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THE SENATE OF MARYLAND
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Congressional Roundtable
Researching While Chinese American: Ethnic Profiling, Chinese American
Scientists and a New American Brain Drain

Testimony of Senator Susan C. Lee, Senate Majority Whip
Maryland State Senate

I serve as a Senator, the Senate Majority Whip, Chair Emeritus of the Maryland Legislative Asian American and Pacific Islander Caucus, and former President of the Women Legislators of Maryland (Women's Legislative Caucus) in the Maryland State Senate.

I thank and commend United States Representatives Jamie Raskin, Chair of the House Subcommittee on Civil Rights and Civil Liberties and Judy Chu, Chair of the Congressional Asian Pacific American Caucus for their outstanding leadership in commencing this important Congressional Roundtable: **Researching While Chinese American: Ethnic Profiling, Chinese American Scientists and a New American Brain Drain**. As Congress to date has held numerous hearings focused only on the espionage threat, we are grateful to you for initiating this timely and significant Congressional proceeding that will shine light on the egregious civil rights violations and the human and scientific costs of racial profiling.

As expressed in my and Terry Lierman's February 1, 2021 letter co-signed by current and former top government officials, scientific, research, Asian American and Pacific Islander, civil rights, and community leaders and organizations, we are deeply disturbed about the singling out of scientists and scholars of Chinese or Asian descent based on the misguided perception that simply being of Chinese or Asian descent or having ties to China make them prone to espionage. In this increasingly toxic political environment, we are concerned that many innocent, patriotic, and dedicated scientists and scholars who have devoted a lifetime to making breakthrough contributions to America are now being unfairly profiled and having their reputations, careers, and lives destroyed. While we strongly support efforts to safeguard America's interests and prosecute

wrongdoers, it would be a grave injustice to target, stereotype, or place under suspicion an entire ethnic group.

We are alarmed that our country's Chinese American scientists and possibility other scientists of Asian descent have been caught up in the broad sweep of the US Justice Department's "China Initiative," Federal Bureau of Investigation's counterintelligence efforts, and the related actions of National Institutes of Health and other federal agencies leaving them fearful, confused, frustrated, and with a sense of betrayal. International scientific collaborations and exchanges between United States and foreign academic and research institutions, which have been for decades strongly encouraged and supported by NIH and other academic entities, are now being arbitrarily criminalized. We are also shocked at recent revelation of the unconscionable and unchecked practices and tactics used by the Office of Investigations and Threat Management Service (ITMS) of the US Commerce Department to target dedicated public servants of Asian descent.

As the history of our country attests, overzealous, broad, unchecked, overreaching scrutiny can not only lead to mistakes in investigations or prosecutions, thereby ruining the lives of innocent Americans and their families, but also cripple America's ability to advance scientific and medical innovations that can enhance the quality of and save lives, especially during this current pandemic.

America's best interests are served by supporting highly educated, well-trained, and talented scientists and engineers who are patriots dedicated to advancing science and innovation in our country. At this time, scientists, researchers, uniformed service members, federal employees, government contractors, and other Chinese American professionals have reported that their loyalties are being questioned. Chinese Americans are being targeted for criminal investigations because of characteristics that are common to immigrants and advantageous to this country's global competitiveness, including for example, language skills, knowledge of culture, and family, financial or professional connections to China. In addition, highly skilled Chinese American intelligence analysts and armed services personnel, who were trained at taxpayer expense, are being involuntarily and unfairly separated from federal government employment even as agencies face diversity hiring challenges.

Immigrant communities know all too well the lessons from the incarceration of Japanese Americans, the McCarthy era investigations into Chinese Americans, and the post-9/11 surveillance of Arab, Middle Eastern, Muslim, and South Asian Americans. Under the name of national security, the U.S. often turns on its own citizens and declares them to be foreign threats on domestic soil.

To prevent more Chinese Americans and possibility others of Asian descent from becoming collateral damage of the federal government's efforts to stop PRC-sponsored espionage, we respectfully urge the Roundtable to address the following matters:

1. Nature and extent of the Human and Scientific Costs of the "China Initiative" and Racial Profiling of Americans of Chinese and Asian descent;
2. The contributing role of federal government agencies such as NIH, FBI, Justice Department, Commerce Department, and other agencies;

3. Measures to ensure there is Oversight of and Transparency, Fairness, and Accountability by federal agencies;
4. Measures to ensure timely and transparent responses to Congressional Inquiries and public Freedom of Information Act (FOIA) requests on policies and practices; and
5. Proposed legislation, policies, or other actions to increase transparency, oversight and accountability of federal agencies, the protection of the civil rights and civil liberties of Americans of Chinese and Asian descent, and remedies for wronged individuals.

Chinese Americans have a long, storied history in the U.S since they arrived in the 1880's. Comprising 23% of the Asian American population, they have made significant economic, social and scientific contributions to the U.S., ranging from military service since the Civil War to health care service during the pandemic. Scientists and researchers are making breakthroughs in Covid-19-related research and they are filling critical shortages in national labs.

Immigrants are not a threat. Rather they are a part of the solution to the United States' global challenges. Again, thank you for your exemplary leadership and efforts to prevent further injustices from being perpetrated against these loyal and dedicated scientists and the impediment of America's ability to be the global leader in science and technology.