

# Yale University

The Honorable Merrick B. Garland  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Jan 10, 2022

Dear Mr. Garland,

We, 192 faculty members at Yale University, are sending this open letter to express our concerns about the U.S. Department of Justice's *China Initiative*. We adopt the September 8, 2021 letter signed by 177 Stanford faculty with their permission because we completely concur with their assessment. We acknowledge the importance to the United States of protecting intellectual property and information that is essential to the U.S. national and economic security. We understand that concerns about Chinese-government-sanctioned activities including intellectual property theft and economic espionage are important to address.

We believe, however, that the China Initiative has deviated significantly from its claimed mission. And it is harming the United States' research and technology competitiveness and fueling biases that, in turn, raise concerns about racial profiling. As the President's Science Advisor, Dr. Eric Lander, [stated](#) on August 10, 2021: "We have to assiduously avoid basing policies or processes on prejudice – including those that could fuel anti-Asian sentiments or xenophobia." We believe that the China Initiative is one such policy. We therefore would like to suggest that you terminate the China Initiative and replace it with an appropriate response that avoids the flaws of this initiative.

More specifically, we believe the China Initiative suffers from the following fundamental flaws:

First, the China Initiative disproportionately targets researchers of Chinese origin. Publicly available information indicates that investigations are often triggered not by any evidence of wrongdoing, but just because of a researcher's connections with China. (For example, see recent article and the research by Prof. Jenny Lee quoted therein. ref: [Has the Hunt for Chinese Spies Become a Witch Hunt?](#), Karin Fischer, Chronicle of Higher Education, August 11, 2021). In many cases the federal response seems disproportionate and inappropriate. In some cases, federal agents associated with the China Initiative have prosecuted researchers without solid evidence. Moreover, racial profiling – even when undertaken in the ostensible pursuit of justice – is inconsistent with both U.S. law and the principles underlying our society. Furthermore, these actions do not just affect the prosecuted faculty but affect the many more university researchers who are targeted, investigated, and feel threatened by inquiries initiated without prior evidence of significant wrongdoing. Universities and research institutions are often pressured to investigate researchers who are singled out only because of their personal or

professional connections with China. (For example, see the description by Prof. Randy Katz, the Vice Chancellor for Research of the University of California Berkeley during a recent Congressional Roundtable available at [https://www.youtube.com/watch?v=G24w7d2\\_owo](https://www.youtube.com/watch?v=G24w7d2_owo))

Second, in most of the China Initiative cases involving academics, the alleged crime has nothing to do with scientific espionage or intellectual property theft. Most prosecutions are for misconduct such as failure to disclose foreign appointments or funding. While such problems should clearly be addressed, they should not be confused with national security concerns. Due to the openness of scientific research in academia, it is not surprising that the China Initiative has not led to more espionage-related prosecutions. It is misleading to the public when such prosecutions on unrelated crimes are presented as efforts combating national security threats.

Third, the China Initiative is harming the U.S. science and technology enterprise and the future of the U.S. STEM workforce. Since World War II, the U.S. has benefited from an influx of many of the most talented scientists from around the world, including a large number from China. They have played a significant role in our success as a society. For example, a 2018 study by the American Society for Engineering Education reports that 28.4% of engineering faculty (and 31.5% of Assistant Professors) in the U.S. are of Asian origin. Unfortunately, in recent years, the China Initiative (and some other actions of the federal government) have created an increasingly hostile atmosphere for Chinese-Americans, visitors, and immigrants of Chinese origin, which has already discouraged many scholars from coming to or staying in the U.S. This seriously hampers our efforts to recruit the best Chinese students and postdoctoral scholars. This hostility is also noted by the broader research community, draining the community's faith in the continued competitiveness and openness of the research model here.

The difference between the open fundamental research carried out at universities and more applied and proprietary industrial or military research in the commercial sector must be recognized. Many of our most challenging global problems, including climate change and sustainability, and the current and future pandemics, require international engagement. Without an open and inclusive environment that attracts the best talent in all areas, the United States cannot retain its world-leading position in science and technology. In some China Initiative cases, normal academic activities that we all do, such as serving as referees and writing recommendation letters, are adduced as evidence of “extensive dealings with the PRC” (ref: <https://www.documentcloud.org/documents/20452311-gang-chen-federal-affidavit>). Such actions are based on a significant misunderstanding of how scientific research works. They are detrimental to international collaboration. Instead of protecting the national security of the U.S., we believe such actions harm the U.S.'s ability to innovate.

We strongly urge you to terminate the China Initiative and develop an alternative response to the challenges posed by the US relations with the People's Republic of China, one that avoids racial profiling and discouraging beneficial and important collaborations and the influx of talented personnel.

Sincerely yours,

Concerned Yale faculty members (signatory names listed in alphabetical order on next page)

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