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MIT Technology Review Takes a Comprehensive Analytical Look at the "China Initiative" and More

On December 2, 2021, MIT Technology Review published ***The US crackdown on Chinese economic espionage is a mess. We have the data to show it.*** The US government's China Initiative sought to protect national security. In the most comprehensive analysis of cases to date, MIT Technology Review reveals how far it has strayed from its goals. Among its major findings are

- The DOJ has neither officially defined the China Initiative nor explained what leads it to label a case as part of the initiative
- The initiative's focus increasingly has moved away from economic espionage and hacking cases to "research integrity" issues, such as failures to fully disclose foreign affiliations on forms
- A significant number of research integrity cases have been dropped or dismissed
- Only about a quarter of people and institutions charged under the China Initiative have been convicted
- Many cases have little or no obvious connection to national security or the theft of trade secrets
- Nearly 90% of the defendants charged under the initiative are of Chinese heritage
- Although new activity appears to have slowed since Donald Trump lost the 2020 US presidential election, prosecutions and new cases continue under the Biden administration
- The Department of Justice does not list all cases believed to be part of the China Initiative on its webpage and has deleted others linked to the project.

Two days after MIT Technology Review requested comment from the DOJ regarding the initiative, the department made significant changes to its own list of cases, adding some and deleting 39 defendants previously connected to the China Initiative from its website. This included several instances where the government had announced prosecutions with great

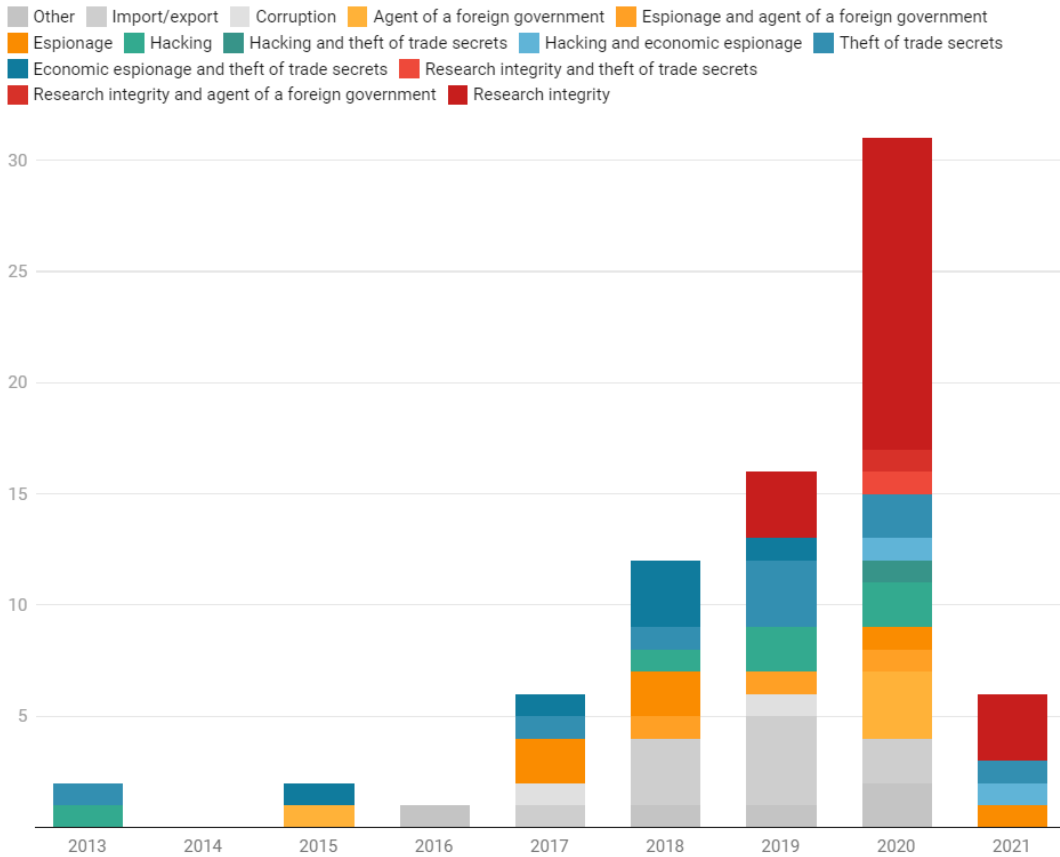
fanfare, only for the cases to fail—including one that was dismissed by a judge after a mistrial. Read the MIT Technology Review report here: <https://bit.ly/3depCFs>

The MIT Technology Review database of 77 "China Initiative" cases is posted online and can be used for interactive analysis. It draws primarily on the press releases that have been added to the DOJ's China Initiative webpage over the last three years, including those recently removed from its public pages. The MIT Technology Review supplemented this information with court records and interviews with defense attorneys, defendants' family members, collaborating researchers, former US prosecutors, civil rights advocates, lawmakers, and outside scholars who have studied the initiative.

APA Justice provided assistance to verify and validate the 77 "China Initiative" cases before the removal of some cases by DOJ. MIT Technology Review provides a second full report on how the database was built, what DOJ changed in its online report, how the database is organized, including a statement on transparency and conflict-of-interest. Read the MIT Technology Review Report on ***We built a database to understand the China Initiative. Then the government changed its records*** here: <https://bit.ly/31ozuKy>

The following graphic by MIT Technology Review report shows the distribution and pattern of the 77 known "China Initiative" prosecutions, providing the strongest evidence to date about the racial profiling of Chinese and Asian American academics under the "China Initiative."

Cases charged under the China Initiative by year



Note: MIT Technology Review journalist Eileen Guo will speak on her two articles in the APA Justice monthly meeting on December 6, 2021.

New York Law Journal article on The "China Initiative." On November 5, 2021, New York Law Journal published a special report on *DOJ's China Initiative's Three-Year Anniversary: Growing Pains and Uncertainty*. According to the report, it is clear after three years that only a portion of the cases under the China Initiative actually involve charges of economic espionage or conspiracy to transmit information to the Chinese government. According to the article, "[p]rosecution of Chinese espionage and security threats will likely remain a strategic priority for the DOJ, but it appears the Biden administration may be pulling back from non-disclosure cases against academics where current ties to the Chinese government are tenuous—if they were ever there at all. Read more: <https://bit.ly/3IBZF7I>

DOJ's China Initiative's Three-Year Anniversary: Growing Pains and Uncertainty

By Karen R. King and
Telemachus P. Kasulis

Biden administrations—about
the importance of the Initiative
to protecting U.S. economic



stock

Harvard Professor Lieber Goes To Trial. On December 2, 2021, Science published *Trial of Harvard chemist poses test for U.S. government's controversial China Initiative*. According to the report, the arrest of Harvard University chemistry professor Charles Lieber on 28 January 2020 drew worldwide attention to the Department of Justice's China Initiative, launched in November 2018 amid concerns that China was improperly benefiting from U.S.-funded research. In a press conference announcing the arrest, then-U.S. Attorney for Massachusetts Andrew Lelling declared that Lieber, chair of Harvard's chemistry department at the time and celebrated for his research on nanomaterials, had contributed to "the ongoing threat posed by Chinese economic espionage and research theft in the United States." But Lieber was never charged with espionage or theft of intellectual property—two of the concerns driving the China Initiative. Instead, when Lieber's trial begins on 14 December in a Boston federal courtroom, prosecutors will try to persuade a jury that Lieber lied to federal funding agencies about his affiliation with one Chinese university and failed to report income to federal tax and banking authorities. Read more: <https://bit.ly/3Gh2Xol>

Faculty Rally Around Colleague in "China Initiative" case of Dr. Mingqing Xiao

On December 2, 2021, Inside Higher Ed published *A Growing Chorus of Concern*. According to the report, Faculty at Southern Illinois University at Carbondale are rallying in support of a Chinese American colleague who faces criminal charges for alleged grant fraud.

Professor Mingqing Xiao is the most recent academic listed in the Department of Justice online

report on the "China Initiative." Federal prosecutors accuse him of concealing information on a grant application to the National Science Foundation about scientific grants he'd applied for and received from Chinese government sources, and contractual obligations made with Shenzhen University, a public university located in China's Guangdong Province. Like most other academics, Professor Xiao is not charged for economic espionage or trade secret theft, purportedly the main reason for launching the "China Initiative" in 2018.

Anne Fletcher, president of the Faculty Association at Carbondale, called for the university to drop its disciplinary investigation into Xiao, a tenured professor of mathematics. Xiao was placed on administrative leave by the university after being indicted in April. "We're standing by Ming, and we want the university to do the right thing and drop the disciplinary investigation and restore him to his position," Fletcher said. "Dr. Xiao's teaching and research is not a threat to anyone." She added, "The presumption of innocence is supposed to mean something."

According to a motion filed with the court, Xiao's lawyers argue that the questions posed by the NSF were ambiguous and further argued that he is the victim of arbitrary and racially motivated prosecution. The motion says that Xiao agreed to visit China as a delegate of SIUC on a 2015 trip to recruit students and to develop a joint mathematics degree program between Southern Illinois and Shenzhen University—and that his SIUC-sponsored efforts to grow the university's connections in China unwittingly made him a target for investigation after the launch of the "China Initiative."

Read more at <https://bit.ly/3pmdxnp>

Rally in Protest of Anti-Asian Hate Incident in Philadelphia

According to multiple media reports, hundreds rallied on November 30, 2021, in Philadelphia in response to the November 17 attack against four Asian American high school students on SEPTA's Broad Street Line. Christina Lu, one of the Asian American students, spoke to the crowd for several minutes. She recalled being kicked and stomped on in what officials called a racially-motivated attack on a subway ride as she headed home from school. Read more: <https://cbsloc.al/3oqN8pd>. The violent attack was captured and reported here: <https://bit.ly/31v22Sz>



Founders of The Yellow Whistle Project Made Record Donation to New York Met Museum

On November 30, 2021, the New York Times published *With \$125 Million Gift, Met Museum Jump-Starts New Modern Wing*. According to the report, the donation from a trustee, Oscar L. Tang, and his wife, Agnes Hsu-Tang, reinvigorates the long-delayed project and is the largest capital gift in the Met’s history. Read more: <https://nyti.ms/3xV8dLD>

In early 2021, they founded The Yellow Whistle campaign to combat anti-Asian violence and have disseminated 500,000 free yellow whistles emblazoned with the slogan “We Belong” at rallies and through a national alliance of 200 activist groups. APA Justice is an early supporter of the Yellow Whistle Project and has maintained a web page of its nationwide activities at <https://bit.ly/2RDZMmB>. Read more about the The Yellow Whistle Project at <https://www.theyellowwhistle.org/>.



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