

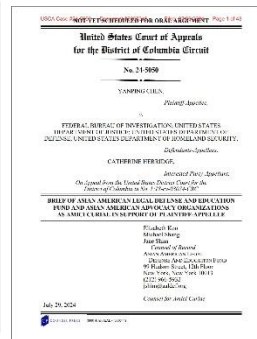
# In This Issue #271

- AALDEF: Amicus Brief in Support of Dr. Yanping Chen
- Professor Franklin Tao and Wife Speak on Their Experience and Plans
- C100: Alien Land Bill Tracker Updated
- AASF: Asian American Pioneer Medal Symposium and Ceremony
- News and Activities for the Communities

## AALDEF: Amicus Brief in Support of Dr. Yanping Chen



Yanping Chen 陈燕平  
Chen v. Federal Bureau of Investigation  
[1:18-cv-03074](#)  
District Court, District of Columbia  
Date Filed: Dec. 21, 2018  
Date Ended:



On July 29, 2024, the Asian American Legal and Education Defense Fund (AALDEF) and a coalition of 11 organizations filed a 43-page amicus brief with the U.S. Court of Appeals for the District of Columbia Circuit in support of Dr. **Yanping Chen**. The brief addresses issues of racial prejudice and the negative stereotyping of Asian Americans, particularly in the context of government actions against Dr. Chen.

Dr. Chen was not charged after six years of FBI investigations started in 2010. She filed a lawsuit in 2018 against the Government for violating the Privacy Act after *Fox News* aired a series of reports by **Catherine Herridge** in 2017, based on leaked FBI materials, that suggested she was spying for China, causing her significant personal, professional and financial harm.

On February 29, 2024, Judge **Christopher Cooper** held Catherine Herridge in civil contempt for refusing to divulge her source for her 2017 series of *Fox News* reports. He imposed a fine of \$800 per day until Catherine Herridge reveals her source, but the fine will not go into effect immediately to give her time to appeal.

Catherine Herridge appealed to the DC Circuit Appeals Court. The case number is #24-5050.

The brief underscores the historical marginalization of Asian Americans, emphasizing the persistent "forever foreigner" stereotype that depicts Asian Americans as perpetual outsiders

regardless of their citizenship status or contributions to society. Such stereotypes have been perpetuated by media representations and have influenced governmental policies and actions, often leading to discriminatory practices.

The brief argues that decisions in this case should be informed by a rejection of racial stereotypes and should uphold principles of justice and equality. It stresses the importance of the court recognizing the impact of racial bias on the credibility and reputation of individuals like Dr. Chen and the broader Asian American community.

The brief urges the court to consider the broader social and historical context of racial discrimination against Asian Americans when making its decision. It calls for a careful examination of the evidence and arguments presented, ensuring that decisions are based on facts rather than prejudiced assumptions.

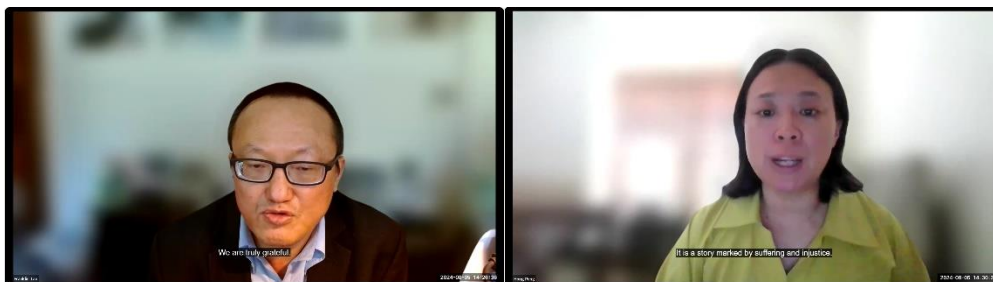
The brief concludes by reinforcing the need for the judicial system to protect the rights and dignity of all individuals, regardless of race or ethnicity. It emphasizes that a fair and just outcome in Dr. Chen's case would contribute to the broader fight against racial discrimination and uphold the principles of equality and justice.

The coalition of 11 organizations includes Asian Americans Advancing Justice Southern California, Asian Americans United, the Asian Law Alliance, the Asian Law Caucus, the APA Justice Task Force, Chinese for Affirmative Action, the Fred T. Korematsu Center for Law and Equality, Helen Zia and the Vincent Chin Institute, the Japanese Americans Citizens League, Muslim Advocates, and Stop AAPI Hate.

For additional information, contact **Stuart J. Sia**, Communications Director, AALDEF, at (212)-966-5932 x203 and [ssia@aaldef.org](mailto:ssia@aaldef.org)

Read the AALDEF brief: <https://bit.ly/3Aa4oY3>. Read the AALDEF press statement: <https://bit.ly/3WCm06i>. Read Dr. Chen's legal docket: <https://bit.ly/3ufnqUP>

## Professor Franklin Tao and Wife Speak on Their Experience and Plans



It was a deeply emotional day for Professor **Franklin Tao** to speak for the first time at the APA Justice meeting on August 5, 2024.

He thanked his family, lawyers **Peter Zeidenberg** and **Michael Dearington**, thousands of GoFundMe donors, brothers and sisters from his church, and the unwavering support from CAPAC, United Chinese Americans, Asian American Scholar Forum, APA Justice, Asian Americans Advancing Justice, Committee of 100, Chinese American Legal Defense Alliance, Alliance for Impact, and many other organizations.

Professor Tao's ordeal has lasted nearly five years. From the day of his arrest on August 21, 2019, to the day the 10th Circuit Court acquitted him of the last count, it has been 1,786 days—each one filled with fear and desperation.

A false accusation from a lying whistleblower led to Professor Tao's arrest under the China Initiative. Professor Tao said he is not a spy, and he should never have been arrested.

He was indicted on 10 felony counts. Thanks to his dedicated lawyers, Professor Tao and his wife fought the charges and ultimately prevailed. On July 11, the final count was acquitted.

However, this victory is bittersweet. Throughout this ordeal, Professor Tao has lost almost everything. His academic career, built over 20 years of hard work and 16-hour days, has been destroyed. The legal battle was extremely expensive, costing \$2.3 million. He and his wife borrowed from friends, tapped into their retirement savings, and raised over \$800,000 through GoFundMe. Despite all these efforts, they are still \$1.1 million in debt, and he has had no income for the past four years, leaving his family nearly bankrupt.

In July 2020, Professor Tao had an agreement with Kansas University (KU) stating that no action would be taken until the conclusion of criminal proceedings. However, KU terminated him in January 2023 before the conclusion of these proceedings. This was a breach of the agreement.

Professor Tao appealed because he is innocent of all the allegations. He has proven his innocence, but he has lost his job.

He is now focused on regaining his faculty position at KU. In the past few years while he was fighting his case, Professor Tao published 30 papers and retained the capability of working as a faculty member.

**Hong Peng** followed her husband's talk to share her story. It is a story marked by suffering and injustice, but ultimately ending in a victory for justice.

It was very, very hard to live under the dark clouds of injustice for almost five years. Franklin lost his career and nearly everything.

Hong had to work long hours, multiple jobs in different hospitals to help her family survive. She

could not count how many times she had to work 24 hours straight, how many times she had to pull off the highway to find a gas station to take a short nap or use cold water to wash her face to stay awake.

Sometimes she felt so desperate that she cried in her car after work, questioning why this was happening to Franklin and her family. Then she had to wipe away her tears and moved on. She had to tell herself to stay strong for her husband, their kids, and their family.

She deeply regrets how this affects their children who are twins.

This all began on their first day of high school. They were followed by a drone that the FBI used to surveil them from the moment they got into the car until the moment they got out at curbside and walked into the school.

Their son often cried alone in his room because he did not want his parents to worry. Their daughter had to see a psychologist to cope with the trauma.

Before they started college last year, her son said to Hong, “mom, don’t worry about us. We are going to start our new life in college. We are going to be fine. There were times before both of us thought about suicide.” Her heart breaks whenever she thinks about how much this has impacted their kids.

Franklin was treated like a criminal when he was innocent. He became extremely depressed, and had trouble sleeping and eating. From time to time before he slept, he would say “I almost wish I could just fall asleep and never wake up again. Then I wouldn’t need to think about all of this.”

She was heartbroken to witness her loved one suffer so much because of this injustice.

Physically, mentally, and financially Hong had to be the center of resource and support for her family. She was so drained. One time she got off the highway and was completely out. She did not know where she was, but it was the road she drove to work daily. It was scary because she could not afford to be sick. She had to be there for her family.

Justice finally prevailed with the 10th Circuit Court acquittal of the last count against Franklin on July 11. This victory could not have been possible without the tremendous support they received from the organizations, community, family, friends, legal team, and countless individuals. Hong and Franklin are eternally grateful for the compassion and belief in the truth that were shown to them.

In conclusion, Hong and Franklin look forward to Kansas University to reinstate Franklin, starting a new chapter in their lives and to a future where justice is not just a concept but reality for all.

A summary for the August 5 APA Justice monthly meeting is being prepared at this time. Read Professor Tao's story: <https://bit.ly/3y8SBsm>

## C100: Alien Land Bill Tracker Updated



On August 1, 2024, the Committee of 100 (C100) announced that its national database to track harmful alien land laws legislation has been updated. The C100 tracker and interactive maps are located at <https://bit.ly/4d6G0Ft>

Summary of 2024 as of July 22,

- 151 bills restricting property ownership by foreign entities have been considered by 32 states (115 bills) and Congress (36 bills).
- Of the 151 total bills, 71 are under current consideration that would prohibit Chinese citizens from purchasing or owning property.
- Of the 151 total bills, 12 passed and were signed into law in Georgia, Idaho, Indiana, Iowa (2 bills), Nebraska (2 bills), Oklahoma, South Dakota, Tennessee (2 bills), and Utah, respectively.
- Of the 12 bills passed so far, 7 prohibit Chinese citizens from purchasing or owning some form of property: Georgia's SB 420, Indiana's HB 1183, Nebraska's LB 1301, Oklahoma's SB1705, South Dakota's HB 1231, Tennessee's HB 2553 and SB 2639.

Summary since the beginning of 2023:

- 241 bills restricting property ownership by foreign entities have been considered by 39 states (205 bills) and Congress (36 bills).
- Of the 241 total bills, 194 have been under consideration that would prohibit Chinese citizens from purchasing or owning property; 174 bills have been considered by 38 states and 20 have been considered by Congress.
- Of the 241 total bills, 29 passed and were signed into law in Alabama, Arkansas, Florida, Iowa (2 bills), Idaho (2 bills), Indiana (2 bills), Georgia, Louisiana, Missouri, Mississippi, North Dakota (2 bills), Nebraska (2 bills), Oklahoma (2 bills), South Dakota, Tennessee (4 bills), Utah (2 bills), Virginia, (2 bills), and West Virginia.

- Of the 29 bills passed so far, 11 prohibit Chinese citizens from purchasing or owning some form of property: Arkansas' SB 383, Florida's S 264, Georgia's SB 420, Indiana's HB 1183 and SB 477, Nebraska's LB 1301, Oklahoma's SB1705, South Dakota's HB 1231, Tennessee's HB 2553 and SB 2639, and West Virginia's SB 548.

## AASF: Asian American Pioneer Medal Symposium and Ceremony

FOR IMMEDIATE RELEASE: August 2, 2024

Contact: Melissa Stek, [media@asforum.org](mailto:media@asforum.org)



According to a press statement on August 2, 2024, Asian American Scholar Forum (AASF) hosted, in partnership with Stanford University Asian American Activities Center, the very first Asian American Pioneer Medal Symposium and Ceremony on July 27, 2024, at Stanford Memorial Auditorium. More than 1,300 persons registered for the event.

The six Pioneer Medal Award recipients are [Nasir Ahmed](#), [Frank C Chang](#), [Dawon Kahng](#), [Teresa H. Meng](#), [Raj Reddy](#), and [Simon M. Sze](#).

[The symposium and award ceremony](#) brought together some of the most distinguished minds in energy, artificial intelligence, life sciences, and leadership – including **Nobel Prize laureates Steven Chu and Randy Schekman**, **Turing Award laureates Raj Reddy and John Hennessy**, and leading industry figures, such as **CEO and Founder of Zoom, Eric Yuan**. It also included academic leaders such as **Jonathan Levin**, the 13th president of Stanford University; **Arun Majumbar**, the dean of the Stanford Doerr School of Sustainability; **Tsu-Jae King Liu**, the dean of the College of Engineering at UC Berkeley; and **Andrea J. Goldsmith**, the dean of the School of Engineering and Applied Science at Princeton University. The event also featured notable speakers such as **Dr. Arati Prabhakar** (U.S. Cabinet member and Science Advisor to the President and Director of the White House Office of Science and Technology Policy), **Sethuraman Panchanathan** (Director of the U.S. National Science Foundation), and **Representative Judy Chu** (D-CA 28th District and Chair of the Congressional Asian Pacific American Caucus).

Read the AASF press statement: <https://bit.ly/4dxYkHl>

# News and Activities for the Communities

## 1. APA Justice Community Calendar



### Upcoming Events:

- 2024/08/19 DNC Convention, AAPI Briefing & Reception, Chicago, IL
- 2024/09/01 Rep. Gene Wu's Town Hall Meeting
- 2024/09/09 APA Justice Monthly Meeting
- 2024/09/19-20 AANHPI Unity Summit
- 2024/10/06 Rep. Gene Wu's Town Hall Meeting
- 2024/10/07 APA Justice Monthly Meeting

The Community Calendar has moved. Visit <https://bit.ly/3XD61qV> for event details.

## 2. Nobel Prize-winning physicist Tsung-Dao Lee dies at age 97



Dr. Lee, left, with Chen Ning Yang in 1957, the year they won the Nobel Prize in Physics. Alan W. Richard for The New York Times



Tsung-Dao Lee in 2006. He was a young professor at Columbia University when he shared the 1957 Nobel Prize in Physics. Visual China Group, via Getty Images

According to *AP*, *New York Times*, and multiple media sources, Chinese American physicist **Tsung-Dao Lee** 李政道 (1926-2024), who in 1957 became the second-youngest scientist to receive a Nobel Prize, died at his home in San Francisco at age 97.

His death was announced in a joint statement by the Tsung-Dao Lee Institute at the Jiao Tong University in Shanghai and the China Center for Advanced Science and Technology in Beijing.

Born on November 24, 1926, in Shanghai, Tsung-Dao Lee made groundbreaking contributions to physics, leaving a lasting impact on both theoretical and experimental physics. Lee's academic journey began at the National Chekiang University and the National Southwest Associated University from 1943 to 1945. He then pursued graduate studies at the University of Chicago from 1946 to 1950, where he was chosen by **Enrico Fermi**, a Nobel laureate in physics, as a doctoral student. In 1950, Lee earned his Ph.D. degree. He became a naturalized U.S. citizen in 1962.

In 1953, he joined Columbia University as an assistant professor. Three years later, he became the youngest-ever full professor there. He became the Enrico Fermi Professor of Physics at Columbia University in 1964.

In 1957, Lee, at age 31, was awarded the Nobel Prize in physics together with **Chen-Ning Yang** 楊振寧.

**Robert Oppenheimer**, known as the father of the atomic bomb, once praised Lee as one of the most brilliant theoretical physicists of the time, whose work showed “remarkable freshness, versatility and style.”

Read the *New York Times* report: <https://nyti.ms/4dBZ3qZ>. Read the *AP* report: <https://bit.ly/4d82uWo>.

### 3. *Verge*: Customs Agents Need a Warrant to Search Your Phone Now

TECH / POLICY / PRIVACY

#### Customs agents need a warrant to search your phone now



Image: Cath Virginia / The Verge; Getty Images

/ A federal judge ruled that warrantless phone searches at ports of entry violate the Fourth Amendment.

By Gabby Del Valle, a policy reporter. Her past work has focused on immigration politics, border surveillance technologies, and the rise of the New Right.

Jul 29, 2024, 6:27 PM EDT

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According to the *Verge* on July 29, 2024, a federal judge in New York ruled that Customs and Border Protection (CBP) can not search travelers' phones without a warrant. The ruling theoretically applies to land borders, seaports, and airports — but in practice, it only applies to New York's Eastern District.

The ruling stems from a criminal case against **Kurbonali Sultanov**, a naturalized US citizen from Uzbekistan, who was ordered to hand his phone over to CBP after his name triggered an alert on the Treasury Enforcement Communications System identifying Sultanov as a potential purchaser or possessor of child sexual abuse material.

The judge, **Nina R. Morrison** of New York's Eastern District, denied Sultanov's motion to suppress evidence, but ruled in favor of Sultanov on Fourth Amendment grounds, finding that the initial search of his phone was unconstitutional.

CBP's ability to search travelers' phones has received increased scrutiny in recent months. In April, a bipartisan group of senators sent a letter to Homeland Security Secretary **Alejandro Mayorkas** asking for information on what data the government retains from these searches and how the data is used. "We are concerned that the current policies and practices governing the search of electronic devices at the border constitute a departure from the intended scope and application of border search authority," Sens. **Gary Peters** (D-MI), **Rand Paul** (R-KY), **Ron Wyden** (D-OR), and **Mike Crapo** (R-ID) wrote.

Read the *Verge* report: <https://bit.ly/46wX7h6>.

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