

INSTITUTE OF CURRENT WORLD AFFAIRS

FJM 45: REPORT FROM A CUBAN PRISON XV

New York
August, 1973

Black Marketeers and Loafers

Manuel, the judge, called the next case:

"Alfonso Oreste Mendoza and Eustacia Mendoza, please step forward. Eustacia Mendoza is accused by the Ministry of Interior of having in her possession three large cartons of shoes, cigarettes and soap, all stolen from the people's factories where her son, Alfonso Oreste has, until recently, been employed. She is also accused of selling these items on the Black Market. How do you plead, Eustacia?"

Eustacia pleads "Not guilty" as does her son, Alfonso. They also refuse their right to counsel. The boxes are brought in as evidence, three of them brimming with cigarettes, soap and shoes. The crowd murmurs. The defendants look worried and then Manuel requests that the police official in charge of the arrest step forward and explain how he came into possession of the boxes. The officer relates how the two, mother and son, have operated on the black market for over a year. The boxes were found in the trunk of the family car. Another murmur from the crowd. . . .

In my experience, Cuba's Black Market is nothing compared to those which operate in the Soviet Union or Eastern Europe. In Havana I was never approached to trade shirts, exchange gum and dollars for pesos, as I was in Moscow. Even in front of Lenin's tomb, in Red Square, one is likely to be asked to do a deal, for anything from caviar to pencils.

More common in Cuba is a kind of amateur bartering where rations are exchanged between neighbors. My friends, Hebert and Faye, used to trade their cigarettes (they didn't smoke) for extra fish with the old couple living next to them. Hard core black marketing is something else.

It exists, no doubt, as the case of Alfonso and his mother, Eustacia, demonstrates. Occasionally there are even articles in the Cuban press publicizing the apprehension of criminals engaged in large scale operations, much bigger than the case that I saw. In Pinar del Rio, for example, MININT reported a 76-member ring of private entrepreneurs who "trafficked in illegal tobacco, clothing and industrial goods."

Among the items seized: "612 meters of material, 5 alarm clocks, 62 pieces of women's underwear, 41 water glasses, 35 toothbrushes, 13 baby shorts, and 158 pairs of shoes." Another well publicized case involved the National Director of Distribution for the Ministry of Domestic Commerce (MINCIN). He was sentenced to five years for falsifying records and reselling goods on the black market. I also learned that another good source for merchandise on the black market is channeled through eastern European diplomats who, while resident in Cuba, retail consumer goods they have access to in the diplomatic stores. A professor at the University of Havana explained that he knew of many instances of Czechoslovakian diplomats selling goods. Pointing to his shoes, he explained that a good pair of leather shoes from Czechoslovakia can be bought for 120 pesos. "It makes me sick," he said. "I work hard for a week for that and here we have some diplomat from a socialist state corrupting the system. It's a disgrace!"

Eustacia and Alfonso told their story. They have not been trading on the black market but have collected the goods over a period of years. Manuel and Jonas asked a few questions; then the people in the street offer their comments.

A white-haired man sitting on the edge of the first row stands: "Obviously these criminals are guilty of stealing from the people. Such actions are inexcusable and require the maximum sentence."

A man dressed in a brown coat who attends these sessions regularly addresses the assembly: "We have established that the goods were in the possession of the defendants. And we know that they were stolen from a factory. But no one has proven that these goods were being sold on the black market. No witness to that effect has come forward. Why is that?"

Manuel interjects: "There is no evidence that they have sold the goods on the black market. You are right. All that the Police have proof of is that the goods were stolen and were hoarded by the defendants."

A woman shouts from the crowd: "They should still receive the maximum! As a mother, however, I would like to know if the defendant has other children. Are they growing up in this kind of anti-social atmosphere? And if the defendants are given the maximum sentence, what will happen to them?"

After further questioning the court reaches a verdict. Both defendants are found guilty of stealing. Alfonso, the son, is given sixty days assigned to Lenin Park where he

is obliged to plant trees. Eustacia is given a 30¹ day suspended sentence. Each is put on probation for two years.¹

As usual, Manuel then took a few moments for some closing remarks. "Alfonso, according to your statements you told this court that you had 'collected' the goods found in the trunk of your car. You know that was a lie. Because you have lied you have received an even stiffer sentence than you would have otherwise. You are a young man and it is really painful for us to have to bring you here before all these people-- your friends and neighbors--to confront you with your guilt. Better for you, had you admitted your culpability and accepted the punishment. Now you have lied as well. This is not the Revolutionary thing to do. Aren't you ashamed? I hope in the future, your youth and conscience and understanding of the Revolution will help you to change so that you can become the useful citizen we expect you to be."

Most of the children are asleep, sprawled out on benches or on their parents' laps. The last case is called, a black youth accused of violating the anti-loafing law.²

¹In this case, I thought the judges very lenient, as the maximum sentence could have been six months' confinement. I found this to be standard procedure. Rarely is a defendant ever given the stiffest sentence in a People's Court. In fact, I never heard any judge impose the maximum penalty.

²Enacted in March, 1971, this law, number 1231, makes it a social duty to work: "Work is a right guaranteed by the Revolution. The Revolutionary Government will see to it that all able bodied citizens are able to obtain a job in keeping with their abilities. In turn, all citizens who are physically and mentally fit have the social duty of contributing to the community with their work," (Article I). "All men from 17 through 60 and all women from 17 through 55 are presumably physically and mentally fit to work," (Article II). "All men included in Article II are considered to be in the pre-criminal state of loafing who are: (a) able to work and not enrolled in the National Educational System, or not connected with any work center without just cause; (b) Connected with a work center, and have abandoned the said work center. For purposes of this law, those absent for more than fifteen working days without due justification are considered to have abandoned their work; (c) Connected with a work center, and have been punished by the Labor Council at least three times for unjustified absences and repeat the offense," (Article III).

The penalties for not working call for the guilty to be assigned to a work center under the supervision of the worker. If the loafer refuses he or she may be imprisoned for a period from twelve to twenty-four months. (As a result of enacting such a law, the Revolutionary Government reports that 90,000 new workers joined the Labor Force in 1972.)

DE LA LEY Y DE LOS

EL TRABAJO ES UN DERECHO CONSAGRADO POR LA LEY Y MENTALMENTE. PARA CADA APTITUD HAY UN TRABAJO. EL ESTADO PRE-DELICTIVO

- ★ hombres de 17 a 60 años aptos para el trabajo que ni estudian ni trabajan
- ★ los que son desertores de su puesto por 15 días laborables
- ★ los que tienen 3 sanciones del consejo de trabajo por ausencias injustificadas

ATENUANTES

1. Edad del acusado
2. Responsabilidad o carga familiar a su abrigo
3. Antecedentes positivos en su comportamiento laboral y social
4. Situación de índole familiar o personal que haya influido en su desvinculación del trabajo
5. La presentación voluntaria del que se encuentre desvinculado del trabajo o del que lo hubiere abandonado
6. Cualesquiera otras de suficiente significación social y humana que se consideren procedentes

AGRAVANTES

1. Los antecedentes negativos en su conducta
2. El tiempo transcurrido sin trabajar
3. Los medios indebidos que haya utilizado
4. El haber utilizado algún subterfugio para reincorporarse al trabajo
5. Cualesquiera otras morales o socialmente reprobables

MEDIDAS DE

CUANDO NO EXISTAN AGRAVANTES

- ★ ubicación en un centro de trabajo
- ★ o reclusión domiciliaria con la obligación de trabajar, ambos casos bajo la vigilancia obrera y las organizaciones de masas

DE LA DENUNCIA

ADMINISTRACION } C.A.R.J.L.

CUANDO EXISTEN

- ★ internamiento por no más de 15 días o fuera del país

DE LA INTEGRACION DE LOS ORGANOS

CONSEJO DE APELACION REGIONAL:
(C.A.R.J.L.)

- Dos funcionarios del MinTrab
- Un representante de la CTC

CONSEJO DE REVISION NACIONAL:

- Un Presidente } designados por el
- Un Secretario } Ministro del Trabajo

Un representante de la CTC

FUNCIONAN:

C.A.R.J.L.

Estados Pre-delictivos de los aptos para el trabajo, desertores del Centro Laboral y culpables de Delito de Vagancia

CONSEJOS DE TRABAJO

Ausentismo y Violación de las Medidas de Seguridad impuestas a los infractores que laboren en un centro de trabajo.

APELACION
(dentro de los 3 días)

CONSEJO DE REVISION
(Dicta medidas)

PROPONEN A LA
ASAMBLEA GENERAL
DE TRABAJADORES
DE SU CENTRO
LABORAL

RATIFICA, RECHAZA
O MODIFICA

ESTA ES LA PALABRA DE

QUE NO TRABAJAN

EVOLUCION PARA TODO EL QUE ESTE APTO FISICA
AJO, PORQUE TRABAJAR ES UN DEBER SOCIAL DEL
LA COMUNIDAD

DE LA DENUNCIA

CUALQUIER PERSONA U ORGANIZACION DE MASAS } UNIDAD DE ORDEN PUBLICO

ANTES

ambiente laboral y social
el acusado para su subsistencia
evadir el cumplimiento de esta Ley
condenables que se consideren proce-

EXIMENTES

1. Se apreciará como circunstancia eximente la incapacidad física o mental. En tales casos la persona implicada será examinada por la Comisión Médica que se señale al efecto, la cual dictaminará sobre su capacidad laboral

SEGURIDAD

QUE SE QUEBRANTAN AGRAVANTES

en establecimientos de reeducación
un año, realizando trabajo dentro
del centro, según el caso.

DE LA DENUNCIA

DIRECCION DEL CENTRO } C.A.R.J.L.

SI SE QUEBRANTAN LAS MEDIDAS O SE REINCIDE SE INCURRE EN DELITO DE VAGANCIA

y podrán aplicarse:
de 12 a 24 meses de privación de libertad, realizando
tareas productivas trabajando dentro o fuera del centro

DE LA SUSPENSION CONDICIONAL DE LA SANCION O MEDIDA DE SEGURIDAD

Art. 23- Al dictarse la medida de seguridad se podrá suspender la ejecución de la misma, condicionándola a la futura conducta del infractor.

Art. 24- Los Consejos Regionales de Apelación podrán suspender la ejecución de la parte no cumplida de la sanción o medida de seguridad.

SIN APELACION

TRABAJADORES URBANOS POR CUENTA PROPIA Y RURALES NO PROPIETARIOS

El Ministerio del Trabajo, en coordinación con el Poder Local y otros organismos interesados, determinará las actividades laborales que podrán ejercerse por cuenta propia sin incurrir en la infracción de lo dispuesto en esta Ley, teniendo en cuenta, tanto la necesidad social de esas actividades, como las circunstancias personales de los que las ejercitan.

El Ministerio del Trabajo en coordinación con la ANAP y el INRA regulará la situación laboral de los trabajadores rurales no propietarios del sector privado.

CONSEJO DE TRABAJO (Dicta medidas) } APELACION (dentro de los 3 días) } C.A.R.J.L. (Dicta medidas) = SIN APELACION

DE LAS MASAS

Manuel asks the defendant, Jorge, if he has registered with the Ministry of Labor (MINTRAB) and received a work card. The man replies that he has but that he has not been able to find a job. How hard had he looked? Not very hard, admitted the boy.

"Well, you seem to be in a pre-criminal state right now," said Manuel. "You have not refused to work, nor from your age do I presume you have a record of avoiding work. I, therefore, recommend that you report to MINTRAB again and ask them to find you a job. I don't think you will be a habitual loafer, a parasite who lives off the rest who are working. After all, you know that we have recovered our national resources and broken the semi-colonial structure that existed before the Revolution. We have abolished exploitation of man by man, and started constructing socialism. Now there is no unemployment, no more 'dead season,' no more prostitution, begging or other dehumanized means of subsisting. That was the past, and it was contradictory to human dignity. Now every citizen is guaranteed not only the right to work and education, but also medical care, retirement and personal financial security; even family security is guaranteed in the event of accident, sickness or death. As a result, in this new society we are building, work is not just a right, it's a duty as well.

"In contrast to the upright attitude of most of our workers, there are some--not necessarily for any evil attitude, but out of laziness--who are intent on living as parasites, who won't work and who exhibit an anti-social behavior that is a destructive example for the new generations. This kind of attitude manifests itself in various ways, ranging from those who have no work connections at all to those who disguise their lazy ways with occasional work, quitting job after job or by being repeatedly absent from their work center. This Court must condemn all such manifestations of vagrancy and loafing in the name of the Revolution. These are crimes, similar to robbery. For the loafer eats, receives medical care, education and access to all other goods produced with the efforts of his fellow workers. If the loafer does not want to work he is in effect stealing from the people. This is a just law, approved by the workers themselves. I am certain, Jorge, that you will not be required to return here for any kind of discipline. You are free to go."

After adjournment, I wandered over to the corner store that served as Manuel's chambers and watched as he dealt with a few of his neighbors' minor complaints. The judge. He reminded me of a fine old trial lawyer who loved people, and who always identified with the underdog, the defendant, or anyone else the law jumped on. Perhaps that accounted for the leniency of his verdicts. Manuel brought the best out in people, and they

responded to him. They became compassionate too. Tolerance. The Revolution could use more of it. Indeed, the Revolution could use more Manuels.

Since I'd begun my weekly visits to the People's Courts, Manuel and I had become good friends. After each session, it was our custom to walk slowly over to the outdoor ice cream parlor near the harbor. On the way we'd talk about his cases, his work in the auto repair shop where he kept inventory, and his family. Late at night, on these walks (usually it was well past midnight by the time we reached the harbor) I learned that Manuel's politics had been shaped in the old-line communist party, in the Partido Socialista Popular, before the Revolution. Unlike many of his peers, however, he was a stranger to the super-orthodox viewpoints that characterized the Party then and now. By the way he talked to me, a stranger and a North American I could see that Manuel was open and direct about what he thought. No doubt it helped to have the political credentials: PSP communist; worker; lower middle class upbringing; leading member of the Committee for the Defense of the Revolution; and full member of the Communist Party of Cuba. But there was more to Manuel than just his paper credentials. At sixty, he was the community leader, probably one of the most respected men in central Havana. Everywhere we went, people greeted him. And in turn, he seemed to make them count. Not as a politician might--Manuel wasn't soliciting anything from anyone--but because he showed he cared and respected the people who lived and worked with him. I visited his factory, and spoke to the workers there. They respected him. Yet he never changed. Manuel was always humble, down to earth, considerate and hard working.

In fact, Manuel did enough work for three men half his age. At 5:30 in the morning he was up to assist his wife, an invalid, with breakfast. By seven, he reported to the auto repair shop working until five in the afternoon. Then, after dinner, his weeknight schedule went like this: Monday nights, local CDR meeting; Tuesday, classes in Revolutionary Law; Wednesday, People's Court; Thursday, a meeting of the Party nucleus at the factory (he was General Secretary in the work center); Friday, the People's Court; and finally, after working half a day at the repair shop on Saturday, Manuel had anight off to go to a movie with his son and daughter-in-law. On Sundays, at least once a month, Manuel volunteered for work in the countryside. In the summer he either picked coffee beans, pulled yams; or in the winter months, he cut cane.

When asked how he stayed healthy with that kind of schedule, Manuel tugged on his shirt to let the cool air dry his skin and then told me that work made a man fit and kept him

feeling younger. "Why, I can cut 120 arrobas of cane a day during cutting season, while keeping up with the 20 year olds. I love my work and the Revolution. Let me ask you something," he responded. "How many men do you know who have a chance to build, actually participate in constructing a truly socialist society as we are in Cuba. Every day I can see the Revolution getting stronger. Every day the people become more aware; and more dedicated. That's how I see my work, in that context. In the court room, for example, my aim is not to punish or instill fear in the ones who make mistakes. The Court should educate the people, not punish them. The Court should make Revolutionaries, not enemies. Nor are those sessions night after night just to educate the offenders. The Tribunals must function for the benefit of the people of the neighborhood too. When they sit and watch, they are learning all the time."

"Is that why you are so easy on the defendants, then?"

"Partly. While the Revolution is strong, morally strong, it can afford to be tolerant. We have nothing to fear so long as we continue to represent the interests of the people."

Frank Mc Donald

Received in New York on September 6, 1973.