But he’s been around longer than that—serving as mayor, vice-mayor, and as a member of the city council of Richmond.

Prior to that, Tom’s business background and experience gave him special insight about the problems and challenges faced by small business.

Obviously, that background and experience is similar to mine.

But that is not the only thing that endears Tom Bliley to me.

I can truly say, “I knew him when.”

He has been a friend for so many years that I’m not sure I even like to think about how long it’s been.

As I look back on all the things he’s done, I realized I first knew him when he was mayor of Richmond.

That was 30 years ago. Then he was elected to Congress in 1980.

I was elected just a couple of years later. And since then, Tom has been one of the most rewarding parts of this job.

We’ve worked on issues ranging from those that impacted Virginia to those that impacted NATO.

For a couple of young men from Richmond, I’d say we’ve come a long way.

But Tom’s greatest strength, and I hope one I share, is he never forgot where he came from.

Serving the people at home was his strong point—equalled only by being such a great Virginia gentleman.

I am honored that he is my friend.

INVESTIGATION AND TREATMENT OF WEN HO LEE

The SPEAKER pro tempore (Mr. Mica). Under the Speaker’s announced policy of January 6, 1999, the gentlewoman from Hawaii (Mrs. Mink) is recognized for 60 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I take this time to express my deep concerns about the overall unfortunate circumstances that have revolved around Wen Ho Lee.

On March 6 of 1999, the New York Times reported that government investigators believed that China had accelerated its nuclear weapons program with the aid of stolen American secrets. This report, along with other reports that came subsequently, led to a frenzy of activity. In fact, 2 days after the March 6, 1999 New York Times report, Wen Ho Lee, who was identified, was then fired from the laboratory; and soon after that, he was charged with the various offenses.

In September of this year, September 26, 2000, the New York Times took the very exceptional opportunity to explain the backup of their reporting, going back to March 6, 1999. Although they really made no overt apologies for the conclusions that they drew in their March 6, 1999 article, it is interesting to note that they made various observations.

First, they said looking back, and I quote from this article of New York Times Tuesday September 26: “But looking back, we also found that many stories were done differently in the course of the coverage to give Dr. Lee the full benefit of the doubt. In those months, we could have pushed harder to uncover weaknesses in the FBI case against Dr. Lee. Our coverage would have been strengthened had we moved faster to assess the scientific, technical and investigative assumptions that led the FBI and the Department of Energy to connect Dr. Lee to what is still widely acknowledged to have been a major security breach.”

The Times neither imagined the security breach, as they go on to say, nor did they initiate the case against Dr. Wen Ho Lee. But, however, it was the March 6 article that set the tone for the coverage against this individual in the ensuing months.

The New York Times editorial of September 26, 2000 goes on to say, “The article, however, had flaws that are more apparent now that the weaknesses of the FBI case against Dr. Lee have come to light. In particular, FBI agents have not paid enough attention to the possibility that there had been a major intelligence loss in which the Los Alamos scientist was a minor player,” and perhaps maybe even uninvolved.

“The Times should have moved more quickly,” it said in this article, “to open a second line of reporting, particularly among scientists inside and outside the government.”

This article is a very unique and interesting attempt on the part of the New York Times to respond to severe criticism that other journalists had leveled against the New York Times for its March 6, 1999 article.

But in any event, the ensuing events that led to the conviction of Dr. Wee Ho Lee is what prompts me to come to the floor tonight to speak about this incident. It is very strange that, if there was such an egregious breach of national security presumably organized and conducted by Dr. Wen Ho Lee, that it took 9 months to obtain an indictment against him, during which time he was completely free.

At that time, 9 months later, they charged him with 59 separate felony offenses. Thirty-nine counts alleged that Dr. Lee violated the Atomic Energy Act because he mishandled material containing restricted data with the intent to injure the United States and with the intent to secure an advantage to a foreign Nation. Ten counts alleged that Dr. Lee unlawfully obtained defense information in violation of the law, ten counts of willfully retaining national defense information in violation of the law.

What safeguards did the government take to make sure that Dr. Wen Ho Lee did not flee or transfer the tapes to some individual during those 9 months?

Nothing. He was certain on his security risk from the time that he was fired from the Los Alamos laboratory until he was finally charged on December 10, 1999.

Now suddenly we read in the newspapers in September of the year 2000 that 58 charges leveled against Dr. Wen Ho Lee were dropped under a plea bargain involving the plea of guilty on one count only and a pledge to cooperate with the government to disclose why he did it and how he disposed of the tapes that he had pled guilty to having taken. It is very strange.

The reason I take this floor to raise this issue is not to discuss the innocence or guilt of this man. He has already pleaded guilty. But the one thing that has concerned the Asian American community tremendously is the way that he was treated after he was finally charged with these various 59 crimes and, at his computer and to make determinations as to whether something was done that violated the security restrictions of the laboratory, and the Justice Department denied the request of the investigators.

Yet, here on December 10, he was denied bail. Out of that denial came this extraordinary disclosure through the family and through his lawyers and through others who became acquainted with the nature of his confinement, that he was kept in a cell, completely enclosed, maybe 4 feet by 16 feet in dimension. The entrance to his cell was not the regular bars, but it was a door with a little window. He was kept in
Many people are alleging that this was a racial profiling situation, and they are raising all sorts of questions with respect to why Dr. Lee and not all the other individuals. We know about some very, very difficult cases that are involving high-ranking officials, with extremely important information, and who took classified information, put on tape, and are still, for all that I know, not under any particular arrest warrants or incarcerated or charged for their conduct.

So the people are very, very concerned. They want to know why his ball was denied. Was there really an intent here to pressure this particular person to come forward with information? Was there a deliberate intent to make his detention so severe that he would be forced to cooperate?

The reason why this case really came to its final conclusion, with Wen Ho Lee being released, was that the judge had been told at the final bail hearing that came up in August that the information that the FBI had presented to the judge back in December was all true. As a matter of fact, it came out in the testimony to the judge in August that Wen Ho Lee had been told by the FBI agents that he had flunked the polygraph test when in fact he had passed it. This was another incident of the government’s deliberate attempt to try to force a confession from someone who was constantly saying that he had not breached the national security of the United States. What he had done was probably wrong and contrary to the rules, but certainly not anything that constituted a breach of national security.

Nowhere in the investigation was the FBI able to show in any context what sort of information he had passed or gave to China. He was accused of not having filed reports; yet in the August hearing, before the judge, it came out that he had indeed filed the reports and that all of those arguments that had been made in December were simply not true.

The judge had gone along in December with this harsh treatment of solitary confinement because he believed that there was hearsay, a defendant who was deliberately trying to obfuscate his actions, had failed to file the necessary reports that he was required to file as an employee of Los Alamos laboratory. And when all of this exploded in the face of the truth at the August hearing, the judge then changed his statement in his final recommendation for release of Dr. Lee that he was astounded that this sort of situation could be tolerated, and he was absolutely shocked at what had happened to this individual. So he ordered the release.

The release was appealed by the government. The other courts simply dismissed the appeal and shortly thereafter Dr. Lee was released a free man. The only requirement is that he not leave the country for a year, I believe, and that he cooperate in a debriefing type of contact with the Department in an effort to try to find out where the tapes are located and what has happened to them.

So we have to look back on this situation and say, okay, the FBI agents erred in their anxiety to find this person guilty of egregious violations against the government and to show that this individual was a deliberate liar and trying to withhold information from the government. But what happens to the FBI agents who perpetrated this statement to the judge? That’s another matter. Was it legal or not? I said that the government had committed a deliberate lie. They claimed that they were simply mistakes. But what happens to these agents that misled the court and caused this grievous harm against this individual insofar as how he was treated? He was shackled as an animal. Even when he was allowed to go to see his lawyers, he was still shackled. It is an incredible, unbelievable story of inhumane treatment of an individual under these circumstances.

Mr. Speaker, I have letters that have been sent to the U.S. Attorney in New Mexico, Norman C. Bay, making an inquiry about the conditions of his confinement and the responses that were received. Many, many individuals wrote to the Justice Department; the American Association for the Advancement of Science sent a letter; the New York Academy of Science wrote to the Attorney General protesting the harsh treatment of Wen Ho Lee; the Human Rights Committee of Scientists; the Episcopal Church of the United States; the National Academy of Sciences; the National Academy of Engineering; the Institute of Medicine sent a joint letter on June 26 to the Attorney General protesting the severity of his confinement; and the Amnesty International on August 16 also sent a letter. On August 31, the National Academies protested that in all the letters they had written, they had failed to get any responses from the Justice Department.

Mr. Speaker, I will be submitting the letters that I have just mentioned for inclusion in the RECORD. I also will put in the RECORD letters that are dated way back in January of this year from the National Asian Pacific American Legal Consortium, writing to the Attorney General and expressing their concerns about his detention; as well as the Organization of Chinese Americans and their letters; the National Academy...
Asian Pacific American Bar Association, also writing to the Attorney General about this treatment, and the comment of Robert S. Vrooman, the former chief of counterintelligence at Los Alamos regarding specifically his being targeted for confinement.

Mr. Speaker, I note that my colleague from California is here with me, and I yield to him at this time.

Mr. GEORGE MILLER of California. Mr. Speaker, I want to thank the gentlewoman for yielding to me, and thank her very much for taking this time and this special order to raise the concerns that she has. I have been watching the special order, and I want to tell her how much I appreciate it, because I think that the treatment and the prosecution of Wen Ho Lee and the manner in which it was handled raises serious concerns for every American.

Once again we see that when the incredible power of the government comes down on a single individual, all too often that individual's rights are crushed under the full force. And in this case we saw almost a hysteria that ran through the government, through committees of Congress, within the Department of Energy and Justice and Defense, in a frenzy to try to prove something that they may, in fact, not have had the evidence to prove. And in doing so, they focused on this individual, Wen Ho Lee, and then proceeded over the next 9 months to treat him in a manner that no American would want to be treated or have a member of their family treated.

The gentlewoman has recited the litany of harsh treatments to this elderly man during his time in solitary confinement, when in fact at the same time the evidence was starting to suggest that he was not guilty of all that he was charged. This is not to suggest that perhaps that Wen Ho Lee did not violate rules of protocol and perhaps even security rules. But the jump from that to that he was one of the most dangerous men in the United States; that he had transferred the crown jewels, we now find that what this was was a lot of prosecutorial hyperbole. They were trying to make their case. They were trying to push the public to focus on this individual because they felt it would solve a problem.

We know that one of the major mistakes that law enforcement can make is to focus on a single individual too early in an investigation. So now we find out 9 months later that not only have they dropped all of the charges with respect to Wen Ho Lee, except for one out of 79 counts, but we are no further along in knowing what happened to this information and how it got into the hands of a person who walked into our embassy and dropped it on to a table. So in fact not only were his rights compromised, but in fact maybe the very investigation has been compromised because so much energy and effort was put on to the focus of Wen Ho Lee.

So now we see that the very investigation has been compromised because so much energy and effort was put on to the focus of Wen Ho Lee. It is now time to take a step back and look at what has happened here, because the damage runs to the public to focus in on this individual and his treatment.

Unfortunately, I think the damage was not only done to Wen Ho Lee and his family, his reputation; it also runs to the integrity of this body, to our agencies that participated in that. The American public needs to know what happened here.

Mr. Speaker, I want to thank the gentleman from California (Mr. GEORGE MILLER) and the gentlewoman for giving a large perspective on this. I came to the floor because so many Asians have expressed a dismay that a situation like this could happen in America and many of them expressed the belief that it could only happen to an Asian. That to me is a very compelling aspect to have a country so wonderful in terms of its definition of democracy, to have a segment of our community believe that this occurred to this one gentleman because he was Asian and that the outcry did not come until after he was more or less exonerated.

The outcry should have been there, as many of the organizations did, but it was sort of scuffled. Nobody really paid much attention to it. I agree absolutely that we have to call for an investigation, and it cannot be the one that the Attorney General has had the opportunity to call for.

The Senate has investigated it, has asked for and written the President what we really ought to have, and what I have asked for and written the President and spoken out on this floor for, is somehow we need a truly independent investigation.

I am afraid that investigation will not come about of the government, because the government is so compromised in the manner in which the investigation was handled by the various agencies and by the committees of Congress in their rush to judgment, in their frenzy and their hysteria over this issue. But I would hope that this administration would, in fact appoint an outside panel of experts who can have that security clearance, who can determine what in fact happened here, because the damage runs to our civil liberties. The damage runs to Wen Ho Lee and his family, his reputation; and it also runs to the integrity of this body, to our agencies that participated in that. The American public needs to know what happened there.

Mr. Speaker, I want to thank the gentleman from California (Mr. GEORGE MILLER) and the gentlewoman for taking this time. People need to know what happened here.

And when you see the treatment of this individual, you would be asking the same question of yourself if you wanted to determine. And yet, because of this action, you may be denying this country some of the very best scientists, mathematicians, engineers and others that are available in the world today who would love to come to work for the United States and in fact are not any of those suspected things.

So I think it has been a real cost to us, to the labs and to our resources available to work on the kinds of scientific endeavors that so many at the lab do on a day-to-day basis. So people who work for these labs should not just be asking questions about Wen Ho Lee. This is the ripples of this case, and how it has been handled go far beyond far beyond this individual and his treatment.

But we ought to make sure that we do not forget nor can an agency simply not answer for their actions. That is not what we want. We do not think that they can investigate themselves because in fact they were part of the frenzy that took place around the arrest and prosecution and detainment of Wen Ho Lee.

So we owe the gentlewoman a debt of gratitude for taking the time to bring this to the floor, because so many Asians have expressed a dismay that a situation like this could happen in America.

Two days later, Wen Ho Lee was identified and fired.
CONGRESSIONAL RECORD—HOUSE

October 12, 2000

[From the New York Times, Sept. 28, 2000]

THE TIMES AND WEN HO LEE

On Monday the New York Times reported that Government investigators believed China had accelerated its nuclear weapons program with the aid of stolen American secrets. The article said the Federal Bureau of Investigation had focused its suspicions on a Chinese-American scientist at the Los Alamos National Laboratory. Two days later the Department announced that it had fired a Los Alamos scientist for “serious security violations.” Officials identified the man as Wen Ho Lee.

Dr. Lee was indicted nine months later on charges that he had transferred huge amounts of restricted information to an easily accessible computer. Justice Department prosecutors persuaded a judge to hold him in solitary confinement without bail, saying his release would pose a grave threat to the nuclear balance.

This month the Justice Department settled for a guilty plea to a single count of mishandling secret information. The judge accused him of violating the national security threat and having provided inaccurate testimony. Dr. Lee was released on the condition that he cooperate with the investigation to explain why he deleted classified files from his computer and then tried to hide the fact (a development that occurred to us only later. Nothing in this experience undermines our faith in any criteria we apply to sources, we observed). The Times, for having propelled an overwhelming, was politically explosive.

The prevailing view within the government is still that China made its gains with access to valuable information about American nuclear weapons, even though the evidence of which specifically The Times, for having propelled an overwhelming case, was based on the Times in a painstaking narrative that showed how various agencies and the White House itself had responded to the reported security breach.

The article, however, had flaws that are more apparent now that the weaknesses of the F.B.I. case against Dr. Lee have surfaced. It failed to take into account the possibility that there had been a major intelligence loss in which the Los Alamos scientist was a minor player, or completely uninvolved.

The Times should have moved more quickly to open a second line of reporting, particularly among scientists inside and outside the government. The paper did this in the early summer, and published a comprehensive article on Sept. 7, 1999. The article laid out more extensively the evidence that Chinese espionage had secured the key design elements of an American warhead called the W-88 while showing at the same time that this espionage was being funded by China. The investigation was defending a policy of increased engagement with China, any suggestion that the White House had not moved swiftly against a major Chinese espionage operation was politically explosive.

The Times neither imagined the security breach nor initiated the case against Wen Ho Lee. By the time our March 6 article appeared, F.B.I. agents were far more deeply into Dr. Lee’s activities for more than three years. A bipartisan congressional committee had already conducted closed hearings and written a secret report unanimously concluding that Chinese espionage had harmed American national security, and questioning the administration’s vigilance.

Nevertheless, far from stimulating a witch hunt, The Times had clearly shown before Dr. Lee was even charged that the case against him was circumscribed, therefore weak, and that there were numerous other potential sources for the design of the warhead. There are articles we should have assigned but did not. We never prepared a full-scale profile of Dr. Lee, which might have humanized him and provided some balance. Some other stories we wish we had assigned in those early months include a more thorough look at the political context of the Chinese weapons debate, in which Republicans were eager to score points against the White House on China; an examination of how Dr. Lee’s handling of classified information compared with the usual practices in the laboratories; a closer look at Notra Trulock, the intelligence official at the Department of Energy who sounded some of the loudest alarms about Chinese espionage; and an exploration of the various suspects and leaks that federal investigators passed up in favor of Dr. Lee.

In situations where we fell short of our standards in our coverage of this story, the blame lies principally with those who directed the coverage, for not raising questions that should have been raised, or disappointed us in this experience undermines our faith in any criteria we apply to sources, we observed. An enormous amount remains unknown or disputed about the case of Dr. Lee and the larger issue of Chinese espionage, including why the scientist transferred classified computer code to an easily accessible computer and then tried to hide the fact (a development first reported in The Times), and how the government case evolved. Even the best investigative reporting is performed under deadline pressure, with the best assessment of information available at the time. We have dispatched a team of reporters, including the reporters who broke our first stories, to go back to the beginning of these controversies and do more reporting, drawing on sources and documents we did not previously available. Our coverage of this case is not over.

It took 9 months later to obtain an indictment against Wen Ho Lee. It charged him with 59 counts of theft of government funds and with lying to the FBI. The science community and other officials argued that Dr. Lee violated the Atomic Energy Act because he purportedly mishandled material containing restricted data, with the intent to injure the United States, and with the intent to...
secure an advantage to a foreign nation; ten counts allege that Dr. Lee unlawfully obtained defense information in violation of 18 U.S.C. & 793(c); and ten counts of willfully retaining national defense information in violation of 18 U.S.C. & 793(e).

What safeguards did the Government take to make sure Wen Ho Lee didn’t flee or transfer the tapes?

Why wasn’t he a security risk prior to December 10, 1999?

Why now in September 2000, 58 charges are dropped for a plea bargain involving only one plea of guilty and a pledge to cooperate.

Suddenly Wen Ho Lee is no longer a risk. Today Wen Ho Lee is a free man. The tapes are still missing.

I rise tonight to express my great concern that hysteria and cover-up were the real reasons for Wen Ho Lee’s indictment.

The managers of our national nuclear labs had mismanaged the security of these institutions. Access to these secrets was not monitored and vast numbers of people could easily obtain access without signing in or out.

Wen Ho Lee was queried about this contacts in the People’s Republic of China.

In 1993–94—Wen Ho Lee was under investigation—for knowingly assembling 19 collections of files, called tape archive (TAR) files, containing secret and confidential restricted data relating to atomic weapons research, design, construction, and testing.

The FBI had Wen Ho Lee under investigation for 3 years.

In 1997, the FBI asked for authority to search Wen Ho Lee’s computer. The Attorney General Janet Reno denied this request as not justified based on the facts.

The issue is not the prosecution.

The issue is why was Wen Ho Lee singled out for this witch hunt.

After he was indicted, why was he treated as though he was already convicted?

Why was his detention so severe?

Was it designed to coerce his cooperation?

Why did the FBI lie to Wen Ho Lee “telling him” he had failed the polygraph test when in fact he had passed? A polygraph test was administered on December 23, 1998, by the Department of Energy in New Mexico. DOE said he unequivocally passed, FBI said failed.

The FBI then did its own testing of Dr. Lee, and again claimed he failed, but didn’t tell him that he failed. CBS News Correspondent Sharyl Attkisson for CBSNews.com.

Wen Ho Lee’s Problematic Polygraph

Three Experts Gave The Nuclear Scientist Passing Scores

But The FBI Later Reversed The Findings

CBS Investigation Fuels Argument That He Was Convicted (CBS) Wen Ho Lee either passed—or failed—his first spy-related polygraph, depending upon who was interpreting the results.

As CBS News Correspondent Sharyl Attkisson reports for CBSNews.com, the test was given December 23, 1998 by a Department of Energy (DOE) polygrapher in Albuquerque, N.M., where Wen Ho Lee worked as a top secret nuclear scientist. Because Lee, a Taiwanese-American, had recently been to Taiwan, he was a high priority target.

The FBI focused on him as the prime suspect in the emerging case of alleged Chinese espionage.

The FBI still wasn’t close to making an arrest or even beginning an interrogation, but the DOE’s head of counterintelligence, Ed Curran, was so anxious to leave Lee in his highly sensitive job in the lab’s X-Division, so he ordered the polygraph test. FBI agents were standing by during the DOE test, ready to interrogate Lee if his polygraph answers proved to be deceptive.

Lee was asked four espionage-related questions:

“Have you ever committed espionage against the United States?”

Lee’s response: “No.”

“Have you ever provided any classified weapons data to any unauthorized person?”

Lee’s response: “No.”

“Here you had any contact with anyone to commit espionage against the United States?”

Lee’s response: “No.”

“Have you ever had personal contact with anyone you know who has committed espionage against the United States?”

Lee’s response: “No.”

The polygrapher concluded that Lee was not deceptive. Two other polygraphers in the DOE’s Albuquerque, DOE, including the manager, reviewed the charts and concurred: Lee wasn’t lying.

The polygraph results were so convincing and unequivocal, that sources say the deputy director of the Los Alamos lab issued an apology to Lee, and work began to get him reinstated in the X-Division. Furthermore, sources confirm to CBS News that the local Albuquerque FBI office sent a memo to headquarters in Washington saying it appeared that Lee was not their spy.

But key decision-makers in Washington remained unconvinced.

Several weeks after the polygraph, the DOE decided to assign it the unusual designation of “incomplete.” Officials in Washington also ordered a halt to Lee’s reinstatement of the X-Division.

When FBI headquarters in Washington finally obtained the polygraph results, yet another interpretation was offered: that Lee had failed the polygraph.

The FBI then did its own testing of Lee, and again claimed he failed. Yet sources say the FBI didn’t interrogate Lee at this time, or even tell him he had failed the polygraph—an odd deviation from procedure for agents who are taught to immediately question anyone who is deceptive in a polygraph.

In early March 1999, the FBI did interrogate Lee. It was the day CBS News broke the story of a soon-to-be-released congressional report on alleged Chinese espionage at the labs, and the day before The New York Times printed an article that described Lee as a suspect, without using his name. One investigative source tells CBS News that after this particular day of questioning, the lead FBI agent verbalized that she thought Lee was not the right man.

But others still remained unconvinced.

So on March 7, 1999, the day after the New York Times article, the FBI ordered another interrogation of Lee. This time a “confrontational” style interview.

One special agent doing the questioning told Lee no fewer than 30 times that he had failed the polygraph and repeatedly demanded to know why. Here are some selected excerpts:

FBI special agent: “You’re never going to pass a polygraph. And you’re never going to have a clearance. And you’re not going to have a job. And if you get arrested you’re not going to have something that I can tell Washington as to why you’re failing those polygraphs, I can’t do a thing.”

Lee: “Well I don’t understand.”

FBI special agent: “I don’t get your job. I can’t do anything for you, Wen Ho. I can’t stop the newspapers from knocking on your door. I can’t stop the newspapers from calling your son. I can’t stop the people from polygraphing your wife. I can’t stop somebody from coming and knocking on your door and putting handcuffs on you.”

Lee: “I don’t know how they can do this case. I’m an honest person and I’m telling you all the truth and you don’t believe it. I, that’s it.”

FBI special agent: “Do you want to go down in history whether you’re professing your innocence like the Rosenbergs to the day they take you to the electric chair?”

Lee: “I believe eventually, and I think God, God will make it his judgment.”

During this time period, Washington officials began leaking to the media that Lee had failed his polygraphs, and that he was “the one” who had given to China information on America’s most secret nuclear warhead, the W-88. A stunning charge that, in the end, investigators were unable to back up.

One question at hand is how could the exact same polygraph charts be legitimately interpreted as “passing” and also “failing?”

CBS News spoke to Richard Keifer, the current chairman of the American Polygraph Association, who’s a former FBI agent and used to run the FBI’s polygraph program.

Keifer says, “There are certain vari- abilities to cause one person to say (a polygraph subject is) deceptive, and one to say he’s non-deceptive . . . there should never be that kind of discrepancy of the evaluation of the same chart.”

As to how it happened in the Wen Ho Lee case, Keifer thinks, “then somebody is making an error.”

We asked Keifer to look at Lee’s polygraph scores. He said the scores are “crystal clear.” In fact, Keifer says, in all his years as a polygrapher, he has never been able to score anyone so high on the non-deceptive scale. He was at a loss to find any explanation for how the FBI could deem the polygraph tests as “failing.”

The FBI has not explained how or why it interpreted Lee’s polygraph as deceptive. When asked for an interview, the FBI simply said it would be “bad” to talk about Lee’s polygraph, and that the case will be handled in the courts. The prosecution has not turned over the charts and many other polygraph documents to Lee’s defense team. And so far, the prosecution has withheld other key documents, including the actual charts which the FBI used to interrogate Lee.

Since Lee was never charged with espionage (only computer security violations), the content of the polygraph may be unimportant to his case. But the fact that his scores apparently morphed from passing to failing fuels the argument of those who claim the government was looking for a scapegoat—one to blame for the alleged theft of masses of American top secret nuclear weapons information by China—and that Lee conveniently filled that role.

Why did FBI Agent Robert A. Messemer lie?

What percentage has he been to台湾? Is he perjured testimony? Is he still working for the FBI? Was this a conspiracy within the FBI?

Why didn’t the court give Wen Ho Lee the benefit of the doubt?
Why was he locked in a secure enclosed cell? Why was he required to wear ankle and wrist shackles when allowed out for his daily one hour exercise?

Whose idea of “exercise” includes the words “while shackled”? I am told that at the court house while meeting with his lawyers, even when escorted to the toilet, he was shackled.

We are told that the Justice Department approved this severe treatment—that the Department of Energy requested it—Attorney General Reno testifies on September 28 in the Senate that she was unaware that Wen Ho Lee was shackled and was not in receipt of any complaints. A petition dated January 4, 2000 was signed by 3,000 people and forwarded to the Attorney General on March 8, and again on June 8, 2000.

LOS ALAMOS, NM, March 8, 2000.

Re: Petition for Independent Polygraph Test for Dr. Wen Ho Lee and for Improved Conditions of Imprisonment for Dr. Lee

NORMAN C. BAY,

Interim United States Attorney for the District of New Mexico, NM.

Dear Mr. Bay:

Copies are enclosed of petition signatures of over 2000 people seeking your agreement to an independent, qualified polygraph test for Dr. Wen Ho Lee to confirm that the tapes at issue in the bail proceeding were destroyed and not copied.

It is unconsolable that your office has refused to agree to an independent polygraph, which was offered by Dr. Lee and his counsel. The federal judge who presided at the bail hearing noted that Dr. Lee made every effort to obtain such a test. All records from Circuit Court Appeals recently upheld the Judge’s reasoning. Confirmation that the tapes do not exist would void the court’s concern about the validity of the polygraph examination.

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Re: Petition for Independent Polygraph Test for Dr. Wen Ho Lee and for Improved Conditions of Imprisonment for Dr. Lee

The Petitioners also seek improved conditions for Dr. Lee, who continues to be shackled in prison awaiting trial to clear his name. Every prosecutor’s first duty is to achieve justice and fairness, not to convict at all cost.

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Deepest concern of your office that the tapes presented a straightforward means to allay concern of your office that the tapes do not exist would verify that concern in prison awaiting trial to clear his name. The conditions under which Dr. Lee is imprisoned are shameful. No person should be subject to such arbitrary and harsh conditions, especially one who, like Dr. Lee, is presumed to be innocent.

Your immediate response to the request of the Petitioners would be appreciated. A copy of each petition signature are available for inspection by you or your representative at my office, by appointment.

Sincerely,

PHYLLIS J. HENDES

FIGHT UNJUST TREATMENT OF DR. WEN HO LEE

Dr. Wen Ho Lee continues to be shackled as a prisoner in a Sante Fe jail although his triial is months away. Excessive, punitive restraint at his workplace is unwarranted. Lee has waited for the opportunity to clear his name which was smeared by government leaks accusing him of being a spy. When the FBI, DOE, and United States Attorney found no evidence of spying by Dr. Lee they rationalized their botched investigation, laced with racism, by bringing criminal charges against Lee for possession classified information on non-classified computer tapes.

The U.S. Attorney swayed the Albuquerque judge to deny bail by conjuring fear that Lee might somehow spirit the destroyed tapes and himself abroad. The judge indicated Lee should be released pending trial and suggested the U.S. Attorney agree to a polygraph examination offered by Lee's attorney to verify the tapes were destroyed. The U.S. Attorney insists that Lee must agree to a polygraph administered by the FBI as well as FBI interrogations before and after the polygraph.

Do you do something to fight this injustice? Below is a petition to the U.S. Attorney for New Mexico to institute an independent polygraph as well as more humane conditions for Dr. Wen Ho Lee during his incarceration.

Please clip, sign, and return the petition to me at P.O. Box 1288, Los Alamos, NM. I will send the petition to the U.S. Attorney for New Mexico, listing your name with many others who have signed. Or, call me at 662-7400 to obtain a copy of the petition. For further information see www.wenholee.org.

PETITION

Petitioners request that the United States Attorney for New Mexico agree to an independent polygraph examination of Dr. Wen Ho Lee, to be administered by a reputable organization not associated with the defense or the prosecution in the proceeding by the United States against Dr. Lee, to confirm the status of the seven "missing" tapes at issue in that proceeding. Pending resolution of Dr. Lee's pre-trial release, Petitioners request that the United States Attorney for New Mexico institute improvements in conditions during his confinement, including increased recreation, and visiting opportunities.

(NY NAME)

Another letter from Cecilia Chang signed by thousands of others were sent to the Attorney General in April 2000.

WENHOLEE.ORG

PENTON, CA, April 19, 2000.

Re: Review of Special Restrictions Imposed on Dr. Wen Ho Lee

HON. JANET RENO,

U.S. Attorney General,
U.S. Department of Justice, Washington DC.

Dear Ms. Reno:

The enclosed petition was signed on behalf of Dr. Wen Ho Lee by 1,286 of Dr. Lee’s fellow American citizens, urging you that exercises your authority to release Dr. Lee from the harsh detention conditions imposed at your direction under 28 CFR Sec. 501.2. This petition, sponsored by WenHolee.org, also has been endorsed by organizations such as the American Physical Society, the American Association of Advancement of Science, Federation of American Scientists, New York Academy of Sciences, the Committee of Concerned Scientists, American Chemical Society, Overseas Chinese Physical Society, and others, protesting Dr. Lee’s treatment and the voodoo science used to alarm the public. We ask that you consider these letters in arriving at your decision about Dr. Lee’s detention.

Of particular note is the contrast of Dr. Lee’s treatment with that of former CIA Director John Deutch. Handling of the Deutch and Lee cases reveals the irregular treatment of Dr. Lee. Mr. Deutch’s security violations, which went uninvestigated for years, exposed the United States to far greater harm than the security lapses by Dr. Lee. Mr. Deutch made accessible at his home, current and top secret information significantly more important to national security than the information transferred by Dr. Lee, which was not top secret and in fact can be found in the open or developed by other means. The actions of Mr. Deutch posed a clear and present threat to national security whereas Dr. Lee’s actions did not.

October 12, 2000

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consequences unheard of for any security violation in American history. Whereas mishandling of classified information should have been an internal matter for DOE and LANL, on December 10, 1999, the United States government declared a national emergency and brought criminal charges that threaten him with life imprisonment. The FBI has publicly stated the ensuing investigation of Dr. Lee was based on racial profiling. The FBI used intimidation, threats of execution, and lying, to try to force a confession during their interrogations of Dr. Lee. It can only be inferred that Dr. Lee’s cruel treatment reflects a bias against Chinese Americans. Dr. Lee should not have any place in the prosecutorial duty to achieve justice and fairness.

Yours is a critical responsibility to stem the improper treatment of Dr. Lee, who is presumed to be innocent of criminal wrongdoing. Continuing the cruel conditions of his detention would affront all American citizens by diminishing the rights and freedoms we cherish.

Sincerely,

Wen Ho Lee

(Pro bono)
Chair, Steering Committee for Dr. Wen Ho Lee Defense Fund

FREE WEN HO LEE!

Petition Recipients: Janet Reno, U.S. Attorney General; Bill Richardson, U.S. Energy Secretary; Vice President Al Gore

Petition Sponsored by: Wenholo.org, 3735 Armour Court, Fremont, CA 94536

TO THE HONORABLE JANET RENO: We, the signers of this petition, urge you to take advantage of the opportunity afforded you under Title 28 of the Code of Federal Regulations to free Dr. Wen Ho Lee from his harsh and unjust confinement in the New Mexico jail.

Section 501.2 of Title 28 requires you to periodically reauthorize Dr. Lee’s confinement. Under the law, you have the power to have Dr. Lee be confined to his home, with all necessary security precautions imposed at your discretion. Although Dr. Lee’s movement will remain restricted under this arrangement, he will at least be at home in humane conditions.

If you do not free Dr. Lee from jail, then you must at least order that his conditions of confinement, which have been more fit for a mass murderer, be significantly improved. The use of shackles on Dr. Lee under any circumstances is ridiculous.

As we make these requests of you, we would like to remind you that the government authorities already have conceded that the targeting of Dr. Lee has been entirely racially motivated and that there is no evidence of espionage by Dr. Lee. Yet, the government authorities continue to persecute Dr. Lee, singling him out on the basis of his race.

The authorities’ behavior and action have angered not just Chinese Americans across the land, but all Americans who believe that no one should be treated on the basis of his or her race or ethnicity, and that discrimination, especially by the government, is unacceptable.

Furthermore, the discriminatory persecution of Dr. Lee not only shames the United States of America and its citizens, it also impedes national efforts to improve human rights conditions to the victims of government oppression everywhere else in the world.

The views expressed here are those of the petitioners. We urge you to do the right thing and free Dr. Lee!

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On February 29, 2000 the American Association for the Advancement of Science sent the Attorney General a letter protesting Wen Ho Lee’s inhumane treatment in prison at the San Fe County Detention Center.

DEAR ATTORNEY GENERAL RENO: I write on behalf of the Committee on Scientific Freedom and Responsibility of the American Association for the Advancement of Science concerning the continued denial of bail and the conditions of pre-trial incarceration of Dr. Wen Ho Lee. The AAAS is the world’s largest multi-disciplinary scientific organization dedicated to the advancement of science and the welfare of the scientific community.

Our purpose is to inquire into the reasons for the extraordinarily restrictive conditions to which Dr. Lee has been subjected. Our discussion is not an implied criticism of the government’s decision to continue the criminal proceedings against Dr. Lee and does not take a position on Dr. Lee’s guilt or innocence, which will be decided by due process of law.

This case has had an adverse impact on many of our colleagues and could damage the credibility and reputation of the scientific enterprise in the United States of America and its citizens, it also impinges upon our nation’s efforts to improve human rights conditions to the victims of government oppression everywhere else in the world.

We are concerned that the conditions of detention were—and remain—harsh in the extreme. He is confined to his cell 23 hours each day and was, until recently, kept completely indoors. When moved about within the confines of the prison, his arms and legs are shackled. His weekly meetings with family members are curtailed and monitored and, early on, he was required to speak English. He has no access to TV and, at first, was denied newspapers. While we understand that these conditions are now slightly modified, we are concerned that continuing restrictions not only serve as intimidation, but may inhibit his ability to prepare his defense and place an enormous emotional and physical burden on him, his family and his attorneys. From our perspective, the government’s treatment appears to be exceedingly cruel. Court records and prosecution documents give the distinct impression that many measures were imposed simply because they are associated with Chinese and speaks Chinese. AAAS believes very strongly that place of birth or ethnic background should never be used to impugn the loyalty of scientists.

The justification for continued incarceration is that Dr. Lee, if released, is likely to pose a grave threat to our national security. While we cannot discount the government’s concern, we hope that you will consult with a few of the many informed independent weapons specialists and national security experts who no longer hold government employment, and who therefore may provide an objective assessment of the risk. Should the Justice Department wish to seek such expert counsel, we urge that the American Physical Society should be the National Academy of Sciences.

In sum, we believe it important that the scientific community be given some assurances on these issues. We worry that serious damage could be done to the U.S. scientific enterprise and to this nation’s future prosperity and security if the government is perceived by scientists as treating Dr. Lee unfairly and relying on unfounded claims regarding threats to national security.

Sincerely,

IRVING A. LERCH, Chair, AAAS Committee on Scientific Freedom and Responsibility

On March 14, 2000 the New York Academy of Science wrote to the Attorney General protesting the harsh treatment of Wen Ho Lee.

DEAR ATTORNEY GENERAL RENO: I am writing on behalf of the Committee on Human Rights of Scientists of the New York Academy of Sciences. In this we are joining other prominent scientific organizations such as the American Physical Society, the American Association for the Advancement of Science, and the Committee of Concerned Scientists regarding the condition of detention and the denial of bail for Dr. Wen Ho Lee accused of mishandling classified information at the Los Alamos National Laboratories. At the outset we emphasize that we do not take a position on Dr. Lee’s guilt or innocence which must be determined at trial.

For more than 20 years, this Committee has been deeply concerned about governmental treatment and repression of scientists throughout the world. Among the cases in which we have intervened were those of Professors An Ton and Fang Li Zhe, Benjamin Levich, and recently Alexander Nikitin, to name just a few. Often the scientists named in these cases were accused by their governments of secrecy, treason, and other high crimes. Our Committee has always paid close attention to the conditions under which these and other individuals were held during their detention, as well as related matters such as denial of bail, access to counsel, and openness and fairness of trial. It has been reported to us that the conditions of Dr. Lee’s detention have been harsh. He has been shackled in prison, restricted to his cell in isolation, and subjected to the power to have immediate family curtailed, and been restricted about outside information such as TV and newspapers. These conditions remind us of the abuses that occurred under Communist rule in the former Soviet Union and occur to this day in other totalitarian states such as in China, Iran, and others.

The impact of these conditions on the world by the Government’s treatment of Dr. Lee is that he has already been found guilty of charges against him. Witness, for example, the statement made by CIA Director George Tenet that Lee’s actions were taken “with intent to harm the United States.” We earnestly call to your attention that Dr. Lee’s treatment is being done in a manner that is seriously chilling effect on the scientific community, especially because of the suspicion
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that his ethnic background has played some role in this treatment and in the unproven public allegations made about his possible motives for the acts of which he is accused. In addition, reliable reports reach us that the recruiting and retention of top scientific staff at our major national laboratories, including weapon laboratories, have been damaged by this affair. We urge that you look into the treatment of Dr. Lee and see to it that the physical and psychological conditions of Dr. Lee's detention conform to the highest international standards for the humane treatment of people in detention awaiting trial. Continuation of the harsh treatment of Dr. Lee will expose us to ridicule when we criticize such treatment in other countries around the world.

The New York Academy of Sciences is an independent, non-profit, global membership organization committed to advancing science, technology, and society worldwide. Established in 1817, the Academy is the oldest scientific organization in New York and the third oldest in the nation. It is an international organization with nearly 40,000 members and is headquartered in the United States.

We respectfully await your response in this matter of importance to this Committee and to the international scientific community.

Sincerely,

JOSEPH L. BHRMAN,
Chairman of the Committee
on Human Rights of Scientists.

April 27, 2000 a Resolution passed by the Episcopal Church USA was sent to the Attorney General protesting the harsh treatment of Wen Ho Lee.

To: Executive Council, Episcopal Church, USA.

From: international and National Concerns Committee.

Date: April 27, 2000.

Subject: Incarceration of Dr. Wen Ho Lee

(Resolution proposed by Ms. Carole Jan Lee, Member of Executive Council from San Francisco, California).

Resolved, That the Executive Council meeting in the City of Washington, DC, April 27-30, 2000, calls for the humane treatment of Dr. Wen Ho Lee, a U.S. citizen, who has been under arrest without bail in solitary confinement with limited family visits, and that these conditions have created grave concern, particularly among the Asian American community, of being unduly harsh treatment along racial lines, a perception for which the community, of being unduly harsh treatment particularly among the Asian American community, of being unduly harsh treatment particularly among the Asian American community.

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Chairman of the Committee
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year with regard to Dr. Lee’s plight have been responded to in a form letter—signed by your Acting Chief of the Internal Security Section. (His letter was not a satisfactory response to the questions that we had posed, as indicated in our follow-up letter of June 26.) We should perhaps explain that, for more than a century, the National Academy of Sciences has provided objective, scientific advice to our nation. By extension of its original congressional charter, it established the National Academy of Engineering, the Institute of Medicine, and the National Research Council. Some 4,800 of our nation’s most distinguished leaders in science, engineering, medicine, and related fields have been selected by their peers to be members of the Academies and the Institute. We are concerned that inaccurate and detrimental testimony by government officials resulted in Dr. Lee needlessly spending eight months in prison under harsh and questionable conditions of confinement. Our assessment appears to have been confirmed by the recent ruling of Judge James Parker in granting bail to Dr. Lee.

The three institutions of which we are presidents have an active Committee on Human Rights, a standing Advisory Committee on Asian American and Pacific Islander Affairs, and a special Committee of 100, relating to issues of civil liberties and national security. This Committee has intervened in the name of our institutions on behalf of hundreds of scientific colleagues, around the world, who are unjustly detained or imprisoned for non-violently expressing their opinions. The committee writes inquiries and appeals to the UN Human RightsWatch, and to the UN Human Rights Council, to foreign presidents, to the Department of Justice, and to the Department of State. Each year, these inquiries and letters are identical to those that our Committee on Human Rights regularly poses to foreign governments, some of which have had the courtesy to respond. Surely, we cannot expect less from our own government. Very truly yours,

BRUCE ALBERTS, President, National Academy of Sciences.

WILLIAM WULF, President, National Academy of Engineering.

KENNETH SHINE, President, Institute of Medicine.

January 30, 2000, the National Asian Pacific American Legal Consortium wrote to the Attorney General expressing concerns about overzealous prosecution and detention.

On August 18, 1999, the National Asian Pacific American Bar Association wrote to the Attorney General noting the fact that the FBI had not investigated the case of the prime suspects. It noted the comments of Robert S. Vroooman, former Chief of Counter-Intelligence at Los Alamos who said Wen Ho Lee was targeted because he was Chinese.

January 30, 2000. Re: Dr. Wen Ho Lee

Hon. JANET RENO, Attorney General, U.S. Department of Justice, Washington, DC.

DEAR JANET RENO:

As you are aware, Dr. Wen Ho Lee is currently being held without bail in Albuquerque, New Mexico, pending trial. We are concerned that the intense media scrutiny and high political stakes involved in his case may be compromising Dr. Lee’s due process rights and civil liberties as an American citizen and bringing the loyalties of the nation’s Asian Pacific Americans under a cloud of suspicion. Our analysis takes into careful consideration of U.S. District Judge James Parker’s Memorandum Opinion and Order and the voluminous bail hearing transcripts. We thank you for taking the time to meet with us, and for the candid manner in which you handled and continue to give attention to our concerns. I look forward to your reply.

Sincerely,

KENNETH K. NARASAKI, Executive Director.

The Honorable ERIC HOLDER. Deputy Attorney General.

YVONNE LEE, U.S. Commission on Civil Rights.

DAPHNE KWOK, Organization of Chinese Americans.

NANCY CHOY, National Asian Pacific American Bar Association.

DR. JOHN YOUNG, Committee of 100.

MEMORANDUM

To: Attorney General Janet Reno. From: Karen Narasaki, Executive Director, NAPALC; Aryn Ong, Staff Attorney. Date: January 30, 2000. Re: Dr. Wen Ho Lee’s Pretrial Detention. Currently, Dr. Lee is being held in prison pending trial, having been denied pretrial release. He has been charged with 59 separate counts involving 19 computer files—29 counts of removing and tampering with restricted data, 10 counts of obtaining restricted data, 10 counts of gathering national defense information and 10 counts of retaining national defense information. We understand that he is being held in custody under solitary confinement. He cannot see his family except for four hours per month nor receive any mail. We’ve also heard reports that he is not being allowed to speak Chinese to his visitors.

I. DR. LEE HAS FACED HARSH TREATMENT THAT IS DISPROPORTIONATE TO THE EVIDENCE OF WRONGDOING

Many in the Asian American community believe that the prosecution has been overzealous in their treatment of Dr. Lee, given the evidence presented at the detention hearing and what has been reported in the news. They are convinced that federal investigators used racial profiling in the initial targeting of Dr. Lee. They also believe that the Department of Energy and others involved are acting so harshly due to embarrassment from the congressional attacks, the reported bungling of the initial investigation and the failure to find evidence of espionage after the investigation was leaked.

Many community leaders believe that prosecutors have been overstretching the security risk to create a hostile public environment so that he will be tried based on the perception of espionage, despite the fact that there is insufficient evidence to even bring such a charge. He is being treated as though there is overwhelming evidence of espionage even though the detention hearing revealed no such evidence. Without such evidence, the community believes that solitary confinement in solitary confinement is not warranted. Solitary confinement seems to have no basis except to impose psychological stress on the defendant so that he will not be able to pursue the vigorous defense to which he is entitled.
the Secretary of the Department of Energy. We are concerned that because they were authorized by the Los Alamos National Laboratory, and its scientific collaborations with the Chinese were encouraged by the Department of Energy.

The Government successfully argued that Dr. Lee is a national security risk based on the fact that the seven portable tapes are sensitive design information that the Government believes are being used by the Chinese government to potentially assist a third party in being used as a defense in their indictment of Dr. Lee for alleged espionage. The Government believed that Dr. Lee's trips to China strongly inferred the allegation during the detention hearing and provided a basis for his detention. The Government has argued that Dr. Lee's trips to China were not merely for legitimate scientific purposes but were related to espionage.

Dr. Lee has been the target of an investigation throughout the detention hearing and provided his statement to the FBI regarding the seven portable tapes. The FBI received an offer from Dr. Lee to take a polygraph test as to the disposition of the design information, but Dr. Lee has not had his day in court. While the community does not condone Dr. Lee's egregious mishandling of classified information, they fear that Dr. Lee is vulnerable to being used as a scapegoat to take attention from the embarrassing wealth of security lapses that the Energy Department has allowed to occur. In its efforts to overcome the series of embarrassing disclosures and to look tough on security, the Department of Energy may not be acting fairly or providing prosecutors with full disclosure.

The Asian American community has been concerned that political forces may be playing an inappropriate role in the investigation and prosecution of Dr. Lee. The media, initially led by The New York Times, has unleashed a series of embarrassing disclosures and has provided prosecutors with full disclosure. The design information has added to the threat of security lapses that the Energy Department has allowed to occur. In its efforts to overcome the series of embarrassing disclosures and to look tough on security, the Department of Energy may not be acting fairly or providing prosecutors with full disclosure.

Given Dr. Lee's ethnic background, the community was concerned that the FBI had investigated on the basis of his ethnic background. The Cox House Committee Report was harsh against Dr. Lee as a Chinese spy. The Cox House Committee Report was harsh against Dr. Lee as a Chinese spy.

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We are concerned about reports from the Asian American community that the FBI have been employing psychological tactics to pressure Dr. Lee to confess to wrongdoing. We are concerned about the impact of these tactics on Dr. Lee's due process rights. We are concerned about reports from the Asian American community that the FBI have been employing psychological tactics to pressure Dr. Lee to confess to wrongdoing. We are concerned about the impact of these tactics on Dr. Lee's due process rights.
whether these others were not for some rea- 
on equally suspicious, but the fact was we was im-
possible to be sure that the Lees really did 
stand out as the prime suspects.” (Thompson/
Lieberman Report p. 1b.) This account is 
farther buttressed by recent statements made by 
Robert S. Vrooman, former chief of 
Counter-Intelligence at the Los Alamos Na-
tional Laboratory. Mr. Vrooman stated that 
Dr. Lee was targeted for investigation main-
lly because of his ethnicity, and that there is 
no evidence that Dr. Lee leaked secrets to 
China. Mr. Vrooman noted that at least 13 
Caucasian scientists from Los Alamos “who 
got to the same [physics] institute and vis-
ited the same people’’ as Dr. Lee were left 
without investigation. Additionally, we would like to 
verify information.

Furthermore, both the Thompson/
Lieberman Statement and Mr. Vrooman 
noted that key technical information con-
cerning weapons, whose acquisition by 
the Chinese government initiated the in-
vestigation of Mr. Lee, was available to nu-
merous government and military entities 
that could have been the source of the leaked 
information.

While we recognize that Mr. Vrooman’s 
statement is difficult to debate, we be-
lieve that it is important that you verify 
that no “racial profiling” occurred in this 
investigation. Additionally, we would like to 
request a meeting with you to discuss these 
issues. In the meantime, we ask that as you 
continue your investigation of security leaks 
at our national laboratories, you do so with 
a heightened consideration for fairness. 
Sincerely,

NANCY CHOY, 
Executive Director, 
National Asian Pa-
cific American Bar 
Association.

DAPHNE KWOK, 
Executive Director, 
Organization of Chi-
inese Americans.

JEN SOOK LEE, 
Executive Director, 
Asian Pacific Amer-
ican Labor Alliance, 
AFL-CIO.

JON MAEZURO, 
Executive Director, 
National Federation of 
Filipino American 
Association.

DIRASISH MISRA, 
Executive Director, 
India Abroad Center 
for Political Aware-
ness.

KAREN NAHASAKI, 
Executive Director, 
National Asian Pa-
cific American Legal 
Consortium.

ORGANIZATION OF 
CHINESE AMERICANS, INC., 

Mr. Norman Bay, 
U.S. Attorney, Albuquerque, NM.

DEAR MR. BAY: Thank you very much for 
meeting with us last week. The Asian Pacific 
American community has been monitoring the 
Wen Ho Lee case for over a year. The community has been concerned with the public discourse and media stereo-
types arising from the case that insinuate all 
Asian Pacific Americans as disloyal for-
eigners. With regard to Dr. Lee, the community is wondering whether he has been ac-
corded his due process rights as an American citizen during the investigation and decision making to prosecute him.

Since Dr. Lee’s incarceration in December of 1999, his accu-
mary suspect.

We believe that it is important that you verify 
that no “racial profiling” occurred in this 
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eigners. With regard to Dr. Lee, the community is wondering whether he has been ac-
corded his due process rights as an American citizen during the investigation and decision making to prosecute him.

Since Dr. Lee’s incarceration in December of 1999, his accu-
mary suspect.

We believe that it is important that you verify 
that no “racial profiling” occurred in this 
investigation. Additionally, we would like to 
request a meeting with you to discuss these 
issues. In the meantime, we ask that as you 
continue your investigation of security leaks 
at our national laboratories, you do so with 
a heightened consideration for fairness. 
Sincerely,

NANCY CHOY, 
Executive Director, 
National Asian Pa-
cific American Bar 
Association.

DAPHNE KWOK, 
Executive Director, 
Organization of Chi-
inese Americans.

JEN SOOK LEE, 
Executive Director, 
Asian Pacific Amer-
ican Labor Alliance, 
AFL-CIO.

JON MAEZURO, 
Executive Director, 
National Federation of 
Filipino American 
Association.

DIRASISH MISRA, 
Executive Director, 
India Abroad Center 
for Political Aware-
ness.

KAREN NAHASAKI, 
Executive Director, 
National Asian Pa-
cific American Legal 
Consortium.

ORGANIZATION OF 
CHINESE AMERICANS, INC., 

Mr. Norman Bay, 
U.S. Attorney, Albuquerque, NM.

DEAR MR. BAY: Thank you very much for 
meeting with us last week. The Asian Pacific 
American community has been monitoring the 
Wen Ho Lee case for over a year. The community has been concerned with the public discourse and media stereo-
types arising from the case that insinuate all 
Asian Pacific Americans as disloyal for-
eigners. With regard to Dr. Lee, the community is wondering whether he has been ac-
corded his due process rights as an American citizen during the investigation and decision making to prosecute him.

Since Dr. Lee’s incarceration in December of 1999, his accu-
mary suspect.

We believe that it is important that you verify 
that no “racial profiling” occurred in this 
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request a meeting with you to discuss these 
issues. In the meantime, we ask that as you 
continue your investigation of security leaks 
at our national laboratories, you do so with 
a heightened consideration for fairness. 
Sincerely,
7. My concerns about the real motivation behind the investigation were exacerbated when I received a classified intelligence briefing from Dr. Thomas Cook, an intelligence analyst at the LANL in September 1999. This briefing put to rest any concerns that I may have had that Dr. Lee helped the Chinese in any substantial manner.

8. In my capacity as a counterintelligence investigator at LANL, I was brief on the existence of an investigation code-named “Buffalo” that pre-dates the 1980s involving a non-Chinese individual working at DOE laboratory who transferred classified information to a foreign country. That individual was granted full immunity in return for agreeing to a full debriefing on the information that he passed. [Approx. six lines deleted.]

9. The statements contained in my Declaration dated June 22, 2000 are true and correct and I so attest.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed August 10, 2000, at Gallatin Gateway, Montana.

Robert S. Vrooman.

[Attachment one]

SEPTEMBER 17, 1999.

Robert S. Vrooman,
P.O. Box 1288, Los Alamos, NM.

David V. Kitchen,
Special Agent in Charge, FBI 415 Silver SW,
Albuquerque, NM.

Dear Mr. Kitchen, I would like to have a copy of the 302 prepared by S.A. Robert Messemer as a result of his interview with me on April 28, 1999. Several members of the CIA’s I have read me portions of Messemer’s report, and it is clear to me that SA Messemer attributed his opinions to me. During the interview, I told SA Messemer that I did not know [deletion] well enough to have an opinion [deletion]. He then provided me with the details and asked me to speculate on the implications. I find this interview technique objectionable.

On the other hand, SA Messemer did provide me with a lot of details regarding Dr. Lee that I did not know. This helped to solidify my opinions on the case and I have the confidence to go public. I learned during the meeting with SA Messemer that Dr. Lee [Approx. one line deleted]. SA Messemer was particularly helpful to us when he provided us a copy of Mr. Bruno’s April 15, 1997 memorandum to Notra Trulock thus allowing us to defend our decision to keep Dr. Lee in his job. For this I am grateful to SA Messemer, but I still object to his using me to promote his opinions.

I am planning to write a book on my experiences and would like to have the 302 as soon as possible.

Sincerely yours,

Robert S. Vrooman.

U.S. DEPARTMENT OF JUSTICE,
CRIMINAL DIVISION,

Mr. Phyllis Hedges,
P.O. Box 1288, Los Alamos, NM.

Dear Mr. Hedges: This is in response to your letter to the Department of Justice concerning the prosecution of Wen Ho Lee. Although I am not able to comment in detail about a pending case, I hope you will find the following information useful.

This information is based solely on the facts and the law, Dr. Lee’s Chinese heritage and ancestry played no role whatsoever in the decision to prosecute him. Like you, I am very disturbed by news accounts suggesting that Dr. Lee has been singled out for investigation and prosecution because of his ethnicity. Let me assure you that this is not the way the Department of Justice or the Criminal Division operates. A decision on a potential prosecution on the basis of race or ethnicity, even in part, would violate the Department’s ethical canons, as well as my own personal beliefs.

As you may know, Dr. Lee was ordered to be detained pending trial by United States Magistrate Judge Svet and, thereafter, by United States District Judge Parker, who heard extensive testimony and legal argument. On February 29, 2000, a three-judge panel of the United States Court of Appeals for the Tenth Circuit unanimously affirmed Judge Parker’s decision.

With regard to the conditions of Dr. Lee’s incarceration, I am advised that the limitations on visits by his family are the same as those for other similarly-situated prisoners at the facility where Dr. Lee is being held. We have supported SA Messemer’s effort to accommodate the Lee family recently by arranging for a Mandarin language interpreter to be present for several meetings so that Dr. Lee’s family can communicate with him in his native language. We will continue to make the interpreter available as often as possible. Furthermore, we have arranged with the prison facility to allow Dr. Lee’s family to meet with Dr. Lee for more than one hour per week.

Thank you for taking the time to write to express your views.

Sincerely,

John J. Dion,
Acting Chief, Internal Security Section.

U.S. DEPARTMENT OF JUSTICE,
CRIMINAL DIVISION,
Washington, DC, April 21, 2000.

Mr. Phyllis Hedges,
P.O. Box 1288, Los Alamos, NM.

Dear Mr. Hedges: This is in response to your letter to the Department of Justice expressing your concern for the treatment of Dr. Wen Ho Lee. Although I am not able to comment in detail about a pending case, I hope you will find the following information useful.

This information is based solely on the facts and the law, Dr. Lee’s Chinese heritage and ancestry played no role whatever in the decision to prosecute him. Like you, I am very disturbed by news accounts suggesting that Dr. Lee has been singled out for investigation and prosecution because of his ethnicity. Let me assure you that this is not the way the Department of Justice or the Criminal Division operates. A decision on a potential prosecution on the basis of race or ethnicity, even in part, would violate the Department’s ethical canons, as well as my own personal beliefs.

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Thank you for taking the time to write to express your views.

Sincerely,

John J. Dion,
Acting Chief, Internal Security Section.

At the request of the members of its Social Concerns Committee, the Congregation of the Unitarian Church of Los Alamos met in a Congressional Meeting on Friday, August 4, 2000 and, after a more than two-hour debate, passed the following resolution concerning the pretrial treatment of Dr. Wen Ho Lee. The resolution was passed by an affirmative vote of 97% of those voting.

Richard C. Cooper,
President, Unitarian Church of Los Alamos.

RESOLUTION IN REGARD TO HUMAN RIGHTS FOR DR. WEN HO LEE.

August 4, 2000

WHEREAS, Dr. Wen Ho Lee, an American citizen, was arrested in December 1999 and charged in a 58-count indictment with transferring nuclear weapons sensitive computer and portable storage systems in violation of federal laws;

WHEREAS, Dr. Lee is not charged with espionage;

WHEREAS, as documented in the transcript of the FBI interrogation, FBI agents lied to Dr. Lee about the results of a polygraph test which he passed, and threatened his life and his family in an effort to force Dr. Lee to confess to espionage;

WHEREAS, while awaiting trial set for November, 2000, and presumed innocent, Dr. Lee has been denied bail, jailed in solitary confinement, and subjected to harsh and cruel conditions which include the following:

Dr. Lee is in chains, shackled hands and feet whenever he is taken from his solitary cell; he is chained during his one hour per week, but with immediate notice so that he must shuffle and awkwardly lean to activate the intercom with mangled hands in order to speak to his wife (who during a mid-July visit his handcuffs were removed) while two FBI agents monitor and censor each word; Dr. Lee remains in ankle chains when working with his lawyers behind triple locked doors in a windowless room in a secured facility;

Dr. Lee is not allowed any exercise, fresh air, or showers on weekends; the one hour of exercise weekdays he spends alone, and until recently in shackles, and he must forego any exercise or fresh air on days he meets his attorneys to prepare for trial; Dr. Lee is denied telephone calls are extremely limited, censored and transcribed; he is allowed no television and limited reading material; his mail is delayed by months;

AND WHEREAS, in protest of the treatment of Dr. Wen Ho Lee, is far more severe than needed to assure security, numerous organizations and individuals have adopted resolutions or written in protest to Attorney General Janet Reno and other government officials;

NOW, THEREFORE, it is resolved that the Unitarian Church of Los Alamos, New Mexico, while taking no position on the guilt or innocence of Dr. Lee with respect to the allegations against him, concede the context of the conditions of detention of Dr. Wen Ho Lee as cruel and overly harsh and is alarmed.
by the denial of Dr. Lee's civil liberties and rights.

FURTHER, the Unitarian Church of Los Alamos, New Mexico, calls upon the government of the United States of America immediately to institute humane treatment of Dr. Lee and to seek from the Court pre-trial release of Dr. Lee under conditions that respect his human dignity.

And whereas the petition is RESOLVED that this Resolution shall be printed in publications of the Unitarian Church of Los Alamos, distributed to other appropriate Unitarian Universalist Association offices and congregations, and shall be delivered to U.S. Attorney General Janet Reno and to the congressional delegation from the State of New Mexico.

By September 7, 1999, the New York Times wrote a long article on Chinese espionage and noted that secret information regarding nuclear design was available not only at Los Alamos but "to hundreds and perhaps thousands of individuals scattered throughout the nation." Citing a CIA official, the New York Times stated that this Wen Ho Lee case was going to be "as bad as the Rosenbergs."

All of this hysteria, I believe was deliberately programmed as a cover-up of the lack of security at the labs. Wen Ho Lee being Taiwanese was an easy target.

Creating a climate of suspicion upon all Chinese is the terrible wreckage heaped by the storm on these loyal Americans.

If all that the New York Times alleged were true, why wasn't Wen Ho Lee charged with espionage?

The answer is obvious. There was never any evidence of espionage.

This case began in 1995 when a U.S. agent in Asia was approached by a Chinese defector with a 74-page document which purported to be a blueprint for a nuclear weapons program.

It was 7 years old.


By late 1998 the FBI became convinced Lee was probably not their target. Newsweek—By 1999 the political climate had changed and people were hot after finding a spy. Newsweek states in its article of September 25, 2000, that Energy Secretary Bill Richardson called FBI Director Freeh and urged they accelerate Wen Ho Lee's investigation.

Wen Ho Lee had engaged in a pattern of deceit.

Dr. Robert A. Messemer, an FBI agent, admitted on August 17, 2000, at a December 1999 ball hearing for Wen Ho Lee, that he had mistreated a co-worker, Kuok-Mee Ling, suggesting that Wen Ho Lee had misled him in getting permission to use his computer. In fact, there was no deception.

Dr. Messemer also testified in August 2000 that he failed to tell the Judge in December 1999 that Dr. Lee had disclosed contracts with Chinese scientists in his 1986 trip to China.

Dr. Messemer had failed to tell the court in December 1999, that Wen Ho Lee had told the FBI in March 5, 1999, that he received various correspondence from Chinese scientists.

Nor did Dr. Messemer tell the court that the letters the FBI found in Dr. Lee's home did not prove he had sent them seeking a job. The letters were written to Australia, France, Singapore, and Switzerland.

Initially the Department against Wen Ho Lee was based on intent to harm the U.S. and to aid a foreign power.

Later, the prosecutor's case was based on showing Lee's motive was to impress prospective employers rather than to help China's nuclear clear program. Washington Post, September 24, 2000.

Mr. Richard Krajcik, Deputy Director of the Los Alamos top-secret X Division, testified on August 17, 2000, and conceded the information that he had about the government action against Wen Ho Lee had embarrassed the entire nation. Judge Parker said that the government had had him astray. Judge Parker apologized to Dr. Lee for the unfair manner in which he was held.

The question unanswered with Wen Ho Lee's release is whether he in fact downloaded the "crown jewels" of our nation's nuclear weapons program so sensitive that it could change the global strategic balance if obtained by a foreign adversary.

To see what happened is amazing.

(By Michael Isikoff)

Every Saturday morning Sylvia Lee and her children would pass through the metal detector and take their seats by the glass partition in the bleak room where non-immun-security privies meet visitors. A door would open and Wen Ho Lee, diminutive and soft-spoken at 60, would shuffle in flanked by two FBI agents. Lee's hands were shackled, his hands manacled and the handcuffs chained to his waist. "It was just so horrible," his daughter, Alberta, says now. "They were treating him like an animal."

The Lee family time began—an hour of stilted conversation with the FBI, of course. "They were treated like an animal," his daughter now says. "He was treated so cruelly."

Wen Ho Lee's term of solitude ended last week in the collapse of the most highly publicized espionage case since the arrest of Aldrich Ames—a negotiated guilty plea on one count of mishandling classified information. The plea has stripped any remaining credibility from the hopelessly botched federal investigation of alleged Chinese spying at the Los Alamos National Laboratory, and it humiliated the FBI. It also infuriated U.S. district Judge James A. Parker, who said he had been "misled" into treating Wen Ho Lee as a dangerous spy. Calling Lee's imprison-ment "draconian" and "unfair" Parker excori-ated "top decision makers" at the Depart-ment of Justice and the Energy Department who, according to Parker, had "embarrassed the department." Parker exor- cized "top decision makers" at the Depart-ment of Justice and the Energy Department who, according to Parker, had "embarrassed the department." Parker exor- cized "top decision makers" at the Depart-ment of Justice and the Energy Department who, according to Parker, had "embarrassed the department." Parker exor- cized "top decision makers" at the Depart-ment of Justice and the Energy Department who, according to Parker, had "embarrassed the department." Parker exor- cized "top decision makers" at the Depart-ment of Justice and the Energy Department who, according to Parker, had "embarrassed the department." Parker exor- cized "top decision makers" at the Depart-ment of Justice and the Energy Department who, according to Parker, had "embarrassed the department." Parker exor- cized "top decision makers" at the Depart-ment of Justice and the Energy Department who, according to Parker, had "embarrassed the department." Parker exor- cized "top decision makers" at the Depart-ment of Justice and the Energy Department who, according to Parker, had "embarrassed the department." Parker exor- cized "top decision makers" at the Depart-ment of Justice and the Energy Department who, according to Parker, had "embarrassed the department."

The recriminations have only just begun. Stung by the judge's scathing re-buke from Bill Clinton, Attorney General Janet Reno is likely to order an internal in-quiry into what went wrong—a probe that could lead to discipline for top officials of the FBI herself, FBI Director Louis Freeh and other senior officials. But even as they ac-knowledged a badly flawed case, senior law-enforcement officials were right to go after Lee in the first place. They say his actions raise troubling questions that are still unanswered.

In the end, Justice officials modified the deal with Lee. They gave themselves greater latitude to bring new charges against the 60-year-old Lee, whom they now see as guilty of theft for the intense debriefings he must now undergo.

"When the full story comes out," said one unrepentant law-enforcement official, "people are going to see that he's not the poor little innocent he's being made out to be."

Maybe so, but suspicions are not what federal prosecutors are supposed to be about. What drove the Lee case was legitimate national-security concerns—warped by politics.

The case began in 1995 when a U.S. agent in Asia was approached by a Chinese "walk-in" defector with a sensational intelligence coup—a 74-page document that purported to be the blueprint for modernizing China's nuclear-weapons program. Although it was seven years old, the document included numerous pieces of information, and some key phrases, that suggested a massive security leak at Los Alamos. It included a design virtually identical to the W88, a state-of-the-art thermonuclear warhead built for U.S. missile subs. While skeptics suggested there may have been junk, if there was any Chinese intelligence, some U.S. experts were convinced that much of the information had indeed been stolen from Los Alamos. One of them was Energy Department counter-intel-ligence chief Notra Trulock, who took over the W88 probe, code-named Kindred Spirit.

By May 1996 his team of snipers, working with the FBI, had identified 12 suspects—with Wen Ho Lee at the top of the list.

Born in Taiwan and educated at Texas A&M, where he earned a doctorate in mechanical engineering, Lee joined the staff at Los Alamos in 1978. He worked in the X Division, which designs U.S. bombs and warheads, as a midlevel scientist specializing in the computer simulation of shock waves generated by nuclear blasts. Crucially, he was on the team that designed the trigger for the W88 and was, by all accounts, an expert in the field. It was thought that Lee had engaged in any form of espionage.

By late 1998 the FBI's Albuquerque, N.M., field office became convinced that Lee was probably not their target, that hundreds of other people, including outside contractors, needed to be examined.

By then the political climate had changed. Then-President William Clinton had testified to a congressional committee investigating technology transfers to China headed by GOP

CONGRESSIONAL RECORD—HOUSE October 12, 2000
The treatment of Dr. Wen Ho Lee remains a cause for concern. Asian-Americans, members of racial and ethnic minority groups, civil libertarians, and others correctly questioned his treatment and continue to question the underlying racial stereotyping and racial profiling that plagued this case. Why did this happen? What were the objective and neutral criteria used to bring these charges? Why was he held in solitary confinement, unable to exercise, prohibited from speaking Chinese to his family, and subjected to extraordinary conditions of confinement?

The implications of this case go well beyond the Chinese and Asian-American community. It concerns other minority communities, racial profiling in law enforcement, and stereotyping all across the country. America’s law enforcement agencies and the FBI should not be targeting individuals based solely on their race or ethnicity. Several years ago, after the bombing at the Oklahoma City Federal Building, too many people were quick to blame foreigners and Arab terrorists. That tragedy reminded us of the important lesson of not jumping to conclusions. Evidently, that lesson has been forgotten.

Rep. ROBERT UNDERWOOD, Chair of the Congressional Asian Pacific American Caucus, has written to President Clinton to urge the establishment of an independent, bi-partisan commission to investigate the handling of the case of Dr. Wen Ho Lee. This important step would help reveal the truth and help depoliticize the issue. A formal Commission of national stature to review these issues would be an important step forward. This independent Commission should have subpoena power. I would like to see the release of documents that the defense would have used during discovery in order to determine whether there were appropriate criteria used to target Dr. Wen Ho Lee. The Organization of Chinese Americans [OCA] has also called for an independent inquiry into how this case was investigated and prosecuted by Federal agencies.

It is important to remind government officials, law enforcement agencies, and the media that our nation’s underlying guarantee of equal and fair treatment before the law applies to all Americans, including Chinese and Asian Pacific Americans. Many think Dr. Lee’s case was influenced by biased media coverage, political partisanship, attempts to scapegoat someone for the Department of Energy’s lax security procedures. Bail hearing testimony by government investigators admitting erroneous statements about Dr. Lee’s actions at the Oregonian City Federal Building. As a nation, we can and must do better.

I look forward to the establishment of an independent Commission and the results of the Commission’s fact finding mission. Regardless of these findings, we must keep in mind the lessons of the Oklahoma bombing and recognize that racial profiling and stereotyping are unfair and may violate our civil rights. We must work to ensure that the principles of innocent until proven guilty and due process are more than mere rhetoric. We must protect the remaining core American values protecting all Americans.

In closing, I want to thank Congresswoman Mink for organizing this important Special Order and commend Congresswoman Underwood for the congressional Asian Pacific American Caucus, and the other Members of the Caucus for their leadership and hard work to focus attention on these important civil rights issues.
Ms. WATERS. Mr. Speaker, I rise today to express my concerns about the unjust treatment and confinement of Dr. Wen Ho Lee, a former Livermore Plutonium Weapons Designer.

Dr. Wen Ho Lee was arrested by the FBI on December 10, 1999, when a grand jury issued a 59-count indictment charging him with stealing nuclear secrets from a classified Los Alamos computer. U.S. District Judge James Parker denied bail for Dr. Lee, citing seven missing computer tapes of nuclear secrets and the possibility that his release could harm U.S. national security. Dr. Lee was held in solitary confinement for the following nine months and shackled whenever he was outside of his cell. Dr. Lee's confinement was clearly unnecessary. He had not been convicted of any crime and was considered innocent under the law throughout his confinement. On August 17, 2000, FBI agent Robert Messermer admitted that he gave false testimony against Dr. Lee at his bail hearing the previous December. Furthermore, on September 10, 2000, the Department of Justice announced that Dr. Lee would go free after pleading guilty to just one of the original 59 felony counts against him. All other counts against him were dropped. When the Executive Branch agreed to release him without any conditions, it became apparent that it had never been necessary to confine him.

We will never know the reasons why the Federal Government confined Dr. Lee and treated him so harshly. The plea agreement reached by Dr. Lee and the Department of Justice shields the Executive Branch from disclosing information that might have provided an explanation.

Dr. Lee's unjust confinement and the cruelty of the conditions under which he was confined are a disgrace to the FBI, the Department of Justice and the entire nation. No American citizen should ever be unnecessarily confined by the U.S. Government. I am deeply sorry about the unjust treatment Dr. Lee received, and I urge my colleagues to work diligently to ensure that no other citizen will ever be forced to endure this type of treatment.

GENERAL LEAVE

Mrs. MINK of Hawaii. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on my special order tonight.

The SPEAKER pro tempore (Mr. MICA). Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

SOCIAL SECURITY SOLVENCY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes.

Mr. SMITH of Michigan. Mr. Speaker, to whoever might be looking at this session, this is going to be sort of a briefing on Social Security.

Social Security has come to the forefront of one of the very important issues in this Presidential debate, certainly with every senior, certainly also with every worker in this country as they now pay more into the Social Security tax than they do in the income tax, and certainly for our kids, our middle class, their Social Security benefit, yet, is Social Security going to be there for them?

Let me start with my first chart. I would like to thank Senator Rod Grams from Minnesota. He has introduced legislation to keep Social Security solvent, as I have. I have been chairing the bipartisan Social Security Task Force of the Committee on the Budget and, so, we have been working on Social Security for the last 5 years trying to get public attention to the fact that Social Security is insolvent and eventually there is going to be less money coming in than is required for benefits and the challenge facing this country if we are going to make a commitment to keep Social Security solvent, as I have.

When Franklin Delano Roosevelt created the Social Security program over 6 decades ago, he wanted it to feature a private sector component to build retirement income. Social Security was supposed to be one leg of a three-legged stool to support retirees. It was supposed to go hand-in-hand with personal savings and private pension plans. In fact, it is interesting, looking up and researching in the archives in 1935, the Senate on two occasions voted that private personal investments should be an option to the Government handling the system. When it finally went to the conference committee between the House and the Senate, it turned around strictly to a Government-run program, a pay-as-you-go program where current workers pay in their taxes and immediately it goes out to current retirees. And that is the problem that in the end is going to be helping me, from Iowa. So our intern program is an excellent opportunity for juniors in high school. So, Barry, thank you very much.

The system really is now stretched to its limits. Seventy-eight million baby boomers begin retiring in 2008. That means they go out of the, if you will, paying in mode, paying their Social Security taxes, to the taking out mode. And these baby boomers are at the high end of the income scale, so they pay a much higher tax since our tax now is 12.4 percent on the first $76,000. Social Security expending exceeds tax revenues in 2015, and so the problem is where do we start getting the extra money starting in 2015.

The bottom blip is Social Security trust funds go broke in 2037, although the crisis could arrive much sooner. And the crisis is trying to come up with that money. The danger historically has opened through history, politicians in Washington and the President, for example, in 1997 and again in 1983, when money was short to pay out benefits, legislation was passed to reduce benefits and increase taxes. And that is why it is so very important that we deal with this now and we do not delay. We do not put it off. The longer we put off this problem, the more drastic the changes are going to have to be. So I think it is very important that we deal with this very important program as soon as we can.

Some have said, well, these are just people's estimates of the future. Not so. Insolvency is an absolute. Insolvency is certain. We know how many people there are and we know when they are going to retire. We count the people. We know what their ages are. We know what their earning is, how much they are paying in. We know that people will live longer in retirement.

When Social Security started in 1935, they paid in their 600 million grandkids, those kids that are not born yet, is Social Security going to be there for them?

For this pay-as-you-go program, that meant most people paid in all their lives but never took anything out. It worked very well. But now the life span of individuals has been increasing substantially. We know how much these individuals will pay in, how much they will take out. The payroll taxes will not cover benefits starting in 2015. And the shortfalls will add up to $120 trillion between 2015 and 2075.

So, in tomorrow's dollars, in those inflated dollars, it is going to take $120 trillion more than the tax revenue coming in from the Social Security tax to pay benefits.

I suspect most of us do not know how much really a trillion dollars is. I certainly do not. But you can compare it maybe with our annual budget, which now is approximately $1.8 trillion annual budget. It is a huge challenge. And that is why it has been so easy for this Chamber and the Senate and the President not to take action on it. It is too easy to demagogue. And with this Chamber running for election every 2 years, it is easy to put it off. We cannot do that any more. It is not fair to our kids. It is not fair to our grand kids. Our pay-as-you-go retirement system will not meet the challenge of demographic change.

This is an example of workers per Social Security beneficiary. Back in 1940, there were 38 workers in this country paying in their Social Security, 2 for every one retiree. Now there are 3 workers paying in their increased Social Security tax for every one retiree. And by 2025 there is going to be two workers paying in their Social Security tax for every one retiree.

This was developed because of demographic changes. One is the falling birth rate after the baby boomers after World War II. So the number of workers has not increased at the rate it was in the past. And secondly, the life span is tremendously increased. So if you reach retirement age, 65, then on average you are going to live another 18 to 20 years. So life span is going up, the

CONGRESSIONAL RECORD—HOUSE October 12, 2000