Thank you, Mr. Fields and the FBI San Francisco Field Office, for your outreach to our community and convening today’s town hall to discuss one of the most serious issues impacting the Asian American community today. I regret that I cannot attend today’s meeting because I was recently impacted by Covid.

The APA Justice Task Force submitted a 10-page statement to you last week. I thank our friend Joel Wong for bringing hard copies to share with you in the meeting. I will read a short summary of the key points here and urge you to read the statement in its entirety.

Racial profiling, both conscious and unconscious, is an invidious form of anti-Asian hate that has a long history and devastating consequences. And it keeps repeating.

Wen Ho Lee, Sherry Chen, Xiaoxing Xi, Anming Hu, and Gang Chen are some of the innocent Chinese American scientists who were wrongfully prosecuted and suffered devastating consequences. Most of them are U.S. citizens. Although they have been exonerated, their career, reputation, finance, and families were severely damaged.

Except for Native Americans, Native Hawaiians, and Pacific Islanders, the United States is a nation of immigrants. Some came earlier than others; some came more willingly than others.

Asians came to the U.S. more than 170 years ago. They have made contributions to every segment of the American society. However, they are repeatedly stereotyped and subject to bias as “Perpetual Foreigners” who are outsiders, pose threats, to be feared, and suspect of their loyalty to the U.S., frequently by the government itself.

Not too long ago, we were portrayed as “thousand grains of sand” working for the People’s Republic of China. Today, we are alleged to be “non-traditional collectors” and require a “whole-of-society approach” to address the threat we pose to the United States. It is wrong, and it must change.

The Department of Justice launched the ill-conceived “China Initiative” in November 2018. It wasted valuable taxpayers’ dollars and failed in four major areas:
1. Ineffective in achieving its stated goals to combat economic espionage and trade secret theft,
2. Counter-productive against open science and U.S. leadership in science and technology,
3. Discriminatory against Asian American and Asian immigrant scientists and students, and
4. Un-American in its lack of transparency, accountability, oversight, and integrity.

One month after the Initiative was launched, a group of community leaders including myself and Professor Steven Pei visited the FBI Headquarters. We brought the message that FBI’s words and actions “may subject innocent people to become collateral damage, scapegoats, and easy profiling targets, not to mention the continuation of stereotypes, fear, suspicion, and even hate against a specific group of people in the American society, whether they are intended or not.” Sadly, the meeting failed to establish a dialogue.

From our perspective, the tragic outcomes of the “China Initiative” were preventable. By the time MIT Technology Review published its investigative report in December 2021, the damage caused by the initiative had become abundantly clear.

DOJ announced the end of the “China Initiative” three months ago in February, calling it “not the right approach” to address the threats from the People’s Republic of China.

Our community has deep concerns that the end of the “China Initiative” is only in name and not in policy and practice.

Evidence-based policymaking is the process of using high-quality information to inform decisions that are made about government policies. It also means that the government has the responsibility not to spread unsupported, misleading, or false information that fuel xenophobia and fear within agencies and the public. The FBI is not exempt.

We cite in our statement two examples of the FBI spreading unsupported or misleading information that fuel xenophobia and prejudice. One is on the unexplained and incoherent number of FBI investigations that are simply not credible. The other is on closed-door, exclusionary, one-sided, FBI forums that spread xenophobic messages, misinformation, and fearmongering.

There has been a significant loss of trust and confidence in the FBI and DOJ caused by the targeting and profiling of Asian American and Asian immigrant scientists and students, which has been persistently denied despite amounting facts, studies, and evidence to the contrary.

Through all available channels, we strongly advise Asian Americans not to talk to the FBI without the presence of legal counsel to protect themselves. We are alarmed by the FBI policies and practices that lack transparency and accountability. We are further dismayed by the FBI’s lack of response to community concerns and reported misconduct.

It is unfortunate that this is happening at a time when anti-Asian hate crimes and incidents are spiking. The community needs the protection that the FBI and law enforcement are supposed to provide.

We respect law enforcement agents, including those of Asian origin and people of color, who put themselves in harm’s way to protect our nation day in and day out. However, in carrying out their
duties, law enforcement is obligated to take protecting civil liberties and rights as seriously as protecting against threats to national security.

With these honest comments, we share interest on a continuing dialogue and seek resolutions that would ensure the respect for and the protection of our communities under the Constitution and their civil rights.

When the White House Office of Science and Technology Policy began work on the implementation of NSPM-33, it outlined three principles, one of which is to ensure policies do not fuel xenophobia or prejudice. OSTP has followed with full engagement with the community. We believe OSTP has set a positive example for the FBI and other federal departments and agencies.

We conclude by making seven suggestions for your consideration:

1. Issue a statement outlining the common principles and values to set the tone and foundation for a continuing dialogue
2. Conduct implicit bias training with the mutual understanding that training sessions are necessary but not sufficient
3. Ensure diversity and equity are practiced and include protection of civil rights as a performance element for FBI agents with measurable metrics
4. Maximize transparency within the bounds of national security needs by providing a clear accounting of the current number of investigations by field office with regular statistical updates
5. Review existing investigations and apply the standard of “evidence of intent and materiality” on their continuation and new cases
6. Address identified misdeeds and misconduct and provide regular updates on their status and progress
7. Establish a continuing dialogue with the AANHPI community

We are not a perfect nation. The greatness of our nation comes from its capacity to correct mistakes and face up to the truth.

Thank you very much for this opportunity to share these thoughts with you today.