

Court Asked to Free 29 Cuban Fishermen

By Theodore A. Tinger

KEY WEST, Fla., Feb. 18 (AP) — Twenty-nine Cubans asked a court today to free them on grounds a Florida law charging them with fishing illegally is unconstitutional.

The fishermen, whose detention triggered the Guantanamo water crisis, contended through their New York attorneys, "The statute is plainly an attempt by Florida to move into the area of foreign relations." This, they added, is "exclusively a matter of Federal control" under the U.S. Constitution.

The motion was filed at arraignment of the Cubans before Monroe County Criminal Court Judge Thomas Caro by attorneys Leonard Boudin and Michael Standard.

Discriminatory grounds were cited by the motion which asked quashing of the charges.

According to the arguments in the motion, the Florida statute provides that aliens seeking political asylum will be exempted from prosecution for illegal fishing. The motion called this discriminatory and a violation of the U.S. constitution.

Two of the original 38 Cub-

ans taken into custody were given political asylum and were freed.

"The indictments are insufficient," the defense claimed, "because they fail to set forth the nature of the offense." It contended the Cubans were in international waters.