

Inslaw scandal still haunts Thornburgh

by Jeffrey Steinberg

If recent allegations presented to the U.S. Bankruptcy Court for the District of Columbia prove accurate, Attorney General Richard Thornburgh and other senior Department of Justice (DoJ) officials may soon find themselves behind bars for their role in a grand larceny and perjury scheme directed against a Washington, D.C. computer software firm, Inslaw, Inc. This is not only the assessment of Inslaw president Bill Hamilton. House Judiciary Committee chairman Rep. Jack Brooks (D-Tex.) has apparently gathered independent evidence linking Thornburgh to what may prove to be a billion-dollar piracy of Inslaw's copyrighted PROMIS software.

The latest twist in the ongoing Inslaw saga surfaced on Feb. 18, when attorneys for Inslaw filed affidavits in federal bankruptcy court presenting eyewitness evidence that pirated copies of the Inslaw software had been sold to the governments of Canada, Israel, and Iraq. Since 1988, when a federal bankruptcy judge ruled that the DoJ had used "trickery, fraud, and deceit" to steal Inslaw's software, the department has been under a permanent injunction forbidding its further unauthorized use.

According to one affidavit by former Israeli intelligence officer Ari Ben-Menashe, sometime in 1987 the Israeli government purchased the PROMIS software from U.S. businessman Earl Brian. Ben-Menashe claims that he attended the meeting at which the contract between Brian and the Israeli government was signed. Ben-Menashe states that a Chilean arms dealer, Carlos Carduen, informed him that he had brokered a deal between Brian and Iraqi military intelligence to sell PROMIS to Baghdad in early 1989.

In congressional testimony last year, Elliot Richardson, the attorney for Inslaw, named Earl Brian as the principal accomplice of past and current senior DoJ officials in the PROMIS piracy.

Brian, who up until recently was the majority shareholder in United Press International and Financial News Network, has been implicated by several U.S. intelligence sources in the Iran-Contra fiasco. According to one account, he was a conduit of funds to the Iranian government in late 1980 that delayed the release of the American hostages in Teheran until after the U.S. presidential elections. That affair, known as the "October surprise," implicated both William Casey and George Bush, among others.

Canadian government documents

An affidavit submitted to the court on Feb. 18 by Patricia Hamilton, a sales manager for Inslaw, showed further evidence of illegal sales of PROMIS. According to the affidavit, Canadian government documents prove that over 900 copies of PROMIS are currently being used by the federal government, apparently in local offices of the Royal Canadian Mounted Police. Inslaw has never sold PROMIS to the Canadians.

According to the Ben-Menashe affidavit, Earl Brian, during his sales pitch in Tel Aviv, claimed that "all U.S. intelligence agencies," including the Central Intelligence Agency, the Defense Intelligence Agency, and the National Security Agency, were using PROMIS, and that they had obtained the software from him.

The scope of the PROMIS piracy now being revealed may be one explanation for Thornburgh's systematic effort to cover up the scandal since he took over the post of Attorney General from Ed Meese in August 1988.

For the past year, Thornburgh has adamantly refused to turn over 200 sensitive DoJ documents on Inslaw to House Judiciary Committee chairman Brooks. According to an article in the March 18 issue of *Legal Times*, a weekly newspaper of the Washington, D.C. legal and lobbying community, Brooks is probing the role of Thornburgh and other top DoJ officials in whitewashing the department's handling of the Inslaw case. Among the senior officials named by committee sources in the probe are: Gerald McDowell, chief of the Criminal Division's Public Integrity Section; Michael Shaheen Jr., head of the Office of Professional Responsibility; and Lawrence McWhorter, head of the Executive Office of U.S. Attorneys. All three senior officials of the Criminal Division are long-time protégés of Thornburgh, who headed that division during the Ford administration in the mid-1970s.

Thornburgh has so far survived a string of scandals, including the recent conviction on cocaine use and perjury of one of his top aides, Henry Barr. His name has been associated with the hated "Thornburgh Doctrine" under which U.S. intelligence agencies have been given *carte blanche* authority to go around the world, in violation of international law, kidnaping individuals.

Now, however, Thornburgh may find himself trapped in a criminal coverup or worse in a case that should have ended during the Reagan-Meese years. As syndicated columnist James Kilpatrick put it in a March 15 column published in the *Miami Herald*:

"In the matter of the Department of Justice and the Inslaw case, a remarkable thing is happening. The stench gets worse. . . . More in puzzlement than in anger, one has to ask: What has got into Dick Thornburgh? As Attorney General he ought to be doing his damndest to get to the bottom of this disgraceful matter. Instead, he has stalled; he has stonewalled; he has taken refuge in legalisms; he has obstructed efforts of two congressional committees to dig out the facts."