

Role of UTK and Timeline of Anming Hu Case

On July 29, 2021, Knox News published [How the FBI manipulated the University of Tennessee to find a Chinese spy who didn't exist](#). The report cited a list of questions about the University of Tennessee Knoxville's (UTK) treatment of Professor Anming Hu, but UTK spokesman Owen Driskill declined to respond.

According to the Knox News report, "[t]he trial also revealed that UT administrators handed over documents from Hu's university files without a warrant, concealed the federal investigation from him, misled NASA at the behest of a federal agent, set Hu up for his eventual arrest and fired him as soon as he was in handcuffs... It's still not clear who at UT authorized meetings in 2018 between Hu's bosses and federal agents or why. Chancellor Beverly Davenport was fired in July 2018 after a tumultuous tenure of less than 19 months, and System President Joe DiPietro announced his resignation two months later... The agents, testimony has revealed, didn't have any proof of wrongdoing by Hu when they first walked onto UT's campus and, therefore, no legal authority to take records from his personnel files."

On August 4, 2021, UTK Provost John Zomchick issued a message to the UTK faculty, responding to UTK Faculty Senate President Lou Gross' questions regarding the faculty rights of Professor Anming Hu. Citing that the university administration followed the letter and spirit of the Faculty Handbook at every stage, Provost Zomchick provided a timeline of administrative actions taken regarding Professor Hu's tenured faculty appointment from suspension on February 25, 2020 to termination on October 8, 2020.

APA Justice has traced publicly available information and posted a timeline cross-referencing the key UTK officials with the investigation and trial of Professor Hu. In addition, it has obtained links to three versions of the UTK Faculty Handbooks for 2016, 2019, and 2021 respectively. They lead to the questions of: Who knew what? When did they know it? What did they do? Was there presumption of Innocence? Was there due process? Was the treatment of Professor Hu just and fair? They have implications not only for Professor Hu, but also other professors about their rights and due process, as well as consistency of the rules and rights across universities.

Additional comments and media reports after DOJ's announcement to retry Professor Anming Hu:

2021/08/06 Committee of Concerned Scientists: [Case Against Chinese-Canadian Scientist Ends With Mistrial But Government Files Notice of Intent to Pursue Retrial](#)

2021/08/05 WilmerHale: [DOJ's "China Initiative" Falters](#)

2021/08/04 The Star: [Chinese-born scholar retrial bid sparks outrage in US](#)

2021/08/03: AP: [Chinese espionage retrial sought for Tennessee researcher](#)

2021/08/02 Inside Higher Ed: [Prosecutors to Retry Case Amid Concerns About China Initiative](#)

Knox News: [Former University of Tennessee professor falsely accused of espionage faces second trial](#)

2021/07/31 South China Morning Post: [US to retry University of Tennessee professor on fraud charges following mistrial, drawing outcry](#)

You can support Professor Anming Hu by making a donation to his legal defense fund: <https://gofund.me/54289bcb>

Read more: https://bit.ly/APAJ_AnmingHu

FOIA Request to the National Institutes of Health

APA Justice submitted a Freedom of Information Act (FOIA) request for records pertaining to the effort by the National Institutes of Health (NIH) to investigate over 500 U.S.-based scientists and researchers believed to have connections to China. The request covers records created on or after January 2011.

The formal filing date for this request is August 9, 2021. The assigned tracking number is 245561. According to FOIA.gov, the average NIH processing time is 33 working days for simple requests and 141 working days for complex requests. APA Justice has implemented a day tracker for this request.

Read more: <https://bit.ly/3t8dcW1>

"China Initiative" and Racial Profiling

On August 5, 2021, WilmerHale posted a Client Alert titled DOJ's "China Initiative" Falters. The article draws two lessons from the seven recent prosecution failures including the mistrial of Professor Anming Hu and the dismissals of the [Qing Wang](#) and [five visa fraud cases](#): (a) Alleged Government Overreach and (b) Ambiguity of the Disclosure Process. The article concludes that "As DOJ's China Initiative against academic researchers proceed, these seven recent failures demonstrate the challenges that prosecutors will face in securing convictions in the future." Read more: <https://bit.ly/2TZvkoL>

On August 2, 2021, the Daily Beast published an article titled [Is the U.S. Trying to Smear This Veteran as a Chinese Spy?](#) According to the report, "Cheng Li," a pseudonym, is a Chinese American veteran with an honorable discharge, U.S. citizenship, and a master's degree from an Ivy League university. But the feds tried to run him out of the Army and investigate him for being an agent of the government of China. Now that those attempts have failed, the government is trying to strip him of his citizenship—and send him back to China, where he could face a whole different kind of exposure. Read more: <https://bit.ly/3jmbyME>

Two reports on an ambiguous Trump-era policy that have impacted more than 1,000 scholars from China already in the U.S. and may block 3,000 to 5,000 of the roughly 19,000 students from China who start graduate programs in the U.S. each year.

2021/08/06 Science: [Chinese students fight back against visa rejections](#)

2021/08/06 CNN: [A Trump-era policy that shut out top Chinese students could be hurting America more than Beijing](#)

"We Belong" Yellow Whistle Activities

On September 10, 2021, The Asian Cultural Engagement Center at Virginia Tech University will host an APIDA (Asian Pacific Islander Desi American) Welcome To/Welcome Back event. The yellow whistles will be distributed in the event. Michigan State University is also in the planning process to welcome students back to campus. The whistles can also be used as a symbol of solidarity against hate and racial profiling. They are distributed at no cost to project partners.

The yellow whistle is also a functional protective device. When in danger, blow the whistle. When you hear a whistle, call 911.

On May 26, 2021, President Biden tasked the intelligence community to produce [a report on the origin of the coronavirus](#) in 90 days. This is coming up in about 2 weeks. Regardless of the findings, it may create opportunities for some who want to blame the Asian American communities, especially the Chinese American community. Please be aware and vigilant.

Please contact Christina Lu, Director of [the Yellow Whistle Project](#) at theyellowwhistle@gmail.com if you and your university or organization would like to join the movement.

APA Justice maintains a section in its website to provide continuing coverage of the Yellow Whistle Campaign. Below are some of the pictures from recent activities in Maryland, New York, and Ohio. Read more: <https://bit.ly/2RDZMmB>





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