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Brian Sun Comments on the Cases of Dr. Wen Ho Lee and Dr. Yanping Chen



During the APA Justice monthly meeting on November 3, 2025, **Brian Sun** 孫自華, Partner of Norton Rose Fulbright US LLP, who represented Dr. **Wen Ho Lee** 李文和 in his landmark Privacy Act case, drew strong parallels between Dr. Lee's experience two decades ago and Dr. **Yanping Chen** 陈燕平 's ongoing case.

Brian emphasized that both involved government leaks of protected information to the media, racialized national security narratives, and the challenge of holding officials accountable for violations of privacy and due process.

Brian recounted that Dr. Lee, a Los Alamos scientist falsely accused of espionage in the late 1990s, was subjected to highly publicized national coverage media coverage, intense surveillance, and charged with 59 counts of misconduct despite no evidence he shared secrets with China.

The case began with leaks to two Pulitzer Prize-winning journalists from the New York Times, **Jeff Gerth** and **James Risen**, that led to the government putting 40 agents on Dr. Lee under 24/7 surveillance between March and December 1999, when Dr. Lee was arrested and indicted.

Immediately after his release in September 2000, Brian asked Dr. Lee whether he would still pursue the Privacy Act lawsuit that had been stayed by the District Court judge during the pendency of the criminal proceedings. “Yes. I don’t ever want this to happen again to someone else,” Dr. Lee said.

The case became a five-year legal battle.

Brian described how his legal team deposed senior officials, including FBI Director **Louis Freeh** and Energy Secretary **Bill Richardson**, to prove they had exhausted all avenues before seeking to compel journalists including Jeff Gerth and James Risen to reveal their sources. The District Court granted their motion, and when the reporters refused to comply, they were held in contempt by Judge **Thomas Penfield Jackson**. The D.C. Circuit Court upheld that ruling, narrowly denying an en banc (before the full court) rehearing.

Dr. Lee also did not sue the reporters themselves. They simply sought information from them. But during settlement discussions and mediation, the journalists attended with their lawyers, along with government representatives, as the mediator tried to hammer out a deal.

A settlement was reached on the eve of the Supreme Court ruling on the journalists’ petition for certiorari (review). The Supreme Court denied the reporters’ petition anyway.

The ultimate settlement was \$1.645 million, with the government and journalists sharing the payment. Notably, CNN initially refused to pay, but other media organizations covered its share. Brian credited his then firm, Jones Day, for standing by him even after CNN threatened to sever ties.

Reflecting on the controversy, Brian underscored that the issue was not opposition to press freedom, but the need to balance journalist privilege with accountability when leaks destroy reputations. Brian’s wife is a former journalist. He cautioned that blind protection of sources can empower rogue officials to leak information without consequence, harming innocent individuals.

Brian concluded that Dr. Chen’s case echoes Wen Ho Lee’s ordeal, calling it “history repeating itself.” Both highlight the dangers of racial bias, media sensationalism, and unchecked leaks in national security cases. He praised Attorney **Andy Phillips** who represents Dr. Yanping Chen and WilmerHale for pursuing justice on Dr. Chen’s behalf, affirming that such cases are “a noble cause” that defend both the rule of law and the integrity of American justice.

A summary for the November 3 APA Justice monthly meeting is being prepared at this time.

Paula Madison Comments on Dr. Yanping Chen's Case



During the APA Justice monthly meeting on November 3, 2025, **Paula Williams Madison** 罗笑娜, Chairman and CEO of Madison Media Management LLC and 88 Madison Media Works Inc., expressed strong concern over the ethical lapses in the *Fox News* coverage of Dr. **Yanping Chen**, which she described as “deeply troubling on several levels.” Drawing on her experience as an investigative journalist and media executive, Paula said she carefully reviewed the *Fox* reports and found that they relied on inflammatory imagery—such as showing Dr. Chen in a military-style uniform with “red epaulets and stars”—to suggest ties to the Chinese Communist Party without substantiated evidence. “It felt like the story was designed to make viewers believe she was exactly what the anonymous source accused her of being,” Paula said.

She emphasized that proper investigative journalism requires at least two independent sources before publishing serious allegations, especially when the Justice Department had closed the case without charges. Paula questioned whether fundamental standards of verification, fairness, and editorial oversight had been ignored, perhaps because of racial bias or national security fearmongering. “Some of the basic commandments of investigative reporting seem to have been overlooked—possibly because she’s Chinese, and therefore ‘scary,’” she observed.

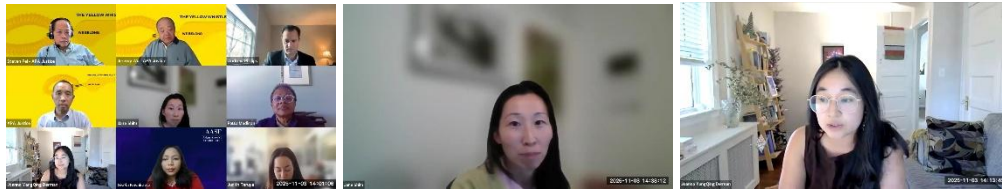
Paula also raised concerns about editorial accountability, explaining that in any newsroom she led, a reporter’s confidential sources must be known to the editor or news director; otherwise, the story would not run. “If I don’t know who the sources are, that story will never be published,” she said.

In referencing her own background, Paula noted that she is both a member of the National Association of Black Journalists (NABJ) and the Asian American Journalists Association (AAJA). Paula’s grandfather was Chinese. She is also a close friend of fellow journalist **Helen Zia** 谢汉兰, founder of the Vincent Chin Institute, who shares deep concern about broader implications for racialized narratives in the media.

Paula suggested that journalism organizations like Investigative Reporters and Editors (IRE) and the Society of Professional Journalists (SPJ) should examine this case as a cautionary example of how bias and weak editorial controls can erode public trust. She also questioned

whether Fox News or **Catherine Herridge** herself is now bearing the legal costs, implying that the network may have distanced itself from the controversy.

Updates from AALDEF and AAJC



During the APA Justice monthly meeting on November 3, 2025, **Jane Shim**, Director of Stop Asian Hate Project at Asian American Legal and Education Fund (AALDEF), discussed AALDEF’s role in filing an amicus brief in *Dr. Yanping Chen v. FBI* that was joined by other civil rights groups. She explained that AALDEF intervened because the government and media narratives portraying Dr. **Yanping Chen** as working for the Chinese Communist Party—though false and defamatory—were being revived in legal filings despite being irrelevant to the legal issues at hand. Jane emphasized the importance of calling out these racialized national security tropes, which continue to shape public perception and legal arguments against Asian Americans.

She also noted the stark contrast between AALDEF’s brief and one filed by Senator **Ted Cruz**, whose filing used “egregiously fear-mongering language,” portraying Dr. Chen as “a most dangerous spy.” Jane underscored that such rhetoric mirrors longstanding patterns of xenophobia and “national security threat narratives” historically weaponized against Asian and Muslim communities.

AALDEF’s amicus brief examined the media’s historical role in fueling anti-Asian and anti-immigrant sentiment, tracing examples from past periods like the Red Scare to illustrate how newspapers and pamphlets helped reinforce state-sponsored discrimination. Jane concluded by reaffirming AALDEF’s ongoing commitment to confronting these systemic biases and welcomed continued collaboration with partners working on similar issues.

During the same meeting, **Joanna YangQing Derman**, Director, Anti-Profilng, Civil Rights & National Security Program, Advancing Justice | AAJC, reported that AAJC continues to monitor developments related to the China Initiative and the Commerce, Justice, Science, and Related Agencies (CJS) Appropriations Bill, though progress has been delayed by the government shutdown. In partnership with the Asian American Scholars Forum (AASF) and Gisela, AAJC was co-organizing an Advocacy 101 training on November 3, 2025, to help scholars and academics engage effectively with policymakers. Joanna will explain the federal appropriations process and how the CJS China Initiative language fits within it, joined by **Gisela Perez**

Kusakawa (AASF), **Edgar Chen** (NAPABA), **Kelvin Lum** (Stop AAPI Hate), and moderator Professor **Xiaodong Zhang**.

On the National Defense Authorization Act (NDAA), Joanna noted that both chambers of Congress have passed their versions, and AAJC has submitted its annual NDAA letter to the Armed Services Committees as negotiations enter the pre-conference phase. AAJC is particularly concerned about Rounds Amendment No. 3810, which would broaden the Committee on Foreign Investment in the United States (CFIUS) authority to review foreign agricultural land purchases. While AAJC supports CFIUS oversight, it warns the amendment could transform the process from evidence-based review to broad, prohibitive action against entire categories of persons. Ongoing coordination with Congressional Asian Pacific American Caucus (CAPAC), House Financial Services, and other congressional allies continues to ensure AAJC's priorities are reflected in the final legislation.

Fifth Circuit Weighs Challenge to Texas "Alien Land Law"



According to [Courthouse News](#) on November 5, 2025, lawyers from the Texas Attorney General's Office and the Chinese American Legal Defense Alliance (CALDA) presented arguments before the Fifth Circuit over whether Texas Senate Bill 17 — a new law restricting land purchases by citizens from “adversarial nations” such as China — applies to Chinese citizens residing in the U.S. The law, which took effect on September 1, 2025, bars noncitizens and non-green card holders “domiciled” in China, Russia, Iran, or North Korea from buying or leasing property in Texas for more than a year. Asian American groups denounced it as a modern version of “alien land laws,” which once targeted Asian immigrants. However, the Texas Attorney General's Office maintains that SB 17 does not apply to Chinese citizens who have established permanent residence in the United States.

U.S. District Judge **Charles Eskridge** previously dismissed CALDA's challenge, ruling that the plaintiffs lacked standing because they were not domiciled in China under the law's definition. On appeal, CALDA attorney **Justin Sadowsky** argued that plaintiff **Peng Wang**, an F-1 visa holder in Texas for 16 years, remains at risk since visa holders are not considered domiciled in

Texas for other legal purposes and must affirm intent to return to their home country. Texas Assistant Solicitor General **Benjamin Mendelson** countered that Wang is clearly domiciled in the U.S., as his intent is to live and work there permanently. The panel — composed of Judges **Andrew Oldham**, **Kurt Engelhardt**, and **Jacques Wiener** — questioned whether the attorney general’s assurance that he will not enforce the law against Wang ends the case. The hearing parallels an 11th Circuit case in Florida, where a divided panel similarly ruled that Chinese immigrants lacked standing because the state’s comparable law does not apply to those intending to reside permanently in the U.S.

Federal Appeals Court Refuses to Block Discriminatory Florida Housing Law



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Federal Appeals Court Refuses to Block Discriminatory Florida Housing Law That Targets Chinese Immigrants

This decision allows Florida’s unconstitutional ban on Chinese homebuyers to remain in effect, but clarifies that the law applies narrowly

Case: [Shen v. Simpson](#)
Affiliate: [ACLU of Florida](#)
November 4, 2025 1:30 pm

With a 2-1 ruling, [the 11th US Circuit Court of Appeals](#) in Atlanta refused to preliminarily block SB 264, a discriminatory housing law in Florida, on November 4, 2025. The court rejected arguments that the law conflicts with federal law or is discriminatory.

The law prohibits people who are not U.S. citizens or permanent residents, and whose “domicile” is in China from purchasing property in Florida. The sole exception is extremely narrow: Individuals with non-tourist visas or those who have been granted asylum may purchase one residential property under two acres, provided it is not located within five miles of any “military installation.” A similar but less restrictive rule also applies to many immigrants from Cuba, Venezuela, Iran, North Korea, Russia, and Syria.

The 11th Circuit rejected claims that the law’s provisions requiring Chinese citizens to register their properties with the state conflict with a federal law governing foreign investments, or that the statute was improperly motivated by racism against Chinese people and Asians.

The court also concluded that the four Chinese citizens represented by the American Civil Liberties Union (ACLU), the Chinese American Legal Defense Alliance (CALDA), and other organizations lacked legal standing to sue over Florida's 2023 law because it only applies to people "domiciled" in China, and they have lived in Florida for years.

According to this ruling, certain Chinese immigrants who live in Florida and intend to remain there indefinitely are "domiciled" in Florida and thus should be exempt from SB 264's restrictions on property purchases.

The legal team who represented plaintiffs of the lawsuit stated in [an ACLU press release](#): "This decision allows Florida's unconstitutional ban on Chinese homebuyers to remain in effect, but clarifies that the law applies narrowly."

"All people, regardless of where they come from, should be free to buy homes and build lives in Florida without fear of discrimination," said **Ashley Gorski**, senior staff attorney with the ACLU National Security Project. "Although today's decision is disappointing, we'll continue to fight laws like these that blatantly target immigrants based on their national origin and ethnicity."

"SB 264 explicitly discriminates against Chinese immigrants, and it has broader chilling effects on Asian Americans in Florida who simply want to buy a home," said **Clay Zhu**, president of CALDA. "We will continue to fight SB 264 and similar 'alien land laws' across the country."

"SB 264 is not just unconstitutional—it harkens back to discredited century-old alien land laws that told generations of Asian Americans that this country was not their home," said **Bethany Li**, executive director of AALDEF. "But our communities survived those past assaults on our rights, and we remain. We will continue to fight back for the dignity and belonging we deserve."

Media links:

2025/11/04 Bloomberg Law: [Court Block Reversed on Florida Property Ban on Chinese Citizens](#)

2025/11/04 Reuters: [US appeals court says Florida can ban Chinese citizens from buying property](#)

2025/11/04 Florida Phoenix: [Federal appeals court nixes Chinese land-buying law challenge](#)

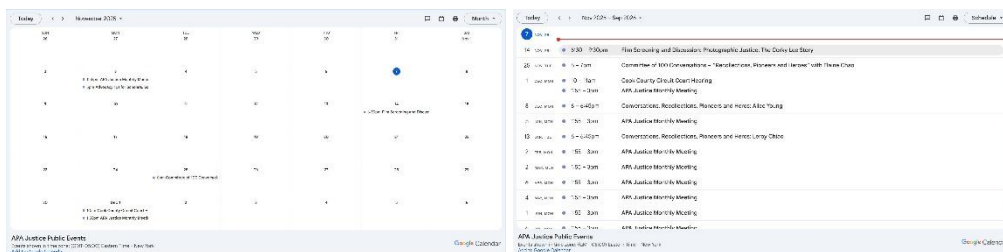
2025/11/04 Florida Realtors: [Court Refuses to Block Chinese Property Law](#)

2025/11/05 South China Morning Post: [Florida can ban Chinese citizens from buying property, US appeal court rules](#)

2025/11/06 Newsweek: [Florida Issues Crackdown on Chinese Citizens Buying Real Estate](#)

News and Activities for the Communities

1. APA Justice Community Calendar



Upcoming Events:

2025/11/14 Film Screening and Discussion: Photographic Justice: The Corky Lee Story

2025/11/25 Committee of 100 Conversations – “Recollections, Pioneers and Heroes” with Elaine Chao

2025/12/01 Cook County Circuit Court Hearing - Estate of Jane Wu v Northwestern University

2025/12/01 APA Justice Monthly Meeting

2025/12/08 Committee of 100 Conversations – “Recollections, Pioneers and Heroes” with Alice Young

Visit <https://bit.ly/3XD61qV> for event details.

2. C100: Conversations with Alice Young



Committee of 100

>>> **CONVERSATIONS**

**RECOLLECTIONS,
PIONEERS AND HEROES**

Interviews of Chinese Americans who have contributed to the success of America through their pioneering efforts, heroic achievements, or recollections of important events.

December 8, 2025 (Monday)
6 PM ET | Online



Alice Young
Trailblazing Lawyer and Advocate for Equality

WHAT: Conversations, Recollections, Pioneers and Heros: Alice Young

WHEN: December 8, 2025, 6:00 pm - 6:45 pm ET

WHERE: Online event

HOST: Committee of 100

Moderator: **Peter Young**, Chair of the Conversations Initiative, Committee of 100 New York Regional Chair, and Board Member

Speaker: **Alice Young**, Trailblazing Lawyer and Advocate for Equality

DESCRIPTION: Alice Young served as Partner and Chair of the Asia Practice at leading law firms including Arnold & Porter Kaye Scholer and Milbank Tweed, specializing in corporate law, international transactions, and Asia business partnerships. As a member of the first graduating class of women of Yale College and one of the first Asian American women to graduate from Harvard Law School, she broke barriers on Wall Street and paved the way for women and minorities throughout her 40+ year law career. Beyond her legal work, Young has been a tireless advocate for diversity, equity, and inclusion.

REGISTRATION: <https://bit.ly/47LX0zn>

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APA Justice Task Force is a non-partisan platform to build a sustainable ecosystem that addresses racial profiling concerns and to facilitate, inform, and advocate on selected issues related to justice and fairness for the Asian Pacific American community. For more information, please refer to the new APA Justice website under development at www.apajusticetaskforce.org. We value your feedback. Please send your comments to contact@apajustice.org.

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