

AAS:MTK
F. #2019R00929

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

BAIMADAJIE ANGWANG,

Defendant.

COMPLAINT AND
AFFIDAVIT IN SUPPORT
OF ARREST WARRANT

(18 U.S.C. §§ 951(a), 1001(a)(3), 1343,
1512(c))

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EASTERN DISTRICT OF NEW YORK, SS:

STEVEN DECK, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such.

COUNT ONE

(Acting as an Agent of a Foreign Government
Without Prior Notification to the Attorney General)

In or about and between May 2018 and the present, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant BAIMADAJIE ANGWANG did knowingly act in the United States as an agent of a foreign government, to wit: the People's Republic of China, without prior notification to the Attorney General of the United States, as required by law.

(Title 18, United States Code, Section 951(a))

COUNT TWO
(Wire Fraud)

In or about May 2019, within the Eastern District of New York, the defendant BAIMADAJIE ANGWANG did knowingly and intentionally devise a scheme and artifice to defraud the U.S. Department of Defense, and to obtain money and property from the U.S. government by means of one or more materially false and fraudulent pretenses, representations and promises, and for the purpose of executing such scheme and artifice, did transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce, writings, signs, signals, pictures and sounds, to wit: electronic transmission of a materially false SF-86C Questionnaire for National Security Positions.

(Title 18, United States Code, Section 1343)

COUNT THREE
(False Statements)

On or about May 17, 2019, within the Eastern District of New York, the defendant BAIMADAJIE ANGWANG did knowingly and willfully make or use one or more materially false, fictitious and fraudulent writing or document, in a matter within the jurisdiction of the executive branch of the Government of the United States, to wit: the making of false statements on an SF-86C Questionnaire for National Security Positions, to include: (1) ANGWANG's representations that he had no contact with members of a foreign government since his last SF-86 Questionnaire for National Security Positions, when in fact ANGWANG had extensive contacts with government officials from the People's Republic of China during the covered period; and (2) ANGWANG's representations that he had no continuing contact with a foreign national with whom he was bound by affection, influence, common interests or obligations, when in fact ANGWANG was in contact with family

members in the People's Republic of China, some of whom were affiliated with the People's Liberation Army ("PLA").

(Title 18, United States Code, Section 1001(a)(3))

COUNT FOUR
(Obstruction of an Official Proceeding)

On or about May 17, 2019, within the Eastern District of New York, the defendant BAIMADAJIE ANGWANG did corruptly obstruct, influence, or impede an official proceeding, and attempted to corruptly obstruct, influence, or impede an official proceeding, to wit: ANGWANG's U.S. Department of Defense national security background investigation.

(Title 18, United States Code, Section 1512(c))

The source of your deponent's information and the grounds for his/her belief are as follows:

1. I have been a Special Agent with the Federal Bureau of Investigation ("FBI") for approximately three years. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file; and from reports of other law enforcement officers involved in the investigation. Unless specifically indicated, all conversations and statements described in this affidavit are related in sum and substance and in part only. Because this affidavit is being submitted for the limited purpose of establishing probable cause, I have not described all of the relevant facts and circumstances of which I am aware.

I. The Defendant and Relevant Entities

2. The defendant BAIMADAJIE ANGWANG (“ANGWANG”) is a 33-year-old ethnic Tibetan native of the People’s Republic of China (“PRC”) and a naturalized U.S. citizen who resides in Williston Park, New York in the Eastern District of New York. ANGWANG initially traveled to the United States on a cultural exchange visa. ANGWANG overstayed a second visa and eventually sought asylum in the United States on the basis that he had allegedly been arrested and tortured in the PRC due partly to this Tibetan ethnicity.

3. ANGWANG is employed by the New York City Police Department (“NYPD”). During the relevant time period, ANGWANG has been assigned to the 111th precinct in Queens. ANGWANG has served as a patrol officer and member of the precinct’s crime prevention team. He is currently assigned to the community affairs unit where his duties include, among other things, serving as a liaison between the NYPD and the community served by the 111th precinct.

4. ANGWANG is also employed by the U.S. Army Reserve (“USAR”). As a member of the USAR, ANGWANG currently holds the rank of Staff Sergeant and is stationed at Fort Dix, New Jersey in an Airborne Civil Affairs battalion. ANGWANG is a Civil Affairs Specialist whose duties and responsibilities include advising the command on the tactical and operational deployment of Civil Affairs teams. Among other things, ANGWANG assists in planning, training, advising and executing civil-military programs. In connection with his role in the USAR, ANGWANG holds a “SECRET” level security clearance.

5. The PRC Consulate in New York, New York (the “Consulate”), is a diplomatic establishment that provides consular services to the PRC and foreign citizens in the New York area. PRC personnel stationed at the Consulate include officials from various arms of the PRC government.

II. ANGWANG’s Relationship with the PRC Consulate in New York

6. Since approximately 2018 to the present, ANGWANG has maintained a relationship with at least two PRC officials stationed at the Consulate (hereinafter “PRC Official-1” and “PRC Official-2,” respectively). PRC Official-2 is believed to have been assigned to the “China Association for Preservation and Development of Tibetan Culture,” a division of the PRC’s United Front Work Department (“UFWD”). This Department is responsible for, among other things, neutralizing sources of potential opposition to the policies and authority of the PRC. To achieve these goals abroad, the UFWD seeks to co-opt ethnic Chinese individuals and communities living outside the PRC. The UFWD officials often meet with local association groups whose purpose is to, among other things, connect Chinese emigrants from common geographic areas and ethnic backgrounds. The UFWD’s purpose in meeting with these groups is to secure political, moral and financial support for the PRC and to maintain control over potentially problematic groups, such as religious and ethnic minorities.

7. Recorded conversations have revealed PRC Official-2 has been a “handler” of ANGWANG; in other words, ANGWANG received tasks from, and reported back to, PRC officials. From August 21, 2014, through August 11, 2017, ANGWANG called and texted PRC Official-1’s cellular telephone on at least 53 occasions. From in or

about and between June 2018 through March 2020, ANGWANG has both called and texted PRC Official-2's cellular telephone on at least 55 occasions.

8. ANGWANG is of Tibetan ethnicity. Tibet is an autonomous region in the PRC. The region has historically been the home to ethnic Tibetans, among others, as well as the spiritual home of Tibetan Buddhism and the traditional seat of the Dalai Lama. In 1951, the PRC occupied Tibet and took control of the region. Since that time, there has existed a Tibetan independence movement that calls for the independence of Tibet and political separation from the PRC. The independence movement is largely supported by the diaspora of ethnic Tibetans worldwide, including those in the United States. Thousands of Tibetans are believed to have been killed by the PRC during periods of repression and martial law in the region. The PRC has referred to Tibetans as one of "the five poisons" threatening the stability of the PRC.

9. The investigation has revealed that ANGWANG, while acting at the direction and control of PRC officials, has, among other things, (1) reported on the activities of ethnic Tibetans, and others, in the New York metropolitan area to the Consulate, (2) spotted and assessed potential ethnic Tibetan intelligence sources in the New York metropolitan area and beyond, and (3) used his official position in the NYPD to provide Consulate officials access to senior NYPD officials through invitations to official NYPD events. None of these activities falls within the scope of ANGWANG's official duties and responsibilities with either the NYPD or the USAR.

10. In performing these activities, ANGWANG did not notify the Attorney General that he was acting as an agent of the PRC. The U.S. Department of Justice Foreign

Agents Registration Unit has confirmed that there are no records associated with ANGWANG.

III. ANGWANG's Acts Under the Direction and Control of PRC Official-2

11. Since in or about June 2018, ANGWANG has been in frequent communication with PRC Official-2, whom he regularly refers to as "Boss." For example, on or about September 4, 2018, ANGWANG called PRC Official-2. During this telephone call, PRC Official-2 invited ANGWANG to the Consulate's "National Day" reception.¹

12. On or about October 30, 2018, ANGWANG called PRC Official-2. During the call, PRC Official-2 stated that PRC Official-2 was busy writing mandatory year-end reports. ANGWANG replied that PRC Official-2 had done great work and, accordingly, there should be a lot to write in the report. ANGWANG also inquired if the reports written by officials within the Consulate were the same type of reports written by PRC-based officials, to which PRC Official-2 stated that they were. ANGWANG stated that he was familiar with these reports because his mother used to write similar reports in the PRC.

13. During this same call, ANGWANG advised PRC Official-2 about a new Tibetan community center located in Queens. ANGWANG suggested that ANGWANG and PRC Official-2 should visit the community center together. After PRC Official-2 expressed concern, ANGWANG stated, "if it's good or not, you need to know about this for your work's sake. They are the biggest venue for activities right now. If they are involved with politics, then in the future more than half of the meetings might take place

¹ National Day is a Chinese holiday that celebrates the establishment of the PRC.

there.” I believe that the purpose of a proposed visit to the community center was twofold: (1) ANGWANG was advising PRC Official-2 to visit the community center in order to maintain visibility on the activities of ethnic Tibetans in the New York area; and (2) ANGWANG was advising PRC Official-2 that visiting the community center would assist in spotting and assessing potential intelligence recruits or sources within the Tibetan community.

14. Later in the call, PRC Official-2 complimented ANGWANG on his promotion within the NYPD. ANGWANG informed PRC Official-2 that ANGWANG was preparing to take a promotional exam and that ANGWANG was “taking [the exam] . . . for the people back home.” PRC Official-2 agreed that “there’s a whole bunch of people looking at you.” ANGWANG offered that his position within the NYPD was valuable to the PRC because ANGWANG could provide NYPD information to the Consulate.

15. On or about November 19, 2018, PRC Official-2 called ANGWANG. During the call, ANGWANG asked whether PRC Official-2 wanted to attend NYPD events “to raise our country’s soft power” and also elevate PRC Official-2’s position within the PRC community. PRC Official-2 expressed interest. ANGWANG further offered:

The Consulate does not know too clearly the workings and operations within the police department. And then because of the sensitivity of a diplomat’s position . . . then this, now, if it’s like this, I’m thinking of how to, how to use this opportunity, to use our er . . . one is to let the consulate to feel like us before . . . the wishes are the same as my wishes.

In other words, ANGWANG informed PRC Official-2 that ANGWANG could provide non-public information regarding the internal operations of the NYPD. In the same call, ANGWANG indicated that he wanted PRC Official-2 to advance to a position of prominence

“in Beijing” and that he would “wait for your invitation.” Specifically, ANGWANG stated:

ANGWANG: It’s true. In the future--in the future, after you get a whatever position in Beijing, I will wait for your invitation.

PRC OFFICIAL-2: Beijing, that place is too awesome.

ANGWANG: You, you do well here, gradually, gradually you will move up, when the time comes.

PRC OFFICIAL-2: It’s not that easy. Beijing, that place, smart people there indeed.

ANGWANG: Patience, patience, anyway, the future belongs to the young. You’re so young.

PRC OFFICIAL-2: Right, right, right, right.

ANGWANG: These things, anyway, we can chat about them the next time we meet.

PRC OFFICIAL-2: Fine, fine, fine.

ANGWANG: Yup, yup. This way, it makes you a fixed, a fixed, invited person for us. They will know your relations with here--here is good. In other words, let them know, you have recruited one in the police department.

PRC OFFICIAL-2: Mmm.

ANGWANG: To give them this impression.

PRC OFFICIAL-2: Mmm.

ANGWANG: How to support your work, to boost you, that, that, that’s one of my requests.

PRC OFFICIAL-2: [Laughs]

ANGWANG: That’s necessary, that’s necessary. It’s necessary, necessary to support you.

16. During this same call, ANGWANG asked PRC Official-2 about his development of sources and the need to “develop” Catholics, Muslims or those of Hui ethnicity in the Tibetan community. ANGWANG further stated:

ANGWANG: Because, because I’m thinking, their, that bujie xiongdan group, and others, you are not getting anywhere developing them.

PRC OFFICIAL-2: Right, they are all . . . right.

ANGWANG: Same type people, in their heart, they obviously want to connect with you, but then they are afraid of getting yelled at when they go back.

PRC OFFICIAL-2: Right, right, right, right, right.

ANGWANG: I’m thinking, I’m thinking, the whole world is promoting diversity.

PRC OFFICIAL-2: Right, right, right, right, right.

ANGWANG: I’m thinking, do you want to diversify?

PRC OFFICIAL-2: Yes, yes, yes.

ANGWANG: Diversity, we will seek out these people.

PRC OFFICIAL-2: If you have friends, people you know, we can meet up.

ANGWANG: Right!

PRC OFFICIAL-2: If they go back in the future, they have go through me here anyway.

ANGWANG: They are a group that has been discriminated against and neglected in the Tibetan community.

PRC OFFICIAL-2: [Laughing] Really?

ANGWANG: Right?

PRC OFFICIAL-2: Right, right, right. They don't believe in Tibetan Buddhism.

ANGWANG: They don't believe in Tibetan Buddhism. When the Consulate extends a helping hand to them, they will feel the warmth of the motherland. How wonderful would that be?

PRC OFFICIAL-2: Trust in the government. Right, right, right.

The Tibetan group “bujie xiongdan” referenced by ANGWANG has historically been marginalized by the Tibetan people due to, among other reasons, their non-traditional religious beliefs. Thus, in this exchange, ANGWANG suggested that PRC Official-2 develop this group of people as intelligence sources within the Tibetan community in New York because they “have been discriminated against and neglected in the Tibetan community,” and would be more likely to assist the Consulate if they “feel the warmth of the motherland.” Additionally, PRC Official-2 directed ANGWANG to bring members of this community to meet with PRC Official-2 because “if they go back [to the PRC] in the future, they have go through me here anyway.” In other words, if members of the “bujie xiongdan” community wanted to return to the PRC, PRC Official-2 held the authority to grant or deny travel visas. ANGWANG also discussed the utility of developing sources for the PRC government in the local Tibetan community and suggested that the primary qualification for a source as follows: “If you're willing to recognize the motherland, the motherland is willing to assist you with its resources.” PRC Official-2 directed ANGWANG to further spot and assess additional intelligence sources in the Tibetan community in New York, “I think more contacts is good as long as they're Tibetan.”

The comment that “the motherland is willing to assist you with its resources” indicated that intelligence sources will be compensated by the PRC for information that they provide about the Tibetan community in the United States. ANGWANG also talked about the importance of Tibetan intelligence assets seeking out PRC Official-2, rather than PRC Official-2 seeking out the assets, stating “we’ll do a reverse direction development.”

17. On or about December 12, 2018, PRC Official-2 called ANGWANG. ANGWANG asked, “For your work, is there anything else that I can do?” Referring to PRC Official-2 as a “big brother,” ANGWANG further indicated that he was willing to assist without the expectation of payment, stating “whatever is worth money or not worth money to your side.”

18. Later in the call, ANGWANG invited PRC Official-2 to the NYPD’s annual Asian Jade banquet. After PRC Official-2 expressed concern, ANGWANG indicated that the Consulate “should be happy instead . . . because, because you have extended your reach into the police department.” ANGWANG later again indicated that he himself was a PRC asset, stating that “even if, even if, even if they deny you in the end for whatever reason, but at least let them know, hey, you have someone in the police department here now.”

19. On or about February 13, 2019, ANGWANG called PRC Official-2, greeting him as “Boss.” ANGWANG described a U.S. citizen of Tibetan ethnicity who ran for office during the previous election cycle. ANGWANG stated that although the campaign was unsuccessful, the individual apparently planned to run for political office again sometime in the future. ANGWANG indicated, “I think this person, this person has a very good political future,” and provided PRC Official-2 biographical details about the

individual, including his past employment history and information about his family members. ANGWANG further indicated, “So, if this person, if this person can get elected, he can, you can organize a trip to tour China. I think this news would generate very positive effects.” PRC Official-2 agreed, “Right, right, right. Let’s see when the opportunity arises.” ANGWANG assessed that the former political candidate would make a good intelligence source, “But the things he said about China, uh, are not that extreme. I think, I think he is someone that is worth being associated with. He’s not the type that would shut off all communications.” PRC Official-2 directed ANGWANG, “Send it to me first. I’ll take a look. I’ll see if other Tibetans know him.”

20. On or about February 15, 2019, ANGWANG advised PRC Official-2 that a meeting was being held at a Tibetan community center in Queens, New York. ANGWANG informed PRC Official-2, whom he referred to as “Boss,” that he did not have time to attend the meeting, which was not being held in a convenient location. ANGWANG wanted to give PRC Official-2 a “heads up” before not attending the meeting. PRC Official-2 stated that he did not think it was suitable for him [PRC-Official-2] to attend the meeting. ANGWANG stated that he wanted to bring glory to the PRC because:

On our passport, the birth place says China, others see it. Must bring glory to the Chinese. We must take exams. If I don’t keep climbing up, I might as well be a government employee in China. It’s very good to be government employees in our area.

21. On or about May 7, 2019, PRC Official-2 called ANGWANG. During the conversation, ANGWANG inquired about the Consulate issuing a PRC travel visa valid for a period of ten-years. PRC Official-2 responded that, due to ANGWANG’s Tibetan ethnicity, the Consulate would only be able to issue ANGWANG a standard visa.

ANGWANG then stated, “right, but, but, but I am just thinking that since . . . because, because if it’s like this, you can lead more people to be . . . enthusiastic.” It appears that ANGWANG suggested that issuing ten-year visas to Tibetans in the United States might assist their recruitment as intelligence assets.

22. Later, PRC Official-2 advised ANGWANG that, if ANGWANG were to change his ethnicity to non-Tibetan on PRC documentation, it might be possible for ANGWANG to receive a ten-year visa. ANGWANG stated “like us . . . like us . . . it’s hard to find people like us . . . so enthusiastic,” suggesting that he should receive preferential treatment because he is assisting the Consulate with intelligence gathering. ANGWANG continued:

ANGWANG: People like us . . . the 100 percent type. If it keeps going like this, seriously, it makes people disappointed.

PRC OFFICIAL-2: Right, right, right now this . . . the visa matter, would make people feel uncomfortable.

ANGWANG: Right, right, right, now this . . . doing so much work, but at the end it’s just, “oh ok.”

PRC OFFICIAL-2: Right, right, right. Sure, sure, sure.

ANGWANG: It’s ok, it’s ok, it’s ok. Work on it slowly.

PRC OFFICIAL-2: This . . . research is slowly, right. We . . . whenever I go back to a meeting or what not, I’ll slowly push this matter upwards.

ANGWANG: Right, because I feel that . . .

PRC OFFICIAL-2: Will mention, mention it more often.

ANGWANG: Right, because I feel if they can do like this, they can actually attract more people to be more enthusiastic.

PRC OFFICIAL-2: Right, right, right.

ANGWANG: Actually, actually, actually, it's like a credit card. Depends on your credit.

PRC OFFICIAL-2: Hmm.

ANGWANG: Right? If you have good credit, right? You can do this and that. Ok, of course, if you have a higher score . . . yea, I feel if you can establish that, that would be great.

PRC OFFICIAL-2: Hmm.

ANGWANG: Also, to maneuver everyone, hey look at that, if you do this, then you can do this and that. A lot of people will.

PRC OFFICIAL-2: Right, right, right.

ANGWANG appears to again be advising PRC Official-2 that individuals who conduct intelligence gathering for the Consulate should be rewarded with ten-year visas as incentive for continued intelligence gathering activities.

23. On or about November 14, 2019, ANGWANG called PRC Official-2.

ANGWANG greeted PRC Official-2 as "Boss" and stated that he been assigned to the NYPD "community liaison" unit, which he described as a "promotion" with increased responsibility. PRC Official-2 stated, "Right, right, right. When you, you move up, you will definitely be busier, and have more opportunities in the future, right?" ANGWANG responded, "that's true . . . yes, yes, my goal in doing this is to create more opportunities for the people after me." PRC Official-2 appears to have inferred that ANGWANG, in his new

role as a community liaison, would have more access to potential intelligence sources in the future.

24. During the same conversation, ANGWANG informed PRC Official-2 that the NYPD had asked ANGWANG, given his Chinese ethnicity and fluency in the Mandarin dialect, to conduct an interview with an anti-PRC news organization about his experiences in the police department. The following exchange took place:

ANGWANG: Do you know about the New Tang Dynasty Television?

PRC OFFICIAL-2: NTDTV, isn't that part of Falungong²?

ANGWANG: Right, right, right, right. NTDTV, NTDTV has approached our police department and said that they want to interview an ethnic Chinese policeman, who is er, rather, rather presentable in front of a camera.

PRC OFFICIAL-2: Oh.

ANGWANG: Then the police headquarters approached me, the NTDTV has a program called "Xiaotian Interview."

PRC OFFICIAL-2: Oh, oh.

ANGWANG: It's a five to six minute program.

PRC OFFICIAL-2: Oh.

ANGWANG: What they have in mind is . . . to go over there and . . . hold on . . . I, I, haven't agreed

² Falungong is an anti-PRC spiritual group which the PRC banned in 1999 and has labeled an "evil cult." Publicly available sources show that the PRC considers Falungong, along with Tibetans, Uighur Muslims, democracy activists and pro-independence Taiwanese, one of the "five poisons" that constitute the greatest threat to PRC rule.

to it yet. I have here, here what they specifically want to talk about. I say, I don't dare be too reckless with this matter. You know, you know, with People's Daily³, that's no problem. With this, if I mistakenly go, you may not be able to explain it.

PRC OFFICIAL-2: This, this, this is too much of a risk.

ANGWANG: Yes, what they say here is . . . you can er, talk about your experience being a policeman, how to nurture and improve your quality of being a policeman.

In other words, ANGWANG sought permission from PRC Official-2 to participate in an interview with New Tang Dynasty Television ("If I mistakenly go, you may not be able to explain it."). The conversation continued as follows:

PRC OFFICIAL-2: Right. This . . . I think you absolutely shouldn't do it.

ANGWANG: It's better to avoid it, right?

PRC OFFICIAL-2: This, this . . . the cost is too high.

ANGWANG: Yes, yes.

PRC OFFICIAL-2: Because NTD, China is totally against it.

ANGWANG: Yes, yes.

PRC OFFICIAL-2: Their people [unintelligible] on the list.

ANGWANG: Yes, yes.

PRC OFFICIAL-2: In the future, if you want to go back or something, it will have an enormous impact.

³ The People's Daily is the largest newspaper group in the PRC. It is the official newspaper of the PRC and is published worldwide.

ANGWANG: Yes, yes, yes, I am afraid of

PRC OFFICIAL-2: It puts you into that category . . . no need for that, see if there's someone else.

ANGWANG: Yes, yes.

. . . .

PRC OFFICIAL-2: Anyway, this . . . right, right, right. Give them a reason . . . can you come up with a suitable one to give them? If there's any conflict of interest . . .

ANGWANG: Yes.

PRC OFFICIAL-2: Like, if your wife is connected with China, and then your families are over there. China views FLG [Fulangong] extremely, er, you know.

ANGWANG: But, but, but, there is another thing. They normally, normally, when we do press conferences and crime prevention things with the Chinese, when all the Chinese media come, they would also come. That shouldn't be a problem right?

PRC OFFICIAL-2: They come, that's not a problem. You cannot block them from coming. It's freedom of the press.

ANGWANG: Yes.

PRC OFFICIAL-2: They have the freedom to come. But once you go on their program, China does not differentiate whether you are FLG or not. They hear you were there, on their program . . .

ANGWANG: Got it.

PRC OFFICIAL-2: You will be put into that category. That will be troublesome.

ANGWANG: Got it, got it.

PRC OFFICIAL-2: Umm, definitely don't.

ANGWANG: Got it, got it, got it, got it. They . . .

PRC OFFICIAL-2: Find a good reason that's suitable.

ANGWANG: Yes, yes, yes. The [NYPD] publicity section's thinking is that you look rather good in front of the camera, so you go participate. Then I thought about it, you know, this thing, I, I have to first ask you because it is too sensitive.

PRC OFFICIAL-2: It is too sensitive. China has not eased up on FLG.

Thereafter, PRC Official-2 again reiterated, "Absolutely don't go on it." After ANGWANG stated that he would "think of a perfect excuse," PRC Official-2 suggested giving other NYPD officers an opportunity to speak with New Tang Dynasty Television.

25. On or about January 1, 2020, ANGWANG called PRC Official-2 and stated that ANGWANG had informed his NYPD superiors that he did not wish to participate in the interview with New Tang Dynasty Television. The investigation has confirmed that ANGWANG did not participate in an interview with New Tang Dynasty Television.

26. During the November 14, 2019 conversation, ANGWANG further informed PRC Official-2 that certain U.S. citizens of Tibetan ethnicity were working in the offices of elected officials in New York. ANGWANG suggested that certain staff members of these elected officials could potentially use their access to elected officials to promote anti-PRC positions in their electoral districts:

ANGWANG: Also, also, don't know if you are aware of this, there are several young people now, they are, are, are, are people from Changbai

[PH]. These few young people are now working at the offices of elected government officials.

PRC OFFICIAL-2: Oh, oh.

ANGWANG: So they are rather active. Don't know if you are aware of this. Just be aware of this.

PRC OFFICIAL-2: Oh, oh. I don't know about this too much. Guess this is a normal situation. They live here and do this work.

ANGWANG: There is this kind. But what I'm saying is, sometimes, sometimes, the community may want to go through them, to use the channel provided by their working in these offices, and say certain things to these elected officials.

PRC OFFICIAL-2: Oh, oh.

ANGWANG: Things that shouldn't have been said.

PRC OFFICIAL-2: Right, right, right.

ANGWANG: I'm saying that these may happen. I just want to let you . . .

PRC OFFICIAL-2: Oh, ok, ok, ok.

ANGWANG: Let you know. Just be aware of it. There are several of them. They are mainly, mainly, mainly, in Queens, at the Queens area state legislator's office. These offices all have our people working there, because our population is getting larger. They hire them to pull in more votes, to pull in more votes.

PRC OFFICIAL-2: Oh, oh.

ANGWANG: This way they can pull in more votes.

PRC OFFICIAL-2: Hmmm.

ANGWANG: That's why. But I also feel that some community groups may use their relationships to associate with them, to chant slogans, to utter nonsense. They may, may, may create more work for you.

27. On or about December 11, 2019, ANGWANG called PRC Official-2 to ask for advice on the creation of his official NYPD business cards. ANGWANG stated that the card should indicate that ANGWANG spoke Chinese. To that end, ANGWANG inquired of PRC Official-2 if the business card should state that ANGWANG speaks "Chinese," or more specifically the Mandarin dialect. PRC Official-2 responded that the card should read "Chinese." Later in the call, ANGWANG and PRC Official-2 mutually decided that the card should reflect fluency in "Chinese, Tibetan."

IV. ANGWANG's Additional Ties to the PRC

28. The investigation has revealed that ANGWANG has familial and financial ties to the PRC. ANGWANG's father is a retired member of the PLA and a PRC communist party member. ANGWANG's brother is currently serving as a reservist in the PLA. ANGWANG's mother is a retired government official and also a PRC communist party member. Notably, ANGWANG's father, mother and brother reside in the PRC.

29. Moreover, the investigation has revealed that ANGWANG has financial ties with his family members in the PRC, further revealing his closeness to them. For example, on or about April 20, 2016, ANGWANG wired \$100,000 from a U.S. bank account held in ANGWANG's name to a PRC account held in the name of his brother. On or about May 18, 2016, ANGWANG wired \$50,000 from a different U.S. bank account held in ANGWANG's name to a PRC account held in the name of another individual.

30. ANGWANG has also received multiple substantial wire transfers from the PRC. For example, on or about May 23, 2016, a U.S. bank account held in ANGWANG's name received \$49,985 from an account held in the name of ANGWANG's brother in the PRC. Moreover, on or about January 29, 2014, a U.S. bank account jointly held in the name of ANGWANG and ANGWANG's wife received separate credits of \$50,000 and \$20,000 from an account held in the name of an individual at the Bank of China in New York.

V. ANGWANG's False Statements on his SF-86C

31. In connection with ANGWANG's USAR service, ANGWANG has completed various electronic "Questionnaire[s] for National Security Positions," commonly referred to as "SF-86" forms. These forms are used by federal agencies to initiate the background investigation required to determine placement in sensitive national security positions. In addition, the SF-86 form is used in eligibility determinations for access to classified information; for ANGWANG, the form was necessary for him to receive his "SECRET" level security clearance. One variation of that form, the SF-86C, is used to report any updates or changes to an individual's most recent full SF-86 investigation.

32. On or about July 3, 2014, ANGWANG completed an SF-86 form in connection with his position in the USAR.

33. On or about May 17, 2019, ANGWANG, from a computer located in the Eastern District of New York, digitally signed and electronically submitted an SF-86C also in connection with his USAR status. Block 4 of Form SF-86C stated, "I understand that a knowing and willful false statement on this form can be punished by fine or imprisonment or both (18 U.S.C. 1001)."

34. On that form, ANGWANG was asked the following question:
- Since your last SF-86, have you or any member of your immediate family had any contact with a foreign government, its establishment (such as an embassy, consulate, agency, military service, intelligence or security service, etc.) or its representatives, whether inside or outside the U.S.? If yes, provide the following information: Full name, occupation, employer, approximate date of first contact, methods of contact, frequency of contact, nature of relationship, country of citizenship, telephone number, email address, is this foreign national affiliated with a foreign government, military, security, defense industry, or intelligence service?


ANGWANG falsely answered “No” to this question. As detailed above, ANGWANG has had extensive contacts with two PRC officials at the Consulate during the past six years.

35. On the form, ANGWANG was asked the following:
- Since your last SF-86, do you have, or have you had, close and/or continuing contact with a foreign national with whom you, your spouse, cohabitant, are bound by affection, influence, common interests, or obligations? If yes, provide the following information: Full name, occupation, employer, approximate date of first contact, methods of contact, frequency of contact, nature of relationship, country of citizenship, telephone number, email address, is this foreign national affiliated with a foreign government military, security, defense industry, or intelligence service?

ANGWANG falsely answered “No” to this question. As discussed above, ANGWANG had maintained contact with family members in the PRC including several who are or were affiliated with the PLA.

36. Had background investigators been aware of the full extent of ANGWANG’s contact with foreign government officials, ANGWANG would not have maintained his secret security clearance with the Department of Defense. Furthermore, if the USAR had been aware of the full extent of ANGWANG’s contacts with PRC Official-1 and PRC Official-2, ANGWANG would have been discharged from service in the USAR.

WHEREFORE, your deponent respectfully requests that the defendant BAIMADAJIE ANGWANG, be dealt with according to law. I further request that this affidavit and the arrest warrant be filed under seal as disclosure of this application would give ANGWANG and the PRC Officials an opportunity to destroy evidence, harm or threaten victims or other witnesses, change patterns of behavior, notify confederates, and flee from or evade prosecution.


STEVEN DECK
Special Agent
Federal Bureau of Investigation

Sworn to before me this
19th day of September, 2020 by telephone


THE HONORABLE RAMON E. REYES, JR.
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK