The Impact of the Wen Ho Lee Case on Asian Americans
Remarks before the China Institute, New York, October 13, 2000

by George Koo

Before I begin, I want to make one point crystal clear. I am an American. I am proud to be an American. I pay my taxes, vote regularly - certainly more often than some of our candidates running for the highest offices in this land. I’ve worked as a volunteer worker for candidates that I believe in, at the local and national level. I belong here. I resent even having to make this clarification but I want to help make America a better place for my kids and grandkids. I should also make clear that my remarks are my own and do not represent the Committee of 100.

The behavior of the U.S. government’s in conduct in the [Wen Ho Lee] case is no better, I repeat no better, than the behavior of third world dictatorships that the U.S. is so wont to criticize. By now everybody should be familiar with the particulars of this case, I would simply like to summarize certain aspects relevant to how this case has affected Asian Americans - which is the topic of my presentation.

When this case first broke in March 1999, the presumption by the general public was, aha, the government has caught a spy. Whether orchestrated or just happened that way, the country was at near hysteria over nuclear crown jewels allegedly stolen by China, thanks to a series of leaks from the Cox Committee. (I will come back and amplify my views on the Cox Committee.) On March 6, the New York Times trumpeted on the front page that the W-88 secrets were stolen from the Los Alamos National Laboratory and the spy was a Chinese American employee in the lab. W-88 for those that might not have been following the story closely stands for multiple warhead missiles that the United States developed in the 1970s. Two days later, Energy Secretary Bill Richardson fired Dr. Wen Ho Lee. Instantly all across the country, Dr. Lee was tried and convicted by the media. From then until he was arrested in December, from sunrise to sun down, Lee had four FBI agents as his constant companions.

Impact on Chinese Americans

Let me talk about how this case affected Chinese Americans and how they reacted. What first struck some of us was the complete lack of due process in this case. The judiciary due process was turned completely upside down. Dr. Lee was presumed guilty and it was up to him to prove otherwise. The Committee of 100 was having their annual conference in New York on April 30 and May 1 and we invited Secretary Richardson to speak. He accepted, I believe, because he was anxious to explain his action. In fact he was to devote a significant portion of his time in ensuing months explaining - explaining to Asian American communities, explaining to the employees of the laboratories and explaining to the American public that racial profiling played no role in the victimization of Dr. Lee. Knowing that he was coming, we convinced ABC Nightline to cover his speech. We found two Chinese American scientists from Lawrence Livermore, sister lab within the Energy Department, brave enough to come and meet with Secretary Richardson and tell him about racial prejudice running through the laboratories exacerbated by the Wen Ho Lee case.

Nightline didn’t run this program until June because Kosovo was a hot topic in May. The Nightline program was the first nation-wide media coverage of the case that suggested that there might be more to the story than simply a case of a Chinese American spy. If you saw the program, you would remember Secretary Richardson did not come out very favorably in this 30-minute piece. It got worse. His image was further tarnished when Mike Wallace interviewed him on the CBS 60 Minutes piece that came out in August. Did Richardson feel that he had to go through with the Lee case to vindicate himself rather than call off the prosecution? Only he knows the answer.

The Cox Report

In latter part of May, the much-ballyhooed report from the House Select Committee headed by Congressman Christopher Cox was released. Henry Tang, the chairman of the Committee sent me a copy and on my business trip to Korea, I read over much of the 900-page report. The size of the report may seem a lot to you, but actually it was a fairly easy read. The hard part was lugging the report around. The report unlike most government publications is nicely formatted, with a lot of photos and colorful charts, in large fonts and full of statements in bold face. It is a slick piece of work, more like
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a product of Madison Avenue rather than from staid Capital Hill.

The only problem with this report is that it contains flat out misrepresentations, gross exaggerations, flying leaps of logic and claims that cannot stand up to rigorous scrutiny. As a matter of fact, there was an immediate chorus of ridicule and protest from the public culminating in a 100 page report from Stanford University Center for International Security and Cooperation prepared by four eminent scientists and edited by Michael May, former director of the Lawrence Livermore National Lab. The Stanford study tore the Cox Report to shreds. They concluded and I quote: "The report lacks scholarly rigor, and exhibits too many examples of sloppy research, factual errors and weakly justified inferences" - and in my opinion the Stanford group was being kind.

One of many accusations in the Cox report is China's theft of the W-88 multiple head missiles. Former senator Warren B. Rudman (R-N.H.), is the chairman of the President's Foreign Intelligence Advisory Board, which made an independent review of the espionage allegations prompted by the Cox Report. He said in a recent interview appearing in the Washington Post, "It is my belief that there was no espionage involved with the W-88 data obtained by the Chinese. As far as China's new, smaller warhead, Rudman said, "What they did, they did on their own."

The reason I am dwelling so much on the Cox Report is not just because this is the most disgusting and disgraceful piece of work to come out of Congress since Senator Joseph McCarthy days, which it is, but because this report victimized all Chinese Americans living in this country. This report accused China of practicing mosaic espionage. What they mean by this is that China is patient and willing to collect random tidbits and piece them together into one devastating breach in national security. And who do they turn to, to collect these tidbits? Why the Chinese Americans living in this country, of course. The so-called kindred spirits that the FBI also referred to in the Los Alamos case. What sort of evidence did the Cox Report offer to back up their claim? Nothing. Zip. Not one shred of hard data.

Let me give you just one example of the way the Cox committee reached their conclusions. The report indicates that the State Department can identify 2 companies from China based in the U.S. with connections to the People's Liberation Army. AFL-CIO, no friend of China as you all know, thinks it closer to 12 or more. The Committee concludes that the number is closer to 3000! 3000 companies sent from China connected to the PLA for the ostensible purpose of collecting tidbits big and small. Where did the committee arrive at the 3000 number? The report did not say.

The report then talks about the 100,000 students from China that are in the U.S. and goes on to speculate about the instructions they were given by the Beijing government on the kind of information they should collect. The report makes no distinction between visitors from China on a short trip and those that might be living in the U.S. as permanent residents. The intent of the report is to alienate China and if the implication that all Chinese Americans are potential spies is a by-product, so be it.

Notra Trulock & the FBI

The Cox committee is not the only one to find China a convenient demon. Notra Trulock, the former chief of counter-intelligence, according to the press reports I have read, was absolutely convinced that China had stolen the multiple nuclear warhead missile technology from the U.S., the so-called W-88 missile. And he, Trulock knew exactly how it happened. Los Alamos was where the leaks occurred and a Chinese American scientist was where to look. Of course, much after Trulock received a commendation and $10,000 cash award from Richardson, others point out that information on the W-88 could have been obtained in literally hundreds of places. Still others in addition to Senator Rudman question whether China really had taken the W-88 secrets and how useful the technology developed in 1970's would have been for China. According to numerous published sources including a recent article in Current History, to this day China has yet to build any multiple head missiles.
Bob Vroman is also on today's program and perhaps he will share his views of Truleck with you. Let me simply quote Charles E. Washington, former acting director of counterintelligence at the Energy Department, who said: "Based on my experience and my personal knowledge, I believe that Mr. Truleck improperly targeted Dr. Lee due to Dr. Lee's race and national origin." He goes on to say, "Based upon my personal experience with Mr. Truleck, I strongly believe that he acts vindictively and opportunistically, that he improperly uses security issues to punish and discredit others, and that he has racist views toward minority groups." This is a pretty strong statement from one senior government official about another.

Mr. Truleck of course isn't the only one with bigoted views working inside our government. While they have had a falling out since the early days of this case, the FBI apparently shares Truleck's view. Throughout their investigation of Los Alamos and Wen Ho Lee, the code name was "kindred spirit." Kindred spirit, not too subtle are they? Certainly sounds like they knew who their man was going to be even before they started their investigation. Doesn't it? After Dr. Wen Ho Lee was fired by Richardson, Mr. Paul Moore, another speaker in today's program, was seen on Jim Lehrer's hour proclaiming that yes, the FBI practices racial profiling but that's because The People's Republic of China targets Chinese Americans as their preferred sources. In other words, the Chinese made them do it. Mr. Moore did not offer any proof for his statements but claims to know that this is the case, based on some 20 years of his career with the FBI. Very conveniently, when Mr. Moore went public with his theory about the Chinese method of spying, he had already retired from FBI so that his remarks cannot be used to directly discredit the FBI. Of course since Mr. Moore went public with his theory of mosaic spying, there have been many others in government and in the intelligence business that have directly refuted his theory. For example, again I quote Mr. Washington: "In the counterintelligence training I have received and in my counterintelligence experience, I am unaware of any empirical data that would support a claim that Chinese-Americans are more likely to commit espionage than other Americans. Further, I know of no analysis whatsoever that has been done as to whether American citizens born in Taiwan would be more likely to commit espionage for the People's Republic of China."

Since America is founded on the principle that a man or an ethnic group is innocent until proven guilty, I will say no more but defer to Mr. Moore to make his case.

Hopefully he will have more specific and convincing evidence to present today than simply requiring us to accept his word on good faith.

Based on FBI conduct on the Lee case, good faith is not going to be easy to come by. The FBI lied to Lee and lied to the presiding judge. The FBI interrogators threatened Lee with the electric chair. They rejected the results of the first test, which Lee passed"with flying colors" according to the tester but now according to FBI director Louie Freeh was inconclusive. The FBI re-administered the lie detector test under such conditions as to come up with "inconclusive" results. They did what they had to do so that the government can justify arresting Lee, deny him bail and throw him in solitary confinement, in a 7 by 13 cell with the light turned on around the clock, restrict his access to outside contact including TV and chain and shackled him for his one hour of exercise per day.

Government's Gestapo Tactics

You might ask: Why would the most democratic nation in the world, the one that goes around monitoring and criticizing other nations for real and imagined abuses of human rights, resort to the very Gestapo tactics that they usually deplore? We will not likely ever get an official response to this question but the answer is clear to me. They thought they could intimidate a 5 ft 4, 60 year old Chinese man, they thought they could apply enough pressure to get him to cave in and sign a confession, any confession to get them off the hook. Unfortunately for Lee and his tormentors, this is a case of cultural misunderstanding. They simply did not understand that the quiet, mild manner characteristic of an Asian scholar does not mean the person is a willing foil easily run over and coerced. To his credit, Dr. Lee came out of the nine months of solitary confinement authoring a textbook in mathematics and two scientific journal articles. I don't think there are many of us that could have done as well in such an enforced sabbatical.

So what has this case done for this country?

We saw a presiding judge apologize to a convicted felon before dismissing him, for the prosecutorial abuse by the U.S. government. If this isn't unprecedented, I don't know what is.

We saw the most influential news daily of America, namely the New York Times, publish a self-criticism in the form of an editor's review acknowledging that "we
fell short of our standards on our coverage of this story.” They generously took the blame saying, “the blame lies principally with those who directed the coverage, for not raising questions that occurred to us only later.”

We saw presidents of the National Academy of Sciences, the National Academy of Engineering and the Institute of Medicine collectively write to the president asking for due process for Lee. These organizations represent the highest scientific bodies in this country.

We also heard the lamentations of the directors of the national labs because Asian Americans and foreign-born scientists are not applying for positions at the labs. Not only no new applications, but they are leaving in droves. The direct aftermath of this case is shattered morale among the staff of the national labs. No spy whatever the origin could have wreaked as much damage as the Department of Energy, the Congress, the FBI and the Department of Justice have done to our national security in their handling of this case.

As a most thoughtful op-ed appearing in Los Angeles Times points out: America has always depended on immigrant scientists to retain her position as the world leader in technology. This case has now sent a chilling message to all foreign born scientists whether they are working here or contemplating coming to heretofore the land of opportunity. If you can work for 20 years in a national lab and still risk sudden dismissal, get thrown into jail and have your life turned inside out, the American dream suddenly doesn’t look quite so golden.

What has not changed is the almost reflexive reaction of those in the government tostonewall and if possible finish the persecution of Wen Ho Lee they began in jail. FBI director Freeh insists that they could have won if they persisted and Lee is really guilty of the 59 counts. If anyone in the audience believes that, there is a bridge nearby I’d like to sell you.

Attorney General Reno insists that when national security is at stake, draconian measures such as those levied against Lee is justified. Asian Americans find Reno’s justification viscerally troubling. They remember when President Franklin Roosevelt also invoked threat to national security as justification for putting 100,000 Americans of Japanese ancestry behind barb-wired detention camps. Attorney General Reno may have forgotten but not the Asian Americans.

Newly Energized Asian Americans

Dr. Lee’s case may well represent a new dawn for Asian Americans in this country. He himself represents the old school Chinese American. He does not vote. He minds his own business and he doesn’t get involved. He doesn’t even read the newspapers according to his daughter. He is fortunate that he is living in an era where not all Chinese Americans and Asian Americans are like him. First, he is lucky to have been introduced to a Mark Holscher, a thoroughly decent man and former federal prosecutor, who was so moved by the injustice that he not only served pro bono but also recruited others to the cause. Second, he found enough Asian Americans that are no longer willing to be passive bystanders.

In September of last year, Lee’s daughter, Alberta, Brian Sun and Mark Holscher came to the Bay area to tell their story before a group of Chinese Americans. This was the beginning of the Wen Ho Lee Defense fund. When the San Jose Mercury News reported this meeting, it was one of the earliest public indications that not everybody is happy with the way the government was treating the case.

Early this year, the Committee of 100 organized a three-hour, nation-wide conference call involving some 20 organizations followed by a series of calls with smaller groups that resulted in a letter of concern on the Wen Ho Lee case to President Clinton and Attorney General Reno. San Francisco based Chinese for Affirmative Action and Asian Law Caucus organized a national coalition, which staged simultaneous protests of the treatment of Wen Ho Lee. From coast to coast, Chinese Americans got involved. They also got Asian Americans involved and eventually mainstream noticed. Our activism in getting all the facts out led to public reflection and played to the American sense of fairness and justice. Mainstream organizations ranging from scientific and professional societies to American Civil Liberties Union to Amnesty International and eventually to all the major daily newspapers joined in the national indignation and condemnation.

Call for Blue Ribbon Panel

So have we won? Not by a long shot. Not until a blue ribbon panel, impartial and unburdened by politics, looks into the origin of this case. We at least need answers to the following questions:

1. Why is it that if China is so prolific in their recruiting
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and spying activity, the Cox Report names only one Chinese American as having passed information to China? Mind you, this person was sentenced to 12 months in a halfway house, fined and made to do certain number of hours of community service. Hardly an Aldrich Ames serving life imprisonment without possibility of parole.

2. While we are on this vein, perhaps we should ask the FBI as to how many spies they have apprehended versus the number of Chinese American scientists they have intimidated and badgered for no justifiable cause? Mr. Moore for example spent 20 years allegedly monitoring the Chinese in America, how many arrests and convictions can he claim? Parenthetically, in my early days of going to China on business, I would be interviewed by CIA agents and sometimes by FBI agents on my return. I cooperated willingly thinking that I was helping our government better understand China. Little did I know that I was participating in reverse mosaic espionage.

3. I certainly would like to know if racial profiling entered into this case and if so the respective role of Notra Trulock, the FBI, the federal prosecutors and senior members of the Clinton Administration. The defense asked for government documents that would reveal whether racial profiling had anything to do with this case. Presiding Judge Parker was about to grant this request when the case was settled. I believe the American people have a right to know the content of these documents. Only a public inquiry has any chance of giving us the answers.

Ladies and gentlemen, we have not won until all Asian Americans are treated just like any other citizens of this country. We have not won until we are represented in government leadership positions as well as worker bees. We have not won until we get paid the same amount for same work done. We have not won until we are not automatically assumed to be a foreigner spy unless we prove otherwise. We have not won, if people still ask us where we come from.

Asian Americans have been energized by the Wen Ho Lee case, but this is not the end of the story. Did you know that when San Jose Mercury News first broke the story about the Bay Area Chinese Americans meeting with Lee’s daughter and defense team, the reporter got crank phone calls and threatening email? Someone should ask the newspaper if the reason for reassigning the Wen Ho Lee beat to a reporter named Dan Stober from the original Chinese American journalist wasn’t because of a concern over racist backlash.

Most recently, William Safire, the senior columnist of New York Times and well-known cold war dinosaur, is still using the term “anti-McCarthyism” in a pejorative sense. In his essay dated September 25, 2000 commenting on the Wen Ho Lee case, he observes that “anti-McCarthyism suppressed anti-Communism once before.” Clearly anti-Communism is his Holy Grail and in his quest McCarthyism isn’t just condoned but should be revived.

Tony Hillerman, arguably the best known fiction writer from New Mexico said, “A lot of us were deeply concerned about what they (the Justice department) were doing to the U.S. Constitution and our Bill of Rights. Dr. Lee is an American citizen. If he could be locked up without bail and without trial in violation of our basic law, how safe are the rest of us?” Until we have an overwhelming majority of Hillermans and until we have Safires on the endangered species list, we have not won.

Thomas Jefferson said, “Eternal Vigilance is the Price of Liberty.” A natural corollary for all Asian Americans to keep in mind: vigilant insistence on all rights due us as American citizens or there will be more Wen Ho Lees.

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