

Justice on trial

Miami Herald (Editorial) 3-4-89-30

IN 1968 a Federal court convicted anti-Castro zealot Orlando Bosch of firing a recoilless rifle at a Polish freighter docked in Miami. He served four years in prison. Then in 1974 he left the country, thereby jumping parole.

Bosch later was charged and jailed in Venezuela as a suspect in the 1976 bombing of a Cuban airliner in which 73 lives were lost. During 11 years in prison there, he was thrice tried and acquitted.

Bosch, now 62 and assertedly in frail health, finally returned to the United States in February 1988. Immediately arrested, he was sentenced to three months for the long-standing parole violation. He completed that sentence last May 16.

Bosch has not been released, however. The Immigration and Naturalization Service (INS) intervened to exclude him from this country. After studying the FBI's 711-page report on Bosch, U.S. District Judge William Hoeweler ruled last June that the INS could detain him pending a decision.

Since then, Bosch has remained in the Metropolitan Correctional Center in South Dade. His case continues to languish in a legal limbo. The law does not *require* a hearing. The Dallas-based regional director of the INS *may be* reviewing the case.

IN ORLANDO BOSCH CASE

So now Bosch is placing this nation's system of justice on trial. Judge Hoeweler undoubtedly had good cause last June to let the INS hold Bosch while reviewing his case. The time has come, though, for the Federal Government to put up or shut up.

If Bosch can be linked to Federal crimes, the Government ought to charge him in whatever forum — a trial or an exclusion hearing — that the evidence warrants. If it is damning, he ought to be deported or re-sentenced to prison. If not, he ought to be paroled into his family's custody in Miami.

Bosch finally has repudiated violence as a tactic in his obsessive struggle against Fidel Castro. Well that he should, for he's a man, after all, who was given sanctuary and responded by violating this nation's laws.

No, it's not for Bosch's sake that Bosch should have another day in court; it's for justice's sake. The indefinite detention of *any* person is an affront to a system of justice that distinguishes this country from totalitarian societies such as Castro's Cuba.