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Census Bureau Leadership Lacks Diversity

On December 14, 2021, NPR published **The federal agency that measures racial diversity is led mostly by white people**. The Census Bureau is the federal agency in charge of measuring the demographics of the U.S. According to the report, calls to diversify the bureau's leadership go back decades, but the racial and ethnic makeup of the Census Bureau's leadership has not significantly changed over the past decade. The fact that the bureau's Senior Executive Service is overwhelmingly white has raised concerns about whether the agency is providing equitable opportunities to reach its top rank of staffers and how committed it is to its own stated goal of achieving "a workforce that reflects the rich diversity of the American public that we serve."

For decades, civil rights groups and other outside advisers to the bureau have also urged the agency to diversify the racial and ethnic makeup of its staff. "This needs to be achieved at all levels, particularly at the executive level," Rita Takahashi of the Japanese American Citizens League said at a 1988 meeting of the bureau's former race and ethnic advisory committees.

Arturo Vargas — the CEO of the National Association of Latino Elected and Appointed Officials Educational Fund who has served on the bureau's National Advisory Committee — says it is increasingly important to track the cultural competencies of the agency's leadership.

"When I came there many, many years ago, I was told by the highest-level people in the organization who had recruited and hired me that the culture of the organization was best viewed as a tribal culture," where a lot of people have similar socioeconomic and cultural backgrounds, says Arnold Jackson, a former African American official, who first joined the bureau in the 1980s. "And they replicate themselves," he added.

Robert Santos, the bureau's incoming director from the Biden administration, is the first Latino and second person of color to serve in the position. James Holmes, an African American,

served as Acting Director in 1998. Santos's term starts in January. Read more about the NPR report: <https://n.pr/3s6rgBE>

Laura Furgione - Current Census Bureau Leadership's Link to the Case of Sherry Chen

Among the Census Bureau's leadership is Laura Furgione, Chief Administrative Officer, who describes her portfolio in LinkedIn to include "all matters related to administrative policies and practices within the human resources, facilities and customer service areas."

Until December 2016, Furgione was Deputy Director at the National Weather Service who supported the investigations of Sherry Chen and other employees of Asian descent. She did not conduct an objective review in the aftermath of the dismissal of Sherry Chen's criminal case. Instead, Furgione proceeded to propose not once but twice to terminate Sherry Chen's employment.

In the April 2018 ruling in favor of Sherry Chen, the chief administrative judge of the Merit System Protection Board (MSPB) wrote:

"In short, Ms. Furgione [the proposing official] and Admiral Devany [the deciding official] seemed more concerned about being right than doing the right thing. Based on the unyielding nature of their testimony, I would not have been surprised if they rejected that 2 + 2 = 4." page 102 of MSPB judge's ruling

"It is not my place nor is it necessary for me to decide whether Ms. Furgione or Admiral Devany had a blinding desire to save face for the agency in light of the press coverage and the length of time that had passed since Ms. [Deborah] Lee first submitted her concerns to the security office, whether they felt Ms. Chen returning to the agency would embarrass or not reflect well on the agency's initial actions, whether their thought process was tainted by the dismissed criminal charges, or whether they simply did not have the competence or experience to impartially perform their respective roles as proposing and deciding officials in this matter." page 103 of MSPB judge's ruling.

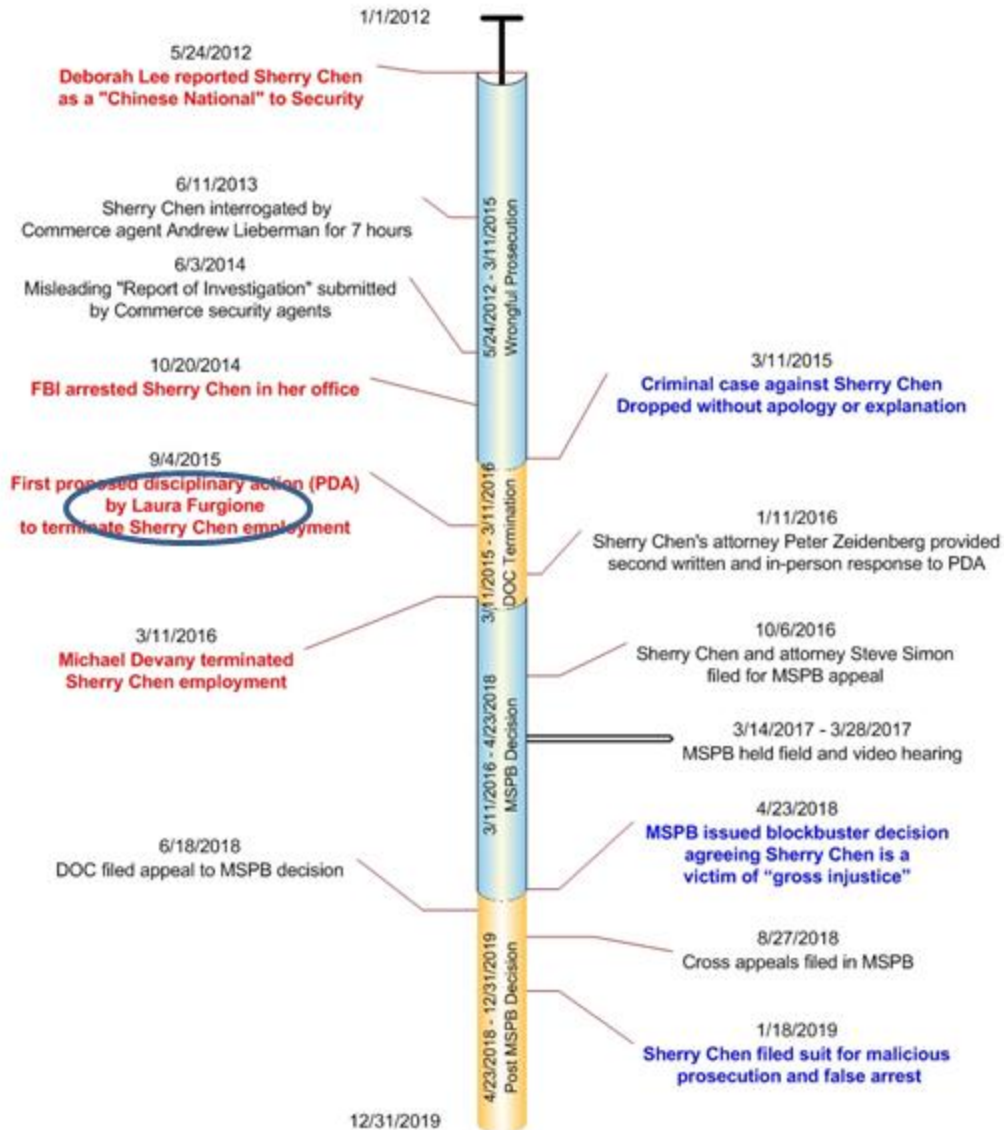
Read more about the MSPB judge's ruling: <http://bit.ly/MSPBDecisionPage>

There is no evidence that the Department of Commerce conducted a formal review of Furgione's conduct and performance in this matter. She was moved to an obscure senior executive position in the Census Bureau in December 2016, two months after Sherry Chen filed an appeal of her employment termination with MSPB, and is now resurfacing as a key senior executive in the Census Bureau.

Read more about the Sherry Chen story: <https://www.sherrychendefensefund.org/>.

Chronological Events for Sherry Chen

January 19, 2019



Department of Commerce Racial Profiling of Asian American Employees Remains Unaddressed

On July 13, 2021, the U.S. Senate Committee on Commerce, Science, and Transportation (Senate Committee) minority staff released a 37-page investigative report, "**Abuse and Misconduct at the Commerce Department.**" The investigation began after whistleblowers

reported a variety of improper activities dating back to the mid-2000s involving abuses of authority, mismanagement, and reprisal against Department employees. Minority Staff conducted over 100 interviews and reviewed thousands of documents supporting allegations from over two dozen whistleblowers.

The Senate Committee report identified Sherry Chen and Dr. Chunzai Wang as two specific Chinese American scientists impacted by the Department of Commerce (DOC) criminal investigations without proper authority and subsequent wrongful prosecutions by the Department of Justice.

Among other findings, the Investigation and Threat Management Service (ITMS), which conducted the unauthorized investigations of Sherry Chen and Dr. Wang, broadly targeted departmental divisions with comparably high proportions of Asian American employees, ostensibly to counter attempts of espionage by individuals with Chinese ancestry.

On September 3, 2021, DOC announced that it would eliminate ITMS within 90 days, but failed to address the issue of racial profiling against its Asian American employees.

ITMS was a small unit with an average of 12 employees. It is hard to imagine that it could become a rogue investigative unit all by itself for 15 years. For example, ITMS received a Gold Medal Award - the highest honor given by DOC, in 2016. The citation for ITMS reads:

“The organization is honored for identifying an unrecognized strategic threat to national security, and then leading a U.S. Government effort to address the major paradigm change created by this threat utilizing mitigating efforts directly impacting both current and future U.S. national strategy at the highest level. Their investigation developed unprecedented evidence that revealed an adversary’s innovative means of circumventing existing protective, investigative, and enforcement methods.”

Racial profiling of Asian American employees could very well have been the justification for the award to ITMS in 2016. It also appears that Laura Furgione was provided a protective shield in her move to the Census Bureau instead of being held accountable for her actions.

Read more about APA Justice coverage on the Department of Commerce: <https://bit.ly/3yZyWW3>

History of the Sherry Chen Story, CAPAC, and APA Justice

On May 9, 2015, the New York Times published **Accused of Spying for China, Until She Wasn't** <http://nyti.ms/2mTiOl7>. It told the comprehensive story of Sherry Chen, a hydrologist with the National Weather Service, who was wrongly accused of spying for China. Her criminal case was dismissed without apology or explanation on March 11, 2015.

The Congressional Asian Pacific American Caucus (CAPAC) held a news conference on

Capitol Hill on May 21, 2015, to express their concerns about the Sherry Chen case and the growing trend of racial profiling of Chinese Americans. Twenty two Congressional members wrote [a joint letter](#) to then-Attorney General Loretta Lynch and called for an independent investigation to review whether racial profiling was a factor in the Sherry Chen case and in the policy and practices of the Department of Justice.

On the day of the press conference, Professor Xiaoxing Xi, Chair of the Physics Department at Temple University, was arrested and accused of passing proprietary trade secrets to China. His case was also dropped without explanation five months later in September 2015.

CAPAC Chair Judy Chu called for a regular medium and platform to facilitate more timely and stronger communications to understand and respond to the growing pattern and concerns. A group of volunteers was formed to serve this purpose in the Fall of 2015. It serves to build a sustainable ecosystem to address racial profiling issues and to facilitate, inform, and advocate on selected issues related to justice and fairness for the Asian American community.

Read more about the APA Justice background: <https://bit.ly/3b42Miw>

Media Reports on the "China Initiative," the Trial of Charles Lieber, and Racial Profiling

December 15, 2021:

- Reuters: **Harvard professor didn't lie about China ties, lawyer says at U.S. trial.** Read more: <https://reut.rs/3IU4brT>
- Law360: **Harvard Prof Rips 'Mangled' China-Ties Case As Trial Opens.** Read more: <https://bit.ly/3E35Esd>
- Times Higher Education: **Is Francis Collins leaving the NIH in good health?** Outgoing director of top US research funder holds firm on China crackdown, regrets state of racial equity and keeps pondering more holistic approach. Read more: <https://bit.ly/3q63ByO>

December 14, 2021:

- AP: **Harvard professor's trial a test of DOJ's China prosecutions.** Lieber's trial is among the highest profile cases to come from the U.S. Department of Justice's so-called "China Initiative," which was launched in 2018 under former President Donald Trump but has faced criticism that it harms academic research and amounts to racial profiling of Chinese researchers. Read more: <https://bit.ly/3dVuX4M>
- Reuters: **Harvard professor charged with lying about China ties goes on trial.** The Boston jury will return on Wednesday to hear lawyers deliver opening statements in the trial of Charles Lieber, an ex-chair of Harvard's chemistry department charged in the highest-profile case to result from a U.S. crackdown on Chinese influence within universities. Read more: <https://reut.rs/3DZmUOQ>

- Nature: **Harvard chemist on trial: a guide to the Charles Lieber case.** As the trial begins, legal experts say it could have a big impact on the US government's controversial China Initiative. Read more: <https://go.nature.com/3yufllyR>
- Bloomberg: **China Initiative Set Out to Catch Spies. It Didn't Find Many.** A three-year-old Department of Justice program has produced few convictions - and lots of complaints about racism and FBI misconduct. Read more: <https://bloom.bg/3m7yW2W>
- Wall Street Journal: **Harvard Professor Goes on Trial on Charges of Lying About China Ties.** Government alleges that nanoscience expert Charles Lieber misled government, university about his links to Wuhan University of Technology. Read more: <https://on.wsj.com/3dSlnjI>
- SupChina: **Another trial begins for the DOJ's troubled China Initiative.** Charles Lieber, the former head of Harvard University's chemistry department, is now on trial accused of hiding financial ties to China. His is the latest case under the U.S. Department of Justice's China Initiative, which has come under growing criticism for creating an atmosphere of fear among Chinese scientists. Read more: <https://bit.ly/3yB67Rh>
- South China Morning Post: **As trial begins for Harvard professor accused of lying about China ties, US 'China Initiative' faces renewed scrutiny.** Asian-American groups hope the trial and resulting publicity will help put an end to the programme, started in 2018 to stem the loss of scientific secrets to China. Charles Lieber, who participated in China's Thousand Talents Plan, has pleaded not guilty to six federal charges. Read more: <https://bit.ly/30xlca2>
- MIT Technology Review: **The trial of Charles Lieber is also a test of the China Initiative.** A jury will decide if a famed Harvard nanotechnology expert is guilty of concealing his employment by a Chinese university. Read more: <https://bit.ly/3dX5A2F>
- Inside Higher Ed: **Charles Lieber Set to Begin Trial.** The trial is scheduled to begin Tuesday in the case of the former chair of Harvard University's chemistry department accused of lying to investigators about his ties to a Chinese university. Read more: <https://bit.ly/3oVEMpB>

December 12/13, 2021:

- Harvard Crimson: **Charles Lieber's Trial Begins Tuesday: Here's What You Need to Know.** Former Harvard Chemistry chair Charles M. Lieber is set to stand trial Tuesday on six federal charges related to his ties to the Chinese government, nearly two years after his initial arrest. Read more: <https://bit.ly/3dXhvgK>
- American Institute of Physics: **Trial of Harvard Chemist Latest Test of DOJ China Initiative.** Read more: <https://bit.ly/3GNnUYq>
- Chemical and Engineering News: **Harvard chemist Charles Lieber heads to trial over China interactions.** Former chair of the chemistry department faces charges of making false statements and tax offenses. Read more: <https://bit.ly/3EZmRUR>
- The Wire China cover story: **America's Open Secret.** Ever since FDR's tenure, the U.S. government has periodically questioned, and then affirmed, its hands-off approach to American universities. China's rise changed all that. Read more: <https://bit.ly/3DXKbAQ>

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