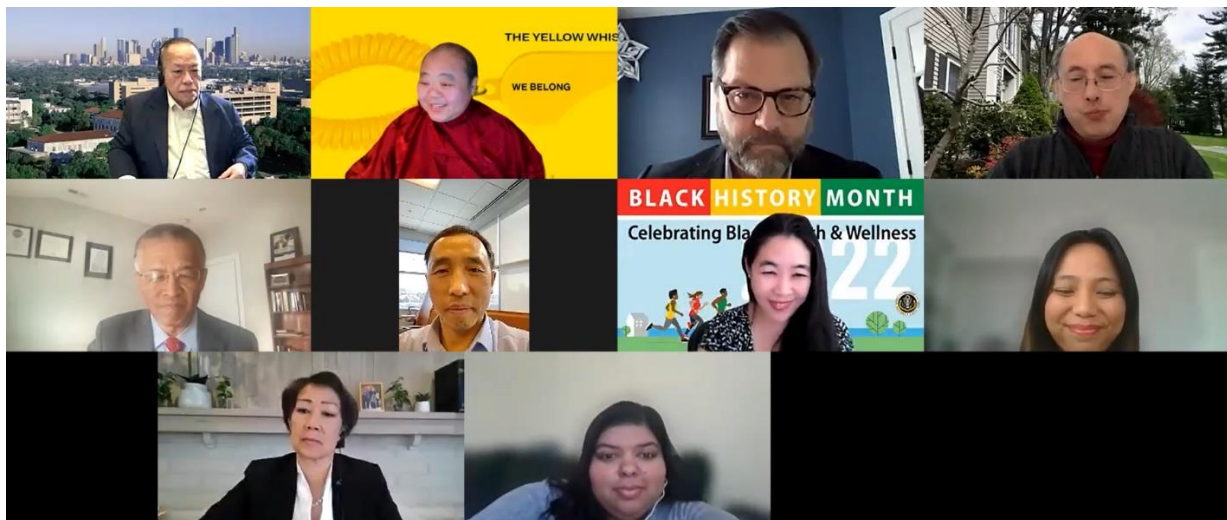


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2022/02/07 APA Justice Monthly Meeting Video Posted



With permission by the speakers, the February 7, 2022, meeting video (1:26:07) have been posted at <https://bit.ly/3Jo0U3v>. We thank these special speakers who helped us kick off the New Year of Water Tiger (in speaking order):

- Erika Moritsugu, Deputy Assistant to the President & Asian American and Pacific Islander Senior Liaison, The White House
- Nisha Ramachandran, Executive Director, Congressional Asian Pacific American Caucus
- Robert Fisher, Defense Attorney for Professor Gang Chen, Nixon Peabody LLP
- Gang Chen, Professor, Massachusetts Institute of Technology
- Stefan Maier, RWTH Aachen University, Germany
- Zhigang Suo, Professor, Harvard University

- Carol Lam, Former U.S. Attorney
- Gisela Kusakawa, Staff Attorney, Advancing Justice | AAJC

A draft meeting summary is being reviewed by the speakers before it will be posted. The APA Justice monthly meetings are by invitation only. If you wish to join future meetings, please send a message to contact@apajustice.org. The next monthly meeting is scheduled for Monday, March 7, 2022.

MIT Professor Gang Chen Shares His Experience/Lessons Learned; Seeks Accountability

MIT Professor Gang Chen Reflecting On The China Initiative Case Against Him

Dr. Gang Chen, MIT Professor

Arrested under The China Initiative on 1/14/2021

All Charges Dismissed by Department of Justice on 1/20/2022

APA Justice Meeting on February 7, 2022

APA Justice
Service Justice Fairness

Video: <https://bit.ly/3rMZd9V> (12:47)

During the February 7, 2022, APA Justice monthly meeting, Massachusetts Institute of Technology (MIT) Professor Gang Chen shared his experience and lessons learned from the past two years in a high-profile "China Initiative" prosecution by the government against him that ended in dismissal on January 20, 2022. He seeks accountability for those responsible.

Professor Chen's traumatic experience began in January 2020 when he went through the airport with his family. He was detained and interrogated for three hours. The authorities took all his electronics away. After reporting the incident to MIT, the institution hired a lawyer for him and paid his legal fees which it continues to do now. MIT also hired external lawyers to look into the details and did not find any wrongdoing. Professor Chen is the ninth known academic to be dismissed or acquitted under the "China Initiative," but MIT is the only university known to

protect its innocent faculty member.

Despite the lack of evidence, Professor Chen was arrested on January 14, 2021. Professor Chen and his family had a very difficult year. Everything from the indictment to the search affidavits and the criminal complaint were full of misconduct, including seven identified patterns with examples in the rushed prosecution:

1. The use of altered facts as evidence of crime
2. The interpretation of normal scientific activity as crime
3. The use of emails that Professor Chen did not reply as evidence of crime
4. Even when Professor Chen took the right action, it was portrayed as hiding something
5. The prosecutors rushed their case but did not yet even interview critical witnesses after one year of investigation
6. The government deliberately hid exculpatory evidence
7. Despite knowing that they made mistakes, the government did not apologize and instead tried to save face by offering unacceptable agreement

Professor Chen actually hoped the judge would hold hearings, but that did not happen. Thus, he respectfully asks Congress to conduct an objective investigation on all the misconduct.

Professor Chen also offered five lessons from his experience:

1. We are all losers through this experience because the US lost and is losing talent
2. Universities need to protect their faculty
3. Funding agencies need to educate managers and defend researchers
4. For vulnerable people like us, we need to learn our rights
5. We need to speak up

When it comes to the toll on him, his family, and his research career, Professor Chen could not easily describe it in words. He concluded by quoting Martin Luther King Jr, "**injustice anywhere is a threat to justice everywhere.**"

Watch Professor Chen's talk: <https://bit.ly/3rMZd9V> (12:47)

Based on mounting failed cases, Foreign Policy published "[How the China Initiative Went Wrong - A key anti-espionage effort is mired in accusations of racism and overzealous prosecutions](#)" on February 13, 2022. The New York Times [has reported](#) earlier that the Justice Department is considering retiring the name "China Initiative" and reabsorbing its work into the caseload of the national security division. The statement's wording is telling: While the name "China Initiative" may disappear, much of the work that underpins it will go on. Nevertheless, the government's inability to convict Gang is still a setback for what was a major component of the Trump administration's policy on China. It's a failure likely to have repercussions beyond the lives of the scientists who were directly implicated.

Events and Activities - Webinars; Take Action to End The "China Initiative" and Balance Research Security

Asian American Academy of Science and Engineering

AAASE

Inaugural Distinguished Lecture

The Contributions of Asian Americans in U.S. Science and Engineering

Speaker
Professor Steven Chu
 • Stanford University
 • Nobel Laureate
 • 12th U.S. Secretary of Energy

Moderator
Dr. Ajay Mehta
 • Vice President of Engineering Technology
 • Shell

- What's our role in Science and Engineering in the U.S. and the world?
- What have we contributed and achieved?
- What challenges are we facing? What's the road ahead?

AAASE Website: www.aaase.org

02/25/22
 Friday
 8:30 PM ET

To Register
 Press or Scan
 the QR Code

AAASE Inaugural Distinguished Lecture

The Contributions of Asian Americans in U.S. Science and Engineering

Professor Steven Chu

Stanford University

Nobel Laureate of Physics and the 12th U.S. Secretary of Energy

Time: 8:30-9:30 PM EST

Date: February 25, 2022 (Friday)

[Zoom registration](#)

[Lecture Details](#)

co-sponsors



AAASE Inaugural Distinguished Lecture. On February 25, 2022, the Asian American Academy of Science and Engineering (AAASE) will kick off its Inaugural Distinguished Lecture titled "**The Contributions of Asian Americans in U.S. Science and Engineering.**" The featured speaker is Steven Chu, Professor at Stanford University, Nobel Laureate, and Former Secretary of Energy. Dr. Ajay Mehta will serve as the moderator. APA Justice is a co-sponsor of the event. Read more about the event: <https://bit.ly/3Bh3eGu>. Register to attend the event: <https://bit.ly/34Q5VCU>

University of Chicago Physics Colloquium. On February 10, 2022, Temple University Professor Xiaoxing Xi gave a presentation and answered questions on "**Challenges Facing Academics of Chinese Descent and Those Who Collaborate with Scientists in China.**" Read the description of the event and watch the video (1:11:09): <https://bit.ly/3GLepZn>

Days Since "China Initiative" was launched

1200
 DAYS

ClickCounter Count Up Plugin

Status Update - As of 02/12/2022

Endorsers of Stanford Letter

Stanford University: **177**
 University of California Berkeley: **214**
 Temple University: **167**
 Princeton University: **198**
 University of Michigan: **430**
 Southern Illinois University Faculty Senate: **53**
 Yale University: **192**
 University of California Irvine: **92**
 University of Pennsylvania: **168***
 APA Justice nationwide campaign: **1,202**

Total: **2,893**
 * Updated on 2022/02/12

Take Action on Research Security!

Below is a letter prepared by APS, which you can read in full by scrolling down, that you can send to Congress sharing your concerns about our federal government's current approach to research security.

After reading the letter, you'll be able to personalize the message by clicking "Get Started".

LETTER CONTENT (scroll down to see more):


My name is [[advFirst]] [[advLast]], and I live in [[advCity]]. As your constituent and a member of the scientific community, I am writing to share with you my concerns about our federal government's current approach to research security.

GET STARTED

University of Pennsylvania (Penn). On February 11, 2022, The Daily Pennsylvanian published "[Over 150 Penn faculty rebuke U.S. government for racial profiling of Chinese academics.](#)" The number of Penn faculty members have signed onto [an open letter to Attorney General Merrick Garland](#) has now reached 168. It has been 1,200 days since the launch of the "China Initiative." Close to 2,900 faculty members have written to AG Garland to call for the end of the "China Initiative." Qualified academics can also join here: <https://bit.ly/EndorseStanfordLetter>

American Physical Society (APS). APS has set up an online form for you to contact your legislators and express your concerns about the US federal government's current approach to research security. Let them know that we must balance the need for collaboration essential to progress with concerns about foreign competition. You can write to your legislators here: <https://bit.ly/3rMrSMa>

International Human Rights Network of Academies and Scholarly Societies (IHRN) Statement on US Profiling and "China Initiative"



INTERNATIONAL HUMAN RIGHTS NETWORK
of Academies & Scholarly Societies

EXECUTIVE COMMITTEE

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United States of America

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United States of America

Abdallah S. Daar
Oman/Canada

February 9, 2022

The International Human Rights Network of Academies and Scholarly Societies (IHRN) is an alliance of more than 90 national honorary scientific societies that defends the rights of fellow scientists, scholars, and health professionals worldwide. We, the members of the IHRN Executive Committee, are alarmed by a series of worrying criminal cases brought against researchers of Asian descent in the United States, who have been portrayed by the U.S. government as threats to national security. In numerous cases during the past several years,

On February 9, 2022, The Executive Committee of IHRN issued a statement expressing alarm "by a series of worrying criminal cases brought against researchers of Asian descent in the United States, who have been portrayed by the U.S. government as threats to national security." The statement said, "in numerous cases during the past several years, U.S. prosecutors have instituted criminal proceedings against researchers of Asian heritage based on alleged economic espionage or failure to disclose information about their affiliations in China, only to see these cases collapse once the facts have emerged. These cases have fueled widespread concern within the U.S. research community that prosecutors are rushing to judgment about individuals based on their ancestry, in violation of the most fundamental principles of human rights."

Many of these failed cases have garnered significant international attention, including that of Dr. Xiaoxing Xi and Sherry Chen in 2015. Under the U.S. Government's "China Initiative," introduced in 2018, such disturbing cases have continued, including Drs. Anming Hu and Gang Chen.

"Although the above-mentioned criminal cases were ultimately unsuccessful, they have had devastating reputational, financial, and professional consequences for the researchers involved. We share the concerns of our colleagues within the U.S. research community about overzealous targeting and profiling of researchers of Asian descent by U.S. prosecutors and support their calls for a full, independent investigation into this matter by the U.S. government, with accountability for demonstrated abuses," the statement said.

IHRN is an alliance of more than 90 national honorary scientific societies that defends the rights of fellow scientists, scholars, and health professionals worldwide. IHRN founding members include Pieter van Dijk and Nobel laureates François Jacob, Max Perutz, and Torsten Wiesel. Read more: <https://bit.ly/33duE3A>

ODNI Accountability - Government's Secret Mass Surveillance of Americans and Targeting of Scientists of Asian Descent

On February 10, 2022, the CIA released two reports concerning its intelligence activities conducted pursuant to [Executive Order 12333](#), which was issued under the Reagan administration. According to [a statement by Demand Progress](#), the declassified documents revealed the CIA has been operating a bulk surveillance program for years, acquiring troves of an unknown type of information about Americans, relying in part on "the President's inherent constitutional authority to collect foreign intelligence." The released documents relate to two "Deep Dive" reports by [the Privacy and Civil Liberties Oversight Board](#) (PCLOB).

[In a press release](#), Senators Ron Wyden and Martin Heinrich, both members of the Senate Intelligence Committee who requested the release of the CIA reports, call for critically needed transparency about CIA bulk collection. "FISA [[Foreign Intelligence Surveillance Act](#)] gets all the attention because of the periodic congressional reauthorizations and the release of DOJ [Department of Justice], ODNI [Office of Director of National Intelligence] and FISA Court documents, but what these documents demonstrate is that many of the same concerns that Americans have about their privacy and civil liberties also apply to how the CIA collects and handles information under executive order and outside the FISA law." In particular, these documents reveal serious problems associated with warrantless backdoor searches of Americans, the same issue that has generated bipartisan concern in the FISA context. In a [letter to the ODNI and CIA directors](#) on April 13, 2021, the senators wrote, "**[CIA's warrantless collection of Americans' records] has done so entirely outside the statutory framework that Congress and the public believe govern this collection, and without any**

judicial, congressional or even executive branch oversight that comes with FISA collection"

[The Cato Institute](#) opined that **Senators Wyden and Heinrich could have sought a vote to make the PCLOB report public on their own.** "Perhaps they did in secret session and were defeated. If that's the case, they should've revealed that their colleagues were keeping the American public in the dark about a potentially problematic CIA financial records snooping operation. If they made no such effort, **their approach to Haines is even more problematic, as it legitimizes the precedent set by CIA in this case—that it** (and by extension, perhaps every other IC [intelligence community] agency) **has the power to veto the release of PCLOB reports** that are critical of its programs and activities," the blog said. "As for House and Senate members on the respective Intelligence Committees, **we need less 'oversight by press release' and more hammer-dropping on IC elements that engage in activities that clearly threaten the constitutional rights of Americans.**" The Cato Institute initiated a [Freedom of Information Act \(FOIA\) lawsuit](#) to force into the open, among other things, any PCLOB reports on IC activities undertaken pursuant to Executive Order 12333. The lawsuit is ongoing.

The [American Civil Liberties Union \(ACLU\)](#) is part of the legal team representing Temple University Professor Xiaoxing Xi, whose 2017 lawsuit challenges the FBI's baseless arrest of Xi and its surveillance methods as well as its discriminatory targeting of Chinese-American scientists. The government spied on Xi using orders issued under FISA, which is intended for spying on foreign agents. As the complaint alleges, he was also spied on without any individualized court order under Section 702 of FISA and Executive Order 12333, both of which are used by the government to conduct warrantless surveillance of international communications, including those of Americans. The government has reportedly engaged in extensive warrantless surveillance of universities and scientific research centers in China. It has siphoned communications off servers, computers, and major internet networks that connect many of China's most prestigious academic institutions. Both the NSA [National Security Agency] and FBI routinely store the emails and phone calls they intercept in government databases for years, where they can be later searched by analysts and agents who are investigating Americans. FBI agents conduct so-called "backdoor searches" on Americans so often that the government has referred to one of these massive databases as the "FBI's Google."

In January 2022, the [Wall Street Journal](#) and [IntelNews](#) reported that Avril Haines, Director of ODNI, has said in a letter sent to Senators Ron Wyden and Jerry Moran that the nation's system of classification is flawed and undermines its national security. The letter was in response to a formal query made by the two senators concerning the mounting backlog of classified information that is currently awaiting declassification on historical or 'right-to-know' legal processes. The latter require government agencies to release information to the public domain. Haines opined that "**deficiencies in the current classification system undermine our national security, as well as critical democratic objectives, by impeding our ability to share information in a timely manner**". This affects the work of policy makers, the public's perception of the American system of government, and the nation's ability to share critical information with its allies, said Haines. Ongoing efforts to limit the "exponential growth" of classified information in government vaults "are simply not sufficient". This is "a fundamentally important issue that we must address", said Haines.

According to [an ongoing investigation](#) led by Senator Roger Wicker, Ranking Member of the Senate Commerce, Science, and Transportation Committee, a rogue investigative unit of the Department of Commerce (DOC) that had targeted DOC Asian American employees for more than a decade used overclassification of documents to protect itself from outside scrutiny.

ODNI is more than 18 months late in producing **an unclassified report** to the Senate and House Intelligence Committees that is mandated by Section 5712 of the FY20 National Defense Authorization Act (NDAA) (pages 989-990 <https://bit.ly/3eVEHgY>). The report requires (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.

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