

Barriers to Government Data and Information

Transparency and accountability are two essential principles of a democratic and civil society. However, there are significant barriers to access data and information from the U.S. government, especially for communities of color and on the racial profiling of Asian American and Chinese scientists. They include but are not limited to.

- **Selection bias in the [online "China Initiative" report](#).** The report is incomplete and has selection bias to favor the government's narrative. For example, acquittals and dismissed cases such as that of University of Virginia researcher Hu Haizhou are not reported. The arrest and indictment of MIT Professor Gang Chen is also not included.
- **Non-response to Congressional and other inquiries.** For example, neither the [NIH](#) and [FBI](#) has responded substantively to requests for more complete information made by Reps. Jamie Raskins and Judy Chu. FOIA requests, inspector general and whistleblower inquiries, and public petitions are similarly ignored.
- **Stereotype in FBI publicity campaigns:** The FBI has historically organized its "[own domestic propaganda campaigns](#)" such as the Fifth Column (1939-1945). Under the "China Initiative," they include "The Company Man" and "The Nevernight Connection" that promotes the "Perpetual Foreigner" stereotype for Asian Americans.
- **Misinformation in FBI publicity campaigns.** The [American Physical Society pointed out](#) in September 2019 that the "\$225 - \$600 Billion" figure used in the "China: The Risk to Academia" campaign "turns out to be primarily based on a generic GDP multiplier that would apply to any country at any time – it has no specific bearing on current circumstances with China or academia, as the title of the document unfortunately suggests."
- **Removal of historical records.** For example, official records about Dr. Wen Ho Lee have been removed from all government websites, including [the Department of Energy Task Force Against Racial Profiling Final Report](#).
- **Official records can be manipulated without oversight.** For example, on June 26, 2019, the Counter reported [on How USDA distorted data to conceal decades of discrimination against Black farmers](#).

Access to Government Data and Information

Despite the rhetoric and selection bias in the government's favor, only 25% of the 64 "China Initiative" cases are charged for economic espionage and trade secret theft. None of the U.S. professors are charged under the Economic Espionage Act. The FBI claimed to have opened more than 2,500 counterintelligence investigations in August 2020, but has not provided additional explanations.

Researchers, media, and think tanks have filled some of the information void.

On February 9, 2021, the Cato Institute published [Espionage, Espionage-Related Crimes, and Immigration: A Risk Analysis, 1990–2019](#), which showed no extraordinary link between espionage and Chinese immigrants over a 30-year period. Earlier on December 10, 2019, Bloomberg Businessweek published [Mistrust and the Hunt for Spies Among Chinese Americans](#), showing a large disparity in security clearances by ethnicity and national origin after analyzing more than 26,000 security clearance decisions for federal contractors since 1996. More than three-fifths of applicants who have family or other ties to China are rejected for security clearances, while two-thirds of applicants to other countries are approved.

Scholar Andrew Kim produced a [white paper](#) and [a peer-reviewed Cardozo Law Review](#) paper on "Prosecuting Chinese 'Spies': An Empirical Analysis of the Economic Espionage Act." The results showed great disparity in the prosecution, dismissal, and sentencing between defendants of Asian names and non-Asian names since the Economic Espionage Act became law in 1996. Andy reported on his continuing efforts to update the results in the January 2021 APA Justice meeting.

During the September 2020 APA Justice meeting, Dr. David Zweig reported on his research on China's [Thousand Talent Program and US Research Discrimination](#). Among his findings was that the total amount of money involved in the NIH investigations was about \$164 million out of about \$6-7 billion annual federal grant funding. Dr. Zweig estimated it to be about 2.4%, while hundreds of scientists mostly of Asian origin have suffered consequences without apparent due process.

On December 31, 2020, [the United Nations voted on concrete action](#) for the elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action. 106 nations supported the action; 14 opposed. Among the opposed were Australia, Canada, France, Germany, Israel, Netherlands, United Kingdom, and United States. The U.S. government and major U.S. media did not report on the UN vote.

Since 1967, [the Freedom of Information Act \(FOIA\)](#) has provided the public the right to request access to records from any federal agency. It is often described as the law that keeps citizens in the know about their government. Federal agencies are required to disclose any information requested under the FOIA with some exceptions. However, the law is frequently delayed or ignored. This issue will be discussed in the upcoming APA Justice monthly meeting on April 5, 2021.

April 5 APA Justice Meeting

The meeting will feature three new speakers from ACLU and the Cato Institute on specific ACLU work on behalf of Chinese-Americans and Asian-Americans, including the lawsuit on behalf of Professor Xiaoxing Xi and his family, its FOIA request with AAJC, racist attacks on Asian Americans amid Covid-19, and its amicus brief in the WeChat User Alliance case, as well

as the Cato Institute risk analysis on espionage and immigration and its FOIA requests. In addition, invited speakers will cover updates from the Congressional Asian Pacific American Caucus (CAPAC), the Fourth Webinar in a series, Anti-Racial Profiling activities, and the requested congressional hearing on racial profiling of Asian Americans and Chinese scientists. The meeting will be off record and by invitation only. Summaries of past monthly meetings are available at <https://bit.ly/3kxkqxP>

Anti-Asian Discrimination and Violence Hearings and Developments

On March 19, 2021, President Biden and Vice President Harris met with Asian American leaders in Atlanta and delivered remarks on the meeting about the ongoing attacks against the community here: <http://bit.ly/3ly13qp> (video 22:28).

On March 18, 2021, the House Subcommittee on the Constitution, Civil Rights, and Civil Liberties chaired by Rep. Steve Cohen (D-TN) held a hearing on Discrimination and Violence Against Asian Americans. It was the first such hearing in more than 30 years. Two panels of witnesses testified in the hearing. The first panel included Senate and House members. The second panel included community representatives and advocates. Video recording of the hearing and submitted testimonies are available at <https://bit.ly/30Twodt>

On March 18, 2021, Maryland Senate President Senator Bill Ferguson and Majority Whip Senator Susan C. Lee spoke on the senate floor to denounce and call for everyone to unite and work together to strongly stand up against the surge in racially motivated attacks and violence against Asian Americans and Pacific Islanders, particularly in light of the horrific shooting and murder of eight people in Atlanta, Georgia, six being women of Asian descent. Her press statement and video are here: <https://bit.ly/3f9DsLF> (video 6:39)

On March 19, 2021, President of Queens College Frank Wu was interviewed by WNYC radio on how he confronts violence against Asian Americans: <http://bit.ly/3tzB9Fu> (audio 26 minutes)

These and other media reports, statements, and related stories about anti-Asian racism is available and continuously updated at <https://bit.ly/2KC7zuk>

National Summit on Systemic Racism in STEMM

The National Academies of Sciences, Engineering, and Medicine (NAEM) will convene a national summit that will highlight how racism operates at different levels in science, technology, engineering, math, and medicine (STEMM) settings; identify policies and practices for confronting systemic racism; and identify ways to advance diversity, equity, and inclusion in STEMM settings. Particular attention will be paid to the effect of systemic racism on the careers of individuals belonging to racial and ethnic groups

historically underrepresented in the STEMM workforce. These groups include Black/African American, Hispanic/LatinX, American Indian, Alaska Native, Asian, and Pacific Islander communities. Read more at <http://bit.ly/3c6ocNG>

- 2021/03/22 Scientific American: [Prosecuting Asian-American Scientists for Espionage Is a Shortsighted Strategy](#)
- 2021/03/12 VICE: [The US Is Building Walls Around Science, and We're All Poorer for It](#)
- Join the "We are all Gang Chen" petition: <https://bit.ly/36A4kiw>

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