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Wen Ho Lee remains in prison as case heads to appeals court

September 1, 2000
Web posted at: 5:04 p.m. EDT (2104 GMT)

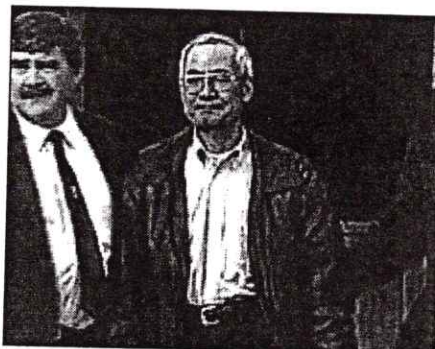
DENVER (CNN) -- Jailed nuclear scientist Wen Ho Lee did not get out of prison on bail this week, as his friends and supporters had hoped. In fact, Lee, charged with improperly handling nuclear secrets, will remain behind bars indefinitely under an appeals court order issued Friday.

A federal judge in Albuquerque, New Mexico, was prepared to release Lee on \$1 million bail Tuesday after a hearing he convened to discuss strict terms of Lee's release, which included house arrest.

The federal government told U.S. District Judge James Parker it needed more time to decide whether it would appeal the bail-release order. Parker gave the government until Friday to appeal.

The government appealed to the 10th U.S. Circuit Court of Appeals in Denver on Friday. The appeals court agreed not to release Lee until it reviews whether the Asian American scientist should be allowed to go home until his trial in November.

His release is postponed "pending further order of this court," the court order said.



Lee was scheduled to be let out of jail on \$1 million bail until the federal government appealed his release

CNN Justice
Correspondent Pierre
Thomas looks at the
case



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The 60-year-old Taiwan native, a naturalized U.S. citizen, faces 59 counts of downloading volumes of nuclear weapons design and testing simulation data from secure computers to a non-secure computer and tapes. Some of those tapes are missing. He is the only Los Alamos employee to be charged.

If convicted on all counts, Lee could be sentenced to life in prison.

Government's charges and allegations of racial profiling

Lee was fired from the Los Alamos National Laboratory and has been held in solitary confinement since December 10, 1999, at a detention center outside Santa Fe, New Mexico.

The government says Lee compromised national security; Lee was arrested at a time when Congress expressed fear of the Chinese spies in U.S. nuclear labs.

In court documents filed in July, the Justice Department listed eight nations to which Lee wrote, apparently seeking employment: Australia, France, Germany, Hong Kong, Singapore, Switzerland, Taiwan and China.

The letters were sent in 1993, when Lee had begun to download nuclear secrets from the Los Alamos computers, according to papers filed at the U.S. District Court in Albuquerque.

The government has also said that Lee was involved in the design and simulation of nuclear weapons at a Chinese Institute.

Never charged with espionage

But Lee's supporters note that Lee has never been charged with espionage, proving that he is being prosecuted because of his race.

In affidavits unsealed Thursday, two former government counterintelligence chiefs said they believe Lee was targeted because he is an Asian American. The same day, leaders of three prestigious scientific organizations expressed their objections to the government's treatment of Lee.

About 30 FBI agents and support personnel searched for more than 12 hours Thursday at Lee's home in the Los Alamos suburb of White Rock, looking for any sensitive scientific materials. The search was in advance of Lee's imminent release.

Parker twice denied bail before changing his mind last month. The reversal came after a senior FBI agent admitted he had given inaccurate or misleading testimony about Lee's alleged deceptions.

Under Parker's proposal, Lee would have remained under house arrest until his November 6 trial date, worn an electronic monitor, had his mail and phone calls monitored and left his home only to go to court or the Los Alamos lab with his attorney.

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