Chinese-Born American Acquitted Of Espionage

Michael Tarm, Associated Press

CHICAGO (AP) — A federal judge convicted a Chinese-born American Wednesday of stealing trade secrets but acquitted her of more serious charges of corporate espionage at a trial in Chicago that highlighted fears about China pilfering U.S. company secrets.

Hanjuan Jin (HAHN'-wahn JEN') was accused of stealing confidential information from a U.S. cellphone company knowing it'd likely end up with China's military.

Hanjuan Jin, 41, was charged after she was found to be carrying a one-way ticket to China, $31,000 and about 1,000 Motorola Inc. documents, many stored digitally, during a random security search at O'Hare International Airport on Feb. 28, 2007.

Federal prosecutors say Jin, a University of Notre Dame graduate who rose through the Motorola ranks, began downloading the documents at her Chicago-area office after returning from an extended medical leave two days earlier.

Prosecutor Christopher Stetler told the court Jin "led a double life" as a seemingly loyal company worker who was actually plotting to steal her employer's secrets.

Jin's attorney, Beth Gaus, conceded that her client violated Motorola policy by removing the documents. But she said Jin harbored no ill intent and merely grabbed the files to refresh her technical knowledge after her long absence from work.

But prosecutors say Jin began cooperating with a tech company in China while on her leave and that she understood that stolen information could end up with the Chinese military.

Jin was charged with several counts of economic espionage and theft of trade secrets, and could have been sentenced to more than a decade in federal prison, if convicted.

The conclusion of Jin's bench trial at a federal courthouse in Chicago followed the recent release of a toughly worded U.S. intelligence report accusing China of systematically stealing American high-tech data to the detriment of the U.S. economy.

Before the November report from the U.S. Office of the National Counterintelligence Executive, American officials responsible for tracking the theft of economic secrets hadn't spoken as forcefully in public about their suspicions of China. Beijing has consistently rejected such accusations as baseless.

Out of seven cases related to the U.S. Economic Espionage Act in 2010, six were linked to China, the report said. It added that Chinese intelligence or companies

bent on pilfering corporate secrets often seek out Chinese citizens or those with family ties to China.

During Jin's trial, a key point of contention was the value of the documents she took.

Her lawyer, Gaus, told the judge the technology at issue, including a walkie-talkie type feature on Motorola cellphones, was far from cutting edge and would have been of little use to China's military.

"It was at a developmental dead end," Gaus said in her opening statement. That, she added, meant the documents failed to meet the legal definition of trade secrets.

The defense also argued that Motorola did not take the kinds of precautions needed to secure the documents, and that this amounted to the company's tacit admission that it didn't regard them as vital.

The government's attorney, however, said Motorola had imposed strict security measures, including setting computer passwords to strictly limit access to the documents.

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