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DANGEROUS DIALOGUE REVISITED

Threats to Freedom of Expression Continue
in Miami's Cuban Exile Community

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INTRODUCTION

In 1992, Human Rights Watch released a report documenting instances of harassment and intimidation against members of the Miami Cuban exile community who expressed moderate political views regarding the government of Fidel Castro or relations with Cuba. Titled "Dangerous Dialogue: Attacks on Freedom of Expression in Miami's Cuban Exile Community," the report found the community to be "dominated by fiercely anti-Communist forces who are strongly opposed to contrary viewpoints," and linked these forces with acts of repression ranging from shunning to violence. In addition to intimidation by private actors, the report found significant responsibility by the government at all levels, including direct harassment by the government, government support of groups linked to anti-free speech behavior, and a persistent failure to arrest or prosecute those responsible for violent attacks on unpopular speakers.

Release of this report sparked considerable controversy within the Miami exile community. Victims of harassment were gratified to see documentation of the repression against them, while hard-line anti-Castro forces accused Human Rights Watch of political bias.¹

Human Rights Watch has continued to monitor free expression in Miami and has noted some improvements, particularly in the apparent diminution of direct government involvement or complicity in repressive activities. Overall, however, the atmosphere for unpopular political speech remains marked by fear and danger, while government officials maintain a conspicuous silence in the face of threats to free expression.

This danger became manifest in late April 1994, following Havana's "The Nation and Emigration" conference. As detailed below, Miami residents who attended the conference returned home to find themselves besieged by death threats, bomb threats, verbal assault, acts of violence, and economic retaliation. Human Rights Watch decided to revisit Miami.

"THE NATION AND EMIGRATION" CONFERENCE

This conference, held the weekend of April 22-24, 1994, in Havana, was the first meeting of Cubans-in-exile and the Cuban government since 1978. It was sponsored by the Cuban government, which selected and invited the more than 200 Cuban exiles who attended. Exiles from twenty-nine countries were present at the conference, although the majority of participants were from the Miami area. Those who attended represented a wide range of political and economic interests, some sympathetic to the Castro regime, others strongly opposed.²

¹ In regard to this charge, we note that Human Rights Watch has reported extensively on human rights abuses in Cuba, issuing eleven reports on the subject since 1986 and sending numerous letters of protest to the Castro government in regard to human rights concerns. Our most recent report on Cuba, "Cuba: Repression, the Exodus of August 1994, and the U.S. Response," was released in October 1994.

² For example, while some participants overtly support the Castro regime, several others had previously participated in paramilitary operations against Castro's regime, been imprisoned under Castro, or had family members who were imprisoned under Castro.

The conference was preceded by a great deal of publicity in south Florida, including news stories, editorials, and interviews. By most accounts, the atmosphere prior to the conference was relatively calm and open. There were some exceptions, including a pre-conference death threat sent to numerous people, participants and nonparticipants alike, in February 1994. Sent in the name of the paramilitary organization Alpha 66, the communiqué declared that anyone who visited Cuba, engaged in dialogue with Cuban authorities, or offered direct or indirect support to the government of Cuba would be considered "a military target and will suffer the consequences inside or outside of Cuba." Several recipients turned these letters over to the Department of Justice for appropriate law enforcement action, and the Federal Bureau of Investigation (FBI) may be investigating these threats.³ In addition, there was at least one bomb threat targeting the planes that flew participants from Miami to Havana. Airport security was heightened and the planes were checked for bombs.

The conference was closed to the press. A Sunday evening reception with Castro, however, was filmed and later sold to Miami broadcasters by members of the Cuban government. By all accounts, it was the release and obsession with this film that sparked the wave of hostility against the participants. The film shows people greeting Castro, shaking his hand or kissing his cheek, and exchanging a few words. Magda Montiel Davis, a prominent Miami immigration lawyer who two years ago ran for Congress, was one of many who appeared on what quickly became known simply as "the video." Her appearance, in which she kissed Castro's cheek and said "thank-you for what you have done for my people, you have been a great teacher for me," became a focal point for the post-conference backlash against participants.

AFTER THE CONFERENCE: HARASSMENT AND INTIMIDATION

Returning participants were met by police and FBI agents at the Miami airport and escorted out a back way to avoid the angry crowd awaiting them. One member of the crowd, an alleged paramilitary member, said to a broadcast journalist, "I want them to look at death in the face."⁴ Two others, discovered with big bags full of eggs, were detained.

Once at their homes, many participants found their answering machines full of hate messages — including the epithets "communist," "traitor," "whore" — and continued to receive threatening calls throughout the night, including "Communist bitch we hate you" and "Get your ass back to Cuba." Several received death threats. Threats and insults by phone, letter and fax continued to be received over the next few days. Weeks and even months later, occasional threats continued to arrive. In September, a full four months after the conference, the office of participant Max Lesnick was bombed with two molotov cocktails (see below).

Harassment and punishment of participants has taken a variety of forms in addition to threats of death and bodily injury. Participants have been vilified repeatedly on local Spanish radio stations, yelled at while walking down the street or shopping, had their personal property vandalized and, in one recent case, been subjected to organized assault. Many live in fear and have greatly curtailed their activities, staying within the confines of home and workplace and venturing into public areas only when necessary. A few have invested in expensive security devices, including remote-control automobile starters, electronic surveillance, and security guards. Several carry weapons, including mace, guns, and razors.

An example of the public nature and scope of the censure is the following declaration by a local restaurant.

³ Citing official policy, the FBI has declined to confirm or deny the existence of an investigation into these threats. Human Rights Watch/Americas telephone interview with Miami-based FBI Agent Paul Miller, July 29, 1994. Because letters were mailed to persons residing outside of Florida, the threats violate both state and federal laws.

⁴ Human Rights Watch/Americas interview with conference participant Vivian Mannerud, June 2, 1994.

The Management and Employees of the Kawama Restaurant Declare that Participants in the Recent Conference in Havana are not Welcome in Our Establishment.⁵

In fact, conference participants are made to believe they are not welcome in south Florida generally, as the following examples of intimidation make clear.

Death and Bomb Threats

Magda Montiel has borne the brunt of the post-conference agitation. In addition to numerous calls insulting her — "dog," "whore," "Castro agent" — she has received several direct death threats. One caller described her funeral. Another told her to be sure to use a strong soap in the bath, one that "would wash off the blood." Death threats received by mail have included graphic pictures portraying her death. Two bomb threats were called in to her office. One day, as she left her office with her husband, Ira Kurzban, a small crowd attacked their car; police quickly intervened.

Many other participants also received death threats. Some, fearful for their security, have requested that their names be withheld.

⁵ This advertisement was placed in a local newspaper; a similar declaration appears on a highly-visible sign at the restaurant itself.

- Francisco Aruca, a prominent Miami businessperson and radio personality (he purchases several hours of airtime a week from a local station) received a fax that read: "Communist, vendepatria [homeland-seller], son of a bitch, pig, traitor and shit. Be very careful, as I think there are many who would like to see you dead."⁶
- Eddie Levy and Xiomara Almaguer-Levy, who are known for their active involvement in civic and philanthropic activities,⁷ were shown greeting Castro in both the video and the Miami press. They also received several threats. One telephone caller said, to Eddie, "We're going to take care of you; you'll be floating in the Miami River with flies in your mouth." Another telephone death threat was directed to one of their adult children, who had nothing to do with the conference or with local politics. He was told that they were going to kill his mother, and that "the blind man [Eddie is blind] won't be able to save her." The son was told that he would be killed as well.⁸
- Another participant, a member of *Profesionales y Empresarios Cubano-Americanos* (PECA),⁹ received numerous threatening and insulting calls, including one from a man named "Octavio," who called her a whore and said, "you're going to pay, you're going to pay a very high price... you'll see what will happen to you and your family... we're going to take care of you."¹⁰

In addition to this threat, two bomb threats were called in to this woman's office. In one, the caller claimed to be a member of the 2506 Brigade, the exile force that participated in the 1961 Bay of Pigs invasion. In the other, the caller claimed to be a member of Alpha 66, the paramilitary organization formed in 1961 with the purpose of toppling Fidel Castro. The bomb threats, one of which was investigated by the police, prompted the resignation of the office secretary, as well as the secretary subsequently hired to replace her.

This participant has already suffered a significant loss of clients, and prefers to remain unnamed in order to avoid further harassment or loss of business.

⁶ Copy of facsimile sent to Francisco Aruca, dated May 31, 1994.

⁷ In 1992, they founded the Cuban American Defense League, intended as an alternative to the hard-line sector of the exile community. In September 1993, they founded Jewish Solidarity, a humanitarian group that gathers and delivers food and medicine to Cuban Jews. After their participation in the April conference and the subsequent publicity, contributions to and involvement with Jewish Solidarity dropped sharply and their accountant resigned, saying the work was "too controversial."

⁸ Human Rights Watch/Americas interview, June 1, 1994.

⁹ PECA, formed in 1993, is a professional association of businesspeople who favor an end to the U.S. trade embargo against Cuba. It has frequently come under attack by anti-Castro forces, particularly on some of the local Spanish radio stations (see "The Role of Radio," below).

¹⁰ Human Rights Watch/Americas interview, June 3, 1994. The victim of this threat requested anonymity.

- Fifty-eight-year-old Emelia Fernández and her thirty-one-year-old daughter Irene, both of Key West, are well-known in their community for their humanitarian work on behalf of Cuban rafters who are stranded in the United States.¹¹ Both mother and daughter appeared on the conference video and were interviewed by Miami and national media. They have been subjected to a variety of harassment since returning from the conference, including death threats. Threats against Irene were called in to her workplace and intercepted by her supervisors. The threat against Emelia occurred during an act of public censure (described below), when a member of the group pointed a finger in her face and said he was going to kill her and Castro too.¹²
- Another participant, who asks to remain unnamed, received a call telling her she would be blown up.¹³

The Bombing of *Réplica* Magazine

Early on the morning of September 6, 1994, unknown assailants bombed the offices of *Réplica* magazine with two molotov cocktails. One of the homemade bombs ignited on the doorstep; the other landed on the roof of the building and did not ignite. Police officers arrived and extinguished the flames, and the police bomb squad deactivated the unexploded bomb.¹⁴

Max Lesnick, who has published *Réplica* since 1967, attributed the bombing to his participation in the "Nation and Emigration" conference in April. Mr. Lesnick does not consider himself to be a political activist, and *Réplica* does not address the issue of U.S.-Cuban relations. Nonetheless, he is well-known in the exile community as an independent voice and has publicly stated his support for opening a dialogue with Cuba. Mr. Lesnick appeared on the video tape of the conference that was aired on Miami television, and after returning from Havana he was vilified by local radio personalities several times. Although it came several months later, the bombing did not surprise him. "The purpose of the bombing was to strike fear in others, to intimidate them," he told Human Rights Watch. "They know it will not make any difference to me." This was the first physical attack against *Réplica* since 1980, when it was bombed twice, and the first bombing in Miami since 1990, when a bombing of the Cuban Museum of Arts and Culture caused \$20,000 worth of damages.¹⁵

Verbal Assault

Numerous participants have been verbally assaulted when recognized in public spaces. One woman, an African-Cuban who travelled to the conference with her son, reported being accosted by strangers three times since returning from Havana. Once she was warned, menacingly, that she should only go out *con protección* (presumably a bodyguard or a gun). Another time she was told, in the supermarket, that everyone who went to Cuba should be shot; the third incident also occurred in the market, when she was told she was a traitor and should die. Many others reported similar incidents.

¹¹ See Sarah Hollander, "Havana conference trip has led to threats, women say," *The Citizen* (Key West), May 10, 1994.

¹² Human Rights Watch/Americas interview, June 4, 1994.

¹³ Human Rights Watch/Americas interview, June 2, 1994.

¹⁴ Human Rights Watch/Americas interview with Max Lesnick, October 2, 1994, and Oscar Musibay, "Arrojan bombas a la revista *R·plica*," *El Nuevo Herald*, Sept. 5, 1994.

¹⁵ See Human Rights Watch, "Dangerous Dialogue," (New York: Human Rights Watch, 1992), p. 11.

One month after the conference, Emelia and Irene Fernández of Key West were subjected to an apparently premeditated group assault, when a crowd of about 15 Cuban exiles from Miami stopped by Emelia's coffee shop, the Cuban Coffee Queen, and began assaulting them with profanity and insults — "communist," "*tortillera*" [derogatory term for lesbian], "*chancletera*" [derogatory term for poor person] and so on. They were accused of "whoring for Castro." This action was carried out in the restaurant at lunch hour, causing several customers to walk out. They have also received extremely derogatory letters.¹⁶

According to the *Miami Herald*, another participant said she was beaten by three men in a laundromat, who shouted "traitor" as they hit her.¹⁷

Act of Repudiation

The most extreme incident of public censure occurred more than two months after the conference. Ironically, it took the form of an "act of repudiation" (*acto de repudio*), a concept borrowed from Castro's Cuba, where it refers to officially-sponsored protests in which a mob assembles around the home or person of a suspected "counterrevolutionary" and demonstrates its loyalty to the government by shouting insults and revolutionary slogans.

On June 24, 1994, conference participant Emilia González went to have her hair done at the Cadris Hair Design salon in Miami. She was accompanied by two grandchildren, ages eight and six. Everything seemed normal, and Ms. Gonzalez sat for her hair cut. Toward the end of her appointment, however, several women came in to the salon, shut and locked the door and, together with the salon employees, proceeded to shout and hurl insults at Ms. González— "Communist, traitor, get out of Miami!" Several held signs: "If you like Fidel so much, go live in Cuba," and "Only vermin like Fidel will kiss Fidel," She was struck by at least two people, hit on the arms and face. All of this occurred in the presence of her grandchildren. Eventually, Ms. González escaped with the children through a back entrance. Extremely distraught and worried about her high blood pressure, the elderly Ms. González sought medical attention.

The employees claimed to have recognized Ms. González from the video, where she is seen kissing Castro at the final reception.¹⁸ Those and others aggressors in the incident, including clients of the salon, displayed no remorse to journalists. "It gave her a good scare and an act of repudiation," said one. "How could she come get her hair done where everybody spurns her," said another. "We all condemn her."¹⁹

Vandalism

In addition to the bombing of *Réplica* magazine, numerous acts of vandalism may be directly attributed to participants' involvement in the conference. Emelia Fernández's restaurant, the Cuban Coffee Queen, was spray-painted across the front with the word "communist" in tall red letters. A Miami participant had her car windows smashed in, as did the son of another participant. Another participant's eighty-six-year-old mother was terrified by the sudden siege of her house one night, as it was pelted with eggs from all sides.

Economic Reprisals and Blacklisting

Several participants reported economic damage to their business, as clients have left due to disapproval of their politics, fear of association with them, or pressure from outside forces. One entrepreneur lost 95% of his business within two weeks of his return. Desperately worried about how he will support his family of five, he asked to remain

¹⁶ Human Rights Watch/Americas interview, June 4, 1994.

¹⁷ Alfonso Chardy, "Exiles ostracized: Conference participants experiencing threats, attacks," *The Miami Herald*, May 14, 1994.

¹⁸ See Cynthia Corzo, "Customer lambasted in beauty salon for kissing Castro at April conference," the *Miami Herald*, June 25, 1994.

¹⁹ *Ibid.*

unnamed in this report, for fear of losing his remaining few accounts. Another businessperson is facing imminent bankruptcy, after ten years of a successful business.

Other economic reprisals were reported by the *Miami Herald*, including:

- A bank executive who claimed that some of his exile clients closed or threatened to close accounts in protest;
- An office employee who claimed that her bosses fired her for fear that her presence could invite terrorist attacks.²⁰

Many people interviewed by Human Rights Watch cited blacklisting as a bigger concern than personal violence. They mean this to refer not only to loss of business as described above but also, more systematically, to a denial of access to broad sectors of employment, particularly public sector work. They allege that government positions and contracts at all levels, but especially at the state, county, and local level, are awarded and denied on the basis of political viewpoint and activity. Moderate voices and others who publicly favor dialogue with Cuba are likely to be blacklisted for public sector work, according to these sources. Human Rights Watch has not yet investigated these allegations.

THE ROLE OF RADIO

The hatred against those who favor dialogue with Cuba is fed by a few powerful local Spanish radio stations, in particular "Radio Mambí," "La Cubanísima," and "Radio CMQ." Radio-sponsored intolerance is seen in the following examples, reported to Human Rights Watch by numerous Miami residents.

- The identification of conference participants by name and reference to them as "communists," "agents of Fidel," "mercenaries," or "spies for Cuba";
- listener-participation programs in which callers are permitted to defame participants as "dogs," "whores," "faggots," or "traitors";
- a program in which both the broadcaster and callers recommended that participants be denied business services and evicted from their business premises; and
- an invitation to listeners to call in and vote as to which participants deserved to have an act of repudiation carried out against them.

Vituperative radio broadcasts are not isolated events. In the days after the Havana conference, for instance, Eddie Levy and Xiomara Almaguer-Levy were vilified by name on the radio at the rate of four or five editorials a day, while the attacks against Magda Montiel were essentially non-stop.

In our 1992 report, Human Rights Watch noted that the most powerful Spanish-language radio stations "unquestionably contribute to a more repressive climate for freedom of expression." That this remains unchanged was confirmed not only by the above examples but also by the comments of sources representing a variety of political views, whose only point of agreement with each other is perhaps in regard to local radio, which they described as "living hatred," "a cave of vipers," and "radio terrorism."

THE RESPONSE OF THE GOVERNMENT

²⁰ Chardy, note 17.

Law Enforcement

Participants who have been victims of attack are generally satisfied with the response of local and federal law enforcement agents. Surveillance has been increased around victims' houses and investigations into some of the death and bomb threats are under way.

At the same time, and despite the apparently positive response of law enforcement, the complete lack of arrests in connection with these violent incidents has led many victims to question the seriousness with which these crimes are being investigated. This frustration is particularly acute in regard to the Alpha 66 death threat, which was received by dozens of people (see page 2). Federal agents refuse to divulge information as to the prior or current existence of an investigation, leaving threat recipients to rely on rumor and occasional bits of unofficial information. Some say they have reason to believe that the federal inquiry ended after only a cursory investigation. Despite repeated calls to the FBI and the U.S. Attorneys' offices in Miami and Washington, D.C., Human Rights Watch has been unable to confirm either the existence or status of a federal investigation.

Government Leaders

Government involvement has been less overt than in recent years, but troubling nonetheless. Two elected officials made potentially inflammatory statements in the wake of the conference. Miami City Commissioner Pedro Reboredo described as "heroes" five people who quit working for Magda Montiel after a bomb threat was called in to her office. He also offered them jobs and encouraged them to apply for government positions. Representative Lincoln Diaz-Balart, meanwhile, sent a letter to Janet Reno asserting that some conference participants should be registered as foreign agents; this assertion was disseminated widely to the media.²¹ These responses demonstrate a profound insensitivity to the rights of conference participants and others to freedom of expression and political belief. Such insensitivity is particularly inappropriate when originating with government officials, given their duty to uphold First Amendment rights.

Of broader concern than these troubling statements, however, is the complete failure of all government officials to speak out in defense of free speech. To our knowledge, not a single leader at the local, state or national level has spoken out on behalf of the besieged conference participants, nor urged a concerted investigation into this wave of threats and intimidation. This apparent indifference may explain, to some measure, law enforcement's failure to arrest and prosecute anyone in connection with these crimes.

The right to hold political views of one's choice, the right to free expression, the right to disagree with the powerful anti-Castro forces of Miami — these are basic constitutional rights in the United States, yet no civic or governmental leader seems eager to support them. This silence contributes substantially to the climate that allows these abuses to pass unchallenged, feeding the aggressors' sense of impunity and the targets' sense of fear and isolation.

²¹ Letter from Representative Lincoln Diaz-Balart to Attorney General Janet Reno, date April 26, 1994.

CONCLUSION

The overall climate for free expression remains essentially unchanged in Miami: only a narrow range of speech is acceptable, and views that go beyond these boundaries may be dangerous to the speaker. Government officials and civic leaders have taken no steps to correct this state of affairs.

The lack of evidence of direct government involvement in suppressing certain viewpoints is a significant improvement since the 1992 Human Rights Watch report, but it is far from adequate. It is not enough that the government refrain from violating the First Amendment — it must take affirmative action to actually *protect* the First Amendment and those who exercise their First Amendment rights. In this respect, local, state, and national leaders have failed. We urge them to end their silence, and to begin to protect the rights of all south Florida residents.

* * *

This report was researched and written by Lee Tucker, staff attorney with the Human Rights Watch Free Expression Project.

Human Rights Watch/Americas (formerly Americas Watch)

Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote the observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East and among the signatories of the Helsinki accords. It is supported by contributions from private individuals and foundations worldwide. It accepts no government funds, directly or indirectly. Kenneth Roth is the executive director; Cynthia Brown is the program director; Holly J. Burkhalter is the advocacy director; Gara LaMarche is the associate director; Juan E. Méndez is general counsel; Susan Osnos is the communications director; and Derrick Wong is the finance and administration director. Robert L. Bernstein is the chair of the board and Adrian W. DeWind is vice chair. Its Americas division was established in 1981 to monitor human rights in Latin America and the Caribbean. José Miguel Vivanco is executive director; Anne Manual is deputy director; Raphael de la De Hesa, Sebastian Brett, Robin Kirk, and Gretta Tovar Siebentritt are research associates; Joanne Mariner is the Orville Schell Fellow; Stephen Crandall, Vanessa Jiménez, and Tuhin Roy are associates. Peter D. Bell is the chair of the advisory committee and Stephen L. Kass and Marina Pinto Kaufman are vice chairs.

Human Rights Watch Free Expression Project (formerly the Fund for Free Expression)

The Free Expression Project was established in 1975 to explore the relationship between censorship and global social problems and to document and oppose curbs on freedom of expression. Gara LaMarche is the director; Lee Tucker is the staff attorney; Marcia Allina is the program associate; Lydda Ragasa is the associate. Roland Algrant is the chair of the advisory committee and Peter Osnos is the vice chair.