

# Briefing to CAPAC on the State of Racial Profiling and APA Justice

Jeremy Wu, Ph.D.; Retired, Federal Government; Current Facilitator, APA Justice

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## What is APA Justice?

A group of volunteers formed APA Justice in 2015 in response to CAPAC Chair Judy Chu's call for a platform to connect elected officials, organizations, and individuals concerned about racial profiling after the Sherry Chen and Professor Xiaoxing Xi stories broke. It is patterned after the task force approach used during the Wen Ho Lee period 20 years ago.

### *Ongoing activities:*

- Website: <https://www.apajustice.org/>
- Monthly conference calls and periodic email messages
- Connect individuals, lawyers, reporters, authors, organizations and interested parties

## Significant Observations and Developments in the Past Year

- **FBI claimed over 1,000 investigations; NIH targets account for at least 180**
  - Exceeds 850 investigations on white supremacist and domestic terrorism
  - NPR: [FBI Urges Universities To Monitor Some Chinese Students And Scholars](#)
  - New York Times: [Judge Rules Terrorism Watchlist Violates Constitutional Rights](#)
  - Moffitt Cancer Center; MD Anderson; Emory University
- **Scientific community became more engaged and voiced concerns**
  - [Joint statement](#) – 60 top science, engineering and international education organizations
  - [Joint statement](#) – 150 Pharmaceutical Chiefs and Scientists Support Chinese Researchers Living in 'Climate of Fear'
- **Chinese American organizations spoke up**
  - [Joint statement](#) - Coalition Cautions FBI Against Unwarranted Monitoring of Chinese Scholars
  - [Joint statement](#) – Racial Profiling Harms Science
  - UCA and 80-20 called for universities to issue statements to guard against racial profiling and reaffirm support for the international students, faculty, staff and visitors
- **More racial profiling victims; some began to tell their stories**
  - Dr. Wei Su, retired Army engineer, [Mistrust and the Hunt for Spies Among Chinese Americans](#)
  - Dr. Ehab Meselhe and Kelin Hu, Tulane University, [Prosecutions Don't Get Much More Pathetic Than This Case Against a Louisiana Scientist](#)
  - Professor Ning Xi, former Michigan State University, [Ex-MSU professor, world-renowned robotics expert cleared of wire fraud](#)
  - Dr. Xin Zhao, William&Mary start-up, [U.S. Targeting of Chinese Scientists Fuels a Brain Drain](#)
  - Dr. Yanping Chen, founder of the University of Management and Technology, Case [1:18-cv-03074](#)
  - Professor Feng Tao, Kansas University, [Accused of fraud, Kansas researcher denies working for a Chinese university as he fights federal charge](#)
  - Jason Lee, former FBI senior analyst (present today)

- **Books and reports on New Red Scare and FBI unchecked practices**
  - The Economist: [The new red scare on American campuses](#)
  - Congressional Quarterly: [Red Scare – Innocent Chinese scientists in the U.S. caught up in espionage dragnet](#)
  - Bloomberg: [The U.S. Is Purging Chinese Cancer Researchers From Top Institutions](#)
  - Michael German: [Disrupt, Discredit, and Divide - How the New FBI Damages Democracy](#)
  - Mara Hvistendahl: [The Scientist and the Spy](#)
- **Shifting interpretations and legal/administrative grounds**
  - [Bloomberg, Wall Street Journal, JDSupra](#)
  - Access to personal cell phone and social media required in federal job interview?
- **Now a human rights issue – Xiaoxing Xi receives 2020 Andrei Sakharov Prize**
- **Deeper understanding of the Chinese American population: [Frank Wu](#), [Xiaoyan Zhang](#)**
- **[2020 Census](#)** – citizenship question and executive order on administrative data

### Updates on Sherry Chen

*“The DOC’s appeal of the administrative judge’s April 2018 decision in Sherry’s favor is still languishing in front of the MSPB, which currently has no members and a backlog of 2000+ cases. A decision this year is very unlikely. We support CAPAC re-upping its request to the House NR Committee to try to get answers from DOC/NOAA. Also, CAPAC should be prepared in January 2021 to re-engage with the DOC about the propriety of continuing this pointless appeal.” – attorney Steve Simon*

- **1/18 FTCA lawsuit filed; 9/23 amended with constitutional rights violations; case now pending judge’s decision to proceed or dismiss**
- **[A whistleblower letter](#) alleging department-wide discrimination against Asian American employees was submitted to the DOC/OIG on 2018/09/15. It was accepted and logged as Complaint Number 18-0999, but no response for more than a year now.**

### Ongoing Activities and Initiatives

- **Frank Wu’s proposed project addressing racial profiling of Chinese Americans with legal assistance (reported by Frank)**
- **Integration with information portal using data science to provide assistance on cases, laws and bills, statistics, facts and stories, available resources, and related information**
- **Potential event/exhibit with newly opened Chinese American Museum in Washington on the 20<sup>th</sup> anniversary of the trial of Dr. Wen Ho Lee and apology by Judge James Parker**
- Preserve information as they disappear from government websites
- Develop materials for education and training
- Keeping with new and changing legislations
- Fear and suspicion persists
- Increasing reports of student visa denials and delays