In This Issue #159

- 2023/01/09 APA Justice Monthly Meeting
- Purdue University Northwest Chancellor Thomas Keon Under Fire
- Update on the Case of Professor Feng "Franklin" Tao 陶丰
- Asian Researchers Face Disparity With National Science Foundation
- Asian American and Academic Community News and Activities

01/09/2023 APA Justice Monthly Meeting

The next APA Justice monthly meeting will be held on Monday, January 9, 2023.

- **Rep. Judy Chu 赵美心**, Chair of Congressional Asian Pacific American Caucus (CAPAC), to review 2022 and look to what is ahead in 2023
- **Sherry Chen 陈霞芬**, Hydrologist, U.S. Department of Commerce, to remark on her historic settlement and justice
- **Haipei Shue 薛海培**, President, United Chinese Americans, and **Vincent Wang 王文奎**, Co-organizer, APA Justice; Chair, Ohio Chinese American, to recap Justice for Sherry Chen Congressional Reception and more
- **Patrick Toomey**, Deputy Director, and **Ashley Gorski**, Senior Staff Attorney, National Security Project, ACLU, look forward to 2023 after the historic settlement of Sherry Chen as the Top 4 ACLU accomplishment in 2022: the Third Circuit Court decision on Professor Xiaoxing Xi's case; questioning of Asian American scientists at the border; upcoming debate in Congress about whether to reauthorize Section 702 of the Foreign Intelligence Surveillance Act (FISA), which may increasingly sweep up people communicating with family, friends, and business contacts in China; and efforts to strengthen protections against profiling and discrimination by the Department of Justice (DOJ), the Federal Bureau of Investigations (FBI), and the Department of Homeland Security (DHS).
- **John Trasvina**, Civil Rights Attorney; Former Counsel, Senate Judiciary Subcommittee on the Constitution; Former Dean, University of San Francisco School of Law, to discuss the nomination for U.S. Attorney of Eastern District of Tennessee
- **John Yang 杨重远**, President and Executive Director, Advancing Justice | AAJC on the Anti-Profiling, Civil Rights & National Security Program and Related Activities

The virtual 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 monthly meeting summaries here: [https://bit.ly/3kxkqxP](https://bit.ly/3kxkqxP).
Purdue University Northwest Chancellor Thomas Keon Under Fire

On January 5, 2023, Inside Higher Ed published "Battling the Fallout of a Racist Comment." According to the report, Purdue Northwest (PNW) faculty members want Chancellor Thomas L. Keon to step down after a racist remark. Keon is clinging to his job despite a reprimand from the Board of Trustees. As pressure mounts both on and off campus, Keon is resisting calls for his resignation.

On December 14, Keon issued an apology. On December 16, the PNW chapter of the American Association of University Professors (AAUP) concludes in a press release that "the time has come for Chancellor Keon to resign, or else to be removed by the Purdue University Board of Trustees." On December 22, Purdue’s Board of Trustees announced that it had reprimanded Keon for his “offensive and insensitive” joke, which was “unbecoming of his role as chancellor, and unacceptable for an occasion that should be remembered solely for its celebratory and unifying atmosphere.”

The day before the reprimand, the PNW Faculty Senate passed a vote of no confidence in the chancellor and requested Keon's resignation.

“What he did was reprehensible, and no one who has done anything that offensive should ever be in a position to represent a university,” said Thomas Roach, PNW’s Faculty Senate chair. “And the Board of Trustees should know that, and they should have removed him immediately without us having to take that vote. The board is treating it as if he made this little mistake, and they don't want to damage his career because of one mistake. Well, that’s a pretty big mistake for the chancellor of the university.”

In addition to the faculty, some PNW student groups denounced Keon. Condemnations of the chancellor’s actions have also rolled in from outside groups, including the Asian American Scholars Forum, Asian Pacific Americans in Higher Education, Association for Asian American Studies, OCA, Japanese American Citizens League, National Asian Pacific American Women's Forum Indiana Chapter, Committee of 100, Friends of the Chinese American Museum, and
Asian American Alliance. On January 6, the Urban League asked Keon to resign from his post on its local affiliate's board.

On January 1, Mung Chiang 蔣濛, a Chinese American born in China, began his tenure as the 13th President of Purdue University. At age 47, he is the youngest president of an Association of American Universities (AAU) university. Observers and advocates are reportedly hoping Chiang will address the issue regarding the chancellor.

**Update on the Case of Professor Feng "Franklin" Tao 陶丰**

Kansas University (KU) Professor Franklin Tao was the first academic to be indicted under the now-defunct "China Initiative" in August 2019.

On January 18, 2023, Dr. Tao will be sentenced on a single count for false statements that he did not disclose his relationship with Fuzhou University (FZU) in China as a Chang Jiang Distinguished Professor. There was no evidence that Dr. Tao received any payment from FZU, but the disclosure was false because Dr. Tao had conflicts of time or interest, according to the government. As a result of the conviction of one count, Dr. Tao faces a sentencing guideline range of 0-6 months. Federal prosecutors want a sentence of 30 months in prison.

According to the Sentencing Memorandum, attorneys for Dr. Tao requested a sentence of time-served, concluding that:

"Dr. Tao not only has no criminal history; he has no prior arrests. There can be no serious suggestion that Dr. Tao is at risk to re-offend. Given that Dr. Tao has essentially been on probation for the past three and one-half years, required to wear an ankle-bracelet and unable to travel without Court permission; given the ruinous effect of this prosecution on his career, his life, and his family and his finances, a sentence of time-served is appropriate and justified. This conviction, alone, is enough, and is no 'slap on the wrist': the life that Dr. Tao knew prior to his arrest is over, forever. He was convicted of a felony—a label that he will be forced to wear for the rest of his life. He and his family have already endured great psychological trauma during the last three and one half years, with everlasting consequences for all of them. His family is on the brink of bankruptcy. No pecuniary harm resulted from Dr. Tao’s conduct. In the circumstances of this case, a sentence of time-served is sufficient to satisfy the statutory purposes of sentencing."

Professor Tao was originally charged with eight counts of wire fraud and two counts of false statements. After the government voluntarily dismissed one wire fraud and one false statement count before trial, the jury acquitted Professor Tao of three additional wire-fraud charges and one false statement charge. The Court subsequently granted Professor Tao’s Motion for Judgment of Acquittal and acquitted Dr. Tao on the three remaining wire fraud counts. The lone remaining count is false statements.

Read more about Dr. Tao’s case at [https://bit.ly/3fZWJvK](https://bit.ly/3fZWJvK)
Asian Researchers Face Disparity With National Science Foundation

On January 4, 2023, the New York Times reported on "Asian Researchers Face Disparity With Key U.S. Science Funding Source." According to the report, White researchers fared best in winning grants from the National Science Foundation (NSF) based on the findings of a paper published in November in the journal eLife. Asians encounter the highest rate of rejections, challenging an academic stereotype. The NSF is a federal agency that finances several billion dollars in grants each year to support a swath of basic science research in the United States, including biology, chemistry, computer science, geosciences, mathematics and physics. For university professors and others in academia, the NSF often provides the crucial financial lifeblood for a successful career.

From 1999 to 2019, the proportion of proposals that received funding fluctuated between 22 and 34 percent depending on the number of submissions and the available budget, which varies based on yearly congressional appropriations. In 2019, for example, NSF received 41,024 proposals and financed 27.4 percent of them. A typical grant lasts three years, and the average annual award amount that year, including both new awards and continuing awards, was $189,000.

Latino scientists did slightly better than average that year, with 29 percent of their proposals funded, and proposals by Black scientists did slightly worse than average, at 26.5 percent. For proposals led by white scientists, 31.3 percent were funded, while only 22.7 percent of those led by Asian scientists were funded.

The eCell paper was authored by seven researchers led by Dr. Christine Yifeng Chen, a postdoctoral researcher at Lawrence Livermore National Laboratory. It was also reported and discussed by the American Physical Society on November 8, 2022. The eCell paper infers that white scientists have received a “surplus” of 12,820 NSF awards over the past 20 years. Meanwhile, Asian scientists have a “deficit” of 9701 awards. For Black and Hispanic scientists, the deficits are 417 and 175 awards, respectively.

The racial disparity issue echoes a commentary published last year in the journal Cell by Yuh Nung Jan, a professor of physiology at the University of California, San Francisco, that showed that Asian scientists in biomedical research rarely received top prizes in their fields. Dr. Jan found that just 57, or less than 7 percent, of 838 winners of American biomedical prizes were Asian, even though Asian scientists now account for more than a fifth of the researchers in these fields.

The NSF will launch a new program called Analytics for Equity this month, asking researchers to propose projects that would investigate diversity data at the NSF and other federal agencies. The National Science Board, which sets policy for NSF, voted
to establish a commission to study NSF review process, citing “internal and external reports of racial disparities in merit review.”

Asian American and Academic Community News and Activities

Portman Amendment Excluded from FY23 NDAA. On December 9, 2023, seven community groups including APA Justice issued a press release applauding the exclusion of Senate Amendment 5810, the Safeguarding American Innovation Act, in the National Defense Authorization Act (NDAA) for Fiscal Year 2023. Introduced by Senator Rob Portman, this amendment would have had long standing impacts and ramifications for the broader Asian American and immigrant communities, particularly those of Chinese descent. It would have criminalized disclosures on federal grant applications and subjected immigrants, scientists, researchers and their families to imprisonment, steep civil fines, immigrant visa restrictions, and enduring damage. Supported by dozens of other immigrant rights groups, Asian American advocates, and professional organizations, the coalition submitted a formal letter to the offices of House Speaker Pelosi, House Minority Leader McCarthy, Senate Majority Leader Schumer, and Senate Minority Leader McConnell.

AASF Campaign on Disclosure Requirements. After their submission of recommendations to the National Science Foundation (NSF), Asian American Scholar Forum (AASF) is continuing its campaign on disclosure requirements. Organizations are welcomed to join. The goal is to educate groups such as the National Council of Asian Pacific Americans and the National Asian Pacific American Bar Association that do not normally work on science or research security to become more engaged in disclosure issues. Read more about the AASF recommendations at https://bit.ly/3ZihfPZ. Contact Gisela Kusakawa, AASF Executive Director, for more details at gpkusakawa@aasforum.org

Growing Concerns about Border Harassment. There are growing concerns that students and faculty of Asian origin, particularly those of Chinese origin, are increasingly getting harassed at the border. Members of the Asian American Scholar Forum (AASF) were reportedly too frightened to travel abroad during the holidays and kept their travels domestic. AASF is gathering stories from its members and the community network in partnership with the US-Asia Institute at the New York University Law School. Patrick Toomey, Deputy Director of the ACLU National Security Project, will include this topic as part of his talk at the APA Justice monthly meeting on January 9, 2023.

The President’s Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders. The Commission held its fourth public meeting over the course of two days on December 5-6, 2022, to approve additional recommendations for submission to President Joe Biden. Watch the meeting on YouTube day one (video 2:03:08) and day two (video 1:59:13). The Commission released its inaugural report detailing recommendations on six primary areas - Belonging, Inclusion, Anti-Asian Hate, Anti-Discrimination; Health Equity; Immigration and Citizenship Status; Language Access; Data Disaggregation; and Economic Equity - that were approved on May 12, 2022, and transmitted to the President on August 24, 2022. In addition to the December meeting, the Commission held public meetings in February, May, and September. Learn more about the Commission and the Biden Administration's
whole-of-government approach to advancing equity, justice, and opportunity for AA and NHPI communities.  
https://bit.ly/3invK4g

Subscribe to The APA Justice Newsletter


Copyright © 2023 APA Justice, All rights reserved.
You are receiving this email because you opted in or have expressed interest.

Our mailing address is:
APA Justice
P.O. Box 257
McLean, VA 22101-0257

Add us to your address book

We do not share, sell, rent or trade any of your information with third parties unless you provide explicit consent. Read our Privacy Policy here.