2022/07/11 APA Justice Meeting

APA Justice Meeting – Monday, 2022/07/11
11:55 am Eastern Time/8:55 am Pacific Time

Final Agenda:

0. Introduction of New Speakers

  a. Valerie Horsley, Chair, Faculty of Arts and Sciences Senate (FASS); Associate Professor of Molecular, Cellular, and Developmental Biology and Associate Professor of Dermatology, Yale University
  b. Jing Yan, Senator, Faculty of Arts and Sciences (FAS) Senate; Assistant Professor, Molecular, Cellular and Developmental Biology, Yale University
  c. Yoel Fink, Co-author "We Are All Gang Chen" letter to MIT President; Professor of Materials Science, MIT
  d. X. Edward Guo, Stanley Dicker Professor of Biomedical Engineering; Professor of Medical Sciences (in Medicine); Chair, Department of Biomedical Engineering, Columbia University
  e. Alex Liang, Recent Graduate, Yale University
  f. Mirilla Zhu, Senior Student, Yale University
  g. Isaac Yu, Staff Reporter, Yale Daily News

1. CAPAC updates

  Speaker: Nisha Ramachandran, Executive Director, Congressional Asian Pacific American Caucus

  Nisha was unable to attend the meeting in person due to a schedule conflict but she provided these two updates:

  - CAPAC is looking forward legislatively to see what happens with what is known as the COMPETES Act in the House, and USICA in the Senate, in terms of their conference process that is currently ongoing.
• CAPAC is closely monitoring the National Defense Authorization Act which is coming up this week in the House of Representatives.

2. Yale Faculty of Arts and Sciences Senate Resolution: Follow-up and Current State

On April 28, the Yale University Faculty of Arts and Science Senate passed a resolution regarding the University’s response to the China Initiative and Policies related to inquiries from Federal Agencies.

It was resolved that

1. the FASS urges the University to provide transparency regarding past and ongoing investigation of Yale community members related to the China Initiative, and the University’s response to these investigations; and
2. the FASS urges the University to establish a committee to evaluate, define and protect the rights, privileges, and responsibilities of faculty and administration in cases involving the investigation of faculty by outside agencies

Read more: https://bit.ly/3lH94tS

Speakers:

a. Valerie Horsley, Chair, FAS Senate, Yale University

• Valerie was Chair of the FAS Senate during the last academic year when Jing Yan approached her in November 2021 to set up a discussion on the China Initiative. She was surprised and disappointed to hear about how her fellow colleagues were being treated. They learned in January 2022 that a colleague, Haifan Lin, had been placed on leave, and to Valerie’s disappointment, the University did not make notification of this event and instead swept it under the rug, handling it poorly in her opinion.

• To her surprise, there was very little declaration of rights in the Faculty Handbook regarding faculty leave, leaving the decision to the discretion of the Dean and the Provost. Valerie hopes that the University will allow the FAS Senate to specify those rights more clearly, making sure to create a broad enough resolution to cover everyone, not just Chinese Americans.
• One challenge is that the rules regarding federal grants are ever changing and expanding. In the University’s response to the resolutions, they emphasized that privacy of faculty members was a top priority, so it is important to protect the rights of faculty while also providing them information about how they can appeal administrative decisions and understand their own rights in regards to leave. She anticipates that the Senate will continue to work on this initiative to clarify and enumerate rights in the Faculty Handbook. The Yale Initiative is led by the community which includes scientists from China. Valerie is most concerned that many people are unaware of the China Initiative, and she really appreciates the efforts to expand awareness and activism surrounding it.

b. Jing Yan, Senator, FAS Senate, Yale University

• Jing approached Valerie last November because he was concerned about the overall climate and the racial profiling cases targeting professors of Chinese origins. He and Professor Yu He from the Department of Applied Physics began to organize an open letter calling for the dissolution of the China Initiative.

• With the news of Haifan Lin’s administrative leave, they were determined to help him in the process of his investigation while also preventing this type of discriminatory investigation against anyone in the future.

• Update from June 30: They received a letter from the Dean and the Provost regarding their view on the FAS Senate resolution, which stated that the Deans may exercise their authority to place a faculty on administrative leave until a legal-noncompliance matter is resolved. This again goes back to the brevity regarding administrative leave rights in the Faculty Handbook.

• In response to this letter the Senate has determined three constructive points they want to make clear:

  1. “Now that the administration has declared this power to place faculty on leave, there should be a mechanism in place to ensure that they do not abuse or overuse this power of “due process”.
  2. The university’s Diversity, Equity and Inclusion (DEI) office should be involved in the decision-making process to make sure there is no racial profiling or injustice involved.
3. When a faculty member is put on leave, they should be notified clearly of their rights to appeal this decision to a committee, independent of that which made the original decision.

- Finally, the Senate believes that “innocent until proven guilty” should be applied in these cases and faculty should not be placed unwillingly on administrative leave before charges are proven. In Haifan Lin’s case, for example, the charges were eventually dismissed, but he was placed on leave unwillingly for more than three months before being reinstated.

c. Alex Liang, Recent Graduate, Yale University

- Alex Liang and Mirilla Zhu co-authored an op-ed in November 2021, calling on Yale to do more to combat racial profiling against scientists of Chinese descent.

- As a student of global affairs, Alex came upon the China Initiative during his studies. He wrote a final paper about how racial discrimination against Asian American scientists was hurting American interest in the race for talent. During his research he saw the issue had directly affected one of his peers, Yale Class of 2016 graduate Joyce Xi, the daughter of Professor Xiaoxing Xi.

- Alex presented his research on the China Initiative and was encouraged to start an open letter and raise awareness about these injustices. It was difficult because the issue is complicated and not very well understood, but after publishing their op-ed in the *Yale Daily News*, they received very positive feedback particularly from Professor Yu He at Yale, who wrote, “you are not alone”. With this encouragement they were able to collaborate with faculty to start an open letter and get 192 signatures in favor of ending the China Initiative. He encouraged future advocacy by ending with Professor He’s words, “you are not alone.”

d. Mirilla Zhu, Senior Student, Yale University

- Mirilla shared some lessons learned from this experience:

  1. They never imagined their efforts would have such success. This exemplifies the importance of raising awareness and to prepare our communities to mobilize, even if it’s not clear at the moment what exactly we will be mobilizing for.
2. Thank you to faculty members including Professor Hu, with whom they collaborated on this issue. They continue to find ways to build coalitions across generations, across academic disciplines, and across racial lines.

3. Mirilla also does work related to prison conditions and mass incarceration and while there are differences in these types of injustices, the underlying issues of due process, racial profiling and government overreach are shared between the China Initiative and social phenomena such as over-policing and mass incarceration. She hopes that we continue to speak out against injustice in academic spaces, we find ways to speak out against injustice in these spaces as well.

e. Isaac Yu, Staff Reporter, Yale Daily News

- Isaac Yu is a rising Junior at Yale College. He wrote many articles regarding the China Initiative as it related to Yale, one titled “DOJ weighs China Initiative as Yale faculty sign onto open letter calling for its dissolution”. He expressed gratitude for the opportunity to learn from the experiences of reporting on the op-ed and Haifan Lin’s case.

f. Yoel Fink, Co-author "We Are All Gang Chen" letter; Professor of Materials Science, MIT

- Professor Fink began by expressing his gratitude to see Professor Chen doing well, back at MIT doing research after his charges have been dropped. He thanked everyone in attendance for working toward preventing something like this in the future. He goes on to say that, historically speaking, in terms of persecution, the law was never an obstacle, but rather it is more often used as a weapon. In Gang Chen’s case, the law was at the forefront. In Professor Fink’s opinion, the way to prevent events like this in the future is to bring a stronger focus on human reaction. There is no need for additional laws, lawyers, or regulation, but rather a common sense of confronting wrongs and evils when faced with it. As a Jewish man, growing up in Israel, Professor Fink became accustomed to facing and studying unjust realities and histories.

- He began a brief presentation with the quote by Hillel the Elder “..And in a place where there are no humans, one must strive to be a human.” One takeaway from Professor Chen’s case is that a person’s life can be upended in a single day, despite all the good deeds and contributions he’s made.
• Professor Fink then showed the slides that he designed and presented to the MIT faculty the day after Professor Chen was arrested. The first slide included a quote from the McCarthy Trials in the 1950s: “Have you no sense of decency, sir?”, which was believed to be an important moment in stopping Senator McCarthy.

• In going over the details of Professor Chen’s case, Professor Fink noted that the criminal complaint (like the one used against Professor Chen) can contain true or false complaints. Once this is filed, anything that is written in the complaint, regardless of its validity, can be used in press conferences without worry of being guilty of perjury. This mechanism is what enabled many lies about Professor Chen to circulate. Professor Fink’s goal in his presentation to the faculty was to show that law enforcement was abusing their power. Often we give law enforcement the benefit of the doubt, but Professor Fink was able to show blatant lies in the criminal complaint, throwing into question this trust in law enforcement. He ended his presentation with the famous poem by Martin Niemoeller, “First they came..”, to emphasize the tort in standing complacent in the face of injustice.

• An FNL open letter was composed and signed by some very prominent faculty at MIT, who risked their reputation to stand up for what is right.

g. Gang Chen, Carl Richard Soderberg Professor of Power Engineering, MIT

• Gang Chen was arrested and indicted in January 2021 by the US government. He credits Professor Yoel Fink’s actions, together with MIT leadership’s support, with saving him. In January 2020 the government dropped all charges against professor Chen. After his case was finished, MIT passed the following resolution at an institute meeting on February 16, 2022:

“Mechanical Engineering Professor Gang Chen was detained at Logan Airport in January 2020 following a visit to China. Professor Chen and his family have since then endured a deeply painful, harmful, and distressing series of actions brought against him by Federal prosecutors. On January 20, 2022, the court dismissed all charges against Professor Chen, following a request by the responsible U.S. Attorney to drop the case in its entirety.

In recognition of the high esteem in which we hold our colleague Professor Chen, we offer this resolution:
Be it resolved that the Faculty and the Administration of the Massachusetts Institute of Technology, at the Institute Faculty Meeting of February 16, 2022, record their profound relief and satisfaction at this news and their recognition of the great value that Professor Chen brings to the MIT community as a member of our Faculty.”

h. X. Edward Guo, Chair, Department of Biomedical Engineering, Columbia University

- Edward Guo began his brief talk with, “There are hundreds of Gang Chen’s out there and I’m one of them”.

- These events have motivated Guo and other faculty at Columbia University to form the Asian Faculty Association of Columbia University, which is now close to 300 members strong (out of the 800 Asian faculty members at the University).

- He adds that the China Initiative is not gone. Although the name has been dropped, the initiative still continues and the actions are becoming more dangerous. So it is important to raise awareness beyond the Asian American community so that these events can truly be put to an end.
References and Links

- 2022/05/06 *Yale Daily News*. Senate raises further alarms about suspended professors. [https://bit.ly/3yWxE1D](https://bit.ly/3yWxE1D)
- 2021/06/29 MIT Technology Review. We are all Gang Chen. [https://bit.ly/3xghUTH](https://bit.ly/3xghUTH)

3. Anti-Racial Profiling Project and Related Activities - Asian Americans Advancing Justice | AAJC

Speaker: Gisela Kusakawa, Assistant Director, Advancing Justice | AAJC

i. Advancing Justice | AAJC: [Anti-Racial Profiling Project](https://bit.ly/3yWxE1D)

ii. Legal Referral Service: Contact 202-935-6014 using the Signal app for attorney referrals. AAJC staff can assist you in Mandarin Chinese and English.

Gisela was under the weather and unable to speak in this meeting.

4. Q&A and Discussions
5. **Next Meeting**

Next Meeting: Monday, August 1, 2022