

Fernandez case puts Bush 'justice' on spot

by Joseph Brewda

George Bush must have been greatly relieved after charges against former Costa Rican CIA station chief Joseph Fernandez were dropped in November. The pretext for dropping the case was that the Justice Department had refused to release documents which it insisted revealed national security secrets. Any serious investigation of the case would have uncovered evidence that the Iran-Contra gun- and drug-running operations were run out of the office of then Vice President Bush.

By contrast, the President has still not released thousands of pages of documents of his government's "Get LaRouche taskforce," which the government has kept secret under a phony "national security" cover. LaRouche was railroaded into prison last January, in part because of his opposition to the Reagan-Bush administration's support for the Contras. Last month, LaRouche spokesmen again demanded that Bush release the White House files proving that LaRouche had been framed up.

The FBI alone had confessed before LaRouche's trial that it had 4,700 pages of documents relating to LaRouche, yet refused to release more than 95% of these documents citing "national security" concerns. Yet, while the case against Fernandez was dropped because of such "national security" arguments, LaRouche remains incarcerated in federal prison with a 15 year term.

Thornburgh invokes 'state secrets'

On Nov. 22, Attorney General Thornburgh invoked the Classified Information Procedures Act (CIPA), to block access to certain information on CIA operations in Central America which Fernandez had requested for his defense. This is the first time that an attorney general has invoked the act in a criminal case, in the nine years that it has been law. Fernandez had been charged with four counts of perjury and obstruction of justice, in connection with his testimony before the Tower Commission. It is known that Fernandez had set up a Contra clandestine supply network while stationed in Costa Rica.

U.S. District Court Judge Claude Hilton dismissed the criminal case against Fernandez in Alexandria, Virginia two days after Thornburgh's action, on the grounds that the attorney general had undermined the CIA official's defense. It seems that when it comes to covering up for Bush and the CIA, a fair trial becomes very important—in contrast to the

vindictive treatment given LaRouche.

Independent Counsel Lawrence Walsh denounced Thornburgh's action, stating that no secret information would have actually been disclosed by the Fernandez request. "We deplore the fact that the attorney general for the first time has filed an affidavit to protect fictional secrets, which could prevent the trial of a former high-ranking CIA official," Walsh caustically stated in a press conference following the hearing. On Dec. 2, Walsh charged in a newspaper interview that the DoJ is "not willing to expose anything to serve the end of law-enforcement. What can occur is the development of an enclave of important national security officers who are beyond prosecution because the intelligence agencies will not release the information necessary to their trial."

In a letter to Thornburgh demanding an explanation, Sens. David L. Boren (D-Ok.), and William S. Cohen (R-Me.), of the Senate Intelligence Committee stated: "Specifically the committee would like to know the intelligence information of concern, the probability it would have been disclosed and the possible consequences of its disclosures."

Thornburgh denied his action was politically motivated to protect Bush, and insisted that he was only seeking to carry out his responsibilities under the law to shield classified information. "Disclosure of this evidence would cause serious damage to the national security of the United States," Thornburgh claimed in a statement read at a court hearing. Yet sources familiar with the case say that Thornburgh's motivations lay elsewhere.

Fernandez's lawyers had intended to use the suppressed documents to prove that his CIA superiors, such as covert action chief Claire George and Bush intimate Donald Gregg, knew exactly what he was doing during the two-year ban on military aid to the rebels, and that he had been acting under orders. The CIA and its senior officials have consistently lied that they knew nothing of the Contra supply operation. Not the least of Thornburgh's concerns was that the trial would have highlighted the fact that George Bush was in the center of Iran-Contra operations. Under National Security Decision Directive 3, the then vice president had been formally charged with running all U.S. covert operations. Bush has continued to claim that he was ignorant of these covert operations, despite overwhelming proof to the contrary.

Meanwhile, on Nov. 21, Iranian arms smuggler Albert Hakim pleaded guilty to a trivial misdemeanor, in a bizarre plea bargain arrangement with the Justice department which even the judge condemned as a "charade." Hakim admitted supplementing Lt. Col. Oliver North's salary by some \$14,000; in exchange, the government dropped five felony charges. Hakim, one of the principal field operatives involved in smuggling arms to Iran, had been closely associated with many of Bush's intelligence community cronies, including such alleged Iran-Contra principals as former Bush speechwriter Theodore Shackley. Many of these individuals have been involved in the conspiracy against LaRouche.