

Judge denies bail to jailed US scientist Wen Ho Lee

A reporter
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US District Judge James A. Parker denied the bail application of former Los Alamos nuclear scientist Wen Ho Lee December 29 and ordered him held indefinitely under conditions that amount to solitary confinement. The judge rejected arguments by Lee's attorneys who pointed to his long residence in the US—he is a naturalized citizen, born in Taiwan, who has worked at Los Alamos for more than 20 years—and to his strong family ties (his wife and children live in the US and are US citizens).

Lee, who was charged last month with 59 counts of unauthorized downloading of nuclear weapons information, is denied normal contact with his family. He will be held in federal prison until his trial, which is not expected to take place for at least a year. Visitors are barred from speaking Chinese with him, and he is cut off from contact with other prisoners on security grounds.

Judge Parker summed up the reactionary and anti-democratic character of the decision to deny bail and limit contact with Dr. Lee, declaring, "It comes down to restricting his ability to communicate with others." But it is precisely the ability to "communicate with others" which is critical to the right of a defendant to prepare a defense and receive a fair trial.

In the course of the bail hearing federal agents and prosecutors advanced a series of allegations which entirely shifted the core of the case against the Taiwanese-American scientist, abandoning the claims which had been advanced last spring when the "China spying" case was first sensationalized by the *New York Times* and the congressional Republican leadership.

Last March, when the case first burst into view, it was claimed that Lee had provided to Beijing the details of a US nuclear warhead, the W-88, which represents the most advanced development in the miniaturization of

the nuclear bomb. But this allegation was undermined when it was revealed that hundreds of other scientists had access to the same information as Lee, but had not been investigated, and a top Los Alamos security official charged that Lee had been targeted solely because he was Asian-American.

The charge was inherently implausible as well, since it was reportedly based on information supplied by a Beijing source whom the CIA later concluded was a Chinese double agent, and since the W-88 warhead is not of any practical use to the Chinese military, which is at least 15 years away from developing the kind of multiple-warhead rocket on which a W-88 could be used. US officials have admitted that they have no evidence tying Lee to China or any other foreign government.

After Lee was fired by Secretary of Energy Bill Richardson, a search of his office revealed that he had downloaded a large amount of information on nuclear weapons systems from the secure Los Alamos computer system to an unsecured PC in his office. Some of the information was further downloaded onto computer tapes and then loaded onto his home computer as well.

Lee's actions remain unexplained, at least by him directly, but his lawyers advanced several explanations during the bail hearing, including the fact that in 1993 and 1994, when he began the downloading, he had been informed that he might be laid off from his position at the lab, and had begun inquiring about positions at other labs, both in the US and abroad.

Moreover, the Los Alamos computer system was being upgraded at the time, and many other scientists also made copies of files to be certain they would not be lost in the changeover. (Los Alamos scientists made copies for other reasons as well, including the simple

convenience of being able to access them on their home computers.)

Lee's behavior did not otherwise correspond to what would be expected from a spy. He made no attempt to conceal his possession of classified nuclear information, even at one point calling the help line for the Los Alamos lab to get advice on how best to delete classified files from his home computer.

For their part, federal agents and prosecutors presented before Judge Parker only the most extreme and sinister interpretation of Lee's behavior, claiming that his actions represented an incalculable threat to US national security.

Paul Robinson, the director of the Sandia National Laboratory, another weapons facility, and a former US weapons negotiator, suggested that Lee's downloading of information onto ten computer tapes was an action of world-historic significance. "Those tapes could truly change the world's strategic balance," he declared. Another witness testified that the seven computer tapes that have not been recovered—Dr. Lee says he destroyed them—could "alter the global balance of power."

Lee's attorneys have repeatedly offered to have Dr. Lee submit to a lie detector test to confirm he did destroy the tapes, but Department of Energy and FBI officials have dragged their feet in response, not rejecting the offer outright but refusing to schedule or administer the test.

Even if the tapes had been transferred to another government, the claims of potential damage are highly exaggerated. More than 50 years after Hiroshima and Nagasaki, nuclear weaponry cannot really be considered "high tech." The theory and practice of atomic weapons is well understood by physicists and engineers throughout the world, and only the most recent advances, such as miniaturization and multiple targeting, could be considered cutting edge.

The main barrier to the development of nuclear weapons by an even modestly developed country is not technical sophistication, but the enormous economic resources required to produce the weapons-grade materials—Uranium 235 and plutonium, or even more exotic trans-uranic substances—required as either the main source of explosion (in an atomic bomb) or the detonator (in a thermonuclear or H-bomb).

The prosecutors in the Lee case rely on public ignorance of this elementary fact as they seek to whip

up hysteria about Chinese spying and the theft of "nuclear secrets," just as the ongoing campaign of US provocations against Iraq is based on the ludicrous claim that Saddam Hussein is concealing a nuclear weapons production system in the back rooms of his private residences.

The open racism of the campaign against Lee emerged most clearly in the testimony of FBI counterintelligence agent Robert Messemer, who defended the bureau's demand that all jail conversations with Lee be conducted in English, not Chinese, and that contact with family members be restricted.

Even "a simple utterance" to a relative could be a signal by Lee that would give away US nuclear secrets, he declared, provoking laughter in the federal courtroom. Messemer went on to declare that Chinese was a language suited to use in deception, because of its pictographic rather than alphabetic character.



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