

Confession in FIU Cuba case challenged

Lawyers for an FIU professor accused of being an unregistered Cuban agent seek to suppress the confession.

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JAILED: FIU Professor Carlos Alvarez and his wife Elisa Alvarez, are accused of sharing information with Cuba.

June 22, 2005: Carlos Alvarez, mild-mannered psychology professor, Catholic volunteer, suspected covert agent for communist Cuba stops at Publix to swig java after Mass at St. Thomas the Apostle.

FBI agents confront him. Melodrama dominates the brief exchange. The FBI agents tell him, that "this would be the most important day of his life."

It may well have been.

The Florida International University professor followed the FBI to a parking lot, ditched his car, and rode with agents to a hotel room.

According to defense motions filed this week based on snippets of declassified transcripts of the FBI's meetings, Alvarez spoke openly about his life, information coaxed by agents who assured him that "everything is going to turn out fine."

It didn't.

In January, Alvarez and his wife, Elsa Alvarez, an FIU psychology counselor, were charged with being unregistered agents of the Cuban government. The husband and wife are accused of sharing information with Cuba, though the information did not involve military or classified state secrets. Rather, it pertained to prominent Miami exiles, such as FIU President Modesto "Mitch" Maidique -- information an enemy might use for political blackmail.

If convicted, they could face prison sentences of seven to 10 years. They remain in jail awaiting trial.

EFFECTS

The case sent waves of McCarthyist paranoia across Miami's academic circles, spawned a law that makes it almost impossible for professors at state-run universities to travel to Cuba, and shook FIU's foundations with allegations about Maidique being a target.

In their motion, lawyers for Carlos Alvarez quote from the government's partial transcripts of the June 22 interrogation and one the next day. The lawyers are arguing that the indictment against Alvarez should be dismissed because "he was promised that he would not be prosecuted so long as he provided government investigators with truthful information in response to their questions." They want his confession thrown out.

The attorneys also want the court to limit the case to five years, rather than the 30-year span covered in the indictment.

According to the documents, the FBI peppered its interrogation with veiled threats and warnings. Alvarez wept as the FBI pressed him for more. "Here, here, here," an agent consoled Alvarez, "everything is going to turn out fine. . . . There are no problems here. . . . Nobody will know that you spoke with us."

Alvarez's life changed forever that Wednesday morning, at the start of last summer's record-breaking hurricane season. As he munched on a danish and sipped coffee, court records note, FBI agents Alberto Alonso and Rosa Schureck approached him.

"It wasn't a coincidence that we came to see you at Publix for the first time," Alonso later told Alvarez. "We can tell you if, if you like books about Cuba, if you like this type of music, if you like to eat out, if you like soup."

The FBI for four years had the Alvarez couple under surveillance, which included a bug for eavesdropping in the bedroom.

The decision to confront Alvarez at the Publix -- it did not specify which one -- "was designed to heighten the coercive and intimidating effect of the stop by," a way to show him he had been under surveillance, said the court records filed by lawyer Steven Chaykin.

NO COMMENT

Chaykin, who maintains his clients are innocent, would only say that he believes the motions are "highly meritorious."

FBI spokesman Michael Leverock said Thursday he could not comment on an ongoing case. The U.S. attorney's office is expected to respond in court to Chaykin's motion.

After reviewing the transcripts, some legal observers believe the FBI was employing techniques to try to flip Alvarez to cooperate and turn in his alleged Cuban intelligence handlers. They pressured, cajoled, invoked his family, to see if he would divulge more information about himself, his work and his alleged Cuban government superiors.

The agents started their questioning, the motion states, by telling Alvarez that he could "help" them and in exchange, he would be helping himself.

"We know we have the capacity to help you . . . but you also have to cooperate and assist us," Schureck said, according to the transcript.

"Nobody will know about this interview," Alonso quickly added.

AN `OPPORTUNITY'

The agents told Alvarez that they had not granted this "opportunity" to other convicted Cuban spies, such as those who were part of the so-called "WASP" network and Ana Belen Montes, who worked at the Pentagon.

The agents explained that Cuba only defends the WASP prisoners, also known as the Cuban Five, and not the others because the others had cooperated with investigators.

"We want you to live your life exactly how you're living it now, to continue working at FIU. In four years you're going to retire," Alonso said. ``You're daughter is going to school. Your children are here. One is an attorney. . . . Everybody is working peacefully. Nobody knows what you do, but I know there are other things that you, you are not telling me now."

The partial transcript cited in court documents does not include any self-incriminating statements that Alvarez may have made. But it shows that he was talking.

"I'm basically honest," Alvarez told the agents. ``You caught me, I mean, a little by surprise. Sometimes I say, `Well, the legal thing, what does this mean?'"

Alonso reassured him, "there's nothing legal here," he said.

"I mean, you guys don't have anything," Alvarez said. ``I mean, basically, you're telling me there's nothing against me."

In a not-so-veiled warning to Alvarez to be truthful, the agents talked about his family.

"I told you today was the most important day of your life because your future is determined today, but not only yours, the future of your wife, Elsa, your children, Javier, Jorge and Mario," Alonso said.

Alvarez corrected him. "Marcos," he said.

"Marcos, and especially . . ." Alonso said, going on to talk about Alvarez's youngest daughter. ``She's starting to live, to see life. She hasn't gone to high school yet. She has so much to learn, to enjoy. And what's best for you as a family?"

The agents didn't hide the fact that they wanted Alvarez to turn on the Cuban government.

"Since you helped the, the Cuban government, we want you to help the United States now," Schureck said.

Alvarez said he wanted something else.

"I want peace . . . in my life," Alvarez said. ``That's what I want in my life."

Not long after agents consoled Alvarez as he sobbed during that first interrogation, Alonso said ``you've confessed it completely."

Alvarez, in few words, seemed to plead with agents to take his openness into consideration.

"I've told you everything that I was," Alvarez said, "I hope they recognize that."