July 19, 2021

/via email/

Jeremy Licht
Deputy General Counsel for Strategic Initiatives
U.S. Department of Commerce
1401 Constitution Ave N.W.
Washington, DC 20230

Dear Mr. Licht,

Thank you for your July 14, 2021, letter confirming your receipt of our June 1, 2021, letter to Secretary Raimondo.

The Senate Committee on Commerce, Science, and Transportation released its investigative report titled “Abuse and Misconduct at The Commerce Department” on July 13, 2021. According to the report, the investigation began after whistleblowers reported a variety of improper activities dating back to the mid-2000s involving abuses of authority, mismanagement, and reprisal against Asian American employees at the Department of Commerce (DOC). Minority Staff conducted over 100 interviews and reviewed thousands of documents supporting allegations from over two dozen whistleblowers.

The report identifies Sherry Chen and Dr. Chunzai Wang as two specific Chinese American scientists impacted by DOC criminal investigations without proper authority and subsequent wrongful prosecutions by the Department of Justice.

The report also validates a whistleblower letter submitted by the Sherry Chen Legal Defense Fund to the Inspector General’s office (DOC/IG) on August 15, 2021. Earlier on May 23, 2018, the Congressional Asian Pacific American Caucus (CAPAC) wrote to DOC/IG requesting “a full and independent investigation of Ms. Chen’s case to examine the actions taken against her and to determine if corrective actions need to be taken across the Department.” There has not been a substantive response to the Congressional request to date.

Other findings of the report include, but are not limited to,

- The [Investigation and Threat Management Service or ITMS] also broadly targeted departmental divisions with comparably high proportions of Asian-American employees, ostensibly to counter attempts of espionage by individuals with Chinese ancestry.
- Overclassification allowed ITMS to block the release of investigative files for criminal targets whose cases proceeded through the judicial system and to members of the public requesting documents through the Freedom of Information Act.

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Across the Department of Commerce, the ITMS opened frivolous investigations on a variety of employees without probable cause for the purpose of exaggerating the unit’s ability to uncover security threats within the civil service. Because of inadequate oversight by the Inspector General’s office, the unit’s improper exercises of law enforcement powers likely resulted in preventable violations of civil liberties and other constitutional rights, as well as a gross abuse of taxpayer funds.

We reiterate our June 1, 2021, request to Secretary Raimondo to expand the scope of her ongoing review and commit to a comprehensive solution that includes immediate redress for impacted persons such as Sherry Chen and Dr. Chunzai Wang. We stand ready to assist as we have offered previously.

According to the latest data from the Office of Personnel Management, there are over 5,800 dedicated and hardworking Asian American federal employees working in DOC, many in the Science, Technology, Engineering, and Mathematics (STEM) fields. They deserve a respectful workplace free of systemic discrimination and suspicion based on their ethnicity and national origin. They are also on the frontline to deliver important DOC programs and services without bias and prejudice to the American people.

Sincerely,

/s/ Steven Pei
/s/ Vincent Wang
/s/ Jeremy Wu
contact@apajustice.org

cc:
The Honorable Gina Raimondo, Secretary of Commerce
Senator Maria Cantwell, Chair, Senate Commerce, Science, and Transportation Committee
Senator Roger Wicker, Ranking Member, Senate Commerce, Science, and Transportation Committee
Senator Tammy Duckworth, Member, Senate Commerce, Science, and Transportation 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

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