

MEMORANDUM

Substitute
Agenda Item No. 11(A)(7)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

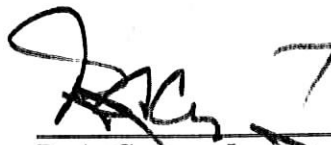
DATE: December 18, 2007

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging the U.S.
Dept. of Justice to convene
a Grand Jury to investigate
the murders of those shot
down by two Cuban Air
Force war planes

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Jose "Pepe" Diaz.

The substitute differs from the original in that it urges the U.S. Department of Justice to convene a grand jury to investigate the roles of Fidel Castro and Raul Castro in ordering the shoot down of unarmed civilian planes and murders in 1996, rather than the two pilots and general that directly shot down these planes because the U.S. Attorney's Office already has indicted the pilots and general, but they remain in Cuba.



R. A. Cuevas, Jr.
County Attorney

RAC/bw



MEMORANDUM
(Revised)

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Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Veto _____

Override _____

Substitute

Agenda Item No. 11(A)(7)

12-18-07

RESOLUTION NO. _____

RESOLUTION URGING THE U.S. DEPARTMENT OF JUSTICE TO CONVENE A GRAND JURY TO INVESTIGATE THE MURDERS OF ARMANDO ALEJANDRE JR., MARIO DE LA PENA, CARLOS COSTA AND PABLO MORALES, ALL OF WHOM WERE SHOT DOWN BY TWO CUBAN AIR FORCE WAR PLANES WHILE FLYING A HUMANITARIAN SEARCH AND RESCUE MISSION IN TWO UNARMED U.S. LICENSED CIVILIAN AIRCRAFT IN THE FLORIDA STRAITS ON FEBRUARY 24TH, 1996; URGING CONGRESS TO CONDEMN THESE ACTIONS

WHEREAS, on February 24th, 1996, two unarmed U.S.-licensed civilian aircraft were shot down while flying a humanitarian search and rescue mission in the Florida Straits by two Cuban Air Force war planes; and

WHEREAS, this action resulted in the deaths of Vietnam Veteran Armando Alejandro Jr., Corporal United States Marine Corps; U.S. Citizens Mario de la Pena and Carlos Costa, and legal U.S. resident Pablo Morales; and

WHEREAS, the planes were shot down with no prior warning and without adherence to the protocol established by international law with regard to unarmed civilian planes; and

WHEREAS, subsequent investigations and statements by eyewitnesses demonstrated that the unarmed planes were shot down in international airspace; and

WHEREAS, the United Nations Security Council, the United Nations Committee on Human Rights, the European Union, the International Civil Aviation Organization and the Inter-American Commission on Human Rights of the Organization of the American States condemned these acts by the Cuban regime; and

WHEREAS, in 2003, the U.S. Attorney's Office in Miami indicted the two pilots, Lorenzo and Francisco Perez-Perez, who shot down the unarmed civilian planes, and Cuban General Ruben Martinez-Puente who ordered the shoot-down, but these individuals remain in Cuba; and

WHEREAS, in spite of the overwhelming evidence against the Cuban regime, including public admissions by both Fidel Castro and Raul Castro admitting responsibility for these premeditated criminal acts, no action has been initiated by the previous or current U.S. administration against either Fidel Castro or Raul Castro,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the U.S. Department of Justice to convene a grand jury to investigate the role of Fidel Castro and Raul Castro in the murders of Armando Alejandro Jr., Mario de la Pena, Carlos Costa and Pablo Morales, who were shot down by two Cuban Air Force war planes while flying a humanitarian search and rescue mission in two unarmed U.S. licensed civilian aircraft in the Florida Straits on February 24th, 1996.

Section 2. Urges Congress to condemn the actions of the Cuban regime as set forth above.

Section 3. Directs the Clerk of the Board to transmit certified copies of the resolution to the members of the Florida Congressional Delegation and the U.S. Attorney General.

Section 4. Directs the County's federal lobbyists to advocate for the action set forth in Sections 1 and 2, and directs the Office of Intergovernmental Affairs to include this item in the 2008 Federal Legislative Package.

The foregoing resolution was sponsored by Commissioner Jose "Pepe" Diaz and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairman thereupon declared the resolution duly passed and adopted this 18th day of December, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

JMM

Jess M. McCarty

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