

Presumed Guilty of Spying for China Until Proven Innocent

Xiaoxing Xi
Temple University

APS Webinar
April 18, 2022

False Prosecution by the U.S. Government

May 21, 2015

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Temple Physics Dept. chair accused of selling sensitive information to China

by [Jeremy Roebuck and Susan Snyder, Inquirer Staff Writers](#), Posted: May 21, 2015 – 7:32 PM



Xiaoxing Xi was released on bond.

September 11, 2015

☰ The New York Times

U.S. Drops Charges That Professor Shared Technology With China



[f](#) [🗨️](#) [🐦](#) [✉️](#)

By [Matt Apuzzo](#)

Sept. 11, 2015

Proud to be a Chinese American

September 16, 2015, Washington, DC

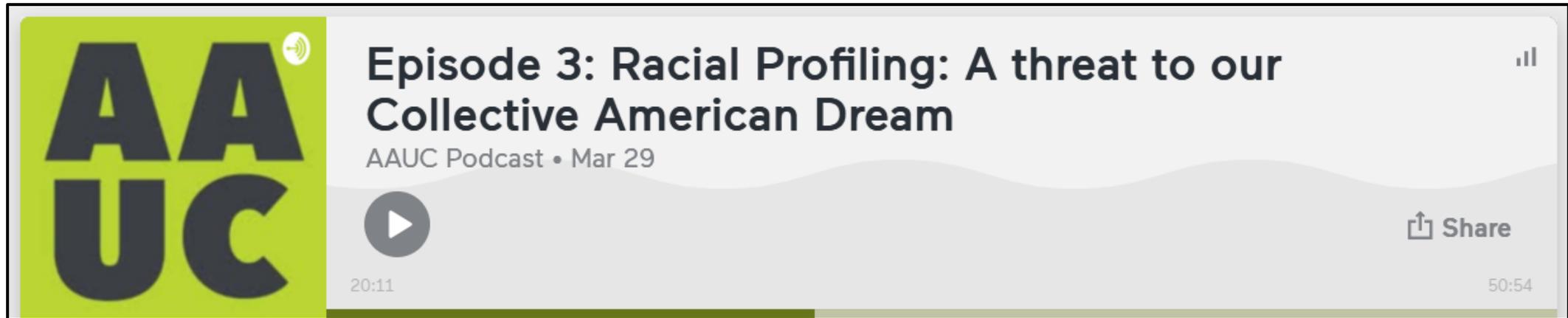
I was jogging on the National Mall and along Pennsylvania Avenue this morning. As the sun came out behind the iconic landmarks, my heart welled up with pride of being a Chinese American. I ran by the Washington Monument. It is the ideal that “all men are created equal” the Founding Father fought for that has attracted me and many others to become an American citizen. I passed by the Lincoln Memorial. Abraham Lincoln gave his life to preserve the Union and abolish a system that treated people differently based on their races. Running past the Capitol Steps, my appreciation became so clear that in this country, people’s voice can be heard through a democratic process. I jogged in front of the FBI building. I commend the men and women who devote themselves to the protection of our country. In my case, however, they have used their might against an innocent citizen. What do these all mean to me? We need to get involved in the democratic process. If we see a bad policy, a bad practice, that hurt our country, we need to speak out and let our voice be heard. That we have the right to do so is what this country is so great about. As a proud citizen, I pledge to do my part.

China-Related Prosecutions of University Professors

1. Yudong Zhu, NYU (**arrested on** 5/19/13)
2. Yujie Ding, Lehigh Univ. (**arr.** 11/3/14)
3. **Xiaoxing Xi, Temple Univ.** (**arr.** 5/21/15)
4. **Haifang Wen, WSU** (2/24/16)
5. Yiheng Zhang, Virginia Tech (**arr.** 9/20/17)
6. **Ning Xi, Michigan State Univ.** (**arr.** 2/15/18)
China Initiative established (11/1/18)
7. **Ehab Meselhe and Kelin Hu, Tulane Univ.**
(**arr.** 6/4/19)
8. Feng Tao, Univ. of Kansas (**arr.** 8/21/19)
9. Xiaojiang Li, Emory Univ. (**arr.** 11/22/19)
10. Charles Lieber, Harvard Univ. (**arr.** 1/28/20)
11. **Anming Hu, Univ. of Tennessee** (**arr.** 2/27/20)
12. James Patrick Lewis, West Virginia Univ.
(3/10/20)
13. Simon Saw-Teong Ang, Univ. of Arkansas
(**arr.** 5/8/20)
14. Shaorong Liu, Univ. of Oklahoma (**arr.** 5/29/20)
15. **Qing Wang, Case Western Reserve Univ.**
(**arr.** 5/13/20)
16. Song Guo Zheng, Ohio State Univ. (**arr.** 5/22/20)
17. Zhengdong Cheng, Texas A&M (**arr.** 8/23/20)
18. Lin Yang, Univ. of Florida (**indicted** 12/15/20)
19. **Gang Chen, MIT** (**arr.** 1/14/21)
20. Gee-Kung Chang, Georgia Tech (**arr.** 3/24/21)
21. Mingqing Xiao, Southern Illinois Univ. –
Carbondale (**indicted** 4/21/21)

Blue: Charges dropped or being acquitted

Former Federal Prosecutor and Former FBI Agent on China Initiative



George P. Varghese, former federal prosecutor in Boston until 2019: The DOJ weaponized grant disclosure because **they believe that Chinese professors are spies for China.**

Michael German, former FBI agent of 16 years until 2004: The DOJ brings minor charges to **disrupt and damage Chinese professors.**

<https://anchor.fm/aauc/episodes/Episode-3-Racial-Profiling-A-threat-to-our-Collective-American-Dream-etm3nn>

DOJ Ended the China Initiative (2/23/22)

Assistant Attorney General Matthew G. Olsen on the China Initiative:

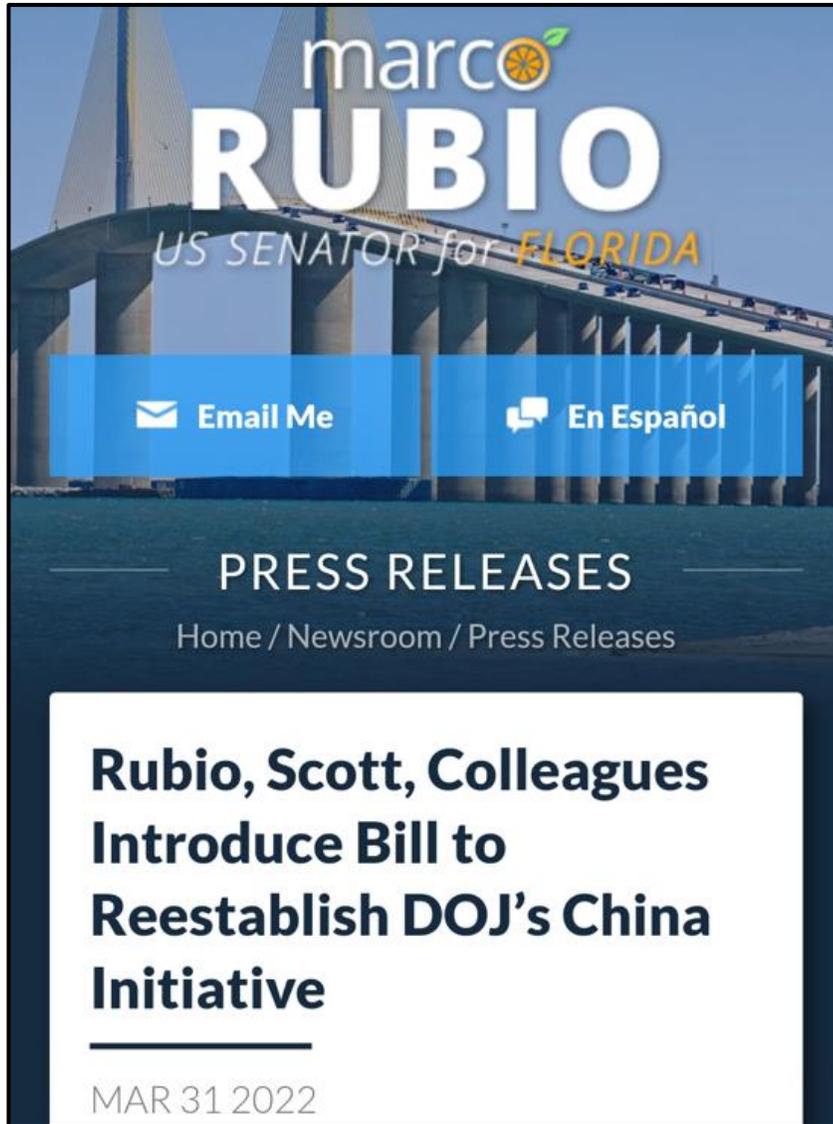
“By grouping cases under the China Initiative rubric,” Mr. Olsen said, “we helped give rise to **a harmful perception** that the department applies a **lower standard to investigate and prosecute** criminal conduct related to that country or that we in some way view people with **racial, ethnic or familial ties to China** differently.”

“In the course of my review, I **never saw any indication, none**, that any decision that the Justice Department made was based on bias or prejudice of any kind.”



The screenshot shows the top portion of a New York Times article. At the top left is a hamburger menu icon. The page title "The New York Times" is centered at the top. Below it is the article title "Justice Dept. to End Trump-Era Initiative to Deter Chinese Threats" in a large, bold, serif font. Under the title is a sub-headline: "The agency will instead introduce a broader strategy meant to address threats from a slate of hostile nations." Below the sub-headline are four social media sharing icons: Facebook, WhatsApp, Twitter, and Email. At the bottom left is a circular profile picture of the author, Katie Benner, followed by the text "By Katie Benner". Below the author's name is the date "Feb. 23, 2022".

US Senator from Florida: Woke Activists Smear China Initiative



“The Department of Justice canceled the China Initiative because **a band of woke activists smeared it as racist and xenophobic**. In the meantime, the espionage and influence campaign of the Chinese Communist Party continues to permeate our nation’s leading research institutions, exploiting our openness to steal our brightest ideas and most valuable technology,” **Rubio** said. “The Chinese Communist Party is the single greatest threat to our national security, and it was a foolish decision to divert resources from confronting this threat. We need to restart this important national security initiative right away.”

(<https://www.rubio.senate.gov/public/index.cfm/2022/3/rubio-scott-colleagues-introduce-bill-to-reestablish-doj-s-china-initiative>)

FBI's Largest Concern: Nontraditional Collectors for China

APS
physics™ ANNUAL LEADERSHIP MEETING
January 27, 2022

Partnering on Research Security



Helmut Dosch
DESY



Helena Fu
US Department of Energy



Dario Gil
IBM



Rebecca Keiser
National Science Foundation



Michael McQuade
Carnegie Mellon University



Patrick Shiflett
FBI



Philip Bucksbaum
Stanford University

FBI Deputy Senior National Intelligence Officer
Patrick Shiflett:

The largest concern we have are **nontraditional collectors**. And those are individuals who do not have any affiliation to a security service, but they're incentivized to meet the PRC's national goals through programs like research funding, cooperative grants and talent programs.

We see the PRC advancing their national security goals through **access to the [US academic] community**. And this is really where our focus is and **what we want to stop**.

We feel like the messaging is working.

Continued Prosecution of Franklin Tao



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A REPORTER AT LARGE

HAVE CHINESE SPIES INFILTRATED AMERICAN CAMPUSES?

The U.S. government arrested Chinese professors, implying that they were foreign agents. The professors say that they've been caught up in a xenophobic panic.

By Gideon Lewis-Kraus March 14, 2022



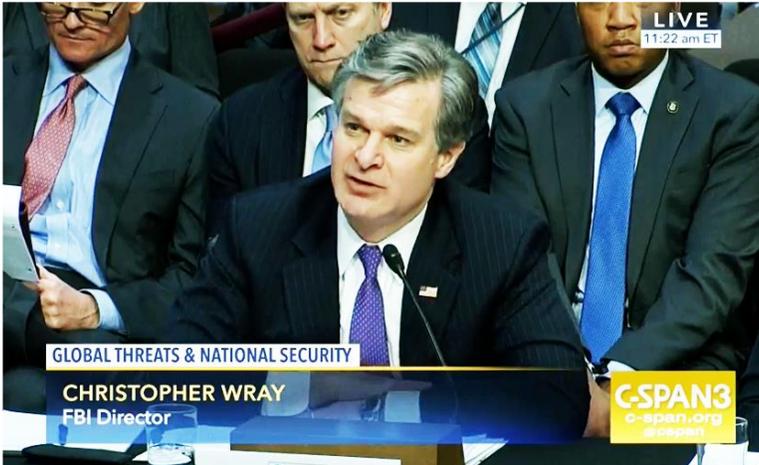
Franklin Tao, Professor of Chemical & Petroleum Engineering at University of Kansas, was **charged for failure to disclose his employment at Fuzhou University.**

Former federal prosecutor in Kansas, **Tony Mattivi:** “We **disrupted the transfer of American intellectual property to China** by discontinuing Dr. Tao’s ability to transfer that information.”

A **visiting scholar**, unhappy with authorship credit on publications, demanded 2 million RMB from Tao. She tipped the University of Kansas and the FBI that **Tao held a secret position at Fuzhou University.**

Tao: “**I never signed a contract, I never taught a single class, I never gave a lecture, and I never got paid.**”

Policies that diminish US power of attracting talent and fuel xenophobia against Asian Americans



China’s “use of **nontraditional collectors**, especially in the academic setting, whether it is **professors, scientists, students**, we see in almost every field office the FBI has around the country.”

FBI director Christopher Wray, U.S. Senate Intelligence Committee hearing, February 13, 2018.

(<https://www.c-span.org/video/?440888-1/fbi-director-rob-porter-background-check-completed-july>)



“One way that we measure **success** . . . There have **been over a hundred scientists who have been removed from the NIH ecosystem** . . .”

NIH deputy director Michael Lauer, U.S. Senate Committee on Health, Education, Labor & Pensions hearing, April 22, 2021.

(<https://www.help.senate.gov/hearings/protecting-us-biomedical-research-efforts-to-prevent-undue-foreign-influence>)

Stanford Professors to AG Garland: End the China Initiative



The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

September 8, 2021

Dear Mr. Garland,

We, faculty members at Stanford University, are writing this open letter to express our concerns about the U.S. Department of Justice's *China Initiative*. We acknowledge the importance to the United States of protecting both intellectual property and information that is essential to our national and economic security. We understand that concerns about Chinese government sanctioned activities including intellectual property theft and economic espionage are important to address. We believe, however, that the China Initiative has deviated significantly from its claimed mission: it is harming the United States' research and technology competitiveness and it is fueling biases that, in turn, raise concerns about racial profiling. As the President's Science Advisor, Dr. Eric Lander, [stated](#) on August 10, 2021: "We have to assiduously avoid basing policies or processes on prejudice – including those that could fuel anti-Asian sentiments or xenophobia." We believe that the China Initiative is one such policy. We therefore would like to suggest that you terminate the China Initiative and replace it with an appropriate response that avoids the flaws of this initiative.

More specifically, we believe the China Initiative suffers from the following fundamental flaws:

First, the China Initiative disproportionately targets researchers of Chinese origin. Publicly available information indicates that investigations are often triggered not by any evidence of wrongdoing, but just because of a researcher's connections with China. (For example, see recent article and the research by Prof. Jenny Lee quoted therein. ref: [Has the Hunt for Chinese Spies Become a Witch Hunt?](#), Karin Fischer, Chronicle of Higher Education, August 11, 2021). In many cases the federal response seems disproportionate and inappropriate. In some cases, federal agents associated with the China Initiative have prosecuted researchers without solid evidence. Moreover, racial profiling – even when undertaken in pursuit of justice – is both inconsistent with U.S. law and with the principles underlying our society. Moreover, these actions do not just affect the prosecuted faculty but affect the many more university researchers who are targeted, investigated, and feel threatened by inquiries initiated without prior evidence of significant wrongdoing. Universities and research institutions are often pressured to investigate researchers who are singled out only because of their personal or professional connections with China. (For example, see the description by Prof. Randy Katz, the Vice Chancellor for Research of the University of California Berkeley during a recent Congressional Roundtable available at https://www.youtube.com/watch?v=G24w7d2_owo)

On September 8, **177 Stanford professors** signed a letter to Attorney General Merrick Garland, urging the DOJ to end the “China Initiative”

(https://drive.google.com/file/d/1Ch4j_ONiVrVWcJYjtCeBDurGnv64W1Jw/view)

Identical or similar letters to Attorney General Merrick Garland have been signed by

214 faculty members at UC Berkeley

167 faculty members at Temple University

198 faculty members at Princeton University

430 faculty members at University of Michigan

Faculty Senate at Southern Illinois University

192 faculty members at Yale University

92 faculty members at UC Berkeley

168 faculty members at University of Pennsylvania

219 faculty members at Baylor College of Medicine