

COURTS

U.S. fights Posada release

The release of Cuban exile militant Luis Posada Carriles faced another U.S. government obstacle.

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Stung by defeat, the U.S. government launched a counteroffensive Monday to prevent the court-ordered release of Cuban exile militant Luis Posada Carriles to Miami before his trial on fraud charges in federal court in Texas.

Justice Department lawyers urged U.S. District Judge Kathleen Cardone to reconsider her decision on Friday to grant Posada a \$350,000 bond and to hold a hearing on the collateral pledged by supporters to secure his bail.

Lawyers in Justice's counterterrorism division pressed the judge to delay her bond decision until that hearing, which could focus on a \$1.5 million Coral Way office building owned by a Posada supporter, Judith Garcia Prado. In a court filing, she pledged the property on 1378 SW 22nd St. for his bond, which is set far lower than the building's value.

"The court's order thus waters down the bond conditions, and presents no real disincentive to flee," wrote Justice Department attorneys John W. Van Lonkhuizen and Paul Ahern in a 10-page filing.

The prosecutors argued that the judge's current bond would not guarantee Posada's appearance at a May 11 trial, where he faces charges of lying at a naturalization hearing and on an official application about how he sneaked into the country. Posada has claimed he crossed the Mexico-Texas border two years ago, but government prosecutors say he arrived on a boat manned by Cuban exiles.

Posada's defense lawyers called the government's latest move desperate.

"They are grabbing at straws," said Miami attorney Arturo Hernandez. "It is an act of desperation by the government. It's just another attempt to keep him in jail."

If the judge's ruling stands, Posada can post the \$350,000 bond and live with his wife at her home in Miami under 24-hour house confinement, leaving only for doctors' appointments or to meet with his attorney. Posada also would be

subject to electronic monitoring and not be allowed to contact codefendants or witnesses.

Cardone's ruling in El Paso was the first major legal victory for the former CIA operative since immigration agents detained him in May 2005 in Miami-Dade County, accusing him of being in the country illegally. He was flown to an immigration detention facility in El Paso, but is now being held in a New Mexico jail near the Texas border.

Cardone noted that even if Posada were the daring covert operative of legend, accused of masterminding tourist site bombings in Havana that killed an Italian in 1997 -- and even if he did escape from prison in Venezuela after his arrest in connection with the 1976 bombing of a Cuban airliner that killed 73 -- all that was in the past.

She noted that the criminal charges against Posada, now 79 and "frail," did not involve acts of violence.

Prosecutors initially asked the judge to delay Posada's release until Friday, when they could file an appeal. She has yet to rule.