

May 23, 2018

The Honorable Wilbur L. Ross, Jr.
Secretary of Commerce
U.S. Department of Commerce
1401 Constitution Ave NW
Washington, DC 20230

RE: Support the U.S. Merit Systems Protection Board's Decision on Sherry Chen case

Dear Secretary Ross,

We, representatives of the following 132 named community organizations in the Asian American community, science fields and government watchdog groups, are urging you to allow the Merit Systems Protection Board ("MSPB") decision to stand with respect to Sherry Chen. On April 23, 2018, the U.S. Merit Systems Protection Board (MSPB) released a 135-page decision (Docket Number CH-0752-17-0028-I-1). The judge ruled that the U.S. Department of Commerce ("DOC") did not have cause to fire Sherry Chen and ordered the agency to (1) reinstate her employment at the National Weather Service, and (2) pay her back pay plus benefits.

The DOC is well served to allow Sherry Chen to return to work. Ms. Chen is a loyal citizen and award-winning scientist whose work to predict flooding along the Ohio and Mississippi Rivers saves lives and property. In 2015, Ms. Chen was accused of espionage-related crimes, but the charges were dropped a week prior to trial. In 2018, the MSPB judge found that the DOC could not substantiate all but one of the accusations of misconduct, which led to her termination. In two legal challenges, Sherry Chen prevailed. The MSPB judge agreed that Ms. Chen was a "victim of a gross injustice." If DOC were to appeal, the agency would deprive itself of a public servant from serving her country, pile error upon error and waste taxpayers' resources.

By foregoing an appeal, the DOC would signal a willingness to restore public trust. The judge's decision was highly critical of the security agent and the DOC officials who were involved in the agency's investigation and decision making. She noted they "seemed more concerned about being right than doing the right thing," and "based on the unyielding nature of their testimony, I would not have been surprised if they rejected that $2 + 2 = 4$." The decision only elevated concerns as to whether the DOC is competent, impartial and unbiased in its dealings with the public, especially many Asian Americans.

The case has caught national attention. Forty-eight Members of Congress, the U.S. Commission on Civil Rights, Asian American community organizations, scientific organizations and government watchdogs have raised concerns and called for a full investigation into Ms. Chen's case with the Department of Justice ("DOJ") and the DOC. Major media - including CBS's 60 Minutes, Huffington Post, New York Times, Wall Street Journal, Washington Post - have covered Sherry Chen's case. Asian Americans are concerned about this case because in

recent years, there have been Chinese American scientists who have been similarly charged with espionage related crimes, and then seen those charges dropped - a troubling pattern.

In summary, we urge you to:

- Comply with the MSPB's decision and immediately allow Ms. Chen to go back to work and contribute her talents to our nation.
- Request DOC Inspector General to conduct a full investigation into the handling of Ms. Chen's case for possible racial bias, abuse of power, violation of due process, and lack of efficiency.

We invite you to a meeting with us to discuss these matters. Please advise us on a date to do so at your earliest convenience. Also, if you have any questions, please contact Aryani Ong, Co-Founder, Asian Pacific American Justice Task Force at aong@apajustice.org. More information on Sherry Chen's case can be found at www.sherrychendefensefund.org.

Sincerely,

National Organizations

80-20 Asian American National PAC
Asian American Action Fund (AAA Fund)
Asian American Legal Defense and Education Fund (AALDEF)
Asian American News Bureau
Asian Americans Advancing Justice | AAJC
Asian Americans Advancing Justice - Asian Law Caucus (ALC)
Asian Americans Advancing Justice - Los Angeles (APALC)
Asian Pacific American Justice Task Force
Asian Pacific American Labor Alliance, AFL-CIO (APALA)
Asian Pacific Empowerment PAC
Asian Pacific Islander American Public Affairs Association (APAPA)
Association of Chinese American Scientists and Engineers
Bing Kong Tong
Chinese American Citizens Alliance (CACA)
Chinese American Equalization Association (HQA)
Chinese American Historians Society
Civic Leadership USA
Defending Rights & Dissent
End National Security Scapegoating
Equal Vote America
Government Accountability Project
Guangxi University Alumni Association of America
Japanese American Citizens League (JACL)

Legal Immigrant Association
National Asian Pacific American Bar Association (NAPABA)
National Council of Chinese Americans (NCCA)
North American Chinese Society of Automotive Engineers (NACSAE)
OCA - Asian Pacific American Advocates
South Asian Americans Leading Together (SAALT)
United Chinese Americans (UCA)

State & Local Organizations

1441 Manufactured-Home Residents Association
80-20 DC Chapter
American Valley Fever Association
APAPA Albany New York Chapter
APAPA Austin Texas Chapter
APAPA Greater Washington DC Chapter
APAPA Houston Texas Chapter
APAPA New York
APAPA Ohio State Chapter
APAPA Peninsula Chapter
APAPA San Diego Chapter
APAPA San Francisco Chapter
APAPA San Gabriel Valley Chapter
APAPA Seattle Chapter
APAPA Silicon Valley Chapter
APAPA Southern California Region
APAPA Tri-Valley Chapter
APAPA Utah Chapter
Arizona Asian Alliance
Arizona Chinese History Association
Asian American Bar Association of Houston
Asian American Democratic Club California Chapter
Asian Services In Action, Inc.
Austin Asian American Coalition
Austin Chinese American Network
Baltimore Chinese School
Bay Area Homeowners Network
CAIR-Ohio
Calvin J Li Memorial Foundation
Chicago Chinese Cultural Village
Chinese American Association of Lexington
Chinese American Association of Sacramento
Chinese American Citizens Alliance—San Antonio Lodge
Chinese American Friendship Association of North Carolina (CAFA)

Chinese American Network for Diversity and Opportunity (CAN-DO)
Chinese American Parent Association - Montgomery County
Chinese American Parent Association - Howard County
Chinese American Society of Ann Arbor
Chinese Association for Science and Technology Pittsburgh Chapter
Chinese Association of Columbia
Chinese Association of Iowa
Chinese Association of West Michigan
Chinese for Affirmative Action (CAA)
Chinese Friendship Association of Portland
Chinese Social Service Center
Chinese University Alumni Association Alliance of Southern California (CUAAASC)
Chinese Woman's Association of Cleveland
Citizen Voice
Civic Education Alliance
Class 77, Shanghai University @ Silicon Valley
Coalition for a Better Chinese American Community (CBCAC)
Evergreen Chinese American Association
Hotel Chinese Association of USA
Houston Chinese Alliance
Huntsville Chinese Association
IAPAC: I-Chinese American Political Action Committee
Indianapolis Chinese Community Center, Inc
Iowa City Chinese Association
Madison Area Chinese Community Organization
Maryland Chinese American Network (MD-CAN)
Mental Health Association for Chinese Communities
MIT Chinese Students and Scholars Association
New York Sichuan Association Inc.
North America Shanghai Chamber of Commerce
OCA - Asian Pacific American Advocates, Greater Seattle Chapter
OCA - Detroit Chapter
OCA - East Bay
OCA - Greater Chicago
OCA - Greater Cleveland
OCA - Greater Houston
OCA - Greater Phoenix Chapter
OCA - Greater Washington, D.C. Chapter (OCA-DC)
OCA - New York
OCA - Sacramento
OCA - San Mateo
OCA - Silicon Valley
OCA - St. Louis

Ohio Center for Cultural Exchange
Ohio Chinese American Association (OCAA)
Ohio Progressive Asian Women's Leadership
Organization of Chinese Americans of Fairfield County
Peking University Alumni Association - MN
San Diego Asian Americans For Equality (SDAAFE) Foundation
Silicon Valley Chinese Association Foundation
Southern California Council of Chinese Americans
Summit Chinese American Association
The American Chinese School of Greater Detroit
The Federation of Minnesota Organizations
The Orange Club
Tsinghua Alumni Association Minnesota
Tsinghua University Alumni Association of Southern California (THUAASC)
UCA - Connecticut
UCA - Illinois Chapter
UCA - West Virginia (WVCA)
UCA - Utah
United for a Better Community
US Eastern Jiangsu Federation Foundation
Utah Chinese Association
Washington State Chinese American Coalition
Wellesley Chinese American Network
Westlake Chinese American Network
Yucai Chinese School