

US court drops all charges against Posada Carriles—terrorist killer set free

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10 May 2007

With the decision by US District Court Judge Kathleen Cardone to dismiss all government charges against Luis Posada Carriles, the judicial farce staged by the Bush administration to prevent the long-time CIA agent from standing trial for terrorism and mass murder reached its logical outcome. An individual responsible for the worst single terrorist attack in the Western Hemisphere during the twentieth century—the 1976 bombing of a Cuban civilian airliner that killed 73 people—has been set free.

The ruling, which exposes the fraudulence and hypocrisy of the Bush administration's vaunted "global war on terrorism," provoked scant coverage, and no apparent outrage, from the US mass media.

The legal logic of the decision rendered by Judge Cardone—a 2003 appointee of the Bush White House—may well be sound. The government apparently botched its case against Posada, perhaps intentionally. But then the case itself—that the terrorist had lied to immigration authorities when he entered the US in 2005—was a ruse. Its purpose was not to obtain a conviction of Posada, but rather to preclude his being publicly tried and convicted for murderous criminal activity that spanned more than four decades.

In her 38-page order tossing out the indictment, Judge Cardone charged that the government had used "fraud, deceit and trickery" to build its immigration indictment against Posada. She said that the authorities had used a citizenship interview, conducted after Posada had been picked up on immigration charges, to carry out a criminal investigation aimed at trapping the terrorist in a lie about his entry into the US.

She found it improper that immigration authorities asked him about not only how he snuck into the US, but also his record as a terrorist mastermind, responsible not only for blowing up the Cuban airline, but a string of terrorist attacks, including the bombing of hotels and tourist spots in Cuba in the 1990s.

"The realm of this case is not, as some have suggested, terrorism," she wrote. "It is immigration fraud."

The irony of these findings is extraordinary. The same government has built virtually all of its cases against those whom it *has* charged with terrorism—in virtually every case, individuals who carried out no acts of violence and, more often than not, were led into "conspiracies" by FBI informants—on precisely such "fraud, deceit and trickery," without provoking too many judges' ire.

Moreover, the use of minor immigration charges to jail people in order to interrogate them about possible terrorist connections was

utilized on a massive scale by the Bush administration in the months following the September 11, 2001 attacks. Thousands of Arab, south Asian and Muslim men were rounded up by federal agents, many of them kept in shackles and subjected to beatings and other forms of abuse. Neither immigration authorities nor the judiciary proved as solicitous in their cases as in that of Posada.

At the center of the judge's ruling was the fact that the translator used during the questioning of Posada bungled key questions, including one that was central to establishing the defendant's presence in Mexico before entering the US. The government has insisted that Posada was smuggled into the US aboard a boat by fellow right-wing Cuban émigrés, while the terrorist has maintained that he came across the border from Mexico and caught a bus to Miami.

Judge Cardone wrote, "This court finds the government's tactics in this case are so grossly shocking and so outrageous as to violate the universal sense of justice. As a result, this court is left with no choice but to dismiss the indictment." It is worth recalling that one of her colleagues in Miami recently rejected claims that the prolonged torture of former "enemy combatant" Jose Padilla was sufficiently "shocking" or "outrageous" to merit the scrapping of the government's indictment against him.

Insisting that Posada was entitled to his constitutional rights, Cardone concluded, "This court will not set aside such rights nor overlook government misconduct because defendant is a political hot potato. This court's concern is not politics, it is the preservation of criminal justice."

The judge's ruling came just days before the self-confessed terrorist was to go on trial on the immigration charges in an El Paso federal court on Friday. Before the decision to throw out all the charges against him, Posada had been released on bail and moved back to Miami.

Now, there is every possibility that he will be allowed to live freely in the US, under the effective protection of the US government. The Justice Department declined to say whether it intends to appeal the ruling.

In 2005, a federal judge ruled that, while Posada should be deported, he could not be sent to the only two countries in the world that would accept him—Cuba and Venezuela, both of which want to try him for terrorist crimes. The judge invoked the international treaty against torture—which the Bush administration has systematically violated—accepting the spurious claims by Posada's lawyers that he would face torture if sent to Venezuela

for trial.

There is every reason to believe that Posada received a ruling that upheld constitutional rights that have routinely been denied by the government to other imprisoned immigrants, precisely because he was a “political hot potato” and because the Bush administration was anxious to avoid a public trial.

Last month, the government had gone into court with a motion to gag Posada and his attorneys on the question of the terrorist’s long relationship with the US Central Intelligence Agency, claiming that it had ceased long ago and was irrelevant.

Posada’s lawyers countered that this relationship was central to their defense in establishing their client’s real connections to the US government. They insisted that the CIA ties had continued for at least 25 years, meaning that he had remained either an agent or asset of the US spy agency for at least another decade after the bombing of the Cuban passenger jet.

With the strong possibility that Posada would be allowed to introduce his CIA record, the Bush administration was nearly as anxious to avoid the trial in El Paso as it was to prevent the terrorist’s extradition to Venezuela—and for fundamentally the same reason. It feared that the proceedings would serve to expose Washington’s long record as a state sponsor of terrorism—and employed terrorists like Posada—in its protracted campaign to suppress social struggles and revolutionary challenges throughout Latin America.

The release of Posada was denounced at a joint press conference held in Caracas Wednesday by the foreign ministries of Cuba—whose citizens were murdered by the terrorist—and Venezuela, which has sought his extradition to face the trial that he evaded in 1985, when he escaped from a Venezuela prison. Posada, who obtained Venezuelan citizenship and worked as a senior officer in the country’s secret police in the early 1970s, plotted the airline bombing from his office in Caracas.

Cuban Foreign Minister Felipe Perez Roque stressed, “It is not (just luck) that Luis Posada Carriles is at large. He is free because there is a plan devised by the White House, authorized by President George W. Bush, to prevent Posada from being in prison.”

Venezuelan Foreign Minister Nicolas Maduro expressed the hope that the American people would demand that its “terrorist-protecting” government either try Posada or cede to Venezuela’s lawful demand for his extradition.

“The United States makes a mockery of international organizations, international law and the world’s conscience about this case,” he said.

Nicaragua’s government issued a statement Wednesday condemning the decision to release to Posada, calling him a terrorist “who has caused death and pain to hundreds of families following a series of criminal attacks.”

Nicaragua has also requested his extradition to face charges there related to his activities in support of the CIA-backed contra mercenaries, who waged a war of terror against the Central American country in the 1980s.

Meanwhile, the FBI has sent agents on a rare trip to Cuba to gather evidence in relation to a 1997 hotel bombing that killed an Italian tourist. Posada publicly took credit for the terrorist attack in

an interview with the *New York Times*. The FBI visit came as a grand jury in New Jersey is continuing its investigation of two local men charged with financing the terrorist operations. The *Miami Herald* reported last week that the FBI agents, working with Cuban authorities, interviewed witnesses to the bombing, reviewed evidence and visited crime scenes.

The report promoted a sharp protest from three Cuban-American Republican members of Congress from Florida—Lincoln Diaz-Balart, Mario Diaz-Balart and Ileana Ros-Lehtinen—who declared that pursuing a case against Posada in collaboration with the Cuban government showed a “shocking ignorance of the nature of terrorism.”

The undoubted attraction of the 1997 hotel bombing case for the government is that it came after the terrorist acknowledges he had ended his quarter-century relation with the CIA. Nonetheless, the threat that this relationship would still come out at trial, not to mention the reluctance of both Republicans and Democrats to conflict with the right-wing anti-Castro Cuban mafia in Miami, make it extremely doubtful that the government will move ahead with any charges against Posada.

In 1990 then US President George H.W. Bush—acting on the request of his son Jeb Bush, who later became governor of Florida—pardoned Orlando Bosch, a longtime anti-Castro Cuban terrorist who collaborated with Posada in organizing the 1976 airline bombing and was implicated in at least 30 other terrorist attacks. As a result of the presidential intervention, Bosch was released from prison and granted US residency. The blowing up of the Cuban jet took place while Bush senior was director of the CIA.

There is a distinct possibility that George W. Bush will either follow his father’s example in relation to Luis Posada Carriles or seek to bury the case while continuing to stonewall the lawful demands of Venezuela that he be returned to face the trial from which he fled more than 20 years ago.

Whatever action it finally takes, the Bush administration’s handling of the Posada Carriles case has exposed the fraud of its signature issue, the so-called war on terrorism. This slogan has been employed both to justify aggression abroad and as a pretext for curtailing democratic rights at home. Meanwhile, the US government continues to protect its own terrorists and defend the use of state-sponsored terrorism to further Washington’s global objectives.



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