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2022/08/01 APA Justice Monthly Meeting

The next APA Justice monthly meeting will be held on Monday, August 1, 2022. Confirmed speakers are:

- Nisha Ramachandran, Executive Director, Congressional Asian Pacific American Caucus
- Peter Michelson, Senior Associate Dean for the Natural Sciences, Luke Blossom Professor in the School of Humanities and Sciences, Professor of Physics; Stanford University
- Steven Allan Kivelson, Prabhu Goel Family Professor, Stanford University
- Les Wong, President Emeritus, San Francisco State University
- Frank Wu, President, Queen's College, City University of New York
- Santa Ono, President-Elect, University of Michigan; President and Vice-Chancellor, University of British Columbia
- Gisela Kusakawa, Assistant Director, Advancing Justice | AAJC

Christina Ciocca Eller, Assistant Director of Evidence and Policy, Office of Science and Technology Policy, The White House, postponed her plan to speak due to the rapidly evolving and advancing CHIPS+ bill, which contains uncertain implications on research security and civil rights of scientists and researchers of Asian or Chinese origin (see below in this newsletter) She will be rescheduled to speak in September. Jeremy Wu and Gisela Kusakawa will give a report on the latest developments of the CHIPS+ bill in the meeting.

The virtual 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 monthly meeting summaries here: <https://bit.ly/3kxkqxP>.

The Rapidly Advancing "CHIPS+" or "CHIPS and Science" Bill

According to multiple media reports, after weeks of impasse at the bicameral conference committee to reconcile the House's 3,610-page [America COMPETES Act of 2022](#) and the

Senate's 2,376-page [U.S. Innovation and Competition Act](#) (USICA), the Senate advanced a narrower bill focused on subsidizing the semiconductor industry with science provisions successfully attached by a group of senators .

According to [the American Institute of Physics](#), chipmaking companies had warned that if Congress did not act soon, they might instead invest in countries with already-established subsidy programs while critics such as [the Cato Institute](#) have called the bill "corporate welfare" that the World Trade Organization's Agreement on Subsidies and Countervailing Measures identifies as prohibited trade-distorting subsidies.

The research provisions include a 5-year doubling of National Science Foundation's budget and a \$20 billion investment in a new directorate as well as a \$10 billion network of regional technology hubs funded by the Department of Commerce. Senate majority leader Chuck Schumer needed at least a dozen Republicans on his side to prevent Senate minority leader Mitch McConnell from using a filibuster to block the larger package, called CHIPS-plus or Chips and Science Bill, from coming to a vote. He got them thanks to the work of his Republican co-sponsor, Senator Todd Young of Indiana.

On July 21, 2022, the CHIPS-plus bill passed the Senate by a vote of 64-34 with the support of 16 Republicans. Senator Robert Portman of Ohio supported the bill, but included his [Safeguarding American Innovation Act](#) as an amendment with the sponsorship of five other Republican senators. The [Portman amendment](#) would require each executive agency on a new council to be responsible for assessing federal research security risks posed by persons participating in federally funded research and development. It in effect allows federal agencies to create and run its own mini-China Initiatives. It would also expand the State Department's ability to deny visas and criminalizes non-disclosures of foreign funding sources on federal grant applications that are currently administrative processes, among other provisions.

The Portman amendment greatly alarmed a wide coalition of the Asian American, civil rights, academic and scientific, and immigrant communities. They were mobilized for potential actions should the Portman amendment be included in the final Senate bill. Led by Advancing Justice | AAJC, some spent several sleepless nights monitoring progress and development. If Senator Portman and his five Republican co-sponsors all withhold support for the broader package, it could fall short of the 60-vote threshold to avoid a filibuster which would doom the senate passage of the bill.

On July 25, 2022, Senate voted 64-32 to invoke cloture which would limit debate on the measure. On July 27, 2022, the Senate passed the CHIPS-plus or Chips and Science bill by a margin of 64-33. The Portman amendment was not included in the bill. The House will vote on the bill before the end of this week before the August recess.

The compromise bill reportedly contains a host of provisions on research security. Among them are a government-wide prohibition on federal grantees participating in foreign talent recruitment programs that have "malign" intent, and a requirement that NSF-funded institutions disclose funding in excess of \$50,000 they receive from foreign entities associated with any "country of concern." There is much more to sort out after the August recess.

Webinar: Dialogue Between NIH Officials and SCBA Community: Concerns and Solutions

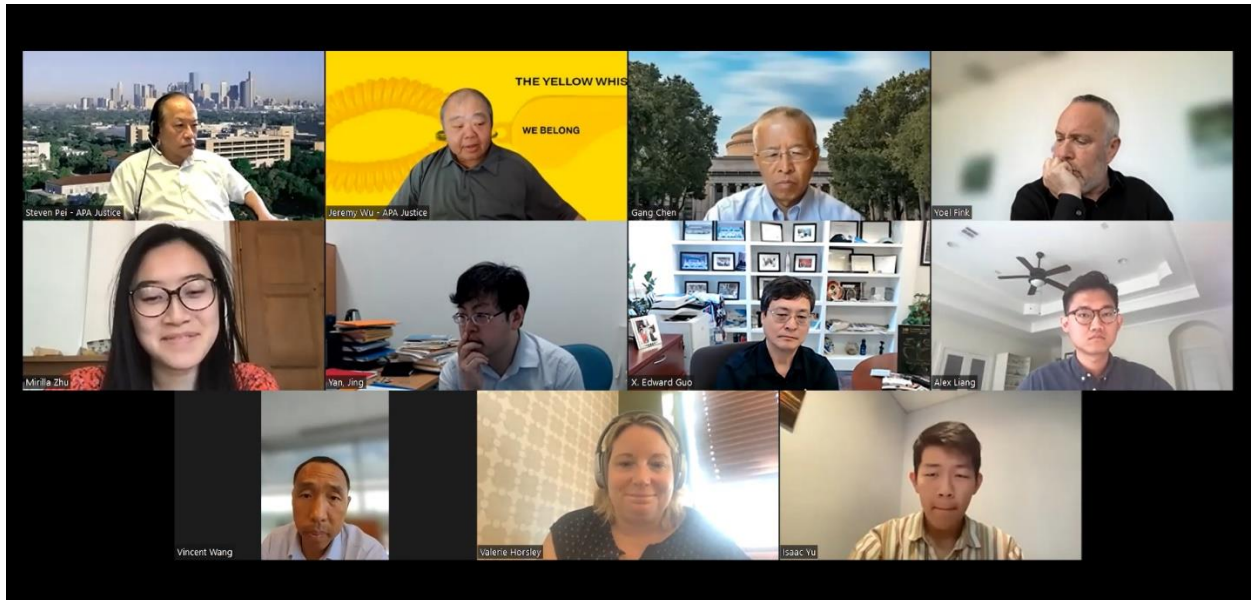
The Society of Chinese Bioscientists in America (SCBA) will host its 18th International Symposium in Boston, MA from July 27 to 31, 2022. On July 28, 2022, a webinar titled "Dialogue between NIH Officials & SCBA Community: Concerns and Solutions" will be held and moderated by Professor Margaret Lewis, Seton Hall University. Introduction will be made by Dr. Shan-Lu Liu, President, SCBA.

Panelists:

- U.S. Representative Judy Chu (Pre-recorded)
- Dr. Michael Lauer, Deputy Director for Extramural Research, NIH
- Dr. Gang Chen, Carl Richard Soderberg Professor, MIT
- Mr. Henry S. Tang, Co-founder of Committee of 100

Register for the webinar here: <https://bit.ly/3b6yj7u>. Visit the SCBA conference website: <https://bit.ly/3vhtzT5>

2022/07/11 APA Justice Monthly Meeting Summary Posted



The July 11, 2022, APA Justice monthly meeting summary has been posted at <https://bit.ly/3OAR14M>. Nisha Ramachandran, Executive Director of Congressional Asian

Pacific American Caucus, and Gisela Kusakawa, Assistant Director of Advancing Justice | AAJC, were not able to speak in the meeting due to schedule conflict and under the weather respectively. The meeting was dedicated to the Yale University Faculty of Arts and Science (FAS) Senate resolution regarding the University's response to the China Initiative and Policies related to inquiries from Federal Agencies, plus related activities and developments at MIT and Columbia University.

[It was resolved](#) on April 28, 2022, that

1. The FAS Senate urges the University to provide transparency regarding past and ongoing investigation of Yale community members related to the China Initiative, and the University's response to these investigations; and
2. The FAS Senate urges the University to establish a committee to evaluate, define and protect the rights, privileges, and responsibilities of faculty and administration in cases involving the investigation of faculty by outside agencies

We were honored by the following special speakers in the meeting:

Valerie Horsley, Chair, FAS Senate, Yale University. FAS Senator Jing Yan approached Valerie in November 2021 to set up a discussion on the China Initiative. She was surprised and disappointed to hear about how her fellow colleagues were being treated. They learned in January 2022 that a colleague, Professor Haifan Lin, had been placed on leave, and to Valerie's surprise and disappointment, the University did not make notification of this event, handling the matter poorly in her opinion. There was very little declaration of rights in the Faculty Handbook regarding faculty leave, leaving the decision to the discretion of the Dean and the Provost. Valerie hopes that the University will allow the FAS Senate to specify those rights more clearly, making sure to create a broad enough resolution to cover everyone, not just Chinese Americans. In the University's response to the resolutions, they emphasized that privacy of faculty members was a top priority, so it is important to protect the rights of faculty while also providing them information about how they can appeal administrative decisions and understand their own rights. Valerie anticipates that the Senate will continue to work on this initiative to clarify and enumerate rights in the Faculty Handbook. Valerie is most concerned that many people are unaware of the China Initiative.

Jing Yan, Senator, FAS Senate, Yale University. Jing approached Valerie last November because he was concerned about the overall climate and the racial profiling cases targeting professors of Chinese origins. He and Professor Yu He from the Department of Applied Physics began to organize an open letter calling for the dissolution of the China Initiative. With the news of Professor Haifan Lin's administrative leave, they were determined to help him in the process of his investigation while also preventing this type of discriminatory investigation against anyone in the future. On June 20, they received a letter from the Dean and the Provost regarding their view on the FAS Senate resolution, which stated that the Deans may exercise their authority to place a faculty on administrative leave until a legal-noncompliance matter is resolved. In response to this letter the Senate has determined three constructive points they want to make clear:

1. Now that the administration has declared this power to place faculty on leave, there should be a mechanism in place to ensure that they do not abuse or overuse this power of “due process”.
2. The university’s Diversity, Equity and Inclusion (DEI) office should be involved in the decision-making process to make sure there is no racial profiling or injustice involved.
3. When a faculty member is put on leave, they should be notified clearly of their rights to appeal this decision to a committee, independent of that which made the original decision.

Finally, the Senate believes that “innocent until proven guilty” should be applied in these cases and faculty should not be placed unwillingly on administrative leave before charges are proven. In Professor Haifan Lin’s case, for example, the charges were eventually dismissed, but he was placed on leave unwillingly for more than three months before being reinstated.

Alex Liang, Recent Graduate, Yale University. Alex Liang and Mirilla Zhu co-authored an op-ed in November 2021, calling on Yale to do more to combat racial profiling against scientists of Chinese descent. As a student of global affairs, Alex came upon the China Initiative during his studies. He wrote a final paper about how racial discrimination against Asian American scientists was hurting American interest in the race for talent. During his research he saw the issue had directly affected one of his peers, Yale Class of 2016 graduate Joyce Xi, the daughter of Professor Xiaoxing Xi. Alex presented his research on the China Initiative and was encouraged to start an open letter and raise awareness about these injustices. It was difficult because the issue is complicated and not very well understood, but after publishing their op-ed in the *Yale Daily News*, they received very positive feedback particularly from Professor Yu He at Yale, who wrote, “**you are not alone.**” With this encouragement they were able to collaborate with faculty to start an open letter and get 192 signatures in favor of ending the China Initiative. He encouraged future advocacy by ending with Professor He’s words, “**you are not alone.**”

Mirilla Zhu, Senior Student, Yale University. Mirilla and Alex never imagined their efforts would have such success. This exemplifies the importance of raising awareness and to prepare our communities to mobilize, even if it’s not clear at the moment what exactly we will be mobilizing for. Mirilla gave thanks to faculty members including Professor Hu, with whom they collaborated on this issue. They continue to find ways to build coalitions across generations, across academic disciplines, and across racial lines. Mirilla also does work related to prison conditions and mass incarceration and while there are differences in these types of injustices, the underlying issues of due process, racial profiling and government overreach are shared between the China Initiative and social phenomena such as over-policing and mass incarceration. She hopes that we continue to speak out against injustice in academic spaces, we find ways to speak out against injustice in these spaces as well.

Isaac Yu, Staff Reporter, *Yale Daily News*. Isaac is a rising Junior at Yale College. He wrote many articles regarding the China Initiative as it related to Yale, one titled “DOJ weighs China Initiative as Yale faculty sign onto open letter calling for its dissolution”. He expressed gratitude for the opportunity to learn from the experiences of reporting on the op-ed and Professor Haifan Lin’s case.

Yoel Fink, Co-author "We Are All Gang Chen" letter; Professor of Materials Science, MIT. Historically speaking, in terms of persecution, the law was never an obstacle, but rather it is more often used as a weapon. In Gang Chen's case, the law was at the forefront. In Professor Fink's opinion, the way to prevent events like this in the future is to bring a stronger focus on human reaction. There is no need for additional laws, lawyers, or regulation, but rather a common sense of confronting wrongs and evils when faced with it. As a Jewish man, growing up in Israel, Professor Fink became accustomed to facing and studying unjust realities and histories. Yoel began a brief presentation with the quote by Hillel the Elder: "...And in a place where there are no humans, one must strive to be a human." One takeaway from Professor Chen's case is that a person's life can be upended in a single day, despite all the good deeds and contributions he's made. Professor Fink then showed the slides that he presented to the MIT faculty the day after Professor Chen was arrested. The first slide included a quote from the McCarthy Trials in the 1950s: "Have you no sense of decency, sir?", which was believed to be an important moment in stopping then-Senator McCarthy.

In going over the details of Professor Chen's case, Professor Fink noted that the criminal complaint (like the one used against Professor Chen) can contain true or false complaints. Once this is filed, anything that is written in the complaint, regardless of its validity, can be used in press conferences without worry of being guilty of perjury. This mechanism is what enabled many lies about Professor Chen to circulate. Professor Fink's goal in his presentation to the faculty was to show that law enforcement was abusing their power. Often we give law enforcement the benefit of the doubt, but Professor Fink was able to show blatant lies in the criminal complaint, throwing into question this trust in law enforcement. He ended his presentation with the famous poem by Martin Niemöller, "First they came..", to emphasize the tort in standing complacent in the face of injustice.

*First they came for the Communists
And I did not speak out
Because I was not a Communist
Then they came for the Socialists
And I did not speak out
Because I was not a Socialist
Then they came for the trade unionists
And I did not speak out
Because I was not a trade unionist
Then they came for the Jews
And I did not speak out
Because I was not a Jew
Then they came for me
And there was no one left
To speak out for me*

Martin Niemöller

Gang Chen, Carl Richard Soderberg Professor of Power Engineering, MIT. Professor Gang Chen was arrested and indicted in January 2021 by the US government. He credits Professor Yoel Fink's actions, together with MIT leadership's support, with saving him. In January 2020 the government dropped all charges against Professor Chen. After his case was finished, MIT passed the following resolution at an institute meeting on February 16, 2022:

"In recognition of the high esteem in which we hold our colleague Professor Chen, we offer this resolution:

Be it resolved that the Faculty and the Administration of the Massachusetts Institute of Technology, at the Institute Faculty Meeting of February 16, 2022, record their profound relief and satisfaction at this news and their recognition of the great value that Professor Chen brings to the MIT community as a member of our Faculty."

X. Edward Guo, Chair, Department of Biomedical Engineering, Columbia University. Professor Guo began his brief talk with, "There are hundreds of Gang Chen's out there and I'm one of them". These events have motivated Guo and other faculty at Columbia University to form the Asian Faculty Association of Columbia University, which is now close to 300 members strong (out of the 800 Asian faculty members at the University). He adds that the China Initiative is not gone. Although the name has been dropped, the initiative still continues and the actions are becoming more dangerous. So it is important to raise awareness beyond the Asian American community so that these events can truly be put to an end.

Read more about the July meeting summary here: <https://bit.ly/3OAR14M> and past meeting summaries here: <https://bit.ly/3kxkqxP>

References and Links

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- 2021/06/29 MIT Technology Review. We are all Gang Chen. <https://bit.ly/3xqhUTH>

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