

U.S. SET TO START HEARINGS FOR 1,800 JAILED CUBANS

The New York Times

August 17, 1981, Monday, Late City Final Edition

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Section: Section A; Page 11, Column 1; National Desk

Length: 647 words

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Dateline: ATLANTA, Aug. 16

Body

Federal District Judge Marvin Shoob has scheduled a series of hearings, the first tomorrow morning, for hundreds of Cuban refugees held in United States prisons since they came to this country more than a year ago with the "freedom flotilla."

The hearings at Federal Court here will consider the cases of about 1,800 Cuban refugees that the Immigration and Naturalization Service has ruled not admissible to this country because of their criminal records. The refugees are the only Cubans still in Federal custody out of 124,789 who came here in the mass exodus. US schedules hearings for 1,800 jailed Cuban refugees

Attorneys for the imprisoned Cubans say they hope many will be ordered released by Judge Shoob soon, possibly several hundred this week. Their optimism is partly based on recent opinions from Federal judges in several districts. The judges ordered the release of several Cubans who had been imprisoned for reasons similar to those that have kept many refugees detained at the Federal penitentiary here.

2 Refugees Recently Released

The refugees' lawyers also cite two recent orders here, one by Judge Richard Freeman and the other by Judge Shoob. The orders freed two refugees deemed not admissible to this country because they did not have proper entry papers, which few, if any, refugees had at the time of the mass boatlift.

"There are some who have never been convicted of a crime in either Cuba or the United States," said Dale Schwartz, an immigration lawyer whom Judge Shoob has designated as the refugees' legal counsel.

Last month, in an attempt to expedite resolution of the immigration service's findings against the refugees, Judge Shoob ordered the Government to divide the detainees into 12 subgroups based on the crimes they had admitted committing in Cuba and on charges against them in this country.

The judge's move, viewed by the refugees' lawyers as a major step toward the Cubans' freedom, resulted in a breakdown that showed a wide variation in the magnitude of the offenses for which the refugees were being detained.

309 Lacked Entry Papers

For example, the immigration service ruled 309 refugees as not admissible, it was found, because they did not have entry papers. In light of recent rulings by Federal judges, this group could be ordered freed by tomorrow night.

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The most serious offenses include violent crimes, such as murder and rape, but the Government does not have a figure for refugees involved in such crimes. In addition, 100 to 200 refugees have been declared not admissible on grounds they are criminally insane.

Those accused of the most serious crimes may not be freed as soon as the others, Mr. Schwartz said, but they may be ordered sent to mental institutions or other types of prisons as opposed to being held at the aging, crowded prison here.

In January, President Carter proposed the establishment of a three-member panel to screen each detained refugee and to review the ruling by the immigration officers who initially determined whether an individual should be admitted or excluded. Exclusion presents a problem, however, because Cuba has refused to accept any returned refugees.

Only a handful of detained refugees had been released before President Reagan delayed the panel's creation last March, pending a review of immigration policy by an interagency panel.

When the new Administration's immigration policy was unveiled a few weeks ago, it called for formation of the panel, which is to meet on or before Sept. 1 and review each refugee's case separately.

Upon hearing of the Reagan Administration's intention to pursue Mr. Carter's strategy, Judge Shoob said the plan was "a good tune, but it's been played too long."

Classification

Language: ENGLISH

Subject: JUDGES (91%); PRISONS (90%); REFUGEES (90%); JAIL SENTENCING (90%); IMMIGRATION (89%); CORRECTIONS (89%); POLITICAL DETAINEES (89%); IMMIGRATION LAW (89%); LAWYERS (89%); CRIMINAL OFFENSES (89%); US FEDERAL GOVERNMENT (79%); CITIZENSHIP (78%); CRIMINAL CONVICTIONS (78%); LAW COURTS & TRIBUNALS (73%); LAW ENFORCEMENT (71%); SEXUAL ASSAULT (71%); ADMISSIONS & CONFESSIONS (71%); SEX OFFENSES (69%); EDITORIALS & OPINIONS (50%)

Company: IMMIGRATION & NATURALIZATION SERVICE (57%); IMMIGRATION & NATURALIZATION SERVICE (57%)

Organization: IMMIGRATION & NATURALIZATION SERVICE (57%); IMMIGRATION & NATURALIZATION SERVICE (57%); IMMIGRATION & NATURALIZATION SERVICE (57%); IMMIGRATION & NATURALIZATION SERVICE (57%)

Industry: LAWYERS (89%); RESIDENTIAL CARE (60%); PSYCHIATRIC HOSPITALS (60%)

Person: JIMMY CARTER (50%)

Geographic: CUBA (95%); UNITED STATES (92%)