

Prosecutors List CIA, Army Payments to Stipends Said to Total \$322,000 Over 31 Years, Far Less Than Asserted by

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The Central Intelligence Agency and the U.S. Army paid Manuel Antonio Noriega far less than his defense attorney has claimed the former Panamanian leader received from U.S. agencies, federal prosecutors said yesterday.

They said the payments, usually a monthly stipend, totaled about \$322,000 over a 31-year period. That is far less than the \$11 million his attorney alleged in seeking a high fee to defend Noriega on racketeering charges that he allowed Colum-

bian criminals to move drugs through Panama to the United States. The prosecutors did not disclose what services the former Panamanian leader performed for the payments, which began in 1955.

In a related development yesterday, U.S. District Judge William M. Hoeweler denied defense attorney Frank A. Rubino's request for a \$250-an-hour fee and said Rubino must accept a \$60-per-hour rate, paid from government funds.

"The Sixth Amendment guarantees effective assistance of counsel; it does not mandate market-rate compensation for attorneys," Hoeweler said. "Effective assistance

of counsel . . . does not mean the best counsel money can buy or counsel of choice."

Rubino had argued that Noriega had millions of dollars in foreign bank accounts that he could use to pay legal fees, much of it earned by working for the United States.

Rubino declined to say whether he would accept the lower fee. If he does not, the trial could be delayed further while newly appointed attorneys prepare.

The prosecutors said that between 1971 and 1986, the CIA gave Noriega \$160,058, including \$1,949 in gifts to Noriega and his family.

The Army paid Noriega about the

Noriega

Defense Lawyer

same amount of money over twice as many years, the documents said. Prosecutors listed \$162,108 from the Army to Noriega, including \$86,128 in cash and a \$50,000 sound system. The payments began with \$10.50 in 1955 and ended in 1986.

Prosecutors said other details about the payments are classified.

Yesterday afternoon Hoeweler continued a hearing from last week on a Noriega motion to dismiss the charges against him—based on claims of governmental misconduct, including the taping of his telephone calls at the Metropolitan Correction Center where he has been held.

Last week a prosecutor testified that he never learned the substance of any attorney-client conversations from the tapes.

Rubino testified that taping ground rules were described to him during a tour of the correctional center by Associate Warden Melvin Collins last February. "The procedure was to be [that] a guard would take out a log and record the date and the time" of each telephone call, Rubino said. "The guard was to write in the name and telephone number and dial the phone and wait for an answer and give it to General Noriega."

The defense lawyer said when telephone calls were made to his office the receptionist would answer "law office" and then forward the call to Rubino. "I did not believe they were recorded, because it was so simple to determine which calls were attorney-client and which were not," Rubino said.

But Collins said he explained to Rubino that not all calls to a lawyer's office are protected by attorney-client privilege. He said Noriega was supposed to alert the guards to make an unmonitored call.

The hearing was continued from last week. The defense wished to hear testimony from government witness Jose Blandon, who listened to the tapes at the request of the Drug Enforcement Administration. He has said he prepared a memorandum of the calls for DEA agents and prosecutors.

But defense attorney Jon May told Hoeweler that Blandon declined to testify yesterday without a grant of immunity, which the government declined. FBI officials have called Blandon the chief suspect in the leak of the tapes to Cable News Network.

Staff researcher John Leinwand contributed to this report.