

THE LINGERING THREAT OF CONFUCIUS INSTITUTES
CHINESE SOFT POWER INFLUENCE IN AMERICAN EDUCATION

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INTRODUCTION

When Americans think of the Cold War, we think of ourselves as having won it. Reflection upon the authoritarianism that characterized the mid-twentieth century evokes austere imagery of barbed wire, executions at Lefortovo by the secret police, building-size portraits of Stalin, and a constellation of iron Soviet stars rising above Eastern Europe's oldest cities. Americans also think of Radio Free Europe, the triumphant preservation of contraband ideas through poetry and literature, and ultimately, the indelible images of the democratic West smashing through the Berlin Wall in the fall of 1989. In retrospect, the American psyche collectively views the Cold War as a historic achievement that encapsulates the inherent long-term superiority of liberalism over authoritarianism. We did it.

Although it ushered in the age of a so-called new world order and the modern era of globalism, the toppling of the Iron Curtain was not the end of Communism. Today, nearly 1.5 billion people live in the People's Republic of China²—about five times the number of individuals counted in the 1989 Soviet census.³ The Chinese Communist Party of China (“CCP”) has retained an authoritarian regime since Mao Zedong led a successful communist revolution in 1949. Throughout the mid-twentieth century, the CCP was responsible for mass land and capital expropriation, reeducation of intellectuals through imprisonment and forced labor, a famine that killed thirty million individuals, a Cultural Revolution that killed an additional three million individuals, violent state-sponsored struggle sessions, and in 1989, the massacre of at least hundreds of college students when party troops fired on thousands of unarmed peaceful protestors

² *Population, Total – China: 1960–2022*, WORLD BANK
<https://data.worldbank.org/indicator/SP.POP.TOTL?contextual=default&locations=CN> (last visited Dec. 18, 2023).

³ Barbara A. Anderson & Brian D. Silver, *Growth and Diversity of the Population of the Soviet Union*, ANNALS OF THE AMERICAN ACADEMY OF POL. & SOC. SCI. 156 (July 1990)
https://deepblue.lib.umich.edu/bitstream/handle/2027.42/67141/10.1177_000271629051000112.pdf.

in Tiananmen Square.⁴ Today, individuals living inside China are unable to learn the history of Chinese human rights abuses because the CCP manages an extensive censorship regime colloquially referred to as the Great Firewall of China. An internet search of “Tiananmen Square” in the United States will yield results about the 1989 massacre. In China, an internet search of “Tiananmen Square” would yield no such information.

Despite China’s increased participation in global trade and its corresponding economic boom—and despite the West’s eagerness to view global communism as having been vanquished in the 1990s—the human rights abuses perpetuated by the CCP continue today. Under the leadership of Xi Jinping, authorities have further decimated freedom of speech and consolidated power through the most extensive mass surveillance regime in the history of the world. Since his ascension to party leadership in 2012, Xi has overseen the disappearances of political rivals, the dissolution of democratic Hong Kong, brutal COVID-19 lockdowns, raids against western businesses including forced detention and extortion of foreign employees, and the continuing genocide and forced sterilization of the Uyghur Muslims in Xinjiang concentration camps.⁵ The Communist Party of China has also launched and solidified an extensive global soft power influence campaign, which spends at least \$10 billion annually on efforts to distract the world from its human rights abuses and discredit its critics.⁶ One significant initiative under this global soft

⁴ Jerome A. Cohen, *Communist China’s Painful Human Rights Story*, COUNCIL ON FOREIGN RELATIONS (Sept. 26, 2019, 9:00 AM) <https://www.cfr.org/article/communist-chinas-painful-human-rights-story>.

⁵ *China: Third Term for Xi Threatens Rights*, HUMAN RIGHTS WATCH (Oct. 10, 2022, 8:00 AM) <https://www.hrw.org/news/2022/10/10/china-third-term-xi-threatens-rights>; Chun Han Wong, *More Executives Vanish in China, Casting Chill Over Business Climate*, WALL ST. J. (Nov. 9, 2023, 7:10 AM) <https://www.wsj.com/world/china/more-executives-vanish-in-china-casting-chill-over-business-climate-fcdcf7c2>; *The Chinese Communist Party’s Human Rights Abuses in Xinjiang*, U.S. DEPT. OF STATE, <https://2017-2021.state.gov/ccpabuses/#:~:text=Documented%20human%20rights%20abuses%20include,of%20cultural%20and%20religious%20expression> (last visited Nov. 12, 2023) (archived); see also Verna Yu, *‘We in the West Were Blindsided’: China Crackdown on Business Has Maoist Roots*, THE GUARDIAN (May 21, 2023, 7:50 AM) <https://www.theguardian.com/world/2023/may/21/china-expert-chris-marquis-tech-crackdown-xi-maoism>.

⁶ *Confucious Institutes*, NATO STRATEGIC COMMS. CTR. OF EXCELLENCE, https://stratcomcoe.org/uploads/pfiles/confucious_institutes.pdf (last visited Nov. 12, 2023).

power agenda is its Confucius Institute program, which seeks to influence the opinions of young adults and children around the world through the founding and funding of Chinese cultural education partnership programs in schools and universities worldwide.

Following a deluge of exposés in the 2010s that raised alarms about instances of whitewashing Chinese human rights abuses and censoring discussion of sensitive party topics including Tiananmen Square and the status of Taiwan, Confucius Institutes received significant negative press attention that resulted in both executive and legislative action. Following pressure from Congress and the Department of Education, nearly all of the 118 Confucius Institutes located in the United States shuttered—at least ostensibly. However, a closer look into the funds, contracts, and continuing partnerships between American universities and the CCP strongly suggests that Confucius Institutes have not actually retreated from American higher education; they have simply rebranded. This report will discuss the history of Confucius Institutes in the United States, their continuing influence under new names, and why the world should pay attention.

Part I of this paper will provide a brief history of how Confucius Institutes came to the United States and will discuss how a series of scandals and subsequent legal pressures led to a steep drop in Confucius Institutes within the United States. Part II will illuminate what happened to those Confucius Institutes which purportedly closed and how the institutions continue to operate under substantially similar, merely rebranded arrangements. Part III will provide policy recommendations for lawmakers to address the threat that Chinese propaganda campaigns continue to pose to American education. This paper will not independently discuss the proliferation of Confucius Classrooms, a K–12 education program comparable to Confucius Institutes which raises many of the same concerns.⁷

⁷ See *Hearing Recap: Confucius Classrooms Edition*, U.S. HOUSE COMMITTEE ON EDUCATION & THE WORKFORCE (Sept. 19, 2023) <https://edworkforce.house.gov/news/documentsingle.aspx?DocumentID=409584> (“Our research

I. THE RISE AND FALL OF CONFUCIUS INSTITUTES IN THE UNITED STATES

a. 2004–2014: *The Rise of Confucius Institutes in American Education*

Confucius Institutes are nonprofit educational centers funded by the Chinese government which provide Chinese language and culture programs at universities around the world.⁸ According to the Confucius Institute Headquarters, China established its global Confucius Institute (“CI”) initiative in response to “a sharp increase in the world’s demand for Chinese learning” precipitated by China’s rapid economic growth and increased role in global trade.⁹ The Confucius Institute Headquarters governed by the Office of Chinese Languages Council International, colloquially known as Hanban.¹⁰ Hanban operates under the umbrella of the Chinese Ministry of Education, a department within the CCP.¹¹ The first Confucius Institute opened in Seoul, South Korea in 2004, following a pilot program in Uzbekistan, and the centers spread throughout the world over the following decade.¹² Within a year, the University of Maryland opened the first Confucius Institute in the United States, and more than 100 U.S.-based Confucius Institutes followed.¹³ At the program’s peak, the United States hosted 103 out of 550 worldwide institutes.¹⁴

found that over the past decade, over \$17 million has been given to 143 school districts and private K-12 schools across 34 states (plus DC) – impacting over 170,000 students in 182 schools.’ Furthermore, these classrooms were identified near 20 U.S. military bases, posing a potential national security threat.”)

⁸ *Confucious Institutes*, NATO STRATEGIC COMMC’NS CTR. OF EXCELLENCE at 34, https://stratcomcoe.org/cuploads/pfiles/confucius_institutes.pdf (last visited Dec. 5, 2023).

⁹ Confucius Institute Headquarters, *About Confucius Institutes & Hanban*, INT’L EDUC. EXCH. INFO. PLATFORM (Nov. 6, 2016) <http://www.iecip.cn/bbx/1071727-1123792.html?id=27381&newsid=715399>.

¹⁰ Rachele Peterson, *Outsourced to China: Confucius Institutes and Soft Power in American Higher Education*, NAT’L ASS’N OF SCHOLARS 9 <https://www.nas.org/reports/outsourced-to-china> (last updated June 2017).

¹¹ *Confucious Institutes*, NATO STRATEGIC COMMC’NS CTR. OF EXCELLENCE 35, https://stratcomcoe.org/cuploads/pfiles/confucius_institutes.pdf (last visited Dec. 5, 2023); Rachele Peterson, *Outsourced to China: Confucius Institutes and Soft Power in American Higher Education*, NAT’L ASS’N OF SCHOLARS 9 <https://www.nas.org/reports/outsourced-to-china> (last updated June 2017).

¹² *Confucious Institutes*, NATO STRATEGIC COMMC’NS CTR. OF EXCELLENCE 35, https://stratcomcoe.org/cuploads/pfiles/confucius_institutes.pdf (last visited Dec. 5, 2023).

¹³ Rachele Peterson, *Outsourced to China: Confucius Institutes and Soft Power in American Higher Education*, NAT’L ASS’N OF SCHOLARS 9 <https://www.nas.org/reports/outsourced-to-china> (last updated June 2017).

¹⁴ Will Ford, *How Far Does China’s Influence at U.S. Universities Go? One Student Tried to Find Out*, POLITICO (Apr. 24, 2022, 4:46 PM) <https://www.politico.com/news/magazine/2022/04/24/confucius-institutes-china-new-mexico-00027287>.

China spends an estimated \$10 billion a year on global influence in media, publishing, arts, sports, and education,¹⁵ and the Chinese government spent an estimated \$150 million on American Confucius Institutes between 2006 and 2019.¹⁶

Confucius Institutes are “a structural unit within the host university” and employ a governing system of double directorship.¹⁷ Under the double directorship model, leadership and authority over a particular Confucius Institute is shared between a local program director at the university and a Hanban director who answers to the Chinese Ministry of Education. The American director will typically manage the CI much like a grant, alongside the Chinese director from a partnering Chinese university. Politico reported in 2022 that power-sharing between the two directors varies, depending on the agreement and the directors: “[s]ome American directors develop curriculum and programming entirely themselves, which the China-side leader provides a rubber stamp, helps with the paperwork, approves budgets and liaises with Hanban. At others, the Chinese lead takes a bigger role in decision-making. Much depends on personalities.”¹⁸ Professor Ted Foss, who served as associate director of the Center for East Asian Studies at University of Chicago prior to his retirement, described the Chicago CI deputy director, who had been placed there by China, as “basically the eyes of Hanban” and recalled being reminded of “any academic department in China. You’ve got the chair of the department, and you’ve got the party

¹⁵ *Confucious Institutes*, NATO STRATEGIC COMMC’NS CTR. OF EXCELLENCE 35, https://stratcomcoe.org/cuploads/pfiles/confucius_institutes.pdf (last visited Dec. 5, 2023); see also David Shambaugh, *China’s Soft-Power Push*, FOREIGN AFFAIRS, (July/August 2015) <https://www.foreignaffairs.com/articles/china/2015-06-16/china-s-soft-power-push>

¹⁶ Will Ford, *How Far Does China’s Influence at U.S. Universities Go? One Student Tried to Find Out*, POLITICO (Apr. 24. 2022, 4:46 PM) <https://www.politico.com/news/magazine/2022/04/24/confucius-institutes-china-new-mexico-00027287>.

¹⁷ *Confucious Institutes*, NATO STRATEGIC COMMC’NS CTR. OF EXCELLENCE, https://stratcomcoe.org/cuploads/pfiles/confucius_institutes.pdf (last visited Dec. 5, 2023).

¹⁸ Will Ford, *How Far Does China’s Influence at U.S. Universities Go? One Student Tried to Find Out*, POLITICO (Apr. 24. 2022, 4:46 PM) <https://www.politico.com/news/magazine/2022/04/24/confucius-institutes-china-new-mexico-00027287>.

head; and it drives my academic friends mad, but still you've got the guy or girl who is to report [to Beijing].”¹⁹

Although China purports to model its Confucius Institute program on comparable initiatives such as the United Kingdom's British Council, France's Alliance Française, and the German Goethe Institut, foreign policy experts have flagged the double directorship model as a fundamental departure from other nations' precedents.²⁰ NATO has identified this “policy of establishing a Confucius Institute within an existing university and injecting the funds and the management into the hosting university” as “one of the most concerning aspects of the CI operation.”²¹ Unlike the Western institutes listed above, which “are political organizations operating in a political context outside university walls, allowed in only when universities find their activities appropriate,” the Confucius Institutes “are political organizations, wrapping their activities within the legitimacy of universities as public, apolitical institutions.”²² The joint directorship model allows the CI to become a “structural unit of the university” and as a result, the Chinese government gains direct access to the personal data of academics and students who work and study at the host university.²³ The model also allows Hanban to exercise control over textbooks, curriculum, hiring, and staff compensation²⁴ in ways that “make the universities

¹⁹ Marshall Sahllins, *China U*, THE NATION (Oct. 30, 2013) <https://www.thenation.com/article/archive/china-u/>.

²⁰ *Confucious Institutes*, NATO STRATEGIC COMMC'NS CTR. OF EXCELLENCE 45, https://stratcomcoe.org/cuploads/pfiles/confucius_institutes.pdf (last visited Dec. 5, 2023); Confucius Institute Headquarters, *About Confucius Institutes & Hanban*, INT'L EDUC. EXCH. INFO. PLATFORM (Nov. 6, 2016) <http://www.iecip.cn/bbx/1071727-1123792.html?id=27381&newsid=715399>.

²¹ *Confucious Institutes*, NATO STRATEGIC COMMC'NS CTR. OF EXCELLENCE 45, https://stratcomcoe.org/cuploads/pfiles/confucius_institutes.pdf (last visited Dec. 5, 2023).

²² Peter Mattis, *Reexamining the Confucian Institutes*, THE DIPLOMAT (Aug. 2, 2012) <https://thediplomat.com/2012/08/reexamining-the-confucian-institutes/>.

²³ *Confucious Institutes*, NATO STRATEGIC COMMC'NS CTR. OF EXCELLENCE 45, https://stratcomcoe.org/cuploads/pfiles/confucius_institutes.pdf (last visited Dec. 5, 2023).

²⁴ Rachele Peterson, *Outsourced to China: Confucius Institutes and Soft Power in American Higher Education*, NAT'L ASS'N OF SCHOLARS 15, <https://www.nas.org/reports/outsourced-to-china> (last updated June 2017).

vulnerable to becoming mirrors for the Chinese political agenda.”²⁵ Instructors are “screened, trained, and dispatched from China by the Hanban, which also pays their salaries and provides housing.”²⁶

A central component of this arrangement is, of course, funding. Both private and public academic institutions often face acute financial constraints that make Chinese investment very attractive. In 2011, a member of Australia’s parliament asserted,

I’m concerned [the CI program] is acting as an arm of propaganda from the Chinese perspective and trying to extend that into our education system here in Australia. One of the problems is that schools are always so desperate for funding that people that are supposed to be providing funds are often welcomed with open arms without the kind of analysis and critical eye that’s required.²⁷

In addition to training, paying, and housing Chinese-sponsored instructors, Hanban also provides annual grants of at least \$100,000 to subsidize university staff salaries and program operating expenses,²⁸ funds study abroad programs for American students,²⁹ and offers services such as Chinese language instruction at no cost to the host university.³⁰

China’s financial support of Confucius Institutes has been characterized as a matching program, yet the universities often calculate their own contribution to include in-kind funds, such

²⁵ *Confucius Institutes*, NATO STRATEGIC COMMC’NS CTR. OF EXCELLENCE 45, https://stratcomcoe.org/cuploads/pfiles/confucius_institutes.pdf (last visited Dec. 5, 2023).

²⁶ Rachele Peterson, *Outsourced to China: Confucius Institutes and Soft Power in American Higher Education*, NAT’L ASS’N OF SCHOLARS 15, <https://www.nas.org/reports/outsourced-to-china> (last updated June 2017) (internal quotes omitted) (citing Hanban News, *What Are the Functions of Confucius Institute Headquarters?*).

²⁷ *Confucius Institutes*, NATO STRATEGIC COMMC’NS CTR. OF EXCELLENCE 45, https://stratcomcoe.org/cuploads/pfiles/confucius_institutes.pdf (last visited Dec. 5, 2023) (quoting Jamie Parker, as quoted in Louisa Lim and Anders Furze, *Confucius Institute in NSW Education Department Unacceptable – Analyst*, THE GUARDIAN (Dec. 7 2017) <https://www.theguardian.com/world/2017/dec/08/confucious-institute-in-nsw-education-department-unacceptable-analyst>).

²⁸ Rachele Peterson, *Outsourced to China: Confucius Institutes and Soft Power in American Higher Education*, NAT’L ASS’N OF SCHOLARS 15, <https://www.nas.org/reports/outsourced-to-china> (last updated June 2017).

²⁹ Rachele Peterson, *Outsourced to China: Confucius Institutes and Soft Power in American Higher Education*, NAT’L ASS’N OF SCHOLARS 20, <https://www.nas.org/reports/outsourced-to-china> (last updated June 2017).

³⁰ Rachele Peterson, *Outsourced to China: Confucius Institutes and Soft Power in American Higher Education*, NAT’L ASS’N OF SCHOLARS 13, <https://www.nas.org/reports/outsourced-to-china> (last updated June 2017).

as classroom space and the use of existing university resources.³¹ The implication of matching foreign direct funding with university in-kind funding is a lopsided cash flow that further compounds the influence of the foreign partner. In an interview about New Mexico State University’s CI, one researcher explained that the NMSU agreement outlined an expectation that NMSU would provide resources of “equivalent” value. The researcher stated that the contributions were supposed to match, “but quite honestly, NMSU never had an in-kind contribution that was equal to what we were getting from Hanban. Other than the cost of keeping the lights on, there wasn’t much.”³²

In his preface to a bellwether 2017 report by the National Association of Scholars (NAS) on Confucius Institutes, NAS President Peter Wood also highlighted significant indirect financial ties between the Chinese government and American universities, including prestigious opportunities for administrators of universities that host CIs, who are often “invited to junkets in China where they lecture and are feted.”³³ Wood also observed, “The Chinese government fully realizes the vulnerability of American colleges and universities that lies in their financial dependence on tuition.”³⁴ The CCP has the ability to “turn on the tap to full-tuition paying Chinese students, turn it down, or shut it off. A college or university that becomes dependent on this flow

³¹ See, e.g., Will Ford, *How Far Does China’s Influence at U.S. Universities Go? One Student Tried to Find Out*, POLITICO (Apr. 24, 2022, 4:46 PM) <https://www.politico.com/news/magazine/2022/04/24/confucius-institutes-china-new-mexico-00027287>; see also, *Outsourced to China: Confucius Institutes and Soft Power in American Higher Education*, NAT’L ASS’N OF SCHOLARS 19–20, <https://www.nas.org/reports/outsourced-to-china> (last updated June 2017).

³² Will Ford, *How Far Does China’s Influence at U.S. Universities Go? One Student Tried to Find Out*, POLITICO (Apr. 24, 2022, 4:46 PM) <https://www.politico.com/news/magazine/2022/04/24/confucius-institutes-china-new-mexico-00027287>.

³³ Rachelle Peterson, *Outsourced to China: Confucius Institutes and Soft Power in American Higher Education*, NAT’L ASS’N OF SCHOLARS 13, <https://www.nas.org/reports/outsourced-to-china> (last updated June 2017).

³⁴ Rachelle Peterson, *Outsourced to China: Confucius Institutes and Soft Power in American Higher Education*, NAT’L ASS’N OF SCHOLARS 13, <https://www.nas.org/reports/outsourced-to-china> (last updated June 2017).

of international students is loath to offend the Chinese government.”³⁵ 31 percent of all international students in the United States are Chinese, making China by far the largest source of foreign university students.³⁶ In addition to the direct subsidization of American education by Confucius Institutes, China’s financial impact on a university’s tuition income, research opportunities, and administrator prestige belies a significant foreign influence that increasingly permeates the American higher education system as a whole.

The terms of individual Confucius Institute contracts are notoriously guarded. Out of twelve Confucius Institutes selected by the National Association of Scholars as case studies, none of them were willing to disclose Hanban contracts, budgets, or funding arrangements until the NAS obtained copies from eight of the universities through state freedom of information laws.³⁷ After reviewing available contracts, NAS discovered that many included nondisclosure and confidentiality agreements that required Hanban’s express written consent to break.³⁸ NAS claims that “some universities went to extraordinary efforts to avoid scrutiny, cancelling meetings, and forbidding NAS from visiting campus.”³⁹ NAS reported that after its researcher was granted permission by a CI instructor to attend a course at Alfred University, its provost “interrupted the class to eject [the NAS researcher] and forbid her from returning to campus.”⁴⁰

³⁵ Rachele Peterson, *Outsourced to China: Confucius Institutes and Soft Power in American Higher Education*, NAT’L ASS’N OF SCHOLARS 13, <https://www.nas.org/reports/outsourced-to-china> (last updated June 2017).

³⁶ Rachele Peterson, *Outsourced to China: Confucius Institutes and Soft Power in American Higher Education*, NAT’L ASS’N OF SCHOLARS 13, <https://www.nas.org/reports/outsourced-to-china> (last updated June 2017).

³⁷ Rachele Peterson, *Outsourced to China: Confucius Institutes and Soft Power in American Higher Education*, NAT’L ASS’N OF SCHOLARS 18, <https://www.nas.org/reports/outsourced-to-china> (last updated June 2017).

³⁸ Rachele Peterson, *Outsourced to China: Confucius Institutes and Soft Power in American Higher Education*, NAT’L ASS’N OF SCHOLARS 18, <https://www.nas.org/reports/outsourced-to-china> (last updated June 2017).

³⁹ Rachele Peterson, *Outsourced to China: Confucius Institutes and Soft Power in American Higher Education*, NAT’L ASS’N OF SCHOLARS 19, <https://www.nas.org/reports/outsourced-to-china> (last updated June 2017).

⁴⁰ Rachele Peterson, *Outsourced to China: Confucius Institutes and Soft Power in American Higher Education*, NAT’L ASS’N OF SCHOLARS 19, <https://www.nas.org/reports/outsourced-to-china> (last updated June 2017).

A comparative look at the CI agreements that have been made public indicates that larger or more prestigious universities have been able to bargain for more favorable power-sharing terms than smaller universities. China may be more accommodating to universities that serve as useful chess pieces in its long-term influence strategy.⁴¹ Although initially only small American colleges and universities accepted CI contracts, major research universities “got sweeter deals” when they entered the market for institutes.⁴² Marshall Sahlins, professor emeritus at the University of Chicago, observed that when China began to negotiate higher payments to these larger universities, China still got “a bargain in advertising.”⁴³ Sahlins observed that some large universities may also have settled for modest CI funds as a tradeoff in navigating their aspirations for potentially lucrative overseas academic centers in Beijing.⁴⁴

Stanford was able to negotiate a \$4 million payment from Hanban while also reportedly rejecting a Chinese suggestion that its CI avoid controversial discussions of Tibet. The dean of Stanford who negotiated the Stanford CI contract has stated that “Hanban was willing to treat Stanford generously . . . for its own larger purposes” and suggested that these larger purposes include a desire to “create a Stanford University and Silicon Valley of their own.”⁴⁵ Foss suggested that although the University of Chicago CI maintained relative autonomy over their programming, “some of the other CIs, basically they’re told, ‘Do this programming.’”⁴⁶ China’s willingness to negotiate higher payments and greater autonomy for prestigious American universities may have paid off: the dean who negotiated the installation of George Washington University’s CI stated that seeing other top universities like University of Chicago enter into CI agreements is what made

⁴¹ Marshall Sahlins, *China U*, THE NATION (Oct. 30, 2013) <https://www.thenation.com/article/archive/china-u/>.

⁴² Marshall Sahlins, *China U*, THE NATION (Oct. 30, 2013) <https://www.thenation.com/article/archive/china-u/>.

⁴³ Marshall Sahlins, *China U*, THE NATION (Oct. 30, 2013) <https://www.thenation.com/article/archive/china-u/>.

⁴⁴ Marshall Sahlins, *China U*, THE NATION (Oct. 30, 2013) <https://www.thenation.com/article/archive/china-u/>.

⁴⁵ Marshall Sahlins, *China U*, THE NATION (Oct. 30, 2013) <https://www.thenation.com/article/archive/china-u/>.

⁴⁶ Marshall Sahlins, *China U*, THE NATION (Oct. 30, 2013) <https://www.thenation.com/article/archive/china-u/>.

GWU comfortable enough to sign their own.⁴⁷ As a growing number of American universities brokered deals with China, Confucius Institutes' reputation and impact grew exponentially during the late 2000s.

b. More Than Theoretical: Documented Chinese Influence in Confucius Institutes

The double directorship model, one-way cash flow, contract terms, and caginess about public disclosure began to raise prominent eyebrows by the early 2010s. Considered as a whole, Confucius Institutes appeared to be a prime opportunity for Chinese influence and even intelligence-gathering within one of the most valued assets of the West—its education system. Concerned members of the academic community began to ask whether opportunity had become reality. Was unease about Confucius Institutes a product of American paranoia (or its uglier cousin, xenophobia), or had Chinese money actually influenced American higher education?

In a 2012 article that assessed burgeoning accusations against Confucius Institutes, the Asia-Pacific magazine *The Diplomat* dismissed accusations of espionage but concluded that the CIs could be fairly characterized as “united front work” – a Chinese initiative to “mobilize friends and isolate enemies” that blurs the West’s traditional understanding of the lines between intelligence, soft power, and propaganda.⁴⁸ The Human Rights Foundation has also noted that in addition to being funded by China’s Ministry of Education, the institutes also receive funding from the CCP’s “United Front Work Department.”⁴⁹ Author Peter Mattis identified China’s modern enemies as the “Five Poisons” and “Western hostile forces.” The Five Poisons include Taiwan,

⁴⁷ Marshall Sahlins, *China U*, THE NATION (Oct. 30, 2013) <https://www.thenation.com/article/archive/china-u/>.

⁴⁸ Peter Mattis, *Reexamining the Confucian Institutes*, THE DIPLOMAT (Aug. 2, 2012) <https://thediplomat.com/2012/08/reexamining-the-confucian-institutes/>.

⁴⁹ *Unraveling China’s Attempts to Hinder Academic Freedom: Confucius Institutes*, Human Rights Foundation (Aug. 4, 2021) <https://hrf.org/unraveling-chinas-attempts-to-hinder-academic-freedom-confucius-institutes/> (citing Alexander Bowe, *China’s Overseas United Front Work: Background and Implications for the United States*, U.S.-CHINA ECON. & SEC. REV. COMM’N (Aug. 24, 2018) https://www.uscc.gov/sites/default/files/Research/China's%20Overseas%20United%20Front%20Work%20-%20Background%20and%20Implications%20for%20US_final_0.pdf).

Tibetan separatists, Uyghur Muslims, the spiritual group Falun Gong, and Chinese democracy advocates.⁵⁰ Alternatively, these so-called Five Poisons have been called “sensitive content”⁵¹ or the “Three T’s”: Taiwan, Tibet, and Tiananmen Square.⁵² Mattis stated that “‘Western hostile forces’ is often a euphemism for the United States” but also encompasses any who try to “foment social unrest” or to “Westernize and divide China,” including China experts, scholars, and administrators around the world who diverge from the CCP’s political views or narratives.⁵³

Unlike more conspicuous forms of espionage or propaganda, united front work “succeeds because it is hidden, making it difficult to determine who is speaking for what cause and with what motivation.”⁵⁴ Those who wish to assess whether China is in fact influencing American education must therefore look for nuanced and big-picture patterns, particularly surrounding sensitive content. “Totalitarianism is about controlling the rhythm and language of discussion, of subsuming familiar concepts in the service of the state,” Mattis explained. Accordingly, “the concern is not whether students learn about Tibetan history or the truth of Mao’s revolution in their language

⁵⁰Peter Mattis, *Reexamining the Confucian Institutes*, THE DIPLOMAT (Aug. 2, 2012)

<https://thediplomat.com/2012/08/reexamining-the-confucian-institutes/>.

⁵¹See Anastasya Lloyd-Damnjanovic, *A Preliminary Study of PRC Political Influence and Interference Activities in American Higher Education*, WILSON CTR. 40

https://www.wilsoncenter.org/sites/default/files/media/documents/publication/prc_political_influence_full_report.pdf (last visited Dec. 5, 2023) (“‘Sensitive content’ is defined as topics whose discussion the PRC censors or otherwise circumscribes. Sensitive content includes the so-called ‘five poisons’ (Uyghurs, Tibetans, Falun Gong, Taiwanese, and Chinese democracy activists), the seven political ‘perils’ outlined in the CCP’s infamous Document 9 (Western constitutional democracy, universal values, civil society, neoliberalism, Western journalism, ‘historical nihilism,’ and questioning socialism with Chinese characteristics), and hot-button issues like Mao’s legacy, the Tiananmen Square protests, the political autonomy of Hong Kong, Sino-Japanese relations, and contentious labor politics.”).

⁵²David Volodzko, *China’s Biggest Taboos: The Three Ts*, THE DIPLOMAT (June 23, 2015)

<https://thediplomat.com/2015/06/chinas-biggest-taboos-the-three-ts/>.

⁵³Peter Mattis, *Reexamining the Confucian Institutes*, THE DIPLOMAT (Aug. 2, 2012)

<https://thediplomat.com/2012/08/reexamining-the-confucian-institutes/>.

⁵⁴Peter Mattis, *Reexamining the Confucian Institutes*, THE DIPLOMAT (Aug. 2, 2012)

<https://thediplomat.com/2012/08/reexamining-the-confucian-institutes/>.

lessons. Concerned citizens instead should wonder how the CCP and the Chinese government are portrayed.”⁵⁵

Yet, the Confucius Institutes have also had some very visible reasons for concern, particularly in Canada and Australia. In 2013, McMaster University in Canada terminated its CI contract and faced an ugly lawsuit after a discrimination complaint was filed with the Human Rights Tribunal of Ontario by CI Instructor Sonia Zhao. Zhao accused McMaster of legitimizing discrimination because her CI employment contract “required her to conceal her belief in Falun Gong.” Zhao relayed that “not only had she hidden her adherence to Falun Gong from the Chinese authorities, but also [that] the Chinese authorities hide the Falun Gong from CI classrooms.”⁵⁶ In an interview about her claim, Zhao stated,

If my students asked me about Tibet or other sensitive topics, I should have a right to . . . express my opinion. . . . During my training in Beijing they do tell us: ‘Don’t talk about this. If the student insists, you just try to change the topic or say something the Chinese Communist Party would prefer.’⁵⁷

In response to Canadian news media reporting on China’s suppression of the 2008 Tibetan uprising,⁵⁸ the Chinese director of the Confucius Institute at the University of Waterloo, Yan Li, “rallied students at the Waterloo Confucius Institute to ‘work together to fight with Canadian media.’”⁵⁹ During CI instruction time, Yan Li recounted her own version of Tibetan history and its modern situation, including the use of a CCP map that depicted Tibet as being irrefutably inside China. In response to Yan Li’s encouragement, Canadian students launched a campaign against the Canadian media which included protesting newspaper, TV stations, and online articles over

⁵⁵ Peter Mattis, *Reexamining the Confucian Institutes*, THE DIPLOMAT (Aug. 2, 2012)

<https://thediplomat.com/2012/08/reexamining-the-confucian-institutes/>.

⁵⁶ Marshall Sahlins, *China U*, THE NATION (Oct. 30, 2013) <https://www.thenation.com/article/archive/china-u/>.

⁵⁷ Marshall Sahlins, *China U*, THE NATION (Oct. 30, 2013) <https://www.thenation.com/article/archive/china-u/>.

⁵⁸ See *Timeline of Tibetan Protests in China*, CNN (Jan. 31, 2012, 1:08 AM)

<https://www.cnn.com/2012/01/31/world/asia/tibet-protests-timeline/index.html>.

⁵⁹ Marshall Sahlins, *China U*, THE NATION (Oct. 30, 2013) <https://www.thenation.com/article/archive/china-u/>.

accusations that the Canadian media was engaging in biased reporting that favored Tibetans. In response, one TV station publicly apologized for its coverage of the conflict.⁶⁰ Prior to being appointed as Hanban's Chinese director of McMaster's CI, Yan Li was a reporter for Xinhua, the official news agency of the CCP.⁶¹

In 2011, the *Sydney Morning Herald* reported that although senior leaders in the Australian Education Department believed Confucius Institutes would promote better Asian language literacy, they also conceded that the Chinese investment could create situations “where it was ‘best [for students] not to engage in’ discussions about controversial subjects such as the massacre in Tiananmen Square or China’s human rights record.”⁶² One research student claimed, “[W]hen it comes to certain sensitive topics, Confucius institutes turn quiet or even silent.”⁶³ Dr. Phil Lambert, a board member of the Confucius Institute, acknowledged that sensitive topics like Tibet, Taiwan, Tiananmen Square, and the Falun Gong could present problems if brought up in class. Lambert stated, “Look, there are topics that are best not to engage in . . . there are so many other topics to discuss.”⁶⁴ Two years later in 2013, Sydney University cancelled a lecture by the Dalai Lama and “warned organisers not to use its logo, allow media coverage or entry to the event by Tibet

⁶⁰ Marshall Sahlins, *China U*, THE NATION (Oct. 30, 2013) <https://www.thenation.com/article/archive/china-u/>.

⁶¹ Marshall Sahlins, *China U*, THE NATION (Oct. 30, 2013) <https://www.thenation.com/article/archive/china-u/>.

⁶² Justin Norrie, *Confucius Says School's In, But Don't Mention Democracy*, SYDNEY MORNING HERALD (Feb. 20, 2011, 12:00 AM) <https://www.smh.com.au/education/confucius-says-schools-in-but-dont-mention-democracy-20110219-1b09x.html>.

⁶³ Justin Norrie, *Confucius Says School's In, But Don't Mention Democracy*, SYDNEY MORNING HERALD (Feb. 20, 2011, 12:00 AM) <https://www.smh.com.au/education/confucius-says-schools-in-but-dont-mention-democracy-20110219-1b09x.html>.

⁶⁴ Justin Norrie, *Confucius Says School's In, But Don't Mention Democracy*, SYDNEY MORNING HERALD (Feb. 20, 2011, 12:00 AM) <https://www.smh.com.au/education/confucius-says-schools-in-but-dont-mention-democracy-20110219-1b09x.html>.

activists” in order “to avoid damaging its ties with China, including funding for its cultural Confucius Institute.”⁶⁵

In 2009, Li Changchun, a member of the CCP’s Politburo and head of the party’s propaganda efforts, called Confucius Institutes “an important part of China’s overseas propaganda set-up.”⁶⁶ In 2011, Li Changchun described the initiative as “an appealing brand for expanding our culture abroad” that has “made an important contribution toward improving our soft power . . . Using the excuse of teaching Chinese language, everything looks reasonable and logical.”⁶⁷ In 2013, Sahlins speculated that Canadian CIs had experienced more prominent scandals and political push-back than those in the United States because Beijing sees the United States as its most strategically consequential region and is therefore willing to play a softer geopolitical game by embedding its academic influence in subtler ways.⁶⁸ This may be true, but the United States has also seen its own public incidents. In 2009, North Carolina State University canceled an appearance by the Dalai Lama after its CI director cautioned that the event could endanger “strong relationships we were developing with China.”⁶⁹ When journalist Bethany Allen-Ebrahimian was invited to Savannah State University to give a keynote speech and accept an award, she found that references to her reporting in Taiwan had been removed from her biography. She learned that her award and speech, which had been an annual tradition at Savannah State since 1975, had become

⁶⁵ *Confucius Institutes*, NATO STRATEGIC COMM’NS CTR. OF EXCELLENCE 46, https://stratcomcoe.org/cuploads/pfiles/confucius_institutes.pdf (last visited Dec. 5, 2023) (citing *Sydney University Criticised for Blocking Dalai Lama Visit*, THE GUARDIAN (Apr. 18 2013) <https://www.theguardian.com/world/2013/apr/18/sydney-university-dalai-lama>).

⁶⁶ Marshall Sahlins, *China U*, THE NATION (Oct. 30, 2013) <https://www.thenation.com/article/archive/china-u/>; Rachele Peterson, *Outsourced to China: Confucius Institutes and Soft Power in American Higher Education*, NAT’L ASS’N OF SCHOLARS 9, <https://www.nas.org/reports/outsourced-to-china> (last updated June 2017).

⁶⁷ Ethan Epstein, *How China Infiltrated U.S. Classrooms*, POLITICO (updated Jan. 17, 2018) <https://www.politico.com/magazine/story/2018/01/16/how-china-infiltrated-us-classrooms-216327/>.

⁶⁸ Marshall Sahlins, *China U*, THE NATION (Oct. 30, 2013) <https://www.thenation.com/article/archive/china-u/>

⁶⁹ Bethany Allen-Ebrahimian, *How China Managed to Play Censor at a Conference on U.S. Soil*, FOREIGN POLICY (May 9, 2018, 9:00 AM) <https://foreignpolicy.com/2018/05/09/how-china-managed-to-play-censor-at-a-conference-on-u-s-soil/>.

financially sponsored by the university's Confucius Institute. Despite this, Allen-Ebrahimian delivered the speech she had written. Describing her experience, she recounted,

In a banquet hall full of journalism students, I spoke on issues I'd been writing about for years: the pro-democracy protests in Hong Kong, Chinese government repression of Uighurs and Tibetans, and Chinese President Xi Jinping's crackdown on news outlets and the internet. I could tell I was making at least one person uncomfortable — the Chinese co-director of the university's Confucius Institute, Luo Qijuan. When the event ended, Luo came over to scold me. Speaking in Chinese, she asked why I had criticized China. I should have given students a good impression of China, she said. Didn't I know that Xi had done so much for the country, that his anti-corruption campaign was working? 'You don't know the situation now,' she told me. 'Things have gotten better.' The opposite is true, of course. Xi has overseen a sweeping crackdown across Chinese society. During his tenure, the Communist Party has jailed human rights lawyers, constructed a high-tech surveillance regime in the far west, implemented strict internet censorship, tightened media controls, denied Hong Kong the elections it had once promised, and crushed dissent.⁷⁰

She later learned that it had been Luo Qijuan, the CI director, who had insisted on the removal of all references to Taiwan from her biography. The director claimed that the mention of Taiwan was a challenge to Chinese sovereignty and threatened to boycott the event unless the biography was edited. A Savannah State administrator reportedly told Allen-Ebrahimian that, on a prior occasion, the CI director had unsuccessfully tried to prohibit a teacher of Taiwanese descent from participating in CI-affiliated programming. Rachele Peterson, author of the 2017 NAS Confucius Institute report stated, "To speak about China in a Confucius Institute is to speak about the good things. The other things don't exist as far as the Confucius Institute is concerned."⁷¹

Although Allen-Ebrahimian delivered candid remarks that departed from the CCP narrative, there are indications that self-censorship is a major issue at American Confucius

⁷⁰ Bethany Allen-Ebrahimian, *How China Managed to Play Censor at a Conference on U.S. Soil*, Foreign Policy (May 9, 2018, 9:00 AM) <https://foreignpolicy.com/2018/05/09/how-china-managed-to-play-censor-at-a-conference-on-u-s-soil/>.

⁷¹ Bethany Allen-Ebrahimian, *How China Managed to Play Censor at a Conference on U.S. Soil*, Foreign Policy (May 9, 2018, 9:00 AM) <https://foreignpolicy.com/2018/05/09/how-china-managed-to-play-censor-at-a-conference-on-u-s-soil/>.

Institutes. Despite its introspective-sounding name, self-censorship is caused by external sources and is a powerful form of foreign influence. Influence campaigns “induce change by impressing, persuading, swaying, biasing, or otherwise incentivizing targets toward a particular course of action.”⁷² Back at the University of Chicago in 2013, Sahlin asked his friend Foss whether Chicago’s CI had ever organized lectures or conferences on issues like Tibetan independence or the status of Taiwan. Foss gestured to a picture on the wall and said, “I can put up a picture of the Dalai Lama in this office. But on the fourth floor [at the Confucius Institute], we wouldn’t do that.” In a study on China’s influence on American higher education that included Confucius Institutes, the Wilson Center found evidence that although a majority of surveyed faculty members “had no experience with most or all of the activities potentially indicative of PRC influence and interference,” PRC state-sponsored influence does exist at American universities. Faculty who worked on borderlands issues and faculty of ethnic Chinese descent were found to be more likely targets of Chinese influence efforts, and faculty without tenure were more prone to self-censorship.⁷³ A study by Stanford University, host of the most prominent remaining Confucius Institute in the United States, recently concluded that although CI teachers receive little training on political topics and only rarely encounter day-to-day monitoring, and although there is little indication that the instructors are politically pre-screened, CI instructors “exhibit a high degree of

⁷² Anastasya Lloyd-Damnjanovic, *A Preliminary Study of PRC Political Influence and Interference Activities in American Higher Education*, WILSON CTR. 35
https://www.wilsoncenter.org/sites/default/files/media/documents/publication/prc_political_influence_full_report.pdf (last visited Dec. 5, 2023).

⁷³ Anastasya Lloyd-Damnjanovic, *A Preliminary Study of PRC Political Influence and Interference Activities in American Higher Education*, WILSON CTR. 9
https://www.wilsoncenter.org/sites/default/files/media/documents/publication/prc_political_influence_full_report.pdf (last visited Dec. 5, 2023).

political compliance while working abroad either by disseminating the political views of the CCP or censoring discussion around politically sensitive topics.”⁷⁴

There is also significant concern for the effect of the dual director system on Chinese students attending American universities, who may be especially vulnerable to the pressure to self-censor.⁷⁵ In the presence of Hanban-appointed Chinese instructors and directors, Chinese students may have valid concerns about political consequences for family members in China and for their own future prospects within the party if they are perceived as expressing or condoning views that depart from party narrative. If American students are receiving a censored education from university faculty and are interacting with Chinese classmates who are unable to express views without fear of CCP monitoring, then American students are at risk of receiving an intentionally inaccurate education at the same time that China is engaging in pervasive influence campaigns in Hollywood and on social media.⁷⁶ This cumulative effect of self-censorship should not be underestimated. If self-censorship on taboo Chinese topics becomes widespread, the Wilson Center concluded that over time, the United States may find itself “acclimatizing to the PRC’s domestic

⁷⁴ *Confucius Institutes: Vehicles of CCP Propaganda?*, Stanford Ctr. on China’s Econ. & Inst. (Apr. 1, 2022) <https://sccei.fsi.stanford.edu/china-briefs/confucius-institutes-vehicles-ccp-propaganda> (Full report available at https://fsi9-prod.s3.us-west-1.amazonaws.com/s3fs-public/2022-12/confucius_institutes_and_propaganda_7.1.22_0.pdf).

⁷⁵ Anastasya Lloyd-Damnjanovic, *A Preliminary Study of PRC Political Influence and Interference Activities in American Higher Education*, WILSON CTR. viii–ix

⁷⁶ See, e.g., Daniel Victor, *John Cena Apologizes to China for Calling Taiwan a Country*, NY TIMES (May 25, 2021) <https://www.nytimes.com/2021/05/25/world/asia/john-cena-taiwan-apology.html>; *Top Gun’s Maverick Risks China’s Anger With Taiwan Flag on Jacket*, BLOOMBERG NEWS (May 31, 2022, 12:23 AM) <https://www.bloomberg.com/news/articles/2022-05-31/top-gun-keeps-taiwan-flag-in-rare-hollywood-defiance-of-china>; Helen Davidson, *China Using Influencers to Whitewash Human Rights Abuses, Report Finds*, THE GUARDIAN (Oct. 20, 2022, 7:34 AM) <https://www.theguardian.com/world/2022/oct/20/china-using-influencers-to-whitewash-human-rights-abuses-report-finds>; Daria Impiombato and Hsi-Ting Pai, *How Chinese Influencers Are Dodging YouTube’s Anti-Propaganda Rules*, REST OF WORLD (Nov. 30, 2022) <https://restofworld.org/2022/chinese-influencers-youtube-propaganda/>.

censorship standards.”⁷⁷ As Professor Perry Link of University of California, Irvine has summarized,

If we rule out not just June Fourth but all the other ‘sensitive’ issues—Xinjiang, Tibet, Taiwan, Falun Gong, Occupy Central, the Nobel Peace Prize, the spectacular private wealth of leaders’ families, the cynical arrests of rights advocates and sometimes their deaths in prisons, and more—we are left with a picture of China that is not only smaller than the whole but crucially different in nature.⁷⁸

Although united front work and self-censorship are difficult to objectively measure, instances of Chinese influence through Confucius Institutes have been well-documented.

c. United States Response and the Rapid Decline in Confucius Institutes

In 2010, 174 University of Chicago faculty members signed a petition protesting the administration’s establishment of a Confucius Institute without the consent of a representative governing body.⁷⁹ The 2013 publication of Marshall Sahlins’ article “China U” is credited as being the “first long-form critique of Confucius Institutes.”⁸⁰ In 2014, 108 Chicago faculty members penned an open letter denouncing its CI. Two months later, the American Association of University Professors publicly adopted a stance against Confucius Institutes. In September 2014, the University of Chicago became the first major university to shut down its Confucius Institute. A few days later, Pennsylvania State University also announced a decision to close its Confucius

⁷⁷ Anastasya Lloyd-Damnjanovic, *A Preliminary Study of PRC Political Influence and Interference Activities in American Higher Education*, WILSON CTR. 9–10 https://www.wilsoncenter.org/sites/default/files/media/documents/publication/prc_political_influence_full_report.pdf (last visited Dec. 5, 2023).

⁷⁸ Anastasya Lloyd-Damnjanovic, *A Preliminary Study of PRC Political Influence and Interference Activities in American Higher Education*, WILSON CTR. 68 https://www.wilsoncenter.org/sites/default/files/media/documents/publication/prc_political_influence_full_report.pdf (last visited Dec. 5, 2023).

⁷⁹ Marshall Sahlins, *China U*, THE NATION (Oct. 30, 2013) <https://www.thenation.com/article/archive/china-u/>

⁸⁰ Rachelle Peterson, et al., *After Confucius Institutes: China’s Enduring Influence on American Higher Education*, Nat’l Ass’n of Scholars 32 (June 2022).

Institute.⁸¹ During the two years that followed, academic coalitions, think tanks, and newspapers published multiple reports and articles documenting concerns about Confucius Institutes, some of which have been discussed above. By 2017, Confucius Institutes had drawn a bipartisan critical gaze from the Hill and from the newly inaugurated Trump Administration.

Senators, including both Elizabeth Warren (D-MA) and Ted Cruz (R-TX) condemned “those that seek to suppress information and undermine democratic institutions and internationally accepted human rights” and a bipartisan coalition rallied against Confucius Institutes and argued that without increased transparency and full reciprocity, Confucius Institutes should be discontinued.⁸² Director Christopher Wray revealed that the FBI was monitoring the institutes closely.⁸³ In 2018, Congress passed legislation that prohibited universities from receiving language funding from both a Confucius Institute and the Department of Defense, leading to the immediate closure of 22 Confucius Institutes.⁸⁴ Members of Congress have also introduced bills that would require universities to make Confucius Institute contracts public.⁸⁵

In August 2020, the State Department officially designated the Confucius Institute U.S. Center as a foreign mission, citing the “opacity of this organization and its state-directed nature.”⁸⁶ The State Department explained in its announcement that the designation would not require the

⁸¹Rachelle Peterson, et al., *After Confucius Institutes: China’s Enduring Influence on American Higher Education*, Nat’l Ass’n of Scholars 32 (June 2022); see also Elizabeth Redden, *Chicago to Close Confucius Institute*, Inside Higher Ed. (Sept. 25, 2014).

⁸²Lee Edwards, *Confucius Institutes: China’s Trojan Horse*, Heritage Foundation (May 27, 2021).

⁸³Lee Edwards, *Confucius Institutes: China’s Trojan Horse*, Heritage Foundation (May 27, 2021); see also Christopher Wray, *The Threat Posed by the Chinese Government and the Chinese Communist Party to the Economic and National Security of the United States*, Federal Bureau of Investigation (July 7, 2020) <https://www.fbi.gov/news/speeches/the-threat-posed-by-the-chinese-government-and-the-chinese-communist-party-to-the-economic-and-national-security-of-the-united-states>.

⁸⁴Lee Edwards, *Confucius Institutes: China’s Trojan Horse*, Heritage Foundation (May 27, 2021).

⁸⁵Will Ford, *How Far Does China’s Influence at U.S. Universities Go? One Student Tried to Find Out*, POLITICO (Apr. 24, 2022, 4:46 PM) <https://www.politico.com/news/magazine/2022/04/24/confucius-institutes-china-new-mexico-00027287>.

⁸⁶“*Confucius Institute U.S. Center*” *Designation as a Foreign Mission*, U.S. Dept. of State (Aug. 13, 2020) <https://2017-2021.state.gov/confucius-institute-u-s-center-designation-as-a-foreign-mission/>.

closure of Confucius Institutes, but would increase “much-needed transparency” by requiring the center to regularly provide information about its foreign personnel, recruiting, funding, and operations within the United States.⁸⁷ The State Department expressed its view that “[w]ith greater transparency, educational institutions can make more informed decisions about the influence being exerted on their campuses and whether and how these Beijing-backed programs should continue to teach their students.”⁸⁸

The Department of Education also opened investigations of twelve universities for non-compliance with Section 117 of the Higher Education Act, which requires disclosure of all foreign gifts or contracts totaling at least \$250,000 twice a year.⁸⁹ Universities that were investigated include Georgetown, Texas A&M, Rutgers, Cornell, University of Maryland, MIT, Harvard, Yale, University of Texas, Case Western Reserve University, Fordham, and Stanford.⁹⁰ In an October 2020 report on its investigations, the Department reported that it had “catalyzed disclosure” of \$6.5 billion in previously undisclosed foreign money; modernized the Section 117 online reporting portal; published a notice of proposed rulemaking that would require institutions to submit copies of foreign gifts and contracts; and collaborated with the DOJ and other agencies.⁹¹ The report concluded that “many large and well-resourced institutions of higher education have aggressively pursued and accepted foreign money while failing to comply with Section 117.”⁹² In addition, the Department reported that at the same time that significant amounts of foreign money were going

⁸⁷“*Confucius Institute U.S. Center*” Designation as a Foreign Mission, U.S. Dept. of State (Aug. 13, 2020) <https://2017-2021.state.gov/confucius-institute-u-s-center-designation-as-a-foreign-mission/>.

⁸⁸“*Confucius Institute U.S. Center*” Designation as a Foreign Mission, U.S. Dept. of State (Aug. 13, 2020) <https://2017-2021.state.gov/confucius-institute-u-s-center-designation-as-a-foreign-mission/>.

⁸⁹20 U.S.C.A. § 1011f (West) (“Section 117”).

⁹⁰U.S. Department of Education Office of the General Counsel, Institutional Compliance with Section 117 of the Higher Education Act of 1965 12–13 (October 2020).

⁹¹See U.S. Department of Education Office of the General Counsel, Institutional Compliance with Section 117 of the Higher Education Act of 1965 (October 2020).

⁹²U.S. Department of Education Office of the General Counsel, Institutional Compliance with Section 117 of the Higher Education Act of 1965 2 (October 2020).

unreported, universities had also “anonymiz[ed] much of the money [they] did disclose.”⁹³ A 2019 Senate Permanent Subcommittee on Investigations report “found that nearly 70 percent of colleges that receive \$250,000 or more in annual funding from Hanban . . . failed to report the funding.”⁹⁴

Institutions refuted these conclusions, claiming that the investigations went beyond the scope of legal requirements. They also claimed that the Administration’s aggressive tone was unmerited because they had only recently been put on notice that requirements would be interpreted more strictly than in the past.⁹⁵ Yale and Rutgers released statements that they had improved and clarified reporting procedures, and they believed they had come into full compliance since receiving notice of investigation.⁹⁶ The American Council on Education (“ACE”) claimed that culpability for lax reporting lay with the Department of Education, because it had never issued regulations to implement the law. ACE Vice President Terry Hartle claimed, “We are very anxious to fully and completely comply with the letter and spirit of Section 117. The Department of Education could facilitate this enormously by engaging in conversations. They refuse to do that.”⁹⁷

The Department of Education rebutted some of these university and coalition responses in its October 2020 report, stating,

Institutions manage to track every cent owed and paid by their students; there is no doubt they can—and indeed do—track funds coming from foreign sources,

⁹³ U.S. Department of Education Office of the General Counsel, Institutional Compliance with Section 117 of the Higher Education Act of 1965 (October 2020).

⁹⁴ Elizabeth Redden, *Foreign Gift Investigations Expand and Intensify*, Inside Higher Ed (Feb. 19, 2020) <https://www.insidehighered.com/news/2020/02/20/education-department-escalates-inquiry-reporting-foreign-gifts-and-contracts>; *see also*, U.S. Department of Education Office of the General Counsel, Institutional Compliance with Section 117 of the Higher Education Act of 1965 15–16 (October 2020).

⁹⁵ Elizabeth Redden, *Foreign Gift Investigations Expand and Intensify*, Inside Higher Ed (Feb. 19, 2020) <https://www.insidehighered.com/news/2020/02/20/education-department-escalates-inquiry-reporting-foreign-gifts-and-contracts>.

⁹⁶ Elizabeth Redden, *Foreign Gift Investigations Expand and Intensify*, Inside Higher Ed (Feb. 19, 2020) <https://www.insidehighered.com/news/2020/02/20/education-department-escalates-inquiry-reporting-foreign-gifts-and-contracts>.

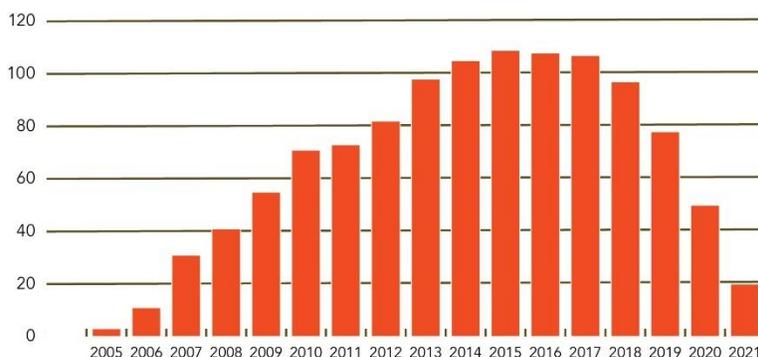
⁹⁷ Elizabeth Redden, *Foreign Gift Investigations Expand and Intensify*, Inside Higher Ed (Feb. 19, 2020) <https://www.insidehighered.com/news/2020/02/20/education-department-escalates-inquiry-reporting-foreign-gifts-and-contracts>.

including those adversarial to American interests. Moreover, most foreign funds flow to large, wealthy, and sophisticated institutions with . . . ready access to the very best accountants and attorneys. . . . [I]t is hard to understand, for example, how Yale University could have simply failed to report any foreign gifts or contracts for four years or Case Western Reserve University for 12 years, precisely when both were rapidly expanding their foreign operations and relationships — including with China and Iran.⁹⁸

In November 2020, a month after releasing its investigatory report, the Department of Education threatened to pull federal funds from colleges that were out of compliance with Section 117.⁹⁹

Around 2018, the number of Confucius Institutes in the United States began to plummet, with the majority of closures occurring in 2020 or 2021. As of June 2023, there are only ten Confucius Institutes operating in the United States.¹⁰⁰

Figure 1: Number of Confucius Institutes in the United States by Year¹⁰¹



⁹⁸ U.S. Department of Education Office of the General Counsel, Institutional Compliance with Section 117 of the Higher Education Act of 1965 2 (October 2020).

⁹⁹ *Jeremy Bauer-Wolf, Ed Dept: Colleges That Don't Report Foreign Gifts Could Lose Federal Aid*, HIGHER ED DIVE (Nov. 16, 2020) <https://www.highereddive.com/news/ed-dept-says-colleges-that-dont-report-foreign-gifts-could-lose-federal-fi/589105/>; See also *Jeremy Bauer-Wolf, House Republicans Press Education Department on Colleges' Foreign Gift Reporting Requirements*, HIGHER ED DIVE (Apr. 5, 2023) <https://www.highereddive.com/news/house-republicans-press-education-department-on-colleges-foreign-gift-repo/646917/>.

¹⁰⁰ *How Many Confucius Institutes Are in the United States*, Nat'l Ass'n of Scholars (updated June 22, 2023) https://www.nas.org/blogs/article/how_many_confucius_institutes_are_in_the_united_states#:~:text=NAS%20counts%20a%20total%20of, stated%20reason%20for%20the%20closure.

¹⁰¹ *Rachelle Peterson, et al., After Confucius Institutes: China's Enduring Influence on American Higher Education*, Nat'l Ass'n of Scholars 30 (June 2022)

At a glance, these numbers suggest that critics who advocated against Confucius Institutes were enormously successful. However, the numbers shroud a more complex reality about Hanban's continuing influence in American higher education.

II. THE LINGERING INFLUENCE OF CONFUCIUS INSTITUTES

China's response to negative attention and rapid closure of so many U.S. Confucius Institutes has been described as an "all-of-the-above approach."¹⁰² China initially launched an effort to persuade American policymakers that CIs are innocuous. Hanban sent American universities talking points about how to defend their Confucius Institutes from criticism, and Chinese universities reached out to their CI partners to urge American partners not to back out of the agreements. American Confucius Institute directors around the country lobbied state and federal policymakers not to crack down on the programs.¹⁰³

In 2018, the Confucius Institute U.S. Center held an event at the National Press Club where the director of the Arizona State University CI extolled the benefits of Confucius Institutes and claimed that Confucius Institutes were co-sponsored by the Department of Defense.¹⁰⁴ These remarks have since been considered to be an overstatement, but they catalyzed the 2018 amendment to the National Defense Authorization Act explicitly prohibiting that scenario. Troy University sent Chancellor Jack Hawkins to petition against an Alabama bill that sought to ban state universities from hosting CIs.¹⁰⁵ The National Association of Scholars has noted Troy University's lobbying efforts in the context of the terms of its CI agreement. Although its five-

¹⁰² Rachele Peterson, et al., *After Confucius Institutes: China's Enduring Influence on American Higher Education*, Nat'l Ass'n of Scholars 23 (June 2022).

¹⁰³ Rachele Peterson, et al., *After Confucius Institutes: China's Enduring Influence on American Higher Education*, Nat'l Ass'n of Scholars 23 (June 2022).

¹⁰⁴ Rachele Peterson, et al., *After Confucius Institutes: China's Enduring Influence on American Higher Education*, Nat'l Ass'n of Scholars 23 (June 2022).

¹⁰⁵ Rachele Peterson, et al., *After Confucius Institutes: China's Enduring Influence on American Higher Education*, Nat'l Ass'n of Scholars 23 (June 2022).

year contract, which had been signed in 2018, permitted Hanban to cancel the relationship early, the terms penalized the university's early withdrawal. If Troy University were forced to end its agreement early, the university would owe Hanban all damages incurred by the termination, including "all the investment made under this Agreement, the legal expense, and the indemnity for defamation."¹⁰⁶ China also adopted a tone of indignation toward the United States, and in 2021, Chinese Vice Foreign Minister Xie Feng presented a list of "wrongdoings" that included a demand that the United States discontinue its efforts against Confucius Institutes.¹⁰⁷

a. A Rose by Any Other Name: Hanban's Strategic Rebranding

Undoubtedly in response to the negative attention it received during the late 2010s, Hanban bifurcated and rebranded itself in July 2020. Hanban renamed itself the Ministry of Education Center for Language Exchange and Cooperation (CLEC). CLEC then opened a new nonprofit to manage its Confucius Institutes, called the Chinese International Education Foundation (CIEF).¹⁰⁸ At a 2019 conference funded by Hanban but publicly ticketed as organized by the Asia Society and the College Board, Hanban representative Ma Jianfei reportedly stated, "US CIs are now facing challenges and many are to be closed but Hanban sees it as an opportunity to restructure/remap the CIs across the world."¹⁰⁹ The assistant director of the Confucius Institute at University of Washington recalled that Ma promised Hanban would support the universities in whatever ways were necessary to help the CIs relocate due to conflicts with new federal policies.¹¹⁰

¹⁰⁶ Rachele Peterson, et al., *After Confucius Institutes: China's Enduring Influence on American Higher Education*, Nat'l Ass'n of Scholars 26 (June 2022).

¹⁰⁷ Rachele Peterson, et al., *After Confucius Institutes: China's Enduring Influence on American Higher Education*, Nat'l Ass'n of Scholars 23 (June 2022).

¹⁰⁸ Rachele Peterson, et al., *After Confucius Institutes: China's Enduring Influence on American Higher Education*, Nat'l Ass'n of Scholars 26 (June 2022).

¹⁰⁹ Rachele Peterson, et al., *After Confucius Institutes: China's Enduring Influence on American Higher Education*, Nat'l Ass'n of Scholars 26-27 (June 2022).

¹¹⁰ Rachele Peterson, et al., *After Confucius Institutes: China's Enduring Influence on American Higher Education*, Nat'l Ass'n of Scholars 26-27 (June 2022).

There are multiple accounts of Hanban coordinating with American partners to reorganize and rebrand its image between 2019 and 2021, precisely at the time that its institutes were shuttering on paper. One of those partners was University of Washington, which prepared a webinar on the issue and touted its coordination with Hanban on its reorganization effort. At the time, the University of Washington had purportedly already closed its own CI.¹¹¹

Analysts comparing CLEC and CIEF have concluded that the two organizations are largely duplicative. Some of the universities that did not shutter their Confucius Institutes signed new documents with both CLEC and CIEF, underscoring the fact that both organizations continue to operate Confucius Institutes.¹¹² In general, CLEC, which structurally is just Hanban with a new name, tends to run overseas language programs that are not called Confucius Institutes, while CIEF has taken over the ties with the remaining Confucius Institutes.¹¹³ The newly-chartered CIEF has also approached universities that closed their Confucius Institutes and offered to sponsor new Chinese cultural centers that are not called Confucius Institutes.¹¹⁴ Some proponents of Confucius Institutes claim that the new CIEF's status as a nonprofit organization insulates the organization from the CCP and nullifies accusations that the programs are run by the Chinese government. Such a claim, and those who make it, warrant skepticism. All nonprofit organizations get their funding from somewhere, and as NAS has highlighted, that CIEF is supervised by the Chinese Ministry of Education and funded by the CCP.¹¹⁵ While many global organizations seek to optimize their

¹¹¹ Rachele Peterson, et al., *After Confucius Institutes: China's Enduring Influence on American Higher Education*, Nat'l Ass'n of Scholars 27 (June 2022).

¹¹² Rachele Peterson, et al., *After Confucius Institutes: China's Enduring Influence on American Higher Education*, Nat'l Ass'n of Scholars 26-29 (June 2022).

¹¹³ Rachele Peterson, et al., *After Confucius Institutes: China's Enduring Influence on American Higher Education*, Nat'l Ass'n of Scholars 28 (June 2022).

¹¹⁴ Rachele Peterson, et al., *After Confucius Institutes: China's Enduring Influence on American Higher Education*, Nat'l Ass'n of Scholars 27 (June 2022).

¹¹⁵ Rachele Peterson, et al., *After Confucius Institutes: China's Enduring Influence on American Higher Education*, Nat'l Ass'n of Scholars 27 (June 2022).

internet searchability, Hanban’s split and rebrand has effectively de-optimized critics’ ability to easily track its influence.

i. Replacing Confucius Institutes with Similar Chinese Programs

Following this rebranding, many universities have been eager to “ditch the now-toxic name ‘Confucius Institute’ but retain funding and close relationships with Chinese institutions. These institutions have sought to keep aspects of a Confucius Institute without using the name.”¹¹⁶ NAS reports that federal policy changes have allowed some universities to terminate their CI contracts under a force majeure clause. Yet, at the same time, there are signs that the Chinese government has been subtly supportive of these U.S. closures “as an opportunity to extend its influence in new ways.”¹¹⁷ China’s change in tone toward closures suggests that its strategy toward higher education is adapting quickly. NAS wrote, “A central goal in establishing Confucius Institutes, for the Chinese government, was to bring colleges and universities into closer relationships with Chinese institutions. Confucius Institutes built those relationships and now fall away, unneeded, like a scaffold after the building is complete.”¹¹⁸ In a 2022 report assessing what happens to Confucius Institutes after they close, NAS found that the most common reason universities cited for closing a CI was to replace it with another Chinese partnership.¹¹⁹ 38 percent of the 104 closing Confucius Institutes announced new Chinese partnerships at the time of closure, and many of these are very structurally similar to the CI they replaced. NAS reports that additional universities arranged replacements that were not formally announced, suggesting that the percentage may actually be

¹¹⁶ Rachele Peterson, et al., *After Confucius Institutes: China’s Enduring Influence on American Higher Education*, Nat’l Ass’n of Scholars 27 (June 2022).

¹¹⁷ Rachele Peterson, et al., *After Confucius Institutes: China’s Enduring Influence on American Higher Education*, Nat’l Ass’n of Scholars 28 (June 2022).

¹¹⁸ Rachele Peterson, et al., *After Confucius Institutes: China’s Enduring Influence on American Higher Education*, Nat’l Ass’n of Scholars 28 (June 2022).

¹¹⁹ Rachele Peterson, et al., *After Confucius Institutes: China’s Enduring Influence on American Higher Education*, Nat’l Ass’n of Scholars 36-38 (June 2022).

higher.¹²⁰ The same staff often transition to similar roles in the replacement program and business continues as usual.¹²¹

ii. *Transferring Confucius Institute Contracts*

Other universities, including Pfeiffer, San Diego State, University of Maryland, University of Arizona, University of Washington, and Western Kentucky University, announced plans to transfer their CIs to another host. San Diego State University (“SDSU”) informed Hanban that its CI program was “sufficiently mature that it deserves continued development within the school system here in San Diego County.”¹²² In response, the president of the CI wrote, “We are delighted that you have accepted our recommendation to transfer our existing CI education initiatives and services to a local educational partner independent from SDSU.”¹²³ In June 2019, SDSU, which boasts an enrollment of more than 37,000 students,¹²⁴ transferred its CI contract San Diego Global Knowledge University.¹²⁵ During the 2022–23 school year, San Diego Global Knowledge University was home to just 137 students.¹²⁶ The school is accredited by the Distance Education Accredited Commission (DEAC), and students attend courses online.¹²⁷ Its tiny size and status as

¹²⁰ Rachele Peterson, et al., *After Confucius Institutes: China’s Enduring Influence on American Higher Education*, Nat’l Ass’n of Scholars 36 (June 2022).

¹²¹ See, e.g., Terrill Martin, *WKU transfers Confucius Institute program to Simpson County Schools*, WKU (Jul. 1, 2019) <https://www.wku.edu/news/articles/index.php?view=article&articleid=7814>; see also *Confucius Institutes in the United States: Selected Issues*, CONGRESSIONAL RESEARCH SERVICES (updated May 2, 2023) <https://crsreports.congress.gov/product/pdf/IF/IF11180>.

¹²² Rachele Peterson, et al., *After Confucius Institutes: China’s Enduring Influence on American Higher Education*, Nat’l Ass’n of Scholars 44 (June 2022).

¹²³ Rachele Peterson, et al., *After Confucius Institutes: China’s Enduring Influence on American Higher Education*, Nat’l Ass’n of Scholars 36 (June 2022).

¹²⁴ National Center for Education Statistics

¹²⁵ *How Many Confucius Institutes Are in the United States*, Nat’l Ass’n of Scholars (updated June 22, 2023) https://www.nas.org/blogs/article/how_many_confucius_institutes_are_in_the_united_states#:~:text=NAS%20count%20a%20total%20of,stedated%20reason%20for%20the%20closure.

¹²⁶ National Center for Education Statistics

<https://nces.ed.gov/globallocator/index.asp?search=1&State=CA&city=san+diego&zipcode=&miles=&itemname=San+Diego+Global+Knowledge+University&sortby=name&School=1&PrivSchool=1&College=1&CS=2247D87D>

¹²⁷ *Accreditation & Approval*, SAN DIEGO GLOBAL KNOWLEDGE UNIVERSITY, <https://sdgku.edu/accreditation-approval/> (last visited Dec. 18, 2023).

an online program raises questions about the purpose of the transfer and whether the CI is merely continuing to serve the same SDSU population under a laundered affiliation. Western Kentucky University transferred its CI contract to the Simpson County School District in July 2019.¹²⁸

iii. *Remaining Confucius Institutes*

As of June 2023, there are ten Confucius Institutes remaining in the United States. They include San Diego Global Knowledge University, Stanford, Simpson County Schools, St. Cloud State University, Webster University, China Institute, East Central Ohio Educational Service Center, University of Utah, and Pacific Lutheran University.¹²⁹ Many of these universities have moved information about their Confucius Institutes off of public-facing university-affiliated web pages or placed CI information behind student login credentials.

iv. *Did Confucius Institutes Really Close?*

After extensively reviewing the post-closure status of shuttered Confucius Institutes across the country, NAS identified three behavioral categories: 1) universities that maintained relationships with their previous Chinese partners; 2) universities that replaced the CI with a similar program; and 3) universities which transferred their CI contract to another host institution.¹³⁰

In its 2022 report, NAS concluded,

We expected to find at least some examples of a fourth type of closure, a full closure. A full closure, in our definition, means a university terminated all agreements with the Hanban; did not enter a new agreement with either of the Hanban's two successor organizations, CLEC or CIEF; did not enter into or retain

¹²⁸ *How Many Confucius Institutes Are in the United States*, Nat'l Ass'n of Scholars (updated June 22, 2023) https://www.nas.org/blogs/article/how_many_confucius_institutes_are_in_the_united_states#:~:text=NAS%20count%20a%20total%20of,stated%20reason%20for%20the%20closure.

¹²⁹ *How Many Confucius Institutes Are in the United States*, Nat'l Ass'n of Scholars (updated June 22, 2023) https://www.nas.org/blogs/article/how_many_confucius_institutes_are_in_the_united_states#:~:text=NAS%20count%20a%20total%20of,stated%20reason%20for%20the%20closure.

¹³⁰ Rachele Peterson, et al., *After Confucius Institutes: China's Enduring Influence on American Higher Education*, Nat'l Ass'n of Scholars 58–59 (June 2022).

an agreement with a Chinese partner university that is substantially similar to the agreement that formed the Confucius Institute; did not retain a “sister university” relationship with a Chinese university; did not rehouse the Confucius Institute or any of its programs; did not retain Confucius Institute staff; and did not retain any Hanban-supplied textbooks or other materials.

In some cases, we have insufficient information to classify a university. But in no cases are we sufficiently confident to classify any university as having fully closed its Confucius Institute. . . . Of the [104] colleges and universities that have closed a CI, our research could not confirm a single complete closure of the Confucius Institute.¹³¹

Although the story of Confucius Institute closures across the country may appear to be a success story for CI critics, a closer look suggests that it may be more accurate to consider it another success story for CI proponents. The funding structures and political ties that raised alarms in the late 2010s continue to operate under laundered names, often with the same curriculum, staff, textbooks, and CCP funds. Universities that host Confucius Institutes and receive Chinese funds currently operate in a much friendlier political climate eager to distance itself from Trump-era initiatives.¹³²

¹³¹ Rachele Peterson, et al., *After Confucius Institutes: China’s Enduring Influence on American Higher Education*, Nat’l Ass’n of Scholars (June 2022).

¹³² Federal Student Aid, *Electronic Announcement General-22-41: Reminder – Reporting Deadline for Section 116 of the Higher Education Act of 1965*, U.S. DEPARTMENT OF EDUCATION, <https://fsapartners.ed.gov/knowledge-center/library/electronic-announcements/2022-07-08/reminder-reporting-deadline-section-117-higher-education-act-1965-updated-july-22-2022> (Updated: July 22, 2022); Jeremy Bauer-Wolf, *House Republicans Press Education Department on Colleges’ Foreign Gift Reporting Requirements*, HIGHER ED DIVE (Apr. 5, 2023) <https://www.highereddive.com/news/house-republicans-press-education-department-on-colleges-foreign-gift-repo/646917/>; See Joel Buckman, et al., *Updated U.S. Department of Education Guidance on Section 117 Foreign Gift and Contract Requirements*, JDSUPRA (Sept. 20, 2022) <https://www.jdsupra.com/legalnews/updated-u-s-department-of-education-2977841/>; Section 117 of the Higher Education Act Presentation by the U.S. Department of Education <https://www2.ed.gov/policy/highered/leg/section117-webinar-202206.pdf>; Terry Hartle, *Letter to Office of the Under Secretary*, AMERICAN COUNCIL ON EDUCATION (Aug. 16, 2022) <https://www.cogr.edu/sites/default/files/081622%20FINAL%20August%202022%20ED%20letter%20on%20117%20follow%20up.pdf>; See also Joel Buckman, et al., *Updated U.S. Department of Education Guidance on Section 117 Foreign Gift and Contract Requirements*, JDSUPRA (Sept. 20, 2022)

III. RECOMMENDATIONS AND CONCLUSION

American Millennials and Gen Zers continue to be targeted by Chinese influence campaigns on multiple fronts: in university classrooms, at movie theaters, on streaming services, and on social media.¹³³ China's enormous investment in its multifaceted global information campaign is likely to be a long-term success. In 2018, the Council on Foreign Relations expressed skepticism regarding whether China's soft power initiative could be effective in the context of China's "tightening authoritarian political system."¹³⁴ Quoting a 2015 *Foreign Affairs* article, they concluded, "So long as China's political system denies, rather than enables, free human development, its propaganda efforts will face an uphill battle."¹³⁵ Since then, China has only increased its investment, modernized its mediums, and become more strategic in hiding its cash flow. China has subtly and overtly promoted and enflamed narratives that the United States itself is a grievous perpetuator of xenophobia, racism, and authoritarianism,¹³⁶ further distracting from its own human rights abuses and undermining the domestic and international credibility of its greatest geopolitical competitor. China does this at the same time that it buys the capacity to silence criticism of its historical and contemporary human rights violations in American classrooms and at American companies.

Accordingly, the United States should remain dedicated to vigilantly pushing back against continued Chinese influence at American universities. United States policymakers can continue to address CCP pressure on American institutions by:

- 1) Expanding successful efforts and initiatives against Confucius Institutes to include Confucius Classrooms and Chinese successor organizations operating under different names;
- 2) Requiring universities to disclose itemized foreign donor lists;

¹³³ See footnote 76.

¹³⁴ Eleanor Albert, *China's Big Bet on Soft Power*, Council on Foreign Relations (Feb. 9, 2018, 7:00 AM) <https://www.cfr.org/backgrounder/chinas-big-bet-soft-power>.

¹³⁵ Eleanor Albert, *China's Big Bet on Soft Power*, Council on Foreign Relations (Feb. 9, 2018, 7:00 AM) <https://www.cfr.org/backgrounder/chinas-big-bet-soft-power> (quoting Daid Shambaugh, *Foreign Affairs* (2015)).

¹³⁶ See, e.g., Mara Hvistendahl, et al., *A Global Web of Chinese Propaganda Leads to a U.S. Tech Mogul*, *NY Times* (updated Aug. 10, 2023) <https://www.nytimes.com/2023/08/05/world/europe/neville-roy-singham-china-propaganda.html>.

- 3) Requiring public disclosure of contracts between American universities and foreign governments;
- 4) Incentivizing and funding Chinese language programs with American dollars;
- 5) Incentivizing and funding the teaching of Chinese culture and history—including its beautiful traditions, its many positive global contributions, as well as subjects traditionally censored by the CCP—with American dollars; and
- 6) Lobbying the current administration and future administrations to continue prioritizing a vigilant response to China’s continuing influence campaign.

Disclosure laws such as Section 117 of the Higher Education Act and the Foreign Agents Registration Act (FARA) play a critical role in the preservation of free speech and the United States marketplace of ideas. In the years preceding World War II, the United States identified an increase in foreign influence campaigns and passed FARA with the hope that “the spotlight of pitiless publicity would serve as a deterrent to the spread of pernicious propaganda.”¹³⁷ In 1937, the Committee on the Judiciary wrote,

Such propaganda is not prohibited under the proposed bill. The purpose of this bill is to make available to the American public, the sources that promote and pay for the spreading of such foreign propaganda. Our National Food and Drug Act requires the proper labeling of various articles, and safeguards the American people in the field of public health. This bill seeks only to do the same thing in a different field, that of political propaganda. Propaganda efforts of such a nature are usually conducted in secrecy, which is essential to the success of these activities. The passage of this bill will force propaganda agents representing foreign agencies to come out ‘in the open’ in their activities.¹³⁸

Continued vigilance in monitoring Chinese influence campaigns in American universities is not a witch hunt against higher education, against China, or against any particular viewpoint about China. Rather, the diligent enforcement of public disclosure laws enables the American people to make informed assessments about the information they receive and thereby directly bolsters the integrity of the American education system and American civil society as a whole.

¹³⁷ *What Is FARA?*, CAPLIN & DRYSDALE, <https://www.fara.us/about> (last visited Dec. 18, 2023).

¹³⁸ REPORT: FOREIGN PROPAGANDA, U.S. HOUSE COMMITTEE ON THE JUDICIARY (July 28, 1937) https://www.fara.us/assets/htmldocuments/uploads/24384_h_rep_no_75-1381_1937.pdf.