

# Family: Bosch might not outlast fight

By **DAVID HANCOCK**  
Herald Staff Writer

10-6-89-4B

As legal appeals grind forward in the U.S. government's deportation case against anti-Castro militant Orlando Bosch, the ailing pediatrician's family and lawyers say they're worried he won't last for the expected three- to five-year battle.

"We could win the battles but lose the war," Bosch attorney Hank Adorno said after a Thursday morning federal court hearing to determine if Bosch should be given an open hearing on his political asylum request.

Faced with a variety of lengthy appeals, Bosch could choose to drop his legal challenge of the government's deportation order, Adorno said. His daughters said he's increasingly frustrated over his 20-month incarceration in the United States, which followed 11 years of jail time in Venezuela.

"He could figure, 'Why should I stay another three to five years here when I could be walking free in another country,'" Adorno said.

Daughter Myriam Bosch said her father is be-

coming desperate in prison.

"Emotionally, he's reaching a point where he can't take it anymore," Myriam Bosch said. "This thing is going on and going on."

In Thursday's legal skirmish before U.S. District Judge William Hoeweler, Bosch's lawyers argued that the U.S. attorney general acted improperly June 23 when it reversed decisions by the regional and national commissioners of the U.S. Immigration and Naturalization Service.

After studying the Bosch case for more than a year, the INS commissioners had decided Bosch should be allowed a political asylum hearing in Miami. The attorney general's ruling, which cited volumes of confidential information, said Bosch was a threat to national security who should be deported immediately.

Justice Department attorney Lauri Filppu argued Thursday that the attorney general has broad review powers over the government agencies underneath it.

"The power retained by the attorney general is clear, unambiguous and broad. The attorney

general has the power to step in when necessary," Filppu said. "In most cases, it's not necessary."

Hoeweler said he expects to rule within two weeks. Regardless of the decision, the case likely will be appealed to the 11th U.S. Circuit Court of Appeals in Atlanta, and possibly to the U.S. Supreme Court.

In the meantime, Adorno said he'll again seek to have Bosch freed from prison as the appeals go forward.

"The real issue during the appellate process is to get him out of jail," Adorno said.

Bosch has remained at the Metropolitan Correctional Center in South Dade since Feb. 16, 1988, when he flew to Miami from Venezuela without a U.S. visa or passport.

He had spent 11 years in Venezuelan prisons on charges he masterminded the midair bombing of a Cuban jetliner that killed 73 people. He was acquitted of those charges.