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Please Sign On to End the 10-year Injustice to Sherry Chen by the Department of Commerce



APA Justice launches a campaign today calling for Commerce Secretary Gina Raimondo to take immediate action to end the ten years of injustice for hydrologist Xiafen "Sherry" Chen and to account for the abuse and misconduct at multiple levels of the Department of Commerce (DOC) stemming from the rogue Investigations and Threat Management Service (ITMS). We urge all concerned U.S. organizations and individuals to co-sign the letter to Secretary

Raimondo here: <https://bit.ly/Letter2CommerceSec>. Please share it widely and urge additional sign-ons. We can make a difference. The campaign is scheduled to close on April 4, 2022.

Sherry Chen's case stands out as one of the most extreme examples of ITMS's abuses and their devastating consequences. Senator Roger Wicker's investigation confirms ITMS's additional abuses of authority, mismanagement, and reprisal against DOC employees, including "the unchecked race-based targeting disproportionately impacted employees of Chinese ancestry." Senator Wicker reaffirmed these findings in the March 2022 APA Justice monthly meeting <https://youtu.be/EbJ5g0ss3vA> (video 2:53). Two whistleblowers were fired by DOC at the end of January.

Justice for Sherry Chen has already been delayed by DOC for ten years despite the mount of growing irrefutable facts and evidence about the misdeeds and misconduct at DOC, spanning over three administrations. It must end now.

We had hoped and still have hope that since the ordeal of Sherry Chen and rogue operations of ITMS did not happen under Secretary Raimondo's watch and the Biden-Harris administration has issued directives to advance equity, justice, and opportunity for AANHPI, she may make a difference by ending the gross injustice and rebuilding the lost trust and confidence in DOC.

Sign on to the letter to Secretary Raimondo: <https://bit.ly/Letter2CommerceSec>. Read more about the Sherry Chen story: <http://bit.ly/2LDKyWH>. Read more about the Senate report: <https://bit.ly/3i6ju43>

2022/03/07 APA Justice Monthly Meeting Summary

The March 7, 2022, APA Justice monthly meeting summary has been posted at <https://bit.ly/3qy7WLZ>. We thank the following special speakers:

- **Nisha Ramachandran**, Executive Director, Congressional Asian Pacific American Caucus (CAPAC). Nisha reported on CAPAC's activities related to the end of the "China Initiative" and the implementation of National Security Presidential Memorandum 33 (NSPM-33) by the Office of Science and Technology Policy (OSTP).
- **Roger Wicker**, U.S. Senator; Ranking Member, Senate Commerce, Science, and Transportation Committee. Senator Wicker provided an update on his continuing investigation of abuse and misconduct at DOC. His investigation found more than enough evidence indicating ITMS acted outside the law on multiple occasions. Sherry Chen was wrongfully targeted, and she is not alone. At least two of the whistleblowers who brought ITMS's conduct to his attention lost their jobs in January. DOC's Inspector General should be held accountable, given her failure to investigate ITMS properly for over 4 years. Watch his video <https://youtu.be/EbJ5g0ss3vA> (2:53)
- **Rebecca Everly**, Executive Director, International Human Rights Network of Academies and Scholarly Societies (IHRN). Becca introduced IHRN, formed almost 30 years ago, as an international consortium of honorary scientific societies around the world that have an interest in human rights. IHRN is governed by an executive committee composed of

members from 11 academies. Many of the academy members are extremely familiar with the case of Wen Ho Lee and provided advocacy on his case. They are seeing disturbing similarities in terms of racial profiling and targeting and failures of due process. They made an infrequent statement in February expressing serious concerns about the pattern of criminal cases brought against colleagues in the United States that later ended up collapsing when evidence came to light. The statement talked about the "China Initiative" and gave examples of Anming Hu and Gang Chen, as well as the earlier disturbing cases of Sherry Chen and Professor Xiaoxing Xi in that context. Members of the executive committee want to join the calls of many US scientific and scholarly colleagues for full investigations and accountability of abuses.

- **Haipei Shue**, President, United Chinese Americans, and **Peter Zeidenberg**, defense attorney for Professor Franklin Tao. Haipei described the community efforts in support of Professor Tao in his upcoming trial, including a call for donations to his GoFundMe campaign <https://gofund.me/5bf4adb6>. Peter explained that the declared demise of the "China initiative" is sort of the worst of both worlds for people like Tao. There is danger that many who have been holding the DOJ accountable will walk away and congratulate each other for a mission accomplished. However, the DOJ is continuing with this prosecution after the Assistant Attorney General said that going forward, they will only be prosecuting cases with a national security nexus. Professor Tao's case is a pure research integrity case.
- **Patrick Toomey**, Senior Staff Attorney, ACLU. In February, ACLU and the Xi family filed the opening brief in their appeal against the U.S. government and the FBI agent. Patrick explained that the first bucket of issues is against the US government to try to recover damages for what occurred to Professor Xi and his family. The second is against the individual FBI agent. The claims against the FBI agent are sometimes called Bivens claims because of the Supreme Court case in the 1970s that created this right or ability to recover damages for certain constitutional violations committed by federal agents. Three amici briefs have followed in support to reinstate the damage claims and hold the FBI accountable.
- **Adam Shelton**, Fellow, Institute for Justice (IJ). **Amicus Brief 1**. IJ is a national nonprofit public interest law firm. In recent years, IJ has started the project on immunity and accountability. Adam explained that there is one special area of concern with constitutional violations. If a federal employee committed a tort and a constitutional violation, there is general belief that "discretionary function exception" cannot apply because federal officials do not have the discretion to violate the Constitution. IJ submitted an amicus brief in support of Professor Xi by focusing on two main areas under the argument that qualified immunity is entirely irrelevant.
- **Francis "Slake" Slakey**, Chief External Affairs Officer, American Physical Society (APS). **Amici Brief 2**. Slake said in the meeting, "while Professor Xi was the one who had to suffer the handcuffs, the wider scientific community has felt their grip." Slake provided two reasons why APS filed an amici brief in support of Professor Xi. First, the wrongful arrest of Professor Xi and others hinder our nation's ability to attract international graduate students and scientists. Second, the wrongful arrest has a chilling effect on international scientific collaboration that would benefit the US. They are supported by data and surveys conducted by APS. Professor Xi's wrongful arrest echoes across the scientific community and it does broad damage to the US. The negative perception of injustice and ethnic profiling that is created by the wrongful arrest of Professor Xi must be replaced by a perception of justice and accountability.
- **Jiny Kim**, Vice President of Policy and Programs, Advancing Justice | AAJC. **Amici Brief 3**. Jiny stated that Professor Xi's case preceded the China

initiative. The role at AAJC was to show solid, broad Asian American, Asian immigrant, and Arab, Middle Eastern, Muslim, and South Asian (AMEMSA) communities support for professor Xi's case. They all share in the serious concerns regarding the violation of our communities' civil rights. AAJC together with affiliate Asian Law Caucus in San Francisco led a total of 72 Asian American organization civil rights groups, science associations, and academic groups to file an amici brief and support Professor Xi's appeal. The brief laid out the concrete harms caused by the government's actions, including losing grants and facing significant challenges in obtaining research funding for the individuals targeted. AAJC will continue to be vigilant and monitoring future government action because the end of the China initiative is just one milestone toward that future goal of ensuring that race-based profiling, targeting, surveillance, and prosecutions need to stop. Jiny also reported that a briefing was held after DOJ's announcement ending the China Initiative. A town hall was later held on March 17. AAJC will continue to work with impacted persons to meet with congressional members and push for congressional oversight of agency action to make sure that the end of the China initiative does not mean an end just in name only.

This and past APA Justice monthly meeting summaries are posted here: <https://bit.ly/3kxkqxP>

Trial of Kansas University Professor Franklin Tao Begins



On March 21, 2022, the trial of Kansas University Professor Feng "Franklin" Tao began in Kansas City, Kansas. Professor Tao was the first academic to be arrested under the now-defunct "China Initiative," which was supposed to catch economic spies. Like most other academics, Professor Tao was charged for wire fraud and making false statements, not economic espionage or trade secret theft.

According to [Kansas Reflector](#), the trial began with jury selection. Professor Tao's wife Hong Peng and organizations that advocate for Asian Americans were in front of the court house calling for fair proceedings and an end to profiling of Asian American professors. Peng said Tao has worked countless hours to fulfill his dream of becoming an American scientist. "Now, his career and life has been destroyed by the prosecution and our family has been trapped in this nightmare for over two and a half years," Peng said.

Peng was joined by representatives of United Chinese Americans, the Asian and Asian-American Faculty and Staff Council at the University of Kansas, and the Kansas City Chinese Community Association. “Instead of catching spies, DOJ spent their resources catching basically Chinese American professors and academics,” said Haipei Shue, president of United Chinese Americans. Shue said the organization supports government efforts to ensure economic and national security — but not at the expense of Chinese Americans’ civil rights. “We cannot allow this racial profiling, country-of-origin profiling, overzealous government prosecution in this free country of America,” Shue said. “We demand equal protection and justice for Chinese American communities and our professors and academics.”

Local TV station KMBC, NPR, Nature, Chemical and Engineering News, Inquirer.net, and other media covered the event, followed by a report by [AP](#) the next day. The trial is expected to last about three weeks. New Yorker published a comprehensive story on March 14: <https://bit.ly/3CGwFCK>. Donate to GoFundMe to support Professor Tao: <https://gofund.me/5bf4adb>

Read more about the continuing developments of the trial: <https://bit.ly/3fZWJvK>.

Events and Developments for the Asian American and Scientific Communities

 <p>Committee of Concerned Scientists</p> <p>Annual Meeting, Committee of Concerned Scientists, Inc. March 27, 2022 Via Zoom</p>		<p>2022 CACS Spring Virtual Event at the ACS National Meeting</p>	
<p>SPEAKERS</p>		<p>Please join us for</p> <p>Promoting DEIR (Diversity, Equity, Inclusion, Respect) and Keeping USA STEM Competitive: Gang Chen's Story</p> <p>Thursday, March 24, 2022 7:30-9:00 pm EDT/4:30-6:00 pm PDT Free registration at www.cacshq.org</p>	
11:30-10:55	Introduction of Guests	Joel Lebowitz.	 <p>MIT Professor Gang Chen <small>photo courtesy of Tony Luong, New York Times</small></p>  <p>Chinese American Chemical Society</p> <p>“Gang Chen was arrested a year ago on charges of hiding his links to China. The charges were dismissed, but he said the damage – to him, and to American science – has lingered.” <small>The New York Times January 24, 2022</small></p> <p>Co-sponsors:</p>       
11:55-12:20	Gang Chen, Massachusetts Institute of Technology, When Your Government Treats You as a Spy	Eugene Chudnovsky, Co-Chair	
12:20-12:45	Anming Hu, University of Tennessee at Knoxville, Guilty Until Proven Innocent	Alexander Greer, CCS Co-Chair	
12:40-1:15	Ivan Pavlov, Founder, Freedom of Information Foundation and Team 29, Prosecution of Russian Scientists	Eugene Chudnovsky, CCS Co-Chair	
1:15-1:30	Ukraine: Russian and Ukrainian Scientists		

- On March 24, 2022, the **Chinese American Chemical Society** will host a virtual event titled Promoting DEIR (Diversity, Equity, Inclusion, Respect) and Keeping USA STEM Competitive: Gang Chen Story, featuring MIT Professor Gang Chen. Register for the free 7:30 - 9:00 pm ET event: <https://www.cacshq.org/>

- On March 27, 2022, the **Committee of Concerned Scientists** will hold its annual meeting, featuring Professor Gang Chen, Professor Anming Hu, and Ivan Pavlov, Founder, Freedom of Information Foundation and Team 29, Prosecution of Russian Scientists. You can join the 11:30 am to 1:30 pm event via YouTube <https://www.youtube.com/watch?v=N-u0V3VnXiM>
- On March 28, 2022, **APA Justice and a group of organizations and individuals** will give a presentation in the first Engagement Hour hosted by OSTP and the Research Security Subcommittee of the National Science and Technology Council. Immediate and systemic issues concerning the implementation of NSPM-33 will be discussed.
- On March 29, 2022, the **White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders (WHIAANHPI)** will host a Community Roundtable on Combatting Anti-Asian Hate for Regional Network 5 (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin). Register here: <https://bit.ly/3wNzaCv>
- On March 30, 2022, the **Asian American Federal Employees for Non-Discrimination (AAFEN)** will co-host a webinar titled "Challenging the Asian American Disloyalty Myth - Lessons from the Fred Korematsu case: A Talk by Dale Minami." Register here: <https://bit.ly/3wrBUVQ>
- On March 30, 2022, the **University of Texas at Austin** will host a Physics Colloquium titled "Challenges Facing Academics of Chinese Descent and Those Who Collaborate with Scientists in China," featuring Temple University Professor Xiaoxing Xi. Attend the 4-5pm event here: <https://utexas.zoom.us/j/97596505170?from=addon>
- On March 31, 2022, **WHIAANHPI** will host a Community Roundtable on Combatting Anti-Asian Hate for Regional Network 10 (Alaska, Idaho, Oregon, Washington). Register here: <https://bit.ly/36h1Qcc>

Stop Asian Hate - One Year After The Atlanta Spa Killings



March 16, 2022, marked the one-year anniversary of the Atlanta spa shootings in which 8 persons were killed, including 6 Asian women. Events and activities commemorating the anniversary took place across the nation to express outrage at anti-Asian hate and grieving for the senseless loss of lives. The White House issued [a statement](#). CAPAC also issued [a statement](#), and led [a live-streamed event](#) on the Capitol Hill steps where Congressional members including House Speaker Nancy Pelosi gave remarks.

According to [Vox](#), despite the passage of a federal hate crimes law, emboldening a new generation of Asian American activists, and sparking a dialogue about anti-Asian discrimination, organizers view the policies that have passed as insufficient — and worry that the focus on policing, which some have taken in response to anti-Asian violence, could harm communities of color. As more horrific attacks make headlines, many are still searching for new ways to address the biases that are tied to such violence as well.

“It can’t just be about raising awareness and visibility,” says Turner Willman, the social media director for the progressive advocacy group 18MillionRising. “It needs to be coupled with structural change.”

APA Justice is committed to continue its fight against racial profiling, which is a systemic form of anti-Asian hate and discrimination. During the past year, we have supported the nationwide Yellow Whistle campaign, helping to distribute some of the 500,000 yellow whistles with the message that "We Belong" <https://bit.ly/2RDZMmB>. We also expressed strong support to passing Maryland Senate Bill 462 to include Asian American history as part of American history in Maryland public schools <https://bit.ly/3tAcxiB> and urge other state legislatures to pass similar bills into law.

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