

Congress of the United States
Washington, DC 20515

July 29, 2021

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Garland:

Thank you for your public service. Racial profiling is both illegal and corrosive to our democracy. A particular form of this discrimination has disproportionately affected the Asian American and Pacific Islander (AAPI) community, which is the false belief that somehow Americans of Asian descent are disloyal. We have repeatedly seen this racial profiling play out in the false accusations of spying alleged against Wen Ho Lee, Sherry Chen, Xiaoxing Xi, Anming Hu and others. We write to request an investigation into the repeated, wrongful targeting of individuals of Asian descent for alleged espionage and an update on the department-wide implicit bias training that was mandated under then Attorney General Loretta Lynch in 2016.

On June 27, 2016, the Department of Justice announced department-wide implicit bias training after Members of Congress and the public expressed strong concerns about racial profiling to Attorney General Lynch. The training was to be instituted in response to a number of high-profile cases of espionage charges brought against Asian American scientists and professors, only for all charges to be dropped. Our hope was that the training would prevent future instances of innocent people being wrongfully arrested on the basis of race, ethnicity or national origin. Unfortunately, with the recent case of Professor Anming Hu, there appears to be an ongoing pattern and practice of people of color being singled out by law enforcement and prosecutors.

We are deeply troubled by reports of alleged misconduct by the Federal Bureau of Investigation in the unsuccessful prosecution of University of Tennessee at Knoxville Associate Professor Anming Hu. The FBI allegedly falsely accused Professor Hu of being a Chinese spy; falsely implicated Professor Hu as a Chinese military operative; and used false information to put him on the federal no-fly list—among a number of other alleged misconduct. Over the years, multiple people who happened to be of Asian descent have been falsely accused by the Department of Justice of espionage. The common thread in every one of these cases was a defendant with an Asian surname—and an innocent life that was turned upside down.

Social science research has revealed that even the most well-intentioned people experience some degree of “implicit bias,” the unconscious and often subtle associations we make between groups of people and stereotypes about those groups. A similarly large body of research indicates that individuals can reduce their implicit biases or mitigate their effects in part simply by acknowledging they exist. This is where the training comes in, and it is increasingly vital given the current wave of anti-Asian sentiment.

The pervasive racial bias and targeting of Asian Americans is not new. Despite being part of the fabric of American society for centuries, Asian Americans are still sometimes viewed as “perpetual foreigners.” This racism has manifested itself at many points throughout U.S. history, including with the “Yellow Peril” hysteria; the mass lynching of Chinese immigrants in Los Angeles; the Chinese Exclusion Act of 1882; the incarceration of over 120,000 Japanese Americans during World War II; the murder of Vincent Chin; the rise in COVID-related hate crimes against AAPIs; and the targeting of AAPI scientists and professors.

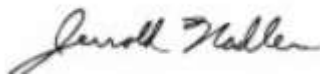
No person should be viewed by our government as more suspicious because of the individual’s race. We thus request an update on the mandated implicit bias training and request an investigation to determine whether the Department of Justice has a written or unwritten policy, program, pattern or practice of using race (or other civil rights classifications such as religion, gender and national origin) in targeting people for arrest, surveillance, security clearance denials or other adverse actions. We also specifically request whether, under the “China Initiative,” there is a written or unwritten policy, program, pattern or practice to target people based on their race, ethnicity or national origin.

Thank you for your attention to this important matter. We look forward to working with you to stop the racial profiling of Asian Americans.

Sincerely,



Ted W. Lieu
Member of Congress



Jerrold Nadler
Member of Congress



Alex Padilla
United States Senator



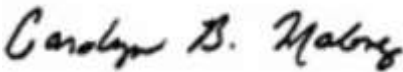
Judy Chu
Member of Congress



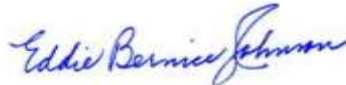
Jamie Raskin
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Mazie K. Hirono
United States Senator



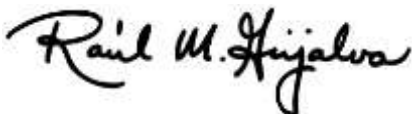
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Tammy Duckworth
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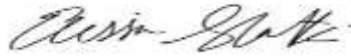
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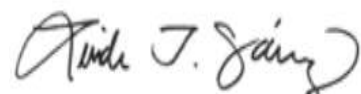
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