Academic Freedom and Engaging Faculty on Campus

The Asian American Perspective
(Additional Background and References)

Presentation to
Senior Research Officers
Association of American Universities

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September 9, 2022
Additional Background and References

• Asian American History
• Impacted Persons Today
• The “China Initiative”
• MIT Technology Review Reports
• Studies and Surveys
• Wall Street Journal Report

• “We Are All Gang Chen”
• Visa and Entry Denials
• Presidential Proclamation 10043
• A Positive Example - OSTP
• Support Professor Anming Hu
• Support Professor Xiaoxing Xi
Asian American History

- “Fifth Column”
- “Thousand Grain of Sand”
- “Non-traditional Collectors”
Impacted Persons Today

Origin of the Chinese character for “Injustice”
The “China Initiative”

- Launched in November 2018
- Ended in name in February 2022
- Severe damage with careers and lives ruined
  - Misinformation/lack of transparency
  - Inflame hate and racism
  - Not just Asian Americans
  - Prosecutions, dismissals, suspensions, and investigations continuing

As of March 2016, more than 1.4 million international students and professors were participating in America's open and collaborative academic environment. The inclusion of these international scholars at U.S. colleges and universities entails both substantial benefit—and notable risk. Many of these visitors contribute to the impressive successes and achievements enjoyed by these institutions, which produce advanced research, cutting-edge technology, and insightful scholarship. However, this open environment also puts academia at risk for exploitation by foreign actors who do not follow our rules or share our values.
Policies that diminish US power of attracting talent and fuel xenophobia against Asian Americans

China’s “use of nontraditional collectors, especially in the academic setting, whether it is professors, scientists, students, we see in almost every field office the FBI has around the country.”

FBI director Christopher Wray, U.S. Senate Intelligence Committee hearing, February 13, 2018.

“One way that we measure success . . . There have been over a hundred scientists who have been removed from the NIH ecosystem . . .”

(https://www.help.senate.gov/hearings/protecting-us-biomedical-research-efforts-to-prevent-undue-foreign-influence)
MIT Technology Review Reports

• Prosecutions under the “China Initiative” shifted to academics and researchers
• Most charges were on “Research Integrity,” not economic espionage or hacking
• About 90% of those charged were of Chinese heritage
• Out of about two dozen cases, there was one plea agreement of trade secret theft
• DOJ attempted to change online report by taking out all dismissed cases. Source: MIT Technology Review (2021/12/02): We built a database to understand the China Initiative. Then the government changed its records. https://bit.ly/31ozuKv
• End of the “China Initiative” was announced less than three months later

Source: MIT Technology Review (2021/12/02). The US crackdown on Chinese economic espionage is a mess. We have the data to show it. https://bit.ly/3depCFs
Recent Studies and Surveys

• Asian American Scholar Forum Study (2021)
• University of Arizona/Committee of 100 (2021)
• University of Michigan Association of Chinese Professors (2021)
• American Physical Society Survey (2021)
• University of California San Diego (2022)
Asian American Scholar Forum Study (2021-2022)

Caught in the Crossfire: Years of Chinese-American Scientists

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Source: https://bit.ly/3dVYHlx

Supplemental Materials for Asian American Scholar Forum Study (2021-2022)

Supplementary Materials for
Caught in the Crossfire: Years of Chinese-American Scientists

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Asian American Scholar Forum National Academic Climate Survey Findings (2021-2022)

Asian American Scholar Forum (AASF) National Academic Climate Survey Findings

Committee of 100 and The University of Arizona Survey (2021)

- Both Chinese and non-Chinese scientists overwhelmingly recognize the value of Chinese scientists and support U.S. collaboration with China.
- Survey results indicate an overall high level of scientific engagement with Chinese scholars and students.
- Despite very positive perceptions of and high levels of interactions with Chinese scientists, results show a consistent pattern of racial profiling, as perceived by Chinese and Asian scientists.
- For all scientists in the sample, concerns about racial profiling and surveillance are significantly related to limiting research collaborations with China.
- Further evidence indicates a reluctance, particularly among Chinese scientists, to work with scholars based in China to avoid being investigated.
- Talent loss is another potential consequence of racial profiling.
- Non-Chinese scientists possess a more negative view about China and a more favorable view about the FBI compared to Chinese scientists.
- The aforementioned findings suggest direct consequences for the U.S. scientific enterprise. Scientists reported a negative impact on their research projects, a greater reluctance to pursue federal grants, and considerations to leave the U.S.

The University of Arizona and the Committee of 100 administered a national survey between May and July 2021 among scientists in top U.S. universities, including faculty, post-doctoral fellows (postdocs), and graduate students. To compare the experiences and perceptions between scientists of Chinese and non-Chinese descent, the survey was sent to: a) all Chinese name scientists; and b) a random sample of non-Chinese name scientists across 83 U.S. universities. The final sample consisted of 1,949 scientists across the country. Based on scientists’ self-reported answers, our sample contains 658 Chinese and 782 non-Chinese scientists, which included 136 Asians who did not identify as Chinese. 509 scientists didn’t report their racial/ethnic background.

Source: https://bit.ly/2ZBvlwA
University of Michigan Association of Chinese Professors Survey (2021)

Sources: https://bit.ly/3AT9MN4

“We need a secure, open, and supportive environment for science.”
• Academic researchers are frightened.
• Their fears are grounded in federal policy, and in the university response.
• “Brain drain” is a serious potential consequence.

Ten Major Findings
1. 71% agree that Asian American faculty, staff, and student concerns are largely invisible to UM leadership
2. 89% agree that UM leadership positions lack Asian American representation
3. 64% do not feel safe as Chinese origin academic researchers in the U.S.
4. 80% of those investigated were not informed of their rights or responsibilities by UM
5. 33% have considered avoiding federal grant applications
6. 47% find it difficult to concentrate or be as productive as before
7. 42% have thought about leaving the U.S. for another country
8. 91% of faculty with collaborations in China believe UM encouraged these before 2018. Only 12% do now.
9. 42% fear UM will not support Asian American faculty, staff, or students if targeted by the U.S. government.
10. 95% want UM to collectively and publicly raise concerns about ethnic profiling.

Survey was conducted via Google Forms, July 12-23, 2021. Invitations were sent to 369 members on the UMACP email list. Most are US citizens and permanent residents; ~50% from Mainland China; ~50% from Taiwan, Hong Kong, Singapore, Malaysia, ABC, or any other countries. 123 responses were received, for a 33% response rate. Respondents came from all academic disciplines in all schools and three campuses (Ann Arbor, Dearborn, Flint) and all ranks (61% tenured).
New data from a September 2021 survey by the American Physical Society of more than 3,200 physics professionals and students shows that the US federal government’s current approach to addressing research security concerns is weakening, not strengthening, the US scientific enterprise.

The following survey results highlight the urgent need for a new approach that thoughtfully protects our nation against evident security risks, welcomes international talent and promotes beneficial international collaborations.

- **Impact on collaborations.** Nearly one in five physics professionals in the United States (non-student APS members) have either chosen – or been directed – to withdraw from opportunities to engage in professional activities with colleagues based outside the United States due to current research security guidelines.

- **Impact on workforce.** More than 43% of international physics graduate students and early career scientists – i.e., PhD graduates with fewer than five years of experience – perceive that the United States is an unwelcoming country for international students and scholars. Moreover, at least 40% of international early career scientists who chose to come to the United States to study and/or work believe that the US government’s current response to research security concerns makes their decision to stay in the United States long term less likely or much less likely.

- **New approach required.** Less than 25% of physics professionals in the United States that are familiar with research security policies (nonstudent APS members) agreed that the US federal government’s current response to research security concerns appropriately balances US security and the research requirements for open science.

New data from a September 2021 survey by the American Physical Society of more than 3,200 physics professionals and students shows that the US federal government’s current approach to addressing research security concerns is weakening, not strengthening, the US scientific enterprise. The following survey results highlight the urgent need for a new approach that thoughtfully protects our nation against evident security risks, welcomes international talent and promotes beneficial international collaborations.
• U.S. collaboration with a given country in PubMed publications as its share of total U.S. PubMed publications.
• The relationship between how much treated scientists’ publication citations in a field are impacted by the investigations (x-axis) and how much U.S. and China’s overall publications in that field are impacted.
**The number of U.S. student visas issued to Chinese nationals plunged by more than 50% in the first half of 2022 compared with pre-Covid levels, with the U.S. losing ground as the most-coveted place for Chinese students to pursue higher education abroad.**

**In the first six months of 2022, the U.S. issued 31,055 F-1 visas to Chinese nationals, down from 64,261 for the same period in 2019, according to data from the U.S. State Department.**
• Moment of Awakening
• Formation of New Academic/Scientific Groups – Asian American Scholar Forum; Associations of Chinese Professors; Asian American Senior Administrators (in formation)
• Impetus to build coalition among diverse communities and concerned organizations and individuals
Visa and Entry Denials

Faculty re-entry visa application denied due to 212(a)(3)(a)(i) that “prohibits the issuance of a visa to anyone who seeks to enter the US to violate or evade any law prohibiting the export from the US of goods, technology, or sensitive information.”

- In one anecdotal story, a student from China re-entering the U.S. at an airport was denied by Homeland Security agents.
- An FBI agent actually intervened on behalf of the student and was able to have the student released.
- However, Homeland Security agents have retained and refuse to return the student’s passport.
- The university is offering some legal assistance.
- There are apparently inconsistent policies and practices between federal agencies such as Homeland Security and the FBI.
Presidential Proclamation 10043

- 2020/05/29 Trump Administration announced PP 10043
- 2020/09/09 NBC News reported over 1,000 visas for Chinese nationals were cancelled.
- 2021/02/05 One study suggested that visa restrictions may block one-fifth of Chinese graduate STEM enrollment annually.
- 2021/06/21 American Council on Education sent a joint letter to President Biden outlining concerns about PP 10043.
- 2021/08/10 Forbes reported that "Biden Keeps Costly Trump Visa Policy Denying Chinese Grad Students."
- 2022/05/26 Secretary of State Blinken mentioned in a major speech that “We’re thrilled that [students from China] have chosen to study in the United States – we’re lucky to have them.”
- 2022/06/27 A civil lawsuit was filed by Professor Yuliy Baryshnikov of the University of Illinois at Urbana-Champaign and a group of students from China in the U.S. District Court for the Central District of Illinois Urbana Division seeking injunctive relief.
- 2022/08/11 Wall Street Journal reported “Chinese Student Visas to U.S. Tumble From Prepandemic Levels” by more than 50%.

Source: https://bit.ly/3QlUy87
A Positive Example – OSTP

- **2022/01/04** OSTP announced the goal of implementation of NSPM-33 with clear principles and policy requirement.
- **2022/03/28** Inaugural Community Engagement Hour - Presentation on Addressing Immediate and Systemic Issues – Implementation of NSPM-33.
- **2022/09/12** Dr. Christina Ciocca Eller will provide progress, updates, and new developments related to NSPM-33 and related matters.

Oppose the Nomination of Casey Arrowood to Be US Attorney

The White House announced the nomination of Mr. Casey Arrowood to be US Attorney for the Eastern District of Tennessee on July 29, 2022. The Senate Judiciary Committee logged the nomination as PN2444 on August 1, 2022. Academics, elected officials, civil rights groups, and community organizations across the country have raised grave concerns about this nomination — It will further erode public trust in our judicial system and increase the chilling effect on U.S. science and technology.

Mr. Arrowood was the lead prosecutor of University of Tennessee Professor Anming Hu, an internationally-renown nanotechnology expert and the first academic to go to trial under the now-defunct “China Initiative.” The FBI investigation on Professor Hu was started by a Google search, not any criminal predicate.

Mr. Arrowood mounted an unjust wire fraud case against Professor Hu so weak that the jury was unable to reach a verdict. After the jury deadlocked and a mistrial was declared, Mr. Arrowood sought to try Professor Hu a second time. However, Judge Thomas Varlan acquitted Professor Hu of all charges, finding that the government’s evidence, even if given in the light most favorable to the government, would be clearly insufficient to allow a rational jury to convict Professor Hu of the crimes alleged.

The nomination of Mr. Arrowood is an affront to the Asian American, immigrant, and scientific communities. It opens a new wound when we still need to heal from the targeting and fallout before and during the “China Initiative.”

On August 19, 2022, Professor Hu wrote to the White House calling President Biden to rescind the nomination of Mr. Arrowood.

APA Justice, Asian American Scholar Forum, Tennessee Chinese American Alliance, and United Chinese Americans launch this nationwide campaign to support Professor Hu and oppose the nomination of Mr. Arrowood. We call for the White House to withdraw the nomination, and the Senate Judiciary Committee to take no action on the nomination until an investigation and a hearing have completed.

Source: https://bit.ly/3R6bP5w

• In solidarity with Professor Anming Hu, over 1,700 individuals co-signed letters to the White House and the Senate Judiciary Committee to oppose the nomination of Mr. Casey Arrowood to be the next U.S. Attorney for the Eastern District of Tennessee

• The nomination is an affront to our communities

• It is time for healing, not to open new wound

• It is highly unusual for Asian American scientists and academics to take this kind of action
In solidarity with Professor Xiaoxing Xi, the communities have called for a turnout to support his oral arguments in Philadelphia on September 14, 2022.

United States Court of Appeals for the Third Circuit
19th Floor, Albert Branson Maris Courtroom
6th Street and Market Street
Philadelphia, PA

RSVP: http://tinyurl.com/turnoutPHL

Read about his story: http://bit.ly/APAJ_Xiaoxing_Xi
Thank You!