

History Will Absolve Me

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HONORABLE JUDGES:

Never has a lawyer had to practice his profession under such difficult conditions; never has such a number of overwhelming irregularities been committed against an accused man. In this case, counsel and defendant are one and the same. As attorney he has not even been able to take a look at the indictment. As accused, for the past seventy-six days he has been locked away in solitary confinement, held totally and absolutely incommunicado, in violation of every human and legal right.

He who speaks to you hates vanity with all his being, nor are his temperament or frame of mind inclined towards courtroom poses or sensationalism of any kind. If I have had to assume my own defense before this Court it is for two reasons. First: because I have been denied legal aid almost entirely, and second: only one who has been so deeply wounded, who has seen his country so forsaken and its justice trampled so, can speak at a moment like this with words that spring from the blood of his heart and the truth of his very gut.

There was no lack of generous comrades who wished to defend me, and the Havana Bar Association appointed a courageous and competent jurist, Dr. Jorge Pagliery, Dean of the Bar in this city, to represent me in this case. However, he was not permitted to carry out his task. As often as he tried to see me, the prison gates were closed before him. 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 from the Military Intelligence Agency (SIM). One supposes that a lawyer has a right to speak with his defendant in private, and this right is respected throughout the world, except in the case of a Cuban prisoner of war in the hands of an implacable tyranny that abides by no code of law, be it legal or humane. Neither Dr. Pagliery nor I were willing to tolerate such dirty spying upon our means of defense for the oral trial. Did they want to know, perhaps, beforehand, the methods we would use in order to reduce to dust the incredible fabric of lies they had woven around the Moncada Barracks events? How were we going to expose the terrible truth they would go to such great lengths to conceal? It was then that

we decided that, taking advantage of my professional rights as a lawyer, I would assume my own defense.

This decision, overheard by the sergeant and reported by him to his superior, provoked a real panic. It looked like some mocking little imp was telling them that I was going to ruin all their plans. You know very well, Honorable Judges, how much pressure has been brought to bear on me in order to strip me as well of this right that is ratified by long Cuban tradition. The Court could not give in to such machination, for that would have left the accused in a state of total indefensiveness. The accused, who is now exercising this right to plead his own case, will under no circumstances refrain from saying what he must say. I consider it essential that I explain, at the onset, the reason for the terrible isolation in which I have been kept; what was the purpose of keeping me silent; what was behind the plots to kill me, plots which the Court is familiar with; what grave events are being hidden from the people; and the truth behind all the strange things which have taken place during this trial. I propose to do all this with utmost clarity.

You have publicly called this case the most significant in the history of the Republic. If you sincerely believed this, you should not have allowed your authority to be stained and degraded. The first court session was September 21st. Among one hundred machine guns and bayonets, scandalously invading the hall of justice, more than a hundred people were seated in the prisoner's dock. The great majority had nothing to do with what had happened. They had been under preventive arrest for many days, suffering all kinds of insults and abuses in the chambers of the repressive units. But the rest of the accused, the minority, were brave and determined, ready to proudly confirm their part in the battle for freedom, ready to offer an example of unprecedented self-sacrifice and to wrench from the jail's claws those who in deliberate bad faith had been included in the trial. Those who had met in combat confronted one another again. Once again, with the cause of justice on our side, we would wage the terrible battle of truth against infamy! Surely the regime was not prepared for the moral catastrophe in store for it!

How to maintain all its false accusations? How to keep secret what had really happened, when so many young men were willing to risk everything - prison, torture and death, if necessary - in order that the truth be told before this Court?

I was called as a witness at that first session. For two hours I was questioned by the Prosecutor as well as by twenty defense attorneys. I was able to prove with exact facts and figures the sums of money that had been spent, the way this money was collected and the arms we had been able to round up. I had nothing to hide, for the truth was: all this was accomplished through sacrifices without precedent in the history of our Republic. I spoke of the goals that inspired us in our struggle and of the humane and generous treatment that we had at all times accorded our adversaries. If I accomplished my purpose of demonstrating that those who were falsely implicated in this trial were neither directly nor indirectly involved, I owe it to the complete support and backing of my heroic comrades. For, as I said, the consequences they might be forced to suffer at no time caused them to repent of their condition as revolutionaries and patriots, I was never once allowed to speak with these comrades of mine during the time we were in prison, and yet we planned to do exactly the same. The fact is, when men carry the same ideals in their hearts, nothing can isolate them - neither prison walls 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 events at Moncada Barracks began to collapse like a house of cards. As a result, the Prosecutor realized that keeping all those persons named as instigators in prison was completely absurd, and he requested their provisional release.

At the close of my testimony in that first session, I asked the Court to allow me to leave the dock and sit among the counsel for the defense. This permission was granted. At that point what I consider my most important mission in this trial began: to totally discredit the cowardly, miserable and treacherous lies which the regime had hurled against our fighters; to reveal with irrefutable evidence the horrible, repulsive crimes they had practiced on the prisoners; and to show the nation and the world the infinite misfortune of the Cuban people who are suffering the cruelest, the most inhuman oppression of their history.

The second session convened on Tuesday, September 22nd. By that time only ten witnesses had testified, and they had already cleared up the murders in the Manzanillo area, 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 attending the trial? Before journalists and jurists from all over the island? And before the party leaders of the opposition, who they had stupidly seated right in the prisoner's dock where they could hear so well all that might be brought out here? They would rather have blown up the court house, with all its judges, than allow that!

And so they devised a plan by which they could eliminate me from the trial and they proceeded to do just that, *manu militari*. On Friday night, September 25th, 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 said. I asked them, 'Who is so worried about my health?' Actually, from the moment I saw them I realized what they had come for. They could not have treated me with greater respect, and they explained their predicament to me. That afternoon Colonel Chaviano had appeared at the prison and told them I 'was doing the Government terrible damage with this trial.' He had told them they must sign a certificate declaring that I was ill and was, therefore, unable to appear in court. The doctors told me that for their part they were prepared to resign from their posts and risk persecution. They put the matter in my hands, for me to decide. I found it hard to ask those men to unhesitatingly destroy themselves. But neither could I, under any circumstances, consent that those orders be carried out. Leaving the matter to their own consciences, I told them only: 'You must know your duty; I certainly know mine.'

After leaving the 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 grave 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 doctors in their material interests, but I am removing all doubt about their honor, which is worth much more. That same night, I wrote the

Court a letter denouncing the plot; requesting that two Court physicians be sent to certify my excellent state of health, and to inform you that if to save my life I must take part in such deception, I would a thousand times prefer to lose it. To show my determination to fight alone against this whole degenerate frame-up, I added to my own words one of the Master's lines: 'A just cause even from the depths of a cave can do more than an army.' As the Court knows, this was the letter Dr. Melba Hernández submitted at the third session of the trial on September 26th. I managed to get it to her in spite of the heavy guard I was under. That letter, of course, provoked immediate reprisals. Dr. Hernández was subjected to solitary confinement, and I - since I was already incommunicado - was sent to the most inaccessible reaches of the prison. From that moment on, all the accused were thoroughly searched from head to foot before they were brought into the courtroom.

Two Court physicians certified on September 27th that I was, in fact, in perfect health. Yet, in spite of the repeated orders from the Court, I was never again brought to the hearings. What's more, anonymous persons daily circulated hundreds of apocryphal pamphlets which announced my rescue from jail. This stupid alibi was invented so they could physically eliminate me and pretend I had tried to escape. Since the scheme failed as a result of timely exposure by ever alert friends, and after the first affidavit was shown to be false, the regime could only keep me away from the trial by open and shameless contempt of Court.

This was an incredible situation, Honorable Judges: Here was a regime literally afraid to bring an accused man to Court; a regime of blood and terror that shrank in fear of the moral conviction of a defenseless man - unarmed, slandered and isolated. And so, after depriving me of everything else, they finally deprived me even of the trial in which I was the main accused. Remember that this was during a period in which individual rights were suspended and the Public Order Act as well as censorship of radio and press were in full force. What unbelievable crimes this regime must have committed to so 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 an end 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 has never been obeyed! Worse yet: in the very presence of the Court, during the first and second hearings, a praetorian guard was stationed beside me to totally prevent me from speaking to anyone, even among the brief recesses. In other words, not only in prison, but also in the courtroom 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 if, in exchange for so much disrespect, they bring us before you to be jailed in the name of a legality which they and they alone have been violating since March 10th, sad indeed is the role they would force on you. The Latin maxim *Cedant arma togae* has certainly not been fulfilled on a single occasion during this trial. I beg you to keep that circumstance well in mind.

What is more, these devices were in any case 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 are not ashamed of having done so,' they declared, one by one, on the witness stand. Then, addressing the Court with impressive 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. And I have the convicts at Boniato Prison to thank for this. In spite of all threats, these men found ingenious means of getting newspaper clippings and all kinds of information to me. In this way they avenged the abuses and immoralities perpetrated against them both by Taboada, the warden, and the supervisor, Lieutenant Rozabal, who drove them from sun up to sun down building private mansions and starved them by embezzling the prison food budget.

As the trial went on, the 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 forever was a man named Batista - monstrum horrendum! - and it matters little that these valiant and worthy young men have been condemned, if tomorrow the people will condemn the Dictator and his henchmen! Our men were consigned to the Isle of Pines Prison, in whose circular galleries Castells' ghost still lingers and where the cries of countless victims still echo; there our young men have been sent to expiate their love of liberty, in bitter confinement, banished from society, torn from their homes and exiled from their country. Is it not clear to you, as I have said before, that in such circumstances it is difficult and disagreeable for this lawyer to fulfill his duty?

As a result of so many turbid 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 room at the Civilian Hospital, where I have been brought to be tried in secret, so that I may not be heard and 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 Honorable Judges would without doubt find much 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.

Let me 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, in whose newspapers the censorship of the press will prevent printing a word 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 terrible, the shameful bloodstains splattered across the military uniform by the present ruthless clique in its lust for power. On that day, oh what a fall awaits those mounted in arrogance on their noble steeds! - provided that the people have not dismounted them long before that!

Finally, I should like to add that no treatise on penal law was allowed me in my cell. I have at my disposal only this tiny code of law lent to me by my learned counsel, Dr. Baudillo 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 said Martí was the inspirer of the 26th of July? Reference books on any other subject were also

denied me during this trial. But it makes no difference! I carry the teachings of the Master in my heart, and in my mind the noble ideas of all men who have defended people's freedom everywhere!

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 final episode of this trial would be, more than all the others, one of ignominy and cowardice.

I must admit that I am somewhat disappointed. I had expected that the Honorable 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 26 years in prison. But no. He has limited himself to reading Article 148 of the Social Defense Code. On the basis of this, plus aggravating circumstances, he requests that I be imprisoned for the lengthy term of 26 years! Two minutes seems a very short 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 Honorable 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 Honorable Judges declared, rather proudly, that this was a trial of the greatest importance! I have heard prosecutors speak ten times longer in a simple narcotics case asking for a sentence of just six months. The Honorable 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 loyalty to the Constitution of the Republic, it is difficult to come here in the name of an unconstitutional, statutory, de facto government, lacking any legal much less moral basis, to ask that a young Cuban, a lawyer like himself - perhaps as honorable as he, be sent to jail for 26 years. But the Honorable Prosecutor is a gifted man and I have seen much less talented persons write lengthy diatribes in defense 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? It is clear that there is a great conspiracy behind all this.

Honorable Judges: Why such interest in silencing me? Why is every type of argument foregone in order to avoid presenting any target whatsoever against which I might direct my own brief? Is it that they lack any legal, moral or political basis on which to put forth a serious formulation of the question? Are they that afraid of the truth? Do they hope that I, too, will speak for only two minutes and that I will not touch upon the points which have caused certain people sleepless nights since July 26th? Since the prosecutor's petition was restricted to the mere reading of five lines of an article of the Social Defense Code, might they suppose that I too would limit myself to those same lines and circle round them like some slave turning a millstone? I shall by no means accept such a gag, for in this trial there is much more than the freedom of a single individual at stake. 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 left unsaid, for any crime not denounced.

The Honorable Prosecutor's famous little article hardly deserves a minute of my time. I shall limit myself for the moment to a brief legal skirmish against it, because I want to clear the field for an assault against all the endless lies and deceits, the hypocrisy, conventionalism and moral cowardice that have 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 criminal law that an imputed offense must correspond exactly to the type of crime described by law. If no law applies exactly to the point in question, then there is no offense.

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 the event that insurrection actually be carried into effect.'

In what country is the Honorable 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 fully later on, notwithstanding all the subterfuges contrived by cowards and traitors to justify the unjustifiable. Secondly, the article refers to Powers, in the plural, as in the case of a republic governed by a Legislative Power, an Executive Power, and a Judicial Power which balance and counterbalance one another. We have fomented a rebellion against one single power, an illegal one, which has usurped and merged into a single whole both the Legislative and Executive Powers of the nation, and so has 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 July 26th. Let us leave this statute alone and await the opportunity to apply it to those who really did foment an uprising against the Constitutional Powers of the State. Later I shall come back to the Code to refresh the Honorable Prosecutor's memory about certain circumstances he has unfortunately overlooked.

I warn you, I am just beginning! If there is in your hearts a vestige of love for your country, love for humanity, love for justice, listen carefully. 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 bury me in oblivion. But my voice will not be stifled - it will rise from my breast even when I feel most alone, and my heart will give it all the fire that callous cowards deny it.

From a shack in the mountains on Monday, July 27th, I listened to the dictator's voice on the air while there were still 18 of our men in arms against the government. Those who have never experienced similar moments will never know that kind of bitterness and indignation. 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 forth in his crude, odious, repulsive language, may only be compared to the endless stream of clean young blood which had flowed since the previous night - with his knowledge, consent, complicity and approval - being spilled by the most inhuman gang of assassins it is possible to imagine. To have believed him for a single moment would have sufficed to fill a man of conscience with remorse and shame for the rest of his life. At that time I could not even hope to brand his miserable forehead with the mark of truth which condemns him for the rest of his days and for all time to come. Already a circle of more than a thousand men, armed with weapons more powerful than ours and with peremptory orders to bring in our bodies, was closing in around us. Now that the truth is coming out, now that speaking before you I am carrying out the mission I set for myself, I may die peacefully and content. So I shall not mince my words about those savage murderers.

I must pause to consider the facts for a moment. The government itself said the attack showed such precision and perfection that it must have been planned by military strategists. Nothing could have been farther from the truth! The plan was drawn up by a group of young men, none of whom had any military experience at all. I will reveal their names, omitting two who are neither dead nor in prison: Abel Santamaría, José Luis Tasende, Renato Guitart Rosell, Pedro Miret, Jesús Montané and myself. Half of them are dead, and in tribute to their memory I can say that although they were not military experts they had enough patriotism to have given, had we not been at such a great disadvantage, a good beating to that entire lot of generals together, those generals of the 10th of March who are neither soldiers nor patriots. Much more difficult than the planning of 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 services. Nevertheless, all this was carried out by those men and many others like them with incredible seriousness, discretion and discipline. Still more praiseworthy is the fact that they gave this task everything they had; ultimately, their very 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 coordination. It began simultaneously at 5:15 a.m. in both Bayamo and Santiago de Cuba; and one by one, with an exactitude of minutes and seconds prepared in advance, the buildings surrounding the barracks fell to our forces. Nevertheless, in the interest of truth and even though it may detract from our merit, I am also going to reveal for the first time 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 Santamaría, with 21 men, had occupied the Civilian Hospital; with him went a doctor and two of our women comrades to attend to the wounded. Raúl Castro, with ten men, occupied the Palace of Justice, and it was my responsibility to attack the barracks with the rest, 95 men. Preceded by an advance group of eight who had forced Gate Three, I arrived with the first group of 45 men. It was precisely here that the battle began, when my car ran into an outside patrol armed with machine guns. The reserve group which had almost all the heavy weapons (the light arms were with the advance group), turned up the wrong street and lost its way in an unfamiliar city. I must clarify the fact that I do not for a moment doubt the courage of those men; they experienced great anguish and desperation when they realized they were lost. Because of the type of action it was and because the contending

forces were wearing identically colored uniforms, it was not easy for these men to re-establish contact with us. Many of them, captured later on, met death with true heroism.

Everyone had instructions, first of all, to be humane in the struggle. Never was a group of armed men more generous to the adversary. From the beginning we took numerous prisoners - nearly twenty - 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 prisoners for a short time. Those soldiers testified before the Court, and without exception they all acknowledged that we treated them with absolute respect, that we didn't even subject them to one scoffing remark. In line with this, I want to give my heartfelt thanks to the Prosecutor 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 superior numbers - fifteen to one - and because of the protection afforded them by the defenses of the fortress. Our men were much better marksmen, as our enemies themselves conceded. There was a high degree of courage on both sides.

In analyzing the reasons 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 27 in Bayamo, 21 at the Civilian Hospital and 10 at the Palace of Justice. If our forces had been distributed differently the outcome of the battle might have been different. The clash with the patrol (purely accidental, since the unit might have been at that point twenty seconds earlier or twenty seconds later) alerted the camp, and gave it time to mobilize. Otherwise it would have fallen into our hands without a shot fired, since we already controlled the guard post. On the other hand, except for the .22 caliber 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 were now useless, 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 held off the Army's advance. Our losses in the battle had been insignificant; 95% of our casualties came from the Army's inhumanity after the struggle. The group at the Civilian Hospital only had one casualty; the rest of that group was trapped when the troops blocked the only exit; but our youths did not lay down their arms until their very last bullet was gone. With them was Abel Santamaría, the most generous, beloved and intrepid of our young men, whose glorious resistance immortalizes him in Cuban history. We shall see the fate they met and how Batista sought to punish the heroism of our youth.

We planned 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, 18 men, with what arms and ammunition were left, followed me into the mountains. The terrain was completely unknown to us. For a week we held the heights of the Gran Piedra range and the Army occupied the foothills. We could not come down; they didn't risk coming 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 of them managed to slip through the Army lines; others were surrendered by Monsignor Pérez Serantes. Finally only two comrades 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. By that time the slaughter of prisoners had ceased as a result of the people's protest. This officer, a man of honor, saved us from being murdered on the spot with our hands tied behind us.

I need not deny here the stupid 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 bore the court with epic narratives. All that I have said is essential for a more precise understanding of what is yet to come.

Let me mention two important facts that facilitate an objective judgement of our attitude. First: we could have taken over the regiment simply by seizing 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 decided not to take any radio station over until the Army camp was in our power. This attitude, unusually magnanimous and considerate, spared the citizens a great deal of bloodshed. With only ten men I could have seized a radio station and called the people to revolt. There is no questioning the people's will to fight. I had a recording of Eduardo Chibás' last message over the CMQ radio network, and patriotic poems and battle hymns capable of moving the least sensitive, especially with the sounds of live 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 all but claim that the people support the dictatorship; they do not know how offensive this is to 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 really happened. Who can doubt the valor, civic pride and 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 risen in arms. Many were the rifles loaded for our fighters by the nurses at the Civilian Hospital. They fought alongside us. That is something we will never forget.

It was never our intention to engage the soldiers of the regiment in combat. We wanted to seize control of them and their weapons in a surprise attack, arouse the people and call the soldiers to abandon the odious flag of the tyranny and to embrace the banner of freedom; to defend the supreme interests of the nation and not the petty interests of a small clique; to turn their guns around and fire on the people's enemies and not on the people, among whom are their own sons and fathers; to unite with the people as the brothers that they are instead of opposing the people as the enemies the government tries to make of them; to march behind the only beautiful ideal worthy of sacrificing one's life - the greatness and 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 promise of freedom?

The Navy did not fight against us, and it would undoubtedly have come over to our side later on. It is well 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, 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. Everything of this kind is an inevitable point of contact between him and the people and everything of this kind relates him to the present and future situation of the society in which he lives. It is foolish to imagine that the salary a soldier receives from the State - a modest enough salary at that - should resolve the vital problems imposed on him by his needs, duties and feelings as a member of his community.

This brief explanation has been necessary because it is basic to a consideration to which few people, until now, have paid any attention - soldiers have a deep respect for the feelings of the majority of the people! During the Machado 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 proven even more clearly by a recent development. While Grau San Martín's regime was able to preserve its maximum popularity among the people, unscrupulous ex-officers and power-hungry civilians attempted innumerable conspiracies in the Army, although none of them found a following in the rank and file.

The March 10th coup 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 first 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 can 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 a 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 on national political matters. In its pages I campaigned against the forced labor to which the soldiers were subjected on the private estates of high civil personages and military officers. On March 3rd, 1952 I supplied the Courts with data, photographs, films and other proof denouncing this state of affairs. I also pointed out in those articles that it was elementary decency to increase army salaries. I should like to know who else raised his voice on

that occasion to protest against all this injustice done to the soldiers. Certainly not Batista and company, living well-protected on their luxurious estates, surrounded by all kinds of security measures, while I ran a thousand risks with neither bodyguards nor arms.

Just as I defended the soldiers then, now - when all others are once more silent - I tell them that they allowed themselves to be miserably deceived; and to the deception and shame of March 10th they have added the disgrace, the thousand times greater disgrace, of the fearful and unjustifiable crimes of Santiago de Cuba. From that time since, the uniform of the Army is splattered with blood. And as last year I told the people and cried out before the Courts that soldiers were working as slaves on private estates, today I make the bitter charge that there are soldiers stained from head to toe with the blood of the Cuban youths they have tortured and slain. And I say as well that if the Army serves the Republic, defends the nation, respects the people and protects the citizenry then it is only fair that the soldier should earn at least a hundred pesos a month. But if the soldiers slay and oppress the people, betray the nation and defend only the interests of one small group, then the Army deserves not a cent of the Republic's money and Camp Columbia should be converted into a school with ten thousand orphans living there instead of soldiers.

I want to be just above all else, so I can't blame all the soldiers for the shameful crimes that stain a few evil and treacherous Army men. But every honorable and upstanding soldier who loves his career and his uniform is dutybound to demand and to fight for the cleansing of this guilt, to avenge this betrayal and to see the guilty punished. Otherwise the soldier's uniform will forever be a mark of infamy instead of a source of pride.

Of course the March 10th regime had no choice but to remove the soldiers from the private estates. But it did so only to put them to work as doormen, chauffeurs, servants and bodyguards for the whole rabble of petty politicians who make up 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 watch over him as if he were constantly afraid of receiving the kick in the pants he so justly deserves.

If they had been at all interested in promoting real reforms, why did the regime not confiscate the estates and the millions of men like Genovevo Pérez Dámera, who acquired their fortunes by exploiting soldiers, driving them like slaves and misappropriating the funds of the Armed Forces? But no: Genovevo Pérez and others like him no doubt still have soldiers protecting them on their estates because the March 10th generals, deep in their hearts, aspire to the same future and can't allow that kind of precedent to be set.

The 10th of March was a miserable deception, yes ... 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. And I know there are many Army men who are disgusted because they have been disappointed. At first their pay was raised, but later, through deductions and reductions of every kind, it was lowered again. Many of the old elements, who had drifted away from the Armed Forces, returned to the ranks and blocked the way of young, capable and valuable men who might otherwise have advanced. Good soldiers have been neglected while the most scandalous nepotism prevails. Many decent military men are

now asking themselves what need that Armed Forces had to assume the tremendous historical responsibility of destroying our Constitution merely to put a group of immoral men in power, men of bad reputation, corrupt, politically degenerate beyond redemption, who could never again have occupied a political post had it not been at bayonet-point; and they weren't even the ones with the bayonets in their hands ...

On the other hand, 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 job. Any unjustified suspicion, any gossip, any intrigue, or denunciation, is sufficient to bring transfer, dishonorable discharge or imprisonment. Did not Tabernilla, in a memorandum, forbid them to talk with anyone opposed to the government, that is to say, with ninety-nine percent of the people? ... What a lack of confidence! ... Not even the vestal virgins of Rome had to abide by such a rule! As for the much publicized little houses for enlisted men, there aren't 300 on the whole Island; yet with what has been spent on tanks, guns and other weaponry every soldier might have a place to live. Batista isn't concerned with taking care of the Army, but that the Army take care of him! He increases the Army's power of oppression and killing but does not improve living conditions for the soldiers. Triple guard duty, constant confinement to barracks, continuous anxiety, the enmity of the people, uncertainty about the future - this is what has been given to 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 get tired and all this comes to an end, you can pay for our crimes while we go abroad and live like kings. And if one day we return, don't you or your children knock on the doors of our mansions, for we shall be millionaires and millionaires do not mingle with the poor. Kill, soldier, oppress the people, die for the regime, give your sweat and blood ...'

But if blind to this sad truth, a minority of soldiers had decided to fight the people, the people who were going to liberate them from tyranny, victory still would have gone to the people. The Honorable Prosecutor was very 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 in overthrowing tyrants. Military parades and the pompous display of machines of war are used to perpetuate this myth and to create a complex of absolute impotence in the people. But no weaponry, no violence can vanquish the people once they are determined to win back their rights. Both past and present are full of examples. The most recent is the revolt in Bolivia, where miners with dynamite sticks smashed and defeated regular army regiments.

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, incomparably, both more up to date and more powerful than those of our mambises. Often the Spaniards were equipped with field artillery and the infantry used breechloaders similar to those still in use by the infantry of today. The Cubans were usually armed with no more than their machetes, for their cartridge belts were almost always empty. There is an unforgettable passage in the history of our War of Independence,

narrated by General Miró Argenter, Chief of Antonio Maceo's General Staff. I managed to bring it copied on this scrap of paper so I wouldn't have to depend upon my 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, 25 were killed. Some even attacked the Spaniards with their bare fists, without machetes, without even knives. Searching through the reeds by the Hondo River, we found fifteen more dead from the Cuban party, and it was not immediately clear what group they belonged to. They did not appear to have shouldered arms, their clothes were intact and only tin drinking cups hung from their waists; a few steps further on lay the dead horse, all its equipment in order. 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 saddlehorn. Maceo was deeply moved. This man so used to seeing death in all its forms murmured this praise: "I had never seen anything like this, untrained and unarmed men attacking the Spaniards with only drinking cups for weapons. And I called it impedimenta!"

This is how peoples fight when they want to win their freedom; they throw stones at airplanes and overturn tanks!

As soon as Santiago de Cuba was in our hands we would immediately have readied the people of Oriente 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 the most rebellious and patriotic in Cuba. It was this province that sparked the fight for independence for thirty years and paid the highest price 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!

I stated that the second consideration on which we based our chances for success was one of social order. Why were we sure of the people's support? When we speak of the people we are not talking about those who live in comfort, the conservative elements of the nation, who welcome any repressive regime, any dictatorship, any despotism, prostrating themselves before the masters of the moment until they grind their foreheads into the ground. When we speak of struggle and we mention the people we mean the vast unredeemed masses, those to whom everyone makes promises and who are deceived by all; we mean the people who yearn for a better, more dignified and more just nation; who are moved by ancestral aspirations to justice, for they have suffered injustice and mockery generation after generation; those who long for great and wise changes in all aspects of their life; people who, to attain those changes, are ready to give even the very last breath they have when they believe in something or in someone, especially when they believe in themselves. The first condition of sincerity and good faith in any endeavor 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 about everything and of pleasing everyone are, necessarily, 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.

In terms of struggle, when we talk about people we're talking about the six hundred thousand Cubans without work, who want to earn their daily bread honestly without having to emigrate from their homeland in search of a livelihood; the five hundred thousand farm laborers who live in miserable shacks, who work four months of the year and starve the rest, sharing their misery with their children, who don't have an inch of land to till and whose existence would move any heart not made of stone; the four hundred thousand industrial workers and laborers 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 moneylender, whose future is a pay reduction and dismissal, whose life is endless work and whose only rest is the tomb; the one hundred thousand small farmers who live and die working land that is not theirs, looking at it with the sadness of Moses gazing 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 produce, who cannot love it, improve it, beautify it nor plant a cedar or an orange tree on it because they never know when a sheriff will come with the rural guard to evict them from it; the thirty thousand teachers and professors who are so devoted, dedicated and so necessary to the better destiny of future generations and who are so badly treated and paid; the twenty thousand small business men weighed down by debts, ruined by the crisis and harangued by a plague of grafting and venal officials; the ten thousand young professional people: doctors, engineers, lawyers, veterinarians, school teachers, dentists, pharmacists, newspapermen, painters, sculptors, etc., who finish school with their degrees anxious to work and full of hope, only to find themselves at a dead end, all doors closed to them, and where no ears hear their clamor or supplication. These are the people, the ones who know misfortune and, therefore, are capable of fighting with limitless courage! To these people whose desperate roads through life have been paved with the bricks of betrayal and false promises, we were not going to say: 'We will give you ...' but rather: 'Here it is, now fight for it with everything you have, so that liberty and happiness may be yours!'

The five revolutionary laws that would have been proclaimed immediately after the capture of the Moncada Barracks and would have been broadcast to the nation by radio must be included in the indictment. It is possible that Colonel Chaviano may deliberately have destroyed these documents, but even if he has I remember them.

The first revolutionary law would have returned power to the people and proclaimed the 1940 Constitution 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 violated it - there being no electoral organization to carry this out - the revolutionary movement, as the circumstantial incarnation of this sovereignty, the only source of legitimate power, would have assumed all the faculties inherent therein, except that of modifying the Constitution itself: in other words, it would have assumed the legislative, executive and judicial powers.

This attitude could not be clearer nor more free of vacillation and sterile charlatanry. A government acclaimed by the mass of rebel people would be vested with every power, everything necessary in order to proceed with the effective implementation of popular will and

real justice. From that moment, the Judicial Power - which since March 10th had placed itself against and outside the Constitution - would cease to exist and we would proceed to its immediate and total reform before it would once again assume the power granted it by the Supreme Law of the Republic. Without these previous measures, a return to legality by putting its custody back into the hands that have crippled the system so dishonorably would constitute a fraud, a deceit, one more betrayal.

The second revolutionary law would give non-mortgageable and non-transferable ownership of the land to all tenant and subtenant farmers, lessees, share croppers and squatters who hold parcels of five caballerías 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 30% 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 put into effect.

The fourth revolutionary law would have granted all sugar planters the right to share 55% of sugar production and a minimum quota of forty thousand arrobas for all small tenant farmers who have been established for three years or more.

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 legates 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 governments 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 declared that the Cuban policy in the Americas would be one of close solidarity with the democratic peoples of this continent, and that all those politically persecuted by bloody tyrannies 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 upheaval 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 Educational Reform, nationalization of the electric power trust and the telephone trust, refund to the people of the illegal and repressive rates these companies have 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 compliance of two essential articles of our Constitution: one of them orders the outlawing of large estates, indicating the maximum area of

land any one 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 to all those who lack it and to ensure a decent livelihood to each manual or intellectual laborer. None of these laws can be called unconstitutional. The first popularly elected government would have to respect them, not only because of moral obligations 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 of the land, the problem of industrialization, the problem of housing, the problem of unemployment, the problem of education and the problem of the people's health: these are the six problems we would take immediate steps to solve, along with restoration of civil liberties and political democracy.

This exposition may seem cold and theoretical if one does not know the shocking and tragic conditions of the country with regard to these six problems, along with the most humiliating political oppression.

Eighty-five per cent of the small farmers in Cuba pay rent and live under constant threat of being evicted from the land they till. More than half of our most productive land is in the hands of foreigners. In Oriente, the largest province, the lands of the United Fruit Company and the West Indian Company link the northern and southern coasts. 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. If Cuba is above all an agricultural State, if its population is largely rural, if the city depends on these rural areas, if the people from our countryside won our war of independence, if our nation's greatness and prosperity depend on a healthy and vigorous rural population that loves the land and knows how to work it, if this population depends on a State that protects and guides it, then how can the present state of affairs be allowed to continue?

Except for a few food, lumber and textile industries, Cuba continues to be primarily a producer of raw materials. We export sugar to import candy, we export hides to import shoes, we export iron to import plows ... Everyone agrees with the urgent need to industrialize the nation, that we need steel industries, paper and chemical industries, that we must improve our cattle and grain production, the technology and processing in our food industry in order to defend ourselves against the ruinous competition from Europe in cheese products, condensed milk, liquors and edible oils, and the United States in canned goods; that we need cargo ships; that tourism should be an enormous source of revenue. But the capitalists insist that the workers remain under the yoke. The State sits back with its arms crossed and industrialization can wait forever.

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 countryside and in the cities live cramped in huts 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 incomes; and two million eight hundred thousand of our rural and suburban population lack electricity. We have the same situation here: 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 landlords get high rents; otherwise they would not lay a single brick even though the rest of the population had to live totally 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 people have to live in darkness for the rest of their lives. The State sits back with its arms crossed and the people have neither homes nor electricity.

Our educational system is perfectly compatible with everything I've just mentioned. Where the peasant doesn't own the land, what need is there for agricultural schools? Where there is no industry, what need is there for technical or vocational schools? Everything follows the same absurd logic; if we don't have one thing we can't have the other. In any small European country there are more than 200 technological and vocational schools; in Cuba only six such schools exist, and their graduates have no jobs for their skills. The little rural schoolhouses are attended by a mere half of the school age children - barefooted, half-naked and undernourished - and frequently the teacher must buy necessary school 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 respect, however, the State is most helpful - in providing early death for the people. Ninety per cent of the children in the countryside are consumed by parasites which filter through their bare feet from the ground they walk on. Society is moved to compassion when it hears of the kidnapping or murder of one child, but it is indifferent to the mass murder of so many thousands of children who die every year from lack of facilities, agonizing with pain. Their innocent eyes, death already shining in them, seem to look into some vague infinity as if entreating forgiveness for human selfishness, as if asking God to stay His wrath. And 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 return, demands the votes of the unfortunate one and his family so that Cuba may continue forever in the same or worse condition.

With this background, is it not understandable that from May to December over a million persons are jobless and that 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 try a defendant for robbery, Honorable Judges, 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 investigate his social context at all? You just 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 may have gone up in flames. 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 club and they enjoy your respect. In Cuba, when a government official becomes a millionaire overnight and enters the fraternity of the rich, he could very well be greeted with the words of that opulent character out of Balzac - Taillefer -

who in his toast to the young heir to an enormous fortune, said: 'Gentlemen, let us drink to the power of gold! Mr. Valentine, a millionaire six times over, has just ascended the throne. He is king, can do everything, is above everyone, as all the rich are. Henceforth, equality before the law, established by 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 are there sentences for millionaires.'

The nation's future, the solutions to its problems, cannot continue to depend on the selfish interests of a dozen big businessmen 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, like the Biblical one destroyed by the prophet's fury. 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 founded it. Statesmen like Carlos Saladrigas, whose statesmanship consists of preserving the statu quo and mouthing phrases like 'absolute freedom of enterprise,' 'guarantees to investment capital' and 'law of supply and demand,' will not solve these problems. Those ministers can chat away in a Fifth Avenue mansion until not even the dust of the bones of those whose problems require immediate solution remains. In this present-day world, social problems are not solved by spontaneous generation.

A revolutionary government backed by the people and with the respect of the nation, after cleansing the different institutions of all venal and corrupt officials, would proceed immediately to the country's industrialization, mobilizing all inactive capital, currently estimated at about 1.5 billion pesos, through the National Bank and the Agricultural and Industrial Development Bank, and submitting this mammoth task to experts and men of absolute competence totally removed from all political machines for study, direction, planning and realization.

After settling the one hundred thousand small farmers as owners on the land which they previously rented, a revolutionary government would immediately proceed to settle the land problem. First, as set forth in the Constitution, it 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 swampland, planting of large nurseries, and reserving of zones for reforestation. Secondly, it would distribute the remaining land among peasant families with priority given to the larger ones, and would promote agricultural cooperatives for communal use of expensive equipment, freezing plants and unified professional technical management of farming and cattle raising. Finally, it 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 apartment 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 own house 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 golden calf, a thousand years will have gone by and the problem will remain the same. On the other hand, today possibilities of taking electricity to the most isolated areas on the island 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 become much less difficult.

Finally, a revolutionary government would undertake the integral reform of the educational system, bringing it into line with the projects just mentioned with the idea of educating those generations which will have the privilege of living in a happier land. Do not forget the words of the Apostle: '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 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, 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 three Rs in the little public schoolhouse? It is time we stopped paying pittance to these young men and women who are entrusted with the sacred task of teaching our youth. No teacher should earn less than 200 pesos, no secondary teacher should make less than 350 pesos, if they are to devote themselves exclusively to their high calling without suffering want. What is more, all rural teachers should have free use of the various systems of transportation; and, at least once every five years, all teachers should enjoy a sabbatical leave of six months with pay so they may attend special refresher courses at home or abroad to keep abreast of the latest developments in their field. In this way, the curriculum and the teaching system can be easily improved. Where will the money be found for all this? When there is an end to the embezzlement of government funds, when public officials stop taking graft from the large companies that 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 has now, 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 while there is a single inch of unproductive land; that children should die for lack of medical attention; what is inconceivable is that 30% of our farm people cannot write their names and that 99% 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 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

essential course of history and has seen flaming and bleeding peoples seethe in the cauldron of the ages 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 of the heroism of the young men who fell in Santiago. The meager material means at our disposal was all that prevented sure success. When the soldiers were told that Prío had given us a million pesos, 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 people who were barely seven years old when Batista perpetrated the first of his crimes in 1934. The lie about the million pesos could not have been more absurd. If, with less than 20,000 pesos, we armed 165 men and attacked a regiment and a squadron, then with a million pesos we could have armed 8,000 men, to attack 50 regiments and 50 squadrons - and Ugalde Carrillo still would not have found out until Sunday, July 26th, at 5:15 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 young men marched along the streets of Havana in the student demonstration of the Martí Centennial, they solidly packed six blocks. If even 200 more men had been able to fight, or we had possessed 20 more hand grenades, perhaps this Honorable Court would have been spared all this inconvenience.

The politicians spend millions buying off consciences, whereas a handful of Cubans who wanted to save their country's honor had to face death barehanded 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 the greatest pride I tell you that in accordance with our principles we have never asked a politician, past or present, for a penny. Our means were assembled with incomparable sacrifice. For example, Elpidio Sosa, who sold his job and came to me one day with 300 pesos '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 in 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 memory of these acts of idealism bring me straight to the most bitter chapter of this defense - the price the 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! Roam about,
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 the crimes of November 27th, 1871 by ten and you will have the monstrous and repulsive crimes of July 26th, 27th, 28th and 29th, 1953, in the province of Oriente. These are still fresh in our memory, but someday when years have passed, when the skies of the nation have cleared once more, when tempers have calmed and fear no longer torments our spirits, then we will begin to see the magnitude of this massacre in all its shocking dimension, and future generations will be struck with horror when 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 facts 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, dishonoring our nation before the rest of the world.

The tyrant Batista was never a man of scruples. He has never hesitated to tell his people the most outrageous lies. To justify his treacherous coup of March 10th, he concocted stories about a fictitious uprising in the Army, supposedly scheduled to take place in April, and which he 'wanted to avert so that the Republic might not be drenched in blood.' A ridiculous little tale nobody ever 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! On the very day of my arrest I publicly assumed the responsibility for our armed movement of July 26th. If there had been an iota of truth in even one of the many statements the Dictator made against our fighters in his speech of July 27th, it 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 procedural laws and ignore so scandalously the rulings of the Court? Why were so many things done, things never before seen in a Court of Law, in order to prevent my appearance at all costs? 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 afraid of the truth, and who was not?

The statements made by the Dictator at Camp Columbia might be considered amusing if they were not so drenched in blood. He claimed we were a group of hirelings and that there were many foreigners among us. 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 if they had 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 proven that no link whatsoever existed 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 in this Court that we only had 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 not one death caused by the blade. But above all and most important, he said that we stabbed patients at the Military Hospital. Yet the doctors from that hospital - Army doctors - have testified that we never even occupied the building, that no patient was either wounded or killed by us, and that the hospital lost only one employee, a janitor, who imprudently stuck his head out of an open window.

Whenever a Chief of State, or anyone pretending to be one, makes declarations to the nation, he speaks not just to hear the sound of his own voice. He always has some specific purpose and expects some specific reaction, or has a given intention. Since our military defeat had already taken place, insofar as we no longer represented any actual threat to the dictatorship, why did they slander us like that? If it is still not clear that this was a blood-drenched speech, that it was simply an attempt to justify the crimes that they had been perpetrating since the night before and that they were going to continue to perpetrate, then, let figures speak for me: On July 27th, in his speech from the military headquarters, Batista said that the assailants suffered 32 dead. By the end of the week the number of dead had risen to more than 80 men. In what battles, where, in what clashes, did these young men die? Before Batista spoke, more than 25 prisoners had been murdered. After Batista spoke fifty more were massacred.

What a great sense of honor those modest Army technicians and professionals had, who did not distort the facts before the Court, but gave their reports adhering to the strictest truth! These surely are soldiers who honor their uniform; these, surely, are men! Neither a real soldier nor a true man can degrade his code of honor 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 Moncada Barracks.

Now that he has been contradicted by men of honor within 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 July 27th speech. Let him not remain silent. Let him speak. Let him say who the assassins are, who the ruthless, the inhumane. Let him tell us if the medals of honor, which he went to pin on the breasts of his heroes of that massacre, were rewards for the hideous crimes 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 direct orders from him! Let him offer the nation an explanation for those 70 murders. The bloodshed was great. The nation needs an explanation. The nation seeks it. The nation demands it.

It is common knowledge that in 1933, at the end of the battle at the National Hotel, some officers were murdered after they surrendered. Bohemia Magazine protested energetically. It is also known that after the surrender of Fort Atarés the besiegers' machine guns cut down a row of prisoners. And that one soldier, after asking who Blas Hernández was, blasted him with a bullet directly in the face, and for this cowardly act was promoted to the rank of officer. It is well-known in Cuban history that assassination of prisoners was fatally linked with Batista's name. How naive we were not to foresee this! However, unjustifiable as those killings of 1933 were, they took place in a matter of minutes, in no more time than it took for a round of machine gun fire. What is more, they took place while tempers were still on edge.

This was not the case in Santiago de Cuba. Here all forms of ferocious outrages and cruelty were deliberately overdone. Our men were killed not in the course of a minute, an hour or a day. Throughout an entire week the blows and tortures continued, men were thrown from rooftops and shot. All methods of extermination were incessantly practiced by well-skilled artisans of crime. Moncada Barracks were turned into a workshop of torture and death. Some shameful individuals turned their uniforms into butcher's aprons. The walls were splattered with blood. The bullets imbedded in the walls were encrusted with singed bits of skin, brains and human hair, the grisly reminders of rifle shots fired 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 to that den of death the very inscription of Hell: 'Forsake all hope.'

They did not even attempt to cover 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 up 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 daybreak was dissipated in a feast of corpses, in a drunken orgy of blood.

Chronicles of our history, down through four and a half centuries, tell us of many acts of cruelty: the slaughter of defenseless Indians by the Spaniards; the plundering and atrocities of pirates along the coast; the barbarities of the Spanish soldiers during our 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 through the bloody crimes of March, 1935. But never has such a sad and bloody page been written in numbers of victims and in the viciousness of the victimizers, as in Santiago de Cuba. Only one man in all these centuries has stained with blood two separate periods of our history and has dug his claws into the flesh of two generations of Cubans. To release this river of blood, he waited for the Centennial 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 condemnable because the man who perpetrated it had already, for eleven long years, lorded over his people - this people who, by such deep-rooted sentiment and tradition, loves freedom and repudiates evil. This man has furthermore never been sincere, loyal, honest or chivalrous for a single minute of his public life.

He was not content with the treachery of January, 1934, 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 all the millions that only time will reveal. Dante divided his Inferno into nine circles. He put criminals in the seventh, thieves in the eighth and traitors in the ninth. Difficult dilemma the devils will be faced with, when they try to find an adequate spot for this man's soul - if this man has a soul. The man who instigated the atrocious acts in Santiago de Cuba doesn't even have a heart.

I know many details of the way in which these crimes were carried out, from the lips of some of the soldiers who, filled with shame, told me of the scenes they had witnessed.

When the fighting was over, the soldiers descended like savage beasts on Santiago de Cuba and they took the first fury of their frustrations out against the defenseless population. In the middle

of a street, and far from the site of the fighting, they shot through the chest an innocent child who was playing by his doorstep. When the father approached to pick him up, they shot him through his head. 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. And if the Army dealt thus with those who had had no part at all in the action, you can imagine the terrible fate of the prisoners who had taken part or who 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 no involvement whatsoever. The latter are not included in the statistics of victims released by the regime; 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 smock of a physician. He was a generous and competent man who would have given the same devoted care to the wounded adversary as to a friend. On the road from the Civilian Hospital to the barracks they shot him in the back and left him lying there, face down in a pool of blood. But the mass murder 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 he had attended with Batista, along with the head of the Army, the head of the Military Intelligence, and others. He said: 'It is humiliating and dishonorable for the Army to have lost three times as many men in combat 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 Cubans 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 the Republic gave them to defend her, serve the interests of a clique and murder her best citizens.

Throughout their torturing of our comrades, the Army offered them the chance to save their lives by betraying their ideology and falsely declaring that Prio had given them money. When they indignantly rejected that proposition, the Army continued with its horrible tortures. They crushed their testicles and they tore out their eyes. But no one yielded. No complaint was heard nor a favor asked. Even when they had been deprived of their vital organs, our men were still a thousand times more men than all their tormentors together. Photographs, which do not lie, show the bodies torn to pieces. Other methods were used. Frustrated by the valor of the men, they tried to break the spirit of our women. With a bleeding eye in their 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 tell us what he refused to say, 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 speak, much less will I.' Later they came back and burned their arms with lit cigarettes until at last, filled with spite, they told the young Haydée Santamaría: 'You no longer have a fiancé because we have killed him too.' But still imperturbable, she answered: 'He is not dead, because to die for

one's country is to live forever.' Never had the heroism and the dignity of Cuban womanhood reached such heights.

There wasn't even any respect for the combat wounded in the various city hospitals. There they were hunted down as prey pursued by vultures. 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 no longer stand, they were dragged down to the first floor 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 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 owe their lives to Captain Tamayo, an Army doctor and true soldier of honor who, pistol in hand, wrenched them out of the hands of their merciless captors and transferred them to the Civilian Hospital. These five young men were the only ones of our wounded who survived.

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 the torture - and were murdered in isolated spots. They are recorded as having died in combat against the Army. This went on for several days, and 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 slashed the face of one of his assassins with his pick. Others were even buried alive, their hands tied behind their backs. Many solitary spots became 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 honor the memory of the Martyrs of the Centennial.

The last youth they murdered in the surroundings of Santiago de Cuba was Marcos Martí. He was captured with our comrade Ciro Redondo in a cave at Siboney on the morning of Thursday the 30th. These two men were led down the road, with their arms raised, and the soldiers shot Marcos Martí in the back. After he had fallen to the ground, they 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 heard this incident from Redondo himself, the young man who survived thanks to what Pérez Chaumont called 'the soldiers' stupidity.'

It was the same throughout the province. Ten days after July 26th, a newspaper in 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: There were three victims - they had been dragged from Manzanillo Barracks at two that morning. At a certain spot on the highway they were taken out, beaten unconscious, and strangled with a rope. But after they had been left for dead, one of them, Andrés García, regained consciousness and hid in a farmer's house. Thanks to this the Court

learned the details of this crime too. Of all our men taken prisoner in the Bayamo area, this is the only survivor.

Near the Cauto River, in a spot known as Barrancas, at the bottom of a pit, 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 Alta Cedro where the murdered men were captured. In the annals of crime, Sergeant Eulalio Gonzáles - better known as the 'Tiger' of Moncada Barracks - deserves a special place. Later this man didn't have the slightest qualms in bragging about his unspeakable deeds. It was he who with his own hands murdered our comrade Abel Santamaría. But that didn't satisfy him. One day as he was coming back from the Puerto Boniato Prison, where he raises pedigree fighting cocks in the back courtyard, he got on a bus on which Abel's mother was also traveling. When this monster realized who she was he began to brag about his grisly deeds, and - in a loud voice so that the woman dressed in mourning could hear him - he said: 'Yes, I have gouged many eyes out and I expect to continue gouging them out.' The unprecedented moral degradation our nation is suffering is expressed beyond the power of words in that mother's sobs of grief before the cowardly insolence of the very man who murdered her son. When these mothers went to Moncada Barracks to ask about their sons, it was with incredible cynicism and sadism that they were told: 'Surely madam, you may see him at the Santa Ifigenia Hotel where we have put him up for you.' Either Cuba is not Cuba, or the men responsible for these acts will have to face their reckoning one day. Heartless men, they threw crude insults at the people who bared their heads in reverence as the corpses of the revolutionaries were carried by.

There were so many victims that the government still has not dared make public the complete list. They know their figures are false. They have all the victims' names, because prior to every murder they recorded all the vital statistics. The whole long process of identification through the National Identification Bureau was a huge farce, and there are families still waiting for word of their sons' fate. Why has this not been cleared up, after three months?

I wish to state for the record here that all the victims' pockets were picked to the very last penny and that all their personal effects, rings and watches, were stripped from their bodies and are brazenly being worn today by their assassins.

Honorable Judges, a great deal of what I have just related you already know, 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 want to point out that the nurses of the Civilian Hospital are absent, even though they work in the same place where this hearing is being held. They were kept from this Court so that, under my questioning, they would not be able to testify that - besides Dr. Mario Muñoz - twenty more of our men were captured alive. The regime fears that from the questioning of these witnesses some extremely dangerous testimony could find its way into the official transcript.

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 the Courthouse 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 such skirmishes had never taken place, I asked him how many of our men had been wounded. He answered: 'None. All of them were 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. Then I asked him how many casualties the Army had sustained. He replied that two of his men had been wounded. Finally I asked him if either of these men 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 defenseless young men has built a palatial home in Ciudadamar Beach. It's worth more than 100,000 pesos - his savings after only a few months under Batista's new rule. And if this is the savings of a Major, imagine how much generals have saved!

Honorable Judges: Where are our men who were captured July 26th, 27th, 28th and 29th? It is known that more than sixty men were captured in the area of Santiago de Cuba. Only three of them and the two women have been brought before the Court. The rest of the accused were seized later. Where are our wounded? Only five of them are alive; the rest were murdered. These figures are irrefutable. On the other hand, twenty of the soldiers who we held prisoner have been presented here and they themselves have declared that they received not even one offensive word from us. Thirty soldiers who were wounded, many in the street fighting, also appeared before you. Not one was killed by us. If the Army suffered losses of nineteen dead and thirty wounded, how is it possible that we should have had eighty dead and only five wounded? Who ever witnessed a battle with 21 dead and no wounded, like these famous battles described by Pérez Chaumont?

We have here the casualty lists from the bitter fighting sustained by the invasion troops in the war of 1895, both in battles where the Cuban army was defeated and where it was victorious. The battle of Los Indios in Las Villas: 12 wounded, none dead. The battle of Mal Tiempo: 4 dead, 23 wounded. Calimete: 16 dead, 64 wounded. La Palma: 39 dead, 88 wounded. Cacarajícara: 5 dead, 13 wounded. Descanso: 4 dead, 45 wounded. San Gabriel de Lombillo: 2 dead, 18 wounded ... In all these battles the number of wounded is twice, three times and up to ten times the number of dead, although in those days there were no modern medical techniques by which the percentage of deaths could be reduced. How then, now, 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 shameful and a dishonor to the Army to have lost three times as many men in combat as those lost by the insurgents; we must kill ten prisoners for each dead soldier.' This is the concept of honor held by the petty corporals who became generals on March 10th. This is the code of honor they wish to impose on the national Army. A false honor, a feigned honor, an apparent honor based on lies, hypocrisy and crime; a mask of honor molded by those assassins with blood. Who told them that to die fighting is dishonorable? Who told them the honor of an army consists of murdering the wounded and prisoners of war?

In war time, armies that murder prisoners have always earned the contempt and abomination of the entire world. Such cowardice has no justification, even in a case where national territory is invaded by foreign troops. In the words of a South American liberator: 'Not even the strictest military obedience may turn a soldier's sword into that of an executioner.' The honorable 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 did that Spanish captain who, upon hearing the shots of the firing squad that murdered Cuban students, indignantly broke his sword in two and refused to continue serving in that Army.

The soldiers who murdered their 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 hand-to-hand combat, or that sergeant who, defying death, rang the alarm to mobilize the barracks. Some of them live. I am glad. Others are dead. They believed they were doing their duty and in my eyes 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 children of those courageous soldiers who perished fighting against us. They are not to blame for Cuba's miseries. They too are victims of this nefarious situation.

But what honor was earned by the soldiers who died in battle was lost by the generals who ordered prisoners to be killed after they surrendered. Men who became generals overnight, without ever having fired 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 didn't even participate: these are the generals of the 10th of March - generals who would not even have been fit to drive the mules that carried the equipment in Antonio Maceo's army.

The Army suffered three times as many casualties as we did. That was because our men were expertly trained, as the Army men themselves have admitted; and also because we had prepared adequate tactical measures, another fact recognized by the Army. The Army did not perform brilliantly; despite the millions spent on espionage by the Military Intelligence Agency, they were totally taken by surprise, and their hand grenades failed to explode because they were obsolete. And the Army owes all this to generals like Martín Díaz Tamayo and colonels like Ugalde Carrillo and Albert del Río Chaviano. We were not 17 traitors infiltrated into the ranks of the Army, as was the case on March 10th. Instead, we were 165 men who had traveled the length and breadth of Cuba to look death boldly in the face. If the Army leaders had a notion of real military honor they would have resigned their commands rather than trying to wash away their shame and incompetence in the blood of their prisoners.

To kill helpless prisoners and then declare that they died in battle: that is the military capacity of the generals of March 10th. That was the way the worst butchers of Valeriano Weyler behaved in the cruelest years of our War of Independence. The Chronicles of War include the following story: '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 in those parts 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, and a company of troops from the Public Order Corps, who were led by Captain Calvo, Pizarro's squad of 50 men marched on Guatao ... As soon as their first forces entered the village they commenced their massacre - killing twelve of the peaceful inhabitants ... The troops led by Captain Calvo speedily rounded up all the civilians that were running about the village, tied them up and took them as prisoners of war to Havana ... Not yet satisfied with their outrages, on 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 principles, 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. "Small column organized by commander Marianao with forces from garrison, volunteers and firemen led by Captain Calvo, fought and destroyed bands of Villanueva and Baldomero Acosta near Punta Brava, killing twenty of theirs, who were handed over to Mayor of Guatao for burial, and taking fifteen prisoners, one of them wounded, we assume there are many wounded among them. One of ours suffered critical wounds, some suffered light bruises and wounds. Weyler.'"

What is the difference between Weyler's dispatch and that of Colonel Chaviano detailing the victories of Major Pérez Chaumont? Only that Weyler mentions one wounded soldier in his ranks. Chaviano mentions two. Weyler speaks of one wounded man and fifteen prisoners in the enemy's 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 drench their hands in 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 honorable today to wear a dishrag than to wear an Army uniform.

For my dead comrades, 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.

What is more, my comrades are neither dead nor forgotten; they live today, more than ever, and their murderers will view with dismay the victorious spirit of their ideas rise from their corpses. Let the Apostle speak for me: 'There is a limit to the tears we can shed at the graveside of the dead. Such limit is the infinite love for the homeland and its glory, a love that never falters, loses hope nor grows dim. For the graves of the martyrs are the highest 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 in reason, in social morality or in terms of true justice.

I wish to be duly respectful to the Honorable Judges, and I am grateful that you find in the frankness of my plea no animosity towards you. My argument is meant simply to demonstrate what a false and erroneous position the Judicial Power has adopted in the present situation. To a certain extent, each Court is nothing more than a cog in the wheel of the system, and therefore must move along the course determined by the vehicle, although this by no means justifies any individual acting against his principles. I know very well that the oligarchy bears most of the blame. The oligarchy, without dignified protest, abjectly yielded to the dictates of the usurper and betrayed their country by renouncing the autonomy of the Judicial Power. Men who constitute noble exceptions have attempted to mend the system's mangled honor 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. This fatalism, however, will not stop me from speaking the truth that supports my cause. My appearance before this Court may be a pure farce in order to give a semblance of legality to arbitrary decisions, but I am determined to wrench apart 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 said, be the most important trial since we achieved our national sovereignty, what I say here will perhaps be lost in the silence which the dictatorship has tried to impose on me, but posterity will 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 scrutiny in the future. What I say here will be then 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 this world a people that utterly abhors favoritism 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.

Let me tell you a story: Once upon a time there was a Republic. It had its Constitution, its laws, its freedoms, 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 would do so. Public opinion was 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 pulsed with enthusiasm. This people 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 real horror. This country innocently believed that such a past could not return; the people were proud of their love of freedom 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 wanted a change for the better, aspired to progress; and they saw all this at hand. All their hope was in the future.

Poor country! One morning the citizens woke up dismayed; under the cover of night, while the people slept, the ghosts of the past had conspired and had seized the citizenry by its hands, its feet, and its neck. 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 that people, 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, searched through a Social Defense Code 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 an act directed to promote an armed uprising against the Constitutional Powers 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 House of Representatives, the President, or the Supreme Court from exercising their constitutional functions will incur a sentence of from six to ten years imprisonment.

'Whosoever shall attempt to impede or tamper with the normal course of general elections, will incur a sentence of from four to eight years imprisonment.

'Whosoever shall introduce, publish, propagate or try to enforce in Cuba instructions, orders or decrees that tend ... to promote the unobservance of laws in force, will incur a sentence of from two to six 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 of 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 city building, that old building which housed the Court competent and 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 108 years in prison as decreed by the Social Defense Code; considering also aggravating circumstances of secondary offense treachery, and acting under cover of night.

Days and months passed. What a disappointment! The accused remained unmolested: he strode up and down the country like a great lord and was called Honorable Sir and General: he removed and replaced judges at will. The very day the Courts opened, the criminal occupied the seat of honor 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, had tortured, murdered, imprisoned and prosecuted those who had taken up the struggle to defend the law and to restore freedom to the people.

Honorable Judges: I am that humble citizen who one day demanded in vain that the Courts punish the power-hungry men who had violated the law and torn our institutions to shreds. Now that it is I who am accused for attempting to overthrow this illegal regime and to restore the legitimate Constitution of the Republic, I am held incommunicado for 76 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 26 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 March 10th 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, 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 has increased political skullduggery five-fold, pillage ten-fold, and 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 agreed to divorce settlements to the tune of eighteen million pesos, that he was a frequent guest in the most lavishly expensive hotels for Yankee tycoons. But no one would ever think of Barriguilla as a revolutionary. Barriguilla is that sergeant of Weyler's who assassinated twelve Cubans in 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 last analysis 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 in Cuban politics. So went the 'revolution' of Barriguilla!

Lacking even the most elementary revolutionary content, Batista's regime represents in every respect a 20 year regression for Cuba. Batista's regime 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 commotion, ineptitude 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 program 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 of ideals and of principles, and utterly lacking the faith, confidence and support of the masses. His regime merely brought with it a change of hands and a redistribution of the loot among a new group of friends, relatives, accomplices and parasitic hangers-on that constitute the political retinue of the Dictator. What great shame the people have been forced to endure so that a small group of egoists, 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, castor oil and the law of the fugitive! Immediately after March 10th, Cubans again began to witness acts of veritable vandalism which they had thought banished forever from their nation. There was an unprecedented attack on a cultural institution: a radio station was stormed by the thugs of the SIM, together with the young hoodlums of the

PAU, while broadcasting the 'University of the Air' program. And there was the case of the journalist Mario Kuchilán, dragged from his home in the middle of the night and bestially tortured until he was nearly unconscious. There was the murder of the student Rubén Batista and the criminal volleys fired at a peaceful student demonstration next to the wall where Spanish volunteers shot the medical students in 1871. And many cases such as that of Dr. García Bárcena, where right in the courtrooms men have coughed up blood because of the barbaric tortures practiced 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 July 26th. Since then, as everyone knows, even Cardinal Arteaga himself was not spared such treatment. Everybody knows he was a victim of repressive agents. According to the official story, he fell prey to a 'band of thieves'. For once the regime told the truth. For what else is this regime? ...

People have just contemplated with horror the case of the journalist who was kidnapped and subjected to torture by fire for twenty days. Each new case brings forth evidence of unheard-of effrontery, of immense hypocrisy: the cowardice of those who shirk responsibility and invariably blame the enemies of the regime. Governmental tactics enviable only by the worst gangster mobs. Even the Nazi criminals were never so cowardly. Hitler assumed responsibility for the massacres of June 30, 1934, stating that for 24 hours he himself 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 loathsomely put the blame on the adversaries of the regime. Typical tactics of Sergeant Barriguilla!

Not once in all the cases I have mentioned, Honorable Judges, have the agents responsible for these crimes been brought to Court to be tried for them. How is this? Was this not to be the regime of public order, peace and respect for human life?

I have related all this in order to ask you now: Can this state of affairs be called a revolution, capable of formulating law and establishing rights? Is it or is it not legitimate to struggle against this regime? And must there not be a high degree of corruption in the courts of law when these courts imprison citizens who try to rid the country of so much infamy?

Cuba is suffering from a cruel and base despotism. You are well aware that resistance to despots is legitimate. This is a universally recognized principle and our 1940 Constitution 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 of the existence of a democratic collectivity. Professor Infiesta, in his book on Constitutional Law, differentiates between the political and legal constitutions, and states: 'Sometimes the Legal 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 or representation in our democracies.' The right of insurrection in the face of tyranny is one such principle, and whether or not it be included in the Legal 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 general law. Duguit has said in his Treatise 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. If the court is courageous and does its duty, then yes, it will dare.

Recently there has been a loud controversy concerning the 1940 Constitution. The Court of Social and Constitutional Rights ruled against it in favor of the so-called Statutes. Nevertheless, Honorable Judges, 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 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, and the supplementary Act of May 31, 1949. These laws, in virtue of which the Court was created, granted it, insofar as problems of unconstitutionality are concerned, a specific and clearly defined area of legal competence: to rule in all matters of appeals claiming the unconstitutionality of laws, legal decrees, resolutions, or acts that deny, 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 the obligation to find solutions to conflicts between the Constitution and the existing laws in accordance with the principle that the former shall always prevail over the latter.' Therefore, according to the laws that created it, the Court of Social and Constitutional Rights should always rule in favor 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 itself is absurd, and absurdities have no validity in law nor in fact, not even from a metaphysical point of view. No matter how venerable a court may be, it cannot assert that circles are square or, what amounts to the same thing, that the grotesque offspring of the April 4th Statutes should be considered the official Constitution of a State.

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 its government agencies, and determine the limits of their activities. It must be stable, enduring and, to a certain extent, inflexible. The Statutes fulfill none of these qualifications. To begin with, they harbor a monstrous, shameless, and brazen contradiction in regard to the most vital aspect of all: 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 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. And who chooses the Cabinet? Article 120, section 13: 'The President will be authorized to nominate and reappoint the members of the Cabinet and to replace them when occasion arises.' So, after all, who nominates whom? Is this not the classical old problem of the chicken and the egg that no one has ever been able to solve?

One day eighteen hoodlums got together. Their plan was to assault the Republic and loot its 350 million pesos annual budget. Behind peoples' backs and with great treachery, they succeeded in their purpose. 'Now what do we do next?' they wondered. One of them said to the rest: 'You name me Prime Minister, and I'll make you generals.' When this was done, he rounded up a group of 20 men and told them: 'I will make you my Cabinet if you make me President.' In this way they named each other generals, ministers and president, and then took over the treasury and the Republic.

What is more, it was not simply a matter of usurping sovereignty at a given moment 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 - control, in fact, 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.

The Statutes contain an article which has not received much attention, but which gives us 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.' This is where mockery reaches its climax. Not only did they exercise sovereignty in order to impose a Constitution upon a people without that 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 Land. And they have already changed it several times since March 10th. 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 to be born in this land. Was this then accepted by the Court of Social and Constitutional Rights? And is all that derives from it valid and legal? Very well, you shall see what was accepted: 'This constitutional law is open to reform by the Cabinet with a two-thirds quorum vote.' Such a power recognizes no limits. Under its aegis, any article, any chapter, any section, 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 neighboring keys ...' 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 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 humiliating our present situation is. To think that all these absolute powers are in the hands of men truly capable of selling our country along with all its citizens!

As the Court of Social and Constitutional Rights has accepted this state of affairs, what more are they waiting for? They may as well hang up their judicial robes. It is a fundamental principle of general law that there can be no constitutional status where the constitutional and 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 a moment of time - then I ask you: why do we need a Court of Social and Constitutional Rights? The ruling in favor of this Statute is irrational, inconceivable, illogical and totally contrary to the Republican laws that you, Honorable Judges, swore to uphold. When the Court of Social and Constitutional Rights supported Batista's Statutes against the Constitution, the Supreme Law of the Land was not abolished but rather the Court of Social and Constitutional Rights placed itself outside the Constitution, renounced its autonomy and committed legal suicide. May it rest in peace!

The right to rebel, 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 to the Constitution what a lifeboat is to a ship at sea. The lifeboat is only launched when the ship has been torpedoed by enemies laying wait along its course. With our Constitution betrayed and the people deprived of all their prerogatives, there was only one way open: 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 Defense Code which the Honorable Prosecutor would have done well not to forget. It reads, and I quote: 'The appointed or elected government authorities that fail to resist sedition with all available means will be liable to a sentence of interdiction of from six to eight years.' The judges of our nation were under the obligation to resist Batista's treacherous military coup of the 10th of March. It is understandable that when no one 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 prison.

You will not be able to deny that the regime forced upon the nation is unworthy of Cuba's history. In his book, *The Spirit of Laws*, which is the foundation of the modern division of governmental power, Montesquieu makes a distinction between three types of government according to their basic nature: '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 with fixed and well-defined laws; and the Despotic form where one man without regard for laws nor rules acts as he pleases, regarding only his own will or whim.' And then 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 democracy, and honor to a monarchy, fear is of the essence to a despotic regime, where virtue is not needed and honor would be dangerous.'

The right of rebellion against tyranny, Honorable Judges, 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 hold 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 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 that violates the laws, its subjects are released from their obligations to obey. His disciple, Philippe Melancton, upholds the right of resistance when governments become despotic. Calvin, the 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 Philip 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 government when the latter violates that pact.

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

The Scottish reformers John Knox and John Poynt upheld the same points of view. And, in the most important book of that movement, George Buchanan stated that if a government achieved power without taking into account the consent of the people, or if a government rules their destiny in an unjust or 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 17th century, stated in his *Treatise on Politics* that sovereignty as the supreme authority of the State is born from the voluntary concurrence 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 resistance or rebellion.

Thus far, Honorable Judges, I have mentioned examples from antiquity, from the Middle Ages, and from the beginnings of our times. I selected these examples from writers of all creeds. What is more, you can see that the right to rebellion is at the very root of Cuba's existence as a nation. By virtue of it you are today able to appear in the robes of Cuban Judges. Would it be that those garments really served the cause of justice!

It is well known that in England during the 17th century two kings, Charles I and James II, were dethroned for despotism. These actions coincided with the birth of liberal political philosophy and provided the ideological base 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 English Revolution of 1688, the American Revolution of 1775 and the French Revolution of 1789. These great revolutionary 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 to 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 fully enforcing those rights.

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

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

Jean-Jaques Rousseau said with great eloquence in his Social Contract: '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 has been taken away from it.' 'The strongest man is never strong enough to be master forever, unless he converts 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; at the very least, it is an act of prudence. In what sense should this be called 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 morality of conduct. In short, it is vain and contradictory to stipulate on the one hand an absolute authority and on the other an unlimited obedience ...'

Thomas Paine said that 'one just man deserves more respect than a rogue with a crown.'

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 inalienable 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 a 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 Honorable Prosecutor called forth to ask that I be condemned to 26 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 rob them heartlessly. Therefore I have been able to call forth many reasons and he could not adduce even one. 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 around it? How can 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 one argument more powerful than all the others. We are Cubans and to be Cuban implies a duty; not to fulfill 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 freedom, 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 once said 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, the Apostle wrote in his book *The Golden Age*: 'The man who abides by unjust laws and permits any man to trample and mistreat the country in which he was born is not an honorable man ... In the world there must be a certain degree of honor just as there must be a certain amount of light. When there are many men without honor, there are always others who bear in themselves the honor 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 honor itself. In those men thousands more are contained, an entire people

is contained, human dignity is contained ...' We were taught that the 10th of October and the 24th of February are glorious anniversaries of national rejoicing because they mark days on 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 forever!' All this we learned and will never forget, even though today in our land there is murder and prison for the men who practice 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 first sink into the sea before we consent to be the slaves of anyone.

It seemed that the Apostle would die during his Centennial. It seemed that his memory would be extinguished forever. So great was the affront! But he is alive; he 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 young men 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 nation. Cuba, what would have become of you had you let your Apostle die?

I come to the close of my defense 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 already suffering in the ignominious prison of the Isle of Pines. 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, Honorable Judges, 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 Chief Judge 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 the Court of Appeals: the indictments arising from the murders of seventy men, that is to say, the greatest massacre we have ever known. The guilty continue at liberty and with weapons in their hands - weapons which continually threaten the lives of all 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 judges do not resign, I pity your honor. And I regret the unprecedented shame that will fall upon the Judicial Power.

I know that imprisonment will be harder for me than it has ever been for anyone, filled with cowardly threats and hideous cruelty. But I do not fear prison, as I do not fear the fury of the miserable tyrant who took the lives of 70 of my comrades. Condemn me. It does not matter. History will absolve me.