

Cuban Exile's Jury May See Secret Fax

The New York Times

March 18, 2011 Friday, Late Edition - Final

Copyright 2011 The New York Times Company

Section: Section A; Column 0; National Desk; Pg. 20

Length: 470 words

Byline: By DAN FROSCH

Body

EL PASO -- A federal judge ruled Thursday that a secret fax, which a witness said was written by an anti-Castro militant and links him to a campaign of bombings in Havana in 1997, can be viewed by jurors at his perjury trial.

The witness, Ann Louise Bardach, a journalist who is a former contract writer for The New York Times, testified on Thursday that Luis Posada Carriles admitted during interviews in 1998 that he had sent the fax to associates. Ms. Bardach said that the fax was meant to convey Mr. Posada's frustration that the Havana bombings were not garnering more press attention.

Mr. Posada, 83, who worked for the C.I.A. during the 1960s and '70s, is suspected of orchestrating the wave of bombings in Havana, which killed an Italian tourist. He is also wanted by the Cuban and Venezuelan governments in connection with blowing up a Cubana airliner in 1976, killing 73 people -- a charge he has long denied.

Federal prosecutors say Mr. Posada lied during immigration hearings more than five years ago about how he entered the United States and about his role in the Cuban bombings. He faces charges of perjury, obstruction of federal proceedings and making false statements during a naturalization hearing.

The fax is crucial to the prosecution's case because it would support its contention that Mr. Posada lied outright to immigration officials after allegedly sneaking into the country in 2005.

District Judge Kathleen Cardone had previously ruled the document inadmissible because it was unclear from prior testimony that Mr. Posada was indeed its author.

But Ms. Bardach's appearance at the trial changes things. As part of her reporting for articles about Mr. Posada in The Times in 1998, she said she obtained a copy of the fax and discussed it at length with Mr. Posada during interviews.

The document, which was displayed for the jury, was sent to Guatemala on Aug. 25, 1997, in the midst of the bombings in Havana.

"As I explained to you, if there is no publicity the work is useless," it reads. "The American newspapers don't publish anything that hasn't been confirmed."

The fax is signed 'Solo.'

The lead prosecutor, Timothy J. Reardon, played tapes of Ms. Bardach's discussions with Mr. Posada about the fax. On the tapes, Ms. Bardach is heard asking Mr. Posada if he signed it, 'Solo,' his nom de guerre taken from a 1960s television series about secret agents, "The Man From U.N.C.L.E."

Mr. Posada responded with a chuckle: "Yeah."

Cuban Exile's Jury May See Secret Fax

He can also be heard on the tapes expressing concern about how the document was intercepted and whether it would cause him trouble with the authorities.

His defense lawyer, Arturo V. Hernandez, sought unsuccessfully to keep the **fax** from being ruled admissible on Thursday, arguing that Mr. Posada is never heard on the tapes explicitly stating he sent the document.

<http://www.nytimes.com>

Graphic

PHOTO: Ann Louise Bardach, a journalist, testified about interviews she did with Luis Posada Carriles, an anti-Castro militant.(PHOTOGRAPH BY JUAN CARLOS LLORCA/ASSOCIATED PRESS)

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: BOMBINGS (92%); PERJURY (90%); EYEWITNESSES (90%); DECISIONS & RULINGS (90%); JUDGES (90%); IMMIGRATION LAW (90%); ANTI-CASTRO CUBANS (90%); WITNESSES (90%); TESTIMONY (90%); INTERVIEWS (89%); **JURY** TRIALS (89%); WRITERS (89%); PUBLIC PROSECUTORS (89%); US FEDERAL GOVERNMENT (78%); FALSE STATEMENTS (78%); OBSTRUCTION OF JUSTICE (77%); JOURNALISM (76%); LAWYERS (75%); CITIZENSHIP (74%); IMMIGRATION (72%); NATURALIZATION (72%)

Industry: WRITERS (89%); LAWYERS (75%); TELEVISION PROGRAMMING (50%)

Geographic: HAVANA, CUBA (90%); UNITED STATES (92%); GUATEMALA (79%)

Load-Date: March 18, 2011