

MIAMI-DADE COUNTY

Daughter of downed pilot seeks damages from Cuba

■ A woman whose father was shot down at the Bay of Pigs, killed and then kept in a Havana morgue for 18 years seeks damages from Cuba's government in a trial that opens today.

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Janet Ray Weininger was only 6 years old when her father — piloting a CIA plane during the Bay of Pigs invasion — was shot down on April 19, 1961, and then killed.

Thomas "Pete" Ray's body was frozen and kept in a Havana morgue for 18 years before it was shipped home to his family.

This week, Ray Weininger, of Palmetto Bay, is hoping to win "justice" for her father. A trial begins today in Miami-Dade County in a wrongful-death lawsuit she filed against Cuban President Fidel Castro, his brother Raúl and the Republic of Cuba.

"I think Fidel Castro has to answer," Ray Weininger said. "My father was never given the opportunity to go into a court of law. I've given the Cuban government and Fidel Castro and Raúl the opportunity to come into a court of law. I just want to meet on an equal playing field."

Avenging her father's death has been a personal mission for Ray Weininger, who says in court papers that instead of dressing up in her mother's clothes as a young child, she would raid her daddy's flight gear.

"To me he was my world. We always had a very special bond and when he left on this mission and the day my mom told me he wouldn't be coming back, my world imploded."

Ray's plane was heavily damaged during the invasion, but he survived the crash landing, the suit says. "His plane went down near Fidel Castro's headquarters. He made it out of the plane alive, was injured in a gun battle and then executed at point blank range."

ORDERS FROM ABOVE?

The court complaint says that as Ray was being treated by Cuban doctors for his initial wounds, the army carried out the orders of the Castro brothers and killed Ray with a single shot to his right temple.

"Unknown to us, he was kept and his body was desecrated for 18 years," Ray Weininger said.

The body was kicked, spit on and displayed for political purposes over that period, the suit says.

Notified of his death, the family was told only that he had died in the Caribbean Sea, with no other details.

Ray Weininger began her search for information as a child, researching the Bay of Pigs in the library until late at night, questioning members of the Alabama National Guard who had served with her father, and writing letters monthly to Fidel Castro.

He never answered. But in 1978, he admitted that he had the body of an American pilot killed in the 1961 invasion.

In December 1979, after the remains had been identified through dental records as those of Thomas Willard Ray, they were shipped home to the United States.

An autopsy report then said the cause of death was shock and hemorrhage due to multiple gunshot wounds.

The lawsuit uses the 1996 Anti-Terrorism and Effective Death Penalty Act, which allows victims of designated terrorist states — including Cuba — to sue for damages.

Ray Weininger's attorneys say it's unlikely that Cuba will be represented in court. Attempts to reach the Cuban Interests Section in Washington were unsuccessful.

Lawsuits on similar

grounds have been successful in recent years, most notably when a federal judge ordered Cuba to pay \$187 million to relatives of three Brothers to the Rescue fliers who had been shot down by the Cuban air force over the Florida Straits in 1996.

But one legal expert insists that the case has no merit.

University of Miami law professor David Abraham said, "You cannot invade a foreign country and expect a warm welcome. And if you're captured or imprisoned, you can also be sentenced to death by execution."

But Ray Weininger counters that "Cuba was part of the Geneva Convention. You do not execute a wounded man."

OTHER TRIALS

In the other trials, millions of dollars have come from frozen Cuban assets or were diverted from telephone payments to the island.

But more important, Ray Weininger said, is the symbolism of a victory.

"Over the years, I realized that it was time to seek justice. And yes, it's been many years, but Fidel Castro is still in power, and I want justice for my father."