

Exhibit 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

24 MAG 3056

UNITED STATES OF AMERICA

v.

YUANJUN TANG,

Defendant.

SEALED COMPLAINT

Violations of 18 U.S.C. §§ 371, 951,
1001, and 2

COUNTY OF OFFENSE:
MANHATTAN

SOUTHERN DISTRICT OF NEW YORK, ss.:

JOSHUA RAY WILLIS, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation (“FBI”), and charges as follows:

COUNT ONE

(Conspiracy to Act as an Agent of a Foreign Government
Without Prior Notice to the Attorney General)

1. From at least in or about 2018, up to and including at least in or about June 2023, in the Southern District of New York, and elsewhere, YUANJUN TANG, the defendant, and others known and unknown, knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, acting as an agent of a foreign government without prior notification to the Attorney General, as required by law, in violation of Title 18, United States Code, Section 951(a).

2. It was a part and an object of the conspiracy that YUANJUN TANG, the defendant, and others known and unknown, knowingly acted in the United States as an agent of a foreign government, to wit, the People’s Republic of China (“PRC”), without prior notification to the Attorney General, as required by law, in violation of Title 18, United States Code, Section 951(a).

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, YUANJUN TANG, the defendant, and others known and unknown, committed the following overt acts, among others, in the Southern District of New York, and elsewhere:

a. In or about 2022, at the direction of an intelligence officer of the PRC’s Ministry of State Security (“MSS Officer-1”), TANG video-recorded a campaign event organized in Manhattan on behalf of a PRC dissident and human rights activist who was then running for U.S. congressional office in New York City (the “Congressional Candidate”) and transmitted the video to MSS Officer-1 by uploading the video to an email account used by both TANG and MSS Officer-1 (the “MSS Officer-1 Account”).

b. In or about April 2022, at the direction of MSS Officer-1, TANG met with MSS Officer-1 in mainland China, where the MSS installed TANG's phone with what TANG believed to be a "bug" that caused all photographs and videos captured on the phone to be transmitted to the MSS (the "Compromised Phone"). Subsequently, on or about June 2, 2023, in Manhattan, TANG used the Compromised Phone to take a photograph of an event program from the opening of the June 4th Memorial Museum, established in remembrance of the Tiananmen Square massacre, and transmitted the photograph to the MSS.

(Title 18, United States Code, Section 371.)

COUNT TWO

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

4. From at least in or about 2018, up to and including at least in or about June 2023, in the Southern District of New York, and elsewhere, YUANJUN TANG, the defendant, knowingly acted in the United States as an agent of a foreign government, to wit, the PRC, without prior notification to the Attorney General, as required by law.

(Title 18, United States Code, Sections 951(a) and 2.)

COUNT THREE

(False Statements)

5. On or about July 12, 2023, in the Southern District of New York and elsewhere, YUANJUN TANG, the defendant, willfully and knowingly did make materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of the executive branch of the Government of the United States, to wit, during a meeting with Special Agents from the FBI, TANG stated that, on July 11, 2023, he was unable to access an email account through which he regularly exchanged communications with the MSS when, in truth and fact, had TANG successfully logged into the account on July 11, 2023.

(Title 18, United States Code, Section 1001.)

The bases for my knowledge and for the foregoing charges, are, in part, as follows:

6. I am a Special Agent with the FBI, and, as such, I have participated in numerous counterintelligence investigations. Among other things, my duties with the FBI have included investigations involving agents working at the direction of foreign governments without prior notification to the United States. Based on my training and experience, I have become knowledgeable about criminal activity, particularly violations of the federal statutes governing the conduct of foreign agents. I have been personally involved in the investigation of this matter.

7. This affidavit is based upon my own knowledge, my conversations with others, including other law enforcement agents, and my examination of reports and records. Because this Complaint is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

Overview

8. As detailed below, from at least in or about 2018, up to and including at least in or about June 2023, YUANJUN TANG, the defendant, completed tasks at the direction of the PRC's MSS, the PRC's principal civilian intelligence agency. The MSS is responsible for, among other things, the PRC's foreign intelligence, counterintelligence, espionage, and political security functions. MSS intelligence officers have, among other things, targeted and recruited individuals to act on behalf of the PRC in the United States by, among other things, providing information and assistance to the PRC. A photograph of TANG is set forth below:



9. Specifically, TANG regularly provided information TANG had gathered about individuals and groups viewed by the PRC as potentially adverse to the PRC's interests, particularly U.S.-based Chinese democracy activists and dissidents ("PRC Dissidents"), to MSS Officer-1.

10. As part of his work at the direction of the MSS, YUANJUN TANG, the defendant, (i) traveled twice to Macau and once to mainland China between in or about 2019 and in or about 2023 for face-to-face meetings with members of the MSS; (ii) accepted payments from the MSS; (iii) collected information about PRC Dissidents and pro-democracy events in the United States and provided this information to MSS Officer-1; (iv) activated a U.S. phone number for the MSS in or about 2021 and used the number to

help the MSS infiltrate a group chat on Messaging Platform-1 that numerous PRC Dissidents used to communicate about pro-democracy issues; and (v) video-recorded a June 2020 call commemorating the anniversary of the Tiananmen Square massacre in the PRC, conducted by PRC Dissidents using the U.S.-based videoconferencing platform Zoom.

11. The FBI searched six cellphones (the “Tang Phones”) and two computers (the “Tang Computers”) belonging to YUANJUN TANG, the defendant. The FBI also searched the MSS Officer-1 Account and TANG’s personal email accounts (the “Tang Accounts”). The Tang Phones, Tang Computers, MSS Officer-1 Account, and Tang Accounts each contained contact information for MSS Officer-1, communications with MSS Officer-1, and/or information about PRC Dissidents, of the type that TANG admitted providing to his MSS handler.

12. According to database checks run by the U.S. Department of Justice’s Foreign Agents Registration Act (“FARA”) Unit in or about June 2023 and in or about August 2024, YUANJUN TANG, the defendant, has never notified the Attorney General, pursuant to 18 U.S.C. § 951 and its implementing regulations, 28 C.F.R. § 73.3(a), that he has been acting as an agent of a foreign government.

TANG’s Background

13. Based on my review of news articles and other open-source information, and records maintained by U.S. Citizenship and Immigration Services, the New York Department of State, and bank records, I have learned the following, in substance and in part:

a. YUANJUN TANG, the defendant, is a former PRC citizen who was imprisoned in the PRC for his activities as a dissident opposing the one-party authoritarian political system controlled by the Chinese Communist Party (“CCP”), the PRC’s sole ruling party. Among other things, in 1989, TANG participated in the Tiananmen Square protests, a series of student-led demonstrations calling for democracy and political reform that culminated in a deadly military crackdown on June 4.¹

b. In or about 2002, TANG defected to Taiwan and was subsequently granted political asylum in the United States. TANG has since resided in New York City as a naturalized U.S. citizen and has organized regular public demonstrations against the CCP,

¹ See, e.g., US Grants China Dissident Asylum, Taipei Times, Dec. 1, 2022, <https://www.taipetimes.com/News/taiwan/archives/2002/12/01/0000185468> (describing Tang’s activism as a confirmed Tiananmen Square dissident, his escape to Taiwan, and the United States’ grant of political asylum in 2002); Country Reports on Human Rights Practices (China), Feb. 23, 2001, U.S. Dept of State, <https://2009-2017.state.gov/j/drl/rls/hrrpt/2000/eap/684.htm> (“Government harassment prevents Tiananmen Square massacre-era activist Tang Yuanjun and other present and former dissidents and their relatives from obtaining and keeping steady employment.”).

including monthly protests in front of the Chinese consulate in Manhattan,² and has published commentary criticizing the CCP.

c. TANG serves as the listed contact for the Chinese Democracy Party Eastern US Headquarters Inc. (“CDP”), which has been a registered New York not-for-profit organization since in or about 2009.

d. TANG is the sole authorized signatory on a checking and savings account held in the name of the CDP and has identified himself as the president of CDP in connection with these accounts.

TANG’s Work for the MSS

14. Based on my participation in this investigation and others, voluntary statements made by YUANJUN TANG, the defendant, during law enforcement interviews, and my review of law enforcement reports, bank records, and border-crossing records maintained by U.S. Customs and Border Protection (“CBP”),³ I have learned the following, in substance and in part:

a. In or about 2018, TANG, who could not freely travel to mainland China because of his status as a PRC Dissident, began searching for a way to travel to mainland China to visit family members. An acquaintance (“CC-1”) then arranged TANG’s virtual introduction to MSS Officer-1 by providing TANG with the MSS Officer-1 Account and the account passcode so that TANG and MSS Officer-1 could begin communicating.

b. TANG believed MSS Officer-1 to be an MSS intelligence officer and began communicating with MSS Officer-1 through draft emails on the MSS Officer-1 Account. Through the MSS Officer-1 Account, and through phone calls, video calls, audio messages and text messages, MSS Officer-1 tasked TANG with collecting information about PRC Dissidents, pro-democracy events, and the political asylum process, and transmitting this information to MSS Officer-1.⁴ For example:

² See A Chinese Revolutionary, Reinventing Himself in American Exile, *N.Y. Times*, Mar. 21, 2018, <https://www.nytimes.com/2018/03/21/books/patriot-number-one-lauren-hilgers-review.html> (book review that includes details on TANG’s background and connection to other PRC Dissidents based in Flushing, Queens).

³ Unless otherwise indicated, descriptions of communications, conversations, and documents are set forth in substance and in part. Some of these descriptions of communications are based on draft translations prepared by FBI linguists fluent in Mandarin and English and are subject to change.

⁴ Based on my training, experience, and participation in this investigation, I know that individuals seeking to reduce the risk of interception often will compose and save “draft” emails for access by multiple people through a single account, rather than transmitting emails between separate accounts. These individuals then share log-in details for one

i. In or about 2019, MSS Officer-1 asked TANG for information about U.S.-based immigration lawyers with whom TANG was acquainted. MSS Officer-1 also asked TANG about the process by which PRC Dissidents were able to gain political asylum in the United States and expressed an interest in obtaining asylum for people selected by the MSS. In response, TANG scanned and sent to MSS Officer-1 the business cards of at least 10 Chinese-American immigration lawyers.

ii. In or about June 2021, MSS Officer-1 asked TANG for information about events planned in connection with the June 4th anniversary of the Tiananmen Square massacre. In response, TANG provided write-ups on speakers scheduled to participate in a discussion panel at a restaurant in Flushing, Queens.

iii. In or about 2022, MSS Officer-1 asked TANG to conduct research into the Congressional Candidate and to report to MSS Officer-1 about the Congressional Candidate's campaign finances and activities. In response, TANG provided information about the Congressional Candidate's campaign team and fundraising.

c. On at least three occasions, TANG met with MSS Officer-1 and other MSS intelligence officers in Macau or mainland China, traveling each time through intermediary countries. Specifically, in or about January 2019, TANG traveled to Macau through Taipei, Taiwan; in or about April 2022, TANG traveled to mainland China through Incheon, South Korea; and in or about April 2023, TANG traveled again to Macau through Taipei. During the meetings, after being polygraphed, TANG provided MSS Officer-1 information about specific PRC Dissidents, including information from one of TANG's phones.

d. During the meeting in mainland China, in or about April 2022, MSS Officer-1 informed TANG that the MSS had installed a "bug" on his cellphone (the "Compromised Phone"), which caused any photo, screenshot, or voice memorandum generated or captured on the Compromised Phone to be immediately transmitted to MSS Officer-1 for review.

e. At the direction of MSS Officer-1, TANG helped MSS Officer-1 infiltrate communications exchanged among PRC Dissidents. Specifically, in or about February 2020, TANG started a group chat on Messaging Platform-1 with the Chinese-language display name "中国民主党之," which translates in English to "Friends of the Chinese Democracy Party." The group consisted of approximately 140 members, including confirmed PRC Dissidents such as the Congressional Candidate and a known PRC Dissident based in Flushing ("PRC Dissident-1"). In or about January 2021, TANG assisted MSS Officer-1 in creating a profile on Messaging Platform-1 linked to a U.S. phone number (the "MSS Group Chat Number"), and then added MSS Officer-1 to the "Friends of the Chinese Democracy Party" group.

account and review the "draft" emails, and are thus able to communicate without ever transmitting a communication that they believe may be intercepted.

f. At the direction of MSS Officer-1, TANG recorded a June 4, 2020 Zoom video conference (the “2020 Zoom Call”) in which PRC Dissidents convened virtually from the United States, Taiwan, and Germany in remembrance of the Tiananmen Square protests. The 2020 Zoom Call was repeatedly disrupted by the PRC government and then suddenly ended.

g. After TANG began working with MSS Officer-1, the MSS made payments to TANG’s family members residing in mainland China.

The MSS Officer-1 Account

15. Based on my review of subscriber records and data obtained from the MSS Officer-1 Account, I have learned the following, in substance and in part:

a. The MSS Officer-1 Account was created on or about April 23, 2018.

b. The MSS Officer-1 Account contains approximately dozens of screenshots of communications between PRC Dissidents and photographs and videos of both PRC Dissidents and pro-democracy events, including chats from the group chat that YUANJUN TANG, the defendant, helped the MSS infiltrate depicting group members’ criticisms of the PRC. For example, the items include the following:

i. An audio-recording of the second day of a human rights conference held in or about May 2019 in Cologne, Germany, for which TANG served as one of the two presiders and in which conference participants discussed, among other things, the CCP’s effort to undermine Taiwanese democracy through misinformation.

ii. Numerous screenshots of messages exchanged through the Friends of the Chinese Democracy Party group chat, including criticisms of the CCP authored by PRC Dissident-1. Based on my interview of PRC Dissident-1, I have learned that, in or about June 2023, the PRC government approached one of PRC Dissident-1’s family members in mainland China and told the family member to instruct PRC Dissident-1 to not say anything against the CCP or the Ministry of Public Security (“MPS”).⁵

iii. Information about the Congressional Candidate, including campaign event videos captured in Manhattan and elsewhere and an audio recording of a campaign strategy meeting.

The Compromised Phone

16. Based on my review of data extracted from the Compromised Phone, the cellphone that YUANJUN TANG, the defendant, stated the MSS had planted with a “bug” with a particular name (the “Installed Software”), *see supra* ¶ 14.d, I have learned the following, in substance and in part:

⁵ The MPS is the principal national police authority in the PRC.

a. The Compromised Phone contained image and video files that TANG confirmed he transmitted to the MSS and which contained metadata associated with the Installed Software. For example, these items include:

i. A photograph of an event program from the June 2, 2023 opening of the June 4th Memorial Museum (commemorating the Tiananmen Square massacre) listing the names of PRC Dissidents who participated in the event, with metadata showing that the photograph was taken on June 2, 2023 in Manhattan, at location coordinates approximately 140 feet from the museum.

ii. Two videos that depict protests in Manhattan and Flushing, respectively; and

iii. A video of a Zoom meeting hosted by CDP.

b. The Compromised Phone contains additional photographs that TANG confirmed he sent to the MSS and which contain metadata showing they were last modified after the MSS placed the Installed Software on the Compromised Phone. For example, these items include:

i. Three photographs of the Congressional Candidate, last modified on or about July 19, 2022, August 6, 2022, and July 26, 2023, respectively; and

ii. Two photographs of a U.S. House Representative at a public event, both last modified on or about July 26, 2023.

c. The Compromised Phone also contains evidence of TANG's communications with MSS Officer-1. For example, these items include:

i. Messages TANG exchanged with the MSS Group Chat Number;

ii. An email regarding two-step verification for the MSS Officer-1 Account;

iii. WeChat contact information for a user that TANG addressed, in a text message, as "Brother [MSS Officer-1]" (the "MSS Officer-1 WeChat Account"); and

iv. Audio messages from the MSS Officer-1 WeChat Account in which MSS Officer-1 asked TANG for specific information about TANG's new party members and urged TANG to send information quickly. Specifically, on or about May 18, 2023, the MSS Officer-1 WeChat Account sent a message to TANG, asking, "What's the new policy's impact on your newly developed party members? How do they feel about it?" On or about June 2, 2023, the MSS Officer-1 WeChat Account sent a message to TANG, instructing, "My old classmate, when you are done over there, send stuff over immediately; the list of name [sic] will be fine and acceptable." And on or about June 3, 2023, the MSS Officer-1 WeChat Account sent a message to TANG, instructing, "You have to work harder

this month. Work harder this month. You have to send over some new stuff with utmost priority.”

d. The Compromised Phone also contains a Chinese-language copy of the FBI’s Transnational Repression Threat Intimidation Guide, created and publicly disseminated by the FBI in 61 languages to educate the public on identifying and reporting forms of transnational repression.⁶

TANG’s Devices

17. Based on my review of data extracted from five of the Tang Phones, not including the Compromised Phone, I have learned that each of the Tang Phones contains one or more of the following, in substance and in part:

a. Contact information for an individual saved under the name by which YUANJUN TANG, the defendant, knows MSS Officer-1;

b. Text or audio messages that TANG exchanged with MSS Officer-1 through WeChat or Messaging Platform-1; and

c. Communications with the MSS Group Chat Number.

18. Based on my review of data extracted from the Tang Computers, I have learned that the Tang Computers contain the following, in substance and in part:

a. Text files describing the activities of specific PRC Dissidents, including a summary of the travel schedule and finances of the Congressional Candidate and a list of attendees at the Congressional Candidate’s book press conference;

b. Scanned business cards of, among others, Flushing-based immigration lawyers; and

c. Photographs and videos similar to those recovered from the MSS Officer-1 Account and the Compromised Phone, depicting pro-democracy events in the United States and elsewhere, such as a march in Flushing in which participants wore t-shirts printed with the phrase “FREE HONG KONG,” a speech by the Congressional Candidate in front of a sign for the “United Headquarters of China Democracy Party,” and a protest at

⁶ As explained on the FBI’s website, “transnational repression” refers to efforts by “foreign governments [to] reach beyond their borders to intimidate, silence, coerce, harass, or harm members of their diaspora and exile communities.” Further, “[f]oreign governments may use transnational repression tactics to silence the voices of their citizens (or non-citizens connected to the country), get information from them, or coerce them to return to the country of origin.” Transnational Repression, Fed. Bureau of Investigation, available at <https://www.fbi.gov/investigate/counterintelligence/transnational-repression>.

an unidentified location in which participants held up a large sign criticizing the “CCP’s Inhumane Removal of Migrant Workers Away from Beijing.”

TANG’s False Statements

19. Based on my personal participation in this investigation, my conversations with other law enforcement agents, and my review of subscriber records, I have learned the following about false statements that YUANJUN TANG, the defendant, made to the FBI, in substance and in part:


a. A user with an internet protocol address (“the IP Address”) located in the vicinity of TANG’s residence successfully logged into the MSS Officer-1 Account on the evening of July 11, 2023. Provider records show that, on numerous prior occasions, the same IP Address was used to log into two of the Tang Accounts and a social media account on which TANG is the listed subscriber. Based on these facts, I believe TANG is the user who accessed the MSS Officer-1 Account on July 11, 2023.

b. On or about July 12, 2023, during a voluntary interview with FBI agents in Manhattan, after being warned that making false statements to federal law enforcement agents or obstructing a federal investigation is a federal crime, TANG stated, falsely, that he could not access the MSS Officer-1 Account when he tried to log in on July 11, 2023, and that he believed that MSS Officer-1 must have changed the password.

WHEREFORE, the deponent prays that a warrant be issued for the arrest of YUANJUN TANG, the defendant, and that he be arrested and imprisoned, or bailed, as the case may be.

s/ Joshua Ray Willis / otw
Joshua Ray Willis, Special Agent
Federal Bureau of Investigation

Sworn to me through the transmission of this
Complaint by reliable electronic means, pursuant to
Federal Rule of Criminal Procedure 4.1, this
20th day of August 2024


THE HONORABLE ONA T. WANG
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK