

Miami 5 get heavy sentences

By Gloria La Riva
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"If preventing the deaths of innocent human beings, defending our two countries from terrorism, and preventing a senseless invasion of Cuba are the reasons I am being sentenced today, then I welcome that sentence ... this has been a political trial and therefore we are political prisoners."

Ramon Labanino's courageous words had no effect on the judge. He received a life sentence here on Dec. 13. His words reflect the heroic sentiments of five Cubans who are, one by one, being condemned to harsh prison terms. After being railroaded by the U.S. government on false charges of espionage against the U.S., they were convicted in June.

On Dec. 12, Gerardo Hernandez was given the stiffest sentence: two life terms and 80 months. The next day, Labanino got life. Rene Gonzalez received 15 years. And on Dec. 18, Fernando Gonzalez received 19 years in prison. Antonio Guerrero is to be sentenced on Dec. 27. He also faces a life sentence. As each of the four sentenced so far stood before the court to give their declarations, their courageous words have put to shame the complicit role of the U.S. prosecutors, who have openly sided with the terrorists throughout the case.

The five Cubans are being persecuted for defending their country and their people from right-wing terrorist groups based in Miami like Alpha 66 and "Brothers to the Rescue." For a number of years the five men had infiltrated and monitored the actions of anti-Cuba groups in this city to prevent these sworn enemies of Cuba from committing crimes of terror.

In September 1998, after a two-year secret FBI surveillance, the five Cubans were rounded up and charged with espionage against the United States and related charges. Hernandez was convicted of an additional "conspiracy to commit murder" for the shooting down by Cuba of two "Brothers to the Rescue" planes on Feb. 24, 1996. The planes had ignored warnings and penetrated Cuba's air space after flying from Florida.

Hernandez was not involved in Cuba's decision that day to shoot down the planes of Jose Basulto's "Brothers to the Rescue." But because he had warned Cuba of Basulto's intent to fly over Cuba, the U.S. vindictively charged him with "plotting to murder" the four pilots who died in the shootdown.

Hernandez also had additional reason to notify Cuba of Basulto's actions. Basulto had told one of the Cubans--not knowing who they really were--that he planned in the future to drop bombs in his possession out of the plane's windows over Cuba.

This is perhaps one of the most telling and outrageous incidents of the whole case. In the trial, Jose Basulto, longtime CIA agent and convicted terrorist, was portrayed as the victim by the government. And the Cubans who tried to stop his deadly activities were the ones persecuted.

Chief U.S. federal prosecutors Carolyn Heck Miller and John Kastrenakes, and federal judge Joan Lenard, reiterated that shameful stance in sentencing.

In the pre-sentencing discussion, Gerardo Hernandez's attorney, Paul McKenna, gave a strong argument for Cuba's right to defend itself, portraying Hernandez's mission as defending his people.

McKenna said, "On Nov. 27 [1996], months before the shootdown, Gerardo stated that Basulto told him about plans with secret weapons. He said the weapons could be used ... to provoke actions against the government [of Cuba]."

"Who is Basulto? He is a CIA agent, saboteur, he was in the Bay of Pigs invasion, he is a known terrorist, a hotel bomber, an out-of-control pilot ... calling for the overthrow of the Cuban government on Radio Marti. He was taunting the Cuban military, saying they have no response, over Radio Marti. Why was Cuba not permitted to perceive Basulto as a threat?"

U.S. prosecutor Heck Miller tried to excuse Basulto, saying, "There was no physical violence, only a threat of violence" from Basulto's flights. She then made the absurd argument that three of the Cuban defendants "weren't even born before the invasion involving the Bay of Pigs."

McKenna responded, "According to the government's theory, you have to wait for a disaster to happen. That's not the reality, judge. ... Basulto flew recklessly into Cuban territory. ... What else could Cuba do? What more could they do? How many more diplomatic notes, notes to the FAA, warnings? They get intelligence reports from Rene Gonzalez that small planes can be loaded with weapons."

Judge Lenard overlooked overwhelming evidence--presented at trial--of terrorist actions by Basulto and others. In affirming a "conspiracy to commit murder" conviction against Gerardo Hernandez, she found his warning to Cuba of possible overflights by Basulto more "extreme and disproportionate" than Basulto's proven history of terrorism and his threats to drop bombs out of his planes in coming flights.

Before his sentencing, Gerardo Hernandez addressed the court:

"Cuba did not provoke this incident. On the contrary, it foresaw it, and tried to prevent it through every means within its reach. The prosecution's main argument during the trial was that this incident was a crime, because it involved unarmed civilian aircraft.

"This nation recently found out, in an unfortunate and brutal manner, just how much damage can be done to its people by an unarmed civilian plane. Perhaps that is why its top leaders have warned that any plane that strays threateningly from its scheduled route should be shot down, even if there are hundreds of passengers on board ...

"The prosecution stated in this courtroom, during the final arguments, that Gerardo Hernandez has blood on his hands." Referring to Jose Basulto, Hernandez continued: "I wonder whose hands are really stained with blood, if it is me or the individual who fired on a hotel full of people in Havana, the same individual who appears in the evidence of this case planning to smuggle antipersonnel weapons into Cuba; the same person who openly and recklessly defied the Cuban authorities, over and over and over again, violating the laws of that country, the laws of this country, and the most elemental rules of international aviation; the same person who not only did not hesitate to lead these young men to their deaths, but who also, in the moments of greatest tension, when there was still time to go back on his plans, did not do so, and instead left his laughter on tape for all of history, while his comrades were dying.

"This person's hands truly are stained with blood, yet this did not seem to matter to the gentlemen of the prosecution when they shook those bloodied hands on numerous occasions, even in this very courtroom. Nor did it matter to the prosecutors or the top FBI authorities in Miami when they shared the stage and the celebrations with this same person during the press conference on the day the verdict was announced. This is rather contradictory behavior for those who claim to represent the law.

"Your Honor, the prosecution considers, and has requested, that I should spend the rest of my life in prison. I trust that if not at this level, then at some other level of the system, reason and justice will prevail over political prejudices and the desire for revenge, and it will be understood that we have done no harm to this country that deserves such a punishment.

"But if this were not the case, I would then take the liberty of quoting one of this nation's greatest patriots, Nathan Hale, when he said: 'My only regret is that I have but one life to give for my country.'"