

# NAPABA

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ASSOCIATION

### IN THIS ISSUE

NAPABA's 2010 Affiliate  
of the Year: SABA-NC 1

Birthright Citizenship  
and the 14th Amendment 1

President's Message 2

From Macacas to Turban Toppers:  
The Rise in Xenophobic and  
Racist Rhetoric in American  
Political Discourse 4

Leadership Corner:  
Rosy Lor 6

Convention Summary 7

Convention 2010 Highlights 8

NAPABA's 2010 Award Winners 10

NAPABA's First Community  
Service Day a Huge Success 15



NAPABA 2009-2010 President Joseph Centeno with SABA-NC's former President and current NAPABA Regional Governor, Kiran Jain, and current SABA-NC Co-President, Sujal Shah, at the 22nd Anniversary Gala.

## NAPABA's 2010 Affiliate of the Year: South Asian Bar Association of Northern California (SABA-NC)

by Azizah Ahmad

**N**APABA named the South Asian Bar Association of Northern California (SABA-NC) the 2010 Affiliate of the Year at its 22nd Annual Convention in Los Angeles, CA. NAPABA's Affiliate of the Year Award was first conferred at the 2007 NAPABA Convention in Las Vegas, NV. It was established to recognize regional Asian Pacific American bar associations for their outstanding leadership, achievements and commitment to their local communities.

"I'm proud to see SABA-NC honored with the Affiliate of the Year award; this award is an excellent capstone to the several other high-profile and well-deserved

awards SABA-NC earned over the past year. Hopefully our hard work will set a floor for our future endeavors and will set a benchmark for future candidates for the Affiliate of the Year award," said Hozefa Botee, co-president of SABA-NC.

In 2010 SABA-NC did not only catch the attention of NAPABA, SABA-NC's Pro Bono Committee was awarded the California Bar Association's President's Award for Distinguished Pro Bono Service. The North American South Asian Bar Association (NASABA) honored SABA-NC as their 2010 Chapter of the Year. Since its inception in 1993 as the first organized bar association in North America to

*continued on page 11*

## Birthright Citizenship and the 14th Amendment

**Opponents of illegal  
immigration cannot claim to  
champion the rule of law and  
then propose policies that  
violate our Constitution.**

by James C. Ho

A coalition of state legislators, motivated by concerns about illegal immigration, endorsed state-level legislation on January 5, 2011 at the National Press Club in Washington, D.C., to deny the privileges of U.S. citizenship to the U.S.-born children of undocumented persons.

This effort to rewrite U.S. citizenship law

*continued on page 13*



# President's Message

Paul O. Hirose

The NAPABA 2011 Convention is scheduled to be held in Atlanta, Georgia November 16-20, 2011. Save those dates! Why? Because you will want to register early and not miss sold-out events. Those of you who experienced our 2010 Convention know that *Inspire* continued the NAPABA tradition of bringing together the NAPABA family, presenting in-depth programming, and providing a lively and fun environment. Planning is well underway for the 2011 convention but before we focus on Atlanta, let's reflect on the record-breaking *Inspire* Convention and our upcoming year.

Due to the hard work of so many people, we attained all-time high NAPABA figures, including over 1,800 attendees, 145 sponsors, 45 Exhibitors and Advertisers, and more than 55 panels. Our *Inspire* theme was prevalent throughout our plenary sessions including the moving "Legacy of Vincent Chin" civil rights plenary, the incredible "Advocacy at its Finest: Re-argument of *United States v. Wong Kim*

*Ark*," and the inspiring Gala Keynote speech by L. Tammy Duckworth, Assistant Secretary for Public & Intergovernmental Affairs, Department of Veterans Affairs.

I want to personally thank all of you who made *Inspire* such a huge success. Thank you Los Angeles Convention Host Committee, NAPABA Board of Governors and NAPABA staff for all your hard work. Thank you to all our numerous sponsors for your generous support. Thank you NAPABA members and other registrants for our largest convention registration numbers ever. I want to give a special shout-out to the three Co-Chairs of the Host Committee: Bruce Ishimatsu (who is also Chairman of the Partners Committee), Judy Lam (also a Co-Chair of the Real Property Committee) and Ekwan Rhow (also a NAPABA Board Member).

On Sunday, several dozen NAPABA members and family volunteered to participate in our first-ever *Day of Giving Back*. These volunteers assembled holiday food baskets for families in need, including survivors of domestic violence. I was touched when representatives of the three local APA organizations explained how meaningful and comforting these baskets of Asian foods will be to APA families who have been displaced and who have fallen on hard times. NAPABA members who participated included: a Fortune 100 General Counsel, law firm partners and associates, public interest and government lawyers, NAPABA staff, and law students. After the holiday baskets were assembled, two major law firm partners physically loaded the hundreds of pounds of food staples into big carts, pushed those carts two blocks, and then loaded the bags into the transport vehicles. They were both inspiring and perspiring. After several days of programs, presentations, networking and socializing, the *Day of Giving Back* returned us to one of NAPABA's original objectives – helping those in need.

The *Inspire* Convention exemplifies how NAPABA exists for all its members. Regardless of practice area, employer, experience, or any other identifier, there is a place for everyone under the NAPABA tent. At the convention, we paid tribute to our civil rights heritage, we had CLE panels for professional development, and we created networking opportunities for career advancement and business development. Likewise, our programs and committees exist to benefit all our members. In

fact, if a group of NAPABA members have an interest that they want to focus on, they are encouraged to present that interest to either the Board or a committee, or even form a new committee. It is that initiative that has grown our organization.

To continue the enthusiasm and momentum from the convention, the NAPABA Board has a full agenda. We strongly encourage the various NAPABA committees to become more visible and more active because our committees are an easy way to: (a) participate with members with similar interests; (b) raise one's profile in a given practice area and/or in NAPABA generally; and (c) contribute to NAPABA's growth and operations. For the first time, each committee has been assigned both a NAPABA Board member and a staff person to assist that committee's efforts. Our committee chairpersons know that they are responsible for ensuring their committees meet regularly, increase programming/activity and engage their respective committee members.

This May, we will have NAPABA's first Advocacy Day in Washington, D.C. We will open with a reception with prominent APAs who have served or are serving in the Administration or on Capitol Hill. We will then meet with both officials in the Administration and lawmakers to advocate for NAPABA's policy priorities. Later that month, NAPABA will host the Coalition of Bar Associations of Color Annual Meeting— further strengthening our relationship with the Hispanic National Bar Association, the National Bar Association and the National Native American Bar Association. Collectively, we will advocate for our common goals.

Finally, we have four Regional Conferences planned for 2011. Support your local affiliate, become active on a committee, attend the Regional Conferences, and plan on being in Atlanta.

I look forward to a great year and serving as President.

Thank you very much,

Paul O. Hirose

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# From Macacas to Turban Toppers: The Rise in Xenophobic and Racist Rhetoric in American Political Discourse

by Priya Murthy

In November 2010, prior to the mid-term elections, *South Asian Americans Leading Together (SAALT)* issued a report documenting and analyzing examples of xenophobic rhetoric in political discourse aimed at South Asian, Muslim, Sikh, and Arab Americans. Below is an excerpt from the report.

Xenophobia and racism have no place in political and civic discourse. Yet, a pattern of such rhetoric continues to exist in America's political environment today. For decades, African Americans, Latinos, and Asian Americans have been subjected to racist rhetoric in the political sphere. More recently, South Asian, Muslim, Sikh, and Arab Americans have been the targets of such rhetoric by public officials and political candidates from both sides of the aisle. Equally alarming has been the use of xenophobia and racism to stir negative responses against political candidates of South Asian descent. When political and public figures use xenophobic and racist images and language, the impact is far-reaching. Such actions can foster similar sentiments on the part of the public by perpetuating misconceptions and stereotypes about the communities being targeted. They can also influence support for policies and practices that harm people of color and immigrants. In addition, they can contribute to feelings of marginalization and alienation by minority communities as well as hamper political and civic participation.

Appealing to latent racist attitudes through xenophobic rhetoric may appear to yield short-term political gains. Yet, such a strategy is not only myopic, but also belies this country's long and storied allegiance to pluralism, diversity, and equality. SAALT's recent report, *From Macacas to Turban Toppers: The Rise in Xenophobic and Racist Rhetoric in American Political Discourse*, presents an inventory and analysis of xenophobic rhetoric since September 11, 2001 and calls for a return to civility in the political sphere. Specifically, the report includes examples of xenophobic rhetoric aimed generally at South Asian, Muslim,

Sikh, or Arab American communities as a whole; and xenophobic rhetoric aimed specifically at South Asian candidates running for elected office.

## Remarks Aimed Broadly at South Asian, Muslim, Sikh, or Arab American Communities

Similar to other immigrant communities and people of color, South Asians, Muslims, Sikhs, and Arab Americans have often been cast as foreigners within the United States. As a result, community members have borne the burden of having to prove their allegiance and "Americanness" to others. Public officials and political candidates have both perpetuated and exploited this imposed outsider status through xenophobic statements and images. While there is a common underlying message that these communities are not American, several variations upon this theme have been generally used, including: portrayals of communities as threats to national security; statements rejecting the United States as a religiously pluralistic nation; portrayals of community members as political liabilities because of their background; and portrayals of community members as perpetual foreigners.

Examples that arose in recent years include:

- In September 2010, Renee Ellmers, candidate for U.S. Congress in North Carolina, released a television advertisement regarding the Park51 Cultural Center in Lower Manhattan. In the ad, she equated the Muslim developers of Park51 with terrorists, and stated, "After the Muslims conquered Jerusalem, and Cordoba, and Constantinople they built victory mosques. And, now, they want to build a mosque by Ground Zero."
- As part of his Congressional campaign, Dan Fanelli encouraged Florida voters to support him because he would ensure

the use of racial profiling in airport security screening. In April 2010, Fanelli posted several videos on his website depicting Arab- and South Asian-looking actors as terrorists with an accompanying statement that "all passengers are NOT created equally." Although his rival candidates and various public advocacy groups condemned the advertisements, Fanelli responded to critics stating that skin color does not matter, and that, although he does support racial profiling, he believes in "racial equality."

- At a June 2008 presidential campaign rally in Detroit, Michigan, for then-Senator Barack Obama, two Muslim women wearing hijabs were not allowed to be seated in a "special section" behind the stage and podium. One woman, Hebba Aref was with her brother and his friends when they were approached by a campaign volunteer and asked if they would like to sit in the special section. Upon seeing Aref's hijab, the volunteer revoked her invitation to the group, according to a friend of Aref's, by stating: "...because of the political climate and what's going on in the world and what's going on with Muslim Americans, it's not good for [Aref] to be seen on TV or associated with Obama." Obama subsequently apologized for the actions of his campaign volunteers.
- While in office, Congressman Bill Sali from Idaho made remarks against a prayer offered by a Hindu priest in July 2007 at the beginning of Senate proceedings, stating, "We have not only have a Hindu prayer being offered in the Senate, we have a Muslim member of the House of Representatives now, Keith Ellison from Minnesota. Those are changes and they are not what was envisioned by the Founding Fathers." He went on to state that the United States was built on Christian principles, thus when a Hindu prayer is offered, it "creates problems for the longevity of this country."

- In August 2006, former U.S. Senator Conrad Burns from Montana, commented, while still in office, that the United States is up against “a faceless enemy” of the terrorists who “drive taxicabs in the daytime and kill at night.” In an attempt to clarify the statement, Burns’ spokesperson said, “The point is there are terrorists that live amongst us. Not only here, but in Britain and the entire world. Whether they are taxi drivers or investment bankers, the fact remains that this is a new type of enemy.”

### Remarks Aimed at South Asian Candidates Running for Public Office

Running for office in America as a person of color or naturalized citizen is not an easy road. In recent years, there has been an increase in the number of South Asians seeking public office. In fact, in 2010, there were at least 30 candidates of South Asian descent in federal, state, and local races. While the participation of community members in the political arena has been rising and even garnered significant public attention, the number of remarks playing on race- and religion-based stereotypes against various South Asian, Muslim, and Sikh candidates has also followed a similar trajectory. Tactics have included attacking the actual or perceived religions of candidates; pointing to candidates’ “ethnic” names and accents; utilizing image-altering techniques to make candidates appear “darker”; and questioning candidates’ “roots.” Rather than urging the voting public to assess South Asian candidates on the merits of their issue-based policy platforms, at the core of these comments is the insidious nativist refrain that a “foreign” candidate cannot be trusted.

Below are a few examples that emerged during the 2010 elections:

- In June 2010, speaking of then-South Carolina State Representative Nikki Haley’s candidacy in the state’s gubernatorial race, State Senator Jake Knotts, described her as, “[a] f --ing raghead... [w]e got a raghead in Washington; we don’t need one in South Carolina... [s]he’s a raghead that’s ashamed of her religion trying to hide it behind being Methodist for political reasons.” Knotts also stated he believed Haley had been set up by a network of

Sikhs and was programmed to run for governor by outside influences in foreign countries. He claimed she was hiding her religion and he wants the voters to know about it. Knotts later apologized, stating his remark was meant as a joke.

- In April 2010, Ohio Congressional candidate David Krikorian was repeatedly caught by members of his own party suggesting that his rival, Surya Yalamanchili, could not unseat the incumbent because of his Indian name. Krikorian denied making such remarks and, after he lost the primary election, asserted that Yalamanchili succeeded by “playing the race card.”
- In September 2010, Maryland State Delegate Saqib Ali, a candidate in the Maryland primary race for state Senate, was the target of a mailer sent out by his opponent State Senator Nancy King in which his photograph was altered, making his skin tone and hair visibly darker. The King campaign denied having darkened the photograph, despite the fact that the difference was apparent by comparing it to the original photo that was also included in the mailer.

### The Impact of Xenophobic and Racist Rhetoric in Political Discourse

In political life, the use of language and imagery can be instrumental in molding public perceptions and formulating policies. The detrimental effect of xenophobic remarks becomes even more egregious when made by public officials or those running for political office. These individuals have a degree of inherent authority to shape the public dialogue; given that they often have increased access to the media, their remarks are able to command greater attention among the general population. Moreover, their views are perceived not merely as individual personal opinions but can be attributed to entities beyond themselves; for example, a statement of a mayor can be seen as representative of the city government or even the broader electorate within the city.

Xenophobic sentiment in the country, compounded by such rhetoric, can also be accelerated and its impact is profound. In

the wake of the Park51 controversy, several hate crimes occurred, including the vicious assault of a Bangladeshi taxicab driver in New York, Ahmed Sharif (whose attacker was a passenger who asked if Sharif was a Muslim prior to slashing his throat) and an attack on a turbaned Sikh convenience store clerk in Washington State (who was punched after being called “al-Qaeda”). Mosques in California, Connecticut, Illinois, Michigan, and New York were vandalized and Quran burnings were planned in Florida and occurred elsewhere in the country.

In addition, at the crux of why xenophobic statements from public officials and political candidates are so dangerous is because these individuals are responsible for creating policies that affect all Americans. Since September 11th, discriminatory policies against South Asian, Muslim, Sikh, and Arab Americans in the United States have been implemented in the name of national security. Examples of such policies and practices include racial and religious profiling through heightened and intrusive searches, interrogation, and seizures of personal property of Sikh and Muslim passengers by the Transportation Security Administration (TSA) and Customs and Border Protection (CBP); targeted surveillance, questioning, and use of informants involving South Asian places of worship, particularly mosques, by the Federal Bureau of Investigation (FBI); and local law enforcement and immigration authorities targeting those who appear foreign. Profiling is a law enforcement tactic that targets individuals based on characteristics unrelated to suspicious or criminal behavior, such as race, religion, or ethnicity. It is an ineffective national security strategy as it diverts limited law enforcement resources away from identifying those who are true threats and diminishes trust within affected communities. Another more recent trend among national security policymakers is the emphasis on addressing “homegrown terrorism” (allegedly being fostered within segments of the Muslim community in the United States) through infiltration of mosques or prayer groups.

As an example, when public officials make comments stating that the government needs to more closely monitor the immigration of South Asians coming into the country because of the supposed threat

Want to get more involved with NAPABA? Interested in how current board members or committee chairs got involved? Learn more about NAPABA's leadership in this feature of NAPABA Lawyer. This quarter, we get to know Rosy Lor, Senior Attorney, Office of Chief Counsel, U.S. Internal Revenue Service



## NAPABA | Leadership Corner

*Rosy Lor, Senior Attorney, Office of Chief Counsel,  
U.S. Internal Revenue Service*

**Q–** What type of law do you practice and where?

**A–** I am an attorney at the National Office of the IRS Office of Chief Counsel. I began my career at the IRS Office of Chief Counsel advising the IRS on collection of taxes and other matters arising in the context of taxpayer bankruptcies. I currently advise the IRS on a variety of international tax enforcement matters, including issues relating to cross-border tax collection and information gathering. I also work on issues relating to the coordination of federal and local taxes of the U.S. territories of American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands.

**Q–** What role do you currently hold in NAPABA? What have you held in the past?

**A–** I am currently the NAPABA Southeast Regional Governor Alternate. I am also a past president of APABA-DC (2008-2009) and currently serve as a member of APABA-DC's Nominations Committee, which evaluates candidates for judicial office or political appointment who seek the bar association's endorsement.

**Q–** How did you first get involved with NAPABA?

**A–** I became involved with NAPABA when I started volunteering with APABA-DC in 2004. I attended the NAPABA Convention for the very first time in 2006 in Philadelphia. I recall attending a breakfast during the 2006 Convention during which Judge Ida Chen, the first female Asian American

judge in Pennsylvania, shared with the audience her experience (and some of the challenges she faced) running for judicial office. I was particularly inspired by Judge Chen and her story and remember returning to Washington, DC after the Convention with new energy and excitement about both NAPABA's and our local affiliate's work.

**Q–** What do you most enjoy about being involved with NAPABA?

**A–** What I appreciate and enjoy the most about being involved with NAPABA are the opportunities I have to meet and work with NAPABA members from across the country, whether it is at the annual Convention or a regional conference or while working on other matters during the year. I find it comforting and empowering to know that the NAPABA network is available to me should I re-locate to a new state or if I need information about legal resources available in a particular location.

I have always been impressed with and I am particularly proud of NAPABA members' willingness to help one another. When I first graduated from law school, I practiced plaintiff-side employment discrimination law. I volunteered to organize a panel discussion on Asian Americans and employment discrimination with APABA-DC. It was suggested that I contact Commissioner Stuart Ishimaru, a member of the Equal Employment Opportunity Commission, as a potential panelist. I recall meeting and introducing myself to Commissioner Ishimaru at an event later that week and asking him if he would be available to speak on an APABA-DC panel on employment discrimination. As a recent law school

graduate at the time, I admit, I was a bit nervous to be speaking to an EEOC Commissioner and asking him for his time. But Commissioner Ishimaru graciously accepted the invitation and even took some time to chat with me about the work of the EEOC. His kindness and willingness to share his insights on this important topic with the APABA-DC community left a great impression on me as a young lawyer. I have had many similar experiences working with other members of NAPABA, which in turn has inspired and motivated me to help, in any way that I can, others in the NAPABA community who come to me for assistance.

**Q–** How would you recommend others get involved with NAPABA?

**A–** In addition to serving on the board of directors or joining a committee, there are many ways that interested individuals can become involved with NAPABA. For example, you can write an article for the NAPABA newsletter or propose and organize a panel discussion for the annual Convention. You can also work with your local affiliate to co-sponsor an event with a NAPABA committee. For example, when I served as APABA-DC president, APABA-DC co-sponsored and worked with NAPABA in organizing several events dealing with matters of both local and national importance. In particular, following the 2008 presidential elections and the interest in public service the elections generated, APABA-DC and the NAPABA Public Sector Committee organized an informational session and discussion on the federal government's senior executive service.

# 2010 Los Angeles Convention Summary

NAPABA's twenty-second Annual Convention in Los Angeles set a new record of 1,800 attendees. The record-breaking Convention was held at the JW Marriott at LA LIVE from November 17-21. The theme of the Convention, "Inspire," set the tone for the entire event which highlighted inspiring stories in Asian Pacific American (APA) legal history.

The Convention began with the Leadership Advisory Council Dinner on Wednesday. The following day featured the seventh Bar Leadership Institute Program, the third annual International Law Symposium and the first Public Interest Summit. The opening plenary on Thursday night featured a star-studded panel as Hollywood stars Justin Chon (*Twilight*), Amy Hill (*That's So Raven*), James Kyson-Lee (*Heroes*), Michelle Krusec (*Saving Face*), and Nikki Soohoo (*The Lovely Bones*) spoke about the Asian image in the media. The night continued with the Welcome Reception sponsored by Microsoft.

Friday began with a breakfast plenary featuring NAPABA veterans, Ruthe Ashley and Paul Lee. The breakfast plenary was followed by a series of panels with topics ranging from tips for using social networking sites to examining new health care legislation. The lunch plenary, sponsored



2010-2011 President Paul O. Hirose and 2009-2010 President Joseph Centeno.

by SNR Denton LLP, discussed the history of the APA civil rights movement in reaction to the death of Vincent Chin. Friday night continued with the Trailblazers Reception sponsored by Wal-Mart. The night concluded with a Texas Hold'Em Poker Tournament and a Late Night Lounge Series Reception for outgoing President, Joseph Centeno.

The Women's Leadership Committee kicked off Saturday with a breakfast plenary honoring the Honorable Dolly M. Gee, Honorable Lucy Koh, and the Honorable Jacqueline H. Nguyen. The day continued with the NAPABA Law Foundation's Pre-Law Conference, the pitch sessions program and NAPALSA

mock interviews. The lunch plenary, sponsored by Allstate Insurance Company, was a hit with a line-up of NAPABA all-stars taking part in re-arguing *United States v. Wong Kim Ark*, a landmark birthright citizenship case.

The Saturday evening Anniversary Gala, sponsored by Mercedes-Benz USA, was hosted by actress Tamlyn Tomita (*The Joy Luck Club*) with entertainment by Indian dance group, Blue 13. The night continued with remarks by NAPABA President, Paul O. Hirose, the installation of the NAPABA and NAPALSA boards, and presentation of the Affiliate of the Year Award, NAPABA Law Foundation scholarship and Thomas Tang Moot Court Competition winners. The Gala ended with an inspiring address with no dry eye in sight from keynote speaker, L. Tammy Duckworth, Assistant Secretary for Public and Intergovernmental Affairs, Department of Veterans Affairs.

The Convention concluded on Sunday with a community service project where members contributed funds and participated in making over 100 Thanksgiving baskets for needy families. NAPABA is grateful to everyone who participated in this project as well as all participants and sponsors of the Convention. We look

forward to seeing you all again at NAPABA's 23rd Annual Convention on November 16-20, 2011, at the Omni Hotel at the CNN Center in Atlanta, Georgia.

Fill out the  
NAPABA 2010 Convention Survey at  
[www.surveymonkey.com/s/napaba2010](http://www.surveymonkey.com/s/napaba2010)  
for a chance to win a  
\$100 amazon.com gift card!

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[Convention Highlight Photo Collage]

[Convention Highlight Photo Collage]

# NAPABA 2010 Best Lawyers Under 40 Award Winners

**Tanya A Bovée**  
*Jackson Lewis LLP*

**Aney Chandy**  
*Toys "R" Us, Inc.*

**Cyndie M. Chang**  
*Duane Morris*

**Kevin F. Chung**  
*Sony Computer Entertainment America  
(PlayStation)*

**Clinton Foy**  
*Square Enix, Inc., and Square Enix  
America Holdings*

**Paul Grewal**  
*Howrey LLP*

**Emi Gusukuma**  
*Haas & Najarian*

**Deborah Hong**  
*Stradley Ronon Stevens & Young, LLP*

**Eugene Lee**  
*Asian Pacific American Legal Center*

**Michael D. Lee**  
*Pamir Law Group*

**Albert J. Li**  
*Zimmer Holdings, Inc.*

**Patsy Yung Micale**  
*U.S. Department of Homeland Security  
Citizenship and Immigration Services*

**Ash Mishra**  
*General Mills*

**Christian Na**  
*CIRCOR International, Inc. (NYSE: CIR)*

**Raj Natarajan**  
*Kilpatrick Stockton*

**Amardeep Singh**  
*Sikh Coalition*

**Michelle K. Sugihara**  
*Luce, Forward, Hamilton & Scripps, LLP*

**Bijal V. Vakil**  
*White & Case*

**Nina Y. Wang**  
*Faegre & Benson*

**Alice Wong**  
*Nordstrom*



# NAPABA 2010 Trailblazer Award Winners



**Holly J. Fujie**  
*Buchatler Nemer*

**Stuart J. Ishimaru**  
*U.S. Equal Employment Opportunity  
Commission*

**Edward Kiel**  
*Cole, Schotz, Meisel, Forman and Leonard*

**Marty Lorenzo**  
*DLA Piper LLP*

**Thanh Ngo**  
*District Attorney's Office  
of Santa Clara County, California*

**Honorable Peter Sakai**  
*225th District Court, Baxter County, Texas*

**Sharon A. Sakamoto**  
*Aoki & Sakamoto LLP*

**Christina M. Tchen**  
*White House Office of Public Engagement*

**Honorable Mikio Uchiyama**  
*Justice Court, Fresno County, California  
(retired)*

represent the interest of South Asian American lawyers, SABA-NC has grown to commit itself to the local community in and around the Bay Area.

### **Serving the Community**

SABA-NC has a long record of giving back to the community. The SABA-NC Foundation supports fellowships to law students aspiring to pursue careers serving the South Asian community. In 2010, SABA-NC was able to fund six fellows to intern at public interest organizations during the summer. And more notably are two community events that SABA-NC hosts: free weekly legal clinics and bi-monthly "Know Your Rights" seminars for community members with legal questions.

SABA-NC members provide free legal assistance at legal clinics held three times a month at the India Community Center in Milpitas, CA, and at the Pakistani American Culture Center in San Jose, CA. Volunteer attorneys assist community members with issues in various areas including family, immigration, employment, bankruptcy, and consumer law.

The SABA-NC "Know Your Rights" seminars are intended to educate the public on issues such as: employment discrimination, wrongful termination, and the differences between employees and contractors. These seminars also act as a learning experience for law students and junior attorneys, whom are trained by experienced attorneys in preparation for each seminar.

### **Membership**

SABA-NC has over 400 members throughout Northern California. Its members, which also include law students, practice in areas such as public interest, government affairs, and in various private firms.

SABA-NC's Events and Membership Committee (EMC) has attracted over 100 new members since 2009. The EMC also hosts monthly social events to retain the interest of its current members. Twice-monthly newsletters which highlight upcoming events, pro bono trainings, and other opportunities are distributed to members by the EMC.

SABA-NC hosted a sold-out NAPABA regional conference in June featuring a keynote address by San Francisco Giants' Managing General Partner William Neukom. Attendees of the conference included Ninth Circuit nominee Goodwin Liu, the Honorable Lucy Koh, United States District Judge for the Northern District of California, and many other APA leaders in the legal profession. Recently, SABA-NC won the bid to host the NASA-BA 2013 Conference, which will celebrate SABA-NC's 20th Anniversary and the 10th Anniversary of NASABA.

### **Leading the Way in Civil Rights**

Throughout the years, SABA-NC's Civil Rights Committee has played a vital part in several civil rights initiatives, including voter outreach, diversity in the legal profession, marriage equality, and establishing a hate crimes hotline in 1998 that provides support in both English and Hindi.

During the 2008 Presidential Elections, SABA-NC members and volunteers provided legal protection assistance as far away as Nevada. Their efforts consisted of voter registration drives in the South Asian American community and staffing election protection hotlines in the greater Bay Area. In Nevada, they joined the Lawyers Committee for Civil Rights Under Law to ensure a fairer election through a bipartisan nationwide effort.

On the diversity front, SABA-NC's president provided expert testimony on

racial diversity at the American Bar Association's Regional Hearing on the State of Diversity in the Legal Profession, being only one of sixteen bar associations invited to give such testimony. Along with racial diversity, SABA-NC seeks to promote gender diversity. Last spring, SABA-NC honored local South Asian female attorneys and their contributions to the law. Recipients of this award included Kamala Harris, the first South Asian District Attorney of San Francisco, and Shirin Sinnar, Stanford professor and post 9/11 national security and immigration expert.

SABA-NC took the lead in recruiting minority bar associations to join the Bar Association of San Francisco's Unity Coalition to oppose California's Proposition 8. Partnering with Trikone, a South Asian LGBT-rights organization, SABA-NC worked on letters-to-the-editor to the local South Asian press, and distributed postcards and posters on the potential effects of Proposition 8 on the South Asian community. SABA-NC was the only SABA chapter to take such a stance against Proposition 8 and joined other minority bar associations in submitting an amicus brief in support of Plaintiffs in the *Perry v. Schwarzenegger* federal Proposition 8 case.

SABA-NC has accomplished numerous endeavors that many have attempted, but few have achieved. Its commitment to community and the legal profession has not gone unnoticed as they pave the trails for other bar associations to follow. SABA-NC exemplifies what a leader should be. NAPABA is honored to have awarded SABA-NC the 2010 Affiliate of the Year.

## From Macacas to Turban Toppers: The Rise in Xenophobic and Racist Rhetoric in American Political Discourse *continued from page 5*

that community members pose (as former governor and presidential candidate Mike Huckabee has stated regarding the Pakistani community), they can be seen as endorsing policies that call for additional screening of South Asian travelers returning from trips abroad. Or when an elected official calls for law enforcement to pull over and arrest anyone with a “diaper on his head,” as former Congressman John Cooksey from Louisiana has remarked, it sends the message that those who wear turbans are terrorists. It should also come as no surprise that Congressman Peter King from New York is currently leading the charge around hearings in the 112th Congress on the “radicalization” of Muslim communities, given that he has stated, “Unfortunately, we have too many mosques in this country. There are too many people who are sympathetic to radical Islam. We should be looking at them more carefully. We should be finding out how we can infiltrate.”

Such statements lend false credence to negative stereotypes which can in turn lead to an environment that condones the discrimination of community members at schools and workplaces, racial and religious profiling of individuals based on their appearance, and bias-motivated violence and harassment.

### Recommendations to Policymakers, Public Officials, Political Candidates, and Concerned Community Members

The far-ranging impact of xenophobia and racism in civic and political life underscores the need for key stakeholders to call for their elimination and to instead promote dialogue free of the taint of racial and religious stereotypes. Community members and policymakers should also seize this as a moment to highlight ongoing xenophobic statements, actions, and policies occurring in the public sphere.

Based on our cataloguing of the incidents in this report and the impact that they have on community members, SAALT presents several recommendations to key stakeholders, including policymakers, public officials, and political candidates, as well as advocates and concerned community members.

### Recommendations to Policymakers, Public Officials, and Political Candidates

- Refrain from making statements based on harmful stereotypes of South Asian, Muslim, Sikh, and Arab American communities or candidates (including statements portraying community members as terrorists, uncivilized, economic scapegoats, or un-American)
- Adopt a no-tolerance policy within political parties and government agencies with respect to racist and xenophobic rhetoric
- Take swift action to condemn intolerant rhetoric made by policymakers and political candidates
- Affirmatively issue statements that condemn bias-motivated violence and discrimination against South Asian, Muslim, Sikh, and Arab American communities
- Develop relationships and foster dialogues with South Asian, Muslim, Sikh, and Arab American constituents to better understand the perspectives, needs, and contributions of community members
- Oppose policies that result in discriminatory treatment and profiling of South Asian, Muslim, Sikh, and Arab American communities, including unwarranted screening of community members by immigration authorities and airline security officers, and surveillance of South Asian cultural centers and places of worship
- Support policies that end unequal treatment of South Asian, Muslim, Sikh, and Arab American communities, including anti-profiling, anti-discrimination, anti-bias-based bullying, and hate crimes legislation at the federal, state, and local levels

### Recommendations to Advocates and Concerned Community Members

- Track and monitor incidents of xenopho-



## FROM MACACAS TO TURBAN TOPPERS: THE RISE IN XENOPHOBIC AND RACIST RHETORIC IN AMERICAN POLITICAL DISCOURSE

OCTOBER 2010

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bia and racism made by public officials or political candidates

- Respond to xenophobic rhetoric by writing letters to individuals and/or entities responsible for such statements and seek clarification or an apology
- Write letters to the editor or op-eds in media outlets that have previously covered the remarks in question
- Report such incidents to political parties and organizations such as SAALT

This is an abbreviated version of SAALT’s report, *From Macacas to Turban Toppers: The Rise in Xenophobic and Racist Rhetoric in American Political Discourse*.

*Priya Murthy is the Policy Director of South Asian Americans Leading Together (SAALT) and is the primary author of From Macacas to Turban Toppers: The Rise in Xenophobic and Racist Rhetoric in American Political Discourse. SAALT is national non-partisan, non-profit organization that seeks to elevate the voices and perspectives of South Asian individuals and communities in order to build a more just and inclusive society in the United States. For more information about SAALT and to download the full report, visit [www.saalt.org](http://www.saalt.org).*

from state to state is unconstitutional – and curious. Opponents of illegal immigration cannot claim to champion the rule of law and then, in the same breath, propose policies that violate our Constitution.

In the aftermath of the Civil War, members of the 39th Congress proposed amending the Constitution to reverse the Supreme Court's notorious 1857 *Dred Scott v. Sandford* ruling denying citizenship to slaves. The result is the first sentence of the 14th Amendment: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States."

The plain meaning of this language is clear. A foreign national living in the United States is "subject to the jurisdiction thereof" because he is legally required to obey U.S. law. (By contrast, a foreign diplomat who travels here on behalf of a foreign sovereign enjoys diplomatic immunity from—and thus is not subject to the jurisdiction of—U.S. law.)

During congressional debates, both proponents and opponents of the citizenship clause agreed with this interpretation of the 14th Amendment. For example, Pennsylvania Sen. Edgar Cowan opposed the clause precisely because it would extend birthright citizenship to the U.S.-born children of Chinese laborers and other noncitizens who "owe [the U.S.] no

allegiance [and] who pretend to owe none."

Tellingly, Cowan's racially charged opposition was met with the following response from California Sen. John Conness: "The proposition before us . . . relates simply in that respect to the children begotten of Chinese parents in California, and it is proposed to declare that they shall be citizens. . . I am in favor of doing so. . . . We are entirely ready to accept the provision proposed in this constitutional amendment."

Supreme Court precedent further reinforces this view of the 14th Amendment. In 1898, the court held that a U.S.-born child of Chinese immigrants was entitled to citizenship. In *United States v. Wong Kim Ark*, it held that the "14th Amendment affirms the ancient and fundamental rule of citizenship by birth within the territory . . . including all children here born of resident aliens."

The court reiterated this view in *Plyler v. Doe* (1982). The majority held—and the dissent agreed—that the 14th Amendment extends to anyone "who is subject to the laws of a state," including the U.S.-born children of illegal aliens. Likewise, in *INS v. Rios-Pineda* (1985), the court again unanimously agreed that a child born to an undocumented immigrant was in fact a U.S. citizen.

Opponents of birthright citizenship say that they want nothing more than a chance to relitigate the meaning of the 14th Amendment. But if that is so, state legislation is a poor strategy.

Determining U.S. citizenship is the unique province of the federal government. It does not take a constitutional expert to appreciate that we cannot have 50 different state laws governing who is a U.S. citizen. As a result, courts may very well strike down these state laws without even invoking the 14th Amendment. The entire enterprise appears doomed to failure.

Many Americans have sincere concerns about the rule of law. But there are many tools available to combat illegal immigration. Surely we can do so without wasting taxpayer funds on a losing court battle, reopening the scars of the Civil War, and offending our Constitution and the rule of law.

*Mr. Ho is the former Solicitor General of Texas and a partner with the law firm of Gibson, Dunn & Crutcher. He is also a co-chair of the NAPABA Judiciary Committee.*

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Questions? Email Priya Bose at [PBose@napaba.org](mailto:PBose@napaba.org)

# Save the Date

## *NAPABA Advocacy Day*

### May 2-3, 2011

NAPABA will hold its first ever Advocacy Day in Washington, D.C. on May 2-3, 2011. The two-day event will open with a reception on May 2nd with prominent APAs serving in the Administration and on Capital Hill, past and present. On May 3rd, NAPABA members will meet with officials in the Administration and on Capital Hill to advocate for NAPABA's policy priorities.

We look forward to seeing you on Advocacy Day!

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## NAPABA's First Community Service Day a Huge Success

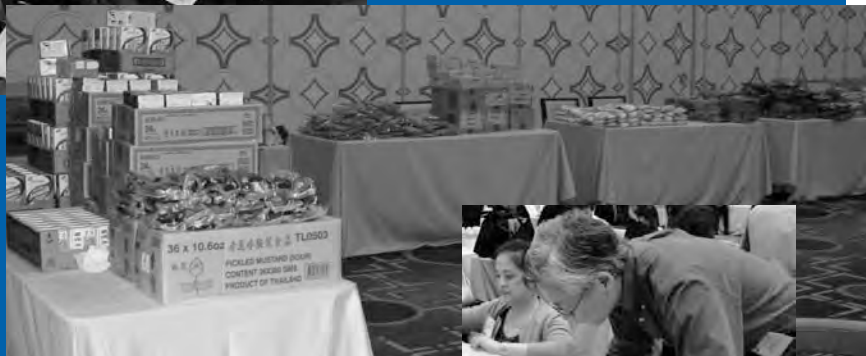
by Wendy Chang,

Judy Sethna, and Quyen Tu

Host Committee members and co-chairs helping out.



100 gift baskets were made for needy families in the LA metro area.



Asian themed goods donated by members and sponsors.



NAPABA member, Parkin Lee, writing a personal message to include in the gift baskets.



NAPABA members and their families who helped make the event possible.

The 2010 NAPABA Convention, INSPIRE, in Los Angeles saw NAPABA hold its first ever Community Service Day. With a subcommittee led by Wendy Chang, Judy Sethna, and Quyen Tu, NAPABA solicited food and sundry donations. The Community Service subcommittee was assisted by the In House and the Partners Committee, who raised funding for the event from individual members as well as larger monetary donations from Newegg, Holland & Knight, and the Phillipine American Bar Association -- Los Angeles. On Sunday morning, November 21, 2010, both committees came together, with the assistance of wonderful NAPABA volunteers and their families to assemble 100 "baskets" of food and sundry items, plus a \$50 American Express gift card, that were donated to pre-screened families in need by the Asian Pacific American Legal Center, the Asian Pacific Women's Center, the Center for Pacific Asian Family, and the Orange County Regional Food Bank. Basket items consisted of a substantial amount of Asian themed food items, with donations from Johnson & Johnson, Newegg, and Wal-Mart. Each basket was accompanied by a handmade card, containing a handwritten message from a volunteer. The morning was a huge success, and a wonderful way to kick off the spirit of the holiday season. NAPABA thanks the volunteers, donors and sponsors for their assistance in making this day possible.



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*NAPABA 2010-2011 Board of Governors being sworn in at the 22nd Anniversary Gala.*

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