

# Letter to Commerce Secretary

On June 1, 2021, the APA Justice Task Force sent a letter to Commerce Secretary Gina Raimondo to express our deep concerns and offer our perspective and assistance to her office regarding the recent Washington Post report detailing misconduct by the Investigations and Threat Management Service (ITMS) at the Department of Commerce (DOC), which was later confirmed by a statement issued by Senator Roger Wicker, ranking member of the Senate Committee on Commerce, Science, and Transportation.

A whistleblower letter submitted to the Office of Inspector General at DOC in August 2018 was also included in the letter to Secretary Raimondo.

We provided facts and evidence that Sherry Chen (陈霞芬) and Dr. Chunzai Wang (王春在) are believed to be among those impacted by the reported abuse of non-existent authority and targeting of DOC Asian American employees. The alleged misconduct extends beyond ITMS. We respectfully request Secretary Raimondo to expand the scope of her ongoing review and commit to a comprehensive solution. APA Justice stands ready to provide additional information and assistance as she deems appropriate.

Copies of the letter were sent to Senators Maria Cantwell and Roger Wicker, Chair and Ranking Member of the Senate Commerce, Science, and Transportation Committee; Senator Tammy Duckworth, member of the same committee; Rep. Judy Chu, Chair, Congressional Asian Pacific American Caucus; Rep. Jamie Raskin, Chair, House Subcommittee on Civil Rights and Civil Liberties; Erika Moritsugu, Deputy Assistant to the President and AAPI Senior Liaison, White House; and Jeremy Licht, Deputy General Counsel for Strategic Initiatives at DOC.

The letter to Secretary Raimondo is posted at <https://www.apajustice.org/>.

## Profiling of Asian American Federal Employees and Contractors

As troubling as the recent revelation about the Department of Commerce is about abusing its non-existent authority to target its Asian American employees, it is not totally surprising. The U.S. government has its share of responsibilities to eliminate systemic bias and discrimination in the American society, but it has also created them from within some of its own agencies.

Sherry Chen was an award-winning hydrologist in the National Weather Service. Her work was to develop river flood forecast models to literally save lives and properties, but she was painted as a spy for China. Dr. Chunzai Wang, Research Scientist of the Year for the National Oceanic and Atmospheric Administration in 2012 and 2013, was arrested and indicted for illegal supplement of his federal salary of about \$2,000 over a period of three years to help students in China on research involving climate change.

In its award-winning series on the "New Red Scare" about the rise of McCarthyism toward

Chinese Americans, Bloomberg Businessweek reported on the federal government's mistrust and hunt of spies among Chinese Americans in December 2019 <https://bloom.bg/2PAKaff>. Based on an analysis of more than 26,000 security clearance decisions for federal contractors since 1996, more than three-fifths of applicants who have family or other ties to China are rejected for security clearances to work for government contractors, while two-thirds of applicants with ties to other countries are approved. The analysis suggests that the security clearance process was weaponized around 2010.

The Bloomberg article also told the story of Dr. Wei Su, an Army engineer, whose loyalty was questioned and propelled a multiyear investigation that in 2016 prompted the U.S. Department of Defense to revoke the top-secret security clearance he had held for 24 years. He retired the next year: humiliated, angry, and, the Pentagon later admitted, completely innocent, but the damage has already been done.

Dr. Su joined over 200 mostly Asian American foreign policy and national security professionals in an open National Security Statement on Anti-Hate and Discriminatory Practices in March 2021 <https://bit.ly/3vUR8z2>. The letter points out not only the latest surge of hate crimes targeting Asian Americans, but also the perpetuation of prejudice and xenophobia that is spreading as U.S. policy concentrates on great power competition that has exacerbated suspicions, microaggressions, discrimination, and blatant accusations of disloyalty. "Many of us have been targeted because we are either ethnically Chinese or simply look Asian, ... Treating all Asian Americans working in national security with a broad stroke of suspicion, rather than seeing us as valuable contributors, is counterproductive to the greater mission of securing the homeland," the letter said.

On May 9, 2021, CNN reported on "Asian American diplomats say discrimination holds them back as US competes with China" <https://cnn.it/3xT88Ya>. New Jersey Congressman Andy Kim, a former diplomat born in Boston, had top-secret security clearance as a State Department adviser to Gen. David Petraeus in Afghanistan but was banned from working in or even on issues pertaining to Korea. "It felt like a very clear signal from the government and my workplace that they didn't trust me fully, ... it was, a painful and hurtful experience," he said.

After interviewing more than 20 current and former AAPI national security professionals, CNN reported that things have gotten worse in the past few years because, as one Washington-based diplomat said, of "bipartisan and especially Republican fear-mongering about China trying to infiltrate all aspects of society." As they try to serve their country, they face disproportionate hurdles in the form of extremely drawn-out security clearance waits, restrictions on where they can serve -- sometimes based on incorrect information -- and a flawed appeals process.

Federal employees must exhaust a set of complex administrative processes with strict timelines in the executive or legislative branch before they can enter the court system. They usually start within an agency and may reach either the Equal Employment Opportunity Commission or the Merit System Protection Board. However, those in national security and diplomatic positions have practically no rights to file complaints or appeals, much less to prevail under the current system.

Dr. Dongfang Shao, Chief of the Asia Division at the Library of Congress at the SL pay level, is one of a few cases that has reached the court system. Performance evaluations, like security clearance, can also be weaponized for discrimination against Asian Americans serving in the federal government. Read his case here: [http://bit.ly/APAJ\\_Dongfang\\_Shao](http://bit.ly/APAJ_Dongfang_Shao).

According to March 2021 civilian employment data reported by the U.S. Office of Personnel Management, about 140,000 Asian Americans serve in the federal government. About 460 are in the SES/SL/ST executive pay level. Very few serve as leaders of law enforcement, national intelligence, and diplomatic functions.

## More #StopAAPIHate Rallies with Yellow Whistles

On May 31, 2021, Solidarity Against Hate rallies with the "We Belong" Yellow Whistle were held in 20 cities across the U.S. Dr. Jeremy Wu delivered [remarks on behalf of the APA Justice Task Force](#) in Washington DC, as well as Christina Lu on behalf of the Yellow Whistle Project. Their videos and pictures for the rally at the National Mall are posted at <https://bit.ly/3vNsf8M>.

More pictures, videos, and links on national and local rallies and events with the "We Belong" Yellow Whistle are posted at: <https://bit.ly/2RDZMmB>.



The Philadelphia Inquirer

News

### Yellow Whistles are providing safety and security for Asian Americans facing hatred

"This is a defining moment for Asian Americans to begin to stand up."



AP Photo/Chris Wedel





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