

## Panama Report by Carlos Wesley

### Judge denies Noriega defense

*Judge Hoeveler's decision protects Bush, but what about the rights of the defendant to a fair trial?*

**G**en. Manuel Noriega has been forbidden from telling the jury at his trial on drug-trafficking charges in Miami, Florida about his meetings with George Bush. Those meetings are "irrelevant" to the drug charges against Noriega, said U.S. District Judge William Hoeveler in a ruling released to the public on Sept. 6, but issued a month earlier. "The defense will therefore be precluded from raising these matters at trial."

The decision severely undermines the ability of the Panamanian leader to present evidence of "U.S. government involvement in the importation of narcotics into the U.S. in connection with" arming the Nicaraguan Contras, argued defense attorneys in pretrial motions. Former Vice President Bush was at the center of the U.S. "pro-insurgency campaign in Nicaragua," they contended. This "goes to the very heart of the indictment against General Noriega. The U.S. was clearly involved in a 'Guns for Drugs' policy" in Central America.

Because Noriega opposed the U.S. "guns for drugs" policy, he incurred the wrath of the U.S. government. This set into motion the events that led to his becoming the first head of government of a sovereign nation to be subjected to criminal proceedings in a U.S. court, the motions stated. Hoeveler said that the defense might be allowed to present some evidence "which goes directly to the question of transportation of cocaine from Panama to the United States." But, repeating the prosecutors arguments almost word for word, Hoeveler added that such evidence would be

allowed only if the defense can prove a "connection between such U.S. government activity, if any, and the charges against Noriega."

Hoeveler also barred the defense from presenting evidence of other U.S. covert operations. Noriega's attorneys say that he received some \$10 million in funding from the United States to allow these covert operations in Panama and for activities he carried out at the behest of the U.S. government, such as "acting as an intermediary between the United States and Cuba," and meeting with Cuban leader Fidel Castro.

These payments for U.S. covert activities—which Hoeveler has precluded Noriega from raising at trial—and not drug proceeds, as the prosecution alleges, account for the millions of dollars the prosecution claims Noriega has deposited in bank accounts, say Noriega's attorney.

By agreeing with the prosecution's demand to narrow the scope of the evidence Noriega's lawyers will be allowed to introduce, Hoeveler is following the precedent set at the 1988 Alexandria, Virginia federal railroad of Lyndon LaRouche. In that trial, LaRouche and six co-defendants were convicted after they were barred from introducing any evidence of government wrongdoing against them.

In Noriega's case, the prosecution is letting out of jail some of the world's most dangerous drug traffickers and paying them *beaucoup* bucks to be "witnesses" against the Panamanian leader. Admitted drug pilot Daniel Miranda turned state's evidence. In exchange, Miranda (who,

the prosecutors admit, has never met Noriega) gets to keep his commercial pilot's license, and at most will spend a month in jail, instead of serving five years in prison. The government also threw in permanent U.S. visas for Miranda and all the members of his family.

Ramón Navarro was not even indicted for his role in planning to smuggle more than 700 pounds of cocaine into the U.S. In exchange for his promised testimony against Noriega, Navarro, who died in an auto accident, got paid at least \$170,000. Drug pilot Tony Aizpurua has gotten more than half a million dollars from the U.S. Treasury. Even former Medellín Cartel kingpin Carlos Lehder, who is doing time in a U.S. federal prison, is listed as a potential witness against Noriega.

There is another parallel to the 1988 LaRouche case, where the presiding judge showed animus against the defendants when he put his stamp of approval on a forced bankruptcy, by the U.S. government, of several companies and institutions connected to the defendants. In the Noriega case, Judge Hoeveler approved the 1988 illegal seizure of the Panamanian state airline, Air Panama, by the Reagan-Bush administration, as part of its "get Noriega" campaign.

Hoeveler, solely on the basis of a "presidential decree" purportedly issued—in English!—by the fictitious "Panamanian government" of ex-President Eric Delvalle, turned over control over all the U.S. assets of Air Panama to Delvalle's ambassador to the United States, "His Excellency Juan B. Sosa," as Hoeveler's order calls him. Hoeveler denied lawyers for the legitimate government of Panamanian President Manuel Solís Palma—or, as he referred to it "the Noriega/Palma regime"—the right even to argue in his courtroom against handing the airline over to Sosa.