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Has the Hunt for Chinese Spies Become a Witch Hunt?

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When the Biden administration took office, many in higher education expected a shift in Washington's attitude toward academic collaboration with China.

President Donald J. Trump, after all, is alleged to have called all Chinese students [spies](#). His secretary of state suggested that colleges were compromised because they were "[hooked on Chinese Communist Party cash](#)." The Trump administration restricted Chinese-student visas, froze exchange programs, and policed the money colleges were getting from [China](#).

President Biden, by contrast, has toned down the rhetoric, and his administration has called for a "[renewed U.S. commitment](#)" to international education.

Yet the Trump administration's signature China Initiative, an investigation of economic and academic espionage, continues. That's despite the change in administration — and despite some notable setbacks for the U.S. Department of Justice program.

In recent weeks, charges have been dropped against one American scientist and five visiting Chinese scholars indicted as part of the initiative. The first case of a university researcher to go to trial, a professor at the University of Tennessee at Knoxville, ended in a mistrial, with questions about federal agents' conduct while pursuing the case.

Unexpectedly, prosecutors announced at the end of July that they would try the Tennessee professor, Anming Hu, a second time. Cases against prominent professors at Harvard University and the Massachusetts Institute of Technology also appear to be moving forward.

But if the future of the China Initiative looks a little blurry, its impact is far clearer.

To critics, the investigations, which with few exceptions have focused on American scientists of Chinese and Asian descent, amount to racial profiling. They are concerned that if the China Initiative continues it could diminish international research collaboration, weaken academic freedom, and discourage not only Chinese scientists but Chinese American ones from working at American universities. Many worry it already has.

“Toxic” is how Yasheng Huang, a professor of global economics and management at MIT, characterized the initiative. “It is driving talent away from the U.S., and it is creating an atmosphere of fear.”

Margaret K. Lewis, a law professor at Seton Hall University who focuses on China and Taiwan, called for the end of the China Initiative in a recent essay in [Foreign Policy](#). The effort was begun to preserve the United States’ intellectual competitive advantage against an advancing China. But it could end up undermining that aim, she wrote, by making America less attractive to Chinese students and scholars and to global collaboration.

“What I hate,” Lewis said, “is this is an own goal for the U.S.”

The Trump administration announced the [China Initiative](#) in November 2018. The Justice Department has said that 80 percent of economic-espionage cases involve China.

From the start, academic researchers seemed to be among the China Initiative’s primary targets. At least 16 professors or visiting scholars have been arrested and charged as part of the effort, most notably [Charles M. Lieber](#), chair of chemistry and chemical biology at Harvard. A handful of those indicted have pleaded guilty.

Although the China Initiative has been portrayed as an effort to root out espionage, the actual charges filed in the cases have largely been unrelated to the theft of trade secrets. Instead, the indictments have included failing to disclose Chinese ties to federal grant-making agencies or universities, making false statements to government authorities, and tax andOne of those charged was Hu, a Chinese-born associate professor of engineering at the University of Tennessee, who

is alleged to have failed to disclose a faculty appointment at a Chinese university on conflict-of-interest forms when applying for a NASA grant. (Federal law prohibits NASA funds from going to projects in collaboration with China or Chinese universities.)

When Hu's case went to trial in June, an FBI agent testified that he had spent nearly two years trying to build a case against the professor and had tried to recruit him as an informant for the FBI. He also revealed that he falsely told the university that Hu had ties to the Chinese military — which led to Hu's firing. The jury deadlocked; one juror was so upset by the government's case that she later donated to Hu's [defense fund](#).

A month after the mistrial, prosecutors dropped charges against another researcher charged as part of the China Initiative. Qing Wang, of the Cleveland Clinic Foundation, had been accused of failing to disclose his relationship with a Chinese university and Chinese funding he had received on a federal grant. Days after dropping charges, the government dismissed the cases of five visiting Chinese researchers who were alleged to have lied about their affiliations with the Chinese military on their visa applications.

The Justice Department said the decisions had been made after a review of the cases.

To some observers, the spate of reversals signaled a winding down of the China Initiative. In a [client brief](#), the law firm Wilmer Hale wrote that the mistrial and the dismissed charges “demonstrate the challenges that prosecutors will face in securing convictions” in China Initiative cases, citing ambiguity in the disclosure process and possible government overreach.

But on July 30, the deadline for refiling or dropping charges against Hu, prosecutors announced they would retry the former University of Tennessee researcher. The tersely written [notice of intent](#) did not offer a reason, and the Justice Department did not respond to questions from *TIn a statement released Wednesday morning, Eric Lander, the White House science adviser, outlined principles for new research-security requirements for federally funded scientists that his office is drafting, but he made no mention of the China Initiative.*

Lewis, the Seton Hall professor, noted that key Biden administration appointees are still moving through the confirmation process, including the assistant attorney general of the National Security Division, who oversees the China Initiative. “I’m not surprised this didn’t turn on a dime,” she said.

Both Lewis and Rory Truex, an assistant professor of politics and international affairs at Princeton University, also pointed to broad support in Washington for being tough on China.

The U.S. Senate recently passed [bipartisan legislation](#) to combat competition from China. Among the bill's provisions are strict new reporting requirements for foreign funds and a prohibition against recipients of federal grants participating in overseas talent-recruitment programs. (A number of those charged as part of the China Initiative were part of China's Thousand Talents Program, which pays professors for part-time appointments or consulting work.)

And Truex said while the Justice Department put out press releases announcing arrests and indictments, the end of China Initiative cases typically come much more quietly. "The China Initiative looks bad," he said, "when you look under the hood."

Zhigang Suo has largely stayed out of politics since he came to the United States from China as a graduate student 35 years ago. He became a professor of mechanics and materials at his alma mater, Harvard. When he heard about [cases](#) of scientists accused of working for China, he assumed they must have done something wrong. "This is not my problem, it is somebody else's problem," he remembers thinking.

That changed earlier this year when Gang Chen, a professor of mechanical engineering at the MIT, was [arrested](#) for allegedly concealing his Chinese affiliations. Chen was a longtime friend, and Suo said he had known him as a warm and honest person.

When he dug into the documents charging Chen, his alarm grew. The paperwork contained errors, such as the suggestion that Chen had benefitted personally from a grant with a Chinese university when in fact the funding had gone to MIT. And much of the evidence against his friend — such as that he collaborated with Chinese scientists, wrote recommendation letters for Chinese students, sat on review committees for Chinese grants — was routine work for internationally active researchers like Suo.

Suo is an American citizen; he has lived in this country longer than he lived in China, and he never felt singled out or targeted because of his Chinese heritage, he said. Now, though, he feels vulnerable.

Jenny J. Lee, a professor of educational-policy studies and practice at the University of Arizona, is trying to measure that sense of vulnerability. In collaboration with the Committee of 100, a group of prominent Chinese Americans, Lee is conducting a survey of scientists at top American

research universities about whether the China Initiative has affected their research projects and if it might change their plans to work with counterparts in China in the future.

So far, Lee has collected about 2,000 responses, and although the results are preliminary, she said she is seeing significant differences between the experiences of scientists of Chinese descent and those of other American researchers. They are more likely to report that they feel targeted by the China Initiative and that it affects their ability to collaborate. “There is a ripple effect across the Chinese scientific community in the U.S.,” Lee said.

But Lee said she is just as struck by another response to the survey. After she sent out the questions, which were anonymous, using survey software, she got a flood of messages to her personal email address from scientists who sought her out to confirm that her research was legitimate before participating.

They were afraid, she said, that it was an FBI sting operation.

The China Initiative coincides with a rise of anti-Asian discrimination in the United States. The group Stop AAPI Hate had [catalogued](#) more than 6,600 incidents of discrimination against Asians and Asian Americans in the year following the start of the Covid-19 pandemic.

In a July [letter](#) to Attorney General Merrick Garland, nearly 100 members of Congress asked for an investigation into whether racial profiling may have driven the China Initiative cases.

Lewis, the Seton Hall professor, said it is unusual to name a major Justice Department initiative after a single country. The name, along with the fact that most of those charged are Chinese, can feed perceptions that researchers are being targeted because of their shared ethnicity or nationality, she said.

Not long ago, when both colleges and the U.S. government were encouraging academic ties with China, Chinese-born professors were valued for their connections and encouraged to collaborate. Now they fear their background makes them radioactive.

Many said they were unsure what activities to avoid. When coronavirus travel restrictions lift, should they present at Chinese conferences or even visit their families back in China?

Suo, the Harvard professor, said he worried his Chinese ties mean he could have trouble securing the federal grants that are the lifeblood of his lab. Currently, half of the dozen graduate

students, post-docs, and visiting scholars in his research group are from China. Should he stop writing papers and working on joint projects with his former graduate students, many of whom now run their own research groups in China?

When NASA asked Yiguang Ju to serve on a 10-year planning committee, the professor of mechanical and aerospace engineering at Princeton hesitated. He was apprehensive that if a security clearance was required, he might be flagged because he was born in China and collaborates regularly with colleagues there. “You want to serve, but your loyalty to this country is questioned,” he said. “Why take the risk?”

He added, “You don’t know when the FBI could come knocking on your door.”

Still, both Ju and Suo said the greatest impact of the China Initiative was not on them, but on younger colleagues and graduate students. As senior professors, they’ve built their careers and raised their families in the United States. But less-established scholars are reconsidering their future here, thinking of decamping for countries where the place of their birth won’t raise suspicions.

The next generation of Chinese students could decide not to come to the United States in the first place. Their loss would be devastating for the American talent pipeline — there are an [estimated](#) 41,000 master’s students, 36,000 doctoral students, and 38,000 post-docs or visiting scholars of Chinese citizenship in STEM fields at American universities. Chinese students account for a [third of all international graduate students](#) in the United States.

Many of these students end up staying in the United States, a critical talent source not just for academe but for private-sector research labs and high-tech start-ups.

“If in this process we create such a hostile climate that students no longer want to come here, we’ve shot ourselves in the foot,” Truex, the Princeton professor, said.

Huang, the MIT professor, is president of the Asian American Scholar Forum. He said he is concerned that the China Initiative could also color institutional behavior. Colleges wary that they could be painted as having a “China problem” might pull back from research collaborations and other ties with China rather than risk losing out on federal grants.

It may not affect large and prestigious research universities like his own, but it “may change the calculations of other institutions,” Huang said, especially those dependent on federal funding.

Doing so would cut American universities off from one of the world's scientific powerhouses. China trails only the United States on the list of [highly cited researchers](#). It is on track to graduate twice as many [doctoral students in STEM](#) as the U.S. by 2025.

China may be a competitor, but it is also a critical collaborator.

Still, even critics of the China Initiative said there is a place for greater transparency and additional guardrails around Sino-U.S. academic partnerships.

Huang said there are likely to be instances where academics filled out paperwork incorrectly or failed to make proper disclosures. "We're not saying no wrongs have been committed," he said. "But these are infractions that should be dealt with administratively, rather than criminalizing these cases."

Dealing with such cases through administrative sanction would also free up prosecutors to focus on more-serious cases and those in which espionage may have been committed.

Truex, who studies Chinese politics and authoritarianism, isn't naïve about China, which has restricted political and academic freedoms in recent years. In a [policy paper](#) for the Penn Project on the Future of U.S.-China Relations, he suggests a number of steps to enhance research security while ensuring that American higher education remains open to collaboration, with China and the world. They include the creation of a centralized, standardized disclosure system for faculty members' professional activities and conflicts of interest and pre-travel training for scholars, administrators, and graduate students on Chinese espionage and elicitation practices.

Truex also argues that American professors should be forbidden from drawing salaries or receiving significant compensation from Chinese universities or talent-recruitment programs.

College leaders, too, acknowledge that there are national-security implications to collaboration with China, which has at times engaged in unethical research practices and sought to poach intellectual property. The government has enlisted operatives to pose as visiting scientists and coerced Chinese students to reveal unpublished research.

In a [recent essay](#), leaders of the American Physical Society point to “sobering and disturbing” signs that “China is using science collaborations to harm the U.S.”

But, they write, “a closer look reveals a deeper and even more disturbing truth: The reactions by the U.S. government to these serious problems are creating remedies that are worse than the disease they attempt to cure.” (END)