

# Model drug 'kingpin' indictment of George Bush presented

by Edward Spannaus

A model indictment of George Bush and 10 others for conducting a drug-trafficking enterprise, and for other offenses, has been drafted and produced by *EIR*, and it comprises the final chapter of the just-issued *EIR Special Report* entitled "Would a President Bob Dole Prosecute Drug Super-Kingpin George Bush?"

The point of publishing the indictment is, first, to show that the evidence already exists, in the public, legal record, to prosecute Bush as a drug "kingpin," and, second, to show that this is an open-and-shut case, by applying the same legal standards as have been used to send tens of thousands, if not hundreds of thousands, of drug-traffickers to U.S. prisons.

The evidence compiled against George Bush in the *EIR Special Report*, and chronicled in the indictment, is far more than exists in most conspiracy cases. And, astonishingly, all of it is from the public record. The two major sources for the evidence in the indictment are the "Kerry Committee" Report, and the Final Report of the Independent Counsel for Iran/Contra Matters.

1. The "Kerry Committee" was the popular name for the Senate Foreign Relations Subcommittee on Terrorism, Narcotics, and Foreign Operations, which held hearings on "Drugs, Law Enforcement and Foreign Policy" during 1987 and 1988. The subcommittee began its investigation in early 1986, but its work was overshadowed by the media feeding frenzy around "Iran-Contra" and Oliver North, which began in late 1986. The Kerry Committee took testimony from 47 witnesses in all. Many witnesses, some who were convicted drug-traffickers, testified in great detail about the drug links to the Contra operations. Some were eyewitnesses or direct participants in guns-for-drugs shipments to Contra bases in Central America.

2. The Final Report of the Independent Counsel for Iran/Contra Matters (Lawrence Walsh), issued Aug. 4, 1993, contains a wealth of detail about the central role of George Bush and the Office of the Vice President in the Contra supply operations. The most important material is in the chapter on Donald Gregg, the 30-year CIA veteran who became Bush's national security adviser in 1982. Gregg had a decades-long friendship and association with former CIA operative Felix Rodriguez, and it was Bush's office which deployed Rodriguez to Central America and made arrangements for him to operate out of Ilopango military air base in El Salvador. The

Gregg chapter documents numerous meetings and communications among Bush, Gregg, and Rodriguez, and also between them and Oliver North, Richard Secord, and Contra leaders. Elsewhere in the Walsh report is evidence concerning the relationship between North, his "courier" Robert Owen, Owen's deployment to the Hull Ranch in Costa Rica, and their dealings with Contra leaders such as Adolfo Calero and Col. Enrique Bermúdez.

Putting the two reports together, and adding in some of the court documents from the Los Angeles Contra-cocaine ring, all of the evidence exists to put George Bush and his confederates away for a long, long time.

## The indictment

The first, and longest part of the indictment is Count I, a racketeering conspiracy charge under the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. 1962(d)—standard in prosecutions of major drug-traffickers. The RICO count of the model Bush indictment is, in a nice irony, adapted from the 1988 indictment of Manuel Antonio Noriega. Noriega was (falsely) charged with using his official positions to facilitate drug trafficking—a charge which was in fact not true for General Noriega, but which is 100% appropriate to the case of George Bush. The model Bush indictment includes a description of the "Enterprise," its purposes and objectives (financing the Contras, protecting narcotics shipments and -traffickers, and preventing discovery of the illegal activities of the Enterprise), and a listing of 80 overt acts committed in furtherance of the conspiracy.

Count II is a standard conspiracy count, charging a conspiracy to import marijuana and cocaine, in violation of 21 U.S.C. 952, 959, and 963.

Count III is the "kingpin" count, charging that Bush administered, organized, and led a Continuing Criminal Enterprise (CCE), in violation of 21 U.S.C. 848. The sentence for a first conviction under this section is a mandatory minimum of ten years, up to life imprisonment.

Count IV charges a conspiracy to obstruct justice, in order to prevent U.S. law enforcement agencies from investigating and prosecuting the Enterprise, in violation of 18 U.S.C. 1503. Count V charges a conspiracy to obstruct Congress, by obstructing and impeding investigations by Congressional committees, in particular the Kerry Committee, in violation of 18

U.S.C. 1505.

William Weld, who headed the Justice Department's Criminal Division from 1986 to 1988, is named in the last two counts, as well as Count I, for his role in obstructing investigations of Bush's Enterprise by law enforcement agencies and by the Kerry Committee.

### Proving a conspiracy theory

Although the news media love to ridicule "conspiracy theories," federal prosecutors indict people for conspiracy all the time, and judges send people to jail for conspiracies all the time.

It is "hornbook law" that the nature of conspiracies is that they are clandestine, they depend on secrecy and concealment, and that therefore conspiracies often have to be proved by circumstantial evidence and by inference. For the "conspiracy theorists" of the law—and the U.S. Justice Department, and the U.S. Supreme Court—this is completely permissible. The elements of conspiracy which must be proven are that: 1) there exists an agreement between two or more persons; 2) there exists an intent to achieve a certain objective by unlawful means, or to achieve an unlawful objective by lawful means; and 3) at least one overt act is undertaken, by at least one of the conspirators, as a step toward carrying out the conspiracy or achieving its objective. An overt act need not be unlawful in itself; it can consist of something as simple as a meeting, or a telephone call.

The U.S. Supreme Court says that since most conspiracies are secret, a prosecutor can seldom present direct evidence of the agreement, and that a court and a jury may rely on inferences from the available evidence. It is not necessary to prove that each individual in the conspiracy had direct dealings with all of the others, or even knew the identities of the others. As far as the essential element of proof of agreement, such agreement can be tacit; it need not be written or spoken or expressly communicated.

A RICO conspiracy is slightly more complicated, and requires proof of two overt acts in a ten-year period, and a pattern of racketeering activity which can include drug distribution or importation.

These are the legal standards by which suspects are turned into defendants, and defendants are turned into convicts and inmates—every day.

The Kerry Report, plus the court documents in the Danilo Blandón and Norwin Meneses cases, give abundant evidence of drug-trafficking by and for the Contras, centered at Ilopango air base in El Salvador, and at the John Hull Ranch in Costa Rica. A number of those charged in the model indictment were directly involved in this drug-trafficking, including Norwin Meneses, Danilo Blandón, John Hull, Felix Rodriguez, and the now-deceased co-conspirator Enrique Bermúdez.

Working "up the ladder," as prosecutors like to do, we find that Meneses and Blandón were set up in the drug business by Contra leader Bermúdez, and we find from the Walsh report

that North, Bermúdez, and Calero often met, and that Robert Owen worked with Calero at North's request. We find Felix Rodriguez and Owen meeting at a hotel in Arlington, Virginia in January 1985, and then Rodriguez meeting with Bush and Gregg on Jan. 22, 1985.

We have a December 1984 meeting of Calero, Bermúdez, Owen, and Hull; a June 28, 1985 meeting of North, Secord, Calero, and Bermúdez; and an April 20, 1986 meeting of Rodriguez, North, Secord, and Bermúdez, at Ilopango air base. In North's notebooks, we find frequent references to Owen and Hull, and to drug-smuggling, particularly in connection with Hull.

Felix Rodriguez is a frequent link between the top levels of the conspiracy (Bush and Gregg), and the lower-level drug pilots and smugglers at Ilopango. The Walsh Report documents that Bush and Gregg facilitated Rodriguez being set up to operate at Ilopango, and it documents at least three face-to-face meetings of Rodriguez and George Bush. In one instance, ten days after the Rodriguez meeting with North, Secord, and Bermúdez at Ilopango, Rodriguez went to Washington and met Bush.

On Jan. 14, 1986, the Drug Enforcement Administration (DEA) country agent in Costa Rica, Celerino Castillo, met Bush at a reception in the U.S. Embassy in Guatemala, and tried to tell him that there was something funny going on at Ilopango. Bush turned away and refused to talk to Castillo, but five days later, Bush's deputy national security adviser flew to Ilopango and met with Rodriguez.

### Who's doing George Bush's time?

This is just a sampling of the evidence already available in the public record, which should make a prosecutor drool. Were a zealous federal prosecutor to be turned loose on the case, with a team of FBI and DEA investigators, subpoena power, and the power to compel testimony before a grand jury, we would soon see that this is just the tip of the iceberg.

But what is already there, which has been compiled into the model indictment by *EIR*, is far more proof than people are sent to prison on, every day. There are probably 400-500,000 people in U.S. prisons and jails for drug offenses. About 30% of state prisoners were committed on drug charges, and about 60% of federal prisoners.

During the 1980s, there were well over 100 "kingpin" convictions in federal courts each year, on charges of running a Continuing Criminal Enterprise. Interestingly, the number of kingpin convictions dropped sharply under the Bush administration (was he nervous?), while the total number of drug convictions rose.

But while 1-2,000 "kingpins," and hundreds of thousands of lesser drug offenders, sit in U.S. prisons, the biggest kingpin of them all, George Bush, is still loose. The model indictment presented by *EIR* demonstrates what should have been done a long time ago. There are enough other people doing George Bush's time; now let's have him do his own.