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DANGEROUS DIALOGUE

**Attacks on Freedom of Expression
in Miami's Cuban Exile Community**

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INTRODUCTION

"The continuous, frank, and almost brutal debate of open political life strengthens in man the habit of expressing his opinion and listening to that of others. There is great benefit in living in a country where the active coexistence of diverse beliefs prevents that timorous and indecisive state to which reason descends where a single and unquestionable dogma prevails."

-- José Martí

Martí, the Cuban patriot, is cited with equal fervor by all sides in the debate over that country's future. Both "brutal debate" and "unquestionable dogma" are reflected in one Miami billboard that succinctly captures the hyperbolic nature of political discourse in the Cuban exile community there: "Cuba: a 33-year Auschwitz."

If one believes that the regime of Fidel Castro, however repressive, is the moral equivalent of the Nazi holocaust, then it is no great leap to view any position short of total intransigence as pernicious capitulation. In such a climate, moderation can be a dangerous position.

That has been, and remains, the climate for freedom of expression in Miami's Cuban exile community. It has long been dominated by fiercely anti-Communist forces who are strongly opposed to contrary viewpoints, even if -- *especially* if -- expressed simply in terms of the desirability of a dialogue with, or opening to, the Castro regime. "Moderate" voices within the community -- although virtually all of them suffered as a result of political repression in Cuba, and are sharply critical of continuing human rights abuses there -- are met with a variety of responses ranging from shunning to violence.

As Louis Salome, Editorial Page Editor of the now-defunct *Miami News*, wrote in 1987, in Miami, "the freedom to engage in political debate without fear or intimidation is being held hostage by some right-wing Cubans." Salome went on: "Violations, present or past, of individual rights elsewhere in the world or in the United States do not justify the violation of those rights here or anywhere else in the country. The right to free expression and peaceable assembly is not divisible, not limited by geography or by the composition of any city, county, state or region."¹

Fidel Castro took power in Cuba on January 1, 1959, precipitating an exodus to the United States and numerous Latin American countries. The majority of those who went to the United States settled in South Florida,² where they soon began to achieve a strong measure of civic influence in Miami and the larger Dade County metropolitan area.³ The political sophistication and involvement of the 500,000-strong

¹ "Free speech Suffocates in paddy wagons," Louis Salome, *Miami News*, March 2, 1987.

² There are also significant Cuban-American communities elsewhere, raising issues like those discussed in this report. For example, when journalist Manuel de Dios Unanue was murdered in a Queens, N.Y. restaurant earlier this year, *Mensaje*, a Cuban newspaper in New Jersey, called it a "justified execution," noting that De Dios favored a dialogue with the Castro regime. ("Chronicle of a Death Foretold," Leslie and Andrew Cockburn, *Vanity Fair*, July 1992, p. 102.)

³ In his 1987 book on Miami, David Rieff points out that, of the 126 townships existing in pre-Castro Cuba, 114 have their own civic associations in Miami.

Cuban exile community has also been felt at the state and national level. This influence has been primarily exclusively directed at the maintenance of a belligerent United States policy toward Cuba.

And while there is some reason to question the strength of their influence there, it has long been believed that the U.S. Cuban exile community will play an important role in a post-Castro Cuba. As a report from the conservative Heritage Foundation put it:

"...two factors give Cuba an advantage over other ex-communist countries. First, Cuba is only 90 miles from the United States and, before Castro seized power, Cuba had close economic ties to America. Re-establishing those ties can be the basis of Cuba's future economic prosperity. And second, the huge Cuban exile community in Florida can provide quick capital and expertise to get the island's economy moving again."⁴

Ironically, in their attitude toward dissenting viewpoints, many anti-Castro Miami Cubans have a good deal in common with the regime they loathe. Freedom of expression suffers, much as it does in other countries in Latin America -- or anywhere else in the world -- where violence rules.

Ironically, in their attitude toward dissenting viewpoints, many anti-Castro Miami Cubans have a good deal in common with the regime they loathe.

For that reason, Americas Watch and the Fund for Free Expression decided to approach the issue of freedom of expression in Miami's Cuban exile community⁵ in the same manner as our traditional country reports, examining freedom of assembly, freedom of the press, artistic freedom, academic freedom, and attacks on human rights and political activists.

Violence and intimidation of dissident political voices in the U.S. Cuban community is nothing new. An anonymous letter printed by the *New York Times* in 1979 asked "how we can permit a small group of fanatical anti-Castro terrorists to deny us our right to visit our families and to rediscover Cuban cultural traditions?" The letter cited the recent bombings of the Cuban and Soviet missions in New York City and the murders of two members of the Committee of 75, a group of Cuban exiles who met in Cuba with government officials in what has widely become known as the "Dialogue,"⁶ negotiating the release of some political prisoners, and liberalizing arrangements for cultural exchanges and travel. Those killed were Eulalio Negrín, director of a Cuban refugee services center, shot by two Omega 7 operatives wearing ski masks as he was entering his car in Union City, N.J., and Carlos Muñoz, director of a

⁴ "Preparing for a Free Market Cuba," The Heritage Foundation, April 8, 1992.

⁵ While the report will generally refer to "Miami" throughout, it is important to point out that, more accurately, the geographic scope is Dade County, as the City of Miami is laced with numerous independently incorporated towns and villages. For example, when we interviewed Miami Mayor Xavier Suárez, he disclaimed knowledge of and responsibility for the status of investigations into bombings in nearby Coral Gables.

⁶ A *Washington Post* article recently observed: "Miami is one of the few places on earth where the word 'dialogue' -- a code word taken to mean negotiating with Castro -- is considered deeply offensive." ("Cuban Exiles Split on Life After Castro," Lee Hockstader and William Booth, March 10, 1992.)

travel agency that books trips to Cuba. In a press release claiming responsibility for the killing of Muñiz, Omega 7 declared that anyone who "travels to Cuba, regardless of his motives, is considered our enemy [and] we will be forced to judge them as we did Muñiz."⁷ For the first time since the Cuban revolution, there had been serious movement toward normalizing relations with Cuba. The killings of Negrín and Muñiz, and the discovery of bombs placed in the homes of at least twenty other Dialogue participants played a large role in effectively derailing that movement.

The Fund for Americas Watch/Fund for Free Expression investigation of freedom of expression in the Miami Cuban exile community had two components. The first was to document, through a series of interviews and an examination of previously published material, incidents of intimidation of dissenting viewpoints. Because many of these involve private actors, it was essential to proceed to the second step, an examination of the role played by government authorities at the local, state and federal level. We found that this role took three forms.

(1) *Direct harassment of dissident viewpoints by the government itself.* This is the case with the Miami City Commission's longstanding campaign against the Cuban Museum of Arts and Culture, and with the numerous unfounded investigations of Ramón Cernuda, the business leader who is closely identified with Cuban human rights activists who favor a less belligerent U.S. policy toward Cuba. Some of these incidents, like the Miami City Commission's effort to evict the Cuban Museum of Arts and Culture, can be analyzed under international standards of freedom of expression, or, in U.S. law, in traditional First Amendment terms.

(2) *Government encouragement, primarily through funding, of groups that have been closely identified with efforts to restrict freedom of expression.* The principal example of this is the U.S. funding, through the National Endowment for Democracy, of groups such as the Cuban American National Foundation. There has also been similar funding by state and local governments in Florida.

(3) *The response of government law enforcement agencies to criminal acts that have been aimed at those whose viewpoints do not coincide with those of the dominant intransigent forces.* In some cases, it is reported that police officers looked on and did nothing as violence or vandalism was taking place. In others, those responsible for investigating violence against political or human rights activists seem to have been more concerned with discrediting the activists than with apprehending those responsible. Finally, while in the last few years there have been as many as a dozen bombings aimed at those who favor a more moderate approach toward the Castro regime, none has resulted in a single arrest or prosecution.⁸

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⁷ "As Anti-Castro Terrorism Spreads in America," *New York Times*, December 21, 1979.

⁸ In 1985, Eduardo Arocena, an Omega 7 activist was convicted on 71 counts relating to bombings in New York and Miami during the late 1970's, the 1980 assassination of a Cuban attaché, and the attempted assassination of the Cuban U.N. Ambassador.

In light of the fact that the debate in Miami's Cuban exile community centers almost exclusively on developments in Cuba, with a special focus on U.S. policy toward Cuba, it should be pointed out that, despite the continuing refusal of the Cuban government to grant permission for a formal investigative mission to Cuba, Americas Watch has frequently documented and publicly denounced human rights abuses of the Castro government, including the detention of human rights activists, systematic and widespread restrictions on expression, association and assembly, prison conditions, police abuse and quarantine of AIDS patients.⁹

Role of the Cuban American National Foundation.

The most prominent voice in the U.S. Cuban exile community belongs to the Cuban American National Foundation,¹⁰ founded in 1981. The Foundation, led by businessman Jorge Mas Canosa, played a leading role in bringing about the creation by the United States Information Agency of Radio Martí, which started broadcasting news and information to Cuba in 1985, and also runs the "Exodus Program," which brings Cubans into the U.S. from exile in third countries.

The Foundation represents business leaders who appear to see themselves as leaders of post-Castro Cuba. According to the *Washington Post*, they believe that "the proximity, size and comparative wealth of the Miami exile community distinguish Cuba from Eastern European countries and offer the island a ready-made engine for economic revival." One CANF Board member, Alberto Marino, Sr., says that anyone "doing business in Cuba now will not be doing business after Castro. We're going to see to that."¹¹ Mas Canosa says "you must guarantee to the Cubans on the island that they will take a very important part in the economic, political reconstruction of Cuba and regain the dignity that Castro has stolen from them."¹² In the view of Arthur Schlesinger, Jr., "dread of the return of the Miami exiles represented by the Foundation is a major source of Castro's continuing strength."¹³

The CANF is perhaps the most vociferous advocate of the U.S. trade embargo with Cuba.¹⁴ To that

⁹ See the Americas Watch newsletters, "Tightening the Grip: Human Rights Abuses in Cuba" (February 24, 1992), "Behind a Sporting Facade, Stepped-up Repression" (August 11, 1991), "Pro-Democracy Activists to Stand Trial," (July 1991), "Attacks Against Independent Associations" (February 25, 1991), "Jailing the Human Rights Movement" (March 1990), "Human Rights Activists Behind Bars in Cuba," (July 1989); and the report, *Human Rights in Cuba: The Need to Sustain the Pressure* (January 1989). In 1986, Americas Watch also published Jorge Valls' book, *Twenty Years and Forty Days: Life in a Cuban Prison*.

¹⁰ The Cuban American National Foundation did not respond to several requests for an interview with its chair, Jorge Mas Canosa.

¹¹ "Cuban Exiles Split on Life After Castro," *Washington Post*, March 10, 1992.

¹² "Toward a Future Without Castro: Cuba's Transition to Democracy," Heritage Lecture by Jorge Mas Canosa, February 19, 1992, c 1992 The Heritage Foundation.

¹³ "Four Days with Fidel: A Havana Diary," by Arthur Schlesinger, Jr., *The New York Review of Books*, March 26, 1992.

¹⁴ Americas Watch takes no position on the trade embargo as a whole. However, we object to several aspects of the embargo that are inconsistent with the human rights obligations of the United States. Chief among them is the effective ban on free travel to Cuba by those residing in the United States.

Under the 1975 Helsinki Final Act and successive accords reached by the Conference on Security and Cooperation in Europe (CSCE), the United States has vowed to lift restrictions limiting "human contacts," including bans on travel (Final Act) and

end, the Foundation promotes opposition groups within Cuba that share their view, and attempts to discredit those that do not. In a recent speech to the Heritage Foundation, Mas Canosa claimed that the Cuban Democratic Coalition, "the largest opposition organization inside Cuba...has sent out several messages calling for the support of a new U.S. legislative initiative to strengthen the U.S. embargo against Cuba. This is the opinion of those who are leading the opposition inside Cuba, those on the front lines of opposition to Castro."¹⁵

At the end of 1991, the CANF received a \$100,000 grant from the National Endowment for Democracy, to support the Madrid-based European Coalition for Human Rights in Cuba.¹⁶ The Foundation received a total of \$600,000 to date from the N.E.D. Although the N.E.D.'s guidelines prohibit use of the funds for "lobbying or propaganda which is directed at influencing public policy decisions of the Government of the United States," the head of the European Coalition for Human Rights in Cuba, former political prisoner Armando Valladares, has denounced former Cuban political prisoner Elizardo Sánchez -- a leading human rights monitor and proponent of dialogue -- and charged Gustavo Arcos Bergnes, head of the Cuban Committee for Human Rights, with "treason" for a statement expressing "willingness to debate" with the Castro government.¹⁷

Frank Calzón, former executive director of the Foundation, has suggested that CANF leaders share some of the anti-democratic tendencies of the Cuban regime they seek to replace: "That strict unanimity, that rancor against those who dare to think on their own, that desire to destroy the adversary or at least to cost him his job, is a point in common between Castro and some Cuban-American leaders."¹⁸ This point is borne out not only by the CANF's often strident criticism of those who disagree with its positions (documented throughout the report that follows), but by some of the people the CANF has associated with it. For example, in 1990, the Foundation formed an "Information Commission," two of whose members were Guillermo and Ignacio Novo, who had been convicted in the Washington, D.C. attack that killed Orlando Letelier, the former Chilean ambassador to the United States. While the convictions were later overturned, Ignacio pled guilty to related perjury charges and Guillermo was convicted of perjury.¹⁹

telephone communications (Concluding Document of the Vienna Follow-Up Meeting in 1989). Although these human rights instruments are technically applicable only to relations among CSCE members, the principles set forth in the instruments would clearly favor the removal of any barrier on human contacts raised by a CSCE government in its relations with other nations.

Although the embargo allows U.S. citizens to travel to Cuba, they are prohibited from spending any money there without the permission of the U.S. Treasury Department. If citizens defy this restriction, they can be prosecuted for "trading with the enemy," imprisoned for up to twelve years and fined up to \$500,000 for corporations and \$250,000 for individuals. The Treasury Department makes exceptions for only four categories of visitors to Cuba: U.S. or foreign government officials or officials of any intergovernmental organization of which the U.S. is a member; family members with relatives in Cuba; academics and researchers with Cuba-specific expertise; and news media personnel. All other Americans traveling to Cuba must be guests of the Cuban government.

¹⁵ Heritage Lecture, February 19, 1992.

¹⁶ "Pro-democracy group doubles Cuba funds," *Miami Herald*, December 2, 1991.

¹⁷ "Cuban Exiles Split," *Washington Post*, March 10, 1992.

¹⁸ *Ibid.*

¹⁹ "Mas's actions are an eerie parallel to his nemesis, Castro," *Miami Herald*, March 27, 1992.

Other exile organizations.

While it is the best funded and most politically adept of the Cuban exile groups, the CANF is far from the only one. The Cuban Patriotic Junta, led by Manuel Antonio de Varona, a former Cuban prime minister, seeks Castro's ouster and rejects any dialogue. Cuba Independiente y Democratica (CID), led by Huber Matos, a former Castro ally who was imprisoned for 20 years, was founded in 1980 as alternative to traditional exile groups. It favors popular revolt backed by reformist elements in the armed forces.

The Cuban Liberal Union, led by Carlos Alberto Montaner and based in Madrid, proposes a "national encounter" including the Cuban government, dissidents and exiles. The Cuban Christian Democratic Party has joined it in a Cuban Democratic Platform.

Two other groups, both with counterparts in Cuba, are the Cuban Committee for Human Rights, led by Ricardo Bofill, proposes a plebiscite and recognition of opposition groups in Cuba. Coordinated Organizations of Human Rights in Cuba (CODEHU), represented in exile by Ramón Cernuda, seeks change through dialogue and a lifting of the trade embargo.

The Cuban American Coalition, led by businessman José Cruz, wants a peaceful solution in Cuba and advocates the lifting of restrictions on travel and telephone contact with Cuba.²⁰

Cruz, a former Jesuit priest, says he and others in his movement fear violent retaliation by extremist groups. "It is very difficult for most of you, if not impossible, to fully understand that I fear for my life, the lives of my two children and that of my wife."²¹

"I don't think we should lift the embargo, but people who say they do are always getting death threats."

Whether or not threats or the fear of them have had an impact on the activities of exiles who depart from the dominant intransigent

²⁰ The U.S. trade embargo impedes telephone communications between Cubans and Americans by blocking payment of revenue due to Cuba for completing calls. In 1987, the underwater telephone cable that had been in use since before 1959 — the year Castro came to power — finally broke down. The current AT&T cable to Cuba, which has been in place since 1989, is part of a used transatlantic cable that, because of U.S. restrictions on upgrading, is not state of the art. Nevertheless, connection of this cable would greatly improve the quantity and quality of communications currently provided by "over the horizon" radio service.

Since AT&T bills almost one hundred percent of calls between the countries — both calls originating in the United States and collect calls from Cuba — the Cuban telephone company must depend on AT&T for its share of revenue. However, the U.S. embargo against Cuba makes it illegal for AT&T to provide that payment to anything other than an escrow account. Although the Cuban state telephone company has helped to complete calls to and from the United States for three decades in return for payment that is placed in an escrow account, it is now requesting direct payment due to Cuba for calls it continues to complete, as a condition for connecting its end of the refurbished underwater cable. In the meantime, the Cuban telephone company continued to complete calls on the "over the horizon" system under the escrow account arrangement.

In December 1991, the Bush Administration decided to allow AT&T to come to a partial settlement with the Cuban government by permitting the payment of a share of revenues for the connection and operation of the underwater cable. The arrangement, however, did not include Cuban access to the monies in the escrow account and to date the Cuban government has not accepted this arrangement.

²¹ "Cuban Americans debate U.S. ties with Castro," *Miami Herald*, September 22, 1989.

attitude toward Cuba, they have sent a powerful message to others. "I don't think we should lift the embargo, but people who say they do are always getting death threats," said one business consultant on Latin America who refused to give his name to the *New York Times*.²² At least two prominent moderate Cuban-American leaders told us that they have avoided being the targets of death threats and other forms of illegal intimidation because it is well known that they are accompanied by people who are armed.

Two moderate Cuban community leaders who are attempting to organize a "Coalition for Change," to oppose the trade embargo, promote freedom of expression in Miami, and foster dialogue with Cuba, have encountered considerable reticence about participation on the part of many like-minded people. The group has found it necessary to meet at different homes each time, and many people are afraid to permit their names to be used on a mailing or phone list, citing fears that they will get harassing calls at home and pressure at work. One organizer told us: "You can see the fear in their eyes. Some say, 'let's wait, the time is not right.' They are afraid of being called agents."

Finally, a number of people interviewed for this report suggested that while violence and other criminal behavior certainly has a strong deterrent effect, the most sustained and effective pressure is economic. Lisandro Pérez, chair of the Florida International University Cuban Studies Committee, asserts that "conformity of views doesn't rest so much on bombs as on an ethnic economic network." In general, he points out, the exiles have been most successful in intimidating institutions and individuals within the Cuban community.

In organizing this report, we have tried to take care to include only incidents where there was a clear connection between intimidation or violence and an individual's identification with a "moderate" or dissenting viewpoint. In other incidents, this connection was less apparent, so we have chosen not to include them. For example, **Manuel "Chi Chi" Del Valle**, president of the "Ex Club," a group of ex-political prisoners, was shot and killed in 1990 by two men who were waiting for him to get out of his car and enter his home. Del Valle's wife, Olga, who was with him, was also shot, as she was ringing her front doorbell to summon her daughter, who was inside. She survived the attack, but is now paralyzed. The Tampa FBI bureau is in charge of the investigation, but no arrests have been made. Del Valle was not identified with the movement toward dialogue with Cuba, because, as president of the Ex Club, it was necessary for him to avoid taking positions in such matters, but he had recently returned from a trip to Washington, D.C., where he reportedly was trying to organize an alternative Cuban-American advocacy group.

Virtually every incident discussed in this report -- from the cancellation of a play to the bombing of a professor's home -- has been preceded by virulent criticism of the person or persons involved over the Spanish-language radio airwaves.

Role of the radio stations.

At the outset, it is important to discuss the role played by Spanish-language radio stations in fostering a climate in which many people are reluctant to express differing viewpoints. Virtually every incident discussed in this report -- from the cancellation of a play to the bombing of a professor's home -- has been preceded by virulent criticism of the person or persons involved over the Spanish-language radio airwaves. For example, Marcia Morgado, a one-time commentator for Radio Mambí, kept up a daily barrage of attacks on Miami Cubans who want to "dialogue with lackeys of the master." She called María

²² "Cuba, Long Forbidden, Wins Major Attention Abroad," *New York Times*, April 19, 1992.

Cristina Herrera, a Miami-Dade Community College professor, a "skunk"; Ramón Cernuda "a lion in disguise"; and Sergio López Miró, a former editorial writer for the *Miami Herald*, a "collaborator."²³

Many of those who call in during "open mike" sessions on Radio Mambí mention the names of individuals in the community who should be "punished." Another program, "Open Tribunal," hosted by Felipe Rivero on WHRC, selects a person -- usually someone active in the local Cuban community -- and solicits calls condemning or absolving him or her. In December, for example, a program focused on María Elena Cruz Varela, the imprisoned Cuban poet and human rights activist who is a leader of a Cuban democracy group, Criterio Alternativo.²⁴

With a few exceptions -- including the recent establishment of Radio Progreso, which has itself been subjected to threats and violent attacks (see "Freedom of the Press," below) -- the radio stations are not open to the expression of moderate viewpoints.

We note the role of the radio stations because they unquestionably contribute to a more repressive climate for freedom of expression. Denunciation over the airwaves as a "traitor," a "Communist," or a "Castro agent" is often followed by a telephoned threat, an act of vandalism, or a physical assault. In no case that we are aware of do these radio denunciations involve any direct call for violence -- and the epithets involved, no matter how extreme, are protected by the First Amendment -- but they have the effect of identifying targets for violent and unstable persons in the listening audience. (For a discussion of Radio Martí, which is funded by the U.S. Information Agency, see p. 15.)

INSTANCES OF INTIMIDATION AND HARASSMENT

(1) Artistic freedom

Cuban Museum.

The Cuban Museum of Arts and Culture has long been a target of right-wing groups because it has shown the work of artists still in Cuba and some who have not denounced the Castro regime. As a consequence, it has been subjected to funding cut-offs and politically-motivated investigations by the state legislature and harassment by prosecutors. Most recently, the Miami City Commission moved to evict the museum from city-owned property it has leased for many years. The museum challenged the eviction in court on the grounds that the city was motivated by opposition to its viewpoint on U.S.-Cuban relations, and a federal judge blocked the eviction in May 1991. In the ruling, the judge cited examples of improper government conduct toward the museum:

²³ "A First Amendment Casualty?" *Miami Herald*, October 15, 1990. Ironically, Morgado was eventually fired by Radio Mambí for her defense of the First Amendment rights of the rap group 2 Live Crew.

²⁴ One of the many ironies involved here is that Cruz has been the target of acts of "repudiation" in Cuba, including last November 19 when scores of armed plainclothes state security police and a mob of civilian recruits descended on her Havana home chanting "Down with the Worms!" and firing shots into the air. They pulled her out of her apartment, dragged her by the hair down four flights of stairs and beat her.

On May 12, 1988, the controversy surrounding the Museum was brought to the floor of the Miami City Commission...individuals and groups appearing at the Commission meeting sought to oust those directors who had continued running the Museum and supplant them with others who were, allegedly, more in tune with the political goals and the spirit of democracy that the local Cuban community espouses.

The Commission passed a resolution directing the city administration to investigate alleged violations of the Cuban Museum's lease agreement, possible violations of the Trade Embargo Act, and possible placement in jeopardy of the Museum's non-profit status. Certain matters were to be referred to federal and local authorities. In addition, the Commission created a five-member "watchdog" committee which was to be present at meetings of the Cuban Museum and which was to oversee the operational aspects of the Museum.²⁵

A bomb left under the wheel of a Board member's car parked in front destroyed the Museum's glass door.

None of the allegations made against the Museum turned out to have any basis in fact. The judge concluded that the City had "fallen victim to the local community's intolerance for those who chose to provide a forum for controversial artists."

The controversy began when an April 1988 art auction generated death threats for museum officials after a Spanish-language radio station reported that six of the artists represented either lived in Cuba or once supported Fidel Castro. The museum's board voted 19-18 to proceed with the auction.²⁶ After the board refused to oust two museum officials who defended the auction, seventeen members of the Board of Directors resigned. Citing economic and other forms of pressure, several prospective board members declined to take their places.

The following month a bomb was left under the wheel of a Board member's car parked in front of the Museum. The explosion destroyed the Museum's glass front door. Two weeks later the Florida House of Representatives voted to cancel a \$150,000 grant to the Museum. Paint was splattered one night on the walls of the building, its curator received a threatening letter, and a receptionist reported a telephoned bomb threat.

When the auction took place, 40 protesters staged a two-hour sidewalk protest at the opening. One prominent local leader who was present told us that she was called "whore" and "communist" by picketers as she entered the museum.

In 1989, the "Cuban Museum Rescue Committee," composed of individuals and organizations, including the Cuban American National Foundation, the Cuban Patriotic Council, the Organization of Cuban Municipalities in Exile and others, presented a letter to the Miami City Commission. The letter petitioned the City Commission to cancel the museum's lease on the grounds that the Museum represented

²⁵ Cuban Museum of Arts and Culture, Inc. et al v. The City of Miami, U.S. D.C., Southern District of Florida, No. 9-0656-CIV-King, May 21, 1991.

²⁶ "Cuban Museum vote supports artist freedom, president says," *Miami News*, April 21, 1988, p. 7A.

"the treason of the principles of `cubanness' " upon which it was based, and because it represented "an audacious minority group with a political agenda not shared by the Cuban exile community." The letter writers declared their opposition to "any compromise that is attempted, between representatives of the Cuban government and individuals in this exile with shared affinities, with the purpose to better relations, thereby helping Castro and his political system in his most difficult moment through more or less cunning and deceitful manoeuvre."²⁷

One person who has paid a price for his commitment to artistic freedom and to the principle of dialogue is Carlos Luis, who was director of the museum during this period. Luis has personally received threats, in the form of anonymous notes and phone calls, resulting in five police investigations. Neither the investigations into the five personal death threats or the museum bomb threats have ever resulted in criminal charges.

Luis remained Executive Director of the museum until last year, when he developed a heart condition which he believes was exacerbated by the stress of the museum controversy. He has remained on the Board of Directors.

In March 1990, the Dade County State Attorney's office ordered the Museum to submit financial records dating from 1985, ostensibly to investigate sales tax irregularities.²⁸ In 1990, a bomb exploded outside the Museum, causing nearly \$20,000 worth of damage to two paintings and a sculpture in an exhibit of works by artists who came to Miami in the Mariel boatlift.²⁹ The FBI issued a statement that "the individuals believed responsible for these actions have targeted businesses, museums and individuals who the subjects believe have advocated a better relationship with Castro's Cuba."³⁰

Incidents of violent intimidation of the museum are still taking place. Earlier this year, a rock was hurled through one of its windows. The litigation over the eviction attempt was recently concluded when the City of Miami was ordered to pay \$40,000 in attorneys' fees to the museum, yet the Museum's governmental opponents have not given up. In June 1992, little more than a year after a federal judge blocked them from doing so, the Miami City Commission voted unanimously to force the Museum from its city-owned building. The original motion justified the action on the basis of the city's ostensible need to use the building for administrative offices for "mini city halls" that are being established throughout the city. The motion was later changed to state that the city needed the building for conversion to a fire station, in order to improve response times for fire rescue. Commissioner Miller Dawkins explained the change by saying "We need something we can win in court."³¹

Performing artists.

²⁷ Letter published in *El Diario de las Americas*, December 15, 1989.

²⁸ "Cuban art museum targeted in state tax probe," *Miami Herald*, March 30, 1990, p. 3B.

²⁹ "Cuban Museum in Miami Hit by Bomb Blast," *Washington Post*, June 15, 1990, A3.

³⁰ "Little Havana Museum Bombed," *Miami Herald*, June 15, 1990, 1A.

³¹ "City moves to oust Cuban museum," *Miami Herald*, June 12, 1992, p. 4B.

Actors and entertainers who have performed in Cuba or who have dissenting views on Cuba or certain other foreign policy issues have also been subjected to harassment and intimidation.

■ In November 1990, Miami City Commissioners approved the installation of a star for Mexican singer Verónica Castro in the "Walk of Fame" sidewalk on Calle Ocho. But following her performance in Cuba, on December 3 of last year a mob of approximately 100 people surrounded the star, urinated on it and hacked it apart with hammers, while police looked on and did nothing. The next day, the City Commission voted unanimously to bar any replacement of the star without its approval.³²

■ In 1989, the Kiwanis Club of Little Havana banned three singers, Brazilian Denise de Kalafe, Puerto Rican singer Andy Montanez, and De Raymond -- who performed in Cuba in 1981, 1980 and 1970, respectively -- from appearing at the annual Cuban-American Festival. The festival had received a \$15,000 grant from the Miami City Commission.³³ At the time of a similar 1987 dispute, the club's director of promotions told the *Miami News* that it has a strict policy to bar from the festival any Latin American entertainer who has performed inside Cuba.³⁴

■ In 1988, a St. Valentine's Day dance sponsored by a local radio station was canceled after a rival radio station denounced its main performer, Venezuelan *salsa* singer Oscar de León, for performing in Cuba. The dance promoter said that he canceled the event "because I don't want any problems. I want to sleep soundly."³⁵

■ In 1985, the Spanish singer Massiel was booked to appear at the Dade County Auditorium. After reports appeared that she had performed in Cuba 18 years earlier, the show's producer received a bomb threat, and five local record stores stopped selling tickets to her concert.³⁶

■ During a Miami performance in 1972, Spanish singer Julio Iglesias raised the possibility of performing in Cuba and was heckled as a Communist and pelted with bottles and garbage on the way to his dressing room.³⁷

■ Rubén Blades, the Panamanian-born actor, told us that he has been denounced in Miami as a "Communist" and a "Castro agent," which has interfered with his performing career there. In 1991, for example, the host of a radio program received threatening calls after Blades appeared. Blades' mother was

³² "Inexcusable Vandalism," *Miami Herald*, December 7, 1991, p. 28A.

³³ "In Miami, No Songs for Castro," *New York Times*, March 10, 1989, p. A14.

³⁴ "Cuba performance hurts Carnival headliner," *Miami News*, March 2, 1987.

³⁵ "WQBA's dance canceled after star criticized," *Miami Herald*, January 27, 1988.

³⁶ "Terror Shaded with Miami Tones," *Miami News*, July 1, 1985, p. 10A; "Singer Defends Cuba Trip, Denies She's a Communist," *Miami News*, June 27, 1985.

³⁷ "Banning of Cuban exile's play sparks controversy in Miami," *Reuters*, May 9, 1986.

born in Cuba, and he travelled there in 1978 to visit his grandmother. While he believes the U.S. trade embargo is wrong, he has not been a vocal public critic of U.S. policy on Cuba. He believes he has been targeted because of his stances against other foreign policy actions like the U.S. invasion of Panama and aid to the Nicaraguan contras.

The exclusion of these performers from events in Miami is especially ironic in light of the Cuban government's action at the Pan-American Games in Indianapolis in 1987. In retaliation for a campaign by the Cuban American National Foundation that sought to persuade Cuban athletes participating in the games to defect to the U.S., the head of the Cuban delegation called for singer Gloria Estefan, who came to the U.S. at age 14 months, to be barred from the opening ceremony because her father once worked for the Batista family.³⁸

Other incidents.

■ In 1986, "Coser y Cantar (Sewing and Singing)," a comedy by Cuban-born playwright Dolores Prida, was dropped from the program of the Hispanic Theatre Festival. Its author had been attacked as a "Castro agent" and "enemy of the exiles" on Miami Spanish-language radio stations over her membership in the Cuban-American Committee for the Normalization of Relations with Cuba, and the company performing the play had received threats. Some of her Miami critics argued that permitting her play to be performed in the Cuban community would be like staging a Nazi play in a Jewish community.³⁹

Prida had last visited Cuba in 1980. The content of the play, which is a one act comedy featuring two actresses who portray different tendencies in a young Hispanic woman torn between her roots and U.S. influences, was apparently not at issue. In response to the cancellation, Florida International University withdrew the school's play from the festival and Dade County revoked its financial support.⁴⁰ When the play was finally read in a workshop at Miami-Dade Community College, campus security guards searched everyone entering the building for weapons or bombs, and undercover police agents sat in the audience to respond to possible disruptions. Prida, a New York resident whose family left Cuba in 1961, said: "What amazes me about Miami is why so many people are afraid to speak up against the intimidators. The only other place where I saw this fear to speak up in public was in Havana."⁴¹

■ In 1982, the movie "Scarface," an updated version of the Paul Muni classic, this time with Al Pacino as the head of a criminal gang headed by a Mariel refugee, was set to be filmed in Miami, but production was relocated to California after the Miami City Commission considered a referendum to give the commission the power to block the filming of movies "detrimental to the image of the city."⁴²

³⁸ "Working Against the Miami Myth," María de los Angeles Torres, *The Nation*, October 24, 1988, p. 392.

³⁹ "The Second Havana," David Rieff, *The New Yorker*, May 18, 1987, p. 72.

⁴⁰ *Ibid.*

⁴¹ "Tempest in Miami Over a Playwright," *New York Times*, May 10, 1986.

⁴² "Zealots putting politics above free expression," Charles Whited, *Miami Herald*, May 8, 1986.

(2) Academic freedom.

As a key element of civil society, the academic world is also a highly polarized battleground for views about the Cuban exile community and the future of the island. In 1989, for example, the Latin American Studies Association hastily scheduled a meeting in Miami after a hurricane made it impossible to meet in Puerto Rico as originally planned. The meeting was to include a contingent of scholars from Cuba. Because of his role in the conference, Lisandro Pérez, the Chair of the Florida International University Cuban Studies Committee, was warned by FBI agents that he might be at risk.

María Cristina Herrera.

María Cristina Herrera founded, and has served for the last 23 years as the director of the Institute for Cuban Studies at Miami-Dade University. Under her leadership, the Institute has convened numerous gatherings aimed at analyzing developments in Cuba from a multi-disciplinary perspective, promoting human, cultural, and institutional exchanges that "move Cuba toward a more open society." Herrera, who came to Miami in 1960, participated along with eleven of the Institute's Board members in the 1978 "dialogo." She sees much in common between the Miami exile community and Cuban society. The official "bunkers" in each have remained closed, yet neither community is as monolithic as "leaders" would have them appear. Herrera feels a strong connection to the dissidents in Cuba, who "won't let their voices be absolutely controlled." In Miami, Herrera says, growing numbers of Cubans advocate a peaceful society, but a shrill minority is in control of the radio airwaves.

In 1988, the Institute co-sponsored, with the Johns Hopkins School for Advanced International Studies, a debate on whether the complex, ongoing "non-relationship" with Cuba could change as a result of developments in the Soviet Union. The debate was promoted under the title, "U.S.-Cuba: Another Perestroika?" and featured five participants: Msgr. Brian Walsh of the Roman Catholic Archdiocese in Miami; Dr. Enrique Baloyra, a professor of political science at the University of Miami's Graduate School of International Studies; Carlos Alberto Montaner of the Cuban Liberal Union; Wayne Smith, former chief of the U.S. Interests Section; and Jorge Valls, a former political prisoner in Cuba and the president of Human Rights in Cuba.

Herrera hosted a reception at her house on the eve of the meeting, attended by about 60 people. The last guest left at 2:30 a.m. and a bomb went off in Herrera's garage at 3 a.m. The bomb hurt no one, but blew off her electric garage door and damaged her mother's car. It was a professional job, featuring a high explosive set off by a long-distance detonator. According to Herrera, 500 or 600 people came to her house the next morning to offer their solidarity.

The last guest left at 2:30 a.m. and a bomb went off in Herrera's garage at 3 a.m. The bomb hurt no one, but blew off her electric garage door and damaged her mother's car.

The hotel where the debate was to take place cancelled its participation later that morning at 10 a.m., but the University of Miami offered its faculty club, and the program took place there.

There were numerous radio attacks on Herrera in the days preceding the bomb. She does not claim that rightist forces directed the terrorists "by voice," but believes they contribute to a lethal "environmental broth."

While the bombing is the most serious effort to intimidate her, Herrera is no stranger to controversy.

Herrera believes that she is threatening to the intransigent forces because she

is an independent, opinionated, single woman. This along with her disability (she can walk only with the assistance of a cane) makes her an "intolerable oddity." In the late 1970's, when she was involved in the dialogue, there were numerous letters to the president of Miami-Dade urging her dismissal, but the president resisted the attacks. Over the years, radio commentators have accused her of buying her house with funds from Castro and one has even called her at home, using epithets like "whore" and making disparaging remarks about her disability.

Cuban Institute at Florida International University.

In 1989, a bill was introduced in the Florida State Legislature to set up a Cuban studies institute at Florida International University in Miami. Backed by the Cuban American National Foundation, the bill provided that the institute would be governed by a nine-member board of trustees, six of whom would be nominated by the CANF and approved by the Governor, and three of whom would be nominated by the president of FIU.⁴³ The institute would also have been exempt from Florida's open records requirements for public universities.⁴⁴

A university committee on Cuban studies opposed the bill, arguing that it would "seriously jeopardize F.I.U.'s ability to build a reputable academic program in Cuban studies." Moreover, the committee warned, "the possibility that any political action committee, whose principal activities are lobbying and political action, will control a state-funded unit affiliated with the University, casts an ominous shadow on the academic integrity and national reputation of our institution."⁴⁵

In the end, while the legislature turned down the proposal for an institute, it approved a \$1 million allocation to the CANF to provide research grants for scholars.⁴⁶

Another unusual arrangement is a Cuban studies program at the University of Miami, founded in 1960, which began a relationship with Radio Martí in 1985. The United States Information Agency, which sponsors Radio Martí, awarded the university \$90,000 for a computerized database on Cuba. The station has also sponsored private conferences at the university on such topics as "Soviet-Cuban Relations in the 1980's" and "Religion in Cuba." Papers presented at these conferences are the property of Radio Martí for six months and cannot be published elsewhere.⁴⁷

⁴³ "Cuba studies plan angers profs," *Miami Herald*, May 2, 1989, p. 1B.

⁴⁴ "Mas made Cuba studies plan a mission," *Miami Herald*, May 3, 1990, p. 1B.

⁴⁵ Statement by Florida International University's Faculty Committee on Cuban Studies, May 2, 1989.

⁴⁶ "House, Senate support Cuban studies funds," *Miami Herald*, June 1, 1989, p. 1B.

⁴⁷ "Cuban studies chair: a hot seat?" *Miami Herald*, June 22, 1987, 1B.

(3) Freedom of the press.

Radio Progreso.

Francisco Aruca is a controversial figure in the Cuban-American Community. He is the owner of Marazul Tours, a full-service travel agency which handles some Cuban vacation packages, and Marazul Charters, which operates three charter flights to Cuba each week. For these activities, he has frequently been attacked on Spanish-language radio stations as an "agent" of the Castro government. In 1989, two bombs went off in the offices of Marazul Tours on South Dixie Highway in Miami, causing minor wall damage but no injuries. No one has been charged in these incidents.

In the past year, Aruca has purchased five hours a day of air time from WOCN, or Union Radio. These hours, called "Radio Progreso," are devoted to music and programs from Cuba, and the airing of a variety of viewpoints about local and Cuban affairs.

The intruders rang the station's doorbell and asked "Is this where 'Radio Progreso' is and where Aruca works?"

In his own program from 9 to 11 a.m. each day, Aruca takes the view that "the best way to bring about change in Cuba is by engaging and investing."⁴⁸ On February 23 of this year, three men broke into the station's offices, beat and tied up one of the employees, Pablo Fernández, and damaged some of the station's equipment.

According to Fernández, the intruders rang the station's doorbell and asked, "Is this where 'Radio Progreso' is and where Aruca works?"⁴⁹ In the wake of this incident and numerous acts of vandalism, many of the station's windows have been replaced by wood and aluminum panels.

Vladimir Ramírez, a clinical psychologist, came to Miami five years ago, after 19 years as a political prisoner in Cuba, and founded an institute to aid the adjustment of immigrants from Nicaragua, Colombia, Venezuela and other Central and Latin American nations. Through a program on Radio Progreso, Ramírez has been an advocate of a non-violent approach that "leave[s] Cuba alone to work out its problems," and this has caused him to be targeted for denunciation and harassment. His office has been broken into twice, his files stolen, his computer and fax destroyed. On one occasion, those who broke in wrote on the walls: "Communists are not allowed to have a business." The windows of his car have been broken twice while it was parked in his office parking lot. There have been no arrests in any of these incidents, although the Miami police and FBI have investigated the threats against him. According to Ramírez, the FBI warned him in December 1991 that he may be a possible "future victim" of terrorism. They recommended that he place an electronic device in his car to detect bombs, and that he get a car phone so he can call the FBI if he is being followed. Every two weeks or so, he detects signs that he is being followed.

Ramírez claims he is frequently threatened by phone -- or, more precisely, his wife and secretary are, because he does not answer calls himself. The anonymous phoners call them "dogs" and "Castroist agents" and say "we're going to kill you." He has also received threatening letters in the mail, which he has

⁴⁸ Interview, June 15, 1992.

⁴⁹ "Intruders break into radio station, beat employee," *Miami Herald*, February 25, 1992.

passed on to the FBI.

In February, following his broadcast on Radio Progreso, Ramírez was assaulted and beaten by demonstrators who had gathered outside the studio. The police, who were there to in connection with the demonstration, quickly interceded to protect him. He suffered minor injuries that did not require medical attention.

The Miami Herald.

Unhappy with the *Miami Herald's* January 18 editorial, "Bad Strategy on Cuba," opposing Rep. Robert Torricelli's bill to intensify the U.S. trade embargo against Cuba,⁵⁰ and with a signed column published the same day criticizing radio commentators who advocate the use of force to overthrow the Castro regime, the Cuban American National Foundation launched a campaign against the newspaper. The Foundation was also angered by a series of *Herald* articles on alleged moneylaundering by a Hispanic bank whose chair is one of the Foundation's directors.⁵¹ The Foundation's chair, Jorge Mas Canosa, attacked the *Herald* and its Spanish language edition, *El Nuevo Herald*, in radio appearances and in a column published in both newspapers. In one of his radio broadcasts, Mas Canosa charged:

The *Miami Herald* takes and assumes the same positions as the Cuban government, but we must confess that once upon a time they were more discreet about it. Lately, the distance between the *Miami Herald* and Fidel Castro has narrowed considerably...Why must we consent to the *Miami Herald* and *El Nuevo Herald* continuing a destructive campaign full of hatred for the Cuban exile, when ultimately they live and eat, economically speaking, on our support? These attacks...aim to destroy the authentic and genuine values of the Cuban-American community.⁵²

In the letter, Mas Canosa criticized the papers for "a marked insensitivity to the Cuban American community" and called for the resignations of the newspapers' Cuban American executives and writers.⁵³ In his own column in the same edition, newspaper publisher David Lawrence replied to Mas Canosa that "when you make wild and angry accusations, like some of this 'pro-Castro' garbage, you stir up the less well-intentioned and the more misguided."⁵⁴ The president of *Miami Herald* and the publisher of *El Nuevo Herald*, Roberto Suárez, wrote: "In our community, to be wrongly accused of being pro-Castro, of wanting

⁵⁰ Among other things, the bill would amend the Trading With the Enemy Act to permit the Treasury Department to impose civil penalties of up to \$100,000 on "any person who violates any license, order, rule or regulation issued under this act." In the view of Americas Watch and the Fund for Free Expression, civil penalties of this magnitude pose a significant risk of chilling First Amendment rights to travel and exchange information, and raises serious due process problems.

⁵¹ "Miami Herald Officials Are Threatened as Cuban Exile Controversy Continues," *Wall Street Journal*, February 3, 1992, p. A7.

⁵² "A Clown? No Way. A Genius!" by Jim Mullin, *New Times*, January 29-February 4, 1992, p. 12.

⁵³ "Threats at the Herald," *Washington Post*, February 4, 1992, p. B1.

⁵⁴ *Ibid.*

Castro to remain in power, constitutes an affront, slander and a lack of respect."⁵⁵

In the following weeks, *Herald* vending machines were stuffed with feces and silicone gel, and there were bomb threats against the newspapers' offices. David Lawrence received numerous telephoned death threats, three of which were deemed serious enough for police investigation. Upon the advice of police, Lawrence and his wife now start their car each morning with a remote control device.

The CANF also leased billboard space and bought ads on Dade County buses that read, "I don't believe the *Miami Herald*."⁵⁶ The Foundation sent out 17,000 questionnaires to be returned to a campaign titled "The Herald Against the Cuban Community."

On January 27, Jorge Mas Canosa hand-delivered a letter to *Herald* publisher David Lawrence inviting him to "take the first step and listen" to the concerns of the Cuban-American community at a CANF rally at the Dade County Auditorium. But on a Spanish-language radio station, Mas Canosa again compared the *Herald* to the official Cuban Communist Party organ, *Granma*, and told his listeners that he wanted to confront Lawrence with evidence of the *Herald's* "intellectual terrorism, its intimidation and its abuses." Declining the offer, Lawrence compared what was planned for him to the "acts of repudiation" staged by Castro supporters against its opponents.⁵⁷

"...when you make wild and angry accusations, like some of this 'pro-Castro' garbage, you stir up the less well-intentioned and the more misguided."

A week later, Lawrence wrote that the *Herald* had received support from many quarters, but said he was disturbed that many people were not willing to be identified publicly. He cited a television executive who told him: "Personally, I'm appalled at the type of lynching that's going on. Unfortunately, I cannot become a public person. He can turn against [my family] and ruin their careers." Lawrence, who has worked for newspapers in seven other cities, said he was struck that so many people said they "could not afford for their names to be used. In other places, in my experience, people seemed more willing to stand up and be recorded."⁵⁸

Shortly after the campaign against the *Herald* was launched, Mas Canosa took the lead in creating the Cuban Anti-Defamation League, whose founding members also included Latin Builders Association President Sergio Pino, Brigade 2506 President Rafael Cabezas, and the Mayor of Miami, Xavier Suárez.⁵⁹ On February 6, Mayor Suárez announced on behalf of the new group that it had received two formal complaints of biased coverage in the news media, one against the two *Herald* papers and one against a Spanish newsmagazine, *Cambio 16*. The complaint against the magazine was based on a February 3 cover

⁵⁵ "Slander is painful, but I will not be intimidated," Roberto Suárez, *Miami Herald*, January 31, 1992.

⁵⁶ "Cuban group buys ads against Herald papers," *Miami Herald*, March 10, 1992.

⁵⁷ "Come on, Mr. Mas, be fair: Part II," *Miami Herald*, January 28, 1992, 13A.

⁵⁸ "A defining moment for our community," *Miami Herald*, February 2, 1992, 3C

⁵⁹ "Foundation seeks debate with Herald," *Miami Herald*, January 31, 1992.

story on Fidel Castro, "Fatherland or Death, Death, Death," that appeared in its U.S. edition. The complaint against the *Herald* was based on two studies by an Arizona State University professor, Fran R. Matera, of the *Herald's* coverage of Cuban issues. Much of the material in the study was provided by the CANF. According to Matera, "By its count, the Cuban American National Foundation cites 102 stories in the *Herald* dating back to January 1988 that mentioned pro-dialogue leader Elizardo Sánchez [but] only nine stories during the same period that mention the names or activities of any of six different anti-dialogue leaders." Executives of the *Herald* papers met with committee members for several hours to discuss the complaint.⁶⁰

"[W]hen passions in the community are already running high, campaigns of denunciation and criticism based on emotions run the risk of inflaming some members of the community to the point of violence."

In his own lengthy column in the *Herald* on February 2, Mas Canosa cited his involvement in Radio and TV Martí as "a testament to my commitment to human rights, free speech and freedom of information." He cited as examples of bias "four shrill editorials condemning the Cuban American National Foundation's offer to create an Institute for Cuban Studies at Florida International University ...as a bold assault on academic freedom."⁶¹

On March 11, the Inter-American Press Association, meeting in Santo Domingo, said it would investigate "attacks, acts of vandalism, and boycott threats" against the *Herald*.⁶² In its preliminary statement, the IAPA called the *Herald* "slow to understand the new cultures within its readership area," but condemned the campaign against it:

We found evidence of a lack of tolerance on the part of some of the *Herald's* critics, and we are concerned that when passions in the community area already running high, campaigns of denunciation and criticism based on emotions run the risk of inflaming some members of the community to the point of violence.⁶³

The war of words escalated as Mas Canosa has called the *Herald* "Communist in orientation," and Lawrence asserted: "All the billboards in the Americas, all the national TV that he can buy, all the analysts whom he can strong-arm, all the huffing and bluster that he can muster, won't give him control of this newspaper. Ever."⁶⁴

In remarks to a Dade County Easter Seal fundraising luncheon in May at which he appeared with Lawrence, Mas Canosa signalled an end to the anti-*Herald* campaign, claiming that the paper had become "more objective" in the weeks since the campaign began. Lawrence denied any change in coverage, and said that "the standards of the newspaper are exactly what they were before: we work like hell to tell the damn

⁶⁰ "2 complaints filed against news media," *Miami Herald*, February 7, 1992.

⁶¹ "A matter of `basic rights,'" *Miami Herald*, February 2, 1992.

⁶² "IAPA Condemns Press Restrictions in Cuba, Haiti and Venezuela," *Reuters*, March 11, 1992.

⁶³ IAPA statement reprinted in the *Miami Herald*, March 27, 1992.

⁶⁴ "The Herald Feels the Heat," *Washington Post*, April 6, 1992, p. B1.

truth." Mas Canosa praised Lawrence, saying he "really stood up and put up a hell of a fight on behalf of his people, no matter how wrong they are."⁶⁵

Other incidents.

■ When *Areíto*, a magazine supporting the Castro government, first started publishing in Miami in 1974, a series of bomb threats forced the editors to move to New York. In 1987, a reincarnated *Areíto*, with a declared editorial policy of accepting viewpoints from all across the political spectrum, reappeared in Miami, but its editors declined to say where its offices were located or who its financial supporters were.⁶⁶

■ After he published an article in *Areíto*, Nicolás Riós, who terms himself a Christian Democrat in the Latin American tradition, lost a five-year contract to print the bi-monthly magazine of the Interamerican Businessmen's Association (AIHE). While the AIHE president denied that the cancellation of Riós' contract constituted censorship, he acknowledged that members of the AIHE board found *Areíto* "offensive" and told the *Miami News* that "given the suffering that many of them have undergone at the hands of Castro, this is understandable."⁶⁷

■ Another independent voice is Max Lesnik, who left Cuba in 1961 after opposing both the Batista and Castro regimes. Between 1981 and 1984, five bombs were left in the offices of *Réplica*, the magazine of which he is editor, because of articles advocating a "negotiated" or "political" solution for Cuba.

■ In 1975, Luciano Nieves wrote an article for *Réplica* suggesting that Castro might be brought down "politically." Shortly afterward, he was attacked in a Miami restaurant. He was the target of an unsuccessful assassination attempt in 1974 and in February 1975, after he published an article declaring his intention to return to Cuba to vote in any election that Castro might call, he was shot and killed in the parking lot of Variety Children's Hospital in Miami.⁶⁸ The *Miami News*, after the Nieves killing, quoted an unidentified college professor as saying: "I'm glad I never finally came out publicly in favor of peaceful coexistence with Castro. Now, I'll be more than careful not to. Cubans are apparently very sensitive to that."⁶⁹

■ In 1976, after Emilio Milian completed a WQBA broadcast that was critical of bombings and assassinations in the exile community, a bomb went off in his car, blowing his legs off. No one has ever been charged. Now Milian owns his own station, Radio Fé. While he personally supports the trade embargo, he recently received a letter from the CANF accusing him of using the station to assail "the honesty, character, integrity" of Mas Canosa and other CANF leaders.⁷⁰

⁶⁵ "Cuban Foundation says anti-Herald campaign is over," *Miami Herald*, May 22, 1992.

⁶⁶ "Controversial Cuban political magazine returns to Miami," *Miami Herald*, July 1, 1987.

⁶⁷ "Cuban Exiles More Tolerant of Dissenters," *Miami Herald*, 1988.

⁶⁸ *Miami*, by Joan Didion, Simon and Schuster, New York, 1987; pp. 106-108.

⁶⁹ *Ibid.*

⁷⁰ "Trying to set the agenda in Miami," *Columbia Journalism Review*, May/June 1992.

(4) Freedom of assembly

Anti-contra demonstrations.

In March 1986, the South Florida Peace Coalition received a permit for a demonstration at Miami's Torch of Friendship monument, on Biscayne Boulevard, against U.S. aid to the Nicaraguan contra movement. After word of the demonstration spread over Cuban radio stations, Andrés Nazario Sargén, the executive director of Alpha 66, obtained a permit for a counter-demonstration at the same time just a few yards away. Speaking of the anti-contra demonstrators, Nazario Sargén said: "They know very well they are defending a communist regime, and that hurts the Cuban exile's sensibility."⁷¹

According to press accounts and interviews with some people present when the two demonstrations took place, exiles waving Cuban and American flags attacked the anti-contra demonstrators, burning their placards and hurling eggs and rocks. When a group went to meet with Suárez later to complain about police handling of the demonstration, he reportedly pointed out that most of them did not live in Miami and questioned why the city should pay to protect them.

Among the peace demonstrators, 25-year old David Camp and his fiancée arrived late, and were immediately caught in the melée. Amid cries of "Comunista, Comunista," Camp was hit in the face twice and kicked before he managed to get up and run for his car. They were then set upon by a mob of fifteen to twenty pro-contra demonstrators who cornered them, asked for identification, and then took a picture of Camp's driver's license.⁷²

■ In a 1990 *Miami Herald* article, Bay of Pigs veteran Miguel González-Pando called for negotiations with the Castro government, asserting: "The worldwide collapse of Communism, the end of the Cold War, and the bankruptcy of Castro's revolution suggest to us that Cuba may also be susceptible to pressures for democratic change. Therefore, we have set out to orchestrate an international campaign demanding an electoral process in which our people could freely express its political will. It is not unlike the approach that has facilitated democratic transitions in Nicaragua, Chile and most of Eastern Europe."⁷³

⁷¹ Didion, pp. 70-71.

⁷² "Latin zealots should learn Bill of Rights," *Miami Herald*, March 26, 1986.

⁷³ "Cuba's hope lies in popular elections -- as the powers-to-be must realize," *Miami Herald*, November 1, 1990, p. 27A.

He proposed, "metaphorically," another invasion of Cuba, this time a non-violent one with white roses borne on 1,000 boats. The inspiration came from José Martí, who wrote in his best-known poem that he cultivated a white flower for his enemies as well as his friends.

González-Pando asked for five minutes on the Brigade 2506 30th anniversary program, to be held at Miami's Eighth Street Bay of Pigs monument. He was interviewed about his idea, and began to receive threatening calls, some pleading with him to call it off. He got a police permit to speak in the same place one hour after their rally. As he began to speak, he was heckled and shouted at, and then rushed by a mob of people, who attacked him and then turned on the television cameras that were recording their actions. Some Bay of Pigs veterans interceded on his behalf, but the police stayed in the background. He didn't press charges against his assailants.

The City Commission refused to grant permission for a Haitian group to use Bayfront Park for a celebration of the inauguration of President Jean-Bertrand Aristide unless it provided assurances that Fidel Castro would not be invited to inaugural festivities in Haiti.

■ Another example of the extreme lengths to which city officials go to pursue an anti-Castro agenda is an item reported last year in the Haitian newspaper *Haiti en Marche*. The City Commission refused to grant permission for a Haitian group to use Bayfront Park for a celebration of the inauguration of President Jean-Bertrand Aristide unless it provided assurances that Fidel Castro would not be invited to inaugural festivities in Haiti.⁷⁴

(5) Human rights activists.

The dominant intransigent forces in Miami's Cuban exile community seem most disturbed by the emergence of dissident voices in Cuba who take a different approach. For example, when Gustavo Arcos Bergnes, the Havana-based leader of the Cuban Committee for Human Rights, spoke out on behalf of dialogue and debate in Cuba and in the Miami exile community, Jorge Mas Canosa condemned him at a rally broadcast to Cuba over Radio Martí.⁷⁵

Because of their support for Arcos, Elizardo Sánchez, María Elena Cruz Varela and other pro-dialogue voices within Cuba -- all of whom have been or are now jailed in Cuba for expressing their opinions -- several Miami-based human rights activists have been visited with intimidation and harassment.

Ramón Cernuda.

Ramón Cernuda is perhaps the best known exponent of an approach to Cuba that differs sharply from that of the CANF. The group he represents in exile, the Havana-based CODEHU, champions the cause of Cuban dissidents who, because they call for a non-violent political transformation of the island, are denounced as Castro agents by intransigent forces in the exile community. In addition, he was vice-president of the Cuban Museum of Arts and Culture, which as much as any other institution was a symbol of dissident

⁷⁴ *Haiti en Marche*, January 30-February 5, 1991; Volume IV, Number 50; page 7.

⁷⁵ "Mas's actions are an eerie parallel to his nemesis, Castro," *Miami Herald*, March 27, 1992.

views. Because Cernuda is a successful business executive, he is less susceptible to the economic pressures that cow many into silence.

On May 5, 1989, during the Cuban Museum controversy, fourteen U.S. Treasury agents, citing violations of the U.S. trade embargo with Cuba, raided Cernuda's home and office and confiscated 220 works of Cuban art, including forty paintings by Cuban dissident and former political prisoner Nicolás Guillén Landrian, and works by René Portocarrero, Carlos Enríquez, Mariano Rodríguez, José María Mijares and Arturo Rodríguez.⁷⁶ Cernuda had obtained them from Jerry Scott, a former press secretary with U.S. Interests Section in Havana, who had brought some of them to the U.S.

In a *Miami Herald* opinion piece calling the action against Cernuda a "moral lynching," Carlos Alberto Montaner wrote that the "real target is not Cernuda and his alleged crime. It's the damned and interminable fight over Miami's Cuban Museum of Arts and Culture" and the perception among some in the exile community that "Scott...supposedly does not adhere to the anti-Castro hard line as much as others linked to the struggle against the Cuban dictatorship would like."⁷⁷ According to the *Wall Street Journal*, "the U.S. Attorney's office and the Customs Service appear to have stumbled -- or been drawn -- into an ideological squabble by exile factions, though both agencies deny it."⁷⁸

Three days after the seizure, Jorge Mas Canosa appeared on Radio Mambí and said that while he did not "hand in Cernuda's list because I had no evidence ... yes, we in effect are responsible for this and other investigations that I hope come through and which cannot be halted with Cernuda." He went on to cite "corruption in the Cuban Interest Section in Havana" and vowed to complain about Jerry Scott to Scott's superiors in Washington.⁷⁹

In a hearing on the Cernuda case, Judge Kenneth Ryskamp took the unusual step of criticizing the prosecutor's priorities: "I find it somewhat unusual that the U.S. attorney has announced publicly that he's not going to prosecute less than five kilograms of cocaine and then expends his resources going after paintings."⁸⁰ Cernuda sued for the return of his paintings.

In September 1989, Judge Ryskamp ordered that Cernuda's paintings be returned to him, observing that while "some in the community may dislike the information conveyed in the art exhibited and auctioned by the Cuban Museum," that is "not the affair of this court" or for the "government to dictate whether [Cernuda] and the Cuban Museum may exhibit or auction paintings of Cuban origin."⁸¹

Last year the Treasury Department, settling a lawsuit filed by the National Emergency Civil

⁷⁶ "Ramón Cernuda and the Art of Controversy," *Miami Herald*, July 23, 1989, 1G.

⁷⁷ "Ramón Cernuda, Cuban art, and a 'moral lynching,'" Carlos Alberto Montaner, *Miami Herald*, May 20, 1989, p. 30A.

⁷⁸ "U.S. Customs' Raid on 'Contraband' Art Ignites Miami Furor," *The Wall Street Journal*, August 7, 1989, p. A1.

⁷⁹ "The Great Cuban Art Bust," Myra MacPherson, *Washington Post*, August 24, 1989, C1.

⁸⁰ "Judge blasts U.S. seizure of Cuban art," *Miami Herald*, July 29, 1989, 1B.

⁸¹ *Ramón Cernuda and Editorial Cernuda, Inc. v. George D. Heavey, Department of Treasury, and United States Customs Service*, U.S. D.C., Southern District of Florida, 89-1265 CIV-RYSKAMP, September 18, 1989.

Liberties Committee, finally dropped the ban on bringing Cuban paintings and drawings into the U.S. The revised regulation exempts artistic works from the general trade embargo with Cuba.⁸²

After Judge Ryskamp's ruling, Cernuda was the target of a series of other investigations by government agencies. In November 1989, he traveled to Canada to attend an academic conference in Halifax that was also attended by numerous Cuban academics. When he tried to re-enter the United States, U.S. immigration officials confiscated his travel documents, claiming they were forged, and kept them for two months before returning them.

In December 1989, his publishing offices in Hialeah and Miami were raided by immigration officials in an unsuccessful search for undocumented workers. In February 1990, the Florida Labor Department began an investigation of possible labor law violations at Cernuda's business. Shortly afterward, the Internal Revenue Service initiated an audit, also requesting financial records for his company, his brother and his father for a period of eight years. The audit took over a year, and the only action taken by the IRS was to direct him to claim his art collection as a personal rather than a business expense. None of the other government investigations ever resulted in any charges or disciplinary action.

Giselda Hidalgo.

Hidalgo is the Executive Director of Human Rights in Cuba. Hidalgo and the organization's president, former Cuban political prisoner Jorge Valls,⁸³ have been critical not only of Cuban human rights abuses, but of U.S. policy toward Cuba, including the trade embargo. She is the sister of former Cuban political prisoner Ariel Hidalgo, and successfully campaigned for his release. In September 1988, Hidalgo took part in a much-publicized flotilla to Cuba to test Article 13 of the Universal Declaration of Human Rights to protest the Cuban government's tight restriction on travel. The boats were turned back twelve miles from the Cuban shore. When she returned to Miami after the flotilla, Hidalgo learned that a bomb apparently meant for her had been detonated at a similar address on a nearby block.

"We'll burn you alive -- we know you've been talking with the Interests Section in New York."

Hidalgo reports that she has been the target of many incidents of harassment: her house was vandalized with black paint; she received phone calls warning "we'll burn you alive -- we know you've been talking with the Interests Section in New York" and "we'll kill you"; she returned to her car after a meeting with Ramón Cernuda to find that the windows had been painted blue; while on an outing with her children to Coconut Grove, two men ran off with her three-year old son, abandoning him after a brief chase; her car was once doused inside with kerosene and on another occasion set fire in the middle of the night. In between these last two incidents her car was followed by another car that had been parked outside her home. Although she took down the license plate number and gave it to the police, nothing ever came of it.

Most recently, in April 1992, while she was visiting New York, Hidalgo's family heard a loud bang outside her home. In the morning, they saw that her car had been hit by a brick which smashed the rear

⁸² "Ban on Cuban Art is Eased," *New York Times*, April 2, 1991.

⁸³ Valls is also a member of the Americas Watch Board.

window and lights.

THE GOVERNMENT'S ROLE

As we have noted, while the majority of incidents cited in this report appear to be the work of private actors, the United States government and its state and local counterparts in Florida cannot escape some responsibility for the climate of intimidation that has been created through a series of actions and inactions.

First, there have been direct government efforts to penalize individuals and institutions on the basis of their political viewpoints, as in the moves by the Miami City Commission to evict the Cuban Museum of Arts and Culture, and the federal government's pattern of harassment of Ramón Cernuda. As we have seen, these have been the most susceptible to legal remedies, as they involve violations of constitutional rights.

Second, there have been government statements that encourage and embolden those private actors who may be inclined to criminal intimidation and violence. In at least one instance, a government official has engaged in grossly intemperate and unsubstantiated charges. An example of this is the McCarthyite character of remarks by an FBI agent, Angel Berlingeri, who appeared on Radio Mambí to discuss "Castroite infiltration in Cuban Miami." "Part of the [Communists'] propaganda is to make the community believe that it's seeing Reds under every bed," Berlingeri asserted. "But the truth is that they exist! They are here." He went on: "I would alert all the exile political organizations to be on the lookout, because at some point they will be penetrated." Concerning the bombing of the Cuban Museum, he suggested that the controversy benefitted Fidel Castro and must therefore have been the work of his agents.⁸⁴ (This is not an uncommon view among certain exiles. Mignon Medrano of the Cuban American National Foundation has said: "I have no doubt whatsoever that Castro is behind these bombings to make the exile community appear as terrorist, die-hard right-wingers.")

At the local level, in addition to its campaign against the Cuban Museum, its handling of permits for demonstrations and rallies and other anti-freedom of expression actions noted above, the Miami City Commission has consistently taken actions that associate it with violence and intolerance. In 1982, for example, the Commission voted a \$10,000 grant to Alpha 66, despite its listing by the House Select Committee on Assassinations as one of 20 groups with the "motivation, capability and resources" to assassinate John F. Kennedy.⁸⁵ The next year the Commission proclaimed a "Dr. Orlando Bosch Day," following the arrest by Venezuelan authorities of the Miami doctor who planned the 1976 bombing of a Cubana plane, killing its 73 passengers, including the entire Cuban national fencing team.

⁸⁴ Transcript of Radio Mambí broadcast, October 26, 1990; "A Red lurks under each exile bed (if you believe this FBI agent)," Sergio López Miró, *Miami Herald*, November 1, 1990, p. 27A.

⁸⁵ Didion, p. 134.

Mayor Suárez also bears some responsibility for the climate of intimidation and harassment. In addition to his participation in the Anti-Defamation League, the 1986 contra aid demonstrations, and in the incidents cited above involving the Miami City Commission, the Mayor has on occasion made statements that contribute to an impression that city government is not ardently interested in the prosecution of terroristic acts. In 1983, for example, upon the arrest of Omega 7 leader Eduardo Arocena for plotting to kill the Cuban Ambassador to the U.N., Suárez said he thought of Arocena as a freedom fighter, not a terrorist.⁸⁶ The Mayor claims that he, too, is the occasional target of denunciation and harassment -- for instance, being denounced on Spanish language radio as "chocolate" or "Martin Luther King" when he does something perceived to benefit Miami's African-American population. He claims that incidents of violence are down since the 1970's, so much so that the formerly active Special Investigation Unit engaged in counter-terrorism activities has been largely disbanded.

The City Commission proclaimed a "Dr. Orlando Bosch Day," following the arrest by Venezuelan authorities of the Miami doctor who planned the 1976 bombing of a Cubana plane, killing its 73 passengers, including the entire Cuban national fencing team.

According to some people who have been the target of violent intimidation, that unit seemed more concerned with discrediting the targets than apprehending suspects. After Giselda Hidalgo's house was bombed, the investigator for the city's counter-terrorism unit told her that he wanted to speak with one of the people who had applied to go on the flotilla with her. He asked her to arrange to have the person meet him at Hidalgo's home at 5 p.m. the next day. When he arrived, the Miami police were there, and arrested him on two outstanding counts of marijuana possession. The officer even called a Spanish-language radio station from her house to inform them of the arrest.

The United States government bears some responsibility for the actions of groups that receive government funds and use them to support activities that seek to deny the freedom of expression of others.

When the same officer was investigating the bomb that went off at the Cuban Museum in 1988, he told Ramón Cernuda that he wanted to interview Lino Sánchez, the brother of Cuban human rights activist Elizardo Sánchez, and asked Cernuda to have Sánchez meet him at Cernuda's office. In the light of Giselda Hidalgo's experience, Cernuda was skeptical about the officer's good faith, and declined to permit his office to be used for this purpose. The officer proceeded to meet Sánchez at the University of Miami, where he was waiting with federal drug enforcement agents who arrested Sánchez on drug trafficking and murder charges. The arrest was heavily publicized in the news media.

When Sánchez was later released -- the outstanding charges were against another individual with a similar name -- Miami police dropped him off at Cernuda's office.

Third, while the targets of violence and harassment express varying opinions about the adequacy of the police and prosecutorial response to these incidents, the fact that no one has been prosecuted in recent years for such terroristic acts is extremely disturbing.

Fourth, beyond these actions and inactions, the United States government bears some responsibility for the actions of groups that receive government funds and use them to support activities that seek to deny

⁸⁶ Rieff, p.83.

freedom of expression to others.

The National Endowment for Democracy, a private non-profit organization created in 1983 and founded by Congressional appropriation to "strengthen democratic institutions around the world through nongovernmental efforts,"⁸⁷ has funded a number of Cuba-related initiatives, including more than \$600,000 grants to the Cuban American National Foundation since 1984.

In addition, the United States Information Agency sponsors Radio Martí, which broadcasts programs in Spanish to Cuba. Jorge Mas Canosa is chairman of the presidential advisory board for Radio Martí. Eugenio Rodríguez, now a freelance journalist, worked for Radio Martí from 1985 to 1987, when he left "after waging a losing battle against the autocratic and unprofessional, but politically powerful, management at the station." He accused then station director, Ernesto Betancourt, of allowing "fear and intimidation to rule," by permitting staged interviews and airing unconfirmed news reports.⁸⁸ When he circulated a petition asking the Voice of America to investigate "administrative irregularities" at Radio Martí, rumors were circulated that he was a Castro agent.⁸⁹

CONCLUSION

In the section that follows, we make recommendations for improving the climate for freedom of expression in Miami. A great deal can be accomplished by the exercise of governmental leadership, beginning with forthright and consistent denunciations of terroristic activities.

This report has emphasized the peculiar features of public discourse in Miami that have combined to increase the price to be paid for speaking out. But there are also some recent indications that the scope of freedom of expression may be expanding. One sign is the very existence of newer pro-dialogue groups like the Cuban American Coalition and CODEHU. Public opinion may also bring about a change in the climate for freedom of expression, especially as younger people feel fewer ties to the island. A 1991 survey found that over 49% favored establishing "a national dialogue between Cuban exiles, Cuban dissidents, and representatives of the Cuban government."⁹⁰

RECOMMENDATIONS

Americas Watch and the Fund for Free Expression make the following recommendations to governmental authorities:

⁸⁷ NED Statement of Principles and Objectives, May 1991.

⁸⁸ Betancourt himself later resigned, complaining that Mas Canosa interfered with his running of the station.

⁸⁹ "A Cold War casualty," Eugenio Rodríguez, *Index on Censorship*, September 1991, p. 25.

⁹⁰ "Views on Policy Options Toward Cuba Held by Cuban-American Residents of Dade County, Florida," Institute of Public Opinion Research, School of Journalism and Mass Communication and the Cuban Research Institute, Florida International University, 1991,

- Federal and local law enforcement authorities should assure that full and complete investigations are carried out with respect to every criminal act of violence, intimidation and vandalism, and bring to justice those responsible.
- Governmental leaders at every level, from President Bush to Miami Mayor Suárez, should speak out clearly and forcefully against acts of violence and intimidation.
- The City of Miami should cease its efforts to harass the Cuban Museum of Arts and Culture and should make decisions about funding, demonstration permits and police protection free of content-based ideological considerations.
- The National Endowment for Democracy should take steps to assure that its grant funds are not being used to support the suppression of freedom of expression.
- The United States Information Agency should take similar steps with respect to Radio Martí.
- The United States should lift the effective ban on travel by U.S. citizens to Cuba.

In addition to these recommendations to government, we also urge private parties on involved in controversies in Miami -- most especially, the leaders of the Cuban American National Foundation and various Spanish language radio stations -- to make similar denunciations of terrorism and intimidation.

This report was compiled on the basis of two visits to Miami in the spring of 1992, including over twenty-five interviews with persons involved in the incidents described, members of the media, and public officials.

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Americas Watch was established in 1981 to monitor and promote the observance of internationally recognized human rights in Latin America and the Caribbean. The Chair is Peter D. Bell; Vice Chairs, Stephen L. Kass and Marina Pinto Kaufman; Executive Director, Juan E. Méndez; Associate Directors, Cynthia Arnson and Anne Manuel; Director of San Salvador Office, David Holiday; Representative in Buenos Aires, Patricia Pittman; Research Associate, Mary Jane Camejo; Associates, Clifford C. Rohde and Vanessa Jimenez.

The Fund for Free Expression was created in 1975 to monitor and combat censorship around the world and in the United States. The Chair is Roland Algrant; Vice Chairs, Aryeh Neier and Robert Wedgworth; Executive Director, Gara LaMarche; Associate, Lydia Lobenthal.

Americas Watch and the Fund for Free Expression are divisions of Human Rights Watch, an organization made of five regional divisions -- Africa Watch, Americas Watch, Asia Watch, Helsinki Watch and Middle East Watch -- and the Fund for Free Expression. Its Chair is Robert L. Bernstein; Vice-Chair, Adrian W. DeWind; Executive Director, Aryeh Neier; Deputy Director, Kenneth Roth; Associate Director, Gara LaMarche; Washington Director, Holly Burkhalter; California Director, Ellen Lutz; Press Director, Susan Osnos; Counsel, Jemera Rone; Joanna Weschler, Prison Project Director; and Dorothy Q. Thomas, Women's Rights Project Director.