

**Join us September 22 to demand:**

**Defend democratic rights!  
Free the Cuban patriots!**

**They are political prisoners, not spies!**

On June 8, 2001, a federal court in Miami convicted five Cubans -- René González, Ramon Labaniño, Fernando González, Antonio Guerrero, and Gerardo Hernández -- on federal charges of "spying" for the government of Cuba. These convictions are a travesty of justice and a blow to democratic rights in the United States. The conviction of one of the five, Gerardo Hernández, on the frame-up charge of "conspiracy to commit murder" is a crude attempt to rewrite history and cover up Washington's policy of aggression against Cuba. Hernández and two others could face life in prison; the other men face up to 10 years in jail. Their sentencing will take place between late September and early October.

In an escalation of the efforts to frighten and intimidate opponents of U.S. policy toward Cuba and deepen government and employer assaults on democratic rights, the FBI arrested George and Marisol Gari in Orlando on August 31, also charging them with spying. The FBI is threatening more arrests. In effect, we are being told, "You may be next."

Join the Miami Coalition to End the U.S. Embargo of Cuba and other groups in organizing a conference on Saturday, September 22, to discuss the implications of this case for working people and others in the U.S. Join us in demanding that the Cuban patriots be freed and that the charges against the Garis be dropped.

**Miami Coalition  
Against the US Embargo of Cuba  
(305) 903-7407**

## What are the facts?

In September 1998, the FBI announced the arrests of 10 people in Miami, accused of spying for Havana. These individuals were charged with attempting to "infiltrate" the U.S. Southern Command – which oversees Washington's military operations in Latin America and was relocated from Panama to Miami in 1997 – and other military installations. They were charged with passing "military secrets" to the Cuban government and "infiltrating" and trying to disrupt Brothers to the Rescue and similar ultrarightist Cuban-American groups. Another four people were indicted *in absentia* on similar charges.

One defendant, Gerardo Hernández, was accused and subsequently found guilty of "conspiracy to commit murder" – a charge added long after the original indictments – in the deaths of four Brothers to the Rescue pilots. The men were shot down by the Cuban air force in 1996, following repeated warnings, after they provocatively entered Cuban air space.

Five of the ten individuals arrested in 1998 pleaded guilty to some of the charges and are serving jail sentences of three-and-a-half to seven years. The government used the extreme charges, the prospect of stiff sentences, and other pressures to try to break the individuals. In the face of this intimidation, they cooperated with the frame-up. Of the five, four were married with children and were told by U.S. authorities that they faced "long prison terms, possibly life sentences, and that they would lose paternal authority over their children." One of them, Joseph Santos, broke completely, testifying in January against the five who maintained their innocence. Prosecutors managed to have his sentence reduced to four years.

## On what did the government base its charges?

The prosecution's case at trial in early 2001 indicated how Washington concocts "documentation" to frame opponents of its policies. The FBI accusations were based on two pieces of "evidence": information allegedly contained in supposedly encoded messages the FBI copied off computer hard drives from the residences of the defendants and testimony from Joseph Santos.

The credibility of the FBI's "evidence" will be questioned by anyone familiar with the political police agency's long record of frame-ups and fabri-

cations, such as doctored tapes and other phony evidence used previously to frame Puerto Rican independence supporters, many who have struggled against racism or for the rights of Native Americans, and others.

The list of undemocratic aspects of the trial is long. Prosecutors failed to present any evidence that the defendants had stolen "military secrets" from U.S. government installations or passed such information to Havana. The FBI violated the rights of the defendants to protection from illegal search and seizure provided for in the Fourth Amendment of the U.S. Constitution. FBI agents broke into the homes of the defendants many times over the three-year period prior to the first arrests and searched through their belongings and computers. The prosecution's "evidence" consisted virtually entirely of electronic files the FBI claimed it copied during these break-ins as well as short-wave radio transmissions these same agents claimed they intercepted between the defendants and Havana.

The judge denied a defense motion to move the trial outside Miami even though several potential jurors – Cuban-Americans and Latinos in particular – asked to be disqualified for fear of recriminations if they voted "not guilty."

The mainstream media in the Miami area all but convicted the defendants of spying before the trial began. It has kept up a steady flow of articles and editorials trying to bolster the government's case and to portray the trial as fair – even though not a shred of evidence of "military secrets" supposedly stolen by "spies" was produced. A September 1 headline in the *Nuevo Herald* screamed, "They arrest two more spies", completely overlooking the principle that defendants are innocent until proven guilty.

## Stance of the defendants and of the Cuban government

In a statement featured in the June 20 issue of the Cuban daily *Granma*, the government of that country condemned the convictions. The original five defendants, the statement said, were part of an operation to "discover and report on terrorist plans hatched against our people" in Florida by counterrevolutionary opponents of the Cuban revolution. During the trial, the defense effectively exposed the terrorist activities of many of these groups. For decades, Washington has provided them a base of operations on U.S. soil to carry out provocations and violent attacks against Cuba.

The statement in *Granma* defended the five Cubans as patriots. It pointed out that the U.S. government failed to break these five men, despite 17 months of solitary confinement, the severity of the charges levied against them, interrogations, and offers of lighter sentences. The government imprisoned the wife of one defendant for three months to maximize the pressure brought to bear on him.

In a message "to the American people", the five men stated, "[We] are the victims of a terrible injustice." The imprisoned Cubans wrote, "Our nation, which has heroically survived four decades of aggressions and threats to its national security, of subversion plans, sabotage, and destabilization, has every right to defend itself from its enemies who keep using U.S. territory to plan, organize, and finance terrorist actions breaking your own laws in the process."

In an interview with CNN reporter Lucia Newman shortly after the 1998 arrests, Cuban president Fidel Castro said, "Yes, we have sometimes sent Cuban citizens to infiltrate counterrevolutionary organizations, to report on destructive actions against our country. And I believe we have the right to do so as long as the U.S. government tolerates" efforts on its soil to launch terrorist attacks against Cuba.

During a June 23 televised roundtable discussion, Castro said the five Cubans convicted in Miami should be considered "political prisoners." He noted that the U.S. government never admits to holding political prisoners. The U.S. rulers "never consider Puerto Rican *independentistas* as political prisoners," Castro said. "They have only committed the crime of loving their homeland, their nation, their culture, and aspiring to control their own destiny, for which they have fought many years." We agree.

#### **The defense made an excellent case for acquittal**

In their defense at trial, the five Cubans took a similar stance. They presented extensive evidence to the court about the character and scope of terrorist activities against Cuba.

On March 27, defense lawyers brought Rodolfo Frómeta, a former Alpha 66 member who later founded Commandos F-4, to the stand. Both groups have been responsible for armed attacks against Cuba and opponents of Washington's policies toward Cuba in Miami in the past. Frómeta

## **MESSAGE TO THE AMERICAN PEOPLE**

**(June 17, 2001)**

"We are five loyal Cubans, who for 33 months and five days have endured a severe imprisonment in the jails of a nation where hostility against our own is obvious with its authorities. Then, after a long and infamous trial directed by manifestly political objectives, methods and procedures and overwhelmed by a real deluge of maliciously concocted propaganda, we have decided to address the American people to let them know the truth, that we are the victims of a terrible injustice.

"We have been accused of endangering the security of the United States and indicted on numerous charges -- including crimes such as conspiracy to commit murder -- that could not, and cannot, be proven for they are false, but for which we could be sentenced to dozens of years of imprisonment and even to life sentences.

"A body of Miami jurors, and this explains it all, declared us guilty of all charges. But we are just Cuban patriots and it was never our intent to cause any harm to neither the values nor the integrity of the American people.

"Our tiny nation, that has heroically survived four decades of aggressions and threats to its national security, of subversive plans, sabotages and destabilization, has every right to defend itself from its enemies who keep using the U.S. territory to plan, organize and finance terrorist actions breaking your own laws in the process.

"Our country is also entitled to peace, respect for its sovereignty and for our most sacred interests.

"In the four years that we have spent in this country, we have never stopped wondering why is it that our two peoples cannot

live in peace and how is it possible that the mean interests of the extreme right, including terrorist groups and organizations made up by Cuban Americans, can strain relations between two peoples that are so close geographically and that could easily maintain relations based on respect and equality.

"In our prison stay we have had the time to reflect on our behavior in this country and we can say, without the shadow of a doubt, that neither with our attitude nor our actions have we in any way interfered with, or jeopardized the security of, the American people. What we have certainly done is contribute to exposing terrorist plans and actions against our people, thus preventing the death of innocent Cubans and Americans.

"Why is it necessary for Cuban patriots to stay away from their loved ones and postpone an otherwise joyful life with their families and people to discharge the honorable duty of protecting their homeland?"

#### **Why does the U.S. tolerate anti-Cuba terrorists?**

"Why are the U.S. authorities tolerant with these terrorists who act against our country? Why don't they investigate or take action against the terrorist plans denounced by Cuba or try to prevent the numerous attempts against the life of our leaders?"

"Why is it that the professed authors of these and other terrorist actions are still loose in South Florida as was clearly established during the trial?"

"Who trained them and who are allowing them to carry out their plans?"

"Who are those really endangering the security of the United States of America?"

"They are the terrorist groups made up by Cuban Americans and their political and economic mentors in America who are gnawing away at the credibility of this country, giving this nation an appearance of ruthlessness and misleading its institutions to an inconsistent, prejudiced and erratic behavior. They

are the same individuals who forestall a serious and sensitive approach to Cuba related issues.

"Such groups and their mentors have joined in a coordinated drive to bring about conflict between our two countries. To that end, they keep promoting with both the legislative and the executive branches of government increasingly aggressive measures against Cuba.

"They want to continue to update a long-standing history of invasions, sabotages, biological aggressions and other similar actions, while sparing no effort to create situations that might lead to incidents of grave consequences to both our peoples.

"The result of such aggressions against Cuba is that 3478 people were killed and 2099 were maimed between 1959 and 1999, notwithstanding very costly material losses.

"Yet, they persist in their propaganda campaigns offering the American people a distorted image of Cuba and trying to prevent with different pretexts, laws and regulations that Americans travel freely to Cuba to know first hand the real situation there. Likewise, they set every obstacle to cooperation in areas of common interest such as illegal migration and drug-trafficking that brings so much pain to the American people."

#### **Financed by U.S. tax dollars**

"All this is compounded by constant requests for ever higher and fresh amounts of money from the government, thus affecting the American taxpayers, simply to finance their actions against Cuba. The enormous amounts of money that keep pouring into radio and TV broadcastings, as well as to financing their subjects on the island, take away resources that could better be used to cope with social problems afflicting Americans.

"There are recent examples of these groups' clout and pressures on the Miami community, its government agencies and even its judicial system.

"It would be in the best interest of the American people to get rid of the bad influence of such extremists and terrorists that cause so much damage to the United States by breaking its own laws.

"We have never done anything for money. We have always lived modestly and acted humbly, living up to the sacrifices of our own people.

"We have always been moved by a strong sentiment of human solidarity, love for our homeland and contempt for that which goes against the dignity of the human person.

"The defendants in this trial are in no way repentant of what we have done to defend our country. We declare ourselves not guilty and simply take comfort in the fact that we have honored our duty to our people and our homeland. Our loved ones understand the depth of the ideas that guide us and they will take pride in our sacrifices for Humanity in this struggle against terrorism and for the independence of Cuba.

**-- Statement by five Cubans convicted in Florida of spying:**

René González Schwerert, flight instructor and specialist in aviation technology; Ramón Labañino Salazar, *summa cum laude* graduate in history of Havana University; Fernando González Llort, graduate in international relations from the "Raúl Roa García" Higher Education Institute; Antonio Guerrero Rodríguez, civil engineer; and Gerrardo Hernández Nordelo, graduate in international relations from the "Raúl Roa García" Higher Education Institute

**For more information on this case and how you can help fight to free the Miami 5, contact:**

**Miami Coalition Against the US Embargo of Cuba  
PO Box 370867, Miami, FL 33137  
(305) 903-7407**

testified that his group's goal has always been to assassinate Cuban president Fidel Castro, minister of Cuba's Revolutionary Armed Forces Raúl Castro, and other Cuban government officials. Commandos F-4 has taken responsibility for arson attacks on Cuban busses and vans, Frómeta testified. In 1993 and again in 1994 Frómeta and others were caught heading south near the Florida Keys by U.S. government agents. They were carrying high-powered weapons, but were not arrested on either occasion. Later in 1994, Frómeta was arrested and served three years in federal prison for trying to buy weapons for a plot to kill Castro.

In order to win the conviction of Hernández for "conspiracy to commit murder", the prosecution asserted that Hernández had provided the Cuban government with flight information about the Brothers to the Rescue operation, thereby setting the four pilots up to be killed. In response, the defense put retired U.S. Air Force colonel George Buchner on the stand. He testified March 21, using evidence from the records of the U.S. government's National Security Agency. Buchner showed that the two Cessna planes piloted by the four Brothers to the Rescue pilots were about six miles inside Cuba's air space when they were shot down near Havana on Feb. 24, 1996, by the Cuban Air Force.

The Brothers to the Rescue pilots ignored repeated warnings from Cuban authorities, Buchner stated. "The trigger was when the first aircraft crossed the 12-mile territorial limit," Buchner said. "That allowed the government of Cuba to exercise their sovereign right to protect its airspace." A third plane flown by Brothers to the Rescue leader José Basulto also violated Cuba's airspace but turned back and was not hit. Buchner testified that the Cuban MiG pilot tracking Basulto's plane "showed restraint" by breaking off pursuit.

Buchner is a former commander of the North American Air Defense Command, which was charged with overseeing nuclear "missile defense" over U.S. territory. His testimony contradicted earlier statements by Washington and a report issued by the United Nations Security Council in 1996 alleging the planes were shot down over international waters.

According to the Cuban government's account, corroborated in part by Buchner, the invasion of Cuba's airspace on Feb. 24, 1996, was the second hostile incursion by the same type of aircraft that day. It was also the 10th

such violation of Cuba's territory -- of its sovereignty -- over the previous 20 months, involving about 30 planes. Throughout this period, Washington knew about these escalating provocations and permitted them to continue. Under cross-examination on March 1, prosecution witness Chales Lenard, an aviation expert, said that Brothers to the Rescue pilots had entered Cuba's airspace previously and that Havana had repeatedly warned the U.S. government that the planes might be shot down if they persisted in their provocative flights. So it was Washington, with full knowledge, that allowed the provocation to continue. It was not one of the defendants who set up "innocent" or "peace-loving" pilots to be killed.

While the major national television networks, daily papers, and news agencies in the United States gave headline coverage for days in 1996 to White House claims against Cuba, outside Miami they virtually blacked out coverage of this kind of testimony in federal court that sharply refuted earlier reports.

In addition, in response to defense questioning under cross-examination, Brothers to the Rescue leader José Basulto -- who had tried to portray himself as a "nonviolent resister" to "Castro's tyranny" and a follower of Martin Luther King and Mohandas Gandhi -- admitted he "broadly supports exile groups bent on overthrowing Fidel Castro violently."

The effectiveness of these defense efforts moved Ramón Saúl Sánchez, head of the rightist Democracy Movement, to urge opponents of the Cuban revolution not to appear on the witness stand since the defense attorneys had turned the tables, putting them on trial instead of the defendants.

### **Our conclusions**

We believe the FBI and its higher ups in Washington are using these cases to further the U.S. government's unrelenting "Cold War" against Cuba. One of their goals has been to attempt another political frame-up and smear of Cuba. They also aim to cover up the political blows that the U.S. rulers -- and the rightist Cuban-American groups they have helped maintain and promote in southern Florida -- have recently suffered. First was the shooting down of the Brothers to the Rescue planes in an effective defense of Cuba's sovereignty. Then Elián González was returned to his family and to his country, with majority support among the people of the United States.

The government's persecution of these individuals serves to remind us all that assaults on Cuba -- which continues to offer an example to those fighting to end injustice, oppression, and exploitation around the world -- go hand in hand with efforts to undermine workers' rights. It further illustrates how the "justice" system is used in this country to frame-up and unjustly convict many working people, especially those who stand up to government policies and actions.

The top FBI agent in Miami, Héctor Pesquera, threatened further "investigation" of supposed spies for Cuba. He carried through on these threats with the arrests of George and Marisol Gari at the end of August. This is an escalation of the rulers' efforts to frighten and intimidate opponents of U.S. policy towards Cuba. In effect, we are being told, "You may be next." The trial and subsequent arrests, and the media show surrounding them, are aimed at creating an atmosphere where those who oppose Washington's economic war on Cuba, or stand up to other government policies, are at best intimidated and at worst branded as spies and subject to extended incarceration.

This move is also of a piece with U.S. government initiatives to beat the drums against supposed terrorists for "industrial espionage" or alleged spying for "rogue" states -- that is, all countries that don't cooperate with the wishes of those who rule in Washington. Along with recent "spy trials" like that of scientist Wen Ho Lee, it is aimed at reviving Cold War-era fears and suspicions.

In a notorious trial in 1951, Julius and Ethel Rosenberg were charged with espionage and faced the death penalty. U.S. authorities hoped to break the Rosenbergs and use them to go after others as part of the anti-labor witch-hunt at that time. Their trial was a warning to others opposing U.S. government policy or assaults by the employers. But the Rosenbergs did not break, and they were executed.

Throughout the decades of struggle for civil rights and the movement against the U.S. war in Vietnam, thousands of activists were targeted by the FBI's COINTELPRO operation. Break-ins, electronic surveillance, and trumped-up evidence marked the routine violations of the Fourth Amendment rights of these fighters.

The latest pretexts by Washington for encroaching on democratic rights come at a time of increased resistance to government and employer attacks on the labor movement, on welfare and Social Security, and the dignity of all working people. This case concerns all those fighting against police brutality, workers – like those on the Charleston docks – framed up for defending their union rights, and everyone organizing to end racism and sexism. We call on those involved in these and similar struggles and everyone who stands in defense of democratic rights to demand justice for the five convicted in Miami and a halt to Washington's witch-hunt against "Cuban spies."

Join us in a discussion of these issues and how to advance our common goals:

**Saturday, September 22, 1 p.m. to 6 p.m.**

**Embassy Suites, 3974 NW South River Drive, Miami  
(at the junction of State Road 112 and Le Jeune Rd.)**

**Suggested donation: \$10**

**Simultaneous translation in English & Spanish will be provided**

**Miami Coalition to End the U.S. Embargo of Cuba  
P.O. Box 370867 · Miami, FL 33137-0867**

- ☐ I would like to help with the September 22 conference to defend democratic rights and to demand freedom for the Cuban patriots!
- ☐ I can't participate right now, but keep me informed about activities.
- ☐ Enclosed is my contribution of \$\_\_\_\_\_ to support the work of the coalition.  
(Checks can be made payable to Miami Coalition on Cuba.)

Name \_\_\_\_\_

Address \_\_\_\_\_

City/State/ Zip \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

Organization/School \_\_\_\_\_