

Discrimination...Prejudice...Racial Bias & Profiling

Disturbing Realities of Past & Recent Discriminatory Events are Raising Concerns among Asians

I am submitting the following articles on **espionage and racial profiling** to the web site "*Memories NYC Chinatown*" for any interested parties to read on the racial struggles & determination to succeed of earlier generations of Chinese and Chinese Americans who helped pave the way for our generations' progress. Perhaps one day in due time, a future generation of Chinese Americans will look back and reflect on our collective past journeys to level the racial playing-field-of-life where we are treated with respect & dignity based on our merits and achievements in the United States. We have met many challenges and through education & hard work overcame many **obstacles** and **barriers to entry** to take advantage of America's extraordinary opportunities to succeed in various professional, vocational, and business endeavors.

Just some of my thoughts and straight talk on our Chinese and Chinese American heritages' historic trail littered with examples of racial bias and the significance of the subject LA Times article-"**Espionage and Racial Profiling**" with a commentary from Dr. Soon Leong on Dr. Wen Ho Lee. Soon and I go back to our NYC Chinese School days in Chinatown where I was able to reconnect with recently and learned of his academic achievements at Yale. Soon is indeed a humble and accomplished scholar & gentleman.

It was important to address the subject of discrimination against Chinese and Chinese Americans over the years and bring to light some major blunders that the US political machine has made over the years and are continuing to make on the loyalty of Chinese Americans here in America.

Yes...discrimination is still with us as the LA Times article has cited examples of how Chinese Americans have systemically suffered from racism.

Years ago ...we were the "**Inscrutable Orientals**".....then... "**Model Minority**".....then we disappeared from the statistics for minorities where they are now at times only categorizing Hispanics and African Americans as minorities for reporting and contrast & comparison purposes and lumping Asians with Whites, where & when it was convenient for statistical purposes... or to advocate a political position...or objective...or desired result...Are we now the "**Invisible Minority**"?...

My thoughts are that we simply say: an "**American**".. "**Asian American**..or.. "**Chinese American**"....

Despite the prejudices exhibited against Chinese Americans, we have been successful and prosperous as a group having assimilated into American society as productive, law abiding, and respectful citizens through hard work and determination to be the best we can be under the circumstances.

Perhaps in the future, we may come to be known as the "**Dominant Minority**" here in the United States even with our small numbers in population size when compared to other minority groups and the overall United States' population.

God Bless... and be deterministic as ever in reaching your goals...

All the Best & Be in Good Health...our most precious asset

Daniel (Danny) Lee
Nashua, New Hampshire,
May 27, 2016

***Espionage and Racial Profiling
(Targeting Chinese Americans)
Introductory Summary....Daniel Lee PE***

My lifelong friend Joe Wong sent me a Los Angeles Times Article- **“Espionage and racial profiling”** which highlighted Asian Americans being arrested and charged with economic espionage and theft of trade secrets to China. Joe enclosed a hand written note stating: **“Thought it would be of interest to you. US Govt. still doesn’t trust us Chinese.”** My thoughts raced back to the 1950’s when I was in high school and college and worked in Chinese Restaurants on weekends and summer vacations. It was a period where I met many Chinese waiters with college degrees who were not able to get a job because of racial discrimination in many large companies in the 40’s and early 50’s. In the mid 50’s, news was circulating around Chinatown that several Chinese American scientists & engineers were being deported to China because of alleged Communist sympathies. Many of us who were in college at the time studying science and engineering were fortunate because of the high demand for scientists and engineers brought on by the Russian launch of Sputnik in 1957. China has come a long way since the 1950s and has emerged as a economic and military power which has invited closer scrutiny from the other world powers. Since 1997 there have been 39 trade secret and economic espionage cases involving China here in the USA. Three high profile cases involving Chinese Americans who were arrested where the charges were eventually dropped by the government because of miss understanding of technical facts and had a low probability of successful prosecutions in court. Of the 6 cases mentioned in the article, the three cases with the most notoriety and press publicity were *Dr. Xiaoxing Xi*, *Sherry Chen*, and *Dr. Wen Ho Lee*.

Dr. Xiaoxing Xi was the Chairman of the Physics Department at Temple University and doing research on superconductors that could improve MRI’s. He was also managing 9 government research lab projects. *Sherry Chen* is a Hydrologist who performs flood forecasting for the National Oceanic and Atmospheric Administration (NOAA) in Ohio. She was instrumental in saving the city of Cairo, Ill. when the Army Corp of Engineers blew up a levee and rerouted the flood water during the record flooding of 2014. *Dr. Wen Ho Lee* is a Mechanical Engineer (Fluid Mechanics) at Los Alamos National Laboratory working on simulation program models for nuclear explosions which were used to gain scientific data to aid in providing assurances for maintaining the safety and reliability of the US Nuclear Weapons Arsenal.

All three Chinese American scientists’ cases never went to trial as the charges were dropped but their reputations were ruined in the professional and academic world. *Sherry Chen* is appealing to regain her position at NOAA. *Dr. Wen Ho Lee* has published a Applied Physics text book and has applied to many universities for a teaching job in Applied Mathematics and Fluid Dynamics. No offers were ever received to date. *Dr. Xiaoxing Xi* is no longer Chairman of the Physics Department at Temple University.

All three are naturalized American citizens and highly educated productive individuals contributing to our American educational and scientific communities. They were living the *“American Dream”* until one day, political abuse of power and racial bias & discrimination stepped in and turned their lives & families upside down. Now they are living the *“American Nightmare”* of a lost reputation; large legal fees for the defense against the US government; and unemployment without a means of supporting their families. The exception is *Dr. Xiaoxing Xi* who was demoted and is still at Temple University as a Physics Professor

The text continues as follows:

Pages 3 & 4 The LA Times article by George Koo & Daniel Olmos, dated 5/4/16

Pages 5 & 6 Straight Talk & Thoughts on the LA Times article by Daniel Lee, PE, 5/12/16

Pages 6 & 7 Commentary on Dr Wen Ho Lee by Soon Leong, PhD, 5/16/16

Espionage and Racial Profiling

George Koo and Daniel Olmos, Los Angeles Times on May 4, 2016

In recent years, federal prosecutors have brought a number of high-profile criminal cases against Asian-Americans accused of economic espionage or theft of trade secrets. Announced with great fanfare, many of these cases later collapsed.

Is it possible that these prosecutions were driven -- at least in part -- by racial profiling rather than solid evidence? Last year, more than 40 members of Congress sent a letter to Attorney General Loretta Lynch asking that question. The Justice Department has not yet responded, but last month it adopted a new policy requiring experienced national security prosecutors in Washington, instead of local U.S. attorneys, to oversee all espionage-related cases. It's of course too early to know whether this change will reduce the number of problematic cases brought against Asian-Americans.

Although theft of trade secrets by foreign countries certainly occurs, the government has focused overwhelmingly on China. Of the 55 trade secret and economic espionage cases involving a foreign country brought since 1997, more than 70 percent targeted China. The government, however, seems to have a hard time bringing these cases to a successful conclusion, suggesting that such disproportionate attention is misplaced.

From 1997 to 2015, federal prosecutors had an average conviction rate of about 91 percent for all criminal cases. In federal white-collar cases, the conviction rate was more than 90 percent. But of the 39 trade secret and economic espionage cases involving China since 1997, federal prosecutors won convictions in only 66.7 percent of cases. In contrast, for cases involving other countries, prosecutors had a conviction rate much closer to its other cases -- about 87 percent.

Under pressure to stop Chinese spying, prosecutors seem to file espionage-related charges without fully understanding the facts.

Last May, Xiaoxing Xi, former head of the physics department at Temple University, was arrested by FBI agents, who burst into his suburban Philadelphia home with guns drawn. Xi was handcuffed in front of his family and charged with sharing schematics for a piece of "secret" laboratory equipment, which it later turned out was not secret at all. Four months later, prosecutors dropped the case, saying "additional information came to the attention of the government."

In the very first economic espionage case to go to trial, in San Jose in 2009, prosecutors accused two Chinese-American engineers of seeking to "benefit" the Chinese government, simply because the engineers had applied for research funding from Chinese agencies to help their startup. The jury rejected the prosecutors' argument and concluded that this was just normal business activity. One recurring issue in Chinese trade secret cases is that local U.S. attorneys, many of whom know little about the major role that state institutions play in the Chinese economy, misinterpret normal contacts with government banks or research institutes as evidence of spying.

To many observers, the government's unjustified suspicion of Asian-Americans became apparent in 1999, when Wen Ho Lee, a Taiwanese American nuclear physicist employed at the Los Alamos National Laboratory, was accused of sharing nuclear secrets with China.

Lee, who was included on a shortlist of suspects because of his frequent trips to Asia and his access to classified information -- and, critics claim, his ethnicity -- consistently denied he had given sensitive information to China. The case fell apart, and seven years later, Lee won a civil judgment against the prosecutors and media organizations that had tarnished his reputation.

In case after case, the government's allegations of improper motives -- perhaps fed by suspicions of China -- have failed to withstand scrutiny. In 2014, a jury found former Texas Instruments engineer

Ellen Chen Yeh not guilty of all charges in a trade secret case. Yeh, who had left Texas Instruments to work at a company in China, was accused of wrongfully downloading computer chip designs and taking them to China with the intent to steal them. Yeh explained that she kept the designs -- which she had developed herself -- because she hoped to resume working with Texas Instruments someday. The jury believed her.

The way prosecutors bring China-related trade secret cases causes immense damage to those accused. By publicizing these cases before they can prove them, prosecutors destroy reputations. In October 2014, Sherry Chen, a 60-year-old Chinese-American water scientist, was arrested by FBI agents at a National Weather Service office in Ohio. Chen, who had been a U.S. citizen for more than 15 years, was accused of downloading data on U.S. dams and passing it to a Chinese government official. The charges against her carried 25 years in prison and a \$1 million fine. Prosecutors dropped the charges against Chen shortly before her trial was set to start because they realized they had misinterpreted the evidence, but that did not undo damage to her good name. Undeterred by the collapse of its case, the government says it still intends to bar Chen from her job, a decision she is fighting.

There is also growing evidence that prejudice may affect the sentencing process for those found guilty of trade secret theft. An analysis of cases over the last two decades shows that, for individuals convicted of trade secret theft, the average sentence for people with Chinese surnames is more than twice that for those with non-Chinese surnames. This translates to an average of an extra 17 months in prison for Chinese-Americans.

The strength of the U.S. economy is based largely on innovation and competition. A more careful approach to these prosecutions can protect the rights of Asian-Americans, minimize wrongful prosecutions and help ensure an economic environment that continues to foster innovation.

About The Writers

George Koo is a global business advisor. Daniel Olmos is a criminal defense attorney who has successfully defended several trade secret cases at trial. They wrote this for the Los Angeles Times.

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Espionage and Racial Profiling, LA Times, 5/4/2016
Straight Talk & Thoughts...Daniel Lee, PE, 5/12/16

It is not surprising to read in the LA Times article entitled "Espionage and Racial Profiling" that the US government is still checking on Asian-Chinese Americans in the engineering and scientific fields and new business ventures. I have always stated that even though we have come a long way since the days of the Chinese Exclusion Act of 1882 and the deportation of Dr. Tsien Hsue-Shen and a host of other brilliant Chinese scientists in 1955 that there are subtle prejudices still lingering around. We must always be aware of other competitive forces, political powers, and ethnic groups, who have contempt for the Chinese Americans and Chinese when you are successful, as in the case here in the United States for many of our 1st-3rd generation Chinese Americans and with China emerging as a economic and military power. *A few random thoughts on this article are as follows: Keywords... "Unintended Consequences"*

Most Chinese Americans of our generation are now familiar with the gross injustice of the Chinese Exclusion Act of 1882 and all its subsequent amendments until it was repealed in 1943 by the Magnuson Act. The McCarran-Walter Act of 1952 limited Chinese to 100 per year with the exception of diplomats, merchants, and students. Finally, the Immigration Act of 1965 abolished all national quotas including the limit of 100 Chinese per year.

In the 1930's there were many Chinese students from China in the USA studying at universities at the undergraduate and graduate level for their Ph.D.'s under scholarships. Tsien Hsue-Shen studied at both MIT and California Institute of Technology (Caltech) where he received his Ph.D. under Dr. Theodore von Karman in Aeronautical Engineering. He stayed on to teach at Caltech and co-founded the Jet Propulsion Laboratory (JPL) in Pasadena for the US Army during the war. As a professor, he was brilliant and his scientific research produced many exciting breakthroughs in the field of aerodynamics and rocket propulsion. One of these papers was the **"Two Dimensional Subsonic Flow of Compressible Fluids"**. From this paper came the famous **Karman-Tsien pressure correction formula** which was used by engineers for decades in the design of high speed aircraft. In the 1950's, Tsien and a number of Chinese scientists and engineers were accused of being Communist sympathizers which scarred their reputation but they were never charged or the accusations proven. They were subsequently deported back to China in 1955. It was a colossal political blunder on the part of the United States since Dr. Tsien Hsue-Shen and the other deported Chinese scientists and engineers were experts in rocket and propulsion systems which later led to accelerating China's Intercontinental Ballistic Missile (ICBM) & Outer Space Programs.

Some of the other deported scientists may have also helped in China's Atomic & Hydrogen Bomb Programs. The Chinese learned quickly to be self sufficient since there was a break in Sino-Soviet relations and the Russians advisors, on China's nuclear programs, all left and took their designs & drawings with them back to Russia. However, the Chinese rapidly recovered and developed and tested the Atomic and Hydrogen Bombs in record time. This achievement surprised and shocked the Soviet Union and Western Powers.

These deported Chinese scientists and engineers were some of the brightest Ph.D.'s that came out of America's top schools. Years later it can be said that these Chinese scientists and engineers fully appreciated the American educational system & research facilities and would have preferred to remain in the United States. It should be noted that Tsien became a naturalized American citizen and served in the US Army. One can only imagine the results if Dr. Tsien Hsue-Shen had the opportunity to team with Dr. Wernher von Braun on America's missiles and rocket propulsion systems development for lifting heavy payloads into outer space in the 1950's and beyond. The USA's competition and race to outer space with the USSR may have had a different result. Remember the USSR's 1st in space Sputnik in 1957?

The **unintended consequences** was the rise of China in the Space Age with ICBM capabilities and becoming a nuclear power much earlier than expected because of America's profound mistrust of Chinese and Chinese American engineers and scientists educated in the United States and deporting them. These Chinese scientist's knowledge and experiences in rockets and propulsion systems were essentially given to China; whereas, any espionage organization such as the CIA, KGB, or MI-5 would have taken years to secure or steal the intellectual properties involved.

The Chinese & Chinese Americans have always valued education and our generation of Chinese Americans across the United States, in spite of its small population size in the late 40's -60's, produced a exceptional number of engineers and scientists who have worked in Aerospace and National Defense Industries, both in the private sector and government, with some of the highest levels of national security clearances on classified programs. Hopefully, the government is not looking to prosecute Asian-Chinese Americans for espionage via racial profiling in the scientific or business community without proof of any charges related to a **"China Connection"**. In New York City, loud voices from other ethnic groups are lobbying to change the admissions policy at Brooklyn Tech, Bronx Science and Stuyvesant, which is based solely on a tough competitive entrance exam, to have a more diverse student body to reflect the city's ethnic population. Currently, the student body at the three specialize high schools is 70%+ Asians. Reverse discrimination is being practiced by schools like Harvard & Princeton and other top schools across the country in their admission policy against Chinese American students who must excel in academic & extracurricular activities and be in the top class ranking and score higher on the SAT's to compete with perspective students of various other ethnic groups. *Competition is the reality of life!*
The open question remains: Will America learn from history and stop its selected discrimination against Asian-Chinese Americans and recognize their contributions, in education, science, engineering, medicine, and finance, to American society as productive law abiding citizens?
One just has to observe our present day university campuses and note the high percentage of Chinese American professors and students at the undergraduate and graduate levels teaching and/or studying science, engineering, math, & medicine. These students will become the future scientific & engineering professionals in the American workforce, workplace, and landscape ***with or without racial profiling.***

Commentary on Dr Wen Ho Lee
Soon Leong PhD, 5/16/16

Dear Dan:

Thank you for sharing the info and your commentary. Because of my profession, I had followed the Wen-Ho Lee incidence very closely and at length. Actually, the case started with an ambitious man in the security office of the Energy Department. In order to make a name for himself, he must have a high profile case. As it turned out, Dr. Wen-Ho Lee was the perfect target as he had made numerous trips to China attending international conferences. Never mind that there were dozens of white Americans who had also attended the same conferences as Dr. Lee. Then the case was championed by Bill Richardson, who was Secretary of Energy at the time. He personally fired Dr. Lee. He simply didn't want to appear "soft" on the Chinese. The biggest surprise to me in this case was how this country's most influential and respected newspapers such as the Washington Post and the New York Time blew the case out of proportion with inaccurate reporting. I don't believe these inaccurate reporting was due to ignorance as their editorial boards are loaded with well-educated and well-informed people plus outside consultants. I believe their inaccurate reporting was because they were looking at this incident through a thick political lens and therefore highly biased.

Error No. 1: Dr. Wen-Ho Lee was a nuclear physicist. Wrong! His specialty was applied mechanics with a sub-specialty in hyper-velocity impact involving armor plates and penetrators.

Error No. 2: He downloaded 30 years' worth of American know-how on nuclear warhead design to his personal computer. As anyone who has a high level security clearance would know, the higher the secret level is, the more compartmentalized the source material becomes. Everything you touch requires a "need-to-know". The design of a multiple independent re-entry vehicle (MIRV) must require a dozen or more different technical disciplines. If you are not involved directly with a certain discipline, you are not allowed to see the associated documents. In fact, some of the highly classified documents beyond top secret are kept in a secured vault. There is always a young woman sitting in front of the vault who checks your ID to confirm that you are authorized to enter. Before you enter, you must sign the log-book with date and time. You do the same thing when you leave. I imagine highly secured computers would be working on a similar principle, network isolation.

The only thing the government can prove at the time was that Dr. Lee handled software systems improperly: He downloaded an extremely sophisticated computer program designed to simulate in the phenomena of a hypervelocity steel rod impacting on a steel plate. This program required many man-years of effort to develop and perfected over the years. These newspapers asked why he would do a stupid thing like that. Well, I know the answer to that stupid question. At the time, there were many people who at Los Alamos were laid off. Dr. Lee felt that sooner or later, it will be his turn so he began to look for new employment. Can you imagine what a valuable tool that program would be if he goes to work for a company such as General Dynamics where the Abram Tank A-1 was designed and manufactured?

At the end of the episode, the presiding judge apologized to Dr. Lee for what the US Government had done to him; but by then, he had already spent a year and a half in solitary prison.

At the time, the Chinese community, especially the technical community, came to Dr. Lee's aid with overwhelming energy. As I recalled, Ms. Cecilia Chang of Fremont, CA organized a fund drive with a Website to help with the legal cost. Dr. Lee's youngest daughter, Alberta Lee, even decided to study law because of what had happened to her father.