

U.S. Admits Receiving Noriega's Witness List

Defense Renews Charge of Misconduct

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MIAMI, Oct. 4—The Justice Department acknowledged today that it had obtained a secret list of Manuel Antonio Noriega's defense witnesses through a former U.S. diplomat, prompting renewed allegations of government misconduct in the drug-trafficking and racketeering trial of the ousted Panamanian leader.

After mistakenly being given the list by a federal marshal serving with him with a subpoena to appear at the Noriega trial, Lewis Tambs, former U.S. ambassador to Costa Rica, phoned someone at the State Department and read the names, one of Noriega's lawyers charged.

The State Department then relayed the list to the Justice Department, which is prosecuting Noriega, May said.

"We're outraged, angered, disgusted and furious," said Jon May, one of Noriega's lawyers, who said U.S. District Judge William M. Hoeveler, the trial judge, told the defense team Thursday about the incident.

Lists of defense witnesses usually are considered highly sensitive in federal criminal trials, especially so in the Noriega case where defense lawyers are expected to call a gallery of current and former U.S. government officials in an effort to prove that Central American drug smuggling efforts were intertwined with operations conducted by Noriega for the Central Intelligence Agency.

To protect Noriega's rights further, Hoeveler recently ordered marshals to keep the entire list of witnesses secret when they were directed to begin serving subpoenas on prospective witnesses.

May charged that the marshals, an arm of the Justice Department,

had violated Hoeveler's order by attaching the entire list to Tambs's subpoena.

And he said the defense team was asking Hoeveler to conduct an inquiry into what happened. Daniel Horgan, the ranking federal marshal in Miami, confirmed that the agency was investigating the matter.

U.S. Attorney Dexter Lehtinen denied wrongdoing. "It was the prosecutors who brought this matter to the attention of the court," he said in a statement. "Any suggestion that this was a violation of the court's order is absurd. In our view,

there is absolutely no prejudice to the defendant."

Tambs served in Costa Rica during the mid-1980s when Reagan administration officials were using the country as a base to supply Nicaragua's contra guerrillas.

The Associated Press also reported:

Tambs, a history professor at Arizona State University, said today that he had been subpoenaed in connection with his official duties, making the State Department his legal counsel in the case.

"I'm going to be prudent about it and not say anything more," he said.

May said it was unlikely that Tambs innocently gave the list to the State Department because, along with his subpoena, he was served with a copy of Hoeveler's secrecy order.