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2024/01/08 APA Justice Monthly Meeting

The next APA Justice monthly meeting will be held via Zoom on Monday, January 8, 2023, starting at 1:55 pm ET.

In addition to updates by **Joanna Derman**, Director, Advancing Justice | AAJC and **Gisela Perez Kusakawa**, Executive Director, Asian American Scholar Forum (AASF), confirmed and invited speakers include:

- Rep. **Judy Chu** 赵美心, Chair of the Congressional Asian Pacific American Caucus, to kick off the New Year with us by reviewing 2023 and looking to what is ahead in 2024.
- **Haipei Shue** 薛海培, President, United Chinese Americans (UCA), **Hongwei Shang** 商红伟, and **Echo King** 金美声, Co-Founders of Florida Asian American Justice Alliance (FAAJA) to give us a report on the December 16 Justice4All protest in Miami.
- **Ted Gong**, Executive Director of the 1882 Foundation, will introduce the 1882 Project, 1882 Foundation, and its upcoming activities in 2024, and **Martin Gold**, Pro Bono Counsel, 1882 Project; Partner, Capitol Counsel, LLC, on a future lecture.

- Dr. **Yawei Liu 刘亚伟**, Senior Advisor, China Focus, Carter Center to introduce us to the China Focus at the Carter Center and the upcoming Conference for the 45th Anniversary of U.S.-China Relations in Atlanta.

The 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.

Justice4All Protest in Miami - A Call for Unity Against Racism



December 16, 2023, was a stormy day in Miami, but hundreds from the state of Florida and across the nation gathered at The Torch of Friendship to protest the unfair legislation of SB264 and SB846.

SB 264 was passed by the Florida legislature and signed into law by Governor **Ron DeSantis**, marking a troubling return to discriminatory policies reminiscent of the Chinese Exclusion Act. It unfairly restricts most Chinese citizens — and most citizens of Cuba, Venezuela, Syria, Iran, Russia, and North Korea — from purchasing homes in the state. SB 264 has raised significant concerns. Violations of the ban could result in severe civil and criminal penalties, including imprisonment of up to 5 years. Moreover, SB 264 mandates property registration, threatening law-abiding, taxpaying AAPI community members with an unprecedented and unreasonable penalty of \$1,000 per day if their properties remain unregistered by December 31st, 2023.

A lawsuit has been filed in the Northern District Court of Florida, arguing that SB 264 codifies and expands housing discrimination against people of Asian descent in violation of the Constitution and the Fair Housing Act.

SB 846 [put a roadblock](#) in the path of Florida's public universities hiring Chinese graduate students and postdocs, which has sparked serious concerns among Florida's academicians.

Both state laws remind the communities of the era of the Chinese Exclusion Act when Chinese Americans and Asian Americans were subject to decades of discrimination and denied their lawful and constitutional rights.



Leaders of the Chinese American community from across the country actively participated in this event, delivering inspirational speeches. Prominent figures included Congresswoman **Judy Chu**, former presidential candidate **Andrew Yang**, Texas State Representative **Gene Wu**, UCA President **Haipei Shue**, Co-founder of CALDA (Chinese American Legal Defense Alliance) attorney **Clay Zhu**, and North Miami Beach City Commissioner candidate **Lynn Su**. In addition, representatives from many organizations such as CASEC (The Chinese Association of Science, Education and Culture of South Florida), FAAJA (Florida Asian American Justice Alliance), The Yick Wo Institution, NAACP (The National Association for the Advancement of Colored People), LULAC (The League of United Latin American Citizens), and ACLU (The American Civil Liberties Union), lent their voices to the cause. The rally also saw strong support from African American, Indian American, Caribbean, Jewish, Cuban and other Hispanic communities, as well as professors from Florida's public universities such as University of Florida, Florida State University, and Florida International University.

Despite adverse weather conditions, impassioned speeches resonated through the crowd, delivering a clear and unified message: Florida must reject the echoes of a new Chinese Exclusion Act. The rally opened and closed with a powerful group sing-along of the civil rights anthem "We Shall Overcome," symbolizing the collective strength and determination of Chinese Americans to overcome adversity.

Visit the FAAJA website at <https://www.fajja.org/> and read a press statement by The North American Economic Herald Media Group: <https://prn.to/3H27hdt>

Asian American Officials Cite Unfair Scrutiny and Lost Jobs in China Spy Tensions



As a State Department employee, Representative Andy Kim, Democrat of New Jersey, was barred from working on issues involving the Korean Peninsula. Sarahbeth Maney/The New York Times



Sherry Chen, a China-born American hydrologist, won a \$1.8 million settlement from the Commerce Department after officials there falsely portrayed her as a spy for China. Maddie McGarvey for The New York Times

According to the *New York Times* on December 31, 2023, national security employees with ties to Asia say U.S. counterintelligence officers wrongly regard them as potential spies and ban them from jobs.

When **Thomas Wong** set foot in the United States Embassy in Beijing this summer for a new diplomatic posting, it was vindication after years of battling the State Department over a perceived intelligence threat — himself.

Wong, a U.S. diplomat, faced a ban from working in China due to alleged concerns of foreign influence and preference. With a background in Chinese language and experience in the military, Wong aimed to contribute significantly to U.S.-China relations. However, he discovered that numerous Asian American diplomats encountered similar restrictions based on vague reasons provided during the security clearance process. This issue extends beyond the State Department, affecting various U.S. government agencies involved in national security and foreign policy. Employees with ties to Asia, regardless of their relevance, feel unfairly targeted by U.S. counterintelligence, limiting their potential contributions in crucial diplomatic, intelligence, and security roles.

The concerns, notably raised by Asian American diplomats, led to bipartisan legislation attempting to address the problem. The military spending bill of December 14 includes language pushed by Representative **Ted Lieu**, Democrat of California, intended to make the department more transparent in its assignment restriction and review processes. While there have been instances of bans being reversed, many State Department employees still face restrictions

without clear explanations. Additionally, counterintelligence officers can recommend bans based on investigations into job offers from countries deemed intelligence threats.

The situation highlights the debate between addressing security risks and utilizing individuals with valuable language skills and cultural backgrounds to serve national interests. Despite some reversals, the issue of restrictive bans for government employees with Asian connections remains a point of contention within U.S. national security agencies.

The *New York Times* report highlights instances of discrimination and suspicion faced by FBI counterintelligence officers due to their Chinese background. This issue has been exacerbated by concerns about Chinese espionage, leading to the establishment of the Justice Department's "China Initiative." This initiative involved investigating numerous ethnic Chinese scientists, often resulting in charges that were eventually dropped, causing harm to their careers and reputations. Despite the closure of the "China Initiative" in 2022, similar processes within national security agencies, occurring within secretive security clearance and assignment vetting, continue to impact individuals.

Critics argue that the scrutiny faced by individuals with ties to China is unjustified, citing demographic shifts in the American population and emphasizing that having family in China does not inherently make someone susceptible to becoming a Chinese intelligence asset. However, some officials defend these security clearance denials or job restrictions, citing concerns about the Chinese government pressuring foreign citizens by targeting their family members in China.

Legislation in 2021 revealed that the State Department had imposed the most restrictions for postings in China, followed by Russia, Taiwan, and Israel. The State Department refutes claims of discrimination, emphasizing adherence to guidelines from the Office of the Director of National Intelligence and outlined criteria in the Foreign Affairs Manual. While there are senior Asian American officials in various U.S. agencies, concerns persist among Asian American employees regarding the ongoing suspicion and challenges they face due to their backgrounds.

The passage underscores the persistent concerns of Asian American government employees, highlighted by Representative **Andy Kim's** experience of being barred from work on Korean Peninsula issues, which he found disrespectful and humiliating. Many federal agencies conduct internal investigations without informing employees, such as the FBI's unit performing polygraph tests and potentially recommending security clearance revocation. At the State Department, background checks determine whether to impose assignment restrictions on diplomats.

The security clearance process for officials is rigorous and intrusive, involving scrutiny of personal relationships, financial history, and more. Recent concerns about China's espionage have elevated the standards for clearance. Documents from the Defense Department show increasingly detailed assessments of China's spying efforts in the vetting of security clearances for federal contractors over the past two decades.

In 2021, a Senate committee report exposed the Commerce Department's security unit for unlawfully investigating Chinese American employees like **Sherry Chen**. The report characterized the unit as a "rogue, unaccountable police force" that disproportionately targeted offices with high proportions of Asian American employees.

Even government officers involved in China counterintelligence face suspicion from security officials due to their background, unfairly marking them as potential spies. **Chris Wang**, an FBI counterintelligence analyst, was placed in a surveillance program called PARM upon joining, subjecting him to extensive scrutiny of contacts, travel, and computer use. Despite his training and background, which included Chinese martial arts and study in Shanghai, he faced heightened suspicion due to his associations. Another former FBI officer, **Jason Lee**, is suing the agency for discrimination, citing instances where his familial ties were wrongly construed as evidence of espionage.

Both Wang and Lee highlighted the challenges Chinese Americans face due to the stigma surrounding China, which often leads to unwarranted suspicions even when their connections are innocent. While the FBI asserted its commitment to fair polygraph tests and diversity, these cases shed light on the complexities and biases Chinese American employees encounter within security units.

At the State Department, a group representing Asian American employees has been advocating for reforms to address assignment restrictions. Since 2016, legislation has been introduced to drive changes in this regard.



"I know dozens of diplomats who have lost out on getting assignments to China, Hong Kong and Vietnam," said Yuki Kondo-Shah, a diplomat in London who successfully fought an assignment restriction placed on her for Japan. Mary Turner for The New York Times



Fina Wong, a vice president of the union for Foreign Service employees, described the process in which counterintelligence officers can recommend bans as "really problematic." Shiran Huang for The New York Times

While some diplomats, like **Yuki Kondo-Shah**, have successfully challenged assignment restrictions, there are ongoing concerns despite Secretary **Antony Blinken's** recent announcement of relaxed restrictions. Specifically, the provision known as assignment review allows counterintelligence officers to recommend bans after investigating employees offered posts deemed to have special intelligence threats, extending beyond China to countries like Russia, Vietnam, and Israel.

Tina Wong, a vice president of the U.S. Foreign Service union, highlights the problematic nature of this provision. **Stallion Yang**, another diplomat, gathered data for the Asian American Foreign Affairs Association, revealing prolonged investigations for employees with ties to Asia. While the State Department responded, stating only a few investigations led to rejection, diplomats argue that this overlooks cases where employees left due to extended investigations.

Moreover, aspiring diplomats like **Ruiqi Zheng**, a China-born American, faced challenges securing security clearance due to ties abroad, ultimately being rejected after a nearly two-year process. Despite aspirations and selective fellowships, individuals like Zheng encountered barriers due to their backgrounds, reflecting ongoing challenges faced by foreign-born Chinese Americans within the State Department's security clearance process.

Read the *New York Times* report: <https://nyti.ms/48FthXI>. Read the case of Dr. Wei Su 苏炜: <https://bit.ly/2E13gZU>

White House Statement on Repeal of Chinese Exclusion Act



On December 17, 2023, President **Joe Biden** issued the following statement on the 80th anniversary of the repeal of the Chinese Exclusion Act:

"Our nation was founded on the fundamental idea that we are created equal and deserve to be treated equally. But for 61 years, the Chinese Exclusion Act failed to live up to that promise. It weaponized our immigration system to discriminate against an entire ethnic group and was followed by further discrimination against many in Europe and all of Asia. The Act, along with racism and xenophobia in other parts of American life, was part of the anti-Chinese 'Driving Out' era which included the Rock Springs and Hells Canyon massacres. In 1943, the Chinese

Exclusion Act was repealed and it was followed by laws that led to an immigration system that better reflected our values as a nation of immigrants.

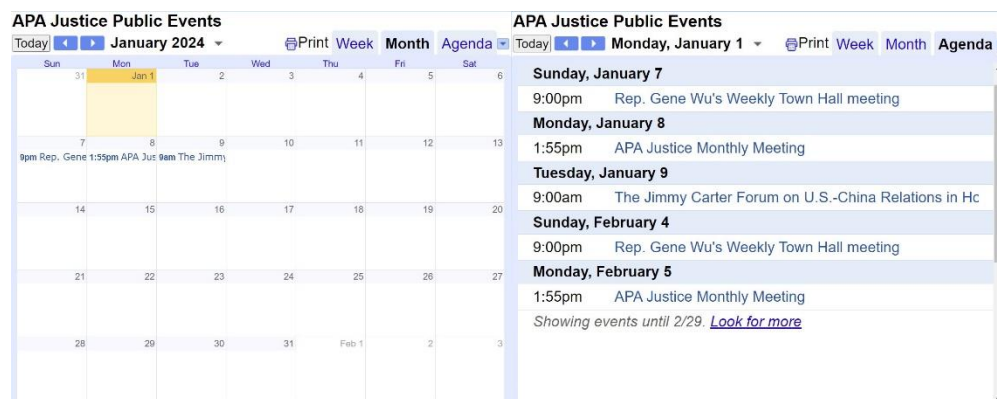
"On this anniversary, we remember those whose lives, families, and communities were irreparably harmed. We remember the brave and diverse voices – from Frederick Douglass to Blanche Bruce to Pearl Buck to the American Jewish Committee and so many others – who spoke up in solidarity against that Act and demanded a fairer and more just immigration system. And we recognize that despite the progress we have made, hate never goes away. It only hides. Today, there are those who still demonize immigrants and fan the flames of intolerance. It's wrong. I ran for President to restore the soul of America. To bring people together and make sure we give hate no safe harbor. To celebrate the diversity that is our country's strength.

"For generations, people of Chinese heritage have enriched our country – from Chinese laborers who did backbreaking work to build the transcontinental railroad in the 1800s to the Chinese Americans who serve in our military, to the authors, artists, scientists, entrepreneurs, and scholars of today. We honor them, and all immigrants, who continue to make extraordinary contributions to our nation."

Read the White House statement at <https://bit.ly/48tXKrG>

News and Activities for the Communities

1. APA Justice Community Calendar



APA Justice Public Events

Today | January 2024 | Print Week Month Agenda

Sun	Mon	Tue	Wed	Thu	Fri	Sat
31	Jan 1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	Feb 1	2	3

APA Justice Public Events

Today | Monday, January 1 | Print Week Month Agenda

- Sunday, January 7**
 - 9:00pm Rep. Gene Wu's Weekly Town Hall meeting
- Monday, January 8**
 - 1:55pm APA Justice Monthly Meeting
- Tuesday, January 9**
 - 9:00am The Jimmy Carter Forum on U.S.-China Relations in Honor of 45th Anniversary of the Act
- Sunday, February 4**
 - 9:00pm Rep. Gene Wu's Weekly Town Hall meeting
- Monday, February 5**
 - 1:55pm APA Justice Monthly Meeting

Showing events until 2/29. [Look for more](#)

Upcoming Events:

2024/01/07 Rep. Gene Wu's Town Hall Meeting

2024/01/08 APA Justice Monthly Meeting

2024/01/09 The Jimmy Carter Forum on US-China Relations in Honor of 45th Anniversary of

Normalization

2024/02/04 Rep. Gene Wu's Town Hall Meeting

2024/02/05 APA Justice Monthly Meeting

Visit <https://bit.ly/45KGyga> for event details.

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