

Congress of the United States
Washington, DC 20515

December 4, 2015

The Honorable Loretta Lynch
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Lynch:

We are writing to express our concern about recent prosecutions of Chinese-American scientists charged with trade secret theft, espionage, and related crimes. The cases of Sherry Chen and Dr. Xi Xiaoxing – two scientists arrested on espionage-related charges that were later dropped without comment – prompted us to write this letter.

As you know, Sherry Chen, a National Weather Service hydrologist, was arrested in 2014 for allegedly illegally accessing a federal database and lying about meeting a high-level Chinese official. Six months after her very public arrest, the case against her was dismissed on the eve of trial without explanation, and she continues to face dismissal from her position at the National Weather Service.

Similarly, Dr. Xi Xiaoxing, a prominent thin-film physicist at Temple University, was arrested in the middle of the night in May 2014 and charged with several counts of wire fraud. Dr. Xi allegedly shared proprietary technological information about a product with Chinese scientists. The case against Dr. Xi was dismissed based on new information and not long after scientists filed affidavits on behalf of Dr. Xi, noting that the case was based on a significant misreading of the scientific facts.

The misappropriation and illicit sharing of proprietary information about commercial products happens too often, leaving U.S. companies and research and development programs at risk from global competitors and putting U.S. economic security at risk. Because these threats are real and the risks to U.S. interests are great, it is extremely important that we get these prosecutions right, without resorting to profiling and with appropriate technical assistance from the broader scientific community.

We recently spoke with a representative of the Chinese-American community in Delaware, and share the concerns he and others have raised about these and other recent cases that focused on Chinese-American scientists. We ask you to consider whether an investigation into this pattern of cases might be necessary in order to ensure that vital work to prevent and prosecute actual cases of trade secret theft and espionage is successful. Additionally,

we ask you to review the ways the Department of Justice works with the broader scientific community in prosecuting cases that often rely on highly specialized scientific knowledge, and encourage stronger partnerships earlier in the investigatory process to ensure that faulty cases like that against Dr. Xi are caught prior to arrest.

We hope that by closely examining the Chen and Xi cases, as well as other recent cases that resulted in dismissed charges, and by considering what additional role technical and scientific experts might play in assisting investigators and prosecutors, we can strengthen the effectiveness of those cases brought forward in this important area and ensure that inappropriate profiling of Chinese-American scientists is not occurring.

Thank you for your consideration. We share your commitment to fully and fairly investigating and prosecuting those who attempt to commit espionage of all forms, while also respecting and upholding the race-neutral norms for investigation and prosecution that are essential to justice.

Sincerely,



Thomas R. Carper
Senator



Christopher A. Coons
Senator



John Carney
Representative