

06/30 Congressional Roundtable

The timely and extraordinarily successful “Researching While Chinese American” Congressional Roundtable held on June 30, 2021 has received more than 12,000 views on YouTube: <https://bit.ly/3xTy2u3>, of which 60% can be traced to links through APA Justice communications. The Democratic Member Roundtable was led by Rep. Jamie Raskin, Chair of the House Subcommittee on Civil Rights and Civil Liberties and Rep. Judy Chu, Chair of Congressional Asian Pacific American Caucus (CAPAC). They were joined by Reps. Ted Lieu, Eleanor Norton, Mark Takano, and Rashida Tlaib.

Rep. Raskin opened the Roundtable, denouncing ethnic profiling, saying:

“That is not acceptable in the United States of America, which was founded on principles of equality and justice. We reject guilt by association, we reject notions of collective guilt or ethnic or racial guilt. The United States is a welcoming place, it is open to people of all backgrounds and to creative ideas, and to scientific research and inquiry. That is how we established ourselves as a world leader in innovation and technology, by allowing for free-flowing thoughts and theories. By targeting people who are ethnically Chinese, without evidence, we are hampering our ability to be that world leader and we are harming an entire community.”

In her opening, Rep. Chu echoed Rep. Raskin’s concerns, and stated:

“We need to make sure we don’t repeat the mistakes of the Cold War. That means not spreading unfounded suspicions that paint all Chinese people as threats and which put innocent Chinese Americans at risk.”

Rep. Raskin issued a press statement after the Roundtable: <https://bit.ly/2Uux9ts>, which included the written testimonies of four witnesses - Sherry Chen, renowned hydrologist at the National Weather Service; The Honorable Steven Chu, former Secretary of Energy and current Stanford professor; Dr. Randy Katz, Vice Chancellor for Research at the University of California, Berkeley; and Dr. Xiaoxing Xi, professor of physics at Temple University.

The press release also included submitted statements from concerned organizations and individuals. The written testimony submitted APA Justice <https://bit.ly/3dqURh0> urges the House Subcommittee on Civil Rights and Civil Rights and CAPAC to take the following actions:

1. Direct the U.S. Attorney General to end the “China Initiative.”
2. Mandate transparency including responses from the FBI, NIH, and related federal agencies to standing Congressional inquiries and public Freedom of Information Act requests to review and justify their continuation of racial profiling policies and practices.

3. Join and coordinate with the Senate Committee on Commerce, Science, and Transportation on the ongoing investigation of misconduct at the Department of Commerce.
4. Conduct oversight on policies, practices, and tactics of federal agencies and make needed legislative changes and reforms.

This was the first Congressional proceeding about racial profiling against Asian American scientists in more than two decades. The last event was led by Rep. Patsy Mink, who took the House floor and excoriated the investigation and treatment of Dr. Wen Ho Lee on October 12, 2000 and suggested actions and reforms <https://cs.pn/2Q8GOA9> (video 31:02).

Read more at <https://bit.ly/3kyUvH9>.

07/12 APA Justice Monthly Meeting

The next APA Justice monthly meeting will be held on Monday, July 12, 2021. Confirmed new speakers include the President of The Asian American Foundation and an Asian American Patriot. The meeting will also include updates by CAPAC, The Yellow Whistle Project, and Advancing Justice | AAJC. Maryland State Senator Susan Lee, whose leadership and persistent efforts resulted in the Roundtable, will give us her observations, reflection, and envisioned next steps after the Roundtable.

The monthly meeting is by invitation only. If you wish to participate, either one time or for future meetings, please contact one of the co-organizers for APA Justice - Steven Pei, Vincent Wang, and Jeremy Wu, or send a message to contact@apajustice.org.

Read past APA Justice monthly meeting summaries here: <https://bit.ly/3kxkqxP>.

Mistrial of Professor Anming Hu

On July 6, 2021, defense attorney for former University of Tennessee Knoxville Professor Anming Hu [motioned the judge](#) to inquire the Department of Justice whether they intend to retry Professor Hu's case. On the same day, Advancing Justice | AAJC [wrote a letter](#) to Francis M. (Trey) Hamilton III, Acting U.S. Attorney of the Eastern District of Tennessee, and urged his office to drop charges against Professor Hu. It has been three weeks since the judge declared a mistrial in Professor Hu's case on June 16, 2021.

Day-by-day transcript for the mistrial that began on June 7, 2021 may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber. Release of the transcripts with possible redaction to the public is set for 2021/09/29 via the [Public Access to Court Electronic Records](#) (PACER) system.

"China Initiative" and Related Activities

On July 3, 2021, South China Morning Post published "US-China tech war: In the battle for talent, the US is 'shooting ourselves in the foot'." Leading with the mistrial of Professor Anming Hu, the comprehensive report describes how the Justice Department's "China Initiative" pursuit of suspected tech thieves and spies is chilling the climate for scientists studying and working in the US at a time the US faces a "severe shortage of digital talent," according to a member of a US commission on artificial intelligence. Read more at: <https://bit.ly/3hmGe0t>.

On June 29, 2021, MIT Technology Review published "We are all Gang Chen," in which MIT Professors Yoel Fink and Yasheng Huang explained why they pushed back when the U.S. government accused their colleague Professor Gang Chen of fraud. It includes a time line of the arrest, response, and an open letter to the MIT President that was ultimately signed by 201 faculty members from MIT's five schools. Read more at <https://bit.ly/3xqhUTH>.

On July 6, 2021, Reuters published a commentary on "The current trade secret conundrum: the cart before the horse." The article describes four stages of trade secret asset management: identification, classification, protection and valuation. The four stages cannot be juggled around. Identification precedes classification; identification and classification precede protection; identification, classification and protection precede valuation. It also describes a six-factor test that has become the litmus test for state and federal courts to assess whether an alleged piece of information qualifies as a statutory trade secret asset. It is now a standard jury instruction in trade secret misappropriation cases. Read more at <https://reut.rs/3jYGCnw>.

The last day of John Demers as the head of the National Security Division and the "China Initiative" at the Department of Justice was June 24, 2021. He served in that capacity from February 2018 to June 2021. Mark Lesko is in the acting capacity at this time. Matt Olsen is waiting for Senate confirmation.

"We Belong" Yellow Whistle Activities

On the same day of the Roundtable on June 30, Roll Call published "'Yes, I do belong here': AAPI staffers on a tough year working for Congress." The report described the silent pain and suffering of Asian American congressional staffers who feel that they are invisible "Perpetual Foreigners" even working right under the dome of the U.S. Capitol. Read the report at <https://bit.ly/2V5F7tn>.

APA Justice is reaching out to Congressional members and staffers and urge them to adopt and support the "We Belong" Yellow Whistle Project whose recent and upcoming activities include:

- On July 8, 2021, yellow whistles will be distributed at the New York Philharmonic concert in Lincoln Center. Oscar Tang, co-founder of the Yellow Whistle Project,

will speak on stage about the yellow whistle and 1,000 will be distributed at the end of the concert.

- During the month of July 2021, yellow whistles will be distributed by CAPA-MC and CCACC to adult day care and senior centers in Montgomery County, Maryland. <https://bit.ly/3heBcTI>.
- On July 25, 2021, yellow whistles will be distributed by the 1882 Foundation in the Asian Festival on Main in Fairfax City, Virginia. <https://bit.ly/3qRbTu7>.
- On July 1, 2021, yellow whistles were distributed by San Diego Mayor Todd Gloria to Asian seniors at the Chinese Consolidated Benevolent Association of San Diego Senior Garden. The event was organized by ACA, APAPA, and CCBA. <https://bit.ly/3hfSjVf>.
- On June 24, 2021, yellow whistles were distributed at the Chinese-American Planning Council's Open Door Senior Center in Manhattan's Chinatown in New York City. <https://bit.ly/3xXDbS4>

APA Justice has embraced the Yellow Whistle Project since it was launched on April 19, Patriots Day. Join the nationwide movement and do your part. Read more at <https://www.theyellowwhistle.org/> and <https://bit.ly/2RDZMmB>.

Legislative Alert - U.S. Innovation and Competition Act of 2021

On July 1, 2021, The National Law Review published "More than Innovation and Competition: The Latest Proposed Monitoring and Enforcement Mechanisms Targeting Foreign Influence in U.S. Research." The article highlighted six points from The U.S. Innovation & Competition Act (USICA) <https://bit.ly/3dPUrAW>:

- Creating the Federal Research Security Council (Security Council) to develop federally funded research grant-making policy and management guidance that protects the national and economic security interests of the United States;
- Banning federally funded researchers from participating in foreign talent recruitment programs;
- Requiring the imposition of economic sanctions in response to the foreign theft of U.S. intellectual property or cyberattacks;
- Requiring the Committee on Foreign Investment in the United States (CFIUS) to review foreign gifts to, or contracts with, higher education institutions in excess of US\$1,000,000;
- Amending the United States Code to create a separate federal crime for "federal grant application fraud"; and

- Restricting immigration for certain aliens deemed to be a national security risk, especially concerning sensitive technologies.

Read more at <https://bit.ly/3yjP3Oa>.

USICA passed the U.S. Senate on a vote of 68 - 32 on June 8, 2021. There is an identical bill, H.R.2731 - Endless Frontier Act, and several other bills pending in the House. It is unclear how the House will reconcile to come up with a bill that will pass. If it is significantly different from the Senate bill, it will require a conference to put them together in a compromise bill.

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