

vested by the Constitution in the president,” he said in a speech to the Federalist Society in 2000. “And I thought then, and I still think, that this theory best captures the meaning of the Constitution’s text and structure.” For Democrats, Alito’s deference to the president and his worship of Article II might be attractive grounds on which to try to stop his nomination. After all, Democrats note, the argument has the advantage of dovetailing with their current critique of Bush as an unchecked, out-of-control president, as well as their case against the “corrupt” GOP congressional leadership that acts as a rubber stamp for Bush policies. Under this scenario, stopping Alito could turn into a proxy war for stopping Bush. Which is one reason that a filibuster, though not a likely scenario, might still tempt Democrats. ■

## Viktor Bout and the Pentagon. Air America

BY DOUGLAS FARAH  
AND KATHI AUSTIN

**J**UST AFTER DAWN on November 26, 2004, a small team of U.N. investigators—tracking aviation companies illicitly ferrying weapons to warring militias in the jungles of the Democratic Republic of Congo (DRC)—arrived at the makeshift headquarters of a South African peacekeeping contingent in Goma. The investigators roused the armed guards to provide protection for an unprecedented and audacious move—a snap inspection of the aging aircraft lining the grassy field beside a nearby airstrip littered with volcanic ash.

Charged with finding violators of the U.N.-mandated arms embargo, the investigators discovered aircraft using false registrations to deliver weapons to remote airstrips that funnel supplies into the war zone. In one case, an airplane was using a valid Kazakhstani registration prefix, “UN” (UN-79954), which fooled many people into thinking its illicit cargo deliveries were U.N. flights. In exchange for the weapons, the aircraft were flying out illegally mined tin ore and coltan, a mineral used to make cell phone and laptop components.

Their Russian crews, arriving in dilapidated minibuses, were stunned by the U.N. officials’ demands to inspect the airplanes’ cargo and flight documents. As the day grew warmer, more airplanes landed, and soon investigators and peacekeepers were running up and down the pocked, blistering tarmac to keep planes from taking off before the inspections were completed. Some tense standoffs ensued, with the Russian aircrews occasionally threatening the investigators, indicating that they knew the whereabouts of one official’s family members. Some of the planes escaped the airstrip with the aid of Congolese military officers, flying off to unknown

destinations. But, over two days, the investigators managed to pore over the cargo and records of 26 aircraft.

The guns-for-minerals pipeline bore the hallmarks of Viktor Bout, a notorious Russian arms dealer who operates one of the largest private air fleets in the world. Bout has made millions flying lethal cargo to many of the world’s worst elements, from former Liberian dictator Charles Taylor to the Revolutionary Armed Forces of Colombia to Rwandan *genocidaires*. Bout’s activities are so egregious that Peter Hain, a British cabinet minister, publicly branded him “Africa’s chief merchant of death.”

After years of prompting by the United Nations, President Bush issued an executive order in July 2004 making it illegal for any American person or institution to do business “directly or indirectly” with Charles Taylor’s associates, including Bout. Nine months later, the Treasury Department’s Office of Foreign Assets Control (OFAC) ordered the freezing of the U.S. assets of 30 Bout-related companies, along with those of his U.S.-based partner, his brother, and two other associates. The United Nations had already taken similar action against Bout, who has been wanted by Interpol since 2002 on an outstanding warrant for laundering the proceeds of illicit weapons sales.

The punitive actions were based on Bout’s relationship with Taylor, but, in announcing the OFAC action, the Treasury Department stressed another facet of Bout’s activities, noting that he made \$50 million in profits from arms transfers to the Taliban when the regime was hosting Osama bin Laden and Al Qaeda. The Treasury statement also said Bout had used his aircraft to “transport tanks, helicopters, and weapons by the tons” all over the world and helped “fuel conflicts and support U.N.-sanctioned regimes in Afghanistan, Angola, the Democratic Republic of Congo, Liberia, Rwanda, Sierra Leone, and Sudan.”

Yet, remarkably, given this record and the international efforts to shut him down, Bout also counts among his clients the U.S. military and its contractors in Iraq, NATO forces in Afghanistan, and the United Nations in Sudan. THE NEW REPUBLIC has learned that the Defense Department has largely turned a blind eye to Bout’s activities and has continued to supply him with contracts, in violation of the executive order and despite the fact that other, more legitimate air carriers are available. Revenues from these flights enable Bout to carry on the profitable business of nurturing conflicts in other, less covered parts of the world, threatening further international instability.

**E**UROPEAN AND U.S. intelligence sources tell us they have identified at least three new Bout-controlled companies—based in Sharjah, United Arab Emirates (UAE)—that have been hired by the U.S. military and its contractors in the past four months for flights into Iraq. Two of the companies have taken aircraft formerly belonging to companies designated by Treasury as illegal and reregistered them under new names in Moldova. Another company did the same thing in Cyprus,

the officials say. That company actually kept the same telephone number and address as one of the firms blacklisted by Treasury. Only the name on the door changed.

Even some of the designated air companies continue to operate unimpeded. Irbis Air Company, which is on the OFAC list, reportedly placed a bid with Halliburton earlier this month to fly goods into Iraq, two sources monitoring Bout's activities in Sharjah tell us. It is not known whether Irbis won the contract. Halliburton did not respond to requests for comment, but, in the past, it has said that any use of Bout aircraft was inadvertent and that contracts with suspected companies had been immediately terminated.

Spokesmen for U.S. Central Command and the Pentagon brushed off inquiries on the subject, saying they knew of no contracts with Bout-related companies. At the same time, they stressed the need to understand how complex contracting arrangements were in Iraq. The Pentagon, a military official said, could not check out the subcontractors who actually flew the flights into Iraq and Afghanistan.

This attitude reflects a larger problem in putting Bout out of business. American officials tracking Bout tell us that many military officials feel they do not have the resources or the time to check aircraft records when a flight may contain badly needed ammunition or matériel. "They don't check because they don't care," says a civilian official who helped trace Bout's Iraq contracts with the U.S. military. "On the ground, what they care about is getting what they need. Unfortunately, this short-term mentality means that they may, in fact, be breaking the law."

But Bout's flights for the U.S. government—and other legitimate clients like NATO and the United Nations—do more than merely break the letter of international law. They provide Bout with cash that helps fund his gunrunning to conflict zones like the DRC, where the steady supply of weapons helps sustain a conflict that is destabilizing much of Africa. U.S. and European intelligence sources tell us they are also investigating whether Bout's network is behind the thousands of new weapons surfacing in the hands of brutal militias in the Niger Delta region. Those militias pose a growing threat to stability in an area that provides around 10 percent of U.S. oil.

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*This plane used the registration prefix "UN" to pass itself off as a relief flight. It was actually being used by Viktor Bout's network to traffic weapons illegally in central Africa. Among Bout's other clients? The United States military.*

While Congress has oversight responsibility for implementation of the OFAC list, its enforcement efforts have been sparse. Wisconsin Democratic Senator Russell Feingold first raised the issue of Bout's coalition military contracts on May 18, 2004, in a Senate Foreign Relations Committee hearing. Feingold asked then–Deputy Secretary of Defense Paul Wolfowitz and then–Deputy Secretary of State Richard Armitage about reports of U.S. military links to Bout's companies. It took Wolfowitz eight months to respond. In a January 31, 2005, letter to Feingold, Wolfowitz acknowledged that "both the U.S. Army and the Coalition Provisional Authority (in Iraq) did conduct business with companies that, in turn, subcontracted work to second tier suppliers who leased aircraft owned by companies associated with Mr. Bout. . . . Although we are aware of a few companies that are connected to Mr. Bout, most notably Air Bas and Jetline, we suspect Mr. Bout has other companies or enterprises unknown to the Government."

In fact, as the *Los Angeles Times* first reported in 2004, Bout aircraft were in constant motion into Iraq after the invasion. A single Bout company, Irbis, flew more than 140 flights into Iraq for the U.S. military and its contractors by the end of 2004.

Representative Sue Kelly, a New York Republican who chairs the Congressional Anti-Terrorist Financing Task Force, said in a statement to TNR that she felt a "considerable degree of frustration" over efforts to end U.S. contracts with Bout. Congressional investigators tell us that it is almost impossible to get answers on Bout from the Bush administration. And it took six months—until early December—for the OFAC list of sanctioned Bout-related companies to be fully synchronized with the U.N. list, thereby making it internationally binding. Robert Werner, the director of OFAC, said getting the OFAC list incorporated into the U.N. sanctions list was "a truly significant success in our

continuing effort to combat Bout's arms-trafficking and sanctions-busting activities."

In reality, however, the move was largely symbolic. During the time between the U.S. designation and the U.N. listing, according to U.S. and European intelligence sources, Bout revamped his operations, moving aircraft registrations and incorporating new companies. As a result, most of the designated companies no longer have any assets to be frozen, and it will take months to identify the new companies and begin sanctioning them.

**T**HE U.S. MILITARY has, from time to time, made efforts to scrub Bout-associated companies and aircraft from its list of contractors and subcontractors. In May, after the OFAC list went into effect, the Pentagon asked all companies and contractors applying for flights into Iraq and Afghanistan to reregister with a form that required detailed information on the aircraft and its owners. As a result, several of Bout's companies were denied permission to fly.

As slow and incomplete as these U.S. efforts have been, they are far better than those of other nations. Russia, for example, has failed to move against Bout, despite the Interpol arrest warrant for him. His assets remain untouched, and he reportedly lives in the open in Moscow, frequently dining at a favorite sushi restaurant. Since 1999, the UAE, from which most of Bout's aircraft operate, has consistently rebuffed requests by American officials to help identify Bout-associated companies. The British military acknowledges hiring, through contractors, Bout aircraft on seven occasions in 2005.

Bout's companies are hard to track because he constantly shifts his airplanes' registrations and the companies that own them. For instance, in Africa, he first registered his aircraft in Liberia and then moved their registrations to the Central African Republic, Equatorial Guinea, Moldova, and other countries which are far from main aviation hubs. But the U.N.'s DRC operation showed that tracking Bout's aircraft is possible. Airplanes and crews have records—such as airworthiness certificates, insurance records, and logbooks—that are difficult to falsify and can be requested for inspection whenever an aircraft lands. Holes or inconsistencies in these records are relatively easy to detect, and they helped identify Bout's DRC and Liberian operations.

**T**HE CONSEQUENCES OF Bout's continuing operations have been devastating, both in human terms and for U.S. foreign interests. His network thrives because, while some dedicated public servants try to shut it down, there is no concerted effort to put Bout out of business. Perhaps there are too many people who feel they need to keep him around to fly into the next Iraq or Afghanistan. The Bush administration and the United Nations say they want to remove a threat to international peace. Rewarding Bout with lucrative contracts makes a farce of that goal. ■

## The scourge of fake diplomas. Degree Burns

BY CLAY RISEN

**I**T WAS EARLY 2003, and the newly created Department of Homeland Security was looking for someone to help oversee its vast computer network. The department soon found a candidate who appeared to be a perfect match: Laura Callahan. Not only had Callahan been working with federal IT systems since the mid-'80s, but she came with outstanding academic credentials: bachelor's and master's degrees in computer science, topped by a Ph.D. in computer information systems. In April 2003, Callahan was brought on as the department's senior director in the office of the chief information officer, pulling down a six-figure salary.

But Callahan didn't last long. A few weeks after her hiring, the Office of Personnel Management opened an investigation into her resumé following the publication of articles questioning her degrees' provenance. It turned out that Callahan's vaunted academic achievements were anything but—all three degrees had come from Hamilton University, a now-defunct degree mill operating out of a former Motel 6 in Evanston, Wyoming, that claimed religious affiliation. In June 2003, she was placed on administrative leave. By the time she resigned, in March 2004, a new picture of Callahan had emerged: not a skilled IT executive, but an unqualified hack.

Degree mills differ, but all sell academic credentials for little or no work. So how was Callahan able to advance with three bogus degrees on her CV? Part of the answer may lie in the fact that Callahan insists she was scammed as well. One of the more elaborate degree frauds, Hamilton University (not to be confused with the well-regarded Hamilton College in upstate New York) "required" online coursework for her bachelor's and master's and a dissertation for her doctorate; while her work was never evaluated, from Callahan's perspective, the requirements made Hamilton seem legit. She had even checked to make sure Hamilton was an accredited university. And it was—by the American Council of Private Colleges and Universities (ACPCU), whose mission was "to establish and enforce strict academic, ethical, financial and evaluative standards." This was enough for her, and probably enough for anyone else who thought to casually check out the obscure institution. Alas, had Callahan gone a step further, she would have found that the ACPCU was, itself, a scam. Even its religious affiliation was but a means to skirt state laws. The ACPCU, she later wrote, "appeared to be run by the same people who operated the religious organization sponsoring the university. In other words, the accrediting body was an 'accreditation mill.'"

There are basically two types of students in the degree-mill world: those who are in on the scam, and those, like