

Eye on Washington by Nicholas F. Benton

Terror hangs over D.C. drug trial

The legal system in the nation's capital is threatened by intimidation from drug traffickers.

The headlines in the local news sections of the Washington, D.C. press the last two weeks of September and the first week of October would leave a visitor here wondering if he were not in Medellín, Colombia, instead. Alongside progress reports on the record number of homicides for 1989, have been accounts of bombings, shootings, and threats to witnesses and jurors participating in the trial of a man alleged to operate the city's largest cocaine-distribution organization.

Six killings over the Oct. 1 weekend brought the total murders so far in 1989—among only 650,000 residents of the nation's capital—to 338, way ahead of last year's all-time record of more than one murder a day.

But news of the latest body count, with almost all the murders attributed to drugs, was dwarfed by the headlines reporting an extraordinary action by Federal Judge Charles Richey to close to the public the trial of alleged drug kingpin Rayful Edmond III. Richey's order came Sept. 29 in an attempt to protect both jurors and witnesses.

One key witness had already been shot in the leg. This was due to an error by the prosecution, when it sent a letter to the witness's home, which was being shared with one of the defendants. A bullet-proof shield had already been placed between the courtroom audience and the court proceedings.

And, in an unprecedented move in the District of Columbia, the names of all the jurors and alternates were kept secret from both prosecution and

defense, as well as the public.

Nonetheless, one juror had already asked to be dismissed from the case, because he was recognized by a member of the audience, who passed on his identity to one of Edmond's 12 lawyers.

Judge Richey observed that Edmond and others among the 11 on trial were making signals to persons in the audience, and that jurors were glancing over the audience with worried looks to see if anyone recognized them.

These developments, in the context of the allegation that the Edmond drug-trafficking organization was responsible for at least 30 murders, caused the judge to order the courtroom closed.

However, on Oct. 2, a three-judge court of appeals overruled Judge Richey, saying that potential threats to witnesses and jurors "did not outweigh the defendants' constitutional rights to a public trial."

The result has been an escalation of violence, and police here are braced for more. On Oct. 4, the home of the mother of a key prosecution witness, who had been on the witness stand that day, was firebombed. No one was injured, and the mother was spirited away under Drug Enforcement Administration protection, but the witness, who faced cross-examination the following day, was warned against even mentioning the incident, because it could lead to a mistrial on the grounds that it would prejudice the jury. In addition, the attorney for another key prosecution witness told the court that his client had been

threatened.

As a result, despite the order by U.S. Attorney Jay Stephens to provide police protection for all witnesses and jurors, the total number of jurors, including alternates, has dwindled from 18 to 15, and only two dozen of the prosecution's list of over 160 witnesses had testified as the trial moved through its third week.

The shootings, bombings, and threats of violence have been augmented by intimidation tactics used by Edmond's lawyers, including demanding psychiatric examinations of three witnesses and accusing another of cheating on her taxes. Defense attorneys have been relentless in their calls for a mistrial, and the judge and prosecution have bent over backwards to prevent that, including resort to such extraordinary measures as requiring drug tests for all witnesses.

The defendants are charged with cocaine distribution, conspiracy, and racketeering. In addition, the 24-year-old Edmond is charged with "running a continuing criminal enterprise," a charge that brings life imprisonment without the possibility of parole, if convicted.

It is alleged that Edmond ran the largest street-level cocaine-trafficking distribution network in the District of Columbia, distributing over 1,700 pounds of cocaine per week during its peak in 1987 and 1988, with a single pound bringing \$30,000 to the organization.

If true, according to officials here, this made Edmond's operation not only the biggest drug enterprise, but one of the biggest businesses of any kind in the region.

But what has observers here shaking their heads is the ability of the drug traffickers to disrupt courts to such a degree—even courts that sit literally in the shadow of the Capitol.