

Via Certified Mail/Email

August 15, 2018

Office of the Inspector General
Department of Commerce
Complaint Intake Unit, Mail Stop 7886
1401 Constitution Ave NW
Washington, DC 20230

Re: Complaint Number 18-0999

Dear Madam/Sir,

On July 13, 2018, based on a received whistleblower email and related matters, the Sherry Chen Legal Defense Fund (the Fund) requested your office to conduct “a separate full and complete investigation of the allegations provided in the whistleblower letter with appropriate oversight to ensure integrity of this highly sensitive matter. Requisite precaution and protection must also be followed.”

On July 27, 2018, your office responded by assigning a complaint number 18-0999 and requested the turnover of a copy of the whistleblower letter.

On August 2, 2018, the Fund requested your office to provide a description of your complaint intake process and the standard operating procedures that your office will follow to adequately address the concerns of integrity, precaution and protection.

On August 9, 2018, your office responded that “(w)ithout the requested information regarding the allegations in the ‘whistleblower letter’ that you reference, the OIG cannot take further action on this matter.”

A summary of the thread of emails is attached to this letter.

As stated in the Fund’s June 5, 2018 letter to Inspector General Gustafson¹, the whistleblower letter claims to be from a Department of Commerce (DOC) employee. It alleges abuse of authority and targeting of Ms. Sherry Chen and employees of Asian ancestry in DOC. It provides the identity of offices, individual names, and specific incidents.

The Fund appreciates your inability to take further action on the matter without a copy of the letter and additional explanations. However, the Fund reiterates its concerns about the need for integrity, precaution and protection for the following reasons.

¹ Sherry Chen Legal Defense Fund (2018). **Letter to Commerce Inspector General Peggy E. Gustafson.** https://www.sherrychendefensefund.org/uploads/9/9/2/8/99280080/oigletter_20180605.pdf.

1. Protection of Whistleblower

The Senate² and the House of Representatives³ designated July 30 as National Whistleblower Appreciation Day this year in recognition of whistleblowers whose actions have protected the American people from fraud or malfeasance. However, whistleblowers are known to have suffered from abuse and retaliation as a consequence of their actions. The Whistleblower Protection Act of 1989 and its amendments were enacted to protect federal government employees from retaliatory action for voluntarily disclosing information about dishonest or illegal activities occurring in a government organization including DOC.

It is imperative that your office must acknowledge and follow the appropriate laws in practice for this matter.

2. Integrity of Process

The whistleblower letter may implicate the Inspector General office. A special-agent-in-charge from your office was identified in at least one case⁴ that may be covered by the whistleblower letter. The Committee of 100⁵ and the Committee of Concerned Scientists⁶ have publicly expressed concerns about the fairness of this case, in addition to the critical comments made by the presiding judge.

At the minimum, it is necessary precaution for the Inspector General office to create a “firewall” unit and agents to avoid factual or the appearance of complicity in the investigation of this matter.

3. Preservation of Evidence

There are anecdotal reports that evidence related to this matter are being lost or destroyed, including electronic information being deleted and paperwork not retained when key personnel left DOC.

The Fund requests your office to take necessary steps to prevent further loss and preserve all evidence related to this matter.

² Congress.gov (2018). *S.Res.558 - A resolution designating July 30, 2018, as "National Whistleblower Appreciation Day"*. <https://www.congress.gov/bill/115th-congress/senate-resolution/558>.

³ Congress.gov (2018). *H.Res.977 - Expressing support for the designation of July 30, 2018, as "National Whistleblower Appreciation Day"*. <https://www.congress.gov/bill/115th-congress/house-resolution/977>.

⁴ Department of Justice (2018). *Former Research Oceanographer Sentenced for Accepting a Salary from the People's Republic of China*. <https://www.justice.gov/usao-sdfl/pr/former-research-oceanographer-sentenced-accepting-salary-people-s-republic-china>.

⁵ Committee of 100 (2018). *Committee of 100 Expresses Concern About Unfair Prosecution of Chunzai Wang*. https://www.committee100.org/press_release/committee-of-100-expresses-concern-about-unfair-prosecution-of-chunzai-wang/.

⁶ Committee of Concerned Scientists (2018). *US Scientist Leaves US After Petty Felony Conviction*. <http://concernedscientists.org/tag/chunzai-wang/>.

4. Intake Process and Standard Operating Procedures

The Fund is attaching a copy of the whistleblower letter in its email response to your office. The sender information is redacted as a precaution to protect the whistleblower. The Fund requests further protection under existing laws should the identity of the person be revealed in subsequent activities.

With the turnover of the whistleblower letter, the Fund requests a copy of your intake process and standard operating procedures that would address the expressed concerns of the integrity, precaution and protection for this matter, including but are not limited to third-party oversight, basic steps and potential timetable, and reports of progress and findings. The Fund requests that the reports shall be made public.

Very Respectfully,



Jeremy S. Wu, Ph. D.

Trustee

Sherry Chen Legal Defense Fund

Dfundschen2016@gmail.com

www.sherrychendefensefund.org

CC:

The Honorable Chuck Grassley, Chair, Senate Judiciary Committee

The Honorable Diane Feinstein, Ranking Member, Senate Judiciary Committee

The Honorable Peggy E. Gustafson, Inspector General, Department of Commerce

The Honorable Judy Chu, Chair, Congressional Asian Pacific American Caucus

The Honorable Henry Kerner, Special Counsel, Office of Special Counsel

Attachment: Email Thread on DOC/IG Complaint Number 18-0999

August 15, 2018

On Thu, Aug 9, 2018 at 4:32 PM, ComplianceandEthics <ComplianceandEthics@oig.doc.gov> wrote:

Mr. Wu,

The Department of Commerce, Office of Inspector General (OIG) is in receipt of your email, sent in your capacity as the Trustee of the Sherry Chen Legal Defense Fund (Fund), of Thursday, August 2, 2018, that references complaint number 18-0999 and your letter dated July 13, 2018. Specifically, your email notes that your “original request was [for] ‘a separate full and complete investigation of the allegations provided in the whistleblower letter....’” However, to date, the OIG has not received either a detailed summary of the referenced letter or a copy of the letter itself. As noted in our previous correspondence, the OIG requests that you provide a copy of the referenced letter.

Additionally, your email seeks “a description of your complaint intake process and the standard operating procedures that [the OIG] will follow and adequately address the above concerns.” Without the requested information regarding the allegations in the “whistleblower letter” that you reference, the OIG cannot take further action on this matter.

Sincerely,

Hotline
Office of Inspector General
U.S. Department of Commerce

From: Jeremy Wu <dfundschen2016@gmail.com>
Sent: Thursday, August 2, 2018 2:03 PM
To: ComplianceandEthics <ComplianceandEthics@oig.doc.gov>
Subject: Re: DOC OIG Complaint 18-0999

Dear Sir/Madam,

Thank you for your email and the assignment of complaint number 18-0999.

My original request was “a separate full and complete investigation of the allegations provided in the whistleblower letter with appropriate oversight to ensure integrity of this highly sensitive matter. Requisite precaution and protection must also be followed.”

Would you provide a description of your complaint intake process and the standard operating procedures that your office will follow and adequately address the above concerns?

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Jeremy S. Wu, Ph.D.
Trustee
Sherry Chen Legal Defense Fund
www.sherrychendefensefund.org

On Fri, Jul 27, 2018 at 12:25 PM, ComplianceandEthics <ComplianceandEthics@oig.doc.gov> wrote:

Hello Mr. Wu,

The Department of Commerce, Office of Inspector General has received the letter you recently submitted to our Hotline. We have assigned complaint number 18-0999. Your letter stated that “the whistleblower letter was sent to the Fund after the Merit Systems Protection Board (MSPB) hearing on Sherry Chen’s case in March 2017.” Please provide a copy of this letter by replying to this email.

Thank you.

Hotline
Office of Inspector General
U.S. Department of Commerce