

South of the border (occasional snippets from)

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Spook joke department

'UK spies will need artificial intelligence' reads the headline to a Gordon Corera piece on BBC news online.¹

Yes, the gags are pretty much writing themselves now.

Deferred prosecution agreements - buying your way out of trouble

'A deferred prosecution agreement, or "DPA," is a mechanism for resolving a case against a company that is, essentially, an unofficial form of probation. Although usually used to resolve a criminal case, civil enforcement agencies like the SEC have begun to use them as well.'²

So says the website of leading U.S. law firm MoloLamken LLP. A DPA was recently used in a case where, 'Sweden's telecoms giant Ericsson has agreed to pay more than \$1bn (£760m) to *resolve* allegations of bribery'.³ [Emphasis added] Although the scheming by Erricson lasted for 16 years, it should be noted that no individual from the firm has been sanctioned.

Contrast this with the case from the sport of cricket, where ex-Pakistan opening batsman, Nasir Jamshed, was recently sentenced to 17 months in prison⁴ following an original ten year ban from any involvement in cricket⁵ for his (relatively small) part in an international match fixing ring.

DPA's are not the reserve of the U.S. justice system. The 'In the City' column of *Private Eye* magazine reported last summer that:

¹ <<https://www.bbc.com/news/technology-52415775>>

² <<http://www.mololamken.com/news-knowledge-18.html>>

³ <<https://www.bbc.com/news/world-us-canada-50695438>>

⁴ <<https://tinyurl.com/qsefv6m>> or <<https://www.indiatoday.in/sports/cricket/story/pakistan-batsman-nasir-jamshed-jailed-17-months-psl-spot-fixing-1644398-2020-02-08>>

⁵ <<https://www.bbc.com/sport/cricket/45218870>>

'A third deferred prosecution agreement (DPA) signed off by former Serious Fraud Office director David Green has failed to result in any senior executive being convicted of the corruption the company admitted.'⁶

Those three companies being Tesco, Rolls-Royce and (U.S.-owned steel industry supplier) Scarclad.

Scarclad had agreed to pay £6.5 million as a part of its DPA but that – and other highly pertinent facts – were not divulged to the jury at the trial of three Scarclad senior execs, who were acquitted of any wrongdoing.

The (potential) coming war with Iran: where the money is going

Much has already been said in the news about the potential for a wide-ranging war with Iran following the assassination by the U.S. of Iran's commander of the Quds Force, Major General Qasem Soleimani.⁷ In contrast, not much seems to have been said about any preemptive back-room shenanigans by the military-industrial complex. It should be noted, therefore, that the current United States Secretary of Defence – Dr. Mark T. Esper – has previously worked extensively as a lobbyist for Raytheon.⁸

This fact so disturbed Democratic presidential candidate Senator Elizabeth Warren, a member of the Senate Armed Services Committee, that she sent Esper a letter in July of last year. In that letter she laid out her concerns that he had been 'the top lobbyist for the nation's third largest defense contractor'.⁹ Although Esper has officially been under an 'ethics agreement' to recuse himself from all decisions regarding his previous employer, this was set to expire in November 2019. Senator Warren, therefore, asked him to extend this

⁶ 'In the City' (pp. 46-47), *Private Eye*, Issue 1501, (26 July, 2019)

⁷ And, more recently, the failure of the Senate 'to overturn Trump's Iran war powers veto'. See <<https://www.politico.com/news/2020/05/07/senate-trump-iran-war-powers-veto-243277>>

⁸ He was their Vice President of Government Relations from 2010-17. Although his official DoD profile does not detail the length of his tenure there (but it is stated in Senator Warren's letter I reference below in note 9) his employment by Raytheon is briefly mentioned. See <<https://tinyurl.com/y7cmbhl6>> or <<https://www.defense.gov/Our-Story/Biographies/Biography/Article/1378166/dr-mark-t-esper/>>.

⁹ See <<https://tinyurl.com/ycw7hw2q>> or <https://www.warren.senate.gov/oversight/letters/senator-warren-sends-letter-to-acting-secretary-of-defense-mark-esper_-former-top-lobbyist-for-raytheon---raising-new-and-ongoing-ethics-concerns-ahead-of-hearing-to-be-secretary-of-defense>.

agreement for (what was to be) his forthcoming tenure at the Department of Defense (DoD). According to a report from *Defense News*, Esper refused.¹⁰

Initially Acting Secretary of Defense from June 24 to July 15 of 2019, Esper was officially sworn in as Secretary of Defense on July 23. Since the third week of June, Raytheon has twice released quarterly business results – 2nd quarter results on 25 July and 3rd quarter results on 24 October. Those results show that it has been outperforming the competitor immediately ahead, Boeing, and now holds second place in the defense sales league.¹¹

This still leaves them approximately \$20 billion behind the leading defense contractor, Lockheed Martin.¹²

¹⁰ <<https://tinyurl.com/ybwrs7y>> or <<https://www.defensenews.com/congress/2019/07/15/pentagon-nominee-esper-a-former-raytheon-lobbyist-must-extend-recusal/>>

¹¹ Raytheon 2ndQ 2019 defense revenue \$7.2 billion <<https://tinyurl.com/ybpj92cz>>; Boeing 2ndQ 2019 defense revenue \$6.6 billion <<https://tinyurl.com/yb9z2usu>>; Raytheon 3rdQ 2019 defense revenue \$7.4 billion <<https://tinyurl.com/ybkl4n2f>>; Boeing 3rdQ 2019 defense revenue \$7 billion <<https://tinyurl.com/ycv8jp7q>>

¹² <<https://www.cnbc.com/2019/01/10/top-10-defense-contractors-in-the-world.html>>