

Summary of April 2020 APA Justice Conference Call

0. Introduction

We welcomed Professor Xiaoxing Xi and attorney John Lauro and congratulated Frank Wu for his appointment to the position of President of Queens College. He will be moderating a very timely SCBA seminar on Wednesday.

Jeremy Wu thanked Steven Pei and Vincent Wang for setting up and testing the Zoom account on short notice. Participants were reminded about the reported security and privacy concerns about Zoom and urged not to record.

April 1 was Census Day. Reported response rate was only 41.3%. If you have not done so already, please complete and return the 2020 Census form before a census worker calls you or knocks on your door.

Steven Pei reported a xenophobic TV advertisement by Ms. Kathaleen Wall, one of the Republican Primary candidates in the Texas's 22nd congressional district. United Chinese Americans (UCA) and three other local organizations originated an open letter to inform the Texas Asian American community on April 7 demanding the immediate withdrawal of the ad. The letter to the Democratic and Republican National Committees calls on all elected and political candidates to demonstrate their commitment to keeping ALL communities safe and protected. The letter has been cosigned by 19 Texas and 8 national Asian American organizations. Read the full story and current state at <https://www.apajustice.org/coronavirus.html#Houston20200407>

- a. Professor Xiaoxing Xi, 2020 recipient of Andrei Sakharov Prize, Laura H. Carnell Professor of Physics at Temple University
- b. John Lauro, [Principal of Lauro Law Firm](#), representing Dr. Pearlie Epling-Burnette, formerly at Moffitt Cancer Center
- c. **New:** 04/08 Society of Chinese Bioscientists in America (SCBA) seminar: [What to Do When Your University, The FBI, or DOJ Knocks on Your Door: Responding to University, Criminal, and Civil Investigations](#)
- d. **New:** 03/30 Frank Wu named [President of Queens College at CUNY](#)
- e. **New:** 04/01 [Response rate to 2020 Census by Census Day](#): 41.3%

1. CAPAC updates

- a. NIH and FBI responses to congressional requests by 03/05?
- b. 03/10 [Joint press release calling for apology for spreading xenophobia](#)

- c. 03/17 Democratic Leaders of Color: [Trump's Use of "Chinese Virus" Endangers Lives](#)
- d. 03/18 [CAPAC Chair Chu Condemns Republican Bigotry on "Chinese Virus"](#)
- e. 03/25 [H.Res.908 - Condemning all forms of anti-Asian sentiment as related to COVID-19](#)
- f. 03/29 [How Asian-American Leaders Are Grappling With Xenophobia Amid Coronavirus](#)
- g. **New:** 04/02 [Senator Warner Letter to FBI Director Wray](#)

Congress was in recess. No CAPAC staff was present for the call.

2. Coronavirus (COVID-19)

On March 2 when the last APA Justice call was held, there were 98 confirmed coronavirus cases, about half of them originated from a cruise ship called Diamond Princess. As of the morning of April 6, there were 337,000 confirmed cases and 9,700 deaths. There is a national emergency and most of the country is in self isolation or quarantine.

According to media reports, the U.S. missed a window of 4-6 weeks when we did not perform adequate tests and allowed the coronavirus to spread.

A new APA Justice webpage was created to cover the following primary topics on the coronavirus COVID-19.

- Anti-Asian racism and xenophobia with over 1,100 incidents reported in the last few weeks, prompting the FBI to issue warnings about the potential surge of hate crimes against Asian Americans
- Heart-warming mass mobilization and contributions of Asian Americans of all background in rural and urban areas to fight Covid-19, from PPE donations to much needed real-time nationwide data collection and online reporting
- Extensive tracking data and analyses on Covid-19 in China, the U.S., and the world, including explanations and interpretations by Dr. Paul Li and Dr. Michael Levitt and the recovery of Monica Yeung Arima, who participates in our call periodically, and her husband Adrian
- Brain drain and loss of much-needed talents about two Chinese American scientists due to racial profiling. They were forced to leave the U.S. and played significant roles to mitigate the spread of Covid-19 and inventing a rapid test kit in China.

03/19 New York Times editorial: [The Epic Failure of Coronavirus Testing in America](#)

APA Justice Webpage [Coronavirus](#) includes:

- a. **New.** 04/02 Washington Post opinion by Helen Zia: [Targeting Asians and Asian Americans will make it harder to stop covid-19](#)
- b. 03/27 ABC News: [FBI warns of potential surge in hate crimes against Asian Americans amid coronavirus](#)
- c. Community organization (NCAPA, UCA, APAPA, APABA-PA, C100, etc) statements and actions on anti-Asian racism around COVID-19
- d. 03/19 San Francisco Chronicle: [Coronavirus: Asian American groups compile hate crime reports as Trump persists in 'Chinese virus' attacks](#)
- e. Media reports of anti-Asian incidents and local activities
- f. ABC-7: [EXCLUSIVE: Palo Alto woman recovers from coronavirus after being treated with remdesivir](#)
- g. Data and links showing the crisis is coming to an end in China while a national emergency has been declared in the U.S.
- h. [1point3acres](#) – a real-time central website to track US and Canada coronavirus data at the state/province and local levels, built by first-generation Chinese immigrants in the U.S.
- i. [COVID-19 Tracking and Modelling](#) – another website under development to track COVID-19 world-wide by the Chinese American Data Science and Engineering Association (CADSEA)
- j. Paul Li: 为什么东西方应对新冠病毒如此不同?

Why is the handling of the coronavirus so different between the U.S. and China?

k. 03/12 World Economic Forum: [6 lessons on how countries can prevent and rebound from an epidemic like COVID-19](#) by Dr. Xifeng Wu

Dr. Xifeng Wu is a naturalized U.S. citizen. She was the first of several Chinese American researchers at MD Anderson Cancer Center subjected to endless investigations and subsequently left. Now as the Dean of School of Public Health at Zhejiang University, she recently published her successful efforts in preventing and rebounding from the coronavirus in Hangzhou and Zhejiang Province. It is another example of how America suffers lost talents and leaders by profiling Chinese American scientists. Dr. Wu's family still lives in Houston.

l. 03/18 Chronicle of Higher Education: [Hounded Out of U.S., Scientist Invents Fast Coronavirus Test in China.](#)

Former University of Florida Professor Weihong Tan was driven back to China as part of U.S. profiling of Chinese American scientists. He is now Vice President of Hunan University leading a team to develop a fast and easy COVID-19 test.

3. Racial Profiling/Targeting updates

a. Speaker: John Lauro, Esq.

Racial Profiling, Criminal Prosecutions, and Overreaction In An Age Of Global Conflict With The People's Republic of China

- 3/11 Science: [Fired cancer scientist says 'good people are being crushed' by overzealous probes into possible Chinese ties](#)

John Lauro reported on the sea change in policy – US policy went from encouraging cooperation and collaboration to the highest degree of suspicion of all Chinese-American relationships/evolution from promoting joint research. While we cannot ignore the real threats presented by PRC and efforts to compromise scientists, the danger is over-reaction and risk of racial/ethnic profiling in light of conflict with PRC. We need to take affirmative steps to ensure due process and protect the rights of all scientists and ensure that the law is applied without bias.

John recounted the historical rule and policy changes since early 2010. In every response there is an over-reaction and innocent people will be hurt – in some cases very badly. The impact puts individual scientists at risk – particularly those with Chinese background and all scientists with some relationship with PRC. Scientists are living under a microscope. Lifelong dedication to science and research is at risk, while their naivete with legal system puts them at risk with difficult legal issues.

Pressure is put on grant-funding sources to make examples, ranging from NIH, DOD, VA, DOE, and National Science Foundation. Institutional audits are going on now with focus on relationships with China and response that heads must roll to protect funding – scientists are expendable and face denial of due process. The first Interview is most critical and has most risk. While the instinct is to cooperate – it could be fatal to your legal position. The scientists are usually unable to review documents in advance or work with counsel.

There is a gotcha mentality of investigations – often conducted by large outside law firms specializing in these investigations in order to assess blame rather than fair evaluation of the facts. There is lack of clarity in rules and position of institutions, which revert to litigation mode and hostile to scientists. There are cultural issues by misplacing trust in the institutions.

As preventive measures, scientists should make personal assessment and reviews of internal and governmental policies and their activities with focus on significant financial interest and conflict of interest.

The government's focus is on shadow labs/overlapping with US funded projects; sharing of information; non-disclosed compensation; peer review disclosure – 1000 talents contracts/non-disclosure and terms of employment conflicting with US obligations.

If issues arise – do not go to institution before speaking with counsel – it would make matters worse. Obtaining counsel critical important for self-protection – privilege issues – conversations with colleagues, compliance officers, institutional counsel may be discoverable and used against scientists - nothing is confidential. Any clarification/amendments to disclosure forms - needs to be done under counsel's guidance.

Do not agree to interview without lawyer present; never speak to law enforcement without counsel present.

John's full talking points are attached.

b. Speaker: Professor Xiaoxing Xi

- [Andrei Sakharov Prize Talk: Scientific espionage, open exchange and American competitiveness](#) (video 32:10)
- APA Justice webpage: [Profiling Today](#)

Professor Xi provided a compelling presentation of racial profiling against scientists and scholars today. Time and again, the government makes false allegations and treats Chinese American scientists unfairly. These wrongful prosecutions are still continuing with recent examples against scientists such as those at Tulane University and Michigan State University.

Government dropping charges is rare. Although CAPAC and community organizations have raised their concerns, the system of checks and balances has not responded. Chinese American scientists working in the academia are targeted as nontraditional collectors for China, attempts are made to find something to charge in the way of finding "bones in an egg." It is racial profiling akin to "Researching while Chinese." Racial profiling is wrong.

In recent years, the FBI have targeted those associated with China's talent recruitment programs, including the Thousand Talent Program. However, government recruitment program is nothing new. Only a few years ago, the NSF encouraged leveraging coordinated partnerships on topics that are of interest to both China and the U.S. The NIH director spoke about science knows no borders.

There is no evidence to support the government's crackdown of open scientific exchanges with China as they are mostly on basic research. The national policy governing federally-funded research has been National Security Decision Directive 189 (NSDD-189). Issued by President Ronald Reagan in 1985, it defines fundamental research as basic and applied research in science and engineering, the results of which ordinarily are published and shared broadly within the scientific community.

Criminalizing open exchange of fundamental research threatens U.S. leadership in science and technology. It reflects a total lack of understanding about what has made America the world leader in science and technology in the first place, which is the open environment in fundamental research. If the scientific community does not speak up, the day it can freely publish fundamental research and to openly discuss among colleagues may be numbered.

Anyone who has academic collaboration with Chinese colleagues can become a target of the FBI. One does not have to be Chinese. According to a U.S. attorney, academic collaborations with China is "by definition conveying sensitive information to the Chinese." Once you are targeted, everything is under the microscope.

In Professor Xi opinion, the scientific community should rally around the JASON report commissioned by NSF. It is well balanced, and it provides a blueprint of the proper response for the U.S. government for the perceived threats of the Chinese government to fundamental research.

Professor Xi's talk upon his receiving the 2020 Andrei Sakharov Prize is now posted in <https://www.apajustice.org/profiling-today.html>.

4. Update on Draft Pilot Project Proposal – Frank Wu

In addition to the two links provided by Frank Wu, President Designate of Queens College, the Society of Chinese Bioscientists in America (SCBA) sponsored a seminar on April 8: What to Do When Your University, The FBI, or DOJ Knocks on Your Door: Responding to University, Criminal, and Civil Investigations. The presentation slides

and video recording of the webinar are available at <https://www.apajustice.org/forums.html>

03/25 American Society for Biochemistry and Molecular Biology (ASBMB): [international collaborators critical to its success](#)

03/22 Chemical & Engineering News: [70 years of US suspicion toward Chinese scientists—and what those caught in the middle should do now](#)

5. 2020 Census

- a. 03/14 LinkedIn: [Findings of Census Bureau's Disclosure Avoidance System](#)
“The post-processing error ... introduces unacceptable and problematic data biases and distortions, and it requires structural and statistical changes to the DAS to mitigate.”
- b. 03/16 New Yorker: [Will This Year's Census Be the Last?](#)
- c. 04/01 [Response rate to 2020 Census by Census Day](#): 41.3%

6. Catch-up on all developments: www.apajustice.org

- a. [Profiling Today](#): Profiling Xi's Sakharov Prize acceptance presentation plus more
- b. [Profiling Victims](#): added Pearlie Epling-Burnette and Weihong Tan
- c. [Xifeng Wu](#): Her story and related reports
- d. [Coronavirus](#): continuously updated with latest information related to COVID-19

7. Upcoming Events

- a. 04/08 SCBS Online Seminar
- b. 06/24-27 United Chinese Americans Convention, Las Vegas, NV
- c. 06/27-28 National Civic Leadership Forum, Las Vegas, NV (**postponed**)
- d. 06/25-27 OCA National Convention, Las Vegas, NV

It has been confirmed that the 6/27-28 NCLF will be postponed, tentatively to September.

8. Next Call

- a. Next Call: 2020/05/04
- b. Reminder: Post your messages and comments to apajustice@googlegroups.com

There was expressed interest in increasing the frequency of the APA Justice conference calls, as well as the use of social media.

Email Jeremy Wu at Jeremy.S.Wu@gmail.com or Vincent Wang at wang177@gmail.com to submit agenda items. Thank you.