

From: **Jeremy** <jeremy.s.wu@gmail.com>
Date: Fri, Mar 8, 2019 at 6:16 AM
Subject: Re: Feedback on Hoover Institution Report
To: Larry Diamond <ldiamond@stanford.edu>

Dear Larry,

Thank you very much for your prompt response and invitation to continue the dialog. Recognizing the distinction of nation and people is an important starting point for our mutual understanding.

In case you and the co-authors may not be aware, the President and the Provost of Stanford University have posted the following blog (<https://stanford.io/2tXhHpu>) titled “In support of our community,” reaffirming that “[o]ur rich international community of students and scholars is an incredible strength” and “let us also make sure to reject prejudice and discrimination in all their forms.”

My expressed concern is the liberal use of “name and shame” in the report, which the national security and law enforcement officials refrain from using on fellow Americans and U.S. residents because it is illegal and immoral as a racial profiling practice. In addition, the report applies its own standard of judgment without apparent or adequate verification and validation with the identified organizations and individuals.

As it stands, the Hoover Institution report and your new book will continue or become standing public records that may incite, even if unintended, prejudice or racial profiling when they contain uncorrected errors and unsubstantiated insinuations. I urge you and the co-authors to consider issuing retractions and errata; they are responsible, common practices to provide a record to which the Chinese American community and the public may reference.

As the saying goes, “before we judge other people, it may help to step in their shoes and walk the life they have travelled.” I wonder whether you and the co-authors have engaged in events involving the experiences and perspectives of real-life racial profiling victims. Would you and the co-authors be willing to participate in such future events that may help to enhance mutual understanding?

Our nation and institutions of democracy must be subject to transparency and accountability. Otherwise, we may not be different from any other autocratic nation.

I wish to express my deep appreciation for your outreach to Professor Frank Wu, President of the Committee of 100, and your invitation to engage the organization and its members in additional discussions.

Jeremy Wu, Ph.D. 胡善庆博士
<http://jeremy-wu.info>
WeChat/Weixin: jeremywu1

On Thu, Mar 7, 2019 at 1:26 PM Larry Diamond <ldiamond@stanford.edu> wrote:

Dear Jeremy,

Thank you so much for this very thoughtful and constructive letter. I am sure I can speak for my colleagues in saying that we really appreciate the feedback, and also we do not want to contribute to any kind of prejudice or racial profiling.

Let me explain that after our two public sessions at FSI and the Hoover Institution, we reviewed the specific criticisms carefully and made a number of changes in the version of the report that will be published as a book in July. Among them was to change the title from "Chinese Influence Activities" to "China's Influence Activities". We also reviewed all the criticisms made by Gordon Chang and others that we were phrasing certain points incorrectly or unfairly, and we made a number of revisions in response to these specific criticisms. We also went through the report with an eye to tone, and tried as often as possible to change "Chinese" when mentioning influencing efforts to "China's", "Beijing's", etc. We also added, in addition to the very explicit Afterword warning against the misuse of the report for racial profiling, a new Foreword by Orville and me that makes the point about fairness and inclusion quite emphatically.

Unfortunately, at this point the book has gone to press and we can't make further changes in the text, but we will be continuing to speak about the book in many contexts, and to carry forward the work of the project. So we welcome receiving all of these references, documents, and concerns. It has been our hope and aspiration to organize a dialogue with the Committee of 100, and Frank Wu has indicated his interest in seeing that happen, so I hope we can arrange that in the next few months.

Please feel free to reach out with any other concerns.

Best wishes,
Larry

Larry Diamond
Senior Fellow, Hoover Institution
Senior Fellow, Center on Democracy, Development & the Rule of Law, Freeman Spogli
Institute for International Studies
Bass University Fellow in Undergraduate Education

From: Jeremy <jeremy.s.wu@gmail.com>
Sent: Wednesday, March 6, 2019 3:26 AM
To: Larry Diamond
Subject: Feedback on Hoover Institution Report

Dear Professor Diamond,

I retired from the Federal government after more than 30 years in a two-track career in statistics and civil rights, including the roles of Deputy Civil Rights Director at the Department of Agriculture, National Ombudsman at the Department of Energy, and Civil Rights Director at the Department of Transportation. I am also a member of the Committee of 100.

I appreciate your open invitation for corrections and updates to the Hoover Institution (HI) report titled "Chinese Influence & American Interests: Promoting Constructive Vigilance," which has significant negative impacts on Chinese Americans. To begin, the report will be better served with a title of "China's Influence & America's Interests: Promoting Constructive Vigilance and Guarding Against Profiling."

As a nation of democracy, the United States is not a perfect nation. We have become a better nation over time because we have the capacity to learn and correct our mistakes. Racial profiling is illegal and immoral. Words of caution by themselves do not make up for the damages inflicted on innocent Americans.

It is in this spirit that I urge you and your co-authors to recognize and correct the factual errors and insinuations contained in the HI report and your new book. Advocate for equally constructive vigilance to guard against profiling and stigmatizing Chinese Americans in our nation of democracy. They are possible and necessary without sacrificing our shared interest in national security.

Additional background for the suggestions is included in the attached letter. Thank you for your attention to this important matter.

***** Full Letter from Jeremy Wu to Larry Diamond *****

March 6, 2019

Dear Professor Diamond,

I retired from the Federal government after more than 30 years in a two-track career in statistics and civil rights, including the roles of Deputy Civil Rights Director at the Department of Agriculture, National Ombudsman at the Department of Energy, and Civil Rights Director at the Department of Transportation. I am also a member of the Committee of 100.

I appreciate your open invitation for corrections and updates to the Hoover Institution (HI) report titled "Chinese Influence & American Interests: Promoting Constructive Vigilance," which has significant negative impacts on Chinese Americans.

To begin, the report will be better served with a title of "China's Influence & America's Interests: Promoting Constructive Vigilance and Guarding Against Profiling." Several commentators have

pointed out the distinction between nation and people, including one in the February 14 panel. Some of the authors including John Pomfret, Susan Shirk, and yourself have repeatedly emphasized the need to guard against stigmatizing Chinese Americans in America's best interest. The revised title would also help to ease Professor Michael Lampton's concern for the report's lack of balance expressed in the February 11 panel discussion.

There is general consensus that racial profiling – the use of race, ethnicity or national origin as grounds for suspecting a person or a group of people of having committed an offense – is wrong and un-American. It is a current and urgent issue for Chinese Americans, not a reference to the distant past or academic words of caution about something yet to occur. There have been real-life victims. In case you and the other authors of the HI report may not be aware, please review as part of your continuing research:

1. CBS 60 Minutes 2016 and 2018 broadcasts titled "Collateral Damage" (<https://cbsn.ws/2MRnisy>) and "The Spy Who Wasn't" (<https://cbsn.ws/2MBZLw6>). Bill Whitaker reported on Americans wrongly accused of espionage-related crimes as the U.S. steps up the fight against Chinese theft of U.S. trade secrets and intellectual property.
2. "Prosecuting Chinese 'Spies': An Empirical Analysis of the Economic Espionage Act." (<http://bit.ly/2S8jrut>). This paper published in the Cardozo Law Journal provides a comprehensive look at the disparate results on the prosecution, dismissal, and sentencing of individuals with Asian names since the enactment of the Economic Espionage Act in 1996.
3. The case of Dr. Yanping Chen, a naturalized U.S. citizen since 2001 (<http://bit.ly/2GEwdus>). After 6 years of investigations by the FBI without a charge of wrongdoing, information from Dr. Chen's government files was leaked to the media. Her case provides a glimpse of the plight of hundreds if not thousands of Chinese Americans under multi-year surveillance and investigations by our government.

Words of caution are necessary but not sufficient to guard against racial profiling as its practice can take on multiple forms, including but are not limited to overreach and abuse of authority on U.S. citizens, unsubstantiated insinuations and factual errors, and omission of history.

1. A new book published by the MIT Press titled "Scientists Under Surveillance: The FBI Files" (<http://bit.ly/2EoMuBB>) describes how the FBI cast a suspicious eye on scientists with "ignorance, misinformation, and unfounded suspicions" in its surveillance and investigations during the cold-war era. With the advancement of technology, Edward Snowden revealed in 2013 that the government had been conducting mass warrantless electronic surveillance on fellow Americans. We must responsibly ask: are "ignorance, misinformation, and unfounded suspicions" again stigmatizing and destroying the lives of today's Chinese Americans?
2. In the previous cycle of alleged espionage by China, the Department of Energy (DOE) established a Task Force Against Racial Profiling headed by the Deputy Secretary. A final report was produced and publicly released in January 2000. Among other feedbacks, "sins

of omission” was a poignant comment made by DOE employees in the 64-page report. The government subsequently quashed the report from the trial of Dr. Wen Ho Lee, who was actually born in Taiwan. Today, the report has disappeared from government websites as if it never happened. Only the Federation of American Scientists has preserved a copy at <http://bit.ly/2HKZBwo>.

3. One of the most disturbing aspects of the HI report is its liberal use of “name and shame” on individuals and organizations and applying your own standard of judgment. Making accusations of foreign influence or subversion comes dangerously close to what is called McCarthyism during the “Red Scare” period, when proper regard for factual evidence and verification was absent. The “name and shame” approach is also advocated by DOJ (<http://bit.ly/2UhxhYo>) and FBI officials (<http://bit.ly/2EHLzkn>), but they at least specifically refer to international cyber hackers. The HI report appears to be more than willing to use it on fellow Americans and U.S. residents regardless of the legal and ethical implications.

Meanwhile, additional evidence of the profiling and stigmatization practices against Chinese Americans is rapidly mounting.

1. On March 1, Science reported (<http://bit.ly/2tNM8Oy>) that contrary to past amicable resolution of confusion over disclosure rules is now turning adversarial by wave of letters from NIH asking research universities to provide information about specific faculty members and “at some institutions, every researcher flagged by NIH is Chinese-American.”
2. On February 21, UC Berkeley issued a statement (<http://bit.ly/2Sl8Sj5>) reaffirming support for its international community in response to “reports of negative comments directed at its Chinese American faculty, as well as at researchers engaged in collaborations with Chinese companies and institutions, implying without basis that these scholars could be acting as spies or otherwise at odds with the interests of the United States.”
3. According to a December 12, 2018 Washington Post article (<https://wapo.st/2Nr0jsx>), the FBI testified in a Congressional hearing titled “Non-Traditional Espionage Against the United States.” that it has worked “thousands” of complaints and investigations. The term “non-traditional collectors” of intelligence may be new, but it is similar to previous terms of “the Fifth Column” and “grain of sand” that were used to cast broad-brush suspicion on the loyalty of Asian Americans.

It is notable that the report titled “Course Correction: Toward an Effective and Sustainable China Policy” (<http://bit.ly/2SLYd17>) makes unambiguous reference to the nation China. It also makes historical reference to the Chinese Exclusion Act of 1882 and the internment of Japanese Americans during World War II. The U.S. government subsequently apologized for its actions in each of these situations, but only generations after damage had already been inflicted to an entire group of

people. The lesson must be learned so that future Chinese Americans will not receive a symbolic gesture decades later.

I hope you agree that without transparency and accountability, democracy is impossible. Simple statistics such as the number of Chinese Americans under multi-year, selective surveillance and investigations are not made available to the public. There has not been accountability when innocent Chinese Americans were wrongly indicted or information possessed only by the government was leaked to the media.

As a nation of democracy, the United States is not a perfect nation. We have become a better nation over time because we have the capacity to learn and correct our mistakes. Racial profiling is illegal and immoral. Words of caution by themselves do not make up for the damages inflicted on innocent Americans.

It is in this spirit that I urge you and your co-authors to recognize and correct the factual errors and insinuations contained in the HI report and your new book. Advocate for equally constructive vigilance to guard against profiling and stigmatizing Chinese Americans in our nation of democracy. They are possible and necessary without sacrificing our shared interest in national security.

Yours Sincerely,

Jeremy S. Wu, Ph. D.