TO: Professor Mann
FROM: Clifford Mammah
DATE: November 20, 2025
SUBJECT: Review of Stewart Baker's "Should American Spies Steal Commercial Secrets?"

Brief: Stewart Baker's article argues that the United States should rethink its long-standing rule against using intelligence agencies to gather commercial or business-related secrets for American companies. For decades, the U.S. has avoided this type of spying, mainly to keep a clear moral line and avoid mixing government intelligence work with private busineses interests. Baker talks about how this rule formed over time and how it was made stronger through policies like PPD-28 and Executive Order 14086. However, Baker says the world has changed. China has been running large-scale commercial espionage operations for years, stealing technology, research, and business plans from U.S. companies. He argues that many industries like semiconductors, AI, and green tech are now so closely tied to national security that refusing to collect commercial intelligence puts the U.S. at a disadvantage. Baker thinks that building a very controlled and limited system where the U.S. only helps industries considered essential to national defense and only when strong safeguards are in place.

Most Compelling Points

A key point Baker makes is that the wall separating commercial technology and national security has almost disappeared. Technologies like advanced semiconductors, drones, and AI models are used in both military systems and everyday products. Baker argues that ignoring this overlap gives China an advantage, since China openly mixes commercial and military goals under programs like "Military-Civil Fusion" (Baker, 2024). This makes the U.S.'s strict separation look outdated. Another strong point is that China's large-scale industrial espionage harms U.S. companies and the national security system. The FBI stated in 2020 that it opens a new China-related counterintelligence case about every 10 hours (FBI, 2020). Baker uses this to show that the U.S. is fighting a one-sided battle. He suggests that allowing some narrow commercial intelligence collection could help American companies stay competitive in industries that the U.S. military depends on. Finally, Baker makes a realistic point, U.S. intelligence agencies already collect economic data and information about foreign technology development. He argues that sharing some of this information with strong rules could strengthen both companies and national security. He says that the U.S. would not be "stealing for profit," but instead protecting key industries the country relies on.

Explanations of Links Within the Article

PPD-28 and limits on espionage:

Baker links U.S. intelligence restrictions to President Obama's PPD-28, which states that surveillance cannot target foreign companies to provide a competitive advantage to U.S. firms. He uses this link to show how formal policies created the modern prohibition (Baker, 2024).

China's actions and U.S. policy hesitation

Baker links China's aggressive commercial espionage to the U.S.'s hesitation to respond in kind. He argues the U.S. remains tied to outdated rules while China freely steals intellectual property, giving it long-term advantages in both business and defense.

Past scandals and today's caution

Baker links the 1990s criticism of the CIA, which was accused of spying to help U.S. companies, with the current unwillingness to change policy. He suggests that old political fears are limiting modern strategy.

I was surprised by how strongly U.S. policy bans commercial espionage. I thought the intelligence community already helped companies in certain ways. The article made it clear that the U.S. avoids activities that could even look like spying for commercial gain. I was also surprised by how deeply China mixes its commercial and military goals. I knew China stole intellectual property, but I did not know how directly this theft connects to the growth of its military.

I agree with Baker's argument. I think the U.S. should allow some tightly controlled commercial intelligence efforts, but only for things that directly support national defense. For example, a Congressional Research Service report states that economic security and national security are now very connected (CRS, 2023). The Center for Strategic and International Studies, confirms that China uses stolen commercial technology to speed up its military development (CSIS, 2023). These support Baker's claim that the U.S. must adapt. However, I also think the U.S. must set strong rules to prevent abuse of power. If the government starts spying just to make private companies richer, it could create major problems ethically. So I support the idea only if it is used carefully and only when national defense truly needs it.

sources

Buying American: The Berry and kissell amendments | congress.gov | library of Congress. (n.d.). https://www.congress.gov/crs-product/IF10605

Survey of Chinese espionage in the United States since 2000: Strategic Technologies Program. CSIS. (n.d.). https://www.csis.org/programs/strategic-technologies-program/survey-chinese-espionage-united-states-2000

Baker, S. (2025, April 14). Should American spies steal commercial secrets?. Default. https://www.lawfaremedia.org/article/should-american-spies-steal-commercial-secrets

In article links

Barack Obama, presidential policy directive/PPD-28: Signals Intelligence Activities. unclassified. National Security Archive. (n.d.). https://nsarchive.gwu.edu/document/17292-barack-obama-presidential-policy-directive-ppd

Groll, E. (2490, January 1). How much economic espionage is too much?. Foreign Policy. https://foreignpolicy.com/2014/05/19/how-much-economic-espionage-is-too-much/

Enhancing safeguards for United States signals intelligence activities. (2022b, October 14). Federal Register. https://www.federalregister.gov/documents/2022/10/14/2022-22531/enhancing-safeguards-for-united-states-signals-intelligence-activities

PRC State Council. (2022). Notice of the State Council on the publication of “Made in China 2025.” In B. Murphy (Ed.), & Etcetera Language Group, Inc. (Trans.), Website of the Central People’s Government of the People’s Republic of China [Press-release]. https://cset.georgetown.edu/wp-content/uploads/t0432_made_in_china_2025_EN.pdf