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Trial of scientist accused of hiding work in China ends in hung jury

Jodi Xu Klein

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A federal judge declared a mistrial Wednesday in the trial of a former University of Tennessee scientist after the jury deadlocked over whether he had hidden his work in China to defraud Nasa.

Hu Anming, 52, was a professor at Tennessee when he was indicted in February 2020 on three counts of wire fraud and three counts of making false statements.

It was the first non-espionage case to go to trial under the “China Initiative”, set up by the US Department of Justice in 2018 to investigate and prosecute trade secret theft and economic espionage activities that are considered national security threats. The initiative was part of a broader department crackdown on university researchers and scientists for their work with Chinese schools and institutions.

The trial began on June 7 and was sent to the jury on Monday. US District Judge Thomas Varlan declared a mistrial after jurors determined that they could not agree on a verdict.

The next move is up to the US Department of Justice (DoJ), which will need to decide whether to pursue the case against Hu further. The defence also made a motion seeking Judge Varlan to acquit Hu.

Hu’s defence lawyer Phil Lomonaco said during the trial that the department “wanted a feather in its cap with an economic espionage case, so they ignored the facts and the law, destroyed the career of a professor with three PhDs in nanotechnology and now expects the court to follow their narrative”.

“Reading stories about Hu, the most charitable explanation for the DoJ charging him with a crime is that it’s a simple case of bureaucratic misunderstanding where University of Tennessee administrators and Hu didn’t understand disclosure requirements,” said Alex Nowrasteh, director of immigration studies at Cato Institute.

Nowrasteh added that DoJ and FBI pressure to find spies is another possible, and “more sinister”, explanation for the charges that Hu faced.

Federal prosecutors contended that Hu, who had worked at UT’s department of mechanical, aerospace and biomedical engineering since 2013, had intentionally hidden his relationship with the Peking University of Technology in grant applications he had made to Nasa; that would violate a 2011 law that bars Nasa from paying for any research that involved “participation, collaboration or coordination” with “China or a Chinese-owned corporation”.

Nasa had issued grants to the University of Tennessee of about US\$110,000 from 2016 to 2019 for Hu’s projects.

Charges against Hu, a naturalised Canadian citizen, included wire fraud and making false statements – administrative errors that were normally not treated as crimes until the initiative, according to APA Justice, an advocacy group fighting against racial profiling of Asian scientists.

Earlier cases against researchers of Chinese nationality including Temple University physicist Xiaoxing Xi and University of Virginia robotics researcher Hu Haizhou were dropped after federal prosecutors failed to find evidence they had stolen trade secrets for Beijing.

Charles Lieber, a chemist at Harvard renowned for his work in nanotechnology, was accused of similar charges last year. His case is still pending.

Hu specialises in nanotechnologies that, among other things, join metals together with materials more than 1,000 times smaller than the width of a human hair, a technology that can be applied to areas such as advanced electronic sensors.

He was suspended from his Tennessee job shortly after his arrest.

Chinese-American scientists fear US racial profiling

The indictment said Hu provided false assurances to the school that he was not part of any business collaboration involving China in his proposal for a Nasa-financed project.

Nasa wired about US\$60,000 in 2016 and 2017 for a project involving the Jet Propulsion Laboratory at the California Institute of Technology, and planned to pay another US\$50,000 in 2019 for a project involving the Marshall Space Flight Center, the indictment said.

The prosecutors also contended that Hu’s resume, which he submitted as part of his application for a tenured faculty position at Tennessee, omitted any affiliation with the Beijing university.

But during the trial, university officials said that Hu had filed reports about his work with Chinese students and his collaborations with Chinese researchers, and that links to research papers clearly identified him as a professor at both Tennessee and the Peking University of Technology.

None of the federal allegations against Hu accused him of spying for China or giving the country Nasa research dollars or technology secrets.