

January 4, 2009

Honorable Senator Barbara Boxer
U.S. Senate
112 Hart Senate Office Building
Washington, DC 20510

Dear Barbara:

We, the undersigned on behalf of Chinese Americans and other Americans, wish to express our strong opposition to the confirmation of Governor Bill Richardson to be the Secretary of Commerce for the five reasons stated in the attached briefing paper and chronology of events that we have assembled for your review and action.

Specifically, we are concerned about Governor Richardson's steadfast refusal to reflect, acknowledge, and apologize for the mistakes that, as the Secretary of Energy from 1998 to 2000, he made in his handling of the case against Dr. Wen Ho Lee of the Los Alamos National Laboratory (LANL). His mistakes in this case also had adverse consequences on the well-being and rights of Chinese Americans across the U.S. Fueled by highly-sensationalized national media coverage about alleged Chinese espionage and in an effort to counter partisan attacks, Secretary Richardson's actions in the Dr. Lee case cast severe doubts about Chinese American loyalty and inflicted irreparable damage to the status and credibility of all Chinese Americans.

Singled out and suspected in a three-year investigation by the Energy Department and the FBI for passing classified W-88 nuclear warhead information to benefit China, Dr. Lee was a victim of racial profiling. This three-year investigation yielded no evidence that Dr. Lee had passed or intended to pass nuclear secrets to China. Notwithstanding, Secretary Richardson still fired Dr. Lee, subjected the scientist to nine more months of FBI investigation and damaging innuendoes in the national media, participated in the decision to fire Dr. Lee on 59 counts of mishandling classified information (none of which involved espionage or passing design information for the W-88 to the Chinese), and personally approved Dr. Lee's harsh pre-trial confinement to continue for 9 months.

During the pre-trial phase of the case against Dr. Lee, federal officials from the Energy Department and FBI misled the federal judge about the harm the mishandling of information by this Chinese American scientist would pose on national security. These federal officials persuaded the federal judge to deny bail and place Dr. Lee in harsh, solitary confinement for 278 days. The federal judge eventually released Dr. Lee when the prosecution dropped 58 of the 59 counts and Dr. Lee pled guilty to one count of mishandling classified information, with no probation, fine or additional time to be served beyond the 278 days in solitary confinement. In releasing Dr. Lee, the federal judge offered a profound apology to this Chinese American scientist for the manner in which he was denied bail and held in custody. The judge rebuked the "top decision makers" in the Energy and Justice Departments for the way the case began and was handled.

We urge you to review the background information on Governor Richardson's handling of the case and help raise the following questions during the confirmation process:

1. Why did Secretary Richardson ignore investigation results by the Energy Department and FBI that Wen Ho Lee had not committed espionage and then pursue the firing of Dr. Lee?
2. Why did Secretary Richardson allow national media coverage of the Cox Committee report about suspected Chinese espionage and lax security measures at the national labs influence his decision to fire Dr. Lee?
3. Why did Secretary Richardson summarily fire Dr. Lee, identify him by name in announcing his firing to national news organizations, in violation of LANL and University of California personnel policies and procedures?
4. When the Justice Department, FBI, and weapons experts determined the three-year investigation for Chinese theft of nuclear was too narrowly focused on Dr. Lee, why did Secretary Richardson help launch and continue a nine-month FBI investigation into the activities of Dr. Lee for espionage?
5. With no evidence that Dr. Lee had passed or intended to pass nuclear secrets to the Chinese, why did Secretary Richardson support and condone prosecutorial efforts to place and keep Dr. Lee in solitary confinement throughout his incarceration?
6. Why has Governor Richardson continue to stand by the mistakes he made as Energy Secretary and steadfastly refuse to apologize to Chinese Americans across the U.S. for subjecting them to undue racial prejudice and suspicion, even after Judge James Parker, President Bill Clinton and the New York Times, in different ways and for different reasons, have publicly acknowledged their mistakes and expressed their regrets?

We wish to make it clear that our opposition to the nomination of Governor Richardson is no way an objection to the appointment of a Hispanic by President-elect Barack Obama. We have based our opposition solely on Governor Richardson's handling of the Dr. Wen Ho Lee case as the Energy Secretary and his refusal to reflect, acknowledge and apologize for the mistakes he made in the handling of the case. As long as there is no reflection and acknowledgement of errors made and an apology offered to the community, Chinese Americans, especially the scientists among us who have dedicated their lives to support research in the U.S., will always live under the fear of becoming the next Wen Ho Lee.

We also want to call your attention to a petition against the appointment being circulated across the nation. We understand that the petition will be submitted to the Senate Commerce Committee at the time of the confirmation hearings.

Please let us know if you have questions on any aspect of the briefing paper and chronology that we have prepared and attached. Needless to say, we will be pleased to meet with you to go over the materials and if necessary, to testify at the confirmation hearings. We sincerely hope that Governor Richardson will reflect, acknowledge past mistakes and apologize to Chinese Americans

Sincerely,

Henry Der
Roger Hu
Albert Wang
L. Ling-chi Wang