

# Evidence for History's Judgment

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*Justice, an equality of merit,  
the respectful treatment of mankind, full equality  
before the law: all this is revolution.*

José Martí

Anyone who says he knows something about the process Cuba has undergone in the last fifty-four years should examine Fidel Castro's defense declaration during his trial for assaulting the Moncada and Carlos Manuel de Céspedes barracks in 1953 (published as *Las historia me absolverá* [*History Will Absolve Me*] in 1954), and contrast it with the actual facts since his rise to power in 1959.

Among the numerous, possible solutions to the country's ills at the time, the criticism and proposals within said declaration served to establish the identity of the social movement that put an end to the dictatorship of Fulgencio Batista on January 1<sup>st</sup>, 1959.

After the revolutionary triumph, most Cubans saw the way clear for them to enjoy human rights, something that many had not seen as satisfactorily available to them prior to then. Among these rights were access to health care, education and adequate housing. Expected, too, among the promises born of this declaration, was the disappearance of problems such as governmental corruption,

politicking, and abandonment of agricultural lands.

In 1961, the government announced itself to be socialist without ever having consulted the populace. It publicly rejected the underpinnings and proposals written into said declaration by Castro himself, and embraced by a social movement that involved youth from the Centennial Generation. It was a formally declared act of betrayal.

## *Violation of Procedural Guarantees*

Said declaration begins with the complaint: "[as] an attorney, I have not even been able to see the legal brief," yet throughout nearly half a century as Cuba's leader, and even after his brother replaced him, many defense attorneys confirm that they were only able to gain access to their clients' files moments before their trials. An internationally known example of this took place during the Black Spring (2003), during which 75 peaceful dissidents were arrested and tried. All their procedural rights were violated.

In his dual position as attorney and accused in the trial about the attacks on the barracks on July 26<sup>th</sup>, 1953, Castro complains: "Today is my 76<sup>th</sup> day in solitary and I am to-

tally and absolutely incommunicado, despite all the human and legal guarantees.”

These “human and legal guarantees” are still ignored in the case of hundreds of prisoners, especially political ones, who are held in punishment cells “entirely and totally incommunicado.” This is what happened to Orlando Zapata Tamayo almost to the moment he died, on February 23, 2010, 86 days after starting a hunger strike to demand better prison conditions.

The above-mentioned attorney-accused was referring to his trial’s second session, on September 22, 1953, labeled a stupidity because the government had allowed the presence of “a lot of observers in the sessions,” among them “members of the press, intellectuals from all over Cuba, and opposition party leaders.”

This “stupidity” has never once been repeated in the trials of most dissidents and oppositionists who have been tried in the last fifty years. There has been controlled access to them: a few family members and, quite rarely, other oppositionists or dissidents involved in the struggle. Meanwhile, the galleries are filled with diehards who often don’t even know the accused, and members of the repressive forces, to offer up an artificial image that the trials are open to the public.

Regarding “the very same first and second sessions of his trial,” Castro himself complains: “a praetorian guard was assigned to stay at his side to keep him from speaking to absolutely anyone, not even during recesses.”

I was able to confirm that State Security did the very same thing to my biological brother and brother-in-arms Lázaro González Valdés, when he was tried in 1996 for his participation in the attempt to unify the opposition in *Concilio Cubano*. It also happened during the trials of Juan Francisco Monzón

and Lorenzo Páez, at which I was present. I know of many more trials at which similar violations took place, according to prisoner testimonies and the few families present.

The accused said: “I remind you that your procedural laws establish that the trial be oral and public; yet, the public has been completely barred from entering this session. Only two intellectuals and six journalists whose newspapers’ censors will prohibit the publication of even one word.”

It seems as though time had frozen in 1953. Trials are still not open to the public and censorship keeps blocking the media, whose personnel work in the only positions officially allowed now.

The application of the socially dangerous, pre-criminal stereotype has brought about the sentencing of thousands of Cubans who have committed no crime at all; they are assumed to be able to commit them, according to the totally subjective criterion of the repressive forces. Many peaceful oppositionists have been taken out of circulation under this pretext to hide the political nature of their sentencing.

This has been constant under the Castro brothers’ government, despite the fact that the older of the two declared during his trial of errors: “it is a principal part of penal law that the accused has to perfectly match the criteria for the kind of crime of which he is accused, by law. If there is no directly applicable law to the controversial issue at hand, there is no crime.” It is legally valid to apply only unfounded opinion of a repressive agent to establish a “controversial issue”?

Castro included in his defense that the article being used against him was not applicable, since he and his followers were not promoting “an armed uprising against the State’s Constitutional Powers.” This is only applicable in “a republic ruled by a Legisla-

tive Branch, an Executive Branch and Judicial Branch that balanced each other out and checked each other.” That was not the case under the dictatorship of Fulgencio Batista after the 1952 coup.

One might ask one’s self whether or not these three powers are truly separate in Cuba after 1959? Why does current procedural law still include “an attempt against the State’s Power” if in reality they are constitutionally subordinated to decisions made by the one and only party, and “highest leading forces in society and the State,” which in turn are subordinate to the Secretary General, first Fidel, and now his brother, both of whom simultaneously have been presidents of the State Council and Ministers?

In the Cuban case, it is important to repeat what Fidel said during that trial about the independence of the judiciary, which internationally is considered normal with regard to human rights: “I won’t even say anything about the independence of the Judiciary Branch since March 10<sup>th</sup>, because I am not in a joking mood...”

To summarize, the facts show that no gains have been made regarding procedural guarantees or due process of law during the Castro brothers’ years of government. In fact, ground has been lost, even when compared to the situation under the Batista dictatorship.

*“A soldier is made of flesh and bone”*

Castro’s declaration includes an analysis of the army whose barracks he directed his attack in an attempt to destroy the Batista dictatorship and take power so he could bring the socio-economic program he designed to fruition.

After refusing to allow “military experts to participate in the development of his plan”

and declaring it was elaborated by young people lacking military experience but with sufficient patriotism, Castro explained details about the entire organizing process, development of war activities and alternate plans. These last ones included, among other things, to “simply hold all high officials under house arrest, which was rejected, after humane consideration, to avoid tragic scenes and fights within family homes.”

That “humane consideration” has been totally absent from repudiation meetings against those whose only desire was to leave the country in 1980 via the Mariel boatlift, and even today, against peaceful dissidents, during which diehards, induced and aided by repressive, State agents soil home entrances and shout terrible offenses, stone and even beat right in the presence of old and child family members and neighbors. Are these not “scenes of tragedy and struggle in family homes”?

About the republican army, Castro affirmed: “Soldiers are made of flesh and bones, think, observe and feel... If he is asked his opinion, he will say he cannot share it; but that doesn’t mean he doesn’t have one. The very same problems that affect the entire citizenry affect him too.” This is at the root of all the privileges that officers in the military were given, especially in the Interior Ministry, as a way to keep them from suffering, or at least to mitigate “the same problems that the rest of the citizenry endure.”

As it is still the case that “[each] family is an unavoidable point of contact between him [the soldier] and the citizenry, and the current and future situation the society is enduring,” it is understandable that there are exclusive, residential areas, numerous, low cost, recreational complexes, when compared to the rest of the population,

and other mechanisms for isolating officials and their closest family members from “the people.”

Castro said at his trial: “the purpose of the military parades and exhibits of military equipment was to foment a myth and create in the citizenry a sense of complete impotence.” Yet, despite this, “no weapon, no force is capable of defeating a people that decides to fight for its rights.” This last statement is important for human rights defenders in Cuba, who do not quit despite the excessive use of resources and force by repressive forces. It also explains why the very same repression cannot stop the informal market, sacrifice and profitable abaction, rerouting of resources to State concerns, secret departures from Cuba and other evidence of contradictions between official policies and their consequences.

### *A working definition of “the people”*

In properly understanding how he defined the concept “the people” in his declaration, attorney Castro excluded “the comfortable and conservative elements in Cuba, those who are fine with any repressive regime, dictatorship, and prostrate themselves before the master of the day to the point they bang their heads on the floor in doing so.” The same can be said of those in the power elite today, and their followers. They, too, are excluded from the definition of “the people.” One of the most common causes of discontent among the population is this group’s standard of living, a situation akin or even worse than that of the bourgeoisie and oligarchs from before 1959, when compared to the generalized poverty endured by common citizens, be they active workers or retirees from a life of creating wealth.

The folks who most resist the changes necessary to get the nation out of crisis, which

has lasted more than 20 years, are the very same well-off, comfortable people who underestimate what Martí warned about how “the imaginative cedes its scepter to the intelligent; the possible takes over from what was before only dreamt about: the practical imposes itself on our times with a fatal and powerful arrogance.” This is so thanks to the “insidious preaching we got from the European socialists, who forget that no triumph is definitive if it is devoid of common sense or balance of human rights.” Isn’t it the case that those gentlemen who call themselves revolutionaries are really conservatives? For this group excluded from the definition of “the people,” being unconditional is a sine qua non for rising or remaining at the highest levels of the societal pyramid. Only those who prostrate themselves “before the master of the day to the point they bang their heads on the floor” have the possibility of enjoying the sweetness of power and its byproducts that are only tossed to those at the lowest level in the hierarchy of militarized power.

The same definition can be applied today to thousands of Cubans who are jobless or are paid the lowest salaries for the jobs they do have, and wish they could “earn their bread honestly, without having to leave their country to find sustenance.” Yet, because this is not possible, they desperately leave in search of honest work in other lands.

That is what millions attempt to do as state aid workers, in private employ, by entering marriages of convenience, making furtive escapes in flimsy crafts, during family visits during which they work for terrible wages, and other dignified forms of “getting by”, thus avoiding descending to or being trapped by the general network of corruption and illegalities so common in Cuba today. Castro included in “the people” the “500,000 agri-

cultural workers... who had not even an inch of land to sow” and who with their families lived in abject poverty. Today, many of these workers are still living in extreme poverty and suffering delays on payments they are owed for work done. In some cases, weary, collective protests have brought about interventions by high-level, regime leaders. Those who earn wages in agriculture are better off when they contract their services to private landowners. Yet, even this does not earn them enough to cover their basic needs, given the cost of living and devaluation of the national currency used to pay them.

Castro added to his definition of “the people”: “the 400,000 industrial workers and laborers... whose victories are being undermined... and whose salaries are going from the bosses to the moneylenders.” The multiple gains of these workers before and up till 1959 have disappeared. There has been a systematic and institutional violation of workers’ rights and the Organization of International Labor’s norms, particularly its Agreements 87 and 98, despite the fact Cuba is a State Member. Salaries do not cover the dignified survival of workers and their children, as even the government has acknowledged. The total payout goes from the State’s hands, back to the State, which is lord and master of the lives and homes of all its citizens.

The 100,000 “small agricultural workers that live and die working land that is not theirs” of which Castro spoke have grown in number. Lands today are leased and not sold, as the declaration promised. “Like feudal serfs,” lessees today “have to pay part of their production for their parcels.” This part of “the people” is also waiting for the unfulfilled promises to be kept.

Most Cuban teachers and professors keep on being “selfless, sacrificing and necessary to

the better destiny of future generations. Yet, they continue to be mistreated and ill paid to the point that when the so-called Special Period in Times of Peace began, which has lasted till now, they began to leave the profession for better paid jobs or leave the island, losing their profession and the ethical character that characterized pedagogues during the republican period and the revolution’s early years.

To cover the deficit brought about by the low salaries, deficient working conditions and almost non-existing, social acknowledgment, the regime began to accept into its educational system people with no vocation, aptitude or dedication for teaching. This nearly caused the system’s collapse, as the educational shortcomings of today’s generation reveal. They are so obvious, the government felt compelled to officially acknowledge them.

As in the areas of healthcare, sports and other specialties, the intrusion of politics and ideology in the outlining of their goals, strategies and actions conditions the deficiencies and creates effects contrary to those sought by the dominant political class in almost all cases. They are detrimental to the interests and needs of the governed.

Castro considered “...young professionals: doctors, engineers, lawyers, veterinarians, teachers, dentists, pharmacists, journalists, painters, sculptors, etc.,” part of “the people.” These are the people who would earn their degrees and be anxious to fight, full of hope. Yet, what really happened was that they found themselves on a dead-end street, with all doors closed to them, and the authorities deaf to their cries and supplications.” There are thousands of university students and mid-level technicians and even qualified workers who have jobs that have nothing to do with their specialties after they graduate. Lately, official rhetoric insists upon a need to gradu-

ate the number of specialists truly needed in certain fields in each location.

The imposition of political goals to achieve high numbers of students and graduates at different levels often ignores the real vocation, aptitude and desires, which turns the educational system into something like a production line, a place to facilitate opportunities to satisfy individual and social needs in appropriate measure.

Only the vocation of those individuals' decisions, an educational system that offers equal opportunities according to each person's abilities, and labor conditions promoting specialties lacking in any given region can turn around this social decline in education and give it value added. What is happening now is simply expensive, official, window dressing.

### *Restoration of sovereignty and the 1940 Constitution*

Of the five revolutionary laws "that would be proclaimed immediately after taking control of the Moncada barracks and divulged over national radio," the first one "returned sovereignty to the people and proclaimed the 1940 Constitution as the State's supreme law."

After the rise to power of the leaders of the Moncada barracks' attackers, sovereignty continued missing because Cuba became a satellite of the Soviet Union. The country was without a supreme law till 1975, when the socialist constitution was proclaimed, which made explicit this condition.

The second revolutionary law ordered that property deeds be transferred to those who worked the lands. At the beginning of the revolution, the transfer of lands became a moot point with the creation of Soviet-style,

state farms and cooperatives that kept agricultural workers subordinated to the great, State bureaucracy and lacking any real autonomy for decades, despite changes in the names of these entities.

Since then, what emerged was a State monopoly of the land, and distribution of what little it produced. After the collapse of the Soviet Union and loss of subsidies that kept up an appearance of productivity, the country was filled with *marabú* brush, from one end to another.

According to the third law, the right of workers and employers to "receive 30% of the profit made by all heavy, mercantile and mining industries, including sugar centrals" would be acknowledged. The only exception was agricultural concerns. When all the large companies and centrals came under State control during the early years, and mid-sized and small ones too, after the 1968 Revolutionary Offensive, the country's entire productive apparatus, and workers' and employers' earnings were limited to salary only. After the loss of Soviet subsidies, salaries lost their purchasing power because of the high cost of all things necessary for subsistence. The situation became even worse by a reduction in social welfare services, known here as gratuities.

The fourth law was never applied after those who would benefit from it disappeared, as a consequence of forms of production were nationalized and passed to State control, including the sugar concerns. The fifth and last of these laws was applied, when "all the embezzlers' properties were confiscated." It actually went beyond that, and was applied to many who had obtained their goods through hard, honest work, like most of the property owners who lost their goods during the Revolutionary Offensive, as well as all those who definitively left the country till 2013.



After announcing the five laws that he proclaimed after taking power, Fidel Castro detailed “the six points whose solution would begin immediately, by dint of our efforts; the same being true of ensuring public freedoms and political democracy.” The problems pointed out were: “The problem of the land, industrialization, housing, unemployment, education and public health-care.”

It is noteworthy that the race problem, which has affected the nation since its origins, and is still quite latent, was not considered in Fidel Castro’s analysis of Cuban society in the middle of the twentieth century. What reason did he have for not including it as one of the country’s most significant ills, one that gets worse and worse for many?

Subsidies from the Socialist camp allowed the resolution of only some problems, e.g., universal healthcare and education. Yet, this was at great sacrifice of fundamental rights and freedoms, e.g., the right to own property and participate in government, freedom of expression, association, religion and movement.

### *Summary*

Over the last fifty years, the decisions of leaders, particularly those of Fidel Castro, have led Cuba down erroneous paths within a supposedly socialist framework. Ideological referents were proclaimed, but no one idea was fully followed. As with any equation, the Castro revolution has had variables and constants. The variables have been the ideas that have been upheld during different periods, some of which even contradicted each other. The only constant has been to unlawfully maintain the control of those in power at all cost, no matter who it hurt.

This explains the brusque changes in concepts and strategies whose common denominator is to maintain strict control over the population and abandon for the person who claimed to be inspired by the Apostle’s ideas and what he [Martí] declared: “Revolutions, no matter how individual they seem, are the work of many wills.”

In an attempt to finish off the peaceful opposition, Fidel Castro forgot his own words: “When men embrace one same ideal, nothing can break them down, not prison walls or the dirt of cemeteries, because one collective memory, one collective soul, one collective conscience and dignity inspires them all.”

As usual, many Cubans and foreigners participated in the July 26<sup>th</sup> festivities in 2013 without knowing or considering the tragedy represented by that date. They will also not know or take into account that the past ills that were criticized in the defense declaration or that under the Castro brothers’ government, they persisted and even increased. Neither will they know about the promises not kept, the dreams of so many of the fallen and survivors who were betrayed back then, like what happened to Mario Chanes de Armas, to cite only one famous example, despite the fact he saved Castro’s life during the assault on the Moncada barracks.

Will Cubans continue to follow supposed social luminaries or will they firmly grab on to a future of viable ideas adjusted to our own special character, culture, tradition and historical teachings? Will they take into account Martí’s warning: “an authoritarian society is, of course, one based on the notion—sincere or fraudulent— of human inequality, one that requires that those who are denied rights, primarily for the benefit of those in power and to please those who deny those very rights,

must fulfill their social responsibilities? Will this consider this vestige of a brutal State?

The answers to these questions, answers that are more actions than just words, will determine if the future will continue to suffer the effects of the past ills that persist and others that surfaced in the last fifty years. Officialdom has criticized them with conveniently, limited words, but has not solved these problems for everyday Cubans.

The judgment history will tell—with evidence—of the contradictions between

what the young attorney declared and what the proclaimed Commander in Chief and his followers actually did. That evidence contains what was criticized but not eradicated, promised but never delivered, untold injustices, evils that persist even today, right along side those that surfaced during the last half century. The guilt is more than demonstrated. If there is justice, the absolution assured he deserved from history at the end of his declaration will also not come to be. *History will condemn him.*