

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 10-21957-Civ-LENARD
Criminal Case No. 98-721-Cr-LENARD

Gerardo Hernandez,)
Movant)
)
v.)
)
United States,)
Respondent)
)

Declaration

Of

George E. Buchner

I. GEORGE E BUCHNER, do hereby declare under penalty of perjury:

1. I was retained by Paul McKenna, Esq., a court appointed attorney for the above-named Gerardo Hernandez, to serve as an expert witness for the defense in the above-referenced trial in the Southern District of Florida. I spent in excess of five hundred hours investigating the shutdown events of February 24, 1996 and my expert testimony before the jury consumed over five days of court time.

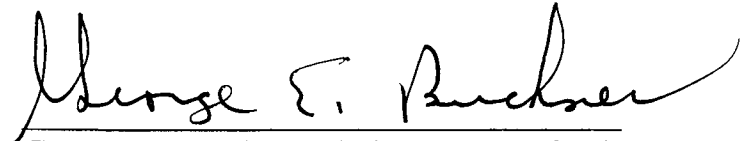
2. My expert qualifications and vitae were introduced to the jury, some of which included my graduation from the Air Force Academy with a major in military air science; a graduate degree from Stanford University in management; 420 combat missions in Vietnam as a pilot, including flying the forerunner to the 337 Cessna on missions in South Vietnam; training in MiG tactics and flying F-4D/E missions against MIGs in combat in North Vietnam; serving as a commander of a NORAD Region in Minnesota which provided air defense for 17 midwestern states and parts of Canada. The Region included seven radar sites which I oversaw. I was also familiar with Soviet bloc radar which was in use in Cuba. During my time in the Air Force I was the lead investigator on several air crashes and testified before boards after reconstructing crash events. I retired as a Colonel from the Air Force, having won numerous awards and medals for my military service.

3. I qualified as an expert on civil and military aircraft interceptions, radar, MIG fighter identification and tactics, and ICAO rules.

4. It is not my purpose here to review my investigation or testimony. Rather, I was asked to incorporate into this declaration my response to a specific question asked by Leonard I. Weinglass, a New York attorney now involved in court proceedings concerning this case, about whether or not I ever had a conversation with Mr. McKenna relative to obtaining U.S. satellite data or imagery of the shutdown on February 24th, 1996.

5. I specifically did recall raising that issue with Mr. McKenna prior to trial and during my work as an expert on the investigation and recommending that such information be pursued since it would be the most accurate and reliable evidence respecting where the shutdown occurred. While I can't recall the specific words he used in response I was clearly given the impression that he was not interested in pursuing that issue further. Nothing more was said of it and, to my knowledge nothing was done in that regard. This, despite my having testified during cross examination that the most reliable evidence of what happened on that day would be found in such satellite data or imagery. I based that opinion on the belief that US government agencies might well have had such data.

6. I was also aware that the ICAO investigators refused to determine the location of the shutdown on the basis of the US and Cuban radars that had been provided by both countries since the US radars were in conflict with each other and also contradicted by Cuba's radar. With that being the state of the various radar data, satellite information would be the most helpful in resolving the confusion. In fact, the ICAO had requested such information from the US; and, while it had provided abundant radar information to the investigators, it did not respond to the satellite request.


George E. Buchner, Col., USAF retired