

Mistrial in 'shambolic' prosecution

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A US federal judge has ordered a mistrial in the case of a former University of Tennessee professor charged with wire fraud and making false statements following a deadlocked jury.

The trial of Anming Hu, a former professor in the department of mechanical, aerospace and biomedical engineering at the university's Knoxville campus, started on June 7. The jury couldn't reach a verdict, so US District Judge Thomas Varlan in Knoxville declared a mistrial on Wednesday.

Hu was charged in February 2020 with failing to disclose ties to the Beijing University of Technology in China while receiving research grants from the National Aeronautics and Space Administration (NASA).

Hu received two NASA grants totaling \$110,000 in 2016 and 2018 for research on metal-joining and 3D-printing techniques. Prosecutors alleged that he defrauded NASA by hiding his post at the Beijing university, and NASA, under federal law, cannot fund Chinese universities.

Hu's attorney said he met the requirements of the grants and those of the University of Tennessee. The defense has made a motion to dismiss the case, and the judge has yet to rule on the motion.

"Mistrial in the case of Anming Hu. This is what happens when the government targets people for political reasons," said Alex Nowrasteh, director of immigration studies at Cato Institute, in a Twitter post.

Nowrasteh, in an article posted on the Cato Institute's website on Monday, analyzed the US Department of Justice's incentives to accuse Hu of being a spy.

"There is a far more sinister reason why Hu is on trial: FBI and DOJ pressure to find spies and make double-agents out of them," Nowrasteh wrote in the article. "FBI and DOJ officials have a political incentive to find Chinese spies ever since the DOJ launched its China Initiative in 2018," he said.

Hu's trial is the first among a series of similar prosecutions against US-based researchers and scientists with ties to China under the China Initiative. The administration of then-US president

Donald Trump launched the program in November 2018 to address perceived economic espionage.

In the past two years, federal prosecutors have escalated the crackdown on US-based researchers and scientists for their work with Chinese schools and institutions. The China Initiative has resulted in dozens of prosecutions.

Some notable cases include those of Gang Chen, a professor and nanotechnology expert at the Massachusetts Institute of Technology; Feng Tao, a professor of chemical engineering at the University of Kansas; and Zhengdong Cheng, a professor at the College of Engineering at Texas A&M University and a NASA researcher. They were all charged with "grant fraud".

"This (Hu's case) is neither the last time nor the first time that bad political incentives lead to shambolic prosecutions of non-spies for espionage-related offenses," said Nowrasteh.

Russel Jeung, chair and professor of Asian American Studies at San Francisco State University said the China Initiative reflected racial profiling against Chinese American and Chinese national researchers.

"They single some Chinese scientists and arrest them on minor charges, and then try to prosecute them for being spies," Jeung told China Daily. "Why do they do that to an entire racial group? Why do they do that to an entire nationality? It's racial profiling," he said.

The ongoing targeting of Chinese scientists follows a long history of criminalizing immigrants and treating Chinese Americans as "perpetual foreigners", said Jeung. "As a result, Chinese Americans and immigrants are in fear of being subjected to discriminatory investigations in academic institutions across the country," he said.

Members of the academic community and rights groups have been urging the Biden administration to rescind the China Initiative.

An editorial in the scientific journal Nature Physics in April said that "what is so troubling about the China Initiative: it singles out scientists, effectively for conducting research while being Chinese. It is simply intolerable."

It called on the government to stop "selective prosecution of scientists" and handle the "honest mistakes or oversights" in a disclosure "in a proportionate manner, especially when it is not always made clear what should be reported".

"This trial has literally put the federal government's China Initiative on trial. I believe the government must fully investigate the whole range of disturbing problems by our own law enforcement agencies revealed throughout this trial," Jinliang Cai, chairman of United Chinese Americans (UCA), said in a statement.

The organization said the China Initiative has brought charges on about a dozen Chinese American professors and scholars, while the charges against them have been "mostly based on

incompletion or omissions in paperwork filled by those charged, such as a university's routine conflict of interest disclosure forms".

This deadlocked jury exposed "serious flaws and a shaky foundation" of prosecutions against Chinese American scholars under the China Initiative, the UCA said.