



International Policy **BRIEF**

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El Paso Jury Acquits Arch-Terrorist Posada Carriles of all Charges

By Wayne S. Smith

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U.S.-Cuban relations -- and the Obama administration's standing -- received a painful and embarrassing blow on April 9 when the jury in El Paso acquitted arch-terrorist Luis Posada Carriles of all charges, despite the overwhelming evidence against him. The jury even heard -- among other damning evidence -- tapes on which he acknowledged being the mastermind behind the planting of several bombs in Havana, including one in the Hotel Copacabana in 1997 which killed an Italian businessman, Fabio di Celmo.

And yet, despite all the evidence against him, it took the jury only three hours to decide for acquittal on all counts. How could this be? Basically, because of the way the trial was run. The judge, Kathleen Cardone, owed her appointment as judge to George W. Bush -- and her political preferences showed. Reading over the trial, it often seemed she had simply turned the floor over to the defense attorney, Arturo Hernandez. He was allowed to attack the prosecution witnesses virtually at length and at will -- with no protest from the judge. Indeed, Ann Louise Bardach of the New York Times, and various other witnesses, seemed to be more on trial than Posada Carriles. Without protest from the judge, the defense attorney even accused one witness, Gilberto Abascal, of being a thief, a liar, a Cuban spy, a mercenary and insane. How, he often seemed to be asking, could the jury believe anything such unreliable people said?

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One could only feel a certain pained sympathy for the prosecution. They seemed to want to make a case against Posada. They even invited Cuban government witnesses to come up and testify against him – to no avail. The defense spent more time attacking the Cuban witnesses than in responding to their evidence.

The spokesman for the Justice Department, Dean Boyd, said the United States “was disappointed by the decision in El Paso.” It should have been.

It should be noted, however, that the prosecution might have had a better chance of prevailing had it been accusing Posada Carriles of actually committing acts of terrorism rather than lying about whether he had committed them, or lying about how he had entered the country illegally. Trying him on these lesser charges suggested the government had a weak case – which it did not. The decision to go for the lesser charges was not, of course, made by these prosecutors, but by those above them. A bad decision.

But however that decision came to be, the fact that Luis Posada Carriles, the notorious terrorist, could not even be convicted of “lying” is doubly embarrassing and casts doubt on our seriousness of purpose.

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