

Government Tactics Fuel Noriega Case Controversy

Prolonged Appeals Likely, Experts Say

By Michael Isikoff
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MIAMI, April 9—While the Bush administration celebrated the conviction of Manuel Antonio Noriega today as a major victory in the drug war, the government's tactics in the case have fueled controversy and grounds for legal appeals almost certain to extend his case for years, according to lawyers and criminal-justice experts.

The groundwork for an appeal was laid virtually from the day Noriega was brought into federal court here in January 1990. His chief lawyer, Frank Rubino, challenged the right of U.S. courts to hear the case, contending that his client was a "prisoner of war" illegally kidnapped by U.S. troops in the invasion of Panama.

Since then, lawyers said, Justice Department efforts to bring Noriega to trial resulted in several disclosures that have raised concerns among civil liberties groups.

"The administration is happy because it allows the president to justify the illegal invasion of Panama," said Rep. Charles B. Rangel (D-N.Y.), chairman of the House Select Committee on Narcotics Abuse and Control and an outspoken critic of the invasion of Panama and of forcibly bringing Noriega here.

"We may have put this bum in jail, but I don't think there will be one less ounce of cocaine on our streets or one less buck laundered in Panama because of this conviction," Rangel said in a telephone interview in Washington.

Jeffrey Weiner, president of the National Association of Criminal Defense Lawyers, said, "There will be grounds for an appeal . . . based on the cumulative effect of pervasive misconduct that could ultimately be held [a] violation of due process. Everybody who has witnessed this case has been shocked at the government's behavior."

Among issues that he and others said would bolster a "due process" appeal would be successful Justice Department efforts to persuade foreign governments to freeze millions of dollars in Noriega's overseas accounts while never offering proof

that they were proceeds of drug transactions.

Noriega's lawyers said the action prevented them from presenting an adequate defense and threatened to pull out of the case, prompting U.S. District Judge William M. Hoevener to order the government to release some of the funds so he could pay the lawyers.

Perhaps the major controversy surrounding Noriega's trial was the government offer of lucrative plea bargains to dozens of self-confessed drug traffickers in exchange for testimony. While not strictly an appellate issue, heavy government reliance on such witnesses has increased debate in Congress that may have long-term ramifications for conduct of the drug war.

"This bum was on our payroll," Rangel said, adding that, before the invasion in December 1989, several top-ranking officials of the Reagan and Bush administrations "all tried to impress me with the necessity of doing business with this guy."

"Then we turned around and used paid informers to prosecute another paid informer. If we're happy about the verdict, we should ask ourselves if we're happy about the whole sordid history of our dealings with Noriega and Panama that I think will be remembered as one of the worst pages in our history."

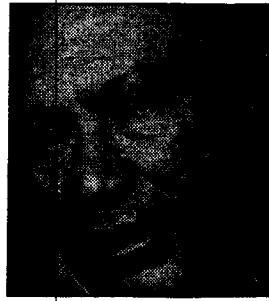
In a report today, the House Judiciary subcommittee on crime and criminal justice concluded that federal prosecutors deviated substantially from their normal practices in offering dozens of convicted drug traffickers reduced sentences, dropped counts, immunity from prosecution, protection from deportation and, in some cases, exemption from asset-forfeiture laws that have allowed them to retain millions of dollars in drug profits.

In addition, some government witnesses received hundreds of thousands of dollars in exchange for information that led to drug seizures. Prosecutors today strongly defended deals with their witnesses, saying such arrangements are essential to winning prosecutions against major traffickers.

"In virtually every case where we try to convict a kingpin, we invariably have to use the soldiers and the

THE VERDICT

A Miami jury found toppled Panamanian strongman Manuel Antonio Noriega guilty of eight of the 10 racketeering counts that led to the 1989 U.S. invasion of Panama.



GUILTY

- ✓ **1 Racketeering, Conspiracy:** 20 years, \$250,000 fine
Protecting cocaine shipments from Panama to U.S.
Selling Medellin cartel cocaine-manufacturing chemicals already seized by Panamanian authorities
Allowing cartel to establish laboratory in Panamanian jungle
Providing haven for cartel members in Panama
Negotiating with cartel leaders
- ✓ **2 Racketeering:** 20 years, \$250,000 fine
Racketeering
- ✓ **3 Conspiracy:** 15 years, \$25,000 fine
Conspiring to import and distribute cocaine in Florida
- ✓ **4 Distribution:** 15 years, \$25,000 fine
Distributing 880 pounds of cocaine in May 1983 in Florida
- ✓ **5 Distribution:** 15 years, \$25,000 fine
Distributing 880 pounds of cocaine in January 1984 in Florida
- ✓ **6 Manufacturing & Importing:** 15 years, \$25,000 fine
Manufacturing several tons of cocaine at a lab in Tranquilandia, Colombia, from September 1983 to March 1984 with intent to import into and distribute in the U.S.
- ✓ **7 Conspiracy:** 15 years, \$25,000 fine
Conspiring to manufacture, distribute and import cocaine to Florida from cocaine lab in Darien, Panama, during May and summer 1984
- 8 Conspiracy:** 20 years, \$250,000 fine
Conspiring to import and distribute 708 pounds of cocaine to Florida aboard the vessel Krill between November 1985 and March 1986
- 9 Distribution:** 20 years, \$250,000 fine
Distributing 708 pounds of cocaine with intent of unlawfully importing it into the U.S. in March 1986
- ✓ **10 Conspiracy:** 5 years, \$10,000 fine
Conspiring to aid in flight of \$800,000 in drug profits from Florida to Panama

SOURCE: Reuter

THE WASHINGTON POST

underlings," said Michael Patrick Sullivan, assistant U.S. attorney and chief federal prosecutor. "You can't convict without those people in the bottom agreeing to testify to those people they worked for."

But the subcommittee report, itemizing plea bargains for 15 key witnesses against Noriega, includ-

ing notorious cartel kingpin Carlos Lehder, concluded: "While the charges against Gen. Noriega are not to be minimized, in many cases, the crimes for which these 'felonious fifteen' have been excused are worse than those for which Gen. Noriega stands trial."

See VERDICT, A37, Col. 1

Prosecution Tactics Stir Controversy

VERDICT, From A35

Rep. Charles E. Schumer (D-N.Y.), chairman of the subcommittee, said he plans to ask the Justice Department for a complete account of the plea bargains and plans to seek a General Accounting Office investigation into federal law-enforcement informant funds.

The tangled skein of Noriega's relations with the United States began with a 1968 military coup that brought Panama under control of Gen. Omar Torrijos, who ran the country until his death in a 1981 plane crash.

Noriega, a Torrijos lieutenant and military intelligence chief, took control by 1983. He quickly cemented ties with U.S. officers in Panama and Central America and U.S. intelligence officials, who initially regarded him as "an asset."

But Washington soon was hearing reports that Noriega was expanding the Panamanian military's

*Several disclosures
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traditional control over local graft into narcotics, including cooperation with Colombia's Medellin drug cartel.

Initially, U.S. officials have acknowledged, little was done because then-president Ronald Reagan's top priority in Central America was combating the Marxist-influenced Sandinistas ruling Nicaragua. In fact, the Reagan administration was forced several times to deny charges that it winked at Noriega's activities because he helped to train anti-Sandinista contra guerrillas in Panama.

Until the mid-1980s, most policy discussions about Panama were resolved in favor of arguments by the Defense Department and Central Intelligence Agency that Noriega was providing important intelligence and was Washington's best hope for ensuring the safety of the Panama Canal by maintaining stability in Panama.