

# 2023/02/06 APA Justice Monthly Meeting

**APA Justice Meeting – Monday, 2023/02/06**  
**11:55 am Eastern Time / 8:55 am Pacific Time**

## Final Agenda

### 1. CAPAC updates

Speaker: Nisha Ramachandran, Executive Director, [Congressional Asian Pacific American Caucus](#)

Nisha reported that Texas members have brought CAPAC up to date on the Texas Senate Bill 147 and related issues. There is a lot of interest among CAPAC members. CAPAC is following the situation closely and looks forward to hearing more about the discussion. Nisha welcomes to connect separately on how CAPAC may be most helpful.

Nisha can be reached at [nisha.ramachandran@mail.house.gov](mailto:nisha.ramachandran@mail.house.gov). CAPAC Policy Advisor Casey Lee's email address is [Casey.Lee@mail.house.gov](mailto:Casey.Lee@mail.house.gov).

The Select Committee on Strategic Competition between the United States and the Chinese Communist Party has now been established, and members have been named. CAPAC will be watching the Committee closely. CAPAC is pleased to see CAPAC members on the Committee for whom it has been advocating. In addition, Congressman Raja Krishnamoorthi will take on the leadership role as ranking member of the Committee. CAPAC will work very closely with and support the members on the Committee.

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

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

John Yang was called away at the last minute and was not able to attend the meeting.

### 3. Update from Asian American Scholar Forum

Speaker: Gisela Kusakawa, Executive Director, Asian American Scholar Forum

Gisela and AASF expect the vulnerable situation to continue in the coming decade with rising tensions and anti-Asian sentiments.

First, AASF raised concerns after hearing about multiple incidents of Chinese American scientists, academics, and scholars and their families being harassed, or interrogated at ports of entry, mostly airports, with many community members being very concerned that they are being harassed or stopped based on their background or ethnicity. These incidents involved US citizens of Chinese descent.

Based on calls from the community, AASF hosted a “Know Your Rights” session last week with around 300 participants. AASF had about 100 more registrants who wanted to join, but some have asked for a video instead.

Much of the AASF membership is very concerned about these recent developments. So in partnership with NYU Law and Asia Institute, AASF is going to create a directory of stories. The AASF primary interest is the types of questions that you were asked by border agents. If you wish to share your stories at your comfort level, please contact Gisela at [gpkusakawa@asforum.org](mailto:gpkusakawa@asforum.org).

Second, AASF is also working on leadership development with the Asian American Institute for Congressional Studies with a potential webinar on political appointments to encourage Asian American scientists, researchers, and academics to take on public service leadership.

AASF has other projects focused on lifting up and encouraging leadership for Asian American scholars not just on defense work but education on the contributions of this community. AASF believes that ultimately this will be critical in combating the myth that Asian Americans are threats and perpetual foreigners.

Third, with regard to Feng “Franklin” Tao’s case, AASF submitted a letter to Judge Robinson and organized a press briefing that was led by United Chinese Americans. The AASF focus is to bridge the scientific and legal communities.

Gisela flagged a criticism and encouraged others to share with any similar patterns from the Government’s claim that because there was this potential time commitment that Dr. Tao allegedly failed to disclose, then it leads to questioning the validity of his research.

AASF's scientists and researchers came together and addressed this issue and helped educate the judge and made sure that she had the proper context.

AASF ultimately found that this is an unfounded claim. It is unjustified and reflects a lack of knowledge on the part of the prosecutors concerning the process of scientific research and the publication of its results.

One of the AASF concerns is that this sort of illogical thinking leads to more severe sentencing and more disparity for Asian American researchers.

AASF is pleased that Judge Robison agreed and there was no prison time for Dr. Tao.

AASF wants to make sure that judges and attorneys are well informed of the scientific and academic norms and standards.

Lastly, AASF has publicly condemned Purdue Northwest Chancellor when he mocked Asian languages at their graduation ceremony.

#### **4. Update on Forming Network of Asian American University Leaders**

Speakers:

- a. Les Wong, President Emeritus, San Francisco State University
- b. Frank Wu, President, Queen's College, City University of New York

- 2023/03/09-11 AACU: [Conference on Diversity, Equity, and Student Success](#)

Frank Wu reported that there is a dire need for a network of Asian American university leaders.

Asian Americans are reputed to be over-represented in higher education, but that is just not true. At leadership roles such as Deans, Provosts, Presidents, and Board members, Asian Americans are dramatically under-represented.

There are not Asian Americans at the table to start the change. So many of those who are in these roles are the first and only to be appointed.

Frank and others would like to change that. And it is possible to do it.

About 6 to 7 years ago, the City University of New York (CUNY) had a major conference on this very subject that led to the appointment of David Wu at Baruch College and Frank at Queens College. CUNY appointed two Asian Americans in one year, and they were the first in the system.

Frank wants to make concrete steps to make progress. This is how we can achieve the American dream. We need more Asian Americans in the executive roles.

Les Wong concurred with Frank's assessment. He has retired for 3 years after serving as president for 15 and a half years.

Les and a small group have been working hard to get the word out on perhaps a new organization or at least an effort to coordinate conversations between recently selected and appointed Presidents and Chancellors, and some are veterans.

There are two primary purposes.

The first purpose is to offer mentoring and mutual support to new appointees. There is currently no system to coordinate information among Presidents and Chancellors – a place they can turn to. Asian Americans might be the last ethnic group to establish such a system.

The second purpose is to build a pipeline. Les cited his experience as the lone Asian American on the NCAA President's Committee for 5 or 6 years. There were no athletic directors; there were no head coaches. He was the only one at the NCAA table.

In cooperation with the Asian American Research Institute at CUNY and the American Association of Colleges and Universities, the first virtual session will be held on March 9 at the AACU Conference on Diversity, Equity, and Student Success. There will be no charge.

As Les has told many of his own mentees, there are often high expectations and short fuses with Asian American presidents and chancellors. Minor things can cause stumbles and loss of appointments. He hopes to prevent that and help ensure continued and sustained leadership and invites others to join.

NOTE: YouTube video of the March 9 event is posted: <http://bit.ly/3YKHpcs> (1:26:19)

## 5. Reflections on Sherry Chen's Historic Settlement

Speaker: Michele Young, Attorney, Michele Young Law; Member of Sherry Chen Legal Team

She is an attorney and has her own law firm. Discrimination in any form is never acceptable to Michele Young. She represented Sherry Chen in an uphill fight in a civil lawsuit against the government as part of a national legal team. The case was eventually settled for 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.

We congratulate and salute Michele for her historic achievements in the Sherry Chen case. Michele shares her thoughts and reflections in the meeting.

- “There are times in history when people have stood up for what is right against hate, what it means to be an American, and what it means to be a human being.”
- “10 years ago Jeremy took a stand with an unknown scientist who have been falsely and wrongly accused of spying just because the color of her skin and her origin, and never gave up and dedicated his life to her and to everyone in her position. That is extraordinary.”
- “I want to thank Vincent (Wang) locally who works during the day as a computer scientist made it his mission and succeeded to make Ohio, despite the bigotry, despite the hatred, a haven for Asian Americans. Thanks to him, I have gained such inspiration and such hope from their work organizing in Ohio in every way, which means from demonstration to internships, to leadership programs for high school kids. Ohio has become a place where Asian American teens, children, adults, and their heroes come together to make this a better place.”
- “I am from the Jewish background. I am not Asian American. My ancestors were exposed to bigotry.”
- “I was invited to come to a schoolroom in Mason to hear about Sherry Chen, who was there with her husband. This beautiful scientist, so honorable, so noble, and her husband [he has passed away].”
- “It was a session not on Sherry Chen but on how Asian Americans can protect themselves against false charges of being spies.”
- “This was 2017. The idea that this could happen to any American in this country - these scientists, these doctors, these incredible givers to our community that they were afraid of being called spies...I joined Vince and others to hold demonstrations.”



- “Then I got a call from Sherry. She said she had won the labor case. It was on appeal, but she had won... She had fought back the Government on false criminal charges, but she wanted more.”
- “Sherry wanted to change the nation. She wanted a civil rights case, a constitutional case, a case that challenged America to be better than it was, and without even looking at the laws, though with an interview with the very good, very noble lawyer who became my co-counsel, I signed on.”
- “I found quickly that the law was wildly against us. I also found that the prejudices towards Asian Americans had gone back decades in our legal books. The ability for the U. S. Government to turn this upside down and ruined people's lives have gone unchecked.”
- “So with my co-counsel [Peter Toren], who was really the leader here in many ways, in writing and in spirit, we decided that we would challenge a nation, that we would put seventy-page responses to a motion to dismiss.”
- “We would look up every law and try to fight for her any way we could, because this was so deeply wrong that we did not want to let her go until she found justice.”
- “We wrote, we researched, we tried to keep it in court.”
- “This really was a constitutional case. It was not just a labor case. It was not just a civil rights case. It was bigger.”
- “We got a call from Senator Wicker’s counsel, and he wanted to help. We saw even our brief, which was still sitting waiting to be decided on in a courthouse in Ohio, was now featured in a Senate report.” NOTE: Senator Roger Wicker was then Republican Ranking Member from Mississippi at the Senate Commerce, Science and Transportation Committee. Michele spoke to Senator Wicker’s counsel for an hour about being an American. The Minority Staff of the Senate Committee conducted an investigation of abuse and misconduct at the Department of Commerce.

- “We got a call from Raskin. I had reached out earlier to him.” NOTE: Rep. Raskin was then Chair of the House Subcommittee on Civil Rights and Civil Liberties which held a hearing where Sherry Chen provided a testimony.
- “We also reached out. This time to ACLU and its leaders to say we can make history and we can change things. Will you join us? ACLU said we will join and we will take the lead and be the face of the case.”
- “We said yes. They can do more than what we two people ever could do, and we stayed on... I stayed on and worked pro bono to this day.”
- “In the end, I was back in Mason about two weeks ago. It was a celebration for Sherry and everyone who joined us.”
- “The kids, the children, now 6 or 7 years older, the adults, the extraordinary Vincent Wang, the How Kong (?), the Lee Ling Key (?), the many people who dedicate themselves to the cause.”
- “They are toasting our victory. I thought, My God, not only had it become part of this incredible community, but I had seen Sherry, who stood up against an evil and refused to accept less than justice on every level, had won, and that my counsel and her co-counsel Peter Toren had helped in extraordinary ways.
- When I called Peter Toren, I said all the cases were against us. But I found cases from the 1800s that I can support his 1900s. I said, “are you in?” He said, “for the rest of my life, I am in. We will keep on going until the law matches justice.”
- “I was so honored to be with Peter, a co-counsel who cares so much, and honored to be part of this extraordinary team which I helped invite, that I became part of, and that had pre-existed before me that won the labor case. I was so honored to be part of this project, but most of all to be part of this community of people who trusted me regardless of the color of my skin or my background to not let you down.”
- “I hope that I did my share and that for Sherry, who dedicated her life to justice for all, for the American people, for vindication on a larger level. She always said, this is for all people. This is about history. She said, when I win, I win with all my lawyers, and you will be standing next to me, and it will be for America, not just me.”
- “I am thankful that she invited us for this opportunity. It is not just for Asian Americans. It is for Jews. It is for Blacks. It is for Hispanics. It is for every person in American who wants to be treated with righteousness.”
- “And thank Sherry for never giving in, and never giving up, and insisting on justice, regardless.”

## 6. What is Happening in Texas - Senate Bill 147

Speaker: Gene Wu, Member, Texas House of Representatives

- APA Justice: [Discriminatory Alien Land Laws](#)
- APA Justice: [1913 California Alien Land Law](#)
- 2023/01/20: [Fort Bend County Justice Center, Richmond, Texas](#)
- 2023/01/23: [Houston City Hall, Houston, Texas](#)
- 2023/01/29: [Texas State Capitol, Austin, Texas](#)
- 2023/01/29: [John F. Kennedy Memorial Center, Dallas, Texas](#)

Asian American groups and other communities across Texas are building a coalition. They have been rallying against Texas Senate Bill 147 on "Relating to the purchase of or acquisition of title to real property by certain aliens or foreign entities."

As part of the expansion of the Chinese Exclusion Act of 1882, California enacted the Alien Land Law in 1913, barring Asian immigrants from owning land. Other states followed with their discriminatory laws restricting Asians' rights to hold land in America. These laws remained in place until the 1950s, some even longer.

Rep. Gene Wu has been a leading voice for the broader communities and all Texans. What do we know about Texas SB 147? He gave an update on the latest developments which was followed by a robust Q&A session.

A video of this portion of the meeting is posted at <https://bit.ly/3DVEdu6> (video 56:48)