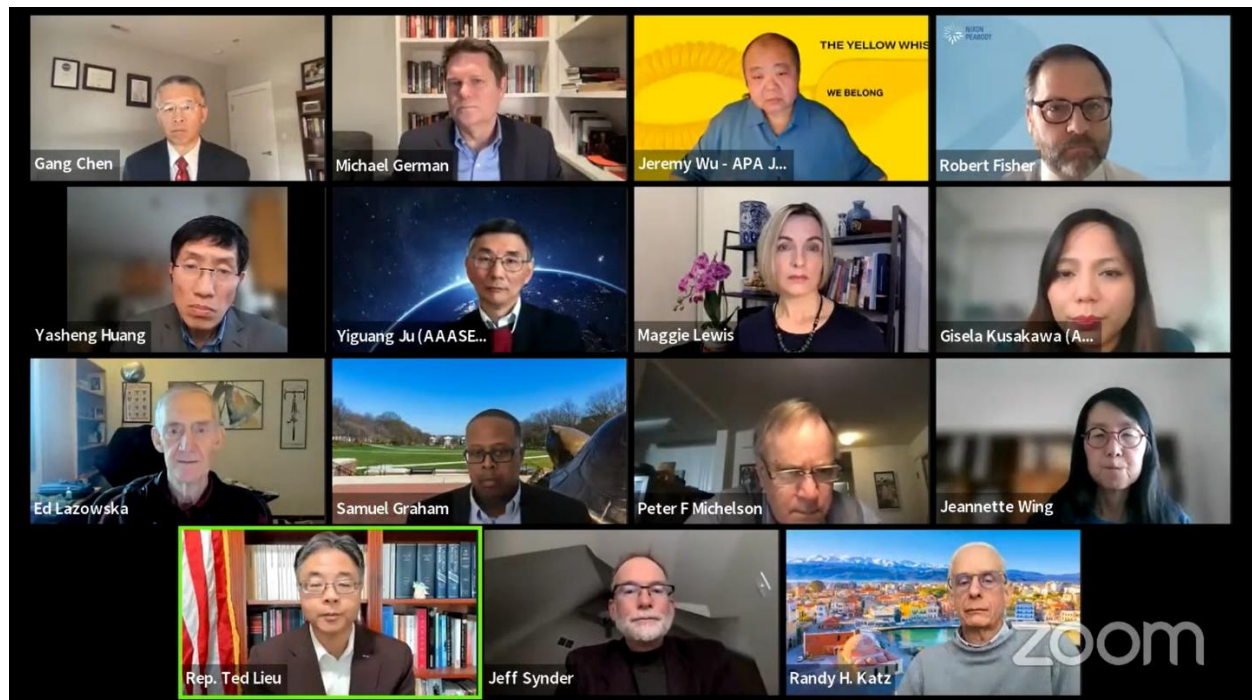


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### Webinar on Professor Gang Chen's Case and Looking Ahead to the Future of the China Initiative



On January 30, 2022, a coalition of five groups - Asian American Academy of Science and Engineering, Asian American Scholar Forum (AASF), Advancing Justice | AAJC, APA Justice, and the Brennan Center for Justice - co-hosted a webinar on "Professor Gang Chen's Case and Looking Ahead to the Future of the China Initiative." Professor Yasheng Huang, President of AASF, opened the webinar. Congressman Ted Lieu gave the keynote address. Mike German, Fellow at the Brennan Center for Justice, moderated the event. MIT Professor Gang Chen, his defense attorney Robert Fisher, and Seton Hall University Law Professor Maggie Lewis were the featured speakers. Chris Dames, Samuel Graham, Randy Katz, Ed Lazowska, Stefan

Maier, Peter Michelson, Jeff Synder, Jeannette Wing, and Kathy Yelick were among the recognized domestic and international academics and administrators.

Almost 2,000 persons registered for the event with a capacity of 1,000. The webinar was also live-streamed. [The YouTube video](#) (1:30:00) has received 4,000 views. Read more at <https://bit.ly/3AAIVER>

## 2022/02/07 APA Justice Monthly Meeting



BRIEFING ROOM

### President Biden Announces Erika L. Moritsugu as Deputy Assistant to the President and Asian American and Pacific Islander Senior Liaison

APRIL 14, 2021 • STATEMENTS AND RELEASES



The next APA Justice monthly meeting will be held on Monday, February 7, 2022. Erika Moritsugu, [Deputy Assistant to the President and Asian American and Pacific Islander Senior Liaison](#) at The White House will lead off the meeting. Featured speakers include MIT Professor Gang Chen, his defense attorney Robert Fisher, Harvard Professor Zhigang Suo, and former U.S. Attorney Carol Lam. Updates on the Congressional Asian Pacific American Caucus and Advancing Justice | AAJC will be provided by Nisha Ramachandran and Gisela Kusakawa respectively.

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>.

### Why a High-profile China Initiative Case Against Professor Gang Chen Collapsed.

According to [a report published by Science](#) on January 25, 2022, “the government’s case often gets stronger after an indictment because it has time to collect additional evidence,” says Professor Gang Chen’s lawyer, Robert Fisher. “But this time their case got progressively worse, until it finally collapsed.”

How did prosecutors get it so wrong? According to the report, the case crumpled because two of its pillars had fatal flaws.

In one instance, prosecutors misinterpreted the Department of Energy's (DOE's) disclosure requirements in 2017. The government alleged that when Professor Chen applied for his DOE grant in March 2017, he did not comply with department rules requiring applicants to list "activities outside the United States or partnerships with international collaborators" related to his proposed research. But the application form DOE was using at the time did not request that information. It was more than 3 years after Chen applied for his grant that DOE began to require applicants to disclose one type of foreign collaboration.

The government also distorted the nature of Professor Chen's interactions with institutions in China and alleged ties that did not exist. It asserted that Professor Chen had made seven "material omissions" on his DOE application about relationships with Chinese institutions. But none had anything to do with Chen's proposed research. Five of the seven alleged collaborations did not exist. One relationship that did exist was part of Professor Chen's official duties at MIT.

Professor Chen's case is listed under the "China Initiative" which was purportedly launched to combat economic espionage and trade secret theft. However, like other academics charged under the initiative, Professor Chen does not even work on classified projects. His case is the [ninth case dismissed or acquitted](#) under the "China Initiative."

## **Judge Limits Testimony at Trial of Professor Franklin Tao Accused of Hiding Chinese Ties**

According to [a report published by Politico](#) on January 27, 2022, a judge handling a criminal case against former University of Kansas Professor Feng "Franklin" Tao faulted federal prosecutors' plans for the trial scheduled to start on March 21, 2022, saying their intended approach could fan anti-Chinese sentiment and prejudice the defendant's right to a fair trial.

In her ruling, U.S. District Court Judge Julie Robinson said that because the charges against Tao are wire fraud and making false statements in university reports and a grant application, raising issues about the Chinese government's information-gathering and talent-seeking activities would amount to a digression that would complicate and possibly prejudice Tao's trial.

"All testimony on this topic is inadmissible," wrote Robinson, an appointee of President George W. Bush. "This testimony ... poses a significant risk of stoking Sinophobia — especially given that [the] Defendant, who is Chinese, faces trial amid increasing reports of anti-Asian discrimination and violence since the outbreak of the COVID-19 pandemic — and evoking exactly the kind of negative emotional response that might 'lure the [jury] into declaring guilt on a ground different from proof specific to the offense charged.'" "Whether a purpose of his scheme was to benefit the [People's Republic of China] is irrelevant."

According to [a separate report by KCUR](#) on January 28, 2022, Judge Robinson agreed with Tao's lawyers that much of the government's proposed expert testimony should be excluded because its value is outweighed "by a danger of unfair prejudice, confusing the issues, and misleading the jury." She said any testimony about the Chinese government's efforts to acquire

foreign technology to further its industrial policy objectives “risks misleading the jury into thinking this case is actually an economic espionage or theft of trade secrets case.” “But this is not an espionage prosecution,” Robinson continued, “and the Government may not color the trial with national security overtones.”

Professor Tao's case is also listed under the "China Initiative" which was launched purportedly to combat economic espionage and trade secret theft.

Read more about Professor Tao's case at <https://bit.ly/3fZWJvK>

## Stop Anti-Asian Hate and Discrimination



January 30, 2022 marked the 1-year anniversary of the passing of 84-year old Thai grandfather Vicha Ratanapakdee. He was brutally assaulted while on a walk in San Francisco and died, becoming yet another Asian victim of violence in America. According to [AP](#), rallies were held in six major US cities. Vicha's daughter Monthanus was joined by San Francisco Mayor London Breed, local leaders and several hundred people who came out to say they would stay silent no more.

“I really want my father’s death to not be in vain,” said Ratanapakdee, 49, a food safety inspector with the San Francisco Unified School District. “I wouldn’t want anyone to feel this pain.” Asians in America have long been subject to prejudice and discrimination, but the attacks escalated sharply after the coronavirus first appeared in late 2019 in Wuhan, China. More than 10,000 hate incidents against Asian Americans and Pacific Islanders were reported to the Stop AAPI Hate coalition from March 2020 through September 2021. The incidents involved shunning, racist taunting and physical assaults.

In March 2021, 65-year-old Filipina woman Vilma Kari was beaten in downtown Manhattan in broad daylight while others watched and did nothing to intervene. [Two doormen actually closed the doors](#) while Vilma was attacked. On January 30, 2022, CNN featured Vilma and others in an extensive report "[She was attacked in the street for being Asian. Her community still lives in fear.](#)" The attack and silence in response inspired the launch of [the "We Belong" Yellow Whistle Project](#), which has been distributing 500,000 yellow whistles at no cost across the U.S. About 10,000 will be distributed in Houston to celebrate the Lunar New Year of the Tiger on February

5, 2022, after Professor Steven Pei paved the way with the Houston Police Department Community Shield TV Show on January 26, 2022. Read more: <https://bit.ly/3IL5rNh>

Racial profiling is a form of anti-Asian hate and discrimination. "China Initiative" is as unacceptable as "China Virus."

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