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## 2023/04/03 APA Justice Monthly Meeting

The next APA Justice monthly meeting will be held on Monday, April 3, 2023, starting at 1:55 pm ET.

Confirmed speakers include:

- **Nisha Ramachandran**, Executive Director, Congressional Asian Pacific American Caucus (CAPAC)
- **John Yang 杨重远**, President and Executive Director, Advancing Justice | AAJC
- **Gisela Kusakawa**, Executive Director, Asian American Scholar Forum
- **Robert Underwood**, Member, President's Advisory Commission on AANHPI; Former President, University of Guam; former Chair, CAPAC; Co-Chair of the United States Institute of Peace China-Freely Associated States Senior Study Group
- **John Liu 刘醇逸**, Senator, New York State Senate
- **Paula Williams Madison**, Former Print and TV Journalist, Retired NBCUniversal Executive and GE Company Officer, Former Vice President of the Los Angeles Police Commission and Owner of The Africa Channel

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](mailto:contact@apajustice.org).

## Opposing Texas SB 147 and Related Discriminatory Bills



The UCA Action, a sister organization of the United Chinese Americans (UCA), is launching a media campaign against Texas Senate Bill 147 and other discriminatory bills in Texas. This campaign will soon come to the other states where similar bills have been introduced. According to UCA Action, this is a defining moment for our community as we seek equal protections under the law. This is an opportunity to join the Chinese American civil rights movement. The future of our community depends on each and every one of us rising up to this historic challenge. Visit the UCA Action website at: <http://bit.ly/3G60QGg>

**Federal Level of Texas SB147.** On March 30, 2023, Senator Tom Cotton (R-Arkansas), along with Senator Katie Britt (R-Alabama), introduced the [Not One More Inch or Acre Act](#), legislation. The bill prohibits the purchase of public or private real estate by any Chinese citizen, Chinese Communist Party (CCP) entity, or CCP agent. It is essentially a federal version of Texas SB 147.

## ***New York Times* Editorial: "Who Benefits From Confrontation With China?"**



According to an editorial published by the Editorial Board of the *New York Times* on March 11, 2023, America's increasingly confrontational posture toward China is a significant shift in U.S. foreign policy that warrants greater scrutiny and debate.

For most of the past half-century, the United States sought to reshape China through economic and diplomatic engagement. The Biden administration, by contrast, has shelved the idea that China can be changed in favor of the hope that it can be checked.

The White House has moved to limit economic ties with China, to limit China's access to technology with military applications, to pull back from international institutions where the United States has long sought to engage China and to strengthen ties with China's neighbors. In recent months, the United States has restricted semiconductor exports to China, and it moved ahead with plans to help Australia obtain nuclear submarines. The administration also is seeking to impose new restrictions on American investments in certain Chinese companies. In treating China as a growing threat to American interests, it is acting with broad support, including from

leading Republicans, much of the military and foreign policy establishments, and a growing portion of the business community.

It is true that engagement with China has yielded less than its proponents hoped and prophesied. China also is demonstrating a greater willingness to engage in worrying provocations and sailing a balloon over the United States.

Yet the relationship between the United States and China, for all its problems, continues to deliver substantial economic benefits to the residents of both countries and to the rest of the world. Moreover, because the two nations are tied together by millions of normal and peaceful interactions every day, there is a substantial incentive to maintain those ties and a basis for working together on shared problems like climate change.

Americans' interests are best served by emphasizing competition with China while minimizing confrontation.

Chinese actions and rhetoric also need to be kept in perspective. By the standards of superpowers, China remains a homebody. Its foreign engagements remain primarily economic. China has been playing a much more active role in international affairs in recent years, but China continues to show strikingly little interest in persuading other nations to adopt its social and political values.

There are also signs that China's leaders are not united in supporting a more confrontational posture. It behooves the United States to reassure those who may be open to reassurance. America and China are struggling with many of the same challenges: how to ensure what President Xi Jinping has termed "common prosperity" in an age of income inequality; how to rein in the worst excesses of capitalism without losing its vital creative forces; how to care for an aging population and young people who want more out of life than work; how to slow the pace of climate change and to manage its disruptive impacts, including mass migration.

The core of America's China strategy, building stronger relationships with our allies, is sound policy. Over time, the United States ought to seek a greater alignment between its economic interests and other national goals. But the United States should not pull back from forums where it has long engaged China.

Declining to support the World Trade Organization is a mistake. The construction of a rules-based international order, in which America played the leading role, was one of the most important achievements of the 20th century. It cannot be preserved if the United States does not continue to participate in those institutions.

The Biden administration's continuation of Trump-era restrictions on trade with China, and its imposition of a host of new restrictions, is also a dubious strategy.

The confrontational turn also makes it harder for the United States and China to cooperate on addressing climate change and on other issues where national interests could plausibly align.

Much of the shift in China policy has been justified as necessary for national defense. National security considerations can provide a legitimate rationale for limiting some types of trade with

China. But it can also provide a legitimizing vocabulary for protectionist measures that are not in the interest of Americans. In the long term, the best guarantee of American security has always been American prosperity and engagement with the rest of the world.

That's true for China, too.

Read the New York Times editorial: <https://nyti.ms/3K2svJm>

### 2003 Academy Award-Winning Best Documentary - The Fog of War



THE FOG OF WAR is the story of America as seen through the eyes of the former Secretary of Defense, under President **John Kennedy** and President **Lyndon Johnson**, **Robert S. McNamara**. McNamara was one of the most controversial and influential political figures of the 20th century. In the documentary, he offered a candid and intimate journey through some of the most seminal events in American history. As leader of the world's most powerful military force during one of this nation's volatile periods, McNamara offers new and often surprising insights into the 1945 bombing of Tokyo, the Cuban Missile Crisis, and the effects of the Vietnam War. THE FOG OF WAR won the Academy Award for Best Documentary Feature in 2003

**In a preview of the documentary, McNamara was asked, "have you ever been wrong, sir?" At the end of the preview, McNamara said, "we saw Vietnam as an element of the Cold War, not what they saw it as a civil war. We were wrong."**

Watch the preview of THE FOG OF WAR: <https://imdb.to/3JTpsED>

## Disturbing *Science* Interview with OSTP Director Arati Prabhakar

**Arati Prabhakar** was confirmed by the Senate to serve as the Director of the White House Office of Science and Technology (OSTP) on October 3, 2022. According to a report

by *Science* on March 28, 2023, she laid out her vision for the \$700-billion-a-year enterprise in her first extended media interview on March 24, 2023.

The daughter of Indian immigrants who came to the United States when she was 3 years old, Prabhakar flagged a more diverse scientific workforce as another essential ingredient. But Prabhakar offered no olive branch to those scientists of Chinese ancestry who feel the U.S. government has unfairly targeted them in seeking to thwart China's efforts to overtake the United States in science and innovation.

Earlier on March 23, 2023, *Science* [reported](#) that the National Institutes of Health (NIH) conducted its own version of the "China initiative" and has upended hundreds of lives and destroyed scores of academic careers. **Michael Lauer**, NIH Deputy Director for Extramural Research, led the NIH "China Initiative." He has also been a Co-Chair of the National Science and Technology Council's Subcommittee on Research Security, working closely with OSTP for the past two plus years.

Also on March 23, 2023, a *Science* [editorial](#) called for the federal government to account for NIH's xenophobic program to harm Chinese scientists and cut off international scientific cooperation.

In the original excerpt from the *Science* interview with Arati Prabhakar:

**Q: Do you think that Chinese-born scientists working in the United States have been unfairly persecuted as agents of the Chinese Communist Party and are owed some kind of apology from the government?**

**A:** I'm not in a position to comment on that. I don't know enough about it. I don't think it's our role to determine precisely what happened in the past. ... But the world has changed, and [China] has taken actions that are very concerning. And it's very much our role to find a path forward for research security, one that treats people with respect but that also wrestles with this very tough issue.

The subsequent revised excerpts from the *Science* interview with Arati Prabhakar:

**Q: Anything new on research security?**

**A:** It is one of the hardest issues that everyone is grappling with right now ... because of the changes that have happened in the world, the competition that we're in, and clear actions [by China] that are concerning. And there's no place for xenophobia and people have to be treated fairly.

**Q: In that regard, do you think Chinese-born scientists working in the United States have been unfairly persecuted as agents of the Chinese Communist Party and are owed some kind of apology from the government?**

**A:** I'm not in a position to comment on that. I don't know enough about [specific cases]. I don't think it's OSTP's role to determine precisely what happened in the past. ... [But] it's very much our role to find a path forward for research security, one that treats people with respect but that

also wrestles with this very tough issue. And we're doing that work, because I think it has to get done.

**Note by Science: Update, 29 March, 5:10 p.m.:** This story has been revised to include additional comments by Arati Prabhakar on research security and to clarify her response to a question about how Chinese-born scientists have been treated.

For the many Chinese-born scientists who have been unfairly persecuted, their past sufferings are still their present and future that must not be ignored.

Read the *Science* report: <https://bit.ly/40rTbu3>

## Two New Bills on TikTok and Beyond: The DATA Act and RESTRICT Act

According to a report by *Lawfare* on March 23, 2023, on February 24, Rep. **Michael McCaul** (R-Texas) introduced the [Deterring America's Technological Adversaries \(DATA\) Act](#), which would provide the president with more authorities to block transactions associated with the import or export of Americans' "sensitive data" where there are national security risks. The bill quoted previous, public comments from FBI Director **Christopher Wray**, Director of National Intelligence **Avril Haines**, and CIA Director **Bill Burns** that they believe TikTok presents national security risks to the United States.

On March 1, 2023, the American Civil Liberties Union (ACLU) [condemned](#) the DATA Act, due to First Amendment concerns. **Jenna Leventoff**, senior policy counsel at ACLU, issued the following statement: "We're disappointed that the House Foreign Affairs Committee voted to approve a bill that would effectively ban TikTok in the United States, in violation of Americans' First Amendment rights. We urge legislators to vote no on this vague, overbroad, and unconstitutional bill."

On March 7, Sen. **Mark Warner** (D-Va.) and Sen. **John Thune** (R-S.D.), along with 10 other senators, introduced the [Restricting the Emergence of Security Threats that Risk Information and Communications Technology \(RESTRICT\) Act](#). It would authorize the secretary of commerce to review and prohibit certain transactions between persons in the U.S. and foreign adversaries, focused on information and communications technologies (ICTs) that pose risks to U.S. national security—put simply, investigating tech products and services that could pose national security risks. The bill did not name TikTok specifically, but it was clearly one of the companies in mind when the bill was written.

According to a [press release](#) by ACLU on March 7, 2023, the RESTRICT Act would significantly expand the Executive Branch's power to control what apps and technologies Americans can access, while limiting Americans' ability to challenge those actions in court. It would also impose civil and criminal penalties for violating bans imposed pursuant to the legislation, which could be

used against people attempting to evade a TikTok ban. Jenna Leventoff said in the press release, "the Senate bill would ultimately allow the Commerce Secretary to ban entire communications platforms, which would have profound implications for our constitutional right to free speech. If the Secretary uses this newfound power to ban TikTok or other communications platforms without evidence of overwhelming, imminent harm, it would violate our right to freedom of expression."

Read the *Lawfare* report: <http://bit.ly/3ZqsaG1>

**1. Republican Senator Rand Paul blocks bid to ban Chinese-owned TikTok.** According to a report by *Reuters* on March 29, 2023, U.S. Republican Senator **Rand Paul** blocked a bid to fast-track a ban of popular Chinese-owned social media app TikTok, which more than 150 million Americans use, citing concerns about free speech and uneven treatment of social media companies.

"I think we should beware of those who use fear to coax Americans to relinquish our liberties," Paul said on the Senate floor. "Every accusation of data gathering that has been attributed to TikTok could also be attributed to domestic big tech companies."

"If Republicans want to continuously lose elections for a generation they should pass this bill to ban TikTok -- a social media app used by 150 million people, primarily young Americans," Paul said on the Senate floor. "Do we really want to emulate Chinese speech bans?... We're going to be just like China and ban speech we're afraid of?"

A small but growing number of Democrats and Republicans have raised concerns, citing free speech and other issues and have objected to legislation targeting TikTok as overly broad.

Read the *Reuters* report: <https://reut.rs/3nB8FNZ>

**2. TikTok creators, some U.S. Democratic lawmakers oppose ban on app.** According to a report by *Reuters* on March 22, 2023, TikTok creators and three U.S. Democratic Party lawmakers said they opposed any potential ban on the Chinese-owned short video sharing app that is used by more than 150 million Americans.

Representatives **Jamaal Bowman**, **Mark Pocan** and **Robert Garcia** and TikTok creators called at a press conference in Washington for broad-based privacy legislation that would address all large social media companies.

"Why the hysteria and the panic and the targeting of TikTok?" Bowman asked. "Let's do the right thing here - comprehensive social media reform as it relates to privacy and security."

Creators talked about posting videos of baking cakes or selling greeting cards to TikTok followers. Some held up signs saying TikTok benefits small businesses. TikTok says 5 million businesses use the app.

TikTok creator **Jason Linton** uses TikTok to share videos of his three adopted children in Oklahoma and has interacted with people around the world.

"I am asking our politicians - don't take away the community that we've all built - a community that lasts, that loves," Linton said at the press conference.

Pocan said a "xenophobic witch hunt" is motivating some in Congress to seek a TikTok ban. "Banning TikTok isn't the answer. Making sure Americans data is safe is," he said.

Senator **Ed Markey**, a Democrat, said on the Senate floor that TikTok is a threat that needs to be addressed but it is not the only surveillance threat to young people. That position "is deliberately missing the Big Tech forest for the TikTok trees."

Read the *Reuters* report: <https://reut.rs/3TZoc67>

## News and Activities for the Communities



On March 21, 2023, the 1882 Foundation presented *The Summit Tunnel: Diversity and Pride in Building the American Nation*, a film screening and reception event featuring film screenings and discussions with subject matter experts on the Summit Tunnel, a historic part of the Transcontinental Railroad constructed through the Sierra Nevada mountains by largely unrecognized Chinese workers. The Summit Tunnel is a critical cultural and historical site to Chinese Americans, but is threatened by graffiti defacement and a lack of preservation. Watch the video: <https://bit.ly/3TXqJV8> (1:19:49)

**2. The Data Delusion.** On March 27, the *New Yorker* published a report on *The Data Delusion*. **Jill Lepore**, Professor of History at Harvard University, asks "What's the price to humanity of uploading everything anyone has ever known onto a worldwide network of tens of millions or billions of machines and training them to learn from it to produce new knowledge?" The report goes through the history of data science, and examines the ways that humans have been collecting information—long before A.I. became the latest obsession. Even modern tools, with their bits and bytes of magic, have limits. It explores how ambitious endeavors in the field may eventually overwhelm us, and surveys the genius and folly of modern innovators. It turns out there is plenty of value left in older forms of knowledge. No one, after all, wants to sound like the disgraced cryptocurrency investor Sam Bankman-Fried, who



declared in an interview last year, “I would never read a book.” Read the *New Yorker* report: <http://bit.ly/3zluqUr>

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