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2022/01/03 APA Justice Monthly Meeting Video and Summary Posted

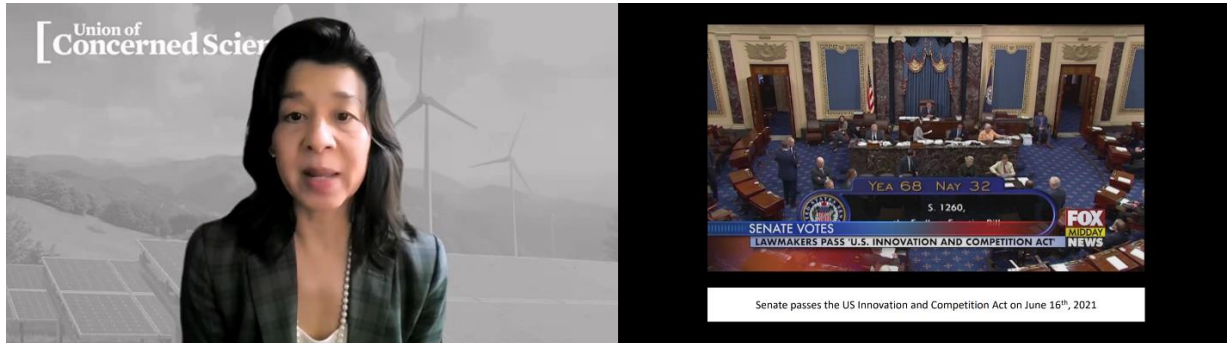


The January 3, 2022 meeting video and summary have been posted at <https://bit.ly/3td2dqW>. We thank these special speakers who helped us kick off the new year with a big bang (in speaking order):

- Rep. Judy Chu, Chair, Congressional Asian Pacific American Caucus
- Jamie Satterfield, Investigative Reporter who covered the trial of Professor Anming Hu
- Johanna Chao Kreilick, President, Union of Concerned Scientists (Presentation: <https://bit.ly/31FugdI>)
- Edward Lazowska, Professor, and Bill & Melinda Gates Chair Emeritus, Paul G. Allen School of Computer Science & Engineering, University of Washington (Presentation: <https://bit.ly/3nal3kV>)

Read the 2022/01/03 monthly meeting summary here: <https://bit.ly/3trXGY7>. Watch the meeting video here: <https://youtu.be/mSzOkxxKWwQ> (1:23:31). The APA Justice monthly meetings are by invitation only. If you wish to join future meetings, please send a message to contact@apajustice.org. The next monthly meeting is scheduled for Monday, February 7, 2022.

Union of Concerned Scientists Raises Concerns on Pending Legislation and Racial Profiling



During the January 3 APA Justice meeting, Johanna Chao Kreilick, President of the Union of Concerned Scientists (UCS), told the participants, "[w]hile that ambition [to prevent the theft of information and technology from US-based corporations and research labs] may be praiseworthy in theory, the real impacts of the China Initiative are a crackdown on scientists, the perpetuation of racial injustice, and stifling of scientific collaboration and exchange. Scientific collaboration is essential for the type of transformative change required to avoid climate catastrophe, nuclear war, and the downfall of democracy." The Biden administration presumably knows that neither the Asian American community nor scientific organizations weighed in on the China Initiative before it was rolled out. The administration must rectify this oversight by listening to their constituents now about the program's ramifications.

Johanna's grandfather, Dr. Edward Chao, was a scientist who came to the US from China in 1945. He attended the University of Chicago, earned his PhD in geology, and was recruited by the US Geological Survey (USGS) in 1949. Dr. Chao spent his entire 45-year career with the USGS as a federal employee. At the time, McCarthyism was reaching its height driven by racist, demagogue-esque, reckless, and unsubstantiated accusations by Senator Joe McCarthy. In 1947 President Harry Truman had signed an Executive Order to screen federal employees for possible association with any organization deemed totalitarian, fascist, communist, or subversive. It was against that backdrop that Dr. Chao designed NASA's first lunar sampling program. His work spanned the globe, from Arizona to Germany to Mongolia.

Despite a lifetime of accomplishments and brilliance, Dr. Chao experienced constant racism and hostility, which took a severe toll on him, his family, and his ability to make the fullest scientific contribution to people and the planet. It is appalling that over 75 years later, not only does racism remain institutionalized, it has been reinvigorated by the federal government in the form of the China Initiative and other policies.

UCS is also concerned that Congress appears poised to expand on the scope of the China Initiative. The Innovation and Competition Act, which passed the Senate by a margin of 68-32 on June 16, 2021, would require federal agencies and departments to scrutinize US governmental and non-governmental activities connected to China. If this legislation were to be

passed, the head of every federal agency would designate an Undersecretary focused on ferreting out Chinese influence. US citizens, businesses, educational institutions and civic groups could be investigated for routine activities, creating a chilling effect on normal economic, social and cultural interactions between ordinary Chinese and Americans. This would only increase the troubling racial profiling of Chinese Americans.

On December 9, 2021, UCS published [New MIT Technology Review Investigation Foretells Danger of China Competitiveness Legislation](#). "Rather than trying to rush through legislation that [the MIT study](#) suggests will bring more grave and irreparable harm to Chinese Americans, both houses of Congress should take time to go through the bill carefully and strip out provisions that not only repeat but amplify the dangers of the FBI's China Initiative," the report said.

APA Justice NOTE: President Harry S Truman signed [Executive Order 9835](#), sometimes known as the "Loyalty Order," on March 21, 1947. According to [Wikipedia](#), the order established the first general loyalty program in the United States, designed to root out communist influence in the U.S. federal government. Truman aimed to rally public opinion behind his Cold War policies with investigations conducted under its authority. He also hoped to quiet right-wing critics who accused Democrats of being soft on communism. The program investigated over 3 million government employees, just over 300 of whom were dismissed as security risks. The Loyalty Order was part of the prelude to the rise of Senator Joseph McCarthy and the "Red Scare." Executive Order 9835 was also the main impetus for the creation of the Attorney General's List of Subversive Organizations that included civil rights organizations and was not abolished until 1974 under President Richard Nixon.

Read more about Johanna's talk at <https://bit.ly/3trXGY7> and her presentation at <https://bit.ly/31Fugdl>. Watch the meeting video at <https://youtu.be/mSzOkxxKWwQ>

OSTP Implementation Guidance on NSPM-33 and The Disturbing Process of Correcting The DARPA Risk Matrix



On August 10, 2021, Dr. Eric Lander, Director of the Office of Science and Technology (OSTP) at the White House, announced a 90-day effort on [Clear Rules for Research Security and](#)

[Researcher Responsibility](#) to guide implementation of National Security Presidential Memorandum (NSPM-33). It covers three major areas: Disclosure Policy, Oversight and Enforcement, and Research Security Programs. Three principles were outlined to guide this work: Protect America's Security and Openness, Be Clear, and Ensure Policies Do Not Fuel Xenophobia or Prejudice. On November 8, 2021, APA Justice submitted [its comments](#) to OSTP. On January 4, 2022, the National Science and Technology Council (NSTC) released a [34-page guidance for implementing NSPM-33](#). A by-invitation-only briefing will be hosted by OSTP for the AANHPI research community on January 18, 2022.

During the APA Justice monthly meeting on January 3, 2022, Professor Ed Lazowska of the University of Washington spoke about the Defense Advanced Projects Research Agency's (DARPA's) risk matrix, which was rolled out in September 2021 and later revised in December 2021. The revision of the risk matrix illustrated that there are situations in which the government has moved in a more reasonable direction when pressured by individuals and groups.

Professor Xiaoxing Xi of Temple University alerted APA Justice about the DARPA matrix when it was first released in September. Ed was separately alerted by Dr. Fei-Fei Li, a top computer scientist at Stanford University. Both identified the DARPA matrix to be an exercise in ethnic profiling. Ed immediately contacted the three co-chairs of [the President's Council of Advisors on Science and Technology](#), which includes Dr. Lander. They had not been aware of this DARPA initiative.

Ed also contacted Peter Harsha, Director of Government Affairs for the Computing Research Association (CRA), which represents academic and industry researchers in the field. Peter launched an inquiry with DARPA. DARPA's response amounted to: **"This is the new normal, it's required by law, and there has been coordination with all research agencies."** However, the claim that there had been coordination with all research agencies was quickly contradicted by Dr. Rebecca Keiser, Chief of Research Security Strategy Policy at the National Science Foundation (NSF) and Dr. Sethuraman Panchanathan, Director of NSF. Sethuraman wrote to the National Science Board stating that there was a narrative circulating that the NSF had been consulted on the development of the DARPA policy, but that narrative was not true. In fact, he had only just become aware of it, and would not adopt an approach like that.

Dr. Keiser arranged a meeting in late October 2021 between DOD and DARPA leadership, and a group from CRA. Ed reported that this was a very positive meeting. DARPA and DOD agreed that the risk matrix was ill conceived, stated that it did not reflect their intent, and said they would consider suggestions made by the CRA group. After some weeks without any action from the DOD and DARPA, a new version of the matrix appeared on DARPA's website with an important change: the column that focused on associations rather than actions was deleted.

As positive as the end result was, it was disturbing how the issue was identified, the current environment of fear and suspicion, and the process Ed had to go through. Ed noted that "my Chinese colleagues are under assault in this nation." Dr. Fei-Fei Li, a global leader of artificial intelligence (AI) research and a leader of the National AI Research Resource Task Force, has had multiple death threats and has been accused of being a Chinese spy, including accusations by two members of Congress. A young colleague of Ed's at the University of Washington, who

had a green card and had earned his PhD from MIT had ICE [Immigration and Customs Enforcement] show up at his door four times and subsequently left the university because he felt he needed to go “underground.” And if Ed had not intervened with the highest levels with his connections, what would have been the outcome?

On January 10, 2022, Science reported on [White House calls for consistent rules for disclosing foreign research funding](#). A related story on "DARPA adopts risk rubric to judge grant applicants," concluded with “DARPA has gone farther in identifying which contacts could be considered riskier. So [DARPA's risk rubric] could be adopted by NIH or NSF.” Read more: <https://bit.ly/3zJ3Y6I>

Read more about Ed's talk and his discussion with Professor Xiaoxing Xi at <https://bit.ly/3trXGY7> and Ed's presentation at <https://bit.ly/3na13kV>. Watch the meeting video at <https://youtu.be/mSzOkxxKWwQ>

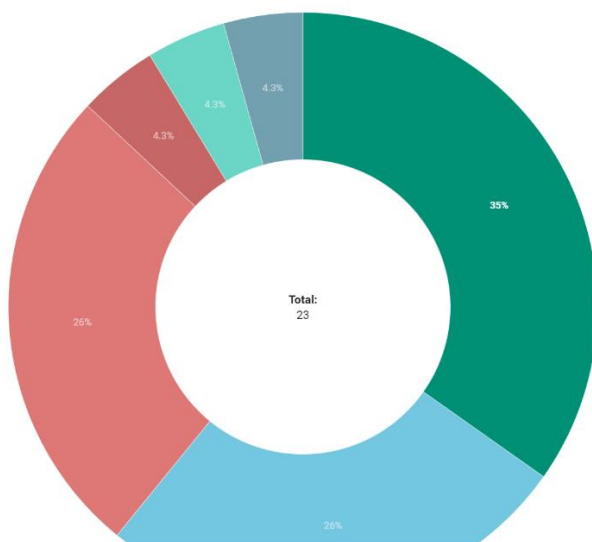
Professor Gang Chen and Latest Statistics on "China Initiative" Research Integrity Cases

Latest Statistics on Research Integrity Cases under The "China Initiative." On January 15, 2022, Massachusetts Institute of Technology (MIT) Technology Review updated the statistics and chart on the outcomes of research integrity cases under the "China Initiative." With the expected dismissal of charges against MIT professor Gang Chen, 35% (8 of 23) research integrity cases will have been dismissed before trial, one case resulting in a full acquittal, 6 cases resulting in guilty pleas, and 6 still pending. Read more: <https://bit.ly/3qx5Yfd>

Research integrity case outcomes

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Charges dismissed by the government Pending Plead guilty Found guilty after jury trial
Acquitted by judge after mistrial Settled with government



Dropping of Gang Chen Case Reportedly Imminent. On January 14, 2022, [Wall Street Journal](#) first reported that Federal prosecutors have recommended that the Justice Department (DOJ) drop criminal charges against MIT Professor Gang Chen who is accused of hiding his China ties. Additional media reports quickly followed.

Citing three people familiar with the matter, [The Washington Post](#) reported that prosecutors in Boston sent a dismissal memo to the DOJ headquarters in Washington, which has not yet been signed off, but is expected to. The criminal case against Chen began to falter in December, when prosecutors, under pressure from Chen's attorneys, turned over evidence that the defense considered exculpatory. But what tipped the scale was new information that prosecutors obtained a week ago that substantially weakened their case against Chen. "This is Brady material," one person said, referring to a term for information that is exculpatory or can help prove a defendant's innocence, and by law must be disclosed. The government did not disclose the information to the defense until December. "But they had it for quite a while," the person said. The case stirred controversy from the start, when then-U.S. Attorney Andrew Lelling unveiled the charges at a news conference in Boston on the last full day of the Trump administration. Lelling said then. "The allegations in the complaint imply that this was not just about greed, but about loyalty to China."

Professor Chen's arrest was a moment of awakening for many researchers and academics and started the "We Are All Gang Chen" movement. MIT is the only university known to be paying for the legal defense bills for its professor while putting Professor Chen on paid leave. APA Justice provided comments in [the South China Morning Post](#) report. On January 11, 2022, [a joint motion](#) was filed in court to extend the deadline for Professor Chen's discovery motions to February 3, 2022 because "they are discussing legal issues pertinent to the case." According to MIT Technology Review, Robert Fisher, one of Professor Chen's attorneys, said "[Professor Chen] is looking forward to resolving the criminal matter as soon as possible." Read more about the Gang Chen case: https://bit.ly/APAJ_GangChen

Women Journalists Webinar; UCA Protest and Yale University Faculty Letter

**Reframing Perceptions:
ASIAN AMERICAN WOMEN JOURNALIST TRAILBLAZERS**

THURSDAY, JANUARY 20, 2022, 4 PM PT

1990 INSTITUTE US-China Education Trust
A Program of the F.Y. Cheng Foundation

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|  JOIE CHEN Senior Advisor & Faculty, Poynter Institute |  WEIJIA JIANG Senior White House Correspondent, CBS News |  HELEN ZIA Activist, Award-Winning Author & Former Journalist |  MEI FONG Chief Communications Officer, Human Rights Watch & 1990 Institute Advisory Council <i>Moderator</i> |
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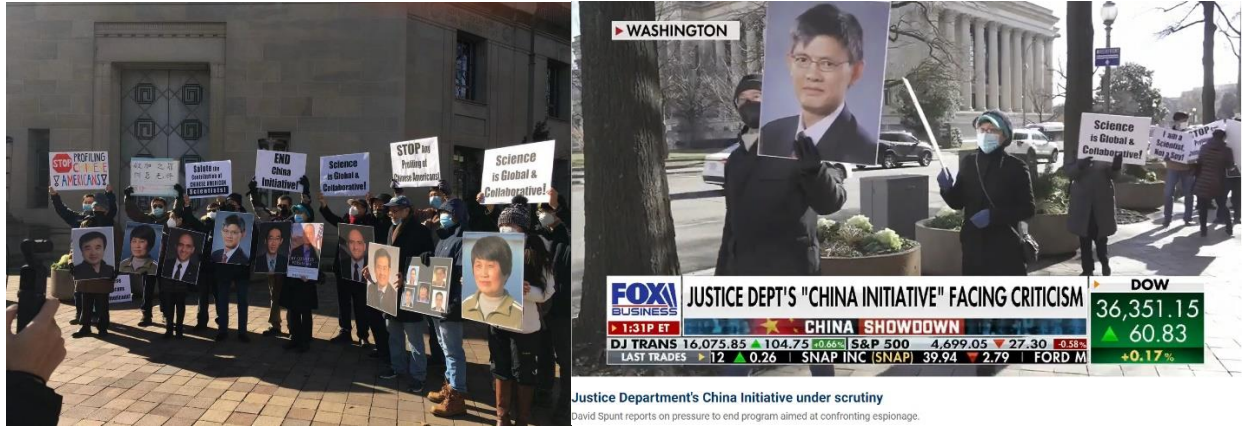
Webinar on Asian American Women Journalist Trailblazers. On January 20, 2022, the 1990 Institute will host a webinar [Reframing Perceptions: Asian American Women Journalist Trailblazers](#). Journalists are at the frontlines to report incidents and events about our communities, country, and the world at large. They are the eyes and ears of our society and through them we gain a better understanding of what is happening around us, both the good and the challenges that have yet to be conquered. Asian American journalists have brought the Asian American and Pacific Islander (AAPI) community front and center in the American discourse on race, ethnicity, and identity. They shed light on the resilience of the AAPI community and contextualize racism against Asians in America. Their tireless work helps all of us better understand what it means to be Asian in America, what it was like in the past, and how much has – and has not – changed. These trailblazing Asian American women journalists will be featured in the January 20 webinar:

- Joie Chen – Senior Advisor and Faculty, Poynter Institute for Media Studies
- Weijia Jiang – Senior White House Correspondent, CBS News
- Helen Zia – Activist, Author, and Former Journalist
- Mei Fong (Moderator) – Chief Communications Officer, Human Rights Watch & 1990 Advisory Council

Read more and register for the event here: <https://bit.ly/3frnICs>

UCA Protest In Front of DOJ. On January 12, 2022, United Chinese Americans (UCA) held [a virtual press conference](#), highlighting the personal story, suffering and mistreatment of the "China Initiative" victims, at the hands of the federal law enforcement. Earlier during the day, Chinese American community members held a protest against the government's racial profiling, selective and overzealous prosecution, and mistreatment of Chinese American scientists outside the Department of Justice Building in Washington DC. On January 13, 2022, Fox News aired a report on the protest outside DOJ, including an interview with Haipei Shue, President of UCA who organized the event. "Without open science and international collaboration, American science and technology can only suffer, and it causes brain drain," APA Justice was also quoted in the report. According to Fox News, a spokesperson for Attorney General Garland said that the review of the "China Initiative" should be completed in the coming weeks. Read more and watch: <https://fxn.ws/3rB6UPh>

The Fox News report also covered an open letter from 192 Yale University faculty, scholars, and administrators to AG Garland, endorsing [the Stanford letter](#) and calling for the end of the "China Initiative." This brings the total to more than 2,600 co-signers from 230 institutions from across all 50 states, the District of Columbia, and Puerto Rico. Read more about the Yale letter: <https://bit.ly/3zlUsjY>



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