

## Panama report by Carlos Wesley

### Government taped Noriega's calls

*As George Bush gets ready for this year's Christmas invasion, last year's Christmas package for Panama is unraveling.*

**O**n Nov. 10, Cable News Network (CNN) broadcast taped conversations between former Panamanian leader Gen. Manuel Noriega and members of his legal defense team. Those conversations had been illegally recorded by the U.S. government. CNN broadcast the tapes in violation of a temporary restraining order by federal Judge William Hoeweler, who said that the pre-trial publicity could prejudice Noriega's right to a fair trial.

CNN argued that it could not obey the court order, since it constituted prior restraint and violated its constitutional First Amendment rights. Instead of merely punishing CNN for its alleged contempt of court, the court and attorneys for General Noriega and the network agreed on Nov. 12 to allow the U.S. Supreme Court to settle the weighty constitutional issues of CNN's free press rights versus Noriega's rights not to have private telephone conversations with his lawyers broadcast to the whole world.

But so far, the main issue has not been dealt with: Noriega's right to attorney-client confidentiality. Pending before Judge Hoeweler is a motion by Noriega's lawyers to dismiss the drug conspiracy case against the former leader of Panama, on the grounds that the tapings were a gross violation of Noriega's rights to a fair trial, as guaranteed by the Sixth Amendment of the U.S. Constitution.

The controversy clearly brings into question whether Bush's desired military intervention in the Persian Gulf will be any different than last year's fiasco against Panama. Then as

now, the military was deployed in pursuit of highly questionable foreign policy objectives. This Christmas, the attack is against Saddam Hussein, whom George Bush claims is "worse than Adolf Hitler." Last Christmas, 4,000 Panamanians were killed in order to get Noriega "the drug trafficker." Yet since the U.S. invasion, drug trafficking has increased in Panama, and the regime Bush installed there is up to its nose in drug-money laundering.

Now, the entire justification for the invasion—getting Noriega—is blowing up in the government's face, as it resorts to gross constitutional violations in order to try to obtain a conviction by any means. Legal experts believe that the whole tape fiasco could end up being a replay of the "Pentagon Papers" caper of the Watergate scandal.

Some in Washington have even suggested that the government itself leaked the tapes, in order to force the judge to dismiss the case and get it off the hook. Sources in Washington told *EIR* that copies of the tape were circulating in the departments of Justice, Defense, and the White House, and that many journalists outside of CNN had access to the tapes.

Noriega's lawyer Frank Rubino said the tapes had been provided to CNN by an official of the U.S.-installed Panamanian government of Guillermo "Porky" Endara, who got them from the State Department. The State Department has refused to comment.

Of one thing, there is no question:

The taped conversations reveal defense strategy. One of the aired conversations was with a paralegal employed by Frank Rubino. The paralegal informs Noriega that two men have been arrested in Panama, and says that his lawyer "suggests that you review these two names in your mind; think about what you know about them and whatever they can know about you, whatever they could say." Noriega replies: "I do not know Sanchez." He adds that the arrest of the two "is very interesting because it shows their strategy. It says they are trying to induce one of the two of them to testify before the court against me."

In another taped telephone conversation, Noriega says, "Our legal strategy is to put the ball in the court of Bush and the CIA." Some media commented that Noriega was using some type of "crude code" when he said this.

Incredibly, prosecutors are claiming that Noriega's rights were not violated, since no one on the government's legal team listened to the taped conversations! But prosecutors refused to comment when asked if they knew the taping was taking place. The Justice Department also refused to comment, but it announced that the FBI is "investigating" the matter.

There is absolutely no chance that officials did not know they were recording privileged communications between Noriega and his attorneys: The telephone he uses is outside his cell; he cannot dial it. One of his guards must dial the number, and the guard then listens until the call is answered.

In an earlier move to stop Noriega from having a fair trial, at the end of October, the United States instigated its puppet government in Panama to sue Noriega for \$6.5 billion, a move that froze his personal accounts, denying him funds for legal costs.