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Senior Whip

October 31, 2016

Cathy L. Helm
Inspector General
Smithsonian Institution
MRC 524
PO Box 37012
Washington DC 20013-7012

Dear Ms. Helm:

I was very concerned to read the recent news report regarding the severe mishandling of a confirmed case of sexual assault at the Smithsonian Institution (“Smithsonian”).¹ The conduct of the Smithsonian officials was inept and disturbing, and I am writing to ask that you take immediate action to: 1) provide the survivor with the tape recordings she has requested; and 2) open an investigation into the Smithsonian’s sexual misconduct policies and procedures.

After a colleague touched her non-consensually at the National Museum of Natural History in 2011, the survivor, dubbed “Angie” in the article, reported the assault to her adviser, who immediately reported it in writing to the Smithsonian’s equal employment opportunity specialist. Smithsonian officials later refused to assist Angie on the grounds that she had not made an official report, though she and her adviser were never told that their initial written report was unofficial, nor were either of them advised on how to make an official report. Other Smithsonian officials belittled Angie’s experience, made excuses for the perpetrator, and refused to accommodate her request that the perpetrator be kept away from her. For example, the Smithsonian’s ombudsman dismissed Angie’s concerns because the perpetrator was such a “great scientist” and there was “only one” incident. Angie has been in contact with my office and has independently confirmed the details of the story.

Angie has repeatedly requested copies of two tape recordings made during separate meetings with Smithsonian staff. The first is of a meeting with Eric Woodard, Wendy Wiswall, and Mary Sangrey from summer of 2014, which she requested from the Smithsonian Office of the General Counsel on July 1st, 2016. Two weeks ago, she received 10 minutes of audio from that meeting,

¹ Balter, Michael. “From Texas to the Smithsonian, following a trail of sexual misconduct.” *The Verge*, 24 October 2016. <http://www.theverge.com/2016/10/24/13359794/smithsonian-sexual-misconduct-investigation-miguel-pinto>

but the quality of the recording is so poor that it is nearly unusable, and at least 20 minutes of the meeting are missing from the recording. The second is of a meeting with your office in April of 2016, which she requested on June 29th, 2016, and to which she has not yet received an adequate response. While we recognize that the Smithsonian is not subject to the Freedom of Information Act, these actions show a lack of transparency and accountability to this survivor. We strongly encourage your office to work with the pertinent Smithsonian staff to provide usable, understandable copies of both recordings to Angie in a timely fashion.

However, of even greater concern is your office's finding that "there are no violations of Smithsonian policies with respect to this matter." If Smithsonian policies make reporting sexual assault difficult and allow senior officials to berate survivors and to obfuscate official procedure, it is difficult to see how these policies are adequate. I ask that you open an investigation into the Smithsonian's sexual misconduct policies and procedures to assess what changes should be made.

As you conduct your investigation, we would urge you to consider the following questions:

1. Does the Smithsonian have an adequate and fair process for reporting sexual harassment, sexual assault, and gender discrimination?
2. Are complaints of sexual harassment, sexual assault, and gender discrimination handled effectively and in a timely manner by the Smithsonian in accordance with appropriate policies?
3. Does the Smithsonian follow appropriate protocols to discipline employees that sexually harass or assault their colleagues or contribute significantly to a hostile work environment?
4. Have any of the complainants been illegally retaliated against for making protected disclosures?
5. Does the Smithsonian have sufficient mechanisms in place to assess the workplace climate, and could it benefit from regular workplace climate surveys?

Thank you for your consideration of this investigation. I look forward to your response.

Sincerely,



Jackie Speier