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The Injustice and Ordeal of Professor Feng "Franklin" Tao



Franklin Tao 陶丰

United States v. Tao

[2:19-cr-20052](#)

District Court, D. Kan.

Date Filed: Aug. 21, 2019

Date Ended: Jan. 18, 2023

10th Circuit Appeals Court

Appellate Case 23-3013

Acquittal: Jul. 11, 2024

On July 11, 2024, Professor **Feng "Franklin" Tao** was cleared of the final charge against him under the now-defunct China Initiative. He and his wife have accepted an invitation to speak at the next APA Justice monthly meeting on August 5, 2024.

Professor Tao was the first academic scientist indicted under the China Initiative on August 21, 2019. As a tenured associate professor at the Kansas University (KU), he conducted research on fundamental studies of catalysis for chemical transformation, promotion of energy efficiency, and environmental sustainability.

On June 24, 2020, the government charged him with a second superseding indictment, bringing the total to ten counts including wire fraud and false statements against Professor Tao. These charges were unrelated to espionage or the transfer of sensitive information to China.

The case against Professor Tao started from fabricated allegations by a disgruntled visiting

scholar. After failing to extort Professor Tao for \$300,000, she later admitted to the FBI that she had hacked into his email account to fish for "evidence" and then used phony aliases to submit fabricated complaints to both KU and the FBI.

Before the jury trial, the government voluntarily dropped two charges. The trial on the remaining eight counts began on March 21, 2022. The jury acquitted four counts and convicted him on the other four counts.

On September 20, 2022, U.S. District Court Senior Judge **Julie Robinson** acquitted the three wire-fraud counts. Only a false statement count was left.

On January 18, 2023, Judge Robinson sentenced Professor Tao to no jail time, no fine, and two years of probation for the remaining false statement conviction. The district court terminated the probation early in February 2024.

Professor Tao appealed the conviction of the last count in February 2023.

On July 11, 2024, the 10th Circuit Appeals Court ruled in a 2-1 vote that reversed the conviction of making a false statement, clearing all charges imposed on Professor Tao.

The acquittal of the last of the 10 original charges marked the end of Professor Tao's five-year ordeal of criminal persecution, initiated by racial profiling under the China Initiative. Despite not being tried for espionage or the transfer of sensitive information to China, his faculty position was terminated in January 2023. He expects KU should reinstate him.

While Professor Tao's innocence has now been confirmed, the process has had a tremendous impact on his finances, career, reputation, and family.

APA Justice has closely tracked Professor Tao's case from the beginning. The Asian American communities were mobilized to fully support Professor Tao.

The media was engaged. Amicus brief was submitted. Funds were raised for his legal defense. Turnout rallies were organized.

APA Justice has compiled the details of Professor Tao's ordeal into a web page. It is still a work in progress, but it is available for public review here: <https://bit.ly/3y8SBsm>.

If you wish to attend the August 5 APA Justice monthly meeting or provide feedback to the web page, please send a message to contact@apajustice.org.

2024/07/23 Press Conference on Professor Franklin Tao



FOR PLANNING PURPOSES

July 22, 2024

CONTACT:

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*****ADVISORY*****

Following Federal Court Appeals Victory, CAPAC Chair Joins Prof. Franklin Tao and other Victims of China Initiative for Press Conference

WHAT: Press Conference

WHO: Professor Franklin Tao, his wife, his lawyer, Peter Zeidenberg, Members of Congress, representatives from Asian American civil rights and scientific organizations

WHEN: July 23, 3:00 pm to 3:30 pm ET

WHERE: Cannon House Office Building, Room 454, Capitol Hill, Washington DC

Reverse Brain Drain? Exploring Trends among Chinese Scientists in the U.S.

Stanford | Center on China's Economy and Institutions
Freeman Spogli Institute and Stanford Institute for Economic Policy Research

SCCEI CHINA BRIEFS
Updated July 15, 2024

Reverse Brain Drain? Exploring Trends among Chinese Scientists in the U.S.

Yu Xie, Xihong Lin, Ju Li, Qian He, and Junming Huang (2023). **Caught in the crossfire: Fears of Chinese-American scientists.** *Proceedings of the National Academy of Sciences (PNAS)* research paper.

Along with native-born Chinese Americans, Chinese immigrants have become a large and visible demographic group in American science, technology, and engineering. However, the pressure of potential federal investigations since the 2018 launch of the "China Initiative" by the U.S. Department of Justice has provided scientists of Chinese descent in the U.S. with higher incentives to leave and lower incentives to apply for federal grants. What are the long-term consequences of the China Initiative on scientists of Chinese descent in the U.S. and the global leadership of the U.S. in science and technology?

X-axis of return for U.S.-based Chinese scientists in 2020

According to an update by the Stanford Center on China's Economy and Institutions (SCCEI) on July 15, 2024, along with native-born Chinese Americans, Chinese immigrants have become a large and visible demographic group in American science, technology, and engineering. However, the pressure of potential federal investigations since the 2018 launch of the "China Initiative" by the U.S. Department of Justice has provided scientists of Chinese descent in the U.S. with higher incentives to leave and lower incentives to apply for federal grants.

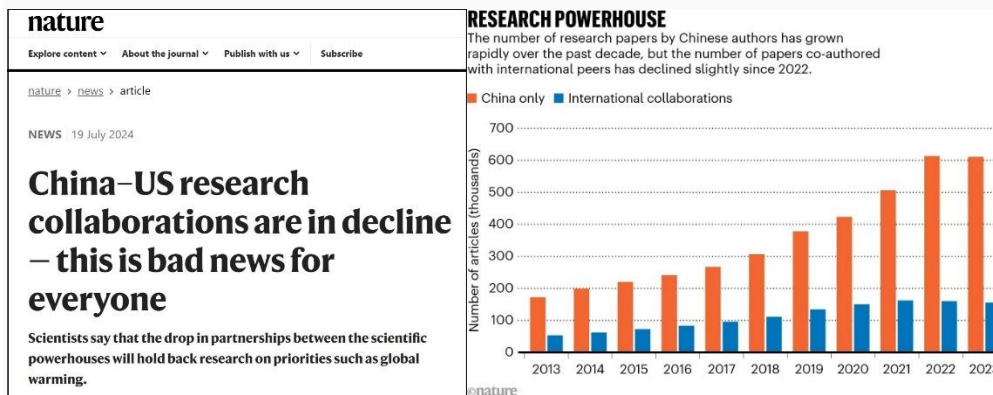
While most China-born, U.S.-based scientists intend to stay in the U.S., the number leaving has steadily increased. After the Department of Justice implemented the "China Initiative" in 2018, departures increased by 75%, with two-thirds of the relocated scientists moving to China.

Surveyed scientists of Chinese descent in the U.S. report anxiety and new difficulties in pursuing their research, with 61% considering leaving the U.S. and 45% avoiding federal grant applications.

The update says U.S. science will likely suffer given the loss of scientific talent to China and other countries.

Read the SCCEI update: <https://stanford.io/3zQOf9P>.

Nature: China–US Research Collaborations are In Decline



According to *Nature* on July 19, 2024, scientists have been warning that political tensions between China and the United States, combined with the pandemic, have affected research collaborations between the two countries. But it takes time for evidence of this sort of decline to accumulate in research databases.

The latest evidence comes from an analysis conducted by *Springer Nature's* team in

China. They found that in 2022, the total number papers co-authored by researchers from China and their international peers declined for the first time since 2013.

The proportion of research papers with Chinese and international co-authors has been falling for even longer. At its peak, in 2018, 26.6% — roughly 110,000 articles — of China’s output in the InCites database was co-authored with international colleagues. By 2023, the proportion of the country’s articles with international peers had dropped by 7.2%, despite China’s overall number of articles almost doubling to 759,000 over the same period.

The drop in internationally co-authored papers is mainly due to China’s declining share of papers published with US researchers, which fell by 6.4% between its peak in 2017 and 2023 — the largest decline of any country included in the analysis. The findings were presented at the Zhongguancun Forum in Beijing on April 25.

The decline in US-China collaborations echoes findings from a 2022 analysis conducted for *Nature*, which found that the number of researchers with dual US and China affiliations on research articles in Elsevier’s Scopus database had fallen by more than 20% between 2019 and 2021.

The crackdown under the China Initiative resulted in several scientists being arrested over their ties to collaborators or institutions in China, and has stoked fear among researchers of Chinese descent. Since then, the US government has adopted a range of policies focused on tightening research security. And in July 2023, the Chinese government implemented its revised counter-espionage law, which broadened the definition of what constitutes spying.

The crackdown on perceived foreign interference in both the United States and China is making researchers more cautious about collaborating. Restrictive policies and the climate of fear could end up driving talent away from certain countries and fields, leading to a “brain drain and a loss of valuable human capital.” The faltering collaborative ties between the United States and China could also result in the countries pursuing the same types of research separately, increasingly prioritize domestic interests over international cooperation, which could make scientific research a more nationalistic endeavor.

Read the *Nature* report: <https://go.nature.com/4cP5h6O>.

Remembering Congresswoman Sheila Jackson Lee



Texas congresswoman **Sheila Jackson Lee** (pictured in red above) died in Houston on July 19, 2024, at the age of 74.

Rep. Sheila Jackson Lee was a force in American politics. Born in Queens, New York, she was appointed a municipal court judge in Houston in 1987. She won a place on Houston's City Council two years later. In 1994, she defeated incumbent Congressman **Craig Washington** in the primary for a solidly Democratic seat. She won the general election that November. She was only the fourth member to represent the district since it was redrawn to represent Houston, following **Barbara Jordan**, **Mickey Leland**, and Washington. She wound up holding it for nearly 30 years, longer than all three of her immediate predecessors combined.

Rep. Sheila Jackson Lee was a local, national and international humanitarian, who fought for racial and criminal justice. She was a fierce champion of the people

In March 2020, Rep. Sheila Jackson Lee [expressed outrage](#) at the uptick in violence against Chinese Americans and pleaded for the President to cease and desist from calling the Coronavirus the Chinese Virus. "Violence directed against individuals on the basis of their race, religion, national origin, gender, or sexual orientation is disturbingly prevalent -- and poses significant threats to the Chinese American community during this worldwide pandemic. Domestic terrorism is growing, and these words and attacks only create increasing fear in a time when our nation should be unified and stand together," she said in statement.

On February 11, 2023, Rep. Sheila Jackson Lee wore the "We Belong" Yellow Whistle and joined hundreds of protesters marching through Houston's Chinatown in opposition to SB 147 - a proposed law that would prohibit Chinese citizens from owning property in Texas. She carried the banner with Texas Representative **Gene Wu**, Congressman **Al Green**, and Houston Mayor **Sylvester Turner**, insisting to complete the entire march.

Rep. Sheila Jackson Lee also [spoke on the stage](#). "No to SB 147, because the Statue of Liberty has not fallen, and the American flag is still standing," she said. "Stop the Asian hate. Stand for the American flag."

We mourn the passing of Rep. Sheila Jackson Lee and the loss of a true friend of the Asian American community.



News and Activities for the Communities

1. APA Justice Community Calendar

APA Justice Public Events

July 2024

Events shown in this zone: Eastern Time - New York

APA Justice Public Events

July 21

Events shown in this zone: Eastern Time - New York

- Tuesday, July 23**
 - 3:00pm Press Conference on Professor Franklin Tao
- Thursday, July 25**
 - Leadership Convention by NAAAP (National Association of Asian American Professionals)
- Friday, July 26**
 - Leadership Convention by NAAAP (National Association of Asian American Professionals)
- Saturday, July 27**
 - Leadership Convention by NAAAP (National Association of Asian American Professionals)
 - 11:30am Asian American Pioneer Medal Symposium and Ceremony
- Sunday, July 28**
 - Leadership Convention by NAAAP (National Association of Asian American Professionals)
 - 12:30am Asian American Pioneer Medal Symposium and Ceremony
- Sunday, August 4**
 - 9:00pm Rep. Gene Wu's Town Hall meeting
- Monday, August 5**
 - 1:15pm APA Justice Monthly Meeting
- Monday, August 19**
 - APAVote DNC Convention, AAPI Briefing & Reception, Chicago, IL
- Sunday, September 1**
 - 9:00pm Rep. Gene Wu's Town Hall meeting
- Thursday, September 19**
 - 2024 AANHPI Unity Summit
- Friday, September 20**
 -

Upcoming Events:

- 2024/07/23 Press Conference on Professor Franklin Tao
- 2024/07/25-28 Leadership Convention by NAAAP (National Association of Asian American Professionals)
- 2024/07/27-28 Asian American Pioneer Medal Symposium and Ceremony
- 2024/08/04 Rep. Gene Wu's Town Hall Meeting
- 2024/08/05 APA Justice Monthly Meeting
- 2024/08/19 DNC Convention, AAPI Briefing & Reception, Chicago, IL
- 2024/09/01 Rep. Gene Wu's Town Hall Meeting
- 2024/09/19-20 AANHPI Unity Summit

The Community Calendar has moved. Visit <https://bit.ly/3XD61qV> for event details.

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