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Article Link:

https://www.lawfaremedia.org/article/should-american-spies-steal-commercial-secrets

Summary of Article:

This article delves into the topic of commercial espionage and whether the United States would benefit in terms of economic stability from obtaining commercial secrets from competitors across the world. Throughout this article, the author brings up China's success in its commercial espionage in order to strengthen its economy and ensure its position as a global leader in various manufacturing industries. On the other hand, a majority of the United States does not share the same view on commercial espionage as that of China and other countries. Key points and arguments from U.S. officials opposing the idea of commercial espionage are brought up, and the author does well in addressing each argument while still shedding light on some aspects that could be dangerous for the intelligence community in adopting commercial espionage as a tool for information gathering.

The most compelling points in support of the author's position:

The author's position is that the U.S. should rethink their stance against commercial espionage, while still remaining cautious of several problems that could result from this tactic of information gathering. One point I found to be compelling is the U.S. tries to promote a ban against commercial espionage to other countries due to their lead in commercial and technological secrets. However, the author proposes that this ban would ultimately be a wasting asset, or an asset that loses value over time, for the U.S. due to other countries gradually advancing technologically each year. In other words, over time the technological lead that the U.S. holds will continue to decrease because other competitors are working to become greater than the U.S. Therefore, why wouldn't the U.S. support the idea of commercial espionage in order to keep track of other countries' technological progress and stay ahead of its competitors, especially if those same competitors are already utilizing commercial espionage as a means of gathering intel.

Another fascinating point the author mentions is that commercial espionage could lead intelligence officials down a path of corruption. He argues that commercial intel is often valuable, and the price tag on this kind of information can vary depending on what entity is interested in obtaining it. So, to ensure commercial espionage operates in a manner that is fair to organizations and intelligence operatives, a thorough set of rules and policies needs to be issued that prohibits the highest bidder from buying out troves of

data. The author suggests that it might be worthwhile for the U.S. government to distribute commercial intelligence primarily to industries that are targeted by competitors. Additionally, he provides an alternative wherein companies can invest in commercial espionage operations in order to receive certain information.

3 or more explanations of links within the article itself:

1) One link within this article leads to a Bloomberg post titled "US Efforts to Contain Xi's Push for Tech Supremacy are Faltering." The Bloomberg article touches on China's Made in China 2025 plan, which was a blueprint China released in 2015 outlining a plan to improve its industries and become a global manufacturing leader in technology and other sectors. This article highlights how the Chinese plan has been largely successful over the years, and China is currently a predominant leader in five areas of technology: unmanned aerial vehicles, solar panels, graphene, high-speed rail, and electric vehicles/lithium batteries.
2) Another article titled "DSEI Japan News: Expert Details What China Does After Stealing IP" delves into an intricate information pipeline that was built to support China's commercial espionage industry. The stolen information is tunneled into one of China's advanced science universities, where Chinese patents are acquired over the stolen IP, and then distributed out to be used by companies. Several common methods used by Chinese intel gatherers to obtain commercial IP include joint ventures, buying companies, partnering with research institutions. China also uses more distasteful means to collect its intel such as creating fake companies and abusing Chinese laws to give an unequal advantage to Chinese companies.
3) Lastly, an article titled "Pentagon, GAO Report Israeli Espionage and Illegal Technology Retransfer" reports on multiple espionage operations undertaken by Israel to obtain technological and military information from the United States. The list of stolen intel provided in this article includes: an estimated 800,000 pages of classified military intel documents, sensitive technology used in artillery tubes, blueprints for a reconnaissance system, monitoring of a DOD telecommunications system, aerospace design technology, avionics data, and more. From the sheer amount of intel collected by Israel on the U.S, Israel has been deemed as conducting the most thorough espionage operation against the U.S. out of any U.S. ally.

What surprised you in the article:

I was most surprised by the U.S. being so adamant in trying to persuade other countries to ban commercial espionage over the years. As stated by the author of this article, "no country other than the U.S. has sworn off commercial espionage." I understand wanting to set a precedent of innovative based competition amongst companies rather than theft

of data or other IP, but when even your allies are stealing intel from your commercial and government organizations, then it becomes more clear that commercial espionage is not something that can simply be banned - especially by one of the leading nations of the world. For example, in 2015 President Obama and President Xi Jinping made an agreement to restrict commercial espionage by government agencies, and commercial espionage incidents done by China onto the U.S. had undergone a severe decline. However, within a year of the agreement, reported cases of Chinese commercial espionage within the U.S. had risen to new heights (Survey, n.d.). This exemplifies how commercial espionage is going to continue to occur, especially by those countries on the global forefront of technological innovation.

Whether you agree with the author's position, and why or why not:

Ultimately, I do agree with the author's standing on this topic. The U.S. should be more open to commercial espionage considering how all of our allies and rivals alike participate in this act in order to gain some economic, industrial, or militaristic advantage and security. Although, there are some concerns that will arise as a result of commercial espionage as aforementioned. Namely, who should get the collected intel without being unfair or creating competitive advantages within our own industries. There will need to be proper regulations and policies enacted to widely ensure that commercial intel is distributed to the entities that should receive it. The only shining light in being a country that has created a norm against commercial espionage could be promoting a higher standard in physical security and cybersecurity of assets. Newer strategies to combat theft within economic industries result from adopting this norm, allowing those working in commercial sectors to be more cautious of threats against IP and confidential information (Rascoff, 2015). However, I still believe that the U.S. would benefit more from participating in commercial espionage as other countries have been, rather than attempting to restrict or ban it altogether.

References:

Rascoff, S. J. (2015). The norm against economic espionage for the benefit of private firm: some theoretical reflections. The University of Chicago Law Review. https://lawreview.uchicago.edu/sites/default/files/11%20Rascoff_SYMP_Final.pdf

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