

# Noriega verdict means Bush gets to keep him as political hostage

by Carlos Wesley

The outcome of the federal trial against Panamanian Gen. Manuel Noriega, who was declared guilty of 8 out of 10 counts by a Miami jury on April 9, shows to what extent the United States has moved toward becoming a dictatorial police state under the administration of George Bush. If there was one thing proven without a doubt during the seven-month-long railroad conducted by U.S. District Judge William Hoever, it is that Noriega is a political hostage of the Bush administration.

"This was not a drug case. This was a political case. It always was. It always will be," said lead defense attorney Frank Rubino after the trial. "We are now the world's policemen. We dictate policy to the rest of the world, let them kneel and pay homage," he said.

"This, in our opinion, is the modern-day version of the Crusades, as the United States will now trample across the entire world, imposing its will on so-called sovereign nations."

## Fraudulent indictment

From the beginning of the trial, it was clear that the indictment against Noriega was fraudulent, a fact that even the prosecutors tacitly admitted when they attempted unsuccessfully to rewrite the indictment after the trial was over. But, it was also clear that the government was not going to allow the truth to stand in the way of railroading Noriega. His conviction was needed to justify the illegal "Thornburgh Doctrine," which claims that the U.S. government has the right to intervene in any foreign country, and to assassinate or kidnap and bring to trial in the United States, anyone who U.S. government officials claim has broken U.S. law, even if the alleged violation occurs outside the borders of the United States. The Thornburgh Doctrine led to the murder of at least 4,000 Panamanians, many of them women and children, during the U.S. invasion of Panama ordered by Bush to snatch Noriega in 1989.

## 'Sweetheart deals' for the real traffickers

Prosecutors gave all manner of "sweetheart deals" to some of the world's worst criminals in order to obtain a conviction, said Rep. Charles Schumer, chairman of the subcommittee on Crime and Criminal Justice of the House Judiciary Committee on April 9. "The government was hell-bent

on convicting Noriega, no matter what the cost," he said as he released a report prepared by his subcommittee, "What Price the General?"

The report details the reduced sentences, early releases, immunity from prosecution, tax forgiveness, green cards for permanent U.S. residency, and millions of dollars in drug profits as well as the millions of tax dollars the government paid to convicted murderers, kidnapers, and some of the world's biggest drug traffickers, including former Medellín cocaine cartel kingpin Carlos Lehder, for testifying against Noriega. It focuses particular attention on the "narco-criminals" Schumer calls the "Felonious Fifteen," who were all convicted of much worse crimes than those Noriega was accused of, but whose sentences were reduced by *more than 90%* in exchange for their testimony.

According to Schumer, the extremely generous deals given to Lehder and the others who testified against Noriega constituted "a marked departure" from the usual pattern of federal prosecutors. Take the case of Max Mermelstein, who is walking the streets a free man and getting at least \$250,000 a year from the government after spending only two years in jail, although he confessed to several murders and to smuggling tons of cocaine and marijuana into the United States. Then there is Ricardo Bilonick, who was caught smuggling cocaine into the U.S., and was given green cards for himself and his family and allowed to keep millions of dollars in drug profits, tax free. Or take the case of drug pilot Floyd Carlton Cáceres, employed in Oliver North's drug-for-arms Contra resupply operations. Not only did the government drop drug charges against Carlton that could have meant a life sentence plus 145 years in jail; it let him keep his drug earnings, and *paid* him at least \$211,000 to testify against Noriega.

Said Schumer: "When you look at some of the Faustian bargains that were struck, you have to wonder: Did we really have to burn the village down to save it?"

Last Oct. 2, U.S. District Judge Scott O. Wright of Kansas City also denounced the wholesale buying of witnesses against Noriega in Miami. "They're cutting deals down there that are obscene," he said.

Attorney General William Barr, the reputed author of the Thornburgh Doctrine, said the verdict against Noriega was made possible "by President's Bush courageous decision to bring to an end the corrupt and lawless regime of the

dictator Noriega.”

President Bush said the verdict was “a major victory against the drug lords.” He also defended his sending of some 30,000 U.S. troops into Panama in 1989. “It was certainly worth bringing him to justice. It’s always worth it when you protect the lives of American citizens, and when part of the result of that is democracy, it makes it doubly worth it,” said Bush.

Besides the thousands of Panamanians killed, more than a score of American citizens lost their lives because of the invasion. U.S. government agencies ranging from the Drug Enforcement Administration (DEA), to the State Department, to the General Accounting Office (GAO), all report that since the time when Bush overthrew Noriega and installed the drug-banking triumvirate of Guillermo (“Honeybuns”) Endara, Ricardo (“Mad Nun”) Arias Calderón, and Guillermo (“Billy the Kid”) Ford as the government, drug trafficking, drug consumption, and drug-money laundering have skyrocketed in U.S.-occupied Panama. Panama is “a major transshipment point for cocaine destined for the U.S. and Europe,” says an official U.S. government report issued this past March.

### **Gag order**

Judge Hoeverler explicitly forbade Noriega and his attorneys from even mentioning the invasion during the trial. “I have decided that issue, and I have decided the court does have jurisdiction to try this case,” he said. “The manner in which the defendant was brought here,” Hoeverler warned the jury, “is not an issue in this case, and is not an issue for you to consider.”

Nor was Noriega allowed to present any evidence of U.S. government wrongdoing at the trial. “Let me assure you that there will be nothing about this case that has anything to do with politics,” Hoeverler said from the very beginning. Throughout the proceedings he barred the defense from presenting evidence that the administration went after Noriega because he opposed the drugs-for-weapons Nicaraguan Contra resupply operation run out of the Reagan-Bush White House.

Hoeverler blocked Noriega’s attorneys from even showing the jury a 1983 photograph of the Panamanian leader with George Bush.

### **LaRouche precedent**

Like the precedent of the 1988 Alexandria, Virginia, federal railroad of Lyndon LaRouche, in which LaRouche and six co-defendants were convicted after they were forbidden from introducing at trial any evidence of government wrongdoing against them, Hoeverler’s decision was intended to leave the jury with no alternative explanation for Bush’s insane actions, other than the one presented by the prosecution.

But, the pretext for the invasion itself was an indictment

based on false information, including the 1987 allegations by drug dealer Boris Olarte that he personally handed Noriega over \$4 million in bribes from the Medellín Cartel to protect a cocaine laboratory in Panama. As the government’s own witnesses testified at trial, Noriega was never handed a bribe from the cartel, and it was Noriega who ordered the destruction of the cocaine laboratory in Darién.

Olarte, who was paid \$199,000 by the U.S. government, was such an obvious liar that the prosecution never called him to testify at trial. In fact, apparently to avoid embarrassing disclosures, the Feds later had Olarte travel to Colombia—and then put out the word that he was a snitch, in effect setting him up for a hit.

The prosecution attempted to delete Olarte’s allegations from the jurors’ copy of the indictment after the start of the deliberations, but they were caught by the defense after the jury had already withdrawn for its deliberations. But Noriega personally demanded that the jury be allowed to see the original document. “Those were the same charges that led to in 1989, actions that we are not going to specify here,” said Noriega, referring to the unmentionable invasion. “They were the same charges that resulted in fire, blood, and tears between the two countries,” he added at the April 4 hearing, which took place outside the jury’s presence.

“It is alleged Boris Olarte claims he paid money to me personally. I am still waiting to see proof of that charge and to see proof of the other charges,” said Noriega in his dramatic intervention. “These were the charges that forced the Papal Nuncio to bring me out and turn me over to the United States,” he said.

### **No right to counsel**

Noriega’s constitutional Sixth Amendment rights to legal counsel were repeatedly violated by the government. His funds were frozen, stripping him of the ability to mount an adequate defense against the prosecution’s unlimited resources. In a blatant violation of the constitutional right to attorney-client confidentiality, Noriega’s prison telephone conversations with his attorneys were monitored and taped by the prosecution.

Even worse, there was a government agent on his defense team, Raymond Takiff, a Miami lawyer who became a snitch for the prosecution after he was caught cheating on his taxes. The defense contended that had it not been for Takiff’s bad advice, Noriega would not even have gone on trial. But the prosecution got away with the contention that Noriega, although he was arrested in Panama for allegedly violating U.S. laws, was not entitled to the Sixth Amendment’s constitutional protection because he is “a foreign national.”

### **Arm-twisting the jury**

For a while during the jury’s deliberations, it appeared that the case would end with a hung jury. At that point, Hoeverler called the jury back into the courtroom to urge them

## Chicago flood might be just the first disaster

Three days after the "Big Flood" started in Chicago on April 13, when the Chicago River surged through a retaining wall and flooded the downtown "Loop," Mayor Richard Daley nailed his fall guy. With much shouting and ceremony, Daley fired his acting Transportation Director John LaPlante. In turn, LaPlante said that hindsight will allow you to do everything right.

What hindsight would show is that the once-great Windy City has been falling apart, and maintenance and improvements that should have been routine have been bypassed because of the budget crisis. Who knows what disaster will befall Chicago next?

In the early hours of April 13, the Chicago River broke into a 50-mile unused tunnel system, originally opened during 1904-06 to haul freight and coal into Loop buildings, and take ashes and debris out. The tunnels were abandoned during the 1950s.

Soon water rose into the basements and lower floors of downtown buildings at a rate of two feet per hour. Thousands of stores and offices, including the Chicago Board of Trade and the Mercantile Exchange, were closed. Hundreds of buildings were evacuated, including 15,000 people from the Sears Tower (the world's tallest building), Marshall Field's flagship State Street store, and the huge Merchandise Mart—the world's largest wholesale buying complex with 93 acres of floorspace. It could take more than a week to resume activities in a two-square mile area of downtown Chicago.

The immediate background to the disaster began in January, when cable television crews, crawling through the old tunnel system to inspect their fiber-optic cable lines, observed a leak in the river retaining wall adjoining the tunnel. A videotape was made. The problem was brought before the City Transportation Department. Bids were solicited from contractors to repair the hole. All bids came in over

the department budget line for this maintenance cost—reportedly \$10,000. So a request for bids was put out again. Then reality roared in with a vengeance.

Similar disasters, not quite so dramatic, have struck over the past 12 months in New York City and Washington, where 100-year-old water mains burst in downtown areas. The "April showers" in Chicago again remind the nation that emergency economic infrastructure must be built—or else.

On the first day of the Chicago flood, engineers dropped rocks, mattresses, and other debris into the river trying to plug the hole. Nicholas Melas, president of the Metropolitan Water Reclamation District, declared a health emergency in case the brackish water standing in basements posed dangers of contamination. "God knows what's down there," he said.

The water stood as deep as 30 feet in some buildings, and firemen manning portable pumps capable of moving 500 gallons of water a minute were unable to keep pace with the incoming water. Mayor Daley took part by hand wringing. "We are trying to figure out anything possible to stop the flow of water into the system," Daley said.

Finally, the strategy devised—still awaiting successful implementation as of this writing—was to try to link the "Deep Tunnel" flood control system, built during the last 20 years to handle storm runoff, with the old freight tunnels, to drain the flood waters away. Initially, an estimated 250 million gallons of water had flooded the freight tunnels. Since the Deep Tunnel can hold 1 billion gallons, the problem came down to how to drill a hole to connect the two systems. The freight tunnels are 35 feet below ground and Deep Tunnel parallels them 215 feet deeper. Meantime, the Army Corps of Engineers was able to lower the Chicago River by two inches to reduce flow.

The flooding also required turning off the electricity to the affected region—about an 18-square block area. And because of water seepage, the Chicago Transit Authority shut down its Loop subway stations, rerouting some trains, including service to O'Hare International Airport.—*Marcia Merry*

to reach a verdict. "Let me assure you, you are not going home today." According to an April 8 Associated Press wire, after the harangue, "Hoeveler went to the jury room to make sure jurors understood his explanation."

The outcome showed the absurdity of Hoeveler's instructions to the jury that "politics and policy should play no part in your deliberations." Juror Jean Hallisey said that there was almost a mistrial for lack of unanimity, because one or two of the jurors insisted on Noriega's innocence. "They wanted to get up and walk out," said Hallisey, according to the April

11 *Washington Post*. Hallisey explained how the jurors in favor of acquittal were arm-twisted into going along with the majority. "I said, 'The whole world is waiting for this verdict. President Bush is waiting for this verdict. How can you say you want to go home?'" That statement alone about Bush should have been sufficient to throw the entire trial out the window as the farce everyone knows it is, since jurors must take an oath only to consider evidence presented in court—and that does not include the deranged obsessions of George Bush.