

2024/02/05 APA Justice Monthly Meeting (Partial Summary)

**APA Justice Meeting – Monday, 2024/02/05
1:55 pm Eastern Time / 10:55 am Pacific Time**

1. Review of 2023 and Remarks of 2024 from Erika

Speaker: Erika Moritsugu, Deputy Assistant to the President and Asian American, Native Hawaiian, and Pacific Islander Senior Liaison, The White House

2. Update on Appeals Court Temporary Ban on Florida SB 264

Speakers:

- Clay Zhu, Partner, DeHeng Law Offices
- Ashley Gorski, Senior Staff Attorney, National Security Project, ACLU
- Patrick Toomey, Deputy Director, National Security Project, ACLU

On February 1, 2024, The Eleventh Circuit Court of Appeals temporarily halted the enforcement of Florida's alien land law, known as SB 264, against two Chinese immigrants who have challenged the statute in court.

On very short notice, Clay, Ashley, and Patrick of the legal team agreed to speak at the meeting and provided updates on the ruling for the ongoing lawsuit which was filed after Florida passed the alien land law last May.

The legal team including The American Civil Liberties Union (ACLU), ACLU of Florida, DeHeng Law Offices PC, the Asian American Legal Defense and Education Fund (AALDEF), and the law firm Quinn Emanuel immediately challenged the law, filing a lawsuit in the Northern District of Florida and moved for a preliminary injunction due to the harm that has been inflicted to all the Chinese buyers as well as the property registration requirements.

The District Court judge did not agree to the motion. The legal team appealed to the Court of Appeals in August and requested to expedite the appeal process on an emergency basis to enjoin the law at least for the duration of the appeal because sometimes it takes the Appeals Court many months to hear the case and write its decision.

The legal team is grateful for the decision that was issued. It prevents Florida from enforcing SB 264 against two of the plaintiffs. Although technically the injunction is very narrow, it is a very good sign because the court's reasoning was that the plaintiffs are substantially likely to prevail on their argument that Florida's law is preempted or trumped by federal law.

There is already a federal statute that regulates real estate purchases that potentially implicate national security, the court said. It is likely that this Florida law conflicts with that federal law. Under the Constitution, the federal law controls and for that reason the Florida law is very likely unconstitutional.

This is a very good sign for the litigation to go forward. The adopted legal theory, if it is embraced ultimately by the Appeals Court, is one that could reach many other people who are contending with the hardships posed by this state law.

Oral arguments are scheduled in Miami the week of April 15. It is unclear whether any of the same judges will hear the full appeal. The legal team is looking ahead to the April date.

Many organizations, particularly the Florida Asian American Justice Alliance (FAAJA), and individuals have been supporting the litigation. They have held rallies and filed amicus briefs to support the cause.

3. CAPAC Updates

Speaker: Nisha Ramachandran, Executive Director, Congressional Asian Pacific American Caucus, nisha.ramachandran@mail.house.gov

Nisha was not able to attend the meeting. She sent the following report, which Jeremy Wu read at the meeting:

"Sincere apologies but CAPAC won't be able to join today's monthly call due to a conflict. Wanted to just uplift the letter Chair Chu, Sen Hirono, and Rep Meng sent to leadership about concerns related to appropriations language reinstating the China Initiative. Also if you'd like to share, CAPAC Members met last week with OSTP Director Arati Prabhakar where we had very productive discussions about research security.

"Finally glad to see the court halting of the FL land law and also want to wish everyone a happy lunar new year!"

4. 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 did not have an update report. She yielded her time back to the meeting.

5. Update from Asian American Scholar Forum

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

6. The Quincy Institute for Responsible Statecraft

Speaker: Lora Lumpe, Chief Executive Officer, Quincy Institute for Responsible Statecraft

- 2023/11/13 [Joint Letter to Presidents Joe Biden and Xi Jinping](#)

Lora expresses gratitude for previous speakers and introduces the Quincy Institute. It is a relatively new, standard think tank of about 4 years old. Its website is located at <https://quincyinst.org/>

Quincy Institute has a global focus. One of its core areas is the US-China relationship. Its founding principle is that the US has come to rely too much on the use of military force. Quincy Institute focuses on promoting an international relations theory called restraint, which calls for a use of force only when vital national interests are at stake. It prioritizes diplomatic solutions.

Lora emphasizes the importance of finding positive areas of cooperation between the US and China. Quincy Institute has organized coalition calls and conferences to advocate for a more constructive US-China relationship.

Quincy Institute is staffed with experts in US China security relations from a hard security perspective. It is currently focusing on senior-level crisis prevention and management led by Michael Swaine who has been leading a bilateral dialogue between former Department of Defense officials and People's Liberation Army (PLA) for about 20 years.

Quincy Institute is pleased with the recent reinitiation of top-level dialogue, but crisis prevention mechanisms need to go a lot further.

Another focus area for the Quincy Institute is trade, tech, and environment. Quincy Institute has been working to identify positive areas of cooperation where proactive engagement is vital between the U.S. and China, not just parallel activity to meet the needs of the moment.

In this Congress, there have been about 600 bills initiated, cutting across almost every committee. Almost every one of them is hostile toward China and focuses on a threat or an alleged threat posed by China to US national interests. One of the few bills that is positive is restoration of the Fulbright program, but it does not require an act of Congress to resume that program.

Quincy Institute has an online publication called Responsible Statecraft that publishes about a thousand pieces of journalism and analysis a year - some from the staff and some from outside scholars.

Prior to the meeting of Presidents Biden and Xi last November, Quincy Institute organized a coalition call to bring together people from different sectors including academic, national security, climate, farm and agriculture.

The Institute believes that broad sectors of American civil society want a decent workable relationship, and yet so much of what we see in the media, coming out of Congress, and often from the White House, is pointing to China as a threat.

Consequently, Quincy Institute and the coalition called on the two presidents to engage in a more concerted effort to strengthen the bilateral relationship.

Quincy Institute also held a half-day long conference with foreignpolicy.com – a main platform for Washington thinkers on US foreign policy to reframe or ask some different questions about the US China relationship, including panels on economy and national security.

On trade and technology, Quincy Institute tries to sharpen the contradiction between the alarmist view or zero sum take and its perspective on cooperation and diplomacy.

Quincy Institute also engages in investigative journalism, frequently looking at the sources of influence in the making of US foreign policy, such as foreign government funding of think tanks as well as corporate funding of think tanks and news outlets, trying to at least raise questions about whether those sources of financial support may in fact be impacting some of the analysis, commentary, and reporting that comes out.

Lora refers to the Quincy Institute website with several pieces of in-depth analyses on the US-Taiwan-China relationship and paths to preventing conflict, pointing to the fundamental need of education on the One-China policy that has played a role in maintaining peace and allowed for the growth and development of Taiwan for the past 45 years.

Lora encourages others to view them as allies in promoting a more diplomatic approach to US-China relations and expresses her enthusiasm for collaboration and look forward to working closely with others in the future.

Contact Tori Bateman, outreach coordinator, at Tori@quincyinst.org. Visit the Quincy Institute website at <https://quincyinst.org/>.

7. US Heartland China Association

Speaker: [Min Fan](#), Executive Director, [US Heartland China Association](#) (USHCA)

- 2023/12/15 USHCA: [U.S. Heartland Mayor's Delegation to China 2023](#) (YouTube video 8:25)
- 2023/11/27 USHCA: [U.S. Heartland Mayors Bridge the Mississippi and Yangtze communities with Historic China Visit](#)

Min uses this presentation for her talk: <https://bit.ly/3HTc5Cu>

US Heartland China Association (USHCA) was started by the late Senator Adlai Stevenson, Illinois, almost 20 years old originally under the name of Midwest-US China Association. Bob Holden, former Governor of Missouri, is the current Chair of USHCA. USHCA is a 501(C)3 nonprofit organization. It does not lobby.

USHCA is funded by American sources including membership dues, Heartland community supporters, private donations, grants from private foundations, corporate sponsors, and contributions from state governmental agencies.

Through organizing people-to-people exchanges in culture, education, and business, USHCA promotes a stable and productive US-China relationship to protect and advance the interests of the American Heartland so that:

- Farmers in the Heartland can continue to expand our exports to China. China is our number one market. It is essential to stay engaged with China. US Secretary of Agriculture Tom Vilsack met with his counterpart from China for the first time a few weeks ago in Washington DC. The White House has done a full-court press to build bridges, and USHCA supports the agriculture community. China has one fifth of the world's population but only one tenth of the arable land. The US is the world's number agricultural producer. USHCA has convened three annual agriculture roundtables. Delegations from three provinces in China attended the recent roundtable in St. Louis last April. This year's roundtable will be held in Shandong Province in June of this year.
- Educational institutions in the Heartland can remain competitive and continue to attract the best talent from around the world, including China, where the highest percentage of our college international students come from.
- Companies headquartered in the Heartland can remain competitive in the global economy by continuing to do business in and sell products to China.
- The Heartland community and leaders have the resources to better understand and engage with China.

USHCA publishes an annual report - [Why China Matters to the Heartland](#). It is a valuable resource that can be downloaded from the USHCA website at [this link](#). It provides, for example, data on goods and service exports, job creation, Chinese Americans and Chinese students living in each state. In addition to projects, USHCA also holds virtual events where representatives from education, culture, trade, and government across the Heartland states talk about why China matters to them.

- Heartland students can have the opportunities to develop a global mindset through learning about the Chinese language and culture.

USHCA also wants to ensure that the Heartland community continues to have resources to help the youths to be globally aware and understand the Chinese culture and the language at a time when some states are defunding Chinese language learning. It is not, as some are saying, equivalent to promoting communist propaganda.

USHCA launched the Heartland China Teacher Award last year, recognizing 10 teachers from Arkansas, Iowa, Kentucky, and Oklahoma who work to maintain curiosity about the

Chinese language and Chinese culture. USHCA is in discussion with the China Institute in New York City as they are planning to bring students and the superintendent from New York state to China this summer. Students and communities in the Heartland do not have such opportunities. USHCA is partnering with larger organizations on the coast to make sure that interests of the Heartland community are supported.

There are a lot of bridges to the world. Where bridges exist, communities flourish. USHCA has a bi-partisan network of many former governors, ambassadors, and local officials.

USHCA works with them to build community connections. In 2020, in the depth of the pandemic, USHCA was one of the first NGOs that brought people from the US and China together via Zoom to talk about education, public health, and development programs that are in the best interest the Heartland community.

USHCA realizes that promoting people-people exchange is at a very difficult time. With travel opened up, delegations from China are coming to the Heartland, including recent delegations led by the Vice Governor of Jiangsu Province and the Vice Mayor of Nanjing City coming to St. Louis.

Min sees some hesitation on both sides. The Chinese side is worried about being locked up in a small black room in the customs office. The US side is worried about being held hostage in China. There is fear and the other side looks strange after no exchanges for three years.

USHCA believes that bringing back exchanges is very important. It received support from the Ford Foundation and the Luce Foundation to promote Yangtze River and Mississippi River city-to-city exchange on energy transition, climate change, and green economy. Six mayors coming from five different states in the Heartland visited Hong Kong, Wuhan, Nanjing, Suzhou and Shanghai.

When they came back, some were attacked for visiting Communist China even though they followed visits by Senator Chuck Schumer, cabinet secretaries, and Governor Newsom.

The overall negative atmosphere of anything related to China is deep in the Heartland local communities. On the other hand, one of the new mayors reached out and wanted to understand what is behind the anti-Asia and anti-China sentiment. She said she was going to COP28 to talk about global climate collaboration and she had never been to China.

Min said there are politicians whose mindset is shut. There are also elected officials who are curious and interested in learning.

The communities have a role to play.

8. Justice Is Global and Rollout of US-China Climate Cooperation Bill

Speaker: Sandy Shan, Executive Director, [Justice is Global](#)

- 2020 Justice Is Global: [Averting a New Cold War](#)
- 2022 Justice Is Global: [How to Counter the Politics of Scapegoating](#)