

Independent Investigation Needed into Potential Profiling of Asian American Scientists

Xiaoxing Xi

Chair of Physics Department, Temple University



Accused of sharing secret “Pocket Heater” technology with China. Charges dropped on Sept. 11, 2015. According to the [New York Times](#), “It was an embarrassing acknowledgment that prosecutors and F.B.I. agents did not understand—and did not do enough to learn—the science at the heart of the case before bringing charges that jeopardized Dr. Xi’s career and left the impression that he was spying for China.”

Sherry Chen

Hydrologist, National Weather Service



Accused of sharing secret U.S. dam data with China. Charges dropped on March 10, 2015. According to the [New York Times](#), “Interviews with Mrs. Chen and her former colleagues and a review of court filings, which include a year’s worth of Mrs. Chen’s work and personal emails, suggest that prosecutors hunted for evidence of espionage, failed and settled on lesser charges that they eventually dropped.”

THE ISSUE: There appears to be a growing trend of cases in which Asian Americans—U.S. citizens—have been arrested and indicted, and suspected of economic espionage, only to have all of their charges dropped—but not before wreaking irreparable damage on these individuals’ lives, including their careers and reputations.

According to former federal prosecutors, dropping charges after the indictment has been issued, especially in espionage cases, should be [a rare occurrence](#). Yet, [Science](#) notes that “a startling number of cases have unraveled” and that “In the past year alone, charges have been dropped against five Chinese-born scientists accused of crimes related to trade secrets theft or economic spying.” According to the [New York Times](#), “Dr. Xi’s case, coming on the heels of a similar case that was dismissed a few months ago in Ohio, raises questions about whether the Justice Department, in its rush to find Chinese spies, is ensnaring innocent American citizens of Chinese ancestry.”

Congressional Leaders: Representatives Ted Lieu, Judy Chu, and Keith Ellison and the Congressional Asian Pacific American Caucus (CAPAC) have sent two letters to Attorney General Loretta Lynch, on [May 21, 2015](#) and [November 5, 2015](#), calling for a full and independent investigation by the Department of Justice. The second letter, signed by 42 Members of Congress, also was joined by the Chairs of the Congressional Black and Hispanic Caucuses (CBC and CHC).

Asian Pacific American, civil rights, and civil liberties organizations: 70+ organizations, led by the [National Council of Asian Pacific Americans](#) (NCAPA) and [National Asian Pacific American Bar Association](#) (NAPABA), sent a [letter](#) to Attorney General Lynch urging an independent investigation regarding the apparent pattern and practice of minorities being singled out for arrest and indictment by federal officials. Otherwise innocent actions by Americans must not become suspicious simply because of the person’s ethnic surname or perceived national origin.

New York Times Editorial Board: “The charges filed against Mr. Xi and Ms. Chen traumatized them and their families and needlessly damaged their professional reputations. Neither got an explanation or an apology from the government. They deserve both.”

TAKE ACTION: Express your support [here \(bit.ly/supportdojinvestigation\)](http://bit.ly/supportdojinvestigation) and NCAPA will update you on significant developments and how you can help.