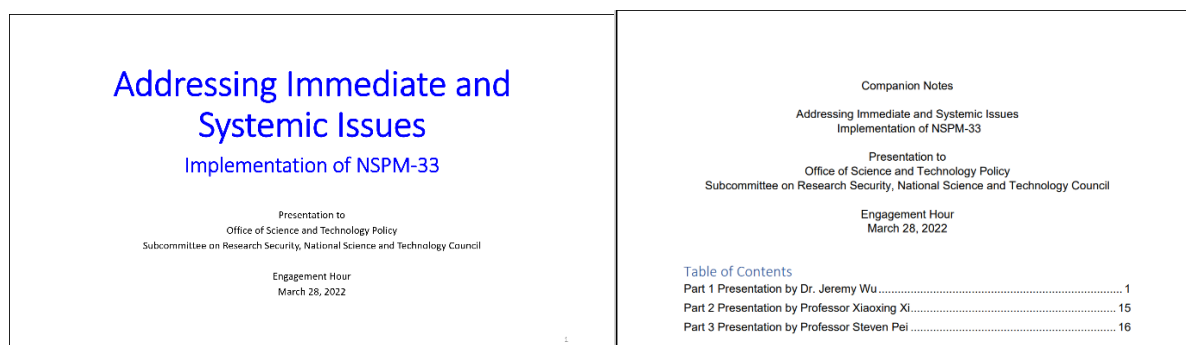


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## OSTP Hosts First Engagement Hour for Implementation of NSPM-33



On March 28, 2022, the White House Office of Science and Technology Policy (OSTP) hosted the first Engagement Hour with the Asian American, Native American, and Pacific Islander (AANHPI) and scientific communities.

During the Engagement Hour, APA Justice and a group of participating organizations and individuals gave [a presentation](#) titled "**Addressing Immediate and Systemic Issues: Implementation of NSPM-33**," accompanied by 19 pages of [notes](#) to support the slides. The presentation began with a recap of the process to implement National Security Presidential Memorandum 33 (NSPM-33), starting with the August 2021 OSTP announcement to set clear and consistent rules with the assurance that the policies do not fuel xenophobia or prejudice.

The presenters - Drs. Jeremy Wu, Xiaoxing Xi, and Steven Pei - shared the basic principles and values to kick off the hour with a series of immediate and systemic issues, including but were not limited to:

- The Asian American experience and perspective

- Information, misinformation, and communications
- Needs to address existing investigations and prosecutions
- Reaffirmation of the Presidential Directive on Fundamental Research
- Policies that diminish US power of attracting talent and fuel xenophobia against Asian Americans
- Specific recommendations for the implementation of NSPM-33

The subsequent discussions were informative and productive. We are preparing a summary and anticipate the Engagement Hour to be the beginning of a transparent and consultative process.

Read more: <https://bit.ly/3uKsa6K>

## Senate Judiciary Committee Presses FBI on Reports of Widespread Rule-Breaking in Sensitive Investigations

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MARCH 28, 2022

### Durbin, Grassley Press FBI on Reports of Widespread Rule-Breaking in Sensitive Investigations

*According to a newly publicized internal audit, FBI agents violated agency rules at least 747 times in 18 months while conducting investigations involving political candidates, public officials, religious and political groups, and other sensitive matters*

On March 28, 2022, U.S. Senate Majority Whip Dick Durbin (D-IL), Chair of the Senate Judiciary Committee, and U.S. Senator Chuck Grassley (R-IA), Ranking Member of the Senate Judiciary Committee, requested information and an independent Inspector General review following a newly publicized 2019 Federal Bureau of Investigation (FBI) audit that revealed widespread violations of internal FBI policies governing investigations of political candidates, public officials, religious and political groups, and other sensitive matters.

In the letter to FBI Director Wray, the Senators requested an unredacted copy of the 2019 audit and a detailed explanation of what remedial steps, if any, the FBI has taken in response to its findings.

**“These widespread and apparently systemic violations of approval and notification requirements make clear that the FBI has failed to rigorously adhere to the DIOG [Domestic Investigations and Operations Guide],”** Durbin and Grassley wrote. **“The sheer number of FBI investigations that failed to comply with the DIOG’s rules suggests a pattern and practice of evading the rules, which consequently opens the door for**

**political and other improper considerations to infect the investigative decision-making process.”**

In a letter to Inspector General Horowitz, the Senators requested an additional audit of the FBI’s compliance with the DIOG’s requirements for conducting sensitive investigative matters (SIMs).

**“Due to the nature of their subjects, these investigations present heightened constitutional and civil liberties concerns and therefore merit greater scrutiny and supervision,”** Durbin and Grassley wrote. **“Accordingly, we ask that the Office of the Inspector General (OIG) perform an additional audit of the FBI’s compliance with the DIOG’s requirements for conducting SIMs. Among other things, the audit should address the FBI’s compliance with relevant requirements during SIMs pending from July 2019 to the present day, including additional SIM-related guidance and requirements imposed by the FBI in response to OIG’s December 2019 report regarding Crossfire Hurricane.”**

Read more about the announcement and letters: <https://bit.ly/3IU5c23>

## **2022/04/04 APA Justice Monthly Meeting**

The next APA Justice monthly meeting will be held on Monday, April 4, 2022. Featured speakers are:

- **Rep. Grace Meng**, First Vice-Chair of Congressional Asian Pacific American Caucus (CAPAC)
- **Gary Locke**, Chair of Committee of 100, former U.S. Ambassador to China, former Secretary of Commerce, and former Governor of Washington
- **Haipei Shue**, President, United Chinese Americans
- **Margaret Lewis**, Seton Hall University Law Professor
- **Gisela Kusakawa**, Assistant Director, Advancing Justice | AAJC.

**Nisha Ramachandran**, Executive Director of CAPAC, will not be able to attend. She will send an update to be read during the meeting.

The 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, Vincent Wang, and Jeremy Wu - or send a message to [contact@apajustice.org](mailto:contact@apajustice.org). Read past monthly meeting summaries here: <https://bit.ly/3kxkqXP>.

Note: On September 28, 2018, former Ambassador, Governor, and Secretary Gary Locke received the Lifetime Achievement Award from United Chinese Americans (UCA) in Washington DC. He gave a rousing, inspirational acceptance speech in which he mentioned the ordeals of Sherry Chen, Professor Xiaoxing Xi, and anti-Asian bias.

The highly recommended excerpt is posted on YouTube and shared here: <https://bit.ly/3Lor47j> (video 3:45).

## Take One Minute of Your Time to End the 10 Years of Injustice for Sherry Chen



## Sign on the Letter to Commerce Secretary Raimondo - End the Ten Years of Injustice for Sherry Chen Now

Justice delayed is justice denied!

APA Justice Task Force urges all concerned U.S. organizations and individuals to co-sign the letter to Commerce Secretary Gina Raimondo below. We call for Secretary Raimondo's immediate action to

- End the TEN YEARS OF INJUSTICE for hydrologist Xiafen "Sherry" Chen, and
- Account for the abuse and misconduct at multiple levels of the Department of Commerce stemming from the rogue Investigations and Threat Management Service (ITMS).

It takes less than one minute to sign on to the letter to Commerce Secretary Gina Raimondo. We are calling on her to end the 10 years of injustice for Sherry Chen and to account for the abuse and misconduct at multiple levels of the Department of Commerce (DOC) stemming from the rogue Investigations and Threat Management Service (ITMS). Senator Roger Wicker confirmed in the [March APA Justice monthly meeting](#) ITMS's additional abuses of authority, mismanagement, and reprisal against DOC employees, including the unchecked race-based targeting disproportionately impacted employees of Chinese ancestry. There are over 5,800 dedicated and hardworking

Asian American federal employees working in DOC. They deserve a respectful workplace free of systemic discrimination and suspicion based on their ethnicity and national origin.

More broadly, DOC should publicly adopt policy changes that will prevent profiling and unjustifiable scrutiny of Asian American employees at DOC going forward, including under the guise of “insider threat” investigations. DOC should provide a full accounting of the abuses and misconduct at ITMS and the role of any other components or agencies in enabling or failing to stop that misconduct, including the Department’s Office of Inspector General. Finally, protections for whistleblowers must be strengthened. Any retaliation against those who reported ITMS’s abuses must be reversed. Their courage in coming forward must be publicly commended.

A simple sign-on form for concerned U.S. organizations and individuals is located here: <http://bit.ly/Letter2CommerceSec>

## Radio Free Asia | WHYNOT 歪脑: Caught in the Crossfire: How the China Initiative Subjected Scientists to Loyalty Tests



On March 30, 2022, Radio Free Asia and its online affiliate WHYNOT | 歪脑, a digital magazine based in Washington DC, released a video film (16:39) titled "Caught in the Crossfire: How the China Initiative subjected scientists to loyalty tests" 大国夹缝中：“中国行动计划”下科学家面临的忠诚拷问. The film is narrated in Mandarin Chinese and have English captions. An earlier release included simplified and traditional Chinese captions. There are three chapters in the video:

- "We Are All Gang Chen" 我们都是陈刚
- The "China Initiative" "中国行动计划"的前生今世
- A Scientist's Loyalty 科学家为谁而忠诚



"In February 2022, the U.S. Department of Justice terminated the controversial 'China Initiative,' a Trump-era program created to target economic espionage by the Chinese government. During its lifespan of three plus years, the focus of the initiative gradually shifted to academia, targeting a number of researchers and professors with grant fraud charges. Among those who were charged under the initiative, nearly 90% were of Chinese heritage, and many of the cases involving research integrity have been dropped after lengthy and costly legal battles. Civil rights groups raised concerns about racial profiling, which was repeatedly refuted by the FBI and the DOJ even as the China Initiative came to an end. It also happened against the backdrop of the U.S.-China technology race, which made the belief that science has no borders a wishful thinking.

In the third and final episode of the 'Caught in the Crossfire' series, we followed the case of MIT professor Gang Chen, one of the most prominent scholars being charged under the 'China Initiative,' to show how the program had subjected scientists to loyalty tests."

The loyalty test can be traced back to the Second World War when 120,000 persons of Japanese descent were interned. A group of U.S. citizens and residents was classified as dangerous solely based on their national origin. It was a grave injustice and a "terrible stain" (according to Attorney General Merrick Garland in response to Rep. Ted Lieu in an October 2021 House Judiciary Committee hearing <https://bit.ly/3G8RliB>) on American history. It defines racial profiling today.

Asian American Scholar Forum, United Chinese Americans, and APA Justice are credited for the production of the film.

Watch the video with English captions here: <https://bit.ly/3tTaHd2> (16:39) or with simplified or traditional Chinese captions here: <https://bit.ly/3uFwUKM> (16:39).

## **FT Podcast: US-China Tech Race: Spies and Lies (Part One)**

In the first episode of this season's six-part series on March 28, 2022, the FT's Global China Editor James Kynge tracks China's dramatic transformation from the manufacturing workshop of the world to the next global superpower. The driver of that change is technology, sparking a battle between China and the US over who will dominate. Numerous ethnic Chinese scientists working in the US have found themselves ensnared in this bitter rivalry, including US-based physics professor Xiaoxing Xi, wrongly accused of industrial espionage, amid accusations that China's tech prowess has been built on the theft of US innovation. How deep is the rift between the two countries over tech and what does that mean for the world?

Listen to the podcast here: <https://on.ft.com/3DraiBv> (audio 33:22). Read the transcript here: <https://on.ft.com/3DpGMfs>

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