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THE FOURTH AMENDMENT

*The right of the people to be
secure in their persons,
houses, papers, and effects,
against unreasonable
searches and seizures, shall
not be violated, and no
Warrants shall issue, but
upon probable cause,
supported by Oath or
affirmation, and particularly
describing the place to be
searched, and the persons or
things to be seized.*

Dear Representative Judy Chu,

Baimadajie Angwang, a New York City police officer, U. S. citizen and Marine Corps veteran, [was arrested in September 2020](#), charged with acting as an illegal agent of the Chinese government and jailed pre-trial for six months. He was accused of providing intelligence on local Tibetans to agents at the Chinese consulate. He was also accused of lying on security forms and questioned as to whether his citizenship forms were predicated on false claims (formally charged as [wire fraud, obstruction, and making false statements](#)).

In January 2023, a federal judge [dismissed the charges](#) against him. Prosecutors moved to [dismiss the indictment](#) “in the interests of justice” because of “additional information bearing on the charges.” The additional information has yet to be publicly released. This was after he spent months incarcerated in Brooklyn’s Metropolitan Detention Center, where he experienced inhumane conditions, including the withholding of medical treatment. Officer Angwang was called “the definition of an [insider threat](#)” by the head of NY’s FBI office, but they later quietly dropped all charges against him.

The explanation lies in a [shoddy national security case](#) largely hidden from Officer Angwang, his defense, and the public. The prosecution relied on recorded phone calls between Angwang and Chinese consular officials. The prosecution called these conversations nefarious, but deeper scrutiny revealed them to be nothing more than Officer Angwang’s efforts to maintain a positive relationship with the consulate, whose help he needed to obtain a visa to visit his parents in China. However, the recording of consular phone conversations raises serious Fourth Amendment and privacy concerns, because there seemed to have been no probable cause for seizing and searching communications involving Officer Angwang.

As of now, Officer Angwang has not been reinstated to the NYPD, despite all charges being dropped by the prosecutor months ago. He was suspended without pay and risks losing his home. Unfortunately, and unjustly, Officer Angwang’s case is one of many. Since the Department of Justice and FBI launched the China Initiative in 2018, AAPI Americans have fallen victim to faulty accusations of espionage and fraud. Over the same time period, there has been a [71% rise in incidents of violence](#) against Asian Americans. Cases like Officer Angwang’s feed a racist and xenophobic mythos that paints Asian Americans as inscrutable spies. Representative Chu, the first Chinese American woman elected to Congress, [has spoken out against this xenophobic treatment](#), and we applaud her efforts. We hope that she will speak out in support of Officer Angwang.

The clandestine surveillance and subsequent legal attacks on Asian Americans prompt a broader discussion about surveillance reform. Recently, [we signed onto a letter](#) along with 50+ other Asian American and allied organizations opposing the reauthorization of FISA Section 702 without comprehensive reforms. Examples abound of national security being deployed as an excuse to target, scapegoat, and repress Asian Americans: Japanese internment during WWII, the violent treatment and invasive surveillance of Muslim-Americans post 9/11, and now, the China Initiative, which has been suspended, but [which continues to harm those engaging in scientific and academic activities](#).

In supporting Officer Angwang, we also ask that you bring attention to the myriad ways Asian Americans are the target of warrantless surveillance under Section 702 of the Foreign Intelligence Surveillance Act and Executive Order 12,333. These authorities allow the government to acquire communications of foreigners abroad. However, Americans in contact with foreign nationals inevitably have their communications swept up in this surveillance dragnet. Since evidence gathered in the interest of “national security” is classified, Officer Angwang and others have no opportunity to dispute it and their reputation is therefore ruined even when charges are mysteriously dismissed. In the absence of pro-privacy, pro-Fourth Amendment legal safeguards, the intelligence community has [relentlessly abused its authorities](#).

Officer Angwang’s NYPD administrative trial is scheduled for September 26th. This court is notorious for its biased treatment in favor of the NYPD. The presiding judge in the administrative court is an employee of the NYPD. This is a modern-day kangaroo court. NYPD's protocols, on this as on many other matters, set the tone for police department protocols across the country. We all need this unjust treatment to not become the norm. Officer Angwang needs vocal, public support to ensure a fair judicial process. His trial is public, which means that the more people watch across the country, the more momentum we can build behind Angwang’s case. We seek justice for Officer Angwang, and call attention to the broader abuses committed by U.S. intelligence officials.

We urge you to:

- a) Write to the Administrative Court and Police Commissioner at the address below, to explain the broader context and articulate your concerns;**
- b) Speak out publicly against the unjust and unfair targeted surveillance of Asian Americans, including Officer Angwang; and**
- c) Support reforms in Congress that would reduce the chance of such incidents happening in the future.**

Sincerely,

Restore the Fourth

Please send your letter to the Administrative Court to the address below. Thank you.

Deputy Commissioner of Trials
Rosemarie Maldonado
1 Police Plaza
New York, NY 10038

Police Commissioner
Edward A. Caban
1 Police Plaza, Room 1400
New York, NY 10038