

December 23, 1987

Department of State, Memorandum from Jonathan Schwartz to Ms. Verville [et al.], 'Pervez Trial Status'

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Summary:

After hearing tape-recorded conversations and seeing Pervez's diary entries and the Pervez-Carpenter correspondence, on 17 December 1987, the jury found him guilty on 5 out of 8 counts, including conspiracy, attempted export of beryllium without the required license, and submitting false end-use statements about the maraging steel. Inam Ul-Haq was also found guilty of conspiracy and false statements.

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INFORMATION MEMORANDUM

TO: L/OES - Mr. Kreczko
NEA/RA - Mr. Aoki
OES/NEP - Mr. DeThomas
S/NP - Mr. Samore
INR/SFA - Mr. Snowden
P - Mr. Eastham
ACDA/NWC/INA - Ms. Ward ✓

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FROM: L/OES - Jonathan Schwartz

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I spoke with the prosecutor in the Pervez case (Amy Kurland; work 8-597-9481; vacation until January 5th at [redacted]) She reported the following:

1. The Government's case consisted of about half the Canadian documents, some letters from Carpenter steel, the final letter of credit and a letter of assignment, transcripts of the recorded conversations, and eight witnesses (the two undercover agents, two Carpenter officials, two experts on maraging steel and beryllium, a Commerce official, and an employee of the company which provided the shipping container). There were no references to other efforts to obtain maraging steel for the Pakistani nuclear program.
2. The defense case consisted of a videotape of Sayed and his secretary (a Canadian friend or business associate of Pervez's), five or six character witnesses, an expert on maraging steel (George Langford, PhD from MIT) and Pervez, himself.
3. The Government sought to demonstrate not just that the purported end-uses were false, but that the actual end use was nuclear. The two expert witnesses from Oak Ridge (James Wier and John Guggin) testified based upon unclassified materials that the steel must have been going to make centrifuges and that the beryllium could only have had a nuclear end-use (no specific end-use was referred to, however). In conversations with the jurors after the verdict, it was clear they accepted the theory that Pervez was part of a plot to send nuclear materials to Kahuta for an enrichment program aimed at producing nuclear bombs.
4. The defense stressed entrapment. Sayeed testified that he had listened in on conversations between Pervez and the undercover agent, during which Pervez said he did not want to do anything illegal and the agent reassured him that Carpenter always paid bribes since that was the way to do business. The

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character witnesses (all Pakistani-origin) said Pervez had a reputation as an honest and law-abiding person. The defense's expert testified that maraging steel 350 has other uses than centrifuges; the Judge refused to allow his testimony that Pakistan might use it to make compressors and turbines because as a third World country Pakistan needed raw materials with a long shelf life. Pervez asserted that he was just starting out in the export/import business when a mutual friend (Beri) introduced him to Inam who said he was looking for maraging steel. Pervez claimed to believe everything Inam told him about the end use and thought the PCSIR statement, which he identified as coming from a government agency, demonstrated that the end use was not nuclear. His testimony was very confused and not credible to the jury; for example, he said his diary's reference to "my expert" recorded the results of a call he made to reassure himself that the steel did not have nuclear end uses. He gave no account of the diary references to "military" and "atomic."

4. Neither side probed Inam's relationship to third parties, including the Government of Pakistan.

5. Everything of substance in the grand jury materials came out during trial in greater detail.

6. Aside from the prosecutor, a Customs official from Philadelphia (Frank Rovello -597-4305) attended the entire trial.

7. All the government exhibits are being sent to Ron Roos at main Justice. The only defense exhibit (videotape transcripts) focused so narrowly on Pervez's theory of entrapment that it is of little use to other agencies.

8. The prosecutor is referring all press questions about whether the Government of Pakistan was behind the transactions to the State Department.