

The Case of Xiaoxing Xi:

Are Asian American Scientists Profiled?

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Washington, DC

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Outline

Purpose: Raise understanding and awareness

- Professor Xiaoxing Xi
- Timeline of Similar Cases
- Media, Congress and Community Reactions
- Where Are We Now?
 - Joyce Xi's October 21-23 Bay Area Visit

Facts cited here are all publicly available

Opinions expressed are all my own

Xiaoxing Xi

- Age 57
- Penn Valley, Pennsylvania
- Born in China
- Naturalized U.S. citizen
- Ph. D., Physics, 1987, Beijing University
- Former Chair and Current Professor of Physics, Temple University
- World renowned expert in thin film materials



9/20/2015

Joyce Xi



“My father’s case reflects some of America’s most cherished ideals gone wrong.”

PHILADELPHIA
BUSINESS JOURNAL

MORNING EDITION

Temple professor is Chinese spy: Justice Dept.

May 22, 2015, 3:32am EDT Updated May 22, 2015, 5:35pm EDT

9/11/2015

DOJ dropped
all charges

“without prejudice”

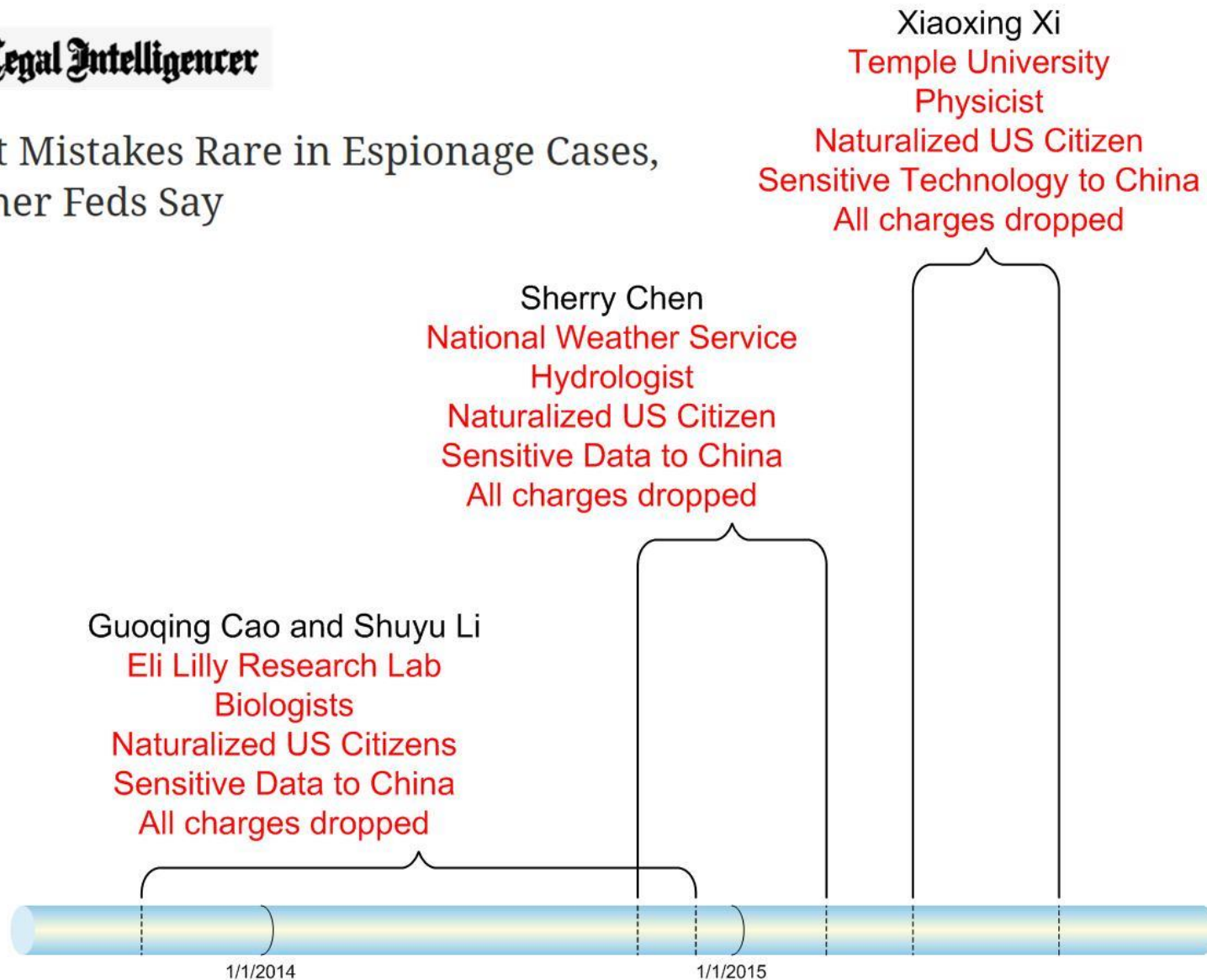
5/21/2015

FBI arrested
Professor Xi



The Legal Intelligencer

Gov't Mistakes Rare in Espionage Cases, Former Feds Say



Inflammatory Rhetoric

Xi's Case

“...sought prestigious appointments in China in exchange...”

Subject to 80 years in prison and \$1 million fine

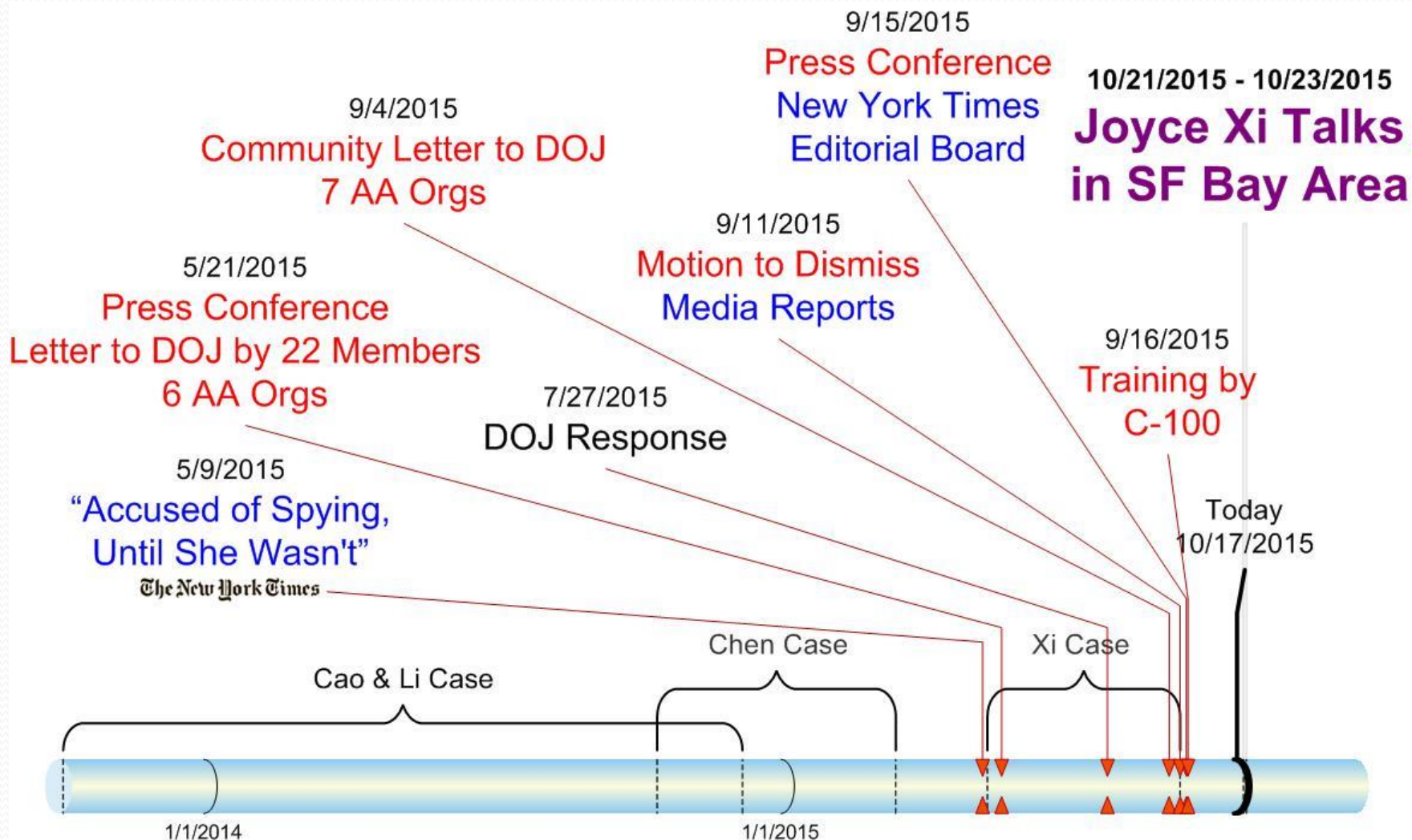
Chen's Case

“...dams could be targeted in war time to cause large losses of life...”

Cao & Li's Case

“in one word ...‘traitor’...”

Chain of Events



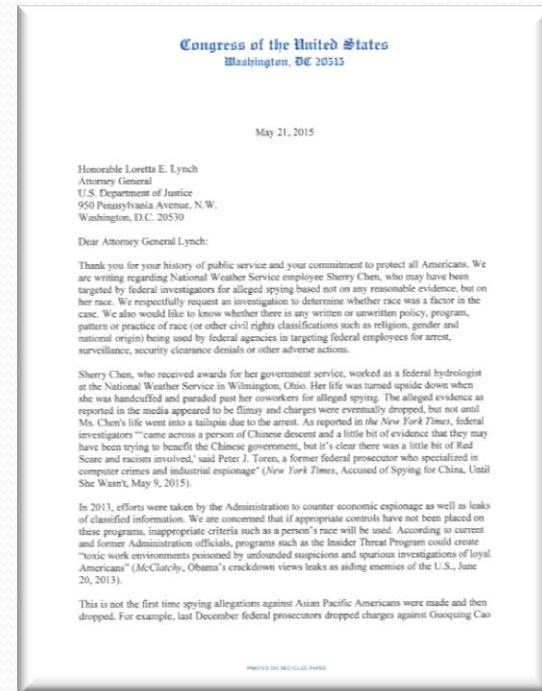
05/21/2015 Press Conference



- Held in Cannon House Building
- Led by Rep. Ted Lieu, Judy Chu, Mike Honda
- 6 Asian American organizations joined
- Congressional inquiry to Attorney General by 22 Congressional members

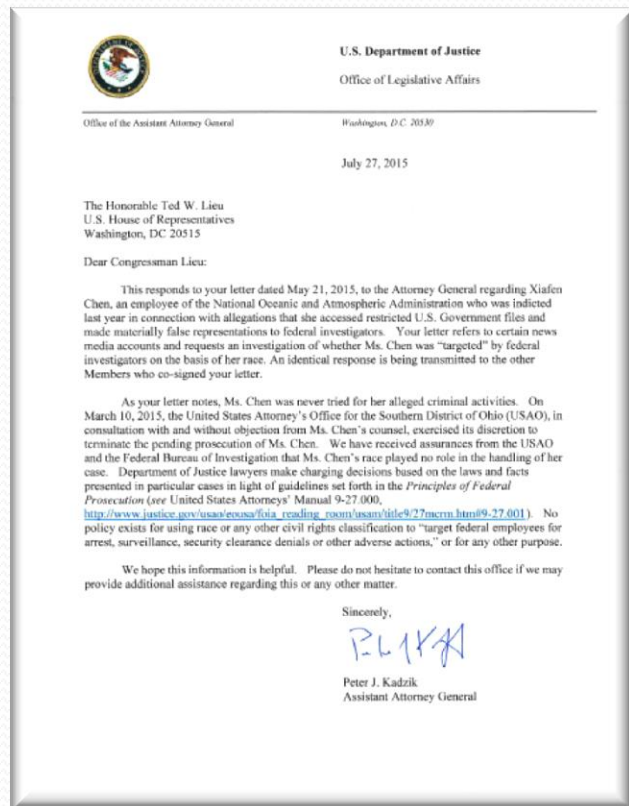
05/21/2015 Congressional Inquiry

- **Investigate** whether race and national origin were factors in the case of **Sherry Chen**
- **Investigate** whether race, national origin, religion or gender are being used by Federal agencies in targeting **Federal employees**



“...National Insider Threat Program...”

07/27/2015 DOJ Response



- “...received **assurances** from USAO and FBI ... that race played no role ...”
- “...**No policy** exists for using race or any other civil rights classification to ‘target federal employees...”

09/04/2015 Community Letter



- Fully support Congressional request for investigation
- “Asian Americans and Racial Profiling”

- Historical facts
- Inflammatory rhetoric
- Culturally insensitive
- Appearance of pattern and practice
- 2014 Guidance against Profiling
- “...whatever challenges, ...duty to protect the rights...”

09/15/2015 C-100 Statement

Press Conference



Five-Point Summary

- Trend and pattern are present
- Consequences and damages at 3 levels
- Observe and practice laws and guidance
- Call for Attorney General action
- C-100 training as community self-help

09/15/2015 New York Times



- “...these concerns cannot justify prosecutions driven by **supposition** rather than solid evidence...”

- “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.”

09/16/2016 C-100 Training

COMMITTEE OF 100
presents
**TRADE SECRETS &
ECONOMIC ESPIONAGE**
Legal Risks in Advancing Technology between
the United States and China
09.16.2015 | 5:30 – 7:00 pm
Jones Day, 51 Louisiana Avenue, NW, Washington D.C.

SPEAKERS FORUM

 BRIAN SUN Partner, Jones Day C-100 Member	 HENRY TANG C-100 Co-founder	
 SHERRY CHEN Hydrologist	 XIAOXING XI Temple University Physics Professor	 PETER ZEIDENBERG Partner, Arant Fox LLP

Paraphrasing from
Professor Xi:

“If we could start all over
again, I do not know what
I could do differently to
avoid what has happened”



Where Are We Now?

- **Sherry Chen.** All criminal charges were dismissed, but the National Weather Service notified her of their intention to fire her
- **Xiaoxing Xi.** He is trying to return to a “normal” life at Temple University. His daughter Joyce is visiting the Bay area to raise understanding and awareness
- **Congress.** Continuing to call for an independent investigation by DOJ. A second Congressional letter is being prepared
- **Community.** ??

10/23/2015 UC Hastings Event

- 10/23/2015 UC Hastings, San Francisco, CA
12:30 – 1:30 pm

Classroom A, 198 McAllister St, San Francisco, CA 94102

- Host: Frank Wu, Chancellor & Dean
- Speaker: Joyce Xi
- Panelists: Victor Hwang; Yaman Salahi; Peter Zeidenberg; Helen Zia

RSVP: bit.ly/iVNObfj



10/21-22/2015 Joyce Xi's Trip

- 10/22 UC Berkeley, Berkeley CA 12:45 – 2:00 pm
Room 110, 215 Boalt Hall, Berkeley, CA 94720
 - **Joyce Xi**, Daughter of Prof. Xi
 - **Leti Volpp**, UC Berkeley Professor of Law
 - **Aarti Kohli**, Asian Law CaucusRSVP: bit.ly/1Pardey
- 10/21 Stanford University, Stanford CA 7:30 – 8:30 pm
Classroom Building 280B, 559 Nathan Abbott Way,
Stanford, CA 94305
RSVP: bit.ly/1Govmit



Thank You!

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