



Ex-cop Could Win New Trial As A Result Of TV Report

September 7, 1998 | By NOREEN MARCUS Staff Writer

A 60 Minutes report that the Central Intelligence Agency dumped 2,200 pounds of cocaine in Miami may help win a new trial for an ex-cop convicted in 1993 of conspiring to import drugs.

Jose Fernandez, the former Metro-Dade policeman, must find out whether the Nov. 21, 1993, broadcast is true. If so, it could support his claim the CIA framed him to deflect attention from corrupt operatives the agency wanted to protect.

This week Fernandez begins the sixth year of a 30-year federal prison sentence for conspiracy to import and distribute cocaine. He says he was wrongly implicated by a government agency that saw him as a convenient fall guy.

For Fernandez's defense strategy to work, however, he must pry information out of the CIA. And in Miami federal court, where the dispute rests, the agency that keeps international secrets is being true to its mission.

"I still think they're trying to protect the scandal of this operation and whether or not they were letting drugs into this country," said Richard Strafer, Fernandez's attorney. Strafer said he can't discuss the case "because of national security concerns raised by the government."

U.S. Attorney Tom Scott's office, representing the CIA, cannot comment on the case, a spokesperson said.

Government lawyers belittle Fernandez's CIA conspiracy theory in court papers. They convinced U.S. District Judge Ursula Ungares-Benages to deny Fernandez's request for a new trial, based on the 60 Minutes report and other information that surfaced.

But six months ago a panel of appellate judges refused to throw Fernandez's case out of court.

The government had not denied the "extraordinary and troubling" news reports, 11th Circuit Judge Stanley Birch Jr. wrote in the March 17 opinion.

Ungares-Benages “too easily brushed aside the possible impact that these rather sensational allegations might have had on Fernandez’s case,” Birch wrote. The 11th Circuit told the Miami judge to explore Fernandez’s claims at a hearing, still pending.

In court papers Strafer tells a tale of how Fernandez was trapped between two government agencies with one goal but radically different methods:

Both the CIA and the Drug Enforcement Administration were working with the Venezuelan National Guard to trap drug distributors in the United States. The CIA’s relationship with VNG leader Gen. Ramon Guillen was much closer than the DEA’s.

In fact, the CIA was secretly working with Guillen and a government informant named Adolfo “Cristo” Romero to move cocaine out of Venezuela, a trans-shipment point from Colombia, and into the United States. Here the drugs would be handed over to distributors, supposedly to win their confidence in hopes of one day arresting Oscar Moncada, one of four heads of Colombia’s Medellin Cartel.

Altogether, according to the 60 Minutes broadcast, 1,000 kilos, or, 2,200 pounds, of cocaine were lost this way and sold in Miami.

For the CIA’s program to work, it had to be kept secret even from the DEA, whose policies prohibited what the CIA was doing.

Robert Bonner, head of the DEA at the time, told 60 Minutes’ Mike Wallace he would never have approved letting drugs walk.

“It’s called drug smuggling,” said Bonner, now a federal judge.

In the fall of 1990 the DEA in Caracas learned Guillen’s VNG had stockpiled 1,500 kilos of cocaine earmarked for Miami. The shipments were to be “controlled deliveries” _ under surveillance, following DEA policy.

At least that was the cover story. Actually the CIA wanted to move the drugs its own way, in uncontrolled deliveries to distributors, and hoped to sneak the drugs through Miami International Airport.

The plan went awry, apparently because the DEA in Miami was doing its job too well, from the CIA’s point of view.

On Friday, Nov. 16, 1990, 396 kilos from the VNG’s stockpile were loaded into hollowed-out cargo pallets and sent to MIA. There the shipment sat all weekend.

Something was up.

The Miami DEA office, which had the airport under regular surveillance, learned that someone had tipped off the drug traffickers they were being watched. The following Monday U.S. Customs seized the drugs.

The key question about the Nov. 19 bust was, who tipped off the drug dealers to the DEA surveillance, and why?

The DEA began looking for a tipster and settled on Fernandez. Romero, the informant, said it was someone in Miami law enforcement.

At Fernandez's trial, five drug traffickers who made deals for leniency testified he learned about the surveillance through law enforcement channels and sold the tip for money.

Actually the CIA did the tipping and the finger-pointing at Fernandez, his lawyer Strafer said. The agency wanted to protect its operation and its people, Guillen and Romero _ likely the real tipster, Strafer said.

Fernandez became the designated sacrifice, according to his lawyer.

Marital problems had sent Fernandez to the wrong place at the wrong time, a couch at his drug-dealer cousin's place the weekend Romero and the CIA were looking for a fall guy, Strafer said.

Now Strafer must prove the tangled tale contains enough truth to win his client a new trial.

Romero and Guillen have since been discredited, indicted for drug trafficking. Romero was convicted last year after a trial in Miami, but Guillen remains in Venezuela, shielded by extradition laws.