

## In This Issue #262

- 2024/07/01 APA Justice Monthly Meeting
- *Rice News*: FBI, AAPI Leaders Meet at Rice to Address Discrimination toward Asian American Academics
- 2024/07/03 Hearing on Preliminary Injunction of Florida SB 846
- *WSJ*: Mandarin Leaves a Manhattan Courtroom Lost in Translation
- News and Activities for the Communities

## 2024/07/01 APA Justice Monthly Meeting

The next APA Justice monthly meeting will be held via Zoom on Monday, July 1, 2024, starting at 1:55 pm ET.

In addition to updates by **Nisha Ramachandran**, Executive Director, Congressional Asian Pacific American Caucus (CAPAC); **Joanna YangQing Derman**, Director, Advancing Justice | AAJC; and **Gisela Perez Kusakawa**, Executive Director, Asian American Scholar Forum (AASF), confirmed speakers are:

- **Neal Lane**, Senior Fellow, Baker Institute for Public Policy, Rice University; Former Director of Office of Science and Technology Policy (OSTP), The White House; Former Director, National Science Foundation
- **Kei Koizumi**, Principal Deputy Director for Science, Society, and Policy, OSTP, The White House
- **Xiaoxing Xi**, Laura H. Carnell Professor of Physics, Temple University, with invited comments by **Kai Li**, Paul M. Wythes and Marcia R. Wythes Professor in Computer Science, Princeton University; Vice Chair, Asian American Scholar Forum, and **Gang Chen**, Carl Richard Soderberg Professor of Power Engineering, Massachusetts Institute of Technology
- **Karla Hagan**, Senior Program Officer, Staff Director for National Science, Technology, and Security Roundtable, National Academies of Sciences, Engineering, and Medicine (NASEM)

The virtual monthly meeting is by invitation only. It is closed to the press. If you wish to join, either one time or for future meetings, please contact one of the co-organizers of APA Justice - **Steven Pei 白先慎**, **Vincent Wang 王文奎**, and **Jeremy Wu 胡善庆** - or send a message to [contact@apajustice.org](mailto:contact@apajustice.org).

## National Academies Roundtable Capstone Workshop

The National Science, Technology, and Security Roundtable Capstone Workshop on July 16-17, 2024, will present information the Roundtable has gathered since its inception in 2020 through 13 gatherings in Washington, DC and across the U.S. Dr. Karla Hagan will provide additional details about the workshop during the APA Justice monthly meeting on July 1, 2024.

## Rice News: FBI, AAPI Leaders Meet at Rice to Address Discrimination toward Asian American Academics



According to *Rice News* on June 18, 2024, the FBI leadership participated in a dialogue at Rice University's Baker Institute for Public Policy to address the gaps between national science and technology policy and its implementation, focusing on concerns from the Asian American and academic communities.

The event included representatives from Rice, the American Civil Liberties Union of Texas, the Asian American Scholar Forum, the Texas Multicultural Advocacy Coalition, and the APA Justice Task Force. Key speakers included **Jill Murphy** from the FBI and **Paul Cherukuri**, Rice's Chief Innovation Officer, who emphasized the importance of these discussions despite their challenges. The dialogue follows the 2022 termination of the DOJ's China Initiative, which faced criticism for potential bias against Asian American scientists. Issues of discrimination, border entry problems for Chinese researchers, and the need for better protection of research security were highlighted.

There have been reports of [border entry and exit issues](#) for Chinese graduate students and academic researchers who are green card holders and even American citizens, said **Tam Dao**, assistant vice president for research security in Rice's Office of Innovation and a former supervisory special agent overseeing the FBI's counterintelligence task force.

FBI leaders underscored their commitment to protecting all U.S. residents and fostering trust

within the community. Panelists agreed on the importance of preventing the transfer of U.S. research to the Chinese government while ensuring a non-discriminatory environment for researchers. Community leaders **Gisela Perez Kusakawa** and **Gordon Quan** emphasized the need for continued progress to make the U.S. welcoming for global talent.

“We’ve talked today about the implementation steps, the progress we can make. (This) could prove to be one of the most important events that ever occurred on campus, so I’m very appreciative for being a part of it,” said **Neal Lane**, senior fellow in science and technology policy at the Baker Institute and former director of the White House Office of Science and Technology Policy.

Read the *Rice News* report: <https://bit.ly/3VLE2Ea>. For a summary and a video of the forum, visit <https://bit.ly/3wNL2Xi> (1:55:24)

## 2024/07/03 Hearing on Preliminary Injunction of Florida SB 846



According to an update by the Chinese American Legal Defense Alliance (CALDA) 华美维权同盟 on June 21, 2024, CALDA has represented two Chinese students from Florida International University and a professor from the University of Florida since March 25 in filing a lawsuit in the U.S. District Court for the Southern District of Florida. The legal team filed a Motion for a Preliminary Injunction with the court on April 29. This rapid response strategy, similar to the approach to Florida's SB 264 alien land bill, aims to swiftly curb the ongoing impact of [Florida SB 846](#), which continues to harm more Chinese-background students, professors, and related academic personnel.

The legal team asserts that SB 846 is unconstitutional for three main reasons:

- Federal law supersedes state law regarding the work rights of international students, and Florida has no authority to impose additional restrictions

- SB 846 clearly discriminates based on immigration status and nationality, failing to pass constitutional strict scrutiny
- The bill's key provisions are vague, violating due process

A hearing on our motion for a preliminary injunction will be held:

**WHEN:** July 3, 2024, 10:30 am ET

**WHERE:** 6th floor, C. Clyde Atkins United States Courthouse, 301 N Miami Ave, Miami, FL 33128

Read the CALDA update: [阻击佛州歧视留学生法案，捍卫华人权益，SB 846 最新进展](#)

## WSJ: Mandarin Leaves a Manhattan Courtroom Lost in Translation



THE WALL STREET JOURNAL

### Mandarin Leaves a Manhattan Courtroom Lost in Translation

Trial of Guo Wengui shows how linguistic issues can trip up China-related cases

By James T. Areddy [Follow](#)

Updated June 18, 2024 12:04 am ET

According to the *Wall Street Journal* on June 18, 2024, the trial of **Guo Wengui** shows how linguistic issues can trip up China-related cases.

Nearly everyone in the lower Manhattan courtroom appears frustrated by a halting process that requires translation of Chinese-language videos, documents and witness testimony. It is one in a series of high-profile China-linked cases that are similarly getting lost in translation. Chinese-language evidence is piling up, unintelligible to attorneys. Translations are slow, and sometimes wrong. There is a limited pool of top-tier Mandarin court interpreters, and they can disagree on English translations. And for both sides in a trial, the work of interpreters provides ammunition for legal wrangling, from gamesmanship to courtroom objections and possible appeals.

Introducing any foreign language to a legal case can add confusion to an already complex process. The challenges mount when it is a language like Mandarin that is unintelligible to 99% of people in the U.S.

Chinese can be highly nuanced and the same word can have different meanings depending on the context. Quality translation services are limited, even in New York City, which has a sizable ethnic Chinese population. In legal circles, demand for Chinese skills is enormous.

Such a challenge helped to torpedo a sensational China Initiative case against an ethnic Tibetan New York policeman, **Baimadajie Angwang**, charged with spying on behalf of Beijing in 2020. The allegation was built on dozens of intercepted phone calls between the officer and a Chinese consular official - and apparently misconstrued Mandarin colloquialisms.

For instance, prosecutors considered the officer's use of a Mandarin word for "boss" as evidence that he was signaling subservience to the Chinese official, while the officer's defense attorney said the term was the defendant's way of expressing gratitude for help on a complex travel visa application. "The fact that it was in a foreign language created an opportunity to use inaccurate translation to fit their story," said the defense attorney, **John F. Carman**. The case against Officer Angwang was eventually dropped, but his employment was still terminated by the New York Police Department.

Read the *Wall Street Journal* report: <https://on.wsj.com/3VBAræ>

#### **NOTE:**

Chinese written language is in either Traditional or Simplified characters. Traditional characters have been in existence for more than 2,000 years and are used in Hong Kong and Taiwan. Simplified characters were introduced in the 1960s and are used in Mainland China. There is a substantial overlap between Simplified and Traditional Chinese characters, with an estimated 30-40% of the most commonly used characters being identical. Both evolve over time, including their colloquial usage in the Internet age.

Mandarin originating from Beijing is the most widely spoken form of the Chinese language and serves as the official language of both the People's Republic of China and Taiwan. However, there are more than 300 regional and minority languages or dialects across the country. For example, Cantonese is predominantly spoken in Hong Kong and Guangdong Province while Shanghainese is spoken in Shanghai and neighboring areas.

## **Science: Record Settlement over China Funding Puts U.S. Research Institutions on Notice**



According to *Science* on June 21, 2024, over the past 5 years, the U.S. Department of Justice (DOJ) has won only a handful of criminal cases in which it prosecuted scientists alleged to have defrauded the government by not disclosing research support they received from China. But last month DOJ sent a clear message that, despite that poor track record, research institutions will be held accountable for mistakes in monitoring outside support to their faculty.

A May 17 settlement with the Cleveland Clinic Foundation (CCF) requires the medical colossus to pay the government \$7.6 million to resolve allegations it mismanaged three grants from the National Institutes of Health (NIH).

In addition to the fine, the settlement requires a top CCF administrator “to personally attest” to the accuracy of all information it submits to NIH. “That is a very meaningful sanction or burden on an institution,” says attorney **Michael Vernick** of Akin Gump Strauss Hauer & Feld, who has represented research institutions in similar settlements but was not involved in the CCF case.

CCF itself was not the government’s initial target. In 2018, NIH began to investigate CCF cardiovascular geneticist **Qing Wang** after getting an FBI list of some 3000 scientists the agency believed had received funding through one of the many Chinese programs aimed at attracting world-class scientists, many of Chinese ancestry.

In January 2019, NIH asked CCF to investigate those allegations and report back. In April 2020, CCF sent NIH a 17-page summary of its findings. Within days NIH suspended Wang’s \$2.8 million grant and CCF terminated his employment. He was arrested on May 13, 2020, charged with making false claims in connection with the grant under the China Initiative.

However, in July 2021 DOJ abruptly dropped its effort to prosecute him without explaining its decision. Wang, who grew up in China but trained in the United States and became a U.S. citizen in 2005, has restarted his research career at China’s Huazhong University of Science and Technology.

To Wang’s lawyer, **Peter Zeidenberg**, the reason the government threw in the towel is clear: His client had followed the rules and voluntarily disclosed his Chinese support. “He told them everything—both NIH and CCF,” says Zeidenberg, a partner with ArentFox Schiff LLP. The CCF

settlement, he adds, simply confirms Wang's innocence.

The CCF settlement eclipses two earlier civil settlements involving alleged nondisclosures between the government and the Van Andel Institute. In those 2019 and 2021 cases, totaling \$6.6 million, the scientists involved in the grants were never criminally charged with any wrongdoing.

Read the *Science* report: <https://bit.ly/3XzJRpE>

## News and Activities for the Communities

### 1. APA Justice Community Calendar

The screenshot displays two views of the 'APA Justice Public Events' calendar. The left view is a monthly calendar for June 2024, showing events on June 27, 28, 29, 30, and July 1. The right view is a detailed agenda for the week of June 24 to July 3. Key events include:

- Thursday, June 27:** UCA: 2024 Chinese American Convention
- Friday, June 28:** UCA: 2024 Chinese American Convention
- Saturday, June 29:** UCA: 2024 Chinese American Convention
- Sunday, June 30:** UCA: 2024 Chinese American Convention
- Monday, July 1:** 11:00am President's Advisory Commission Public Meeting -Lives!; 1:45pm APA Justice Monthly Meeting
- Tuesday, July 2:** 2:00pm President's Advisory Commission Public Meeting - In Pe
- Wednesday, July 3:** (No events listed)

#### Upcoming Events:

- 2024/06/27-30 UCA: 2024 Chinese American Convention
- 2024/07/01 APA Justice Monthly Meeting
- 2024/07/01 President's Advisory Commission Public Meeting - Livestreaming
- 2024/07/02 President's Advisory Commission Public Meeting - In Person
- 2024/07/03 Hearing on Preliminary Injunction on Florida SB 846

Visit <https://bit.ly/45KGyga> for event details.

### 2. Hate Crime Conviction in Texas



According to *NBC News* and *WFAA-TV* on June 18, 2024, a woman in Plano, Texas, has been convicted on charges of hate crime in connection to a 2022 incident in which several Asian American women were physically and verbally attacked.

**Esmeralda Upton**, 59, was convicted of three misdemeanor assault charges and one misdemeanor charge of terroristic threat. Each of the charges includes a state hate crime enhancement, alleging that Upton chose the victims based on her bias and prejudice against their race and national origin. It comes after Upton was accused of attacking four South Asian women outside a restaurant two years ago. During the altercation, she made racist comments, attempted to hit the women, told them to “go back to India,” video of the incident showed.

Upton, who pleaded guilty to the four charges, was sentenced to two years of community supervision probation and 40 days confinement in the Collin County Jail for each of the cases, served concurrently. There is still a pending civil suit against Upton, filed by the victims.

Read the *NBC News* report: <https://nbcnews.to/3KY7Hn6>. Read and watch the report by *WFAA-TV*: <https://bit.ly/4bf8qeH> (video 0:44)

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