

AFFIDAVIT OF GORDON THOMAS

Personally appeared before me, an officer duly authorised to administer oaths, GORDON THOMAS, who is an adult sui juris and has personal knowledge of the facts recited in this affidavit, and who deposes and says:

1. My name is Gordon Thomas. I am an investigative author, journalist, screenwriter and motion picture producer. My permanent residents is Delgany, Co Wicklow, Ireland.
2. I am the author of over three dozen books, a number of which have dealt with various aspects of the intelligence world, including *Journey into Madness*, *Pontiff* and *Chaos Under Heaven*.
3. I have also written extensively on intelligence matters for such newspapers as *The Toronto Globe & Mail*, *San Francisco Chronicle*, Germany's leading Sunday broadsheet *Welt am Sonntag*, and for Britain's main wire service, The Press Association. I am a frequent broadcaster on the subject for the BBC. My work has received world-wide critical acclaim and has never been the subject of any challenge.
4. Over the past 25 years I have developed a close professional relationship with a number of intelligence agencies through personal contacts with members of the CIA and Mossad, Britain's SIS, Germany's BND, etc.
5. The subject of this affidavit is the background to my latest book, *Gideon's Spies: the Secret History of the Mossad*. Published in March 1999 by St Martin's Press of New York and subsequently in a number of other countries, the book has attracted wide critical support (see attachment marked "A").
6. I am also the writer and narrator of a documentary telecast "*The Spying Machine*", aired on March 13, 1998 by Great Britain's Channel 4 Independent Television Network. Again, the program earned wide critical notice of a favourable nature. The documentary featured for the first time a number of senior Mossad personnel.

7. Six two-hour feature-length television films are to be made from *Gideon's Spies* by Helkon, the European film corporation. The company's CEO, Werner Koenig, has stated that the decision to do so was partly based on the quality of research the book reveals.

8. On August 12, 1994, I received a call from Zvi Spielmann, a highly-regarded Israeli film producer who fought with distinction in Israel's War of Independence. He asked if I would write and present a documentary on Israel's Mossad intelligence service. Spielmann emphasized I would have a free hand and the only restrictions on the information I obtained would be whether I thought to ask the relevant questions.

9. During subsequent trips to Israel in March 1995 and April 1996, I made some eighty hours of video and/or audio-taped interviews of persons connected directly or indirectly with Mossad including Rafi Eitan who, for almost a quarter of a century, had been Mossad's hands-on deputy director of operations.

10. Rafi Eitan is celebrated in the history of Israeli intelligence for having spearheaded Israeli intelligence's kidnapping from Argentina of Adolf Eichmann, the Nazi bureaucrat who epitomized the full horror of Hitler's Final Solution.

11. Rafi Eitan is also infamous, at least within the United States, for his role as the Israeli spymaster who directed Jonathan Pollard, a civilian US Navy intelligence analyst, in espionage against the United States during the mid-1980's. As Director of Israel's Lakam intelligence agency, Rafi Eitan directed Pollard, a civilian employee at the US Navy's Anti-Terrorism Alert Center in Suitland, Maryland, in espionage against the United States. Pollard reportedly had a very high US Government security clearance. Moreover, as an anti-terrorism intelligence analyst, Pollard reportedly had a putative "need to know" that cut across the normal boundaries of problems and issues tracked by the US intelligence community. The combination of his high security clearance and his presumptive "need to know" reportedly enabled Pollard, as part of his espionage work for Rafi Eitan, to access computerized information systems through the US intelligence community, as well as repositories of classified documents. Rafi Eitan told me that the Israeli embassy in Washington, DC, copied and transmitted to Israel over one thousand highly classified US

intelligence documents, aggregating to approximately 360 cubic feet of paper, which Israeli intelligence obtained from Jonathan Pollard.

12. My interviews with Rafi Eitan took place at his home in Shay Street in the suburb of Afeka in Tel Aviv, Israel. They were spread over several sessions beginning on March 11, 1995, and concluding on April 17, 1996. The first interviews were on audio cassette tape and were taken to decide the broad parameters of the story that Rafi Eitan would tell me. The tapes were later handed over to the production company, Israfilm, who were going to produce the documentary film for Channel 4. The tapes were transcribed by Israfilm and relevant areas were selected for follow-up interviews on video-tape. These tapes would later be edited for the Channel 4 film.

13. At all stages Rafi Eitan was fully co-operative and at times a little boastful of his exploits. His frankness astonished me. He struck me as someone who was quite ready to speak openly because he felt he could face no problems later. Like others who appear in my book and on the Channel 4 film, he more than once reminded me to "tell it like it was – and like it is."

14. During the videotaping of an interview of him at his home in a suburb of Tel Aviv on April 17, 1996, Rafi Eitan asked me at one point to turn off the video camera, whereupon he described what he views as the crowning achievement of his lifetime of service to Israeli intelligence: the sale to foreign governments through front companies of a computer software system for tracking terrorists, and Israeli intelligence's secret downloading and copying of the information on terrorists that each government entered into its new terrorist-tracking computer system.

15. Israeli intelligence accomplished this feat according to Rafi Eitan by exploiting a trap door in the form of a special microchip that it had secretly installed on each computer on which the terrorist-tracking software operated.

16. Before continuing to explain in detail what Rafi Eitan told me, I should explain that the information emerged over a period of time during which we walked in his small garden, up and down Shay Street, and finally in the living room of his home. On our previous meetings he had alluded to what he now revealed in detail but much of what he now said was totally new to me. At one point I suggested that he should return to sit before the camera and repeat what he was saying. But he refused. I

clearly recall his words: "If I do that you will have a record. But if I tell you now, I can always later deny it!". Because I was eager anyway to hear what he had to say, I did not push him to sit before the camera.

17. Rafi Eitan told me that he used the late British publisher Robert Maxwell to market over \$500 million worth of this software to governments throughout the world. As explained later in this affidavit, Rafi Eitan pointed out that the US CIA was simultaneously directly distributing its own version of the same underlying tracking software, the value of which is not included in the \$500 million.

18. Rafi Eitan told me that source of the computer software that Israeli intelligence modified for its anti-terrorism initiative was Earl W. Brian who had been a member of the California cabinet of Governor Roland Reagan during the early 1970s. Brian had discovered that the US Department of Justice was already using a modified version of the same software product in order to track money laundering and other criminal activities, a fact that Earl Brian related to Rafi Eitan during a visit to Tel Aviv. Rafi Eitan further told me that Earl Brian was angry when he learned about this application of the software in question. The clear implication of Rafi Eitan's statements to me was that Earl Brian believed that he had an undisputed right to a personal financial gain from each and every use of modified versions of this software product but that the US Department of Justice had modified the software in question for the aforementioned money laundering application domain without providing any financial benefit to Earl Brian.

19. Rafi Eitan told me that the computer software product that the Government of Israel and the US Department of Justice each separately modified for intelligence applications is the PROMIS computer software product that INSLAW, Inc, developed for wholly different application domains, i.e. tracking cases in public prosecution agencies and in courts. INSLAW is a computer software company based in Washington DC.

20. Rafi Eitan told me that the FBI, the Drug Enforcement Administration (DEA) and the CIA each made use of modified versions of PROMIS – the FBI to fight the Mafia's money-laundering and other criminal activities, the DEA to fight against the Colombian drug barons, and the CIA which made PROMIS into a weapon every bit as effective as a spy satellite according to Rafi Eitan.

21. According to Rafi Eitan Israeli intelligence, evidently based on the technical knowledge of the PROMIS software that it acquired by modifying PROMIS for the tracking of terrorists and on its knowledge of the US Government's internal uses of modified versions of PROMIS, exploited PROMIS for purposes of espionage against the United States. Israel's Mossad conducted PROMIS-related espionage against the United States through Israel's embassy in Washington DC.

22. Israel's Mossad, again operating through Israel's embassy in Washington DC also exploited PROMIS systems operating in the Washington DC embassies of other governments for espionage purposes, according to Rafi Eitan.

23. Rafi Eitan told me that he first heard about the PROMIS software in the 1970s from Earl W Brian when Rafi Eitan became acquainted with Earl Brian in the course of the latter's trips as a private businessman to Iran during the 1970s.

24. Rafi Eitan told me that later on, while visiting him in Tel Aviv, Earl Brian related his discovery of the fact that the US Department of Justice was already using a modified version of PROMIS for an application domain relating to the tracking of money laundering and other criminal activities and Earl Brian's anger over this discovery.

25. Rafi Eitan told me that Earl Brian's disclosures to him of the US Justice Department's use of a modified version of PROMIS to track money laundering, combined with Earl Brian's obvious determination to profit personally from any and all uses of modified versions of PROMIS, prompted Rafi Eitan to conceive of a new world-wide use of a modified version of PROMIS – tracking terrorists – and to involve Earl Brian as a private businessman in the sale of this terrorist-tracking version of PROMIS.

26. Rafi Eitan told me that he thereafter obtained a copy of INSLAW's PROMIS software from Earl Brian and had a small team of former computer programmers from Israel's Lakam intelligence service modify this copy of PROMIS for Israel's new terrorist-tracking application domain.

27. I asked him for the names of the programmers but he said it would be unfair on them to reveal such details. He did indicate that they were still on active service within the Israeli Intelligence Community.

28. Rafi Eitan described how the modified version of PROMIS included automated reasoning or artificial intelligence capabilities to help the anti-terrorism units of the various governments eliminate superfluous lines of enquiry and accumulate and correlate data at a speed and scale beyond human capability.

29. According to Rafi Eitan, Israeli intelligence also developed a special microchip for installation on each computer on which the modified version of PROMIS operated, and this microchip enabled Israeli intelligence to subvert the security system of the computer operating PROMIS so that Israeli intelligence could copy and download information about terrorists who were being tracked by the foreign governments.

30. Rafi Eitan told me that he arranged for Earl Brian, through Hadron, Inc., a US company controlled by Brian, to sell the version of PROMIS that Israeli intelligence had modified to the Jordanian military for use in tracking Palestinian terrorists, and that Israeli intelligence successfully copied and downloaded Jordan's intelligence information about terrorists through the use of the secret "trap door" microchip.

31. Subsequently, in May 1996, I asked a source of mine within Jordanian intelligence if that service had any knowledge of this and the source indicated that there had been a strong suspicion of this within the service.

32. Rafi Eitan told me that Israeli intelligence decided to market this modified version of PROMIS throughout the world but realized that Earl Brian and Hadron lacked the resources to market PROMIS globally. Rafi Eitan told me that he therefore enlisted the assistance of the British publisher Robert Maxwell in the marketing and sales of the terrorist-tracking version of PROMIS.

33. Rafi Eitan told me that Robert Maxwell alone sold over \$500 million worth of licenses to the version of PROMIS that Israeli intelligence had modified for use in tracking terrorists, including licenses to Great Britain, Australia, South Korea, Canada, the Soviet KGB, Poland's UB intelligence service, Guatemala and South Africa.

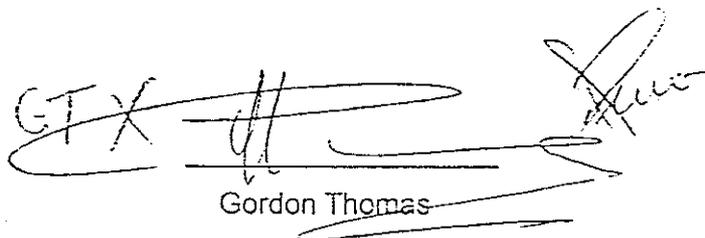
34. Great Britain used the terrorist-tracking version of PROMIS in Northern Ireland. Rafi Eitan told me that the British MI5 domestic security and intelligence service installed this terrorist-tracking version of PROMIS on computers located on British

military bases in Northern Ireland and used it to track Irish Republican Army terrorists, as well as Irish Republican political leaders such as Gerry Adams.

35. Rafi Eitan told me that Mossad specialists stationed at the Israeli embassy in Washington DC, exploited copies of PROMIS operating in unnamed departments of the US Government and in unnamed foreign embassies in Washington DC in support of Israeli intelligence objectives.

36. Rafi Eitan told me that the US Central Intelligence Agency (CIA) simultaneously with Robert Maxwell's sales of the version of PROMIS that Israeli intelligence had modified, itself distributed a version of PROMIS that the CIA had separately modified, and that the dollar value of the distributions of modified versions of PROMIS through the US, CIA was in addition to the over \$500 million worth of PROMIS licenses sold by Robert Maxwell on behalf of Israeli intelligence.

FURTHER AFFIANT SAYETH NOT.


Gordon Thomas

Sworn to and subscribed before me,
this 22 day of June, 1999.
at 5/6000/6000 St in
the city of Dallas.
David F. McMahon

Notary Public

DAVID F. McMAHON
SOLICITOR
COMMISSIONER FOR OATHS

DECLARATION OF GORDON THOMAS

I, Gordon Thomas, hereby declare as follows:

1. I am an investigative author, journalist, screenwriter and motion picture producer. My permanent residence is Dromana, Kendalstown Rise, Delgany, Co. Wicklow, Ireland. I make this declaration based on admissions made to me by Rafi Eitan, a former senior Israeli intelligence official, in connection with my work as the writer and narrator of a documentary telecast as "The Spying Machine" on Great Britain's Channel 4 Independent Television Network on 13 March 1998 and my latest book, *Gideon's Spies: the Secret History of the Mossad*, published in March 1999 by St. Martin's Press of New York.

2. I have prepared this sworn declaration to supplement an affidavit consisting of seven pages and 36 numbered paragraphs that I executed on 22 June 1999 before David P. McMahon, a Solicitor and Commissioner for Oaths. That affidavit summarizes admissions made to me regarding INSLAW, Inc.'s PROMIS case management software by Rafi Eitan, a former senior Israeli intelligence official. This declaration supplements the earlier affidavit on three points:

- (A) Rafi Eitan's admission to me about his visit to INSLAW under an assumed name in early 1983 while the U.S. Justice Department was obtaining the PROMIS software from INSLAW through fraud.
- (1) At the time when Rafi Eitan made the admissions to me about INSLAW, Inc.'s PROMIS case management software that I summarized in the aforementioned affidavit, I did not know about the contention by INSLAW, Inc.'s President, William A. Hamilton, that C. Madison Brewer, PROMIS Project Manager for the U.S. Department of Justice, had arranged for Rafi Eitan to visit INSLAW's corporate offices in downtown Washington, D.C. in February 1983 under an assumed name. According to Hamilton, Rafi Eitan visited INSLAW on the pretense that he was a visiting prosecutor from the Ministry of Justice in Tel Aviv, Israel coming to INSLAW to see a demonstration of the version of PROMIS that operated on VAX 11/780 computers.
 - (2) According to the enclosed excerpt from INSLAW, Inc.'s 14 February 1994 *Addendum to INSLAW's Analysis and Rebuttal of the Bua Report*, Rafi Eitan visited INSLAW in February 1983 as Dr. Ben Or and witnessed a live demonstration of the VAX 11/780 version of PROMIS, which the Justice Department "took, converted, stole" from INSLAW "through trickery, fraud and deceit" several months later in April 1983, as documented in the fully-litigated findings of fact of two federal courts.
 - (3) I, therefore, telephoned Rafi Eitan at his home in a suburb north of Tel Aviv on 20 February 1999 to ask him whether it was true that the U.S. Justice Department had arranged for him to visit INSLAW under the guise of being a visiting public prosecutor from Israel and for the purpose of witnessing a demonstration of the version of PROMIS that the U.S. Justice Department was then about to steal from INSLAW. Without revealing the slightest embarrassment, Rafi Eitan confirmed the essential facts in INSLAW's account, including the fact that he had visited INSLAW's offices under an assumed name and met with William A. Hamilton and other INSLAW staff while witnessing a demonstration of and briefing on the PROMIS software. Rafi Eitan further told me that he had taken a taxi from the U.S. Justice Department to INSLAW for the meeting.

- (B) Rafi Eitan's admission to me that the Wackenhut Corporation had modified INSLAW's PROMIS software for the U.S. CIA.

Some time after concluding my in-person interviews of Rafi Eitan in Israel, I heard about modifications to INSLAW's PROMIS software allegedly conducted on behalf of the U.S. CIA in Southern California in the early to mid-1980's through a joint venture between the Wackenhut Corporation and the Cabazon Band of Mission Indians. Again I telephoned Rafi Eitan at his home in Israel and asked whether he knew anything about this matter. Rafi Eitan admitted to me that the Wackenhut Corporation had in fact modified INSLAW's PROMIS software for the U.S. CIA.

- (C) Rafi Eitan's admission to me about the U.S. dollar value of the CIA's own sales of INSLAW's PROMIS to foreign governments.

In the aforementioned affidavit, I quote admissions by Rafi Eitan to the effect that the CIA was also directly selling and/or distributing modified copies of INSLAW's PROMIS software to foreign governments in pursuit of U.S. espionage against such governments. I recall an admission by Rafi Eitan that the U.S. CIA had sold and distributed only about U.S.\$40-45 million dollars worth of PROMIS software licenses to foreign governments, in contrast to the over U.S.\$500 million worth of PROMIS licenses that the late British publisher Robert Maxwell sold to foreign governments on behalf of Israeli intelligence and Rafi Eitan.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Co. Wicklow, Ireland

on 9/11 November 2000

Gordon Thomas

