

**APA Justice Conference Call – Monday, 11/02/2020
11:55 am Eastern Time/8:55 am Pacific Time**

Final Agenda

0. Introduction

- a. [Mara Hvistendahl](#), author, “[The Scientist and The Spy](#)”; investigative reporter, the Intercept
 - 2019/04/19 Science: [Exclusive: Major U.S. cancer center ousts ‘Asian’ researchers after NIH flags their foreign ties](#)
 - 2020/02/02 The Intercept: [The FBI’s China Obsession](#)
 - 2020/07/30 National Committee on U.S.-China Relations: [The Scientist and the Spy: China, the FBI, and Industrial Espionage](#)

Mara Hvistendahl is an investigative reporter for The Intercept and author of a book titled “The Scientist and The Spy: China, the FBI, and Industrial Espionage.” She was a finalist for the 2012 Pulitzer Prize for General Non-Fiction.

In April 2019, Mara was the first to publish an exclusive story in the Science Magazine on the purging of Chinese American scientists from the MD Anderson Cancer Center in Houston.

In February 2020, Mara published a comprehensive article in the Intercept titled The FBI’s China Obsession. It tells the story of how the U.S. government secretly spied on Chinese American scientists, upending lives and paving the way for decades of discrimination.

In July 2020, Mara was a featured speaker on her book in an event with the National Committee on U.S.-China Relations moderated by Nelson Dong.

1. CAPAC updates

- a. Speaker: Krystal Ka’ai, Executive Director, CAPAC, invited
 - Update from the Congressional Asian Pacific American Caucus (CAPAC)

Krystal reported continuing lack of progress from the House probe of FBI and NIH that was started in February 2020. While attempts are being made, including secured briefings with the FBI, they have not taken place due to non-responsiveness of the agencies and the pandemic. Krystal expressed optimism after the elections.

Link to the August 13, 2020 CAPAC Forum on the Rise in Anti Asian Bigotry During COVID 19 Pandemic is available at <https://youtu.be/bsPm7vHF5nQ>.

2. “The Scientist and The Spy” and Since

- a. Speaker: Mara Hvistendahl, writer, reporter, confirmed
 - 2020/09/14 New Yorker: [The Man Who Refused to Spy](#)

Mara spoke about her book, which the Wall Street Journal described as a captivating and well-researched book and the Economist described as a compelling account like a spy thriller, except it is not a fiction, but real-life drama.

In September 2011, sheriff's deputies noticed three ethnic Chinese men near an Iowa cornfield. What started as a trespassing inquiry turned into a two-year FBI operation in which investigators bugged the men's rental cars, used a warrant intended for foreign terrorists and spies, and flew surveillance planes over corn country – all these enormous resources were spent in the name of protecting Monsanto and DuPont Pioneer trade secrets.

In *The Scientist and the Spy*, Mara Hvistendahl describes the unusually far-reaching investigation, which pitted a veteran FBI special agent assigned to fight an emerging national-security priority against Florida resident Robert Mo, who after his academic career faltered took a questionable job with a Chinese agricultural company as a way to support his family.

In the end, Mo pleaded guilty before the case went to trial, and in October 2016 the judge sentenced him to three years in prison. Robert Mo has served his sentence and is reportedly in a private immigration detention facility in Georgia awaiting deportation. The waits for deportations have gotten very long. With the ongoing pandemic, it is unclear how his status may compare to that of [Iranian scientist Sirous Asgari](#), whose story was told by Laura Secor in the October APA Justice meeting.

Industrial espionage by Chinese companies and individuals is now a top counterintelligence target of the FBI. More than 2,000 investigations are reportedly being conducted by the FBI. The Department of Justice started the "China Initiative" in November 2018. Economic espionage is also among the reasons that the Trump administration gives when explaining the genesis of the U.S.-China trade war and among the justifications given for abruptly closing China's consulate in Houston in July.

Mara looked into the questions of whether the efforts to address the problem have been successful and what the collateral damage is.

Mara's discussion included the story of Harry Sheng, a naturalized U.S. citizen born in China and a mechanical engineer for a defense contractor in Jackson, Michigan in the 1970s. After Sheng and his wife returned from their 1973 visit to China, agents from the FBI, the CIA, and the Department of Defense grilled him about everything he had done on his sightseeing tour. His employer inexplicably transferred him and eventually laid him off in 1975. He subsequently received two offers from other defense firms, only to have them suddenly rescinded. He never held a permanent position in his field again.

3. Professor Ning Xi

a. Professor Ning Xi, currently University of Hong Kong professor; formerly Michigan State University professor

- [APA Justice](#): 1:18-cr-00226 USA vs Xi; 2:17-cv-07316 Xi vs IEEE

- 2011/11/17 PBS: [Ning Xi - University Distinguished Professor](#)

The APA Justice Task Force was formed in response to CAPAC Chair Rep. Judy Chu's call for a platform to address racial profiling and related justice and fairness issues. The call came in the aftermath of the dismissed cases of National Weather Service hydrologist Sherry Chen and Professor Xiaoxing Xi of Temple University in 2015.

One of our continuing activities is to track and identify questionable and unjust cases. One case that has been on our radar screen is about former Michigan State University (MSU) Professor Ning Xi.

Professor Xi is a world-renowned expert in robotics. In 2011, he was honored by the MSU Board of Trustees for distinguished achievement in teaching, research and public service. He was featured in a PBS video as a University Distinguished Professor.

However, on February 15, 2018, Professor Xi was arrested and charged by the U.S. government for defrauding MSU and the Institute of Electrical and Electronics Engineers (IEEE) with false expense claims of hundreds of thousands of dollars. He was indicted on October 24, 2018.

Professor Xi denied the allegations and faced a jury trial in the Western District Court of Michigan.

On July 11, 2019, the U.S. District Court Chief Judge ordered the dismissal of the Xi case with prejudice, which means permanently with no retrial. The government itself filed the motion to dismiss the indictment because it did not reasonably expect that the proofs would meaningfully change in a retrial or that a retrial would produce a different result.

Professor Xi is yet another innocent Chinese American scientist who was unjustly accused. Although his case was dismissed, it came with a high cost to his finances, reputation, and career.

During the past few weeks, APA Justice had discussions with Professor Xi about his situation. He is willing to share his story. It turns out that his story did not even start with his criminal case.

About 5 months before his criminal indictment, Professor Xi had filed a civil lawsuit against IEEE on September 21, 2017. The lawsuit alleges IEEE of various violations of its operations and bylaws to take away Professor Xi's membership, fellow status, and president-elect status for the Robotics and Automation Society (RAS) without explanation and due process. It included allegations of improper reimbursements for a 2014 conference for RAS, which was proved to be false in the subsequent criminal trial.

Professor Xi's civil case number is 2:17-cv-07316. It was filed in the U.S. District Court of New Jersey. Additional information about Professor Xi's situation is available from the APA Justice website at <https://bit.ly/3mitNIG>.

According to Wikipedia, IEEE is the world's largest association of technical professionals with more than 423,000 members in over 160 countries around the world. It was formed in 1963. Its objectives are the educational and technical advancement of electrical and electronic engineering, telecommunications, computer engineering and allied disciplines.

Professor Xi has informed us that he has been associated with IEEE for more than 30 years, first joining as a student member in 1988, a regular member in 1993, and then a fellow in 2007. Professor Xi has been very active with IEEE during this time. Along with other functions, first with the Nanotechnology Council from 2006 to 2012 where he was the President from 2010 to 2012. He was engaged with RAS beginning in 2013 and became President-elect around 2016. That was when the alleged violations by IEEE began to occur.

Professor Xi is now the Chair Professor of Robotics and Automation at the University of Hong Kong. Both Professor Xi and his civil suit attorney Mr. Joe Vernon are tied up with depositions at this time. They are invited to speak in the December APA Justice monthly meeting.

4. Anti-Racial Profiling Project

- a. Speaker: Gisela Kusakawa, Advancing Justice | AAJC, confirmed
 - Update on Anti-Racial Profiling Project
 - [Know Your Rights](#) - Use Signal for secured call 202-935-6014
 - Update on Webinar series
 - 2020/10/22 [Prosecutors Say They're Spies, But Charges Tell a Different Story](#)
 - 2020/10/20 [How a 'new Cold War' between China and US will hurt researchers everywhere](#)

Gisela was not able to attend due to a family emergency. Vivin Qiang, Program Coordinator, Anti-Racial Profiling Project, provided an update on the project.

For those who are interested in discussing policy and advocacy work on the issue of racial profiling against Asian American and Asian immigrant scientists and researchers, particularly those of Chinese descent, please reach out to Gisela Kusakawa, NAPABA Law Foundation Community Fellow, at gkusakawa@advancingjustice-aaic.org.

For those interested in setting up a Know Your Rights webinar with Advancing Justice | AAJC in English or Mandarin Chinese, please email Vivin Qiang, Program Coordinator, at vqiang@advancingjustice-aaic.org.

All interested in our legal referral service should text us at **202-935-6014** via Signal, an encrypted messaging app, with their name, phone number, and availability. A staff member from Advancing Justice | AAJC will contact them directly.

For more information:

- [Anti-Racial Profiling Project](#) – Learn more about our longtime work on this issue and the launch of new resources to expand our work to combat racial profiling.
- [Legal Referral Service Q&A](#) – This Q&A resource includes information about our new legal referral service and how to get in touch.
- [Know Your Rights Fact Sheet](#) – This fact sheet includes important Know Your Rights information for scientists, scholars, and researchers contacted by law enforcement, government officials, and employers.

Steven Pei gave an update on the planning process on the webinar series which strives to raise awareness of a growing number of federal investigations and prosecutions targeting Asian American and Asian immigrant scientists, researchers, and scholars. It also examines the ramifications of the government's misguided scrutiny and profiling through the "China Initiative" and other government efforts on the civil rights of countless members of the Asian American community, as well as the consequences for the broader American society and our democracy.

The inaugural webinar on [The Human and Scientific Costs of the "China Initiative"](#) was attended by a capacity audience plus Facebook live streaming. The five organizing partners for the webinar series are the Brennan Center, AAJC, APA Justice, APAPA, and UCA.

Jinliang Cai, UCA Chair, reported on [UCA's press statement denouncing Newsweek Smear of Chinese-American Community as Tool of Beijing](#), which was picked up by AP, Yahoo, and other media outlets.

According to the statement, the article was long on innuendo and prejudice but short on facts. Newsweek has gone beyond even the sensational language of cold warriors determined to further undermine already worsening U.S.-China relations. It has ignored the important and crucial difference between Chinese citizens and Americans of Chinese descent and lumped all together as agents of the Chinese Communist Party's "United Front," an entity charged with advancing the Party's interests at home and abroad. It alleges the existence of hundreds of such organizations, but names only a handful of them. Even those named are tarred with the flimsiest of evidence.

5. Data and Research Results/Needs for COVID-19

2020/10/20 Ohio State University: [Study reveals why some blame Asian Americans for COVID-19](#)

NBC News: [Why the Asian American Covid data picture is so incomplete](#)

2020/10/19 University of Kansas: [Asian Americans More Affected by Pandemic-Related Unemployment Than Any Other Racial Group](#)

2020/10/18 USA Today: [Asian Americans in San Francisco are dying at alarming rates from COVID-19: Racism is to blame](#)

2020/06/12 Frontiers in Communications: [Prejudice Toward Asian Americans in the Covid-19 Pandemic: The Effects of Social Media Use in the United States](#)

2020/04/30 University of Maryland Baltimore County: [Racism and Discrimination Facing Asian-American Youth, Families](#)

USA Today reported effectively on the dire situation of Asian Americans in San Francisco dying at alarming rates from COVID-19 with both statistics and anecdotal stories. However, NBC News reported that the Asian American COVID data are still lacking and incomplete. The following includes a small list of research studies of the impact of the pandemic on the Asian American community in terms of their employment, businesses, families, and prejudice. However, more data and research are needed to gain better understanding.

6. Catch-up on all developments

- Website: <https://www.apajustice.org/>
- LinkedIn: <https://www.linkedin.com/groups/12395028/>
- Facebook: <https://www.facebook.com/groups/386238778398753/>

7. Next Meeting

- a. Next Meeting: 2020/12/07

Email Jeremy Wu at Jeremy.S.Wu@gmail.com or Vincent Wang at wang177@gmail.com to submit agenda items. Thank you.