

5 Called 'Eyes, Ears' Of Castro Role In Shootdown Alleged At Spy Trial

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Five alleged Cuban spies became "the eyes and ears of the Cuban regime" in South Florida, using short-wave radios, encryption software and fake identities in an attempt to gather national defense secrets and discredit exiles, a federal prosecutor told a Miami jury Wednesday.

In the most serious accusation, Assistant U.S. Attorney David Buckner charged in opening statements of the spy trial that one of the defendants went so far as to help "bring about the murders" of four Brothers to the Rescue fliers.

But Paul McKenna, lawyer for lead defendant Gerardo Hernandez, switched the blame to Brothers founder Jose Basulto, who he said ignored repeated warnings not to violate Cuban airspace. A retired Air Force colonel will testify that "the Cubans were justified in shooting the planes down, and this was not an act of murder, but an act of war," he said.

McKenna and three other defense attorneys did not dispute that their clients worked for Cuban President Fidel Castro's government. But they told jurors that the men snooped on military bases and infiltrated exile groups not to hurt the United States - an essential element to prove espionage - but rather to protect Cuba from bombplanting "terrorist" exiles and the threat of a U.S. invasion.

The five defendants were charged as part of a 14-member ring called the Wasp Network, or La Red Avispa. Federal agents arrested the group in 1998 at the conclusion of a major counterespionage operation. Five others reached plea bargains requiring them to cooperate, and four are fugitives believed to be in Cuba. In an unusual move, several defense attorneys began their opening statements by disavowing any sympathies for Castro or communism. The statements and testimony are scheduled to continue Monday before U.S. District Judge Joan Lenard.

Accused are Hernandez, described in court papers as a ringleader and captain with Cuban military intelligence who lived in North Miami Beach as Manuel Viramontez; John Doe 2, who lived in Hollywood as Luis Medina; John Doe 3, who went by Ruben Campa; Cuban defector Rene Gonzalez of Miami; and Antonio Guerrero, a former janitor at Key West's Boca Chica Naval Air Station.

Medina's real name is Ramon Lavanino and Campa's real name is Fernando Gonzalez, their lawyers disclosed Wednesday.

Buckner told jurors that several spies assumed the identities of dead people and had fake documents made in those names so that no one would know who they really were.

They used encrypted computer disks, coded phone and short-wave messages, and diplomatic pouches to communicate with Cuban intelligence bosses, he said. Among their main goals, he said, were to infiltrate the FBI and U.S. Southern Command headquarters in the Doral area.

``Taken together, they paint a portrait of a sophisticated and highly motivated espionage cell operating in the midst of our community," Buckner said. But he told jurors not to expect the marvels of a James Bond movie, saying, ``There are no cars that turn into submarines."

He said the defendants never obtained any classified information.

Regarding the Brothers shutdown on Feb. 24, 1996, Buckner said Cuban Intelligence ordered Hernandez to ``facilitate a bloody confrontation" that would end Basulto's repeated ``provocation missions." Hernandez is accused of providing the Brothers' flight plan to the Cubans to accomplish that.

After Cuban MiG fighter planes rocketed the two Brothers planes out of the air over the Florida Straits, Hernandez received a congratulatory note saying, ``We have dealt the Miami right a hard blow," Buckner said.

McKenna countered, however, that ``there was no need for my client to do anything" because Miami air traffic controllers had routinely sent the Brothers' flight information to Cuba. He said Basulto knew a shutdown would happen on that day but chose to fly anyway.

Basulto, the sole surviving pilot from the shutdown incident, has denied that. He insists the U.S. and Cuban governments conspired to shoot the planes down to deter future violations of Cuban airspace.

Defense lawyers hammered at several themes: that the men never obtained top-secret data, that they had no intent to harm the United States, and that the Cuban government shared much of the intelligence with the United States - like that gathered on a series of Havana hotel bombings.

Defense lawyers Bill Norris and Joaquin Mendez gave two examples of alleged intelligence sharing between Cuba and the United States that apparently had not been made public before. They said the group learned that exiles were buying small radio-controlled airplanes called drones ``to possibly kill Castro." And they said a boatload of explosives and guns suspected of being linked to a violent exile group was intercepted on the Miami River by the FBI.

Hernandez, Guerrero and Medina face life in prison if convicted. Campa and Gonzalez face 10-year prison terms as unregistered foreign agents.

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