

No spy charges against Wen Ho Lee

China espionage case collapses

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Despite the avalanche of publicity about alleged Chinese spying at US nuclear weapons laboratories, federal officials have concluded that the scientist who has been the principal target of the allegations, Wen Ho Lee, cannot be prosecuted for espionage and may not have committed any criminal offense.

Reports in the *Washington Post* May 24 and the *New York Times* June 14, each citing prosecutors and other unnamed federal officials, confirm that the China spy scare is essentially a politically motivated hoax on the public.

The *Post* reported that the FBI has dropped the espionage investigation of Lee for lack of evidence and was concentrating on the charge of unauthorized transfer of data from a classified to an unclassified computer, although no one has ever been prosecuted for such an offense.

Lee never removed the information from the Los Alamos laboratory where he worked until last March, only transferring the data between two computers, a practice which is a violation of Energy Department security regulations but nonetheless commonplace among scientists.

The *Times* reported in a front-page article, “There is no direct evidence that Mr. Lee ever passed or tried to pass on to China any classified national security information.” The newspaper revealed that at one point in its investigation, the FBI set up a sting in which an agent posed as a Chinese intelligence officer and sought to recruit Lee as a spy. Lee rebuffed the approach.

Lee's only provable “offense” is that he failed to report some of his many contacts with Chinese scientists during trips to China in 1986 and 1988. Both trips were authorized by the Energy Department. Lee was extensively debriefed by FBI counterintelligence officers after each visit, giving them long lists of names

of those with whom he held discussions, and there was no way to prove that the omission of a few names was not inadvertent, the *Times* reported.

The newspaper summarized the lack of evidence against Lee in the following terms:

“There are no witnesses who saw Mr. Lee engage in espionage.

“There is no evidence of a motive in the form of unexplained income or a change in his style of life.

“Nor are there indications that Mr. Lee, a naturalized American who was born on Taiwan, was ideologically allied with Beijing.

“Even the evidence that a theft occurred is circumstantial.”

It might be thought that the complete lack witnesses, motives or even evidence that a crime has been committed would set back the propaganda campaign over alleged Chinese nuclear espionage, but the collapse of the case against Wen Ho Lee has only fueled denunciations of the Clinton administration and the Department of Energy in right-wing Republican circles.

Congressional Republicans have reiterated demands that Attorney General Janet Reno resign because the Justice Department blocked an FBI request for a warrant to wiretap Wen Ho Lee in 1997, on the grounds that there was insufficient evidence against him. Democratic Senator Robert Torricelli also denounced the Justice Department decision as “inexplicable.”

In the wake of the report filed last month by a special House investigation chaired by Congressman Christopher Cox, a presidential review panel completed its own study of Energy Department security procedures. The Foreign Intelligence Advisory Board, chaired by former Republican senator Warren Rudman, denounced the department as a “dysfunctional

bureaucracy” and recommended the transfer of weapons-related research to a new independent agency with tighter security standards.

Several independent reviews have rebutted the hysterical claims of the Cox report. James Mulvenon, a Rand Corporation military expert who testified before the Cox committee, concluded, “The U.S. is no more at threat now than before this alleged espionage.... China has not fielded any weapon—and does not appear to be planning to—that has any technology said to be stolen.”

A review of the Cox report led by retired Adm. David Jeremiah concluded that any information which may have been gathered through Chinese espionage "has not resulted in any apparent modernization of their deployed strategic force or any new nuclear weapons deployment.”

While the Clinton administration has played along with the right-wing campaign, professing its deep concern over the impact of Chinese espionage, Secretary of State Madeleine Albright bluntly declared that there was no Chinese threat to US national security, comparing China's dozen missiles able to reach the continental US to the American arsenal of 6,000 nuclear weapons. China's total military budget is \$12.7 billion, compared to \$278 billion for the Pentagon.

One of the most effective rebuttals of the China spy campaign came from the Chinese government itself. On May 31 in Beijing it staged a public demonstration of the downloading of sophisticated technical details of US nuclear weapons from the Internet, accessing, among others, the site maintained by the Federation of American Scientists. The purpose of the exercise was to show that most of the information allegedly stolen by China is widely available to the public, at the click of a mouse.



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