

**APA Justice Monthly Meeting – Monday, 2021/01/04  
11:55 am Eastern Time/8:55 am Pacific Time**

**Final Agenda**

**0. Introduction**

- a. [Andrew C. Kim](#), Attorney, Greenberg Traurig, LLP
  - progress to update on empirical study of EEA prosecutions since its enactment
- b. Michael Lissner, Executive Director, [Free Law Project](#)
  - making justice more equal – open up legal data and make it public available
- c. Kathy Liu, Chair, [Chinese American Data Science and Engineering Association](#)
  - a voluntary effort to apply data science to organize and use legal data
- d. Haipei Shue, President, [United Chinese Americans](#)

Andrew Kim is an attorney in Houston. His two publications set a landmark in understanding the injustice of racial profiling against Asian Americans. He analyzed the disparities faced by Asian Americans in prosecutions under the Economic Espionage Act since its enactment in 1996 and used publicly available data and information up to 2015. The reports have been cited in many media reports.

Michael Lissner is the executive director of Free Law Project, which he co-founded in 2013 as a non-profit dedicated to making the legal system more competitive and fair. In this role, he works with researchers, journalists, individuals, and organizations to improve and interpret the legal system. Prior to starting the Free Law Project, Michael was a student at the School of Information at University of California, Berkeley, where he created the first version of CourtListener.com as his capstone project, and where he focused on technology law and policy.

Kathy Liu is the Chair of the Chinese American Data Science and Engineering Association (CADSEA). Kathy will talk about CADSEA and how she and others are working on a joint project to apply data science to organize and use legal data from CourtListener to build a data system on the “China Initiative” and beyond.

Haipei Shue is President of United Chinese Americans, which is a non-profit organization founded in September 2016. UCA has since grown into a national federation with 12 chapters and over 30 community partners.

**1. CAPAC updates**

- a. Speaker: Krystal Ka'ai, Executive Director, CAPAC
  - Update from the Congressional Asian Pacific American Caucus (CAPAC)

January 4 was the first official day of the new 117-th Congress after it was sworn in the day before. Krystal regretted that she was not able to join the meeting, but promised to be back after the new Congress settled in.

**2. Update on Empirical Analysis of the Economic Espionage Act**

- a. Andy Kim, Attorney, Greenberg Traurig, LLP

- 2017/05 C100 White Paper: [Prosecuting Chinese “Spies”: An Empirical Analysis of the Economic Espionage Act](#)

- 2019/02 Cardozo Law Review: [Prosecuting Chinese “Spies”: An Empirical Analysis of the Economic Espionage Act](#)

Andy Kim gave a report on his ongoing efforts to update his white paper and described some of the preliminary empirical results on the Economic Espionage Act prosecutions since the enactment of EEA in 1996. Andy is in the process of finishing his quality check/recoding of the data, which he hopes to have finished soon. Once he completes these tasks, he will put together summary of the findings, and a rough timeline for them to roll out.

### **3. CourtListener and The Free Law Project**

a. Speaker: Michael Lissner, Executive Director, Free Law Project

- 2020/12/08 Law.com: [Rejecting Opposition From Judiciary, House Passes Bill to Make PACER Free](#)

- 2020/08/06 AboveTheLaw: [Appeals Court Confirms What You Already Knew: PACER Is A Rip-Off](#)

An innocent person, even with relatively high income, can be denied justice because of the high cost of legal information and services. This can be further misused by the government to force an unjust outcome with the threat of financial ruin. Court documents are publicly available, but it costs 10 cents a page to read or download from Public Access to Court Electronic Records (PACER). An appeals court has confirmed that PACER is a “rip-off” in a ruling in August 2020.

On behalf of the Free Law Project, Mike described the start-up as a non-profit organization in 2013 as part of a larger international movement for more fair and efficient legal systems. He identified the problems and solutions, as well as some of the major technical projects. We thank Mike for sharing his presentation package: Who We Are, What We Do It, which is shared as part of this meeting summary at <https://bit.ly/3kxkqxP>.

### **4. Building A Legal Data System**

a. Speaker: Kathy Liu, Chair, CADSEA

Kathy described CADSEA and its voluntary efforts to apply data science to organize and use legal data to inform the “China Initiative.”

As a very young non-profit organization, CADSEA was co-founded by Kathy and her friends in 2019. They strive to build a community where the data professionals and anyone interested in data science can learn, talk, and connect. CADSEA has four missions: Bridge the gap between academia and industry; Advocate continuing education and exchange of technologies and insights. Encourage technical innovations and entrepreneurship; Advance the development of leadership and other soft skills in the workplace.

They have been working very hard to achieve their goals, including a variety of events and group projects and inviting the best experts to share their insights with their audience. The Anti-Racial Profiling Project (ARPP) is one of their group projects. CADSEA members and audience

are from all different backgrounds and industries, including image recognition and NLP from Finance, Government, Education, Medicare, and more. CADSEA is one of the major organizations of the data science around the Washington DC area. Their next goal is to expand to a national-scope organization and serve more people.

ARPP is an important project that intends to help the victims against injustice and bias, especially under the current circumstance. AAJC & APA justice are on the front line of advocacy. CADSEA supports them at the back end with the public data they need by building a top quality database that is accurate, reliable, and scalable. Three technical leaders are working on this project on a voluntary basis. They are all very experienced and spent a lot of time on this project. CADSEA also tries to draw other volunteers to work on this project from time to time.

Currently, CADSEA is working on "China Initiative" cases. Their data source is all public. Thanks to CourtListener, CADSEA can get the data from their database with use of API. CADSEA is refining its table structure in MySql and extracting the criminal counts and dispositions by each charge and disposition. In the future, CADSEA may conduct innovative data analysis from the perspective of data science.

## **5. Update on Webinar Series**

a. Speaker: Michael German, Fellow, Brennan Center for Justice

- 2020/12/02 APA Justice: [Policy Needs for U.S. Science and Scientists \(YouTube\)](#), [\(Facebook\)](#)

- 2020/09/30 APA Justice: [The Human and Scientific Costs of The "China Initiative" \(YouTube\)](#), [\(Facebook\)](#)

Asian Americans Advancing Justice/AAJC, APA Justice, United Chinese Americans, Asian Pacific Islander American Public Affairs Association, and the Brennan Center for Justice at NYU Law School are partnering to produce a series of webinars to raise awareness of a growing number of federal investigations and prosecutions targeting Chinese nationals in the U.S. and Chinese American scientists under the umbrella of the "China Initiative." The first webinar provided a broad overview of the harms caused by the China Initiative, and the second focused on the harms to the scientific communities. The videos are available on the APA Justice website. We plan to host three more webinars in the series so please look for announcements from the host organizations.

## **6. Legal Defense Fund for Franklin Tao**

a. Speaker: Haipei Shue, President, UCA

- [Justice for Franklin Tao](#). Kansas University Professor of Chemistry

Haipei reported that Professor Franklin Tao's case is waiting for a trial schedule soon. His case has increasingly received attention of many Asian American and civil rights groups, which have circulated a letter to Biden transition team asking for the controversial "China Initiative" under DOJ to be terminated. Prof. Tao's defense has already spent \$400,000, while going to trial will take another \$400,000 minimum. Tao and his family have spent all their savings, and exhausted even the list of people to borrow money from. Chinese American community has set up a legal

defense fund for Prof. Tao and a nationwide public fundraising drive will start soon to raise the money so that he will have the resources to clear his name at the court.

## 7. Anti-Racial Profiling Activities

### a. Update on Anti-Racial Profiling Project

Speaker: Gisela Kusakawa, Advancing Justice | AAJC

- Sign-on: [Letter to President-Elect Joe Biden](#)

Gisela Kusakawa from Advancing Justice | AAJC provided updates on the letter to President-Elect Joe Biden and to FOIA requests submitted by the organization. In January 2021, Advancing Justice | AAJC along with APA Justice and the Brennan Center led a letter with over 160 signatories asking the Biden administration to end the “China Initiative” which is based upon the unlawful and bigoted premise that scientists of Chinese descent should be investigated based simply on their ancestry. The letter provided additional recommendations to the Biden administration such as (1) request that the Justice Department review all “China Initiative” prosecutions and investigations closed prior to prosecution under the “China Initiative,” (2) review and take measures throughout the government to combat racial bias, and (3) provide an opportunity for faculty, staff and scholars to adjust previous forms to follow new and clearer guidelines for grant applications, disclosures, and conflicts of interest.

In furtherance of combating racial profiling, Advancing Justice | AAJC submitted a FOIA requests to multiple federal agencies regarding scientists, researchers and scholars. In August 2020, Advancing Justice AAJC and Advancing Justice | Asian Law Caucus sought FOIA records from U.S. Customs and Border Protection (CBP) on their policies leading to the denial of entry to the United States to students with connections to China. In March 2020, the American Civil Liberties Union and the American Civil Liberties Union Foundation and Advancing Justice | AAJC submitted a FOIA request for records pertaining to the government’s efforts to scrutinize, investigate, prosecute, and take other measures against U.S.-based scientists and researchers believed to have connections to China. This request was submitted to the National Institute of Health (NIH), the National Science Foundation (NSF), the Department of Justice, the Federal Bureau of Investigation, the Department of Energy, and the Department of Commerce. Advancing Justice | AAJC will provide updates to the results of these FOIA requests, but expects continued delays as a result of the pandemic. If you have any questions regarding the letter to the Biden administration or FOIA requests, please feel free to reach out to Gisela Kusakawa at [gkusakawa@advancingjustice-ajc.org](mailto:gkusakawa@advancingjustice-ajc.org).

### b. Letter to House Subcommittee Chair Jamie Raskin

- Sign-on: [Calling for a House Hearing on the Racial Profiling of Asian American and Chinese Scientists](#)

Rep. Jamie Raskin’s son passed away on New Year’s Eve. [Thomas Bloom Raskin](#) was 25 years old and a second-year student at Harvard Law School. Condolences to Rep. Raskin and his family may be sent to [jamie.raskin@mail.house.gov](mailto:jamie.raskin@mail.house.gov) or the congressman’s district office at 51 Monroe St., Suite 503, Rockville, MD 20850.

Out of respect for the Raskin family, there will be a short delay in sending the letter to Rep. Raskin, who chairs the House Subcommittee on Civil Rights and Civil Liberties. The letter calls for a House hearing on the racial profiling of Asian American and Chinese scientists. Maryland

Senator Susan Lee organizes and manages the letter and sign-ons. During the brief pause, individuals and organizations were still able to sign on to the letter. However, it has now closed.

#### **8. Catch-up on all developments**

- Website: <https://www.apajustice.org/>
- LinkedIn: <https://www.linkedin.com/groups/12395028/>
- Facebook: <https://www.facebook.com/groups/386238778398753/>

#### **9. Next Meeting**

- a. Next Meeting: 2021/02/01

Email Jeremy Wu at <mailto:Jeremy.S.Wu@gmail.com> or Vincent Wang at <mailto:wang177@gmail.com> to submit agenda items. Thank you.