

2024/01/08 APA Justice Monthly Meeting

**APA Justice Meeting – Monday, 2024/01/08
1:55 pm Eastern Time / 10:55 am Pacific Time**

1. Remarks by Congresswoman Judy Chu

Speaker: Judy Chu, Member, U.S. Congress; Chair, Congressional Asian Pacific American Caucus

Congresswoman Chu Judy represents California's 28th congressional district. She has been a member of Congress since 2009 and Chair of CAPAC since 2011. Rep. Chu kicked off the new year with her review of 2023 and a look ahead to 2024.

Rep. Chu kindly expresses appreciation for the formation of the APA Justice Task Force in response to reports of racial bias and profiling of Asian Americans, particularly Chinese scientists, researchers, and engineers. They highlight the importance of the community's existence in addressing racial profiling issues.

Rep. Chu acknowledges the challenges faced by the Asian American scientific and academic community and commends their leadership for raising awareness about racial profiling. She thanks the audience for their engagement, citing major wins in the past year.

Her remarks cover legislative challenges, particularly bills restricting land ownership for Chinese and immigrant communities in various states. She shares instances where advocacy efforts successfully prevented discriminatory legislation in Texas but acknowledges similar laws passing in other states like Alabama, Louisiana, and Florida.

Rep. Chu emphasizes the negative impact of such laws on families and realtors, citing examples of individuals affected by discriminatory land laws. She discusses joint efforts with Rep. Al Green to introduce a bill, the Preemption of Real Property Discrimination Act, at the federal level to counteract such state laws.

Her speech also addresses successful advocacy against harmful language in the National Defense Authorization Act, which included xenophobic COVID conspiracy theories. Rep. Chu highlights the importance of protecting the Asian American research community and collaboration.

Lastly, Rep. Chu emphasizes the need to recognize and preserve the resilient history of Asian American communities, mentioning efforts to address the historical discrimination of the Chinese Exclusion Act in 2011 and 2012. She stresses the importance of groups like APA Justice in achieving these accomplishments and outlines future priorities, including combating anti-Asian discrimination and advocating for FISA section 702 reform.

A transcript of Rep. Chu's remarks was published in Issue 229 of the APA Justice Newsletter at <https://bit.ly/48AZlqx>. A YouTube video of her remarks is posted at <https://bit.ly/3tUixpp> (11:56).

2. Report on Justice4All Protest in Miami - A Call for Unity Against Racism

Speakers:

- Hongwei Shang 商红伟, Co-Founder and Vice President, Florida Asian American Justice Alliance (FAAJA)
- Haipei Shue 薛海培, President, United Chinese Americans (UCA)

Hongwei Shang, co-founder and vice president of the Florida Asian American Justice Alliance (FAAJA), expresses gratitude for the opportunity to speak. FAAJA was established in response to SB 264, a discriminatory bill prohibiting land and property ownership by Chinese and other nationals. Over the past 8 months, FAAJA has experienced significant growth, especially after organizing a rally against SB 264 on December 16, 2023.

Initially starting with a few thousand dollars from board membership fees and donations, FAAJA successfully raised around \$86,000 through fundraising efforts in December. The membership increased from around 200 to nearly 500, including individuals from other states who became strong supporters.

The success of the December 16 rally depended on the support of local community leaders. Key organizers met in Hongwei's office to discuss and divide tasks, including applying for permits, renting equipment, designing promotional materials, and managing security. Local news media, including North American Economic Herald, Miami Chinese TV, and United Chinese News, supported the rally. Event flyers and rally reports were distributed by North American Economic Herald in their media network and were later reprinted by around 150 news media throughout the U.S. Sinovision and CBS also sent people over to cover the rally.

Despite stormy weather, around 200 people attended the rally, making it a historical event. Attendees expressed unforgettable memories. They sang the song, We Shall Overcome, which became a constant talking point with the attendees and various news media.

FAAJA thanks UCA and Haipei for their support, which facilitated the participation of keynote speakers like Congresswoman Judy Chu, former presidential candidate Andrew Yang, Texas House Representative Gene Wu, attorney Clay Zhu, as well as representatives from national organizations such as NAACP, LULAC, and AREAA.

The rally garnered support from various communities, including Asian American, Latin American, black, and Jewish communities, with a total of 28 organizations supporting the event.

FAAJA plans to collaborate with UCA and other organizations in 2024 to continue fighting against injustice for the AAPI community. Hongwei encourages those interested in learning more about FAAJA to visit their website at Faaia.org.

Haipei expresses gratitude to Congressman Judy Chu, Gene Wu, and Andrew Yang for attending the protest in Miami. Despite facing a major storm during the protest, they believe it symbolizes the challenges ahead in their fight for justice and equality. The protest drew support from various minority groups serving as a model for moving forward.

Haipei acknowledges the vulnerability of the Chinese community and the challenges they will face in the next two decades, including civil rights issues and concerns about political extremism. UCA is working to launch a civil rights movement in response to these challenges, with the support of figures like Martin Luther King's son and Malcolm X's daughter.

Specifically, Haipei considers the two bills signed by Governor DeSantis - SB 264 and SB 846 - as "gifts" to the Chinese community: SB 264 for its impact on property ownership, while SB 846 bans academic collaboration with China in public universities.

He believes these laws will be repealed, comparing them to the successful termination of the China initiative as in previous times. Overall, Haipei remains optimistic that the Chinese community will overcome these challenges and see better days ahead.

3. The 1882 Project and the 1882 Foundation

Speakers:

- Ted Gong, Executive Director of the 1882 Foundation
- Martin Gold, Pro Bono Counsel, 1882 Project; Partner, Capitol Counsel, LLC (invited)

Ted Gong thanks Steven, Jeremy, and Vincent for their continuous support. He acknowledges Haipei's remarks on civil rights, emphasizing the connection between immigration rights and the civil rights movement of the 1960s.

Ted discusses three topics. First, he provides an overview of the 1882 Foundation, which began almost 12 years ago.

It could not have happened without the support of Rep. Judy Chu and Senator Scott Brown. The importance of the Senate and House resolutions in 2011 and 2012 was not just to express regret of what Congress did, but also reaffirm in writing that Congress has the responsibility to protect the rights of all people in the United States.

The 1882 Foundation focuses on preserving oral histories and sites, working with school systems on lesson plans and curriculum, and collaborating with museums to spread awareness about the 1882 Chinese Exclusion Act.

Ted notes that expressing regret or apologizing for the Chinese Exclusion Act does not erase its impact. Despite commemorating the 80th anniversary of its repeal at the Library of Congress recently, issues like anti-Asian hate persist.

The 1882 Foundation plans to establish a national monument at the Summit Tunnel in California to highlight the contributions of Chinese and Asian Americans. In addition to monuments, Ted emphasizes the need for national heroes, ensuring recognition for those who fought in wars.

Collaborating with Martin and Jeremy, Ted aims to delve into the history of immigration laws in a comprehensive series. He sees the current immigration discussions as either too extreme or too general and seeks to initiate a detailed conversation on immigration laws with Martin providing historical insights.

Martin was working with Covington & Burling when he served as pro bono counsel for the 1882 Project, which was a great joy and a great matter of professional fulfillment for him.

Martin is pleased to continue on behalf of the 1882 Foundation and engage in continuing education and offers his perspective.

It is important that what was done in 2011 and 2012 should not gather dust on the shelf but be a point of ongoing education for the community and for others.

It is easy to focus on the Chinese Exclusion Act of 1882, as Rep. Chu said, one of the most discriminatory acts in American history, but Martin emphasized that the act did not stand alone. In fact, there were 8 separate enactments of Congress, 2 of which were vetoed and 6 of which became public law.

The Chinese Exclusion Act of 1882 was the third of those pieces of legislation after 2 vetoed measures, and it was followed by legislation in 1884, 1888, 1892, 1902, and 1904 when it became permanent. It remained so until 1943 when the law was repealed in the middle of the Second World War as a war measure.

Up until that point, no person of Chinese descent born anywhere in the world outside of the U.S. could become an American citizen. Whether they were born in China, or they were born in England, or in France, or anywhere in the world, it would not have made any difference.

So the law was repealed in 1943, but Congress let it sit, and it was not until 2011 in the Senate and 2012 in the House that we were able to begin to make things right with the expression of regret resolutions.

The resolution of the Senate passed by unanimous consent. The resolution in the House passed under suspension of the rules.

Martin and Ted sat in the gallery that day in the House when Congresswoman Chu made her floor statement, and the legislation went through. Judy Chu's leadership in this is obvious and crucial in terms of moving a resolution through the House. It simply would not have happened without her.

Martin added a word about the Senate resolution because it gets a bit less attention, but it is worthy of highlighting.

The prime sponsor in the Senate was Senator Scott Brown, a Republican from Massachusetts.

It is interesting to note that at the time of the sponsorship as both resolutions went in on the same day, May 26, 2011, the 2 prime sponsors were members of the minority party in their respective chambers.

Now, how is it that Scott Brown got to be the sponsor in the Senate?

Opposition to the Chinese exclusion laws in the Senate was centered primarily among the remnant of the Abraham Lincoln Republican Party that would be found in the northeastern United States.

One of the people who opposed the Chinese exclusion legislation - all of those enactments that Martin mentioned - was the senator from Massachusetts named George Frisbie Hoar. He was a senator from 1877 until upon his death in 1904.

So Senator Hoar got to see this entire history, from the time that was controversial as it was originally until the time that there was no opposition, which was true by the end of this long and sorry story.

In 1902. When the last major piece of Chinese exclusion legislation went through as a renewal and expansion of the old law, he waited until the end of the debate - he was by then an elderly senator - he finally stood up and said, *my problem is basically not with the terms of this legislation, my problem is with the principle of this legislation. I believe everybody should be treated equally. As this legislation violates that principle, I am bound to record my protest, if I stand alone.*

The bill passed 76 to one. He stood alone.

So Martin sat in Scott Brown's office where he had pictures of former senators from Massachusetts, including George Frisbie Hoar. Martin said to Senator Brown, we need to get this resolution introduced. If you stand in his shoes and in their shoes, it will have a place to go.

Senator Brown did not hesitate. He agreed to sponsor the resolution. Then Senator Feinstein of California came along as the first Democrat.

The 1882 Project began to accumulate co-sponsors. By the time it got to the original sponsor list, there were 6 Democrats and 5 Republicans. "When we were able to move to the Senate floor on October 6, 2011, we had strong bipartisan support," Martin said. "We discharged the Senate Judiciary Committee. We passed the legislation by unanimous consent."

In the House, that came the following year. That is a foundation that builds upon a very long story that Martin will tell in education sessions.

Again, it would not have happened without people of goodwill like Scott Brown. And it would not have happened without people of goodwill and leadership like Judy Chu.

4. China Focus, the Carter Center, and Conference for 45th Anniversary of U.S.-China Relations

Speaker: Dr. Yawei Liu 刘亚伟, Senior Advisor, China Focus, Carter Center

Yawei reported that the Carter Center was founded in 1982 after President Carter was involuntarily retired by the American people in 1981. Carter Center's work in China started in the mid-1990s.

President Carter was not able to visit China during his presidency because of domestic and foreign crises, but he was able to make the big decision to normalize relations with China after very long and hard negotiations with his counterpart Deng Xiaoping in China.

Here in the US, but even more so in China, most experts and ordinary people give credit to Nixon and Kissinger for opening up to China, but Kissinger went to China in 1971 and Nixon went to China in 1972. It was President Carter and Deng who made the joint decision to normalize the relationship in 1978.

The communique was published on December 15, 1978, and diplomatic relations were normalized on January 1, 1979.

Deng Xiaoping told President Carter after he left the White House to visit China anytime he wanted.

During one of the visits, President Carter asked Deng, we have a center, does China need the center to work on any projects? Deng Xiaoping referred the Carter Center to his paralyzed son who was the President of the Chinese Association for the Disabled People.

That was the first project of the Carter Center in China. It offered special ed training to the teachers who were teaching at the schools for the deaf. The Carter Center also purchased an artificial limb production line from Germany for China.

Starting in 1998 the Center started monitoring village elections in China. That gradually became a project the Center called promoting political reform in China. It was launched in 1998 and terminated roughly around 2012. During President Carter's visit, the new leader, Xi Jinping, told President Carter that China will not allow the Center to intervene in "domestic affairs" of China.

Xi told President Carter, you are the president who normalized the relationship, so we would like you and the Center to dedicate more time and more resources on the promotion of better understanding between the two countries and the two peoples and to advance the bilateral relationship between the two countries.

That was when the Center pivoted to promoting a better understanding between the two countries and how to prevent conflicts in the Pacific and in East Asia.

Starting in December 2012, the inaugural Carter Center Forum on US China Relations was opened in Beijing. From 2012 to 2019, a total of 7 forums were held. President Carter attended and spoke at six of them. There was one forum in Suzhou, China, in 2016 that President Carter was not able to travel to China at that time.

The pandemic started around January 2020. On the 40th anniversary of the normalization of US-China relations, the Forum was held at the Carter Center from January 17 through 19. By that time, the relationship was already in a downward spiral. The Carter Center was the only US based organization that organized such a meeting to commemorate the 40th anniversary of the normalization of US-China relations.

The pandemic hit. During the pandemic, forums were held virtually. This year is the first In-person forum on US-China relations after the pandemic to be held at the Carter Center. This is also the first time the forum is named the Jimmy Carter Forum on US-China Relations.

There will be a large contingent of Chinese speakers from universities and think tanks. There will also be many American experts. There will also be subnational government representatives.

Vincent, Jeremy, and Steven committed to visit the Center and attend the Forum on January 9 and 10.

The Carter Center is again the only US-based organization, at least for now, to have such a meeting in the US. The current atmosphere is such that most of the think tanks and the international NGOs are concerned that if they do something to commemorate the normalization of US China relations, you will be perceived to be pro-China.

In the US, the Carter Center is criticized as being too pro-China because President Carter normalized the relationship. He really implemented Nixon's engagement policy. But because of that, it is being attacked by members of the congressional delegation from Georgia as being too soft on China as well as colluding with the Chinese Communist Party.

In China, the Carter Center is not getting along very well with the Chinese government because they believe the Carter Center is trying to promote human rights and political reform in China. The Carter Center is accused of trying to sabotage the Chinese Communist Party's legitimacy and to overthrow the regime. The Carter Center is blacklisted in China.

The Carter Center has a mission, and the mission is that Americans need to have a more objective view of China and the Chinese need to have a more informed perception of the United States. Misperception leads to miscalculations and miscalculations lead to wrong decisions that can easily lead to a conflict between these two countries.

So, one of the missions of the Carter Center is waging peace, and the most important mission for China Focus at the Carter Center is to wage peace between the 2 countries through better understanding of each other, through communicating with each other, through recommendations on mechanisms through which the relationship can be stabilized.

5. Anti-Profiling, Civil Rights & National Security Program - Asian Americans Advancing Justice | AAJC

Speaker: Joanna YangQing Derman, Director, Anti-Profiling, Civil Rights & National Security Program, Advancing Justice | AAJC

Joanna provided updates from AAJC on its ongoing priorities and upcoming events.

First, as Rep. Judy Chu mentioned, AAJC uplifted the discriminatory Rounds Amendment that was stripped from the final version of the NDAA. The Rounds Amendment, if enacted, would have effectively prohibited foreign citizens including Chinese citizens from purchasing various forms of US land and it would have been very much in line with the resurgence of the so-called alien land laws that we are seeing at the state level. Our collective advocacy, including many on the call, paid off in that regard.

Second, a four-month extension of Section 702 of the Foreign Intelligence Surveillance Act (FISA) was included in the NDAA which was signed by President Joe Biden. This means that we have a bit of a longer runway to do advocacy and education around the merits of the House Judiciary Committee FISA reform bill. AAJC looks forward to working with all concerned organizations and individuals to ensure the strongest and most reform-minded piece of FISA legislation will receive floor consideration, probably sometime in February or early March.

Third, senators on both sides of the aisle are considering extreme permanent changes to US immigration law in exchange for Ukraine aid. These harmful immigration policy proposals include gutting the asylum system, locking up more immigrants and families in detention, and expedited removals that would endanger undocumented people across the country. If passed, this would be devastating for our communities, Asian migrants, undocumented Asian Americans, and mixed status families. Multiple organizations including AAJC organized an in-person protest march in Washington DC on January 9, 2024.

6. Update from Asian American Scholar Forum

Speaker: Gisela Perez Kusakawa, Executive Director, Asian American Scholar Forum (AASF), gpkusakawa@asforum.org

Eri Andriola, Associate Director of Policy & Litigation for AASF, substituted for Gisela who was on leave and travel.

Eri provided the following updates from AASF.

First, AASF is monitoring the impacts of Florida's SB 846 that Haipei mentioned earlier. This law restricts Florida's public colleges and universities from hiring researchers and graduate assistants from several "countries of concern," which include China and Iran. As AASF is looking to learn more about the impact of this law, Eri asks that scholars or students who are affected reach out to Gisela at gpkusakawa@asforum.org and Eri at eandriola@asforum.org.

Florida's SB 846 restricts grants and partnerships collaborating on research projects as well as sharing research data with individuals and entities from the 7 countries of concern without prior approval.

To get approval, educational institutions are required to submit a form to the state board of governors who then determine whether the partnership or agreement is valuable to the students in the institution and not detrimental to the safety or security of the United States or its residents.

According to the guidance that is implementing the law, it does not apply to student enrollment, but there is a significant share of international graduate researchers from China and Iran at Florida's public universities such as the University of Florida.

This is yet another attempt to scapegoat Asian Americans and Chinese American immigrants in particular as national security threats and appearing tough on China.

The bill would chill research collaboration and open science and AASF is in the process of creating a brief explainer for the community.

Gisela recently spoke with the New York Times on this issue: <https://nyti.ms/421rWrZ>

Second, during last month's meeting, AASF lifted up a sign-on opportunity for a letter that AASF led with coalition partners to Congress on opposing language to reinstate the Department of Justice's China initiative in a house appropriations bill and any future iterations of the initiative.

48 organizations joined the letter that was submitted on December 7. The letter highlighted the lasting harms to scholars targeted, as well as the chilling effect on Asian American scholars and their leadership in science and technology. Eri expressed thanks to those who joined the letter and showed their strong support. Gisela was quoted in a recent NPR report about the attempt to revive the China Initiative here: <https://bit.ly/3SIJ8p0>.

Third, Eri also expressed thanks to APA Justice for co-hosting a community briefing webinar on Section 702 on December 12. The briefing featured civil rights, national security, and policy experts, who broke down what Section 702 of the Foreign Intelligence Surveillance Act (FISA) is and how it impacts Asian American communities. Noah Chauvin, Joanna YangQing Derman, Gisela Perez Kusakawa, and Andy Wong discussed the key reform bills at play, including the Government Surveillance Reform Act (GSRA) and the Protecting Liberty and Ending Warrantless Surveillance Act (PLEWSA), and how the Asian American community and advocates can get involved on this issue. Video of the webinar is posted here: <https://bit.ly/3O4Lw0v> (YouTube video 59:22).