

In This Issue #101

- White House Launches Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders
- HHS Secretary Becerra Names Incoming Acting NIH Director; PPO Changes
- Science Editorials: Academic Freedom Is Under Fire; Universities Are Not Political Prizes
- Professor Charles Lieber's Trial Begins on December 14, 2021
- "Free PACER" Bill Advances in the Senate

White House Launches Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders

On December 9, 2021, the White House announced the launch of the White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders by Health and Human Service (HHS) Secretary Xavier Becerra. U.S. Trade Representative Ambassador Katherine Tai will serve as his co-chair of both the White House Initiative and the President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders. The Initiative, which was created in response to the President's [Executive Order \(EO\) 14031, Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders](#), is charged with driving an ambitious, whole-of-government agenda to advancing equity, justice, and opportunity for Asian American, Native Hawaiian, and Pacific Islander (AA and NHPI) communities in the United States.

Under the leadership of Secretary Becerra and Ambassador Tai, the newly-expanded Initiative includes an Interagency Working Group tasked with coordinating the federal government's efforts to support AA and NHPI communities. It also includes a Regional Network comprised of federal officials in ten federal regions across the country who help to connect AA and NHPI communities with federal grants, programs, and resources.

The WHIAANHPI under the Biden-Harris Administration will focus on helping to coordinate a comprehensive federal response to the rise in acts of anti-Asian bias and violence; address the systemic lack of disaggregated data on AA and NHPI communities; expand language access and language assistance programs for AA and NHPI individuals across federal programs; address educational, health, economic, and housing disparities impacting AA and NHPI communities, and more.

For more information on the White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders, see www.hhs.gov/whiaanhpi.

| |
|---|
| White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders |
| About Us |
| Background |
| Staff |
| President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders |
| PACAANHPI Commissioners |
| Regional Network |
| Interagency Working Group |
| Interagency Working Group Membership |
| Announcements & Events |

White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders (WHIAANHPI)



HHS Secretary Becerra Names Incoming Acting NIH Director; PPO Changes

According to The Hill report on December 9, 2021, Health and Human Services Secretary Xavier Becerra named the incoming acting National Institutes of Health (NIH) director slated to fill in for Francis Collins. Lawrence Tabak, who currently serves as the principal deputy director at NIH, will take on the acting position starting on Dec. 20, while the administration searches for Collins's permanent replacement. Any permanent NIH director to replace Collins will need to be nominated by President Biden and confirmed by the Senate. Read more: <https://bit.ly/3yf2Pmy>

On a separate note, on December 10, 2021, the White House announced the departure of Cathy Russell to become the Executive Director of UNICEF. Her vacancy as Director of the White House Office of Presidential Personnel (PPO) will be backfilled by current Deputy Director Gautam Raghavan, a first-generation immigrant born in India, raised in Seattle, and graduated from Stanford University. Read more: <https://bit.ly/3GrsQSC>

Science Editorials: Academic Freedom Is Under Fire; Universities Are Not Political Prizes

On December 9, 2021, Science published an editorial **Academic freedom under fire**. According to the editorial, academic freedom is under fire across the world—from Hong Kong, where the Chinese government's crackdown on open discussion has spurred an exodus

of scholars from universities, to the United States, where there is a rising tide of anti-intellectualism and assaults on free inquiry. The effort to undermine this cornerstone of American democracy has been driven by former President Trump and his administration, members of Congress, state governors, and legislators. Alas, it also comes from faculty and students on the ideological right and left, and even from some presidents of the country's research universities. These are powerful forces that must be overcome.

Academic freedom can slip away slowly, and if ignored, could leave society in a climate of censorship, mistrust, and even fear. Now is the time for bold and courageous leadership. Presidents and provosts of universities in the United States need to act collectively by, for example, issuing a public statement that defends academic freedom. Boards of trustees or regents should sign on as supporting this statement of principle. Moreover, the political and overly commercial influence on governing boards must end. Members of these boards too often consist of political appointments or elected representatives with a political point of view. Thus, the tendency is for special interests to cloud their notions of how the university should be governed—from developing the institution's mission and strategic goals to establishing policies. Rather than reinforcing university values—foundational academic, intellectual, and artistic freedoms—university governance is vulnerable to economic and political forces. People across this country, no matter what side of the political divide, want excellent education for their families. Universities must make the case that excellence is threatened by political interference and either restructure their boards or more closely scrutinize member influence.

In 1915, and again in 1940, the American Association of University Professors released a statement on the principles of academic freedom. It is time for these principles to be examined and fortified.

The university has a central role in the growth of knowledge, the exposure of students to diverse thoughts and differing views, and the preparation of a next generation for civic life. If that role is being undermined from outside or even within the university, its leaders should rise to its defense, even if it means jeopardizing their own jobs, or removing those leaders who are a threat. It is a public principle worth defending at a high personal cost. When called for, such courageous action will educate the public and legislators on the importance of academic freedom.

Read more: <https://bit.ly/33jJVj5>

In a companion editorial titled **Universities are not political prizes**, Science opines that institutions of higher education are valued by democracies because of their civic goal—to foster in the next generation of citizens a regard for individual freedoms and rights, principled debates, and tolerance for opposing opinions. The leaders of these institutions are expected to demonstrate their commitment to these values by supporting academic freedom—the ability of faculty, staff, and students to challenge wisdom, explore new ideas, and advance knowledge through free inquiry. But lately, some university administrators have been responding to the ever more polarized political climate by giving lip service to academic freedom while playing politics—either ignoring or playing both sides of conflicts that threaten to undermine the very tradition of free and diverse thinking and discourse.

Academic freedom is fragile. We need university leaders to stop taking steps to avoid offending alumni, trustees, and political figures because it undermines their own institutions. Some truth serum and a more direct approach won't solve all the problems for college presidents—and may even lead to some losing their jobs—but more transparency about their views is a step toward preserving universities as highly trusted institutions by all communities. Universities are not cults or political prizes. It's time for their leaders to explain that in simple and clear terms.

Read more: <https://bit.ly/31CSNjr>

Professor Charles Lieber's Trial Begins on December 14, 2021

On December 2, 2021, Science Insider posted **Trial of Harvard chemist poses test for U.S. government's controversial China Initiative**. According to the report, the arrest of Harvard University chemistry professor Charles Lieber on 28 January 2020 drew worldwide attention to the Department of Justice's China Initiative, launched in November 2018 amid concerns that China was improperly benefiting from U.S.-funded research. In a press conference announcing the arrest, then-U.S. Attorney for Massachusetts Andrew Lelling declared that Lieber, chair of Harvard's chemistry department at the time and celebrated for his research on nanomaterials, had contributed to "the ongoing threat posed by Chinese economic espionage and research theft in the United States."

But Lieber was never charged with espionage or theft of intellectual property—two of the concerns driving the China Initiative. Instead, when Lieber's trial begins on 14 December in a Boston federal courtroom, prosecutors will try to persuade a jury that Lieber lied to federal funding agencies about his affiliation with one Chinese university and failed to report income to federal tax and banking authorities. Lieber is one of 23 U.S. academics, most of them of Chinese descent, who have been targeted under the initiative.

Prosecutors lost the first case against an academic that went to trial, that of mechanical engineer Anming Hu.

Read more: <https://bit.ly/3Gh2Xol>

On December 10, 2021, Law360 published **DOJ's China Initiative On Trial As Harvard Prof. Faces Jury**. According to the report, the government focused on academics and researchers long before then-Attorney General Jeff Sessions formally announced the China Initiative in 2018. But even if investigations like the one that led to the Lieber charges are not new, the stakes in his case are high. Some criticism of the program has focused on the notion that what constitutes a "China Initiative" case is ill-defined.

"If the goal of the China Initiative was to increase awareness and deterrence of connections to China by people in the research community that are not disclosed, my sense is that has already very much been achieved," Seton Hall law professor Margaret Lewis said. "There is deterrence and increasing evidence of a negative chilling effect."

"I think the point has been made and, going forward, they should stop. How many academics do you need?" former Massachusetts U.S. Attorney Andrew Lelling who brought the original indictment against Professor Lieber said. "If the point was to scare the shit out of the entire academic community, the Initiative did that. They should change or shut down that portion of the program."

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

Events and Developments for the Asian American and Scientific Communities

AASF Hosts Webinar on "China Initiative." On December 18, 2021, the Asian American Scholar Forum will host a webinar titled The China Initiative and Professor Anming Hu's Case. The speakers include Professor Anming Hu at the University of Tennessee Knoxville, investigative reporter Mara Hvistendahl at the Intercept, and investigative journalist Jamie Satterfield. Professor Hu was the first academic to stand trial under the Department of Justice's China Initiative. Seton Hall law Professor Margaret Lewis will serve as moderator. Read more and register for the event at <https://aasforum.org/>



The poster features a dark blue background with a faint world map. At the top, the title "Asian American Scholar Forum" is in white, and the subtitle "The China Initiative and Professor Anming Hu's Case" is in yellow. Below the title, there are four columns. The first column is labeled "Speakers" and contains a portrait of Anming Hu, with his name and affiliation below. The second column contains a portrait of Mara Hvistendahl, with her name and a brief bio below. The third column contains a portrait of Jamie Satterfield, with her name and a brief bio below. The fourth column is labeled "Moderator" and contains a portrait of Margaret K. Lewis, with her name and affiliation below. At the bottom, the date and time "December 18th (Saturday) 11am-12:30pm EST" and the registration link "Registration: AASForum.org" are displayed in yellow. A QR code is located in the bottom right corner.

Asian American Scholar Forum

The China Initiative and Professor Anming Hu's Case

Speakers

Anming Hu
Associated professor at the University of Tennessee Knoxville

Mara Hvistendahl
Investigative reporter with The Intercept and the author of the book "The Scientist and the Spy"

Jamie Satterfield
Investigative journalist with more than 33 years of experience, specializing in legal affairs, policing, public corruption, environmental crime and civil rights violations.

Moderator

Margaret K. Lewis
Professor of Law, Seton Hall University School of Law

December 18th (Saturday) 11am-12:30pm EST

Registration: AASForum.org



Cato Institute Live Online Policy Forum. On December 16, 2021, the Cato Institute will host an online event titled The China Initiative: Origins and Consequences. The Department of Justice's China Initiative, an investigative program launched in 2018 to deter and disrupt alleged or actual Chinese government espionage or intellectual property (IP) theft targeting U.S. researchers, universities, and businesses. How extensive is Chinese government espionage and IP theft targeting the United States? Is the China Initiative a form of racial or ethnic profiling? How has the China Initiative impacted U.S.-Chinese information and technology exchanges and cooperation? How has the U.S. academic community responded to these events? Read more and watch: <https://bit.ly/3IM8A6m>

"Free PACER" Bill Advances in Senate. On December 9, 2021, Reuters reported **Free PACER? Bill to end fees for online court records advances in Senate.** According to the report, the Senate Judiciary Committee voted to send the [Open Courts Act of 2021](#), also known as the "Free PACER" bill, to the full Senate for its consideration after adopting an amendment that provided for additional funding and addressed the judiciary's concerns on technical issues. The bipartisan bill would overhaul the federal judiciary's PACER electronic court record system and make the downloading of filings free for the public through the elimination of costly fees. PACER, which stands for Public Access to Court Electronic Records, is run by the Judicial Conference of the United States. Users pay \$0.10 per page with a cap of \$3 per document (with transcripts excluded). The judiciary previously estimated it would take in about \$142 million in PACER fees in the last fiscal year. Senator Dick Durbin of Illinois, the committee's Democratic chair, said that while big law firms have no problem paying those fees, for individuals, small business, small law firms and non-profits the charges could be overly expensive.

Read more: <https://reut.rs/3DHWzF5>

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.

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](#)

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.](#)