

U.S. Accuses Cuba o

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The United States accused Cuba yesterday of a "blatant violation of international law" in Saturday's shoot-down of two civilian aircraft off its northern coast, and President Clinton last night was considering a range of punitive steps to take against the Havana government.

U.S. rescue aircraft and ships were continuing a search for the four people aboard the planes, but a Coast Guard spokesman acknowledged prospects were dim for finding survivors. Passengers aboard a cruise ship and two men aboard a fishing boat told the Coast Guard they saw the planes obliterated in fiery explosions. "Their stories . . . don't leave a lot of room for hope," said Coast Guard Lt. Cmdr. Marcus Woodring.

In Havana, President Fidel Castro's government was unapologetic. A Foreign Ministry statement said the Cuban exiles who chartered the single-engine Cessna 337s were "pirates" who had been

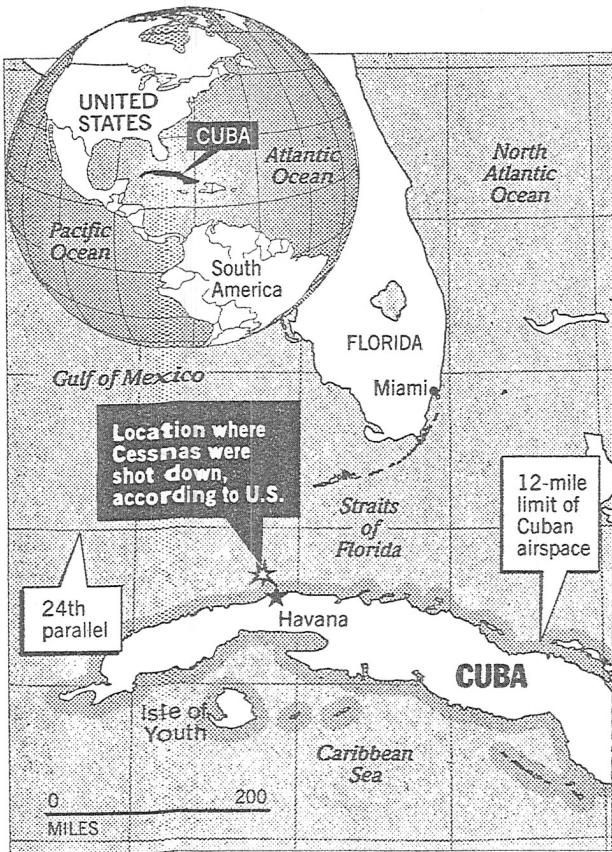
warned by air controllers of "the risk they were putting themselves in by penetrating Cuban airspace and were justifiably shot down when they did it anyway. The statement also said the planes were shot down between five and eight miles from the Cuban coast, or well within the 12-mile territorial limit of Cuban airspace.

In Washington, Secretary of State Warren Christopher called the Cuban explanations "neither plausible nor acceptable."

Senior administration officials said intelligence reports show that the two planes—chartered by the Miami-based exile group Brothers to the Rescue—were near but still outside Cuban airspace when they were blown from the sky by air-to-air missiles fired from a MiG-2 fighter jet. One was downed five miles north of the 12-mile limit, and the second 16 miles outside it, according to the American account.

The U.S. officials acknowledged that the third Cessna, which was not shot at an

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'Blatant Violation'

returned safely to Florida, had crossed three nautical miles into Cuban airspace.

But these same officials said whether the planes were in or out of Cuban space was beside the point. International law, spelled out under the so-called Chicago Convention, prohibits firing on civilian planes anywhere except in self-defense. Also, governments are supposed to contact the plane via radio, or by making wing-tipping or other motions from one of its own planes. The Cubans did not take these actions in the moments immediately before the MiG fired its missiles, U.S. officials said.

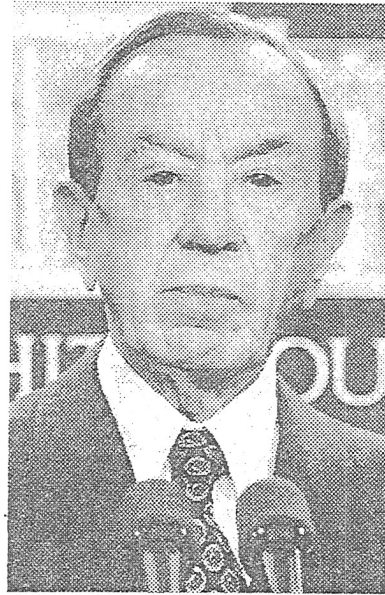
For Clinton, the downings have provoked a foreign policy confrontation with potentially significant domestic consequences. Republican presidential candidates—including Senate Majority Leader Robert J. Dole (Kan.) and commentator Patrick J. Buchanan—both accused the administration of pursuing a soft-on-Cuba policy.

Military retaliation has been ruled out in the near term, administration officials said. A senior Pentagon official reported no additional military forces had been alerted about the possibility of action in the Caribbean.

Instead, Clinton is hoping he can rally an international response against Cuba. One option, according to an administration official, would be to try to limit Cuba's aviation rights with other nations. There are already strict restrictions on U.S.-Cuba flights.

At the request of the Clinton administration, the U.N. Security Council last night had an emergency session at which the United States was scheduled to brief other nations about what it knew about the incident. No decisions about sanctions were to be made, a U.S. official said.

At the same time, Clinton and his advisers are debating what actions the United States can take on its own. A likely option, one official said, is to scale back or reverse the easing of restrictions on travel, communications and some financial transactions (such as wiring cash by telegraph) that Clinton authorized last fall.



WARREN CHRISTOPHER

... rejects Cuba's explanations

Clinton, an official said, is also now more likely to go along with the so-called Helms-Burton bill in Congress, which would impose a whole new set of sanctions on Cuba. Earlier, the administration had expressed skepticism about the legislation, sponsored by Sen. Jesse Helms (N.C.) and Rep. Dan Burton (R-Ind.).

According to a briefing given at the White House yesterday by senior administration officials, who provided information from normally secret U.S. intelligence agencies, Cuban military jets had been patrolling on the northern coast "in reaction to what they believed to be an incursion of Cuban air space."

The Cubans mentioned this in their statement, as well. The Foreign Ministry said Saturday morning "three airplanes of the same type [as those shot down later] penetrated" Cuban airspace between 10:15 a.m. and 11:27 a.m. but flew away to the north when they spotted fighters.

U.S. officials said they had no evidence that U.S. planes had violated Cuban airspace in the morning.

The three Brothers to the Rescue air planes took off later in the afternoon, sometime before 2 p.m., from Opa-Locka airfield in Miami, according to the U.S. account.

At 2:57 p.m., U.S. officials said, the planes contacted air traffic controllers in Havana and declared that

they intended to operate south of the 24th parallel, the point where planes are handed off from American to Cuban controllers. The Cuban controllers said the Cessnas would be in danger if they did so. But the Cessna formation "made it clear that it was aware of the danger but it was flying in anyway," according to a chronology released by U.S. officials.

At 3:09 p.m. two Cuban military jets took flight. At 3:22 p.m. the lead plane in the Brothers to the Rescue formation crossed into Cuban airspace, according to this chronology. The Cessnas were flying about five miles apart, and U.S. officials said so far as they knew only the lead plane—ironically, the one that made it home safely—crossed into Cuban space. It was piloted by Jose Basulto, leader of the exile organization.

At 3:24, the MiG-29 pilot radioed for permission to shoot one of the Cessnas down, received it and fired a missile. At 3:31 p.m., the same sequence happened again, and the second plane was destroyed.

"A missile hit the airplane and just blew it to pieces," one cruise ship passenger told a Miami television station today. "There was hardly any wreckage, any debris, just boom—and it was gone in a puff of smoke."

While the sequence of events leading up to the shoot-down was laid out in great detail, one central question remained murky: Why were the Brothers to the Rescue planes flying so close to Cuba in the first place?

Basulto said at a Miami news conference the group was doing its traditional job—searching the seas for refugees fleeing Cuba, to assist the Coast Guard in rescuing these people.

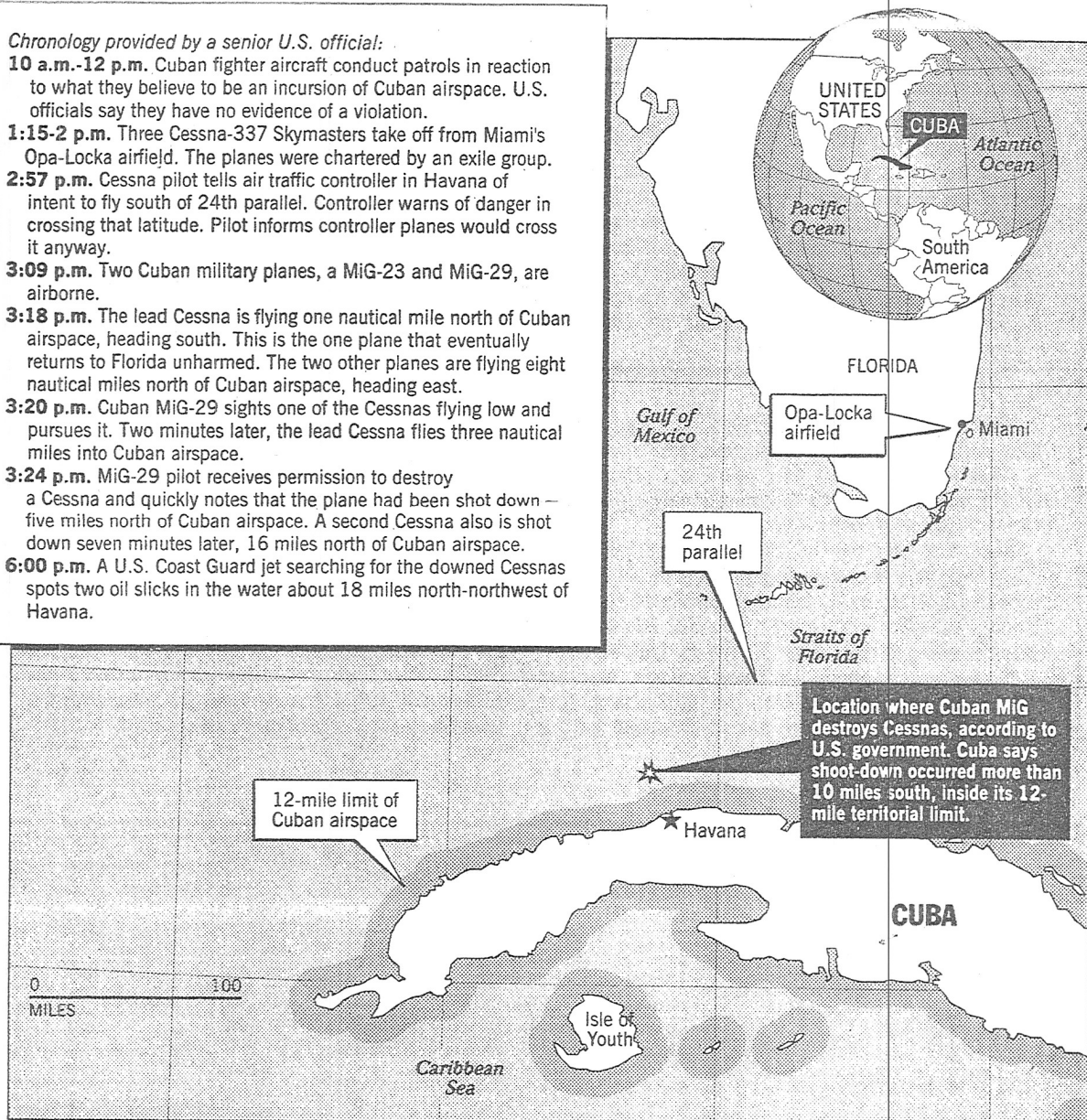
However, the flow of refugees has mostly stopped since August 1994, when the United States instituted a policy of returning refugees to Cuba.

And officials don't necessarily accept the group's claim at face value. "I have no idea" why the three planes were flying near Cuba, a senior administration official said.

The Cuban statement noted that in January, U.S.-based planes had dropped "provocative" leaflets on Havana. Saturday, the statement said, was the "101st anniversary of the

Chronology provided by a senior U.S. official:

- 10 a.m.-12 p.m.** Cuban fighter aircraft conduct patrols in reaction to what they believe to be an incursion of Cuban airspace. U.S. officials say they have no evidence of a violation.
- 1:15-2 p.m.** Three Cessna-337 Skymasters take off from Miami's Opa-Locka airfield. The planes were chartered by an exile group.
- 2:57 p.m.** Cessna pilot tells air traffic controller in Havana of intent to fly south of 24th parallel. Controller warns of danger in crossing that latitude. Pilot informs controller planes would cross it anyway.
- 3:09 p.m.** Two Cuban military planes, a MiG-23 and MiG-29, are airborne.
- 3:18 p.m.** The lead Cessna is flying one nautical mile north of Cuban airspace, heading south. This is the one plane that eventually returns to Florida unharmed. The two other planes are flying eight nautical miles north of Cuban airspace, heading east.
- 3:20 p.m.** Cuban MiG-29 sights one of the Cessnas flying low and pursues it. Two minutes later, the lead Cessna flies three nautical miles into Cuban airspace.
- 3:24 p.m.** MiG-29 pilot receives permission to destroy a Cessna and quickly notes that the plane had been shot down — five miles north of Cuban airspace. A second Cessna also is shot down seven minutes later, 16 miles north of Cuban airspace.
- 6:00 p.m.** A U.S. Coast Guard jet searching for the downed Cessnas spots two oil slicks in the water about 18 miles north-northwest of Havana.



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start of the War of Independence of 1895 and when the people of the capital were preparing to celebrate Carnival."

Havana said that it had issued previous complaints to U.S. aviation authorities about "incursions" of Cuban airspace.

"These violations have taken place numerous times despite repeated warnings that they could not be tolerated and that patience has its limits," the Cuban statement said.

U.S. officials acknowledged that they had heard complaints from the Cubans and said also that the Federal Aviation Administration has warned the Brothers to the Rescue group about the dangers of flying over Cuba.

When Cuba had complained about violations of airspace, Christopher told reporters, "we told the Cubans over and over again that they should act with restraint in these situations,

that they should obey international law.

"We hear a number of rumors of various actions they might take [and] our consistent position with them is to remind them of the importance of their maintaining observance to international law," Christopher said.

U.S. aviation officials said they had been notified in advance that the three aircraft would be heading below the 24th parallel. The pilots had filed proper flight plans before departing Saturday, according to FAA officials who briefed reporters yesterday.

"It was a very common flight plan that had been received many times during the past couple of years," said an FAA official who spoke on condition of anonymity. Also as a routine matter, copies of the plans were forwarded to Cuban air control officials in Havana, the official said.

As a result of an incident last year,

the FAA had issued a notice proposing to suspend the license of Basulto. Basulto was widely reported last summer to have entered Cuban airspace without Cuban permission.

One consideration weighing on the minds of administration officials in deciding how to respond is what one called Castro's "trump card"—his ability, if feeling provoked, to unleash another wave of Cuban refugees sailing toward U.S. coasts. Tens of thousands took to the seas in the last refugee crisis almost two years ago.

Also, some restrictions that could be imposed could have the effect of hurting Cuban people but not weakening Castro, one administration official said. "There are no easy solutions," the official said.

Staff writer William Branigin in Miami contributed to this report.