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Pakistani in U.S. Sought To Ship A-Bomb Trigger

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WASHINGTON, Feb. 24 — The Government of Pakistan operated inside the United States for nine months in an attempt to illegally obtain timing devices whose main function is to trigger nuclear bombs, according to court documents and Federal officials.

A Pakistani agent, Nazir Ahmed Vaid, a 33-year-old from Lahore, was seized last June by Federal agents while he was trying to smuggle 50 of the devices, known as krytrons, out of Houston. Customs Service agents, operating under cover, had been monitoring his activities since October 1983, when he first placed the order for the devices.

When they made the arrest, the Federal officials involved later recalled, they were convinced that they were dealing with a foreign agent.

At that time Customs agents seized a series of letters directly linking Mr. Vaid to S. A. Butt, who was identified as a director of supply and procurement for the Government-run Pakistan Atomic Energy Commission. Mr. Butt is widely known to American and European arms-control officials as the key operative in Pakistan's successful attempts in Europe in the 1970's to obtain the technology and resources for the enrichment of uranium and the reprocessing of plutonium.

There is no indication, however, that the Customs agents who did the investigation and the Federal prosecutors who tried Mr. Vaid ever identified Mr. Butt or understood that Mr. Vaid's letters provided evidence that he was operating at the direct behest of the Pakistan Atomic Energy Commission.

Envoy Denies Any Connection

Ejaz Azim, Pakistan's Ambassador to the United States, denied that Mr. Vaid had any official connection to the Pakistani Government.

"The Government of Pakistan has absolutely nothing to do with this individual," Mr. Azim said. "He's a private trader, and that is all we know about him. He acts and operates entirely in his individual capacity as a private businessman of Pakistan."

The Ambassador, in an interview, also repeated his Government's position that it "is not engaged in the production of the nuclear weapon," adding, "The dimensions of our nuclear

program are entirely peaceful."

The account of Mr. Vaid's activities in the United States was gathered from court documents and interviews with his lawyers, Federal prosecutors and officials in the State Department, Customs Service and Justice Department.

If the Federal prosecutors had made the link between Mr. Vaid and the Pakistani Government, Mr. Vaid could have been prosecuted under the Atomic Energy Act or the Export Administration Act if the prosecutors had chosen to do so. Both acts call for a maximum 20-year prison term if the restricted goods to be exported could be used to the national security advantage of a foreign country.

Instead, over the next four months, the Federal prosecutors in Houston agreed with Mr. Vaid's attorneys to a series of procedural steps that had the effect — whether intended or not — of reducing publicity about the case and of limiting the jail sentence faced by Mr. Vaid. The actions included these:

¶ A gag order was approved by the Federal judge in the case barring all of the participants from any public comment. No Houston news organization protested the order.

¶ The original indictment of Mr. Vaid was rewritten, at the request of his attorney, to exclude any mention of the possible nuclear use of a krytron.

¶ Mr. Vaid finally was permitted to plea-bargain to a reduced charge, cutting his potential sentence from 12 years to two and also avoiding a public trial.

Mr. Vaid was found guilty of one count of violating American export law, given the mildest sentence possible and deported within three weeks.

At his sentencing on Oct. 22, 1984, in United States District Court in Houston, the Federal prosecutor agreed with Judge James DeAnda that Mr. Vaid was not a foreign agent but — as the judge declared in court, according to the transcript of the proceedings — merely a businessman "trying to expedite what he thought was a business deal."

Materials' Significance Overlooked by Officials

Justice Department and Customs officials in Houston, presented later with evidence of Mr. Vaid's link to Mr. Butt, acknowledged that they had overlooked the significance of the materials in their possession.

Photocopies of at least three letters were found in Mr. Vaid's briefcase on the day of his arrest. They detailed purchases he had made as a Pakistani freight forwarder doing business in the United States on behalf of Mr. Butt.

Mr. Vaid's letters made no attempt to shield Mr. Butt's title, and they were addressed to him as a director for research and development of the Pakistan Atomic Energy Commission.

Mr. Vaid, who was interviewed three times between his sentencing and his deportation, repeatedly asserted that he was an innocent Pakistani exporter doing business in the United States with a branch office in Houston. He said, as he had told Federal officials, that he had purchased the krytrons for university research in Pakistan.

Perhaps to buttress his assertions of innocence, Mr. Vaid agreed when pressed to waive the attorney-client privilege. As a result, his two immigration attorneys in Houston, Peter Williamson and Spencer Gardner, expressing outrage over the Government's handling of their client's case, took the unusual step of making available to a reporter the documents linking Mr. Vaid to the Pakistan Atomic Energy Commission.

Mr. Williamson acknowledged that his actions were highly unusual but said in an interview: "Listen, I want the Government to follow the law. You've seen the case that they got here. You've seen what's going on here."

Referring to Mr. Vaid, he added: "There's no reason that he shouldn't have done a lot of time in the penitentiary. We fully expected that, and I can still see no reason that it hasn't been done."

State Department officials in Washington, while reluctant to be interviewed on the record, conceded that serious errors had been made at both the departments of State and Justice in connection with the case. But they asserted that the bungling was just that, and nothing more.

"I know this has all the makings of a

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grand fix," a State Department official said, "but it's really a petty screw-up."

Pakistan Has Denied Assembling Nuclear Bombs

Complicating the Vaid case is Pakistan's position as a recipient of \$3.2 billion in American aid over six years ending in 1987.

Pakistan has said it has not assembled any nuclear bombs, although it acknowledges it has the means to do so.

The Reagan Administration has accepted Pakistan's public statements on nuclear capability at face value. Administration officials have said more can be accomplished with quiet diplomacy than with public confrontations over Pakistan's nuclear policies.

American intelligence officials privately confirm that Pakistan now has enough enriched uranium and reprocessed plutonium to manufacture nuclear weapons. The concern among intelligence officials and members of Congress about the Vaid case is that Pakistan, in trying to obtain trigger mechanisms for nuclear bombs, may have moved to a new level in its nuclear program — stockpiling.

The State Department official who was directly involved in the case conceded that the Pakistani leader, General Mohammad Zia ul-Haq, would inevitably draw the wrong conclusion from the lax handling of Mr. Vaid.

"If the Administration had any concern, it was that the case in Texas would come off the way it did, and we'd look weak-kneed," he said, alluding to monitoring of Pakistan's nuclear program.

In retrospect, he said, there were three areas of failure, not including the failure of the investigators to understand the significance of the Vaid papers: "One part a lack of sophistication in Houston; one part a lack of vigor in the State Department, where the case never got high-level attention, and one part a poor decision by Justice to permit a plea bargain."

A faction in Congress, headed by Senator Alan Cranston of California, the Democratic minority whip, has been increasingly critical of Pakistan's reported efforts to become a nuclear power.

Devices Manufactured By Only One Company

Krytrons are manufactured by only one company in the world, E G & G Inc., of Wellesley, Mass., a leading military contractor, and cannot be exported without State Department licensing.

They have many nonmilitary uses, in oil exploration and high-energy lasers, for example, but their most essential function — and the reason their overseas sale is carefully licensed and monitored — is to trigger atomic bombs. The tiny switches are able to deliver a precise amount of electrical current in as little as one-millionth of a second, timing that is essential to nuclear explosions.

All overseas sales of krytrons are carefully monitored by the Federal Government through its licensing provisions. Each sale is reviewed by the State Department on a case-by-case basis to insure, officials said, that the few krytrons sought for commercial use are not diverted. A proposed sale of 50 krytrons would have been extraordinary, officials said, and provided the Government with immediate justification for an extensive review.

A krytron is not the only electronic switch that can trigger a nuclear bomb, but it is described by experts as highly sophisticated and reliable.

How Case Developed With Placing of Order

The Vaid case, which is the subject of a coming PBS documentary, begins on Oct. 18, 1983, in Salem, Mass., site of the Electro-Optics division of E G & G, a Fortune 500 company that has been intimately involved in American nuclear bomb production and planning since the end of World War II.

Mr. Vaid, dressed in traditional Pakistani garb, showed up in person at Salem and, according to court documents, placed an order for 50 krytrons.

Company officials were stunned, as Robert B. Stitt, an E G & G division manager recalled in an interview: There had never been an attempted over-the-counter purchase of krytrons in the company's history.

Mr. Vaid said he had identified himself as being in the import-export business in Pakistan and in Houston. He explained, Mr. Stitt said, that he was buying the krytrons on behalf of a university in Islamabad, Pakistan's capital.

When company officials explained that an export license would be needed for the legal shipment of krytrons, Mr. Vaid asked that E G & G take care of it, Mr. Stitt said. The company informed the Federal Bureau of Investigation in Washington about the pending purchase, and it in turn brought in the Customs Bureau, which has jurisdiction in illegal foreign commerce.

Ten days later, according to court documents, E G & G received a telephone call from Mr. Vaid, who again sought to place the order. He was told the order would not be filled until the licensing requirements had been met.

Mr. Vaid then turned to a neighborhood electrical supply store in Houston, Electrotex. Its owners, Jerry and Don Simon, said in an interview that Mr. Vaid appeared in their shop on Oct. 31 and placed the order for the krytron tubes, describing them only by their listing, KN-22, in E G & G's commercial catalogue.

Jerry Simon recalled that E G & G officials wanted to know over the telephone whether the krytrons, which cost a total of \$3,950, were intended for export. Mr. Simon said that he had asked Mr. Vaid, who was in the store at the time, and had been told no. E G & G, now actively cooperating with the Customs Bureau, agreed to ship the order.

Brothers Cooperate With Undercover Agents

Three months later, undercover Customs agents approached the Simon brothers and asked for their cooperation.

Over the next few months, the Simons would meet as many as 12 times with the undercover agents as they waited for Mr. Vaid to claim his shipment of krytrons. Under the export laws, only when he tried to forward the krytrons through customs would the Government have the legal right to make an arrest.

The krytrons were to be delivered, by Mr. Vaid's instructions, to a Houston photocopying shop operated by a distant relative of the Pakistani's who was associated with his export-import company.

The delivery took place on April 16, when an undercover Customs agent, posing as an Electrotex employee, turned over the krytrons to an aide to Mr. Vaid.

The Houston photocopying shop was placed under 24-hour surveillance, the undercover customs agents said.

On June 19, Mr. Vaid arrived in Houston on a flight from Pakistan, and two days later he notified the freight-forwarding company that he used, Air Express International at Houston's International Airport, that he would be exporting goods to Pakistan on June 22.

The shipment's bill of lading said the shipment contained office goods, including what Mr. Vaid described only as "50 bulbs/switches."

The final step was routine: A driver for Air Express International picked up the package at the photocopy shop, sealed for forwarding through customs, and delivered it to the airport.

Customs agents seized it there and found the krytrons. Mr. Vaid was arrested and charged, along with two associates in the photocopying shop, with illegal export, conspiracy and false statements.

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Officials Convinced He Was Pakistani Agent

The Government prosecutors said they were convinced that they were dealing with a Pakistani agent.

At a court hearing on June 28 to determine Mr. Vaid's bond, Assistant United States Attorney Samuel G. Longoria, an experienced prosecutor who was assigned the case, told a Federal magistrate that the krytrons had a direct use in nuclear munitions.

And he added, according to a transcript: "We strongly suspect that Mr. Vaid is operating at the instance of the Pakistani Government and that the purpose of the export of these krytrons was specifically for the Pakistani Government's use in obtaining a nuclear weapon."

Mr. Longoria added: "The allegations in this complaint are not simply technical violations of United States export laws. The Department of State has serious concern regarding the nature and direction of Pakistan's nuclear program."

On July 16, 1984, a Federal grand jury in Houston indicted Mr. Vaid and his two associates from the photocopying company — charges against those two men were later dropped — for conspiring to ship the krytrons without a license. The indictment described krytrons as able to be used "as part of a firing set for a nuclear explosive device."

Over the next weeks, as Mr. Vaid's criminal attorney, William W. Burge, one of three lawyers the Pakistani had retained in Houston, became increasingly active in the case, the Federal prosecutors dropped their reference both to nuclear bombs and to Mr. Vaid's possible role as an agent of the Pakistani Government.

Mr. Burge, interviewed about the case after Mr. Vaid's deportation, conceded that he was surprised at how readily the prosecutors agreed to a re-writing of the indictment and to a gag order. He concluded, he said, that the Justice Department "went along because we are friendly with Pakistan."

He added, "The case, apparently, was embarrassing to the Government of Pakistan, and they didn't want any more publicity than was necessary."

But Mr. Longoria, interviewed at the United States Attorney's office after Mr. Vaid's sentencing, said the Government had not compromised its position in the case by acceding to the gag order or by dropping any reference to nuclear munitions, since those issues were not involved in the prosecution. He acknowledged that he had described the case in late June at the bond hearing as more important than just a routine export violation, but he added:

"They're all important cases that we work down here. It's a felony case, but the evidence was not there to support a theory, which I personally espoused early on, that this person was a spy or an agent of the Pakistani Government. That evidence simply was not there."

The prosecutors said they had conducted their negotiations with Mr. Burge, Mr. Vaid's attorney, without being aware of the evidence directly linking Mr. Vaid to the Pakistani Government.

In fact, the Government obtained the letters linking Mr. Vaid to Pakistani nuclear officials on June 22, the day of his arrest.

Customs agents had seized files and documents in his possession and, hours later, armed with a search warrant, had taken a large assortment of business records and documents from the photocopying shop in Houston used by Mr. Vaid. Included were letters between Mr. Vaid and Mr. Butt, dating back to December 1983. There also was correspondence between Mr. Vaid and Col. Umar Din Dar, who was identified as the senior executive officer of the Pakistan Atomic Energy Commission.

The letters did not deal with the krytron sale but showed that Mr. Vaid had been purchasing a number of chemicals, the sale of which is not regulated, for the Pakistan Atomic Energy Commission.

Agent Sought 'Buzzwords' But Found None

The Customs agent who was responsible for assessing the documents obtained from Mr. Vaid and the photocopy shop said she read them "looking for buzzwords" and found nothing.

The agent, who worked under cover in the investigation and agreed to be in-

terviewed only if not identified, said that the names of Mr. Butt and Colonel Dar and others found in the correspondence between Mr. Vaid and the Pakistan Atomic Energy Commission had been routinely processed through the Treasury Department's law enforcement computer.

"They came up negative," the agent said. "There was no record."

In subsequent interviews, Gary Waugh and Rafael Lopez, senior officials of the strategic investigations division of the Customs Bureau in Washington, confirmed that there was no record of Mr. Butt, Mr. Vaid, or Colonel Dar in their computer files.

Justice Department officials in Washington similarly explained that they had no information linking Mr. Vaid to the Pakistani Government at the time the United States Attorney's office in Houston was authorized to proceed with a plea bargain in the case.

John L. Martin, chief of the internal security section, said through a Justice Department spokesman: "There was no evidence to think that this was a big spy case. You're chasing a leprechaun, not a big spy."

A State Department official directly involved in the Vaid case conceded in retrospect that the Department had been too blasé about the case.

"The case was handled by Houston and treated as a nickel-and-dime case all along," he said.

There was State Department concern over the last-minute decision by Mr. Longoria to agree to a plea bargain, thus avoiding a public trial, the official said. But no formal State Department protest was filed.

That issue arose in mid-September, three months after Mr. Vaid's arrest and on the eve of his trial, when the Government successfully subpoenaed telex records from RCA Global Communications Inc., the company that had transmitted Mr. Vaid's reports to Mr. Butt and Colonel Dar, showing that Mr. Vaid had knowingly violated the export laws and giving direct evidence that Mr. Vaid had purchased the krytrons on behalf of the Pakistan Atomic Energy Commission.

Mr. Longoria, the United States Attorney, and his associates in Houston said they considered the telexes to be the "smoking gun" in the case, since it firmly established an intent to break the law by Mr. Vaid, who had pleaded not guilty.

'We Did Not Know Who Those People Were'

The telexes, which were addressed to Mr. Butt and Colonel Dar, were even further evidence of a link between Mr.

Vaid and the Pakistan Atomic Energy Commission, but no one in Houston, Federal officials later said, understood that the two men were officials of the Pakistani agency.

"We did not know who those people were," Mr. Longoria later told a reporter.

He added: "We did not know that Dar or Butt were officials with nuclear bombs in Pakistan. We didn't know who they were."

Asked whether the Government had had all of the evidence it needed to discover Mr. Vaid's official link to the Pakistan Atomic Energy Commission, Mr. Longoria said: "That's right. We had the telexes. If we had known who Butt and Dar were, would have been in a position to prove that. But we didn't know and didn't find out until you came into this room 20 minutes ago."

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Mr. Vaid, once confronted by Federal prosecutors with the telexes, realized that he had no chance to win a jury trial, according to his attorneys. At that point, he sought a last-minute bargain to avoid trial in which he would plead guilty to one count, the lawyers said. He understood, according to his attorneys, that his plea meant that he would be automatically deported from the United States as a convicted felon.

The plea bargain was agreed upon and was accepted by Judge DeAnda, who was assigned to the case.

At the sentencing in October, the judge announced, according to the transcript, that he was "left with the impression that this man was not acting in any capacity as an enemy agent."

He continued: "He apparently had no malicious intent beyond trying to expedite what he thought was a business deal and trying to accommodate a customer and in so doing made a false report. He did all the things the Government charges, but there's nothing in the evidence aggravating beyond that."

Judge DeAnda then sentenced Mr. Vaid to two years in prison for violating the export law but suspended the jail term to time served in jail while awaiting trial. Mr. Vaid was also placed on unsupervised probation for five years.

Mr. Longoria argued briefly for a stiffer sentence but ultimately agreed with the judge that "we never claimed Mr. Vaid was an enemy of the country or Pakistan was an enemy, far from it," according to the transcript.

The case ended. Mr. Vaid was deported on Nov. 10 without incident.