

本文是 David Chen 在 OCAA Sherry Chen 案专题介绍(http://ohiocaa.org/sherry)基础上发表的副稿。本文侧重补充点评陈霞芬案的历史必然性以及为什么我们必须帮助陈霞芬。

陈霞芬案是历史必然
在 2014 年所处的历史大背景下,陈霞芬案映射着诸多历史必然性。

1.中美关系:
“每当中美关系紧张时,华裔美国人就会突然被怀疑给中国当间谍,”华裔美国人倡导团体“百人会”(Committee of 100)的成员顾屏山接受纽约时报采访时说。“陈霞芬只不过是最新的例子。”自关于中国网络攻击的报道出炉以来,司法部一直面临着根据《经济间谍法》(Economic Espionage Act)就一些案件进行调查和检控的巨大压力。

2.斯诺登案
纽约时报报道,刘云平和其他众议员在给司法部长林奇的信中说,他们尤为担心的是,政府为了响应 2013 年的爱德华·J·斯诺登(Edward J. Snowden)泄密案而启动的一个内部威胁项目,可能已经让很多人遭到了荒谬的调查。2013 年,白宫启动了一项由五个部分组成、旨在打击商业秘密盗窃行为的战略,其中提到的基本措施之一就是进行更多的调查和检控。

3.脸谱化调查
刘云平接受纽约时报采访时指出,最先举报陈霞芬的是一名政府雇员。“联邦雇员在培训中被告知,归化入籍的人更为可疑,在家里说另一种语言的人更为可疑,”他补充道。“以这样的标准判断,我也是可疑的,我觉得受到了冒犯。”

为什么要帮助陈霞芬
1.只有帮助陈霞芬,才能不让“荒谬”的案件变成案例。

美国的法律是案例法,如果一个“荒谬”的案件被做成案例,以后发生类似的事件将不再被视为“荒谬”。那样会很糟糕,因为无数和陈霞芬有相似性的人的权益很可能受到侵害,进而使美国社会的民主,公平和正义受到损害。按照刘云平议员的观点,类似陈霞芬的美国人应该包括所有和陈霞芬一样规划入籍的美国人(40 million or 13%),也应该包括所有和陈霞芬一样在家里说除英语外另一种语言的美国人(60 million or 20%)。无论 13%还是 20%,这对美国社会的影响都是巨大的。

2.只有帮助陈霞芬,才能不让所有移民的美国梦破灭。
美国是一个移民国家。可以说,所有美国人,要么是移民,要么是移民的后代。过去 20 年美国有很多像陈霞芬一样的新移民(包括华裔在内的亚洲移民,和其他国家和地区的移民)。他们为了在美国立足,需要经历比

我们为什么必须帮助陈霞芬

老移民的后代(那些土生土长的美国人)更艰苦的打拼。新移民只有努力把自己培养成为一位对美国社会有贡献的人,才能被美国社会接纳,成为美国人,从而实现美国梦。然而,倘若类似陈霞芬一样的“冤案”不断出现。不久人们将很快发现,在美国,一个新移民,无论你工作多么努力,成绩多么优秀,贡献多么巨大,只要你因为任何理由被怀疑,无论动机是否合理,事实是否清楚,调查是否得当,你都可能在一夜之间被弄得声名败裂,一无所有。如果作为一个新移民,你得到的是如此一个美国梦——“噩梦”,你会后悔当初追逐梦想的决定吗? 结束语

虽然包括多名国会议员在内的很多美国人对美国社会疑似存在的脸谱化调查心存忧虑,但我们依然要对美国政府和美国司法保持坚定的信心和必要的耐心。当有记者问到的陈霞芬和郝小星“是否对美国司法系统失望”时,他们不约而同地说,依然对司法系统有信心,“美国梦”还没有破碎。陈霞芬说“美国的司法系统比较健全,也许在个人执行面有偏差,还有改进的空间。但我还相信它。”。郝小星也依然信仰这个国家的民主理念。“当我们决定归化为美国人的时候,那不是个儿戏的决定,那是对这个国家作出承诺,并认同这个国家的理念。”

为了这个国家民主和正义的理想,让我们团结所有美国人,手牵手,肩并肩,和陈霞芬站在一起。帮助她讨回自己心爱的事业,帮助她赢得应有的公平和正义。“这样的事在每一个国家都可能发生,我们应该做的是通过民主渠道发声,拨乱反正。”郝小星说。

只有能够抛开出身,种族和性别,公平地对待每一个人,美国才能变得更伟大。从今天起,请告诉你身边的每一位人:为了一个更伟大的美国,请帮助陈霞芬!

* David Chen, PhD, 是俄亥俄华人协会(Ohio Chinese American Association, OCAA) 现任会长。



以 Sherr Chen 的名义,我们来了!



开除她?
在法庭里,我们欣慰的看到 Sherry 的律师 Steven 的出色的表现。温文尔雅,但步步为营,所有的问题一环扣一环,滴水不漏,不只让对方的证人有时不能自圆其说,也让对方律师没有会反击的机会。我不由不为他暗暗贺采。

休庭期间,我们到法庭外面和平示威。零下 4 度,我的脚很快没知觉了,然后是腿,手,脸。但我举得牌子从来没有低过 - Justice for Sherry Chen, Equal Opportunity for All! 这是我第一次站在街上和平示威,我很骄傲。我身边是远道从自密西根,马塞诸萨,加利福尼亚,弗吉尼亚来的朋友,我们彼此微笑的鼓励对方,身上很冷,但心里很暖。

我很喜欢有人说过一句话“no matter what, we win!”是的,我们已经赢了。我们中国人从一个逆来顺受,能忍则忍的民族,到能为自己同胞一起出庭,和平示威,我们已经赢了。我们今天为 Sherry 走在一起,我们人并不多,但我们的声音已被听见,明天我们儿女会比我们做得跟好。我们今天为 Sherry 走在一起,明天我们中国人会团结起来,我们下一代会少一个 Sherry!

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2017 三月, 辛辛那提降温到零下 4 度。但市中心的联邦法庭前,我们从全国聚集到之里的每个人的心是火热的 - 我们来这里和 Sherry Chen 一起见证司法的公正。

Sherry Chen 一个多次获奖的科学家,一个出色的政府雇员,因为一个毫无证据的罪名丢了工作。虽然国家气象局撤诉,但它的顶头上司商业部坚持开除了 Sherry.这种不公平的待遇在全美华人激起轩然大波。我们在一个天天宣传人人平等,机会均等的国度,为什么到了 Sherry 这里就另立标准? 我们想问问如果 Sherry 是白人,会有人怀疑她给中国偷情报吗? 如果立案是认为证据确凿,为什么撤销起诉? 如果无证据而撤销起诉,为什么还要

I Felt Cold but Hopeful

---- A message to fellow rally participants in supporting Sherry Chen

March 15, 2017

By Dr. Weigang Meng

Hello my compassionate friends! Do you feel cold? Sure, you feel cold. I feel very cold. Sherry feels extremely cold! Where does the cold come from? The cold was brought in by National Weather Service. The cold comes from Washington!

I share lots of common things with Sherry. Sherry emigrated from China for freedom and a better life. So did I. Sherry naturalized and became a loyal American citizen. So did I. Sherry was really smart and worked with flood modeling, the high tech stuff. I am not smart at all, but I do work on sensitive high tech stuff. Sherry worked hard and paid taxes. So do I. Sherry volunteered and gave back to the community. So do I. So, you can see: Sherry is like me, I am like Sherry! Sherry was wrongfully charged - I felt cold.

Sherry was wrongfully arrested - I felt cold. Sherry was wrongfully terminated from her job - I felt cold. Sherry was racially profiled - I felt cold. Sherry was racially discriminated - I felt cold. Sherry was retaliated at work place - I felt cold. It's Sherry today. Will it be me tomorrow? Will it be YOU tomorrow?

I felt cold. But, I feel hopeful today. The spring is coming, the warmth is coming, and the victory is coming! The spring will defeat the winter, the warmth will defeat the cold, and justice will defeat injustice! Injustice to Sherry is injustice to Weigang; injustice to one is injustice to all. Sherry must win. Sherry will win. WE will win!

* Dr. Weigang(George) Meng is a passionate math teacher, engineer and community leader in Mason, Ohio.

In 2014, Sherry Chen, an Ohioan Chinese-American scientist, was falsely accused of espionage, publicly branded a traitor, her life turned upside down, and prosecuted, but all charges were abruptly dropped weeks before the trial in 2015. The New York Times called for an “explanation or apology.” Instead, in 2016, Ms. Chen was fired.

Ms. Chen’s quest to win her job and life led her to the steps of the Potter Stewart U.S. Courthouse on March 14 where an administrative judge for the U.S. Merit Systems Protection Board heard her appeal for wrongful termination, race discrimination and retaliation. Sherry Chen was not alone for Asian-American leaders across the nation that came to support her quest for justice, the effort spearheaded by Wenkui (Vincent) Wang, Chairman of the Board of the Ohio Chinese American Association.

Leaders flew in from across the United States, from Boston, California, Iowa and Washington, D.C., Chinese Americans including Haipei Shue, Honorary Chair of the United Chinese Americans, Ji Su, President of the National Council of Chinese Americans, and Monica Yeung Arima, Board Member of the Asian Pacific Islander American Public Affairs Association San Mateo.

An all-star list of Asian American organizations came behind Sherry Chen, including The Committee of 100, National Council of Chinese Americans, Asian American Association for Justice, Asian Pacific Islander American Public Affairs Association, Ohio Chinese American Association, Ohio Center for Cultural Exchange, Mason Huaxian Chinese School, Society of Chinese Professors and Scientists UC Chapter, and Greater Cincinnati Chinese Chamber of Commerce.

Outside the Potter Stewart U.S. Courthouse in the blistering cold, supporters stood vigil for two days while Sherry Chen’s case was heard in the courtroom. Press flew in from across the nation to report on this historic trial. All major local TV stations and newspapers sent crew to cover

this high profile event, including ABC, CBS, Fox, NBC, Cincinnati Enquirer, City Beat, CCTV and World Journal, along with several independent documentary film makers. AsAmNews and China Daily reported the hearing as well. Rally organizers Michele Young, XiaojieShauZavon, and Wenkui Vincent Wang were interviewed on the NewsMakers show at Local12, CBS’s Cincinnati affiliate TV station.

Stand with Sherry Chen Michele Young

Congressman Ted W. Lieu, Congresswoman Judy Chu and Congressman Keith Ellison led forty-two (42) U.S. Congress membersto speak out for Ms. Chen and Professor Xiaoxing Xi of Temple University, and demanded Department of Justice to conduct a full investigation of why there appears to be an ongoing pattern and practice of people of color being singled out by federal law enforcement and prosecutors. The joint congressional letter is co-signed by the Chair and Vice Chair of the Democratic Caucus, the Chairs of the Progressive Caucus, the Chairs of the Asian Pacific American Caucus, the Chair of the Hispanic Caucus, the Chair of the Congressional Black Caucus and 33 other members of the House.

Ms. Chen’s case is a justice issue for all Americans, not only Asian-Americans. In our nation, it is an outrage that a citizen who proudly became a citizen and selflessly served our country was treated as a suspicious foreigner no matter how much she contributed to our nation and

lost everything she built over a lifetime of virtue and hard work. This is one of a string of false espionage charges recklessly leveled and dropped against Chinese-American scientist, without explanation or apology.

Many community leaders expressed their outrage.

“Ms. Sherry Chen is a loyal American citizen, an award-winning scientist that dedicated her life to the good of the country.? The government’s knee-jerk reaction to false accusations against Ms. Chen sent the wrong message to the American people and has demoralized other hard working federal employees at National Weather Service that serve the country every day,” said Vincent Wang, Chairman of the Board, Ohio Chinese American Association.

“We support Sherry Chen because we don’t want such a pattern of wrongly investigating and prosecuting innocent Americans based on their race, ethnicity and national origin,” said National Asian American leader, Treasurer of National Council of Chinese Americans, XiaojieShauZavon.

“Chinese Americans love this country and have made valuable contributions to all aspects of our society. Sherry Chen had her loyalty questioned and her livelihood taken from her, not because of actual wrongdoing but based on national origin, said Tessa Xuan, Executive Director of Greater Cincinnati Chinese Chamber of Com-

merce.

“Our federal government should reinstate Ms. Sherry Chen’s job with full back pay and benefits. There is no doubt this was a witch hunt from the get go,” said Lee Wong, Trustee of West Chester Township.

“Sherry Chen is an excellent scientist, dedicated employee and loyal citizen. What happened to her is totally unfair,” said Yumin Yin, Board Director of the Ohio Chinese American Association.

“This is not a Chinese American issue or an Asian American issue. It is an American issue that strikes at our fundamental values when American citizens are targeted for their race, ethnicity, or national origin. As U.S. Representative Ted W. Lieu said, the decision to fire Mrs. Chen was a ‘saving face issue’ for the government”, said Dr. David Chen, President of Ohio Chinese American Association.?

The decision of the administrative trial judge may not be for weeks or months. But, the Asian-American community is changed, coming together to fight for civil rights. Supporters can help support Sherry at the Sherry Chen Legal Defense Fund at sherrychendefensefund.org or learn more at ohiocaa.org/sherry.

“Sherry Chen’s case is a test of the American values and ideals at a historical time. Are we still a land of freedom and equality? Can justice be served to all people regardless of their gender, race and national origin? All American people must stand together to hold the government accountable for its wrongful actions against innocent citizens like Sherry Chen”, Mr. Wang explains. Let’s stand together for Sherry Chen, stand together for the American values.

* Michele Young is a mom of five, attorney, civic leader, author and 2016 Democratic candidate for Congress in Ohio’s 1st District.?Her website is micheleyoung.org.

Dan Hurley Interviews Michele Young, XiaojieShauZavon, and Wenkui Vincent Wang on the NewsMakers show at Local12, CBS’s Cincinnati affiliate TV station.

