

Shootdown

*Castro, Clinton, the Cuban Five and
the real story
behind the downing of
two Brothers to the Rescue aircraft
on February 24, 1996*

By Stephen Kimber

from the forthcoming book *What Lies Across the Water*

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Cast of Characters

José Basulto: Born 1940. Bay of Pigs, CIA veteran. Founder, Brothers to the Rescue.

René González: Born 1956. Stole a plane and “defected” to the United States in 1990. In fact, a Cuban intelligence agent who infiltrated Brothers to the Rescue, PUND and the Democracy Movement.

Gerardo Hernández: Born 1965. Cuban illegal intelligence officer, head of La Red Avispa, a Cuban intelligence network in South Florida. Operating in the United States as Manuel Viramóntez.

Juan Pablo Roque: Born 1955. Cuban Air Force pilot, “defected” to the United States in 1992. Actually, a Cuban intelligence agent who penetrated Brothers to the Rescue and married a Cuban-American woman.

Ramón Saul Sanchez: Born 1955. Cuban-born exile. Member of Alpha 66. Founder of the Democracy Movement.

Introduction

At 3:19 p.m. on the afternoon of February 24, 1996, over the Straits of Florida, a Cuban MiG fighter pilot urgently radioed his ground controller: "Target lock-on, authorize us."

"Zero-eight... Authorized to destroy."

A pause, then: "First shot... We got him, damn it! We got him!"

Within seconds, Cuban jets had blown two unarmed aircraft out of the air, killing four civilian members of the anti-Castro exile group, Brothers to the Rescue.

That shootdown touched off an international incident that reverberates to this day.

But what really triggered the tragedy, and why does the shootdown itself continue to stalk relations between Havana and Washington?

Over Cuban territorial waters: July 13, 1995

José Basulto had to do something. From the cockpit of his Cessna, the president of Brothers to the Rescue watched as the two brown-and-gray Cuban government gunboats menaced a much smaller, unarmed vessel in the Straits of Florida.

Not again.

The vessel, the *Democracia*, was the pointy end of a 13-boat flotilla filled with Cuban exiles that had set out from Key West on their way to a spot, six miles inside Cuban territorial waters, to mark a tragic incident that had happened just one year ago today. Seventy two would-be Cuban refugees had hijacked a tugboat in Havana harbor and were making good their escape to Florida when fellow Cubans overtook them in other tugs. The Cubans had rammed the stolen vessel, then turned water hoses on it, sinking it. Forty-one people died.¹

Those aboard today's small-boat flotilla intended to sail to the site of the sinking and lay wreaths. It was a memorial but also, of course, a provocation. "Our purpose," explained Ramon Saul Sanchez, the founder of the Democracy Movement, another Miami-based exile group, "is to have Castro be concerned, to bring a message of solidarity to the Cuban people and to show that we are willing to take risks."

Shortly after 2:30 p.m., Sanchez gleefully announced to those aboard the *Democracia* that they had crossed into Cuban waters. The 100, mostly Cuban exiles began singing the Cuban national anthem. Before the final verse, the first gunboats had arrived.

"You have entered Cuban territorial waters," an officer hailed them in Spanish over his bullhorn. "You have violated Cuban territorial waters."

"We are Cubans, you are Cubans," Sanchez shouted back over the noise of the engines. "We have as much right to be here in Cuban waters as you."

While the exiles threw flowers into the ocean, the *Democracia's* captain ignored the Cuban warning and kept his bow pointed toward Havana.

"You have violated Cuban national waters," the officer repeated, louder this time. "We will not be responsible for what happens."

The *Democracia* didn't change course or even slow down. At 2:50 p.m., the gunboats finally approached the *Democracia* from either side, squeezing closer, closer, until finally the vessels crunched the *Democracia's* fiberglass hull between them, knocking many on board off their feet.

As Basulto and his fellow pilots—he and five other Brothers planes were

¹ The Cuban Coast Guard rescued the other 31 people aboard the stolen tug.

accompanying the flotilla—watched the drama unfold below them, Basulto decided he had to do something. *Now*. It was a split-second decision, he would explain later.

He radioed fellow pilot Billy Schuss. “Follow me,” he said, and the two planes peeled off south toward Havana, deliberately violating Cuban air space in hopes of distracting the Cuban military and keeping them from sinking the flotilla.

For 13 minutes, they flew not simply inside Cuban territory but directly over the city of Havana. As Basulto flew, his co-pilot, Guillermo Lares, rained thousands of religious medallions and bumper stickers—“Not Comrades, Brothers”—on the streets below.

Back in Miami, Basulto was unrepentant. “We are proud of what we did,” he told reporters. “Ultimately, it serves as a message to the people of Cuba. The regime is not invulnerable.”

In fact, Basulto’s split-second decision had been anything but spontaneous. As even he would later acknowledge, flying over Havana was always “a Plan B in case something went awry,” although he insisted he would not have flown over Havana “had the attack against the *Democracia* not occurred.”

Even before the planes took off that day, however, Billy Schuss had confided to another pilot, René González, that their plan was to fly “all the way to the Malecón.” González just happened to be a Cuban intelligence agent who’d been infiltrating Miami exile groups and reporting back to Havana on their schemes.

González wasn’t the only one gathering information on Basulto’s intentions. In a memo the week before, a detective from the Criminal Intelligence Bureau of the Miami-Dade Police Department noted: “recent information received from various sources has revealed the intention of several organizers to create an international incident during the course of the [flotilla].” It singled out Basulto and the Democracy Movement’s Sanchez, and suggested they were “presently involved in an effort to obtain a vessel which will be utilized solely to enter Cuban territorial waters and attempt to disembark in the Port of Havana.”

If not a vessel, of course, a plane.

Before July 13, Basulto also met with the U.S. Federal Aviation Association’s Charles Smith who’d specifically warned Basulto not to fly into Cuban airspace during the flotilla.

“Chuck, you know I always play by the rules,” Basulto replied, “but you must understand I have a mission in life to perform.”

That mission in life was to rid Cuba of Fidel Castro and his communist regime.

A militant anti-Castro Cuban exile who’d served his own apprenticeship in what would become the *de rigueur exilio* experience—the botched Bay of Pigs finishing school—and gone on to participate in and organize various armed attacks against Cuba, Basulto had once boasted to the *Miami Herald*: “I was trained as a terrorist by the United States.”

By the early 1990s, however, Basulto had become—he would insist to anyone who asked—a changed man. He’d had an epiphany. After studying the writings

of Mahatma Gandhi and Martin Luther King, he had decided to make active non-violence his “guiding principle for the rest of his life.” That was why he’d created Brothers to the Rescue, a humanitarian organization of small-plane pilots. Its sole mission was to save the lives of thousands of Cubans who were attempting to flee their oppressive communist homeland and seek their freedom in the United States.

As economic conditions in Cuba worsened in the aftermath of the collapse of their Soviet patron, more and more Cubans attempted the perilous 90-mile journey to Florida in rickety fishing boats and jerry-built rafts. Many died but many others were rescued, thanks in no small measure to the work of BTTR pilots who patrolled the Straits of Florida, alerting Coast Guard officials whenever they sighted a raft.

In the summer of 1994 with the numbers of rafters increasing every day, Cuban President Fidel Castro stunned his countrymen—and the U.S. government—by announcing that any Cuban who wanted to leave the island was now free to go. Tens of thousands jumped into boats unfit to float. Although Brothers to the Rescue stepped up its missions, “patrolling the Straits in anything that could fly,” they, like the U.S. Coast Guard, which was intercepting 300 rafts a day, were simply overwhelmed.

On September 9, 1994, the Clinton administration announced it had struck a deal with the Cuban government. The United States would no longer automatically allow Cubans picked up in the Straits to come to America, a reversal of a decades-old policy. Instead, rafters intercepted at sea would be dispatched to “safe haven” camps in Panama or Guantanamo. In future, the U.S. agreed to legally admit no fewer than 20,000 Cubans each year, but through normal channels. In exchange, Cuba promised to use “persuasive methods” to discourage its citizens from trying to make their way by sea.

The new U.S.-Cuba agreement, of course, also had an unintended consequence. Suddenly, Brothers to the Rescue had no one to rescue. Once the rafters realized they would be shipped off to Guantanamo or Panama if Brothers’ pilots notified the Coast Guard of their coordinates, they began angrily waving off their would-be saviors the moment they spotted one of their aircraft overhead. And with no one to rescue—and no publicity for having done it—donations had also begun to dry up. Basulto had tried to stir up new interest by pitching fund-raising drives, telethons and collections to support the dissident movement inside Cuba, but those pleas had fallen flat. His new missions, dismissed a *Miami Herald* columnist, seemed “less sexy” than plucking rafters from the waves.

In 1993, at the height of the rafters’ crisis, Brothers to the Rescue had raised nearly a million dollars in public contributions to aid in its well-publicized work of helping Cuban rafters escape the communist island. Last year, BTTR—which hadn’t rescued a single rafter in over a year—took in less than a third of that. Basulto, a once-successful Miami contractor who’d given up his house-building day job to run BTTR, had even had to drop his own \$60,000 annual salary down to \$37,000.

“Our basic mission of rescuing rafters remains,” Basulto had insisted, even after his first Havana over-flight. But then he added: “I would also say that flying into

Cuban airspace and showing solidarity with the Cuban people is itself a rescue action.”

José Basulto had found a new—and, he hoped, more lucrative—mission for Brothers to the Rescue.

Agents provocateurs!

Miami: September 2, 1995

José Basulto wasn't the only one to have discovered fund-raising potential in provoking the Cuban government.

Ramon Saul "Ramoncito" Sanchez, a Cuban-born exile, had arrived in the United States with his parents in 1967 when he was just 12. Five years later, he dropped out of Miami Senior High, joined the exile terrorist organization Alpha 66, participated in eight-10 "missions" inside Cuba and ended up in an American prison for four-and-a-half years for "refusing to bear witness against his compatriots."

In his everyday life, Sanchez, now 40, had become a \$300-a-week paper pusher at a small Miami export firm, a modest man "with two suits, both black, two pairs of shoes, one black, one brown and some work boots." But in his other larger-than-life persona, he was the founder of *Movimiento Democracia* (Democracy Movement), an influential umbrella group of exile organizations dedicated to peaceful change—with a little nose-tweaking civil disobedience thrown in for good measure.

Like Basulto, Sanchez claimed to have abandoned violence as a way to bring about regime change. During his years in prison, he said, he'd come to realize violence made no sense. "We had gone down roads that we had thought would work. We were wrong. All of us grew up." As he explained his own epiphany in an interview with Miami *Herald* publisher David Lawrence, "it struck me as strange that an idea so beautiful as freedom had to be obtained through a means so degrading as violence . . . that in order to bring freedom to people, you had to inflict damage to other people."

Like Basulto as well, Sanchez now claimed to be a fan of the literary works of Mahatma Gandhi and Dr. Martin Luther King, Jr..

But while Sanchez, in meetings with Miami detectives during the summer of 1995, "reiterated his organization's passive philosophy," the police were clearly concerned about Sanchez's fellow travelers in another flotilla planned for September 2. "At present time," explained an August 10, 1995, intelligence report, "it is known that several Cuban exile organizations are planning to stage acts of sabotage against Cuban government installations. Such acts, though independent from flotilla plans, are due to occur on September 2, 1995."

As for Sanchez himself? According to the intelligence report, he "warned that if hampered by federal government regulations that would seek to derail [peaceful] plans, he would call for local acts of disobedience as a form of protest."

The federal government did indeed want to "hamper" the protesters' plans. Officials were worried about what might happen if there was another incursion into Cuban territory. In August, the State Department had publicly warned about possible "arrest or other enforcement action by Cuban authorities" of anyone illegally entering Cuban waters or airspace. "The Cuban government

asserted its 'firm determination' to take action necessary to defend Cuban territorial sovereignty and to prevent unauthorized incursions into Cuban territorial waters and airspace," the public announcement said. It noted that the Cuban government "warns that any boat from abroad can be sunk and any airplane downed." The Department takes this statement seriously."

José Basulto didn't. Even though the FAA had written that week to say it intended to suspend his pilot's license for 120 days as a result of his July 13 overflight, Basulto professed unconcern. "It's a bunch of pages," he said of the FAA letter. "I won't read it until after the flotilla, and I will talk to my lawyer, but I won't do anything with this until next week."

Which, of course, just happened to be after the flotilla. Basulto had 15 days to appeal the FAA's decision. Even if the ruling was upheld, Basulto could appeal again to the National Transportation Safety Board. That could take another year. And then...

The Cuban government was not amused.

Havana: October 11, 1995

“The United States of America Interest Section of the Embassy of Switzerland presents its compliments to the Ministry of Foreign Relations of the Republic of Cuba,” American Department of State diplomatic note 553 began in the usual formal fashion, “and has the honor to refer to a request by the United States Federal Aviation Administration.”

In an earlier note—in response to a still earlier note from the Cubans protesting José Basulto’s incursion into its airspace—the Americans had promised the FAA would investigate “possible violations of Annex 2 to the Convention on International Civil Aviation by the pilot involved, with a view to taking appropriate enforcement actions.”

Now it was ready to report. “The FAA is charging Jose Basulto, a leader of the Brothers to the Rescue, with violating federal aviation regulations FAR 91.703, operating a U.S. registered aircraft within a foreign country in noncompliance with the regulations of that country, and FAR 91.13, operating an aircraft in a careless or reckless manner so as to endanger the life or property of another.”

To assist it with its prosecution, the American diplomatic note continued, the FAA wanted Cuba to provide “any evidence that might be relevant to the charges against Basulto, such as statements provided by Cuban air traffic controllers who observed the flight into Cuban air space or any other data to that effect...

“The United States of America Interest Section of the Embassy of Switzerland avails itself of this opportunity to convey to the Ministry of Foreign Relations of the Republic of Cuba the assurances of its consideration.”

Miami: October 21, 1995

Saul Sanchez had a plan. Though his group's flagship vessel *Democracia* was undergoing repairs after accidentally colliding with a bridge post a few days before and wouldn't be available to participate in the next flotilla, it was seaworthy enough to at least serve as a decoy.

Sanchez had already announced this Saturday's flotilla—the third²—would sail to the edge of Cuban territorial waters and beam into Cuban homes two hours of pre-recording programming, including a video reprise of his stirring July 13th high-seas confrontation with Cuban authorities.

The problem, as a spokesman for the Coast Guard had already publicly pointed out, was that such broadcasts would be illegal. "Under Article 109 of the International Law of the Sea, the authorities of any nation have the jurisdiction on the high seas to arrest any person or ship engaged in unauthorized broadcasts into that nation and seize the broadcasting equipment."

During a meeting with volunteers earlier in the week, Sanchez had suggested it might soon be time for the flotilla to "defy the government more openly." For this Saturday's flotilla, however, Sanchez had decided on a diversionary tactic he believed would keep the Coast Guard at bay.

Democracy volunteers would ostentatiously install some communications equipment aboard the *Democracia*, and the vessel would then set sail from Miami, apparently bound for the Keys to join the rest of the flotilla. The Coast Guard would follow the *Democracia* on what would turn out to be a pleasure voyage to nowhere. Meanwhile, another vessel, the *Reflected Gloria*—carrying the real communications equipment—would slip out of Key West on what would be billed as an "excursion." Later, it would rendezvous with the rest of the flotilla and make for Cuba.

While Coast Guard officials may not have known what Sanchez was planning, the Cuban government certainly did. René González had attended all the planning meetings and was reporting to his boss, a Miami-based Cuban illegal intelligence officer named Gerardo Hernandez who, in turn, sent high-frequency messages back to Havana.

González reported seeing Basulto and Sanchez in private conversation after one meeting. "I fear that they may decide to act using some plane of Brothers to the Rescue," González told Hernandez. "They are eager to emulate the coup they managed by flying over Havana."

Luckily, thanks to a forecast storm expected to kick up seas of nine feet in the Straits during the weekend, Sanchez had to cancel the flotilla two days before it

² Sanchez hadn't had much luck with the flotillas. His close encounter with the gunboats had put an end to his first seagoing adventure in July and he'd had to abandon his plans to sail to Cuba again on September 2 when one of the boats sank—this time having nothing to do with Cuban gunboats—and a man died.

was to take place. Unluckily, from Cuba's point of view, that would give Sanchez more time to plan his other weekend protest—a separate flotilla on New York's East River to coincide with Fidel Castro's 50th anniversary United Nations speech.

Miami: November 1995

Juan Pablo Roque was where he preferred to be: smack in the middle of the spotlight. A beaming Roque stood at a podium set up at the front of Le Festival Restaurant in Coral Gables celebrating with friends the launch of *Desertor*, his 120-page polemic-memoir. While his wife Ana Margarita videotaped, Roque thanked “an endless list” of those who’d made it possible, Jorge Mas Canosa, his financial angel at the Cuban American National Foundation, which had put up the money to print his vanity book, and José Basulto, his mentor at Brothers to the Rescue.

Perhaps Roque and Basulto got along so well because they’d both fled Fidel Castro’s Cuba by swimming to freedom across Guantanamo Bay: José Basulto in 1961 in the wake of the Bay of Pigs debacle; Juan Pablo Roque more than 30 years later after he’d become so disillusioned with his life under communism he “pulled on some scuba gear and flipped his way to the U.S. naval base in Guantanamo” where he demanded asylum.

Juan Pablo Roque had never quite fit in in Castro’s Cuba. He didn’t consider himself a communist or revolutionary and, as a young man, preferred reading “contraband” muscle magazines to political tracts. Despite his ambivalence, Roque was bright enough to have been plucked, while still a teenager, from the masses and shipped overseas to study in the Soviet Union. Seven years later, he returned to his homeland, a Cuban Air Force MiG pilot.

Though Roque loved flying—something else that endeared him to Basulto—he was far too much the individualist to fit comfortably within the boxes of Castro’s military. Partly because he didn’t drink rum or coffee and wasn’t crazy about baseball—he was a bodybuilder, and obsessive about his diet—his fellow pilots had dismissed him as “not Cuban enough.”

Roque was more than Cuban enough to fly with Brothers to the Rescue, Basulto told him when they first met a few months soon after Roque defected in 1992. Though Basulto himself had quickly taken a shine to the 33-year-old defector, not everyone in the organization felt the same way. Some of the other pilots dismissed him as a publicity-loving narcissist, and grumbled among themselves about the newcomer’s chumminess with Basulto, who’d not only tried to find him work but also hired him as his own personal trainer.

Basulto’s initial interest in Roque was partly personal and partly practical. Brothers had needed publicity in order to raise money for its missions. Roque was chiseled, dimpled, movie-star handsome—one reporter would write that he looked more like Richard Gere than Richard Gere—and he was eager to tell and re-tell his life story whenever a camera appeared.

And, when he did tell his story, Basulto couldn’t help but notice, he inevitably also told reporters all about the important work Basulto and Brothers to the Rescue were doing “saving from death those [Cubans] who plunge into the sea in their quest for the land of hope,” he offered eloquently. “They are brothers—not brothers-in-arms, as Raúl Castro described his Russian masters—but Latin and Anglo brothers, symbols of a new way of thinking, of a new dawn.”

During his two short years in Miami, Roque had made himself something of a media darling. He was handsome, far from camera shy and more than quotable. When two Cuban air force pilots defected within a single week in the fall of 1993, for example, the Miami *Herald* quoted Roque—whom it described as director of “a newly formed group of military defectors that began beaming short-wave messages to the island earlier this month”—explaining why he believed fewer Cuban jets were equipped with weapons: “They are afraid that one of these days, one pilot will turn around and bomb the Palace of the Revolution instead of flying to Miami.”

Desertor was just as acerbic in its portrayal of the Castro regime. Party members, he wrote, were “fat communists, heavy beer drinkers.” Cuba’s foreign minister, Roberto Robaina, was Fidel’s “puppet... a paranoid communist clown, intent in profiteering and living the good life, urging others to ‘do as I say, not as I do.’” Roque not only plunked Cuba’s economic woes at the feet of Fidel who “misspent the credits and commercial incentives given... by the former Communist bloc... [and] squandered blood and money... in a campaign to export revolution to Africa,” but he also claimed the Cuban government itself was involved in drug trafficking “and that Fidel got a share of the profits.”

Reading the book—filled with photos of a smiling Roque with Basulto, with Mas Canosa—no one would have guessed Juan Pablo Roque was actually a Cuban agent.

That, of course, was the idea.

Miami: November 29, 1995

Juan Pablo Roque was losing it, Manny Ruiz warned his bosses back in Havana.

Ruiz, a Cuban illegal officer who was currently substituting for a vacationing Gerardo Hernandez, had arrived in Miami in late October. He'd introduced himself to Hernandez as Miguel, though he also carried documents identifying him as a businessman in the import-export trade named either Alberto Manuel "Manny" Ruiz or Francisco Salgado Nieves. Miguel didn't tell Hernandez his real name or about his other identities. Hernandez didn't ask.

Compartmentalization, need to know... The less one knew the less one could tell. In case...

Hernandez had handed Miguel the keys to his North Miami apartment and his car—which Miguel would use during Hernandez's absence—and gave him the only copy of the magic floppy disk Miguel would need to decode messages to and from Havana. Hernandez also briefed Miguel on his agents' various assignments as well as their personal issues. René González, for example, was anxiously waiting for news for their bosses in Havana about when his wife Olga, would be permitted to join him in Florida. And Juan Pablo Roque, alias German or Vedette, the high-strung agent was even more anxiously waiting for news about when he would be allowed to return home to Cuba.

Ruiz had met with Roque two days before at a McDonald's in Coconut Grove, where Roque had shared Basulto's latest hare-brained scheme. Basulto wanted to apply for official permission to fly to Havana to deliver humanitarian aid to political prisoners, Roque had explained. Roque, Ruiz reported back to Havana incredulously, "seemed to think these flights might be authorized by Cuba. He even described with enthusiasm how good it would be if they would take place, and he would go with Basulto, land in Cuba, and say, 'That's it for me'... [He spoke about] how much of an impact it would have for one of the pilots of Brothers to the Rescue to stay." Ruiz told him he was dreaming in Technicolor.

Now two days later, the two men were meeting once again, this time at another fast food joint, the Pollo Tropical near the Miami airport. Roque's mood had careened from delusional to paranoid. Despite their apparent close friendship, Roque had gotten it into his head that Basulto somehow suspected him. Roque's concerns, Ruiz was convinced, were less a reflection of reality than of Roque's own increasing desperation to convince his bosses to bring him home.

Since the end of 1993, Roque had been pressuring Havana to end his mission because of what he called "different personal and family problems." In March 1995, the CP reluctantly agreed but, for a variety of reasons, that still hadn't happened. During a recent telephone conversation with his wife—the one in Cuba, not Ana Margarita, the Cuban-American woman he'd married in Florida—Roque had apparently made it seem like he'd be returning immediately. Which only added to pressure on the CP. Cuba's intelligence headquarters in Havana. During the meeting with Miguel today, Roque made it clear he "definitely" needed to be home before his son's birthday, which was

February 26.

The problem was that, even today in the middle of demanding to be brought home, Roque continued to provide the kind of juicy insider tidbit that made his clandestine work with Brothers so valuable and made his bosses back in Havana so reluctant to bring him in from the spying cold. Despite his tendency to showboat—his over-the-top autobiography had not won him any friends in Havana—Roque had, in the words of one TOP SECRET memo, “accumulated an important, informative fund coming from diverse sources or spheres of the counterrevolution.” Thanks to Roque, Cuban State Security knew all about José Basulto’s “interest in acquiring long-range weapons for attempts on the Commander-in-Chief’s life [and] his money-gathering for attempts on some people’s lives in Cuba.” Roque had also told his bosses about instructions he’d received from Brothers on ways to “interfere” with the air traffic control towers at Cuban airports. Even Roque’s autobiography had produced positive, if unexpected intelligence: the Cuban American National Foundation, which had underwritten its publication, asked Roque to provide a “technical assessment of using arrow-rockets to attempt on the Commander-in-Chief’s life.”

Today, Ruiz told Havana, Roque had reported on Basulto’s plans to develop “a ‘secret weapon’ that was very effective during the Second World War, and has not been manufactured anymore even though it is not very costly.”

Ruiz pressed him for more information but Roque said he hadn’t been able to find out anything more than that it was “an anti-personnel” weapon.

Havana would almost certainly want to know more.

Miami: Early January 1996

Even a spy needs a break. Extended annual vacations at home in Cuba were one of the few perks Cuban State Security offered its illegal officers in exchange for spending the rest of their time living alone as people they were not in places that were not home enduring the constant risk of exposure, or arrest, or worse.

In late October, Manuel Viramontez, a Puerto Rican graphic designer from Miami, had driven to Tampa and boarded a flight to Cancun, Mexico, for a vacation. There, he briefly became Damian Perez Oquendo, an employee at Cine Foto, a Puerto Rican retail photo supply chain, whose boss had asked him to travel to Cuba investigate business opportunities in the new tourist economy. The next day, he'd arrived in Havana aboard Mexicana Airlines Flight MX-321 to re-emerge as Gerardo Hernandez, the man he'd been born. But he was still posing, this time as a Cuban diplomat home for a welcome respite from his posting at the embassy in Buenos Aires. He'd spend his vacation with family and friends, regaling them with unexciting tales from the life of a mid-level diplomat abroad.

His wife Adriana didn't—but did—know what her husband really did for a living. "This subject," as Hernandez would delicately explain it in a note to his superiors, "has always been treated with the 'care,' which its complexity and novelty confer upon it." But the reality was that he and Adriana both wanted children—and soon. They wanted to raise their family together, either in Havana or...

Though they'd limited their conversations to the "concrete details if it were to happen," Hernandez insisted, the issue of living together again was becoming more pressing with each new prolonged absence.

In early January 1996, vacation over, Hernandez reported to a secret State Security work house in Havana to prep for his return to Florida. Work houses were otherwise nondescript houses or apartments in residential areas where agents could come and go, meet, be trained, briefed or debriefed without attracting unwanted attention. Because he was a covert agent, Hernandez was "strictly prohibited from entering any establishment [publicly] connected to the clandestine services, as that could reveal my real job and jeopardize my mission. This was true, even in Cuba, where we knew the United States had counter-intelligence agents."

Hernandez wasn't the only one being prepared for duty at this particular work house. Olga Salanueva, René González's wife, was here too. Five years after her husband "defected," Cuban State Security finally told her what René was really doing in the United States, and had recently begun training her in radio communications techniques so she could assist him when the U.S. Interest Section gave her permission to go to Florida with their daughter Irma.

During his days at the work house, Hernandez and his supervisors discussed the details of his intelligence network's bare-bones operating budget for the upcoming year—\$35,935 for everything, including expenses for himself and his

agents.³

Hernandez's handlers also briefed him on the role they wanted him to play in Operation Venecia, a newly hatched scheme to bring disgruntled agent Roque home to Cuba. The double purpose of Operation Venecia was to bring Roque back to Cuba and then use publicity about his defection to make "a well documented public declaration or denunciation" of Brothers and the Cuban American National Foundation, which might discourage Basulto from violating Cuban air space again—at least for a little while. The Cubans wanted to make a splash. What if, they suggested to Hernandez, Roque was to steal a Brothers to the Rescue plane and fly it to Havana? Imagine the publicity potential!

Hernandez's initial assignment was to figure out the logistics for Roque's safe return.

³ Like any good bureaucracy Cuban State Security required a detailed accounting of all Hernandez' expenditures: "two glasses" (\$2.14); air freshener (\$2.17); a Mother's Day gift for one of the agents(\$30 for a floral arrangement); English grammar book (\$18).

Miami: January 5, 1996

While the CP prepared Gerardo Hernandez in the Havana work house, Manny Ruiz took care of Venecia's preliminaries in Miami. It wasn't easy. He'd tried to contact Roque but he didn't respond to beeper messages. When they finally did connect, Roque claimed he hadn't remembered Ruiz's number.

In the meantime—and more productively—Ruiz had coached René González on his public part in the upcoming drama.

Because González and Roque had been good friends within the Brothers organization, it would be essential for González to find ways to “totally discredit and disassociate himself” from Roque, even before Roque popped up in Havana. Luckily, Roque's life provided plenty of fodder. “He likes to be in the press,” Ruiz suggested. “He likes to be known and he wrote a book about his defection, which didn't sell well, but he thought it was pretty good...”

Ruiz reminded González he would need to be “extremely careful” dealing with Roque's FBI contact Oscar Montoto, whom Roque had introduced him to. González had recently called the agent himself to tip him off about an exile drug smuggling operation, but since Roque had introduced González to Montoto, the agent was bound to be suspicious of him once Roque “defected” back to Cuba.

The important thing, Ruiz told González, was to avoid being obvious. Not that anyone had to remind him of that. René González hadn't survived more than five years in the belly of the American beast by being obvious.

Miami: January 15, 1996

José Basulto was clearly enjoying himself. “Let’s just say we take responsibility for those leaflets,” he told a reporter from the Miami *Herald* after reports that thousands of pamphlets urging Cubans to rise up against Fidel Castro had mysteriously dropped from the sky onto the streets of Havana two days before. “But I cannot give you any of the technical details of how we did it,” he added.⁴ Nudge, nudge, wink, wink.

Basulto wasn’t about to take public credit for doing again what the FAA already wanted to suspend his pilot’s license for. But he wasn’t about to deny it either.

Basulto acknowledged he had copies of the leaflets in question (with messages like “Fight for Your Rights” and “Your Neighbors Feel the Same Way You Do—Change Things Now”); that he knew half-a-million copies had been printed; that the leaflets had been dropped from the skies above Havana at about 2 p.m.; that it was raining then; that the skies over the city were dark and cloudy; and that the Cuban military hadn’t fired on... whoever did the dropping.

So did that mean...? Basulto simply smiled.

Later that day, a Radio Marti interviewer asked him why he thought Cuba’s military hadn’t retaliated against this latest incursion, the second in four days. Basulto’s reply seemed as much as a challenge to any Cubans who might be listening as a direct answer to the question. “That is the same question that our compatriots on the island should ask when they fear the Cuban Government,” he said. “We have been willing to take personal risks for this. They should be willing to do the same. They should see that this regime isn’t invulnerable, that Castro isn’t impenetrable, that many things are within our reach to be done.”

What about the American government, the interviewer asked? What did he think about its lack of response to his... er, *this* latest overflight?

Basulto’s reply was dismissive. “The United States,” he said, “is on vacation.”

Finally. Something Basulto and the Cuban government agreed on.

⁴ Basulto would later claim Brothers planes dropped the leaflets from “13 miles off the coast of Havana” and that they were “carried by the winds” into Havana.

Havana: January 19, 1996

The two men were both old baseball players, each better in their remembering than in reality. Bill Richardson, the United States ambassador to the United Nations, was fond of telling people he'd been drafted straight out of college baseball by the Kansas City A's. And Fidel Castro didn't do much to squelch the story he'd once been invited to try out by a major league baseball team. While neither story could survive a reality check,⁵ they did both like to watch—and talk about—baseball. Which was why taking in a Cuban Baseball League game together had seemed such a fitting way to end Richardson's successful three-day visit to Havana.

The idea of face-to-face meetings between Castro and Bill Clinton's closest confidante on foreign policy issues reflected the recent relative warming in relations between the two countries. Last spring, Cuban National Assembly President Ricardo Alarcón and the State Department's Peter Tarnoff had secretly negotiated a new immigration accord, eliminating one of the key irritants between Washington and Havana. Then, in early October—on the same day the White House OKed plans by 45 businessmen, including flamboyant developer Donald Trump and Time-Warner Chair Gerald Levin, to travel to Havana to discuss future American investment—Clinton himself announced he was relaxing restrictions on travel to Cuba, allowing U.S. news organizations to set up shop there and increasing public funding for non-governmental groups pushing “democracy and the free flow of ideas” in Cuba.

None of it had been easy. Even before the immigration accords, two right-wing Republican congressmen—Representative Dan Burton and Senator Jessie Helms, the chair of the Foreign Relations Committee—introduced the Cuban Liberty and Democratic Solidarity Act (the Helms-Burton bill) to tighten the screws on Cuba and make life more difficult, even for foreign companies doing business in Cuba. With the Cuban American National Foundation riding lobbying herd on the process, the Helms-Burton bill had already sailed through the House of Representatives by a vote of 294-130.

Although senior administration officials were doing their best to stiffen the spine of resistance to the bill as it worked its way through the Senate, they agreed a positive gesture from the Cuban government might help convince the wavering.

The idea for the Havana tête-à-tête had first been broached at a private meeting between Richardson and Castro during the Cuban leader's visit to the United Nations in New York in late October. When word of the talks leaked out, of

⁵ According to the *Albuquerque Journal*, which investigated the Richardson story in 2005, there is no record of Richardson having being drafted by the A's or any other team. Richardson, who'd publicly claimed for years that he had, issued a statement acknowledging that, “after researching the matter... I came to the conclusion I was not drafted by the A's.” And Yale professor Roberto Gonzales, who has studied Latin baseball, debunked persistent reports Fidel was offered a tryout by either the Yankees or the Washington Senators. “It is a fabrication by an American journalist whose name is now lost,” he wrote in an online posting, adding the story “is never told in Cuba because everyone would know it to be false.”

course, Miami's exile leadership waxed apoplectic. Mas Canosa, the Chair of the influential Cuban American National Foundation, took to the airwaves to denounce this "negotiating behind the backs of Americans and Cuban exiles" as "shameful." Clinton's spokesperson was even forced to deny a newspaper report the administration had told Castro that Clinton would veto Helms-Burton if the Cubans agreed to release some political prisoners.

That's not to say political prisoners weren't discussed. During his first night in Havana, Richardson and Castro had stayed up until two in the morning talking about all sorts of irritants. The Americans brought up political prisoners—Richardson handed Castro a list of 10 prisoners of conscience the U.S. wanted released—as well as other human rights issues, extradition of American fugitives in Cuba and reducing fees for Cuban emigrants to the U.S..

Castro countered that he wanted to talk about Brothers to the Rescue, though he didn't name the group directly. Castro was convinced the U.S. administration had the power to clip Basulto's wings if it really wanted to. American officials responded that, given constitutional protections against "prior restraint," grounding Basulto wasn't as easy as ordering it.

Now, on Richardson's final night in Havana, the two men had decided to forget about the big issues that divided them and enjoy a baseball game. "We talked an hour about baseball," Richardson would recall. "I said, 'You have no pitching here. You have great hitters.'"

But Castro eventually returned to the Brothers and their continuing provocations. Castro, Richardson would explain later, "warned me about these overflights, and he wanted us to do something about them." Though Richardson insists the notion of a deal to stop the Brothers was "total fiction, fantasy," the Cubans came away from the meetings convinced the Americans had agreed to stop more overflights. Havana even began making plans to release a small number of political prisoners as a sign of good faith.

But Castro—who'd become increasingly frustrated by what he saw as America's ongoing failure to act—wasn't prepared to take everything on faith. He quietly gave the Commander of the Cuban Air Force and Air Defenses the go-ahead, "if such a situation arose again, to decide personally on military interception and shooting down, if so required."

Washington: January 22, 1996

The early morning email from Cecilia Capestany, a manager in the Federal Aviation Administration's Office of International Aviation, was addressed to half a dozen FAA and other officials who were trying to end the ongoing intrusions into Cuban airspace by Brothers to the Rescue aircraft.

"In light of last week's intrusion, this latest overflight can only be seen as further taunting of the Cuban Government," she wrote. "[The State Department] is increasingly concerned about Cuban reactions to these flagrant violations. They are also asking from the FAA, 'What is this agency doing to prevent/deter these actions?'"

"Worst case scenario is that one of these days the Cubans will shoot down one of these planes and the FAA better have all its ducks in a row."

It was signed "Cecilia."

Miami: Late January 1996

It seemed the FBI—like Cuban intelligence—preferred fast food joints for clandestine meets. And why not? They were inevitably busy, noisy public gathering areas where it was easy to talk without arousing suspicion. Besides, the food was inexpensive, no small matter for budget-conscious bureaucracies in both countries.

Today, FBI Special Agent Alex Barbeito was at a Burger King near the Tamiami airport to meet a potential drug informant named René González, a Cuban defector who now worked as a flight instructor for Aero Club International at the airport. Oscar Montoto, an agent in the Bureau's foreign counterintelligence unit, introduced the two men. The month before, González had confided to Montoto that he'd been approached by some people to fly to Honduras to pick up a shipment of cocaine, and that he was uncomfortable with the idea. Montoto passed the info on to Barbeito, an agent with the drug squad.

Now Barbeito listened as González explained that a guy named Hector Viamonte, whom he'd known through PUND and who was now a member of another group called the CLU—Comandos de Liberacion Unidos—had asked him to transport the drugs.

Would González be prepared to testify if the case ever went to trial, Barbeito asked? He would. Would he wear a wire? González wasn't keen. What would happen if they caught him, he asked? Barbeito decided to leave the issue of recording González's conversations with Viamonte—key to getting evidence that would stand up in court—for another day. For now, he simply explained to his new informant the rules of the game: González could not use any unlawful techniques to get information; he couldn't participate in any acts of violence; and he had to report any contact he had with Viamonte to Barbeito. González agreed. Barbeito said he would do up the paperwork, and René González would become a paid FBI informant—provided, of course, his information proved useful.⁶

René González wasn't as concerned whether his information would help the FBI convict Viamonte for drug dealing—though he would be happy if it did—as he was in making sure Viamonte and his exile friends couldn't use their illicit drug profits to buy more weapons to use to attack Cuba. If he could help the FBI do its job and help Cuban State Security protect his country at the same time, it was a win-win.

⁶ González's information didn't lead directly to an indictment—the planned drug deal fell through—but Viamonte was convicted in December 1997 of conspiracy to import and distribute close to 3,000 pounds of cocaine and sentenced to nine years in prison.

Miami: January 27, 1996

Juan Pablo Roque didn't want to steal a Brothers to the Rescue aircraft to make his escape more dramatic, but the CP—as it had made clear in its most recent messages—was “interested in this variable. Analyze again with him.”

Ever since he'd arrived back from Havana, Gerardo Hernandez had been delicately attempting to navigate this difference of opinion between Roque and headquarters. It wasn't easy—and not just because of Roque. Manny Ruiz was also still in Miami, still in Hernandez's apartment, still controlling the decoding disk Hernandez needed to send and receive his messages to Havana. Not that there was much he could do about that. Ruiz, a major in the State Security hierarchy, outranked Hernandez, a mere lieutenant. Ruiz seemed to be busy with projects of his own for the CP—and with the decoder disk.

Despite the limitations, Hernandez did his best to convey Havana's arguments to his recalcitrant agent, including suggesting he could ask to “borrow” a plane “to pick up his children.”

“Give [Roque] the argument that plane will not be stolen nor violent action be taken,” the CP made clear. “It can be any BTTR plane. Look for opportune moment. Travel alone. That way we can denounce BTTR's role with spectacular proof and raise the spirit of the population facing BTTR's impunity,” the message from the CP concluded, adding one final argument designed to appeal directly to Roque's ego. “It will be the culmination of the heroic activity carried out by a loyal pilot.”

Hernandez had trotted out that too, but Roque hadn't budged. And the window for arguing over details was closing quickly. Both Hernandez and the CP would need to sort out final logistics soon if they were to make his re-defection happen on schedule.

“Inform extremely urgent [Roque's] decision,” the CP messaged finally. Hernandez already knew what the decision was. He just had to get the decoding disk back from Ruiz to tell it to Havana.

Miami: January 29, 1996

Venecia wasn't the only Cuban operation targeting Basulto and Brothers to the Rescue. There was also Scorpion. On January 29, Havana sent a high frequency message to Manny Ruiz in Miami: "Superior headquarters," it said, "approved Operation Scorpion in order to perfect the confrontation of counterrevolutionary actions of Brothers to the Rescue."

What perfecting the confrontation might actually mean in practical terms wasn't clear from the rest of the message, but Havana informed Ruiz it needed to know "without a doubt" when Basulto was flying a Brothers mission, "whether or not activity of dropping of leaflets or violation of air space." The CP also wanted its agents on the ground—Roque and González—to report urgently on the types of aircraft BTTR would be flying, their registration numbers, pilots, passengers, flight plans, etc."

Given recent communication snafus, the CP also instructed Ruiz to "establish more than one route" to contact Roque. "Avoid arguments [Roque] used regarding confusion he had about your beeper number." The CP was clearly losing patience with Roque for all sorts of reasons, not the least of which had been his excuse for failing to respond to a message from Ruiz earlier in the month. "We were surprised," Havana noted icily, "that [Roque] would confuse your beeper number at such an important time."

Someone at headquarters in Havana—apparently having forgotten González had stopped flying with BTTR more than a year before, though he was still supplying intelligence gleaned around the hangar—instructed Ruiz to tell both González and Roque to "find excuse not to fly" if asked. "If they cannot avoid it," the CP message added, González should "transmit over the airplane radio the slogan for the July 13 Viva Cuba, and [Roque] should call his neighbor Amelia and tell her he will call her on Wednesday. If he cannot call, he should say over the radio, 'Long live Brothers to the Rescue and Democracia.'" ⁷

Something was clearly about to happen. But what?

⁷ Those instructions—adopting almost precisely the same wording as the original and picking up on Havana's mistaken notion González was still flying with Brothers to the Rescue—were supposed to have been passed on to René González two weeks later. That message, which was signed using the code names for both Ruiz and Gerardo Hernandez, would become a critical piece of evidence in the "conspiracy to murder" indictment against Hernandez three years later. But Hernandez insisted in a 2010 affidavit that he was never part of Operation Scorpion. "I did not write or send the message of February 12, 1996," he wrote. "I do not know why my name was added to that document as a signatory." He pointed out he would have been well aware González was no longer a Brothers pilot and noted the message refers to González using a code name for him that he never used. Although the affidavit didn't specifically say Ruiz wrote the message, Hernandez also explained that "it wasn't until early March that [Ruiz] was directed to turn over the decoding program to me."

Havana: February 1996

Eugene Carroll understood immediately he was being asked to deliver a message—and that the message was urgent. The retired Rear Admiral-turned-American-security-expert had spent the first week of February in Cuba as part of a U.S. delegation, which also included other retired American military and foreign service officers and a retired U.S. ambassador to Latin America. They'd visited the Cuban naval base at Cienfuegos, a nuclear site at Tiragua, several military training sites, the defense college and met twice with senior Cuban military officers, including the chief of staff of the Cuban Armed Forces.

The official agenda called for the two sides to discuss the future of Cuba-U.S. relations in the post-Soviet era, but the Cubans kept bringing up the Brothers' overflights. At one point, Cuban Air Force Brigadier General Arnaldo Tamayo Méndez⁸ complained that, despite Cuban protests, the flights had continued. "Even worse," Carroll would remember him saying, "the pilots had gone on television in Florida to boast they were doing this, and this proved that Cuba was defenseless, weak, impotent."

Tamayo then looked at Carroll directly. "What," he asked pointedly, "would be the reaction of your military if we shot one of those planes down. We can, you know."

Carroll was taken aback.

When he and his group returned to Washington, they arranged to meet with officials from both the State Department and the Defense Intelligence Agency to brief them on their trip, but especially the Cuban warning "we thought was intended for us to carry back to Washington."

Carroll delivered the message. But had it been received? And, perhaps more importantly, could the recipients—even if they wanted to—prevent what appeared to be a looming confrontation.

⁸ In 1980, Tamayo had been the first Cuban, first Hispanic and first black person to travel in space, spending nearly eight days aboard the Soyuz 38 as part of the Soviet Union's Intercosmos program.

Havana: February 16, 1996

Yet another meeting at the Swiss embassy to deliver yet another diplomatic note about José Basulto's overflight of last July 13.

The Americans had called this meeting to formally express the FAA's gratitude to the Cubans for having allowed one of their air traffic coordinators to testify. But now, the message explained, "the FAA has requested the following additional information... the altitude at which the aircraft penetrated the Havana flight information region; the dangerous zones located within the Havana flight information region; and the altitude at which the aircraft penetrated the Havana air traffic control zone."

More than seven months after Basulto's initial flight, the FAA was still gathering information—and only about this earlier flight! When would its investigators get around to looking into last month's incursion? Or next month's?

Havana: February 17, 1996

Now that the final decision had been made—Roque would return to Havana by commercial aircraft—Gerardo Hernandez had more new assignments.

For starters, the CP wanted another copy—or better still, the original of the video Roque's wife Ana had taken at his book launch. The first copy he'd sent was "mutilated in several places," Havana reported. The CP was keen to show the video at Roque's press conference to embarrass both Basulto and the CANF members who'd attended. Which was also why Hernandez had been directed to videotape Roque entering and leaving CANF headquarters.

Roque's final escape plan involved driving from Miami to Fort Lauderdale on either February 23 or 27, boarding a flight to Tampa, and then flying on to Cancun on Northwest Airlines. Manny Ruiz would purchase that ticket using the false name Roque was to assume. Hernandez had already provided Roque with that character's legend so he could study and appear to be who he would claim to be. A senior intelligence officer from the CP would be standing by in Cancun waiting to provide Roque with a second set of false documents for the last leg of his journey home.

Operation Venecia was going to be a propaganda coup.

Miami: February 20, 1996

Cuban State Security wasn't alone in wanting to "perfect the confrontation."

On Valentine's Day, José Basulto had staged a showy press conference at La Ermita de la Caridad ⁹, the Cuban exile shrine on Bay Biscayne, to announce Brothers' financial support for a proposed gathering of dissident groups in Havana later in the month—and to take yet another potshot at Washington.

The donation was destined for Concilio Cubano, a four-month-old coalition of 131 pro-democracy groups inside Cuba. The organization, which was demanding immediate amnesty for all of the island's political prisoners as well as a gradual transition to multi-party democracy, had even recently applied to the Cuban government for permission to stage a three-day national conference in Havana beginning February 24. The date was not coincidental. It marked the beginning of island-wide insurrections in 1895 that signaled the start of Cuba's final war of independence from Spain.

Concilio's objectives—not to mention its cheekiness in citing Articles 54 and 63 of Cuba's own constitution, allowing peaceful assembly, to justify its gathering—had caught the fancy of many in Miami's exile community. "Of all the opposition organizations that have sprung up in Cuba in the last two decades," the *Herald* editorialized, "the Concilio has the greatest potential for kindling massive resistance to Castro's thuggish rule."

Basulto was eager to show his support too—and, of course, to get publicity for Brothers. Which had been the main reason he'd called the press conference to present one of the dissident group's leaders—who was in Miami for medical treatment—with a check for what the newspaper described as an "undisclosed amount" of money to underwrite the conference.

The press conference also gave Basulto another opportunity to attack the U. S. government. Brothers had applied to the Treasury Department for the license required to transfer money to a Cuban non-government organization, he said, but hadn't had a response. So Basulto—who still had his pilot's license, thanks to Washington's slow, grinding bureaucratic gears—decided to ignore the issue of the license and deliver the money anyway. "The process of change in Cuba cannot wait for the government of the United States," he declared.

The actual amount of Basulto's check—\$2,000—was relatively small, which may have been why it was undisclosed. But it created anxiety in both Havana and Washington, and not just at Treasury. Joseph Sullivan, the head of the U.S. Interest Section in the Cuban capital, called Richard Nuccio, Clinton's special advisor on Cuba, to express concern the Cuban government would use publicity about Basulto's donation to claim "the dissident movement inside Cuba was

⁹ La Ermita de la Caridad is a shrine dedicated to the Cuban patron saint, the Virgin of Charity—and to the Miami exile dream of returning to their homeland. The conical shrine, which features a statue of the Virgin smuggled out of Cuba in 1961, faces Cuba and symbolizes a beacon.

nothing more than a creature of the exile community and the CIA and the U.S. government... and be used... against members of Concilio.”

Sullivan was right on both counts. On February 19, a senior official in Cuba’s Ministry of the Interior personally visited the home of one of Concilio’s leaders to inform him the government had denied the group permission to hold its meeting. According to Concilio supporters, the cancellation was followed by “a wave of repression against members of [Concilio], which has included police raids on some homes, the detention of numerous dissidents and the harassment of others.”

Cuba’s crackdown brought instant international condemnation from the U.S. government and the Miami exile community, of course, but also the European Union, Amnesty International, Americas Watch and even American moderates like Wayne Smith, a former head of the U.S. Interest Section who’d been lobbying to end sanctions against Cuba. They all weighed in against the Cuban action.

For its part, the Cuban government countered—as Sullivan had anticipated it would—that the Concilio conference had been “organized, conceived, sponsored and financed by the government of the United States.”

So much for rapprochement. José Basulto’s press conference had had its desired effect.

Miami: February 21, 1996

René González had asked for tonight's meeting. González was seeking José Basulto's advice on how to get two Cuban-American politicians—Ileana Ros-Lehtinen and Lincoln Diaz-Balart—to write letters to the State Department supporting his application to bring his wife and daughter to Miami from Havana. It was both a real request and another way to establish his *bona fides*.

But Basulto was distracted, angry. He'd offered to let the Miami-based Concilio organizers use his office for an upcoming meeting, he told González, but they'd "slammed the door" in his face. He was still not part of the exilio in-crowd.

As Basulto ranted, his phone rang. It was Carlos Costa, Brothers' chief of pilots, asking about an upcoming mission that hadn't yet been announced. Basulto was discreet but he made the point that all the Brothers aircraft would be taking part in the operation.

As soon as he got back to his house that night, González prepared a report for Hernandez. "I have the feeling," he wrote, "Basulto is planning something expressly for the Concilio meeting."

Miami: February 23, 1996

The squeak of his shoes on the tile floor in their bedroom woke her. Ana Margarita squinted over at the alarm clock on the night table. Three o'clock in the morning. Then she remembered. The day before, J.P. had told her he was going to Key West for three days. On a business trip. Something about transporting a boat for a friend. He'd make \$2,000 for his troubles, he said, money they could definitely use. Still...

She could see him picking up the vinyl suitcase preparing to leave. Ana Margarita sat up in bed, caught her husband's eye, motioned for him to sit down on the bed beside her.

"J.P.," she said, "you don't love me."

He'd looked puzzled. "Why do you say that?"

"Because you're leaving me all alone." It was a joke, though she would miss him.

Their relationship had begun innocently enough in the spring of 1992 with glances across the room during nightly Bible classes at the University Baptist Church in Coral Gables. Ana Margarita was an attractive twice-divorced mother of two; Roque the dashing defector. Two months after they met, at a Memorial Day party at the church, Ana Margarita worked up the courage to make small talk. That led to a dance—he was a good dancer—and then another, and another. After the party ended, they stopped by a nearby nightclub for more dancing.

Juan Pablo wasn't a conventional romantic. But he mowed her lawn and fixed her car and painted her house. "He liked salads and steamed vegetables, french fries with nearly every main course. For a treat, a three-scoop sundae at Baskin-Robbins, chocolate-syrup-over-chocolate-ice-cream-and-plenty-of-nuts, please." Most importantly, he seemed to be a loving father to her children. He even took them on a visit to Walt Disney World.

By the fall of 1992, J.P., as Ana Margarita called him, had moved in. On April 1, 1995, they'd married.

This morning, Juan Pablo Roque didn't offer Ana Margarita a response. He kissed her on the cheek and walked out the door.

Forever.

When Ana Margarita woke a few hours later, she noticed J.P. had left his cell phone charger behind. After she got to work, she tried to call him. His phone was turned off. When she got home that night, she looked in his clothes closet. It was totally empty, except for his wallet and all his credit cards.

His wallet and his credit cards?

Washington: February 23, 1996

Cecilia Capestany hit the Send button on her computer. It was Friday at 2:40 p.m.. The email was entitled “Cuba Alert” and marked “Urgent.”

“As you might be aware by now,” Capestany, the FAA manager who’d been liaising with State on developments on the Basulto file, began her latest message, “Cuba’s crackdown on dissidents has resulted in a number of arrests in Havana and the cancellation of a meeting that was to have been convened by the umbrella dissident organization Concilio Cubano tomorrow.”

The day before, in Miami, Brothers to the Rescue had announced it would fly a humanitarian mission over the Straits of Florida on Saturday to mark the 101st anniversary of “the rallying cry of José Martí that began the War of Independence”—and to express its solidarity with those arrested in Cuba.

It “would not be unlikely,” Capestany wrote, for Brothers to the Rescue to use the occasion to make another “unauthorized flight into Cuban air space,” and it would be even less likely for the Cuban government “to show restraint in an unauthorized flight scenario this time around. I have reiterated to State that the FAA cannot PREVENT flights such as this potential one,” she concluded, “but that we will alert our folks in case it happens, and we will document it as best we can for compliance/enforcement purposes.”

Over at the White House, Richard Nuccio, the administration’s point man on Cuba, had asked the FAA to issue another specific warning to Basulto about just how dangerous it might be for him to taunt the Cubans yet again. But a senior FAA official “rebuffed our concerns and said if they happen to run into him, they would mention it,” Nuccio explained later, “but they would not make a special effort, that [Basulto] was already quite annoyed and they didn’t want to bother him further.”

Alarmed, Nuccio left a number of phone messages for Sandy Berger, Clinton’s Deputy National Security Advisor, but Berger didn’t return his calls.

Finally at quarter to seven, Nuccio, who was scheduled to attend a performance by the Cuban National Ballet Company in Washington that night,¹⁰ emailed Berger. “Because of the conjuncture of various things—the situation inside Cuba, the repression of Concilio, the connection between Mr. Basulto and Concilio, the agitation of the Cuban Government about overflights”—Nuccio warned that another incursion “may finally trip the Cubans toward an attempt to shoot down or force down the planes.”

Nuccio didn’t get a response from Berger until the next day—after the Cuban government had blown two Brothers to the Rescue aircraft out of the sky and triggered an international incident.

¹⁰ It was the first performance in Washington by the troupe in 14 years. Nuccio, who described such cultural contacts as “another important aspect of our Cuba policy,” said he “wanted to be there to underscore that the administration was very pleased that this cultural exchange was taking place.”

Over the Florida Straits: February 24, 1996

The sky was cloudless as the three Cessnas lifted off from Opa-locka airport at 1:15 p.m..

José Basulto, as usual, was piloting Seagull One (N2506 Sierra)¹¹ with veteran spotter Arnaldo Iglesias and two first-time observers, the husband-and wife anti-Castro activists Andres and Sylvia Iriondo.

Mario de la Pena, 24, who'd been one of the Brothers activists involved in last July's flyover of Havana, piloted Seagull Mike (N5485 Sierra). His spotter was a 45-year-old exile militant named Armando Alejandro. The year before, he'd been arrested twice: once at a demonstration outside the Cuban Interest Section in Washington and again in Key West when he smashed in the glass front door of a building being used "by a group recognized by the Cuban government." He'd recently been elected as a member of the Miami-based Concilio support group, as had Pablo Morales, the 24-year-old spotter aboard the third plane, Seagull Charlie (N2456 Sierra). Two years before, Morales had himself been a rafter rescued by Brothers; today he was training to be a pilot. Seagull Charlie's actual pilot was Carlos Costa, Brothers 29-year-old chief pilot."

"Safe flight," the tower radio as the planes headed south.

"We will need it," Basulto responded.

Before they left, the Brothers pilots, as required, had filed their flight plan with the FAA, which in turned had passed it on to Cuban air traffic controllers. The flight plan called for the aircraft to travel south from Opa-locka to the northern edge of Cuba's 12-mile territorial limit near Varadero, then turn west along the coast to a point northwest of Havana and then head north back to Florida. It was supposed to be a triangular rafters' search mission. Not that any Brothers flight had actually spotted a rafter in years.¹²

Without notifying either the FAA or air traffic control, however, the planes changed their flight path in mid-air, heading straight for Havana.

Shortly before 3 p.m., the planes approached the 24th parallel, an area that is outside Cuba's territorial limit but where air traffic control normally switches from Florida to Havana Center.

"Good afternoon, Havana Center," Basulto radioed. "November 2-5-0-6 salutes you. Please, we are crossing parallel 24 in five minutes and we will maintain about three to four hours in your area."

"Received."

¹¹ The 2506 was in honour of the Cuban exile brigade that fought at the Bay of Pigs.

¹² During the trial of the Cuban Five, Basulto testified that after the change in U.S. policy regarding the rafters, Brothers had flown 1,800 consecutive missions before and after February 24, 1996, without spotting a single rafter,

“For your information, Havana Center,” Basulto continued, “our area of operations are north of Havana today. So we will be in your area and in contact with you. And a cordial greeting from Brothers to the Rescue and its President, Jose Basulto, who is speaking to you.”

“OK. Received, sir,” Havana Center replied evenly, then added: “I inform you that the zone north of Havana is active. You run danger by penetrating that side of north 24.” The Cuban government had already announced it was planning air and navy exercises in that area between February 21 and 28 and had declared the area a “military danger zone.” Though other aircraft aren’t banned from an active zone, most pilots avoid putting themselves in even incidental danger by flying through such a zone.

Not Basulto “We are conscious we are in danger each time we cross the area south of 24,” he told Havana Center, “but we are ready to do it. It is our right as free Cubans.”

“Then, we copy information, sir,” Havana replied.

A few minutes later, Basulto radioed again, this time to report he had reached the outer edge of Cuban airspace north of Havana and was proceeding eastward. “A beautiful day and Havana looks very good from where we are,” he noted. “A cordial greeting to you, to all the people of Cuba, on behalf of Brothers to the Rescue.”

“Havana received.”

By this point, however, the Brothers’ Cessnas weren’t the only planes in the air. At 2:55 p.m.—acting on Fidel Castro’s standing order authorizing it to shoot down the next plane to violate its airspace—Cuba’s military authorized two MiG-29 jets to take off from the Cuban Air Force base at San Antonio de los Baños in search of the Cessnas.

They found them. At 3:19 p.m., one of the MiGs, using the call sign zero-eight, sighted Seagull Charlie, the plane piloted by Carlos Costa. “Target lock-on, authorize us,” pilot Alberto Perez Perez¹³ radioed his ground controller. When he didn’t hear an immediate response, he ratcheted up his urgency. “It’s a Cessna 3-37. That one, that one, that one!... That’s the one! Authorize us, damn it.”

Seven seconds later, the controller responded: “Fire.”

Perez apparently didn’t hear him. “Authorize us, damn it, we have it!”

“Zero-eight... Authorized to destroy,” the controller repeated.

Meanwhile, inside Basulto’s Cessna, Arnaldo Iglesias had spotted the MiGs. “They are going to shoot!” he declared urgently.

Basulto had seen too. He let out a high-pitched laugh. “They’re going to shoot at us!” he shouted. Then: “They shot at us. Is that a flare?”

It wasn’t.

¹³ The MiG pilots were, in fact, two brothers. The other plane was piloted by Francisco Perez Perez.

"First shot," Perez reported to his controller from the cockpit of his MiG. The heat-seeking missile had found its target. "We got him, damn it! We got him!... Cojones, we got him! Fuck! This one won't fuck around anymore."

Down below in Seagull Mike, Mario de la Pena tried unsuccessfully to contact Costa. Finally he radioed Basulto: "Hey One, have you heard from Charlie?"

"Negative.... Do you see that smoke to my left?"

"I don't see anything now. I did see smoke."

"Do you see smoke below the MiG?" Basulto persisted.

"I didn't see the MiG," de la Pena responded. "I saw smoke and a flare."

Seven minutes later, Perez locked in again, this time on de la Pena's plane. Another direct hit. Another plume of smoke. "The other is destroyed, the other is destroyed," he radioed. "Fatherland or death, coño. The other is down also."

Basulto saw the second fireball, knew now it was no flare.

"Charlie, is that you?" he asked after what sounded like a burst of static. "Seagull Mike?" A few seconds later, he tried again. "Seagull Mike?" There was no response. "Going to Opa-locka, to our base, to Opa-locka," Basulto announced finally. But by now, there was no one left to hear.

Basulto dropped his aircraft down to skim just above the waves in order to avoid Cuban radio, turned off his transponder and headed northwest to Florida, hoping to avoid any pursuing MiGs. An hour and a half later, he radioed Miami air traffic control: "We are inbound Opa-locka some 30 miles west of Key West at this time, and we're in the process of reporting a possible emergency with two aircraft. The emergency is two overdue aircraft that we think we have lost some 30 miles north of Havana. That's Brothers to the Rescue. Two aircraft. Smoke was seen in the vicinity of the area where we were tracking north of us, and we also saw two MiGs in the air."

Miami: February 24, 1996

René Gonzalez was reaching into the refrigerator for he-now-can't-remember-what when he heard the announcer on the TV in the next room breaking into regular programming with a news bulletin. González was staying with the sister of his mother's Uncle Albert at the time, and had just gotten home from work.

Brothers to the Rescue... planes... shot down... men missing... "It was one of those moments," González would explain later, "you never forget what you were doing.

He'd had no idea it was coming. He was in the process of moving and his computer was in storage, so he hadn't even received Havana's no-fly message.¹⁴ His first thought, as a pilot, was for those in the planes. He hoped they'd survived; he knew the odds were against them. He also knew immediately just how serious the incident was and that the political implications could be worse.¹⁵

¹⁴ González says he only learned about the message during his court case. "I was so far removed from BTTR," he told me, "that it made little sense. I can only assume that some overzealous guy from Havana sent it."

¹⁵ "I wouldn't deny that sometimes we questioned the Cuban government's decision" to shoot down the planes, González says, "but in the end I didn't lose sight of the big picture. In this story, Cuba is the party under siege."

Miami: February 25, 1996

Like René González, Gerardo Hernandez found out about the shutdown from a television news report. Like González, he too was shocked.¹⁶

He'd noted nothing in any of his recent messages from Havana to indicate the CP was planning—or even involved in planning—such a drastic, dramatic response. That's not to suggest Hernandez didn't know shooting down the planes was a possibility—anything was possible, and the Cuban government had been publicly threatening to do so for months—but it had seemed more likely to him that “the planes would be forced down and the Brothers arrested... if anything happened at all.”

Now that the worst had happened, however, he didn't have time to debate the moral rights or wrongs of what his government had done. He was too busy monitoring Miami talk radio—sifting through the deluge of threats, demands, calls to send in the troops, to take out Castro, to bomb Cuba into the stone age in retaliation. He pored over every disconnected scrap in every news report he could read, watch or listen to in order to ferret out clues about what might happen next. How would Washington respond? Was the military at Boca Chica gearing up for an invasion? What about Brothers to the Rescue? The Cuban American National Foundation? Its paramilitary? The dozens of militant exile groups he and his agents had been watching for years? Would they use the shutdown to raise money, to raise an army, to launch attacks?

Hernandez had been so busy gathering and urgently transmitting all of these disparate, disconnected bits and pieces of information back to Havana so intelligence analysts there could assess the threat and calibrate the government's response to it he'd barely slept in the 48 hours since the shutdown.

He hadn't had time either to take satisfaction, or even note the fact that—in the middle of the shutdown crisis—Juan Pablo Roque had somehow arrived safely back in Havana and held his press conference. Operation Venecia had been accomplished.

¹⁶ “It surprises even me that I don't have many memories of that day,” Hernandez told me in a May 7, 2011, letter. “Of course they were important events but I didn't think it would be so important in my life... I'm sorry for the loss of lives and I understand the sorrow of the relatives but my conscience is clean. First, because I didn't have anything to do with it, and, second, because Cuba has the right and the duty to protect its citizens and its sovereignty.”

Miami: February 28, 1996

José Basulto speculated that Cuban authorities “may have threatened to hurt his son.” Ana Margarita Roque agreed. Her husband, she insisted—even after Juan Pablo Roque had dismissed her (“Why should I tell my wife my intentions?”) in a CNN interview from Havana—“did not go there of her own free will. I believe he was threatened.” How else to explain the fact that, just last week, Roque had asked her not to wear any short nightgowns while his brother was visiting their house. “Does that sound like a man who is preparing to leave his wife?” she asked reporters.

On Monday night—two days after the shutdown of the Brothers’ fliers, three days after he’d disappeared without a trace from Miami and five days after he’d picked up his last informant’s payment from the FBI—Juan Pablo Roque appeared on Cuban television.

Though Roque’s re-defection announcement had been planned as a public relations coup, the international furor over Cuba’s shooting down two unarmed aircraft made it seem far more like damage control.

Roque said he’d returned to Havana to expose “the true nature” of Brothers to the Rescue, which included training its pilots in paramilitary operations and weaponry as part of a larger plan to attack Cuba and its leaders. Last year, he said, Basulto had arranged to buy a Czech L29 military jet to train pilots on how to land and take off in Cuba. As far back as 1993, Roque said, Basulto had asked him for information he could use to attack electric transmission towers in Cienfuegos province.¹⁷ The goal: “to provoke incidents that create greater tensions in the relations between Cuba and the United States.”

Meanwhile, the FBI was in also full damage control mode. In an interview with CNN’s Lucia Newman broadcast two days after he’d appeared on Cuban TV, Roque claimed he had been “responsible with providing the FBI with intelligence about all the anti-Castro organizations, not just Brothers to the Rescue.” He also insisted the FBI knew in advance the Cuban government would shoot down the planes. “FBI agent Oscar Montoto tells me on February 21st, ‘Don’t go on that mission because they are going to knock you out of the sky.’ Agent Montoto told me not to go,” he repeated.

The FBI categorically denied that. “There was no mention of any Cuban plans to shoot down Brothers to the Rescue aircraft or any other aircraft,” declared Paul Philip, the Bureau’s Special Agent in charge of the Miami field office.

But the FBI couldn’t avoid admitting—especially after Roque disclosed

¹⁷ René González says he remembers Basulto talking about a similar plan in the fall of 1992. Basulto had summoned him to a meeting at his house to discuss the decision to remove González from Brothers’ pilot roster. “During our conversation, he shows me a map of Cuba with the country’s electric grid and consults me as to introducing some plane to blow up distribution towers,” González recalled.

Montoto's phone and beeper numbers on TV—that Roque had served as an informant since 1993 and been paid \$6,722.40 for services rendered to a country he was also betraying. But what was the FBI doing paying informers for information about the internal workings of legitimate humanitarian organizations like Brothers?

"We're not investigating organizations [like Brothers to the Rescue]," FBI spokesman Paul Miller insisted. "What we're seeking is information about individuals who are planning to commit violations of the Neutrality Act, which is a criminal, federal offense."

The idea that the FBI had informers in their ranks, of course, came as old news to Miami exile organizations, many of whom had been violating the Neutrality Act for decades—and mostly getting away with it. The reality that there might be spies among them seemed a given.

"Greetings, compatriots," an Alpha 66 leader declared at the start of one meeting. "Greetings, too, to the agents of the FBI, of the CIA, of the Cuban G2."¹⁸

¹⁸ A popular generic American term referring to an Army intelligence officer, G2 in this case simply means a Cuban intelligence agent.

Havana: March 1, 1996

The coded shortwave message was brief and—mostly—clear. The Cuban Intelligence Directorate offered its Miami operatives “our profound recognition” for their roles in Operation German.

Operation German? German was Juan Pablo Roque’s code name, so someone had probably mistakenly used that name when they meant to say Operation Venecia.

The rest of the message seems to support that theory. “Everything turned out well,” it went on to say. “The commander in chief visited [Roque] twice, being able to exchange the details of the operation. We have dealt the Miami right a hard blow, in which your role has been decisive.”

When the message was introduced as evidence in a Miami courtroom five years later, however, prosecutors would argue that the real subject for congratulation was Operation Scorpion—the plan to shoot down the Brothers to the Rescue aircraft—and Gerardo Hernandez’ “decisive” role in it.

Miami: March 4, 1996

“Why the hell didn’t you call?” Alex Barbeito was angry. The FBI agent had been paging his new drug informant for close to a week, but René González hadn’t even bothered to call back.

Barbeito had seen Juan Roque on TV in Havana giving out fellow agent Oscar Montoto’s telephone and beeper numbers. Montoto had then called to remind Barbeito—as if he needed reminding—of the connection between Roque and González, and to warn Barbeito that González could be a Cuban agent too.

When they did finally get together, González was calm. He was sorry, he said; he’d been in Sarasota all week painting his grandmother’s house.

Barbeito wasn’t placated. “Are you planning to hold your own press conference in Havana?” he asked, carefully watching González’s reaction. “Because look, if you want to, I’ll give you my home telephone number, my address....”

“How can you think like that about me?” González seemed genuinely upset. “I thought Roque was a friend. I trusted him. We all feel betrayed...”

Eventually, they got around to what was supposed to be the subject of their meeting: an update on Hector Viamonte’s plan to smuggle drugs into Florida from Honduras.

That deal, González reported, had fallen through—for the moment.

Washington: March 12, 1996

“As I sign this bill into law,” Bill Clinton declared solemnly, surrounded for the occasion by an equally solemn group of close to 100 Cuban-American politicians and activists who’d jammed into a too-small briefing room at the Old Executive Office Building next to the White House, “I do so in the name of the four men who were killed. In their memory, I will continue to do everything I can to help the tide of democracy that has swept our entire hemisphere finally, finally reach the shores of Cuba.”

In less than three weeks, everything had changed. The White House was no longer talking, even quietly, about a tentative rapprochement with Havana. And it certainly wasn’t lobbying to kill the Helms-Burton law in the Senate. In fact, in the immediate aftermath of the Brothers to the Rescue shutdown, Clinton had “suspended charter flights to Cuba, restricted travel by Cuban officials in the United States, expanded the reach of Radio Martí and asked Congress to authorize compensation out of Cuba’s blocked assets in the United States to the families of the men who were killed.”

Clinton also committed himself to signing a Helms-Burton law that not only ratcheted up America’s embargo but now also made it virtually impossible for any future American president to lift it without Congressional approval.

The new legislation—also known as the Cuban Liberty and Democratic Solidarity Act of 1996—extended the provisions of the failed 35-year-old embargo to blanket-ban foreign companies from “trafficking” in nationalized Cuban properties and barred offending senior company executives and stockholders—even their families!—from entering the United States. The law also permitted Americans to sue in U.S. courts for compensation for property seized after the revolution, even if they weren’t Americans at the time the property was taken. If Moscow shared with the Castro government any intelligence information it still collected at its old spy station there, the U.S. would cut off aid to Russia. If countries from the former Soviet Union offered trade or commercial subsidies to Cuba, the U.S. would impose sanctions on them.

Getting ahead of itself, the law also imposed conditions for American recognition of a new Cuban government; it wouldn’t recognize any “transitional” government that included Fidel or Raúl Castro, the legislation declared, and it wouldn’t recognize any Cuban administration that refused to first compensate American corporations for property they lost in 1959.

Clinton could “run out of ink” signing “absurd, stupid and condemned-to-failure” new laws, Cuban National Assembly President Alarcón declared. But neither was the international community. The European Union and most other countries that traded with Cuba—Britain, Canada, Mexico, Brazil, Argentina, etc.—condemned Helms-Burton as a violation of international law and sovereignty, and also counter-productive; some would even pass their own laws to negate its application.

Not that any of that mattered to those who stood and applauded on this day as Bill Clinton officially signed the anti-Castro, anti-Cuba Helms-Burton bill into American law. "I sign it with the certainty that it will send a powerful, unified message from the United States to Havana that the yearning of the Cuban people for freedom must not be denied," Clinton said.

In part, the signing was a solemn occasion made more so by the presence of family members of the dead airmen. Mario de la Pena's mother and Armando Alejandro's 18-year-old daughter both wept as Clinton talked about the downed fliers.

But it was also not lost on anyone that this was also "Super Tuesday" in the American presidential election race and that Bill Clinton was gearing up for his re-election run.

"What a coincidence!" joked Republican Representative Ileana Ros-Lehtinen, who understood that legislation would be equally politically beneficial for Florida Republicans like herself who'd championed it. She crowed that the law would send "a chilling message to people who would go to that island with their millions of dollars and prop up that brutal dictator."

Not that anyone expected the dictator to hold out much longer. As the invited guests lined up to shake Clinton's hand after the signing—the special among them received one of the pens Clinton had used for the historic autographing session—Miami *Herald* reporter Juan Tamayo asked Jorge Mas Canosa what he intended to do with his pen. As the behind-the-scene orchestrator of the legislation and the lobbying to get it enacted, the Cuban American National Foundation Chair had certainly earned his pen.

Mas Canosa didn't miss a beat. "Put it in my office in Havana," he replied.

"When?" Tamayo asked.

"Soon," he said.

Aftermath

After more than seven months of formal and informal complaints and threats from Havana to Washington, not to forget an equal number of months' worth of official and unofficial complaints and threats from American officials to Brothers to the Rescue, Brothers pilots had once again flown into Cuban airspace. And, this time, the Cubans had made good on their threat to blow them out of the sky.

But had Brothers' aircraft actually flown into Cuban airspace?

The Cubans claimed they had. Basulto claimed they hadn't.

It should have been an easy argument to resolve. After Miami air traffic control routinely informed Havana the Brothers planes were headed their way, Cuba's military air defense command immediately swung into action, alerting its five radar sites around Havana to track the plane's flight path along with the civilian one at Havana airport.

They weren't the only ones with eyes on the planes. Knowing there was a possibility Brothers might violate Cuban air space again, the FAA had asked U.S. Customs and NORAD for radar data from their sites in Florida, and for a B-94 radar balloon that usually monitors drug flights to be sent aloft to see what it could see. Other American agencies, including the CIA, the Department of Defense's National Geospatial-Intelligence Agency, the National Ocean and Atmospheric Administration, NASA and the US. Geological Survey all also routinely monitor and photograph Cuba from above by satellite. They would almost certainly have had data from that day.

According to hand-plotted Cuban radar data tracking, the three planes were all well inside Cuba's 12-mile territorial limit—four to five miles off the coast and headed south to Havana—when the shooting began. But the Cubans had no recorded data to back up its claim. Its civilian radar recording system wasn't working that day and the MiGs' on-board flight data recorder had been routinely erased after the flight.

While U.S. electronic radar data indicates Basulto's plane strayed briefly just inside Cuban airspace at one point—1.7 miles—it shows all of the planes in international air space and headed either north or east when Basulto first reported seeing a MiG at 3:21 p.m..

While the American "source radar information" was the same from each of its radar facilities, "the processing and presentation... at each of the agencies was different," and one of its surveillance radar recordings was also "not retained."

Both U.S. and Cuban authorities had tape recordings of the calls between the MiG pilots and ground control; the problem was that there were unexplained gaps in the Cuban recording—about a minute's worth of chatter about ships in the area that wasn't recorded.

The International Civil Aviation Authority, which is charged with investigating such incidents, would take four months to sort through what it called

“significant differences... which could not be reconciled” between U.S. and Cuban evidence.”

In the end, the ICAO would choose to discount both countries’ versions and opt instead to trust the recorded positions and track of a cruise ship called the *Majesty of the Seas*, which happened to be sailing near where the planes were shot down.¹⁹ Although it admitted there was “no corroborative evidence” to back up the cruise ship’s declared position, the ICAO would decide, based on it, that both planes had been shot down “outside Cuban territorial airspace.”

The ICAO’s conclusion, of course, had dramatic consequences. For starters, it served as a heat-seeking air-to-air missile aimed directly at Cuba’s stated justification for attacking the aircraft. In the view of many in Miami—and beyond—the fact the planes were shot down over international waters also made the deaths of the airmen murder. The man many believed should be held accountable for those murders was the man who had been their nemesis for 37 years, Cuban President Fidel Castro, who acknowledged he’d authorized his military to shoot down the next aircraft that violated Cuba’s airspace.

But bringing Castro to account in a Miami courtroom, of course, would be virtually impossible. Failing Fidel, Gerardo Hernandez would have to do.

On September 12, 1998, FBI agents arrested 10 Cubans, including Gerardo Hernandez and René González. They were all initially charged with failing to register as foreign agents and with conspiracy to steal defense secrets. But seven months later, prosecutors tacked on an additional explosive charge against Hernandez: that he had been responsible for the deaths of the four Brothers to the Rescue fliers.

Conspiracy to commit murder!

During the trial, family members of the dead flyers sat in the courtroom every day, bearing silent witness to the anguish they felt. Prosecutors did their best to focus the jurors’ attention on them, showing photos of each of the dead fliers to the jurors and then using Arnaldo Iglesias, a Brothers’ witness for the prosecution, to outline the circumstances of their deaths. Iglesias, the *Herald* reported, “paused, choked back tears and slowly read aloud from four death certificates.”

The defense countered by calling Basulto. Hernández’s lawyer, Paul McKenna, egged on the easy-to-egg-on Basulto, blaming him for triggering the shutdown, and introduced evidence to show he’d ignored repeated warnings about violating Cuban air space. McKenna forced Basulto to concede Brothers had been test-firing potential weapons that could have been used against Cuba and confronted him with the letter he’d received from a man peddling used Czech

¹⁹ The cruise ship’s position wasn’t electronically recorded either; it was based on observations by the first officer. In a 2011 book on the case of the Cuban Five, Brazilian author Fernando Morais revealed that the company that operated the cruise ship, Royal Caribbean, had contributed \$25,000 to help establish the Cuban American National Foundation, the Cuban exile community’s most powerful anti-Castro lobby group. Royal Caribbean’s Executive Vice President at the time was also a member of both CANF and a “post-Castro” Blue Ribbon Committee for the Reconstruction of Cuba.

military jets. Basulto, who blamed both of those incidents on Juan Pablo Roque, countered by asking McKenna if he was working for Cuban intelligence.

But the defense seemed to get bogged down trying to prove Basulto was the real author of his fellow fliers' misfortune (an argument some of the dead men's relatives also believed) and, most importantly, that the planes had been shot down inside Cuban territory rather than in international waters as the prosecutors—and the International Civil Aviation Organization report—declared.

Defense lawyers brought in expert witnesses to try to prove that the planes were in Cuban territory when they were attacked. One of them—retired American Air Force Colonel George Buchner—questioned the ICAO findings and suggested the only way to definitively determine exactly where the planes went down would be to examine photographs of the area that he claimed would have been taken that day by American satellites. "It is my expert opinion," Buchner testified, "that the [U.S.] government has satellite photos that would resolve this whole issue." Despite repeated freedom of information requests, the U.S. government has refused to provide those images. "Several American agencies operate satellites that are constantly monitoring and photographing Cuba and the rest of the world," Cuban National Assembly President Ricardo Alarcón told me. "We don't have satellites; they have satellites. But they refuse to provide the images. Why?"

But that legal debate had little to do with the only significant central question: did Gerardo Hernández himself have any role in, or advance knowledge of the shootdown?

My own answer—after having read the 20,000-plus-page trial transcript and sifted through mountains of documents presented during the proceedings—is no.

The decision to shoot down the planes appears to have been made by Fidel Castro himself, who issued standing orders to his military commanders in late January 1996 to do whatever was necessary to prevent further incursions into Cuban airspace. The military then waited for Brothers planes to make their next entrance into Cuban territory and blew them out of the sky.

One can argue—the Cubans certainly do—that the shootdown was a legitimate response to the ongoing provocations, as well as to the very real possibility anti-Castro exiles, emboldened by publicity about Brothers' successes in violating Cuban airspace, would decide to drop bombs instead of bumper stickers on Havana.

One can argue too—again, the Cubans do—that Brothers had been warned, and warned again, and again about what would happen if they did again what they had already done several times before.

But one could also argue—I would—the decision to shoot down the planes was wrong, that it was an over-reaction and that there were other, equally effective and dramatic ways to send their mad-as-hell-and-we're-not-going-to-take-it-anymore message to the Americans. Forcing the planes to land, for example, and then charging Basulto for violating its airspace might have brought global

attention to Cuba's complaints without the loss of life.

But those arguments, however interesting, are beside the point to the charges against Gerardo Hernández.

Was Hernández involved in a conspiracy to commit murder? Did he know in advance Cuba had decided to shoot down the planes? Did he have any role in planning, or carrying out the attacks? Did he have any control, or influence over the final decision to proceed, or even the intermediate decisions along the way?

One of the things that is clear from evidence presented during the trial is that Cuban State Security was obsessed with secrecy, with compartmentalization, with need to know. The decision to shoot down the planes appears to have been, primarily, a military matter. While the Cuban military and intelligence branches would have shared information about the specifics of those plans at the highest levels, that knowledge wouldn't have been disseminated widely, and certainly wouldn't have filtered down to officers in the field like Hernández. Those officers might get specific marching orders related to the mission without even being aware of the actual mission itself.

The prosecutors' "smoking gun" in the conspiracy to murder charge seems to have been the January 29, 1996 message from the CP announcing that "Superior Headquarters" had approved Operation Scorpion "in order to perfect the confrontation of counterrevolutionary actions of Brothers to the Rescue."

But what did that actually mean? Were they planning to shoot down the planes? Force them to land? Have their MiGs buzz them? Document their transgressions and escalate matters by complaining to the United Nations.

The rest of the message made it clear something was afoot, but not what that something might be. The CP wanted to know when Basulto would be flying a mission, for example, and who else might be flying with him. Basulto, unsurprisingly, seemed to be the target. Havana also definitely didn't want their own agents, Roque or González, flying the day they "perfected" the confrontation. But there could have been a number of reasons for that: it could have been that they planned to shoot down the aircraft and didn't want their agents killed, of course, but it could just as easily have been that they planned to force the Brothers planes to land and charge the pilots in Cuban courts, in which case they'd wouldn't want to risk having to arrest their own agents—or blow their covers.

Interestingly, this so-called smoking gun message wasn't even addressed to Hernández but to Manny Ruiz, the MININT major who'd replaced Hernández in Miami during his Cuban vacation and had remained in place for the hand back to Hernández.

Interestingly too, the message mistakenly assumed René González was still flying missions. José Basulto had dropped González from Brothers' roster two years before. While Hernández, who'd been supervising González for those two years, would certainly have known that, Ruiz might not. Which could explain why Havana's original error was repeated in a follow up-message to González two weeks later—a message supposedly signed by both Ruiz and Hernández.

In June 2010, Hernández, who didn't testify in his own defense at trial, finally told his version of the story in an affidavit filed as part of a last-gasp appeal of his murder conviction. In it, he insisted he never saw the message to González, and that Ruiz, who outranked him, probably appended his name to it as a matter of course.

At the conclusion of the trial, prosecutors filed a last-minute emergency petition to prevent the jurors from even voting on the murder count. During her instructions to the jury, Judge Joan Lenard had outlined the level of proof required to convict Hernández of conspiracy to murder. Prosecutors, she said, needed to have proved there was a plan in place to shoot down the planes before they took off that day and that the shutdown was intended to happen in international waters, where the U.S. claimed jurisdiction. In their petition to the 11th Circuit Court of Appeal on May 25, 2001, the prosecutors threw up their hands in despair. "In light of the evidence presented in this trial," the petition declared, the judge's instruction "presents an insurmountable hurdle for the United States in this case, and will likely result in the failure of the prosecution."

The Appeal Court rejected their petition, but the prosecutors needn't have worried.

Even Hernández's testimony probably wouldn't have changed the outcome. The trial was held in virulently anti-Castro Miami. Dr. Lisandro Pérez, a professor of sociology at Florida International University and Director of the Cuban Research Institute, analyzed survey and other data about community attitudes as part of a defense appeal of the verdicts. A Cuban American himself, he concluded the atmosphere in South Florida was so poisoned "the possibility of selecting 12 citizens of Miami-Dade County who can be impartial in a case involving acknowledged agents of the Cuban government is virtually zero... even if even the jury were composed entirely of non-Cubans."

On June 8, 2001, after five days of deliberation, the jury in the case of Gerardo Hernández, a.k.a. Manuel Viramóntes, *et al* returned its verdicts. Guilty on all counts, including the conspiracy to commit murder charge.

It was the end, but also the beginning.

On July 26, 2001, an annual national holiday to mark the beginning of what became the Cuban Revolution, Fidel Castro led 1.2 million chanting countrymen—many wearing T-shirts and carrying placards with the images of the five convicted men, now known as the Cuban Five—in a march past the U.S. Interest Section in Havana.

Today, their real-life story has long since transcended mere fact to become myth. Their images are ubiquitous. In Cuba, they stare back at you from highway billboards beneath a starkly confident: "Volverán." *They Will Return*. Much younger versions of their faces are painted on fences, the sides of apartment buildings, office waiting-room walls, postage stamps, even on stickers glued to the dashboards in Old Havana Coco cabs.

Literally hundreds of groups around the world have also sprung up to campaign for their release.

On May 27, 2005, the United Nations' Human Rights Commission's Working Group on Arbitrary Detentions concluded U.S. treatment of the Five had contravened Article 14 of the International Covenant on Civil and Political Rights. Citing the long periods the men spent in solitary confinement, the fact their lawyers got only limited access to the case against them (shades of third-world dictatorships), the irredeemably hostile climate in Miami and the "severe sentences" handed them, the group "requested the U.S. government to adopt the necessary steps to remedy the situation."

On October 13, 2010, Amnesty International released its own report on the case. While acknowledging that the charges against the Five were serious, the international rights watchdog raised "doubts about the fairness and impartiality of the trial... the strength of the evidence to support the conspiracy to murder conviction in the case of Gerardo Hernández, and whether the circumstances of the pre-trial detention of the five men, in which they had limited access to their attorneys and to documents, may have undermined their right to defense."

On January 20, 2009, the Five's defense team, now led by famed American civil rights lawyer Leonard Weinglass, petitioned the court to order a new trial. "The pervasive and violent anti-Castro struggle of the Miami community," he argued, couldn't have helped but "infect the jury with hostility [and] cause jurors to fear for their (and their families') safety, livelihoods, and community standing if they acquitted."

Ten Nobel Prize winners, as well as lawyers, parliamentarians and public figures from more than a dozen countries filed friends-of-the-court briefs urging the Supreme Court to hear the appeal.

But the new U.S. administration, led by Barack Obama, petitioned the court not to take up the case. The trial, it claimed, had been fair and there was therefore no need to review the case.

On June 15, 2009, the U.S. Supreme Court, without explanation, denied the petition.

Despite that judicial rebuke, the Cubans—and their supporters around the world—continue to lobby for their release and say there can be no easing of tensions with the United States until they are free.

The fallout from the shutdown continues to haunt U.S.-Cuban relations from the American perspective too. The draconian Helms-Burton law, passed in the immediate aftermath of the incident, still governs American policy and makes it virtually impossible for an American president to make peace with Cuba.

"Supporting the bill was good election-year politics in Florida," Bill Clinton would later write in his autobiography, *My Life: The Presidential Years*, "but it undermined whatever chance I might have had if I won a second term to lift the embargo in return for positive changes within Cuba."

Meanwhile, in Florida, members of Brothers to the Rescue continue to gather each February 26 at Opa-locka airport to remember their dead comrades and to demand the U.S. government indict Fidel Castro.

Whatever happened to...

José Basulto: Collaborated with a Miami writer on a 2010 memoir, *Seagull One: The Amazing True Story of Brothers to the Rescue*. He continues to run the Brothers group.

René González: Sentenced to 15 years for general conspiracy and conspiracy to act as a non-registered foreign agent. Released on parole, October 7, 2011.

Gerardo Hernández: Sentenced to two life terms plus 15 years for general conspiracy, conspiracy to commit espionage, conspiracy to commit murder, false identity and conspiracy to act as a non-registered foreign agent. Expected release date: Never.

Juan Pablo Roque: Cubans affiliated with Commandos F4 allegedly wounded Roque in a December 2002 assassination attempt in Havana that killed a police officer and one of the commandos. The Cuban government denied Roque had been wounded, though they refused to confirm or deny the attempt. Roque himself later told an American reporter, "I'm fine. Can't you see?" In August 1999, his American wife, **Ana Margarita**, charged Roque—and the Cuban government—with rape claiming he'd married her under false pretences. She ultimately won a \$27-million judgment. She wrote a book and has—so far unsuccessfully—tried to turn her story into a movie.

Ramón Saul Sanchez: Acquitted in 2002 of illegally entering Cuban waters. The jury, according to the Miami *Herald*, they were "persuaded by arguments [Sanchez] believes he should be able to enter the waters of his homeland." Sanchez, who also went on a hunger strike in 2006 to protest the U.S. government's Cuban immigration policy and led yet another flotilla during the 2012 visit to Cuba of Pope Benedict, continues to head the Democracy Movement.

End Notes

José Basulto had to do something... The narrative in this section comes from a variety of news accounts—including a July 14 Knight-Ridder account of the ramming written by a reporter aboard *Democracia*— as well as testimony by Basulto and fellow Brothers pilot Arnaldo Iglesias. Information on Miami-Dade police intelligence reports come from a website called the Cuban Information archives. http://cuban-exile.com/doc_301-325/doc0314.htm

José Basulto wasn't the only one... Ramón Saul Sanchez's personal history comes from a number of newspaper accounts, particularly a gushing July 6, 1996, profile of him by Miami *Herald* publisher David Lawrence. Information on Miami-Dade police intelligence reports come from the Cuban Information Archives website.

"The United States of America Interest Section..." Introduced as a prosecution exhibit during the trial of the Five.

Saul Sanchez had a plan... From evidence at the trial of the Five as well as news accounts in the Miami *Herald* from October 1995.

Juan Pablo Roque was exactly where he preferred to be... Roque's book launch party is described in *Seagull One* while the excerpts from *Desertor* come from translated excerpts published in the Miami *Herald* after Roque's defection.

Juan Pablo Roque was losing it... From evidence presented at the trial of the Cuban Five.

Even a spy needs a break... In addition to other evidence presented at the trial, this section is based on a secret Cuban State Security document dated December 5, 1995 and entitled: "Agent German's Return and Proposal for Public Declaration (Denunciation) of BTTR."

While the CP prepared Gerardo Hernández... From evidence presented at the trial of the Cuban Five.

José Basulto was clearly enjoying himself... From a Miami *Herald* report about the overflight as well as a transcript of Basulto's Radio Marti interview, which was introduced during the trial of the Five.

The two men were both old baseball players... This story is told in "Backfire," Carl Nagin's January 26, 1998 article about the shutdown in the *New Yorker*.

The early morning email from Cecilia Capestany... From Capestany's testimony at the trial of the Cuban Five.

Juan Pablo Roque still wasn't keen... From the transcript of the trial of the Cuban Five.

It seemed the FBI—like Cuban intelligence... From the transcript of the trial of the Cuban Five.

Venecia wasn't the only Cuban operation... From the transcript of the trial of the Cuban Five.

Eugene Carroll understood immediately... Carroll testified about this warning—and what he did with it— during the trial of the Cuban Five.

Yet another meeting at the Swiss embassy... Read into evidence at the trial of the Cuban Five.

Now that the final decision had been made... From the transcript of the trial of the Cuban Five, as well as Gerardo Hernández's March 16, 2011 affidavit filed in support of his application to vacate his conspiracy to murder conviction.

Cuban State Security wasn't alone... Plans for the Concilio meeting, Brothers' financial contribution to it and the Cuban response were all covered in the *Miami Herald* at the time. The information the U.S. government's concerns come from Nuccio's testimony at the trial of the Five.

René González had asked for tonight's meeting... From René González's report to Hernández, admitted during the trial of the Cuban Five.

The squeak of his shoes on the tile floor in their bedroom... Ana Margarita described this scene in an interview with the *Miami New Times* published April 1, 2010.

Cecilia Capestany hit the Send button... From testimony at the trial of the Cuban Five.

The sky was cloudless as the three Cessnas... The story of the shootdown of the Brothers aircraft comes from a variety of sources, including transcripts of testimony by Basulto and others during the trial of the Cuban Five, the International Civil Aviation report into the incident and news stories in the *Miami Herald*.

René González was reaching into the refrigerator... From correspondence with González.

Like René González, Gerardo Hernández found out ... From correspondence with Hernández.

José Basulto speculated that Cuban authorities... From reports in the *Miami Herald* as well as the transcript of Roque's CNN interview.

The coded shortwave message was brief... From testimony at the trial of the Cuban Five.

"Why the hell didn't you call?" ... Agent Barbeito testified about this meeting during the trial of the Cuban Five.

"As I sign this bill into law..." The signing ceremony was reported in the *Miami Herald*. There are many sources concerning the backdrop leading up to the signing, including Bill Clinton's own memoir.

“Shutdown” is excerpted from the forthcoming book, *What Lies Across the Water: The Real Story of the Cuban Five*, which will be published by [Fernwood Publishing](#) in the Spring of 2013. For further information or to pre-order, please contact Fernwood at info@fernpub.ca.

About the Author

STEPHEN KIMBER, a Professor of Journalism at the University of King's College in Halifax, Canada, is an award-winning writer, editor and broadcaster.

He is the author of eight books, including a novel, *Reparations* (HarperCollins, 2006), and seven non-fiction titles — *IWK: A Century of Caring* (Nimbus 2009); *Loyalists and Layabouts: The Rapid Rise and Faster Fall of a Shelburne, Nova Scotia, 1783-1792* (Doubleday 2008); *Sailors, Slackers and Blind Pigs: Halifax at War* (Doubleday 2002); *NOT GUILTY: The Trial of Gerald Regan* (Stoddart 1999); *Flight 111: The Tragedy of the Swissair Crash* (Doubleday 1999); *More Than Just Folks* (Pottersfield 1996); and *Net Profits* (Nimbus 1990). He is also co-author of the book *The Spirit of Africville* (Formac 1992) and the most recent updated edition of Thomas Raddall's classic *Halifax: Warden of the North* (Nimbus 2010).

His next book, *What Lies Against the Water*—a nonfiction book about the Cuban Five, a controversial network of Cuban intelligence agents currently serving long prison terms in the United States—will be published by Fernwood Publishing in the Spring of 2013.

For more information, check out...

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