

## 9TH CIRCUIT BACKS CONTRA LEADER RENATO PENA APPEALS CLAIM OF CIA DRUG INVOLVEMENT - IT'S ALL BACK IN PLAY IN TIME FOR THE ELECTION

THE "SAN FRANCISCO EXAMINER" today reported that the U.S. Ninth Circuit Court of Appeals has found valid evidence that former Contra supporter Renato Pena's claims of CIA involvement in protecting drug trafficking to support the Contras were credible. The court also ruled that Pena's assertions of CIA authorization for drug trafficking in the San Francisco bay area were sufficiently grounded in fact to warrant a remand of Pena's deportation case for an evidentiary hearing in U.S. District Court (the full story follows).

Pena's attorney, Stephen Shaikin, contacted by FTW, doubted that the U.S. Attorney would risk an evidentiary hearing in which Pena could introduce into evidence Volume II of the 1998 CIA Inspector General's report that would prove his case, outright. FTW agrees. Additional facts supporting Pena's assertion contained in Volume I of the CIA IG Report by Frederick P. Hitz and a subsequent Department of Justice Inspector General's report by Michael Bromwich were drawn to Shaikin's attention in an interview this afternoon. FTW has offered to make all of our research available in preparation for the hearing. No date for the evidentiary hearing has been set.

The language used by the Ninth Circuit was unequivocal and stunning for it's directness:

"Pena and his allies supporting the contras became involved in selling cocaine in order to circumvent the congressional ban on non-humanitarian aid to the contras," the three-judge panel said. "Pena states that he was told that leading contra military commanders, with ties to the CIA, knew about the drug dealing. Pena believed that the sole purpose of these drug transactions was to help the contras, and he believed the United States government would not seek to prosecute.

"The circumstances surrounding Pena's case, including his belief that his activity was supported by the U.S. government and his alleged reliance on the assurances of the assistant U.S. attorney regarding his immigration status, raise important questions about public confidence in the administration of justice."

San Francisco attorney Bill Simpich, acting as lead counsel for class action suits filed against the CIA in 1999 based on the same issues and evidence told FTW, "This is the best break we've had since we filed our suits. This opens an important new vein of evidence with one of the highest courts in the land, saying, in effect, that this issue needs to be addressed." "It is all back in play and everyone please notice that this is happening, just like Dark Alliance first did, in a Presidential election year in time to influence votes before the election. We will probably see Congresswoman Maxine Waters break her deafening silence on Volume II and the infamous actions of the House Intelligence Committee this May in closing out their investigation and ignoring the blatant evidence of CIA involvement contained CIA's own report.

This trial will allow Pena to put Volume II and all of the available documentation on trial. If the U.S. Attorney's office doesn't drop this, it gives us all of Volume II and Gary Webb right back again in a way that Porter Goss can't lie about because it now becomes non-disputable evidence, openly submitted in a court of law for public scrutiny. And that is exactly what the House intelligence Committee should have done more than a year ago. We wonder how quickly Congressman Porter Goss and the CIA will be in touch with the U.S. Attorney in San Francisco telling them to drop the case and give Pena a permanent green card.

[THE FULL STORY FOLLOWS IMMEDIATELY]

Mike Ruppert  
Publisher/Editor

---

Reprinted with permission from *San Francisco Examiner*. (c)2000 San Francisco Examiner.

Former contra wins review of U.S. drug ties.

By Bob Egelko  
OF THE EXAMINER STAFF July 27, 2000

Fights deportation to Nicaragua, says CIA knew of cocaine deals The former Northern California spokesman for the Nicaraguan contras, facing deportation for cocaine trafficking in the 1980s, will apparently get the chance to convince a federal judge that he was assured the drug deals had U.S. government approval.

The 9th U.S. Circuit Court of Appeals ruled Wednesday that a judge should hear and evaluate Renato Pena's claim that a federal prosecutor in San Francisco had told him after his arrest in 1984 that he was at no risk of deportation for having carried cocaine and cash to Los Angeles about a dozen times.

In court papers opposing Pena's challenge to his current deportation order, the U.S. attorney's office said no such assurance was given. Pena's case recalls the controversy over allegations of CIA-backed drug dealing by the contras, the U.S.-supported guerrillas fighting Nicaragua's leftist government in the 1980s. Accused in a San Jose Mercury News series of connections to the early crack cocaine trade in Southern California, the CIA hotly denied having anything to do with Los Angeles drug traffickers who claimed contra connections.

Pena said he had been told by Norwin Meneses, a major drug trafficker with ties to the contras, that CIA-connected contra commanders were aware of the drug operation in which Pena took part. The CIA has denied any relationship with Meneses.

The appeals court stopped well short of finding that the government condoned Pena's activity as a drug courier. But the court said Pena's claims about the government's attitude were relevant to his attempt to overturn his 1985 drug conviction, the basis of the current attempt to deport him.

"Pena and his allies supporting the contras became involved in selling cocaine in order to circumvent the congressional ban on non-humanitarian aid to the contras," the three-judge panel said. "Pena states that he was told that leading contra military commanders, with ties to the CIA, knew about the drug dealing. Pena believed that the sole purpose of these drug transactions was to help the contras, and he believed the United States government would not seek to prosecute.

"The circumstances surrounding Pena's case, including his belief that his activity was supported by the U.S. government and his alleged reliance on the assurances of the assistant U.S. attorney regarding his immigration status, raise important questions about public confidence in the administration of justice."

The court said a federal judge should hear testimony from Pena and others about what assurances he had been given before pleading guilty in 1985, and about whether his court-appointed attorney had acted incompetently by failing to tell him he risked deportation. The judge would then decide whether to set aside the guilty plea. Pena's suit,

seeking to overturn the guilty plea, had been dismissed by U.S.

District Judge Fern Smith in 1997. The hearing ordered Wednesday would be held before another judge, because Smith now heads the Federal Judicial Center in Washington, D.C.

"He's a credible person," said Pena's current attorney, Stephen Shaiken. "He was good enough for the U.S. government when he was spokesperson for the opposition and when he was an informant (against others in the drug ring). He was telling the truth then, and he's telling it now."

Pena was a member of the security force of Nicaraguan dictator Anastasio Somoza, who was overthrown by the leftist Sandinistas in 1979. Pena came to the United States in 1980 and became the chief of public relations in Northern California for the FDN, the contras' political arm. He applied for political asylum in August 1984 but was arrested three months later on charges of possessing cocaine with intent to distribute it. Pena said he had been asked by Norwin Meneses' nephew, Jairo Meneses, to travel to Los Angeles with money that would be used to buy cocaine and finance contras, whose U.S. military aid had been cut off by Congress. He was paid about \$6,000 for carrying money and drugs to Los Angeles between March and November 1984, the court said.

Pena said he had agreed to cooperate with prosecutors in exchange for a reduced sentence and been told by a federal prosecutor that he would be taken care of and had nothing to fear about his immigration status. He said he never would have pleaded guilty if he had known he could be deported to Nicaragua, then governed by the Sandinistas. He also said his court-appointed attorney had never spoken to him about the possibility of deportation.

After serving a year in a halfway house and testifying against another Meneses relative in the drug case, Pena was granted asylum in 1987, the court said. But the Immigration and Naturalization Service revoked his asylum in 1996 and moved to deport him to Nicaragua because of his drug conviction.

In court papers, Special Assistant U.S. Attorney Robert Yeargin said Pena's asylum had been withdrawn because he had failed to disclose his conviction on his asylum application. Yeargin also said the original prosecutor in the case, Rodolfo Orjales, had discussed drug smuggling to Pena but made no promises to him.

Orjales, now a Justice Department employee in Washington, D.C., was out of his office Wednesday and unavailable for comment.

(c)2000 San Francisco Examiner  
Examiner Hot News