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### Trial of Professor Lieber Strengthens The Argument to End The "China Initiative"

On December 21, 2021, the jury delivered [a verdict](#) on Harvard University Professor Charles Lieber - guilty on two counts of false statement, two counts of filing tax returns, and two counts of failure to file reports of foreign bank and financial account.

Major media such as the Wall Street Journal, New York Times, and Washington Post initially published reports that this result was a government "win" or "victory." In response, Professor Maggie Lewis commented in a series of tweets <https://bit.ly/33QYuLl> and then posted a summary <https://bit.ly/3Fn8idS>. She opined that "seeing China Initiative cases as marks on a scorecard shifts the framing to wins/losses from the fundamental question of what is a just outcome when a person's liberty is at stake." To what extent is the "China Initiative" putting people under scrutiny (consciously and unconsciously) because of connectivity to "China" (eg, nationality, national origin, ethnicity)? The jury is still out on how the U.S. will navigate the growing economic competition between the U.S. and China in a way that protects American interests while upholding American values.

On December 23, 2021, MIT Technology Review, published [The China Initiative's first academic guilty verdict raises more questions than it answers](#). Among the unanswered questions from the Lieber trial are:

- **China's "talent programs" prompted scrutiny under the "China Initiative."** Talent programs are government-sponsored recruitment plans designed to attract overseas experts to work in China, as do other nations. While collaboration with Chinese universities, including collaboration through talent programs, was long encouraged by US institutions, the federal government has become increasingly focused about them in the past few years. China has reportedly funded over 200 talent programs that had collectively recruited over 7,000 participants. MIT Technology Review's investigation found that 19 of the 77 known China Initiative cases (25%) were prompted by suspicions that defendants had participated in Chinese talent programs. Fourteen of these talent-program cases alleged research integrity issues stemming from failures to disclose all affiliations to Chinese entities on grant documentation; none involves charges that the scientist in question transferred US intellectual property to China. Despite the government's suspicion of talent programs, it is still not entirely clear whether disclosing participation in them is considered material or immaterial to the federal government. The prosecutor in the Lieber trial did not have to clarify on the record whether participation in the Thousand Talents Program did or did not have to be reported.
- **"Too many Chinese students in his lab" was motivation to investigate Lieber.** On the fifth day of the trial, Marc Mukasey, Lieber's defense attorney, asked Department of Defense investigator Amy Mousseau a series of questions about her motivations in investigating the chemist. "Naval Research Laboratory informed you that Lieber had 'too many Chinese students in his lab?'" he asked. "Yes," Mousseau responded. The exchange "made my ears perked up," said Professor Lewis, because "it goes to this fundamental question of 'To what extent does the government, and US society more generally, see connectivity to China as a reason for enhanced suspicion?'" It displays a "bias," she adds, that goes against what the Justice Department has long claimed: that "their actions are purely based on what people have done, their conduct, and not by ethnicity, race, nationality, national origin, or any of those factors."
- **Racial bias and selective prosecution by FBI and DOJ.** Racial bias is well documented within the FBI and DOJ, according to Michael German, a former FBI special agent turned whistleblower and a fellow with the Brennan Center for Justice. It is not the only type of bias that this trial reveals. Another issue that he sees is selective prosecution. "I'm sure if the Justice Department focused the same resource on investigating corporate executives rather than academics, they could find far more people who didn't properly report all of their income," he says. "Tax evasion"—the subject of two of the charges that Lieber was ultimately convicted of—"is a problem, but it isn't the problem the China Initiative was intended to solve."

There are broader and more fundamental questions that each such case—regardless of outcome—highlight. Earlier on December 2, 2021, MIT Technology Review reported [investigative findings](#) on the China Initiative's increasingly focus on academics accused of research integrity issues and disproportionately targeting individuals of Chinese heritage. The Department of Justice is reportedly conducting a thorough review of the China Initiative.

Read more of the recent MIT Technology Review report at: <https://bit.ly/3epA5i0>

## **Zaosong Zheng - The Other Researcher in The Original Announcement with Professor Charles Lieber**

On January 28, 2020, the Department of Justice issued an unusual press statement "**Harvard University Professor and Two Chinese Nationals Charged in Three Separate China Related Cases.**" These three "China Initiative" cases, including Professor Charles Lieber, have no apparent connection, but they prompted the Boston Magazine to publish "[City of Spies.](#)"

Zaosong Zheng 郑灶松, then a 30-year-old Chinese national and a medical researcher studying with Harvard University and Beth Israel Deaconess Medical Center, was one of three named. Zheng was charged with one count of making a false statement and one count of smuggling goods from the U.S. The original announcement alleged that Zheng "stole" 21 vials related to cancer cell research. Zheng was denied bail 8 times and was locked up for nearly three months after his December 2019 arrest. On January 6, 2021, Zheng pleaded guilty to one count of making false statement. He was sentenced to time served and returned to China the same week.

On January 26, 2021, Zheng told his story in China titled "**I was taken away by the FBI in the US, held for 87 days, appeared in court 12 times, and the court dropped the 'theft' charge.**" According to the report written in Chinese, Zheng described the charges as trumped up and the U.S. media convicted him as a thief and a spy. The 21 vials were not cancer samples, and he did not steal them. The vials contained DNA expression vectors that Zheng created in the lab - ordinary biological material for research purposes that he has been conducting. The government had received the test results that proved his innocence in February 2020, but his attorney did not receive the results from the government until July 2020.

Zheng was held in prison for 87 days. He was denied bail 8 times because the prosecutors convinced the judge that he might be a spy. Zheng's attorney said he used to represent people in homicide and rape cases, which were more serious crimes, but the bail process was less complicated and involved fewer court appearances. The treatment did not fit with the seriousness of Zheng's case. Zheng also said his attorney thought that there was obvious racial discrimination. After Zheng scraped together the money to hire a private lawyer, the prosecutor told the court that some kind of force might be behind Zheng coming from the Chinese government.

After a year of investigation, the government could not find any criminal evidence against Zheng. Based on the attorneys' advice, Zheng reached a plea agreement to admit making a false statement and not be allowed to enter the United States for at least 10 years after his deportation. This was what the prosecutors wanted to see the most, because it implied that they have done nothing wrong.

Read more about the Zaosong Zheng case at: <https://bit.ly/3ExaVIY>

## Daughter of a Chinese American Scientist Tells Her Story About The “China Initiative”

On December 21, 2021, Advancing Justice | AAJC published ***From the Daughter of a Chinese American Scientist: The “China Initiative” Has Shattered My Father’s American Dream***. According to the report, Shaorong Liu 刘绍荣 is a Professor at the Department of Chemistry and Biochemistry of the University of Oklahoma, like many Asian American and immigrant scientists, he was unjustly targeted by the federal government under the Department of Justice’s “China Initiative.” Author of the article, Di Liu, is the daughter of Professor Shaorong Liu. Her concluding paragraph in the article:

***It is terrifying to stand up against the FBI and DOJ, and so many people have already been forced to bow in fear of its authoritative power, turning against friends and colleagues under pressure, pleading to crimes that they don’t understand in hopes of lenience. However, if no one stands up, this nightmare will never end. The Initiative is still ongoing, meaninglessly destroying lives across the country. Despite all that has happened to my family, I still believe in the good faith of those who enforce our laws. To them, I ask you to consider whether the “China Initiative” truly aligns with the core values of our country: Liberty, and justice for all. This is not justice. This is the very oppression you’re fighting against. If the U.S. truly desires to protect its people and its interests, we must stop the “China Initiative.”***

Read more: <https://bit.ly/3pkSaEq>



## Updates on Five "China Initiative" Cases Pending Trial

- **University of Arkansas Professor Simon Saw-Teong Ang 洪思忠 (trial date: 2022/02/07).** Professor Ang joined the University of Arkansas's faculty in 1988 and led the university's High Density Electronics Center at the time of his arrest in May of last year. He was fired by the university two months later. Professor Ang faces 55 counts of wire fraud, 2 counts of false statements in application and use of passport, and 2 counts of false statement. Read more: <https://bit.ly/3l21Roj>
- **Kansas University Professor Feng "Franklin" Tao 陶丰 (trial date: 2022/03/21).** On November 23, 2021, Professor Tao filed a motion opposing yet another delay by the government. A trial date has now been set for March 21, 2022. Professor Tao was the first academic to be indicted under the "China Initiative." He faces 7 counts of wire fraud and 3 counts of false statement. Read more: <https://bit.ly/3fZWJvK>
- **Texas A&M University Professor Zhendong Cheng 成正东 (trial date: 2022/04/04).** On December 23, 2021, Professor Cheng [filed a reply](#) to the government's response to his motion to dismiss, requesting that his motion be granted and the Court dismiss all counts of the indictment with prejudice. Professor Cheng faces 1 count of conspiracy, 7 counts of wire fraud, and 9 counts of false statements. Read more: [https://bit.ly/APAJ\\_Zhendong\\_Cheng](https://bit.ly/APAJ_Zhendong_Cheng)
- **Southern Illinois University Professor Mingqing Xiao 肖明庆 (trial date: to be scheduled).** On December 14, 2021, the Faculty Senate at the Southern Illinois University Carbondale (SIU) passed [a resolution in support of Professor Mingqing Xiao](#). It was resolved that (a) The Faculty Senate calls on the University to immediately end its disciplinary investigation and restore Professor Xiao to regular, full-time status; and (b) The Faculty Senate recommends that the University provide material and legal support for Professor Xiao's defense against prosecution by the Department of Justice. Professor Xiao faces 2 counts of wire fraud, 1 count of false statement, 3 counts of fraud or false statement on tax return, and 1 count of failure to file report of foreign bank account. Read more: [https://bit.ly/APAJ\\_MingqingXiao](https://bit.ly/APAJ_MingqingXiao)
- **MIT Professor Gang Chen 陈刚 (trial date: to be scheduled).** On December 20, 2021, the Wall Street Journal published [The U.S. Pursued Professors Working With China. Cases Are Faltering](#). According to the report, Professor Chen's academic collaboration in Shenzhen, China, led to criminal charges, but the university says such ties are ordinary practice. Professor Chen faces 2 counts of wire fraud, 1 count of failure to file report of foreign bank account, and 1 count of false statement. Read more about Professor Chen's case: [https://bit.ly/APAJ\\_GangChen](https://bit.ly/APAJ_GangChen)



## 2022/01/03 APA Justice Monthly Meeting

The next APA Justice monthly meeting will be held on Monday, January 3, 2022. Invited speakers include Congresswoman Judy Chu, Chair, Congressional Asian Pacific American Caucus; Nisha Ramachandran, Executive Director, CAPAC; Jamie Satterfield, investigative reporter; Johanna Chao Kreilick, President, Union of Concerned Scientists; Edward Lazowska, Professor, and Bill & Melinda Gates Chair Emeritus, University of Washington; and Gisela Kusakawa, Staff Attorney, Advancing Justice | AAJC.

The monthly meeting is by invitation only. If you wish to join, either one time or for future meetings, please contact one of the co-organizers of APA Justice - Steven Pei, Vincent Wang, and Jeremy Wu - or send a message to [contact@apajustice.org](mailto:contact@apajustice.org). Read past APA Justice monthly meeting summaries here: <https://bit.ly/3kxkqxP>.

## Developments for the Asian American and Scientific Communities

- **American Physical Society.** On December 20, 2021, the American Physical Society (APS) published **US Approach to Research Security Threatens Scientific Enterprise**. A new APS report titled [“Impact of US Research Security Policies: US Security and the Benefits of Open Science and International Collaborations”](#) shows scientists perceive the U.S. as ‘unwelcoming to foreigners’ and consider careers in other countries. The report, based on a September 2021 survey of APS members, reveals that the US government’s current approach to addressing research security concerns is weakening, not strengthening, the nation’s scientific enterprise. The survey highlights the urgent need for a new approach that thoughtfully protects the nation against evident security risks, while also welcoming international talent and promoting international collaborations. The APS report offers a series of policy recommendations that would, if implemented, significantly improve the US research environment and protect the nation against evident security risks. For scientists, the report recommends that they recommit to research integrity, which includes openness, honesty, objectivity, fairness, disclosure, accountability, and stewardship. The principles were outlined in a [February 2020 APS](#)

[Board Statement](#). For the US federal government, the nation should make a clear recommitment to open science, reformulate US research security policies, and improve both disclosure policies and high-skilled visa and immigration policies. Read more: <https://bit.ly/3JhQLGj>

- **Nomination of Dr. David D. Ho 何大一 to be NIH Director.** On December 22, 2021, the Committee of 100 (C100) issued [a public statement](#) endorsing Dr. David Ho to be nominated as Director of the National Institutes of Health (NIH). On December 3, 2021, [a letter supporting the nomination](#) was sent by C100 Chair Gary Locke to President Biden. Gary Locke has also served as Governor of Washington, U.S. Secretary of Commerce, and U.S. Ambassador to China. Read more: <https://bit.ly/3sDht6j>
- **Amicus Brief to Support Appeal by Professor Xiaoxing Xi 郝小星.** Advancing Justice | AAJC, Advancing Justice – ALC, and the law firm of Gibbons, P.C. are planning to submit an amicus brief on behalf of Professor Xiaoxing Xi to support his appeal to the U.S. Court of Appeals for the Third Circuit, challenging the dismissal of most of his civil rights claims by a federal district court in Philadelphia. A sign-on interest form for national and local organizations is available here: <https://bit.ly/3yZwUqy>. The finalized form including a copy of the amicus brief will be circulated for sign-on between January 8 and 11, 2022.
- **Discovering Dr. Chien-Shiung Wu 吳健雄.** On December 14, 2021, the Washington Post published [Discovering Dr. Wu](#), with her granddaughter and reporter Jada Yuan 袁杰达 telling the story of Dr. Chien-Shiung Wu as a groundbreaking nuclear physicist who made a startling find 65 years ago. ¶ Born in 1912, Wu left China in 1936 to pursue her education in the United States. There was nowhere in China to get a PhD in atomic physics then. Wu got off the ocean liner intending to study at the University of Michigan, but changed her mind and enrolled at the University of California at Berkeley after a spontaneous visit. She'd been horrified to learn that Michigan didn't let women enter through the front door of the student union. Her Berkeley tour guide was another Chinese physics graduate student, Luke Chia-Liu Yuan 袁家驊. ¶ She received her PhD from UC Berkeley in 1940 under adviser Ernest Lawrence, founder of Lawrence Berkeley and Lawrence Livermore National Labs. In 1942, Wu married particle physicist Luke Yuan, grandson of Yuan Shikai 袁世凱, former president of the Republic of China. Their son Vincent Wei-chen Yuan 袁緯承, a "long-haired counterculturalist in the 1960s," would also become a nuclear physicist. ¶ Wu joined the secret Manhattan Project in 1944 and focuses on the diffusion program for uranium enrichment, earning her nicknames such as "First Lady of Physics", the "Chinese Madame Curie" and the "Queen of Nuclear Research". She is best known for her 1956 experiment that disproved the conservation of parity. The universe, it turned out, was slightly left-handed. The experiment was regarded vital in securing fellow Chinese American scientists Chen Ning Yang and Tsung-Dao Lee the 1957 Nobel Prize in Physics. Many believe Wu should have won the Nobel Prize too. She won 16 honorary doctorates of science, including the first given to a woman at Princeton University. ¶ "Like many children who come from families of immigrants — or from families of

scientists, or families who lived through war and destruction — I didn't realize how little I knew of her life until it was too late to ask. Memories merge. Our family stories have been retold so many times in official accounts and biographies that it's unclear which versions are true. The past is a closed chapter. The first generation works to distance itself from the old ways, the language, the food. Second-generation grandchildren, like me, circle back around, yearning to know more about where it all began." ¶ "Being the rare, often sole, woman — let alone Chinese woman — in whatever room she entered became a constant theme in her sputtering rise. A 1941 Oakland Tribune article about her work on nuclear fission referred to her as 'a petite Chinese girl' who 'looks as though she might be an actress or an artist or a daughter of wealth in search of Occidental culture.' Almost anything written about her at that time refers to how pretty she was, Orientalist in a leering way, as if shocked that she could also be the person J. Robert Oppenheimer deemed 'the authority' on beta decay." ¶ "Berkeley did not hire my grandmother for a permanent position. It was a harsh blow, which McGrayne believed was because of gender discrimination and the swell of anti-Asian sentiment during the war, particularly on the West Coast. The Chinese Exclusion Act of 1882 had been bolstered with even stricter immigration laws in 1924. Japanese internment camps would soon be established. None of the top 20 research universities in the country had a female physics professor at the time." ¶ "Unless you're a collector, stamps are just stamps — at least until your grandmother is on one. This stamp has connected me with long-lost cousins and former students of my grandmother's. Little girls who love science have sent drawings of their new hero, C.S. Wu. A friend in New York put the Dr. Wu stamp on 100 postcards for the Stop Asian Hate movement, which she encouraged people to send to their congressional representatives." ¶ "I wonder if the stories I tell make her sound too much like the stereotype of stern Chinese grandmothers. When really, all she wanted me to see was the limitlessness to life; what can be gained by pushing past the barriers around you. She was fighting to be seen and respected at a time when women and Chinese people in America rarely were." ¶ "As early as 1965, she was giving speeches advocating for more women in science. At MIT's symposium that year on women in science and engineering, she railed against the 'unimpeachable tradition' of science being seen as a male field, and wondered aloud if atoms or DNA molecules 'have any preference for either the masculine or feminine treatment,' the way our society did." ¶ "It is a constant. People, institutions and countries want to claim her, just as I still want to claim her, in an asymmetrical universe where the reality of a person is not the same as the image of them that stretches on through space and time. I accept that a much larger part of who she was is completely unknowable, and belongs to everybody." ¶ Dr. Chien-Shiung Wu died of a stroke on Feb 16, 1997, in New York. An asteroid (2752 Wu Chien-Shiung) was named after her in 1990. Read a lot more about Dr. Wu at: <https://wapo.st/3yX55PQ>





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