

TERRORIST GOES FREE, BUT IMMIGS DETAINED - WHY?

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Body

WHILE THOUSANDS of poor, decent, hardworking immigrants are kept **detained** in terrible conditions, Luis Posada Carriles, a dangerous man with a long criminal history and a pending deportation order, was **freed** on Thursday by a federal court in El Paso, Tex.

Posada's rap sheet includes **terrorist** acts in several countries, yet he was released on \$350,000 bond and arrived in Miami late Thursday to a hero's welcome.

While hundreds of immigrant families are mercilessly torn apart by raids and deportations, this shady character was sent home to his wife and children.

Posada, 79, had been in jail since he entered the U.S. illegally in May 2005. He will stand trial on May 11 and, outrageously, the only charge against him is immigration fraud.

But Posada - born in Cuba and a naturalized Venezuelan - is accused by those two countries of planning the bombing in 1976 of a Cuban passenger jetliner over Barbados that killed 73 civilians, including the young members of the island's fencing team. Venezuela has requested his extradition.

The Justice Department, though, has refused even to classify the former CIA operative as a **terrorist**. No matter that in March of last year, the U.S. Immigration and Customs Enforcement (ICE) denied Posada's release, calling him a "danger to the community" and "a risk to the national security of the U.S."

Last year, an immigration judge ordered him deported - but not to Venezuela or Cuba where, the judge said, he could be tortured.

The deportation order has been unenforceable. Despite Washington's pressures, no country has offered shelter to such a character. And now Posada has been released and sent back to Miami.

Posada's release happens at a time when, according to the Homeland Security Department, the number of immigrants in **detention** in the U.S. has **gone** up from about 6,000 in 1995 to a whopping 200,000 today.

Even worse, as it was revealed in January, immigrant detainees have endured the hardship of being confined in overcrowded jails where the temperatures often drop below freezing.

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Yet Posada is back home in Miami, and has only to wear an electronic ankle bracelet. And although he is not permitted to leave his house without authorization, one of his lawyers told a Spanish-speaking TV journalist that he is "allowed to go to see his doctor and his lawyers." Undoubtedly, Posada is a lucky man.

"It is an affront to the memory of the victims of Posada's terrorism," said José Pertierra, a Cuban-American lawyer who represents the government of Venezuela in its extradition case. "But it speaks volumes about the absence of sincerity in President Bush's so-called war on terror."

In a written statement, the Cuban government, quoting the judge who ordered Posada freed, asks an interesting question.

"Why is he released," the statement says, "when judge Kathleen Cardone herself, in her ruling of 6 April that ordered the release of the terrorist, recognized that he is accused ' . . . of being involved in or associated with some of the most infamous events of the 20th century. . . . Some of these acts include the Bay of Pigs Invasion, the Iran-Contra scandal, the midair explosion of Cubana de Aviación Flight 455, the 1997 bombs planted in tourist resorts in Havana and, according to some conspiracy theoreticians, the assassination of President John F. Kennedy?' "

This is the man who was freed and sent home to his family. In the meantime, thousands of poor, decent immigrants are detained, sometimes for years, and their families are torn apart. aruiz@nydailynews.com

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