

THE CHINA INITIATIVE

Why Asian Americans should oppose efforts to reinstate this dangerous DOJ program.

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WHAT IS THE CHINA INITIATIVE?

The “China Initiative” is a now-defunct federal program created that sought to counter the threat of economic espionage and trade secrets theft conducted by or for the benefit of the “communist regime in China.” It was introduced in November 2018 by the Trump Administration and overturned in February 2022 by the Biden Administration.

While still in effect, it received widespread criticism for not only being ineffective, but also facilitating numerous instances of racial profiling and discrimination against Asian American and Asian immigrant scientists, researchers, and academics. Despite opposition, there are now efforts to reinstate this harmful program.

STATE OF PLAY

FY24. On March 6, 2024, the House passed the House Commerce, Justice, Science, and Related Agencies (CJS) Appropriations Act of 2024 after removing language to reinstate the China Initiative. This was the result of nearly 50 civil society groups coming together to oppose the relevant section of the original bill’s explanatory materials.

FY25. The House CJS bill, which was marked up and passed out of committee in July 2024, contained a provision directing the DOJ to reestablish the China Initiative; there was no companion language in the Senate CJS bill or accompanying report. Groups urge congress to keep this language out of the CJS bill leading up to a floor vote, and would similarly oppose its inclusion in conference.

WHY THE CHINA INITIATIVE SHOULD NOT BE REINSTATED

China Initiative investigations targeted scientists with a “nexus to China.”

This cast suspicion on Asian Americans and Asian immigrants based on race and ethnicity rather than suspicion of criminal activity. In 2020 the DOJ Assistant Attorney General for National Security John Demers stated that the DOJ wanted each of the country’s 94 U.S. Attorney’s districts to bring cases of Chinese espionage or economic theft, without any apparent reason to believe that such crimes were being committed in every district in the country.

The DOJ’s overreach with the China Initiative led to mass criminalization of Asian Americans and Asian immigrants

Federal prosecutors charged many individuals with federal crimes based on administrative errors or minor offenses, such as failing to fully disclose conflicts of interest information to their universities or research institutions and other activities that are not normally treated as crimes except under the pretext of combating economic espionage. As of June 4, 2021, DOJ’s own press releases about the China Initiative show that almost 90% of the defendants are of Asian descent, and a significant percentage of these cases involve no charges of economic espionage, trade secrets thefts, or espionage-related crimes. The rest of the prosecutions were for ancillary matters or minor crimes, such as making false statements or inaccuracies on university conflicts of interest forms.

TALKING POINTS

The China Initiative encouraged racial profiling of Asian American and Asian immigrants scientists, researchers, and academics.

Under this program, the FBI has focused on federal grant agencies and academic institutions to target scientists and researchers of Asian descent by conducting threat awareness sessions and circulating information on the threat of China and these so-called non-traditional collectors. As a result, they injected racial bias into these institutions, discouraged collaboration, criminalized connections to China, and encouraged entities to view scientists of Asian descent differently than their colleagues because of race.

The China Initiative inflamed existing anti-Asian hate.

The program contributed to a social and political climate that instilled fear in our communities, as rhetoric from public leaders fueled bias and fostered hostility against Asian Americans and immigrants. Since the surge in anti-Asian hate, over 12,000 incidents have been reported to Stop AAPI Hate.

The China Initiative led to an enormous loss of talent in critical STEM fields and impeded U.S. leadership in science and technology.

An Asian American Scholar Forum (AASF) study published in the Proceedings of the National Academy of Sciences (PNAS) found that after the DOJ launched the China Initiative in 2018, the number of China-born U.S.-based scientists leaving the country increased by a whopping 75%, with two-thirds of them relocating to China. This reverse brain drain has caused long lasting damage to American leadership in science and international collaboration on basic research.

IMPACTED INDIVIDUALS

Professor Gang Chen, the former head of MIT's Department of Mechanical Engineering, was subjected to a yearlong investigation under the China Initiative. Dr. Chen had his "loyalty" questioned during a press conference and was scapegoated as a national security threat. In 2022, the DOJ dropped all charges against Dr. Chen, but according to Dr. Chen, "[f]or 371 days, [his] family and [him] went through a living hell."

Professor Anming Hu from the University of Tennessee, Knoxville was the first academic to stand trial under the China Initiative. After an initial visit from the FBI in 2018, he was charged in early 2020 for fraud and false statements, and the trial took place in June 2021. When the jury deadlocked, the judge declared a mistrial, and the government sought a second trial. That trial never occurred because the judge issued a full acquittal on the basis that the government failed to meet its evidentiary burden.

Professor Franklin Tao from the University of Kansas, lost his tenured professorship as a result of the China Initiative. Based on anonymous tips, the FBI began an espionage investigation into Dr. Tao in 2019. Despite no finding of espionage, Dr. Tao was arrested on other charges, each of which was thrown out for lack of evidence. After a five-year ordeal, though cleared of all criminal wrongdoing, Dr. Tao continues to fight to have his tenured faculty position reinstated.



STOP AAPI HATE

