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2023/04/03 APA Justice Monthly Meeting

The next APA Justice monthly meeting will be held on Monday, April 3, 2023, starting at 1:55 pm ET.

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.

Updates will be provided in the meeting by:

- **Nisha Ramachandran**, Executive Director, Congressional Asian Pacific American Caucus (CAPAC)
- **John Yang 杨重远**, President and Executive Director, Advancing Justice | AAJC
- **Gisela Kusakawa**, Executive Director, Asian American Scholar Forum

In addition, we welcome three new distinguished speakers.

Dr. Robert Underwood



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President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders Meeting

- **Dr. Robert Underwood** is a member of the President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders (AANHPI). He is a former Member of Congress representing Guam for 10 years. He is also President Emeritus of the University of Guam and has the distinction of being the longest serving President of the university. He has served the nation as Chair of the Congressional Asian Pacific American Caucus and the founding Chair of the Asian Pacific Islander Scholarship Fund. As a scholar and activist, he has served his region and his people as a passionate advocate for the respect and maintenance of the Chamorro language and the empowerment of the peoples of Micronesia. Dr. Underwood is also Co-Chair of the United States Institute of Peace China-Freely Associated States Senior Study Group. On March 10, 2023, APA Justice submitted comments titled "[Pursuing a More Perfect Union and an Equitable Society](#)" to the Commission.

John Liu 刘醇逸



New York State Senator **John Liu 刘醇逸** represents a broad area of northeast Queens. He is chairperson of the Senate's committee on New York City Education and also serves on the committees of Education, Finance, Higher Education, Judiciary, Rules and Transportation. State Senator Liu will speak on the relevance and importance of New York Police Department Officer **Baimadajie Angwang 昂旺**'s story and racial profiling of Asian American scientists to his bill requiring K-12 schools to provide instruction in Asian American history and civic impact, as well as the revival of Alien Land Laws and similar discriminatory bills in Texas and other states.

Paula Williams Madison



Paula Williams Madison is a former print and TV journalist, retired NBCUniversal executive and GE Company Officer, Former Vice President of the Los Angeles Police Commission and owner of The Africa Channel. She will expand on her thoughts on holding a conversation with a number of national organizations to form a task force on a media watchdog or a similar purpose for the foreseeable future. UCA, C.A.C.A., Committee of 100, AAAJ, etc., could form such an entity. Named one of the “75 Most Powerful African Americans in Corporate America” by Black Enterprise Magazine in 2005 and included in the Hollywood Reporter’s “Power 100,” she has been honored by Asian organizations as well, having been recognized in 2014 as one of the Outstanding 50 Asian Americans in Business and in 2015, she was honored by the East West Players and AARP with their Visionary Award and by the Chinese American Museum in Los Angeles with the Historymaker Award. She authored and produced [FINDING SAMUEL LOWE - from Harlem to China](#) 寻找罗定朝, which tells her successful search to locate her Chinese grandfather's descendants in China. She is a dual citizen of both the US and Jamaica, grew up in Harlem, and lives with her husband in Los Angeles.

Science Editorial and Report on NIH’s “China Initiative”



According to an editorial by the Editor-in-Chief of *Science*, **H. Holden Thorp**, on March 23, 2023, it wasn't that long ago when scientific collaboration between the United States and China was enthusiastically encouraged as a means to accomplish the best science. That all changed in 2018, when then-President Trump launched the China Initiative to rid US academia of Chinese spies. The National Institutes of Health (NIH)—the largest federal funder of biomedical research—vigorously responded to this charge. The agency’s allegations and investigations have not only destroyed careers but also eroded trust in the agency and federal government across the scientific community.

This is probably not how **Michael Lauer**, deputy director for extramural research at NIH, wants to be remembered. But history is not always kind. Lauer has been heavy-handed with regard to policing foreign influence from China, allowing the agency to engage in secretive hardball to

target researchers who receive NIH support and who are affiliated with Chinese collaborators.

When pressed publicly for details, the NIH and the institutions have given legalistic responses that provide little reassurance.

It's hard not to conclude that the answer to what changed is Donald Trump's term as president along with the rise in power of conservative members of Congress bent on reviving the dark spirit of McCarthyism, with China substituted for the Soviet Union.

The result was threatening letters from Lauer and a complete change in tone from the institutions. Since 2018, 100 institutions have received letters concerning 246 faculty members, most of them Asian and most working with Chinese collaborators. Altogether, 103 have been forced out, and many more have been enjoined from receiving NIH funds, which is almost always a career killer. Because the letters contain language portraying these scientists as being "unwelcome in the NIH ecosystem," very few institutions in the United States will hire them.

If the implied nefarious activities were real now, it's been real for a while. The NIH has not given adequate answers as to why this all started so abruptly.

Given the statements that Lauer has made in his letters, it's no wonder the institutions have clammed up. But they owe their faculty, students, trainees, and staff an explanation as well. Has the national security apparatus demanded administrators' silence? Or is it the need for institutions to maintain their good standing with NIH?

The institutions and the NIH need to resolve this. Given the information available in the public domain, the scientific community could easily conclude that this is a xenophobic program to harm Chinese scientists and cut off international scientific cooperation. The federal government needs to figure out a way to let the NIH and the institutions reassure the community that this is all worth it.

Read the Science editorial: <https://bit.ly/3z24z40>

PALL OF SUSPICION - The National Institutes of Health's "China initiative" has upended hundreds of lives and destroyed scores of academic careers. According to an investigative report by *Science* reporter **Jeff Mervis**, in contrast to the very public criminal prosecutions of academic scientists under the "China Initiative" launched in 2018 by then-President **Donald Trump** to thwart Chinese espionage, NIH's version has been conducted behind closed doors. **Michael Lauer**, head of NIH's extramural research, says that secrecy is necessary to protect the privacy of individual scientists, who are not government employees. Universities consider the NIH-prompted investigations to be a personnel matter, and thus off-limits to queries from reporters. And the targeted scientists have been extremely reticent to talk about their ordeal.

Only one of the five scientists whose cases are described in this article has previously gone public with their story. And only one has pushed back successfully, winning a large settlement against her university for terminating her.

But a running tally kept by the agency shows the staggering human toll of NIH's campaign. NIH's data also make clear who has been most affected. Some 81% of the scientists cited in the NIH letters identify as Asian, and 91% of the collaborations under scrutiny were with colleagues in China.

In only 14 of the 246 cases—a scant 6%—did the institution fail to find any evidence to back up NIH's suspicions. Lauer, who oversees NIH's \$30 billion grants portfolio, regards that high success rate as proof NIH only contacted institutions when there were compelling reasons to believe the targeted scientists were guilty of “scientific, budgetary, or commitment overlap” with NIH-funded projects.

But others, including some of the scientists targeted and the university administrators involved in investigating them, say the tremendous power differential between NIH and its grantees may be a better explanation for why so many scientists have been axed.

NIH is by far the largest funder of academic biomedical research in the United States, and some medical centers receive hundreds of millions of dollars annually from the agency. So when senior administrators heard Lauer say a targeted scientist “was not welcome in the NIH ecosystem,” they understood immediately what he meant—and that he was expecting action.

“If NIH says there's a conflict, then there's a conflict, because NIH is always right,” says **David Brenner**, who was vice chancellor for health sciences at the University of California, San Diego (UCSD), in November 2018 when the institution received a letter from Lauer asking it to investigate five medical school faculty members, all born in China. “We were told we have a problem and that it was up to us to fix it.”

The five scientists who came forward in the *Science* report are:

- **Wuyuan Lu**, a tenured professor at University of Maryland's Institute of Human Virology. In August 2020, Lu resigned his tenured position. He is now a professor at Fudan's medical school in Shanghai. “NIH was acting like a bully,” he tells *Science*, “and I decided that I'm not going to waste any more time on this witch hunt.”
- **Yue Xiong**, a biochemist at the University of North Carolina (UNC). Xiong never saw a list of specific allegations, nor did UNC ever give him any report of its findings. Instead, on 27 May 2020, Xiong was told at a face-to-face meeting with the medical school's head of human resources that he had 48 hours to decide whether to resign or be fired. Xiong retired quietly from UNC in July 2020 and is now chief scientific officer of Cullgene, a biotech startup in San Diego.
- **Li Wang**, a tenured professor of physiology and neurobiology at the University of Connecticut (UConn). Wang resigned on 19 September 2019, 1 day before her termination went into effect. She fought back. A collective bargaining agreement gives UConn faculty the right to seek outside, binding arbitration in employment disputes. **Peter Adomeit**, an arbitrator of the American Arbitration Association, ruled in November 2021 in Wang's favor. In a 56-page decision, Peter Adomeit ordered UConn to pay Wang \$1.4 million in compensation for being suspended and terminated “without

just cause.” “[Interim Provost **John**] **Elliott**’s claim that the University ‘has lost confidence’ in Dr. Wang is true,” Adomeit wrote. “But it was their fault, not hers. They relied on false evidence. [Wang] tried to correct them, but they wouldn’t listen.”

- **Xiang-Dong Fu**, Distinguished Professor of Cellular and Molecular Medicine at the University of California San Diego (UCSD). In January 2022, Fu was given the choice of either resigning or accepting a 4-year, unpaid suspension from the university that would ban him from campus and his lab. Fu filed a grievance, contending that many of the report’s findings were incorrect and that the university had failed to follow its own procedures. More than 100 UCSD faculty members petitioned. UCSD officials never replied, nor did Fu get a response to his grievance. On 5 December 2022, Fu “reluctantly resigned” after being told his 2-year campus suspension would go into effect on 1 January 2023. Last month he accepted a position with the fledgling Westlake University, China’s first private research university.
- **Kun-Liang Guan**, Distinguished Professor in the Department of Pharmacology and Moores Cancer Center at UCSD. In 2019, the university concluded he had violated its code of conduct by failing to disclose research support from foreign sources and banned him from applying for NIH funding for 2 years. Guan says he never received a letter describing the allegations he was facing or a report on the outcome of the university’s investigation. He was able to win new NIH awards once the suspension ended in 2021. Even so, his lab has shrunk dramatically, and he’s no longer taking on new graduate students. His love of science has also suffered. “I used to work very hard,” he says. “Now, sometimes, I wonder what was the point of all the effort I made.” “And I’m one of the lucky ones,” he continues. “I don’t know how many people that NIH wanted to stop are able to start again. Maybe none.”

Read the *Science* report: <https://bit.ly/3ZbJL4B>

Stanford University Statement on Foreign Engagement and Support for University Researchers



According to a Statement on Foreign Engagement and Support for University Researchers on February 8, 2023, Stanford University pursues its research and education missions drawing on the talents and contributions of its diverse international community of students and scholars. Likewise, engagement and collaboration with international partners are essential to Stanford's efforts to develop the knowledge and innovations required to address some of the world's most pressing problems.

One challenge to this work in recent years has emerged from the geopolitical tension between the U.S. and China and resulting concerns about U.S. national security. Stanford takes seriously the threats from foreign governments that seek to undermine U.S. national security as well as the security and integrity of the research environment. These concerns and the issues they pose for research universities have been articulated in reports including the [2022 MIT report](#) as well as the [2022 report of the National Academies of Sciences, Engineering, and Medicine](#). As a leading research institution, Stanford has an important role to play in safeguarding the research ecosystem and preventing U.S. national security from being jeopardized while continuing to advance universal scientific values of reciprocity, objectivity and fairness.

Unfortunately, the articulation of concerns about the integrity and security of the research environment, and efforts to address those concerns, have caused fear, distress and, in some cases, professional and personal harm to some researchers. This is particularly true for members of our Asian and Asian American communities – especially those of Chinese origin. Inflammatory rhetoric and generalized accusations have caused some researchers to feel targeted and vulnerable purely because they have relationships and collaborations in and with China. This is unacceptable and contrary to the university's commitment to nondiscrimination and maintaining an open and welcoming environment. Furthermore, discrimination and xenophobia threaten to deprive the U.S. of valuable talent and collaborations, delegitimize serious security concerns, and divert attention and resources from promoting the security of the research enterprise. **All international students, faculty, staff, postdocs and alumni are valued members of the Stanford community and should always feel welcome, safe, respected and valued. No one should ever be considered suspect based on their national origin or heritage.**

Stanford is committed to providing support to researchers engaging in cross-border collaborations, including in China or with Chinese partners, in ways that protect the security and integrity of the research ecosystem and comply with federal laws. For example:

- **Stanford is committed to providing guidance and support to researchers.**
- **Stanford is committed to sharing information with the research community.**
- **Stanford is committed to defending researchers and protecting the individual's right to due process.**

Read the Stanford University statement: <https://stanford.io/40xK3Un>

Foreign Affairs on "Don't Panic Over Taiwan"



Don't Panic About Taiwan

Alarm Over a Chinese Invasion Could Become a Self-Fulfilling Prophecy

By Jessica Chen Weiss

According to *Foreign Affairs* on March 21, 2023, fears that China will soon invade Taiwan are overblown. There is little evidence that Chinese leaders see a closing window for action. Such fears appear to be driven more by Washington's assessments of its own military vulnerabilities than by Beijing's risk-reward calculus. Historically, Chinese leaders have not started wars to divert attention from domestic challenges, and they continue to favor using measures short of conflict to achieve their objectives. If anything, problems at home have moderated Chinese foreign policy, and Chinese popular opinion has tended to reward government bluster and displays of resolve that do not lead to open conflict.

If Western policymakers exaggerate the risk of a Chinese invasion of Taiwan, they might inadvertently create a self-fulfilling prophecy. Instead of worrying that Beijing will gin up a foreign crisis to bolster its standing at home or assuming that Beijing feels pressured to invade in the near term, the United States should focus on arresting—or at least decelerating—the action-reaction spiral that has steadily ratcheted up tensions and made a crisis more likely. That does not mean halting efforts to bolster Taiwan's resilience to Chinese coercion or to diversify the United States' defense posture in the region. But it does mean avoiding needless confrontation and identifying reciprocal steps that Washington and Beijing could take to lower the temperature.

The hard but crucial task for U.S. policymakers is to thread the needle between deterrence and provocation. Symbolic displays of resolve, unconditional commitments to defend Taiwan, and pledges of a surge in U.S. military power in the region could stray too far toward the latter, inadvertently provoking the very conflict U.S. policymakers seek to deter.

Read the *Foreign Affairs* article at <https://bit.ly/3LFyoi9>

State Department Ends "Assignment Restrictions" Policy

According to reports by [Politico](#) and [CNN](#) on March 22, 2023, the State Department is ending its controversial policy of issuing assignment restrictions for diplomats as a condition of security clearance.

The change comes after an intensive review of the practice, which was perceived as discriminatory by diplomats and Democratic lawmakers, particularly because the limits appeared to fall disproportionately on employees with Asian American and Pacific Islander backgrounds.

The assignment restrictions were applied by the Bureau of Diplomatic Security, sometimes to employees who otherwise hold top-secret clearances, to prevent them from serving in particular countries or even, while they're in Washington, from working on issues related to those countries.

In 2021, Reps. **Ted Lieu**, **Joaquin Castro**, **Andy Kim** and **Chrissy Houlahan** introduced a bill to reform such restrictions, calling them "discriminatory" and that the restriction policy "disproportionately impacts federal employees who can't trace their heritage to the Mayflower and directly undermines the department's goal of promoting diversity and inclusion."

The bill cited State Department data that about 1,800 employees were subject to assignment restrictions. The top four countries with such restrictions were China (196), Russia (184), Taiwan (84) and Israel (70).

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