



January 17, 2023

Judge Julie Robinson  
Federal District Court for the District of Kansas  
Robert J. Dole Federal Courthouse  
500 State Avenue  
Kansas City, KS

Dear Judge Robinson,

On behalf of Asian American Scholars Forum (AASF), we are writing this letter to share our serious concerns with an erroneous statement in the Government's sentencing memorandum regarding the Professor Franklin (Feng) Tao of University of Kansas. We provide this letter to offer additional context from the Asian American scientific and academic community for your consideration.

AASF is a non-profit, non-partisan organization that works to promote academic belonging, openness, freedom, and equality for all. The organization accomplishes these goals through education, research, advocacy, and development of leadership within the Asian American scientific and academic community. AASF is one of the leading Asian American national civil rights organizations on science, anti-profiling, and research security issues, bridging scientific and academic expertise with the legal and civil rights community. Our membership includes the most prominent Asian American scholars from more than 30 U.S. universities covering a wide range of STEM fields. Among the members, 25 are members of the National Academies (National Academy of Engineering, National Academy of Medicine, National Academy of Sciences, or American Academy of Arts and Sciences), nine are past and current University Presidents, Provosts, Deans and Associate Deans, 15 are past and current Department Chairs, and 25 are Center, Institute and Program Directors. We are intimately familiar with the question of validity of scientific research, upon which we have built our scholarly prominence.

We hope to explain why the Government's claim in its sentencing memorandum that "Tao's unreported support and affiliations call into question the validity of all of the research that he has performed for NSF over the years" is unjustified and reflects a lack of knowledge on the part of the prosecutors concerning the process of scientific research and the publication of its results. The validity of research in any STEM field is based on rigorous peer reviews and validation of the results by researchers around the world post publication instead of a view of a non-researcher person. Citations of a publication, successful follow-up works and related scientific and engineering R&D efforts further validate the published research. The Government failed to apply these well-established criteria in calling into question the validity of Professor Tao's research. To argue that a failure to report a potential time commitment by a researcher calls into question the validity of his or her research is simply without any basis.

Professor Tao's research for his NSF projects has resulted in many publications in top journals, including in the most prestigious journals, Nature Series Journals, and Journal of the American Chemical Society. Any publication in these journals goes through the most rigorous of peer reviews. All questions from the expert reviewers concerning the validity of the research must be answered by the authors to the satisfaction of the experts before a manuscript is accepted for publication. The rigorous peer review process effectively maintains the integrity of research by filtering out invalid results from being published.

After publication, researchers around the world race to validate the research by repeating the work, and conduct further research based on the published results. In the rare case when invalid research has been published, the post-publication validation by peers has led to the retraction and withdrawal of the paper and/or exposure of scientific misconduct – something that has never occurred for Professor Tao's papers.

On the contrary, his publications have received more than 13,500 citations, an exceptionally high number for a researcher at the stage of a career as Professor Tao. Each citation could be interpreted as another occasion when Professor Tao's research has been checked by an independent research team for its validity. In addition, many of Professor Tao's papers are co-authored by large collaborative teams. Although Professor Tao may be the leader of the research, the research is conducted by many individuals from many American Universities and Institutions who jointly take responsibility for their collaborative research. The government's argument groundlessly calls into question the integrity not just of Professor Tao, but all of his collaborators as well.

Additionally, the Government argues that the undisclosed external grants and affiliations of Professor Tao "distorted NSF's decision-making process and distribution of finite taxpayer funds, ...". To the contrary, NSF's decision-making process is done by panel reviews based on two clearly defined criteria: (1) intellectual challenge and (2) broader impact. Professor Tao received NSF grants because NSF grant reviewers determined that his proposed research addressed intellectual challenges and that the potential contributions would have broader impact. We strongly urge Your Honor to consider this context in your sentencing determination.

We would appreciate your consideration of the above-mentioned concerns in your determination.  
Thank you for considering our viewpoint.

Sincerely,

A handwritten signature in black ink, appearing to read "Gisela P. Kusakawa". The signature is fluid and cursive, with a long horizontal stroke at the end.

Gisela Perez Kusakawa  
**Executive Director**  
Asian American Scholar Forum