

## *The Unluckiest Cubans*

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### **Body**

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The story sounds like Dickens, rewritten by Kafka and updated by Joseph Heller:

The exhausted Cuban refugee confronts a stern immigration official who asks, "Have you ever been in prison?" He has, briefly, for a bit of black marketeering frowned upon by Fidel Castro. In Cuba he would lie about it, but this is America. So he tells the truth, and is hustled off to a penitentiary. He is "excludable."

Editorial comment criticizes government's policy concerning jailing of "Excludable" Cuban refugees

Eventually he gets a hearing, but it doesn't go well. He lacks court records and witnesses, yet the burden is on him to prove that he is not a dangerous criminal. As it sinks in that he might remain locked up indefinitely, he wonders if it wouldn't be better to return to Cuba, to take his chances. But the Cubans won't hear of it.

Finally outrage takes over. What about the wonderful American Constitution? Ah, that only applies to people who are in America. Because he is "excludable," at least legally, he is not yet "in" America.

But of course this K. and 1,800 other Cuban emigres who are being held as excludables are most decidedly in America. Some have serious criminal records and would pose a danger if set free. But many appear to have only slightly blemished records. No one knows for sure. The immigration laws, however, do not entitle them to the presumption of innocence, and so the doubt works against them. The situation so disturbed a Federal judge in Kansas that he ordered the release of a 48-year-old Cuban inmate in whom he recognized no "threat to public safety." The man remains in prison pending appeal.

The Carter Administration undertook a two-part program for dealing with such Cuban prisoners. It proposed a review panel that would assess each case and release those judged not dangerous. At the same time, it started quiet negotiations with Cuba to arrange the return of truly "undesirable" criminals. Before any deal could be nailed down, Ronald Reagan assumed office and suspended the talks until there had been a wider review of refugee and immigration policy.

May that review, soon to be completed, give these unluckiest Cubans some reason for hope. When there is little recourse in law, a year is too long to spend in a maximum-security prison - for administrative reasons.

### **Classification**

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## The Unluckiest Cubans

**Person:** FIDEL CASTRO (58%); RONALD REAGAN (50%)

**Geographic:** CUBA (95%); UNITED STATES (94%)

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