

미국의 최근 기술보호조치, 중국에 대한 기술유출 관여자에 대한 형사처벌 - 중국 우한
대 지원을 받은 사실을 숨긴 하버드대 교수 체포 - 혐의 Making false statements (18
U.S.C. § 1001)



미국 FBI에서 2020. 1. 28. 하버드대 화학·생물학과 교수 Charles Lieber를 체포하였다는 뉴스입니다. 리버 교수가 중국으로부터 연간 경비 15만8000달러와 5만 달러 월급을 받은 사실, 중국 우한공대의 미국연구소를 설립 목적으로 150만달러를 지원받은 사실을 정부 법무부와 NIH의 조사 과정에서 사실대로 진술하지 않았다는 혐의입니다. 미국은 최근 자국의 첨단기술이 중국으로 유출되는 것을 극도로 경계하면서 기술유출 혐의에 대한 광범위한 조사와 엄격한 처벌을 진행하고 있습니다.

위증죄(perjury)와는 다른 특이한 죄명인 Making false statements를 참고로 찾아보았습니다.

미국 형법 규정

18 U.S. Code § 1001. Statements or entries generally

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

- (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
- (2) makes any materially false, fictitious, or fraudulent statement or representation; or
- (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not

more than 8 years.

(b) Subsection (a) does not apply to a party to a judicial proceeding, or that party's counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate in that proceeding.

(c) With respect to any matter within the jurisdiction of the legislative branch, subsection (a) shall apply only to—

(1) administrative matters, including a claim for payment, a matter related to the procurement of property or services, personnel or employment practices, or support services, or a document required by law, rule, or regulation to be submitted to the Congress or any office or officer within the legislative branch; or

(2) any investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress, consistent with applicable rules of the House or Senate.

[위키피디아 설명](#)

Making false statements (18 U.S.C. § 1001) is the common name for the United States federal process crime laid out in Section 1001 of Title 18 of the United States Code, which generally prohibits knowingly and willfully making false or fraudulent statements, or concealing information, in "any matter within the jurisdiction" of the federal government of the United States, even by merely denying guilt when asked by a federal agent.

A number of notable people have been convicted under the section, including Martha Stewart, Rod Blagojevich, Michael T. Flynn, Rick Gates, Scooter Libby, Bernard Madoff, and Jeffrey Skilling.

This statute is used in many contexts. Most commonly, prosecutors use this statute to reach cover-up crimes such as perjury, false declarations, and obstruction of justice and government fraud cases.

FBI의 리버 교수에 대한 기소의견

2. I submit this affidavit in support of a Criminal Complaint charging Dr. Charles Lieber (“LIEBER”) with making materially false, fictitious and fraudulent statements in a matter within the jurisdiction of the Executive Branch of the United States, in violation of Title 18, United States Code, Section 1001(a)(2). Specifically, based upon the evidence gathered thus far in this ongoing investigation, I have probable cause to believe and do, in fact, believe that LIEBER made materially false, fictitious and fraudulent statements regarding his participation in China’s Thousand Talents Plan to the U.S. Department of Defense (“DoD”) on or about April 24, 2018. I also have probable cause to believe and do, in fact, believe that, on or about January 10, 2019, LIEBER made and caused to be made a series of materially false, fictitious and fraudulent statements to the National Institutes of Health (“NIH”) about his involvement in the Thousand Talents Plan and his affiliation with Wuhan University of Technology (“WUT”) in China.

CONCLUSION

37. Based on the forgoing facts, and on my experience, training and discussions with other individuals involved in this investigation, I believe that probable cause exists to conclude that on or about April 24, 2018, LIEBER knowingly and willfully made materially false, fictitious and fraudulent statements to DoD in violation of 18 U.S.C. § 1001(a)(2). In addition, I believe that probable cause exists to conclude that on or about January 10, 2019, LIEBER made and caused to be made a series of materially false, fictitious and fraudulent statements to NIH, also in violation in 18 U.S.C. § 1001(a)(2).

Robert Plumb
Special Agent, FBI

첨부: 하버드대 리버 교수에 대한 기소의견

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