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Latest on Campaign to End The "China Initiative"

If you wish to jumpstart your knowledge about the "China Initiative," two short films produced by SupChina are now posted on the [End The "China Initiative"](#) webpage:

- [The China Initiative: The Ethnic Targeting of Chinese Scientists and the Subsequent Brain Drain](#) (video 7:30). The 7-minute video aimed to educate the general public on increasing discrimination faced by Chinese scientists under the Department of Justice's "China Initiative," and to highlight the many scientific accomplishments they have contributed to U.S. institutions of higher education and research.
- [Scientists in the crosshairs: How to avoid getting snared in the U.S. crackdown on 'China Ties'](#) (video 21:04). Interviewees included **Dr. David Ho**, Columbia University's Clyde and Helen Wu Professor of Medicine; **Michael A. Szonyi**, Director of the Harvard University Fairbank Center; **Catherine X. Pan**, head of Dorsey & Whitney's U.S.-China practice; and **Frank Wu**, President of Queens College and a Serica Initiative board member, among others.

A representative of [SupChina](#) has agreed to speak in the next APA Justice monthly meeting on December 6, 2021.

The campaign for faculty nationwide to endorse the Stanford letter will continue until the "China Initiative" has ended. Qualified endorsers are urged to sign on here: <https://bit.ly/EndorseStanfordLetter>. For this campaign, a qualified endorser is defined as a person with the current or former rank of professor, associate professor, assistant professor, lecturer, scholar, or administrator, who has a valid and verifiable ".edu" or ".org" email address from an accredited university or similar educational institution in the United States. Titles and associations are for identification only; endorsers do not represent the university or institution. Where judgment on the status of an endorser may be needed, final decision will be made by the organizers of this campaign.

As of November 9, 2021, a total of 1,832 faculty members, scholars, and administrators from over 215 universities and educational institutions across the nation have endorsed the Stanford letter. Check the latest counts and comments at <https://bit.ly/3wwrD8A>.

APA Justice Submitted Comment on NSPM-33 to OSTP

On November 8, 2021, APA Justice submitted its comment on National Security Presidential Memorandum (NSPM-33) to the Office of Science and Technology Policy (OSTP) (<https://bit.ly/31P9DLL>).

Research security cannot be discussed in isolation without taking into account the current injustice and systematic discrimination when the lives and careers of many Asian American scientists have been seriously damaged and the threats to open science and the future of American leadership are materializing.

Placing responsibility solely on researchers is misguided when federal agencies are direct contributors to the present situation. We believe that without addressing the root causes of this national disease, treatment of some of the symptoms will have limited effectiveness, if not compounding the problems further.

We respectfully request OSTP to take a holistic approach to balance research security, open science, and protection of civil rights and civil liberties of Asian Americans and immigrant communities by honestly addressing the existing conditions and the core systemic causes and upholding the fundamental values of America's scientific leadership.

In summary, we urge OSTP to

- Harmonize disclosure policy across funding agencies to minimize the confusion to researchers.
- Set the requirement of disclosure at a reasonable level to avoid overly burden on the researcher.
- Leave the oversight and enforcement functions of the universities to funding agencies, not law enforcement. The universities and research institutions do not have the resource and appropriate level of authority to adopt and implement the principles and best practices of evidence-based policymaking. The Department of Justice does not have the knowledge and expertise to make judgment on leading-edge science and technology research and the complexity of international collaboration.
- Support the call to end the "China Initiative" to remove the oversight and enforcement roles and responsibilities from the Department of Justice.
- Lead an independent review of the ongoing investigations and practices by federal agencies to repair the damage that the "China Initiative" has done.

Advancing Justice | AAJC and Asian American Scholars Forum have also submitted their comments to OSTP:

- 2021/11/09 Asian American Scholar Forum: [AASF Letter to Dr. Eric Lander](#)
- 2021/11/08 Advancing Justice | AAJC: [Comment to the White House Office of Science and Technology Policy Raising Concerns of Profiling and Criminalization of Asian Americans and Asian Immigrants](#)

Read more at <https://bit.ly/3mhoPcs>

ACLU and Cooley LLP Join Sherry Chen's Lawsuit

On November 9, 2021, the American Civil Liberties Union (ACLU) announced in [a statement](#) that ACLU and Cooley LLP have joined Sherry Chen's lawsuit challenging discriminatory investigation and malicious prosecution by a rogue security unit of the Department of Commerce.

According to the announcement, [Sherry Chen](#), a Chinese American scientist with the National Weather Service, filed [an administrative complaint](#) against the Departments of Commerce and Justice stemming from abuses by the [Commerce Department's internal security unit](#). This unit, known as the Investigations and Threat Management Service (ITMS), unlawfully investigated and arrested Ms. Chen as part of a broad pattern of discrimination directed at Chinese Americans. The Commerce Department recently announced that it will disband ITMS, following [a Senate report](#) detailing how the unit had evolved into a “rogue, unaccountable police force” that operated outside the law and “opened frivolous investigations on a variety of employees without evidence suggesting wrongdoing.” Ms. Chen is represented by the American Civil Liberties Union, Cooley LLP, Michele Young, and Peter Toren.

On November 9, 2021, Axios published an exclusive on [ACLU joins Chinese American scientist's lawsuit against U.S.](#) According to the report, hydrologist Sherry Chen's ordeal has spanned three presidential administrations and is adding to growing concerns about U.S. government profiling of Chinese American scientists. Sherry Chen's case is part of a larger problem that spans decades.

- During the Cold War, the FBI surveilled Chinese students and scientists, and the U.S. deported a talented U.S.-trained scientist named Qian Xuesen who later helped China launch its space program.
- In 1999, Taiwanese American scientist Wen Ho Lee was charged with passing information about U.S. nuclear weapons to China, but most charges were eventually dropped and he received a \$1.6 million settlement.
- More recently, the Department of Justice's China Initiative, launched in November 2018 to combat economic espionage, came under scrutiny when its first prosecution fell apart and a judge acquitted Anming Hu, a professor at the University of Tennessee at Knoxville, of all charges.

Ashley Gorski and Patrick Toomey, Senior Staff Attorneys, National Security Project at ACLU, have accepted our invitation to speak in the next APA Justice meeting on December 6, 2021.

ACLU Calls for End of Mass Surveillance on Americans

On October 26, 2021, The Hill published [an opinion](#) by Ashley Gorski and Patrick Toomey, senior staff attorney with the American Civil Liberties Union's National Security Project.

According to the opinion, in the weeks after 9/11, Congress rushed to pass the Patriot Act with little debate. The law gave the government authority to spy on Americans' communications, track their associations, and monitor their financial transactions. The Bush administration moved quickly and in secret to deploy spying programs far beyond those Congress had authorized. This warrantless surveillance violated legal limits imposed by Congress and bedrock constitutional rights. When the Obama administration took office years later, it allowed many of these spying programs to continue and grow. Congress and the courts had opportunities to impose meaningful restraints, but they frequently gave in to executive branch demands for greater spying powers. In 2008, for example, Congress enacted Section 702 of the Foreign Intelligence Surveillance Act, authorizing the warrantless surveillance of Americans' international communications — phone calls, emails, chats and web browsing.

Today, 20 years after President George W. Bush signed the Patriot Act into law, many of its provisions remain on the books and the surveillance state continues to expand. It's past time for that to change.

Read more: <https://bit.ly/3q0Wr0a>

In 2017, APA Justice launched a website [APA FISA Watch](#) as a resource for organizations and individuals concerned about the misuse and abuse of the Foreign Intelligence Surveillance Act (FISA) and its amendments on innocent U.S. persons, particularly Asian Americans who have been victimized. It includes legislative background, action guides, and development reports leading up to the reauthorization of FISA.

Section 5712 of the FY20 National Defense Authorization Act (NDAA) (pages 989-990 <https://bit.ly/3eVEHqY>) mandated the Director of National Intelligence, acting through the Office of Civil Liberties, Privacy, and Transparency, to submit a report to the congressional intelligence committees containing (1) a review of how the policies, procedures, and practices of the intelligence community that govern the intelligence activities and operations targeting the People's Republic of China affect policies, procedures, and practices relating to the privacy and civil liberties of Americans of Chinese descent who may be targets of espionage and influence operations by China; and (2) recommendations to ensure that the privacy and civil liberties of Americans of Chinese descent are sufficiently protected. An unclassified version of this report has been overdue for 17 months since June 2020. APA Justice is actively seeking the release of this long overdue report that should include the impact of government's mass surveillance activities on Asian Americans.

2021/11/01 APA Justice Monthly Meeting Summary Posted

The November 1, 2021 meeting summary has been posted at <https://bit.ly/3kxkqxP>. We thank all of the superb speakers in the meeting - Nisha Ramachandran, Phil Lomonaco, Anita Levy, Peter Michelson, Kai Li, Mark Elsesser, Ron Yang, Peter Zeidenberg, and Gisela Kusakawa (in order of their speaking role).

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