Amnesty International protests shackling of jailed US scientist

Patrick Martin
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The human rights organization Amnesty International has written to the US Department of Justice protesting the conditions under which nuclear physicist Wen Ho Lee has been held since he was placed in pretrial detention last December. These conditions are a violation of UN rules for the treatment of prisoners that have been accepted by the US government.

Lee, who faces charges of unauthorized removal of classified information from the nuclear weapons laboratory at Los Alamos, has been held in solitary confinement since he was jailed in December, confined to his cell for 23 hours a day. During infrequent exercise periods—only once or twice a week—the 59-year-old scientist has been shackled at the wrists, waist and ankles.

The August 4 letter from Amnesty to Attorney General Janet Reno called for the shackling to be ended immediately. “These conditions are unnecessarily punitive and contravene international human rights standards,” said Curt Goering, Senior Deputy Executive Director of Amnesty International USA. “The use of shackles is extremely disturbing and is grossly inappropriate in the circumstances.”

The letter was released August 16, the day of a bail hearing for Wen Ho Lee held in Albuquerque, New Mexico. Attorneys for the jailed scientist are seeking his release on bond as well as a relaxation of the physical circumstances of his imprisonment, which are unprecedented for a prisoner of his age and background, who is not charged with a crime of violence.

Evidence presented at the bail hearing has been extremely damaging to the government case against Lee. Press reports and statements by Clinton administration officials have branded Lee a spy for the Peoples Republic of China, but prosecutors have been forced to concede that there is no evidence of espionage. Instead they claim that Lee downloaded classified data to assist in a possible search for a job after a series of cutbacks at US nuclear facilities led him to fear he would be laid off.

A former nuclear weapons designer and intelligence official at Los Alamos, John Richter, who worked at the lab from 1959 to 1997, testified that the computer codes which Lee downloaded would be of little or no value to any foreign country. He estimated that 99 percent of the information had already made public in one form or another. If Lee had transferred the copied material to another country, “I don't believe that it would have any deleterious affect at all,” Richter declared.

At a separate pre-trial hearing August 15, lawyers for the imprisoned scientist presented copies of statements by federal agents acknowledging that Lee had been targeted for investigation because of his ancestry—he is a Taiwanese-American who emigrated to the United States as a young man. Defense attorney Mark Holscher characterized the government's actions in the case as “racial profiling,” and he asked US District Judge James Parker to turn over Energy Department and FBI reports on the case.

Lee is the only person ever charged under the Atomic Energy Act with offenses carrying a life sentence in prison, other than espionage. His defense has won growing support in the Asian-American community and among his fellow scientists. At the bail hearing, the federal courtroom was filled with Lee's supporters, all wearing buttons defending him, a very unusual sight in a high-profile espionage case.

Assistant US Attorney Laura Fashing acknowledged that the FBI, “based on its experience in counterintelligence,” considers Chinese-Americans

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more likely to be contacted by Chinese government agents seeking classified information. The trial is presently set to begin on November 6.

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