
Who is Wen Ho Lee?

Is Wen Ho Lee—currently held without bail in Albuquerque—a threat to national security or a victim of racial profiling?

by Lance Uyeda

Dr. Wen Ho Lee, a computer scientist at Los Alamos National Labs in New Mexico, was fired on March 8, 1999, two days after the publication of an inflammatory New York Times article that ran under the headline “China Stole Nuclear Secrets from Los Alamos, U.S. Officials Say.”¹ The piece read like a case study in journalistic brinksmanship, and was but the first of many negative articles to be written on Lee by James Risen and Jeff Gerth. The story caused an uproar in government and the press. The nation had been primed for its release by the Cox Report, filed by a House Special Committee in January, 1999, which alleged that the People’s Republic of China had built a modern nuclear arsenal on par with that of the United States’ by use of espionage. Lee lost his job in due course.

The initial frenzy surrounding Dr. Lee’s firing has since died down considerably. Researchers at Stanford’s Center for International Security and Cooperation, in an analysis released in early January of this year, cited thoroughly the Cox report’s dubious inferences and lack of scholarly rigor. Gerth and Risen were, late last year, partially refuted in the pages of their own paper² and excoriated in the media journal *Brill’s Content*.³ The press in general seems to have grown, characteristically, more evenhanded in its treatment of the story as time has passed. Lee, meanwhile, who was not indicted until December 11, 1999, has been charged with mishandling secret nuclear weapon computer programs and data at Los Alamos National Labs. The indictment culminated a three year long investigation of Lee in which no evidence linking him to an act of espionage, or to intent to commit such an act, was found. Lee has been decisively exculpated from having any connection to weapons data found in the hands of Chinese spies—what initiated the investigation in the first place. He nevertheless faces a possible sentence of life imprisonment, and is being held without bail in Albuquerque.



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The U.S. Attorney General's Office alleges that Dr. Lee transferred classified information on some of the nation's most advanced nuclear weapons onto seven unsecured data tapes that are not in evidence. The government's assertions that Lee significantly endangered national security hinge on the fact that

the tapes were not, and are apparently not to be, found. Lee insists that he destroyed the tapes, and has offered several times to take lie-detector tests to verify his claim. Prosecutors have refused his offers. Previous to his indictment, Lee passed a lie-detector test administered by the Department of Energy. He later failed an FBI test. When FBI officials recently released the transcripts and general details of the test session, however, the revelation that agents used certain kinds of intimidation at critical moments in the session prompted a number of experts to question the test's validity.⁴

The charges now leveled against Lee seem fairly remote from the much more serious allegations of espionage for which he was initially investigated. Sixty years old and in declining health, he is kept in solitary confinement. He can see his family and attorneys for only one hour a week, and is prohibited from speaking Chinese unless a government translator is present. This treatment differs wildly from that given, in a recent and quite similar case, to former CIA director John M. Deutch. Deutch was investigated for transferring extremely sensitive data that were "at the highest levels of classification"⁵ to an unsecured computer. The Justice Department decided in that case to not prosecute. U.S. Senator Wayne Allard, at a hearing in early February, raised a question as to why Lee and Deutch, whose cases seem so similar, have been dealt with in such different ways. Allard seems the first prominent government official to publicly make such a query; Attorney General Janet Reno, who responded later to reporters' reiteration of Allard's question, said only, "each case speaks for itself, based on the evidence and the law."⁶

The evidence, or lack thereof, is not all the Lee case is about, however. Fears that race played a part in Lee's firing and arrest have been lively in the Asian-American community. These anxieties, it seems, have not been unjustified. In August, 1999, Robert Vrooman, the former head of counterintelligence at Los Alamos Labs, told the *New York Times* that race "was a key factor" in the decision to investigate Lee. Vrooman said that "a lot of

caucasians," who "made contact with the same people Lee was in contact with," were not investigated.⁷

Fears intensified in early January with the release of a six-month internal investigation conducted by the Department of Energy. The DOE, the government branch under which Lee was employed, found evidence of racial profiling and "an atmosphere of distrust and suspicion" toward Asian-Americans at nuclear weapons labs—what apparently resulted from the release of the Cox Report. The investigation found that though "specific incidents and examples of racial profiling differed from site to site, the general concerns and issues were virtually identical department wide," and that certain facilities questioned "the loyalty and patriotism of some employees based upon racial factors."⁸ Energy Secretary William Richardson offered his reassurances that Lee was not singled out or fired because of his race.

U.S. Civil Rights Commissions task force members independently confirmed the DOE's findings, reporting "a general sense of fear" of being unfairly targeted among Asian-Americans. They cited as an example of this kind of targeting the FBI's fairly absurd practice of calling Asian-American scientists "to see if they knew Lee."⁹

Racial profiling and selective interrogation cannot be excused as simply misguided. Such practices clearly justify the questions many have asked as to whether Wen Ho Lee was selectively investigated, and as to whether he is being selectively prosecuted. It certainly appears unlikely, in light of investigators' use of these procedures, that Lee has been accorded due process thus far. To make the comparison is perhaps unfair, but one could do worse than to recall the selective interrogation of Asian Americans that followed the 1941 bombing of Pearl Harbor. Out of those investigations were born internment camps and undeserved suffering. Out of these, perhaps something too much the same.

¹ Risen, James, and Jeff Gerth. "China Stole Nuclear Secrets From Los Alamos, U.S. Officials Say." *New York Times*. 6 March 1999.

² Broad, William J. "Spies vs. Sweat: The Debate Over China's Nuclear Advance." *New York Times*. 7 September 1999.

³ Schmidt, Robert. "Crash Landing." *Brill's Content*. November 1999.

⁴ Pincus, Walter, and Vernon Loeb. "Lawyer Attacks FBI in Polygraph Test of Lee." *Washington Post*. 19 January 2000.

⁵ Pine, Art. "CIA Chief Defends Deutch Inquiry." *New York Times*. 4 February 2000.

⁶ *Ibid.*

⁷ Broad, William J. "Official Asserts Spy Case Suspect Was a Bias Victim." *New York Times*. 18 August 1999.

⁸ "Asian-Americans distrusted at nuclear labs, probe finds." *Indianapolis Star*. 20 January 2000.

⁹ *Ibid.*