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2023/03/06 APA Justice Monthly Meeting

The next APA Justice monthly meeting will be held on Monday, March 6, 2023. Confirmed speakers include:

- **Nisha Ramachandran**, Executive Director, Congressional Asian Pacific American Caucus (CAPAC), to provide updates on the latest developments and activities of CAPAC
- **John Yang 杨重远**, President and Executive Director, Advancing Justice | AAJC to provide updates on the Anti-Profilng, Civil Rights & National Security Program and related Activities
- **Gisela Kusakawa**, Executive Director, Asian American Scholar Forum, to provide updates on AASF activities
- **Peter Toren**, Attorney and Member of Sherry Chen Legal Team, to be recognized and share his reflections on the Sherry Chen case
- **(new addition) Helen Shih 施慧伦**, Vision-Mission coach, community activist with RiseAAPI-Texas, Emerging Voters, and United Chinese Americans, to provide updates on Texas Senate bills and opposition to discriminatory land laws
- **Grace Meng 孟昭文**, Member, U.S. Congress and Congressional Asian Pacific American Caucus, to remark on the latest developments and legislation for the Asian American community
- **Baimadajie Angwang 昂旺**, New York Police Department (NYPD), and **John Carman**, Attorney, to share Angwang's story of injustice as another victim of racial profiling under the "China Initiative"
- **(new addition) William Colton**, Member (District 47), New York State Assembly, to give opening remarks before the Q&A session

The virtual monthly meeting is by invitation only. If you wish to join, either one time or for future meetings, please contact one of the co-organizers of APA Justice - **Steven Pei 白先慎**, **Vincent Wang 王文奎**, and **Jeremy Wu 胡善庆** - or send a message to contact@apajustice.org. Read past monthly meeting summaries here: <https://bit.ly/3kxkqxP>.

廣告·爆料·言論 212-699-3800 僑社 2023年3月2日

藏族警察昂旺擬提告政府 律師指司法系統存在問題

要求聯邦政府道歉 鼓勵華人勇敢抗爭

本報記者顏麗悅紐約報導

藏族警察白瑪達杰·昂旺在3年前被控非法外國代理人等罪名，生活盡毀，此案直到最近才被撤訴。他和律師卡曼(John Carman)於1日召開華文媒體記者會時表示，他準備提告聯邦政府，希望他們道歉並作出解釋，以此給其他被冤枉的華裔美國人帶去信心。

卡曼表示，儘管他早就預料檢方會撤訴，但當這一刻真正來臨時，他仍十分驚訝，「原本此案計劃在2022年10月底審，檢方要求推遲到今年2月，之後又要求推遲到7月。不料他們在1月突然告訴我們計劃撤訴。他們發現了什麼新線索？我不知道，但我認為他們得出的結論是，如果進行庭審，他們將輪掉這起案子，這可是聯邦司法部曾大肆宣傳的案子。」

檢方一直沒有說明撤訴的具體原因，卡曼認為，主要原因是檢方不能證實這些指控，「昂旺與中國領事館官員的來往都是合法的，他從未洩露任何機密或敏感信息，他用私人手機和領館溝通，並正大光明地出席公共活動，真正的特工行動應該是極其隱秘的。」

卡曼繼續說道：「當時我們面對的是強大的政府機構，他們對昂旺行使了很大的權力，讓我進一步了解到我們的司法系統存在很多固有的問題，我認為如果昂旺不是來自中國的華人，他不會被起訴。這對許多和昂旺有相似背景的人敲響了警鐘。」

卡曼以9/11恐襲事件的餘波為例，他認為現在的華人受到執法部門關注，就好像9/11後的巴基斯坦裔。他擔任刑事律師30多年，看到過許多類似的案件，如果他們不是巴基斯坦人，就不會被起訴，「這種模式仍在繼續，必須停止。美國政府當然有責任保護國家安全，但不能用種族或宗教作為藉口。」

他還表示，昂旺的案件令他大開眼界。根據檢方起訴的罪名——非法擔任外國代理人、電信欺詐、虛假陳述和妨礙司法公正，可能讓他面臨55年的牢獄之災。他獲得保釋後被戴上電子監控腳鐐，過去2年半他幾乎都呆在家裡，直到去年12月才被卸掉腳鐐。

回憶獄中艱辛潸然淚下

昂旺表示，被捕後他在獄中關了半年，令他對美國的司法公正和人權深感失望，「他們希望我在獄中放棄抗爭，讓我承認虛假陳述的罪名。若我當時認罪，或許很快就能獲釋。那半年十分痛苦，我一直被關禁閉，一個人住在很小的房間，門下有一個iPad大小的窗口，每天要蹲下去才能從中拿到飯菜。我在獄中感染了新冠，問獄警要藥，他們非但不給，還說病毒是華人帶來的。監獄完全沒有人權……」說到這裡，他擦了擦眼角的淚水。

昂旺對所有被冤枉的華人喊話，鼓勵他們繼續抗爭。

昂旺被捕時，女兒僅兩歲，「她應該知道發生了什麼，但我到現在還沒有和她正式談過。」他說，「我的妻子現在對美國政府很失望，但我仍想再做警察，服務社區。」自從2021年，市警務處不再支付他的工資，昂旺和卡曼正在和警方溝通，他們對他重返崗位感到樂觀。

撤訴後，昂旺接受多家媒體的採訪。他表示，他收到很多正面的反饋，許多人給他寫賀卡，還有人從中國寄信支持他，「我想對所有被冤枉的華人說：沒有做錯就不能認。我準備提告聯邦政府，希望他們向我道歉，不再妖魔化華人。」



2023/03/02 侨报网: [联邦撤销指控 华警昂旺首谈两年多艰难遭遇](#)

世界新聞網: [藏警昂旺: 有信心重歸警局 擬提告政府](#)

美国中文网: [拘半年终撤诉 纽约藏裔警察讲述幕后故事](#)

星島日報: [藏族警察昂旺擬提告政府 律師指司法系統存在問題](#)

Updates on Texas Senate Bill 147 and Opposition to Revival of Alien Land Laws

1. Video Posted for Webinar on A Call to Stop SB 147 and All Alien Land Laws



The February 17, 2023, webinar featured Rep. **Judy Chu** with opening remarks and Rep. **Gene Wu**, **David Donatti**, **Jamal Abdi**, and **Clay Zhu**. Video of the webinar including a clip of the march and rally in Houston on February 11 has been posted. The event was sponsored by the 1882 Foundation, APA Justice, and United Chinese Americans.

Watch the clip and webinar: <https://bit.ly/3mtMU1L>

2. Historic Turnout to Testify in Texas Senate Committee on State Affairs Hearing on SB 147 and SB 711



On March 2, 2023, Texas Independence Day, the Texas Senate Committee on State Affairs held a public hearing on Senate Bill 147 and Senate Bill 711. According to onsite eyewitness report by **H.C. Chang**, an estimated 140 witnesses testified in the 6-hour event. About 130 were against SB147 and 711. It was historic in terms of Asian turnout, including the Chinese, Japanese, Korean, Indian, Iranian, Muslim, and many other communities. The witnesses came from many walks of life, to include students, lawyers, realtors, business leaders, moms, and even one 10-year-old kid. Most of them testified for the first time in front of legislators.

Texas icon **Martha Wong** 黄朱慧爱, a Republican who was the first Asian American woman to be elected to the Texas House of Representatives in 2002, testified against SB 147 and 711. **Her testimony resonates and is a must-watch classic for the ages** <https://bit.ly/41QEyBU> (12:33 with Chinese and English subtitles)

Watch the video of the entire hearing <https://bit.ly/41Ma6IN> (6:17:08).

3. JACL Denounces Rising Anti-Chinese Rhetoric and Actions

On March 2, 2023, *Rafu Shimpo* reported on a statement released by the Japanese American Citizens League (JACL) that denounces rising anti-Chinese rhetoric and actions. According to the statement, recent events have led to a further resurgence of anti-Chinese rhetoric to a point that is becoming all too familiar to the Japanese American community specifically, as echoes of World War II incarceration begin to resurface.¶ The JACL condemns these accusations against both **Dominic Ng** and Rep. **Judy Chu** and joins CAPAC, elected officials, and other community members in calling for an immediate apology from Rep. Lance Gooden and others who have questioned the loyalty of Chinese Americans.¶ In addition to charges of disloyalty, we are seeing proposals for legislation targeting Chinese immigrants similar to laws passed 100 years ago that targeted Japanese immigrants. Texas legislators have proposed a law that would bar any “foreign national” from China, Russia, North Korea, or Iran from owning any land throughout the state.¶ The so-called Alien Land Laws of the early 20th century barred first-generation Japanese Americans, Issei, from owning land, first in California and then in 12 other states.¶ This proposed Texas law and similar ones being discussed in Virginia, Wyoming, Montana, and North Dakota are unequivocally xenophobic and racist.¶ These laws were deemed unconstitutional under the 14th Amendment in 1952, and yet 70 years later we see the same laws and rhetoric being brought up again.¶ The JACL calls for an end to the baseless demagoguery of anyone with Chinese heritage. The presumption of disloyalty because of one’s country of origin or ancestry is unfortunately a well-worn tradition, but one that we must not revive. Read the JACL statement <http://bit.ly/3kL2vJW>

4. San Francisco Chronicle Letter to the Editor

On March 2, 2023, the *San Francisco Chronicle* published a letter to the editor authored by **John Trasvina**, fair housing and employment official, Obama and Clinton Administrations. The letter titled Texas bill is illegal said, "Regarding 'While Florida targets Black history, Texas Republicans plan to make life miserable for Asian Americans' (Open Forum, SFChronicle.com, Feb 17): Texas' SB147 violates the laws mentioned by Judge **Lillian Sing** and **Julie Tang** as well as the federal Fair Housing Act and principles of immigration and tax law.¶ It treats U.S. permanent residents as agents of the foreign countries they may have fled from buying homes.¶ I enforced fair housing and immigration employment protections for two presidential administrations. We know that employers and home sellers, contrary to law, may mistakenly or intentionally deny job and housing opportunities to U.S. citizens and others who look like the "wrong" population.¶ Texas lives under and must follow the same laws as the rest of the country.

5. Texas Asian History - Who were the "Pershing Chinese?"

Who were the Pershing Chinese?

They were Chinese immigrants living in Texas and in Mexico in the early 20th Century.

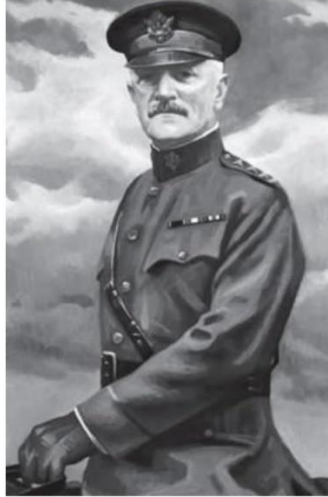
A Report from *Chinese American Heroes*

Hundreds of Chinese from Texas and Mexico supported the US Army in 1916 and were allowed to stay in America and eventually became citizens. They were dedicated and loyal Chinese immigrants who served our military without ever wearing the uniform.

Few people have ever heard of the Pershing Chinese. They were Chinese immigrants living in Texas and in Mexico in the early 20th Century. (The plight of the Chinese Americans has been examined in other places on the Chinese American Heroes website).

The Chinese Exclusion Act of 1882 was emblematic of official American attitudes towards the Chinese, making Chinese Texans vulnerable to deportation at government whim as they were not legal American residents and by law were barred from becoming American citizens.

The Chinese in Mexico were not loved either, as there was much resentment of the



Army four star General John J. (Black Jack) Pershing.

According to *Chinese American Heroes*, hundreds of Chinese from Texas and Mexico supported the US Army in 1916 and were allowed to stay in America and eventually became citizens. They were dedicated and loyal Chinese immigrants who served our military without ever wearing the uniform.¶ The Chinese Exclusion Act of 1882 was emblematic of official American attitudes towards the Chinese, making Chinese Texans vulnerable to deportation at government whim as they were not legal American residents and by law were barred from becoming American citizens.¶ In March 9, 1916, **Pancho Villa** and his rebels crossed the border and killed eighteen American soldiers and civilians in Columbus, New Mexico. On March 15, 1916, Major General **John J. Pershing**, stationed at Fort Bliss, Texas, was ordered to pursue and capture Villa by President **Woodrow Wilson**.¶ This mission was known as the Mexican Punitive Expedition. Read the story of the Pershing Chinese some of whose descendants still live in Texas and the Southwest <https://bit.ly/3ZkVdLX>

Warrantless Surveillance and Border Harassment

1. FISA Section 702 - Warrantless Surveillance. In 2008, Congress enacted Section 702 of the Foreign Intelligence Surveillance Act (FISA). Its six-year reauthorization will expire on December 31, 2023.¶ According to the *Washington Post* on February 28, 2023, Section 702 allows the FBI and the National Security Agency to gather emails, text messages and other electronic data from U.S. tech firms like Google, Microsoft, Apple and Meta without a traditional warrant based on probable cause when the target is a foreigner overseas.¶ However, because the foreign target may have been in communication with a U.S. citizen or resident and the email may be in the database, the lack of a warrant requirement has long concerned privacy advocates.¶ Sen. **Ron Wyden** (D-Ore.) years ago dubbed that the "[backdoor search loophole](#)." As a result, many Chinese Americans are swept into this loophole.¶ Rep. **Pramila**

Jayapal (D-Wash.), chairwoman of the Congressional Progressive Caucus, this month tweeted “any FISA reauthorization must include meaningful reforms to protect Fourth Amendment rights.”¶ The “only way to fully protect Americans’ Fourth Amendment rights and prevent abuses is to require the government to obtain a probable-cause court order before performing U.S. queries,” the Brennan Center for Justice’s **Elizabeth Goitein** argued in [an article for the website Just Security](#).¶ The battle for reauthorization lies principally in the Republican-controlled House. Rep. **Jim Jordan** is chairman of the Judiciary Committee, which will have first crack at the Section 702 bill in the House.¶ Unlike previous rounds of Section 702 renewal, it is no longer clear that there is a majority in the House that is convinced of the value of the statute. Read the *Washington Post* report <https://wapo.st/3ZIQp34>

2. Border Harassment Reported. According to a report by the *Chronicle of Higher Education* on March 1, 2023, Advocates for Asian American academics are raising alarms about Chinese American researchers, and their families, being stopped and questioned when re-entering the United States.¶ The Asian American Scholar Forum said there have been “multiple incidents” in which scientists and professors have been “harassed or interrogated” at airports or other border crossings. The incidents, which have occurred over the last few months, have sparked fears that federal government scrutiny of researchers with ties to China is continuing, despite the end of the controversial China Initiative, the U.S. Department of Justice investigation of academic and economic espionage by China.¶ “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,” said **Gisela Perez Kusakawa**, the forum’s executive director.¶ The incidents, in which travelers were subjected to additional questioning, a process known as secondary screening, have occurred when scholars were returning to the United States after going abroad for professional reasons. The screenings have also happened following personal travel, and in some cases, academics’ family members have been pulled aside.¶ In one case, a graduate student was questioned by border officials about his lab’s research which is unrelated to national security. In another case, the young daughter of a Chinese American scholar traveling by herself was stopped for several hours and asked about her father’s work.¶ Border officers should receive anti-bias training, Kusakawa said. In the meantime, the group has organized a virtual session with immigration, national-security, and criminal-law experts to give Chinese American researchers information about what to do if they are stopped for secondary screening. Among the advice offered: Carry the name and contact information of a lawyer, travel with a laptop and phone that contain only necessary work materials, and log out of all social-media and email accounts when crossing the border.¶ Read the *Chronicle of Higher Education* report <http://bit.ly/3ZokiWz>

The House Select Committee on the Strategic Competition Between the United States and the Chinese Communist Party



According to [Reuters](#), the Select Committee held its first hearing on February 28, 2023. The Committee is chaired by Rep. **Mike Gallagher** (R-WI) with Rep. **Raja Krishnamoorti** (D-IL) as the Ranking Member. The Select Committee has 13 Republican and 11 Democratic members. It will not write legislation, but will draw attention to competition between the United States and China on a range of fronts and make policy recommendations.

The hearing had four witnesses:

1. **H.R. McMaster**, a retired Army lieutenant general who was former Republican President Donald Trump's national security adviser
2. **Matt Pottinger**, a long-time China hawk who was deputy national security adviser to Trump
3. **Yong Ti**, a Chinese human rights advocate
4. **Scott Paul**, president of the Alliance for American Manufacturing

The committee's leaders saw the hearing, the first of what is expected to be many over the next two years as Republicans hold control of the House, as part of an effort to convince Americans why they should care about competing with China, and to "selectively decouple" the U.S. and Chinese economies.

In his written testimony, Pottinger wrote that the committee must protect the rights of Chinese Americans by "standing up against bigotry and discrimination here at home." "Protect, also, Chinese nationals studying and working in the United States so they can enjoy the freedoms that so starkly distinguish the American way of life from the increasingly oppressive atmosphere in China today," Pottinger said.

Although the committee is bipartisan, some Democratic lawmakers have voiced concerns that it could fuel anti-Asian sentiment within the United States. Krishnamoorthi referred to such concerns, and the need for bipartisanship, in his remarks.

Read the *Reuters* report: <https://reut.rs/3ITV6Qw>

According to a report by *Asia Times* on March 2, 2023, there were five key takeaways from the hearing:

1. **The days of engagement are over.** Engagement had been the policy of successive governments from Nixon's landmark visit to China in 1972 onward. But there was a general acceptance among committee members that the policy is outdated and that it is time to adopt if not outright containment then certainly a more competitive policy. This proposed hardening of the US policy is driven by internal developments in China as well as any perceived external threat.
2. **Reframing the debate.** As Gallagher's remarks suggest, US issues with China was framed as a battle between two very different visions of society. The committee is clearly modeled on the January 6 House panel – for example, by airing hearings in prime time and with dramatic testimony from witnesses. The idea seems to be that the issue is of such importance that to pursue it successfully the U.S. public needs to be educated, invested and mobilized. As the US heads into the 2024 presidential race, both parties will be looking to stress how tough they are on the US's adversaries.
3. **Confronting China's leaders, not its people.** With anti-Asian sentiment having risen during the Covid-19 pandemic, US lawmakers are walking a fine line here – they will need to focus any criticism on Chinese leaders rather than its people. This balancing act may be more difficult in future hearings when issues of Chinese students at US universities, immigration and cooperation with China on certain scientific issues come up. That is when they will need to weigh concerns over Chinese espionage against not coming across as anti-Chinese visitors and immigrants.
4. **Reshaping policy on three fronts.** Although this first hearing was very much a table-setter, there were three broad policy recommendations implicit in the testimony: (a) Taiwan, (b) Economic Competitiveness, and (c) Human Rights.
5. **A boilerplate response from Beijing.** China's response to the committee's inaugural hearing was standard. In a statement, the foreign ministry in Beijing said it rejected Washington's attempt to engage in what it called a "Cold War" mindset. Chinese media also tried to make it sound as if anti-China policy is driven by special interests, including defense contractors and members of the Taiwanese diaspora. The narrative that the US is warmongering was aided by the interjection of two protesters from the Code Pink activist group, who held up a sign during the hearing stating that "China is not our enemy."

Read more about the *Asia Times* report: <http://bit.ly/3YoZwol>

Asian American Community News and Activities

1. Building A Sustainable Platform and Pipeline for AAPI Leadership in Higher Education. On March 9, 2023, a webinar will be convened as part of the 2023 Conference on Diversity, Equity and Student Success: Can We Handle Truth? Participants will learn about the importance of creating a platform for collaboration and synergy among AAPI leaders who have reached the position of president/chancellor in higher education, and a sustainable pipeline to support ascending AAPI leaders. Panelists are: **Ellen Junn**, President, California State University, Stanislaus; **Les Wong**, President Emeritus, San Francisco State University;

and **Frank Wu**, President, CUNY Queens College. **Joyce Moy**, Former Executive Director, Asian American/Asian Research Institute, CUNY, will moderate. Register for this workshop webinar: <http://bit.ly/3xPv6Rj>

2. 1990 Institute Video - Waves of Migration



Journey through the treacherous and brave path of the Asian Americans who came to the U.S. before us. At times, arriving freely and by choice. At times, arriving forcibly, coerced, or out of necessity. And for decades, excluded and barred from entry. Sometimes with a choice to stay, sometimes with no choice but to stay. Through the lens of the earliest surviving films and the eyes and pens of historical illustrators and photographers, see how, together as a community, they endured politics, imperialism, capitalistic development, and xenophobia. How their tenacity helped shape immigrant rights – not just for Asian Americans – but for many who are citizens of America today. The video is narrated by fifth generation Chinese American **Krista Marie Yu** and produced by the 1990 Institute. Watch the video: <http://bit.ly/3JdAAff> (15:55)

3. Workshop on Asian American Trailblazers in Civil Rights. On Wednesday, March 22, 2023, the [1990 Institute](#) and the [Alice Fong Yu Alternative School](#) invite middle and high school teachers to learn more about the Asian Americans who fought for civil rights that benefited all who call America home. By 2025, a majority of states will have requirements in place for Asian American and Pacific Islander studies be taught in school. This multifaceted event will highlight Asian American pioneers and the pivotal court cases that have changed the landscape of U.S. civil rights, including the U.S. Supreme Court decision in *United States v. Wong Kim Ark* (1898) that established the constitutional guarantee of birthright citizenship. The 125th anniversary of this landmark case is on March 28, 2023. Register for the event: <http://bit.ly/3ZpBLgN>

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