

Are All Chinese Students and Chinese Americans Spies and Foreign Agents?

Frank H. Wu

University of Pennsylvania conference

Spring 2022

Reform

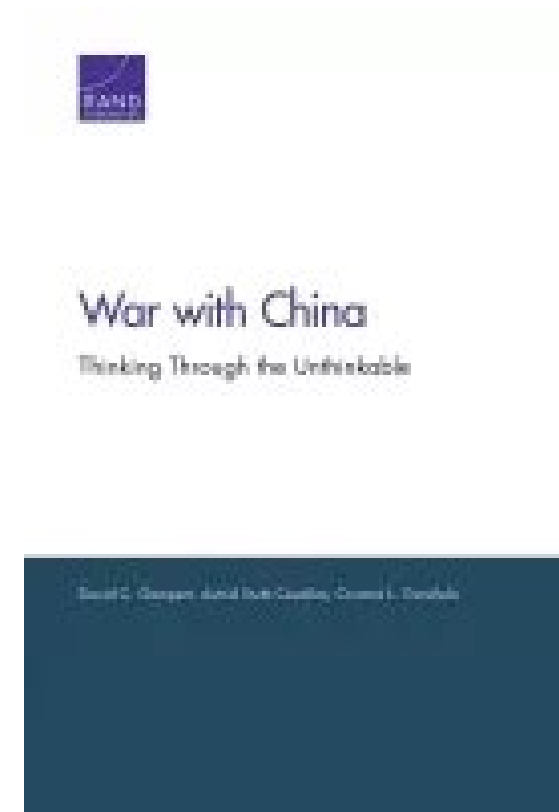
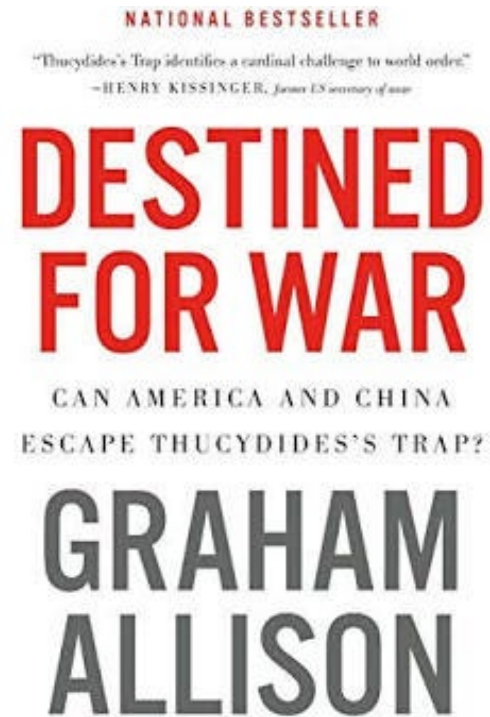
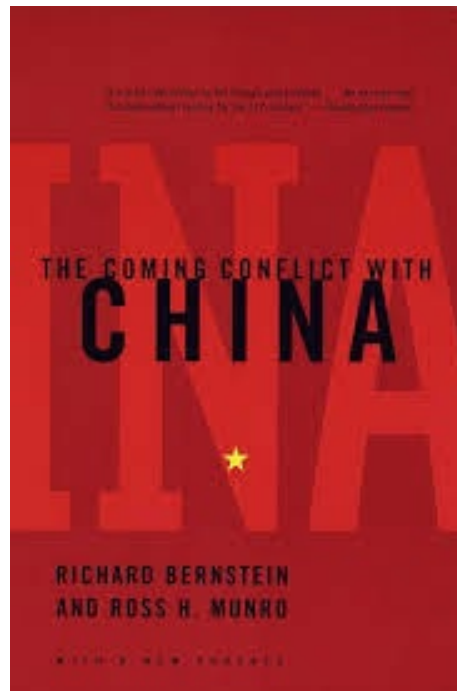
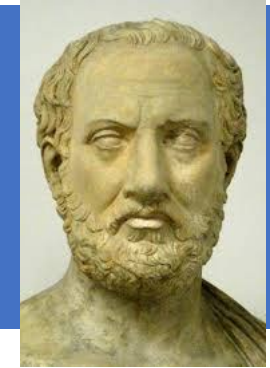
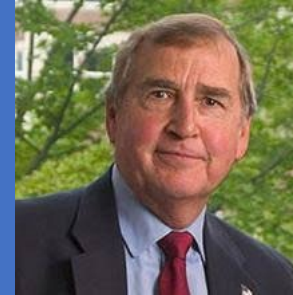
President Wu shared his written submission with APA Justice. In his remarks, he emphasized three “Cs” that should be promoted and one “C” to be avoided:

- **Consistency** of rules and enforcement priorities (among agencies and over time)
- **Clarity** of policies
- **Communications** to promote compliance (including anti-bias aspects)

And **not**

- **Criminalization**

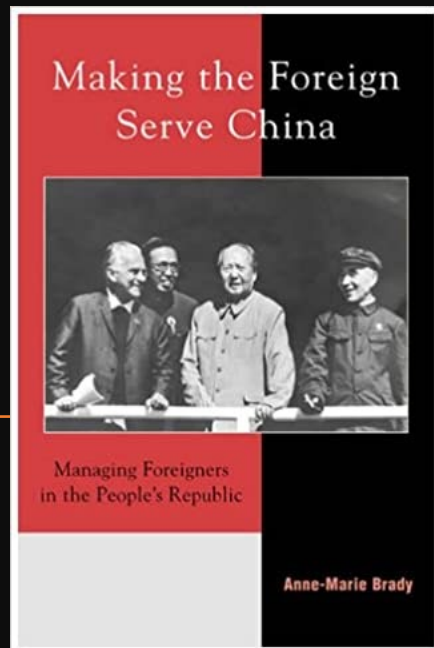
Military War as Inevitability?



From Normalization to Disengagement



United Front Influence



Real Cases



Chinese hacker who tried to steal US military data 'deserves respect' – state media

Su Bin should be showed 'gratitude and respect' if he has indeed stolen military secrets, says Global Times editorial

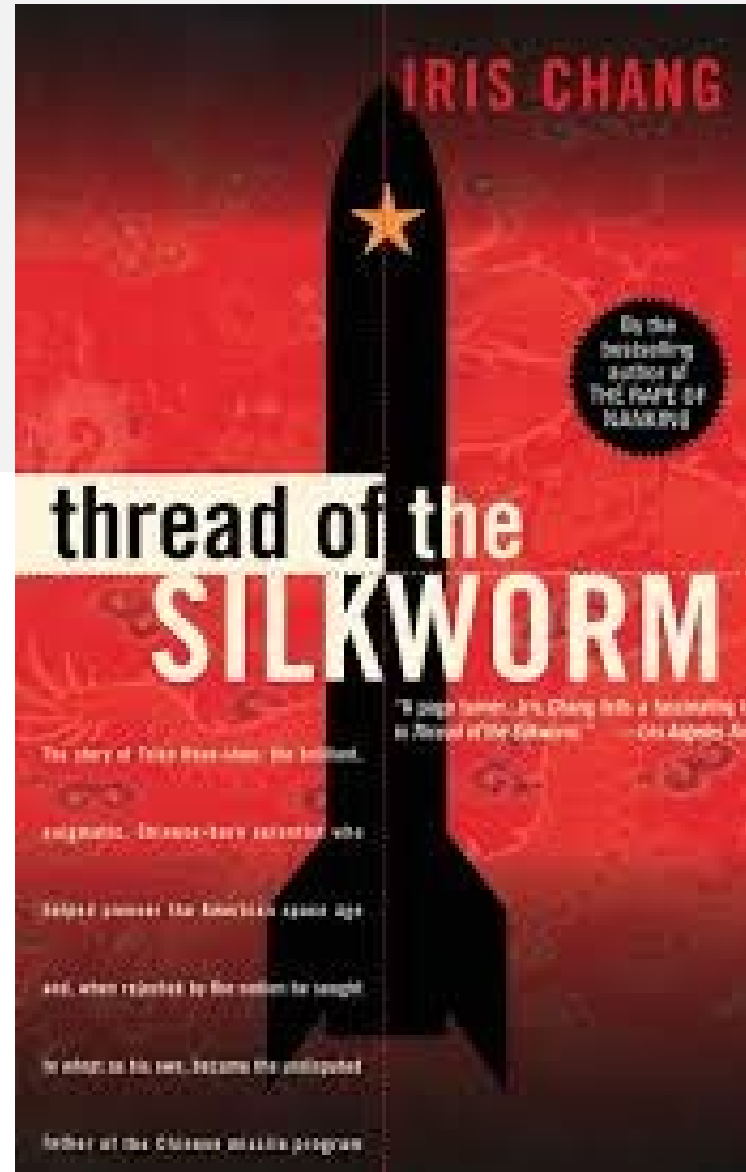


▲ An F-22 fighter jet. Su Bin and his contacts were particularly interested in schematics for this plane among others, according to court filings. Photograph: Getty Images

One of China's most bellicose newspapers has come to the defence of an admitted Chinese cyberhacker, a contradiction of Beijing's official position that the country neither condones nor engages in computer espionage.

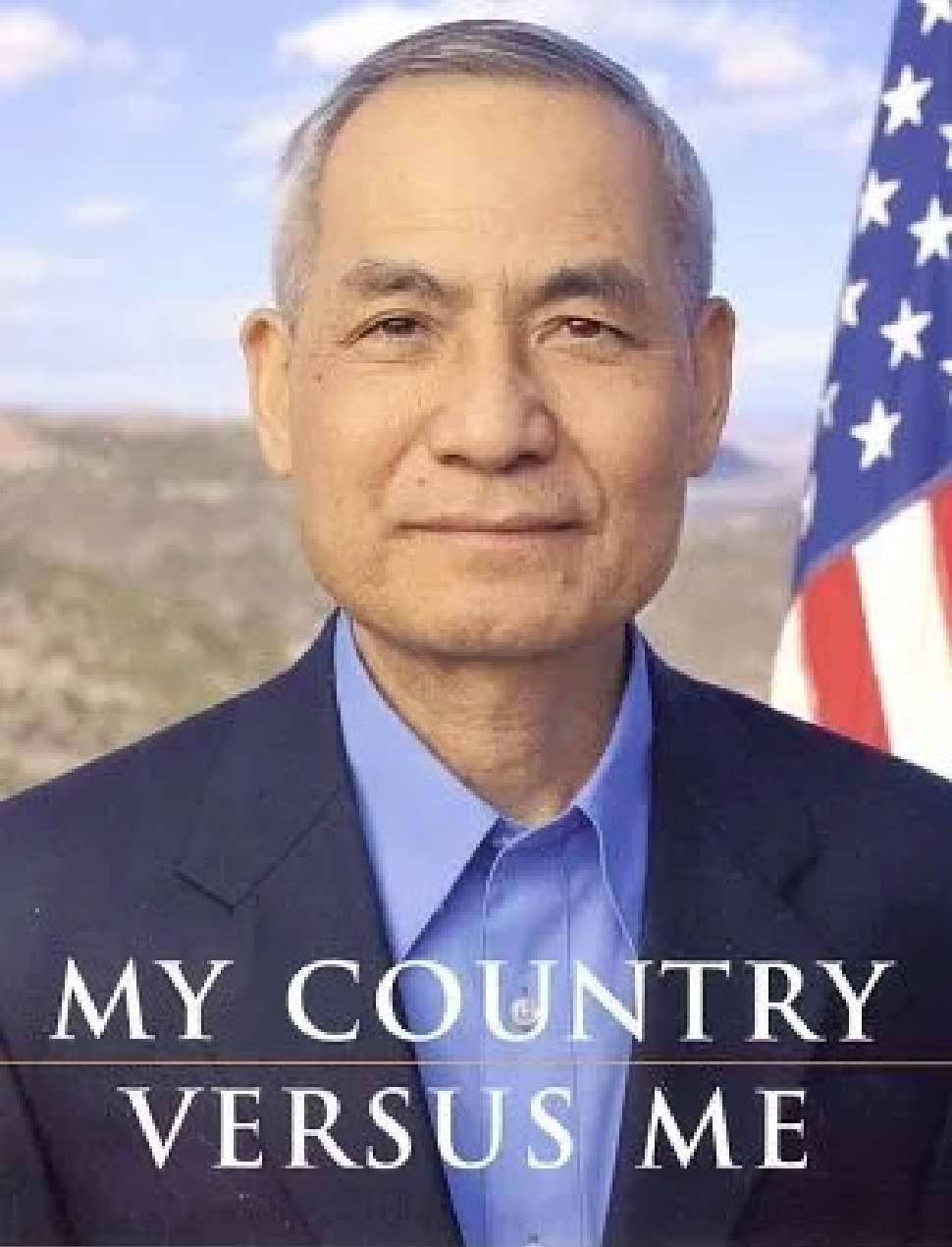
Global Times, an arm of the Communist party's People's Daily newspaper, published an editorial late Thursday headlined "Su Bin deserves respect whether guilty or innocent" that **praised Su Bin**, a Chinese national who **pled guilty on Wednesday** in a Californian federal court to conspiring to hack into the computer networks of US defence contractors.

Article from The Guardian



Early Cases: Qian Xuesen

- From the NY Times obituary of Qian Xuesen: But by 1950 his American career was over. Shortly after applying for permission to visit his parents in the newly Communist China, he was stripped of his security clearance by the Federal Bureau of Investigation and accused of secretly being a Communist. The charge was based on a 1938 document of the Communist Party of the United States that showed he had attended a social gathering that the F.B.I. suspected was a meeting of the Pasadena Communist Party. . . Aviation Week, which named Mr. Qian its man of the year in 2007, quoted Dan Kimball, a former under secretary of the Navy, as calling Mr. Qian's deportation "the stupidest thing this country ever did."



Early Cases: Wen Ho Lee

- Statement by U.S. District Judge Parker: I might say that I am also sad and troubled because I do not know the real reasons why the executive branch has done all of this. We will not learn why because the plea agreement shields the executive branch from disclosing a lot of information that it was under order to produce that might have supplied the answer. . . Although, as I indicated, I have no authority to speak on behalf of the executive branch, the president, the vice president, the attorney general, or the secretary of the Department of Energy, as a member of the third branch of the United States Government, the judiciary, the United States courts, I sincerely apologize to you, Dr. Lee, for the unfair manner you were held in custody by the executive branch.



False Positives

Changing Standards: Now



JUSTICE NEWS

Attorney General Jeff Sessions Announces New Initiative to Combat Chinese Economic Espionage

Washington, DC ~ Thursday, November 1, 2018

Remarks as prepared for delivery

Changing Standards: Not Too Long Ago



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NIH leaders celebrate 30 years of research with China

November - December, 2009 | Volume 8, Issue 6

Double Standards

Global Opinions

America's new — and senseless — Red Scare

- Exhibit A in prosecutorial overreach is the case of Chunzai Wang. One of the world's leading experts on climate change, Wang worked for 17 years for the National Oceanic and Atmospheric Administration. His papers, some of which focused on the interplay of El Nino and global warming, have been cited thousands of times. In 2012, Wang won NOAA's Research Employee of the Year Award for "personal and professional excellence," followed in 2013 by its Scientific Employee of the Year Award, for "professional excellence and exceptional productivity." He was indisputably the most prolific scientist on NOAA's staff.
- Hounded by the Commerce Department, Wang left the United States in 2016 and got a job as a research professor at the Chinese Academy of Sciences. . . In all, it appears that Chinese institutions paid Wang \$2,100 over the course of three years for helping students there on research involving climate change.
- At court, Judge Cecilia Altonaga questioned the idea of prosecuting Wang, noting that her only regret "is that I have to adjudicate" his case. The judge also noted that "given the nature of Wang's contributions to an area that is at the forefront of our daily review of news, climate change, given the nature of the research he conducts and — and the information he supplies and how valuable it is," she found it "regrettable" that Wang should end up a felon.
- John Pomfret in the Washington Post

Bloomberg
Businessweek

How NOT To Cure Cancer

The U.S. is purging
Chinese scientists
in a new Red Scare.

National Interest

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CORONAVIRUS

The Trump Administration Drove Him Back to China, Where He Invented a Fast Coronavirus Test

A federal crackdown on professors' undisclosed outside activities is achieving what China has long struggled to do: spur Chinese scientists to return home. In this crisis, it's costing the U.S. intellectual firepower.

by David Armstrong, Annie Waldman and Daniel Golden, March 18, 5 a.m. EDT

Racial Profiling?

Did Trump Call Most Chinese Students Spies?

Politico reports that the president called "almost every student" from China a spy.

By **Elizabeth Redden** // August 9, 2018

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The director of the FBI says the whole of Chinese society is a threat to the US — and that Americans must step up to defend themselves

Michal Kranz Feb 13, 2018, 1:00 PM



Racial Profiling Confirmed

‘Rogue’ U.S. Agency Used Racial Profiling to Investigate Commerce Dept. Employees, Report Says

An obscure federal office operated for more than a decade as an “unaccountable police force” inside the Commerce Department, using extreme and unauthorized tactics.

Commerce Dept. Will Shutter Unit That Conducted Rogue Investigations

An internal inquiry found that the office improperly opened investigations and overstepped its legal authority, but stopped short of attributing the problems to racial or ethnic bias.

Acquittals and Dismissals

“RIDICULOUS CASE”: JUROR CRITICIZES DOJ FOR CHARGING SCIENTIST WITH HIDING TIES TO CHINA

After a mistrial is declared in a closely watched case, a juror says the FBI owes an apology to University of Tennessee scientist Anming Hu.

U.S. District Judge Tom Varlan wrote that no reasonable jury could have inferred that holding a professorship at Beijing University of Technology barred him from working on NASA-funded research.

Multiple Cases Total Failures Despite Ominous Press Releases Early On

China Initiative Cases Dismissed

The U.S. government has moved to dismiss cases against five Chinese researchers charged with lying about ties to the Chinese military on visa applications. The decision follows a mistrial in another case.

By **Elizabeth Redden** // July 26, 2021

Former Cleveland Clinic Employee and Chinese “Thousand Talents” Participant Arrested for Wire Fraud

Reconsideration by Former Prosecutors

John Hemann, a former federal prosecutor in San Francisco, worked the flagship China Initiative case: the 2018 indictment of Chinese state-owned Fujian Jinhua. He said the department was successfully prosecuting China-related economic espionage cases long before Sessions's announcement.

But pressure to demonstrate the initiative's success — to “show statistics,” he said, “has caused a program focused on the Chinese government to morph into a people-of-Chinese-descent initiative,” including Chinese-born scientists working in the United States.

Asian Americans Ambiguous in Race Relations



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