

Briefing on Profiling of Chinese Americans

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January 15, 2020

Good afternoon. This is my third briefing to CAPAC on the activities of APA Justice. We are a small group of volunteers formed in response to Chairwoman Chu's call in 2015. APA Justice is patterned after the task force concept used during the Wen Ho Lee period 20 years ago.

A lot has happened in the last year. I shall highlight the significant developments and refer to the handout you have received.

First, the number of FBI investigations has skyrocketed to 1,000, most of them target Chinese persons. In comparison, there are 850 investigations on white supremacist and domestic terrorism. NIH has reported 180 active probes, again most of them are Chinese persons.

Against this background, the scientific community and Chinese American organizations have been voicing their deepest concerns.

We now have more profiling victims in the academia, government, and business. Law.com has called one prosecution "pathetic." There are also unending investigations and surveillance. Dr. Wei Su, a retired award-winning Army engineer, had his top secret clearance stripped after more than 20 years and was investigated for years. In his words, he would have become another Wen Ho Lee, if not for his exemplary and well-kept records. Jason Lee, who is here today, also talked to us a few months ago on the security clearance issues.

Beyond the individual level, several media reports have described a pervasive "Red Scare" environment where a purge of Chinese American researchers is taking place and the ground under them is shifting. What is legal today may become illegal tomorrow.

Racial profiling has become a human rights issue in our nation. The American Physical Society will present the Andrei Sakharov Prize to Professor Xiaoxing Xi on March 4.

There are 3 update items on Sherry Chen.

First, from attorney Steve Simon: “The DOC’s appeal of the April 2018 decision in Sherry’s favor is still languishing in 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 Natural Resources Committee to get answers from DOC’s NOAA. Also, CAPAC should be prepared in January 2021 to re-engage with the DOC about the propriety of continuing this pointless appeal.”

Second, from attorneys Peter Toren and Michele Young: “Since we filed our complaint in January 2019, Chinese Americans continue to suffer from the same ethnic profiling that resulted in Ms. Chen's unfair and wrongful prosecution. We hope that a favorable decision by Judge Tim Black to proceed will help turn the tide of accepted racial animus against Chinese Americans. We enthusiastically support any effort by CAPAC for a House investigation into the unconstitutional and unconscionable treatment of Sherry Chen.”

Third, a whistleblower letter alleging department-wide profiling of Chinese American employees was submitted to the DOC’s OIG in 2018. It was logged in, but we have heard nothing since. We request CAPAC to look into the matter.

In moving forward, we fully support Frank Wu’s proposed project to address racial profiling with legal assistance. We also consider two ways to provide information assistance. One is an information portal using data science and the latest technology. The other is to preserve information by working with the newly opened Chinese American Museum.

2020 is the 20th anniversary of the trial of Dr. Wen Ho Lee and Judge Parker’s apology. CAPAC played a vital role then under Reps. Bob Underwood, Patsy Mink and David Wu. I am deeply grateful that today’s CAPAC under your leadership is again helping to address the racial profiling concerns of our community.

Thank you.