



UNITED STATES COMMISSION ON CIVIL RIGHTS

1331 Pennsylvania Avenue, NW • Suite 1150 • Washington, DC 20425 www.usccr.gov

July 15, 2016

The Honorable Michael E. Horowitz
Inspector General
U.S. Department of Justice
950 Pennsylvania Ave., NW
Suite 4706
Washington, DC 20530-0001

Dear Inspector General Horowitz:

On behalf of the U.S. Commission on Civil Rights, we write to request you to conduct a full and independent investigation into recent espionage prosecutions against Chinese Americans that were eventually dropped. We strongly believe in the need for the government to protect national security. However, we are concerned that these cases may reflect insufficient supervision, due diligence and expertise in investigating before arresting our fellow citizens and tainting them and their families with the charge of disloyalty.

As you are aware, various news outlets have revealed several cases where the government had to dismiss espionage charges against Asian Americans after finding the evidence was too weak or erroneous. For instance, the U.S. charged Xiaoxing Xi, a physics professor at Temple University, with sharing confidential schematics of laboratory equipment with scientists in China but later dropped the charges after it became clear that the government misunderstood the science in the case.¹ In another case, the U.S. arrested Sherry Chen, then a hydrologist at the National Weather Service, and accused her of spying for China. The government's case was weak and prosecutors dropped the charges a week before trial.²

The Commission shares some of the questions and concerns members of Congress and national Asian American and Chinese American organizations recently raised to you that these mishandled cases may show a pattern of overzealously targeting and profiling Chinese American scientists.³ We acknowledge that the Department of Justice recently increased the level of oversight over national security related prosecutions earlier this year, and a department-wide implicit bias training will be conducted. These are positive steps to recognize and tackle the issue. Nevertheless, we consider a full investigation into these incidents is still necessary to understand and to mitigate the potential bias behind the policies and practices that led to these unwarranted prosecutions.

¹ Matt Apuzzo, *U.S. Drops Charges That Professor Shared Technology With China*, NY Times, Sept. 11, 2015, <http://www.nytimes.com/2015/09/12/us/politics/us-drops-charges-that-professor-shared-technology-with-china.html>.

² Nicole Perlroth, *Accused of Spying for China, Until She Wasn't*, NY Times, May 9, 2015, <http://www.nytimes.com/2015/05/10/business/accused-of-spying-for-china-until-she-wasnt.html>.

³ See Letter from Congressional Asian Pacific American Caucus to Michael E. Horowitz, Inspector General (May 13, 2016), available at https://drive.google.com/file/d/0Bysg-cpS_9OIU09WUXhkemxrZzQ/view; Letter from

The nature of these charges have a long term devastating impact on the careers and the families of those wrongly accused who have yet to receive a formal apology from the Department of Justice. In this highly racially charged environment, they also have the potential to harm the communities from which these scientists come and undermine the credibility of the Department of Justice.

Thank you and we look forward to hearing from you.

Very truly yours,



Martin R. Castro, Chairman



Patricia Timmons-Goodson, Vice-Chair



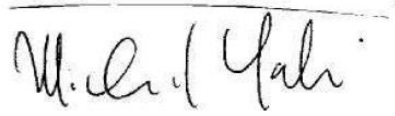
Robert Achtenberg, Commissioner



David Kladney, Commissioner



Karen K. Narasaki, Commissioner



Michael Yaki, Commissioner