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2024/08/05 APA Justice Monthly Meeting

The next APA Justice monthly meeting will be held via Zoom on Monday, August 5, 2024, starting at 1:55 pm ET.

In addition to updates by **Nisha Ramachandran**, Executive Director, Congressional Asian Pacific American Caucus (CAPAC); **Joanna YangQing Derman**, Director, Advancing Justice | AAJC; and **Gisela Perez Kusakawa**, Executive Director, Asian American Scholar Forum (AASF), confirmed speakers are:

- **Franklin Tao**, former Professor of Kansas University, Victim of China Initiative; **Hong Peng**, Wife of Professor Tao
- **Ann S. Chao**, Co-founder, Friends of the National Asian Pacific American Museum; Program Manager, Houston Asian American Archive, Rice University
- **Sonal Shah**, Chief Commissioner, President's Advisory Commission on AANHPI; CEO, Texas Tribune

The virtual monthly meeting is by invitation only. It is closed to the press. 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.

Professor Franklin Tao was the first academic scientist indicted under the China Initiative. It took him almost 5 years to clear all 10 charges against him, the last of which was overturned by the 10th Circuit Appeals Court on July 11, 2024. None of the charges were related to espionage or the transfer of sensitive information to China. On July 23, 2024, a [press conference](#) was held on Capitol Hill following Professor Tao's [recent victory](#) in a federal court appeal. Franklin and his wife Hong will share their thoughts and remarks about their experience and plans.

Anne S. Chao is a modern Chinese historian, and currently an Adjunct Lecturer in the

Humanities at Rice University, and co-founder and manager of the [Houston Asian American Archive](#) at Rice University. She is a co-founder of the [FRIENDS of the National Asian Pacific American Museum](#), whose goal is to establish a national AAPI museum on the nation's Mall in Washington DC. Anne serves on the boards of the Houston Ballet, Wellesley Colleges, the National Archives Foundation, the Dunhuang Foundation among others. Ann will update us on her activities.

[President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders](#) was created in 2021 under Executive Order (EO) 14031 to advance equity, justice, and opportunity for Asian American, Native Hawaiian, and Pacific Islander (AANHPI) communities. Sonal returns to update us about the Commission as Chief Commissioner.

The Privacy Lawsuit of Dr. Yanping Chen



Yanping Chen 陈燕平

Chen v. Federal Bureau of Investigation
[1:18-cv-03074](#)

District Court, District of Columbia
Date Filed: Dec. 21, 2018
Date Ended:

APA Justice is compiling stories of scientists and individuals impacted by racial profiling for its new website under construction.

One of these individuals is Dr. **Yanping Chen**. She was not charged after six years of FBI investigations started in 2010. Dr. Chen filed a lawsuit against the Government for violating the Privacy Act, which has been ongoing since 2018.

Dr. Chen, a naturalized U.S. citizen born in China, was a cardiologist and medical researcher for the Chinese astronaut program. She became a lawful permanent resident in 1993 and a U.S. citizen in 2001.

In 1998, she founded the University of Management and Technology in Arlington, Virginia, to provide secondary and graduate education to working adults.

In 2010, Dr. Chen became the focus of an FBI investigation. After six years of investigations, including searches of her home and office, she was informed that no charges would be filed against her in 2016.

However, beginning in 2017, *Fox News* aired a series of reports by **Catherine Herridge**, based on leaked FBI materials, that suggested she was spying for China, causing her significant personal, professional and financial harm.

On December 21, 2018, Dr. Chen filed a lawsuit against the FBI, Department of Justice, Department of Defense, and Department of Homeland Security. *Fox News* and Catherine Herridge, while not defendants in the lawsuit, were subpoenaed to reveal the source of the leaks after deposing 18 government employees failed to identify the source.

On August 1, 2023, U.S. District Court Judge **Christopher Cooper** ruled that Catherine Herridge must participate in a deposition to reveal her source.

“The Court recognizes both the vital importance of a free press and the critical role that confidential sources play in the work of investigative journalists like Herridge. But applying the binding case law of this Circuit, the Court concludes that Chen’s need for the requested evidence overcomes Herridge’s qualified First Amendment privilege in this case. The identity of Herridge’s source is central to Chen’s claim, and despite exhaustive discovery, Chen has been unable to ferret out his or her identity. The only reasonable option left is for Chen to ask Herridge herself,” the ruling said.

On February 29, 2024, Judge Cooper held Catherine Herridge in civil contempt for refusing to divulge her source for her 2017 series of *Fox News* reports. He imposed a fine of \$800 per day until Catherine Herridge reveals her source, but the fine will not go into effect immediately to give her time to appeal.

Dr. Yanping Chen has faced a 14-year struggle for justice and fairness since the FBI began investigating her in 2010.

Once Dr. Chen's web page is fully implemented, it will be shared for review. Watch this newsletter for the latest developments. The legal docket of Dr. Chen's lawsuit is located here: <https://bit.ly/3ufnqUP>

AP: Noncitizens are Less Likely to Participate in a Census with Citizenship Question, Study Says



According to *AP* on July 25, 2024, adding a citizenship question to the census reduces the participation of people who are not U.S. citizens, particularly those from Latin American countries as Republicans in Congress are pushing to add such a question to the census form. The next census will be taken in 2030.

Noncitizens who pay taxes but are ineligible to have a Social Security number are less likely to fill out the census questionnaire or more likely to give incomplete answers on the form if there is a citizenship question, potentially exacerbating undercounts of some groups, according to a research paper released by researchers at the U.S. Census Bureau and the University of Kansas.

Excluding people who are not citizens from the census count tilts political power and the distribution of federal funds in the United States. The 14th Amendment requires that all people are counted in the census, not just citizens.

During debate earlier this month at a House appropriations committee meeting, Democratic U.S.

Rep. **Grace Meng** of New York described the efforts to exclude people in the country illegally as “an extreme proposal” that would detract from the accuracy of the census. “Pretending that noncitizens don’t live in our communities would only limit the crucial work of the Census Bureau and take resources away from areas that need them the most,” Meng said.

The Trump administration unsuccessfully attempted to add a citizenship question to the 2020 census questionnaire. It was [blocked](#) by the Supreme Court in 2019.

At the moment, the citizenship question is part of a separate detailed annual sample of a small chunk of the population (about 3.5 million addresses each year), the American Community Survey.

Read the AP report: <https://bit.ly/3SmxMAP>

News and Activities for the Communities

1. APA Justice Community Calendar

The screenshot displays the APA Justice Public Events calendar for July 2024. The calendar view shows a grid of events from July 25 to September 19. A detailed list of events is shown on the right side of the calendar view.

Date	Event
Thursday, July 25	Leadership Convention by NAAAP (National Association of Asian American Professionals)
Friday, July 26	Leadership Convention by NAAAP (National Association of Asian American Professionals)
Saturday, July 27	Leadership Convention by NAAAP (National Association of Asian American Professionals)
Saturday, July 27	Asian American Pioneer Medal Symposium and Ceremony
Sunday, July 28	Leadership Convention by NAAAP (National Association of Asian American Professionals)
Sunday, July 28	Asian American Pioneer Medal Symposium and Ceremony
Sunday, August 4	Rep. Gene Wu's Town Hall meeting
Monday, August 5	APA Justice Monthly Meeting
Thursday, August 8	President's Advisory Commission Public Meeting
Monday, August 19	APIA/Note: DNC Convention, AAPI Briefing & Reception, Chicago, IL
Sunday, September 1	Rep. Gene Wu's Town Hall meeting
Monday, September 9	APA Justice Monthly Meeting
Thursday, September 19	APA Justice Monthly Meeting

Upcoming Events:

2024/07/25-28 Leadership Convention by NAAAP (National Association of Asian American Professionals)

2024/07/27-28 Asian American Pioneer Medal Symposium and Ceremony

2024/08/04 Rep. Gene Wu's Town Hall Meeting

2024/08/05 APA Justice Monthly Meeting

2024/08/19 DNC Convention, AAPI Briefing & Reception, Chicago, IL

2024/09/01 Rep. Gene Wu's Town Hall Meeting

2024/09/09 APA Justice Monthly Meeting

The Community Calendar has moved. Visit <https://bit.ly/3XD61qV> for event details.

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