

Editors' Note

We are publishing at a time that has been exciting for the Asian Pacific Islander (API) community in many ways. From the box office success of *Crazy Rich Asians* to the unprecedented influx of women and people of color in Congress, there has been greater representation of API voices, talents, and stories. It has been incredibly surreal to see more people who look like us and share our experiences in popular media and in Washington, D.C.

Yet alongside these historic strides have been ongoing threats to communities of color. The Trump administration's infamous "Muslim ban" was upheld 5-4 by the Supreme Court, the crisis of family separation on the US-Mexico border continues to worsen, and the offensive—sometimes blatantly racist—rhetoric used to characterize immigrants, asylum-seekers, and citizens of color remind us that there is still much work to be done.

The Asian American Law Journal (AALJ) presents its twenty-sixth volume in the midst of this dichotomous social and political environment. We hope that it contributes to the dialogue surrounding the API community.

Over the last couple years, AALJ has been actively involved in a particularly important topic at Berkeley Law. Recently, it came to light that John Boalt, the eponym associated with Berkeley Law, was a leading advocate for the Chinese Exclusion Act of 1882 and made deeply racist and offensive remarks about Chinese immigrants. In response, the law school created a committee on the use of the Boalt name, and last summer the committee recommended changing the building's name and student organization names. AALJ published Professor Charles Reichmann's article on the case for renaming Boalt Hall in our last issue, influencing the committee's recommendation. Last fall, Professor Reichmann presented the Neil Gotanda Lecture to explain the controversies surrounding the name change.

AALJ was also at the forefront of topics impacting the API community on a national level. The recent litigation involving Harvard's admission process has highlighted the diversity of voices within the Asian American community and, more broadly, the minority community. AALJ explored this subject through our annual spring Symposium in co-sponsorship with the UC Berkeley's Asian American and Asian Diaspora Studies Department and the Asian American Bar Association of the Greater Bay Area. The Symposium sought to provide a forum for a nuanced and balanced conversation about the complex legal, cultural, and political issues surrounding equity in admissions and race-conscious admissions policy.

Volume 26 features four pieces related to our Symposium topic. In the first piece, *Confronting Misinformation through Social Science Research:*

SFFA v. Harvard, OiYan Poon, Liliana M. Garces, Janelle Wong, Megan Segoshi, David Silver, and Sarah Harrington, provide brief background information on *Students for Fair Admissions v. Harvard*; analyze the legal and social context of the case; and argue for the importance of social scientists' participation in producing research relevant to the topic at hand. Following their piece, the authors also include their *amicus curiae* brief, reprinted in full and previously filed by 531 social scientists with doctoral degrees who have extensively studied education issues related to Asian Americans, college access, and race in post-secondary institutions and society.

The second is Professor Julie Park's *Interest Convergence, Negative Action, and SFFA v. Harvard*, which discusses how *SFFA v. Harvard* provides an example of interest convergence between the anti-affirmative action movement and a subset of the Asian American community. The case also demonstrates the complexities of diagnosing "negative action" in holistic review at highly competitive institutions.

Third is Harvey Gee's *Redux: Arguing About Asian Americans and Affirmative Action at Harvard After Fisher*, which analyzes how the lawsuits brought by Students for Fair Admission and Asian American Coalition for Education claiming discrimination against Asian Americans students are actually the latest attacks on affirmative action. Mr. Gee argues that the anti-affirmative action argument fails to protect Asian Americans and is a strategy to preserve, and even strengthen, the current racial hierarchy with communities of color at the bottom.

Lastly, Professor Frank Wu has generously provided an Essay based on his keynote address, *Asian Americans and Affirmative Action—Again*, which was delivered at our spring Symposium. Professor Wu presents ten points that highlight various facets of the affirmative action debate, encouraging readers to consider the role of Asian Americans in the national conversation.

In addition to our Symposium pieces, this volume includes three articles and a personal essay. Professor Engy Abdelkader's *Muslim Americans: Do US Democratic Institutions Protect Their Religious Liberty?* presents a normative, legal, and analytic discussion about the Muslim experience at the intersection of religion, law, and society in contemporary America. In *Scattered: The Assimilation of Sushi, the Internment of Japanese Americans, and the Killing of Vincent Chin, A Personal Essay*, Professor Frank Wu discusses the acceptance of sushi in America as a means of analyzing the acceptance of Japanese Americans, before, during, and after World War II. Professor Lorinda Riley's *Native Hawaiians and the New Frontier of the Indian Civil Rights Act* analyzes how the Indian Civil Rights Act (ICRA) has become embedded in the foundation of modern indigenous law in the United States and why Native Hawaiians must address the ICRA in their journey for self-determination. Finally, Nicholas Pavlovic and Jerome Ma's *California Divided: The Restrictions and Vulnerabilities in Implementing SB 54* offers an in-depth evaluation of SB 54's mechanics; identifies statutory, structural,

and practical vulnerabilities that exist in California's Asian American communities despite California's adoption of SB 54; and suggests potential means for law enforcement agencies to combat these vulnerabilities.

With increased membership and our largest editorial board yet, AALJ was able to publish a total of eight pieces for Volume 26. AALJ also helped recruit and facilitate an online discussion between Professors Madeline Hsu and Ellen Wu, moderated by Professor Janelle Wong. The transcript of their discussion, Perspectives on the "Model Minority," will be published later this year.

We understand that as an affinity journal, AALJ serves a more unique role than solely engaging with legal scholarship. AALJ is an academic, professional, and social organization simultaneously. We have continued to recruit a robust membership base. In the fall, we held our second Editorial Board Retreat in Sonoma County, where we had a chance to visit Equality Vines whose co-founder is none other than Jim Obergefell from the seminal case, *Obergefell v. Hodges*. Throughout the year, AALJ hosted various social events, trainings, and cite-checking parties with boba milk tea. As the new academic year begins, we are excited for the journal's future under the leadership of our next Editors-in-Chief Grace Lee and Ryan Sun.

As always, publication would not be possible without the tireless work of our members and especially the editorial board. It has been an honor and a pleasure working with such an amazing group of people. We thank everyone for their insight, attention to detail, and passion for API scholarship. We would also like to thank our collaborators and sponsors for their support.

In solidarity,

Ana Duong and Eun Sun Jang
Co-Editor-in-Chief and Managing Editor
2018–2019, Volume 26
Asian American Law Journal