

Case Against Noriega

Buffeted by Inconsistency

Witnesses Draw a Sketchy Drug Connection

By Michael Isikoff
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MIAMI, Oct. 5—For a moment recently, the drug trial of former Panamanian leader Manuel Antonio Noriega suddenly veered off in an odd, new direction: What were those animals that roamed the grounds of Noriega's home?

Coaxed by federal prosecutors, former Noriega aide Luis Del Cid had testified that his boss once maintained a "private zoo" at one of his properties. But Noriega lawyer Frank Rubino began his cross examination and the story began to crumble: Had Del Cid ever seen any elephants at this "zoo"? How about some tigers?

"This was not a zoo!" Rubino shouted triumphantly after Del Cid reluctantly conceded there were only chickens, hogs, ducks and "twelve swans" imported from Paris. "This was a farm!"

As the jury of nine women and three men burst into laughter, the flamboyant Rubino strutted, confident that he had made his point. Another attempt by prosecutors to depict the defendant as an enormously wealthy dictator enriched by drug money had apparently been deflected.

While the issue may seem small, the exchange illustrates the larger difficulties prosecutors are having in building their case against the

deposed Panamanian strongman in what Noriega's lawyers are fond of denouncing as a "political" trial.

For the past three weeks, a parade of unsavory witnesses—convicted drug dealers, drug pilots and other felons—have marched into an ornate federal courtroom here, filling in small pieces of the U.S. government's central allegation: that Noriega conspired with the leaders of the Medellin cartel to receive millions of dollars in bribes in exchange for turning his country into a safe haven for the shipment of cocaine into the United States.

There remain another one to two months of testimony before the government rests. But so far, the evidence against Noriega remains largely circumstantial—and riddled with puzzling contradictions. "There are no smoking guns in this case," said James Gailey, the chief federal public defender here who represents one of the witnesses against Noriega.

Perhaps more significantly, Noriega appears a far more peripheral player in the cocaine world than the villainous "drug lord" once depicted by Bush administration officials.

Shortly after he ordered 25,000 U.S. soldiers into Panama to depose Noriega, President Bush declared that Panama's self-proclaimed "maximum leader" must be brought to justice "for poisoning the children of the United States." But while there has been plenty of testimony about payoffs, no evidence has yet been presented that Noriega ever directly participated in the smuggling of cocaine.

Although it was largely unnoticed, that point was conceded on the first day of the trial by the chief prosecutor, Assistant U.S. Attorney Michael P. Sullivan, when in his opening statement he explained how one prospective government witness, former cartel kingpin Carlos Lehder, would describe Noriega.

"From Lehder's perspective,

Manuel Noriega was a nobody," said Sullivan. "In his words, 'he was just another crooked cop.' The cartel was paying off hundreds of crooked cops throughout Colombia, Panama, even Florida."

The relatively small scale of Noriega's alleged crimes was underscored last week when star witness Floyd Carlton Caceres—a boyish-looking, 42-year-old former Panamanian pilot—took the stand. Nearly four years ago, Carlton bartered his allegations against Noriega for prosecutors' dropping of eight of

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nine drug counts against him and a reduced, nine-year sentence on the remaining charge. Last year, Carlton was freed on parole and is now in the federal witness protection program. Since he was released from prison, the U.S. government has spent more than \$211,000 for housing, food and other expenses for him, his wife and children.

It was Carlton's charges that led directly to the February 1988 indictment of Noriega on drug trafficking and racketeering charges, thereby setting off the chain of events that ended in a U.S. invasion and the deaths of hundreds of Panamanians. But once on the witness stand, Carlton's story that he funneled \$600,000 in cartel bribes to Noriega seemed far more qualified than many had expected.

When he first sought Noriega's approval for the flights, he said, Noriega was outraged and threatened to throw him in jail. Carlton testified that Noriega later directed him to resume negotiations with cartel chiefs Pablo Escobar and Gustavo Gaviria and demanded ever greater payoffs from the drug bosses. But he acknowledged that Noriega never lifted a finger to protect the flights and didn't even know about them in advance.

Rubino pounced. Could the witness explain why the cartel was paying Noriega hundreds of thousands of dollars in bribes for doing "absolutely nothing?"

"I have no explanation, sir," Carl-

ton replied.

In the end, Carlton testified that he made only four flights with Noriega's approval and on the first one, he didn't carry any drugs. He called it a "test run" with the duffel bags filled with rocks and sand rather than cocaine. In December 1983, Noriega ordered him to cut off the flights. Having recently become commander of the newly created Panama Defense Forces, "under no circumstances did he want to be linked to the people in the Mafia," Carlton testified Noriega told him.

But still, there were problems for the government. Rubino got Carlton to acknowledge that on the three flights that did carry cocaine from Colombia to Panama, the pilot never saw what happened to the cargo after it was unloaded. Unless prosecutors can show that the same cocaine was ultimately transported into the United States, they may be unable to prove that a violation of U.S. law was committed, some criminal defense lawyers have noted.

There were also numerous inconsistencies between his story and that of Del Cid.

Del Cid, a self-proclaimed Noriega "errand boy" who allegedly picked up two of the bribes from Carlton and passed them to Noriega, said he received the payoffs in envelopes. He never looked inside, but said he knew they were cash because he "felt" the contents. Carlton testified he handed Del Cid packages of money in hard cardboard boxes wrapped in plastic.

Del Cid testified he got the first

payoff in November 1982 outside Noriega's office and the second one "three months later" at the airport. Carlton said he gave Del Cid the first payoff in November 1982 at the airport and the second one at Noriega's offices in December 1983, 13 months later.

Late last week, prosecutors unveiled a startling new allegation—another convicted drug pilot, Roberto Striedinger, testified that he saw Noriega fraternizing with Escobar, Gaviria and other drug bosses in the Medellin offices of cartel leader Jorge Ochoa in mid-1983.

Gabriel Taboada, a convicted drug dealer, is expected to testify next week that he was also at the meeting and saw the cartel bosses turn over a suitcase stuffed with \$500,000 to the visitor from Panama.

A lawyer close to the case said there is no independent evidence that Noriega ever traveled to Medellin. Moreover, the story seems to conflict with the account of Carlton, who had claimed that he was Noriega's intermediary with the cartel during this period. "If you put Carlton's testimony on top of [Taboada's] it doesn't fit at all," said the lawyer. "It doesn't make any sense."

Many lawyers here say the discrepancies may not make a difference. Miami juries are accustomed to convicting drug defendants and rarely worry about squaring the statements of their confederates. Nevertheless, as the inconsistencies build, many defense lawyers say they view the Noriega trial and the witnesses against him with increasing derision.

"It's scum on parade," Kathleen Williams, a former federal prosecutor who works as a public defender, said last week. "If Manuel Noriega was Jose Lopez and this was the case against him, it would be a weak case."