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2023/03/06 APA Justice Monthly Meeting

The next APA Justice monthly meeting will be held on Monday, March 6, 2023. Confirmed speakers include:

- **Nisha Ramachandran**, Executive Director, Congressional Asian Pacific American Caucus (CAPAC), to provide updates on the latest developments and activities of CAPAC
- **John Yang** 杨重远, President and Executive Director, Advancing Justice | AAJC to provide updates on the Anti-Profiling, Civil Rights & National Security Program and related Activities
- **Gisela Kusakawa**, Executive Director, Asian American Scholar Forum, to provide updates on AASF activities
- **Peter Toren**, Attorney and Member of Sherry Chen Legal Team, to be recognized and share his reflections on the Sherry Chen case
- **(new addition) Helen Shih** 施慧伦, Vision-Mission coach, community activist with RiseAAPI-Texas, Emerging Voters, and United Chinese Americans, to provide updates on Texas Senate bills and opposition to discriminatory land laws
- **Grace Meng** 孟昭文, Member, U.S. Congress and Congressional Asian Pacific American Caucus, to remark on the latest developments and legislation for the Asian American community
- **Baimadajie Angwang** 昂旺, New York Police Department (NYPD), and **John Carman**, Attorney, to share Angwang’s story of injustice as another victim of racial profiling under the "China Initiative"
- **(new addition) William Colton**, Member (District 47), New York State Assembly, to give opening remarks before the Q&A session

The virtual monthly meeting is by invitation only. If you wish to join, either one time or for future meetings, please contact one of the co-organizers of APA Justice - Steven Pei 白先慎, Vincent Wang 王文奎, and Jeremy Wu 胡善庆 - or send a message to contact@apajustice.org. Read past monthly meeting summaries here: https://bit.ly/3kxkqxP.
Updates on Texas Senate Bill 147 and Opposition to Revival of Alien Land Laws

1. Video Posted for Webinar on A Call to Stop SB 147 and All Alien Land Laws
The February 17, 2023, webinar featured Rep. Judy Chu with opening remarks and Rep. Gene Wu, David Donatti, Jamal Abdi, and Clay Zhu. Video of the webinar including a clip of the march and rally in Houston on February 11 has been posted. The event was sponsored by the 1882 Foundation, APA Justice, and United Chinese Americans.

Watch the clip and webinar: https://bit.ly/3mtMU1L

2. Historic Turnout to Testify in Texas Senate Committee on State Affairs Hearing on SB 147 and SB 711

On March 2, 2023, Texas Independence Day, the Texas Senate Committee on State Affairs held a public hearing on Senate Bill 147 and Senate Bill 711. According to onsite eyewitness report by H.C. Chang, an estimated 140 witnesses testified in the 6-hour event. About 130 were against SB147 and 711. It was historic in terms of Asian turnout, including the Chinese, Japanese, Korean, Indian, Iranian, Muslim, and many other communities. The witnesses came from many walks of life, to include students, lawyers, realtors, business leaders, moms, and even one 10-year-old kid. Most of them testified for the first time in front of legislators.

Texas icon Martha Wong 黃朱慧愛, a Republican who was the first Asian American woman to be elected to the Texas House of Representatives in 2002, testified against SB 147 and 711. Her testimony resonates and is a must-watch classic for the ages https://bit.ly/41QEyBU (12:33 with Chinese and English subtitles)

3. JACL Denounces Rising Anti-Chinese Rhetoric and Actions

On March 2, 2023, Rafu Shimpo reported on a statement released by the Japanese American Citizens League (JACL) that denounces rising anti-Chinese rhetoric and actions. According to the statement, recent events have led to a further resurgence of anti-Chinese rhetoric to a point that is becoming all too familiar to the Japanese American community specifically, as echoes of World War II incarceration begin to resurface. The JACL condemns these accusations against both Dominic Ng and Rep. Judy Chu and joins CAPAC, elected officials, and other community members in calling for an immediate apology from Rep. Lance Gooden and others who have questioned the loyalty of Chinese Americans. In addition to charges of disloyalty, we are seeing proposals for legislation targeting Chinese immigrants similar to laws passed 100 years ago that targeted Japanese immigrants. Texas legislators have proposed a law that would bar any “foreign national” from China, Russia, North Korea, or Iran from owning any land throughout the state. The so-called Alien Land Laws of the early 20th century barred first-generation Japanese Americans, Issei, from owning land, first in California and then in 12 other states. This proposed Texas law and similar ones being discussed in Virginia, Wyoming, Montana, and North Dakota are unequivocally xenophobic and racist. These laws were deemed unconstitutional under the 14th Amendment in 1952, and yet 70 years later we see the same laws and rhetoric being brought up again. The JACL calls for an end to the baseless demagoguery of anyone with Chinese heritage. The presumption of disloyalty because of one’s country of origin or ancestry is unfortunately a well-worn tradition, but one that we must not revive. Read the JACL statement http://bit.ly/3kL2vJW

4. San Francisco Chronicle Letter to the Editor

On March 2, 2023, the San Francisco Chronicle published a letter to the editor authored by John Trasvina, fair housing and employment official, Obama and Clinton Administrations. The letter titled Texas bill is illegal said, “Regarding ‘While Florida targets Black history, Texas Republicans plan to make life miserable for Asian Americans’ (Open Forum, SFChronicle.com, Feb 17): Texas’ SB147 violates the laws mentioned by Judge Lillian Sing and Julie Tang as well as the federal Fair Housing Act and principles of immigration and tax law. It treats U.S. permanent residents as agents of the foreign countries they may have fled from buying homes. I enforced fair housing and immigration employment protections for two presidential administrations. We know that employers and home sellers, contrary to law, may mistakenly or intentionally deny job and housing opportunities to U.S. citizens and others who look like the “wrong” population. Texas lives under and must follow the same laws as the rest of the country.

5. Texas Asian History - Who were the "Pershing Chinese?"
According to *Chinese American Heroes*, hundreds of Chinese from Texas and Mexico supported the US Army in 1916 and were allowed to stay in America and eventually became citizens. They were dedicated and loyal Chinese immigrants who served our military without ever wearing the uniform. The Chinese Exclusion Act of 1882 was emblematic of official American attitudes towards the Chinese, making Chinese Texans vulnerable to deportation at government whim as they were not legal American residents and by law were barred from becoming American citizens. In March 9, 1916, Pancho Villa and his rebels crossed the border and killed eighteen American soldiers and civilians in Columbus, New Mexico. On March 15, 1916, Major General John J. Pershing, stationed at Fort Bliss, Texas, was ordered to pursue and capture Villa by President Woodrow Wilson. This mission was known as the Mexican Punitive Expedition. Read the story of the Pershing Chinese some of whose descendants still live in Texas and the Southwest [https://bit.ly/3ZkVdLX](https://bit.ly/3ZkVdLX)

### Warrantless Surveillance and Border Harassment

1. **FISA Section 702 - Warrantless Surveillance.** In 2008, Congress enacted Section 702 of the Foreign Intelligence Surveillance Act (FISA). Its six-year reauthorization will expire on December 31, 2023. According to the *Washington Post* on February 28, 2023, Section 702 allows the FBI and the National Security Agency to gather emails, text messages and other electronic data from U.S. tech firms like Google, Microsoft, Apple and Meta without a traditional warrant based on probable cause when the target is a foreigner overseas. However, because the foreign target may have been in communication with a U.S. citizen or resident and the email may be in the database, the lack of a warrant requirement has long concerned privacy advocates. Sen. Ron Wyden (D-Ore.) years ago dubbed that the "backdoor search loophole." As a result, many Chinese Americans are swept into this loophole. Rep. Pramila
Jayapal (D-Wash.), chairwoman of the Congressional Progressive Caucus, this month tweeted “any FISA reauthorization must include meaningful reforms to protect Fourth Amendment rights.” The "only way to fully protect Americans' Fourth Amendment rights and prevent abuses is to require the government to obtain a probable-cause court order before performing U.S. queries," the Brennan Center for Justice’s Elizabeth Goitein argued in an article for the website Just Security. The battle for reauthorization lies principally in the Republican-controlled House. Rep. Jim Jordan is chairman of the Judiciary Committee, which will have first crack at the Section 702 bill in the House. Unlike previous rounds of Section 702 renewal, it is no longer clear that there is a majority in the House that is convinced of the value of the statute. Read the Washington Post report https://wapo.st/3ZIQp34

2. Border Harassment Reported. According to a report by the Chronicle of Higher Education on March 1, 2023, Advocates for Asian American academics are raising alarms about Chinese American researchers, and their families, being stopped and questioned when re-entering the United States. The Asian American Scholar Forum said there have been “multiple incidents” in which scientists and professors have been “harassed or interrogated” at airports or other border crossings. The incidents, which have occurred over the last few months, have sparked fears that federal government scrutiny of researchers with ties to China is continuing, despite the end of the controversial China Initiative, the U.S. Department of Justice investigation of academic and economic espionage by China. “Although the China Initiative has ended — and that was a very important and critical step — for many Chinese Americans, it is clear that they still live in a climate that’s less welcoming,” said Gisela Perez Kusakawa, the forum’s executive director. The incidents, in which travelers were subjected to additional questioning, a process known as secondary screening, have occurred when scholars were returning to the United States after going abroad for professional reasons. The screenings have also happened following personal travel, and in some cases, academics’ family members have been pulled aside. In one case, a graduate student was questioned by border officials about his lab’s research which is unrelated to national security. In another case, the young daughter of a Chinese American scholar traveling by herself was stopped for several hours and asked about her father’s work. Border officers should receive anti-bias training, Kusakawa said. In the meantime, the group has organized a virtual session with immigration, national-security, and criminal-law experts to give Chinese American researchers information about what to do if they are stopped for secondary screening. Among the advice offered: Carry the name and contact information of a lawyer, travel with a laptop and phone that contain only necessary work materials, and log out of all social-media and email accounts when crossing the border. Read the Chronicle of Higher Education report http://bit.ly/3ZokiWz

The House Select Committee on the Strategic Competition Between the United States and the Chinese Communist Party
According to Reuters, the Select Committee held its first hearing on February 28, 2028. The Committee is chaired by Rep. Mike Gallagher (R-WI) with Rep. Raja Krishnamoorti (D-IL) as the Ranking Member. The Select Committee has 13 Republican and 11 Democratic members. It will not write legislation, but will draw attention to competition between the United States and China on a range of fronts and make policy recommendations.

The hearing had four witnesses:

1. **H.R. McMaster**, a retired Army lieutenant general who was former Republican President Donald Trump's national security adviser
2. **Matt Pottinger**, a long-time China hawk who was deputy national security adviser to Trump
3. **Yong Ti**, a Chinese human rights advocate
4. **Scott Paul**, president of the Alliance for American Manufacturing

The committee's leaders saw the hearing, the first of what is expected to be many over the next two years as Republicans hold control of the House, as part of an effort to convince Americans why they should care about competing with China, and to "selectively decouple" the U.S. and Chinese economies.

In his written testimony, Pottinger wrote that the committee must protect the rights of Chinese Americans by "standing up against bigotry and discrimination here at home." "Protect, also, Chinese nationals studying and working in the United States so they can enjoy the freedoms that so starkly distinguish the American way of life from the increasingly oppressive atmosphere in China today," Pottinger said.

Although the committee is bipartisan, some Democratic lawmakers have voiced concerns that it could fuel anti-Asian sentiment within the United States. Krishnamoorti referred to such concerns, and the need for bipartisanship, in his remarks.

Read the Reuters report: [https://reut.rs/3ITV6Qw](https://reut.rs/3ITV6Qw)

According to a report by Asia Times on March 2, 2023, there were five key takeaways from the hearing:

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1. **The days of engagement are over.** Engagement had been the policy of successive governments from Nixon’s landmark visit to China in 1972 onward. But there was a general acceptance among committee members that the policy is outdated and that it is time to adopt if not outright containment then certainly a more competitive policy. This proposed hardening of the US policy is driven by internal developments in China as well as any perceived external threat.

2. **Reframing the debate.** As Gallagher’s remarks suggest, US issues with China was framed as a battle between two very different visions of society. The committee is clearly modeled on the January 6 House panel – for example, by airing hearings in prime time and with dramatic testimony from witnesses. The idea seems to be that the issue is of such importance that to pursue it successfully the U.S. public needs to be educated, invested and mobilized. As the US heads into the 2024 presidential race, both parties will be looking to stress how tough they are on the US’s adversaries.

3. **Confronting China’s leaders, not its people.** With anti-Asian sentiment having risen during the Covid-19 pandemic, US lawmakers are walking a fine line here – they will need to focus any criticism on Chinese leaders rather than its people. This balancing act may be more difficult in future hearings when issues of Chinese students at US universities, immigration and cooperation with China on certain scientific issues come up. That is when they will need to weigh concerns over Chinese espionage against not coming across as anti-Chinese visitors and immigrants.

4. **Reshaping policy on three fronts.** Although this first hearing was very much a table-setter, there were three broad policy recommendations implicit in the testimony: (a) Taiwan, (b) Economic Competitiveness, and (c) Human Rights.

5. **A boilerplate response from Beijing.** China’s response to the committee’s inaugural hearing was standard. In a statement, the foreign ministry in Beijing said it rejected Washington’s attempt to engage in what it called a “Cold War” mindset. Chinese media also tried to make it sound as if anti-China policy is driven by special interests, including defense contractors and members of the Taiwanese diaspora. The narrative that the US is warmongering was aided by the interjection of two protesters from the Code Pink activist group, who held up a sign during the hearing stating that “China is not our enemy.”


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**Asian American Community News and Activities**

1. **Building A Sustainable Platform and Pipeline for AAPI Leadership in Higher Education.** On March 9, 2023, a webinar will be convened as part of the 2023 Conference on Diversity, Equity and Student Success: Can We Handle Truth? Participants will learn about the importance of creating a platform for collaboration and synergy among AAPI leaders who have reached the position of president/chancellor in higher education, and a sustainable pipeline to support ascending AAPI leaders. Panelists are: **Ellen Junn,** President, California State University, Stanislaus; **Les Wong,** President Emeritus, San Francisco State University;
and Frank Wu, President, CUNY Queens College. Joyce Moy, Former Executive Director, Asian American/Asian Research Institute, CUNY, will moderate. Register for this workshop webinar: http://bit.ly/3xPv6Rj

2. 1990 Institute Video - Waves of Migration

Journey through the treacherous and brave path of the Asian Americans who came to the U.S. before us. At times, arriving freely and by choice. At times, arriving forcibly, coerced, or out of necessity. And for decades, excluded and barred from entry. Sometimes with a choice to stay, sometimes with no choice but to stay. Through the lens of the earliest surviving films and the eyes and pens of historical illustrators and photographers, see how, together as a community, they endured politics, imperialism, capitalistic development, and xenophobia. How their tenacity helped shape immigrant rights – not just for Asian Americans – but for many who are citizens of America today. The video is narrated by fifth generation Chinese American Krista Marie Yu and produced by the 1990 Institute. Watch the video: http://bit.ly/3JdAAff (15:55)

3. Workshop on Asian American Trailblazers in Civil Rights. On Wednesday, March 22, 2023, the 1990 Institute and the Alice Fong Yu Alternative School invite middle and high school teachers to learn more about the Asian Americans who fought for civil rights that benefited all who call America home. By 2025, a majority of states will have requirements in place for Asian American and Pacific Islander studies be taught in school. This multifaceted event will highlight Asian American pioneers and the pivotal court cases that have changed the landscape of U.S. civil rights, including the U.S. Supreme Court decision in United States v. Wong Kim Ark (1898) that established the constitutional guarantee of birthright citizenship. The 125th anniversary of this landmark case is on March 28, 2023. Register for the event: http://bit.ly/3ZpBLgN

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