

DECLARATION OF ROBERT VROOMAN

I, Robert Vrooman, do hereby declare and state:

1. I have reviewed the government's response to Wen Ho Lee's Motion for Discovery of Materials Related to Selective Prosecution, including the attached Declaration of Special Agent Robert Messemer. As set out below, Agent Messemer's declaration contains numerous false statements. Based on my experiences with Agent Messemer and the information I have received from other FBI agents, I believe that he regularly distorts information.
2. I did not tell Agent Messemer that Lee probably assisted the Chinese by helping fix Chinese hydrocodes during his travel in 1986 and 1988. His allegation that I did so is false. Our April 28, 1999 meeting focused on _____ and Agent Messemer's theory that there was something inappropriate going on _____. I attended that interview solely as a favor to John Browne, the director of Los Alamos National Laboratory. When it was over, I told Browne that I considered the interview strange, because it had nothing to do with the Lee case. I later learned from officials at the CIA that Agent Messemer was falsely informing CIA officials that I had been critical _____. At the time, Agent Messemer was attempting to shift blame to the CIA for possible fallout _____. I sought to obtain a copy of Agent Messemer's memoranda of my interview and to have it corrected. See Attachment one. The FBI refused to provide me a copy of this memorandum, which I expect contains false information.

3. Agent Messemer's statement that the individuals selected for investigation were chosen because they fit a "matrix" based on access to W-88 information and travel to the PRC is false. Dozens of individuals who share those characteristics were not chosen for investigation. As I explained in my prior declaration, it is my firm belief that the actual reason Dr. Lee was selected for investigation was because he made a call to another person who was under investigation in spite of the fact that he assisted the FBI in this case. It is my opinion that the failure to look at the rest of the population is because Lee is ethnic Chinese.
4. Mr. Moore's contention that the Chinese-target ethnically Chinese individuals to the exclusion of others, therefore making it rational to focus investigations on such individuals was not borne out by our experience at Los Alamos, which was the critical context for this investigation. It was our experience that Chinese intelligence officials contacted everyone from the laboratories with a nuclear weapons background who visited China for information, regardless of their ethnicity. I am unaware of any empirical data that would support any inference that an American citizen born in Taiwan would be more likely than any other American citizen
5. Of the twelve people ultimately chosen for the short list on which the investigation focused, some had no access at all to W-88 information, and one did not have a security clearance, but this individual is ethnically Chinese. I do not believe this was a coincidence. Further, this ethnically Chinese individual did not fall within the "matrix" which Agent Messemer claims was used by the DOE and FBI. In addition, although there were other names on the AI list, Mr. Trulock made clear that Dr. Lee was his primary suspect.

6. Agent Messemer deliberately mischaracterizes the nature of my comments to him regarding my concerns about Dr. Lee's travel to the PRC. I did consider it unusual that Dr. Lee had not reported any contact by Chinese agents when I debriefed him following his return from the PRC. I did not believe then and I do not believe now that Dr. Lee engaged in espionage, and I made no such intimation to Agent Messemer. Dr. Lee and his wife Sylvia were both cooperating with FBI investigations, and I considered them loyal Americans. Nonetheless, I considered Dr. Lee naïve, and therefore a potential security risk. It was to keep Dr. Lee out of harm's way, not because I had any fear that he might knowingly engage in improper conduct, that I recommended against further unescorted trips out of the country for Dr. Lee.
7. My concerns about the real motivation behind the investigation were exacerbated when I received a classified intelligence briefing from Dr. Thomas Cook, an intelligence analyst at LANL, in September 1999. This briefing put to rest any concerns that I may have had that Dr. Lee helped the Chinese in any substantial manner.
8. In my capacity as a counterintelligence investigator at LANL, I was briefed on the existence of an investigation code-named "Buffalo Slaughter" some time in the late 1980s involving a non-Chinese individual working at a DOE laboratory who transferred classified information to a foreign country. That individual was granted full immunity in return for agreeing to a full debriefing on the information that he passed.

//

//

//

//

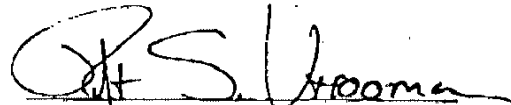
//

//

9. The statements contained in my Declaration dated June 22, 2000 are true and correct and

I so attest.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed on August 10, 2000, at Gallatin Gateway, Montana.

A handwritten signature in black ink, appearing to read "R. S. Vrooman", written over a horizontal line.

Robert Vrooman

September 17, 1999
Robert S. Vrooman
P.O. Box 348
Gallatin Gateway, MT 59720

David V. Kitchen
Special Agent in Charge
FBI
415 Silver SW
Albuquerque, NM 87102

Dear Mr. Kitchen:

I would like to have a copy of the 302 prepared by SA Robert Messemer as a result of his interview with me on April 28, 1999. Several members of the CIA's IG office have read me portions Messemer's report, and it is clear to me that SA Messemer attributed his opinions to me. During the interview, I told SA Messemer that I did not know well enough to have an opinion

He then provided me with the details and asked me to speculate on the implications. I find this interview technique objectionable.

On the other hand, SA Messemer did provide me with a lot of details regarding Dr. Lee that I did not know. This helped to solidify my opinions on the case and to have the confidence to go public. I learned during the meeting with SA Messemer that Dr. Lee

SA Messemer was particularly helpful to us when he provided us a copy of Mr. Bruno's April 15, 1997 memorandum to Norma Trulock thus allowing us to defend our decision to keep Dr. Lee in his job. For this I am grateful to SA Messemer, but I still object to his using me to promote his opinions.

I am planning to write a book on my experiences and would like to have the 302 as soon as possible.

Sincerely yours,


Robert S. Vrooman

Attachment one