

National

U.S. case against Noriega called 'shockingly weak'

by Carlos Wesley

Since the trial of Gen. Manuel Noriega began on Sept. 16, it has become clear that the U.S. government has no evidence to prove its drug-trafficking allegations against the Panamanian leader. One after another, the government's key witnesses—who are all getting paid hefty sums for their testimony against Noriega—have either failed to provide testimony to back up the prosecution's contentions, or have been forced to admit on cross-examination by defense lawyers, that they lied in their testimony against the general, the first head of government of a sovereign nation to be subjected to criminal proceedings in a U.S. court.

But it is also quite clear that the government is not going to let the truth stand in the way of the railroad that's rolling in the Miami courtroom of U.S. District Judge William Hoeveler. The extent to which the United States has moved toward becoming a dictatorial police state under the Bush administration and the Rehnquist Supreme Court can be seen in the Noriega case, described as "shockingly weak" by law enforcement officials quoted in the Sept. 23 *U.S. News and World Report*. Besides openly suborning witnesses, soliciting and allowing hearsay testimony, and whatever else it takes to ensure a conviction of Noriega, the government's main concern is to prevent any information damaging to George Bush's administration from coming out during the trial.

Rep. Henry Gonzalez (D-Tex.) told Congress on Sept. 23 that the U.S. acted "worse than Hitler" when it invaded Panama to get Noriega in December 1989. "U.S. bombs incinerated a whole area populated by black Panamanians who were living in these highly flammable wooden structures," he said. "They incinerated them, and we can only make a guess as to how many" were killed. "The best calculation that I would say would be the truth is that there were over 3,500."

Protecting Bush

Meanwhile in Miami, in keeping with a decision made during pre-trial hearings *not to allow any evidence of U.S. government wrongdoing* to be introduced by the defense, Judge Hoeveler barred Noriega's attorneys from presenting a 1983 photograph of the Panamanian leader with George Bush. Hoeveler's ruling came while defense attorneys were cross-examining Luis del Cid, a former lieutenant colonel in the Panamanian Defense Forces (PDF), who became a prosecution witness in a plea-bargaining agreement. Hoeveler also ruled out as "irrelevant" questions to Del Cid about the relationship among the PDF, the CIA, and the Israeli intelligence service, the Mossad, even though Del Cid had testified earlier that he had received security training in Israel.

Hoeveler even went so far as to classify the transcripts of his sidebar conferences with defense and prosecution lawyers, in which he warned defense attorney Frank Rubino to steer away from those areas. The transcripts were sent to Washington to be reviewed for material sensitive "to U.S. national security" before they are released.

By cutting off the defense from every avenue of questioning having to do with George Bush, or any U.S. or allied intelligence agency activities in Panama, Hoeveler is forcing Noriega's defense to fight solely within the rules defined by the prosecution. This will impede his lawyers from presenting evidence to prove the contention that is the heart of Noriega's case: that U.S. government agencies engaged in illicit acts, including "the importation of narcotics into the U.S. in connection with" arming the Nicaraguan Contras, and that the U.S. government fabricated the case against Noriega because he *opposed* these policies.

But defense lawyers were able to force Del Cid to admit that he had lied when he testified under oath that Noriega was forced to cut short a visit to France in 1984, in order to go to

Cuba to get Fidel Castro to mediate a dispute with the drug cartels, which allegedly arose when the Panamanian Defense Forces “accidentally” raided a cocaine laboratory in Panama’s Darien province. The raid antagonized the cartels, which had given Noriega millions to protect the lab, according to the prosecution.

Under cross-examination, Del Cid admitted that the 1984 raid was no fluke, but was ordered personally by Noriega soon after he replaced Gen. Rubén Darío Paredes as commander of the PDF. Del Cid also admitted that he lied when he testified that he had placed an urgent call to Noriega in France to tell him about the raid. Noriega was in Panama at the time, and he even ordered one of his aides to take a representative of the U.S. Drug Enforcement Administration to tour the lab the day after the raid.

As for Noriega’s trip to Cuba, Del Cid admitted he also lied about that: It took place a month after the raid, and it was not done in haste, but was a long-planned official tour during which Noriega also stopped in the United States, France, and Israel.

Paredes: Panama’s real drug general

The cartels did pay a bribe, but not to Noriega. The money went to Col. Julian Melo, whom Noriega had arrested and drummed out of the PDF, Del Cid admitted in court.

The Darien lab was installed while the PDF was under the command of Noriega’s predecessor, General Paredes. Colonel Melo admitted that he was a go-between for Paredes with the drug cartels. Paredes himself publicly bragged about his friendly relations with cartel figures. One of his sons, Rubén Darío Paredes, Jr. was killed in Colombia in a drug deal gone sour. Another son, Amet Paredes, an admitted cocaine trafficker, is scheduled to testify against Noriega in a plea-bargaining agreement.

General Paredes’s name came up again at Noriega’s trial on Sept. 25, when the prosecution put on the stand admitted Medellín Cartel money launderer Eric Humberto Guerra. He testified that in 1981 he had received help from the PDF “top boss” for his operations. To the chagrin of the prosecution, lawyer Rubino was able to get Guerra to admit that the “top boss” at that time was not Noriega, but Paredes. But there is no indication the U.S. will seek to try Paredes, who cooperated with the Reagan-Bush administration Central American policy.

Questioned by the prosecutors, Del Cid said he had picked up envelopes and suitcases full of “drug money” from convicted drug pilot Floyd Carlton Caceres (who is scheduled to testify against Noriega in a plea-bargaining agreement) and from others, including Noriega’s secretary, Marcela Tason. But he admitted that he never looked inside the envelopes or suitcases, so he couldn’t possibly know what they contained. As an article in the Sept. 24 *Washington Post* noted, “The limited nature of Del Cid’s knowledge raised questions about why he pleaded guilty to one count of racke-

teering conspiracy. But his lawyer, Samuel Burstyn, said the reduced sentence offered by federal prosecutors was more enticing than going to trial and fighting the charges. ‘This way, he’ll be out by January,’ Burstyn said.”

Del Cid and his family also get immigration green cards and financial assistance from the U.S. government to establish permanent residence in the United States. As his lawyer explained before the trial, the prosecution “is visiting prisoners all over the world, and offering to let them out if they’ll give a little kernel of fact about Noriega. It’s the hottest ‘Get Out of Jail Free’ card around.”

Thugs, liars, dope dealers take the stand

One of those who has gotten a “Get Out of Jail Free” card is Carlos Lehder, the biggest Colombian cocaine kingpin ever to be jailed by the U.S. government. Lehder, who is serving a life sentence plus 135 years in a U.S. jail, may go free and get a new identity under the Federal Witness Protection Program for his testimony. Yet, U.S. Attorney Michael Sullivan, the lead prosecutor at Noriega’s trial, conceded in his opening statement on Sept. 16 that “Lehder never met or spoke to Noriega.” All Lehder will testify to is “the perspective” the cartel allegedly had of Noriega—in other words, what used to be considered inadmissible hearsay in U.S. law.

The prosecution’s lead-off witness was Prof. Stephen Ropp of the University of Wyoming, a self-described expert on Panama, who admitted that he never knew the leaders of the PDF and added, “I have a memory that’s like an elephant who just had a lobotomy.”

Ropp was followed by cocaine smuggler Max Mermelstein, whose “job” as a prosecution witness has earned him at least \$250,000 a year, plus expenses, for the past two years. Besides, Mermelstein has been granted immunity for his role in at least five murders, including the 1986 killing of Barry Seale, a drug pilot who was killed reportedly because he was about to testify about U.S. government complicity in drugs-for-arms operations. Instead of going to jail for such crimes as drug-dealing (111,000 pounds of cocaine), the government has provided him bodyguards and a new, protected, identity. Mermelstein admitted he has committed perjury by lying on his income taxes and that he has smuggled weapons, but will not be prosecuted for those crimes either.

What information has Mermelstein provided for all the government’s largesse? He never met Noriega, nor did he ever have any contact with him. He claims he once saw Noriega’s name on a cartel drug ledger, but he didn’t explain why the cartel, whose accountants are Ivy League graduates, did not employ codes on its papers, as even the most neophyte numbers runner in the Bronx knows to do. Mermelstein also testified that drug kingpin Pablo Escobar routinely labeled his cocaine packages “Reagan” or “Bush,” and as he was forced to admit to defense lawyer Rubino, that fact was just as significant as Noriega’s name being on the ledger.