

In This Issue #97

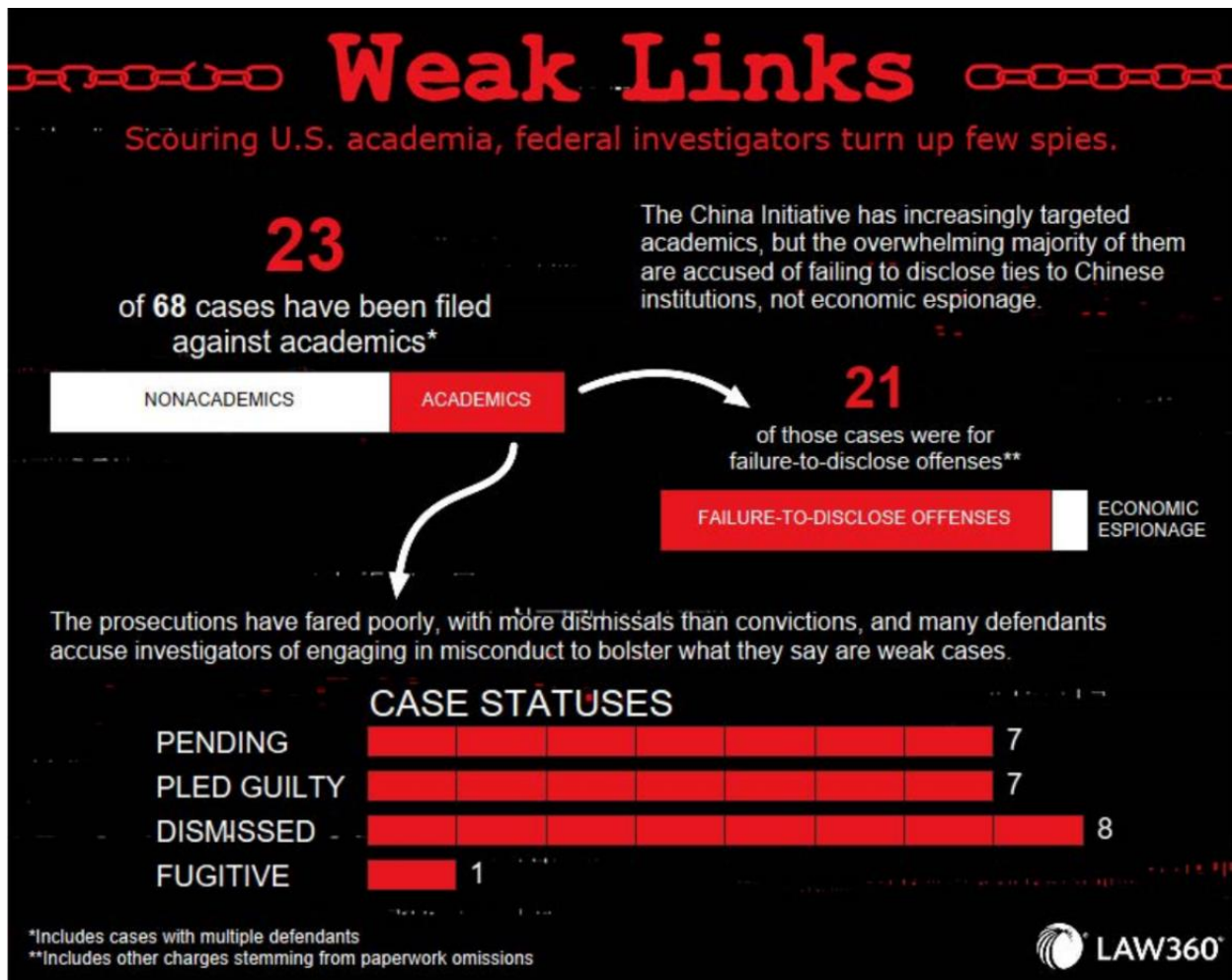
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Department of Justice Made Major Changes to Its Online Report on "China Initiative" Cases

On November 19, 2021, the Department of Justice (DOJ) refreshed its [online report on the "China Initiative."](#) Preliminary comparison with the last report posted on June 14, 2021, shows that about 20 cases have been removed, including all the recently dismissed or acquitted cases of Anming Hu, Qing Wang, Chen Song, Xin Wang, Juan Tang, Kaikai Zhao, and Guan Lei. About 4 new cases were added, including MIT Professor Gang Chen who was indicted on January 20, 2021.

This is a very significant change because there were 71 "China Initiative" cases in the June 14 report. DOJ has not defined the scope and boundaries of the "China Initiative" since it was launched in November 2018. There has not been an official count of "China Initiative" cases for the past three years. The unannounced and unexplained removal of cases that have been on record under the "China Initiative" is alarming. Mr. Matt Olsen was sworn in as the Assistant Attorney General for National Security on November 1, 2021. On October 21, 2021, Attorney General Merrick Garland committed in the [House Judiciary Committee hearing](#) that Mr. Olsen will conduct an independent and thorough review of the "China Initiative." Without any explanation of the changes, it may create yet another misleading or distorted impression of the "China Initiative."

Based on the previous June 14 report, APA Justice tabulated a list of 24 scientists from 23 reported "China Initiative" cases in this new web page: <https://bit.ly/3cvTsVo>. These cases match closely the Law360 report ['Overheated': How A Chinese-Spy Hunt At DOJ Went Too Far](#) on September 28, 2021. A copy of the June 14 online report is preserved by the Wayback Machine at <https://bit.ly/3qRe7fb> for reference and comparison. One obvious impact of DOJ's removal of the "Dismissed" cases is to create the false impression that there are only "Pending" and "Pled Guilty" cases of academics under the "China Initiative" in the following graphic created by Law360.



Upcoming Trial Dates of Scientists Under the "China Initiative" and Growing List of Impacted Persons

According to publicly available records provided by CourtListener and Public Access to Court Electronic Records (PACER), these are the trial dates and locations for 8 known academics/scientists under the "China Initiative."

- December 14, 2021. #48 Harvard Professor Charles Lieber, U.S. District Court of Massachusetts
- February 7, 2022. #49 University of Arkansas Professor Simon Saw-Teong Ang, U.S. Western District Court of Arkansas
- April 4, 2022. #52 Zhendong Cheng, Texas A&M University, U.S. Southern District Court of Texas
- April 18, 2022. #19 Kansas University Feng "Franklin" Tao, U.S. District Court of Kansas
- Not scheduled. #74 MIT Professor Gang Chen, U.S. District Court of Massachusetts

- Not scheduled. #30 Boston University Researcher Yanqing Ye, U.S. District Court of Massachusetts
- Not scheduled. #67 University of Florida Professor Lin Yang, U.S. Northern District Court of Florida
- Not scheduled. #70 Southern Illinois University Professor Mingqing Xiao, U.S. Southern District of Illinois

None of these academics/scientists are charged for economic espionage or trade secret theft. The court dates are subject to change. Read more about these and other cases at <https://bit.ly/3cvTsVo>

The rapidly growing list of impacted persons under and beyond the "China Initiative" has exceeded the capacity to list them individually in the APA Justice website menu. We have created a new web page to accommodate a full list at <https://bit.ly/30Kf1PN>

Impacted Persons and Links to Individual Web Pages

"China Initiative" Cases

Sorted by alphabetical order of last name; click on link to visit individual web page.

- Case #49 [Simon Saw-Teong Ang](#) (洪思忠)
- Case #74 [Gang Chen](#) (陈刚)
- Case #20-02 [Li Chen](#) (under development)
- Case #52 [Zhendong Cheng](#) (成正东)
- Case #53 [Lei Guan](#) (关磊)
- Case #36 [Anming Hu](#) (胡安明)
- Case #XX [Haizhou Hu](#) (胡海周)
- Case #38 [Xiao-Jiang Li](#) (李晓江)
- Case #37 [James Patrick Lewis](#) (under development)
- Case #48 [Charles Lieber](#)
- Case #54 [Turab Lookman](#) (under development)
- Case #34 [Wanzhou Meng](#) (孟晚舟)
- Case #XX [Meyya Meyyappan](#) (under development)
- Case #43 [Chen Song](#) (宋琛)
- Case #45 [Juan Tang](#) (唐娟)
- Case #19 [Franklin Tao](#) (陶丰)
- Case #39 [Qing Wang](#) (王擎)
- Case #44 [Xin Wang](#) (王欣)
- Case #70 [Mingqing Xiao](#) (肖明庆)
- Case #67 [Lin Yang](#) (under development)
- Case #30 [Yanqing Ye](#) (under development)
- Case #XX [Xiaoming Zhang](#) (under development)
- Case #46 [Kaikai Zhao](#) (赵凯凯)
- Case #41 [Song Guo Zheng](#) (under development)
- Case #20-01 [Yu Zhou](#) (under development)

NOTES: Cases identified with ID #XX are believed to be part of the "China Initiative," but not listed in the Department of Justice's [online report](#).

Multiple defendants of the same case are identified by ID #NN-DD where DD is a sequence number of a defendant.

Beyond "China Initiative"

Sorted by alphabetical order of last name; click on link to visit individual web page.

- [Sirous Asgari](#)
- [Sherry Chen](#) (陈霞芬)
- [Yanping Chen](#) (陈燕平)
- [Pearlie Epling-Burnette](#)
- [Dongfang Shao](#) (邵东方)
- [Wei Su](#) (苏炜)
- [Weihong Tan](#) (谭蔚弘)
- [Chunzai Wang](#) (王春在)
- [Xifeng Wu](#) (吴息凤)
- [Ning Xi](#) (席宁)
- [Xiaoxing Xi](#) (郗小星)

Yale, Princeton, Stanford, SIU Reports on "China Initiative" and Racial Profiling

Yale University. On November 19, 2021, Daily Yale News published "[LIANG & ZHU: Lies and Spies.](#)" Students Alex Liang and Mirilla Zhu drew on the experience of fellow student Joyce Xi '16 and her father, Temple University Professor Xiaoxing Xi, to raise awareness of racial profiling of Chinese American scientists. According to the article, academic institutions have previously rewarded collaboration with foreign scientists, and the federal government has even acknowledged that its disclosure requirements are complicated and often contradictory.

The China Initiative has increasingly targeted scientists at American universities for administrative errors unrelated to espionage, like failing to properly disclose relationships with Chinese universities in grant applications and routine paperwork. While there is a legitimate threat of Chinese espionage, the China Initiative as the current counterespionage strategy raises serious concerns, as exemplified by (a) the recent trial and acquittal of [Professor Anming Hu](#), (b) a recent [Committee of 100 study](#) and a [related panel](#), and (c) the [Stanford letter to Attorney General Garland](#) and a [national campaign](#) calling for the end of the China Initiative. Yale has a special place in Chinese American history. In 1854, Yung Wing became the first Chinese student to graduate from an American university. Shortly after the United States dropped its charges against her father, [Joyce Xi wrote](#), "This is not the America I thought I knew." By taking the first step of ending the China Initiative, we can work toward the America that all of us would want to know, the article concludes.

Read more at <https://bit.ly/30COhRy>

Princeton University. On November 19, 2021, The Daily Princetonian published [198 Princeton faculty sign letter criticizing Department of Justice's China Initiative](#). One hundred and ninety eight Princeton faculty demanded a stop to the United States Department of Justice's (DOJ) China Initiative in [an open letter](#), sent on October 18 to U.S. Attorney General Merrick Garland. The University faculty's letter supports similar concerns posed by faculty at Stanford University, The University of California, Berkeley, Temple University, and Southern Illinois University.

"As far as 2018, when this [China] initiative was announced ... the big narrative at the time was China's using so-called non-traditional intelligence collectors, i.e. students, postdocs, faculty members, to steal technology from the United States,... The FBI has had over two years now to prove that this is happening in a systematic way, and they have failed to do so," said Professor Rory Truex, one of the letter's original drafters. "Once upon a time, relationships with China were viewed as a good thing, because it was important for us to be learning from China and engaging with Chinese scientists," Truex said. "Now all of a sudden, those relationships are viewed as a liability."

The letter describes a number of unsuccessfully litigated cases from the China Initiative that involved racial profiling, such as that of Anming Hu, a professor at University of Tennessee

Knoxville, who was acquitted due to a lack of evidence tying him to the Chinese government. The letter expressed that these unfounded accusations promote the singling out of Asian researchers, creating an academic environment rife with fear and mistrust. Professor Yiguang Ju of the Mechanical and Aerospace Engineering Department, another of the letter's original drafters, expressed feeling monitored on the basis of his Chinese ethnicity. He said he received three calls from the University Office of the General Counsel (OGC) regarding alleged ties with the Chinese government. Professor Ju also claimed that the OGC questioned the number of "Chinese names" listed as collaborators on his curriculum vitae. "That's ridiculous," he said. "I do have Chinese names and ... collaboration with others, because fundamental research is open science. It's a tradition to collaborate with others."

Read more at <https://bit.ly/3CvR4Zz>

Stanford University. On November 18, 2021, Stanford News published [Stanford community members participate in event decrying the racial profiling of scientists of Chinese descent](#). According to the report, a [recent virtual event](#) hosted by the Committee of 100 that included prominent members of the Stanford University community focused on the racial profiling of scientists of Chinese descent and the negative impact such profiling is having on scientific research in the United States.

Stanford University President Marc Tessier-Lavigne spoke at the conference in support of Chinese and Chinese American students and scholars, as well as about the importance of cross-border collaboration and maintaining diversity in our classrooms and research labs. "Today, Stanford has more than 1,000 students and scholars from China, as well as many Chinese American students and scholars," Tessier-Lavigne said. "We know that the strength of our community comes from embracing our diversity, and all that our varied perspectives and backgrounds bring to the table. So I'm deeply concerned about the challenges that individuals of Chinese descent face in their ability to learn, to collaborate and to make contributions to our fundamental research enterprise."

This sentiment was echoed by the research project results presented at the event. The project led by University of Arizona Professor Jenny J. Lee centered on a survey of around 2,000 scientists nationwide and sought to reveal the influence of the U.S. government's limitations on international exchange with China on research and academics.

Peter F. Michelson, the senior associate dean for the natural sciences at Stanford's School of Humanities and Sciences was a panelist during the recent Committee of 100 event. Michelson pointed out that U.S. national security is enhanced through engagement with China, rather than confrontation. The major challenges the world collectively faces in the 21st century can be far better met, Michelson said, with these two world powers working together. "As far as the national security aspects, I'd just like to say ... it's important with appropriate careful boundary conditions to actually promote academic research and scholarship and scientific collaboration with scientists and institutions in China. We should not be discouraging it. And I'm worried that that's in

fact what we're doing," Michelson said. "I would include on the list of national security challenges climate change and pandemics, and we need international collaboration and exchange at the very least to deal with those national security challenges."

Read more at <https://stanford.io/3p5os4P>

Southern Illinois University. On November 18, 2021, The Southern Illinoisan reported [SIU Faculty Association calls for university to halt investigation into indicted math professor](#). According to the report, the Southern Illinois University (SIU) Faculty Association is urging the administration to halt its disciplinary investigation into a Chinese math professor indicted by the Department of Justice through the "China Initiative" created during the Trump administration. On April 21, 2021, the U.S. Department of Justice announced the indictment of Professor Mingqing Xiao, accusing him of "concealing support from the Chinese government and a Chinese university" in a grant application to the National Science Foundation. Nearly simultaneously, the university announced it was initiating an investigation into Professor Xiao based on the indictment and removed Xiao from his teaching and research duties.

"We find this behavior reprehensible and frightening in a country where the rule of law and presumption of innocence is supposed to mean something," SIUCFA President Anne Fletcher said in the group's release. "We believe the federal charges against Professor Xiao should also be dismissed and further, the university should discontinue the disciplinary investigation against Professor Xiao and restore him to his teaching and research duties."

Xiao is a 30-year resident of the United States and became a United States citizen in 2006. He has been a mathematics professor at SIUC since 2000.

"Eerily reminiscent of the incarceration of Japanese-Americans in the 1940's and the McCarthy era witch hunts of the 1950's that destroyed so many American lives and careers, the China Initiative fuels anti-Asian sentiments, hostility, and xenophobia. And it threatens the livelihood of our institutions of higher education, the talented professionals we employ, the students we educate, and the communities we serve," Professor Edward Benyas said in the release.

On November 9, 2021, the SIU Faculty Senate also encouraged the SIU community to sign onto [the Stanford Letter](#) calling for an end to the "China Initiative." "We urge faculty, students and the general public to familiarize themselves with the issues at stake when freedom to research is constricted with ethnicity as a main focal point by reading and signing onto the Stanford Letter, which is signed by faculty from across the country and urges the DOJ to end 'The China Initiative,'" Fletcher said.

The nationwide campaign to endorse the Stanford letter and call for Attorney General Garland to end the "China Initiative" will continue until the ill-conceived program has ended. Qualified endorsers can sign on here: <https://bit.ly/EndorseStanfordLetter>. Check the current status of the campaign here: <https://bit.ly/2ZC12up>

Happy Thanksgiving!!!



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