

2023/10/02 APA Justice Monthly Meeting

APA Justice Meeting – Monday, 2023/10/02
1:55 pm Eastern Time / 10:55 am Pacific Time

1. CAPAC Updates

Speaker: Nisha Ramachandran, Executive Director, Congressional Asian Pacific American Caucus, nisha.ramachandran@mail.house.gov

Nisha was not able to attend. Casey Lee, Policy Advisor, reported that Congress averted the government shutdown, so the government is funded for another 45 days.

CAPAC is monitoring the anti-China trend and rhetoric in two bills that were brought to the floor this week.

CAPAC members met with Associate Attorney General Anita Gupta who provided an update on the implementation of the COVID-19 Hate Crimes Act as well as the Jabara-Heyer NO HATE Act grants. CAPAC looks forward to continuing the partnership with DOJ on these issues.

CAPAC is also monitoring the various land law provisions that are across a wide array of legislative vehicles and will continue to engage in the FISA (Foreign Intelligence Surveillance Act) Section 702 reform efforts.

2. Anti-Profiling, Civil Rights & National Security Program - Asian Americans Advancing Justice | AAJC

Speaker: Joanna Derman, Director, Anti-Profiling, Civil Rights & National Security Program, Advancing Justice | AAJC

- Advancing Justice | AAJC: [Anti-Profiling, Civil Rights & National Security Program](#)

Joanna will be reporting on behalf of Advancing Justice | AAJC going forward. She deferred to Andy Wong of CAA on FISA section 702 reform advocacy.

Joanna will be speaking at a webinar titled “Total Information Awareness: The High Costs of Post-9/11 U.S. Mass Surveillance” at the Watson Institute for International and Public Affairs of Brown University on October 3, 2023. The webinar focuses on a recent paper by a Brown University scholar on mass surveillance since the 9/11 attacks. It is an opportunity to uplift the adverse impact of Section 702 on the Asian American community. Video: <https://bit.ly/40bxlpX>

Joanna also reported a virtual grassroots training session titled “State Legislatures 101 – How They Work and How You Can Make an Impact” to be held on October 15, 2023. It is co-hosted by AAJC, NAPABA, and NIAC.

Texas state Representative Gene Wu will offer his insights about his work in the state legislature and how citizens can make an impact in the process.

The training session will cover a number of topics using Texas and Louisiana as case models for opposition against land laws and much needed multi-ethnic coalition work and coordination. There will also be a Questions and Answers session. Video: <https://bit.ly/46FZi1d>

Jeremy Wu reported that the events will be entered into the newly created APA Justice Community Calendar located at <https://bit.ly/45KGyga>. Two interns – Charlotte Ding and Ryan Zhao – are working on a new website for APA Justice, including the creation of the Community Calendar.

3. Update from Asian American Scholar Forum

Speaker: Gisela Perez Kusakawa, Executive Director, Asian American Scholar Forum (AASF), gpkusakawa@aasforum.org

First, Gisela reported that AASF will be launching a new website and its first 2022 to 2023 annual report that will share all the AASF milestones. Gisela expressed appreciation for all those who wanted to volunteer and more information will be available on the website on how you can help the organization grow.

Second, AASF will host a second listening session with the Department of Defense in November and with the National Science Foundation (NSF) before the end of the year to discuss their new secure centers and share some of the latest policies coming out of the NSF.

Third, warrantless surveillance directly impacts the lives of Asian American scholars such as AASF member Dr. Xiaoxing Xi. AASF continues to seek to educate and address these underlying issues around his case. AASF will be releasing educational materials for his case to share with the public.

For those who are not familiar, underlying Dr. Xi's complaint against the government is the claim that an FBI agent abused the authorities of section 702 that led to his indictment and arrest. Gisela thanks Joanna for hosting the crucial congressional briefing on this topic and providing space for the Asian American scholar community to have a voice, particularly on congressional education. Gisela also deferred to Andy's report on the coalition and coordinating efforts to share more updates on his and on congressional outreach.

On legal education, there were 3 updates.

First, AASF is partnering again with the US-Asia Law Institute of NYU Law School and will welcome a law fellow this month to advance legal education on Asian American scholars and the authorities that impact them. Gisela believes that attorneys have played a crucial role for the Asian American scholar community and hopes that more law schools will follow suit.

Second, Professors Gang Chen and Xiao Xing Xi will be joining Gisela at the National Asian Pacific American Bar Association annual conference, which has around 65,000 members to teach attorneys about their experiences. AASF believes that those who have been directly impacted are not only victims, but also civil rights icons whose stories should be told with significant input from them. AASF will be working extensively with them on educational curriculum around their cases and making sure that the next generation of attorneys are informed.

Third, Gisela will be at the Georgetown Law Center to discuss combating the rise of anti-Asian bias in America, and she looks forward to a continuing partnership in the future.

4. Update on Civil Lawsuit on Florida Alien Land Law

Speaker: Clay Zhu 朱可亮, Partner, DeHeng Law Offices 德恒律师事务所; Founder, Chinese American Legal Defense Alliance 华美维权同盟

- 2023/09/26 FAAJA Town Hall Meeting on Senate Bill 264 and Its Impact
- APA Justice: [Lawsuit Against Florida Senate Bill 264](#) | [SHEN v. SIMPSON \(4:23-cv-00208\)](#)

Clay reported that the legal team hoped to get a ruling from the appeals court last month. The team filed an expedited motion for an injunction pending appeal. A decision was expected within a couple of weeks, but so far nothing has happened. The appeals court has a 3-judge panel, which might be the reason that the decision is held up.

The legal team is also filing a separate appeal in a day or two to reverse the decision made by the district court judge about 2 months ago. It is not clear whether the court will schedule an oral argument or not. The 3-judge panel may make a decision based on the records submitted to the court. Hopefully there will be a decision in the coming month or so.

Clay reported that he attended an event hosted by FAAJA (Florida Asian American Justice Alliance), a new organization started by several community activists in the wake of Florida SB264 (Senate Bill 264).

Clay is working on multiple fronts. The Florida law was passed without much input from the Asian American communities. That was a lesson learned. That is why we have seen so many people in Florida organized into NGOs (non-government organizations) and political action committees reaching out to the local legislators so they can have a voice in the process and have a seat at the table.

Last week, FAAJA hosted a webinar that included several major state legislators from Florida, including the Minority Leader of the House. Clay made a short presentation on how the law impacts Florida residents based on expert reports in preparation for the lawsuit.

Several impacted persons including Chinese Americans told their stories of not able to buy property or were forced to abandon plans in Florida. People's lives had been impacted because of this law.

There were discussions with Florida state legislators on how we can organize the communities, how we can put our actions together to make a difference in the upcoming election.

Clays thinks this is really the key here. SB264 has woken up a lot of Asian Americans, especially Chinese Americans, in Florida. They have reached out to many state legislators in the last couple of months. There are a lot of movements into legislation, in the media, and also in community outreach activities, in hope of better results in the next election. There should be more allies and friends in the Florida legislature.

5. Chinese American Women in Action

Speaker: Nancy Chen, Founding President, Chinese American Women in Action (CAWA)

- Chinese American Women in Action website: <https://cawaleads.org/>

CAWA empowers Chinese American women in Naperville and other local communities in Illinois through education, advocacy, networking, and mentoring to lead and engage at all levels of community and civic activity. It envisions a society in which Chinese American women are represented at all levels across community, civic, and business interests. Nancy is the Founding President of CAWA.

Nancy retired as Regional Administrator of the Women's Bureau, U.S. Department of Labor. She was Director of U.S. Senator Paul Simon's Chicago Office for six years and Director of Asian-Pacific American Outreach at President Clinton's White House Office of Presidential Personnel.

Nancy expressed her appreciation for the work that APA Justice and dedicated organizations such as CAPAC, AASF, AAJC, and UCA have been doing to keep those "outside the Beltway" informed of critical civil rights issues impacting Asian Americans and to safeguard the rights and safety of Asian Americans, particularly Chinese Americans, from being scapegoated during the pandemic and now in the midst of deteriorating US-China relations.

After her retirement more than 10 years ago, Nancy continues to stay involved in matters of importance to our community.

During the pandemic when racism and violence spread across the country, even in the peaceful suburban Naperville community where Nancy lives, two anti-Asian incidents, anti-Chinese incidents occurred and the city did not act on any of them.

Nancy petitioned the city council to pass a resolution condemning the anti-Asian racism and also support the Asian American community in the city.

Nancy sees the importance of a collective voice for a community to speak out and to claim our place in our city where Asian Americans are 22% of the population and that we have contributed so much to the prosperity and growth of the city for the past 40 years.

In 2022, Nancy founded Chinese American Women In Action (CAWA) with a diverse group of Chinese American women of all ages and backgrounds to encourage our community to engage more in the civic area and to develop leadership at all levels of government and civic activities.

Our message to the community at large is that we belong in the city and the country we call home.

Since its inception, CAWA has raised funds to donate over 500 books on Asian American contributions in history to work with and promote the Teacher Act. Illinois is the first state to mandate that Asian American history be part of its public-school curriculum.

CAWA works with the local school district and local public libraries and provides them with resources. The Asian American books are now in the library and all 54 public schools from K to 12th grade. A lot more are stocked in our local libraries for our children.

Last year CAWA participated in one of the 4 pilots for the Committee of 100 national survey on the state of Chinese Americans. It is important that the views of Chinese Americans in the Midwest region should be heard in addition to the traditional focuses on the east and west coasts.

When the US Mint issued a quarter honoring Anna May Wong, the Hollywood actress who championed fair representation for Asian American actresses and actors, CAWA held a ceremony in January inviting Naperville residents to recognize her fight, as well as to celebrate Chinese New Year.

During the mayoral election this year, CAWA sent out a questionnaire to the 3 candidates on issues important to Asian American residents in Naperville. Their responses were posted on the CAWA website as part of its voter education efforts.

This year CAWA expanded our programs to include Asian American high school students in Naperville. We believe that by empowering our youth, we also empower our communities. This summer we took our CAWA youth to visit Chinatown community organizations and the museum for them to learn and gain a broader perspective about our community and our history. We also brought the Chinatown youth and CAWA youth together for a dialogue. We need to learn about each other's challenges or successes, as well as their differences and similarities. This is the way for us to promote our understanding even within our own community.

CAWA work does not stop in our local community. APA Justice and other national organizations mobilized to oppose the nomination of Casey Arrowood for US attorney in Tennessee. CAWA supported the effort by contacting Senator Dick Durbin, Chairman of the Senate Judiciary Committee, about our concerns. CAWA provided a briefing to his chief counsel on the Judiciary Committee as to why Asian Americans in Illinois care about a nomination in a confirmation in Tennessee. CAWA explained it was because of Arrowood's zealous and unfair prosecution of Professor Anming Hu. His confirmation would send a chilling effect to all Asian Americans. That gave the chief counsel a better perspective of why people from other states are urging the senators to oppose the nomination.

We are very pleased that Senator Durbin listened to us and took no action on the nomination.

The recent passing and introduction of the alien laws in so many states send an alarm to many who normally do not pay attention to national affairs. As Clay reported, it has really mobilized Chinese Americans and Asian Americans in different states to learn and to act.

Owning properties is a concept deeply ingrained in our culture and values and the fact that these exclusionary laws can be racially discriminatory against any of us is troubling.

Nancy has lived in the U.S. for over 50 years. Now, she thinks that she could be racially discriminated against if she were to purchase a property. She fears that the realtor may be rejecting her just because of her appearance and her last name.

While Nancy appreciates that all the organizations work at the national level, she believes that CAWA can help the national organizations effort by getting our local communities organized just like in Florida by expressing our concerns to our own congressional and state representatives. The elected officials will be more likely to be receptive when they hear from their constituents.

It is a great combination to get their attention for them to hear from both national organizations and our local community organizations.

Congressman Bill Foster approached Nancy to organize a town hall meeting for him a couple months ago. Instead of having him come and talk about what he wanted to talk about, Nancy proposed that she would like to have a town hall meeting on specific issues. At that time, they were talking about alien land laws and other laws and policies would have the impact on Asian Americans.

And he agreed.

Rep. Foster is the only Ph.D. Physicist in Congress. His wife is also a scientist and a Korean American who also experienced racism during the pandemic.

Nancy, Jeremy, and Steven have been talking about this topic. We plan to organize a town hall meeting with APA justice in December focusing on subjects impacting Asian Americans. So please stay tuned.

In closing, Nancy said in her years of serving Senator Simon, she learned a lot about how public policy can have a direct impact on people's lives, especially for the Asian community.

And especially in the Asian community. In 1986, soon after Nancy joined Senator Simon's office, community leaders in Chinatown shared their frustration with her that their family members had to wait almost 12 years to get a visa to come to the United States. At that time, Hong Kong was still under the colonial immigration quota. Only 600 visas were issued every year.

Nancy worked with the Senator's Washington office, and he changed the law to allow 5,000 visas per year in 1987 for Hong Kong residents to immigrate to the United States. Eventually Hong Kong was treated for visa purposes as a country and received 20,000 visas per year in the 1990 immigration act.

Our voices matter. We need to spread this message. We need to get Chinese and Asian Americans in all the states to where they act and speak up for matters that are impacting us.

Nancy looks forward to working with us and supporting our efforts.

6. Chinese for Affirmative Action Update on Section 702 Reform and "Stop The Blame"

Speaker: Andy Wong, Managing Director of Advocacy, Chinese for Affirmative Action

- "Stop The Blame" website: <https://stoptheblame.org/>
- 2023/09/21 NBC News: [Stop AAPI Hate group launches campaign to prevent candidates from using anti-Asian language](#)
- 2023/09/14 AASF/AAJC/CAA: [Coalition Letter Opposing Reauthorization of Section 702 of FISA Without Comprehensive Reforms](#)

Andy expressed appreciation for APA Justice for convening a number of partners a few months ago to discuss how to engage in the critical fight around section 702 reform.

Andy reported that in close partnership with Asian Americans Advancing Justice | AAJC, Asian American Scholar Forum, friends in the civil liberties community, and the support of over 50 Asian American allied organizations, CAA and Stop Asian Hate delivered a letter to Congressional members on September 14 to express the collective opposition to the reauthorization of section 702 unless there are comprehensive reforms.

Andy gave a shout out to Joanna, Gisella, Dennis, and a number of others for making this push possible. The team is looking for additional partners to sign on to the letter, a copy of which is posted at the AAJC and Stop AAPI Hate websites.

In addition to all the Congressional offices, the letter was shared separately through the [FISA Reform Coalition](#) newsletter. You can find a copy of the letter on the [Advancing Justice](#) and the [Stop AAPI Hate](#) websites.

A press release was issued and the Washington Post gave it exclusive coverage. The team developed and shared a social media toolkit to all signed-on partners as well as the FISA Reform Coalition. It was amplified by many partners, including many attending the meeting. Members of Congress such as Rep. Pramila Jayapal also amplified.

In terms of next steps. Joanna and Andy plan to follow up with meeting requests to members of Congress who represent various committees such as Judiciary and Intelligence as well as CAPAC members. A meeting script and a fact sheet are being finalized. They are also strategizing on media coverage and how to highlight Asian American concerns over warrantless surveillance.

On a related note, CAA and Stop AAPI Hate have launched the [Stop the Blame](#) campaign and a companion video last week. It is in response to the ongoing rise of anti-Asian political rhetoric and legislation which is harming innocent Asian Americans and immigrants who call America home.

CAA and Stop AAPI Hate believe that as tensions between the US and Chinese governments intensify, we are seeing more and more politicians and lawmakers use national security and other issues as an excuse to stoke racism and to discriminate against ordinary Asian Americans and immigrants who have nothing to do with the Chinese government.

We believe that these leaders and candidates continue to scapegoat everyday Asian Americans and immigrants to distract from their own failure to solve pressing issues here in the U.S. There is a fine line between addressing legitimate national security threats and perverting those threats to justify anti-Asian racism and discrimination. Those who cross the line are more concerned about their political clout than protecting our shared American values on equal rights and opportunity for all.

So CAA and Stop AAPI Hate have launched this campaign to hold leaders publicly accountable for racist, anti-Asian political rhetoric with a focus on monitoring high profile 2024 election debates and campaign stops and publicly calling out candidates who use harmful rhetoric. We have engaged in debate watches for all the GOP primary debates so far and sent out a message following the last debate after some comments from DeSantis and Haley.

CAA and Stop AAPI Hate will oppose on constitutional grounds land ownership bills targeting Chinese and other immigrants. We will continue to work closely with partners in states that are facing this threat.

CAA and Stop AAPI Hate will advocate for Congress to reform section 702 of FISA. We will educate the public on the harms of anti-Asian scapegoating through various media highlighting both historical events and present-day stories of impacted individuals. We aim to mobilize everyday people to join our campaign, including our online supporters, to get involved. Join StopTheBlame.org if you are interested in sharing your story or if you know of others who have been impacted as a result of anti-Asian scapegoating rhetoric or policy.

7. Observations on Two Recent Hearings

Speaker: Haipei Shue, President, United Chinese Americans

Haipei has been on the road. He was under the weather but an update about the two recent hearings on Professor Franklin Tao and New York Police Department Officer Angwang that he attended.

Haipei and about 40 members of the Chinese American and scientific communities attended the hearing of Professor Tao's appeal in Denver last week. Haipei gave a shout out to Gisela for her help to get the word out. There was Chinese-language and English-language media coverage, including a good interview by Law360.

The hearing appears to be quite favorable. It is likely to take one or two months before a decision will be made as part of the appeal process.

About three days ago, Haipei attended the administrative hearing of Angwang in New York City. His case is very much like the case of Sherry Chen a few years ago. After all the charges

against Sherry were dropped, the federal government proceeded to fire her. She went on to win a settlement after six years.

Angwang is facing a similar situation. He has already filed a civil lawsuit against the NYPD. On the day he was arrested and the Department of Justice made its big-bang announcement, the NYPD chief came out on record in the media and already treated Angwang as a criminal. [All the charges against Angwang were dropped in January.]

Angwang's lawyer tore apart the NYPD's argument about Angwang's failure to attend an investigation hearing. The investigator went on record that he had prepared 1,700 questions for Angwang, but the investigator allowed only one hour for Angwang and his lawyer to go through the documents to prepare their defense before the hearing.

Angwang's supervisor and his precinct chief testified on behalf of Angwang in the hearing.

Many were saying that if this were a criminal or civil trial, NYPD would have no chance of winning. However, this is an administrative trial inside the NYPD and the judge is a NYPD employee. The NYPD Chief will make the decision based on the recommendation of the administrative judge.

The results of the hearing may take anywhere from a few weeks to 2 or 3 months. In the interim, Haipei is looking into community organizations and advocacy groups that may help to send a letter requesting just and fair treatment to NYPD and elected officials.