

Trial of academic shines light on 'China Initiative'

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The high-profile trial of Harvard Professor Charles Lieber, which opened yesterday in federal court in Boston, will shine a spotlight on the controversial “China Initiative” programme introduced in 2018 by the US Department of Justice to stem the loss of technological secrets to China. Asian-American groups hope the trial and resulting publicity will help put an end to the initiative. US President Joe Biden has come under pressure from activists, universities and lawmakers to review the campaign. Supporters say the programme, initiated during Donald Trump’s administration, has checked China’s bid to undermine US defence, weaken US industry and erode national security. FBI Director Christopher Wray, a staunch defender, said in testimony before the US Senate Intelligence Committee in April that the bureau opened a new China-related investigation every 10 hours. Activists counter that the vast majority of academic China Initiative-related cases involve reporting problems and misstatements rather than industrial espionage or theft of secrets charges that are much harder to prove. This amounts to racial profiling and guilt by association that spreads distrust of Asians, ruins careers and chills genuine scientific discovery, they say. “We do university partnerships all the time. It’s not illegal to do research, it’s just a reporting issue,” said Wing-kai To, assistant provost at Massachusetts’ Bridgewater State University and a vocal critic of the initiative. “Lumping everything together with the China Initiative, including hackers, smugglers and those who fill out a form incorrectly, that’s what’s crazy about this.” The prosecution of Lieber, who had been chairman of Harvard’s chemistry department, stands out. Most US cases implicating science professors recruited by China have involved defendants of Chinese descent. But this case, involving a Caucasian from such a prestigious university, has left some wondering whether it was purposely chosen to dispute allegations of racial bias and serve as a warning to academia. The Justice Department says it does not factor race into its decision to pursue cases. “It’s all coming out of the China Initiative,” said Jeremy Wu, founder of APA Justice, one of numerous groups fighting to end the programme. “He may not be Asian-American, but it’s still the nexus with China.” Lieber, a tenured Harvard faculty member and world-class expert in nanoscience and nano materials, was arrested on January 28, 2020, on charges of lying about funding he received from China. Nanotechnology involves the manipulation of individual atoms. It offers great promise in sectors ranging from pharmaceuticals to hydrogen fuel cells and is a priority under Beijing’s “Made in China 2025” plan for getting ahead in the global technology race. The government’s case focuses on what prosecutors say were false statements Lieber made to the FBI and the National Institutes of Health (NIH) in 2018 involving his relationship with the Wuhan University of Technology and the Thousand Talents Plan. That plan is a programme Beijing set up in 2008 to recruit hi-tech expertise. There is no suggestion that the case is related to the origin of the Covid-19 virus. The US government makes no claim that Lieber’s relationship with the Wuhan university or talent programme was illegal. Rather, it says Lieber sought to hide those relationships in dealings with the Department of Defence and NIH, which funded his research, and the Internal Revenue Service. In court documents, the government points to bank accounts Lieber had in Wuhan where the Chinese university deposited payments and Lieber withdrew cash when in China. He did not declare the income or disclose the bank accounts to US tax authorities, it added. Lieber has pleaded not guilty, saying that he did not act knowingly, intentionally or willfully make any false statements. Harvard has placed him on paid administrative leave and his teaching duties have been suspended. According to a study released in September by Andrew Chongseh Kim, a lawyer and law professor, sponsored by the Committee of 100 civic group, cases involving Chinese professors under the Economic Espionage Act

appear to have a racial tinge. Those of Chinese descent were far more likely to have their cases heralded in press releases and far more likely to be handcuffed, arrested, imprisoned and receive sentences twice as long as non-Chinese, the study found. And one in three Asians accused of espionage may have been falsely accused, it added. And nearly 90 per cent of the defendants charged under the initiative are of Chinese heritage, according to a recent study by the MIT Technology Review. Another survey by the Committee of 100 found that some 40 per cent of scientists of Chinese descent had more trouble getting funding, were fearful of being surveilled and felt they were being racially profiled by Washington – significantly higher levels than non-Chinese. “The unfair and unequal discriminatory treatment of Chinese-Americans and Asian-Americans in contrast to people with non-Asian names is absolutely shocking and unacceptable,” Gary Locke, chairman of the Committee of 100 and a former US ambassador to China, said in releasing the report, “Another lesson learned from the Red Scare and McCarthyism of the 1950s”. According to a recent Justice Department website entry, the Biden administration has continued to prosecute China Initiative cases, highlighting 21 prosecutions, including the conviction of a Chinese government official for conspiracy charges related to economic espionage and theft of trade secrets. Lieber faces six charges related to wrongful declarations and tax evasion. Among his main arguments, according to court documents, are that the government’s case rests on witnesses who are in China involving activities that are not relevant to the charges. Of the 123 email exchanges the government planned to present as evidence, Lieber and his lawyers said, 93 appeared to be between him and someone not on any witness list and should therefore be excluded from consideration. Much of the government’s case relies on its access to the Harvard email system and electronic devices seized when Lieber was arrested. The government maintains that his subterfuge was conscious, citing an email Lieber wrote that told a colleague he would be “careful about what I discuss with Harvard University, and none of this will be shared with the government investigators at this time”, according to court documents.