



OFFICE OF THE INSPECTOR GENERAL

U.S. Department of Justice

(202) 514-3435 | oig.justice.gov

Letters to the U.S. Commission on Civil Rights and 81 Private Organizations Concerning Espionage Investigations and Prosecutions of Asian American and Pacific Islander Scientists

The Department of Justice Office of the Inspector General (OIG) sent the following letters in response to a public letter from the U.S. Commission on Civil Rights and a public letter signed by 81 private organizations concerning the Justice Department's handling of espionage investigations and prosecutions of Asian American and Pacific Islander scientists.

The initial letter from the U.S. Commission on Civil Rights is available [here](#), and the initial letter from the 81 private organizations is available [here](#). The OIG sent a separate response to the Congressional Asian Pacific American Caucus, which raised similar concerns to the OIG, as described [here](#).

Posted to oig.justice.gov on August 11, 2016



U.S. Department of Justice

Office of the Inspector General

August 10, 2016

Ms. Nisha Ramachandran
Policy and Operations Manager
National Council of Asian Pacific Americans
1629 K Street NW, Suite 400
Washington, D.C. 20006

Ms. Aarti Kohli
Deputy Director
Asian Americans Advancing Justice,
Asian Law Caucus
55 Columbus Avenue
San Francisco, CA 94111

Dear Ms. Ramachandran and Ms. Kohli:

I am writing in response to your letter dated June 21, 2016, in which you asked the Department of Justice (Department) Office of the Inspector General (OIG) to conduct an investigation of the Department's handling of espionage investigations and prosecutions of Asian American and Pacific Islander scientists.

We have carefully reviewed your letter and appreciate the importance of the issues you have raised. However, the OIG does not currently have jurisdiction over matters involving allegations of misconduct relating to Department attorneys' handling of litigation or legal decisions. This jurisdiction has been granted exclusively by Congress to the Department's own Office of Professional Responsibility (OPR), pursuant to Section 8E(b)(3) of the Inspector General Act (IG Act). As a result, unlike all other OIGs which have jurisdiction to investigate all allegations of waste, fraud, abuse, or misconduct within their agencies, the Department of Justice OIG does not.

I understand and appreciate your desire to have the OIG, because of our statutory independence, investigate the Department's handling of the investigation and prosecution of the scientists mentioned in your letter. However, the issues you raise involved the exercise by Department attorneys of their authority to litigate and make legal decisions. Therefore, pursuant to the IG Act, such an investigation is exclusively within OPR's jurisdiction and we have referred your letter to that office.

The OIG has long questioned the wisdom of this carve-out to our jurisdiction for misconduct allegations regarding the handling of litigation by Department attorneys. We believe that alleged prosecutorial misconduct by Department attorneys, like alleged misconduct by Department agents, should be subject to review by a statutorily independent entity such as the OIG, and not exclusively by a Department component appointed and overseen by Department leadership.

Providing the OIG with authority to exercise jurisdiction in attorney misconduct cases would enhance the public's confidence in the outcomes of such investigations. However, Congress has not yet adopted this change. Therefore, jurisdiction to investigate allegations of misconduct regarding Department attorneys' litigation decisions, such as the prosecution decisions you raise in your letter, remains with OPR.

Thank you for your support for my Office. If you have questions about this letter or these issues, please feel free to contact me or my Chief of Staff, Jay Lerner, at (202) 514-3435.

Sincerely,



Michael E. Horowitz
Inspector General

cc: Robin Ashton
Counsel
Office of Professional Responsibility



U.S. Department of Justice

Office of the Inspector General

August 10, 2016

Mr. Martin R. Castro
Chairman
Ms. Patricia Timmons-Goodson
Vice-Chair
U.S. Commission on Civil Rights
1331 Pennsylvania Avenue, NW, Suite 1150
Washington, D.C. 20425

Dear Mr. Martin and Ms. Timmons-Goodson:

I am writing in response to your letter dated July 15, 2016, in which you asked the Department of Justice (Department) Office of the Inspector General (OIG) to conduct an investigation of the Department's handling of espionage investigations and prosecutions of Chinese Americans.

We have carefully reviewed your letter and appreciate the importance of the issues you have raised. However, the OIG does not currently have jurisdiction over matters involving allegations of misconduct relating to Department attorneys' handling of litigation or legal decisions. This jurisdiction has been granted exclusively by Congress to the Department's own Office of Professional Responsibility (OPR), pursuant to Section 8E(b)(3) of the Inspector General Act (IG Act). As a result, unlike all other OIGs which have jurisdiction to investigate all allegations of waste, fraud, abuse, or misconduct within their agencies, the Department OIG does not.

I understand and appreciate your desire to have the OIG, because of our statutory independence, investigate the Department's handling of the investigation and prosecution of the Chinese American scientists mentioned in your letter. However, the issues you raise involved the exercise by Department attorneys of their authority to litigate and make legal decisions. Therefore, pursuant to the IG Act, such an investigation is exclusively within OPR's jurisdiction and we have referred your letter to that office.

The OIG has long questioned the wisdom of this carve-out to our jurisdiction for misconduct allegations regarding the handling of litigation by Department attorneys. We believe that alleged prosecutorial misconduct by Department attorneys, like alleged misconduct by Department agents, should be subject to review by a statutorily independent entity such as the OIG, and

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Thank you for your support for my Office. If you have questions about this letter or these issues, please feel free to contact me or my Chief of Staff, Jay Lerner, at (202) 514-3435.

Sincerely,



Michael E. Horowitz
Inspector General

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