

Judge hints U.S. wrong to send 15 Cubans back

Judge: Abandoned Keys bridge 'as American as apple pie'

MIAMI, Florida (AP) -- A federal judge suggested Thursday that the U.S. government made a mistake when it sent back 15 Cubans who had landed on an abandoned bridge in the Florida Keys.

Thursday, January 12, 2006; Posted: 5:04 p.m. EST (22:04 GMT)

U.S. District Judge Federico Moreno said he would not rule immediately on the emergency lawsuit filed on the Cubans' behalf, but he questioned the government's reasoning.

Under the government's long-standing "wet-foot, dry-foot" policy, Cubans who reach U.S. soil are generally allowed to stay, while those stopped at sea are returned to the communist island.

In this case, the government said it sent the Cubans back to their homeland because the bridge no longer connects to land.

"So the question is whether this bridge is U.S. territory," Moreno told Assistant U.S. Attorney Dexter Lee. "I'll follow the law, whatever it is ... but the average person would say that's a ridiculous distinction" of whether the bridge was U.S. land.

The judge called the abandoned bridge, built in 1912 by railroad magnate Henry Flagler and wrecked by a 1935 hurricane, "as American as apple pie."

Lee said that the government would respond to the lawsuit by January 26 and would ask the judge to dismiss the case. Even if it were ruled that the 15 Cubans could return, it is highly unlikely Cuba's Fidel Castro would permit it.

The attorneys representing the Cubans, as well as the Cuban advocacy group Democracy Movement, also urged the judge to clarify U.S. policy as to what constitutes U.S. territory under the wet-foot, dry-foot policy. ()

The Cubans set out from their homeland in a small boat and thought they were safe when they reached the bridge January 4 after more than a day at sea. But the bridge, which runs side by side with a newer bridge, is missing several chunks, and the group had the misfortune of reaching a section that no longer touches land.

Earlier this week, members of Florida's congressional delegation called for a review of the wet-foot, dry-foot policy.

The rule was established in 1995 to stem a wave of Haitians and Cuban immigrants arriving on U.S. shores.

Copyright 2006 The . All rights reserved. This material may not be published, broadcast, rewritten, or redistributed.



Attorneys William Sanchez and Kendall Coffey talk with reporters after the hearing.

Find this article at:

<http://www.cnn.com/2006/LAW/01/12/wetfoot.dryfoot.ap/index.html>