

In This Issue #108



Happy New Year of The Tiger. Credit: American Chinese International Cultural Exchange Council

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We Are All Gang Chen (我们都是陈刚)

On January 20, 2022, Judge Patti Saris approved the government's motion to dismiss all charges against renowned Massachusetts Institute of Technology (MIT) Professor Gang Chen (陈刚). The case has been formally terminated after one year of pain and suffering for Professor Chen and his family. It is the ninth "China Initiative" case to be dismissed or acquitted. Read more about the list of scientists impacted by the China Initiative: <https://bit.ly/3oeJbUb>.

On January 21, 2022, MIT Professor Gang Chen published an opinion in the Boston Globe titled "[I was arrested under the DOJ's China Initiative. Congress must investigate the program.](#)" Professor Chen said in the opinion, "[t]here is no winner in what seems to me a politically and racially motivated prosecution: My reputation is tarnished, my family suffered, my institute lost the service of a professor and bore the financial burden of my legal defense, US taxpayers' money was wasted, the ability of the United States to attract talents from around the world has plummeted, and the scientific community is terrified. [US Attorney Andrew Lelling and Joseph Bonavolonta, FBI special agent in charge of Boston] succeeded in creating the "chilling effect" they wanted by deterring researchers from collaborating with China — but in the process, they managed to blunt one of our great strengths as a nation, our rich history of academic research and collaboration, which leads to discoveries happening here instead of in some other country. They did this at a time when international scientific collaboration is urgently needed to address humanity's existential threats, such as COVID-19 and global warming." The Ohio Chinese American Association has translated the opinion into Chinese: [MIT陈刚教授自述](#).

APA Justice is coordinating with the Asian American Scholar Forum, Advancing Justice | AAJC, and the Brennan Center for Justice to host a webinar in the coming days. It will feature Professor Chen and his attorney Robert Fisher. Professor Chen, Robert Fisher, and former U.S. Attorney Carol Lam are also invited to speak in the February 7 APA Justice monthly meeting. Read more about Professor Chen's case at: <https://bit.ly/3iCQf8W>.

APA Justice Sends Messages to OSTP on NSPM-33 Implementation and DOJ on "China Initiative"

Follow-up to OSTP Briefing and Centralized APA Justice Webpage. On January 21, 2022, APA Justice submitted [a statement and requests](#) to OSTP with additional background and questions to support our views on three major topics expressed in the January 18 briefing:

1. The creation of a centralized website. **Question:** Will OSTP commit to stand up such an initial informational website about NSPM-33 in the next 120 days of the development period?
2. The establishment of a transparent and consultative process for the research and civil rights communities to identify, report, and track issues and problems. **Questions:** Going forward, how will OSTP establish a transparent and accountable process involving the Asian American community to allow direct or

coordinated consultation on identified issues? Has OSTP decided on whether the risk matrix is the approach to be taken by NIH, NSF, and other civilian funding agencies? How will the perspectives of the Chinese American scientists be represented in this and other similar decisions?

3. The continuing engagement of the AANHPI research and civil rights organizations with scheduled meetings to address key issues that have consequential impact on the implementation of NSPM-33. **Questions:** What are the roles and responsibilities of law enforcement and national intelligence agencies in the administrative processes addressing research integrity and misconduct issues? In particular, have they agreed to a secondary role instead of their “first responder” role under the “China Initiative?” Are law enforcement and national intelligence agencies also expected to ensure that their policies do not fuel xenophobia or prejudice? If so, how will they be held accountable? Are there any applicable statutes, rules and regulations, or pending legislation that may impede, interfere, or conflict with the implementation of NSPM-33? When does OSTP plan to fully engage the White House Initiative on AANHPI in communicating with the entire communities?

APA Justice has created a centralized webpage that contains background and context including the original announcement by OSTP Director Dr. Eric Lander in August 2021, APA Justice views and actions, and a repository of media reports and comments submitted by organizations and individuals to OSTP at researchsecurity@ostp.eop.gov. Read more about the OSTP webpage: <https://bit.ly/3fT4Jko>.

Letter to AG Garland on "China Initiative." On January 21, 2022, APA Justice sent [a letter to Attorney General Garland](#), adding 357 faculty members who joined the nationwide campaign since the original letter was sent on November 3, 2021, bringing the total to over 2,600 faculty members, scholars, and administrators from 230 institutions across all 50 states, the District of Columbia, and Puerto Rico. We also submitted this information as an addendum to the [letter to AG Garland](#) on November 24, 2021, requesting its inclusion as part of the ongoing review of the “China Initiative” being conducted by Assistant Attorney General Matt Olsen. APA Justice will keep the sign-on form at <https://bit.ly/EndorseStanfordLetter> open and continue to urge all qualified endorsers to sign on until the "China Initiative" has ended. Read more about ending the "China Initiative": <https://bit.ly/2ZC12up>

San Francisco Chronicle Opinion on "China Initiative," and Updates on Professors Anming Hu and Simon Ang

San Francisco Chronicle Opinion on "China Initiative." On January 22, 2022, the San Francisco Chronicle published an opinion titled "The DOJ's China Initiative is a xenophobic threat to America's economy and our core ideals." It was penned by Julie Tang, retired San Francisco Superior Court judge and Dr. John V. Walsh, retired professor of physiology and neuroscience at the University of Massachusetts Chan Medical School. According to the opinion, far from keeping America safe, the China Initiative threatens our economy and our core ideals. Since launching in 2018, details of the "China Initiative" have been vague. "The DOJ has not publicly defined the initiative or answered many basic questions about it." And although the secrecy surrounding the program makes it difficult to assess, its negative effects over the past few years are very apparent.

Critics have long accused the program of racial profiling — and for good reason. The "China Initiative," by specifically targeting Chinese academics, feeds into a long history of anti-Asian and specifically anti-Chinese sentiment. What is a bureaucratic nightmare for scientists is a gold mine for prosecutors with an agenda. The fact that prosecutors have not charged any scientists with espionage under the "China Initiative" is not surprising in the academic community. As an open letter to Attorney General Merrick Garland from 177 Stanford University faculty members explained, the openness of scientific research in academia makes acts of espionage unlikely. The negative effects of the "China Initiative" go far beyond the lives of the individuals charged. The culture of fear that the U.S. government has created among scientists is stifling innovation. The "China Initiative" is contributing to fewer international students and researchers wanting to come to the U.S.

To be sure, espionage against the U.S. is a genuine problem that needs to be addressed. But the China Initiative has veered from that task and done significant damage. If allowed to persist, the program will continue to threaten the fabric of our democracy as well as our ability to be a leader in innovation, ultimately affecting our economy.

The Justice Department says that one of the goals of the China Initiative is to "educate colleges and universities about potential threats to academic freedom." Unfortunately, by instilling fear across academia, the China Initiative itself is a threat to academic freedom.

Read more: <https://bit.ly/340GZbg>

Former University of Tennessee Knoxville (UTK) Professor Anming Hu (胡安明)

Closer to Reinstatement. On January 21, 2022, Professor Hu's application for

employment authorization was approved by the U.S. Citizenship and Immigration Services. This is an important step for Professor Hu, who is a Canadian citizen, to be reinstated by UTK. The first academic to go to trial under the "China Initiative," Professor Hu was acquitted of all charges on September 9, 2021. His tenured professorship was terminated by UTK in October 2020. UTK has publicly committed to reinstate Professor Hu since the acquittal. It may happen as early as next week. Read more: https://bit.ly/APAJ_AnmingHu.

Former University of Arkansas Professor Simon Ang (洪思忠) Reaches Plea Agreement.

On January 21, 2022, Professor Simon Saw-Teong Ang and the government filed [a plea agreement](#) in the Western District Court of Arkansas. The agreement must be approved by the Court. The agreement stipulates that Professor Ang pleads guilty to one count out of 59 charges - making a false statement to a federal agent (U.S. Code 1001). In return, the government will dismiss the other 58 charges, essentially agreeing that Professor Ang had done nothing wrong in obtaining a NASA research grant. "I think the U.S. government is beginning to understand that the China Initiative is a misguided strategy that has strayed far from its original goals," Ang's lawyer, Drew Ledbetter, told [ScienceInsider](#) after the plea agreement was announced. "Scaring researchers is counterproductive and ultimately will only suppress collaborative research at academic institutions." The 64-year-old Ang was fired by the University of Arkansas 2 months after his arrest. Read more about Professor Ang's case: <https://bit.ly/3l21Roj>

Lunar New Year Event in Houston; Combating Anti-Asian Hate and Discrimination



Lunar New Year with Houston Police Department Community Shield and Yellow Whistles. On January 26, 2022, Dr. Steven Pei, Professor at the University of Houston and Co-organizer of APA Justice, will speak in the Houston Police Department (HPD) Community Shield TV Show. The Community Shield event will be held outdoors in Southwest Chinatown and will celebrate the upcoming Lunar New Year with Houston's Asian Communities. 10,000 Yellow Whistles will be distributed at the event. New Year's Day for the Year of The Tiger is February 1, 2022. The Community Shield TV show's idea is to bring Relational Policing to the next level. Senior Police Officer Don Vo serves as the Asian Community Liaison for HPD. More about the event and Officer Vo's contact information at <https://bit.ly/3IL5rNh>. The Yellow Whistle Project (TYW) was officially launched in response to the anti-Asian hate and violence on April 19, 2021, Patriots Day. About 500,000 Yellow Whistles with the message of "We Belong" have been distributed free across the country. APA Justice is one of the outreach partners. Read more about TYW here: <https://bit.ly/32gKM0d> and activities of the past year here: <https://bit.ly/2RDZMmB>

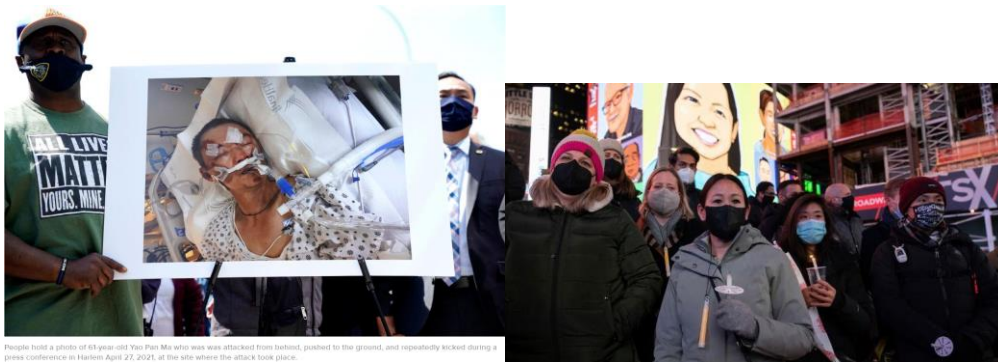
Penn Law to sanction professor who said U.S. 'better off' with fewer Asians.

According to NBC News on January 20, 2022, the dean of the University of Pennsylvania Carey School of Law said he would seek sanctions against tenured law professor Amy Wax over discriminatory remarks she made about the Asian American community. Wax said early this month that the U.S. is "better off with fewer Asians and less Asian immigration." Dean Ted Ruger said in a statement that he had received multiple complaints since 2017 citing Wax's behavior as disruptive to students and the school community. "Professor Amy Wax has repeatedly made derogatory public statements about the characteristics, attitudes, and abilities of a majority of those who study, teach, and work here," Ruger wrote. "The complaints assert that it is impossible for students to take classes from her without a reasonable belief that they are being treated with discriminatory animus." Read more: <https://nbcnews.to/33YUWGQ>. A petition calling for action by the University of Pennsylvania has been signed by over 2,570 individuals: <https://bit.ly/3zAaqN9>.

Remembering Yao Pan Ma and Michelle Alyssa Go. According to [CBS News](#), Yao Pan Ma, 61, who was brutally attacked in New York City in April 2021, died of his injuries on December 31, 2021. The case is now being treated as a homicide. Ma was approached from behind and hit in the back. He fell to the ground and the suspect allegedly kicked him multiple times in the head before fleeing. Ma was taken to the hospital where he remained until his death. Ma and his wife immigrated to the U.S. in 2018 from China. He had lost his dishwashing job and was collecting cans to support his family before he was attacked.

According to [CNN](#), a candlelight vigil was held in honor of Michelle Alyssa Go, 40, in Times Square on January 18, 2022. Go was pushed to her death in front of a Times Square subway train. She is remembered as a compassionate woman who volunteered her time to help those less fortunate than her. She spent time helping women and children in at-risk communities as well as the homeless.

According to [Stop AAPI Hate](#), from March 19, 2020 to September 30, 2021, a total of 10,370 hate incidents against Asian American and Pacific Islander (AAPI) persons were reported to the Stop AAPI Hate (SAH). Of the hate incidents reflected in this report, 4,599 occurred in 2020 (44.4%) and 5,771 occurred in 2021 (55.7%). The national report features: (1) descriptions of 10,370 hate incidents from Stop AAPI Hate data; (2) key findings from a nationally-representative survey conducted from September 21, 2021 to October 8, 2021; and (3) three emerging focus areas reflecting the commitment to AAPI communities.



People hold a photo of 63-year-old Yao Pan Ma who was attacked from behind, pushed to the ground, and repeatedly kicked during a press conference in Harlem April 22, 2021, at the site where the attack took place.

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