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Committee of 100 Releases White Paper Analyzing Economic Espionage Act Cases

Findings Show Asians Accused of Spying Twice as Likely to be Innocent

(WASHINGTON, May 26, 2017) —A new [White Paper](#), "Prosecuting Chinese Spies: An Empirical Analysis of the Economic Espionage Act," published by the [Committee of 100](#) provides empirical indications that Asians in America may be facing unfair and increasing racial prejudice in the U.S. government's campaign to crack down on theft of economic trade secrets.

The study was independently conducted by scholar Andrew Kim of South Texas College of Law in 2016 and is being publicized by [C100](#) and partners to highlight the study's findings. Founded in 1990, C100 is a non-profit organization of prominent Chinese American leaders from government, business, media and entertainment, and academia.

Recent prosecutions of innocent Chinese Americans have raised concerns that U.S. Department of Justice investigations of suspected espionage have been influenced by racial prejudice. "This study shows that there is enough evidence to be concerned," said C100 Chairman Frank H. Wu. "The growing number of false accusations towards American citizens of Asian descent and the factual similarities among the situations show an apparent pattern and practice of selective and discriminatory treatment. It deserves rigorous monitoring."

"It is rare to have such strong indications of bias," Wu continued. "This data should be the beginning of the discussion, not the end, because while it is not conclusive, it should raise alarms."

"No doubt there have been instances of Asian Americans, like other American citizens, who have violated the law and who have then faced justifiable investigation and prosecution. There is nonetheless a definite line to be drawn between appropriate prosecutions based on actual evidence free of bias and overreaching persecution that is triggered by unfounded suspicions and tainted by racial prejudice. All Americans, regardless of ethnicity, depend on that line for their rights of due process and equal protections under the U.S. Constitution," said Wu.

The White Paper was initially released on May 20, 2017, during a Town Hall meeting of C100 members and leading experts during the C100 Annual Conference 2017 in Washington, D.C. The conference was held from May 18 - 20, 2017.

Key Highlights of the Study:

- Innocent citizens are being tried for crimes they don't commit. **As many as 1 in 5 Asian people prosecuted as "spies" may be innocent, a rate twice as large compared to any other ethnicity.**
- Asians are most likely to be charged for espionage. **Since 2009, 62% of EEA (Economic Espionage Act) defendants charged are Asian; 52% of all EEA defendants charged are Chinese.**

- Asians convicted under the EEA get harsher sentencing. **The average sentence for Chinese and all Asian defendants was 25 months and 22 months, twice as long as the 11 months sentence for defendants with Western names.**

About the Committee of 100

The Committee of 100 is a leadership organization of prominent Chinese Americans in business, government, academia, and the arts. C100 members are leading U.S. citizens of Chinese descent who leverage their collective influence and resources to strengthen U.S.-China relations and promote the full participation of Chinese Americans.

Established in 1990, C100 has a long history of contribution to twin missions promoting the full participation and inclusion of Chinese Americans in all fields of American life, and encouraging constructive relations between the peoples of the United States and Greater China. The organization recently established a Legal Defense & Education Fund, which has paid for the publication and distribution of this White Paper highlighting Andrew Kim's findings. For the past five years, C100 members such as Nelson Dong, George Koo, and Brian Sun have given educational workshops around the U.S., presenting background on some of the issues discussed here (download the [educational flyer](#)). Through the Fund, financial support has been offered to victims of racial profiling.

In 1999, the Committee led a coalition to raise national awareness of the denial of due process in the Wen Ho Lee case of alleged espionage, which later resulted in a public apology from the presiding judge.

The Committee continues to monitor issues affecting Chinese Americans and serves as a high-level bridge in the U.S.-China dialogue, fostering constructive exchanges with the leadership of Beijing, Taipei, and Washington.