

THE MENA AIRPORT: Why Arkansas's biggest mystery won't die. By Mara Leveritt, August 25, 1995

A recent spate of activity is bringing Mena's little mountain airport near the Arkansas-Oklahoma border back into the limelight. This has happened repeatedly since 1982, when Louisiana police notified officials in Arkansas that one of the country's most wanted drug runners was moving his headquarters to Mena.

First there was the investigation, the expectation of indictments--and, to the amazement of many, the inaction. The plot thickened in 1986, when discovery of the Iran-Contra affair also revealed shadowy connections between Oliver North's gun-running operation to the Nicaraguan Contras and what appeared to be government-protected drug activity taking place at Mena.

In the late '80s, a Vietnam veteran in Fayetteville, disillusioned at what he saw as a betrayal by his government regarding Mena, began collecting information on the case and calling for full disclosure. A couple of national publications took interest, but even during Bill Clinton's campaign for president, when the issue presumably could have been used by either President George Bush or Clinton against the other, those missiles were never launched.

Since Clinton's election, however, the name Mena has gained national prominence--at least on late-night radio talk shows and among a computer-linked army of conspiracy buffs. Republicans looking under every rock in Arkansas for some dirt they can throw at Clinton are digging hard into the files of Mena. But among politicians, at least, the peculiar dance of approach and avoidance that always characterized discussion of Mena still dominates the floor.

A growing number of observers, however, now even including editors at the conservative Wall Street Journal, have concluded that national interests in this case supersede the partisan ones. "Mena cries out for investigation," the Journal said. "If some chips fall on the Republican side, so be it."

A couple of new developments are stirring the pot yet again. A lawsuit filed against two former members of the Arkansas State Police by former North Little Rock businessman Terry Reed, who alleges his own close involvement in events at Mena, is scheduled for federal court in Little Rock in September. Unconfirmed reports also suggest Whitewater Prosecutor Kenneth Starr may be dabbling on the fringes of the Mena controversy. And in an article published this month in The American Spectator magazine, L.D. Brown, a former member of Clinton's Arkansas State Police security detail, claims that in 1984 he participated in two secret flights from Mena, on which M-16 rifles were traded to Nicaraguan Contra rebels in exchange for cocaine. Brown further claims that Clinton knew of the activity.

That announcement spurred Fort Smith lawyer Asa Hutchinson, chairman of the Arkansas Republican Party, to request a yet another congressional inquiry into long-standing allegations of money-laundering at Mena. Hutchinson was the U.S. attorney for the western district of Arkansas when investigators first presented evidence supporting those allegations. In an argument disputed by police investigators, Hutchinson claims he left office before the evidence was well established. Since he harbors political ambitions, he has an interest in clearing his name.

Arkansas Attorney General Winston Bryant, who defeated Hutchinson in a campaign laced with debate

about the former U.S. attorney's supposed inaction, now argues that, "It's too late to bother with Mena." Bryant's critics suggest he wants to buffer Clinton, but he argues he only opposes what appears to be the endless, political "targeting of Arkansas" for federal investigations. In the political arena, Bryant isn't known as a friend of Clinton.

"If someone thinks we need to look at Mena," Bryant fumed, "I think they first need to look at the U.S. Department of Justice and all its agencies. The federal government was the one that, in my opinion, had the ultimate responsibility at Mena and it failed to do anything.

"We tried to find out what was going on there, and we never got a thing out of the federal government. I spent three years trying to get files from the Department of Justice, and all we ever got was a total run-around."

In the months ahead, partisan politics will almost certainly drive some of the accelerating interest in Mena. But that's a tricky gambit, one that could backfire in any direction.

The more powerful force demanding government disclosure of what went on at Mena arises from non-partisan sources. Law enforcement officials who've seen the system fail, a growing body of reporters who've researched the story and found it full of holes, and ordinary citizens who think they have a right to know if their government was helping to import cocaine--they are the forces who are keeping Mena alive.

They've become hooked on this story of guns, drugs, and international intrigue. And, so long as their questions remain unanswered, their numbers will continue to grow. Here's why:

1. The smuggler was too colorful.

It's not every crook-turned-federal-informant who gets gunned down by Colombian hit men, only to be resurrected in a made-for-TV movie and portrayed by Dennis Hopper. Barry Seal was that kind of guy.

A fat and swaggering pilot, he found a lucrative niche in the emergent business of flying cocaine into the United States. He was meticulous. He was crafty. And he apparently had connections.

In 1984, when federal agents were closing in with indictments, Seal flew from his base in Mena, Arkansas to Washington, D.C., where he met with two members of then-Vice President George Bush's drug task force. After that meeting, Seal "rolled over," and became a federal informant, under the supposed control of Drug Enforcement Administration officials in Miami.

But there's more to Seal's story than that. From the moment he turned, until his death in a hail of bullets in Baton Rouge, Seal appears at the center of ongoing contacts with the Medellin drug cartel, with the DEA, with the Central Intelligence Agency, and with Oliver North's National Security Council at the White House. It's enough for a TV movie.

2. The crimes were too big.

No one will ever know how much cocaine Seal and his pilots flew to the United States. As an informant Seal testified that in the two years before 1982, when he moved his operation to Arkansas, he made approximately 60 trips to Central America and brought back 18,000 kilograms. It's believed his activity from 1982 to '84 continued at at least as strong a pace.

After 1984, when he became a DEA informant, Seal testified, he smuggled 3,000 kilos into the U.S. What happened to that cocaine is unknown. What is known, as a U.S. attorney later noted in court, is that "Mr. Seal was a drug trafficker on a large basis--an extremely large basis--for a very long period of time."

The cocaine Seal imported was sold for huge amounts of money, and that money had to be laundered. Investigators in Arkansas were able to trace some of it through illegal cash transactions at local banks in Mena. But the vast majority of it still has not been traced.

Finally, if the mounting evidence that officially sanctioned gun-running was taking place from Mena to Contra rebels is proven true, that was also a crime. And if it were established, as some Congressional testimony suggests, that White House officials were willing to use profits from drugs brought into the United States to buy arms to support the Contras, that--and the subsequent coverup--would be the biggest crimes of all.

3. Too much money was involved.

Seal once testified he grossed as much as \$750,000 for one cocaine smuggling trip. He testified before the President's Commission on Organized Crime that his organization alone involved the laundering of between \$10 and \$20 million.

It is known that Seal continued to import cocaine after he became a DEA informant--for the last two of the four years he was in Arkansas. But no one knows--or at least no one is saying--where any of that money went. After Seal's murder, the federal government tried to seize some of his assets for unpaid taxes. Here's what the U.S. attorney in that case said: "The vast discrepancy between the income [Seal] received and the income he reported obviously show a great deal of unreported income as well as unspoken--for assets.

"Where did this money go? We found between \$1.5 and \$2 million worth of assets. Where is the other tens of millions of dollars? We don't know. Obviously, something has happened to that money."

4. The handling of the case was too bizarre.

Nothing about the investigation and attempts at prosecution of illegal activity at Mena conforms to normal procedure. Midway through his four-year stint in Arkansas, for example, Barry Seal became a DEA informant. But the investigators working the case in Arkansas--Russell Welch for the Arkansas State Police and William Duncan for the IRS--were never notified of that. Nor has anyone offered an explanation as to why, when informant-smugglers are supposed to be closely monitored, Seal's assigned DEA handler never stepped foot in this state.

The role of the FBI in the case is unclear, as, indeed, is the role of the Arkansas State Police. Duncan, of the IRS, testified that prior to his appearance before a committee of Congress investigating Mena, he was instructed by superiors in the agency to lie and told he needed "to get the big picture."

Another irregularity concerns the apparent reluctance of Hutchinson's successor, U.S. Attorney Mike Fitzhugh, to let Welch and Duncan present evidence of money-laundering to a seated federal grand jury. They wondered about that for years.

But the Times has obtained a copy of a memo written in 1986 by an FBI agent in Hot Springs, notifying the agent in charge of the Little Rock office that Fitzhugh would be "withholding presentation" about the investigation at Mena from the grand jury. The memo is dated days before Seal's murder, and a month before he was to come to Arkansas to appear before that same grand jury.

The agent in Hot Springs further reported that Fitzhugh "advised that he will not utilize Seal as a government prosecution witness in view of his lack of credibility in other mitigating circumstances."

While the FBI was apparently well informed about Fitzhugh's decision, Welch and Duncan say that they

were not. It is but one of the inexplicable aspects of this case. Another is that in the months before his death, Seal was being used heavily as a government witness in cases both inside this country and out. What "mitigating circumstances" dampened his credibility in Arkansas, making Fitzhugh unwilling to use him, have yet to be explained.

5. Too much federal testimony implicates the CIA.

It's expected that when Terry Reed's civil lawsuit reaches federal court, he will present evidence in support of his claim that he worked with CIA operatives in Mena and Central America on missions that he later learned involved the import of cocaine to the U.S. Reed has made this claim in court before and the government has failed to present evidence refuting it, claiming that to do so would jeopardize national security. As a result, Reed won his earlier case.

But even without Reed's current case, there is plenty of evidence that Seal was working for both the DEA and the CIA, while he was also in the employ of the Medellin Cartel. It was a mixture that got him killed.

Ronald J. Caffrey, a former chief of the DEA's cocaine section, has admitted that the DEA coordinated with the CIA to have photographic equipment installed on Seal's C-123 cargo plane for an undercover drug smuggling trip to Nicaragua. The plane had been based at Mena.

Ernest Jacobsen, Seal's handler at the DEA, testified more specifically that Seal's plane was flown to Homestead Air Force Base in Florida, where the CIA installed a satellite navigation system.

6. The connection between drug-running at Mena and Oliver North's support for the Contras is too strong to be dismissed.

In 1988, the DEA's Caffrey told the House Judiciary Subcommittee on Crime that he had been ordered by his superiors to brief North about Seal's 1984 trip for the CIA to Nicaragua. Caffrey said he took copies of the pictures taken on the Seal mission and discussed plans for Seal to make another trip.

He testified that North asked if it would be possible to have some type of publicity about the mission, because there was a vote on aid to the Contras pending before Congress, and photos allegedly showing Sandinista officials helping to unload cocaine from Seal's plane would be beneficial. Caffrey said he told North publicity was out of the question because it would jeopardize Seal's life and ruin the operation.

(Despite that warning, the photos purportedly taken from Seal's plane subsequently did receive extensive publicity, as President Ronald Reagan held one of them up on national television in a move to dramatize his call for Contra funding.)

But the most startling testimony has come from Jacobsen, Seal's DEA handler. In testimony in 1988, Jacobsen said that before Seal was to make his second covert flight to Nicaragua, he was given \$1.5 million for the trip by Carlos Bustamante, an associate of Medellin Cartel leader Jorge Ochoa.

According to Jacobsen, when North heard of the money, he suggested that it be funneled to the Contras. The committee report noted: "As DEA officials testified, Lt. Col. Oliver North suggested to the DEA in June, 1985 that \$1.5 million in drug money carried aboard a plane piloted by DEA informant Barry Seal and generated by a sting of the Medellin Cartel and Sandinista officials, be provided to the Contras. While the suggestion was rejected by the DEA, the fact that it was made highlights the potential appeal of drug profits for persons engaged in covert activity."

7. Evidence of a coverup is too persuasive.

For almost three years, a federal grand jury in the Western District of Arkansas considered questions about drug-running, money-laundering, and illegal airplane modification--all of which investigators believed were being conducted at the Mena airport. But Fitzhugh reportedly focused only on the drug-running allegations, the aspect of the case the jurors felt would be the most difficult one to prove about anyone except Seal, and he, by then, was dead.

According to statements from one of the jurors, Fitzhugh refused to consider the money laundering or conspiracy charges, for both of which the jurors believed evidence was substantial. "We asked him about it," the juror said, "and it was like just blown off. We were never given a straight answer."

Fitzhugh has denied having stymied the grand jury, but he has never explained why, in the three years it met, Welch and

Duncan, the central investigators in the case, were never called to testify.

Since that time, several congressional committees have looked into the case and extensive files on it were presented to the Iran-Contra special prosecutor Lawrence Walsh. But Walsh ignored the matter, and other inquiries, frequently blocked by claims of "national security," have failed to unravel the nature or extent of the government's involvement with Seal. The total lack of prosecution in what is acknowledged to be one of the biggest drug-smuggling rackets in U.S. history makes Seal's 1984 claim to a newspaper reporter sound prescient: "If they indict me, it means I go to court," he said. "It means that then I get to tell my side of the story. The Justice Department is not going to tolerate this. It's never going to happen."

8. The implications are too outrageous.

This month, Bryant, explaining why "it's too late to bother" with Mena, said, "The statute of limitations has long since run out, most of the important players are now deceased, and Mena occurred during a Republican administration; the federal government was the one that, in my opinion, had ultimate responsibility."

He's right about the statute of limitations. But, although Seal's dead, most of the legendary drug-runner's associates--including Oliver North and officials in the NSC, CIA, and several agencies of the U.S. Treasury and Justice departments, as well as certain figures in Arkansas--remain alive and well and have walked away unscathed. That bothers people who believe that even at the highest levels of government there should be some accountability.

Moreover, all this took place during a time when the federal government was supposedly doing everything in its power to stem the flow of drug running and money laundering in the U.S. If evidence ever surfaced showing that government officials either knowingly tolerated the import of cocaine, or worse, cooperated in the smuggling to sponsor other illegal activities (then sought to cover up its tracks), the consequences predictably would be dire.

9. Too many questions linger.

Instead of diminishing with time, the questions surrounding Mena have increased. Here are a few of them:

What happened to the money Seal got while working as a DEA informant? What happened to the cocaine he imported? Why did Fitzhugh, in particular, depart so radically from custom and not allow Welch or Duncan, the two investigators who knew more about Mena than anyone else, to present their information to the grand jury? Why didn't the DEA have Seal's handler in Arkansas, where he could closely monitor the smuggler's activities, as required by agency regulations? Why did the FBI not inform the investigators that Fitzhugh would be "withholding" from the grand jury the information they'd provided on Mena? Why was Seal an acceptable government witness elsewhere, but not, apparently, in Arkansas? Is L.D. Brown, who

says Clinton knew about cocaine at Mena, telling the truth? Why, when Arkansas State Police investigator Russell Welch confronted DEA officials in Washington, was he told, "Nothing ever happened at Mena"? Why has the IRS never followed up with further investigation of what U.S. attorneys themselves have acknowledged was a massive money-laundering enterprise? And, since Clinton has said that whatever occurred at Mena was a federal responsibility, why, now that he's president, hasn't he ordered a complete disclosure by every agency of the federal government that was involved with Barry Seal?

10. Too many people have gotten curious.

There was a time when the peculiar activities at Mena might have vanished, but that moment has long since passed.

The work Welch and Duncan did in their investigations has never been called into question. Though the men and their families have suffered for their involvement with the case, they continue to speak out. They see what's happened as a travesty.

As a result, even before Clinton's election as president, public interest in the bizarre story was beginning to spread. Now, news media from around the world have made the trek to Mena, only to encounter the same inexplicable saga, the same list of unanswered questions.

So, far from being outdated, this is a story, like the story of cocaine itself, that remains painfully current. It involves huge amounts of money, strong suggestions of government involvement, and the lives of thousands of people on the receiving end of Barry Seal's distribution line. It also involves hope; hope that if a mess like this can be cleaned up, however belatedly, this country's justice system has a chance of redeeming itself.

That's why the inquiry into Mena has, in a sense, become a populist crusade. Future government investigations may or may not answer the nagging questions that remain. But as more and more Mena buffs log onto the Internet, accessing and exchanging information, and as new testimony continues to dribble out, some of it from aging participants who no longer have careers to protect, at least some answers will be discovered--some meaning to Mena will be found.

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