

APA Justice Conference Call – Monday, 10/05/2020

11:55 am Eastern Time/8:55 am Pacific Time

Join Zoom meeting: Register to attend

Agenda

0. Introduction

a. [Laura Secor](#), author, “The Man Who Refused to Spy,” New Yorker; web editor, Foreign Affairs Magazine

b. [Yen Marshall](#), National Executive Director, Asian Pacific Islander Public Affairs (APAPA)

The meeting was off record with no audio or video recording. The monthly meetings will be transitioning back to this old format – off record and by invitation only – since 2015. Open public discussion will be used with the webinar approach.

The first new speaker was Laura Secor. She lives in New York. Laura is the author of *Children of Paradise: The Struggle for the Soul of Iran*, published by Riverhead Books in February 2016, which was a finalist for the PEN/John Kenneth Galbraith Award for Nonfiction and for the Lionel Gelber Prize. Her work has appeared in *The New Yorker*, *The New York Times Magazine*, *The New Republic*, and other publications. She is currently the web editor of *Foreign Affairs* and has in the past been a staff editor at the *New York Times Op-ed* page, reporter at *The Boston Globe*, deputy editor of *The American Prospect* and senior editor at *Lingua Franca*. A past fellow at the *New York Public Library's Cullman Center for Scholars and Writers* and at the *American Academy in Berlin*, she has taught journalism at *New York University*, *Bard College*, and *Princeton University*.

The second new speaker was Yen Marshall, National Executive Director for Asian Pacific Islander Public Affairs, or APAPA, which is one of five organizing partners that is starting a webinar series on the “China Initiative.”

1. CAPAC updates

a. Speaker: **Krystal Ka'ai**, Executive Director, CAPAC

Krystal was not able to join the meeting. Jeremy relayed the following message from her.

- CAPAC Chair Rep. Judy Chu will be participating in the launch of the AAJC Anti-Racial Profiling Project tomorrow along with Professor Xi and others. John Yang will provide a report of the launch later in the meeting
- CAPAC still has not had any progress on its meeting request with the FBI.
- CAPAC is also worried about the increased online rhetoric blaming China for COVID-19, including conspiracy theories that China gave Donald Trump COVID-19 in an attempt to assassinate him and must be punished. This type of rhetoric is dangerous and something that CAPAC tweeted about on Friday in response to a Senator who alluded to this theory. It's something CAPAC will continue to monitor in the days and weeks ahead.

2. “The Man Who Refused to Spy”

- a. Speaker: **Laura Secor**, author, editor, confirmed
 - 2020/09/14 New Yorker: [The Man Who Refused to Spy](#)
 - APA Justice: [Sirous Asgari](#)

Laura’s article “The Man Who Refused to Spy” is about Iranian scientist Sirous Asgari. It is a compelling story about how the FBI tried to recruit Professor Asgari as an informant and the payback received when he refused. It also resonates with the Chinese American and Asian American community.

The following is an abbreviated version of Laura’s report. Please read or listen to her story at [The Man Who Refused to Spy](#).

Asgari and his wife boarded a flight to New York to visit his children on June 21, 2017. But when the Asgari stepped off the jet bridge at J.F.K. two officials accosted them, starting his nightmare for the next three years. He was served a twelve-page indictment, charging him with theft of trade secrets, visa fraud, and eleven counts of wire fraud. He was locked up in a maximum-security jail in isolation in Ohio for 72 days.

During previous visits to the U.S., Asgari was recruited by the FBI to be an informant, which he refused. The FBI obtained a search warrant for a wiretap of Asgari’s email as far back as 2011 by claiming probable cause that he was violating U.S. sanctions against Iran. But the way the agency conducted its investigation suggested a fishing expedition—and an attempt to push Asgari into becoming an informant.

During the proffer process, Asgari did not accept any of the charges against him. The information sought in the proffer was unrelated to his case: the agents wanted him to share general intelligence about Iran. “This was a counterintelligence case masquerading as a trade-secrets case,” Asgari’s public defender said.

When Asgari was released on bond, he was arrested again—this time by Immigration and Customs Enforcement (ICE). “Unwitting silent parole” allows the FBI to issue foreign nationals a document that looks to them like a visa but in fact grants them permission to enter the country only for the Bureau’s purposes. It was most likely that Asgari did not have a real visa to enter the U.S.

Before the proceedings began for his criminal case, Asgari and his attorneys obtained copies of the 2013 and 2015 search warrants. They saw the FBI had secured the wiretap warrants based on little more than Asgari’s nationality.

To support the trade-secrets charge, prosecutors presented e-mails that Asgari had sent or received. But the data in the e-mails were either erroneous, banal, or in the public domain.

Such was the heart of the prosecution: a recipe Asgari never asked for and never used, a faulty data set, and a student’s amateurish grant proposal that went nowhere. The visa and wire-fraud counts were similarly flimsy. The defense filed a motion to dismiss all charges. The presiding judge granted it.

The prosecution, evidently sensing that the case was not going its way, had quietly informed ICE that it no longer wished to defer Asgari's deportation: the agency could come collect its prisoner.

The turn of events was stunning. Asgari had just been acquitted in a fair trial before a federal judge, but would end the day in prison. The time was November 2019. By all appearances, the government was acting out of vindictiveness.

Asgari was placed under ICE custody for seven months. There would be no public documents, no legal hearings. His federal defenders could not help him. Asgari was infected by COVID-19 but recovered. One of his guards died.

Asgari returned to Iran in early June 2020. He had meant to return to Iran the way he had left it—as a cosmopolitan scientist, beholden to nothing more absolute than reason or more fundamental than the atom. “I do not like to be swapped,” Asgari had told Laura when the idea first arose. “I wanted to win this case in an American court, before an American judge and jury. Because I knew I hadn't done anything wrong.”

3. Launch of Anti-Racial Profiling Project

a. John Yang, Advancing Justice | AAJC

- [Anti-Racial Profiling Project](#)

- 2020/10/06 [Press Briefing to Launch of Anti-Racial Profiling Project](#) (video 52:28)

- 2020/10/07 [Anti-Racial Profiling Project Launch webinar](#) (video 1:00: 49)

John announced the launch of the Anti-Racial Profiling Project with a press briefing on October 6, to be followed by a project launch webinar on October 7. From the development of a concept by Frank Wu, to the seed funding by Clarence Kwan and others, and the assembly of a talented staff, John and Advancing Justice | AAJC have taken on a tremendously valuable project for the good of the Asian American community. The Anti-Racial Profiling Project will provide resources and legal referrals to those impacted by the U.S. government's increased targeting, profiling, and criminalization of Asian American and Asian immigrant scientists, scholars, and researchers, particularly those of Chinese descent. Moreover, Advancing Justice | AAJC will advance the rights of Asian Americans and Asian immigrants through policy and advocacy efforts to establish long-term solutions to address this issue.

4. Start of a Webinar Series on the “China Initiative”

a. 2020/09/30 Inaugural Webinar: [The Human and Scientific Costs of the “China Initiative”](#)

b. 2020/10/01 Wall Street Journal: [U.S. Probes of Chinese Researchers Draw More](#)

Organized Opposition

c. The Organizing Partners

- Speaker: **Yen Marshall**, National Executive Director, APAPA

- Speaker: **Mike German**, Fellow, Brennan Center for Justice at NYU Law School

- Speaker: **John Yang/Gisela Kusakawa**, Advancing Justice | AAJC

- Speaker: **Jinliang Cai/Haipei Shue**, United Chinese Americans (UCA)

- Speaker: **Jeremy Wu/Steven Pei/Vincent Wang**, APA Justice

Yen introduced APAPA, which is headquartered in Sacramento, California. The APAPA mission is to empower Asian and Pacific Islander Americans through education, leadership and active participation in civic and public affairs. Founded in 2001, APAPA has grown into a nationwide organization with over 20,000 members, 30 chapters in California, Washington D.C., New York, Florida, Texas, Nevada, Washington and Massachusetts.

APAPA has joined four organizing partners led by the Brennan Center, Advancing Justice | AAJC, APA Justice, and UCA to produce a series of webinar to raise awareness of a growing number of federal investigations and prosecutions targeting Asian American and Asian immigrant scientists, researchers, and scholars particularly of Chinese descent. It examines the ramifications of the government's misguided scrutiny and profiling of Chinese Americans and Chinese immigrants through the "China Initiative" and other government efforts on the civil rights of countless members of the Asian American community, as well as the consequences for the broader American society and our democracy. This series will not only provide in depth insight from experts across different fields (science, immigration, criminal, employment, etc.), but also uplift the voices of impacted persons sharing the immeasurable harm to many Americans such as Dr. Wen Ho Lee, Sherry Chen, Dr. Wei Su, and Dr. Xiaoxing Xi.

The inaugural webinar titled The Human and Scientific Costs of the "China Initiative" was held on September 30, featuring Steven Chu, Nobel Laureate, former Energy Secretary and professor of Stanford University; Margaret Lewis, professor of Seton Hall University Law School; and John Yang of Advancing Justice | AAJC. The webinar was moderated by Mike German, Fellow at the Brennan Center. More than 900 individuals registered for the webinar. Facebook live streaming was activated to accommodate the overflow of participants. The following day Wall Street Journal published a report titled U.S. Probes of Chinese Researchers Draw More Organized Opposition, quoting the event as the pre-trial hearing of the case of Kansas University professor Franklin Tao started,

5. Catch-up on all developments

- Website: <https://www.apajustice.org/>
- LinkedIn: <https://www.linkedin.com/groups/12395028/>
- Facebook: <https://www.facebook.com/groups/386238778398753/>

6. Next Call

a. Next Call: **2020/11/02**

- Daylight savings time ends on 2020/11/01
- Election Day is 2020/11/03. Please VOTE!!!

Email Jeremy Wu at Jeremy.S.Wu@gmail.com or Vincent Wang at wang177@gmail.com to submit agenda items. Thank you.