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Breaking News: Feng "Franklin" Tao Sentenced - No Prison and No Fine



Kansas University (KU) Professor **Feng "Franklin" Tao** 陶丰 was the first academic to be indicted under the now-defunct "China Initiative."

Professor Tao was originally charged with eight counts of wire fraud and two counts of false statements. After voluntary dismissals and acquittals by the judge and jury on the other charges, Professor Tao was convicted by jury on one count of false statement. He faced sentencing in federal court in Kansas City, Kansas, on January 18, 2023.

According to a report by *Science*, a federal judge handed down the lightest possible sentence in the U.S. government's case against Professor Tao. The decision is the latest rejection by U.S. courts of the government's attempt to prosecute Chinese-born scientists for lapses in reporting their research interactions with China.

U.S. District Court Senior Judge **Julie Robinson** imposed no jail time and no fine for Tao in sentencing him for making a false statement to KU in reporting his ties to Fuzhou University. Government attorneys had requested a 30-month sentence and a fine of \$100,000. Tao, who has been on unpaid administrative leave from KU since his arrest in August 2019, faces 2 years

of probation, but Robinson said that could be cut in half for good behavior.

Speaking from the bench before the sentencing, Robinson made a point of separating Tao's case from those of alleged economic espionage under the now-defunct "China Initiative," begun in 2018 during the administration of then-President Donald Trump. "This was not an economic espionage case," Robinson said.

Neither was Tao trying to rip off the government, the judge continued. "Frankly, I thought going into this case that I was going to hear evidence ... [that Tao] hurt taxpayers," Robinson said. Instead, the work Tao was doing "is the type of research that is fundamental research ... something that is freely shared."

"Dr. Tao is immensely relieved that Judge Robinson agreed that a sentence of time served was appropriate," his lawyer, **Peter Zeidenberg**, said in a statement after the sentence was handed down. Zeidenberg said Tao will ask an appellate court to throw out his conviction. Tao is also fighting the university's efforts to terminate his employment as a tenured professor.

Gisela Kusakawa, Executive Director of Asian American Scholar Forum, was in the courthouse and provided [live reporting via Tweeter](#). The courtroom was completely full of concerned community members and academics. There were not enough available seats with folks standing.

A GoFundMe campaign to raise legal defense funds for Professor is here: <https://bit.ly/2Uj7Z19>

Read the *Science* report at <https://bit.ly/3XKRQNr>. Read about Professor Tao's case at <https://bit.ly/3fZWJvK>

Another "China Initiative" Case Dropped. On January 16, 2023, *CNN* reported that Federal prosecutors in Brooklyn moved to dismiss charges against a New York Police Department officer who had been accused of acting as a foreign agent on behalf of the Chinese government. **Baimadajie Angwang**, a naturalized U.S. citizen of Tibetan ethnicity and a Marine Corps veteran, was charged in September 2020 with acting as a foreign agent for China without notifying American authorities, wire fraud, making false statements and obstruction of an official proceeding. The 2020 arrest was another case brought under the now-defunct "China Initiative."

Read more about the *CNN* report at <https://cnn.it/3XIwbWa>

National Strategy to Advance Equity, Justice, and Opportunity for AANHPI Communities Released

On January 17, 2023, the White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders (WHIAANHPI) convened federal government officials and community leaders

to mark the release of the Biden-Harris Administration's first-ever [National Strategy to Advance Equity, Justice, and Opportunity for Asian American, Native Hawaiian, and Pacific Islander \(AA and NHPI\) Communities](#).

At a special virtual event, senior Biden-Harris Administration officials outlined the details of 32 federal agency plans, which build on the Administration's previous actions to promote safety and equity for AA and NHPIs. Community leaders also discussed additional steps the federal government can take to address critical priorities for AA and NHPI communities, including data disaggregation, language access, and combatting anti-Asian hate.

Watch the event here: <https://www.youtube.com/watch?v=fKGDADNmzqw> (1:54:43)

House Select Committees

On January 18, 2023, Judge Rep. **Grace Meng** 孟昭文, First Vice Chair of the Congressional Asian Pacific American Caucus (CAPAC), issued a statement on the creation of a Select Committee on Strategic Competition between the United States and the Communist Party of China, for which she voted against. "I have concerns with the potential direction that Republicans could take this Select Committee, including using this platform to promote policies and language that endanger Chinese Americans and people of Asian descent living in the U.S. By creating a new committee that focuses only on one country, instead of working with already existing House committees that currently have jurisdiction over the exact same issues, it could lead to unnecessary targeting of Americans of Asian descent living in the U.S. ... My hope is that the Select Committee will avoid past mistakes and instead focus on specific policy concerns related to the government of the People's Republic of China and our own national interests," said Rep. Meng in the statement.

Read Rep. Meng's statement here: <http://bit.ly/3XbMiLK>

On January 12, 2023, *NBC News* reported "Asian American Democrats jostle for top slot on new GOP China committee." According to the report, Asian American lawmakers are making the case to House Democratic leader **Hakeem Jeffries** that he should appoint one of their own as the top Democrat on the new GOP-controlled select committee to examine competition between the U.S. and China. Amid a rise in anti-Asian violence spurred by the coronavirus pandemic, they want to make sure the panel is striking the right tone, remaining sensitive to the Asian American and Pacific Islander community and not further fanning the flames of xenophobia.

Rep. **Judy Chu** 赵美心, D-Calif., the chair of CAPAC, said she has spoken to Jeffries and recommended that Rep. **Andy Kim**, D-N.J., should be the ranking member. Kim, a former State Department official who later was a national security adviser in the Obama White House, has also spoken with Jeffries, D-N.Y., about the role, he said Thursday. Chu made it clear that she is advocating for Kim in her personal capacity — not on behalf of CAPAC, which held a lengthy meeting about the topic but has not endorsed a specific candidate for the job.

At least two other CAPAC members have expressed interest in the ranking member slot: Reps. **Raja Krishnamoorthi**, D-Ill., a member of the Intelligence Committee, and **Ro Khanna**, D-Calif., a former Commerce Department official who represents a heavily Asian American district in Silicon Valley. Democrats get seven slots on the committee.

Rep. Chu said she has recommended that Jeffries place four CAPAC members on the special panel: Kim, Krishnamoorthi, Khanna and **Mark Takano** of California, the top Democrat on the Veterans Affairs Committee.

Read the *NBC News* report here: <https://nbcnews.to/3XalRpU>

On January 13, 2023, *Science* reported "Now in charge, House Republicans launch flurry of investigations." According to the report, the new Republican majority in the U.S. House of Representatives has created three investigative panels: (1) Select Committee on Strategic Competition between the United States and the Chinese Communist Party due to "concerns in both parties that China has used economic espionage to help become a global leader in key high-tech fields, including energy storage, artificial intelligence, and quantum computing", (2) Select Subcommittee on the Coronavirus Pandemic to "focus on claims, unsupported by evidence, that a laboratory in Wuhan, China, either bioengineered or accidentally released SARS-CoV-2 obtained from bats," (3) Select Subcommittee on the Weaponization of the Federal Government to probe "how executive branch agencies collect, compile, analyze, use, or disseminate information about citizens of the United States, including any unconstitutional, illegal, or unethical activities committed against U.S. citizens."

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

Texas Bill Forbids Chinese Nationals from Purchasing Land



According to the [Equal Justice Initiative](#), on May 3, 1913, California enacted the Alien Land Law, barring Asian immigrants from owning land. California tightened the law further in 1920 and 1923, barring the leasing of land and land ownership by American-born children of Asian immigrant parents or by corporations controlled by Asian immigrants.

California did not stand alone. Arizona, Arkansas, Florida, Idaho, Kansas, Louisiana, Missouri, Minnesota, Montana, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming all enacted discriminatory laws restricting Asians' rights to hold land in America. In 1923, the U.S. Supreme Court reviewed various versions of the discriminatory land laws—and upheld every single one. Most of these discriminatory state laws remained in place until the 1950s, and some even longer.

On November 13, 2022, Texas Senator **Lois Kolkhorst** introduced Texas Bill SB 147 on "Relating to the purchase of or acquisition of title to real property by certain aliens or foreign entities." It prohibits not only governmental and certain entities, but also individuals who are citizens of China, Iran, North Korea, or Russia to purchase or otherwise acquire title to real property in Texas, which includes legal permanent residents. The bill was filed after the Texas legislature unanimously passed the "Lone Star Infrastructure Protection Act" banning all contracts or agreements with foreign-owned companies related to critical infrastructure in Texas. Governor Greg Abbott signed it into law in 2021.

Read the Texas SB 147 bill at <http://bit.ly/3XEQhQP>

Indiana University student stabbed in apparent anti-Asian attack

On January 15, 2023, the *Washington Post* and *NPR* reported that a 56-year-old woman stabbed an 18-year-old Indiana University student while riding a public bus in Bloomington. The suspect told police she stabbed the victim because the victim was "Chinese," adding that it "would be one less person to blow up our country."

The suspect, Billie R. Davis has been charged with attempted murder, aggravated battery and battery with a deadly weapon.

Security camera footage showed that Davis and the woman had not interacted before the attack. The footage showed Davis stabbing or attempting to stab her about seven times before returning to her seat on the bus. The student received treatment at a Bloomington hospital for several head wounds. Her condition was not released.

Since the attack, Asian American students and staff at Indiana University have been grappling with grief, anger, anxiety, and fear, according to Melanie Castillo-Cullather, the director of the school's Asian Culture Center. "This has been a very traumatic experience for our Asian community," Castillo-Cullather told *NPR*. "We will never forget this."

A total of 10,905 hate incidents against Asian Americans and Pacific Islanders were reported between March 19, 2020, and Dec. 31, 2021, according to the advocacy group Stop AAPI Hate. Of them, about 16 percent involved a physical assault. Most happened in public spaces, with about 8 percent of incidents reported taking place on public transportation.

Read the *Washington Post* report <https://wapo.st/3Hf3muQ>. Read the *NPR* report <https://n.pr/3QRl0bk>

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