

# 2021/05/03 APA Justice Meeting

**APA Justice Meeting – Monday, 2021/05/03**  
**11:55 am Eastern Time/8:55 am Pacific Time**

## Final Agenda

### 0. Introduction

- a. Erika Moritsugu, Deputy Assistant to the President and AAPI Senior Liaison, the White House  
- 2021/04/14 [White House announcement](#)
- b. Howard Ou, Associate Director, White House Office of Public Engagement
- c. Agnes Hsu-Tang, Co-Founder, [The Yellow Whistle Campaign](#)

We were honored by and warmly welcomed four new distinguished speakers – Erika Moritsugu, Howard Ou, Agnes Hsu-Tang, and an impacted scientist.

The meeting was a unifying convening of parties from the Biden administration, Capitol Hill, state legislator, concerned organizations and individuals, and one of many scientists impacted by the “China Initiative.” We shared the deep concerns about the recent anti-Asian hate and violence but were not surprised by their resurgence from historical racism and discrimination. We each have a part to play and urge all to stand up, speak out, and take actions in this unique moment to stop AAPI hate and reject profiling based on race, ethnicity, and national origin.

We are Americans and will not be silenced because we belong.

### 1. Welcome Erika and Howard

- a. Speaker: Erika Moritsugu, Deputy Assistant to the President and AAPI Senior Liaison, the White House
- b. Speaker: Howard Ou, Associate Director, White House Office of Public Engagement

**Erika Moritsugu** started her job as AAPI Senior Liaison at the White House only two weeks ago. She has extensive experience on Capitol Hill and with the federal government. She is well known to be a fighter for social justice and empowerment of communities and individuals. Before joining the White House, Erika was Vice President at the National Partnership for Women and Families.

As the eyes and ears of the AAPI community for the President, Erika was asked how the community can help her to strengthen and sustain her role.

Erika responded that when the creation of the new position and her appointment was announced, she received a note out of the blue from a well-known movie star who talked about his experience growing up as an Asian American in the U.S. While he talked about his pride and culture, he also talked about his

fear for his biracial kids. He closed his note with the most beautiful sentiment that “you are not alone, and you will never be alone.” It was his way to wish Erika luck, but it brought tears to her eyes.

Erika does not see her new job as glamorous, nor was citing the movie star’s note as glamorous. She cannot do her job alone. She needs help not just for support and praise, but to lift the community in moments of crisis and moments of joy. For too long, so much of our community’s struggles and triumphs have not been reported in mainstream media. Our voices were silenced in so many ways that we have suffered and ignored, explained away, or pushed out of sight.

That is the experience and perspective that Erika brings to the new role in the White House. She is here to support the administration on a wide array of AAPI issues, including advising other federal government officials, and engaging with communities and leaders on important issues like advancing safety, inclusion, justice, and fairness for Asian American, Native Hawaiian and Pacific Islander individuals. Erika brings with her the experience in the civil rights and political world, which is adjacent to an allyship with all communities of color.

Sitting as a senior staffer in the President's Chief of Staff's Office, humbling with all humility, Erika brings not only our community's perspective to the table, but also allows her the vantage point of seeing across the levers of politics, policy, and people so that the AAPI community lens is holistic. When you look at the issues that are the priorities for this administration, there are not any that does not have a significant impact on our community.

If you look at pandemic recovery to job creation, dismantling racism, and climate change, these are the things that the President and his team are focused on.

The rise of hate and violence against Asian Americans is what the administration is also focused on now, as well as the nation. We all know, but not everyone else knows, that the bigotry, oppression, and injustice surfacing now predated the pandemic.

Erika’s family has been in this country for 200 years on her Chinese side and 150 years on her Japanese side. This history has never been without the ugliness of racism and sexism. Their direction towards us is finally getting national attention.

There is one additional note about the structure of the team and the way that Erika performs her work, and it is in line with the movie star’s reminder that they do not do this work alone. There is a team working for us. It has been created and will be growing organically. They will meet again and again in the White House Office of Public Engagement. That is the office tasked to be a convener of AAPI national groups. The White House Initiative on AAPI is the administration's grassroots connector to local community leaders, as well as within and across the federal government agencies. These are the three pillars working in tandem and are respectively universal, but all overlap, so that we can make sure that the diversity of the AAPI community have a strong voice within the President's agenda, which now includes as a priority to make sure that we are all seen and to make sure that we are all heard.

**Howard Ou**, Associate Director of the White House Office of Public Engagement, followed Erika.

Asian Americans have historically been viewed as a silent model minority. But more and more, we are standing up and speaking out, as evidenced by the response to the recent anti-Asian hate and violence, and racial profiling.

As one of the associate directors of the Office of Public Engagement in the White House, Howard is one of the pillars of the team. In terms of the role and the infrastructure, the goal for the office is to be the convener of agencies and organizations for the White House. In addition, Erika is Howard's newest AAPI principal. Howard was a Capitol Hill staffer. He worked for three members of the Congress, including the Congressional Asian Pacific American Caucus (CAPAC). CAPAC Executive Director Krystal Ka'ai is one of his former mentors, and she is honored and treated as if a member of Congress in his eyes. The goal of Howard's office is to make sure the community is aware of the President's priorities from its first day of office, and making sure the AAPI voice is heard. His priority is to make sure the anti-Asian hate stops and to make sure that the American families plan, the American jobs plan, the rescue plan - all of the messaging comes across and communicated properly. And to make sure we hold consistent convenings and messaging points. And to make sure groups such as this one, are very much engaged, and always have a seat at the table. It is the President's priority to make sure that we build a longer bench, and that includes all communities, especially with APAs.

Both Erika and Howard welcome frequent meetings with us and to hear about our priorities, stay informed, and let them know what is needed. It is their responsibility and goal to make sure our voices and assets are being properly processed as appropriate. This month is also Asian American, Native Hawaiian, Pacific Islander Heritage and History Month. They look forward to exciting activities ahead within the White House, but also across agencies and in the community. They are here in celebration, but also in recognition of the work that needs to be done.

## 2. CAPAC updates

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

**Krystal Ka'ai** expressed appreciation for such strong partners as Erika and Howard in the Biden administration. Krystal's update on CAPAC included:

- CAPAC leadership met with President Biden and Vice President Harris in the Oval Office to raise a number of priority issues for the Asian American, Native Hawaiian, and Pacific Islander community. Among that, they brought up the desire to ensure that this administration seriously looks into the issue of anti-Asian profiling, and to put a moratorium on the "China initiative," while the preference is to completely dismantle it eventually. CAPAC understands that they will need to first study the initiative that was created by the Trump administration, but that was a request that CAPAC members made directly to President Biden. <https://bit.ly/3f3MbNt>
- CAPAC will continue to follow up with the administration and have subsequent planned meetings with Ambassador Susan Rice, who is the head of the Domestic Policy Council, and have plans to meet with the Department of Justice.

- CAPAC wrote a letter to NIH (<http://bit.ly/39TYdVo>) over a year ago, but did not get a satisfactory response. CAPAC is working with Rep. Jamie Raskin, Chair of the House Subcommittee on Civil Rights and Civil Liberties to get more details. CAPAC has already talked to NIH staff. They recommended formally re-upping the letter.
- CAPAC has also been in touch with Chair Jamie Raskin about the requested oversight hearing. The subcommittee staff is continuing to look for satisfactory witnesses who are willing to publicly testify. These congressional hearings require sign-off from both parties. If there is not a strong case, it may be used to attack Asian Americans, as they did in a House Judiciary Committee hearing in March to discuss anti-Asian racism and profiling related to the hate crimes issue. Racist and ugly anti-China rhetoric were used in that hearing that had nothing to do with China <https://bit.ly/30Twodt>. The requested House hearing is about the profiling of Chinese American scientists and engineers. Chair Raskin's staff is concerned about something similar happening if they do a committee hearing if they do not have robust witnesses.
- CAPAC will try to figure out every path forward to make this happen. In lieu of a Subcommittee hearing, CAPAC may hold a congressional forum, which would be similar to the setup of a congressional hearing. APA Justice helped to identify witnesses for a similar CAPAC forum last year on the issue of anti-Asian hate crimes. It is possible that CAPAC could do something similar for this particular issue. For those who have been pushing for hearing, there should be a robust discussion on our path going forward and ensure that we are working closely with Chair Raskin. <https://bit.ly/3f7QyXN>
- On the hate crimes issue, Krystal expressed appreciation for The Yellow Whistle Campaign <https://bit.ly/32gKM0d>. In March, CAPAC members went to Georgia, in the aftermath of the shootings and met with the families of the victims <https://bit.ly/3vTRIT0>. They also met with local AAPI leaders. It was such a heartbreaking moment for the community, and an eye-opening moment for the rest of the country. CAPAC has been dealing with this issue for over a year since the very start of the pandemic - the uptick and anti-Asian racism, and violence (e.g., <https://bit.ly/2DfmABU>). But it was not until this year with increasing deaths and incidents that has caught the attention of the media. And then of course to see the pain and suffering that we have been going through for so long. This is a unique opportunity to be able to ensure that we are elevating the needs and priorities of our community at this very critical time.
- On April 21, 2021, the Senate passed the COVID-19 Hate Crimes Act, sponsored by Senator Mazie Hirono, on a 94-1 vote <https://bit.ly/3xYjBG4>. A companion bill was introduced by Rep. Grace Meng with Rep. Judy Chu and other CAPAC members among the 177 co-sponsors <https://bit.ly/3tDJWWI>. The bill will more broadly address hate crimes to ensure robust resources to state and local entities to investigate and prosecute hate crimes. A vote in the House is expected as early as next week. The bill is expected to pass the House and will then go to the President's desk to be signed into law this month. CAPAC will also be looking for ways to work with the Department of Justice on its implementation, as well on how we can better address not just hate crimes, but also bias incidents and other forms of bigotry and racism impacting our community. Krystal and CAPAC are very grateful to have both Erika and Howard where they are in the White House and to know that we have a strong partner in the President and the Vice President as well.

### 3. The Yellow Whistle Campaign

a. Speaker: Dr. Agnes Hsu-Tang, Co-Founder, The Yellow Whistle Campaign

- 2021/04/28 NY1 News: [The Yellow Whistle Campaign](#)

- 2021/04/20 South China Morning Post: [Yellow whistles serve as symbol and signal to call out violence against Asian-Americans](#)



**Dr. Agnes Hsu-Tang** is a Chinese-American archaeologist on the faculty of Columbia University and an international cultural heritage advisor; she has served on UNESCO scientific committees and advised President's Obama's Cultural Property Advisory Committee.

In representing the founding team of the Yellow Whistle Campaign, Agnes expressed her congratulatory and admiration to Erika and Howard and their leadership, lifelong dedication, and in advocating for all of us. She also thanked the three Wus – Dennis, Frank, and Jeremy, as well as APAPA National President Vincent Wang and Professor Steven Pei, for their support of the project. The initial 10,000 whistles were distributed in three days after the project was launched on April 19.

Agnes explained why and how they came up with the idea. It was midnight on March 31, 2021 that Agnes received a call from one of her friends, a Chinese American, who was in tears. She was afraid to go outside or take her child outside for a walk in Central Park.

At about the same time, Li-En Cong, another friend and co-founder, also texted and said that “we have to do something!” They decided to do something about it, including the idea of pepper spray, but it is illegal to distribute pepper spray in New York unless you are in law enforcement and there were concerns of user safety, especially for the elderly. They then thought about a personal alarm system, but batteries became a concern, and the personal alarms could be costly.

Then the archaeologist in her came into the picture. All archaeologists working in remote parts of the world carry a whistle and a compass. A traditional whistle has no language barrier. If they are separated, the archaeologists start whistleblowing to help identify/locate where they are, almost like a GPS system without the satellites. It is a simple instrument that Agnes has always had since she was an undergraduate archaeology student doing fieldwork in Central Asia. The whistle is simple, inexpensive, does not require a battery to operate, and legal.

Agnes and her team decided that putting the whistle on a lanyard could be used against the victim by an assailant. They decided to put the whistle on a wristband so that it can come off without injuring the

victim. Her husband, Oscar Tang, came up with the yellow color as it is a color in nature of optimism, enlightenment, and encouragement of spring. It is the color of daffodils and sunflowers. But in America, the color has been weaponized historically against Asians as a mark of xenophobia, going back to the term "Yellow Peril."

They also put together a slogan "We Belong." Other than Native Americans in this country, all of us whether you are Italian, Scottish, Iranian, African, we are all immigrants, and the sense of belonging is a right that we have been fighting for. We come from Asian cultures and most of us are raised with a sense of obligation, not the sense of right. And it is time that we demand our right to belong in this country that is our own. So they decided to come up with this campaign

Agnes and The Yellow Whistle team (including the three Wus, Vincent, Professor Pei, and other hub directors) are literally whistleblowing on xenophobia and the history on discrimination. The website is at [www.theyellowwhistle.org](http://www.theyellowwhistle.org). Because of COVID-19, we want to discourage anyone from sharing whistles. It comes in, individually wrapped plastic bag, and it comes with a bilingual card in English with Chinese, Korean, Cambodian, Tagalog, Vietnamese, Nepalese, and it is expanding into other languages.

On the back of the yellow whistle card, there is a mission statement. On the front, it says when in danger, blow the whistle. When you hear whistle, call 911. The instruction is very simple.

Agnes' team is supplying 100,000 free yellow whistles at rallies through communities beginning last week. There are now over 80 national and grassroots partners throughout all of America, including Hawaii, and Alaska. The Yellow Whistle Campaign is part of a collective work to reduce violence and racism against Asian Americans.

There were two major rallies that took place on May 2, 2021. One in the east coast in Queens was led by Congresswoman Grace Meng and others. The other was in Palo Alto, California led by Councilman Greg Tanaka. The yellow whistles were handed out, and they ran out very quickly. Pictures and reports from these and other events related to the Yellow Whistle is also updated here: <https://bit.ly/2RDZMmB>

#### **4. Nationwide Rally and The Yellow Whistle Campaign**

- a. Speaker: Yen Marshall, National Executive Director, APAPA
  - 2021/05/15 Nationwide "Unity Against Hate" rally: <https://www.communityagainsthate.org/>
  - 2021/04/19 [APAPA To Distribute Yellow Whistles At Nationwide Events](#)

APAPA is an early partner with the Yellow Whistle Campaign, and a key co-sponsor of the Palo Alto rally on May 2, 2021. Yen Marshall, National Executive Director of APAPA, is a return speaker.

**Yen Marshall** reported that one of the main events for APAPA during this Asian American Heritage Month is The National Unity Against Hate Rally that will be distributing the yellow whistles on May 15, 2021, at 11 am Pacific Time and 2 pm Eastern time, all across the US. Hate crimes against Asian Americans are on the rise almost every day now. In fact, last Thursday, one of the APAPA leaders who has been a big advocate and standing up for all the physical and verbal assaults in Oakland Chinatown, especially for the elderly, was attacked himself. It is time for the nation to come together to send a strong message to those attackers that hate crimes will not be tolerated. They must be stopped. The rallies organized by APAPA, along with a broad coalition's of over 50 organizations, including the

California AAPI Legislative Caucus, the NAACP, the League of Women Voters, and many more. So she encourage all of us to join.

The website for the event is at <https://www.communityagainsthate.org/>. Currently, there are over 16 locations identified across the US from California cities in the west coast to the New York and Washington DC in the east coast. APAPA also has Canada and Australia sign on through the AAPI international connectors. They are looking into adding UK and New Zealand as well. APAPA is sending a message that hate against one American is hate against every American.

Our communities now live in fear, as Agnes can relate to with her friend there. We are made to feel like we do not belong. We are Americans, regardless of race, ethnicity, or gender. Unity and peace will always triumph against hate. We deserve to live without the threat of verbal or physical hate. We Belong, as the yellow whistle says. APAPA leaders such as Vincent Wang and Dennis Wu have been working with the founding members of the Yellow Whistle Project since the end of March. Currently, APAPA is distributing the whistle to all of our rally locations, as well as some of the prominent Chinatowns in the country. Part of the mission is to empower AAPI through education, leadership, and civic engagement. By providing these yellow whistles to the most vulnerable population of our community, the elderly, we are encouraging them to call out for help against any act of hate. We are empowering them to not remain silent.

## **5. More Scientists Impacted by Profiling**

### **6. Anti-Racial Profiling Project - Asian Americans Advancing Justice | AAJC**

- a. Speaker: Gisela Kusakawa, NAPABA Law Foundation Community Law Fellow
- b. Speaker: Vivin Qiang, Program Coordinator

- Legal Referral Service: Contact **202-935-6014** using the Signal app for attorney referrals. AAJC staff can assist you in Mandarin Chinese and English.

**Gisela Kusakawa** provided a briefing on AAJC's work with impacted persons at New York University in a series of advocacy efforts, including a teach-in on the racial profiling of Asian Americans and Asian immigrant scientists, researchers, and scholars for graduate workers and students at NYU.

This was a good moment to educate the student and graduate worker community about the issues, especially when there were protests of racial hatred and violence against Asian Americans and immigrants while racial profiling incidents are happening right there on the ground. The efforts will hopefully generate support for future policy advocacy efforts on the ground and organizing. If your organization or group is interested in such a teaching on this issue, or the broader issue of racial profiling, or would like to have more information, please reach out to Gisela at [gkusakawa@advancingjustice-ajc.org](mailto:gkusakawa@advancingjustice-ajc.org)

AAJC is working to provide a platform for impacted persons to speak with congressional members, including staffers for the House Subcommittee on Civil Rights and Civil Liberties. Feel free to reach out so that AAJC can have that platform for you if you want training, whether it is media training or training to speak with policymakers. As Krystal mentioned that finding a witness is a big impediment on this issue, AAJC will provide assistance, even if one is not a criminal defendant under the "China initiative."

If you are undergoing termination proceedings or employment backlash, AAJC will connect you with contacts on the Hill and see to it that you can speak directly with your congressional member so that your voice is heard.

Additionally, APAPA has been such a leader on this issue especially in combating hate. In particular, Vincent got the word out and brought in so many APAPA chapters across 12 different states. AAJC had a final tally of about 221 signatories from civil rights organizations and concerned community members for its comments to NIH <https://bit.ly/3bdH7oU>. It was one of the few opportunities to provide specific recommendations to a federal grant-making agency.

One of the terrific results is to bring in organizations such as ACLU that do not normally work on this kind of efforts. They work on the litigation end but not necessarily for engagement with NIH. Gisela highlighted the great solidarity work and how much of it broadens beyond the Asian American circle, as well as organizations that do not usually handle racial profiling. It is very uplifting.

Gisela reported that AAJC is working on a meeting with the White House Domestic Policy Council and will keep us updated on any developments.

AAJC is also working with Jeremy on an anti-racial profiling data project and is seeking an intern for the project. Please circulate and share this information. AAJC is NOT looking for someone with extensive policy or public interest experience, but for someone who has technical data skills. It is one of the few rare opportunities that if you have a technical background, feel invigorated, and inspired by everything that's happening right now to engage in public interest, even if this is the first time you are engaging, AAJC welcomes you to join and lend your expertise on this issue. We really need data, skills, and leadership in this work.

Additionally, Gisela confirmed an effort to packing the courtroom for an upcoming trial and will engage in more advocacy efforts in cases that AAJC wants to support, whether it is a letter or an amicus brief. At times AAJC is not able to provide an amicus brief because it is not appropriate for a particular stage or phase of a litigation. In those instances, AAJC may be able to provide a letter instead. If you are seeking an amicus brief, two to three months may be needed in advance. That is why it is also very important for you to start talking with your attorney. If you are interested in being more public and having more advocacy effort, whether it is on the litigation side or more on the Hill.

Vivin Qiang reported that the legal referral service line is open. If you believe you are being targeted and profiled by the government, based on your ethnicity and race, contact AAJC at **202-935-6014**, preferably using the Signal app, and a staff member will reach out to you directly and to provide assistance in Mandarin Chinese or English.

AAJC is considering a couple webinar proposals, including one for attorneys to provide more information and resources on the "China initiative" cases and another focusing more on federal employees impacted by racial profiling. AAJC is also working with attorneys to draft a document to provide responses to commonly asked questions by impacted persons.

## **7. Debriefing on Fourth Webinar in a Series**

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

- APA Justice: [Webinar Series](#)



- 2021/04/28 Fourth Webinar: [Legal Resources and Policy Advocacy](#) (video 1:05:36)

Since last September, the Brennan Center for Justice at NYU Law School has been working with Asian Americans Advancing Justice | AAJC, APA Justice, Asian Pacific Islander American Public Affairs Association (APAPA), and United Chinese Americans (UCA) to produce a series of webinars to raise awareness of a growing number of federal investigations and prosecutions targeting Chinese Americans, Chinese immigrants, and Chinese nationals in the U.S. particularly scientists and researchers under the umbrella of the “China Initiative.” Professor Steven Pei has provided all the technical assistance to make them all happen.

As usual by now, Mike German once again did a great job of moderating the April 28 webinar on Legal Resources and Policy Advocacy: How to Combat Racial Profiling Under the “China Initiative.” According to Mike, it was a very easy panel to moderate because the experts were excellent, including Frank Wu, President of Queens College. Maryland State Senator Susan Lee provided terrific advice about how to engage with your elected representatives. The other panelists were John Yang of AAJC and Patrick Toomey from the ACLU. This was the fourth of the series of webinars investigating the harms created by the China initiative and urging policy reform. This and previous video recordings are available on the APA justice website at [https://bit.ly/APAJ\\_Webinar\\_Series](https://bit.ly/APAJ_Webinar_Series).

## **8. Status of Call for Congressional Hearing**

- a. Speaker: Senator Susan Lee, Maryland Senate Majority Whip  
- [The Human and Scientific Costs of Racial Profiling Must be Heard](#)

Maryland State Senator Susan Lee not only gave wise and insightful advice in the Fourth Webinar, she also blew the “We Belong” yellow whistle on xenophobia and the history on historical discrimination during the event!



Senator Lee remarked that everyone in the meeting made her proud for all the advocacy work that we are doing. And for the courage and conviction and standing up and speaking out.

On February 1, 2021, Senator Lee and Terry Lierman delivered to US Representative Jamie Raskin, Chair of the House Subcommittee on Civil Rights and Civil Liberties, a letter signed by an alliance of prominent

scientific, civil rights, and political leaders and organizations, requesting a House Congressional Hearing to address the racial profiling of scientists and scholars of Chinese and Asian descent.

According to Senator Lee, we have to shine light to create transparency. We are not going back, but must move forward with this requested hearing because this is so important. The enormous devastation to the reputations, the careers, and the families of these innocent scientists, only necessitates and highlights why it is critical that we have it. It might be difficult, but she thinks that we have to have it. We have not had a congressional hearing on the major civil rights violations to our scientists. It has been only on espionage. It has been only on this “China initiative.” It has impeded science going forward, especially during this terrible pandemic. She thanked all the scientists in her district which includes NIH.

There is a lot of prominent scientists who are affected by the “China Initiative,” particularly those of Asian and Chinese descent. These scientists are part of the solution to the United States global challenges, not a threat. They are going to make and keep us the leader.

Senator Lee stated that she is very aware of the importance of having the very best witnesses for this hearing. She knows that in the state legislature, she has to have the best witnesses because the other side will come in and try to affect our credibility and destroy our witnesses. Her team has been working very hard on these witnesses and providing them to the congressional staff. They have been working for about a month and a half on this and they are now coming to the final stages of working with the House Committee staff and the staff of congressman Jamie Raskin. They are currently vetting people as possible witnesses. And there has been tremendous interest from all our different communities. We will keep the fire up on this requested hearing.

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

- YouTube: <https://www.youtube.com/channel/UCQtaQ9Zq8mNI26omx9lwO-A>
- Twitter: @apa\_justice [https://twitter.com/apa\\_justice](https://twitter.com/apa_justice)
- Website: <https://www.apajustice.org/>
- LinkedIn: <https://www.linkedin.com/groups/12395028/>
- Facebook: <https://www.facebook.com/groups/386238778398753/>

## **10. Next Call**

- a. Next Call: 2021/06/07

May 9 is Mother’s Day!

May is Asian American and Pacific Islander Heritage Month!

Email Jeremy Wu at [Jeremy.S.Wu@gmail.com](mailto:Jeremy.S.Wu@gmail.com) or Vincent Wang at [wang177@gmail.com](mailto:wang177@gmail.com) to submit agenda items. Thank you.