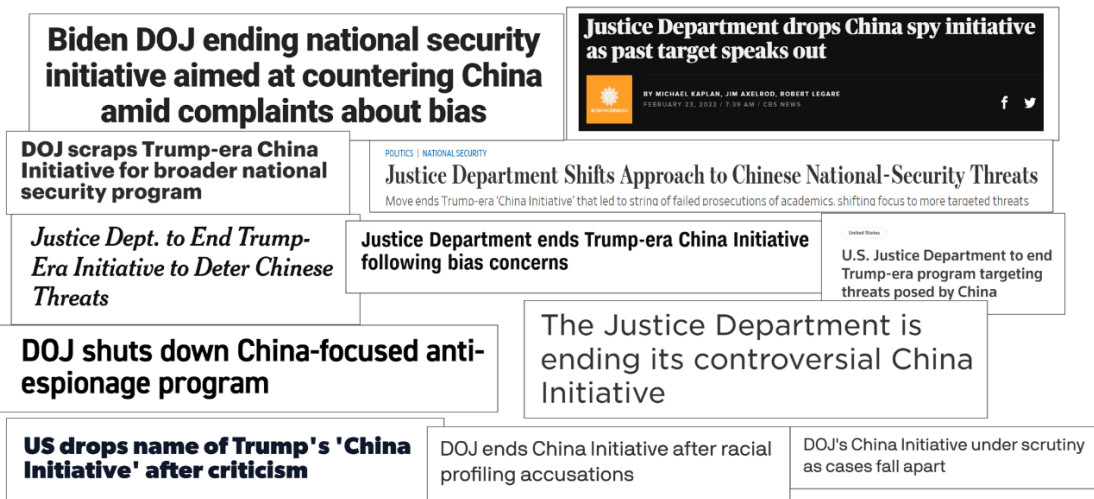



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## APA Justice Statement on The End of The "China Initiative"



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INFORMATION ABOUT THE DEPARTMENT OF JUSTICE'S CHINA INITIATIVE AND A COMPILATION OF CHINA-RELATED PROSECUTIONS SINCE 2018

On February 23, 2022, the Assistant Attorney General for National Security at the Department of Justice (DOJ), Matthew G. Olsen, announced the end of the “China Initiative,” a program that was meant to address economic espionage but morphed into disproportionate targeting of the Asian Americans and academic communities for administrative errors and harming academic freedom and open science. While we disagree with Mr. Olsen’s self-assessment that the DOJ did not find racial bias in “China Initiative” cases, we welcome the end of the ill-conceived initiative and DOJ’s openness to listen and respond to community concerns.

The work to address racial profiling against Asian Americans is far from over; in fact, it is just

beginning. The flawed “China Initiative” has caused immeasurable damage to victims, and eroded the trust and confidence Asian American and academic communities placed in law enforcement. We urge transparency and accountability going forward. APA Justice is committed to continuing our work on these important issues.

In January 2021, APA Justice along with Asian American Advancing Justice | AAJC and the Brennan Center for Justice at NYU Law School sent [a letter](#) to then President-elect Biden, urging him to end the “China Initiative” and take further steps to combat systemic racial bias and targeting of Asian American and immigrant scientists, researchers, and students. The initiative has been (1) ineffective in achieving its stated goals to combat economic espionage and trade secret theft, (2) counter-productive against open science and US 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.

Moving forward, we urge the DOJ, the White House Office of Science & Technology Policy (OSTP), and federal funding agencies to engage in dialogue with Asian American and academic community leaders, be responsive to public Freedom of Information Act (FOIA) requests and inquiries, and provide facts and data to support their policies and practices. We hope this is the beginning of real change to reduce systemic prejudice and bias and keep focus on legitimate national security threats. We are encouraged by the progress made by OSTP to develop and implement fair and consistent reporting requirements that will not “diminish our superpower of attracting global scientific talent” and not “fuel xenophobia against Asian Americans.” More needs to be done for law enforcement and intelligence agencies to be fully engaged with the Asian American and scientific communities.

In addition to transparency, APA Justice strongly believes that the federal government must be held accountable for its misconduct and abuse of power. Unfortunately, the DOJ has not provided remedies for the impacted communities to heal and regain trust in the government, or offered an apology or support to the scientists who were falsely charged and suffered tremendous damage personally and professionally. The aggressive prosecutions and investigations by the DOJ and FBI have had innumerable and devastating effects for families, friends, colleagues, and community members. Congress and the public must hold our institutions accountable for misconduct and misguided policies.

The DOJ must work to rebuild trust with the people it serves, particularly the Asian American and academic communities. They have been terrorized over the past three years under the “China Initiative.” We were encouraged that the DOJ acknowledged the chilling effect across academia, and believe that by advancing transparency and accountability, the U.S. government will send a signal that America is indeed the shining beacon of freedom and justice for all.

APA Justice would like to thank the tremendous support from members of Congress and community partners in civil rights and academia who have worked tirelessly to support the victims and advocate for changes to the “China Initiative.” APA Justice is committed to fostering the ecosystem to effectively address racial profiling concerns and advocate for justice and fairness for the Asian Pacific American community. In the pursuit of this goal, we hope to achieve a brighter tomorrow for our nation.

Read the media reports and APA statement here: <https://bit.ly/35mxOmv>

## Exonerated MIT Professor Gang Chen Interviewed by CBS News



On February 23, 2022, CBS News broadcasted an interview with MIT Professor Gang Chen whose case under the "China Initiative" was recently dismissed. In the criminal complaint, Chen was accused of failing to disclose various ties to China in a 2017 Energy Department grant application as well as failing to disclose a foreign bank account on a 2018 tax document. The complaint prosecutors filed against Chen did not accuse him of espionage, but on the morning of his arrest, he was treated like a national security threat. In a press conference following Chen's arrest, then-U.S. Attorney Andrew Lelling made plain how the government viewed the stakes of the case. "The allegations of the complaint imply that this was not just about greed, but about loyalty to China," Lelling said.

"We thought we had achieved the American Dream," Chen said. "Until this nightmare happened." He was placed on academic leave for nearly a year as the federal charges hung over him. Documents reviewed by CBS News revealed that in January an Energy Department official told prosecutors they had gotten it wrong, and Chen was not required to disclose any of the affiliations he was accused of hiding. Two weeks later, prosecutors dismissed the indictment against Chen. It is one of eight cases the department has dropped against Chinese-born researchers in the past year.

Former Justice Department officials told CBS News the prosecutions were meant to send a message: to deter the academic community from hiding research ties that China could then exploit to gain access to cutting-edge technology. Yet the cases drew criticisms of racial profiling, and according to MIT president Rafael Reif, sent a chill through the scientific community. "It is scaring the best talent in the world, which we need in this country, from

coming into this country," Reif told CBS News. At MIT, Reif said Chen's arrest came as "a massive jolt." Believing Chen had done nothing wrong, Reif decided the school would pay his legal fees. "I felt it was an attack on all Chinese Americans in America, particularly in academia," Reif said. "I felt it was to some extent an attack on every foreign-born person in America, who is being told, 'We don't really trust you.'" "We do have a problem with China," Reif said. "We are not playing by the same rules. All I'm saying is, just going to universities and looking for Chinese Americans and doubting their loyalty to this nation is not the right approach." DOJ did not offer an apology to Professor Chen.

Chen still worries about the damage the whole episode has done to his reputation. He has returned to teaching at MIT this semester, but said he is still haunted by the arrest. "I am no longer the Gang Chen I was before," he said. "From my family, the trauma we experience, the fear we still have, to my professional career. My research group is gone. I will no longer be the same person I was before."

Read and watch the interview (video 6:54): <https://bit.ly/3p9uPVx>

## **"Power Corrupts. Absolute Power Corrupts Absolutely."**



During the February 7 APA Justice monthly meeting, Harvard University Professor Zhigang Suo shared his perspective as a friend and a colleague to Professor Gang Chen. He began by recounting that on the day Gang was arrested, the government displayed overwhelming power. They jailed, handcuffed, and shackled Gang, and put out a press release full of misinformation to incite fear in the public. This misinformation quickly traveled all over the world.

On the day of Gang's arrest, MIT president Rafael Reif issued [a statement](#) that said, "[f]or all of



us who know Gang, this news is surprising, deeply distressing, and hard to understand.” The statement was widely quoted in the news. Gang’s attorney, Rob Fisher, also said: “Gang’s life has been the epitome of the American dream. He loves the United States and looks forward to vigorously defending against these allegations.” However, the significance of these statements was lost on Zhigang at the time. All Zhigang saw were talking heads on the screens – he felt bewilderment, anger, sadness, and fear.

The same day, Zhigang’s friend, Professor John Dobbow [tweeted](#), “So sorry to hear the news about Gang Chen at MIT. I hope that it is a big misunderstanding, and that he is acquitted of all charges on this.” The following day, Zhigang retweeted John and [wrote](#): “Gang has been my best friend. Gang has a beautiful mind as a scholar, and a kind heart as a human being. He is devoted to his family, friends, colleagues, and MIT. He was born in China and found his dream in America. The news made me want to cry.”

That evening, Ellen Barry of the New York Times called Zhigang after seeing his tweet. Frustrated, Zhigang asked, “Why do newspapers amplify the government’s misinformation?” Ellen responded, “Newspapers report news. The arrest of a professor is news, which the government provides. We report the news with whatever we have on that day. Subsequently, we investigate more and report further. I’m talking to you now.” Zhigang was grateful to Ellen for this “illumination on a day of darkness.”

That weekend, Zhigang saw the criminal complaint against Gang on Twitter and several aspects of the complaint stood out to him. The complaint, written by an author named McCarthy, made absurd allegations. Zhigang put on his scientist hat and reviewed the document as if it were a technical paper. He reviewed the complaint point by point in a long Twitter thread. To open the thread, Zhigang wrote: “The McCarthy document is the basis for the arrest of professor Gang Chen. This arrest is an act of a government against an individual. The power asymmetry between a government and an individual is enormous. We the People should do everything to ensure no abuse of power.”

Zhigang described the public attention to Gang’s case as “stunning, swept, and sustained.” On the day of Gang’s arrest, Professor Yoel Fink started to organize MIT faculty in support of Gang, which led to the [We Are All Gang Chen letter](#). Many individuals spoke out. Civil rights groups, including APA Justice, organized a congressional roundtable. Professors Kai Li, Yasheng Huang, and others launched the Asian American Scholars Forum. Newspapers interviewed many people and published substantive findings.

Zhigang reflected that after the government made its allegations against Gang, they were scrutinized by the public, causing the tide of public discourse to turn quickly after Gang’s arrest. Zhigang concluded by commenting that these events teach a fundamental lesson in civics: Power corrupts; absolute power corrupts absolutely. Yet by design, the US government does not have absolute power. We the People are the countervailing power.

Watch Zhigang’s talk in video: <https://bit.ly/3GSvIaP>

## APA Justice Requests Community Briefing with FBI Under the Auspices of Office of Science and Technology Policy (OSTP)

On February 22, 2022, APA Justice requested OSTP's 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.

We noted in [a statement submitted to OSTP](#) 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 with OSTP 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 two co-organizers of APA Justice 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, especially scientists and with Asian descent, were investigated and prosecuted under the “China Initiative.” These tragic outcomes were preventable.

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. The February 1 Columbia-FBI symposium and the recent dropped cases of Professors Anming Hu and Gang Chen were cited as examples that included various reported misconduct.

Read more about the request: <https://bit.ly/3hbHltO>. Read more about the activities and interactions with OSTP: <https://bit.ly/3fT4Jko>

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