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Congressman Ted Lieu Questions AG Garland on "China Initiative" and Racial Profiling

On October 21, 2021, the House Judiciary Committee held [an oversight hearing on the U.S. Department of Justice](#). Congressman Ted Lieu asked Attorney General Merrick Garland several questions on the "China Initiative" and implicit bias training. AG Garland appeared to be unprepared for the issues raised as evidenced by his responses:

- [The COVID-19 Hate Crimes Act](#) cited by AG Garland was enacted to address anti-Asian hate violence, not the racial profiling and discrimination concerns raised by Congressman Lieu.
- [The implicit bias training](#) mandated by then AG Loretta Lynch in June 2016 serves to reduce bias and discrimination in law enforcement. The NO FEAR Act of 2002 cited by AG Garland applies federal managers and supervisors on unlawful discrimination and retaliation. One tweet also commented that tackling implicit bias requires work far beyond "training" and hopes that the Department of Justice commits to a holistic response.
- AG Garland stated that there will be a review of the "China Initiative," but it will be conducted by [Matt Olsen](#), who was nominated by the President to serve as Assistant Attorney General for the National Security Division on May 27, 2021. He has not yet been confirmed after 6 months, and the Senate has not set a date for his confirmation.

At the end of his questions, Congressman Lieu submitted three documents for record:

- 2021/09/08 Winds of Freedom: [Stanford Faculty Members Open Letter to AG Garland to End the "China Initiative"](#)
- 2021/09/21 Committee of 100: [Racial Disparities in Economic Espionage Act Prosecutions: A Window Into The New Red Scare](#)
- 2021/09/25 University World News: [Professor acquittal – Is China Initiative out of control?](#)

Watch the exchange between Congressman Lieu and AG Garland here: here <https://bit.ly/3GfBWIU> (video 5:37)



Update on Campaign to Send Letter to AG Garland to End the "China Initiative"

On October 18, 2021, 198 Princeton faculty members endorsed the Stanford letter and sent [their letter](#) to Attorney General Merrick Garland calling for the end of the "China Initiative." On October 22, 2021, the Asian American Scholar Forum posted an open message [Call for Your support on Open Letters to End "China Initiative."](#) To date, APA justice has collected over 275 sign-ons from more than 110 institutions to its letter to be sent to AG Garland in the first week of November. Please help to spread the word and encourage faculty members, scholars, and administrators across the country to join the campaign by:

- Signing on to this campaign before November 3, 2021: <https://bit.ly/EndorseStanfordLetter>
- Following the Instructions in the Winds of Freedom website to endorse the Stanford letter or send your own letter: <https://bit.ly/38ZxKre>

Peter Michelson, Senior Associate Dean at Stanford University, will speak on this topic in the November 1 APA Justice monthly meeting, along with Princeton University Professor Kai Li, American Physical Society Director of Government Affairs Mark Elsesser, and University at Albany Professor Ron Yang.

2021/11/01 APA Justice Monthly Meeting

The next APA Justice monthly meeting will be held on Monday, November 1, 2021. The tentative agenda will cover

- Update by the Congressional Asian Pacific American Caucus
- Update on Professor Anming Hu's Situation
- Remarks by American Association of University Professors
- Campaign to Endorse the Stanford Letter and End The "China Initiative"

- Status Report on the Case of Kansas University Professor Franklin Tao
- Anti-Racial Profiling Project - Asian Americans Advancing Justice | AAJC

The monthly meeting is by invitation only. If you wish to join, either one time or for future meetings, please contact one of the co-organizers of APA Justice - Steven Pei, Vincent Wang, and Jeremy Wu - or send a message to contact@apajustice.org. Read past APA Justice monthly meeting summaries here: <https://bit.ly/3kxkqxP>.

Radio Free Asia and NBC News Report on the New Red Scare and "China Initiative"

On October 20, 2021, Radio Free Asia reported [FBI secretly investigating respected US oceanographer's China ties](#). According to the report, Walker Orson Smith, aged 71 and one of the leading experts on marine life off the coast of Antarctica, along with several unnamed colleagues, is the subject of a federal investigation into alleged theft of trade secrets, false statements and wire fraud stemming from their involvement in China's Thousand Talents Program.

Smith holds the posts of emeritus professor at William and Mary College in the U.S. state of Virginia, and distinguished professor at Shanghai Jiao Tong University. The main focus of his work is the lifecycle of plankton in the Southern Ocean and its place in the food chain. His research has taken him around the world, with visiting professorships in Vietnam, Sweden and, most recently, China.

The investigation into Smith appears to be part of the ill-conceived "China Initiative." FBI Director Christopher Wray has touted repeatedly that the FBI has opened thousands of investigations at the rate of one case per 10 or 12 hours. However, besides the rhetoric about national security concerns, there has been few supporting data and facts about the effectiveness of the initiative for which enormous amounts of federal resources and federal dollars have been spent despite numerous [public](#) and [congressional](#) inquiries.

Professor Smith described the allegations against him as “ludicrous” and said he believed the investigation to be a “fishing expedition.” While he acknowledged that there is a risk in speaking out publicly that he will provoke an outsize reaction from the Justice Department, he said he hoped that by doing so others might be spared a similar predicament. “It’s not how I like to think my country should operate,” he said. “I’m dismayed that my own government is harassing – and I consider it illegally harassing – individuals for no cause.”

Read more: <https://bit.ly/3nksHIS>. In reacting to the Radio Free Asia article, one Stanford faculty member said, "this is totally nuts."

On October 19, 2021, NBC News reported [How a federal push to stop Chinese scientists from stealing U.S. secrets has sputtered in court](#). The report leads off with the Anming Hu story - investigators secretly surveilled him for more than a year, seized his electronic devices, grilled him and his employers, arrested him, took him to jail and charged him with six felonies that could have landed him in prison for decades. **But the Justice Department's efforts to convict**

Hu as part of its program to crack down on illicit technology transfer to China failed — spectacularly.

According to the report, the Hu case is just the latest in a series of setbacks to what the Justice Department dubbed "the China Initiative," an effort designed to thwart China from stealing cutting edge research that critics say has gone off the rails. For years, the government encouraged American scientists to cooperate with their Chinese counterparts, and didn't pay close attention to required disclosures. Now that U.S.-China relations have grown tense, rule violations have turned into criminal charges. But many of those charges aren't sticking.

Another of the failed prosecutions involved Qing Wang, who spent two decades working at the Cleveland Clinic, researching genes that cause heart disease. By his telling, he planned to retire there. But one day last year, the FBI knocked on his door. He was arrested, charged with felonies, and locked in a holding cell. In July this year, the Justice Department dropped the charges. Wang is now in Shanghai, looking for work. **America appears to have lost a renowned genetic researcher. "They are creating such a fear in the scientific community," he said. "I'm pretty sure many people will move back to China. So that's actually they are doing a favor to the Chinese government."**

Read more: <https://nbcnews.to/2Xw2bmS>

Events and Developments at the University of Tennessee at Knoxville

On October 20, 2021, the University of Tennessee (UT) Daily Beacon published [‘America reacts badly when it gets scared’: CNN’s Fareed Zakaria speaks at China Town Hall](#). **According to the report, in recent years, the government has focused on uncovering Chinese spies within America. The FBI has wrongfully accused many Chinese scientists because of the 2018 China Initiative, including University of Tennessee’s Professor Anming Hu. “Republicans have accused universities of being hotbeds of spying activity. Very rarely do they have specific charges or proof. The way that Chinese Americans have been discriminated against, it is very easy to bring up this racism and xenophobia,” Zakaria said. “America reacts badly when it gets scared ... we lash out.”**

As part of the China Town Hall, a panel immediately followed. It was moderated by Shellen Wu, Director of UT Asian Studies Program, to discuss US-China relations with a local lens.

A major takeaway from the panel was on the China Initiative. [Seton Hall University law Professor Maggie] Lewis is an advocate for the removal of the China Initiative, and she explained that the Biden Administration still has this initiative in place. “The China Initiative is still going, and I am not going to let them off the hook because it is not okay to say it quietly,” Lewis said. Lewis said that there was not enough evidence to indict Prof. Anming Hu, and the judge acquitted his charges, but although Hu was acquitted, there are still devastating impacts this case has had on him. “I am delighted to hear that the University of Tennessee is reinstating Professor Hu, but that does not make up for the, now years, of trauma he has suffered; emotionally, financially and even physically from this ordeal,” Lewis said. One of the important things that Americans should do in the future, Lewis said, is to not be driven by fear. This has led to violence and

discrimination of Asian Americans. Lewis added that Americans who are not of Chinese or any Asian descent should work on allyship.

If you are a UT faculty, staff, or student and are interested in getting involved in AAPI related events or helping establish the Commission for AAPI (scheduled to launch in fall 2022), please fill out this interest form: <https://cge.utk.edu/aapi-interest-form/>



The University of Tennessee Knoxville (UTK) Faculty Senate has posted the minutes for its September 20, 2021 meeting at <https://bit.ly/3pwbSgw>. Pages 3 to 6 of the minutes covered questions from UTK faculty members to UTK Provost John Zomchick on issues related to Professor Anming Hu's case. Because there were non-senators in attendance, the UTK general counsel constrained the information that could be shared. According to the minutes, at least 10 UTK faculty members raised questions. Read the minutes here: <https://bit.ly/3Clodrm>.

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