

Statement for Congressional Roundtable

— Researching while Chinese American:

Ethnic Profiling, Chinese American Scientists and A New American Brain Drain

Asian American Scholar Forum (AASF)

June 29, 2021

Asian American Scholar Forum ([AASF](#)) is a non-profit, non-political organization representing a community of Asian American scholars who are united in our commitments to promote academic belonging, openness, freedom, and equality for all. Since AASF's establishment in February 2021, we have been organizing educational webinars that facilitate dialogue between expert speakers to raise awareness on issues that matter to the academic community. The webinars are co-sponsored by 11 Chinese-American scholar associations and 2 Asian-American organizations, representing over 5,000 Asian American academics.

We are extremely alarmed and heartbroken about the actions taken by the DOJ's China Initiative to criminalize what in some cases are routine academic activities and what in other cases are reporting errors and falsehoods which can be dealt with by universities and funding agencies using administrative remedies and sanctions. The federal prosecutions of Chinese American scientists have created an atmosphere of fear and undermined America's research environment and competitiveness.

We would like to make the following statements:

1. We are Asian American professors. We have chosen to stay in the United States because we believe in democracy, freedom of speech, rule of law, and the research environment of freedom and exploration without fear. We are grateful for the liberties and opportunities that America has offered us. We have contributed our talents to reward and serve this nation. We also acknowledge that there are extremely difficult and complicated problems in the US and China relations. We respect and follow the government laws related to technology transfer and intellectual properties.
2. We note that federal grant disclosure requirements have been evolving over the past few years. They have been unclear, complex and are prone to errors and misinterpretations. We strongly object to the notion that malicious intent to engage in espionage activities and loyalty to a foreign government are the only explanation of these errors and omissions and we believe that a reasonable approach is to start with a presumption that mistakes, carelessness, negligence, ignorance, and other lesser problems are the far more likely causes. Intent matters. China Initiative invokes criminalization as the first resort and criminalizes what may have been

innocent mistakes and even some routine academic activities and conduct (such as writing letters of recommendations for one's own students).

3. The China Initiative has proven to be an exercise in racial profiling to prosecute Asian American Scholars behind the guise of national security. Many Asian American scientists have been suspended or dismissed from tenured positions and prosecuted for failure to disclose regular academic activities with China when such activities were encouraged. The DOJ's prosecution against Prof. Anming Hu at University of Tennessee reveals a disturbing fact that despite the FBI agent admitted in court that Prof. Hu was not a spy and that he disclosed all his collaboration activities with a Chinese university to his university when such collaborations were encouraged, DOJ still tried to prosecute him with wire frauds, apparently in order to meet their quantitative prosecution quota under the China Initiative.
4. The China Initiative has created a chilling effect on America's research environment. Quite a few Chinese American scientists have left or are considering leaving the United States for other countries, including two prominent scientists (members of US national academy of science, engineering and medicine) whom Chinese universities failed to recruit for many years recently accepted jobs due to the chilling effect. Another prominent scientist (a member of National Academy of Science) who went back to China a few years ago but decided to return to the United States because this scientist believed China did not have the best research environment. Now this scientist is considering leaving the United States again to accept a leadership position in another country, which is not China, due to the climate of the current environment. Some star PhD graduates who have told their advisors that they would not even consider applying for positions in the United States. This is unprecedented, very concerning and indicative of where we are. These young scientists are the future of science and America is losing them to China and to other countries. It is indicative because unlike established scientists these young scientists do not have complicated histories of incomplete disclosures and doing collaborative work in China. They are leaving because they no longer believe that the US has a safe research environment.
5. We recommend the congress and the government to stop prosecuting innocent Asian American scientists for their research collaborations with Chinese research institutions during the times such activities were encouraged (e.g. NSF had an office in Beijing to collaborate with Chinese NSF until February 2018) or during the times the rules were not clear. We strongly suggest that establishing a clear timeline before which DOJ does not prosecute the researchers involved in US-

China collaboration (We suggest not to use the word “Amnesty” for such a program).

6. We recommend the Congress and the government to stop the China Initiative as it promotes implicit bias against Chinese American scholars. As one of our founding members said: “China Virus racially profiles American streets. China Initiative racially profiles American labs.” As history has shown, the current Anti-Asian discrimination embodied by the China Initiative will only result in an America that is morally compromised, more polarized, weaker, and less competitive.

Let us conclude our statements by saying that as scholars and as citizens of this country, we are troubled and heartbroken by these developments. We chose to stay in this country because we believe in the idea of America and because we believe this is the best country in the world to do science and scholarly work. We implore the Biden administration to reexamine the DOJ’s malicious approach, evaluate the impact of its actions, including unintended and collateral impact, and come up with an approach that is better suited for the problems you are trying to address.

Members of Asian American Scholars Forum (<http://casforum.org>)

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