

In This Issue #86

- Media Reports on Reinstatement of Professor Anming HU and UTK Policies and Practices
- 2021/10/05 APA Justice Monthly Meeting
- More on "China Initiative" Cases and New on Baylor College of Medicine
- Appointments to the President's Council of Advisors on Science and Technology (PCAST)

Media Reports on Reinstatement of Professor Anming Hu and UTK Policies and Practices

On September 24, 2021, Nature published [University under pressure to rehire scientist acquitted of hiding China links](#) and Inside Higher Ed published [Guilty Until Proven Innocent?](#) According to both reports,

- Faculty members at the University of Tennessee Knoxville (UTK) are demanding that nanotechnologist Anming Hu get his tenured job back with back pay after his recent acquittal. Professor Hu was the first academic to go to trial under the "China Initiative."
- While UTK released a brief statement that "the university fully supports our Asian faculty, and we are moving forward in support of Dr. Hu's return to the faculty," university officials have been tight-lipped on the next steps in Hu's case, especially in addressing the catch-22 situation UTK has created. UTK's initial response has frustrated its faculty members.
- The case has also prompted a broader discussion about the presumption of innocence, the responsibility of UTK to protect its faculty members including its response to requests from law enforcement, and ignited a call for transparency overall.

On September 25, 2021, World University News published [Professor acquittal – Is China Initiative out of control?](#) The report provides a comprehensive recount of Professor Hu's case, the UTK response to Professor Hu's acquittal, and the ill-conceived "China Initiative" that puts explicit and implicit pressure to find cases and spies. Earlier on September 22, 2021, SupChina published [Calls to end 'China Initiative' intensify after Anming Hu acquittal.](#)

APA Justice invited UTK Provost Dr. John Zomchick ([invitation letter](#)) and UTK Faculty Senate President Dr. Louis Gross ([invitation letter](#)) to speak on both Dr. Hu reinstatement and UTK policies and practices in the October 5 monthly meeting. Dr. Zomchick declined by stating that "this is an ongoing personnel matter that involves ongoing communication between the university and Dr. Hu's legal representation." Dr. Gross has accepted the invitation.

Read more: https://bit.ly/APAJ_AnmingHu

2021/10/05 APA Justice Monthly Meeting

The next APA Justice monthly meeting will be held on Tuesday, October 5, 2021. New speakers include Congressman Jamie Raskin (MD-08), Dr. Louis Gross, and Attorney John Hemann of Cooley LLP. Attorney Andy Kim will return to talk about his just-released report titled [Racial Disparities in Economic Espionage Act Prosecutions: A Window Into The New Red Scare](#). Nisha Ramachandran and Gisela Kusakawa will provide updates from the Congressional Asian Pacific American Caucus and Advancing Justice | AAJC respectively. The monthly meeting is by invitation only. If you wish to join, either one time or for future meetings, please contact one of the co-organizers of APA Justice - Steven Pei, Vincent Wang, and Jeremy Wu - or send a message to contact@apajustice.org.

Read past APA Justice monthly meeting summaries here: <https://bit.ly/3kxkqxp>.

More on "China Initiative" Cases and New on Baylor College of Medicine

Kansas University Professor Feng "Franklin" Tao. There will be an evidentiary hearing on Professor Tao in the U.S. District Court for the District of Kansas on October 14, to be followed by a trial on October 25, 2021. Like other academics under the "China Initiative," Professor Tao is facing charges of wire fraud and false statements, not economic espionage or trade secret theft.

On August 24, 2021, the Washington Post reported [Kansas professor says FBI misled court in alleging hidden ties to Chinese government](#). According to the report, a motion was filed by an attorney for Professor Tao, a U.S. resident born in China, alleging Kansas City, Mo., FBI agent Stephen Lampe knowingly used false information from an informant to obtain warrants to search Tao's emails, computers, home and office. The motion says Lampe deliberately withheld information that would undercut the informant's credibility and the reliability of the evidence. On September 24, 2021, Professor Tao's attorney filed a series of documents (motion in limine), in which the defense outlined how the FBI asked their informant — Professor Tao's former student who was extorting him — to hack into his Fuzhou University email account and to exclude the government's China expert. They are identified as Documents 153, 154, 157, and 158 in the legal docket of [United States v. Tao \(2:19-cr-20052\)](#).

On August 20, 2020, Advancing Justice | AAJC led a coalition of organizations and individuals in filing [an amicus brief](#) in support of Professor Tao and to oppose the U.S. government's increased efforts to racially profile and target Asian American and Asian immigrant scientists and researchers under the pretext of ferreting out economic espionage. Advancing Justice | AAJC is calling for public support to raise awareness about Professor Tao's case and the impact of the "China Initiative" and mobilize local community support for Professor Tao's upcoming hearing and trial in October. Please contact Vivin Qiang, Program Coordinator of the Anti-Racial Profiling Project, at vqiang@advancingjustice-aaajc.org on how you can join efforts

and help.

Read more: <https://bit.ly/3fZWJvK>

Texas A&M University Professor Zhendong Cheng. Professor Cheng is another academic charged for wire fraud and false statements, not economic espionage or trade secret theft, under the "China Initiative." He was arrested in August 2020 and was denied bail until this month. After 13 months in prison, Professor Cheng was released on September 13, 2021 after posting bond. Professor Cheng tested positive with COVID-19 while in custody. The Human Rights Committee of the National Academies of Sciences, Engineering and Medicines, the Committee of Concerned Scientists, and others sent letters to the court in support of the motion to release Professor Cheng on bond.

Read more: https://bit.ly/APAJ_Zhendong_Cheng

Huawei Chief Financial Officer Wanzhou Meng. On January 28, 2019, the Department of Justice (DOJ) announced the indictment of Huawei Technologies Co., Ltd, two Huawei affiliates, and its Chief Financial Officer, Wanzhou Meng, as part of its "China Initiative." The case was filed in the U.S. District Court of Eastern District of New York on August 22, 2018. Meng, a Chinese national, was arrested in Canada on December 1, 2018 and faced extradition to the U.S. for the past three years. She was charged for bank and wire frauds.

On September 24, 2021 at a hearing in Brooklyn federal court, which Meng attended virtually from Canada, the U.S. government moved to dismiss the charges against Meng under a Deferred Prosecution Agreement (DPA) which will end in December 2022. Meng pleaded not guilty to the charges in the hearing. U.S. District Court Judge Ann Donnelly accepted the DPA. A Canadian judge later signed Meng's order of discharge, vacating her bail conditions and allowing her to go free. Meng returned to China on the same day.

Read more: <https://bit.ly/3CQqDBr>

Termination of Two Baylor College of Medicine Chinese American Scientists. On September 24, 2021, the Intercept published [Termination of Scientists Sparks Concerns About Possible China-Related Probe](#). According to the report, two Chinese American scientists at Baylor College of Medicine in Houston were removed from their jobs on August 30, 2021, raising concerns among colleagues that they may have been targeted in fallout from the "China Initiative." Both scientists are naturalized U.S. citizens working in the biomedical sciences.

The "China Initiative" has been accompanied by an effort by the U.S. National Institutes of Health to investigate hundreds of researchers who are suspected of failing to disclose foreign ties. In a June 2020 presentation, Michael Lauer, NIH's deputy director for extramural research, said that close to a third of its investigations up until that date had involved the FBI, while 93 percent had involved undisclosed ties to Chinese institutions. Baylor cited potential issues with

federal grant compliance, among other concerns, as cause for dismissing the scientists. But two Baylor faculty members told The Intercept that they fear the school is penalizing people because of their spouses' work. Both of the terminated scientists are married to scientists who have held positions in China.

“Either it’s true what the FBI and other intelligence agencies say about this enormous threat of non-traditional collectors and they’re just really bad at finding them, or the rhetoric is overwrought, and we need to be much more discerning,” said Michael German, a fellow at the Brennan Center for Justice and a former FBI agent. He called for “ensuring that resources devoted to economic espionage are actually focused on people directed by the Chinese government.”

Read more: <https://bit.ly/3oaHtUp>

Appointments to the President's Council of Advisors on Science and Technology (PCAST)

On September 22, 2021, the White House announced 30 members to serve in the President’s Council of Advisors on Science and Technology (PCAST). Started in 1957 after the launch of Sputnik, PCAST is the sole body of external advisors charged with making science, technology, and innovation policy recommendations to the President and the White House. According to the announcement, the members represent the most diverse PCAST in U.S. history. Women will serve as co-chairs for the first time in its history, and people of color and immigrants make up more than one-third of PCAST. PCAST will be co-chaired by

- Dr. Frances Arnold, Linus Pauling Professor of Chemical Engineering, Bioengineering, and Biochemistry at the California Institute of Technology.
- Dr. Eric Lander, President’s Science Advisor and Director of the White House Office of Science and Technology Policy (OSTP) which is at the Cabinet level.
- Dr. Maria T. Zuber, Vice President for Research and E. A. Griswold Professor of Geophysics at the Massachusetts Institute of Technology (MIT).

Read more about the announcement: <https://bit.ly/3EPZFZo>

Reminder: On August 10, 2021, OSTP announced that it is in the process of implementing clear rules for research security and researcher responsibility in the next 90 days. Suggestions should be sent to researchsecurity@ostp.eop.gov. Read more at <https://bit.ly/37UiOKo>

Subscribe to The APA Justice Newsletter

Complete this simple form at <https://bit.ly/2FJunJM> to subscribe. Please share it with those who wish to be informed and join the fight. View past newsletters here: [https://bit.ly/APAJ Newsletters](https://bit.ly/APAJ_Newsletters).

Copyright © 2021 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 257
McLean, VA 22101-0257

[Add us to your address book](#)

Want to change how you receive these emails?

You can [update your preferences](#) or [unsubscribe from this list](#).

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](#).