February 22, 2022

/via email/

Dear OSTP Research Security Team,

Thank you for your clarification. We appreciate your offer to inquire with the FBI about holding a briefing for AANHPI organizations, similar to the one hosted by OSTP on January 18, 2022.

We noted in our statement submitted on January 21, 2022, that “law enforcement and national intelligence agencies that have caused fear and suspicion and inflicted pain and suffering under the ‘China Initiative’ for the past three years were noticeably absent in the [January 18] briefing although the Departments of Homeland Security and Justice, the Federal Bureau of Investigations, and the Office of the Director of National Intelligence are listed as members of the Subcommittee on Research Security.”

Our shared goal is to pursue consistency and fairness in the implementation of NSPM-33 so that it will not “diminish our superpower of attracting global scientific talent” and not “fuel xenophobia against Asian Americans.”

On December 7, 2018 – one month after the launch of the “China Initiative” – a group of community leaders including myself and fellow APA Justice co-organizer Professor Steven Pei met with a senior-level FBI official (one of the executive assistant directors) and other representatives at the FBI headquarters https://bit.ly/3shDOmp. In the meeting, we conveyed our deep concerns about the targeting of Chinese Americans in its investigations, among other issues, and sought to have a continuing dialogue.

Sadly, the proposed dialogue did not happen. For the past three years, our worst fears fully materialized as many more innocent persons of Asian descent, especially scientists, were investigated and prosecuted under the “China Initiative.” These tragic outcomes were preventable.

According to the Columbia-FBI symposium program https://bit.ly/3uZGd9Y, Panel 2 describes a “National Security Case Study” involving “Syntactic Foam and Nuclear Power,” which we deduce refers to the case of Mr. Shan Shi, as documented on APA Justice’s webpage on Mr. Shi’s case https://bit.ly/3GVZ2NO.

The Appeals Court upheld the conviction of Mr. Shi. However, Chief Judge Silberman wrote, "I am quite troubled by the Government’s brief; it almost caused me to dissent. When one turns to its argument section, one encounters a number of misrepresentations. At best, some of them are inferences (although characterized as facts) that might be drawn from the record. There are also out and out misstatements of fact—not at all legitimate inferences—and at least one illegitimate argument… As an alumnus of the Department of Justice, I regard the Government’s brief as particularly disheartening. That the case was close is no excuse for distorting the facts."
This is particularly true in criminal cases and perhaps even more so when dealing with a politically unpopular defendant."

We are deeply concerned about conflating FBI law-enforcement activity with efforts aimed at academic research security, which should include the participation of OSTP. Based on our collective experiences, the FBI’s investigations lack transparency, exclude the AANHPI community and faculty members, and present one-sided and even biased information that may inflame xenophobia and prejudice with or without intention.

Distortion of facts and other misconduct by the government have also been reported in recently dropped “China Initiative” cases. During the February 7, 2022, APA Justice monthly meeting, MIT Professor Gang Chen, his defense attorney Robert Fisher, Harvard University Professor Zhigang Suo, and Former U.S. Attorney Carol Lam provided detailed accounts of misconduct during the dismissed case of Professor Chen as well as the “China Initiative more generally.” The meeting summary and video are available at https://bit.ly/3oHTK28. The ordeals and alleged misconducts faced by University of Tennessee Knoxville Professor Anming Hu, who was acquitted in another “China Initiative” case, are documented here: https://bit.ly/APAJ_AnmingHu.

These are the other side of the story that is not seen or heard in closed, exclusive FBI meetings when the AANHPI community, faculty members, and other stakeholders are missing. We urge members of your team and OSTP to read and watch these materials as a step toward ensuring objectivity and balance in the implementation of NSPM-33.

We respectfully request your assistance in organizing and coordinating a community briefing in the near future as well as establishing a dialogue with the FBI under the auspices of OSTP on a transparent and continuing basis.