

Miami reporters on the U.S. government payroll and their role in helping convict the Cuban Five

**Gerardo Hernández was scapegoated and falsely convicted
by the extreme prejudice created by U.S. government-paid
Miami reporters, over the Feb. 24, 1996
shoot-down of Brothers to the Rescue planes**

“The Court finds, however, that not even the most emphatic instruction or the most searching voir dire question can shield the jurors from banner headlines or ex parte statements and conduct by witnesses or counsel that would undoubtedly receive extensive coverage.”

Judge Joan Lenard
from Order and Memorandum of Law, Cuban Five trial
February 16, 2001

“The Government’s successful secret subversion of the Miami print, radio, and television media to pursue a conviction ... is unprecedented. There should now be an immediate dismissal of the indictment.”

Attorney Martin Garbus
from Affidavit in Support of the Motion to Set Aside
the Conviction of Gerardo Hernández, August 31, 2012

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INTRODUCTION

Three of the Cuban Five political prisoners remain in United States prisons. Antonio Guerrero's date for release is September 18, 2017, Ramón Labañino's sentence ends more than ten years from now, October 30, 2024, unless political or legal means free them earlier.

But Gerardo Hernández, in Victorville maximum-security federal prison on the high desert plateau 90 miles northeast of Los Angeles, has a double-life prison sentence. In U.S. federal prison there is no parole for life imprisonment; a life term is the rest of one's natural life.

This outrageous and unjust sentence must not stand. The Cuban people and a worldwide and United States movement are determined to fight until Hernández's imprisonment is lifted and the three remaining Cuban Five heroes return home as soon as possible.

On the legal front, the Habeas Corpus appeal for Gerardo Hernández is based on two essential premises:

1. He had no role in the Cuban government shoot-down of the Brothers to the Rescue planes of Feb. 24, 1996, for which he was falsely convicted of "murder conspiracy." Hernández's affidavit of March 21, 2011 fully explains his innocence on the charge in detail and refutes the government's false accusations made during trial. (<http://www.freethefive.org/legalFront/GerardoAffidavit31611.pdf>)

Hernández's Habeas Corpus appeal of October 12, 2010 and 2011 Affidavit explain in detail that Ineffective Counsel in his trial warrants the granting of a new trial. (<http://www.freethefive.org/legalFront/GerardoHabeasAppeal101210.pdf>)

2. New information five years after the Five's 2001 convictions exposed for the first time the existence of Miami reporters on the U.S. government payroll, secretly working for official propaganda stations Radio and TV Martí in Miami.

Now, years of research and legal challenges by the National Committee to Free the Cuban Five, the Partnership for Civil Justice Fund and *Liberation* newspaper have exposed a deeper operation of dozens of Miami journalists receiving millions of dollars in government monies, many of whom worked to help convict the Cuban Five with prejudicial and deliberately-tailored coverage to help in the Government's prosecution.

Appeals counsel have incorporated this extensive new evidence in their Habeas filings for the Cuban Five, arguing that the existence of Government-paid reporters hopelessly corrupted the Five's constitutional right to Due Process and thus mandates an immediate reversal of all their convictions.

This document will focus on the issue of the government-employed Miami reporters, and the media hysteria they created and sustained from the time of the 1996 BTTR shoot-down through the prosecution of Gerardo Hernández and the Cuban Five.

The defense counsel for the Five have provided abundant evidence and law on the journalists' issue, to require an immediate vacating of the Cuban Five's convictions.

But as everyone who supports the Cuban Five knows, this is a political case involving the U.S. government's longstanding policy of hostility towards Cuba and powerful right-wing anti-Cuba forces in Miami that weigh heavily on Miami society. Many of those exile forces receive government funds, including the media.

Only in Miami could a jury convict Gerardo Hernández for murder conspiracy despite the Government's own protestations that it could not convict due to "insurmountable hurdles for the United States" and the lack of evidence required to convict.¹

Yet the jury, drawn from the community in the poisoned atmosphere of Miami, convicted him.

We believe every avenue must be utilized to the fullest to win freedom for Gerardo Hernández and the other members of the Cuban Five, from popular action that informs and mobilizes public opinion, to the fight in the legal arena.

During prosecutor Caroline Heck-Miller's comments to the Court in Antonio Guerrero's re-sentencing of October 13, 2009, she acknowledged the Government's concerns regarding the international perception of U.S. justice in the case of the Five.

This is a case ... that has generated a lot of contentiousness between the Government and the defense that continues to generate a lot of contentiousness and noise worldwide. The Government considers that it is a service to the public and to the people of the United States for the world to know that the Government and the defense are in agreement as to what is an appropriate sentence on resentencing. We believe that it quiets the waters of contentiousness that swirl about this case ..."²

As the attorneys in Court wage the legal battle, the people's movement that has arisen around the world can contribute greatly in exposing the Government misconduct to broader audiences. Public denunciation of this monumental injustice can play a significant role in the freedom struggle for Gerardo Hernández, Ramón Labañino and Antonio Guerrero.



¹ Government's Emergency Petition for Writ of Prohibition to the 11th Circuit Court of Appeals, May 25, 2001, p. 21. Available at: <http://www.freethethefive.org/legalFront/WritOfProhibition2001.pdf>. As the trial was reaching the jury deliberation phase, the Court's instructions to the jury required the government to prove that Gerardo Hernández conspired with the Cuban government to deliberately shoot down the BTTR planes and "murder" the pilots in international waters outside Cuba's jurisdiction. First, Gerardo Hernández was not involved in Cuba's decision to act decisively against a plane invasion. Second, the Government admitted as an "insurmountable obstacle" that it had no evidence to prove such a hypothetical conspiracy to deliberately shoot down the planes in international waters versus Cuban waters. But the Government was determined to convict Hernández. The trial was suspended and the government appealed to the 11th Circuit Court (the writ of prohibition) to order the District Court to change its instructions to the jury and require a lower threshold of evidence for conviction. The Government lost its appeal. **Yet, despite the government's lack of evidence, the jury still convicted.** Cuban Five attorney Richard Klugh: "The government conceded that it could not prove that Gerardo Hernández knew of a plan to do anything regarding the airplanes that would in any way violate United States laws."

² <http://www.freethethefive.org/legalFront/LFTonyResentenceTranscript101309.htm>

TIMELINE OF RESEARCH

September 8, 2006 *The Miami Herald* publishes article by Oscar Corral,³ revealing for the first time the names of 10 Miami reporters who have been receiving U.S. government monies to work for Radio and TV Martí. Three *El Nuevo Herald* reporters, Pablo Alfonso, Wilfredo Cancio Isla and Olga Connor, are fired. Corral receives death threats, goes into hiding for weeks with his family. After a boycott of *The Miami Herald* by Cuban right-wing extremists, Alfonso and Cancio Isla are re-hired.

January 23, 2009 The National Committee to Free the Cuban Five files its first Freedom of Information Act request (FOIA) to the Broadcasting Board of Governors (BBG), agency overseeing Radio and TV Martí, for the names of U.S. reporters working for Radio/TV Martí.

March 11, 2009 Of 33 names submitted, 17 return positive, including the original 10 listed in Corral's article. Lists of their names, payments from 2001 to 2009, are revealed.⁴ The National Committee requests the contracts of employment for the reporters. The BBG refuses to release more documents until the National Committee pays a substantial sum for continued search and duplication of documents.

March – June 2009 The Partnership for Civil Justice Fund (PCJF) files several appeals to the BBG for a fee waiver. It is denied June 3, 2009; the BBG says a "conservative" estimate of \$31,192.80 will be needed from the National Committee for further processing of the FOIA request. The PCJF files a lawsuit on behalf of the National Committee in federal district court in Washington DC.

June 2010 Habeas Corpus proceedings begin for Gerardo Hernández. In addition to his Ineffective Counsel claim, the new evidence of the U.S. government employment of Miami reporters and violation of Hernández's Due Process rights are presented for the first time.

October 2010 The PCJF files a FOIA on behalf of *Liberation* newspaper, requesting the contracts previously sought by the National Committee.

August 2011 More than 2,200 pages of contracts between the Government and the Miami reporters are released to *Liberation*, providing valuable information as to the nature and scope of the employment.

August 2011 The Habeas Corpus appeals are filed for Antonio Guerrero, Ramón Labañino and Fernando González. The central argument of their appeals — and evidence — is the government-paid journalists.

June – August 2012 Attorney Martin Garbus submits significant legal briefs, memoranda and affidavits to the Miami federal court in the appeals for Gerardo Hernández.

June 2013 The PCJF files a lawsuit on behalf of *Liberation* against the U.S. State Department for refusing to release documents it requested of payments to journalists, contracts and relevant materials for the dates 1998-2002.

September 2013 The Court orders the State Department to expeditiously produce the documents in its possession for *Liberation's* FOIA request.

October 2013 Attorney Bill Norris representing Ramón Labañino files a "Supplemental Memorandum Addressing the Threat of Government-Paid Journalists to the Integrity of the Jury Process," based on Judge Joan Lenard's February 2001 opinions and orders enforcing the Gag order during the Five's trial.

November 2013 As part of continuing research, the National Committee to Free the Cuban Five files a new FOIA to the BBG, for the program recordings of Radio/TV Martí, from 1998 to 2002, and 1996 around the time of the BTTR plane shoot-down. The BBG designates the National Committee as a media entity; research and duplication fees are waived for future FOIA searches.



³ http://www.freethethefive.org/legalFront/FOIA/Paid_Journalist_Coverage/CorralMH090806EN.pdf

⁴ All the research documents, including contracts, articles and other coverage by the reporters, as well as the legal appeals documents, are available on Freethethefive.org and Reportersforhire.org

The Miami reporters,
their backgrounds and
motivation to help convict
the Cuban Five

(a selection)

PABLO ALFONSO

Pablo Alfonso went far beyond news reporting to create fear and trepidation in the Miami community about Cuba. He received one of the largest amounts of U.S. government pay during the Five's prosecution, \$58,600, and \$252,325.00 between November 1999 and January 2009.

He wrote extensively for El Nuevo Herald on the Brothers to the Rescue plane shoot-down, keeping a steady drumbeat of anti-Cuba hysteria, which intensified after the Cuban Five were arrested on Sept. 12, 1998. He exploited the shoot-down throughout the time of the Five's detention, conveying the message that Fidel Castro and Cuba were guilty of murder and therefore, everyone else associated with him, too.

On Sept. 20, 1998, only eight days after the Cuban Five were arrested, Alfonso published an article in El Nuevo Herald, "Spies: Old advice from Khrushchev," in which he wrote that Soviet leader Nikita Khrushchev had suggested for Cuban leader Fidel Castro to send agents to infiltrate the United States.

In a tailor-made accusation that would later bolster the trumped-up charge against Gerardo Hernández, as well as portraying all five defendants as a danger to the Cuban-American exile community in Miami, Alfonso refers to alleged advice from Soviet premier Nikita Khrushchev:

Pablo Alfonso:

Amongst much of the advice Castro received from Khrushchev, it included having spies infiltrate exiled organizations in the south of Florida and the military apparatus of the United States.

The charge made this week by the FBI before a Miami Federal Court against 10 of Castro's alleged spies, clearly shows that his Caribbean disciple didn't dismiss Khrushchev's old advice. ... Khrushchev told Castro that Havana "should make every effort to penetrate exiled groups to crush their plans before they progress sufficiently".

"There are times when security services should physically eliminate counterrevolutionary leaders in exile."⁵

Alfonso was prolific, along with other Miami reporters, in characterizing Fidel Castro as a danger and threat to the security of the United State, and by association, the Cuban Five.

In the September 16, 1998 article entitled "Possible Alliance with Terrorism," only four days after the Five's arrest, Alfonso interviews "military expert" Cuban exiles, who claim that the U.S. government's arrest of the Cuban Five defendants may be prompted by its need to stop Cuba's alliance with states that the U.S. has declared terrorist:

The surprising offensive against an alleged network of Cuban spies in Miami, may be an

⁵ http://www.freethefive.org/legalFront/FOIA/Pablo_Alfonso/AlfonsoENH092098EN.pdf

action aimed at preventing a possible collaboration between the Cuban government and countries involved in terrorist actions against the United States, according to military and intelligence experts who expressed this to El Nuevo Herald.

[Cuban defector] Orestes Lorenzo said that he isn't surprised Fidel Castro's regime is "lending or selling its intelligence services" to Islamic terrorist groups or powerful nations that are interested in carrying out terrorist acts on US territory.

According to Erneido Oliva the director of the Cuban American Military Council, which is based in Washington, it's no surprise that Castro maintains links with groups and nations that practice terrorism.

"For me, there is no doubt that Fidel and Raul Castro represent a threat to the national security of the United States, which could include any type of action of this nature," affirmed Oliva, a retired General of the United States army.

The decision to break into the network was taken by "the administration because they believed that an action was near or for the prevention of their expansion," added Oliva.⁶

This type of speculative unsubstantiated and false reporting by Alfonso went beyond the norms of journalism to create a highly charged atmosphere against men associated with defending Cuba.

Alfonso and other Miami U.S.-paid reporters continually accused Fidel Castro of nefarious crimes or motives and linked him with the Cuban Five defendants.

The message was: "If you exonerate the Five, you exonerate the dictator Fidel Castro."

This was the drumbeat accusation used by EVERY one of the reporters working for the government.

Without any substantiation whatsoever, the Cuban Five were continuously accused by the government reporters of terrorism, threats to national security, despite the fact that the Five were actually monitoring the movements of the Cuban terrorist organizations in Miami, to thwart their attacks, something the Government was fully aware of.

The records of Pablo Alfonso's payments only begin with November 1999, because the U.S. State Department, which has possession of the United States Information Agency (USIA) records before 1999, will not release payment records of the reporters before then.⁷ It is not

⁶ http://www.freethethefive.org/legalFront/FOIA/Pablo_Alfonso/AlfonsoENH091698EN.pdf

⁷ The Partnership for Civil Justice Fund (PCJF) filed a lawsuit against the U.S. State Department. In September 2013 a federal court ordered the State Department to expeditiously produce Radio/TV Martí documents requested by *Liberation* newspaper, for dates 1998 to 2002. The government has not produced them to date.

yet possible to ascertain whether Alfonso received pay before that date. His coverage extended well into the trial period. Our investigations continue.

The trial judge issued a gag order in October 1998, barring the parties from making statements to the media that would prejudice the trial.

On November 27, 2000, the day jury selection began, Judge Joan Lenard issued instructions to extend the October 1998 gag order issued after the Cuban Five's arrest:

I am going to extend the sequestration order that not only must witnesses not talk to each other, they must not talk to the media and I suspect all of the attorneys will instruct their witnesses they are not to talk to each other or the media.⁸

José Basulto, head of the Brothers to the Rescue organization, was one trial witness whom the media was barred from quoting or speaking with. He and the media secretly employed by the government violated the order time after time.

In a January 14, 2001 article titled "The case of the Brothers to be taken to the Bush administration", Alfonso quotes José Basulto, head of Brothers to the Rescue and a trial witness, about the shoot-down and a petition that Basulto was circulating calling for Fidel Castro's prosecution by the U.S. government for the shoot-down.

"The Brothers to the Rescue have hard evidence that was gathered in the last five years, which clearly identifies those responsible for the downing, and those who had prior knowledge of the attack, as well as those involved in the politically motivated cover-up of this atrocity," said Basulto.

... Next February 24th marks the fifth anniversary of the downing of the planes, and the death of the four crewmembers. Apparently there are still some chapters yet to be known about that murder, executed in cold blood by Cuban fighter pilots.⁹

On September 8, 2006, five years after the Cuban Five were wrongly convicted, The Miami Herald published an Oscar Corral article exposing Alfonso and nine other Miami reporters as employed by the Government via Radio and TV Martí. Alfonso was immediately fired.

However, a right-wing boycott of The Miami Herald and cancellation of more than 2,000 subscriptions resulted in Pablo Alfonso and Wilfredo Cancio Isla being re-hired.



⁸ Trial transcript, page 119. During the Five's prosecution, trial witness and BTTR head José Basulto would continue to insist and defy the gag order imposed on witnesses. See page 33 of this document.

⁹ http://www.freethefive.org/legalFront/FOIA/Pablo_Alfonso/AlfonsoENH011401EN.pdf and in Articles section of this document.

WILFREDO CANCIO ISLA

When The Miami Herald reporter Oscar Corral broke the story September 8, 2006 of the Miami journalists on the U.S. government payroll, Wilfredo Cancio Isla was among those 10 reporters exposed. The National Committee to Free the Cuban Five began a broader investigation to uncover the role of the government reporters in convicting the Five.

Among Cancio Isla's coverage of the Five's trial is a scandalous article in El Nuevo Herald on June 4, 2001, the day the jury began its deliberations on the question of guilt or innocence.

With the headline, **"Cuba used hallucinogens to train its spies,"** the article is a complete fabrication. It makes an unsubstantiated claim from an anonymous Cuban spy deserter — with two pseudonyms — that Cuba gives its agents LSD and other hallucinogens before sending them on missions abroad.

Cancio's intention was to give the "coup de grace" against the Five, just at the moment when the jury was beginning its deliberations.

He links the Five to the outrageous hallucinogens claim, by quoting the same anonymous man:

"At the beginning of this year, motivated by the trial taking place in Miami against five presumed Cuban spies, he [the deserter] decided to break his silence. ... 'I can assure you that the Wasp Network (broken up in September 1998) is just a part of the espionage work that was conceived to infiltrate the United States on a long-term basis".¹⁰

Cancio Isla also knowingly and flagrantly violated the Court's gag order and courtroom instructions which prohibited the media from informing the public about private discussions of the prosecution, the defense and the judge, while the jury was removed from the Courtroom.

On April 19, 2001, in an El Nuevo Herald article headlined, **"The prosecution fears Cuban control in spy trial: 'Cuba is preparing a fabricated version of the facts,'"**¹¹ Cancio revealed an "ex parte" private debate between the Government and Defense attorneys, that the jury was not supposed to hear. That discussion included a claim by U.S. prosecutor Caroline Heck-Miller that Cuba is "constructing a fabricated version of the facts." Heck-Miller was opposing a request by the Defense attorneys for permission to travel to Cuba to obtain more physical evidence related to the BTRR plane shoot-down. This type of unsubstantiated charge was not permitted before a jury. Cancio Isla made certain it made headline news to the Miami community, from which the jury is composed.

Only six days before, April 13, 2001, judge Joan Lenard had warned the media not to make public the conversations between the Government and defense, saying:

¹⁰ http://www.freethethefive.org/legalFront/FOIA/Wilfredo_Cancio_Isla/CancioIslaENH060401EN.pdf

¹¹ http://www.freethethefive.org/legalFront/FOIA/Wilfredo_Cancio_Isla/CancioIslaENH041901EN.pdf

“the Court and the parties have an interest in protecting the jury from matters not presented to it in the open courtroom and that is the reason for the gag order that was entered by the Court with respect to discussion of attorneys and the like; ...”¹²

The objective of the judge’s previous Court order and this particular instruction on April 13 was intended to prevent the unsequestered jury from being influenced.

Cancio Isla violated the judge’s instructions with a story and sensational headline that only days before Judge Lenard explicitly explained should not appear in public. It appeared in El Nuevo Herald, the second-largest circulation newspaper in Miami after The Miami Herald.

This deliberate violation of the Court’s order by Cancio Isla is only one example of the attempt by the U.S.-paid reporters to influence the jury against the Cuban Five.

It must be emphasized that the Defense and Court were completely unaware that reporters employed by the U.S. government produced this “journalism”.

Although Cancio Isla was fired by the Miami Herald for his flagrant violation of journalist ethics because of his government employment, he was soon re-hired along with Pablo Alfonso after the Cuban-American rightwing organized a boycott of the newspaper.



¹² Memorandum in Support of Motion to Vacate, Set Aside, or Correct Judgment and Sentence of Ramón Labañino under 28 U.S.C. § 2255: <http://www.freethethefive.org/legalFront/RamonHabeas80811.pdf>

ENRIQUE ENCINOSA

The U.S. government employed Encinosa during the Cuban Five's trial, receiving \$5,200.00 during that period. At the same time, he was a long-time news reporter and commentator on Miami radio WAQI, the most notorious extreme right-wing station with 50,000 watts power, which commented on the Cuban Five extensively. He also had a regular weekly program on WQBA 1140 AM, another right-wing Miami station.

By his own admission Encinosa was involved in paramilitary actions in the early 1960s and openly called for terrorist attacks inside Cuba in the late 1990s, via live broadcasts from his Miami-based clandestine radio station.¹³

He has a close association with the most violent and dangerous terrorist organizations in Miami: In November 1996 Encinosa was keynote speaker at the inauguration of an Alpha 66 paramilitary training camp¹⁴ and boasts of his friendship with terrorist bomber Luis Posada Carriles and support for Posada's terrorist accomplice Orlando Bosch.

Gerardo Hernández's attorney Martin Garbus, in his Affidavit in Support of the Motion to Set Aside the Conviction of Gerardo Hernández, notes that in a Miami radio interview several days after the Five's arrest, on September 21, 1998 (and reported in El Nuevo Herald):

Encinosa, now cited as an intelligence expert, stated that the arrests occurred because U.S. Intelligence "has detected or has indications that the information [supposedly gathered by Hernández and his co-defendants] is passing through terrorist organizations outside the United States." Olanse Noguerras, the author of the article, "establishes" Encinosa as an intelligence expert; [Noguerras] also received payments from the Government.¹⁵

With Encinosa's radio advocacy of terrorism against Cuba and his own past in terrorist attacks — something he boasts about to this day — Encinosa had a clear motive in working to secure the Cuban Five's conviction.

The Five were keeping a watchful eye on terrorist Orlando Bosch in Miami, who was responsible for numerous bombings in that city, and was an intellectual author of the Cubana airliner bombing on October 6, 1976, in which 73 people died. His accomplice in the Cubana bombing and other crimes was Luis Posada Carriles. While the Cuban Five were in Miami trying to prevent terrorism, Posada Carriles was paying mercenaries to plant bombs in several Havana

¹³ The transcript, video, audio and article links of Enrique Encinosa's terrorist history are in the Articles section of this document, and at www.freethefive.org

¹⁴ "Overthrow on the Radio: With a vengeance born of extremists, the radical La Voz de la Resistencia show goes straight for Castro's jugular", *Miami New Times*, Thursday, February 13, 1997, Kathy Glasgow.

¹⁵ Martin Garbus Affidavit in Support of the Motion to Set Aside the Conviction of Gerardo Hernández, Aug. 31, 2012, page 19. <http://www.freethefive.org/legalFront/GerardoAffidavit83112.pdf> The Noguerras article: http://www.freethefive.org/legalFront/FOIA/Other_Coverage/NoguerrasENH092198ES.pdf

hotels in 1997. One of those bombs killed the Italian tourist, Fabio Di Celmo, as he sat in the Copacabana Hotel in Havana, September 4, 1997.

Encinosa, a close friend of the terrorist Posada Carriles, commented on those hotel bombings, in 2005, while being interviewed for a film.

I personally think it's an acceptable method. It's a way of damaging the tourist economy. The message that you, one, tries to get across is that Cuba is not a healthy place for tourists. So, if Cuba is not a healthy place for tourists because there's a few windows being blown out of hotels, that's fine.¹⁶

Encinosa is himself a terrorist, he operates a clandestine radio station that advocates terrorism, he openly supports the terrorists' hotels bombings, he is a keynote speaker at the inauguration of a terrorist paramilitary training camp, he receives Government monies while vilifying the Cuban Five anti-terrorists on the most powerful Miami radio stations.

Encinosa is one of many examples why the Cuban Five's Due Process rights were irreparably harmed from the start, and why their immediate freedom must be granted.

Encinosa's collaboration with the U.S. government was first discovered in 2009, through documents released to the National Committee to Free the Cuban Five by a Freedom of Information Act petition. The National Committee currently has a FOIA request pending with the Broadcasting Board of Governors to obtain the recordings of Encinosa's radio programs on Radio Marti.



¹⁶ <http://www.youtube.com/watch?v=-pJyHRQVZUY>

JULIO ARMANDO ESTORINO

Julio Estorino, radio commentator and news director with extensive broadcast exposure in Miami, had daily morning and evening talk shows at the same time he was working for Radio Martí. He was a frequent columnist in *Diario Las Américas*. This includes the period of the Cuban Five's prosecution, from September 12, 1998 through their conviction on June 8, 2001.

When the National Committee first submitted a Freedom of Information Act request for information on all Miami reporters working for the government propaganda stations Radio and TV Martí, the Broadcasting Board of Governors (BBG) released only the amount of \$15,050 for Julio Estorino, and only for the dates after the Cuban Five trial ended (Oct. 2002-Dec. 2003).

Through a *Liberation* newspaper FOIA request, as well as information in *Cuba Money Project* and searches of the Federal Procurement Data Systems, we have been able to ascertain that Estorino received **\$104,050.00** between the dates of November 15, 1998 and December 1, 2003, **\$89,000.00** of that amount during the Five's prosecution. Enormous efforts were required to obtain a partial list of the payments to journalists. The Government still refuses to fully reveal the data requested. Our research continues.

When Estorino's Curriculum Vitae was finally obtained through a *Liberation* FOIA, his employment was revealed to have begun as early as March 1998, not 2002. His CV clearly states his employer as "**U.S. Government.**"¹⁷

Estorino has been a member of the Junta Patriótica Cubana, formed in the early 1980s, which advocates the violent overthrow of the Cuban government.

During the same period Estorino worked in daily broadcasting on Radio Martí, he was also:

- Executive director of a morning news show of right-wing Miami radio station WACC
- Host of WACC's daily evening drive-time interview show, "El Portal"
- Co-host of "Al Día," a daily news and opinion show.
- Since 1997, he was a regular columnist for the Miami newspaper *Diario las Américas*.

Six days after their arrest, an article on Sept. 18, 1998 in *Diario Las Américas* of Miami, headlined, "The spies of Havana and Washington's intentions," Estorino writes:

Throughout [Fidel Castro's] lengthy reign of terror, many have known and almost all have assumed that certainly in this country and in Miami, amongst us, there are Castro agents moving about and performing different missions, none of which we can say are any good.¹⁸

When the Cuban Five were arrested on Sept. 12, 1998, an immediate clamor began by several of the most prominent U.S.-paid journalists for the Five to be indicted for the deaths of four pilots of Brothers to the Rescue (BTTR), shot down by Cuba when they invaded Cuban airspace.

¹⁷ See Julio Estorino's Curriculum Vitae on page 17 of this document.

¹⁸ http://www.freethefive.org/legalFront/FOIA/Julio_Estorino/EstorinoDLA091898EN.pdf

Cuba had warned the Clinton administration that BTTR invasions into Cuban territory would no longer be tolerated.

From the time of the Feb. 24, 1996, shoot-down until the indictment of Gerardo Hernández on May 8, 1999, on false charges of “conspiracy to commit murder,” the Miami coverage was virulent and beyond any semblance of objective reporting.

Estorino wrote an article published in *Diario Las Américas* on May 14, 1999, titled “With Malice Aforethought”:

The United States government has formally indicted a number of agents from Castro's dictatorship who were operating in South Florida, with conspiracy to commit murder, in relation to the downing of the Brothers to the Rescue airplanes and their tragic toll of four deaths on February 24, 1996.

It is clear from the prosecution's arguments that the brutal attack was not a heated response to a provocation, but a coldly calculated aggression; a crime in every sense, aggravated and perfidious.

All this should be proven and it shouldn't be very hard to do it. ...

The Cuban exiles have waited forty years for the beginning of a recognition, even an implicit one, that their denunciations about the vile and wicked nature of Fidel Castro and the system of government he has imposed on our people, have not been exaggerations, mistakes, or lies. This vileness and wickedness has already reached U.S. territory and its citizens and it's time for the consequent actions to be taken: that Fidel Castro be indicted as well, along with everyone who participated in this infamous crime.

It's time for justice to be done.¹⁹

In “Espionage and Indifference,” *Diario Las Américas* dated January 5, 2001, Estorino makes a false accusation about the Five's trial of supposed infiltration of weapons:

For if the insanity shown in the downing of the airplanes from Brothers to the Rescue over international waters, with cold, malicious calculation, were not enough, now it comes to light that Castro's secret services have been trying to find infiltration points for weapons and explosives on the coastlines of this country, a task that was assigned to some of those implicated in this spy network...the one that has been discovered and is being tried.²⁰

Estorino received \$89,000 during the prosecution of the Five.



¹⁹ http://www.freethethefive.org/legalFront/FOIA/Julio_Estorino/EstorinoDLA051499EN.pdf

²⁰ http://www.freethethefive.org/legalFront/FOIA/Julio_Estorino/EstorinoDLA010501EN.pdf

Julio Armando Estorino

(b) (6)

(b) (6)

(b) (6)

(b) (6)

SSN:

(b) (6)

Education

B.A. in Spanish

May 1978

St. Thomas University (formerly Biscayne College), Miami, FL

B.A. in Political Science

May 1978

St. Thomas University (formerly Biscayne College), Miami, FL

Total credits earned: 159

**Last High School
attended**

Ramón Matthieu School, Matanzas, Cuba.

Sep. 1961

**Radio & TV
Experience**

W.A.C.C. Radio Paz, Miami, FL

Nov. 1997 - present

Aug. 2003-present: *Executive Director of Morning Show*: news and commentary magazine

Nov. 1997-present: *Host*: "El Portal de Miami," daily evening drive-time interview show

Nov. 1997-Jan. 2002: *Co-host*: "Al día," (formerly "Amanecer") news and opinion show

Employer: Pax Catholic Communications

1779 N.W. 28 St.

Miami, FL 33142

Salary: \$33,000.00 per year, one three-hour morning show and one one-hour evening show, 20 hours per week

Supervisor: (b) (6) (may be contacted)

Duties: Select guests and topics. Contact guests, produce the show and conduct interviews. Write and broadcast own news commentary.

Accomplishments: "El Portal de Miami" is one of the most listened-to programs in Radio Paz. Over the years I have been able to present a wide array of international experts on many different topics, especially on Cuba-related issues.

W.W.F.E. La Poderosa, Miami, FL

Jan. 2002 - Aug. 2003

Co-host: "La Revista de la Mañana," daily morning drive-time news and opinion show

Employer: Fenix Broadcasting Corp.

330 S.W. 27 Ave., Suite 207

Miami, FL 33135

Salary: \$12,000.00 per year, 15 hours per week

Supervisor: (b) (6) (may be contacted)

Duties: Select and edit news and sound bites for newscast. Contact people in the news and/or commentators for interviews. Write and read on the air own daily commentary. Broadcast the news and introduce segments and guests. Interview guests and receive and respond on air listener's calls.

Accomplishments: In the fifteen months that I have been on this show the audience has steadily increased according to Arbitron polls.

T.V. Martí, Miami, FL

Mar. 1998 - present

Host: "Mesa Redonda," weekly interview show

Employer: U. S. Government

Office of Cuba Broadcasting

4201 N.W. 77 Ave.

Miami, FL. 33166

Salary: Independent contractor, \$175.00 per 30-min. show, one per week

Supervisor: (b) (6) (may be contacted)

Duties: Together with the producer, select guests and topics. Introduce and interview guests.

Accomplishments: I have been able to have on the show, over the years, people of different political backgrounds and thinking, Cubans and non-Cubans, freely expressing and debating their views. I have promoted serious, in-depth news analysis and I have covered all events relevant to the Cuban situation.

Radio Martí, Miami, FL

Mar. 1998 - Aug. 2001

Co-host: "Tempranito y de mañana," a daily news, interview, opinion, and variety show

Employer: U. S. Government

Office of Cuba Broadcasting

4201 N.W. 77 Ave.

Miami, FL 33166

Salary: Independent contractor, \$150.00 per three-hour daily show, plus one daily news commentary, 15 hours per week

Supervisor: (b) (6) (may be contacted)

Duties: Together with the producer and the co-host, select guests and topic for news-related interviews. Research, broadcast and comment on Cuban history, culture and current events for different segments of the show. Introduce guests and sections. Write and broadcast own daily news commentary.

Accomplishments: "Tempranito y de mañana" was, according to credible sources, one of the audience's favorite shows in Radio Martí. I have been told it was the most listened to by Cubans in the island. I always took pride in being part of that show, and felt very comfortable working with Oscar del Río and the rest of the crew. I received many letters from listeners in Cuba with very interesting opinions about the show and my work in it. Copies will be available on request.

W.Q.B.A., Miami, FL

Sep. 1992 - Nov. 1997

News director: Morning and noon newscasts

Co-host: "Detrás de la Noticia," daily news and opinion show

Co-host: "Primera Plana," daily interview show

Host: "Debate Semanal," weekly interview show

Writer and Reader: "Cantaclaro," daily editorial news commentary

Writer: "Candelaria," daily satirical news commentary

Employer: Heftel Broadcasting

W.Q.B.A.

2828 Coral Way

Miami, FL 33145

Salary: \$68,000.00 per year, 40 hours per week

Supervisor: (b) (6)

Duties: Select and edit the news and sound bites for the morning and noon newscasts. Check on content and readiness of segments. Select people to be interviewed on news-related issues. Comment on daily news with co-hosts and guests. Write and broadcast own daily news commentary. Write a daily satirical news-related poem for a fictional character of own creation.

Accomplishments: During my time at WQBA, it regained its long lost competitive status in the local market. My morning show, with Agustín Acosta, reached first place in the Arbitron ratings in the 34 to 54 year-old audience several times, and, together with the rest of the programs and newscasts I was involved in, showed consistent growth.

***Newspaper
Experience***

Diario Las Americas, Miami, FL

1997 - present

Columnist

Revista Ideal, Miami, FL

1985 - present

Columnist

El Nuevo Herald, Miami, FL

1988 - 1996

Columnist

Publications

Patria y pasión, poetry, Miami, FL, 1975.

Other works of poetry published in:

- *107 poetas cubanos del exilio, Miami, FL, 1988.*
- *El amor en la poesía hispanoamericana, Buenos Aires, 1985.*
- *Resumen literario El Puente, Madrid, 1982.*
- *Poesía en Exodo, Miami, FL, 1970.*

Honors and Awards

Honors and Awards received include:

- ACCA Trophy, Creativity in radio broadcasting, Cuban Critics Association in Exile, 1996.

- ACCA Trophy, Best Newscast, Cuban Critics Association in Exile, 1995.
- National Journalism Medal, Cuban Press Club in Exile, 1994.
- Sergio Carbó Award for Journalism, Cuban Rotary Club in Exile, 1982.
- Ramiro Collazo Award, Cuban Lions Club in Exile, 1979 and 1981.
- Ignacio Agramonte Award, newspaper article, Cuban Bar in Exile, 1972.

Public Speaking

Public speaking engagements include presentations at student's clubs of the School of International Relations of Northwestern University, Chicago, the First Cuban Dissidents International Congress (Paris, France, 1979), and different Cuban exile's associations in Costa Rica, the Dominican Republic, Venezuela, Puerto Rico and several cities all over the United States.

Service Activities

- Municipios de Cuba en el Exilio, 1967-1996
- Dade County Fair Elections Practices Committee, 1980s
- Comité del Centenario de la Instauración de la República (Republic of Cuba Centennial Committee), 2002-2003

Military Service

U. S. Army, Cuban Volunteer's Program, 1963-1964

Special Skills

- Fully bilingual (English-Spanish) and skilled translator
- Experienced writer of editorial and news content as well as broadcast scripts press releases, advertising copy, and media alerts and announcements
- Possess office and newsroom management experience
- Skilled at organizing events
- Internet proficient
- Extensive knowledge of word history and current affairs

References

References are available upon request.

Other

U.S. Citizen: Yes
 Veteran's Preference: No
 Federal Civilian Employee: No
 Eligible for Reinstatement: No

HELEN AGUIRRE FERRE

Helen Aguirre Ferre is Editor of the Editorial and Opinion Pages of *Diario Las Américas*. Staff reporters at *Diario Las Américas* received substantial amounts of U.S. government pay at the same time they wrote biased articles against the Cuban Five during trial and in the period immediately after the Feb. 1996 Brothers to the Rescue plane shoot-down [see separate listings for Ariel Remos, Julio Estorino, who wrote DLA articles while receiving U.S. Government funds].

Under Helen Aguirre Ferre's tutelage, there were many signed and unsigned editorials and opinions which demanded vengeance against the Cuban Five and Fidel Castro, labeling him and by explicit association, the Five — as defenders of Cuba — in terms which could not remotely be regarded as journalism.

Using inflammatory words like "Hitler," "butcher," "executioner," "tyrant," "worse than Pinochet," these articles, editorials, and even cartoons, were intended to create an atmosphere in which no defendant associated with the Cuban government could receive justice.

As opinion-page editor, Aguirre Ferre approved the *Diario Las Américas* editorial entitled, "The totalitarian tyranny of Fidel Castro is indeed a danger for the U.S.," dated February 16, 2001,

Anyone who says that Cuba does not represent a danger for the cause of, world democracy, and for the cause of the United States of America in particular, certainly does not understand what the concept of danger entails in the case of Cuba, or deliberately wants to favor the totalitarian tyranny of Fidel Castro which has been enslaving the Cuban people for over forty-two years ...

Furthermore, many worthy American citizens have lost their lives because of the criminal whims of the Havana regime. For example, virtually five years ago, on February 24th, Castro killed four Cuban Americans whose unarmed light planes were shot down while flying in international air space. They were Armando Alejandro, Carlos Costa, Mario de la Peña and Armando Morales.²¹

U.S. Congress members Ileana Ros-Lehtinen and Lincoln Diaz-Balart, known for their glorification of Miami terrorists like Orlando Bosch, had their editorials published during major developments in the trial, weighing in against the Five.

Orlando Bosch, a terrorist responsible for the deaths of dozens of people, had an opinion piece published, with Helen Ferre's approval as Editor. "The Lightning Bolt" by Bosch, May 15, 2001,²² makes a veiled threat against one of the Cuban Five attorneys for daring to defend them.



²¹ http://www.freethefive.org/legalFront/FOIA/Helen_Ferre/StaffDLA021601ENES.pdf The editorial was one of many headline stories that appeared that month in relation to the murder conspiracy charge against Hernández. The defense team filed a motion Mar. 1, 2001, DE #1009, for mistrial and change of venue.

²² http://www.freethefive.org/legalFront/FOIA/Helen_Ferre/BoschDLA051501EN.pdf

ALBERTO MÜLLER

Alberto Müller left Cuba for the United States in 1960 and formed a group called Revolutionary Students Directorate (DRE), which carried out terrorist attacks inside Cuba, including bombings in Havana. With training by the CIA, he infiltrated Cuba in 1961 to try to organize paramilitary actions in the Escambray mountains, just before the Bay of Pigs invasion.

Müller was caught and convicted of terrorist attacks. After serving 20 years in prison and being exiled to the United States, Müller became a Miami reporter.

The BBG contracts obtained by *Liberation* newspaper show government payments to Müller of \$38,571 from Oct. 1, 2004, to March 31, 2010. During the Five's trial, he wrote incendiary articles about the Cuban Five and the BTTR plane shoot-down. The BBG has so far failed to release information relating to its employment of Miami reporters before Nov. 1999.

On Feb. 20, 2001, Müller wrote a venomous article titled "Murderers" in *Diario Las Americas*, during the time when *Diario Las Américas* editor Helen Ferre was receiving government pay:

The last minutes in the life of four pilots downed in international waters by Castro's MiG planes were filmed and recorded for posterity.

What we needed to hear ... live ... shamelessly uninhibited, accented with bloody premeditated calculation ... the subordinates asking the commander in chief for the go-ahead to pulverize the defenseless airplanes of Brothers to the Rescue with a Soviet missile ... Five years have passed since the horrendous crime committed over international waters. That's why the matter should be put to the legal and humanitarian powers of every organization of human justice, from the International Criminal Court at the Hague to the Human Rights Commission at the United Nations.

The Criminal Confession ... in the very voice of the underling executioner ... we have finally heard it with absolute clarity ... during the trial of Castro's spies who infiltrated Miami. What more is needed now to make the decision to try Fidel Castro? What more is needed now to make the decision to seat Fidel Castro in the dock at an international legal trial? Well, nothing. All the elements of the inquiry are at hand.

No crime should remain unpunished ... but one that is executed in the open skies ... against defenseless human beings who were flying over international waters in search of Cuban rafters on the high seas deserves the strictest and unmistakable repudiation by all of humanity ... due to its filthy genocidal character. [Editor's note: Ellipses in original]

The act is so despicable by its nature as a crime against humanity that it suggests the accused should be in the dock, whether they are subordinate executioners or executioners among the maximum leadership.²³



²³ http://www.freethefive.org/legalFront/FOIA/Alberto_Muller/MullerDLA022001EN.pdf

ARIEL REMOS

Ariel Remos, a regular reporter for *Diario Las Américas*, came to the United States from Cuba in 1960, and is a long-time member of the right-wing exile group *Junta Patriótica Cubana*, along with DLA U.S.-paid reporter Julio Estorino.

According to *Cuban-exile.com*, “This organization favors the violent overthrow of Cuba’s government,” something Remos has openly espoused in his 40 years of journalism. Remos wrote articles against the Cuban Five days after their arrest and throughout the trial. His tactics included declaring Fidel Castro guilty of murder for the shoot-down, advocating his indictment, and linking the Cuban Five.

Remos wrote many articles against the Cuban Five trial and about the BTTR plane shoot-down. He published a completely false article about the Five’s trial in *Diario las Américas*, Jan. 19, 2001, titled, “Fidel Castro planned the assassination of Jesus Cruza Flor in the U.S.A.” He states:

At the trial of the Cuban spies that made up the so-called “Wasp Network”, it has been shown that Fidel Castro’s regime has openly conspired to undertake terrorist acts in the U.S.A, and that the Cuban exiles have not exaggerated when they denounced the penetration of Castro’s agents in this country...

Through the trial in question it has not only become known that the Cuban regime planned to disembark arms and explosives on United States territory, but also planned the murder of prominent Cuban exiles because of their opposition to the regime.²⁴

Remos’ claims are completely false. But for a public not privy to the trial details, Remos’ unchallenged accusations would have had a poisonous impact on the public. As Judge Joan Lenard would later opine, not even her “most explicit instructions” could shield the jury from banner headlines.²⁵

The jury was not sequestered. For the seven months of trial, the jurors went home every night. They were filmed by TV cameras, their images were clearly shown on TV news programs, for co-workers, friends and the broader public to identify them, including many terrorists — and reporters who are terrorists — running free in Miami. The message was clear to the jury: We know who you are, and a verdict of not guilty could result in negative consequences.

Remos received **\$10,400** during the prosecution of the Five.



²⁴ http://www.freethefive.org/legalFront/FOIA/Ariel_Remos/RemosDLA011901EN.pdf

²⁵ See the Court Orders of Feb. 16, Feb. 22, 2001, expanding and enforcing the gag order of October 1998, beginning page 53 of this document. The government media and witnesses violated them continually.

ARMANDO PÉREZ ROURA

Pérez Roura is longtime director of WAQI “Radio Mambi”, and collaborator of the Radio Martí for many years. His relationship with Radio Martí was unknown to the defense during trial.

Pérez Roura, a supporter of Fulgencio Batista, worked for him at the Presidential Palace as announcer. He went into exile from Cuba in 1969 and joined the terrorist group Alpha 66. He was correspondent for CORU, the organization headed by terrorist Orlando Bosch. After leaving Cuba, Pérez Roura had a directing position in WRYZ “Radio Centro,” acquired by the CIA to broadcast to Cuba.²⁶

One of his WAQI programs, “Tome Nota,” is regularly re-broadcast on Radio Martí.

On his Miami radio broadcasts, Pérez Roura is known for his extremist views, often advocating violence against anyone who favors dialogue or normal relations with Cuba.

We’ll cut Fidel’s head off... And we’ll settle accounts with those who have been in favor of dialogue with Castro’s regime.²⁷

Pérez Roura’s work with Radio Martí, while also espousing attacks against the Cuban Five on Miami’s most powerful radio station, made him an active U.S. government agent in helping condemn the Five in Miami before and during their trial. WAQI, with 24 hours programming and 50,000 watts, has readily made itself available whenever Radio/TV Martí calls.

Pérez Roura’s article, “Castro’s Spies,” appeared in *Diario Las Américas* on January 7, 2001, and typical of the author, is written in a threatening tone. It was published at a time during the trial — January and February — when the BTTR pilots’ deaths received highly emotional coverage.

I’ve said it a million times; one day, when the nightmare is over, the whole world will be shocked to learn that Castro spent hundreds of millions of dollars to maintain this gigantic apparatus responsible for crimes and other atrocities. This is why we should be paying attention to the trial against these spies, where just the tiniest part of what U.S. security agencies know is being revealed.

Those who up until now have championed their rights, will have to suffer confrontation with the law. ... The criminal downing of the Brothers to the Rescue airplanes, and the way in which they received a prize for the cowardly multiple murder, by being promoted, wounds the feelings of even the most heartless. For this as well, the murder of the boys over international waters must not remain unpunished.

Neither its mastermind, Fidel Castro, nor those who reported to the regime (as their superiors ordered) should remain unpunished.²⁸



²⁶ From *Los Disidentes*, by Rosa Miriam Elizalde and Luis Baez, p. 66.

²⁷ The Sun-Sentinel, Oct. 5, 1993, *Cold Warriors Of Cuban Radio: On Miami Talk Radio, The Crucial Question Is “How Much Do You Hate Fidel?”* by Ana Arana

²⁸ http://www.freethethefive.org/legalFront/FOIA/Perez_Roura/PerezRouraDLA010701EN.pdf

LUIS AGUILAR LEÓN

Luis Aguilar Leon was publicly employed as editor of the Opinion page of El Nuevo Herald as early as 1996. The large-circulation Miami newspaper is known for its strong anti-Cuba bias. Although he portrayed himself as an independent journalist, Aguilar León was in fact working for Radio Martí since its founding in 1985, through the end of the Cuban Five trial.

Aguilar Leon played a key role in fostering an inflammatory climate in Miami in the aftermath of the Feb. 24, 1996 shoot-down of the Brothers to the Rescue (BTTR) planes.

That singular event unleashed a virulent atmosphere in Miami, and the flames of vengeance would not die down until the trumped-up indictment and false conviction of Gerardo Hernández for “murder conspiracy.”

Aguilar León’s history is an important example of the clandestine nature of the U.S. government Miami reporters who posed as independent.

On February 27, 1996, three days after the BTTR plane shoot-down, El Nuevo Herald published a signed editorial by Opinion-page editor Aguilar León. It reads in part:

Many reasonable minds who have studied the Cuban process have still not managed to explain the reasons that brought Fidel Castro to sic his aerial dogs on two defenseless aircraft, destroying them and killing their four occupants, right under the nose of a Europe that was inclined toward friendly relations. These people ignore or have wanted to ignore what is perfectly understood among Cubans: Castro is genetically conditioned toward violence and barbarism. Like the scorpion in the fable, he ends up stinging even the hand that tries to caress his back.

... One wishes for the power to send three well-armed fighter jets to the Cuban coastline to see if these henchmen of the air can prove themselves as courageous when the adversary above them is armed. Or to fly over Varadero [beach], shooting, to delight in the image of a stampeding bunch of lewd tourists, the kind who believe that in Cuba everything is for sale, jumping over fences and fleeing across the sand on which they trod.

Only one month before Aguilar León’s editorial and the shoot-down, he was asked to be part of a four-person panel of prominent journalists to investigate the journalistic integrity of Radio and TV Martí.

At the time, January 1996, Radio Martí and TV Martí were embroiled in controversy over numerous criticisms — internal and external — that the programming did not meet standards of professional journalistic objectivity in its coverage of Cuba.

Broadcasting Board of Governors head David Burke announced that a four-person panel would be convened to investigate the complaints.

In January 1996, *The Miami Herald* reported on the panel, identifying the members and titles as: Ben Bradlee, former executive editor of the Washington Post; Joan Konner, dean of Columbia University School of Journalism; Lawrence Grossman, former president of NBC National News, and Luis Aguilar León, editor of the Opinion section of El Nuevo Herald.

Aguilar León, selected to examine the objectivity of Radio and TV Martí, was in fact an employee of Radio Martí. He never revealed this critical conflict of interest to the public or his co-panelists.

His February 27, 1996 editorial espousing terrorism against Cuba in the aftermath of the BTTR shoot-down was conveyed to a Miami public that was inundated by similar coverage for years until the unjust conviction of Gerardo Hernández and the Cuban Five.

Recently, Lawrence K. Grossman, the president of NBC National News from 1984 to 1988, and president and CEO of the Public Broadcasting System from 1976 to 1984, wrote a letter to Hernández's attorney Martin Garbus, saying that he was unaware of León's government employment, with respect to the BBG investigative panel that was formed.

We certainly were never informed, nor was I aware when we met in an introductory meeting in Washington, that Mr. Aguilar Leon was employed by Radio Marti at the time. ... Had I known that fact then, I undoubtedly would not have accepted Mr. Aguilar Leon as an impartial, independent participant in the project.²⁹

The illegal, unethical — and for the Cuban Five defendants, injurious — phenomenon of Miami journalists posing as independent but working for the government that prosecuted the Five, was completely hidden from the Five and their attorneys.

In the midst of the witch-hunt atmosphere by government agents, it was impossible for Gerardo Hernández and his four co-defendants to receive justice in Miami.



²⁹ Lawrence K. Grossman's letter follows this page.

Lawrence K. Grossman

June 13, 2013

To Whom It May Concern:

In January 1996 I was asked by David Burke, Chairman of the Broadcasting Board of Governors, to serve on an independent four person panel to study the editorial integrity and fairness of Radio Marti.

I was President of NBC News from 1984 to 1988 and President and CEO of the Public Broadcasting Service (PBS) from 1976 to 1984. I taught journalism and lectured at the University of Miami and Harvard University, where I held the Frank Stanton Chair on the First Amendment at the John F. Kennedy School of Government. I am author of the book "The Electronic Republic, Reshaping Democracy in the Information Age," (1995, Viking Penguin), among others. I currently serve as Vice Chairman and cofounder of Digital Promise, an independent nonprofit company dedicated to transforming education and skills training using advanced information and digital technologies. Digital Promise was authorized by Congress and signed by President George Bush in 2008 and launched by President Barack Obama in 2012.

Other proposed members of the four person panel to evaluate Radio Marti were Ben Bradlee, former executive editor of the Washington Post, and Joan Konner, dean of the Columbia University School of Journalism, both of whom I knew, and Luis Aguilar Leon. I did not know Mr. Leon, who we were told, was an editor of a Spanish language newspaper published in Florida.

We certainly were never informed, nor was I aware when we met in an introductory meeting in Washington, that Mr. Aguilar Leon was employed by Radio Marti at the time. Nor did a newspaper article about the proposed project, published on January 25, 1996, identify Mr. Aguilar Leon as anything other than an editor at El Nuevo Herald, a newspaper I had never seen.

Recently, I was surprised to learn that Mr. Aguilar Leon worked for many years at Radio Marti, from its inception in 1985, including the time that the

four of us met in Washington, DC, to discuss plans for the proposed study of Radio Marti. Had I known that fact then, I undoubtedly would not have accepted Mr. Aguilar Leon as an impartial, independent participant in the project.

At that introductory meeting it became clear to me that we could not carry out an appropriate evaluation of Radio Marti's programming since neither Ms Konner, nor Mr. Bradlee, nor I was fluent in Spanish. We informed Mr. Burke of that fact and, as far as I know, the study was abandoned.

Sincerely,

s/Lawrence K. Grossman

José Basulto, his petition and the government media's violation of gag order

Throughout the Cuban Five's detention and trial, Brothers to the Rescue leader José Basulto and the U.S.-paid reporters led a media campaign condemning the Five, in particular Gerardo Hernández, for the false charge of "murder conspiracy" for the Cuban government's 1996 plane shoot-down.

Basulto was given top coverage by the likes of Pablo Alfonso, Wilfredo Cancio Isla, Julio Estorino and Ariel Remos, all of whom received government funds.

All publicly stated as indisputable fact that the shoot-down was premeditated murder by the "Castro tyranny" and therefore, all persons associated with Fidel Castro, were guilty too. The intent and effect on the Cuban Five's trial were obvious.

Despite the Court's gag order that prohibited all parties — including attorneys, witnesses such as Basulto, family members of the pilots and expert witnesses, from speaking to the media — Basulto was given major media exposure before and during the trial.

Soon after the shoot-down and throughout the trial, Basulto used the device of a petition to saturate the Miami public with the demand that Fidel Castro be tried for murder. Then in February 2001, a flurry of Court appeals and Orders enforcing the gag order took place as Basulto demanded the right to fly over "Martyr's Point" a highly-disputed point where the government claimed the BTTR planes fell in international waters. Gerardo Hernández's defense position opposing that view had not yet been presented in Court.

Basulto insisted on exercising his "First Amendment right" to keep presenting his view of the shoot-down in public.

Judge Lenard issued Order #DE 978 on February 16, 2001, restricting all parties, including Basulto, from making extrajudicial statements that would affect the defendants.

The order said in part:

The Court finds, however, that not even the most emphatic instruction or the most searching voir dire question can shield the jurors from banner headlines or ex parte statements and conduct by witnesses or counsel that would undoubtedly receive extensive coverage.³⁰

Lenard ruled Hernández's Sixth Amendment right to a fair trial superseded Basulto's claim.

Despite the multiple gag orders, Basulto continued to speak to and be quoted, to receive "banner headline" coverage by the reporters receiving Government funds.

WLTN Channel 23 aired on February 16, 2001 — and repeated the next evening — the dramatic audio tape of the plane shoot-down and boasted, "Last night we presented it first on Ch. 23 and it has been on every radio and television station."

February 16 was the same day as the Court order enforcing the standing gag order. On the 17th,

³⁰ Motion to enforce gag order and related Court Orders begin on page 45 of this document, #978 on page 53.

Ch. 23's 6:00 pm prime time news aired the shoot-down tape again, followed immediately by an interview with a sobbing Eva Barbas, mother of one of the downed BTTR pilots, as she demanded justice against Fidel Castro.³¹

In that same lengthy segment, Maggie Schuss, BTTR co-founder, was given considerable air time to explain the petition drive:

We're collecting signatures for the prosecution of Fidel Castro for the murder of the four Brothers to the Rescue. We are asking the 60,000 people who were present for the Orange Bowl homage event, to pick up a form, one of these petitions, collect 25 signatures and sent to us at "Brothers to the Rescue."

The television station then showed on the screen the address of Brothers to the Rescue, informing the public where to mail the petitions.

The reporter concludes with, "Whoever is interested in supporting Brothers to the Rescue can pick up their petitions in the most popular restaurants in Miami, like the Versailles, behind me, also in the Sedano supermarkets. ... From Little Havana, 23 News Univisión continues."

How could any Court order protect the Cuban Five from a Miami-wide, petition drive — heavily promoted by the media — that saturated the community, including supermarkets and public at large, including the communities the jurors lived in? How could the unsequestered jury in the seven-month trial be shielded from this flood of media coverage on the shoot-down?

It was simply not possible.

Every television station, the radio and newspapers announced Basulto's petition campaign for Fidel Castro's prosecution.

Two Miami journalists who reported on the case for WLTW Ch. 23, Omar Claro and Ronald de Souza, received government monies, but records are only available for them starting with the year 2002. Our research on their relationship with Radio and TV Martí continues.

On March 1, 2001, the Cuban Five attorneys again filed a Defendants' Joint Motion for Mistrial or Change of Venue, due to the flood of media coverage surrounding the shoot-down.³² But the trial remained in Miami.

On Apr. 17, 2001, after Basulto filed yet another motion, Judge Lenard issued DE #1163 Order:

Regardless of the Court's daily instructions to the jury not to read or listen to anything in the media regarding this case, the jurors' best efforts to adhere to these daily instructions would be powerless against a banner headline, placed above the fold of a local newspaper, or an advertisement for a local news segment on the television or radio. The Court simply cannot run the risk of prejudicing Defendants by having the jury exposed to statements about the facts in this case, from outside the courtroom.

³¹ The transcript of the Ch. 23 segment, with the shoot-down audio and announcing where petitions could be picked up, appears at the end of this document.

³² The March 1, 2001 Defense Joint Motion for Mistrial and Change of Venue on page 83.

Such exposure would be a veritable sacrifice of Defendants' Sixth Amendment rights to a fair trial.³³

And yet, the Cuban Five's fundamental right to Due Process were sacrificed. As Fernando González's attorney Joaquín Méndez argued, no amount of Court instruction could undo the harm already done. The only remedy possible was to declare a mistrial or move the trial to a new venue.

The only just remedy today is the vacating of the Cuban Five's convictions and the granting of their freedom.



³³ DE #1163 Court order denying motion to stay Basulto appeal, issued Apr. 16, 2001.

**Affidavit
of Gerardo Hernández
in Support of Motion
to Vacate, Set Aside or
Correct Judgment
Under U.S.C. § 2255**

Signed March 16, 2011

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 10-21957-Civ-LENARD
Criminal Case No. 98-721-Cr-LENARD

GERARDO HERNANDEZ,
Movant,

AFFIDAVIT OF GERARDO HERNANDEZ

v.

UNITED STATES,
Respondent.

_____ /

I, Gerardo Hernandez, declare under penalty of perjury as follows:

1. I am the above-named Movant and make this affidavit in support of the motion to vacate, set aside or correct judgement and sentence under 28 U.S.C. 2255, filed on June 14, 2010.

2. At trial I was represented by Paul A. McKenna, a court appointed attorney practicing in Miami, Florida. I had not previously met him. I can't recall if Mr. McKenna and I ever had a conversation prior to trial about severance.

3. What I do recall is that he never explained to me that it would be possible to have a separate trial on Count III at which time I would have the right to testify on my own behalf on the conspiracy to murder charge free of the prejudice to other charges, and to my co-defendants. Had I known that, I would have insisted on exercising my right to testify in my defense in the conspiracy to murder trial to show how wrong the prosecution's interpretations of its evidence were, and provide the jury with the truth.

4. Nor did Mr. McKenna explain to me that at a separate trial, I could secure the testimony of one or more of my co-defendants without their having to choose between incriminating themselves or refusing to give relevant evidence at my trial on the conspiracy to murder charge.

5. What I never understood, because it was never explained to me until now, that under United States law, I could have requested a separate trial on the conspiracy to murder charge alone in order to testify and present evidence pertinent to that count. I had no prior experience in the US court system and was unaware that a severance would have allowed for such presentation. Had I known that, I would have insisted that my lawyer make every effort to secure a separate trial on that count. If Count III were severed and separately tried I would have testified to establish my innocence.

6. Had I known that I could have had a separate trial on Count III, I would have testified at my trial on that count, in essence, as follows:

A. Prior to the events of February 24, 1996, and up to the present time, I knew and know nothing about any alleged plan to shoot down aircraft of the Brothers to the Rescue.

B. None of the actions that I did take in advance of February 24th, 1996, were intended to be part of any such alleged plan, nor was I aware that any of my actions would contribute to any such alleged plan, if it existed.

C. As I knew nothing about any alleged plan to shoot down any aircraft, still less did I intend to contribute to or have any knowledge of, any alleged plan that would cause any aircraft to be shot down in international airspace or in the territorial and maritime jurisdiction of the United States, as alleged in Count III of the indictment.

D. During the time I was on vacation in Cuba from early November 1995 until my return to Miami on the 26th of January, 1996, I received no information from any source about any alleged plan to shoot down aircraft nor any attempt to threaten, warn or militarily confront them but I did know from public statements by the Cuban Government that it would not tolerate new violations of the Cuban sovereignty by BTTR aircrafts, as those which took place on January 9th and 13th, 1996.

E. I would testify that any reference or notation I might have made on a budgetary report that I had received funds “at Headquarters” or “MX” should not be read, as suggested by the Government, that I was ever present at a meeting at the command center.

F. I would have explained to the jury that because I was a covert agent, I was strictly prohibited from entering any establishment connected to the clandestine services, as that could reveal my real job and jeopardize my mission. This was true, even in Cuba, where we knew the United States had counter-intelligence agents.

G. I would have also testified that I was instructed about a plan entitled “Operation Venecia” which was designed to “neutralize the counterrevolutionary actions of BTTR,” developed by the Directorate of Intelligence in early December of 1995. See Appendix B attached to the 2255 Memorandum. Its purpose was to “call attention of the national and international public opinion” to the activities of BTTR in violating Cuban sovereignty and international law by having German (Roque) return to Cuba and make a public denunciation of BTTR.

H. I was instructed to work on assuring his return “at the end of February or beginning of March 1996.”

I. I would have explained that at no time ever, neither during my stay in Cuba nor before, nor after it, was there any mention of any plan to shoot down BTTR aircraft anywhere nor any other form of communication that led me to believe or suspect the existence of such a plan.

At no time did anyone express to me any concern about the activities of BTTR while flying in international airspace. However, there was concern about BTTR’s public announcements that it intended to continue to conduct operations in Cuban airspace in violation of Cuban sovereignty.

J. Had I been given an opportunity to testify, I would have explained to the jury that during my months away from Miami, my work was taken over by another agent, A-4 (known to me only as A-4 or Miguel. I do not know his actual name.). He moved into my apartment in North Miami and I gave him my decoding disk which was imprinted with a program that permitted the user to decode messages to and from Cuba.

We each had our own laptops. I took mine with me when I returned to Cuba. While these laptops, standing alone, could not send and receive messages, they had the capacity to turn a series of numbers that had been received on a high frequency radio and fed into them, into a coherent message, but only with the aid of a floppy disk that contained a decoding program. There was just a single floppy disk in the apartment and I left it with A-4 when I went on vacation.

K. When I returned to my apartment in North Miami, toward the end of January, 1996, A-4 remained and continued to use the decoding disk. As a Major, he outranked me since I was only a lieutenant. For the several months before he left, he had the disk and was sending and receiving messages. The messages were sent in a code that was common to both of us but only A-4 had the capability to decode the messages through the use of the disk at that time. Although I had access to the disk it remained principally in his possession. It wasn't until early March 1996 that A-4 was directed to turn over the decoding program to me.

L. I do not recall ever receiving a message referencing Operation Escorpion. Given the opportunity, I would have testified that I did not write or send the message of February 12, 1996 which was labelled DG104 at trial and which was directed to "Iselin" advising that no agent should fly on BTTR aircraft during the weekend of February 24-27, 1996. I never referred to that agent by that name, but rather used his other code name, "Castor", as shown by many other reports in the evidence. (During the trial the Government contended that "Castor" was Rene Gonzalez). I do not know why my name was added to that document as a signatory. Among the hundreds of reports that were part of the seized documentary materials, this one, to the best of my recollection, was the only one allegedly signed by two officers.

M. I would have wanted to tell the jury that given what I did know about the long history of provocations by BTTR, and how they had been responded to date, any deliberate confrontation outside Cuban territorial airspace was simply something I could not have imagined, in part because I knew the lengths to which the Cuban authorities had gone to avoid any action that might provoke a military response from the United States and its terrible consequences. The idea that Cuba would elaborate a plan to confront those planes on international waters was to me –and still is- absurd and irrational.

N. I would have explained that there was no reasonable basis to believe that either Roque or Castor had the possibility of flying with BTTR that weekend. Roque could not have flown with BTTR that week-end as he would have already been on his way back to Cuba by then, while Castor had not flown with BTTR in over a year, and was no longer listed as a BTTR pilot.

O. In any event, I would have provided the jury with the facts that would have contradicted the prosecutor's argument that I somehow signalled Havana that neither one would be flying and that this action enabled the shoot down to occur. At a severed trial on Count III, I would have testified that I had never written or communicated in any manner that Roque and Castor would not be flying that weekend, or that they had been warned not to.

P. Operation Venecia was a major effort by the Directorate of Intelligence to denounce the BTTR organization both domestically and internationally for their unlawful violations of Cuban sovereignty with the intention of bringing about a halt to their continuing violation of Cuban airspace. Had I been able to testify, I would have explained that that project involved much more than the mere return of an agent (Roque) to Cuba, as portrayed at trial.

My assignment to work in extricating him from Miami was complicated. Roque was a Cuban MIG pilot who defected from Cuba to the United States. He was immediately acclaimed as a hero in Miami. A book he wrote about his exploits was published by the Cuban American National Foundation and distributed widely. He was sought after by community groups and organizations in Miami as a speaker.

He was therefore a public figure. He was also a married man whose disappearance would be noticed immediately. Moreover, we suspected he might have already come under counter-intelligence surveillance. Working with him, meeting him and arranging his return, exposed me and others to detection. Extricating him from Miami and returning him to Cuba demanded a considerable effort, requiring me to focus my attention and resources to the utmost in order to assure his successful departure and travel through a third country. I was also given risky last minute assignments, such as video-recording him leaving the CANF offices in Miami.

Q. Roque's return to Cuba and press conference achieved significant results. He released the names and phone numbers of the FBI agents he encountered, as well as photographs and other materials that demonstrated his deep involvement in the Miami community and civic organizations. But most important were his revelations regarding the criminal nature of the BTTR and its plans to carry out terrorist activities against the Cuban people. These revelations were, of course, overshadowed by the tragic events of February 24.

AA. The intercepted high frequency messages, introduced at trial, revealed that I was recognized and received special commendation from headquarters for my work on Operation Venecia, an operation which was considered successful and received special attention from the Commander in Chief who met twice with Roque. At no time was I given such commendation for Operation Escorpion.

BB. Much was made of my having responded to the commendation by referring to our work as having "ended successfully" which was interpreted as if I was writing about the shoot down rather than Operation Venecia. Nothing could be further from the truth. As I mentioned, it is very clear from the specific wording and context that I was being recognized for my work in Operation Venecia.

CC. I also wanted to testify to correct the misinterpretation of the language in that commendation that spoke of my work in dealing with the "provocations carried out by the

government of the United States this past February 24 ,” as if that was a reference to the alleged plan to shoot down BTTR aircrafts. In fact, it was a reference to my efforts in the aftermath of the shoot down to determine on that day, and for a few days thereafter, whether the public clamour in Miami for a possible attack on Cuba, as well as the provocative public statements from some within the U.S. Government, signalled a real threat against my country

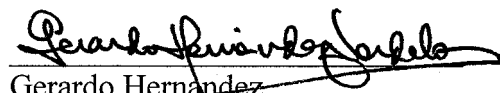
DD. Immediately after the events of February 24, I worked for several days, practically without sleep, collecting information, monitoring TV, listening to the radio and reading many newspapers. Fortunately, the United States did not respond militarily, but I was recognized for having helped determine if a potentially dangerous situation was unfolding.


EE. Finally, the government distorted the reasons for my promotion to Captain on June 6th. 1996, arguing that my alleged work on the shoot down earned me my promotion. Had I been able to testify, I could have explained that in fact, by that time, I had been in grade as a lieutenant for four years, and was promoted on the anniversary date of the founding of the Ministry of the Interior, together with all other lieutenants who had served for four years without blemish, including Nilo Hernandez, a co-defendant who had nothing to do with Escorpion but who had also served four years. In Cuba it is the period of service that qualifies one for promotion and I received my promotion on that basis alone.

I recognize that testifying at trial would mean also submitting myself to cross examination. Given my innocence of the charges in Count III, I would have been entirely willing to do so at a separate trial on those charges.

I came to Florida in service to my country, unarmed, to contribute to end violence against my people and therefore to save lives. That I would be charged with a conspiracy to murder was the furthest thing from my thinking and reality. It is my hope that this writing assists the Court in its efforts to find the truth and restore justice.

Pursuant to the oath requirements of 28 U.S.C. § 1746, I have made the above affidavit, swearing to its truth under penalties of perjury this 16 day of March, 2011.


Gerardo Hernandez


MIKE ADAMS, CASE MANAGER
"AUTHORIZED BY THE ACT OF
JULY 27, 1955 TO ADMINISTER
OATHS (18 USC 4004)" 3/16/11

DE #938

Hernández motion to
enforce Court gag order
against witnesses
(Basulto)

Filed Feb. 8, 2001

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 98-721-CR-LENARD

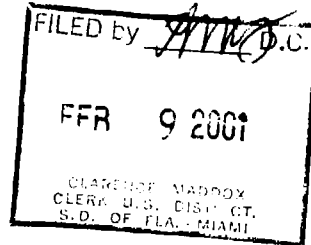
UNITED STATES OF AMERICA,

Plaintiff,

vs.

GERARDO HERNANDEZ,

Defendant.



MOTION TO ENFORCE COURT'S GAG ORDER
AGAINST WITNESSES

COMES NOW the Defendant, GERARDO HERNANDEZ, by and through the undersigned counsel and respectfully requests that this Court enter an order enforcing the gag order against witnesses in the above styled case, and as grounds therefore would state as follows:

1. One of the central witnesses in the above styled case is Jose Basulto, President of the Brothers to the Rescue who was a pilot present during the shutdown of the Brothers to the Rescue planes on February 24, 1996 which comprises Count 3 of the indictment against the Defendant, the conspiracy to commit murder charge. Mr. Basulto has been subpoenaed by both the government and the defense. Mr. Basulto has previously been instructed by the government that he should refrain from media discussions or demonstrations regarding this case.

2. On February 7, 2001, Jose Basulto and Guillermo Lares (Lares was also a witness in this case and is also bound by the Court's gag order) held a press conference in Coconut Grove where they appeared on television with the mother of

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Dad

one of the victims of the Brothers to the Rescue shutdown. Basulto announced that on February 24, 2001, Brothers to the Rescue aircraft will fly to the spot that he decrees is the point of the shutdown in international waters and drop leaflets there and other materials with the hope that the wind will carry them into Cuba. In addition, Basulto held up a document before the t.v. cameras asking that the Bush administration proceed immediately to an indictment of Fidel Castro for murder in the shutdown of the pilots.

3. This sensationalistic grandstanding to the mass media in direct contravention of this Court's gag order must be immediately addressed and halted in order to prevent any future prejudice to the Defendants in their attempt to receive a fair trial. Mr. Basulto's actions have shown a total disregard for the Court's order, and it is clear that nothing short of an address by the Court itself with the appropriate inquiry regarding his contemptuous conduct and the imposition of appropriate sanctions will stop further violations of this Court's order.

4. The fact that Mr. Basulto would at this juncture propose another Cuba leaflet drop and announce same to the mass media and further condemn the government of Cuba and request further indictments shows his utter disregard for this Court's gag order. Further, the fact that he would do a demonstration for the media showing the exact point that he decrees is the spot marking the shutdown is just a further attempt to prejudice the Defendants from receiving a fair trial in violation of this Court's gag order. The government was quick to condemn a defense witness who was not even under subpoena at the time for what were innocuous comments. The government should not take opposition to this motion in light of their previous motion regarding witness Nuccio. Furthermore, the defense contests that a leaflet drop occurred in international waters and the Court should prohibit Mr. Basulto from trying to "prove" his truthfulness in an out of court demonstration.

WHEREFORE, it is respectfully requested that this Court enter an order directing Jose Basulto to show cause why he should not be in contempt of Court for conducting press conferences and flying demonstrations and leaflet drops that bear directly on the facts of this case.

Respectfully submitted,

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By: 

PAUL A. McKENNA, ESQ.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed this 8th day of February, 2001 to Caroline Heck Miller, Assistant U.S. Attorney, 99 N.E. 4th Street, Miami, Florida 33132; William Norris, Esq., 3225 Aviation Avenue, #300, Miami, Florida 33133; Joaquin Mendez, Esq., Federal Public Defender's Office, 150 W. Flagler Street, #1500, Miami, Florida 33130; Jack Blumenfeld, Esq., 2600 Douglas Road, #911, Coral Gables, Florida 33134; Philip Horowitz, Esq., 12651 S. Dixie Highway, Suite 328, Miami, Florida 33156 and Silvia Pinera-Vazquez, Esq., 3211 Ponce de Leon Blvd., Suite 206, Coral Gables, Florida 33134.


PAUL A. McKENNA, ESQ.

DE #978

Court opinion and
memorandum on Motion
to enforce Court
directive re: Witness
comments to media

Issued Feb. 16, 2001

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 98-0721-CR-LENARD/DUBÉ

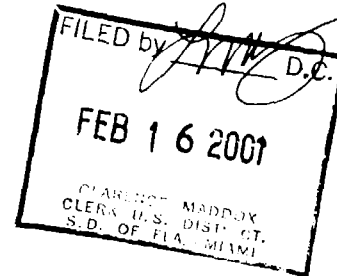
UNITED STATES OF AMERICA,

Plaintiff,

vs.

GERARDO HERNANDEZ, et al.,

Defendants.



OPINION AND MEMORANDUM OF LAW

THIS CAUSE is before the Court on the Motion to Enforce Court's Directive Concerning Witness Comments to News Media (D.E. 818), filed December 26, 2000 by the Government, and the Motion to Enforce Court's Gag Order against Witnesses (D.E. 938), filed February 9, 2001 by Defendant Gerardo Hernandez. Defendant Luis Medina filed a Response to the Government's Motion on December 28, 2000. The Government filed a Response to Defendant Hernandez's Motion on February 12, 2001. Witness Jose Basulto also filed a Response to Defendant Hernandez's Motion on February 9, 2001. On February 14, 2001, the Court heard oral argument on Defendant Hernandez's Motion. Having reviewed the Motions, the Responses, the record, and after hearing the argument of counsel, the Court finds as follows.

I. Introduction

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Defendant Hernandez moves the Court to enforce its Gag Order of November 27, 2000¹ as to all witnesses, including Jose Basulto and Guillermo Lares, whom Defendant Hernandez alleges held a press conference, at which they allegedly spoke with the press about the February 24, 1996 shutdown of the Brothers to the Rescue aircraft and their planned activities for February 24, 2001.² Defendant Hernandez seeks to hold Basulto and Lares in contempt for having violated the Court's Gag Order.³ From the bench, the Court announced that it will not hold Basulto or Lares in violation of its Gag Order of November 27, 2000, but that the Court will supplement the November 27, 2000 Order "so that all

¹ The Court's minutes reflect that voir dire began in this case on November 27, 2000. Although the parties and transcript refer to this initial date as November 26, 2000, it is a scrivener's error.

² In its Response to Defendant Hernandez's Motion, the Government attached an English translation of the anchorwoman discussing Basulto's press conference, discussed in Defendant Hernandez's Motion. The anchorwoman stated,

And to solemnly remember the four pilots who were shot down on February 24, 1996, Brothers to the Rescue will take part in a mass that will be celebrated at the Hermita de la Caridad on February 23rd at 8 p.m. On the following day, their planes will fly over the Martyrs' Point and will drop leaflets which depending on how the weather is could reach Cuba. They are also asking exiles to sign the documents which request the Bush administration to order the indictment of Fidel Castro for the assassination of the pilots.

(Gov't's Resp. of 2/9/01 Ex. 1 at 1.) It is undisputed that February 24, 1996 is the day of the Brothers to the Rescue shutdown.

³ At oral argument, counsel for Defendant Hernandez withdrew his request to hold Basulto and Lares in contempt for having violated the Court's Gag Order.

participants, lawyers, witnesses, family members of the victims will be on proper notice as to . . . what they may or may not do and what they may or may not discuss with members of the media during the pendency of this trial." (Tr. Hr'g of 2/14/01 at 6760.) This Order therefore memorializes the supplementation of the November 27, 2000 Gag Order as follows.

II. Factual Background

On November 27, 2000, during the first day of voir dire, at the lunchtime recess, it came to the Court's attention that family members of the victims of the Brothers to the Rescue shutdown were congregated in front of the press, immediately outside the courthouse. Counsel for the Government acknowledged that two of these family members are Government witnesses in this case. Counsel for Defendant Hernandez requested that the Court, rather than the Government, admonish those witnesses in order to prevent further communications about the case between witnesses and the press.

The Court's initial Gag Order (D.E. 122), issued on October 20, 1998, directed the parties and their counsel to adhere to Southern District of Florida Local Rule 77.2. In addition, at the beginning of trial, the parties invoked the Rule of Sequestration, pursuant to Federal Rule of Evidence 615. On November 27, 2000, counsel for Defendant Hernandez requested that the Court extend the Sequestration Order to preclude the witnesses from speaking with the press about the case. Counsel for the Government then articulated the following position on that request:

Certainly that hadn't been the rule so far. I have no problem

telling those individuals who are on our witness list they should not contact the press; but what I am concerned about is, any implication or record that is being boot-strapped here that these individuals have done something improper.

(Tr. of 11/27/00, vol. 1 at 118.) Following this stipulation, the Court modified the sequestration order to preclude witnesses from speaking with each other and with the media about the case. (Id. at 119.)

On December 27, 2000, the Government filed a Motion to Enforce Court's Directive Concerning Witness Comments to News Media. In that Motion, the Government urges the Court "to conduct an inquiry into the nature, degree and reasons for the apparent violation of the pre-trial directive regarding public comment by witnesses, and take whatever steps it deems necessary in order to enforce that directive." (Gov't's Mot. Enforce Ct.'s Directive at 3.) In a footnote, the Government explained that the "pre-trial directive" to which it refers is the aforementioned November 27, 2000 Order. The Government alleges that Richard Nuccio, who appears on Defendants' list of witnesses, was quoted directly by the Miami Herald on December 23, 2000 about the Federal Bureau of Investigation's knowledge of the February 24, 1996 Brothers to the Rescue shutdown. The Government argues that such statements to the media are in violation of the Court's November 27, 2000 "pre-trial directive" and have "severely prejudiced" the Government. (Id. at 2.)

Though Defendant Luis Medina filed a Response to the Government's Motion on December 28, 2000, Defendants ultimately conceded the Government's argument and

instructed Nuccio not to speak with the news media about the case.

On February 9, 2001, Defendant Hernandez filed a Motion to Enforce Court's Gag Order against Witnesses, in which Defendant Hernandez urges the Court to issue an order to show cause why witnesses Jose Basulto and Guillermo Lares should not be held in contempt for violating the Court's Gag Order of November 27, 2000. Lares is a witness for the Government, and Defendant Hernandez has subpoenaed Basulto to testify as a witness in this matter.⁴ In the Motion, Defendant Hernandez alleges that Basulto and Lares

held a press conference in Coconut Grove where they appeared on television with the mother of one of the victims of the Brothers to the Rescue shutdown. Basulto announced that on February 24, 2001, Brothers to the Rescue aircraft will fly to the spot that he decrees is the point of the shutdown in international waters and drop leaflets there and other materials with the hope that the wind will carry them to Cuba. In addition, Basulto held up a document before the t.v. cameras asking that the Bush administration proceed immediately to an indictment of Fidel Castro for murder in the shutdown of the pilots.

(Def. Hernandez's Mot. Enforce Gag Order ¶ 2.) Defendant Hernandez argues that these statements and actions violate the Court's Order of November 27, 2000.

In its Response to Defendant Hernandez's Motion, filed February 12, 2001, the Government does not dispute either the enforceability or scope of the Court's November 27,

⁴ Guillermo Lares has already testified as a witness for the Government. Jose Basulto's name appears on the Government's witness list, although the Government has yet to call him. Defendant Hernandez has Basulto under subpoena and has stated in open court that if the Government does not call Basulto as a witness, Defendant Hernandez will call him to testify during the presentation of his defense case.

2000 Order. Rather, the Government argues that Basulto "understands and intends to comply with the letter and spirit of the court order," and that he has done so, as his remarks to the media "are not comments on the nature, quality or meaning of any evidence in this trial," as opposed to Nuccio's quotations in the Miami Herald. (Gov't's Resp. of 2/12/01 at 2.) The Government requests that the Court not issue an order to show cause regarding Basulto's statements and "instead further direct the United States to inform Mr. Basulto of the court's pretrial gag order." (Id. at 4.)

Jose Basulto filed a Response to Defendant Hernandez's Motion on February 9, 2001. In this Response, Basulto typifies the scope of the Gag Order as precluding the parties, counsel, and witnesses from speaking to the media about the pending case. Basulto argues, however, that the Order does not eliminate "demonstrations" by the witnesses. (Basulto's Resp. of 2/9/01 at 2.) Basulto further contends that the statements he made to media were not in regard to the instant case and are protected by the First Amendment.

At oral argument, counsel reiterated the foregoing arguments. Without citing any case authority, counsel for Basulto claimed that enforcement of the November 27, 2000 Gag Order, as typified by Defendant Hernandez, would unlawfully detain Basulto in violation of his Fourth Amendment rights. Counsel for Basulto further argued that the only subject which the Court may preclude witnesses from addressing to the press is in-court testimony. The parties also stipulated that trial participants are not proscribed from participating in religious observances, including, but not limited to, a memorial mass for the victims of the

shutdown.

At the conclusion of the hearing, the Court found, in order "to exercise [the Court's] responsibility, to preserve the rights of a fair trial, . . . there is a substantial likelihood that extrajudicial commentary by trial participants including witnesses will undermine a fair trial." (Tr. Hr'g of 2/14/01 at 6759.) As such, the Court stated that it

will impose a narrowly tailored gag order using the least restrictive means possible so that a fair trial will be preserved, and the jury in this matter who has been working very diligently day after day since November 27 . . . will not be tainted . . . and make a determination in this trial on the evidence that is presented here in this courtroom.

(Id.) The Court added that this Order "will be specific in nature, but will extend to the statements or information which is intended to influence public opinion or the jury regarding the merits of this case." (Id. at 6760.)

III. Analysis

The imposition of a gag order demands that the Court balance two competing constitutional rights, specifically a trial participant's right to free speech under the First Amendment and a criminal defendant's right to a fair trial under the Sixth Amendment. The News-Journal Corp. v. Foxman, 939 F.2d 1499, 1512 (11th Cir. 1991) (finding that "when First Amendment claims impinge upon the Sixth Amendment right to a trial by an impartial jury, asserted First Amendment interests must yield to the 'most fundamental of all freedoms,' the right to a fair trial for the accused") (quoting Estes v. Tex., 381 U.S. 532, 540 (1965)).

In United States v. Brown, 218 F.3d 415, 424 (5th Cir. 2000), the Fifth Circuit characterized a gag order as a prior restraint, but explained why the First Amendment freedom of speech is often subordinate to the Sixth Amendment right to a fair trial, as follows:

This duty comports with the constitutional status of all First Amendment freedoms, which are not absolute but must instead be "applied in light of the special characteristics of the [relevant] environment." Tinker v. Des Moines Indep. Community Sch. Dist., 393 U.S. 503, 89 S. Ct. 733, 736, 21 L. Ed.2d 731 (1969). Indeed, "[a]lthough litigants do not 'surrender their First Amendment rights at the courthouse door,' those rights may be subordinated to other interests that arise" in the context of both civil and criminal trials. Seattle Times Co. v. Rhinehart, 467 U.S. 20, 104 S. Ct. 2199, 2207-08 n. 18, 81 L. Ed.2d 17 (1984). "[O]n several occasions this Court has approved restriction on the communications of trial participants where necessary to ensure a fair trial for a criminal defendant." Id. There can be no question that a criminal defendant's right to a fair trial may not be compromised by commentary, from any lawyer or party, offered up for media consumption on the courthouse steps.

Brown, 218 F.3d at 424.

Courts have given deference to gag orders restricting trial participants' communications with the news media. As the Fifth Circuit found, "The Supreme Court and other Courts of Appeals have recognized a 'distinction between participants in the litigation and strangers to it,' pursuant to which gag orders on trial participants are evaluated under a less stringent standard than gag orders on the press." Brown, 218 F.3d at 428 (quoting Gentile v. State Bar of Nev., 501 U.S. 1030, 1072-73 (1991)) (other citations omitted). The Brown court explained that this well settled dichotomy stems from Sheppard v. Maxwell,

384 U.S. 333, 86 S. Ct. 1507 (1966), involving the much-ballyhooed prosecution of Dr. Sam Sheppard. After finding that the onslaught of the media in Sheppard created a "bedlam" that "reigned over the courtroom," id. at 355, the Sheppard Court urged lower courts handling heavily publicized cases to "censure" trial participants. Id. at 363. By proscribing "extrajudicial statements by any lawyer, party, witness, or court official which divulged prejudicial matters," the Sheppard Court remarked that a gag order on trial participants "might well have prevented the divulgence of inaccurate information, rumors, and accusations that made up much of the inflammatory publicity, at least after Sheppard's indictment, . . . without a corresponding curtailment of the news media." Sheppard, 384 U.S. at 361-62.⁵

In KPNX v. Broad. Co. v. Ariz. Superior Ct., 459 U.S. 1302, 1307 (1982), the Supreme Court denied an application to stay a gag order imposed on trial participants.

⁵ Both Knight Ridder, Inc., which publishes the Miami Herald and El Nuevo Herald, and the National Broadcasting Company ("NBC") have intervened in this matter. In an Order (D.E. 808), issued on December 18, 2000, that balanced the competing Sixth Amendment right to a fair trial with the press's common law right to access, the Court granted Intervenor Knight Ridder, Inc. and NBC access to the evidence admitted into the trial record. At the conclusion of each trial day, the news media views the evidence admitted into the trial record. The Court has also made copying facilities available to the news media. Moreover, the members of the news media have been present inside the courtroom for each day of trial. The Court has reserved seating for members of the press and media and has furnished computer monitors for those in the gallery, including the news media representatives, to view video or computer evidence admitted into the trial record. Articles about this case have appeared daily in the Miami Herald and El Nuevo Herald and weekly in the national and international press. Local televised news programs, particularly those affiliated with the Spanish-speaking channels, have featured coverage of the trial since it began.

Justifying the imposition of that gag order, Justice Rehnquist, writing for the Court in KPNX, concluded that "[t]he mere potential for confusion if unregulated communication between trial participants and the press at a heavily covered trial were permitted is enough to warrant a measure such as the trial judge took in this case." Id. at 1307 ("[c]ontinuation of the proscription against communication to hours and places where the court is not in session appears . . . warranted") (Rehnquist, J.).

Examining the conditions upon which the imposition of a gag order on trial participants may be appropriate, the Court will (a) adopt the standard for determining whether extrajudicial statements or demonstrations of trial participants would prejudice the Court's ability to conduct a fair trial; (b) determine the scope of a gag order imposed upon trial participants; and (c) explain why the gag order must be the least restrictive means of preserving a fair trial, given the Court's finding of a substantial likelihood of potential prejudice. The Court will then fashion its supplement to the November 27, 2000 ruling.

A. Court Must Find Substantial Likelihood That Extrajudicial Comments of Trial Participants Would Prejudice Court's Ability to Conduct Fair Trial

The Fourth and Tenth Circuit have adopted the threshold that gag orders may be imposed on trial participants upon a finding that there is a "reasonable likelihood" that extrajudicial commentary will prejudice a fair trial. In re Russell, 727 F.2d 1007, 1010 (4th Cir. 1984); United States v. Tjierna, 412 F.2d 661, 666-67 (10th Cir. 1969). By contrast, the Supreme Court "approved" the comparatively more rigorous standard that courts find a

"substantial likelihood" of prejudice to the Court's ability to conduct a fair trial. Gentile, 501 U.S. at 1072 (favoring "substantial likelihood" as opposed to "clear and present danger" as standard). Justifying the approval of the "substantial likelihood" standard, the Gentile Court stated that prior precedent "rather plainly indicate[d] that the speech of lawyers representing clients in pending cases may be regulated under a less demanding standard than that established for regulation of the press." Id. at 2744. Discussing the Gentile Court's approval of the "substantial likelihood" standard, the Fifth Circuit remarked,

In Gentile, the Supreme Court approved Nevada's "substantial likelihood" standard when applied to gag orders imposed on attorneys, but did not mandate it as a constitutional minimum necessary to justify a judicially-imposed restriction on attorney speech. Moreover, neither the Supreme Court nor this Court has articulated a standard to apply when evaluating gag orders directed at attorney or non-attorney trial participants.

Brown, 218 F.3d at 427.

Without deciding between the "substantial likelihood" and "reasonable likelihood" standards, the Fifth Circuit in Brown, 218 F.3d at 427, assuming that "substantial likelihood" connotes a stronger showing than "reasonable likelihood," held that a district court may impose a gag order on trial participants after determining that "extrajudicial commentary by those individuals would present a 'substantial likelihood' of prejudicing the court's ability to conduct a fair trial."⁶

⁶ In Foxman, 939 F.2d at 1515 n.18, the Eleventh Circuit reviewed a district court gag order against all trial participants without addressing "the different standards," e.g. reasonable likelihood and substantial likelihood.

The Brown court determined that the district court met the burden of establishing a "substantial likelihood" that the extrajudicial comments of the trial participants would prejudice the court's ability to conduct a fair trial, based on the following two reasons. Id.⁷ First, the district court found that the "unrestricted statements by the participants in this trial would only serve to increase the volume of pre-trial publicity," id. at 428-29. Second, the district court found that the extrajudicial statements "would taint the unsequestered jury." Id. at 429. Explaining why the latter "was an entirely appropriate concern," the Brown court stated, "Extrajudicial comments on, or discussion of, evidence which might never be admitted at trial and ex parte statements by counsel [or parties] giving their version of the facts obviously threaten to undermine [the] basic tenet' that the outcome of a trial must be decided by impartial jurors." Id. (quoting Gentile, 111 S. Ct. at 2743)

B. Gag Order Must Be Narrow in Scope

Next, the Court examines to what degree the gag order must be tailored in order to protect the First Amendment rights of trial participants. In Brown, the court held that the district court's gag order was sufficiently narrow "to eliminate substantially only that speech having a meaningful likelihood of materially impairing the court's ability to conduct a fair trial." Brown, 218 F.3d at 429; see also Dow Jones & Co. v. Kaye, 90 F. Supp. 2d 1347,

⁷ By identifying a substantial likelihood that the extrajudicial comments of the trial participants "would" prejudice the court's ability to conduct a fair trial, Brown, 218 F.3d at 428, the Fifth Circuit does not require district courts to make a preliminary finding of actual prejudice in order to issue a gag order against trial participants.

1360-61 (S.D. Fla. 2000) (finding gag order that "forever bars" trial participants from making "any public statement, written or oral, which pertains to any court proceedings in this case" to be overbroad, as inter alia it was "not limited to prohibiting only those extrajudicial statements that would in fact be likely to affect the fairness of the trial") (citations omitted). The Brown court further found that the gag order's specific designation of "'statements or information intended to influence public opinion regarding the merits of the case' as matters the parties may not share with the public media" provided "sufficient guidance regarding the nature of the prohibited comments." Id.

Brown concerned the criminal prosecution of a state official for charges relating to an alleged sham settlement between the state and the president of an insurance company. Upholding the scope of the gag order in that case, the Brown court observed that the "district court did not impose a 'no comment' rule, but instead left available to the parties various avenues of expression, including assertions of innocence, general statements about the nature of an allegation or defense, and statements of matters of public record." Id. at 429-30.

C. Gag Order Must Be Least Restrictive Means of Eliminating Potential Prejudice

In an effort to protect the First Amendment rights of the trial participants, the Court is responsible for ensuring that a gag order imposed on trial participants is the least restrictive means of eliminating the potential prejudice. Foxman, 939 F.2d at 1515 (relying on district court's conclusion "that there was no less restrictive means of safeguarding the defendant's

Sixth Amendment rights") (citing In re Subpoena to Testify before Grand Jury, 864 F.2d 1559, 1564 (11th Cir. 1989) (finding "compelling necessity" for gag order on grand jury participants)); see also Brown, 218 F.3d at 430 (stating that least restrictive means requirement for gag orders "appears to comport with the more general First Amendment principle that restrictions on speech should employ the least restrictive means possible") (citing Procunier v. Martinez, 416 U.S. 396, 412-13 (1974)). In Brown, the district court did not expressly discuss alternative options, about which the Brown court stated, "While it is undoubtedly good judicial practice for district courts to explicitly set forth on the record their consideration of such matters, we do not believe that this shortcoming requires us to vacate the present order." Brown, 218 F.3d at 431 (citing Nebraska Press Assoc. v. Stuart, 427 U.S. 539, 563 (1976)).

The Brown court then listed the following gag-order-alternatives, discussed in Sheppard and Nebraska Press: "change of venue, jury sequestration, 'searching' voir dire, and 'emphatic' jury instructions." Brown, 218 F.3d at 431.

IV. The Supplement to the Court's Gag Order of November 27, 2000

After the oral argument on February 14, 2001 and to supplement to its Gag Order of November 27, 2000, the Court (a) finds that there is a substantial likelihood that the extrajudicial comments of the trial participants would prejudice the Court's ability to conduct a fair trial; (b) limits the scope of the Order; and (c) finds that imposing the Gag Order, consistent with this Order, on the trial participants is the least restrictive means of preserving

Defendants' Sixth Amendment rights to a fair trial.

A. Court Finds Substantial Likelihood of Potential Prejudice

Following Brown, 218 F.3d at 428, the Court seeks to determine whether there is a "substantial likelihood" that extrajudicial comments by trial participants would prejudice the Court's ability to conduct a fair trial. The Court finds that local and national media coverage of this case has been significant since the Government's filing of the original Indictment on September 14, 1998, and that this coverage has only intensified as the trial has progressed. (See supra at note 4.) As the February 24 anniversary date approaches, the Court thus finds that unrestricted statements by trial participants would only serve to increase the already voluminous publicity attached to this trial. Moreover, the Court finds that publication of extrajudicial statements and actions by the trial participants may very well taint the unsequestered jury in this case. Based on these findings, the Court concludes that there is a substantial likelihood that the extrajudicial comments and conduct by the trial participants in this case would prejudice the Court's ability to conduct a fair trial.

Furthermore, the Court finds that on November 27, 2000, neither party objected to the Court's Order while at sidebar, and that subsequent to the articulation of that Order, both the Government and Defendant Hernandez independently filed Motions to enforce that Order. The Eleventh Circuit found similar circumstances uniquely compelling: "Most significantly, counsel for all defendants and the state had encouraged and agreed to the restrictive order, the impetus for which was the sensationalized reporting of the media, including the News-

Journal." Foxman, 939 F.2d at 1515-16 (finding restrictive order against all trial participants would not cause irreparable injury to newspaper).

B. Scope of the Gag Order

Supplementing the Court's November 27, 2000 ruling, the Court proscribes, for the duration of the trial, extrajudicial statements and conduct by trial participants, made to, or in the presence of, the news media, that have "a meaningful likelihood of materially impairing the court's ability to conduct a fair trial." Brown, 218 F.3d at 429. Trial participants may not make extrajudicial statements or take actions intended to influence the unsequestered jury regarding the merits of the case.

The Order does not eliminate the trial participants' freedom to express themselves publicly, but rather only restricts them from conducting themselves in such a way that would have "a meaningful likelihood of materially impairing the court's ability to conduct a fair trial." Id. at 429. Pursuant to this Order, statements or conduct intended to influence public opinion or the jury regarding the merits of the case are prohibited.

C. Imposing Gag Order on Trial Participants Is Least Restrictive Means of Protecting Defendants' Sixth Amendment Rights to a Fair Trial

The following examination of the alternatives to imposing this Gag Order, such as change of venue, jury sequestration, a searching voir dire, and emphatic jury instructions, demonstrates that the imposition of the Gag Order on the trial participants is the least restrictive means of protecting Defendants' Sixth Amendment rights to a fair trial.

The Court denied Defendants' Motions for Change of Venue on July 27, 2000 and denied the Motion for Reconsideration of the Court's Order Denying the Motions for Change of Venue on October 24, 2000. In so doing, the Court found that Defendants had "not demonstrated the degree of pervasive community prejudice," which a searching voir dire and emphatic jury instructions would not be able to cure. (Order Denying Mots. Change Venue of 10/24/00 at 17.) Prior to the Court's denial of those Motions, Defendants voiced their concern that the onslaught of publicity would prejudice both the jury pool prior to trial and the jury during trial. Electing not to change venue, the Court thus bears the responsibility of protecting the trial jury from outside influences that would taint their impressions of the case's merits.

The Court conducted an extensive, 'searching' voir dire (both panel and individual) and has 'emphatically' instructed the jury, on a daily basis, not to read or listen to anything regarding the trial immediately prior to the jury's departure each and every time from the courtroom. The Court finds, however, that not even the most emphatic instruction or the most searching voir dire question can shield the jurors from banner headlines or ex parte statements and conduct by witnesses or counsel that would undoubtedly receive extensive coverage. Since the trial began, this case has been the daily bread for the local press and media. This understandable attention notwithstanding, the Court remains accountable for protecting the jury from extrajudicial statements and actions regarding the merits of the case. The presentation of evidence in the Government's case has proceeded for approximately

three months before fifteen citizens who have negated their own personal commitments to labor day after day in this trial. As the trial continues, the Court finds that it would be imprudent at this stage of the proceedings to change venue or sequester the jury, both of which will further disrupt the lives of these jurors and those in the community who follow this matter with interest. Finding no other alternative, the Court finds that a narrowly tailored gag order is the least restrictive means of curing the potential prejudice to the Court's ability to conduct a fair trial.⁸

V. Conclusion

Therefore, the Court finds a substantial likelihood that the extrajudicial comments and conduct of the trial participants⁹ in this case would prejudice the Court's ability to conduct a fair trial. The Court further finds that this Order precluding all trial participants from making extrajudicial statements or taking actions that would have a meaningful likelihood of materially impairing the court's ability to conduct a fair trial is narrowly tailored. The Court finds that this Order precludes extrajudicial statements and conduct intended to influence public opinion or the jury regarding the merits of the case. Finally, the Court finds

⁸ Having found that the imposition of the gag order, consistent with this Order, is the least restrictive means of preserving a fair trial, the Court finds that its imposition on the trial participants does not violate their Fourth Amendment rights.

⁹ Trial participants are defined, for purposes of this Order, as the parties, their counsel, witnesses, and their counsel. Witnesses are defined, for purposes of this Order, as any witness who is under subpoena or whose name appears on one of the parties' witness lists.

that the imposition of this Order on trial participants is the least restrictive means of protecting Defendants' Sixth Amendment rights, the "most fundamental of all freedoms." Foxman, 939 F.2d at 1512 (quoting Estes, 381 U.S. at 540).

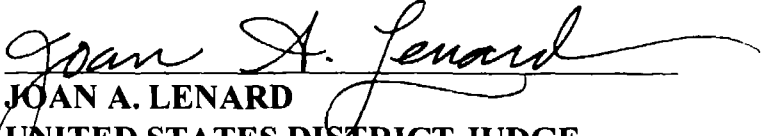
Accordingly, it is

ORDERED AND ADJUDGED that:

1. The Motion to Enforce Court's Directive Concerning Witness Comments to News Media (D.E. 818), filed December 27, 2000 by the Government, and the Motion to Enforce Court's Gag Order against Witnesses (D.E. 938), filed February 9, 2001 by Defendant Gerardo Hernandez, are **GRANTED** consistent with this Order.

2. Legal counsel for the parties shall aid the Court by providing copies of this Order to all trial participants, including all lay witnesses, and by counseling them as to the parameters and consequences of this Order.

DONE AND ORDERED in Chambers at Miami, Florida this 16 day of February, 2001.


JOAN A. LENARD
UNITED STATES DISTRICT JUDGE

cc: United States Magistrate Robert L. Dubé

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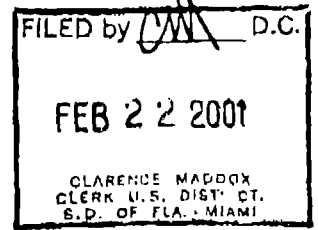
DE #999

Order granting in part
and denying in part
Motion for Clarification
and/or Modification
re: Witness comments
to media

Issued Feb. 22, 2001

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 98-0721-CR-LENARD/DUBÉ



UNITED STATES OF AMERICA,

Plaintiff,

vs.

GERARDO HERNANDEZ, et al.,

Defendants.

**ORDER GRANTING IN PART AND DENYING IN PART
MOTION FOR CLARIFICATION AND/OR MODIFICATION**

THIS CAUSE is before the Court on the Re-Filing of Notice of Impending Action and Request for Clarification, If Necessary, filed February 21, 2001 by Witness Jose Basulto. The Court treats this Notice as a Motion for Clarification and/or Modification of the Court's February 16, 2001 Order. The Government and Defendants Rene Gonzalez, Ruben Campa, Gerardo Hernandez, and Antonio Guerrero filed Responses on February 22, 2001. Having reviewed the Motion, the Responses, and the record, the Court finds as follows.

I. Introduction

On November 27, 2000, the Court issued a Gag Order, which Defendant Gerardo Hernandez sought to enforce against Witnesses Jose Basulto and Guillermo Lares, who allegedly held a press conference, at which they allegedly spoke with the press about the

February 24, 1996 shutdown of the Brothers to the Rescue aircraft and their planned activities for February 24, 2001.¹ After reviewing Responses to Defendant Hernandez's Motion to Enforce the Court's November 27, 2000 Order and after hearing oral argument on the Motion, at which the Government, Defendants, defense counsel, Witness Basulto, and his counsel appeared and made argument, the Court supplemented its November 27, 2000 Order on February 16, 2001.

On February 16, 2001, the Court provided in pertinent part that, while not eliminating the trial participants' freedom to express themselves publicly, all trial participants are precluded "from making extrajudicial statements or taking actions that would have a meaningful likelihood of materially impairing the court's ability to conduct a fair trial."

(Order of 2/16/01 at 18.) In that Order, the Court also expressly precluded "extrajudicial

In its Response to Defendant Hernandez's Motion, the Government attached an English translation of the anchorwoman discussing Basulto's press conference, discussed in Defendant Hernandez's Motion. The anchorwoman stated,

And to solemnly remember the four pilots who were shot down on February 24, 1996, Brothers to the Rescue will take part in a mass that will be celebrated at the Hermita de la Caridad on February 23rd at 8 p.m. On the following day, their planes will fly over the Martyrs' Point and will drop leaflets which depending on how the weather is could reach Cuba. They are also asking exiles to sign the documents which request the Bush administration to order the indictment of Fidel Castro for the assassination of the pilots.

(Gov't's Resp. of 2/9/01 Ex. 1 at 1.) It is undisputed that February 24, 1996 is the day of the Brothers to the Rescue shutdown.

statements and conduct intended to influence public opinion or the jury regarding the merits of the case.” (*Id.*)

On February 21, 2001, Witness Basulto filed the instant Motion for Clarification and/or Modification of the Court's February 16, 2001 Order. In this Motion, Witness Basulto notifies the Court of what actions he is planning on taking during the upcoming weekend of February 23 and 24, 2001 and requests whether these actions would be in violation of the Court's February 16, 2001 Order. Witness Basulto emphasizes that these activities have persisted annually on the anniversary of the February 24, 1996 shutdown.

In its Response, filed February 22, 2001, the Government argues that Witness Basulto be allowed to participate in each of the actions of which he notifies the Court.

In their Responses, filed February 22, 2001, Defendants Rene Gonzalez and Ruben Campa maintain that the Court's Order of February 16, 2001 is clear without modifications. Defendant Gonzalez also contends that “the witness seeks this Court to either bless or reject actions that they may or may not take to commemorate the events of February 24, 1996. Such a ‘blessing’ by this Court would be tantamount to this Court providing an advisory opinion which it is strictly prohibited from doing.” (Def. Gonzalez's Resp. of 2/22/01 at 1.) Defendant Antonio Guerrero, in his Response filed February 22, 2001, agrees that Witness Basulto is seeking an advisory opinion.

In his Response, filed February 22, 2001, Defendant Gerardo Hernandez argues that Witness Basulto should not be allowed to violate the Court's February 16, 2001 Order.

Defendant Hernandez argues that the press statements attached as Exhibit C to Witness Basulto's Motion are "directly related to facts in this trial." Defendant Hernandez further argues that Witness Basulto's "proposed flight, leaflet drop, and press release are geared toward igniting emotions in the community with regard to the issue of the nature of the shutdown, where the fault lies, and a host of other issues." (Def. Hernandez's Resp. ¶ 3.) Defendant Hernandez continues, "Basulto is a subpoenaed witness in this case that the defense will call. He should not be allowed to violate the Court's fairly tailored gag order." (Id. (emphasis in original))

II. Analysis

As the Court highlighted in its Order of February 16, 2001, the issuance of gag orders necessarily contemplates the balancing of two fundamental rights, the First Amendment right to free speech and the Sixth Amendment right to a fair trial, "the most fundamental of all freedoms." News-Journal Corp. v. Foxman, 939 F.2d 1499, 1512 (11th Cir. 1991) (finding that "when First Amendment claims impinge upon the Sixth Amendment right to a trial by an impartial jury, asserted First Amendment interests must yield to the 'most fundamental of all freedoms,' the right to a fair trial for the accused") (quoting Estes v. Tex., 381 U.S. 532, 540 (1965)). As the Fifth Circuit and Supreme Court have noted, a "trial by newspaper" jeopardizes the Court's ability to conduct a fair trial. United States v. Brown, 218 F.3d 415, 423 (5th Cir. 2000) (quoting Pennekamp v. State of Fla., 328 U.S. 331, 366 (1946) (Frankfurter, J., concurring)). Justice Frankfurter explained why, during the course of trial,

of the case." (Id.)

Witness Basulto, who is under subpoena, is a fact witness in this case. One of the areas of his testimony surrounds the February 24, 1996 Brothers to the Rescue shootdown. The facts of this event, as well as others, are at issue before the jury in this case. Issues of fact relate directly to the case's merits. For the duration of this trial, fact witnesses are therefore precluded from making extrajudicial statements or conduct with regard to issues of fact that are before the jury.

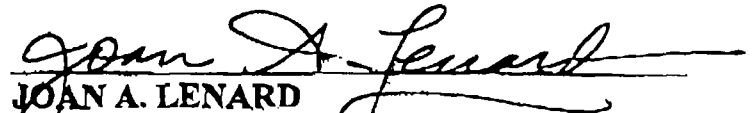
Our country is protective of many rights and liberties. The courts are frequently in the position of balancing these liberties because our constitutional democracy - empowered by the people - has entrusted this duty to the courts. The task is often not easy, but required by the rule of law and must be respected.

Lawyers have entered appearances on behalf of the lay witness, Jose Basulto. These attorneys are both experienced and studied. They are capable of rendering thoughtful counsel to their client.

Accordingly, it is

ORDERED AND ADJUDGED that the Motion for Clarification and/or Modification of the Court's February 16, 2001 Order, filed February 21, 2001 by Witness Basulto, is **GRANTED IN PART AND DENIED IN PART** consistent with this Order.

DONE AND ORDERED in Chambers at Miami, Florida this 22 day of February, 2001.


JOAN A. LENARD
UNITED STATES DISTRICT JUDGE

cc: United States Magistrate Robert L. Dubé

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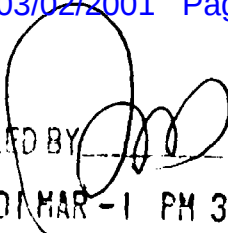
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DE #1009

Defendants' joint motion
for Mistrial and
Change of Venue

Filed Mar. 1, 2001

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

FILED BY 

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MIAMI DIVISION

CLARENCE MADDOX
CLERK U. S. DIST. CT.
S.D. OF FLA. - MIA

Case No. 98-721-CR-LENARD/Dubé

UNITED STATES OF AMERICA

Plaintiff,

vs.


RUBEN CAMPA, et al,

Defendant.

_____ /

**DEFENDANTS' JOINT MOTION FOR A MISTRIAL
AND CHANGE OF VENUE**

Defendants Fernando Gonzalez, a/k/a, Ruben Campa, Gerardo Hernandez, Ramon Labañino, a/k/a Luis Medina, Antonio Guerrero, and Rene Gonzalez, pursuant to the Fifth and Sixth amendments, request a mistrial and renew their previously-filed joint motion for a change of venue. Defendants' renewed motion is based on this Court's Orders dated February 16 and 22, 2001, and the events that unfolded during the weekend of February 24, 2001. The legal grounds for defendants' renewed motion for a change of venue are set forth in their previously-filed legal memoranda, which are incorporated by reference herein. See generally United States v. McVeigh, 918 F. Supp. 1467 (W.D. Okl. 1996).



1. Defendant Gerardo Hernandez is charged, in relevant part, with conspiring to commit murder in connection with the shutdown of two Brothers to the Rescue (BTTR) aircraft on February 24, 1996.

2. As the trial of this cause moved along to embrace the issue involving the February 24, 1996 shutdown and we began to approach the fifth anniversary of the event, this Court issued an Order limiting what outspoken BTTR president and potential witness Jose Basulto, who observed the shutdown, would be allowed to say and do in commemoration of the anniversary and the shutdown.

3. This Court was properly concerned about the impact media coverage of Mr. Basulto's activities and press conferences would have on the defendants' ability to receive a fair trial. In relevant part, this Court found "that not even the most emphatic instruction or the most searching voir dire question can shield the jurors from banner headlines or ex parte statements and conduct by witnesses or counsel that would undoubtedly receive extensive coverage": See Order dated February 16, 2001 at 17.

4. After a certain amount of legal maneuvering, Mr. Basulto was ultimately permitted to participate in activities commemorating the fifth anniversary of the shutdown. As this Court accurately predicted, the commemorative events received a great deal of publicity, all of which was biased against the defendants and consistent with the government's position at trial. For example, on February 24, 2001, an editorial appearing in the Miami Herald stated that, on the date of the shutdown, the BTTR

airplanes were “flying a routine search in international airspace over the Florida straights,” facts which the defendants have denied at trial. The editorial also describes the Cuban government, with whom the defendants have admitted cooperating, as a “terrorist state” that “killed” the BTTR pilots. See Exhibit A.

5. On February 24, 2001, El Nuevo Herald published an editorial containing large photographs of the BTTR pilots who were shot down and stating that: “The murder, as shown during the ongoing trial against a Cuban spy network in [Miami], was a coldly calculated operation orchestrated by the Fidel dictatorship’s secret services and its agents in Miami.” See Exhibit B [translation supplied].

6. A lengthy Miami Herald article also appearing on February 24, 2001, prominently quoted the executive director of the Cuban American National Foundation, whose contacts with terrorist groups and individuals has become an issue at trial, as saying that: “What is clear from the trial is that Brothers to the Rescue were set up and that murder was committed.” See Exhibit C.

7. On February 25, 2001, a Miami Herald article echoed Mr. Basulto’s contention, embraced by the government’s theory of prosecution at trial, that the February 24, 1996 shutdown took place approximately 20 miles north of Havana – i.e., over international waters. The article also echoed Mr. Basulto’s contention that the pilots had been “murdered” on February 24, 1996. See Exhibit D.

8. On February 26, 2001, a Miami Herald columnist quoted from an audio taped conversation which was introduced into evidence at trial and involved the Cuban Mig pilots who shot down the BTTR aircraft. The taped conversation, which was played and over and over again in Spanish-speaking radio and stations over the weekend, dramatically reflects the Cuban pilots' excitement and pride over the successful shutdown. See, e.g., Exhibit G. (A copy of a Spanish-speaking television station's coverage of the commemorative events, which includes a replay of the cockpit conversations, will be filed in further support of this motion). The Miami Herald columnist joined the growing chorus of people in the local community who are calling for the indictment of Fidel Castro in connection with the shutdown. See Exhibit E.

9. On September 25, 2001, yet another article in El Nuevo Herald echoed Mr. Basulto's claim that the BTTR aircraft were illegally shot down over international waters. See Exhibit F. The article shows a photograph of the mother of one of the victims in the arms of Mr. Basulto, who is accompanied in the photograph by Guillermo Lares, another BTTR pilot who testified for the government at trial. See Exhibit F. It also reports that BTTR members are leading a campaign to petition President Bush to indict Mr. Castro.

10. Given such extensive and biased coverage of the events that unfolded over the weekend of February 24, 2001, and their obvious, direct relation to the issues the jury must decide at trial, defendants renew their motion for a change of venue.

What this Court properly feared would happen if Mr. Basulto “re-enacted” the shutdown consistent with the government’s theory of the case has actually taken place. No amount of voir dire or instructions to the jury can cure the taint, whose ripple effects are difficult to measure.

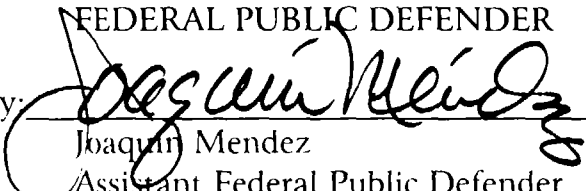
11. Accordingly, defendants request a mistrial so that their trial can be conducted in a venue where community prejudices against the defendants are not so deeply embedded and fanned by the local media.

12. Counsel for Mr. Gonzalez’s co-defendants have authorized undersigned counsel to state that their clients join in this request.

Respectfully submitted,

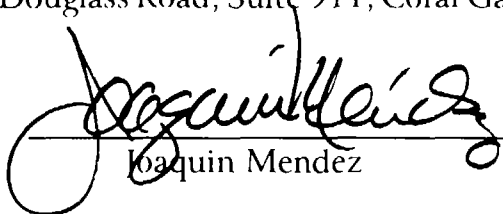
KATHLEEN M. WILLIAMS
FEDERAL PUBLIC DEFENDER

By:


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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing instrument was hand-delivered this 1st day of March, 2001, to: Caroline Heck Miller, Assistant United States Attorney, 99 N.E. 4th Street, Miami, Florida 33132; Paul A. McKenna, Esq., First Union Financial Center, 200 South Biscayne Blvd, Suite 2940, Miami, Florida 33131; William Norris, Esq., 3225 Aviation Avenue, Suite 300, Coconut Grove, FL 33133; Phillip R. Horowitz, Esq., 12651 S. Dixie Highway, Suite 328, Southpark Centre, Miami, Florida 33156; Jack R. Blumenfeld, Esq., 2600 Douglass Road, Suite 911, Coral Gables, Florida 33134.



Joaquin Mendez

C:\CAMPA\imistrial.wpd

6B www.herald.com SATURDAY, FEBRUARY 24, 2001

OPINION

JOHN S. KNIGHT (1894-1981)

The Miami Herald

JAMES L. KNIGHT (1909-1991)

THE FOUR BROTHERS

REMEMBERING FEB. 24, 1996

Five years ago the Fidel Castro regime coldly murdered four Miami men whose mission that day was to stand ready to save the lives of any Cuban attempting to flee that island by sea.

The four — Carlos Costa, Armando Alejandro, Mario de la Peña and Pablo Morales — were aboard a pair of unarmed Cessnas owned by Brothers to the Rescue flying a routine search in international airspace over the Florida Straits. With no warning, they

were shot from the sky by Cuban MiGs acting under higher orders.

None of this is in doubt. The nature of this crime shall not be forgotten, nor its cruelty forgiven.

If any good news can be delivered on this anniversary it is that the families have been awarded \$93 million in damages, to come from frozen Cuban assets. Although money cannot replace precious lives, it represents a measure of justice against the terrorist state that killed them.

DEPENDANT'S
EXHIBIT
"A"

2-24-01 **EN PRIMER PLANO** *Nuevo Herald*



El 24 de febrero es una fecha aciaga para la historia del exilio cubano.

Ese día, aviones MiGs del régimen de La Habana dieron muerte a cuatro miembros del grupo Hermanos al Rescate.

El dramático acontecimiento, hace hoy cinco años, puso fin a las vidas de Carlos Costa, Armando Alejandro, Pablo Morales y Mario de la Peña sobre aguas internacionales y coincidió con un agravamiento de la represión contra los disidentes de la isla.

El crimen, como ha sido revelado en el juicio que se lleva a cabo contra una red de espías cubanos en la ciudad, fue una operación celosamente calculada y orquestada por los servicios secretos de la dictadura de Fidel Castro y sus agentes en Miami.

La dictadura no tuvo reparos en volar en pedazos dos avionetas civiles indefensas.

Tampoco los tuvieron los pilotos asesinos cuando dieron rienda suelta a expresiones soeces de júbilo mientras las dos aeronaves de Hermanos al Rescate y sus tripulantes caían al mar envueltas en llamas.

Carlos, Armando, Pablo y Mario ayudaban a salvar vidas de "hermanos" en las aguas del Estrecho de la Florida en un acto de sobrada nobleza.

Sus muertes no fueron ni serán en vano.

DEFENDANT'S EXHIBIT

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Brothers plane shoot-down a Castro trap?

BY ALFONSO CHARDY
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Five years after the downing of two Brothers to the Rescue planes by a Cuban MiG, evidence is emerging in a Miami courtroom suggesting the shoot-down was no crime of opportunity, but part of a carefully plotted trap meant to discredit and destroy the anti-Castro group.

Today marks the fifth anniversary of the shoot-down — a moment that comes just as testimony in the Cuban spy trial begins to underscore the deep suspicions Castro foes in Miami long harbored about Cuban government intentions.

Documents submitted by federal prosecutors as evidence, like once-secret computer and radio messages

▶ PLEASE SEE BROTHERS, 20A

Cont. →



Testimony suggests planes ambushed



ROBERTO KOLTUN/EL NUEVO HERALD

VALIDATING A THEORY? Brothers leader José Basulto first floated the idea the shoot-down was a Cuban covert operation.

BROTHERS, FROM IA
between the alleged spies and their Havana handlers, chronicle efforts by Havana's agents to sabotage Brothers to the Rescue and pave the way for an ambush in which two Brothers pilots and two rafter spotters were killed.

CONSPIRACY

In fact, U.S. prosecutors say, evidence points to a conspiracy involving Havana and one of the alleged spies to set up the Brothers pilots.

The charge also seems to validate a theory initially floated by Brothers leader José Basulto days after the shoot-down that the event was the outcome of a Cuban covert operation to connect Brothers to anti-Castro terrorism. According to Basulto, Cuba had planned to claim that the Brothers planes had been shot down while en route to an airstrike on Cuba.

Basulto is a witness in the trial in which five alleged Cuban spies are fighting charges of trying to infiltrate U.S. military installations and Cuban exile organizations including Brothers to the Rescue for the purpose of harming U.S. national security.

"What is clear from the trial is that Brothers to the Rescue were set up and that murder was committed," said Joe Garcia, executive director of the Cuban American National Foundation, which also was allegedly targeted by the spy suspects. "The trial shows an ongoing effort by the Cuban government to create dissension and strife among those who fight for freedom and democracy for Cuba."

FIGHTING TERROR

The accused spies claim they were merely working to protect their homeland from acts of terrorism by the Brothers.

One of the defendants, Gerardo Hernández, is charged with conspiracy to commit murder in the shoot-down. Attorneys for Hernández and his co-defendants do not dispute that their clients worked for the Cuban government. But they told jurors that the men spied on military installations and infiltrated exile groups to protect Cuba — not to compromise national security.

One of Havana's spies inside Brothers, Juan Pablo Roque, reported to one of his Cuban handlers and the FBI that Basulto had mentioned plans to manufacture a "secret weapon" for delivery to island-based anti-Castro foes, according to prosecution evidence. The court document says neither Cuba nor the FBI took the report seriously.

Most of the evidence submitted by the prosecution portrays Brothers to the Rescue as

'What is clear from the trial is that Brothers to the Rescue were set up and that murder was committed.'

—JOE GARCIA,
executive director, CANF

a target for the Cuban government.

The recently declassified computer and radio messages between the alleged spies and their Havana handlers, for example, detail elaborate efforts to set up Brothers for the shoot-down — including arrangements for Roque's secret return to Cuba on the eve of the shoot-down.

SIMILAR TO THEORY

The operation laid out in the messages resembles Basulto's theory that Cuba shot down the Brothers planes to smear the group's reputation. Basulto says Cuba had planned to present Roque, the infiltrated Brothers pilot, as sole shoot-down survivor and have him describe details of the "terrorist" mission.

The only reason the plot failed, Basulto said, is that he survived the shoot-down by turning off his plane's transponder and flying into a cloud to evade a pursuing MiG.

Roque disappeared from Miami on the eve of the Brothers' fateful flight — reappearing in Havana after the shoot-down and disclosing that he had infiltrated Brothers to the Rescue. Roque is now a fugitive in the spy case.

As it unfolds, evidence emerging suggests that Cuba may have dispatched spies to South Florida after concluding that Washington was not taking seriously its demands to crack down on exile "terrorists" and incursions into Cuban airspace by Brothers planes.

CUBAN FEARS

The creation of Brothers to the Rescue in early 1991 and Basulto's role in the group played a major part in Havana's fears. Many exiles who had received paramilitary training in the early 1960s when the CIA financed the ill-fated Bay of Pigs invasion went

into action again in the 1990s.

Some sponsored raids against the Cuban coast. Others staged attacks at tourist sites. Still others opted for nonviolent protests such as pro-democracy flotillas — and among organizers of the first flotilla on May 20, 1990 was Basulto — a Bay of Pigs veteran.

Cuba's suspicions about the organization intensified and soon thereafter, the suspected spies were deployed to South Florida.

One of the first to arrive was René González, now a trial defendant, who landed at Boca Chica Naval Air Station in 1990 aboard a stolen crop duster.

CLOSE TABS TO HAVANA

One of González's targets was Brothers to the Rescue which he successfully infiltrated, becoming one of its pilots. Another spy suspect, Roque, also penetrated the group and became a pilot as well. Their code names were Castor, for González, and Germán for Roque.

Roque and González kept close tabs on Brothers and reported on the group to Havana — and the FBI.

Both Roque and González often gave the FBI information, but never told the agency they were also Havana's men in Miami or that Havana was preparing some sort of retaliation against the group, according to memos confiscated by the FBI after their arrest.

Radio messages from Havana, submitted as evidence, indicate Cuba began planning retaliation in December 1995 or January 1996 to deter further incursions of Cuban airspace by Brothers planes.

By Jan. 29, the messages show, Cuba had approved Operation Scorpion — the official response against Brothers.

REPEATED WARNINGS

In February 1996, Havana repeatedly warned González and other agents to avoid flying Brothers planes in the Florida Straits — especially between Feb. 24 to Feb. 27.

Days after those warnings, pilots Carlos Costa and Mario de la Peña and rafter spotters Armando Alejandro and Pablo Morales were killed when a Cuban MiG rocketed their unarmed Cessnas as they flew over the Florida Straits.

Their deaths will be commemorated today with a memorial flyover by Basulto and other Brothers pilots over the shoot-down area.

Downed pilots remembered with flight, flowers

BY PAUL BRINKLEY-ROGERS
pbrinkley-rogers@herald.com

When the fliers tumbled out of the sky on Saturday at a place Cuban Americans now call Martyr's Point, there were no hostile MIGs there to blast the flight of three small Brothers to the Rescue planes out of the sky.

Brothers co-founder José Basulto, at the controls of a Cessna 337, led the formation, just as he did five years ago when rockets knocked down two other planes of the same kind. Killed were his friends, Carlos Alberto Costa and Pablo Morales, both 29, Mario de la Peña, 24, and Armando Alejandre, 45.

Radio traffic from Havana airport officials crackled over his headset as he circled the spot, reciting a name of each of "our martyrs" as he hurried bouquets onto a glistening sea. The gleaming white Coast Guard cutter Legare was on station below in international waters, its radar probing the skies for any fighter jets from Cuban military fields near Havana, just 20 miles to the south.

The anniversary was a day full of sombre theater and tearful emotions for the 50 Cuban

American friends and family members of the lost fliers who gathered at Opa-Itocha Airport to watch the planes take off in the early afternoon.

A similar memorial flight has been made every year since the shoot-down, an act that dragged U.S.-Cuba relations to a new low and resulted in legislation toughening the decades-old embargo. In October, the Clinton administration agreed to release \$8 million in frozen Cuban assets as part of a court-ordered award of more than \$100 million to the family members of the four pilots.

Eva Barbas, 75, the silver-haired mother of Morales, came with four red silk roses — one for each of the dead — which also were dropped at the site. Prayers were offered.

Nine-year-old Reynaldo "R.J." Martin, son of Ray Martin, who was a crew member on one of Saturday's group of aircraft, hugged his mother, Maria, and wept. She said he worried about his dad's safety.

LAST-MINUTE RULING

The flight came only hours after the 11th U.S. Circuit Court of Appeals in Atlanta ruled that Basulto could make the flight. Randall Marshall, legal



DOUGLAS E. MARIAL PUNABU/RENAUD STRAUSS

LED FLIGHT TO MARTYR'S POINT: Brothers to the Rescue co-founder José Basulto at the Opa-Itocha Airport.

director for the American Civil Liberties Union in Florida, said the court stayed a gag order issued by U.S. District Judge Joan Lenard that could have grounded Basulto, a witness in the ongoing Cuban spy case in Miami that Lenard is hearing. In question was whether Basulto had violated Lenard's order by announcing that he planned to participate in Saturday's airborne memorial.

The lead defendant in the spy case, Gerardo Hernandez, is specifically charged with conspiracy to commit murder

then south to Funchigo and the Florida Keys.

OVER THE STRAITS

A few minutes out over the Straits of Florida, as they left airspace controlled by Miami and entered airspace controlled by Cuba, the pilots tried radioing Havana Centro — Havana air traffic control. Sometimes when Brothers to the Rescue planes announce themselves the Cubans reply, and sometimes they do not, Basulto said.

But on Saturday, Havana was quick to acknowledge the flight. The controller was also quick to warn the pilots that they were entering a zona peligrosa — a danger zone.

Basulto said Havana claims the zone is used by Cuban military aircraft for training, "but they don't have much money nowadays, and so their planes don't fly much. Nowadays, the danger zone is for us."

REPEATED WARNINGS

Both Basulto and his copilot kept a watchful look at the horizon for hostile aircraft. A haze obscured the Cuban coast, and clouds also interfered with visibility. But other than the repeated warnings from

Havana — very much like the warnings issued five years ago — no threat materialized.

The aircraft circled at 500 feet over Martyr's Point. Basulto recited the names of the dead fliers over the radio, meaning that the Havana controllers got the message, too. The operator admonished him for using the radio frequency also used by commercial airliners landing at Havana's José Martí International Airport — for the ceremony.

But Havana was courteous, even after Basulto declared that his friends had been "murdered" and appealed for "justice for this crime."

Bringing Fidel Castro and other Cuban officials to trial for the death of the pilots is an aim of both Basulto and the relatives.

Before the flight took off, Basulto said Gov. Jeb Bush — who was in Miami on Saturday to talk with members of the Cuban community — had agreed to deliver a letter from Eva Barbas to the governor's brother, President Bush. The letter, he said, asks the president to indict the Cuban leader, who Basulto claims gave the order to shoot down the planes.

DEFENDANT'S EXHIBIT
"D"

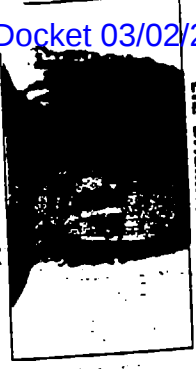
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MONDAY, FEBRUARY 28, 2001

COMMENTARY

LIZ BALMASEDA



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'Rule of law' for Castro?

Cuban MIG pilot at around 3:20 p.m. Feb. 24, 1996, upon sighting a plane. "Target lock-on, authorize us!" It's a Cessna 3-37... That's the Cuban commander: "Fire." MIG pilot, upon firing shots that killed four U.S. airmen on a humanitarian search mission: "We got him, damn it! We got him! The other one destroyed! The other one destroyed! Fatherland or death, damn it! The other one down, too!"

When rationalizing her armed agents' predawn raid to seize 6-year-old Elián González, then-U.S. Attorney Janet Reno invoked the almighty "rule of law."
But in her last years in office, she used no such standard to bring about justice in the murder of four civilian airmen, three American citizens and one U.S. resident, by the regime of Fidel Castro.

There was no shortage of evidence. Cuban military transmissions, intercepted by the U.S. military, gave the macabre play-by-play. There was no doubt the regime gave the order to

Castro and his cabal

have been spared

Castro and his cabal have been spared blows they deserve.

strike against American civilians over international waters. It echoed in the calm voice of a nameless Cuban commander:

"Authorized to destroy."
Of course, indicting Fidel Castro and raiding a small house in Little Havana are two different things. The payoff on a raid against a Cuban exile family is an easy flex, taking on Castro requires more muscle than a traditionally lame prosecutor can muster.

Rule of law? Right, whatever.
In the five years since the shoot-down, there have been policy tweaks, a civilian lawsuit by the victims' families and a celebrated case against an alleged Cuban spy ring.

While a president proclaimed embargo-tightening measures, his administration went on to nurture historic collaborations with the Cubans. And while evidence surrounding the shoot-down anchors the U.S. government's case against alleged Cuban spies, now unfolding in a Miami federal court, the harshest verdict could fall upon the alleged ringleader, not Fidel Castro.

Federal prosecutors say the lead defendant charged with conspiracy to commit murder, gave Cuba the flight plan of the ill-fated Cessnas. His actions, they say, earned him a written rave from Havana. "We have dealt the Miami right a hard blow."

But while the spy case has blown open Cuban operations in Miami, Castro and his cabal have been spared whatever hard blows they deserve. The closest blow: a court ruling in favor of the airmen's relatives granting them \$93 million of frozen Cuban assets.

Yet for all those millions, the rulings empty without as much as a symbolic indictment.
Hoping to bring on one, a Washington, D.C., watchdog group sent a letter last week to Reno's successor, John Ashcroft, asking him to review the shooting and bring to justice "the officers who pulled the triggers, their superiors whose commands are heard on tape recordings, and the higher authorities who approved this act of state terrorism."

The letter from the Center for a Free Cuba is signed by a list of dignitaries and civic figures, including the former U.S. ambassador to the United Nations, Jeanne Kirkpatrick.
The center's executive director, Frank Cuban, can list other political assaults on Cuban Americans that were ignored by Reno. Her idea of following the "rule of law," he rightfully concludes, means "not doing anything that would upset Mr. Castro."
Sadly, that was the case, even if it meant letting him get away with the murder of Americans.



Basulto desafía orden judicial y honra a caído

RUI FERREIRA
El Nuevo Herald

cuatro Flores cayeron ayer del cielo sobre el Estrecho de la Florida. Y cada una de ellas tenía un nombre. Carlos Costa, Mago de la Peña, Pablo Morales y Armando Alejandro, los cuatro pilotos de Heranos al Rescate abatidos en aguas internacionales por cazas castristas hace cinco años.

La ceremonia fue posible, después que el Onenco Circuito de Apelaciones concluyó que la orden de silencio de la jueza Josuá A. Lenard era demasiado vaga para impedir que José Basulto, sobreviviente de la tragedia, regresara al lugar de los hechos a orar por sus colegas caídos.

Esta es una decisión muy importante para las actividades de este fin de semana de Heranos al Rescate, dijo John de León, director de la Unión Americana de Libertades Civiles (ACLU), organización que secundó a Basulto en su desafío a la orden de silencio de Lenard emitida la semana pasada y reafirmada el viernes.

Según De León, ninguna corte en este país puede arbitraria y ampliamente decir que las personas no se pueden expresar. Un grupo de activistas de Heranos al Rescate y del Movimiento Democracia, entre ellos su líder Ramon Saul Sánchez, y el llamado Punto Mártires, donde tuvieron un momento de oración hacia los

pilotos desaparecidos, y dejaron caer cuatro rosas que antes de la partida les fueron entregadas en el aeropuerto de Opalocka por Eva Barba, la madre de Morales.

'Nuestra misión este día es muy clara: pedirle al presidente George W. Bush que sea consecuente con la ley y haga el propósito de encausar a Fidel Castro por este crimen', dijo Basulto, ateniéndose apenas a las actividades de recordación de los hechos, ya que la orden de silencio le impide ir más allá de ello, una vez que el derribo de las dos avionetas es un tema puesto a consideración del Jurado que juzga a cinco hombres de espaldas para Cuba, uno de los cuales encara cadena perpetua por su presunta participación en los hechos.

La decisión de ayer del Tribunal de Apelaciones fue fruto de una moción de emergencia presentada por los abogados de Basulto. Según Randal Marshall, también director de ACLU en el sur de la Florida, la respuesta de los jueces fue 'excepcional', por lo 'injustadamente rápida', ya que tardó menos de 24 horas.

Refiriéndose a la orden de silencio de Lenard, los jueces estimaron que 'este tipo de decisión debe ser lo suficientemente clara para que los que las deban cumplir sepan exactamente qué declaraciones o acciones específicas están prohibidas', algo que en su opinión la jueza no especificó.

El tribunal también tuvo en cuenta que la fiscalía federal no objetó el vuelo de Basulto. De hecho, el viernes el fiscal federal Guy Lewis dijo que no se oponía a las actividades de recordación del derribo de las avionetas, porque Basulto las ha hecho anteriormente y no hay razones para creer que ello haya influido en el jurado, como argumentó la defensa.

El vuelo fue efectuado por la tarde con cinco avionetas, tres de Heranos al Rescate y dos del Movimiento Democracia. Inicialmente estaba previsto el lanzamiento de volantes, pero como los vientos soplaban hacia el norte, los activistas ni siquiera los llevaron consigo.

Por la mañana, Barba se encontró con el gobernador Jeb Bush, en las oficinas del empresario Felipe Valls, en La Pequeña Habana a quien entregó una carta para el presidente Bush pidiendo el encausamiento del gobernante cubano.

Jeb nos dijo que mañana mismo [domingo] le entregará personalmente la carta a su hermano, dijo Basulto al abordar el pequeño avión Cessna Sky Master, número 2506, después de presidir una oración y evocación del vuelo.

Heranos al Rescate está enfrascado en una campaña de recogida de firmas para lograr el encausamiento de Castro, quien hace cinco años admitió que había dado la orden del derribo de las avionetas de la organización.



JOSE BASULTO abraza a Eva Barba, madre de Pablo Morales, uno de los cuatro aviadores derribados hace cinco años.

DEFENDANT'S EXHIBIT
11



La dictadura debe ser sentada en el banquillo de los acusados.

Este es un día para pedir justicia

"Le dimos, c..., le dimos! ¡Este ya no j... más!" Así gritó histéricamente el piloto de un MiG castrista el 24 de febrero de 1996, cual si hubiera derribado un fiero avión en pleno combate. Un segundo piloto al derribar el segundo avión gritó: "¡La otra destruida! ¡Patria o muerte, c..., la otra abajo también!"

Se cumplen hoy 5 años del asesinato de cuatro jóvenes de Hermanos al Rescate, que no viajaban en aviones de combate sino en sencillas avionetas civiles, que como otras tantas veces se dedicaban a la búsqueda y auxilio de compatriotas que escapaban del paraíso castrista en busca de libertad y derechos.

Muchas veces se ha hablado de reconciliación y perdón. Estoy de acuerdo en que en la Cuba postcastrista trabajemos por el futuro y la reconstrucción, todos, aun con los que se equivocaron, muchos de los cuales caminan hoy por las calles de este exilio. Pero también la justicia tiene que ser una máxima de la Cuba democrática. Justicia bajo un estado de derecho, pero justicia.

Me niego a reconciliarme con los matones que asesinaron a mis hermanos el 24 de febrero de 1996. Me niego a perdonar a los esbirros que mandieron el remolcador 13 de Marzo los responsables de la masacre del Canimar. Nunca me reconciliaré con los que han torturado y asesinado a miles de hermanos míos en estos cuarenta y dos años de

tiranía. Me puedo reconciliar con los equivocados, nunca con los asesinos. La dictadura debe ser sentada en el banquillo de los acusados. Hagamos de este 24 de febrero un día de recordación y compromiso, un día para pedir justicia.

Pedro López
Miami

Ningún hombre digno acudirá

Horrorizados escuchamos las grabaciones de las transmisiones entre los MiGs y los mandos en esa tarde del 24 de febrero de 1996, cuando verdugos aéreos con gritos soeces pedían autorización para pulverizar con sus misiles a cuatro jóvenes idealistas, a los cuales asesinaron. Hubo gritos de vesánica euforia una vez "destruido el objetivo que ya no j... más".

La tiranía ha convocado a una conferencia con la participación de miembros de la Brigada 2506 y las fuerzas que los derrotaron. ¿Habrá algún miembro de la Brigada que se precie de hombre digno y de honor que se preste a participar en una farsa en la que se les humille nuevamente y en la que pueden sentarse (aunque no hubieran nacido en 1961) los asesinos de los mártires del Estrecho de la Florida?

Delio Valdés
Miami Beach

DEFENDANT'S
EXHIBIT
"G"

**Affidavit of
Martin Garbus**

**in Support of the Motion
to Set Aside the Conviction, and
in the Alternative, in support of
Movant's Motion for Discovery
and Oral Argument**

Filed August 31, 2012

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:10-CV-21957-JAL

[Criminal Case No. 98-721-Cr-LENARD]

GERARDO HERNANDEZ,
Movant,

v.

UNITED STATES,
Respondent.

**AFFIDAVIT OF MARTIN GARBUS IN
SUPPORT OF THE MOTION TO SET
ASIDE THE CONVICTION AND, IN THE
ALTERNATIVE, IN SUPPORT OF
MOVANT’S MOTION FOR DISCOVERY
AND ORAL ARGUMENT.**

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AFFIDAVIT OF MARTIN GARBUS

(State of New York)
(): ss
(County of New York)

Martin Garbus, one of the attorneys for the Movant, being duly sworn, deposes and says:

A. Introduction:

1. I offer this affidavit¹ and the related reply memorandum to set aside the conviction on the grounds that it was unconstitutionally obtained by illegal governmental misconduct, which interfered with the trial and persuaded the jury to convict Movant.

2. This affidavit is premised on the proposition that the Court cannot permit the integrity of American criminal trials to be made vulnerable to prosecutorial manipulation directed specifically to the trial outcome, which is then shielded from examination by assertions of classification and national security privilege.

3. I will show that the Government's misrepresented and clandestine-paid journalists were fundamentally committed to do whatever they could to secure the conviction of Movant. They were hired and kept their employment because of their agreement to work for Movant's conviction. I will show the Government's selection process, the motivation of those who were paid, and the motivation and practices of those who hired and made the payments.

4. The narrative elements in the propaganda articles, radio, and television transmissions to Miami were predetermined, and all were consistent with each other. The Government paid these propagandists large sums of money, day after day, year after year, because the Government

¹

This response affidavit is required to set forth to the Court the sixteen year time period, from the shoot down to the present, from the trial to Movant's last attempts to discover new facts. This summation of previous briefs and affidavits from Movant and the Government should aid the Court by combining new and previous facts, and mixed facts in law in context in one coherent narrative.

believed monies were being successfully used to convince the jury to convict. The five-year propaganda effort, with far more than a thousand articles, television, and radio shows, was relentless. I believe many of the Government assets were secretly used to support illegal activities to do far more than just propagandize.

5. The Government's successful subversion of the Miami print, radio, and television media to pursue a conviction is nearly incomprehensible. It is unprecedented.

6. This case was tried in a Government-created vacuum of ignorance and the Government, which for years was involved in a cover-up, now again refuses to let the Court or Movant pierce that defense. The Government's July 6, 2012 response, like its prior responses in opposition to Movant's application, is devoid of facts – it is solely and merely argument. This affidavit will set forth precise and specific factual allegations and the research in support of those facts where we can.²

B. Characteristics and backgrounds of some of the Government's secretly and covertly paid journalists, and some of the published propaganda writings, speeches, and radio and television broadcasts that violated the integrity of the trial and the Constitution of the United States:

7. Propaganda is a form of communication aimed at influencing the attitude of a community toward a cause of action or position. Propaganda is often repeated and disbursed over a wide variety of media in order to create a specific identifiable result in audience attitudes. It uses a pre-determined narrative intended to mislead. Propaganda is a form of political warfare – it is the use of loaded messages to produce an emotional rather than rational response to the

²

The Government Response to Ruben Campa's motion (Attachment A to the July 6, 2012 response) cannot be used to respond to this motion which is factually and legally different (see page 8 of the Campa brief). The "burden of proof" issues on the venue motion have nothing to do with this application. This affidavit shows the arguments in the "Attachment A" brief are factually and legally wrong. The Government seems not to understand what this motion is about. To the extent that it is relevant to the discovery motion, it further justifies discovery to further respond to the Government's claim.

information presented. That is why our Government attempts to totally ban the use of Government funds for domestic propaganda.

8. The articles and words used to convict Movant were worse than disclosed propaganda – it was covert and secret propaganda hiding behind the names of known entities, like CBS and *The Miami Herald*, and journalists that the public thought were independent.

9. Thomas Fiedler, the Executive Editor and Vice President of *The Miami Herald*, when talking about the monies paid to his staff members and members of other media entities by the Government in the Oscar Corral story, said it was wrongful because it was “to carry out the mission of the US Government, a propaganda mission.” It was wrong even if it had not been secret. The integrity of the domestic American trial process cannot be destroyed by a propaganda machine built for national security. To allow the Government’s international propaganda machine to be turned on the environment of an American trial insults both the integrity of the trial itself and the integrity of the community for whom the jury speaks.

10. I will discuss specific journalists who are illustrative of the larger group of propagandists. I will provide names of journalists, their histories, the amount of Government monies they received, so far as we can tell at this time, and the names of the supposedly independent news entities under which they published the secretive Government-scripted propaganda.

11. I have found multiple but incomplete payment records from various governmental agencies overseen by the Broadcasting Board of Governors (BBG)³ and the United States

³

The Broadcasting Board of Governors (BBG) became the independent entity responsible for all U.S. Government and government-sponsored, non-military, international broadcasting on October 1, 1999. With enactment of the 1998 Foreign Affairs Reform and Restructuring Act (Public Law 105-277), the BBG assumed authority for the International Broadcasting Bureau (IBB) and its broadcasting services – the Voice of America (VOA) and the Office of Cuba Broadcasting (OCB). The Board also oversees three grantee organizations, Radio Free Europe/Radio Liberty (RFE/RL), Radio Free Asia (RFA), and the Middle East Broadcasting Networks (MBN).

Information Agency (USIA)⁴, including the Office of Cuba Broadcasting (OCB), Voice of America (VOA), Radio and TV Marti, and others. These payments have been documented in multiple FOIA suits and petitions, the Federal Procurement Database System, and investigative reports and articles, all of which are discussed in more detail later.

12. Paid Government propagandists were involved in all, or nearly all of the 1,932 days between the date of the shoot-down and the date of the conviction. It is impossible in this affidavit to fully detail the daily media events and specific acts of misconduct of a five-year period that began 16 years ago.⁵

13. Research conducted of only two press outlets in Miami during the period from November 27, 2000 until June 8, 2001 – from the beginning of the trial against the defendants, until they were convicted by the jury (a very small portion of the total coverage time) reveals the following about the frequency and ferocity of the Government-paid coverage: In 194 days *El Nuevo Herald* published 806 articles that would negatively influence the trial. In that same interval *The Miami Herald* published 305 articles.

14. In *The Miami Herald* and *El Nuevo Herald* alone⁶, 1,111 articles were published – an average of more than five per day – on themes related to the defendants and there were very few that were not arguably negative. In order to more fully comprehend what the jurors were exposed

⁴

The USIA was the predecessor of the BBG. In 1999 when their offices closed, their oversight of Government-funded media projects was turned over to the BBG.

⁵

We believe that but for the Government's misconduct, Hernandez would not have faced a conspiracy to commit murder charge.

⁶

When the Story is Us: The Miami Herald, El Nuevo Herald, and Radio Marti, Columbia University Case Study, CSJ-10-0026.0. **Exhibit C.** The Government violated ethical standards at *The Miami Herald* and at other independent media outlets.

to, add to this the daily television and radio barrage of the Government's still unknown other journalists' false "facts" and news stories in other print outlets such as *Diario Las Americas*.

15. Of the 806 articles in *El Nuevo Herald*, 120 are attributed to the "staff" or "staff services" including numerous editorials. Of the 305 in *The Miami Herald*, 67 are attributed to "Herald Staff" or "Herald Wire Services". Of the 686 other articles of *El Nuevo Herald*, 239 (35%) carry the byline of four journalists who we know received money from the Government: 123 by Wilfredo Cancio Isla, 96 by Pablo Alfonso, 11 by Carlos Alberto Montaner and 9 by Olga Connor. Some of the journalists in the remaining 65% also may have been on a Government payroll.

16. Each article is misrepresented. Thus, as a matter of law, each and every article is a violation irrespective of what the article actually says.⁷

17. The Government keeps repeating concepts like "fishing expedition," and "insufficiently specific," and "time barred," as if those terms were a magic incantation. What they really are, are euphemisms for a cover-up.

C. Some of the journalists who received the monies:

● Alberto Muller

18. The first journalist, Alberto Muller was reportedly jailed in Cuba.⁸ He received, as far as we have been told, a total of \$39,871.00.

19. I rely here, and in other instances, on government information and other previously published information. For example, page 152 of "Bandidismo: Derrota de la CIA en Cuba"

⁷ Cancio Isla published 3 articles on the same day (January 19, 2001). Rui Ferreira (he is not on the list, but he may have received Government monies) wrote 105 articles. The *Associated Press* and news agencies that served the Miami area presented facts introduced by the Government journalists. We, of course, do not know how many other articles distributed within the United States to Cuban and non-Cubans, relied on Government propaganda.

⁸ "Bandidismo: Derrota de la CIA en Cuba" (in English, "Banditry: Defeat of the CIA in Cuba") Published 2008 by Capitán San Luis Editorial, in Havana, Cuba. Authors: Pedro Etcheverry Vázquez and Santiago Gutiérrez Ocegüera.

(“Banditry: Defeat of the CIA in Cuba”), by Pedro Etcheverry Vazquez and Santiago Gutierrez Ocegüera, states some of Alberto Muller’s history, why he was selected by the Government, and the alleged reasons for Muller’s Cuban imprisonment.

20. It is reported that before the Bay of Pigs invasion, the CIA conceived two plans for overthrowing the newly instated Communist government in Cuba. The first plan was the “Plan of Sabotage” and the second the “Plan of the Guerrillas”. Alberto Muller was given the task of leading the latter, and Muller supposedly became a CIA agent. Muller’s task, according to “Bandidísimo”, was to create a “guerrilla front” in Cuba by recruiting armed forces in various zones. He allegedly used his connections to create a network of 150 guerrillas with the intention of rising up against Fidel Castro. Muller and 135 of his 150 men in the force were arrested on April 20th, 1961. The Government knows the essential facts about the man they hired.

21. The Broadcasting Board of Governors’ contracts obtained by the second FOIA petition show Government payments to Muller from October 1st, 2004 to March 31st, 2010. Earlier, during the Movant’s trial, he wrote incendiary articles about the case and the BTTR plane shoot-down. I do not know what funds Muller received during the period from the shoot-down to the Trial and I do not know all the sources of his funds. I do not know of his alleged journalism background or training or what he wrote on his security clearance application. The Government has failed to release information relating to its employment of Miami reporters before November, 1999. I do not know if he received monies from several Government sources. I believe that he did through the “National Endowment for Democracy” and other Government agencies. These payments were all for propaganda pieces to help convict Movant.

22. On February 20th, 2001, in the midst of the trial, Muller wrote an article titled “Murderers”⁹ in *Diario Las Americas*, whose opinion editor, the daughter of the paper’s owner, also received Government funds:

The last minutes in the life of four pilots downed in international waters by Castro's MiG planes were filmed and recorded for posterity. What we needed to hear ... live ... shamelessly uninhibited, accented with bloody premeditated calculation ... the subordinates asking the commander in chief for the go-ahead to pulverize the defenseless airplanes of Brothers to the Rescue with a Soviet missile ... Five years have passed since the horrendous crime committed over international waters. That's why the matter should be put to the legal and humanitarian powers of every organization of human justice, from the International Criminal Court at the Hague to the Human Rights Commission at the United Nations. The Criminal Confession ... in the very voice of the underling executioner ... we have finally heard it with absolute clarity ... during the trial of Castro's spies who infiltrated Miami. What more is needed now to make the decision to try Fidel Castro? What more is needed now to make the decision to seat Fidel Castro in the dock at an international legal trial? Well, nothing. All the elements of the inquiry are at hand. No crime should remain unpunished ... but one that is executed in the open skies ... against defenseless human beings who were flying over international waters in search of Cuban rafters on the high seas deserves the strictest and unmistakable repudiation by all of humanity ... due to its filthy genocidal character. The act is so despicable by its nature as a crime against humanity that it suggests the accused should be in the dock, whether they are subordinate executioners or executioners among the maximum leadership. (Emphasis added)

23. This is propaganda. Here, as with all the articles we have seen, the lines are starkly drawn. The same forces for good and evil, the same heroes and traitors, are described, juxtaposed, and repeated again and again in different media by different people paid by the government, in the nearly mythical battle between the forces of freedom and the forces of the worldwide, ever threatening dictatorship. The narratives of “facts” that give rise to the articles are placed in a consistent, unbending, unwavering repetitive theme.

⁹

Alberto Muller, *Asesinos*, *DIARIO LAS AMERICAS*, February 20th, 2001 **Exhibit D**.

● **Pablo Alfonso**

24. Pablo Alfonso, the second journalist, was a longtime reporter for *El Nuevo Herald* and the author of at least 96 articles related to Movant's trial. He was allegedly jailed in Cuba for eight years for publishing an underground newsletter.¹⁰ The contracts released by the FOIA suit show that Alfonso, one of the highest paid propagandists, received BBG payments of \$58,600 during the period between Nov. 1, 1999 and Dec. 31, 2001. His total payments were \$252,325 through Aug. 22, 2007.

25. The sums paid to the "journalists" vary widely. The Federal Procurement Data System, which allows users to search Government documents, has given us limited information regarding Government paid journalists. This system is not a viable alternative to Court-ordered discovery. I believe that the database is either programmed deliberately to withhold information, or that it is simply incomplete. The evidence of the database's inaccuracy is easily proven. For example, the FOIA documents released by the Broadcasting Board of Governors in their March 11th 2009 response shows that Pablo Alfonso, who wrote extensively about the shoot-down and trial in Miami, received \$252,325 in Government monies, while the Federal Procurement Data System¹¹ shows only \$71,200 in awards for the same span of time.¹²

¹⁰

When the Story is Us: The Miami Herald, El Nuevo Herald, and Radio Marti, Columbia University Case Study, CSJ-10-0026.0, p. 9 paragraph 2

¹¹

The Federal Procurement Data System (FPDS) can be found at <http://www.fpds.gov>. This website allows searches for receipts of payments by government agencies, but can only be utilized with specific search inquiries, and each search nets thousands of results. Utilized in this affidavit are searches and results for Agency Codes: 6700, 9568 (The USIA and BBG). The searches we used returned over 800 pages of results.

¹²

It appears that *The New York Times*, *The Miami Herald* and other media investigations that reported on the Miami journalists in September 2006, and the other journalists, were frustrated in their attempt to get adequate information concerning fees received. The layers of secrecy we have uncovered only lead us to believe that there are more layers of secrecy that bury many more essential facts.

● **Humberto Cortina**

26. A third purported covert journalist was Humberto Cortina, a Bay of Pigs veteran who admits his involvement with paramilitary forces in Cuba that were trying to overthrow the Cuban government. He has been paid monies by the American Government. A TV commentator and elected official, Cortina has acknowledged in print and in videos his views about the American Government, Cuban-American relations and the necessity to kill people to achieve his democratic result.¹³ The only information we have about Cortina concerning monies is from the contracts that were obtained under FOIA. Cortina received \$2,700 from BBG/OCB from Jan. 16, 2001 to March 12, 2001 (and in our FOIA information, a total of \$4,450).¹⁴

● **Julio Estorino**

27. A fourth purported Government-paid secret journalist, Julio Estorino's history and resume includes membership in Junta Patriótica Cubana, which was formed in the early 1980s. It advocates the violent overthrow of the Cuban government.¹⁵ Estorino's résumé — from Broadcasting Board of Governors documents obtained in the *Liberation* newspaper FOIA — shows his U.S. government employment by the Broadcasting Board of Governors goes back to at least March 1998, several months before the Movant's arrest.

28. Estorino's résumé annexed to Luis Medina's habeas petition states: "Employer: U.S. Government, Office of Cuba Broadcasting ... Miami Florida." The information released in the

¹³

The interview with Humberto Cortina, in which he fills in his own background for us, can be found at: <http://vimeo.com/27855679>

¹⁴

March 11th 2009 Freedom of Information Act Petition Response, Office of the General Counsel FOIA and Privacy Act, Case #FOIA 09-007. **Exhibit E.** The Government would not release all of its information concerning the Broadcasting Board of Governors; it would only confirm or deny whether a name that was submitted was paid by the Board. 18 of the 33 names submitted were on the payroll of the BBG at some point, and their records were included in the March 11th Response.

¹⁵

Hard-Line Organizations, Cuban Information Archives Document 0005 p. 1, 15, Binder Section 15, 1998-2010, http://www.cuban-exile.com/doc_001-025/doc0005.html. **Exhibit F.**

FOIA suit shows that Estorino was employed by the Government from March of 1998 to the present, and *El Nuevo Herald* from 1988-1996.¹⁶

29. Our Estorino FOIA applications came up short. The Government had more information when we sought information about Estorino, but did not furnish it. Information made available by its Federal Procurement Data System website shows that Estorino was paid \$27,000 on November 15th, 1998 by the United States Information Agency (Award ID 00009199811BP9092015). This payment was awarded to Estorino two months after the arrest of the Movant. What did this “journalist” do for this money? What was he asked to do? Was he paid for past or future work? Was this money related to the conviction? It strains credibility to believe that it was not related to this Trial. The material obtained in the FOIA suit shows he was paid \$14,950 from Oct. 16, 2002 to Jan. 31, 2004. Estorino’s own resume, written by him, clearly states that his employment with Radio/TV Marti began in March 1998, yet we have little to no access to payment records from this crucial time.¹⁷ None of this information was available for the defense counsel at the initial trial because the Federal Procurement Data System website where it was found was not created until fiscal year 2004, according to a staff member at the website.

30. Julio Estorino on May 14, 1999, immediately after Gerardo Hernandez was indicted for conspiracy to commit murder, exalts Jose Basulto and condemns Hernandez and his colleagues. He argues for the need for more cooperation between the Brothers to the Rescue, and our Government, so we can “properly address Castro’s long criminal arm here, on U.S. soil

¹⁶

Julio Estorino’s Resume, Found through FOIA Documents. **Exhibit G.** The File on Julio Estorino, found through the FOIA documents in his name, which includes his resume on page 81. It is not possible yet to know the total amount that Estorino received from the Government because the agency has not produced documents from before November 1999. This is because the BBG was created in 1999 to replace the USIA. The Government refuses to allow us full access to either the BBG or, especially, the USIA files related to Movant’s case.

¹⁷

The FOIA documents can be found at <http://www.pslweb.org/reporters-for-hire/documents-released/>

itself”, pointing out that the “mid-air” execution “was deliberately planned and executed by the Cuban Movement Intelligence Directorate. The brutal attack was not a heated response to a provocation, but a coldly calculated aggression; a crime in every sense...”

31. The Estorino article ends with:

The Cuban exiles have waited forty years for the beginning of recognition, even an implicit one, that their denunciations about the vile and wicked nature of Fidel Castro and the system of government he has imposed on our people have not been exaggerations, mistakes, or lies. The vileness and wickedness has already reached U.S. territory and its citizens and it's time for the consequent actions to be taken: that it's time for justice to be done.

32. The propaganda was, for several reasons, far worse for the impartial twelve jurors than before they were selected. Once the trial began the entire community knew of the twelve who were to decide guilt or innocence. First of all, the propaganda intensified greatly once the trial began. It was a 194 days of media coverage. It was totally different in daily volume and specificity than before opening statements. The Government-paid media told the jury, potential trial witnesses, and their neighbors in a daily barrage of what was passed off as “news” stories (or even at times as opinion pieces) that, in reality were a combination of opinion, fiction, speculation, improper “sourcing”, and a biased view of history with false content, that there must be a conviction. More than guilt or innocence was at stake, the jurors were told.

33. Secondly, neither Court nor Defense Counsel explored this issue at trial because neither the Court nor Counsel knew, prior to September 2006, the extent to which the Government spent secret monies and assets to interfere with the trial and influence the jury. And the Government, as it sought more and more money, reporting on its media success as the trial moved on, presumably told those who wrote the checks, or gave cash, that they were succeeding in their public and private secret campaign to persuade the jury to convict.

34. At page 27 of the Government's July 6th 2012 Response, the Government in a last attempt to keep secret what they must disclose about Muller, Alfonso, Cortina, and the others, states "There is a fair prospect that the Government would have to assert privileges or resort to the Classified Information Procedures Act as to certain materials and proposed inquiries Movant requests."¹⁸

35. CIPA has a valid, important rule to play in Government. Hiding illegal secret Government conduct as the Government seeks to sustain an unconstitutional conviction is not one of them. Given the nature of Movant's 13 years and 11 months in jail and the violation of law by the Government, the CIPA argument is a striking statement, not a routine governmental assertion. But it is consistent with the Government's responses over the last years in the FOIA suits and to request from Congress, Government agencies, and scholars who try to find out about what the Government's Miami expenditures were for. This invocation of CIPA in the Response tells us what the Government's true concerns are on this motion. It is not about the mere words in the print media and on radio and television. It is the exposure of characteristics of the journalists, and the Government's involvement in this case with them, which jeopardizes more than Movant's convictions.

36. During the same period that Estorino was secretly paid by the Government he was also: 1) Executive director of the morning news show of a right-wing Miami radio station WACC; 2) Host of that station's daily evening drive-time interview show, "El Portal," and 3) Co-host of "Al Día", a daily news and opinion show. He, like the other journalists, was at the center of spinning news stories. The Government's "facts" and speculations are repeated and exaggerated as they are passed from one show to another, from one form of media to another.

¹⁸ From the Government's Response, page 27 para 2

37. Since 1997, Estorino has been a regular columnist for the Miami newspaper *Diario las Américas*. In “Malice Aforethought,”¹⁹ in *Diarios Las Americas* on May 14th, 1999, Estorino writes:

It is clear from the prosecution's arguments that the brutal attack was not a heated response to a provocation, but a coldly calculated aggression; a crime in every sense, aggravated and perfidious. This ought to make us think a bit about our own conduct and the ease with which we often allow for the weeds to grow among us, all of us victims of the same victimizer. More than once I've heard an unfortunate insinuation about at least part of the responsibility for the tragic end of the mission on that February 24th resting with the president of Brothers to the Rescue. It's not hard for me to imagine how much this barb to Basulto's heart must have hurt, and yes, it is hard for me to understand how we can allow, often in such a self-destructive way, for trivial things to rob us of our greatness.

38. Estorino's resume shows that he worked for Radio Paz in Miami from Nov. 1997 to at least August 2003. To the extent that anything in this case is typical, the work history and involvement of Muller, Alfonso, Cortina, and Estorino seems typical.

39. Other propagandists were often in management and secretly directed and drove the policies of their stations. Estorino was a significant part of the management team at WACC, a radio station that appealed both to Spanish-speaking and English-speaking listeners. It had a wide audience and is one of the most important stations in the Miami area. Estorino was involved in both news and opinion shows and had been the executive director of the Morning Show. "El Portal de Miami" is one of the most listened-to radio programs in Miami and focuses on Cuba-related issues. He had a variety of “employers” at that radio station. They consisted, for example, of Pax Communications and Fenix Broadcasting Co.²⁰

40. The Government's Response attempts to block our attempt to find out more information about Estorino. The Government does not deny that their FOIA responses

¹⁹

Julio Estorino, *Malice Aforethought*, *DIARIO LAS AMERICAS*, May 14th, 1999. At 4-A. **Exhibit H.**

²⁰

concerning Estorino were filtered, redacted, and edited. I believe we have found, through other sources on the Internet²¹, that he allegedly received an additional \$28,000 on February 15th, 2001 as well as \$34,000 on January 15th, 2000. I cannot tell whether or not this information was deliberately withheld.

41. The product of Radio/TV Marti was supposed to be for Cuban consumption.²² The Government ignored that limitation and created a covert structure to bypass it so that Miami became the targeted area. The Government asked the journalists employed to violate the law both in their coverage of this case and in their coverage of politics and in their coverage of Miami events. Without disclosing it in any governmental reports, the Government broke the law by creating a large secret media structure to convict Movant.

42. The Government chose wisely when they chose Estorino. According to Mr. Estorino's resume, the shows he did for Radio/TV Marti were among the most listened to in Cuba, and the shows he did with Radio WACC were among the most listened to in Miami.

43. The information for both of Estornio's programs was the same. Facts repeated again and again, set in a propaganda context on Government radio was decided by the government as perfectly appropriate for the Miami audience. The Government did its propaganda through *The Miami Herald*, *El Nuevo Herald*, and other carefully-selected subterfuges. The journalists were paid to hide their identity. Not only did the Government fail to ever even try to punish the wrongdoers, they gave them more and more money over a five-year period to continue the movement to convict.

²¹

BBG Contract Numbers: #00009200102BP1091016 and #00009200001BP0098024. The first contract was found at <http://cubamoneyproject.org>. The second contract was obtained at <http://FPDS.gov>

²²

GAO reports and the reports of independent journalists on the Government's propaganda program, point out corruption, the lack of any journalistic standards, partisanship, bitterness and lack of balance and objectivity. Criminal activity, improper business practices, and the like are noted. The GAO Reports show the previous refusal of Marti to comply with discovery requests based on the arguments of national security. Congressional Testimony shows the same thing.

● **Carlos Alberto Montaner**

44. A fifth purported journalist, Carlos Alberto Montaner, who was first mentioned in *The Miami Herald* September 8, 2006 story, according to a published book titled “The Cuban Exile Movement” by Hernando Calvo Ospina and Katlijn Declercq, was found guilty in 1961 in Cuba of having participated in a CIA-sponsored terrorist organization that hid explosives in packages of cigarettes. He wrote at least 11 articles. He was jailed and then escaped, sought political asylum, left Cuba and in 1962 joined the Cuban Special Forces in the U.S. Army. He was later, according to Ospina and Declercq’s book, to have been recruited by the Central Intelligence Agency.²³

45. A contributing columnist for *The Miami Herald* and *El Nuevo Herald*, Montaner received \$41,150 from October 25th, 2000 to Aug. 26, 2006, according to the first FOIA response by the Broadcasting Board of Governors of March 11, 2009. According to “The Cuban Exile Movement,” after Montaner came to the United States he continued his active political life as he wrote extensively about the need for reprisals against those in Cuba who have cooperated with the present Cuban government. He issued a statement from Madrid, quoted on page 17 of the Columbia Case Study, that material for his Radio Marti shows were taken from his columns.

● **Olance Noguerras**

46. A sixth purported journalist, Olance Noguerras, who received monies from the Government, wrote a Sept. 21, 1998 article in *El Nuevo Herald* shortly after the arrest of the defendants entitled, “Experts Believe that Cuba sold information of the spies.” In it he quotes, as an expert, another propagandist, Enrique Encinosa, who received from the Broadcasting Board of Governors \$5,200 during the time of the Five prosecution, and \$10,400 between Dec. 7, 2000

²³

Hernando Calvo Ospina and Katlijn Declercq, The Cuban Exile Movement: Dissidents or Mercenaries, Ocean Press, 2000. ISBN #1-876175-15-X.

and Nov. 4, 2003. This creation of a closed ring of “experts” is shown throughout the print, radio, and television reports of the propagandists.

● **Enrique Encinosa**

47. A seventh journalist, Enrique Encinosa, the author of “Cuba, The Unfinished Revolution”²⁴, who advocates the bombing of Cuban Hotels and glorifies Luis Posada Carrilas, was employed by the U.S. Government while he was working as an “independent” and principle commentator on the powerful right-wing Spanish-language station in Miami, WAQI. Encinosa boasted in an Internet radio interview: “I arrived in the United States in 1961. I became involved in the anti-Castro paramilitary organizations when I was 16. I participated in a number of military and covert operations into Cuba as a very young man. I worked cloak and dagger in covert operations ...” The interview was in 2010.²⁵

48. During the trial, Encinosa had a regular program on WQBA as well as WAQI “Radio Mambi”, Miami’s 50,000 watt station, and frequently commented on Movant’s arrest and prosecution. We are told that he received \$5,200 to host a weekly Government show from October 1st, 2000 to September 30th, 2001. We do not know how much else he received or whether WAQI, Radio Mambi also received Government funds.

49. In 2005, in an interview for the documentary titled “638 ways to kill Castro”, Encinosa supported the bombings that shook Havana hotels in 1997, one of which killed an Italian tourist, Fabio Di Celmo. In the film, Encinosa says:

I personally think it’s an acceptable method. It’s a way of damaging the tourist economy. The message that you, one, tries to get across is that Cuba is not a

²⁴

Enrique Encinosa, *Cuba, The Unfinished Revolution*, Eakin Press, 1998. (CTUR)

²⁵

The interview can be found, in audio format, at:
<http://babalublog.com/2010/12/the-escambray-the-sierra-maestra-enrique-encinosa-humberto-fontova-and-more/>

healthy place for tourists. So, if Cuba is not a healthy place for tourists because there's a few windows being blown out of hotels, that's fine.²⁶

50. Government-paid agents were involved in other clandestine, and at times covert and illegal, activities. For example, Encinosa co-hosted a clandestine shortwave radio station in Miami called "La Voz de la Resistencia." It was broadcast into Cuba on a weekly basis, and Encinosa would call for listeners to wage violent attacks on economic targets, as well as advocating assassinations of Cuban individuals.²⁷ As significant as its clandestine nature is what it tells us about the motivations and intentions of the speaker and our Government and their view that the law should be broken to further their ends. It suggests that the propagandists also may have been violating laws prohibiting the Government agencies, like the CIA, from being involved in domestic intelligence.

51. In an interview several days after the Movant's arrest, published on September 21st, 1998 in *El Nuevo Herald*, Encinosa, now cited as an intelligence expert, stated that the arrests occurred because U.S. Intelligence "has detected or has indications that the information [supposedly gathered by the Movant and his co-defendants] is passing through terrorist organizations outside the United States." Olance Noguera, the author of the article, "establishes" Encinosa as an intelligence expert; he also received payments from the Government.

52. Government monies were used not only to covertly publish misleading stories, but to deliberately violate the Court's orders, and to deliberately give the jurors information, some of which the Court said the jury should not hear. For example, after the Court sustained a defense

²⁶

Interview by filmmaker Dollan Cannel for the film "638 Ways to Kill Castro". The interview can be found at: <http://www.youtube.com/watch?v=-pJyHRQVZUY>

²⁷

Kathy Glasgow, *Overthrow on the Radio*, *MIAMI NEW TIMES*, February 13th, 1997. **Exhibit I.**

objection and excluded evidence so that the jury would not hear it, the same information appeared publicly through, we believe, the use of Government funds.

● **Ariel Remos**

53. Ariel Remos, the eighth journalist, is a longtime reporter and commentator for *Diario Las Américas*. Remos received BBG payments of \$11,750 during the Movants' trial from Nov. 1, 1999 to Dec. 12, 2001—roughly the same time span as Alfonso. His total pay was \$24,350 through Nov. 20, 2006.²⁸ He wrote propaganda articles about Movants case. On November 28th, 1999 he wrote:

[I]n the case of U.S. v. Gerardo Hernández, in which Caroline Heck-Miler has been serving as the prosecutor and where the chain of command and cause for the death of the four members of Brothers to the Rescue – three of them citizens of the US and one resident – supposedly begins with Fidel Castro. Castro, therefore, is in the referenced case accused of murder and under investigation for murder; and if he sets foot on United States territory he can be arrested and brought before the justice of this country. That is the opinion of attorney Fernández, and that is how he just told it to *DIARIO LAS AMERICAS*.²⁹

● **Luis Aguilar Leon**

54. The Government practiced deception at every level. A ninth covert paid Government journalist is Luis Aguilar Leon. In a February 27th, 1996 editorial three days after the shoot-down, published in *El Nuevo Herald*³⁰, Aguilar writes that Fidel Castro is “Hitlerian” and uses incendiary language and threats as a call-to-arms for Cuban exiles. Aguilar writes:

One wishes for the power to send three well-armed fighter jets to the Cuban coastline to see if these henchmen of the air can prove themselves as courageous when the adversary above them is armed. Or to fly over Varadero [beach],

²⁸

Liberation Newspaper's FOIA Documents Analysis 1&2, *Government-Funded propaganda Operation in Miami Exposed*, Gloria La Riva & Ben Becker, ReportersForHire.org. **Exhibit J.**

²⁹

See Antonio Guerrero's Motion for Habeas Corpus Relief dated March 5, 2011 (hereafter cited as GM) at page 3 and 4 for additional articles by Remos.

³⁰

Luis Aguilar Leon, *Rage and its Limitations*, *EL NUEVO HERALD*, February 27th, 1996, at 6A. **Exhibit K.**

shooting, to delight in the image of a stampeding bunch of lewd tourists, the kind who believe that in Cuba everything is for sale, jumping over fences and fleeing across the sand on which they trod.

55. Aguilar co-hosted a twice-weekly radio program on Government radio, along with Omar Lopez Montenegro, who received Government funds. Despite his extensive employment with the Government, there is no evidence of Aguilar's payments in any released records (FPDS or FOIA), but his co-host Lopez Montenegro received a documented \$49,050 between October 1st, 2004 and June 29th, 2009. Aguilar's obituary claimed he worked for the Government since 1985.

56. Aguilar also participated as an independent journalist in a public panel that convened in order to examine issues of "political meddling and poor administration" of Radio and TV Marti.³¹ It seems, from the written record, that the Government did not disclose his Government connection.

● **Wilfredo Cancio Isla**

57. An tenth covert journalist, also paid by the Government and mentioned in *The Miami Herald* story, is Wilfredo Cancio Isla.³² Cancio was paid by the Government \$4,725 during the detention and trial of Movant, and \$21,800 from 2000 to 2006.³³ These are only the payments that we know of, found through the limited information received through the FOIA suit and the

³¹

Christopher Marquis, *Journalists Will Analyze Integrity of Radio Marti Transmissions*, *EL NUEVO HERALD*, January 26th, 1996, at 11A. **Exhibit L.**

³²

Often members of journalist's families received money and perks as well. For example, Cancio's wife received Government monies. (See Footnote 55 on page 38 of this affidavit for more information)

³³

Liberation Newspaper's FOIA Documents Analysis 1&2, *Government-Funded propaganda Operation in Miami Exposed*, Gloria La Riva & Ben Becker, ReportersForHire.org. **Exhibit J.**

FPDS database. He wrote at least 123 articles. He wrote that Movant and “other” Cuban spies were given hallucinogens by Castro³⁴.

58. Cancio wrote an article on April 19th, 2001 titled “The Prosecution Fears Cuban Control in Spy Trial: Cuba is Preparing a Fabricated Version of the Facts.”

● **Helen Ferre**

59. An eleventh covert Government-paid journalist is Helen Ferre. She is an editor of *Diario Las Americas*, an important media source for Spanish speaking Miamians. She received, as far as we can tell, \$1,125 during the trial as part of a \$6,025 total. After she learned of the investigation into payments to her and other members of the media, she told *The Miami Herald* she did not see any conflict of interest.³⁵ She oversaw the publication of an editorial, during the trial period, titled “The Importance of the Arrest of 10 Castro Spies”. Working with another covert journalist, Ariel Remos, and editing Orlando Bosch, Ferre helped direct a paper that many believed to be independent. She, along with others, worked to influence the trial events while being paid by the Government.

● **Caridad Roque**

60. A twelfth Government-paid covert journalist who broadcasted numerous commentaries during the time in question and influenced Movant’s trial is Caridad Roque. Roque, a political prisoner in Cuba for sixteen years³⁶, received at least \$51,975³⁷ from the Government. It is not unreasonable to suspect that she was paid by the Government during the

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Wilfredo Cancio Isla, *Cuba Used Hallucinogens to Train its Spies*, *EL NUEVO HERALD*, June 4th, 2001. **Exhibit M.**

³⁵

When the Story is Us: Miami Herald, Nuevo Herald, and Radio Marti, Columbia University Case Study, CSJ-10-0026.0. at p. 10 para. 3

³⁶

Carol Rosenburg, *Havel Salutes Ex-Prisoner of Castro*, *THE MIAMI HERALD*, September 23rd, 2002. **Exhibit N.**

³⁷

FPDS search documents. <http://www.fpds.org> (BBG and USIA searches)

trial. An article in *El Nuevo Herald* on November 11th, 1998, says Roque helped lead a delegation which filed suit in Madrid, Spain to demand the arrest and trial of Fidel Castro. The article was written by Olance Noguera, a writer who received Government funds. Roque also had a regular program on WCMQ radio called "Hablando con Cuba".

● **Enrique Patterson**

61. A thirteenth journalist, Enrique Patterson, received over \$100,000 from the Government while working with the Government since 1996. While we understand that Patterson has been working with the Government for over 17 years, we can find no records of payments before 2002. According to a book by Rosa Miriam Elizalde and Luis Baez titled "Dissidents", Patterson recruited people for the CIA while in Cuba.

D. A Government Agency, the Office of Cuban Broadcasting, deliberately hired and paid secret propagandists committed to influencing the jury to convict Movant.

62. I am focusing on only one government agency and its personnel hiring practice and journalistic practices to show who the employers of the propagandists were. Nowhere in the GAO reports that I have seen, or in any Congressional testimony, is there any mention of the Government paying independent journalists in Miami during 1996 to 2001 to propagandize about the trial in domestic media. Movant cannot be kept in jail because he did not know anything at all about the facts of an artfully and totally concealed illegal practice that was concealed from Congress and the Department of Justice.

63. Radio Marti moved from Washington D.C. to Miami in early 1996. Although the Government's broadcasts were ostensibly aimed at Cuba, the primary area of concern was Miami. The entire network of clandestine journalists, those previously hired and those newly hired, were geared to break the law that stops the government from propagandizing its citizens in

Miami. I believe Radio/TV Marti is the only government propaganda station not centered in D.C. Radio/TV Marti hired new personnel after the move; nearly all new hires were Cuban exiles committed to Movant's conviction, and then, over the next five years, spent vast sums in Miami as it became a center for actions against Movants and others. The paid journalists in this case were part of that action.

64. The move to Miami at the time of the shoot-down facilitated the creation of this secret network that could secretly break the law. As Alvin Snyder noted in *The Miami Herald* on April 29, 1996,³⁸ the move to Miami was to remove or minimize Washington DC and the Voice of America's effective controls over Radio/TV Marti. He was formerly a Deputy Assistant to two Presidents of the United States, an employee of the USIA, a senior fellow at both the Annenberg Washington Program in Communications Policy Studies at Northwestern University and the University of Southern California, as well as an author of a leading book on propaganda. The move, Snyder tells us, multiplied the Cuban exile resources in Miami. What started in 1960, with the illegal use of government "journalists" and monies in Miami media came to a high point in early 1996. The effective management of Radio/TV Marti changed hands in 1996, and as the GAO reports and Congressional testimony indicate, many in Washington DC were glad to be less involved with what was now becoming a rogue operation.

65. The Government knew of the relationship between the shoot-down, Brothers to the Rescue, the trial, Jose Basulto, and Radio/TV Marti. As Alvin Snyder says, the Government, through the board of Radio Marti, staff, freelancers, and contractors, was a "provocateur" in the shoot-down. Radio/TV Marti has been the voice of Brothers to the Rescue. It has been the voice of Jose Basulto, who was on the plane that came back from the shoot-down. Jose Basulto had a

³⁸ Alvin Snyder, *Privatize Radio and TV Marti*, THE MIAMI HERALD, April 29th, 1996, at http://alvinsnyder.com/privatize_radio_and_tv_marti_54918.htm. **Exhibit O.**

“personal” stake in the conviction of the Movant. Alvin Snyder writes in April 29th, 1996 of his investigation:

Several weeks before Fidel Castro’s jet fighters shot down the planes of the Brothers to the Rescue, Radio/TV Marti was bragging that a small plane had buzzed Havana and dropped Anti-Castro leaflets. Castro was mocked for not retaliating, and a Cuban American was quoted that such flights to Havana would be made regularly.

Castro’s downing of the two unarmed passenger planes in international waters was reprehensible. Yet it is difficult to fathom why an American government-financed radio station was permitted to carry the threats by Cuban-Americans exile leaders who were goading Castro, and why the Radio/TV Marti journalist doing the interview didn’t challenge the statements.

Radio/TV Marti’s broadcast headquarters currently are located in Washington so that its programs can be screened by the U.S. Information Agency’s Voice of America. Congress’s mandated move of its broadcast headquarters to Miami will place Radio/TV Marti outside any effective VOA oversight.

• • •
According to a spokesman for Sen. Phil Gramm, R-Texas, who sponsored the move, ‘putting the headquarters for Cuban broadcasting closer to the heart of the Cuban-American community just makes sense.’ That being the case, the time has come, too, for Miami’s Cuban-Americans formally to take over Radio Marti and run it as their own, without Washington attempting to look over their shoulders.

• • •
As they assume total control, Miami’s Cuban Americans should also foot the bill for broadcasting to Cuba. (Snyder p. 1)

66. The Government claims we have not met the minimal showing for relief or habeas corpus discovery because we are not precise in our requests. But, I can be precise about the discovery we seek concerning governmental agencies involved in Miami with the propagandists. We will show through discovery, that at the exact time that the events surrounding this trial took place, Radio/TV Marti redirected its focus and assets from Cuba to Miami, in order to satisfy the powerful domestic Cuban exile movement. The move to Miami cost nine million dollars. That sum, in 1996, was in addition to TV/Radio/TV Marti’s annual budget of \$30 million, a large

portion of which moved to Miami.³⁹ Alvin Snyder, gives the obvious reason Marti was moved to Miami:

A State Department official recently provided, to a gathering of diplomats, an overview of U.S. foreign relations, without once mentioning Cuba. Asked why Cuba had been omitted, the official replied that “Cuba is no longer a foreign policy issue; it is a domestic political problem.”⁴⁰(Snyder p. 1)

67. After the Miami move, the Government had an average yearly budget of well over \$30 Million from the time of the shoot-down to the conviction. They had over 100 employees. More than half of that budget, and the highest concentration of employees, may have been run through Miami. A substantial portion of those assets were directed at obtaining a conviction for the Movant.

68. Recent GAO reports put the figure spent for Radio/TV Marti in its lifetime at or in excess of \$600 million.⁴¹ We can only understand the full force of the propaganda operations when we add the monies spent on Movant by this Government agency to the amounts spent by other agencies.

69. After the Miami move, Radio/TV Marti, and the Cuban exile movement, now awash in government funds was free of any significant legal controls during the period of 1996 to 2001. Practices previously prohibited now flourished. That was the reason for the move. The Government radio and television station became what the Cuban exiles wanted it to be, a rogue

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Because government budgets are reported agency by agency, it is difficult, if not impossible, to learn how such Government money went to Basulto, his colleagues, his nominees, and Radio/TV Marti and their nominees.

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“The VOA, which enunciates U.S. ideals and foreign policies around the world, has always been uncomfortable supervising the politically oriented Cuba broadcasts,” writes Alvin Snyder. Now, they no longer effectively were.

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United States Government Accountability Office, Opinion GAO-12-243R, *Broadcasting Board of Governors Should Provide Additional Information to Congress Regarding Broadcasting to Cuba*, December 13th, 2011
and

United States Government Accountability Office, Opinion GAO-08-764, *Weaknesses in Contracting Practices Reduced Visibility into Selected Award Decisions*, July, 2008. **Exhibit P.**

outfit that was committed to a conviction of Movant.

70. The Government's Response misunderstands Movant's argument. The Government radio station has the right, within federal guidelines, to hire whom they choose. A Government station which is used for propaganda, however, can't use people hired for that purpose to go on domestic media and say or write material that would otherwise be perfectly appropriate if heard in Cuba. The paid journalists did not "split" themselves, saying one thing on Radio/TV Marti and another thing on Miami propaganda. On the contrary – they have described how they used the same words and images. The Radio/TV Marti board, composed in large part of partisan exiles and participants in the Brothers to the Rescue dispute with Cuba, can hire or pay as employees, and contactors whom it wishes. But it cannot then place secret propagandists in the mainstream Miami domestic media, and cannot have those employees, contractors, or freelancers use Government funds to secretly seek Movant's conviction.

71. Geoffrey Cowan, a Dean of Journalism at the University of Southern California, president of the Annenberg Foundation Trust at Sunnylands, and director of the Annenberg School's Center on Communication Leadership and Policy, was the Director of The Voice of America in 1994 until sometime in 1996 when he left to return to academia. He was intimately familiar with Radio/TV Marti. He appears to have been a colleague of Alvin Snyder and it may be that his views and Alvin Snyder's are in agreement. He seems to have been at the Voice of America when the Radio/TV Marti move to Miami was discussed and seemed to be there at the time of the Radio/TV Marti move to Miami. I contacted Mr. Cowan. Mr. Cowan refused to answer questions unless subpoenaed.

72. The de facto leader of the Cuban exile movement, Jorge Mas Canosa, was the driving force behind Radio/TV Marti and the driving force to get it moved to Miami. Mas Canosa lead

the successful push to move Radio/TV Marti to Miami because he and his colleagues wanted it to be free of government restraints as it went after his enemies and because he wanted it to be a key independent in his domination of Miami politics. Another unofficial leader was Basulto, seen as a provocateur in the shoot-down incident. Jorge Mas Canosa was, along with Basulto, a Bay of Pigs' participant with CIA ties. Basulto, as Alvin Snyder learned, had a vital personal as well as political interest in securing the convictions – he was criticized for actions that directly led to the deaths of his four colleagues.⁴²

73. Alvin Snyder describes Mas Canosa's creation of specific plans for Radio Marti in his book "Warriors of Disinformation" at page 221 et seq. (Arcade, 2012) Mas Canosa wanted it to be a dominant force in Miami politics. Mas Canosa wanted to use Radio/TV Marti money and personnel to influence Miamians. Mas Canosa created Radio Marti and used their funds for Miami propaganda. Mas Canosa and the staff hired journalists from every media in Miami to do illegally and covertly what it could not do legally⁴³. After his death the illegality continued. The Radio Marti-paid journalists mobilized around specific trial issues. When the defense issued subpoenas for certain witnesses, the paid Government employees, upon information and belief, broadcast that these witnesses should either ignore their subpoenas or claim the Fifth Amendment on the stand so they could avoid questions or giving answers. Many of the witnesses did just that. In another instance, excluded evidence was broadcast by the media the very evening it was excluded from the trial. With the knowledge we have now of Miami during the

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Luis Posada Carriles, a Cuban exile paramilitary warrior who claimed responsibility for Havana killings and is widely suspected as orchestrating the 1976 bombing of Cubana Airlines flight 455, said he was directly supported by Mas Canosa. The CIA Cuban group included Mas Canosa, who government officials saw as the potential leader of Cuba after Castro. Mas Canosa was in the group leadership of the Cuban Delegation in Exile in 1964. Mas Canosa raised monies after the Bay of Pigs for further invasions of Cuba. This can be found in p. 177 of "The Cuban Exile Movement" by: Calvo and Declercq.

⁴³

Alvin Snyder. *Warriors of Disinformation*, Arcade, 2012, at page 221 et seq.

time period in question, it would be typical for this entity to be paid by the government. The agents fueled and fomented public opinion so that defense lawyers (and even Oscar Corral, the author of the *Miami Herald* expose) were afraid to sleep at home. On at least one occasion a fearful Defense Attorney slept in a hotel. The defense lawyers' lives were threatened by paid agents.

74. The hiring, management, financial and journalistic practices encouraged and permitted at Radio/TV Marti seem not to be permitted at any other Voice of America entity. Many, if not all, of the articles and talks about Movants and other issues violated journalistic standards that only worsened after the Miami move. Radio Marti was the gift that kept giving to all those who agreed with it.

75. The connections between the investigations in 1996, and the investigations revealed ten years later in *The New York Times*, *The Miami Herald*, and *Associated Press* in 2006 are obvious. The 2006 articles show how the Government used the freedom it wanted when Radio/TV Marti moved in 1996.

76. Basulto, writing in *Diario las Americas* (the paper whose editor received Government monies) on May 24th, 2000, interweaves the Elian Gonzalez case, Movant's case, and Fidel Castro, with criticism of President William Clinton.⁴⁴

77. Basulto's drumbeat against the trial court was joined in by other Government-paid employees. He, and other propagandists described Movant's actions as the first part of Castro's plan to invade the United States. According to him, Movant and the codefendants were an advance party, and this trial was the first of the battles against this foreign invader. Ernesto Betancourt, a colleague of Jose Basulto and former government employee and director of the

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Jose Basulto, *Criminal Indictment of Castro, When?*, *Diario Las Americas*, May 20th, 2000.

Government's radio and television station who played the major role in the station's original hiring, also, along with Basulto, seemed to have personally received Government funds. On March 2, 2001, in an article in *El Nuevo Herald* entitled "Open Letter to John Ashcroft", he said:

The trial of Castro's spies has turned into a real farce. For more than two years, since September 16, 1998, the FBI and the federal prosecution brought ten of Castro's agents to trial who were carrying out espionage against U.S. military bases in Florida and, to a lesser degree, infiltrating Cuban exile organizations. The first activity was the most dangerous for the United States, given that it was complementary to other preparations by Castro to attack the United States during the final stage of his government. One of the charges leading to the arrest, according to an affidavit presented at the time by FBI Agent Mark de Almeyda, was that the spies had received orders to "sabotage planes and hangers somewhere in south Florida."

In regard to Brothers to the Rescue, Judge Lenard was overruled by the Court of Appeals in her attempt to censure Jose Basulto, when she prohibited him from participating in any commemorative action regarding the shoot-down of the aircraft on February 24, under the excuse that remembrance of the event might inflame a jury from which she accepted the exclusion of any Cuban American. These actions bring one to the sad conclusion that Judge Lenard is clearly biased against the Cuban American community. She should be recused.

That all of this should come to pass during the Clinton-Reno administration was inevitable, given the low morals prevalent under that administration. That's why we voted against them. But, Mr. Ashcroft, the decisive contribution made by our community to President Bush's hard-fought election has to be worth something. The spy case should be reworked to include Castro and others in the trial. Whatever was behind the sting that set up Mariano Faget should be revealed. The FBI should be ordered to stop treating Cuban Americans like the enemy and Castro's intelligence network as an ally. Or is our leg being pulled yet again? Your response is awaited. (Emphasis added)

77. Voting to acquit Movant, the jury was repeatedly led to believe, would directly lead to the destruction of America. Attempts to protect the jury were akin to keeping a finger in a small dike that had already been overwhelmed by an enormous flood that no one seemed to

notice.⁴⁵

78. The best proof of this will be the Radio and TV Marti tapes that have so many of the paid journalist's shows. The 1996 to 2001 tapes were not available until 12 years after they were made because the law is intended to keep out this propaganda from entering the United States.

79. The Government disagrees with Alvin Snyder's understanding of the media shoot-down and events in Miami. But Snyder is extraordinarily well qualified. A former executive at the United States Information Agency, now deceased, who formerly served not only two presidents and worked at CBS News and WCBS TV in New York, and worked extensively with Government agencies, including USIA, had his conclusions and analysis confirmed by other investigators in 1996 as well as by subsequent events.

80. On August 20, 1996, four months after the Alvin Snyder piece, *The Los Angeles Times* published a similar analysis of Radio/TV Marti, and the several pressures that led to its relocation to the Cuban-American community.⁴⁶ The *Los Angeles Times* reporter, Mike Clary, focused on Mas Canosa's dominance at the station and the reasons for his successful drive to get it out of Washington. Mike Clary tells us that the staff of Radio/TV Marti was purportedly 146. TV Marti, with a budget of \$11.6 million and an additional staff of 85 has, according to the

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Since 1960, media entities and commentators with independent media in the Miami area received Government money from a variety of sources. For example, Channel 41 WJAN, America TeVe, was functioning in Miami at the time of the trial. America TeVe's Network Director is Omar A. Saul Romay, the Chairman is Marcelo Soldano. We only know Sherjan Broadcasting Co. Inc. received \$111,600 from the Government from October 19th, 2004 to September 17th, 2005. We do not know how much, if any, that it received at any other time. The President and Chief Executive Officer of Sherjan is Omar A. Saul Romay and the CFO is Marcelo Soldano, according to Dunn & Bradstreet and the Florida Department of State. WJAN features, among other things, "A Mano Limpia", a highly political show hosted by an alleged independent journalist who was not independent. Oscar Haza, who had previously received federal payments, is a very small example of the interrelationship between a small group of paid journalists, some of whom were previously imprisoned in Cuba, American agents, activists who go beyond journalism, and, who we believe are "dirty trick practitioners".

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Mike Clary, *Radio Marti's Move to Miami Strains Credibility, Critics Say: Lawmakers, Others Warn Against Relocation to Heart of Cuban American Community*, THE LOS ANGELES TIMES, August 20th, 1996. **Exhibit Q.**

article “been seen by virtually no one inside Cuba since its launch...”⁴⁷

81. Mike Clary’s further interviews and investigations confirm each and every part of Alvin Snyder’s analysis. The Government, Clary tells us, made it clear, through most of its history, that with its new staff in 1996 it wanted to get away from oversight and find new ways to propagandize in Miami. Rolando Bonachea, the then acting director of Radio and TV Marti, said now, in Miami in 1996, the Government’s media employees work behind “a firewall of protection that ensures that our journalists can operate freely from outside influences or internal pressure.”

E. To allow the Government’s international propaganda machine to be turned on the environment of an American trial insults both the integrity of the trial itself and the integrity of the community for whom the jury speaks.

82. The *Miami Herald* article researched by the paper’s investigative team, placed all across the top of its first page with banner headline,⁴⁸ the following statement:

Jesus Díaz Jr., president of the *Miami Herald* Media Co. and publisher of both newspapers, expressed disappointment, saying the payments violated a ‘sacred trust’ between journalists and the public.

83. This motion deals with the “sacred trust” the government violated with the citizens of the United States and these defendants. But, it goes far beyond these defendants or this criminal case – or any case or any one set of defendants. One can argue that more has already been discovered about the widespread and varied use of the “paid journalists” and the violators of law

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Mike Clary, *Radio Marti’s Move to Miami Strains Credibility, Critics Say: Lawmakers, Others Warn Against Relocation to Heart of Cuban American Community*, THE LOS ANGELES TIMES, August 20th, 1996 at page 2

⁴⁸

Oscar Corral, *10 Miami Journalists Take U.S. Pay*, THE MIAMI HERALD, September 8, 2006, at 1A. **Exhibit R.** The *Miami Herald* article referred to throughout this affidavit was a result of a team of investigative reporters. The author described the difficulties of his 2006 investigation and the resistance to his investigation – a resistance that continues today.

in this case than on any previous instance in American domestic history – more than even before the Church Committee.⁴⁹

84. The Government Accountability Office (GAO)⁵⁰, Congress and the President, and the law, along with the *Miami Herald* and the journalistic community, recognize that “Independent journalists” and “Government journalists” are two very different jobs with very different job descriptions. They have different duties, and responsibilities. No one in the government who hired these journalists ever contemplated that they were anything but activists whose background was in politics not journalism; they had little or no concern for a free, balanced news report. That simply was not their function. Their use of pseudonyms and undisclosed sources, inventing of events and the reporting of past events that are passed as present factual reporting, are all practices condemned by journalists and the media in the United States. They were daily events in Miami for five years.

85. The *Miami Herald* article shows the Government’s confirmation of the Government’s hiring policies:

Pedro Roig, the director of the Office of Cuba Broadcasting since 2003, said he has sought to improve the quality of news by, among other things, hiring more Cuban exile journalists as contractors.

86. In order to argue, as the Government does, that the wrongfully-paid media had no effect, you would have to believe that all media information is irrelevant and does not influence jurors or citizens. A remarkable argument by representatives of this Government, it contradicts

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The Church Committee is the common term referring to the United States Senate Select Committee to Study governmental Operations with Respect to Intelligence Activities, a U.S. Senate committee chaired by Senator Frank Church (D-ID) in 1975. A precursor to the U.S. Senate Select Committee on Intelligence, the committee investigated intelligence gathering for illegality by the Central Intelligence Agency (CIA) and Federal Bureau of Investigation (FBI) after certain activities had been revealed by the Watergate affair.

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The GAO is an independent, nonpartisan agency that works for Congress. Often called the "congressional watchdog," GAO investigates how the federal government spends taxpayer dollars. (From <http://gao.gov/about>)

every concept of democratic government, and the heart and soul of the First Amendment. If the prosecution in this case is correct, there is no need or function for open and robust debate, no need or function for the First Amendment of the United States Constitution, and no need for libel and slander laws, that are based on the idea that words and images do have meaning and can severely damage. One sentence, the Supreme Court tells us, can lead to the damaging of a man's reputation. Ignore that concept, the Government now tells us. And the Government also says, ignore the reality that millions of dollars and assets paid for propaganda, relentlessly repeated in over a thousand articles, destroyed this "fair" trial.

87. The paid journalists were not a small part of the media. They had a substantial effect. The *Miami Herald* confirms what some of the paid journalists themselves said, they were among the most popular in South Florida, and many were reporting on issues involving the trial for their news organizations. Their reports were picked up, and relied upon, by innocent journalists who did not know they were using propaganda as part of their stories.

88. Oscar Corral's investigation is consistent with Alvin Snyder and Mike Clary's earlier 1996 investigations and interviews. The Government knew, after they hired Juan Manuel Cao, that he continued his activities as a covert, paid agent. The *Miami Herald* tells us:

Channel 41 reporter Juan Manuel Cao, who received \$11,400 this year from TV Martí, made news in July when he confronted Castro during an appearance in Argentina by pressing the Cuban leader to explain why his government had not allowed a well-known doctor and dissident, Hilda Molina, to leave the island to visit her son in Argentina. During the exchange, Castro openly questioned Cao if anyone was paying him to ask that question. The Cuban government has long contended that some South Florida Spanish-language journalists were on the federal payroll. "There is nothing suspect in this," Cao said. "I would do it for free. But the regulations don't allow it. I charge symbolically, below market prices."

89. Words in print, which we focus on here, and images and spoken words, have different

effects. Print media reaches a different audience than the radio and television media. It was an audience the Government wanted. The Government could not have its own newspaper in Miami. So, it created a web of journalists in a web of independent-appearing newspapers and on independent-appearing radio shows. Each article misrepresented in failing to disclose the source of the article, misrepresented in failing to disclose that the author was not independent, misrepresented in failing to disclose that the author was paid by the Government, and misrepresented in their attempt to pass off blends of fact, fiction, opinion, and arguments as journalism.

90. The *Miami Herald* story tells us that in The *Miami Herald's* review of hundreds of articles by their journalists – that the *Miami Herald* found not one instance in which the reporters or columnists like Cao disclosed that they had received payment. This goes beyond “coincidence” or Government acquiescence. That pattern of deceit would not have been possible without the Government’s active involvement and specific planning.

91. Contrary to what the Government’s Response says, very few of the paid propagandists or their stories surfaced in 2006. We believe very few have thus far surfaced. Very few were interviewed. The full story is not yet known.

92. The after effects of the September 8, 2006 story are significant. As a result of a coordinated Government attack, thousands of *Miami Herald* subscribers castigated the *Miami Herald*. Oscar Corral was vilified, attacked, and put in fear for his and his family’s safety by supporters of the paid journalists and Radio/TV Marti because he exposed the Government’s illegal payments. According to the Miami Sun Post of July 26th, 2007, one year after the *Miami Herald* story, Corral had been accused of being a Cuban agent and a communist. Corral described “an orchestrated campaign to intimidate, harass, and silence. It was a barrage. Some

threats were very specific and mentioned my family. It got to a stage where I had to tell my editor that I was concerned. They were great about it. They moved me and my family to a secure location for about six weeks so that I could finish my reporting.” We can only imagine the subtle and not-so-subtle pressure the paid journalists and Government employees and contractors put on the jurors on a daily basis.

93. The internet report at the end of the *Miami Herald* story gives some of the paid journalists’ defenses to the Oscar Corral investigations:

Pablo Alfonso:

“I don’t have any comment. I believe that’s better for the newspaper and for me.”

Olga Connor:

Could not be reached.

Wilfredo Cancio Isla:

Declined to comment. Said his wife, Ivette Leyva: “This is [the rest is stricken]”⁵¹

Juan Manuel Cao:

“I feel proud to help break the censorship in Cuba.”

Ariel Remos:

“I liked being on those panels because we could say what we wanted. For example, we didn’t have to call Fidel Castro the president of Cuba. I could call him what he is, a dictator.”

Omar Claro:

“I will not say whether I do or do not accept money. You publish whatever you want.”

Helen Aguirre Ferre:

“I don’t see a conflict of interest.”

94. The Government warns this Court (on page 27 of its Response) that the independent

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According to the FOIA petition information, Ivette Leyva, the wife of Wilfredo Cancio Isla, also received monies from the Broadcasting Board of Governors. According to the FPDS site, she received monies prior to 2005 and received \$45,550 from June 3rd, 2005 to September 29th, 2008. Leyva worked as an assignment editor and TV producer for WJAN Ch. 41, America TeVe, from May 2005 to September 2006. The total amount of this, and payments to the other families, is unknown.

media and the media may object to discovery. There is no reason to believe there is any truth to this. Most of the journalists are today available to be deposed. Given the *Miami Herald's* publication of the facts and their front-page banner headlines printing of the story, and the publication of the story by the media throughout the country, it is clear that the media believes the practice must be exposed.⁵²

95. The Government knew the backgrounds of the employees, freelancers, stringers, and “independent journalists” hired for the Office of Cuba Broadcasting, for Radio/TV Marti, for the *Miami Herald*. The Government cannot claim otherwise. Joe O’Connell, the spokesman for the Broadcasting Board of Governors, which oversees the Office of Cuba Broadcasting, admitted to the *New York Times* that background checks were done on the paid journalists referred to in the *Miami Herald* article, but they had “no ethics code for them.” (p. 3)⁵³

96. Media investigation and reporting on the payments by the Government in Miami

⁵²Abby Goodnough, U.S. *Paid 10 Journalists for Anti-Castro Reports*, *THE NEW YORK TIMES*, September 9, 2006.

Exhibit S.

This is proven by the fact that much of the domestic press eagerly followed the *Miami Herald's* lead and conducted their own interviews and investigations. *The New York Times*, in a September 9th, 2006 story, written by Abby Goodnough, reports that the Office of Cuba Broadcasting, a Government entity, paid 10 journalists to “provide commentary on Radio and TV Marti, which translate to government broadcasts critical of Fidel Castro.” (p1) Goodnough names Pablo Alfonso directly, citing his payment as the largest, “almost \$175,000 since 2001.”

Ms. Goodnough explains that the Castro regime had long claimed that some Cuban-American reporters in Miami were on the Government payroll, but that the *Miami Herald* article released days prior to her writing was the first evidence that proved Castro’s claim. The *New York Times* article also names specifically Wilfredo Cancio Isla, Olga Connor, and Juan Manuel Cao as some of the reporters who received thousands of dollars in Government monies. The Poynter Institute is the most prestigious and influential voice of journalism in the United States. What the Government did, hid, and now does, is not benign. It achieved its goals. The Government is putting its head in the sand, and hoping that the Courts will follow. Abby Goodnough, in her *New York Times* article, writes: “Al Tompkins, who teaches ethics at the Poynter Institute for Media Studies in St. Petersburg, called it a conflict of interest for journalists to accept payment from any government agency. ‘It’s all about credibility and independence,’ Mr. Tompkins said. ‘If you consider yourself a journalist, then it seems to me it’s an obvious conflict of interest to take government dollars.’” (p 2)

⁵³

According to the investigations by the media, the direct words of the employers and many of the employees contradict the Government’s Response. Abby Goodnough describes, as did the *Miami Herald* and the *Associated Press*, the lack of knowledge that the media entities say they had of their employee’s conduct. Confirming the *Miami Herald* story, she explains that Robert Beatty, the Vice President of public affairs at the *Miami Herald*, said that *El Nuevo Herald* editor Humberto Castello learned only days before the paid journalists were revealed that anything was going on at all. (p 2) The management of the newspapers decided to immediately fire Mr. Alfonso, Mr. Cancio Isla and Ms. Connor after they heard of their Government payments.

referred to the Armstrong Williams GAO⁵⁴ opinion as analogous to the Government's paying of Miami journalists. We now briefly look at the Williams case.

97. In the Williams case where the Government surreptitiously paid a newscaster to promote the Bush "No Child Left Behind" policy, the "[Government] violated the law by disseminating "covert propaganda." (p. 3) The Government makes various arguments about the burden of proof Movant bears to show his jury was influenced by the Government's conduct. But the Government cannot corrupt Movant's trial and then require Movant to show the jury was influenced by the Government's corruption. Nor can the Government claim that the jury was not influenced by its corruption. The GAO opinions show the Government view of the law is wrong, even when only a civil violation is at issue.

98. First, the Government's violation of civil law does not require direct proof that anyone was directly influenced by it. The legislators who passed the anti propaganda laws did not place the burden of proof on Movant to show, by quantifiable evidence, the effect of the influence. The "influence" flows from the fact that the words were said. It is conclusive.

99. Secondly, the secretive nature of the wrongdoing is by itself, a violation. The September 30th, 2005 GAO opinion states "A critical element of this violation is the concealment of, or failure to disclose, the agency role in sponsoring this material." The Government did act secretly in Miami.

100. Thirdly, after acting secretly, they concealed. Concealment is being continued now by the United States attorney's response to our motion.

101. The GAO, after determining the violations for distributing covert propaganda

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United States Government Accountability Office, Opinion B-305368, *Department of Education – Contract to Obtain Services of Armstrong Williams*, September 30th, 2005. **Exhibit T.**

through Armstrong Williams, stated that it was required to refer the Williams violation to the President and the Congress, and it did.

102. The Williams opinion refers to and reaffirms a 1987 GAO decision⁵⁵ involving the State Department use of propaganda in Central American policy. The Williams opinion said of its previous 1987 opinion:

That newspaper articles and editorials (supporting the Government's Central American Policy) that were prepared by paid consultants at Government request and published as the work of non-governmental parties violated the publicity or propaganda prohibition. Again it was the covertness of the Government's actions that led to the violation. In that case the Government was attempting to convey a message to the public advocating the Government's position while misleading the public as to the origins of the message. *Id.* at 709.

103. The Williams opinion was based on the work of only one journalist, the Central American opinion only a very few articles. The Miami payments involved a great number of journalist and at least a thousand "publications".

104. The GAO's opinion of September 2005 went through in great detail, step by step, what Williams and the Government did. If discovery is necessary, then we want produced in discovery exactly what the GAO compelled the government to produce in discovery in the Williams case. Because the amount of monies, publications, paid journalists, and seriousness here far exceeds those in the Williams case, as well as in the 1987 Central American case, the Government in Movant's case is required to further respond, and to submit to full discovery.

105. In the Williams case domestic monies were misused for domestic propaganda. In the Central America case, monies were misused for foreign propaganda. Here, monies allocated for a foreign propaganda machine were used to destroy any possibility of fairness in an American

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United States Government Accountability Office, Opinion B-229069, *66 Comp. Gen 707*, September 30th, 1987. **Exhibit U.**

criminal trial.

F. The use and actions of secret propagandists, as set forth in the Church Committee investigations, and the actions of the secret propagandists in Miami from 1996 to 2001, are all forbidden by the Constitution.

106. We use the term “journalists” in the same way that Government documents referred to other paid journalists who have covertly worked for the Government. It is an inadequate description. “Paid secret agents” is a more accurate description. It may be that the agents in Miami also functioned as tipsters, community organizers, intentionally interfered with the jury, covertly planted distorted articles, were involved in domestic intelligence, may even have given information to the prosecution investigative team, and done a host of other unconstitutional activity. This is what other “journalist” agents have done both in the past and since then.

107. In investigating what happened in Miami from 1996 to 2001, as well as in the Williams case and the Central American case of 1987, as Alvin Snyder, the Church Committee, and the GAO opinions reflect, we are looking at many of the most secretive areas of Government activity.

108. The 1976 investigation by the Senate Intelligence Committee exposed the Government’s secretive involvement with the press. Those “facts”, and their cover-up and concealment, were a prototype for what was to later occur in Miami.

109. Professor Stephen Kimber, a respected scholar at the University of Kings College in Halifax has written a book, to be published next year, primarily about what was happening in Miami and Havana before, during, and after the shoot-down. Entitled “What Lies Across the Water: The Real Story of the Cuban Five”, the book explains why secret paid Government

journalists/agents were so easily able to create the climate of fear, intimidation, and hostility for witnesses and jurors that made a fair trial impossible. He shows the relationship between the past and present in the Miami payments. Professor Kimber shows the motivations of both the payor and payee of the funds.

110. An excerpt from Professor Kimber's book reads:

The day after the initial charges were announced, *El Nuevo Herald* reporter Pablo Alfonso insinuated—without offering any concrete evidence—that the FBI arrests “*may* be an action aimed at preventing a possible collaboration between the Cuban government and countries involved in terrorist actions against the United States.” ... later, he resurrected Cold War rhetoric to suggest “the idea to send Cuban spies en masse to Miami was developed more than three decades ago in the Georgian city of Pitsunda in the old Soviet Union” during a post-Cuban missile crisis tête-à-tête between Soviet leader Nikita Khrushchev and Fidel Castro. (p.346)

111. Now that we, scholars, and Courts, are first becoming aware of what happened, the defense lawyers in this case will be able to, upon listening to government secret tapes and the use of “second hand information,” learn of other events surrounding the prosecution, which interfered with the defense and influenced the jury. Information confirms, in detail, what Professor Kimber, Alvin Snyder, Oscar Corral, Abby Goodnough, Mike Clary, and the GAO in its previous and subsequent reports, and others, were investigating and concluding. We believe enough is now known to set aside the convictions. If the Court disagrees, we believe, once we are shown some of the withheld documents, we can pinpoint with greater specificity the attempts to interfere with the trial itself. In order for that to be done we must have discovery, especially of previously withheld Radio/TV Marti files and tapes.

112. Professor Kimber, writing about the paid agents' use of each other as experts, and showing how information is passed from one journalist to another until it becomes irrefutable

fact, tells us:

Writing in *Diario Las Americas* on September 20, 1998, Ariel Remos parroted and amplified Alfonso's claims the arrests "could be" connected to Cuba's terrorist plans, then upped the ante yet again, tying together "the issue of spies and drug traffickers," and claiming—again without offering evidence—that it was "obvious" Castro "has been significantly involved in drug trafficking."

Two-and-a-half years later, on the day the un-sequestered jury was set to begin considering its verdict, *El Nuevo Herald* trumpeted the headline: "Cuba Used Hallucinogens to Train its Spies." In the article, Wilfredo Cancio quoted yet more anonymous sources, these ones suggesting Cuba fed its spies LSD and other hallucinogens to train them for their missions

At one level, the incendiary anti-Cuban rhetoric in South Florida's Hispanic press was par for the Miami exile course but, as would later be discovered, it was also being surreptitiously, simultaneously funded by the same American government that was prosecuting the Five. At least 10 well-known South Florida journalists, including Alfonso, Remos and Cancio, all supplemented their salaries with tens of thousands of undisclosed dollars from the U.S. government-funded Board of Broadcast Governors and the Office of Cuba Broadcasting.

After the secret payments to the journalists were finally exposed in 2006, the *Herald* fired [Alfonso and Cancio] for violating the 'sacred trust' between journalists and the public.

But, by then, the damage had been done. (p.346-347)

113. As Professor Kimber points out, again taking a position that contradicts the Government; it is not the journalist's historical views of Khrushchev, Elian Gonzalez, The Bay of Pigs, The Cuban Missile Crisis, or Fidel Castro, that is the issue. It is the way that the Government secretly paid sophisticated propagandists in Miami to weave together all of the disparate strands of the Cold War, its historic parameters, and political devils, adding those

“murdered and destroyed” by America’s enemies, and “to be murdered in the future”, as a context for their stories so they could arrive at the conclusion the Government wanted. There is a religiously followed, strident, and inflammatory format for all the articles. They all come out of the same bad cookie cutter.

114. Remos, mentioned both in *The Miami Herald* in September 2006, and the Kimber book, a member of the right-wing Cuban exile movement, wrote articles about Gerardo Hernandez and of Cuban-American relationships. They were neither news stories nor opinion pieces. They are all skillful propaganda pieces aimed at the jurors, their neighbors, and a wider American audience.

115. An article written by Remos on October 13, 1998, one month after the arrests, is an example.⁵⁶ This is a genre of article that the Government claims ought not to be subject of inquiry. We have selected it because it appears, as the Government argues, innocuous and thus irrelevant. It does not focus on the shoot-down or the trial. It is, we believe, the “best” article for the Government’s case.

116. Remos, paid by the United States, glorifies individuals imprisoned by the United States, for committing murder and violence. Remos denigrates any opposing voices, no matter how mild they are. Remos claims, and quoted, these American-prosecuted and imprisoned exiles as “experts” on democracy, on what happened and what is happening in Cuba, and on each and every aspect of the Cuban-American controversy. There is a predetermined narrative and structure for his article – his same story is repeated and repeated and repeated – and other propagandists repeat it again and again in as many different venues the Government can find.

117. The Remos article is passed off as a news story on a specific event. Because of the

⁵⁶ Ariel Remos, *Close to 100,000 Cuban Exiles Made Their Rejection of Castro Clear*, *DIARIO LAS AMERICAS*, October 13, 1998, page 1A. **Exhibit V**.

Government's continued insistence that we are not sufficiently specific, we set forth the entire October 13th, 1998 Remos article so the Court can clearly see the anatomy of the article. When the Court looks at the construct of hundreds of the other propaganda articles and radio shows, it will see that they are similar.

Responding to a call by the principal militant anti-Castro organizations, almost 100,000 people (according to calculations of EFE international Spanish news agency) took part in the March of the Patriotic Intransigence on Saturday, to make clear on Saturday their repudiation of the tyranny of Fidel Castro, and their firm stance of "no agreement of any kind," with it.

Shortly after noon on Saturday, individuals and organizations began to gather from 8th Street to 17th Avenue towards the east, and one could start to see the Cuban flags and placards with slogans related to the act and others like those of the Junta Patriótica Cubana, "Tony Varona, Alma Mater del Exilio," "We want the 1940 Constitution," "Mas Canosa Lives," "Forward, Forward, Forward," and "Freedom for Eduardo Arocena" and others imprisoned in the United States for fighting against communism, and hundreds more.

Early on, together with the people were the mayors of Dade County, Alex Penelas and of Miami, Joe Carollo. Penelas declared to the press that the exile community is not inactive, as some assume. Carollo told *DIARIO LAS AMERICAS*: "The exile community is showing the true feelings of the intransigency, to not make deals with crime, nor injustice, and that the evil ones like the Castro tyranny have to be rooted out.

One could see among others, the state representative Carlos Valdés, the city commissioner Tomás Regalado, the School Board member Demetrio Pérez, and Joe Bush, gubernatorial candidate of Florida. 'I am here with the exile friends who want freedom and justice for Cuba,' he said.

The presence of journalist and diplomat Rafael Bonilla Aybar was one of the highlights of the March, for his connection to the cause of the exiles and for the fact that he had been physically assaulted by Castroite elements in his own Dominican homeland. He received countless well wishes and solidarity of his friends and exiled admirers.

A large Cuban flag several meters wide and long — which has accompanied the last patriotic demonstration of exiles — was displayed in all its symbolism, and was carried aloft principally by the ex-political prisoners of the tyranny. In the same way, a replica of the image of Our Lady of Fatima — carried on the shoulders of members of the TFP, with a group of 25 youths who came directly from Pennsylvania, who sang the Cuban National Anthem to close the event — was another emotional note in the parade.

The March, called by the Coordination of the 9, and backed by an infinite number of organizations, extended from 17th Avenue to 13th Avenue, the intersection of the Monument to the Martyrs of Girón (Bay of Pigs—editor), where the organizers and personalities gathered. At almost 2:30, the parade began, going down 8th Street towards the east until 4th Avenue, to the platform where the speakers spoke.

The speeches were brief and gave the justified and doctrinal content of the March, based on the points of the document, “Cuba at the Crossroads,” to which tens of thousands of persons have subscribed. One of the points is the rejection of international elements that promote a negotiated formula which would perpetrate the regime or continue it by means of a variant. ‘We are here because our nation is going through the most critical moment of its history,’ said Armando Pérez Roura, at which point a provocateur took out a placard that said, ‘Peace, not war.’ He was removed immediately by the March security and police. ‘These are the Castro infiltrators who are exposed here. These are the Cubans who have sold themselves to the tyranny for a few coins. These are the Judases who betray the sacrificed homeland...’, said Pérez Roura, who then referred to ‘a series of international elements that move like scabby aura over carrion, to impose on our beloved Cuba a negotiated formula that is totally alien to the interests of our suffering people.’ ‘We are alone and abandoned, but this march demonstrates that we are firm and with honor ... We do not accept any type of mediated intervention by international elements, be they governments or super-national organizations in a process that leads to a solution of the Cuban crisis,’ said Dr. Enrique Huertas, president of the Free Cuba Medical College, who made an eloquent recognition from the podium, of the presence at the event of Dr. Horacio Aguirre, director of *DIARIO LAS AMERICAS*, and of the journalist Rafael Bonilla Aybar, who was also mentioned by doctors Antonio Jorge, de la Concertación Cívica Cubana y Luis Gómez Domínguez, of the World Federation of Cuban Ex-Political

Prisoners.⁵⁷ Emphasis added.

119. This is domestic propaganda, but of a very unusual sort. The Remos article shows that Government funds, millions of dollars, were being used to attack the Government for punishing individuals who perpetrated violent attacks upon citizens. This Remos article shows that the Government was paying Remos to 1) defend those prosecuted in the United States and imprisoned by the United States in the United States and other countries, for murder and other claims 2) to glorify those convicted defendants, some of who were still in jail, 3) to criticize the United States for prosecuting and jailing them and 4) criticize the American Government for not toppling Castro. Only “rogue” writers, and “rogue” agencies have the freedom to use United States agents to attack the United States with money from the United States.

120. Orlando Bosch, in the May 15th, 2001 edition of *Diario Las Americas*, started off his article on the trial by saying⁵⁸:

Now we go to the crux, in reference to the trial of the traitors and miserable spies and the historical reasons that challenge us and motivate Castro’s tyranny and his hit men.

In 1961 when I arrived to this country, escaping my first death sentence by Castro’s regime, with credentials notarized by the heroic Escambray Front in search of assistance for that patriotic, colossal, and daring effort, I was scorned, deceived and avoided by some of the Cuban leaders of the time, the CIA and FBI.

Then, on the 17th of April 1961 the government of President Kennedy betrayed the heroic and valiant 2506 Brigade. Later (1962 missile crisis) the same President Kennedy, without right nor authority over the destiny of another people and country named Cuba, marketed and sold the destiny of the Cuban people to the perfidious and perverse Russian tyrant N. Khrushchev.

With these two betrayals the United States Government shrank its commitment, moral, and historical debt with Cuba and the Cuban combatants who love liberty within and beyond Cuba, including in the US territory. That is why many Cubans

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⁵⁸ Orlando Bosch, *Lightning*, *DIARIO LAS AMERICAS*, May 15th, 2001. **Exhibit W.**

made use of these rights and faced for many years all its consequences despite persecution, prosecution, prison, etc, of which we were unjust victims of on many occasions.

...notorious trial of the spies that intends to engage various exiles while at the same time trying to justify Cuba's illegal and dangerous interference of informing the tyranny of the alleged activities of the exiled enemy aggressors.

Emphasis added

121. Bosch, mentioned and quoted as an expert in Remos' October 13, 1998 article as well as in many other propagandist articles, has a sordid history. A former CIA operative, he was designated by former Attorney General Dick Thornburgh as an "unrepentant terrorist" who had been sentenced to ten years in an American prison.

122. The entire Remos article is a propaganda piece for a particular group of people, all of whom have a particular interest and a particular agenda that is being pushed by Government monies. The article performs a valuable function for this motion because it helps show other members of the cohesive group. It helps make transparent what is otherwise opaque. Beside Orlando Bosch, Eduardo Arocena, who was put in prison by the United States,⁵⁹ Juan Perez Franco, who fought at the Bay of Pigs, Andres Nazario Sargen, member of Alpha 66, and others identified with Mas Canosa's Cuban-American National Foundation are identified in the article and accompanying images.

123. Armando Perez Roura, referred to in the Remos article, was a director of WAQI, Radio Mambi, which tried to transmit programs to Cuba and rebroadcast Radio/TV Marti programs in the United States. Radio/TV Marti rebroadcasted Roura's daily Radio Mambi segment in "Tome Nota". Other journalists on Radio Mambi, we believe, illegally received funds from the United States Government. Roura, Radio Mambi, and Radio/TV Marti were

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Remos describes the Junta Patriótica Cubana's placards and slogans, including one calling for Eduardo Arocena's freedom. Remos is a member of that group. Eduardo Arocena is founder and leader of the paramilitary organization Omega 7. (Jim McGee and Bob Lowe, "FBI Agents Arrest Omega 7 'Mastermind'", *THE MIAMI HERALD*, July 23, 1983.)

constant commentators on the trial.

124. Daniel Morcate also received Government monies. In *The Miami Herald* of May 13, 1999, he followed Basulto, Estorino, and Ariel Remos' themes. Morcate claimed that "U.S. Government officials could be directly or indirectly involved in the crime." He writes "These prosecutions, however, should just be the beginning of a deeper inquiry. That the prosecution has excluded Fidel Castro suggests that the jury failed to fully liberate itself, if not from political pressure, then at least of the concerns of possible repercussions of going to the core of the problem."⁶⁰

125. Professor Kimber's book says:

While the Elian affair played out in the streets of Little Havana and on the TV screens around the world, reporters in South Florida's Spanish-language press were busily whipping their readers – including, of course, potential jurors – into a frenzy of hostility and hysteria against the accused Cuban spies. (p.346)

126. Critical domestic and international interests were at stake in Movant's case. Carl Bernstein, a Pulitzer Prize winner, one of the authors of *All the President's Men*, a former outstanding reporter for the Washington Post, and one of the leading investigative reporters in the country, wrote extensively on the Government's use of the media and journalists in similar situations long prior to the Movant's case, foreshadowing what would be done in this case.⁶¹

127. As the Carl Bernstein article indicates, and contrary to the Government's argument, this is not a case where we start an argument without a base - from nothing. We are not looking for a "smoking gun." Events occurred. We have the "smoking gun"; agents were secretly paid

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Daniel Morcate, *Imperfect Crime*, THE MIAMI HERALD, May 13th, 1999. **Exhibit X.** The trial Judge noted outside articles & events that may have influenced the jury. The Court only knew of very few of those events and articles, and did not know that in all likelihood they were Government-driven and Government-created. (*Medina v USA*, 2255 Motion, transcript 1817-1826, 2266-2279, 2637-2641, 6730-6762, 7130-7136)

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Carl Bernstein, *The CIA and the Media*, Rolling Stone, October 20th, 1977. **Exhibit Y.** The Government's Response asks this Court to follow its lead and make believe that none of what happened in Miami happened.

substantial sums by our government to convict Movant.

128. Official Government documents show the Government's recognition of the value of secretly using media in the struggle started years before the shoot-down occurred. In 1960 the Government owned parts of Miami media stations, and using covert journalists in Miami as partisans in the Cuban-American conflict⁶² Monies throughout the ensuing years were wrongfully paid into "independent" media outlets in media to propagandize in the United States.⁶³

129. We cannot get the non-government witnesses we want to speak with to talk to us, even if we locate these witnesses decades after the fact. I tried. For example, Thomas Fiedler,

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Government records, below, from March 16th 1960 indicate the beginning of a long history of the use of journalism and the Government's methods in Miami in 1996:

"A PROGRAM OF COVERT ACTION AGAINST THE CASTRO REGIME

Objective: The purpose of the program outlined herein is to bring about the replacement of the Castro regime with one more devoted to the true interests of the Cuban people and more acceptable to the U.S. in such a manner as to avoid any appearance of U.S. intervention. Essentially the method of accomplishing this end will be to induce, support, and so far as possible direct action, both inside and outside of Cuba, by selected groups of Cubans of a sort that they might be expected to and could undertake on their own initiative. Since a crisis inevitably entailing drastic action in or toward Cuba could be provoked by circumstances beyond the control of the U.S. before the covert action program has accomplished its objective, every effort will be made to carry it out in such a way as progressively to improve the capability of the U.S. to act in a crisis.

PROPAGANDA

"Articulation and transmission of opposition views has already begun. Private opposition broadcasts (i.e. purchase of commercial time by private individuals) have occurred in Miami (medium wave) and arrangements have been made with station WRUL for additional broadcasts from Massachusetts (short wave) and Florida (broadcast band). [REDACTED] and [REDACTED] have also agreed to the use of commercial stations for short wave broadcasts from [REDACTED] and [REDACTED]. CIA has furnished support to these efforts through encouragement, negotiating help and providing some broadcast material.

Newspapers are also being supported and further support is planned for the future. Avance, a leading Cuban daily (Zayas' paper), has been confiscated as has El Mundo, another Cuban daily. Diario de la Marina, one of the hemisphere's outstanding conservative dailies published in Havana, is having difficulty and may have to close soon. Arrangements have already been made to print Avance weekly in the U.S. for introduction to into Cuba clandestinely and mailing throughout the hemisphere on a regular basis. As other leading newspapers are expropriated, publication of "exile" editions will be considered.

Inside Cuba, a CIA-controlled action group is producing and distributing anti-Castro and anti-Communist publications regularly. CIA is in contact with groups outside Cuba who will be assisted in producing similar materials for clandestine introduction into Cuba."

⁶³ John Elliston, *Psy War on Cuba*, Ocean Press, 1999. P. 92-96

the Editor at the *Miami Herald*, at the time of the events, now the Dean at the College of Communications at Boston University, who could be the a critical witness, said he would speak about the facts but only under subpoena. Fiedler knows what happened at the *Miami Herald*. He was directly involved. He previously said it was propaganda. He and I spoke. He does not want to be seen as favoring either party by speaking to one party alone. He, like other potential witnesses, fears allegations of collusion.

130. We also want to obtain discovery from former Government officials.⁶⁴ I have tried; I have located some but not others. I asked questions of an individual who was involved with the Government at the time in question. At the top level of management in the Voice of America, and familiar with Radio/TV Marti, he broke off our conversation as I pressed for answers. He could have answered nearly all of the questions we raise in this motion. He will respond to a subpoena.

131. Of course the Government, being the Government, has greater access not only to its own past and present employees but also to non-governmental witnesses as well as to funds and to people. Representing five convicted defendants, in a Miami case with four killings, where Movant's interests are allegedly so "deeply intertwined" with Fidel Castro, and whatever remains of the "Red Menace" and Cuba, I have had doors shut in my face.

132. Following a trend of publicity surrounding the questionable actions of the Government, the final straw that began the Church Committee study was the publication of Seymour M. Hersh's *New York Times* article on December 22nd, 1974. In that article Hersh described the actions of U.S. Government agencies, including "a massive, illegal domestic intelligence operation during the Nixon Administration against the anti-war movement and other

⁶⁴ Because of the passage of time, some of the more important witnesses are dead.

dissident groups in the United States.”⁶⁵

133. According to Carl Bernstein in his 1977 article, the organizations which have been implicated in the past Government cooperation for monetary gain include NBC, ABC, the *Associated Press*, United Press International, Reuters, Hearst Newspapers, *Newsweek* magazine, the Mutual Broadcasting System, Scripps-Howard, the *Miami Herald*, the old *Saturday Evening Post* and *New York Herald-Tribune*. Also, major media executives have been linked to this kind of behavior, including William Paley of the Columbia Broadcasting System, Henry Luce of Time Inc., Arthur Hays Sulzberger of the *New York Times*, Barry Bingham Sr. of the *Louisville Courier-Journal*, and James Copley of the Copley News Service.⁶⁶ Most valuable to the Government by far, according to Government officials, have been associations with local media.

134. The Government’s relationship with the news media “majors” allowed them to post valuable journalistic assets domestically without exposure for over two decades. Government files show that in most cases, officials with the highest ranking would deal with a single designated individual in the top management of the news agency with whom it was cooperating. This included basically partnerships between high-ranking Government officials and some of the best known correspondents in the media business. (Bernstein p.2)

135. The line in the sand, in this case as well as in so many others, separating the American press corps and the Government, is often indistinguishable.⁶⁷ A news agency has

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Seymour M. Hersh, *HUGE CIA OPERATION REPORTED IN U.S. AGAINST ANTIWAR FORCES, OTHER DISSIDENTS IN NIXON YEARS.*, *The New York Times*, December 22, 1974, at 1. **Exhibit Z**

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Much of this discussion and the discussion in paragraphs numbered 141 et seq. draw heavily from Carl Bernstein’s article titled “The CIA and the Media”, published on October 20, 1977 in *Rolling Stone Magazine*, and can be found at Exhibit Y.

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Getting detailed responsible information about the Government’s use of radio Marti funds for illegal purposes has always been difficult. As late as 2011, Radio Marti was failing to give information to the Government as to exactly what it was doing. See GAO reports on Cuba (Exhibit P).

rarely provided cover for or written stories for the Government, or the exchange of information, between the media and the Government without the explicit knowledge of the upper management. We do not know about the other media involved. The media and the Government are both often served by “undercover” reporters or agents, who can help put together a news story and include Government “facts” it trusts. The idea that the Government recruited individual reporters alone in the past was a false one. There is ample evidence that America’s leading publishers and news executives, in the past, have allowed themselves and their organizations to cooperate with the Government. “Let’s not pick on some poor reporters, for God’s sake,” William Colby exclaimed at one point to the Church Committee’s investigators. “Let’s go to the managements. They were willing.”⁶⁸ Overall, said Carl Bernstein in 1977, about twenty-five news organizations have previously provided cover for the Government. Here, of course, we believe those numbers in this case, to be enormous.

136. Government monies seem never to have gone to anyone not determined to influence a conviction. The recruitment of journalists in the past, as here, has been generally handled through Washington D.C. Here, it was Miami. After the Miami journalist had gone through a background check, and often signed a pledge of secrecy and a contract, the actual approach and discussion was most often handled by a high ranking Government official or operative. “The secrecy agreement was the sort of ritual that got you into the tabernacle,” said a former assistant to the director of a Government organization. “After that you had to play by the rules.”⁷³

137. David Attlee Phillips, a Central Intelligence officer for 25 years, formerly involved with Alpha 66, an organization of anti-Castro Cuban fighters and its founder Antonio Veciana, estimated in an interview that at least 200 journalists signed secrecy agreements or employment contracts with the Government from 1952 to 1977.

⁶⁸ Drawn from: Carl Bernstein, “The CIA and the Media”, *Rolling Stone*, See Exhibit Y

138. I believe the number of those agreements, signed in Miami during the period in question, exceed that number. Another official described a typical example of the way that journalists on the Government payroll might be used: “In return for our giving them information, we’d ask them to do things that fit their roles as journalists but that they wouldn’t have thought of unless we put it in their minds.”⁷³ That of course is what some employees do for money and what some employers will insist on.

139. There was in Miami, prior, during, and after the trial, cooperation, accommodation, and overlap, among Government employees, management, and the paid journalists. The Cuban exile movement subverted the independent press as it strove for a dominant role in Miami politics. The Church Committee investigation, in the areas of its concern, showed that the media shared information and staff with the Government, and the Government told the media exactly what it wanted the headlines to be. The Government, in Miami, did the same – it created the headlines. All of this in exchange for financial compensation by the Government. In this case, pseudonyms used in political articles and “sources” were all in complete violation of journalist standards. The journalists documented by the Church Committee to have participated range from Pulitzer Prize winners to freelancers trying to make an extra dollar. In most of these instances, the journalists were participating in this activity with the full knowledge and consent of America’s leading news organizations. Joseph Alsop, one of America’s leading syndicated columnists in the 1950s was quoted saying that “I’m proud they asked me and proud to have done it. The notion that a newspaperman doesn’t have a duty to his country is perfect balls.” (Bernstein p. 2) There is no reason to believe that any of the paid Government agents in this case had less testicular strength. Their motivation may have been higher than solely money. They saw this as their fight – their country – their families – their lives. But money also played a part.

140. I believe that the past helps tell us what we must look for. Government sources have admitted in the past that a particular journalist was at one point trafficking for the Government. The journalist often denies these claims, stating that they were simply having lunch with a high ranking Government official. Government sources say that a well-known ABC correspondent worked for the Government through 1973; they refuse to identify him. A high-level official said that even the august *New York Times* provided cover for about ten operatives between 1950 and 1966. He did not know who they were, or who in the newspaper's management made the arrangements, and that was not in a situation even remotely representing the tinder box that was Miami at the turn of the century.

141 The actions of these reporters and propagandists in Miami go far beyond propaganda by stripping men of their rights. In some instances in past history, the reporters' assignments were more complex than printing propaganda, as Carl Bernstein notes. These assignments included planting subtly concocted pieces of misinformation; hosting parties or receptions designed to bring journalists together with other people; serving up "black" propaganda to leading journalists at lunch or dinner; providing their hotel rooms or bureau offices as "drops" for highly sensitive information moving to and from agents. What service did the journalist knowingly provide to the prosecution when he wrote the hallucinogen story as the jury was getting the case? Where did he get the story from? Was there ever a "Cuban Official"? Why was it published on that date? Was it written at this critical time, or was it kept in a drawer until the perfect moment? Where was the story repeated? "One of the things we always had going for us in terms of enticing reporters," observed a Government official who coordinated some of the arrangements with journalists "was that we could make them look better with their home offices. A correspondent with ties to the [Government] stood a much better chance than his competitors

of getting the good stories.” Success comes with Government access. Success is getting the hallucinogen story printed at exactly the right time and in exactly the right fashion. Here the paid journalists seem to have had access that gave them information that showed other journalists how to be rewarded – it showed journalists who are not on the payroll what they had to say and do, by shaping stories and writing false facts, to get money. The more extreme the facts and stories, the more money received.

142. There was no reason for the Court to anticipate that the day the jury was to receive the case, the story in the press would be that Castro had been giving hallucinogens to his agents. There was no reason then to believe, at the time that this Government story was deliberately and timely placed to have the jury return a guilty verdict.

143. The prosecutor, defense, and the Trial Court were all concerned about the amount of information that the unsequestered jury would get. The Government, when faced with what it believed to be a defense impropriety, filed, on December 26th, 2000, an application to “Enforce the Court’s Directive to the Media.” The Government claimed the influential effect of comments by Robert Nuccio and said “no parties should have to endure such hardship”. The Government’s concerns were appropriate. Movant endured hardships far worse than set forth in the Government’s 2000 application.

144. I do not know the extent to which government monies went further into the Miami independent media. The Broadcasting Board of Governors, the Church Committee, the Voice of America, and Radio/TV Marti management all know the world of propaganda and the different world of journalism. The Government agencies know the value of dealing with propagandists with previous CIA, Nicaragua, and Bay of Pigs backgrounds. They knew the propagandists to call in, knew how to focus them and knew what they did not need to tell them. Whether it is in

Chile, Cuba, or Miami, the same principles apply. Journalists compete, and giving one set of journalist's access and money gave them a distinct advantage. There were two classes of journalists in Miami, those with and those without background checks. You were either part of the Government team or you were not. The more you did what the Government wanted you to do the more you got. The writing path was lined with Government favors and money. Bribery is not an inappropriate term. Of course many of these journalists were anxious to be bribed, and as one noted, would do what he wanted to in the media, even without money.

145. Carl Bernstein tells us that the Government's past relationship with journalists, as described in Government files, include:

- a) The use of legitimate, accredited staff members of news and media organizations, usually reporters. Many were paid. The files show that the salaries paid to reporters by newspaper and broadcast networks were sometimes supplemented by nominal payments from the Government, either in the form of retainers, travel expenses or outlays for specific services performed. Almost all the payments were made in cash.⁷³ We do not know the extent of that in the present case.
- b) Freelancers/Stringers, mostly pay rolled by the Government under standard contractual terms. In many cases, the news organizations for which these writers were publishing stories had no idea of their involvement with the Government.
- c) Columnists and commentators. There were dozens of well known columnists and broadcast commentators whose relationships with the Government went far beyond those normally maintained between reporters and their sources. They were referred to by the Government as "known assets" and can be counted on to perform a variety of undercover tasks; they are considered receptive to the Government's point of view on various subjects. Three of the previously most widely read columnists who maintained such ties with the Government are C.L. Sulzberger of the *New York Times*, Joseph Alsop, and the late Stewart Alsop, whose column appeared in the *New York Herald-Tribune*, the *Saturday Evening Post* and *Newsweek*.

146. The Government Response claims so many of the Miami journalists received very little money. What may seem like a small amount of money to the Government often seems larger to the person receiving it. For example, in 1965-66, an accredited *Newsweek* stringer in

the Far East was in fact a government contract employee earning an annual salary of \$10,000 from the Government, according to Robert T. Wood, then a government official. Some *Newsweek* correspondents and stringers continued to maintain covert ties with the government into the 1970s.⁷³ It is not just the sum that is the inducement.

147. The undercover government operative Robert H. Campbell, from 1964-65, was employed by the *Courier-Journal*. “We paid the *Courier-Journal* so they could pay his salary,” said a Government official who was involved in the transaction. Responding by letter to these assertions, Norman E. Isaacs, then editor of *Courier*, said: “All I can do is repeat the simple truth—that never, under any circumstances, or at any time, have I ever knowingly hired a government agent. I’ve also tried to dredge my memory, but Campbell’s hiring meant so little to me that nothing emerges....”

148. Mr. Bernstein writes that: “There is quite an incredible spread of relationships,” William B. Bader, a former government official, reported to the senators. “You don’t need to manipulate *Time* magazine, for example, because there are Government people at the management level.” We do not yet know the hierarchy of the Miami print, TV, and radio media during the period of 1996 to 2001.

149. In 1975 and 1976, the Church Committee published fourteen reports on various governmental intelligence agencies and their alleged misconduct. The original reports were classified, but since 1992 and the President John F. Kennedy Assassination Records Collection Act over 50,000 pages have been made public. This makes the Church Committee papers among the most complete review of Government misconduct and domestic infringement of rights in history. Their findings inform our view of what happened in the case in Miami today by showing how the Government has overstepped its boundaries in the past with the same agencies and in the same period. Many of the same agencies and even some of the same people were in Miami in

1996.⁶⁹

150. The Government responds by claiming we are dealing in this motion with political disputes, rather than constitutional issues and that our Government and all governments lie. Any Government with a foreign propaganda machine has the right to lie. They do not have the right to lie in the United States when it affects the integrity of our legal system behind a mask. What is permissible in foreign policy is not permissible in Court. Especially when defendant's liberty and lives are at stake. The commitment to truth and justice is paramount in court. The paid journalists deliberately intertwined foreign propaganda and supposed factual courtroom reporting to obtain a conviction.

151. The Government responded by blaming Movant for commenting on the Government's "outside" references to Khrushchev, the Cold War, and the like, but Movant did not write the articles. A Government journalist, paid by the Government, has every obligation to do what his employer pays him to do. If he's asked to, or even without being asked, if he can serve his employers interest, he will. As the Columbia study, the Kimber book, the Alvin Snyder study, the Clary article, the Church Committee, the *New York Times*, and the *Miami Herald* articles have all pointed out, truth goes by the wayside when the foreign propaganda machine

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Select findings which are informative of the situation in Miami include:

- a) In Book Two of the Church Committee's final report, Section B, titled "The Overbreadth of Domestic Intelligence"⁴, included the major finding that "domestic intelligence activity has been overbroad in that (1) many Americans and domestic groups have been subjected to investigation who were not suspected of criminal activity and (2) the intelligence agencies have regularly collected information about personal and political activities irrelevant to any legitimate governmental interest." (Senate Subcommittee, Book 2, Section B, p. 1)
- b) In Book Three of the Committee's findings, the Church Committee describes a government policy called COINTELPRO, in which governmental agencies investigate what they deem domestic threats. The committee writes: "COINTELPRO is the FBI acronym for a series of covert action programs directed against domestic groups. In these programs, the Bureau went beyond the collection of intelligence to secret action defined to "disrupt" and "neutralize" target groups and individuals. The techniques were adopted wholesale from wartime counterintelligence, and ranged from the trivial (mailing reprints of Reader's Digest articles to college administrators) to the degrading (sending anonymous poison-pen letters intended to break up marriages) and the dangerous (encouraging gang warfare and falsely labeling members of a violent group as police informers)." (Senate Subcommittee, Book 3, Final Report, p.1)

comes into the courtroom.

152. From 2001 to the present, there are more recent examples of the Government overstepping its boundaries ethically and legally, where far less was at stake. At least in terms of American interest. What is relevant to Movant's case of these other instances, for example in the Balkans, is the method of the Government's action. In a February 4th, 2005 *Associated Press* article, an investigation brought to light the actions of the military paying reporters in the Balkans. The Inspector General at the time, Joseph Schmitz, was called on to review the Government's "inappropriate" payments to American journalists in exchange for favorable stories on two news websites influencing readers in North Africa.

153. The Government's considered Radio/TV Marti Miami decisions were not unlike its considered decision to use wrongly appropriated Government funds for illegal activity in the Williams, Central America and the Balkans case.

154. As the Balkan payments were going on, so were the payments to Armstrong Williams. The Armstrong Williams incident is particularly informative to see how paid journalists and, unknowing or knowing, third parties can be, and are, used. The GAO opinion shows the many different places money can come from. It is admitted now that Armstrong Williams was secretly paid \$240,000 by the Education Department of the Government to press forward to support the Bush administration's education position. Originally, the Government tried to keep it secret by funneling it through third parties⁷⁰.

155. The Williams case shows how hard the government tries to cover their secret acts and how difficult it is to detect them. The *USA Today* article on the Williams case said:

The contract, detailed in documents obtained by USA TODAY through a Freedom of Information Act request, also shows that the Education Department, through the Ketchum public relations firm, arranged with Williams to use

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Howard Kurtz, *Administration Paid Commentator*, Politics, January 8, 2005 at AO1. **Exhibit AA.**

contacts with America's Black Forum, a group of black broadcast journalists, 'to encourage producers to periodically address' NCLB. He persuaded radio and TV personality Steve Harvey to invite Paige onto his show twice. Harvey's manager, Rushion McDonald, confirmed the appearances.⁷¹

156. The passion, and the number of people involved, in Movants case is far greater than the passion in the Williams Case. Lying, driven by a passion to convict Movants, is the heart of the Miami violation. Both Williams and the government originally lied, and when discovered, they kept lying. Williams, like the Miami paid covert journalists, had a great deal to gain by speaking to other journalists and third parties working for the Government. In addition to the monies Williams received, he had access to people and facts that other journalists did not have. It advanced his career. Other journalists, who may have known about it, like other Miami journalists on the Government payroll, saw the advantages of being a paid agent of the Government. The use of special information given to Williams also raised his visibility, and presumably his stature, to the public. Williams now had information and access few others had.

157. Williams, like some of the Miami journalists, said he did not remember if he disclosed the Government contract to audiences on the air but he said he told colleagues about the Government's payments when urging them to promote NCLB. He misremembered. He did not disclose it on air, as his taped show indicates. Not one colleague remembered him saying anything. He acted exactly like the Miami journalists.⁷²

158. The Williams contract may be illegal "because Congress has prohibited propaganda," or any sort of secret lobbying for programs funded by the government, said Melanie Sloan of Citizens for Responsibility and Ethics in Washington. "And it's propaganda."

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Greg Toppo, *Education Department paid commentator to promote law*, USA Today. January 7th, 2005. **Exhibit BB.**

⁷² The *USA Today* article says:

"I respect Mr. Williams' statement that this is something he believes in," said Bob Steele, a media ethics expert at The Poynter Institute for Media Studies. "But I would suggest that his commitment to that belief is best exercised through his excellent professional work rather than through contractual obligations with outsiders who are, quite clearly, trying to influence content."

159. After a thorough investigation, the GAO released its opinion regarding the Armstrong Williams case.⁷³ The opinion refers to the same genre of extensive third party manipulation that existed in Miami. The GAO's objective in the investigation was to decide whether the Department of Education violated the government-wide publicity or propaganda prohibition. According to the Consolidated Appropriations Act, the prohibition states "**[n]o part of any appropriation... shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.**"⁷⁴ The GAO goes on to explain that this act "bars agencies from using appropriations (a) to produce or distribute 'covert' propaganda." The GAO concluded that the Government violated the publicity - propaganda prohibition.

160. The Miami payments were not a governmental aberration. As we see in the Church Committee investigation and the Williams case, it is often a standard way of doing business.

161. Very little has changed since the Church Committee report. As the *New York Times*, *CNN*, and the other American news media tell us, opinions to be told to the media supportive of government policy by generals and officers were recently "exchanged" for monies and defense contracts. Defense contractors were awarded contracts because of the news appearances by generals associated with these contracts.⁷⁵

162. I believe the amount of money being taken out of Government budgets by Government employees to get Movants convictions was substantial. The *New York Times* article

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United States Government Accountability Office, Opinion B-305368, *Department of Education – Contract to Obtain Services of Armstrong Williams*, September 30th, 2005.

⁷⁴

The publicity or propaganda prohibition is included in the yearly Congressional Consolidated Appropriations Act. Pub. L. No. 108-199, div. F, title VI, sect. 624, 118 Stat. at 356

⁷⁵

CNN and NYTIMES

of April 20, 2008 “Behind TV Analysis, Pentagon’s Hidden Hand”⁷⁶ by David Barstow refers to William Cowan on page 8. Cowan’s company was seeking tens of millions in contracts from the government. The “covert” speakers and their colleagues were paid either directly or indirectly in money or other benefits. The speaker can receive lavish expense accounts or parts of contracts to the companies he represents. It is nearly impossible to conceive of all the different covert ways this was done.

163. The Miami situation involves a multiplicity of government agencies and government cover-ups. The *New York Times*, as it intertwines the Government’s misuse of press funds with the *Miami Herald* story, tells us that the generals’ false and misleading campaign used “special access as marketing and a networking opportunity, or as a window into future possibilities.” That defines the Miami operation. Media companies as well as individual journalists benefitted by access to the “best news”.

164. Inside the Pentagon, in the “General” story, the *New York Times* tells us, was a “masterpiece in the management of perceptions.”⁷⁷ That secret governmental work in Miami at the time of the trial was the government’s attempt to create Miami “masterpiece”. The Government succeeded. They got the verdict they wanted and they kept their operation secret.

⁷⁶

David Barstow, *Behind TV Analysts, Pentagon’s Hidden Hand*, the *New York Times*, April 20, 2008 at 1. **Exhibit CC.**

⁷⁷

The Government’s Response continually wants to get into pro Castro and anti Castro arguments, paint the Government critics and defense lawyers as agents or partisan, and use that as a justification for the invocation of CIPA. This is neither the time nor the place to recount the view of many individuals, corporations, government elected officials and government agencies with their particular view of Cuba, Fidel Castro and Fidel Castro supporter’s. The question is larger and more important for this country’s constitutional principle. How did the Government and Radio/TV Marti, so sophisticated in managing perceptions “manage perceptions” in the Miami jury? Before the revolution, before the Bay of Pigs and thereafter, the multiple stories of assassination attempts at Cuban officials show, it is safe to say, there has been a substantial hostility in Miami directed at Cuba, Castro and Castro supporters. The Government, here as in the instances considered by the Church Committee, knew the exact buttons to push. It is hard to think of a more reviled figure by exiles in Miami than Fidel Castro and his supporters. These were “models” in the Government, and at Radio/TV Marti, to show how the media was to be used against these defendants. The Government followed their models. Basulto and Brothers to the Rescue, through Radio/TV Marti and this Government, waged through the secret propagandists an unprecedented media campaign that we have never seen in any other case in the United States. The management of perceptions in Miami between 1996 and 2001 was very, very easy, thorough, and successful.

Their plan escaped detection for years and the Government is still trying to hide it.⁷⁸

165. The facts offered on this motion totally change the dynamic and the applicable law concerning every aspect of this case, including the change of venue issue. Our argument of course does not limit the Government's First Amendment right to speak either about foreign or domestic affairs. The Government can, within limits, say what it wants. To go outside those limits, deliberately, in a case where the speech is directed at an ongoing trial to get a conviction

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It is too late to say that our Government never uses its agents to manipulate the public, or that the lessons of the Church Committee have been learned. In 2005, thirty years after the Church Committee, in Iraq, a manipulation of the press was again coordinated by the United States government. A *Los Angeles Times* article by Mark Mazzetti and Borzou Daragahi titled "U.S. Military Covertly Pays to Run Stories in Iraqi Press" (**Exhibit DD**) explains how the U.S. government had been paying local Iraqi newspapers to allow the Army's "information operations" troops to write bias stories and pass them off as free speech on the part of the local paper. The articles, written by American soldiers in English, were translated to Arabic and published unbeknownst to the population of Baghdad. A senior Pentagon official was quoted saying: "Here we are trying to create the principles of democracy in Iraq. Every speech we give in that country is about democracy. And we're breaking all the first principles of democracy when we're doing it." This applies directly to Miami in the period of 1996 to 2001.

Jeff Gerth and Scott Shane of the *New York Times* on December 1, 2005 wrote "U.S. Is Said to Pay to Plant Articles in Iraqi Papers". (Jeff Gerth and Scott Shane, *U.S. Is Said to Pay to Plant Articles in Iraqi Papers*, the *New York Times*, December 1, 2005. **Exhibit EE**.) The *New York Times* refers to an article published in the Iraqi press, they wrote: "But far from being the heartfelt opinion of an Iraqi writer, as its language implied, the article was prepared by the United States military as part of a multimillion-dollar covert campaign to plant paid propaganda in the Iraqi news media and pay friendly Iraqi journalists monthly stipends, military contractors and officials." It is as if the Church Committee never existed.

A reading of the *New York Times* article by Abby Goodnough on Miami and the Gerth and Shane Iraqi articles, and the Armstrong Articles on September 9th, 2006 shows how the Iraqi and Williams situations were similar to the Miami situation. Gerth and Shane write how the U.S. government paid Iraqi newspapers directly to print propaganda, and how they recruited Iraqi journalists and paid them monthly salaries to write stories viewed as favorable towards America. The Government's view that Miami, Iraq, and Williams are proper, appropriate, and benign has been firmly rejected. We know of no one in Government other than this prosecutor, who any longer defends it.

Another blatant example of Government manipulation of the press in Iraq in 2005 can be seen in an article about Iraq's oil industry. The story opened in Al Hayat, an Arabic newspaper in London, with three paragraphs "taken verbatim" from an oil ministry spokesman. But the Government version of the story took out one quotation from the ministry spokesman which was critical of American reconstruction efforts. The government not only omitted the quote, but changed it to a more U.S.-friendly message.

The obvious connections between those events are not seen by us alone. It has been recognized by the media, investigative reporters, and newspapers. The Pentagon in 2005, 29 years after the Church Committee, paid the public relations firm "The Lincoln Group" "about \$5 million with the stated purpose of accurately informing the Iraqi people of American goals and gaining their support. But while meant to provide reliable information, the effort was also intended to use deceptive techniques," according to the *Times* article. (Gerth, Shane p. 4) Other sources have also connected the dots with respect to Miami before 2000, the Church Committee, and the trial events.

of defendants, violates the Constitutional rights of these defendants.

166. This case goes beyond the anti-propaganda statutes. The Government's obligation to identify itself is never more important than when the Government is talking to jurors during an ongoing domestic trial about that very trial. The obligation is greater here than in Williams, greater here than in the Central American case. What the Federal Government cannot do, covert Government employees or agencies cannot do. It is of course far worse when it is done secretly, for the juror, who expects to hear an independent voice, is having his or her views shaped and influenced by a party to the trial whom he is conditioned to rely on.

167. Consistent with the Government's obligation to identify itself, is the separate constitutional right, of the listener to know where the information he is hearing is coming from. The American people, as jurors and the public, have the right to know the sponsor of the speech. Again, this right goes beyond the anti-propaganda statute. It is a constitutional right of its own. That separate right that each juror and each member of the juror's community had was violated.⁷⁹

G. Conclusion:

168. The Government criticizes me. I was not involved in this case at any time prior to this year. I had heard of it but had not seen one single document and had read only one single opinion, the Eleventh Circuit Court of Appeals' En Banc venue ruling. I had not seen or read the trial record. When I did learn, this year, of the Government's interference with the trial and its

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The Government says we must prove a more specific intentionality. We disagree. The Government knew exactly what it was doing. These funds were for something. These "journalists" knew what they were supposed to do. They were paid for a purpose. Reading their backgrounds and some of their responses, leads one to believe there is very little the propagandists would not do to ensure a conviction. Intentionality can truly be "proven" by their responses. Nor is it necessary to prove a particular agency, entity, government, person, address, nor activity, nor particular part of the government, as acting wrongfully. The Government resists, it claims otherwise. For example, a CIA employee, perhaps at the State Department or another department may be there as a secured employee. The Government had long begun its practice of "covert operations in the United States – giving funds to conduits and friends. Through entities affiliated with democracy promotion campaigns the Government channels funds. The giving of the funds may have been "open" but the giver was not, nor was the purpose. The Government wanted to be deceptive. Many "democracy promotion" entities flourished in Miami – it's hard to think of any metropolitan area in the United States where they were more active. We are entitled to discover who did what in Miami that is relevant to this case.

subterfuge, I read more of the documents and did my own investigation. Some of that is set forth in this affidavit. I came up with very little, but more than enough.

1669 Because the facts and circumstances in this case show what I believe to be a serious abuse of constitutional rights, I was appalled and agreed to represent the Movant.

140. This motion was brought on too hurriedly and with too little resources. The longer I delayed to get more facts, the longer the men wrongfully spent time in jail. When faced with men spending years in jail, I made the decision to file. With a snap of the finger, the Government could produce all the documents and all the testimony this Court needs to render a decision that will vacate the conviction.

170. The question for the Court is clear and simple. Was American justice done in this case?

171. Every dollar for every article, image, radio or television show that was spent on this secret program violated the integrity of the trial. That is why the prosecutor resists discovery.

172. Every person who decided to pay, paid, took funds, or covered up those payments in this secret program, violated the integrity of the trial. That is why the prosecutor resists discovery.

173. It is surprising to see this prosecutor so minimize the effect of the printed and spoken word. It is as if the founders of this government, American history, the Constitution, and the First Amendment, never existed.

174. The fundamental concept of a fair trial was negated as the Government created a consistently intolerable influence that is structural error.

175. Attorney General Eric Holder Jr. was not responsible for this prosecution when it began. He is now. Movant's conviction should be vacated. The Department of Justice should forward the facts of these events to the President and Congress so that we may hope that this will

never happen again in the United States.

Date: *August 31st, 2012*

S/ Martin Garbus

MARTIN GARBUS

Ramón Labañino's
Supplementary
Memorandum
Addressing the Threat of
Government-Paid
Journalists to the Integrity
of the Jury Process

Filed Oct. 22, 2013

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:11-CV-22854
(Criminal Case No. 98-CR-721-LENARD)

LUIS MEDINA,
[RAMÓN LABAÑINO],

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

MOVANT RAMÓN LABAÑINO'S SUPPLEMENTAL MEMORANDUM ADDRESSING
THE THREAT OF GOVERNMENT-PAID JOURNALISTS TO THE INTEGRITY OF THE
JURY PROCESS

There is a thread in the trial of this case that is extremely relevant to, but has not been discussed by the parties in the context of, pending claims for post-conviction relief. This thread is this court's concern for the integrity of the jury process in the face of media reports of the statements and actions of potential witnesses, and the decisive response by this court in its Opinion and Memorandum of Law (CRDE#978)¹, entered on February 16, 2001, and its Order Granting in Part and Denying In Part Motion for Clarification And/or Modification (CRDE#999), entered on February 22, 2001.

In his Motion to Vacate Sentence (DE#1)² and Memorandum in Support (DE#5), Ramon

¹ This form of citation, "CRDE#___," references docket entries in the underlying criminal case, No. 98-CR-721-LENARD.

² This form of citation, "DE#___," references docket entries in this case.

Labañino presented a claim of denial of due process, in the government's failure to disclose its payments to community news reporters publishing inflammatory articles, which resulted in a waiver of valid arguments and defenses at the pretrial and trial proceedings, rendering counsel ineffective as a matter of law. The government responded (DE#15), correctly noting that a portion of the empirical support for this motion had been omitted from a footnote, and claiming that Mr. Labañino's "claim is factually unsound and [his] conjecture baseless, illogical, and contradicted by [his] own referenced materials." (Id.:6). The government raised numerous procedural objections, but the heart of their opposition was that Mr. Labañino had not demonstrated prejudice. Mr. Labañino replied, correcting his footnote (DE#20:10,n.5) and documenting the court's concern about specific instances of media intrusion into the jury box during trial (Id.:10).

This memorandum is submitted to review the court's prior expressions of the corrosive impact of media coverage on the integrity of the trial process and the limited ability of the court to protect the jury from that impact, both of which are relevant to Mr. Labañino's claim now before the court. In short, it is submitted to show that the court has already recognized the very prejudice which the government denies.

On November 27, 2000, the date jury selection began, this court expanded on the court's initial Gag Order (CRDE#122), issued on October 22, 1998. The initial order was based on Southern District of Florida Local Rule 77.2 and applied to parties and counsel. The expanded order precluded witnesses from speaking to the press, in response to an incident in which family members of victims of the Brothers to the Rescue shutdown engaged with the press in front of the courthouse.

Enforcement of the expanded gag order came before the court on the government's

complaint that defense witness Richard Nuccio had spoken to the Miami Herald about the FBI's knowledge of the shutdown (CRDE#818) and defense objection that subpoenaed witness Jose Basulto held a press conference to announce plans to fly to "Martyr's Point," the supposed location of the shutdown (CRDE#938). The Opinion and Memorandum of Law (CRDE#978) followed. Thereafter, Basulto filed papers which led to the Order Granting In Part and Denying In Part Motion for Clarification And/or Modification (CRDE#999)³.

Both the initial Opinion and the clarifying Order applied to "trial participants," who were precluded "from making extrajudicial statements or taking actions that would have a meaningful likelihood of materially impairing the court's ability to conduct a fair trial" and applied to "extrajudicial statements and conduct intended to influence public opinion or the jury regarding the merits of the case" (Opinion:18; Order:2-3).

This court fully appreciated the constitutional conflict posed. Indeed, the first sentence of the "analysis" section of the Opinion stated: "The imposition of a gag order demands that the Court balance two competing constitutional rights, specifically a trial participant's right to free speech under the First Amendment and a criminal defendant's right to a fair trial under the Sixth Amendment" (CRDE#978:7).

As this court noted, the Sixth Amendment right to a fair trial is "the most fundamental of all freedoms," and "when First Amendment claims impinge upon the Sixth Amendment right to a trial by an impartial jury, asserted First Amendment interests must yield to the 'most fundamental of all freedoms,' the right to a fair trial for the accused." *News-Journal Corp. v. Foxman*, 939

³ Page 5 of this seven page order, containing much of the court's analysis, is not included in the record.

F.2d 1499, 1512 (11th Cir.1991) (quoting *Estes v. Texas*, 381 U.S. 532, 540 (1965)) (Order:7).

The court's Opinion and Order were gag orders on trial participants, not on the press, and are evaluated under "a less stringent standard," *Gentile v. State Bar of Nevada*, 501 U.S. 1030, 1073 (1991), but nevertheless require that the court find a substantial likelihood that extrajudicial comments by trial participants would prejudice the court's ability to conduct a fair trial.

This court made the findings under the more rigorous standard of "substantial likelihood," rather than the lesser standard of "reasonable likelihood" adopted by some circuits. See, Opinion:10-11). The court recited its findings and reached a conclusion (Id.:15):

Based on these findings ["that local and national media coverage ... has been significant" and "has only intensified as the trial has progressed," "that unrestricted statements by trial participants would only serve to increase ... publicity," and "that publication of extrajudicial statements and actions by the trial participants may very well taint the unsequestered jury"], the Court concludes that there is a substantial likelihood that the extrajudicial comments and conduct by the trial participants in this case would prejudice the Court's ability to conduct a fair trial.

After reciting the careful consideration given to the change of venue issue, the extensive voir dire, and the daily admonishment to the jury not to read or listen to anything regarding the trial, the court make a striking, and relevant, finding. "The Court finds, however, that not even the most emphatic instruction or the most searching voir dire question can shield the jurors from banner headlines or ex parte statements and conduct by witnesses or counsel that would undoubtedly receive extensive coverage." (Id.:17)

Basulto moved for a stay pending appeal from these orders, which was denied by Order entered on April 16, 2001 (CRDE#1163). In contrast with the finding that Basulto would suffer no irreparable harm, the court found that:

Defendants will suffer substantial harm from the stay of these Orders. The local press and broadcast media's daily coverage of this trial has been extensive, since the trial commenced on November 27, 2000. Allowing Witness Basulto to comment about his testimony or his version of the facts in this case is certain to draw further press and media attention. Regardless of the Court's daily instruction to the jury not to read or listen to anything in the media regarding this case, the jurors' best efforts to adhere to these daily instructions would be powerless against a banner headline, placed above the fold of a local newspaper, or an advertisement for a local news segment on the television or radio. The Court simply cannot run the risk of prejudicing Defendants by having the jury exposed to statements about the facts of this case, from outside the courtroom. Such exposure would be a veritable sacrifice of Defendants' Sixth Amendment rights to a fair trial.

(Id.:4-5).

The question now before the court is whether journalists paid by the government to participate in foreign propaganda to further regime change in Cuba created the same likelihood of prejudice to Mr. Labañino's rights. This question was not before the court because Defendants did not learn that this was the fact until long after trial concluded. As more and more information is wrested from the government in Freedom of Information Act litigation,⁴ it has become obvious that many journalists were paid by the government to participate in its propaganda campaign and wrote incendiary articles published in the Miami media market that commented on facts in issue, including outright fabrication, and on Defendants' guilt of the charges on which they were being tried.

If the tools available to the court were inadequate to protect the jury, and in turn the Defendants, from the prejudicial effect of this media coverage when generated by the words or conduct of "trial participants," defined to include everyone on the extensive witness lists

⁴ Much of this information has been filed in *Gerardo Hernandez v. United States*, Case No. 10-21957-Civ-LENARD and Mr. Labañino will file a motion to adopt the pertinent pleadings.

provided by the parties, there is no rational basis to conclude that the jury would not have been tainted by the media avalanche precipitated by the government-paid journalists.

Mr. Labañino submits that if the court were to add to the findings recited in its prior orders, the finding that the government paid journalists in the Miami media market to participate in its propaganda effort, never denied by the government in this proceeding, it would be clear that he is entitled to the relief he seeks.

Respectfully submitted,

S William M. Norris

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing Supplemental Memorandum was filed via the ECF system this 22nd day of October, 2013, and served on all counsel of record by that means.

S William M. Norris

William M. Norris

10 Miami Journalists Take U.S. Pay

The Miami Herald, Friday, September 8, 2006, page 1-A
OSCAR CORRAL

At least 10 South Florida journalists, including three from El Nuevo Herald, received regular payments from the U.S. government for programs on Radio Martí and TV Martí, two broadcasters aimed at undermining the communist government of Fidel Castro. The payments totaled thousands of dollars over several years.

Those who were paid the most were veteran reporters and a freelance contributor for El Nuevo Herald, the Spanish-language newspaper published by the corporate parent of The Miami Herald. Pablo Alfonso, who reports on Cuba and writes an opinion column, was paid almost \$175,000 since 2001 to host shows on Radio Martí and TV Martí. El Nuevo Herald freelance reporter Olga Connor, who writes about Cuban culture, received about \$71,000, and staff reporter Wilfredo Cancio Isla, who covers the Cuban exile community and politics, was paid almost \$15,000 in the last five years.

Alfonso and Cancio were dismissed after The Miami Herald questioned editors at El Nuevo Herald about the payments. Connor's freelance relationship with the newspaper also was severed.

Alfonso and Cancio declined to comment. Connor was unavailable for comment.

Jesús Díaz Jr., president of the Miami Herald Media Co. and publisher of both newspapers, expressed disappointment, saying the payments violated a "sacred trust" between journalists and the public.

"Even the appearance that your objectivity or integrity might have been impaired is something we can't condone, not in our business," Díaz said. "I personally don't believe that integrity and objectivity can be assured if any of our reporters receive monetary compensation from any entity that he or she may cover or have covered, but particularly if it's a government agency."

Other journalists receiving payments from the U.S. Office of Cuba Broadcasting, which runs Radio and TV Martí, included: Diario Las Americas opinion page editor Helen Aguirre Ferre and reporter/columnist Ariel Remos; Channel 41 news director Miguel Cossio; and syndicated columnist Carlos Alberto Montaner, whose opinions appear in the pages of El Nuevo Herald and The Miami Herald.

GOVERNMENT PROJECT

Radio and TV Martí are U.S. government programs created to promote democracy and freedom in Cuba. Their programming cannot be broadcast within the United States because of anti-propaganda laws. Radio and TV Martí have received \$37 million this year.

The payments to journalists were discovered in documents recently obtained by The Miami Herald as a result of a federal Freedom of Information Request filed on Aug. 15.

OWN RESPONSIBILITY

Pedro Roig, the director of the Office of Cuba Broadcasting since 2003, said he has sought to improve the quality of news by, among other things, hiring more Cuban exile journalists

as contractors. He said it's each journalist's responsibility to adhere to their own ethics and rules.

"We consider them to be good journalists, and people who were formed inside that system who got out [of Cuba] and adapted and made good," Roig said. "In reality, I feel very satisfied."

Journalism ethics experts called the payments a fundamental conflict of interest. Such violations undermine the credibility of reporters to objectively cover key issues affecting U.S. policy toward Cuba, they said.

Iván Román, executive director of the National Association of Hispanic Journalists, said the payments from TV and Radio Martí posed a clear conflict of interest.

"It's definitely a line that journalists shouldn't be crossing," said Román, a former El Nuevo Herald journalist. "It's clear the medium has a particular agenda. If they cover Cuban issues, it could be seen as a conflict."

El Nuevo Herald Executive Editor Humberto Castelló said he hadn't been aware that the three writers were being paid by the federal government.

"I lament very much that I had not been informed before by them," Castelló said. "We discussed the situation with them and they were both dismissed immediately."

POPULAR FIGURES

The journalists involved are among the most popular in South Florida, and many were reporting on issues involving Radio or TV Martí for their news organizations.

Channel 41 reporter Juan Manuel Cao, who received \$11,400 this year from TV Martí, made news in July when he confronted Castro during an appearance in Argentina by pressing the Cuban leader to explain why his government had not allowed a well-known doctor and dissident, Hilda Molina, to leave the island to visit her son in Argentina.

During the exchange, Castro openly questioned Cao if anyone was paying him to ask that question. The Cuban government has long contended that some South Florida Spanish-language journalists were on the federal payroll.

"There is nothing suspect in this," Cao said. "I would do it for free. But the regulations don't allow it. I charge symbolically, below market prices."

DEFENDS ROLE

Ferre, the opinion page editor for Diario las Americas, was paid \$4,325 from 2001 to 2005. She said the payments did not compromise her journalistic integrity. She was paid to be a guest on TV Martí shows and said her point of view was never suppressed.

"Guests are being paid for their time that they have to take in order to be able to accommodate the program," she said.

Ethicists say that it's common for journalists to be compensated by other media outlets but not by the government, built on principles that espouse an independent press.

"This is such an obvious textbook case," said University of Florida journalism professor Jon Roosenraad. "This is exactly like a business reporter during the day going out and

moonlighting as a PR [public relations] person for a local company at night and then going back to the paper the next day and writing about 'his' company."

Total payouts since 2001 range from \$1,550 to Radio Mambi commentator Ninoska Perez-Castellón to \$174,753 for El Nuevo Herald's Alfonso, the government payment records show. The payments — which range from \$75 to \$100 per appearance — are to host or appear on the government-produced shows.

The Miami Herald's review of dozens of articles by the El Nuevo Herald journalists — including several about TV Martí or Radio Martí — found no instance in which the reporters or columnists disclosed that they had received payment.

Two ethics experts compared it to the case of Armstrong Williams in 2005, when it was revealed that the Bush administration had paid the prominent pundit to promote its education policy, No Child Left Behind, on his nationally syndicated television show.

Herald staff writers Jasmine Kripalani, Luisa Yanez, Casey Woods and Alfonso Chardy contributed to this report.

THE JOURNALISTS' RESPONSE

Pablo Alfonso: "I don't have any comment. I believe that's better for the newspaper and for me."

Olga Connor: Could not be reached.

Wilfredo Cancio Isla: Declined to comment. Said his wife, Ivette Leyva: "This is an overreaction by McClatchy [The Miami Herald's parent company]."

Miguel Cossio: "I am a sometimes panelist, that's all. They will call me up and ask me to take part in a discussion on a topic, let's say the Mexican elections or the war in Iraq. That is the extent of my involvement."

Carlos Alberto Montaner: Could not be reached.

Juan Manuel Cao: "I feel proud to help break the censorship in Cuba."

Ariel Remos: "I liked being on those panels because we could say what we wanted. For example, we didn't have to call Fidel Castro the president of Cuba. I could call him what he is, a dictator."

Omar Claro: "I will not say whether I do or do not accept money. You publish whatever you want."

Helen Aguirre Ferre: "I don't see a conflict of interest."

Paul Crespo: "I am pro freedom and democracy everywhere, from Cuba to Afghanistan to Yugoslavia."

Ninoska Perez-Castellón: "The purpose of these human-interest programs is to show people in Cuba what life is like in a democracy."

Illustration: Photo: Pablo Alfonso (a), Olga Connor (a), Wilfredo Cancio Isla (a), Miguel Cossio (a), Carlos Alberto Montaner (a), Juan Manuel Cao (a), Ariel Remos (a), Omar Claro (a), Helen Aguirre Ferre (a), Paul Crespo (a), Ninoska Perez-Castellón (a)

graphic: Partial list of payments made by Radio Marti (see microfilm)

Section: Front

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The Cuban Five and Covert Propaganda

By Salvador Capote
November 29, 2009

Last Nov. 27 marked nine years since the start of the manipulated trial against the Five Cuban anti-terrorist heroes (they were arrested more than 11 years ago). Inevitably, the date reminds us of another Nov. 27, in 1871, when in colonial Cuba eight innocent Cubans, medical students, were executed by firing squad. They were victims of the Spaniards' desire for vengeance. The Five are victims of the United States' hostile policy toward Cuba and of the frustration, rancor and blind intolerance of the Cuban exiles.

To conduct the trial in Miami—where media manipulation had already created a suffocating atmosphere against the accused—was in effect to recreate a Roman circus with “pollice verso” (thumbs down) already established.

But what we did not know then—although we suspected it—is that the government that prosecuted the Five is the same government that was paying numerous journalists to light the bonfire of the Inquisition.

The scandal came years later on Sept. 8, 2006 (the Five were already serving heavy sentences), when federal documents obtained by The Miami Herald revealed that at least 10 local journalists had accepted money from the U.S. government, payment for programming aired on Radio and TV Martí. Let's review the names of some of those mentioned by Oscar Corral (1) in his coverage: Pablo Alfonso and Wilfredo Cancio Isla of El Nuevo Herald; Helen Aguirre Ferre, editor of the opinion page and Ariel Remos, both of Diario Las Américas; Miguel Cossio, news director and Juan Manuel Cao, reporter, both of TV Channel 41; Carlos Alberto Montaner, who appears frequently on radio and television and whose articles are published in several newspapers; and Ninoska Pérez Castellón, of Radio Mambí. The highest paid was Pablo Alfonso, who received \$175,000 [\$253,300 as of Feb. 2009] and the lowest paid Ninoska Pérez, who received only \$1,550.

The payments were made by the “U.S. Office of Cuba Broadcasting,”—which manages Radio and TV Martí—to local journalists. To varying degrees these journalists shape public opinion about Cuba with their articles and commentaries, above all during the period of the judicial process against the Five. These payments constitute not only a very grave lack of ethics, but are also illegal because they violate restrictions established by Congress.

The restrictions clearly prohibit the use of federal funds to finance covert propaganda within the territory of the United States. The U.S. General Accounting Office (GAO) defines covert propaganda as information originating from the government which is not credited as such, and is published or broadcast from other sources.

In our specific case: the secret payments made through Radio and TV Martí—stations with federal agendas whose target is Cuba—to supposedly-independent journalists who reproduce similar agendas in other media, are in violation of the law. These same criteria regarding covert propaganda are explained in the 2005 White House memorandum (Office of Legal Counsel) in the scandal of Armstrong Williams, noted television commentator, when it was discovered that the administration of George W. Bush had paid him \$240,000 to publicly support his educational policy (“No Child Left Behind” Law).

I should point out, however, that Radio and TV Martí were not the only outlets for buying propaganda. They were also not the only ones that created the climate of hatred which made a fair trial impossible for the Cuban Five. In February 2006 it was revealed that 17 Cuban-American institutions were receiving funds from the "National Endowment for Democracy." This and other federal agencies generously distribute millions of dollars to exile organizations and a wide variety of institutions, including universities.

Numerous publications are financed with these funds, ranging from traditional media to the Internet. The salaries of communicators, professors, researchers, political analysts and other intellectuals are paid as well.

I suspect that the names of persons and institutions that have been revealed up to the present, thanks to the Freedom of Information Act—in spite of obstacles to that information—are just a miniscule part of the reality. Astounding as well are the strange routes through which money passes to feed the propaganda against "the disobedient island," as Noam Chomsky calls it (2). In August 1997, for example, when terrorist acts were being carried out against tourist installations in Havana, Luis Posada Carriles, from El Salvador, sent a fax to his associates in the United States. A copy of the fax was obtained by the New York Times and published in its July 12, 1998 edition. In the fax, Posada Carriles complained of the lack of response, in his judgment, by the mass media to the bombings and he ended warning, "If there is no publicity, there is no payment!"

Recently, on Sept. 9, 2009, the U.S.-based Partnership for Civil Justice Fund, acting on behalf of the National Committee to Free the Cuban Five, filed a lawsuit in U.S. federal court for the District of Columbia against the Broadcasting Board of Governors because of its illegal refusal to divulge the government's financing of journalists. The publication of the documents could destroy the credibility of dozens of journalists in southern Florida and probably the media companies where they work. It would expose the dual role of the government as prosecutor and as manipulator of the press in a trial where the jury was not sequestered, immersed the whole time in an atmosphere saturated with false information about Cuba and the Cuban Five.

Following are some results of the research I conducted about the conduct of some press outlets in Miami during the period from Nov. 27, 2000 until June 8, 2001—from the beginning of the trial against the Five, until they were convicted by the jury.

As astounding as it seems, in those 194 days El Nuevo Herald published 806 articles that could negatively influence the trial, not counting the hundreds of dispatches from some news agencies (EFE, Reuters, France Press and Associated Press) that also had tendentious information against Cuba and the Five.

In that same interval, The Miami Herald published 305 articles with the same characteristics, again, not counting the numerous news agency dispatches, almost exclusively from the Associated Press.

In total, just from these two newspapers alone, 1,111 articles were published—an average of more than five per day—on themes related to the Five, which gives one some idea of the media super-saturation that Miami was subjected to. 1,111 articles, and not one in favor, published—I repeat—in only two newspapers. Not all, of course, exhibited the same virulence, and not all the writers were as virulent. The spectrum ranges from those loaded with pure venom to those who try to be classified as objective.

But absolutely all of them contribute to reaffirming the stereotypes that are used in Miami to interpret reality about the Cuban Revolution and its leaders that the intolerant exiles have created and repeated endlessly for half a century.

Of the 806 articles in El Nuevo Herald, 120 are attributed to the “staff” or “staff services” including numerous editorials. Of the 355 in The Miami Herald, 67 are attributed to “Herald Staff” or “Herald Wire Services”, which demonstrates a strong commitment from the leadership of both newspapers to the anti-Cuba agenda, but much more from El Nuevo Herald.

Of the 686 other articles of El Nuevo Herald, 239 (35%) carry the byline of four journalists who—as we already know—received money from the government through Radio and TV Martí: 123 by Wilfredo Cancio Isla, 96 by Pablo Alfonso, 11 by Carlos Alberto Montané and nine by Olga Connor. It was a material stimulus that helps us understand their informational enthusiasm. Cancio Isla, for example, managed to publish three incendiary articles on the same day (Jan. 19, 2001). Rui Ferreira (he is not on the list of the 10) wrote 105 articles, but that high number relates to his assignment to cover the trial. The remaining 342 articles are shared among another 128 writers. The suspicious concentration of articles among a few writers is also notable, although to a lesser degree, in The Miami Herald. But I do not wish to mention names until I see the contracts between the government and the journalists that the Broadcasting Board of Governors is required to divulge.

Some of the articles were only possible to publish in the surreal world of Miami. For example, the one written by Cancio Isla on June 4, 2001—four days before the jury announced the guilty verdict—was titled, “Cuba used hallucinogens to train its spies.” Quoting an anonymous and mysterious ex-Cuban official as a source, “identified by his pseudonyms Alex and José,” Cancio Isla develops a whole fantastic story in which Cuba used hallucinogens to modify the behavior and control the minds of its agents from afar. What was the motivation for this absurd article?

By that time, Cancio and those who paid Cancio, could not understand how it was that Gerardo, Ramón, Fernando, René and Antonio had been able to maintain such a courageous and honorable conduct after almost three years of imprisonment, threats and harsh punishment. To explain it, they had to resort to a hypothesis in the realm of parapsychology. Yet, today, after 11 years separated from the outside world, the Five Cuban Heroes remain as firm as ever. What explanation can Mr. Cancio offer now?

We know that with government funds the Miami mass media consummated the infamy, but the public has a right to know the details.

Why, if it is required by law, and it is not a matter of national security, and the request for information was presented more than 10 months ago (Jan. 23, 2009), does the BBG not permit access to the documents? We know the answer.

It is because the trial of the Five was a political trial. With the exorbitant sentences that resulted from it, they wanted to punish not only the Five—whose guilt was not proven—but the rebel island as well. It was carried out in an atmosphere of hysteria created by the media and financed by federal funds—the extent of which no one knows. It culminated with Judge Lenard handing out life sentences and a double-life sentence as if she were aspiring to a Guinness record.

What the irregular trial did show is that the United States may be a country of laws but not a lawful country, and much less a country of justice. There is a difference, for those who may not be aware.

- (1) Oscar Corral: "10 Miami Journalists Take U.S. Pay", The Miami Herald, September 8, 2006.
- (2) Noam Chomsky: "El problema de Cuba para los Estados Unidos, como resulta explícito en los documentos internos, es la desobediencia". Entrevista con Bernie Dwyer para Radio Habana Cuba, 11th September 2009. .

Articles and other media
work by the
Miami reporters who worked
for the
U.S. government stations
Radio and TV Martí.

The following is just a selection of the hundreds of articles, not including the broadcast media, which created the hostile anti-Cuba climate in Miami before and during the Cuban Five trial.

La Ira y sus Limitaciones

El Nuevo Herald, 27 de febrero 1996, Página Editorial (6-A)

Por Luis Aguilar León

Muchas mentes razonables que han estudiado el proceso cubano no atinan a explicarse las razones que llevaron a Fidel Castro a soltar sus perros aéreos para destruir a dos indefensas avionetas y asesinar a sus cuatro tripulantes, ante las narices de una Europa que se inclinaba a ser amable. Ignoran, o han querido ignorar esas personas, lo que es hecho sabido entre los cubanos: Castro está genéticamente condicionado a la violencia y a la barbarie. Como el escorpión de la fábula, él termina por emponzonar aún la mano que pretende acariciarle el lomo.

Claro que eso no amortigua la ira que, como esas tormentas del desierto, sacuden los ojos y hacen temblar los puños del alma ante un crimen cobarde e impune.

Quisiera uno tener el poder necesario para enviar tres jets bien armados a las costas cubanas para ver si esos esbirros del aire muestran tanto coraje cuando el adversario se les encima armado. O pasar disparando sobre Varadero, para regodearse con la imagen de una enloquecida masa de lúbricos turistas, de esos que creen que en Cuba todo es comprable, saltando cercas y huyendo por las arenas que han hollado.

Pero hay que tomar una nota. La ira que baña los ojos y hace temblar los puños del alma es ciega. Su fuerza, como la de los ríos desbordados, puede inundar terrenos neutrales. Y en este momento de iracundia, cuando es el adversario el que está escuchando el redoble de tambores hostiles, conviene tener un sentido de equilibrio. Para que no se desbanden las pasiones hacia objetivos secundarios. Y para que se concentren en la bestia que lleva 37 años triturando a Cuba.

La energía de esa ira debe apagar nuestras disputas y crear un impresionante silencio colectivo en torno al culpable. Que ningún susurro de crítica a otros exiliados surja de nuestros labios; que ni una sola polilla mercenaria del castrismo, de esas que gesticulan y vociferan en el exilio clamando por la democracia que su amo aplasta en Cuba, logre desviar una chispa hacia un objetivo que no sea el líder de barbas rojas y negras intenciones. Sin el dictador, esa gentuza ira por sus propios medios al basurero. Que en estos momentos de alta tensión los exiliados no olviden, ni permitan que nadie olvide, que los héroes del Concilio y los disidentes que están siendo arrestados y aporreados por los esbirros del régimen llevan años enfrentándose a la dictadura, y pagando el monstruoso precio que la dictadura les hace pagar en Cuba. Y que su única leve protección ha sido y sigue siendo la denuncia continua y pública de los exiliados.

Con igual intensidad, y conociendo el dilema que estrangula a los exiliados que tienen familias en Cuba, es preciso recordarles a todos ellos que el dinero que sale hacia la isla sirve para entronizar la tiranía, y que es un ineludible deber ético preguntarse si es con ese dinero con el que Castro compró los MiGs o las balas que asesinaron a esos y a otros cubanos que luchan por la libertad de Cuba.

En estos momentos, el presidente Clinton ha hablado firme y enérgicamente. Ha respondido a la iniciativa del bárbaro con la fuerza que da la justicia y la legalidad. Pero también le ha hecho a Castro una advertencia ominosamente importante. No ha desechado la aplicación de cualquier otra medida si el líder de barbas tenebrosas trata de responder a ese mensaje con otra iniciativa violenta. Lo cual es digno de tenerse en cuenta, porque Fidel Castro tiene

mucho del nihilismo hitleriano. Y su ego oceánico preferiría salvar su "imagen histórica" cayendo bajo un ataque del "imperialismo" norteamericano, que pereciendo en el desplome que ocasionen sus colosales errores y sus crímenes. "Un hombre", decía Kahil Gibran, "puede suicidarse en defensa propia".

Rage and its limitations

El Nuevo Herald, Thursday, February 27, 1996, page 6A
By Luís Aguilar León, Editorial Section editor

Many reasonable minds who have studied the Cuban process have still not managed to explain the reasons that brought Fidel Castro to sic his aerial dogs on two defenseless aircraft, destroying them and killing their four occupants, right under the nose of a Europe that was inclined toward friendly relations. These people ignore or have wanted to ignore what is perfectly understood among Cubans: Castro is genetically conditioned toward violence and barbarism. Like the scorpion in the fable, he ends up stinging even the hand that tries to caress his back.

Of course this does nothing to pacify the rage that, like desert storms, shakes one's eyes and makes the inner soul tremble in the face of a cowardly and unpunished crime. One wishes for the power to send three well-armed fighter jets to the Cuban coastline to see if these henchmen of the air can prove themselves as courageous when the adversary above them is armed. Or to fly over Varadero [beach], shooting, to delight in the image of a stampeding bunch of lewd tourists, the kind who believe that in Cuba everything is for sale, jumping over fences and fleeing across the sand on which they trod.

But one must take note. The rage that inundates the eyes and makes the inner soul tremble, is blind. Its force, like that of overflowing rivers, can flood neutral terrain. And is it at this irascible moment, when the adversary is listening for the echo of hostile drums, when it is important to maintain a sense of balance. So that passions against secondary objectives are not let loose. And so that they might be concentrated on the beast that has spent 37 years crushing Cuba.

The energy of this rage ought to silence our disputes and create an impressive collective silence around the guilty one. Not even a whisper of criticism against other exiles should pass our lips, not even a single mercenary Castro-supporting moth of the kind who gesture and shout among exiles, calling for the democracy that their master in Cuba smashes, ought to divert so much as a spark toward any objective other than the leader of the bearded reds and those with evil plans. Without the dictator, those rabble will end up in the trash heap of their own accord. Right now in these moments of heightened tension, exiles cannot forget, nor allow anyone to forget, that the heroes of the Concilio [Cuban Council] and the dissidents who are being arrested and mistreated by the henchmen of the regime have spent years confronting the dictatorship and paying the monstrous price that the dictatorship forces them to pay in Cuba. And that their only slight protection has been and continues to be the continued and public denunciations from the exiles.

With equal intensity, and understanding the dilemma that strangles the exiles who have family in Cuba, it's essential to remind all of them that the money that flows toward the island serves to enthrone the tyranny, and that it is an inescapable ethical duty to ask themselves if it is with this money that Castro bought the MiGs or the bullets that killed these and other Cubans who are struggling for Cuba's freedom.

At this time, President Clinton has spoken firmly and energetically. He has responded to the barbarian's initiative with the force of justice and law. But he has also delivered a warning of ominous import, to Castro. He has not ruled out the application of any other measure if the leader of the sinister bearded ones tries to respond to this message with another violent act. It is something worth taking into account, because Fidel Castro is quite the Hitlerian nihilist. And his outsized ego would prefer to save his "historic image" by perishing under an

attack from US "imperialism" than in a collapse engendered by his own colossal errors and crimes. "A man," said Kahlil Gibran, "can kill himself in self defense."

Carta abierta al Presidente de EU

El Nuevo Herald, domingo, 9 enero 2000

Por Luis Aguilar León, página 18-A

Sr. Presidente:

Con natural gratitud, he guardado el recuerdo de las dos ocasiones, en Washington y en Miami, en que usted tuvo a bien llamarme aparte para, primero, evocar las clases en la Universidad de Georgetown y, segundo, para platicar más ampliamente sobre Cuba. Acababa el régimen cubano de derribar tres indefensas avionetas y parecía que la política de Washington hacia Castro se endurecía. Grabada tengo en la mente su primera pregunta: "Profesor, le parece que estoy haciendo lo correcto para derribar a ese s.o.b.?" Mi respuesta, "Sr. Presidente, usted está haciendo lo correcto, pero con lo correcto no se derriba a ese s.o.b.". Al final, usted me alentó a que, usando el zip privado de la Casa Blanca, le escribiera cuando encontrara algo que aplaudir o criticar en su política.

Nunca utilicé ese privilegio. Si hoy me dirijo a usted en forma pública, lo hago porque se trata de un asunto en ascuas, en el cual, lamentablemente, usted parece haber dado su apoyo a una de las decisiones más erróneas de esta época: enviar al niño Elián González a Cuba. Estas líneas son una apelación a su sentido de justicia para que le dé una revisión a la complejidad de la situación en donde se está jugando el futuro de un niño.

La voluntad burocrática de reducir la situación del niño cubano a un simple conflicto legal entre un padre en Cuba y los familiares en Miami es bien errónea. Si eso fuera todo, la solución sería fácil. Pero ocurre que la burocracia suele poner las reglas por encima de las leyes y así, en este caso, se soslaya el sacrificio de una madre y el tipo de vida que le espera al niño en Cuba. Porque, bueno o no como persona, el padre de Elián vive en un país totalitario donde, desde hace 41 años un solo hombre controla todas las decisiones; el color de los uniformes infantiles, las escuálidas raciones que pueden dárseles a los niños; y quienes deben ser fusilados o sepultados en las prisiones.

Según su hermano, el comandante Raúl Castro, ese hombre es "el padre de todos los cubanos a quien todos le debemos todo". Ese es el duro "patriarca", creador de pobreza, a quien todos temen en Cuba, y quien, siguiendo su tradición, está usando la ingenuidad de los que viven en una democracia y no saben lo que es la tiranía, para convencerlos de que la ley y no el despotismo está de su lado y que sólo los "criminales del capitalismo" están en contra. Observemos como hace poco el patriarca mostró su desdén por los niños y por la ley. Hizo un gesto y todos los colegios cerraron de inmediato y miles de niños fueron obligados a desfilar por tres días clamando por un infante desconocido.

En esa sociedad totalitaria vive el padre del niño. Voceros del régimen ya han proclamado a Elián, quien tiene seis años, como un "héroe" socialista. Si el niño vuelve a Cuba, ese título aplastará su vida y lo convertirá en otro zombie sin alma. Más que los otros niños, Elián será educado y vigilado para que no se le escape una palabra de crítica al sistema socialista, ni pueda ser entrevistado libremente por la prensa extranjera, ni se le permita invocar a su madre, una "traidora" a la revolución.

Ignorar, señor Presidente, esa brutal realidad y enviar a Elián a Cuba como si Castro no existiera y sólo los vínculos que unen a los padres con los hijos existieran, es barrer con los principios de justicia y humanidad que le dan sentido a las leyes, quebrar la tradición democrática de los Estados Unidos de proteger a los más débiles, y ofrecer la apariencia de rendirse ante las amenazas de la tiranía más larga del mundo.

¿Hubiera alguien justificado retornar a un niño musulmán a la Yugoslavia de Milosevic porque su madre murió mientras lo conducía a la libertad y el padre sobrevive en Belgrado?

Sería terrible, señor Presidente, que las madres cubanas tuvieran que repetirle a usted aquel desgarrador grito que exhaló una madre, cuando vio cómo arrastraban a su hija para que sirviera de esclava al cruel jefe enemigo. El lamento estremece más aún porque sus pliegues parecen ajustarse asombrosamente al cuerpo de la tragedia actual. "¿Ay, de mí! El destino me obliga a obedecer a un hombre abominable y pérfido, enemigo de la justicia, asesino que desprecia las leyes y todo lo trastoca y tuerce con su engañosa lengua, para hacernos odiar a todo lo que aprendimos a amar. ¡Llorad por mí, pues ya yo me doy por muerta!".

Así, arañando las murallas de su destruida Troya, su ciudad natal, gemía hace más de dos mil años, la desvalida Hécuba. Su grito nos muestra lo que le ocurre a los que tienen la fatalidad o la debilidad de caer bajo el poder de un "hombre abominable" que "desprecia las leyes" y "todo lo tuerce con su engañosa lengua". El deber consiste en liberar a los que caen bajo su poder, no en devolverle los niños que se hayan escapado de él.

Caption: Foto color: El niño Elián González en casa de sus familiares en La Pequeña Habana (N).

Open letter to the President of the United States

El Nuevo Herald, Sunday, January 9, 2000, Page 18-A
By Luis Aguilar León

Mr. President:

I have the honor, with natural gratitude, of recalling two occasions, in Washington and Miami, when you called me aside personally, first to reminisce about classes at Georgetown University, and second to talk more extensively about Cuba. The Cuban regime had just downed three defenseless light aircraft and it appeared that Washington's policy toward Castro would take a harder line. Your first question is engraved upon my mind: "Professor, do you think we're acting correctly in order to topple that s.o.b.?" And finally, you gave me encouragement when you shared with me the White House's private zipcode so that I might write to you whenever I felt that something in your policy should be applauded or criticized.

I never used that privilege. If I write to you publicly today, I do so because of a delicate current affair where, unfortunately, you appear to have lent your support to one of the most mistaken decisions of this era: sending the child Elián González to Cuba. These lines are an appeal to your sense of justice, so that you might review the complexity of the situation in which the child's future is in play.

The bureaucratic willingness to reduce the Cuban child's situation to that of a simple legal conflict between a father in Cuba and relatives in Miami is truly erroneous. If that was all there were to it, the solution would be simple. But it just so happens that the bureaucracy wants to put rules above the law, and therefore in this case, it disregards the sacrifice of a mother and the kind of life that awaits the child in Cuba. Because regardless of how good a person Elián's father is or is not, he lives in a totalitarian country where a single man has controlled all decisions for the last 41 years; the color of children's school uniforms, the squalid rations given to children; and who is to be buried alive in prisons or sent to the firing squad.

According to Comandante Raúl Castro, the brother of Fidel Castro, Fidel is "the father of all Cubans, to whom we owe everything." This is the hardline "patriarch," the creator of poverty, a man who is feared universally in Cuba, and who, as is his custom, uses the naïvete of those who live in a democracy and have no experience with tyranny, to convince them that the law, not despotism, is on his side, and that he is opposed only by "capitalist criminals." Observe how just a little while ago, the patriarch showed his disdain for children and the law. He lifted his finger and all schools closed immediately, with thousands of children being forced to march for three days, calling for the return of a child they didn't know.

The father of that child lives in that totalitarian society. Spokesmen for the regime have proclaimed Elián, a six-year old child, a socialist "hero." If the child returns to Cuba, that title will overtake his life and turn him into another soul-less zombie. Even more so than other children, Elián will be brought up and watched over so that not a single word of criticism against the socialist system will escape him; he will not be allowed to be freely interviewed by the foreign press, nor will he be permitted to mention his mother, a "traitor" to the revolution.

Mr. President, ignoring this brutal reality and sending Elián to Cuba as though Castro didn't exist, and the links that unite parents with their children are the only things that do exist,

would mean sweeping away the principles of justice and humanity that grant laws their sensibility, demolish the democratic U.S. tradition of protection for the weakest, and offer the appearance of submitting to threats from the world's biggest tyrant.

Would anyone try to justify returning a Muslim child to the Yugoslavia of Milosevic because his mother had died trying to bring him to freedom while he had a surviving father in Belgrade?

It would be a terrible thing, Mr. President, for Cuban mothers to have to repeat to you that heartrending cry uttered by a mother when she saw her daughter being dragged away to be enslaved by a cruel enemy leader. The cry would be all the more distressing as her pleas would seem to be tailor-made for the current tragedy. "Aye, my aching heart! Fate would force me to obey an abominable and perfidious man, an enemy of justice, a murderer who disregards the law, who twists and distorts everything with his deceitful tongue, the better to make us hate all that we learned to love. Weep for me, for I am dead already!"

And so, collapsing against the walls of her destroyed birthplace, Troy, the helpless Hécuba cried out more than two thousand years ago. Her plea shows us what happens to those who have the misfortune or weakness to fall under the power of an "abominable man" who "disregards the law" and "distorts everything with his deceitful tongue." Duty requires that we liberate those who have fallen under such a power, not return the children who have managed to escape it.

Caption: color photo: The child Elián González in the home of his relatives in Little Havana (N).

Author Name: Pablo Alfonso
Media Outlet and Background: *El Nuevo Herald*

Pablo Alfonso wrote extensively for *El Nuevo Herald* about the Brothers to the Rescue plane shoot-down, keeping a steady drumbeat of anti-Cuba hysteria, which intensified after the Cuban Five were arrested on Sept. 12, 1998, with the continual message that the defendants and Fidel Castro must be guilty. He went far beyond news reporting to try to create fear and trepidation in the Miami community.

On Sept. 20, 1998, only eight days after the Cuban Five were arrested, Alfonso published an article in *El Nuevo Herald*, in which he writes that Soviet leader Nikita Khrushchev suggested that Cuban leader Fidel Castro send agents to infiltrate the United States. In a tailor-made reference to what would later become the trumped-up charge against Gerardo Hernández, as well as portraying all five defendants as a danger to the Cuban-American exile community in Miami, Alfonso uses an alleged quotation of Khrushchev: "There are times when security services should physically eliminate counterrevolutionary leaders in exile."

Alfonso received one of the largest amounts of pay during the Five's prosecution. He was fired immediately after the Oscar Corral Sept. 8, 2006 Miami Herald exposing Alfonso and nine other journalists. He was re-hired after a right-wing boycott of the newspaper.

The U.S. government refuses to release data of its payments to Miami journalists before November 1, 1999, therefore it is not yet possible to ascertain whether Alfonso received pay before that date. Our investigations continue.

Evidence of Payment: 2006 Miami Herald FOIA
 Jan. 2009 National Committee FOIA
 Oct. 2010 *Liberation* newspaper FOIA

Total known amount during the Five's prosecution (amt. below): \$58,600.00

Total known amount 11/01/99 – 2/05/09: \$252,325.00

| Date | Amount | Date | Amount |
|----------|-------------|----------|-------------|
| 11/01/99 | \$ 400.00 | 12/04/00 | \$ 600.00 |
| 11/02/99 | 150.00 | 01/08/01 | \$ 1,000.00 |
| 11/10/99 | \$ 150.00 | 01/08/01 | \$ 1,000.00 |
| 12/06/99 | \$ 4,800.00 | 02/01/01 | \$ 1,100.00 |
| 12/22/99 | \$ 8,600.00 | 02/01/01 | \$ 800.00 |
| 01/11/00 | \$ 150.00 | 02/05/01 | \$ 5,250.00 |
| 01/25/00 | \$ 75.00 | 02/07/01 | \$ 7,400.00 |
| 02/10/00 | \$ 150.00 | 02/14/01 | \$ 8,700.00 |
| 03/20/00 | \$ 150.00 | 02/21/01 | \$ 75.00 |
| 04/03/00 | \$ 75.00 | 03/12/01 | \$ 900.00 |
| 05/31/00 | \$ 75.00 | 10/16/01 | \$ 300.00 |
| 07/19/00 | \$ 75.00 | 10/19/01 | \$ 800.00 |
| 07/28/00 | \$ 150.00 | 10/23/01 | \$ 450.00 |
| 08/16/00 | \$ 75.00 | 11/03/01 | \$ 1,200.00 |
| 10/21/00 | \$ 500.00 | 11/06/01 | \$ 300.00 |
| 10/21/00 | \$ 400.00 | 11/26/01 | \$ 500.00 |
| 10/30/00 | \$ 150.00 | 11/27/01 | \$ 450.00 |
| 11/06/00 | \$ 600.00 | 12/03/01 | \$ 1,650.00 |
| 11/16/00 | \$ 200.00 | 12/03/01 | \$ 1,000.00 |
| 12/04/00 | \$ 1,100.00 | 12/08/01 | \$ 6,300.00 |
| | | 12/31/01 | \$ 800.00 |

Articles written before period of documented payment:

Artículos escritos antes del período de pago documentado:

(We are working to obtain payment data from 1996 to 1999 for these and the other journalists through additional FOIA petitions.)

- 1. No aparecen pruebas contra Hermanos al Rescate**
(English Translation: No Proof Has Appeared Against Brothers to the Rescue)
El Nuevo Herald, March 9, 1996, PABLO ALFONSO
- 2. Abre pesquisa la OEA sobre derribo de aviones**
(English Translation: OAS opens inquest into downing of airplanes)
El Nuevo Herald, March 9, 1996, PABLO ALFONSO
- 3. U.S. lawmaker to present Cuba's rights record**
Miami Herald, April 10, 1996, PABLO ALFONSO
- 4. ¿Dió Raúl Castro la Orden?**
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- 5. U.S. turns over tapes of Brothers drowning.**
Raul Castro may have spoken to jet pilots (English version of article above)
Miami Herald, May 10, 1996, PABLO ALFONSO
- 6. Inteligencia de EU no sabe si Raúl Castro habla**
El Nuevo Herald, May 12, 1996, PABLO ALFONSO
- 7. Preocupa supuesta proximidad a EU de cazas cubanos perseguidores de avionetas**
(English Translation: Cuban fighter jets' alleged proximity to U.S. while pursuing small aircraft is worrisome)
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- 8. Cae red de espionaje de Cuba, Arrestan a 10 en Miami**
(English Translation: Cuba's Espionage Network Falls, 10 Arrested in Miami)
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- 10. Prensa de la isla guarda silencio sobre red de espionaje**
El Nuevo Herald, Sept. 16, 1998, PABLO ALFONSO & OLANCE NOGUERAS
- 11. Espías: Un viejo consejo de Krushchev**
(English Translation: Spies: Old advice from Krushchev)
El Nuevo Herald, Sept. 20, 1998, PABLO ALFONSO

- 12. Fundación apoya pedido de Helms sobre espías**
(English: Foundation supports Helms request concerning spies)
El Nuevo Herald, Oct. 1, 1998, PABLO ALFONSO
- 13. Cuba en cimero puesto en la ONU**
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- 14. Frente**
(English Translation: Front)
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- 15. Cortina de humo sobre espionaje**
(English Translation: Smokescreen Over Espionage)
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- 16. Analizarán infiltración de espías entre anticastristas**
(English: Infiltration of Spies Amongst those that are Anti-Castro to be Analyzed)
El Nuevo Herald, Oct. 27, 1998, PABLO ALFONSO
- 17. Sentencia de Juez Genera Conflicto entre Cuba y EU**
(English: Sentence handed down by Judge leads to conflict between Cuba & U.S.)
El Nuevo Herald, February 14, 1999, PABLO ALFONSO
- 18. Hermanos al Rescate volará al punto del derribo**
(English Translation: Brothers to the Rescue will fly to Shoot-down Site)
El Nuevo Herald, Feb. 23, 1999, PABLO ALFONSO

Articles written during period of documented payment:

Artículos escritos durante período de pago documentado:

(11/01/99 – 08/22/07)

- 19. Todo está listo en Seattle para recibir a Fidel Castro**
(English Translation: Everything is ready in Seattle to receive Fidel Castro)
El Nuevo Herald, Nov. 24, 1999, PABLO ALFONSO
- 20. Castro, la incógnita de la reunión de Seattle**
(English Translation: Castro, the Unknown Element of the Seattle Meeting)
El Nuevo Herald, Nov. 28, 1999, PABLO ALFONSO
- 21. Castro rehúsa venir por temor a ser arrestado**
(English Translation: Castro refuses to come to U.S. for fear of being arrested)
El Nuevo Herald, Nov. 30, 1999, PABLO ALFONSO
- 22. Castro no irá a la cumbre del milenio**
El Nuevo Herald, July 13, 2000, PABLO ALFONSO
- 23. Díaz-Balart pide a Alemania arrestar a Castro**
(English Translation: Díaz-Balart asks Germany to arrest Castro)
El Nuevo Herald, July 20, 2000, PABLO ALFONSO

24. \$90 Millones a familiares de los pilotos derribados

El Nuevo Herald, October 12, 2000, PABLO ALFONSO

25. Llevarán el caso de Hermanos al gobierno de Bush

(English Translation: The case of Brothers to be taken to the Bush Administration)

El Nuevo Herald, January 14, 2001, PABLO ALFONSO

Nombre del autor: Pablo Alfonso
Fuente de prensa y antecedentes: *El Nuevo Herald, The Miami Herald*

Pablo Alfonso escribió exhaustivamente para El Nuevo Herald acerca del derribo de los aviones de Hermanos al Rescate, manteniendo regularmente la histeria anti-Cuba, la cual se intensificó después que los cinco cubanos fueron arrestados el 12 de septiembre de 1998, con el mensaje constante de que los acusados y Fidel Castro debían ser culpables. Él se excedió en su rol de transmitir noticias para crear miedo y aprensión en la comunidad de Miami.

El 20 de septiembre de 1998, solo ocho días después de que los Cinco cubanos fueran arrestados, Alfonso publicó un artículo en El Nuevo Herald en el cual escribe que el leader soviético Nikita Khrushchev sugería que el líder cubano Fidel Castro enviara agentes para infiltrarse en los Estados Unidos. En una referencia inventada que fue usada más tarde falsamente contra Gerardo Hernández, se retrató a los cinco defendidos como un peligro para la comunidad cubano-americana exilada en Miami, así Alfonso usa la cita supuesta de Khrushchev: "Hay veces en que los servicios de seguridad deberán eliminar físicamente a los líderes de la contrarrevolución en el exilio".

Alfonso recibió una de las cantidades más grandes de sueldo durante el juicio de los cinco. Él fue despedido inmediatamente después que Oscar Corral el 8 de sep. de 2006 expuso a Alfonso y otros nueve periodistas. Él fue recontratado después que ganó el boicot del ala derecha del periódico.

El gobierno de Estados Unidos se niega a dar a conocer detalles de sus pagos a periodistas de Miami antes del 1 de noviembre de 1999, por lo que aún no es posible determinar si Alfonso recibió pago antes de esa fecha.

Evidencia de Pago: 2006 FOIA de El Miami Herald
 Enero 2009 FOIA del Comité Nacional
 Oct. 2010 FOIA del periódico *Liberation*

Cantidad de pago durante el procesamiento (detalles más abajo): \$58,600.00

Total (lo que se conoce hasta ahora) 11/01/99 – 2/05/09: \$252,325.00

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(Hemos entregado más solicitudes al gobierno para obtener más información sobre posibles pagos entre 1996 y 1999 para Pablo Alfonso y otros periodistas.)

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21. Castro rehúsa venir por temor a ser arrestado

(English Translation: Castro refuses to come to U.S. for fear of being arrested)

El Nuevo Herald, Nov. 30, 1999, PABLO ALFONSO

22. Castro no irá a la cumbre del milenio

(English Translation: Castro will not attend the Millennium Summit)

El Nuevo Herald, July 13, 2000, PABLO ALFONSO

23. Díaz-Balart pide a Alemania arrestar a Castro

(English Translation: Díaz-Balart asks Germany to arrest Castro)

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24. \$90 Millones a familiares de los pilotos derribados

(English Translation: \$90 million for family members of the pilots shot down)

El Nuevo Herald, October 12, 2000, PABLO ALFONSO

25. Llevarán el caso de Hermanos al gobierno de Bush

(English Translation: The case of Brothers to be taken to Bush administration)

El Nuevo Herald, January 14, 2001, PABLO ALFONSO

No Aparecen Pruebas Contra Hermanos al Rescate

El Nuevo Herald, 9 de marzo, 1996

PABLO ALFONSO

Desde que hace dos semanas las autoridades cubanas ordenaron el derribo de dos avionetas de Hermanos al Rescate, ocasionando la muerte de sus cuatro tripulantes, el gobierno de Fidel Castro ha estado afirmando que posee "pruebas irrefutables" de que esa organización llevaba a cabo en la isla planes terroristas, en conexión con la Fundación Nacional Cubano Americana.

Con esa acusación, el gobierno cubano justifica, en gran parte, su decisión de derribar a las avionetas. Tanto José Basulto, presidente de Hermanos al Rescate, como la Fundación, han negado rotundamente esas acusaciones.

Analistas de la situación cubana esperaban que el ministro de Relaciones Exteriores de Cuba, Roberto Robaina, aportara pruebas concretas de tales acusaciones en su discurso del pasado miércoles ante la Asamblea General de Naciones Unidas.

Sin embargo, Robaina se limitó a decir que "Cuba tiene pruebas suficientes" de los planes de Hermanos al Rescate "para dinamitar torres de alta tensión en La Habana, para sabotear la refinería de Cienfuegos y para realizar atentados contra los principales dirigentes cubanos, entre otras acciones".

De esta forma, el discurso de 54 minutos de Robaina se convirtió en un ejercicio retórico condimentado con afirmaciones de que Hermanos al Rescate es una "organización paramilitar", y que está financiada "con el oscuro dinero de las mafias extremistas de Miami".

Idénticas acusaciones fueron repetidas por Ricardo Alarcón, presidente de la Asamblea Nacional del Poder Popular, durante la reunión del Consejo de la Organización de Aviación Civil Internacional, que acordó investigar el incidente el miércoles en Montreal, Canada.

Cuatro días después del incidente, Castro concedió en La Habana una entrevista de cuatro horas y media a ejecutivos y periodistas de la revista norteamericana Time, en la cual explicó que él se enteró del incidente aproximadamente a las 4 p.m., después que las avionetas ya habían sido derribadas, aunque admitió que los militares cubanos actuaron siguiendo ordenes acordadas a fines de enero por los altos mandos militares y la dirección política del país.

Según el reportaje publicado en el número de la revista del 11 de marzo, que ya está circulando, Castro afirmó también que su gobierno posee pruebas de los vínculos entre Hermanos al Rescate y la Fundación para llevar a cabo acciones terroristas.

Sus afirmaciones respecto a la Fundación no son nuevas. En su discurso del pasado 26 de julio, Castro dijo que esa organización estaba implicada en la "preparación de actos terroristas contra el pueblo y planes de atentados" contra dirigentes de la revolución. Añadió que es "absolutamente imposible" pensar que tanto la Agencia Central de Inteligencia (CIA) como la Oficina Federal de Investigaciones (FBI) de Estados Unidos desconozcan las actividades contra el gobierno cubano organizadas por los exiliados.

"Nuestros cuerpos de seguridad están alertas, no hablamos sin pruebas", dijo entonces Castro. "Lo advertimos a tiempo y esperamos que nadie se lamente después de que las leyes revolucionarias enfrenten enérgicamente estos crímenes ni se intente apelar a la generosidad de la revolución".

Hasta ahora, las pruebas que Cuba califica de "irrefutables" no han aparecido por ninguna parte. El gobierno no las ha presentado a la prensa internacional ni a los organismos de NU.

Algunos analistas han indicado la posibilidad de que el desertor Juan Pablo Roque, que era miembro de Hermanos al Rescate, sea la pieza más importante de esas pruebas que Cuba dice tener. Es probable que Roque haya utilizado sus vínculos con el FBI, la Fundación y Hermanos al Rescate para venderle alguna historia a la inteligencia cubana. Nada extraño, ya que Roque parece ser un personaje nada sentimental y que, además, no guarda lealtades personales ni políticas.

"Lo único que extraño de Miami es mi Jeep Cherokee", declaró Roque a Time.

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No Proof Has Appeared Against Brothers to the Rescue

**El Nuevo Herald, Saturday, March 9, 1996, Page 1-B
PABLO ALFONSO**

Since two weeks ago, when the Cuban authorities ordered the downing of the two small aircraft of Brothers to the Rescue, causing the death of their four crew members, the government of Fidel Castro has been stating that it possesses "irrefutable proof" that that organization was carrying out terrorist plans in the island, in connection with the Cuban American National Foundation.

With this accusation, the Cuban government justifies to a large degree its decision to down the small aircraft. Both Jose Basulto, president of Brothers to the Rescue, and the Foundation, have roundly denied these accusations.

Analysts of the Cuban situation expected that the Cuban minister of Foreign Affairs, Roberto Robaina, would offer concrete proof of these accusations in his speech last Wednesday before the United Nations General Assembly.

Nevertheless, Robaina limited himself to saying that "Cuba has sufficient proof" of the plans of Brothers to the Rescue "to dynamite towers of high tension wires in Havana, to sabotage the refinery in Cienfuegos and to carry out assassination attempts against the principal Cuban leaders, among other actions."

In this manner, the 54 minute speech of Robaina became a rhetorical exercise seasoned with statements that Brothers to the Rescue is a "paramilitary organization," and that it is financed "with the dark money of the extremist mafiosos of Miami."

Identical accusations were repeated by Ricardo Alarcón, president of the National Assembly of Peoples Power, during the meeting of the Congress of the International Civil Aviation Organization, which agreed to investigate the incident on Wednesday in Montreal, Canada.

Four days after the incident, Castro agreed to an interview in Havana of four and a half hours with executives and journalists of the U.S. magazine Time, in which he explained that he learned of the incident at approximately 4:00 p.m., after the small aircraft had already been downed, even though he admitted that the members of the Cuban military acted following orders agreed to at the end of January by the highest military commanders and the political leadership of the country.

According to the report published in the March 11th edition, which is already in circulation, Castro stated also that his government possesses proof of the ties between Brothers to the Rescue and the Foundation to carry out terrorist actions.

His statements with respect to the Foundation are not new. In his speech of last July 26, Castro said that that organization was implicated in the "preparation of terrorist acts against the people and assassination plots" against directors of the revolution. He added that it is "absolutely impossible" to think that the Central Intelligence Agency (CIA) and the Federal Bureau of Investigation (FBI) did not know about the activities against the Cuban government organized by the exiles.

"Our security forces are alert, we do not speak without proof," Castro then said. "We gave a timely warning and we expect that no one will complain afterwards when the revolutionary

laws energetically confront these serious crimes, nor tries to appeal to the generosity of the revolution.”

To date, the evidence that Cuba characterizes as “irrefutable” have not appeared anywhere. The government has not presented it to the international press nor to the bodies of the UN.

Some analysts have indicated the possibility that the deserter Juan Pablo Roque, who was a member of Brothers to the Rescue, is the most important piece of this evidence that Cuba says it has. It is probable that Roque has utilized his ties with the FBI, the Foundation, and Brothers to the Rescue to sell some story to Cuban intelligence. Nothing strange, given that Roque appears to be a person of no feelings and who, moreover, maintains neither personal nor political loyalty.

"The only thing I miss in Miami is my Jeep Cherokee", declared Roque to Time.

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Abre Pesquisa la OEA Sobre Derribo De Aviones

El Nuevo Herald, sábado, 9 de marzo, 1996, página 1-B

PABLO ALFONSO

La Comisión Interamericana de Derechos Humanos de la Organización de los Estados Americanos (OEA) inició el expediente 11.589, para investigar el derribo por cazas cubanos de dos avionetas de Hermanos al Rescate en el que murieron sus cuatro tripulantes.

La acción del organismo de derechos humanos de la OEA fue iniciada a solicitud de Hermanos al Rescate y el Instituto de Derechos Humanos y Laborales de la Universidad Internacional de la Florida, informó el viernes en Miami, Haydee Marín, presidenta de esa institución. Marín dijo que ella, José Basulto, presidente de Hermanos al Rescate, y dirigentes de la Junta Patriótica Cubana, presentaron el caso el pasado miércoles durante una audiencia de la Comisión celebrada en Washington.

"La OEA no puede aplicar sanciones a Cuba pero una condena del hecho servirá para impedir cualquier regreso del actual gobierno cubano a este organismo", dijo Marín.

El gobierno de Fidel Castro fue suspendido de la OEA en 1961 por violar los principios básicos del organismo interamericano, aunque no así el Estado cubano, explicó Marín.

— PABLO ALFONSO

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OAS Opens Inquest into Downing of Airplanes

El Nuevo Herald, Saturday, 9 March, 1996

PABLO ALFONSO

The Inter American Human Rights Commission of the Organization of American States (OAS) began the Proceeding No. 11,589, to investigate the shooting down of two Brothers to the Rescue planes, by Cuban fighters that killed four crewmembers.

The action of the OAS human rights body was initiated at the request of Brothers to the Rescue and the Human Rights and Labor Institute of Florida International University, Haydee Marin, President of the institution informed on Friday in Miami. Marin said she, José Basulto, president of Brothers to the Rescue, and leaders of the Cuban Patriotic Junta, presented the case at a Commission hearing held in Washington last Wednesday.

"The OAS cannot apply sanctions against Cuba but a condemnation of the act could serve to prevent any return of the current Cuban government to this organism," said Marin. Fidel Castro's government was suspended from the OAS in 1961 for violating the basic principles of the inter-American body, though not the Cuban state, said Marin.

Memo: THE END

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U.S. lawmaker to present Cuba's rights record

The Miami Herald, Wednesday, April 10, 1996, page 10-A

PABLO ALFONSO

Rep. Bob Menendez, D-N.J., will fly to Geneva next week to bring Washington's position on human rights in Cuba before a United Nations panel.

The Cuban-American legislator, appearing at the request of President Clinton, will be the principal U.S. speaker at the U.N. Commission on Human Rights' conference on Cuba, which begins Monday.

Meanwhile, Cuban exile organizations are lining up to denounce the government of President Fidel Castro.

Sebastian Arcos, a founder of the Havana-based Cuban Committee for Human Rights, said he plans to expose "the abominable living conditions in (Cuban) prisons" and demand that "Castro permit the International Red Cross to visit the jails and assist the prisoners."

Arcos has lived in Miami since September 1995. He came to the United States for treatment of rectal cancer diagnosed while he was a political prisoner.

Ricardo Bofill, president of Arcos' group, said he will deliver to the U.N. panel a list of 471 alleged violations, including Havana's crackdown in February against Concilio Cubano, a coalition of 130 dissident groups.

"The suppression of the right to organize labor unions, the campaign against independent journalists and evangelical ministers, and the murder of Brothers to the Rescue pilots are central issues to that report," Bofill told The Herald.

His reference was to the shooting down Feb. 24 of two U.S. civilian aircraft by Cuban warplanes over the Florida Straits. Four people were killed.

Frank Calzón, Washington representative of New York City-based Freedom House, said he will raise the issue of state-sponsored persecution of independent journalists.

Other groups expected to appear include the Municipalities of Cuba in Exile, the Christian Democratic Party of Cuba and the Cuban American National Foundation.

To address the commission, activists must ask a nongovernmental institution accredited to the U.N. to yield them the necessary time. For that reason, not everyone who travels to Geneva can speak before the 53-member human rights panel.

Most exile leaders spend their time in less public activities. They meet with representatives of the member nations, deliver their reports to the commission's secretariat, or simply lobby the diplomats.

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¿Dió Raúl Castro la Orden?

El Nuevo Herald, viernes, 10 de mayo, 1996, página 1-A
PABLO ALFONSO

Dos meses después de exigir en Naciones Unidas (NU) una profunda y rápida investigación del derribo por cazas cubanos de dos avionetas de Hermanos al Rescate, Estados Unidos entregó el jueves sus grabaciones completas a la Organización de Aeronáutica Civil Internacional (OACI).

Fuentes familiarizadas con la investigación dijeron a El Nuevo Herald que las autoridades norteamericanas podrían haber intentado ocultar la participación directa del ministro de las Fuerzas Armadas, Raúl Castro, en el derribo de las avionetas sobre aguas internacionales, que costó la vida a sus cuatro ocupantes.

En Miami, otras voces se sumaron a esa versión.

“Nosotros hemos tenido confidencias, de fuentes de inteligencia norteamericanas, que afirman que en esas grabaciones está la voz de Raúl Castro”, afirmó José Basulto, presidente de Hermanos al Rescate.

Las declaraciones de Basulto respecto de la participación de Castro coinciden con informes de una fuente diplomática relacionada con la investigación, que habló a condición de no ser identificada.

Sin embargo, fuentes de inteligencia norteamericanas comentaron que el retraso se debió simplemente a la indecisión de exponer la capacidad de su espionaje electrónico sobre Cuba.

Hasta el jueves por la tarde, Estados Unidos no había entregado las grabaciones a la comisión de la OACI, que desde hace dos meses investiga el incidente a petición de NU. La entrega se produjo un día después de múltiples llamadas de El Nuevo Herald a organismos gubernamentales para investigar la demora.

Ron Schleede, integrante del equipo norteamericano que ha estado en contacto con los investigadores de la OACI, declinó hacer comentarios sobre el tema.

“No estoy facultado para tratar ningún asunto relacionado con la investigación”, dijo Schleede por teléfono el jueves por la mañana.

De acuerdo con las versiones obtenidas por El Nuevo Herald, en la conversación grabada el 24 de febrero por la inteligencia estadounidense entre la torre de control militar y los pilotos de los MiG, se escucha una voz que se incorpora al diálogo y ordena enfáticamente derribar las avionetas, aparentemente un militar de alto rango. Una transcripción editada de estas grabaciones fue dada a conocer en febrero por el Departamento de Estado.

En la Casa Blanca hay cierta incertidumbre sobre quién es el oficial que da la orden, comentó un funcionario gubernamental, que no quiso ser identificado. Agregó que esa era una de las razones por las cuales, en los medios de inteligencia, había criterios contradictorios sobre la conveniencia de dar a conocer las grabaciones completas.

Bob Menéndez, representante demócrata por Nueva Jersey, dijo que un miembro del Consejo Nacional de Seguridad le comunicó que no estaban seguros de que la orden procediera de Castro.

“Ellos no tienen la certeza de que esa voz sea de Raúl Castro”, dijo Menéndez.

Citando las mismas fuentes del Consejo Nacional de Seguridad, Menéndez dijo que "hasta donde ese organismo sabe" el jueves por la tarde se entregaron a la comisión investigadora de la OACI todas las grabaciones sobre el incidente.

Ileana Ros-Lehtinen, representante republicana por la Florida, criticó fuertemente la demora de las autoridades en proporcionar a la OACI todos los elementos para la investigación.

“Ningún gobierno democrático puede negarle la información al pueblo ni a sus organismos para que se investigue la verdad y se esclarezca de manera transparente cualquier duda”, dijo Ros-Lehtinen.

El lunes, la comisión investigadora presentó un informe preliminar ante el consejo de la OACI en Montreal, Canada. Según la fuente diplomática que habló con El Nuevo Herald, la comisión se vió obligada a pedir un plazo hasta el 4 de junio para presentar sus conclusiones, debido al retraso en la entrega de las grabaciones norteamericanas.

“Sabemos que la comisión no tiene todavía todos los elementos disponibles para concluir su trabajo y entre lo que falta están las grabaciones de inteligencia completas que posee Estados Unidos”, afirmó la fuente el miércoles.

De acuerdo con los informes obtenidos por El Nuevo Herald, la comisión investigadora de la OACI está integrada por John Augustin, de St. Lucie; Richard Slatter, de Gran Bretaña, y Marinus Heijl y Caj Frostell, cuyas nacionalidades no han podido identificarse dado el carácter secreto de la comisión.

Dos ex altos oficiales de la Fuerza Aérea de Cuba que desertaron a Estados Unidos, el general Rafael del Pino y el mayor Orestes Lorenzo, coincidieron en señalar como probable la participación directa de Castro en el incidente.

“Aunque se hubiera aprobado un plan operativo con anterioridad, es casi seguro que antes de ejecutarlo se le comunicó a Raúl Castro”, dijo Lorenzo.

Del Pino agregó que, aparentemente, la cúpula gobernante cubana está tratando de tomar distancia de su responsabilidad en el derribo de las avionetas, que le acarreó una ola de rechazo internacional.

Según del Pino, en las últimas horas han circulado rumores en medios militares cubanos de la destitución del jefe de la Defensa Aérea, general Rubén Martínez Puente, quien habría sido sustituido por el general Arnaldo Tamayo, un ex cosmonauta y hombre de toda confianza de Castro.

“En estos momentos estoy tratando de verificar esa información que me parece muy significativa”, dijo del Pino.

foto color: Raul Castro, Jose Basulto (n)
foto: Bob Menendez (a), Ileana ROS-Lehtinen
Edition: FINAL, Section: FRENTE, Page: 1A

U.S. turns over tapes of Brothers downing; Raul Castro may have spoken to jet pilots

**The Miami Herald, Friday, May 10, 1996, page 16-A
PABLO ALFONSO**

Two months after demanding at the United Nations a swift investigation of the downing of two U.S.-registered planes by Cuban warplanes, the United States on Thursday turned over recordings of the communications between the warplanes and their controllers to the International Civil Aeronautics Organization (ICAO) in Montreal.

Sources familiar with the investigation told The Herald that U.S. authorities may have tried to conceal the direct participation of Defense Minister Raul Castro in Cuba's Feb. 24 downing of the civilian aircraft over the Florida Straits. Four pilots of the volunteer group Brothers to the Rescue died in the incident.

The sources did not say what the U.S. motive was for trying to conceal Castro's role.

"We have been told in confidence by U.S. intelligence sources that the voice of Raul Castro is heard on those tapes," said Jose Basulto, president of Brothers to the Rescue.

Basulto's allegation about Castro's participation in the shoot-down coincides with statements made to The Herald by a diplomatic source close to the investigation, who spoke on condition of anonymity.

According to Herald sources, one of the tapes contains a passage where a voice joins the pilot-to-control dialogue and orders emphatically that the Cessnas be shot down. The voice appears to be that of a high-ranking officer, the sources said.

A transcript of the tapes was made public in February by the State Department.

The White House is unsure as to the identity of the officer who gave the order, said a government official who declined to be identified. That was one reason, he said, why intelligence experts clashed on the advisability of releasing the full, unedited tapes.

Rep. Bob Menendez, D-N.J., said a member of the National Security Council told him intelligence officials were not sure whether the order came from the Cuban defense chief.

"They are not certain that the voice was that of Raul Castro," Menendez said.

U.S. intelligence sources said the delay in releasing the recordings was caused by internal debate over whether the tapes would reveal U.S. capabilities for electronic surveillance of Cuba's airwaves.

Ron Schleede, a member of the U.S. team that delivered the tapes, declined to comment Thursday, saying he was "not empowered to deal with any matter connected with the investigation."

On April 30, Fidel Castro told CBS News that he did not give a specific order on Feb. 24 to shoot down the planes and neither did Raul Castro. But he said he had given general orders that violations of Cuban airspace should be stopped.

Two former high-ranking officials of Cuba's air force, who defected to the United States, said that it was likely that Raul Castro had a direct role in the shoot-down.

"Even if an action plan had been approved in advance, it's almost certain that Raul Castro was notified before (the shooting) took place," said Maj. Orestes Lorenzo.

Gen. Rafael del Pino said Cuba's leadership is apparently trying to distance itself from any responsibility in the attack, which created a wave of international repudiation.

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Inteligencia de EU no sabe si Raúl Castro habla

El Nuevo Herald, domingo 12 de mayo 1996, página 3-A

PABLO ALFONSO

La embajadora de Estados Unidos en Naciones Unidas, Madeleine Albright, afirmó el sábado en Miami que los organismos de inteligencia no pueden afirmar con certeza a quien pertenece la voz que aparece en sus grabaciones ordenando el derribo de las avionetas de Hermanos al Rescate por cazas cubanos.

"Ha sido imposible determinarlo hasta ahora", dijo Albright.

Fuentes relacionadas con la investigación aseguraron el jueves a El Nuevo Herald que la voz ordenando el derribo de las avionetas el 24 de febrero pertenecía al ministro de las Fuerzas Armadas, Raúl Castro.

La afirmación, unida a la demora de Estados Unidos en entregar las grabaciones a la Organización de Aeronáutica Civil Internacional (OACI), hicieron pensar a algunos dirigentes exiliados que la administración del presidente Bill Clinton estaba tratando de encubrir el hecho para evitar mayores tensiones con el gobierno cubano.

Los análisis de las grabaciones efectuados por la Agencia Central de Inteligencia (CIA), no han podido determinar a quien pertenece la voz que se sobrepone en la conversación entre la torre de control militar y los pilotos de los MiG, aseguró un funcionario del gobierno norteamericano.

"Ellos (la CIA) creen que no es Raúl Castro, pero no pueden asegurarlo, porque el oficial que dio la orden pronunció muy pocas palabras", afirmó el funcionario.

Albright dijo que, independientemente de si la voz pertenece o no a Castro, lo que sí es indudable es que la orden de derribar las avionetas se produjo en las mas altas esferas del gobierno cubano.

"Nuestro punto de vista es que el derribo de avionetas civiles desarmadas no tiene justificación ninguna. Es una violación flagrante de la ley internacional", afirmó.

La embajadora estadounidense, que goza de amplia popularidad en la comunidad cubana exiliada, por su radical denuncia en Naciones Unidas (NU) contra el gobierno de Cuba, viajó a Miami invitada por familiares de los activistas muertos en el incidente.

Albright fue la única oradora en una cena celebrada en el Hotel Radisson para recaudar fondos con destino a becas que llevarán los nombres de los cuatro miembros de Hermanos al Rescate: Pablo Morales, Carlos Costa, Mario de la Pena y Armando Alejandro, hijo.

"Es nuestra determinación que el gobierno de Cuba tiene que aceptar su responsabilidad por estos asesinatos", dijo Albright ante mas de 1,500 personas que asistieron a la cena.

Albright explicó que, cuando la comisión de la OACI concluya sus investigaciones en junio, los resultados serán enviados al Consejo de Seguridad de NU. Añadió que ella espera que esas conclusiones señalen la culpabilidad del gobierno cubano.

Afirmó que Estados Unidos trataría de lograr que cualquier decisión del Consejo de Seguridad fuera adoptada preferentemente por unanimidad, aunque podría aprobarse también por votación, a pesar de que el gobierno de Cuba cuenta con representantes amigos en ese organismo.

Rusia y China, ambos miembros del Consejo de Seguridad, se opusieron a una resolución de condena a Cuba en febrero presentada por Estados Unidos. Este mes China preside el Consejo de Seguridad.

El mes próximo esa presidencia corresponde a Egipto, país que ha tenido algunos enfrentamientos diplomáticos con Estados Unidos por su respaldo a Israel en el conflicto del Líbano. Una resolución de condena a Israel, presentada por Egipto y Cuba en abril ante la Comisión de Derechos Humanos de Naciones Unidas en Ginebra, sólo tuvo un voto en contra: Estados Unidos.

"No puedo entrar ahora en detalles sobre las posibles sanciones que se pueden demandar en el Consejo de Seguridad", afirmó Albright.

"Ha sido imposible determinarlo hasta ahora", dijo Albright.

foto: La embajadora Madeleine Albright conversa con Armando Alejandro padre de una de las víctimas (A).

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Preocupa Supuesta Proximidad a EU de Cazas Cubanos Perseguidores de Avioneta

**El Nuevo Herald, miércoles, 3 de julio, 1996, página 3-A
PABLO ALFONSO**

Las aseveraciones de que aviones de combate cubanos persiguieron hasta cerca de Cayo Hueso al Cessna pilotado por el presidente de Hermanos al Rescate, José Basulto, el pasado 24 de febrero, han originado nuevas interrogantes sobre el incidente en que cuatro pilotos de esa organización fueron abatidos por cazas cubanos.

"Es alarmante conocer que la fuerza aérea castrista pudo haberse acercado a unas pocas millas de aguas norteamericanas para asesinar a un ciudadano americano sin ser confrontados por las fuerzas armadas de los Estados Unidos", declaró Ileana Ros-Lehtinen, congresista republicana por la Florida.

Ros-Lehtinen dirigió el martes sendas cartas al secretario de Defensa, William Perry, y al director de la Agencia Central de Inteligencia, John Deutch, solicitando una investigación para determinar si la fuerza aérea cubana violó el espacio aéreo estadounidense y cual sería la respuesta de Estados Unidos si este tipo de incidente ocurre en el futuro.

Algunos detalles de la persecución por cazas cubanos de una avioneta Cessna 337, que duro 20 minutos, se conocieron el lunes en el transcurso de la vista judicial que se celebra en la corte federal de Miami, donde Basulto esta apelando la revocación de su licencia de piloto por la Agencia Federal de Aviación (FAA).

Transcripciones de las comunicaciones grabadas por los servicios norteamericanos de inteligencia, entre la torre de control militar y cazas cubanos, obtenidas por El Nuevo Herald, revelan que los cazas cubanos estuvieron persiguiendo a un Cessna 337 hasta las 3:52 p.m., o sea, 31 minutos después de que la primera avioneta fue derribada en aguas internacionales por un MiG cubano.

La grabación, sin embargo, no esclarece si la avioneta perseguida, que identificaron visualmente los pilotos de los cazas cubanos como un Cessna 337 de colores azul claro y blanco, era la misma aeronave pilotada por Basulto. Los pilotos no pudieron verificar su matrícula, de acuerdo con lo que revelan las transcripciones.

El informe de la Organización de Aeronáutica Civil Internacional (OACI), que investigó el incidente, se refiere a la grabación de las comunicaciones de los cazas cubanos, señalando que estos, efectivamente, informaron haber localizado a un Cessna 337 que volaba por debajo de ellos a una altura aproximada de 2,000 metros.

Eso ocurrió a las 3:51 p.m., momento en que la misión fue cancelada, porque según las autoridades cubanas citadas en el informe "el contacto se había hecho ya fuera de los límites del espacio aéreo de Cuba".

Sin embargo, la OACI no concluyó que el Cessna 337 perseguido por los MiGs cubanos fuera el de Basulto. Según el informe de la OACI, los trazados de radar presentados por Estados Unidos muestran a esa hora la trayectoria del Cessna pilotado por Basulto unas 40 millas náuticas al noroeste de la actividad desplegada por los MiGs cubanos.

Los trazados de radar tomadas a esa hora no muestran ninguna persecución, a diferencia de lo que se escucha en las grabaciones. No aparecen los cazas cubanos persiguiendo a ninguna avioneta.

Esta aparente contradicción entre la grabación de las comunicaciones de los cazas cubanos y los trazados de radar estadounidense ha quedado hasta ahora sin respuesta.

Basulto asegura que no tiene dudas de que se trataba de su propia avioneta Cessna 337, matrícula N2506.

"¿Que otra avioneta de esas características estaba a esa hora en el área?", se preguntó Basulto. "Además, el Cessna 337 es una aeronave poco común y hay muy pocas en el sur de la Florida".

Si la sospecha de Basulto es acertada, los cazas cubanos que lo persiguieron habrían llegado a escasas 20 millas de las costas de Cayo Hueso. En ese caso, los aviones de combate F-15 norteamericanos debieron despegar de la Base de la Fuerza Aérea de Homestead. Según declaró entonces el portavoz del Pentágono Kenneth Bacon, en ningún momento los MiGs pasaron al norte del paralelo 24 ni entraron en la zona de identificación de defensa aérea de Estados Unidos.

Basulto dijo que su calculo se basa en el hecho de que a las 3:52 p.m., hora en que los cazas cubanos recibieron ordenes de suspender su misión, el estaba unas 24 millas al norte del paralelo 24.

"Mi posición esta claramente marcada, precisamente, en esa foto del radar", dijo Basulto. "Por que no aparecen ahí los MiGs, que según la grabación ya estaban encima de nosotros, es una buena pregunta que tendrían que responder las autoridades norteamericanas".

Ese es el tipo de respuesta que la congresista Ros-Lehtinen esta solicitando de los organismos federales competentes.

Si estas alegaciones son ciertas, demuestran una aparente falta de preparación que debe ser enmendada inmediatamente, porque en el futuro las consecuencias podrían ser devastadoras para la seguridad de la región del sur de la Florida", indicó Ros-Lehtinen.

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Cuban Fighter Jets' Alleged Proximity to U.S. While Pursuing Small Aircraft is Worrisome

**El Nuevo Herald, Wednesday, July 3, 1996, page 3-A
PABLO ALFONSO**

The affirmation that Cuban combat planes the Cessna piloted by Brothers to the Rescue president José Basulto to near Key West last February 24, has given rise to new questions about the incident in which four pilots of that organization were downed by Cuban fighter jets.

"It is alarming to know that the Castro air force could have come so close, to within a few miles of United States waters to murder an American citizen without being confronted by the armed forces of the United States," declared Ileana Ros-Lehtinen, Republican congressperson for Florida.

Ros-Lehtinen directed important letters Tuesday to Secretary of Defense William Perry, and to Central Intelligence Agency Director John Deutch, asking for an investigation to determine if the Cuban air force violated United States airspace and what would be the response of the United States if this type of incident occurred in the future.

Some details of the pursuit by Cuban fighter jets of a Cessna 337 small aircraft, that lasted 20 minutes, became known on Monday during the judicial hearing which occurred in the federal court of Miami, where Basulto is appealing the revocation of his pilot's license by the Federal Aviation Agency (FAA).

Transcripts of the communications recorded by the U.S. intelligence services, between the military control tower and Cuban fighter jets, obtained by El Nuevo Herald, reveal that the Cuban fighter jets were pursuing a Cessna 337 until 3:52 p.m., in other words, 31 minutes after the first small aircraft was downed in international waters by a Cuban MIG.

The recording, nevertheless, does not resolve if the small aircraft being pursued, which the pilots of the Cuban fighter jets identified visually as a Cessna 337 of the colors light blue and white, was the same aircraft piloted by Basulto. The pilots could not verify its registration number, according to what the transcripts revealed.

The report of the International Civil Aviation Organization (ICAO), which investigated the incident, refers to the recording of the communications of the Cuban fighter jets, indicating that they reported having located a Cessna 337 that flew under them at an altitude of approximately 2,000 meters.

This happened at 3:51 p.m., the moment when the mission was cancelled, because according to the Cuban authorities cited in the report "the contact had been made now outside of the limits of Cuban airspace."

Nevertheless, the ICAO did not conclude that the Cessna 337 pursued by the Cuban MiGs was that of Basulto. According to the ICAO report, the radar images presented by the United States show at that time the trajectory of the Cessna piloted by Basulto some 40 nautical miles to the northeast of the activity carried out by the Cuban MiGs.

The radar images taken at that hour do not show any pursuit, a difference from that which is heard in the recordings. The Cuban fighter jets do not appear pursuing any small aircraft.

This apparent contradiction between the recording of the communications of the Cuban fighter jets and the United States radar images has remained unanswered to the present time.

Basulto says he has no doubts that it was about his own small aircraft Cessna 337, registration N2506.

"What other small aircraft of these characteristics was in the area at that hour?" wondered Basulto. "Moreover, the Cessna 337 is not a common aircraft and there are very few in south Florida."

If the suspicion of Basulto is correct, the Cuban fighter jets that pursued him would have come a short 20 miles from the coasts of Key West. In that case, North American F-15 combat planes should have been deployed from Homestead Airforce Base. According to the declaration at the time of Pentagon spokesperson Kenneth Bacon, at no time did the MIGs pass north of the 24th parallel, nor did they enter into the air defense zone of the United States.

Basulto said that his calculation is based on the fact that at 3:52 p.m., the hour that the Cuban fighter jets received orders to suspend their mission, he was some 24 miles to the north of the 24th parallel.

"My position is clearly set, precisely, in this radar photograph," said Basulto. "Why don't the MiGs appear there, that, according to the recording were already on top of us, that is a good question that the North American authorities have to answer."

This is the type of answer that congressperson Ros-Lehtinen is soliciting from the corresponding federal organizations.

"If these allegations are true, they demonstrate an apparent lack of preparation that should be changed immediately, because in the future the consequences could be devastating for the security of the region of south Florida," pointed out Ros-Lehtinen.

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Cae Red de Espionaje de Cuba, Arrestan a 10 en Miami

**El Nuevo Herald, martes, 15 de septiembre, 1998, página 1-A
PABLO ALFONSO y RUI FERREIRA**

En lo que constituye una acción sin precedentes en las cuatro décadas de existencia del régimen castrista, el Buró Federal de Investigaciones acusó el lunes ante la Corte Federal de Miami a un grupo de diez cubanos de trabajar como agentes del gobierno de Cuba, y de tener como objetivo la obtención de informes sobre instalaciones militares y grupos exiliados del sur de la Florida.

Según el informe presentado ante el juez Barry L. Garber por el agente especial del FBI, Raúl Fernández, la mayoría de los acusados son oficiales de los servicios de inteligencia del gobierno de Cuba, quienes residían en Estados Unidos con identidades falsas y controlaban a otros agentes reclutados para labores de espionaje, infiltración en organizaciones del exilio, así como la manipulación de medios de prensa, organizaciones políticas y la opinión pública.

Los acusados enfrentan cargos de "conspiración y fraude contra el gobierno", violación de la ley que obliga al registro de "agentes de un país enemigo", y el más grave de todos, que puede llevar a cadena perpetua sin derecho a libertad bajo palabra, "envío de informaciones relacionadas con asuntos de defensa a un gobierno extranjero", o sea, espionaje.

En la primera audiencia del caso, el juez Garber decidió nombrar abogados de oficio para por lo menos ocho de los acusados, que argumentaron no tener medios para defenderse. Solamente Nilo y Linda Hernández nombraron a su propio defensor, Rick Díaz.

El caso, que recibió el número 98-3493, y cuya acta de acusación consta de 27 páginas, divididas en 49 capítulos, marca un hito en la solapada guerra de inteligencia que durante cuatro décadas han sostenido los dos países.

"Esta red de espías fue enviada por el gobierno cubano para golpear el corazón mismo de nuestro sistema de seguridad nacional y nuestro proceso democrático", comentó el fiscal federal, Thomas Scott.

La fiscalía, representada por los primeros asistentes del fiscal federal en la Florida, Guy Luis y Caroline Heck-Miller, también solicitó al juez que no les concediera la libertad bajo fianza, pero Garber marcó varias audiencias separadas para la semana entrante, para decidir al respecto.

"Señoría, creemos que hay razones fundamentadas para negarles la fianza a todos, porque pueden escapar del país", dijo Heck Miller.

Los acusados, ocho hombres y dos mujeres, comparecieron esposados en la corte poco después de las 2:30 p.m., en medio de un enjambre de periodistas y familiares, que tuvieron dificultad en acomodarse en la angosta sala de audiencias.

Entre el público se encontraban conocidos activistas del exilio cubano, como Silvia Oriondo, de la organización Mar, y José Basulto, presidente de Hermanos al Rescate.

La vista duró cerca de media hora, y los acusados se presentaron vestidos de camisa azul clara de manga corta, pantalón azul oscuro, medias verdes y chancletas carmelitas. Se

mantuvieron callados todo el tiempo, de semblante serio, y respondieron lentamente a las preguntas del juez a medida que se identificaban e informaban de sus direcciones, cuentas bancarias y profesiones.

A la salida, los abogados se negaron a comentar el caso argumentando la necesidad de estudiarlo. Sin embargo, Díaz dijo a la prensa estar bajo la impresión de que la fiscalía no ha aportado todos los datos de este caso.

"No lo puedo asegurar, pero por la forma en que está presentada la acusación, el FBI debe disponer de un informante confidencial en este caso", dijo el letrado de los esposos Hernández.

En el acta de acusación, aparecen otros dos nombres, Ricardo Villareal, alias, Horacio y Remijio Lunas, alias Marcellino, pero se aclara únicamente que no fueron atrapados, por encontrarse fuera de Estados Unidos al momento de los arrestos.

Más tarde, en una conferencia de prensa en la sede de la Oficina Federal de Investigaciones (FBI) en Miami, su director Héctor Pesquera se negó a comentar al respecto.

"Esta es la mayor operación de este tipo que hemos realizado en el sur de la Florida. Normalmente se atrapa un oficial enemigo, en este caso atrapamos a tres y a siete de sus agentes. La inteligencia cubana debe estar corriendo", dijo Pesquera.

Según el funcionario, las investigaciones empezaron en 1994, involucraron un número "importante" de oficiales del FBI, que no aclaró, y los arrestos fueron informados temprano el sábado por la mañana a los congresistas Ileana Ros-Lehtinen y Lincoln Díaz-Balart.

Entre las evidencias presentadas por el FBI a la prensa, se encuentran tres computadoras de tipo laptop, radios receptores portátiles de onda corta, transmisores y scanners de onda corta, así como varias antenas, tanto de uso interior como exterior, y de automóvil.

La documentación incluye también varias aplicaciones de trabajo en dependencias relacionadas con el sistema de defensa del país, así como un certificado de defunción de un niño que falleció en California en 1969 apenas con cinco días de nacido, y que supuestamente estaba listo para ser utilizado como cobertura de identidad para un futuro agente, explicó un oficial del FBI.

A todo esto, se adjuntan decenas de diskettes de computadoras donde el FBI encontró los registros de contacto con los servicios de inteligencia cubanos, copias de órdenes recibidas del "centro principal", supuestamente en Cuba, recibos y constancias de pagos a agentes y gastos operacionales, así como copias de órdenes y instrucciones recibidas por la red de espías.

"La evidencia es tan abrumadora", añadió Scott, que "no hemos podido desplegarla toda aquí esta tarde".

Mientras tanto, en La Habana, el vocero de la cancillería cubana, Alejandro González, instado a comentar los arrestos, no profundizó mucho en el tema y se limitó a confirmar haber tomado conocimiento del caso.

"Sólo conocemos lo que se ha informado a través de los cables de prensa. Este es un asunto en el que las que están envueltas son las autoridades norteamericanas, y no es responsable pronunciarlos sobre un tema que desconocemos", dijo González.

En el informe distribuido a la prensa por el FBI, se consigna que "el grupo a través de sus agentes principales, u oficiales ilegales, se comunicaba directamente con el gobierno de Cuba acerca de sus actividades, recibía misiones específicas y asignaciones del gobierno cubano".

Los acusados fueron identificados como, Manuel Viramontes, que aparentemente actuaba como jefe de la red, Luis Medina, René González-Sehweret, Antonio Guerrero, Ruben Campa, Alejandro Alonso, los esposos Nilo y Linda Hernández, Joseph Santos y Amarilys Silverio. Todos fueron arrestados en sus respectivos domicilios en un operativo llevado a cabo por el FBI en la madrugada del sábado 12 de septiembre.

"Desde 1995 el FBI ha vigilado y observado directamente los movimientos, comunicaciones y residencias de uno o más de los individuos nombrados aquí", precisó el informe.

La acusación del FBI sobre esta supuesta red de espionaje organizada por el gobierno de Cuba, contra objetivos militares y políticos en Estados Unidos, se produce en momentos en que la misma institución ha encausado a un grupo de exiliados cubanos en Puerto Rico bajo cargos de conspirar para atentar contra la vida del gobernante cubano Fidel Castro.

De acuerdo con las investigaciones del FBI los dirigentes del grupo, al momento de su arresto, el 12 de septiembre de 1998, eran Viramontes, alias Giro o Giraldo ; Campa, alias Vicky, y Luis Medina, alias Allan.

Viramontes dirigía fundamentalmente toda la operación y supervisaba la infiltración de otros agentes en grupos exiliados en Miami; Medina, tenía bajo su responsabilidad penetrar e informar sobre las instalaciones militares en el Sur de la Florida, incluyendo el Comando Sur y la Base Naval Aérea de Boca Chica.

La acusación compromete a los detenidos como "agentes de un gobierno extranjero", quienes "operaron dentro de Estados Unidos sujetos a la dirección o control de un gobierno u oficial extranjero".

"El grupo, a través de sus agentes principales, u oficiales ilegales, se comunicaba directamente con el gobierno de Cuba, acerca de sus actividades, recibía misiones específicas y asignaciones del gobierno cubano", indicó el informe.

Según el FBI, siguiendo instrucciones del gobierno de Cuba el grupo recabó informes de inteligencia relacionados, entre otras cosas, con actividades humanitarias y de política doméstica de organizaciones anticastristas en el condado Miami-Dade; la operación de instalaciones militares de Estados Unidos y otras funciones del gobierno federal.

foto color: Alejandro Alonso, Ruben Campa, Rene González-Schweret, Antonio Guerrero, Linda y Lino Hernández, Joseph Santos, Manuel Viramontes, Luis Medina, Amarily Silverio (a), Thomas Scott (n)

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Cuba's Espionage Network Falls, 10 Arrested in Miami

El Nuevo Herald – Tuesday, September 15, 1998, page 1-A

PABLO ALFONSO and RUI FERREIRA

In an action without precedent over the four decades of the Castro regime, the Federal Bureau of Investigations accused a group of 10 Cubans in Federal Court in Miami of working as agents for the Cuban government, and of having as their objective the obtaining of reports on military installations and exile groups in south Florida.

According to the report presented to Judge Barry L. Garber by FBI Special Agent Raúl Fernández, the majority of the accused are officers in the Cuban government's intelligence services, who lived in the United States with false identities and controlled other agents recruited for espionage work, infiltration of exile organizations, as well as manipulating the media, political organizations and public opinion.

The accused face charges of "conspiracy and fraud against the government," violation of the law which requires "agents of an enemy country" to register themselves, and the most serious of all, that which might carry a life sentence without possibility of parole, "sending of information related to defense matters, to a foreign government," that is, espionage.

In the first hearing of the case, Judge Garber decided to appoint public defenders for at least eight of the accused, who argued that they had no [financial] means to defend themselves. Only Nilo and Linda Hernández named their own defender, Rick Díaz.

The case, given the number 98-3493, and whose indictment consists of 27 pages, divided into 49 chapters, is a milestone in the covert intelligence war maintained between the two countries over four decades.

"This spy network was sent by the Cuban government to strike at the very heart of our system of national security and our democratic process," said the federal prosecutor, Thomas Scott.

The prosecution, represented by the First Assistants of the Federal Prosecutor in Florida, Guy Luis and Caroline Heck-Miller, also asked the judge not to grant bail, but Garber scheduled various separate hearings for the coming week, to decide the matter.

"Your Honor, we believe that there are sound reasons to deny bail to all of them, because they might escape from the country," said Heck-Miller.

The accused, eight men and two women, appeared handcuffed in court shortly after 2:30 p.m., amid a swarm of reporters and family members who had some difficulty fitting themselves into the narrow hearing room.

Among the public were well-known Cuban exile activists, such as Silvia Orondo, of the MAR organization, and José Basulto, President of Brothers to the Rescue.

The hearing lasted about half an hour, and the accused presented themselves dressed in light blue short-sleeved shirts, dark blue pants, green socks and brown sandals. They remained quiet the entire time, with a serious demeanor, and responded slowly to

questions from the judge through which they were identified and reported their addresses, bank accounts and professions.

Upon leaving, the attorneys refused comment on the case, arguing the need to study it. However, Díaz told the press that he was under the impression that the prosecution has not provided all the evidence in this case.

"I can't be sure, but from the way that the indictment was presented, the FBI should make available the confidential information in this case," said the attorney for the Hernández couple.

In the indictment, two other names appear: Ricardo Villareal, alias Horacio, and Remijio Lunas, alias Marcellino, but only to state that they were not captured, due to having been outside the United States at the time of the arrests.

Later, in a press conference in the headquarters of the office of the Federal Bureau of Investigations (FBI) in Miami, its director, Héctor Pesquera refused comment on the matter.

"This is the largest operation of this kind that we've undertaken in south Florida. Normally one enemy officer is captured, in this case we captured three and seven of their agents. Cuban intelligence should be on the run," said Pesquera.

According to the FBI official, the investigations began in 1994, involving an "important" number of FBI officials, which was not specified, and the congressional representatives Ileana Ros-Lehtinen and Lincoln Diaz-Balart were informed early Saturday morning of the arrests.

Among the evidence presented by the FBI to the press were three laptop computers, portable shortwave radios, transmitters and shortwave scanners, as well as various antennas, both for internal and external uses, and for automobile use.

The documentation also included various applications for work at places related to the country's defense system, as well as a death certificate for a child who died in California in 1969 just five days after being born, and which was supposedly ready to be utilized as a cover identity for a future agent, explained an FBI official.

To all this was added scores of computer diskettes where the FBI found the contact registry for the Cuban intelligence services, copies of orders received from the "main center," supposedly in Cuba, receipts and payment records for agents and for operational expenses, as well as copies of orders and instructions received by the spy network.

"The evidence is so overwhelming," added Scott, that "we haven't been able to display everything here this afternoon."

Meanwhile, in Havana, the spokesman for the Cuban Foreign Ministry, Alejandro González, asked for comment on the arrests, did not elaborate much on the issue and limited himself to confirming that he was aware of the case.

"We only know what has been reported via the wire services. This is a matter in which the U.S. authorities are involved, and it is not responsible to make a declaration on a matter we do not know about," said González.

In a report distributed to the press by the FBI, it states that "through its main agents, or illegal officers, the group communicated directly with the Cuban government about its activities, received specific missions and assignments from the Cuban government."

The accused were identified as Manuel Viramontes, who apparently acted as the head of the network, Luis Medina, René González-Sehweret, Antonio Guerrero, Ruben Campa, Alejandro Alonso, the married couple Nilo and Linda Hernández, Joseph Santos and Amarilys Silverio.

All of them were arrested at their respective domiciles in an operation carried out by the FBI in the early morning hours of Saturday, September 12.

"Since 1995, the FBI has watched and directly observed the movements, communications and residences of one or more of the individuals named here," said the report.

The FBI's accusation about this alleged spy network organized by the Cuban government, against military and political objectives in the United States, comes at a time when the same institution has indicted a group of Cuban exiles in Puerto Rico under charges of conspiring in an assassination attempt against the Cuban leader Fidel Castro.

According to the FBI investigations, the leaders of the group, at the moment of their arrest, on September 12, 1998, were Viramontes, alias Giro or Giraldo; Campa, alias Vicky, and Luis Medina, alias Allan.

Viramontes fundamentally led the entire operation and supervised the infiltration of other agents into exile groups in Miami; Medina had as his responsibility to penetrate and report on military installations in South Florida, including the Southern Command and the Naval Airbase at Boca Chica.

The indictment refers to the arrested as "agents of a foreign government," who "operated within the United States subject to the direction or control of a foreign government or official," according to the report.

According to the FBI, following instructions from the Cuban government, the group sought intelligence reports related, among other things, to the humanitarian and domestic political activities of anti-Castro organizations in Miami-Dade county; the operation of U.S. military installations and other functions of the federal government.

Color photo: Alejandro Alonso, Ruben Campa, Rene González-Schweret, Antonio Guerrero, Linda and Lino Hernández, Joseph Santos, Manuel Viramontes, Luis Medina, Amarilys Silverio (a), Thomas Scott (n)

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Posible Alianza Con Terrorismo

**El Nuevo Herald, miércoles, 16 de septiembre, 1998, página 1-A
PABLO ALFONSO**

La sorprendente ofensiva contra una supuesta red de espías cubanos en Miami podría ser una acción destinada a prevenir una posible colaboración del gobierno de Cuba con países involucrados en acciones terroristas contra Estados Unidos, según expresaron expertos en asuntos militares y de inteligencia a El Nuevo Herald.

Orestes Lorenzo, ex mayor de la Fuerza Aérea de Cuba, que desertó a Estados Unidos en 1991, dijo que la búsqueda de información militar norteamericana por parte de Cuba "parece ridícula y carece de objetividad práctica".

"Es ridículo suponer que el ejército cubano puede hacer algo serio ante el poderío militar norteamericano", indicó Lorenzo. "Sin embargo, si pensamos en términos de servicios prestados a grupos terroristas o naciones como Libia, Irán u otras por el estilo, las cosas cambian".

Lorenzo dijo que no le sorprende que el régimen de Fidel Castro está "prestando o vendiendo sus servicios de inteligencia" a grupos terroristas islámicos o naciones poderosas interesadas en llevar a cabo actos terroristas en territorio norteamericano.

Según Erneido Oliva, director del Consejo Militar Cubano Americano, con sede en Washington, no es ninguna sorpresa que Castro mantenga vínculos con grupos y naciones que practican el terrorismo.

"Para mí no hay duda de que Fidel y Raúl Castro representan una amenaza para la seguridad nacional de Estados Unidos que puede incluir cualquier acción de esa naturaleza", afirmó Oliva, general retirado del ejército de Estados Unidos.

La decisión de irrumpir en la red la tomó "la administración porque ellos han creído que se aproximaba una acción o evitando que se expandieran más", agregó Oliva.

Después de mantener controlados bajo vigilancia durante tres años a los presuntos espías, la Oficina Federal de Investigaciones (FBI) desmanteló la red el sábado con el arresto de 10 sospechosos y puso punto final a sus objetivos de espiar instalaciones militares norteamericanas e infiltrarse en grupos exiliados del sur de la Florida, según indica el encausamiento.

Los comentarios de Lorenzo y Oliva fueron compartidos también por Ernesto Betancourt, un analista cubano en asuntos de inteligencia residente en Washington.

"Posiblemente Castro ha tocado por ahí algún botón que encendió una luz roja a la inteligencia norteamericana", dijo Betancourt, quien fue durante varios años director de Radio Martí.

Betancourt recordó que la prestigiosa revista británica Jane's Defence Weekly, publicó el 6 de marzo de 1996 un artículo en el que revela que las fuerzas especiales cubanas se entrenaban en Viet Nam desde 1990, para llevar a cabo acciones militares dentro del territorio norteamericano en caso de una confrontación entre ambos países.

"La estrategia de La Habana al emprender este tipo de entrenamiento consiste en atacar las áreas de preparación y abastecimiento de las fuerzas norteamericanas que se preparen para invadir Cuba. El objetivo político sería llevar la realidad de la guerra al pueblo norteamericano y ejercer presión nacional sobre Washington", indicó el artículo de Jane's Defence Weekly citado por Betancourt.

Según el profesor Edward González, experto en asuntos militares de la Rand Corporation, quien ha elaborado varios estudios sobre la situación política y militar en Cuba, el espionaje cubano a las instalaciones militares podría corresponder a ese tipo de estrategia.

"Aunque un conflicto militar con Cuba es extremadamente remoto no hay que descartar que Estados Unidos podría verse envuelto en esa situación si hay una desestabilización interna en la isla", dijo González. "Dentro de esta perspectiva, el espionaje cubano a instalaciones militares norteamericanas no es nada sorprendente".

Tras conocerse el arresto el lunes, en Miami circularon versiones según las cuales el gobierno actuó contra los espías en respuesta al hecho de que algunos exilados cubanos están siendo enjuiciados en Puerto Rico por un supuesto complot para asesinar a Castro.

James Rubin, portavoz del Departamento de Estado, negó rotundamente esas versiones el martes.

"Tales afirmaciones carecen totalmente de base", afirmó el vocero. "Las dos investigaciones que condujeron a estas acusaciones ocurrieron completamente por separado".

Las detenciones en uno y otro caso "demuestran simplemente que el gobierno de Estados Unidos está comprometido firmemente con el cumplimiento de nuestras leyes", agregó Rubin.

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Possible Alliance with Terrorism

**El Nuevo Herald, Wednesday, 16 September, 1998, page 1-A
PABLO ALFONSO**

The surprising offensive against an alleged network of Cuban spies in Miami, may be an action aimed at preventing a possible collaboration between the Cuban government and countries involved in terrorist actions against the United States, according to military and intelligence experts who expressed this to El Nuevo Herald.

Orestes Lorenzo, ex major of the Cuban Air Force who deserted to the United States in 1991, said that the search for military information on the United States by Cuba "seemed ridiculous and lacked practical objectivity".

"It's ridiculous to assume that the Cuban army can do something serious to the powerful US military", Lorenzo indicated. "However, if we think in terms of services provided to terrorist groups or nations like Libya, Iran or the like, things change".

Lorenzo said that he isn't surprised Fidel Castro's regime is "lending or selling its intelligence services" to Islamic terrorist groups or powerful nations that are interested in carrying out terrorist acts on US territory.

According to Erneido Oliva the director of the Cuban American Military Council, which is based in Washington, it's no surprise that Castro maintains links with groups and nations that practice terrorism.

"For me, there is no doubt that Fidel and Raul Castro represent a threat to the national security of the United States, which could include any type of action of this nature", affirmed Oliva, a retired General of the United States army.

The decision to break into the network was taken by "the administration because they believed that an action was near or for the prevention of their expansion", added Oliva.

After maintaining a controlled surveillance of the alleged spies over three years, the Office of the Federal Bureau of Investigation (FBI) on Saturday dismantled the network with the arrest of 10 suspect, putting an end to their objective of spying on US military installations and infiltrating exiled groups in the south of Florida, as indicated in the indictment.

Comments made by Lorenzo and Oliva were also shared by Ernesto Betancourt, a Cuban intelligence analyst that resides in Washington.

"Castro possibly touched some button that lit a red light for the US intelligence", said Betancourt, who was the director of Radio Marti for many years.

Betancourt recalled that the prestigious British magazine Jane's Defence Weekly, published on the 6 March 1996 an article which revealed that Cuban special forces were training since 1990 in Vietnam to carry out military actions on US territory in case of a confrontation between the two nations.

"Havana's strategy to undertake this type of training consists of attacking the preparation and supply areas where the US forces would organise for the invasion of Cuba. The political

objective would be to bring the realisation of war to the American people to exert pressure on Washington” indicated the Jane’s Defence Weekly article cited by Betancourt.

According to Professor Edward Gonzalez, expert in military matters for the Rand Corporation that produced various studies on the political and military situation in Cuba, the espionage of military installations by the Cubans could correspond to this type of strategy.

“Although a military conflict with Cuba is extremely remote, you cannot discard that the United States could be entangled in a situation if there is internal destabilisation on the island”, said Gonzalez. “Within this perspective, Cuba’s espionage of US military installations is not surprising”.

On hearing of the arrests on Monday, there is a version circulating in Miami that the government acted against the spies in response to some Cuban exiles being tried in Puerto Rico for allegedly plotting to assassinate Castro.

The spokesman for the State Department, James Rubin, forthrightly denied this version on Tuesday.

“Such claims are unfounded” stated the spokesperson. “Both investigations that led to these accusations occurred completely separately from each other”.

Arrests in either case “simply demonstrates that the United States government is firmly committed to complying with our laws”, added Rubin.

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Prensa de la isla guarda silencio sobre red de espionaje

**El Nuevo Herald, miércoles, 16 septiembre 1998, página 7-A
Pablo Alfonso y Olance Nogueras**

A sólo 120 kilómetros de la base naval estadounidense donde supuestamente se recogía inteligencia militar para el gobierno de Fidel Castro, la gran mayoría de la población cubana se levantó el martes sin conocer de los arrestos en Miami de 10 personas que presuntamente eran espías de La Habana.

Divulgada un día antes, la noticia le ha dado la vuelta al mundo; pero sólo los cubanos de la isla que tienen una radio de onda corta pudieron conocer lo sucedido.

Los noticieros de la radio y la televisión gubernamentales omitieron, con un velo de silencio que contrasta con el revuelo de la prensa en Miami, todo el suceso y los cargos que la Agencia Federal de Investigaciones (FBI) formuló a los acusados por espiar en instalaciones militares y organizaciones políticas del exilio.

Los hilos cablegráficos internacionales fueron los únicos que reportaron una reacción directa de funcionarios cubanos, quienes optaron por no confirmar ni desmentir si la red de espionaje tenía nexos con la isla.

“Ni afirmo ni desmiento; simplemente escucho para opinar después. Lo que sí advierto es que ese tipo de campaña, de maniobra, de orquesta, de fanfarria, es la especialidad de la prensa norteamericana”, dijo el canciller cubano Roberto Robaina a un grupo de periodistas que lo abordó al salir del Ministerio de Relaciones Exteriores, reportó la agencia española de noticias EFE.

“No es la primera vez que se levantan acusaciones... Si de información se trata, han sido centenares los que ellos dicen que son espías”, agregó.

“Pretendo, primero que todo, escuchar la información. No me gusta adelantarme a los acontecimientos, pero estoy acostumbrado a todo tipo de campañas. En su momento Cuba dirá la respuesta que tiene que decir”, añadió.

Granma, el único diario de circulación nacional, se abstuvo de mencionar en sus ocho páginas la detención de los presuntos espías. El noticiero estelar de Radio Rebelde, el matutino Haciendo Radio, dedicó sus principales espacios a comentar cuestiones netamente nacionales.

De igual forma, la emisora Radio Reloj, que trasmite noticias continuas las 24 horas del día, tampoco tuvo la noticia de los arrestos.

Como muchos de sus compatriotas en Miami, disidentes y periodistas independientes en la isla no se sorprendieron al conocer la noticia.

Para Odilia Collazo, presidenta del Partido Pro Derechos Humanos de Cuba, la noticia no toma por sorpresa a la disidencia interna.

“Esto no es nada nuevo, porque llevamos años alertando que a través de los éxodos masivos, los sorteos y otras vías, se han exiliado muchas personas que nosotros

presumimos, por nuestra información, que eran agentes de la inteligencia cubana”, dijo Collazo, que reside en San Miguel del Padrón y se enteró de los arrestos a través de Radio Paz, que trasmite desde el sur de la Florida.

Collazo aseguró que para los de la isla es común que, ante las informaciones que dañan la imagen de la revolución, las autoridades gubernamentales intenten mimimizar los efectos de la noticia aumentando las interferencias en Ciudad de la Habana y cabeceras provinciales a las trasmisiones de Radio Martí.

Leonardo Herrera, un residente en el municipio Cerro, dijo que estaba muy molesto por la cantidad de interferencia que reciben las frecuencias de Radio Martí desde que se conoció la noticia.

“Esta gente [el gobierno cubano], cuando les descubren sus patrañas siempre lo ocultan todo”, dijo Herrera. “La gente por la calle ni conoce de eso, pero estoy seguro que la noticia va a correr como pan caliente por La Habana”.

Una mujer desde Santa Clara, en el centro del país, dijo que las interferencias contra las frecuencias de Radio Martí eran “más continuas y molestas”, pero que ya en los barrios, las bodegas y otros centros se conocía la noticia.

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Island media is silent on espionage network

El Nuevo Herald, Wednesday, 16 September, 1998, page 7-A

By Pablo Alfonso and Olance Nogueras

Just 120 kilometers from the U.S. naval base where military intelligence was supposedly gathered for the government of Fidel Castro, the vast majority of the Cuban population arose on Tuesday without knowing of the arrests of 10 people in Miami who were alleged spies for Havana.

Disclosed the day before, the news has gone around the world, but only Cubans on the island who have a shortwave radio know what has occurred.

The government's radio and television news omitted, with a veil of silence that contrasts with the hype of Miami's press, the event and the charges made by the Federal Bureau of Investigation (FBI) against the accused for spying on military installations and exiled political organizations.

The international news cables were the only ones who reported the direct reaction of Cuban officials, who chose not to confirm or deny whether the spy network had ties to the island.

"I don't affirm or deny it, I am just simply listening to comment later. What I do warn is that this type of campaign, maneuver, orchestrated fanfare, is the specialty of the United States press," said the Cuban Foreign Minister Roberto Robaina to a group of journalists who approached him outside the Ministry of Foreign Affairs, reported the Spanish news agency EFE.

"It's not the first time accusations have been made ... If it is about information, there have been hundreds they have said are spies" he added.

"First of all, I intend to listen to the information. I hate to jump the gun, but I'm used to all kinds of campaigns. When it's time, Cuba will give you the response it has" he added .

Granma, the only national newspaper, failed to mention the arrest of the suspected spies in its eight pages. The main news of Radio Rebelde, the morning Haciendo Radio, dedicated its main timeslot to commenting on national issues.

Similarly, the station Radio Reloj, which transmits news continuously for 24 hours a day, also failed to report on the arrests.

Like many of their compatriots in Miami, dissidents and independent journalists on the island were not surprised at the news.

For Odilia Collazo, president of the Human Rights Party of Cuba, the news came as no surprise to internal dissidents.

"This is nothing new, because we have spent years warning that through the mass exodus, the lottery and other avenues, many exiled people we believe, from our information, were Cuban intelligence agents," Collazo said, who resides in San Miguel del Padrón and learned of the arrests through Peace Radio, which transmits from southern Florida.

Collazo assured that for those from the island it is common, before reports that damage the image of the revolution, for government authorities to try and minimize the effects of the news by increasing interference in Havana and provincial capitals to the broadcast made by

Radio Martí.

Leonardo Herrera, a resident in the municipality of Cerro, said he was very upset by the amount of interference blocking the frequencies of Radio Martí since the news broke out.

"These people [the Cuban government], always hide everything when their tales are discovered" said Herrera. "The people on the street don't even know about it, but I'm sure the news will spread like hotcakes in Havana."

A woman from Santa Clara, in the center of the country, said interference against Radio Martí frequencies were "more continuous and annoying," but that the news was already known in the neighborhoods, the grocery stores and other facilities.

Edition: Final, Section: Front Page: 7A

Espías: Un Viejo Consejo de Krushchev

**El Nuevo Herald, domingo, 20 de septiembre, 1998, página 6-A
PABLO ALFONSO**

La idea de enviar masivamente espías cubanos a Miami nació hace poco más de tres décadas en la ciudad georgiana de Pitsunda en la antigua Unión Soviética.

El tema fue ampliamente debatido entre Fidel Castro y Nikita Krushchev, una tarde primaveral de mayo de 1963, cuando el jerarca soviético de turno, invitó a su colega caribeño a solearse en la piscina de su "dacha" privada.

Era el primer viaje que Castro hacía a la ex Unión Soviética tras la Crisis de los Cohetes de octubre de 1962. Su objetivo: limar asperezas y recabar más ayuda militar. Las relaciones entre La Habana y Moscú se habían enfriado tras la retirada soviética de los cohetes nucleares, que Castro quiso mantener en suelo cubano a todo riesgo.

Entre los muchos consejos que Castro recibió de Krushchev estaba el de infiltrar espías en las organizaciones exiliadas del sur de la Florida y en el aparato militar estadounidense.

"La mejor defensa de Cuba no será únicamente construir una poderosa fuerza militar, sino contar con una efectiva actividad de inteligencia en el exterior", advirtió entonces Krushchev.

Aquél fue sin duda un viaje exitoso que Castro prolongó más allá de lo previsto. Durante casi cuatro semanas Castro y Krushchev hablaron intensamente de las relaciones entre ambos países y del papel que Cuba debía jugar en la estrategia soviética frente a Estados Unidos.

Las conversaciones de Castro y Krushchev durante esa visita, así como centenares de otros documentos de los archivos secretos del Kremlin han salido a la luz pública en los últimos años.

Con esos documentos secretos se analiza una buena parte de la llamada Crisis de Octubre en el libro *One Hell of a Gamble*, publicado en septiembre de 1997 por la editorial W.W. Norton, de New York. Sus autores Aleksandr Fursenko y Timothy Naftali han reconstruido los antecedentes de la crisis, su desarrollo y consecuencias de todo ese período histórico, convulso y poco conocido de la Guerra Fría.

La acusación hecha esta semana por el FBI ante una Corte Federal de Miami contra 10 presuntos espías castristas, parece dejar en claro que el viejo consejo de Krushchev no fue desestimado por su discípulo caribeño. Según lo citado por Fursenko y Naftali, Krushchev dijo a Castro que La Habana "debería poner todo su empeño en penetrar a los grupos exiliados para aplastar sus planes aún antes de que ellos avanzaran lo suficiente".

"Hay veces en que los servicios de seguridad deberán eliminar físicamente a los líderes de la contrarrevolución en el exilio", aconsejó Krushchev.

No hay pruebas de que Castro haya cumplido también este último consejo. Pero, sin dudas, el discípulo fue mucho más allá que el maestro en otros aspectos. Castro ha enviado a Estados Unidos no sólo espías.

También vació sus cárceles de los peores delincuentes y criminales, y sacó a los enfermos

mentales de sus manicomios para enviarlos a la Florida, junto a los miles de cubanos decentes que llegaron a este país en el llamado éxodo del Mariel de 1980. Un tipo de "agresión" especial nunca antes practicado contra ningún país. Un caos jamás creado en ninguna comunidad exiliada.

Es justo reconocer que esa "arma migratoria" es exclusiva de Castro. A Kruschev ni siquiera le pasó por la mente cuando aconsejaba a su protegido.

Memo: CUBA POR DENTRO

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Spies: Old advice from Khrushchev

**El Nuevo Herald, Sunday, 20 September, 1998, page 6-A
PABLO ALFONSO**

The idea to send Cuban spies on mass to Miami was developed more than three decades ago in the Georgian city of Pitsunda in the old Soviet Union.

This subject was amply debated between Fidel Castro and Nikita Khrushchev, in a spring afternoon in May 1963, when the Soviet hierarchy of the time invited its Caribbean colleague to sun himself at the pool of his private 'dacha'.

It was the first trip Castro made to the ex Soviet Union after the Missile Crisis in October 1962. His objective: to mend fences and request more military assistance. The relations between Havana and Moscow had cooled following the Soviet withdrawal of nuclear missiles, which Castro wanted to maintain at any cost on Cuban soil.

Amongst much of the advice Castro received from Khrushchev, it included having spies infiltrate exiled organizations in the south of Florida and the military apparatus of the United States.

"Cuba's best defence will not only be the construction of a powerful military force, but to have effective intelligence activity in the exterior", then warned Khrushchev.

That was without doubt a successful trip, which Castro prolonged more than what had been planned. During almost four weeks Castro and Khrushchev talked intensively about the relation between countries and the role Cuba should play in the Soviet strategy affront the United States.

Castro and Khrushchev's conversations during this visit, like hundreds of other documents in the Kremlin's secret archives, have come to light in recent years to the public.

A good part of the so called October Crisis was able to be analysed, with these documents, in the book One Hell of a Gamble that was published in September 1997 by the W.W. Norton publishing house in New York. Its authors, Aleksandr Fursenko and Timothy Naftali, have reconstructed the history of the crisis, its development and consequences of all this historical period, convulsed and little known of the Cold War.

The charge made this week by the FBI before a Miami Federal Court against 10 of Castro's alleged spies, clearly shows that Khrushchev's old advice wasn't dismissed by its Caribbean disciple. As quoted by Fursenko and Nafali, Khrushchev told Castro that Havana "should make every effort to penetrate exiled groups to crush their plans before they progress sufficiently".

"There are times when security services should physically eliminate counterrevolutionary leaders in exile", Khrushchev advised.

There is no proof that Castro has also fulfilled this last advice. But there is no doubt that the disciple went further than the teacher in other aspects. Castro hasn't just sent spies to the United States.

He also emptied the prisons of the worst delinquents and criminals, and removed the mentally ill from their asylums and sent them to Florida, along with the thousands of decent Cubans that arrived to this country in the so-called Marielitos exodus of 1980.

It's just to recognise that this "migratory weapon" was exclusively by Castro. This never crossed Khrushchev's mind when advising his protected.

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Fundación Apoya Pedido de Helms Sobre Espías

El Nuevo Herald, jueves, 1 de octubre, 1998, página 6-A

PABLO ALFONSO El Nuevo Herald

La Fundación Nacional Cubano Americana (FNCA) respaldó el miércoles el llamado del senador Jesse Helms para que el gobierno de Bill Clinton responda enérgicamente a los intentos del régimen cubano de espiar y sabotear instalaciones militares en Estados Unidos.

"Es imperativo que Estados Unidos tome medidas apropiadas de inmediato para responder a este acto de hostilidad", afirmó Jorge Mas Santos, vicepresidente de la FNCA, en una carta dirigida a la secretaria de Estado, Madeleine Albright.

En la misiva, la FNCA expresa su felicitación a Helms "por exigir responsabilidad por parte de Castro en lo que sólo puede describirse como un atroz asalto a los intereses de seguridad nacional de Estados Unidos".

Helms, senador republicano por Carolina del Norte y presidente del Comité de Relaciones Exteriores del Senado, dijo el pasado jueves ante ese organismo que el reciente descubrimiento "de una sofisticada red de espías operando en territorio estadounidense es un llamado a despertar a todos los que dan por sentado que Fidel Castro ha dejado de ser el enemigo incansable de América".

"La Administración Clinton simplemente no puede y no debe incumplir su clara obligación de responder a éste y otros actos hostiles de Cuba", subrayó Helms.

El senador recordó que, de acuerdo con informes de fuentes confiables, comandos cubanos se entrenan en Viet Nam desde 1990 "para llevar a cabo acciones contra bases militares estadounidenses".

El Buró Federal de Investigaciones arrestó en Miami el pasado 12 de septiembre a un grupo de 10 cubanos que formaban una red de presuntos agentes del gobierno cubano, que tenían entre otros objetivos, espiar las instalaciones del Comando Sur de Estados Unidos y otras instalaciones militares ubicadas en el sur de la Florida.

Entre las medidas propuestas por Helms ante el Senado figuran la "denegación sumaria" a solicitudes de diplomáticos cubanos para salir fuera de los límites de sus respectivas ciudades sedes en Washington y New York, y llamar la atención de Rusia por su continua escucha electrónica en la base de Lourdes en La Habana.

foto : Jesse Helms (n)

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Foundation Supports Helms Request Concerning Spies

El Nuevo Herald, Thursday, 1 October 1998, page 6-A
PABLO ALFONSO

On Wednesday the Cuban American National Foundation (CANF) supported Senator Jesse Helms call for Bill Clinton's government to energetically respond to the Cuban regime's attempts to spy on and sabotage military installations in the United States.

"It is imperative the United States immediately takes appropriate measures in response to this hostile act," asserted Jorge Mas Santos, Vice President of the CANF, in a letter addressed to the Secretary of State, Madeleine Albright.

In the missive, the CANF congratulated Helms "for demanding Castro take responsibility for what can only be described as an atrocious assault on the national security of the United States."

Last Thursday Helms, Republican Senator for North Carolina and President of the Senate Foreign Relations Committee, said before this body that the recent discovery "of a sophisticated network of spies operating on United States territory is a wake-up call to all who assume Fidel Castro has ceased to be the untiring enemy of America."

"The Clinton Administration simply can't and shouldn't leave incomplete its clear obligation to respond to this and other hostile acts from Cuba" stressed Helms.

The Senator recalled that, according to reliable sources, Cuban commandos have trained in Vietnam since 1990 "to carry out actions against military bases in the United States."

The Federal Bureau of Investigation arrested in Miami, last September 12, a group of 10 Cubans that formed a network of alleged Cuban government agents, which had among its objectives, spying on the Southern Command installations in the United States as well as other military installations located in the south of Florida.

Among the measures proposed before the Senate by Helms is the "summary dismissal" of applications by Cuban diplomats to leave the limits of their respective venues in Washington and New York, and calls attention to Russia's continual electronic listening from the Lourdes Base in Havana.

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Cuba en Cimero Puesto en la ONU

**El Nuevo Herald, sábado, 17 de octubre, 1998, página 4-A
PABLO ALFONSO**

Dos años después de recibir una condena de la Organización de la Aviación Civil Internacional (OACI) por el derribo de dos avionetas civiles en aguas internacionales, el gobierno de Cuba fue electo el jueves miembro pleno del Consejo de Dirección de ese organismo de Naciones Unidas.

"Es una falta de respeto al sentido moral y ético de la humanidad, y de esa propia organización, que condenó al mismo gobierno terrorista y dictatorial que hoy premia con una posición dirigente en su seno", afirmó José Basulto, presidente de Hermanos al Rescate.

En 1996, una comisión especial de la OACI emitió un extenso informe reconociendo que cazas MiG cubanos derribaron el 24 de febrero de ese año, en aguas internacionales del Estrecho de la Florida, a dos avionetas de Hermanos al Rescate provocando la muerte de sus cuatro ocupantes.

"Hay una especie de cinismo internacional en torno a la situación de Cuba, a favor de la dictadura y por ende en contra del pueblo cubano que la soporta", subrayó Basulto.

La postulación de Cuba recibió el apoyo de 127 países, durante el 32do. período de sesiones de la asamblea general de la OACI, que acaba de efectuarse en Montreal, Canadá, la segunda mayor votación entre los 14 aspirantes a ocupar uno de los 12 puestos disponibles.

Al mismo tiempo, el Instituto de Aeronáutica Civil de Cuba (IACC), solicitó al presidente y al secretario general de la OACI realizar actividades diplomáticas para lograr "el cese de las medidas restrictivas de Estados Unidos contra la aviación civil cubana".

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Cuba in top position at the UN

El Nuevo Herald, Saturday, October 17, 1998, page 4-A
PABLO ALFONSO

Two years after receiving a condemnation from the International Civil Aviation Organization (ICAO) for the shoot-down of two small civil aircraft in international waters, the government of Cuba was elected Thursday as a full member of the Directorate of that organization of the United Nations.

"This is a lack of respect to the moral and ethical sense of humanity, and of this same organization, that condemned that same terrorist and dictatorial government which it today awards with a directorship position within it," affirmed Jose Basulto, president of Brothers to the Rescue.

In 1996, a special commission of the ICAO put out an extensive report recognizing that Cuban MIG military aircraft shot down on February 24th of that year, in international waters in the Strait of Florida, two small aircraft of Brothers to the Rescue, causing the death of their four occupants.

"There is a species of international cynicism around the situation of Cuba, in favor of the dictatorship and consequently against the Cuban people who endure it," stressed Basulto.

The nomination of Cuba received the support of 127 countries, during the 32nd session of the general assembly of the ICAI, which just took place in Montreal, Canada, the second majority vote among the 14 contenders to occupy one of the 12 available positions.

At the same time, the Cuban Institute for Civil Aviation asked the president and secretary general to carry out diplomatic activities to obtain "the end of the restrictive measures of the United States against Cuban civil aviation."

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Frente

El Nuevo Herald, miércoles, 21 de octubre, 1998, página 1-A
PABLO ALFONSO

De Estados Unidos a Europa, de Miami a Washington, el arresto del ex dictador chileno Augusto Pinochet ha desatado una ola de peticiones para que el gobernante cubano Fidel Castro sea sometido a un proceso judicial similar.

Ocho congresistas estadounidenses, varios medios de prensa, analistas políticos y organizaciones intermedias, coincidieron en solicitar el arresto de Castro, comparando su dictadura con la del régimen de Pinochet.

Pinochet, de 82 años, fue arrestado el viernes en Londres a pedido del juez español Baltazar Garzón, quien investiga el asesinato de 94 ciudadanos de varias nacionalidades durante el régimen del ex dictador.

El diario The Wall Street Journal, en su editorial del martes titulado "Arresten a Castro", instó a España a arrestar al gobernante cubano, que ese mismo día se encontraba en Madrid tras participar

'Los asesinatos y violaciones de derechos humanos de Castro empequeñecen las denuncias más exageradas contra Pinochet'.

"Sus asesinatos y violaciones de los derechos humanos empequeñecen hasta las denuncias más exageradas contra el general Pinochet", dijo el influyente diario neoyorquino. "De hecho, los planes subversivos de Castro en América Latina fueron la verdadera raíz del salvajismo que asoló la región en la década de 1970".

"Sus intentos por propagar la revolución dieron vida a las salvajes dictaduras militares que otrora mancharon el panorama latinoamericano", subrayó el editorial.

El diario señaló que si el mundo fuese a iniciar una "revancha en masa" contra dictadores que dejan caer sus defensas, "habrá muchísimos menos dictadores dispuestos a entregar el gobierno a los demócratas de sus naciones".

"Más todavía si quienes se aferran con salvajismo al poder, como Fidel, se pavonean jactanciosos", dijo.

Por otra parte, ocho congresistas estadounidenses, en una carta enviada el martes al presidente Bill Clinton, reclamaron que se dispongan las medidas para arrestar y pedir la extradición del "tirano cubano" por "entre otros crímenes, el asesinato de ciudadanos americanos sobre el Estrecho de la Florida el 24 de febrero de 1996".

"Pedimos que instruya a la Fiscal General a que revise los esfuerzos de los tribunales españoles para extraditar a Pinochet, y que tome pasos definitivos para poner al tirano cubano a disposición de la justicia por el asesinato de Armando Alejandro, Carlos Costa, Mario de la Peña y Pablo Morales".

La petición está firmada por los congresistas Lincoln Díaz Balart (R) e Ileana Ros-Lehtinen (R) por la Florida; Robert Menéndez (D) por Nueva Jersey; Jerry Salomón (R), Peter King

(R) y Mike Forbes (R) por Nueva York, y Bill Thomas (R) y Dana Rohrabacher (R) por California.

Los congresistas explican en su misiva que, así como Manuel Noriega, ex dictador de Panamá, fue llevado ante la justicia y cumple su condena, "un encausamiento contra Fidel Castro es necesario, dada su responsabilidad por los asesinatos de decenas de miles de personas en Cuba, América Central y otros sitios", y por el entrenamiento, financiamiento y apoyo al terrorismo y su participación en el narcotráfico.

Aducen que "esos crímenes" proveen la base para la actuación del Departamento de Justicia.

Por su parte, Castro, respondiendo a los comentarios de la prensa, descartó toda posibilidad de que un día tenga que enfrentar el mismo destino que Pinochet.

"Pertenezco a una estirpe que difícilmente puede ser arrestada en ninguna parte, no sólo por lo moral, sino por la historia de toda mi vida", dijo Castro, quien habló durante hora y media el lunes desde el escenario del Teatro Romano de Mérida, Extremadura, ante casi un centenar de periodistas.

Castro comentó que "no se debe convertir a Pinochet en un mártir", porque "su tiempo ha pasado" y, aunque la detención del general chileno es "moralmente justa", resulta "legalmente cuestionable y supone una amenaza para la situación en Chile".

Castro dijo que no tiene miedo de que algún día le pueda suceder a él algo similar, porque su caso no es comparable con el de Pinochet, pues se ha movido con libertad por el mundo a pesar de los centenares de atentados que se han organizado contra él. "Yo voy adonde me dan visa", dijo.

Castro recordó que los chilenos son tradicionalmente muy celosos de las leyes y de su soberanía, "más que cualquier país de Iberoamérica", y que la detención de Pinochet puede provocar que "se junte la derecha, que es fuerte", mientras que creará una situación difícil en las fuerzas progresistas.

foto color: Fidel Castro (n) piden arrestar a Castro como a Pinochet suman peticiones en EU y Europa

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Front

**El Nuevo Herald, Wednesday, October 21, 1998, page 1-A
PABLO ALFONSO**

From the United States to Europe, from Miami to Washington, the arrest of Chilean ex-dictator Augusto Pinochet has unleashed a wave of demands for the Cuban ruler Fidel Castro to be submitted to a similar judicial process.

Eight US congressmen, several press media, political analysts and organizations join in soliciting the arrest of Castro, comparing his dictatorship to the Pinochet regime.

Pinochet, 82 years old, was arrested Friday in London at the request of Spanish judge Baltazar Garzón, who is investigating the murder of 94 citizens of various nationalities during the regime of the ex-dictator.

The daily newspaper The Wall Street Journal, in its editorial Tuesday titled "Arrest Castro" urged Spain to arrest the Cuban ruler, who that same day could be found in Madrid after participating...

'The murders and violations of human rights of Castro make small the most excessive denunciations against Pinochet'

"His murders and violations of human rights make small even the most excessive denunciations against general Pinochet," said the influential New York daily. "In fact, the subversive plans of Castro in Latin America were the true root of the savagery that devastated that region in the decade of the 1970s."

"His intentions to propagate revolution gave life to the savage military dictators who formerly stained the Latin American panorama," stressed the editorial.

The daily paper indicated that if the world were to begin a "mass revenge" against dictators who let down their defenses, "there will be many less dictators available to deliver the government from the democrats of their nations."

"Even more so if those who seize power with savagery, like Fidel, who take it boastfully," it said.

In addition, eight US congressmen, in a letter sent Tuesday to president Bill Clinton, demanded that he prepare measures to arrest and demand the extradition of the "Cuban tyrant" for "among other crimes, the murder of American citizens over the Strait of Florida on February 24, 1996."

"We ask that he instruct the Attorney General to review the efforts of the Spanish courts to extradite Pinochet, and that he take definitive steps to bring the Cuban tyrant to justice for the murder of Armando Alejandro, Carlos Costa, Mario de la Peña and Pablo Morales".

The petition is signed by congressmen Lincoln Díaz Balart (R) and Ileana Ros-Lehtinen (R) for Florida; Robert Menéndez (D) for New Jersey; Jerry Salomón (R), Peter King (R) and Mike Forbes (R) for New York, and Bill Thomas (R) and Dana Rohrabach (R) for California.

The congressmen explain in their missive that, just like Manuel Noriega, ex dictator of Panama, who was brought to justice and is serving his sentence, "a prosecution against Fidel Castro is necessary, given his responsibility for the murder of tens of thousands of people in Cuba, Central America and other places," and for the training, financing and support of terrorism and his participation in drug traffic.

They allege that "these crimes" provide the basis for action by the Department of Justice.

On his behalf, Castro answered the press commentaries, ruling out any possibility that one day he would have to face the same destiny as Pinochet.

"I belong to a lineage that would be difficult to arrest anywhere, not only morally, but for the history of my whole life," said Castro, who spoke during an hour and a half on Monday from the stage of the Roman Theater of Merada, Extremadura, before almost a hundred journalists.

Castro commented that "Pinochet should not be converted into a martyr," because "his time has past," and, although the detention of the Chilean general is "morally just," it is "legally questionable and could be a threat to the situation in Chile."

Castro said that he does not fear that one day something similar could happen to him, because his case is not comparable to that of Pinochet, so he has moved freely throughout the world despite the hundreds of attempts that have been organized against him. "I go wherever they give me a visa," he said.

Castro reminded that the Chileans are traditionally very jealous of the laws and of their sovereignty, "more than any country in Latin America," and that the detention of Pinochet could provoke that "the rightwing unifies, which is strong," while creating a difficult situation for the progressive forces."

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Cortina De Humo Sobre Espionaje

**El Nuevo Herald, miércoles, 21 de octubre, 1998, página 1-A
PABLO ALFONSO**

Con la admisión de que Cuba estuvo enviando espías a Estados Unidos según la propia confesión de Fidel Castro, el martes especialistas en asuntos cubanos y dirigentes de organizaciones anticastristas expresaron que el gobernante cubano está tratando de desvirtuar la verdadera naturaleza de las actividades de espionaje en este país.

"Castro está ahora muy preocupado porque sabe que ya seis de los 10 espías detenidos están colaborando ampliamente con el FBI", dijo Ernesto Betancourt, especialista en asuntos cubanos, residente en Washington.

Castro justificó la presencia de espías cubanos en territorio norteamericano señalando que Estados Unidos tiene "espías en cantidades industriales" y admitió que los movimientos del ejército estadounidense en áreas cerca de la isla serían de interés si "se traducen en actos de agresión contra Cuba".

"Pero sabemos que en este momento ése no es el pensamiento fundamental del gobierno estadounidense", dijo Castro a la cadena televisiva CNN que transmitió el martes en su programa WorldView una entrevista exclusiva concedida a Lucía Newman, corresponsal de CNN en La Habana, durante la recién clausurada Cumbre Iberoamericana de Jefes de Estado y de Gobierno en Oporto, Portugal.

Betancourt, ex director de Radio Martí y autor de varios estudios sobre el régimen castrista dijo que, según sus informes, el FBI ha podido examinar "decenas de documentos y disquetes y está sorprendido de la amplitud de la red de espionaje castrista y la agresividad de sus planes".

"Ahora Castro quiere desvirtuar todo eso ante la opinión pública norteamericana y CNN está cooperando con él, como en otras ocasiones, sirviéndole de tribuna", indicó Betancourt.

En Washington, James Rubin, portavoz del Departamento de Estado, descartó las alegaciones de Castro, denominándolas "ridículas" y diciendo que Estados Unidos no sanciona tácticas terroristas anticastristas.

"Se han efectuado arrestos y estamos comprometidos a hacer valer la ley enérgicamente, y eso incluye las leyes contra el terrorismo", dijo Rubin. "Estamos comprometidos a combatir el terrorismo aquí y en cualquier país del mundo. Desafortunadamente, Castro se ha equivocado una vez más".

Silvia Iriondo, presidenta de la organización MAR por Cuba, quien viajó a Oporto junto con representantes de otras organizaciones anticastristas para protestar por la presencia de Castro en la Cumbre, dijo que sus declaraciones "demuestran cómo Castro se burla una vez más del mundo, con su desfachatez".

"Escogió a CNN en Oporto, para buscarse un escenario internacional que esta cadena televisiva le proporciona", dijo Iriondo. "Esa entrevista la pudo haber hecho en La Habana". Castro admitió que había enviado espías a Estados Unidos para infiltrarse en grupos exiliados y conocer "sus actividades terroristas", pero negó enfáticamente que su régimen está interesado en "asuntos estratégicos" norteamericanos.

"No estamos interesados en información sobre bases militares", dijo Castro.

Según la Oficina Federal de Investigaciones (FBI), el grupo tenía planeado infiltrarse en instalaciones militares norteamericanas como el Comando Sur, con sede en Miami, la base naval de Boca Chica en Cayo Hueso, y la base aérea de MacDill, en Tampa, y recopilar toda la información militar posible sobre esas instalaciones.

Los acusados fueron identificados como: René González, Linda Hernández, Nilo Hernández, Alejandro Alonso, Manuel Viramontes, Luis Medina, Antonio Guerrero, Rubén Campa, Joseph Santos y su mujer Amarylis Silverio.

Santos y su esposa, ambos de 37 años, tendrán hoy una audiencia judicial por haberse brindado a declararse culpables en el caso revelado por el FBI el mes pasado.

La pareja accedió a sumarse a otros tres miembros de la presunta red, compuesta de 10 individuos, que van a declararse culpables del delito menor de haber actuado como agentes no registrados de un gobierno foráneo. Este delito conlleva una sentencia hasta de cinco años de cárcel.

Las afirmaciones de Castro, contrastan con lo declarado en días pasados, por su hermano, Raúl Castro, ministro de las Fuerzas Armadas y segundo al mando del régimen, quien alertó a los jefes militares de una posible intervención militar norteamericana en la isla.

"El peligro real de un conflicto bélico aún persiste", dijo Raúl Castro en un discurso pronunciado el pasado 6 de octubre ante el consejo militar del Ejército Oriental de Cuba, celebrado en Las Tunas. "El enemigo es poderoso y sigue modernizando su armamento, como en los días de la Guerra Fría".

Ramón Saúl Sánchez, presidente del Movimiento Democracia, dijo que las declaraciones de Castro confirman también las denuncias de los grupos exiliados sobre la presencia de espías cubanos en sus filas.

"A confesión de parte, relevo de pruebas", dijo Sánchez, citando un viejo refrán. "No hay dudas que muchas pasiones desatadas en el exilio, que lo hacen aparecer ante el resto del mundo como intolerante, intransigente y retrógrado, son planificadas por agentes castristas".

"Estados Unidos tiene espías en cantidades industriales", afirmó Castro. "Tiene agentes de la CIA dedicados a eso, y a la subversión, en su Sección de Intereses en La Habana".

Castro argumentó que los servicios de inteligencia de Estados Unidos son tan eficientes que los espías estadounidenses "pueden escuchar todas las llamadas telefónicas de Cuba. Yo no puedo hacerle ni una sola llamada a un gobernante de Latinoamérica, o a un político, sin que Estados Unidos la escuche".

foto color: Augusto Pinochet (a)
foto: Fidel Castro (n)

Edition: Final, Section: Frente, Page: 1-A

Smokescreen Over Espionage

**El Nuevo Herald, Wednesday, 21 October, 1998, page 1-A
PABLO ALFONSO**

With the admission coming from the confession of Fidel Castro himself that Cuba had sent spies to the United States, specialists in Cuban affairs and leaders of anti-Castro organizations said on Tuesday that the Cuban government is trying to distort the true nature of its espionage activities in this country.

"Castro is very worried now because he knows that six of the ten spies under arrest are collaborating fully with the FBI," said Ernesto Betancourt, a specialist in Cuban affairs, residing in Washington.

Castro justified the presence of Cuban spies in U.S. territory, indicating that the United States has "industrial quantities of spies" and admitted that movements of the United States military in areas near Cuba would be of interest "were they to become acts of aggression against Cuba."

"But we know that at this time, that is not the fundamental thinking of the U.S. government," Castro said to the CNN television network which broadcast on Tuesday an exclusive interview granted to Lucia Newman, CNN's correspondent in Havana, during the recently ended Ibero-American Summit of Heads of State and Government in Oporto, Portugal.

Betancourt, the ex-director of Radio Martí, and the author of various studies of the Castro regime said that, according to his reports, the FBI had been able to examine "dozens of documents and diskettes and it is surprised at the breadth of Castro's espionage network as well as the aggressiveness of its plans."

"Now Castro wants to distort all that for U.S. public opinion and CNN is cooperating with him, as it has on other occasions, giving him a platform," said Betancourt.

In Washington, James Rubin, spokesman for the State Department, discounted Castro's allegations, calling them "ridiculous" and saying that the United States does not sanction anti-Castro terrorist tactics.

"We've arrested people and are committed to vigorously enforce our laws, and those include laws against terrorism," said Rubin. "We are committed to fighting terrorism here and in every country in the world. And unfortunately, again, Fidel Castro is wrong."

Silvia Iriondo, President of the "MAR for Cuba" organization, who traveled to Oporto along with representatives of other anti-Castro organizations in order to protest against Castro's presence at the summit, said that his declarations "show once again how Castro mocks the world, through his audacity."

"He chose CNN in Oporto, in order to seek the international stage that this television network grants him," said Iriondo. "This interview could have been done in Havana." Castro admitted that he had sent spies to the United States in order to infiltrate exile groups and gain awareness of "their terrorist activities," but emphatically denied that his regime is interested in U.S. "strategic affairs."

"We're not interested in information about military bases," said Castro.

According to the Federal Bureau of Investigations (FBI), the group had planned to infiltrate itself into U.S. military installations such as SouthCom, with its headquarters in Miami, the Naval Bases at Boca Chica and Key West, and the Air Force base at MacDill in Tampa, and gather all possible military information about these installations.

The accused were identified as: René González, Linda Hernández, Nilo Hernández, Alejandro Alonso, Manuel Viramontes, Luis Medina, Antonio Guerrero, Rubén Campa, Joseph Santos and his spouse Amarylis Silverio.

Santos and his spouse, both 37 years old, will have a judicial hearing today for having offered to plead guilty in the case revealed by the FBI last month.

The couple agreed to join three other members of the presumed network, composed of 10 individuals, who are going to declare themselves guilty of the minor infraction of having acted as unregistered agents of a foreign government. This offense carries a sentence of up to five years in prison.

Castro's affirmations are in contrast to those made in recent days by his brother, Raúl Castro, head of the Cuban Armed Forces and second in command of the regime, who put Cuban military leaders on alert for a possible U.S. military intervention in Cuba.

"There is still a real danger of a military conflict," said Raúl Castro in a speech given last October 6th at the military council of Cuba's Eastern Army, held in Las Tunas. "The enemy is powerful and continues to modernize his arsenal, as in the days of the Cold War."

Ramón Saúl Sánchez, president of the Democracy Movement, said that Castro's declarations also confirm the complaints of exile groups about the presence of Cuban spies among them.

"A confession, proof enough," said Sánchez, citing the old saying. "No doubt many of the wild passions of the exiles that appear to the rest of the world as intolerance, intransigence, and backwardness, are planned by Castro's agents."

"The United States has industrial quantities of spies," said Castro. "It has CIA agents dedicated to that, and to subversion, in its Interests Section in Havana."

Castro argued that the U.S. intelligence services are so efficient that U.S. spies can even listen to all of Cuba's telephone calls. "I can't make a single call to a Latin American leader, or to a politician, without the United States listening in."

Color photo: Augusto Pinochet (a)

Photo: Fidel Castro (n)

Edition: Final, Section: Frente, Page: 1-A

Analizarán infiltración de espías entre anticastristas

El Nuevo Herald, martes, 27 de octubre, 1998, página 6-A

PABLO ALFONSO

El asesoramiento soviético para infiltrar espías cubanos en los grupos anticastristas de Miami y los insospechados secretos sobre la instalación de misiles nucleares en Cuba, son entre otros temas los que se analizarán en un seminario organizado por la Universidad de Miami.

Con el título de "Una revisión de la crisis cubana de los misiles", la Escuela de Estudios Internacionales de la Universidad de Miami celebrará el jueves un seminario con los analistas políticos Tim Naftali, de la Universidad de Yale y Alexandr Fursenko, historiador ruso. Ambos son especialistas sobre la guerra fría.

El seminario, moderado por el profesor Jaime Suchlicki, pudo ser organizado gracias a la contribución del empresario miamense Norman Braman, quien facilitó el viaje a Miami de Naftali y Fursenko.

Ambos especialistas son autores del libro *One Hell of a Gamble*, publicado en septiembre de 1997 por la editorial W.W. Norton de Nueva York, a partir de los documentos secretos del Kremlin que han salido a la luz pública en los últimos años.

La obra mantiene una dramática vigencia, porque basándose en el comportamiento histórico de Castro, revela las peligrosas potencialidades de su régimen para Estados Unidos y su tradicional interés en la comunidad exiliada de Miami.

En el libro se narra cómo la idea de enviar masivamente espías cubanos a Miami nació hace poco más de tres décadas en la ciudad georgiana de Pitsunda en la antigua Unión Soviética.

Según los autores, el tema fue ampliamente debatido entre Fidel Castro y Nikita Kruschev, una tarde primaveral de mayo de 1963, cuando el jerarca soviético de turno invitó a su colega caribeño a solearse en la piscina de su "dacha" privada, durante el primer viaje que Castro hizo a la ex Unión Soviética tras la Crisis de los Cohetes de octubre de 1962.

Fursenko y Naftali han reconstruido los antecedentes de esa crisis, su desarrollo y consecuencias, revelando que cuando el presidente John F. Kennedy ordenó el bloqueo naval a Cuba, Khrushchev ya había enviado a la isla 41,902 hombres, incluyendo 10,000 efectivos de combate, y aproximadamente unas cien armas nucleares tácticas.

Entre esas armas había decenas de proyectiles nucleares de pequeño alcance con un efecto destructor similar al de las bombas atómicas de Hiroshima y Nagasaki, lo cual era desconocido por la inteligencia norteamericana.

El seminario tendrá lugar en el Club de la Facultad de la Universidad de Miami el jueves al mediodía. La participación es mediante invitación.

Edition: Final
Section: Frente
Page: 6A

Infiltration of spies to be analyzed among anti-Castroists

**El Nuevo Herald, Tuesday, October 27, 1998, page 6-A
PABLO ALFONSO**

The Soviet advice for Cuban spies to infiltrate anti-Castro groups in Miami and the unexpected secrets of the nuclear missile installations in Cuba, are amongst the topics to be analyzed at a seminar organized by the University of Miami.

Entitled "A review of the Cuban Missile Crisis", the School of International Studies at the University of Miami will host a seminar on Thursday, featuring political analysts Tim Naftali from the University of Yale and the historian Alexandr Fursenko. Both are Cold War specialists.

The seminar, moderated by Professor Jaime Suchlicki, is organized thanks to the contribution of Miami businessman Norman Braman, who facilitated Naftali and Fursenko's trip to Miami.

Both experts are authors of the book, *One Hell of a Gamble*, published in September 1997 by the publishing house W.W. Norton of New York, after secret documents from the Kremlin came to light in recent years.

This work maintains a dramatic effect, because it's based on Castro's behavior historically, revealing the potential dangers this regime could have for the United States and its traditional interest in the exile community in Miami.

The book tells how the idea to send Cuban spies on mass to Miami, developed more than three decades ago in the Georgian city of Pitsunda in the former Soviet Union.

According to the authors, this subject was amply debated between Fidel Castro and Nikita Khrushchev one spring afternoon in May 1963 when the Soviet hierarchy of the time invited his Caribbean colleague to sun himself at the pool of his private 'dacha', during Castro's first trip to the Soviet Union after the Missile Crisis of October 1962.

Fursenko and Naftali have reconstructed the background to that crisis, its development and consequences, revealing that when President John F Kennedy ordered the naval blockade of Cuba, Khrushchev had already sent to the island 41,902 men, including 10,000 combat troops, and approximately one hundred tactical nuclear weapons.

Amongst those arms were dozens of short range nuclear missiles with a destructive effect similar to the atomic bombs of Hiroshima and Nagasaki, which was unknown by the United States intelligence.

The seminar will be held at the Faculty Club at the University of Miami at noon on Thursday. Participation is by invitation.

Edition: Final, Section: Front, Page: 6A

Sentencia de Juez genera conflicto entre Cuba y EU

El Nuevo Herald, domingo, 14 de february, 1999, página 25-A
PABLO ALFONSO

La sentencia dictada hace dos años por el juez federal James Lawrence King, para indemnizar con \$187.6 millones a los familiares de los pilotos de Hermanos al Rescate, asesinados en aguas internacionales por cazas Migs de la Fuerza Aérea Cubana, se ha convertido en otro punto de conflicto en las relaciones Cuba-Estados Unidos.

Los familiares de las víctimas tratan de cobrar la indemnización del dinero que las compañías norteamericanas de telecomunicaciones tienen que entregar a Cuba. Mientras tanto, Cuba ha amenazado con cortar el servicio telefónico si no recibe ese dinero.

El Nuevo Herald ha logrado fragmentos de la sentencia firmada por el juez King el 17 de diciembre de 1997, que ha servido de base a la demanda. Su traducción al español está debidamente legalizada y reconocida como auténtica.

- "El Gobierno de Cuba, el 24 de febrero de 1996, mostrando un vil desprecio hacia las leyes internacionales y los derechos humanos básicos, asesinó a cuatro seres humanos en el espacio aéreo internacional sobre el Estrecho de la Florida".
- "Cuando los aviones civiles [de Hermanos al Rescate] volaban sobre aguas internacionales, un MIG 29, de fabricación rusa, perteneciente a la Fuerza Aérea Cubana, sin advertencia, motivo ni provocación, hizo estallar en el aire los indefensos aviones, utilizando sofisticados misiles aire-aire, en dos ataques por separado".
- "Dado que el Tribunal halla que ni Cuba ni la Fuerza Aérea Cubana tienen inmunidad de procesamiento en relación con los asesinatos, y porque los hechos prueban ampliamente la responsabilidad de ambos Demandados, y los daños a los Demandantes, el Tribunal dictará sentencia contra los Demandados".
- "Tras una extensa investigación, la ICAO, [siglas en inglés de la Organización Internacional de Aeronáutica Civil, organismo de Naciones Unidas] emitió un informe en junio de 1996, con la conclusión de que los aviones fueron derribados sobre aguas internacionales".
- "La FSIA [Ley de Inmunidad de Soberanía Extranjera] dispone actualmente que un estado extranjero no deberá tener inmunidad respecto de la jurisdicción de los tribunales norteamericanos en ninguna causa en la cual se demande indemnización monetaria contra un estado extranjero por lesiones personales o muerte, cuya causa sea un acto de tortura, asesinato extrajudicial, sabotaje a aeronaves, toma de rehenes o suministro de apoyo material o recursos.... para cometer un acto de esa índole, si en el mismo, o para su apoyo material, está involucrado un funcionario, empleado o agente de dicho estado extranjero, mientras se encuentre actuando bajo la competencia de su función, empleo o agencia".

Según la sección 1605 (a)(7) de la FSIA, citados por el juez King, los requerimientos establecidos para cumplir lo anterior son:

- 1.- Los Estados Unidos deberán haber designado al estado extranjero como estado patrocinador del terrorismo.

2.- El acto deberá haber ocurrido fuera de las fronteras del estado extranjero.

3.- Los demandantes y las víctimas deberán haber sido nacionales de los Estados Unidos en el momento de ocurrir los actos.

"Los autos de este proceso establecen claramente que se han satisfecho todos estos requerimientos", afirmó el juez King en su sentencia.

En efecto, Cuba es uno de los siete países calificados como patrocinadores del terrorismo en la lista que elabora anualmente el Departamento de Estado; el derribo ocurrió en aguas internacionales según estableció el informe de Naciones Unidas y tres de las cuatro víctimas, eran ciudadanos estadounidenses.

- "Los homicidios extrajudiciales hechos por Cubaviolaron claramente los principios establecidos del derecho internacional. Y lo que es más importante, fueron actos inhumanos en contra de civiles inocentes. El hecho de que los homicidios fueron premeditados e intencionales, fuera del territorio cubano, por completo desproporcionados, y ejecutados sin advertencia ni proceso, hace que este acto sea único por su descarada burla de las normas internacionales".

Foto: El juez federal James Lawrence King pronunciando un discurso (N).

Edition: Final
Section: Panorama
Page: 25A

Judge's sentence creates conflict between Cuba & U.S.

**El Nuevo Herald, Sunday, February 14, 1999, page 25-A
PABLO ALFONSO**

The ruling handed down two years ago by U.S. Federal Judge James Lawrence King to compensate the families of the pilots of Brothers to the Rescue, who were killed in international waters by Cuban Air Force MiGs, with \$187.6 million has become another point of conflict in relations between Cuba and the United States.

Relatives of the victims are trying to obtain their compensation from money that United States telecommunications companies have to pay to Cuba. Meanwhile, Cuba has threatened to cut off phone service if they do not receive that money

El Nuevo Herald has fragments of the ruling signed by Judge King on December 17, 1997, which provides the base for the claim. The Spanish translation has been duly certified and recognized as authentic.

- "The government of Cuba, on February 24, 1996, in outrageous contempt for international law and basic human rights, murdered four human beings in international airspace over the Florida Straits."
- "As the civilian planes flew over international waters, a Russian-built MiG 29 of the Cuban Air Force, without warning, reason, or provocation, blasted the defenseless planes out of the sky with sophisticated air-to-air missiles in two separate attacks."
- "Because the Court finds that neither Cuba nor the Cuban Air Force is immune from suit for the killings, and because the facts amply prove both Defendants' liability and Plaintiffs' damages, the Court will enter judgment against Defendants."
- "Following an extensive investigation, the ICAO, [English initials for the International Civil Aviation Organization] issued a report in June 1996 concluding that the planes were shot down over international waters."
- "As a result, the FSIA [Foreign Sovereign Immunities Act] now provides that a foreign state shall not be immune from the jurisdiction of U.S. courts in any case in which money damages are sought against a foreign state for personal injury or death that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources ... for such an act if such act or provision of material support is engaged in by an official, employee, or agent of such foreign state while acting within the scope of his or her office, employment, or agency."

According to Section 1605 (a) (7) of the FSIA, cited by Judge King, the requirements established to meet the above are:

1. The United States must have designated the foreign state as a state sponsor of terrorism.
2. The act must have occurred outside the borders of the foreign state.
3. The applicants and the victims must have been United States nationals when the acts occurred.

"The record of this trial clearly establishes that all of these requirements have been met," affirmed Judge King in his ruling.

In effect, Cuba is one of seven countries designated as sponsors of terrorism in the list drawn up annually by the State Department; the act occurred in international waters a United Nations report established, and three of the four victims were U.S. citizens.

- "Cuba's extrajudicial killings ... violated clearly established principles of international law. More importantly, they were inhumane acts against innocent civilians. The fact that the killings were premeditated and intentional, outside of Cuban territory, wholly disproportionate, and executed without warning or process makes this act unique in its brazen flouting of international norms."

Photo: Federal Judge James Lawrence King giving a speech (N).

Edition: Final
Section: Panorama
Page: 25A

Hermanos al Rescate Volará al Punto del Derribo

**El Nuevo Herald, martes, 23 de febrero, 1999, página 10-A
PABLO ALFONSO**

Hermanos al Rescate conmemorará el miércoles el tercer aniversario de la muerte de cuatro de sus pilotos, derribados por un MiG cubano sobre aguas internacionales del Estrecho de la Florida, volando precisamente sobre el punto en que se produjo la agresión, afirmó el lunes su presidente, José Basulto.

“Desde allá se hará una comunicación al pueblo de Cuba a través de Radio Martí”, anunció Basulto en una conferencia de prensa celebrada en las oficinas de Hermanos al Rescate en Miami.

Agregó que el martes a las 8:00 p.m. será celebrada una misa en la Ermita de la Caridad, en recordación de los pilotos asesinados.

Basulto, que pilotaba una tercera avioneta y sobrevivió al derribo de las dos Cessna del grupo el 24 de febrero de 1996, viajará a bordo de una de las naves que volarán al “Punto Mártires”, para celebrar allá el acto conmemorativo.

“No sería capaz de mandar a nadie a hacer esto si yo no estuviera” aseguró Basulto. Agregó que las autoridades federales de aviación de Estados Unidos (FAA) están advertidas del propósito del vuelo.

“Lo que vamos a hacer está perfectamente dentro de las normas internacionales”, subrayó.

Basulto mostró un voluminoso expediente que, según dijo, recoge suficientes documentos para pedir una investigación del Congreso y acusó al gobierno del presidente Bill Clinton de “complicidad y negligencia criminal” en el derribo,

Basulto dijo que en la actualidad Hermanos al Rescate mantiene contactos con organizaciones disidentes dentro de Cuba y lleva a cabo una estrategia de resistencia pacífica activa.

“Ahora estamos intentando salvar a 11 millones de personas y no sólo a unos cuantos balseros en alta mar”, subrayó Basulto.

Las secuelas del derribo siguen creando tensión entre Cuba y EU.

Familiares de tres de los pilotos muertos pretenden cobrar una indemnización de \$187.6 millones otorgada en 1997 por un tribunal federal de Florida, o de cuentas congeladas del Gobierno cubano o de pagos normales (ahora bloqueado) que hacen varias telefónicas estadounidenses a la cubana ETECSA por asegurar servicios de larga distancia. Se espera que esta semana el juez Lawrence King llegue a una decisión final sobre la demanda. Cuba anunció que cortará parcialmente la comunicación telefónica entre la isla y EU el jueves 25 de febrero si las empresas que prestan el servicio no pagan.

Foto: Montaje en honor a Hermanos al Rescate (n)

Edition: Final; Section: Cuba; Page: 10A

Brothers to the Rescue Will Fly to Shoot-down Site

**El Nuevo Herald, Tuesday, February 23, 1999, Cuba section, page 10-A
PABLO ALFONSO**

On Wednesday, Brothers to the Rescue will commemorate the third anniversary of the death of four of its pilots, downed by a Cuban MiG over international waters in the Straits of Florida, flying precisely over the spot where the aggression took place, said its president, José Basulto, on Monday.

"From there a communication will be sent to the people of Cuba via Radio Martí," announced Basulto at a press conference held at the offices of Brothers to the Rescue in Miami.

He added that on Tuesday at 8:00 p.m. a mass will be held at the Ermita de la Caridad church, in memory of the murdered pilots.

Basulto, who flew the third small aircraft and survived the shoot-down of the two Cessnas in the group on February 24, 1996, will travel aboard one of the aircraft that will fly at "Martyrs Point," in the commemorative act to be held there.

"I couldn't possibly send anyone to do this if I weren't going to be there," assured Basulto. He added that the United States federal aviation authorities (FAA) have been informed about the proposed flight.

"What we're going to do is perfectly within international norms," he insisted.

Basulto showed a voluminous record that, according to him, is a collection of sufficient documentation to ask for a congressional investigation, and accused Bill Clinton's government of "complicity and criminal negligence" in the shoot-down.

Basulto said that currently Brothers to the Rescue maintains contacts with dissident organizations within Cuba and is promoting a strategy of active peaceful resistance.

"Now we're trying to save 11 million people and not just a few rafters on the high seas," Basulto emphasized.

The aftermath of the shoot-down continues to create tension between Cuba and the U.S.

The families of three of the dead pilots are trying to collect an indemnification of \$187.6 million granted in 1997 by a federal court in Florida, either from the Cuban government's frozen assets or from regular payments (now blocked) that various U.S. telecom companies make to the Cuban [phone company] ETECSA, in order to assure long distance services. It's hoped that this week Judge Lawrence King will reach a final decision on the lawsuit. Cuba announced that it will partially cut off telephone service between the island and the U.S. on Thursday, February 25th, if the companies offering the service do not pay.

Photo: Montage in honor of Brothers to the Rescue (n)
Final Edition, Cuba Section, Page 10

Todo está listo en Seattle para recibir a Fidel Castro

**El Nuevo Herald, miércoles, 24 de noviembre, 1999, página 13-A
PABLO ALFONSO**

El escenario está listo. Los invitados ya han sido advertidos. Los artistas secundarios están preparados para entrar en escena. Sólo el actor principal tiene en ascuas al público invitado y a los organizadores del montaje que tendrá como sede a Seattle, la capital del estado de Washington, en la lejana costa noroeste de Estados Unidos.

"Fidel Castro es el único que a estas alturas sabe si en realidad viajará o no a Seattle", afirmó el diario Seattle Times en un extenso artículo publicado el martes dedicado a analizar las repercusiones de la anunciada visita de Castro, para participar en la III Conferencia Ministerial de la Organización Mundial de Comercio (OMC) que comienza el lunes en esa ciudad.

Simpatizantes del régimen castrista, políticos locales, congresistas estatales, líderes religioso y representantes del mundo académico tienen previsto agasajar a Castro con varios actos de diversa importancia.

La agenda de Castro en Seattle previó un acto de bienvenida a toda la delegación cubana a la OMC a que tendrá lugar el lunes 29 de noviembre a las 3.00 p.m. en la Universidad de Seattle (UW).

El jueves 2 de diciembre Castro deberá reunirse con un grupo de miembros del Congreso de Estados Unidos, encabezado por el representante demócrata por Seattle, Jim McDermott.

Ese mismo día, a las 8:00 p.m., Castro ofrecerá una conferencia magistral en el Salón Meany de la Universidad de Washington, organizada por Eugene Webb, director del Departamento de Estudios de América Latina de ese centro docente.

La conferencia de Castro ha generado tales expectativas en los medios académicos de ese remoto estado norteamericano que la misma será difundida por el canal local de televisión UWTV, y los organizadores aspiran a que pueda ser retransmitida nacionalmente, según anunció el preboste de la UW, Steven Olswang.

Unas 1,200 invitaciones han sido ya impresas para la ocasión y comenzarán a repartirse en las próximas horas.

El viernes 3 de diciembre a las 9:00 p.m. se llevará a cabo un encuentro titulado "Noche de Solidaridad con Cuba", en la Iglesia Bautista La Nueva Esperanza.

Asimismo, el sábado 4 de diciembre, a las 7:30 p.m. habrá una recepción de homenaje a la delegación cubana, organizada por la Iglesia Bautista Monte de Sión, y pastores protestantes que viajarán desde Cuba para la ocasión.

Cinco comisionados del municipio de Seattle, y cinco del Condado Metropolitano de King, donde está enclavada la capital del estado de Washington, han enviado en las últimas semanas calurosas cartas de invitación a Castro. A la cabeza de estos funcionarios electos, que se preparan para homenajear a Castro, se encuentra el congresista McDermott, quien el pasado mes de julio dirigió una carta al gobernante cubano, asegurándole que "será recibido respetuosamente, con amabilidad y simpatía".

Sin embargo otras cartas, menos elogiosas, podrían hacer cambiar de opinión a Castro y obligarlo a cancelar su viaje a Seattle.

La congresista Ileana Ros-Lehtinen está dirigiendo una encendida protesta a la Casa Blanca y al Departamento de Estado, instando a que se le niegue la visa a Castro.

Pero sin duda lo que más preocupa a Castro es la solicitud que el representante Lincoln Díaz-Balart ha hecho a los fiscales estatales y federales para que se encauce a Castro bajo cargos de asesinato por el derribo y muerte de cuatro pilotos de Hermanos al Rescate, a manos de cazas Mig de la Fuerza Aérea de Cuba, ocurrido el 24 de febrero de 1996.

Si algún fiscal norteamericano se decide a encausar a Castro por ese motivo y emite una orden de arresto en su contra mientras se encuentra en territorio de Estados Unidos, se crearía sin duda un problema diplomático de mayúsculas proporciones y de imprevisibles consecuencias.

Porque hay razones para hacerse en ese caso la clásica pregunta: ¿Quién le pone el cascabel al gato?

E-mail: palfonso@herald.com

Memo: CUBA POR DENTRO

Edition: Final

Section: Panorama

Page: 13A

Everything is ready in Seattle to receive Fidel Castro

**El Nuevo Herald, Wednesday, November 24, 1999, page 13-A
PABLO ALFONSO**

The stage is ready. The invited have been advised. The secondary artists are ready to enter the scene. Only the principal actor has the invited public and the organizers of the montage that will take place in Seattle, the capital of the state of Washington, on the far northwest coast of the United States, in suspense.

"Fidel Castro is the only one who at this point knows if in reality he will travel to Seattle or not," affirmed the daily Seattle Times in an extensive article published Tuesday dedicated to an analysis of the repercussions of the announced visit of Castro, to participate in the III Ministerial Conference of the World Trade Organization (WTO) that begins Monday in this city.

Sympathizers with the Castro regime, local politicians, state congressmen, religious leaders and representatives of the academic world have planned to occupy Castro with numerous acts of varied importance.

Castro's agenda in Seattle plans a welcoming ceremony for all the Cuban delegation to the WTO on Monday 29 of November at 3:00 pm at the University of Seattle (UW).

Thursday, December 2, Castro should be meeting with a group of members of the US Congress, headed by the Democratic representative for Seattle, Jim McDermott. That same day, at 8:00 p.m., Castro will hold a magisterial conference in the Meany Salon at the University of Washington, organized by Eugene Webb, the director of the Department of Latin American Studies of that educational center.

Castro's conference has generated such expectations in the academic world in this remote North American state that it will be broadcast by a local television channel UWTV, and the organizers hope that it can be retransmitted nationally, according to an announcement by the provost of UW, Steven Olswang.

Some 1,200 invitations have already been printed for the occasion, and will begin to be shared in the coming hours.

Friday, December 3 at 9:00 pm there will be an event titled "Night of Solidarity with Cuba," at the New Hope Baptist Church.

Also, on Saturday, December 4, at 7:30 pm there will be a reception in homage to the Cuban delegation, organized by the Mount Zion Baptist Church, and Protestant pastors who will travel from Cuba for the occasion.

Five municipal commissioners of Seattle, and five from King County, where the capital of the state of Washington is located, have sent in the last few weeks enthusiastic letters of invitation to Castro. At the head of the elected functionaries, who are getting ready to honor Castro, is found congressman McDermott, who last July sent a letter to the Cuban ruler, assuring him that he would "be received respectfully, with friendship and friendliness."

Nevertheless, other letters, less laudatory, could change Castro's mind, and cause him to cancel his trip to Seattle.

Congresswoman Ileana Ros-Lehtinen is sending a fiery protest to the White House and the Department of State, demanding that they deny Castro a visa.

But without a doubt, that which most worries Castro is the request that Representative Lincoln Díaz-Balart has made to state and federal prosecutors to indict Castro on charges of murder for the shoot-down and death of four pilots of Brothers to the Rescue, at the hands of MIG fighters of the Cuban Air Force, which happened on February 24, 1996.

If some North American prosecutor decides to charge Castro for this reason and issues an arrest warrant against him while he is in US territory, it would without a doubt create a diplomatic problem of huge proportions and unforeseeable consequences.

Which is why there are reasons to ask in this case the classic question: Who will put the bell on the cat?

Memo: CUBA POR DENTRO

Edition: Final

Section: Panorama

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Castro, la Incógnita de la Reunión de Seattle

El Nuevo Herald, domingo 28 de noviembre, 1999, página 1-A
PABLO ALFONSO

Fidel Castro continúa siendo la incógnita principal en vísperas de la III Cumbre Ministerial de la Organización Mundial de Comercio (OMC) que se inaugura el martes en esta ciudad.

¿Viene o no viene? Esa es la pregunta que partidarios y detractores del gobernante cubano se hacen en tanto unos y otros ultiman sus preparativos correspondientes, para recibirlo con honores o para protestar por su presencia en esta hermosa y fría ciudad de la costa noroeste del Pacífico estadounidense.

En preparativos semejantes se encuentran las fuerzas de la policía y del Servicio Secreto, que hasta el momento no han revelado detalles de la llegada del presidente Bill Clinton a Seattle para dejar inaugurada la conferencia.

Por lo menos medio centenar de cubanos que viven en Seattle y algunas ciudades vecinas, están listos para expresar su descontento por la presencia de Castro en esta región.

“Si Castro viene yo estará allá en la Universidad para protestar y explicar la verdad de la situación cubana”, dijo Luis Cadaiga, un exiliado cubano que vive en esta ciudad desde hace tres décadas.

Por su parte el vicepresidente de la Cámara estatal, Clyde Ballard, republicano por East Wenatchee, dirigió una encendida carta de protesta a la Universidad de Washington, por la invitación que este centro ha hecho a Castro para que hable el jueves.

“Deseo disculparme ante los ciudadanos del estado de Washington porque una de nuestras principales instituciones de alta enseñanza está dando la bienvenida con los brazos abiertos a un dictador fascista en nuestro estado”, dijo Ballard.

El interés periodístico en la visita de Castro, la cuarta que haría a Estados Unidos desde que asumió el poder en Cuba hace casi 41 años, aumentó notablemente luego que el congresista Lincoln Díaz-Balart, republicano por la Florida, pidió el encausamiento de Castro por asesinato a la fiscal federal Janet Reno y a la fiscal estatal de Washington, Christine Gregoire.

Díaz-Balart quiere que Castro sea encausado por la muerte de cuatro pilotos de Hermanos al Rescate que fueron derribados en aguas internacionales por cazas MiG cubanos el 24 de febrero de 1996, mientras realizaban un vuelo de rutina en busca de balseros sobre el Estrecho de la Florida.

La portavoz de Gregoire, Liz Mendizabal, dijo el viernes que el asunto competía a las autoridades federales, en vez de las estatales.

El representante demócrata por New Jersey, Bob Menéndez y el republicano por la Florida, Bill McClollum enviaron también sendas cartas a Reno, urgiendo el encausamiento de Castro; en tanto la congresista republicana Ileana Ros-Lehtinen, pedía a la Casa Blanca que negara la visa a Castro.

Por su parte el Comité de Amistad Seattle-Cuba, ha estado muy activo en las últimas semanas distribuyendo propaganda en favor del levantamiento del embargo comercial

norteamericano a Cuba y planeando diversos actos para homenajear a la delegación de Cuba a la reunión de la OMC.

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Section: Frente
Page: 1A

Castro, the unknown element of the Seattle meeting

El Nuevo Herald, Sunday, November 28, 1999, page 1-A

PABLO ALFONSO

Fidel Castro continues to be the main question mark on the eve of the World Trade Organization (WTO) Ministerial III Summit, which opens in this city on Tuesday.

Are you coming or not coming? That is the question that supporters and detractors of the Cuban ruler are asking themselves, in finalizing their preparatory process to honorably receive, or protest his presence in this beautiful and cold city of the Pacific Northwest of the United States.

In such preparation are the police force and Secret Service, who so far have not released details of President Bill Clinton's arrival to Seattle for the conference opening ceremony.

At least 50 Cubans, living in Seattle and in neighboring cities, are ready to express their discontent of Castro's presence in this region.

"If Castro comes I will be at the University to protest and to explain the truth of the Cuban situation" said Luis Cadaiga, a Cuban exile who has been living in this city for three decades.

For his part the vice-president of the state legislature, Clyde Ballard, a Republican for East Wenatchee, directed a heated letter of protest to the University of Washington for the invitation extended to Castro for him to speak on Thursday.

"I want to apologize to the citizens of Washington State because one of our major institutions of higher learning is welcoming a fascist dictator to our state with open arms," Ballard said.

The journalistic interest in Castro's visit, the fourth made to the United States since he assumed power in Cuba almost 41 years ago, notably increased following the request of congressman Lincoln Diaz-Balart, Republican of Florida, to U.S. Attorney General Janet Reno and State Attorney General Christine Gregoire that Castro be indicted for murder.

Diaz-Balart wants Castro to be indicted for the deaths of four pilots from Brothers to the Rescue who were shot down over international waters by Cuban MiG fighters on February 24, 1996, while they were conducting a routine flight in search of rafters over the Straits of Florida.

The spokesperson for Gregoire, Liz Mendizabal, on Friday said that this was an issue for the Federal authorities rather than the state.

The Democrat representative for New Jersey, Bob Menéndez, and the Republican for Florida, Bill McCollum, sent similar letters to Reno urging Castro be indicted, while the Republican congresswoman Ileana Ros-Lehtinen called on the White House to deny Castro a visa.

For its part, the Seattle-Cuba Friendship Committee has been very active in recent weeks distributing propaganda in support of lifting the US economic embargo on Cuba, and planning several events to honor Cuba's delegation to the WTO reunion.

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Castro rehúsa venir por temor a ser arrestado

El Nuevo Herald, martes, 30 de noviembre, 1999, página 1-A

PABLO ALFONSO

El gobernante cubano Fidel Castro canceló finalmente su viaje a Seattle para asistir a la III Conferencia Ministerial de la Organización Mundial de Comercio (OMC) ante la posibilidad de que fuera encausado bajo cargos de asesinato por las autoridades federales de Estados Unidos.

"Dejo a un lado la histeria y las amenazas de los gritones de la mafia terrorista de Miami, siempre deseosos de provocar un sangriento conflicto armado entre Cuba y Estados Unidos, que en este caso sería inevitable consecuencia de cualquier intento de retenerme por la fuerza en Seattle", dijo Castro en una carta dirigida al representante Jim McDermott, demócrata de Seattle quien le preparaba un caluroso recibimiento en esta ciudad.

"En la misiva distribuida a la prensa en La Habana ayer, Castro dijo que portavoces oficiales del gobierno estadounidense advirtieron el pasado viernes al director de América del Norte, Dagoberto Rodríguez, "de las posibles consecuencias del viaje con los mismos argumentos de la mafia extremista cubano-americana".

"Lo importante para mí era la posición de Estados Unidos respecto a mi derecho a participar en una reunión internacional de la OMC de la que Cuba es miembro desde su fundación", afirmó Castro. "Se hizo pronto evidente que el Gobierno de Estados Unidos era opuesto a mi presencia en la reunión de Seattle. Tuve la certeza de que el departamento de Estado no me concedería la visa" y por ello no me molestó siquiera en solicitarla. No quería ser sometido a esa humillación".

Funcionarios del Departamento de Estado declinaron ayer comentar las afirmaciones de Castro quien acusó a la administración de "participar conscientemente de una gran provocación en Seattle".

David Shaffer, jefe de la oficina de prensa de McDermott en Seattle dijo que "el congresista se encuentra muy disgustado por la cancelación del viaje aunque respeta las razones expuestas por Castro".

"De cualquier forma McDermott se reunirá con los delegados cubanos a la OMC, ya que es una delegación de muy alto nivel", subrayó Shaffer. "Este lunes por la noche llegará el canciller Felipe Pérez Roque y con él se coordinará el lugar y la fecha de ese encuentro".

Por su parte el congresista republicano de la Florida, Lincoln Díaz-Balart dijo que las alegaciones de Castro eran una cortina de humo para ocultar las verdaderas causas que provocaron la cancelación de su viaje.

"La retirada de Castro es una victoria del estado de derecho de Estados Unidos a pesar de las garantías e invitaciones de esta Administración", afirmó Díaz-Balart. "Castro no quiso arriesgarse a que cualquiera de los 3,000 fiscales que hay en este país diera la orden de arrestarlo".

La pasada semana Díaz-Balart dirigió una carta a los fiscales estatales y federales de la nación urgiéndolos a procesar a Castro por el asesinato de cuatro pilotos de Hermanos al

Rescate que murieron cuando el 24 de febrero de 1996, cazas MiG de la Fuerza Aérea de Cuba, derribaron en aguas internacionales dos avionetas de esa organización.

“He recibido ya respuesta de varios fiscales estatales que se preguntan por qué no ha actuado ya la fiscalía federal y que están dispuestos a procesar a Castro”, subrayó Díaz-Balart. “Esto no se va a quedar aquí”.

Caricatura de Fidel Castro

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Castro refuses to come to U.S. for fear of being arrested

El Nuevo Herald, Tuesday, November 30, 1999, page 1-A

PABLO ALFONSO

The Cuban ruler Fidel Castro ended up canceling his trip to Seattle to attend the Third Ministerial Conference of the World Trade Organization (WTO) as he faces the possibility of being indicted on murder charges by federal U.S. authorities.

"I will leave aside the hysteria and threats of the noisy terrorist mob in Miami, who are always eager to provoke a bloody armed conflict between Cuba and the United States, which in this case would be an inevitable consequence of any attempt to forcibly hold me in Seattle," said Castro in a letter directed at Representative Jim McDermott, the Seattle Democrat who was preparing a warm welcome in this city.

In the letter distributed to the press in Havana yesterday, Castro said that official spokesmen for the U.S. government warned the director of the North American department [at the Cuban Foreign Ministry], Dagoberto Rodríguez, "of the possible consequences of the trip, using the same arguments as the Cuban-American extremist mob."

"What was most important to me was the United States' position with regard to my right to participate in an international meeting of the World Trade Organization, of which Cuba is a founding member," said Castro. "It would soon be evident that the U.S. government was opposed to my presence at the meeting in Seattle. I was certain that the State Department would not grant me a visa. Therefore, I did not even bother to apply. I did not wish to be subjected to this humiliation."

Employees at the State Department declined yesterday to comment on Castro's statements accusing the administration of being "consciously involved in a major provocation in Seattle."

David Shaffer, head of McDermott's press office in Seattle said that "the Congressman was very disappointed by the cancellation of the trip although he respects the reasons explained by Castro."

"In any case, McDermott will meet with the Cuban delegates to the WTO, considering that it is a very high level delegation," emphasized Shaffer. "This Monday evening, Foreign Minister Felipe Pérez Roque will arrive and the date and place of that meeting will be coordinated with him."

For his part, the Republican congressman from Florida, Lincoln Díaz-Balart said that Castro's allegations were a smokescreen to hide the real reasons that provoked the cancellation of his trip.

"Castro's withdrawal is a victory for the rule of law in the United States, aside from the guarantees and invitations of this Administration," said Díaz-Balart. "Castro didn't want to risk that one of the 3,000 prosecutors in this country might give the order to arrest him."

Last week, Díaz-Balart directed a letter to the nation's state and federal prosecutors urging them to indict Castro for the murder of four pilots from Brothers to the Rescue who died when MiG fighter jets from Cuba's Air Force downed two airplanes from that organization in international waters on February 24, 1996.

"I've already received responses from various state prosecutors asking why the federal prosecutors have not done anything yet and [indicating] that they are willing to indict Castro," emphasized Díaz-Balart. "This is not going to stop here."

Caricature of Fidel Castro

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Castro no irá a la cumbre del milenio

El Nuevo Herald, jueves, 13 de julio 2000, página 5-A
PABLO ALFONSO

Fidel Castro será el gran ausente en la denominada Cumbre del Milenio que tendrá lugar en septiembre en Nueva York, convocada por Naciones Unidas, y a la que asistirán los jefes de Estado y Gobierno de esa organización.

La delegación de Cuba no estará encabezada por Castro, sino por Vilma Espín Guillois, miembro del Consejo de Estado y presidenta de la Federación de Mujeres Cubanas (FMC), de acuerdo con documentos de Naciones Unidas obtenidos por El Nuevo Herald.

La cita mundial, a la que ya han confirmado su asistencia casi la totalidad de los 188 mandatarios de los países miembros, se celebrará del 6 al 8 de septiembre bajo el lema de El papel de Naciones Unidas en el siglo XXI. La Cumbre del Milenio está considerada el mayor encuentro de jefes de Estado o Gobierno que haya tenido lugar nunca antes en Naciones Unidas, según expresa la convocatoria del encuentro.

En diciembre del pasado año Castro canceló a última hora su participación en la conferencia de la Organización Mundial del Comercio celebrada en Seattle, Washington, ante el temor de que pudiera ser arrestado en Estados Unidos bajo cargos de asesinato.

"Varios fiscales me han asegurado que están trabajando en el encausamiento de Castro", afirmó el representante Lincoln Díaz-Balart, republicano por la Florida. "Estoy seguro que Castro está al tanto de esos proceso y probablemente eso influye en su decisión de no tocar suelo norteamericano".

Según el congresista, él envió en diciembre cartas a los 2,900 fiscales estatales y 100 fiscales federales, solicitando que consideraran encausar a Castro bajo cargos de asesinato, por la muerte de los pilotos de Hermanos al Rescate, derribados en aguas internacionales por cazas MiGs de la Fuerza Aérea de Cuba el 24 de febrero de 1996.

Luego del derribo, que costó la vida a los cuatro pilotos (tres de ciudadanía estadounidense y uno residente en este país), Castro se responsabilizó públicamente con la acción y dijo que él había dado la orden.

Cuba está señalada para hablar en la sesión de la tarde en el primer día de la Cumbre, que será inaugurada por el presidente de Estados Unidos, Bill Clinton, como jefe de Estado del país anfitrión.

La delegación cubana a la Cumbre estará integrada por 13 miembros, en su mayoría dirigentes de la FMC y funcionarios de la Cancillería, de acuerdo con los documentos oficiales presentados a Naciones Unidas.

Castro no ha salido de Cuba desde junio de 1999, cuando viajó a Río de Janeiro, Brasil, para participar a la reunión de la Unión Europea con América Latina y el Caribe. Desde entonces ha declinado invitaciones para viajar a República Dominicana, así como a las ceremonias de toma de posesión presidenciales en Argentina y Chile, respectivamente.

MIEMBROS DE LA DELEGACIÓN CUBANA

Estos son los miembros de la Delegación de Cuba a la Cumbre del Milenio de Naciones

Unidas

Representantes:

1. Vilma Espín Guillois, miembro del Consejo de Estado y Presidenta de la Federación de Mujeres Cubanas.
2. Yolanda Ferrer Gómez, Secretaria General de la Federación de Mujeres Cubanas.
3. Rafael Daussá Céspedes, Embajador Extraordinario y Plenipotenciario, Representante Permanente Adjunto ante las Naciones Unidas.
4. Magalys Arocha Domínguez, Secretaria de Relaciones Exteriores, Federación de Mujeres Cubanas.
5. Juan Antonio Fernández Palacios, Subdirector, Asuntos Multilaterales, Ministerio de Relaciones Exteriores.

Suplentes:

6. Carolina Aguilar, Directora Editorial de la Mujer. Miembro del Comité Nacional de la Federación de Mujeres Cubanas.
7. Mercedes de Armas García, Consejera, Misión Permanente.
8. Rita María Pereira Ramírez, Funcionaria de la Federación de Mujeres Cubanas.
9. Ana Milagros Martínez Rielo, Funcionaria de la Federación de Mujeres Cubanas.
10. Luis Amorís Núñez, Segundo Secretario, Misión Permanente.

Consejeros:

11. Alicia Martínez Préstamo, Funcionaria.
12. Juan Vilarrubia Sáez, Funcionario.
13. Orlando Pérez Sotero, Funcionario.

Caption: Foto: Vista del edificio de las Naciones Unidas en Nueva York (n)

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Castro will not attend the Millennium Summit

El Nuevo Herald, Thursday 13 July, 2000, page 5-A
By PABLO ALFONSO

Fidel Castro will be notably absent at the Millennium Summit, convened by the United Nations, that is being held in September in New York, which will be attended by the organization's heads of State and Government.

Cuba's delegation will not be led by Castro, but Vilma Espín Guillois a member of the Council of State and President of the Federation of Cuban Women (FMC), according to UN documents obtained by El Nuevo Herald.

The global event, for which almost 188 leaders from the member countries have confirmed their attendance, will be held September 6-8 under the motto "The role of the UN in the XXI century." The Millennium Summit is considered the largest gathering of heads of state or government that has ever taken place in the United Nations, according to the conveners of the gathering.

Last year in December Castro cancelled, at the last minute, his participation in the World Trade Organization conference that was held in Seattle, Washington, fearing he could be arrested in the U.S. on murder charges.

"Several prosecutors have assured me they are working on Castro's indictment" said the Republican Lincoln Diaz-Balart, the representative for Florida. "I'm sure Castro is aware of these proceedings and that probably influenced his decision to not set foot on North American soil."

According to the congressman, he sent letters to the 2,900 state prosecutors and 100 federal prosecutors in December, asking them to consider indicting Castro on charges of murder for the death of the Brothers to the Rescue pilots that were shot down in international waters by MiG fighters from the Cuban Air Force on February 24, 1996.

After the downing, which took the lives of four pilots (three U.S. citizens and one resident of this country), Castro publicly took responsibility for the action and said he had given the order.

Cuba is listed to speak in the afternoon session on the first day of the Summit, which will be opened by the President of the United States Bill Clinton as head of state of the host country.

The Cuban delegation to the Summit shall consist of 13 members, mostly FMC leaders and officials from the Ministry for Foreign Affairs, according to the official documents submitted to United Nations.

Castro has not left Cuba since June 1999, when he travelled to Rio de Janeiro, Brazil, to participate in the meeting of the European Union with Latin America and the Caribbean. Since then he has declined invitations to travel to Dominican Republic, as well as the Presidential swearing in ceremonies for Argentina and Chile, respectively.

CUBAN DELEGATION MEMBERS

These are the members of the Cuban Delegation to the United Nations Millennium Summit.

Representatives:

1. Vilma Espin Guillos, a member of the Council of State and President of the Federation Cuban Women.
2. Yolanda Ferrer Gómez, General Secretary of the Federation of Cuban Women.
3. Rafael Daussá Céspedes, Extraordinary and Plenipotentiary Ambassador, Permanent Representative attached to the United Nations.
4. Magalys Arocha Domínguez, Secretary of Foreign Affairs, Federation of Cuban Women.
5. Juan Antonio Fernández Palacios, Assistant Director, Multilateral Affairs of the Ministry of Foreign Affairs.

Substitutes:

6. Carolina Aguilar, Editorial Director of Women. Member of National Committee of the Federation of Cuban Women.
7. Mercedes de Armas García, Advisor, Permanent Mission.
8. Rita María Pereira Ramírez, Officer of the Federation of Cuban Women.
9. Ana Milagros Martínez Rielo, Officer of the Federation of Cuban Women.
10. Luis Amoris Nunez, Second Secretary, Permanent Mission.

Advisors:

11. Alicia Martínez Prestamo, Officer.
12. Juan Vilarrubia Sáez, Officer.
13. Orlando Perez Sotero, Officer.

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Caption: Photo: View of UN building in New York (n)

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Díaz-Balart Pide a Alemania Arrestar a Castro

**El Nuevo Herald, jueves, 20 de julio, 2000, página 2-A
PABLO ALFONSO**

El representante Lincoln Díaz-Balart, republicano por la Florida, solicitó formalmente el miércoles al gobierno de Alemania que detenga, encause y juzgue al gobernante cubano Fidel Casto por crímenes contra la humanidad, si éste viaja a ese país la próxima semana como se ha anunciado.

“Constituiría un gran e histórico honor para Alemania si es el primer país en encausar a Castro por crímenes contra la humanidad bajo la Convención Contra la Tortura”, afirmó Díaz-Balart.

El congresista dirigió una carta a la ministro de Justicia alemana, Herta Daubler-Gmelin, en la cual cita los artículos específicos de la Convención Internacional Contra la Tortura y Otros Tratos o Castigos Crueles, Inhumanos o Degradantes, ambos de Naciones Unidas, y pide que la justicia alemana detenga y juzgue a Castro si visita ese país.

En su petición el congresista señala que las Convenciones, que fueron ratificadas por Alemania el 30 de septiembre de 1990, establecen que los actos de tortura deben ser encausados por cada estado signatario de la Convención.

Castro, dijo Díaz-Balart, ha perpetuado una campaña sistemática de represión y terror, incluyendo asesinatos y torturas, contra los que se han opuesto a su régimen desde que tomó el poder en Cuba en enero de 1959. En su carta, el congresista señaló que el 13 de julio de 1994 Castro ordenó el hundimiento del remolcador 13 de marzo, en el que perecieron ahogados 41 refugiados que buscaban escapar de Cuba, incluyendo a por lo menos 12 niños.

Agregó que Castro fue el autor intelectual del derribo de las avionetas de Hermanos al Rescate en aguas internacionales por MiGs cubanos, que costó la vida a tres ciudadanos norteamericanos y un residente.

En los últimos meses Díaz-Balart ha desarrollado una intensa campaña solicitando a fiscales federales y estatales en Estados Unidos el encausamiento de Castro por estos hechos. Sus gestiones obligaron a Castro a cancelar en diciembre un proyectado viaje a Seattle, Washington, para asistir a la reunión anual de la Organización Mundial de Comercio.

En esa oportunidad Castro lamentó la cancelación del viaje y se refirió a “la histeria y las amenazas de los gritones de la mafia terrorista de Miami, siempre deseosos de provocar un sangriento conflicto armado entre Cuba y Estados Unidos, que en este caso sería inevitable consecuencia de cualquier intento de retenerme por la fuerza en Seattle”, en una carta dirigida al representante Jim McDermott, demócrata de Seattle, quien le preparaba un caluroso recibimiento en esa ciudad.

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Section: Plana Dos
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Díaz-Balart Asks Germany to Arrest Castro

El Nuevo Herald, Thursday, July 20, 2000, page 2-A

PABLO ALFONSO

On Wednesday, U.S. Congressional Representative Lincoln Díaz-Balart, R-Florida, made a formal request to the German government, to arrest, indict and try the Cuban leader, Fidel Castro, for crimes against humanity, should he travel to that country in the next week as has been announced.

"It would constitute a great and historic honor for Germany if it is the first country to charge Castro for crimes against humanity under the Convention Against Torture," said Díaz-Balart.

The Congressional Representative sent a letter to the German Justice Minister, Herta Daubler-Gmelin, in which he cites specific articles from the United Nations' International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and asks that German justice arrest and indict Castro if he visits that country.

In his petition, the Representative indicates that the Conventions, which were ratified by Germany on September 30, 1990, establish that acts of torture should be indicted by each country that has ratified the Convention.

Castro, said Díaz-Balart, has carried out a systematic campaign of repression and terror, including assassination and torture, against those who have opposed his regime since he took power in Cuba in January of 1959. In his letter, the representative indicated that on July 13, 1994, Castro ordered the sinking of the tugboat *13 de marzo*, in which 41 refugees who sought to escape Cuba were drowned, including at least 12 children.

He added that Castro was the intellectual author of the downing of Brothers to the Rescue's small aircraft in international waters, by Cuban MiGs, at the cost of the lives of three U.S. citizens and one U.S. resident.

In recent months Díaz-Balart has developed an intense campaign asking federal and state prosecutors in the United States to indict Castro for these acts. His efforts forced Castro to cancel his planned trip to Seattle, Washington in December, to attend the annual meeting of the World Trade Organization.

At that time Castro expressed regret over the cancellation of the trip and made reference to "the hysteria and threats of the noisy terrorist mob in Miami, who are always eager to provoke a bloody armed conflict between Cuba and the United States, which in this case would be an inevitable consequence of any attempt to forcibly hold me in Seattle," in a letter sent to Representative Jim McDermott, D-Seattle, who'd prepared a warm reception in that city.

Final Edition

Section: Page Two, Page: 2A

\$90 Millones a Familiares de los Pilotos Derribados

**El Nuevo Herald, jueves, 12 octubre 2000, página 1-A
PABLO ALFONSO**

Las siempre tensas relaciones entre Cuba y Estados Unidos podrían entrar en una nueva crisis a consecuencia de la ley aprobada ayer por el Senado, que permite compensar económicamente a los ciudadanos norteamericanos víctimas del terrorismo utilizando los fondos que esos países tienen congelados en bancos estadounidenses.

La medida fue aprobada por 95 votos a favor y ninguno en contra, como parte de la Ley de Protección a las Víctimas del Contrabando Humano.

En virtud de la nueva legislación, los familiares de los pilotos de Hermanos al Rescate – Armando Alejandro, Mario de la Peña y Carlos Costa-, asesinados en aguas internacionales por cazas cubanos en febrero de 1996, recibirían aproximadamente \$90 millones entre compensaciones y pagos de sanciones jurídicas. El cuarto piloto asesinado, Pablo Morales, está excluido porque no era ciudadano estadounidense.

La compensación se basa en un fallo del juez federal James Lawrence King, que hace tres años otorgó a los demandantes \$187 millones en daños compensatorios y punitivos.

El fallo del juez King, que eventualmente congeló el pago a Cuba de las llamadas telefónicas, provocó una enérgica reacción del régimen de Fidel Castro, que desconectó los circuitos de comunicación con Estados Unidos e interrumpió durante varios meses las llamadas directas a la isla.

“Analizaremos detenidamente la ley y sin duda que daremos en su momento una respuesta adecuada”, afirmó a El Nuevo Herald una fuente de la cancillería cubana desde La Habana.

Los fondos para compensar a los familiares de Hermanos al Rescate serán tomados de una cuenta congelada que el estado cubano tiene en el Chase Manhattan Bank de Nueva York, declaró a El Nuevo Herald el abogado Frank Angones, quien representa a varios de los familiares.

“De inmediato tendrían derecho a recibir \$50 millones por daños compensatorios más intereses, y otros \$37 millones por desacato a compañías de comunicaciones que negocian con Cuba y que está en discusión”, declaró Angones.

El abogado dijo que los fondos pertenecientes al estado cubano provienen del pago de AT&T por concepto de llamadas telefónicas realizadas entre 1969 y 1992, y que nunca se envió a Cuba en cumplimiento del embargo norteamericano.

“La Ley Torricelli autorizó en 1992 a las compañías telefónicas a negociar con Cuba y a pagar las llamadas a partir de ese momento”, explicó Angones. “Por lo demás, no hemos podido saber todavía dónde está el dinero de las llamadas efectuadas entre 1960, cuando se confiscaron las empresas norteamericanas en Cuba, y 1969”.

La medida aprobada el miércoles por el Senado fue formulada originalmente en 1988 en un proyecto legislativo conocido como Justicia para las Víctimas del Terrorismo, promovido en la Cámara por los representantes republicanos Bill McCollum e Ileana Ros-Lehtinen, y en el Senado por el también republicano Connie Mack, pero desde entonces enfrentó fuerte resistencia de la administración de Bill Clinton.

Sin embargo, este año la medida fue incluida como parte de la Ley de Protección a las Víctimas de Contrabando Humano, y una versión rectificadora obtuvo el pasado viernes una aprobación abrumadora de 371-1 en la Cámara de Representantes, tras lograrse un consenso en la conferencia bicameral y el respaldo de la Casa Blanca.

“Hoy es un día de alegría en medio de esta tragedia”, afirmó Ros-Lehtinen. “Esta ley honra a las víctimas del terrorismo; lo que importa no es su valor compensatorio, sino el mensaje que envía a las dictaduras y regímenes terroristas”, subrayó la congresista.

Caption: Foto color: Frank Angones (n)

Edition: Final
Section: Panorama
Page: 1A

Families of Downed Pilots to Receive \$90 Million Dollars

El Nuevo Herald, Thursday, October 12, 2000, Page 1-A
PABLO ALFONSO

The always tense relations between Cuba and the United States may enter into a new crisis as the result of a law approved yesterday by the Senate, that allows for U.S. citizens who are victims of terrorism to gain access to funds from those states, frozen in U.S. banks.

The measure was approved 95-0, as part of the Law to Protect Victims of Human Trafficking.

By virtue of the new legislation, the families of the Brothers to the Rescue pilots – Armando Alejandro, Mario de la Peña and Carlos Costa – killed over international waters by Cuban fighter jets in February of 1996, would receive approximately \$90 million dollars, between compensation and payment of legal penalties. The fourth killed pilot, Pablo Morales, is excluded because he was not a U.S. citizen.

The compensation is based on a ruling from federal judge James Lawrence King, who awarded the suing families \$187 million in punitive and compensatory damages three years ago.

The ruling by Judge King, which resulted in telecom payments to Cuba being frozen, provoked a strong reaction from Fidel Castro's regime, which disconnected the communication circuits with the United States, cutting off direct phone calls to the island for a number of months.

"We will carefully analyze the law and without a doubt, will provide an adequate response at the proper time," a source from Cuba's Foreign Ministry in Havana told El Nuevo Herald.

The funds to compensate the Brothers to the Rescue families will be taken from a frozen account held by the Cuban government at Chase Manhattan Bank in New York, said Frank Angones, the attorney representing a number of the family members.

"They would have the immediate right to receive \$50 million in compensatory damages, plus interest, and another \$37 million in punitive damages from the companies doing business with Cuba, and this is being discussed," said Angones.

The attorney said that the funds belonging to Cuba come from AT&T's payment for telephone calls made between 1969 and 1992, which was never sent to Cuba, in compliance with the U.S. embargo.

"The Torricelli Law authorized phone companies in 1992 to negotiate with Cuba and to pay for calls starting at that time," explained Angones. "Furthermore, we still have not been able to figure out what happened to the money for calls made between 1960, when U.S. businesses were confiscated in Cuba, and 1969."

The measure approved by the Senate on Wednesday was originally formulated in 1988 as part of a legislative project known as Justice for the Victims of Terrorism, brought to the House of Representatives by Republican representatives Bill McCollum and Ileana Ros-Lehtinen, and in the Senate, by the also Republican Connie Mack. But at the time, it faced strong resistance from the Bill Clinton administration.

Nevertheless, this year the measure was included as part of the Law to Protect Victims of Human Trafficking, and a corrected version was overwhelmingly passed last Friday, 371-1 in the House of Representatives, after reaching consensus in a bipartisan conference meeting, and backing from the White House.

"Today is a day of joy in the midst of this tragedy," said Ros-Lehtinen. "This law honors victims of terrorism; what matters is not its compensatory value but the message that it sends to dictators and terrorist regimes," she emphasized.

Caption: Color photo: Frank Angones (n)

Final Edition
Panorama Section
Page 1A

Llevarán el caso de Hermanos al Gobierno de Bush

El Nuevo Herald, domingo, 14 de enero, 2001, página 25-A
PABLO ALFONSO

La organización no gubernamental Judicial Watch (JW), con sede en Washington, decidió la pasada semana presentar ante la nueva administración del presidente George W. Bush el caso de los pilotos de Hermanos al Rescate, asesinados por Migs cubanos en aguas internacionales el 24 de febrero de 1996.

“Bajo la administración de Clinton, el Departamento de Justicia, no ha llevado a cabo ninguna acción significativa, desde el punto de vista legal, contra aquellas personas directamente responsables por el derribo de las dos avionetas y la muerte de sus tripulantes”, expresó una carta de JW enviada personalmente a Bush el pasado 5 de enero.

Esta actitud inexcusable, continuó la carta de JW, ha sido mantenida por la administración Clinton, a pesar de que el gobierno de Cuba fue condenado por el derribo de las avionetas en aguas internacionales, según concluyó una investigación efectuada por la Organización Internacional de la Aviación Civil, un organismo de Naciones Unidas.

La carta recordó que el dictador cubano Fidel Castro asumió públicamente la responsabilidad por el derribo de las avionetas, en declaraciones realizadas a la revista Times y a la cadena de televisión norteamericana CBS.

En diciembre de 1999, el congresista cubanoamericano Lincoln Díaz-Balart envió una carta a los fiscales estatales y federales de Estados Unidos, pidiendo que encausaran a Castro bajo cargos de asesinato por el derribo de las avionetas. Pero esa petición ha quedado hasta ahora sin respuesta.

Abogados de Hermanos al Rescate han gestionado igualmente el encausamiento de Castro ante la fiscalía federal de la Florida, sin obtener resultados.

Judicial Watch quiere que la administración Bush, que asumirá el gobierno el próximo día 20 de enero, analice los elementos que el presidente de Hermanos al Rescate, José Basulto, ha acumulado sobre el derribo de las avionetas.

“Los Hermanos al Rescate tienen pruebas contundentes, reunidas en los últimos cinco años, que identifican claramente a los responsables del derribo, a los que tenían conocimiento previo del ataque, así como a los implicados en el encubrimiento, políticamente motivado, de esta atrocidad”, afirmó Basulto.

El derribo de las avionetas desató una serie de acontecimientos políticos cuyas consecuencias se extienden hasta el presente.

La más significativa fue la aprobación de la controvertida ley Helms-Burton, que hasta ese momento el presidente Clinton se había negado a firmar. Por otra parte, como consecuencia del derribo, un juez federal obligó al gobierno de Cuba a indemnizar a los familiares de las víctimas. El dinero para esa indemnización ha sido tomado de fondos del Estado cubano congelados en bancos norteamericanos. En una serie de respuestas y contrarrespuestas a esa medida, Cuba cortó el pasado 15 de diciembre las comunicaciones telefónicas directas con Estados Unidos, medida que se mantiene vigente.

La más reciente revelación sobre el derribo de las avionetas se produjo en días pasados, en el juicio que se sigue a un grupo de supuestos espías cubanos en Miami. Varios miembros de la denominada Red Avispa participaron en las operaciones previas al derribo de las avionetas y recibieron ascensos por la misión ejecutada. El próximo 24 de febrero se cumplen cinco años del derribo de las avionetas y la muerte de sus cuatro tripulantes. Aparentemente todavía faltan algunos capítulos por conocer de ese asesinato, ejecutado a sangre fría por los pilotos de guerra cubanos.

Memo: CUBA POR DENTRO
Edition: EDITION: Final
Section: SECTION: Panorama
PAGE: 25A

The case of Brothers to be taken to the Bush Administration

El Nuevo Herald, Sunday, January 14, 2001, page A-25
PABLO ALFONSO

The non-governmental organization Judicial Watch (JW), based in Washington, last week decided to present to the new administration of President George W. Bush the case of the Brothers to the Rescue pilots killed by Cuban MiGs in international waters on February 24, 1996.

“Under the Clinton administration, the Justice Department has not taken any significant action, from a legal standpoint, against those directly responsible for the shooting down of the two planes and the deaths of its crews,” said one JW letter personally given to Bush the previous January 5.

This inexcusable attitude, JW’s letter continued, has been maintained by the Clinton administration, despite the Cuban government being condemned for the shooting down of the planes in international waters, as concluded in an investigation undertaken by the International Civil Aviation Organization, an agency of the United Nations.

The letter recalled that the Cuban dictator Fidel Castro publicly accepted responsibility for the downing of the planes, in statements made to the Times magazine, and the U.S. television chain CBS.

In December 1999, the Cuban-American Congressman Lincoln Diaz-Balart sent a letter to state and federal prosecutors of the United States, calling for Castro to be charged with murder for the downing of the planes. But that request has so far been unanswered.

Lawyers for Brothers to the Rescue have also put forward that Castro be charged before Florida’s federal prosecutors, to no avail.

Judicial Watch wants the Bush administration, which takes office January 20th, to analyze the elements that the president of Brothers to the Rescue, José Basulto, has accumulated over the downing of the planes.

“The Brothers to the Rescue have hard evidence that was gathered in the last five years, which clearly identifies those responsible for the downing, and those who had prior knowledge of the attack, as well as those involved in the politically motivated cover-up of this atrocity,” said Basulto.

The downing of the planes unleashed a series of political events whose consequences have extended to the present.

The most significant was the passage of the controversial Helms-Burton law, which until that moment President Clinton had refused to sign. Moreover, as a result of the downing, a federal judge ordered the Cuban government to compensate the families of the victims. The money for such compensation has been taken from Cuban state funds that were frozen in U.S. banks. In a series of responses and counter responses to this measure, Cuba cut direct telephone communications with the U.S. on December 15th, a measure that is still in force.

The latest revelation about the downing of the planes occurred in recent days, in the continuing trial of a group of alleged Cuban spies in Miami. Several members of the so-called Wasp Network participated in operations prior to the downing of the planes, and received promotions for the mission executed. Next February 24th marks the fifth anniversary of the downing of the planes, and the death of the four crew members. Apparently there are still some chapters yet to be known about that murder, executed in cold blood by Cuban fighter pilots.

Memo: INSIDE CUBA
Edition: EDITION: Final
Section: SECTION: Panorama
PAGE: 25A

Author Name: **Wilfredo Cancio Isla**

Media Outlet, background: *El Nuevo Herald, The Miami Herald*

When Miami Herald reporter Oscar Corral broke the story about the Miami journalists who received U.S. government pay on Sept. 8, 2006, Wilfredo Cancio Isla was among those 10 reporters he exposed. The National Committee to Free the Cuban Five began a broader investigation to uncover the role of the government reporters in convicting the Five.

Among Cancio Isla's coverage of the Five's trial is a scandalous article in *El Nuevo Herald* on June 4, 2001, the day the jury began its deliberations on the question of guilt or innocence. With the headline, "Cuba used hallucinogens to train its spies," the article is a complete fabrication. It makes an unsubstantiated claim from an anonymous Cuban spy deserter that Cuba gives its agents LSD and other hallucinogens before sending them on missions abroad.

The intention of Cancio was to give the "coup de grace" against the Five, just at the moment when the jury was to begin its deliberations. Cancio links the Five, saying "At the beginning of this year, motivated by the trial taking place in Miami against five presumed Cuban spies, he [the deserter] decided to break his silence. ... 'I can assure you that the Wasp Network (broken up in September 1998) is just a part of the espionage work that was conceived to infiltrate the United States on a long-term basis'".

In another *El Nuevo Herald* article of April 19, 2001 headlined, "The prosecution fears Cuban control in spy trial: 'Cuba is preparing a fabricated version of the facts,'" Cancio Isla flagrantly violated the Court's order which prohibited the media from informing the public about private discussions among the prosecution, the defense and the judge. The aim of the Court order? To prevent the jury from being unduly influenced.

The day before Apr. 19, the jury was removed from the court, in order not to hear a private dispute between the prosecution and defense. Caroline Heck-Miller, one of the prosecutors, opposed the defense attorneys' request for permission from the Court to travel to Cuba to obtain more witness testimony, claiming, "Cuba is constructing a fabricated version of the facts."

Only six days before, April 13, judge Joan Lenard had warned the media not to make public the conversations between the Government and defense, saying, "the Court and the parties have an interest in protecting the jury from matters not presented to it in the open courtroom and that is the reason for the gag order that was entered by the Court with respect to discussion of attorneys and the like; ..."

This deliberate violation of the Court's order by Cancio Isla is only one example of the attempt by the U.S.-paid reporters to influence the jury against the Cuban Five.

These two articles — written by a reporter who secretly received thousands of dollars in U.S. government pay during the trial — warrant the immediate overturning of the Five's unjust convictions.

(Note: Although Cancio Isla was fired by the Miami Herald for his flagrant violation of journalist ethics by his government employment, he was soon re-hired after the Cuban-American rightwing organized a boycott of the newspaper. *(see other side)*)

Evidence of Payment: 2006 Miami Herald FOIA
Jan. 2009 National Committee FOIA
Oct. 2010 *Liberation* newspaper FOIA

Amount Paid: \$ 4,050.00 during the Five's prosecution
\$ 21,800.00 total (09/30/00 – 11/20/06)

| Date | Amount |
|---------------------------|--------------------|
| 09/30/00 | \$75.00 |
| 10/25/00 | \$150.00 |
| 10/26/00 | \$75.00 |
| 01/24/01 | \$1,050.00 |
| 02/09/01 | \$2,700.00 |
| During prosecution | \$4,050.00 |
| Total | \$21,800.00 |

Articles written before period of documented payment:

- 1. Hermanos al Rescate arrecia batalla legal**
(English Translation: Brothers to the Rescue legal battle intensifies)
El Nuevo Herald, Friday, January 22, 1999, WILFREDO CANCIO ISLA
- 2. En recordación de los caídos**
(English Translation: In Memory of the Fallen)
El Nuevo Herald, February 25, 1999, WILFREDO CANCIO ISLA
- 3. Teme Castro la suerte de Pinochet**
(English Translation: Castro fears the same fate as Pinochet)
El Nuevo Herald, June 16, 1999, WILFREDO CANCIO ISLA
- 4. Piden acelerar el caso por el derribo de avionetas**
(English Translation: Feds asked to move forward in aircraft shoot-down case)
El Nuevo Herald, February 9, 2000, WILFREDO CANCIO ISLA
- 5. Vinculan a Faget con caso de Hermanos al Rescate**
(English Translation: Faget is linked in case of Brothers to the Rescue)
El Nuevo Herald, February 24, 2000, WILFREDO CANCIO ISLA

Articles written during period of documented payment:

- 6. Luz verde para compensar a los familiares de los Pilotos de Hermanos**
(English Translation: Green light to compensate families of the Brothers pilots)
El Nuevo Herald, October 7, 2000, WILFREDO CANCIO ISLA
- 7. Piden encausamiento de Castro por asesinato**
(Prosecution of Castro is sought for murder)
El Nuevo Herald, February 27, 2001, WILFREDO CANCIO ISLA

- 8. La fiscalía teme que Cuba controle el juicio a espías
'Cuba prepara una versión arreglada de los hechos', dijo**
(English Translation: The prosecution fears Cuban control in spy trial
"Cuba is preparing a fabricated version of the facts")
El Nuevo Herald, April 19, 2001, WILFREDO CANCIO ISLA
- 9. Llaman patriota a acusado de espía**
(English Translation: Accused spy called patriot)
El Nuevo Herald, May 31, 2001, WILFREDO CANCIO ISLA
- 10. Califican a los espías de 'protectores' de EU**
(English Translation: Spies Characterized as 'Protectors' of the US)
El Nuevo Herald, June 1, 2001, WILFREDO CANCIO ISLA
- 11. Cuba usó alucinógenos al adiestrar a sus espías**
(English Translation: Cuba used hallucinogens to train its spies)
El Nuevo Herald, June 4, 2001, WILFREDO CANCIO ISLA
- 12. Los presuntos espías esperan por el veredicto**
(English Translation: The alleged spies await the verdict)
El Nuevo Herald, June 5, 2001, WILFREDO CANCIO ISLA

Nombre del autor: Wilfredo Cancio Isla

Fuente de prensa y antecedentes:

El Nuevo Herald, The Miami Herald

Cuando el reportero Oscar Corral del Miami Herald escribió sobre los periodistas de Miami que recibieron pagos del gobierno de EEUU el 8 de septiembre, 2006, Wilfredo Cancio Isla estaba dentro de los diez periodistas expuestos. El Comité Nacional para la Libertad de los Cinco comenzó investigaciones para detallar el papel de los reporteros del gobierno en condenar a los Cinco.

En la cobertura de Cancio Isla sobre el juicio de los Cinco, se encuentra un escandaloso artículo en El Nuevo Herald del 4 de junio de 2001, el día que el jurado comenzó las deliberaciones sobre la culpabilidad o la inocencia. Bajo el título "Cuba usó alucinógenos al adiestrar a sus espías", el artículo es una invención pura y simple que afirma sin fundamento que un anónimo espía cubano, "desertor", habría dicho que el gobierno cubano les había dado a agentes cubanos enviados al extranjero, LSD y otros alucinógenos.

La intención de Cancio era la de dar un "golpe de gracia" contra los Cinco y estimular la histeria anticubana, justo en el momento en que el jurado iba a comenzar las deliberaciones. Cancio vincula a los Cinco en el artículo: "... motivado por el juicio que tiene lugar en Miami contra cinco presuntos espías cubanos, él [desertor] decidió romper su silencio. ... 'Les puedo asegurar que la Red Avispa (desbaratada en septiembre de 1998) es sólo una parte del trabajo de espionaje a largo plazo diseñado para infiltrarse en los Estados Unidos'".

En otro artículo en El Nuevo Herald, el 19 de abril de 2001, titulado "La fiscalía teme que Cuba controle el juicio a espías; 'Cuba prepara una versión arreglada de los hechos'", Cancio también violó de una manera flagrante, la orden de la Corte que prohibía a los medios de comunicación, informar al público sobre discusiones privadas entre la fiscalía, la defensa y la jueza. ¿El propósito de tal orden? Evitar que el jurado escuchara cosas que podrían influenciar negativamente al juicio.

El día anterior, el jurado fue sacado de la corte, para no escuchar una disputa privada entre la fiscalía y la defensa. La fiscal Caroline Heck-Miller dijo que los abogados de defensa — que pedían permiso para ir a Cuba a obtener declaraciones de más testigos — darían lugar a "una manipulación del gobierno cubano para fabricar el final del juego en este caso".

Sólo seis días antes, el 13 de abril, la jueza Joan Lenard había advertido a los medios de comunicación que no hicieran público las conversaciones entre la fiscalía y la defensa, diciendo "*tanto la Corte como las partes querellantes tienen interés en proteger al jurado de asuntos y temas no presentados en el tribunal abierto y esa es la razón de la orden de incomunicación y silencio presentada por la Corte con respecto a la discusión sobre el juicio de abogados y otras personas; ...*" Esta violación de la orden por parte de Cancio Isla es tan sólo un ejemplo de los intentos de los periodistas del gobierno para influenciar al jurado en contra de los Cinco.

Estos dos artículos son suficientes – escritos por un reportero que secretamente recibió miles de dólares del gobierno de EE.UU. durante el juicio – para dar lugar a la cancelación inmediata de la injusta condena a los Cinco.

(Nota: Aunque Cancio Isla fue despedido del Miami Herald por su flagrante violación de la ética periodística después de que fue expuesto, la presión de la ultra-derecha y el boicot al Miami Herald llevó a la restitución de Cancio Isla, junto con Pablo Alfonso.)

vea las páginas siguientes

Evidencia de pago: 2006 Miami Herald FOIA
Jan. 2009 National Committee FOIA
Oct. 2010 *Liberation* newspaper FOIA

Cantidad de pago: \$ 4,050.00 durante el procesamiento
\$ 21,800.00 total (09/30/00 – 11/20/06)

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Artículos escritos durante el período de pago documentado:

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El Nuevo Herald, June 5, 2001, WILFREDO CANCIO ISLA

Hermanos al Rescate arrecia batalla legal

El Nuevo Herald, viernes, 22 de enero, 1999, página 2-A
WILFREDO CANCIO ISLA

La organización Hermanos al Rescate anunció el jueves en rueda de prensa que reforzará sus esfuerzos legales para asegurar que el caso de los pilotos derribados en el Estrecho de la Florida concluya con una acusación y un proceso judicial contra el gobierno cubano.

“Con las evidencias en poder de la fiscalía federal, no hay razón alguna para impedir que en el curso de los próximos 10 meses se produzca una acusación contra los responsables del acto criminal”, afirmó el abogado Ralph Fernández, quien se incorporó recientemente al equipo legal de esa organización.

Recientemente, Fernández defendió con éxito en Tampa a tres cubanos acusados de piratería aérea. Uno de ellos, Adel Regalado, es considerado testigo clave en la investigación sobre el derribo de las avionetas.

El abogado y José Basulto, presidente de Hermanos al Rescate, participaron también el jueves en una reunión con la fiscal federal Caroline Heck Miller, del distrito sur de la Florida, en presencia de un agente de la Oficina Federal de Investigaciones (FBI).

Según Fernández, la reunión sirvió para establecer un contacto que no existía hasta el momento.

El abogado explicó que, de una forma u otra, deberá producirse una acusación contra el gobierno de Fidel Castro o, en su lugar, explicarles a Basulto y los familiares de las víctimas por qué no se procederá.

Durante tres años, Basulto ha pedido al gobierno de Estados Unidos información detallada sobre asuntos relacionados con los trágicos hechos del 24 de febrero de 1996, en los que murieron cuatro pilotos de Hermanos derribados por la fuerza aérea cubana. Washington se la ha negado, arguyendo que es cuestión de seguridad nacional.

“Discrepamos del uso que se está haciendo del concepto de ‘seguridad nacional’, pero pronosticamos que pudiera extenderse en este caso”, aseguró Fernández.

La fiscalía federal rehusó responder a El Nuevo Herald sobre el asunto.

Basulto, por su parte, cuestionó que puedan obtenerse resultados con las autoridades encargadas del caso en la fiscalía de Miami.

“Resulta difícil pensar que en un asunto que compromete seriamente al gobierno norteamericano, puedan conseguirse decisiones al nivel de la señora Heck Miller”, señaló Basulto.

Caption: Foto: Jose Basulto y Ralf Fernández (a)

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Brothers to the Rescue legal battle intensifies

El Nuevo Herald, Friday, January 22, 1999, page 2-A
WILFREDO CANCIO ISLA

The organization Brothers to the Rescue announced at a press conference on Thursday, that it will strengthen its legal efforts to ensure that the case of the pilots brought down in the Straits of Florida would end with the prosecution and a lawsuit against the Cuban government.

"With the evidence available to the federal prosecution, there is no reason to prevent charges being filed in the next 10 months against the perpetrators of the criminal act," affirmed the attorney Ralph Fernández, who recently joined the legal team of the organization.

Fernandez successfully defended three Cubans recently, in Tampa, who were accused of air piracy. One of them, Adel Regalado, is considered a key witness in the investigation of the downing of the planes.

The lawyer and José Basulto, president of Brothers to the Rescue, also participated in a meeting on Thursday with federal prosecutor Caroline Heck Miller, from the southern district of Florida, in the presence of a Federal Bureau of Investigation (FBI) agent.

According to Fernández, the meeting served to establish a contact that did not previously exist.

The lawyer explained that in one way or another a charge against the government of Fidel Castro should be made, or alternatively, an explanation be given to Basulto and the families of the victims as to why it won't proceed.

For three years, Basulto has asked the U.S. government for detailed information about issues related to the tragic events of February 24, 1996, in which four Brothers died when they were shot down by the Cuban air force. Washington has refused, arguing that it is a matter of national security.

"We disagree with the use being made of the concept 'national security,' but predicted that it would be used in this case," Fernandez said.

The federal prosecutor declined to respond to El Nuevo Herald on the subject.

Basulto, meanwhile, questioned whether results can be obtained with the authorities in charge of the case in Miami's U.S. attorney's office.

"It's hard to think that in a matter that seriously compromises the U.S. government, decisions can be made at the level of Mrs Heck Miller," said Basulto.

Caption: Photo: José Basulto and Ralf Fernández (a)

Edition: Final, Section: Panorama, Page: 2A

En recordación de los caídos

**El Nuevo Herald, jueves, 25 de febrero, 1999, página 1-A
WILFREDO CANCIO**

En el tercer aniversario del derribamiento de dos avionetas de Hermanos al Rescate por la fuerza aérea castrista, la comunidad cubana de Miami protagonizó el miércoles una activa jornada de conmemoración, que se prolongó hasta horas de la noche con una misa en honor de los cuatro pilotos abatidos.

Para los cubanos del exilio, el 24 de febrero ya no es solamente la fecha de conmemorar el Grito de Baire, que fija el comienzo de la última guerra independentista contra el colonialismo español en 1895. La celebración patriótica coincide ahora también con el recuerdo de la tragedia ocurrida en el Estrecho de la Florida en 1996.

A la 1:33 p.m. despegaron del aeropuerto de Opa-locka tres avionetas de Hermanos al Rescate en un vuelo simbólico hasta el llamado Punto Mártires, donde cayeron los pilotos, en aguas internacionales.

A bordo iban miembros de Hermanos y periodistas. La expedición llegó hasta el lugar del trágico ataque, y luego de unos minutos de oración y ofrendas florales regresaron a la Florida.

Desde el aire, José Basulto, presidente de Hermanos, leyó un mensaje al pueblo cubano, que fue transmitido en vivo por la emisora Radio Martí.

"Hoy les pedimos a nuestros hermanos algo más que el tributo de un momento fugaz. Les pedimos en su nombre el compromiso nacional necesario, hecho por cada cubano, para realizar nuestro destino como pueblo", afirmó Basulto en su alocución.

También los participantes en la misión lanzaron al aire cientos de volantes dirigidos al pueblo cubano. Algunos de ellos llegaron hasta territorio cubano, según una llamada recibida desde la isla por la Fundación Nacional Cubano Americana.

Poco antes de la salida, los pilotos de Hermanos y un grupo de amigos recordaron con oraciones a Armando Alejandro, Mario de la Peña, Carlos Costa y Pablo Morales, ante el monumento erigido a su memoria en el aeropuerto.

Eva Barba, madre de Morales, llegó al lugar temprano con un ramo de flores para su hijo. "Es un día muy doloroso para mí, pero lo único que quisiera es justicia y verdad en este caso", dijo Barba a El Nuevo Herald.

Minutos antes, los familiares de Alejandro, De la Peña y Costa permanecieron por unos minutos en el monumento.

Las familias de Alejandro, De la Peña y Costa emitieron una declaración a la prensa en la que afirmaron que se encuentran desalentados por la falta de apoyo que el gobierno de Estados Unidos les ha brindado y ratificaron que la búsqueda de la justicia es el propósito de todas sus acciones.

"Hay diversos caminos para llegar a la justicia y tenemos derecho a adquirir el propio, pero estamos ofendidos con el hecho de que Basulto ha repetido que nosotros queremos

beneficios materiales y no la justicia", enfatizó Mayra Alejandre, hermana de Armando Alejandre.

Por la tarde, cientos de exiliados cubanos participaron en una caravana de automóviles y motocicletas convocada por la coalición anticastrista Unidad Cubana.

Por otra parte, unos 100 miembros de la comunidad cubanoamericana en Washington, realizaban al cierre de esta edición una vigilia ante la Sección de Intereses de Cuba en esa ciudad. La representante republicana Ileana Ros-Lehtinen se unió a los participantes en el acto.

Caption: Foto color:Marlene Alejandre junto con Maggie Khuly y Mirta Méndez entre los familiares de los pilotos caídos durante uno de los actos de recordación (A).

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In Memory of the Fallen

El Nuevo Herald, Thursday, February 25, 1999, page 1-A
By Wilfredo Cancio

On the third anniversary of the downing of two Brothers to the Rescue planes by Castro's air force, the Cuban community in Miami hosted a commemorative day of activities on Wednesday, which went into the evening with a Mass in honor of the four pilots killed.

For the Cubans in exile, February 24 is no longer just the date to commemorate the Grito de Baire, which marks the beginning of the last war of independence against Spanish colonialism in 1895. The patriotic celebration now coincides with the memory of the tragedy that occurred in the Straits of Florida in 1996.

The three Brothers to the Rescue planes took off at 1:33 pm from the Opa-locka airport in a symbolic flight to the Martyrs Point, where the pilots fell in international waters.

On board were members of Brothers and journalists. The expedition reached the site of the tragic attack, and after a few minutes of prayer and floral wreath offerings, they returned to Florida.

From the air José Basulto, president of Brothers, read a message to the Cuban people, which was broadcast live on Radio Martí.

"Today we ask of our brothers more than a tribute of a fleeting moment. We ask on their behalf the necessary national commitment made by every Cuban, to fulfill our destiny as a people," Basulto said in his address.

The participants in the mission also launched hundreds of flyers, addressed to the Cuban people, into the air. Some of them reached Cuban territory, according to a call received from the island by the Cuban American National Foundation.

Shortly before the departure the pilots of Brothers and a group of friends, remembered Armando Alejandro, Mario de la Peña, Carlos Costa and Pablo Morales with prayers, at the monument erected to their memory at the airport.

Eva Barba, the mother of Morales, arrived at the site early with a bouquet of flowers for her son. "It is a very painful day for me, but all I want is justice and truth in this case" Barba told El Nuevo Herald.

Minutes earlier, the family of Alejandro, De la Peña and Costa remained at the monument for a few minutes.

The families of Alejandro, De la Peña and Costa issued a press statement in which they affirmed that they are discouraged by the lack of support that the United States government has given them, and confirmed that the pursuit of justice is the purpose of all their actions.

"There are different paths to justice and we are entitled to receive it, but we are offended by the fact that Basulto has repeated that we want material benefits and not justice," emphasized Mayra Alejandro, sister of Armando Alejandro.

In the afternoon, hundreds of Cuban exiles participated in a caravan of cars and motorcycles that was convened by the anti-Castro coalition Cuban Unity.

Meanwhile, about 100 members of the Cuban American community in Washington were holding a vigil at the Cuba Interests Section in the city, at the close of this edition. The Republican Representative Ileana Ros-Lehtinen joined the participants in the event.

Caption: Color photo: Marlene Alejandre together with Maggie Khuly and Mirta Méndez, family members of the fallen pilots, during one of the commemorative acts.

Teme Castro la suerte de Pinochet

El Nuevo Herald, miércoles, 16 de junio 1999, página 1-A
WILFREDO CANCIO ISLA

Las fuerzas de seguridad que protegen a Fidel Castro tienen orden de actuar con todos los recursos disponibles, incluyendo el uso de armas pesadas, en caso de que se pretenda arrestar al gobernante cubano en otro país, tal como ocurrió al ex general chileno Augusto Pinochet en Londres, reveló el martes en Miami un oficial del Ministerio del Interior cubano que desertó en República Dominicana.

En su primera comparecencia desde su desertión el 17 de abril, el capitán Lázaro Betancourt Morán, de 37 años, aseguró que desde la detención de Pinochet "hay un temor latente" de que a Castro pueda sucederle lo mismo en uno de sus viajes al extranjero.

Señaló además que, ante un atentado o un arresto por orden judicial, los guardaespaldas de Castro desafiarían a las fuerzas policiales del país donde ocurriera el incidente.

Flanqueado por los directivos de la Fundación Nacional Cubano Americana (FNCA), Betancourt compareció el martes ante la prensa. Según dijo, vestía el mismo traje con que escapó en Santo Domingo, a donde Castro acudió a una cumbre del Caribe.

"El gobierno de Cuba considera que la Fundación es su peor enemigo, y la culpa de actividades terroristas", indicó Betancourt, quien supuestamente acompañó a Castro en siete viajes oficiales a Venezuela, Sudáfrica, Brasil e Italia.

El presidente de la FNCA, Francisco "Pepe" Hernández, afirmó que el desertor puede proporcionar información valiosa para ayudar a procesar criminalmente al gobernante cubano, en relación con los pilotos de Hermanos al Rescate derribados por Cuba en 1996.

"Es la primera vez que una persona cercana a Castro nos puede dar información tan útil para lograr un encausamiento", dijo Hernández.

Betancourt confirmó lo que podría ser una base para un juicio contra Castro: "El derribo de las avionetas no vino de niveles intermedios, fue una decisión del jefe de estado".

En una concurrida rueda de prensa que se extendió por dos horas, Betancourt relató los motivos que lo llevaron a tomar la decisión de desertar y buscar protección en la sede diplomática de Estados Unidos en Santo Domingo.

"Fue una conjugación de decepciones, como militar y como ser humano", declaró el capitán, que mencionó como una conmoción personal el hundimiento del remolcador 13 de Marzo, en el litoral habanero, en 1994.

El capitán cubano fue sometido a interrogatorios en Washington por agentes de la CIA, el FBI y el Pentágono.

Pero el elemento más cuestionado de su relato del martes fue una reciente visita que Betancourt realizó a la Oficina de Intereses de Cuba en Washington, preocupado por la suerte de su familia que quedó en Cuba: su esposa, un hijo de nueve años y un hermano.

"Fui hace quince días [a la Sección de Intereses] para saber si iban a dejar salir a mi

familia, basándome en que muchos compañeros dudaron de mi desertión”, explicó.

De acuerdo con la versión, Betancourt utilizó el pretexto de que iba a infiltrarse en la FNCA. “Eso funcionó y tuve suerte en salir con vida de allí”, comentó.

Interrogado si no teme ser considerado en España como Juan Pablo Roque, que penetró a Hermanos al Rescate, Betancourt respondió: “No, evidentemente no, porque estoy hablando con el corazón en la mano y todo lo he dicho a los órganos competentes de este país”.

El ex oficial Carlos Cajaraville, quien trabajó por 20 años en la contrainteligencia cubana, consideró creíble la versión de Betancourt.

“Puedo creer que él se arriesgara a reclamar por su familia allí y la Sección de Intereses pudo pensar que se trataba de una provocación”, dijo Cajaraville, que reside en Miami.

Caption: Foto: Lázaro Betancourt Morán (a)

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Castro Fears a Fate Like Pinochet's

El Nuevo Herald, Wednesday, June 16, 1999, Page 1A
WILFREDO CANCIO ISLA

The security forces that protect Fidel Castro have orders to act using all available resources, including the use of heavy weapons, if there is any attempt to arrest the Cuban ruler outside Cuba, as occurred with former Chilean general Augusto Pinochet in London, a former Cuban Interior Ministry official who deserted in the Dominican Republic revealed on Tuesday in Miami.

In his first appearance since his April 17 desertion, Captain Lázaro Betancourt Morán, 37, said that ever since Pinochet was arrested "there is a latent fear" that the same could happen with Castro on one of his trips abroad.

Furthermore, he pointed out that in the face of any attempt or arrest based on a judicial order, Castro's bodyguards had been given the order to defy the police forces in any country where such an incident might occur.

Flanked by directors from the Cuban American National Foundation (CANF), Betancourt appeared before the press on Tuesday. According to his statements, he was wearing the same suit he wore when he escaped in Santo Domingo, where Castro was attending a Caribbean summit.

"The Cuban government considers the CANF to be its worst enemy, and responsible for terrorist activities," said Betancourt, who supposedly accompanied Castro on seven official visits to Venezuela, South Africa, Brazil and Italy.

CANF's president, Francisco "Pepe" Hernández, stated that Betancourt may provide valuable information to help try the Cuban government in criminal court, in relation to the Brothers to the Rescue pilots downed by Cuba in 1996.

"It is the first time that a person close to Castro can give us such useful information in order to achieve an indictment," said Hernández.

Betancourt confirmed what might be the basis for a trial against Castro: "The downing of the aircraft did not come from the intermediate level; it was a decision by the head of state."

In a well-attended press conference that lasted two hours, Betancourt related the motives that led him to make the decision to desert and seek protection in the U.S. embassy in Santo Domingo.

"It was a combination of disappointments, both as a member of the military and as a human being," declared Captain Betancourt, who mentioned that he had been personally disturbed by the sinking of the "13 de marzo" tugboat on Havana's coastline in 1994.

The Cuban captain was subjected to questioning in Washington by agents from the CIA, FBI and Pentagon.

But the element that was most questioned in his story on Tuesday was a recent visit he made to the Cuban Interests Section in Washington, D.C., concerned for the fate of his family remaining in Cuba: his wife, a nine-year-old son and a brother.

"Fifteen days ago I went [to the Interests Section] to find out if they would let my family leave, on the basis that many associates doubted my desertion," he explained.

According to Betancourt's story, he used the pretext that he was going to infiltrate the CANF. "It worked and I was lucky to get out of there alive," he commented.

Asked if he didn't fear being considered in Spain as another Juan Pablo Roque, who penetrated Brothers to the Rescue, Betancourt responded, "No, obviously not, because I am speaking from the heart and I have told everything to the competent authorities in this country."

Former officer Carlos Cajaraville, who worked for 20 years in Cuban counter-intelligence, considered Betancourt's story to be believable.

"I can believe that he would risk calling for his family there and that the Interests Section might have thought that it was some kind of provocation," said Cajaraville, who resides in Miami.

Caption: Photo: Lázaro Betancourt Morán (a)

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Piden Acelerar el Caso por el Derribo de Avionetas

**El Nuevo Herald, miércoles, 9 de febrero, 2000, página 12-A
WILFREDO CANCIO ISLA**

Próximo a cumplirse cuatro años del derribo de los cuatro pilotos de Hermanos al Rescate por la fuerza aérea cubana, la organización está exigiendo a las autoridades federales que procedan a aplicar "un debido proceso de ley" para encausar a los presuntos culpables en un tribunal del estado de la Florida.

La urgencia de la exhortación radica en que al vencerse el estatuto de limitación de las leyes estatales el próximo 24 de febrero, los fiscales de la Florida quedarían con las manos atadas para acusar a la totalidad de los presuntos conspiradores.

"Si no se procede de inmediato con la causa a nivel estatal, lo que más sufrirá será la integridad del sistema legal norteamericano", afirmó el martes el abogado Ralph Fernández, que representa a Hermanos. "Esto constituiría un raptó de la conciencia de este país".

Según el abogado, la inercia de la fiscalía estatal debilitaría tremendamente la acusación, pues de hecho elimina a potenciales culpables que quedarían entonces bajo jurisdicción federal.

A finales del pasado año, Fernández pidió a la fiscalía estatal que procediera al encausamiento del gobernante Fidel Castro y otros supuestos cómplices en la acción contra los pilotos derribados en el estrecho de la Florida.

En una carta enviada a finales de enero a la Secretaria de Justicia, Janet Reno, Fernández asevera que existe interferencia del gobierno federal para bloquear la acción estatal.

"Usted sabe por su experiencia anterior, que una conspiración para cometer un asesinato en la Florida es una violación de las leyes estatales y que es procesable aquí. No es un asunto de preferencia", indica la misiva.

Pero la fiscal estatal Katherine Fernández Rundle dijo a El Nuevo Herald que el gobierno federal tiene la jurisdicción, la autoridad y la evidencia para actuar en el caso, mucha de la cual es material clasificado e inaccesible a su rama judicial.

"He estado en contacto con la oficina del fiscal federal y con el FBI, y les he expresado que nosotros, a nivel estatal, estamos dispuestos a ayudarlos en todo momento para que se haga justicia en esta horrible tragedia", aseguró la funcionaria.

Fernández Rundle consideró que "hay muchas víctimas y una comunidad llena de dolor" y aseveró que "cualquier interferencia a estas alturas perjudicaría el caso federal".

Además, el abogado Fernández vinculó los procedimientos seguidos en la investigación sobre Hermanos al Rescate con los pormenores del caso del niño cubano Elián González, y argumentó que la posición del Departamento de Justicia ha sido incongruente.

"Le pido que promueva el concepto de equidad para todos. (...) Si usted opta por no hacerlo, entonces al menos no se le debe permitir a ningún fiscal federal que sugiera a un fiscal estatal abstenerse de su obligación de hacer cumplir la ley del estado", agrega el texto.

El Departamento de Justicia ha rechazado la orden de la jueza estatal Rosa Rodríguez, quien entregó la custodia temporal del pequeño balseiro a su tío abuelo Lázaro González.

La oficina de Reno en Washington no respondió a la petición de El Nuevo Herald de comentar los aspectos fundamentales de la misiva.

“Mi caso es el de un ciudadano estadounidense agredido, pero ni el gobierno federal ni el estatal han querido estar de mi lado”, consideró José Basulto, presidente de Hermanos.

Fernández respaldó la queja de Basulto sobre su “desprotección ciudadana”. “Es un mensaje peligroso sobre la administración de la justicia en Estados Unidos”, indicó. “Un caso de homicidio con pruebas contundentes en el que se vence el plazo del estatuto de limitación, significa que hay gente que vive al margen de la ley y que los fiscales acusan sólo cuando les place”.

Caption: Foto: Eva Barba y José Basulto (a)

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Feds Asked to Move Forward in Aircraft Shoot-down Case

El Nuevo Herald, Wednesday, February 9, 2000, Page 12A
WILFREDO CANCIO ISLA

As the fourth anniversary approaches of the downing of the four Brothers to the Rescue pilots by the Cuban air force, BTTR is demanding that federal authorities move ahead to apply "due process" to try those who are presumably guilty in a Florida courtroom.

The urgency of their appeal is based on the fact that when the statute of limitations under state law expires next February 24, Florida prosecutors will remain with hands tied in terms of indicting all of the presumed conspirators.

"If the case does not move forward immediately at the state level, the biggest casualty will be the integrity of the U.S. legal system," said attorney Ralph Fernández on Tuesday, who represents BTTR. "It would constitute a travesty against the conscience of this country."

According to the attorney, the inertia at the state prosecutor's office would weaken the indictment immensely, since it would eliminate de facto any potential guilty parties who would then remain under federal jurisdiction.

At the end of last year, Fernández asked the state attorney general to move ahead with an indictment against Fidel Castro and other alleged accomplices in the downing of the pilots over the Florida straits.

In a letter sent to U.S. Attorney General Janet Reno at the end of January, Fernández asserted that the federal government had been interfering to block the state action.

"Due to your prior experience, you know that in Florida, conspiracy to commit murder is a violation of state law, and may be tried here. It is not a matter of preference," the letter indicated.

But state prosecutor Katherine Fernández Rundle told El Nuevo Herald that the federal government has jurisdiction, authority and evidence to take action in the case, much of which contains material that is classified and therefore inaccessible to her judicial sphere.

"I've been in contact with the U.S. attorney's office and with the FBI, and have told them that at the state level, we are ready to help them at any time in order to see that justice is done in this horrible tragedy," she assured.

Fernández Rundle said that "there are many victims and a grieving community" and insisted that "any interference at this level would adversely affect the federal case."

In addition, (Ralph) Fernández linked the procedures followed in the BTTR investigation to the details in the case of the Cuban child Elián González, and argued that the Justice Department's position has been incongruent.

"I ask that the concept of equality for all be promoted. (...) If you decide not to do so, at the very least, no federal prosecutor ought to be allowed to suggest to a state prosecutor that she abstain from her obligation to follow state law," said the text.

The Justice Department has rejected the order from state judge Rosa Rodríguez, who gave temporary custody of the little rafter to his great uncle Lázaro González.

Reno's office in Washington did not respond to a request from El Nuevo Herald to comment on the basic aspects of the letter.

"My case is that of an aggrieved U.S. citizen, but neither the federal nor state governments have wanted to be on my side," said José Basulto, BTTR president.

Fernández supported Basulto in his complaint about his "lack of protection as a citizen." "It is a dangerous message about the administration of justice in the United States," he indicated. "In a case of homicide with overwhelming proof, where the statute of limitations runs out, it means that there are people who live outside the law and prosecutors only indict them when they feel like it."

Caption: Photo: Eva Barba and José Basulto (a)

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Vinculan a Faget con caso de Hermanos al Rescate

**El Nuevo Herald, jueves, 24 de febrero, 2000, página 4-A
WILFREDO CANCIO ISLA**

La organización Hermanos al Rescate culpó el miércoles al supuesto espía cubano Mariano Faget por las "inaceptables irregularidades" vinculadas a un testigo clave para la investigación sobre el derribo de cuatro de sus pilotos, en el estrecho de la Florida, en 1996.

"La presencia de Faget compromete situaciones de máximo impacto en este caso, sobre todo por el testimonio de Adel Regalado", afirmó el abogado Ralph Fernández, que representa a Hermanos. "Estamos realmente muy preocupados".

Regalado, de 25 años, quien fue absuelto de cargos de secuestro aéreo en una corte de Tampa en 1998, ha ofrecido testimonios al FBI y otras agencias federales sobre la presunta premeditación del gobierno cubano en el derribo de las dos avionetas.

Fernández declaró a El Nuevo Herald que era inexplicable que el INS estuviera apelando la decisión para retornar a Regalado a Cuba, cuando éste ha revelado información altamente sensible para la seguridad nacional.

La oficina del INS en Miami declinó comentar sobre la supuesta implicación de Faget en el caso de Regalado. "No podemos confirmar el nivel de acceso de Faget a esa información. Este es un caso aún bajo investigación", indicó María Elena García, portavoz del INS.

Al cumplirse hoy el cuarto aniversario de la muerte de los cuatro pilotos de Hermanos, fulminados cazas Migs del régimen castrista en aguas internacionales, la organización ha convocado a la comunidad cubana.

A las 3 p.m. se realizará un círculo de oración en el monumento erigido en el aeropuerto de Opa-Locka, mientras que a las 5 p.m. tendrá lugar una protesta para pedir el encausamiento del gobernante Fidel Castro, frente al edificio del tribunal federal, en 301 North Miami Ave.

"No hay ninguna razón para que este encausamiento no se haya producido hasta ahora", dijo José Basulto, presidente de Hermanos.

Otras actividades por el día:

- 9:30 a.m. – Ofrenda floral en la Escuela Católica Santa Agata, 1111 SW 107 Ave.
- 3:21 p.m. – Estudiantes de FIU observarán siete minutos de silencio, en la fuente detrás del Graham Center.
- 8 p.m. – Misa en la iglesia católica Santo Tomás, 7310 SW 62 St.

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Faget linked to the case of Brothers to the Rescue

**El Nuevo Herald, Thursday, Feb. 24, 2000, page 4 –A
WILFREDO CANCIO ISLA**

On Wednesday, the organization Brothers to the Rescue blamed the alleged Cuban spy Mariano Faget for “unacceptable irregularities” linked to a key witness in the investigation of the downing of four of its pilots in the Straits of Florida in 1996.

“Faget’s presence compromised situations of maximum impact in this case, especially the testimony of Adel Regalado” said the attorney Ralph Fernandez, who represents Brothers. “We are really worried.”

Regalado, who is 25 years old and was acquitted of hijacking charges in a Tampa court in 1998, has offered testimony to the FBI and other federal agencies about the alleged premeditation of the Cuban government in the downing of the two aircraft.

Fernandez told El Nuevo Herald that it was inexplicable that the INS was appealing the decision to return Regalado to Cuba when he had revealed highly sensitive information relevant to national security.

The INS office in Miami declined to comment on Faget’s alleged involvement in Regalado’s case. “We cannot confirm Faget’s level of access to that information. This case is still under investigation” said the spokesperson for the INS, Maria Elena Garcia.

On the 4th anniversary of the death of the Brothers four pilots, struck down by MiGs from the Castro regime in international waters, the organization has called on the Cuban community.

At 3 pm a prayer circle will be held at the monument erected at the Opa- Locka airport, while at 5 pm a protest will be held at the front of the federal court at 301 North Miami Ave, to demand the prosecution of the ruler Fidel Castro.

“There is no reason for this indictment to not have occurred” said Jose Basulto, president of the Brothers.

Other activities during the day:

- 9:30 am – Laying of Wreath at the St. Agatha Catholic School at 1111 SW 107 Ave
- 3:21 pm – Students from the FIU will observe seven minutes of silence at the fountain behind the Graham Centre.
- 8 pm – Mass at the St. Thomas Catholic Church at 7310 SW 62 St.

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Luz Verde para Compensar a los Familiares de los Pilotos de Hermanos

El Nuevo Herald, sábado, 7 de octubre, 2000, página 2-A
WILFREDO CANCIO ISLA

Un proyecto de ley aprobado ayer por la Cámara de Representantes podría abrir el camino al pago de indemnizaciones a los familiares de los pilotos de Hermanos al Rescate asesinados por cazas cubanos en aguas internacionales en 1996.

La medida, que permitiría consumir decisiones judiciales favorables a ciudadanos norteamericanos víctimas de actos terroristas, será discutida el martes en el Senado y, al parecer, la Casa Blanca es partidaria de descongelar fondos de Cuba e Irán retenidos en bancos de Estados Unidos.

La obligatoriedad de compensación económica había sido formulada en 1998 en el proyecto legislativo conocido como Justicia para las Víctimas del Terrorismo, promovido por los representantes republicanos Bill McCollum e Ileana Ros-Lehtinen y el senador republicano Connie Mack, pero desde entonces enfrentó fuerte resistencia de la administración de Bill Clinton.

Este año, la medida fue incluida como parte de la Ley de Protección a las Víctimas de Contrabando, y una versión rectificadora logró una aprobación abrumadora de 371-1 en la Cámara de Representantes, luego de lograrse un consenso en la conferencia bicameral.

La propuesta tiene amplias posibilidades de convertirse en ley el martes tras la votación final del Senado, y su entrada en vigor dependería sólo de la firma del presidente Clinton.

"Esta ha sido una odisea de tres años, pero creo que estamos a punto de hacer justicia a los pilotos de Hermanos al Rescate", dijo Ros-Lehtinen, quien se mostró escéptica sobre la firma presidencial de la ley.

Pero fuentes legislativas dijeron el viernes a El Nuevo Herald que, esta semana, la Casa Blanca se había mostrado partidaria de un acuerdo para descongelar millones de dólares en favor de las víctimas del terrorismo, incluyendo a los familiares de Hermanos al Rescate.

"La preocupación fundamental siempre estuvo en cómo esta ley podría afectar las decisiones de política exterior, pero todo indica que hay un compromiso sustancial que va a ser respetado", comentó la fuente, que prefirió mantener el anonimato.

De acuerdo con la fuente, los familiares de tres de los pilotos derribados – Armando Alejandro, Mario de la Peña y Carlos Costa – recibirían más de \$90 millones entre compensaciones y pagos de sanciones jurídicas, según el fallo del juez James Lawrence King. El cuarto piloto, Pablo Morales, está excluido porque no era ciudadano estadounidense.

El acuerdo no incluye unos \$138 millones en daños punitivos también contemplados en el dictamen del juez King hace casi tres años.

Los pagos a los familiares de las víctimas de Hermanos al Rescate procederían de los fondos congelados al gobierno cubano en bancos de Nueva York, y dinero adeudado por empresas telefónicas estadounidenses a la isla.

Hasta el momento, abogados de los familiares de Alejandro, De la Peña y Costa han localizado más de \$170 millones en fondos del gobierno cubano en Estados Unidos.

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Piden encausamiento de Castro por asesinato

El Nuevo Herald, martes 27 feb. 2001, página 13-A
Por Wilfredo Cancio Isla

Un influyente congresista estadounidense se sumó el lunes a la petición de encausamiento del gobernante Fidel Castro por su presunta participación en el derribo de dos avionetas de Hermanos al Rescate en el estrecho de la Florida en 1996.

El vicepresidente del Comité de Relaciones Internacionales de la Cámara de Representantes, Christopher Smith, declaró que el Secretario de Justicia, John Ashcroft, debería considerar si la inmunidad de Castro como jefe de estado "puede ser aplicada para matar a cuatro civiles en el espacio aéreo internacional".

"Si no, un gran jurado federal debería ser convocado para determinar si la evidencia justifica una acusación contra el señor Castro por asesinato", escribió Smith en un artículo aparecido en el diario Wall Street Journal.

Smith argumentó que poco después del ametrallamiento de los cuatro voluntarios de Hermanos, Estados Unidos presentó evidencia convincente a las Naciones Unidas mostrando que el ataque "no fue producto de un error, ni de un capricho de los pilotos del MiG, sino una orden del comando militar cubano".

La sugerencia del representante republicano por Nueva Jersey y ex presidente del subcomité de derechos humanos de la Cámara se produce en momentos en que activistas y organizaciones favorables al encausamiento de Castro han incrementado sus gestiones ante el gobierno de George W. Bush.

El caso ha renovado su atención nacional a raíz del juicio en Miami contra una supuesta red de espionaje y la divulgación de las conversaciones sostenidas entre el mando militar cubano y los pilotos de los MiGs, ordenando abiertamente el derribo de las avionetas.

"Se está generando un movimiento tremendamente efectivo hacia la meta de enjuiciar a Fidel Castro", manifestó José Basulto, presidente de Hermanos al Rescate.

El pasado fin de semana, la ex embajadora norteamericana ante Naciones Unidas, Jeanne Kirkpatrick envió una carta a Ashcroft solicitándole que "ponga fin a la impunidad de que han disfrutado los responsables de aquel crimen".

La misiva aparece además firmada por varios directores del Centro para una Cuba Libre (CFC), entre ellos, Everett Briggs, ex embajador norteamericano en Portugal; Modesto Maidique, presidente de la Universidad Internacional de la Florida, y el sociólogo Irwing Horowitz, profesor de la Universidad de Rutgers.

"Los oficiales que apretaron el gatillo, sus jefes, cuyas órdenes fueron grabadas y las autoridades de más alto nivel que aprobaron este acto de terrorismo de estado, aún no han sido procesados", señalaron los firmantes.

La organización Judicial Watch ha solicitado también una entrevista con el presidente Bush para exponerle las razones del encausamiento criminal a Castro.

Por otra parte, Basulto y Eva Barba, madre del piloto Pablo Morales, se reunieron la pasada semana con el gobernador Jeb Bush y le entregaron una carta dirigida al presidente

pidiéndole que el gobernante sea llevado ante los tribunales de Estados Unidos.

“Tenemos ya más de 5,000 planillas a favor de esa petición y mañana estamos poniendo en correo otras 10,000”, relató Basulto. La planilla puede ser también obtenida en más de 20 puntos e instalaciones comerciales del condado Miami-Dade.

Caption: ILLUSTRATION: Foto: Christopher Smith (n)

Asking for Castro to be indicted for murder

El Nuevo Herald, Tuesday, Feb. 27, 2001, page A-13

By Wilfredo Cancio Isla

On Monday, an influential U.S. congressman joined a petition seeking the prosecution of President Fidel Castro for his alleged involvement in the shooting down of two Brothers to the Rescue planes in the Straits of Florida in 1996.

The vice president of the International Relations Committee for the House of Representatives, Christopher Smith, declared that the U.S. Attorney General, John Ashcroft, should consider whether Castro's immunity as head of state "could be applied for killing four civilians in international airspace."

"Otherwise, a federal grand jury should be convened to determine whether the evidence justifies the indictment of Mr Castro for murder," Smith wrote in an article published in the Wall Street Journal.

Smith argued that shortly after the shooting of the four volunteers of Brothers, the U.S. presented convincing evidence to the United Nations demonstrating that the attack "was not the result of an error or a notion of the MiG pilots, but an order from the Cuban military command."

This proposal by the New Jersey Republican representative and former president of the human rights subcommittee of the House, occurs at a time when activists and organizations supporting Castro's indictment have increased their lobbying of the government of George W. Bush.

The case has renewed national attention to the root of the trial in Miami against an alleged spy network, and the release of the conversations between the Cuban military command and the MiGs pilots, openly ordering the downing of the planes.

"A tremendously effective movement is being generated towards the goal of prosecuting Fidel Castro," said Jose Basulto, president of Brothers to the Rescue.

Last weekend the former U.S. ambassador to the UN, Jeanne Kirkpatrick, sent a letter to Ashcroft, requesting that "the impunity enjoyed by those responsible for this crime be put to an end."

The letter has also been signed by several directors of the Center for a Free Cuba (CFC), including: Everett Briggs, former U.S. ambassador to Portugal; Modesto Maidique, president of Florida International University; and the sociologist Irwin Horowitz, professor of Rutgers University.

"The officers who pulled the trigger, their bosses whose orders were recorded, and the highest level authorities who approved this act of state terrorism, have not yet been processed," said the signatories.

The organization Judicial Watch has also requested a meeting with President Bush to put forward the reasons for Castro to be criminally prosecuted.

Moreover, Basulto and Eva Barba, the mother of the pilot Paul Morales, met last week with

Governor Jeb Bush and handed him a letter addressed to the president requesting that the ruler be brought before the courts of the United States.

“We already have over 5,000 letters petitioning in favor of this request, and tomorrow we are mailing another 10,000,” said Basulto. The sample letter can be obtained at more than 20 sites and shopping facilities in the Miami-Dade county.

Caption: ILLUSTRATION: Photo: Christopher Smith (n)

La fiscalía teme que Cuba controle el juicio a espías 'Cuba prepara una versión arreglada de los hechos', dijo

**El Nuevo Herald, jueves, 19 de abril de 2001, página 15-A
WILFREDO CANCIO ISLA**

El gobierno de Cuba pretende manipular el juicio que se desarrolla contra cinco presuntos espías, tratando de cerrar el caso con "una versión arreglada", afirmó ayer en Miami la principal representante de la fiscalía.

La fiscal federal Caroline Miller cuestionó la opción de un próximo viaje a la isla de los abogados de la defensa, alegando que evidencia "una manipulación del gobierno cubano para fabricar el final del juego en este caso".

"Cuba está preparando una versión arreglada de los hechos", dijo Miller ante el tribunal de la jueza Joan Lenard.

El abogado Paul McKenna informó ayer que las autoridades cubanas recobraron la bolsa de una cámara de vídeo apenas 18 horas después del derribo de las avionetas de Hermanos al Rescate, ocurrido la tarde del 24 de febrero de 1996. La bolsa fue hallada a 9.3 millas de las costas de La Habana.

"A pesar de la percepción pública existente, obtener la cooperación del gobierno de Cuba ha sido un proceso lento y frecuentemente improductivo", afirmó McKenna, que representa al acusado Gerardo Hernández.

McKenna y representantes de la fiscalía han sido autorizados a realizar un segundo viaje a Cuba para entrevistar a tres nuevos testigos, quienes pudieran ofrecer información relevante en relación con el derribo de las avionetas.

"Los intereses de la justicia y de un debido proceso de ley justifican el viaje", aseveró Lenard en respuesta a las objeciones de la fiscalía.

De acuerdo con McKenna, la más reciente evidencia y los testimonios serían fundamentales para demostrar que las avionetas de Hermanos al Rescate penetraron el espacio aéreo cubano.

La bolsa con un cargador de cámara y dos cartas de navegación podría pertenecer al Cessna que pilotaba Mario de la Peña.

Los tres testigos que serán filmados en Cuba son el oficial de guardafronteras que halló la bolsa, el operador de radar que rastreó la trayectoria de las avionetas y el director del Instituto de Oceanografía de Cuba.

A partir de un estudio de las corrientes marinas del norte de Cuba, el oceanógrafo concluyó que la bolsa encontrada provenía de un punto en el suroeste donde se calcula fue derribado uno de los dos Cessna.

La jornada de ayer concluyó tras el testimonio grabado en La Habana a dos controladores aéreos cubanos. Las filmaciones han sido necesarias, pues los testigos cubanos alegan sentirse temerosos de viajar a Miami para ofrecer sus declaraciones.

Las nuevas grabaciones podrían servir para cerrar la presentación de la defensa.

The prosecution fears Cuban control in spy trial "Cuba is preparing a fabricated version of the facts"

**El Nuevo Herald, Thursday, April 19, 2001, page 15-A
WILFREDO CANCIO ISLA**

The Cuban government is trying to influence the ongoing trial against five alleged spies, by presenting a "fabricated version" in an attempt to close the case, said the Miami-based head prosecutor yesterday.

"Cuba is constructing a fabricated version of the facts", said Miller in an appearance before judge Lenard's tribunal.

Counselor Paul McKenna revealed yesterday that Cuban authorities recovered a video camera bag a mere 18 hours after the Hermanos al Rescate planes went down, on February 24 1996. Said bag was found 9.3 miles off the Cuban coast.

"In spite of existent public perception, the process to secure cooperation from the Cuban government has been slow and unproductive. Affirmed, McKenna who serves as council for defendant Gerardo Hernandez.

McKenna and representatives for the prosecution have been cleared to travel to Cuba for a second time to interview three new witnesses who might shed new light on how the planes were shot down.

"The interests of justice and due process justify this trip", asserted McKenna responding to the objections raised by the prosecution.

According to McKenna the evidence and testimonies compiled will be key in deciding if the Hermanos al Rescate planes crossed into Cuban airspace.

The bag containing a camera charger and two navigation charts might belong to Mario de la Pena's Cessna.

The three witnessed that are to be filmed in Cuba are; the border and customs officer that found the bag, the radar operator that traced the course of the planes, and the director for the Cuban Oceanographic Institute.

The oceanographer conducted a study on the marine currents present in northern Cuba and concluded that the bag came from a location in the southeast were the Cessna might have been shot down.

Yesterday's proceedings ended with the recorded testimony of two Cuban air controllers. These recordings have been necessary since Cuban nationals have expressed fear to travel to Miami in order to testify.

The new recording might serve as closing arguments for the defense.

Llaman Patriota a Acusado de Espía

**El Nuevo Herald, jueves, 31 de mayo, 2001, página 17-A
WILFREDO CANCIO ISLA**

El presunto espía cubano Fernando González -alias Rubén Campa- fue calificado ayer por un abogado de la defensa como un patriota que trataba de evitar las agresiones de grupos anticastristas contra ciudadanos y turistas en la isla.

Durante la segunda jornada de alegatos finales del juicio a cinco acusados de espionaje en un tribunal federal de Miami, el abogado Joaquín Méndez aseguró que su cliente no pretendió socavar la seguridad nacional de Estados Unidos, ni actuó nunca con una "mentalidad delictiva".

"Fernando González no estaba tratando de agredir a nadie aquí ni subvertir nuestro sistema de gobierno, sino que intentaba poner a salvo su propio país", afirmó Méndez, primero de los abogados de la defensa en pronunciar sus conclusiones.

En su intervención, el abogado dijo que la tarea de su cliente -integrante de la Red Avispaa- era necesaria para proteger a los ciudadanos cubanos de los "intentos extremistas" de grupos que, desde Miami, "buscan desatar una guerra contra Cuba".

Fernando González está acusado de actuar como agente del gobierno cubano y podría encarar hasta 10 años de cárcel. Gerardo Hernández, contra quien se formulan los máximos cargos de espionaje y conspiración en el asesinato de cuatro pilotos en 1996, pudiera ser condenado a cadena perpetua.

Méndez se refirió a los ocho atentados explosivos que en 1997 se produjeron en hoteles e instalaciones turísticas de la isla, e indicó que "los 40 años de asaltos, bombas y contrabando de armas perpetrados por agrupaciones desde Miami", justificaban la presencia de agentes cubanos en esta ciudad.

Desplegando fotos de los atentados en Cuba, el abogado fustigó a organizaciones como Alpha 66 y Comandos F-4, calificando de "peligrosos extremistas chiflados" a algunos de los activistas del exilio.

"¡Es un lunático!", exclamó Méndez refiriéndose a Rodolfo Frómeta, autotitulado comandante de los Comandos F-4, tras calificar a José Basulto, presidente de Hermanos al Rescate, de "un lobo vestido con traje de oveja".

"La meta de Basulto es iniciar una guerra entre Cuba y Estados Unidos", sentenció. "El quiere que los hijos de ustedes y los míos vayan a la guerra, y luego recoger los dividendos".

Los argumentos de Méndez fueron precedidos por la fiscal federal Caroline Heck Miller, quien enfatizó ante los 12 miembros del jurado que los encausados tenían la misión de infiltrar instalaciones militares norteamericanas, para obtener información secreta en beneficio de un país que considera a Estados Unidos su principal enemigo.

Miller dijo que Gerardo Hernández recibió instrucciones precisas de La Habana para que los agentes infiltrados no volaran en los Cessna de Hermanos al Rescate en los días previos al ataque de los Migs cubanos, el 24 de febrero de 1996.

"El gobierno cubano había sido confrontado por las acciones de Hermanos al Recate, pero eso no justifica el asesinato premeditado de cuatro personas", acotó la fiscal, que exhortó al jurado a no dejarse arrastrar por las "escaramuzas de propaganda" del régimen cubano.

Hoy continuarán los argumentos de la defensa. El abogado Paul McKenna, representante de Hernández, debe hablar el viernes.

Las deliberaciones del jurado deberán comenzar el lunes, casi seis meses después de iniciado el proceso.

ILLUSTRATION: Foto: Joaquín Mendez (n)

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Accused Spy called Patriot

**El Nuevo Herald, Thursday, May 31, 2001, page 17-A
WILFREDO CANCIO ISLA**

The alleged Cuban spy Fernando Gonzalez – whose alias is Ruben Campa – was described yesterday by a defense attorney as a patriot who was trying to prevent attacks by anti-Castro groups, against citizens and tourists on the island.

During the second day of final arguments in the trial of five accused of espionage in a federal court in Miami, the lawyer Joaquin Mendez assured that his client didn't intend to undermine the national security of the United States, nor did he act with a "criminal mind."

"Fernando Gonzalez wasn't trying to attack anyone here or subvert our system of government, but rather was trying to save his country" Mendez affirmed, the first of the defense attorneys to deliver their conclusion.

In his intervention, the attorney said that his clients' task – as member of the Wasp Network - was necessary to protect Cuban citizens from "attempts of extremist" groups that, from Miami, "seek to unleash a war against Cuba."

Fernando Gonzalez is accused of acting as an agent of the Cuban government and could face up to 10 years in prison. Gerardo Hernandez, facing maximum charges of espionage and conspiracy in the murder of four pilots in 1996, could be sentenced to life in prison.

Mendez referred to eight bombings in 1997 that took place in hotels and tourist facilities on the island, indicating that "the 40 years of attack, bombs and weapons smuggling perpetrated by groups from Miami" justified the presence of Cuban agents in this city.

Displaying photographs of the attacks in Cuba, the lawyer castigated organizations like Alpha 66 and Commandos F-4, describing some of the exiled activists as "dangerous crazy extremists."

"He's a lunatic" exclaimed Mendez in reference to Rodolfo Frómeta, self appointed commander of the Commandos F-4, after describing Jose Basulto, president of Brothers to the Rescue, as a wolf dressed in sheep's clothing.

"Basulto's aim is to start a war between Cuba and the United States" he said. "He wants your and my children to go to war, and then reap the dividends."

Mendez's arguments were preceded by the prosecuting attorney Caroline Heck Miller, who emphasized before the 12 members of the jury that the defendants' mission was to infiltrate American military installations, to obtain secret information for the benefit of a country that considers the United States its primary enemy.

Miller said that Gerardo Hernandez received specific instructions from Havana, for the undercover agents not to fly in Brother to the Rescue Cessnas in the days prior to the attack by Cuban MiG's, on the 24th of February 1996.

"The Cuban government had been confronted by the actions of Brothers to the Rescue, but that doesn't justify the premeditated murder of four people" said the prosecutor, who urged the jury not to allow itself to be led by the "propaganda skirmishes" of the Cuban regime.

The defense arguments continue today. The attorney Paul McKenna, representing Hernandez, is due to speak on Friday.

The jury's deliberations begin on Monday, almost six months after the process commenced.

ILLUSTRATION: Photo: Joaquín Mendez (n)

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Califican a los Espías de 'Protectores' de EU

El Nuevo Herald, viernes, 1 de junio, 2001, página 15-A
WILFREDO CANCIO ISLA

Los abogados de la defensa del juicio contra cinco presuntos espías cubanos atacaron ayer fuertemente la estrategia de la fiscalía y subieron el tono de los atributos a favor de sus clientes, calificándolos de "pacifistas", agentes con "una misión inmortal", "protectores de la política y las leyes de Estados Unidos" y, otra vez, "patriotas".

En la tercera jornada de alegatos finales en un tribunal federal de Miami, los abogados Philip Horowitz, William Norris y Jack Blumenfeld tomaron el estrado para cuestionar las razones del encausamiento fiscal y asegurar que los acusados nunca procuraron ni obtuvieron información secreta. Horowitz, quien representa al acusado René González, afirmó que existía una gran confusión en torno al caso, y mencionó las "acciones violentas" de agrupaciones del exilio como la principal motivación de los integrantes de la Red Avispa, desarticulada en 1998.

Según Horowitz, la misión de González — encausado bajo cargos de espionaje — "es inmortal".

"La misión es la paz, no obtener un pedazo de Cuba", enfatizó el abogado. "La defensa del derecho a mantenerse libre de la invasión proveniente de esa `isla internacionalmente aislada' en que se ha convertido el Condado de Miami-Dade".

Horowitz terminó su intervención de 50 minutos aseverando que no existen evidencias para condenar a González, y calificando de provocadores a activistas como José Basulto, presidente de Hermanos al Rescate, y Ramón Saúl Sánchez, líder del Movimiento Democracia.

Los argumentos de Norris en defensa del procesado Ramón Labañino, alias Luis Medina, retomaron el mismo camino.

"La naturaleza de la información que obtuvo [Labañino] es pública y no perjudica la seguridad nacional", declaró Norris ante los 12 jurados. "No hay un mercado secundario para esa información".

El abogado justificó que Labañino usara una falsa identidad en territorio norteamericano "para no poner en peligro la seguridad de sus familiares en Cuba" y se preguntó: "¿Si el FBI envía a uno de sus agentes a investigar a unos mafiosos, no les protege acaso su identidad?"

Norris insistió en la inocencia de su cliente y manifestó que la tarea de Labañino — comisionado junto al acusado Antonio Guerrero para vigilar instalaciones militares del sur de la Florida — estaba de hecho "protegiendo las leyes y la política establecida por Estados Unidos".

El turno le tocó entonces a Blumenfeld, quien trató de ridiculizar los alegatos fiscales contra su cliente, Antonio Guerrero.

"La fiscalía ha usado un enfoque del caso a lo David Copperfield", ironizó Blumenfeld. "Ellos [los fiscales] sacaron un montón de cosas para crear el pánico y hacerles creer que eran

más de lo que realmente son". Agregó que en la Base de Boca Chica, donde laboró Guerrero por más de cinco años, no existía información secreta, y recordó que existía en esa área un cartel que autorizaba tomar fotografías.

Blumenfeld insistió en que Guerrero nunca transmitió secretos militares de Estados Unidos hacia Cuba, y aseguró que se trataba de "un patriota que se había sacrificado por su país".

Blumenfeld concluyó su largo alegato con una evocación del prócer independentista cubano José Martí (1853-1895).

Hoy hablará el abogado Paul McKenna, defensor del principal acusado y cabecilla de la Red Avispa, Gerardo González.

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Spies Characterized as 'Protectors' of the U.S.

**El Nuevo Herald, Friday, June 1, 2001, page 15-A
WILFREDO CANCIO ISLA**

Defense lawyers for the trial of five alleged Cuban spies strongly attacked the prosecution's strategy, and turned up the tone of their clients attributes, calling them "pacifists", agents with an "immortal mission", "protectors of the policy and laws of the United States" and again, "patriots".

On the third day of closing arguments in a Miami federal court, lawyers Philip Horowitz, William Norris and Jack Blumenfeld took to the stage to question the prosecution's indictment and to assure that the accused never sought nor obtained secret information. Horowitz, who represents the accused Rene Gonzalez, said that there was great confusion surrounding the case, citing the "violent actions" of exile groups as the principal motivation for the Wasp Network members, which was disbanded in 1998.

According to Horowitz, Gonzalez's mission – indicted on charges of espionage — "is immortal".

"The mission is peace, not to get a piece of Cuba" emphasized the lawyer. "Defending the right to remain free from invasion from the 'internationally isolated island' that Miami –Dade County has become.

Horowitz concluded his 50-minute intervention by asserting that there was no evidence to convict Gonzalez, and characterized activists such as Jose Basulto, president of Brothers to the Rescue, and Ramon Saul Sanchez, leader of the Democracy Movement, as provocateurs.

Norris's arguments in defense of the accused Ramon Labañino, whose alias is Luis Medina, took the same path.

"The nature of the information obtained [by Labañino] is public and not harmful to national security" declared Norris before the 12 jurors. "There is no secondary market for that information."

The lawyer justified the use of a false identity by Labañino on United States territory "to not endanger his family in Cuba" and he asked: "If the FBI sends one of its agents to investigate the mafia, don't they protect their identity?"

Norris insisted on his client's innocence and said Labañino's task – commissioned with defendant Antonio Guerrero to monitor military installations in southern Florida — was in fact "protecting the laws and policy established by the United States."

Then it was Blumenfeld's turn, who tried to ridicule the prosecution's allegations against his client, Antonio Guerrero.

"The prosecution has used David Copperfield's approach to the case" mocked Blumenfeld. "They [the prosecution] pulled out a lot of things to create panic and make you believe that they are more than they are". He added that at the Boca Chica Base where Guerrero worked for more than five years, secret information didn't exist, and recalled that a sign existed in the area permitting photographs to be taken.

Blumenfeld insisted that Guerrero never transmitted United States military secrets to Cuba, and assured that it was about “a patriot who sacrificed himself for his country”.

Blumenfeld concluded his long argument with a quote of the Cuban independence hero Jose Marti (1853-1895).

Today, the attorney Paul McKenna will speak, defender of the accused and leader of the Wasp Network, Gerardo Gonzalez [*sic*-Hernandez].

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Cuba usó alucinógenos al adiestrar a sus espías

El Nuevo Herald, lunes, 4 de junio de 2001, página 1-A
WILFREDO CANCIO ISLA

Cuba experimentó con técnicas de hipnosis y alucinógenos para "modificar la conducta" de numerosos agentes que fueron enviados al extranjero desde finales de los años 80, aseguró en Miami un ex oficial de la inteligencia cubana que desertó en Estados Unidos en 1995.

"Entre estos alucinógenos estaban la psilocibina y el LSD. Era un proyecto similar al MK-Ultra de la CIA, del cual se consiguió y tradujo tanta información como fue posible obtener", escribió el desertor en un documento obtenido semanas atrás por El Nuevo Herald.

El polémico MK-Ultra iniciado por la CIA consistía en el uso de drogas para explorar la posibilidad de "dominar las mentes a larga distancia".

El ex oficial—identificado por los seudónimos de Alex y José—habló bajo condición de anonimato, pero proporcionó a El Nuevo Herald un informe escrito de nueve páginas que resume el testimonio ofrecido al FBI pocos días después de su desertión, así como documentación fotográfica.

A su llegada a territorio norteamericano, Alex tenía la misión de contactar a otros agentes, especialmente en el área de Miami, donde operaba entonces la llamada Red Avispa. A comienzos de este año decidió romper su silencio, motivado por el juicio que se sigue en Miami contra cinco presuntos espías cubanos.

"Puedo asegurar que la Red Avispa [desarticulada en septiembre de 1998] es apenas una porción del trabajo de espionaje que se había concebido para infiltrar Estados Unidos a largo plazo", señaló Alex, que vive ahora en el sur de la Florida.

La oficina del FBI en Miami declinó hacer comentarios sobre el caso, pero tres ex oficiales de la inteligencia cubana que residen actualmente en Estados Unidos, corroboraron—por separado—la procedencia y la credibilidad de Alex.

"Por los datos relacionados, puedo asegurar que se trata de información de primera mano", aseveró el ex capitán de la contrainteligencia Carlos Cajaraville, quien llegó a Miami en 1995.

El informe de Alex se centra en el desempeño del teniente coronel de la Dirección General de Inteligencia, Eduardo Rodríguez, alias Martín "El Manco", fundador de los órganos de Seguridad del Estado en 1959.

Cercano colaborador del fallecido ex ministro del Interior (MININT) José Abrantes, Rodríguez era considerado un experto en los métodos de trabajo de la CIA. En la década del 80, el alto mando del Ministerio del Interior le dio órdenes directas para que trabajara en la reparación de los agentes de la inteligencia cubana que serían enviados al exterior.

"El Manco manejó directamente las investigaciones sobre hipnosis y el uso de drogas en la preparación de agentes", señaló el desertor. "Fue el artífice de este repentino auge de estudio de la parasicología y la hipnosis, temas que hasta ese momento eran tabú en la

comunidad científica cubana, y hasta se invitaron a Cuba a científicos de la talla de [el especialista soviético] Vladimir Raykov".

De acuerdo con el testimonio, Rodríguez participó en la creación de la Sociedad Cubana de Hipnosis (SCH), en 1985, sufragada con fondos secretos de la Dirección General de Inteligencia. Bajo su mando se seleccionó el personal científico para esa entidad, muchos de los cuales ya laboraban como agentes o informantes de la Seguridad del Estado. "Esta sociedad [la SCH] sólo fue una 'cortina de humo' para justificar ciertos experimentos sobre modificación de conducta bajo hipnosis y sobre el uso de drogas para los propósitos de (...) inteligencia y contrainteligencia", subraya el informe.

Según Alex, para los experimentos con los potenciales agente, se utilizaban habitaciones en los hoteles Riviera y Presidente, en la zona de El Vedado, y se llegó a financiar viajes al extranjero de los especialistas involucrados en el proyecto.

Rodríguez, de 59 años, fue detenido e interrogado a raíz de la llamada Causa No. 1, de 1989. En la actualidad está retirado y reside en La Habana, ya sin la influencia que tuvo dentro del MININT.

El informe de Alex menciona al menos tres agentes que fueron reclutados y entrenados por Rodríguez en La Habana, a finales de los 80:

Antoine Avila, un ex funcionario de la Embajada de Francia en Cuba. Fue detectado como contrabandista de joyas y obras de artes, y se le reclutó para que ofreciera información sobre los sistemas de alarma, registros de seguridad y personal de esa sede diplomática. Se le utilizó para que "favoreciera" las donaciones, créditos y colaboración de instituciones francesas dedicadas a fomentar el desarrollo de países del Tercer Mundo. Distorsionaba la información sobre la realidad cubana que debía enviar periódicamente al Ministerio de Relaciones Exteriores de Francia.

Cosme González Carone, un antiguo agente de la contrainteligencia que se comisionó para las operaciones económicas del MININT, particularmente en Panamá. Mantuvo una estrecha relación con el general Manuel Antonio Noriega, el ex hombre fuerte de Panamá, y concertó negocios a través de la compañía MOINSA Motores Internacionales. Otra de sus fachadas era el de representante de las firmas SKF y Sabena (aerolíneas belgas), para lo cual se le abrió una oficina en el Instituto de Aviación Civil de Cuba. Bajo sospechas de haber sido reclutado por los servicios de inteligencia norteamericanos, fue secuestrado por un operativo en Panamá y llevado a la isla en un vuelo especial de la Fuerza Aérea Cubana.

Un ciudadano americano de origen cubano, alias "El Johnny", cuya preparación se realizó en el quinto piso del Hotel Presidente. En dos habitaciones contiguas, Rodríguez y otros oficiales trabajaron para modificar la conducta del futuro agente, hacerlo más agresivo y seguro de sí mismo, y desarrollarle su capacidad de concentración. Al "Johnny" se le creó una fachada de empresario, con dinero proporcionado por la Seguridad del Estado, y se le ordenó crear una empresa comercial en Estados Unidos en 1989.

Cuba used hallucinogens to train its spies

**El Nuevo Herald, Monday, June 4, 2001, page 1-A
WILFREDO CANCIO ISLA**

Cuba experimented with hypnosis techniques and hallucinogens to “modify the behavior” of numerous agents who were sent abroad in the late 1980s, asserted an ex-official of Cuban intelligence in Miami who defected to the United States in 1995. “Among these hallucinogens were psilocybin and LSD. It was a project similar to the CIA’s MK-Ultra, and as much information as possible was obtained and transmitted this way,” described the deserter in a document obtained several weeks ago by El Nuevo Herald.

The controversial MK-Ultra initiated by the CIA consisted of the use of drugs to explore the possibility of “controlling minds from far away.”

The ex-official—identified by the pseudonyms of Alex and Jose—spoke under the condition of anonymity, but he gave the Nuevo Herald a written report of nine pages which summarizes the testimony that he gave to the FBI a few days after his desertion, as well as photographic documentation.

Upon his arrival to U.S. territory, Alex had the mission of contacting other agents, especially in the area of Miami, where the so-called Wasp Network operated then. At the beginning of this year, motivated by the trial taking place in Miami against five presumed Cuban spies, he decided to break his silence.

“I can assure you that the Wasp Network (broken up in September 1998) is just a part of the espionage work that was conceived to infiltrate the United States on a long-term basis,” said Alex, who now lives in southern Florida.

The FBI office in Miami refused to comment, but three ex-officials of Cuban intelligence who currently reside in the United States, corroborated—each one separately—the claims and credibility of Alex.

“By facts related to this, I can confirm that this is first-hand information,” asserted the ex-captain of counter-intelligence Carlos Cajaraville, who arrived in Miami in 1995. The report of Alex centers on the role of the lieutenant colonel of Cuba’s General Intelligence, DGI, Eduardo Rodriguez, alias Martin “El Manco,” founder of the organs of State Security in 1959.

As a close collaborator of the late ex-minister of the Interior (MININT) Jose Abrantes, Rodriguez was considered an expert in all the work methods of the CIA. In the 1980s, the high command of the Ministry of the Interior gave him direct orders to work on the preparation of the Cuban intelligence agents who would be sent abroad.

“El Manco’ directly managed the research on hypnosis and the use of drugs in the preparation of agents,” said the deserter. “It was the stratagem of this sudden peak in the study of parapsychology and hypnosis, themes that up to that point were taboo in the Cuban scientific community, and they even invited scientists to Cuba who had worked with the Soviet specialist Vladimir Raykov.”

According to Alex’s testimony, Rodriguez participated in the creation of the Cuban Society of Hypnosis (SCH) in 1985, financed with secret funds from the DGI (Cuban General

Intelligence). Under his command, scientific personnel were selected for this entity, many of whom already worked as agents or informants of State Security.

“That society (SCH) was only a “smokescreen” to justify certain experiments on behavior modification under hypnosis and the use of drugs for the purpose of ... intelligence and counter-intelligence,” says the report.

According to Alex, for the experiments with potential agents, they used rooms in the Riviera and Presidente Hotels, in the zone of Vedado, and trips abroad were financed of the specialists in the project.

At 59, Rodriguez, was detained and interrogated in the so-called “Cause 1” of 1989 [the trial of military official Ochoa, who was tried and convicted for drug-trafficking-*committee note*]. He is currently retired and lives in Havana, without responsibilities or influence that he had within the MININT.

Alex’s report mentions at least three agents who were recruited and trained by Rodriguez in Havana, at the end of the 1980s:

Antoine Avila, an ex-functionary in the French embassy in Cuba. A trafficker of jewels and works of art, he was recruited to give information on the alarm systems, security and personnel searches of that embassy. He was used to “facilitate” donations, credits and collaboration of French institutions that were dedicated to the development of Third World countries. Avila distorted the information about the Cuban reality that had to be sent periodically to the French Ministry of Foreign Affairs.

Cosme Gonzalez Carone, a former agent of counter-intelligence, who was commissioned for the economic operations of MININT, particularly in Panama. He had a close relationship with general Manuel Antonio Noriega, the ex-strongman of Panama, and he carried out business through the MOINSA International Motors company. Another of his facades was as representative of the SKF and Sabena (Belgian airlines) firms, for which an office in the Cuban Institute of Civilian Aviation was opened for him. Due to suspicions that he was recruited by U.S. intelligence services, he was kidnapped by an operative in Panama, and taken to the island in a special flight by the Cuban Air Force.

A U.S. citizen of Cuban origin, alias “El Johnny”, whose preparation was carried out in the fifth floor of the Hotel Presidente. In two adjoining rooms, Rodriguez and other officials worked to modify the behavior of the future agent, making him more aggressive and sure of himself, and developing his capacity of concentration. A façade of businessman was created for Johnny, with money provided by State Security, and he was ordered to create a commercial enterprise in the United States in 1989.

[accompanying article are photos, not available on internet]

Los Presuntos Espías Esperan por el Veredicto

El Nuevo Herald, martes, 5 de junio, 2001, página 4-A
WILFREDO CANCIO ISLA

El dilatado proceso judicial a cinco presuntos espías cubanos entró ayer en la recta final, en espera de un veredicto que podría demorar hasta dos semanas.

Tras seis meses y 103 audiencias judiciales en un tribunal federal de Miami, el caso de los implicados en la Red Avispa está finalmente en manos de un jurado, integrado en su mayoría por afroamericanos y anglos, sin la presencia de ningún cubanoamericano.

"Ha sido una odisea interesante", comentó ayer la jueza Joan Lenard tras instruir por una hora a los miembros del jurado. Tres de los miembros sustitutos — un hispano, una afroamericana y una anglo — fueron excusados.

Lenard advirtió puntualmente al jurado sobre los 26 cargos que encaran los cinco acusados, pidiéndoles que hicieran su decisión "sólo sobre la base de las evidencias presentadas durante el juicio", y pusieran a un lado las simpatías o antipatías personales.

"Ustedes son jueces sólo de los hechos", enfatizó la magistrada, quien recomendó a los jurados analizar la presunta culpabilidad de los procesados "sin ninguna presión de tiempo".

Los acusados se enfrentan a cargos de conspirar para obtener secretos de seguridad nacional en bases militares del sur de la Florida y de actuar como agentes extranjeros sin registrarse como tales. El más complicado de todos es el presunto cabecilla de la red, Gerardo Hernández, quien está acusado de conspirar en el asesinato de cuatro pilotos de la organización Hermanos al Rescate, en 1996.

En los alegatos finales, la defensa manifestó que la fiscalía había creado pruebas falsas para inculpar a los cinco acusados, calificándolos de "patriotas" y "pacifistas" que intentaban proteger a la isla de las acciones violentas.

El jurado comenzó sus deliberaciones poco después de ser instruido por Lenard, quien les permitió usar las notas tomadas durante el proceso judicial, iniciado el pasado 6 de diciembre.

La oficina de Lenard indicó ayer que la fase de deliberaciones pudiera tomar "horas o días". Analistas consideran que por el número de cargos y acusados, el veredicto no se producirá antes de la próxima semana.

Al término de la jornada, los acusados se despidieron de sus abogados, con sonrisas y muestras de afecto.

Edition: EDITION: Final
Section: SECTION: Panorama
Page: PAGE: 4A

The Alleged Spies Await the Verdict

El Nuevo Herald, Tuesday, 5 June 2001, page 4-A
WILFREDO CANCIO ISLA

The long trial of five alleged Cuban spies yesterday reached its final stretch, with a pending verdict that could take up to two weeks.

After six months and 103 court hearings in a federal court in Miami, the case of those involved in the Wasp Network is finally in the hands of a jury that is mainly composed of Afro-Americans and Anglos, without the presence of any Cuban-American.

"It's been an interesting odyssey" said Judge Joan Lenard yesterday when instructing jurors for an hour. Three substitute members — a Hispanic, an Afro-American and an Anglo — were excused.

Lenard gave a timely warning to the jury on the 26 charges faced by the five defendants, asking them to make their decision "based only on evidence presented during trial", and to put aside any personal likes or dislikes.

"You are only judges of the facts" the magistrate emphasized, recommending the jurors analyze the alleged guilt of the accused "without any time pressure."

The defendants face charges of conspiring to obtain secrets of national security on military bases in the south of Florida and of being unregistered foreign agents and acting as such. The most complicated of all is the alleged ringleader of the network, Gerardo Hernandez, who is accused of conspiring in the murder of four pilots from Brothers to the Rescue, in 1996.

In closing arguments, the defense said the prosecution had created false proof to incriminate the five accused, describing them as "patriots" and "pacifists" that were trying to protect the island from violent actions.

The jury began its deliberations shortly after being instructed by Lenard, who permitted the use of notes taken during the process of the trial, which commenced on the 6 of December.

Lenard's office indicated yesterday that the phase of deliberations could take "hours or days." Analysts believe that because of the number of charges and defendants, the verdict will not be delivered before next week.

At the end of the day, the accused dismissed their attorneys with smiles and expressions of affection.

EDITION: Final,
Section: Panorama,
Page: PAGE: 4A

Author Name: Enrique Encinosa

**Media Outlet,
background:**

Encinosa was employed by the U.S. government during the Cuban Five's trial, receiving \$5,200.00 during that period. At the same time, he was a long-time news reporter and commentator on Miami radio WAQI, an extreme right-wing station, with 50,000 watts power, which commented on the Cuban Five extensively. He also had a regular weekly program on WQBA 1140 AM, another right-wing Miami station.

By his own admission Encinosa was involved in paramilitary actions in the early 1960s (see radio transcript and audio link in following documents) and openly called for terrorist attacks inside Cuba in the late 1990s, through live broadcasts from his Miami-based clandestine radio station (see "Overthrow on the Radio" below.)

He has a close association with the most violent and dangerous terrorist organizations in Miami; in November 1996 Encinosa was keynote speaker at the inauguration of an Alpha 66 paramilitary training camp (see 11/20/96 article below), and boasts of his friendship with terrorist bomber Luis Posada Carriles.

With Encinosa's radio advocacy of terrorist attacks against Cuba, during the same decade of the 1990s that the Cuban Five were working to stop that Miami-based terrorism, Encinosa had a clear motive in working to secure their conviction.

Encinosa's collaboration with the U.S. government was first discovered in 2009, through documents released to the National Committee to Free the Cuban Five by a Freedom of Information Act petition.

Proof of Government pay:

- 2006 Miami Herald FOIA
- January 2009 National Committee FOIA
- January 2010 Liberation FOIA (contracts: www.reportersforhire.org)

Paid amount: \$5,200 during trial
\$10,410 (12/07/2000 – 11/04/2003)

| Date | Amount | |
|----------------------------|---------------|---------------------------|
| 12/7/00 | \$1,200 | Purchase Order |
| 2/8/01 | \$4,000 | Purchase Order |
| Amount during trial | \$5,200.00 | |
| TOTAL | \$10,410.00 | (12/07/2000 – 11/04/2003) |

The following entries contain information on his terrorist history, and part of his Miami media commentary after the Cuban Five's arrest.

1. Alpha 66 celebra cumpleaños con nuevo campamento

(English: Alpha 66 celebrates anniversary with new encampment)

El Nuevo Herald-November 20, 1996 ARMANDO CORREA

(Enrique Encinosa is keynote speaker at Alpha 66's 35th anniversary meeting to inaugurate a new military training camp)

(see next page)

2. Overthrow on the Radio

With a vengeance born of extremists, the radical La Voz de la Resistencia show goes straight for Castro's jugular

(Español: "Derrocamiento en las ondas radiales; Con una venganza nacida de extremistas, el programa radical 'La Voz de la Resistencia' va directamente a la yugular de Castro)

Miami New Times, February 13, 1997 KATHY GLASGOW

(This is an article about Enrique Encinosa's terrorist clandestine Miami-based station, advocating attacks against Cuba)

3. Expertos creen que Cuba vendía información de espías

(English: Experts believe that Cuba sold information of spies)

El Nuevo Herald-September 21, 1998

OLANCE NOGUERAS *(Nogueras also received U.S. government monies)*

4. Abdala Terrorist Organization background

Terrorismo made in U.S.A. en las Américas: Una enciclopedia básica

(English translation: Terrorism made in the U.S.A. in the Americas: a basic encyclopedia)

5. Interview with Encinosa in film "638 Ways to Kill Castro" and radio interview

(Español: Entrevista con Enrique Encinosa en película "638 maneras de matar a Castro" y entrevista radial)

Film interview by Dollan Cannell, late 2005, Miami Beach; Radio interview in 2010.

Entrevista en película por Dollan Cannell, 2005, Miami Beach; Entrevista radial en 2010.

Nombre del autor: Enrique Encinosa

**Fuente de prensa
y antecedentes:**

Encinosa es un periodista de larga data como activo propagandista anticubano, comentarista de Miami WAQI, estación de radio de extrema derecha, con 50.000 vatios de potencia. Recibió \$5,200.00 del gobierno de los EE.UU. durante el juicio contra los Cinco. Tanto en Miami WAQI como en la WQBA 1140 AM, otra radio de derecha donde Encinosa tenía un programa semanal, este periodista realizó constantes comentarios para atizar el clima de rechazo a las acciones antiterroristas realizadas por los Cinco Cubanos.

Según su propio testimonio Encinosa participó en acciones paramilitares contra la Revolución Cubana en la década de 1960 (ver transcripción de radio y enlace de audio en los siguientes documentos) y abiertamente llamó a los ataques terroristas dentro de Cuba a finales de 1990, a través de transmisiones en vivo desde una estación de radio clandestina con sede en Miami (ver "Derrocamiento de la Radio" a continuación.). Este individuo tiene una estrecha relación con las más violentas y peligrosas organizaciones terroristas en Miami. En noviembre de 1996 fue el orador principal en la inauguración de un campo de entrenamiento paramilitar de la terrorista Alpha 66 (ver artículo 20.11.96 más adelante).

Escinosa se jacta de su amistad con el connotado terrorista Luis Posada Carriles, y durante los ataques contra Cuba, en la pasada década del noventa, dio amplia cobertura a los atentados contra instalaciones turísticas y civiles cubanas. En este mismo momento los Cinco estaban trabajando para detener esas actividades terroristas que costaron la vida a un turista italiano e hirieron a otras personas. Encinosa tenía entonces motivo más que suficientes para conspirar con el gobierno y asegurar la condena de los patriotas cubanos

El empleo de Encinosa por el gobierno de EE.UU. durante el juicio de los Cinco Cubanos, fue descubierto por primera vez en 2009, a través de documentos liberados por el Gobierno Federal, a solicitud del Comité Nacional para la Libertad de los Cinco Cubanos, en ejercicio de la Ley de Libertad de Información.

Proof of Government pay:

- 2006 Miami Herald FOIA
- January 2009 National Committee FOIA
- January 2010 Liberation FOIA (contracts: www.reportersforhire.org)

Paid amount: \$5,200 during trial • \$10,410 en total (12/07/2000 – 11/04/2003)

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Las siguientes selecciones contienen información del historial terrorista de Enrique Encinosa, y parte de su comentario en Miami en los periódicos después del arresto de los Cinco. Hemos solicitado grabaciones de sus comentarios en la emisora gubernamental Radio Martí, y de las emisoras miamienses por las cuales él trabajó durante el procesamiento de los Cinco)

1. Alpha 66 celebra cumpleaños con nuevo campamento

(English: Alpha 66 celebrates anniversary with new encampment)

El Nuevo Herald-November 20, 1996 ARMANDO CORREA

(En este evento donde Alpha 66 inauguraría un nuevo campamento paramilitar de entrenamiento, Enrique Encinosa era invitado orador especial.)

2. Overthrow on the Radio

With a vengeance born of extremists, the radical La Voz de la Resistencia show goes straight for Castro's jugular

(Español: "Derrocamiento en las ondas radiales; Con una venganza nacida de extremistas, el programa radical 'La Voz de la Resistencia' va directamente a la yugular de Castro)

Miami New Times, February 13, 1997 KATHY GLASGOW

(Este es un artículo sobre la emisora clandestina de Enrique Encinosa, abogando por ataques terroristas contra Cuba, ubicada en Miami)

3. Expertos creen que Cuba vendía información de espías

(English: Experts believe that Cuba sold information of spies)

El Nuevo Herald-September 21, 1998

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Film interview by Dollan Cannell, late 2005, Miami Beach; Radio interview in 2010.

Entrevista en película por Dollan Cannell, 2005, Miami Beach; Entrevista radial en 2010.

Alpha 66 Celebra Cumpleaños con Nuevo Campamento

El Nuevo Herald, miércoles, 20 de noviembre 1996, página 4-A

ARMANDO CORREA, Redactor de El Nuevo Herald

Para celebrar sus 35 años, una de las organizaciones más antiguas del exilio cubano celebrará un congreso e inaugurará un nuevo campamento de entrenamiento militar.

Alpha 66, grupo paramilitar para algunos, político para otros y terrorista para el gobierno de Fidel Castro, reunirá a sus principales representantes de Estados Unidos y Europa, del 22 al 24 de noviembre, en el Travelodge Inn, de Miami.

"Nosotros no somos paramilitares, somos una fuerza política con un departamento militar", dijo Andrés Nazario Sargén, secretario general de Alpha 66. "Durante estos 35 años hemos logrado una gran resonancia dentro y fuera de Cuba".

El viernes a la 1:30 p.m. comenzará el congreso que sesionará hasta el domingo, cuando se inaugurará el nuevo campamento militar Rumbo Sur, a las 12 m. en Homestead.

El congreso nacional está coordinado por Emilio Caballero y los oradores invitados son el historiador Enrique Encinosa y participará Armando Pérez Roura, director general de WAQI Radio Mambí.

"Hemos tenido más de 80 incursiones militares", dijo Nazario Sargén. "Nuestra tesis inicial, apoyar la lucha interna en Cuba, por lo cual fuimos muy criticados es hoy ya una teoría clásica que todos promulgan en el exilio".

En el congreso, además de realizar un recuento histórica de la organización y de reconocer el trabajo de sus fundadores, se discutirá sobre la situación actual en Cuba.

"La situación dentro de la isla es crítica y está a punto de provocarse una estampida social", agregó Nazario Sargén. "Estamos preocupados por los intermediarios extranjeros, porque la solución está en Cuba, sin injerencia de otros países que buscan el diálogo con Castro".

Como parte de las actividades se realizará un reconocimiento al decano de los delegados y miembro de Alpha 66, Silverio Rodríguez.

Congreso Nacional de Alpha 66, de viernes a domingo en el Travelodge Inn, 1170 NW 11 St. Entrada abierta al público. Para más información llamar a Alpha 66 al 541-5433.

Edition: Final

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Alpha 66 celebrates anniversary with new encampment

El Nuevo Herald, Wednesday, 20 November 1996, page 4-A
By Armando Correa, El Nuevo Herald reporter

To celebrate its 35 years, one of the oldest Cuban exile organizations will celebrate a congress and inaugurate a military training camp.

Alpha 66, paramilitary group for some, political group for others and terrorist group for the government of Fidel Castro, will gather its principal United States and European representatives, from November 22 to 24, in the Travelodge Inn, Miami.

"We are not paramilitaries, we are a political force with a military department," said Andrés Nazario Sargén, general secretary of Alpha 66. "During these 35 years we have achieved a great resonance inside and outside of Cuba."

The congress will begin Friday at 1:30 p.m. and end Sunday, when the new military encampment Rumbo Sur is inaugurated, at 12 noon in Homestead.

The national congress is being coordinated by Emilio Caballero and the invited speakers are the historian Enrique Encinosa, and Armando Pérez Roura, general director of WAQI Radio Mambí will participate.

"We have had more than 80 military incursions," said Nazario Sargén. "Our beginning thesis, to support the internal struggle in Cuba, for which we were very criticized, is today a classic theory which all those in exile promote."

The congress, besides recounting the history of the organization and recognizing the work of its founders, will discuss the current situation in Cuba.

"The situation inside the island is critical and at the point of provoking a social stampede," added Nazario Sargén. "We are worried about the foreign intermediaries, because the solution is in Cuba, without the interference of other countries which seek dialogue with Castro."

As part of the activities, there will be a recognition of the dean of the delegates and member of Alpha 66, Silverio Rodríguez.

National Congress of Alpha 66, from Friday to Sunday in the Travelodge Inn, 1170 NW 11 St. Open to the public. For more information call Alpha 66 at 541-5433.

Edition: Final
Section: Local
Page: 4A

Note: Enrique Encinosa received monies from the OCB and BBG during the trial

Overthrow on the Radio

With a vengeance born of extremists, the radical La Voz de la Resistencia show goes straight for Castro's jugular

Miami New Times, Thursday, February 13, 1997

KATHY GLASGOW

One night each week, three Cuban exiles make their way through a tall gate and the cluttered, overgrown yard of a house in Westchester. They file past a long table stacked with pamphlets and papers in what used to be the living room, then down a hallway and into a bedroom that has been converted into a cramped radio studio. A man waits near an ancient reel-to-reel tape recorder and worn audio control board. Then for half an hour the exiles sit before banged-up microphones and instruct the people of Cuba in the dark arts of sabotage, arson, and assassination.

Here's the opening of one such taping session, recorded this past December: "Since the sugar harvest is about to begin, and it's almost the new year, we want to start this new period with review and explanation, with an understanding of what those on the island are suffering. Now, this year's sugar harvest, it must be destroyed. In the past Castro promised ten million tons. Now it must be ten million acts of sabotage. Cubans, we urge each of you to destroy the grinders of the sugar mills by tossing pieces of lead pipe or screws into the cane that is being processed. Loosen or damage parts of the mechanisms. Also burn the cane fields. This can be done by pouring a little gasoline or combustible liquid on an empty cloth sack. Set the sack on fire and let it burn a few minutes, then put out the fire. At night throw the sack into a field. The next day the heat of the sun by itself will cause the sack to reignite."

The speaker is 47-year-old Enrique Encinosa, youngest of the three exiles, a writer of fiction and books about Cuban history. Encinosa and his colleagues then go on to detail methods of burning down warehouses and disabling government vehicles. They'll save for other taping sessions instructions for destroying computers, derailing trains, short-circuiting electrical systems and power grids, driving tourists out of ritzy hotels, even selectively assassinating high-ranking communist officials.

These and other recipes for mayhem are being broadcast to Cuba on a shortwave radio program called La Voz de la Resistencia (The Voice of the Resistance). The half-hour program is taped in this house that serves as headquarters for Radio CID (Independent and Democratic Cuba), the shortwave station founded by exile leader Haber Matos, a former Cuban Rebel Army major who resisted Castro's move toward communism and served twenty years in prison as a result.

La Voz de la Resistencia and other Radio CID programs are broadcast from a transmitter whose exact location in Central America is a closely guarded secret. According to station personnel, the program airs Tuesday at 6:35 p.m. and also on various other days -- depending on the station's programming commitments. (Anyone with a shortwave radio can tune in to Radio CID at 9940 kHz from 6:00 p.m. to midnight, and at 6305 kHz from midnight to 2:00 a.m. and 6:00 a.m. to 10:00 a.m.)

Encinosa, along with 69-year-old Coral Gables cardiologist Armando Zaldivar and 63-year-old building contractor Ramon Ramos, has been producing La Voz de la Resistencia for about fifteen months, but until recently they were reluctant to discuss the program in the English-language media, concerned that such exposure would attract scrutiny from federal authorities owing to La Voz de la Resistencia's seditious content. (Encinosa says he did speak about the program on Spanish-language radio this past summer.) But they have since learned that because the broadcasts originate outside the U.S., federal telecommunications regulators have no jurisdiction. In addition, a spokesman for the U.S. Attorney's Office in Miami says the program almost certainly is protected by free speech provisions of the U.S. Constitution.

The shortwave saboteurs also say they were encouraged to go public by none other than Fidel Castro himself. According to Encinosa, Castro decried subversive radio broadcasts such as La Voz de la Resistencia in a January 1 speech in Havana. (New Times was unable to confirm Encinosa's claim.) "Now even Castro himself talks about [the show]," Encinosa beams. "He mentioned in a pissed-off tone that there were some exiles on the radio trying to get the Cuban people to commit acts of sabotage. After the speech there were a lot of comments about that on the radio here."

Along with the supercharged rhetoric and inflammatory calls to action commonly heard on Miami's Spanish-language AM airwaves, myriad other anti-Castro broadcasts reach Cuba on shortwave bands — the U.S. government's Radio Marti and the Cuban American National Foundation's station La Voz de La Fundacion being the most prominent. But La Voz de la Resistencia pushes the format to its extreme. "Are we advocating the overthrow of the Cuban government? Yes, we are," declares the bearded Encinosa, taking a quick drag from a Kool. Despite his relatively young age, he has been involved for decades in both peaceful and paramilitary anti-Castro activities. He is the author of three books about armed struggle within Cuba, and hosts a half-hour talk show on WQBA-AM (1140). "We don't claim we have a resistance army inside the island, or commando units. What we have is a direct line by radio to explain ways of resisting, and encouraging acts of resistance."

<http://www.miaminewtimes.com/1997-02-13/news/overthrow-on-the-radio/1/addComment/2/2>

Nota: Enrique Encinosa recibió dineros de la OCB y BBG durante el juicio

Derrocamiento en las ondas radiales Con una venganza nacida de extremistas, el programa radical La Voz de la Resistencia va directamente a la yugular de Castro

Miami New Times, Jueves, 13 de febrero 1997

Por Kathy Glasgow

Una noche cada semana, tres exiliados cubanos caminan a través de un alto portón y un descuidado patio cubierto de vegetación de una casa en Westchester. De a uno pasan por una larga mesa llena de folletos y papeles en lo que solía ser la sala de estar, y luego por un pasillo hacia un dormitorio convertido en un estrecho estudio de radio. Un hombre espera cerca de una antigua grabadora de cinta y una desgastada mesa de sonido. Luego, por media hora, los exiliados se sientan delante de malogrados micrófonos y comienzan a instruir al pueblo de Cuba sobre oscuras artes de sabotaje, incendios y asesinatos.

A continuación la apertura de una de esas sesiones de grabación, grabadas este pasado diciembre: "Considerando que la zafra está a punto de comenzar y es casi año nuevo, queremos empezar esta nueva etapa con una revisión y explicación, con el entendimiento de que los que están en la isla está sufriendo. Ahora, la zafra de este año debe ser destruida. En el pasado, Castro prometió diez millones de toneladas. Ahora deben ser diez millones de actos de sabotaje. Cubanos, exhortamos a cada uno de vosotros a destruir las chancadoras de los molinos de azúcar lanzando trozos de tubería de plomo o tornillos en la caña que se está procesando. Afloje o dañe partes de los mecanismos. También incendie los cañaverales. Esto se puede hacer mojando con un poco de gasolina o combustible líquido un saco de tela vacío. Encienda el saco y deje que se queme unos minutos, luego apague el fuego. Por la noche tire el saco en el cañaveral. Al día siguiente el calor del sol hará que el saco se encienda por sí solo de nuevo".

El que habla, Enrique Encinosa, tiene 47 años de edad. El más joven de los tres exiliados es un escritor de ficción y libros sobre la historia de Cuba. Encinosa y sus colegas luego pasan a detallar métodos para la quema de almacenes y averiar los vehículos del gobierno. Dejarán para otras sesiones de grabación instrucciones para destruir computadoras, descarrilar trenes, ocasionar cortocircuitos en sistemas eléctricos y redes eléctricas, espantar turistas de los hoteles lujosos, incluso para asesinar selectivamente a funcionarios comunistas de alto rango.

Estas y otras recetas para el caos están siendo transmitidas a Cuba a través de un programa de radio de onda corta llamada La Voz de la Resistencia. El programa de media hora se graba en esta casa que sirve como sede de la Radio CID (Cuba Independiente y Democrática), una estación de onda corta fundada por el líder exiliado Haber Matos, un ex rebelde mayor del ejército cubano que resistió el movimiento de Castro hacia el comunismo y estuvo veinte años preso como resultado.

La Voz de la Resistencia y otros programas de radio CID se transmiten desde una emisora cuya exacta ubicación en Centroamérica es un secreto muy bien guardado. De acuerdo con personal de la estación, el programa se transmite los martes a las 6:35pm y también en otros horarios — dependiendo de los compromisos de programación de la estación. (Cualquier persona con una radio onda corta puede sintonizar la radio CID en 9940 kHz

desde las 6pm hasta la medianoche, y en 6305 kHz desde la medianoche hasta las 2am y desde las 6am hasta las 10am)

Encinosa, junto con el cardiólogo de Coral Gables de 69 años de edad, Armando Zaldivar y Ramón Ramos, un contratista de 63 años de edad, ha producido La Voz de la Resistencia durante unos quince meses, pero hasta hace poco tiempo fueron reacios a hablar sobre el programa en los medios de comunicación en inglés, preocupados que dicha revelación podría atraer el escrutinio de las autoridades federales, debido al contenido sedicioso de La Voz de la Resistencia. (Encinosa dijo que habló sobre el programa en la radio de habla hispana el pasado verano). Pero desde entonces han aprendido que debido a que las emisiones se originan fuera de los EEUU, los reguladores federales de telecomunicaciones no tienen jurisdicción. Además, un vocero de la Oficina del Fiscal de EEUU en Miami dice que es casi seguro que el programa está protegido por las disposiciones de libertad de expresión en la Constitución de los EEUU.

Los saboteadores de onda corta también dicen que fueron alentados a hacerlo público nada menos que por el propio Fidel Castro. Según Encinosa, Castro denunció las emisiones de radio subversivas como La Voz de la Resistencia en un discurso el 1 de enero, en La Habana. (*New Times* no pudo confirmar esta afirmación de Encinosa). "Ahora, incluso el propio Castro habla sobre (el programa)", Encinosa clama. "Lo mencionó en un tono enojado que había algunos exiliados en la radio tratando de incitar al pueblo cubano para cometer actos de sabotaje. Después del discurso hubo un montón de comentarios sobre eso en la radio aquí".

Junto con la recargada retórica y llamadas inflamatorias a la acción escuchadas comúnmente en las ondas radiales AM en español de Miami, innumerables emisiones anti-castristas llegan a Cuba en las bandas de onda corta — Radio Martí del gobierno de EE.UU. y la estación de la Fundación Nacional Cubano Americana, La Voz de La Fundación, son las más prominentes. Pero La Voz de la Resistencia lleva ese formato a su extremo. "¿Estamos por el derrocamiento del gobierno cubano? Sí, lo estamos", declara el barbudo Encinosa, dándole una rápida fumada a un Kool. A pesar de su relativa juventud, ha participado durante décadas en actividades tanto pacíficas como paramilitares anticastristas. El autor de tres libros sobre la lucha armada en Cuba conduce un programa de entrevistas de media hora en WQBA-AM (1140). "No decimos que tenemos un ejército de la resistencia dentro de la isla, o unidades de comandos. Lo que tenemos es una línea directa por radio para explicar formas de resistencia y fomentar actos de resistencia".

<http://www.miaminewtimes.com/1997-02-13/news/overthrow-on-the-radio/1/addComment/2/2>

Expertos Creen Que Cuba Vendía Información de Espías

**El Nuevo Herald, lunes, 21 de septiembre, 1998, página 6A
OLANCE NOGUERAS**

Transcurrida una semana de la desactivación en Miami de una presunta red de espionaje al servicio de Cuba, expertos en asuntos de inteligencia opinan que las operaciones del grupo estaban destinadas a recolectar información sensible para proteger los intereses del gobierno cubano o venderla a potencias extranjeras vinculadas al terrorismo internacional.

Matías Farías, un veterano coronel de la Fuerza Aérea de Estados Unidos especializado en política internacional e inteligencia, definió a la red como "un grupo recolector de información".

"Ellos no representan un grupo de acción, porque fueron identificados en 1995 y desde esa fecha no realizaron ninguna acción terrorista", afirmó Farías, que conduce el programa radial Fuego Cruzado que trasmite de lunes a viernes la emisora La Poderosa 670 AM. "Cuba, convencida que en un momento determinado Estados Unidos iba a intervenir, buscó infiltrar el triángulo del sur para cumplir funciones específicas".

El triángulo del sur lo conforman la base aérea de McDill, en el área de Tampa, la estación aeronaval de Boca Chica, en Cayo Hueso, y el Comando Sur, en Homestead.

Farías explicó que Boca Chica es conocida como "una base de avanzada" porque desde esa instalación operarían aviones cazas durante una crisis con Cuba, y por otro lado, McDill serviría como base para movimientos de tropas de infantería y aviones cazabombarderos. El Comando Sur coordina todas las operaciones hacia América Latina y el Caribe, agregó.

Sin embargo, Enrique Encinosa, quien ha participado en diversas operaciones de inteligencia y ha escrito sobre procesos de espionaje, argumentó que la información recopilada por los supuestos espías tendrían diversas finalidades.

"Existen tres posibilidades: para estrategias ofensivas, de defensa o para el mercadeo", dijo Encinosa. "Muy dentro de la mentalidad de Fidel Castro está la posibilidad de vender información sobre Estados Unidos a países considerados terroristas en Africa y el Medio Oriente, a cambio de petróleo o beneficios militares".

Añadió la probabilidad de que la inteligencia norteamericana "haya detectado o tenga indicios de que esta información está transitando por organizaciones terroristas fuera de Estados Unidos".

Luis Enrique Chinaea, ex capitán del Ejército Rebelde y de las Fuerzas Armadas de Estados Unidos proyecta una tesis muy diferente.

"A mi juicio, la idea de que Cuba vendería la información recibida no tiene mucha solidez", comentó Chinaea, que laboró en operaciones de inteligencia para América Latina. "Me inclino más a pensar de que el gobierno cubano entregó estas gentes porque ya no les eran útiles y sus trabajos eran carentes de profesionalismo, obsoletos tecnológicamente".

"Un alto oficial de inteligencia, que pidió el anonimato, dijo a El Nuevo Herald que el arresto de 10 presuntos espías al servicio del régimen de Fidel Castro, estaba enviando un mensaje claro a La Habana: Los servicios de inteligencia de Estados Unidos están siempre alerta.

"Ellos deberían saber que toda emisión al aire es captada, que la información no se puede tener en sus casas, sino en un lugar seguro. También cometieron fallas en la compartimentación de la información y en mantener listas de los agentes", agregó.

"Para Farías uno de los aspectos más preocupantes es el grado de penetración que tienen las organizaciones políticas y empresariales del exilio.

"Esos grupos están huérfanos de mecanismos tecnológicos para detectar las infiltraciones. Eso lo sabe la inteligencia norteamericana, que tiene ubicadas a la mayoría de las personas infiltradas", dijo Farías.

Edition: Final
Section: Frente
Page: 6A

Experts believe Cuba sold information collected by spies

El Nuevo Herald, Monday, September 21, 1998, Page 6A
OLANCE NOGUERAS

A week after a presumed spy network working for Cuba was deactivated, intelligence experts believe that the group's operations were meant to collect sensitive information to protect the interests of the Cuban government or to be sold to foreign powers linked to international terrorism.

Matías Farías, a veteran U.S. Air Force colonel who specializes in international policy and intelligence defined the network as "a group meant to collect information."

"They were not a group meant for action, because they were identified in 1995 and from that date onward never carried out any terrorist action," said Farías, who is the host of the Crossfire radio program broadcast Monday through Friday by La Poderosa (The Powerful One) 670 AM. "Cuba, convinced that at any given moment the United States would intervene, sought to infiltrate the southern triangle in order to perform specific tasks."

The southern triangle consists of the McDill Air Force Base in Tampa, the Boca Chica Air/Naval Base at Key West, and the Southern Command (Southcom) in Homestead.

Farías explained that Boca Chica is well known as "an advance base" because it was from there that fighter planes operated during the Cuban crisis. Meanwhile, McDill would serve as a base for moving infantry troops and fighter/bomber aircraft. Southcom coordinates all operations related to Latin America and the Caribbean, he added.

However, Enrique Encinosa, who has participated in various intelligence operations and written about espionage processes, argues that the information compiled by the supposed spies would have various uses.

"There are three possibilities: offensive strategies, defensive strategies, or the market," said Encinosa. "The possibility of selling information about the United States to terrorist countries in Africa and the Middle East in exchange for oil or military goods is totally within the mentality of Fidel Castro."

He added that it is likely that U.S. intelligence "may have detected or have indications that this information is passing through terrorist organizations outside the United States."

Luis Enrique Chinae, a former captain in the [Cuban] Rebel Army as well as the U.S. Armed Forces offers a very different theory.

"In my judgment, the idea that Cuba would sell the information received is not very solid," said Chinae, who has worked in intelligence operations directed toward Latin America. "I am more inclined to think that the Cuban government gave these people up because they were no longer useful and their work was unprofessional and technologically obsolete."

A high-ranking intelligence official who asked to remain anonymous told *El Nuevo Herald* that the arrest of 10 presumed spies at the service of Fidel Castro's regime was meant to send a clear message to Havana: the United States intelligence services are always on alert.

“They should have known that all information broadcast over the air is captured, that the information cannot be kept in houses, but in a safe place. They also made mistakes in the compartmentalization of information and in maintaining lists of agents,” he added.

For Farías, one of the most troubling aspects is the degree of penetration in exile political and business organizations.

“These groups are outside the technological mechanisms for detecting infiltrations. U.S. intelligence is aware of this and has the majority of infiltrators pegged,” said Farías.

Edition: Final
Section: Front
Page: 6A

Abdala Terrorist Organization

Of which Enrique Encinosa was a member

<http://www.terrorfileonline.org/es/index.php/Abdala>

Counterrevolutionary organization of Cuban origin created in New York City in 1968. As part of its anti-Cuban actions, it carried out provocative acts against the Cuban diplomatic mission at the United Nations and against the presence of Cuban artists in the United States.

It published a libelous monthly publication with 30,000 copies and organized a clandestine radio station that transmitted against Cuba during the 1970s. It had delegations in Washington DC, Miami, Chicago, Puerto Rico, New Jersey and some universities in the United States.

Its principal leaders later joined the anti-Cuba terrorist organization, Cuban National Liberation Front (FLNC) (Frente de Liberación Nacional de Cuba), the so-called Organization for the Liberation of Cuba (OPLC) (Organización para la Liberación de Cuba), lead by Ramón Saúl Sánchez Rizo and the Youth of the Star (Jóvenes de la Estrella).

The public link of Abdala with the FLNC exposed its terrorist character, since up to that time it had been presented as a supposed organization of civic character, composed of youth of Cuban origin whose objective was countering the student movement that was opposed to the Vietnam war, and which claimed a more realistic politics towards Cuba.

Among its principal leaders were the terrorists Orlando Gutiérrez, later a member of the so-called Cuban Democratic Directory (Directorio Democrático Cubano); Leonardo Viota, called "The Chemist", for his abilities in the manipulation of explosives; **Enrique Encinosa Canto**; Pedro Solares; Cesar Sánchez; José Choréns and Gustavo Marín Duarte, its main promoter.

Organización terrorista “Abdala”

en la cual Enrique Encinosa era miembro

<http://www.terrorfileonline.org/es/index.php/Abdala>

Organización contrarrevolucionaria de origen cubano creada en la ciudad de Nueva York en 1968. Como parte de sus acciones anticubanas, escenificaron actos provocadores contra la misión diplomática de [Cuba](#) ante la ONU y la presencia de artistas cubanos en [Estados Unidos](#).

Publicaba un libelo propagandístico mensual con una tirada de 30 000 ejemplares y organizó una emisora de radio clandestina que transmitió contra Cuba durante la década de los años 70. Contaba con delegaciones en las ciudades de Washington, Miami, Chicago, Puerto Rico, Nueva Jersey y en algunas universidades de ese país.

Sus principales cabecillas se integraron posteriormente a la agrupación terrorista anticubana [Frente de Liberación Nacional de Cuba, \(FLNC\)](#), la llamada Organización para la Liberación de Cuba (OPLC), dirigida por [Ramón Saúl Sánchez Rizo](#) y a los [Jóvenes de la Estrella](#). La vinculación pública de Abdala con el FLNC puso de manifiesto su carácter terrorista, ya que hasta esos momentos se había presentado como una supuesta organización de carácter cívico, integrada por jóvenes de origen cubano empeñados en contrarrestar el movimiento estudiantil progresista opuesto a la guerra en Viet Nam y que reclamaba una política más realista hacia [Cuba](#).

Entre sus principales cabecillas se encontraban los terroristas Orlando Gutiérrez, posteriormente integrante del llamado Directorio Democrático Cubano; Leonardo Viota, apodado El Químico, por sus habilidades en la manipulación de explosivos; **Enrique Encinosa Canto**; Pedro Solares; Cesar Sánchez; José Choréns y Gustavo Marín Duarte, su principal promotor.

Enrique Encinosa openly advocates terrorism and boasts of his terrorist past

I.

Transcript of film interview with Enrique Encinosa,

conducted late 2005, for film segment in "638 Ways to Kill Castro." (Youtube: <http://www.youtube.com/watch?v=-pJyHRQVZUY>)

From the film segment, when Encinosa is asked about the accusation against his terrorist friend Luis Posada Carriles of masterminding bombings of Havana hotels in 1997. One of Posada's bombs killed a young Italian tourist Fabio Di Celmo, Encinosa says:

Narrator: In 1997, seven bombs tore apart Havana's hotels. The aim: to warn European tourists away from Cuba and bring Castro's economy to its knees. One young Italian traveler named Fabio DiCelmo was killed in the blasts. Cuba's security men did catch the bomber. But it was clear he wasn't the man in charge. A year later, Posada spoke to the press, and couldn't help letting slip that he was the mastermind.

Interviewer: Another thing that goes on the charge sheet is the bombings in Havana in 1997.

Enrique Encinosa: Okay, since...uhh, an'...okay...

The fact of it is, is that it has never been proven he did it. He has never been indicted for it. So from a strictly legal viewpoint... uhh...

I personally think it's an acceptable method. It's a way of damaging the tourist economy. The message that you, one tries to get across is that Cuba is not a healthy place for tourists. So, if Cuba is not a healthy place for tourists because there's a few windows being blown out of hotels, that's fine.

II.

Radio interview with Enrique Encinosa in 2010:

<http://babalublog.com/2010/12/the-escambray-the-sierra-maestra-enrique-encinosa-humberto-fontova-and-more/>

Enrique Encinosa: "I arrived in the United States in 1961. I became involved in the anti-Castro paramilitary organizations when I was 16. I participated in a number of military and covert operations into Cuba as a very young man. I worked cloak and dagger in covert operations ..."

Enrique Encinosa defiende abiertamente el terrorismo y se jacta de su pasado terrorista

I.

Transcripción de la entrevista con Enrique Encinosa,

realizada a finales de 2005 y aparecida en la película "638 maneras de matar a Castro."
(Youtube: <http://www.youtube.com/watch?v=-pJyHRQVZUY>)

En la película a Encinosa se le pregunta sobre la acusación contra su amigo, el terrorista Luis Posada Carriles por haber planeado los atentados contra hoteles de La Habana en 1997. Una de las bombas de Posada mató al joven turista italiano Fabio Di Celmo. Encinosa responde:

Narrador: En 1997 siete bombas destrozaron hoteles en La Habana. El objetivo: advertir a los turistas europeos para que se mantengan alejados de Cuba y doblegar la economía de Castro. Un joven viajero italiano llamado Fabio DiCelmo resultó muerto en las explosiones. Los hombres cubanos de seguridad detuvieron al perpetrador. Pero estaba claro que este no era el hombre a cargo. Un año más tarde, Posada habló con la prensa, y no pudo evitar confesar que él fue el autor intelectual.

Entrevistador: Otra cosa incluida en el pliego de cargos es sobre los atentados en La Habana en 1997.

Enrique Encinosa: Bueno, ya... uhh, un ... está bien...

El hecho es que, es que nunca se ha comprobado que él lo hizo. Nunca ha sido acusado por ello. Así que desde un punto de vista estrictamente legal... uhh...

Yo personalmente creo que es un método aceptable. Es una forma de dañar la economía del turismo. El mensaje que usted, que uno trata de transmitir es que Cuba no es un lugar saludable para los turistas. Así que, si Cuba no es un lugar saludable para los turistas porque hay algunas ventanas reventadas en los hoteles, eso está bien.

II.

Entrevista radial con Enrique Encinosa en el 2010:

<http://babalublog.com/2010/12/the-escambray-the-sierra-maestra-enrique-encinosa-humberto-fontova-and-more/>

Enrique Encinosa: "Llegué a los Estados Unidos en 1961. Me involucré en las organizaciones paramilitares anticastristas cuando tenía 16 años. Desde que era un hombre muy joven, he participado en una serie de operaciones militares y encubiertas en Cuba. Trabajé de capa y espada en operaciones encubiertas... "

Author Name: **Julio Armando Estorino**
Media Outlet and Background: *Diario Las Américas*
Estorino was a member of the Junta Patriótica Cubana, formed in the early 1980s, which advocates the violent overthrow of the Cuban government. During the same period that Estorino was employed by the U.S. government he was also 1) Executive director of the morning news show of a right-wing Miami radio station WACC; 2) Host of that station's daily evening drive-time interview show, "El Portal," and 3) Co-host of "Al Día," a daily news and opinion show. Since 1997, he has been a regular columnist for the Miami newspaper Diario las Américas. (see CV) Within days of the Cuban Five's arrest, Estorino wrote several articles for Diario las Américas about the Cuban Five, in an extremely biased manner.

- Evidence of Payment:**
- Oct. 2010 *Liberation* newspaper FOIA (Oct. '02 – Dec. '03)
 - CV shows U.S. gov't employment beginning March 1998
 - Cuba Money Project documents
 - Federal Procurement Data Systems (USIA data)

Amount Paid:

(Proof of Estorino's U.S. government employment can be found in his Curriculum Vitae (attached) along with his extensive work as radio news commentator on Miami radio.)

| Date | Amount |
|--|---------------------------------------|
| 11/15/98 | \$27,000.00 (U.S. Information Agency) |
| 01/15/00 | \$34,000.00 |
| 02/15/01 | \$28,000.00 |
| (10/16/02 – 12/01/03) | \$15,050.00 |
| Total known so far during Cuban Five's prosecution: | \$89,000.00 |
| Total | \$104,050.00 |

1. Estorino's U.S. government employment record, in his CV:

Four-page CV, listing "U.S. Government, Employer" starting March 1998.

Articles written during period of U.S. government employment:

(Radio Martí: March 1998 – August 2001; TV Martí: March 1998 – present)

- 2. Los espías de La Habana y las intenciones de Washington**
 (English Translation: The spies of Havana and Washington's intentions)
 Diario las Américas, September 18, 1998, JULIO ESTORINO
- 3. Washington, La Habana... y Miami**
 (English Translation: Washington, Havana... and Miami)
 Diario las Américas, October 2, 1998, JULIO ESTORINO
- 4. Premeditación y alevosía**
 (English Translation: With Malice Aforethought)
 Diario Las Américas, May 14, 1999, JULIO ESTORINO
- 5. Espionaje e indiferencia**
 (English Translation: Espionage and Indifference)
 Diario las Américas, January 5, 2001, JULIO ESTORINO
- 6. Espías y malaslenguas**
 (English Translation: Spies and Gossip)
 Diario las Américas, February 2, 2001, JULIO ESTORINO

Nombre del autor: **Julio Armando Estorino**

Medio publicado *Diario Las Américas*

e información del autor:

Estorino fue miembro de la Junta Patriótica Cubana creada en los comienzos de los ochenta para apoyar el derrocamiento violento del gobierno cubano. Durante el mismo periodo en que fue empleado por el gobierno de los EEUU via Radio y TV Martí, Estorino fue: 1.- Director ejecutivo de un programa matutino de noticias de WACC, una radio de derecha de Miami. 2.- Presentador de El Portal un programa diario de entrevistas en la misma radioestación y 3.- Copresentador de Al Día, un programa diario de noticias y opiniones. Desde 1997 ha sido un columnista habitual para el periódico de Miami Diario Las Américas (vea CV). Pocos días después del arresto de los Cinco Cubanos, Estorino escribió en ese periódico varios artículos extremadamente prejuiciosos.

Evidencia de pagos: Octubre. 2010 FOIA de periódico Liberación (Oct. '02 – Dic. '03) La CV de Estorino muestra que los pagos del gobierno de EEUU comenzaron en marzo de 1998. Documentos obtenidos por el "Cuba Money Project" y el Sistema Federal de Datos de Adquisiciones (USIA data)

Cantidad pagada: (Datos del empleo de Estorino por el gobierno de los EEUU se pueden encontrar en su Curriculum Vitae (adjunto), junto a su extenso trabajo como comentarista de noticias en la radio de Miami.

| Fecha | Cantidad |
|--|---------------------|
| Nov/15/98 | \$27,000.00 |
| Enero/15/00 | \$34,000.00 |
| Feb/15/01 | \$28,000.00 |
| (Oct/16/02 – Dic/01/03) | \$15,050.00 |
| Cantidad durante el juicio, conocido a la fecha | \$89,000.00 |
| Total | \$104,050.00 |

1. Expediente laboral del gobierno sobre el empleo de Estorino:

Artículos de Estorino durante el periodo en que fue empleado por los EEUU.
(Radio Martí: Marzo 1998 – Agosto 2001; TV Martí: Marzo 1998 – presente)

- 2. Los espías de La Habana y las intenciones de Washington**
Diario Las Américas, Septiembre 18, 1998, Julio Armando Estorino
- 3. Washington, La Habana... y Miami**
Diario Las Américas, Oct. 2, 1998, Julio Armando Estorino
- 4. Premeditación y alevosía**
Diario Las Américas, Mayo 14, 1999, Julio Armando Estorino
- 5. Espionaje e indiferencia**
Diario Las Américas, Enero 5, 2001, Julio Armando Estorino
- 6. Espías y malas lenguas**
Diario Las Américas, Feb. 2, 2001, Julio Armando Estorino

Julio Armando Estorino

(b) (6)

(b) (6)

(b) (6)

(b) (6)

SSN:

(b) (6)

Education

B.A. in Spanish

May 1978

St. Thomas University (formerly Biscayne College), Miami, FL

B.A. in Political Science

May 1978

St. Thomas University (formerly Biscayne College), Miami, FL

Total credits earned: 159

**Last High School
attended**

Ramón Matthieu School, Matanzas, Cuba.

Sep. 1961

**Radio & TV
Experience**

W.A.C.C. Radio Paz, Miami, FL

Nov. 1997 - present

Aug. 2003-present: *Executive Director of Morning Show*: news and commentary magazine

Nov. 1997-present: *Host*: "El Portal de Miami," daily evening drive-time interview show

Nov. 1997-Jan. 2002: *Co-host*: "Al día," (formerly "Amanecer") news and opinion show

Employer: Pax Catholic Communications

1779 N.W. 28 St.

Miami, FL 33142

Salary: \$33,000.00 per year, one three-hour morning show and one one-hour evening show, 20 hours per week

Supervisor: (b) (6) (may be contacted)

Duties: Select guests and topics. Contact guests, produce the show and conduct interviews. Write and broadcast own news commentary.

Accomplishments: "El Portal de Miami" is one of the most listened-to programs in Radio Paz. Over the years I have been able to present a wide array of international experts on many different topics, especially on Cuba-related issues.

W.W.F.E. La Poderosa, Miami, FL

Jan. 2002 - Aug. 2003

Co-host: "La Revista de la Mañana," daily morning drive-time news and opinion show

Employer: Fenix Broadcasting Corp.

330 S.W. 27 Ave., Suite 207

Miami, FL 33135

Salary: \$12,000.00 per year, 15 hours per week

Supervisor: (b) (6) (may be contacted)

Duties: Select and edit news and sound bites for newscast. Contact people in the news and/or commentators for interviews. Write and read on the air own daily commentary. Broadcast the news and introduce segments and guests. Interview guests and receive and respond on air listener's calls.

Accomplishments: In the fifteen months that I have been on this show the audience has steadily increased according to Arbitron polls.

T.V. Martí, Miami, FL

Mar. 1998 - present

Host: "Mesa Redonda," weekly interview show

Employer: U. S. Government

Office of Cuba Broadcasting

4201 N.W. 77 Ave.

Miami, FL. 33166

Salary: Independent contractor, \$175.00 per 30-min. show, one per week

Supervisor: (b) (6) (may be contacted)

Duties: Together with the producer, select guests and topics. Introduce and interview guests.

Accomplishments: I have been able to have on the show, over the years, people of different political backgrounds and thinking, Cubans and non-Cubans, freely expressing and debating their views. I have promoted serious, in-depth news analysis and I have covered all events relevant to the Cuban situation.

Radio Martí, Miami, FL

Mar. 1998 - Aug. 2001

Co-host: "Tempranito y de mañana," a daily news, interview, opinion, and variety show

Employer: U. S. Government

Office of Cuba Broadcasting

4201 N.W. 77 Ave.

Miami, FL 33166

Salary: Independent contractor, \$150.00 per three-hour daily show, plus one daily news commentary, 15 hours per week

Supervisor: (b) (6) (may be contacted)

Duties: Together with the producer and the co-host, select guests and topic for news-related interviews. Research, broadcast and comment on Cuban history, culture and current events for different segments of the show. Introduce guests and sections. Write and broadcast own daily news commentary.

Accomplishments: "Tempranito y de mañana" was, according to credible sources, one of the audience's favorite shows in Radio Martí. I have been told it was the most listened to by Cubans in the island. I always took pride in being part of that show, and felt very comfortable working with Oscar del Río and the rest of the crew. I received many letters from listeners in Cuba with very interesting opinions about the show and my work in it. Copies will be available on request.

W.Q.B.A., Miami, FL

Sep. 1992 - Nov. 1997

News director: Morning and noon newscasts

Co-host: "Detrás de la Noticia," daily news and opinion show

Co-host: "Primera Plana," daily interview show

Host: "Debate Semanal," weekly interview show

Writer and Reader: "Cantaclaro," daily editorial news commentary

Writer: "Candelaria," daily satirical news commentary

Employer: Heftel Broadcasting

W.Q.B.A.

2828 Coral Way

Miami, FL 33145

Salary: \$68,000.00 per year, 40 hours per week

Supervisor: (b) (6)

Duties: Select and edit the news and sound bites for the morning and noon newscasts. Check on content and readiness of segments. Select people to be interviewed on news-related issues. Comment on daily news with co-hosts and guests. Write and broadcast own daily news commentary. Write a daily satirical news-related poem for a fictional character of own creation.

Accomplishments: During my time at WQBA, it regained its long lost competitive status in the local market. My morning show, with Agustín Acosta, reached first place in the Arbitron ratings in the 34 to 54 year-old audience several times, and, together with the rest of the programs and newscasts I was involved in, showed consistent growth.

***Newspaper
Experience***

Diario Las Americas, Miami, FL

1997 - present

Columnist

Revista Ideal, Miami, FL

1985 - present

Columnist

El Nuevo Herald, Miami, FL

1988 - 1996

Columnist

Publications

Patria y pasión, poetry, Miami, FL, 1975.

Other works of poetry published in:

- *107 poetas cubanos del exilio, Miami, FL, 1988.*
- *El amor en la poesía hispanoamericana, Buenos Aires, 1985.*
- *Resumen literario El Puente, Madrid, 1982.*
- *Poesía en Exodo, Miami, FL, 1970.*

Honors and Awards

Honors and Awards received include:

- ACCA Trophy, Creativity in radio broadcasting, Cuban Critics Association in Exile, 1996.

- ACCA Trophy, Best Newscast, Cuban Critics Association in Exile, 1995.
- National Journalism Medal, Cuban Press Club in Exile, 1994.
- Sergio Carbó Award for Journalism, Cuban Rotary Club in Exile, 1982.
- Ramiro Collazo Award, Cuban Lions Club in Exile, 1979 and 1981.
- Ignacio Agramonte Award, newspaper article, Cuban Bar in Exile, 1972.

Public Speaking

Public speaking engagements include presentations at student's clubs of the School of International Relations of Northwestern University, Chicago, the First Cuban Dissidents International Congress (Paris, France, 1979), and different Cuban exile's associations in Costa Rica, the Dominican Republic, Venezuela, Puerto Rico and several cities all over the United States.

Service Activities

- Municipios de Cuba en el Exilio, 1967-1996
- Dade County Fair Elections Practices Committee, 1980s
- Comité del Centenario de la Instauración de la República (Republic of Cuba Centennial Committee), 2002-2003

Military Service

U. S. Army, Cuban Volunteer's Program, 1963-1964

Special Skills

- Fully bilingual (English-Spanish) and skilled translator
- Experienced writer of editorial and news content as well as broadcast scripts press releases, advertising copy, and media alerts and announcements
- Possess office and newsroom management experience
- Skilled at organizing events
- Internet proficient
- Extensive knowledge of word history and current affairs

References

References are available upon request.

Other

U.S. Citizen: Yes
 Veteran's Preference: No
 Federal Civilian Employee: No
 Eligible for Reinstatement: No

Los espías de La Habana y las intenciones de Washington

Diario Las Américas, viernes 18 de septiembre 1998, página 4-A
Por Julio Estorino

El tema de los espías, por llamarlo de alguna manera, es inescapable. El caso de la captura y denuncia de una supuesta red de espionaje castrista, por parte de las autoridades de Estados Unidos es tema obligado. Hay que hablar de ello, quieras que no aunque yo preferiría hacerlo con mayores elementos de juicio que los que hasta ahora se conocen, creo que no es temprano para algunos comentarios que como decimos en Unión de Reyes, se caen de la mata.

Independientemente del caso en particular, me parece a mí que nadie que conozca, siquiera por aproximación, el talante de Fidel Castro; su maldad, su prepotencia y sus sueños de grandeza, pueda dudar de que algo como lo que se ha descubierto y denunciado esté dentro de sus quehaceres. A lo largo de su prolongado reino de terror, muchos han sabido y casi todos hemos supuesto que, efectivamente, aquí, en este país, en Miami, entre nosotros, se mueven y actúan agentes del castrato con diversas misiones, ninguna de ellas muy buena que digamos.

Lo novedoso de este caso consiste en que el mismo viene a confirmar esos criterios, por una parte, y por otra, el que, por primera vez, el gobierno de los Estados Unidos decide detener y encausar a alguien — diez personas en este caso — bajo la directa acusación de trabajar para los más siniestros intereses del régimen castrista y, por consiguiente, hacer de esto cosa pública.

Al preguntarnos ¿por qué se hace esto ahora? Tendríamos que responder desde el mundo de las conjeturas y es mucho lo que cabe en él. Sin embargo, si conjeturamos desde lo lógico, habrá que concluir que algo como esto no se decide en Miami y que cualquiera que haya sido la razón para este inusitado proceder de Washington, la captura, denuncia pública y acusación formal de espías del castrismo no sucedería si la intención fuese el entendimiento, el apaciguamiento o la normalización de relaciones con La Habana.

Esto no es buena noticia para Fidel Castro, pero, al mismo tiempo, desarticula en buena medida el discurso, de algunos entre nosotros, cuya argumentación y enfoque de la actual situación cubana se caracteriza por un acendrado antiyanquismo, más visible a veces que el propio anticastrismo que se supone los mueve.

Así, anuncian permanentemente la "inminencia" de un pacto o acuerdo entre el gobierno de Estados Unidos y la dictadura de Fidel Castro, cuando no la existencia de un secreto entente entre ambos, destinado exclusivamente a favorecer al tirano, pacto que, hasta el minuto en que escribo esto, no se ha visto por ningún lado.

De igual forma, mantienen un estado de perenne enquistamiento entre Miami y Washington que lastra gravemente lo que debiera ser una relación provechosa para la libertad de Cuba, pues no te puede ayudar o dejar destorbar aquel a quien día a día calificas con los peores epítetos, y lo peor de todo, censuran como "herejía anticubana" cualquier intento de revisar nuestros propios errores. No los tenemos, no los cometemos. Hablar de ello es "hacerle el juego al enemigo". Los americanos tienen la culpa de todos nuestros males, y se acabó.

No quiero decir con esto que hay que eximir a Washington de sus propios errores, pasados y presentes, en lo que a Cuba se refiere. No quiero decir que haya que confiar ciegamente en nadie. No quiero decir que no haya en todas las ramas del gobierno de este país gente que daría el alma por poderse entender con Castro. No quiero decir que no haya algunos, incluso padeciendo de cierta perversa admiración por el déspota. No quiero decir que si éste se dejara querer, si las circunstancias fueran otras, no estarían ya en pleno contubernio.

Pero no estoy hablando de lo que potencialmente sería, sino de lo que, en este minuto es, de algo de lo que nos revela el público "destape" de estos supuestos espías de Castro en Miami.

Claro que no faltará quien diga lo contrario y atribuye lo ocurrido a la más tenebrosa artimaña de la "gran conspiración" cuyo supuesto gran objetivo — inexplicado e inexplicable — es "oxigenar" a Fidel Castro y mantenerlo en el poder por los siglos de los siglos. Recuerden, sin embargo, que hablé de conjeturar desde la lógica, no desde el delirio.

Muchas otras conclusiones interesantes pueden sacarse del "caso de los espías" y, sin duda, los días venideros ofrecerán más tela por donde cortar. Estemos al tanto, pues, que esto se pone interesante. Muy interesante, carya.

The spies of Havana and Washington's intentions

**Diario Las Américas, Friday, 18 September, 1998, page 4-A
JULIO ESTORINO**

The issue of the spies, just to call it something, is inescapable. The matter of the capture and denouncing of an alleged pro Castro spy ring, by the U.S. authorities, is an obligatory subject. We must talk about it, even if you don't want to and despite my preference to do so with stronger evidence than what is currently known. I don't think it is too early for some comments, as we say in Union de Reyes, they will fall from the tree.

Independently of this particular case, it seems to me that anyone that even approximately knows the will of Fidel Castro; his wickedness, his prepotency and his dreams of grandeur, could doubt that something like what was discovered and reported would be in his list of things to do. Throughout his lengthy reign of terror, many have known and almost all have assumed that certainly in this country and in Miami, amongst us, there are Castro agents moving about and performing different missions, none of which we can say are any good.

The novelty of this case is that it confirms this criteria on the one hand, then on the other, for the first time the United States government has decided to arrest and prosecute someone — ten people in this case — under the direct charge of working for the most sinister interests of the Castro regime and consequently make this public.

In asking ourselves, why do this now? We would have to respond from the world of conjecture, into which much fits. However, if we conjecture from the logical, we would have to conclude that something like this is not decided in Miami and that whatever the reason for this unusual process by Washington; the capture, public denunciation and indictment of Castro's spies would not happen if the intention were the understanding, appeasement or normalization of relations with Havana.

This is not good news for Fidel Castro, but at the same time, it largely dismantles the argument of some amongst us, whose argument and approach to the Cuban situation is characterized by an unblemished anti-Americanism, sometimes more visible than the anti-Castro sentiment that supposedly motivates them.

Thus, constantly announcing the "imminent " pact or agreement between the United States government and the dictatorship of Fidel Castro, when no secret entente designed to exclusively favor the tyrant existed between the two. Even as I write this, no one has up to this minute seen this pact anywhere.

Either way, a constant toxic state is maintained between Miami and Washington that severely hampers what should be a profitable relationship for Cuba's freedom. Since it cannot help or cease agitating you, you characterize daily with the worst insults — and worst of all, condemn as "anti-Cuban heresy" — any attempts to review our own errors. If we do not have them, then we do not commit them. To talk about it "plays into the enemy". The Americans are to blame for all our ills, and that's final.

I do not mean that Washington should be excused from their mistakes, past and present, as far as Cuba is concerned. I do not mean you have to blindly trust anyone. I do not mean that there are no people within all branches of this country's government that would give their soul to have an understanding with Castro. I do not mean that there are none who suffer from some perverse admiration for the despot. I do not mean that if he lets himself

be wanted, if the circumstances were different, they wouldn't already be in full collusion.

I'm not talking about what could potentially be but rather what is at this moment, of something that was revealed with the public "uncovering" of these alleged spies for Castro in Miami.

Of course there are those that would say otherwise, and would attributed what happened to the more sinister ploy of the "great conspiracy" whose supposed main objective — unexplained and inexplicable — is to "oxygenate " Fidel Castro to keep him in power for ever and ever. Remember, however, I spoke of conjecturing from logic, not from delirium.

Many other interesting conclusions can be drawn from the "case of the spies" and without doubt, the coming days will provide more material to draw from. We are aware that this is getting interesting. Very interesting, hickory.

Washington, La Habana... y Miami

**Diario Las Américas, viernes, 2 de octubre 1998, página A-4
Por Julio Estorino**

El pasado 24 de agosto, James Foley, portavoz del Departamento de Estado, al comentar la visita del dictador Fidel Castro por la República Dominicana, identificó a éste claramente como el obstáculo para el cambio democratizador en Cuba, al decir que el régimen por él encabezado es "impermeable a influencias externas". Asimismo, el citado funcionario expresó que el final de ese régimen es solamente cuestión de tiempo. Y dijo también que los gobiernos que deciden relacionarse con La Habana están en la obligación moral de hacerlo de un modo que aiente un cambio fundamental y sistemático de las autoridades cubanas.

El 2 de septiembre, la Voz de los Estados Unidos lanzó al mundo un editorial de fuerte tono, diciendo que éste es el momento para un cambio fundamental en Cuba, calificando a la dictadura como "un anacronismo patético" y manifestando al final una categórica convicción en el futuro de libertad que aguarda al pueblo cubano.

Al día siguiente, Washington negó permiso a la empresa Alamar para el viaje a Cuba de un grupo de empresarios que planeaba reunirse allá con funcionarios castristas, "para analizar futuras oportunidades de negocios". La Administración Clinton dijo que la pretendida reunión sería contraria a la política del país, ya que, de celebrarse la misma, beneficiaría al gobierno de Cuba, no al pueblo cubano. Los organizadores del aquellare, concebido como un poco disimulado intento de socavar el embargo, se quedaron como la novia de Pacheco, vestidos y alborotados.

El 14 del propio mes, diez cubanos residentes del Gran Miami fueron arrestados por las autoridades federales, bajo la acusación, nada trivial por cierto, de ser realmente espías de Castro, entre cuyos objetivos estaba la obtención de información sobre instalaciones militares de Estados Unidos.

Menos de dos semanas después, el día 25, ante la Asamblea General de Naciones Unidas, el representante en funciones del gobierno de Estados Unidos, Peter Burleigh, contestó una sarta de diatribas que Roberto Robaina, el canciller fidelista, había dirigido el día anterior contra este país.

"El ataque del Ministro de Exterior de Cuba contra los Estados Unidos — dijo el representante de Washington — refleja el temor del gobierno de Cuba a una transición democrática pacífica y al respeto a los derechos humanos". Y continuó diciendo: "Yo le pregunto dos cosas a esta Asamblea: "¿cuándo permitirá el gobierno de Cuba que el pueblo cubano determine su propio futuro mediante elecciones libres y justas? ¿Cuándo liberará Cuba a los prisioneros políticos que languidecen en las cárceles porque lo que quieren ver es una Cuba estable y democrática?". Terminó su intervención el Sr. Burleigh recordándole a Robaina un pensamiento martiano: "Libertad es el derecho que todo hombre tiene ser honrado y a pensar y hablar, sin hipocresía".

Para cerrar el mes, ayer, día 30, el Departamento de Estado volvió a hablar sobre Cuba por boca de uno de sus portavoces. Tras condenar en términos inequívocos el ensañamiento del castrato contra los reconocidos opositores Marta Beatriz Roque Cabello, Vladimiro Roca Antunez, Félix Bonne Carcasés y René Gómez Manzano, dijo el representante de la política

exterior de Clinton: "La historia no absolverá a Fidel Castro o a su gobierno por violar los derechos humanos y por el prolongado sufrimiento del pueblo cubano".

¿Revela todo lo anterior una "línea dura" de Washington frente al régimen de Fidel Castro" Se argumenta, en sentido contrario, que esta Administración inició y mantiene la práctica de devolver a Cuba a los balseros cubanos que tratan de alcanzar las costas de esta nación, pero hay que reconocer que sitien ello es indefendible por lo inhumano, políticamente no es nada que beneficie a Castro, sino todo lo contrario. Curiosamente, algunos de los que se rasgan las vestiduras y censuran con mayor vehemencia a "los americanos" por la repatriación de cubanos, con no menor vehemencia los censuraban ayer por "permitirle al tirano usar esa válvula de escape" ya que "pensando en irse de Cuba no se emprende la guerra necesaria".

Igualmente se podrá decir que no se aplican todos los acápites de la ley Helms Burton, pero hay que decir también que, a pesar de presiones y predicciones en su contra tanto la ley Helms Burton como el embargo están ahí, gracias en gran medida a que tenemos la suerte de tener a un partido en control del Congreso y al otro en la Casa Blanca, lo cual mantiene al caso cubano como uno de relativo valor político-electoral para ambos partidos.

Y también se podría mencionar que hace unos días solamente, el gobierno de Estados Unidos pidió a los de Centroamérica mayor énfasis en la represión de actividades calificadas como terroristas, supuestamente promovidas por exiliados cubanos en contra de esa tiranía que ellos mismos — los Estados Unidos — condenan.

Hay que recordar que Washington, desde hace muchos, muchos, años, no ha perdido ocasión de reiterar que quiere la libertad de Cuba, pero la quiere únicamente por medios pacíficos, posición con la cual concuerdan muchos cubanos. Otros, para alcanzar tan justo objetivo, aceptan cualquier medio, cualquiera. Y otros decimos cualquier método moralmente justificable, lo cual excluye la violencia indiscriminada. En este caso, como vemos, la diferencia está en el camino, no en la meta.

Yo no pongo ni quito. He tratado de relacionar lo más objetiva y desapasionadamente posible algunos de los hechos y las manifestaciones más relevantes que le dan su contexto actual a la posición del gobierno de los Estados Unidos respecto a Cuba. Ciertamente, esos hechos y esas palabras no indican simpatía alguna por Fidel Castro y su régimen, ni tienden, en ningún sentido, a ayudar a éste a mantenerse en el poder.

¿Se justifica, pues, la permanente retórica antiyanqui a que nos someten aquí, tan parecida a la que escuchamos desde La Habana? ¿Es inteligente, ayuda a nuestra causa, nos gana amigos? ... ¿A quién beneficia una consuetudinario enfrentamiento entre Washington y Miami?

No importa cuál partido ocupe la Casa Blanca, no importa cómo se llame el presidente, Washington va a procurar siempre lo que considere ser sus intereses propios y eso es lo que hacen todos los gobiernos Sabiendo eso y ceñidos a la verdad, nosotros debemos procurar los nuestros. Para ello, en el mundo de hoy, hay que dejar la exasperación demagógica, servir al ideal y ver las cosas como son: los que tienen pocas municiones no pueden darse el lujo de confundir el blanco, ni echarse al mundo de enemigo.

Washington, Havana and Miami

Diario Las Américas, Friday, 2 October 1998, page A-4

By Julio Estorino

On August 24 the State Department spokesperson, James Foley, commenting on the visit by the dictator Fidel Castro to the Dominican Republic, clearly identified him as the obstacle for achieving democracy in Cuba, saying his regime is "impervious to external influences." The official also said that it is only a matter of time before the regime's end. He also said that governments that choose to engage with Havana have a moral obligation to do so in a way that encourages a fundamental and systematic change by the Cuban authorities.

On September 2, the Voice of America launched, to the world, an editorial with a strong tone that said, this is the time for a fundamental change in Cuba, calling the dictatorship "a pathetic anachronism" and expressing in the end an emphatic belief in the freedom that awaits the Cuban people in the future.

The following day Washington denied the company Alamar permission to send a group of businessmen to travel to Cuba, which planned on meeting with Castro's officials, "to discuss future business opportunities." The Clinton Administration said the proposed meeting would be contrary to U.S. policy, and if it were to go ahead that it would only serve to benefit the Cuban government, not the Cuban people. The organizers, designed as a thinly veiled attempt to undermine the embargo, were left as Pacheco's bride, all dressed up and rowdy.

On the 14th of the same month, ten Cuban residents of Greater Miami were arrested by federal authorities on charges, that weren't trivial by any means, of being Castro's spies whose objective was to obtain information on U.S. military installations.

Less than two weeks later, on the 25th, the United States representative before the UN General Assembly, Peter Burleigh, responded to a series of diatribes that Roberto Robaina — Fidel's Foreign Minister, had directed to this country the previous day.

"The attack by Cuba's Foreign Minister against the United States" — said the Washington representative — "reflects the Cuban government's fear of a peaceful democratic transition in respect to human rights." He continued: "I ask this Assembly two things: when will the Cuban government permit the Cuban people to determine their own future through free and fair elections? When will Cuba release the political prisoners languishing in jails because what they wanted was to see a stable and democratic Cuba?" Mr. Burleigh concluded his intervention by reminding Robaina of one of Martí's thoughts: "Freedom is the right that every man has to be honest and think and speak without hypocrisy."

To close the month yesterday, the 30th, the State Department again spoke about Cuba through one of its spokespersons. After condemning in no uncertain terms the cruelty of Castroism against its opponents; Marta Beatriz Roque, Vladimiro Roca Antunez, Felix Bonne Carcasés and René Gómez Manzano, the representative of Clinton's foreign policy said: "History will not absolve Fidel Castro or his government for violating human rights and for the long suffering of the Cuban people".

Does the above show Washington's "hard line" against Fidel Castro's regime? It is argued, on the contrary, that this administration began and continues the practice of returning to Cuba the Cuban rafters trying to reach the shores of this nation. We must recognize that even besieged it is indefensible because of its inhumanity, but politically it is not something

that benefits Castro, quite the opposite. Interestingly, some who pull at their hair and most vehemently criticize "the Americans" for the repatriation of Cubans, no less vehemently were yesterday critical for "permitting the tyrant to use this escape valve" given that "thinking of leaving Cuba does not set off the necessary war."

It can also be said that all the paragraphs of the Helms Burton Act have not been applied, but it must also be said that despite pressures and bad forecasts against it, the Helms Burton Act like the embargo, is still there, thanks largely to having the fortune of having the Congress controlled by one party, with the other party in the White House, which maintains the Cuban case as a relatively valuable political matter – electorally for both parties.

It can also be mentioned that just in the last few days the United States government asked the Central Americans to focus on repressing activities that could be identified as terrorist, supposedly promoted by Cuban exiles against the tyranny, whom they themselves - the United States - condemn.

It must be remembered that for many, many years Washington has not lost an opportunity to reiterate that it wants freedom for Cuba, but it wants this to be achieved through peaceful means, a position which many Cubans agree with. Others that are trying to achieve this just outcome accept any means, any. And others of us say, by whatever morally justifiable method, excluding indiscriminate violence. In this case, we see, the difference is on the method not the goal.

I don't give or take. I have tried to relate the most objective and possibly dispassionate facts and important events that provide the current context for the United States position on Cuba. Certainly, these facts and these words do not indicate sympathy for Fidel Castro and his regime, or tend to in any way to assist him stay in power.

Is it justified, therefore, the continuing anti-American rhetoric to which we are subjected to that is similar to what we hear from Havana? Is it wise, does it help our cause, does it win us friends? ... Who benefits from a customary confrontation between Washington and Miami?

It doesn't matter which party occupies the White House, it doesn't matter what the president's name is, Washington will always follow what they consider to be in their own interest, which is what all governments do. Knowing this and keeping close to the truth, we must ensure we have everything we need. For them, in today's world, the demagogic exasperation must be left behind, to serve the ideal and see things as they are: those who have little ammunition cannot afford to confuse the target, nor throw itself into the enemy's world.

Premeditación y alevosía

**Diario Las Américas, viernes 14 de mayo, 1999, página 4-A
JULIO ESTORINO**

El gobierno de los Estados Unidos ha acusado formalmente a varios agentes de la dictadura castrista que actuaban en el sur de la Florida, de conspiración para asesinar, con motivo del derribo de los aviones de Hermanos al Rescate y su trágico saldo de cuatro muertos, el 24 de febrero de 1996.

El encausamiento oficial tuvo lugar el viernes de la semana anterior, en una corte federal de Miami y, según los cargos formulados, el hecho, que fue calificado desde el principio por el exilio cubano como un "fusilamiento en el aire", fue deliberadamente planeado y ejecutado por la Dirección de Inteligencia del gobierno cubano.

Los detalles que menciona la acusación han sido sobradamente divulgados y, quiérase o no, constituyen un espaldarazo moral a Hermanos al Rescate y a su presidente, José Basulto. Queda claro en lo argumentado por los fiscales que el brutal atentado no fue la respuesta apasionada a una provocación, sino una agresión fríamente calculada; un crimen con todos los agravantes y la alevosía.

Esto debiera hacernos meditar un poco sobre nuestra propia conducta y sobre la ligereza con que permitimos que, en muchas ocasiones, crezca la cizaña entre nosotros, víctimas todos de un mismo victimario. Más de una vez escuché alguna insinuación desafortunada que pretendía hacer caer sobre el presidente de Hermanos al Rescate al menos parte de la responsabilidad en el trágico final de la misión de aquel 24 de febrero.

No me es difícil imaginar cuánto tiene que haber dolido ese dardo al corazón de Basulto y sí me es duro entender como podemos permitir, con autodestructiva frecuencia, que las pequeñeces nos roben grandeza. En gran medida, la paulatina comprobación del crimen y sus circunstancias, que todo aquel que conozca medianamente al régimen castrista podía prever, reivindican la ejecutoria del dirigente de la humanitaria organización, cosa que, para quienes le conocemos, él nunca necesitó.

Es de suponer que los fiscales y los investigadores conozcan su trabajo, es alentador ver que esta acusación formal toma cuerpo y que, al fin, Washington parece que comienza a encarar como es debido el quehacer de la larga y criminal mano del castrismo aquí, en el propio territorio de los Estados Unidos.

Sin embargo, no habrá justicia completa hasta que todo se esclarezca y se aplique ésta a todos los responsables del crimen. ¿Puede alguien que se tome en serio suponer que una operación de tan alta sensibilidad pudiera diseñarse y llevarse a cabo sin la anuencia, es más, sin la orden directa de Fidel Castro?... ¿Puede alguien pensar que el autócrata que se preocupa hasta de supervisar el entrenamiento de un equipo de béisbol, pudiera dejar algo como lo que nos ocupa, en manos de otros?... ¿Es acaso concebible que el ególatra que presume de "controlarlo todo" en la isla, no estuviese también en control de algo tan delicado?

Todo esto debe ser probado y no debe ser muy difícil hacerlo. Pero, para ello, sería recomendable — imprescindible, diría yo — cierto nivel de cooperación entre el gobierno de Estados Unidos y Hermanos al Rescate. Sin renunciar al esclarecimiento total de los

hechos, que incluiría una depuración de responsabilidades también de parte de algunos funcionarios del gobierno de este país, es claro que no debe perderse este minuto, y que se debe continuar trabajando con inteligencia y fervor hasta ver al propio dictador en el banquillo de los acusados, que es donde debe de estar.

Cuarenta años hemos esperado los exiliados cubanos para que se empiece e reconocer, tácitamente siquiera, que no han sido exageradas, ni tergiversadas, ni mentirosas nuestra denuncias sobre la vileza y la maldad de Fidel Castro y del sistema de gobierno por él impuesto a nuestro pueblo. Esa vileza y esa maldad tocan ya la geografía de los Estados Unidos y a ciudadanos de este país y es hora de que se actúe en consecuencia: que sea encausado Fidel Castro también y junto con él, todos los que tuvieron participación en este crimen infame.

Es hora de que se haga justicia.

With Malice Aforethought

**Diario Las Américas, Friday, May 14, 1999, Page 4-A
JULIO ESTORINO**

The United States government has formally indicted a number of agents from Castro's dictatorship who were operating in South Florida, with conspiracy to commit murder, in relation to the downing of the Brothers to the Rescue airplanes and their tragic toll of four deaths on February 24, 1996.

The official indictment was presented last Friday in a federal court in Miami and, according to the formulated charges, the act that was described from the beginning by Cuban exiles as a "mid-air execution" was deliberately planned and executed by the Cuban government's Intelligence Directorate.

The details mentioned in the indictment have been widely publicized and, like it or not, they give a moral boost to Brothers to the Rescue and its president, José Basulto. It is clear from the prosecution's arguments that the brutal attack was not a heated response to a provocation, but a coldly calculated aggression; a crime in every sense, aggravated and perfidious.

This ought to make us think a bit about our own conduct and the ease with which we often allow for the weeds to grow among us, all of us victims of the same victimizer. More than once I've heard an unfortunate insinuation about at least part of the responsibility for the tragic end of the mission on that February 24th resting with the president of Brothers to the Rescue.

It's not hard for me to imagine how much this barb to Basulto's heart must have hurt, and yes, it is hard for me to understand how we can allow, often in such a self-destructive way, for trivial things to rob us of our greatness. In large measure, the gradual proof of the crime and its circumstances, which anyone with even partial knowledge of the Castro regime could have foreseen, vindicates the conduct of the leader of the humanitarian organization, something that, for those of us who know him, he never needed.

Presumably, the prosecutors and investigators know what they must do, and it is encouraging to see this formal indictment take shape and that, at last, it seems that as it should, Washington will begin to properly address Castro's long criminal arm here, on U.S. soil itself.

However, justice will not be served until everything is clarified and everyone responsible for the crime is judged. Can anyone seriously imagine that such a highly sensitive operation could be designed and carried out without consent, or even more, without a direct order from Fidel Castro? ... Can anyone believe that the autocrat who micromanages the training of a baseball team could leave something such as this in the hands of others? ... Is it even conceivable that the egomaniac who presumes to "control everything" on the island would not also be in control of something so delicate?

All of this should be proven and it shouldn't be very hard to do it. But, to do so, a certain level of cooperation between the U.S. government and Brothers to the Rescue would be recommended - I'd say essential. Without giving up total clarification of the facts, which would also include an investigation into the responsibility of certain government officials in this country, it's clear that this opportunity should not be lost and that the work must continue with intelligence and fervor until the dictator himself is in the dock where he belongs.

The Cuban exiles have waited forty years for the beginning of a recognition, even an implicit one, that their denunciations about the vile and wicked nature of Fidel Castro and the system of government he has imposed on our people, have not been exaggerations, mistakes, or lies. This vileness and wickedness has already reached U.S. territory and its citizens and it's time for the consequent actions to be taken: that Fidel Castro be indicted as well, along with everyone who participated in this infamous crime.

It's time for justice to be done.

Espionaje e indiferencia

Diario las Américas, viernes, 5 de enero 2001, página 4-A
JULIO ESTORINO

El juicio que se sigue en Miami contra un número de cubanos acusados de ser espías del régimen castrista está sirviendo, si no para otra cosa, para probar, al menos, si no para otra cosa, para probar, al menos, la cordura y seriedad de los desterrados que desde siempre han proclamado su convicción de que Fidel Castro es capaz de todo lo malévolo, lo falso y lo inescrupuloso, sobre todo si va dirigido contra los Estados Unidos o contra las organizaciones y los personajes más destacados del exilio.

Por sugerir la posibilidad de que “la larga mano del castrismo”, haya estado involucrada en acontecimientos y problemas ocurridos en Miami, los exiliados hemos sido ridiculizados por largo tiempo y se nos ha acusado de falta de objetividad, de apasionamiento excesivo y hasta de manipular la verdad. En muchos casos la prensa de los Estados Unidos nos ha descaracterizado y nos ha hecho aparecer como una entelequia alucinada y no muy ética que digamos, muy poco diferente a los mismos que mandan en La Habana.

Se nos ha mirado con escepticismo y se nos ha calificado ácidamente cuando hemos dicho, por ejemplo, que agentes de la dictadura castrista bien pudieran ser los autores reales de algunos hechos terroristas acaecidos en el transcurso del tiempo contra elementos aparentemente afines a la propia dictadura, o cuando hemos señalado la posibilidad del quehacer infiltrado en las divisiones que a veces sacuden a nuestras organizaciones, en las campañas de descrédito, abiertas o solapadas, contra algunos dirigentes y en la asunción de posturas extremistas que cuestionan nuestra sensatez o nos enquistan con la opinión pública de este país.

Bueno, pues, no espero que los “expertos en cuestiones cubanas” de la gran prensa de algunas universidades y de no pocos “think tanks” lo reconozcan algún día, pero cada vez parece haber más evidencias de que no estamos tan locos, ni hemos mentido, ni exagerado al denunciar a Fidel Castro y sus colaboradores como los canallas que son.

Por si no bastara con la vesania demostrada al derribar los aviones de Hermanos al Rescate sobre aguas internacionales, con alevosía y frío cálculo, salen a la luz ahora los esfuerzos de los servicios secretos del castrato por encontrar puntos de infiltración de armas y explosivos en las costas de este país, tarea que específicamente encargaron a algunos de los implicados en esta red de espías... la única que ha sido descubierta y está siendo juzgada.

¿Encontraría el gobierno de Fidel Castro esos sitios que buscaba, propicios para el desembarco de metralla subversiva en los Estados Unidos?... Si mi nombre fuera Inocente, tal vez me estaría preguntando para qué los querría.

Bien sabido es que en el mundo de las relaciones internacionales, especialmente el de las relaciones entre adversarios, enemigos, etc. El espionaje mutuo es tomado como una actividad normal, con sus propias reglas, sobreentendidas estas por las partes en juego. — “Ustedes en Miami se preocupan demasiado por estas cosas – me dijo hace años un funcionario washingtoniano – Ellos nos espían a nosotros, y nosotros los espiamos a ellos”...

¿Seguirá imperando esa cínica actitud, ahora que se anuncia que se le apretarán las clavijas al castrato con el cambio presidencial? Yo no lo sé, pero sí sé que hay ya cuatro asesinatos por medio, que hay evidencias de intentos subversivos y, dicen algunos, evidencia también,

y más que suficiente, de la complicidad castrista en los envíos de drogas a costas estadounidenses.

Curiosamente, las revelaciones hechas en el juicio a los acusados de ser espías al servicio de Castro no están teniendo resonancia alguna en la prensa nacional, ni en los círculos políticos más influyentes. El americano promedio no se está enterando de nada y esto hace poco probable que el gobierno de Estados Unidos actúe en consecuencia, o que veamos algún día un titular en el New York Times, o que escuchemos a alguno de los más renombrados conductores de noticieros televisivos, diciendo, simplemente "No están tan locos como hemos dicho los exiliados cubanos de Miami".

Yo no espero escuchar nunca esa verdad. Pero me sentiría más tranquilo si supiera que los que no quieren admitirla, saben por lo menos, que es así. Por lo pronto, nos seguirán llamando extremistas, poco objetivos, exagerados, etc. Y los espías que no han sido desactivados continuarán su trabajo. Nosotros, los exiliados, continuaremos el nuestro, porque, la verdad, es la verdad... ¿qué le importa a la lechuga que le griten solavaya?

Espionage and Indifference

**Diario las Américas, Friday, 5 January, 2001, page 4-A
JULIO ESTORINO**

The trial that is ongoing in Miami against a number of Cubans accused of being spies for Castro's regime is serving, if for nothing else, at least, if for nothing else, to prove, at least, the good sense and seriousness of the exiles who have been proclaiming forever their conviction that Fidel Castro is capable of everything evil, false and unscrupulous, above all if it can be directed against the United States or against the most distinguished people and organizations among the exiles.

For suggesting the possibility that "the long arm of Castro-ism" has been involved in the events and problems taking place in Miami, the exiles have been ridiculed for a long time and we've been accused of lacking objectivity, of being excessively passionate and even of manipulating the truth. In many cases, the press in the United States has mischaracterized us and made us appear as though we are hallucinating dreamers and not very ethical in what we say, not so different than the same kinds of people who direct things in Havana.

They have looked at us with skepticism and have acidly marked us when we've said, for example, that agents from the Castro dictatorship might well have been the real authors of terrorist acts that have occurred over time against elements apparently similar to the dictatorship itself, or when we've pointed out the possibility that they are tasked with infiltrating themselves in the divisions that sometimes shake our organizations, in the campaigns, open or covert, to discredit, against certain leaders and in taking on extreme positions that question or wisdom or turn the public opinion in this country against us.

Ok, well, I don't expect that the "experts on Cuban questions" in the major media, at certain universities, and not a few "think tanks" will acknowledge it at some point, but increasingly it seems that there is more evidence that we're not that crazy, nor have we lied, nor exaggerated our denunciations of Fidel Castro and his collaborators as the scoundrels they are.

For if the insanity shown in the downing of the airplanes from Brothers to the Rescue over international waters, with cold, malicious calculation, were not enough, now it comes to light that Castro's secret services have been trying to find infiltration points for weapons and explosives on the coastlines of this country, a task that was assigned to some of those implicated in this spy network...the one that has been discovered and is being tried.

Would Fidel Castro's government find those sites it was looking for, conducive to the unloading of subversive weaponry in the United States? ... If my name were Inocente, maybe I'd be asking what they wanted it for.

It's well known that in the world of international relations, especially that of relations between adversaries, enemies, etc., mutual espionage is seen as a normal activity, with its own rules, unwritten by the parties in the game. "You people in Miami worry too much about these things," an official in Washington told me years ago. "They spy on us and we spy on them"...

Will this cynical attitude continue to rule, with the announcement now that the change in presidents will tighten the screws on Castro? I don't know, but I do know that there are already four murders that have happened, that there is evidence of subversive attempts,

and some say, also evidence and more than enough of it, of Castro's complicity in sending drugs to the U.S. coasts.

Curiously, the revelations made in the trial of those accused of being spies at the service of Castro are not coming out at all in the national press, nor in the most influential political circles. The average American is not aware of anything and this makes it unlikely that the United States government will take consequent action, or that one day we might see a headline in the New York Times, or that we might hear one of the most famous anchors on television news saying, simply, "Those Cuban exiles in Miami are not as crazy as we've said."

I don't expect to hear that truth ever. But I would feel calmer if I knew that those who don't want to admit it at least know that's how it is. In the meantime, they will continue to call us extremists, not objective, exaggerated, etc. And the spies that have not been de-activated will go on with their work. We, the exiles, will continue with our own, because, the truth is the truth... *"I don't care what you say, I know I'm right, the truth is on my side."**

**Translator's note: the italicized portion above is not a literal translation of the words which make no sense at all in the English context, but of their meaning. The original Spanish quote refers to a bird of ill omen and people who tell it to get lost. — S.A.*

Espías y malas lenguas

**Diario Las Américas, viernes, 2 de febrero 2001, página 4-A
JULIO ESTORINO**

El juicio que se está siguiendo en Miami contra un grupo de agentes de la tiranía castrista acusados de espiar para la misma, está ofreciendo multitud de detalles sobre el modus operandi de los enfrascados en esa detestable labor.

Quiero referirme a uno de esos detalles el que debiera ser el menos sorprendente de todos. Se ha revelado que una de las tareas de los agentes de Fidel Castro en Miami es la de manipular al exilio "cizañar", promover las pugnas y las reacciones contraproducentes... nada nuevo en fin de cuentas, que ya en tiempos inmemoriales Maquiavelo consagró lo que el diablo ha sabido desde Cain y Abel: "divide y vencerás".

Esto, no por simple es irrelevante todo lo contrario. Lejos de toda paranoia y basándonos únicamente en datos ofrecidos por agencias oficiales de gobierno de Estados Unidos, tenemos que recordar que suman miles las personas que de una forma o de otra, trabajan para el régimen de La Habana en este país, en funciones no declaradas y que se concentran en los lugares de mayor población exiliada.

¿Te has preguntado alguna vez cuáles son las labores asignadas a esos agentes castristas que se mueven entre nosotros? Ciertamente, no hay guerrillas del barbudo por esos lares y aunque en ocasiones hayan recurrido al terrorismo, ello no es cosa de todos los días. Se sabe de algunos cuya tarea es la búsqueda de fondos, para lo cual establecen negocios con el fin de violar el embargo y enviar las ganancias hacia la isla, y es evidente que hay otras tareas, como la promoción de objetivos públicos del régimen — la derogación de la Ley de Ajuste Cubano, por ejemplo — en las cuales se dan la mano los agentes visibles y los tontos útiles.

Pero, ¿qué hacen, en qué emplean su tiempo esos centenares o miles de agentes no declarados, los que posan de anticastristas? Pues, si o están poniendo bombas en Miami todos los días — y no lo están — ni están asesinando dirigentes de organizaciones anticastristas — y no lo están — ni está la mayor parte de ellos realizando operaciones financieras de envergadura a favor de la dictadura — y no lo están — sólo nos queda pensar que están dedicados a la labor de zapa que ha sido quehacer de estos elementos desde que se trazaron las primeras fronteras en la cáscara de la tierra.

Son los que difaman, los que desprestigian, los que calumnian a cuanto exiliado se destaca positivamente. Los que están en el chisme y la murmuración de organización en organización y de radioemisora en radioemisora. Los que le dicen a este que el otro dijo... los que asumen las posiciones más extremas y arrojan dudas sobre el patriotismo de todos los demás. Los que enquistan a un dirigente contra otro, los que "encienden candela" entre un comentarista y otro, los que estimulan rivalidades y aúpan entre nosotros peregrinas luchas por un poder que no existe.

Déjame decirte que la tarea les resulta fácil a los agentes de Castro. Tienen de materia prima la pobre condición humana. Se valen, por otra parte, de la envidia y del poco respeto a la honra ajena que son maldición de nuestra raza, así como de la lengua, que con tanta irresponsabilidad muchos les prestan a ellos, para terminar haciéndoles el trabajo.

Así, se ataca al Fundación, al Foro Patriótico, al Directorio, a los grupos pro derechos humanos y a toda otra organización anticastrista, tal como lo hace Fidel Castro. Así, por la maledicencia y la lipidia se invalidan desde adentro agrupaciones que hubieran podido ser efectivas contra el castrismo, tal como lo hubiese soñado Fidel Castro. Así se está continuamente revisando el pasado de los demás, arrojando sospechas sobre los disidentes y pidiéndonos cuentas entre nosotros, tal como le gustaría a Fidel Castro. Así, se le enfilan los cañones a Radio Martí, y se le imputan motivaciones bastardas a cuanto compatriota trata de hacer algo positivo por Cuba, tal como le gusta a Fidel Castro. No hay reputación a salvo, no hay historial respetable para los agentes del castrismo, ni para los malaslenguas del exilio.

No hay que andarse con chiquitas, no. Si detestables son los agentes, los espías de Fidel Castro, más detestables, y estúpidos además, son los que, siendo anticastristas, o diciendo que lo son, contribuyen tan eficazmente, con sus lenguas venenosas, a esa labor de zapa cuyo único beneficiario es el propio tirano.

En esto llevamos 42 años. ¿No será que, justamente, en el pecado llevamos la penitencia?

Spies and Gossip

**Diario Las Américas, Friday, 2 February, 2001, page 4-A
JULIO ESTORINO**

The trial being followed in Miami, against a group of agents from Castro's tyranny that are accused of spying for the same, offers many details about the modus operandi of those engaged in this detestable work.

I want to refer to one of the details, which should be the least surprising of all. It was revealed that one of the tasks of the agents of Fidel Castro in Miami is handling the exile "weeds," to promote conflict and counterproductive reactions ... nothing new. After all it was already enshrined in ancient times, as Machiavelli consecrated what the devil has known since Cain and Abel: "divide and conquer."

This is not irrelevant because of its simplicity. To the contrary, far from all paranoia and solely based on facts provided by official agencies of the United States government, we must remember that thousands of people in this country work for the regime in Havana in one form or another, in undeclared functions that focus on the most populated places of those in exile.

Have you ever wondered what tasks are assigned to Castro's agents who move amongst us? Certainly there are no guerrillas of the bearded one in those lares, and although they have sometimes resorted to terrorism, this is not an everyday thing. We know of some whose task is to seek funds to establish a business with the aim of violating the embargo and sending the profits to the island. It is clear that there are other tasks, such as promoting the regime's public objectives — the repeal of the Cuban Adjustment Act, for example — in which the visible agents shake hands with the useful idiots.

But what do they do, how do the hundreds or thousands of undeclared agents — that pose as being anti-Castro — spend their time? Well, if they are not planting bombs in Miami every day — and they are not — nor are they killing leaders of anti-Castro organizations — and they are not — nor are most of them making major financial transactions for the dictatorship — and they are not — it leaves us thinking they dedicated to the labor of undermining, which has been the task of these elements ever the first borders were drawn on the surface of the earth.

They are the ones that defame, discredit and slander the exile who stands out positively. The ones that gossip and spread rumors from organization to organization, and radio station to radio station. Those who say to one that the other said... those who take extreme positions and cast doubt on the patriotism of all others. Those that pit one leader against another, those who "light fires" between a commentator and another, who encourage rivalry amongst our pilgrim struggle for power that does not exist.

Let me tell you that the task is easy for Castro's agents. They have the raw product of the poor human condition. They rely on the other hand on the envy and disrespect of others honored, that is a curse of our race and our tongue, that with much irresponsibility many lend themselves to, to assist them in completing their job.

This is how the Foundation, the Patriotic Forum, the Board, the human rights groups and all other anti-Castro organizations are attacked, the same way Fidel Castro does. Thus, through gossip and defamation from within groups that could have been effective against

Castro, just as Castro would like. This is how the past of others is continually being reviewed, by throwing suspicion on dissidents and asking them to account for themselves, just as Fidel Castro would like. This is how Radio Martí's cannons are lined up, and how compatriots are blamed for bastard motivations for trying to do something positive for Cuba, just as Fidel Castro likes. No reputation is safe, there is no respectable history for Castro's agents, nor for the gossiping exile.

We shouldn't be going about this in a small way, no. If the agents are detestable —Fidel's spies — more detestable and stupid as well, are the ones that, being anti-Castro or pretending to be, are contributing so effectively with their poisonous tongue to the work of undermining, whose only benefit is to the tyrant himself.

We have been at this for 42 years. Could it be just, that our penance is in our sin?

Author Name: **Helen Aguirre Ferre**

Media Outlet and background: Editor of Editorial and Opinion Pages of *Diario Las Américas*. Staff reporters at *Diario Las Américas* received substantial amounts of U.S. government pay at the same time they wrote extremely prejudicial material against the Cuban Five during trial and in the period immediately after the Feb. 1996 Brothers to the Rescue plane shoot-down [see separate listings for Ariel Remos, Julio Estorino, who wrote many DLA articles while receiving U.S. Government funds].

Under Helen Ferre's tutelage, there were many signed and unsigned editorials and opinions which demanded blood vengeance against the Cuban Five and Fidel Castro, labeling him and by obvious association, the Five — as defenders of Cuba — in terms which could not remotely be regarded as journalism. Using highly inflammatory words like "Hitler," "butcher," "executioner," "tyrant," "worse than Pinochet," these articles, opinion pieces, and even cartoons, were fully intended to create an atmosphere in which no defendant associated with the Cuban government could hope to be tried impartially. The judge's court order prohibiting media interviews with family members of the BTTR downed pilots and trial witnesses, was violated by DLA's coverage (eg, Ena Curnow article, Feb. 27, 2001)

U.S. Congress members Ileana Ros-Lehtinen and Lincoln Diaz-Balart, known for their glorification of Miami terrorists like Orlando Bosch, had their editorials published during major developments in the trial, weighing in against the Five.

Even Orlando Bosch, responsible for the deaths of dozens of people by his terrorist acts, had an opinion piece published, with Helen Ferre's approval as Editor. "El Rayo" by Bosch, May 15, 2001, (see below) makes a veiled threat against one of the Cuban Five attorneys for daring to defend them.

Evidence of Payment: 2006 Miami Herald FOIA
Jan. 2009 National Committee FOIA
Oct. 2010 *Liberation* newspaper FOIA

Amount Paid to Ferre \$1,125.00 during the Five's prosecution
\$6,025.00 total (02/21/01 – 09/25/03)

Articles written before period of documented payment:

(We are working to obtain payment data from 1996 to 1999 for these and the other journalists through additional FOIA petitions.)

- 1. La Trascendencia de la captura de los Espías de Castro en la Florida**
(English version also appeared: The Importance of the Arrest of 10 Castro Spies)
Diario las Américas, September 16, 1998, STAFF EDITORIAL
- 2. Los espías de Castro y el Gobierno de los EE.UU.**
(English version also appeared: Castro's spies and the American government)
Diario las Américas, May 12, 1999, STAFF EDITORIAL
- 3. Hay que arrestar a Castro**
(English translation: Castro must be arrested)
Diario las Américas, November 25, 1999, LINCOLN DIAZ-BALART

4. Criminal indictment of Castro, when?

(English translation: Encausamiento criminal de Castro: ¿cuándo?)
Diario las Américas, May 20, 2000, JOSE BASULTO

5. Crimen sin castigo

(English translation: Crime without punishment)
Diario Las Américas, February 10, 2001, MARIO LLERENA
(From editorial page)

6. La tiranía totalitaria de Castro sí es una amenaza para los Estados Unidos de América

(English version also appeared in original paper: The totalitarian tyranny of Fidel Castro is indeed a danger for the U.S.)
Diario las Américas, February 16, 2001, STAFF EDITORIAL

Articles written during period of documented payment:

7. Castro y sus cómplices tendrán que pagar por cada lágrima que han causado

(English translation: Castro and his accomplices will have to pay for every tear that they have caused)
Diario las Américas, February 25, 2001, ILEANA ROS-LEHTINEN

8. Celebran Misa en el V Aniversario del derribo de las dos avionetas de Hermanos al Rescate

(English translation: Mass held on the V Anniversary of the downing of the two Brothers to the Rescue Planes)
Diario las Américas, February 27, 2001, ENA CURNOW

9. El Rayo

(English translation: The lightning bolt)
Diario las Américas, May 15 2001, ORLANDO BOSCH

Nombre del autor:

Helen Aguirre Ferre

**Medio publicado
y información:**

Editora de Opiniones y Editoriales del *Diario Las Américas*. Reporteros del Diario Las Américas recibieron pagos importantes del gobierno estadounidense, mientras escribían material extremadamente perjudicial contra los Cinco durante el juicio y en el período inmediatamente posterior al derribo de los aviones de los Hermanos al Rescate (HAR) en febrero de 1996 (ver páginas aparte para Ariel Remos y Julio Estorino, quienes escribieron variados artículos, mientras recibían pagos del gobierno de los Estados Unidos).

Bajo la tutela de Helen Ferre se escribieron — con y sin autoría — muchas editoriales y opiniones exigiendo una venganza sangrienta contra los Cinco Cubanos y Fidel Castro, catalogándolos en términos que jamás podrían considerarse periodismo. Con el uso de palabras altamente inflamatorias como "Hitler", "carnicero", "verdugo", "tirano", "peor que Pinochet," estos artículos, columnas de opinión, e incluso dibujos tipo caricaturas, estaban premeditadamente destinados a crear una atmósfera en la que ningún acusado asociado con el gobierno cubano podría esperar un juicio imparcial.

La orden del juez que prohibía entrevistas con los familiares de los pilotos de los aviones derribados de HAR y los testigos procesales, fue violado por la cobertura de Diario Las Américas (por ejemplo, Ena Curnow artículo 27 de febrero, 2001)

Los congresistas Ileana Ros-Lehtinen y Lincoln Díaz-Balart, conocidos por la glorificación que hacen de los terroristas de Miami incluido Orlando Bosch, fueron publicados durante importantes momentos del juicio, para aportar en contra de los Cinco.

Incluso Orlando Bosch, responsable de la muerte de decenas de personas por sus actos terroristas, tuvo un artículo publicado, con la aprobación de Helen Ferre como Editor. En "El Rayo" de Bosch (véase más adelante) se hace una abierta amenaza contra uno de los abogados de los Cinco cubanos por atreverse a defenderlos.

Evidencia de pago:

2006 Miami Herald FOIA
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Artículos escritos antes del período documentado de pago:

- 1. La Trascendencia de la captura de los Espías de Castro en la Florida**
(English version also appeared: The Importance of the Arrest of 10 Castro Spies)
Diario las Américas, September 16, 1998, STAFF EDITORIAL
- 2. Los espías de Castro y el Gobierno de los EE.UU.**
(English version also appeared: Castro's spies and the American government)
Diario las Américas, May 12, 1999, STAFF EDITORIAL
- 3. Hay que arrestar a Castro**
(English translation: Castro must be arrested)
Diario las Américas, November 25, 1999, LINCOLN DIAZ-BALART

4. Criminal indictment of Castro, when?

(English translation: Encausamiento criminal de Castro: ¿cuándo?)
Diario las Américas, May 20, 2000, JOSE BASULTO

5. Crimen sin castigo

(English translation: Crime without punishment)
Diario Las Américas, February 10, 2001, MARIO LLERENA
(From editorial page)

6. La tiranía totalitaria de Castro sí es una amenaza para los Estados Unidos de América

(English version also appeared in original paper: The totalitarian tyranny of Fidel Castro is indeed a danger for the U.S.)
Diario las Américas, February 16, 2001, STAFF EDITORIAL

Artículos escritos durante el período documentado de pago:

7. Castro y sus cómplices tendrán que pagar por cada lágrima que han causado

(English translation: Castro and his accomplices will have to pay for every tear that they have caused)
Diario las Américas, February 25, 2001, ILEANA ROS-LEHTINEN

8. Celebran Misa en el V Aniversario del derribo de las dos avionetas de Hermanos al Rescate

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Diario las Américas, May 15 2001, ORLANDO BOSCH

La Trascendencia de la captura de los 10 espías de Castro en la Florida

**Diario Las Américas, miércoles, 16 de septiembre 1998
(STAFF EDITORIAL)**

Crear que solamente diez espías tiene Fidel Castro en los Estados Unidos de América, especialmente en el Sur de la Florida, sería una ingenuidad. El lunes, 14 de septiembre, el jefe de la oficina del FBI en Miami anunció oficialmente la captura de diez espías de Castro de nacionalidad cubana en la zona metropolitana del Gran Miami. Eso significa que son personas cuyos expedientes dan margen absoluto para que se les considere espías. Pero dentro de las normas estadounidenses bien puede haber cien, mil o más que ofrecen todos los indicios en alto grado de ser espías de Castro, pero que no son oficialmente clasificados como tales por razones técnicas.

Por supuesto, es de gran importancia, quizás más de lo que muchos imaginan, el hecho de que se haya descubierto oficialmente este caso y que se hayan producido las capturas correspondientes. Entre otras cosas, esto elimina el cuento de que cuando los cubanos hablan de espías de Castro en Estados Unidos están incurriendo en una fantasía o en una especie de obsesión anticomunista. Tres años les tomó a la Oficina Federal de Investigaciones (FBI) llegar a esta conclusión en forma que permitió el allanamiento de los domicilios y las capturas correspondientes. Ahora se saben los nombres, los alias, y se conocen las fotografías de los delincuentes.

Después de mucho tiempo que ha durado la campaña de no darle crédito alguno a la posibilidad de espías peligrosos y numerosos de Castro en los Estados Unidos bien organizados, lo ocurrido sirve para alertar a las autoridades y para que muchos espías, que no califican técnicamente como tales, reduzcan sus actividades, lo mismo que muchos "defensores" de la tiranía totalitaria de Fidel Castro protegidos por la Primera Enmienda y también por el temor de quienes los pueden acusar de ser clasificados como "intransigentes".

Naturalmente, es lógico pensar que con estas pistas confirmadas por el FBI seguirán investigaciones adicionales importantes que permitan nuevos descubrimientos. Asimismo, es de esperarse que muchos delincuentes en estas actividades tomen las medidas necesarias para ocultarse o para destruir pruebas de sus delitos contra la seguridad de los Estados Unidos de América. Muy conveniente es que se piense en los planes que puede haber tenido o que tiene Fidel Castro con relación a esta gente cuyo mantenimiento implica, sin duda alguna, grandes sumas de dinero, dinero proveniente de un Estado que se considera sumamente pobre "por el embargo de los Estados Unidos de América".

NOTE: English translation appeared beneath Spanish in original paper

The importance of the arrest of 10 Castro spies in Florida

**Diario las Américas, Wednesday, September 16 1998
(STAFF EDITORIAL)**

To believe that Fidel Castro has only ten spies in the United States of America, especially in South Florida, would be preposterous. On Monday, September 14th, the FBI in Miami announced officially the arrest of ten Cuban spies working for Castro in the Greater Miami metropolitan area. This means that the background of these individuals does not leave any doubts for them to be considered spies. But because of the norms applying in the United States, there could well be one hundred, a thousand or more, who might be highly suspicious of being spies for Castro, but who are not officially classified as such because of technicalities.

Of course, it is extremely important, perhaps more than some could imagine, that this case has been discovered and that the arrests have been made. Among other things, this eliminates the tale going around that when the Cubans mention Castro's spies in the United State they are fantasizing or somehow obsessed with communism. It took the Federal Bureau of Investigations (FBI) three years to round up all the information to be able to search the homes and make the corresponding arrests. Now we know the names, the aliases, and we have the photos of the criminals.

After so many years of a campaign of not giving any credence whatsoever to the possibility of numerous, well-organized, and dangerous Castro spies infiltrated in the U.S., what has happened now serves to alert the authorities and for many spies, who do not qualify technically as such, to limit their activities as well as many "defenders" of the totalitarian tyranny of Fidel Castro who are protected by the First Amendment and also by the fear of their potential accusers of being branded as "intransigent".

Naturally, it is logical to think that with these clues confirmed by the FBI there will be important additional investigations that will result in new discoveries. Likewise, it is to be expected that many engaged in these spying activities will take the necessary measures to hide or destroy proofs of their actions against the security of the United States of America. Some thought should be given to the plans that Fidel Castro might have had or has regarding these individuals whose living and working expenses require large amounts of money, money supplied by a state that claims to be very poor "because of the U.S. embargo".

[Note: Gerardo Hernández fue encausado bajo el falso cargo de conspiración de asesinato, el 8 de mayo 1999]

Los Espías de Castro y el Gobierno de los EE.UU.

Diario Las Américas, miércoles, 12 de mayo 1999

Editorial, página 4-A (Helen Aguirre Ferre, Directora de las Páginas de Opinión)

El gobierno estadounidense tiene la obligación de no bajar la guardia con respecto a las medidas de seguridad permanentes que deben tomarse en relación con la dictadura totalitaria comunista de Fidel Castro y, especialmente, ahora que se han estrechado los vínculos entre los regímenes de La Habana y de Pekín. Para Castro, su Unión Soviética de ahora es China comunista.

Como es sabido, oficialmente se ha descubierto la existencia de varios espías de la Cuba de Castro trabajando en contra de los Estados Unidos dentro de los Estados Unidos de América. Y esto ha llegado a convertirse en una acusación ante los tribunales federales contra esas personas acusadas de espionaje. Ahora, cualquier espía de Castro lo es también — por lógicas deducciones — de China comunista. Y eso multiplica el peligro para la seguridad estadounidense y del resto del mundo libre que está amenazado por el creciente poderío totalitario e imperialista del régimen de Pekín.

Ya se sabe que China comunista está ejerciendo espionaje en alto grado en los Estados Unidos de América. Como consecuencia de ese espionaje y como consecuencia también de debilidades del gobierno de Washington, el régimen de Pekín ha tenido acceso a tecnología sumamente calificada — sofisticada como se le llama ahora — que constituye un peligro para la seguridad de muchas naciones, especialmente para los Estados Unidos de América. A esto hay que agregar vinculaciones políticas del régimen de Pekín con la vida política estadounidense en ayudas económicas para campañas electorales.

Eso de creer que la tiranía totalitaria comunista de Fidel Castro se encuentra "in extremis" es un error. Por lo menos no hay indicios que demuestren que su debilidad político militar sea muy grande y que su respaldo internacional haya descendido, cual correspondía, a los más bajos niveles. Por el contrario, ahora más que antes en muchos aspectos Castro es una especie de vedette política, asistiendo a tomas de posesión presidenciales de carácter democrático y a conferencias internacionales donde se habla de democracia y se firman documentos en respaldo de los otros que eso será violado inmediatamente por su dictadura. Por consiguiente, toda precaución es poca con respecto a las medidas de seguridad que deban tomarse por parte de los Estados Unidos de América en torno a esa amenaza que representa la Cuba de Castro. No se trata de que este en condiciones de invadir físicamente a los EE.UU. con sus tropas, ni cosa por el estilo. Pero hay mil otras maneras de perjudicar inmensamente a este gran país norteamericana.

[Note: appeared in English and Spanish in DLA, Gerardo Hernández was indicted with false charge of murder conspiracy on May 8, 1999]

Castro's Spies and the American Government

**Diario Las Americas, Wednesday, May 12, 1999, page 2-B
Editorial, page 4-A (Helen Aguirre Ferre, Director of Opinion Pages)**

The American government must not lower its guard with respect to the permanent security measures that must be taken regarding the totalitarian communist dictatorship of Fidel Castro and, particularly, now that the bonds between the regimes of Havana and Beijing have become stronger.

As everyone knows the presence of several Cuban spies working against the United States inside the United States has been officially acknowledged. And this has led to a formal accusation of espionage in federal court. Nowadays any Cuban spy is also — by logical deduction — a spy for Communist China. And this multiplies the danger for the security of the United States and the rest of the free world, which is threatened by the growing totalitarian and imperialist power of the Beijing regime.

It is public knowledge that Communist China has been spying on the United States of America. As a result of that espionage and also because of weaknesses on the part of the Administration, the Beijing regime has had access to extremely qualified technology — what is now known as sophisticated — which is very dangerous for the security of many nations, particularly for the United States of America. To this we should add the political involvement of the Beijing regime in American politics because of financial contributions made for electoral campaigns.

Thinking that the totalitarian communist tyranny of Fidel Castro is "in extremis" is a mistake. At least there are no indications now that its political military weakness be much and that its international support has diminished, as it should have, to very low levels. On the contrary, now more than ever, Castro has become a sort of political "star," attending democratic presidential inaugural ceremonies and international forums where the topic is democracy and where documents are signed in support of that democracy. He signs those statements, while all the others know that his dictatorship will totally disregard whatever he has just agreed to. Therefore, extreme caution is mandatory regarding the security measures that the United States of America should take because of the threat posed by Castro's Cuba. It is not that this dictatorship is able to physically invade the United States with its troops, nor anything like it. But there are a thousand other ways of seriously hurtling this great American nation.

Hay que arrestar a Castro

**Diario Las Américas, jueves 25 de noviembre 1999, página 2-B
Por Lincoln Díaz-Balart**

A continuación reproduzco una carta que envié esta semana a los aproximadamente 3,000 fiscales federales y estatales de Estados Unidos pidiendo el encauzamiento de Fidel Castro, para que durante su próxima visita a Seattle, Washington, para asistir a la reunión Ministerial de la Organización Mundial del Comercio, sea arrestado al tocar suelo norteamericano para ser juzgado por los asesinatos de Armando Alejandro, Carlos Costa, Mario de la Peña y Pablo Morales:

“Estimado Señor Fiscal:

El 24 de febrero de 1996, tres ciudadanos y un residente norteamericano fueron asesinados en el Estrecho de la Florida por MIGS cubanos, por orden directa de Fidel Castro. Los hechos en este caso están bien documentados por radares norteamericanos y por la Organización Internacional de la Aviación Civil. Además, Fidel Castro admitió que él personalmente ordenó los asesinatos (vea entrevista en la revista *Time* con Reginald K. Brack, Jr., Joelle Attinger y Cathy Booth, publicada el 11 de marzo de 1996).

Como usted sabe, el ex dictador chileno Augusto Pinochet, se encuentra actualmente detenido en Gran Bretaña mientras espera su extradición a España, donde ha sido encauzado por ordenar asesinatos, en Chile, de ciudadanos españoles mientras Pinochet estaba al frente del gobierno chileno. Adicionalmente, Manuel Noriega, el ex dictador de Panamá, fue traído ante la justicia en Estados Unidos y actualmente cumple sentencia por sus crímenes.

Es tan inaceptable como inexplicable que Fidel Castro no ha sido encauzado en Estados Unidos por los asesinatos de Armando Alejandro, Carlos Costa, Mario de la Peña y Pablo Morales el 24 de febrero de 1996.

Fidel Castro tiene que ser encauzado por estos asesinatos, por los que él ha aceptado responsabilidad personal.

Se espera que Fidel Castro tocará suelo norteamericano para asistir a la reunión Ministerial de la Organización Mundial del Comercio (OMC) que tendrá lugar en Seattle, Washington, del 1 al 3 de diciembre de este año.

Por lo tanto, respetuosamente pido que usted tome todos los pasos necesarios para que Fidel Castro sea encauzado inmediatamente, para que pueda ser arrestado en Estados Unidos y juzgado por los asesinatos de Armando Alejandro, Carlos Costa, Mario de la Peña y Pablo Morales.

Cordialmente,

Lincoln Díaz-Balart”.

Castro must be arrested

Diario las Américas, Thursday, November 25, 1999, page 2-B
By Lincoln Diaz-Balart

Below is a copy of a letter I sent this week to approximately 3,000 federal and state prosecutors of the United States calling for the indictment of Fidel Castro, so that during his next visit to Seattle, Washington, to attend a meeting of the World Trade Organization Ministerial, he is arrested on landing on US soil to face trial for the murders of Armando Alejandro, Carlos Costa, Mario de la Peña and Pablo Morales.

"Dear Mr Prosecutor:

On the 24 of February 1996, three US citizens and a resident were killed in the Florida Straits by Cuban MIGs, by direct order of Fidel Castro. The facts of this case were well documented by US radars and by the International Organization of Civil Aviation. Fidel Castro also admitted that he personally ordered the murders (see the interview in the Time magazine with Reginald. K. Brack, Jr, Joelle Atting and Cathy Booth published on the 11 March 1996).

As you know, the Chilean ex-dictator Augusto Pinochet is currently detained in Great Britain while he waits to be extradited to Spain, where he is accused of ordering the murder of Spanish citizens, in Chile, when he was the head of the Chilean government. Additionally, Manuel Noriega, the ex-dictator of Panama was brought before the US justice system and is currently serving a sentence for his crimes.

It is unacceptable, as it is inexplicable, that Fidel Castro hasn't been accused in the United States for the murders of Armando Alejandro, Carlos Costa, Mario de la Peña and Pablo Morales on the 24th February 1996.

Fidel Castro has to be charged for these murders, for which he has personally accepted responsibility for.

It's expected Fidel Castro will touch US soil to assist in the World Trade Organization Ministerial (WTO), that will be held in Seattle, Washington from the 1st to 3rd of December this year.

Therefore, I respectfully ask that you take the necessary steps so that Fidel Castro is immediately charged, so he can be arrested in the United States and put to trial for the murders of Armando Alejandro, Carlos Costa, Mario de la Peña and Pablo Morales.

Cordially,

Lincoln Diaz-Balart.

Encausamiento criminal de Castro: ¿cuándo?

Diario Las Américas, sábado 20 de mayo 2000, página 4-A
Por José Basulto

El caso de Elián González evidencia nuevamente el doble standard de la justicia en EE.UU. bajo la administración de Bill Clinton. Respaldado sin cuestionamiento alguno por su Fiscal General Janet Reno, este gobierno continúa invocando "the rule of law" (el imperio de la ley) como el dogma o "mantra" necesario para justificar, a título de la ley, lo que sólo ha sido un proceder discrecional del cargo de la Fiscal General. La percepción pública de legalidad aparente toma mayor importancia en esta sociedad que la verdad o la justicia misma.

De igual forma, la Fiscal General de EE.UU. podía también, bajo el amparo de la ley y sin interferencia de Castro y Clinton haber continuado en el curso inicial tomado por el Servicio de Inmigración en el mes de noviembre de enviar el caso del niño a una corte de familia en el Estado de la Florida. Esta decisión hubiera tenido amplia aceptación en nuestra comunidad, por tratarse del "día en corte" hasta ahora negado.

Somos nosotros, ahora amparados por "the rule of law" quienes nuevamente reclamamos de la Fiscal General Janet Reno el proceso legal que nos corresponde como víctimas que fuimos del acto terrorista del 24 de febrero de 1996. En este infame día fueron ejecutados Armando Alejandro, hijo, Carlos Costa, Mario de la Peña y Pablo Morales, frente a centenares de testigos a bordo de un crucero de turistas, en aguas internacionales al norte de La Habana, y por órdenes directas de Fidel Castro. El crimen permanece impune y sin resolver por haber la Administración Clinton-Gore actuado ese día con previo conocimiento, consentimiento y cooperación con el crimen.

Conteste usted, Sra. Reno,: ¿Es acaso quien dio la luz verde para el crimen quien impide ahora la justicia? ¿[sic]Hacen falta más de cuatro años para el encausamiento de un criminal confeso?[sic] ¿Habrà que esperar a que usted se retire de su cargo para entonces también incluirla como cómplice, entre los que encubrieron el crimen?

Nuevamente, pedimos a todos nuestros hermanos que se unan a nosotros en reclamar verdad y justicia para nuestros mártires del 24 de febrero. Ahora, cuando se hace nuevamente evidente el entendimiento entre Castro y Clinton por el trato dado a nuestro niño Leían González, se hace aún más necesario desenmascarar a los principales autores y cómplices del dolor de Cuba, para por este medio también salvar a Leían. Pide a través de otras organizaciones a que pertenezcas y de amigos en la comunidad norteamericana (los tenemos). Escribe a congresistas y senadores, escribe a la prensa. Llama a los programas de radio (español e inglés).

Criminal indictment of Castro, when?

Diario Las Américas, Saturday, May 20, 2000, page 4-A

By José Basulto

The case of Elián González again highlighted the double standard of justice in the US under the administration of Bill Clinton. Supported without question by the Attorney General Janet Reno, this government continues to invoke "the rule of law" (the rule of law) like the dogma or "mantra" necessary to justify, by way of law, what has only been a discretionary proceeding by the Attorney General. The public perception of legality is apparently more important in this society than truth or justice itself.

Similarly, the U.S. Attorney General could have, under the protection of the law and without interference from Castro and Clinton continued with the initial course taken by the Immigration Service in November, to send the child's case to a family court in the State of Florida. This decision would have been widely accepted in our community, for having had its "day in court" that has so far been refused.

It is us now, covered by "the rule of law", who once again demand from the Attorney General Janet Reno the legal process that is owed to us as victims of the terrorist act of February 24, 1996. On this infamous day Armando Alejandro Jr., Carlos Costa, Mario de la Peña and Pablo Morales were executed, before hundreds of witnesses aboard a tourist cruise in international waters north of Havana, by direct order from Fidel Castro. The crime remains unpunished and unresolved because of the Clinton-Gore Administration having acted that day with prior knowledge, consent and cooperation with the crime.

Answer, Ms. Reno: Perhaps the one who gave the green light for the crime is who impedes justice now? [sic] It takes more than four years for the prosecution of a confessed criminal? [sic] Will we have to wait until you retire from office so that we can include you as an accomplice, of those that covered up the crime?

Again, we ask all our brothers to join us in calling for truth and justice for our martyrs of February 24. Now, as it again becomes clear of the understanding between Castro and Clinton on the treatment of our child Elian González, it becomes even more necessary to expose the main perpetrators and accomplices of Cuba's pain, so that through this means we can save Elian. Make requests to other organizations you belong to, and of any american friends within the community (we have them). Write to congressmen and senators, write to the press. Call radio programs (English and Spanish).

Crimen sin castigo

**Diario Las Américas, sábado 10 febrero 2001, página 4-A
POR MARIO LLERENA**

El caso se prestaría para una segunda edición, "corregida y aumentada", de la conocida novela de Dostoevski. Porque este crimen es a todas luces mucho más truculento que el que sirve de tema a la famosa obra del insigne escritor ruso. Y sin desenlace todavía.

Dos avionetas de Hermanos al Rescate, la altruista institución dedicada a la búsqueda y auxilio de náufragos ("balseros") en fuga de libertad a través del Estrecho de la Florida, fueron blanco en espacio aéreo internacional de proyectiles disparados desde MiGs rusos de la fuerza aérea de Castro. Carlos Costa, Pablo Morales, Mario de la Peña y Armando Alejandro fueron pulverizados en el aire. El primer oficial del buque excursionista Majesty of the Seas Bjorn Johansen, acertó a ser testigo del crimen. Una tercera avioneta tripulada por José Basulto, de Hermanos al Rescate, pudo escapar al ataque. Como siempre, estas navas en misión humanitaria volaban desarmadas. Los hechos tuvieron lugar el 24 de febrero de 1996.

Valga apuntar al margen que Castro, en sendos programas de televisión, "60 minutos" y, si no me equivoco, uno de CNN, admitió que él fue el autor intelectual del hecho. Es decir ni siquiera existe lugar para la excusa de una reacción impremeditada ante una presenta "provocación". No fue la soberbia característica de Castro reaccionando en arranque súbito contra el atrevimiento de sus enemigos del odiado exilio. No, fue algo calculado con gran anticipación y contando con inaudita parálisis de afuera. Quién fue el que dijo "Ver en calma un crimen es cometerlo".

Hasta ahí los hechos. Pero ocurre que lo que hay detrás de esos hechos es tanto o más monstruoso que los hechos mismos. José Basulto, con tesón digno de todo encomio, se ha dedicado a descubrir y documentar toda la tenebrosa urdimbre de circunstancias que rodearon, o mejor dicho, propiciaron el planeamiento y ejecución de la hazaña. Hay detalles que dan escalofríos porque tienen obvias marcas de consentimiento. Entre otros, falta de aviso a los pilotos de las avionetas de que había MiGs en acecho, según registraban los radares correspondientes, en el área señalada. O sea, todos los hallazgos de la investigación llevada a cabo por Basulto indican que los centros de vigilancia aérea y marítima de este lado del estrecho estaban al tanto de lo que tramaba Castro y no hicieron nada absolutamente no ya para impedirlo pero ni siquiera para prevenir a las víctimas del inminente peligro, Vergüenza.

Ahora bien, que Castro conciba y lleve a ejecución un crimen de esta magnitud no es para sorprender a nadie. Eso, y mucho más, es algo que está en su naturaleza intrínsecamente perversa. Si ese fuera el único ejemplo en su extensa hoja penal (bastaría mencionar lo del remolcador "13 de Marzo") se le podría atribuir a un arranque súbito de cólera ante la "provocación" de unos salvavidas intrusos que osaban acercarse a su madriguera. Pero no fue algo premeditado y regustado; algo típico de la misma mentalidad lombrosiana que hacía fusilar a colegas como Sori Marín o le sugería a Krushchev el bombardeo atómico de Estados Unidos.

Y aquí viene la otra cara de la medalla. ¿Hubo complicidad o, por los menos, indiferencia de las autoridades americanas? Hay en este punto interrogaciones tenebrosas que la historia

tendrá que dilucidar algún día. Mientras tanto, hay hechos que apuntan en una dirección deprimente. Número uno, la actitud del Ejecutivo, en particular del presidente Clinton. Si se considera que no hubo provocación de los pilotos ya que, como ha sido corroborado hasta la saciedad, colaban en espacio aéreo internacional y que de las cuatro víctimas tres eran ciudadanos de este país (detalle interesante, de apellidos hispanos), no se necesita ser versado en derecho internacional para concluir que estamos ante un auténtico *casus belli*. O dicho en buen romance, una agresión que demanda respuesta bélica. No hubo tal respuesta.

Y es de una elocuencia deprimente que el presidente de la perpetua sonrisa cínica, forzado por las circunstancias a tener que fingir alguna medida, ¿respondió con un bombardeo a la base de donde partieron los MiGs de Castro? ¿Convirtió el enclenque embargo en un verdadero bloqueo? No señor, nada de eso. Se decidió por un gesto de menor cuantía firmó La Ley Helms/Burton. Y aun esta reacción mínima le pareció mucho todavía, y demandó, y obtuvo, la facultad de anularle la cláusula vital cada seis meses, Pero ni con eso quedó satisfecho el obsequioso presidente. Cuando las autoridades judiciales asignaron una compensación monetaria a los familiares que sería tomada de los fondos congelados de Cuba, vale decir, de Castro, Clinton trató de reducir sustancialmente la suma dispuesta por la ley. Dime lo que haces y te diré quién eres.

Y ahí están las cosas todavía. El futuro dirá si las investigaciones en proceso por parte de Hermanos al Rescate lograrán poner a Castro en el banquillo de los reos ante el tribunal que corresponda. O si éste será uno más de sus crímenes que queda sin castigo.

Crime Without Punishment

Diario Las Américas, Saturday, 10 February 2001, p. 4-a (Opinion Page)

MARIO LLERENA

The case would lend itself to a second "corrected and extended" edition of Dostoevsky's famous novel. Because this crime is clearly much more gruesome than that which served as the subject for the famous novel by the Russian writer. And there is still no outcome.

Two light aircraft from Brothers to the Rescue, the altruistic institution dedicated to search and rescue of the shipwrecked ("rafters") seeking freedom through the Straits of Florida, were targeted in international airspace by missiles launched from Russian MiGs from Castro's air force: Carlos Costa, Pablo Morales, Mario de la Peña and Armando Alejandro were pulverized in mid-air. The first mate on the cruise ship Majesty of the Seas, Bjorn Johansen, happened to witness the crime. A third plane piloted by José Basulto, of Brothers to the Rescue, was able to escape the attack. As always, these planes on a humanitarian mission flew without weapons. The incident took place on February 24, 1996.

It's worth pointing out as an aside that Castro, in two television programs, "60 Minutes" and, if I'm not mistaken, one on CNN, admitted to being the mastermind behind the act. In other words, it can't even be excused as an un-premeditated reaction to a presumed "provocation." It wasn't Castro's characteristic arrogance reacting suddenly against the daring of his hated exile enemies. No: it was something calculated with great anticipation, counting on unprecedented foreign paralysis. Who was it who said "To calmly watch a crime is to commit it."

Those are the facts so far. But it just so happens that behind these acts is something just as monstrous as the acts themselves or even more so. José Basulto, with praiseworthy determination has dedicated himself to uncovering and documenting the entire shadowy circumstances that surrounded, or really, enabled the planning and execution of the deed. There are details that are chilling because they have the obvious marks of consent. Among others, the lack of warning to the pilots of the planes that there were MiGs in ambush, according to indications from the corresponding radars in the designated area. That is, all the findings from the investigation carried out by Basulto indicate that the centers for air and sea surveillance on this side of the Straits were aware of what Castro was up to and did absolutely nothing, neither impeding him nor even warning the victims of the imminent danger. Shameful.

Now then, that Castro should conceive and execute a crime of this magnitude should not surprise anyone. That, and much more, is something that is in his intrinsically perverse nature. If that were the only example on his extensive criminal record (suffice to mention the incident with the "13 de Marzo" tugboat) it might be attributed to a sudden fit of fury against the intruder lifeguards who dared to approach his den. But no, it was something premeditated and savored, something typical of the same Lombrosian mentality that led him to put colleagues like Sori Marin to the firing squad, or to suggest that Krushchev attack the United States with atomic bombs.

And here is the other side of the coin. Was there complicity or at least, indifference on the part of American authorities? On this point there are dark questions that history will have to bring to light one day. Meanwhile, there are facts that point in a depressing direction. Number one, the attitude from the Executive [branch], especially that of President Clinton. If one considers that there was no provocation by the pilots because as has been repeatedly

corroborated, they were flying in international airspace and three of the four victims were citizens of this country (an interesting detail: with Hispanic surnames), one need not be versed in international law to conclude that we are dealing with a true casus belli. Or, in plain language, an aggression that demands a military response. There was no such response.

And it speaks volumes that the president of the perpetual smirk, forced by the circumstances to do something — did he respond by bombing the base where Castro's MiG's took off? Did he turn the weak embargo into a real blockade? No sir, none of that. He decided on a lesser gesture by signing the Helms/Burton Law. And even this minimal reaction appeared to be too much for him and he demanded, and obtained, the ability to postpone its vital clause every six months. But even that did not satisfy the obsequious president. When the judicial authorities awarded monetary compensation to the families that would be taken from Cuba's frozen funds, in other words, from Castro, Clinton tried to substantially reduce the amount awarded by law. Show me what you do and I'll tell you who you are.

And that is where things remain. The future will tell whether the investigations under way by Brothers to the Rescue will manage to put Castro in the dock for the accused, before the corresponding court. Or if this will be one more of his crimes that goes unpunished.

La tiranía totalitaria de Castro sí es una amenaza para los Estados Unidos de América

**Diario las Américas, viernes 16 de febrero, 2001
(STAFF EDITORIAL)**

Quien diga que Cuba no representa un peligro para la causa de la democracia universal y para los Estados Unidos de América en particular seguramente no entiende lo que significa este concepto de peligro en el caso de Cuba, o deliberadamente, quiere beneficiar a la tiranía totalitaria de Fidel Castro que durante más de cuarenta y dos años ha esclavizado al pueblo cubano y ha desprestigiado con grandes daños también a los Estados Unidos de América.

Desde luego, ninguna persona sensata piensa que Fidel Castro esté en condiciones de invadir militarmente a los Estados Unidos de América. Pensar eso sería una estupidez absoluta. Ya se sabe que Fidel Castro es malo pero no es estúpido. Cuando se habla de una amenaza para los Estados Unidos de América con respecto al régimen liberticida de Castro no se piensa en esa posibilidad de que tropas de Castro invadan a esta nación norteamericana que es la primera potencia del orbe. La amenaza consiste en debilitar las esencias de la vida democrática de este país, obligándolo a sufrir grandes humillaciones y a perder el respeto de muchos países del mundo. Son astronómicas las cifras de millones de dólares que le ha costado al contribuyente estadounidense la presencia de la dictadura de Castro desde el momento mismo en que asumió el poder en enero de 1959. Además, ha habido ciudadanos meritorios de este país que ha perdido la vida por los caprichos criminales del régimen de La Habana. Basta recordar, por ejemplo, lo que hace prácticamente cinco años, el 24 de febrero, hizo Castro asesinando a cuatro valiosos jóvenes de este país cuyas avionetas fueron derribadas sobre el espacio aéreo internacional. Eran ellos Armando Alejandro, Carlos Costa, Mario de la Peña, y Armando Morales.

Invocar el argumento de que se puede ser tolerante con Fidel Castro y, peor todavía, invocar el argumento de que no tiene "justificación" el embargo relativo que le ha impuesto el gobierno estadounidense a la tiranía totalitaria de Castro porque esta tiranía "no representa peligro para los EE.UU." es un sofisma por no llamarlo una desorientación con propósitos de mentira.

La dictadura de Fidel Castro ha sido responsable de grandes problemas, de grandes tragedias, no solamente para los Estados Unidos sino también para muchas naciones de este Hemisferio y también de la lejana Africa, como fue el caso de Angola. Castro ha confesado, sin escrúpulos de ninguna naturaleza, que, con excepción de México, él a participado y dirigido a subversiones guerrilleras comunistas en los países de América, que son muchos. Y eso ha constituido, constituye, y seguirá constituyendo un problema para la seguridad de los Estados Unidos de América.

NOTE: English translation appeared beneath Spanish in original paper

The totalitarian tyranny of Fidel Castro is indeed a danger for the U.S.

**Diario las Américas, Friday February 16, 2001
(STAFF EDITORIAL)**

Anyone who says that Cuba does not represent a danger for the cause of, world democracy, and for the cause of the United States of America in particular, certainly does not understand what the concept of danger entails in the case of Cuba, or deliberately wants to favor the totalitarian tyranny of Fidel Castro which has been enslaving the Cuban people for over forty-two years and which has discredited, also causing considerable harm, the United States of America.

Of course, no sensible human being can think that Fidel Castro is in a position to invade the United States of America. To think this would be absolutely stupid. And it is a fact that Fidel Castro is evil, but he is not stupid. When one mentions a danger for the United States of America with respect to the Castro liberty-killing regime this does not contemplate that Castro troops would invade this American nation which is the first power of the world. The danger consists in weakening the essences of the democratic life of this country, causing it to undergo serious humiliations and lose the respect of many countries of the world. The American taxpayer has had to spend astronomical amounts of millions of dollars because of the presence of Castro ever since he took over power on January 1959. Furthermore, many worthy American citizens have lost their lives because of the criminal whims of the Havana regime. For example, virtually five years ago, on February 24th, Castro killed four Cuban Americans whose unarmed light planes were shot down while flying in international air space. They were Armando Alejandro, Carlos Costa, Mario de la Peña and Armando Morales.

To say that it is all right to be tolerant regarding Fidel Castro, and, even worse, to use the argument that the relative embargo that the American government has imposed on the totalitarian tyranny of Castro is "not justified" because that tyranny "does not represent any danger for the U.S." is a sophism, not to say that it is a willful misrepresentation.

The Fidel Castro dictatorship has been responsible for many serious problems, many tragedies, not only for the United States but also for many countries of this Hemisphere and also of Africa, such as the case of Angola. Castro has admitted, without any qualms whatsoever, that, with the exception of Mexico, he has participated and directed the communist guerrilla subversion in the Americas. And this has been, is, and will continue to be a problem for the security of the United States of America.

Castro y sus cómplices tendrán que pagar por cada lágrima que han causado

Diario Las Américas, domingo, 25 febrero 2001, página 10-A

Por Ileana Ros-Lehtinen, desde Washington

Sección: "Artículos y Comentarios"

Este sábado, 24 de febrero, es el quinto aniversario de uno de los crímenes más cobardes cometidos por la dictadura castrista.

Me refiero, por supuesto, al asesinato de Armando Alejandre, Carlos Costa, Pablo Morales y Mario de la Peña — los cuatro jóvenes que murieron en el derribo de las avionetas de Hermanos al Rescate.

Hace sólo unos días se dio a conocer, por primera vez, una grabación de las comunicaciones, momentos antes del derribo, entre los pilotos cubanos responsables por este crimen y sus superiores en la isla. Esta muestra de crueldad de los verdugos de Castro es un ejemplo escalofriante del carácter sangriento del régimen cubano.

Cantidad alguna de dinero puede reemplazar las vidas de los jóvenes asesinados, que tomaban parte en una misión humanitaria sobre aguas internacionales. No hay manera de compensar a los familiares de los cuatro por todo lo que han sufrido.

Nunca debemos olvidar el dolor causado por este acto terrorista, que fue prácticamente ignorado por la Administración Clinton. Tenemos la responsabilidad de seguir trabajando para que los responsables por este crimen sean juzgados y reciban el castigo que merecen.

Castro, quien admitió autorizar el derribo, es directamente responsable por la muerte de estos jóvenes y la de tantos otros que han sido asesinados bajo su régimen opresivo. El dictador también es culpable de promover, a través de su maquinaria comunista, el absoluto desprecio de vidas humanas, caracterizado por los crueles y vulgares comentarios de los pilotos cubanos envueltos en el ataque.

Estos pilotos no están exentos de culpa. Ellos, al igual que los soldados alemanes que participaron en el asesinato de millones de personas inocentes durante el Holocausto, no podrán decir que solamente estaban cumpliendo órdenes. Los asesinos de los jóvenes de Hermanos al Rescate tendrán que compartir responsabilidad por sus actos con su comandante en jefe, Fidel Castro.

La justicia muchas veces se mueve lentamente. No obstante, tengo fe de que nuestro día pronto llegará. Tarde o temprano, Castro y sus cómplices tendrán que pagar por cada uno de sus crímenes y por las muchas lágrimas que estos han causado.

Castro and his accomplices will have to pay for every tear that they caused

Diario Las Americas, Sunday, 25 February, 2001, page 10-A

By Ileana Ros-Lehtinen, from Washington

Section: "Articles and Commentaries"

This Saturday, the 24th of February, marks the fifth anniversary of one of the most cowardly crimes committed by the Castro dictatorship.

I refer, of course, to the murder of Armando Alejandre, Carlos Costa, Pablo Morales and Mario de la Peña — the four young men who died in the downing of the Brothers to the Rescue planes.

A few days ago, for the first time, a recording was released of the communication that occurred between the Cuban pilots responsible for this crime and their superiors on the island, moments before the downing of the plane. This display of cruelty by Castro's executioners is a chilling example of the Cuban regime's bloody character.

No amount of money can replace the lives of the young people killed, who were taking part in a humanitarian mission over international waters. There is no way to compensate the families of the four, for all they have suffered.

We must never forget the pain caused by this terrorist act, which was virtually ignored by the Clinton Administration. We have a responsibility to continue working so that those responsible for this crime are brought to justice, and are made to receive the punishment they deserve.

Castro, who admitted authorizing the downing of the plane, is directly responsible for the deaths of these young people and of so many others who have been killed under his oppressive regime. The dictator is also guilty of promoting, through his communist machine, the complete disregard of human life that was characterized by the cruel and vulgar comments made by the Cuban pilots involved in the attack.

These pilots are not blameless. They, like the German soldiers who participated in the murder of millions of innocent people during the Holocaust, cannot say they were only following orders. The assassins of the youths of Brothers to the Rescue must share responsibility for their actions with their commander in chief, Fidel Castro.

Justice sometimes moves slowly. However, I have faith that our day will soon come. Sooner or later, Castro and his accomplices will have to pay for their crimes and the many tears that they have caused.

Celebran Misa en el V Aniversario del derribo de las dos avionetas de Hermanos al Rescate

**Diario Las Américas, martes, 27 Feb. 2001, página 1-B
ENA CURNOW**

Las campanas de la Iglesia Santa Agata en la barriada de Sweetwater, en Miami, se hicieron escuchar repetidamente este sábado 24 de febrero a una hora inusual. El sonido ronco, metálico, recordaba el asesinato de Armando Alejandro, Pablo Morales, Carlos Costa y Mario de la Peña, y al mismo tiempo era como un reclamo de justicia a un crimen que permanece impune. Un día cómo ése y quizás tan lleno de luz, el régimen de Fidel Castro cubrió de sombras el hogar de cuatro familias cubanas de exiliados. Desde las 3:21 hasta las 3:28 de la tarde tañeron las campanas. El mismo intervalo que duró la acción asesina de los aviones MiGs para derribar a dos avionetas civiles el 24 de febrero de 1996, tronchando así la vida en pleno vuelo de sus tripulantes que cumplían la más noble de las misiones: salvar a balseros indefensos que cruzan en frágiles embarcaciones las peligrosas aguas en busca de libertad.

“Las campanas nos anuncia que cuatro hermanos han partido hacia la eternidad”, fue la interpretación divina que dio Monseñor San Román y quien oficiaba la misa dentro de la casa de Dios, repleta de público y bajo la mirada callada de las cuatro fotografías enormes de los mártires que dominaban la estancia desde el marco del altar mayor. Unos minutos antes, Marlene, la niña mimada del recio luchador Armando Alejandro, que ha crecido y está tan alta como su papá, ocupó el santo podio y con su español aprendido oyendo hablar de Cuba, dio lectura a la liturgia de la palabra: “La muerte, todo tiene su tiempo”. Luego la sucedió Mario de la Peña, el padre que no habla de su hijo sino con voz rasgada por contener las lágrimas: “Señor, te pedimos que influyas en la mente de nuestros nuevos gobernantes para que haya un cambio que favorezca la procuración de la justicia en el caso de Carlos, Armando, Mario y Pablo. Te lo pedimos, Señor: Por todos los aquí presentes, testigos fieles de esta causa, que no nos conformamos con la ausencia sino que junto a ellos pedimos al Señor la paz y la libertad para Cuba”.

Y ese fue el mensaje que presidió este V Aniversario. A pesar de que los abogados y los fiscales dicen que no se puede enjuiciar a Fidel Castro por ser jefe de estado, se seguirá insistiendo para que por lo menos sean llevados ante los tribunales a los demás responsables del crimen, porque tal y como había explicado antes el propio Mario a DIARIO LAS AMERICAS: “Tenemos la esperanza de que ahora esté en Washington una persona que nos apoya mejor”.

La misa prosiguió y el dolor de las madres, los padres, las hermanas, los hermanos, los cuñados, las cuñadas, los sobrinos. Y de todo un pueblo en el exilio que no perdona la afrenta.

Monseñor San Román también subrayó el altruismo de Carlos, Armando, Mario y Pablo cuando se refirió a su noble misión de rescatar del océano a vidas humanas:

“Nadie tiene más amor por sus amigos que el que da la vida por ellos. Es el amor del Señor el que penetró en el corazón de Mario, Pablo, Armando y Carlos. Estos 4 jóvenes fueron un ejemplo maravilloso... No hay dudas de que el crimen es grande, pero el amor es más grande. Pidamos hoy de manera especial que este hecho se puede comprender. Señor, atiende los deseos de estas familias”.

Mass held on the V Anniversary of the downing of the two Brothers to the Rescue Planes

Diario Las Americas, Tuesday, 27 February, 2001, page 1-B
ENA CURNOW

The bells of the St. Agatha Church in the neighborhood of Sweetwater in Miami were heard repeatedly this Saturday 24 February at an unusual time. The harsh metallic sound, recalled the murder of Armando Alejandro, Pablo Morales, Carlos Costa and Mario de la Peña, and at the same time was like a call for justice for an unpunished crime. A day like that, which was perhaps so full of light, Fidel Castro's regime cast a shadow over the homes of four exiled Cuban families. From 3:21 until 3:28 in the afternoon the bells tolled. The same interval that it took two MiGs to shoot down two civilian planes on 24 February, 1996, ending the life of its crew in mid flight who were completing the most noblest of missions: to save helpless rafters crossing dangerous waters in fragile boats in search of freedom.

"The bells have announced that four brothers have gone to eternity", was the divine interpretation of Monsignor San Román who officiated the mass in God's house, that the public filled under the silent gaze of the four enormous photographs of the martyrs that dominated the room from under the altar. A few minutes earlier, Marlene, the much loved girl of the tough fighter Armando Alejandro, who has grown as tall as her dad, took the holy podium and with her Spanish learned from hearing about Cuba, read out the liturgy: "Death, everything has its time". Then Mario de la Peña followed, the parent who does not speak of his son without a hoarse voice from the tears he is holding back: "Lord, we ask you to influence the minds of our new rulers for there to be a change favoring the enforcement of justice in the case of Carlos, Armando, Mario and Pablo. We ask Lord: For everyone present, who are faithful witnesses of this case, to not be satisfied with the absence, but rather we ask you Lord for peace and freedom for Cuba".

And that was the message that presided the V Anniversary. Although lawyers and prosecutors say they cannot prosecute Fidel Castro for being the head of state, we will continue to insist that those responsible for the crime be at least brought to justice, because as Mario explained before DIARIO LAS AMERICAS: "We hope that a person who supports us more, is now in Washington."

The mass continued amidst the pain of the mothers, fathers, sisters, brothers, brothers-in-law, sisters-in-law, nieces and nephews, and all the people in exile who do not forgive the insult.

Monsignor San Román also highlighted the altruism of Carlos, Armando, Mario and Pablo when he referred to their noble mission to rescue human lives from the ocean:

"Nobody has more love for his friends than the one who has given his life for them. It is the Lord's love that penetrated the heart of Mario, Paul, Armando and Carlos. These 4 youths were a wonderful example ... There is no doubt that the crime is big, but love is bigger. Today let's ask that in a special way, this deed be understood. Lord, abide by the wishes of these families."

El Rayo

Orlando Bosch (El Rayo)

Diario las Américas, Martes 15 de mayo, 2001, página 9-A

La siniestra inteligencia cubana y sus espías en los Estados Unidos me han bautizado con el nombre de "El Rayo".

Antes de entrar en mi concepción y respuesta al "honor que me hacen" y para evitar erróneas interpretaciones en lo que expondré después, es por lo que antes quiero testimoniar una vez más, que amo y quiero mucho a este país y al pueblo norteamericano por varias razones. Una de ellas es que dicho pueblo ha sido muy generoso y humano en su noble receptividad para con los cubanos y su tragedia. La otra es que tengo entrañas e hijos nacidos en este país.

Ahora vamos al meollo en referencia al juicio de los traidores y miserables espías y las razones históricas que nos retan y motivan la tiranía castrista y sus sicarios.

En 1961 cuando arribé a este país escapando de mi primera sentencia de muerte del castrismo y con credenciales notarizadas del heroico Frente del Escambray así como en procura de ayuda para aquel patriótico, colosal y temerario esfuerzo, fui desdeñado, engañado y evadido simultáneamente por algunos dirigentes cubanos de por entonces, la CIA junto al FBI.

Después, el 17 de abril de 1961 el gobierno del presidente Kennedy traicionó a la heroica y valiente Brigada 2506. Más tarde (1962 Crisis de los Cohetes) el mismo presidente Kennedy, que sin derecho ni autoridad alguna frente a los destinos de otro pueblo y país ajeno llamado Cuba, mercadeó y vendió los destinos del pueblo cubano al pérfido y protervo tirano ruso N. Kruchev (Pacto Kennedy-Kruchev).

Con estas dos traiciones el gobierno de los EE.UU. estaba contrayendo un compromiso y deuda moral e histórica con Cuba y sus combatientes cubanos amantes de la libertad dentro y fuera de Cuba, incluyendo el propio territorio norteamericano. Es por ello que muchos cubanos hicimos uso de tales derechos y afrontamos todas las consecuencias durante muchos años a pesar de las persecuciones, enjuiciamientos, cárceles, etc. de que injustamente fuimos víctimas en muchas ocasiones.

Ahora como corolario de tanta infamia, está transitando por nuestro destierro el juicio de los espías castristas.

Suponiendo que cualquier cubano o extranjero viole la ley en este país, es deber de las autoridades nacionales investigar, detener, enjuiciar a la que dichas autoridades estiman procedente y apropiado con moral y razón, o sin ellas, como en el caso de los combatientes cubanos sin haber saldado la histórica y moral deuda a que hemos hecho referencia.

Lo que es inadmisibles es permitir que agentes extranjeros, ingerencistas y enemigos se dediquen y se les permitan tales tareas poniendo en riesgo la seguridad, la soberanía y el honor.

A estos agentes, simplemente se le debe aplicar la ley por sus felonías de acuerdo con todas las legislaciones nacionales e internacionales. Y no a nombre de la democracia montar un aspavento y bochornoso careo como está sucediendo con el sonado juicio de los espías en

que se pretende comprometer a varios exiliados a la vez que justificar la ingerencia ilegítima y peligrosa de Cuba a nombre de información a la tiranía de las supuestas actividades de agresores enemigos exiliados.

Nunca hemos visto que junto a los espías de cualquier catadura, se juzguen, se interroguen o se trate de comprometer a los patriotas.

Las conductas y las palabras justas no necesitan intérpretes ni jueces. Pesan sobre si mismas. Los cubanos serviles y sus pérfidas causas y misiones hasta enferman y exigen medicamentos sofisticados elaborados y añejados por la saliva y la lengua de un abogado pagano y hasta cómplice de la perversa penetración a su propia patria. Cualquier profesional tiene otras muchas maneras de acumular fama y dinero, pero nunca a costa de prestarse a la defensa de los enemigos irreconciliables de la tierra donde primero vio la luz.

Lightning

**Diario las Americas, Tuesday 15 May 2001, page 9-A
ORLANDO BOSCH (Lightning)**

The sinister Cuban intelligence and its spies in the United States have christened me with the name "Lightning".

Before going into my concept and response to this "honour they've given me" and to avoid misinterpretations, as I will discuss later, I want to testify once again that I very much love and care for this country and the American people for many reasons. One is that the people have been very generous and nobly humane in its receptivity of Cubans and their tragedy. The other is that I have guts and children that were born in this country.

Now we go to the crux, in reference to the trial of the traitors and miserable spies and the historical reasons that challenge us and motivates Castro's tyranny and his hit men.

In 1961 when I arrived to this country, escaping from my first death sentence by Castro's regime, with credentials notarised by the heroic Escambray Front in search of assistance for that patriotic, colossal and daring effort, I was scorned, deceived and avoided by some of the Cuban leaders of the time, the CIA and the FBI.

Then, on 17th of April 1961 the government of President Kennedy betrayed the heroic and valiant 2506 Brigade. Later (1962 Missile Crisis) the same president Kennedy, without right nor authority over the destiny of another people and country named Cuba, marketed and sold the destiny of the Cuban people to the perfidious and perverse Russian tyrant N. Kruchev (Kennedy – Kruchev Pact)

With these two betrayals the United States government shrank its commitment, moral and historical debt with Cuba and the Cuban combatants who love liberty within and beyond Cuba, including in the U.S territory. That is why many Cubans made use of these rights and faced for many years all its consequences despite persecution, prosecution, prison, etc, of which we were unjust victims of on many occasions.

Now as a rider of such infamy, the trial of Castro's spies is passing through our exile.

Assuming that any Cuban or foreigner violates the laws of this country, it is the duty of the authorities to investigate, detain and prosecute those which authorities believes have done so, with appropriate morality and reason, or without, as in the case of the Cuban combatants without previously settling the historical and moral debt referred to.

What is unacceptable is to permit foreign agents, interferers and enemies to engage in and allow such tasks that endanger security, sovereignty and honour.

To these agents, the law should simply be applied for the felonies committed in accordance to national and international laws. And not in the name of democracy mount an embarrassing and mortifying confrontation like is occurring in the notorious trial of the spies that intends to engage various exiles while at the same

time trying to justify Cuba's illegal and dangerous interference of informing the tyranny of the alleged activities of the exiled enemy aggressors.

We have never seen at the same time, with any type of spies, patriots also being judged, interrogated or compromised.

Behaviours and words that are just don't need interpreters or judges. They carry their own weight. The servile Cubans and their treacherous causes and missions can even sicken, requiring sophisticated drugs that are produced and aged by the saliva and tongue of a pagan lawyer, and are even complicit in the perverted penetration of their homeland. Any professional has many other ways of accumulating fame and money, but never at the expense of lending itself to the defence of irreconcilable enemies of the land that first saw the light.

[From the Editorial Page, edited by Helen Ferre]

Author Name:

Alberto Müller

Media Outlet:

Diario Las Américas

(See also: *Helen Ferre*, editor of *Diario Las Américas*)

Alberto Müller is one of several reporters and other individuals who published numerous highly-inflammatory articles about the shoot-down of the Brothers to the Rescue planes during the Cuban Five trial.

These articles were especially injurious to Gerardo Hernández, who was falsely charged by the U.S. for "murder conspiracy," and who now is serving a double-life sentence as a result of his conviction.

The U.S. government has only released documentation of Müller's payments from October 1, 2004 on. The National Committee to Free the Cuban Five, Partnership for Civil Justice Fund and *Liberation* newspaper continue the quest for more information from the U.S. government.

Helen Ferré was Opinion Page editor, and responsible for the publication of these articles, at the same time she received U.S. government funds.

Müller was active in CIA paramilitary activity in Cuba against the new post-Batista government. Müller: "...we were hoping to receive enough weapons to equip several hundred." He was arrested on April 20, 1961 in Cuba convicted and sentenced to 20 years.

Evidence of Payment:

Oct. 2010 *Liberation* newspaper FOIA

Amount Paid:

(At present time, U.S. government refuses to reveal information on payments to Miami journalists before November 1999)

Total \$ 39,871.00
(10/1/04 – 4/15/2010)

Articles written by Alberto Müller

1. Fidel Castro asesino, instigador y terrorista

(English Translation: Fidel Castro murderer, instigator and terrorist)

Diario las Américas, November 21, 2000, ALBERTO MULLER

2. Asesinos

(English Translation: Murderers)

Diario las Américas, February 20, 2001, ALBERTO MULLER

Nombre del autor:
Medio publicado e información sobre Müller :

Alberto Müller

Diario Las Américas

(También se recomienda ver: Helen Ferre, editora, Diario Las Américas)

Alberto Müller es uno de los varios reporteros e individuos que han escrito, durante el juicio de los Cinco Cubanos, numerosos artículos infamatorios sobre el derribo de los aviones de Hermanos al Rescate.

Estos artículos fueron especialmente injuriosos en contra de Gerardo Hernández, quien fue falsamente acusado por los EEUU de "conspiración para cometer un asesinato", y el cual a consecuencia de esta campaña, se encuentra cumpliendo una sentencia perpetua doble.

Los EEUU sólo ha dado a conocer documentos de los pagos a Muller desde Octubre 1, 2004 en adelante. Las organizaciones Comité Nacional para la Liberación de los Cinco Cubanos, Partnership for Civil Justice Fund y el periódico *Liberation* continúan su esfuerzo para obtener mas información del gobierno de los EEUU.

Helen Ferré fue la editora de las páginas de opinión del periódico *Diario las Américas* y responsable por la publicación de estos artículos en el momento en que recibía dineros del gobierno de los EEUU.

Muller participó en actividades para-militares de la CIA en Cuba en contra del nuevo gobierno después de Batista. Muller: "...estábamos esperando recibir las armas suficientes para armar a varios cientos". Fue arrestado en Cuba el 20 de abril de 1961 y sentenciado a 20 años de cárcel.

Evidencia de pagos: Octubre 2010. Periódico *Liberation*. FOIA

Cantidad pagada: (Al presente el gobierno de EEUU se niega a revelar información sobre el pago a periodistas antes de noviembre de 1999.)

Total **\$ 39,871.00**
(Oct./1/04 – Marzo/15/2010)

Algunos artículos escritos por Alberto Müller

- 1. Fidel Castro asesino, instigador y terrorista**
Diario Las Américas, Noviembre 21, 2000, Alberto Muller
- 2. Asesinos**
Diario Las Américas, Febrero 20, 2001, Alberto Muller

Fidel Castro asesino, instigador y terrorista

Diario Las Américas, 21 noviembre 2000, página 5-A
ALBERTO MÜLLER

Una noticia sorprendente y de profunda naturaleza política, proveniente de la X Cumbre Iberoamericana que concluyó en Panamá el sábado pasado, saltó con inusitada fuerza a todos los titulares periodísticos del mundo.

Por primera vez en la historia de los conclave iberoamericanos, precedidos siempre por España, un Jefe de Estado de América Latina tuvo el coraje político de acusar de asesino, instigador y terrorista a Fidel Castro en su propia cara, ante la presencia de todos los mandatarios iberoamericanos y de su excelencia Juan Carlos, el rey de España.

“Es intolerable que usted “Fidel Castro” involucrado en la muerte de tantos salvadoreños, me acuse a mi de estar involucrado en el caso de Posada Carriles...”

La polémica entre el presidente salvadoreño y el viejo dictador cubano se produjo alrededor de la propuesta del primero para condenar el grupo terrorista vasco de ETA en España.

“Me extraña”, dijo irónicamente Fidel Castro, “que esa propuesta saliera de El Salvador y México la apoyará.”

A lo que el presidente Zedillo de México reaccionó inmediatamente para decir: “ que en el texto aprobado “de condena el terrorismo vasco” hay una razón humana fundamental para solidarizarse con España”.

Definitivamente que la noticia alrededor del duro intercambio de palabras entre el joven presidente salvadoreño y el envejecido dictador comunista cubano, llegó a Estados Unidos para romper en algo con la monotonía cansona e interminable de la temática electoral, que sigue en busca de un camino para dejar atrás las recriminaciones entre los dos partidos predominantes y la concesión de quién será el próximo presidente de la nación más poderosa del planeta.

Es de esperar que este precedente que acaba de iniciar el mandatario salvadoreño, sirva para recordar a la opinión pública latinoamericana y del mundo, y de paso al propio dictador cubano, que su largo historial de crímenes contra el pueblo cubano y contra algunos países latinoamericanos no debe quedar impune.

El más reciente de estos crímenes y muy fresco en la memoria de todos fue el derribamiento sobre aguas internacionales de las avionetas desarmadas de Hermanos al Rescate, por parte de aviones MiGs de combate cubanos.

Y este crimen es necesario repetirlo hasta la sociedad para que un tribunal de corte internacional o de los Estados Unidos de Norteamérica se decida a sentar a Fidel Castro en el banquillo de los acusados que le corresponde.

Por otra parte, la actitud bochornosa y cómplice de Fidel Castro en la X Cumbre Iberoamericana de negarse a condenar el terrorismo de ETA en España lo aísla una vez más de la comunidad de gobiernos civilizados y respetuosos de la dignidad de la persona humana y de la paz social.

El honorable presidente de El Salvador, Francisco Flores, ha logrado poner al dictador Fidel Castro en su sitio solitario de terrorista y criminal ante los ojos de los mandatarios de Iberoamérica y ante la opinión pública internacional.

Pero además, ha mostrado la entereza que anteriormente había faltado en estos congresos iberoamericanos, al no permitir irrespetos y payasadas al cada día más decadente dictador cubano.

¡Enhorabuena!

amuller@gate.net

Fidel Castro murderer, instigator & terrorist

Diario Las Américas, Tuesday, November 21, 2000, page 5-A

ALBERTO MÜLLER

Astonishing news of a deeply political character, from the X Ibero-American Summit in Panama that ended last Saturday, jumped-out with unusual strength in headlines around the world.

For the first time in the history of Ibero-American conclaves, always preceded by Spain, a Head of State of Latin America had the political courage to accuse Fidel Castro in his face, of being a murderer, instigator and terrorist, in the presence of all the Latin American leaders and His Excellency Juan Carlos, King of Spain.

"It is intolerable that you 'Fidel Castro', involved in the death of so many Salvadorans accuse me of being involved in the case of Posada Carriles..."

The controversy between the Salvadoran president and the old Cuban dictator occurred around the first's mentioned proposal to condemn the Basque terrorist group ETA in Spain.

"I'm surprised" Fidel Castro ironically said, "that this proposal came from El Salvador and that Mexico supported it."

To which President Zedillo of Mexico immediately responded to saying: "that in the adopted text 'the sentence of Basque terrorism' there is a fundamental human right to express solidarity with Spain".

Definitely the news around the heated exchange of words between the young Salvadorian president and the old Cuban communist dictator, came to the U.S. to break the somewhat monotonous, tiresome and endless electoral theme, which continues to find a way to leave behind the recriminations between the two ruling parties and the conceding of who will be the next president of the most powerful nation on earth.

It is hoped that this precedent just initiated by the Salvadorian president, will serve to remind the public of Latin American and the world, and incidentally the Cuban dictator himself, that his long record of crimes against the Cuban people and against some Latin American countries must not go unpunished.

The most recent of these crimes and the one fresh in everybody's memory, was the downing of the unarmed planes of Brothers to the Rescue, over international waters, by way of Cuban MiG combat planes.

And it is necessary to remind society of this crime so that a tribunal from the international court or from the United States of America decides to sit Fidel Castro down in the accused box, where he belongs.

On the other hand, the shameful attitude of Fidel Castro at the X Ibero-American Summit where he refused to condemn ETA's terrorism in Spain, once again isolates him from the community of civilized governments that are respectful of human dignity and social peace.

The honorable Salvadorian president, Francisco Flores, has succeeded in putting the dictator Fidel Castro in his lone terrorist and criminal seat before the eyes of the leaders of Latin America and the international public opinion.

But it has also shown the interest that had previously been lacking in these Ibero-American conclaves, by not permitting the increasing disrespect and antics of the Cuban dictator.

In good time!

amuller@gate.net

Asesinos

Diario Las Américas, martes, 20 febrero 2001, p. 5-A
ALBERTO MÜLLER

Los últimos minutos de vida de los cuatro pilotos derribados en aguas internacionales por aviones MiGs castristas han quedado filmados y grabados para la posteridad.

Lo que nos faltaba por escuchar...a viva voz...sin cortapisas sin pudor alguno...con acento de calculada premeditación sangrienta....los subalternos solicitando al comandante en jefe la orden para pulverizar con un cohete soviético a las avionetas indefensas de Hermanos al Rescate...Se cumplen cinco años del horrendo crimen cometido en aguas internacionales. Por tal razón el hecho debe ser potestad jurídica y humanitaria de todos los organismos de justicia humana, desde el Tribunal Internacional de la Haya hasta la Comisión de Derechos Humanos de las Naciones Unidas.

La Confesión del Crimen... en la propia voz del verdugo subalterno... la hemos escuchado al fin con absoluto claridad.... durante el juicio a los espías castristas infiltrados en Miami.

Que más falta ahora para tomar la decisión de sentar a Fidel Castro. Qué más falta ahora para tomar la decisión de sentar a Fidel Castro ante un Tribunal Jurídico Internacional? Pues nada más. Todos los elementos indagatorios están a la mano.

Ningún crimen debe queda impune.... pero el que se ejecuta a cielo abierto... contra seres humanos indefensos que sobrevolaban aguas internacionales en busca de balseros cubanos en altamar, merece el repudio irrestricto e inequívoco de toda la humanidad... por su carácter genocida y sucio.

En los respiros del Siglo XXI la temática de los Derechos Humanos y la Justicia son temas que configuran el corazón y la esperanza de todos los seres humanos.

Y del crimen ha quedado grabada toda su cobardía intrínseca en la voz fría de satisfacción de los ejecutantes "todos los criminales son cobardes" como una señal auto-acusatoria casi perfecta de lo represivo del sistema comunista cubano y del instinto criminal de su dirigente máximo.

El objetivo de sentar a Fidel Castro y su camarilla de verdugos ante un tribunal internacional, al cumplirse el 5to Aniversario del horrendo crimen contra las avionetas de Hermanos al Rescate aquel inolvidable 24 de Febrero de 1966 [sic], tiene que ser una meta jurídica de la historia reciente. En este caso el crimen tiene voz propia en las palabras de los pilotos-verdugos que vilmente y a sangre fría asesinaron a Armando Alejandro, Mario de la Peña, Carlos Costa y Pablo Morales.

La cinta grabada es un documento único de valor supremo, de contenido ontológico, de rasgos despreciables en la voz rajada y nerviosa de los pilotos cubanos en busca insistente de la orden del comandante en jefe para ejecutar la masacre.

Y la orden no se hizo esperar... y se escuchó sin interferencia alguna. En los cielos dos avionetas indefensas terminaron pulverizadas por los cohetes de fabricación soviética.

Resulta positivo que los familiares de las víctimas hayan llevado el caso a una corte civil, bajo el amparo de la Ley-Terrorista de los Estados Unidos. Y que la corte haya dictaminado una compensación de 186 millones de dólares. pero esto no es suficiente.

El hecho es tan detestable por su naturaleza criminal contra la humanidad que sugiere un banquillo para los acusados, ya sean verdugos subalternos o verdugos de jefatura máxima.

Murderers

Diario Las Americas, Tuesday, February 20, 2001, p. 5-A
ALBERTO MÜLLER

The last minutes in the life of four pilots downed in international waters by Castro's MiG planes were filmed and recorded for posterity.

What we needed to hear...live...shamelessly uninhibited, accented with bloody premeditated calculation...the subordinates asking the commander in chief for the go-ahead to pulverize the defenseless airplanes of Brothers to the Rescue with a Soviet missile...Five years have passed since the horrendous crime committed over international waters. That's why the matter should be put to the legal and humanitarian powers of every organization of human justice, from the International Criminal Court at the Hague to the Human Rights Commission at the United Nations.

The Criminal Confession...in the very voice of the underling executioner...we have finally heard it with absolute clarity...during the trial of Castro's spies who infiltrated Miami. What more is needed now to make the decision to try Fidel Castro? What more is needed now to make the decision to seat Fidel Castro in the dock at an international legal trial? Well, nothing. All the elements of the inquiry are at hand.

No crime should remain unpunished...but one that is executed in the open skies...against defenseless human beings who were flying over international waters in search of Cuban rafters on the high seas deserves the strictest and unmistakable repudiation by all of humanity.... due to its filthy genocidal character.

At the dawn of the 21st century, the subject of human rights and justice is one which shapes the heart and hopes of all human beings.

And all the intrinsic cowardice in the cold voice of satisfaction by the executors "all criminals are cowards" remains on tape like a practically perfect self-accusation against the repression of the Cuban communist system and the criminal instincts of its maximum leader.

The goal of placing Fidel Castro and his gang of executioners before an international tribunal at the 5th Anniversary of the horrendous crime against the Brothers to the Rescue light aircraft that unforgettable February 24, 1966 [sic], must be a legal goal for recent history. In this case the crime has its own voice in the words of the executioner pilots who vilely and in cold blood murdered Armando Alejandro, Mario de la Peña, Carlos Costa and Pablo Morales.

The tape recording is an object of unique and supreme value, with ontological contents, with despicable traits in the cracked and nervous voice of the Cuban pilots insistently seeking the order from the commander in chief to execute the slaughter.

And the order was not long in coming...and could be heard without any interference at all. Two defenseless light aircraft were pulverized in the skies by Soviet made missiles. It's good that the families of the victims were able to bring the case to a civil court, under the Terrorist Law [sic] of the United States. And that the court granted a judgment of \$186 million dollars in compensation, but that is not enough.

The act is so despicable by its nature as a crime against humanity that it suggests the accused should be in the dock, whether they are subordinate executioners or executioners among the maximum leadership.

Author Name:
**Media Outlet
and background
of journalist:**

Armando Pérez Roura

WAQI Radio "Radio Mambí" and Diario Las Américas
(See also: Helen Ferre, editor of Diario Las Américas, who published Pérez Roura's articles about the Cuban Five while she was receiving U.S. government money.)

Pérez Roura is longtime director of WAQI "Radio Mambí", and collaborator of the U.S. government station Radio Martí for many years. His relationship with Radio Martí was unknown to the defense during trial.

He was a supporter of Fulgencio Batista, and worked for him at the Presidential Palace as announcer. He went into exile from Cuba in 1969 and joined the counterrevolutionary organization Alpha 66. He was also correspondent for CORU, the group headed by terrorist Orlando Bosch. After leaving Cuba, Pérez Roura had a directing position in WRYZ "Radio Centro," acquired by the CIA to broadcast to Cuba. [p. 66, "Los Disidentes," Rosa Miriam Elizalde and Luis Baez.]

One of his regular WAQI programs, "Tome Nota," is also broadcast on Radio Martí on a regular basis.

On his Miami radio broadcasts, Pérez Roura is known for his extremist views, often advocating violence against anyone who favors dialogue or normal relations with Cuba. Journalist Ana Arana of The Sun-Sentinel, Oct. 5, 1993 quotes him: "We'll cut Fidel's head off... And we'll settle accounts with those who have been in favor of dialogue with Castro's regime."

Perez Roura's work with Radio Martí at the same time he espoused vitriolic attacks against the Cuban Five defendants on Miami's most powerful Spanish station, made him an active U.S. government agent in helping condemn the Five in Miami's community, before and during their trial. WAQI, with 24 hours programming and 50,000 watts, has readily made itself available whenever Radio/TV Martí has called. Other journalists on WAQI who received U.S. government pay include Enrique Encinosa.

1. Los Espías de Castro

(English: Castro's spies)

Diario las Américas, January 7, 2001, ARMANDO PEREZ ROURA

Nombre del Autor: **Armando Pérez Roura**

Medios Publicados e

historial del periodista: WAQI Radio: "Radio Mambí" y Diario Las Américas (Véase también: Helen Ferre, editora del Diario Las Américas, quien publicó artículos de Pérez Roura sobre los Cinco Cubanos, mientras ella estaba recibiendo dinero del gobierno estadounidense.)

Pérez Roura es director desde hace mucho tiempo de WAQI "Radio Mambí", y colaborador de Radio Martí propiedad del gobierno de los Estados Unidos desde hace muchos años. Durante el juicio la defensa desconocía la relación de Pérez Roura con Radio Martí.

Pérez Roura era un partidario de Fulgencio Batista para el cual trabajó en el Palacio Presidencial como locutor. Se exilió en 1969 y se unió a la organización contrarrevolucionaria Alpha 66. También fue corresponsal de la CORU, dirigido por el terrorista Orlando Bosch. Después de salir de Cuba, Pérez Roura se desempeñó como director en WRYZ "Radio Centro", adquirida por la CIA para transmitir a Cuba (P. 66, "Los Disidentes", Rosa Miriam Elizalde y Luis Báez).

Uno de sus programas regulares en la emisora WAQI, "Tome Nota", es también transmitido por Radio Martí de manera regular.

Pérez Roura es conocido en Miami por sus programas radiales y sus opiniones extremistas que a menudo defienden la violencia contra cualquier persona que favorece el diálogo y las relaciones normales con Cuba. La periodista Ana Arana del periódico *The Sun-Sentinel* lo cita: "Vamos a cortar la cabeza de Fidel ... Y vamos a ajustar cuentas con los que han estado a favor de un diálogo con el régimen de Castro" (Oct. 5, 1993).

El trabajo de Pérez Roura con Radio Martí y sus agresivos ataques contra los Cinco cubanos desde una de las más poderosas estaciones en español de Miami, lo convierten en un activo agente del gobierno de EEUU. dedicado a condenar a los Cinco frente a la comunidad de Miami antes y durante el juicio. Con 24 horas de programación y 50.000 vatios de poder, WAQI ha estado a disposición de Radio/TV Martí cada vez que esta la ha necesitado. Enrique Encinosa es otro periodista en WAQI que recibió pagos del gobierno de los EEUU.

1. Los Espías de Castro

Diario las Américas, 7 de enero de 2001, ARMANDO PEREZ ROURA

Los espías de Castro

Diario las Américas, domingo, 7 de enero 2001, página 5-A
ARMANDO PÉREZ-ROURA

El proceso que se le sigue en un tribunal de Miami a una red de espías del castrato, debe mantener el interés que el caso tiene. Pues para ningún cubano desterrado es un secreto que desde hace décadas el déspota se dio a la tarea de infiltrar agentes que trabajan contra la seguridad de los EE.UU. y de la democracia.

J. Edgar Hoover, fundador del Buró Federal de Investigaciones, denunció la cantidad de agentes que esa dependencia de contrainteligencia, estimaba que el régimen comunista había infiltrado en el sur de la Florida. No olvidemos que la guerra fría entre la desaparecida Unión Soviética y EE.UU. se encontraba en esos años del sesenta y setenta en su apogeo. Aunque el imperio soviético haya desaparecido con los cambios radicales impuestos por la Perestroika de Mikhail Gorbachov (y desde luego con la ayuda del presidente Reagan), Castro en su delirio de liderazgo y para mantenerse por las bayonetas en el poder, continuó con su programa de espionaje no sólo en esta nación, sino en otros países para desestabilizarlos.

La historia de estos cuarenta y dos años demuestra de lo que ha sido capaz un sujeto que, como Fidel Castro, odia a la democracia y le gustaría destruir a las naciones que guían el destino de pueblos enteros que quieren vivir libremente y que se les respeten sus derechos ciudadanos.

Los espías atrapados están hablando (parece que hasta por los codos), y los documentos que se desclasifican para el público tienen detalles muy interesantes. Por otra parte, además de los nombres que salen a la superficie, como gentes que pueden ser captadas por la inteligencia castrista, se conocen detalles que también suministran aquellos que se distanciaron del régimen aportando detalles que conocen sobradamente acerca del monstruoso aparato que apuntala a esa causa tan criminal.

Algún día, he proclamado en infinidad de ocasiones, cuando termine la pesadilla, el mundo entero se sorprenderá cuando sepa que Castro gastó cientos de millones de dólares por mantener ese gigantesco aparato de crímenes y otras atrocidades. Por eso debemos estar atentos al juicio contra estos espías, donde se está enseñando sólo una ínfima parte de lo que saben las agencias de seguridad de los EE.UU.

Los elementos que hasta el presente han campeado por sus respetos, sufrirán ahora el enfrentamiento con la ley. Por ello todos sus propósitos y órdenes a cumplir, quedarán al descubierto. Lógicamente, muchos de ellos tendrán que cumplir penas de cárcel. Sobre todo, por haber intentado penetrar hasta en campos militares de esta nación.

El criminal derribo de los aviones de Hermanos al Rescate, y la forma en que recibieron el premio por el cobarde asesinato múltiple, al ser ascendidos en sus cargos, hieren los sentimientos de hasta los más indolentes. Por eso también, el asesinato de los muchachos sobre aguas internacionales, no puede quedar impune.

Ni su autor, Fidel Castro, ni aquéllos que informaron al régimen (como le ordenaron sus jefes), deben quedar sin el castigo merecido. De todas formas, la Historia demuestra hasta la saciedad que son muy pocos los que escapan a la justicia de los hombres y, más que todo, a la Justicia Divina. Quien siempre tiene designios misteriosos pero inevitables. Tanto

crimen no puede quedar sin castigo..., por eso estoy más seguro que nunca, de que la hora de la justicia, les está llegando, de un modo u otro.

Castro's Spies

Diario las Américas, Sunday, Jan. 7, 2001, p. A-5

By Armando Pérez-Roura

The trial underway in a Miami courtroom of a Castro spy network should attract the interest the case deserves. Because for any living Cuban it's no secret that for decades the despot has assigned agents to infiltrate the U.S. and work against its security and democracy.

J. Edgar Hoover, the founder of the Federal Bureau of Investigation, denounced the number of agents that that counter-intelligence entity estimated had been infiltrated into south Florida by the communist regime. We ought not to forget that the cold war between the now defunct Soviet Union and the U.S. was at its peak in the 1960's and '70's. Although the Soviet empire may have disappeared through the radical changes of perestroika imposed by Mikhail Gorbachev (and also with President Reagan's help), Castro in his delirium of leadership and in order to keep himself in power through bayonets, continued his spy program not only in this country but in others as well, in order to destabilize them. The history of these forty-two years shows what someone like Fidel Castro is capable of, with his hate for democracy and the pleasure he would derive from destroying nations that are guiding the destiny of all of their people who want to live freely and who respect the rights of their citizens.

The caught spies are singing (like canaries apparently), and the documents that have been declassified to the public contain very interesting details. Meanwhile, in addition to the names that float to the surface, such as people who might be co-opted by Castro's intelligence network, details are revealed that are also supplied by those who distanced themselves from the regime, providing details that they know all too well about the monstrous apparatus that is the underpinning for this highly criminal cause.

I've said it a million times; one day, when the nightmare is over, the whole world will be shocked to learn that Castro spent hundreds of millions of dollars to maintain this gigantic apparatus responsible for crimes and other atrocities. This is why we should be paying attention to the trial against these spies, where just the tiniest part of what U.S. security agencies know is being revealed.

Those who up until now have championed their rights, will have to suffer a confrontation with the law. And for that, all their plans and directives will be revealed. Logically, many of them will have to serve time in prison. Above all, for having tried to penetrate even this country's military bases.

The criminal downing of the Brothers to the Rescue airplanes, and the way in which they received a prize for the cowardly multiple murder, by being promoted, wounds the feelings of even the most heartless. For this as well, the murder of the boys over international waters must not remain unpunished.

Neither its mastermind, Fidel Castro, nor those who reported to the regime (as their superiors ordered) should remain unpunished. In any case, history serves as a tireless example that very few escape the justice of men and, more importantly, Divine Justice. A Divine Justice whose designs are mysterious but inevitable. Such a crime cannot remain unpunished..., that's why I'm surer than ever that the hour of reckoning is arriving for them, one way or another.

Prensa de la isla guarda silencio sobre red de espionaje

El Nuevo Herald, miércoles, 16 septiembre 1998, página 7-A
Pablo Alfonso y Olance Nogueras

A sólo 120 kilómetros de la base naval estadounidense donde supuestamente se recogía inteligencia militar para el gobierno de Fidel Castro, la gran mayoría de la población cubana se levantó el martes sin conocer de los arrestos en Miami de 10 personas que presuntamente eran espías de La Habana.

Divulgada un día antes, la noticia le ha dado la vuelta al mundo; pero sólo los cubanos de la isla que tienen una radio de onda corta pudieron conocer lo sucedido.

Los noticieros de la radio y la televisión gubernamentales omitieron, con un velo de silencio que contrasta con el revuelo de la prensa en Miami, todo el suceso y los cargos que la Agencia Federal de Investigaciones (FBI) formuló a los acusados por espiar en instalaciones militares y organizaciones políticas del exilio.

Los hilos cablegráficos internacionales fueron los únicos que reportaron una reacción directa de funcionarios cubanos, quienes optaron por no confirmar ni desmentir si la red de espionaje tenía nexos con la isla.

“Ni afirmo ni desmiento; simplemente escucho para opinar después. Lo que sí advierto es que ese tipo de campaña, de maniobra, de orquesta, de fanfarria, es la especialidad de la prensa norteamericana”, dijo el canciller cubano Roberto Robaina a un grupo de periodistas que lo abordó al salir del Ministerio de Relaciones Exteriores, reportó la agencia española de noticias EFE.

“No es la primera vez que se levantan acusaciones... Si de información se trata, han sido centenares los que ellos dicen que son espías”, agregó.

“Pretendo, primero que todo, escuchar la información. No me gusta adelantarme a los acontecimientos, pero estoy acostumbrado a todo tipo de campañas. En su momento Cuba dirá la respuesta que tiene que decir”, añadió.

Granma, el único diario de circulación nacional, se abstuvo de mencionar en sus ocho páginas la detención de los presuntos espías. El noticiero estelar de Radio Rebelde, el matutino Haciendo Radio, dedicó sus principales espacios a comentar cuestiones netamente nacionales.

De igual forma, la emisora Radio Reloj, que trasmite noticias continuas las 24 horas del día, tampoco tuvo la noticia de los arrestos.

Como muchos de sus compatriotas en Miami, disidentes y periodistas independientes en la isla no se sorprendieron al conocer la noticia.

Para Odilia Collazo, presidenta del Partido Pro Derechos Humanos de Cuba, la noticia no toma por sorpresa a la disidencia interna.

“Esto no es nada nuevo, porque llevamos años alertando que a través de los éxodos masivos, los sorteos y otras vías, se han exiliado muchas personas que nosotros

presumimos, por nuestra información, que eran agentes de la inteligencia cubana”, dijo Collazo, que reside en San Miguel del Padrón y se enteró de los arrestos a través de Radio Paz, que trasmite desde el sur de la Florida.

Collazo aseguró que para los de la isla es común que, ante las informaciones que dañan la imagen de la revolución, las autoridades gubernamentales intenten mimimizar los efectos de la noticia aumentando las interferencias en Ciudad de la Habana y cabeceras provinciales a las trasmisiones de Radio Martí.

Leonardo Herrera, un residente en el municipio Cerro, dijo que estaba muy molesto por la cantidad de interferencia que reciben las frecuencias de Radio Martí desde que se conoció la noticia.

“Esta gente [el gobierno cubano], cuando les descubren sus patrañas siempre lo ocultan todo”, dijo Herrera. “La gente por la calle ni conoce de eso, pero estoy seguro que la noticia va a correr como pan caliente por La Habana”.

Una mujer desde Santa Clara, en el centro del país, dijo que las interferencias contra las frecuencias de Radio Martí eran “más continuas y molestas”, pero que ya en los barrios, las bodegas y otros centros se conocía la noticia.

Edition: Final,
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Estrenarán filme sobre Hermanos al Rescate

El Nuevo Herald, jueves, 21 enero 1999
Por Olanse Nogueras

El Instituto para la Democracia en Cuba (IDC) presentará el viernes en Miami la premiere del documental Siempre Presentes: Hermanos al Rescate, del cineasta cubano Alex Antón.

La obra, que para su realización contó con el apoyo de Roberto Vizcón, director de noticias del Canal 51, aborda la historia de cuatro activistas de esa organización humanitaria que fallecieron el 24 de febrero de 1996 cuando aviones de combate cubanos derribaron las dos avionetas en que viajaban sobre aguas internacionales del Estrecho de la Florida.

“La idea es recordar uno de los hechos más bárbaros cometidos por el régimen cubano, promocionar la obra de creadores cubanos en el exilio, y a la vez, posibilitar un uso práctico de los fondos recogidos, para ayudar a la democratización de la isla”, dijo el escritor y periodista Armando de Armas, del IDC.

El documental, de 58 minutos de duración, y que también recoge testimonios de los familiares de las víctimas, será proyectado a las 7:30 p.m., en el Hotel Radisson Mart Plaza, 711 NW y 72 Avenida, en Miami. El De Armas sugirió que los participantes realicen una contribución de \$25, que permitirá disfrutar de entremeses antes y después del evento, y acceso a la barra del hotel, cortesía de Bacardí-Martini U.S.A.

El IDC fue establecido en 1996 como una iniciativa de nueve organizaciones de exiliados. Actualmente, envía alimentos, medicinas, libros e información sobre derechos humanos y cultura democrática.

Exilio convoca a marcha en Miami

**El Nuevo Herald, jueves, 17 sept. 1998, página 6A
OLANCE NOGUERAS**

Organizaciones políticas del exilio cubano convocaron el miércoles a la marcha de la intransigencia patriótica que se celebrará el próximo 10 de octubre en conmemoración del Grito de Yara en 1868, fecha que marcó el inicio de las luchas independentistas de Cuba.

“La marcha reafirmará una vez más la determinación indoblegable del pueblo tanto dentro como fuera de la isla, de luchar por todos los medios y métodos a su alcance por la absoluta e incondicional libertad de la patria”, expresa una nota firmada por el foro coordinador del evento.

El foro, presentado el miércoles en conferencia de prensa, está integrado por los 10 firmantes iniciales del documento Cuba en la Encrucijada, que establece entre sus seis puntos, rechazar los pactos internacionales con los hermanos Fidel y Raúl Castro y exigir el respeto por los derechos humanos en Cuba.

La manifestación partirá a las 11 de la mañana del Monumento a los Héroes de Bahía de Cochinos, en la Calle Ocho del SW y la 13 Ave., y terminará en un escenario ocasional, situado en la calle 8 y la 4 Ave. de Miami.

“Será una oportunidad para demostrarle a los enemigos de la libertad de Cuba, y a aquellos gobiernos democráticos que pactan con el tirano de Cuba que estamos más vigentes que nunca y que siempre apoyaremos al pueblo cubano en su lucha contra esa dictadura”, dijo Armando Pérez Roura, gerente general de la emisora Radio Mambí (WAQI-710 AM), y uno de los 10 representantes de organizaciones políticas que suscribieron Cuba en la Encrucijada.

Pérez Roura dijo que la moral y la legitimidad del exilio están más altas que nunca, y opinó que en la isla no podrán existir cambios políticos y económicos “si no se cuenta con los opositores”.

Alberto Hernández, presidente de la junta de directores de la Fundación Nacional Cubano Americana (FNCA), aseguró que las organizaciones estaban trabajando en forma cohesionada.

Para Juan Pérez Franco, presidente de la Asociación de Veteranos de Bahía de Cochinos, la marcha será clave para el exilio porque demostrará “la pujanza de los hombres y la intransigencia de no caer en ningún diálogo con la tiranía”.

Los organizadores crearon comisiones de trabajo para apoyar el acontecimiento.

Edition: Final,
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Author Name: **Ariel Remos**

Media Outlet and *Diario Las Américas*

Background: *(See also: Helen Ferre, editor of Diario Las Américas)*

Ariel Remos came to the United States from Cuba in 1960, and is a long-time member of the right-wing exile group *Junta Patriótica Cubana*, along with DLA and U.S.-paid reporter Julio Estorino.

According to Cuban-exile.com website, "This organization favors the violent overthrow of Cuba's government," an ideology Remos has openly espoused in his 40 years of journalism. With his support for armed terrorist action against Cuba, Remos wrote articles to vilify the Cuban Five anti-terrorists, starting days after their arrest and throughout the trial. His tactics included the linking of the Five with Fidel Castro, the most demonized individual in Miami, declaring Castro's guilt and by explicit extension, the Cuban Five.

The inflammatory coverage by Remos rendered the trial a sham. trial, Remos published a completely false article on Jan. 19, 2001, titled, "Fidel Castro planned the assassination of Jesus Cruza Flor in the U.S.A." He states, "*At the trial of the Cuban spies that made up the so-called "Wasp Network", it has been shown that Fidel Castro's regime has openly conspired to undertake terrorist acts in the U.S.A, and that the Cuban exiles have not exaggerated when they denounced the penetration of Castro's agents in this country.*" Just one example.

Remos' reporting presented as a "fact" these false charges of "assassination" to the Miami public. **He was receiving thousands of U.S. government dollars all along, from the same government carrying out a prosecution of the Five.**

For the seven months of trial, the jury members went home every night. They were filmed by TV cameras, their images were clearly shown on TV news, for neighbors, co-workers, and the larger public to identify them. That Miami public includes numerous terrorists — and reporters who support terrorists — running free in that city. The message was all too clear: We know who you jurors are, and you must return a verdict of guilty, or face possible consequences.

It took a full five years after the Cuban Five were convicted before the U.S. government's clandestine operation with Miami reporters was exposed. Remos received \$10,400 during the prosecution of the Five.

**Evidence of
Of Payment:**

2006 Miami Herald FOIA
Jan. 2009 National Committee FOIA (payments revealed)
Oct. 2010 *Liberation* newspaper FOIA (contracts)

Amount Paid: \$ 10,400.00 during trial • \$ 24,350.00 total (11/01/99 – 08/22/07)

| Date | Amount | Date | Amount |
|-----------------------------|-------------|---------------------|----------------------|
| 11/01/99 | \$ 400.00 | 11/16/00 | \$250.00 |
| 01/12/00 | \$ 4,800.00 | 01/08/01 | \$450.00 |
| 10/26/00 | \$ 200.00 | 02/09/01 | \$4,300.00 |
| Amount during trial: | | \$ 10,400.00 | |
| Total | | \$ 24,350.00 | (11/01/99 – 8/22/07) |

Articles written before period of documented payment:

(We are working to obtain data, 1996 to 1999, on the journalists via more FOIA petitions.)

- 1. Ataca a la seguridad nacional la descubierta red de espionaje cubana**
(English: Discovered Cuban Espionage Network Constitutes an Attack on National Security)
Diario las Américas, September 16, 1998, ARIEL REMOS
- 2. Espías y agentes de influencia castrista**
(English: Castro-Influenced Spies and Agents)
Diario las Américas, September 20, 1998, ARIEL REMOS
- 3. Respalda la Fundación el pedido de “enérgica respuesta” hecho por el senador Jesse Helms**
(English: The Foundation backs Sen. Jesse Helms’ request for an “energetic response”) Diario las Américas, October 2, 1998, ARIEL REMOS
- 4. Cerca de 100,000 exiliados cubanos hicieron patente su rechazo a Castro**
(English: Close to 100,000 Cuban exiles made clear their rejection of Castro)
Diario las Américas, October 13, 1998, ARIEL REMOS
- 5. ¡Arresten a Castro!**
(English Translation: Arrest Castro!)
Diario las Américas, October 21, 1998, ARIEL REMOS
- 6. Demandan arresto de Castro**
(English Translation: Castro’s arrest demanded)
Diario las Américas, October 22, 1998, ARIEL REMOS
- 7. Insiste Basulto en que la Administración pudo evitar el derribo de las avionetas**
(English: Basulto insists the Administration could have prevented the shoot-down of the planes)
Diario las Américas, October 24, 1998, ARIEL REMOS

Articles written during period of documented payment:

(09/30/00 – 11/20/06)

- 8. Volará Hermanos al Rescate a “Punto Mártires” durante la Cumbre**
(English: Brothers to the Rescue Will Fly to “Martyr’s Point” During the Summit)
Diario las Américas, November 12, 1999, ARIEL REMOS
- 9. Castro podría ser arrestado y enjuiciado en Estados Unidos**
(English: Castro could be arrested and prosecuted in the United States)
Diario las Américas, November 28, 1999, ARIEL REMOS
- 10. Llevarán a Bush el caso de Hermanos al Rescate**
Diario las Américas, January 11, 2001, ARIEL REMOS
- 11. Castro representa un reto continuo a la seguridad de EE.UU.**
(English: Castro represents a continuous challenge to the security of the US)
Diario las Américas, January 16, 2001, ARIEL REMOS

- 12. Castro planeó el asesinato en EE.UU. de Jesús Cruza Flor**
(English: Castro planned the assassination of Jesus Cruza Flor in the USA)
Diario las Américas, January 19, 2001, ARIEL REMOS
- 13. Piden al presidente Bush que enjuicie a Castro**
Brothers to the Rescue preparing activities for February 24
(English: President Bush is asked to bring Castro to trial)
Diario las Américas, February 8, 2001, ARIEL REMOS
- 14. \$93 millones para familiares de Hermanos al Rescate**
(English Translation: \$93 million for families' members of Brothers to the Rescue)
Diario las Américas, February 14, 2001, ARIEL REMOS
- 15. Recibe Jeb Bush y llevará al Presidente carta pidiendo enjuiciamiento a Fidel Castro**
(English Translation: Jeb Bush receives and will take to the president a letter asking for Llegal proceedings against Fidel Castro)
Diario las Américas, February 27, 2001, ARIEL REMOS
- 16. Jeane Kirkpatrick pide a Aschcroft encausar por terrorismo internacional a funcionarios cubanos**
(English: Jeane Kirkpatrick asks Ashcroft to prosecute Cuban officials for international terrorism)
Diario las Américas, February 27, 2001, ARIEL REMOS

Nombre del autor: Ariel Remos

Fuente de prensa *Diario Las Américas*

y antecedentes: *(Vea también: Helen Aguirre Ferre, editora del Diario Las Américas)*

Ariel Remos llegó a los Estados Unidos desde Cuba en 1960, miembro desde hace mucho tiempo del grupo de exiliados derechistas *la Junta Patriótica Cubana*, junto con el reportero pagado, Julio Estorino, del DLA y del gobierno EEUU.

Según el sitio web cubano-exile.com, "Esta organización favorece el derrocamiento violento del gobierno de Cuba". Esta ideología Remos ha abrazado abiertamente en sus 40 años de periodismo. Con su apoyo a la acción terrorista armada contra Cuba, Remos escribió artículos para vilipendiar a los Cinco cubanos antiterroristas, a pocos días después de su detención y durante el juicio. Sus tácticas incluyeron la vinculación de los Cinco con Fidel Castro, el individuo más demonizado en Miami, declarando la culpabilidad de Castro y por extensión explícita, los Cinco.

La cobertura inflamatoria de Remos hizo una farsa del juicio. Remos publicó un artículo completamente falso el 19 de enero de 2001, titulado "Fidel Castro planeó el asesinato de Jesús Cruza Flor en los EE.UU." Afirma, "En el juicio a los espías cubanos que integraron la llamada 'Red Avispa', ha quedado demostrado que el régimen de Fidel Castro ha conspirado abiertamente para cometer actos terroristas en los EE.UU., y que los exiliados cubanos no han exagerado cuando han denunciado la penetración de agentes castristas en este país". Esto es sólo uno de los ejemplos.

Los informes de Remos presentaron estos cargos falsos de "asesinato" como un "hecho" al público de Miami. **Él estaba recibiendo miles de dólares del gobierno de Estados Unidos todo el tiempo, del mismo gobierno que estaba llevando a cabo el proceso judicial de los Cinco.**

Durante los siete meses de juicio, los miembros del jurado se fueron a casa todas las noches. Ellos fueron filmados por las cámaras de televisión, las imágenes aparecieron claramente en las noticias de televisión, para que los vecinos, compañeros de trabajo, y el público más amplio los podría identificar. Ese público de Miami incluye numerosos terroristas — y los periodistas que apoyan a los terroristas — corriendo libres en esa ciudad. El mensaje era muy claro: sabemos que ustedes son parte del jurado, y deben emitir un veredicto de culpabilidad, de lo contrario encararán posibles consecuencias.

Tomó un total de cinco años después de que los Cinco fueron condenados para que la operación clandestina del gobierno de EE.UU. con los periodistas de Miami fuera expuesta. Remos recibió \$10.400.00 durante el juicio a los Cinco.

Evidencias de pago:

2006 Miami Herald FOIA
Enero 2009 National Committee FOIA (pago revelado)
Oct. 2010 periódico *Liberation* FOIA (los contratos)

| Fecha | Cantidad | Fecha | Cantidad |
|---------------------------------|-------------|---------------------|----------------------|
| 11/01/99 | \$ 400.00 | 11/16/00 | \$250.00 |
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| 10/26/00 | \$ 200.00 | 02/09/01 | \$4,300.00 |
| Cantidad durante juicio: | | \$ 10,400.00 | |
| Total | | \$ 24,350.00 | (11/01/99 – 8/22/07) |

Artículos escritos antes del período de pago documentado:

(Estamos trabajando para obtener más información, 1996 al 1999, sobre los periodistas, por medio de solicitudes de FOIA.)

- 1. Ataca a la seguridad nacional la descubierta red de espionaje cubana**
(English: Discovered Cuban Espionage Network Constitutes an Attack on National Security) Diario las Américas, September 16, 1998, ARIEL REMOS
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Artículos escritos durante del período de pago documentado:

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Diario las Américas, February 27, 2001, ARIEL REMOS

FBI Viró al Revez Casa de Supuesto Cabecilla

**El Nuevo Herald, martes 15 de septiembre, 1998, página 1-A
JAVIER LYONNET y OLANCE NOGUERAS El Nuevo Herald**

El apartamento de Manuel Viramontes, líder de la supuesta célula de espionaje de Cuba, que se hacía pasar por puertorriqueño y fue una de las 10 personas arrestadas por el FBI, parecía haber sido objeto de un robo.

"Mire lo que le hicieron a su apartamento", exclamó el lunes el encargado del edificio ubicado en 18100 de Atlantic Boulevard, en North Miami Beach, al abrir la puerta del apartamento 305 con su llave maestra.

Todo el lugar estaba en desorden. Prendas de ropa y zapatos tirados; revistas, periódicos de Nicaragua y México y libros de historietas cómicas y poesía por el suelo; utensilios de cocina desparramados; cajones de la cómoda vaciados; paneles del techo del baño levanta

foto: DAVID BERGMAN/El Nuevo Herald Héctor Pesquera (centro), jefe del FBI en el sur de la Florida, acompañado por otros funcionarios, anuncia el lunes el arresto de los presuntos espías.

CABECILLA, DE 1A

dos y algunos quebrados; un agujero en la pared sugería que la cortina del baño había sido arrancada con violencia.

Un trozo de cinta blanca con las palabras "Evidence" y "Federal Bureau of Investigations" escritas en letras negras estaba pegada en la pared, a unos seis pies de altura, frente a la puerta de la cocina.

Esa era la prueba más clara de que en el lugar no habían irrumpido ladrones, sino agentes federales del gobierno.

Un paquete de la misma cinta permanecía sobre la mesa del comedor, junto a una caja de guantes de látex, posiblemente también perteneciente a los investigadores.

"Se llevaron la computadora", observó el encargado, Henry Riesman, quien aseguró que Viramontes ya vivía allí cuando él llegó al edificio, tres años atrás. No se veían disketes, cintas de audio (aunque sí sus cajas), discos compactos ni otros elementos útiles para conservar registros, aludidos en el encausamiento legal del FBI.

Tampoco estaban el aparato de televisión y la videocasetera que Viramontes parece haber tenido, a juzgar por el control remoto del televisor y las cajas vacías de videocintas.

Según Riesman, de origen ruso, Viramontes trabajaba en publicidad gráfica, diseñando afiches y carteles. "No tenía demasiado dinero, a veces demoraba una semana en pagar la renta, pero siempre pagaba".

"Es un muchacho puertorriqueño de unos 28 o 29 años, siempre bien vestido, muy agradable, muy caballero, nunca tuve quejas sobre él, ni lo vi borracho, y mantenía su apartamento siempre limpio y ordenado", dijo Riesman.

"No puedo creer que sea un espía," expresó el encargado del edificio a quién, según dijo, los cubanos no le gustan mucho. "Prefiero a los puertorriqueños porque son diferentes".

El vecino del apartamento 304, Víctor Fonseca, argentino de 68 años, dijo que Viramontes es un escritor "muy inteligente" que trabaja para una agencia de publicidad.

"Es muy buena persona, como todos los puertorriqueños", dijo Fonseca, que en la noche del sábado escuchó "mucha bulla, como si arrastraran muebles" en el apartamento de su vecino.

Riesman recordó que en la noche del sábado vio "detectives" en la puerta del edificio y en los días anteriores a alguien que tomaba fotografías de la propiedad desde distintos ángulos. Tanto Riesman como Fonseca aseguraron que sólo una persona, un joven puertorriqueño, visitaba "de vez en cuando" a Viramontes.

Al caer la tarde, vecinos de la pareja de Nilo y Linda Hernández en el 3012 de la calle 18 del SW, corazón de La Pequeña Habana, reaccionaban sorprendidos a la noticia. El dúplex, propiedad de la pareja, se hallaba rodeado de precinta colocada por la policía.

"El sábado, cuando el FBI los arrestó, la cuadra se llenó de gente porque se rumoró que estaban vinculados con tráfico de drogas", dijo David Rodríguez, de 32 años, quien presenció la operación. "A mí me llamó mucho la atención que se hayan llevado el carro a remolque, computadoras, antenas, y muchos papeles que no tienen nada que ver con cocaína o marihuana".

Dos mujeres, vecinas más cercanas de la pareja, dijeron bajo anonimato que los Hernández eran muy callados y que apenas intercambiaban palabras con la vecindad.

"La verdad es que apenas se les notaba", dijo una de las mujeres. "Nosotras sentimos un gran cariño por el niño de 11 años que ellos tienen, que en definitiva no es culpable de lo que hacían sus padres".

En la comunidad cubana de Miami, la noticia tuvo gran impacto. "Son traidores, deberían darles el castigo más severo posible", dijo Armando Bravo, un enfermero retirado de 79 años, exiliado desde hace 34.

María Cruz, de 38 años, una madre de cuatro hijos que llegó a Miami en 1968, aplaudió al gobierno estadounidense y también reclamó castigo. "Una se siente insegura sabiendo que hay espías entre nosotros. Espero que el gobierno los detenga antes de que más gente sufra y muera".

Para muchos otros exiliados, como Manuel Ramos, la infiltración de espías de La Habana en organizaciones anticastristas ha logrado dividir los métodos de lucha y el pensamiento del exilio cubano.

"Para luchar contra estos infiltrados, lo que necesitamos es un gobierno cubano en el exilio que funcione unido y se elija en todo el país, porque el caso de Cuba lo controla el FBI y Wall Street", dijo Ramos, que escribe columnas políticas para pequeños periódicos de Miami y Nueva Jersey.

"Después de tomar una taza de café en el Versailles, Manuel Cabaleiro parecía vivir uno de los días más felices de su vida.

"Hacia años que esto debía haber pasado", dijo Cabaleiro. ``Hasta al Versailles venían a cada rato tenientes coroneles a colar sus ideas".

foto : Hector Pesquera (a)

Edition: Final V

Section: Frente

Page: 1A

Ataca a la seguridad nacional la descubierta red de espionaje cubana

Diario Las Américas, miércoles, 16 de septiembre 1998, página 1-A
ARIEL REMOS

La Oficina Federal de Investigaciones (FBI) anunció el lunes, en rueda de prensa en esta ciudad de Miami, el desmantelamiento de una red de espionaje cubana, al detener a 8 hombres y 2 mujeres, 3 de ellos oficiales de la inteligencia cubana, y agentes de los mismos los otros 7. Al considerar que los objetivos de la red constituyen un ataque a la seguridad nacional, pone de manifiesto la gravedad del caso.

Todos los espías fueron arrestados el sábado y presentados el lunes ante el juez federal Barry L. Gerber. Son ellos: Manuel Viramontes, jefe de la red de espías, Luis Medina, René González, Antonio Guerrero, Rubén Campa, Alejandro Alonso, el matrimonio Nilo y Linda Hernández, Joseph Santos y Amarylis Silverio, y fueron acusados de conspiración contra EE.UU. o de ser agentes no inscritos de un país extranjero. Algunos pueden enfrentar la sanción de cadena perpetua.

El agente del FBI Héctor Pesquera precisó que "los 10 estuvieron encargados de infiltrar y espiar a agencias e instalaciones estadounidenses" e intentaron también "infiltrar y manipular los grupos anticastristas del Sur de la Florida". Las instalaciones militares son precisamente el Comando Sur del Ejército de EE.UU. recientemente trasladado al condado de Dade, la Base Aérea MacDill, cerca de Tampa, y la Base Aero-Naval de Boca Chica, en Cayo Hueso, donde logró trabajar el acusado Antonio Guerrero y enviar algunos informes a Cuba; y entre las organizaciones del exilio figuraban Hermanos al Rescate, y el Movimiento Democracia. La investigación ha estado en proceso desde 1995.

El FBI identificó a 3 de los 10 agentes, como los principales del grupo, quienes se comunicaban directamente con La Habana para informar de sus actividades y recibir instrucciones de la inteligencia cubana. Son ellos Manuel Viramontes (alias "Giro"), capitán el ejército cubano, residente en EE.UU. desde 1992; Rubén Campa (alias "Vicky"), y Luis Medina (alias "Allan"), miembro de la Dirección General de Inteligencia cubana, que operaba en el área de Tampa para lograr información sobre la base de MacDill.

Los espías castristas utilizaban para comunicarse con La Habana, radios de onda corta y ordenadores portátiles, encontrados entre una amplia parafernalia para sus fines de espionaje, como disfraces, antenas, planos y dinero en efectivo, que les fue ocupada por las autoridades norteamericanas. Entre el equipo ocupado figuraban "disquetes" de computadoras en que los espías se trataban entre ellos de "camarada" al intercambiar mensajes codificados.

El congresista Lincoln Díaz-Balart, que fuera informado por el FBI del resultado del operativo, declaró a DIARIO LAS AMERICAS que felicitaba al FBI por las medidas tomadas para proteger la seguridad de EE.UU, pero que existían todavía "asignaturas pendientes muy graves de actividades de Castro contra EE.UU. y es un encausamiento preparado contra el régimen de Castro en su totalidad, como empresa criminal por una conspiración de más de 10 años para enviar toneladas de cocaína a EE.UU. Estoy seguro que las agencias del orden público de EE.UU. desean proceder contra esos criminales, y también por el asesinato de los 4 miembros de Hermanos al Rescate el 24 de febrero de 1996...Ya es hora de que la Administración Clinton les desate las manos a las agencias de seguridad para que hagan cumplir las leyes en protección de la seguridad nacional", afirmó Díaz-Balart.

La congresista Ileana Ros-Lehtinen se dirigió la mañana de este martes al Pleno de la Cámara de Representantes, recalcando cómo los arrestos efectuados el lunes por el FBI eran una evidencia que venía a confirmar -sobre todo a sus colegas que siempre buscan la manera de disculpar a Fidel Castro- la amenaza que para la seguridad de EE.UU. representa su régimen. De "ataque al mismo corazón de nuestra sistema de seguridad nacional" calificó por su parte el fiscal federal Thomas E. Scott la amplia red de espionaje de agentes cubanos, la más grande descubierta aquí, según informa en su edición de este martes el Washington Post.

La congresista Ros-Lehtinen, comentó a su vez con DIARIO LAS AMERICAS que en conversación con el Director del FBI, Loui Freeh, sobre este caso, le informó que "esto no era lo último y que la investigación continúa". Dijo también que en meses anteriores, hubo de dirigirse al jefe del FBI requiriendo información sobre el aumento visible de los viajes de funcionarios del gobierno cubano a Miami y Nueva York, la mayoría indicadas como "reuniones privadas".

Algunos detenidos en este operativo, se pudo saber, estuvieron relacionados con Juan Pablo Roque, el espía que se infiltró en la organización anticastrista Hermanos al Rescate y huyó a Cuba la víspera del derribo de las avionetas desarmadas y en el espacio aéreo internacional, de esa organización, a que se refirió Díaz-Balart. Uno de los acusados, René González, logró infiltrarse también en Hermanos al Rescate, pero fue dado de bajas por sospechas, haciéndose miembro del Movimiento Democracia, habiendo sobrevolado en algunas de las flotillas organizadas por esa agrupación.

Exiliados cubanos han expresado que para ellos no es sorpresa el arresto de espías y agentes castristas, ya que desde hace mucho tiempo existen síntomas de una gran penetración de la inteligencia cubana en círculos del exilio. Ya en marzo de 1983, el bien informado periodista Arnaud de Borchgrave, había denunciado a través de DIARIO LAS AMERICAS "la infiltración de los agentes de Castro en el condado de Dade", calificándola de "increíble". Los anteriores episodios de espionaje que se recuerdan, son los del citado Juan Pablo Roque, y el de José Fernández Brenes, que regresó a Cuba tras desempeñar un cargo en TV Martí, la emisora del gobierno de EE.UU. que transmite hacia la Isla.

Discovered Cuban Espionage Network Constitutes an Attack on National Security

Diario Las Américas, Wednesday, September 16, 1998, page 1-A
ARIEL REMOS

At a press conference here in Miami on Monday, the Federal Bureau of Investigation (FBI) announced the breakup of a Cuban espionage network, through the arrest of 8 men and 2 women, 3 of them officers of Cuban intelligence, and the remaining 7 their agents. The seriousness of the case is revealed upon considering that the network's objectives constitute an attack on national security.

All the spies were arrested on Saturday and brought before federal judge Barry L. Gerber on Monday. They are: Manuel Viramontes, head of the spy network, Luis Medina, René González, Antonio Guerrero, Rubén Campa, Alejandro Alonso, the married couple Nilo and Linda Hernández, Joseph Santos and Amarylis Silverio, and they were accused of conspiracy against the United States or of being unregistered agents of a foreign country. Some may face life sentences.

FBI agent Héctor Pesquera explained that "the 10 were charged with infiltrating and spying on U.S. agencies and facilities," and also tried to "infiltrate and manipulate anti-Castro groups in South Florida." The military installations are specifically U.S. Army Southern Command, recently relocated to Dade County, MacDill Air Force Base near Tampa, and the Boca Chica Navy Base in Key West, where one of the accused, Antonio Guerrero, had managed to work and send reports to Cuba. Included in the exile organizations are Brothers to the Rescue and Movimiento Democracia (Democracy Movement). The investigation has been underway since 1995.

The FBI identified 3 of the 10 agents as the leaders of the group, who communicated directly with Havana to report on their activities and receive instructions from Cuban intelligence. They are Manuel Viramontes (alias "Giro"), captain in the Cuban army, residing in the U.S. since 1992; Rubén Campa (alias "Vicky"), and Luis Medina (alias "Allan"), a member of the General Directorate of Cuban Intelligence, who operated in the Tampa area to obtain information about the MacDill airbase.

Castro's spies used shortwave radios and laptops to communicate with Havana, which were found among a wide array of paraphernalia meant for their espionage work, such as disguises, antennas, plans and cash, which were confiscated by U.S. authorities. Included in the equipment were computer diskettes in which the spies referred to one another as "comrades" when exchanging coded messages.

Congressman Lincoln Díaz-Balart, who was informed by the FBI of the results of the operation, told DIARIO LAS AMERICAS that he congratulated the FBI for the measures taken to protect U.S. security, but that there were still "very serious matters pending regarding Castro's activities against the United States and there is an indictment prepared against the Castro regime in its entirety, as a criminal enterprise involved in a conspiracy for more than 10 years to send tons of cocaine to the U.S. I am sure that the U.S. law enforcement agencies wish to proceed against those criminals, as well as for the murder of 4 members of Brothers to the Rescue on February 24, 1996...It's high time that the Clinton administration untie the hands of the security agencies so that they can enforce the laws to protect national security," said Díaz-Balart.

Congresswoman Ileana Ros-Lehtinen directed her remarks this Tuesday to the plenary session of the House of Representatives, emphasizing that the arrests carried out by the FBI on Monday were evidence that would come to confirm – above all to her colleagues who always look for ways to excuse Fidel Castro – the threat that his regime poses to the security of the United States. For his part, the federal prosecutor Thomas E. Scott called the wide network of Cuban agents an “attack on the very heart of our system of national security,” the largest ever uncovered here, as reported by the Washington Post in its Tuesday edition.

Congresswoman Ros-Lehtinen in turn, commented to DIARIO LAS AMERICAS that in a conversation with FBI Director Louis Freeh about the case, he informed her that “this was not the last of it, and the investigation is ongoing.” She also said that in previous months, she had to request information from the head of the FBI about the substantial increase in trips by Cuban government officials to Miami and New York, the majority of which were referred to as “private meetings.”

Some of those arrested in this operation, it was learned, were associated with Juan Pablo Roque, the spy who infiltrated the anti-Castro organization Brothers to the Rescue – referenced by Díaz-Balart – and fled to Cuba the evening before the shoot-down of the unarmed airplanes in international airspace. One of the accused, René González, also managed to infiltrate Brothers to the Rescue, but was let go because of suspicions. He became a member of Movimiento Democracia and had flown over the flotillas organized by that group.

Cuban exiles have expressed that as far as they’re concerned, the arrest of the spies and Castro agents came as no surprise since there have been symptoms of significant penetration by Cuban intelligence in exile circles for quite some time. As early as 1983, the well informed journalist Arnaud de Borchgrave complained to DIARIO LAS AMERICAS about “the infiltration of Castro agents in Dade county,” describing it as “incredible.” Previous memorable incidents of espionage are those of the previously cited Juan Pablo Roque, and that of José Fernández Brenes, who returned to Cuba after working for TV Martí, the U.S. government television station that broadcasts to the island.

Espías y agentes de influencia castrista

**Diario Las Americas, domingo, 20 de september 1998, página 4-a
ARIEL REMOS**

No hacía falta que lo dijera el FBI. Pero que haya desmantelado una red de espionaje castrista en Miami, y lo haya hecho público, le da la razón a la intransigencia del exilio cubano a todo tipo de contemporización con ese tramposo visceral. Claro, que esto mueve a algunas consideraciones.

Hay una verdad que es clave para explicar por qué el tirano Castro ha navegado impunemente por las aguas del delito internacional y la agresión a países, especialmente a EE.UU. Y es que EE.UU. no ha querido confrontarlo nunca, después de haber sido este país uno de los principales factores que proporcionaron su toma del poder en Cuba y que realizara y aprovechara su anti-histórica alianza con la URSS. En términos generales, la impunidad de Castro por parte de la comunidad internacional - posiblemente favorecida por el inmovilismo estadounidense ante el constante desafío castrista - es un secreto muy bien guardado si partimos del supuesto de que EE.UU. se hubiera deshecho de Castro hace mas mucho tiempo, en cualquier momento que así lo hubiere deseado.

Que el régimen de Cuba tiene en el propio corazón del exilio un enjambre de espías, y agentes de influencia que forman parte de una forma u otra de la maquinaria propagandística castrista, donde cuenta con programas de radio y publicaciones que repiten las consignas de La Habana, es más que evidente. Que ha estado significativamente envuelto en el narcotráfico en perjuicio de este país recibiendo pingües ganancias por darle de santuario en aguas jurisdiccionales y territorio, también.

El de los espías y narcotraficantes es tema que ha sido sacado a la luz pública durante décadas. Recordamos importantes audiencias en el Congreso y en los tribunales de justicia, donde han estado envueltos funcionarios y agentes castristas, sin que en ningún momento la Administración de turno haya llevado el caso hasta sus últimas consecuencias.

Fidel Castro sigue siendo un feroz enemigo de EE.UU., aunque haya habido voces oficiales declarándolo ahora inofensivo. Porque nada más lejos de la verdad. El hecho de que en Cuba haya miseria no quiere decir que Castro no disponga de un presupuesto particular de cientos de millones, que están más allá de la miseria del pueblo y de los magros recursos de la nación.

Esto lleva a pensar que lo que hay que tener en cuenta no es el poder de Castro medido en términos de recursos y efectivos militares (aunque en ese campo nunca hubiera podido rivalizar con EE.UU.), sino en los de su odio irreductible y en las distintas formas en que puede hacer daño a este país dentro del nuevo contexto que ha sustituido al del antagonismo de las grandes potencias, como en el tráfico de drogas y el terrorismo.

Castro nunca ha dejado de planificar agresiones a EE.UU. más que por convicciones ideológicas - él es sobre todo castrista - por el odio patológico que le tiene. Cuando se desmanteló la URSS, formó enseguida el Foro de Sao Paulo para reagrupar a la izquierda continental, guerrillas marxistas y comunistas, y replantear bajo las nuevas circunstancias la estrategia para la toma gradual de poder, más alejada que nunca en ese momento, por la quiebra soviética. Esos planes siguen. Su campanuda declaración en Brasil en ruta a Sudáfrica, sobre la catástrofe económica que se avecina según él, y el discurso pronunciado en este último país a donde fue a reunirse con el camarada Mandela, deja traslucir su

empeño de reagrupar al Tercer Mundo para su beneficio y para seguir haciendo a EE.UU. todo el daño que pueda, antes de bajar a la fosa donde descansan los desalmados y perversos.

La conjetura de que el arresto de los espías cubanos puede deberse a la posibilidad de que Castro esté traficando con estados o grupos terroristas que coinciden en el odio a EE.UU. para una agresión contra este país, no está infundada. Lo que sí hay que llegar al convencimiento de que Fidel Castro es irredimible y que todos los esfuerzos que se hacen por no tocarlo ni con el pétalo de una rosa, conspiran no sólo contra el exilio y la causa de la libertad en Cuba, sino contra EE.UU.

Como ocurrió cuando se vino abajo el imperio comunista que fue oportunamente denunciado en sus crímenes y agresiones al mundo libre, pero defendido por una maquinaria enfocada a destruir al denunciante y a evitar que saliera a relucir la verdad, ésta siempre se abrirá paso al final, confirmando que de haberse admitido a tiempo, muchas catástrofes se hubieran evitado.

En lo adelante, los agentes de influencia, cuya tarea es atacar al exilio y defender descaradamente al tirano, tendrán que andar con más cuidado, porque la existencia de la red de espionaje desmantelada crea una serie de interrogantes sobre el alcance de los manejos de sus piezas en Miami por parte de la inteligencia cubana. Ellos están de todas formas defendiendo al enemigo de EE.UU. al traficante de drogas, y, sobre todo, al jefe del gobierno de un país que aparece en la lista del Departamento de Estados, entre los países terroristas.

Castro-Influenced Spies and Agents

Diario Las Americas, Sunday, September 20, 1998, page 4-A
ARIEL REMOS

It wasn't necessary for the FBI to say it. But having broken up Castro's espionage network in Miami, and having made it public, this visceral scam has justified the Cuban exile community's intransigence against any kind of tolerance. Of course this brings up certain considerations.

There's a truth that is key to explaining why the tyrant Castro has navigated with impunity the waters of international crime and aggression against other countries, especially that of the United States. The truth is that the United States has never wanted to confront him, it being one of the main factors that allowed him to take power in Cuba and that he made/makes and took/takes advantage of his anti-historical alliance with the USSR. In general terms, Castro's impunity on behalf of the international community — possibly favored by U.S. intransigence in the face of constant challenges from Castro — is a very well guarded secret if we start from the supposition that the United States could have gotten rid of Castro long ago, at any time that it wished.

That the regime in Cuba has within the very heart of the exile community a swarm of spies and influential agents that form a part of Castro's propaganda machinery in one way or another — where they rely on radio programs and publications to repeat Havana's slogans — is more than obvious. That he has been significantly involved in drug trafficking to the detriment of this country, receiving lavish earnings for allowing safe haven in Cuba's waters and territory is also obvious.

The issue of spies and drug traffickers is one that has been exposed to the public over decades. Let's recall the important hearings in Congress and in the courts, where Castro's agents and officials have been involved, without the Administration in turn, ever at any moment carrying the case to its final consequences.

Fidel Castro continues to be a fierce enemy of the United States, even though some official voices have said he is no longer any harm. Nothing could be further from the truth. The fact that there is tremendous miserable poverty in Cuba, does not mean that Castro does not have access to a private budget of millions, beyond the misery of the people and the country's meager resources.

This leads one to think that what has to be taken into account is not Castro's power measured in terms of resources and military recruits (although in this area he could never rival the U.S.) but in terms of his unquenchable hatred and the various ways in which he can damage this country within the new context that has become a substitute for the antagonism between the superpowers, such as in drug trafficking and terrorism.

Castro has never stopped planning aggressions against the U.S., less out of ideological reasons — he is Castro, after all — than out of the pathological hatred he has. When the USSR was broken up, he immediately formed the Sao Paulo Forum in order to regroup the left on the continent as well as Marxist guerrillas and communists, and due to the new circumstances, suggest a strategy for the gradual taking of power, further away than ever at that time, due to the Soviet collapse. These plans continue. His bellwether declaration in Brazil, on his way to South Africa, about the economic catastrophe on the way, according to him, and the speech given in the latter country where he went to meet with comrade

Mandela, belies his effort to regroup the Third World for his benefit and to continue doing all the damage he can to the U.S., before he descends into the grave where the soulless and perverse rest.

The conjecture that the arrest of the Cuban spies could be due to the possibility that Castro is trafficking with states or terrorist groups who share his hatred for the U.S. in order to attack this country is not unfounded. The conclusion must be reached that Fidel Castro is irredeemable and that all the efforts made to avoid touching him with so much as a rose petal are a conspiracy not only against the exiles and the cause of freedom in Cuba, but against the U.S.

As occurred when the communist empire collapsed, which fortunately was quickly denounced for its crimes and aggressions against the free world, but defended by a machinery focused on destroying the denouncer and preventing the truth from coming to light. However, the truth is always known in the end, thus confirming that had it been admitted at the time, many catastrophes could have been prevented.

From now on, the influential agents, whose work is to attack the exile community and shamelessly defend the tyrant, will have to move more carefully, because the existence of a dismantled espionage network creates a series of questions about the scope of Cuban intelligence's dealings in Miami. In any case they are defending an enemy of the U.S., a drug trafficker, and above all, the head of a government of a country that appears on the State Department's list of terrorist countries.

Respalda la Fundación el pedido de “enérgica respuesta” hecho por el senador Jesse Helms

Diario Las Américas, viernes, 2 de octubre de 1998, página 1-A
ARIEL REMOS

El caso de la red de espionaje cubano descubierta recientemente por el FBI en Miami vuelve al tapete con un llamado que hizo el Senador por Carolina del Norte Jesse Helms a la Administración Clinton para que de una “enérgica respuesta” al intento del tirano Fidel Castro de infiltrar y sabotear instalaciones militares estadounidenses en la Florida. La noticia fue ofrecida por la Fundación Nacional Cubano Americana en un amplio parte de prensa en el que da pleno respaldo al pedido de Helms.

“El reciente descubrimiento de una sofisticada red de espías operando en territorio estadounidense es un llamado a despertar a todos los que dan por sentado que Fidel Castro ha dejado de ser el enemigo incasable de América”, expresó el compasivo senador, para agregar que “la Administración Clinton no debe incumplir su clara obligación de responder a éste y otros actos hostiles de Cuba”.

La FNCA, a su vez a través de una carta dirigida a la Secretaria de Estado Madeleine Albright y suscrita por su vice-chairman Jorge Mas Santos, le dio pleno respaldo al pedido de Helms en los siguientes términos. “Felicitamos al Senador Helms por su liderazgo al exigir responsabilidad por parte de Castro en lo que sólo puede describirse como un atroz asalto a los intereses de la seguridad nacional de EE.UU. Sólo cuando Fidel Castro tome en cuenta que habrá un alto costo para él, es que se abstendrá de realizar actividades inaceptables. El dejar de responder a su conspiración de espionaje sólo invitará más iniciativas antiamericanas por parte del dictador”.

El pasado lunes 14 de septiembre el FBI acusó ante una Corte Federal de Miami a diez individuos de ser agentes del gobierno de Cuba encargados de obtener informaciones de exiliados cubanos y, sobre todo de las instalaciones militares de EE.UU., como la base aérea de MacDill en Tampa, la estación naval en Cayo Hueso y la sede del Comando Sur de EE.UU. a cargo de la supervisión de las actividades militares de este país en América Latina y el Caribe así como la detección del narcotráfico. La mayoría del grupo fue fichada como oficiales de los servicios de inteligencia cubanos. El gobierno de Cuba dio sólo una discreta respuesta al hecho, que destacaron los medios informativos locales.

La carta de Mas le expresa también a la Secretaria Albright que “Es imperativo que EE.UU. tome medidas apropiadas de inmediato para responder a este acto de hostilidad contra el país”, mientras la propuesta del Senador Helms, respaldada por la Fundación, recomienda:

1. Que el FBI resiga implacablemente esta conspiración de espionaje, y que todo y cada personal cubano trabajando en cualquier puesto diplomático en Washington, D.C., y en la ONU que tuvo contacto con esta red de espías, debe ser detenido, encausado y/o expulsado y sin demora.
2. Que cualquier solicitud futura por parte de “diplomáticos” cubanos para viajar más allá de los límites de Washington, D.C. o Nueva York, particularmente al sur de la Florida debe ser sumariamente denegada.

3. Que los oficiales estadounidenses grupos de exiliados, y ciudadanos que hayan sido, o son, blanco de los espías cubanos, sean avisados por las autoridades estadounidenses sobre esta amenaza.
4. Que Rusia debe ser responsabilizada ante su continua escucha electrónica de las comunicaciones comerciales y de defensa de EE.UU. practicada desde la base de Lourdes al oeste de La Habana; que toda conversación de posible "cooperación anti-drogas" con el régimen de Castro cese de inmediato.
5. Que los oficiales cubanos sean responsabilizados por el ataque terrorista perpetrado por los MiGs cubanos contra los dos Censas desarmados y en espacio aéreo internacional el 24 de febrero de 1996. Y
6. Que el Departamento de Justicia proceda rápidamente con una investigación del derribo y formule las acusaciones correspondientes en contra de los oficiales cubanos involucrados."

The Foundation backs Senator Jesse Helms' request for an "energetic response"

Diario Las Américas, Friday, October 2, 1998, page 1-A
ARIEL REMOS

The case of the Cuban espionage network recently discovered by the FBI in Miami returns to the mat with the call made by North Carolina Senator Jesse Helms to the Clinton Administration to deliver an "energetic response" to the attempt by the tyrant Fidel Castro to infiltrate and sabotage U.S. military installations in Florida. The news was offered by the Cuban American National Foundation (CANF) to a wide variety of press, where it fully supports Helms' demands.

"The recent discovery of a sophisticated network of spies operating on United States territory is a wake-up call to all who assume Fidel Castro has ceased to be America's untiring enemy," said the compassionate senator, adding that "the Clinton Administration should not fail to meet its clear obligation to respond to this and other hostile actions by Cuba."

The CANF in turn, through a letter addressed to Secretary of State Madeleine Albright and signed by its Vice-Chairman, Jorge Mas Santos, gave its full support to Helms' request in the following terms: "We congratulate Senator Helms for his leadership in demanding that Castro be held responsible for what can only be described as an atrocious assault on U.S. national security interests. Fidel Castro will only abstain from carrying out unacceptable activities when he realizes that there will be a high cost for him. A failure to respond to his espionage conspiracy will only invite more anti-American initiatives on the part of the dictator."

Last Monday, September 14, the FBI charged ten individuals in Miami's Federal Court with serving as agents for the Cuban government, charged with obtaining information about Cuban exiles and, above all, U.S. military installations, such as the MacDill Air Force Base in Tampa, the Naval Station at Key West, and the headquarters of the U.S. Southern Command, in charge of supervising this country's military activities in Latin America and the Caribbean as well as detecting drug trafficking. The majority of the group was booked as Cuban intelligence services officers. The Cuban government only issued a quiet response to the event, which was highlighted by the local news media.

The letter from Mas also expresses to Secretary Albright that "It is imperative that the U.S. take immediate appropriate measures to respond to this act of hostility against the country," while Senator Helms' proposal, backed by the Foundation, recommends:

- "1. That the FBI relentlessly pursue this espionage conspiracy, and that all Cuban personnel working in any diplomatic post in Washington, D.C., and at the U.N. who had contact with this spy network, be arrested, charged and/or deported, without delay.
2. That any future request on the part of the Cuban "diplomats" to travel beyond the limits of Washington D.C. or New York, particularly to South Florida, should be summarily denied.
3. That official U.S. exile groups and citizens who have been or are targeted by the Cuban spies, be advised by the U.S. authorities about this threat.
4. That Russia should be held responsible for its continued electronic eavesdropping on

commercial and U.S. defense communications from the Lourdes base to the west of Havana; that all conversations with the Castro regime about possible "anti-drug cooperation" cease immediately.

5. That Cuban officials be held responsible for the terrorist attack perpetrated by Cuban MiGs against the two unarmed Cessnas in international airspace on February 24, 1996.

And,

6. That the Justice Department proceed rapidly with an investigation of the shoot-down and formulate the corresponding charges against the Cuban officials involved."

Cerca de 100,000 exiliados cubanos hicieron patente su rechazo a Castro

Diario Las Américas, martes 13 de octubre 1998, página 1-B

ARIEL REMOS

Respondiendo a la convocatoria de las principales organizaciones militantes anticastristas, cerca de cien mil personas (según el cálculo de la agencia internacional de noticias española EFE) concurrieron el sábado a la Marcha de la Intransigencia Patriótica, para hacer patente el sábado su repudio a la tiranía de Fidel Castro, y su firme posición de "no arreglo de ningún tipo" con ella.

Poco después del mediodía del sábado comenzaron a agruparse individuos y organizaciones desde la Calle 8 y la Avenida 17 hacia el este, comenzando a verse las banderas cubanas y pancartas con lemas alusivos al acto y otros como el de la Junta Patriótica Cubana, "Tony Varona, Alma Mater del Exilio"; "Queremos Constitución del 40", "Más Canosa Vive, Adelante, Adelante, Adelante" y Libertad para Eduardo Arocena y otros presos en EE.UU. por luchar contra el comunismo", entre cientos.

Desde temprano reunidos con el pueblo, pudo verse a los alcaldes de Dade, Alex Penelas, y de Miami, Joe Carollo. Penelas declaró a la prensa que el exilio no está relajado, como algunos suponen. Carollo expresó a DIARIO LAS AMERICAS: "El exilio está demostrando el sentido real de la intransigencia: no transar con el crimen ni la injusticia, y que los males como la tiranía de Castro, hay que arrancarlos de raíz".

Allí pudo verse entre otros, al representante estatal Carlos Valdés, al comisionado Tomás Regalado, al miembro de la Junta Escolar, Demetrio Pérez y a Jeb Bush, candidato a la gobernación de la Florida. "Aquí estoy con los amigos exiliados que quieren libertad y justicia para Cuba", dijo.

La presencia del periodista y diplomático Rafael Bonilla Aybar, fue una de las notas sobresalientes de la Marcha, por su vinculación a la causa de los exiliados y por el hecho de haber sido agredido físicamente por elementos castristas en su propia patria dominicana. Recibió incontables parabienes y solidaridad de sus amigos y admiradores exiliados.

Una gran bandera cubana de varios metros de largo y ancho que ha acompañado a las últimas manifestaciones patrióticas del exilio, desplegó todo su simbolismo, sostenida principalmente por expresas políticas de la tiranía. Asimismo la presencia de una réplica de la Imagen de la Virgen Peregrina de Fátima, llevada en hombros por miembros de la TFP, con una banda de 25 jóvenes venidos directamente desde Pennsylvania, que entonó el Himno Nacional Cubano para cerrar el acto, fue otra nota de emoción en el desfile. La Marcha, convocada por el Foro Coordinador o de los 9, y respaldada por infinidad de organizaciones, se extendió desde la Avenida 17 hasta la Avenida 13, en cuya intersección, donde se encuentra el Monumento a los Mártires de Girón, se concentraron los organizadores y personalidades participantes. Cerca de las 2 y media, comenzó el desfile dirigiéndose por la Calle 8 hacia el este, hasta la Avenida 4, donde fue erigida la tribuna en la que hicieron uso de la palabra los oradores.

Fueron breves las piezas oratorias que le dieron el contenido justificativo y doctrinal a la Marcha, basada en los puntos del documento "Cuba en la Encrucijada", que han suscrito ya decenas de miles de personas.

Uno de esos puntos fue el rechazo a los factores internacionales que promueven una fórmula negociada para perpetrar al régimen o continuarlo mediante una variante. "Estamos aquí

porque nuestra nación atraviesa el momento más crítico de su historia”, dijo Armando Pérez Roura, palabras tras las que un provocador sacó un cartel que decía “Paz, no guerra”, siendo sacado inmediatamente por los de la seguridad de la Marcha y la policía. “Esos son los infiltrados de Castro aquí en el destierro. Esos son los cubanos que se han vendido a la tiranía por unas monedas. Esos son los Judas que traicionan a la patria sacrificada...”, aprovechó para decir Pérez Roura, quien aludió entonces a “una serie de factores internacionales que se mueven como el aura tñosa sobre la carroña, para imponer a nuestra amada Cuba la fórmula negociada, que es ajena totalmente a los intereses de nuestro sufrido pueblo”.

“Estamos solos y abandonados, pero esta marcha demuestra que estamos firmes y con honor... No aceptamos ningún tipo de mediación o intervención de factores internacionales, sean éstos gobiernos u organizaciones supranacionales en el proceso conducente a la solución de la crisis cubana”, dijo el Dr. Enrique Huertas, presidente del Colegio Médico Cubano Libre, quien hizo el reconocimiento elogioso desde la tribuna, de la presencia en el acto del Dr. Horacio Aguirre, director de DIARIO LAS AMERICAS, y del periodista Rafael Bonilla Aybar, que también fue aludida por los doctores Antonio Jorge, de la Concertación Cívica Cubana y Luis Gómez Domínguez, de la Federación Mundial de Ex Presos Políticos Cubanos.

Gómez Domínguez advirtió en sus palabras contra los que también pretenden llevar a Cuba una solución a lo Nicaragua.

Otra advertencia fue hecha a los inversionistas extranjeros en Cuba, de la responsabilidad en que están incurriendo en complicidad con la tiranía, “con todas las consecuencias que esa sucia credencial pueda acarrearles”, como aseveró Huber Matos, de CID.

Un punto esencial del documento “Cuba en la Encrucijada” aludido por los oradores, fue el reconocimiento del derecho del pueblo de Cuba a lucha por su libertad por todos los métodos a su alcance. “No podemos aceptar ni aceptarnos que se nos diga a los cubanos que luchamos por la libertad de nuestra patria, cómo debemos hacer esa lucha y se puede o no hacer en la misma. Ese es un derecho al que nunca renunciaremos y vamos a ejercitar una y mil veces”, afirmó Juan Pérez Franco, presidente de la Brigada 2506. “En la lucha por la libertad, cuando se quiere cambiar la honra por la paz, sólo se cosecha la deshonra y nunca la paz”, dijo por su parte el Dr. Orlando Bosh, presidente del Partido Protagonista del Pueblo.

“Somos intransigentes, pues sentimos muy hondo el dolor de nuestros hermanos que llevan un calvario de 40 años. ¿Cómo no vamos a ser intransigentes cuando nuestro dolor no hace eco en los gobiernos del continente y de Europa, que ven a nuestro pueblo cargado de cadenas y sólo muestran indiferencia, si no complicidad? Expresó el Dr. Alberto Hernández de la Fundación Nacional Cubano Americana, que hizo el resumen del acto. “Somos intransigentes y exigimos al Departamento de Justicia, que al que tienen que poner en el banquillo de los acusados es a Fidel Castro y a su régimen”, agregó, para advertir al mundo entero que, “cuando se trata de negociar “nuestro futuro, cuando se trata de marginarnos, cuando se trata de nuestro pueblo de nuestra patria, somos intransigentes”.

El futuro de una Cuba sin Castro es parte del documento “Cuba en la Encrucijada”, y fue abordado también. Miguel Salas, presidente de los Municipios de Cuba en el Exilio, destacó el papel primordial de los Municipios en la reconstrucción de la patria, mientras el Dr. Antonio Jorge, afirmó que “rechazamos toda fórmula de solución que no conlleve explícitamente el establecimiento de un pleno estado de derecho y, por ende, de todas aquellas instituciones propias y necesarias para la creación de una democracia representativa, pluripartidista, así como una economía social de mercado”.

Close to 100,000 Cuban exiles made their rejection of Castro clear

Diario Las Américas, October 13, 1998, page 1-A
ARIEL REMOS

Responding to a call by the principal militant anti-Castro organizations, almost 100,000 people (according to calculations of EFE international Spanish news agency) took part in the March of the Patriotic Intransigence on Saturday, to make clear on Saturday their repudiation of the tyranny of Fidel Castro, and their firm stance of "no agreement of any kind" with it.

Shortly after noon on Saturday, individuals and organizations began to gather from 8th Street to 17th Avenue towards the east, and one could start to see the Cuban flags and placards with slogans related to the act and others like those of the Junta Patriótica Cubana, "Tony Varona, Alma Mater del Exilio," "We want the 1940 Constitution," "Más Canosa Lives," "Forward, Forward, Forward," and "Freedom for Eduardo Arocena" and others imprisoned in the United States for fighting against communism, and hundreds more.

Early on, together with the people were the mayors of Dade County, Alex Penelas and of Miami, Joe Carollo. Penelas declared to the press that the exile community is not inactive, as some assume. Carollo told DIARIO LAS AMERICAS: "The exile community is showing the true feelings of the intransigency, to not make deals with crime, nor injustice, and that the evil ones like the Castro tyranny have to be rooted out."

One could see among others, the state representative Carlos Valdés, the city commissioner Tomás Regalado, School Board member Demetrio Pérez, and Joe Bush, gubernatorial candidate of Florida. "I am here with the exile friends who want freedom and justice for Cuba," he said.

The presence of journalist and diplomat Rafael Bonilla Aybar was one of the highlights of the March, for his connection to the cause of the exiles and for the fact that he had been physically assaulted by Castroite elements in his own Dominican homeland. He received countless well wishes and solidarity of his friends and exiled admirers.

A large Cuban flag several meters wide and long — which has accompanied the last patriotic demonstration of exiles — was displayed in all its symbolism, and was carried aloft principally by the ex-political prisoners of the tyranny. In the same way, a replica of the image of Our Lady of Fatima — carried on the shoulders of members of the TFP, with a group of 25 youths who came directly from Pennsylvania, who sang the Cuban National Anthem to close the event — was another emotional note in the parade.

The March, called by the Coordination of the 9, and backed by an infinite number of organizations, extended from 17th Avenue to 13th Avenue, the intersection of the Monument to the Martyrs of Girón [*Note: Bay of Pigs*], where the organizers and personalities gathered. At almost 2:30, the parade began, going down 8th Street towards the east until 4th Avenue, to the platform where the speakers spoke.

The speeches were brief and gave the justified and doctrinal content of the March, based on the points of the document, "Cuba at the Crossroads," to which tens of thousands of persons have subscribed.

One of the points is the rejection of international elements that promote a negotiated formula which would perpetrate the regime or continue it by means of a variant.

"We are here because our nation is going through the most critical moment of its history," said Armando Pérez Roura, at which point a provocateur took out a placard that said, "Peace, not war." He was removed immediately by the March security and police. "These are the Castro infiltrators who are exposed here. These are the Cubans who have sold themselves to the tyranny for a few coins. These are the Judases who betray the sacrificed homeland...", said Pérez Roura, who then referred to "a series of international elements that move like scabby aura over carrion, to impose on our beloved Cuba a negotiated formula that is totally alien to the interests of our suffering people."

"We are alone and abandoned, but this march demonstrates that we are firm and with honor ... We do not accept any type of mediated intervention by international elements, be they governments or super-national organizations in a process that leads to a solution of the Cuban crisis," said Dr. Enrique Huertas, president of the Free Cuba Medical College, who made an eloquent recognition from the podium, of the presence at the event of Dr. Horacio Aguirre, director of DIARIO LAS AMERICAS, and of the journalist Rafael Bonilla Aybar, who was also mentioned by doctors Antonio Jorge, de la Concertación Cívica Cubana y Luis Gómez Domínguez, of the World Federation of Cuban Ex-Political Prisoners.

Gómez Domínguez warned in his speech against those who also want a solution for Cuba a la Nicaragua.

Another warning was made to the foreign investors in Cuba, of the responsibility they incur in their complicity with the tyranny "with all the consequences which that dirty credential can bring them," asserted Huber Matos, of CID.

An essential point of the document "Cuba at the Crossroads," referred to by the speakers, was the recognition of the right of the Cuban people to struggle for their struggle by all means within their reach. "We cannot accept nor will we accept that anyone tell us Cubans who struggle for the freedom of our homeland, how we should carry out this struggle, and whether or not we can make this struggle. It is a right which we will never renounce and we will repeat this a thousand and one times," affirmed Juan Pérez Franco, president of Brigade 2506.

"In the struggle for freedom, when one tries to give up honor for peace, one only harvests dishonor and never peace," said Dr. Orlando Bosch, president of the People's Protagonist Party.

"We are intransigent, because we feel very deeply the pain of our brothers who bear the calvary of 40 years. How can we not be intransigent when our suffering is not heard by the governments of the continent and of Europe, who see our people in chains and when they only show indifference, if not complicity? expressed Dr. Alberto Hernández, president of the Cuban American National Foundation, who summed up the event. "We are intransigent and we demand of the Department of Justice, the one they must put in the docket of the accused is Fidel Castro and his regime," he added, to warn the whole world that, "when it comes to negotiating 'our future, when it comes to marginalizing us, when it has to do with our people or homeland, we are intransigent."

The future of a Cuba without Castro is part of the document "Cuba at the Crossroads," and it was addressed as well. Miguel Salas, president of the Cuban Municipalities in Exile, highlighted the critical role of the Municipalities in the reconstruction of the homeland, while

Dr. Antonio Jorge asserted that “we reject any type of solution that does not explicitly include the establishment of the rule of law, and consequently, all those appropriate and institutions that are necessary for the creation of a representative, multi-party democracy, as well as a market economy.”

Photo captions:

- *Leaders of the Cuban Municipalities in Exile (GORT photo).*
- *Andrés Nazario Sargén with members of Alpha 66. (GORT photo).*
- *The Orthodox members said, "Present! With Luis Conte Agüero leading. (GORT photo).*
- *Ex-political prisoners with a large placard. (GORT photo).*
- *The Association of Cuban American Veterans (left) and the Association of Cuban Accountants in Exile, among the many organizations that were in the March of 8th Street. (GORT photo).*

¡Arresten a Castro!

Diario las Américas, miércoles, 21 de octubre, 1998 página 1-A
ARIEL REMOS

"Sus asesinatos y violaciones de derechos humanos, dejan enanas a las más exageradas acusaciones contra el general Pinochet"

Castro osó declarar que "pertenezco a una estirpe que difícilmente puede ser arrestada en ninguna parte, no sólo por la moral que tengo, sino por la historia de mi vida"...

El periódico más importante de EE.UU. y posiblemente del mundo, en el orden financiero, The Wall Street Journal, publicó un editorial en su edición del martes 20 de octubre, titulado "¡Arresten a Fidel!", en el que explica y ejemplifica por qué tras el arresto del general Augusto Pinochet en Londres, con mucha más razón España debe proceder a detener a Fidel Castro.

Pinochet fue arrestado preventivamente en Londres a petición de dos jueces españoles, con objeto de extraditarlo con vistas a investigaciones de represión cometida por su gobierno (1973-1990) contra ciudadanos españoles.

Dice el editorial que si Pinochet fue arrestado bajo estatutos anti-terroristas europeos por violaciones de derechos humanos durante su gobierno, "O.K., pero si esa va a ser la regla, España debe arrestar a Fidel. Sus asesinatos y violaciones de derechos humanos, dejan enanas a las más exageradas acusaciones contra el General Pinochet".

Dice a continuación que "el programa de Castro para subvertir a América Latina, fue la real raíz de la brutalidad que barrió la región en los años 70. Sus intentos de expandir la revolución dio vida a las brutales dictaduras militares que en una época fueron una mancha en la escena latinoamericana".

No deja fuera el hecho de que en el pasado cuarto de siglo los románticos marxistas han tratado de vengarse en particular del General Pinochet, "el hombre que probablemente hizo más que nadie en América Latina contra su revolución". Y precisa que con la elección de Allende por solo un 36% de votos en 1970, se pensó que Chile sería la punta de lanza del comunismo tipo Castro en el continente. "El General Pinochet encabezó el golpe que salvó a su país. Murieron cerca de 3,000 personas. Una de ellas fue el presidente Allende, quienes según algunos se suicidó con un arma que le regaló Fidel Castro".

El editorial considera asimismo que los gobiernos de izquierda que controlan hoy la mayor parte de Europa, a cambio de no poder expandir el estado paternalista, apaciguan al grueso de sus electores con el simbolismo marxista de aplicar un estandar legal al General Pinochet y otro muy distinto a Castro.

"Lo que más mortificado a la izquierda radical es que Chile, bajo el General Pinochet, fue convertida de una cabeza de playa de comunismo, en un ejemplo de exitosa reforma de libre mercado", tras la que en 1989 auspició elecciones pacíficas y dejó el poder. "Chile fue otra vez una democracia", y el final insulto para los que tuvieron la esperanza de que sería la próxima Cuba.

"Lo que tenemos en cambio es una nación libre y próspera La decisión en Chile fue hacer las paces con el pasado y seguir adelante. Alemania adoptó igual decisión, por supuesto con los

expedientes de la Stasi. Oímos que el arresto sienta nuevos precedentes para los derechos humanos. Si empezamos extraditando a gobernantes con sus manos llenas de sangre, que será del Presidente de China, Jiang Zemin, parte de la maquinaria del Partido que aplastó en 1989 las protestas de Tiananmen ordenando al ejército asesinar a pacíficos civiles en Beijing? ¿Está salvo el Presidente de Rusia, Boris Yeltsin? Sí. El condujo a Rusia a la democracia. Pero antes de eso, sirvió como jefe del Partido en los Urales, presidiendo cosas como la manufactura de bombas nucleares en el GULAG local. Chun Doo Hwan y Roh Tae Woo, los generales que llevaron la democracia a Corea, fueron arrestados por las represiones de los primeros tiempos, pero fueron perdonados por Kim Dae Jung, el ex disidente que ellos reprimieron”.

Dice también el editorial de TWSJ que “si el mundo comienza un programa de venganzas al por mayor contra los dictadores que bajan sus defensas, habrá menos dictadores deseosos de pasar el gobierno a los demócratas en sus países. Más aun aquellos brutalmente apegados al poder, como Fidel, que se pavonean con el jactanciosamente”.

Por su parte, el dictador cubano declaró a la agencia EFE que no tiene miedo de que algún día le pudiera pasar a él algo similar, pero que su caso no es comparable con el de Pinochet, pues se ha movido con libertad por el mundo a pesar de los centenares de atentados que se han organizado contra él. “Pertenezco a una estirpe que difícilmente puede ser arrestada en ninguna parte”, dijo, emitiendo que es el dictador que cuenta con un ejército de guarda espaldas que suelen crear dificultades a la seguridad de las naciones que visita, pero se lo toleran.

El arresto del General Pinochet en Londres, hace surgir inmediatamente el contraste con el hecho de que Pinochet encabezó un gobierno autoritario del poder y, efectivamente, hizo respetar la autoridad en respuesta a la subversión patrocinada por el dictador Castro en América Latina, y a los diversos intentos por desestabilizar a Chile, incluyendo un feroz atentado que por poco le cuesta la vida.

En Chile, la noticia ha conmocionado al país, que mayoritariamente ha condenado el hecho. El presidente chileno Eduardo Frei, declaró que Chile es un estado de derecho, y que los delitos que se cometen en Chile, deben ser juzgados en Chile. “Este es un principio de derecho internacional que creemos hay que respetar, y esa es la postura que vamos a sostener”. Precisó, por último, la clara posición de su gobierno, “en cuanto a no aceptar la extraterritorialidad de los tribunales de justicia” españoles.

Arrest Castro!

**Diario las Américas, Wednesday, October 21, 1998, page 1-A
ARIEL REMOS**

"His killing and human rights violations dwarf the most exaggerated accusations against General Pinochet."

Castro dared to declare that "I am part of a lineage that is difficult to arrest anywhere, not only for the morals I have, but for my life's history..."

The most important financial newspaper in the United States and possibly the world, *The Wall Street Journal*, published an editorial in its Tuesday edition (October 20th) titled "Arrest Fidel!" in which it explained and provided examples why, following the arrest of General Augusto Pinochet in London, Spain has even more reason to proceed to arrest Fidel Castro.

Pinochet was preventively arrested in London at the request of two Spanish judges, seeking to extradite him in order to investigate the repression committed by his government (1973-1990) against Spanish citizens.

The editorial says that if Pinochet was arrested under European anti-terrorist statutes for human rights violations during his government, "OK, but if that is to be the standard, Spain should arrest Fidel. His killing and human rights violations dwarf the most exaggerated accusations against General Pinochet."

It goes on to say that "Castro's program for subverting Latin America was the real root of the brutality that swept the region in the 1970s. His attempts to spread revolution gave life to the brutal military dictatorships that once marred the Latin scene."

Nor does it leave out that in the past quarter century, romantic Marxists have tried to exact vengeance on General Pinochet in particular, "the man who probably did more than anyone else in Latin America to roll back their revolution." And it states that with the election of Allende by only 36% of the votes cast in 1970, it was thought that Chile would be the launching pad for Castro-style communism throughout the continent. "General Pinochet headed the coup that saved his country. Some 3,000 people died. One of them was President Allende — who by some accounts killed himself with a gun that had been a gift from Fidel Castro."

The editorial also considers that the leftist governments who today control the greater part of Europe, in exchange for not being able to expand the welfare state, appease the bulk of their voters with the Marxist symbolism of applying one legal standard to General Pinochet and quite another to Castro.

"What has since rankled the radical left is that Chile under General Pinochet was translated from a Communist beachhead to an example of successful free-market reform, after which in 1989 peaceful elections were held and he left power. "Chile was again a democracy," and the final insult for those who'd hoped that it would be the next Cuba.

"What we have instead is a free and prospering nation. The decision in Chile was to make peace with the past, and move on. Germany made an identical decision, of course, about the Stasi records. [...] We hear the arrest sets new precedents for human rights. Interesting. If we start extraditing rulers with blood on their hands, what becomes of

China's President Jiang Zemin — part of the party machinery that crushed the 1989 Tiananmen protests by ordering the army to kill peaceful civilians in Beijing? Is Russia's President Boris Yeltsin safe? Yes, he led Russia to democracy. But before that he served as party boss in the Urals, presiding over things like the manufacture of nuclear bombs and the local gulag. Chun Doo Hwan and Roh Tae Woo, the generals who led Korea to democracy, were arrested for earlier repression, but were pardoned by Kim Dae Jung, the former dissident they'd repressed.

The WSJ editorial also says that "If the world begins a program of wholesale revenge against dictators who drop their defenses, there are going to be a lot fewer dictators willing to turn over government to their nations' democrats. All the more so if those who cling brutally to power, like Fidel, strut about boastfully."

The arrest of General Pinochet in London immediately brings up the contrasting fact that Pinochet headed an authoritarian government in power and effectively made authority respected in response to the subversion sponsored by the dictator Castro in Latin America, as well as the various attempts to destabilize Chile, including one vicious attack that nearly cost him his life.

In Chile, the news has shocked the country, and the majority of Chileans have condemned the arrest. The Chilean president, Eduardo Frei, said that Chile is a lawful state, and that crimes committed in Chile should be judged in Chile. "This is the principle of international law that we believe must be respected and this is the position we are going to uphold." Finally, he stated the clear position of his government "in regard to not accepting the extra-territoriality of the courts" in Spain.

Demandan arresto de Castro

Diario Las Américas, jueves, 22 de octubre de 1998, página 1-A
ARIEL REMOS

Ocho congresistas recuerdan a Clinton que cuando se produjeron los asesinatos de los cuatros pilotos de Hermanos al Rescate "usted se comprometió públicamente con las madres de las víctimas a que no descansaría hasta que los responsables por los asesinatos fueron llevados a la justicia"

Ocho congresistas de EE.UU. acaban de dirigirse por carta al Presidente Clinton pidiéndole que instruya al Fiscal General de la nación que dé los pasos para que se proceda a arrestar y extraditar a EE.UU. al dictador cubano Fidel Castro. Son ellos Lincoln Díaz-Balart e Ileana Ros-Lehtinen, por la florida; Dana Rohrabacher y William Thomas, por California, Gerald Solomon, Michael Forbes y Peter King, por New York, y Roberto Menéndez, por New Jersey.

Los congresistas se ha basado en el hecho de que el ex-General Augusto Pinochet ha sido detenido por el gobierno británico a petición de jueces españoles que investigan en España supuestos asesinatos de ciudadanos españoles durante su gobierno (1973-1990), esperando su extradición a España: y en que el 24 de febrero de 1996 "tres ciudadanos americanos y un residentes legal de EE.UU. fueron asesinados en el Estrecho de la Florida por pilotos de aviones caza (MIGs) cubanos, bajo órdenes directas de Fidel Castro", hechos "extensamente documentados por radares americanos y por la Organización Internacional de Aviación Civil (ICAO)".

Y piden al Presidente Clinton "que instruya a la Fiscal General a que revise los esfuerzos de los tribunales españoles para extraditar a Pinochet y que tome pasos definitivos para traer a la justicia al tirano cubano por el asesinato de Armando Alejandre, Carlos Costa, Mario de la Peña y Pablo Morales". El encausamiento se hace necesario, además, por los asesinatos de decenas de miles de personas cometidos por Castro en Cuba y en otros países, y su participación en el terrorismo y el narcotráfico.

Recuerdan al Presidente que cuando se produjeron los asesinatos de los tres ciudadanos americanos y el residente legal en este país, "usted se comprometió públicamente con las madres de las víctimas a que no descansaría hasta que los responsables por los asesinatos fueron llevados a la justicia".

Citan el caso de Noriega, ex-dictador de Panamá, quien fue llevado a la justicia de EE.UU. y cumple hoy una condena por sus crímenes, para afirmar que "Un encausamiento de Fidel es necesario, dada su responsabilidad por los asesinatos de decenas de miles de personas en Cuba, América Central y otros sitios, su responsabilidad por el entrenamiento, financiamiento y apoyo al terrorismo y participación en el narcotráfico".

El hecho de que el ex gobernante autoritario chileno Augusto Pinochet haya sido arrestado en Londres a petición de jueces españoles el dictador en ejercicio Fidel Castro se pasea orondo por el mundo, de igual a igual con jefes de gobierno elegidos democráticamente, ha hecho a muchos parar mientes en lo que entienden es un doble estándar en favor del tirano cubano.

El importante periódico financiero *The Wall Street Journal*, sacudió a la opinión pública mundial con un editorial el martes titulado "Arresten a Fidel", en el que señala que "se Pinochet fue arrestado bajo estatutos por violaciones de derechos humanos...O.K., pero si

esa va a ser la regla, España debe arrestar a Fidel. Sus asesinatos y violaciones de derechos humanos dejan enanas a las más exageradas acusaciones contra el general Pinochet”.

En declaraciones sobre el caso, la congresista Ros-Lehtinen expresó que la Administración Clinton “ha estado apaciguando a Castro y sus simpatizantes por demasiado tiempo”, y ha llegado la hora de que “piense en la justicia y bienestar del pueblo americano, sobre los intereses de aquellos que apoyan al dictador cubano”.

Por su parte, el congresista Díaz-Balart se refirió a la “condenable e inaceptable doble moral en tantos sitios con Castro y los múltiples crímenes que ha cometido, doble moral en que incurren los gobiernos que le rinden pleitesía y lo invitan a los foros internacionales, como si se tratara de uno más de los gobernantes demócratas”.

Castro's arrest demanded

Diario Las Américas, Thursday, October 22, 1998, page 1-A
ARIEL REMOS

Eight members of congress remind Clinton that when the murder of four Brothers to the Rescue pilots happened, "you made a public commitment with the mothers of the victims that you would not rest until those responsible for the murders were brought to justice."

Eight members of the U.S. Congress sent a letter to President Clinton asking him to instruct the nation's Attorney General to take measures in order to proceed to arrest and extradite the Cuban dictator Fidel Castro to the U.S. They are Lincoln Diaz-Balart and Ileana Ros-Lehtinen, of Florida; Dana Rohrabacher and William Thomas, of California; Gerald Solomon, Michael Forbes, and Peter King, of New York; and Robert Menendez of New Jersey.

The members of Congress have based this on the fact that the former General Augusto Pinochet has been arrested by the British government at the request of Spanish judges in Spain investigating the alleged murders of Spanish citizens during his rule (1973-1990), and is awaiting extradition to Spain: and that on the 24th February, 1996 "three citizens and a legal resident of the US were killed in the Straits of Florida by Cuban fighter pilots (MIGs), under the direct orders from Fidel Castro," facts "extensively documented by American radar and by the International Civil Aviation Organization (ICAO)".

They are asking President Clinton "to instruct the Attorney General to review the efforts of the Spanish courts to extradite Pinochet and to take definite steps to bring the Cuban tyrant to justice for the murder of Armando Alejandro, Carlos Costa, Mario de la Peña and Pablo Morales." The indictment is also necessary for the murders of tens of thousands of people committed by Castro in Cuba and other countries, and for his participation in terrorism and drug trafficking.

They remind the President that when the murder of three citizens and one legal resident of the U.S. occurred, "you made a public commitment with the mothers of the victims that you would not rest until those responsible for the murders were brought to justice."

They cite the case of Noriega, former dictator of Panama, who was taken to U.S. justice and is today serving his sentence for his crimes, affirming that "An indictment of Fidel is necessary, given his responsibility for the killing of tens of thousands of people in Cuba, Central America and elsewhere, and for his responsibility for training, funding and supporting terrorism and participating in drug trafficking."

The fact that former authoritarian ruler Augusto Pinochet has been arrested in London at the request of Spanish judges, yet the dictator in practice Fidel Castro comfortably travels around the world, as equals with democratically-elected heads of government, has caused many to stop and look at what they understand to be a double standard in favor of the Cuban tyrant.

The important financial newspaper *The Wall Street Journal*, shocked the public opinion of the world with an editorial on Tuesday titled "Arrest Fidel," which indicates that if "Pinochet was arrested under statutes for violations of human rights ... OK, but if this is the rule, Spain must arrest Fidel. His murders and human rights violations dwarf in comparison to the exaggerated charges against General Pinochet".

Commenting on the case, Congresswoman Ros-Lehtinen said the Clinton Administration "has been appeasing Castro and his supporters for far too long", and that it is time to "think about the justice and welfare of the American people, over the interests of those who support the Cuban dictator."

For his part, Congressman Diaz-Balart referred to the "reprehensible and unacceptable double standard in so many places with Castro, the multiple crimes he committed, and the double standard incurred by governments that pay homage to and invite him to international forums, treating him as if he were another democratic leader."

Insiste Basulto en que la Administración pudo evitar el derribo de las avionetas

**Diario las Américas, sábado 24 de octubre de 1998, página 1-A
ARIEL REMOS**

José Basulto, presidente de Hermanos al Rescate, insistió una vez más en que la Administración Clinton tuvo conocimiento de los preparativos y prácticas realizadas por la fuerza aérea cubana, previos a que sus Migs derribaran las dos avionetas de esa organización el 24 de febrero de 1996, en el que fueron asesinados Armando Alejandro, Carlos Costa, Mario de la Peña y Pablo Morales. La Administración, por tanto, no evitó el derribo.

Basulto basó su afirmación en el juicio que se le sigue esta semana en Bradenton, Florida, a Adel Regalado Ulloa y otros dos encartados, sobre las mismas acusaciones de piratería aérea por las que ya fueron absueltos por un tribunal de Tampa hace 7 meses.

“Durante la vista ante un juez federal que comenzó el pasado lunes, y en el cual nuestra organización compareció en el día de ayer (miércoles) con el testimonio de José Basulto, se hace cada día más evidente que la Administración del presidente Clinton ha instruido al Departamento de Inmigración de pasar por alto un juicio anterior en el cual los acusados, Adel Regalado Ulloa y otros dos jóvenes cubanos, fueron absueltos de piratería entre un Jurado de Tampa”, dice el comunicado de prensa preparado por Hermanos al Rescate con el título “Encubrimiento y Obstrucción de Justicia”.

¿Por qué razón?

Basulto considera que la Administración quiere enviar de regreso a Cuba a los tres encartados, porque Ulloa tuvo conocimiento de esos preparativos y prácticas de la fuerza aérea cubana para el premeditado derribo e los dos aviones de Hermanos al Rescate. Su testimonio, dijo Basulto, es clave para determinar que la Administración supo “del peligro inminente que corría la misión de HAR el día 24 de febrero”, pero premeditadamente optó por no evitar el derribo.

“Esta información eleva el grado criminal del hecho, a asesinato con premeditación por parte del gobierno cubano y corrobora lo reportado anteriormente por la revista Times con fecha 28 de octubre de 1996, en el cual aparece la siguiente cita: “En enero, agencias de inteligencias de E.U. avistaron Migs cubanos haciendo pruebas de disparos de misiles al aire y practicando maniobras para atacar aviones de poca velocidad similares a los aviones de Hermanos”, dice la nota de prensa.

“Por otro lado, la respuesta dada al ataque por la Administración Clinton, hasta el presente, resulta totalmente inadecuada, así como también refuerza nuestro alegato de que dicha Administración conocía del peligro inminente que corría la misión de HAR el día 24 de febrero y también optó, con premeditación, por no evitar el derribo”, agrega la nota.

Y termina instando a las organizaciones del destierro cubano y a toda persona sensibilizada por el monstruoso crimen, “a denunciar junto a nosotros este nuevo acto de encubrimiento y obstrucción de justicia por parte de la Administración del presidente Clinton. Les instamos a que nos apoyen para encontrar la verdad de lo ocurrido el 24 de febrero de 1996, crimen que aún permanece impune y no resuelto.

Basulto insists that the Administration could have avoided the planes being shot down

**Diario las Américas, Saturday, October 24, 1998, page 1-B
ARIEL REMOS**

Jose Basulto, president of Brothers to the Rescue, once again insisted that the Clinton Administration knew of the Cuban air force preparations and practices prior to the shooting down of two planes belonging to that organization by a Cuban MiG on February 24, 1996, in which Armando Alejandro, Carlos Costa, Mario de la Peña and Pablo Morales were killed. The Administration, therefore, did not prevent the shoot down.

Basulto based his claim on the trial that continues this week in Bradenton, Florida, of Adel Regalado Ulloa and two other defendants, all on the same charges of air piracy for which they had already been acquitted by a Tampa court seven months ago.

"During the hearing that commenced last Monday before a federal judge, in which our organization appeared yesterday (Wednesday) with Jose Basulto's testimony, it becomes increasingly evident that President Clinton's Administration has instructed the Department of Immigration to ignore a previous trial in which the defendants, Adel Regalado Ulloa and two other young Cubans were acquitted of piracy by a jury in Tampa" says the media release prepared by Brothers to the Rescue with the title "Concealment and obstruction of justice."

Why?

Basulto believes that the Administration wants to send the three defendants back to Cuba, because Ulloa was aware of the Cuban air force practices and preparations for the premeditated shooting down of the two planes belonging to Brothers to the Rescue. His testimony, said Basulto, is key in determining that the Administration knew of the "imminent danger for the BTTR mission of February 24th," but deliberately chose not to prevent them being shoot-down.

"This information raises the degree of criminality of the event, the premeditated murder committed by the Cuban government and confirms what Time magazine previously reported on October 28, 1996, where the following quotation appears: "In January, U.S intelligence agencies sighted Cuban MiGs testing the firing of missiles in the air and practicing maneuvers to attack aircraft with low speeds, similar to those flown by the Brothers," says the media release.

"On the other hand, the Clinton Administrations response to the attack, until now, is totally inadequate, reinforcing our contention that the Administration knew of the imminent danger the BTTR mission ran on February 24th, and also decided, with premeditation, to not prevent the shoot-down," the press release added.

It ends by urging the exiled Cuban organizations and persons sensitized by the monstrous crime to "denounce with us this new act of concealment and obstruction of justice by President Clinton's administration. We urge you to support us in uncovering the truth of what occurred on February 24th, 1996, for an unresolved crime that remains unpunished."

Volará Hermanos al Rescate a “Punto Mártires” durante la Cumbre

Diario Las Américas, viernes, 12 de noviembre de 1999, página 2-B
ARIEL REMOS

La organización Hermanos al Rescate, que tanta significación ha tenido en el drama o la tragedia de los exiliados cubanos que han buscado la libertad en cualquier instrumento que flote en el mar, anunció que durante los días 12 al 15 de noviembre efectuarán un número de vuelos al Punto Mártires o lugar en el espacio aéreo internacional, donde fueron asesinados el 24 de febrero de 1996 por el régimen castrista, los miembros de esa organización Armando Alejandre, Carlos Costa, Mario de la Peña y Pablo Morales.

Aún cuando la revelación de los detalles de esos vuelos han sido reservados para anunciarlos próximamente, Hermanos al Rescate ha dejado fijado en seis puntos el “simbolismo y propósito” de esos.

1. Enviar un mensaje de solidaridad y apoyo a las organizaciones no gubernamentales independientes y miembros de la oposición en Cuba que unirán sus esfuerzos durante la Cumbre, para darles al mundo, a los dignatarios extranjeros y a la prensa internacional, la clara evidencia de la vibrante y no reconocida alternativa democrática interna al actual régimen totalitario.
2. Recordarles a los dignatarios extranjeros, que representan gobiernos que han sido elegidos democráticamente, de la contradicción inherente en esta Cumbre, donde un dictador que ha violado durante 40 años el derecho del pueblo cubano a elecciones libres y abiertas, es el anfitrión.
3. Demandar de los dignatarios extranjeros y participantes en la Cumbre:
 - Que la voz de la oposición sea oída durante y después de la Cumbre. Que los dignatarios extranjeros se conviertan en una voz para aquellos que están amordazados.
 - Que tomen una fuerte posición colectiva en defensa de los derechos humanos del pueblo de Cuba, incluyendo a aquellos perseguidos y encarcelados por sus creencias y actividades disidentes empeñados en promover un cambio hacia la democracia en Cuba, mediante métodos no violentos. Exigir la libertad de los autores de La Patria es de Todos y todos los demás prisioneros políticos.
 - Pedirle a Castro que rinda cuenta por todos los acuerdos tomados durante las pasadas ocho cumbres iberoamericanas, desde la I de 1991 hasta la VIII en octubre de 1998, las cuales él ha firmado.
4. Asegurar que:
 - No se olvide el enorme precio en vidas, pagado por el pueblo cubano durante los últimos 40 años, como asesinatos por pelotones de fusilamiento, aventuras militares en Angola y otras tierras extranjeras, refugiados que se han ahogado en el Estrecho de la Florida, y mártires en la lucha por llevar la democracia a Cuba.
 - La ruina de Cuba sea debidamente atribuida al poder absoluto y a la intransigencia de un solo hombre, Fidel Castro. Castro no es la víctima de EE.UU., es el enemigo del pueblo de Cuba.
 - Que aquellos que asistan a la Cumbre para promover y proteger sus inversiones en Cuba, que se benefician de propiedades robadas, y del actual mercado de trabajo esclavo, tengan que rendir cuentas en una Cuba libre.
 - Que los dignatarios se marchen de la Cumbre con la convicción y satisfacción de que han contribuido y seguirán contribuyendo a la lucha irreversible del pueblo cubano para trascender al régimen actual y, llevar la democracia a Cuba,

- mediante métodos no violentos.
5. Afirmar el derecho de todo cubano, a entrar y salir libremente de su país de nacimiento, incluido en el artículo 13 de la Declaración Universal de Derechos Humanos de las Naciones Unidas, de la cual Cuba es signataria.
 6. Buscar la verdad y justicia en el asesinato de nuestros hermanos caídos, Armando, Carlos, Mario y Pablo. Este asesinato fue investigado por las Naciones Unidas y la OEA, y la identidad de la mayoría de los perpetradores es conocida. Sin embargo, el crimen aún permanece sin resolverse e impune.

Los vuelos podrán seguirse en el Internet, donde se reportará la posición instantáneamente mediante el Sistema Global de Localización (GPS). La FAA, está invitada por HAR a conducir cualquier inspección requerida a tiempo, "para que no interfiera con nuestras operaciones, como ha sucedido en el pasado", consigno HAR. Presenciarán los vuelos miembros de la Unión Americana de Libertades Públicas (ACLU). Y toda la información ha sido enviada a las autoridades correspondientes, incluyendo al Departamento de Estado y al Servicio de Guardacostas de EE.UU.

Brothers to the Rescue to fly to “Martyr’s Point” during the summit

Diario Las Americas, Friday, November 12, 1999, page 2-B
ARIEL REMOS

The organization Brothers to the Rescue, which has been so significant in the drama or the tragedy of the Cuban exiles that have sought liberty in anything that floats in the ocean, announced that from November 12 through 15 they will make a number of flights to “Martyr’s Point,” the point in international airspace where the members of this organization, Armando Alejandro, Carlos Costa, Mario de la Peña, and Pablo Morales, were murdered by the Castro regime on February 24th 1996.

Even though the details of these flights will be not be announced until the future, Brothers to the Rescue has declared in six points the “symbolism and purpose” of the flights.

1. Send a message of solidarity and assistance to the independent non-governmental organizations and members of the opposition in Cuba that will unite their efforts during the summit. This will give all the world, including foreign dignitaries and the international press, the clear evidence of the vibrant and unrecognized democratic alternative to the current totalitarian regime.
2. Remind the foreign dignitaries, who represent governments that have been democratically elected, of the inherent contradiction in this Summit, where a dictator who has violated for 40 years the right of the people of Cuba to free and open elections, is the host.
3. Demand of the foreign dignitaries and participants in the Summit:
 - That the voice of the opposition will be heard before and after the Summit. That the foreign dignitaries should become a voice for those that are gagged.
 - That they take a strong collective position in defense of the human rights of the people of Cuba, including those persecuted and imprisoned for their dissident beliefs and activities in promoting a change toward democracy in Cuba through non-violent means. Demand the liberty of the authors of The Homeland Belongs to Us All and all the other political prisoners.
 - Ask Castro that he fulfill all of the agreements made during the last eight Ibero-American summits, from the first in 1991 to the eight in October of 1998, which he has signed.
4. Assure that:
 - The enormous price in lives paid by the Cuban people in the last 40 years is not forgotten, including those murdered in firing squads, military actions in Angola and other foreign lands, refugees that have drowned in the Florida Strait, and martyrs in the fight to bring democracy to Cuba.
 - The ruin of Cuba is attributed to the absolute power and the intransigence of one single man, Fidel Castro. Castro is not the victim of the United States, he is the enemy of the people of Cuba.
 - That those that attend the Summit to promote and protect their investments in Cuba, that benefit from stolen property and the current market of slave labor, must settle accounts in a free Cuba.
 - That the dignitaries leave the Summit with the conviction and satisfaction that they have contributed and will continue to contribute to the irreversible struggle of the Cuban people to transcend the current regime and bring democracy to Cuba through non-violent means.

5. Affirm the right of all Cubans to freely enter and leave their country of birth, including Article 13 of the United Nations Universal Declaration of Human Rights, to which Cuba is a signatory.
6. Seek truth and justice in the murder of our fallen brothers, Armando, Carlos, Mario, and Pablo. This murder was investigated by the United Nations and the Organization of American States, and the identity of the majority of the perpetrators is known. However, the crime still remains without resolution or punishment.

The flights can be followed on the Internet, where their position will be reported live through Global Positioning System (GPS). Brothers to the Rescue invites the Federal Aviation Administration to conduct whatever inspection is required in advance so that they will not interfere with our operations, as has happened in the past," stated Brothers to the Rescue. Members of the American Civil Liberties Union will witness the flights. And all of the information has been sent to the proper authorities, including the Department of State and the Coast Guard service of the United States.

Castro podría ser arrestado y enjuiciado en Estados Unidos

Diario Las Américas, domingo, 28 de noviembre de 1999, página 14-B
ARIEL REMOS

El abogado de Tampa Ralph Fernández con vasta experiencia como criminalista y fiscal, está convencido de que existen elementos de hecho y de derecho para encausar al dictador Fidel Castro en EE.UU. y encontrarlo culpable del asesinato de los 4 miembros de Hermanos al Rescate que perecieron al ser derribadas dos avionetas, por MiGs del régimen castrista el 24 de febrero de 1996.

Fernández es el representante legal de José Basulto, presidente de Hermanos al Rescate, y de dicha organización, en el caso Estados Unidos vs. Gerardo Hernández, en el que ha estado actuando de fiscal Caroline Heck-Miller y donde la cadena de mando y causal en la muerte de los cuatro miembros de Hermanos al Rescate – tres de ellos ciudadanos de EE.UU. y uno residente – supuestamente arranca con Fidel Castro.

Castro, por tanto, está en el citado caso acusado de asesinato y bajo investigación de asesinato; y pisar territorio norteamericano, puede ser arrestado y traído ante la justicia de este país. Tal es el criterio del abogado Fernández, y así lo acaba de expresar a DIARIO LAS AMERICAS.

Castro planea concurrir el primero de diciembre, en Seattle, estado de Washington, a la reunión de la Organización Mundial del Trabajo (siglas WTO en inglés), y ya los congresistas republicanos por Miami, Ileana Ros-Lehtinen y Lincoln Díaz-Balart, han iniciado una serie de gestiones con otros colegas, para impedir que se le otorgue la visa al tirano, o, en su caso, que sea arrestado para presentarlo a la justicia estadounidense.

A ese respecto, afirma Fernández que el Fiscal Federal del Sur de la Florida Thomas Scott, tiene la facultad — y está obligado por la naturaleza de su función a ejercerla — de disponer el encausamiento del dictador, disponiendo su arresto, tal como habría que hacer con cualquier persona que se encontrara en su caso.

Fernández manifestó que se la ha pedido que haga públicos ciertos hechos relacionados con el procesamiento criminal pendiente contra Fidel Castro en el Distrito Sur de la Florida, "En este mismo momento existen conspiradores acusados y no procesados en el derribo de las avionetas de Hermanos al Rescate, incluyendo a Fidel Castro", expresó Fernández. En declaraciones públicas a raíz del inconcebible incidente, el tirano admitió saber que el hecho se podía producir y lo justificó. "Pero hay renuencia en la fiscalía a ir directamente contra Castro, que fue quien ordenó la masacre y aceptó después su responsabilidad en ese acto terrorista", dijo Fernández.

Fernández no cree que exista jurisdicción y competencia, sino en la Fiscalía Federal del Distrito del Sur de la Florida, que es donde está radicado el caso en que aparece acusado e investigado Fidel Castro, contra quien apuntan directamente la información y la evidencia", dijo Fernández.

De acuerdo con los razonamientos que anteceden, en la tarde del viernes varias organizaciones del exilio cubano anunciaron que formularán el lunes una solicitud ante el fiscal federal del Distrito Sur de la Florida, Thomas Scot, instándolo a que Fidel Castro sea

encausado bajo el cargo de asesinato.

“Si a Fidel Castro se le permite visitar a EE.UU. y no es enjuiciado, cuando existe y está vigente un cargo de homicidio terrorista contra él, o está en curso una investigación, todo nuestro sistema de justicia quedará en entredicho. No acusar a Castro en este momento, disminuye la entidad del cargo formulado y estimula la falta de respeto a la ley. Más aún, envía un mensaje de que Castro está por encima de nuestras leyes, o sea, afectaría a 270 millones de habitantes de este país que verían reflejado en este caso el suyo propio cuando se dispongan a que se les haga justicia”, dice Fernández.

Y precisando más su concepto de la responsabilidad de la justicia en no dejarse interferir por presiones políticas, Fernández reiteró lo dicho al final de una nota de prensa que dio a conocer el miércoles: “Cuando un Fiscal de la nación levanta su mano y jura con su cargo obedecer y hacer cumplir la ley, tiene que prever que habrá un momento en que, sin importar las consecuencias debe hacer lo justo y aquello que se le ha confiado hacer. No depende de otros tres mil fiscales, en la nación ocuparse de este caso, sino de uno solo. Si Thomas Scott escoge no encausar a Fidel Castro, estará haciendo dejación de su obligación y tendrá que vivir para siempre con su decisión”.

No se pudo hacer contacto este fin de semana con los fiscales Scott y Heck-Miller para obtener sus puntos de vista.

Castro Could be Arrested and Prosecuted in the United States

Diario Las Américas, Sunday, November 28, 1999, page 14-B

ARIEL REMOS

Tampa attorney Ralph Fernández, with extensive experience as a criminalist and prosecutor, is convinced that there exist elements of fact and law to prosecute dictator Fidel Castro in the U.S., and to find him guilty of murder of the 4 members of Brothers to the Rescue who died in the downing of two small aircraft by MIGs of the Castro regime on the 24th of February 1996.

Fernández is the legal representative of José Basulto, president of Brothers to the Rescue, and of said organization, in the case of U.S. v. Gerardo Hernández, in which Caroline Heck-Miler [sic] has been serving as the prosecutor and where the chain of command and cause for the death of the four members of Brothers to the Rescue – three of them citizens of the US and one resident – supposedly begins with Fidel Castro.

Castro, therefore, is in the referenced case accused of murder and under investigation for murder; and if he sets foot on United States territory he can be arrested and brought before the justice of this country. That is the opinion of attorney Fernández, and that is how he just told it to DIARIO LAS AMERICAS.

Castro plans to attend on December 1st in Seattle, Washington, at the meeting of the World Trade Organization (initials WTO in English), and already the Republican Congressmembers for Miami, Ileana Ros-Lehtinen and Lincoln Díaz-Balart, have initiated a series of steps with other colleagues, to impede the granting of a visa to the tyrant, or, in that case, that he be arrested to face United States justice.

In this respect, affirms Fernández that the Federal Prosecutor of South Florida Thomas Scott, has the capacity – and is obligated by the nature of his duties to exercise it – to order the prosecution of the dictator, order his arrest, just as he would have to do with any person that he finds in these circumstances.

Fernández revealed that he has asked that there be made public certain facts related to the criminal process pending against Fidel Castro in the Southern District of Florida, "At this very moment there are conspirators accused but not being prosecuted for the downing of the small aircraft of Brothers to the Rescue, including Fidel Castro," expressed Fernández. In public declarations at the root of this inconceivable incident, the tyrant admitted knowing what could result from the act and justified it. "But there is resistance in the prosecutors to go directly against Castro, who was the one that ordered the massacre and afterwards accepted his responsibility for this terrorist act," said Fernandez.

Fernández believes that the U.S. Attorney of the District of South Florida, has authority and authority, which is where the case is based in which Fidel Castro is accused and investigated, "against whom the information and the evidence points directly," said Fernández.

Pursuing these arguments, on Friday afternoon several Cuban exile organizations announced that on Monday they will put forward a petition to the U.S. Attorney for the District of South Florida, Thomas Scott, urging him that Fidel Castro should be prosecuted

for a charge of murder.

“If Fidel Castro is permitted to visit the U.S. and is not prosecuted, when there exists and is valid a charge of terrorist homicide against him, or it is under investigation, our whole system of justice will be in doubt. To not charge Castro at this moment diminishes the entity of the formulated charge, and encourages lack of respect for the law. Moreover, it sends a message that Castro is above our laws, in other words, it would affect 270 million inhabitants of this country who would see their own case reflected in this one when they prepare for justice to be done,” said Fernández.

And further clarifying his concept of the responsibility of justice to not let itself be interfered with by political pressure, Fernández reiterated that which was said at the end of a press release which was conducted on Wednesday: “When a prosecutor of the country raises his hand and swears to obey and enforce the law, he has to foresee that there will be a moment in which, no matter what the consequences, he should do what is just and that which he has been entrusted to do. It is not up to the other three thousand prosecutors in this country to worry about this case, just one. If Thomas Scott chooses to not prosecute Fidel Castro, he will be abandoning his duty and will have to live forever with his decision.”

It was not possible to contact prosecutors Scott and Heck-Miller this weekend to get their points of view.

Llevarán a Bush el caso de Hermanos al Rescate

Diario Las Américas, jueves, 11 enero 2001, página B-1

ARIEL REMOS

Judicial Watch, organización para la defensa del interés público, ha asumido la representación de Hermanos al Rescate, para lograr una entrevista de su presidente José Basulto con el presidente electo George W. Bush y el designado Ministro de la Vivienda y Desarrollo Urbano, Mel Martínez, con el objeto de discutir el derribo de los dos aviones de esa organización por pilotos de la fuerza Aérea de Cuba comunista.

El hecho, que tuvo resonancia internacional, ocurrió el 24 de febrero de 1996 cuando los dos aviones realizaban una de sus misiones humanitarias en el espacio internacional, pereciendo sus cuatro tripulantes, tres de ellos ciudadanos americanos.

En distintas instancias, Hermanos al Rescate ha presentado evidencia del premeditado derribo de sus aviones, y ha alegado que el gobierno de EE.UU. tuvo conocimiento previo de que el hecho iba a ocurrir. Asimismo, una investigación de la Organización Aeronáutica Civil Internacional (siglas ICAO en inglés) condenó al gobierno de Cuba por el derribo, mientras el dictador Fidel Castro afirmó al magazine, "Time" y al programa televisivo "60 Minutos", de CBS, que asumía la responsabilidad por el hecho.

No obstante, de acuerdo con Judicial Watch, el Departamento de Justicia no ha querido tomar la correspondiente acción criminal contra aquellas personas directamente responsables del derribo y de la muerte de los cuatro tripulantes de los dos aviones.

Según José Basulto, Hermanos al Rescate posee suficiente evidencia compilada en los últimos cinco años, "que claramente identifica a los responsables del derribo, a quienes tuvieron conocimiento previo de que el ataque iba a producirse, así como a los envueltos en el encubrimiento de esa atrocidad".

Basulto trabó contacto con Judicial Watch hace aproximadamente dos meses, convencido de que esa organización jurídica podía hacer mucho, tras su brillante actuación en el caso del niño Leían y en el último proceso electoral.

"La evidencia con que contamos nos hace confiar en que Castro puede ser encausado criminalmente, y ese es nuestro objetivo final", afirmó.

Desafortunadamente la actual Administración ha obstaculizado que en este caso se haga justicia, pero confiamos que con el cambio de Administración y la experticidad de Judicial Watch, la verdad pueda resplandecer", terminó diciendo.

Brothers to the Rescue case will be brought to Bush

Diario Las Américas, Thursday, 11 January 2001, page B-1
By Ariel Remos

Judicial Watch, an organization in defense of the public interest, has agreed to represent Brothers to the Rescue, to arrange an interview of its president José Basulto with President-elect George W. Bush, and the Secretary-designate of Housing and Urban Development, Mel Martínez, with the objective of discussing the shoot-down of two planes of that organization by pilots of the communist Cuban air force.

The deed, which had international repercussions, occurred February 24, 1996, when the two planes were carrying out one of their humanitarian missions in international waters, and four crew members died, three of them U.S. citizens.

On different occasions, Brothers to the Rescue has presented evidence of the premeditated shoot-down of their planes, and alleges that the U.S. government had knowledge beforehand that the deed would occur. In addition, an investigation of the International Civil Aeronautics Organization (ICAO) condemned the Cuban government for the shoot-down, while the dictator Fidel Castro asserted to the magazine "Time" and the television program "60 Minutes," on CBS, that he assumed responsibility for the deed.

However, according to Judicial Watch, the Department of Justice has not wanted to take the required criminal action against those persons directly responsible for the shoot-down and the death of the four crewmembers of the two planes.

According to José Basulto, Brothers to the Rescue has sufficient evidence compiled in the last five years, "that clearly identify those responsible for the shoot-down, who had knowledge beforehand that the attack would take place, as well as those involved in the cover-up of that atrocity."

Basulto began contact with Judicial Watch approximately two months ago, convinced that that legal organization could do a lot, after its brilliant conduct in the case of the child Elián and in the last election.

"We are confident that with the evidence we have, Castro can be criminally tried, and that is our final objective," he said.

"Unfortunately the current Administration has blocked justice from being carried out in this case, but we are confident that with the change of Administration and the expertise of Judicial Watch, truth will shine," he ended saying.

Castro representa un reto continuo a la seguridad de EE.UU.

Diario las Américas, martes, 16 de enero 2001, página 1-A
ARIEL REMOS

Cuba representa un reto continuo a la seguridad de EE.UU., afirmó el profesor Dr. Jaime Suchlicki, en entrevista con DIARIO LAS AMERICAS.

El director del Instituto de Estudios Cubanos y Cubano-Americanos de la Universidad de Miami se ha sorprendido de la poca atención que se le ha dado a lo que considera el hecho más importante de los que han salido a relucir en el juicio que se les sigue a los espías cubanos de la "Red Avispa", y es la orden de la inteligencia cubana a uno de sus agentes de encontrar un lugar en el sur de la Florida por donde desembarcar explosivos y armas. "¿Quién quila que pudieran ser armas químicas o bacteriológicas?"...

Nada de eso está reñido con la obsesión de Castro contra EE.UU. y la audacia del dictador cubano, en la que está enmarcado otro motivo de preocupación que es el aumento de la presencia china en Cuba desde el punto de vista del espionaje electrónico con las dos plantas constituidas al lado de la de Lourdes, capaces no solo de escuchar las comunicaciones en parte del territorio de EE.UU., sino de interferir las comunicaciones militares en un momento de crisis, que puede resultar catastrófico al desvirtuar las ordenes impartidas por las ondas interferidas. "De ahí el valor de una base de ese tipo cerca de EE.UU."

Sostiene Suchlicki que lo último que quiere Castro es cambiar la estructura de su gobierno o dejar el poder. Su divisa es "continuar la lucha", tal como lo sugirió a sus camaradas en el V Congreso del Partido Comunista en La Habana en 1997, o sea, organizarse para volver al poder cuando fracasara el capitalismo. Por eso el entrevistado le dio poca importancia a la propuesta que hiciera Raúl Castro al gobierno de EE.UU., de que es mejor normalizar las relaciones con Cuba ahora con Fidel Castro, y no después de él, propuesta en la que insistió a los pocos días el canciller Pérez Roque.

"Si hubiera interés cierto por parte de Cuba en normalizar relaciones, hubiera utilizado los canales diplomaticos para este tipo de cosas, no un anuncio público", comentó Suchlicki, que cree que lo que se pretende con ese anuncio es, por lo que les conviene en cuanto al levantamiento del embargo y el acceso a créditos internacionales, dar a la opinion pública internacional la idea de un Castro nada intransigente, sino que son los americanos los que no lo quieren. El viaje que acaba de emprender Pérez Roque en busca de apoyo para el levantamiento del embargo, lo confirma.

Cada vez que toma posesión en EE.UU. una nueva Administración—siguió comentando Suchlicki—el régimen de Castro le extiende una supuesta rama de olivo, pero sin ofrecer concesiones reales. "Por eso considero que no es nada serio lo que ha declarado Raúl Castro".

En definitivo para Castro es una preocupación que la Revolución se desmorone y que Cuba se vuelva a EE.UU. "Y lo que está haciendo es prevenir que eventualmente suceda". A esos efectos está haciendo lo siguiente. Primero, realizando una campaña ideológica en las escuelas, los CDR, etc.; Segundo, ha puesto en marcha una campaña de represión para intimidar e impedir que la disidencia se manifieste con completa libertad; tercero, prevenir la influencia extranjera que pueda estar tomando lugar, y cuarto, pasándole más poder a

Raúl Castro. "Lo que hay en Cuba es una sucesión de Fidel a los militares y a Raúl, que se observa en la fuerza que ha estado cobrando el control de éstos de la economía, el turismo, las comunicaciones, el azúcar y otras industrias", afirma Suchlicki, para agregar "con la penetración de los militares en el proceso económico, crea en ellos lógicamente un especial interés en la continuidad del sistema, con la particularidad de que se trata de la más fuerte de las tres instituciones en que descansa el gobierno: las Fuerzas Armadas, la Seguridad del Estado y el Partido Comunista".

Sobre el papel que está jugando el dictador cubano en el reagrupamiento de las izquierdas y los movimientos subversivos en el continente, dice el profesor Suchlicki que "la violencia es siempre lo de Castro, para quien la lucha armada en la ciudad y en el campo es la mejor forma que tienen sus aliados de llegar al poder, más aun cuando ha visto que las posibilidades de triunfo de Lula en Brasil y Cárdenas en México, no existen. De ahí su estrategia de ayudar a grupos guerrilleros como las FARC y el ELN en Colombia.

Castro represents a continuous challenge to the security of the US.

Diario las Américas, Tuesday, 16 January 2001, page 1-A
ARIEL REMOS

Cuba represents a continuous challenge to the security of the US, affirmed professor Dr. Jaime Suchlicki, in an interview with DIARIO LAS AMERICAS.

The director of the Institute of Cuban and Cuban-American Studies of the University of Miami said he had been surprised at the little attention that had been given to that which he considers the most important fact, among those which came up in the trial of the Cuban spies of the "Wasp Network." That is the order of the Cuban intelligence service to one of its agents to find a place in south Florida to unload explosives and weapons. "Who *quila* [?] that they could be chemical or bacteriological weapons?"...

None of this is in conflict with the obsession of Castro with the U.S. and the audacity of the Cuban dictator, which is framed with another reason for concern, which is the increase in the Chinese presence in Cuba from the point of view of electronic espionage with the two stories [stories as in floors of a building] set up next to that of Lourdes, capable not only of listening to communications in part of the territory of the U.S., but also to interfere in [or jam] the military communications in a moment of crisis, which could have catastrophic results by distorting the orders given for the waves [wavelengths that were interfered with. "That's the value of a base of that type near the U.S."

Suchlicki maintains that the last thing that Castro wants is to change the structure of his government or give up power. His currency [or emblem] is "to continue the struggle," just as he suggested to his comrades in the Fifth Congress of the Communist Party in Havana in 1997, in other words, to organize themselves to return to power when capitalism fails. For this reason the interviewee gave little importance to the proposal that Raúl Castro made to the US government, that it is better to normalize relations with Cuba now with Fidel Castro, and not after him, a proposal that chancellor Pérez Roque stressed a few days ago.

"If there was real interest on Cuba's part in normalizing relations, they would have utilized diplomatic channels for this type of thing, not a public announcement," commented Suchlicki, who believes that what is intended with this announcement is, which is worthwhile for them as soon as the embargo is lifted and there is access to international credit, to give to international public opinion the idea of a Castro who is not intransigent, but that it is the Americans that don't want it. The trip that Pérez Roque just embarked on in search of support for the lifting of the embargo confirms this.

Every time a new Administration takes over in the U.S. — continued commenting Suchlicki — the Castro regime extends a supposed olive branch, but without offering real concessions. "That is why I do not consider that which Raúl Castro declared to be anything serious."

Definitively for Castro is a worry that the Revolution will crumble and that Cuba will be returned to the U.S. "And what he is doing is prevent that from eventually happening." To those effects, he is doing the following. First, carrying out an ideological campaign in the schools, the CDRs [Committees for the Defense of the Revolution], etc; Second, he has put into action a campaign of repression to intimidate and impede the dissidence from revealing itself with complete liberty; third, prevent the foreign influence that could be taking place,

and fourth, passing more power to Raúl Castro. "What there is in Cuba is a succession from Fidel to the military people and to Raúl, that can be seen in the force that has been spent for their control of the economy, tourism, communications, sugar, and other industries," affirmed Suchlicki, to add "with the penetration of the military people in the economic process, logically creates in them a special interest in the continuity of the system, with the particularity that it is about the strongest of the three institutions in which the government rests: the Armed Forces, the State Security and the Communist Party."

Concerning the role that the Cuban dictator is playing in the regrouping of the left and the subversive movements in the continent, professor Suchlicki says that "the violence is always Castro's, for whom the armed struggle in the city and the country is the best form that his allies have to come to power, even more so when you have seen the possibilities of the triumph of Lula in Brazil and Cárdenas in Mexico, do not exist. Hence his strategy of helping guerrilla groups like FARC and the ELN in Columbia.

Castro Planeó el Asesinato en EE.UU. de Jesús Cruza Flor

Diario las Américas, viernes, 19 de enero 2001, página 1-A
ARIEL REMOS

En el juicio a los espías cubanos que integraron la llamada "Red Avispa", ha quedado demostrado que el régimen de Fidel Castro ha conspirado abiertamente para cometer actos terroristas en EE.UU. y que los exiliados cubanos no han exagerado cuando han denunciado la penetración de los agentes castristas en este país.

Si alguna cosa se desprende de ese juicio es que los agentes de la tiranía se mueven con increíble holgura en el cumplimiento de sus encomiendas en este país, que a veces han ido más allá de puras actividades de inteligencia.

Del juicio en cuestión se ha sabido no sólo que el régimen cubano planeaba tanto desembarcar armas y explosivos en territorio estadounidense, como el asesinato de destacados exiliados cubanos por su oposición al régimen.

Jesús Cruza Flor, cubano exiliado y radicado en Ecuador desde 1961, que ha dedicado gran parte de su tiempo a denunciar las atrocidades del régimen de Castro y divulgarlas entre gobiernos, medios informativos y centros importantes de América del Sur, pudo ser una de las víctimas de la mano larga del tirano, como lo fueron algunos exiliados cuyos asesinatos han permanecido para siempre en el misterio.

En el legajo del juicio a los de la "Red Avispa" se habla de una "Operación Paralelo" cuyo objeto es "desarrollar una serie de acciones (1994) contra el agente de la CIA Jesús Cruza Flor", al que mandan a "chequear" el apartamento que tiene Cruza Flor en Miami, donde reside cuando viene a Miami, a amenazarlo por teléfono en relación con su "cercana ejecución", así como preparar un "libro-bomba" para enviarlo a su dirección postal.

Los papeles hablan por si solos, y el propio Cruza Flor mostró asombro no ya por la demostración de que el régimen cubano haya conspirado para cometer un asesinato contra él en EE.UU., sino que no obstante saberlo desde 1994, el FBI no lo hubiera alertado a él y a su familia (esposa e hijas residentes en EE.UU.) del peligro que lo acechaba, "máxime cuando existían antecedentes, como el del líder del exilio cubano (José de la Torriente".

"Considero que el exilio debe tomar cuenta de esto", dijo Cruza Flor a DIARIO LAS AMERICAS. "Soy el único cubano que aparece mencionado para ser asesinado, y esa no ha sido la única vez que aparezco como objetivo de los agentes castristas, ya que a lo largo de estos años he recibido llamadas telefónicas amenazadoras, siendo la última en noviembre del 2000".

Cruza Flor preside en Ecuador el Centro Ecuatoriano de Derechos Humanos. Dirige también el Centro de Información por la Libertad de Cuba (CEPLICUBA), que circula sus informaciones en cancillerías, embajadas, asambleas parlamentarias, entre los medios informativos, no sólo denunciando sino invitando a los representantes castristas a debatir, "si bien ellos rehuyen siempre la discusión", dice.

"La referencia a Cruza Flor en el caso de los cinco espías a los que se les está siguiendo juicio, es una evidencia bien clara de que el régimen de Castro no sólo asesina en su país,

sino que ha planeado asesinar en EE.UU.", dijo a este periódico el ex capitán de la Dirección General de Inteligencia cubana, Enrique García, quien desertó en 1988.

Por su parte, otro ex oficial de la inteligencia cubana, Florentino Azpillaga, afirma que "es una confirmación de lo que siempre he estado denunciando, que Cuba manda a matar en EE.UU. y en otros países. No es nada nuevo, como no lo es que dispone de cuatro a cinco hombres especializados para asesinar en América Latina a los que considera que han traicionado al movimiento guerrillero". Azpillaga recuerda también entre otros crímenes cometidos en el sur de la Florida que imputa al régimen de Castro, el asesinato de Torriente, como el de una astróloga y al esposo, que mataron al salir de la estación de radio en que ella tenía su programa.

"Creo que esto debe investigarse hasta sus últimas consecuencias, porque eso es terrorismo puro y debe ser parte de la preocupación que tiene este país por el terrorismo en todas partes del mundo. No creo que Casto tenga una patente de corso", dice Cruza Flor.

Castro Planned the Assassination of Jesus Cruza Flor in the U.S.A

Diario las Américas, Friday January 19, 2001, page 1-A
ARIEL REMOS

At the trial of the Cuban spies that made up the so-called "Wasp Network", it has been shown that Fidel Castro's regime has openly conspired to undertake terrorist acts in the U.S.A, and that the Cuban exiles have not exaggerated when they denounced the penetration of Castro's agents in this country.

If anything is made clear from the trial, it is that the tyranny's agents move with incredible ease in this country when carrying out their tasks, and have sometimes gone beyond pure intelligence activities.

Through the trial in question it has not only become known that the Cuban regime planned to disembark arms and explosives on United States territory, but also planned the murder of prominent Cuban exiles because of their opposition to the regime.

Jesús Cruza Flor a Cuban exile that has resided in Ecuador since 1961, has devoted much of his time to denouncing the atrocities of Castro's regime and divulging this to governments, the media and important centres in South America, and could be one of the victims of the tyrants long arm, as were some exiles whose murders have remained forever in mystery.

In the file of the trial of those from the "Red Wasp", it talks about a "Parallel Operation" whose objective is to "develop a series of actions (1994) against the CIA agent Jesus Cruza Flor", to "check" the apartment Cruza Flor has in Miami, where he lives when he comes to Miami, to threaten him about his "coming execution" via telephone, and prepare a "book bomb" to send to his postal address.

The papers speak for themselves, and even Cruza Flor showed his astonishment not because the Cuban regime demonstrated it had conspired to murder him by assassinating him in the US, but because despite knowing this since 1994, the FBI would not have alerted him and his family (wife and daughters reside in the USA) of the danger, "especially when there's a history, like that of the exiled Cuban leader (Jose de la Torriente)".

"I think that this needs to be taken into account when in exile", Cruza Flor said to DIARIO LAS AMERICAS. "I am the only Cuban mentioned to be murdered, and this is not the only time I appear to be the target of Castro's agents, and over these years I have received threatening telephone calls with the most recent one being in November 2000".

Cruza Flor presides over the Ecuadorian Centre for Human Rights in Ecuador. He also directs the Information Centre for the Freedom of Cuba (CEPLICUBA), which circulates its information in foreign ministries, embassies, parliamentary assemblies and the media, not only denouncing but inviting Castro-ites to debate, "although they always shun discussions" he said.

"The reference to Cruza Flor in the case of the five spies being followed by justice is evidence that the Castro regime not only murders in their country, but also plans to do so in the USA" said Enrique Garcia, ex captain of the Cuban Intelligence General Directorate who defected in 1988, to this newspaper.

For his part, another ex official of the Cuban intelligence, Florentino Azpillaga affirmed that "it's a confirmation of what I have always informed, that Cuba orders to kill in the USA and in other countries. It's not anything new, like having available four or five specialised men to murder in Latin America those that are believed to have betrayed guerrilla movements". Azpillaga also recalls amongst other crimes committed in the south of Florida, which he attributes to the Castro regime, the murder of Torriente, and that of the astrologer and her husband that were killed when leaving the radio station that had her program.

"I believe this should be investigated to its logical conclusion, because this is pure terrorism and should be part of the concern this country has for terrorism around the world. I don't think Castro has a carte blanche" Cruza Flor said.

Piden al presidente Bush que enjuicie a Castro

Prepara Hermanos al Rescate actividades para el 24 de febrero

Diario Las Américas, jueves, 8 de febrero, 2001, página B-1

ARIEL REMOS

Como parte de las actividades que está organizando para conmemorar este 24 de febrero el quinto aniversario del derribo de dos de sus avionetas por MiGs de la tiranía castrista y el asesinato de 4 de sus miembros, Hermanos al Rescate ha iniciado un proceso de recogida de firmas para pedir al presidente de EE.UU. George W. Bush el encausamiento criminal de Fidel Castro. Esas gestiones las ha venido haciendo HAR inútilmente hasta el último momento de la Administración Clinton, y las inicia ahora con la Administración Bush.

Las otras actividades consistirán, según anunció este miércoles el presidente de HAR, José Basulto, en una misa en la Ermita de la Caridad, el 23 de febrero, a las 8 de la noche, en memoria de los mártires Armando Alejandro, hijo, Carlos Costa, Mario de la Peña y Pablo Morales y en acción de gracias a Dios por los supervivientes; la publicación por Internet de la evidencia sobre el crimen, obtenida por Hermanos al Rescate: (www.hermanos.org); llamamiento a las organizaciones pro-democracia del exilio cubano, incitándolas a participar en éstas y otras iniciativas, reclamando verdad y justicia de quienes corresponde hacerlas; y, por último, HAR efectuará un vuelo al "Punto Mártires", en el espacio aéreo internacional, donde se tirarán octavillas en memoria de los cuatro mártires y reconocimiento a su trabajo por la libertad de Cuba.

Las planillas pidiendo al Presidente Bush el encausamiento criminal del dictador Castro, están circulando ya en establecimientos comerciales y en otros lugares de concurrencia de público.

Las firmas que se recojan, con nombres, dirección y teléfonos, calzarán el siguiente texto:

"24 de Febrero del 2001

Estimado Señor Presidente:

El 24 de febrero de 1996, dos aviones civiles de bandera norteamericana, pertenecientes a Hermanos al Rescate (HAR), fueron emboscados y derribados por misiles disparados por MiGs de Castro, asesinando a sus tripulantes: tres ciudadanos norteamericanos y un residente de la Florida.

Este ataque premeditado ocurrió en el espacio aéreo internacional, a veinte millas al norte de Cuba, mientras que HAR realizaba una misión humanitaria de búsqueda y rescate para salvar la vida de balseros cubanos en busca de libertad.

La Administración de Clinton-Gore rehusó iniciar un proceso criminal en contra de Castro y sus cómplices a pesar de que este crimen ha sido investigado y bien documentado por autoridades de los Estados Unidos y por las Naciones Unidas (OACI). Una Corte Federal Civil en la Florida escuchó el caso y falló contra el gobierno cubano. El propio Castro ha admitido su responsabilidad en autorizar el ataque.

Los que suscriben esta petición, respetuosamente solicitan de usted que haga que el Departamento de Justicia proceda el cumplimiento de la Ley ("The Rule of Law") para que se lleve a cabo el encausamiento criminal de Fidel Castro y sus cómplices".

President Bush is asked to bring Castro to trial

Brothers to the Rescue preparing activities for February 24

Diario Las Américas, Thursday, 8 February, 2001, Page B-1

ARIEL REMOS

As part of the activities that are being organized to commemorate the fifth anniversary on February 24 of the shoot-down of two of its planes and the murder of four of its members by MiGs from Castro's tyranny, Brothers to the Rescue (BTTR) has begun a process of collecting signatures to ask U.S. President George W. Bush for a criminal indictment against Fidel Castro. BTTR engaged in these efforts until the last moments of the Clinton administration without any result, and is now beginning with the Bush administration.

According to an announcement made this Wednesday by the president of BTTR, José Basulto, other activities will include a mass at Ermita de la Caridad on February 23rd, at 8 p.m., to remember the martyrs Armando Alejandro, Jr., Carlos Costa, Mario de la Peña and Pablo Morales and to thank God for the survivors; the publication on the internet of the evidence about the crime, obtained by Brothers to the Rescue (www.hermanos.org); a call to the Cuban exile pro-democracy organizations, encouraging them to participate in this and other initiatives, calling for truth and justice from those whose responsibility it is to provide it; and lastly, BTTR will fly over "Martyrs Point" in international airspace, where it will disburse leaflets in memory of the four martyrs, and in acknowledgment of their work for Cuba's freedom.

The petitions asking President Bush for a criminal indictment against the dictator Castro, are already circulating in commercial establishments and other public gathering places.

The signatures to be collected, with names, address and telephone, will contain the following text:

"February 24, 2001

Dear Mr. President:

On February 24, 1996, two civilian airplanes under the U.S. flag, belonging to Brothers to the Rescue (HAR), were ambushed and downed by missiles fired by Castro's MiGs, killing their crew: three U.S. citizens and one permanent resident of Florida.

This premeditated attack occurred in international airspace, twenty miles to the north of Cuba, while BTTR was performing a humanitarian search and rescue mission to save the lives of Cuban rafters seeking freedom.

The Clinton-Gore Administration refused to begin criminal proceedings against Castro and his accomplices, despite this crime having been investigated and well documented by U.S. authorities and by the United Nations (ICAO). A Federal Civil Court in Florida heard the case and ruled against the Cuban government. Castro himself has admitted his responsibility in authorizing the attack. Those who sign this petition respectfully request that you order the Justice Department to proceed in carrying out the Law ("The Rule of Law") so that a criminal indictment can be issued against Fidel Castro and his accomplices."

\$93 Millones para Familiares de Hermanos al Rescate

Diario las Américas, miércoles 14 de febrero, 2001, página 1-A
ARIEL REMOS

El Departamento de Justicia de EE.UU. cursó una orden de adjudicación de \$93 millones a familiares de tres de los cuatro pilotos de Hermanos al Rescate que fueron asesinados en el aire por MiGs cubanos el 24 de febrero de 1996. Fueron ellos Armando Alejandro, hijo, Carlos Costa y Mario de la Peña. Esos \$93 millones suman los daños compensatorios e intereses dispuestos por el magistrado federal James L. King en sentencia de 1997, y el importe de las sanciones por desacato impuesta por la Corte al gobierno cubano por no comparecer al juicio por demanda de los familiares.

Los familiares de las víctimas de Hermanos al Rescate demandaron al gobierno cubano al amparo de la Ley Antiterrorista de 1996, que permite demandar a gobiernos que cometan actos terroristas. En octubre del 2000, fue aprobada también la Ley de Justicia a las Víctimas del Terrorismo, de acuerdo con la cual los familiares de Hermanos al Rescate podrían cobrar alrededor de \$90 millones entre \$49 de gastos compensatorios e intereses, y \$37 millones por sanción al gobierno cubano.

El juez King basó su fallo en que el derribo de las avionetas por MiGs cubanos sobre aguas internacionales, fue un "asesinato a sangre fría". Los \$137 millones adjudicados por daños punitivos, que forman parte de su Orden por un total de \$187 millones entre gastos compensatorios y punitivos, no están incluidos en la disposición de la Ley de Justicia a las Víctimas del Terrorismo, pero sí el acceso de los familiares a los gastos punitivos con cargo a otras fuentes.

Los pagos serán hechos contra dos cuentas del gobierno cubano congeladas en el banco Chase Manhattan de Nueva York. Esos fondos congelados al gobierno cubano, corresponden a los pagos por la AT&T por llamadas telefónicas hechas a Cuba entre 1969 y 1992, que no fueron debidamente abandonadas a Cuba por el embargo comercial a la Isla impuesto por EE.UU.

En el pago a las familiares de las víctimas de Hermanos al Rescate, no están incluidos los de Pablo Morales, porque éste no era ciudadano americano.

Con anterioridad, los familiares que van a ser compensados recibieron una oferta de transacción que les hizo la Administración Clinton por la que les pagaría \$50 millones en gastos compensatorios, en lugar de los \$187 de indemnización asignada por orden del Juez King que se ocupó del caso, y que fue apelada tanto por AT&T, como por el propio gobierno estadounidense. La oferta fue rechazada por los familiares.

De acuerdo con el informe que en junio de 1996 rindiera la Organización Internacional de Aeronáutica Civil de Naciones Unidas, el derribo de las dos avionetas de Hermanos al Rescate, fue cometido en el espacio aéreo internacional, y el gobierno de Cuba aceptó la responsabilidad por el derribo, y por tanto, por el asesinato de sus cuatro tripulantes.

Esta semana se iniciarán los pagos de la cantidad adjudicada a los familiares.

\$93 Million for Families' Members of Brothers to the Rescue

Diario las Américas – Wednesday, 14 February 2001, page 1-A
ARIEL REMOS

The US Department of Justice issued an adjudicatory order of \$93 million to family members of three of the four pilots of Brothers to the Rescue who were murdered in the air by Cuban MIGs the 24th of February 1996. They were Armando Alejandro, Jr., Carlos Costa and Mario de la Peña. These \$93 million constitute compensatory damages and interest set out by federal magistrate James L. King in the sentence of 1997, and the value of the sanctions for contempt imposed by the Court on the Cuban government for not presenting itself for trial on the legal complaint of the family members.

The family members of the victims of Brothers to the Rescue sued the Cuban government under the Antiterrorist Law of 1996, that permits suit against governments that commit terrorist acts. The Law for Justice for the Victims of Terrorism also approved in October 2000, under which the family members of Brothers to the Rescue could charge about \$90 million between \$49 [sic] compensatory expenses [damages] and interest, and \$37 million to sanction the Cuban government.

Judge King based his finding on the fact that the downing of the small aircraft by Cuban MIGs over international water was "cold blooded murder." The \$137 million adjudicated for punitive damages, which form part of his Order for a total of \$187 million for compensatory expenses and punitive damages, are not included in the order/regulation of the Law of Justice for Victims of Terrorism, but punitive damages were available to the family members from other sources.

The payments will be charged against two accounts of the Cuban government frozen in the Chase Manhattan bank of New York. These funds frozen to the Cuban government come from the payments from AT&T for telephone calls made to Cuba between 1969 and 1992, that were not duly given up to Cuba because of the commercial embargo of the island by the US.

The family members of Pablo Morales are not included in the payment to the families of the Brothers to the Rescue victims, because he was not an American citizen.

Previously, the family members who are going to be compensated received a transactional offer from the Clinton administration under which they would receive \$50 million in compensatory damages, in place of the \$187 indemnification awarded by the order of Judge King who is in charge of the case, which was appealed by AT&T, as well as the US government. The offer was rejected by the families.

In agreement with the report issued in June of 1996 by the International Organization of Civil Aviation of the United Nations, the shoot down of the two small aircraft of Brothers to the Rescue, was committed in international airspace, and the government of Cuba accepted responsibility for the shoot down and therefore, for the murder of their four crewmembers.

This week the payments to the family members of the awarded amount will begin.

Recibe Jeb Bush y llevará al Presidente carta pidiendo enjuiciamiento a Fidel Castro

**Diario las Américas, martes 27 de febrero, 2001, página 1-A
ARIEL REMOS**

Eva Barba, madre de Pablo Morales, uno de los cuatro pilotos de Hermanos al Rescate asesinados en el aire por MiGs de la tiranía castrista, y José Basulto, presidente de esa organización aprovecharon la buena disposición del Gobernador de la Florida Jeb Bush, para enviar la carta que han dirigido al Presidente de EE.UU. – George W. Bush, pidiéndole que haga que el Departamento de Justicia proceda al cumplimiento de la ley de este país (“The Rule of Law”) para que Castro y sus cómplices sean enjuiciados por el criminal asesinato de los pilotos de HAR, ocurrido el 24 de febrero de 1996.

La carta al Presidente Bush relata brevemente los hechos ocurridos en esa fecha, cuando las dos avionetas de HAR “fueron emboscadas y derribadas por misiles disparados por MiGs de Castro, asesinado a sus tripulantes: tres ciudadanos norteamericanos y un residente de la Florida”.

Dice la carta al Presidente que el ataque fue “premeditado” y ocurrió “en el espacio aéreo internacional” durante una misión humanitaria.

“La Administración de Clinton-Gore rehusó iniciar un proceso criminal en contra de Castro y sus cómplices a pesar de que este crimen ha sido investigado y bien documentado por autoridades de Estados Unidos y por las Naciones Unidas (OACI). Una Corte Federal Civil en la Florida escuchó el caso y falló en contra del gobierno cubano. “El propio Castro ha admitido su responsabilidad en autorizar el ataque”, dice la carta, haciendo finalmente la petición del encausamiento criminal del dictador y sus cómplices.

Jeb Bush receives and will take letter to the President asking for prosecution of Fidel Castro

Diario las Américas, Tuesday, 27 February 2001, page 1-A

By ARIEL REMOS

Eva Barba, mother of Pablo Morales, one of the four pilots of Brothers to the Rescue murdered in the air by MIGs of the Castro tyranny, and José Basulto, president of that organization availed themselves of the good disposition of Governor of Florida Jeb Bush, to send a letter that they directed to the President of the U.S. — George W. Bush, asking him to make the Department of Justice go forward and enforce the law of this country (“The Rule of Law”) so that Castro and his accomplices are prosecuted for the criminal murder of the pilots of BTTR, which occurred on February 24, 1996.

The letter to President Bush briefly relates the facts that occurred on that date, when two small aircraft of BTTR “were ambushed and shot down by missiles shot by Castro’s MIGs, murdering their crew: three United States citizens and a resident of Florida.”

The letter to the President says that the attack was “premeditated” and occurred “in international airspace” during a humanitarian mission.

“The Clinton-Gore refused to initiate criminal proceedings against Castro and his accomplices in spite of the fact that this crime has been investigated and well documented by authorities of the United States and by the United Nations (ICAO) A Federal Civil Court in Florida heard the case and ruled against the Cuban government. “Castro himself has admitted his responsibility in authorizing the attack,” says the letter, at the end asking for the criminal prosecution of the dictator and his accomplices.

Jeane Kirkpatrick pide a Ashcroft encausar por terrorismo internacional a funcionarios cubanos

Diario las Américas, martes 27 de febrero, 2001, página 1-A

ARIEL REMOS

Al cumplirse este 24 de febrero el quinto aniversario del derribo por MiGs cubanos de las avionetas de Hermanos al Rescate, donde perecieron tres ciudadanos americanos, y un residente de este país, diez personalidades encabezadas por la exembajadora de EE.UU. en la ONU, Jeane J. Kirkpatrick, están pidiendo en una carta al Secretario de Justicia John Ashcroft que "ponga fina a la impunidad que los responsables de esos asesinatos han disfrutado" hasta ahora en este asunto "trágico y urgente" de atención.

Los ciudadanos americanos Armando Alejandro, Jr., Mario de la Peña y Carlos Costa, y el residente legal en este país, Pablo Morales, fueron asesinados en el aire, el 24 de febrero de 1996 mientras las dos avionetas realizaban una misión humanitaria y volaban en el espacio aéreo internacional.

"La carta fue entregada al Secretario Ashcroft el pasado día 22 de febrero, firmado también por el Dr. Modesto Maidique, presidente de la Florida International University (FIU); Everett Briggs, ex-embajadora de EE.UU. en Portugal; Dr. Irving Horowitz, Hanna Arendt, profesores distinguidos de la Universidad Rutgers; el empresario y "chairman" del Center for a Free Cuba, Manuel Jorge Cutillas; los también empresarios Néstor Carbonell y Nicolás Estrella; los profesores Jaime Suchlicki, de la Universidad de Miami, y Enrico Mario Santi, de la Universidad de Kentucky, y Frank Calzón, director ejecutivo del Center for a Free Cuba.

En la oportunidad del derribo el entonces presidente Clinton prometió que "los responsables de esas muertes serán llevados ante la justicia". Como autores directores de los asesinatos fueron debidamente identificados los pilotos hermanos Pérez, de la Fuerza Aérea Cubana, mientras el tirano Fidel Castro asumió públicamente la responsabilidad directa del hecho.

El presidente de Hermanos al Rescate, José Basulto, ha alegado que la Administración Clinton tuvo conocimiento de que el hecho podría perpetrarse y que cuando fue perpetrado, tuvo tiempo suficiente para evitarlo, bien avisando a HAR de la salida de los MiGs cubanos, o sacando sus interceptores—como ordenan los procedimientos en vigor—pero no hizo ninguna de las dos cosas para evitarlo.

Dice la carta que poco después del suceso, "EE.UU. presentó evidencia a Naciones Unidas y en una audiencia ante la Organización de Aviación Civil Internacional (ICAO, por sus siglas en Inglés). ICAO confirmó que dos desarmados, indefensos, pequeños aviones civiles fueron destruidos por misiles de Castro en el espacio internacional, tal como denunció EE.UU."

Sigue diciendo la carta que "En un juicio civil iniciado por los familiares de los aviadores derribados, una Corte de Distrito de EE.UU. encontró al gobierno de Cuba culpable y responsable por daños". Dice también en un juicio que se le sigue a cinco funcionarios cubanos en la Florida, ha resultado la evidencia de que los asesinatos fueron premeditados, "Pero los funcionarios que apretaron el gatillo, sus superiores cuyas órdenes se oyen en una cinta magnetofónica, y las más altas autoridades que aprobaron este acto de terrorismo de estado, no han sido todavía encausados".

“En este aniversario del ataque, le estamos pidiendo que revise los hechos, y si la evidencia lo confirma, traiga a esos responsables ante la justicia”, dicen los firmantes al secretario Ashcroft, aconsejándole finalmente que “Poner fin a la impunidad que esos responsables de los crímenes han disfrutado, ayudará a hacer desistir de cometer hechos terroristas contra americanos alrededor del mundo.”

Con motivo del juicio que se les sigue a los cinco funcionarios del gobierno de Castro que espiaban en EE.UU. para el régimen castrista, a que hace referencia la carta que encabeza la doctora Kirkpatrick, han salido a relucir en forma impresionante las grabaciones de las voces de los pilotos que persiguieron las dos avionetas, urgiendo en forma vociferante el permiso para derribarlas, y obteniendo el permiso, las soeces exclamaciones de satisfacción ante el hecho consumado, después de cometido el asesinato.

Jeane Kirkpatrick asks Ashcroft to prosecute Cuban officials for international terrorism

Diario las Américas, Tuesday, February 27, 2001, page 1-A
ARIEL REMOS

On the fifth anniversary of the February 24 downing of the Brothers to the Rescue aircraft by Cuban MiGs, where three U.S. citizens perished along with a U.S. resident, ten public figures headed by the former U.S. Ambassador to the U.N., Jeane J. Kirkpatrick, are asking in a letter to Attorney General John Ashcroft, that he "put an end to the impunity that those responsible for these crimes have enjoyed" until now, in this "tragic and urgent" affair.

The U.S. citizens Armando Alejandro, Jr., Mario de la Peña and Carlos Costa, along with Pablo Morales, a legal U.S. resident, were killed in mid-air on February 24, 1996, while the two aircraft were performing a humanitarian mission and flying in international airspace.

The letter was delivered to Secretary Ashcroft on February 22nd, also signed by Dr. Modesto Maidique, President of Florida International University (FIU); Everett Briggs, former U.S. Ambassador to Portugal; Dr. Irving Horowitz and Hanna Arendt, Distinguished Professors at Rutgers University; the businessman and "Chairman" of the Center for a Free Cuba, Manuel Jorge Cutillas; the businessmen Néstor Carbonell and Nicolás Estrella; the professors Jaime Suchlicki, of the University of Miami, and Enrico Mario Santi, of the University of Kentucky, as well as Frank Calzon, Executive Director of the Center for a Free Cuba.

At the time of the shoot-down, President Clinton promised, "those responsible for these deaths will be brought to face justice." Those who carried out the murders were duly identified as the Pérez brothers, pilots in the Cuban Air Force, while the tyrant Fidel Castro publicly assumed direct responsibility for the act.

The president of Brothers to the Rescue, José Basulto, has alleged that the Clinton administration had foreknowledge of the act that might be perpetrated and that when it was perpetrated, it had enough time to prevent it, either by warning BTTR about the takeoff of Cuban MiGs, or by taking out their interceptors – as existing procedures warrant – but it did neither of the two to prevent it.

[Letter text translated from Spanish, not original English]

The letter says that shortly after the incident, "The United States presented evidence to the United Nations and in a hearing before the International Civil Aviation Organization (ICAO). ICAO confirmed that two unarmed, defenseless, small civilian aircraft were destroyed by Castro's missiles in international airspace, as the U.S. had denounced."

The letter goes on to say "In a civil trial initiated by the families of the downed aviators, a U.S. District Court found the Cuban government guilty and liable for damages." It also says that in the upcoming trial of five Cuban officials in Florida, evidence has come forward that the murders were premeditated, "But those who pulled the trigger, their superiors whose orders can be heard on a tape recording, and the highest authorities who approved this act of state terrorism, have still not been charged."

"On this anniversary of the attack, we are asking you to examine the facts, and if the evidence confirms it, bring those responsible to face justice," say the letter's signers to Attorney General Ashcroft, finally advising him that "Putting an end to the impunity that

those responsible for these crimes have enjoyed will help deter the committing of terrorist of actions against Americans around the world.”

As part of the upcoming trial of the five employees of the Castro government who spied in the United States for the Castro regime, referred to in the letter headed by Dr. Kirkpatrick, the recordings of the pilots who chased the two small aircraft have come to light again in an impressive way, where they are vociferously asking for permission to down them, and having obtained it, their vulgar exclamations of satisfaction with the consummated act, after having committed the murder.

Noticia transmitida en el Canal 23, Miami WLV. 6PM, 17 de febrero del 2001

Este segmento de noticias salió al aire durante el juicio. A pesar de la orden ordenada por la Corte que prohíbe a los medios entrevistar a los familiares de los pilotos de *Hermanos al Rescate* o testigos del juicio, el canal 23 violó la orden al transmitir una emocional entrevista con Eva Barbas, madre del piloto derribado Pablo Morales. El periodista del Canal 23 Omar Claro recibió un mínimo 3.800 dólares del Gobierno y Ronald Souza recibió sobre \$6.000 aunque cualquier evidencia sobre posibles pagos durante el juicio queda aún por revelarse. Tanto Claro y de Souza informaron sobre el juicio en el Canal 23. Durante el juicio, WLV Canal 23 también transmitió vídeos de los miembros del jurado en dos ocasiones exponiendo así a los miembros del jurado — en una atmósfera altamente cargada en Miami — al peligro. Los nombres de los miembros del jurado fueron conocidos por los medios de comunicación de Miami.

| Tiempo | VISUAL: Como y quien aparece en la pantalla de TV durante el reportaje. | SONIDO |
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| 0:00 | En la Pantalla se muestran fotos de Carlos Costa, uno de los pilotos derribados en 1996, con las leyendas "HERMANOS DERRIBADOS" arriba y "Orden de ASESINATO" abajo. La próxima imagen: Avión BTTR volando. | PERIODISTA: [.....] ha vuelto a la carga en su afán por lograr el encausamiento de Fidel Castro." |
| 0:04 | Maggie Schuss, co-fundadora del BTTR, Habla en la TV con el periodista con la leyenda "Orden de Asesinato" en pantalla. | MAGGIE SCHUSS "Estamos pidiendo firmas para el encausamiento de Fidel Castro por el asesinato de los cuatro Hermanos al Rescate. Les estamos pidiendo a las 60.000 personas que estuvieron presentes cuando fue el homenaje en el Orange Bowl, que coja una planilla, una de las peticiones estas, una de las planillas estas, |
| 0:23 | Schuss muestra la petición. | y se consiga 25 firmas y nos envían a "Hermanos al Rescate." |
| 0:26 | Se muestra en pantalla la dirección de BTTR para enviar las peticiones. | PERIODISTA: "Las planillas deben ser enviadas a Hermanos Al Rescate, P.O. Box 430846, Miami FL 33243 o al www.hermanos.org |
| 0:39 | Se muestra a Maggie Schuss hablando con el periodista y después una foto de la petición, luego se muestra una escena de Costa hablando por teléfono en la oficina de BTTR, seguido por Basulto con otros dos hombres. (Uno de ellos puede ser Costa, pero no está claro). Armando Alejandro, uno de los 4 muertos aparece caminando con una pancarta. Al pie de la pantalla se lee "Orden de Asesinato". | PERIODISTA: "No sólo Hermanos al Rescate está solicitando el encausamiento del gobernante comunista. Los familiares de quienes murieron, por orden de Castro, también reclaman justicia. |

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| 0:44 | Armando Alejandro, uno de los cuatro pilotos del BTTR muertos, aparece caminando con una pancarta. Al pie de la pantalla se lee "Orden de ASESINATO." | |
| 0:49 | Foto detallada de Mario de la Peña piloto de BTTR, se escucha la voz de Eva Barbas, madre del voluntario derribado Pablo Morales. En pantalla se lee: "EVA BARBA, MADRE DE PILOTO ASESINADO." Ella aparece en pantalla hablando con un periodista pero se dirige a Fidel Castro. | EVA BARBAS Lo que tu has hecho es un asesinato en el aire a esos inocentes. Estaban salvando vidas, no matando vidas como lo haces tú. |
| 1:01 | La cámara se enfoca en una foto que ella tiene a su lado. | PERIODISTA: Para esta madre los gritos los gritos de los pilotos cubanos quedarán para siempre en su memoria. [pause] Son gritos de alegría [pause] por la muerte de su hijo. |
| 1:09 | Escena de un video que muestra un destello descendiendo al mar. | AUDIO DE UN PILOTO CUBANO: "La otra destruida, la otra destruida, Patria o Muerte cojones". |
| 1:17 | De regreso al periodista Mario Vallejo parado en la calle. | Quienes están interesados en apoyar a Hermanos al Rescate pueden recoger sus planillas en los restaurants más populares de Miami, como es el Versailles, que está a mi espalda, también en los supermercados Sedano. Es todo desde la Pequeña Habana, continúa con las noticias 23 Univisión." |
| Ends 1:38 | En pantalla se cierra el segmento con letras grandes que dicen: COBERTURA DE EQUIPO NOTICIAS 23 | |
| | LA PANTALLA SE OSCURECE POR DOS SEGUNDOS. | |
| 1:40 | DE REGRESO EN EL ESTUDIO: PRESENTADORA DE NOTICIAS EN EL ESTUDIO, Alina Mayo Azze. La Pantalla muestra un avión de BTTR y el título "Orden de ASESINATO". | PERIODISTA EN EL ESTUDIO: Para el exilio cubano ha sido verdaderamente doloroso escuchar esta grabación. Anoche la presentamos en primicia aquí en Noticias 23, y hoy ha estado en todas las emisoras de radio y de televisión. Rafael Orizondo nos informa. |
| 1:55 | En pantalla se muestra al testigo del gobierno Lenny Cleland caminando afuera del edificio de la corte y en la pantalla se lee: "DOWNTOWN MIAMI ESTA MAÑANA" y "Orden de ASESINATO" | Lenny Cleland, técnico en radares de la Fuerza Aérea prestó |

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| 2:00 | Video de archivo de un avión del BTTR desde una ventana a la izquierda de otro avión y en la pantalla se lee: "Orden de ASESINATO" | testimonio sobre la trayectoria de los avionetas, de los MiGs castristas y los límites jurisdiccionales cubanos e internacionales. |
| 2:03 | Otra toma de otro avión del BTTR | |
| 2:07 | Un hombre entrevistado fuera de la corte por el periodista del Canal 23 y en la pantalla se lee: "Norman del Valle", "Piloto Mov. Democracia" y "Orden de ASESINATO" | NORMAN DEL VALLE Pues los espacios siempre han sido bien definidos históricamente. Lo que pasa es que Cuba reclama más territorio dentro del mar del que tenía anteriormente. |
| 2:16 | El periodista del Canal 23 Rafael Orizondo habla mientras familiares de las víctimas del BTTR salen de la corte. En la pantalla se lee: "Orden de ASESINATO" | RAFAEL ORIZONDO Y hoy para los familiares aun no se acalla las expresiones soeces y deshumanizadas de los pilotos castristas que dispararon sus cohetes. |
| 2:26 | Imágenes de aviones del BTTR volando, posiblemente tomadas desde otro avión. En la pantalla se lee: "VOZ DE PILOTO DE MIG" y "Orden de ASESINATO" | PILOTO CUBANO Objetivo a la vista....Objetivo a la vista. Avioneta. |
| 2:32 | Imagen dentro de la cabina de un avión del BTTR hacia afuera. En la pantalla se lee: VOZ DE PILOT DE MIG" y "Orden de ASESINATO" | PILOTO CUBANO: Avionetas en la vista. Avionetas en la vista ... La tenemos en la vista. La tenemos en la vista. Es una avioneta. Es una avioneta. |
| 2:40 | Imagen de un presunto MIG volando y luego disparando a un avión del BTTR. En la pantalla se lee: VOZ DE PILOT DE MIG" y "Orden de ASESINATO" | PILOTO CUBANO Blanco y azul, blanco y azul, blanco y azul la avioneta, está a baja altura. Avionetaaaa |
| 2:49 | Se muestran imágenes alternadas de aviones MIG y del BTTR. En la pantalla se lee: "VOZ DE PILOTO DE MIG" "Orden de ASESINATO." | PILOTO DEL MIG # 1. La tengo en captura. La tengo en captura.... PILOTO DEL MIG # 2. La tenemos en captura. Autorízanos. La tenemos en captura. Autorízanos. |
| 2:58 | Imagen de un MIG en pantalla. En la pantalla se lee: "VOZ DE PILOTO DE MIG" y "Orden de ASESINATO" | DESDE EL PUESTO DE MANDO ¿Es un Cessna 337? Voz del segundo piloto: Era esa, esa. Es esa. |

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| 3:08 | Imagen de un MIG desde la cabina de un avión del BTTR, probablemente tomada durante la incursión del 17 de abril de 1994. | <p>PILOTO DEL MIG # 2 Autorízalo cojones.</p> <p>FUNCIONARIO CUBANO EN TIERRA (CASI NO SE OYE) Fuego.</p> <p>PILOTO DEL MIG # 2: Autorízalo cojones, que la tenemos.</p> |
| 3:10 | Se muestra en pantalla la misma imagen. | <p>FUNCIONARIO CUBANO EN TIERRA: Autorizado a destruir (08?).</p> |
| 3:12 | Imagen de un piloto cubano en la televisión cubana. Mientras habla en la pantalla se lee: "PILOTO CUBANO, TELEVISION CUBANA" y "Orden de Asesinato" | <p>PILOTO CUBANO: Inmediatamente se nos daba la señal. De interrumpir los vuelos de esta,...de este objetivo.</p> |
| 3:21 | Otras imágenes de archivo de avión del BTTR volando. En la pantalla se lee: "VOZ DE PILOTO DE MIG" y "Orden de ASESINATO" | <p>PILOTO DEL MIG # 1: Primer disparo.</p> |
| 3:26 | Imagen de un MIG seguida por una columna de humo tomada desde el crucero "Majesty of the Seas" (Majestad de los Mares) durante el derribamiento. En la pantalla se lee: "VOZ DE PILOTO DE MIG" y "Orden de ASESINATO" | <p>PILOTO DEL MIG: Le dimos cojones...le dimos...le dimos... (.....).</p> <p>PILOTO DEL MIG: Espérate, espérate, para ver dónde cae.</p> <p>PILOTO DEL MIG: Cojones le dimos.....singao....</p> |
| 3:42 | Imágenes del humo, tomadas desde Majestad de los Mares con los mismos titulares en pantalla. | <p>PILOTO DEL MIG: Oye, ¿Marcaron el lugar?. ...Hay una lancha cerca de ella. La avioneta cayó frente a la lancha.</p> |
| 3:51 | Imágenes de aviones del BTTR tomadas desde otro avión del BTTR. En la pantalla se lee: "VOZ DE PILOTO DE MIG" y "Orden de ASESINATO" | <p>PILOTO DEL MIG: Tenemos otra avioneta.</p> <p>PILOTO DEL MIG: Tenemos otra avioneta a la vista.</p> |
| 4:04 | Imagen de un avión del BTTR tomada desde otro avión del BTTR. Los mismos titulares. Una toma de la ventana frontal de un avión del BTTR. | <p>PILOTO DEL MIG: Está en la región. Está en la región donde cayó.....Tenemos la avioneta a la vista. Compañero, está en el lugar de los hechos.</p> |

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| 4:15 | El video cambia hacia otro avión del BTTR visto desde un ángulo diferente. Los mismos titulares son mostrados en pantalla. | <p>PILOTO DEL MIG: Donde cayó el objetivo. Hace falta que nos autoricen.</p> <p>PILOTO DEL MIG: ¿Está autorizada la otra?</p> <p>FUNCIONARIO CUBANO EN TIERRA: Correcto.</p> <p>PILOTO DEL MIG: Bárbaro. Vamos Alberto.....¿Ya la tienes?</p> |
| 4:27 | | <p>FUNCIONARIO CUBANO EN TIERRA: ..13 por aquí el cero veinte. Está autorizado a destruirla.</p> <p>PILOTO DEL MIG: Enterado, enterado, ya la vamos a destruir ya...la mantenemos, la mantenemos, estamos trabajando, déjennos trabajar.</p> |
| 4:35 | De nuevo se muestran imágenes de la columna de humo desde el Majestad de los Mares. En la pantalla se lee: "VOZ DE PILOTO DE MIG", "Orden de ASESINATO" | <p>PILOTO DEL MIG: La otra destruida. La otra destruida. Patria o Muerte cojones. La otra abajo también.</p> |
| 4:49 | Imagen de un MIG 23 (probablemente la del 17 de abril, 1994). En la pantalla se lee: "VOZ DE PILOTO DE MIG", y "Orden de Asesinato". | <p>VOZ. (Probably the Search and Rescue Operation): ...Mantente que vamos hacia el puesto, ...al lugar.</p> <p>PILOTO DEL MIG: ...el 08 tiene el uno doce ya...</p> <p>PILOTO DEL MIG: Ok, el uno doce...en el lugar de los hechos</p> |
| 4:57 | El video cambia a una toma desde la cabina de un avión del BTTR. En la pantalla se lee: "VOZ DE PILOTO DE MIG" y "Orden de Asesinato". | <p>Está el barco recogiendo ahí parece....</p> |
| 5:04 | Video de algo parecido a un bote moviéndose en el agua. En la pantalla se lee: "VOZ DE PILOTO DE MIG", y "Orden de Asesinato". | <p>....un barco recogiendo.</p> <p>...en la primera....en la primera está recogiendo un barco.</p> |
| 5:13 | Un avión en picada. En la pantalla se lee: "VOZ DE PILOTO DE MIG", y "Orden de Asesinato". | <p>PILOTO DEL MIG: El uno doce regresando.</p> |
| 5:15 FIN 5:20 | Video de un avión del BTTR tomado desde otro avión. | <p>PERIODISTA DE UNIVISION: Rafael Orizondo Noticias 23, Univision, esta noche.</p> |

News story on Miami WLTU Channel 23, 6:00 pm, February 17, 2001

This news segment was aired in the midst of the trial. Despite the Court's gag order prohibiting the media from interviewing family members of the BTTR pilots or trial witnesses, Ch. 23 violated the order by airing an emotional interview with Eva Barbas, mother of downed pilot Pablo Morales. Ch. 23 reporters Omar Claro received at least \$3,800 from the Government and Ronald de Souza received over \$6,000, although any evidence of possible payment during trial remains to be uncovered. Both Claro and de Souza reported on the trial for Ch. 23. WLTU Ch. 23 also aired video of the jurors twice during the trial, thus exposing the jurors to danger in the highly-charged Miami atmosphere. Jury members' names were known to the Miami media.

| Time Line | VISUAL: What and who appears on TV screen during report. | AUDIO |
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| 0:00 | Screen shows picture of Carlos Costa, one of the pilots shot down in 1996, with "HERMANOS DERRIBADOS" label at top, and "Orden de ASESINATO" label at bottom. Next shot: BTTR plane in sky | REPORTER: "[...] has come back to the fight on a drive to have Fidel Castro prosecuted." |
| 0:04 | Maggie Schuss, co-founder of BTTR, speaks on TV to reporter, with label "Orden de Asesinato" on screen. | MAGGIE SCHUSS "We are asking for signatures for the indictment of Fidel Castro for the murder of the four Brothers to the Rescue. We are asking the 60,000 people who were present when the homage took place at the Orange Bowl, to take a sheet, one of these petitions, |
| 0:23 | Schuss shows petition. | and collect 25 signatures and send them to us at Brothers to the Rescue." |
| 0:26 | Screen shows Address of BTTR for mailing petitions. | REPORTER: "The petitions should be sent to Hermanos Al Rescate, P.O. Box 430846, Miami FL 33243 or to www.hermanos.org |
| 0:39 | Scene of Maggie Schuss speaking to reporter and then picture of petition, then scene of Costa speaking on the phone in BTTR office, followed by Basulto with two other men. | REPORTER: "It is not just Brothers to the Rescue that is asking for the indictment of the communist leader." |

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| 0:44 | Armando Alejandro, one of the four BTTR pilots killed, appears walking with a sign. Below, the screen reads "Orden de ASESINATO." | "The family members of those who were murdered by order of Castro, are also demanding justice." |
| 0:49 | Close-up picture of BTTR pilot Mario de la Peña, as voice of Eva Barbas, mother of downed volunteer Pablo Morales, begins. Screen says: "EVA BARBA, MADRE DE PILOTO ASESINADO." She appears on screen speaking to reporter, but addressing Fidel Castro. | EVA BARBAS "What you have done is murder in mid-air these innocent ones. They were saving lives, not killing lives, like you do." |
| 1:01 | As she is sitting next to her son's picture, camera zooms in on him. | REPORTER: "For the mother of one of the pilots, the shouts will remain forever in her memory. They are the shouts of joy [pause] for the death of her son." |
| 1:09 | Scene of video, showing a flare descending on the sea. | AUDIO OF CUBAN PILOT: "The other one is destroyed! The other one is destroyed! Homeland or Death, cojones" |
| 1:17 | Back to Reporter Mario Vallejo in street. | REPORTER: "Whoever is interested in supporting Brothers to the Rescue can pick up their petitions in the most popular restaurants in Miami, like the Versailles, behind me, also in the Sedano supermarkets. That is all, from Little Havana, 23 News Univisión continues." |
| Ends 1:38 | Screen closes segment with large letters: Cobertura de Equipo Noticias 23 | ON SCREEN: "TEAM COVERAGE NEWS 23" |
| | BLACK SCREEN FOR TWO SECONDS. | |
| 1:40 | BACK TO STUDIO: Studio News Announcer Alina Mayo Azze. Screen shows BTTR plane and "Orden de ASESINATO" above it. | STUDIO REPORTER: "For the Cuban exile community, it has been truly painful to hear the recording. Last night we presented it first on News 23, and it has been on all the Radio and Television stations. Rafael Orizondo informs us." |

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| 1:55 | Screen shows government witness Larry Cleland walking outside courthouse, and Label on screen says: "DOWNTOWN MIAMI ESTA MANANA" and "Orden de ASESINATO" | REPORTER: "Larry Cleland, radar technician of the Air Force, gave ... |
| 2:00 | Archival footage, video of BTTR plane from left window of another plane, With label on screen "Orden de ASESINATO" | ... testimony about the trajectory of the [BTTR] planes, the Castroite MiGs and the Cuban and International jurisdictional limits." |
| 2:03 | Another shot of another BTTR plane | |
| 2:07 | Man interviewed outside courthouse by Ch. 23 reporter, with label on screen: "Norman del Valle", "Piloto Mov. Democracia" and "Orden de ASESINATO" label | NORMAN DEL VALLE "Well the space has always been historically well defined. What happens is that Cuba has demanded more territory in the sea than what it had previously." |
| 2:16 | Ch. 23 Reporter Rafael Orizondo speaks, as family members of the BTTR victims exit the courtroom. Label on screen: "Orden de ASESINATO" | RAFAEL ORIZONDO "And today, for the family members, they can still hear the vulgar and dehumanizing expressions of the Castroite pilots who fired their missiles." |
| 2:26 | Video of BTTR planes in sky, possibly from another plane. With Labels on screen "VOZ DE PILOTO DE MIG" and "Orden de ASESINATO" | CUBAN PILOT: "Object in sight. Object in sight. Plane." |
| 2:32 | Video from inside BTTR plane cockpit, looking forward, and screen labels: VOZ DE PILOT DE MIG" and "Orden de ASESINATO" | CUBAN PILOT: "Planes in sight. Planes in sight. We have them in sight. It's a plane. It's a plane. " |
| 2:40 | Video of presumed MiG flying, and then shot of BTTR plane, with labels: VOZ DE PILOT DE MIG" and "Orden de ASESINATO" | CUBAN PILOT: "White and blue, white and blue, white and blue, at low altitude. Plane." |

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| 2:49 | The videos of a MiG and a BTTR airplane appear alternatively on the screen. Labels "VOZ DE PILOTO DE MIG" "Orden de ASESINATO." | MIG PILOT #1 "I'm locked in on it. I'm locked in on it." MiG #2 "We're locked in on it. Authorize us." "We're locked in on it. Authorize us." |
| 2:58 | Video of the MiG on screen. Label "VOZ DE PILOTO DE MIG" and "Orden de ASESINATO" | MIG PILOT #2 "It's a Cessna 337." Voice of second pilot: "It was that one, that one. It's that one." |
| 3:08 | Video of a MiG from the cockpit of a BTTR plane, probably taken during the BTTR incursion of April 17, 1994). | MIG PILOT #2 "Authorize it, damn it." CUBAN COMMAND POST "Authorized to destroy." |
| 3:12 | Video of Cuban pilot on Cuban TV, as he speaks. Labels on screen: "PILOTO CUBANO, TELEVISION CUBANA" and "Orden de ASESINATO" | CUBAN PILOT "Immediately they gave us the signal to interrupt the flights of this, of the objective." |
| 3:21 | Another archival video of BTTR planes flying. Labels "VOZ DE PILOTO DE MIG" and "Orden de ASESINATO" | MIG PILOT: "First shot." |
| 3:26 | Video of MiG followed by the column of smoke taken from the cruise ship "Majesty of the Seas" during the shoot-down. Labels "VOZ DE PILOTO DE MIG" and "Orden de ASESINATO" | MIG PILOT: We hit him, damn it, we hit him, we hit him." MIG PILOT: Wait, Wait, to see where it fell." MIG PILOT: "Damn it, we hit him." |
| 3:42 | Video of the smoke, taken from the "Majesty of the Seas." The same screen labels. | MIG PILOT: "Hey, did you mark the spot? There is a boat close to it. The plane fell in front of the boat." |
| 3:51 | Video of BTTR airplanes taken from another BTTR plane. Labels "VOZ DE PILOTO DE MIG" and "Orden de ASESINATO" | MIG PILOT: "We have another plane." MIG PILOT: "We have another plane in sight." |

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| 4:04 | Video of the BTTR plane taken from another BTTR plane. The same labels. A view looking at the front window of a BTTR plane. | MIG PILOT: "It is in the region. It is in the region where it fell. We have the plane in sight. Comrade, it's where the other one took place." |
| 4:15 | The video changes to another BTTR airplane looked at from a different angle. The same labels on screen. | MIG PILOT: "Where the objective fell. You need to authorize us." MIG PILOT: Is the other one authorized? CUBAN COMMAND POST: Correct. MIG PILOT: " Great. Let's go Alberto. Do you have it now?" |
| 4:28 | | CUBAN COMMAND POST: "13 here, zero 20. You are authorized to destroy it." MIG PILOT: "Acknowledged, acknowledged, we will destroy it now... we have it, we have it, we're working, let us work." |
| 4:35 | Again, the video of the smoke column taken from the "Majesty of the Seas." Labels: 'VOZ DE PILOTO DE MIG', "Orden de ASESINATO" | MIG PILOT: "The other one destroyed. The other one destroyed. Homeland or Death, damn it. The other one down too." |
| 4:49 | Video of a MiG 23 (Most probably the one on April 17, 1994). Same labels as before. | VOICE (Probably the Search and Rescue Operation): ...Hold on, we're going to the location... to the place." MIG PILOT: "The 08 has One 12 now..." MIG PILOT: "Ok, the One 12... at the place of the deeds." |
| 4:58 | Video goes to a view from the cockpit of BTTR plane. Same labels as before. | "the boat is there, looks like it is picking up..." |
| 5:03 | Video of something like a boat moving on the water. Same labels as above. | "... A boat picking up..." "... in the first...a boat is picking up in the first." |
| 5:13 | Some airplane diving. Same labels as above. | MIG PILOT: "The One 12 returning." |
| 5:15 ENDS 5:20 | Video of BTTR airplane taken from another airplane. | UNIVISION REPORTER: "Tonight, Rafael Orizondo, News 23, Univisión." |

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