

2023/03/06 APA Justice Monthly Meeting

APA Justice Meeting – Monday, 2023/03/06
1:55 pm Eastern Time / 10:55 am Pacific Time

Meeting Summary

0. New Speakers

- a. [Peter Toren](#), Attorney at Law; Member of Sherry Chen Legal Team
- b. [Baimadajie Angwang](#) 昂旺, Officer, New York Police Department; U.S. Army

Reservist; Former U.S. Marine

- c. [John Carman](#), Owner, John F. Carman, Esq., Attorney for Baimadajie Angwang
- d. [William Colton](#), Member (District 47), New York State Assembly

1. CAPAC updates

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

Nisha provided several updates:

- CAPAC Chairwoman Judy Chu was targeted by GOP members of Congress who questioned her loyalty to the U.S. due to her being of Chinese American origin
 - CAPA published a [press release](#) about the opinion piece written in [USA Today](#) by CAPAC Members Reps. Judy Chu (CA-28) and Raja Krishnamoorthi (IL-08) that called out the egregious rhetoric targeting AAPI community, and the danger of it
 - Reps. Chu Krishnamoorthi pointed out the past history of stereotyping, profiling and targeting of Asian Pacific Americans that led to [lynchings of Chinese workers](#) in the 1800s; incarceration camps of Japanese Americans during World War II; the [murder of Vincent Chin](#), a Chinese American man who was killed in 1982 by those who blamed Japan for job losses; surveillance and xenophobic backlash against Muslim, Sikh, Arab, Middle Eastern and South Asian Americans after 9/11; and more than 11,500 [anti-Asian hate crimes and incidents](#) since the beginning of COVID-19
 - The joint piece calls for learning from the past to ensure the safety of our communities today

- CAPAC published a [statement](#) praising the nomination of Acting Labor Secretary Julie Su as the next Labor Secretary, and the confirmation hearing held by the U.S. Senate Committee on Health, Education, Labor, and Pensions (HELP) Committee. CAPAC reiterated its full support for Acting Secretary Su as the next leader for the Department of Labor and urged the Senate to confirm her swiftly.
- CAPAC also expressed concerns about alien land laws restricting the property ownership rights of individuals from specific countries being introduced in states across the country, just as we saw as far back as the 1800s when they targeted Asian immigrants.
 - It's wrong to bar people from owning lands based on their countries of origin
 - Chairwoman Chu was scheduled to join the rally event in Texas hosted by Rep. Al Green in protesting the the alien land law proposed in Texas

2. Anti-Racial Profiling Project and Related Activities - Asian Americans Advancing Justice | AAJC

Speaker: John Yang 杨重远, President and Executive Director, Advancing Justice | AAJC

- Advancing Justice | AAJC: [Anti-Profilng, Civil Rights & National Security Program](#)
- Legal Referral Service: Contact **202-935-6014** using the Signal app for attorney referrals. AAJC staff can assist you in Mandarin Chinese and English

John reported about the latest developments and activities from Advancing Justice | AAJC:

- Raised concerns about the negative impact of rhetoric and conspiracies arising from the uncertainties of the U.S.-China relationship
 - Attacks on AAPI leaders like Reps. Jud Chu, Grace Meng and others due to their national origin and their speaking out against anti-Asian hate
 - Alien land laws
 - Recent DOE report about COVID origin may cause more confusions and misinformation
 - AAP community needs to frame these issue well to counter disinformation and misinformation
- Julie Su nomination

- Urge community groups to continue show support - write to their members of Congress
- Especially need support from business community, where she may face potential attacks
- Education equity
 - K-12 education - include Asian American history in K-12 education
 - Suggested partnering with African American, Latino and other groups
 - Beware of attempts to drive a wedge between AAPI community and other minority groups
 - AAJC supports Affirmative Action
 - Important of the ability to tell Asian story in the college admissions process
 - It's not going to create "quotas" for racial groups
 - Race still matters in America
 - Open to engaging discussions

3. Update from Asian American Scholar Forum

Speaker: Gisela Kusakawa, Executive Director, Asian American Scholar Forum (AASF)

- 2023/02/23 AASF: [Asian American Scholar Forum Condemns Anti-Chinese Rhetoric from Public Officials & Raises Concerns About Harms to the Student Community](#)
- 2023/02/02 AASF: [Know Your Rights on Airport Enforcement and Border Harassment](#)

Gisela reported the latest developments and activities from the Asian American Scholar Forum:

- Preparing for the AANHPI Heritage month; main theme is lifting up the invisible history of Asian American scholars pioneers
 - Launching a virtual museum - introducing Asian American scholar's inventions and the their impact of daily lives
 - Working with the White House to demystify appointment process
 - Counter "chilling effect", create a welcoming environment to keep Asian American scholars engaged in democracy and other processes despite their fears
 - Push federal government to work with AAPI community to retain and attract talents in US

- Working with federal grant agencies and universities on policies, procedures and disclosures to prevent gaps that allow for racial bias; push for continuous feedback
- Monitoring stories incidents of border interception/questioning of AAPI scholars and scientists and their family members
- Raising concerns about increase of rhetoric targeting Chinese students in higher education institutions
 - Politicians scapegoating students
 - Recent stabbing of Indiana University student because her being perceived as a Chinese student
- Prof. Xiaoxing Xi added as a new member of AASF

4. Reflections on Sherry Chen's Historic Settlement

Speaker: Peter Toren, Attorney at Law; Member of Sherry Chen Legal Team

- 2015/05/09 New York Times: [Accused of Spying for China, Until She Wasn't](#)

On May 9, 2015, when the New York Times broke the story about Sherry Chen, Peter Toren, a former federal prosecutor who specialized in computer crimes and theft of trade secrets, was quoted: "They came across a person of Chinese descent and a little bit of evidence that they may have been trying to benefit the Chinese government, but it's clear there was a little bit of Red Scare and racism involved." Peter was the first attorney retained by Sherry in her lawsuit against the United States and was an integral part of the Sherry Chen Legal Team that eventually won a settlement with the largest settlement amount paid to an individual by the U.S. Department of Commerce. Sherry also received recognition of her stellar performance as a scientist for the U.S. government. APA Justice recognizes Peter's outstanding commitment and achievement. Peter will reflect on the case and related matters.

Peter provided recap of his background and involvement in the Sherry Chen case:

- Son of Holocaust survivor; former prosecutor in the computer crimes of DOJ for 8 years; 37 years legal career
- Joined Sherry's civil case against the federal government in 2019
- Faced daunting challenges in suing the federal government
- Media exposure of Sherr's case put a lot of pressure on the government
- Partnered with ACLU and Cooley LLP to secure Sherry's settlement with the government in 2022

5. Update on Texas Senate Bills, Webinars, and Opposition to Discriminatory Land Laws

Speaker: Dr. Helen Shih. Dr. Shih is a Vision-Mission coach for personal and organization development, and a leader of RiseAAPI-Texas, Emerging Voters, and United Chinese Americans.

- 2023/03/01 Joint Webinar: [Historical Re-Hash Alien Land Law and SB147](#)
- 2023/02/17 Joint Webinar: [A Call to Stop SB 147 and All Alien Land Laws](#)

Helen reported about the latest developments and activities on the Texas alien land bills:

- The AAPI community organized 5 rallies to protest SB147 in 5 weeks
- Feb 11 rally
 - 30 Chinese American organizations
 - 10 other AAPI organizations
 - ACLU
- Community participation for hearing of SB147 on March 2
 - Tremendous efforts in preparing for the hearing
 - 140 signed up to testify; 130 testified against the bill
 - Testimonies lasted over six hours; watch the video at <https://bit.ly/41Ma6IN> (6:17:08)
- Feb 28: AAPI community representatives met with bill co-author's legislative director
- CAPAC Chair Judy Chu visiting Texas to join Rep. Al Green's rally in protesting SB 147
- It's a national challenge - about 30 states are proposing different forms of alien land laws.

6. Remarks by Congresswoman Grace Meng

Speaker: Grace Meng 孟昭文, Member of U.S. Congress.

Congresswoman Grace Meng represents New York's 6th congressional district, which covers many racially and ethnically diverse neighborhoods in Queens and has a plurality of AAPI constituents. She is the first female Congressmember from Queens since former Vice Presidential nominee Geraldine Ferraro. In Congress, Grace serves on the House Appropriations Committee, where she is New York's senior member and is the Vice Ranking Member. Meng sits on both the State and Foreign Operations

subcommittee and the Commerce, Justice, Science and Related Agencies subcommittee. Meng serves as the First Vice-Chair of the Congressional Asian Pacific American Caucus, a co-Chair of the House Bipartisan Taskforce for Combating Antisemitism, and as a Vice-Chair of the LGBTQ+ Equality Caucus.

Congresswoman Meng returned to APA Justice to speak about recent activities and legislation related to the AAPI community, sharing Democratic leadership's condemnation of attacks on Congresswoman Judy Chu. She emphasized the importance of allyship between CAPAC and groups such as the Congressional Black Caucus (CBC) and the Congressional Hispanic Caucus (CHC), as well as the communities they represent. The Congresswoman encouraged the AAPI community to continue to push for the inclusion of AAPI, African American, Jewish, and Latino history to feed a more holistic understanding of our shared American story.

Congresswoman Meng shared progress on the National AAPI Museum Study Bill signed into law by President Biden in June 2022 and that she is currently working to finalize the Commission to explore the feasibility of establishing, maintaining, funding, and operating such a facility in Washington, D.C. as a potential part of the Smithsonian Institution.

Finally, she shared special recognition and appreciation to New York State Assemblymember Bill Colton for his long-term support of the Asian American community.

7. The Story of Baimadajie Angwang 昂旺

Speakers:

a. Baimadajie Angwang 昂旺, Officer, New York Police Department; U.S. Army

Reservist; Former U.S. Marine

b. John Carman, Owner, John F. Carman, Esq., Attorney for Baimadajie Angwang

- APA Justice: [Baimadajie Angwang 昂旺](#)
- 2023/02/10 New York Times: [Can a Police Officer Accused of Spying for China Ever Clear His Name?](#)
- 2023/02/09 AP News: [Police officer wants badge back after spy charges dropped](#)

- 2023/02/02 CBS News: [Exclusive: Baimadajie Angwang, NYPD officer accused of spying for China, wants to set the record straight after charges were dropped](#)

One year has passed since the end of the "China Initiative," but its damages inflicted on impacted persons continue. Baimadajie Angwang is an Afghanistan veteran and an Army reservist, who became yet another victim of the "China Initiative." His case was finally dismissed in January 2023. After an ordeal of two and a half years, he has yet to return to the New York Police Department.

John Carman provided a brief overview of Baimadajie Angwang's case

- Baimadajie Angwang was naturalized American citizen and an Officer at New York Police Department and was about to go to work when he was arrested by 10 agents with tactical gear and guns pointed at his face in his front lawn in September 21, 2020
- China Initiative played a role in Angwang's arrest
- Angwang was not just arrested because his Chinese ethnicity, but also the government attempted to keep him in the prison because of his ethnicity - in solitary confinement for 23 hours a day in the height of COVID
- Angwang's lawyer was prohibited from meeting with Angwang in person while he was in prison - he could only communicate with Angwang over the phone to handle a case with extraordinary complexity
- Prosecutor tried to pursue a 55-year sentence and convinced judge to exert stringent requirements for bail:
 - Three of Angwang's former Marine Corp combat colleagues and 10 other individuals were asked to sign up to a \$2 million bail package
 - Home monitoring on a bracelet
- Angwang was released Feb 2021, but remained on an ankle bracelet until Dec 2022, and had to abide by strict conditions on when/where he can travel
- The government hid behind the classified info related to the case to delay progress
- Lawyer was unable to view the classified information until August 2022 in a special circumstance
- Angwang's lawyer concluded the government had an extremely weak case
- Trial scheduled in later October 2022, but the government moved to dismiss the case
- Angwang's case was dismissed in Jan 2023, but he suffered extraordinary damages
- The prosecution of Baimadajie Angwang should not have happened

Angwang shared his personal experience:

- He joined Marine, volunteered to deploy in Afghanistan, and joined army reserve and found a job at NYPD after returning from Afghanistan
- He was in jail for 6 months, and was not allowed to meet with his lawyer or family members
- Before arrest, Angwang didn't know about the China Initiative. After he was released from prison, he found out he was not alone that was wrongfully charged under the China Initiative
- The government did not present any credible evidence
 - They surveilled Angwang and mistook a word “brother” he said in Chinese as “boss”
 - They used classified information and national security as excuse to withhold information and prolong the case, which caused significant damage to Angwang and his family
- Innocent citizens with Chinese nexus became scapegoats as a result of the government’s racial targeting with the backdrop of increasing U.S.-China tensions
 - This could happen to anyone else
- Angwang called on elected officials, community leaders and civil rights advocates to take actions to stop the government from using such tactics

8. Remarks by William Colton, New York State Assemblymember (District 47) regarding Officer Angwang’s case

- Officer Angwang was subject to intolerable treatment due to his being of Chinese origin, despite that he is an American citizen and a combat veteran deployed in Afghanistan, risking his life for America
- The damage done to Officer Angwang and his family is incalculable, and His rights were violated
- There were historical precedents of migrant groups being discriminate and targeted
 - Chinese Exclusion Act
 - Japanese internment camp
 - Organized crimes against Italian immigrants
 - Former NYPD Officer Peter Liang’s case
 - Accused of murder in a politically charged case
 - Tens of thousands of people protested against discrimination and profiling of Officer Liang because he is Chinese
 - Assemblymember Colton spoke out against the discrimination toward Officer Liang
 - Officer Liang’s sentence was reduced eventually

- Assemblymember Colton championed to remove language barriers for and promote inclusion of Asian immigrants and other groups
 - Precinct made strides to promote racial inclusion and tolerance
 - Currently has an Asian American commanding police officer
 - Cosponsored a bill with State Assemblymember Grace Li to make Chinese New Year as a state holiday
- All groups should be given the same opportunity and protection from discrimination
 - Discrimination against any one group is discrimination against all
 - Different groups should be able to enjoy each other's tradition, culture and food
- Call of actions
 - Angwang needs to have his job back
 - Transparency, democracy and civil rights are ever important
 - More work needs to be done to make people aware of the importance of respecting each other's tradition and culture
 - Actions need to be taken to prevent people like Angwang from be targeted simply because of their country of origin
 - All groups should work together to stop all forms of discrimination; hate against any particular group is hate against all American people
 - American Dream should be open to all