

United States v. Charles M. Lieber: Assessing Allegations of Scientific Misconduct

Dr. Budi Santoso^{1*}, Dr. Siti Rahmawati²

¹Faculty of Medicine, University of Indonesia, Jakarta, Indonesia

²Department of Public Health, Gadjah Mada University, Yogyakarta, Indonesia

Abstract. Charles M. Lieber, a prominent scientist, a leader in his field of nanoscale electronics, and the Chairman of the Department of Chemistry and Chemical Biology at a pre-eminent tertiary institution, Harvard University was arrested on January 28, 2020 by the F.B.I. and will be prosecuted by the United States Attorney for the District of Massachusetts for the alleged crime of making false statements to the National Institutes of Health and the United States Government, and not declaring various monetary income with respect to his association with the Wuhan University of Technology and the China's Thousand Talents Program. Is this a Scientific Misconduct case or just plain political paranoia.

Charles M. Lieber, a Harvard Professor and Chairman of the Department of Chemistry and Chemical Biology at Harvard University is a highly respected scientist who is a leader in the field of nanoscale electronics. His research programs include the application of electrical stimulation in the brain via nano-instruments. On January 28, 2020, Charles M. Lieber was arrested by the F.B.I. and will be prosecuted by the United States Attorney for the District of Massachusetts [1]. Charles M. Lieber is charged criminally for lying about the fact that he did not divulge that he received about \$1.74 million in research fund, \$50,000. per month in salary and \$150,000 in living allowance as a part of a research package at Wuhan University of Technology in China. Included in the charge is "making false statements to the United States National Institutes of Health (NIH) and the United States of Department of Defense (DOD) about his affiliation with Wuhan University of Technology and the China's Thousand Talents Program which is described as in addition to "seeking to lure Chinese overseas talent and foreign experts to China also reward individuals for stealing proprietary information".

Charles M. Lieber is accused of "making a materially false, fictitious and fraudulent statement" to the National Institutes of Health, to the F.B.I. and the United States Department of Justice. Specifically, according to the F.B.I. and United States Attorney for the District of Massachusetts, on or around April 24, 2018, during an interview with investigators, Charles M. Lieber apparently lied about his involvement in the China's Thousand Talents Plan and his affiliation with Wuhan Technology University by stating that "he was never asked to participate in the Thousand Talent but he wasn't sure how China categorized him", that on or around November 2018, "the NIH inquired whether Lieber had failed to disclose his then-suspected relationship with WUT and China's Thousand Talents Plan, Lieber caused Harvard to falsely tell NIH that he had no association with WUT after 2012", and that Lieber stated that "WUT continued to falsely exaggerate his involvement with WUT in subsequent years and he is not and has never participated in China's Thousand Talent Plan". According to the United States Department of Justice, the above criminal charge against Charles M. Lieber "is part of the U.S. Department of Justice's China Initiative which reflects the strategic priority of countering Chinese national security threats and reinforces the President's overall national security strategy aimed at identifying and prosecuting those engaged in trade secrets theft, hacking and economic espionage".

If the alleged crime can be proven in Court, Charles M. Lieber could be in a big mess for a number reasons. Firstly, if it can be proven that he did make a "materially false, fictitious and fraudulent statement" to the National Institutes of Health, F.B.I. and United States Department of Justice, he may be prosecuted criminally under 18 U.S.C §1001 which among others states that: "(a) Except as otherwise provided in this section, whoever, in any matter within the matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully - (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section

2331), imprisoned not more than 8 years, or both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years".

Secondly, the United States Prosecutor will undoubtedly put pressure upon Charles M. Lieber by adding superseding criminal charges including for tax evasion and violation of the False Claims Act. If it can be proven in a Court that Charles M. Lieber did receive \$ 50,000. per month in salary and \$150,000 in living allowance for whatever period of time, he may be prosecuted pursuant to 26 U.S.C. § 7201 which states that "Any person who willfully attempts in any manner to evade or defeat any tax imposed by this title or the payment thereof shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, shall be fined not more than \$100,000 (\$500,000 in the case of a corporation), or imprisoned not more than 5 years, or both, together with the costs of prosecution". If it can be proven in a Court that he did receive monetary compensation from Wuhan University of Technology for research purpose and he did not disclose it in his grants application to the NIH and the Department of Defense, he may have violated the False Claims Act under which he may be sanctioned for obtaining grants from a branch of the United States Government under false pretenses. Among others, the False Claims Act states that "any person who -(A) knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval; (B) knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim; . . . is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note; Public Law 104-410 [1]), plus 3 times the amount of damages which the Government sustains because of the act of that person". Thirdly, It is almost a slam dunk for the United States Prosecutor when it comes to proving a case with respect to a prosecution under 18 U.S.C §1001. In order to prevail, the United States Prosecutor must prove that (i) the defendant's statement was "materially" false, (ii) the defendant "knowingly and willingly" made the false statement, and (iii) the statement was made regarding a matter within the federal government's jurisdiction. To prove that the defendant's statement was materially false, all the United States prosecutor has to show is

that the false statement was made to influence any action from the part of the United States Government, including whether to prosecute or not, whether to approve and make payment for a grant or not, and whether to issue a passport or not. It is not necessary to show that his lie influenced anyone. The false statement only need to be able to have the "natural tendency to or [is] capable of influencing, the decision of the decision making body to which it is addressed" [2]. To prove that the defendant knowingly and willingly made the false statement, the United States Prosecutor only has to show that the defendant making the false statement knew it was untrue when he/she made it. It is not necessary to prove that the defendant knew that lying to the government is a crime or that the defendant knew that he was lying to a representative of the United States Government [3]. To prove that the false statement was made in regard to a matter within the federal government's jurisdiction is very straight forward as the United States Courts have generally accepted that any area where the United States Government has the power to act or enforce regulations, including investigations of the Department of Justice, NIH and DOD constitutes United States Government's business [4]. Many high profile individuals, including Martha Stewart, and former Illinois Governor Rod Blagojevich, Former Trump campaign policy advisers, George Papadopoulos and Michael Flynn have been successfully prosecuted and convicted under 18 U.S.C §1001. Very often, the crime of making "materially false, fictitious and fraudulent statement" was not the main criminal act but was prosecuted instead of the main criminal act as in the Martha Stewart's case because that was the easiest crime to prove in Court (Many have felt that it was unfair to prosecute and convict Martha Stewart for lying about the fact that she sold her ImClone stocks because she was tipped to do so and because she wanted to make a profit of ~\$ 200,000 and avoid a loss of ~\$ 45,000. The irony was that Martha Stewart was not found guilty of Securities Fraud but for lying to Federal Investigators about the alleged Securities Fraud [5].

Is the Matter of the United States Government v. Charles M. Lieber a case of Scientific Misconduct? At first glance, Charles M. Lieber who is a respected Scientific Researcher in his field of research has not committed any forms of Scientific Misconduct pursuant to the definitions set forth by the Office of Research Integrity (ORI) of the US Department of

Health and Social Services. Pursuant to the ORI, Scientific Misconduct is defined as "fabrication, falsification or plagiarism in proposing, performing or reviewing research, or in reporting research results" [6]. Even under expanded definitions [7], it cannot be said Charles M. Lieber committed any forms of Scientific Misconduct. It would be extremely difficult to prove under the liberal preponderance of evidence standard let alone under the much stricter standard of guilty beyond reasonable doubt in the US District Court that Charles M. Lieber had committed any forms of Scientific Misconduct that includes Data fabrication, Data Falsification and Dishonest Scientific Report [7]. It must be noted that there is a world of difference between Scientific Misconduct and Scientific Fraud [7]. While Scientific Misconduct is not a crime per se in the United States of America, Scientific Fraud is and several Scientific Researchers have been criminally prosecuted by the United States Department of Justice [8]. Scientific Fraud consists of using the fruits of Scientific Misconduct to defraud a person or an entity [7,8]. It is clear that Charles M. Lieber did not commit Scientific Misconduct or Scientific Fraud. So what is Charles M. Lieber accused of exactly. As stated above, Charles M. Lieber is accused of the catch for all crime, "making a materially false, fictitious and fraudulent statement" to the NIH, the DOD, the F.B.I. and the United States Department of Justice. It must be noted that in the United States, one is innocent until proven guilty. The question that must be answered is whether there was a need to humiliate Charles M. Lieber by arresting him for the whole world to witness. Was Charles M. Lieber such a notorious criminal that there was a chance that he would escape to China? Charles M. Lieber is an American Citizen and not of Chinese descent. There is no reason for him to escape. Where would he escape to? It is quite disgusting that Harvard University has completely abandoned Charles M. Lieber who is prohibited from access to his laboratory, department and Harvard University. It was Harvard University that sent a missive to the NIH stating that Charles M. Lieber did not have any conflict of interest with a foreign research entity. Why Harvard University bureaucrats did not do their homework with clear policies with respect to foreign academic and research affiliations. It is a Faculty's right to have adjunct appointments in this country and abroad. A faculty member of any university in this country has the right of academic freedom to teach and do research. Teaching and Research collaborations with universities abroad are normal and legitimate activities enshrined in the principles of academic

freedom. (Perhaps, Charles M. Lieber did not completely understand the everyday practicalities of an obscure requirement to report all his adjunct foreign appointments! Under previous United States Government, it was not a big deal. But to-day under a Trump administration it is considered a big deal). There is a big difference between academic freedom and the activity of a spy. It is quite a pity that Harvard University, the United States Department of Justice, the NIH and the NSF do not have the foresight to see that difference. As far as one can tell, Charles M. Lieber was not a spy. He did not sell or transfer any trade secrets for monetary gain or as a result of blackmail. The only mistake he may have made was that he did not apparently report his adjunct appointment with Wuhan University of Technology. His scientific publications are available on the internet for the public to browse, copy and examine. International teaching and scientific research collaborations are part of the work of a Scientific Researcher. As a result of the work of Louis Pasteur, the whole world got vaccines and pasteurization. Aspirin was discovered by Felix Hoffmann in Germany. The discovery of the antibiotic, Penicillin by Alexander Fleming was made in England (UK). Insulin for the treatment of Diabetes was first isolated by Banting and co-workers in Canada. The structure of DNA was discovered in England (UK) through the work of Rosalind Franklin and her co-workers. The discovery of the HIV-1, the etiologic agent of human AIDS was made in Paris, France by French Scientific Researchers, Luc Montagnier and Françoise Barr-Sinoussi and their co-workers. The first cloning of an animal was performed by Ian Wilmut and Keith Campbell and their co-workers in Scotland (UK). The discovery of the Drug to cure Malaria, Artemisinin and Dihydroartemisinin was made by Tu Youyou in China. We in America must recognize that not everything is discovered in America. We are not a scientific island. We need the world as much as the world needs us.

Is the Matter of the United States Government v. Charles M. Lieber a case of political paranoia? Not reporting a foreign adjunct position or affiliation to the NIH and the Research Arm of DOD is not a crime in itself. It is an oversight that can be corrected with established protocols and guidelines. It happens all the time. However, lying about not reporting a foreign adjunct position or affiliation to a Federal Investigator is a crime pursuant to the catchall criminal statute, 18 U.S.C §1001. Even the Director of the NIH,

Francis Collins has been caught in the spiral of political paranoia. Francis Collins is quoted as having stated that "There are multiple instances of faculty members who will not be faculty members anymore" [9]. Francis Collins seems to have forgotten that a faculty appointment at a private or state university has nothing to do with the United States Government. The Faculty Senate of a private or state university cannot be coerced into firing a faculty member if it chooses not to do so (although it is hard to imagine that a private or state university would dare to confront the huge and inefficient NIH bureaucracy and its power of the purse). Francis Collins is also quoted as having said that "Unfortunately, instances have recently come to light where certain scientists, including some with links to foreign institutions and/or governments, have violated the honor-based systems and practices of the American research enterprise" [10]. It is not clear what honor-based systems Francis Collins is referring to. Ross McKinney, Jr., the CSO of the Association of American Medical Colleges is quoted as stating that "In our perception, this is a very serious problem," and that "We still view research as a collaborative endeavor, but there is a sense that there may be some cheating going on" [11]

If Francis Collins and Ross McKinney are really serious at preserving 'the honor-based systems and practices of the American research enterprise' and combating cheating at the NIH, they should try to fix the current system of which Francis Collins is the chief architect and in which "More than 70% of researchers have tried and failed to reproduce another scientist's experiments, and more than half have failed to reproduce their own experiments" [12,13]. Francis Collins and Ross McKinney are worried about China stealing data from the NIH. What an irony that China would be stealing data that are faked in most cases. The whole problem of targeting Scientific Researchers with ties with China (and Chinese-American Scientific Researchers) is reminiscent of the MacCarthy era. That political paranoia has permeated the NIH and the scientific enterprise in the United States is an understatement. At MD Andersen Cancer Center, "People can no longer use personal laptops on the wireless network. The center has barred the use of flash drives and disabled USB ports. And all of its employees' computers can now be monitored remotely". The NIH "recommends that reviewers of grant applications have limited ability to download or print them. Those traveling to certain regions should use loaner computers" and "academic

institutions should be alert to frequent foreign travel by scientists, or frequent publishing with colleagues outside the United States" [14]. Is Francis Collins advocating that Research Universities and Institutions should spy about the traveling destinations and publishing partners of their Scientific Researchers? International exchange of ideas and collaborations in scientific research cannot be avoided and is part of doing scientific research. If Scientific Researchers do not feel free to collaborate and publish their results, and exchange ideas, we will be witnessing the return to the dark days of science.

It is important and necessary that rules and guidelines are set in the first place. Currently, there are no rules and guidelines, except threats, terminations and prosecutions. Two completely different approaches with two completely different results summarized cases of Scientific Researchers being targeted because they were Americans of Chinese descent. In cases at MD Andersen Cancer Center, the Scientific Researchers were hounded by F.B.I. investigations with the help of the administrators culminating in self or forced terminations and exile while in cases at Baylor College of Medicine, the Scientific Researchers were educated and reprimanded but not fired [14]. As noted in the case of Xifeng Wu, an epidemiologist who was forced to resign from her position at MD Andersen Cancer Research Center, there was nothing to patent from her work which is all basic science stuff consisting of statistical and epidemiological results [14]. There used to be a time when Scientific Researchers were concerned with finding a cure for cancer. Now, Cancer Research Centers like MD Andersen Cancer Research Center are more interested in filing patents for inexistent cures for cancer. That MD Andersen Cancer Research Center is using tax papers contributions to the tune of over \$150 millions per year to file patents that would benefit private pharmaceutical and biotech companies [14] must be investigated by the US Department of Justice. It is indeed ironic that the United States of America, the champion of free enterprise and capitalism is now doing what the former communist countries used to do (i.e subsidizing inefficient industry).

It is submitted that we have gone overboard with our political obsession at thinking that a country like China would need to steal our intellectual capital in our research universities and institutions. In America, we want to think that we are the best. However, the reality

tells a different story. Europe, United Kingdom and Asia have some of the best universities in the world. Some universities in China are also ranked among the top in the world. According to the Times Higher Education World University Rankings for 2019, the top first and second universities in the world are University of Oxford and University of Cambridge of England (UK). Stanford University, Massachusetts Institutes of Technology, Harvard University, Princeton University, Yale University, and California Institute of Technology occupy the third to eighth positions. University of London Imperial College is at the ninth position and University of Chicago is at the tenth position. University of London University College is ranked 14th. University of Toronto of Canada is ranked 21st while Tsinghua University and Peking University are classified 22nd and 31st respectively. China's best graduate students and post-doctorals do not need to come to the United States. They increasingly go and are attracted to England (UK), Scotland (UK) Wales (UK), Canada, France, Germany, Singapore and Japan. There is no need to guess at the following questions. Which country builds the fastest trains and has the largest network of fast trains. Which county is the largest manufacturer of goods in the world. Which country builds more cars than any other countries in the world. Which country sends more graduate students to the United States than any other countries. Which county is top in the Program for International Student Assessment Work Ranking in Math, Reading and Science. Which country buys more Apple iphones than the rest of the world. While we are still number one in certain areas like agriculture, agricultural machinery, mining machinery, aircraft manufacturing, electronics, medical equipment and pharmaceuticals, in other areas we have been superseded by other countries. We should not be blinded by political paranoia and allow underhanded maneuvers to take over our ingenuity to compete fairly and amicably as we do at the World Olympics Games. What makes the United States of America a shining beacon, respected and emulated by other countries is our system of fairness and impartiality in all aspect of our life. Even the person accused of murder has fundamental rights that all must respect. We should not resort to arresting the CFO and the daughter of the founder of Huawei because we cannot compete with Huawei. We should not resort to arresting Charles M. Lieber because China is able to attract our best minds to its shores. We should not resort to harassing graduate students and post-docs from China because we cannot compete with China. While we are obsessing about China, our capacity

to perform at high levels in teaching and research, technology development, manufacturing and finance is slowly diminishing. Targeting Chinese-American Scientific Researchers is not the answer to not being able to compete with China. The opposite is happening. The Chinese graduate students and post-docs are not coming to the United States anymore. It is important to face the facts. More than 50% of graduate students and post-docs at all Research Universities in the United States are Chinese and they do most of the work anyway. Why shouldn't they profit from their hard work and contribution. We have all heard it said loud and clear: "The Chinese students and post-docs are hard-working and dedicated but they lack originality because of their education and upbringing. The original ideas belong to Principal Scientific Researcher only". Similar comments have been made to Chinese-Americans, naturalized or born citizens. If that is the case and in addition to the fact that the current administrators in the White House and the NIH think they are here to steal our intellectual property, instead of harassing them and Chinese-Americans citizens (many of whom are born in this country), there should be a moratorium on accepting and hiring Chinese students and post-docs. Francis Collins and the NIH should stop acting hypocritically. Shame on Marco Rubio, the son of immigrants from Cuba for questioning the loyalty of Chinese-Americans and closing his eyes to the exploitation and discrimination of his fellow Hispanic-Americans under Donald Trump. Marco Rubio must know that it was Donald Trump who humiliated him during the Republican primary elections in 2016. Marco Rubio must visit the NIH and the Top Research Universities and Institutions, and try to count on his fingers how many Hispanic-Americans are Principal Scientific Researchers at these places. While we are at it, we might as well have an executive order prohibiting all scientific collaborations with China. In this way, the Chinese-American Scientific Researchers in America will be able to sleep soundly at night knowing that no-one will be breaking their door to arrest them for working with Scientific Researchers in China. What we are witnessing these days in the United States of America is not unlike what happened prior to and during the second world war when countless numbers of Jewish Scientific Researchers were hounded by the Nazi sympathizers and university administrators. Scientific Researchers, including Albert Einstein, Hans Krebs and Carl Cori and Gerty Cori and countless others had to flee Europe [15-17]. After Joseph Rotblats escaped Europe, his wife did not and died in a concentration camp [18] After

Stanislaw Ulam and his brother fled Poland, his family, including his parents and sister were killed in the holocaust [19]. The declaration of Francis Collins that "The American biomedical research progress that has happened over the past many decades would simply not have been possible at the level that we now see without participation by these remarkably talented people who come to our shores from other countries and do wonderful work, . . . This notion that they might be under a cloud of suspicion, or even, as the three Chinese societies have suggested, be subject to racial profiling, that is anathema to everything that we stand for in this country" [11] shows that he either is living in a parallel world or a "bungling idiot and hypocrite". Francis Collins should read some history. He should know that when the Rockefeller Foundation and the Carnegie Foundation funded the American Emergency Committee in Aid of Displaced Foreign Scholars for the processing of the hiring of Scientific Researchers most of whom were Jewish refugees from Europe, there were a lot of discrimination towards the Jewish Scientific Researchers. It is related that "To get a job in an American university, it was really helpful not to be Jewish" that "some, like Hamilton College in upstate New York, explicitly told the Emergency Committee they wanted an Aryan applicant" and that "Dartmouth College offered to take someone of Jewish heritage, but that person shouldn't seem too Jewish" [20]. He should know that he and the other University administrators started the whole mess when they agreed to mingle Scientific Research and Scientific Education with National Security, Protection of Intellectual Property and Xenophobic Political hysteria. Scientific research in the biomedical sciences cannot be equated with national security. If there is any security risk, the research must be carried out by government personnel at government run laboratories not in private and state Research Universities and Institutions. The Rockefeller Foundation and the Bill and Melinda Gates Foundation spend billions of dollars every year to fund Scientific Research around the world in order to combat incurable diseases. That was also the mission of the NIH until recently. Can Francis Collins explain when did the mission of the NIH change. When did the NIH become an arm of private pharmaceutical companies that are making outrageous profits at the expense of the average American Tax Payers. All scientific discoveries are for humanity and not to be patented for the exclusive use of a few private companies. Let the pharmaceutical and the biotech companies do their own R & D and products development without the help of the NIH. There is a big

difference between discoveries in basic biomedical research and applied product development. The NIH has no business in hiding the discoveries of basic biomedical research from public view and hounding Scientific Researchers who are Chinese-Americans under the dubious cloak of intellectual property protection. The illegitimate hounding and forced self-exile of Chinese-American Scientific Researchers, including, Xifeng Wu [14,] is a stain that is not unlike the stains of the Page Act of 1875, Chinese Exclusion Act of 1882 signed by Chester Arthur, the Immigration Act of 1924 that included the Asian exclusion Act and the National Origin Act (that prevented Jews, Italians, Greeks, Poles and other Slavs from entering the United States of America), Warren Magnuson Act of 1943 which allowed immigration of 105 (not a typing error!) Chinese persons because China was a recognized allied nation during the second world war but still restricted private ownership of property and business to ethnic Chinese in violation of the United States Fourth, Fifth and Fourteenth of the United States Constitution, and the America's rejection of Jews fleeing Nazi Germany [21]. In 1939, a ship with 935 refugees on board, almost all of them Jews was not allowed to land in Miami and was forced to return to Europe. 254 of the passengers on that ship died in the holocaust [21]. Whether it is done in a sanitized fashion to-day, it is still anti-Chinese hysteria and selective targeting of a specific ethnic group. When a third generation United States Citizen with Chinese ancestry feels that he is no longer protected by the Fourth, Fifth and Fourteenth Amendments of the United States Constitution, we must start to worry. A number of pundits have argued that the actions of the NIH and the United States Department of Justice are not selectively targeting Chinese or Chinese-Americans because other ethnic groups have also been investigated. However, the facts state otherwise [22]. The fact that Charles M. Lieber was arrested proves that the NIH and the United States Department of Justice are targeting minorities. Not so long ago, Jews were not allowed at Harvard University. Now Harvard University allowed the arrest of a person who is Jewish. Although a third generation Chinese-American, I have also felt what other Chinese-Americans have. One time, I was coming home through JFK, I was stopped by an Officer (Customs/Immigration) who asked me what my profession was. I answered that I was a Scientific Researcher. He then asked if I was carrying any biological material. When I answered in the negative, he then asked me the question "how many chromosomes there are in the human cell". I told him that I had written a textbook entitled

"Textbook of Medical Biochemistry". He would not let me go until I answered the question. So as not to waste my time, I told him that there are 46 chromosomes in the human cell. He told me that I was wrong and that there were only 23 chromosomes in the human cell. He actually went to ask his supervisor if I was right or wrong. His supervisor told him "I don't know. Why are you arguing with a guy who wrote a textbook on the subject" The Officer reluctantly let me go but he still told me that he was right. This situation is not unlike what Francis Collins, the Investigators of NIH and F.B.I. are doing. They really do not know the difference between Scientific Research in the Biomedical Sciences that takes place in Research Universities and Institutions and the Development of products in pharmaceutical and biotech companies. Unfortunately, airports are not the only places where Chinese-Americans are being harassed. Chinese-Americans are also being harassed at Research Universities and Institutions, and in the Courts throughout the country, the very places where they are supposed to feel safe. As noted by Waldmann, P. of Bloomberg Businessweek [14] in the case of Xifeng Wu, "Wu's work, like a lot of the academic research now in danger of being stifled, isn't about developing patentable drugs, the mission is to reduce risk and save lives by discovering the causes of cancer. Prevention isn't a product. It isn't sellable. Or stealable". Was it worth exiling Xifeng Wu from her family, her home and community in Houston under the pretext of Intellectual Property Protection and that we cannot compete with China. That is what the Nazi did to countless numbers of Jewish Scientific Researchers prior to and during the second world war. How many Jewish Scientific Researchers ended up in the Nazi concentration camps, we will never know because it has not been researched.

As put eloquently with heartfelt sincerity by the President of MIT who is also an immigrant [23]: "To hear such reports from Chinese and Chinese-American colleagues is heartbreaking. As scholars, teachers, mentors, inventors and entrepreneurs, they have been not only exemplary members of our community but exceptional contributors to American society. I am deeply troubled that they feel themselves repaid with generalized mistrust and disrespect". The United States is a country of immigrants. It is not clear how the psychosis and paranoia against new immigrants and ethnic minorities crept into the very fabric and psyche of the American society as we know it. Except for the native American

Indians who have been here thousands of years, everyone of us is either descended from immigrants or are immigrants. What entitled the likes of Marco Rubio, Christopher Wray, Francis Collins and to disparate, denigrate, and question the loyalty of a specific ethnic group when they themselves are products of immigration and are enjoying the fruits of immigration. It is indeed difficult to fathom such thinking and action that is quite irrational because it is based on skin color and ethnicity. Just like the African-American and Hispanic-American being targeted by the "Stop and Frisk policy" [24] and the "driving while black stop policy"[25] and the Mexican-American targeted by the "you are an illegal arrest policy" [26], we now have two new crimes targeting Chinese-American called the "Researching while Asian investigation policy" by the NIH and the F.B.I. and "E mailing while Chinese-American investigation and arrest policy [14,27].

Instead of targeting Scientific Researchers like Charles M. Lieber and Xifeng Wu, my advice to Francis Collins, the NIH, University Bureaucrats and the F.B.I. is to first know the difference between Scientific Research being conducted at Research Universities and Institutions and R&D products development taking place at private pharmaceutical and biotech companies. Francis Collins, the NIH and the F.B.I. In the United States of America, there is such a thing as separation of powers, Due Process pursuant to the Fifth and Fourteenth Amendment of the United States Constitution, and to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures pursuant to the Fourth Amendment of the United States Constitution. The firing of husband and wife, Xiao-Jiang Li and Shihua Li, tenured Professors at Emory University and the closing of their laboratory without providing them with the opportunity to rebut their alleged transgressions [29] is a violation of their Fundamental Rights to Due process of the law pursuant to the Fifth and Fourteenth Amendments of the United States Constitution. (The Li's have claimed that they have followed the rule and have disclosed all their adjunct and research activities in China since 2012) . The arrest of Xiaoxing Xi, a tenured professor at Temple University and subsequent dismissal of all charges against him [27] were a violation of his fundamental right to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures pursuant to the Fourth Amendment of the United states Constitution.

Research Universities and Institutions are private and state owned entities that should not be controlled by Francis Collins, the NIH bureaucrats and the Department of Justice. Political paranoia has permeated the academic and research world. Resources are being wasted to investigate non-existent crimes not unlike what the Chinese did during the cultural revolution.. The French called it "zizanie". While we are fighting among ourselves, China is getting ahead with its research programs because its Scientific Researchers are not distracted by the toxic atmosphere of distrust and paranoia. We must show to the world that we have the means and the intelligence to compete in a level playing field, and do better not just in science and technology but also in football (we call it soccer, the rest of the world called it football).

References.

1. The United States Attorney Office of the District of Massachusetts News (2020), Issue of January 20, 2020.
2. United States v. Gaudin (1995) 515 U.S. 506.
3. United States v. Yermian (1984) 468 U.S. 63.
4. United States v. Rodgers (1984) 466 U.S. 475.
5. United States v. Martha Stewart and Peter Becanovic (2006) 433 F. 3d 273 (2nd Circuit).
6. <https://ori.hhs.gov/ori.hhs.gov>.
7. Tung, H.Y.L. (2019) J. Invest. Cri. Pub. Sci. Articles, Vol. 1, pp5-19. Scientific Misconduct, Scientific Fraud and Dishonest Scientific Report.
8. Tung, H.Y.L. (2019) In the Matter of Scientific Misconduct and Fraud, 1st Edition, Cactoa Scientific Publishers, Inc. Astoria (NYC), New York, USA.
9. Kayser, J. (2019) Science, Issue of April 11, 2019. Universities will soon announce action against scientists who broke NIH rule, agency head says.
10. Kolata, G. (2019) The New York Times, Issue of Nov 4, 2019.

- Vast dragnet targets theft of biomedical secrets for China.
11. Pear, R. (2019) New York Times, Issue of Jan 6, 2019.
U.S. officials warn health researchers: China may be trying to steal your data.
 12. Tung, H.Y.L. (2019) J. Invest. Cri. Pub. Sci. Articles, Vol. 1, pp159-163.
On the question of reproducibility of scientific results in published scientific articles.
 13. Baker, M. (2016) Nature, Vol. 533, pp452-454.
1,500 scientists lift the lid on reproducibility.
 14. Waldman, P. (2019) Bloomberg Businessweek, Issue of June 13, 2019.
The U.S. is purging Chinese cancer researchers from top institutions.
 15. Neffe, J. and Frisch, S. (2007) Einstein: A biography, Farrar, Straus and Giroux, Germany.
 16. Williamson, D.H. (1980) Trends Biochem. Sci., Vol. 5, ppvi-viii.
Sir Hans Krebs-the fist 80 years.
 17. Cori, C.F. (1969) Ann. Rev. Biochem., Vol. 38, pp1-21.
The call of science.
 18. Brown, A. (2012) Keeper of the nuclear conscience: the life and work of Joseph Rotblat, Oxford University Press, England (UK).
 19. Ulam, S.M. (1991) Adventures of a mathematician, University of California Press, U.S.A.
 20. Boissoneault, L. (2017) Smithsonian Magazine, Issue of November, 2017.
The forgotten women scientists who fled the holocaust for the United States.
 21. Lind, D. (2017) www.vox.com, Issue of January 27, 2017.
How America's rejection of Jews fleeing Nazi Germany haunts our policy today.
 22. Kim, A.C. (2018) Cardozo Law Review, Vol. 40, Issue 2.
Prosecuting chinese spies: an empirical analysis of the Economic Espionage Act.
 23. <https://www.wbur.org/commonhealth/2019/06/27/mit-president-chinese-scientists-heartbreaking>
MIT President: Heartbreaking To Hear Chinese Scientists Feel 'Stigmatized And On Edge'
 24. Southall, A. (2019) The New York Times, Issue of November 18, 2019.

- Why 'stop and frisk' inflamed black and Hispanic neighborhood.
- 25 LaFraniere, S. and Lehren, A.W. (2015) The New York Times, Issue of October 24, 2015.
- The disproportionate risks of driving while black.
26. Fitzgerald, D. (2019) www.salon.com, Issue of July 7, 2019.
- Mexican in US routinely confront legal abuse, racial profiling and ICE targeting.
27. Hvistendahl, M. (2018) South China morning Post, Issue of May 5, 2018.
- Spying charges against Chines-American Scientists spark fear of a witch hunt.
29. Law, T. (2019) Time, Issue of May 25, 2019.
- Emory University fires 2 neuroscientists accused of Chinese ties.

END