021. Of those, 4,548 occurred last year and 4,533 this year. Since the coronavirus was first reported in China, people of Asian and Pacific Islander descent have been scapegoated solely based on their race.

Lawmakers, activists and community groups have pushed back against the wave of attacks. There have been countless social media campaigns, bystander training sessions and public rallies. In May, President Biden signed the bipartisan COVID-19 Hate Crimes Act, expediting Justice Department reviews of anti-Asian hate crimes and making available federal grants.

Those supporters should not feel discouraged because the data haven't shifted much, Stop AAPI Hate leaders said.

"When you encourage hate, it's not like a genie in a bottle where you can pull it out and push it back in whenever you want," said Manjusha Kulkarni, co-founder of Stop AAPI Hate and executive director of the Asian Pacific Policy and Planning Council. "There's too much perpetuating these belief systems to make them go away."

Several factors contributed to the rise in the data, including an increase in incidents and a greater willingness to report them, according to Kulkarni. Also, as the economy opened up more in the last few months, it meant more public interactions and opportunities for attack, she said. And a bump in reporting typically occurs after a high-profile incident like the March 16 Atlanta-area spa shootings that left six Asian women dead.

The reports aggregated by Stop AAPI Hate are from the victims themselves or someone reporting on their behalf, such as an adult child. Overall, the report found verbal harassment and shunning — interactions that don't qualify legally as hate crimes — make up the two largest shares of total incidents. Physical assaults made up the third-largest share. But their proportion of the incidents this year increased from last year — 16.6%, compared with 10.8%.

More than 63% of the incidents were submitted by women. Roughly 31% took place on public streets, and 30% at businesses.

Many Asian Americans and others blame former President Trump for ratcheting up the danger by talking about the coronavirus in racist terms. While Biden has demonstrated “ally-ship,” there is concern that a U.S. investigation into the origins of the virus could lead to more hostility and treatment of Asian Americans as foreign enemies.

“We understand that other nation-states are competitors to the United States, and a number of them do have authoritarian regimes,” Kulkarni said. “But the ways in which we talk about the people and the ways in which blame is assigned somehow looks different for communities of color than it does for, say, the Russian government or the German government.”

Many of the headline-making attacks over the last year and a half have been against elderly Asian people on both coasts. In most of those cases, a senior was beaten, kicked, shoved or even stabbed from out of nowhere. Several such incidents have been caught on video.

Anni Chung, president and CEO of the San Francisco-based Self-Help for the Elderly, says the seniors they help were hit by a “second virus — that is, a hate virus.” The organization provides food and programs for more than 40,000 older adults in the Bay Area, most of them of Asian descent. The group went from transporting a pre-pandemic load of 400 meals daily to more than 5,000. Last year, it distributed 963,000 meals overall, compared with 436,000 typically.

“Sometimes when we talk to seniors, they say this hatred drove them to be stuck in their house even worse than the pandemic,” Chung said.

For them, the fear is more than a headline but something in their own backyard.

“One of our clients was on the bus. Right before the man got off the bus, he just punched her,” Chung said. “She said no one — not the bus driver and a number of Chinese on the bus — went to her care.”

Giving into that fear means seniors have missed important things like doctor's appointments or exercise routines at the park. So, in June, with some funding from the city, the organization expanded a volunteer escort service to accompany seniors on errands or outings around Chinatown and other neighborhoods. They had more than 200 requests that month.

The onslaught of verbal and physical assaults has drawn more skepticism than sympathy from some. Peter Yu, a Republican U.S. Senate candidate in Colorado who is Chinese American, came under fire last month for characterizing anti-Asian hate crime as exaggerated.

“I would welcome him to look at the data and see there has been a significant increase,” Kulkarni said. “This may be a situation when people refuse to see racism or misogyny. I think they're just really refusing to see reality and how, unfortunately, in the U.S. we have allowed those forces to prevent people from living their lives.”

8/9: US deserves to be called world's biggest anti-pandemic failure, report says

Global Times

Chinese think tanks jointly released a report on Monday to reveal the truth about US' fight against the COVID-19 epidemic, the first such kind to comprehensively show how the US ended up being a failed country in the battle against coronavirus and how it continues to prompt virus origins tracing terrorism in the world by evading questions and covering up the truth.

The report titled "The Truth about America's Fight against COVID-19" was jointly released by the Chongyang Institute for Financial Studies at the Renmin University of China (RDCY), Taihe Think Tank and Intellisias Institute on Monday.

It analyzes five major aspects regarding US' failure in response to the pandemic, including its highly politicized partisanship, its anti-science and abnormal measures in the epidemic prevention and control; the growing social inequality exacerbated by the pandemic and its willful destruction of global resistance to the pandemic.

The report says the US is well deserved to be called the world's No one in eight aspects: failure in anti-pandemic response, political blaming, pandemic spreading, political division, currency abuse, pandemic period turmoil and the disinformation country, and the origins-tracing terrorism country.

Previously, the US jumped to the No.1 spot on Bloomberg's COVID-19 resilience ranking under the title "The best and worst places to be as the world finally reopens."

Wang Wen, executive dean of the RDCY, told the Global Times said it's ridiculous to place the US as the top country in handling the pandemic, and it's also a disregard to history and even human ethics. This report attempts to show the real history to the world as the world history should not be twisted by some individual voices or media.

During the past half year, the US has been shirking responsibility, not one single US official tried to rethink the US' epidemic situation or resign over their failure in combating the epidemic, while this report serves to draw lessons from US' failure and avoid them to happen in the future and calls for solidarity to fight the epidemic, Wang said.

The COVID-19 was probably the greatest test of governance the world has ever seen since the Second World War. The US and the West failed miserably, Martin Jacques, a Former Senior Fellow from Cambridge University, addressed the report-release meeting on Monday.

The geopolitics has usurped science. The COVID-19 is mired in a sort of "Cold War" rhetoric, "Cold War" language, and "Cold War" assault by the US and this is going to continue, Jacques said.

The number of COVID-19 cases in a single day in the US exceeded 100,000 on July 30, which was the first time in six months since February 6, when the number of new cases in a single day first exceeded 100,000. It marks the epidemic in the US entering the fourth wave of upsurge.

"Behind the cold numbers lies the domestic politics of the US - particularly the highly politicized partisanship, which has taken many lives of the Americans "who need not have died," the report said.

The report said US' systemic failure in the fight against COVID-19 is rooted in the profit-seeking nature of capitalism: paying lip service to the "supremacy of human rights" while acting in the interests of capital, and adopting the social Darwinian "law of survival of the fittest" in its response to public health crises.

While exporting the virus to the world, the US has also turned the global public health disaster into a major power model wrestling match by politicizing scientific issues such as the anti-pandemic model, the origins-tracing of the pandemic, and the effectiveness of vaccines, shifting the blame to the outside world and misleading the international community, the report said.

The former US President Donald Trump is probably the biggest promoter of COVID-19 misinformation as by May 26, 2020, Trump was mentioned in about 38 percent of the English-language media's fake reports on COVID-19, it said.

The Biden administration intended to reshape the image of the US as a responsible power under the banner of "America is back," but the Biden administration actually lacks respect for science in many aspects, including tracing virus origins. The administration is not only refusing to conduct multi-point and multi-dimensional tracing around the world but also rekindled the "lab leak theory" hype soon after taking office for political gains.

Failing to assume its international responsibility and bringing positive impact on global cooperation against the pandemic, the US government has been covering up the truth and manipulating global public opinion by practicing "origins-tracing terrorism," the report added.

What was the outbreak of the so-called "respiratory disease" or "white lung disease" of unknown cause in the United States in the second half of 2019 really about? What kind of research is going on at Fort Detrick and other biological laboratories around the country? Is it related to COVID-19? How were the security measures implemented? Is it related to the origins of the global COVID-19 outbreak?

Researchers from those think tanks called for the US to allow an international team of experts organized by the World Health Organization to conduct site visits and investigations of relevant biological laboratories in the US for the sake of effectively advancing scientific tracing efforts and dispelling external questions about the lack of transparency in the US.

"We believe that the truth can only come late, but it will never be absent, ever," the report said.

7/24: U.S. dials back probe of Chinese scientists on visa "fraud" charges

(Jane Lee – Reuters) A U.S. Justice Department program aimed at protecting American technology from China dropped five prosecutions of Chinese scientists after a draft of an internal FBI analysis questioned a main premise for the investigations, according to court documents.

The "China Initiative" had been criticized by civil liberties advocates as racially biased, and judges in several court proceedings had expressed skepticism about the FBI's tactics in interrogating the scientists.

On Thursday and Friday, the U.S. government filed motions in federal courts to dismiss charges in five cases of Chinese researchers arrested on visa fraud charges last year. All pleaded not guilty to falsifying visa applications to conceal military ties as well as other charges. [read more](#)

The motions to dismiss the cases coincides with the new Biden administration's Deputy Secretary of State Wendy Sherman visiting China on Sunday and Monday.

All five arrests occurred about a year ago when U.S.-China relations were at a nadir and now the world's two largest economies are seeking to navigate a troubled relationship. [read more](#)

The Justice Department said in a statement that it was dismissing the cases in the "interest of justice".

U.S.-based Chinese officials could not immediately be reached for comment on the development.

"Recent developments in a handful of cases involving defendants with alleged, undisclosed ties to the People's Liberation Army of the People's Republic of China have prompted the Department to re-evaluate these prosecutions," a statement by Justice Department spokesperson Wyn Hornbuckle said, without detailing what those developments were.

Court documents filed this month in two cases included FBI draft analysis that questioned how useful the investigation was in safeguarding technology developed in the United States. The report said that the visa application question about military service that ensnared the scientists, was unclear.

The analysis was written in reaction to the China Tech Transfer Analysis Unit at the FBI being nominated in February for the "high impact" of the "arrests of the PLA students". PLA refers to the Chinese military. The FBI unit leader disagreed on the impact of the arrests and removed the unit from the award nominations, according to the court documents.

Asked about the court filing, a Justice Department official answered by email that the "draft analysis prompted follow up questions and requests from defense counsel that we could not resolve before Monday's trial date."

One of the cases was scheduled to start on Monday. The official said that in most of the cases the sentences would be a year or less and that the defendants have had their liberty restricted for that time whether in jail or out on bail.

Defense lawyers have said their clients' only "crime" is running afoul of U.S.-China politics. [read more](#). John Hemann, a lawyer for Chinese brain researcher Song Chen, said they were "grateful and relieved" the case against her had been dismissed and "the government has done the right thing."

7/28: Tell Biden to Protect Asylum Seekers: End Title 42 Border Expulsions NOW

Kathryn Hampton -- Senior Officer, Asylum Program Physicians for Human Rights

Early in the pandemic, the Trump administration weaponized COVID-19, invoking a border expulsion order under Title 42 which effectively closed U.S. borders to children and adults seeking refuge.

As detailed in a new first-of-its-kind report from Physicians for Human Rights (PHR), this policy – which has been used to expel child and adult asylum seekers nearly one million times since the start of the pandemic – has had a devastating effect on their physical and mental health. Public health experts have long objected to the misuse of Title 42 expulsions, especially considering that U.S. borders remain largely open to other travelers.

The report is based on in-depth interviews conducted in Ciudad Juárez and Tijuana, Mexico in May 2021 with 28 expelled asylum seekers and six health professionals who provide medical care to migrants. The report underscores the dire consequences of Title 42 expulsions and the urgency for the Biden administration and the Centers for Disease Control and Prevention to revoke the order.

Over the last six months, the Biden administration has had ample opportunity to reverse this Trump-era order, yet it continues to expel hundreds of thousands of individuals and families to countries where they face severe harm and persecution. What started as a Trump-era weaponization of the COVID-19 could become part of President Biden's legacy if he does not take clear and immediate action.

The harm this policy is causing is clear and there is something you can do right now to help: Join PHR in telling the Biden administration that it must immediately end Title 42 border expulsions.

For many, the Title 42 order is, effectively, a family separation policy. Despite promising to end this practice, under the Title 42 order, U.S. officials are still separating parents and children, as some family members are admitted while others are expelled. What's worse, U.S. officials who separate families often refuse to provide any information about their family members' whereabouts or any way to seek reunification – causing profound fear and anxiety for already traumatized people.

I encourage you to explore the full report, and, if you have a moment, please urge the Biden administration to immediately rescind the Title 42 expulsions order.

6/5: Anti-Asian Violence Didn't Start or End With Trump's White House

Sara Kim - Truthout

Over 85 Asian American and LGBTQ groups are “calling for a redistribution of wealth and resources into things like health care and housing ... because we know that at the root of the violence that we see in our communities, is ... inequality.”

Recently, President Joe Biden signed the COVID-19 Hate Crimes Act into law. Under the new law, the Department of Justice will expedite reviews of violence related to COVID-19 that had been reported to law enforcement and help agencies establish a way to report attacks online.

As the bill was headed to the Senate for a vote in April, over 85 Asian American and LGBTQ groups released a statement opposing the legislation, arguing that it fails to address the actual causes of anti-Asian violence and ignores the violence that comes at the hands of law enforcement. In a statement released jointly by the organizations, Jason Wu, co-chair of the Gay Asian & Pacific Islander Men of New York (GAPIMNY), an organization empowering queer and trans Asian American and Pacific Islanders (AAPIs), said the groups are “calling for a redistribution of wealth and resources into things like health care and housing ... because we know that at the root of the violence that we see in our communities, is ... inequality.”

One cannot deny that the current spike in anti-Asian violence can be attributed to Donald Trump's hateful anti-Asian slander. Still, the scapegoating of Asian Americans in the U.S. long precedes the blatant racism of the Trump administration, as a Democratic Party-affiliated district attorney's targeting of a Chinese American bank in the wake of the 2008 financial crisis and the Obama administration's targeting of an Asian whistleblower demonstrate.

Scapegoating Abacus Bank

Only one bank was prosecuted by the Manhattan District Attorney's Office after the housing crash in 2008. Who was it? Lehman Brothers? Goldman Sachs? Bank of America? JPMorgan Chase? CitiGroup? No. It was Abacus Federal Savings

Bank, a small family operated business started and run by the Chinese American Sung family primarily catering to Chinese Americans and the Chinese immigrant community since 1984.

I first learned of the sole prosecution in May 2017, when I was invited to a press screening of Steve James's documentary, *Abacus: Small Enough to Jail*, which followed the Sung family through the four-month-long trial that started in February 2015. The trial came to a close with the jury finding the bank not guilty on all 240 counts, but not without costing the Sung family over \$10 million, straining their business for several years, and inflicting a severe emotional toll on the family, which they say they still feel today.

Prior to the trial, at the May 31, 2012, press conference publicizing the decision to indict Abacus on "large-scale mortgage fraud conspiracy," Manhattan District Attorney Cyrus Vance Jr. told the media, "Today, we are announcing the indictment of 19 individuals on charges including mortgage fraud, securities fraud and conspiracy, as well as the indictment of Abacus Federal Savings Bank.... If we have learned anything from the recent mortgage crisis, it's that at some point, these schemes unravel and taxpayers can be left holding the bag."

It's unbelievable that instead of going after any of the banks that were the actual cause of the global financial crisis, the Manhattan district attorney chose to scapegoat Abacus. This is especially because in December 2009, the bank's director, Vera Sung, learned during a scheduled mortgage closing led by employee Ken Yu, that he had asked borrowers for bribes. As a result, he was fired. The Sung family brought in a consultant to conduct an audit, during which it came to light that several other employees had also falsified mortgage application information and were also subsequently fired. With the information compiled from the audit, Abacus then contacted government regulators at the U.S. Department of the Treasury's Office of Thrift Supervision as well as Fannie Mae to inform them of the situation.

This scenario deeply contrasts against the actual, intentional, systemic fraud carried out by the big banks such as JPMorgan Chase, which routinely committed securities fraud by regularly inflating the quality of the mortgages it sold to investors and got to avoid criminal charges by paying a \$13 billion fine; or Wells Fargo, which misrepresented tens of thousands of mortgages by misstating income and providing incomplete documentation, and packaging loans into securities, which were then sold to investors who subsequently lost billions when the securities defaulted.

In the documentary, Vance says, "I think the characterizations that this was somehow a cultural bias on the office's part: entirely misplaced and entirely wrong.... Our handling of the bank was consistent with how we would have handled the bank if we were investigating a bank that serviced the South American community or the Indian community. There was nothing different that we did or purposefully designed to treat this bank differently."

It's unfortunately still so typical: A powerful, well-paid white man of a certain pedigree seeming to not understand what systemic racism is (or perhaps just putting on a performative display of ignorance to try to avoid connecting his actions to racist behavior). His answer doesn't even touch on the systemic aspect of the situation: What his decision insinuates in a larger context.

Moreover, contrary to Vance's statement that there was "nothing different" or "purposefully designed" carried out, journalist Matt Taibbi, Abacus's attorney and former prosecutor Kevin Puvalowski, attorney Sam Talkin (representing one of Abacus's employees), and the Sung family's youngest daughter, attorney Chanterelle Sung — who in a strange turn of events had actually been working in the district attorney's office when the case was brought against her family's bank — all give accounts that the chain-gang-style photo op of Abacus employees during their arraignment on May 31, 2012, was something none of them had ever seen before.

With the spike in anti-Asian violence over the past year, I finally came to accept that I'm simply not as safe as I used to be. I often work late into the night and regularly come home sometimes as late as 4 am. I live on a block of Manhattan I wouldn't describe as dangerous, but in the current socio-political climate, is increasingly becoming a place where anything could happen. As I started researching possible self-defense weapons to start carrying with me, it wasn't just former President Donald Trump's racism that was on my mind but also the government's scapegoating of Abacus Bank.

I've also thought about Stephen Kim, a Korean American expert on North Korea who had been working for the State Department in D.C. and was indicted in 2010 for sharing classified information with Fox News reporter James Rosen. In the spring of 2009, the State Department's Bureau of Public Affairs had introduced Kim and Rosen in order for them to work together so that Rosen could put out stories.

The Persecution of Stephen Kim

On June 11, 2009, Rosen published a story based on a classified government report that reported North Korea was planning on carrying out more nuclear tests in response to new potential United Nations sanctions. According to the journalist Peter Maass, no documents ever changed hands between Kim and Rosen; they'd simply discussed the report earlier that day.

In fact, a government official told the FBI that the report Kim and Rosen had discussed that was the subject of Kim's indictment was "a nothing burger." Eventually, after depleting his life savings while defending himself, he was forced to enter into a plea deal in 2014 in which he pled guilty to a single felony count of disclosing national defense information to an unauthorized person and was sentenced to 13 months in prison and a year on supervised release. After his release in 2016, Kim says he was "homeless, penniless," and decided to return to South Korea — 40 years after his parents first brought him to the U.S. for a better life.

Kim's case contrasts starkly against what happened with David Petraeus. While he was CIA director under former President Barack Obama, Petraeus shared hundreds of classified documents as well as eight "Black Books" of notes containing classified information, such as "the identities of covert officers, war strategy, intelligence capabilities and mechanisms, diplomatic discussion, quotes and deliberative discussion from high-level National Security Council meetings, and ... discussions with the president of the United States of America," with his extramarital lover, Paula Broadwell.

In 2015, the Justice Department allowed Petraeus to enter into a plea deal in which he pleaded guilty to a misdemeanor of unauthorized removal and retention of classified material, was fined \$100,000 and sentenced to two years' probation, avoiding jail time altogether. Of course, he was able to launch a lucrative post-government career as a partner in the private equity firm KKR and as a global speaker on national security issues. In former FBI Director James Comey's book, *A Higher Loyalty: Truth, Lies, and Leadership*, Comey writes, "Petraeus was treated under a double standard based on class.... A poor person, an unknown person — say a young black Baptist minister from Richmond — would be charged with a felony and sent to jail."

Anti-Asian Racism Is Systemic

The current increase in anti-Asian violence is simply a physical manifestation of a mentality that's always existed, the systemic racism that is part of this country's DNA and has thrived through the ages via exclusionary anti-Asian domestic policy. The recent spike in violence is only to be expected because it's an extension of the government's own pattern of scapegoating people of color under various administrations and regardless of party affiliation. Furthermore, systemic anti-Asian racism is built into U.S. imperialism, proof of which can be seen in the history of violent U.S. foreign policy with war defining much of the U.S.'s relationship to Asia throughout the 20th century.

Across the country, parents, students, teachers and activists have also recognized as a source of the ignorance and hatred the lack of Asian American history classes and blatant invisibility of Asian American experiences and contributions being taught in its classrooms. They are demanding such curricula to be instated, as well as calling for mental health services and other resources for AAPI students. Even in cities such as New York, in which Asian students represent 18 percent of the public school population, the lack of education has been identified, and in April, 2,500 parents banded together and sent an "Open Letter for Asian-American History Education in NYC Public Schools" to Mayor Bill de Blasio and Schools Chancellor Meisha Porter.

Proponents of anti-racism applaud the idea of incorporating critical race theory — which examines racism as systemic, rather than a product of simply individual wrongdoers, and how policies perpetuate institutional racism — into K-12 education even while there has been sharp criticism from conservatives.

President Biden's reversal in January of a ban put in place in 2020 by Trump on federal funding for critical race theory-based diversity training is a step in the right direction. Within our control as citizens, we can put an end to our historically low turnout in local elections, and — especially amid current voter suppression tactics by conservatives — vote in electable judges and justices who align with our values and vote out those who do not. The prosecution of Abacus Bank and Stephen Kim are, of course, simply an extension of our problematic two-tiered justice system in which the wealthy and well-connected are able to buy constitutional protections while everyone else suffers harsh punishments.

Amid this spike of anti-Asian violence, it's time to listen to the needs of the communities that are being targeted. For example, the 85+ Asian and LGBTQ organizations who oppose the law enforcement-based hate crime legislation just approved by the House demand shifting resources from law enforcement to communities, designating bias violence as a public health issue, and rejecting proposals addressing anti-Asian bias that are inherently anti-Black, anti-immigrant and harmful for marginalized communities.

The scapegoating of and violence toward us may never stop until our own government acknowledges in what ways it has helped catalyze the violence we're currently experiencing — especially now while it can under this seemingly more logical, centrist administration. This is the time for the government to admit its steady history straight through today of governmental institutional bias. This is the time to start committing itself to truly equitable behavior from within.

5/27: Number of Blacks and Latinos Killed in Police Custody More Than Double Other Counts

Federal legislation to address police abuse needs to include provisions for more accurate data, to address the full scope of the problem

Unidos US

The number of Latinos and Blacks killed while in police custody is likely much higher than reported by the media and national databases—perhaps by more than double—according to a new report released today by the Raza Database Project and UnidosUS.

According to the research by the Raza Database Project, which is a network of some 50 researchers, scholars, journalists, activists and family members of victims killed by police, 32,542 people were killed while in police custody since 2000, with Blacks and Latinos making up 20 percent and 17 percent of those killed, respectively. Overall, people of color, who make up 40 percent of the U.S. population, make up more than 60 percent of all people who die in police custody, while Whites, who make up more than 60 percent of the population, accounted for less than 40 percent of all police custody deaths.

“The invaluable work of the Raza Database Project is a disturbing indication that the already overwhelming concern about over-policing of communities of color might be even more widespread than we know,” said UnidosUS President and CEO Janet Murguía. “The numbers we already knew about are unacceptable; these new numbers are unconscionable. This data demands immediate consideration by those in Congress who are working on much-needed law enforcement reform legislation to ensure that their solutions truly reflect the scope of the problem.”

The numbers are also a sobering reminder that there is no fully accurate and transparent national database of those who have been killed by the police or died while in police custody. For example, the Fatal Force database by the Washington Post records 6,303 deadly shootings by police since 2015. However, the Raza Database Project’s data, which include more than shootings, records 13,216 killed over the same time period. The Post’s data doesn’t include ethnicity, either, which is vital to know how to address the issue equitably.

The Raza Database Project research includes not only those shot by police—at 23,664, the majority of deaths, by far—but also those who died from various other incidents, including 6,200 from a vehicle, 576 from an undefined “medical emergency,” 325 from “physical restraint” (as George Floyd was subjected to), 194 from beatings and 40 from pepper spray.

For the report, the Raza Database Project aggregated all names reported in national databases of all deaths by or in police custody from 2000 through May 9, 2021, eliminating duplicate names based on standard social science practices. Then, researchers checked the names against the 2010 Decennial Census of Population and Housing: Surname datasets. By adjusting for known ethnic surnames, they found that the number of Latinos killed while in police custody increased 24 percent from 2,139 to 2,653 from 2014-2021. The number of Asian and Pacific Islanders increased by more than six times, from 217 to 1,427, while the number of those classified as White decreased from 6,536 to 5,871.

And the numbers likely still undercount Latinos and Asians and Pacific Islanders because a significant number have non-ethnic surnames because of relatively high intermarriage rates.

“UnidosUS believes that effective policies to address law enforcement abuse rest on accurate statistics,” said Murguía. “The efforts of groups like the Raza Database Project are evidence that we need a comprehensive, transparent federal database of those who die in police custody that includes not only cause of death but also race and ethnicity data included in otherwise necessary and effective legislation such as the George Floyd Policing Act.”

The report has been introduced ahead of tonight’s joint town hall, “Reunite to Reform: A Discussion on the Future of Policing in America,” which includes panelists Murguía; Rep. Karen Bass (D-CA 37th District); Derrick Johnson, president and CEO of the NAACP; Rep. Jesús G. “Chuy” García (D-IL 4th District); and Art Acevedo, Chief of Police, Miami Police Department. Members of the media are encouraged to attend.

5/26: Court Approves Multi-Million Dollar Settlement for Low-Wage Workers Against Former Restaurant Owner

Bryan Schwartz Law

Orange County, California – After a saga lasting more than 11 years, today the Superior Court announced its final approval of a \$2.2 million settlement for hundreds of former employees of Koji's Japan, Inc., a southern California restaurant chain that shuttered many years ago. The workers recover these millions directly from the former restaurants' individual owner, Arthur J. Parent, Jr., who failed in his many attempts to avoid responsibility for his ex-employees' unpaid wages, through personal and corporate bankruptcy filings and dozens of contested proceedings in the case.

In *Turman v. Koji's Japan, Inc., and Arthur J. Parent, Jr.*, Case No. 30-2010-00425532-CU-OE-CXC, filed in November 2010, the plaintiffs asserted that Koji's and Parent did not provide meal and rest periods, or pay premiums for missing them, as required by California law. Koji's also had a flawed timekeeping system that resulted in off-the-clock work, the suit alleged. The largely minimum wage workers testified that they would have to rush to eat for a few moments between serving customers and could spend hours on their feet without any relief.

Instead of accepting responsibility, Parent first fired the original named plaintiff, Amanda Quiles, before Christmas in 2010. He then closed the restaurants all together in 2012, hoping that would end his troubles. It did not.

The focus of the litigation became whether the plaintiffs could hold Parent personally liable – since, by then, he had emptied the resources of Koji's. In 2015, after a lengthy trial on Parent's liability as an alter ego or joint employer with Koji's, the court found that Parent "dominated or controlled" Koji's, making him an employer under the federal wage law, the Fair Labor Standards Act (FLSA). However, the court found Parent not liable under California law – the basis of the vast majority of the class members' claims.

In 2017, the Court of Appeal reversed the trial court on multiple grounds in a precedential, published opinion, holding that law-breaking owners are potentially liable personally for their wage violations. "[T]he trial court expressed concern that if Parent were held liable by virtue of his control as sole shareholder and president of Koji's, then all owners of all closely held corporations would suffer the same fate," the Court of Appeal observed. "But Parent's status as sole shareholder and president of Koji's cannot insulate him, or any other sole owner of a closely held corporation, from liability as a joint employer if his actions meet any one of the three definitions set forth in *Martinez [v. Combs]* (2010) 49 Cal.4th 35," the Court held, giving hope to millions of low-wage California workers. After *Turman*, an individual owner, officer, or director is potentially liable for California Labor Code violations (among other reasons) if he allows ("suffers or permits") the workers to work for substandard wages, or if he exercises control over the wages, hours, and working conditions.

Meanwhile, the original named plaintiff, Quiles, won a jury verdict of \$383,500 – with just \$3,000 in underlying lost wages – because of Parent's retaliation against her. Public records show that he wound up personally owing Quiles nearly \$2 million, including her judgment and fees and costs, plus collections fees and interest, based upon this wrongful termination and his long refusal to pay for the verdict against him.

Today's announcement by the Superior Court acknowledged the importance of the class settlement, stating, "The attorneys' efforts on behalf of the Class, under extremely difficult circumstances after the Defendant restaurants were closed and Defendants filed bankruptcy, yielded an exceptional result for low-wage workers, over Defendants' vigorous opposition. The Class is recovering \$2.2 million from an individual business owner, Defendant Parent, establishing an important precedent allowing workers to recover unpaid wages from some corporate owners, *Turman, et al. v. Superior 17 Court* (2017) 17 Cal.App.5th 969." The Court also recognized the named plaintiffs' "extraordinary time and effort in pursuing this litigation over the course of many years."

The settlement will yield thousands of dollars of net recovery, on average, per class member – which, according to an analysis by the plaintiffs' expert, equates to an average net payment of an additional 2+ hours of the average base wage rate for every shift worked more than five hours.

"I have never had a harder-fought case," said plaintiffs' veteran attorney Bryan Schwartz, of Bryan Schwartz Law, pointing out that the docket has 2,756 entries as of today's date. "But, I've also never had a more important one," he added, explaining: "This result means that those who violate our wage and employment laws in California face real consequences if they don't own up."

"I am looking forward to all of us moving on from Artie Parent," said lead plaintiff Heather Turman. "It was a lengthy process, but it is great to see this bad actor have to pay, in the end."

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