

1600
-10V
10/15/92

Questions of Justice

THREE SCANDALS now hang over the Department of Justice. They may or may not be related. That can at present be only a matter of speculation. Each of the three presents enormous questions about official conduct. By Nov. 3 the Justice Department will have succeeded in getting through the election without answering any of them.

First, BCCI—the Bank of Credit and Commerce International—carried on illegal operations in this country for nearly a decade. From 1983 onward federal enforcement agencies picked up dozens of reports that BCCI was involved in laundering drug money and financing arms trafficking. By 1986 the CIA knew that BCCI illegally owned First American Bank and told the Treasury (which says that it doesn't remember being told). The Justice Department never tried to close the bank—not even when its own U.S. attorney was prosecuting it in Florida for laundering. BCCI was not shut down until last year after a local district attorney, Robert Morgenthau in New York, swung into action.

Second, the Justice Department has been prosecuting the branch manager of BNL—the Banca Nazionale del Lavoro—on a charge that now turns out to be false, and was known to be false at least by the CIA. BNL's Atlanta branch office was lending enormous amounts of money to Iraq until the FBI raided it three years ago. The Justice Department was in the process of sending the branch manager to jail for defrauding the parent bank until, last month, the CIA finally disgorged documents showing that the bank's headquarters in Rome knew about the loans and had authorized them. The CIA, hauled before the Senate Intelligence Committee to explain this lapse, accused the Justice Department of persuading it to suppress the evidence that it was holding and to mislead the court that was about to sentence the branch manager.

Third, Inslaw, a small computer software company, accuses the Justice Department of having

stolen a program that it wrote. The evidence, in the view of most of the people who have looked at it, strongly supports Inslaw's charge. Why would the Justice Department cheat a small contractor? That's only one of a cloud of unanswered questions.

In July the House Judiciary Committee, divided along party lines, called on Attorney General William P. Barr to authorize an independent counsel in the BNL case. Mr. Barr refused, saying that there was no evidence that any official had committed a crime. The committee then asked him for an independent counsel in the Inslaw case. Again he refused, observing that he had appointed his own investigator, a retired judge, to look into it.

Last Saturday the director of the FBI, William S. Sessions, announced that the FBI would investigate the Justice Department's handling of the CIA documents. On Monday, Justice Department officials leaked word that the department was conducting a criminal investigation of charges against Mr. Sessions. To many the charges looked dubious and the timing deeply suspect. Accordingly, the chairmen of the House Banking Committee, Henry Gonzalez, and of the Senate Intelligence Committee, David Boren, have called on Mr. Barr to reconsider the appointment of a counsel on BNL. It is unlikely that he will do it. Sen. Boren sounded as if he were both angry and determined enough to get to the bottom of the case.

The law authorizing the independent counsel will expire at the end of the year. Although it is likely to be reenacted in the next Congress, the important thing is to get a competent inquiry, independent of the Bush administration, underway without delay. If the administration continues to block the that avenue, there are others. One would be a full-scale congressional investigation with its own special counsel and a staff adequate to pursue these ominous questions wherever they might lead.