

Noriega Defense Team Vows To Reveal Secret U.S. Deals

Trial on Drug Charges Set to Begin Thursday

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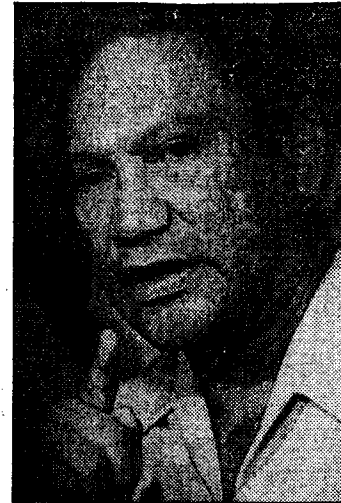
MIAMI, Sept. 3—More than 20 months after he was toppled by a U.S. invasion, Manuel Antonio Noriega will go to trial on drug trafficking charges in federal court Thursday, and his defense lawyers vow to disclose new details about the former Panamanian dictator's secret dealings with the Central Intelligence Agency and high-level U.S. government officials.

Preparing for what is believed to be the most sensitive and complex drug trial in U.S. history, attorneys Frank Rubino and Jon May have outlined a defense strategy that, in effect, seeks to place the federal government on trial. Court papers filed here describe Noriega as the CIA's "man in Panama" whose activities were conducted with the full consent and knowledge of the U.S.

intelligence community for more than two decades.

"The defense strategy as it is developing is to embarrass the United States government to the maximum extent . . .," said Paul Rothstein, a Georgetown University law professor. "What they are trying to show is that the United States either winked at what Noriega was doing or indeed may have been complicit at what he was doing . . ."

Whether that strategy can prevail is questionable, legal experts said. Thanks largely to an all-out Justice Department search for evidence, federal prosecutors have assembled what some sources described as a formidable array of witnesses against Noriega. They have made the case, 12-counts charging him with drug trafficking and racketeering, far stronger than when



MANUEL ANTONIO NORIEGA
... faces large array of witnesses

the indictment was returned in February 1988, these sources said.

No written records tie Noriega directly to drug trafficking, prosecution sources said. But 60 to 80 government witnesses—many of them convicted drug traffickers, arms dealers and other felons—are expected to testify that he took

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NORIEGA, From A1

multimillion-dollar payoffs from the Medellin drug cartel to turn his country into a "safe haven" for shipment of cocaine from Colombia to the United States.

By the standards of most drug-conspiracy cases, the evidence against Noriega is "as good as it gets," said Richard Gregorie, former chief assistant U.S. attorney who drafted the original indictment. "You're going to see 20 to 30 high-placed narcotics traffickers who are going to directly point a finger at him. There's going to be witness after witness."

But at the very least, the long-awaited trial—expected to last six to eight months—is likely to shed new light on some of the darker corners of U.S. foreign policy. Perhaps most significantly, it appears headed for a risky but dramatic finish.

According to several lawyers close to the case, Noriega is more

than likely to testify and for the first time offer his version of his relationship with U.S. officials—including President Bush, whom he first met 15 years ago when Bush was CIA director.

About 1,600 pages of still-clas-

sified U.S. documents involving Noriega have been given to the defense. While lawyers for both sides are barred from discussing them unless they are admitted into evidence, the broad outlines of Noriega's strategy can be seen in a 107-page motion filled with heavy deletions by a special court officer charged with preventing disclosure of national security secrets.

The declassified motion describes numerous covert activities that Noriega purportedly undertook for the U.S. government—tipping U.S. negotiators about his government's strategy during Panama Canal treaty negotiations, providing information to the CIA about Cuban President Fidel Castro, and selling French-made Exocet air-to-surface missiles to Argentina during the 1982 Falklands War as the Reagan administration was publicly supporting Britain in the conflict.

But most importantly, the motion describes Noriega's pivotal role in

assisting CIA efforts to arm Nicaraguan contra guerrillas. Without citing new evidence, it calls that effort a "guns-for-drugs" policy in which drug-sale proceeds were used to finance shipment of arms to the contras. In addition, the filings—with heavy deletions from the security officer—allude to two meetings with Bush in 1976 and 1983 and numerous others with such figures as the late CIA director William J. Casey and former National Security Council aide Oliver L. North.

"Noriega did not merely provide advance intelligence to the United States," his lawyers stated in the filing. "Noriega was repeatedly called upon to defuse situations which threatened American interests in Central America and elsewhere."

Defense lawyers said their strategy received a major boost last month when, in an order to be released Wednesday, U.S. District Judge William Hoeweler gave them wide latitude to put many of these matters before the jury. "What's going to come out in the course of the trial is terribly significant" and "will tell an awful lot about the conduct of our foreign policy," May said.

But how far the disclosures go is another matter. Prosecutors have acknowledged in court filings that Noriega was a paid informant receiving \$161,000 in payments from the CIA dating from 1971. He received another \$162,168 from the Army.

They also have conceded that Noriega had a long relationship with the Drug Enforcement Administration, whose directors sent him letters praising his helpful cooperation in U.S. anti-narcotics efforts.

But, prosecutors contended, unless Noriega can show that he was specifically authorized to commit criminal acts, his relations with U.S. officials are "irrelevant."

"In order to put on that defense, they've got to have a witness who can testify that 'I told [Noriega] to say it's okay to take money from the Medellin cartel to bring cocaine to the United States,'" Gregorie said. "And if anybody ever said that, it would be one of the biggest scandals this country has ever seen."

In the meantime, prosecution sources say, evidence against Noriega has been growing steadily, in

large part because of the event that brought him into U.S. custody, the December 1989 operation against Panama by 27,000 U.S. troops.

Since then, six of Noriega's 15 co-defendants, many arrested as a result of the invasion, have pleaded guilty and agreed to cooperate. The most significant development came three weeks ago when former Panamanian diplomat Ricardo Bilonick, described by his lawyer as Noriega's chief intermediary with Medellin cartel boss Pablo Escobar, surrendered to U.S. authorities and agreed to testify that Noriega had taken \$10 million in cartel bribes.

In addition, sources said, prosecutors have lined up several other tantalizing witnesses—former Noriega business partner Enrique "Kiki" Pretelt, for example, and Amjad Awan, a former Bank of Credit and Commerce International (BCCI) official who served as Noriega's banker. Last week, sources said, a federal prosecutor flew to the U.S. prison in Marion, Ill., and arranged for the testimony of Carlos Lehder, a notorious cartel trafficker.

Noriega's lawyers charged that these witnesses lack credibility, calling them convicted felons offered "Get Out of Jail Free" cards or given huge "bribes" for testimony. "The bottom line is they still don't have one person who is not himself accused or involved in criminal activity," May said.

Last week, it was disclosed that prosecutors, in the course of developing their case, had paid \$1.5 million to six informants and potential witnesses. But one, former Panamanian diplomat Jose Bandon, who received \$169,000, has been identified by law enforcement sources as the source of the leak of Noriega's prison phone calls to Cable News Network. Bandon has returned to Panama and is not expected to testify, sources said last week.

Almost from the day Noriega was brought into custody in January 1990, the case has been plagued by controversy and mishaps that prompted some lawyers to express doubts that it would ever reach trial.

The most recent problem arose in June when prosecutors disclosed that they had recruited Noriega's former lead attorney, Miami drug lawyer Raymond Takiff, to serve as

an informant in an unrelated judicial-corruption case while Takiff was representing the general after his indictment in 1988. Noriega's lawyers cried foul.

"A lot of weird stuff has happened," said Michael O'Kane, the lawyer for Daniel Miranda, the sole remaining co-defendant. "This case is like the twilight zone."

The court recently sent hundreds of detailed questionnaires to prospective jurors asking whether they had opinions on the case. According to O'Kane, four of five respondents said they were convinced that Noriega is guilty, some, "underlining it with three exclamation points."

"A lot of jurors wrote back and said General Noriega is a traitor to the United States or that he should be assassinated," O'Kane said. "I think we're going to have a hard time picking a jury."