

Truth, Justice and Looking Away

Generally speaking, letting bygones be bygones is good policy. Bosnia and Ulster make the point. But isn't President Clinton overdoing it?

What on earth could be his interest in not having a serious outside investigation of the long-running scandal of Inslaw, the case of the software that the Justice Department bought from a company headed by a midwestern couple, Nancy and William Hamilton, and subsequently decided not to pay for?

Inslaw has been kicking around for 10 years. Two Republican attorneys general understandably resisted any serious investigation. But why is a Democratic attorney general digging in her heels? The issue causes eyes to glaze over and has acquired many layers of barnacles: allegations of corruption, conspiracy, even murder. Inslaw has been in court and before Congress. Strip away all the accumulations, and what you have left at a minimum is an unpaid bill. The Department of Justice, which signed a three-year contract with PROMIS software, quit paying for it after a year.

PROMIS, or something suspiciously like it, has popped up in a number of government agencies and has been spotted in foreign governments. It has turned up in the FBI and on a nuclear submarine, though the skipper says it is not really PROMIS. But the Justice Department has not responded to a suggestion from the Hamiltons' attorneys, Elliot Richardson and Charles Work, that a test to compare the FBI's software with the real thing be conducted.

Justice owes PROMIS, in fees adjudicated in two courts, some \$16 million. There is more in lost sales and legal expenses. The retired judge, Nicholas Bua, who undertook a Justice-sponsored investigation, suggested to Richardson that a \$25 million settlement might be negotiated. But the attorney general at the time, William Barr, vetoed the idea. Justice is a defiant deadbeat.

PROMIS's friends on Capitol Hill, Chairman Jack Brooks (D-Tex.) of the House Judiciary Committee, and House Majority Leader Richard Gephardt (D-Mo.) have been pressing Attorney General Janet Reno. Brooks wants the reenactment of the independent counsel law. Reno, who favors the idea in principal, is hostile to it in the Inslaw matter.

Given her enormous popularity, she can probably stiff Richardson, one of her

predecessors, indefinitely. But there's a pattern of self-investigation-cum-exoneration forming around the goddess of the Clinton Cabinet that could rob her of her glorious reputation. Inslaw is just one.

In the case of BNL (Banca Nazionale del Lavoro), the inherited stench is just as strong. Somehow, the government of Iraq, just before the Persian Gulf War, got some \$4 billion in loans from the tiny Atlanta branch of the Italian-based BNL. What seems obvious—and was proven to the satisfaction of the House Banking Committee—is that orders to forward the money came from Rome. But Justice was shocked at the suggestion, and after some strenuous footwork got the charges reduced against five Atlanta employees, who were accused of defrauding the home office. Another retired judge, this time Frederick Lacey, was called in. Again, he found nothing out of order, no chicanery, coverup or corruption.

But Marvin Shoub, the judge who presided over the trial of the Atlanta Five, thought differently. "Smoke is coming out of every window," he said. "I have to conclude the building is on fire."

And Henry Gonzalez (D-Tex.), the humble and tenacious chairman of the House Banking Committee, who dug his way through some stonewalls, wants to get the 44-year-old Atlanta bank manager, Christopher Drogoul, as a witness before his committee.

Finally, on Waco, Reno called in former Justice employee Edward Dennis and guess what? He found "no fault." Reno's reputation, paradoxically, rests on a bad choice: her acquiescence in the agents' scheme to gas and storm the compound. The public fell in love with her because she took the blame. The action resulted in the deaths of 85 people, and, by the way, there was no proof that children were being abused, which she cited as a reason for the offensive.

Reno's actions on Waco seemed to signal that she would be a team player; that employees of Justice could count on her to defend them and to stand with them in crisis. The speculation about her implicit stout defense of the permanent bureaucracy that engineered the Inslaw and BNL travesties is she does not dare dig too deep for fear of revealing a level of corruption and complicity that could shake the whole structure. But if she wants to keep her good name, as a force for truth and impartiality, she should be out there leading the parade for an independent counsel in all three cases.