

2024/08/05 APA Justice Monthly Meeting

APA Justice Meeting – Monday, 2024/08/05
1:55 pm Eastern Time / 10:55 am Pacific Time

1. CAPAC Updates

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

Casey Lee, Policy Director for CAPAC, gave the update report.

Casey expressed her thanks to Professor Franklin Tao and his wife Hong Peng for joining the press conference hosted by CAPAC Chair Judy Chu and UCA to celebrate their recent victory. CAPAC also welcomed other speakers like Peter Zeidenberg and Joanna Derman, who contributed valuable perspectives on behalf of their organizations.

CAPAC remains committed to working with Professor Tao, Hong, and all our community partners to ensure justice is fully realized, including supporting Professor Tao's reinstatement to the University of Kansas.

Chair Chu recently spoke at the AASF Asian American Pioneer Medal Symposium and Ceremony. Casey congratulated Gisela Kusakawa and AASF on a successful event.

Casey provided an update on the inclusion of the China Initiative language in the House Commerce, Justice, and Science Appropriations bill. The bill was marked up and passed out of committee in July, containing a provision to reestablish the China Initiative. However, the House did not put the bill up for full floor consideration before the end of July. With Congress now in recess and only 5 of the 12 appropriations bills passed in the House, the focus will be on passing a continuing resolution when Congress returns in September. This resolution will act as a stopgap funding measure until all appropriations bills are passed.

During this time, CAPAC will work with Representative Grace Meng, Senator Mazie Hirono, and our community partners to urge Congressional leadership to keep the China Initiative provision out of the final CJS bill. CAPAC is actively working on this front from both a Congressional perspective and in partnership with advocacy groups.

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

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

Joanna expressed full support for Casey's remarks and emphasized Advancing Justice | AAJC's ongoing efforts to monitor and push back against attempts to reinstate the China Initiative. This concern is particularly directed at the language in the House version of the Commerce and Justice Appropriations report for this fiscal year. Fortunately, this language does not appear in the Senate version, so there is hope for a favorable outcome during the conference. AAJC is in close contact with CAPAC and other supportive offices and will provide updates as the appropriations process advances.

AAJC is tracking the Department of Treasury's proposed rulemaking, which would add 59 military installations under the jurisdiction of CFIUS (Committee on Foreign Investment in the United States). AAJC is considering submitting a comment to urge the Federal Government to maintain protections against discrimination based on national origin. They advocate targeting enforcement appropriately, focusing on actions that genuinely implicate national security rather than subjecting individuals to suspicion based on their heritage.

AAJC is coordinating with coalition partners, including NIAC, to ensure aligned and mutually supportive comments.

AAJC recently participated in a press briefing on Professor Tao's legal victory, applauding the overturned conviction in his case.

3. Update from Asian American Scholar Forum

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

Gisela reported that AASF has been diligently working with allies on policy impacts while also focusing on fostering our community. The first Asian American Pioneer Medal Symposium and Ceremony was a tremendous success with over 1,300 attendees. It was held in partnership with Stanford's Asian American Activity Center. Gisela thanked CAPAC for their opening remarks and to Casey, Lindsay, Nisha, and her team for their support.

Key highlights from the symposium include bringing together some of the brightest minds and leaders in AI, life sciences, and leadership, including Nobel Prize laureates and Turing Award laureates. Notable figures such as John Hennessy, pivotal in Stanford University's development, and industry leaders like Zoom CEO Eric Yuan and AASF Leadership Council Member Diane Green, attended. Academic leaders, including Stanford University President John Levin, and public figures like Dr. Arati Prabhakar, US Cabinet Member and Science Advisor to the President, also participated.

The event underscored the importance of recognizing and celebrating the contributions of Asian Americans to our country, aligning with AASF's broader policy and civil rights efforts.

The AASF high school competition was a great success, encouraging students to create videos highlighting the contributions of the medal recipients, fostering a sense of belonging and understanding of Asian American history.

AASF continues to work with Joanna and other civil rights partners on legislative issues, ensuring that the academic and scientific perspectives of Asian Americans are represented in the White House and federal agencies.

AASF is committed to supporting Dr. Franklin Tao in rebuilding his reputation and pursuing his research dreams.

AASF has opened its membership to all scholars who believe in our mission of lifting Asian American pioneers. Gisela invites everyone to join in its efforts.

4. Asian American History in Houston and Nationally

Speaker: Anne S. Chao, Co-founder, Friends of the National Asian Pacific American Museum; Program Manager, Houston Asian American Archive, Rice University

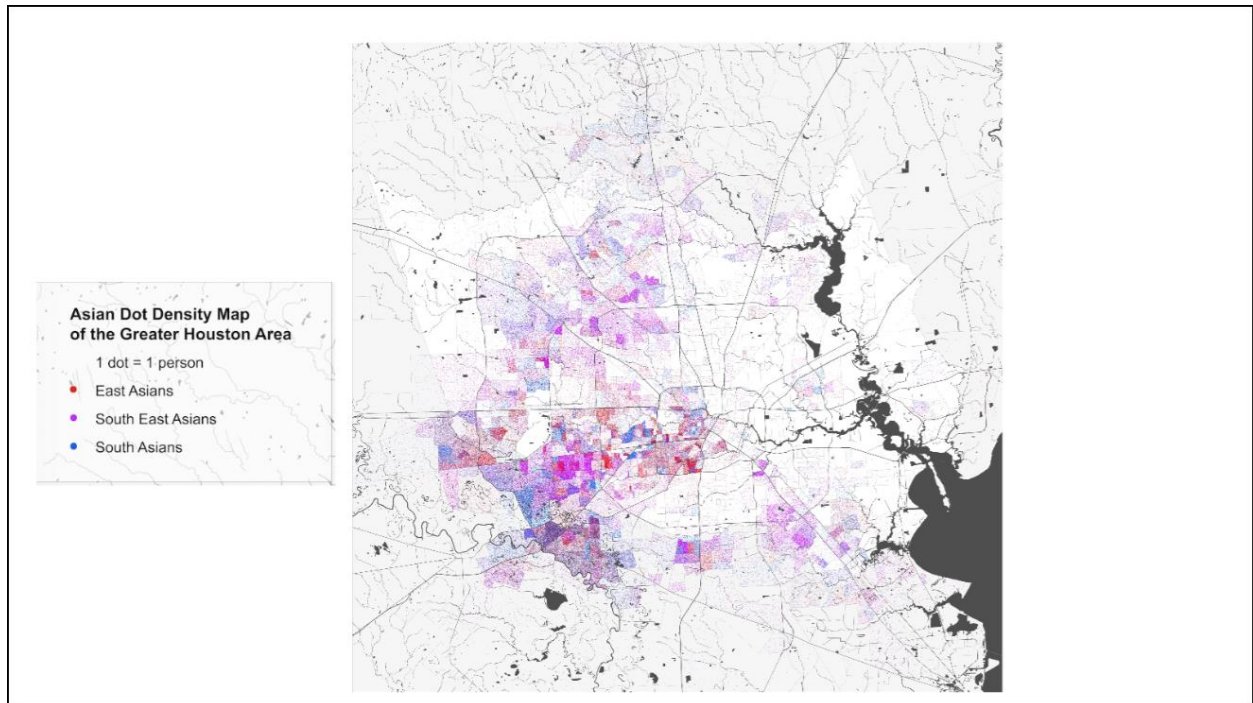
- [Houston Asian American Archive \(HAAA\), Rice University](#)
- [Friends of National Asian Pacific American Museum](#)
- 2024/07/22 Rice News: [A living chronicle: Rice's Houston Asian American Archive documents community contributions](#)

Anne S. Chao is a modern Chinese historian, and currently an Adjunct Lecturer in the Humanities at Rice University, and co-founder and manager of the Houston Asian American Archive at Rice. She is a co-founder of the FRIENDS of the National Asian Pacific American Museum, whose goal is to establish a national AAPI museum on the nation's Mall. Anne serves on the boards of the Houston Ballet, Wellesley Colleges, the National Archives Foundation, the Dunhuang Foundation among others.

Anne gave her report with a 12-slide presentation located here: <https://bit.ly/3WxVzPg>.

At Rice University, Anne established the Houston Asian American Archive (HAAA) 15 years ago, recognizing that Houston is one of the most diverse cities in the U.S., and it yet lacked records of Asian American lives.

Distribution of the Asian American population in the Greater Houston area is visualized by the heat map below. The county in the Southwest quadrant of this map is Fort Bend County. It has almost a parity of 25% Anglo, 25% African American, 25% Asian American, and 25% Hispanic. No other county in the country has the same parity.



Rice University students began interviewing people, collecting memorabilia, conducting podcasts, making video clips, and exploring different aspects of Asian American lives. HAAA now has about 500 interviews along with various awards, performances, and exhibits.

Among those interviewed as part of a multicultural and multifaceted Asian Houston were

- Teresa and Peter Chang. Theresa Chang is a judge and at one time the highest placed Asian American woman in the Republican Party. Her husband, Peter Chang, is a cardiologist.
- Dr. Vipul Mankad as part of a huge collection of South Asian interviews.
- Donna Cole's father was in the 442nd regiment in World War II. She and her friends created the Go for Broke Foundation that led to Congress awarding the Gold Medal of Honor posthumously to these veterans of Japanese ancestry.
- Harry Gee Jr. is a prominent immigration lawyer. The Gee family has made huge contributions to Houston and beyond.
- Leroy Chiao is a Chinese American astronaut.
- Lakshmy Parameswaran founded Daya, Inc., which serves South Asian victims of family violence.
- World-renowned Professor of Physics Paul Chu, and
- Many others of Chinese, Filipino, Indian, Vietnamese, and others of diverse ethnicities.

Anne told the story of the Gee family network in Houston. The Gee name may also be spelled as Zhu, Jee, and Chu. Many of them originate from Taishan and Kaiping

counties in Guangdong Province in Southern China. One of Anne's students created a Gee family network chart, from which a curriculum was developed for the Asia Society. A Voice of America reporter just interviewed the Gee family members about the curriculum. A book is in the works.

Harry Gee Jr.'s father came to Houston as a restaurant owner. Harry Gee Jr.'s cousin, Albert Gee, was also a charismatic restaurateur who parlayed his business success into social and political success by contributing to Richard Nixon and John Connally campaigns respectively and also entertained celebrities such as Bob Hope.

Switching to the national scene, Anne pointed out that the African American Museum is already part of the Smithsonian collection on the national mall. The Latino American Museum and the History of Women's Museum are in the pipeline. We are missing the Asian Pacific American Museum.

Congresswoman Grace Meng introduced H.R. 3525 in 2021 to create a commission to study the feasibility of creating an Asian Pacific American Museum. It became public law in June 2022.

There are eight commissioner positions. The Senate Majority and Minority Leaders and the House Majority and Minority Leaders each appoint two commissioners. There are two vacancies at this time, but the commission cannot start work until all eight are present. They have 18 months to produce a report to Congress on the feasibility of an Asian Pacific American Museum.

The commissioners are volunteers. They do not have actual funding. Only one of the current commissioners, Dr. Jay Xu, who is the Director of the San Francisco Asian Art Museum, has actual museum knowledge and experience.

Handel Lee, Debbie Schon, and Anne co-founded a non-profit organization called the Friends of the National Asian Pacific American Museum to fast track the effort. All three have served on the Smithsonian Asian Pacific American Advisory Board.

Their goal is to champion the cause, as well as to mobilize, support, fundraise, supply a blueprint, and coordinate the efforts. It has engaged many museum experts and museum fundraisers.

They are in the process of creating a group of academics as well as organizations around the country to talk about what to put in the museum.

5. Remarks by Professor Franklin Tao and Hong Peng

Speakers: Franklin Tao 陶丰, former Professor of Kansas University, Victim of China Initiative; Hong Peng 彭鸿, Wife of Professor Tao

- APA Justice: [Franklin Tao 陶丰](#)
- 2024/07/24 South China Morning Post: [Chinese-born scientist in US tells of 'fear and desperation' from Trump-era convictions](#)
- 2024/07/24 美国中文网: [“中国行动计划”受害者陶丰教授国会发声](#)
- 2024/07/11 美國華人聯盟 UCA: [快讯 | 华裔学者陶丰胜诉, 联邦上诉法院推翻定罪](#)
- 2024/07/11 Reuters: [Kansas researcher wins reversal of conviction in Trump-era China probe](#)

It was a deeply emotional day for Professor Franklin Tao to speak for the first time at the APA Justice meeting.

He thanked his family, lawyers Peter Zeidenberg and Michael Dearington, thousands of GoFundMe donors, brothers and sisters from his church, and the unwavering support from CAPAC, United Chinese Americans, Asian American Scholar Forum, APA Justice, Asian Americans Advancing Justice, Committee of 100, Chinese American Legal Defense Alliance, Alliance for Impact, and many other organizations.

Professor Tao's ordeal has lasted nearly five years. From the day of his arrest on August 21, 2019, to the day the 10th Circuit Court acquitted him of the last count, it has been 1,786 days—each one filled with fear and desperation.

A false accusation from a lying whistleblower led to Professor Tao's arrest under the China Initiative. Professor Tao said he is not a spy, and he should never have been arrested.

He was indicted on 10 felony counts. Thanks to his dedicated lawyers, Professor Tao and his wife fought the charges and ultimately prevailed. On July 11, the final count was acquitted.

However, this victory is bittersweet. Throughout this ordeal, Professor Tao has lost almost everything. His academic career, built over 20 years of hard work and 16-hour days, has been destroyed. The legal battle was extremely expensive, costing \$2.3 million. He and his wife borrowed from friends, tapped into their retirement savings, and raised over \$800,000 through GoFundMe. Despite all these efforts, they are still \$1.1 million in debt, and he has had no income for the past four years, leaving his family nearly bankrupt.

In July 2020, Professor Tao had an agreement with Kansas University (KU) stating that no action would be taken until the conclusion of criminal proceedings. However, KU terminated him in January 2023 before the conclusion of these proceedings. This was a breach of the agreement.

Professor Tao appealed because he is innocent of all the allegations. He has proven his innocence, but he has lost his job.

He is now focused on regaining his faculty position at KU. In the past few years while he was fighting his case, Professor Tao published 30 papers and retained the capability of working as a faculty member.

Hong Peng followed her husband's talk to share her story. It is a story marked by suffering and injustice, but ultimately ending in a victory for justice.

It was very, very hard to live under the dark clouds of injustice for almost five years. Franklin lost his career and nearly everything.

Hong had to work long hours, multiple jobs in different hospitals to help her family survive. She could not count how many times she had to work 24 hours straight, how many times she had to pull off the highway to find a gas station to take a short nap or use cold water to wash her face to stay awake.

Sometimes she felt so desperate that she cried in her car after work, questioning why this was happening to Franklin and her family. Then she had to wipe away her tears and moved on. She had to tell herself to stay strong for her husband, their kids, and their family.

She deeply regrets how this affects their children who are twins.

This all began on their first day of high school. They were followed by a drone that the FBI used to surveil them from the moment they got into the car until the moment they got out at curbside and walked into the school.

Their son often cried alone in his room because he did not want his parents to worry. Their daughter had to see a psychologist to cope with the trauma.

Before they started college last year, her son said to Hong, "mom, don't worry about us. We are going to start our new life in college. We are going to be fine. There were times before both of us thought about suicide."

Her heart breaks whenever she thinks about how much this has impacted their kids.

Franklin was treated as a criminal when he was innocent. He became extremely depressed and had trouble sleeping and eating. From time to time before he slept, he would say "I almost wish I could just fall asleep and never wake up again. Then I wouldn't need to think about all of this."

She was heartbroken to witness her loved one suffer so much because of this injustice.

Physically, mentally, and financially Hong had to be the center of resource and support for her family. She was so drained. One time that she got off the highway and was completely out. She did not know where she was, but it was the road she drove to work daily. It was scary because she could not afford to be sick. She had to be there for her family.

Justice finally prevailed with the 10th Circuit Court acquitted the last count against Franklin on July 11. This victory could not have been possible without the tremendous support they

received from the organizations, community, family, friends, legal team, and countless individuals. Hong and Franklin are eternally grateful for the compassion and belief in the truth that were shown to them.

In conclusion, Hong and Franklin look forward to Kansas University to reinstate Franklin, starting a new chapter in their lives and to a future where justice is not just a concept but reality for all.

6. Kansas Conference of the American Association of University Professors (KCAAUP)

Speakers:

- Ron Barrett-Gonzalez, Committee A Co-Chair, Kansas Conference of the American Association of University Professors (KCAAUP)
- Rob Catlett, Committee A C-Chair, KCAAUP
- [Kansas Conference of the American Association of University Professors](#)

The Kansas Conference of the AAUP is a collection of individual chapters from a variety of institutions of higher education from around the state of Kansas. All of the officers are volunteers with many being trained at the national level in University Governance. The Conference regularly handles issues regarding denial of due process, governance, tenure adjudication and dismissal. With more than 400 AAUP members state-wide, the Conference is the only state-wide body representing all faculty members.

Kansas University (KU) Professor Ron Barrett-Gonzalez spoke about his role with KCAAUP and recent meeting with a KU administrator. Emporia State University Professor Rob Catlett followed Ron with his comments.

Committee A at the national, state, or local level frequently handles cases of significant injustice done to a faculty member. It is well aware of Dr. Tao's case, monitoring it with great anticipation. It is overjoyed at his complete exoneration. The next goal is to have him reinstated.

Ron and Rob chose to meet with a KU administrator who oversees discrimination cases on campus, attempting to use persuasion for the KU administration to do the right thing.

As many would undoubtedly agree, Dr. Tao's case is one of clear discrimination based on national origin which is not allowed at many levels, certainly not within university rules. It is un-American and unethical.

Ron and Rob went into the meeting with the spirit that and the gentlest persuasion and the primary goal of reinstating Dr. Tao without any great fanfare.

Ron and Rob made it clear that there is a golden window of opportunity to correct a wrong. There are some bad actors who discriminate against people of color and by national origin.

Some of them are above the university administration in the Board of Regents and State Capitol.

During their meeting with the KU administrator, Ron and Rob laid out a plan that includes an ideal time to reinstate Dr. Tao in the last week of October when the nation's focus will be on the elections at all levels.

The KU administrator paid close attention to the plan, took detailed notes, and promised to come back to Ron and Rob and let them know on August 19.

As a president once told Kansans, "Speak softly but carry a big stick," Ron and Rob also made clear that there are non-trivial sticks in this case.

KU has a brand-new KU Faculty Union, which was voted in with 87% approval. If the university administration does not do the right thing, the union would make this a cause célèbre and a rallying cry, including media attention and protests below the Provost's office or the Chancellor's office. It would also help with membership drive and strengthen union membership.

As he heard from Dr. Tao and Hong about the injustice they faced at the monthly meeting, Ron was crying inside for them, as we all were. The injustice for a governmental entity taking private property without compensation and due process has been backed up with decisions in several cases at the 10th Circuit Court with decisions and rulings as recently as 2022.

Rob is an economist. He followed Ron by commenting that there is reason for hope. He and Ron have worked with this administrator on another case before with success. She was effective. It involved another Chinese scholar.

Oftentimes people have a hard time uttering the words "I was wrong" in one sentence. One of the lessons learned by Rob at the AAUP Summer Institute is that in a high profile battle, he would like to have two winners. In this case, KU can have its scholar back, and Dr. Tao can have his job back.

7. Q&A and Discussions

8. Next Meeting

Monday, September 2, 2024, is Labor Day, a federal holiday.

Next monthly meeting will be held on Monday, September 9, 2024, starting 1:55 pm ET/10:55 am PT