

Congress of the United States
Washington, DC 20515

May 21, 2015

Honorable Loretta E. Lynch
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Lynch:

Thank you for your history of public service and your commitment to protect all Americans. We are writing regarding National Weather Service employee Sherry Chen, who may have been targeted by federal investigators for alleged spying based not on any reasonable evidence, but on her race. We respectfully request an investigation to determine whether race was a factor in the case. We also would like to know whether there is any written or unwritten policy, program, pattern or practice of race (or other civil rights classifications such as religion, gender and national origin) being used by federal agencies in targeting federal employees for arrest, surveillance, security clearance denials or other adverse actions.

Sherry Chen, who received awards for her government service, worked as a federal hydrologist at the National Weather Service in Wilmington, Ohio. Her life was turned upside down when she was handcuffed and paraded past her coworkers for alleged spying. The alleged evidence as reported in the media appeared to be flimsy and charges were eventually dropped, but not until Ms. Chen's life went into a tailspin due to the arrest. As reported in *the New York Times*, federal investigators “‘came across a person of Chinese descent and a little bit of evidence that they may have been trying to benefit the Chinese government, but it’s clear there was a little bit of Red Scare and racism involved,’ said Peter J. Toren, a former federal prosecutor who specialized in computer crimes and industrial espionage” (*New York Times*, *Accused of Spying for China, Until She Wasn’t*, May 9, 2015).

In 2013, efforts were taken by the Administration to counter economic espionage as well as leaks of classified information. We are concerned that if appropriate controls have not been placed on these programs, inappropriate criteria such as a person’s race will be used. According to current and former Administration officials, programs such as the Insider Threat Program could create “toxic work environments poisoned by unfounded suspicions and spurious investigations of loyal Americans” (*McClatchy*, *Obama’s crackdown views leaks as aiding enemies of the U.S.*, June 20, 2013).

This is not the first time spying allegations against Asian Pacific Americans were made and then dropped. For example, last December federal prosecutors dropped charges against Guoqing Cao

and Shuyu Li, who had been accused of leaking data to a Chinese drug company (*Wall Street Journal*, Wire Fraud Charges Against Former Lilly Scientists Are Dismissed, Dec 8, 2014). Like Ms. Chen, their lives had been turned upside down by being targeted and then having charges dropped.

In June 2008, Dr. Haiping Su was abruptly escorted off the premises of Ames Research Center in Mountain View, California and his access badge taken from him. The only explanation given to him was that he had somehow become a security risk. Dr. Su believed he was a victim of racial profiling, sued the federal government, and won (*New America Media*, In Anti-Discrimination Suit, Haiping Su Took on Big Gov and Won, Feb 19, 2015). But like Ms. Chen, his life was also turned upside down by apparent racial profiling by federal investigators.

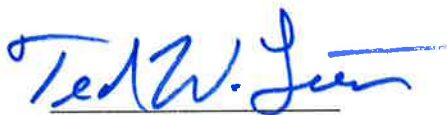
Ms. Chen's case also reminds us of what our federal government did to Wen Ho Lee, a federal nuclear scientist. Mr. Lee was incarcerated for nine months without a trial for alleged spying. Like in Ms. Chen's case, the arrest appeared to be based less on the alleged evidence than on the suspect's race. Federal prosecutors subsequently dropped the spying charges. In the hearing that freed Mr. Lee, Federal District Judge James Parker stated the government's tactics "have embarrassed this entire nation and each of us who is a citizen of it" (*Los Angeles Times*, Wen Ho Lee Freed, Judge Scolds U.S. Over Case Tactics, September 14, 2000). We want to make sure our government does not repeat situations similar to that of Wen Ho Lee.

No federal employee—or any American—should be viewed by our government as more suspicious because of the individual's race. Not only would such targeting be unconstitutional, it has led to shameful chapters in our nation's history. Our government has targeted Asian Pacific Americans in the past, from the yellow peril hysteria that led to the Chinese Exclusion Act, to the forced internment of over a hundred thousand Americans who happened to be of Japanese descent, to the solitary confinement of Wen Ho Lee.


We thus request an investigation into Ms. Chen's case to determine whether race was used as a factor in her arrest. We also request an investigation to determine whether any federal agency has a written or unwritten policy, program, pattern or practice of using race (or other civil rights classifications such as religion, gender and national origin) in targeting federal employees for arrest, surveillance, security clearance denials or other adverse actions. We ask that you share the results of your investigations to Congress within a reasonable time, but no later than 120 days from the date of this letter.

Thank you for your important attention to this civil and constitutional rights issue.

Sincerely,



TED W. LIEU
Member of Congress


JUDY CHU
Member of Congress

KEITH ELLISON
Member of Congress



GERRY CONNOLLY
Member of Congress



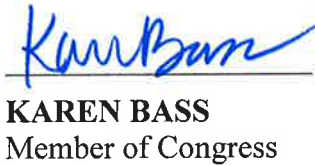
RAUL GRIJALVA
Member of Congress



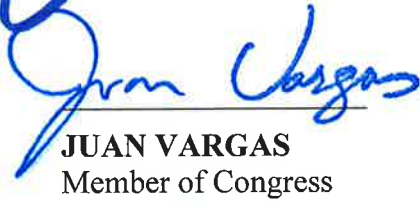
MIKE HONDA
Member of Congress



JAN SCHAKOWSKY
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KAREN BASS
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BONNIE WATSON COLEMAN
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BARBARA LEE
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MARK POCAN
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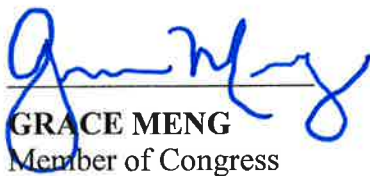
STACEY PLASKETT
Member of Congress



MARK TAKAI
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MARK TAKANO
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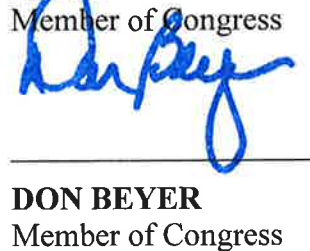
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KATHERINE CLARK
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