

## Panama Report by Carlos Wesley

### Noriega's revenge?

*Bush's reelection bid could be dealt a new blow, as witnesses admit Noriega's cooperation in anti-drug effort.*

As the federal drug trial in Miami against Gen. Manuel Noriega was coming to a close, the head of the U.S. Drug Enforcement Administration during the same period the prosecution claims Noriega was collaborating with the Medellín and Cali drug cartels, testified that there was no evidence that the Panamanian leader was ever involved in drug trafficking.

The testimony by Francis Mullen, DEA administrator from 1981 to 1985, and by other active and former U.S. law enforcement officials called by the defense—most of them as hostile witnesses—tore apart the government's case against the Panamanian leader. If Noriega is not convicted, this could hurt George Bush's reelection bid.

"During the time that you were in charge of the DEA, from July 1981 to March 1985, did you ever receive any credible information that General Noriega was involved in drug trafficking?" asked defense attorney Frank Rubino.

"No," replied Mullen.

"Noriega's Star Rises" headlined the March 6 *Financial Times* of London, adding that "speculation is growing that he might be acquitted on at least some of the main counts." According to the newspaper, "The possibility grows that the 1989 invasion of Panama might become an issue in this year's presidential campaign." Noting that "President George Bush's Desert Storm victory last year no longer resonates with voters," the *Times* concluded: "A rejection by the jurors in the Miami trial of all or most of the charges against General Noriega would mean that the rationale of an earlier foreign

policy action—Operation Just Cause—would be open to question."

Noriega himself attacked the administration's effort to railroad him with the connivance of Judge William Hoeverler, who has prevented the defense from introducing evidence of the administration's running drugs for arms for the Nicaraguan Contras. Invoking his rights as a prisoner of war under the Geneva Convention, Noriega told the court on March 10 that he would not take the stand, because Hoeverler had barred any mention of "political matters, issues of war, and the invasion."

Earlier, Douglas Driver, a DEA official in Panama, had admitted that under General Noriega, the Panamanian Defense Forces (PDF) helped the United States to arrest Gerardo Caballero, the son-in-law of Bolivia's "King of Cocaine," Roberto Suárez, head of "one of the most important cocaine trafficking groups in the world," according to Driver, who testified on March 9 as a hostile defense witness. "This case was one of the finest examples of international cooperation that can be found anywhere," stated Driver in a July 21, 1986 letter to PDF Inspector Luis A. Quiel.

Former Panama Supreme Court Justice Jerry Wilson told the jury on March 9 that it was Noriega who had drafted and ensured passage in 1986 of Law 23, which for the first time made it a crime in Panama to launder drug money. One of the first measures undertaken by the puppet-government installed by the United States after the December 1989 invasion, was to abolish Law 23. That law was described

by former DEA Administrator John C. Lawn as "a model for other countries throughout the Americas."

But it was Panamanian legislator Balbina Herrera who showed how flimsy the government case was, during her testimony for the defense on March 3. Prosecution witness Max Mermelstein had testified that in 1983 he had met in Panama with an immigration official who, on behalf of Noriega, promised him assistance with smuggling cocaine through Panama. Mermelstein said he did not learn Herrera's name until 1988, when prosecutors showed him a videotape of a news broadcast.

But, as Herrera testified, she has never met Mermelstein, nor has she ever been an immigration official. In 1983, she was a bureaucrat in Panama's Department of Human Resources, which administers student loans and scholarships. At the time, she did not know Noriega, who was not yet commanding the PDF. She does not speak English, and Mermelstein does not speak Spanish.

Defense attorney Rubino asked Herrera if she was offered immunity or a U.S. "green card" for permanent residence in exchange for testifying. She replied "no," as the prosecution objected.

Almost all the prosecution witnesses—including drug lord Carlos Lehder—received reduced sentences, money, immunity, or green cards to testify against Noriega. Charges were dropped against Mermelstein for three murders he admits to and two others he is suspected of, for smuggling 56 tons of cocaine and 21 tons of marijuana into Florida, for smuggling guns, and for cheating on his taxes. Before he was sprung from jail, the government gave him \$900 to buy snacks from the prison's commissary. Since then, Mermelstein has been on the government payroll, making at least \$250,000 a year.