

## Red tape stymied Milian bombing probe

By JIM MCGEE  
 Herald Staff Writer

During the long months while Emilio Milian recovered from the bombing, his wife carefully saved newspaper clippings about his ordeal.

Buried in one of the thick scrapbooks is a speech he made about terrorism in which he asked: "Why do they get away with it?"

It is now apparent that the Milian bombing investigation was crippled by bureaucratic intransigence in Washington and police mismanagement in Miami.

The investigators most likely to solve a terrorist bombing — agents of the FBI's Cuban terrorist squad and Spanish-speaking police intelligence officers — did not play a significant role in the Milian case until months after the bombing.

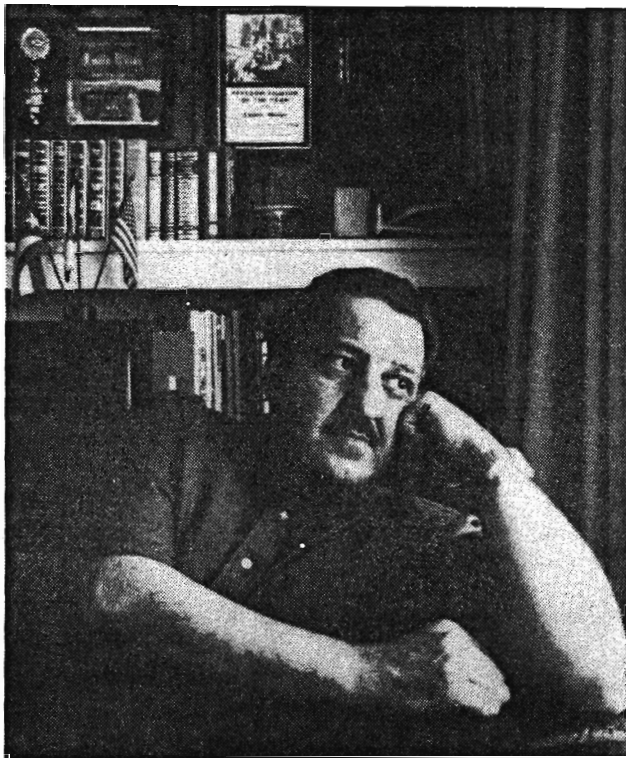
The case was assigned to Miami Police homicide detectives who had limited experience with bombings and anti-Castro terrorist groups. FBI headquarters in Washington refused to acknowledge that anti-Castro terrorists might be involved.

From the beginning, Robert Rust, then Miami's U.S. attorney, argued that the bombing was a terrorist act with clear civil rights implications. Anti-Castro terrorism experts in the Miami FBI office agreed.

"It can probably be assumed that the bombing was for the purpose of silencing his radio editorials against terrorism," Rust said in a letter that urged Justice Department officials to "approve the request" of the Miami FBI office to open a case.

As the weeks passed, the Miami FBI office sent messages to FBI headquarters, urging that they be allowed to join the investigation. But administrators in FBI headquarters held fast to an initial decision that the bombing was not an act of terrorism — which would justify FBI involvement — but a routine case of attempted murder.

In several letters, Rust urged the Ford Administration's Justice Department to overrule FBI headquar-



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**Bomb injured Emilio Milian after he spoke out against terrorism.**

ters. But they refused and eventually embraced the FBI's official position.

"It is my view that an FBI bombing investigation would not be appropriate," said Assistant Attorney General Richard Thornburgh in a letter two months after the bombing. "... It is not at all clear that the bombing was the work of a terrorist or revolutionary group."

Rust remains bitter about Washington's position.

"When they want to investigate

something — and by they, I mean the director of the FBI, an assistant director, or the attorney general — they get it investigated," he said emphatically. "Whether their own regulations allow it or not."

Meanwhile, local authorities were getting nowhere fast.

The case was assigned to the homicide section in the Miami Police Department. As a practical matter, that meant the intelligence unit — which specialized in terrorism and bombing investigations — had

only limited input.

As the months passed, homicide detectives found themselves swamped by dozens of ambiguous leads and drawn into the maze of Little Havana's terrorist underground.

"I think it was just our lack of expertise [in 1976] in major bombing investigations," said Ozzie Austin, who was named the lead police investigator after three months of confusion. "Nobody wanted to take charge... There was a lack of coordination."

To complicate matters further, the intelligence information that local police and the Metro-Dade Organized Crime Bureau possessed on the terrorist groups was sketchy.

"We were playing catch-up, trying to identify the players," said Sgt. Paul Janosky, who heads the OCB anti-terrorist squad.

While Miami detectives were playing catch-up, the FBI had exactly this type of information in its files. A lot of it stayed there because of the agency's dual role of combatting anti-Castro terrorism and chasing pro-Castro spies.

Much of the FBI's information was classified and thus could not readily be passed on to the local investigators. This included information from the CIA — which had trained and employed several key suspects — as well as information gathered from intelligence sources in Mexico and Venezuela.

Jim Freeman, assistant-special-agent-in-charge of the Miami FBI office said, "A large amount of intelligence information was passed on to the police department."

But Janosky counters: "It was a large problem... [The FBI] had a tendency to absorb information and not to pass it on."

Ultimately, the 1976 presidential election made the difference. Jimmy Carter's first attorney general, Griffin Bell, was persuaded in February 1977 to reverse the Justice Department position and order the FBI into the case.

This report is the second in a continuing series of articles based on a Herald investigation of anti-Castro terrorism, the activities of Cuban intelligence agents and the response of American authorities. The first report, published January 16, dealt with the Omega 7 terrorist group and its leader Eduardo Arocena.

"We've advocated this ever since the crime was committed," Julius Mattson, then head of the Miami FBI office, told The Herald.

A relieved Milian said, "Thanks be to God for the intervention of the FBI."

But applause was premature. After ten months, the trail was stone cold.

"[The delay] did present a problem," said John McPhee, the FBI agent given direct responsibility for the case. "... The longer it takes to get into something, the staler the evidence is going to be. Even if you find a witness, things are going to slip their minds."

McPhee and several other agents are remembered for their hard work, but in the end, various sources say, the FBI's contribution consisted largely of reinterviewing police witnesses and drafting long summaries of police evidence.

Former Assistant U.S. Attorney Jerome Sanford, who directed the Milian grand juries, contrasts the FBI's performance with their investigation of the murder of Chilean Ambassador Orlando Letelier, another 1976 bombing attributed to anti-Castro terrorists.

The official embarrassment of having a diplomat assassinated on Embassy Row in Washington made the Letelier investigation a do-or-die job for the Justice Department that ended in prosecutions.

"It [the Milian investigation] just kind of went dead in the water," Sanford said. "I could see how much they [the FBI] were doing with [the Letelier bombing] and it just seemed to me no one in Washington gave a damn about what happened down here."

In the end, the FBI turned up little new evidence.

"It was like nailing Jell-O to a tree," FBI agent McPhee said.

Sanford refuses to discuss what was presented to the grand juries that reviewed the Milian case. But he does say the FBI seemed to lose interest in the case and did not participate in the final grand jury review.

"I never could understand why the FBI didn't really push," Sanford said. "It may have been something as basic as the case occurred a year before they got into it and it was like picking up cold cinders."

Today, there are signs authorities have learned from the past. In recent years, the FBI has been more innovative in its anti-terrorism efforts and has seemed more inclined to work with local agencies on such cases.

In New York, the agency's highly regarded anti-terrorism task force has made significant inroads against Omega 7. In Miami, the field office has given security clearances to police and OCB terrorism investigators, thus enabling them to receive classified information.

While FBI supervisor Freeman acknowledges that conflicts can arise from counterintelligence and anti-terrorism work in Miami, he says FBI internal guidelines guard against such problems.

The local agencies have steadily upgraded their equipment and training. Perhaps more importantly, they have veteran investigators who have spent the seven years since the Milian bombing working on terrorism cases and monitoring the exile underground.

"Today we have more experience," Janosky said. "This was all new to us back then."