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U.S. Department of Justice drops all charges against Chinese-born MIT professor Gang Chen, "China Initiative" may end

BY Dong Liu, JANUARY 21, 2022, The Paper

On January 20 local time, federal prosecutors at the U.S. Department of Justice filed a motion to dismiss all charges against Gang Chen, a well-known scholar of mechanical engineering at the Massachusetts Institute of Technology (MIT) and a Chinese-born professor. So far, the judge has granted the motion. It was another major setback for the Justice Department's so-called China Initiative.

“Today’s dismissal of the criminal charges against Gang Chen is a result of our continued investigation into this matter,” U.S. Attorney Rachael Rollins said. “Through that effort, we recently obtained additional information pertaining to the materiality of Professor Chen’s alleged omissions in the context of the grant review process at issue in this case. After a careful assessment of this new information in the context of all the evidence, our office has concluded that we can no longer meet our burden of proof at trial.”

Robert Fisher, an attorney for Gang Chen, told *The Paper* (www.thepaper.cn) that his client has always been innocent.

“The government finally acknowledged what we have said all along: Professor Gang Chen is an innocent man,” Fisher contended. “Our defense was never based on any legal technicalities. Our defense was this: Gang did not commit any of the offenses he was charged with. He was never in a talent program. He disclosed everything he was supposed to disclose, and he never lied to the government or anyone else.”

For his part, Chen said, “While I am relieved that my ordeal is over, I am mindful that this terribly misguided China Initiative continues to bring unwarranted fear to the academic community, and other scientists still face charges.”

Chen was one of the most high-profile scientists charged under the China Initiative, a Justice Department program launched in 2018 under the Trump administration to counter economic espionage and national security threats from foreign countries. However, the majority of respondents were fired for only some clerical error or lesser misconduct and faced serious criminal charges.

U.S. legal experts point out that law enforcement investigations named after a country are rare in U.S. history. It follows that more and more Chinese students, Chinese scholars, and scientists in the U.S. are being investigated unfairly simply because of their race, nationality, or affiliation with China, which has created a "chilling effect" in the Chinese American community.

In the early morning of January 14, 2021, Gang Chen, an academician of the National Academy of Engineering and a well-known Chinese-born MIT professor, was arrested at his home in Cambridge, Massachusetts. Chen's arrest has aroused huge repercussions among scientists in China and the United States. In the weeks that followed, there was a rare wave of solidarity between Chinese and American academics. MIT said it will bear all legal costs in the Chen case.

Chen has been on paid leave at MIT since his arrest. After news broke out that the prosecution had dropped the case on January 20th, MIT president L. Rafael Reif celebrated the dismissal of the case and said he was eager for Chen's full return to school and continue to work. Reif said the case brought burdens on Chen and his family members which is “beyond imagination.”

Chen's is the eighth research integrity case to be dismissed before trial. The trial of the University of Tennessee–Knoxville professor Anming Hu, the first research integrity case to go before a jury, ended first in a mistrial and then a full acquittal.

According to a *New York Times* report on January 20, the Biden administration is expected to announce changes to the "China Initiative" in the next few weeks. Multiple current and former Justice Department officials said the name "China Initiative" could be dropped, and cases under its name could no longer be packaged into a separate category but reincorporated into the Justice Department's National Security Division's scope of work.

In response to the prosecutor's decision to dismiss the charges against MIT professor Gang Chen, Committee of 100, a non for profit organization that is committed to furthering the advancement and inclusion of Chinese Americans, issued a statement on January 20, calling on the government to immediately end the "China Initiative". "The China Initiative has ruined the lives of innocent Americans and hurts America's ability to lead in scientific research and innovation. Even when cases are dismissed, many Chinese and Asian Americans have their lives, careers, and health greatly affected," said the statement.

Chinese Foreign Ministry spokesman Zhao Lijian said at a regular press conference on January 18 that the essence of the so-called "China Initiative" is nothing but a clumsy tool used by U.S. anti-China forces to abuse the concept of national security and contain and suppress China. The US should listen to the calls for justice from all walks of life, correct its wrongdoing as soon as possible, stop using China as an "imaginary enemy", stop making up excuses to smear and suppress China, and stop disrupting normal exchanges and cooperation between the two countries in the fields of science, technology, and people-to-people cultural engagement. (END)

