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Justice for Sherry Chen 陈霞芬 Congressional Reception



On December 13, 2022, "Justice for Sherry Chen Congressional Reception" was held on Capitol Hill in honor of her historic settlement and in appreciation for the many elected officials, community organizations and leaders, and grass-roots individuals who supported her 10-year fight for justice. Congressional Asian Pacific American Caucus (CAPAC) Chair Judy Chu and Whip Ted Lieu led the opening remarks. They also led the first Capitol Hill press conference on Sherry's case going back to May 2015.

During the 10-year span, Sherry courageously stood her ground and won three judicial battles -

having her unjust criminal case dropped by the Department of Justice (DOJ) in 2015, winning the appeal to reverse the discriminatory termination of her employment against the Department of Commerce (DOC) in 2018, and settling the lawsuit against DOJ and DOC with a historic amount of over \$1.5 million in 2022.

In addition to CAPAC, Sherry was helped by the leadership of Maryland State Senator Susan Lee who mobilized the Asian American and scientific communities nationwide in successfully calling for a congressional hearing on racial profiling and the plight of Asian American scientists. Sherry gave a compelling testimony in the 2021 Congressional Roundtable titled “Researching while Chinese American: Ethnic Profiling, Chinese American Scientists and a New American Brain Drain” chaired by Rep. Jamie Raskin of the House Subcommittee on Civil Rights and Civil Liberties and joined by CAPAC. The [YouTube video](#) of the Roundtable has received more than 14,000 views. Sherry was also helped by an investigation led by Senator Roger Wicker which revealed abuse and misconduct at multiple levels of the DOC stemming from the rogue Investigations and Threat Management Service, including the profiling of DOC Asian American employees for as many as 15 years.

Dozens of participants came from as far as California and across the U.S. to join the event. More descriptions and photos about the reception are being added to the APA Justice webpage on Sherry Chen at: http://bit.ly/APAJ_Sherry_Chen

The LinkedIn post of MIT Technology Review report on Sherry Chen and her historic settlement has received over 48,000 views so far: <http://bit.ly/3GZCOxQ>



Watch the Chinese-language report by Voice of America on the 2015 Capitol Hill press conference (美议员怀疑陈霞芬间谍案有族裔因素) here: https://youtu.be/CBsEx-A_yUw (video 2:43)

01/09/2023 APA Justice Monthly Meeting

The next APA Justice monthly meeting will be held on Monday, January 9, 2023. Invited speakers to help us bring in the new year are:

- Judy Chu, Chair, Congressional Asian Pacific American (Invited)
- Sherry Chen, Hydrologist, U.S. Department of Commerce (Confirmed)
- Haipei Shue, President, United Chinese Americans (Invited)
- Vincent Wang, Chair, Ohio Chinese American Association; Co-organizer, APA Justice (Confirmed)
- Patrick Toomey, Deputy Director, and Ashley Gorski, Senior Staff Attorney, ACLU (Invited)
- John Trasvina, Civil Rights Attorney; Former Principal Legal Advisor, Department of Homeland Security; Former Dean of the University of San Francisco School of Law (Confirmed)
- John Yang, President and Executive Director, Asian Americans Advancing Justice | AAJC

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>.

Update on the Arrowood Nomination

The 117th Congress ended on January 3, 2023, without action by the Senate on the nomination of Mr. Casey Arrowood to become the U.S. Attorney for the Eastern District of Tennessee.

We are grateful to the Senate Judiciary Committee senators and staff who heard concerns from Asian Americans in Tennessee and throughout the nation about Mr. Arrowood's record carrying out the "China Initiative" and unjustly prosecuting University of Tennessee Knoxville (UTK) Professor Anming Hu 胡安明. Throughout 2022, we expressed our serious concerns to Congress and the White House about Department of Justice attorneys refiling charges that the trial judge concluded "no rational jury" would convict.

The Biden Administration has the option to renominate Mr. Arrowood in the 118th Congress, an action the Asian American community will continue to steadfastly oppose.

The White House has three additional options instead of renominating Mr. Arrowood for the position of U.S. Attorney:

1. Nominate the current U.S. Attorney Francis (Trey) Hamilton, III for the position
2. Do not nominate anyone for the position and permit Mr. Hamilton to remain in office
3. Restart the entire process and nominate someone other than Mr. Hamilton or Mr. Arrowood

The Arrowood nomination was unacceptable and remains unacceptable because of his involvement in the conduct of the investigation of Professor Hu, bringing the faulty charges, and intending to refile the charges that prompted Judge Varlan to issue an acquittal.

According to the following chronological records, Mr. Hamilton is the current U.S. Attorney who

was appointed by the U.S. District Court of Eastern Tennessee, not the White House. Mr. Hamilton will serve in this capacity until the vacancy is filled by a Presidentially-appointed, Senate-confirmed nominee.

In his role of Acting U.S. Attorney at that time, Mr. Hamilton might have an even larger role than Mr. Arrowood in the decision to approve or direct the prosecutorial actions against Professor Hu. For example, Mr. Hamilton reportedly joined the presentation by the Federal Bureau of Investigations (FBI) to UTK with Mr. Arrowood in September 2019, in which the FBI made false accusations of Professor Hu of being a spy for China and an agent of China's military.

2017/11/21 Mr. James Douglas Overbey sworn in as US Attorney for the Eastern District of Tennessee

2018/11/01 Department of Justice (DOJ) launched the now-defunct "China Initiative"

2020/02/25 Professor Anming Hu indicted with Mr. Casey Arrowood as the lead prosecutor

2021/01/20 The Joe Biden administration began

2021/02/28 Mr. Overbey resigned

2021/03/01 Mr. Trey Hamilton became [Acting US Attorney](#)

2021/06/07 Professor Hu became the first academic to go to trial under the "China Initiative"

2021/06/16 Mistrial of Professor Hu declared

2021/06/17 Reps. Ted Lieu, Mondaire Jones, and Pramila Jayapal [requested](#) DOJ/OIG investigation

2021/07/30 DOJ announced its intent to retry Professor Hu

2021/09/09 Professor Hu acquitted of all charges

2021/12/26 Mr. Hamilton appointed [US Attorney](#) by the U.S. District Court of Eastern Tennessee

2022/02/23 DOJ ended the "China Initiative"

2022/08/01 White House nominated Mr. Arrowood to be US Attorney

2023/01/03 The Arrowood nomination expired without action by the Senate

***The Intercept* Report on The Case of Haoyang Yu 于浩洋**



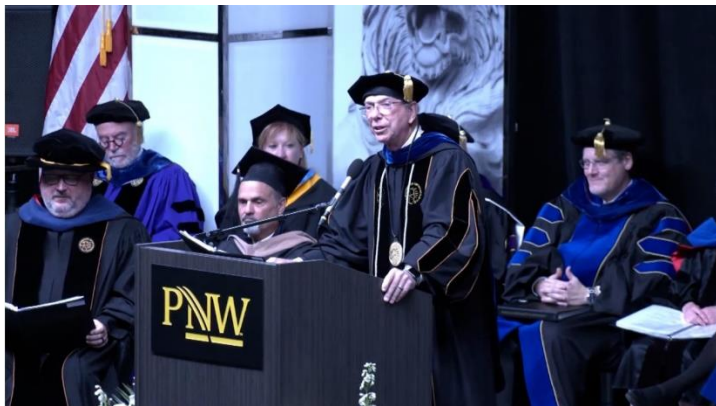
On December 22, 2022, *The Intercept* published "CHIPPED AWAY: A Competitor Put the FBI on Haoyang Yu's Trail. The Investigation Didn't Go as Planned."

According to the report, Massachusetts engineer Haoyang Yu, who came under investigation

after a competitor told the FBI that his semiconductor chip company "smells a bit fishy." A sprawling, four-agency federal investigation ensued. Believing they had a sensitive technology case involving China, where Yu was born, agents mounted a hidden camera outside his home, rifled through his trash, and followed his wife as she brought their kids to and from sports practice. But the investigation didn't go as planned. An attempted sting failed. Nor did the investigation uncover solid evidence of crimes involving China. In June, a jury acquitted Yu of 18 of 19 charges. His lawyers are now asking a federal judge to throw out the last charge, arguing that Yu, a US citizen, was targeted because of his ethnicity at a moment when the Justice Department was charting plans for the fraught "China Initiative."

Read more about *The Intercept* report: <https://bit.ly/3vc59dh>. Read more about the story of Haoyang Yu: https://bit.ly/APAJ_HaoyangYu

Purdue University Northwest Chancellor Thomas Keon



According to [CNN](#) on December 23, 2022, the Purdue Board of Trustees issued a formal reprimand to Purdue University Northwest (PNW) Chancellor Thomas Keon in response to a racist comment he made during a commencement ceremony on December 10, 2022. The board's chair, Mike Berghoff, called Keon's statements "extremely offensive and insensitive."

The decision to reprimand Keon, rather than dismiss him, has spurred criticism from other faculty. In an open letter addressed to the trustees, PNW Faculty Senate Chairman Thomas Roach further called on the university to dismiss the chancellor. "We are not demanding his removal to punish him, we require his removal because he is not qualified to represent us," wrote Roach. He called Keon's ongoing role "an insult to the Asian community." "This decision by the board of trustees is negligent and unacceptable, and your explanation for your inaction insults our intelligence," he went on. The PNW Faculty Senate cast a vote of no-confidence for the chancellor. Keon received 20 votes of confidence and 135 votes of no-confidence. His "inexcusable behavior caused national and international outrage" and insulted the Asian American and Pacific Islander community, including faculty, staff, and students at Purdue Northwest, the Faculty Senate said in an open letter sent to Keon.

On December 16, 2022, the PNW chapter of the American Association of University Professors (AAUP) condemned Chancellor Keon's remarks in a press release. According to the statement, Chancellor Keon's response "suggests, at best, a highly troublesome level of ignorance, insensitivity, and lack of judgement on his part. But it is more than any personal racism by one particular university official; it suggests the all-but-complete ignorance of the institutionalized racism faced by Asians and other peoples of color in this country." The statement concludes that **"the time has come for Chancellor Keon to resign, or else to be removed by the Purdue University Board of Trustees**, so that a leader better attuned to what it takes to engage multiple constituencies with respect—not ridicule—can be found."

According to [an opinion](#) by *Diverse Education*, PNW Chancellor Keon's mockery of an "Asian" language is "emblematic of a wider problem in American higher education." Multiple Asian American organizations are outraged and [continue to call](#) for Keon's resignation, including the [Japanese American Citizens League](#) and an open letter demanding accountability from Purdue University: <https://bit.ly/3vtvjVG>.

Asian American and Scientific Community News and Activities

Science Calls for Appointment of NIH Director Now. On December 16, 2022, *Science* published an editorial titled "Appoint a new NIH director, now." There has been a failure to confirm a new director of the National Institutes of Health (NIH) since Francis Collins stepped down a year ago. According to the editorial, Lawrence Tabak has been the interim NIH director, but it is time for some new faces after the lengthy Collins administration. Tabak was an NIH deputy director and the deputy ethics counselor under Collins. It's unclear who or what is holding up the nomination. Is the White House simply incapable of deciding whom to nominate, or more likely, has it been distracted by other matters? Either is possible, but both are indefensible. The editorial concludes that "[t]he Biden campaign leveraged the support of the scientific community to win the presidency. Leaving the most visible science position open for a year is a betrayal of that support. President Biden must personally intervene to correct this now." APA Justice nominated Dr. David D. Ho 何大一 to the White House as a candidate to become the 17th NIH Director in November 2021. Read more about the *Science* editorial: <https://bit.ly/3VgpHMh>

Stanford Center on China's Economy and Institutions (SCCEI). On December 1, 2022, SCCEI published a brief on "What Is the Impact of U.S.-China Tensions on U.S. Science?" revealing that the National Institutes of Health (NIH) investigations into hundreds of U.S. scientists in two years (2019-2020) have brought about a 1.9% decline in the publication rate and a 7.1% decline in the citation rate of U.S. scientists with collaborators in China, compared with U.S. scientists who had collaborated with scientists in other countries. The adverse effects of the investigations were observed across many U.S. institutions of higher education, particularly salient for scientists of Asian heritage, fields that receive more funding from the NIH, and fields with a higher concentration of U.S.-China collaborations. In fields more affected by the NIH investigations, the U.S. and China both produced fewer publications during 2019 and 2020 compared to the rest of the world, suggesting that U.S.-China political tensions affect overall scientific progress. Qualitative interviews with 12 scientists suggest that a reluctance to start or continue collaborations with China partners and the resulting loss in research talent and

access to labs and equipment may drive longer-term declines in publication quality and quality. The study was based on publication records of 102,000 medical and life scientists in the U.S. between 2010 and 2020. On December 9, 2022, the Center for Strategic & International Studies (CSIS) hosted a webinar where SCCEI authors presented their methodology and findings of the study. Read more about the SCCEI study at <https://stanford.io/3YWoLje>. Watch the CSIS video and discussions here: <https://bit.ly/3hSZdTJ>

2,200 Chinese Exclusion Act Case Files Digitized and Now Online. Initially set to ban immigration of Chinese laborers to the United States for ten years, the Chinese Exclusions Act was extended and expanded to all Chinese persons and became permanent law in 1902. It was repealed in 1943. Under the leadership of the Congressional Asian Pacific American Caucus (CAPAC), Congress condemned [the discriminatory laws](#) in 2012. According to [Federal News Network](#) on December 27, 2022, more than 2,200 Chinese Exclusion Act case files held by the National Archives at Riverside, California, are now available online in the National Archives Catalog, thanks to a collaboration with the Chinese Historical Society of Southern California. The project began in 2018. Professors and students from California State University, San Bernardino, and the University of California at Riverside joined the team. National Archives at Riverside staff trained the student interns, who digitized 56,507 documents using donated scanners. These records document the movement of Chinese immigrants and Chinese Americans in and out of the United States during the exclusion era. Around 10 percent of Riverside's Chinese Exclusion Act case files have been digitized. 692 citizen archivists have transcribed over 25,000 pages of the records so far. Read more at <https://bit.ly/3l2iMn7>

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