

## In This Issue #410

- 2026/10/05 APA Justice Monthly Meeting
- Scientists Sue NIH, Alleging Unconstitutional Screening of Research Grants
- Unconstitutional 2030 Census Rule Would Erase Race Data and Exclude Millions
- John C. Yang Debriefs House Select Committee Hearing on China
- News and Activities for the Communities

### 2026/10/05 APA Justice Monthly Meeting

The next APA Justice monthly meeting will be held on Monday, October 5, 2026, starting at 1:55 pm ET. In addition to updates from:

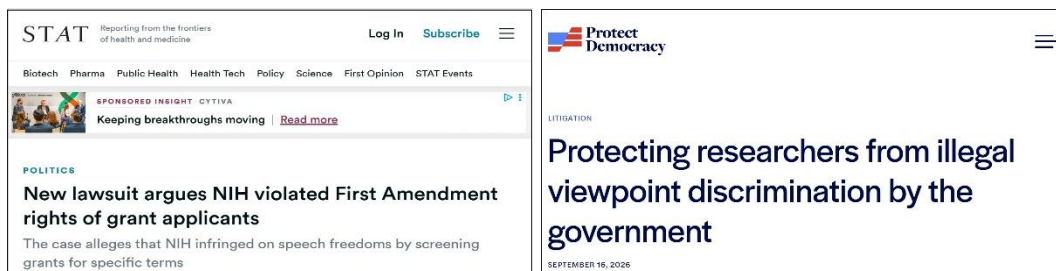
- **Judith Teruya**, Executive Director, Congressional Asian Pacific American Caucus (CAPAC)
- **Joanna YangQing Derman**, Program Director, Advancing Justice | AAJC
- **Gisela Perez Kusakawa**, Executive Director, Asian American Scholar Forum (AASF)

We are honored to welcome the following confirmed distinguished speakers:

- [Cole Donovan](#), Director of Science Policy and Advocacy, Stand Up for Science Foundation
- [Hannah James](#), Counsel, Liberty & National Security, Brennan Center for Justice
- [Ann Chih Lin \(林安之\)](#), Director, Lieberthal-Rogel Center for Chinese Studies, Lieberthal-Rogel Professor of Chinese Studies, Associate Professor, Gerald R. Ford School of Public Policy, University of Michigan

The virtual monthly meeting is by invitation only. It is closed to the press. If you wish to join, either one time or for future meetings, please contact one of the co-organizers of APA Justice - **Vincent Wang** 王文奎 and **Jeremy Wu** 胡善庆 - or send a message to [contact@apajustice.org](mailto:contact@apajustice.org).

### Scientists Sue NIH, Alleging Unconstitutional Screening of Research Grants



A coalition of researchers filed a class-action lawsuit against the National Institutes of Health (NIH) on September 16, 2026, alleging the agency has been unconstitutionally screening grant applications and existing awards for language it politically disfavors — the latest and most direct legal challenge yet to the research funding upheaval APA Justice has tracked closely this year.

## What the Lawsuit Alleges

The suit, filed in the U.S. District Court for the Northern District of California, was brought by 17 researchers — 13 named and four anonymous — on behalf of themselves and all similarly situated scientists. It names NIH Director **Jay Bhattacharya**, HHS Secretary **Robert F. Kennedy Jr.**, and DOGE as defendants, and is backed by the ACLU, ACLU of Northern California, Protect Democracy, the Center for Science in the Public Interest, and the Jacobson Lawyers Group.

Plaintiffs allege NIH — the world's largest public funder of biomedical research — uses a list of 235 keywords, including "gender," "Latinx," and "climate change," to flag grants for termination, denial, or forced renegotiation, according to [Reuters](#). Researchers who decline to scrub flagged language from their applications risk losing funding altogether. The lawsuit alleges violations of the First Amendment and the Administrative Procedure Act, arguing NIH is allowing political ideology to override scientific merit in funding decisions, contrary to congressional mandates.

Notably, this contradicts NIH's own public position: Director Bhattacharya said in a July interview that he is "deeply against banned word lists" and would "not have [his] institution embrace them." Yet in a stipulation filed the same month in a separate case brought by University of California researchers, NIH's own head of extramural research acknowledged in writing that the agency "used search terms, keywords, or phrases to identify and terminate grants presumed to express viewpoints," according to [STAT News](#).

## The Human Cost

The complaint includes researchers whose work was cut off mid-study. [Andrea Rosso](#), an epidemiologist at the University of Pittsburgh, co-led a five-year grant studying how structural racism contributes to higher and earlier rates of Alzheimer's disease in two Pittsburgh neighborhoods that have historically been excluded from research. Despite attempting to

renegotiate the grant to align with NIH's new priorities, it was abruptly terminated on August 24, 2026 — in its final year, meaning her team may now be unable to determine whether the study's four-year participants have developed dementia. One plaintiff described the termination as "a loss not only for my team and myself, but also the broader medical community and for public health," per [Higher Ed Science](#).

## A Continuing Legal Battle

This is not the first legal challenge to NIH's grant terminations. In June 2025, a federal court ruled NIH's DEI-related terminations unlawful, but the Supreme Court allowed the agency to proceed with cutting \$783 million in such grants that August. A federal appeals court ruled in May 2026 that the terminations likely violated the First Amendment, and the administration has since asked the Supreme Court to review that decision, per [Bloomberg Law](#). Because this new suit is a class action, a favorable ruling would extend beyond the 17 named plaintiffs to any researcher affected by the screening policy.

## Why This Matters for APA Community

This lawsuit adds to a pattern we have tracked extensively this year: the OMB grantmaking rule, NSF's research security policy, and now NIH's grant screening all reflect a broader shift toward political control over federally funded science. Research on health disparities — often the kind most likely to involve historically understudied and underserved communities, including Asian American and other minority populations — is disproportionately likely to be flagged by screening focused on terms like "diversity" and "equity," raising the same concerns about who bears the cost of these policies that we have raised in our OMB and NSF coverage.

## Update: White House Executive Order Plan Appears Dead — For Now

The executive order effort escalated quickly after the initial [New York Times](#) report, then collapsed just as fast. Per [Science/AAAS](#), the proposed committee would have been co-chaired by NIH Director Jay Bhattacharya and OMB Director **Russell Vought** and required a unanimous vote to approve any grant — with Bhattacharya reportedly refusing, in the September 19 Oval Office meeting, to cut Harvard's NIH funding specifically, which *Politico* reported was part of Trump's motivation for wanting the new board's veto power in the first place.

The plan drew swift bipartisan pushback. Sen. **Susan Collins** (R-ME), chair of the Senate Appropriations Committee, sent a letter on September 23 to both Vought and Bhattacharya, writing that the proposal "would undermine... the Federal government's objective of funding biomedical research projects based on scientific merit and value rather than political ideology," and stated flatly that OMB "should not be involved in agency decisions on the awards of grants."

By September 23, *Science/AAAS* and *STAT News* reported the White House had backed off the plan following criticism from lawmakers in both parties — though both outlets caution the administration could still revive the effort in a different form. As of this writing, no executive order has been issued.

## What's Next

This walk-back does not resolve the underlying legal fight: the ACLU-backed class-action lawsuit over NIH's keyword-based grant screening remains active and unaffected by the executive order's collapse, since that suit concerns policies already in effect rather than the proposed committee. NIH has not yet filed a formal response to that complaint. Given the pattern in prior NIH litigation — court-ordered reinstatements, agency appeals, and eventual Supreme Court involvement — that case is likely to take months or longer to resolve. Meanwhile, whether the administration attempts a narrower or differently structured version of the political-oversight board Collins and others opposed will be worth watching closely in the coming weeks.

## Unconstitutional 2030 Census Rule Would Erase Race Data and Exclude Millions

**JACI Opposes Proposed Census Rule That Would Strip Millions from Representation and Erase Civil Rights Data**

The Japanese American Citizens League opposes a U.S. Census Bureau rule proposed on September 10, 2026, that would exclude millions of people from the population count and end the collection of demographic data on race, ethnicity, and sexual orientation. Under the proposal, only U.S. citizens and lawful permanent residents would count toward apportionment, excluding refugees, asylees, and people with Temporary Protected Status. Section Two of the Fourteenth Amendment states clearly that "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State..." The Census Bureau justifies the exclusion in the proposed rule by pointing to these residents' "lack of a sufficient tie and allegiance to the United States." While the drafters of the Fourteenth Amendment made an exclusion for "Indians not taxed," there was never any mention of excluding someone based on citizenship or immigration status.

**Trump officials propose sweeping changes to the census that would reshape voting maps**

UPDATED SEPTEMBER 10, 2026 - 5:37 PM ET

HEARD ON ALL THINGS CONSIDERED

Hansi Lo Wang

The Census Bureau formally proposed on September 9, 2026, to strip race, ethnicity, and sexual orientation questions from the census questionnaire entirely, while separately proposing to exclude most noncitizens — not just undocumented immigrants — from the population data used to apportion U.S. House seats after the 2030 census. The overwhelming weight of legal authority, from the Constitution's own text to decades of Supreme Court precedent, says this rule is unconstitutional.

## What the Rule Actually Does

The proposed rule was [published in the Federal Register](#) on September 10, signed by Commerce Secretary **Howard Lutnick** on September 8. It adds two new parts to federal regulations governing the census:

**On demographic data:** The rule would prohibit any question about race, ethnicity, or sexual orientation from appearing on the decennial census short-form questionnaire "or any questionnaire used for the enumeration of the population." The Census Bureau's stated rationale, quoted directly from the rule: this process "factors in an element of allegiance but otherwise should be colorblind and should not be distorted in any way by questions about immaterial personal characteristics, such as race." The rule text also confirms that a person's "usual residence" would be determined in part using **tax records** — specifically "tax returns, W-2 forms."

**On apportionment:** The rule is more sweeping than "excluding undocumented immigrants." Under the actual regulatory text (§60.4), only foreign citizens who are also **U.S. citizens or lawful permanent residents (green card holders)** would be counted for apportionment; "all other citizens of foreign countries" would not be counted at all. That means the rule, as written, would exclude not just undocumented immigrants but also visa holders, international students, refugees, and asylees who lack a green card — anyone without a "sufficient tie and allegiance to the United States," in the rule's own language.

Disaggregated race and ethnicity data is what allows federal, state, and local governments to identify undercounted Asian American, Native Hawaiian, and Pacific Islander subgroups, target language-access services, and enforce civil rights law — data that AAPI advocacy organizations have spent decades fighting to get properly collected in the first place.

**Public comments are due by October 13, 2026**, submittable via [regulations.gov](#) under Docket No. USBC-2026-0628. As of this writing (September 26), the docket had received **10,315 comments**, per the Federal Register's live comment counter.

## A Direct Link to Earlier Census Privacy Changes

This rule is formally connected to a policy APA Justice covered in a recent issue: the Census Bureau's ban on "noise infusion" privacy techniques. The rule's own footnotes cite **Department Administrative Order 216-26**, describing it as the order "prohibiting the use of noise infusion" — confirming, from the primary regulatory text itself, that this rule and the earlier noise-infusion ban are part of the same broader policy shift.

## Why This Rule Is Unconstitutional

The Constitution's Enumeration Clause requires apportionment to be based on "the whole number of persons in each State." That language has been interpreted by the Supreme Court since the late 19th century to mean all people, regardless of immigration status, per the

[American Immigration Council](#). Notably, the Constitution does contain one explicit carve-out to this "whole number" language — for "Indians not taxed," as the rule's own text acknowledges — but neither the original Constitution nor the 14th Amendment's later revision of the apportionment language ever created a comparable exception for citizenship or immigration status. Proposals to count only citizens were explicitly considered and rejected both at the Constitutional Convention and again during debates over the 14th Amendment; a 1929 Senate legal counsel opinion also concluded that excluding noncitizens by statute would be unconstitutional.

The [Brennan Center for Justice](#) has been among the most consistent legal voices tracking this fight. **Thomas Wolf**, senior counsel with Brennan's Democracy Program, called an earlier version of this effort "a patently unconstitutional path." In a more recent analysis, ["Don't Debase the Census,"](#) the Brennan Center warned the effort could set up a "census two-step" — manipulating population numbers first, then enabling more aggressive partisan gerrymandering of the resulting maps.

The rule's own text acknowledges it faces active legal challenges: it cites *Missouri v. U.S. Department of Commerce*, No. 26-cv-00131 (E.D. Mo., filed January 30, 2026), and *Louisiana v. U.S. Department of Commerce*, No. 25-cv-00076 (W.D. La., filed January 17, 2025) — both existing challenges to the treatment of noncitizens in the 2020 census's residence criteria. In 2020, a federal judicial panel separately found Trump's first-term attempt to exclude undocumented immigrants from apportionment unlawful and enjoined the administration from implementing it, according to the [Lawyers' Committee for Civil Rights Under Law](#).

## What the Statistical and Demographic Community Is Saying

Professional demographers have been sharp critics of the proposal's technical soundness, on top of the constitutional problem.

**William Frey**, a senior fellow at Brookings Metro and a demographer who has consulted for the Census Bureau, told [Axios](#) the administration is attempting to redefine the count itself: "The current administration wants to have their own definition of who are real Americans, which is not the same as what the census has counted for many, many decades."

**Terri Ann Lowenthal**, former staff director of the House subcommittee that conducted census and federal statistical system oversight, co-director of The Census Project, and now a Census Bureau policy consultant, called the scope of the proposed changes "breathtaking in how it'll affect census operations, census results, and equally important, public confidence in the integrity of the count." She added that the American Community Survey, which would continue asking demographic questions even if the decennial census drops them, "isn't fine-grained enough to support civil rights law enforcement," including fair housing laws and the Voting Rights Act.

[KFF](#) noted in a September 25 issue brief that if finalized, this would mark the **first time since the census's inception in 1790** that it has not collected race and/or ethnicity data — and the first time it has excluded millions of noncitizen immigrants from apportionment.

The [Population Association of America](#) and **The Census Project**, a coalition of more than 800 national, state, and local organizations that has tracked census policy since 1996, have separately raised concerns throughout the year about the Bureau's scaled-back 2026 Operational Test and the broader erosion of census data quality.

## Civil Rights Organizations Push Back

**JACL** issued a statement in opposition on September 10, the same day the rule was published, titled "[JACL Opposes Proposed Census Rule That Would Strip Millions from Representation and Erase Civil Rights Data.](#)" JACL points to a specific historical irony: from 1922 to 1952, Japanese immigrants were legally barred from becoming U.S. citizens — yet the government continued to count them for apportionment throughout that period. JACL called on the Bureau to withdraw the proposal outright.

**Asian Americans Advancing Justice | AAJC** President and Executive Director [John C. Yang](#) said of earlier iterations of this fight: "Advancing Justice – AAJC is determined to put a stop to this President's attempt to politicize the census and use the Census Bureau and data collected for partisan gain."

The [ACLU](#), along with AAJC, is seeking to formally intervene in the pending Missouri litigation on behalf of OCA-Asian Pacific American Advocates, Make the Road New York, the New York Immigration Coalition, and FIEL Houston, arguing the case "asks the court to upend centuries of constitutional practice by excluding millions of residents from the decennial census."

## Congressional Response

Sen. **Mazie Hirono** (D-HI) and Rep. **Grace Meng** (D-NY) have previously led dozens of colleagues in a letter urging congressional leadership to block similar language, arguing "the Constitution requires every person to be counted for in the U.S. Census."

Separately, Rep. **Andrew Clyde** (R-GA) introduced **H.R. 10377, the "Make Apportionment Great Again (MAGA) Act,"** on September 15, with 42 Republican co-sponsors, confirmed via [GovInfo](#). This is a distinct legislative effort — not part of the Census Bureau's rulemaking — that would statutorily exclude noncitizens from apportionment, mandate a citizenship question on all future censuses, and require a revised reapportionment before the 2028 election. It reflects the same underlying policy goal pursued through a separate, and currently slower-moving, legislative track.

## Why This Matters for the APA Community

This proposal fits the broader pattern APA Justice has tracked this year of federal policy changes eroding the accuracy and completeness of data affecting immigrant and minority communities — directly connected, per the rule's own text, to the Census Bureau's separate noise-infusion ban we covered previously. Two distinct threats are stacked in this single rulemaking: the removal of race and ethnicity questions would strip away the disaggregated AANHPI data that civil rights enforcement and language-access programs depend on, while the apportionment change would affect a far broader population of Asian immigrants than "undocumented" status alone suggests — including visa holders, students, and other lawfully present noncitizens without green cards.

## **What's Next**

The comment period runs through October 13, 2026. Litigation is already underway in the Eastern District of Missouri and Western District of Louisiana, where AAJC and OCA are seeking to intervene, and further legal challenges are widely expected if the administration proceeds toward finalizing a rule that stands on exceptionally weak constitutional footing.

## **John C. Yang Debriefs House Select Committee Hearing on China**

At the July 6, 2026 APA Justice monthly meeting, [John C. Yang](#), President and Executive Director of Asian Americans Advancing Justice | AAJC, provided a firsthand debrief of the [hearing](#) held by the House Select Committee on the CCP on June 25, 2026, where he served as one of three witnesses.

## **Background on the Committee**

John opened with context on the committee itself. The House Select Committee on the CCP — formally the House Select Committee on Strategic Competition with the Chinese Communist Party — was established in 2023 under Republican leadership and was initially framed as a bipartisan effort to address concerns about the Chinese government. But John noted that Congress has never had a committee structured quite like this one: focused solely on a single country and, by extension, a single ethnicity. In his view, this framing distracts from legitimate national security concerns, particularly given that the U.S. has security concerns with many countries, not just China.

John also described what he sees as the two competing purposes such hearings tend to serve: genuine factual inquiry meant to educate members on relevant issues, and political theater aimed at generating sound bites for campaigns emphasizing toughness on China. Each party

selects its own witnesses — the minority party typically gets one, the majority two to three — and John was invited to testify by the Committee's Democratic members.

## **Evidence Over Assumption**

While acknowledging that China presents legitimate national security and economic challenges, John emphasized that any policy response must be grounded in evidence, not assumptions based on ethnicity or national origin.

Throughout his testimony, John argued that national security and civil rights should not be treated as competing priorities — they can and should be addressed through a nuanced, targeted approach, using a "scalpel" rather than a "sledgehammer." He cautioned against policies that cast broad suspicion on Chinese American researchers, students, and professionals, noting that racial profiling weakens both civil liberties and America's ability to attract and retain talent. Rather than relying on stereotypes, he urged policymakers to pursue targeted, evidence-based approaches that address genuine security concerns while respecting constitutional protections.

John also reflected on the importance of staying calm and factual when discussing national security and civil rights in congressional settings or elsewhere, even when confronted with provocative statements — arguing that constructive dialogue and credible evidence are more persuasive with policymakers than confrontation.

## **A Call to Action**

Looking ahead, John encouraged community members to:

- Embrace their identity as both American and Asian American, push back on racism, and use everyday conversations to chip away at the "perpetual foreigner" myth over time.
- Continue engaging with elected officials, educational institutions, and local organizations to keep Asian American voices part of the national conversation.
- Continue building alliances with other marginalized groups, including Black and Latino communities, by acknowledging their distinct stereotypes and struggles.

## **Why This Matters for the APA Community**

John's testimony offers a firsthand, on-the-record account of how Asian American voices are — and are not — being heard in one of Congress's venues for shaping China-related policy. His emphasis on evidence over ethnicity, and his call to build cross-community alliances, echoes themes APA Justice has returned to throughout this year's coverage of research security, immigration, and civil rights policy.

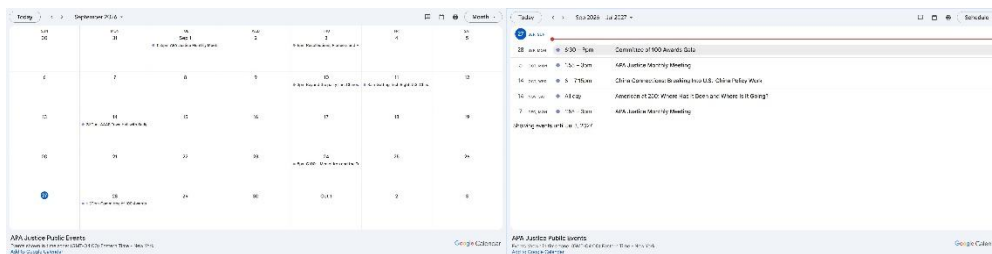
## July 2026 APA Justice Monthly Meeting Summary Posted

The July 2026 monthly meeting summary has been posted at <https://bit.ly/4yH4r6t>. We thank these distinguished speakers at the July 6 meeting:

- **Joanna YangQing Derman**, Director, Anti-Profilng, Civil Rights & National Security Program, Advancing Justice | AAJC
- **Gisela Perez Kusakawa**, Executive Director, Asian American Scholar Forum (AASF)
- **John C. Yang**, President and Executive Director, Asian American Advancing Justice | AAJC
- **Frank H. Wu**, 11th President, Queens College, City University of New York

## News and Activities for the Communities

### 1. APA Justice Community Calendar



#### Upcoming Events:

2026/10/05 APA Justice Monthly Meeting

2026/10/14 China Connections: Breaking Into U.S.-China Policy Work

2026/11/14 America at 250: Where Has It Been and Where Is It Going?

2026/12/07 APA Justice Monthly Meeting

Visit <https://bit.ly/3XD61qV> for event details.

### 2. China Connections: Breaking Into U.S.-China Policy Work



**WHAT:** China Connections: Breaking Into U.S.-China Policy Work

**WHEN:** October 14, 2026, 6:00 pm - 7:15 pm ET

**WHERE:** Lindner Family Commons, 1957 E St NW, Room 602, Washington, D.C.

**HOSTS:** U.S.-China Education Trust (USCET), Sigur Center for Asian Studies, the Elliott School Graduate Student Services, Young China Watchers, and Career China Newsletter

**DESCRIPTION:** Those studying China today face growing uncertainty regarding potential career pathways in the U.S.-China field, even as China expertise is more needed than ever across both the public and private sectors to navigate global challenges. This event brings together early-to mid-career professionals working on U.S.-China relations across the consulting, corporate, think tank, NGO, and government sectors to share insights from their career paths, highlight career possibilities, and offer practical advice for those considering work in foreign policy.

The evening will open with a keynote from **Robert Daly**, followed by a panel discussion featuring **Kalisha Holmes**, **McCall Mintzer**, **Bernice Xu** and **Neil Thomas**, moderated by USCET Managing Director **Ryan McElveen**, and close with a light reception and networking session.

This event is open to the public, with a particular focus on those exploring careers connected to foreign policy and China.

**FOR MORE INFORMATION:** <https://uscet.org/china-connections-breaking-into-u-s-china-policy-work/>

### 3. America at 250: Where Has It Been and Where Is It Going?



**WHAT:** America at 250: Where Has It Been and Where Is It Going?

**WHEN:** November 14, 2026

**WHERE:** Campus of NYU Shanghai, China

**HOSTS:** NYU Shanghai and US-China Education Trust (USCET)

**DESCRIPTION:** USCET, based in Washington, DC, has worked for more than 25 years to promote U.S.-China relations through education and exchange for the next generation of leaders. This is the 19th American Studies Network (ASN) Conference, facilitated by USCET. The ASN consists of 54 Chinese institutions of higher education. Working in partnership with ASN members, USCET has organized an annual American Studies Network Conference in China since 2004.

Please note that this conference will be held in-person only; virtual/remote participation is not available.

**FOR MORE INFORMATION:** <https://uscet.org/call-for-papers-2026-asn-conference/>

# # #

APA Justice Task Force is a non-partisan platform to build a sustainable ecosystem that addresses racial profiling concerns and to facilitate, inform, and advocate on selected issues related to justice and fairness for the Asian Pacific American community. For more information, please refer to the APA Justice website at [www.apajusticetaskforce.org](http://www.apajusticetaskforce.org). We value your feedback. Please send your comments to [contact@apajustice.org](mailto:contact@apajustice.org).

*Copyright © 2026 APA Justice, All rights reserved.*

You are receiving this email because you opted in or have expressed interest.

**Our mailing address is:**

APA Justice P.O. Box 1242 McLean, VA 22101 USA

We do not share, sell, rent or trade any of your information with third parties unless you provide explicit consent. [Read our Privacy Policy here.](#)