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2023/04/03 APA Justice Monthly Meeting - Quick Takeaways from Three Invited Speakers



1. **2023/04/17 Roundtable on a National Media Alert Network and Strike Teams.** High level of interest was expressed following Paula Madison's thought-provoking and informative suggestion of a proactive national media alert network. As follow-up action, a virtual roundtable of about 90 minutes will be convened on Monday, April 17, 2023. An agenda for the event is being prepared at this time. Additional details will be coming soon. Please mark your calendar.
2. **Let the President's Advisory Commission Know Your Issues and Concerns.** Commissioner Dr. Robert Underwood joined the meeting from Guam whose Chamorro Time Zone is 14 hours ahead of the U.S. Eastern Time Zone. On March 10, 2023, APA Justice submitted its [comments to the Commission](#), expressing concerns about government-instigated racial profiling that has been repeatedly explained away and justified under the cover of national security that sacrifices the

civil and human rights of the Asian American and immigrant communities. Dr. Underwood encourages the communities and individuals to send their issues and concerns to him at anacletus2010@gmail.com and to the Commission at AANHPICommission@hhs.gov.

3. **Educate, Educate, and Educate; Reinstate NYPD Officer Angwang.** Despite his busy schedule that included a special session of the New York State Senate, Senator John Liu joined the meeting and spoke passionately about the need for education to counter anti-Asian hate. Senator Liu is in touch with New York Mayor Eric Adams' office regarding the reinstatement of Officer Angwang to the New York Police Department and an apology to Officer Angwang.

Committee of Concerned Scientists Letter to President Biden on Cross Border Profiling



On March 20, 2023, the Committee of Concerned Scientist (CCS) wrote a letter to President **Joe Biden**, expressing concerns about Chinese American researchers being profiled, harassed, and interrogated without just cause at the border. The letter was signed by **Joel L. Lebowitz, Paul H. Plotz, Walter Reich, Eugene M. Chudnovsky, Alexander Greer**, Co-Chairs of CCS. Senate Majority Leader **Charles E. Schumer**, House Speaker **Kevin McCarthy**, and Secretary of State **Antony J. Blinken** were copied.

CCS referenced [a report by the Chronicle of Higher Education](#) on March 1, 2023, which describes instances where professors and scientists have been subjected to harassment and

interrogations at the US border.

The letter said in part

"In this [Chronicle of Higher Education] article, advocates for Asian American academics describe several instances of harassment and interrogations, which have been rising over the past few months. The situation is worrisome since Chinese American researchers should feel free from the China Initiative policy of a few years ago. This policy disproportionately focused on Chinese American researchers in the U.S. Department of Justice's sometimes overzealous efforts to uncover academic and economic espionage, and in our opinion often constituted ethnic profiling.

The climate for Chinese American researchers needs to be made more welcoming. Indeed **Gisela Kusakawa** (Executive Director, Asian American Scholar Forum) commented poignantly "Although the China Initiative has ended — and that was a very important and critical step — for many Chinese Americans, it is clear that they still live in a climate that's less welcoming." While the Asian American Scholar Forum is aiming to collect more exact data on the number of these border stops, we are aware of a few specific cases: (1) **Zhigang Suo**, a professor of mechanics and materials at Harvard University; (2) **Hong Qi**, a visiting scholar of mathematical sciences at Louisiana State University and lecturer at Queen Mary University, London; and (3) a young daughter of a Chinese American scholar traveling alone who was stopped and interrogated about the nature of her father's research.

We ask for border officials to receive further anti-bias training and be encouraged to not focus selectively on Chinese American researchers in stopping them for secondary screening. Thank you for your attention to this very important matter and we look forward to a response from you shortly."

Read the CCS letter: <http://bit.ly/3Mwsdxx>

Professor Franklin Tao To File Appeal to Reverse Lone Conviction



Attorney **Peter Zeidenberg** representing Professor **Feng "Franklin" Tao** is in the process of filing a brief in the 10th Circuit Court seeking the reversal of the sole count of conviction against Professor Tao. He was the first academic indicted under the now-defunct "China Initiative."

The brief concludes:

"The conviction on Count 9 should be reversed because the KU Institutional Responsibilities form—which Dr. Tao submitted only to KU and which KU never shared with NSF or DOE—and which neither agency considered when making funding or other decisions, was not within the Executive Branch's jurisdiction. There is no legal basis for a felony false statement conviction in these circumstances.

The Court's affirmance would not only be unjust, but it would also open the floodgates to federal prosecutions of employees accused of making misrepresentations to employers that receive federal funding. It would subordinate the decisions of university department chairs, tenure committees, and Human Resources to the whims of federal prosecutors and jurors. An affirmance would also frustrate the ideals of our system of limited government.

The Department of Justice is not the Ministry of Truth, and it should have no role regulating routine employee-employer interactions. The Court should reverse."

Read the Franklin Tao story: <https://bit.ly/3fZWJvK>

22-Year Sentence for Man Guilty in Hate-Crime Killing of Asian Immigrant



A memorial to Yao Pan Ma, who spent eight months in a coma before dying as a result of the injuries he sustained in a 2021 attack. Jeenah Moon for The New York Times

According to a report by the *New York Times* on March 31, 2023, a man who admitted to brutally, and fatally, attacking a 61-year-old immigrant in East Harlem two years ago because the victim was Asian was sentenced to 22 years in prison.

The sentencing of the man, **Jarrold Powell**, came several months after he pleaded guilty to manslaughter as a hate crime in the killing of the immigrant, **Yao Pan Ma**. Mr. Powell had suddenly shoved Mr. Ma from behind while the older man was pushing a grocery cart full of bottles and cans near 125th Street and Third Avenue. Video footage released by the police showed that after Mr. Ma collapsed to the ground, Mr. Powell had stomped on his head and kicked him several times in the face.

Mr. Ma spent about eight months in a coma before dying as a result of the injuries he sustained in the attack. In entering his plea, according to prosecutors, Mr. Powell, 51, said he had targeted the older man because he was Asian.

“New York is one of the most diverse cities in the world,” **Alvin L. Bragg**, the Manhattan district attorney, said in a statement announcing the sentence. “And no one should have to fear that they may be in danger because of their background.” Mr. Bragg’s office said that it had 39 open cases of anti-Asian hate crime.

People of Asian descent have been the victims in several high-profile crimes in the past few years. In November 2021, **GuiYing Ma**, a 61-year-old Chinese immigrant, was fatally beaten as she swept a Queens sidewalk. In January, the man who admitted attacking her was sentenced to 20 years in prison.

In January 2022, **Michelle Alyssa Go** was pushed to her death by a mentally ill man at the Times Square subway station. The next month, **Christina Yuna Lee** was fatally stabbed by a man who followed her from the street into her apartment. In March 2022, a 28-year-old man was charged with seven counts of assault and attempted assault in connection with a two-hour spree of attacks on women of Asian descent in Manhattan.

Read the *New York Times* report: <https://nyti.ms/3zstXjw>

News and Activities for the Communities

1. Harvard admits record number of Asian American applicants



According to a report by *NextShark* on March 31, 2023, amid allegations of bias against Asian students in its admissions process, Harvard University welcomed its largest proportion of Asian American first-year students in its history.¶ From a pool of 56,937 applicants, the Ivy League university admitted a total of 1,942 students — its second-lowest admissions rate on record — to its Class of 2027. Of this batch, 722 were accepted through an early action process in December 2022, while 1,220 were notified of the regular decision on March 30, 2023.¶ Asian American students composed 29.9% of the new admissions, marking a 2.1% increase from last year's 27.8%. This, according to Harvard, is the group's largest-ever acceptance rate.¶ Starting with the Class of 2027, the costs to attend the university — including tuition, housing, food and other fees — will be free for families with annual incomes of less than \$85,000, up from last year's \$75,000 threshold.¶ Read the *NextShark* report: <http://bit.ly/3TYEz34>

2. The Silence of Florida's Presidents



According to a report on March 31, 2023, *Inside Higher Ed* asked 40 public college presidents in Florida to weigh in on state higher education reforms. None were willing to speak, even when offered anonymity.¶ As Florida's Republican governor, **Ron DeSantis**, seeks to enact sweeping reforms to dramatically reshape higher education in the Sunshine State, students and faculty alike have protested legislation that would ban teaching certain topics, limit institutional authority and undermine tenure protections.¶ But one group has remained conspicuously silent: Florida's college presidents.¶ Of the 40 presidents at Florida's public colleges and universities, none have publicly challenged DeSantis as he has gone after diversity, equity and inclusion efforts; sought data on health care for transgender students; and pushed HB 999—legislation to remake Florida higher education.¶ Given their shared silence, *Inside Higher Ed* asked all 40 presidents that lead the institutions that comprise the State University System of Florida and Florida College System for comment. None of the presidents agreed to discuss attacks on higher education from the DeSantis administration, even when offered anonymity, and multiple institutions did not respond to a request for comment.¶ Florida's college presidents remain silent as constituents demand they speak up with HB 999 advancing through the state Legislature. Observers suggest presidents are in a no-win scenario, where silence equals compliance but

speaking out carries personal and institutional risks.¶ Read the *Inside Higher Ed* report: <http://bit.ly/40yLh2a>

3. In the war against history, Los Angeles and Asian American history offer hope



The image shows the header of a news article from The Hill. At the top is a blue banner with the text "THE HILL" in white, serif, all-caps font. Below the banner, the text "OPINION > CONGRESS BLOG" is displayed in a smaller, dark font. Underneath that, a red line of text reads "THE VIEWS EXPRESSED BY CONTRIBUTORS ARE THEIR OWN AND NOT THE VIEW OF THE HILL". The main title of the article is "In the war against history, Los Angeles and Asian American history offer hope" in a large, bold, dark font. Below the title, it says "BY ERIKA LEE, OPINION CONTRIBUTOR - 04/01/23 9:00 AM ET". To the right of the byline are social media sharing buttons for Facebook (SHARE), Twitter (TWEET), and a generic share icon.

According to an opinion by **Erika Lee**, Regents Professor of History at the University of Minnesota and the president of the Organization of American Historians, published by *The Hill* on April 1, 2023, since January 2021, 44 states have introduced bills or taken other steps to restrict discussions of race, gender, and sexuality in U.S. history. In 2022, proposed educational gag orders attempting to restrict teaching about race, gender, American history, and LGBTQ+ identities in K-12 and higher education increased by 250 percent compared to the previous year. Further, according to a new report by Pen America, more than 2,500 different book bans were enacted in schools across 32 states during the 2021-2022 school year. A few months ago Florida rejected the College Board’s Advanced Placement course on African American Studies in the state’s high schools, claiming that it “lack[ed] educational value.”¶ There is a war being waged against American history by those hostile to an honest portrayal of our country’s history—and who seek to stamp out the expansive, inclusive, and complicated understanding of America’s past that recent scholarship has revealed.¶ As more than 1,000 U.S. historians gather in Los Angeles on March 30 to April 2, 2023, for the annual Organization of American Historians meeting, the question of how educators, scholars, officials, and activists can work together in this war will be front and center. We will be discussing how current community, civic, and historian-led efforts are confronting our past in ways that should all give us hope for the future. And how Los Angeles may serve as a model for other cities and states to follow in developing approaches that openly and inclusively tackle our country’s difficult racial history.¶ The stakes could not be greater.¶ Read The Hill opinion: <http://bit.ly/3MxIAKf>

4. Interim Executive Director for MOCA



Exterior of the Museum of Chinese Americans. Courtesy of Sheng Lin Shih/Institute of Chinese in America.

On March 30, 2023, the Museum of Chinese Americans (MOCA) announced the selection of arts and cultural leader **Nina Curley** as its Interim Executive Director to succeed outgoing President, **Nancy Yao**, who has been named the founding director of the Smithsonian American Women's History Museum, effective June 5. Read the MOCA announcement: <https://bit.ly/3ZEJ8AE>

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