

POSTED ON APRIL 27, 2005:

## Leading with her heart

*Manlin Chee, a well-known Greensboro immigration lawyer, is in federal prison for breaking the law while trying to help her clients become citizens. Her case raises questions about the fate of those who speak up for immigrants.*

**By Barbara Solow**

Manlin Chee arrived at her "going-away" party in Greensboro two weeks ago with an air as cheerful and flowing as her yellow silk *salwar kameez*.

That's not what you'd expect from someone facing a year-and-a-day-long sentence in federal prison on charges of defrauding the U.S. government. But for Chee--a Singapore native and a naturalized U.S. citizen--the April 22 start of that sentence would lift a cloud that had lingered for nearly two years.

In the fall of 2003, she received a "target letter" from the FBI informing her that her busy immigration law practice was under scrutiny. After months during which her clients were questioned and her files searched, Chee was indicted last summer on 28 counts of conspiracy and fraud.

In November, the award-winning attorney pleaded guilty to seven of those counts involving phony paperwork she submitted on behalf of immigrant clients who, it turned out, were working as government informants. Chee admitted to arranging a fake marriage for one "John Doe" and concocting a story that a second was gay and would be persecuted if he were sent back to Egypt.

Her plea came just days before her trial was scheduled to start. Prosecutors decided to drop the remaining charges. Months earlier, Chee had given up her law practice due to panic attacks and depression and was placed on "disability inactive status" by the N.C. State Bar. At its height, her firm had 4,000 open cases and offices in Greensboro, Charlotte and Wilmington.



Manlin Chee  
Photo by Jenny Warburg

On Mar. 2, the 53-year-old mother of three was sentenced to a stint in the federal prison in Alderson, W.Va.--the same one, she is fond of pointing out, where Martha Stewart did time and where former North Carolina Agriculture Secretary Meg Scott Phipps is an inmate.

"I've seen the pictures," said Chee as she settled onto a front porch swing at the farewell party. "It's a lot better than a lot of the places my clients have lived."

Some say Chee's concern for her clients is the real reason she's going to prison. While the FBI and prosecutors won't talk about what sparked the case, her supporters believe Chee was targeted for political reasons. They cite her many Muslim and Middle Eastern clients, her outspoken criticism of the USA PATRIOT Act, and her "extra mile" efforts on behalf of new immigrants. She regularly wore Muslim dress to the office, for example, and frequently worked for no fee. (In 1991, Sandra Day O'Connor presented Chee with the American Bar Association's Pro Bono Publico award for serving the poor.)

Her supporters also note that Chee's clients and family members were under pressure from FBI investigators. One of her daughters, Chernlian Forgay, who worked in the law office as a paralegal, was named in the grand jury indictment. Forgay pleaded guilty to three counts of conspiracy and submitting false documents and was given probation. In the plea agreement, prosecutors said her cooperation had "substantially assisted" them in obtaining a conviction against her mother.

"This was really federal agents at their worst, and the end result was questionable charges against a person who I think is one of the better examples of a caring person in our community," says John Young, a clerk at New Garden Friends Meeting and chair of the Greensboro Bill of Rights Defense Committee.

At a time when fears of post 9/11 repression are on the rise, Chee's case has become a rallying cry for free-speech and immigrants-rights activists. A full-page ad in the Greensboro *News & Record* in January paid for by the Manlin Chee Defense Committee warned that by pursuing her, the government is "attempting to chill dissent" and "sending a threatening message to attorneys and other defenders of immigrants."

Yet, while guests at Chee's going-away party ran the gamut of friends, former clients and lefty organizers from as far away as South Carolina, her fellow "defenders of immigrants" were conspicuously absent. Even supporters concede that her guilty plea has made it hard for many to speak up for her. More to the point, some leading local immigration attorneys reject the portrait of Chee as a selfless advocate.

"It's a travesty for her to paint herself as a victim," says Heather MacKenzie, founder of The MacKenzie Law Firm, an adjunct professor at Duke University Law School and chair of the local chapter of the American Immigration Lawyers Association, which has "respectfully declined" to support Chee. "I believe more reporting should be focused on the victims of her law practice. By victims I mean vulnerable non-citizens who relied on her for legal advice and because of her actions may have missed filing deadlines or

otherwise had their immigration status negatively impacted, some of whom are now facing deportation. I'm puzzled by the number of people who have come out to support her when they don't have the complete story."

Jeremy McKinney, an immigration law specialist whose firm represented a former client of Chee's who aided the government's case, says he started hearing complaints about her law practice years before she was indicted.

McKinney also dismisses the idea that Chee was a political target. "To say she was singled out is absurd--we all were a unified front against the PATRIOT Act," he says. "It's just trying to find an excuse to mask criminal behavior. They have her on tape setting up a fake marriage. How do you compare that to Martin Luther King and Gandhi? It just makes our side look ridiculous."

When asked at her party a few days before she went to prison whether she had crossed the line, Chee said, "Well I was getting pretty close. I wasn't thinking straight then and I just felt, well, the government is doing so many illegal things." She went on to talk about immigrant clients who were deported after showing up to register with the authorities or who simply disappeared from the community.



Chee and her attorney, Locke Clifford, a former U.S. Army infantry officer and graduate of the UNC-Chapel Hill law school, arrive at her "going away" party in Greensboro a few days before Chee was sent to prison.  
Photo by Jenny Warburg

Later, in a candlelit gathering on the back porch, Chee's attorney, Locke Clifford, answered the same question this way: "Most of us do selfish things that get us in trouble. Manlin's case is the opposite. She leads with her heart and the head follows. As I tried to say to the judge that day in court, when you bait the trap with a human being, Manlin will fall every time."

Manlin Chee didn't set out to become an attorney when she arrived in North Carolina in 1969 to study at Guilford College. She was interested in a career in journalism, instead. Her parents, an English teacher and a physician in Singapore, wanted her to become a doctor. But after she met and married her American husband, Juan Forgay, Chee decided she had better do something to ease the "black mark" of not living up to her family's expectations and enrolled in law school at Wake Forest University.

After graduating in 1978, she worked as a Legal Aid attorney and for the Greensboro Human Relations Commission. While she was working for the city, two traumatic events occurred: the fatal shooting of Communist Workers Party members by Ku Klux Klan and Nazis at a local anti-Klan rally and the taking of American hostages by Iranian student revolutionaries.

Chee likened the conservative, patriotic feelings stirred up by both incidents to those after 9/11. "It made me feel like I wasn't part of this country," she said. "A lot of people were saying 'Bring the hostages home!' and calling to tell me they were glad the communists were killed."

In the wake of 9/11, she remembered those days and spoke out against special registrations of immigrants from Muslim countries (she compared them to registrations under Nazi rule in Germany) and expanded government surveillance allowed under the USA PATRIOT Act. The *News & Record* reported that at a public forum at Greensboro's Central Library in March 2003, Chee told a crowd at a televised panel discussion, "The bad news is, those cameras are really from the FBI, and they are going to ID all of you. The good news is ... they're going to come after us [the panel] first."

Shortly afterward, court records show she was approached by "John Doe I," an immigrant and undercover informant who told her he wanted to become a citizen "any way possible." In response, Chee introduced Doe I to Adelaide Laryea, a local hair stylist who agreed to recruit a bride for a \$1,000 fee. (Marriage to a U.S. citizen is one way immigrants can obtain citizenship.)

A "sham marriage" took place on April 22, 2003, between Doe I and Greensboro resident Cassandra Poteat, whom the government says received \$7,000 for her participation. After the ceremony, the two went to Chee's law office to fill out immigration forms "knowing that they were false and fraudulent," according to Chee's plea.

The grand jury indictment says Chee gave instructions to the pair about how to "further deceive" immigration authorities by living together as "roommates" in Poteat's apartment. Later, after learning that they were having trouble cohabitating, she suggested that Doe I file a restraining order against Poteat for domestic abuse so he could continue the citizenship application process on his own.

In May of that year, John Doe II, another Egyptian immigrant working as a government agent, showed up at Chee's law office looking for help. Court records show Chee told Doe II that for \$4,000 she would prepare paperwork that falsely depicted him as a gay man who would face persecution if he returned to his native country. She then enlisted Greensboro resident Henry Center Jr., who agreed to sign a phony affidavit saying he and Doe II were involved in a sexual relationship. Center's fee was \$1,500, though the indictment also says that after Chee paid Center \$500, she told Doe he shouldn't give Center any more money.

The grand jury also indicted Chee for harboring a former client from Colombia, Miryam Rojas Wright, who had illegally reentered the country after being deported, and for submitting false labor certification documents on behalf of other clients. Those charges were among the 21 that prosecutors agreed to drop. (They were reintroduced so the judge could take them into account at her sentencing hearing--a legal move that nonetheless brought protests from Chee's supporters.)

How to explain the gap between Chee's reputation as a crusading advocate and the government's case against her as the leader of a criminal conspiracy? Since there was no trial, audio and videotapes that were central to the government's case were not made public. And neither the FBI nor the U.S. attorneys who handled the case will discuss anything that's not in the court papers--including the key issue of why investigators went after Chee in the first place. (Her daughter, Chernlian, isn't talking, either).

When asked how to reconcile such wildly competing views of his client, Chee's attorney emphasizes the limited counts to which she admitted guilt. If the case had only been about the sham marriage, Clifford says, he would have fought to the end, since, "matchmaking is a standard technique all over the world." But the other charge of inventing a gay relationship as a reason for asylum, "I could not defend."

While her credibility is an issue, the idea that Chee was a greedy criminal ringleader just doesn't match reality, Clifford says--and he was prepared to go to trial to prove it. "If you go and do research on cases where immigration lawyers have been charged and gone to prison, all these guys are bringing people in off the streets, charging high fees and doing nothing for them, making up sham documents, names of companies. What Manlin does is not that at all. These people come to her with problems.

"To her critics I'll say this," Clifford adds. "She had 4,000 open files and two of the 4,000 she gets charged for?! They spent a year looking through her records and couldn't find anything except John Doe I and II."

It's that caseload that Greensboro immigration attorney Gerry Chapman fixes on when he thinks about Chee's case. "Whether she was targeted is a really hard one to answer," says Chapman, who has known Chee for years. "But if there's one thing that could have been done differently, she could have tried to take fewer cases. If the volume of her casework was what it was reported to be, at some point, you have taken on too much and you either drop the ball or consciously or unconsciously start cutting corners."

Other attorneys contacted say that while 4,000 cases seems like a lot, it's not inconceivable considering how long Chee been practicing and the amount of time most cases take to complete.

Six complaints that were pending with the state Bar at the time Chee gave up her license are a window onto her problems. They covered lapses such as failure to show up at hearings, failure to respond to a fee dispute and neglect.



Tim Hopkins, a leader of the Manlin Chee Defense Committee, unfurls a full-page ad the group ran in the Greensboro News & Record warning that her case would have a "chilling effect" on immigrants rights. Photo by Jenny Warburg

At her farewell party, Clifford told supporters that Chee is now "freed of a law practice that no five lawyers could have handled."

As for the mental illness cited as the reason for her disability status with the Bar, court records show it predated the government's case against her. "We did not have an insanity defense," Clifford says. "In my opinion, the criminal charges were the result of mental decline. Mental decline is what made Manlin vulnerable and made her even more lead with her heart and not her head."

In the interview on the porch swing at her party, Chee said the panic attacks began when she became more of a public figure in 1991 after winning the national Bar Association award. She hinted at the pressures of her law practice, noting that her psychiatrist had advised her to give it up some months before she actually did.

When asked if she had any regrets about her case, Chee reverted to her jokester self. "You know my biggest regret is I didn't make the money because I love buying presents," she said.

But she's back to dead serious when responding to a question about why she entered a guilty plea. "The weekend we found out my daughter was going to plead guilty and testify, it was like a volcano in my house," Chee said. "I didn't want to put her in that position. They had scared her to death."

Chee's supporters say the climate for immigrants and their advocates is plenty scary right now in Greensboro. Just last month, federal agents made an immigration sweep at a local jet maintenance facility. The raid at TIMCO Aviation Services was part of Operation Tarmac, an effort to close security loopholes at the nation's airports.

Scott Trent, a leader of Chee's defense committee, views her case as part of that same big picture. "That's why we have to speak out about Manlin. and not let this go by quietly," he says.

Others have compared Chee to Lynne Stewart, a New York attorney convicted of supporting terrorism because of her actions defending a radical Islamic client, and even Harriet Tubman.

What bothers immigration attorney McKinney about such heroic parallels is that they let Chee out of taking responsibility for her mistakes--mistakes he believes are going to make the next TIMCO-type raid that much harder to handle.

"It has absolutely gotten harder since 9/11," he says. "But what we all shared was a sense of professionalism. We always had a good relationship between the private bar and the immigration service. I think this case and her actions have tarnished that relationship."



Chee shares a moment with Badi Ali (on left), past president of the Islamic Center of the Triad and a longtime friend. Ali says the message Chee's case sends to the local Muslim community is, "if the government wants to get you, they can get you."

Photo by Jenny Warburg

her eyes with her hand as people got up to talk. Her husband, Juan, paced just outside, appearing now and then in the dark like a restless ghost.

When it was her turn to speak, Chee was relaxed and jovial. "I don't know why you guys are so sad," she said. Prison "is going to be an experience that not a lot of people get to go through. It's like going camping, You're kind of uncomfortable and have to eat bad food. But I'll get some of Martha's recipes."

Then, back to serious: "There's a Buddhist saying that out of the mud grows a lotus," Chee said. "Just remember: I'm going to be a lotus."

For Badi Ali, a past president of the Islamic Center of the Triad and a longtime friend of Chee's, the lesson of her case is not about individual mistakes but about a vulnerable group losing a needed ally. "We are talking about a defender of immigrants," says Ali, a Palestinian native and naturalized American. "It's a loss for the whole community. I don't care what they say about Manlin. I know Manlin and I know her intentions were good."

As her farewell party wound down, Chee moved onto the screened-in porch and scooped a friend's child onto her lap. She seemed embarrassed by the testimonials from party guests, shielding

**URL for this story: <http://www.indyweek.com/gyrobase/Content?oid=24162>**