

Prepared Comments for Democratic Member Roundtable on
*Researching while Chinese American: Ethnic Profiling, Chinese American Scientists and a New
American Brain Drain*

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Subcommittee Chair Raskin, Caucus Chair Chu, and other respected members here today, thank you for the opportunity to share with you my observations on bias against Chinese-American researchers. The opinions expressed here are my own, and do not necessarily reflect those of my institution.

Let me begin by emphasizing the importance of international collaborations and to underscore how the U.S. has benefited from being a magnet for talent from around the world. In the early 1980s, during the height of the Cold War, the Reagan Administration recognized the critical importance of collaboration on fundamental research topics with our adversary the Soviet Union. From the National Security Decision Directive 189:

“Our leadership position in science and technology is an essential element in our economic and physical security. The strength of American science requires a research environment conducive to creativity, an environment in which the free exchange of ideas is a vital component. ... To the maximum extent possible, the products of fundamental research remain unrestricted. ... Where the national security requires control, the mechanism for control of information generated during federally funded fundamental research in science, technology and engineering at colleges, universities and laboratories is classification.”

It is the policy of the University of California that its campuses perform *no* classified research. The open pursuit of new fundamental knowledge, to be shared globally, is enshrined in its founding principles: “Fiat Lux: Let There Be Light.”

It would be a tragedy to compromise international collaboration, particularly given such pressing societal challenges as climate change, which can only be effectively addressed globally.

I will briefly relate to you the career of my distinguished Chinese-American colleague Dr. Dawn Song. Dawn received her undergraduate degree from Tsinghua University, one of that country’s oldest and most prestigious institutions. She attended Berkeley for her Ph.D. in the field of computer security, where she is now on the faculty. She is one of the world’s experts on the design of computer systems to protect against attack or interference. She received the prestigious MacArthur “Genius” award for her work. Dawn is also an entrepreneur, translating her research insights into practical applications that have benefitted millions of users who

depend on the security of their computer systems – pretty much all of us. She is a co-founder of FireEye, a leading cybersecurity firm whose intrusion detection software is widely used to protect corporate and Federal agency networks. FireEye is the company responsible for revealing the infamous “SolarWinds” attack that compromised many critical systems here and abroad. We might not have ever known about this pervasive intrusion without the technology that Dawn helped to develop.

This is just one of many stories of how Chinese-American researchers have enriched our scientific and technical communities.

I am deeply concerned about the recent investigations into foreign influence in our universities. Collaboration with Chinese researchers appears to be an invitation for an investigation. I asked my Berkeley Chinese-American colleagues to share with me incidents of harassment they knew of or had experienced. They reported occurrences of suspended funding for investigators who had collaborated with Chinese universities. They believe that faculty with Chinese collaborators have received increased scrutiny of their grants for disclosure violations. There are indications that proposals submitted by Chinese-American researchers are subjected to a more intensive review. It has also been reported that the funding success rate for Asian-American investigators is lower than for their Caucasian colleagues. These observations are deeply troubling.

I can speak from experience of one Federal agency initiated investigation at Berkeley. To maintain confidentiality, and in particular, the identity of the investigated faculty colleague, I will speak in somewhat circumspect language.

Initially the agency informed me of its suspicion that one of our faculty had a significant affiliation with an institute in China, and that we should investigate it as a conflict of commitment. I did what any academic would do, and performed an extensive Google search for the Institute and our faculty member’s name. Other than a large number of co-authored publications, all of which had appeared in the open literature, I found no suspicious affiliation. I reported my finding to the agency. They responded by producing a set of web page screen images, which I had been unable to access, that suggested the individual did have an affiliation with the institute in question. It was never made clear to me how the agency was able to navigate to these pages, or why they had not shared this information initially. I believe the affiliation was honorific – not unlike a visiting professor – and did not suggest a conflict of commitment. The agency then requested that I investigate whether the faculty member had received duplicate funding from China for work that had already been federally funded, in clear violation of agency rules. After extensive investigation, I concluded that the collaborative work performed with Chinese colleagues was independent of work performed under U.S. sponsorship. The agency remained unconvinced by the evidence I provided.

As we are aware from press reports, there have been researcher abuses, particularly in terms of excessive time spent abroad or payments received that have gone unreported. Those who have violated either university or government rules should be punished. In my case, at the very worst the faculty member had omitted to disclose collaborations with Chinese colleagues or to report

the related but independent work they were pursuing. The Federal agencies have not been entirely clear and consistent on these matters, which have been formulated to insure that that your close collaborators – and friends – are not among those who review your proposal. These rules are now being clarified. Let me state emphatically that my university supports all Federal agency disclosure rules. We are doing everything to communicate these requirements to our research community, and to assist our researchers in being in compliance.

To avoid the displeasure of the agency, which holds sway over funding decisions that can make or break a researcher's career, the faculty member agreed to forgo submitting a proposal for a time.

There is little doubt that these investigations have had a particular focus on Chinese-American researchers. In my story, the faculty member is Chinese-American, born in China, yet whose scientific career has been almost entirely in the U.S. This person first came under suspicion because of the number of co-authored papers with Chinese researchers. This is hardly surprising, given the language and cultural familiarities, as well as the reality that for some fields of science, the best researchers and resources are to be found in China. This was the case for this researcher. We learn as much from them as they learn from us. Let me emphasize that the joint work was not secret, but appeared as publications in the open venues of science.

This faculty member's experience is not unique. The Federal agencies have undertaken hundreds of similar investigations – no one really knows the numbers. Some have resulted in job dismissals and legal indictments. At least one, involving a Chinese-American researcher at the University of Tennessee, has resulted in a deadlocked trial. What we *don't* know are those investigations that were inconclusive, or represented little more than errors of omission, or ended with complete exoneration. The agencies know this; the public only the most sensational – and typically most egregious – cases.

These investigations have been conducted in a manner that does not adhere to our American values: an open and transparent process, an assumption of innocence until proven guilty, and the right of appeal.

These investigations and related actions – such as the increased interrogation of Chinese-American researchers by Customs and Border Patrol officers at airports – have resulted in a chilling effect on our Chinese-American research community in particular, and America's international collaborations and our continued ability to attract the world's best and brightest. My university has seen a precipitous decline in graduate students, postdoctoral scholars, and visiting students from China that began even before the Covid-19 pandemic. This will have ramifications for America's research enterprise for many years to come.

I look forward to further discussion on these points, and once again, I thank you for the opportunity to come before you today.