"The Constitution applies to the people"

Family, lawyers and community members demand freedom for falsely imprisoned Korean American scientist Tae Heung "Will" Kim

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Family, friends, lawyers and community members held a virtual press conference Thursday demanding the release of Tae Heung "Will" Kim, a 40-year-old Korean- American scientist who has been falsely imprisoned by the US immigration gestapo.

Kim has been held by the immigration police for nearly two weeks. He is not accused of any crime, is a legal permanent resident and has lived in the United States since he was five years old. He is currently pursing his PhD in infectious disease at Texas A&M University.

None of this prevented him from being kidnapped by immigration agents earlier this month and sent, according to his lawyers, to an Immigration and Customs Enforcement (ICE) detention facility in Arizona.

Kim is one of over 150,000 people who have been taken by Customs and Border Protection (CBP) or ICE during the first six months of Trump's second term. As part of the Trump administrations war on science and immigrants, he is among the hundreds, if not thousands, of students and scientific researchers who have been targeted by the Trump administration.

Previous targets include the frame-up of Chinese citizens and University of Michigan researchers Yunquing Jian and Chengzuan Han. Both researchers are being held without bond and are facing federal felony charges for the "crime" of failing to declare they were transporting non-hazardous biological materials (*C. elegans* roundworms and plasmids).

Kim, like Jian, Han and the tens of thousands of other workers, residents and immigrants who have been kidnapped by the US government, is not a criminal in any sense of the word. Unlike the fascists in the White House, Congress, Supreme Court and border police, Kim is providing a service to humanity through his groundbreaking research at Texas A&M, directed towards developing a vaccine for Lyme disease, a severely disabling and occasionally life-threatening bacterial infection that is transmitted to humans through infected ticks.

In Thursday's press conference Sharon Lee, Kim's mother, said through a translator that the family has been given no reason as to why Kim has been kidnapped and imprisoned. CBP has refused to communicate with the family and denied Kim access to lawyers while he was held at the San Francisco International Airport.

She said that when she first heard her son was detained, "her world was shattered" and that she "never really expected something like this to happen to her own son" who "is a legal permanent resident" and "a good son."

Sharon explained that the family "left Korea on Monday local time and we were supposed to arrive on Tuesday morning." But upon her arrival she "had not heard from Will for an entire day" but that her other son eventually called her "to let her know that he got a call from CBP that Will is detained."

The family has been given no reason for Kim's detention. The only run-in with police Kim has had since living in the United States is a 2011 marijuana possession charge which has since been expunged from his public record following community service requirements.

According to Kim's lawyers, Karl Krooth and Eric Lee, Kim was initially held virtually incommunicado for over a week at San Francisco International Airport upon returning from a family wedding in South Korea on Monday, July 21.

The conditions Kim has been suffering under are nothing less than torture. For more than a week at the airport, which is not a detention facility, Kruth said Kim was constantly moved back and forth between two different areas of the airport, neither of which had access to natural light or fresh air. While at the airport, Kim was denied access to speak to a lawyer and only briefly spoke to one family member.

Krooth said while at the airport Kim

> was subject to the lights being on 24 hours a day… His opportunities for things like exercise or fresh air were completely deprived of him. He was confined to a chair for sleeping. He only had access to concession food. He only had access to water and no other fluids. And he could not have full nights of sleep.

Kim suffers from asthma. Krooth could not confirm Kim was receiving any medical care and said that he only met with Kim once at a transit facility: "he had certainly not had those precautions taken

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with regard to his health needs."

Krooth said in his 25 years as an immigration attorney he had never seen someone held by CBP at an airport for 72 hours or more. He added this "sort of a prolonged detention indicates to me that there is a degree of coercion or inducement afoot, and specifically in this context I would speculate they were trying to coerce him into withdrawing his application for submission."

Krooth said that what has happened so far in Kim's case "shows that the system is broken." He explained:

> Due process is a guarantee that foreign nationals gain by virtue of immigration court proceedings. And that has been articulated in many court decisions in every circuit court of the federal system. So there is no doubt that he deserved due process and did not get any at Customs and Border Protection.
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> Just like the airport is not a detention facility, the airport is not an immigration courtroom, and Customs and Border Protection officers are interrogators. They are not neutral arbiters.

Attorney Eric Lee said he emailed CBP contacts multiple times to locate Will and to ascertain why he was being detained. After several days of not receiving a response, Lee said this past Saturday "a supervising officer at CBP" using "an extremely hostile tone, told me that he would not allow me to speak to my client. I informed the officer that Will had lived in the United States for 35 years, that he was a lawful permanent resident, and that he had only been outside the United States for two weeks on a vacation.

"The officer said he did not care. I asked the officer whether the Fifth Amendment of the Constitution applied to Will, and the officer gave me a one word answer, 'no.'"

Lee said it wasn't until the *Washington Post* covered Kim's imprisonment in a July 29 article that the immigration police allowed him to meet with his client.

Lee explained:

> ... a critical democratic principle is at stake in this case. It goes far beyond Will and his family as important as they are. The Constitution applies to the people, not to citizens alone. The Bill of Rights refers only to the people … Even the Supreme Court has acknowledged this.
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> And the protections of the Bill of Rights do not simply wash away like watercolor when a green card holder briefly leaves the United States and returns. The manner in which Customs and Border Protection held Will incommunicado for over a week and denied him his most basic rights as a member of the people of this country should shock us … because it tells us something deeply concerning about the attitude of this administration to the Constitution, which Trump attempted to overthrow on January 6, 2021, and which he later said he planned to terminate.

Lee noted that the leadership at the Department of Homeland Security and Trump administration officials have "consistently denounced journalists, lawyers and activists for comparing ICE and Customs and Border Patrol protection to the Gestapo." He continued:

> Well, this case highlights the fact that the comparison is unfortunately quite apt. There's another dark historical connection. For decades, the United States government in San Francisco, on Angel Island and elsewhere, exercised a policy of depriving Asian immigrants and Asian American citizens of their most basic democratic rights while coming into the United States.
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> This dark historical period is being washed up again by this administration and this case exemplifies it as well. So because there has been no serious opposition to any of this from within the political establishment, the Democratic Party has been totally silent and has refused to do anything to oppose Trump's attack on immigrants, our appeal is to you, the population of the United States. We think that the people of this country have to stand up and take mass action to defend the most basic democratic rights and to stop the descent to dictatorship.

Lee observed that in the state of Texas, where Kim resides, "devastating floods" have impacted thousands of "Texans of all races and nationalities," yet "the Department of Homeland Security, instead of providing absolutely necessary resources to help Texans who are going through this devastating situation, is directing an immense amount of resources away from FEMA, away from helping people deal with natural disasters, towards locking up, flying people like Will around the country."

The government is spending "thousands and thousands and thousands of dollars to punish this individual who is trying to engage in research that will save the lives of people in Texas and all over with providing a vaccine for Lyme disease."

Lee concluded:

> So this is an opportunity for Texans, whether they voted for Donald Trump in the last election or not, to understand that the anti-immigration crackdown that this administration is launching is based on a lie. The goal was never to make America safer. The goal was never to make America healthier. The goal was to create the infrastructure for an attack on the rights of everybody, citizen and non-citizen alike. And that's why this case is so important.

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