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### Catch-22: University of Tennessee Knoxville Owes an Explanation on Professor Anming Hu's Case

The web page of [Dr. Louis Gross](#), Senate Faculty President of the University of Tennessee Knoxville (UTK), provides a glimpse of how UTK has been addressing Professor Anming Hu's case after a mistrial was declared in June 2021.

On September 10, 2021, [UTK Chancellor Dr. Donde Plowman](#) informed Dr. Gross and Prof. Beauvais Lyons, Faculty Representative on the UTK Advisory Board, that if Dr. Hu "is able to verify authorization to work in the United States in the next year, the administrative termination will be reversed, and his faculty appointment will be reinstated with expectations in place around disclosures and outside interests."

[In response](#), Dr. Gross expressed concern that Dr. Plowman's letter is inconsistent with the UTK Faculty Handbook, which states that "full restitution of salary, academic position and tenure lost during the suspension without pay will be made." Dr. Gross also described an apparent catch-22 situation "because Professor Hu lost his work authorization due to UTK action so it is not clear that he can possibly re-attain work authorization without first having his position and employment here restored."

[In his separate response](#), Prof. Lyons urged UTK to take steps to reinstate Professor Hu to his faculty position. "This is not only about doing what is right, but damage control for our institutional reputation," he wrote. Dr. Lyons also expressed three concerns. On September 13, 2021, Dr. Lyons and the Faculty Senate Faculty Affairs Committee which he chairs sent [a memorandum including a set of 10 questions](#) for UTK Provost Dr. John Zomchick to address at the September 20 Senate meeting.

Professor Mary McAlpin, President of the UTK Chapter of the American Association of University Professors (AAUP), addressed three major concerns regarding the case of Professor Anming Hu in [the September 13 APA Justice monthly meeting](#), including the Catch-22 situation created by the UTK administration. UTK/AAUP, [the Asian American](#)

[Scholar Forum](#), [The Committee of Concerned Scientists](#), and others have called for UTK to reinstate Professor Hu without further delay. The UTK Senate Faculty held a public meeting on September 20, 2021.

APA Justice has invited Drs. Zomchick and Louis Gross to speak in the October 5 monthly meeting.

APA Justice has also added two videos on Dr. Anming Hu to the [webinar series on the "China Initiative."](#)

- 2021/06/18 Press Briefing: [The Aftermath in the Mistrial and Racial Profiling of University of Tennessee under the "China Initiative"](#) (YouTube 52:59)
- 2021/06/23 Fifth Webinar: [The Mistrial of Professor Anming Hu under the "China Initiative"](#) (YouTube 1:12:52)

## **New Red Scare - Mounting Evidence of Racial Disparity under the Economic Espionage Act**

On September 21, the Committee of 100 and Andrew Kim, Attorney, Greenberg Traurig and Visiting Scholar, South Texas College of Law, released a 56-page study titled [Racial Disparities in Economic Espionage Act Prosecutions: A Window Into The New Red Scare](#). According to the study based on 276 individual defendants charged across 190 separate cases, "[i]ndividuals with Asian or Chinese names are punished twice as severely as defendants with more Western names in charges under the Economic Espionage Act (EEA), and 1 in 3 Asian Americans accused of espionage may have been falsely accused. Additionally, jail time for Chinese and Asian defendants is double compared to Western defendants and the Department of Justice (DOJ) is much more likely to publicize alleged "spying" by people with Asian names than alleged 'spying' by people with Western names."

The report includes opening comments by [Gary Locke](#), Chair of C100; [Zhengyu Huang](#), President of C100; and [Andrew Kim](#), as well as independent commentaries from:

- [Ashley Gorski/Patrick Toomey](#) (Senior Staff Attorneys, American Civil Liberties Union)
- [Dr. Randy Katz](#) (United Microelectronics Corporation Distinguished Professor in Electrical Engineering and Computer Science, and Vice Chancellor for Research, UC Berkeley)
- [Carol Lam](#) (Former U.S. Attorney for the Southern District of California)
- [Margaret K. Lewis](#) (Professor of Law at Seton Hall University)
- [Dr. Jeremy Wu](#) (Co-organizer of APA Justice and Committee of 100 Member)

Watch the video recording of the webinar on the release of the report here: <https://bit.ly/3o696OB>

On September 14, 2021, a 56-page Penn Institute for Economic Research (PIER), Research Paper 21-022, titled [Red Scare? A Study of Ethnic Prejudice in the Prosecutions under the Economic Espionage Act](#) was posted on the Social Science Research Network (SSRN). The paper is authored by Professor Hanming Fang of University of Pennsylvania and National Bureau of Economic Research (NBER) and Ming Li of the Chinese University of Hong Kong. According to the paper based on 210 EEA cases involving 309 individual defendants and 33 corporate defendants, the authors empirically test whether the Department of Justice (DOJ) engages in ethnic prejudice against Chinese in its prosecutorial decisions under the Economic Espionage Act (EEA) of 1996. They conduct Becker's outcome test for evidence of ethnic prejudice. They find that Chinese-named defendants were more likely to be dismissed by trial or acquitted by jury, and were found guilty on fewer counts, and on average received harsher indictments. These results are robust regardless of whether they consider all cases or only arguably 'marginal' cases. They also find that, for those publicly listed victim firms whose trade secrets were allegedly stolen by the charged defendants, the stock market reaction was much more muted to the news on the case filing date if the charged defendants are of Chinese descent.

Read more: <https://bit.ly/2XGi0r6>

## **Lack of Efforts to Address Anti-Asian Hate But Continuing Rhetoric on Racial Profiling**

On September 20, 2021, the Washington Post published [Asian American lawmakers want quicker action from hate-crimes law](#). According to the report, Sen. Mazie Hirono (D-Hawaii) and Rep. Grace Meng (D-N.Y.), co-sponsors of the Covid-19 Hate Crimes Act that took effect in May, warned Attorney General Merrick Garland in [a letter](#) that public fatigue and frustration with coronavirus restrictions and public safety mandates could lead to another spike in "hate-based violence." The lawmakers called their legislation — which aims to expedite the Justice Department's reviews of purported hate crimes reported to the federal government — a first step in addressing the matter. But they said the agency must pay close attention to other aspects of the bill, including bolstering efforts from states and localities to report and investigate hate crimes and to create public information campaigns encouraging victims to come forward.

On September 21, 2021, NBC News reported [FBI director says new probes into China launched 'every 12 hours.'](#) a slight change but as empty as his remarks going back to July 2020 or earlier when it was 10 hours instead of 12 hours. The FBI has not responded with supporting facts or data to either [congressional probes](#) by Reps. Jamie Raskin and Judy Chu or [FOIA requests](#) by Advancing Justice | AAJC and ACLU.

While the FBI Director continued to resort to economic espionage using "non-traditional collectors" such as Chinese American researchers and graduate students and thousands of investigations opening at the rate of one every 10 or 12 hours, the [Los](#)

[Angeles Times](#) reported on September 16, 2021 that in the nearly three years since its launch, the "China Initiative" has brought just 12 prosecutions of people at academic institutions and has won convictions of four individuals, according to Justice Department statistics provided to the LA Times. In none of those four cases did the government provide evidence of economic espionage or theft of trade secrets or intellectual property.

Quoting [Carol Lam](#), Former U.S. Attorney for the Southern District of California, the "China Initiative" is "a terrible failure."

On September 1, 2021, the American Physical Society, the nation's largest physics membership organization representing more than 50,000 members across academia, national laboratories, and the private sector, wrote [an open letter](#) to the Biden Administration leaders expressing the Society's strong concerns with the Justice Department's "China Initiative" — a targeted effort sowing fear among scientists of Asian descent, restricting legitimate international scientific collaboration, and hindering the United States in the race for global talent.

On September 8, 2021, 177 Stanford University faculty members wrote [an open letter](#) to Attorney General Merrick Garland calling for the end of the "China Initiative."

## **SFCAUSE in Action - 09/25 Virtual Event and Partnership with SFPD on Yellow Whistles**

On September 25, 2021, [San Francisco Community Alliance for Unity, Safety and Education](#) (SFCAUSE) will convene a virtual event titled [Anti-Asian Hate & The Economic Issues Facing our Chinatowns](#). It will feature special guest Erika Moritsugu, Deputy Assistant to President Biden and AANHPI Senior Liaison; a panel of 7 distinguished speakers, and closing remarks by California Attorney General Rob Bonta. Over 30 organizations are promotional partners for this event, including APA Justice. Register for the event here: <https://bit.ly/2XKzPWc>

On September 8, 2021, The San Francisco Police Department announced that it has partnered with SFCAUSE to dramatically expand the reach of the Yellow Whistle™ campaign to all ten SFPD district stations citywide. Chief of Police William Scott announced the expanded availability of yellow whistles at the 7th Annual "Chinatown Night Out" event. It represents the latest initiative under SFPD's community policing plan to raise awareness for public safety strategies that aim to combat hate crimes and hate-related incidents targeting Asian American Pacific Islander, or AAPI, communities in San Francisco and around the nation.

Launched earlier this year by national AAPI community leaders and organizations in response to heightened violence and harassment, the [Yellow Whistle Project](#) offers a simple gadget with a powerful purpose — to signal alarm and call for help — while



symbolizing self-protection and solidarity in the communities' common fight against hate crimes and hate-related violence and harassment. Yellow whistles emblazoned with a "We Belong" message will be available free of charge to community members and visitors who request them from the reception desks of SFPD district stations.

2021/09/09 KPIX-5: [San Francisco Police Department Partners with Yellow Whistle Project](#)

AN ALL VIRTUAL EVENT

## Anti-Asian Hate & the Economic Issues Facing Our Chinatowns

PRESENTED BY SFGAUSE

SATURDAY, SEPTEMBER 25, 2021 3:00 PM TO 5:00 PM PST

**SPECIAL GUEST**  
Erika Moritsugu  
Deputy Assistant to President Biden and Asian-American/Native Hawaiian Pacific Islander Senior Liaison

**PANELISTS**  
Carl Chan; George Q. Chen; Cynthia Choi; Anni Chung; Lily Mei; Nancy Tung; Daniel Wu

**CLOSING REMARKS**  
Attorney General Rob Bonta of California

**CHAMPION OF TRUTH AWARDEE**  
Dion Lim  
Emmy Award-Winning News Anchor & Reporter

REGISTER



<https://tinyurl.com/dfnzumwp>

**PROMOTIONAL PARTNERS**



## CENTRAL STATION'S 7th ANNUAL CHINATOWN NIGHT OUT



JOIN US  
MEET YOUR NEIGHBORS  
AND LOCAL SFPD OFFICERS

參加我們的活動  
與鄰居和  
三藩市警隊聚會

**PORTSMOUTH SQUARE**  
WEDNESDAY, SEPTEMBER 8TH, 2021  
4:00-7PM  
FREE AND OPEN TO THE PUBLIC

**花園角**  
星期三 2021年9月8日  
四點到七點  
免費對公眾開放

**SPECIAL THANKS TO OUR SPONSORS**



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