2022/05/02 APA Justice Meeting

APA Justice Meeting – Monday, 2022/05/02
11:55 am Eastern Time / 8:55 am Pacific Time

Final Agenda

0. Introduction of New Speakers
   b. Ted Gong. Founder and Executive Director, The 1882 Foundation
   c. Edward Benyas. Professor, Southern Illinois University

1. CAPAC updates
   a. Speaker: Nisha Ramachandran, Executive Director, Congressional Asian Pacific American Caucus

Nisha began by thanking everyone for their continued attendance to these monthly meetings. She had no major updates to include, but emphasized that CAPAC is continuing to move forward on outstanding questions, regarding what happens after the China initiative has been terminated, and questions around the implementation of OSTP’s guidance on Federal Grant applications. Since this work is ongoing, she noted that CAPAC is certainly interested in hearing about priorities, and the things that are happening on the ground, to better understand how to best help from the Federal level, using the power of their membership in terms of the API members of Congress to help advocate.

She ended with an update on the upcoming conference on the Bipartisan Innovation Act (COMPETES Act in the House, USICA in the Senate). Conferees, including Chairman Chu, and a number of CAPAC members have been named to be part of a large conference committee for this bill. CAPAC is glad to see that their members are included in this conference, given the concerns that they have raised about some of the provisions in the Senate side Bill that have the potential to be harmful to Asian Americans, particularly in the science and research domain. CAPAC continues to work with House and Senate committees and leaders, and they will also be sending a letter outlining their concerns with the problematic provisions.

Finally, she warned that conversation and messaging surrounding this bill should be carefully selected so as not to fuel the flames of anti-Asian hate, as rhetoric surrounding economic competition with China can affect communities here in the US. Nisha expects to see rising levels of anti-China rhetoric from individuals within the congressional body, but CAPAC will continue to push back on that and focus efforts on discussing legislation to help American innovation and competitiveness, without inciting a fear of China.
2. The Chinese American Heritage Foundation and APA Heritage Month Activities
   a. Speaker: Wilson Lee, Co-Founder, Chinese American Heritage Month
   b. Videos:
      i. 2020 CAHF Rose Parade float: “American Heroes”.
      ii. 1/1/19 Union Pacific 119/Central Pacific 60 "Harmony Through Union" float in the Rose Parade 2019

The Chinese American Heritage Foundation (CAHF) is Dedicated to Celebrating The Rich History of Chinese Americans’ Contributions to The American Spirit.

Wilson Lee is the current president of the Chinese American Citizens Alliance (CACA) Boston Lodge. His maternal grandfather’s grandfather was one of the 14,000 rail workers recruited by the Central Pacific Railroad to work on the transcontinental railroad. Without their sacrifices, this railroad would have never been finished.

Wilson shared a video about CACA’s Chinese American WWII Veterans Recognition Project. Through passionate advocacy and intense lobbying up on the Capitol Hill, a bill was sponsored by Senators Tammy Duckworth and Thad Cochran and Representatives Ted Lieu and Ed Royce to recognize the 20,000 strong Chinese American veterans who served in WWII. The bill required approval by at least two-thirds of the members of both chambers for passage. It was a race against time as these veterans were reaching an advanced age. It first passed the Senate and then the House in 2018.

Chinese American World War II veterans were awarded the Congressional Gold Medal as a national appreciation for distinguished achievements and contributions. The Congressional Gold Medal is an award bestowed by the U.S. Congress and is one of two of the highest civilian awards in the United States. The practice of issuing the medal began during the revolutionary war and continues today.

The idea for the CAHF was had in 2014 when Wilson and his wife Ester were invited by Chris Lu and Labor Secretary Tom Perez to DC to attend the 145th anniversary of the induction of the Chinese rail worker into the US Department of Labor. Lee thought that a great way to celebrate the 150th anniversary, five years later, would be to start the Chinese American Heritage Foundation,

CAHF sponsored a float “American Heroes” to honor our World War II veterans in the Rose Parade in 2020. A video showing the float was shown at the closing of the meeting.

What’s important about the float is that other communities of color, including Tuskegee Airmen, the Native Americans, women air services pilots, Hispanic Americans, Filipino Americans, and others, and others were also featured. The float was designed with the Doolittle Tokyo Raiders Medal, awarded after their first strike against fascist Japan after their attack on Pearl Harbor during WWII.
What is lost in American history is that Japan massacred 320,000 Chinese citizens in retaliation against the Chinese military helping Lieutenant Colonel Doolittle. There have been movies made commemorating the Doolittle raid and honoring their bravery and service, but what is often forgotten is the amount of life lost on the Chinese civilian side. The lives lost in this massacre amounted to a number even greater than those in the Rape of Nanjing back in the 1930s.

For the successful Congressional Gold Medal Award project, Wilson also credited CAPAC and Krystal Ka’ai, current Executive Director of the White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders (WHIAANHPI) and former Executive Director of CAPAC.

The goal of the Chinese American Heritage Foundation is to engage people in a happier way with Chinese American history. With the parade floats, they get a lot of international exposure for the foundation, and they are proud to recognize and support Asian veterans who have supported the US in history. Mr. Lee closed by thanking everyone and expressing his honor and gratitude to be in the company of other APA justice leaders.

3. The 1882 Foundation and APA Heritage Month Activities
   a. Ted Gong. Founder and Executive Director, The 1882 Foundation

Ted Gong is the Founder and Executive Director of the 1882 Project Foundation, a non-profit organization that broadens public understanding of the history of Chinese in America. He retired from the U.S. Foreign Service in 2009 as a Senior Foreign Service Officer. He served in U.S. Embassies and Consulates in Guangzhou, Hong Kong, Taipei, Manila, and Sydney and at the Departments of State and Homeland Security. Ted is President of the DC Lodge of the Chinese American Citizens Alliance. He received a Frederick Douglass FD200 Award in 2019. The following are event updates from the 1882 Foundation, particularly for the month of May.
The "1882atMLK" series of public talks are designed to have Chinese American topics with panelists and moderators from non-APA communities conscientiously for the purpose of attracting a wider-than-APA participation.

Conferences Planned:

- 1882 Symposium in DC in July
- Public Educators in DMV in Sept/Oct to discuss how educators are navigating the teaching of APA topics, including considerations for "critical race theory."
- Chinese American Women History in DC in 2023
- “Searchers” in Utah in 2023

Continuing Major Projects through 2022-23

- Summit Tunnel as National Historic Landmark and establish an Interpretive Center on site
- Heritage Tours to Summit Site – Three half-day guided tours and one two-day tour, others
- NEH Summer Teacher Program in DC
- 506-508 Building Project – Mellon Grant
- Stories and Place: DC Chinatown redevelopment, urban design, conservation, community-centric museums

**1882 Symposium:** Bring together around a dozen museums and historical societies and federal agencies to talk about best practices to make exhibits accessible to the general public.
Public Educators in DC: To discuss how teachers can navigate teaching about AAPI history and heritage, including a discussion on critical race theory

Chinese American Women in History (second conference. First was in 2019)

Searchers: “We don’t know what we don’t know”. Recent archeological findings in Utah related to AAPI history.

Mr. Gong concluded with an update of the Range 99 Project. A memorial was dedicated on April 3, 2022, at the section where Chinese were buried. There are no remains or markers at this section because they had been removed decades ago and sent to China as was custom at that time. In a cemetery established in 1807, among people of all walks of life and positions including significant Native American leaders, the memorial re-establishes a clear marker that Chinese Americans were also part of American nation. It is unique from Chinese American memorials elsewhere in the U.S. because it honors the Chinese American experience and not any single incident or person. It directly addresses perennial concerns about the erasure of Chinese American history and place.

More information on the 1882 Foundation can be found at their website: www.1182Foundation.org

4. On-The-Ground Report on The Case of Southern Illinois University Professor Mingqing Xiao
   a. Speaker: Edward Benyas. Professor, Southern Illinois University
      ● APA Justice: Impacted Persons: Mingqing Xiao
      ● 2022/04/19 Science Magazine: Trial of mathematician is next test of U.S. prosecution of academics under China Initiative
      ● 2022/04/27 Al Jazeera: Math professor faces trial under US anti-spy 'China Initiative'
      ● 2022/04/20 Legal Defense Fund for Mingqing Xiao: $38,265 raised of $350,000 goal.

Professor Xiao was the last academic to be indicted under the now-defunct "China Initiative." The ill-conceived counterintelligence program was created purportedly to stop China from spying and stealing our intellectual property, but drifted to criminalize innocent Chinese American academics for administrative issues such as disclosure of perfectly lawful activity. The "China Initiative" was shut down in February 2022 as the DOJ admitted that it was not "the right approach." However, the prosecution of Professor Xiao continued after the DOJ claimed to have reviewed all existing prosecutions and investigations without release of any detail. The trial of Professor Xiao started on April 25, 2022. Professor Edward Benyas of Southern Illinois University has organized a local community to support a fair trial for Professor Mingqing Xiao.

Professor Edward Benyas was not able to make it to this meeting because he was tied up in the court proceedings. A video was shown giving a summary of the case. Supporters of Professor
Xiao were allowed to wear the button saying “I stand with Ming” in the courtroom during the trial. Much more fundraising is also needed for Professor Xiao’s case.

5. On-The-Ground Report on The Trial and Verdict of Dr. Feng "Franklin" Tao
   a. Speaker: Peter Zeidenberg, Defense Attorney for Professor Tao
      • 2022/04/07 Law360: Prof. Convicted Over China Ties But Judge To Review Verdict
      • 2022/04/14 Science Magazine: Why a judge might overturn a guilty verdict against a U.S. scientist for hiding China ties

On April 7, 2022, the jury acquitted Professor Tao of 4 counts and returned convictions on 4 other counts. The judge indicated even before closing arguments that she had “significant concerns” about whether there was a legal basis to even permit the jury to consider the evidence. After the verdict, rather than set a sentencing date, she said she wanted briefings on whether the convictions should stand. Peter Zeidenberg will provide the most recent update on the situation.

There have been four convictions, none of which Tao’s Attorney believes have any merit. They are preparing a motion for judgment of acquittal to “throw out” the convictions, which the judge had expressed interest in reading, seeing as she had questioned the strength of the government’s case against Professor Tao. Attorney Zeidenberg is cautiously optimistic, but notes that there is a lot of fundraising still needed.

6. Anti-Racial Profiling Project and Related Activities - Asian Americans Advancing Justice | AAJC
   Speaker: Gisela Kusakawa, Assistant Director, Advancing Justice | AAJC
   • Advancing Justice | AAJC: Anti-Racial Profiling Project
   • 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 had four brief updates as follows

1. Asian Pacific American Heritage Month: Deadline is May 6 to sign up for NAPAPA’s Lobby Day, which includes a training session and a day of attending lobbying efforts.
2. Asian Pacific American Institute for Congressional Studies Leadership Summit: May 23-24 will discuss the rise in Anti-Asian hate and how China-US relations fuel the rhetoric.
3. Protect America’s Innovation and Economic Security from CCP Act: They are cognizant of efforts within the Senate to reinstate the China Initiative, and are working on having a senator create a “Dear Colleague” letter within Congress to curb that effort.
4. America COMPETES Act: There are negotiations happening between the House and Senate currently. AAJC is in touch with academic groups who have specific recommendations and concerns with this bill.
7. Q&A and Discussions

8. Next Meeting
   - Next Meeting: Monday, June 6, 2022