

Drug Dealer Who Said CIA Aided

By Walter Pincus
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The drug dealer who first claimed the CIA encouraged and assisted Nicaraguan drug traffickers to sell cocaine in Los Angeles to finance the contra rebels has modified his charge.

The dealer, Ricky "Freeway Rick" Ross, now says the U.S. government "condoned, if not actively supported . . . the Nicaraguan contras in their drug dealing," according to papers filed by his lawyer this week in U.S. District Court in San Diego.

Los Angeles attorney Alan Fenster is using the issue of government involvement in drug dealing as one reason Judge Marilyn L. Huff should set aside Ross's narcotics trafficking conviction last March.

In a September court hearing, Fenster cited an August series of stories in the San Jose Mercury News by reporter Gary Webb as "compelling documentation" that "the CIA involvement [in drug trafficking by Nicaraguans] included establishing and condoning the distribution and sale by members of the contra organization of massive amounts of

cocaine within the United States, as well as actively assisting in such illegal conduct."

The articles said Ross bought a substantial portion of the cocaine he sold from a Nicaraguan trafficker, Oscar Danilo Blandon, who was linked to the contras and CIA. Based on that information, Fenster asked the court to set aside Ross's conviction, or give him a new trial, on the legal theory that "if the full story could be presented to this court, the granting of a motion to dismiss for governmental misconduct would surely be appropriate."

Meanwhile, CIA Director John M. Deutch told a news conference in Los Angeles that he had "no evidence of a conspiracy or the CIA being involved in drug trafficking, but I'm keeping my mind open . . . and I ask you all to keep your minds open until we have a full and thorough investigation that I have ordered."

Speaking with reporters before leaving for an unusual town hall meeting in Watts, where emotions over alleged CIA-crack cocaine ties have been running high, Deutch said that "if the CIA or any agency could possibly have been

involved," it is "absolutely essential" that a thorough investigation be conducted.

When asked if the CIA will release an internal search of agency files of alleged drug activities between 1986 and 1988, Deutch replied: "Good question. I think I'm going to try to release it." Asked when that might be, he said: "When I get back." Deutch was scheduled to return to Washington last night.

The Mercury News series provoked such an uproar within the African American community that it triggered CIA, Justice Department and congressional investigations. Huff on Sept. 13 delayed Ross's sentencing so she could study the allegations and hear the CIA's response. She is now scheduled to rule on Fenster's motions next Tuesday.

In an affidavit filed Tuesday, Fenster said, "The first time I ever heard about [allegations of U.S. government involvement in contra drug dealing] came from Gary Webb some time prior to the trial." Fenster described how during the cross-examination of Blandon, who testified as a government witness against Ross, "Webb suggested areas of inquiry"—based on grand jury testimony the reporter had obtained—in which Blan-

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don said he sold his first cocaine to support the contras.

Fenster said that although Webb "orally advised defense counsel of areas of inquiry regarding Blandon which would be helpful to the defense of Ross . . . Webb's primary motivation was not to assist defendant Ross, but to enhance his own story."

In his latest filing, Fenster said that before the trial he had "absolutely no documentation" of U.S. government involvement with contra drug dealing, but since the issue became public more information and several witnesses had surfaced. "Clearly," Fenster wrote, "such allegations are not the figment of the imagination of defendant Ross or Gary Webb."

Arguing that he does not have funds to bring witnesses to court "nor otherwise establish the complicity of the government in the contra drug operation," Fenster asked the court "to require the government to obtain all relevant records of all concerned departments of the U.S. government, not just those of the CIA" before ruling on his motions.

In a telephone interview, Fenster said: "There is a lot of evidence I cannot

ignore" about the CIA, but "I'm not an investigating committee . . . and there is not much I can do" to prove the allegations.

In an earlier court filing in the case, Assistant U.S. Attorney L.J. O'Neale said Fenster's statement about the CIA was "false" and added that "even the Mercury News has retreated from it."

"The Mercury News," O'Neale wrote, "now states that it never said that the CIA was responsible for crack cocaine, and that everyone who thought that just got it wrong."

In his court filing, O'Neale raised questions as to whether the Mercury News series was timed to affect Ross's sentencing. He noted a Washington Post story of a letter Webb sent to Ross in jail in mid-July in which the reporter described his difficulties in getting the series published. "In terms of generating public interest in both this story and your case," Webb wrote, "it's best to have it appear as near as possible to a newsworthy event—in this instance your sentencing."

Webb's letter was sent to The Post last summer with a cover note from Ross. Under the heading "To Whom It

May Concern," Ross said the articles would be published Aug. 18 and would "take into account the CIA, the contras . . . and many other cities in America" and suggested that "if you wish to contact me for a interview please feel free to do so."

Fenster said he had no knowledge of either Webb's letter or Ross's note before reading them in the government's filing. He also said that Ross had turned down an offer from a New York literary agent for at least \$25,000 and possibly more for the book and film rights to his story.

Staff writer William Claiborne in Los Angeles contributed to this report.

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