

# Noriega Seeks Hearing on Counsel's Dual Role

## Then-Defense Lawyer Was U.S. Government Informer in Separate Judicial Corruption Probe

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MIAMI, Sept. 4—Lawyers defending Manuel Antonio Noriega asked today for a hearing to discuss whether his rights were compromised when the U.S. government recruited his then-chief counsel in 1989 to work as a secret federal informer in an unrelated case.

Between August 1989 and Jan. 4, 1990, Miami lawyer Raymond Takiff met "probably a dozen times" in Panama with Noriega on how to deal with offers from the Bush administration relating to his February 1988 U.S. indictment on drug trafficking and racketeering charges, Noriega lawyer Frank Rubino argued in U.S. District Court today.

Takiff's advice, Rubino said, included recommending that Noriega surrender following the December 1989 U.S. invasion of Panama.

Unbeknownst to Noriega or other members of the defense team, including Rubino, Takiff already had begun working as an informer for the U.S. attorney's office in Miami on a separate judicial corruption probe. Prosecutors disclosed the arrangement in June, but insisted they had set up a "Chinese wall" in the office that ensured Takiff pro-

vided no information to the government lawyers working on the Noriega case.

But Rubino charged today that Takiff was serving "two masters" during this period and that only a special hearing could determine whether Noriega's rights were compromised. When Takiff was advising Noriega, was he actually "trying to curry favor with the Justice Department?" Rubino asked in a pretrial hearing before U.S. Judge William M. Hoeweler.

Rubino's argument, occurring the day before jury selection is to start in the long-awaited trial, raised what some lawyers believe may be among the most troubling of a series of legal issues that could be grounds for an appeal if Noriega is convicted.

Hoeweler at first appeared reluctant to grant Rubino's request, saying there was no evidence that Noriega was harmed. But then Rubino charged for the first time that Takiff made a Jan. 3, 1989, telephone call to Noriega when the Panamanian leader had taken sanctuary in the Vatican Embassy in Panama City. In this conversation, Rubino charged, Takiff advised Noriega to "please the Justice Department" and surrender to U.S. troops,

which Noriega subsequently did. The next day—the same day Noriega was brought to the United States—Takiff formally resigned from the case, citing "health reasons."

Hoeweler delayed a ruling today on Rubino's motion for a hearing,

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saying he wanted to "give more thought" to the matter.

Earlier, Hoeweler rejected arguments against the motion by assistant U.S. attorney Sonia O'Donnell that the constitutional right to counsel and attorney-client privilege did not apply outside the borders of the United States.

Reached this afternoon, Takiff called Rubino a "liar" and said his former co-counsel's recounting of events was "the most absurd thing I've ever heard in my life." Takiff said he made only one trip to Pan-

ama in 1989, and said that in his Jan. 3 phone call to the Vatican Embassy he never got through to Noriega directly. In any case, he said, "I saved his life, for Christ's sake, by going on television and telling the world that the United States was probably going to kill him" if he did not surrender.

The allegation involving Takiff is only the latest in a series of charges of government misconduct in the case. Last year, prosecutors acknowledged that they had listened to prison tape recordings of Noriega's conversations with his lawyers.

Also today, pilot Daniel Miranda became the last of a number of Noriega codefendants to plead guilty and agree to cooperate with the government. Miranda had been charged with flying alleged proceeds from a drug sale from Florida to Panama and had no direct dealings with Noriega.

Miranda's lawyer, Michael O'Kane, said prosecutors had agreed to a prison sentence that will make Miranda almost immediately eligible for parole and to recommend that his client be given back his federal pilot's license. "It would be hard to imagine a better deal," O'Kane said.