

L U I S  
P O S A D A  
C A R R I L E S

Notes from a Tribunal



a publication of the  
national lawyers guild



Luis Posada Carriles:  
Notes from a Tribunal

This booklet is a transcription from a panel held on October 7, 2008 at New York University Law School in New York, NY. The event was sponsored by the National Lawyers Guild, the NLG New York City Chapter and the NLG NYU Law School Chapter.

Cover design and interior layout: Paige Cram

National Lawyers Guild, Copyright © 2009

# Preface



by Heidi Boghosian

**T**he United States’s anti-terrorism agenda has failed abysmally on a number of fronts, and in many instances has violated the rule of law. The case of self-admitted terrorist Luis Posada Carriles is testimony to such a failure; it reveals a glaring hypocrisy in how the government decides whom to prosecute. Longstanding animus toward Cuba informs such decisions: on the one hand the U.S. prosecutes nonviolent acts by five Cuban nationalists who turned over to the FBI volumes of evidence of U.S.-planned violence against Cuba, while on the other hand it allows Posada Carriles, a perpetrator of real terrorism against that island nation, to walk with impunity through the streets of Miami. In each case, anti-Cuba bias has resulted in grave miscarriages of justice that have spurned outrage internationally and domestically.

Ever since April 2005 the Bush administration—and now the Obama administration—has permitted Luis Posada Carriles to reside in the United States. Posada engaged in terrorist acts including, while a CIA operative, the bombing of Cubana de Aviación Flight 455, which killed 73 innocent civilians on October 6, 1976. Official FBI and CIA documents, declassified in May and June 2005, confirm Luis Posada Carriles’s guilt. Posada confessed to his crimes against humanity in his book, *The Road of the Warrior*, and to at least one reporter, as you are about to read. A court filing by the U.S. Justice Department described Posada as “the admitted mastermind of terrorist plots and attacks.” He was arrested and convicted in Venezuela for the airline bombing, and served nine years in prison while facing charges of plotting the bombing. He escaped from prison in 1985 with assistance from anti-Cuban extremist groups in Florida. Despite pressure to deport him to Venezuela, Posada Carriles remained for a while in “immigration detention” for unlawfully entering the United States from Mexico until a federal judge dismissed that indictment in 2007. He has since lived in Miami, although he still faces

National Lawyers Guild

immigration and perjury charges and a separate criminal case in New Jersey that connects him to a campaign to bomb Cuba in the 1990s. Venezuela demands his extradition, but the Justice Department is refusing to proceed with his extradition, violating at least three treaties that are critical in any sincere fight against terrorism.

The National Lawyers Guild is proud to publish the proceedings of a forum held in late 2008 at New York University Law School. We hope this document will help to educate the public about the crimes of Posada Carriles and about this nation's overt support of terrorists whose viewpoints and actions further its political agenda.

# Introduction



by Michael Steven Smith

It's nice to see all of you. I went to law school here initially before I transferred out in 1964 and I can tell you that a large crowd like this is much more than we would have gotten in '64 at a similar event. Back then, we found out that New York University Law School was banking at Chase, which was underwriting school bonds in the south for segregated schools, so we called a demonstration in front of the law school and three people came. So things changed here and it's good to see it.

I'm going to introduce the speakers, but before that I have a couple of comments.

Michael Ratner and I wrote a book a few years ago called *Che Guevara and the FBI*. More accurately, it should have been called *Che Guevara and the CIA*. Michael got the CIA dossier on Che, but he got it through the FBI. I want to make reference to that in a second.

Before that I want to go back and put this program in context, all the way back to New Years Day 1959 when the Cuban revolution triumphed and the revolutionary fighters led by Fidel and Che marched into Havana and stayed at the Hilton Hotel. They renamed it the Habana Libre. It still exists; it's a nice old '50s monument.

They stayed there and they began the process of transforming Cuba. The first law they passed was to allow Fidel to become president because he was only 32 years old. The second law was to make Che a citizen because he was from Argentina. The third law—and this is where it all began—was the great agrarian reform act. What they did was to redistribute the land to the poor *campesinos* who actually farmed it. They said to the owners of the land, which was mainly the American foreign corporations, "We'll pay you for the land, under international law you can nationalize your own property." They said, "we'll pay you for the land and we'll pay you according to what value you listed it for tax purposes." The United States said no and also refused to

nationalize Soviet oil in the refineries in Cuba, so the Cubans had no oil.

The Cubans responded by nationalizing the telephone company, the tobacco fields, the sugar cane fields, and the nickel manufacturers and on and on. And willy nilly you had what we know as the Cuban Revolution. The policy of the United States from that day has been to reverse that. What you'll learn from the three speakers tonight is put into that context of trying to reverse it, to re-colonize Cuba.

The documents Michael got show that the CIA followed Che around from 1954 on. In 1961 the Cuban economy was really in trouble. The United States had squeezed it. Che, representing the Cuban government came to the Organization of American States meeting in Uruguay. The United States had sent a friend of John Kennedy named Richard Goodwin. The purpose of the meeting was for the United States to organize the various Latin American countries to expel Cuba from the OAS. For three days Che tried to get a meeting with Goodwin and Goodwin dodged him. We have the documents on it in this book. Finally after the conference was over, the last night, Goodwin went to a party, and he writes a letter back to JFK.

He said there was quite a twitter in the room and in came Che Guevara, and Che cornered him. He was humorous and delightful to confer with. This is what Che told Goodman:

"I speak on behalf of the Cuban government and I want you to go back to Kennedy and say that we're looking for a *modus vivendi*—not even a truce, just a way to get along with the United States." So Goodwin dutifully noted this, and he writes back to Kennedy: "This is what Che had to say, but I recommend that we continue the economic squeeze, that we continue the isolation, and we continue to overthrow the gains of the Cuban revolution."

That is the context in which we are having this program tonight.

Let me introduce the speakers in the order in which they are going to appear:

Jane Franklin is the author of two books about Cuba—*Cuban Foreign Relations: A Chronology, 1959-1982* (Center for Cuban Studies, 1984) and *Cuba and the United States: A Chronological History* (Ocean Press, 1997)—and she is also co-author of *Vietnam and America* (Grove Press, 1995). Her chronology of Panama's history is in *The U.S. Invasion of Panama* (South End Press, 1991). She has been writing, speaking, and publishing about Cuba since 1980. She is a frequent radio and television commentator about Cuba, and she has also lectured about Nicaragua, El Salvador, Panama, Vietnam, and Venezuela. Some of her work may be found at <http://ourworld.com-putserve.com/homepages/jbfranklins>

Dr. Wayne Smith, whom I've admired for many years and had the privilege of just meeting, is Professor of Latin American Studies at John Hopkins University. Dr. Smith directs that institution's academic exchange program



with Cuba. Since 1992, he has also been a Senior Fellow at the Center for International Policy in Washington, D.C. From 1982 until 1984, he was a Senior Associate at the Carnegie Endowment for International Peace, which is also in Washington, D.C.

During his 25 years with the Department of State, which he joined in 1957, Dr. Smith saw service in the Soviet Union, Argentina, Brazil, and Cuba. He served as the Executive Secretary of President Kennedy's Latin American Task Force and in 1961 was cited by the Task Force Chairman, Mr. A. A. Berle, as one of the outstanding young Foreign Service Officers in the Latin American Bureau. In 1973, he received the Meritorious Honor Award for the sustained excellence of his political reporting from Buenos Aires.

When he decided to leave the Foreign Service in 1982 because of fundamental disagreements with the Reagan Administration's foreign policy, he was Chief of Mission at the U.S. Interests Section in Havana, Cuba, and was recognized as the Department of State's leading expert on Cuba.

Brian Becker is the National Coordinator of the A.N.S.W.E.R. Coalition which has organized many of the largest demonstrations against the Iraq war in Washington, D.C. and in San Francisco and Los Angeles. Brian is the co-author of several books. In his capacity as A.N.S.W.E.R.'s National Coordinator he has spearheaded a nationwide campaign over the past few years demanding the extradition of Luis Posada Carriles to Venezuela to stand trial for his crimes against humanity. Tens of thousands of people have actively joined in this grassroots effort by sending letters and participating in rallies and demonstrations against U.S.-support for Posada and other anti-Cuban terrorists.

# How Washington Legitimized Terror



by Jane Franklin

**D**elightful to be here to talk about Luis Posada Carriles. This tribunal should be being held in a court of law because Luis Posada is the most notorious terrorist in the Western Hemisphere at this time.

Yesterday was the anniversary of the bombing of flight 455 that killed 73 people when it blew up and fell into the sea off Barbados on October 6, 1976, killing all the people on board. Yesterday Guyanese (because there were Guyanese aboard), Venezuelans (because some of the people had come from Venezuela, going to Cuba), Cubans and Barbadians (because it crashed off Barbados) met together in Barbados to lay a wreath at the monument that the government of Barbados had built to honor those victims. And they were all wondering why the United States continues to harbor a terrorist like Luis Posada. Everyone knows he is guilty.

After 9/11 George Bush said that anyone who harbors a terrorist is a terrorist. But in this case he is not about to bring Luis Posada to trial. Washington won't do that. There are reasons. One is that Luis Posada has said, through his lawyer, that if he is brought to trial he will tell all the secrets he knows about the CIA and the government. The other is that Luis Posada is part of a private army created by the CIA that can be called upon whenever needed and the CIA is not about to get rid of it.

To understand why and how this situation exists, we need to go back to the roots of U.S.-Cuba relations. Back past 1959 when the revolutionaries seized power, back past 1776 when the 13 colonies declared independence from the British empire, back to the time when the 13 colonies and Cuba were subject to the twin oppressors of slavery and colonialism. No sooner had the 13 colonies created the United States of America than the United States began its own march toward empire. Former President Thomas Jefferson wrote in 1809 to his successor, James Madison, that with the acquisition of Cuba and Canada "we should have such an empire for liberty as she has never surveyed since the creation."

Then a few years later, in 1823, came the quintessential statement of U.S. policy toward Cuba. This remains the policy toward Cuba. Having acquired East and West Florida from Spain a few years earlier, the United States had expanded to within 90 miles of Cuba. In a letter to the new Minister to Spain Hugh Nelson, Secretary of State (and future President) John Quincy Adams described the likelihood of “annexation of Cuba” within half a century despite obstacles: “But there are laws of political as well as physical gravitation and if an apple severed by the tempest from its native tree cannot choose but fall to the ground, Cuba, forcibly disjoined from its own unnatural connection with Spain and incapable of self-support, can gravitate only towards the North American Union.”

The Cubans call this *la fruta madura*. That is, the ripe fruit. The United States would wait until the fruit was ripe for the picking. Washington decided that it was ripe in 1898 when, after three years of fighting, the Cuban revolutionaries were virtually defeating Spain, which was a dying empire. Cuba’s Second War of Independence had started in 1895, led by José Martí who unfortunately was killed right away. But Spain was ready to cede Cuba to the revolutionaries when the United States intervened and declared war on Spain in April 1898. Spain surrendered in August, after only four months. When they went to the Paris treaty talks, Cuba was not even allowed to attend and the U.S. flag, not the Cuban flag, went up over Havana.

The United States came out of the war with four new territories: Guam and the Philippines for the Navy in the Pacific and Puerto Rico and Cuba for the Navy in the Caribbean and Atlantic. The United States was building a Navy, a Navy is part of conquest, a Navy means aggression and those four ports were for expanding the empire. That is in U.S. history books as the Spanish-American War because it was a war beyond Cuba, but in Cuba it is called the U.S. Intervention in their Second War of Independence because Washington snatched victory out of their arms and occupied Cuba for four years, a crucial period in U.S.-Cuba relations, of course.

Washington agreed to remove its troops in 1902 on condition that the Platt Amendment be written into the Cuban Constitution (which had basically been written in Washington). The Platt Amendment gave Washington virtual control of the island, including the right to intervene militarily in Cuba at any point that it was considered in U.S. interests—not Cuban interests, and including the right to territory that became the Guantánamo Naval Base now holding the notorious prison.

The date of the withdrawal of U.S. troops, May 20, 1902, is considered by Cuban right-wingers in Miami and New Jersey as Cuban Independence Day. But the colony of Spain had actually been transformed into a neo-colony of the United States. So the Cubans who wanted more revolution, more independence, did not consider May 20, 1902, as Independence Day. But the

*comprador* class did consider it Independence Day and that *comprador* class now resides among the wealthy Cuban-Americans in the United States. They still would like Cuba to return to what it was in 1902 until 1959.

Cuba went through many struggles—U.S. interventions and dictatorships. But in 1940 the Cubans managed to write a second Constitution and put that into effect. There were elections every four years: '44, '48, and scheduled for 1952. However, in 1952, General Batista overthrew the government, cancelled the elections, suspended the Constitution, and established a dictatorship. The dictatorship, of course, welcomed casinos and corporations such as Firestone, where Luis Posada worked as a supervisor.

Firestone has a record of cruelty to its workers; last year in Liberia there was a scandal involving child labor with Firestone. So you can imagine what the conditions were like in the 1950s in Cuba with Posada as one of the supervisors of Firestone.

On January 1, 1959, when the revolutionaries seized power, foreigners owned 75 percent of the arable land, 90 percent of services like water and electricity, and 40 percent of the sugar industry. The first Agrarian Reform Act was passed in May 1959 because there had to be a redistribution of land. So Allen Dulles and John Foster Dulles, respectively the CIA director and the Secretary of State, went into the office of President Eisenhower and discussed invasion, and the CIA began training Cuban émigrés to invade Cuba. They had overthrown the Guatemalan government in 1954 in three days and they thought they could do the same in Cuba.

Luis Posada fled Cuba in 1960 and joined the people who were planning to invade Cuba. The invasion, instead of winning in three days, was defeated in three days and the state of siege was begun with overt and covert operations. The overt included the travel ban that started in January 1961 before the invasion. They couldn't have people going down there and then invade (the invasion was still secret). The full trade embargo was established in February 1962 and that was part of the plans for another invasion that led directly but secretly to the October Missile Crisis of that year. We only found out about that plan, Operation Mongoose, in 1975.

Covert operations started very early in 1959 with assassination plans in 1960 involving the mafia, the invasion at the Bay of Pigs in 1961 and constant terrorism after the invasion failed. After that invasion Posada and many other Cuban émigrés were trained by the CIA at Fort Benning in Georgia. Posada told *New York Times* reporters that “the CIA taught us everything—everything.” He said, “They taught us explosives, how to kill, bomb, trained us in acts of sabotage.” (The two long interviews of Posada by Ann Louise Bardach and Larry Rohter were published on July 12 and July 13, 1998.) The CIA turned those men into killers and saboteurs. Posada was only part of the network of terrorists. From 1963 through 1966, CIA agent E. Howard Hunt

worked out of a CIA station at the University of Miami with the code name JM Wave. About 30 CIA agents like Hunt controlled a few thousand Cuban agents.

Think about what that meant to Cuba. Thousands of people were being trained to overthrow the Cuban government. Cuba knew this was happening. Most citizens of the United States did not know (and still don't know). On the flier that I'm handing out here tonight there is a partial list of organizations waging terror against Cuba. I kept it to one page but there are many other terrorist organizations.

In 1967 Posada moved to Venezuela where he became head of counter-intelligence for the Venezuelan government. Later, as a naturalized Venezuelan citizen, he set up his own security company. Early in 1976 Posada was removed from the CIA payroll. Now, when people see that, they ask "Why? What did he do?" To answer that question, we need to connect the chronological dots.

In 1975, in the wake of the Vietnam War, the Senate Select Intelligence Committee held hearings that were amazingly informative. It is all available in the Congressional Record. The Committee was investigating "Governmental Operations" both here in the United States and abroad. The Anti-War Movement here had created the knowledge of what the CIA was doing, and the Committee was investigating that in depth. Many attempted assassinations of President Fidel Castro were of course uncovered but CIA involvement in the assassination of Patrice Lumumba and other people was also uncovered. So in 1976 when the Committee was about to release its report, which would obviously demand that the CIA stop assassinating people here and around the world, the Ford administration wanted to know what to do because they did not want to still be having these assassins on the CIA's payroll.

In the case of Luis Posada, on February 13, 1976, the CIA took him off the payroll. Five days later, on February 18, President Ford signed an executive order on intelligence that ordered no more assassinations. The CIA wiped its payroll clean and privatized its assassination business. Posada, for example, became a free agent. He could do what he wanted. He had plenty of money behind him of course with the multi-millionaires in Miami and New Jersey. And he had the CIA behind his back; he told the *New York Times* in the 1998 interviews that the relationship was always there and he had friends in the FBI. He was kept on as a freelance assassin.

In June 1976, Orlando Bosch, Luis Posada and other terrorists founded CORU, an organization devoted to terrorism against Cuba and any institutions and individuals considered friendly to Cuba. CORU set off 50 bombs in the last six months of that year. Some members were involved with killing Orlando Letelier, the former Chilean official, in the streets of Washington,

D.C., with a car bomb, along with Ronni Moffitt, his assistant.

And then came the most horrible of the bombs, the massacre of those 73 people in October 1976. The Barbadian police and Trinidadian police did wonderful work and arrested two of the bombers right away. Those bombers led immediately to Luis Posada and Orlando Bosch, so they were arrested along with three other people. To make a long story short, Posada escaped, went to Central America and carried out terrorist activities in Central America for years, including a rampage of bombings against the president of Honduras, for which he was thrown out of Honduras.

In 1997 and 1998 he orchestrated bombings of tourist sites in Havana. Bombs were set in restaurants and hotels aimed at the tourist industry that had become a mainstay of the Cuban economy after the disintegration of the Soviet Union.

This is why Cuba was compelled to use its own agents to find out what's going on in this country among the terrorists who are targeting Cuba. They collected a lot of information and they gave reams of that information to the FBI in 1998. However, the FBI, instead of arresting the terrorists, arrested the Cubans who had gathered the information and that is how the Cuban Five came to be tried in Miami, convicted, and put in various prisons all around this country. They are in five different prisons: René González in Florida, Ramón Labañino in Kentucky, Fernando González in Indiana, Antonio Guerrero in Colorado and Gerardo Hernández in California. They have been imprisoned for 10 years now.

But that did not stop Cuban agents from finding out about terrorist activity. The most important plot they discovered (that we know about) was in November 2000. When President Castro arrived in Panama for the Ibero-American Summit, he held a press conference and announced that Luis Posada was in town with three other notorious terrorists—all of whom are free in Miami now—who were planning to kill him that night by blowing up explosives in the auditorium where President Castro was planning to speak. So of course the police had to go arrest these people; the Cuban agents even knew where they were staying. They were tried on minor charges, and put in jail on minor charges, nothing to do with the assassination plot. (The reasons for that are absurd but I won't go into that here.)

That night 2,000 people attended President Castro's speech and they weren't blown up. Now imagine if the agents had not gotten that information, what carnage there would have been. So the Cubans who do this are true heroes and they don't just save Cuban lives.

In Miami, terror has been legitimized by the government and normalized by the culture. Luis Posada snuck back into the United States in 2005 and he was welcomed by the right-wing Cubans in Miami, celebrated. According to the May 4, 2008 *Miami Herald*, he told a dinner in his honor, "The

end of our struggle is near...In these times, we must be more firm...We ask God to sharpen our machetes because difficult times are arriving.” This is what we need to study and understand. Not just to understand why there is this network of terrorists that roams free in our country but to understand the ramifications and consequences of U.S. policy toward Cuba.

# Providing Shelter to a Terrorist



by Wayne Smith

**T**hank you very much. It's a pleasure to be here. I was in Havana when we broke relations back in 1961. I arrived there in August of 1958 as third Secretary of Embassy, and was there until Castro's speech on January 2 of 1961 which led us to break relations on January 3. As we sailed out of the harbor mouth the next night, January 4, I promised myself I would be with the first group of American diplomats back in. I thought it would be three or four years or so.

Sixteen years later I was with the first group back in under Carter. What a disappointment. It began well. We began to negotiate terms for the compensation of American property owners whose properties had been nationalized, and also a schedule for lifting the embargo. But then Zbig Brzezinski, the head of the National Security Council, had breakfast with four or five newspaper guys and said that because of the recent and dramatic Cuban troop buildup in Angola the normalization process was at an end.

"What is this about?" So I started calling around and there had been no recent and dramatic buildup. The only thing that had happened was that the CIA had increased their estimate of how many troops were in Angola. There were no more troops the day he gave the statement than the day before. But on the basis of that, the normalization process pretty well came to an end. It never really got going again. We kept the Interests Section and the talks but the momentum was never regained.

I was there, I went back. I was with the first group back in, in 1977, to negotiate. But then in 1979 I became the Chief of Mission, the Chief of the Interests Section. In 1982, I couldn't take any more of the Reagan administration. It was so deceitful and we obviously weren't going to move to improve relations with Cuba so I sent in my cable asking to be removed from post and given a job unrelated to policy until such time as I could take early retirement, then only a few months away.



And when I did move into retirement I made another one of those promises you shouldn't make to yourself: that I wouldn't really retire to that sailboat and start around the world until there were normal relations between Cuba and the United States. Well, 26 years have now passed and I think that I am not going to retire to the sailboat and I am certainly not going to start around the world. I am mildly optimistic that if Obama is elected we may begin to move toward a normal relationship. Let's hope so. The relationship that exists between Cuba and the United States at this point is utterly nonsensical, it is not in the interest of the United States, and it is not an honorable or productive policy. It must be changed but I say that and, who knows, it may be more years that go by before it is changed.

I'm not really here this evening to condemn or sentence Luis Posada Carriles. I think Jane has done a very good job at that. There's no question that he is guilty. I left a study in the back of the room that cites some of the dozens of FBI and CIA documents that make it perfectly clear that he is indeed guilty and there are hundreds of others that haven't been released to the public. Then there was an interview in the *New York Times* with Annie Bardach in which he acknowledged his role in the bombing of hotels that resulted in the death of an Italian tourist and the wounding of several others. He said he didn't lose any sleep over that—they just happened to be at the wrong place at the wrong time. That's a pretty blasé way of looking at the death of a human being. But, on the other hand, when the two guys that planted the bombs on the Cuban flight were calling Posada to tell him the deed was done, the message they left was “a bus with 73 dogs just went over the cliff and all were killed.” Seventy-three dogs. What a nice way of putting it. And then there's the episode that Jane mentioned. They wanted to blow up the auditorium in Panama when there would have been hundreds of Panamanian students there. Imagine the carnage of that if they had succeeded.

Posada Carriles, without any question, is guilty and yet the Bush Administration does not prosecute him for terrorism even though they've got abundant evidence. They are actually sheltering him. Let me say the Bush Administration is not the first one to do this. All U.S. administrations have sheltered him. But I think the Bush Administration is the most flagrant; it is the worst of the lot.

Now, how did he come to be here at this point, freely walking the streets of Miami? November 2000 he was arrested in Panama with the accomplices willing to blow up the auditorium. A Panamanian court convicted the four terrorists not of terrorism but of other minor crimes. Then on August 26, 2004, in one of her last acts as president, Mireya Moscoso pardoned them all, Posada and his three accomplices. As it turned out, she pardoned them in blatant violation of Panamanian law but nonetheless she pardoned them. Why did she pardon them? At the request of the former American ambassa-

dor to Panama, a Cuban American, and of Ileana Ros, a congresswoman from Miami. Also Lincoln and Mario Diaz-Balart, the other two Cuban American congress people from Miami.

So they are pardoned and they are released. Posada's accomplices, all Cuban Americans, flew directly to Miami, to a hero's welcome. Posada Carriles, who is not a U.S. citizen, bided his time. He went to Honduras for a few months but in March 2005 he showed up in Miami and applied for asylum. He lived there for weeks openly and the U.S. government did nothing to apprehend him; they didn't even raise a hand. In May 2005 Venezuela requested Posada's preventive detention. They wanted to extradite him back to Venezuela to stand trial for the murders of the people killed in the Cuban flight.

The Department of Homeland Security took no action whatsoever on the extradition request and no action on Posada. Here he is in Miami. Everyone knows he's there, he is not hiding. They did absolutely nothing. Only when Posada Carriles himself—maybe he was goading them or wanted to be arrested—Posada Carriles holds a press conference in which he says that the Department of Homeland Security is not even looking for him. So, at that point the Department of Homeland Security decided they had to do something so they loaded him into a golf cart, not handcuffing him or anything like that; they took him into custody and drove him away, eventually to El Paso. Venezuela meanwhile did continue to press for his extradition so he asked for protection under the Convention against Torture and, sure enough, they organized a hearing in El Paso. They only had one witness, Joaquin Chafferdet, and he testifies that, without any question, Posada Carriles would be tortured if he was sent to Venezuela. Now, Joaquin Chafferdet has been a friend, an accomplice we can say, a co-business man, with Posada for 40 years. That's one of his closest friends and they call him to testify! What kind of a witness is that? Of course the judge didn't question it. And so he was not sent back to Venezuela.

January 11, 2006 the Bush Administration finally indicted Posada, not on terrorism but on seven counts of immigration fraud. He had given false statements on the form he had filled out to enter the United States. Lying on an immigration form. I think they were using this charge to fend off the Venezuelan extradition request. The judge however, Judge Kathleen Cardone—I have never met her but she must be a very interesting woman—she dismissed the charges, and very angrily, she said that this was subversion of the law and it was nonsense and she dismissed the charges. The government immediately appealed the decision but Posada was released and goes immediately to Miami and has been there ever since, freely walking the streets of Miami. They had these big parties for him, at the 500 club and I'm sure at the Versailles, lots of parties for Posada and Orlando Bosch, who I will get to later.

I think this Posada Carriles case really reveals U.S. government misconduct at the highest level. Its failure to extradite or prosecute him for terrorism is an open violation of resolution 1373 of the UN National Security Council. This is a resolution that President George W. Bush pushed through to act on in the days following the terrorist attacks of 9/11. Now we just ignore it.

Now there is new activity. Posada Carriles has been walking the streets of Miami a free man, but on June 30 of this year, the Panamanian Supreme Court overturned the pardon granted to him by outgoing President Mireya Moscoso because it was illegal. And in August of this year, Vice President of Panama Samuel Lewis Navarro indicated that Panama would soon request that the U.S. extradite Posada to Panama to serve out the remaining four years of his term. Now this would really put the U.S. in a difficult position. We don't care about offending Venezuela. We have bad relations with them anyway. Panama is another thing. We have fairly good relations with Panama. We don't want to offend its president.

What do we do? Well, only days later suddenly this Appeals Court in New Orleans—which has been dormant, the appeal has been filed and they haven't said a word—all of a sudden the Appeals Court in New Orleans comes to life and they say that Posada Carriles will have to be—that Judge Cardone's dismissal of the immigration charges, lying on your entry form, that has been overturned and now he will have to stand trial in El Paso for immigration fraud. Well, he doesn't have much to fear because he's already served more time than the charges call for so even if he is tried, he would, supposedly, be immediately released.

If this were done straightforwardly and honestly it might not be that much of a hindrance. He could be taken from El Paso, tried, and then released—because he's already served his time—and then the Panamanian extradition could take place and he could be tried in Panama. If it could be done straightforwardly. But looking at the record, looking at the case, does anyone think that this would happen straightforwardly? I think we can look now and see that they said back in June that he has to be tried in El Paso but they haven't even set a date. The likely thing is, and the plan almost certainly is, to use this to evade a Panamanian extradition request. This could drag on forever. Posada Carriles will be there in El Paso, be handled very comfortably and will never be extradited to Panama. Perhaps. Lets see. But my bet is on that. My bet is it will not be handled straightforwardly. He will not be extradited to Panama.

Now this isn't the first time that the Bush family has protected terrorists. Orlando Bosch was also involved in the downing of the Cubana plane. Both Posada Carriles and Orlando Bosch were imprisoned in Venezuela. Orlando Bosch mysteriously disappears; probably paid somebody off. And

Posada escapes. Where does Posada go? He goes up to El Salvador to work for Oliver North in the Iran-Contra thing. It's mind-boggling, it really is. How could we associate with these people? But Orlando Bosch mysteriously gets out of prison at the same time. He comes to Florida without a visa. The Immigration and Naturalization Service was moving to deport him. The Associate Attorney General back in 1989 said "the security of this nation is affected by its ability to credibly urge other nations to refuse aid and shelter to terrorists. We cannot shelter Dr. Bosch and maintain that credibility." OK, that's a very straightforward statement. But shelter him we did. Urged by Congresswoman Ileana Ros and Jeb Bush, then managing her election campaign, President George H.W. Bush approved a pardon for Bosch who, since then, since 1989 has lived comfortably in Miami. Jeb Bush went on to become governor of the state.

Now, as I said I am not here to sentence Posada Carriles. He is guilty and everyone knows it, so no more needs to be said about that. I am here to sentence the Bush family. Now let me say George W. Bush has often said anyone who aids a terrorist is a terrorist. Well, by that standard George W. Bush, Jeb Bush, and, yes, George H. W. Bush are all terrorists. And so, most certainly, is Congresswoman Ileana Ros.

# Cuba: A Powerful Example



by Brian Becker

**W**e want to thank the National Lawyers Guild and the Guild chapter here at New York University and all the panelists who participated in what is not just an event here in New York City but an event around the country and around the world to demand justice, which means to demand the extradition of Luis Posada Carriles and to hold accountable and culpable all those who have aided, comforted, financed, sheltered, trained all the anti-Cuban terrorists.

Now, just to put it in perspective in case people might not know (although many here probably do know) since 1959, since the Cuban people committed that egregious crime of trying to take their country back, almost 3,500 Cubans have died as a result of CIA-backed terrorist actions. The cost to Cuba—the human cost—of this economic blockage is immeasurable. People have tried to quantify it and maybe some have successfully, but it's been 45 to 47 years of using food and medicine as a weapon against the Cuban people hoping that eventually they will suffer enough that they will rise up and overthrow their government which has proven to be one more fantasy.

The case of Posada is interesting in a number of ways and I don't want to go over what Jane or Wayne have already talked about. I want to handle it from a slightly different point of view. He came here in March 2005. In April, the A.N.S.W.E.R. Coalition and others, but principally our organization, began a campaign demanding that he be extradited. On April 13, just a few weeks after he was here, in which time the Bush Administration was pretending that he wasn't here even though he had filed an asylum request—which requires that you be here—we had a press conference in Miami with progressive Cuban Americans who thought the blockade against their country was a criminal offense and who distanced themselves from this kind of terrorist activity. And we had another press conference in Washington, D.C. We began a campaign which, within a few weeks, had 60,000 people sending letters from all over the country demanding that Posada be extradited

This case was completely invisible to the public. It was only really be-

cause of a grassroots progressive effort that the visibility of the case started to manifest. That's important for us to think about when we think about what's coming next, like Wayne wants to bet Posada won't be extradited to Venezuela and that's a pretty good bet given the nature of the U.S. government and its position. The A.N.S.W.E.R. Coalition will bet you a thousand shares of its recently acquired Lehman Brothers stock, which are worth about 9 cents a share. But even with that paltry bet we would have to assume that you're probably right.

The orientation of the U.S. government is so decidedly against the Cuban revolution and the revolutionary process in Venezuela that it doesn't want justice for Luis Posada. But that's the test, that's the battle; will the people of this country who have a government that speaks in our name but without our consent, will we carry out the organization, the mobilization and the education to shine a bright light on this case and expose the double standard, the obvious double standard, the hypocrisy, the lying of the Bush Administration, or any other administration that should come forward and carry out the same policy?

On April 13, we had a press conference announcing these names. On May 13 we had another press conference announcing we now had 75,000 people sending letters. That same day Roger Noriega, head of the State Department came forward and said, "Well, we don't even know if Posada is here." That was right after our press conference, which I think you spoke at, Wayne, which was in Washington, D.C. at the National Press Club that aired on CNN and C-Span.

On May 17 the Cuban government and Cuban mass organizations organized a demonstration of a million people in Havana demanding extradition of Posada and it was that day that the *New York Times*, the *Washington Post*, the *LA Times* and other mainstream, corporate-owned media exposed the fact that continuing to harbor Posada Carriles without indicting him or without extraditing him put in sharp relief the Bush Administration's so-called proclaimed position that they who harbored terrorists are in fact terrorists themselves. And it was then that Posada had his press conference at that warehouse in Miami because I think the noose was actually tightening because of organization and mobilization in Cuba and in the United States and indeed internationally, because what we were doing here was being replicated in countries around the world.

Perhaps Posada knew he was about to be arrested and held his bravado press conference in the warehouse. Even then he put stipulations; he told the *New York Times* and the *LA Times* and the mainstream media: "You can come to the press conference but only if you agree not to ask certain questions." I mean, he was just so in their face that even the *New York Times*, a traditionally spineless newspaper when it comes to these kinds of matters decided not to send a reporter.

Posada was arrested coming out of the warehouse; that's when they

arrested him. And as Wayne pointed out they didn't handcuff him; they put him on a golf cart. As a matter of fact, they put earmuffs on him to protect him from the helicopter sounds. And then they took him to El Paso and then as Wayne and Jane pointed out, charged him not with the destruction of a civilian airliner mid-flight—and we should remember that yesterday was the anniversary, October 6, 1976, the anniversary of when 73 human beings who thought they were flying back home or flying for tourist reasons were just blown up by two bombs. He wasn't charged with that, he was charged with lying on his form about how he got into the country.

Then there was a hearing on June 5 in El Paso. I'm mentioning it again even though Wayne mentioned it because there was another dynamic. The Department of Homeland Security demonstrated its support for Posada when we brought relatives of Raymond Presaud, a Guyanese national who was blown up on October 6, 1976, to El Paso. We brought them there so that they could look at Posada and so the media could see the human cost of this bombing, so it wasn't just cold statistics or an arcane debate about foreign policy. But the Department of Homeland Security refused to let his sisters enter the courthouse.

Just think of what Cuba represents today when there is hurricane consciousness in the U.S. and people can see while all these scores of people died in Galveston or in Katrina the thousands, the poor, the African Americans, the working class people left on rooftops.

And yet in Cuba, as a poor country, as a nation with limited resources, a blockaded country, seemingly manages to avoid casualties in every hurricane except for a limited number in the recent hurricane. That's a powerful example. A country that can provide health care, despite the blockade, for each and every person. That's a powerful example. If Cuba can do it we in Brazil can do it, or Argentina, or in Mexico, or in the United States. A country that has housing as a right rather than for profit—that's a subversive thought in the United States according to conventional thought, the powers that be.

Five hundred thousand homes were damaged and 100,000 destroyed, flattened by Gustav and Ike and the Cuban government takes trucks with roofing material and construction material and drives to the homes of families whose homes have either been damaged, badly damaged or even destroyed and then immediately the material is taken from the truck and repairs are made. There's not a discussion of "When are you going to pay me this? What's your credit?" It's meeting the needs of people because people need housing and government is actually organized to meet human needs.

In Ohio 67,000 people lost their homes in the last six months, not because of a tornado or a hurricane but because they couldn't pay enough interest to the same banks that they are now bailing out with the \$700 billion bailout. That doesn't exist in Cuba. Cuba is a different social system, organized on a different basis—to actually meet and defend the needs of all the individuals in society. In America, with such a significance attached to the

individual, it's only certain individuals that seem to matter. Henry Paulson, who is worth \$700 million dollars, personally appoints the CEO of Goldman Sachs to monitor a fund where \$700 billion dollars of our tax dollars is being used to bail out the richest bankers and now they're telling us, "Get ready, you are not going to have money for schools. You are not going to have money for healthcare, or housing or all these other things." In other words, Cuba represents a different way to organize society. This anti-Communism, which has become the unofficial religion of the United States for the past 50 years, is a religion that requires each and every administration to genuflect before it.

And even those who may want to change the policy toward Cuba have to start each sentence if they were to suggest a change to Cuba policy, "Of course, the Cuban people must be free. We want to transition, we need democracy, we need a new government." No! The Cubans don't need a new government or a new social system. They need to be left alone. They need to be traded with. They need to be treated like good neighbors, which they are, they need to be regarded other than a target country whose people are subjected to one after another terrorist attack. And on that basis the Cuban people and their social system would thrive greatly. It would thrive greatly. It would be a model.

That doesn't mean everything in Cuba is perfect. It means that it's based on a different level of social organization. It means that the Cubans have been able to be independent and have organized society in a way that meets the needs of the many rather than the needs of a few. A dangerous, dangerous idea.

And so they employed bombs and guns and missiles and bullets and planes and invading armies to stop this process from succeeding. When Luis Posada said they were sharpening their machetes last May, May 2, in Miami, that's a euphemism; they're not machetes, they are bombs. They are bombs planted in hotels and civilian airliners, incidents and deeds that are rejected by most people in the United States. But this truth and this knowledge have been concealed from them because the corporate-dominated media has not told the truth about what this struggle is all about. As we go forward and we hope some day to win the bet and extradite Posada Carriles to Venezuela to stand trial for his crimes against humanity and to indict the Bush family for its crimes and all the other sectors of the U.S. banking and corporate establishment—not just Republicans but Democrats as well—who have maintained this policy, we also believe and must believe that we the people of the United States can be the ones to create real change. If it doesn't come from us, it doesn't happen. But if we move, if we mobilize, there is no power greater than the people.



# Questions & Answers



**Audience Member:** Was it noted that the entire fencing team was on that flight, mostly young people?

**Michael Smith:** Thank you for raising that. The entire young Cuban fencing team was killed.

**Audience Member:** Brian Becker, you were saying that the reason this policy exists under so many presidents is because they somehow want to hide the accomplishments and possibilities in Cuba because of a sheer loathing of communism. Isn't it more the perfect storm of money and political influence by the people who were exiled? They lost their country, they lost their sweet deal and they are never going to get over it. They have so much money and they are so bitter that they are able to parlay this into a great gain and they are going to keep the embargo going.

**Brian Becker:** We may not have an identity of views on that, but we may too; we'll see in the course of the discussion. I think there is certainly a strong element in terms of determining U.S. policy based on the Miami based right-wing Cuban community. That is a block, that is a lobby, that is not small and it's certainly significant in terms of Florida politics and consequently in presidential politics.

But the Cuban community has shifted a great deal. There is a great desire among younger Cubans for a lifting of the blockade even on a non-ideological basis and certainly I think even Obama's capacity to suggest a temporary lifting or suspension of the blockade for three months which he did recently in response to Gustav and Ike was not simply principled politics or the beginning of a change in policy, but partly an attempt to get those younger Miami Cubans to vote for Obama in the coming election.

I want to strongly recommend to people not to think that the Miami Cubans are the determining factor for U.S. policy in terms of Cuba. They are

a factor just as the pro-Israeli lobby in the U.S. is a factor in terms of U.S. policy toward Israel and the Middle East. But the United States is an empire. It's a capitalist empire, and it's an imperialist empire, and it doesn't let any single lobby determine its fundamental policy.

There can be factional differences within the establishment in their jostling for position.

There may be some who believe that its time to lift the blockade. But they all agree that the Cuban revolution should be brought down. There is no disagreement about that. There may be a difference of opinion about whether the blockade actually strengthens the position of the Cuban Communist party, and lifting the blockade could be a better way of eliminating the influence of the Cuban Communist party, but the goal in all cases will be to remove the Cuban revolution and return it to a different social and political relationship with the U.S.

Let's not think that it's about the form of government. Like the U.S. government always says "Fidel is a dictator. The Cubans only have one party. They need multiple parties." The United States has supported many military dictatorships in Latin America and many other kinds of very dictatorial governments and it didn't bother them. The fundamental difference isn't because the form of government is not to the liking of the U.S., it's because the social content of the government is based on a different class power. That's the power of working people and the peasants in Cuba, who like most of Latin America, can only have real justice in their lives by going down the socialist road. That's why I think it's the anti-communism which is the fundamental feature of the policy, even still with those who may favor lifting the blockade.

**Wayne Smith:** We get along fine with China. That's a communist country. We have full diplomatic and trade relations. I fought the Chinese in Korea. I'm delighted that we have good relations with China. There is no reason not to. We have perfectly normal diplomatic trade relations with Vietnam. For God's sake, a country with which we fought a very bloody and divisive war.

And yet we have good relationships with them. That's a communist government ruled very much the same as the Cuban government is. I'm not sure that simply saying that because Cuba has a socialist system we can't deal with them is enough of an explanation. I think it's more than that. You go back to early American leaders who said that Cuba inevitably would become part of the union. It would become a ripe fruit, as John Quincy Adams said, a ripe fruit into the lap of the union.

I was in the State Department as Castro was coming to power and there was a sense that Cubans should do what we wanted them to. It was all right for Castro to come to power but then he had to come up to Washington to talk to see how things could go. But he didn't do that. He told us to sit on it.

We can just never forgive him for that. I think it's that more than anything else. Castro has gone his own way. Cuba has gone its own way. Castro has defied us and jeered at us and got away with it. There's nothing more likely to drive a superpower up the wall than that. Perhaps in time Obama at least is saying that he's prepared to have a dialogue. First of course they must meet his precondition—they must release all political prisoners without any conditions. Well, they won't do that; they won't meet our preconditions. They've had their fill of that. We've told them a number of times, "You do A, B and C and we'll do X, Y and Z," and they've done A, B and C, and we haven't done anything. We have not lived up to our promise, which is one of the reasons I left the foreign service.

It's a very complicated thing, but I think it does go back to that. Cuba is a little country. Henry Kissinger at one point, as Cuba was going into Africa and winning, Henry Kissinger said "That little country has no right to that kind of foreign policy." That little country. There are so many quirks in our approach to Cuba. But perhaps we'll get over it.

I'll end by saying how disappointed I was as Bill Clinton was running for the presidency—the Soviet Union had disappeared; the Cold War was over. Castro had stated that it was no longer the policy of Cuba to turn the Andes into the Sierra Maestra of Latin America. Cuba was no longer trying to overthrow our government. Surely now we can begin to move forward and have a new policy and engage.

And Old Bill seems a reasonable guy, but then he goes down to Miami, has dinner with the Cuba National Foundation and comes out with a check for \$175,000 and says he likes Cuban policy just the way it is, that this is the way to put the hammer to Fidel Castro.

Maybe we'll get over that kind of thinking. But at some point surely we'll be able to have a reasonable policy toward Cuba. I've been waiting 26 years. Really you could say for 50 years.

**Jane Franklin:** I want to add one thing about the Cubans in Miami and how they are used by this government and how that confuses and deceives people. In 1982, the Reagan administration wanted a "respectable lobby" for its Cuban policy. They founded the Cuban American National Foundation made up of rich multi-millionaires in Miami and New Jersey. That became part of what many people call the "Cuba industry." Congress through the National Endowment for Democracy contributed money to the Cuban American National Foundation which in turn contributed money to the political campaigns of various people in various states.

President Reagan and National Security Adviser Richard Allen anointed Jorge Mas Canosa as chairman of the Cuban American National Foundation. Two other Cuban-Americans were named to be his confederates, but

they dropped out because they didn't like the orders. Jorge Mas Canosa was fine with taking orders from the White House, and the Cuban American National Foundation is still influential.

**Wayne Smith:** I have no affection for the Cuban American National Foundation. They sued me in a Miami court. They won the jury trial, but I won on appeal. But the thing is that the Cuban American National Foundation has changed. The Cuban American National Foundation is now for Obama. They have members of the CANF running against the Diaz Balart brothers. Joe Garcia and Rafael Martinez, for example, are. So, the scene has changed.

**Jane Franklin:** That might be the arm of another policy, though.

**Audience Member:** In 1977—I used to be a reporter for the *New York Times*—I went down to Caracas and interviewed Luis Posada in jail outside of Caracas. I wrote about and testified before Congressman Delahunt's committee. I was with him for about four hours. I tape recorded the whole interview. Basically there was no question—I interviewed Orlando Bosch and Posada in the same jail. They both talked circles around things, but there was no question that they were both very involved with the Cuban plane crash. They bragged about their employee who was there; they bragged about how they had hatched the plans in a secret meeting in the Dominican Republic.

They didn't say "I went and planted the bombs in the plane," and I didn't ask them. They were in jail and they were quite annoyed that they were in jail because they had a secret deal with the government of Venezuela that they were allowed to commit terrorist acts outside of Venezuela and they were actually brought to Venezuela to quell a growing left-wing reformist group. A lot of Cubans were quieted down. Posada offered me a Cuban cigar and I took it and we sat there for three or four hours. These jails in Latin America you can just walk in and talk to anyone you like. It's a really weird system. It's not like U.S. jails.

They had a television set; they had a bar. They offered me scotch and whiskey. They were living very, very well. They were quite frank. At one point there was a suggestion that they really didn't intend to kill all those people—that they wanted to put the bomb in a place where less people would be killed and they were very angry the bombs had gone off in the air. They wanted it to go off on the ground. Later on, I wrote about this. When Posada was in El Paso, I volunteered my tapes [to the Department of Homeland Security]. I'd actually given my tapes to the Justice Department, because I was working with a guy in the Justice Department who was very good. He was fighting with the CIA because he was trying to find the murderers of Letelier. The CIA wasn't releasing the documents that he needed. And so when I fin-

ished my interview, like a fool, I wanted to be objective, I went to the U.S. Embassy and told them what I had; I had these tapes. Then I called up the president and said “Let me get your side of the story.” I didn’t get anywhere with that, but immediately I called my friend in the Justice Department. He said, “You got these tapes?” and I said yes. And he said, “Let me find out.”

“You are in great danger with the CIA and the secret police in Venezuela are planning to kill you and arrest you and you’ll never be seen again. So leave.”

I was in the Hilton there, and I got out, and instead of trying to get across the border I went to Isla de Margarita which is a little holiday island in Venezuela. I stayed there for about ten days. It’s a nice resort island. And then I changed my name. I used my first name as my last name so it wouldn’t appear on manifests and got out of the country, and actually came back here.

Last year, when he was in El Paso I was contacted by an attorney for the Department of Homeland Security. He said, “What do you got?” and I said “Well, I know it’s against the law for you to let terrorists stay in this country. This guy has many, many acts of terror on tape for me.” I said “I’ll be glad to give you the tapes.” Normally a lot of journalists don’t want to release them but I was willing to. I have a different attitude than many journalists.

They said, “Hold on, we’ll get back to you.” I called a woman named Joan Allen, an attorney for the Department of Homeland Security, many times. She never called me back; she completely lost interest. She didn’t want to see the transcript or anything like that and let the whole thing go.

**Michael Smith:** What’s your name?

**Audience Member:** My name is Blake Fleetwood. Congressman Delahunt had the hearings and I testified before those hearings with another *New York Times* reporter who interviewed Posada.

# Biographies



**Michael Steven Smith** is the author, editor, and co-editor of six books, most recently, *The Emerging Police State*, by William M. Kunstler. He has testified before committees of the United States Congress and the United Nations on human rights issues. Mr. Smith lives and practices law in New York City with his wife Debby, where, on behalf of seriously injured persons, he sues insurance companies and occasionally the New York City Police Department. Mr. Smith is on the board of the Center for Constitutional Rights, and also organizes and chairs the Left Forum.

**Jane Franklin** is author of two books about Cuba—*Cuban Foreign Relations: A Chronology, 1959-1982* (Center for Cuban Studies, 1984) and *Cuba and the United States: A Chronological History* (Ocean Press, 1997)—and co-author of *Vietnam and America* (Grove Press, 1995). Her chronology of Panama's history is in *The U.S. Invasion of Panama* (South End Press, 1991). She has been writing, speaking, and publishing about Cuba since 1980. A frequent radio and television commentator about Cuba, she has also lectured about Nicaragua, El Salvador, Panama, Vietnam, and Venezuela. Some of her work may be found at [ourworld.compuserve.com/homepages/jbfranklins](http://ourworld.compuserve.com/homepages/jbfranklins)

**Dr. Wayne Smith** is an Adjunct Professor of Latin American Studies at Johns Hopkins University where he directs the academic exchange program with Cuba. Since 1992, he has also been a Senior Fellow at the Center for International Policy in Washington, D.C. From 1982 until 1984, he was a Senior Associate at the Carnegie Endowment for International Peace, also in Washington, D.C. He has published extensively, including on Cuban-US relations. He was co-editor, with Esteban Morales, of *Subject to Solution: Problems in Cuban-U.S. Relations*, which won the Critic award in 1989 as one of the best academic books reviewed that year.

During his 25 years with the Department of State, which he joined in 1957, Dr. Smith saw service in the Soviet Union, Argentina, Brazil, and Cuba. He served as the Executive Secretary of President Kennedy's Latin

American Task Force. In 1973, he received the Meritorious Honor Award for the sustained excellence of his political reporting from Buenos Aires.

When he decided to leave the Foreign Service in 1982 because of fundamental disagreements with the Reagan Administration's foreign policy, he was Chief of Mission at the U.S. Interests Section in Havana, Cuba, and was recognized as the Department of State's leading expert on Cuba.

**Brian Becker** is the National Coordinator of the A.N.S.W.E.R. Coalition which has organized many of the largest demonstrations against the Iraq war in Washington D.C. and in San Francisco and Los Angeles. Brian is the co-author of several books. In his capacity as A.N.S.W.E.R.'s National Coordinator he has spearheaded a nationwide campaign over the past few years demanding the extradition of Luis Posada Carriles to Venezuela to stand trial for his crimes against humanity. Tens of thousands of people have actively joined in this grassroots effort by sending letters and participating in rallies and demonstrations against U.S.-support for Posada and other anti-Cuban terrorists.

**Heidi Boghosian** is the Executive Director of the National Lawyers Guild and is co-host of the weekly civil liberties radio show *Law and Disorder* on WBAI in New York and several national affiliates.

# A Brief History of the NLG and Cuba



The National Lawyers Guild is a non-profit organization formed in 1937 as the nation's first racially integrated bar association, with a mandate to advocate for fundamental human and civil rights and for the protection of rights granted by the United States Constitution.

Since then the Guild has been at the forefront of efforts to develop and ensure respect for the rule of law and basic legal principles. As one of the non-governmental organizations selected to officially represent the American people at the founding of the United Nations in 1945, its members helped draft the Universal Declaration of Human Rights and in 1948 founded the International Association of Democratic Lawyers, one of the first non-governmental organizations to be granted observer status in the United Nations.

Although the United States and Cuba have not had diplomatic relations for nearly fifty years, the National Lawyers Guild has maintained an exchange and dialogue with lawyers in Cuba through delegations and individual visits to the island nation. Our members follow developments between the two countries, and work to help normalize relations, end the travel restrictions, and end the U.S. economic blockade. Guild lawyers continue to provide legal representation to travelers to Cuba who receive fines from the Treasury Department. Perhaps our central focus, however, has been the case of the so-called Cuban Five, five nationalists who are imprisoned in this country for attempting to prevent terrorism against Cuba.

The National Lawyers Guild has resolved to bring greater attention to the constitutional violations in the case of the Cuban Five. From its beginning this case has represented a travesty of justice that has received scarce public attention in the U.S. Guild attorneys are committed to educating the public about the unfair venue of the trial, and about several additional legal issues including prosecutorial misconduct during the course of arguments before the jury, insufficient evidence concerning charges of conspiracy to commit espionage and murder, and erroneous application of procedures connected to classified information and foreign intelligence surveillance.



Related to the case of the Cuban Five, and representative of United States policies toward Cuba and state-sponsored terrorism, is the case of Luis Posada Carriles. The tribunal forum transcribed here was held to raise awareness of this country's hypocritical policies related to terrorism. On the one hand the Bush administration imprisoned individuals who presented the FBI with information of anti-Cuban extremist plans to harm Cuba; on the other hand the government refused to prosecute a self-proclaimed terrorist because his criminal acts targeted Cubans.

The Guild has filed several amicus briefs in support of the right of the Cuban Five to receive fair trials, and in support of their appeals. Copies of amicus briefs authored by Guild members are available at [www.nlg.org](http://www.nlg.org)







national lawyers guild

132 Nassau Street, Rm. 922

New York, NY 10038

[www.nlg.org](http://www.nlg.org)

“Lawyers, law students, legal workers and jailhouse  
lawyers ... in the service of the people ....”

- Preamble to the NLG Constitution -