

Know Your Rights

Stop Unfair Treatment of Chinese American Academics and Scientists

Be Safe: Consult an Attorney

If you are approached for a “voluntary interview” by investigators with the Federal Bureau of Investigation or any other law enforcement agency, *you have rights.*

1. You always have the right to remain silent and to an attorney’s assistance.

You are not obligated to answer questions from an FBI or law enforcement agent. Your refusal to talk to the agent may not be used against you if you say, “I want to speak to a lawyer before speaking with you.” Even if you have already started a conversation, you can stop it at any time. Tell the agent you do not want to answer any more questions without a lawyer present and simply ask for their business card.

2. Tell the truth, or remain silent. Lying can be a crime.

It is a felony to knowingly make a false statement to a federal law enforcement agent if it is material to an investigation. Even if the statement is an honest mistake, the government may attempt to characterize it as a knowing lie. The government may also consider what you don’t say a lie if you leave out something important.

Sometimes, forgetting your dates of travel or when you last met or spoke with a particular individual can be used against you as a basis for prosecution. An attorney will work with you to make sure you do not accidentally expose yourself to prosecution in this manner.

3. Asking for an attorney does not make you more suspicious.

Some people mistakenly believe they can prove they are innocent by speaking to federal investigators. This is extremely risky. Federal law

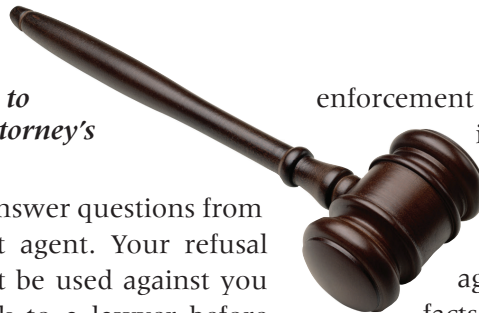
enforcement agents investigating a case have an incentive to find wrongdoing and to prosecute crime. You should speak to an attorney before speaking to the FBI or other law enforcement agencies. An attorney can assess the facts of your situation and advise you on the best way forward. If you speak to agents without legal assistance, you could expose yourself or your friends and family to harm.

4. You are not necessarily in trouble.

Just because an FBI or law enforcement agent has contacted you does not necessarily mean that you have done anything wrong or that you are under investigation. Whatever the circumstances, you should take care to protect your rights.

6. Don’t talk about your religious or political views.

You are not required to discuss your political or religious beliefs with law enforcement agents. Historically, FBI agents have questioned Chinese-American scientists about their views about U.S.-China relations, communism, or the Chinese government. Regardless of your views, they are protected by the First Amendment. It is inappropriate for the federal government to investigate protected viewpoints. More recently, the FBI has been known to question Arab, Middle Eastern, Muslim, and South Asian community members about their religious and political views. If this happens to you, you should contact an attorney.



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7. If you are facing questioning or disciplinary action by your employer, contact an attorney for advice about your rights as an employee.

It is unlawful for your employer to change the terms and conditions of your employment because of your race, national origin, or religion. If you think that your employer is discriminating against you, you should consult an attorney immediately. If you work for a federal government agency, you may be required to file an administrative complaint within 45 days of when the alleged discrimination occurred.

If your employer wants to meet with you to discipline you or take some other adverse employment action against you, ask to have a co-

worker or witness present with you. Be sure to ask the employer for the detailed reasons behind any discipline or change in employment conditions.

Keep a record at home of any incidents of suspected discrimination or harassment, including the dates, times, and witnesses to any such incidents. Keep copies of all important communications, including emails, letters or documents that you send to your employer or that the employer sends to you.

When in doubt, do not sign anything without legal advice. Be wary of documents that require you to waive your right to bring a complaint or that require you to arbitrate disputes with your employer.

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If you have questions or to report an encounter with law enforcement or an example of racial profiling, please contact Yaman Salahi, yamans@advancingjustice-alc.org and (415) 848-7711. Your request for legal advice will be privileged and confidential.