

COMMENTARY

Stop Systematic Racial Bias

Stopping systemic prejudice another Obama legacy Trump can reverse



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It may take congressional action to put a halt to the systematic racial bias against Chinese-American professionals working in the US Department of Commerce, but if Secretary Wilbur Ross answers the congressional call, he will have reversed a terrible legacy from the Obama administration. And that should make Ross's boss, President Donald Trump, very happy.

Last Wednesday, members of the Congressional Asian Pacific American Caucus (CAPAC) appeared at a [Capitol Hill press conference](#) to announce that they had sent a letter to Commerce Department inspector general Peggy Gustafson asking her to investigate the wrongful dismissal of Sherry Chen as a hydrologist for the National Weather Service (NWS).

The same press conference also disclosed that a separate letter had been sent to Ross signed by 132 Asian-American community organizations asking him to facilitate the inspector general's probe and give Chen full restitution.

The United States is supposed to provide equal protection and equal justice to all its citizens. Sherry Chen has received none of that since she was wrongly [arrested](#) and falsely accused of spying for China in 2014.

After she was exonerated and all charges dropped in March 2015, Chen's family, friends and supporters rightly anticipated that she would be given back her job, which was to model and

monitor the Ohio River for threats of flooding and destruction of life and property.

Instead, [Laura Furgione](#), then the deputy director of the NWS, notified Chen that she was being dismissed from employment in the [weather](#) service. Louis Uccellini, as director of the NWS and Furgione's superior, declined to sign off on the official notice, recusing himself.

Furgione then went over his head and got Vice-Admiral Michael Devany as deputy undersecretary for operations of the National Oceanic and Atmospheric Administration (NOAA), and Uccellini's boss, to approve the dismissal. Because Furgione had to try twice to formalize the paperwork, Chen's employment was not officially terminated until a year after all charges against her were dropped, in March 2016.

The Asian-American community rallied around a stunned Chen, who appealed her case to the Merit Systems [Protection](#) Board. The MSPB was established to adjudicate appeals from US federal government employees. Over the period from 2012 to 2017, the MSPB heard nearly 70,000 cases and only in 1.6% of them did it rule in favor of the employee filing the grievance. Not a terribly promising prospect for justice, but it appeared to be the only avenue available to her.

A hearing was held by the MSPB in March 2017. Judge Michele Szary Schroeder issued her decision on April 23, 2018. She ruled overwhelmingly in favor of Chen. Schroeder took a year to write a 135-page judgment in which she carefully refuted each of the arguments presented

by the Commerce Department to justify their termination of Chen's employment.

Jeremy Wu, as trustee of Chen's Legal Defense Fund, wrote to the Senior Executives Association seeking to remove Furgione from its board of directors. His letter, dated May 15, 2018, said in part: "The rest of the MSPB decision further describes Ms Furgione's bias and vengeance, lack of integrity and impartiality, disregard of exculpatory evidence, and conducting or staying silent on scandalous activities under her watch in the NWS."

After the MSPB ruling, the only Commerce Department response was to express an intent to appeal, and it in fact sought and got an extension to June 18 to file a formal reply. It seemed to be the usual reflex of delay and stall by a government with unlimited resources to wear down a victim of limited means.

The continued intent to deny Chen her due prompted 31 members of CAPAC to sign the letter to the Commerce Department inspector general and call the press conference. Concurrently, some 130 Asian-American organizations wrote to Ross asking him to do the right thing.

These same congressional and community leaders had previously called on [Loretta Lynch](#), then-president Barack Obama's attorney general, urging her to give Chen justice. Lynch never responded. Thus the stain of racial prejudice during the Obama administration became a part of his legacy.

Lest anyone think Sherry Chen represented an isolated incident, she did not. Last year, the Chinese-American Committee of 100 published a [white paper](#) indicating that under Obama, Asians were more likely to be charged with economic espionage than people of any other race. They were also found innocent at double the rate of individuals from any other racial group. However, people with Asian-sounding names received sentences twice as long as those with Western-sounding names.

The scandal did not occur on Trump's or Ross's watch. Xenophobia does not have to be part of their legacy. They should want to know what is it in the Commerce Department that is so protective of racists and bigots. If there is no systemic rot within the department, then what are the perpetrators hiding by acting so insistent on denying Chen justice?

By exposing bigotry in the federal government, Secretary Ross, at no downside risk and personal cost, can strike a blow for fair and equal employment and ensure the full participation of every citizen in America without prejudice. Indeed, the message of treating every citizen with respect and due process would be a breakthrough unprecedented in America's history of race relations.

Dr George Koo recently retired from a global advisory services firm where he advised clients on their China strategies and business operations. Educated at MIT, Stevens Institute and Santa Clara University, he is the founder and former managing director of International Strategic Alliances. He is a member of the Committee of 100, and a director of New America Media.