

# Outraged: DOJ Intends to Retry Professor Anming Hu

On July 30, 2021, the U.S. Government announced that it intends to retry the case against Professor Anming Hu. The first trial of an academic under the "China Initiative" fell apart and ended in a mistrial after FBI revealed serious misconduct, including falsifying information and fabricating facts in its failure to find a non-existent spy in Knoxville, Tennessee.

After the government made its announcement, defense attorney Philip Lomonaco filed a [renewed motion for judgment of acquittal](#), which was originally filed on [June 11, 2021](#), by citing "the evidence was insufficient to sustain a conviction. There is no evidence that Professor Hu willfully intended to deceive NASA... Without the intent to deceive there can be no wire fraud conviction. Without the convictions for wire fraud, the remaining counts would fail as well... In the alternative, Defendant would rely on previous briefings to the Court regarding the lack of intent to harm NASA as being a defense to wire fraud as well."

After the mistrial was declared on June 16, 2021, the Intercept published "[Ridiculous Case](#)": [Juror Criticizes DOJ for Charging Scientist with Hiding Ties to China](#), in which Wendy Chandler, a juror in the trial, commented on the FBI, "It was the most ridiculous case. If this is who is protecting America, we've got problems."

**APA Justice** is outraged by DOJ's blatant disregard of the facts and misconduct in the first trial. It will only strengthen the community's resolve to fight for justice for Professor Hu and his family and his eventual acquittal. What happened to Professor Hu and his family is not an isolated event; it is part of systemic racial bias, discrimination, and profiling by our federal government against scientists and researchers of Asian descent across the country. We must stop the racial profiling and criminalization of our Asian American and immigrant communities.

Congress, media, and community organizations have begun to react to the DOJ decision.

Read more about the background and the latest development of the Anming Hu case here: [https://bit.ly/APAJ\\_AnmingHu](https://bit.ly/APAJ_AnmingHu)

## Rep. Ted Lieu Delivered Bicameral Letter to AG to Investigate Racial Profiling

On July 29, 2021, Rep. Ted Lieu delivered a bicameral coalition letter to Attorney General Merrick Garland calling for an investigation into the Department of Justice's "repeated, wrongful targeting of individuals of Asian descent for alleged espionage."

"Over the years, multiple people who happened to be of Asian descent have been falsely accused by the Department of Justice of espionage," including the false accusations of spying alleged against [Wen Ho Lee](#), [Sherry Chen](#), [Xiaoxing Xi](#), [Anming Hu](#), and [many others](#).

"The common thread in every one of these cases was a defendant with an Asian surname — and an innocent life that was turned upside down."

"No person should be viewed by our government as more suspicious because of the individual's race. We thus request an update on the mandated implicit bias training and request an investigation to determine whether the Department of Justice has a written or unwritten policy, program, pattern or practice of using race (or other civil rights classifications such as religion, gender and national origin) in targeting people for arrest, surveillance, security clearance denials or other adverse actions. We also specifically request whether, under the 'China Initiative,' there is a written or unwritten policy, program, pattern or practice to target people based on their race, ethnicity or national origin."

On July 30, 2021, Axios published an exclusive report: [Nearly 100 members of Congress call for probe into DOJ's alleged racial profiling of Asians.](#)

Read more at: <https://bit.ly/3xbDiU>

## 08/02 APA Justice Monthly Meeting

The next APA Justice monthly meeting will be held on Monday, August 2, 2021. Nisha Ramachandran, Executive Director of Congressional Asian Pacific American Caucus (CAPAC), will provide updates on CAPAC. Congressman Ted Lieu will speak on his bicameral letter to the Attorney General and related matters. Professor Kai Li, Vice President of Asian American Scholar Forum (AASF), will describe the background and current activities of AASF. Advancing Justice | AAJC will provide updates on its Anti-Racial Profiling Project and related activities. The DOJ decision to retry Professor Anming Hu's case and follow-up to the June 30 Congressional Roundtable will also be discussed. The monthly meeting is by invitation only. If you wish to participate, either one time or for future meetings, please contact one of the co-organizers for APA Justice - Steven Pei, Vincent Wang, and Jeremy Wu, or send a message to [contact@apajustice.org](mailto:contact@apajustice.org).

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

## Resilience: Combating Anti-Asian Hate

Although anti-Asian hate incidents and crimes are appearing less frequently in the media, it does not mean that they are not happening. We must remain vigilant. This was the warning given by **Sonal Shah**, President of The Asian American Foundation during the [July 12 APA Justice Meeting](#). In particular, on May 26, 2021, President Biden tasked the intelligence community to produce [a report on the origin of the coronavirus](#) in 90 days. Regardless of the finding, it may create opportunities for some who want to blame the Asian American communities, especially the Chinese American community. Sonal suggests that we should be

aware and ready.

On July 23, 2021, author, journalist and activist **Helen Zia** penned an essay to spotlight the cover story of the Time Magazine: "Our American Story - Family Portraits of Resilience in a Year of Violence." In leading off the article, Helen wrote, "As the daughter of immigrants from China, growing up in New Jersey in the mid-20th century, I knew one element of Chinese culture to be nonnegotiable: children were expected to revere parents, teachers and other elders. In many Asian-American cultures, elders have a special status; they are valued and beloved for the wisdom of their years and all they have endured. My brothers and I knew never to challenge or disrespect adults. After a lifetime spent absorbing these lessons, it is especially painful today to see cherished elders of any background become targets of the kind of assaults that Asian-American and Pacific Islander (AAPI) people are now facing...

The COVID-19 pandemic and global economic crisis have inflicted terrible losses—of health, community and loved ones. Amid a toxic mix of misery, fear and racist innuendo, too many people have been ready to lash out. Social media has exploded with disturbing images of verbal and physical assaults on our elders. But to us, they are not the face-masked victims of grainy videos. They have names, faces, dignity. They are leaders; churchgoers; essential workers; shopkeepers; grandparents—beloved members of their families and communities. They want the world to know that they are survivors, not victims. That they are still standing, speaking out, fighting for their humanity...

We can begin by recognizing the resilience of the AAPI elders who have been targeted in unacceptable, random acts of violent hate. In their faces, we see the long journeys of revered grand-parents, aunts, uncles, mothers and fathers who have struggled and sacrificed for future generations. By bringing our Asian-American universe into focus for all to see, we hope you—our neighbors, co-workers, members of all faiths and beloved communities—will see our elders as we see them, and as you see your own: the ones who made the foundation of our families, our homes and our country with their blood, sweat, tears and love. In knowing their stories, perhaps we can finally bring our parallel universes together."

Read more about Helen's essay and the stories of the Eng, Kari, Chan, Sung, and Lau families here: <https://bit.ly/3zZ1jVn>



On March 19, 2021, the Washington Post published a report on "Asian woman, 75, beats back man who punched her in San Francisco: 'I am amazed by her bravery'." The elderly woman, **Xiao Zhen Xie**, was standing at an intersection in San Francisco, waiting for the traffic light to change, when a White man with shaggy blond hair ran up and punched her face. Xie picked up a wooden plank and hit back, striking the man's face and sending him to the hospital. "This bum, he hit me!" Xie said to onlookers, a video of the aftermath shows, as she held towels up to her bloodied eye. Read more at <https://wapo.st/3jdsxko>.

Xie's grandson started a GoFundMe campaign and raised \$1 million with an initial goal of \$50K. Xie decided to donate the bulk of the money to a newly formed California nonprofit corporation - Asian Community Assistance Association - to continue protecting the AAPI community, promoting safety, and preventing any further increase in Asian hate crimes. Read more at <https://bit.ly/37g7LLc>

**Fred T. Korematsu** was a national civil rights hero. In 1942, at the age of 23, he refused to go to the government's incarceration camps for Japanese Americans. After he was arrested and convicted of defying the government's order, he appealed his case all the way to the Supreme Court. In 1944, the Supreme Court ruled against him, arguing that the incarceration was justified due to military necessity.

In 1983, Prof. Peter Irons, a legal historian, together with researcher Aiko Herzig-Yoshinaga, discovered key documents that government intelligence agencies had hidden from the Supreme Court in 1944. The documents consistently showed that Japanese Americans had committed no acts of treason to justify mass incarceration. With this new evidence, a pro-bono legal team that included the Asian Law Caucus re-opened Korematsu's 40-year-old case on the basis of government misconduct. On November 10, 1983, Korematsu's conviction was overturned in a federal court in San Francisco. It was a pivotal moment in civil rights history.

Korematsu remained an activist throughout his life. In 1998, he received the Presidential Medal of Freedom, the nation's highest civilian honor, from President Bill Clinton. In 2010, the state of California passed the [Fred Korematsu Day bill](#), making January 30

the first day in the U.S. named after an Asian American. Korematsu's growing legacy continues to inspire people of all backgrounds and demonstrates the importance of speaking up to fight injustice.

**Let these inspiring stories be the guide to our resilience against modern-day anti-Asian hate, whether it is in the form of verbal or physical assault or in the repeated, wrongful targeting of people of Asian descent for alleged espionage.**

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