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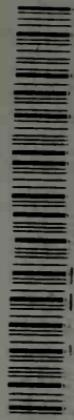
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History Will Absolve Me

THE MONCADA TRIAL
DEFENCE SPEECH
SANTIAGO DE CUBA
OCTOBER 16th, 1953

*Fidel
Castro*



JONATHAN CAPE
THIRTY BEDFORD SQUARE
LONDON

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INTRODUCTION

'THE character of the Batista regime in Cuba made a violent popular reaction almost inevitable. The rapacity of the leadership, the corruption of the government, the brutality of the police, the regime's indifference to the needs of the people for education, medical care, housing, for social justice and economic opportunity – all these, in Cuba as elsewhere, constituted an open invitation to revolution.' With these words the State Department vied with *Pravda* in its condemnation of the regime that came into being during the Havana carnival on the night of March 9th–10th, 1952, with General Fulgencio Batista's *golpe*. But this verdict was pronounced two years after the fall of the dictator.¹ It was only then that Washington observed that the abuses of this regime had been an incitement to revolution. It was much more difficult to make this revolution on the spot, against the tanks and planes with which the United States generously furnished Batista, and against his repressive police, the S.I.M., the Cuban equivalent of the Gestapo.

None of the traditional parties had undertaken any such venture – neither the Communist Party, nor the 'Orthodox' Party, whose symbol was a broom and which had been promising ever since its inception in 1947 to sweep away corruption. It was within the ranks of this party that Fidel Castro, a young Havana

¹ See the *White Paper on Cuba* published by the State Department in Washington, D.C., on April 3rd, 1961.

lawyer, had started his political career. But immediately after Batista's coup d'état he realized that it was no use relying on Professor Roberto Agramonte and other distinguished 'Orthodox' men to join battle with a usurping general who had the army behind him.

Only the young, and especially the students, were prepared to fight. So it was from their midst that Fidel Castro recruited a handful of idealists and, at dawn on July 26th, 1953, attempted to take by surprise the town of Santiago, the capital of Oriente province and the cradle of Cuban independence. He was convinced that after this exploit the entire country would rise against the tyrant. His 125 men, dressed in army uniform, were first to occupy the City Hospital, the Palace of Justice and, in particular, the Moncada Barracks, the second fortress of the island. Immediately afterwards, Fidel Castro was to have broadcast from Santiago a radio appeal for insurrection to the whole country, and read his political and social programme.

This detailed insurrectionary plan failed and – as people always say in similar circumstances – its failure was due to chance. An unexpectedly encountered patrol raised the alarm at the Moncada garrison, which reacted vigorously, and on the other hand the supporting group which the assaulting party were expecting got lost in the back streets of Santiago, a town the young men from Havana did not know. Fidel Castro's men had to fight fifteen to one, and had not the slightest chance. Many were taken prisoner, and were summarily executed or tortured. The whole province was savagely repressed. The leader of the expedition managed to escape, with a handful of faithful followers, to the near-by mountains, the Gran

Piedra range, but their resistance was hopeless. Monseigneur Pérez Cervantes, Archbishop of Santiago, intervened in order to put an end to the carnage. Under pressure from him, the authorities undertook to spare the lives of the rebels and guarantee them the protection of the law.

They only half kept their word: Fidel Castro, his brother Raúl, and other survivors outlived their arrest, but the action brought against them was vitiated by grave irregularities and flagrant infringements of their rights, even by the Cuban standards of the time. The chief accused was tried alone, on October 16th, 1953, practically in camera, in a small room in the Santiago City Hospital. He pleaded his own defence, to a more than restricted court consisting of three judges, two public prosecutors and six journalists, who were forbidden to take notes. For five hours he pleaded for history, as he knew that neither his eloquence nor his arguments could in any way change the verdict, which had been decided on in advance quite independently of the tribunal.

And yet history was catching up fast in Cuba: it was not future generations who were called upon to judge Fidel Castro's cause, but his contemporaries, and this within a very short space of time. Given a long sentence in the Isle of Pines, the rebel leader never stopped weaving the web of the clandestine organization – the movement of July 26th. Amnestied, and then a refugee in Mexico, he reassembled the Cuban patriots there, and in December 1956 landed in Oriente province with 82 men, of whom Ernesto 'Che' Guevara was one. Thus thirty-eight months after his speech in Santiago he was once again in the mountains, in the Sierra Maestra, at the head of the armed maquisards defying the dictator. The speech

he had previously made 'for the record' had become a sort of charter for these combatants, an ideological weapon in the struggle against Batista. It proved to be particularly effective because it aroused echoes among all social strata and contributed to the isolation and decomposition of the regime. When, in the second half of 1958, the maquisards finally launched their great offensive, the regime collapsed like a house of cards. The revolution which Fidel Castro had foretold in the little room in the City Hospital in Santiago changed the whole course of Cuban destiny.

The attack on the Moncada fortress revealed Fidel Castro to the Cubans and made him into a national figure. His speech 'History will absolve me' raised his stature as a man of action even higher, and was responsible for his becoming the leader of the revolution. There is nothing surprising in the fact that in Cuba today July 26th is a national holiday, or that every year on that date the country is given a report on how far the 'Moncada Programme' has been realized.

But a text that has had such an influence has naturally been minutely studied outside Cuba as well, and often by the enemies of the revolution. The State Department document quoted above was not, for instance, written as a posthumous condemnation of the Batista regime, but in order to prepare the way for armed intervention, directed by the C.I.A., against Fidel Castro, under the pretext that he had betrayed his 1953 promises. The Harvard University authors, past masters in revolution, did their utmost to prove that the former defendant of Moncada had deceived the Cuban people: he had previously talked of restoring the 1940 Constitution, but after he had come to power he had not held elections; he had suggested a moderate agrarian reform but had carried out one

that was much more radical; he had not threatened to nationalize American property, but there again he had not hesitated to do so. In short, to quote their formula: Fidel Castro promised one sort of revolution, but in fact carried out a different sort.

This brilliant analysis is by no means sufficient to persuade us that the C.I.A. had any legal or moral basis on which to intervene in the internal affairs of Cuba.² But since in any case the intervention was a failure, we can, with a certain amount of hindsight, consider objectively whether it is true that Fidel Castro has betrayed the spirit, if not the letter, of his 'History will absolve me' speech.

Behind the accusation there is a misunderstanding about the famous 1940 Constitution. It contained social clauses of an extremely reformatory character which limited the rights and privileges of the propertied classes but which had never been applied in Cuba. It was voted under pressure of radical opinion as the country was painfully emerging from the long crisis of the 'thirties. But immediately afterwards World War II brought a new boom in the sugar industry and a relative prosperity to the Cuban middle classes. Nor was this the moment to risk a trial of strength with the United States, which had no intention of accepting any limitation of its economic rights in the island. The easing of social tension within the island, then, as well as the international situation, had frustrated the 1940 Constitution's social promises.

² On April 17th, 1961, a fortnight after the publication of the *White Paper*, an expeditionary force, recruited from Cuban refugees, landed at the Bay of Pigs with the aim of overthrowing Castro. But three days later this attempt ended in failure.

Thus the fact that Fidel Castro called upon this Constitution in Santiago in 1953 proves nothing other than that, while opposing democracy to Batista's dictatorship, he was nevertheless demanding far more than the re-establishment of the old regime. His definition of 'the people', and his condemnation of the profiteers, led him to stigmatize the various abuses of the parliamentary system that had allowed such a degradation of the social situation. Those passages where he indicted the old regime should have convinced everyone that he never envisaged a return to the charming games which were what passed for democracy in Cuba.

It is nevertheless true that some of the propertied classes rallied to Fidel Castro, only to be cruelly disappointed, later, by his radicalism. Was this not, though, because they believed that the leader of the revolution would never be strong enough, with such powerful interests against him, actually, to enforce the clauses of the 1940 Constitution, and that he would merely become, like Grau San Martín and Prio Socarrás, the guarantor of their privileges?

But Fidel Castro went further and proclaimed a socialist republic in Cuba, whereas his Moncada programme spoke of no such project. I have often had the opportunity of talking to him and this subject has not been omitted from our conversations. Fidel Castro doesn't at all mind admitting that some of his ideas have evolved since the heroic times of 1953. But his essential demands for social justice and human dignity have remained the same, and this is why he does not repudiate a single line of his Santiago address. In the fight for the realization of this programme he met with fierce resistance from the United States and their protégés in Cuba. From then on he has acknow-

ledged the fact that he had to choose between a Cuba under the tutelage of America and a socialist Cuba. Reading the young Castro's 1953 text it is easy to understand why the second choice was the only possible one for him.

Talking about this speech recently, Jean-Paul Sartre said: 'It contains vague ideas for social reform but it has no ideological structure.'³ In my opinion Fidel Castro's speech reflects a very coherent system of values: it denounces totally and in all its aspects an economic and social regime which was incapable of resolving its contradictions, and so condemned people to an intolerable existence. The thing that distinguishes Castro's post-1953 ideas of what constitutes a simple radical and populist programme is one of the remarkable qualities of the man: his *moral* determination to carry through to the very end everything he believes in. When he saw that the origin of injustice lay in the very mechanism of capitalist society and in its dependence on the United States, Fidel Castro did not hesitate to attack capitalism and imperialism. Socialism for him was not an ideological structure that differed from his own system of ideas: it was, rather, its natural outcome.

His 1953 appeal produced vast echoes, and not only in Cuba. Its moral coherence ensured that it was heard more or less all over Latin America. It was addressed to all those who had no vested interest in the maintenance of the established order and who had enough courage and imagination to wish for a new society.

'If all the generous men that this earth can count were to respond to the appeal, then all the charlatans, parasites, egoists and every kind of third-rate person

³ See his interview in the *Nouvel Observateur* no. 189, June 26th, 1968.

would be swept away in one breath,' Fidel Castro wrote, a few months after his trial, in a letter from prison.⁴ This faith in human generosity shines through the pages of his historic oration of October 1953. It is still characteristic of the spirit of the Cuban revolution.

K. S. KAROL

⁴ See Robert Merle, *Moncada, premier combat de Fidel Castro* (Laffont, Paris, 1965), p. 348.

SOME IMPORTANT DATES IN CUBAN HISTORY

- 1511 Cuba is settled from Hispaniola (Sto. Domingo-Haiti) by Spaniards.
- 1517 First Negro slaves imported: the native Indians steadily decline.
- 1756-63 The Seven Years' War between Britain and the Bourbons opens a new era in backwater Cuba. Rapid economic expansion, some political reforms, great increase in slave importation. Incipient class distinctions between 'Peninsular' Spaniards and local-born Spaniards (*Criollos*), the former conservative, the latter radical.
- 1823 After a wave of revolutions in South America, only Cuba and Puerto Rico remain in the Spanish Empire.
- 1868-78 The Ten Years' War, beginning with the 'Grito de Yara' in Oriente Province, ends with some concessions and the abolition of slavery. Carlos Manuel de Céspedes led this war.
- 1895 The exiles José Martí and Máximo Gómez land in Eastern Cuba for the final revolution. Martí is killed in May, Antonio Maceo in December, 1896.
- 1899 After an American intervention, following the sinking of U.S.S. *Maine* in Havana harbour, the Treaty of Paris is signed on April 11th. American Military Government continues until May 20th, 1902. The Platt Amendment of 1901 leaves Cuba independent but tied to the United States. U.S.

- troops intervened in Cuban politics in 1906, 1913, 1917 and 1933. 'Dollar Diplomacy' reigns in Cuba.
- 1924-33 Dictatorship of Gerardo Machado. New radical forces begin to oppose United States interests.
- 1933-44 First Dictatorship of ex-Army sergeant Fulgencio Batista. He begins as a nationalist and helps to negotiate the end of the Platt Amendment on May 29th, 1934. A constitution is enacted in 1940.
- 1944-52 Relatively liberal administrations of Grau San Martín and Prío Socarrás.
- 1952 On March 10th, Batista breaks the expectations of Roberto Agramonte of the new *Ortodoxo* Party with a coup d'état.
- 1953 Fidel Castro, who had been a congressional candidate for the *Ortodoxo* Party, attacks the Moncada Barracks in Santiago de Cuba, Oriente Province, on July 26th. His small band of supporters are killed or captured.
- 1954 After a semblance of elections, Batista continues to rule. An amnesty in 1955 frees Fidel Castro and others on May 15th.
- 1956 Fidel Castro, Ernesto Guevara and eighty others leave for Cuba from Mexico in the little boat *Granma*. They land on December 2nd in Oriente Province. Twelve men survive to reach the Sierra Maestra and begin the guerrilla war. On November 30th, student unrest sweeps Oriente Province.
- 1957 Frank País assassinated on July 31st. General strike movement begins.
- 1958 Creation of the second front 'Frank País' in Oriente on March 1st. August 31st: Cienfuegos and Guevara invade Las Villas Province. On December 31st, Santa Clara, the capital of Las Villas, surrenders to Ernesto Guevara.

1959 On January 1st, Batista flees Havana and the Revolution assumes control. The U.S. recognizes the new government on January 7th. On February 5th, Fidel Castro initiates Land Reform in Oriente. The U.S. expresses concern on June 11th.

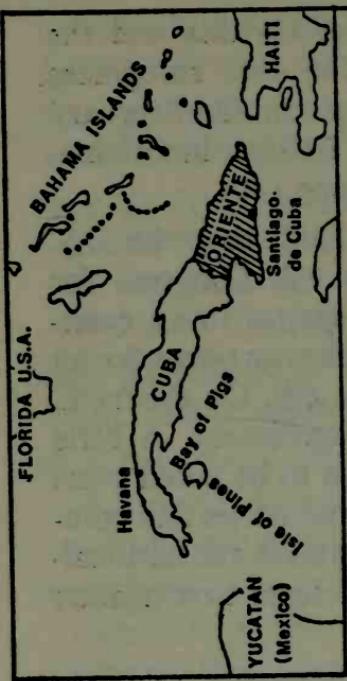
1960 It is disclosed on January 22nd that the U.S. Administration has decided to ask Congress for power to raise or lower sugar quotas in an emergency. Soviet Deputy Premier Mikoyan opens Soviet exhibition in Cuba on February 5th. On the 13th, Russia and Cuba sign a trade agreement. A little later, U.S. owned industries begin to be taken over. On October 13th, Cuban banks, industries and commercial and transportation operations are nationalized. On October 15th, Urban Reform Law against renting.

1961 On January 3rd, U.S. severs diplomatic relations with Cuba. After months of tension, a major counter-revolutionary invasion force lands in Cuba and is defeated at Playa Girón, near the Bay of Pigs, between 17th and 19th of April.

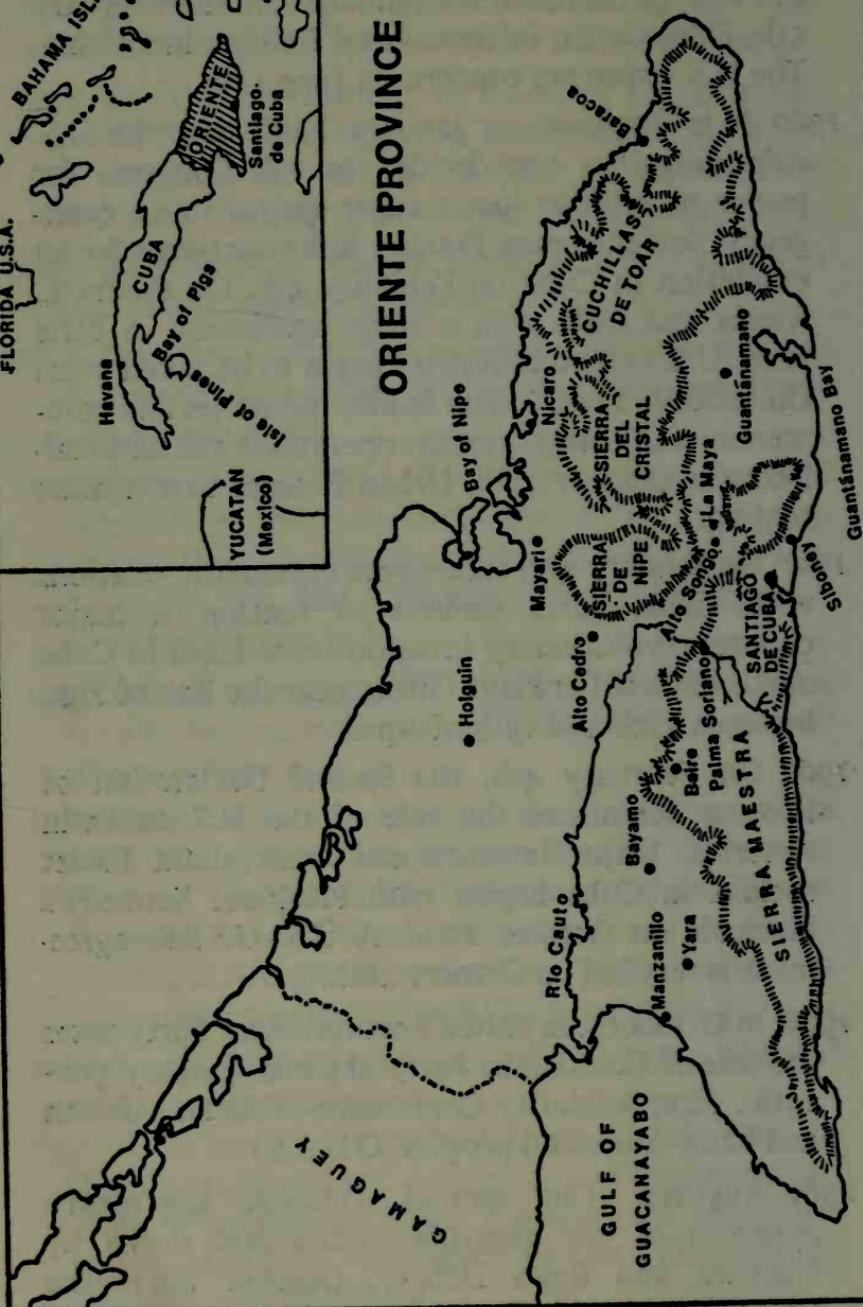
1962 On February 4th, the Second Declaration of Havana denounces the role of the U.S. in Latin America. Major international crisis about Soviet rockets in Cuba begins with President Kennedy's blockade on October 22nd. A U.S.-U.S.S.R. agreement is reached on October 28th.

1966 In October, the United Revolutionary Party takes the title of Communist Party of Cuba. January 3rd-14th: First Solidarity Conference of Asian, African and Latin American peoples (O.L.A.S.)

1967 August: The second O.L.A.S. conference approves of the guerrilla tactics laid down by Guevara and Regis Debray. October 8th: Che Guevara is killed in Bolivia.



ORIENTE PROVINCE



HONOURABLE MAGISTRATES:

NEVER was a lawyer compelled to practise his profession under more difficult conditions; never against an accused have more overwhelming irregularities been committed. Here, counsel and defendant are one and the same. As attorney for the defence, I have been denied even a look at the indictment. As the accused, I have been, for the past seventy-six days, shut away, in solitary confinement, held incommunicado, in violation of every legal and human consideration.

He who is speaking abhors, with all his being, childish conceit, and neither by his temperament nor by his present frame of mind is he inclined towards oratorical pose, or towards any kind of sensationalism. I am compelled to plead my own defence before this Court. There are two reasons: first, because I have been deprived almost entirely of legal advice; second, because only he who has been outraged as deeply as I, and who has seen his country so forsaken, its justice so reviled, can speak on an occasion like this with words made of the blood of his own heart and the very marrow of truth.

There was no lack of generous colleagues who would have defended me, and the Bar Association of Havana appointed a courageous and competent jurist, Dr Jorge Pagliery, Dean of the Bar in this city, to represent me in this case. But he was not permitted to perform his duty. The prison gates were closed to

him as often as he tried to see me. Only after a month and a half, and through the intervention of the Court, was he finally granted a ten-minute interview with me in the presence of a sergeant of the Military Intelligence Agency (S.I.M.).¹

It is taken for granted that a lawyer should talk privately with his client. This right is respected all over the world, except here, where a Cuban prisoner of war is in the hands of an implacable tyranny that abides by no code, legal or humane. Neither Dr Pagliery nor I were willing to tolerate such spying upon our means of defence for the oral trial. Did they, perhaps, want to know in advance how we would reduce to dust the elaborate falsehoods they had woven around the events of Cuartel Moncada² and how we were going to expose the terrible truths they would go to such very great lengths to conceal? It was then decided that I would make use of my professional right as a lawyer to assume my own defence.

This decision, first overheard by the sergeant and then reported to his superior, provoked a singular panic; it seemed as though some mocking little imp were hinting that all their plans might come to naught. You know well enough, Honourable Magistrates, how much pressure has been brought to bear upon me to strip me of this right, that has been ratified by long tradition in Cuba. The Court could not support the government's machinations, for that would have left the defendant altogether undefended. The accused who is now exercising this right to do his own pleading will, under no circumstances, refrain from saying what he ought to say. I consider it essential to explain, at the outset, the reason for the

relentless isolation to which I have been subjected; what the motive was for keeping me silent; what prompted the plot to kill me – a plot with which the Court is familiar³; what grave facts are being hidden from the people; and the secret behind all the strange things that have taken place during this trial. All this I propose to do with the utmost clarity.

II

You have publicly called this case the most significant in the history of the Republic. If you sincerely believed so, you should not have allowed the trial to be degraded, time after time, by the flouting of your authority.

The first court session was held on the 21st of September. Machine-guns and bayonets, scandalously invading the court-room, surrounded the more than a hundred persons seated in the prisoner's dock. Most of these accused had in no way been involved in our action. They had been under preventive arrest for many days, while suffering all kinds of outrage and abuse in the chambers of the repressive organizations. The rest of the gallant and determined accused were eager and proud to confirm their roles in the battle for freedom, to offer an example of unusual self-sacrifice, and to deliver from the jaws of jail those who, in deliberate bad faith, had been included in the trial. Men who had fought each other came face to face once more. Once again, with the cause of justice on our side, we would wage the mighty battle of truth against infamy. Surely, the regime was not prepared for the moral catastrophe in store for it.

How could the regime maintain all its false accusations? How could it keep secret what had really happened, while so many young men were willing to run any risk – jail, torture, death, if need be – to denounce it before the Court?

In the first session, I was a witness. For two hours I was questioned by the Court's prosecutor as well as by twenty defence attorneys. I was able to prove with exact facts and figures the sums of money that had been invested, the way in which this money was collected, and the arms that we had managed to assemble. I had nothing to hide since all this was achieved by a self-abnegation unsurpassed in the struggles of our Republic. I spoke of the aims which inspired us in our struggle and of the humane and generous treatment that we had at all times accorded to our adversaries. If I accomplished my purpose of demonstrating the non-involvement, direct or indirect, of those men who were falsely implicated in this trial, I owe it to the complete support and backing of my heroic comrades. For, as I said, mere concern over consequences would not make them regret or repent being rebels and patriots. I was never allowed to talk with them in prison; yet we were in full accord as to how to act. When men carry the same ideals in their hearts, nothing can keep them isolated: neither walls of prisons nor the sod of cemeteries. For a single memory, a single spirit, a single idea, a single conscience, a single dignity, will sustain them all.

From that moment on, the structure of lies the regime had erected about the happenings at the Moncada Barracks began to collapse like a house of cards. As a result, the prosecutor understood how absurd it was to keep in prison all those persons named as instigators. Immediately he demanded their provisional release.

At the close of my testimony in that first session, I asked that the Court allow me to leave the dock and

sit among the counsels for the defence; this permission was, in effect, granted to me. At this point began what I considered my most important mission in this trial: utterly to discredit the cowardly, base and treacherous slanders that the regime had hurled against our fighters; to reveal with irrefutable evidence the frightful, repulsive crimes they had practised on those of our companions whom they captured; and to bring before the nation and the world the infinite misfortune of the Cuban people, who are now enduring the most cruel, the most inhuman oppression in all their history.

The second session convened on Tuesday, September 22nd. Only ten witnesses had testified, and they had already cleared up the murders in the Manzanillo⁴ region, specifically establishing and placing on record the direct responsibility of the captain commanding that post. There were three hundred more witnesses to testify. What would happen if – with a staggering mass of facts and evidence – I should proceed to cross-examine the very Army men who were directly responsible for those crimes? Could the regime permit me to go ahead before the large audience in attendance? Before journalists and jurists from all the island? And before the Opposition party leaders, whom it had stupidly seated right in the prisoner's dock where they could hear so distinctly all that might be brought out here? The regime would have dynamited the court-house – with all its magistrates – rather than allow this!

They devised a plan to eliminate me from the trial and proceeded to do so *manu militari*. Friday night, the 25th of September, on the eve of the third session of the trial, two prison doctors visited me in my cell.

They were visibly embarrassed. 'We have come to examine you,' they told me. I asked: 'Who is so concerned about my health?' Actually from the moment I first saw them, I realized what they had in mind. They could not have treated me with greater chivalry, and they explained their predicament to me. In the afternoon, Colonel Chaviano⁵ had appeared at the prison and had told them I 'was doing the government terrible damage at the trial'. He had said they must sign a certificate declaring that I was ill and was, therefore, unable to appear in court. The doctors told me that they, for their part, were prepared to resign from their posts and to risk persecution. They put the matter in my hands, for me to decide. I found it hard to ask those men to destroy themselves without hesitation. But neither could I, under any circumstances, consent that their orders be carried out. To leave the matter to their own consciences, I answered only: 'You must know your duty; I surely know mine.'

After leaving my cell they signed the certificate. I know they did so believing in good faith that this was the only way they could save my life, which they considered to be in the greatest danger. I was not obliged to keep our conversation secret, for I am bound only by the truth. Telling the truth in this instance may jeopardize those good physicians in their material interests. But I am removing all doubt about their honour, and that is worth much more. The same night, I wrote the Court a letter denouncing the plot; requesting that two forensic physicians be sent to certify my excellent state of health, and informing you that if to save my life I should need to collaborate in such a deception, I would a thousand

times prefer to lose it. To show my determination to fight along against all this low conniving, I added to my own words a thought of El Maestro⁶, 'A just cause from the depths of a cave is stronger than an army.'

As the Court is aware, Dr Melba Hernández⁷ submitted that letter at the third session of the trial, September 26th. I managed to get it to her despite the unrelenting watch under which I was kept. That letter, of course, caused immediate reprisals: Dr Hernández was subjected to solitary confinement, and I – since I was already incommunicado – was sent to the most inaccessible part of the prison. From that time on, all the accused were painstakingly searched, head to foot, before they were brought to the court-room.

Two court physicians certified on September 27th that I was, in fact, in perfect health. And yet, in spite of the Court's repeated orders, never again was I brought to the trial sessions. Moreover, every day, anonymous persons circulated hundreds of apocryphal pamphlets which announced my rescue from jail. This stupid alibi was invented to explain as an escape the abduction they intended. Since the scheme failed as a result of timely exposure by my alert friends, and after the first affidavit was revealed to be false, the regime could keep me away from the trial only by open and shameless contempt of court.

An unheard-of situation had arisen, Honourable Magistrates. Here was a regime afraid to bring an accused man before the Court; a regime of blood and terror which shrank in fear of the moral conviction of a defenceless man – unarmed, slandered and isolated. Thus, having deprived me of all else, they finally deprived me of the trial in which I was the

principal accused. Bear in mind that this was during a period of suspension of rights of the individual and while the law of public order as well as censorship of radio and press were in full force. What dreadful crimes this regime must have committed to fear the voice of one accused man!

I must dwell upon the insolence and disrespect which the Army leaders have, at all times, shown towards you. As often as this Court has ordered a stop to the inhuman isolation in which I was held; as often as it has ordered my most elementary rights to be respected; as often as it has demanded that I be brought before it, this Court was never obeyed! One after another, all its orders were disregarded. Worse yet: in the very presence of the Court, during the first and second sessions, a praetorian guard was stationed beside me to prevent me completely from speaking to anyone, even during the brief recesses. In other words, not only in prison, but even in the very court-room and in your presence, they ignored your decrees. I had intended to mention this matter in the following session, as a question of elementary respect for the Court, but I was never brought back. And when, in exchange for so much disrespect, they bring me before you, to be sent to jail in the name of a statute which they – and only they – have been violating since the 10th of March, sad indeed is the role they would force upon you. The Latin maxim *cedant arma togae* has certainly not been fulfilled on a single occasion during this case. I beg you to keep that circumstance well in mind.

Furthermore, these devices were, after all, quite useless; my brave comrades, with unprecedented patriotism, did their duty to the utmost.

'Yes, we set out to fight for Cuba's freedom and we do not regret having done so,' they declared, one by one, on the witness stand. Then, addressing the Court with imposing courage, they denounced the hideous crimes committed upon the bodies of our brothers. Although absent from Court, I was able, in my prison cell, to follow the trial in all its details; for this I must thank the convicts at Boniato Prison. Despite all threats, these men found ingenious means to get newspaper clippings and all kinds of information into my hands. In this way, they avenged the abuses and immoralities of both the warden Taboada and his supervisor, Lieutenant Rozabal, who drive them from dawn to dusk building private mansions, and moreover starve them by embezzling the prison food budget.

As the trial progressed, roles were reversed: those who came to accuse found themselves accused, and the accused became the accusers! It was not the revolutionaries who were judged there; judged once and for ever was a man named Batista — *monstrum horrendum!* — It matters little that those worthy and valiant young men have been condemned, if tomorrow the people will condemn the Dictator⁸ and his henchmen. Our men were consigned to the Isle of Pines Prison, in whose circular galleries the ghost of Castells⁹ lingers on, and where the cries of countless victims echo yet; there our boys have been sent to expiate their love of liberty in bitter confinement, sequestered away from society, torn from their homes and banished from their country. Do you not believe, as I said before, that in such circumstances it is difficult and ingrate for this lawyer to fulfil his duty?

As a result of so many obscure and illegal machinations, due to the will of those who govern and the weakness of those who judge, I find myself here in this little room¹⁰ of the Civil Hospital, to which I have been brought to be tried in secret; so that my voice may be stifled and so that no one may learn of the things I am going to say. Why, then, do we need that imposing Palace of Justice which the Honourable Magistrates would without doubt find rather more comfortable? I must warn you: it is unwise to administer justice from a hospital room, surrounded by sentinels with fixed bayonets; the citizens might suppose that our justice is sick – and that it is captive.

I remind you, your laws of procedure provide that trials shall be 'public hearings'; however, the people have been barred altogether from this session of court. The only civilians admitted here have been two attorneys and six reporters, whose newspapers' censorship will prevent printing a word that I say. I see, as my sole audience, in this chamber and in the corridors, nearly a hundred soldiers and officers. I am grateful for the polite and serious attention they give me. I only wish I could have the whole Army before me! I know, one day this Army will seethe with rage to wash away the awful, the shameful bloodstains splattered across the uniform by the present ruthless clique in their lust for power. On that day, oh, what a fall awaits those mounted, in arrogance, on the backs of the noble soldiers! – provided that the people have not pulled them down long before!

Finally, I should like to add that no treatise on penal law was allowed to be brought to my cell. I have at my disposal just this tiny code of law lent to

me by my learned counsel, Dr Baudilio Castellanos, the courageous defender of my comrades. In the same way they prevented me from receiving the books of Martí; it seems the prison censorship considered them too subversive. Or is it because I named Martí the inspirer of the 26th of July?

I was also prevented from bringing to this trial reference books on any other subject. It makes no difference whatsoever! I carry in my heart the teachings of the Maestro and in my mind the noble ideas of all men who have defended the freedom of the peoples of the world!

I am going to make only one request of this Court; I trust it will be granted as a compensation for the many abuses and outrages the accused has had to tolerate without protection of the law. I ask that my right to express myself be respected without restraint. Otherwise, even the merest semblance of justice cannot be maintained, and the last episode of this trial would be, more than any other, one of ignominy and cowardice.

I must confess that I am somewhat disappointed. I had expected that the Honourable Prosecutor would come forward with a grave accusation. I thought he would be ready to justify to the limit his contention, and his reasons why I should be condemned in the name of Law and Justice (what law and what justice?) to twenty-six years in prison. But no. He has confined himself to an oral reading of Article 148 of the Social Defence Code.¹¹ On the basis of this, plus aggravating circumstances, he demands that I be imprisoned for the lengthy term of twenty-six years! Two minutes seem very little time in which to demand and justify that a man be put behind bars for

more than a quarter of a century. Can it be that the Honourable Prosecutor is, perhaps, annoyed with the Court? Because, as I see it, his laconic attitude in this case clashes with the solemnity with which the Honourable Magistrates declared, rather proudly, that this was a trial of great importance! I have seen prosecutors speak ten times longer in a simple narcotics case, asking for a sentence of only six months. The Honourable Prosecutor has supplied not a word in support of his petition. I am a just man – I realize that for a prosecuting attorney under oath of fidelity to the Constitution of the Republic, it is difficult to come here in the name of an unconstitutional, de facto government, lacking any legal and even moral basis, to ask that a young Cuban, a lawyer like himself, perhaps as honourable as he, be sent to jail for twenty-six years. But the Honourable Prosecutor is a gifted man and I have seen much less talented persons write lengthy diatribes in defence of this regime. How then can I suppose that he lacks reason with which to defend it, at least for fifteen minutes, however contemptible that might be to any decent person? There is no doubt that there is some dark conspiracy behind all this.

Honourable Magistrates: why such interest in keeping me quiet? Why forgo those arguments that could serve as a target against which I might direct my own brief? Is it that they lack any legal, moral and political foundation on which to base a serious statement of the question? Are they so afraid of the truth? Do they hope that I, too, will speak for only two minutes and that I will not here touch upon the points which have caused certain persons sleepless nights since the 26th of July? Since the prosecutor's

petition was restricted to the mere reading of five lines of an article of the Social Defence Code, they might suppose that I would limit myself to these same lines and circle round and round them, like a slave turning a millstone. But I shall by no means accept such a gag, for in this trial there is at stake much more than the freedom of a single individual. Fundamental matters of principle are being debated here, the right of men to be free is on trial, the very foundations of our existence as a civilized and democratic nation are in the balance. When this trial is over, I do not want to have to reproach myself for any principle left undefended, for any truth unsaid, for any crime not denounced.

The Honourable Prosecutor's famous little article deserves hardly a minute of my time. I shall limit myself for the moment to a brief judicial skirmish against it, because I want to clear the field for an attack against all the endless lies and deceits, the hypocrisy, the babbittry, and the moral cowardice that set the stage for the crude comedy which, since the 10th of March – and even before then – has been called Justice in Cuba.

It is a fundamental principle of Penal Law that an imputed offence must correspond exactly to the offences as described in the law. If no law applies exactly to the controversial point, there is no offence.

The article in question reads textually : 'A penalty of imprisonment of from three to ten years shall be imposed upon the perpetrator of any act aimed at bringing about an armed uprising against the *Constitutional Powers of the State*. The penalty shall be imprisonment for from five to twenty years, in case the insurrection actually be carried into effect.'

In what country is the Honourable Prosecutor living? Who has told him that we have sought to bring about an uprising against the *Constitutional Powers of the State*? Two things are self-evident. First of all, the dictatorship that oppresses the nation is not a *Constitutional Power*, but an unconstitutional one: it was established against the Constitution, over the head of the Constitution, violating the legitimate Constitution of the Republic. The legitimate Constitution is that which emanates directly from a sovereign people. I shall demonstrate this point more fully later on, notwithstanding all the subterfuges contrived by cowards and traitors to justify the unjustifiable. Then, the article refers to Powers, in the plural, as the case of a Republic governed by a Legislative Power, an Executive Power and a Judicial Power which balance and counter-balance one another. We have fomented a rebellion against one single power, an illegal power, which has usurped and merged into a single whole both the Legislative and Executive Powers of the nation, and has thus destroyed the entire system that was specifically safeguarded by the Code now under our analysis. As to the independence of the Judiciary after the 10th of March, I shall not allude to that for I am in no mood for joking. No matter how Article 148 may be stretched, shrunk or amended, not a single comma applies to the events of the 26th of July. Let us leave this statute alone and await the opportunity to apply it to those who really did foment uprising against the Constitutional Powers of the State. Later, I shall refer back to the Code to refresh the Honourable Prosecutor's memory about certain circumstances he has unfortunately overlooked.

I warn you : I have just begun ! If there is in your hearts a vestige of love for your country, of love for humanity, of love for justice, listen attentively to me. I know that I will be silenced for many years; I know that the regime will try to suppress the truth by all possible means; I know that there will be a conspiracy to sink me into oblivion. But my voice will not be stifled; strength gathers in my breast even when I feel most alone, and the ardour of my own heart can sustain my voice, no matter how callous cowards may isolate and try to discourage me.

III

FROM a shack in the mountains, I listened to the radio broadcast¹² by the Dictator on Monday, July 27th, while there were still eighteen of our men in arms against the government. Those who never experience similar moments will never be acquainted with bitterness and indignation in life. While the long-cherished hopes of freeing our people lay in ruins about us, we heard those crushed hopes gloated over by a tyrant more vicious, more arrogant than ever. The endless stream of lies and slanders, poured out in his crude, odious, repulsive language, may only be compared with the endless stream of clean young blood which flowed since the previous night – with his knowledge, consent, complicity and applause – being spilled by the most inhuman gang of assassins it is possible to imagine. To have believed him for one single minute should suffice to fill a man of conscience with remorse for the rest of his life. At that moment I could not even hope to brand his miserable forehead with the mark of the truth which condemns him for the rest of his days and for all time to come. Already a net of more than a thousand men, armed with weapons more powerful than ours and with orders to bring in our bodies, was closing in around us. Now that people are beginning to learn the truth, now that speaking before you I am completing the mission I imposed upon myself, may I die peacefully and content. So I shall not mince words about the savage murderers.

Let us pause to consider the facts. The government said the attack showed such precision and perfection that military strategists must have done the planning. Nothing could be further from the truth. The plan was prepared by a group of young men none of whom had any military experience; I am going to reveal their names, omitting those of two men who are still alive and free: Abel Santamaría, José Luis Tasende, Renato Guitart Rosell, Pedro Miret, Jesús Montané and myself. Half are dead, and in the tribute due to their memory I can say that although they were not military experts, they had patriotism enough, had we not been under such great disadvantages, to have given a good beating to the entire lot of generals of the 10th of March, those generals who are neither soldiers nor patriots.

Much more difficult than planning the attack was our organizing, training, mobilizing and arming men under this repressive regime with its millions of dollars spent on espionage, bribery and information. Nevertheless, the undertaking was accomplished, by the young men just mentioned and by many others like them, with incredible earnestness, discretion and constancy. Still more praiseworthy is their giving to an ideal everything they had, ultimately giving their own lives.

The final mobilization of men who came to this province from the most remote towns of the entire island was accomplished with admirable precision and in absolute secrecy. It is equally true that the attack was carried out with magnificent co-ordination. It began simultaneously at five-fifteen a.m. in both Bayamo¹³ and Santiago de Cuba; and one by one, with an exactitude of minutes and seconds pre-

pared in advance, the buildings surrounding the barracks fell to our forces. Nevertheless, in the interest of accuracy and even though it may detract from our reputation, I am also going to reveal a fact that was fatal: due to a most unfortunate error, half of our forces, and the better armed half at that, went astray at the entrance to the city and were not on hand to help us at the decisive moment. Abel Santa-maría, with twenty-one men, had occupied the City Hospital; with him went a doctor and two of our women comrades, to attend the wounded. Raúl Castro, with ten men, occupied the Palace of Justice, and it was my responsibility to attack the barracks with the rest, ninety-five men. Preceded by an advance guard of eight who had forced Gate Three, I arrived with the first group of forty-five men. It was precisely here that the battle began, when an automobile ran into a perimeter patrol armed with machine-guns. The reserve group, who had almost all the heavy weapons (the light arms were in the advance guard), turned up the wrong street and lost their way in the city, with which they were not familiar. I must clarify that I do not for a moment doubt the valour of those men; they experienced great anguish and desperation when they realized they were lost. Because of the type of action under way and because of the identical colour of the uniforms of the two contending forces, it was not easy for these men to re-establish contact with us. Many of them, captured later on, met death with true heroism.

We all had strict instructions to be, above all, humane in the struggle. Never was a group of armed men more generous to the adversary. From the very

first, we took nearly twenty prisoners – and there was one moment when three of our men – Ramiro Valdés, José Suárez and Jesús Montané – managed to enter a barrack and hold nearly fifty soldiers prisoner for a short time. Those soldiers have testified before the Court and all without exception have acknowledged that we treated them with absolute respect, without even offending them by the use of an unpleasant word. Apropos of this, I want to give the Prosecutor my heartfelt thanks for one thing in the trial of my comrades: when he made his report, he was fair enough to acknowledge as an incontestable fact that we maintained a high spirit of chivalry throughout the struggle.

Discipline among the soldiers was very poor. They finally defeated us, because of their superiority in number – fifteen to one – and because of the protection afforded to them by the defences of the fortress. Our men were much the better marksmen, as our enemies conceded. Courage was high on both sides.

In reflecting on the causes for our tactical failure, apart from the regrettable error already mentioned, I believe we made a mistake by dividing the commando unit we had so carefully trained. Of our best trained men and boldest leaders, there were twenty-seven in Bayamo, twenty-one in the City Hospital and ten in the Palace of Justice. If our forces had been otherwise distributed, the outcome of the battle might have been different. The clash with the patrol (purely accidental, since the unit would not have been at that point twenty seconds earlier or twenty seconds later) alerted the camp, and gave them time to mobilize. Otherwise the camp would have fallen

without a shot since the guard post was already in our control. On the other hand, except for the .22 calibre rifles, for which there were plenty of bullets, our side was very short of ammunition. Had we had hand grenades, the Army would not have been able to resist us for fifteen minutes.

When I became convinced that all efforts to take the barracks had become quite futile, I began to withdraw our men in groups of eight and ten. Our retreat was covered by six expert marksmen under the command of Pedro Miret and Fidel Labrador; heroically they impeded the Army's advance. Our losses in the battle had been insignificant; ninety-five per cent of our casualties came from the Army's inhumanity after the struggle. The group in the City Hospital had but one casualty; the rest of that group were trapped when the troops blocked the only exit; but our boys did not lay down their arms until their very last bullet was gone. With them was Abel Santa-maria, the most generous, beloved and intrepid of our young men, whose glorious resistance immortalizes him in the history of Cuba. We shall see the fate they met and how Batista sought to punish the heroism of our youth.

Our plans were to continue the struggle in the mountains in case the attack on the regiment failed. In Siboney I was able to gather a third of our forces; but many of these men were now discouraged. About twenty of them decided to surrender; later we shall see what became of them. The rest, eighteen men, with what arms and ammunition were left, followed me into the mountains. The terrain was completely unknown to us. For one week we held the heights of the Gran Piedra range and the Army occupied the

foothills. We could not come down, and they did not decide to come up. It was not force of arms, but hunger and thirst that ultimately overcame our resistance. I had to divide the men into smaller groups. Some managed to slip through the Army lines; others were escorted to be surrendered by Monsignor Pérez Serantes.¹⁴ Finally, only two companions remained with me; José Suárez and Oscar Alcalde. While the three of us were totally exhausted, a force led by Lieutenant Sarría surprised us in our sleep at-dawn. This was Saturday, August 1st. The slaughter of prisoners had ceased by then, as a result of tremendous protest by the people. This officer, a man of honour, saved us from being murdered on the spot with our hands tied behind us.

I need not deny here the statements by Ugalde Carrillo and company, who tried to stain my name in an effort to mask their own cowardice, incompetence and criminality. The facts are clear enough.

My purpose is not to detain the court with epic narrations. All I have said is essential for a more exact understanding of the rest of my plea.

Let me mention two facts that enable objective judgment of our attitude. First: to facilitate capture of the regiment we could simply have seized all the high-ranking officers in their homes. This possibility was rejected for the very humane reason that we wished to avoid scenes of tragedy and struggle in the presence of their families. Second: we agreed not to take over any radio station until the army camp was in our power. This attitude, uncommonly gallant and magnanimous, spared the citizens much bloodshed. With only ten men I could have seized a radio station, to draw the people into the revolt. The

people's will to fight could not be questioned. I had a recording of Eduardo Chibás's¹⁵ last message over the C.M.Q. radio network, and patriotic poems and battle hymns capable of moving the least sensitive, especially with the sound of battle in their ears. But I did not want to use them although our situation was desperate.

The regime has emphatically repeated that our movement did not have popular support. I have never heard an assertion so naive, and at the same time so full of bad faith. The regime seeks to show submission and cowardice on the part of the people. They almost claim that the people support the Dictatorship; they do not know how this pretence offends the brave *Orientales*. Santiago thought our attack was only a local disturbance between two factions of soldiers; not until many hours later did they realize what had happened. Who can doubt the valour, the civic pride and the limitless courage of the rebel and patriotic people of Santiago de Cuba? If Moncada had fallen into our hands, even the women of Santiago de Cuba would have shouldered arms. Many were the rifles loaded for our fighters by the nurses of the City Hospital! They fought alongside us. That is something we shall never forget.

It was never our intention to engage the soldiers of the regiment in combat, but to seize control and weapons by surprise, to arouse the people and then call the soldiers together. We would have invited them to abandon the odious flag of tyranny and to embrace the banner of Liberty; to defend the supreme interests of the nation and not the petty interests of a small group; to turn their guns around and fire on the enemies of the people and not on the people, among

whom are their own sons and fathers; to join themselves with the people, brothers of ours as they are, instead of opposing the people as the enemies the government tried to make of them; to march behind the only beautiful ideal worthy of the sacrifice of one's life: the greatness and the happiness of one's country. To those who doubt that many soldiers would have followed us, I ask: What Cuban does not cherish glory? What heart is not set aflame by the dawn of freedom?

The Navy did not fight against us, and it would undoubtedly have come over to our side later. It is known that that branch of the Armed Forces is the least dominated by the Dictatorship and that there is a very intense civic conscience among its members. But, as to the rest of the national Armed Forces, would they have fought against a people in revolt? I declare that they would not! A soldier is made of flesh and blood; he thinks, observes and feels. He is susceptible to the opinions, beliefs, sympathies and antipathies of the people. If you ask his opinion, he may tell you he cannot express it; but that does not mean he has no opinion. He is affected by exactly the same problems that affect other citizens: subsistence, rent, the education of his children, their future, etc. Every one of his kin is an inevitable point of contact between him and the people, and every one of his kin relates him to the present and future situation of the society in which he lives. It is foolish to presume that the salary a soldier receives from the State — a modest enough salary, indeed — should solve the vital problems imposed on him by his needs, duties and feelings as a member of his family and as a member of his community.

This brief explanation has been necessary because it is fundamental to a consideration to which few people, until now, have paid any attention: soldiers have deep respect for the feelings of the majority of the people! During the Machado¹⁶ regime, in the same proportion as popular antipathy increased, the loyalty of the Army visibly decreased. This was so true that a group of women almost succeeded in subverting Camp Columbia. But this is proved even more clearly by a recent development. While Grau San Martín's¹⁷ regime was able to preserve its maximum popularity among the people, unscrupulous ex-officers and power-hungry civilians attempted innumerable conspiracies in the Army, but none of them found a following in the rank and file.

The coup of the 10th of March¹⁸ took place at the moment when the civil government's prestige had dwindled to its lowest ebb, a circumstance of which Batista and his clique took advantage. Why did they not strike their blow after the 1st of June? Simply because, had they waited for the majority of the nation to express its will at the polls, the troops would not have responded to the conspiracy!

Consequently, a second assertion may be made: the Army has never revolted against a regime with a popular majority behind it. These are historic truths, and if Batista insists on remaining in power at all costs against the will of the majority of Cubans, his end will be more tragic than that of Gerardo Machado.

I have the right to express an opinion about the Armed Forces because I defended them when everyone else was silent. And I did this neither as a conspirator, nor from any kind of personal interest (for

we then enjoyed full constitutional prerogatives). I was prompted only by humane instincts and civic duty. In those days, the newspaper *Alerta* was one of the most widely read because of its position in national politics. In its pages, I campaigned against the forced labour to which the soldiers were subjected on the private estates of high civil and military officers. On March 3rd, 1952, I supplied the courts with data, photographs, films and other proofs denouncing this state of affairs. I also pointed out in those articles that it was elementary decency to increase Army pay. I should like to know who else raised his voice on that occasion to protest against all the injustice done the soldiers. Certainly not Batista and company¹⁹, living well protected on their luxurious estates, surrounded by all kinds of security measures, while I ran a thousand risks without either bodyguards or arms.

Just as I defended the soldiers then, now – when all others are again silent – I tell the soldiers that they allowed themselves to be miserably deceived; and to the deception and shame of the 10th of March they have added the disgrace, a thousand times greater disgrace, of the frightful and unjustifiable crimes of Santiago de Cuba. Since that moment, the uniform of the Army remains degraded. Just as last year I told the people, and decried before the courts, that soldiers were working as slaves on private estates, so today I make the bitter charge that there are soldiers stained through and through with the blood of the Cuban youths they have tortured and slain. And I also say that when the Army serves the Republic, defends the nation, respects the people, and protects every citizen, it is only fair that the soldier should earn at

least a hundred dollars a month. But when the soldiers slay and oppress the people, betray the nation, and defend the interests of one clique, the Army deserves not a cent of the Republic's money and Camp Columbia should be converted into a school with ten thousand orphans residing there, instead of soldiers.

Since above all things I wish to be just, I cannot blame all the soldiers for the crimes and the shame that is the work of a few Army men who are evil and treacherous. However, every honourable and up-standing soldier who loves his career, and his uniform, is duty bound to demand and to fight for the cleansing of this guilt, for the avenging of this betrayal, and for the punishment of the guilty. Otherwise, the soldiers' uniform will for ever be a mark of infamy, instead of a source of pride.

Naturally, the 10th of March regime had no choice but to remove the soldiers from private estates. But Batista did so only to put them to work as porters, chauffeurs, servants and bodyguards to the whole rabble of petty politicians who form the party of the Dictatorship. Every fourth or fifth rank official considers himself entitled to the services of a soldier, to drive his car and to shield his back, as though he were constantly afraid of receiving the kick he so justly deserves.

If there had been any real intention of reforms, why did the regime not confiscate all the estates and the millions from men like Genovevo Pérez Dámera,²⁰ who acquired their fortunes exploiting soldiers, driving them like slaves, and misappropriating the funds of the Armed Forces? But no; Genovevo Pérez and the others no doubt still have soldiers protecting

them on their estates because the generals of the 10th of March, deep down inside, expect to follow their example. The regime dared not set a precedent of punishment.

The 10th of March was indeed a miserable deception. After Batista and his band of corrupt and disreputable politicians had failed in their electoral plan, they took advantage of the Army's discontent and used it to climb to power on the backs of the soldiers. I know there are many Army men disgruntled because they have been disappointed. At first their pay was raised; but later, by means of deductions and reductions of every kind, it was lowered again; many of the old elements, which had drifted away from the Armed Forces, returned to the ranks and blocked the advancement of young, capable and valuable men. Good soldiers have been neglected while the most scandalous nepotism prevails. Many decent military men are now asking themselves what need had the Armed Forces to assume the tremendous historical responsibility of destroying our Constitution, merely to put in power a group of immoral men, men of bad reputation, corrupt, politically degenerate beyond redemption, who could never again have occupied a political post had it not been at the point of bayonets, furthermore, bayonets they did not even wield themselves!

The soldiers endure a worse tyranny than the civilians. They are under constant surveillance and not one of them enjoys the slightest security in his post. Any unjustified suspicion, any gossip, any intrigue, or denunciation, is sufficient to cause transfer, dishonourable dismissal or imprisonment. Did not Tabernilla,²¹ in a circular letter, forbid them to talk

with anyone opposed to the government, that is to say, with the ninety-nine per cent of the people? What distrust! Not even the Vestal Virgins of Rome were required to observe such a rule! As for the widely publicized soldiers' houses, there are no more than three hundred in all the island; and yet, with what has been spent on tanks, guns and other weapons, there would have been enough money to build a house for each enlisted man.

What concerns Batista is not to take care of the Army, but that the Army should take care of him! To increase the Army's power of oppression and killing is not to improve living conditions of the soldiers. Triple guard duty, constant confinement to barracks, continuous anxiety, the enmity of the people, uncertainty about the future: that's what has been given the soldier. In other words: 'Die for the regime, soldier, give it your sweat and blood. We shall dedicate a speech to you and award you a posthumous promotion (when it no longer matters) and afterwards – we shall go on living luxuriously, making ourselves rich. Kill, abuse, oppress the people. When the people grow weary and all this comes to an end, you shall pay for our crimes, while we go abroad to live like princes. And if one day we return, do not knock, neither you nor your children, on the doors of our mansions, for we shall be millionaires and millionaires do not know the poor. Kill, soldier, oppress the people, die for the regime, give your sweat and blood ...'

But if, blind to that sad reality, a minority of soldiers had decided to fight the people, the people who were going to liberate them from tyranny, still victory would have gone to the people.

The Honourable Prosecutor was very much interested in knowing our chances for success. These chances were based on considerations of technical, military and social order. They have tried to establish the myth that modern arms render the people helpless to overthrow tyrants. Military parades and the pompous display of the machines of war are used to perpetuate this myth and to create in the people a complex of absolute impotence. But no weapon, no violence can vanquish the people once they have decided to win back their rights. Both past and present are full of examples. Most recently there has been a revolt in Bolivia, where miners with dynamite sticks laid low the Regular Army regiments. But, fortunately, we Cubans need not look for examples abroad. No example is as inspiring as that of our own land. During the war of 1895 there were nearly half a million armed Spanish soldiers in Cuba, many more than the Dictator counts upon today to hold back a population five times greater. The arms of the Spaniards were, beyond comparison, both more up-to-date and more powerful than those of the *mambises*. In many of the encounters, the Spaniards were equipped with field artillery and the infantry used carbines similar to those still in use by the infantry of today. The Cubans were armed only with their machetes, for their cartridge belts were nearly always empty. There is an unforgettable passage in the history of our War of Independence, narrated by General Miró Argenter,²² Chief of the General Staff of Antonio Maceo.²³ I managed to bring it copied on this little note, in order not to depend upon memory.

'Untrained men under the command of Pedro Delgado, most of them equipped only with machetes,

were virtually annihilated as they threw themselves on the solid rank of Spaniards. It is not an exaggeration to assert that of every fifty men, twenty-five were killed. Some even attacked the Spaniards with bare fists, without pistols, without machetes, without even knives. Searching through the reeds by the Hondo River, fifteen more dead of the Cuban party were found and it was not immediately evident to what group they belonged. They did not appear to have shouldered arms, their clothes were intact and only tin drinking cups hung from their waists; a few steps ahead lay a dead Spanish horse, all its equipment intact. We reconstructed the climax of the tragedy. These men, following their daring chief, Lieutenant-Colonel Pedro Delgado, had earned heroes' laurels; they had thrown themselves against bayonets with bare hands; the clash of metal which was heard around them was the sound of their drinking cups banging against the saddle-horn.'

Maceo was deeply moved. This man so used to seeing death in all its forms murmured this praise: 'I had never seen this, untrained and unarmed men, attacking the Spaniards with only a drinking cup for a weapon. And I called it impedimenta!'

This is how the people fight when they want to win their liberty; they throw stones at aeroplanes and overturn tanks!

IV

As soon as Santiago de Cuba was in our hands, we would immediately have readied the people for war. Bayamo was attacked precisely to locate our advance forces along the Cauto River. Never forget that this province, which has a million and a half inhabitants today, is undoubtedly the most resistant and most patriotic of Cuba.

It was this province that continued the fight for independence for thirty years and paid the highest tribute in blood, sacrifice and heroism. In Oriente, you can still breathe the air of that glorious epic. At dawn, when the cocks crow as if they were bugles calling soldiers to reveille, and when the sun rises, radiant over the rugged mountains, it seems that once again we will live the days of Yara or Baire.²⁴

I stated that the second consideration on which we based our chances for success was one of social order because we were sure of the people's support. When we speak of the people we do not mean the comfortable ones, the conservative elements of the nation, who welcome any regime of oppression, any dictatorship, any despotism, prostrating themselves before the master of the moment until they grind their foreheads into the ground. When we speak of struggle, the people means the vast unredeemed masses, to whom all make promises and whom all deceive; we mean the people who yearn for a better, more dignified and more just nation; who are moved

by ancestral aspirations of justice, for they have suffered injustice and mockery generation after generation; who long for great and wise changes in all aspects of their life; people who, to attain the changes, are ready to give even the very last breath of their lives, when they believe in something or in someone, especially when they believe in themselves. In stating a purpose, the first condition of sincerity and good faith is to do precisely what nobody else ever does, that is, to speak with absolute clarity, without fear. The demagogues and professional politicians who manage to perform the miracle of being right in everything and in pleasing everyone, are, of necessity, deceiving everyone about everything. The revolutionaries must proclaim their ideas courageously, define their principles and express their intentions so that no one is deceived, neither friend nor foe.

The people we counted on in our struggle were these:

Seven hundred thousand Cubans without work, who desire to earn their daily bread honestly without having to emigrate in search of a livelihood.

Five hundred thousand farm labourers inhabiting miserable shacks (*bohíos*), who work four months of the year and starve during the rest, sharing their misery with their children; who have not an inch of land to till, and whose existence would move any heart not made of stone.

Four hundred thousand industrial labourers and stevedores whose retirement funds have been embezzled, whose benefits are being taken away, whose homes are wretched quarters, whose salaries pass from the hands of the boss to those of the money-

lender (*garrotero*), whose future is a pay reduction and dismissal, whose life is eternal work and whose only rest is in the tomb.

One hundred thousand small farmers who live and die working on land that is not theirs, looking at it with sadness as Moses looked at the promised land, to die without ever owning it; who, like feudal serfs, have to pay for the use of their parcel of land by giving up a portion of its products; who cannot love it, improve it, beautify it, nor plant a lemon or an orange tree on it, because they never know when a sheriff will come with the rural guard to evict them from it.

Thirty thousand teachers and professors who are so devoted, dedicated and necessary to the better destiny of future generations and who are so badly treated and paid.

Twenty thousand small business men, weighted down by debts, ruined by the crisis and harangued by a plague of grafting and venal officials.

Ten thousand young professionals: doctors, engineers, lawyers, veterinarians, school teachers, dentists, pharmacists, newspapermen, painters, sculptors, etc., who come forth from school with their degrees, anxious to work and full of hope, only to find themselves at a dead end with all doors closed, and where no ear hears their clamour or supplication.

These are the people, the ones who know misfortune and, therefore, are capable of fighting with limitless courage!

To the people whose desperate roads through life have been paved with the bricks of betrayals and false promises, we were not going to say: 'We will eventually give you what you need,' but rather -

'Here you have it, fight for it with all your might, so that liberty and happiness may be yours!'

In the brief of this case, the five revolutionary laws that would have been proclaimed immediately after the capture of the Moncada Barracks and would have been broadcasted to the nation by radio should be recorded. It is possible that Colonel Chaviano may deliberately have destroyed these documents, but even if he has done so I remember them.

The First Revolutionary Law would have returned power to the people and proclaimed the Constitution of 1940 the supreme Law of the State, until such time as the people should decide to modify or change it. And, in order to effect its implementation and punish those who had violated it, there being no organization for holding elections to accomplish this, the revolutionary movement, as the momentous incarnation of this sovereignty, the only source of legitimate power, would have assumed all the faculties inherent in it, except that of modifying the Constitution itself: in other words, it would have assumed the legislative, executive and judicial powers.

This approach could not be more crystal clear nor more free of vacillation and sterile charlatanry. A government acclaimed by the mass of the rebel people would be vested with every power, everything necessary in order to proceed with the effective implementation of the popular will and true justice. From that moment, the Judicial Power, which since March 10th has placed itself against the Constitution and outside the Constitution, would cease to exist and we would proceed to its immediate and total reform before it would again assume the power granted to it by the Supreme Law of the Republic.

Without these previous measures, a return to legality by putting the custody of the courts back into the hands that have crippled the system so dishonourably would constitute a fraud, a deceit, and a new betrayal.

The Second Revolutionary Law would have granted property, non-mortgageable and non-transferable, to all planters, non-quota planters, lessees, share-croppers, and squatters who hold parcels of five *caballerías*²⁵ of land or less, and the State would indemnify the former owners on the basis of the rental which they would have received for these parcels over a period of ten years.

The Third Revolutionary Law would have granted workers and employees the right to share thirty per cent of the profits of all the large industrial, mercantile and mining enterprises, including the sugar mills. The strictly agricultural enterprises would be exempt in consideration of other agrarian laws which would be implemented.

The Fourth Revolutionary Law would have granted all planters the right to share fifty-five per cent of the sugar production and a minimum quota of forty thousand *arrobas*²⁶ for all small planters who have been established for three or more years.

The fifth Revolutionary Law would have ordered the confiscation of all holdings and ill-gotten gains of those who had committed frauds during previous regimes, as well as the holdings and ill-gotten gains of all their legatees and heirs. To implement this, special courts with full powers would gain access to all records of all corporations registered or operating in this country, in order to investigate concealed funds of illegal origin, and to request that foreign govern-

ments extradite persons and attach holdings rightfully belonging to the Cuban people. Half of the property recovered would be used to subsidize retirement funds for workers and the other half would be used for hospitals, asylums and charitable organizations.

Furthermore, it was to be declared that Cuban policy in the Americas would be one of close solidarity with the democratic peoples of this continent, and that those politically persecuted by bloody tyrants oppressing our sister nations would find generous asylum, brotherhood and bread in the land of Martí; not the persecution, hunger and treason they find today. Cuba should be the bulwark of liberty and not a shameful link in the chain of despotism.

These laws would have been proclaimed immediately, as soon as the upheavals were ended and prior to a detailed and far-reaching study. They would have been followed by another series of laws and fundamental measures, such as the Agrarian Reform, the integral Reform of Education, electric power nationalization of the trust and the telephone trust, refund to the people of the illegal excessive rates this company has charged, and payment to the Treasury of all taxes brazenly evaded in the past.

All these laws and others would be based on the exact fulfilment of two essential articles of our Constitution: one of them orders the outlawing of large estates indicating the maximum area of land any person or entity may own for each type of agricultural enterprise, by adopting measures which would tend to revert the land to the Cubans. The other categorically orders the State to use all means at its disposal to provide employment for all those who

lack it and to ensure a decent livelihood for each manual or intellectual labourer.

None of these articles can be called unconstitutional. The first popularly elected government would have to respect these laws, not only because of moral obligation to the nation, but because when people achieve something they have yearned for throughout generations, no force in the world is capable of taking it away again.

The problem concerning land, the problem of industrialization, the problem of housing, the problem of unemployment, the problem of education and the problem of the health of the people : these are the six problems we would take immediate steps to solve along with the restoration of public liberties and political democracy.

Perhaps this exposition appears old and theoretical if one does not know the shocking and tragic conditions of the country with regard to these six problems, added to the most humiliating political oppression.

Eighty-five per cent of the small farmers in Cuba pay rent and live under the constant threat of being dispossessed from the land they till. More than half of the most productive land belongs to foreigners. In Oriente, the largest province, the lands of the United Fruit Company and West Indian Company join the north with the south coast. There are two hundred thousand peasant families who do not have a single acre of land to till to provide food for their starving children. On the other hand, nearly three hundred thousand *caballerías* of cultivable land owned by powerful interests remain uncultivated.

Cuba is above all an agricultural State. Its pop-

ulation is largely rural. The city depends on these rural areas. The rural people won the Independence. The greatness and prosperity of our country depends on a healthy and vigorous rural population that loves the land and knows how to till it, within the framework of a State that protects and guides them. Considering all this, how can the present state of affairs continue?

With the exception of a few food, lumber and textile industries, Cuba continues to be a producer of raw materials. We export sugar to import candy, we export hides to import shoes, we export iron to import ploughs. Everybody agrees that the need to industrialize the country is urgent, that we need steel industries, paper and chemical industries, that we must improve cattle and grain production, the technique and the processing in our food industry, in order to balance the ruinous competition of the Europeans in cheese products, condensed milk, liquors and oil, and that of the United States in canned goods; that we need merchant ships; that tourism should be an enormous source of revenue. But the capitalists insist that the workers remain under a Claudian yoke; the State folds its arms, and industrialization can wait for the Greek calends.

Just as serious or even worse is the housing problem. There are two hundred thousand huts and hovels in Cuba; four hundred thousand families in the country and in the cities live cramped into barracks and tenements without even the minimum sanitary requirements; two million two hundred thousand of our urban population pay rents which absorb between one-fifth and one-third of their income; and two million eight hundred thousand of our rural and

suburban population lack electricity. If the State proposes the lowering of rents, landlords threaten to freeze all construction; if the State does not interfere, construction goes on so long as the landlords get high rents; otherwise, they would not lay a single brick even though the rest of the population should have to live exposed to the elements. The utilities monopoly is no better; they extend lines as far as it is profitable, and beyond that point they don't care if the people have to live in darkness for the rest of their lives. The State folds its arms, and the people have neither homes nor electricity.

Our educational system is perfectly compatible with the rest of our national situation. Where the *guajiro*²⁷ is not the owner of his land, what need is there for agricultural schools? Where there are no industries, what need is there for technical industrial schools? Everything falls within the same absurd logic: there is neither one thing nor the other. In any small European country there are more than two hundred technical and industrial arts schools; in Cuba, there are only six such schools, and the boys who graduate have no place to use their skill. The little rural schools are attended by only half of the school-age children – barefooted, half-naked and undernourished – and frequently the teacher must buy necessary materials from his own salary. Is this the way to make a nation great?

Only death can liberate one from so much misery. In this, however, early death, the State is most helpful. Ninety per cent of rural children are consumed by parasites which filter through their bare feet from the earth. Society is moved to compassion upon hearing of the kidnapping or murder of one child, but

they are criminally indifferent to the mass murder of so many thousands of children who die every year from lack of facilities, in agonizing pain. Their innocent eyes, death already shining in them, seem to look into infinity as if entreating forgiveness for human selfishness, as if asking God to stay his wrath. When the head of a family works only four months a year, with what can he purchase clothing and medicine for his children? They will grow up with rickets, with not a single good tooth in their mouths by the time they reach thirty; they will have heard ten million speeches and will finally die of misery and deception. Public hospitals, which are always full, accept only patients recommended by some powerful politician who, in turn, demands the electoral votes of the unfortunate one and his family so that Cuba may continue for ever in the same or worse condition.

With this background, is it not obvious why from May to December over a million persons are jobless and why Cuba, with a population of five and a half million, has a greater number of unemployed than France or Italy with a population of forty million each?

When you judge a defendant for robbery, Your Honours, do you ask him how long he has been unemployed? Do you ask him how many children he has, which days of the week he ate and which he didn't, do you concern yourselves with his environment at all? You send him to jail without further thought. But those who burn warehouses and stores to collect insurance do not go to jail, even though a few human beings should have happened to be cremated. The insured have money to hire lawyers

and bribe judges. You imprison the poor wretch who steals because he is hungry; but none of the hundreds who steal millions from the government has ever spent a night in jail; you dine with them at the end of the year in some elegant place and they enjoy your respect.

In Cuba when a bureaucrat becomes a millionaire overnight and enters the fraternity of the rich, he could very well be greeted with the words of that opulent Balzac character, Taillefer, who, in his toast to the young heir to an enormous fortune, said: 'Gentlemen, let us drink to the power of gold! Mr Valentin, a millionaire six times over, has just ascended the throne. He is king, can do everything, is above everything, as all the rich. Henceforward, equality before the law, before the Constitution, will be a myth for him; for he will not be subject to laws: the laws will be subject to him. There are no courts nor sentences for millionaires.'

The future of the country and the solution of its problems cannot continue to depend on the selfish interests of a dozen financiers, nor on the cold calculations of profits that ten or twelve magnates draw up in their air-conditioned offices. The country cannot continue begging on its knees for miracles from a few golden calves, similar to the Biblical one destroyed by the fury of a prophet. Golden calves cannot perform miracles of any kind. The problems of the Republic can be solved only if we dedicate ourselves to fight for it with the same energy, honesty and patriotism our liberators had when they created it.

It is not statesmen such as Carlos Saladrigas,²⁸ whose statesmanship consists of preserving the status quo and mouthing phrases like 'absolute freedom of

enterprise', 'guarantees to investment capital' and 'the law of supply and demand', who will solve these problems. Those ministers can chat gaily in a mansion on Fifth Avenue²⁹ until there remains not even the dust of the bones of those whose problems required immediate solution. In this present-day world, social problems are not solved by spontaneous generation.

A revolutionary government with the backing of the people and the respect of the nation, after cleaning the various institutions of all venal and corrupt officials, would proceed immediately to industrialize the country, mobilizing all inactive capital, currently estimated at about 150 million dollars, through the National Bank and the Agricultural, Industrial and Development Bank, and submitting this mammoth task to experts and men of absolute competence completely removed from all political machinations, for study, direction, planning and realization.

After settling the one hundred thousand small farmers as owners on land which they previously rented, a revolutionary government would proceed immediately to settle the land problem. First, as the Constitution ordains, we would establish the maximum amount of land to be held by each type of agricultural enterprise and would acquire the excess acreage by: expropriation, recovery of the lands stolen from the State, improvement of swampland, planting of large nurseries, and reserving of zones for re-forestation. Secondly, we would distribute the remaining land among peasant families, with priority given to the larger ones, and would promote agricultural co-operatives for common use of expensive equipment, freezing plants and a single technical,

professional directing board in farming and cattle raising. Finally, we would provide resources, equipment, protection and useful guidance to the peasants.

A revolutionary government would solve the housing problem by cutting all rents in half; by providing tax exemptions on homes inhabited by the owners; by tripling taxes on rented homes; by tearing down hovels and replacing them with modern multiple-dwelling buildings; and by financing housing all over the island on a scale heretofore unheard of; with the criterion that, just as each rural family should possess its own tract of land, each city family should own its home or apartment. There is plenty of building material and more than enough manpower to make a decent home for every Cuban. But if we continue to wait for the miracle of the golden calf, a thousand years will have gone by and the problem will still be the same. On the other hand, today possibilities of taking electricity to the most isolated spots of Cuba are greater than ever. The use of nuclear energy in this field is now a reality and will greatly reduce the cost of producing electricity.

With these three projects and reforms, the problem of unemployment would automatically disappear and the task of improving public health and fighting against disease would be made much less difficult.

Finally, a revolutionary government would undertake the integral reform of the educational system, bringing it in line with the foregoing projects with the idea of educating those generations who will have the privilege of living in a happy land. Do not forget the words of *El Apóstol*:

'A grave mistake is being made in Latin America: in countries that live almost completely from the

produce of the land, men are being educated exclusively for urban life, and are not trained for the farm life. The happiest country is the one which has best educated its sons, both in the instruction of thought and the direction of their feelings.

'...An educated country will always be strong and free...'

The soul of education, however, is the teacher himself and in Cuba the teaching profession is miserably underpaid. Despite this, no one is more dedicated than the Cuban teacher. Who among us has not learned his ABC in the little public schoolhouse? It is time we stopped paying pittances to these young men and women who are entrusted with the sacred task of teaching the young. No teacher should earn less than two hundred dollars, no secondary professor should get less than three hundred and fifty dollars, if they are to devote themselves exclusively to their high calling without suffering want. Moreover, all rural teachers should have free use of the various systems of transportation; and, at least every five years, all teachers should enjoy a sabbatical leave of six months with pay so they may attend special refresher courses at home and abroad to keep abreast of the latest developments in their field. In this way, the curriculum and the teaching system may be constantly improved.

Where will the money be found for all this? When there is an end to embezzlement of government funds, when public officials stop taking graft from the large companies who owe taxes to the State, when the enormous resources of the country are brought into full use, when we no longer buy tanks, bombers and guns for this country (which has no frontiers to

defend and where these instruments of war, now being purchased, are used against the people), when there is more interest in educating the people than in killing them there will be more than enough money.

Cuba could easily provide for a population three times as great as it now has, so there is no excuse for the abject poverty of a single one of its present inhabitants. The markets should be overflowing with produce, pantries should be full, all hands should be working. This is not an inconceivable thought. What is inconceivable is that anyone should go to bed hungry, that children should die for lack of medical attention; what is inconceivable is that thirty per cent of our farm people cannot write their names and that ninety-nine per cent of them know nothing of Cuba's history. What is inconceivable is that the majority of our rural people are now living in worse circumstances than were the Indians Columbus discovered in the fairest land that human eyes had ever seen.

To those who would call me a dreamer, I quote the words of Martí: 'A true man does not seek the path where advantage lies, but rather, the path where duty lies, and this is the only practical man, whose dream of today will be the law of tomorrow, because he who has looked back on the upheavals of history and has seen civilizations going up in flames, crying out in bloody struggle, throughout the centuries, knows that, without a single exception, the future lies on the side of duty.'

Only when we understand that such a high ideal inspired them can we conceive the heroism of the young men who fell in Santiago.

The meagre material means at our disposal was all that prevented our sure success. When the soldiers

were told that Prío³¹ had given a million dollars to us, they were told this in the regime's attempt to distort the most important fact: the fact that our movement had no link with past politicians; that this movement is a new Cuban generation with its own ideas, rising up against tyranny; that this movement is made up of young men who were barely seven years old when Batista perpetrated the first of his crimes in 1934.

The lie about the million dollars could not have been more absurd. If, with less than twenty thousand dollars, we armed one hundred and sixty-five men and attacked one regiment and one squadron, then with a million dollars we could have armed eight thousand men, to attack fifty regiments and fifty squadrons – and Ugalde Carrillo³² would not have found out until Sunday, July 26th, at five fifteen a.m. I assure you that for every man who fought, twenty well-trained men were unable to fight for lack of weapons. When these men paraded along the streets of Havana with the student demonstration of the Centennial of Martí, they solidly packed six city blocks. If even two hundred more men had been able to fight, or had we possessed twenty more hand-grenades, perhaps this Honourable Court would have been spared all this inconvenience.

The politicians spent millions of dollars buying off consciences, whereas, a handful of Cubans who wanted to save their country's honour had to face death bare-handed for lack of funds. This shows how the country, to this very day, has been governed not by generous and dedicated men, but by political racketeers, the scum of our public life.

With pride, therefore, I say that, in accordance

with our principles, we have asked no past or present politician for a penny. Those who gave us funds for the cause did so with sacrifice beyond compare. For example, Elpidio Sosa who sold his job and came to me one day with three hundred dollars for the cause; Fernando Chenard, who sold the photographic equipment with which he earned his living; Pedro Marrero, who contributed several months' salary and who had to be stopped from actually selling the very furniture of his house; Oscar Alcalde, who sold his pharmaceutical laboratory; Jesús Montané, who gave his five years' savings — and so on with many others, each giving the little he had.

One must have great faith in one's country to do such a thing. The remembrance of these actions of idealism brings me straight to the most bitter chapter of this defence — the price that tyranny made them pay for wanting to free Cuba from oppression and injustice.

Beloved corpses you that once
Were the hope of my Homeland,
Cast upon my forehead
The dust of your decaying bones!
Touch my heart with your cold hands!
Groan at my ears!
Each of my moans will
Turn into the tears of one more tyrant!
Gather around me that my soul may receive your
spirits
And give me the horror of the tombs
For tears are not enough
When one lives in infamous bondage!

Multiply by ten the crimes of November 27th,

1871,³³ and you will have the monstrous and repulsive crimes of July 26th, 28th, 29th, 1953, in the province of Oriente. These are still fresh in our memory, but some day when years have passed, when the skies of the nation are clear once again, when tempers are calmed, and fear no longer torments our spirits, then we will begin to see the magnitude of the massacre in all its shocking reality, and future generations will be struck with horror whenever they look back on these acts of barbarity unprecedented in our history. But I do not want to become enraged. I need clearness of mind and peace in my heavy heart in order to relate the deeds as simply as possible, in no sense dramatizing them, but just as they took place. As a Cuban I am ashamed that heartless men should have perpetrated such unthinkable crimes, dishonouring our country before the rest of the world.

This tyrant Batista was never a man of scruples. He has never hesitated to tell his people the most outrageous lies. To justify his coup of the 10th of March, he concocted stories about a fictitious Army uprising, which was supposedly scheduled to occur in April, and which he 'wanted to avert so that the Republic might not be drenched in blood'. A ridiculous little tale nobody believed! And when he himself did want to drench the Republic in blood, when he wanted to smother in terror and torture the just rebellion of Cuba's youth, who were not willing to be his slaves, then he contrived still more fantastic lies. How little respect one must have for a people when one tries to deceive them so miserably!

V

ON the very day of my arrest, I publicly assumed responsibility for our armed movement on the 26th of July. If there had been an iota of truth in even one of the many statements the Dictator made against our fighters in his speech on July 27th, that would have been enough to undermine the moral impact of my case. Why, then, was I not brought to trial? Why were medical certificates forged? Why did they violate all laws during the proceedings and desecrate so scandalously the rulings of the Court? Why were so many things done, things never before seen done in a court of law in order to prevent my appearance at all cost? In contrast, I could not begin to tell you all I went through in order to appear. I asked the Court to bring me to trial in accordance with all established principles, and I denounced the underhanded schemes that were afoot to prevent it. I wanted to argue with them face to face.

But they did not wish to face me. Who was telling the truth and who was not? The declarations made by the Dictator at Camp Columbia could be considered amusing if so many lives were not involved.

He claimed we were a group of hirelings and that among us were many foreigners. He said that the central part of our plan was an attempt to kill him — him, always him. As if the men who attacked the Moncada Barracks could not have killed him, and twenty like him, had they approved of such methods.

He stated that our attack had been planned by ex-president Prío, and that it had been financed with Prío's money. It has been irrefutably proved that there existed no link whatsoever between our movement and the last regime.

He claimed that we had machine-guns and hand-grenades. Yet the military technicians have stated right here that we had only one machine-gun and not a single hand-grenade.

He said that we had beheaded the sentries. Yet death certificates and medical reports of all the Army's casualties show no deaths caused by the blade.

But, above all, and most important, he said that we stabbed patients at the Military Hospital. Yet the doctors of that hospital, mind you, Army doctors, have testified we never even occupied that building, that no patient was either wounded or killed by us, and that the hospital lost only one employee, a janitor who imprudently put his head out of an open window.

Whenever a Chief of State, or anybody pretending to be one, makes declarations to the country, he speaks not just to hear the sound of his own voice. He always has some specific purpose and expects some specific reaction. Since we had already been militarily defeated, inasmuch as we no longer represented any actual danger to the Dictatorship, why did they slander us in such a fashion? If it is still not clear that his speech was just an attempt to justify the crimes that they had been perpetrating since the night before, and which they were going to continue perpetrating, then let figures speak for me.

On July 27th, in his speech from the military

headquarters, Batista said that the assailants suffered thirty-two dead. At the end of the week, the number of dead had risen to more than eighty men. In what battles, where, in what clashes, did these young men die? Before Batista spoke, more than twenty-five prisoners had been murdered. After Batista spoke, fifty more were murdered.

What a great sense of honour was shown by those soldiers and officers who did not distort the facts before the Court, but gave their reports adhering to the strictest truth. These surely are soldiers who honour the uniform, and these, surely, are men! Neither a real soldier nor a true man can degrade his code of living with lies and crime.

I know that many of the soldiers are indignant at the barbaric assassinations perpetrated. I know that they feel repugnance and shame at the smell of homicidal blood that impregnates every stone of the Moncada Barracks.

Now that he has been contradicted by men of honour among his own Army, I defy the Dictator to repeat his vile slander against us. I defy him to try to justify before the Cuban people his speech of July 27th.

Let him not be silent. Let him speak. Let him say who are the assassins, the ruthless, the inhumane. Let him tell us if the medals of honour, which he went to pin on the breasts of his heroes of the massacre, were rewards for the hideous crime they had committed. Let him, from this very moment, assume his responsibility before history. Let him not pretend, at a later date, that the soldiers were acting without orders from him! Let him offer the nation an explanation for these seventy murders. There was much

bloodshed. The nation needs an explanation. The nation demands it.

It is common knowledge that in 1933, at the end of the battle at the Hotel Nacional, some officers were murdered after surrendering; *Bohemia Magazine* protested energetically. It was known too that after the surrender of Fort Atarés, the besiegers' machine-guns cut down a row of prisoners. And that one soldier, after asking who was Blas Hernández, blasted him (the one who answered) with a bullet directly in the face, and for this cowardly act was promoted to officer's rank.

It was well known in Cuban history that assassination of prisoners was fatally linked with the name of Batista. Such naivety on our part not to foresee this! However, unjustifiable as those killings in 1933 were, they took place in a matter of minutes, in no more time than it took for a round of machine-gun fire. Furthermore, they took place while combat nerves were still on edge. It was not thus in Santiago de Cuba. Here all forms of outrageous abuses were deliberately overdone.

Our men were killed not in the course of a minute, an hour or a day. Throughout a whole week the blows, the torture and the shots continued, ceasing not for an instant, as methods of grisly amusement, wielded by well-practised artisans of crime. The Moncada Barracks were turned into a workshop of torture and death. Some abject individuals turned their uniforms into butchers' aprons. The walls were splattered with blood. The bullets embedded in the walls were encrusted with singed bits of skin, brains and human hair, the grisly reminders of rifle shots full in the face. The grass around the barracks was

dark and sticky with human blood. The criminal hands that are guiding the destiny of Cuba had written for the prisoners at the entrance of that den of death the very inscription of Hell: '*Lasciate ogni speranza, voi ch'entrate.*'

They did not even attempt to disguise appearances. They did not bother in the least to conceal what they were doing. They thought they had deceived the people with their lies and they ended by deceiving themselves. They felt themselves lords and masters of the Universe, with power over life and death. So the fear they had experienced upon our attack at day-break was dissipated in an orgy of corpses, in a true drunkenness of blood.

Chronicles of our history, down through four and a half centuries, tell us of many acts of cruelty: the slaughter of defenceless Indians by the Spaniards; the plundering and atrocities of pirates along the coast; the barbarities of the Spanish soldiers during the War of Independence; the shooting of prisoners of the Cuban Army by the forces of Weyler; the horrors of the Machado regime, and so on to the crimes of March 1935. But never had such a sad and bloody page been written in numbers of victims and in the viciousness of victimizers – as in Santiago de Cuba eleven weeks ago.

Only one man in all these centuries has stained with blood two separate periods of our historic existence and has dug his claws into the flesh of two generations of Cubans. To release this river of blood, he waited for the Centennial³⁴ of the Apostle, just after the fiftieth anniversary of the Republic, whose people fought for freedom, human rights and happiness at the cost of so many lives. Even greater is his

crime and even more to be condemned because the man who perpetrated it had already, for eleven long years, lorded over this people – this people who, by such deep-rooted sentiment and tradition, loves freedom and repudiates evil. This man has furthermore never been sincere, loyal or chivalrous for a single minute of his public life. He was not content with the treachery of December 1933, the crimes of March 1935 and the forty-million-dollar fortune that crowned his first regime, he had to add the treason of March 1952, the crimes of July 1953 and a hoard of millions that only time will reveal.

Dante divided his *Inferno* into nine circles. He put in the seventh the criminals, in the eighth the thieves, and in the ninth the traitors. Difficult dilemma the devils would be faced with, endeavouring to find an adequate destination for the soul of this man if this man has a soul. The man who instigated the atrocious acts in Santiago de Cuba has no human feelings. I heard many details from the lips of some soldiers, full of shame, who recounted to me the wicked scenes they had witnessed.

As soon as the fighting was over, the soldiers descended like savage beasts over Santiago and spent their first fury against the defenceless population. In the middle of the street, far from the site where the fighting had taken place, they fired a bullet through the chest of an innocent child, who was playing beside his doorstep. When the father approached to pick him up, they shot him through the forehead with another bullet. Without a word they shot 'Niño' Cala, who was on his way home with a loaf of bread in his hands. It would be an endless task to relate all

the crimes and outrages perpetrated against the civilian population.

When the Army dealt that way with those who had had no part in the action, you can imagine the terrible fate of the prisoners who had taken part in the action, or were believed to have taken part. Just as, in this trial, they accused many people not at all involved in our attack, they also killed many prisoners who had not been involved in the attack. The latter are not included in the statistics of victims the regime has given out; those statistics refer exclusively to our men. Some day the total number of victims will be known.

The first prisoner killed was our doctor, Mario Muñoz, who bore no arms, wore no uniform and was dressed in the white coat of a physician. He was a generous and able man who could have given to the wounded adversary the same devoted care as to a friend. On the road from the City Hospital to the barracks, they shot him in the back and left him lying there, face downward in a pool of blood. But the mass murders of prisoners did not begin until after three o'clock in the afternoon. Until this hour they awaited orders.

Then General Martín Díaz Tamayo arrived from Havana and brought specific instructions from a meeting which he had attended with Batista, along with the head of the Army, the head of the Military Intelligence Service, and others. He said: 'It is humiliating and dishonourable for the Army to have lost in combat three times as many men as the insurgents did. Ten prisoners must be killed for each dead soldier.' This was the order.

In every society there are men of base instincts.

The sadists, brutes, conveyors of all the ancestral atavisms go about in the guise of human beings, but they are monsters, only more or less restrained by discipline and social habit. If they are offered a drink from a river of blood, they will not be satisfied until they drink the river dry.

All these men needed was the order. At their hands the best and noblest men of Cuba perished: the most valiant, the most honest, the most idealistic. The tyrant called them mercenaries. There they were dying as heroes at the hands of men who collect a salary from the Republic, and who, with the arms which the Republic gave them to defend her, serve the interests of a clique and murder the best of her citizens.

Throughout their torturing of our comrades, the Army offered them a chance to save their lives by betraying their ideals and falsely declaring that Prío had given them money. When they indignantly rejected that proposition, the Army continued torturing them horribly. They shattered their testicles and they tore out their eyes. But no one yielded. No complaint was heard nor a favour asked. Even when they had been deprived of their virile organs, our men were still a thousand times more manly than all their tormentors together. Photographs, which do not lie, show the bodies to have been dismembered.

Other methods were used. Frustrated by the valour of the men, they tried to break the spirit of the women. With a bleeding human eye in his hands, a sergeant and several other men went to the cell where our comrades Melba Hernández and Haydée Santamaría were held. Addressing the latter and showing her the eye, they said: 'This eye belonged to

your brother. If you will not testify what he refused to testify, we will tear out the other.' She, who loved her valiant brother above all things, replied full of dignity: 'If you tore out an eye and he did not testify falsely, much less will I.'

Later they came back and burned her arms with lighted cigarettes until at last they told her: 'You no longer have a fiancé because we have killed him too.' But, imperturbable, she answered: 'He is not dead; to die for one's homeland is to live for ever.'³⁵

Never had the heroism and the dignity of Cuban womanhood reached such heights.

There was no respect even for the combat-wounded in the various hospitals in the city, where they were hunted down as prey pursued by a vulture. In the Centro Gallego they broke into the operating room at the very moment when two of our critically wounded were receiving blood transfusions. They pulled them off the tables and, as the wounded could not remain upright, they were dragged down to the basement where they arrived as corpses.

They could not do the same in the Spanish Clinic, where Gustavo Arcos and José Ponce were patients, because they were prevented from doing so by Dr Posada, who bravely told them they could enter only over his dead body.

Air and camphor were injected into the veins of Pedro Miret, Abelardo Crespo and Fidel Labrador, in an attempt to kill them at the Military Hospital. They owed their lives to Captain Tamayo, an Army doctor, and a true soldier of honour who, pistol in hand, wrenched them out of their merciless captors' grasp and transferred them to the City Hospital. These five

young men were the only ones of our wounded to survive.

In the early morning hours, groups of our men were removed from the barracks and taken in automobiles to Siboney, La Maya, Songo and elsewhere. Then they were led out — tied, gagged, already disfigured by torture — and then murdered in isolated spots. They are recorded as having perished in combat against the Army. After several days of this procedure, few of the captured prisoners survived.

Many were compelled to dig their own graves. One of our men, while he was digging, wheeled around and marked the face of one of his assassins with his pick. Others were buried alive, their hands tied behind their backs.

Many solitary spots have become the graveyards of the brave. On the Army target range alone five of our men lie buried. Some day these men will be disinterred. Then they will be carried on the shoulders of the people to a place beside the tomb of Martí, and their liberated land will surely erect a monument to honour the memory of the Martyrs of the Centennial.

The last youth assassinated in the region of Santiago de Cuba was Mario Martí. With our comrade Ciro Redondo, he was captured in a cave at Siboney on the morning of Thursday the 30th. As these two men, arms upraised, were led down the road, the soldiers shot Mario Martí in the back, and after he had fallen to the ground riddled him with bullets. Redondo was taken to the camp. When Major Pérez Chaumont saw him, he exclaimed: ‘And this one — why have you brought him to me?’ The Court could hear the narration of this incident from the young

man, who survived thanks to what Pérez Chaumont called 'the stupidity of the soldiers.'

The procedure was the same throughout the whole province. Ten days after July 26th, a newspaper of this city printed the news that two young men had been found hanged on the road from Manzanillo to Bayamo. Later the bodies were identified as those of Hugo Camejo and Pedro Vélez. Another extraordinary incident took place there. The three victims were removed from Manzanillo Barracks at two o'clock in the morning. At a certain spot on the highway, they were taken out, beaten till they were unconscious, and strangled to death with a rope. But, after they had been given up for dead, one of them, Andrés García, regained consciousness and took refuge in the house of a farmer. Thanks to this, the Court learned the details of this crime, too. Of all our men taken prisoners in the Bayamo area, this boy was the only survivor.

Near the Cauto River,³⁶ in a spot known as Barrancas, at the bottom of a well, lie the bodies of Raúl de Aguiar, Armando del Valle and Andrés Valdés. They were murdered at midnight on the road between Alto Cedro and Palma Soriano by Sergeant Montes de Oca, in charge of the military post at Miranda Barracks, Corporal Maceo, and the Lieutenant in charge of Alto Cedro, where the three murdered men were captured.

In the annals of evil, distinction is due to Sergeant Eulalio González, known as the 'Tiger' of the Moncada Barracks. This man felt no qualms even in bragging about his unspeakable deeds. It was he who with his own hands murdered our comrade Abel Santamaría. But still he was not satisfied. One day as he was re-

turning from the prison of Puerto Boniato, where he raises pedigree fighting cocks in the backyard, he boarded a bus on which Abel's mother was travelling. When this monster realized who she was, he began to tell his grisly deeds and in a loud voice, so that the lady dressed in mourning could hear him, he said: 'Yes, I have pulled out many eyes and expect to continue pulling them out.' In that mother's sobs of grief at the crude and cowardly insolence of the very murderer of her son, we can find expressed beyond the power of words the unprecedented moral degradation our nation is suffering. When these mothers went to the Moncada Barracks to ask about their sons, they were given an answer unheard-of in its callousness: 'Certainly, Madame, you may see him, at the Santa Ifigenia Hotel³⁷ where we have put him up for you.' Either Cuba is not Cuba, or the men responsible for these acts will have to meet a dire day of reckoning. Heartless men, they coarsely insulted the Cuban people who uncovered their heads in reverence as the corpses of their young rebels were carried by.

So many were the victims that the government has not yet dared to make public the complete list. They know that their figures are false. They do have the names of all the victims, because prior to murdering every prisoner they recorded his vital statistics. The whole long process of identification through the National Identification Bureau was pure pantomime and there are families who still await word of the fate of their sons. Now that almost three months have elapsed, why is the question still open?

I wish to confirm that the victims' pockets were probed for the very last penny, and that all their

personal effects, rings and watches, were stripped from their bodies and are brazenly worn today by their assassins.

A great part of what I have just narrated you already know, Honourable Magistrates, from the testimony of many of my comrades. But please note that many key witnesses have been barred from this trial, although they were permitted to attend the sessions of the previous trial. For example, I point out that the nurses of the City Hospital are absent although they work in the same building where this hearing is taking place. They were prevented from appearing so that, under my questioning, they would not testify to the fact that besides Dr Mario Muñoz twenty other men were captured alive here. The regime fears that from the questioning of these witnesses, some extremely dangerous testimony would get into the official trial records.

But Major Pérez Chaumont did appear here and he could not elude my questioning. What we learned from this man, a hero who fought only against unarmed and handcuffed men, gives us an idea of what could have been learned at this Court-house if I had not been isolated from the proceedings. I asked him how many of our men had died in his celebrated skirmishes at Siboney. He hesitated. I insisted and he finally said twenty-one. Since I knew no such skirmishes had ever taken place I asked him how many of our men had been wounded. He answered: none; all of them had been killed. It was then that I asked him, in astonishment, if the soldiers were using nuclear weapons. Of course, where men are shot point blank, there are no wounded.

I asked him afterwards how many casualties the

Army had sustained. He replied that two of his men had been wounded. I asked him finally if neither of those two had died and he said no. I waited. Later, all of the wounded Army soldiers filed by and it was discovered that none of them had been wounded at Siboney. This same Major Pérez Chaumont, who hardly flinched at having assassinated twenty-one defenceless young men, has built in Ciudamar Beach a palatial home worth more than one hundred thousand dollars, his savings after only a few months under Batista's new rule. And if a major has saved this, how much must the generals have saved!

VI

HONOURABLE MAGISTRATES : Where are our men who were captured during July 26th, 27th, 28th and 29th? It is known that over sixty men were captured in the area of Santiago de Cuba. Only three of them and the two girls have appeared. The rest of the accused were seized later. Where are our wounded? Only five of them are alive, the rest were murdered. The figures are irrefutable.

On the other hand, twenty soldiers who were our prisoners have been present here, and according to their own words received not even an offensive word from us. Thirty soldiers who were wounded, many in the street fighting, also appeared before you. None was killed off by us. If the Army losses were nineteen dead and thirty wounded, how is it possible that we should have had eighty dead and five wounded? Whoever witnessed a battle with twenty-one dead and no wounded, like these extraordinary battles Pérez Chaumont described?

Here we have the casualty lists of the bitter fighting of the invasion troops of the war of 1895, both where the Cuban Army was defeated and where the Cuban Army was victorious. The Battle of Los Indios at Las Villas: 12 wounded, none dead; Battle of Mal Tiempo: 4 dead, 23 wounded; Battle of Calimete: 16 dead, 64 wounded; Battle of La Palma: 39 dead, 88 wounded; Battle of Cacarajicara: 5 dead, 13 wounded; Battle of Descanso: 4 dead, 45 wounded;

Battle of San Gabriel del Lombillo: 2 dead, 18 wounded. In all these battles the number of wounded is two times, three times and up to ten times greater than the number of dead, although in those days no techniques of modern medicine existed to reduce the percentage of deaths. How then can we explain the enormous proportion of sixteen deaths per wounded man, if not by the government's slaughter of the wounded in the very hospitals, and by the assassination of the other helpless prisoners they had taken? The figures are irrefutable.

'It is a shame and a dishonour for the Army to have lost in combat three times as many men as the insurgents lost; we must kill ten prisoners for each dead soldier.' This is the concept of honour held by the petty corporals made generals on the 10th of March. This is the code of honour they wish to impose on the National Army. False, pretended and superficial honour based on lies, hypocrisy and blood-shed by assassins. Who told them men lose their honour when they die fighting? Who told them the honour of an army is the murdering of the wounded and the prisoners of war?

In times of war, armies that murder prisoners have always earned the contempt and abomination of the entire world. Such cowardice has no justification even in a case when national territory is invaded by foreign forces. In the words of a South American liberator: 'Not even the strictest military obedience can turn a soldier's sword into a ruthless blade.' The honourable soldier does not kill the helpless prisoner after the fight, but rather, respects him. He does not finish off a wounded man, but rather, helps him. He stands in the way of crime and if he cannot prevent

it, he acts as that Spanish captain who, upon hearing the shots of the firing squad that executed Cuban students, indignantly broke his sword in two and refused to continue serving in that army.

The soldiers who murdered prisoners were not worthy of the soldiers who died. I saw many soldiers fight with courage: for example, those in the patrols that fired their machine-guns against us in almost body-to-body combat, or that sergeant who, defying death, rang the alarm to mobilize the barracks. Some of them live. I am happy for them. Others are dead. They believed they were doing their duty, and in my sight this makes them worthy of admiration and respect. I deplore only the fact that valiant men should fall for an evil cause. When Cuba is freed, we should respect, shelter and aid the wives and sons of the courageous soldiers who perished fighting against us. They are not to be blamed for the miseries of Cuba. They are also victims of this nefarious situation.

But the honour gained by the soldiers who died in battle was lost by generals who ordered prisoners to be killed after their surrender. Men who became generals overnight, without ever firing a shot; men who bought their stars with high treason against their country; men who ordered the execution of prisoners taken in battles in which they did not participate: these are the generals of the 10th of March – generals who would have been unfit to drive the mules that carried equipment for the army of Antonio Maceo.

The Army suffered three times as many casualties as we did. That was because our men were superbly trained, as the Army men themselves recognized; and because we had prepared adequate tactical measures,

as the Army men themselves admitted. The Army failed to perform brilliantly; despite the millions spent on espionage by the Military Intelligence Service, they were taken totally by surprise, and their hand-grenades failed to explode because they were obsolete.

All this, the Army owes to generals like Martín Díaz Tamayo and colonels like Ugalde Carrillo and Roberto del Río Chaviano.

We were not seventeen traitors infiltrated in the Army ranks, as was the case on the 10th of March. Rather we were one hundred and sixty-five men who had crossed the length and breadth of Cuba to look death boldly in the face. If the Army leaders had had a notion of real military honour they would have resigned their commands instead of trying to wash away their shame and incompetence in the blood of prisoners.

To kill prisoners and then state that they died in combat: that is the military capacity of the generals of the 10th of March. That was the way the worst butchers of Valeriano Weyler³⁸ behaved in the cruellest years of our War of Independence.

The *Chronicles of the War* narrate the following incident:

'On February 23rd, Officer Baldomero Acosta entered Punta Brava with some cavalry when, from the opposite road, a squad of the Pizarro regiment approached, led by a sergeant known around there as Barriguilla (Pot Belly). The insurgents exchanged a few shots with Pizarro's men, then withdrew by the trail that leads from Punta Brava to the village of Guatao. Followed by another battalion of volunteers from Marianao who were led by Captain Calvo,

Pizarro's squad marched on Guatao. As soon as their first forces entered the village they commenced their massacre – killing twelve of the peaceful inhabitants and taking the rest prisoners. Not yet satisfied with their outrages, in the outskirts of Guatao they carried out another barbaric action, killing one of the prisoners and horribly wounding the rest. The Marquis of Cervera, a cowardly and palatine soldier, informed Weyler of the pyrrhic victory of the Spanish soldiers; but Major Zugasti, a man of principle, denounced the incident to the government and officially called the murders perpetrated by the criminal Captain Calvo and Sergeant Barriguilla, an assassination of peaceful citizens.

Weyler's intervention in this horrible incident and his delight upon learning the details of the massacre may be palpably deduced from the official dispatch that he sent to the Ministry of War concerning these cruelties. 'A small regiment organized by a Major from Marianao with forces from the garrison, fought, and destroyed, bands of Villanueva and Baldomero Acosta near Punta Brava, killing twenty of their men, who were handed over to the Mayor of Guatao for burial, and taking fifteen prisoners, one of them wounded, we assume there are many wounded among them. One of our men suffered critical wounds, some suffered light bruises and wounds. Weyler.'

The only difference between Weyler's lines and those of Colonel Chaviano, detailing the victories of Major Pérez Chaumont, is that Weyler announces twenty dead and Chaumont twenty-one; Weyler mentions one wounded soldier in his ranks, Chaviano mentions two; Weyler speaks of one wounded man

and fifteen prisoners in the enemy ranks, Chaviano records neither wounded men nor prisoners.

Just as I admire the courage of the soldiers who died bravely, I also admire the officers who bore themselves with dignity and did not redder their hands with this blood. Many of the survivors owe their lives to the commendable conduct of officers like Lieutenant Sarría, Lieutenant Campa, Captain Tamayo and others, who were true gentlemen in their treatment of the prisoners. If men like these had not partially saved the name of the Armed Forces, it would be more honourable today to wear a dishrag than to wear an Army uniform.

For my dead friends, I claim no vengeance. Since their lives were priceless, the murderers could not pay for them even with their own lives. It is not by blood that we may redeem the lives of those who died for their country. The happiness of their people is the only tribute worthy of them.

My comrades, furthermore, are neither dead nor forgotten; they live today, more than ever, and their murderers will view with dismay the immortality of the victorious spirit of their ideas.

Let *El Apóstol* speak for me :

'There is a limit to the tears we can shed at the tombs of the dead. Instead of crying over their bodies, we should go there to contemplate their infinite love for their country and its glory, a love that never falters, loses hope, nor grows faint. For the graves of the martyrs are the most splendid altars of our reverence.'

When one dies
In the arms of a grateful country

Agony ends, prison chains break – and
At last, with death, life begins.'

Up to this point I have confined myself almost exclusively to relating events. Since I am well aware that I am before a court convened to judge me, I will now demonstrate that all legal right was on our side alone, and that the verdict imposed on my comrades – the verdict now being sought against me – has no justification by reason, not before society and true justice.

I wish to be duly respectful to the Honourable Magistrates, and I am grateful you find in the frankness of my plea no animosity towards you. My argument is meant merely to demonstrate what a false and erroneous position the Judicial System has adopted in the present situation.

To a certain extent, each court is nothing more than a cog in the wheel of this system and therefore must move along the course determined by the vehicle, although, by no means, does this justify any individual to act against his principles. I know very well that the Oligarchy are most to be blamed. The Oligarchy, without dignified protest, abjectly yielded to the dictates of the usurper, and betrayed their country by renouncing the autonomy of the Judicial System.

Men who constitute noble exceptions have attempted to mend the system's mangled honour with their individual decisions. But the gestures of this minority have been of little consequence, drowned as they were by the obsequious and fawning majority. Although I am aware of this, it will not stop me,

nevertheless, from speaking the truth that supports my cause.

My appearance before this Court may be a pure farce to give the semblance of legality to arbitrary decisions, but I am determined to tear down with a firm hand the infamous veil that hides so much shamelessness. It is curious: the very men who have brought me here to be judged and condemned have never heeded a single decision of this Court.

Since this trial may, as you have said, be the most important since we achieved national sovereignty, what I say here will perhaps be lost in the silence which the Dictatorship has tried to impose on me, but posterity may often turn its eyes to what you do here.

Remember that today you are judging an accused man, but that you yourselves will be judged not once, but many times, as often as these days are submitted to criticism in the future. What I say here will be repeated many times, not because it comes from my lips, but because the problem of justice is eternal and the people have a deep sense of justice, above and beyond the hairsplitting of jurisprudence. The people wield simple but implacable logic, in conflict with all that is absurd and contradictory.

Furthermore, if there is in the world a people that utterly abhors favouritism and inequality, it is the Cuban people. To them, justice is symbolized by a maiden with a scale and a sword in her hands. Should she cower before one group and furiously wield that sword against another group, then, to the people of Cuba, the maiden of justice will seem nothing more than a prostitute brandishing a dagger. My logic is the simple logic of the people.

VII

LET me tell you a story.

Once upon a time there was a Republic. It had its constitution, its laws, its civil rights, a president, a congress and courts of law. Everyone could assemble, associate, speak and write with complete freedom.

The people were not satisfied with the government officials at that time, but they had the power to elect new officials and only a few days remained before they were going to do so.

There existed a public opinion both respected and heeded and all problems of common interest were freely discussed. There were political parties, radio and television debates and forums and public meetings. The whole nation throbbed with enthusiasm. This country had suffered greatly and although it was unhappy, it longed to be happy and had a right to be happy. It had been deceived many times and it looked upon the past with a real horror. This country blindly believed that such a past could not return; the people were proud of their love of liberty and they carried their heads high in the conviction that liberty would be respected as a sacred right; they felt confident that no one would dare commit the crime of violating their democratic institutions. They desired change for the better, aspired to progress; and they saw this at hand. All their hope was in the future.

Poor country! One morning the citizens awakened dismayed; under the cover of night, while the people

slept, the ghosts of the past had conspired and had seized the citizen body by the limbs ... by its very throat. That grip, those claws were familiar: those jaws, those death-dealing scythes, those boots. No; it was no nightmare; it was a sad and terrible reality: a man named Fulgencio Batista had just perpetrated the appalling crime that no one had expected.

Then a humble citizen of his country, a citizen who wished to believe in the laws of the Republic, in the integrity of its judges, whom he had seen vent their fury against the underprivileged, opened a code of Social Defence to see what punishment society prescribed for the author of such a coup and he discovered the following:

'Whosoever shall perpetrate any deed destined through violent means directly to change in whole or in part the Constitution of the State or the form of the established government shall incur a sentence of six to ten years' imprisonment.'

'A sentence of three to ten years' imprisonment will be imposed on the author of any act directed to promote an armed uprising against the Constitutional Power of the State. The sentence increases from five to twenty years if the insurrection is carried out.'

'Whosoever shall perpetrate an act with the specific purpose of preventing, in whole or in part, even temporarily, the Senate, the Chamber of Representatives, the President or the Supreme Court from exercising their constitutional functions will incur a sentence from six to ten years' imprisonment. Whosoever shall attempt to impede or tamper with the normal course of general elections will incur a sentence from four to eight years' imprisonment.'

'Whosoever shall assume command of troops, posts, fortresses, military camps, towns, warships or military aircraft, without the authority to do so, or without express government orders, will incur a sentence from five to ten years' imprisonment.'

'A similar sentence will be passed upon anyone who usurps the exercise of a function held by the Constitution as properly belonging to the powers of State.'

Without telling anyone, Code in one hand and a deposition in the other, that citizen went to the old building in the capital, which housed the competent Court which was under obligation to bring cause against and punish those responsible for this deed. He presented a writ denouncing the crimes and asking that Fulgencio Batista and his seventeen accomplices be sentenced to one hundred and eight years' imprisonment as decreed by the Code of Social Defence; considering also aggravating circumstances of second offence, treachery and acting under cover of night.

Days and months passed by. What a disappointment! The accused remained unmolested; he strode up and down the country like a great lord and was called Honourable Sir and General; he removed and replaced judges at will. The very day the Court opened, the criminal occupied the seat of honour in the midst of our august and venerable patriarchs of justice.

Once more the days and the months rolled by, the people wearied of mockery and abuses. There is a limit to tolerance! The struggle began against this man who was disregarding the law, who had usurped power by the use of violence against the will of the people, who was guilty of aggression against the

established order, and who tortured, murdered, imprisoned and prosecuted those who had taken up the fight to defend the law and to restore liberty to the people.

Honourable Magistrates, I am that humble citizen who one day demanded in vain that you punish the power-hungry men who had violated the law and torn our constitution to shreds. Now that it is I who am accused, for attempting to overthrow this illegal regime and to restore the legitimate constitution, I am held for seventy-six days and denied the right to speak to anyone, even to my son; between two heavy machine-guns, I am led through the city. I am transferred to this hospital to be tried secretly with the greatest severity; and the Prosecutor, with the Code in his hand solemnly demands that I be sentenced to twenty-six years in prison.

You will answer that on the former occasion the courts failed to act because force prevented them from doing so. Well then, confess: this time force will compel you to condemn me. The first time you were unable to punish the guilty: now you will be compelled to punish the innocent. The maiden of justice twice raped.

And so much talk to justify the unjustifiable, to explain the inexplicable and to reconcile the irreconcilable!

The regime has reached the point of asserting that 'Might makes Right' is the supreme law of the land. In other words, that using tanks and soldiers to take over the presidential palace, the national treasury and the other government offices, and aiming guns at the heart of the people entitles them to govern the people! The same argument the Nazis used when

they occupied the countries of Europe and installed their puppet governments.

I heartily believe revolution to be the source of legal right; but the nocturnal armed assault of the 10th of March could never be considered a revolution. In everyday language, as José Ingenieros said, it is common to give the name of revolution to small disorders promoted by a group of dissatisfied persons in order to grab, from those in power, both the political sinecures and the economic advantages. The usual result is no more than a change of hands in the dividing up of jobs and benefits. This is not the criterion of a philosopher, as it cannot be that of a cultured man.

Leaving aside the problem of integral changes in the social system, not even on the surface of the public quagmire were we able to discern the slightest motion that could lessen the rampant putrefaction. The previous regime was guilty of petty politics, theft, pillage and disrespect for human life; but the present regime increased political skulduggery five-fold, pillage ten-fold and has increased a hundred-fold the lack of respect for human life. It was known that Barriguilla had plundered and murdered, that he was a millionaire, that he owned in Havana a good many apartment houses, countless stock in foreign companies, fabulous accounts in American banks, that he distributed capital gains to the tune of eighteen million dollars, that he was a frequent guest in the most lavishly expensive hotels for tycoons. No one would ever accept that Barriguilla was a revolutionist. Barriguilla was like that sergeant of Weyler's who dispatched twelve Cubans in El Guatao. Batista's

men murdered seventy in Santiago de Cuba. *De te fabula narratur.*

Four political parties governed the country before the 10th of March: the Auténtico, Liberal, Democratic and Republican parties. Two days after the coup, the Republican party gave its support to the new rulers. A year had not yet passed before the Liberal and Democratic parties were again in power: Batista did not restore the Constitution, did not restore civil liberties, did not restore Congress, did not restore universal suffrage, did not restore in the end any of the uprooted democratic institutions. But he did restore Verdeja, Guas Inclán, Salvito García Ramos, Anaya Murillo and the top hierarchy of the traditional government parties, the most corrupt, rapacious, reactionary and antediluvian elements of Cuban politics. This was like the 'revolution' of Barriquilla.

Lacking the most fundamental revolutionary content, Batista's regime represents in every aspect a twenty-year regression for Cuba. Batista's return has exacted a high price from all of us, but primarily from the humble classes which are suffering hunger and misery. Meanwhile the Dictatorship has laid waste the nation with agitation, unfitness and anguish, and now engages in the most loathsome forms of ruthless politics, concocting formula after formula to perpetuate itself in power, even if over a stack of corpses and a sea of blood.

Batista's regime has not set in motion a single nationwide programme of betterment for the people. Batista delivered himself into the hands of the great financial interests. Little else could be expected from a man of his mentality – utterly devoid, as he is, both

of ideals and principles and utterly lacking the faith, confidence and support of the masses. His regime brought merely a switch of hands and a re-distribution of the loot among a new collection of friends, relatives, accomplices and parasitical dregs that constitute the political retinue of a dictator. What great shame the people have been forced to endure so that a small clique of egotists, altogether indifferent to the needs of their homeland, may find in public life an easy and comfortable *modus vivendi*.

How right Eduardo Chibás was in his last radio speech, when he said that Batista was encouraging the return of the colonels, of castor oil,³⁹ and the Fugitive Law.⁴⁰ Immediately after the 10th of March, Cubans began once more to witness such acts of veritable vandalism they had considered banished for ever from Cuba. There was an unprecedented attack on a cultural institution: the radio station C.M.Q. was stormed by the thugs of the S.I.M., together with the young hoodlums of P.A.U.,⁴¹ while broadcasting the 'University of the Air' programme. There was also the case of Mario Kuchilán, dragged away from his home in the middle of the night and bestially tortured till he was nearly unconscious, and the murder of student Rubén Batista,⁴² and the criminal volleys fired at a peaceful student demonstration next to the wall where the Spanish volunteers shot the medical students in 1871. And many cases such as that of Dr García Bárcena, when right in the court-rooms men have coughed up blood because of the barbaric tortures practised upon them by the repressive security forces. I will not enumerate the hundreds of cases where groups of citizens have been

brutally clubbed – men, women, children and the aged.

All of this was being done even before the 26th of July. Since then, as everybody knows, Cardinal Arteaga⁴³ himself was not spared such treatment. According to the official story, he was the victim of a 'band of thieves'. For once the regime told the truth. What else is it?

Cuba has just witnessed with horror the case of the journalist who was kidnapped and subjected to torture by fire for twenty days. Each case brings forth evidence of unheard-of effrontery, of immense hypocrisy: the cowardice of shirking responsibility and invariably blaming the enemies of the regime. Governmental tactics fit to be envied by the worst gangster mobs. Even the Nazi criminals were never so cowardly. Hitler assumed responsibility for the massacres of June 30th, 1934, stating that for twenty-four hours he had been the German Supreme Court; the henchmen of this Dictatorship which defies all comparison because of its baseness, maliciousness and cowardice, kidnap, torture, murder and then loath-somely put the blame on the adversaries of the regime. The typical tactics of Sergeant Barriguilla!

Not once in all the cases I have mentioned, Honourable Magistrates, have the agents accountable for them been brought forth to be tried by court. How is this? Was this not the regime of public order, peace and respect for human life?

I have recited all this in order now to ask you: Did Batista's present regime – his 'revolution' of last year – ever have any of the rightful attributes of a real revolution? Is it or is it not constitutional to struggle against his regime? And must there not be a high

degree of corruption in the courts of law when these courts imprison the citizens who try to rid their country of so much infamy?

Cuba is suffering a cruel and base despotism. You are well aware that resistance to despots is legitimate. This is a universally recognized principle and our Constitution of 1940⁴⁴ expressly makes it a sacred right, in the second paragraph of Article 40: 'It is legitimate to use adequate resistance to protect previously granted individual rights.'

And even if this prerogative had not been provided by the supreme law of the land, it is a consideration without which one cannot conceive the existence of a democratic collectivity. Professor Infiesta,⁴⁵ in his book on Constitutional Law, differentiates between the political and the judicial constitutions, and states: 'Sometimes the Judicial Constitution includes constitutional principles which, even without being so classified, would be equally binding solely on the basis of the people's consent, for example, the principle of majority rule in our democracies.' The right of insurrection in the face of the tyranny is one of such principles, and whether or not it be included in the Judicial Constitution, it is always binding within a democratic society. The presentation of such a case to a high court is one of the most interesting problems of civil law.

Duguit has said in his *Treaty on Constitutional Law*: 'If an insurrection fails, no court will dare to rule that this unsuccessful insurrection was technically no conspiracy, no transgression against the security of the State, inasmuch as, the government being tyrannical, the intention to overthrow it was legitimate.'

But please take note. Duguit does not state, 'the court ought not to rule.' He says, 'no court will dare to rule.' More explicitly, he means that no court will dare, that no court will have enough courage to do so, under a tyranny. The issue admits no alternatives. If the court is courageous and does its duty, yes, it will dare.

Recently there has been a violent controversy concerning the validity of the Constitution of 1940. The Court of Social and Constitutional Rights rules against it in favour of the laws that were unconstitutional under that constitution. Nevertheless, Honourable Magistrates, I maintain that the 1940 Constitution is still in force.

My statement may seem absurd and extemporaneous to you. But do not be surprised. It is I who am astonished that a court of law should have attempted to deal a vile death blow to the legitimate Constitution of the Republic. Adhering strictly to facts, truth and reason – as I have done all along – I will prove what I have just stated.

The Court of Social and Constitutional Rights was instituted according to Article 172 of the 1940 Constitution, complemented by Organic Law Number 7 enacted on May 31st, 1949. These laws, in virtue of which the Court was created, granted it, in unconstitutional problems, a specific and clearly defined area of legal competence: to rule in all matters of appeals claiming the unconstitutionality of laws, legal decrees, revolution or acts that negate, diminish, restrain or adulterate the constitutional rights and privileges or that jeopardize the operations of state agencies.

Article 194 established very clearly the following:

'All judges and courts are under obligation to find solution to conflicts between the Constitution and the existing laws in accordance with the principle that the former shall always prevail above the latter.'

Therefore, according to the laws that created it, the Court of Social and Constitutional Rights should always rule in favour of the Constitution. When this Court caused the statutes to prevail above the Constitution of the Republic, it completely overstepped its boundaries and its established field of competence, thereby rendering a decision which is legally null and void.

Furthermore, the decision in itself is absurd, and absurdities have no validity neither by right nor by might – nor even from a metaphysical viewpoint. No matter how venerable a court may be, it cannot assert that circles are square or, what amounts to the same thing, affirm that the grotesque offspring of Batista's, the April 24th statutes, should be considered the official Constitution.

The Constitution is understood to be the basic and supreme law of the nation, to define the country's political structure, regulate the functioning of government agencies and determine the boundaries of their activities. It must be stable, enduring and, to a certain extent, inflexible. The statutes fulfil none of these qualifications. To begin with, they harbour a monstrous, shameless and brazen contradiction in regard to the most vital subject: the integration of the Republican structure and the principle of national sovereignty.

Article 1 reads: 'Cuba is a sovereign and independent state constituted as a democratic Republic.' Article 2 reads: 'Sovereignty resides in the will

of the people, and all powers derive from this source.'

But then comes Batista's Article 118 which reads: 'The President will be nominated by the Cabinet.' So it is not the people who choose the President, but rather the Cabinet chooses him. And who chooses the Cabinet?

Batista's Article 120, Section 13: 'The President will be authorized to nominate and reappoint the members of the Cabinet and to replace them when the occasion arises.' So, after all, who nominates whom? Is this not the old classic of the hen and the egg that no one has ever been able to solve?

One day eighteen rogues got together. Their plan was to assault the Republic and loot its three-hundred-and-fifty-million-dollar annual budget. Treacherously and surreptitiously, they succeeded in their purpose. 'And what do we do next?' they wondered.

One of them said to the rest: 'You name me Prime Minister and I will make you generals.' As soon as this was done, he rounded up a clique of twenty men and told them: 'I will make you my Cabinet and you will make me President.'

In this fashion they nominated each other generals, ministers and President and then took over the treasury and the government.

Further, it was not simply a matter of the usurpation of sovereignty at one single time in order to name a Cabinet, generals and a President. This man ascribed to himself, through these statutes, not only absolute control of the nation, but also the power of life and death over every citizen and control over the very existence of the nation. Because of this, I maintain that the position of the Court of Social and

Constitutional Rights is not only treacherous, vile, cowardly and repugnant, but also absurd.

Batista's statutes contain an article which has not received much attention, but which furnishes the key to this situation and is the one from which we shall derive decisive conclusions. I refer specifically to the modifying clause included in Article 257, which reads: 'This constitutional law is open to reform by the Cabinet with a two-thirds quorum vote.' Here mockery reached its maximum.

Not only did they exercise sovereignty in order to impose upon the people a Constitution without the people's consent and to install a regime which concentrates all power in their own hands, but also, through Article 257, they assume the most essential attribute of sovereignty: the power to change the basic and supreme law of the country. And they have already changed it several times since the 10th of March. Yet, with the greatest gall, they assert in Article 2 that sovereignty resides in the will of the people and that the people are the source of all power.

Since these changes may be brought about by a vote of two-thirds of the Cabinet and the Cabinet is named by the President, then the right to make and break Cuba is in the hands of one man, a man who is, furthermore, the most unworthy of all the creatures ever born in this land.

Was this then accepted by the Court of Constitutional Rights? And is all that derives from it valid and legal? Very well, you shall see what was accepted:

'This constitutional law will be liable to change by a two-thirds quorum vote of the Cabinet.' Such a

power recognizes no limits. Under its aegis, any article, any chapter, any clause, even the whole law, may be modified. For example, Article 1, which I have just mentioned, says that Cuba is a sovereign and independent state constituted as a democratic Republic, although today it is in fact a bloody dictatorship. Article 3 reads: 'The national boundaries include the island of Cuba, the Isle of Pines and the neighbouring islets...' and so on.

Batista and his Cabinet under the provisions of Article 257 can modify all these other articles. They can say that Cuba is no longer a Republic but a hereditary monarchy and he, Batista, can anoint himself king. He can dismember the national territory and sell a province to a foreign country, as Napoleon did with Louisiana. He may suspend the right to life itself, and like Herod order the decapitation of newborn children. All these measures would be legal, and you, my friends, would have to incarcerate all those who opposed them, just as you now intend to do with me.

I have put forth extreme examples to show how sad and how humiliating is our present situation. To think that all those absolute powers are in the hands of men truly capable of selling our country with all its citizens! Since the Court of Constitutional Rights has accepted Batista's unconstitutional statutes, what more are they waiting for? They may as well hang up their judicial robes.

It is a fundamental principle of civil law that there can be no unconstitutional act where the executive and the legislative powers reside in the same body. When the Cabinet makes the laws, the decrees and the rules – and at the same time has the power to

change the Constitution in ten minutes' time – then I ask you, why do we need a Court of Constitutional Rights?

The ruling in favour of Batista's statutes is irrational, inconceivable, illogical and contrary to the republican laws that you, Honourable Magistrates, swore to uphold. When the Court of Constitutional Rights supported Batista's statutes against the Constitution, the supreme law of the land was not abolished but rather the Court of Constitutional Rights placed itself outside the Constitution, renounced its autonomy and committed legal suicide. May it rest in peace.

The right to revolt, established in Article 40 of the Constitution, is still valid. Was it established to function while the Republic was enjoying normal conditions? No. This provision is, in relation to the Constitution, what a lifeboat is to a ship on the high seas. The lifeboat is torpedoed by enemies in ambush along its course. With our Constitution betrayed and the people deprived of all their prerogatives there was only one right left, one right which no power may abolish: the right to resist oppression and injustice.

If any doubt remains, there is an article of the Social Defence Code which the Honourable Prosecutor would have done well not to forget. It reads, I quote: 'The appointed or elected government authorities that fail to resist sedition with all the available means will be liable to a sentence of from six to eight years.'

The judges of our nation were under obligation to resist Batista's treacherous military coup of the 10th of March. It is understandable that when no one else

has observed the law and when nobody else has done his duty, those who have observed the law and have done their duty should be sent to jail.

You will not be able to deny that the regime forced upon the nation is unworthy of Cuban tradition, unworthy of Cuba's history.

In his book *De l'Esprit des Lois*, which is the foundation of the modern division of governmental power, Montesquieu makes a distinction between three types of government according to their basic natures: 'The republican form wherein the whole people or a portion thereof has sovereign power; the monarchical form where only one man governs, but in accordance to fixed and well defined laws; and the despotic form where one man without regard for laws and rules acts as he pleases, regarding only his own will or whim.'

Afterwards he adds: 'A man whose five senses constantly tell him that he is everything and that the rest of humanity is nothing is bound to be lazy, ignorant and sensuous.' 'As virtue is necessary to a democracy, and honour to a monarchy, fear is of the essence to a despotic regime, where virtue is not needed and honour would be dangerous.'

The right of rebellion against tyranny, Honourable Magistrates, has been recognized from the most ancient times to the present day by men of all creeds, ideas and doctrines.

It was so in the theocratic monarchies of remote antiquity. In China it was almost a constitutional principle that when a king governed rudely and despotically he should be deposed and replaced by a virtuous prince.

The philosophers of ancient India upheld the

principle of active resistance to arbitrary authority. They justified revolution and very often put their theories into practice. One of their spiritual leaders used to say that 'An opinion held by the majority is stronger than the king himself. A rope woven of many strands is strong enough to drag a lion.'

The city states of Greece and republican Rome not only admitted but defended the meting-out of violent death to tyrants.

In the Middle Ages, John Salisbury in his *Book of the Statesman* says that when a prince does not govern according to law and degenerates into a tyrant, violent overthrow is legitimate and justifiable. He recommends for tyrants the dagger rather than the poison.

Saint Thomas Aquinas, in the *Summa Theologica*, rejects the doctrine of tyrannicide, and yet upholds the thesis that tyrants should be overthrown by the people.

Martin Luther proclaimed that when a government degenerates into a tyranny violating the laws, the subjects are released from their obligation to obey. His disciple, Philip Melancthon, upholds the right of resistance when governments become despotic. Calvin, the most outstanding thinker of the Reformation, with regard to political ideas, postulates that people are entitled to take up arms to oppose any usurpation.

No less a man than Juan Mariana, a Spanish Jesuit during the reign of Phillip II, asserts in his book, *De Rege et Regis Institutione*, that when a governor usurps power, or even if he were elected, when he governs in a tyrannical manner, it is licit for a private citizen to exercise tyrannicide, either directly or

through subterfuge with the least possible disturbance.

The French writer François Hotman maintained that between the government and its subjects there is a bond or contract, and that the people may rise in rebellion against the tyranny of governments when the latter violate that pact.

About the same time, a booklet – which came to be widely read – appeared under the title *Vindiciae Contra Tyrannos*, signed with the pseudonym Stephanus Junius Brutus. It openly proclaimed that resistance to governments is legitimate when rulers oppress the people and that it is the duty of honourable judges to lead the struggle.

The Scottish reformers John Knox and John Poynet upheld the same point of view. And, in the most important book of that movement, George Buchanan stated that if a government achieves power without taking into account the consent of the people, or if a government rules their destiny in an unjust and arbitrary fashion, then that government becomes a tyranny and can be divested of power or, in a final recourse, its leaders can be put to death.

John Althus, a German jurist of the early seventeenth century, states in his *Treatise on Politics* that sovereignty as the supreme authority of the State is born from the voluntary concourse of all its members; that governmental authority stems from the people and that its unjust, illegal or tyrannical function exempts them from the duty of obedience and justifies the resistance or rebellion.

Thus far, Honourable Magistrates, I have mentioned examples from antiquity, from the Middle Ages and from the beginnings of the Modern Age.

I selected these examples from writers of all creeds.

Moreover, as you can see, the right to rebellion is at the very roots of Cuba's existence as a nation. By virtue of it you are today able to appear in the robes of Cuban magistrates. Would that those garments served the cause of justice!

It is well known that in England during the eighteenth century [*sic*] two kings, Charles I and James II, were dethroned for despotism. These actions concurred with the birth of liberal political philosophy and provided the ideological foundation for a new social class, which was then struggling to break the bonds of feudalism.

Against divine-right autocracies, this new philosophy upheld the principle of the social contract and of the consent of the governed, and constituted the foundation of the American Revolution of 1775 and of the French Revolution of 1789. These great events ushered in the liberation of the Spanish colonies in the New World – the final link in that chain being broken by Cuba.

The new philosophy nurtured our own political ideas and helped us evolve our Constitutions, from the Constitution of Guáimaro up to the Constitution of 1940. The latter was influenced by the socialist currents of our time; the principle of the social function of property and of man's inalienable right to a decent living were built into it although large vested interests have prevented their full enforcement.

The right of insurrection against tyranny then underwent its final consecration and became a fundamental tenet of political liberty.

As far back as 1649, John Milton wrote that the

political power lies in the people, who can enthrone and dethrone kings and who have the duty of overthrowing tyrants.

John Locke, in his essay on government, sustains that when the natural rights of man are violated, the people have the right and the duty to suppress or change the government. 'The only remedy against unauthorized force is opposition to it by force.'

Jean-Jacques Rousseau says with great eloquence in his *Du Contrat Social*: 'While a people sees itself forced to obey and obeys, it does well; but as soon as it can shake off the yoke and shakes it off, it does better, recovering its liberty through the use of the very right that had been taken away from it.'

'The strongest man is never sufficiently strong to be always the master, but rather tries to convert force into right and obedience into duty. Force is a physical power. I do not see what morality one may derive from its use. To yield to force is an act of necessity, not of will. All else is an act of prudence. In what sense could this be a duty?

'To renounce freedom is to renounce one's status as a man, to renounce one's human rights, including one's duties. There is no possible compensation for renouncing everything. Total renunciation is incompatible with the nature of man and to take away all free will is to take away all moral conduct. In short, it is vain and contradictory to stipulate on one hand an absolute authority and on the other hand an unlimited obedience.'

Thomas Paine said that one just man deserves more respect than a crowned rogue. The people's right to rebel has been opposed only by reactionaries like that clergyman of Virginia, Jonathan Boucher, who said :

'The right to rebel is a censurable doctrine derived from Lucifer, the father of rebellions.'

The Declaration of Independence of the Congress of Philadelphia, on July 4th, 1776, consecrated this right in a beautiful paragraph which reads :

'We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness. – That to secure these Rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. – That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or abolish it and to institute new Government, laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to effect their Safety and Happiness.'

The famous French Declaration of the Rights of Man willed this principle to the coming generations :

'When the government violates the rights of the people, insurrection is for them the most sacred of rights and the most imperative of duties. When a person seizes sovereignty, he should be condemned to death by free men.'

I believe I have sufficiently justified my point of view. I have called forth more reasons than the Honourable Prosecutor called forth to ask that I be condemned to twenty-six years in prison. All these reasons support men who struggle for the freedom and happiness of the people. None support those who oppress the people, revile them, and loot them heartlessly. Therefore, I have been able to call forth many reasons and he could not adduce a single one.

VIII

How can Batista's presence in power be justified, when he gained it against the will of the people and by violating the laws of the Republic through the use of treachery and force?

How could anyone call legitimate a regime of blood, oppression and ignominy? How could anyone call revolutionary a regime which has gathered the most backward men, methods and ideas of public life? How could anyone consider legally valid the high treason of a court whose duty was to defend the Constitution?

With what right do the courts send to prison citizens who have tried to redeem their country by giving their own blood, their own lives?

All this is monstrous to the eyes of the nation and to the principles of true justice.

Still there is an argument more powerful than all the others. We are Cubans and to be Cuban implies a duty; not to fulfil that duty is a crime, is treason.

We are proud of the history of our country; we learned it in school and have grown up hearing of liberty, justice and human rights.

We were taught to venerate the glorious example of our heroes and martyrs. Céspedes, Agramonte, Maceo, Gómez and Martí were the first names engraved in our minds. We were taught that the Titan Maceo said once that liberty is not begged for but won with the blade of a machete.

We were taught that for the guidance of Cuba's free citizens, *El Apóstol* wrote in his book *The Golden Age*:⁴⁶ 'The man who abides by unjust laws and permits anybody to trample the country in which he was born, the man who so mistreats his country, is not an honourable man.'

'In the world there must be a certain degree of decorum just as there must be a certain amount of light. When there are many men without decorum, there are always others who bear in themselves the dignity of many men. These are the men who rebel with great force against those who steal the people's freedom, that is to say, against those who steal human dignity itself.'

We were taught that the 10th of October and the 24th of February⁴⁷ are glorious anniversaries of national rejoicing because they mark days in which Cubans rebelled against the yoke of infamous tyranny.

We were taught to cherish and defend the beloved flag of the lone star, and to sing every afternoon the verses of our National Anthem: 'To live in chains is to live in disgrace and in opprobrium' and 'To die for one's homeland is to live for ever!'

All this we learned and will never forget, even though today in our land there is murder and prison for the men who practise the ideas taught to them since the cradle. We were born in a free country that our parents bequeathed to us and the island will sink in the sea before we consent to be slaves of anyone.

It seemed that the veneration for our Apostle would die during his Centennial. It seemed that his memory would be extinguished for ever. So great was the affront! But it is alive, it has not died. His people

are rebellious. His people are worthy. His people are faithful to his memory. There are Cubans who have fallen defending his doctrines. There are boys who in magnificent selflessness came to die beside his tomb, giving their blood and their lives so that he could keep on living in the heart of his country. Cuba, what would have become of you had you let your Apostle die?

I come to the close of my defence plea but I will not end it as lawyers usually do, asking that the accused be freed. I cannot ask freedom for myself while my comrades are suffering in the ignominious prison of Isla de Pinos. Send me there to join them and to share their fate. It is understandable that honest men should be dead or in prison in a Republic where the President is a criminal and a thief.

To you, Honourable Magistrates, my sincere gratitude for having allowed me to express myself free from contemptible restrictions. I hold no bitterness towards you, I recognize that in certain aspects you have been humane and I know that the Presiding Officer of this Court, a man of impeccable private life, cannot disguise his repugnance at the current state of affairs that compels him to dictate unjust decisions.

Still, a more serious problem remains for this hearing: the issues arising from the murder of seventy men, that is to say, the greatest massacre we have ever known. The guilty continue at liberty with weapons in hand — weapons which continually threaten the citizens. If all the weight of the law does not fall upon the guilty, because of cowardice, or because of domination of the courts, and if then all the magistrates and judges do not resign, I pity you.

And I regret the unprecedented shame that will fall upon the judicial power.

I know that imprisonment will be as hard for me as it has ever been for anyone, filled with cowardly threats and wicked torture. But I do not fear prison, as I do not fear the fury of the miserable tyrant who took the lives of seventy of my comrades.

Condemn me. It does not matter. History will absolve me.

NOTES

1. Servicio de Inteligencia Militar (S.I.M.): Batista's Military Intelligence Agency, created after the coup of March 10th, 1952. Manuel Ugalde Carrillo was the first chief of the agency.
2. Cuartel Moncada: Military garrison at Santiago de Cuba, capital of Oriente province. On July 26th, 1953, this garrison was unsuccessfully attacked by one hundred and twenty-five young men led by Fidel Castro. Eventually, this date became the official name of the revolutionary movement which, five years later, overthrew the Batista regime.
3. The plot to kill Fidel Castro did not succeed because a prison officer, Captain J. Yanes, disobeyed the orders of his superiors.
4. Manzanillo: Large seaport on the south-western coast of Oriente province, where some of the fiercest battles between Castro's men and Batista's soldiers took place.
5. Chaviano, Colonel: Commander of the army in the Manzanillo sector.
6. El Maestro: Refers to José Martí (1853-95), founder of the Cuban Revolutionary Party (1892), which brought about the last struggle against Spanish rule in Cuba. Fidel Castro declared Martí to be the inspirer of the 26th of July Movement.
7. Dr Melba Hernández: Lawyer Hernández – one of the two women who took part in the attack on the Cuartel Moncada – was able to conceal the letter in her hair and presented it to the court.
8. Dictator: Fulgencio Batista.
9. Castells, Pedro Abraham: Notorious prison warden at the Isle of Pines during Machado's tyranny, responsible

- for the murders of more than five hundred political prisoners.
10. Nurses' lounge in the hospital.
 11. Social Defence Code: A body of social laws enacted jointly with the 1940 Constitution.
 12. Radio Broadcast: From Camp Columbia, Batista's army headquarters in Havana.
 13. Bayamo: Large town in the Cauto valley. It was the first to be freed by the Cubans during the Ten Years' War. The Cuban National Anthem was written in honour of the gallant *bayameses* who joined the rebel forces in 1868.
 14. Monsignor Pérez Serantes: Archbishop of Santiago de Cuba.
 15. Eduardo Chibás, (1907-51): Founder of the Cuban People's Party (also called Orthodox Party). This party had the support of the masses and was led by the petty bourgeoisie. Its programme was one of public life renovation under a representative bourgeois democracy. Chibás was the leading candidate for the 1952 presidential election. After his suicide (August 5th, 1951, as he signed off a radio broadcast) and following the coup of the 10th of March, the party disintegrated.
 16. Machado, Gerardo (1862-1940): Elected President in 1924. Machado assumed dictatorial powers in 1928, precipitating a period of bloody civil strife. A general strike of revolutionary character, August 12th, 1933, forced him out of office. He was able to flee the country.
 17. Grau San Martín, Ramon (1887-): The Revolutionary Council formed after the defeat of Machado in 1933 named him provisional President. In 1934, the Council was ousted through pressures exerted by the U.S. State Department. Grau San Martín was elected President in 1944.
 18. 10th of March, 1952: Date of the military coup through which Batista seized control of the government, when Carlos Prío Socarrás's term as elected President was coming to a close (see note 31).

19. At this time Batista was a senator and also a presidential candidate in the forthcoming election.
20. Pérez Dámera, Genovevo: Chief of staff under Grau San Martín and Prío. He was largely responsible for the Army demoralization, which allowed the Batista coup in 1952.
21. Tabernilla, Francisco: Armed Forces Chief under Batista.
22. General Míro Argenter, José: He published General Maceo's Campaign Records, in his book *Chronicles of the War*.
23. Maceo, Antonio, (1848-96): The most outstanding soldier in the Cuban wars of Independence, famous for carrying the war to the western provinces in the brilliant military campaign known in Cuban history as the Invasion.
24. Yara and Baire: At Yara, on October 10th, 1868, the Ten Years' War broke out. At Baire, on February 24th, 1895, the drive to liberate Cuba from Spanish rule was re-initiated.
25. Caballería: Measure of land equal to $33\frac{1}{3}$ acres.
26. Arroba: Twenty-five pounds.
27. Guajiro: A rural worker, a farmer.
28. Saladrigas, Carlos: Cuban politician, a member of Batista's Cabinet (1940-44) who was defeated in the 1944 presidential election.
29. Fifth Avenue: Quinta Avenida, main artery in the luxurious Miramar residential section of Havana. Now the mansions are occupied by the children of workers and farmers who enjoy government scholarships.
30. El Apóstol: José Martí is also known as the Apostle of Cuban Independence.
31. Prío Socarrás, Carlos: Succeeded Grau San Martín in the presidency. He was overthrown by Batista (March 10th, 1952) and is, at present, in the U.S.
32. Ugalde Carrillo: Commander of Batista's Armed Forces in the Nicaro region, Oriente province.
33. November 27th, 1871: On this day, eight students of the University of Havana, accused of having desecrated the grave of a Spanish journalist, were summarily executed.

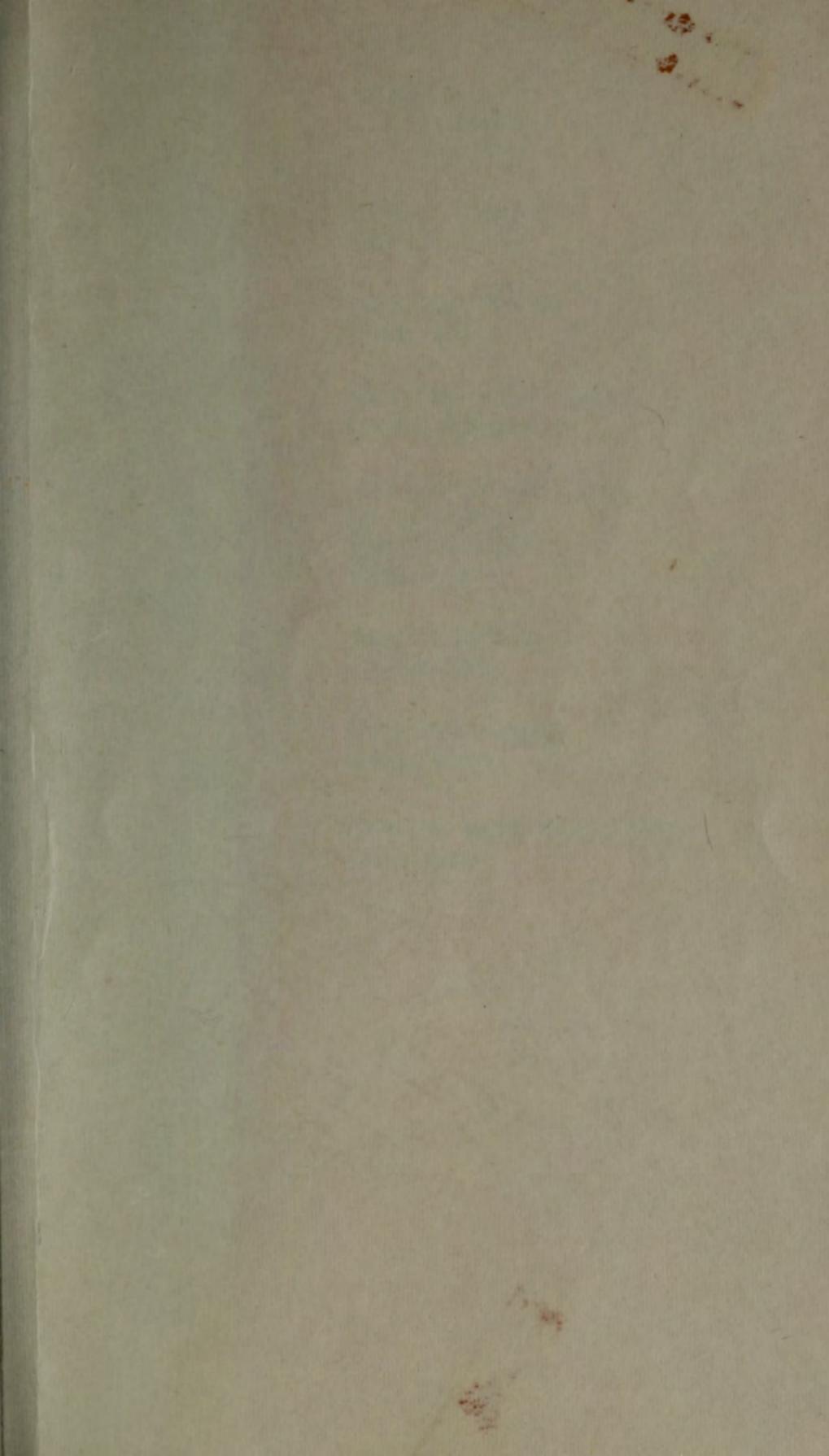
- Their innocence was posthumously recognized by the Spanish authorities.
- 34. Centennial of the Apostle: The hundredth anniversary of José Martí's birthday was celebrated in 1953.
 - 35. To die for one's homeland is to live for ever: *Morir por la patria es vivir*. A phrase from the Cuban National Anthem.
 - 36. Cauto River: *Río Cauto*. The longest river in Cuba, which flows through a broad and fertile plain in Oriente province. Many of the towns located in this valley have achieved historical fame during Cuba's struggle for freedom.
 - 37. Santa Ifigenia: Cemetery near the city of Santiago de Cuba.
 - 38. Weyler, Valeriano: Appointed governor by Spain to carry out a punitive campaign against Cubans after Maceo's brilliant march along the island. He was notorious for his extreme cruelty.
 - 39. Castor Oil: *Palmacristi*. Refers to torture introduced in Cuba during Batista's first presidential period. Political prisoners were administered large doses of the medicine, a practice similar to that of the Fascists in Italy.
 - 40. Fugitive Law: *Ley de Fuga*. Pretext for eliminating political prisoners.
 - 41. P.A.U.: *Partido Acción Unitaria*. Batista's political party.
 - 42. Batista, Rubén: First student martyr of the Revolution. The fight against Fulgencio Batista was marked from its beginning by a powerful drive among the students, led by the University Students Federation: *Federación Estudiantil Universitaria* (F.E.U.).
 - 43. Cardinal Arteaga: Manuel Arteaga. Later became an enemy of the Cuban Revolution. He died in Havana.
 - 44. Constitution of 1940: Cuba's Magna Charta, drafted by the Constitutional Assembly in that year. Noted for its advanced social legislation.
 - 45. Infiesta, Ramon: Professor of Constitutional Law at the University of Havana.
 - 46. *The Golden Age: La Edad de Oro*. A magazine for the young, written and published in New York (1889) by

José Martí. Although only four issues were published, it constitutes the finest collection of selected prose and verse for the Spanish-speaking youth of America.

47. See note 24.

THE AUTHOR

Fidel Castro, the son of a prosperous sugar planter of Oriente Province, was born on August 13th, 1926. He attended Catholic schools in Santiago de Cuba and the reputed Colegio Belén in Havana. He took part in many political activities at the University of Havana. In 1947 he participated in the Cayo Confites expedition against the Trujillo dictatorship and in April 1948 attended the anti-imperialist meeting at Bogota, timed to coincide with the Ninth Inter-American Conference. After graduating in 1950, he opened a legal office in Havana and rose within the Ortodoxo Party, becoming a congressional candidate in 1952. After the Moncada Affair, Castro spent the period from October 1953 to May 1955 in prison and was then released in a general political amnesty. Castro was soon in Mexico. On November 25th, 1956, eighty-two men sailed for Cuba in the old yacht *Granma*: twelve of them survived the expedition to reach the Sierra Maestra. After two years of guerrilla warfare, Fidel Castro and his troops arrived in Havana on January 8th, 1959. On February 13th, he became Premier and has since then been the leader of the Cuban Revolution.



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