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LUIS POSADA CARRILES CASE

Backer's arrest clouds case

The ripple effects of Santiago Alvarez's arrest on federal weapons and passport charges could reach the man he swore to help, Cuban exile militant Luis Posada Carriles.

BY OSCAR CORRAL AND ALFONSO CHARDY

With his biggest benefactor, Santiago Alvarez, behind bars, Cuban exile militant Luis Posada Carriles' chances of walking out of federal custody before year's end have sustained a serious blow.

So far, exile leaders, who came out in force to support Alvarez at his first court appearance, have taken a wait-and-see approach. Only a small protest from a fringe anti-Castro group is planned in front of federal court Dec. 6, when Alvarez is scheduled to be arraigned.

But the ripple effects of Alvarez's arrest could well reach the man he swore to help, Posada.

"If the government makes the argument and shows that [Posada] is a danger to the community because of his ties to these people now being indicted, they can hold him for six more months, and obviously that is concerning us because he is an older gentleman of deteriorating health," said Renee Soto, one of Posada's lawyers.

Last week, a U.S. magistrate refused to release Alvarez and Osvaldo Mitat, another exile who worked for Alvarez, because their possession of machine guns, grenades and rounds of ammunition amounted to a "crime of violence" and posed a danger to the community.

That could be devastating for Posada, who is now in detention in an immigration facility in El Paso and recently persuaded a judge to stop his deportation to Venezuela or Cuba. Now the government may

not release Posada if he is believed to be dangerous or a threat to national security or the community.

"This could potentially open up a can of worms against Posada by bringing him some kind of guilt by association," said immigration and criminal defense lawyer Luis Fernandez, who is not involved in the Posada case.

While there has been no legal link made between the two men's cases, Posada's mere presence in this country may have brought federal scrutiny on Alvarez, who publicly took credit for helping Posada, a Cuban with Venezuelan citizenship, enter the United States illegally.

Posada's presence in the United States has embarrassed the Bush administration, by putting it in the uncomfortable position of being accused of harboring a suspected terrorist even as it wages a global war on terror.

'SETUP' ALLEGED

Soto said Posada told her he believes the case against Alvarez was a "setup." He also thinks the U.S. government's confidential informant in the case may have had ties to the Cuban government.

Alvarez, 64, and Posada, 77, have known each other for years. Like Posada, Alvarez is a U.S. Army veteran who was trained by the CIA for the failed Bay of Pigs mission.

Alvarez's arrest also may make it harder for Posada to afford his legal defense. Posada's lawyers are working pro-bono, but Alvarez was paying the lawyers' travel to El Paso and other expenses. For now, Soto said the firm will continue to represent him.

Alvarez, who said he once drove a Ferrari, has not always run a money-making real-estate business. His companies have declared bankruptcy, he has owed \$500,000 to the Internal Revenue Service, and banks have foreclosed on buildings he owned, according to public records.

His longtime civil lawyer, Juan Zorrilla, said Alvarez's financial problems were legitimate parts of a growing business that stretched itself too thin.

In 1989, a company Alvarez owned filed for bankruptcy after he ran out of money in the middle of a

development project in Hialeah Gardens, Zorrilla said, adding that all banks were eventually repaid.

In the mid 1990s, the IRS put a lien on Alvarez for about \$450,000 in unpaid taxes, records show. And a company he owned with family members, Coastline of Indian Creek, became the target of a mortgage foreclosure case.

"That was a company he had," Zorrilla said of Coastline. "When Santiago buys a building, he puts in a big amount of capital investment. In some cases, he miscalculated. This is one of them."

Records show the IRS lien was released in 2000.

Alvarez is well known for backing militants, such as Posada and other hard-line exiles. That could come back to haunt Posada in court.

Some immigration experts believe that foreign nationals who have been spared deportation under terms of the Convention Against Torture, like Posada, could be held indefinitely.

Complicating matters is an internal memorandum that U.S. Immigration and Customs Enforcement issued last year favoring release of detainees who have been granted asylum or protection under the convention. Exceptions can be made if there are "concerns, such as national security issues or danger to the community and absent any requirement under law to detain."

Alvarez's lawyer, Kendall Coffey, says the government may try to move Alvarez's case out of Miami-Dade County to increase the likelihood of getting a jury to convict him.

POTENTIAL JURORS

"There is a very strong concern, even deep resentment, about the possible attempt of the government to manipulate the venue away from Miami-Dade county," Coffey said. "For an administration that relies so heavily on Cuban-American voters, it should not be running away from Cuban-American jurors."

The way the exile community reacts to Alvarez's arrest will certainly play a factor in whether the case is moved, Coffey said. If the arrests spawn protests and demonstrations, Coffey said the government could seize on that to say "disruptive" events are grounds to move the case.

"We are going to win this case in the courtroom, not in the streets," Coffey said.

So far, only Vigilia Mambisa, a small fringe group that protests often, is planning to demonstrate in front of federal court Dec. 6.

Some exile activists said they felt that the U.S. government merely caved in to pressure from Havana when federal officials arrested Alvarez.

Cuban leader Fidel Castro has repeatedly claimed Alvarez smuggled Posada into the United States on his boat, Santrina, and has called for Alvarez's arrest. Alvarez denies using the Santrina for smuggling.

On Cuban TV Friday, Castro accused Alvarez of sponsoring terrorism against Cuba. "He sent armed people here, and he sent them with dynamite and instructions to blow up Tropicana [nightclub]," Castro said.

"They were going to kill someone because they've always been used for that, to kill and prepare assassinations," Castro said.

Alvarez has never been charged with attacking Cuba.

DEMONSTRATIONS

Exiles who have the ability to sway public opinion through Spanish-language radio say they don't feel Alvarez's arrest warrants public demonstrations.

"The demagogues are using this for personal and political reasons, saying that Castro gives an order in Havana and Washington follows. This is their opportunity to defend the Democrats and attack Bush," said Cuban Liberty Council President Ninoska Perez-Castellon, who co-hosts a talk show on Radio Mambi.

Cuban Study Group Chairman Carlos Saladrigas, considered a moderate exile voice, said there is no reason to protest.

"Mr. Alvarez will have his day in court to prove that he is innocent or not," Saladrigas said.

`` Why should this community be upset about it?"

Anti-Castro activist Jose Basulto, who said he would be willing to serve a month in jail for Alvarez, had a different take: ``A long time ago, this community became more Republican than Cuban."

Herald researcher Monika Leal and Herald wire services contributed to this report.

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