

Author: Michael O'Neill at AIA
Date: 1/18/96 10:35 AM
Priority: Urgent
TO: Cecilia Capestany

Subject: Cuba--Brothers to the Rescue

Message Contents

Cecilia - Can you please take care of this. Thanks.

Forward Header

Subject: Cuba--Brothers to the Rescue

Author: John Hancock at AIA

Date: 1/18/96 8:56 AM

PLEASE INVESTIGATE WITH DOS AND PREPARE A NOTE FOR AOA THIS AM.

Forward Header

Subject: Cuba--Brothers to the Rescue

Author: Louise Mallett at API

Date: 1/18/96 7:36 AM

Good morning. Last night Pena beeped David because he had talked to someone at DOS who was concerned about some from Brothers going into Cuban airspace and dropping pamphlets...Lynne called me to see what was up. I told her that it was news to me but would find out. After a couple of calls...you guys were first but not in...I got the following info:

Apparently Jose Basulto was on TV this past weekend and said that he'd overflown Cuba and dropped pamphlets...Mike Thomas was called by DOS and asked to look into it...he checked with Air Traffic who couldn't verify it one way or the other...I filled in Lynne on past experiences in this area and that normally when the gvt has advance notice that we participate with DOS in talks to get ready...what may have happened here is that somehow someone at DOS heard about the TV interview...however they heard, the desk called Mike to ask him to check into it.....

Lynne asked that we (meaning you) call DOS and see what's up, why we weren't notified (I'm surprised that they didn't call you guys) etc. She'd like a short note/summary of this today for David in case the Secretary wants more info. Call if you have any questions.

Louise

62



ARA PRESS GUIDANCE
January 17, 1996

01/18/96 15:31

2202 736 4476

ARA/CCA

001

CUBA: OVERTLIGHT OF CUBAN AIRSPACE

Q: Have you received a protest from the Cuban government regarding the unauthorized entry into its airspace of aircraft from the United States? If so, what is your reaction?

A: On January 16, the U.S. Interests Section in Havana

received a diplomatic note from the Cuban government notifying us of its concern regarding aircraft which allegedly entered Cuban airspace from U.S. territory without proper authorization and dropped leaflets over Cuban territory.

The Federal Aviation Administration has been informed of

and is investigating this incident.

The USG has consistently discouraged such activity, and has issued several public statements warning of the potentially serious consequences of entering Cuban territorial waters or airspace without prior authorization from the Cuban government.

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages = 5

To: *State Dept*
 From: *State Dept*
 Dept/Agency: *State Dept*
 Phone #: *647-9273*
 Fax #: *647-5082*

NSN 7540-01 317 7300
 5099-101
 GENERAL SERVICES ADMINISTRATION

Author: Cecilia Capestany at AIA
Date: 11/28/95 3:23 PM
Priority: Urgent
TO: Keith May at AS07FL
TO: Allan Horowitz at AGC
Subject: Re[2]: Cuban response to our request for info on BTR violati

Message Contents -----

Gentlemen,

I've found it! It was sent to the Center (a month ago, according to Havana) and was delivered by them last week to the Miami FSDO. Just talked to Chuck Smith who told me that since it was in Spanish and didn't know contents, the office was going to have it translated. I suggested that he talk to you, Keith, to see if you wanted to handle it differently (i.e., get the package now and get it translated by your office). At least we've cleared this one up. Good luck..Let me know if you need further assistance from my end. Cheers, CECILIA

Reply Separator
Subject: Re: Cuban response to our request for info on BTR violations
Author: Keith May at AS07FL
Date: 11/28/95 1:18 PM

I have not seen this package and it is important that it be sent to either me or Allan Horowitz in AGC-330. I am the attorney currently responsible for the case and physically have the file. The plan is for Allan to conduct an informal conference with the airman's attorney, at the request of the airman, at some point in the future as soon as we get the subject information. Therefore, the information should go to Allan or myself. Thanks.

Reply Separator
Subject: Cuban response to our request for info on BTR violations
Author: Cecilia Capestany at AIA
Date: 11/28/95 1:00 PM

Keith, I've dealt with you in the past regarding above. Wanted to copy you on latest. CECILIA

Forward Header
Subject: Cuban response to our request for info on BTR violations
Author: Cecilia Capestany at AIA
Date: 11/28/95 10:43 AM

I have just received a heads-up call fm State indicating that the Cubans had sent them copies of numerous affidavits, regulations, etc. pursuant to our request for information regarding violations of Cuban airspace. I want to know if you have seen this package yet or if I need to track it down in FAA. Presumably it left Cuba (thru the US Interests Section) a couple of weeks ago. Please advise soonest if you have not/not seen it. Thanks. CECILIA CAPESTANY, x73231

this type of violation, FAA issued its notice even though it did not have in hand the evidence needed to prove the violations. (FAA was confident that the substantiating documentation would be forthcoming.)

In early October 1995, FAA requested that Cuba provide copies of the Cuban regulations allegedly violated and statements of Cuban air traffic control personnel.

In early December 1995, FAA's Southern Region received the requested documents from Cuban authorities.

On December 11, 1995, the file was transferred to Washington Headquarters for handling of the informal conference.

In mid-December, the legal office requested that the information from Cuban authorities be translated into English. The translation was received on February 5, 1996. FAA counsel discovered some deficiencies in the controller's statement and requested the Office of International Aviation to assist in obtaining a more detailed statement. Counsel also requested the Miami Tower to obtain copies of the pertinent aeronautical charts in effect on the date of the incident. The requested information has not yet been received.

There have been allegations that Mr. Basulto overflew Havana on January 13, 1996. The Cuban government has provided the FAA with some evidence. The FAA's investigation is ongoing and may result in additional charges being brought against Basulto.