

University of Kansas professor Franklin Tao convicted on concocted evidence

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After the conviction of University of Kansas professor of chemical and petroleum engineering Feng “Franklin” Tao by a jury on April 7, the judge overseeing the trial declined to set a sentencing date and indicated she saw “significant issues” with the government’s evidence.

Although the jury found Tao guilty on four out of eight charges of wire fraud and making false statements to the US government, his attorney Peter Zeidenberg said the verdict was “so clearly against the weight of the evidence we are convinced it will not stand.” US District Court for the District of Kansas Judge Julie Robinson has ordered a briefing on the government’s evidence and whether a crime was ever committed.

Tao was indicted and arrested in 2019, two months after the US Department of Justice (DoJ) launched its infamous “China Initiative” under the direction of the Trump administration and then-Attorney General Jeff Sessions. While the stated aim of the program was to crack down on trade secret theft and economic espionage, the prosecutions brought during the anti-Chinese initiative have been described as both a mess and a fiasco.

According to an analysis of the government’s 77 cases conducted by Massachusetts Institute of Technology (MIT) last December, the top US science institute concluded that “the climate of fear created by the prosecutions has already pushed some talented scientists to leave the United States and made it more difficult for others to enter or stay, endangering America’s ability to attract new talent in science and technology from China and around the world.”

Prosecutors charged Tao with concealing his work with a Chinese university and his affiliation with a Chinese government-backed talent program. The DoJ also charged that Tao attempted to defraud the

University of Kansas and the US government of grant money by failing to fill out conflict-of-interest forms while he was doing work for Fuzhou University in China.

However, Tao’s legal team maintains he never formally accepted the job offer at Fuzhou University, was never paid, and did not violate rules about disclosure that were in place at the time. Attorney Zeidenberg said that the agencies that were allegedly defrauded, “were fully satisfied with the work Dr. Tao did on their grants,” and “we do not believe the conviction can possibly stand, as they received the benefit of their bargain.”

Zeidenberg has also pointed out that Tao was so prolific in his work that the University of Kansas announced in April 2019 that he was one of four faculty members who were receiving an award in recognition of their scholarly or research contributions. His work with Fuzhou University was essentially “moonlighting,” the lawyer said.

Tao’s legal team has also said that his case is similar to that of Gang Chen, an MIT professor charged during the final days of the Trump White House. The charges against Chen were dropped by the DoJ when they were unable to meet the burden of proof because the Department of Energy said the information prosecutors claimed was illegally concealed was never requested in the first place.

During Tao’s trial, Viviane Schwartz, a program manager with the Department of Energy, testified that it was of no concern to her that the University of Kansas professor was setting up a lab in China and she did not care about his second job because she was not his employer. Furthermore, Zeidenberg asked how it could be that Tao was attempting to conceal his relationships in China when he was publishing research that

described his work as affiliated with both Fuzhou University and the University of Kansas.

In the years prior to the trial, Tao was suspended from his role as associate professor at the university, was barred from entering the campus in Lawrence, Kansas and was forced to wear a tracking device around his ankle. If the conviction is not overturned, Tao faces decades in US federal prison and fines of up to \$250,000 per offense for a total of \$1 million dollars.

Tao was born in China and moved to the US in 2002. He received his PhD in physical chemistry from Princeton University, did his postdoctoral research in catalysis at University of California at Berkley and began working in August 2014 at the University of Kansas' Center for Environmentally Beneficial Catalysis, which conducts research on sustainable technology to conserve natural resources and energy.

The political motivation behind the bogus prosecution of Tao is clear. Former Assistant US Attorney Tony Mattivi is running for the Republican nomination for state's attorney general. In his campaign promotion, Mattivi identifies himself as a federal prosecutor handling terrorism cases and lists as part of his experience the prosecution of Tao just before he retired in late 2020 from the DoJ.

While Judge Robinson has requested further briefs to be filed in the case, she also repeatedly denied motions to dismiss the charges over the past three years since Tao was arrested. Additionally, it took the Biden administration over a year in office to terminate the reactionary "China Initiative" at the DoJ under Attorney General Merrick Garland. By that time, the Biden-Harris White House had moved on to the development of its an anti-Russian propaganda initiative in the lead-up to the military conflict with Moscow over Ukraine.



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