

2021/06/07 Monthly Meeting Summary Posted

Summary of the June 7 APA Justice meeting is now posted at <https://bit.ly/3kxkqxP>.

In the meeting, Christina Lu provided an update on the "We Belong" Yellow Whistle Project since its official launch on April 19, Patriots' Day, including the increased distribution to 200,000 whistles across the nation. Clay Zhu described the history, purpose, and direction of the Chinese American Legal Defense Alliance (CALDA) to fight against racial discrimination through litigation on behalf of the Chinese American communities. Jeremy Wu gave a briefing on the background leading to the letter to Commerce Secretary on the reported abuse of non-existent authority to target Asian American employees in the Department of Commerce. Gisela Kusakawa and Vivin Qiang reported on recent community meetings with Ambassador Susan Rice and Senator Mark Warner regarding racial profiling and the trial of University Tennessee Professor Anming Hu. Maryland Senator Susan Lee confirmed an upcoming House Subcommittee proceeding to be held on the racial profiling of scientists and researchers.

Read the meeting summary here: <https://bit.ly/3cimZT6>.

The next APA Justice monthly meeting is scheduled for July 12, 2021.

Meetings with Susan Rice and Senator Mark Warner

Under the organization and leadership of Advancing Justice | AAJC, experts, impacted persons, and advocacy organizations including APA Justice met with Ambassador Susan Rice and Christine Lhamon, Director and Deputy Director of the Domestic Policy Council at the White House to share our concerns with racial discrimination and profiling of Asian Americans and Asian immigrants.

In this meeting, we pushed for a moratorium of the "China initiative" and a period of time that professors and scientists can go back and correct their forms. We also shared earlier asks of Ambassador Rice by the Congressional Asian Pacific American Caucus last month for a temporary halt on the "China initiative."

In a separate group meeting with Senator Mark Warner, Chair of the Senate Intelligence Committee, that included Dr. Michael Lauer, Deputy Director for Extramural Research at the National Institute of Health (NIH) and Dr. Rebecca Keiser, Chief of Research Security Strategy and Policy at National Science Foundation (NSF), we cautioned NIH and NSF about the excessive entanglements with intelligence agencies and law enforcement, as well as many concerns that were raised in AAJC's comments to NIH's UNITE initiative <https://bit.ly/3gKVHaL>.

Two highlights from the meeting are:

1. Dr. Michael Lauer reported that NIH conducted a survey of 45,000 researchers and the results were staggering with many Asian scientists concerned that the pandemic was going to have a negative effect on their career trajectory. It

seems that NIH finds this to be particularly concerning, though they are more focused on addressing what they believe to be greed and dishonesty, and would like not to have their efforts be linked to any form of racial profiling or ethnic targeting, which he states goes against what they stand for.

2. NIH and NSF mentioned that they are co-chairing a working group that specifically aims to harmonize requirements regarding disclosures, and how they use the information that is disclosed. Dr. Rebecca Keiser mentioned that she is personally committed to non-discrimination.

Advancing Justice | AAJC will continue to have more of these meetings with federal agencies and on the Hill.

Senator Warner was very happy that he had spoken with organizations such as Advancing Justice | AAJC before the pandemic, and thus had more foresight on this issue. And one of the most compelling points that he found coming from many of the speakers was that only five or six years ago the U.S. was encouraging a lot of these collaborations and now we have done a complete flip.

Trial of University of Tennessee Professor Anming Hu

The jury trial of University of Tennessee (UT) Professor Anming Hu started on June 7, 2021. He is the first case for a professor or academic researcher to go to trial under the “China initiative.” Like many scientists and researchers who were investigated and unjustly prosecuted under the “China initiative,” professors who were charged do not involve economic espionage or spying.

Over the past few weeks, Asian Americans Advancing Justice | AAJC has been working very closely with local community organizations such as the Tennessee Chinese American Alliance (TCAA), the Greater Memphis United Chinese Association, and the East Tennessee Chinese/Chinese American Care to mobilize members of the Chinese American and the Asian American community in Tennessee to attend the trial to show support for Professor Hu and to raise awareness on the racial profiling of Asian Americans and immigrants more generally.

Jinliang Cai, President of TCAA, stated in a press conference in front of the courthouse in Knoxville, Tennessee, that “the ‘China Initiative’ allegedly aims to combat economic espionage, but in reality, has singled out scientists and researchers of Asian and Chinese descent based on the misguided perception that their ethnicity, race, or ancestry make them prone to espionage, leading to racial profiling.”

“When the government fails to find evidence of economic espionage, it then opts to charge people for lesser offenses. Federal prosecutors are charging many Asian Americans and Asian immigrants with federal crimes based on administrative errors or minor offenses, such as making an error on a university form that are not normally treated as crimes,” Cai said.

"Surveillance and targeting of large groups of people based on race, religion or national origin is morally wrong, legally unconstitutional, and historically proven ineffective. Today, we are standing up against this injustice and violation of our civil rights. We hope and demand our justice system to fulfill its constitutional duty of equal protection under the law to Prof. Anming Hu and our scientists and researchers without prejudice and bias," Cai concluded.

On June 8, 2021, Knox News reported that (UT) Provost John Zomchick acknowledged in his testimony that he had personally reviewed a packet of information Hu submitted in an attempt to secure tenure. That packet included several reference letters citing Hu's work with Chinese students and Chinese researchers and his affiliation with the Beijing university.

Zomchick conceded no one at UT actually reviewed Hu's conflict of interest documents before allowing him to submit funding proposals to NASA (National Aeronautics and Space Administration). Prosecutors are hanging their legal case on those documents, claiming Hu intentionally omitted his Beijing work from his annual forms.

"We just don't have the resources," Zomchick said, explaining why UT did not review and investigate the veracity of all such forms submitted by the university's faculty members.

For continuing media reports and developments of Professor Hu's case, follow: https://bit.ly/APAJ_AnmingHu

Call for Government Data and Transparency

Clay Zhu is an attorney and President of a nonprofit organization called the Chinese American Legal Defense Alliance or CALDA, whose primary mission is to fight against racial discrimination through litigation on behalf of the Chinese American communities.

On June 9, 2021, President Biden revoked Trump administration executive orders that sought to ban TikTok, WeChat and other Chinese-owned apps. It was Clay and the predecessor of CALDA who raised more than \$1 million and successfully obtained a preliminary injunction against the executive order to ban WeChat last year.

In the June 7 APA Justice monthly meeting, Clay described the initial focus of CALDA is to change the narrative that Chinese American professors are somehow spies for China's government by getting the full picture on who are being investigated and how many Chinese American professors have been targeted. There is a strong case to be made, but right now we do not have such data from government agencies such as the Federal Bureau of Investigations (FBI), the National Institute of Health (NIH), and the Departments of Defense, Energy, and Justice (DOJ).

On February 20, 2020, Reps. Jamie Raskin and Judy Chu made such data requests to the FBI (<http://bit.ly/37G2oTq>) and NIH (<http://bit.ly/39TYdVo>), but there has not been a meaningful response more than a year later. A number of like-minded organizations have filed Freedom of Information Act (FOIA) requests, but few have received substantive replies.

In the ongoing investigation including the abuse of non-existent authority to target Asian American employees in the Department of Commerce, Senator Roger Wicker, Ranking Member of the Senate Commerce, Science, and Transportation Committee, expressed his frustration to the DOC Inspector General Peggy Gustafson for her staff citing a 2017 DOJ advisory opinion that "effectively allows Ranking Member oversight requests to be ignored" and appeared to suggest that Senator Wicker's requests should be processed under FOIA instead.

The cited opinion by the DOJ's Office of Legal Council (OLC), titled Authority of Individual Members of Congress to Conduct Oversight of the Executive Branch, does not appear in the DOJ website: <https://bit.ly/356vWKZ>. In fact, entire volumes of OLC opinions have been posted annually since 1977, with the exception of the last four years (2017-2020).

Transparency and accountability are the core values that separate American democracy from authoritarian regimes. We call for the Biden-Harris administration to respond to the standing Congressional and FOIA requests and provide full data and information to justify the continuation of the "China Initiative" and related racial profiling policies and practices.

More Events, Links, and Activities

On June 12, 2021, the Chinese American Scholars Forum will host a webinar titled Fundamental Research Security, featuring Peter Fisher, Professor and Head of the Physics Department, Massachusetts Institute of Technology, as speaker and Professor Xiaodong Zhang, Robert M. Critchfield Professor in Engineering, Ohio State University, as moderator. Register for the webinar here: <https://bit.ly/2RCUx76>.

Asian Pacific American Public Affairs Association (APAPA) and over 120 partner organizations hosted a National Unity Against Hater ally on on May 15, 2021. Thousands participated in over 20 cities in the US and 4 cities in other countries and blew the "We Belong" yellow whistles to symbolize self-protection and unity against hate. A video on the rallies is available here: <https://bit.ly/3xqcx6F> (3:14). Additional pictures and links are available here: <https://bit.ly/2RDZMmB>.

On May 26, 2021, the 1990 Institute published as part of its continuing series a short video titled Numbers Don't Lie - Model Minority Myth Explained in 3 Minutes: <https://bit.ly/3g8J5cP> (3:11) Earlier on April 29, 2021, the 1990 Institute released a video titled Call It What It Is - Racism Against Asian Americans: <https://bit.ly/3biXP6b> (10:01).

On April 6, 2021, Wall Street Journal published Violence Spurs Many Asian-Americans to Activism for First Time <https://on.wsj.com/3v6fzbX> as the Atlanta spa shooting deaths and rising reports of hate crimes during pandemic have pulled in families who had avoided discussing race.

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