

Asian American Scholar Forum
1776 Broadway, Ste 1101
New York, NY 10019

March 13th, 2022

The Honorable Rya W. Zobel
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Courtroom 12
Boston, Massachusetts 02210

Dear Judge Zobel:

We are the Asian American Scholar Forum (AASF), an association of American scholars of Asian descent, united to promote academic belonging, openness, freedom, and equity for all. Through membership affiliations, AASF consists of a network of 7,000 Asian American professors in the United States. Our organization is guided by its commitment to values of equality, academic freedom, open science, justice, truth, and public good.

We write to ask for your leniency as you make your final sentencing decision in Professor Charles Lieber's case. We respect the rule of law and the decision of the jury. We want to affirm that we defer to the judgment of the jury on the particular charges involved in Professor Lieber's case. We are writing this letter not as lawyers but as scientists, scholars and educators, and therefore colleagues of Professor Lieber in the wider sense. We hope that you will take into account the exceptional and mitigating circumstances and the climate that framed Professor Lieber's arrest and subsequent trial.

In particular, we hope that you will consider the following:

– Professor Lieber was investigated and charged under the U.S. Department of Justice's China Initiative.¹ The China Initiative was launched to prevent economic espionage and intellectual property (IP) theft by the Chinese government. Joseph R. Bonavolonta, Special Agent in Charge of the FBI, Boston Division, cited the verdict in the Lieber case as one that "reinforces our commitment to protect our country's position as a global leader in research and innovation and to hold those accountable who exploit and undermine that position through dishonesty." Was there *ever* evidence revealed that Professor Lieber sought to undermine U.S. leadership in research and innovation? Was there ever evidence that linked Professor Lieber's actions with economic espionage and IP theft? When the Department of Justice announced the end of the China Initiative on Wednesday, having concluded an extensive review, Assistant Attorney General

¹ <https://www.justice.gov/nsd/information-about-department-justice-s-china-initiative-and-compilation-china-related>

Matthew Olsen stated the Justice Department's conclusion that the Initiative was "not the right approach".²

– We understand and appreciate the national security complexities in US-China relations; we, too, are concerned about the security of our country as we are about academic freedom and research. However, it is important to note that the research that Professor Lieber conducted at Harvard, and in collaboration with partners located in China, is *open science*, the results of which are widely and openly refereed and made available in accessible literature. As a well-recognized and extraordinarily accomplished scientist, Professor Lieber's research and collaborations help to advance science globally and contribute to human welfare.

– Through the broad exchange of ideas, open science, practiced at a global level, can be the most effective means of catalyzing and amplifying ideas and understanding. It is in this spirit that for many years research collaborations with Chinese scientists and scientific institutions were actively encouraged by the U.S. government. In fact, the governments of China and the United States entered into various agreements to collaborate on science, providing U.S.-China joint research opportunities through funding agencies such as National Science Foundation and National Institutes of Health. In that earlier climate, Professor Lieber's collaborations with Chinese universities were encouraged and nurtured. Again, we are not expressing an opinion on the specific charges in the case. We are providing facts on the broader context.

– Since the Justice Department's China Initiative plays such a large role in the charges brought against Professor Lieber, we respectfully ask that you consider the accumulation of unsuccessful outcomes in its prosecutions. According to the MIT Technology Review, several cases have been dropped or overturned in court. The two recent high-profiled cases, Professor Anming Hu and Professor Gang Chen, show just how callous and indefensible the Justice Department was in its prosecution of these innocent individuals, who have done so much to contribute to science and to the welfare of our society. In these two cases, it is clear that the government failed in its duty to secure evidence in a fair and impartial manner.

– The China Initiative is rooted in racial profiling and Lieber's case is no exception; during the trial, Department of Defense investigator Amy Mousseau said that "an official from the Naval Research Laboratory raised concerns about the number of Chinese students working in Lieber's lab, which played a role in the decision to investigate Lieber."

– Finally, beyond the profoundly damaging consequences on Professor Lieber's life, well-being and potential contributions to the United States and humanity, we ask you to consider the long-term damage done to the younger generation of innovators and contributors, and the possibility of a long-term atrophy of U.S. science and engineering. The China Initiative has cast

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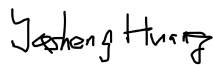
<https://www.justice.gov/opa/speech/assistant-attorney-general-matthew-olsen-delivers-remarks-countering-nation-state-threats>

a long, dark shadow on America's once vibrant research environment. The U.S. once offered freedom of thought and opportunity for innovation to a globally-talented group of researchers and educators. Due to the China Initiative's investigations and prosecutions, many scientists now hesitate to apply for federal funds while others have decided to leave the United States altogether. A harsh sentence rendered to Professor Lieber will further chill the climate, particularly for talented young scientists who are immigrants, particularly of Asian countries, or the descendants of immigrants.

Many of our members were born and raised in China and became naturalized American citizens because we believe in freedom, individual autonomy, and open science. We are writing to you not only as scientists and scholars but as loyal, concerned citizens who wish to maintain the exceptional strengths of the U.S. research and education enterprise.

We are concerned about the path our country is pursuing, which is undermining our nation's strength in scientific research, as well as the principles of justice, equity, and the rule of law. In your sentencing, we respectfully ask you to consider the complicated background of the China Initiative, the impact of that background on determining a just punishment for Professor Lieber, and the broad implications of your ruling.

Respectfully,



Yasheng Huang, President of AASF

Epoch Foundation Professor of Global Economics and Management, MIT Sloan School of Management



Kai Li, Vice President of AASF

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