

RESEARCH, EDUCATION, AND ACADEMIC FREEDOM: FINDINGS AND RECOMMENDATIONS

The Penn Project on the Future of U.S.-China Relations presents the following findings and recommendations from its Research, Education, and Academic Freedom group. The [policy papers](#) on which they are based, a [video](#) of the October 9th webinar featuring these authors, and additional information can be found on the Project [website](#).

Corporatist Organization in a Pluralist Setting: The Challenges of Educational Collaboration and Exchange with the PRC

[Mary Gallagher](#), University of Michigan

Findings:

1. The challenges of educational exchange and collaboration with China are not primarily due to individual students or scholars. They emanate from those organizational forms and tactics used by the CCP to extend influence abroad, to manage Chinese citizens when they are overseas, and to suppress discussion of topics that put the CCP in a negative light.
2. China's corporatist modes of organization, combined with United Front tactics, are inconsistent with basic principles of the U.S. educational system and its pluralist system of organization and expression. They also diminish Chinese students' and scholars' enjoyment of these principles and increase the potential for coercion and constraints on freedom of expression.
3. The goal of any restrictions on Chinese organizations should be to protect our comparative advantage in freedom of expression, association, and academic freedom. A strategy of reciprocity—adopting illiberal tactics to counter China's own illiberalism—has perverse effects on our own institutions, making the U.S. academic environment more closed and more similar to the PRC.

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Recommendations:

1. The U.S. government should consider whether Chinese Student and Scholar Associations (CSSAs) holding official affiliation with the Chinese embassy or a Chinese consulate constitute foreign agents, and should register accordingly under the Foreign Agents Registration Act.
2. The U.S. government should significantly increase funding to schools, including K-12 and higher education, for area studies and foreign language training. The U.S. government should restore funding for the Fulbright Program in Hong Kong and China to facilitate scholarly research on China, training in Chinese language, and the global dissemination of American academic principles through Fulbright-funded Chinese researchers in the United States.
3. U.S. university administrators should not allow Chinese government-funded organizations, such as Confucius Institutes (CIs), to be set up within universities. Organizations like CIs should exist as stand-alone organizations with affiliations, funding, and budget expenditures made transparent through necessary tax and regulatory reporting. University agreements with Chinese universities or the Ministry of Education should be made public.
4. U.S. university administrators should provide incoming international students with training and workshops on academic freedom, freedom of expression, and the importance of pluralistic debate in the classroom and during events. University administrators should also develop protocols and best practices for events that are controversial or sensitive.

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Addressing the China Challenge for American Universities

Rory Truex, Princeton University

Findings:

1. Research at American universities almost exclusively follows an Open Science Model, where findings, data, code, and early-stage research are available to researchers regardless of their nationality or location. American science of this nature cannot feasibly be delinked from China.
2. There is insufficient evidence that academic/economic espionage by Chinese nationals is a widespread problem at U.S. universities. The Department of Justice’s “China Initiative” has brought formal charges arising out of activities at only ten U.S. universities or research institutions, and only three cases involved allegations of espionage, theft, or improper transfer of intellectual property.
3. Current approaches to enhance research security at U.S. universities, which rely on mass visa restrictions and heightened monitoring of Chinese researchers, are counterproductive and will harm American science and national security in the long term.

Recommendations:

1. No full-time employee of a U.S. university should receive salary or substantial compensation from the government or military of, or a university or firm in, a country of high strategic concern (which, under current conditions, includes China).
2. The U.S. government should work with universities to create a standardized, centralized disclosure system for faculty professional activities and conflicts of interest. The system ought to include an audit component conducted by the National Science Foundation.
3. U.S. citizens traveling to China on academic exchange should receive pre-travel training from the U.S. government on issues relating to Chinese espionage and elicitation practices.
4. U.S. universities and their employees should not be expected to engage in monitoring or surveillance on behalf of the law enforcement community.

The Role of Criminal Law in Promoting Innovation

Margaret K. Lewis, Seton Hall Law School

Findings:

1. The U.S. government’s depiction of a “China threat” conflates disparate issues and inflates threats. An expansive view of threats to national security assets, and the sometimes justifiable need for secrecy during investigations, has resulted in an overreliance on criminal law in the U.S. policy response to potential threats from the PRC.
2. There is no consensus on the value of intellectual property theft attributable to China’s party-state or affiliated entities, nor is there clarity regarding the extent to which illegal activities tied to China are changing in scale or nature over time.
3. The U.S. government’s repeated assertions that cases under the Department of Justice’s “China Initiative” are being carried out in a non-discriminatory manner do not adequately address concerns about the stigma it has induced among Chinese-Americans and Chinese citizens living, studying, or working in the U.S.

Recommendations:

1. Policymakers should jettison the overly broad label of “China” in the “China Initiative” and increase collaboration with non-governmental experts in the sciences and China-studies fields as they reconsider the appropriate role of criminal law in protecting and promoting innovation.
2. The U.S. government should provide greater clarity concerning the scale and nature of the perceived threat from the PRC. Congress and the executive branch should then seek ways to strengthen non-criminal measures for addressing the clearly defined threat, including improved compliance with grant reporting requirements and better protections for intellectual property.
3. The U.S. government should restart and expand anti-bias training to make investigators and prosecutors more conscious of factors in their own decisionmaking. Such training—when combined with other initiatives promoting diversity, equity, and inclusion—raise awareness and encourage the U.S. government to better address concerns about discriminatory practices infusing its work.