

Decision in Milian draws fire

Case dismissal upsets Harms

By JIM MCGEE 9-15-83-1D
Herald Staff Writer

Miami Police Chief Kenneth Harms said Wednesday that he was surprised by the decision not to prosecute a federal indictment in the bombing of WQBA news director Emilio Milian, saying "the case should have gone to the jury."

Milian, whose legs were shattered by the 1976 car-bombing, termed the decision by U.S. Attorney Stanley Marcus not to proceed with the case "a disgrace for our community."

"The whole community," he said, "not just myself. Because from now on, the terrorists know they have a green light."

At a hastily called hearing Tuesday, federal prosecutors persuaded U.S. District Judge James Kehoe to dismiss a previously secret indictment that named exiles Gaspar Jimenez and Gustavo Castillo.

Both suspects had previously denied any involvement in the 1976 bombing, which is still considered Miami's worst terrorist attack. They have lived for months in Miami.

The government's motion argued that because Marcus is "mindful of the duty of the United States to seek always to see that essential justice is done," he had to conclude the case "is not prosecutable."

It said that the lone witness against Jimenez, who was not named, was a thief and a perjurer and "is no longer considered credible by the government."

It noted the only witness against Castillo, controversial government informant Ricardo (Monkey) Morales, is now dead and thus cannot testify that Castillo admitted making the Milian bomb during a 1976 conversation.

"To say I'm disappointed would be accurate," Harms said. "To say I disagreed with the way it was handled would be accurate... I would have much preferred to see it go to court."

"For everyone concerned, the case should have gone to the jury."

Harms also said he is disappointed that the police department, which pieced together the web of circumstantial evidence, was not able to argue its position before Kehoe.

"My feelings are the Miami Police Department should have been consulted, because we had so much time invested in the case," Harms said, "[and not] read about it the next day in the papers."

He and other officials acknowledged the case was not airtight, but said those doubts "could have been, and should have been, jury questions."

Harms said he has asked for a meeting with Marcus to review the decision.