

FAA Cracks Down on Airspace Violators

Pilots Who Penetrate Cuba Limits Can Forfeit Licenses and Aircraft

3/9/96
By Don Phillips
Washington Post Staff Writer

Thirteen days after a Cuban jet fighter shot down two unarmed planes off its coast following repeated complaints from Havana that its airspace was being violated, the Federal Aviation Administration yesterday announced strict new measures to punish U.S. pilots who penetrate Cuban airspace in the future.

The FAA said it will use "all available government radar sources" to spot pilots who violate Cuban airspace, will meet them as they return to the United States and revoke their licenses on the spot.

In a letter to 33,225 pilots in the South Florida area, Federal Aviation Administrator David R. Hinson also said that in "appropriate cases" the agency will seek maximum civil penalties, seize aircraft and seek other judicial remedies.

The letter was intended as a warning to the anti-Castro group Brothers to the Rescue and its leader, Jose Basulto, whose twin-engine Cessna 337 was the only one of three planes to survive the attack by a Cuban MiG-29 Feb. 24.

U.S. officials said Basulto had violated Cuban airspace in that flight, penetrating three miles beyond the

12-mile territorial limit, although the other two planes did not. Cuba said all three planes had violated its airspace.

Basulto led eight planes March 2 in a flying memorial about 20 miles off the coast, and has vowed to return again this weekend.

The FAA letter to pilots clarified that the agency will strictly enforce a March 1 "cease and desist" order that gives U.S. officials broad power to take emergency action against pilots who violate airspace.

"FAA has been given access to and will use all available government radar sources to establish whether Cuban airspace has been violated," the letter said. "Airmen should be aware that if the evidence obtained from any source establishes a violation of Cuban airspace, their airmen certificates will be revoked on an emergency basis. In addition, maximum civil penalties, seizure of aircraft and judicial remedies will be pursued in appropriate cases."

Cuban authorities claim there were at least nine airspace violations by Brothers pilots between May 1994 and January this year, including dropping leaflets on Havana on Jan. 9 and Jan. 13. In August, the FAA said it was moving to suspend Basulto's license for 120 days

for flying into Cuban airspace July 13 and dropping bumper stickers for Brothers, but that case is in the appeals process and Basulto still has his license.

A senior FAA official said the cease and desist order allows the FAA to administratively seize licenses, with the pilot then having the right to appeal to the National Transportation Safety Board within 10 days. A pilot cannot reapply for a license for a year after revocation.

Any pilot who flies without a license is subject to criminal penalties of up to three years in prison and a \$100,000 fine.