

November 1, 2021

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Ave, NW
Washington, DC 20500

Dear President Biden:

Despite the many challenges we still face, our nation is now on a path of healing from the wound of the pandemic, from political and racial divides, from a rise in anti-Asian hate and violence, and from the 20-year conflict in Afghanistan. We the undersigned, as a coalition of nearly 2000 Asian American and Asian immigrant academicians and scientists at 13 universities, thank you for your establishment of the White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders (WHIAANHP), and for your signing of the COVID-19 Hate Crimes Act to protect the Asian American community. These are historic milestones in steps towards addressing the racial injustices and ethnic discrimination our community has suffered at a systemic level, from the Chinese Exclusion Act of 1882, to the gross injustice to the Japanese Americans incarcerated in federal detention centers during WWII, to the surveillance and profiling of Arab, Middle Eastern, Muslim and South Asian (AMEMSA) communities post 9/11.

Here, we reach out to you to express our grave concern about the Department of Justice's (DOJ) "China Initiative," which was launched during former President Trump's administration purportedly to combat economic espionage and intellectual property theft. However, the initiative adheres to the problematic theory of "non-traditional intelligence collectors" on U.S. soil, especially on university campuses. Studies¹ found that this theory often subjects persons of Asian descent to misguided scrutiny and unsupported suspicion of spying, conflicting with the 4th and the 14th Amendment to the US Constitution on human rights and equal protection. And it has led to a sharp increase in the number of prosecutions against US scholars and scientists at a time of intensified international competition in science and technology.

Since the mid-1800s, Chinese Americans and immigrants have made significant contributions to our country's advancements in economy, education, infrastructure, science and technology.² In the 21st century, Chinese American and immigrant scholars and scientists also constitute a major driving force behind emerging fields such as artificial intelligence, bioengineering, biomedical research, climate change

¹ <https://www.committee100.org/initiatives/racial-disparities-in-economic-espionage-act-prosecutions/>

¹ <https://foreignpolicy.com/2021/07/22/china-initiative-espionage-mistrial-hu/>

² <https://contributingacrossamerica.economist.com>

research, cyber security, data analysis, nanotechnology, and renewable energy. The “China Initiative” threatens academic freedom and undermines our American values, and it can, consequently, deter the brightest minds from coming to the United States to make contributions to our robust academic enterprise on which our lead in science and technology was founded and on which the future of this lead depends.

We fully recognize the need for intellectual property protection and for research compliance, but we are deeply alarmed and troubled by the rampage of profiling and prosecution of Asian American and immigrant scholars and scientists who have open scientific collaborations in non-restricted areas with counterparts from China and other countries. The Federal Bureau of Investigation’s (FBI) investigation and subsequent DOJ prosecution of Dr. Anming Hu of the University of Tennessee was the first case that went to trial under the “China Initiative.” It initially ended with a mistrial on June 16, 2021 due to lack of evidence.³ Despite DOJ’s insistence on a retrial, Tennessee federal judge Thomas Varlan acquitted Dr. Hu on September 9, 2021 of all charges in the indictment.⁴ Upon reviewing the court documents,⁵ we are gravely disturbed by the appalling scale of the lead FBI agent Sadiku’s misconduct and violation of human rights displayed in this case. In fact, the federal prosecutions of Dr. Anming Hu, Dr. Sherry Chen at the National Weather Service,⁶ Dr. Gang Chen of MIT,⁷ Dr. Franklin Tao of University of Kansas,⁸ and Dr. Xiaoxing Xi of Temple University⁹ are just the latest in a string of unjustified cases rooted in racial bias against Asian American and immigrant scholars.¹⁰ Part of the ordeals that they and their families have endured were detailed in the round-table webinar hosted by Congresswoman Judy Chu and Congressman Jamie Raskin.¹¹

³ <https://www.wsj.com/articles/trial-of-scientist-accused-of-hiding-china-work-ends-in-hung-jury-11623879264>

⁴ <https://www.wsj.com/articles/federal-judge-acquits-professor-accused-of-hiding-china-ties-11631230728>

⁵ <https://storage.courtlistener.com/recap/gov.uscourts.tned.93460/gov.uscourts.tned.93460.141.0.pdf>

⁶ <https://www.nytimes.com/2018/05/17/technology/sherry-chen-national-weather-service.html>

⁷ <https://news.mit.edu/2021/professor-gang-chen-fraud-0114>

⁸ <https://www.the-scientist.com/news-opinion/racial-profiling-concerns-amid-crackdown-on-scholars-china-ties-67944>

⁹ <https://www.nytimes.com/2017/05/10/us/politics/fbi-xi-xiaoxing.html>

¹⁰ <https://advancingjustice-aajc.org/sites/default/files/2020-08/Tao%20Amicus%20Brief.pdf>

¹¹ https://www.youtube.com/watch?v=G24w7d2_owo

The chilling effects of these prosecutions have become widespread.¹² Many scholars and scientists are forsaking scientific collaborations with counterparts in China, including those on medicine, climate change, pandemic and environmental protection which are critical for all humanity. Many have become hesitant to apply for federal funding due to security and compliance concerns, which could effectively terminate their research programs. Many have stopped recruiting talented Chinese students and visiting scholars who otherwise can be vital to the functioning of their labs. And many are leaving this country due to fear of unjust treatment.

The “China Initiative” is predicated on a set of ill-informed assumptions by law enforcement agencies about the nature and process of scientific research and collaboration, combined with unfounded suspicions about Chinese Americans’ loyalty, and confounded by a disregard for the enormous contributions made by Chinese American and immigrant scholars to the scientific and technological achievements and status of our nation. It has perpetuated racial discrimination and human right violations against a vigorous group of US scientists whose life-goals are simply to make and disseminate basic scientific (including medical) discoveries. In particular, it defies common sense to criminally mass prosecute scientists, often on the basis of filing errors due to ambiguous disclosure requirements, whose aspiration is to discover cures for cancer, cardiovascular diseases, and infectious diseases.

We urge the White House, through your oversight function, to take prompt actions in making necessary remedies as follows:

- (1) End the “China Initiative.” Targeting a specific racial group not only is unconstitutional but also risks leaving a gap for real perpetrators to harm our national security.
- (2) Under the umbrella of WHIAANHPI, create measures to safeguard Asian American and immigrant scholars and scientists’ human rights and academic freedom in the face of federal investigations.
- (3) Make necessary and timely compensations to individuals and families who have been traumatized by unjustified prosecutions.
- (4) To increase transparency, include current “China Initiative”-related cases in White House briefings on national security issues.
- (5) Increase oversight on law enforcement to prevent future selective prosecutions and human right violations against scholars and scientists.

China’s fast ascent into a global economic and technological power has created new geopolitical tensions with, challenges to, as well as opportunities for our country, adding further complexities to the relation between the two nations. However, policymakers shall always keep in mind that our greatest asset in this long race is the

¹² <https://www.committee100.org/wp-content/uploads/2021/10/C100-Lee-Li-White-Paper-FINAL-FINAL-10.28.pdf>

¹² <https://www.science.org/content/article/two-surveys-document-harmful-impact-china-initiative-researchers>

innovative power fueled by the world's most comprehensive higher education system and unparalleled academic freedom. We strongly believe that an academic climate promoting open international collaborations and an education environment welcoming diversified and talented international students remain the pillars of success for maintaining our nation's global lead in science and technology.

Most sincerely,

Association of Chinese Professors at the Florida State University
Case Western Reserve University Asian Faculty Association
Columbia University Asian Faculty Association
Faculty and Staff of Chinese Heritage Association at the University of Notre Dame
Iowa State University Chinese Faculty and Staff Association
The Association of Chinese Professors at Tulane University
Michigan State University Chinese Faculty Club
University at Albany Association of Chinese Professionals
University of Arizona Faculty of Chinese Heritage Association
University of Georgia Association of Chinese American Professors
University of Kansas Asian and Asian American Faculty and Staff Council
University of Maryland Association of Chinese-American Professors and Scientists
University of Michigan Association of Chinese Professors