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## Diaspora and Deadlock, Miami and Havana: Coming to Terms with Dreams and Dogmas

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## DIASPORA AND DEADLOCK, MIAMI AND HAVANA: COMING TO TERMS WITH DREAMS AND DOGMAS

*Francisco Valdes\**

I. INTRODUCTION .....	283
A. <i>Division and Corruption: Dueling Elites, the Battle of the Straits</i> .....	287
B. <i>Arrogation and Class Distinctions: The Politics of Tyranny and Money</i> .....	297
C. <i>Global Circus, Domestic Division: Cubans as Sport and Spectacle</i> .....	300
D. <i>Time and Imagination: Toward the Denied</i> .....	305
E. <i>Broken Promises and Bottom Lines: Human Rights, Cuban Rights</i> .....	310
F. <i>Reconciliation and Reconstruction: Five LatCrit Exhortations</i> .....	313
II. CONCLUSION .....	317

### I. INTRODUCTION

The low-key arrival of Elian Gonzalez in Miami on Thanksgiving Day 1999,<sup>1</sup> and the custody-immigration controversy that then ensued shortly afterward,<sup>2</sup> transfixed not only Miami and Havana but also the entire

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\* Professor of Law and Co-Director, Center for Hispanic & Caribbean Legal Studies, University of Miami. I thank the participants in the Faculty Seminar at Quinnipiac School of Law and in the Colloquium at Harvard Law School, where drafts of this Essay were presented. I thank also Carmen Gonzalez, Evelio Rodriguez, Ricardo Camara, Robert Westley, and Lisa Iglesias for feedback that helped to develop the thoughts presented here. Finally, I thank the organizers, participants and attendees of the Sixth Annual LatCrit Conference, and the editors and contributors of this symposium, for providing a fitting venue and community for this rather personal Essay. All errors are mine.

1. The arrival was reported in the local paper as yet another dramatic example of escape from the island, with no inkling of the greater drama to follow. See Lisa Arthur et al., *5-Year-Old Survivor Clung to Inner Tube, Two More Rafters Rescued, But 11 Other Cubans May Have Died at Sea*, MIAAMI HERALD, Nov. 26, 1999, at 1A; see also Melissa Leavister, *Ambiguity Equals Authority: The Immigration and Naturalization Service's Response in the Elian Gonzalez Case*, 31 GOLDEN GATE U.L. REV. 219 (2001). Elian's case is not an isolated occurrence, although it has been the most chronicled. See, e.g., Marika Lynch & Alfonso Chardy, *Mother Indicted for Taking Son to Cuba*, MIAAMI HERALD, Feb. 24, 2001, at 1B. Elian's notoriety apparently continues in Cuba, despite Cuba's criticism of the U.S. media circus surrounding Elian's story. *Elian Featured in Museum of Castro Doctrine*, MIAAMI HERALD, July 15, 2001, at 5A.

2. This drama concluded with the Supreme Court's anticlimactic pronouncement, which simply ratified the outcome already determined through public relations campaigns and federal

world,<sup>3</sup> thereby bringing into sharp relief the condition of the Cuban nation. As his case mushroomed, that photogenic boy came to personify, and to embody for the entire world, the image of a nation and people—indeed, a family—divided by decades of passionate polarities. That tragic image, unfortunately, does capture a significant portion of Cuban realities, both on the island and throughout the diaspora. Elian's fate exemplifies one human tragedy of the Twentieth Century on both micro- and macro-levels of human experience and existence. But that image also reifies a grossly simplistic, and increasingly inapt, understanding of Cuba and Cubans—again, both on the island and throughout the diaspora.

It is a reification with which I have struggled my entire life—and which Elian's protracted predicament put squarely in front of me like no other event had ever before. Born in Cuba to middle-class working parents a few years before Fidel and his comrades wrested control of the government from their predecessors, I recall that particular transition of power from the perspective of a child the age of Elian. What I recall most, however, is how my father and mother argued about it: he in support of the Revolution as a means of social justice and she warning against an elegant but deceptive appeal to his and others' utopian longings. After some scary brushes with the forces of revolution, I found myself on a plane at the age of five with my cousin (aged six), headed first to Miami and eventually to an orphanage in Pueblo, Colorado. I recall still the curiosity and anxiety I felt then about going to a place where, I inferred, everything—people, trees, cars, houses—would be in red. "Pueblo Colorado" means, in Spanish, literally, red town.

After nearly two years of greenery and snow—only the bricks and the Garden of the Gods were red—my mother, aunt and sister arrived from Cuba. My cousin and I were dispatched to them, in Miami, and then we all lived on a daily basis around the expectation of eventual family reunions and on the clock of erratically periodic telephonic contacts. Over the next several years my uncle and my father arrived, creating a gradual sense of familial reunion and restoration. During all of that time, my mother showered my sister and me with many expressions of maternal care,

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executive decisions. *See generally* *Gonzalez v. Reno*, 530 U.S. 1270 (2000); Manny Garcia, *Seized Raid Returns Elian to Father as Angry Protests Dwindle, Strike Called for Tuesday*, MIAMI HERALD, Apr. 23, 2000, at 1A.

3. *See, e.g., What Next?*, ECONOMIST, Apr. 29, 2000, at 27. *See also* Joe Carroll, *Cuban Boy Returns Home as Miami Saga Ends*, IRISH TIMES, June 29, 2000; *Cuba to Honor Migratory Accords with U.S.*, XINHUA GEN. NEWS SERVICE, June 29, 2000, available at LEXIS, News Library, AFP file; Brian Knowlton, *Reno Rejects Florida Ruling on Cuban*, INT'L HERALD TRIB., Jan. 13, 2000; *Elian ready to head home Wednesday: supporter*, AGENCE FR. PRESSE, June 28, 2000, available at LEXIS, News Library, Xinhua file.

including lectures about the beauty of Cuba and the evil of Fidelismo. As I grew into adolescence, perhaps in knee-jerk fashion, I rebelled at the continuing anti-Fidel tirades and critiqued her sentimentalism for pre-Fidelista Cuba as self-serving defensiveness.

Those were heated times for us. But, even as I countered my mom's lectures, it seemed plain enough that oppressive regimes are contemptible and, in the long run, untenable enterprises—I could sense this basic point personally in the unjust realities of everyday life in Miami (and elsewhere). I sensed, also clearly, that Fidel's regime was among these forms of enterprise (and, not because of my mother's rants).

Because Fidel, and his allies and acolytes, have not ever been willing to risk a loss or diminution of their power and status, no matter what,<sup>4</sup> I never have found myself able to accept their extended, indefinite and totalitarian monopoly on all power, information, and wealth in Cuba. At the same time, I have been repeatedly disappointed and repelled by the rigid and unrelenting authoritarianism of Miami's exile politics—an Orwellian authoritarianism that is perpetrated in the name of political pluralism and freedom of expression.<sup>5</sup> Having been raised amidst the ugliness created between these two poles—my two hometowns—I have been unable to come to terms with either.

In many ways, therefore, this Essay is about the difficulty of establishing a grounded identity and social space for children who have come from Cuba to the United States—like Elian—at a very early age and in the context of stalemated polarization. These children have been forced to develop a personal and national identity not only in the midst of a skeptical and alien culture but also in the face of high-pitched ideological conflict between the bipolarized world views of Havana's and Miami's elites, the dueling camps that have instigated and fueled so much hostility among and between Cubans for so many years. Perhaps not surprisingly, Elian's case brought this all to the fore for me.<sup>6</sup>

One day, a guest arriving at my home picked up the dozen or so newspapers that had piled up by the front door and handed them to me when I opened the door for him. “Do you want to throw these away?” he

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4. *See generally* THEODORE DRAPER, *CASTRO'S REVOLUTION: MYTHS AND REALITIES* (1962) (discussing the tight hold Fidel Castro and his allies have on Cuba).

5. *See generally* MARIA DE LOS ANGELOS TORRES, *IN THE LAND OF MIRRORS: CUBAN EXILE POLITICS IN THE UNITED STATES* 140-48 (2002).

6. The flight of children has been a continuing story, including the now-fabled “Operation Pedro Pan” that facilitated the travel of thousands of children from Cuba to Miami. This operation is the only time in United States history that the federal government has delegated its “plenary power” over immigration to the sole discretion of private individuals, who were empowered to grant visas in the name of the United States government. This operation accounts for my travel and entry to this country. *See generally* YVONNE M. CONDE, *OPERATION PEDRO PAN: THE UNTOLD EXODUS OF 14,048 CUBAN CHILDREN* (1999).

queried. I took them and set them down in a corner, but I soon afterward started to concentrate on why I recently, and suddenly, had begun to avoid reading the newspaper. After a while, I realized that I simply could not deal with my reactions to Elian's story, as it was in some ways reminiscent of my own trajectory through life. After some time, as Elian's case dragged on, I decided that I had to read the stacked-up newspapers, even if only to be minimally prepared for the daily conversations from which references to Elian's situation regularly erupt(ed). One day, alone, I went through them one by one, and then threw them all away. Since then, I have focused myself more than previously on transcending the inflammatory rhetoric of "both" sides, as well as the limitations of my intellectual and personal knowledge, to find ways of identifying as Cuban. Since then, I have intensified an ongoing, life-long struggle with the facts and forces that have recreated the leading city of the state in which we meet this year—as well as the land and people who, in great measure, have catalyzed that recreation: Cuba and Cubans.<sup>7</sup>

During the past two years, this effort has taken the form mainly of a research project in which I have sought to understand, in comparative and critical terms the worlds offered to us—to me—by the versions of Cuba and Cubans emanating without relent from Havana and Miami. This research project, along with my origins and experience, provide the backdrop for my opinions both of Elian's story and the larger national tragedy that it represents. This venture is, for me, a personal, political, and jurisprudential project: as a Queer, Latino law professor in Miami committed to social justice, I seek to cohere myself in part by composing a LatCrit and QueerCrit position toward the reconciliation of Cubans and the reconstruction of Cuba as a postsubordination society. I therefore approach this Essay, as well as my larger study of Cuba and Cubans, from a "LatCrit" and a "QueerCrit" perspective.<sup>8</sup> It is from this perspective and with this motivation that I invite you to join me, and Cubans on both sides

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7. See, e.g., SHEILA L. CROUCHER, *IMAGINING MIAMI: ETHNIC POLITICS IN A POSTMODERN WORLD* (1997); ALEJANDRO PORTES & ALEX STEPICK, *CITY ON THE EDGE: THE TRANSFORMATION OF MIAMI* (1993). The Cuban influx and its ramifications have attracted more Latinas/os to Miami in recent years. See, e.g., Amy Driscoll & Tim Henderson, *Many Lands Give Florida Its Latin Flavor*, *MIAMI HERALD*, July 25, 2001, at 17A; Andres Viglucci, *Census Shows Increase in Hispanics' Diversity*, *MIAMI HERALD*, May 10, 2001, at 1A.

8. Both LatCrit Theory and Queer Legal Theory are evolving discourses and subject positions that emerged within the legal academy of the United States in the mid-1990s to study the place and prospects of multiple diverse Latinas/os and sexual minorities, respectively, in inter/national law and society. Like other strands of outsider jurisprudence, LatCrit Theory and Queer Legal Theory bring an antisubordinationist stance to the study of legal and social issues. See generally Francisco Valdes, *Theorizing "OutCrit" Theories: Coalitional Method and Comparative Jurisprudential Experience—RaceCrits, QueerCrits and LatCrits*, 53 *U. MIAMI L. REV.* 1265 (1999).

of the Florida Straits, in an effort to transcend the invidious bifurcation that Havana's and Miami's elites have co-constructed and co-directed since 1959.

*A. Division and Corruption: Dueling Elites,  
the Battle of the Straits*

Since 1959, with the ascension of Fidelismo and the subsequent outflux of refugees, Cuba and Cubans have been understood mostly through the unidimensional lens of political ideology in the context of the Cold War.<sup>9</sup> But, at the time of their ascension, Fidel and his comrades most likely possessed, and certainly professed, a vision with integrity of social transformation.<sup>10</sup> Looking to the bottom of Cuban society, they rightly saw the condition of Cuba and Cubans as Twentieth Century subalterns, a people and nation held down by the weight of colonial histories and their enduring capitalist legacies—the joint bequest of Spanish and North American imperialism.<sup>11</sup> While their immediate predecessors in Havana's corridors of power had cared mostly about simple wealth and might,<sup>12</sup> Fidel and his cohorts focused, at the beginning, on the centrality of national sovereignty, and on social-economic rights, in the design and achievement of a post-subordination Cuban society.<sup>13</sup> Though a difference of opinions continues to prevail on this subject,<sup>14</sup> it probably is a crude essentialization of Fidel and his original comrades to insist that they were merely power-hungry and ethically corrupt from the beginning.

At the same time, the early exiles and their families—those who comprised the “first” wave of post-Fidel Cuban exodus—also were most likely motivated by a vision—and by fears—that they possessed and professed with integrity.<sup>15</sup> The early (as well as later) exiles were, from all appearances, motivated by a genuine belief in political as well as economic

9. For a recent and incisive critical account, see MARIFELI PEREZ-STABLE, *THE CUBAN REVOLUTION: ORIGINS, COURSE, AND LEGACY* (2d ed. 1999).

10. See GEOFF SIMONS, *CUBA: FROM CONQUISTADOR TO CASTRO* 65-164 (1996).

11. *Id.*

12. *Id.* at 303-10.

13. For a selection of Fidel's writings, see FIDEL CASTRO, *REVOLUTIONARY STRUGGLE 1947-1965*, at 2-25 (Rolando E. Bonachee & Nelson P. Valdés eds. 1972).

14. In particular, anti-communist Cuban activists insist that Fidel was corrupt and hypocritical from the beginning of his professedly egalitarian movement. See generally DRAPER, *supra* note 4, at 115-72. For various news accounts, see Leslie H. Gelb, *The Boiling Point*, N.Y. TIMES, July 24, 1983, § 4, at 1; Rick Kogan, *Sorry story: 'Last Communist' a solid portrait of Fidel Castro*, CHI. TRIB., Feb. 11, 1992, at 7C; Charles Krauthammer, *The Great Dictator*, WASH. POST, Dec. 14, 1986, at H7; John T. Skelly, *The Men Who Left the 26th of July Movement*, MIAMI HERALD, July 26, 2001, at 9B.

15. See RICHARD R. FAGEN ET AL., *CUBANS IN EXILE: DISAFFECTION AND THE REVOLUTION* 75-98 (1968).

agency; they foresaw and feared not only economic centralization but also political dictatorship.<sup>16</sup> They feared the loss of not only property, but also liberty—and they were right, for the dictates of political and economic centralization have meant that everyday people in Fidel’s Cuba cannot aspire to customize and self-direct their individual lives, either in political or in economic venues.<sup>17</sup> Thus, it probably is an equally crude essentialization of Cuba’s exiles to insist that they were merely a petty and trenchant bourgeoisie from the beginning. Instead, from the beginning, Cuba and Cubans on both sides of the Florida Straits have been caught amidst a complex tangle of noble aspirations and well-founded reactions that nevertheless have devolved since then—both in Havana and in Miami—into arrogant systems of social control while giving rise to self-righteous, materially comfortable and mean-spirited elites.

The “Havana elites” encompass primarily the circles of power that control the two overlapping institutions that authoritatively and forcefully supervise all life within Cuba: the government and the party, including perhaps most notably those officials with the power to conduct economic and political relations with the world external to the island.<sup>18</sup> The “Miami elites” encompass a loose assemblage of businesspersons—mostly but not exclusively men—and politicians and politicas (again, mostly men) who have amassed money or position in this country, and who use their socioeconomic influence strategically and methodically to promote their political struggle against the social, economic, and political monopoly of

16. See *id.* See generally CROUCHER, *supra* note 7, at 121. Interestingly, in this particular respect, these exiles mirrored the concerns of this country’s “founders” in the 1770s and 1780s. See, e.g., THE FEDERALIST No. 10, at 18 (James Madison) (Roy P. Fairfield ed. 2d ed., 1966) (discussing property and democracy in the construction of the federal constitution and government). In both instances, then, these groups were concerned both about personal property and political power. This ideological similarity perhaps accounts at least in part for the powerful connections forged between Miami’s elites and Washington’s elites during these years of diaspora and deadlock.

17. See DRAPER, *supra* note 4, at 128-33; see also THOMAS M. LEONARD, CASTRO AND THE CUBAN REVOLUTION 1-18, 33-66 (1999); U.S. DEPARTMENT OF STATE (CUBA: Country Reports and Human Rights Practices 2000) (Feb. 2001), available at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/751.htm> (last visited Oct. 17, 2002). See generally CUBA’S REPRESSIVE MACHINERY: HUMAN RIGHTS FORTY YEARS AFTER THE REVOLUTION (June 1999), available at <http://www.hrw.org/reports/1999/cuba> (last visited Oct. 17, 2002).

18. See PEREZ-STABLE, *supra* note 9, at 180-83; GOVERNMENT AND POLITICS OF CUBA: A COMPREHENSIVE RESOURCE OF CUBA’S GOVERNMENT STRUCTURE, POLITICS, AND ACTORS (July 2001), available at [http://www.cubapolidata.com/gpc/gpc\\_institutional\\_order.html](http://www.cubapolidata.com/gpc/gpc_institutional_order.html); LEONARD, *supra* note 17, at 3-50. See generally *Papers and Proceedings of the Ninth Annual Meeting of the Association for Study of the Cuban Economy*, 9 CUBA IN TRANSITION 1 (1999), available at <http://lanic.utexas.edu/la/cb/cuba/asce/cuba9>. See also Domingo Amuchastegui, *Cuba’s Armed Forces: Power and Reforms*, 9 CUBA IN TRANSITION 109 (1999), available at <http://lanic.utexas.edu/la/cb/cuba/asce/cuba9>; Armando F. Mastrapa, III, *Evolution, Transition and the Cuban Revolutionary Armed Forces*, 9 CUBA IN TRANSITION 115 (1999), available at <http://lanic.utexas.edu/la/cb/cuba/asce/cuba9> (1999).

Havana's elites.<sup>19</sup> Both elites cloak themselves in nationalistic fervor, and invoke it to mobilize their foot soldiers. But, while both elites speak of "the people of Cuba," neither is willing to bear the possibility that Cuba and Cubans might prefer life without them. On the contrary, they effectively conspire with each other to disenfranchise Cuba and Cubans.<sup>20</sup>

As these observations make plain, Havana's and Miami's elites are very differently structured and positioned. In Havana, the elites depend on their monopoly over the prerogatives that accompany sovereignty in this world: they control a state recognized globally as an independent country, and therefore the apparatus of nationhood. Havana's elites have at their disposal tools that range from a diplomatic corps to armed and espionage services to the tax and police powers of formal statehood.<sup>21</sup> In Miami, the elites depend on their focused influence over the policy of the world's sole superpower on one particular issue—relations with Cuba,<sup>22</sup> though they do

19. See John F. Stack, Jr. & Christopher L. Warren, *The Reform Tradition and Ethnic Politics: Metropolitan Miami Confronts the 1990s*, MIA MINOW! 160, 160-85 (Guillermo J. Grenier & Alex Stepick III. eds., 1992); CROUCHER, *supra* note 7, at 133; *Understanding the Cuban Model: Cuban-Americans in Miami Politics*, CUBAN-AMERICAN POLITICAL EMPOWERMENT (Dr. Wilbur Rich ed.), available at <http://www.fiu.edu/~morenod/scholar/empower.htm>; see also Karen Branch-Brioso et al., *Power Shift Seen for Dade Experts Predict Hispanic Gains*, MIA MINOW!, Sept. 4, 2000, at 1A. See generally Guillermo J. Grenier & Max J. Castro, *Triadic Politics: Ethnicity, Race, and Politics in Miami, 1959-1998*, 68 HIST. REV. 273 (1999); Dan Sewell, *Cubans Have Transformed Miami Into an Island of Opportunity Immigrants: The Exiles and Their Children Dominate the Economy, Government and Culture. The new order worries some black leaders*, L.A. TIMES, Dec. 23, 1990, Pt. A, available at 1990 WL 2290507; Jan Nijman, *Globalization to a Latin beat: the Miami growth machine*, ANNALS AM. ACAD. POL. & SOC. SCI. 164 (1997).

20. See, e.g., TORRES, *supra* note 5, at 143.

21. See *infra* note 25 and sources cited therein on political repression in Cuba. While bringing fiercely to bear the attributes and apparatus of sovereignty to club down nonconforming persons who threaten their dictatorial domination, the Havana elites have reveled in and cultivated the romantic image of themselves as a heroic David slaying—or at least defying—the menacing Goliath of the North, especially when the United States has brought to bear the same attributes and apparatus of its sovereignty against them; in both instances, ironically, sovereignty serves oppression. The use of statehood extends to espionage operations designed to "infiltrate" and destabilize the Miami elites, which Fidel and his minions label a "mafia" in intentionally pejorative ways. See, e.g., Ellis Berger, *INS Official Convicted in Spy Case: Federal Jury Rules Exile Passed Secrets to Cuba*, SUN-SENTINEL, May 31, 2000, at 1A.; Alfonso Chardy & Elaine De Valle, *The New Cuba Crisis: Havana Has Spied on Exiles for Years*, MIA MINOW!, Feb. 28, 1996, at 13A; David Kidwell, *Three More Accused Spies Agree to Plead Guilty*, MIA MINOW!, Oct. 9, 1998, at 4B; Associated Press, *5 Cubans Convicted in Plot to Spy on U.S.*, N.Y. TIMES, June 9, 2001, at A12; Gail Epstein Nieves & Alfonso Chardy, *Cuban Spies Convicted: Sweeping Espionage Verdicts Include Murder of Fliers: Exiles Call Castro's Indictment in Air Deaths*, MIA MINOW!, June 9, 2001, at 1A; *Situation of Human Rights in Cuba*, Comm'n on Human Rights Res. 16, U.N. ESCOR, 57th Sess., U.N. Doc. E/CN.4/RES/2001/16 (2001).

22. The "embargo" and its recent intensification via the Helms-Burton Act is one apt example of this influence. See, e.g., Maya Bell, *Powerful Foundation Focuses Fight to Free Cuba*, ORLANDO SENTINEL, Sept. 25, 1994, at A1, available at 1994 WL 4722917. See also Robert E.



not “own” a country outright, as do the Havana elites, Miami’s elites have shown a singular capacity (at least until the Elian affair) to manipulate American policy toward all things Cuban (and, in turn, to be manipulated by American policymakers<sup>23</sup>). Thus, in limited but crucial instances Miami’s elites indirectly can activate the attributes and apparatus of American sovereignty to destabilize the Havana elites and to assert their own interests.<sup>24</sup> Without doubt, then, both sets of elites ground their power in formidable structures and leverage them shrewdly. They are caught in a mutual death grip because both have enough might to survive and struggle endlessly, but neither has enough to triumph definitively. Though positioned very differently in their sources and instruments of power, the two elites have co-constructed a world of tensions suspended indefinitely between their bipolar entrenchment.<sup>25</sup> Despite the internal complexities

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Freer, Jr., *Helms-Burton Myths and Reality*, 5 CUBA IN TRANSITION 429 (1995), available at <http://lanic.utexas.edu/la/cb/cuba/asce/cuba5>; Digna B. French, *Economic Sanctions Imposed by the United States Against Cuba: Thirty-Nine Year Old Embargo Culminating with the Cuban Liberty and Democratic Solidarity (Libertad) Act of 1996*, 7 U. MIAMI INT’L & COMP. L. REV. 1 (1998-1999); Andreas F. Lowenfield, *Agora: The Cuban Liberty and Democratic Solidarity (Libertad) Act Congress and Cuba: The Helms-Burton Act*, 90 AM. J. OF INT’L L. 419 (1996); Robert L. Muse, *International Symposium on the Cuban Liberty and Democratic Solidarity (Libertad) Act of 1966: A Public International Law Critique of the Extraterritorial Jurisdiction of the Helms-Burton Act (Cuban Liberty and Democratic Solidarity (Libertad) Act of 1966)*, 30 GEO. WASH. J. INT’L L. & ECON. 207 (1996-1997); Mercy B. Pina, *Comment: Despite the Controversy Surrounding the Helms-Burton Act Its End is Far From Becoming a Reality*, 4 ILSA J. INT’L & COMP. L. 1259 (1998); Alejandro Portes, *Morning in Miami: A New Era for Cuban-American Politics*, AM. PROSPECT, May-June 1998, at 28. This race-sex hierarchy of course reflects—and perpetuates—historic hierarchies established by European colonization. See generally BETWEEN RACE AND EMPIRE: AFRICAN-AMERICANS AND CUBANS BEFORE THE CUBAN REVOLUTION (Lisa Brock & Digna Castaneda Fuentes eds., 1998), available at [http://www.netlibrary.com/ebook\\_info.asp?product\\_id=51296](http://www.netlibrary.com/ebook_info.asp?product_id=51296).

23. The Bay of Pigs fiasco and missile crisis are ready examples of this mutual manipulation. See HUGH THOMAS, CUBA, OR THE PURSUIT OF FREEDOM 1355-1419 (1998 ed.).

24. The Elian affair is a prime example of a failed effort. See Juan O. Tamayo, *Saga of Elian; Raid and Reunion*, MIAMI HERALD, Apr. 25, 2000, at 9A. The Helms-Burton Act is a prime example of a successful effort. See also *supra* note 22.

25. While both elites operate cohesively, as past and present experience—including the Elian affair—amply confirm, they are not necessarily monolithic congregations of groups, persons, and institutions. Havana’s and Miami’s elites do not always operate smoothly, or have all their foot soldiers marching neatly in unison to the beat of the master drummers. In Havana, reports surface periodically of political purges that reflect internal fissures. See, e.g., Rey Moseley, *Drug Crackdown Spurs Cuba Purge*, CHI. TRIB., June 30, 1989, at 4M; Juan O. Tamayo, *Cuba Toughens Crackdown: ‘Biggest Wave of Repression So Far This Year.’* MIAMI HERALD, Nov. 11, 1999, at 1A; Juan O. Tamayo, *Havana Tries to Stem Wave of Boat Escapes*, MIAMI HERALD, July 22, 1999, at 1A; *Cuban Dissidents Complete Human Rights Fast*, MIAMI HERALD, July 17, 1999, at 1A. See also *infra* note 35 regarding political repression in Cuba. In Miami, in the meantime, inter-generational transitions are causing similar splits within the Cuban American National Foundation (CANF), which oftentimes is described as the crucible for Miami’s Cuban elites. See, e.g., Rafael

and comparative differences, on both sides of the Straits, these dual elites exist and operate as interconnected groups, persons, and institutions actuated by a common formal platform of political ideology. On both sides of the Straits, the adherents of these sometimes unruly factions can be, and are, disciplined forcefully in various ways by their respective commanders and comrades for straying too far from approved dictates.

These elites, however, do not represent—they do not even try to—the multiple diverse communities that they profess to care so much about. Indeed, both Havana and Miami house elites that represent the worst of colonialism's contemporary legacies. Both sustain racist, sexist, and homophobic premises and structures of subordination.

In Cuba, for instance, positions of power both in the government and in the party overwhelmingly still are held, controlled, and dispensed by openly straight white men.<sup>26</sup> Ditto in Miami's Cuban enclave<sup>27</sup>—as

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Lorente & Tamara Lytle, *Trade Demands, Loss of Leader Sap Clout of Anti-Castro Cubans in U.S.*, CHI. TRIB., June 21, 2000, at 8; Christopher Marquis, *Cuban-American Lobby on the Defensive*, N.Y. TIMES, June 30, 2000, at A12; Luisa Yanez, *CANF Board Ponders Future Amid Public Rift*, MIAMI HERALD, July 22, 2001, at 3B. See also Cynthia Corzo et al., *Foundation riven by dissent among Miami Cubans*, MIAMI HERALD, July 21, 2001, at 1A; Elaine De Valle & Carol Rosenberg, *Ex-CANF Member Explains Resignation*, MIAMI HERALD, July 24, 2001, at 1B; Elaine De Valle & Carol Rosenberg, *CANF Ignites Cuban Media*, MIAMI HERALD, July 25, 2001, at 3A; Fabiola Santiago, *CANF leader claims his late father's legacy but says he doesn't walk in his shadow*, MIAMI HERALD, July 29, 2001, at 1A.; Robert L. Steinback, *CANF Rift May Open New Doors*, MIAMI HERALD, July 29, 2001, at 1B. Nevertheless, and in spite of their various differences, both bipolar elites have shown themselves over time to be cohesive forces and formations, even if only by their increasing interest in self-perpetuation and self-aggrandizement above all—certainly above the protection or advancement of the principles they loudly tout(ed).

26. See generally LOIS M. SMITH & ALFRED PADULA, *SEX AND REVOLUTION: WOMEN IN SOCIALIST CUBA 45-187* (1996); Julie Marie Bunck, *Women and the Post-Cold War Socialism: The Cases of Cuba and Vietnam*, 7 CUBA IN TRANSITION 21, 26-27 (1997), at <http://lanic.ulxcs.edu/a/Cuba/asce/Cuba7/bunck.pdf>; Debra Evenson, *Women's Equality in Cuba: What Difference Does a Revolution Make?*, 4 LAW & INEQ. 295 (1986). See also STATISTICAL RECORD OF WOMEN WORLDWIDE 605-606 (Linda Schmittroth ed., 1991); Nadine T. Fernandez, *The Color of Love: Young Interracial Couples in Cuba*, 23 LATIN AM. PERSP. 99 (1996); Alejandro de la Fuente, *Race, National Discourse, and Politics in Cuba*, 25 LATIN AM. PERSP. 43 (1998); Alejandro de la Fuente, *The Resurgence of Racism in Cuba*, 34 NACLA REP. ON AM. 29 (2001); Tanya Kateri Hernandez, *Multiracial Matrix: The Role of Ideology in Enforcement of Antidiscrimination Laws, A United States-Latin America Comparison*, 87 CORNELL L. REV. 1093, 1133-44 (2002) (analyzing race and White supremacy in Cuba); Sheryl L. Lutjens, *Reading Between the Lines: Women, the States, and Rectification in Cuba*, 22 LATIN AM. PERSP. 100, (1995); *National Assembly of the People's Power, Government and Politics of Cuba: A Comprehensive Resource of Cuba's Government Structure, Politics, and Actors* (July 2001), available at [http://www.cubapolidata.com/gpc/gpc\\_institutional\\_order.html](http://www.cubapolidata.com/gpc/gpc_institutional_order.html) (last visited Oct. 18, 2002). As with male and White supremacy on the island, today's Cuba similarly retains its historic heterosexism. See, e.g., IAN LUMSDEN, *MACHOS, MARICONES AND GAYS: CUBA AND HOMOSEXUALITY* (1996).

27. See generally U.S. CENSUS BUREAU, *CURRENT POPULATION REPORTS, SERIES P23-205, Population Profile of the United States: America at the Close of the 20<sup>th</sup> Century* (U.S. Government

throughout the United States, more generally.<sup>28</sup> And, both camps are elitist and classist—though they differ on their choice of political or ideological pivots for the erection of their elites, classes, and hierarchies. Thus, Havana’s elites favor the straight white men who espouse their pet slogans while Miami’s elites do likewise; and, in both instances, these are the persons who tend to reside in the nicest homes and neighborhoods of their respective domains. In both instances, these post/neo/colonial elites use Law to buttress their control of Society, and embed personal predilection in Law to safeguard their arrogated privileges and reproduce the structural predominance of their kind in Law and throughout Society. While apologists on both sides of the Florida Straits are quick to issue impassioned defenses of the ultimate intentions that justify present shortcomings, the fact remains that in nearly a half century neither Havana’s nor Miami’s elites have shown much interest in social transformation when it might disturb their preferred positions at the apex of their respective heaps.

Euroheteropatriarchy still governs hegemonically in the worlds and agendas constructed both by Havana’s and Miami’s elites:<sup>29</sup> both sides of

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Printing Office, 2002); U.S. CENSUS BUREAU; POPULATION PROJECTIONS OF THE UNITED STATES BY AGE, SEX, AND HISPANIC ORIGIN: 1995 TO 2050, available at <http://www.census.gov/prod/www/titles.html#popest>; THE CUBAN AMERICAN NATIONAL COUNCIL, A DEMOGRAPHIC PROFILE OF CUBAN AMERICANS (1994) [hereinafter DEMOGRAPHIC PROFILE OF CUBAN AMERICANS]; Anthony DePalma, *For Haitians, Voyage to a Land of Inequality*, N.Y. TIMES, July 16, 1991, at A1; Lydia Martin, *Lifting the Burden of Machismo More Women Speaking Out Against Hispanic Tradition of Patriarchy*, MIAMI HERALD, Feb. 13, 1994, at 1J; *Government & Elections*, HISPANIC AMERICANS: A STATISTICAL SOURCEBOOK, 108-09 (2001); Mireya Navarro, *Black and Cuban-American: Bias in 2 Worlds*, N.Y. TIMES, Sept. 13, 1997, at A3; Mirta Ojito, *How Race is Lived in America*, N.Y. TIMES, June 5, 2000, at A1; Schmittroth, *supra* note 26, at 600 & 612. See also Karen Branch-Brioso et al., *The Real Power in Dade Despite Hispanic Majority, White Non-Hispanics Hold Sway Control of Key Public, Private Positions Contradicts Image, Herald Survey Finds*, MIAMI HERALD, Sept. 3, 2000, at 1A.

28. See generally BUREAU OF CENSUS, 1992 CENSUS OF GOVERNMENTS, 1 GOVERNMENT ORGANIZATION, NUM. 2, POPULARLY ELECTED OFFICIALS 20-21 (1995).

29. Euroheteropatriarchy describes a Eurocentric fusion of androsexist and heterosexist biases and prejudices producing over time the systematic privileging of humans, groups, norms and values that are identified, among other things, as white, masculine and heterosexual. See Francisco Valdes, Symposium, *Intersections: Sexuality, Cultural Tradition, and the Law: Unpacking Heteropatriarchy: Tracing the Conflation on Sex, Gender and Sexual Orientation to Its Origins*, 8 YALE J.L. & HUMAN. 161 (1996) (describing some of the sex/gender and sexual orientation norms that underlie and animate androsexism and heterosexism to produce the patriarchal form of homophobia—heteropatriarchy—that still prevails in Euroamerican societies, including the United States, today). As elaborated here, it is prevalent in Cuba and among Cubans, both on the island and throughout the Diaspora. It is rooted in the normativities introduced and imposed by Iberian and other European conquistadors. It is supported by the cultural and political preferences of American imperialism throughout this hemisphere during the past century or two. Today, both sets of elites reproduce Euroheteropatriarchy in the act of re/producing themselves and their hierarchies;

the Florida Straits remain anchored to a preference for openly straight white men as the leaders and principal beneficiaries of their inter/national projects. White supremacy, male supremacy, and straight supremacy reign still over Cubans, whether in Havana or Miami.<sup>30</sup>

These dueling elites thus represent little more than sanitized competing political ideals to which they once might have aspired authentically, but to which they no longer bow. Both sides of the Straits now connive to foist on Cuba and Cubans the worn, sugarcoated slogans that serve mainly to maintain their personal positions and mutually self-interested politics. This devolution today shows that Havana's elites would rather sell the country to opportunistic and ravenous neocolonial capitalists from Canada and Europe—most noticeably, and some would say ironically, the old colonial master, Spain—and to accommodate the growing prostitution and sex tourism on the island generated from the “decadent” societies with which Havana elites choose to conduct “business,” than to accept even a modicum of political or economic decentralization.<sup>31</sup> For their part, Miami's elites would rather destroy the country's infrastructure and, apparently, starve every single person on the island than take even a first tiny step toward negotiated resolution to the embargo they erected with a

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regardless of the emphasized differences in political ideology, the same social profile comes out “on top” while the same marginalized identities are pushed to “the bottom”—both in Havana and in Miami.

30. Of course, Fidelismo has enabled the betterment of living conditions for some segments of the population: some women and nonwhites have risen in the ranks of Cuba's hierarchies while the oppression of sexual minorities waxes and wanes according to the pulse of Havana's elites. See generally ALEJANDRO DE LA FUENTE, *RECREATING RACISM: RACE AND DISCRIMINATION IN CUBA'S "SPECIAL PERIOD"* (1998); FAGEN, *supra* note 15, at 39-47 and 121-42; Phillip Geyelin, *Fidel's Cuba: Castro Hangs Onto His Big Following Despite Rising Economic Woes*, WALL ST. J., Aug. 14, 1964, at 1; James C. McKinley, *In City of Castro's Triumph, Most Still Back Him*, N.Y. TIMES, Jan. 2, 1999, at A3. See also *supra* note 26 and sources cited therein on race, sex, and sexual orientation in Fidel's Cuba. The same is true in the United States generally. See U.S. CENSUS BUREAU, *CURRENT POPULATION REPORTS, MONEY INCOME IN THE UNITED STATES: 1999* (U.S. Government Printing Office), P60-209 pg. xi, available at <http://www.census.gov/hhes/www/income99.html>; U.S. CENSUS BUREAU, *HISTORICAL INCOME TABLES: CURRENT POPULATION SURVEY (2002)*, available at <http://www.census.gov/hhes/income/histinc/histinctb.html>.; and specifically among the exile enclave in Miami. See, e.g., PORTES & STEPICK, *supra* note 7, at 123-49. See also *DEMOGRAPHIC PROFILE OF CUBAN AMERICANS*, *supra* note 27. Both over there and over here, some social and legal conditions indeed have been made “better” in material terms for some Cubans, including some identified with traditionally oppressed outgroups. Yet the privilege and dominance of straight white men remains structurally entrenched.

31. See, e.g., Julia O'Connell Davidson, *Sex tourism in Cuba*, 38 *RACE & CLASS: J. FOR BLACK & THIRD WORLD LIBERATION* 39-49 (1996); Paul Cullen, *Tourism Corrodes Soul of Cuban Revolution*, IRISH TIMES, Jan. 8, 2001, at 14 (World News); Isabel Garcia-Zarza, *Restricted Access*, available at <http://abc.go.com/sections/travel.DailyNews/cubatourism000302.html> (last visited Aug. 8, 2001); Ron Howell, *In Cuba, Old Racial Attitudes Revived; Critics Say Tourism Has Brought Bias Back*, NEWSDAY, May 13, 2001, at A04.

complicitous United States.<sup>32</sup> Both sets of elites, in short, remain uniformly committed first and foremost to their own reproduction in both ideological and demographic terms.

Each camp has failed in ultimate and substantive terms, for neither has cared enough about its proclaimed communities and original principles, and both have cared too much about the pursuit and perpetuation of their supremacy; both have opted for personal gain over principled nation-building. On the island, Fidel certainly has not honored his early words and promises of egalitarian reformation with actions and policies designed consistently to fulfill them.<sup>33</sup> His regime has, instead, cultivated a cultist centralization of power in his person; while Fidel does not (and humanly cannot) control every act or abuse that takes place in his revolution's name, he wields virtually absolute influence over any particular decision of policy or practice in his government, and he has shown himself ready, willing, and able to order unilaterally, and at will, acts of violence or intimidation directed against the Cuban people.<sup>34</sup> Today, his government increasingly misuses and abuses national sovereignty and its attributes to oppress, rather than to empower or liberate, Cuba and Cubans.<sup>35</sup> Fidelismo's early promise consequently does not match its actual record—even before the embargo and even in matters that cannot, by any stretch of the imagination, be imputed by rote to "the embargo." In the enclave, Miami's elites on the whole have shown a stalwart interest in "freedom of expression" and "democracy"—but only when they liked what they saw and heard.<sup>36</sup> And when not, exile elites have whipped up

32. See, e.g., Peter G. Bourne, *The Impact of the U.S. Embargo on Health and Nutrition in Cuba*, 8 CUBA IN TRANSITION 213 (1998), available at <http://lanic.utexas.edu/la/cb/cuba/asce/cuba8>; Maria C. Werlau, *The Effects of the U.S. Embargo on Health and Nutrition in Cuba: A Critical Analysis*, 8 CUBA IN TRANSITION 219 (1998), available at <http://lanic.utexas.edu/la/cb/cuba/asce/cuba8>; Guy Gugliotta, *Hard-Liners Dig in on the Issue of Embargo; Cuban American Foundation Is Determined Not to Founder After Loss of Its Leader*, WASH. POST, Jan. 21, 1998, at A16; Juan O. Tamayo, *Ex-U.S. Official to Lead Pro-Embargo Drive*, MIAMI HERALD, June 30, 2000, at 1A. See generally UNITED STATES INTERNATIONAL TRADE COMMISSION, THE ECONOMIC IMPACT OF U.S. SANCTIONS WITH RESPECT TO CUBA, Investigation No. 332-413 (2001), available at <ftp://ftp.usite.gov/reports/studies/pub3398.pdf>. But cf. Ken Guggenheim, *Embargo's Impact Slight, Report Says Cuba's Trade Seen as Limited by Own Politics*, MIAMI HERALD, Feb. 16, 2001, at 1A.

33. See generally LEONARD, *supra* note 17, at 85.

34. See generally *id.*

35. See, e.g., *Castro Abuses Crime Crackdown to Muzzle Political Dissidents*, FORT LAUDERDALE SUN-SENTINEL, Feb. 23, 1999, at 22A; Howard W. French, *Castro Meets Dissent With an Iron Hand*, N.Y. TIMES, Dec. 8, 1991, at 3; Colin McMahon, *Castro's Crackdown*, CHI. TRIB., Mar. 1, 1996, at 1N. See also *supra* notes 17, 18 and 25 and sources cited therein on Fidel's political dictatorship.

36. For example, one of Miami's most established and prominent restaurants in Little Havana—Centro Vasco—was bombed and driven out of business when it dared to allow a Cuban

outrageous reactions, including acts of violence and intimidation, from misinformed and excitable constituencies.<sup>37</sup> In sum, the dominant elites on both sides of the Straits have resorted to vicious disinformation, social suppression and physical violence for the sake of power, preferring to “win” their petty but destructive battles at any cost—especially when “winning” has become tantamount to personal power and privilege. In their reciprocal craving for status, comfort and triumph, both have deformed or eclipsed their original sense of ethics and have rendered themselves into caricatures of their early, and perhaps once authentic, impulses.

Nonetheless, or perhaps consequently, since 1959 Cubans both on the island and throughout the diaspora increasingly have been situated by themselves and others as “for” and “against” the two different and powerful political camps that emerged contemporaneously in Havana and Miami from the ascension of Fidelismo and the outflux of refugees.<sup>38</sup> In Havana, time has enabled a bold, if corrupt, experiment that still defies the homogenizing pressures of rapacious capitalism and, most recently, neoliberal embrace of corporatist globalization; despite its fundamental flaws, this soiled experiment provides some hope that a concrete alternative to this newest, transnational hegemony-in-the-making may yet become vital.<sup>39</sup> From Miami, time has permitted the formation and

singer from the island to perform on its premises. See Armando Correa, *Restaurant Cancels Cuban Singer's Performances Centro Vasco Had Been Firebombed*, MIAMI HERALD, July 13, 1996, at 1B; Frances Robles, *A Landmark's End: Centro Vasco Falls Prey to Exile Politics*, MIAMI HERALD, Oct. 27, 1996, at 1B. This example is neither unique nor rare. See *Heating up Cuba: Anti-Castro Exiles Plot New Raids, Aim to Win Stronger U.S. Support*, WALL ST. J., Sept. 18, 1962, at 1; *All Things Considered, Analysis: Cuban-American Radio Stations Influence the Cuban Community* (Nat'l Pub. Radio Broadcast), Apr. 18, 2000, 2000 WL 21468835; David Adams, *Bombs Do Not Destroy Miami's New Tolerance*, ST. PETERSBURG TIMES, Aug. 5, 1996, at 1B; Pamela Constable, *New Voices of Exile Although the Cuban-American Political Establishment Remains Conservative, Democrats and Socialistic Iconoclasts Are Gaining Ground. "For The First Time in This Community," Says One Party Leader, "There Is A Legitimate Debate Going On,"* BOSTON GLOBE, July 25, 1993, at 10; Shelley Emling, *Miami Politics Bar Cuban Musicians From Festival*, ATLANTA J. & CONST., Aug. 31, 1997, at 8A; Lydia Martin, *Violence, Dialogue In a Year of Tumult*, MIAMI HERALD, Dec. 29, 1996, at 11.

37. See, e.g., Liz Balzameda, *Emilio Millán, Broadcaster Who Denounced Terror, Dies*, MIAMI HERALD, Mar. 16, 2001, at 1A; Liz Balsameda, *Milián a Symbol of Courage*, MIAMI HERALD, Mar. 19, 2001, at 1B; *Castro Foe Injured in Miami Car Blast*, N.Y. TIMES, May 1, 1976, at 42. See also *Cuban Hit Squad: Anti-Castro 'Omega 7' Evokes Terror in U.S. With Murders, Bombs*, WALL ST. J., Dec. 30, 1981, at 1; ALPHA 66, available at <http://www.alpha66.org/>; Luisa Yanez, *Hundreds Mourn 'Man of Honor'*, MIAMI HERALD, Mar. 18, 2001, at 4B.

38. See generally TORRES, *supra* note 5.

39. This possibility attracts support for Fidel despite his political totalitarianism. See, e.g., Richard Boudreaux, *Mandela Lauds Castro as Visit to Cuba Ends; Diplomacy: ANC Leader Cites the Communist Revolution and Says "We, too, want to control our own destiny,"* L.A. TIMES, July 28, 1991, at A4; *Castro's Anti-U.S. Message Is Welcomed By a Malaysian Leader Critical of*

flourishment of an “exile” community that, despite its regular fits of intolerance and vitriol, still vaunts within Cuban inter/national discourse and politics the importance to human wellbeing of individual agency and freedom of expression in economic and political matters; this rancorous experiment has prevented a quiet consolidation of both tyranny *and* social justice within the island’s confines.<sup>40</sup> During this time, as the Elian case has illustrated, both camps have done a superlative job in propagating and legitimating their world views. Both sets of elites have constructed discourses, regimes, and communities that give political, intellectual, and material spectacle to the hierarchies that they signify and valorize. Both sets of elites, in tandem, have enabled each other’s clamp on their respective levers of power and privilege, as opposing cosmologies that coexist primarily, if not exclusively, as a result of the high-tension stalemate that they have managed to cocreate before a rapt and dazed world.

Increasingly, then, it has become clear that Havana and Miami represent, for Cuba and Cubans, a choice between a rock and a hard place. Havana, like a rock, has insisted that its bold experiment can exist only if “the people” agree to forfeit political agency on both individual and national levels—and in effective perpetuity.<sup>41</sup> Miami, like a hard place, has insisted that human agency and freedom of expression can exist only if “the people” accept the unjust precepts and vagaries of rampant capitalism, including social inequality and extreme poverty—also in effective perpetuity.<sup>42</sup> With increasing absolutism, inspired in part by the demands and dynamics of bipolarization, these two capitals of Cuba and Cubans have preached and practiced ideologies that construct politically “different” yet strikingly similar hierarchies of privilege and power—arrangements that structurally and substantively benefit the neocolonial few at the expense of the multiply diverse many. Despite their tangible successes as measured in narrow and selfish terms, time is not on their side.

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*Globalization, Cuban Salutes His Hosts as Fellow Rebels*, ST. LOUIS POST-DISPATCH, May 13, 2001, at A5; *At Castro’s Invitation, Aristide Visits Havana*, MIAMI HERALD, July 18, 2001, at 14A; *Castro Uses Forum of Poor Nations to Attack Capitalism*, CHI. TRIB., Apr. 13, 2000, at N23; Roger Simon, *Mandela Commends Clinton, Defends Ties to Libya, Cuba*, CHI. TRIB., Mar. 28, 1998, at N3; Richard Sine, *Castro Looms Over Meeting: Cuba Questions Fill Air As IDB Members Debate*, NEW ORLEANS TIMES-PICAYUNE, Mar. 29, 2000, at C01.

40. See generally TORRES, *supra* note 5 (recounting and analyzing the waves of Cuban immigration since Castro’s victory over Batista’s dictatorship, and the sociopolitical implications of these migrations).

41. See generally DRAPER, *supra* note 4, at 42-48.

42. See generally TORRES, *supra* note 5, at 155-200.

### B. *Arrogation and Class Distinctions: The Politics of Tyranny and Money*

One of Fidel's principal methods of imposing "justice" and disempowering his "enemies" upon seizing power in 1959 was ruthlessly to concentrate control over all property in himself and his cronies.<sup>43</sup> This sweeping dispossession of the Cuban people was not a nuanced or orderly project. And it extended not just to grand plantations, or even street-corner pharmacies, but to everything of every kind, including personal possessions. Though Fidel's rules on property ownership and use have shifted with the winds of need and strategy,<sup>44</sup> his centralized control over the disposition and reallocation of all forms of property, and of their commercial or personal uses, has been the crucible for the construction of "rich" and "poor"—those who eat well and those who do not, those who travel and those who do not, those who live comfortably and those who do not. Thus, in Cuba, Havana's elites control the party that controls the state

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43. See generally STEVEN E. HENDRIX, TENSIONS IN CUBAN PROPERTY LAW, 29 (1996); Nicolas J. Gutierrez, Jr., Esq., *The De-Constitutionalization of Property Rights: Castro's Systematic Assault on Private Ownership in Cuba*, 5 Y.B. OF INT'L L. 51 (1996/1997); Jose A. Ortiz, *The Illegal Expropriation of Property in Cuba: A Historical and Legal Analysis of the Takings and a Survey of Restitution Schemes for a Post-Socialist Cuba*, 22 LOY. L.A. INT'L & COMP. L. REV. 321 (2000); Eduardo Moises Penalver, *Redistributing Property: Natural Law, International Norms, and the Property Reforms of the Cuban Revolution*, 52 FLA. L. REV. 107 (2000). See also *infra* note 44 on Fidel's property take-overs.

44. See generally LEONARD, *supra* note 17, at 85. The reports of the news media over the years reflect these policy shifts. See, e.g., Joie Chen & Lucia Newman, *Bad Business: Cuba Cracks Down on Private Enterprise*, (CNN Television Broadcast, Mar. 9, 2001), available at LEXIS, News library, CNN file; *A Crash Course in Economics: The Belated Discovery of Profit and Loss*, ECONOMIST, Apr. 6, 1996, at 5; Robert D. Cruz & J. Antonio Villamil, *Sustainable small enterprise development in a Cuban transition economy*, 34 STUD. COMP. INT'L DEV. 100 (2000); *Business Group Wants Private Sector in Cuba*, ORLANDO SENTINEL, Dec. 2, 1999, at A18; *Cuba's Economy: Mala Vista Social Club*, ECONOMIST, Oct. 23, 1999, at 37; *Open for Business? Cuba's Economy*, ECONOMIST, Dec. 4, 1993, at 71; *Cuba's Economic Repression*, Mar. 16, 2001, available at <http://www.ibt.gov/editorials/09186.htm>; *Cuba Promotes Oil Business in Exclusive Economic Zone*, BBC WORLDWIDE MONITORING, (BBC Television Broadcast, Aug. 11, 1999), available at LEXIS, News library, BBCMIR file; Laurie Goering, *The Hazards of Enterprise*, ECONOMIST, Apr. 6, 1996, at 7; Laurie Goering, *Cuba's Small Capitalists Face Less Friendly Future: They Helped the Nation Weather an Economic Low, But the Government is Making Things Much Tougher Now*, CHI. TRIB., Jun. 20, 2001, at N1, available at CUBANEWS, <http://www.cubanet.org/Cnews/y01/jun01/20e9.htm>; *Hispanics-Cuba/Spain (1st Lead) Spaniards and Cubans Pledge More Business*, EFE NEWS SERVICE, July 7, 2001, available at LEXIS, World library, 6NW file; Lucia Newman, *Cuba squeezes private business as economy grows*, CNN, Mar. 11, 2001, available at CUBANEWS <http://www.cuabmet.org/Cnews01/mar01/12e6.htm>; Marta Beatrice Roque, *A Cuban Economist Calls for Less Official Meddling*, WALL ST. J., Nov. 24, 2000, at A17; *Cuba Slows Free Market Changes*, May 1, 1996, available at <http://www.sn.apc.org/wmail/issues/960501/BUS17.html>.



that controls all property.<sup>45</sup> In this way, the governing cliques retain effective control over the attributes of “ownership” of all property and its uses via their strict control of the party and government—due to their prior deployment of “the state” to “nationalize” property, thereby arrogating personal control (and, if desired, personal possession) of any given asset. In this manner, Havana’s elites arrogate and dispense the best of everything to themselves, their courtiers, and their foot soldiers.

In key and ironic ways, the Fidelista construction of personal economic security or wellbeing is very similar to Cuba’s colonial structuring, in which personal material comforts, or socioeconomic status, are linked to the personal favors of the king or jefe—or of his designated agents—based, typically, on demonstrated levels of political servitude and utility.<sup>46</sup> This construction is similar, in fact, to the days immediately preceding Fidel’s revolution, when another corrupt dictatorship controlled the state and the people—and their personal properties or fortunes—with brute force.<sup>47</sup> In today’s Cuba, as in yesterday’s, access to economic advancement remains structurally correlated to manifest political allegiance to the Havana elites’ self-serving agendas. Today as before, the loyalists live well—and it is no coincidence that Cuba’s ruling class continues to consist mostly of White men; the rest, for the most part, do not.<sup>48</sup> In this ongoing scheme, both possession and dispossession are

45. See generally *supra* note 44 and sources cited therein on Cuba’s changing policy on property, trade, and private enterprise.

46. See SIMONS, *supra* note 10, at 102-13 (discussing colonial arrangements).

47. The followers of Fidel’s predecessor, Fulgencio Batista, continue to live in the United States and abroad. See Michael Bowring, *The Cuban Revolution, 40 Years Later: For Batista’s Dwindling Band, Each New Year Dawns Somberly*, PALM BEACH POST, Jan. 1, 1999, at 1A.

48. See generally *supra* note 26 cited therein on the identity politics of Cuban society and government. The material dimensions of these power/status disparities have been exacerbated by the “dollarization” of the Cuban economy—an ironic act for a socialist state, and one that has spawned a “dual economy” on the island, vividly illustrating both how far Havana’s elites have compromised their original principles as well as that they effectively have abandoned their formal revolutionary aspirations. See generally CARMELA MESA-LAGO, ARE ECONOMIC REFORMS PROPELLING CUBA TO THE MARKET? 24-30 (1994). In this dual economy, the Havana elites’ control over jobs—and over coveted access to the dollar—freely use their control over such access to practice politics, and to shore up their elite status and power, as illustrated in the political maneuvering over the “Varela Project.” One woman, for example, expressed the fear of job loss if she did not publicly subscribe to the party line on questions of political reforms, saying “Don’t you realize? I work in a dollar store.” Another was quoted as saying that, “You know what is expected of you . . . so you go and get it over with.” See Anita Snow, Associated Press, *Cubans Want to Know Text of Varela Project*, ORLANDO SENTINEL, June 24, 2002, at A11. At a recent academic conference on Cuba’s economy, Cuba scholars widely reported the existence of a highly centralized economic order controlled directly by the party elites through the structures and apparatus of government—a centralization of control that ensures control over the nation’s (non)productivity, wealth and potential in part by adopting capitalist techniques in highly strategic ways. See Time Johnson, *Castro has Chokehold on Private Sector*, *Scholars Say*, MIAMI HERALD, Nov. 21, 2002,

decided from above—centrally and potentially immediately—in economic, social, and political terms.

Also in keeping with colonial times, this political monopoly over the “good things in life”—ranging from private residences to international travel, and from shoes to vegetables—is the scheme through which not only class hierarchies are constructed in today’s Cuba but also through which political allegiance is induced strategically. This monopoly both entrenches the Havana elites’ political power and determines class position for everyone on the island. This unchecked power over material conditions and comforts, now as then, has served mightily to help Havana’s elites entrench political control over the people and economy of the island. Today, under Fidelismo’s tightly centralized systems of control, persons deemed ideologically unreliable simply have no chance of personal security, much less success, either in social or economic terms.<sup>49</sup> The Havana elites’ complete control and shrewd manipulation of their unjust monopoly, which gives them the power to determine socioeconomic status for every single individual on the island, is a mighty source of tyranny because it manipulates and exploits human needs and wants.

Fidelismo, of course, has not erased the need to acquire food, shelter, and other material necessities and luxuries of corporeal human existence. But, despite its longstanding monopoly on power, Fidelismo has not erased stratification based on distinctions in access to, enjoyment of, and control over socioeconomic goods and opportunities. Class construction thus occurs in Cuba, albeit differently than in Miami or other capitalist contexts. Fidelismo, in other words, has not erased the existence of “class” in Cuba or material inequalities among “classes” of Cubans. Under Fidelismo, where “the state” holds dominion over all property, and where “the state” in fact amounts to a small self-anointed clique of straight white men that rule by the force of the gun, the social and economic fortunes of multiply diverse individuals are decided by those men in reference to their own perceived self interests, and at the expense of all others, including society as a whole. Fidelismo, then, simply has reconfigured the politics of class construction between and among Cubans in Cuba.

In Miami, as one might expect, class is constructed in the typical capitalist ways of these times, as practiced generally in the United States

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at 9A. See also *supra* note 18 and sources cited therein on power structures, relations, and dynamics on the island. The bottom line generated through these intersections of identity, ideology, class, and status is that the formally supreme political body on the island, the party Politburo, remains a bastion of White men—none of them openly gay. See PABLO ALONSO, *LOS ULTIMOS CASTRISTAS* (1998) (describing the individual members of this ruling group).

49. See generally Andres Oppenheimer, *Free Four Dissidents, Europe Tells Cuba*, *MIAMI HERALD*, Mar. 18, 1999, at 1A; *Cuba Law Cracking Down on Dissidents Passed*, *MIAMI HERALD*, Feb. 17, 1999, at 10A. See also *supra* notes 25 and 35 on Fidel’s political monopoly.

and, increasingly, globally: human exploitation for short-term profit maximization and personal material enrichment. But the Miami elites also have carved out their well-publicized socioeconomic “enclave” in Miami, an ethnic universe that in many ways parallels the local traditional Anglo establishment and that serves as a springboard both to economic enrichment and inter/national political influence.<sup>50</sup> In this enclave’s highly politicized environment, politics, ideology, and class also intersect relentlessly; although the overarching (dis)incentive structure is organized around contemporary capitalism, and although Miami elites do not enjoy the centralized and nearly absolute political power of their Havana counterparts, access to opportunity and comfort in Miami, and especially in the enclave, oftentimes is linked to politics and ideology—more specifically, political allegiance to, and ideological conformance with, the Miami elites and their interests. It is no coincidence that the rich and famous produced by the enclave are time and again elite-identified in both ideological and demographic terms;<sup>51</sup> in this circular process, allegiance begets recognition and reward, while opposition attracts the ostracism and oppression—removal from the corridors of opportunity, status, and influence.

Thus, both in Miami and in Havana, the elites use ideology to design and engineer class construction. Both here and there, the elites strive to control individuals’ access to personal advancement and enrichment in a manner designed principally to shore up their own political agendas and personal status. Both are unjust because both elevate in structural terms the personal gain of a powerful few at the expense of social equity and progress for the many.

### C. *Global Circus, Domestic Division: Cubans as Sport and Spectacle*

While Havana’s and Miami’s elites are the principal antagonists in this tragedy, the colossus to the North—the United States, its government and its public—represents an omnipresent set of factors that exert a powerful force on the dynamics of Cubans’ bifurcated state. “Yanquis” are both the audience and actor in myriad and interlacing ways. The government of the United States, like the Havana and Miami elites, is integral to this stalemated status quo; Cuba remains a uniquely sore point for the United

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50. See *supra* note 7 on Miami’s “Latinization.”

51. The Cuban power structure in Miami tends to be white, male, capitalist, and conservative. See generally LEONARD, *supra* note 17, at 67-78 (describing the “angry exiles” of Miami). Relations between Miami’s Cuban elites and the local Black community generally are distant, or worse. See PORTES & STEPICK, *supra* note 7, at 177-202 (discussing Miami’s Black communities since the Cuban influx). See also *supra* note 27 on Cuban demographics in Miami and the United States.

States because it is one of the few “little” countries that ever had the audacity and capacity to stand up, successfully, to the United States and its elites while under their shadow, literally, and because it did so in the midst of a larger bifurcation: the Cold War. The Miami elites and their foot soldiers thus have served a dual role for the government of this country and its ruling elites: while exercising great and sometimes definitive influence over the Cuba policy of the United States government, they also have been used as pawns or surrogates when the United States and its elites have elected to manipulate the exiles’ rigid views of Cuba for their own—and sometimes base—purposes.<sup>52</sup> It is no coincidence, after all, that we find Miami Cubans involved in everything from the Watergate burglary in Washington D.C. to the Contra campaign in Nicaragua.<sup>53</sup> Thus, the role of the United States—as represented by its formal government agencies and driven by its Left and Right wings—has been less than positive or benign; these North American forces lend legitimacy to their favored camps and thereby create significant impediments to any effort that seeks to transcend the Havana-Miami axis of conflict.

The Left in the United States, still in a hangover from the heady days of now-broken revolutionary promises, has romanticized Havana’s elites for years. This romance effectively occludes the horrors the Havana elites perpetrate on the people of Cuba, in particular those who seek to express a dissenting sense of self. As a corollary, the North American Left demonizes not only Miami’s elites in ideological terms, but also in racial and other essentialist and essentializing terms: in the Left’s “progressive” mindset, Cubans in Cuba are imagined and constructed as socially just and principled, and their “mistakes” are unfortunate but due only to the embargo, while Miami’s Cubans are depicted as a crazy bunch of White and spoiled members of Cuba’s pre-Fidelista ruling classes.<sup>54</sup> At the same time, the Right in the United States conversely romanticizes Miami’s elites

52. See generally TORRES, *supra* note 5, at 127.

53. See, e.g., Alfonso Chardy, *Cuban Fugitive Tied to Contras' Supply Delivery*, MIAMI HERALD, Aug. 26, 1987, at 18A; Alfonso Chardy, *Mas Canosa Helped Cuban Exile Contact Contras, Testimony Says*, MIAMI HERALD, May 19, 1988, at 6A; Sandra Dibble, *Who'll Help Our Cause? Cubans Ask Debate Contra Aid, Anti-Castro Battle*, MIAMI HERALD, Nov. 2, 1986, at 15A; David Lawrence, Jr., *The Man From Watergate*, MIAMI HERALD, June 15, 1997, at 3L; Lourdes Merluza, *Cuban Contras Recruited in Miami*, MIAMI HERALD, June 26, 1986, at 11A; Carol Rosenberg, *Plotter of Bay of Pigs, Watergate Conspirator: 'File and Forget' Castro*, MIAMI HERALD, June 28, 2001, at 4A; Andres Viglucci, *Watergate Thief Denies Portrayal in Exile's Book*, MIAMI HERALD, Nov. 20, 1999, at 3B.

54. See generally Susana Barciela, *Bashing the Cubans: The Elian Saga Prompted Open Season on Exiles*, 13 HISPANIC 128, (2000); Victor M. Diaz, Jr., *The Few Liberal Voices Don't Represent Views of Most Cuban Americans*, MIAMI HERALD, May 15, 2000, at 7B; Andres Oppenheimer, *Media Bias, Dismissive Labels Anger Cuban Exiles*, MIAMI HERALD, Apr. 6, 2000, at 6A; Fabiola Santiago & John Dorschner, *Outside Image Bewilders Exiles*, MIAMI HERALD, Apr. 23, 2000, at 4B.

as brave freedom fighters while demonizing Cuba and Havana in similarly essentialist and essentializing ways: Cubans in Cuba are uniformly cast as dictatorial devils with not even a scintilla of principle or vision. In this way, both the Right and the Left prop up the stalemate that divides Cuba and Cubans; for this reason, both the Left and the Right share responsibility with Miami's and Havana's elites in the fanatical maintenance of this tense bifurcation.

"International public opinion" similarly has helped to construct an unproductive framework for the dueling elites ensconced in Miami and Havana. The resolutions and reports of entities ranging from the United Nations to Amnesty International have shown the same tendencies as the forces within the United States: Leftist groups help to promulgate the propaganda of Havana's elites and their allies<sup>55</sup> while Rightist groups help to promulgate the propaganda of Miami's elites and their allies.<sup>56</sup> Many around the world therefore continue romanticizing Fidel's regime as the "victim" of the colossus to the North and its Miami puppets, while many others around the world romanticize the exile Cuban community and their North American patrons as valiant upholders of democracy, freedom, and liberty. By valorizing their respective "side" of Cuba's forced bifurcation, they reinforce the ossified viewpoints and tensions of both Havana and Miami—and thus help to prop them up despite their corrosive and corrupt ways.

Thus, both "domestic" political factions and "international public opinion" abet the Miami and Havana elites' co-construction of this antagonistic discourse, impelling these dueling elites both with substantive and symbolic supports that, in effect, help to drive a destructive wedge between Cubans and other Latinas/os in the United States. Both from the Left and the Right, the Miami elites have been encouraged structurally and pressured politically to digress from progressive agendas on issues ranging from affirmative action, to social welfare, to immigration policy. The confluence of pressures from all sides has been baneful.

The Left belittles the Miami elites with ignorant indulgence and reckless acceptance of simplistic race-class stereotypes while slighting legitimate demands for political pluralism and personal liberty on the island, thereby confirming and cementing diasporic fears that only the Right will help in the vindication of these basic human rights—of course, in exchange for the Miami elites' support of the Right agenda more generally.<sup>57</sup> Rather than extend to the Miami elites a principled reason to

55. For one example, see SIMONS, *supra* note 10, at 33-34 (acknowledging, albeit grudgingly but immediately exculpating the repression of human rights in Cuba by Havana's elites).

56. For one example, see HOWARD HUNT, *GIVE US THIS DAY* (1973) (giving a personal account of his involvement in CIA Cuba-related activities by the Watergate burglars).

57. An apt example is the cultivation of Cuban voters by right-wing Republicans since

align with progressives and people of color in this country's raging culture wars, the Left has provided many reasons for the Miami elites' (ultimately misguided) alliance with the Right.<sup>58</sup> Moreover, the Left's internalization of its own dichotomous stereotypes about Cuba and Cubans has caused it to overlook the existence and significance specifically of diasporic Cubans who seek to transcend the internal *and* international politics of divide-and-destroy pursued relentlessly both from Miami and Havana. The longstanding "progressive" essentialization and demonization of the Miami elites in racial and class terms, coupled with the absurd valorization of the Havana elites in political terms, thereby helps to generate and sustain a general sociolegal climate *within* the United States that solidifies the Miami elites' Rightist "domestic" tilt. This, in turn, helps to undermine intra-Latina/o solidarity and truncate coalitional possibilities among people of color, in myriad equality struggles that remain significantly affected by this (mis)alignment of social groups and interests in the inter/national politics of the United States.

Contemporaneously, the Right's essentialization and valorization of the Miami elites as a hard-working "model minority" led by courageous freedom fighters, coupled with the reductionist demonization of the Havana elites as merely typical tyrants, complements this farcical yet serious state of affairs. It is no coincidence, after all, to find Jesse Helms and his ilk squarely in the Miami elites' ideological corner.<sup>59</sup> Thus, from both the Left and the Right, Miami's (and Havana's) elites receive external aid and comfort that effectively undercut antiradicalization struggles in this country (and beyond it—including on the island itself). While the resulting domestic divisions that alienate Cubans and Cuban Americans from Latinas/os and other people of color in this country may make sense from the selfish and ideological perspective of the Right, it is sheer folly to do so from the principled and progressive perspective of the Left. In both cases, however, it wreaks human havoc and is wrong.

Not surprisingly, the ripple effects of the Left's and Right's interventions in this tragedy have had the same or similar effects in Cuba. The Right's romance with Miami and disdain of Havana have helped to engineer the embargo that today provides the Havana elites with a handy pretext to disclaim responsibility for every failure or brutality that they

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Ronald Reagan decided to target the Cuban vote as the only "minority" camp vulnerable to Republican blandishments. *See generally* William Schneider, *Elian Gonzalez Defeated Al Gore*, 33 NAT'L J. 1274 (2001).

58. Whether "cause" or "effect," the Miami Cuban community generally is described as "conservative," especially when compared to other Latina/o communities. *See, e.g.*, Mark Falcoff & Elliot Abrams, *The Other Cuba*, 47 NAT'L REV. 34 (1995). *See generally* Gerald P. Lopez, *Symposium, Learning About Latinos*, 19 UCLA CHICANO-LATINO L. REV. 363 (1999).

59. *See* TORRES, *supra* note 5, at 144-47 (discussing the effects of the American right).

perpetrate, and which makes credible to some “observers” the lame excuses offered by Havana elites for their stubborn, decades-long suppression of political diversity on the island.<sup>60</sup> Over time and into the present, the Right’s promotion of measures to leverage and tighten the embargo has helped to enable the Havana elites’ concoction of a paranoid siege mentality on the island that has provided the chief excuse for their unending infliction of dictatorship.<sup>61</sup> While the Right decidedly bears partial responsibility for the misery and suffering they have licensed on the island, the Left’s romance with Havana also has provided the trappings of credibility for the Havana elites’ blatant tyranny. The Left’s willingness to justify unabashed oppression as an operational necessity of a revolution long ago dead has made it complicit in the Havana elites’ systematic and barbaric mistreatment of Cubans on the island seeking only to claim, secure, and enjoy basic rights and options similar to those that progressives regularly demand for themselves as well as for “subordinated groups” around the globe. Thus, both from the Left and the Right, Havana’s elites have been encouraged politically and pressured structurally to compromise, and effectively to abandon, the progressive agendas they mapped for their revolution four decades ago.

In sum, the Left’s romance with Havana and disdain for Miami have produced the same net effect here as the Right’s romance with Miami and disdain for Havana have produced over there: the Right’s partisan promotion of the Miami elites’ agenda nonetheless has allowed the Havana elites to exacerbate and exploit the fears and concerns of Cubans on the island as a means of maintaining their corrupt control, while the Left’s partisan promotion of the Havana elites’ agenda ironically has allowed the Miami elites to excite and exaggerate diasporic fervor and fanaticism. In both cases, the Right and the Left have incited and consolidated the elites’

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60. *See id.*

61. *See* Georgie Anne Geyer, *Ending the Cuban Embargo Would Perpetuate Castro's Totalitarian Control*, CHI. TRIB., July 7, 2000, at N15; *see also* Holger Jensen, *After Four Decades, Has Embargo Against Cuba Worked?*, CAPITOL HILL BLUE, Mar. 13, 2001; AMERICAN ASSOCIATION FOR WORLD HEALTH, “DENIAL OF FOOD AND MEDICINE: THE IMPACT OF THE U.S. EMBARGO ON HEALTH AND NUTRITION IN CUBA,” March 1997, available at <http://www.CubaSolidarity.net/aawh.html>; U.S. Department of State: Washington File, *Text: Bush Announces Strengthening of Measures Dealing with Cuba* (July 13, 2001), available at <http://www.usinfo.state.gov/regional/ar/us-cuba/bush13.htm>; James Cox, *U.S. ponders more aggressive Cuba policy if Helms-Burton law is invoked, lawsuits, troubles with trading partners could increase rapidly*, USA TODAY, Apr. 18, 2001, at 3B; U.S. Department of State: Washington File, *Powell says Cuban Sanctions Should Remain in Place* (Mar. 15, 2001), available at <http://www.usinfo.state.gov/regional/ar/us-cuba/powell15.htm>; U.S. Department of State: Washington File, *U.S. Ambassador Cunningham Remarks on Cuba Embargo at U.N.* (Nov. 9, 2000), available at <http://www.usinfo.state.gov/regional/ar/us-cuba/cuba9.htm>; Deborah Kalb, *3 Cuban-American lawmakers stand firm against loosening embargo on Cuba*, GANNETT NEWS SERVICE, Mar. 13, 1998.

worst fears and regressive political tendencies, simultaneously enhancing both camps' moral and material resources to wage, year after year, decade after decade, their unjust war against each other and most importantly, at the expense of the Cuban people's human rights and historical aspirations. The net effect of these interventions, both over here and over there, is to reinforce rigidity, license impunity, and inflame conflict. It is way past time to recognize that both kinds of essentialization, valorization, and demonization are false, exploitative, and destructive.

#### D. *Time and Imagination: Toward the Denied*

Despite the patent falsity of the dichotomy that island and diasporic elites have co-created and propped up since 1959, their ruthless tactics have helped them both to establish and enjoy their social, legal, economic, and political prerogatives over their respective preserves. They have accumulated and marshaled tremendous resources of all kinds, which they now activate and orchestrate to wage their respective parts of this global public relations campaign. Through their respective resources and positioning they have occupied center-stage in public discourse, centering themselves in the public eye as (re)presenting "Cuba" and "Cubans." Through their resources, and because of their converging interests in stalemate, they opportunistically have co-produced suspenseful displays of life and death, of law and society, and of politics and passion, that from time to time have entertained and riveted the world. The Bay of Pigs in 1961, the Pedro Pan Airlift of the 1960s, the Freedom Flights of the 1970s, the Mariel Exodus of 1980, the Venceremos Brigades, Fidel's fantastical orations at the Plaza de la Revolucion, the Brothers-to-the-Rescue dogfights and shootdowns, the Elian immigration controversy of 1999-2000: these inter/national moments of Cuban struggle present but a few of the instances that constitute this long-running, high-ratings coproduction of Havana's and Miami's elites.<sup>62</sup> Through these opportunities for theatrics, both camps and their political allies in the United States and internationally, slowly but surely have choreographed skewed perceptions that they have hoped, as they still do, eventually will yield favored realities. The high drama and visibility accorded to these bipolar elites and their skirmishes have ingrained their images as the dualistic parameters of national choice in the imagination of Cubans here and there, as well as among the inter/national public more generally. Today, Cuba and Cubans effectively are pushed to choose between these two "communities" and their structures of oppression as all-or-nothing alternatives frozen in time.

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62. For a good overview and analysis of this period, see FELIX ROBERTO MASUD-PILOTO, *WITH OPEN ARMS: CUBAN MIGRATION TO THE UNITED STATES* (1988).



The push remains powerful, but time stands still for no one and nothing. While today's elites were consolidating their power and positions, Cuba and Cubans caught in the riptides of their bipolar extremes also have dared to resist and reject both. They—we—have dared to imagine possibilities denied both from here and there.

Indeed, Cuba and Cubans never have limited our visions of the possible to the options offered by these two camps: from the inception of today's bipolar paradigm, Cubans have dared to imagine a future plagued neither by political oppression nor by economic exploitation—I know so because it was precisely this capacity for imagination, and yearning to make it real, that caused my father both to support Fidelismo initially and to flee its tightening grip as a political *and* economic refugee just a few years later. I have learned since then that his example, while personal to me, was neither unique nor rare in the early days of Fidelismo—nor now.<sup>63</sup> Yet, the vision harbored by my father and others like him has been overshadowed during these years, as the elites of Havana and Miami entrenched themselves and eliminated systematically the immediate visibility or viability of any intermediate approach to the project of building a Cuba that, for the first time in Cuban history, would repudiate substantively the traditional stratification of Cuban society and combat proactively the perpetuation of post/neo-colonial subordination under Eurohetero-patriarchy.<sup>64</sup>

In so doing, these elites effectively have collaborated on a project in which both are fundamentally invested: the denial of the possibilities, imagined by persons like my father, that evoke the ideals imagined by the earlier revolutionaries in Cuba—those who fought to tear away Spain's imperial yoke and to replace it with an egalitarian society, and those who even later sought to conclude Cuba's historic waves of uprisings with the establishment of the 1940 Constitution.<sup>65</sup> In their joint project to deny this possibility, Havana's elites long have imprisoned anyone who sought seriously to articulate a vision of Cuba in which everyday people enjoyed personal and political freedoms as part of the project of building a postcolonial nation-state, while Miami elites long have harassed anyone who sought seriously to pursue social justice rather than gross economic enrichment as the endgoal of the nation-state.<sup>66</sup> Both elites intolerantly have labeled as "enemy" and targeted for vicious attacks anyone who has sought to delineate a vision in which all three generations of human rights

63. See FAGEN ET AL., *supra* note 15, at 62-97.

64. In some ways, this would vindicate the original revolutions against Spain, which were fought in the name of egalitarian reforms. See generally LEONARD, *supra* note 17, at 81-83, 153-54; SIMONS, *supra* note 10, at 157-59.

65. See CARLOS M. PIEDRA Y PIEDRA, *LA CONSTITUCION Y EL TRIBUNAL SUPREMO* (1943).

66. See, e.g., *supra* notes 36 and 37 on the use of political violence in Miami.

would be respected not only formally, but also in fact. Both on the island and throughout the diaspora, ideologically opposed elites insist self-righteously, but increasingly unconvincingly, that either Cuba and Cubans go their way or no way. The selfish interests of both elites have converged, perversely, in the joint construction and maintenance of today's conflicted and polarized status quo, a scenario that protects little else than the two elites' own creature comforts and their status systems and symbols.

But, in this, their sole collaborative project, the two elites have failed, and it remains only for time to confirm their joint and ultimate failure. The elites on both sides of the Florida Straits have failed because they have not been able to erase the vision of, or still the yearning for, social justice *and* personal liberty, both on the island and throughout the diaspora. Both on the island and throughout the diaspora, Cubans are working toward principled yet aspirational projects, awaiting and inviting the day in which the joint project of today's dominant elites will crumble of its own weight. And for this reason, the self-serving fantasies and politics of both sets of elites are doomed. Neither time nor knowledge favors them: though both elites have managed to suppress or occlude the manifestation of these visions and yearnings, dissidents on both sides of the Straits continue to show us that repression from both sides has succeeded in neither.

On the island, for instance, a group called "La Patria Es de Todos Cubanos" (The Whole Land Belongs to All Cubans) only recently issued a manifesto that rejects the "deal" imposed by Fidelismo, insisting instead that Cuba and Cubans need not forsake—should not and cannot forsake—political pluralism and individual agency in exchange for social and economic justice.<sup>67</sup> They insist, instead, on a national pursuit both of social justice and political freedom. And these dissidents clearly are not alone.<sup>68</sup> In refusing submission, these and other dissenters have incurred

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67. See *The Homeland Belongs to Us All*, CUBANET NEWS, Aug. 1, 2001. See also *supra* notes 17, 18, 25, and 35 on political control and dissidence under Fidel's government.

68. A prime example of another dissident movement is the Varela Project, which collected a sufficient number of petitions calling for democratic decentralization of power in claimed satisfaction of the Cuban Constitution's procedure for presenting petitions to the government for legislative consideration. The Varela Project gained attention when Jimmy Carter mentioned it during his visit to the island in 2002; previously, the government had suppressed news of the dissidents' petition drive. See *Cubans Want to Know Text of Varela Project*, *supra* note 48 (describing the Varela Project and Carter's visit). In a response that effectively serves as a caricature of the Havana elites, the government promptly reported that 99% of the entire population—over eight million people—had turned out to vote on a counter petition proposed by the political machines of Havana's elites. This turnout was described as "spontaneous" despite the government's public orchestration of this spectacle. And in a coincidence that might be described as miraculous, all eight million Cubans voted the same way: as their elites had proposed, the island's masses agreed that the status quo should be declared "untouchable" as a matter of formal law. See Vanessa Bauza, *Cuba's Pro-Socialist Petition Drive Steamrolls Varela Project*, ORLANDO SENTINEL, June 24, 2002, at A11. Within a week, in a move reminiscent of corrupt rulers enacting

personally the wrath of Havana's elites and their apparati of brute oppression.<sup>69</sup>

In Miami, in similar fashion, a new generation of Cubans and Cuban Americans has begun to emerge, and to dissent from the orthodoxies of the local elites.<sup>70</sup> This generation comprises Cuban children who, like me, arrived in the diaspora while very young, as well as Cuban Americans born in the diaspora after their parent's flight from the island; like our counterparts on the island, we view the politics and trajectories of "being Cuban" from a broader and more critical perspective, and we decidedly do not see ourselves—or our nation—as necessarily invested in the outcome of the Cold War still being waged from Havana and Miami. As our island counterparts, this new generation does not envision human rights and social policy as a zero-sum game, in which we are forced to elect between some rights and forego other freedoms—or to buy into an Orwellian mindset where rights and violations are transposed by fiat.<sup>71</sup> We do not see, and affirmatively reject, the proposition that humans are unable to pursue, simultaneously and as a nation-state, all three generations of human rights in authentic and concrete terms. As in Cuba, this nonconformance to prevailing orthodoxies instigates their repressive retaliations, ranging from social exclusion and public vilification to personal denigration and physical intimidation. On both sides of the Florida Straits, the dominant elites do their best to keep a tight lid on things, using whatever means of power they can grab at the moment.

This assessment is neither facile nor partisan. In naming the fate of this perverse strategic collaboration I do not seek to invoke simplistic notions of Fidel's death or fall followed by a quick and happy return to a false

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desperate measures in the shadow of their reign's imminent end, the national Assembly had duly amended the Constitution's text to formally declare the current elites' status perpetually "irrevocable." See Vanessa Bauza, *Government Responds to Varela Project with Show of Unity*, ORLANDO SENTINEL, July 1, 2002, at A11. This response, however, has not stifled dissent; on the contrary, dissident groups continue to proliferate despite the "unity" and apparent unanimity claimed by the Havana elites. See Vanessa Bauza, *New Opposition Document Comes Soon After Varela Project*, ORLANDO SENTINEL, Aug. 26, 2002, at A13.

69. See *The Right to Dissent Nonexistent in Cuba*, MIAMI HERALD, Mar. 22, 1999, at 20A; Anita Snow, *With tough sentences, Cuban attacks dissent*, BOSTON GLOBE, Mar. 16, 1999, at A15; Juan O. Tamayo, *Cuba Takes Aim at Dissent, Crime Legislation Casts a Wide Net*, MIAMI HERALD, Feb. 16, 1999, at 1A; Juan O. Tamayo, *Crackdown on Dissent Raises Questions About Castro's Motives*, MIAMI HERALD, Feb. 19, 1999, at 16A. See also *supra* notes 17, 18, 25, and 35 on tyranny in Cuba.

70. See Anne Moncreiff Arrarte, *The quiet rise of the 'yucas' in America*, 106 U.S. NEWS & WORLD REP. 41 (1989); Constable, *supra* note 36; LEONARD, *supra* note 17, at 88. See also *supra* note 25 on generational shifts within CANF.

71. One relevant indicant of this "new generation" is the participation of Cuban and Cuban-American scholars in LatCrit Theory. See, e.g., Berta Esperanza Hernández-Truyol, *On Becoming the Other: Cubans, Castro and Elian—LatCritical Analysis*, 78 DENV. U.L. REV. 687 (2001).

halcyon. The future of Cuba and Cubans is bound to be complex and volatile—and both elites are striving mightily to make sure it is so. On the one hand, Miami's elites busy themselves with new charters and model codes to effectuate their version of a transition to a conventionally capitalist democracy—having been dispossessed in both political and material terms, they seek a return on both levels and on their terms, as if time had stood still, or could be rolled back.<sup>72</sup> On the other hand, Havana's elites brace themselves for the day when they no longer can depend on the mystique of their supreme leader to buttress the hierarchies that privilege them—having long ago abandoned the principles of their revolution to real-world pressures and self-interested agendas, this mystique and its strategic activation, backed up of course by ever-efficient policing, are key to holding their morally and fiscally bankrupt regime together. In some respects, Havana's elites must be fearing the inexorable passage of time most of all.<sup>73</sup> Both camps, seeking to use time to their advantage, now are working feverishly to retain, and perhaps expand, their positions of status and accumulations of wealth as they prepare for the inevitable death of the man who has engineered so much of this tension and tragedy.

However, I also do not seek with this forecast to validate the equally simplistic notion that Fidel's inevitable date with mortality will leave his cultist orthodoxy and its apparatus of social control substantially unaffected. Removing Fidel from the equation can make all the difference in the worlds of the island and the diaspora. Fidel, like other original leaders, commands a unique veneration and obedience within the island because of his unique role in the history of the rise to power of Havana's dominant elites and their installation in government. Because of this history and positionality, Fidel's words *do* carry a unique force on the island—for better or worse.<sup>74</sup> But Fidelismo has been internalized by many Cubans throughout the island over the years, and as an ideology it does have a certain substantive coherence: while it cannot justify his cultist dictatorship, Fidel's critique of neoliberal corporate globalization is cogent, and it can serve as an insightful contribution to antissubordination

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72. See generally Ian Ball, *US Forces on Standby for Castro's Death*, SUNDAY TEL., July 15, 2001, at 29; Dana Canedy, *On Land and Sea, Florida Plans for Turmoil After Castro's Death*, N.Y. TIMES, July 2, 2001, at A1. See also LEONARD, *supra* note 17, at 87.

73. This point was driven home recently, when Fidel fainted during one of his multi-hour harangues, drawing attention to the unease on the island and among its rulers over the fate of their jefe. See Reuters, *Castro Wilts under the Sun*, N.Y. TIMES, June 24, 2001, § 1, at 6; Vanessa Bauza, *Castro's Fainting Spell Stirs Speculation About Cuba's Course, Next Leader*, CHI. TRIB., June 25, 2001, at 3; Charles Piggott, *What if Castro Died?*, 12 WORLD LINK 112 (1999), available at <http://www.backissues.worldlink.co.uk/articles/101199171232.htm>.

74. See LEONARD, *supra* note 17, at 88; *Envision Cuba Without Castro*, CHI. TRIB., July 25, 2001, at 18.

discourse and inter/national policymaking.<sup>75</sup> Thus, Fidel's unavoidable demise is unlikely to mean the automatic dissolution of Cuba's governmental infrastructure and disappearance of its reigning ideology, but it does close a singular chapter in the continuing history of Cuba and Cubans—a chapter that, given the mutual intransigence of Havana's and Miami's elites, apparently cannot be concluded until then. After that point, I hope, believe, and trust that the following chapters of this continuing story will be written, in part, by Cubans on the island and Cubans in the diaspora, both equally and mutually devoted to Cuban reconciliation on egalitarian, antisubordination, and anti-essentialist principles.

#### *E. Broken Promises and Bottom Lines: Human Rights, Cuban Rights*

Cuba and Cubans face a Hobson's choice, and both "alternatives" look alike—literally, and demographically. Moreover, both demand abject subordination in social, economic, and political terms to self-anointed elites. Ultimately, both "choices" are fundamentally flawed in common yet different ways: both promise to Cuba and Cubans the vindication of important human rights for the forfeiture of others. Neither promises a post-subordination society.

In some key respects, this Hobson's choice conceptually reflects the structure of human rights as they generally have been conceived and organized internationally during the second half of the Twentieth Century—roughly the same period of time during which Havana and Miami have erected themselves as the mirror images through which Cuba and Cubans are gazed. During this time, international covenants have recognized "three generations" of human rights: (1) "civil and political" rights that, like due process, freedom of conscience, and freedom of association, generally require governments to refrain from interfering with an individual's right to participate in civil society or the political process; (2) "economic, social, and cultural" rights that seek to secure the elemental components of basic individual well-being and development, such as access to food, housing, education, health care, employment, and participation in the cultural life of the community; and (3) "solidarity and self-determination" rights, which focus on the collective needs of individuals as groups and that include principally the right of a people to choose their own government and, additionally, rights to development, peace, and a healthy environment.<sup>76</sup> Their precise contents of course

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75. See *supra* note 13 on Fidel's political critique of global power arrangements.

76. See Natsu Taylor Saito, *Beyond Civil Rights: Considering "Third Generation" International Human Rights Law in the United States*, 28 U. MIAMI INTER-AM. L. REV. 387 (1997). See also Elizabeth M. Iglesias, *Foreword—International Law, Human Rights and LatCrit Theory*,

remain indeterminate and contested, and to a large extent these rights are honored globally mostly in the breach.<sup>77</sup> Nevertheless, these rights are conceived as “indivisible” and “interdependent”—they not only are not susceptible to a cherry-picking approach but they positively depend mutually on each other for their social efficacy.<sup>78</sup> This general framework thus provides a ready point of departure for a critical and comparative assessment of the Cuba promised to Cubans both by Havana’s and Miami’s Cuban elites.<sup>79</sup>

When we step back from the rhetoric of self-justification that envelopes the thinking of both camps’ adherents, we can begin to see how island elites effectively demand that Cuba and Cubans forsake “first generation” human rights in exchange for “second generation” human rights while diasporic elites demand the exact opposite. Neither is overtly cognizant of, nor overly friendly to, third generation group rights—especially those relating to the right of self-determination. Indeed, the totalitarian and authoritarian Cuban regimes in Havana and Miami violate in spirit and in fact the right of the Cuban people to self-determination as a nation, for neither set of elites has shown any serious disposition to let Cuba or Cubans get them out of power and off our backs.

In this scheme, Havana’s elites continue pointing to their health and education initiatives, as if bringing better health and expanded awareness to people—a laudable accomplishment—could substitute for, be reconciled with, or justify the simultaneous denial of a people’s right or ability to employ that health and awareness for personally chosen rather than bureaucratically dictated endeavors or projects. Havana’s elites, in effect, boast of their selectively displayed commitment to a more educated and healthy population as if such a population then could not be trusted to

28U. MIAMI INTER-AM. L. REV. 177 (1997); Berta Esperanza Hernández-Truyol, *Building Bridges: Bringing International Human Rights Home*, 9 LA RAZA L.J. 69 (1996). See generally INTERNATIONAL HUMAN RIGHTS IN CONTEXT: LAW, POLITICS, MORALS (Henry J. Steiner & Philip Alston eds., 1996).

77. See generally Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, *1999 Country Reports on Human Rights Practices* 6-7 (2000), available at <http://www.state.gov/www/global/human-rights/1999.hrp.report/99hrp.toc.html>.

78. See *supra* note 76 on international law and human rights.

79. Of course, the human rights framework is not the only—perhaps not even the best—template to use in deconstructing—and escaping—the dead-end view each camp has of the other, and that both foist on Cuba and Cubans. This formal, imperfect template cannot capture every nuance relating to Cuba and Cubans—nor do I seek to do so in this Essay. Rather, the human rights framework serves here, simply, as one useful lens through which we might access in relatively concrete terms the possibility of another, or alternative, way toward the reconciliation of Cubans and the reconstruction of Cuba on positively egalitarian, antisubordination principles. In this Essay, I use the human rights template only as an example that partially illustrates how and why the two doctrinaire visions of Cuba pushed by the two sets of dominant elites are substantively wanting—and fatally so.

manage its own affairs in a politically plural and economically decentralized social order. Miami's elites, meanwhile, rely on neoliberal capitalist platitudes about "hard work" and "opportunity" to justify structural neglect of poverty and related social ills, including lack of proper education and health care based on economic class, as if political or expressive "freedom" could cure or comfort the sick and starving. Miami's elites, in effect, have been content to go along with the quintessentially elitist blame-game that pities the poor but finds the cause for their lot in their own individual failures—after all, "they" like "us" are "free" to "work hard" and "get ahead" in this "land of opportunity." Cuba and Cubans thus are under coercive pressure from both elites to relinquish, indeed to renounce and forget about, basic rights that international agreements recognize and promise to all humans. While this nutshell description necessarily oversimplifies, it also captures a fundamental aspect of the current stalemate between Havana's and Miami's vision of Cuba: both visions explicitly compromise the indivisibility of human rights and, as applied, both visions also methodically subvert their interdependence. The Hobson's choice offered by both elites is distilled to social justice versus personal freedom, but never both.

Nonetheless, both camps indeed do proffer compelling goals and values. Both camps exude not only fear and insecurity, but also idealistic aspirations. And no intellectually honest reason exists for denying it. No good reason exists to deny or denigrate either the incisiveness of Fidel's anti-capitalist analysis in the pursuit of international social justice or the importance of the exiles' insistence on political freedom as a fundamental condition of post-subordination society.<sup>80</sup> But neither Fidel's social justice insights nor the exiles' focus on personal and political freedom can justify their subordinationist transgressions "at home": on Fidel's part, this objection includes the brutal oppression of dissenting voices and systemic acquiescence to Euroheteropatriarchy, and on the exiles' part, it includes their ready acceptance of "free enterprise" gospels to justify similarly Euroheteropatriarchal structures, precepts, or legacies. In this stalemated scheme, each set of elites offers to Cuba and Cubans something compelling, but both attach unconscionable—and unacceptable—strings: both camps adamantly insist that the vindication of preferred rights must mean the formal and actual surrender—even wholesale violation—of other human rights; or, in the alternative, they demand from us an Orwellian pretension that violations are rights, and that lies are truths.

This stalemated scheme neither concedes, tolerates, nor wishes Cuba and Cubans to imagine the possibility of a social and legal order in which

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80. For an excellent example, see Berta Esperanza Hernández-Truyol, *Out in Left Field: Cuba's Post-Cold War Strikeout*, 18 *FORDHAM INT'L L.J.* 15 (1994).

Cuba and Cubans forsake no human rights but secure and protect them equally for all. Showing themselves decidedly more interested in self-preservation than in national reconciliation, both camps righteously continue to sow the seeds of enduring suspicion and discord on both sides of the Florida Straits among Cubans already conditioned (poisoned?) by both sides' extended bombardment of hypocritical misinformation and hyperbolic invective. In the tradition of the "Big Lie," both have collaborated in the perpetration of a massive and fanatical campaign to make us and the world believe that their self-interested versions of Cuba and Cubans really comprise the only, or best, options toward a postcolonial, post-subordination reconstruction of Cuban society. While both pontificate about the benefits they offer, their aim is to consolidate power and privilege by selling to the Cuban nation an incomplete bill of human rights as Cuban rights.

#### *F. Reconciliation and Reconstruction: Five LatCrit Exhortations*

Many moons may pass before reconciliation and reconstruction come to pass, but pass they shall. Human mortality, and the enduring limits of medical magic, ensure it. The challenge for those of us who seek to pursue a post-subordination order in Cuba is to avoid until then a firm identification with, or internalization of, the inflammatory propaganda generated from either camp or its followers. The challenge is to sift through the records, ideals, and limits of each to learn from both, and to be duped by the seductions of neither. The challenge is to distinguish the "good" from the "bad" in both instances—and toward a combination of both—and more that could provide a principled sociolegal transformation toward Cuba's progressive emancipation from all forms of oppression. The challenge is to lay a solid foundation for the work that will make it possible for Cuba and Cubans to chart a consensual path toward social justice *and* political pluralism once the circumstances permit it, a path cut by antisubordination principles rather than by the selfish imperatives of one established elite or another. In this spirit, I conclude with five basic points offered here as LatCrit exhortations:

1. *Stay Independent of the Prevalent Bipolarities and Their Politics of Oppression.* This first point, obviously, restates the above admonition and provides a basic threshold toward reconciliation and reconstruction. This admonition bears exhortation because it is crucial as a method: without a conscious and conscientious commitment to this independence, we simply cannot sustain our capacity to imagine and pursue the possibilities—to imagine and pursue a post-subordination vision that transcends the limitations imposed by the bents of Havana's and Miami's elites.



Without independence of viewpoint, we progressively compromise our ability to attain and sustain a critical (and self-critical) stance toward the postures and emissions of both bipolar elites—a stance that is necessary to deconstructing the status quo as a first step toward imagining a reconstructed social order.

*2. Insist on Critical (and Self-Critical) Approaches to Cuban Reconciliation and Reconstruction.* The second point flows from the first, and it also relates to method. Rather than envelop ourselves in sentimental romanticisms about either of the bipolar narratives of Cuban histories and hopes, we must insist instead on critical (and self-critical) analysis of power relations, and of the antsubordination ramifications of actions and policies undertaken both in Havana and in Miami (as well as elsewhere). Sentimentalism—fawning over either set of elites or indulging our idiosyncratic (pre)dispositions toward them—most likely will impair deconstructive, as well as reconstructive, analysis and praxis, and thus inhibit our capacity for envisioning, as capaciously as possible, the design of a post-subordination, postcolonial era in Cuba. Without a genuine commitment to criticality *and* independence, we cannot hope to pierce through the powerful and entrenched cosmologies that have been concocted and enacted on both sides of the Florida Straits so assiduously since 1959.

*3. Frame Reconciliation and Reconstruction Around Egalitarian Vindication of the “Three Generations” of Human Rights.* This point relies on the broad assortment of international covenants, and their ultimate human rights aspirations, as a general—even partial—but nonetheless substantive source for the development of a postcolonial, post-subordination social and legal order in Cuba. While patently limited and breached routinely worldwide, this formal international human rights model repudiates as a substantive matter key demands of both elites: that the Cuban people effectively and formally abandon the hope and pursuit of a national community dedicated in principle, as well as in fact, to all three of the rights “generations” conceived thus far by humanity. This third LatCrit exhortation instead affirms the global notion that all human rights are “interdependent” and “indivisible” and asserts that a principled and actual vindication of *all* human rights for *all* humans is the only path toward a post-subordination, postcolonial Cuba. And because it provides an approach to reconstruction that is independent of either elites’ ideological delimitations, this international rights framework also helps to provide a substantive anchor

for the first point—this third exhortation, in other words, shifts from method to substance, and does not preclude in any way the use of other substantive sources for the design of Cuban reconciliation and reconstruction along anti-subordinationist lines. Substantively, then, this third exhortation points to a forthright rejection of *both* elites and their agendas; an egalitarian vindication of human rights vis-à-vis Cuba and Cubans calls for the elimination *both* of the embargo *and* of Fidel's monopoly on social, economic, and political life in the island. This point beckons Cuba and Cubans to take a substantively independent approach toward national reconciliation and reconstruction based on international sources and developments that transcend the Miami-Havana scripts for our common future.

4. *Commit to the Project of Reconciliation and Reconstruction and to the Proactive Social and Legal Dismantling of Euroheteropatriarchy.* The fourth exhortation takes the substantive commitment of egalitarian reconciliation and reconstruction further, calling for a *specific* commitment to the dismantlement of a particular sociolegal ideology, which has been and continues to be hegemonic in Cuban society and culture. While the national reconciliation project beneficially may be framed, at least partially, around the three generations of human rights as a general and independent grounding, the project must be focused specifically on the dismantlement of Euroheteropatriarchy because the structures, imperatives, and agents of this particular ideology are, in Cuba and among Cubans, key and pervasive sources of subordination that systematically deny rights to nonconforming persons and projects while systematically promoting conforming persons and projects. Because this pernicious ideology still accounts for so much of Havana's and Miami's sociolegal architecture, the anti-subordination reconstruction of Cuba as a post-subordination society requires us to focus consciously and explicitly on the material dismantlement and social disablement of Euroheteropatriarchy.

5. *Demand Disgorgement of Unjust Riches and Reallocation of Social Goods as Integral to Cuba's Reconstruction as a Post-subordination Society.* This fifth and final exhortation presents perhaps the most difficult hurdle, but it flows directly from the prior four. This point recognizes a bottom line learned from prior antisubordination experience: that social justice, if it is to be more than a cynical platitude, hinges on social transformation—even if orderly and incremental. Transformation, in turn, denotes and requires an

actual reallocation of social goods; transformation without disorgement and reallocation is but another “Big Lie.” The disorgement of unjust past gains, and the reallocation of existing and future social goods, no doubt will entail a long and arduous process of national dialogue as part of the reconciliation project. These redistributive efforts also will require creative negotiation of myriad interests and conflicts. But without confronting the past and present maldistribution of social goods and economic assets on the island as a structural source of widespread misery, the resilient legacies of Euroheteropatriarchal colonialism will continue to bedevil Cuba and Cubans. The objective—and challenge—is to ground our approach to and resolution of these issues in egalitarian antisubordination principles and community-building values. Though exceedingly difficult to accomplish due to the perpetual problem of entrenched and reactionary interests, this final LatCrit exhortation nonetheless is indispensable to reconstructing Cuba as a post-subordination society that repudiates in fact, rather than merely in words, the enduring material and cultural manifestations of its post/neo/colonial histories and legacies.

These five points obviously are not, and are not proffered here as, a panacea. On the contrary, these exhortations serve only as a point of departure for a reciprocal and open dialogue toward reconciliation and reconstruction. As a set, they identify some difficult issues that, for some time, may even be intractable—especially if the dominant elites continue to have their way most of the time.

These five LatCrit exhortations recognize the daunting nature of the enterprise and work, therefore, to root it in substantive social justice commitments that usefully may help to inform the conception and negotiation of reconciliation and reconstruction. Rather than posit a nebulous ideal or ultimate fantasy, these points and exhortations can serve as one antisubordinationist and anti-essentialist basis with which Cubans collaboratively may begin to delineate an agenda for a “reunion” of the island and the diaspora without structurally or ideologically pre-advantaging any subset of “Cubans”—or the unilateral customs that may have been instilled amongst us during this nearly half century of division and divisiveness. Though susceptible to manipulation, these points and exhortations can provide some common ground for a discourse of reconciliation, and the project of reconstruction, among and between Cubans there, here, and elsewhere around the globe. If pursued earnestly and cooperatively, these points may yet provide a sturdy platform and flexible framework for the development of a postcolonial society built on substantive and principled antisubordination commitments rather than on broken promises or selfish interests.

## II. CONCLUSION

My father is now ninety-one years old and declining steadily. Bemused at having witnessed the dawn of a new millennium, my father knows that he never will see his vision of a “free” Cuba materialize in his homeland. But he and others like him, whether on the island, here, or elsewhere on the globe, have planted seeds of principle and vision that continue to flower and blossom. The future is not his, nor is it Fidel’s or his adversaries’—it is, instead, ours: Cubans at the margins of this century’s dichotomies, who are captive neither to Miami nor to Havana, and who seek instead a principled alternative to both.

If ever you visit either of my two hometowns during this era of diaspora and deadlock—and as you enjoy their local delights, including their respective versions of Cuban cuisine and culture—look around you for subtle signs of the histories and hopes sketched above, and you will see them. In this way, you may begin to navigate for yourself the slivers of unoccupied space that exist stubbornly between the bipolar narratives urged upon you from Miami and Havana. In this way, and over time, you may become able to help us—Cubans there and here—to navigate successfully the treacherous shoals of contention and manipulation that have co-enabled the elites here and there jointly to keep Cubans apart while we remain a nation.

