

In This Issue #157

- **Breaking News:** Rep. Ted Lieu Elected Vice Chair of Democratic Caucus in Congress
- **Urgent:** Sign-on Letter to Oppose Portman Amendment to FY23 NDAA
- Government Drops Appeal in Professor Franklin Tao's 陶丰 Case
- November 14-15 NASEM Workshop
- Watch Dr. Rebecca Keiser's Talk in Video
- Appreciation for Congressional Support to Xiafen "Sherry" Chen 陈霞芬

Breaking News: Rep. Ted Lieu Elected Vice Chair of Democratic Caucus in Congress



On November 30, 2022, House Democrats elected Rep. **Ted Lieu** (D-Calif.) to serve as vice chair of the caucus, solidifying his place as the No. 5 House Democrat and the highest-ranking Asian American in Congress. Lieu is a graduate of Stanford University and Georgetown University Law Center. Born in Taiwan, he immigrated to America at the age of 3. He serves as a colonel in the United States Air Force Reserve Command and represents the 33rd congressional district of California.

Urgent: Sign-on Letter to Oppose Portman Amendment to FY23 NDAA



[Senate Amendment 5810](#), also known as the Safeguarding American Innovation Act and introduced by retiring Ohio Senator **Robert Portman**, seeks to criminalize failures of disclosure and could potentially levy severe immigration penalties such as visa revocation and ineligibility. It has been proposed as an amendment to the National Defense Authorization Act (NDAA), which could be voted on in Congress as early as next week. It will have long-standing adverse impacts and ramifications for the broader Asian American and immigrant communities, particularly those of Chinese descent. A coalition letter led by eight groups including APA Justice has been prepared for the Senate and House leaders to oppose Senate Amendment 5810. Concerned organizations may sign on to this letter at <http://bit.ly/3iolzep> before 6 pm EST, December 2, 2022. We apologize for the short notice.

If you have questions, please reach out to **Gisela Perez Kusakawa**, Executive Director at Asian American Scholar Forum at gpkusakawa@asforum.org and/or **Dennis Jing**, Staff Attorney of the Anti-Profilng, Civil Rights, and National Security program at Asian Americans Advancing Justice | AAJC at djing@advancingjustice-aaic.org.

Sign on to the coalition letter: <http://bit.ly/3iolzep>.

Government Drops Appeal in Professor Franklin Tao's 陶丰 Case



University of Kansas Professor **Feng "Franklin" Tao** 陶丰 was the first academic to be indicted under the now-defunct "China Initiative" on August 21, 2019. There were two superseding indictments in January and June 2020. According to [court records](#), he faced 7 charges of wire fraud and 3 charges of making false statement. One charge of wire fraud and one charge of false statement were [dismissed](#) in February 2022.

Professor Tao went to trial in March 2022. After a two-week trial that ended on April 7, a jury for the US district court for Kansas found him not guilty on four of the charges but found Tao guilty on three counts of wire fraud and one count of false statement. US district judge **Julie Robinson**, however, requested a briefing on the government's evidence and did not set a sentencing date.

On September 20, 2022, Judge Robinson [reversed](#) three of the four wire fraud convictions handed down by the jury. However, on October 19, 2022, the Department of Justice (DOJ) filed an appeal, seeking to have the guilty verdicts reinstated.

On November 28, 2022, the DOJ filed a motion seeking the dismissal of its appeal. That same day, the U.S. Court of Appeals for the Tenth Circuit granted the government's unopposed motion for voluntary dismissal and dismissed the appeal.

Professor Tao is currently on unpaid administrative leave from the University of Kansas. The current lone conviction of Professor Tao alleges that he made a false statement on a University of Kansas conflict of interest form.

Read more about the case of Professor Tao: <https://bit.ly/3fZWJvK>

November 14-15 NASEM Workshop



The screenshot shows a news article from Science Business. The title is "Many US scientists say security measures against China and others go too far". The date is "22 Nov 2022 | News". The sub-headline reads: "‘We are overreacting’ to the risk of IP or security leaks at universities, warns ex-US energy secretary. Confusing signals from Washington endanger science, say academic leaders". The author is "By Richard L. Hudson". Below the text is a photograph of Ernest Moniz, a man with grey hair and glasses, wearing a suit and tie, speaking at a microphone. To the right of the photo are social media sharing icons for Twitter, Facebook, Email, and Print. Below the photo is a caption: "Ernest Moniz, a former MIT administrator and US energy secretary, says the US' overreaction to China's threat is having negative consequences for science and research. Photo: SenateEnergy / Flickr".

On November 14-15, 2022, The National Academies of Sciences, Engineering, and Medicine (NASEM) convened a 2-day workshop on "Openness, International Engagement, and the Federally Funded Science & Technology Research Enterprise." The workshop reportedly covered six sessions:

1. Overview and Framing
2. International STEM Talent and U.S. Research Competitiveness
3. International Collaborations: Benefits and Challenges
4. Practical Considerations and Risks/Benefits of Alternative Approaches
5. Community Buy-in and Managing Cyber Risks
6. Fostering Cooperation Among the Scientific Research, National Security, and Law Enforcement Communities

The [workshop web page](#) also includes these meeting materials

- Agenda
- Draft Open Session Summary - June 29 Open Session, National Science, Technology, and Security Roundtable
- Planning Committee Member Biographies
- Speaker Biographies

According to a *Science Business* report titled "[Many US scientists say security measures against China and others go too far](#)" on November 22, 2022, the workshop highlighted what is emerging as a top policy worry of the American scientific enterprise: that a continuing government effort to prevent key US science or tech secrets from leaking to rival countries – especially China – will damage the science system itself. That system, researchers say, has long depended on sharing research results openly, and welcoming foreign students and researchers to US campuses.

A tightening of US security procedures for science, which began in the Trump administration but still continue today, risks disrupting the open nature of science, said **Tobin Smith**, senior vice president of the Association of American Universities. Speaking at the workshop, he said, "I caution against going too far [on security]. Our very job at universities is to disseminate knowledge."

Likewise, **Ernest Moniz**, a former MIT administrator and US energy secretary, warned, "We are overreacting" on security. In the case of China relations, the US has already "taken a number of missteps, or at least questionable steps", including prosecuting some researchers on charges of hiding ties to Chinese institutions. Instead, Moniz urged the US and China to take "opportunities to build greater collaboration across a number of fronts."

After years of encouraging international collaboration, Washington under former President **Donald Trump** launched a "China Initiative" to stop what it called intellectual property theft by Chinese-born scientists working in US universities. After some courtroom embarrassments, the Justice Department scrapped the programme earlier this year.

But this month, even as hopes of a possible thawing in US-China relations rose after a meeting of US President **Joe Biden** and China's **Xi Jinping**, the US government is still busy blocking

Chinese access to US semiconductor technology; the National Science Foundation is developing a new centre for security risks; and the national security agencies [published a toolkit](#) to “protect research, technology, and personnel from theft, abuse, misuse, or exploitation.” Meanwhile, various US government agencies have been adding extra conditions to grant contracts requiring tighter controls, broadening the definitions of what scientific work is classified and expanding the use of a grey category of “unclassified controlled” research. That is “pretty close to an oxymoron,” Moniz joked.

Researchers abroad complain about the change in US security attitudes. **Patricia McBride**, an American physicist currently working at the CERN particle accelerator near Geneva, said that among colleagues “there is a growing perception the US is not very welcoming to collaboration.”

And in Washington, a very public split has emerged between what different parts of the government think should happen. On one hand, the White House and State Department have been moving to promote science cooperation with allies, and advocate for the “soft power” of science diplomacy. But law enforcement and security services haven’t been endorsing that: this summer Federal Bureau of Investigation director **Christopher Wray** said, “The greatest long-term threat to our nation’s information and intellectual property, and to our economic vitality, is the counterintelligence and economic espionage threat from China.”

The conflicting signals from Washington has many academics fuming. [A report](#) last week from MIT, where the Justice Department recently dropped its charges against Professor **Gang Chen** said, “The absence of clear, coherent, consistent federal policy guidance regarding research and education interactions with China is disrupting academic decision-making and has harmed the US scientific enterprise.” The report, co-chaired by associate provost **Richard Lester**, warned of pressures in both countries “to erect higher barriers” to research collaboration, and spelled out several measures MIT will take to enhance security without sacrificing scientific openness.

Some researchers argue that the solution is to stick to a policy laid down in 1985 by then-President **Ronald Reagan**, at the height of the Cold War. His [National Security Decision Directive 189](#) said, “To the maximum extent possible, the products of fundamental research remain unrestricted,” and “where the national security requires control, the mechanism for control [...] is classification.”

The real problem, many feel, is politics. Distrusting China is a rare policy area on which both Republicans and Democrats in Congress agree, so any suggestion to tighten security against China can get written into law – and that has knock-on effects on scientific relations with other countries.

Read the full *Science Business* report: <http://bit.ly/3EUbezF>

Watch Dr. Rebecca Keiser's Talk in Video



Latest on NSPM-33 and More, Dr Rebecca Keiser of NSF at the APA Justice Monthly Meeting, 11/7/2022

Dr. **Rebecca Keiser** of the National Science Foundation and the White House Office of Science and Technology Policy provided an insightful report and discussion on the implementation of National Security Presidential Memorandum (NSPM) 33, the CHIPS and Science Act, and related issues in the November 7 APA Justice monthly meeting. Video of her talk is now online for public viewing. She stayed on for a Q&A session, which covered the "China Initiative" and the roles of law enforcement, State Department, other federal agencies, and universities going forward.

Rebecca covered the opposition to criminalize nondisclosure in proposals (Portman Amendment), the fundamental principle of "we shall pursue research security efforts without prejudice and xenophobia," use of Big Data to better understand the scale and scope of issues caused by foreign government interference in research, National Security Decision Directive (NSDD) 189, and a public experts meeting (November 14-15 NASEM Workshop) exploring the potential classification of research and the U.S. needs to attract international talent in more detail, as well as a more precise and less harmful approach to research security, among other topics.

Watch Dr. Keiser's talk: <https://www.youtube.com/watch?v=7e0VAEdVdV0> (video 27:28)

Read the November 7 meeting summary: <http://bit.ly/3U9EYhp>. Read past monthly meeting summaries: <https://bit.ly/3kxkqxP>.

Appreciation for Congressional Support to Xiafen "Sherry"

Chen 陈霞芬



Since the first Capitol Hill press conference on May 21, 2015, the [Congressional Asian Pacific American Caucus \(CAPAC\)](#) support for **Sherry Chen 陈霞芬** has been solid and unwavering under the past and current leadership of Reps. **Judy Chu** (Chair), **Grace Meng** (First Vice Chair), **Mark Takano** (Second Vice Chair), and **Ted Lieu** (Whip).

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Dear Friend and Colleagues,

On behalf of myself, Terry Lierman, Dr. Jeremy Wu, Dr. Steven Pei, and the APA Justice team, I would like to express our heartfelt thanks for your support and being a signatory to our alliance's letter which helped propel forward a Congressional Roundtable on the Ethical and Racial Profiling of Chinese American Scientists, led and conducted by US Representative Jamie Raskin, Chair of the House Subcommittee on Civil Rights and Civil Liberties and Representative Judy Chu, Chair of the Congressional Asian Pacific American Caucus. You can attend this timely and important roundtable entitled "Researching While Chinese American: Ethnic Profiling, Chinese American Scientists and a New American Brain Drain" on Wednesday, June 30, 2021 at 3:30 pm ET and livestreamed on YouTube.

We strongly encourage you to not only watch this Congressional Proceeding, but also to share this link and information with others (see announcement on next page). The witnesses and Members of Congress will share light on the enormous devastation this unconscionable profiling has inflicted on the reputation, careers, and lives of many patriotic and talented scientists and the considerable damage to America's ability to advance scientific and medical breakthroughs, especially during this current pandemic. The roundtable will also discuss recommendations to address discriminatory actions and consider measures to ensure transparency and accountability. Again, we are grateful to you for joining this dialogue and the engaged participation of the entire wide-ranging coalition effort that initiated, and will enhance the potential outcomes from this Congressional Roundtable.

Kind regards,
 Senator Susan C. Lee
 Senate Majority Whip
 Maryland State Senator

Researching while Chinese American
 Watch later Share

DEMOCRATIC MEMBER ROUNDTABLE

Researching while Chinese American:
 Ethnic Profiling, Chinese American Scientists and a New American Brain Drain.

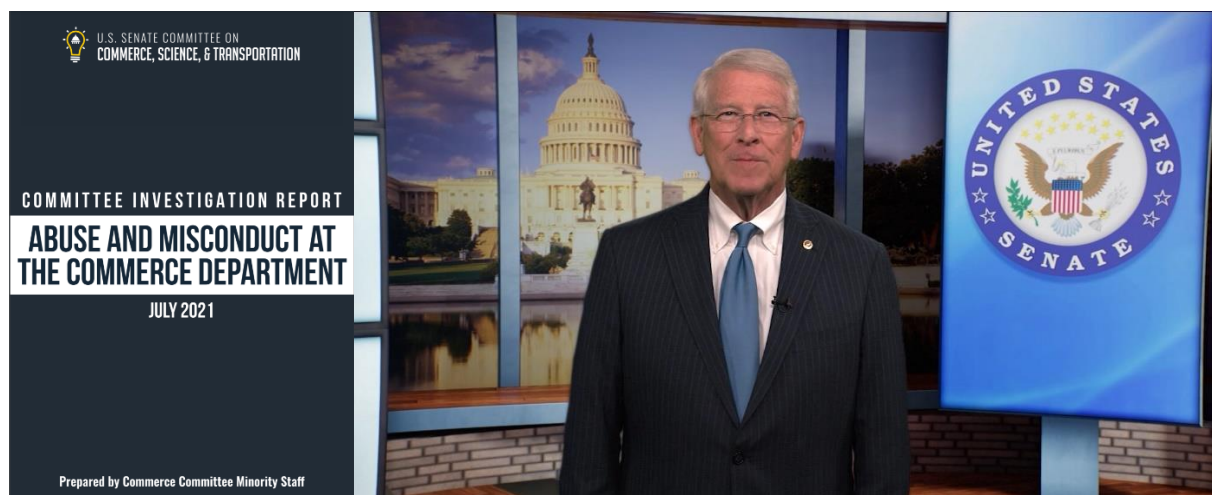
Watch on YouTube

Wednesday, June 30, 2021
 3:30 PM

On February 1, 2021, an alliance of prominent scientific and civil rights leaders and organizations nationwide representing thousands of individuals, spearheaded by Maryland State Senator **Susan Lee** and the Institute of Human Virology at the University of Maryland Co-Chair **Terry Lierman**, signed [a letter](#) titled "**The Human and Scientific Costs of Racial Profiling Must be Heard**" requesting that US Representative Jamie Raskin (D-MD), Chair of the House Subcommittee on Civil Rights and Civil Liberties, conduct an oversight hearing to address the profiling of scientists and scholars of Chinese or Asian descent based on the misguided perception that simply being of Chinese or Asian descent or having ties to China make them prone to espionage.

On June 30, 2021, Representative **Jamie Raskin** and Representative **Judy Chu**, Chair of

CAPAC, held a live Democratic Member Roundtable titled “**Researching while Chinese American: Ethnic Profiling, Chinese American Scientists and a New American Brain Drain.**” **Sherry Chen**, former Secretary of Energy **Steven Chu**, Vice Chancellor for Research at the University of California Berkeley **Randy Katz**, and Temple University Professor **Xiaoxing Xi** testified. Other Congressional members included **Eleanor Holmes**, **Ted Lieu**, **Mark Takano**, and **Rashida Tlaib**. Watch the video of the Roundtable which has been viewed more than 14,000 times: <https://bit.ly/3xTy2u3> (1:42:15)

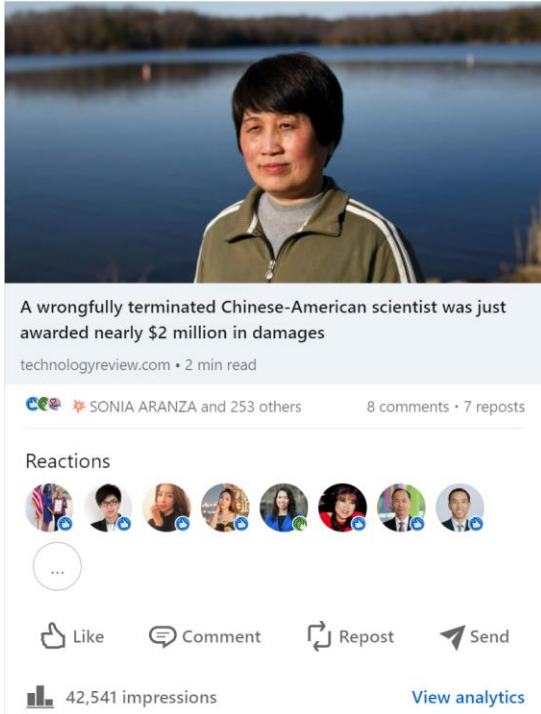


On May 24, 2021, U.S. Senator **Roger Wicker** (R-MS), ranking member of the Senate Committee on Commerce, Science, and Transportation (Committee), released [a press statement](#) and [a fact sheet](#) as a precursor to a Committee report detailing misconduct in the Investigations and Threat Management Service (ITMS) at the Department of Commerce (DOC). They were released shortly after [the Washington Post published a blockbuster article](#) about a whole range of misconduct by ITMS, which included the targeting of DOC Asian American employees.

On July 13, 2021, the minority staff of the Committee released a [37-page investigative report](#), "Abuse and Misconduct at The Commerce Department."

On September 3, 2021, DOC [announced](#) the abolishment of the rogue ITMS in addition to other purported corrective actions.

On March 7, 2022, Senator Wicker provided an update on his continuing investigation of abuse and misconduct DOC via recorded video in the APA Justice monthly meeting. **"You are familiar with the story of Sherry Chen. She was wrongfully targeted and had her life upended by charges stemming from ITMS. Unfortunately, she is not alone. There have been others like her. Lives and careers have been ruined without just cause,"** said Senator Wicker. Watch Senator Wicker's video: <https://www.youtube.com/watch?v=EbJ5g0ss3vA> (2:53)



This LinkedIn post of [MIT Technology Review report](#) on Sherry Chen and her historic settlement has received over 42,000 impressions/views so far: <http://bit.ly/3GZCOxQ>

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