

The Impending Afghan Defeat

Frustrated over negotiations for a stay-behind force of U.S. troops in Afghanistan, President Obama is now weighing the possibility of a faster withdrawal and a “zero option” on troops going forward. That may signal the belated recognition of twin American defeats in the Afghan and Iraq wars, says Beverly Bandler.

By Beverly Bandler

Americans hate the word “defeat” but that is what we face in Afghanistan. After nearly 12 years, the longest war in U.S. history is winding down with an almost inconceivably staggering cost in blood, treasure and what economists call *opportunity cost*, the value of the best alternative forgone.

As Tom Engelhardt, author of *The End of Victory Culture*, wrote, “Leave the mystery of who beat us to the historians.”

Yet, while future historians may provide the details of the U.S. defeat in Afghanistan, one assessment is possible now: The United States was defeated most of all by its own arrogance and ignorance. The cause for this defeat was bipartisan, implicating both Democrats and Republicans, neoconservatives and neoliberals as well as hubristic officials at the CIA and tunnel-vision generals dispatched by the Pentagon.

The folly dates back more than three decades to 1979 when President Jimmy Carter’s hard-line national security adviser Zbigniew Brzezinski devised a plan to poke at the Soviet Union by helping Islamist mujahedeen warriors harass the Soviet-allied government in Afghanistan. Brzezinski hoped the provoked Russian bear would fall into an “Afghan trap.”

After the Soviets invaded to protect the embattled regime in Kabul, President Ronald Reagan ratcheted up covert U.S. military assistance into the hundreds of millions of dollars and got Saudi Arabia to send a matching amount. The mujahedeen’s supply lines and much of the command and control was delegated to Pakistani intelligence which favored the most radical Islamists, including Saudi militant Osama bin Laden and his Arab fighters.

In 1989, Soviet President Mikhail Gorbachev withdrew the battered Soviet army and sought a power-sharing arrangement that would merge the Kabul regime with the CIA-backed mujahedeen. But President George H.W. Bush heeding the advice of his deputy national security adviser (and former senior CIA official) Robert Gates rebuffed Gorbachev’s offer and pressed on, seeking a clear-cut U.S.

victory.

Passing up Gorbachev's peace offer represented a major opportunity lost. Instead of a possible peace deal, the Afghan conflict continued inconclusively for years as the country descended deeper and deeper into civil war with various well-armed warlords battling for turf and power.

Finally, Pakistan's ISI the Inter-Services Intelligence recruited a new force of militant Pashtuns from Afghan refugee camps and supported their drive on Kabul. This force, known as the Taliban, took power in 1996, ruthlessly disposed of its rivals, imposed a fundamentalist version of Islam and granted safe haven to Osama bin Laden and his al-Qaeda organization.

We will probably never know how much U.S. money (along with Saudi funds) was funneled to the most brutal of the fundamentalist fighters from the "Islamic Right," including bin Laden. But the Afghan covert operation was one of the longest and most expensive in CIA history, with funding beginning with about \$20 million in 1980 and rising to around \$630 million per year in 1987. An ABC News report said \$3 billion was poured into the Afghan resistance via the CIA.

The end result of that massive investment was that by the late 1990s the radical Taliban was in power and the stage was set for an escalation of al-Qaeda's war against its new enemy, the United States. The group hit American targets in the Middle East and Africa before taking aim on New York and Washington in the 9/11 attacks in 2001.

Classic Blowback

It was a classic case of what's known in the intelligence trade as "blowback," retaliation for some violent intervention in some faraway land, an unintended cause and effect. In this case, many Americans expressed bewilderment over "why they hate us" so much that young men would commit mass suicide and murder thousands of innocents to get revenge. There was little collective American knowledge about the devastation inflicted by U.S. foreign policy on Afghanistan and other Muslim lands.

President George W. Bush exploited this national confusion by providing his own nonsensical answer, "because they hate our freedoms." Bush also harnessed American fury over 9/11 to brush aside a Taliban offer to negotiate bin Laden's surrender and instead launched an invasion of Afghanistan.

U.S. forces and allied Afghan militias quickly ousted the Taliban but failed to get bin Laden, who managed to flee to Pakistan. Bush then pivoted U.S. military attention to Iraq, leaving the Afghan occupation/reconstruction to muddle along as the U.S.-backed government of Hamid Karzai stumbled and Taliban regrouped.

In 2009, President Barack Obama refocused U.S. attention on Afghanistan, as he pulled U.S. troops out of Iraq. He also acquiesced to demands for a larger Afghan military escalation from then-Defense Secretary Robert Gates, General David Petraeus and other leftovers from Bush's high command.

Obama was finally able to complete the mission of eliminating bin Laden with a Special Forces raid into Pakistan on May 2, 2011. But the Gates-Petraeus counterinsurgency "surge" in Afghanistan bogged down with little measurable success. Finally, Obama began to withdraw U.S. forces amid continuing squabbles with President Karzai about the size of an American stay-behind force.

On Tuesday, the New York Times reported that an "increasingly frustrated" Obama is now considering an accelerated withdrawal of the remaining U.S. combat troops by mid-2014 and a "zero option" going forward, meaning no U.S. troops remaining in Afghanistan and the Karzai government left to face the Taliban, more or less, alone.

The prospect of so much invested in American blood and treasure with so little to show for the effort has led journalist Ann Jones to cite the Afghan War as a threefold failure: "no peace, no democracy, and no reconstruction."

Looking back over the past 11½ years from 9/11 to today it now appears clear that the United States fell into its own "Afghan trap," becoming just the latest nation taught painful lessons from "the graveyard of empires." Or as Sir John Templeton once said, "The four most expensive words in the English language are: 'This time it's different.'"

An Enduring Crisis

It seems now that the only thing that will be enduring from Operation Enduring Freedom in Afghanistan will be the human suffering of the survivors and the fiscal crisis caused by fighting the Afghan and Iraq wars on borrowed money.

Professor Linda J. Bilmes of Harvard's Kennedy School estimated that the total costs of the Afghan and Iraq wars will be between \$4 trillion and \$6 trillion, making them "the most expensive wars in U.S. history." She added: "One of the most significant challenges to future U.S. national security policy will not originate from any external threat. Rather it is simply coping with the legacy of the conflicts we have already fought in Iraq and Afghanistan."

The latest casualty figures indicate a U.S. death toll in Afghanistan of 2,249, along with about 1,100 more dead among coalition allies. Summarizing just part of the costs for the Afghan people, Chalmers Johnson wrote in 2004: "1.8 million Afghan casualties, 2.6 million refugees, and 10 million unexploded land-mines."

The long litany of U.S. miscalculations resulted from a willful ignorance of Middle East and Afghanistan history by Washington's "group think" community, not to mention the refusal of these "experts" to learn from the lessons Vietnam and the more recent Soviet experience in Afghanistan.

The corporate media and the U.S. public also must accept a share of responsibility for the fiasco, being so easily manipulated by flag-waving jingoism and by Hollywood movies, such as the Cold War propaganda of "Charlie Wilson's War" which reveled in the Soviet defeat in Afghanistan.

Today, at home, the U.S. is itself challenged with an "unraveling" due to dysfunctional polarized politics and a weakened economy, a good part of the latter the result of the Afghanistan and Iraq wars.

"Mark the moment," wrote Tom Engelhardt regarding what may be an empire-ending moment for the United States. "It's historic."

Beverly Bandler's public affairs career spans some 40 years. Her credentials include serving as president of the state-level League of Women Voters of the Virgin Islands and extensive public education efforts in the Washington, D.C. area for 16 years. She writes from Mexico. Her e-mail is bgbandler@yahoo.com.

Some perspectives:

Lt. Gen. Ruslan Aushev: "The fundamental problem in Afghanistan is that it isn't a country in the way the West thinks of countries...There has never been any real centralized state in Afghanistan. There is no such nation as Afghanistan. There are (ethnic groups of) Pashtuns, Uzbeks and Tajiks, and they all have different tribal policies." [Lasseter]

Sarah Chayes: "Afghans remember the reign in the 1960s and '70s of King Zahir Shah and his cousin Daoud Khan, when Afghan cities were among the most developed and cosmopolitan in the Muslim world..." "The hopes expressed by every Afghan I have encountered – to be ruled by a responsive and respectful government run by educated people – have been dashed" "Ask any Afghan what's really needed, what would render the Taliban irrelevant, and they'll tell you: improving the behavior of the officials whom the United States and its allies ushered into power after the Sept. 11, 2001, terrorist attacks."

Zamir N. Kabulov: "Zamir N. Kabulov, Russia's ambassador to Kabul [until 2009], warned of grim prospects for the American 'enterprise' in Afghanistan if the United States failed to learn from the mistakes of the Soviet Union in the 1980s. 'They listen, but they do not hear,' he said. 'Their attitude is, "The past is the past," and that they know more than I do.' " [Burns].

Andrew J. Bacevich: “[T]he attempt to create a cohesive nation-state governed from Kabul (something that has never existed in modern times) is a fool’s errand. Better to acknowledge and build on the Afghan tradition of decentralized governance. Let tribal chiefs rule: just provide them with incentives to keep jihadists out. Where incentives don’t work, punitive action, U.S. air strikes in neighboring Pakistan provide an illustrative example, can serve as a backup. Denying terrorists sanctuary in Afghanistan does not require pacification, and leaving Afghans to manage their own affairs as they always have will reduce internal instability, while freeing up the resources to allow our own country to tackle other challenges more pressing than the quixotic quest to modernize Afghanistan.”

Chalmers Johnson: “Steve Coll ends his important book on Afghanistan by quoting Afghan President Hamid Karzai: “What an unlucky country.” Americans might find this a convenient way to ignore what their government did in Afghanistan between 1979 and the present, but luck had nothing to do with it. Brutal, incompetent, secret operations of the U.S. Central Intelligence Agency, frequently manipulated by the military intelligence agencies of Pakistan and Saudi Arabia, caused the catastrophic devastation of this poor country. On the evidence contained in Coll’s book *Ghost Wars*, neither the Americans nor their victims in numerous Muslim and Third World countries will ever know peace until the Central Intelligence Agency has been abolished.” [2004]

Tom Engelhardt: “Seldom has anyone answered better than [Chalmers] Johnson (1931-2010) did questions like: Why, for 20 of the last 32 years, have we ended up fighting wars in a country to which few Americans had previously paid the slightest attention? How could we have armed and supported a whole crew of Islamic fundamentalists in the first of those wars who would be our enemies in the second? How did we end up with hijacked planes taking down towers on American soil in 2001? How, in response, did we launch a “global war on terror” that shows no sign of ending? And here’s the saddest part of the story, if you even care to think about it (and these days few Americans do): we’re not done yet. The Afghan War goes on and on. Yes, the security forces we’re building up in that country are regularly deserting or blowing away our trainers and advisers; our reconstruction projects are, as they’ve long been, as they were in Iraq, a joke; the U.S. military has proven incapable of suppressing the minority insurgency it faces; and the corruption our money has engendered is staggering in an otherwise still poverty-stricken land. And yet our leaders are planning to leave U.S. trainers, advisors, and bases in Afghanistan until at least 2020.” “the Afghan drawdown of 2013-2014, that implicit acknowledgement of yet another lost war, should set the curtain falling on the American Century as we’ve known it...leave the mystery of who beat us to the historians, but mark the moment. It’s

historic.” [August 2012/January 2013]

Gordon M. Goldstein: “For each year of combat from 1965 to 1973 [in Vietnam], [McGeorge] Bundy observed, the United States inflicted far greater casualties on the enemy than it absorbed. Yet despite this dramatic disparity, it was the United States that withdrew its forces ‘home without victory.’ “

Richard Holbrooke: *Posthumously, based on Holbrooke’s notes, interviews with Kati Marton, his widow.* “Holbrooke opposed the military ‘surge’ in Afghanistan and would see the demise of Bin Laden as an opportunity to go into diplomatic overdrive. He believed strongly that the only way out of the mess in Afghanistan was a peace deal with the Taliban, and his team was secretly engaged in outreach to figures linked to the Taliban, [Kati] Marton says.

‘Reconciliation, that was what he was working toward in Afghanistan, and building up the civilian and political side that had been swamped by the military,’ Marton recalled. ‘The whole policy was off-kilter, way too militarized. Richard never thought that this war could be won on the battlefield’ Vali Nasr, a member of Holbrooke’s team at the State Department, puts it this way: ‘He understood from his experience that every conflict has to end at the negotiating table.’ ” [Kristoff] “Let me be clear on one thing, everybody understands that this war will not end in a clear-cut military victory. It’s not going to end on the deck of a battleship like World War II, or Dayton, Ohio, like the Bosnian war,” Holbrooke told reporters last July. “It’s going to have some different ending from that, some form of political settlements are necessary; you can’t have a settlement with al-Qaeda, you can’t talk to them, you can’t negotiate with them, it’s out of the question. But it is possible to talk to Taliban leaders.” [Kristoff, Time]

Anatol Lieven: “A very strange idea has spread in the Western media concerning **Afghanistan:** that the US military is withdrawing from the country next year, and that the present Afghan war has therefore entered into an “endgame.” The use of these phrases reflects a degree of unconscious wishful thinking that amounts to collective self-delusion. In fact, according a treaty signed by the United States and the Karzai administration, US military bases, aircraft, special forces, and advisers will remain in Afghanistan at least until the treaty expires in 2024. These US forces will be tasked with targeting remaining elements of al-Qaeda and other international terrorist groups operating from Afghanistan and Pakistan; but equally importantly, they will be there to prop up the existing Afghan state against overthrow by the Taliban...The struggle for power in Afghanistan will not “end” and US policymakers should not, as in the past, hop away from a swamp they’ve done much to create.” [April 2013]

Ann Jones: “Compromise, conflict, or collapse: ask an Afghan what to expect in

2014 and you're likely to get a scenario that falls under one of those three headings. 2014, of course, is the year of the double whammy in Afghanistan: the next presidential election coupled with the departure of most American and other foreign forces. Many Afghans fear a turn for the worse, while others are no less afraid that everything will stay the same. Only one thing is certain in 2014: it will be a year of American military defeat. For more than a decade, U.S. forces have fought many types of wars in Afghanistan, from a low-footprint invasion, to multiple surges, to a flirtation with Vietnam-style counterinsurgency, to a ramped-up, gloves-off air war. And yet, despite all the experiments in styles of war-making, the American military and its coalition partners have ended up in the same place: stalemate, which in a battle with guerrillas means defeat."

Abdul Nasir: "Nasir celebrated the American invasion in 2001, and, in the decade that followed, he prospered, and fathered six children. But now, with the United States planning its withdrawal by the end of 2014, Nasir blames the Americans for a string of catastrophic errors. "The Americans have failed to build a single sustainable institution here," he said. "All they have done is make a small group of people very rich. And now they are getting ready to go..." "Everyone is getting ready for 2014..." the moment the Americans leave, the civil war will begin," he said. "This country will be divided into twenty-five or thirty fiefdoms, each with its own government. " [Filkins]

Robert Dreyfuss: "If there is going to be a peaceful end to the war in Afghanistan unlikely as that may be, it will come when the United States, Afghanistan and Pakistan all agree on a rebalancing of the government in Kabul, probably with a new constitution and probably either including the Taliban in the new regime or giving the Taliban effective control of parts of southern Afghanistan in some sort of federal system. Indeed, the Afghan government is being sidelined, having been propped up by the United States since 2001, with a haphazard military and security forces that can't sustain themselves. It's long been obvious that a political accommodation with the Taliban is necessary. If it isn't achieved, then either the United States will have to stay engaged in Afghanistan for another ten years or more, continuing to prop up a regime that can't last, or Afghanistan will plunge into an intensified civil war. In such a war, it isn't clear if the Taliban can retake Kabul. Far more likely, it will be a war without end, with the Pakistan-backed Taliban establishing itself in the south and east as India-backed forces control the north and Iran-backed forces control the west."

Linda J. Bilmes: "The Iraq and Afghanistan conflicts, taken together, will be the most expensive wars in US history totaling somewhere between \$4 to \$6 trillion. One of the most significant challenges to future US national security policy will not originate from any external threat. Rather it is simply coping

with the legacy of the conflicts we have already fought in Iraq and Afghanistan.” Linda J. Bilmes, March 2013.

Dexter Filkins: “After eleven years, nearly two thousand Americans killed, sixteen thousand Americans wounded, nearly four hundred billion* dollars spent, and more than twelve thousand Afghan civilians dead since 2007, the war in Afghanistan has come to this: the United States is leaving, mission not accomplished. Objectives once deemed indispensable, such as nation-building and counterinsurgency, have been abandoned or downgraded, either because they haven’t worked or because there’s no longer enough time to achieve them. Even the education of girls, a signal achievement of the NATO presence in Afghanistan, is at risk. By the end of 2014, when the last Americans are due to stop fighting, the Taliban will not be defeated. A Western-style democracy will not be in place. The economy will not be self-sustaining. No senior Afghan official will likely be imprisoned for any crime, no matter how egregious. And it’s a good bet that, in some remote mountain valley, even Al Qaeda, which brought the United States to Afghanistan in the first place, will be carrying on.”[July, 2012] *Cost of War puts the cost at more than \$639 billion.

Lt. Gen. Ruslan Aushev did two tours in Afghanistan for the USSR and left as a regimental commander. **Andrew J. Bacevich** is a professor of history and international relations specializing in security studies, foreign policy and military history at Boston University and an author. He served for twenty-three years as an officer in the U.S. Army. **Linda J. Bilmes** teaches public policy, budgeting and public finance at Harvard University. She is a leading national expert on financial, budgeting, veterans and civil services issues and credited with drawing attention to the Iraq War costs. **Sarah Chayes:** Former NPR reporter, currently a senior associate in the South Asia Program at the Carnegie Endowment for International Peace. **Robert Dreyfuss:** An independent journalist who specializes in magazine features, profiles, and investigative stories in the areas of politics and national security **Tom Engelhardt** is an author, co-founder of the American Empire Project and creator of the blog Tomdispatch.com. **Dexter Filkins** is an American journalist known primarily for his coverage of the wars in Iraq and Afghanistan. He was a finalist for a Pulitzer Prize in 2002 for his dispatches from Afghanistan. He currently writes for *The New Yorker*. **Gordon M. Goldstein** is an author and scholar of international affairs who has served as an international security adviser to the Strategic Planning Unit of the Executive Office of the United Nations Secretary-General, a member of the Council on Foreign Relations. **Richard Holbrooke** (1941-2010) was one of the most influential of American diplomats. He was the only person to have held the position of assistant secretary of state for two different regions of the world (Asia, and Europe). He was special adviser on Pakistan and Afghanistan from January 2009 until his death in December, 2010. **Chalmers Johnson** (1931-2010) was an American

author, CIA consultant (1967-1973), president and co-founder of the Japan Policy Institute. A former cold warrior, he changed his mind and examined the consequences of American Empire. **Ann Jones** is an award-winning journalist, women's rights activist, and author of a number of non-fiction books about her research into women's and humanitarian issues. Jones has provided humanitarian aid around the world, including Afghanistan. **Zamir N. Kabulov** a high-rank diplomat who was Russia's ambassador to Kabul until 2009. He served as a K.G.B. agent in Kabul, Moscow's top spy in the 1980s and 1990s during and after the nine-year Soviet military occupation. **Anatol Lievan** is a British author, journalist and policy analyst who focuses on U.S. global strategy and the War on Terrorism, and currently with the New America Foundation. **Abdul Nasir** An agricultural student from a secular family at Kabul University in 1992, he is now a TV producer for one of the many private channels that have sprung up since 2004.

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A Citizen's Letter on Snowden

The Obama administration's aggressive campaign against whistleblowers, including the court martial of Bradley Manning and the pursuit of Edward Snowden, has stirred strong passions among many Americans who are tired of endless war and the resulting sacrifice of freedom, as this letter from David Finkelstein reflects.

By David Finkelstein

An “open letter” to Sen. Dianne Feinstein, D-California, chair of the Senate Intelligence Committee, and Rep. Mike Rogers, R-Michigan, chair of the House Intelligence Committee:

As New York-based senior citizens – I was born in this country; my wife is an immigrant – we have watched with sorrow and dismay as America has moved from the nation where people once came for asylum to one from which its own loyal citizens must now flee in search of asylum.

And we are outraged at your knee-jerk “security first” response to Edward Snowden’s revelation of the NSA’s ugly and unconstitutional surveillance program.

Our own representative, Senator Chuck Schumer, who in the past has with considerable justification been described as the “Senator from Wall Street” (i.e., not one who is genuinely concerned with the best interests of the greater New York public), evidently shares the same shameful stance you have taken, which prompts us to regard him now as the even more reprehensible “Senator from 1984.”

As a result, he’ll never have our vote again, and we earnestly hope that your constituencies express their displeasure with your position on the Snowden affair in a similar fashion. Why do we feel so strongly about this issue? Briefly, let me try to explain:

Inspired by a few enlightened leaders, an earlier generation of Americans proved themselves so courageous as to be willing to sacrifice their own lives, and those too of their children and grandchildren, by going into battle against the totalitarian and virulent behemoth of Nazi Germany and Tojo’s Japan, to preserve from destruction the values of freedom they held so dear.

Now, with leaders like you instead doing their utmost to instill in the public an overwhelming fear of contemporary jihadist “terrorism,” a phenomenon which however ugly and vicious is paltry by comparison to the staggeringly monumental threat posed by the Nazis and their ilk in the 1930s and ’40s, America is fast becoming a nation of cowards, people so concerned for their immediate safety and well-being that in pursuit thereof they themselves are the ones prepared to destroy those values, to abandon the rights which have defined us as a nation and which we once so cherished.

The 29-year-old Snowden could have been content just to take his \$200,000 a year salary and play the ostrich (or the Eichmann – “I was just obeying orders, folks,”) as his country descended further and further into an Orwellian police

state. But he decided instead to forsake everything, risking even his freedom to inform the American people that, like the Soviet KGB and the East German Stasi, whom we presumably fought the Cold War (and some hot ones as well) to suppress, the U.S. is spying on their every conversation.

The most recent edition of the Harvard Law School Bulletin (Summer 2013) contains my assessment of the two Harvard Law graduates, schoolmates of mine, who competed for the U.S. Presidency in the last election, taking issue with the celebrity-smitten but terribly misguided dean of that school, Martha Minow, who looks upon them both as “a source of pride.”

Snowden may have no more than a high school diploma but in my view he has a far better understanding of what it means to be a genuinely loyal citizen of this country than do those two Ivy League law school graduates. In short, Snowden is the real hero, one whom our country should applaud, not persecute.

Sadly, though, persecution of high-minded whistleblowers seems to be in our genes. Socrates was poisoned for his efforts, Martin Luther ex-communicated, Giordano Bruno burned at the stake. In today’s sad world the names are Jesselyn Radack, Thomas Drake, Bradley Manning, ad infinitum.

On subways and buses here in New York, we are constantly confronted by signs advising the public, “If you see something, say something.” People who once took those signs seriously now see them as a joke, albeit a very sick joke indeed, for they know what hypocrisy lies therein.

If the Obama years prove anything at all – and with your fear-mongering you two are equally complicit – it’s that those Americans who do say something about the crimes they’ve seen will soon see one more crime for sure – the U.S. government’s retributive, vindictive guillotine coming down on their innocent necks.

To paraphrase the legendary Pete Seeger’s timeless song, “When will we ever learn?”

David Finkelstein is a New York-based expert on Asia who has authored several scholarly works on China. He has translated into English one major work of Chinese fiction, *The Two Mas*, by Lao She, who was murdered during the Cultural Revolution. Finkelstein is author of the non-fiction adventure travel book, *Greater Nowheres, A Journey through the Australian Bush*.

PRISM's Controversial Forerunner

Using a powerful computer program known as PRISM, the U.S. government has been downloading vast amounts of communications data and mining it for counterterrorism purposes. But these capabilities began more than three decades ago with the controversial PROMIS software, Richard L. Fricker reports.

By Richard L. Fricker

Long before Edward Snowden's claims or revelations that the National Security Agency and the Central Intelligence Agency were monitoring and tracking the Internet, cell phones, e-mails and any other electronic communication they could get their hands on using a program known as PRISM, there existed PROMIS [Prosecutors Management Information Systems].

PROMIS was designed in the late 1970s and '80s to bring Department of Justice criminal case management from the dark ages into the light of the computer age. In the spring of 1981, the Reagan Administration hailed PROMIS as one of law enforcements greatest assets. By 1983, PROMIS had morphed into the behemoth of intelligence gathering. It was not state of the art it was the art.

Over the ensuing decades PROMIS is reported to have been used by the DOJ, CIA, NSA, and several foreign intelligence agencies including Israel's Mossad. The ownership of PROMIS has been the subject of federal court hearings and a congressional investigation.

The capabilities of PROMIS as a data collection and tracking program have never been a secret. But the only discussion of PROMIS has been about theft and black-market sales. Neither the courts nor Congress have ever inquired as to privacy issues or the ethics of the program. There has been no rending of political robes as seen with the Snowden case. In fact, the function of PROMIS has been discussed in open court and various public arenas.

PROMIS is a tracking program with enhancements by Washington, DC-based Inslaw Inc., owned by Bill and Nancy Hamilton. PROMIS was developed under a Law Enforcement Assistance Administration [LEAA] grant. Bill Hamilton was employed by NSA for six years. He left the agency in 1966.

PROMIS was designed to track the vast amount of criminal cases piling up in DOJ offices across the country. Bill Hamilton, in an interview for this story, recounted, "It was always a tracking program. It was designed to keep track of cases in local U.S. Attorneys' offices, which means street crimes, keep track of the scheduled events in court, what actually takes place, who's there,

witnesses, police officers, conclusions, convictions, acquittals, whatever.”

As the LEAA dissolved in the late days of the Carter Administration, the Hamiltons formed Inslaw and began to make modifications to the public domain PROMIS. The short version: as originally designed, PROMIS ran only on 16-bit computers, using their own funds. INSLAW converted the program to run on 32-bit VAX computers which were massive for their time.

The Reagan administration was very taken with the Inslaw version of PROMIS. In March 1982 Inslaw was awarded \$9.6 million to install the program in 20 U.S. Attorney's offices, with further installations in the remaining 74 offices, if successful. This would be the last government contact the Hamiltons would receive, not because the system failed quite the contrary, it was too successful.

Hamilton explained, “We developed it originally just for prosecutors. But some of our users wanted to have it shared with the courts and the police. So, the software was engineered to make it adaptable. In making it highly adaptable, a byproduct was to make it useable for non-prosecutor tracking and that made it adaptable totally outside the criminal justice system.”

It became obvious with the latest round of modifications any data system could be integrated into PROMIS. And those data systems could interact that is, combine with each other forming a massive tracking data base of people via government documents such as birth and death certificates, licenses, mortgages, lawsuits or anything else kept in a data base. PROMIS could also track banking transactions, arms shipments, communications, airplane parts again, anything kept in a data base.

With the discovery of these new capabilities Inslaw's problems began. Unknowingly, the Hamiltons had embarked on an odyssey winding from the White House and the heart of the Reagan inner circle, bankruptcy court, a congressional investigation, secret informants, the CIA, NSA, and the Mossad.

The odyssey began in February 1983 when Dr. Ben Orr, an Israeli prosecutor, came to Hamilton's office for a demonstration. He left, never placed an order and was never seen again. This was just one of the many demonstrations the company provided potential customers and the press. There was no shroud of secrecy about PROMIS or its capabilities.

Shortly after Dr. Orr's visit, DOJ terminated payments to Inslaw, but refused to return the software. The company soon [June 1986] found its way into bankruptcy court. Inslaw put forth the claim that DOJ had stolen their software and made a concerted effort to drive them out of business. Bankruptcy Judge George Bason

agreed.

In a 216-page opinion delivered in 1987, Judge Bason wrote that DOJ used "trickery, fraud and deceit" to steal PROMIS. He was later overruled by the DC District Court of Appeals on jurisdictional grounds. A previous district court supported his findings that PROMIS had been stolen. Bason became one of the very few Bankruptcy judges to not be re-appointed.

As the PROMIS odyssey continued, information began to surface that DOJ had provided the NSA and CIA with the enhanced 32-bit PROMIS. Stories began to circulate that friends of the Reagan Administration were selling black-market versions of PROMIS to anyone willing to pay the price.

Time and time again the veracity of government employees was called into question. In 1989 the chairman of the House Judiciary Committee, Rep. Jack Brooks D-Texas, launched what would become a three-year investigation into the theft of PROMIS and DOJ efforts to drive INSLAW out of business.

The Brooks report dated Aug. 11, 1992 not only agreed with Bason's findings but went further: "High government officials were involved individuals testified under oath that Inslaw's PROMIS software was stolen and distributed internationally in order to provide financial gain and to further intelligence and foreign policy objectives."

The report includes scathing comments about former Attorney General Richard Thornburgh and several ranking DOJ staffers. Brooks recommended a settlement of Inslaw claims for damages and the appointment of a special prosecutor. Neither happened. Brooks said in an interview at the time, "[Inslaw] was ravaged by the Justice Department." They were, he said, "treated like dogs."

By this time nothing in the report surprised the Hamiltons. Seven months earlier they had discovered that their 1983 visitor, Dr. Ben Orr, was in fact Rafael Etian, chief of the Israeli Defense Force's [IDF] anti-terrorism intelligence unit. They further learned he left Washington carrying a copy of PROMIS.

The DOJ explanation was that he was given the 16-bit version, not the new improved 32-bit VAX version. The question would be: why the subterfuge? And why show off the superior 32-bit VAX version and then only provide the cheaper model? DOJ has never answered the question.

Through all this, Inslaw has survived; Ireland installed PROMIS for case management, to track land records and in the bank credit system. Hamilton noted that every credit card transaction is tracked by PROMIS.

The Netherlands uses the program to keep track of all the inmates in their

prison system. The city of Rome has PROMIS for use in their tax office. In fact PROMIS is being legally used in several countries around the world.

Illegally? Who knows. The Canadian government once wrote Inslaw asking for an operating manual. Inslaw never sold PROMIS to Canada. A similar event popped up with Lithuania when a member of their parliament asked for help with their PROMIS program. In each case, when told they may have a bootleg version, the reply was, it must be a different PROMIS.

To date, Inslaw has never received a dime for any government recommended settlements, some as high as \$50 million.

Hamilton has declined to suggest that PROMIS was the frontrunner to PRISM. He said flatly in the interview for this article that his only information about PRISM is from news accounts.

Regardless of the Inslaw affair, PROMIS is still out there, still tracking whatever its masters require. And still, to this day, no one in government or otherwise has inquired, not about what PROMIS can do, but rather what *is* PROMIS doing, for whom and why.

PROMIS has been toiling in the intelligence caverns for nearly 30 years that's a lot of data consumption, that's a lot of tracking. Where is the PROMIS data? Compared to 30 years of information gathering and tracking by PROMIS, PRISM could be considered the equivalent of digital binge drinking.

Richard L. Fricker lives in Tulsa, Oklahoma, and is a regular contributor to The Oklahoma Observer, where this article first appeared. His latest book, The Last Day of the War, is available at <https://www.createpace.com/3804081> or at www.richardfricker.com. The entire story of the PROMIS software, Inslaw and what became known as "The Octopus" can be found in Fricker's article that appeared in Wired magazine: <http://www.wired.com/wired/archive/1.01/inslaw.html>
