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“Cruel and Unusual Banishment”: The Detention of Mariel Cubans and Resistance From Inside
and Outside the Atlanta Federal Penitentiary

by

Leah Cannon Burnham

Under the Direction of Marni Davis, PhD

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ABSTRACT

In 1980, over one hundred twenty thousand Cubans fled to the United States as part of the Mariel Boatlift. Though the vast majority were admitted to the United States, several thousand found themselves in long-term detention due to criminal records or mental illness. The federal penitentiary in Atlanta served as the primary detention site throughout much of the 1980s. In November 1987, the Cuban detainees led an uprising and took control of the prison for eleven days after learning that the United States had reached an agreement with Cuba to repatriate Cuban detainees. This dissertation examines the expansion of immigrant detention during the 1980s through the lens of Mariel Cubans at the Atlanta Federal Penitentiary. I explore the local debates that took place and the ways in which many Atlanta residents attempted to aid the Cuban detainees. I trace the long arc of resistance in Atlanta, examining how Cuban detainees and their allies in Atlanta protested detention policies and prison conditions before and after the 1987 uprising. This work sheds light on how local debates and inside-outside resistance can shape national immigration policies.

INDEX WORDS: Immigration, Detention, Deportation, Cuba, Mariel Boatlift, Atlanta Federal Penitentiary, Local activism, Atlanta Prison Riot

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August 2022

DEDICATION

This dissertation is dedicated to Craig, who encouraged me to follow my dreams and supported me along the way. I love you.

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INTRODUCTION

On April 17, 1987, John Lewis made a surprise visit to the federal penitentiary in Atlanta. The civil rights leader, Atlanta resident, and newly elected U.S. Congressman had come to view the conditions inside the penitentiary, which was within his congressional district. The prisoners he came to see were not inmates serving sentences; they were Cuban immigrants who were being detained at the facility. Lewis's visit occurred a day after three prison guards were charged with beating a Cuban detainee, and two months after prison guards strangled a Cuban detainee to death. After touring the facility for three hours, Lewis made a public statement that he would be calling for a congressional investigation. "This is not in keeping with the judicial system of this country," he declared. "It should be unheard of in modern America. If these people were white, they wouldn't be here. They are young, Spanish-speaking people and a great many of them are black." He told reporters he was most disturbed by the "sense of hopelessness" within the prison.¹ His instincts proved correct. Just seven months later, Cuban detainees would take control of the Atlanta Penitentiary for eleven days, after learning that the United States was planning to repatriate many of them to Cuba.

The Cuban detainees were asylum-seeking migrants who came to the United States during the Mariel boatlift. Between April and October of 1980, approximately one hundred twenty-five thousand Cubans fled to the United States. Though the migration was unauthorized, the Carter administration initially welcomed the exiles as political refugees. In early May, during a speech to the League of Women Voters' national convention, President Jimmy Carter said the

¹ Priscilla Painton, "After pen tour, Lewis seeks probe of Cuban detention," *The Atlanta Constitution*, April 18, 1987, p. 22.

United States would continue “to provide an open heart and open arms” to Cuban refugees.² During the first several weeks of the boatlift, Americans referred to the boatlift as the “Freedom Flotilla,” and the American press provided positive coverage, describing the Cubans as “political refugees.” But their reporting shifted as the boatlift continued. Reports that Fidel Castro was sending criminals and other “undesirables”—such as homosexuals and mental patients—led some to stigmatize the Mariel Cubans.³ Though the vast majority of Mariel Cubans had no criminal record, the Immigration and Naturalization Service (INS) became determined to weed out criminal elements, placing close to two thousand Cubans in detention to await exclusion hearings.⁴ INS officials also apprehended Mariel Cubans who violated immigration parole. In 1981, the INS and Bureau of Prisons (BOP) consolidated the Cuban detainees at the federal penitentiary in Atlanta, and later, a smaller number at the Federal Alien Detention Center in Oakdale, Louisiana. For many, detention dragged on for years, as those ordered excluded (denied entry into the United States) could not be deported due to strained relations between the United States and Cuba.⁵ One *New York Times* editorial described the indefinite detention of Mariel Cubans as “cruel and unusual banishment.”⁶ In November 1987, when the State Department announced an agreement with the Cuban government to repatriate about twenty-five hundred Mariel Cubans, they revolted at both facilities, which they held for several days.⁷ John Lewis had

² Edward Walsh, “U.S. Will ‘Open Arms’ to Cuban Exiles, Carter Says,” *The Washington Post*, May 6, 1980.

³ Brian Hufker and Gray Cavender, “From Freedom Flotilla to America’s Burden: The Social Construction of the Mariel Immigrants,” *The Sociological Quarterly* 31, no. 2 (Summer 1990), p. 321-335.

⁴ Based on a report from the Cuban Haitian Task Force, María Cristina García estimates that less than four percent committed serious crimes in Cuba. María Cristina García, *Havana USA: Cuban Exiles and Cuban Americans in South Florida, 1959-1994* (Berkeley: University of California Press, 1996), p. 64-65 & 71.

⁵ A Report to the Attorney General on the Disturbances at the Federal Detention Center, Oakdale, Louisiana, U.S. Penitentiary Atlanta, Georgia, February 1, 1988, p. i-iii.

⁶ “Cruel and Unusual Banishment,” *New York Times*, March 12, 1986, p. A26.

⁷ A Report to the Attorney General on the Disturbances at the Federal Detention Center, Oakdale, Louisiana, U.S. Penitentiary Atlanta, Georgia, p. i-iii.

indeed been prescient in demanding a congressional investigation: the detainees were at the center of a human rights debate that remains understudied to the present day.

1.1 Focus of the Study

My dissertation focuses on three entities: 1) Mariel Cubans who were detained in Atlanta, 2) the immigration and penal system in which they became ensnared, and 3) the local activists and allies who aided the Cubans in detention. I explore the interactions between the three to shed light on the expansion of the immigrant detention system during the 1980s, as well as on those who fought against this system. There are several insightful studies on the detention of Mariel Cubans and the Atlanta and Oakdale prison uprisings of 1987, but insufficient attention has been given to the role of local activists.⁸ This piece of the story has not been fully analyzed, but is essential to understanding what happened at the Atlanta penitentiary during the 1980s, as well as the evolution of both immigrant detention policies and the activist movements that sought to affect those policies. I seek to build upon the work of other scholars by illuminating the response of Atlanta residents to the Cuban detainees within their city. In “Reagan’s Cold War on Immigrants: Resistance and the Rise of a Detention Regime, 1981-1985,” Kristina Shull examines resistance to detention policies both within and outside of detention sites, illustrating the combined efforts of Haitian and Salvadoran detainees and their allies.⁹ I apply this model to the detention of Mariel Cubans in Atlanta, examining the ways that the detainees, their families, and Atlanta residents worked together to challenge detention.

⁸ Criminologist Mark Hamm provides a book-length study of the long-term detention of Mariel Cubans and the 1987 uprisings. See Mark S. Hamm, *The Abandoned Ones: The Imprisonment and Uprising of the Mariel Boat People* (Boston: Northeastern University Press, 1995). Also see Kristina Shull, “Somos los Abandonados: Mariel Cuban Stories from Detention and Resisting the Carceral State,” *Anthurium* 17 no. 2 (2021) and Elliott Young, *Forever Prisoners: How the United States Made the World’s Largest Immigrant Detention System* (New York: Oxford University Press, 2021).

⁹ Kristina Shull, “Reagan’s Cold War on Immigrants: Resistance and the Rise of a Detention Regime, 1981-1985,” *Journal of American Ethnic History* 40 no. 2 (Winter 2021).

The long-term detention of Mariel Cubans within the Atlanta penitentiary during the 1980s should be examined as a local story, as well as a national and international one. The government used the federal penitentiary in Atlanta as a detention center for Mariel Cubans who had not yet gained entry into the United States, operating on the legal fiction that the migrants were still waiting outside the country. Nevertheless, Mariel Cuban detainees were physically in the United States and held in the city of Atlanta, Georgia. Though they were imprisoned, they had contact with the outside world through letters and visitors, and Atlantans responded. Interactions between those inside the detention site and those on the outside created results. As Atlanta residents became aware of the horrible conditions and sense of hopelessness within the penitentiary, many began challenging the long-term detention of asylum-seeking migrants in their city. They worked with the Cubans in detention and were able to obtain the release of thousands and improve conditions within the penitentiary.

Kristina Shull describes the U.S. immigration detention facility as “both a transnational space and a foreign policy microcosm.”¹⁰ The Atlanta penitentiary during the 1980s provides a lens through which to view how national immigration detention policies were carried out and how they affected individual migrants, as well as how detention affected local residents. This microcosm also provides the opportunity to explore how individual migrants and local residents can affect immigration detention policies. The detention system does not exist within a vacuum; it is constantly evolving, being shaped by migrants themselves, and by American citizens.

I argue that there was a long arc of resistance in Atlanta and that local debates had an impact on the lives of Mariel Cuban detainees and immigration policies. What initially started as refugee aid transformed into resistance to immigrant detention. Previous waves of Cuban

¹⁰ Kristina Shull, “‘Nobody Wants These People’: Reagan’s Immigration Crisis and American’s First Private Prisons,” PhD diss., (University of California, Irvine, 2014), p. 8.

migration to the city had led to the creation of permanent forms of refugee aid and services for Spanish-speakers. Cuban Americans and volunteers working with organizations that helped resettle refugees sought to aid the Mariel Cubans detained at the Atlanta Federal Penitentiary. After witnessing the conditions within the prison and the lack of due process for Cuban migrants, some of those aiding the detainees began attacking INS and BOP policies. Beginning in 1980, a handful of Atlanta residents worked with Cuban detainees to challenge their imprisonment through litigation. In 1984, a small group of local activists started protesting the inhumane conditions within the prison and the indefinite detention of Mariel Cubans. This small group evolved into a large coalition that demanded due process for those in detention. The combined resistance of Cuban detainees and Atlantans forced the INS to enact changes to the detainee review process and create new pathways for release. Allies in Atlanta also pressured the federal government to improve detention conditions. These events demonstrate how local residents can challenge immigration detention and offer support to those in detention.

1.2 Historiography and Context

Immigrant detention is not a new practice in the United States. The American government has been utilizing detention policies since the nineteenth century in order to exclude certain people from the country. But the policies and practices of the American immigrant detention system have ebbed and flowed over time. During the late nineteenth century, the federal government detained Chinese migrants as they awaited deportation. The government also utilized short-term detention at Ellis Island and Angel Island. But immigrant detention became less prevalent during the 1950s. Due to restrictive immigration policies, such as the Immigration Act of 1922 and the Immigration and Nationality Act of 1952, immigration to the United States was at a historic low in the mid-twentieth century. In 1954, the federal government announced

that it would release all immigrant detainees on parole, except those who were a flight risk or a danger to society. Around the same time, the federal government removed over one million Mexican immigrants as part of “Operation Wetback.” Migrants caught entering through the southern border were taken into custody and quickly deported. The policy of immigrant detention reemerged in response to the migration of Haitian asylum-seekers during the 1970s, and the large number of Cubans who came during the Mariel boatlift.¹¹ The legacies of the Mariel boatlift influenced the federal government’s expansion of immigrant detention during the 1980s and early 1990s.¹² The detention of Mariel Cubans at the federal penitentiary in Atlanta is a crucial part of the story, as the facility became the primary detention site for this group. Mariel Cubans were atypical immigrants in that they could not be easily deported due to strained relations between the United States and Cuba. Because of this, they were subject to indefinite detention. Though their situation was different than that of other immigrant groups, This dissertation seeks to illustrate how events in Atlanta shaped the modern immigrant detention regime.

The American carceral state has recently received a great deal of attention from scholars of various disciplines, but the incarceration of immigrants, specifically, is a subject worthy of further study.¹³ The United States government combined criminal and immigration law in the late nineteenth century, when it imprisoned Chinese migrants for unauthorized entry. Immigration and criminal law became even more intertwined during the 1980s and 1990s, when

¹¹ Young, p. 7-10; Carl Lindskoog, *Detain and Punish: Haitian Refugees and the Rise of the World’s Largest Immigration Detention System* (Gainesville: University of Florida Press, 2018), p. 1-3.

¹² Michael J. Bustamante and Lillian Manzor, “Mariel@40: An Introduction,” *Anthurium* 17 no. 2 (2021), p. 3. The Immigration and Naturalization Service and Department of Justice specifically referred to the large number of Mariel Cubans in detention when requesting millions more in funding. Young, p. 120.

¹³ For works that examine the incarceration of immigrants, see Mark Dow, *American Gulag: Inside U.S. Immigration Prisons* (Berkeley: University of California Press, 2004), César Cuauhtémoc García Hernández, *Migrating to Prison: America’s Obsession with Locking Up Immigrants* (New York: The New Press, 2019).

the federal government expanded the list of deportable offenses.¹⁴ Law professor Juliet Stumpf calls this trend “crimmigration.”¹⁵ The number of migrants the federal government removed from the country due to criminal activity skyrocketed. This includes undocumented and documented immigrants, and some lawful permanent residents. Their crimes vary from serious offenses to less serious ones, such as drug possession and even motor-vehicle traffic offenses. Others are deported for immigration-related crimes, such as entering the United States without permission.¹⁶ Mariel Cubans can help us to better understand why the federal government became preoccupied with eliminating criminal aliens during the late twentieth century.

1.3 Sources

This study relies on a variety of sources, including government documents, periodicals, oral interviews, and archival materials. Local sources are at the heart of this study. Many of the government documents and newspaper articles in this dissertation have been used by other historians. I combine these well-known sources, however, with sources from local archives and interviews with Atlanta residents, and together they shed new light on the events surrounding the Atlanta prison uprising of 1987. My work also deploys a systematic search of local newspapers for references to Mariel Cubans to learn how Atlantans responded to the detention of Cubans within their city, as well as how local journalists covered the events. Together, these sources reveal a previously unseen pattern of resistance toward detention policies. These sources allow me to weave the local element into the story and reveal how Atlantans shaped the lives of individual Cuban detainees, as well as national immigration policies.

¹⁴ Young, p. 12.

¹⁵ Juliet Stumpf, “The Crimmigration Crisis: Immigrants, Crime, and Sovereign Power,” *American University Law Review* 56 no. 2 (December 2006).

¹⁶ César Cuauhtémoc García Hernández, “What Is Crimmigration Law,” *Insights on Law and Society* 17 no. 3 (Spring 2017), p. 22-25.

1.4 Organization

The first chapter of this dissertation lays the foundation of the study, examining the Cuban community in Atlanta prior to the arrival of Mariel Cubans. Most Cuban immigrants settled in south Florida, but several thousand came to the Atlanta area, becoming the second largest Latino group in the region by the 1970s. Local churches aided in the resettlement of this group and as the Cuban community grew, Cuban Americans themselves aided in welcoming new emigres to the city. Cuban Americans created a community within the city, establishing businesses and political organizations, and holding social events. They also requested accommodations and services for Spanish-speakers, preparing the city for future Cuban émigrés and other Latino migrants. When Cubans came to the United States during the Mariel boatlift, local churches, Cuban Americans, and Latin American organizations helped them resettle in the Atlanta area, sponsoring Mariel Cubans and providing housing and funding. But reports of Cubans with criminal records and mental illness coming to the country through the boatlift effected the reception of Mariel Cubans in Atlanta. Some Atlanta residents were wary of sponsoring single men and preferred to sponsor families. Though Mariel Cubans faced difficulties in resettlement, the local structures created during previous waves of Cuban migration aided Mariel Cubans who came to the Atlanta area. Atlanta boasted refugee aid programs and services for Spanish-speakers.

Chapters Two and Three examine the detention of Mariel Cubans at the Atlanta penitentiary in the years leading up to the 1987 uprisings. As shown in Chapter One, numerous Cubans were resettled in Atlanta without undue hardship. Those who were moved to the Atlanta penitentiary, however, found themselves in long-term detention due to criminal convictions, mental illness, or difficulty finding sponsorship. Nativism, racism, and failures of the

immigration bureaucracy also contributed to their imprisonment. The detention of Mariel Cubans at the Atlanta Penitentiary illustrates the INS's expansion of immigrant detention during the 1980s. As hundreds obtained release, hundreds more took their place in detention.

The second chapter examines the experience of detention inside the Atlanta Penitentiary from May 1980 to October 1984. Mariel Cubans faced poor conditions and sometimes inhumane treatment within the detention site and resisted through hunger strikes, protest, and legal action. Many of the organizations and individuals that had aided other Cuban immigrants, sought to help the Mariel Cubans in detention. Local lawyers also came to their aid, pursuing release through litigation. Chapter Three explores the rise of outside resistance after the November 1984 uprising. The situation for Cuban detainees became increasingly bleak, and freedom remained elusive, in the three years leading up to the 1987 revolt. But as more Atlantans became aware of the plight of Mariel Cuban detainees, they built a local coalition to support them. Local activists, civil rights leaders, politicians, and clergy collaborated with Cuban detainees, their families, and local lawyers, to raise public awareness, and pressure the federal government to provide Cuban detainees with due process.

Chapter Four looks at the Oakdale and Atlanta uprisings of 1987. This chapter expands upon the work of other scholars, by exploring how outside local forces responded to and impacted the events that took place within the detention sites. Focusing primarily on the Atlanta uprising, I show how interactions between Cubans within the prison, and their supporters on the outside, shaped the uprising in Atlanta. In the case of Atlanta, long-time allies who advocated for Cubans at the penitentiary utilized already established relationships and lines of communication to support Cuban detainees and promote a peaceful ending to the uprising.

The final chapter explores what happened after the uprisings, detailing the new immigration review process that resulted from the uprisings and highlighting the involvement of volunteers from Atlanta. The chapter explains the shortcomings of the review plan and analyzes the results of the hearings. Thousands obtained release through the new plan, but hundreds remained in detention or were deported. Other Mariel Cubans were taken into INS custody due to criminal convictions and by 1991, the number of Mariel Cubans in detention was similar to that in 1987. The movement in Atlanta fizzled out after the federal government moved Cuban detainees out of the city.

Though the local fervor for immigrant detainee rights would fade, the accomplishments of the combined efforts of Cuban detainees and their Atlanta allies were remarkable. Atlanta residents played a key role in national debates over detention policies. Local allies amplified the voices of the Cubans behind the penitentiary bars. They helped improve conditions within the facility, and they shaped the outcome of the uprising. Ultimately, Atlantans contributed to the release of thousands of Mariel Cubans. These events demonstrate that migrant detainees and their allies on the outside can have an impact on immigration and penal policies.

2 “ATLANTA’S CUBAN COLONY”: CUBAN MIGRATION TO ATLANTA AND THE DEVELOPMENT OF REFUGEE AID IN THE CITY

Atlanta, Georgia is an immigrant gateway, with a rapidly growing Latino population, but this was not always the case. Prior to the late twentieth century, Atlanta was primarily a biracial society. This began changing in the 1980s, when Southeast Asian refugees and Latin American immigrants increasingly settled in the area.¹⁷ Atlanta’s Latino population grew from approximately twenty-five thousand in 1980, to almost two hundred seventy thousand in 2000.¹⁸ Cubans were just one of the immigrant groups that migrated to Atlanta in 1980, but they received far more attention than most—primarily because close to two thousand were detained at the Atlanta federal penitentiary for most of the 1980s.

In 1980, Cubans were the largest Latino group in Atlanta, making up fifty-three percent of the city’s Latino population.¹⁹ It was the existence of a Cuban community in Atlanta that drew Mariel Cubans to the area, and Atlanta’s settled Cuban community facilitated the resettlement of Mariel Cubans in the city. The Cuban community had laid the groundwork for Mariel Cubans and other Latinos coming to the area, creating an environment that offered opportunities and services for Spanish speakers. The city also had experience with resettling refugees, and residents who supported refugee projects. But this is not to suggest that all Atlantans were welcoming, or that all Mariel Cubans who came to Atlanta found refuge. Many Atlantans aided the Cubans, but others expressed apprehension or hostility. Some Mariel Cubans found a home in Atlanta, reuniting with family, or becoming part of the burgeoning Cuban community, but

¹⁷ Mary E. Odem, “Unsettled in the Suburbs: Latino Immigration and Ethnic Diversity in Metro Atlanta,” in *Twenty-First Century Gateways: Immigrant Incorporation in Suburban America*, (Washington, D.C.: Brookings Institution Press, 2008) p. 105-106.

¹⁸ Odem, “Latino Immigrants and the Politics of Space in Atlanta,” in *Latino Immigrants and the Transformation of the U.S. South* (Athens: The University of Georgia Press, 2009), p. 113.

¹⁹ Charlotte A. Bayala, “Cuban Refugees in Atlanta: 1950-1980,” Thesis, Georgia State University, 2006, p. 2.

others struggled to adjust to life in Atlanta, or were ostracized. And still others, as we will see, were criminalized and incarcerated for nearly a decade. This chapter sheds light on the interplay between pro-immigrant and anti-immigrant voices in the city and allows for a better understanding of the city's response to Mariel Cuban detainees. Cuban migration to Atlanta resulted in the creation of community structures to aid refugees. These structures would benefit Mariel Cuban refugees who came to the area.

2.1 Cubans in Atlanta Prior to Mariel

Prior to the Cuban Revolution in 1959, fewer than 30,000 Cubans lived in the United States. Two-thirds of them resided in Miami, where Cuban-owned shops, restaurants, nightclubs, apartment buildings, and hotels helped to drive that city's economic growth.²⁰ Though Miami was the center of Cuban culture in the United States, Cubans also had ties to Atlanta, Georgia. Cubans had first arrived in Atlanta as early as the 1890s, seeking refuge during the Cuban War of Independence. In 1898, the *Atlanta Constitution*, referred to the small refugee community as a "Cuban colony." The author noted that the Cubans planned to remain in the city and had become involved in the city's economy.²¹ In the decades that followed, upper- and middle-class Cubans developed connections with Atlanta, as some traveled to Atlanta for business or vacations and others attended schools in the area, including the Georgia Institute of Technology and the Georgia Military Academy. The Georgia Military Academy's founder, Colonel John Charles Woodward, began recruiting students from Cuba in 1920, and during the 1930s, the Academy enrolled an average of seventeen Cuban students per year. Woodward further encouraged connections between the city and Cuba by organizing tours and an annual athletic competition

²⁰ Louis A. Pérez, *On Becoming Cuban: Identity, Nationality, and Culture* (Chapel Hill: The University of North Carolina Press, 1999), p. 501-502.

²¹ "Cuban Colony To Remain: Atlanta's Cuban Refugees Have Located Permanently," *The Atlanta Constitution*, January 25, 1898, p. 9.

between cadets and students from Havana. In 1929, Cuban officials and businessmen joined the students on a tour of the American city. Atlantans also conducted business in Cuba, including Asa Candler, owner of the Coca-Cola Company. Candler and his brother Methodist bishop Warren Candler worked to spread Christianity and Coca-Cola in Cuba. Atlanta residents also traveled to Cuba on vacation. In 1948, the Kiwanis Club of Atlanta and five yacht and country clubs in Havana helped establish an annual athletic competition called the Havatlanta games between the children of Atlanta and children of Havana, but the games ended in 1959 after Fidel Castro came to power.²²

In the wake of the Cuban Revolution of 1959, hundreds of thousands of Cubans fled the island for the United States. Between 1959 and 1962, Cubans who were associated with Fulgencio Batista's government and members of the economic elite were the first to emigrate to the United States; they were soon followed by middle-class Cubans. After 1962, working class Cubans began to leave the island as well. Historian María Cristina García writes that each wave of migration "became more representative of Cuban society, not just in socioeconomic status but also in race, ethnicity, and geographic distribution."²³

The next wave of Cuban migration, via airlifts and commonly referred to as the "freedom flights," occurred between 1965 and 1973. During this period, Fidel Castro allowed Cubans with relatives in the United States to leave. The Cuban and American governments exerted more control over this wave of migration: the United States only allowed immediate family members of Cubans already in the country to immigrate; and the Cuban government determined who could leave, often refusing exit to those with skills Cuba could benefit from. This wave of migration

²² Bayala, p. 12-19.

²³ María Cristina García, *Havana USA: Cuban Exiles and Cuban Americans in South Florida* (Berkeley: University of California Press, 1996), p. 1 & 13.

brought a larger proportion of working-class Cubans, many of whom were agricultural, service, and blue-collar workers. Women and elderly Cubans made up a large portion of the emigrants, and some Chinese and Jewish Cubans emigrated as part of this wave as well. The Castro government ended the flights in April 1973.²⁴

Though all economic classes of Cubans were emigrating during the 1960s and 70s, most exiles during these two decades were white. Only three percent of Cuban immigrants who came to the United States between 1959 to 1973 were migrants of color.²⁵ Black Cubans did not migrate in large numbers prior to 1980 for a variety of reasons. Racial equality was one of the goals of the revolution, so Black Cubans were generally hopeful about the future.²⁶ Also, as a group, they lacked the economic resources that migrants needed. Significantly, the refugee policies that favored Cuban refugees with family in the United States, meant that most emigrants would be white. Each of these factors prevented Black Cubans from leaving the island immediately after the revolution.²⁷

Post-revolution migration to the United States was facilitated by American immigration policies, which favored refugees fleeing communist countries. The Cold War shaped the United States' policies toward Cuban exiles, since accepting Cuban refugees could weaken Castro's regime and serve American interests by displaying the failures of communism. America's fight against communism contributed to the government's acceptance of Cubans without visas; in comparison, Haitians fleeing François Duvalier's regime during the same years had to obtain visas to migrate. In 1961, the Kennedy administration created the Cuban Refugee Program which

²⁴ García, p. 37-43.

²⁵ According to Cuba's 1953 census, twenty-seven percent of Cubans were black or *mulato*, a word commonly used in Cuba to describe people of European and African descent. García, p. 44. White Cubans were of Spanish descent and identified as white.

²⁶ García, p. 68.

²⁷ Alan A. Aja, *Miami's Forgotten Cubans: Race, Racialization, and the Miami Afro-Cuban Experience* (New York: Palgrave Macmillan, 2016), p. 39.

provided Cuban migrants with education, health, and employment services. Haitian refugees did not receive extensive resettlement aid. In 1966, the United States passed the Cuban Status Adjustment Act, allowing Cuban exiles to easily become permanent residents and even citizens.²⁸ American perceptions of Cuban refugees also facilitated their immigration. The early arrivals were white, upper and middle-class, educated, and anti-communist, and the federal government and American press focused on these characteristics. The Cuban Refugee Program's publications attempted to "normalize" Cuban refugees by emphasizing white Cubans and success stories.²⁹ In 1965, the Johnson Administration liberalized immigration policy by ending the national origins quota system that had been introduced in the 1920s, but the government's definition of "refugee" largely remained unchanged. Some refugee advocates wanted to expand the word's meaning to include victims of persecution from noncommunist countries, but they were unsuccessful. The United States continued to privilege refugees fleeing communist regimes.³⁰

Most Cubans who fled Castro's regime settled in south Florida; Cuban communities also grew in New York, New Jersey, California, and Illinois. Cubans gravitated towards urban areas.³¹ Smaller numbers relocated to other southern states with large cities, including Georgia. The rural town of Milledgeville attracted some Cubans, but most Cubans who came to Georgia settled in Atlanta.³² In 1961, only about 170 Cubans lived in Atlanta. Within four years, 877 Cubans were registered with the Immigration and Naturalization Service (INS), and by 1970,

²⁸ Carl J. Bon Tempo, *Americans at the Gate: The United States and Refugees During the Cold War* (Princeton: Princeton University Press, 2008), 113.

²⁹ Cheris Brewer Current, *Questioning the Cuban Exile Model: Race, Gender, and Resettlement, 1959-1979* (El Paso: LFB Scholarly Publishing, 2010), p. 1-23.

³⁰ Tempo, p. 86; 96-105.

³¹ Thomas D. Boswell, Manuel Rivero, and Coral Gables, "Demographic Characteristics of Pre-Mariel Cubans Living in the United States: 1980," Florida Research Institute for Cuban Studies, Miami University, January 1, 1988; Current, p. 66.

³² Current, p. 70-72.

2,614 Cubans resided in Atlanta.³³ By 1970, the Cuban Refugee Program had resettled 1,898 Cuban refugees in the state of Georgia. A few hundred chose to move to Georgia on their own. One Cuban Refugee Center employee concluded “Cubans have also adopted the great mobility of Americans. They move from state to state, improving their lot with each move.”³⁴ In 1980, the *Atlanta Constitution* reported that up to thirty-two thousand Cubans lived in the Atlanta area.³⁵

A range of forces and factors brought Cuban immigrants to Atlanta in the decades immediately following the revolution. Some upper- and middle-class Cubans followed their pre-revolution connections to the city, including Cubans who had attended colleges in the area and those who had relationships with local businesses and social clubs.³⁶ Others were resettled in Atlanta by the Cuban Refugee Program and other agencies. Because of the large influx of Cubans to South Florida and complaints from residents of Miami, the Cuban Refugee Program promoted resettlement in other areas.³⁷ A 1969 photograph from the Cuban Refugee Program’s monthly periodical, *Oportunidades: Orientacion para refugiado*, showed a Cuban family holding a sign that read “Our family triumphed in Atlanta, GA.” The publication tells the story of a young man who immigrated in 1961. With the help of Church World Service, he found an Atlanta family that hosted and sponsored him until he was able to support himself. He attended Georgia State College, and eventually married another Cuban immigrant.³⁸ Job opportunities also brought Cubans to Atlanta. An employee from Georgia Department of Labor explained that

³³ Bayala, p. 30; Current, p. 70.

³⁴ “Resettlement Re-Cap: A Periodic Report from the Cuban Refugee Center,” April 1970, Cuban Refugee Center Records, Cuban Heritage Collection, University of Miami.
<https://merrick.library.miami.edu/cdm/compoundobject/collection/chc0218/id/760/rec/11>

³⁵ “Havana/Atlanta: When Cuban immigrants come to Atlanta, they plan to stay,” *The Atlanta Constitution*, March 9, 1980, p. SM35.

³⁶ Bayala, p. 25.

³⁷ García, p. 36-37.

³⁸ *Oportunidades: Orientacion para refugiados* 4 no. 5, March 1969, Cuban Refugee Center Records, Cuban Heritage Collection, University of Miami.

the city's expanding economy made it easier for Cubans to find work.³⁹ Robert Goizueta worked for Coca-Cola in Cuba prior to the revolution, but after Castro took control of the country, he immigrated to the United States. He initially settled in Miami and continued working for Coca-Cola, but moved to Atlanta in 1964 to work at the company's headquarters. He became vice president of the company two years later and eventually became the president.⁴⁰ Bertha Iturrioz Arteché left behind a pharmaceutical laboratory when she immigrated to the United States in 1960. She started a new pharmaceutical company when she came to Miami and expanded in Atlanta in 1965.⁴¹

³⁹ Neal Brogdon, "Atlanta's Cuban Colony," *The Atlanta Journal and the Atlanta Constitution*, September 18, 1966, p. SM30.

⁴⁰ Chris Starrs, "Roberto Goizueta," New Georgia Encyclopedia, last modified February 20, 2017. <https://www.georgiaencyclopedia.org/articles/business-economy/roberto-goizueta-1931-1997/>.

⁴¹ "Compania Trasplantada A La Libertad," *Oportunidades: Orientacion Para Refugiados* 3, no. 2, December 1967, Cuban Refugee Center Records, Cuban Heritage Collection, University of Miami.



Figure 1: "Our Family Triumphed in Atlanta, GA," 1969, Cuban Heritage Collection, University of Miami.

Religious institutions also played a vital role in resettling Cuban refugees. Local churches sponsored refugee families, and Cubans became active congregants. Many early arrivals attended the Church of Immaculate Conception in downtown Atlanta, because the church had a priest who could speak Spanish. In 1960, a Spanish-speaking Catholic priest joined with Latinos in the city, including Cubans, to create the Spanish Catholic Action Group to meet the needs of Spanish speakers and facilitate fellowship between Latinos in the area. A year later, the Catholic Archdiocese of Atlanta founded the Latin American Resettlement Project, to organize aid for

Latin American refugees. The Catholic Church continued to assist Latino refugees who came to the area and offered mass for Spanish-speakers. Both Catholic and Protestant churches in Atlanta helped Cuban refugees adjust to life in the city during the 1960s, but the Catholic Archdiocese of Atlanta would create a permanent aid division to provide for the needs of refugees.⁴²

Though the Cuban population in Atlanta was smaller than in Miami or New York, the Cubans of Atlanta nevertheless became a visible force in the city. In 1966, an Atlanta newspaper referred to the Cuban community as “Atlanta’s Cuban Colony.” This is the same language used by a journalist in 1898.⁴³ Cubans created businesses and organizations and held social events. One such business was a local grocery store that sold familiar products that reminded Cubans of home, and allowed them to cook their favorite dishes.⁴⁴ Much like Cubans in Miami and other areas, Cubans in Atlanta engaged in exile politics and attempted to challenge Castro’s rule from afar.⁴⁵ At least fourteen Cuban students from Georgia Tech participated in the Bay of Pigs invasion and eight were captured during the invasion. A group of Cubans and Americans in Atlanta created the Cuban Freedom Committee in 1962, to aid Cuban refugees and spread anti-communist propaganda.⁴⁶ Cubans would later become active in local politics. One Cuban American played a key role in Atlanta’s city government. Angelo Fuster came to the United States as a child and attended Emory University. While participating in Jimmy Carter’s 1976 presidential campaign, he acquired a job in the Atlanta mayor’s office. He served Mayor Maynard Jackson in communications, and later as Deputy Chief of Staff.⁴⁷ In the late 1970s,

⁴² Bayala, p. 49.

⁴³ Bayala, p. 56 & 59.

⁴⁴ Bayala, p. 56-57.

⁴⁵ Cubans created exile political organizations in Miami, Union City, Chicago, New York, Los Angeles, San Juan, Caracas, Madrid, and Mexico City. One of the most significant organizations during the 1960s was the Cuban Revolutionary Council which met with U.S. government officials. García, p. 130-131.

⁴⁶ Bayala, p. 58-60.

⁴⁷ Angelo Fuster Interview, 2017, Maynard Documentary Interviews, Kenan Research Center.

Cubans formed the Cuban Club of Atlanta, which hosted social events to bring the Cuban community together, including softball games and chess and domino competitions.⁴⁸

Though an estimated thirty thousand Cubans lived in the Atlanta area in 1980, there was no identifiable Cuban residential enclave like Little Havana in Miami, or Ybor City in Tampa. Instead, Cubans were scattered throughout the counties that constituted the Atlanta metro region. Some Cubans attempted to minimize their presence, emphasizing the assimilation of Cuban Americans in Atlanta. One Cuban American told the press that the Cuban community in Atlanta was “almost invisible” and “most Atlantans have no idea that there are so many of us” because Cubans had achieved success in the city. Another claimed that if Cubans came to Atlanta, it meant they were determined to stay and adapt to life in America, saying “they come here, get jobs, work hard, buy cars, and move to houses they buy in the suburbs.”⁴⁹ As in many other American cities, the race and social class of Cubans who came to Atlanta facilitated their acceptance.⁵⁰ It is possible that some Cubans felt acceptance was contingent on their assimilation, so they attempted to blend into white society rather than stand apart.

The post-revolution wave of Cuban refugees in Atlanta played an important role in the city’s attraction for Mariel Cubans, as well as other Spanish-speaking immigrants. Cuban refugees drew attention to the challenges Spanish-speakers faced in Atlanta, complaining that language barriers prevented them from acquiring a driver’s license and limited their job opportunities. The city’s government, the Catholic church, and local businesses responded to the need for increased services for Spanish speakers. In 1979, Mayor Jackson launched a new initiative to “bridge the language gap.” He placed Cuban American Angelo Fuster in charge of

⁴⁸ Bayala, p. 62-63.

⁴⁹ “Havana/Atlanta: When Cuban immigrants come to Atlanta, they plan to stay,” *The Atlanta Constitution*, March 9, 1980, p. SM35.

⁵⁰ Bayala, p. 70.

recruiting Latinos to serve in the police and fire bureaus. That year, the local newspaper included an article titled “40,000 Hispanics Make Their Mark on Atlanta,” highlighting the ways that Latinos had changed the city. Local radio stations and a television channel included Spanish programs, and public schools offered bilingual classes.⁵¹ As a result of the work of this earlier wave of Cuban immigrants, by the time Mariel Cubans arrived, Atlanta had a significant Cuban and Latino population, and a variety of services for Spanish speakers.

2.2 The Mariel Boatlift

In the late 1970s, Fidel Castro invited Cuban exiles to come back to Cuba for a dialogue, offering to release up to three thousand political prisoners in return. Though many Cuban Americans were critical of this *diálogo*, some agreed to Castro’s request. One result of the exchange was the opening of Cuba’s borders to Cuban exiles, providing opportunities for Cuban emigres to visit family members.⁵² Angelo Fuster, press secretary to Atlanta’s mayor Maynard Jackson, was one of the Cuban Americans who helped secure these visits to Cuba. Many Cuban Americans objected to the visits, and one went so far as to remark that he would not return until “Castro is dead and in his coffin.” Others leapt at the opportunity to see their homeland and the family they left behind. One Cuban American in Atlanta said she planned to return but complained about the price: \$800 for nine days.⁵³ The Cuban government only offered complete packages which included airfare from Miami, a hotel room, and meals, but most visitors preferred to stay with family members. The Cuban government profited from the emigré tourism,

⁵¹ “40,000 Hispanics Make Their Mark on Atlanta,” *The Atlanta Constitution*, February 15, 1979, p. 14A.

⁵² García, p. 47-53.

⁵³ “Havana/Atlanta: When Cuban immigrants come to Atlanta, they plan to stay,” *The Atlanta Constitution*, March 9, 1980, p. SM35.

but the visits led to popular discontent as Cubans became increasingly aware of how their lives differed from those of Cuban exiles in America.⁵⁴

As discontent spread in Cuba, many sought to leave the country. In March 1980, six Cubans crashed a bus through the gates of the Peruvian embassy in Cuba and requested political asylum. Close to eleven thousand would eventually join them in the embassy compound, all seeking a way out of the country. Since Peru could not accept all the Cuban asylum seekers, other countries agreed to take some of the refugees. Initially, the United States government only agreed to accept 3,500 of the Cubans. In April 1980, the Cuban government announced that anyone who wanted to leave Cuba could do so. In response, Cubans in south Florida began sending boats to pick up relatives. Between April and October, about one hundred twenty-five thousand Cubans left the country from the Mariel harbor and journeyed across the Florida Straits to America in small, overcrowded boats. The U.S. government scrambled to gain control of the situation, creating immigration processing centers and refugee camps in south Florida. When Florida intake centers became overcrowded, relocation camps were established in Fort Indiantown Gap, Pennsylvania; Fort Chaffee, Arkansas; Fort McCoy, Wisconsin; and Camp Santiago, Puerto Rico.⁵⁵

Initially President Jimmy Carter and the U.S. government welcomed the exiles. In a speech before the League of Women Voters in Philadelphia on May 3, the president said that the United States would continue “to provide an open heart and open arms” to Cubans.⁵⁶ Though much of the American public was sympathetic as well, this attitude toward Mariel Cubans changed in response to news that some of the refugees had been released from Cuban jails and

⁵⁴ García, p. 47-53.

⁵⁵ *Ibid.*, p. 54-63.

⁵⁶ Garcia, p. 65; Edward Walsh, “U.S. Will ‘Open Arms’ to Cuban Exiles, Carter Says,” *The Washington Post*, May 6, 1980.

mental hospitals. The American media heavily focused on the criminality of Mariel Cubans, even though about eighty percent did not have criminal records. That meant about twenty-six thousand out of over one hundred twenty thousand had criminal records. Many served time for minor offenses under Cuba's *ley de peligrosidad* (law of dangerousness), for example, trading in the black market, alcoholism, and gambling. Others had been imprisoned for political crimes. Only about two thousand Mariel Cubans committed serious crimes in Cuba.⁵⁷ But public opposition to the Mariel Cuban immigrants became more extreme in response to American media reports. The majority of participants in an ABC News- Harris Survey in June 1980 disapproved of the Carter administration's handling of the Mariel boatlift and believed the government should deport as many Mariel Cubans as possible.⁵⁸

Though the Cuban immigrants who came after the Cuban Revolution were classified as refugees, as were the Cubans who migrated through the Peruvian embassy, Mariel Cubans were not. The Refugee Act of 1980 signed by President Jimmy Carter in March set a limit of 5,000 Cuban asylees each year. The number of Mariel Cubans entering the country that year far surpassed that number. The law granted the president the power to admit additional refugees, but the sheer number of Cubans entering the United States through the Mariel boatlift prevented President Carter from making an exception. The Carter Administration argued that Mariel Cubans fled due to economic reasons rather than political ones, and therefore did not qualify for refugee status.⁵⁹

⁵⁷ García, p. 64-66.

⁵⁸ B. E. Aguirre, Rogelio Sáenz, and Brian Sinclair James, "Marielitos Ten Years Later: The Scarface Legacy," *Social Science Quarterly* 78 no. 2 (June 1997), p. 493-494.

⁵⁹ B. E. Aguirre, "Cuban Mass Migration and the Social Construction of Deviants," *Bulletin of Latin American Research* 13, no. 2 (May 1994), p. 165-166.

The large number of Haitian migrants that year also influenced President Jimmy Carter's decision to deny Mariel Cubans refugee status. Haitians had been coming to the United States in large numbers for several decades, but in the 1970s, the oppressive government of François Duvalier's son, Jean-Claude, led to a surge in Haitian immigration. During the 1970s, over fifty-five thousand Haitians legally came to the United States through the 1965 Immigration Act. In addition, about thirty thousand Haitians arrived without immigration papers and requested asylum. Because Haiti was an American ally and not a Cold War opponent, the U.S. government denied most of their asylum claims and deported the Haitians. U.S. officials claimed that the Haitian migrants were economic refugees rather than political refugees and therefore did not qualify for asylum. Critics pointed out the double standard for refugees fleeing communism and those fleeing oppression in countries allied with the United States. They also argued that racism played a role, as Haitian asylum seekers were Black. Advocates for Haitian refugees pressured the United States government to treat the Cuban and Haitian immigrants in an equal manner.⁶⁰ Atlanta's Maynard Jackson, who was the first Black mayor of a major southern city, also criticized policies that favored Cuban immigrants, saying that Haitians should be allowed to immigrate to the United States as well.⁶¹ In response to criticism, the Carter administration created the legal category "entrant (status pending)." Labeling both Cubans and Haitians as entrants allowed the federal government to claim that they were treating the two immigrant groups equally. Both groups would have to wait in detention until sponsors could be found. This classification allowed government officials to claim that neither group had entered the United

⁶⁰ Tempo, p. 179-184; Carl Lindskoog, *Detain and Punish: Haitian Refugees and the Rise of the World's Largest Immigration Detention System* (Gainesville: University of Florida Press, 2018), p. 15-16; Jana K. Lipman, "A Refugee Camp in America: Fort Chaffee and Vietnamese Cuban Refugees, 1975-1982," *Journal of American Ethnic History* 33, no. 2 (2014), p. 60.

⁶¹ Steve Johnson, T. L. Wells, "Mayor Seeking Help in Handling 3,000 Refugees From Cuban," *The Atlanta Constitution*, May 15, 1980, p. 23A.

States, though they were detained within American boundaries. It also made it easier for the federal government to formally “exclude” Mariel Cubans (deny them entry into the United States).⁶²

Mariel Cubans were also demographically different from the Cubans who immigrated to the United States in previous years. Most Cubans who emigrated during the Mariel boatlift were young (averaging thirty years old), and about seventy percent of them were men. The Mariel boatlift also brought a larger number of Black Cubans. Up to forty percent of those who came to the United States during the Mariel boatlift were Black or of mixed African and European ancestry.⁶³ Black Cubans had a different resettlement experience than that of white Cubans. While many white Cubans joined family members who previously immigrated to the United States, Black Cubans generally did not have family members in the United States, and were forced to wait for sponsors. But Black single males struggled to find sponsorship. Seventy-five percent of the Cubans who remained at Fort Chaffee by the end of 1980 were Black, and ninety-three percent were single men.⁶⁴

While the Cuban refugees who came before were considered immigrant success stories, many viewed Mariel Cubans as “undesirables.”⁶⁵ Other Cuban exiles attempted to distinguish themselves from Mariel Cubans and referred to the new arrivals as *marielitos*, which became a pejorative term.⁶⁶ Mariel Cubans struggled to find work and support. The authors of “Marielitos

⁶² Lindskoog, p. 40. Exclusion is an official term used by the INS, meaning that a migrant has been denied entry to the United States.

⁶³ García, p. 68.

⁶⁴ Perla M. Guerrero, *Nuevo South: Latinas/os, Asians, and the Remaking of Place* (Austin: University of Texas Press, 2017), p. 90.

⁶⁵ In 1980, many American newspapers, including the *Los Angeles Times* and the *Washington Post*, referred to Mariel Cubans as “undesirables.” Brian Hufker and Gray Cavender, “From Freedom Flotilla to America’s Burden: The Social Construction of the Mariel Immigrants,” *The Sociological Quarterly* 31, no. 2 (Summer 1990), p. 321-335.

⁶⁶ García, p. 73.

Ten Years Later: The Scarface Legacy” write that the American public’s reaction to the Mariel Cubans made it difficult for them to adjust to life in the United States and “their inability to adjust was used as proof of the validity of the American public’s initial fears.”⁶⁷ Mariel Cubans were more likely to be incarcerated than other Cuban immigrants and nonwhite Mariel Cubans were more likely to be incarcerated than white Mariel Cubans.⁶⁸

2.3 Mariel Cubans in Atlanta

The resettlement of Mariel Cubans in Atlanta followed the pattern of previous resettlement of Cubans in Atlanta and nationwide. Some Mariel Cubans moved to the Atlanta area to reunite with family members, while volunteer agencies, local churches, and Cuban Americans aided in the resettlement of Mariel Cubans in the area. Structures put in place during previous waves of Cuban migration to Atlanta facilitated the resettlement of Mariel Cubans. Because of Cubans and other Latinos who had migrated to the city in the years prior, the city offered numerous services for Spanish speakers. However, much like the resettlement of Mariel Cubans in other locations, the demographic makeup and stigmatization of Mariel Cubans had an impact on Atlanta residents’ reception of the new migrants.

Some Atlantans expressed apprehension about the resettlement of Mariel Cubans in the city. In May 1980, the *Atlanta Constitution* reported that at least 3,000 Cuban refugees could come to the Atlanta area.⁶⁹ Mayor Maynard Jackson expressed concerns about the predicted number of Mariel Cubans to be resettled in Atlanta, saying that the job market in Atlanta was already “very tight.”⁷⁰ Jackson was likely responding to anxieties articulated in other cities that

⁶⁷ B. E. Aguirre, et al., “Marielitos Ten Years Later,” p. 494-495.

⁶⁸ B. E. Aguirre, et al., p. 504.

⁶⁹ Steve Johnson, “Atlanta Expects 3,000 Cuba Refugees,” *The Atlanta Constitution*, May 14, 1980, p. 1A.

⁷⁰ Steve Johnson, T. L. Wells, “Mayor Seeking Help in Handling 3,000 Refugees From Cuban,” *The Atlanta Constitution*, May 15, 1980, p. 23A.

the large influx of Cubans would negatively affect the labor market—especially residents of Miami where the majority of Mariel Cubans were expected to settle.⁷¹ The mayor of Atlanta argued that the city did not have the resources to support thousands of Cuban refugees.⁷² Atlanta citizens also worried that the new arrivals would increase racial tension, as in Miami.⁷³ A local journalist, Michael H. Cottman, wrote that “the likelihood of outright violence” was small in Atlanta “because, as Mayor Maynard Jackson says, there are more blacks in positions of leadership in Atlanta, and because the issue of ‘police brutality’ is almost nonexistent. Still it is a possibility that cannot be overlooked.”⁷⁴ Police brutality had been a serious problem in Atlanta when Jackson took office, and as mayor, Jackson had worked to reduce incidents of police abuses.⁷⁵ But by July 1980, all of these concerns seemed to be for naught, as only a little more than two hundred Mariel Cubans had come to the city. One *Atlanta Constitution* article described it as the “crisis that never was.”⁷⁶

Workers from local organizations that helped manage refugee resettlement in Atlanta, including Catholic Social Services, the Presbyterian Church of the United States of America, and the Committee of the 10,000, attempted to reassure the public. When interviewed by the *Atlanta*

⁷¹ Economist David Card argues that the migration of Mariel Cubans to Miami increased the labor force by seven percent, but had virtually no effect on unemployment rates or wages of less-skilled workers. David Card, “The Impact of the Mariel Boatlift on the Miami Labor Market,” *Industrial and Labor Relations Review* 43 no. 2 (January 1990).

⁷² Suzanne Dolezal, “City Unprepared for Cubans,” *The Atlanta Constitution*, June 8, 1980, p. 1B.

⁷³ Michael H. Cottman, “Another Side of the Coin,” *The Atlanta Constitution*, May 22, 1980, p. 5A; Soon after the boatlift began, riots broke out in a black neighborhood in Miami when four white Dade County police officers (one a white Cuban) were acquitted for beating a black man to death. Though the Mariel boatlift was unrelated to the acquittal, many believe the boatlift contributed to the racial tension in the city as this was one more example of immigrants in Miami receiving preferential treatment over black citizens. García, p. 66; Alexander M. Stephens, “Making Migrants ‘Criminal’: The Mariel Boatlift, Miami, and U.S. Immigration Policy in the 1980s,” *Anthurium* 17, no. 2 (2021).

⁷⁴ Michael H. Cottman, “Another Side of the Coin,” *The Atlanta Constitution*, May 22, 1980, p. 5A.

⁷⁵ Maurice J. Hobson, *The Legend of the Black Mecca: Politics and Class in the Making of Modern Atlanta* (Chapel Hill: The University of North Carolina Press, 2017) p. 98.

⁷⁶ Vicki Pearlman, “Cubans: The Crisis That Never Was: Influx to Atlanta was Miscalculated,” *The Atlanta Constitution*, July 27, 1980, p. 1B.

Constitution, one resettlement coordinator said “there is not going to be a flood of refugees coming into Atlanta... We are going to bring them in—maybe 20 at a time. It will be at a pace the community can absorb.” The immigration and resettlement director of Catholic Social Services, Bui Van Tam, himself a Vietnamese refugee who settled in Atlanta, said that the organization did not plan to place all of the Cuban refugees in the same neighborhoods; dispersing them around the city, he insisted, would help them “adjust to American life as quickly as they can.”⁷⁷ The coordinator of resettlement for the Presbyterian church in Atlanta also promoted organized resettlement of Mariel Cubans, explaining that quality resettlement could take anywhere from two months to two years, and emphasized that no one would be brought to Atlanta without a sponsor. When asked about the possibility that some could be criminals, she said, “I can’t worry about that. I have to be concerned about people who are accepted by INS, to try to find sponsors and trust INS and the FBI to do their job.”⁷⁸

Cuban Americans in the Atlanta area came to the defense of Mariel Cubans. Ernesto Perez, a Cuban immigrant who moved to Atlanta in 1968, defended Mariel Cubans in the *Atlanta Constitution*. “We’re not coming here to take jobs away from the people of Atlanta,” he insisted, “We can take care of ourselves and we will not be a burden.” Perez, along with other Cuban Americans in Atlanta, and concerned Atlanta residents, helped raise money with the International Rescue Committee to aid incoming Cubans.⁷⁹ At the time, Mariel Cubans were ineligible for federal aid because the U.S. government did not classify the migrants as refugees. The Cuban community in Atlanta contributed a total of \$1,700 to help Cubans resettle in the city.⁸⁰ Atlanta’s

⁷⁷ Emma Edmunds, “Seeking Refuge In Foreign Land: Latins Here Want To Care For Own –But Need Help,” *The Atlanta Constitution*, May 17, 1980, p. 1B.

⁷⁸ Emma Edmunds, “Seeking Refuge In Foreign Land: Latins Here Want To Care For Own –But Need Help,” *The Atlanta Constitution*, May 17, 1980, p. 1B.

⁷⁹ Michael H. Cottman, “Another Side of the Coin,” *The Atlanta Constitution*, May 22, 1980, p. 5A.

⁸⁰ Steve Johnson, “Atlanta’s Cuban-Americans Stage Rally to Benefit Cuban Refugees,” *The Atlanta Constitution*, May 5, 1980, p. 18A.

Cuban population also pledged food and jobs for the new arrivals. Another Cuban American in the city explained, “many of us came here with only a couple of bags of belongings, and now we want to help those who are in an even worse situation.”⁸¹ Unfortunately, some Cuban Americans in Atlanta experienced backlash because of the media’s negative portrayals of Mariel Cubans. In August 1980, the president of the Atlanta Cuban Club told a local newspaper that some Cubans in Atlanta received threatening phone calls.⁸²

Cuban Americans and volunteers from refugee organizations were not the only Atlantans to aid in the settlement of Mariel Cubans. The Latin American Association, which was founded in Atlanta in 1972, offered their office as a headquarters for organizing resettlement and collected second-hand items for the Cuban refugees who would come to Atlanta.⁸³ Concern for Cuban refugees stretched beyond the Latino community as well. In May 1980, the *Southern Israelite*, an Atlanta-based Jewish newspaper, reminded its readers that they, too, had been immigrants at one point. While acknowledging that some worried the Cubans would “become a burden upon society” or take jobs away from Americans, the author encouraged empathy and concluded that they “must not close the door on the desperate.”⁸⁴

Some Atlantans demonstrated a willingness to sponsor Mariel Cubans. Atlanta Catholic Social Services sent out a flyer in April requesting sponsors for the Cuban refugees. Twenty groups expressed interest, but the organization worried that some of the potential sponsors would back out after learning that many of the refugees were single men instead of families.⁸⁵ Family

⁸¹ Steve Johnson, “Atlanta’s Cuban-Americans Stage Rally to Benefit Cuban Refugees,” *The Atlanta Constitution*, May 5, 1980, p. 18A.

⁸² Ron Taylor, “Freedom has Hollow Ring for Refugees: 18,000 Cuban Exiles Finding Odd Refuge in the Land of Free,” *The Atlanta Constitution*, August 24, 1980, p. 1A.

⁸³ Emma Edmunds, “Seeking Refuge In Foreign Land: Latins Here Want To Care For Own –But Need Help,” *The Atlanta Constitution*, May 17, 1980, p. 1B.

⁸⁴ “Open doors,” *The Southern Israelite*, May 16, 1980, p. 4.

⁸⁵ Letter from Tam Bui to Archbishop Donnellan on May 8, 1980, Catholic Social Services Resettlement Program Files, Roman Catholic Archdiocese of Atlanta Archives and Records.

reunification was simple enough, but finding sponsors for the “free cases,” as refugees without family were called, proved difficult. By the end of July, Catholic Social Services had sponsored ninety-eight family reunifications, but only resettled twenty-six “free cases.”⁸⁶

Because of the difficulty Atlanta Catholic Social Services experienced in finding sponsors for single men and women, the organization decided that they would only accept family reunification cases, except for a few cases with special circumstances such as a “handicapped single or minor.” Catholic Social Services may have limited their aid to Mariel Cubans because they were also tasked with resettling Vietnamese, Laotian, Cambodian, Hmong, and African refugees in the city. That year, the organization began using a halfway house in addition to sponsorship to aid in the resettlement of refugees coming to Atlanta, but did not allow Mariel Cubans at the halfway house due to unspecified “problems in the past.”⁸⁷

As with earlier waves of Cuban immigrants, individual churches in the area also aided with resettlement. A United Methodist Church with a Spanish-speaking congregation (one fourth of the attendees were Cuban) sponsored a Cuban family of three and another Methodist church in the area paid rent on an apartment for the refugee family.⁸⁸ One church was even willing to sponsor single men. When Immaculate Heart of Mary, a Catholic church in northeast Atlanta with a large number of Latino congregants, held a meeting about aiding Cuban refugees, over 100 parishioners attended the meeting. The church would sponsor fifteen men, turning parochial school classrooms into dormitories for the new arrivals. Parishioners cooked meals, donated

⁸⁶ Memorandum from J.A. Bollmer to Jerry Hardy on July 1, 1980, Catholic Social Services Resettlement Program Files, Roman Catholic Archdiocese of Atlanta Archives and Records.

⁸⁷ Memorandum from Fr. J.A. Bollmer to Archbishop Donnellan on November 18, 1980, Catholic Social Services Resettlement Program Files, Roman Catholic Archdiocese of Atlanta Archives and Records.

⁸⁸ billie cheney speed, “Spanish Church in Atlanta is Methodist First,” *The Atlanta Constitution*, June 7, 1980, p. 6B.

clothing, taught English, and found jobs and apartments for the refugees, even paying the first month's rent for the apartments.⁸⁹

Volunteers participating in resettlement efforts were not immune to the stigmatization of Mariel Cubans, however. One local priest who aided in resettlement, J.A. Bollmer, wrote that “due to the characteristics of these refugees, they are difficult to resettle,” noting that the majority were single males, semi-skilled or unskilled, and unable to speak English. He went on to point out that the Cuban refugees were thirty percent “mulatto,” thirty percent Black, and thirty percent white and further noted that some were “declared homosexuals.” Bollmer expressed concerns not only about their racial and sexual identities, but even about their religious practices: “these persons are NOT Catholic,” explaining that they practiced Santería which was “a mixture of African and ‘Catholic’-like religion.”⁹⁰ Another person who worked in resettlement expressed disgust for Mariel Cubans. The regional director of the International Rescue Committee Inc., John E. Drake, said Cuban refugees were not his favorite subject and were a “very rough crew.” He complained that some had “mental problems,” some had medical problems, and some lacked the motivation to work.⁹¹

In May 1980, the *Atlanta Constitution* featured a story on a Cuban family of four who came to Atlanta to reunite with relatives already living in the Atlanta area. The article noted that the Cuban relatives already living in America had a four-bedroom suburban home and three cars, while the newly arrived Cuban family members had lived in a one-bedroom apartment in Cuba,

⁸⁹ Monsignor Noel C. Burtenshaw, “Refugees Made Welcome,” *The Georgia Bulletin*, The Newspaper of the Roman Catholic Archdiocese of Atlanta, July 17, 1980.

⁹⁰ Memorandum from Fr. Bollmer to Archbishop Donnellan on July 28, 1980, Catholic Social Services Resettlement Program Files, Atlanta Catholic Archives. Jacob Bollmer was removed from ministry in 1987 due to credible allegations of sexual abuse of minors. <https://archatl.com/offices/child-and-youth-protection/list/>; Many of the Black Cubans who immigrated to the United States during the boatlift practiced an Afro-Cuban religion called La Regla de Ocha or Lukumí, commonly referred to as Santería.

⁹¹ Carol Reuben, “Refugees Are Still Not Free: Problems Mix With Freedom After Flight from Repression,” *Intown Extra* in the *Atlanta Constitution*, March 12, 1981.

used a bicycle and “had not eaten an apple in 13 years.” The Cuban brother-in-law who lived in Atlanta expressed conservative views on Cuban migration, saying that migration to Atlanta should be limited to those who can help “pay their own way” and that Cuban immigrants should not live off of government welfare.⁹² Another article titled “Family starts new life amid hopes, fears” from July told the story of a family of five who were sponsored by a Cuban American couple in Atlanta through Cuban World Services. Alberto and his family were Jehovah’s Witnesses and the Mariel boatlift presented an opportunity to get out of Cuba. Alberto wanted to settle in Georgia because he heard there were more jobs there. The family found a community of Spanish-speaking Jehovah’s Witnesses in Atlanta and were able to freely practice their religion for the first time in six years. At the time of the article, Alberto had yet to find permanent work but hoped he would find something soon, saying “I am the father of a family. I must succeed. I believe this is a country of plenty, but I know you have to work hard for some of the richness.”⁹³ In November 1980, the *Atlanta Constitution* featured a story about fifty elderly Mariel Cubans who resettled in the Atlanta area. The article titled, “Cuban Elderly Find Better Life in Atlanta,” emphasized the financial security and abundance of food found in Atlanta. The author wrote that the elderly refugees who struggled to survive in Cuba could enjoy their days in Atlanta at the recreational program sponsored by the Latin American Association.⁹⁴

⁹² Emma Edmunds, “Cuban Family of 4 Rejoices with Kin Here after Ordeal,” *The Atlanta Constitution*, May 17, 1980, p. 6B.

⁹³ Suzanne Dolezal, “Family starts new life amid hopes, fears,” *The Atlanta Constitution*, July 27, 1980, p. 1B.

⁹⁴ Carol Reuben, “Cuban Elderly Find Better Life in Atlanta,” *The Atlanta Constitution*, November 6, 1980, p. E11.



Figure 2: Cuban Family of 4 Rejoices with Kin Here after Ordeal, 1980, The Atlanta Constitution

Though some adjusted to life in Atlanta, other Mariel Cubans continued to struggle. In 1981, a newspaper article titled “Refugees Are Still Not Free” highlighted the hardships that some Cuban migrants faced in the Atlanta area. Many Mariel Cubans complained that they could not find work because they did not speak English, or because of the discrimination they encountered. Mariel Cubans were aware of the negative stereotypes about them. One Cuban woman said “They say Cubans are robbers, prostitutes, homosexuals...Americans think we’re all bad. Bad people came, too, but others are good.” Another Cuban who was interviewed said he had steady work, but suggested that his adjustment was easier because he was white and he spoke English. One man admitted to sleeping in Piedmont Park after his sponsor family kicked

him out of their home. Some Atlantans took advantage of Mariel Cubans, refusing to pay them for work or exploiting them for cheap labor. Several Mariel Cubans complained that a man who worked for the International Rescue Committee Inc. demanded kickbacks; one woman reported that he demanded \$200 for a recommendation for a lawyer.⁹⁵



Figure 3: Two Mariel Cubans stand outside a building housing Cuban refugees near Piedmont Park, 1981, The Atlanta Journal-Constitution

The *Atlanta Constitution* covered the detention of Mariel Cubans at the Atlanta penitentiary, but the paper also featured stories on Mariel Cubans who resettled in Atlanta. The articles primarily focused on families who resettled in Atlanta, sometimes demonstrating a simplistic and misguided understanding of Cuban immigrants. Sometimes local journalists used insensitive language. One journalist wrote of a Cuban refugee family: “they are poor and work at

⁹⁵ Carol Reuben, “Refugees Are Still Not Free: Problems Mix With Freedom After Flight from Repression,” *The Atlanta-Journal Constitution*, March 12, 1981, p. 1E.

menial jobs in a country where they are like deaf-mutes, unable to speak the language.”⁹⁶ The *Atlanta Constitution* articles also emphasized hardships in communist Cuba and opportunities for prosperity in Atlanta. But the local newspaper clearly made a concerted effort to include positive stories on the resettlement of Cubans in Atlanta even after many news agencies began focusing on the criminality of Mariel Cubans.

Mariel Cubans faced challenges that previous waves of Cuban immigrants did not experience. The demographics of and stigma associated with Mariel Cubans affected their reception and incorporation into Atlanta’s culture and economy, but some Atlantans, particularly Cuban Americans, sought to aid Mariel Cubans in their resettlement. The Roman Catholic Archdiocese of Atlanta and local Protestant churches also worked to find sponsors and homes for the newly arrived refugees, though parishioners were generally less willing to sponsor single males. Previous waves of Cuban migration to Atlanta had led to the development of permanent forms of refugee aid and services for Spanish-speakers. These local structures not only benefitted the Mariel Cubans who chose to settle in Atlanta, but also those who were imprisoned there.

⁹⁶ Carol Reuben, “Cuban Refugees Find a Home: Artist, Journalist Start Anew in U.S.,” *The Atlanta Constitution*, January 29, 1981, p. E22.

3 “FREEDOM HAS HOLLOW RING FOR REFUGEES”: DETENTION IN ATLANTA, 1980-1984

On May 16, 1980, fourteen Cubans arrived at the United States Penitentiary in Atlanta. The United States Penitentiary in Atlanta became the primary detention site for Mariel Cubans, holding over a thousand Cubans at a time between 1980 and 1987. These Cubans had come to America during the Mariel boatlift, but their criminal records prevented them from being released into American society. The Immigration and Naturalization Service (INS) took them into custody on arrival and placed them in detention to await exclusion hearings and possible deportation. The recently appointed warden and former chaplain at the penitentiary, Jack Hanberry, told reporters the penitentiary was just holding them for the INS and that he hoped no more than 400 would come to the facility. He had no idea how long they would be there or how many would come to the prison.⁹⁷ Jack Hanberry did not know it then, but he would spend most of his career as warden at the Atlanta Penitentiary, overseeing the detention of Mariel Cubans.

Between 1980 and 1984, Mariel Cubans languished in a federal penitentiary, uncertain of when or if they would ever be released. Organizations that had aided Cuban refugees in the past, such as Catholic Social Services, and the Latin American Association, also attempted to aid the Cubans at the penitentiary by preparing them for possible release and finding sponsors. They often worked with the INS and BOP to achieve their goals. Local lawyers aided the Cubans through different means, directly challenging the federal government's detention policies through litigation. Within the penitentiary, Mariel Cubans resisted through hunger strikes and protests, but faced retaliation from the INS and prison officials for their resistance.

⁹⁷ Jerry Schwartz, “14 Cubans Moved Into Atlanta Pen,” *The Atlanta Constitution*, May 17, 1980, p. 1A.

The Atlanta penitentiary during the 1980s provides a lens through which to view the expansion of immigrant detention under the Reagan administration. A close examination of detention in Atlanta reveals how the government's detention policies were carried out on a local level, as well as how these policies affected individual migrants. A local study provides an opportunity to explore how Cubans responded to detention and how Atlanta residents responded to the imprisoned migrants in their city. Between 1980 and 1984, local aid transformed into local resistance. Some Atlantans who initially worked with the INS and BOP to help the Cuban detainees, began challenging the policies of these federal agencies.

3.1 The Atlanta Penitentiary

In a very real sense, the Mariel Cubans saved the prison in which they were detained. In early 1980, the United States Penitentiary in Atlanta was on the verge of being shut down. Opened in 1902, the largest federal penitentiary held 162 acres, twenty-eight acres and twenty-two buildings within the prison walls, with five cellhouses and eleven manned towers. Numerous famous or infamous Americans—including Al Capone, Carlo Ponzi, Eugene V. Debs, and Marcus Garvey—had served time at the maximum security prison on McDonough Boulevard. After decades of use, the facility was outdated and in a state of disrepair. The federal penitentiary reported a higher number of inmate deaths in comparison to other penitentiaries during the second half of the 1970s, a total of ten homicides between 1976 and 1978 alone, and became the subject of a congressional investigation in 1978. The investigation revealed that weapons could be easily obtained and several inmates and even staff members were involved in drug trafficking within the prison. In January 1980, the Senate Subcommittee on Investigations of the Committee on Governmental Affairs recommended the penitentiary be closed by 1984, determining that the prison was too large and outdated to be managed safely and efficiently by prison officials, and

that it would be too expensive to renovate.⁹⁸ The Bureau of Prisons (BOP) initiated the closing process, reassigning staff and transferring inmates to other institutions.⁹⁹ But the INS required detention space for Cuban migrants who confessed to committing crimes in Cuba, and began moving Cuban detainees to the Atlanta Federal Penitentiary in May 1980.¹⁰⁰

The detention of the Cubans in Atlanta was the latest chapter in a long history. The United States government has attempted to control how many and what kind of migrants come to the country since the nineteenth century. Immigration officials detained European immigrants at Ellis Island, New York, for a variety of reasons, and often held immigrants coming through Angel Island in San Francisco, California, for longer periods of time. Chinese immigrants faced long periods of detention due to the Chinese Exclusion Act of 1882. During the 1950s, detention became less visible due to a reduction in the number of immigrants coming to the United States at the time and the government's attempts to present the country as a beacon of freedom during the Cold War with the Soviet Union. In 1954, the government officially ended its policy of immigrant detention except in cases where an immigrant posed a danger to society or was a flight risk. The federal government began releasing those who sought admission to the United States on parole and closed seaport detention centers, including Ellis Island. The government directed its attention to the southern border, apprehending and quickly deporting Mexican migrants through "Operation Wetback." The INS detained these migrants in temporary detention centers for an average of seven days during processing and then transported them back across the

⁹⁸ Organized Criminal Activities, South Florida and U.S. Penitentiary, Atlanta, GA.: Hearings before the Subcommittee on Investigations of the Committee on Governmental Affairs, United States Senate, Ninety-fifth Congress, Second Session, September 29 and October 2, 1978; Staff Study of the United States Penitentiary, Atlanta, Georgia: Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, United States Senate, January 1980.

⁹⁹ A Report to the Attorney General on the Disturbances at the Federal Detention Center, Oakdale, Louisiana, U.S. Penitentiary Atlanta, Georgia, February 1, 1988, p. Atlanta 1.

¹⁰⁰ Jerry Schwartz, "14 Cubans Moved Into Atlanta Pen," *The Atlanta Constitution*, May 17, 1980, p. 1A.

southern border. Thus, the government could plausibly claim they had ended the policy of detention, while still utilizing short-term detention.¹⁰¹

The migration of Haitians during the 1970s and the mass migration of Cubans during the Mariel boatlift of 1980 led to the reemergence of immigrant detention. The harsh rule of the Duvalier regime and economic hardships in Haiti led thousands of lower-class Haitians to journey to the United States in small boats during the 1970s. In the past, the American government had allowed Haitians into the country on tourist visas, but the new wave of Haitian migration elicited a different response. Between 1972 and 1980, fifty thousand Haitians applied for asylum; the INS granted asylum to less than one hundred of them. The federal government also began using detention to deter Haitian migration.¹⁰² In March 1980, the INS reached an agreement with the BOP to use BOP facilities to “screen, process, and detain aliens who are in the United States illegally.”¹⁰³ This agreement laid the groundwork for the detention of Mariel Cubans at the Atlanta penitentiary. When Ronald Reagan took office in 1981, he was determined to discourage immigration from Caribbean and Latin American countries and hoped to prevent another Mariel. His administration expanded immigrant detention and utilized punitive measures to deter immigration. In July 1981, the federal government initiated mandatory detention for asylum seekers.¹⁰⁴

In addition to the Atlanta penitentiary, the INS sent Mariel Cubans to the federal correctional institutions in Talladega, Alabama and McNeil Island, Washington and to the federal penitentiaries at Leavenworth, Kansas, and Lewisburg, Pennsylvania. Though the INS

¹⁰¹ Elliott Young, *Forever Prisoners: How the United States Made the World's Largest Immigrant Detention System* (New York: Oxford University Press, 2021), p. 7-10;

¹⁰² Carl Lindskoog, *Detain and Punish: Haitian Refugees and the Rise of the World's Largest Immigration Detention System* (Gainesville: University of Florida Press, 2018), p. 1-3 & 13-18.

¹⁰³ Lindskoog, p. 33.

¹⁰⁴ Kristina Shull, “Reagan’s Cold War on Immigrants: Resistance and the Rise of a Detention Regime, 1981-1985,” *Journal of American Ethnic History* 40, no. 2 (Winter 2021), p. 9-10.

continued detaining Cubans at other institutions, the Atlanta penitentiary became the primary detention site of Mariel Cubans nationwide in March 1981. The BOP transferred hundreds of Cuban detainees at other facilities to Atlanta, and by the end of March, there were 1,765 Mariel Cubans at the Atlanta penitentiary.¹⁰⁵ The INS and the BOP claimed that the penitentiary in Atlanta offered the most space for detainees, insisting that consolidating the detainees at one facility in the southeast would allow the BOP to “more effectively manage the Cuban detainees” and prevent disruptions at other facilities, as well as allow the INS to conduct exclusion hearings more efficiently.¹⁰⁶

The INS initially planned to house the Cuban detainees at the Atlanta penitentiary only temporarily, until the detainees received exclusion hearings, during which INS officials determined whether the Cubans could legally enter the United States. Under normal circumstances, migrants who were denied admission into the United States would be returned to their native country; but strained relations between the United States and Cuba prevented deportation. Because the Cuban government refused to allow Mariel Cubans to reenter the country, detainees who were deemed excludable could not be immediately deported. The INS was thus compelled to detain these Cubans in Atlanta indefinitely until an agreement could be reached with Cuba.

Though the Cubans were immigrants seeking refuge and not inmates serving prison sentences, the INS placed them in a federal penitentiary. The INS and BOP had chosen to detain Cuban migrants at a facility that the federal government had already determined was unsafe for American citizens. But prison officials and organizations aiding Cuban migrants proposed that

¹⁰⁵ A Report to the Attorney General on the Disturbances at the Federal Detention Center, Oakdale, Louisiana, U.S. Penitentiary Atlanta, Georgia, February 1, 1988, p. Mariel History 1-2.

¹⁰⁶ *Ibid.*, p. Atlanta 3.

the Atlanta penitentiary would serve as a “school of American life” for those detained. Local organizations which had aided refugees in the past cooperated with the INS and prison officials to prepare the Cuban detainees for life in the United States. Paul Sheetz of the Atlanta Committee on Behalf of Cuban Prisoners, a nonprofit created to aid the Cubans detainees, told the public, “They will be changing it from a prison situation more to a rehabilitation center” teaching them English, trades, and preparing them for life in America.¹⁰⁷ Sheetz had served as a missionary for the Scandinavian Alliance Mission in several Latin American countries. After he retired from international mission work, he began ministering to the Latino community in Atlanta and founded a Spanish language church in 1980.¹⁰⁸ William Noonan, a spokesman at the Atlanta penitentiary, euphemistically described the detention as “social education” and said that they would teach Cuban detainees how to apply for jobs and how to open a checking account. Stereotypes of communism often shaped the programming for Cuban detainees. Many of those aiding the Cubans believed that migrants from a communist country required instruction on life in a capitalist society. George Handlesman, attorney and director of Atlanta’s Latin American Association, claimed that the goal was to dispel the myth that Cubans would instantly find jobs and teach them “it is hard work, that they have to start at the bottom and work their way up.”¹⁰⁹ These comments also reveal that in the first year, local activists and even prison officials assumed that many of the Cuban migrants would eventually be released into American society. Despite the claims that the Atlanta penitentiary would function as an educational center preparing Cuban migrants for release, the facility was a prison—and it operated as such. Most

¹⁰⁷ Brenda Mooney, “Pen to Serve as School for 1,700 Cubans,” *The Atlanta Constitution*, December 29, 1980, p. 1C.

¹⁰⁸ Obituary of Paul Heisey Sheetz, *The Atlanta Journal-Constitution*, August 14, 2007.

¹⁰⁹ Brenda Mooney, “Pen to Serve as School for 1,700 Cubans,” *The Atlanta Constitution*, December 29, 1980, p. 1C.

detainees were crammed eight to a cell, in twenty-by-ten-foot cells made for only four prisoners.¹¹⁰ One *Atlanta Constitution* article from 1980 on the detention of Mariel Cubans was aptly titled “Freedom Has Hollow Ring For Refugees.”¹¹¹

3.2 The Cuban Detainees

Who were the Cuban detainees at the United States Penitentiary in Atlanta? The INS claimed to be detaining Cuban entrants who admitted to crimes of moral turpitude during their entrance interviews. During processing, twenty-six thousand Mariel Cubans admitted to having criminal records, but only about two thousand admitted to committing serious crimes, less than four percent of the total number that migrated to the United States during the Mariel boatlift.¹¹² Many of the Mariel Cubans with criminal records spent time in Cuban prisons for “*peligrosidad*” (dangerousness), political crimes, or for not conforming to revolutionary norms. Under Cuba’s *peligrosidad* law, citizens could be arrested for “alcoholism, gambling, drug addiction, homosexuality, prostitution, ‘extravagant behavior,’ vagrancy, and dealing on the black market.” Political crimes ranged from minor offenses such as disagreeing with communist ideology to more serious offenses such as arson. In Cuba, Jehovah’s Witnesses and Seventh Day Adventists could be imprisoned for their refusal to participate in the military.¹¹³ Several Cubans were detained in Atlanta for offenses that were not illegal in the United States, such as “killing cows without the Cuban government’s permission, slowing down production at a factory, or working at a bank where a shortage in money was found,” as well as for participating in the black market

¹¹⁰ Paul L. Montgomery, “1,774 People Without a Country: Cuban Refugees Sit in U.S. Jails,” *New York Times*, December 7, 1980, p. 1A.

¹¹¹ Ron Taylor, “Freedom Has Hollow Ring For Refugees: 18,000 Cuban Exiles Finding Odd Refuge in the Land of the Free,” *The Atlanta Constitution*, August 24, 1980, p. 1A.

¹¹² María Cristina García, *Havana USA: Cuban Exiles and Cuban Americans in South Florida, 1959-1994* (Berkeley: University of California Press, 1996), p. 64.

¹¹³ García, p. 64-65.

and private enterprise.¹¹⁴ A Cuban detainee could thus serve time for an offense that was not considered a crime in the United States, and this record could prevent his official entrance into the nation.

The INS also targeted Cubans with mental health conditions. According to the Public Health Service, some of the Cubans who were detained in Atlanta demonstrated signs of mental illness. Prison officials at the United States Penitentiary in Atlanta placed about one hundred detainees with mental illnesses who demonstrated violent behavior in Cellhouse C, administering psychotropic medications, such as lithium and Haldol, to most of them. Many (but not all) of the detainees with mental illnesses had committed crimes. In 1985, the Atlanta federal penitentiary held over five hundred Cubans who were diagnosed with a mental health condition, 107 of whom were intellectually disabled as well. Those who required intensive treatment were often moved to the INS/Public Health Service facility at St. Elizabeth's Hospital in Washington, D.C.¹¹⁵

Initially, the Atlanta penitentiary's detainee population was primarily made up of Cubans who admitted to committing crimes in Cuba. But in the following months, the facility would also hold Cubans who were unable to find sponsors, as well as those who had violated their terms of parole. The INS transported hundreds of Mariel Cubans from relocation camps to penitentiaries because these migrants were unable to find sponsors. Unsponsored Cubans were overwhelmingly single, Black males between the ages of twenty and thirty. When Fort Chaffee in Arkansas closed in 1982, 395 unsponsored Cubans were passed on to the Department of Justice, the vast

¹¹⁴ Brenda Mooney, "Tension Mounting for Cubans in Atlanta Pen, Attorney Says," *The Atlanta Constitution*, September 17, 1980, p. 6A.

¹¹⁵ Atlanta Federal Penitentiary: Report of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the Committee on the Judiciary U.S. House of Representatives, Ninety-Ninth Congress, Second Session, April 1986, Appendix 8.

majority of whom were moved to the United States Penitentiary in Atlanta, even though none of them had criminal records. Justice Department officials claimed it was “cheaper to keep them there” than at Fort Chaffee.¹¹⁶ Ninety-six of the Cubans from Fort Chaffee signed an open letter protesting their transfer to the Atlanta penitentiary. They wrote “we are confused and frightened. We came to your country in search of freedom and a chance to work at any menial labor. We have had to wait a long time because we didn’t have any family or friends here, like others who came with us... We have no voice. We have no defense. Help!”¹¹⁷ Assistant U.S. Attorney Douglas Roberto defended the move, saying it was only temporary and that the government would continue looking for sponsors.¹¹⁸ Meanwhile, the INS also sent Cuban parolees stationed at a halfway house in Denver, Colorado to the Atlanta Federal Penitentiary after the house ran out of funding. Three of these men had people willing to sponsor them, but the INS would not release the young men into their custody.¹¹⁹

The INS also detained Mariel Cubans who violated the terms of their immigration parole. By 1986, approximately fifteen hundred Cubans at the Atlanta federal penitentiary had been released into American society, but subsequently lost parole for criminal convictions. Because the United States government classified Mariel Cubans as entrants-status pending, those who were initially released into American society on a trial basis could have their parole revoked.

¹¹⁶Alexander Stephens, “‘I Hope They Don’t Come to Plains:’ Race and the Detention of Mariel Cubans, 1980-1981,” María Cristina García, 72 & 78; “Cubans in Arkansas Will Be Transferred To 2 Federal Prisons,” *The New York Times*, January 23, 1982, p. 7.

¹¹⁷ Brenda Mooney, “Transfers from Arkansas Compound Cuban Problem,” *The Atlanta Constitution*, January 26, 1982.

¹¹⁸ Brenda Mooney, “Transfers from Arkansas Compound Cuban Problem,” *The Atlanta Constitution*, January 26, 1982.

¹¹⁹ Nathaniel Avalos served as a counselor at Emerson House and he and his family inquired about sponsoring the young men in February 1981, writing that they loved them as their own sons. They said they could provide the young men with their own bedrooms, send them to Emily Griffith Opportunity School, a local technical school, and would take them to Bethel Temple Spanish Assembly of God Church. Letter from John A. Simon, Detention and Deportation Officer to Nathaniel Avalos, June 17, 1981. Letter from Mr. and Mrs. Nathaniel Avalos to Norm Schross, Department of Deportation, Denver, Colorado, February 26 1981, Cuban Detainees’ Litigation Papers, Kenan Research Center, Box 9, Folder 2.

Several thousand Mariel Cubans with or without prior criminal records were arrested after their arrival for a variety of offenses, minor and major, spanning from driving without a license plate to murder. Even after serving their sentences, many convicted Cubans remained in jail because they had violated the terms of immigration parole by committing crimes in the United States. The INS arranged for incarcerated Cubans to be picked up from state prisons after they served their sentences and transported to the Atlanta Federal Penitentiary. Sometimes, the INS took convicted Cubans into custody months after their release.¹²⁰

The INS claimed the agency only took those convicted of serious crimes into custody.¹²¹ In fact, however, INS officials revoked parole and transported Cuban migrants to detention centers for minor offenses, and even for halfway house violations. A handful of Mariel Cubans only received probation or fines during sentencing, but lost their parole status and thus, their freedom. One Cuban was arrested for driving his car without a license plate and paid the fine for the offense, but the INS took him into custody and detained him for six years.¹²² Several Cubans were taken into custody for minor parole violations such as running away from a halfway house or carrying a knife. Simply losing a sponsor could be grounds for detention, as Mariel Cubans' parole status was dependent on sponsorship. One Cuban lost parole because he required specialized medical treatment for an eye injury. The INS placed the man in a mental hospital and

¹²⁰ Atlanta Federal Penitentiary: Report of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the Committee on the Judiciary U.S. House of Representatives, Ninety-Ninth Congress, Second Session, April 1986, Appendix 5.

¹²¹ A Report to the Attorney General on the Disturbances at the Federal Detention Center Oakdale, Louisiana, U.S. Penitentiary Atlanta, Georgia, February 1, 1988, History of Mariel Cubans, p. 4.

¹²² Testimony of John Lewis, Mariel Cuban Detainees: Events Preceding and Following the November 1987 Riots: Hearing Before the Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the Committee on the Judiciary, House of Representatives, One Hundredth Congress, Second Session, February 4, 1988, p. 4-6.

eventually moved him to the Atlanta Penitentiary. He told a journalist, “my only crime was losing my eye.”¹²³

The cases of several Mariel Cuban detainees demonstrate the precarious situation that Mariel Cubans faced. During his entrance interview with the INS, Juan Machado admitted to killing a man in Cuba.¹²⁴ But he had acted in self-defense, and pointed out to American officials that all charges against him had been dropped. Because of this admission, INS officials took Machado into custody and sent him to the Atlanta penitentiary.¹²⁵ He said that immigration officials did not understand his statement and “let themselves be guided by solely one word—homicide.”¹²⁶ An INS panel eventually determined that he could be released, but this decision was reversed after Machado grabbed a prison guard’s arm during an argument over the volume of his radio. While at the penitentiary, Machado earned a high school equivalency diploma in Spanish and studied English and technical skills. He filed petitions for release, found people willing to sponsor him, and was offered jobs in multiple cities, but the INS declined to release him.¹²⁷

Machado attempted to be honest with INS officials during his entrance interview, but they failed to understand his statement. Often, the INS’s files on Mariel Cubans were incomplete or sometimes even incorrect. Translation errors contributed to incomplete and incorrect records,

¹²³ Daniel Golden, “US no haven for these Cuban refugees: 1,800 Marielitos languish in an Atlanta prison with little hope for the future,” *The Boston Globe*, March 29, 1987.

¹²⁴ It is common practice to use the real names of Mariel Cubans who experienced indefinite detention. I have chosen to use the real names of Cubans who spoke to the press. When using the personal documents of Cubans in detention, I avoid using the full names of the detainees.

¹²⁵ Michele Cohen, “Mariel Cubans in U.S. Prison Yearn For Chance At Freedom,” *Sun Sentinel*, Fort Lauderdale, March 31, 1986, p. 1A; William C. Thompson, “The Mariel Cubans: Seven Years of Prison and Counting,” *The Atlanta Lawyer* (Summer 1987).

¹²⁶ Michele Cohen, “Mariel Cubans in U.S. Prison Yearn For Chance At Freedom,” *Sun Sentinel*, Fort Lauderdale, March 31, 1986, p. 1A

¹²⁷ Michele Cohen, “Mariel Cubans in U.S. Prison Yearn For Chance At Freedom,” *Sun Sentinel*, Fort Lauderdale, March 31, 1986, p. 1A; William C. Thompson, “The Mariel Cubans: Seven Years of Prison and Counting,” *The Atlanta Lawyer* (Summer 1987).

whereas other problems resulted from fraud, since some Cubans borrowed the prison records of other Cubans in order to receive permission from the Cuban government to leave the country. One Cuban detainee had borrowed his cousin's prison record to get out of the country and because of this, the INS placed him in prison until August 1981.¹²⁸ Machado's story also illustrates how infractions within the penitentiary could prevent release from detention. INS officials added prison infractions and even resettlement camp infractions to the records of Cuban detainees. Detainees could accumulate a list of noncriminal offenses in their files that would prevent their release into American society.

Julio Moret is an example of a young Cuban who only had a juvenile record in Cuba and no criminal record in the United States—and yet he found himself detained at the Atlanta Penitentiary. His case also illustrates the mistreatment that many Mariel Cubans faced during sponsorship. He came to the United States at the age of sixteen on May 22, 1980. During his entrance interview, he admitted to being arrested and sentenced to ten years at the age of fifteen for anti-Castro graffiti at school. The INS sent him to the Cuban refugee camp in Indiantown Gap, Pennsylvania where he had difficulty finding a sponsor. The teenager was then passed off to VisionQuest, a private, for-profit company the State Department brought on to manage young Cuban migrants. VisionQuest used controversial tactics such as yelling at campers to draw out anger, and Moret told a reporter that he was beaten while at the youth camp. He moved on to VisionQuest's Venago County wilderness camp, then to a halfway house in California, and then back to VisionQuest. Eventually, he ran away from the camp to California in 1983, where police found him sleeping in a stolen van. He claimed he saw the empty van while walking along I-95 and he needed a place to sleep. Though he was never charged with a crime, the INS revoked his

¹²⁸ Sam Hopkins, "One Cuban's Unlucky Detour Ends Joyously," *The Atlanta Constitution*, August 22, 1981, p. 1A.

parole and placed him in the Atlanta penitentiary in October 1983.¹²⁹ His lawyer, Margaret Lenzi, told a reporter, “Julio was a teenage kid who wanted a chance in America and it kept being thwarted. With any teenager (who is) watched 24 hours a day, there are going to be documented episodes of talking back, but they built them up as major infractions. He was not given a chance to succeed.”¹³⁰

Gerardo Mansur and Julia Martinez are examples of Cubans who committed crimes after their arrival and subsequently lost their immigration parole status. The couple’s story also illustrates how Reagan’s War on Drugs affected migrants and their families. In November 1982, police arrested Mansur and Martinez after finding less than an ounce of marijuana in their apartment. The married couple pled guilty to possession and only received probation, but in February 1983, the INS revoked their immigration parole and took them into custody. The INS detained Mansur at the Atlanta penitentiary and Martinez at the Lexington Federal Correctional Institute. Martinez was pregnant when the INS took her into custody and gave birth to the child while in detention. Social workers took both of the couple’s children and placed them in foster care, later trying to convince Martinez to give her children up for adoption.¹³¹ “Every day when I get up, they’re on my mind,” she told a journalist. “I want to see them and hear their voices.”¹³² After spending three years at the Atlanta penitentiary, Mansur was transferred to a prison in Arizona and eventually granted immigration parole in 1987. But the same year his wife was

¹²⁹ O.J. Keller, “‘The Joint Could Blow’: 1,800 Cubans are ‘locked down’ eight per cell in the Atlanta Federal Pen... ‘It’s hell,’ and it’s summer,” *Atlanta Magazine*, June 1985; Mary Jane Fine, “Cuban Refugee’s Futile Odyssey: 5 Years After Boatlift, He Waits Behind Bars,” *Philadelphia Inquirer*, March 14, 1985, p. B1.

¹³⁰ Mary Jane Fine, “Cuban Refugee’s Futile Odyssey: 5 Years After Boatlift, He Waits Behind Bars,” *Philadelphia Inquirer*, March 14, 1985, p. B1.

¹³¹ Margaret L. Knox, “A mother’s nightmarish predicament: Cuban jailed indefinitely is asked to give up sons,” *The Atlanta Journal and Constitution*, July 13, 1986; Testimony of Gary Leshaw, Mariel Cuban Detainees: Events Preceding and Following the November 1987 Riots, p. 132.

¹³² Margaret L. Knox, “A mother’s nightmarish predicament: Cuban jailed indefinitely is asked to give up sons,” *The Atlanta Journal and Constitution*, July 13, 1986.

denied parole because INS officials deemed her danger to society.¹³³ Martinez is also a case of a Cuban whose file was incorrect, since it indicated she'd been a cocaine trafficker, even though she was only arrested for possessing less than an ounce of marijuana.¹³⁴

The cases discussed illustrate just a few of the challenges that Mariel Cubans faced. Because of the stigmatization of Mariel Cubans and the precarious nature of their immigration status, Mariel Cubans could find themselves in long-term detention for any number of reasons. Cubans could be detained for offenses without criminal convictions and for criminal convictions that did not include prison sentences. They could even be detained for running away from a sponsor. But even those who did receive prison sentences had already served prison terms. They were doubly punished, first for their crimes and again for violating immigration parole.

3.3 Conditions of Detention

Cuban detainees were subject to poor and often inhumane treatment while detained at the penitentiary in Atlanta. Most of the detained Cubans were crammed eight to a cell in 210 square-foot cells made for only four people.¹³⁵ Unlike the dormitories that held American inmates, the outdated cellblocks holding Cuban detainees were too hot in the summer and too cold in the winter.¹³⁶ Cuban detainees claimed that they sometimes went without bedding, clean underwear, and a working toilet. They also reported that prison officials took their personal belongings, "bathed" them with water hoses, and regularly suspended religious services. Cuban detainees even claimed that guards forced them to watch pornography.¹³⁷

¹³³ Carla M. Dudeck, "Free the Atlanta 1500," *The Georgia Libertarian* 15 no. 2 (Fall 1987).

¹³⁴ Testimony of Gary Leshaw, Mariel Cuban Detainees: Events Preceding and Following the November 1987 Riots, p. 156.

¹³⁵ Atlanta Federal Penitentiary: Report of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the Committee on the Judiciary U.S. House of Representatives, Ninety-Ninth Congress, Second Session, April 1986.

¹³⁶ Renaldo Smith, p. 25-26.

¹³⁷ Cuban Detainees' Litigation Papers, Kenan Research Center, Box 9, Folder 3.

Prison officials demonstrated a lack of concern for the physical health of Cuban detainees. Cubans asserted that they did not receive proper medical care while at the penitentiary. Prison officials often made other Cubans responsible for surveilling prisoners on suicide watch. Over thirty Cubans died while detained at the Atlanta penitentiary, many of them young. One thirty-two-year-old died of hepatitis while detained, and another young Cuban perished of unknown causes (the prison did not order an autopsy). Several Cubans were buried on prison grounds, rather than being returned to family members. Prison officials tasked American inmates with digging the graves.¹³⁸

Prison guards also physically abused Cuban detainees at the penitentiary, beating them for complaints and disobedience. When one Cuban complained about the food in the cafeteria, guards beat him and the other Cubans sitting at the table. One Cuban detainee said prison guards called him a homosexual and pushed him down and kicked him while he was on the floor; another reported that he was beaten with a bat or pickaxe handle. Guards kicked one Cuban in the chest after he returned from heart surgery. Several Cubans filed lawsuits against prison staff and even requested restraining orders to prevent further abuse from guards at the penitentiary.¹³⁹

The Atlanta Penitentiary was not the only detention site with an inhospitable environment and cases of abuse and mistreatment. Migrants detained at other facilities during the early 1980s likewise suffered horrible conditions and inhumane treatment. Haitians at the Krome Detention Center in Miami faced poor medical treatment and beatings by guards. The Organization of American States' Inter-American Commission on Human Rights launched an investigation into

¹³⁸ Testimony of Sally Sandidge, Mariel Cuban Detainees Hearing Before the Subcommittee on Immigration, Refugees, and International Law of the Committee on the Judiciary, House of Representatives, One Hundredth Congress, Second Session on H.R. 4330 and H.R. 4349, July 6, 1988, p. 122.

¹³⁹ Brenda Mooney, "Cubans Abused At Pen, Suit Says," *The Atlanta Constitution*, February 12, 1981, p. 1A; Barry King, "Reports Of Cuban Beaten At Prison Probed," *The Atlanta Constitution*, September 26, 1980, p. 6A.

human rights violations at Krome, as well as Fort Allen in Puerto Rico. In 1982, San Juan's mayor described Fort Allen as a "Federal government-sponsored prison or concentration camp, with severe environmental problems and living conditions not suitable for human habitation."¹⁴⁰ An Arizona Senator's aide who toured the El Centro detention center in southern California reported "overcrowding, poor sanitation, physical abuse, lack of proper nutrition and basic necessities, limited access to medical care, and case backlogs that lengthened detention times."¹⁴¹ The Atlanta Penitentiary was not an outlier in the detention system. The experiences of Cubans in prison resembled those of other migrants in detention during the 1980s.

Indefinite detention took a psychological toll on detainees, resulting in mental health problems, suicides, suicide attempts, and self-mutilation. A prison psychiatrist explained that indefinite incarceration was traumatic and could cause long term effects that persisted even after release. A Cuban detainee who worked in the prison clinic said that many of the other Cubans went "crazy" not knowing when or if they would get out of prison and were treated with "one drug after another."¹⁴² One detainee attempted suicide six times between 1983 and 1987, beating his head into a cement wall, drinking gasoline, refusing food for thirteen days, overdosing on pharmaceutical drugs, and attempting to strangle himself with a rope.¹⁴³ The Department of Health and Human Services noted an increase of mental health conditions at Fort Allen and Krome as well, citing conditions such as "feeling crazy," depression and suicidal thoughts, frequent headaches, and "depersonalization" (where one feels detached from the body).¹⁴⁴

¹⁴⁰ Kristina Shull, "Reagan's Cold War on Immigrants: Resistance and the Rise of a Detention Regime, 1981-1985," *Journal of American Ethnic History* 40, no. 2 (Winter 2021), p. 15, 18.

¹⁴¹ *Ibid.*, p. 22.

¹⁴² Martha Gorman, "The Cuban Catch-22," *The Atlanta Constitution*, January 24, 1982, p. K8.

¹⁴³ Hamm, p. 63.

¹⁴⁴ Shull, "Reagan's Cold War on Immigrants," p. 17.

Long-term detention at the Atlanta Federal Penitentiary also resulted in violence between detainees. In September 1980, a Cuban detainee was stabbed to death by another during an argument over personal property; the victim, who served time for theft in Cuba had been detained at the Atlanta Penitentiary and was awaiting a hearing with the INS.¹⁴⁵ By August, 1981, four Cuban detainees had died in violent incidents.¹⁴⁶ One twenty-five-year-old was approved for release and was awaiting sponsorship when he was stabbed to death in 1982.¹⁴⁷ A writer at the *Atlanta Constitution* aptly noted that many of the people detained were not a danger to society, but were in danger themselves at the Atlanta Penitentiary.¹⁴⁸

Prison officials failed to accept responsibility for the violence inside the prison, and often invoked the logic of white supremacy to explain the murders and assaults that occurred within the prison. Bill Noonan, the deputy warden, blamed the violence on cultural differences, saying “you are trying to break centuries of the Spanish heritage on top of the Indian heritage that was there originally...and to try to put that in the Judeo-Christian mode with a Northern European background ...is a pretty difficult thing to do.”¹⁴⁹

3.4 Local Aid

Just as they had for other Cuban refugees who came to the area, the Catholic Archdiocese of Atlanta sought to provide for the needs of the Cubans detained within the penitentiary. Priests and volunteers offered weekly religious services, counseling, and an English class. Up to 150

¹⁴⁵ Chester Goolrick, “Cuban Dies In Atlanta Pen Attack,” *The Atlanta Constitution*, September 20, 1980, p. 1A; Susan Wells, “Warden denies tensions led to slaying,” *The Atlanta Constitution*, September 21, 1980, p. 1B.

¹⁴⁶ “Dealing With Cuban Detainees,” *The Atlanta Constitution*, August 12, 1981, p. 4A.

¹⁴⁷ “Slain Cuban Refugee Waited For A Sponsor,” *The Atlanta Constitution*, March 22, 1982, p. 12A.

¹⁴⁸ “Dealing With Cuban Detainees,” *The Atlanta Constitution*, August 12, 1981, p. 4A.

¹⁴⁹ Susan Wells, “Hipanics protest statement after Cuban stabbing at pen,” *The Atlanta Constitution*, April 4, 1982, p. 8B.

Cubans attended Sunday Mass in the penitentiary's chapel in 1981.¹⁵⁰ The United States Catholic Conference (USCC) set up a make-shift office in the penitentiary to review the cases of Cuban detainees and determine which ones could be resettled. Members of local Catholic Churches offered their assistance. Tomás and Marta Antona were two of the local volunteers. The two immigrated from Cuba in the early 1960s, met in Boston, married, and moved to Atlanta. At the penitentiary, the Antonas served as interpreters and helped find sponsors for the Cuban detainees.¹⁵¹ Tomás became the president of the Atlanta Committee on Behalf of Cuban Prisoners.¹⁵²

Some Cuban Americans in the city were reluctant to become involved with the Cubans at the prison, however. Jacob Bollmer, from Catholic Social Services, noted that it was difficult to find Cubans who were willing to sponsor the detainees. Marta Antona suggested that Cuban Americans were scared of Cubans in the penitentiary.¹⁵³

In 1980, Deborah Ebel, a young lawyer working at the Atlanta Legal Aid Society, received a call from the INS. Ebel had graduated from law school at Emory University in 1975 and because she wanted to help people who could not afford a lawyer, she began working with the Atlanta Legal Aid Society. The INS was seeking lawyers to participate in exclusion hearings for Cubans at the prison. Ebel and another attorney from the office, Barbara Twine, agreed to represent the Cubans in the hearings. When they arrived at the prison, they were greeted by

¹⁵⁰ Thea Jarvis, "Atlanta Penitentiary, Expanded Ministry To Cuban Refugees," *The Georgia Bulletin*, The Newspaper of the Roman Catholic Archdiocese of Atlanta, January 15, 1981; Noel C. Burtenshaw, "...Men At Prayer," *The Georgia Bulletin*, May 28, 1981.

¹⁵¹ Gretchen Keiser, "Atlanta Penitentiary, U.S.C.C. In Case-By-Case Review," *The Georgia Bulletin*, January 22, 1981; Noel Burtenshaw, "Atlanta Penitentiary, The Resettling Begins," *The Georgia Bulletin*, January 29, 1981.

¹⁵² Thea Jarvis, "Cubans: Men In The Middle," *The Georgia Bulletin*, May 28, 1981.

¹⁵³ Gretchen Keiser, "Atlanta Penitentiary, U.S.C.C. In Case-By-Case Review," *The Georgia Bulletin*, January 22, 1981; Noel Burtenshaw, "Atlanta Penitentiary, The Resettling Begins," *The Georgia Bulletin*, January 29, 1981.

Warden Jack Hanberry and his assistant Bill Noonan. The men promptly attempted to discourage the lawyers from meeting with the Cubans, saying that the detainees were dangerous and the prison was no place for young women. The speech initially had the desired effect, and the two lawyers walked back to the car. After further consideration, they went back inside, resolved to help the Cubans in detention.¹⁵⁴

Ebel quickly realized that the INS was using the Atlanta Legal Aid Society lawyers to provide the appearance of due process and decided she would no longer be their pawn. During exclusion hearings, the INS determined whether a migrant had the proper entry papers and if they had a well-founded fear of persecution. Of course, most of the Cubans who came during the Mariel boatlift did not have entry papers, and their criminal records hinged on the testimony that Cubans themselves delivered during their entry interviews, or that arose from hearsay. Faced with these conditions, Ebel decided that she would no longer be the pawn of the INS. With the help of private practice lawyers, Myron Kramer and Dale Schwartz, Ebel launched a new strategy: she would challenge detention through individual habeas corpus cases.¹⁵⁵ Kramer had attended law school at New York University and started practicing business immigration law in Atlanta in 1979.¹⁵⁶ Schwartz was an attorney at a local law firm and had attended law school at the University of Georgia. He was active in several Jewish organizations, including the Atlanta Jewish Federation, the Hebrew Immigrant Aid Society (HIAS), and the Anti-Defamation League of B'nai B'rith. Though he primarily focused on business law, he pivoted to immigration law after becoming involved with the cases of Cuban detainees.¹⁵⁷

¹⁵⁴ Author's interview with Deborah Ebel on October 1, 2021.

¹⁵⁵ Author's interview with Deborah Ebel on October 1, 2021.

¹⁵⁶ "About Us," Kramer Partners Website, <https://www.kramerimmigration.com/about-kramer-assoc> (Accessed May 24, 2022).

¹⁵⁷ "Dale Schwartz receives young leadership award," *The Southern Israelite*, September 18, 1981, p. 6; Author's interview with Dale Schwartz on August 18, 2021.

The local lawyers were appalled that the Cubans would be detained at the penitentiary for petty, political, and juvenile crimes committed in Cuba and that Cubans would be held for months without regular hearings. Myron Kramer said that he initially accepted the government's portrayal of those detained as dangerous criminals, but quickly discovered that this assessment was incorrect. He argued that "while the government does have an interest in protecting its citizenry, this principle must not become a sword to be used without restraint, nor should it provide an after-the-fact rationalization to legitimize unchecked and indefinite incarceration of individual human beings, without fear of public accountability."¹⁵⁸

Their first client was Genaro Soroa Gonzales, a Cuban without a criminal record who was being held at the penitentiary for lack of entry papers. The INS had initially placed Soroa on immigration parole, but later claimed that he was involved in drug trafficking in Cuba and revoked his parole. Soroa challenged the charge and an administrative law judge ruled in his favor, but the INS continued to hold Soroa at the Atlanta federal penitentiary for lack of entry papers (although almost all of the Cubans who came to America during the Mariel Boatlift lacked entry papers.)¹⁵⁹

The case landed on the desk of Judge Marvin Shoob of the Northern District of Georgia. Shoob was a World War II veteran who won the Bronze Star for valor. After the war, he attended law school at the University of Georgia and moved to Atlanta. He practiced business law for thirty-one years before becoming a judge. President Jimmy Carter appointed Shoob to the U.S.

¹⁵⁸ Myron Kramer, "Cuban Detainees Living a Nightmare: Remaining Cases Must be Expedited in 'Land of the Free,'" *The Atlanta Constitution*, May 18, 1983, p 11 A.

¹⁵⁹ Sam Hopkins, "Judge Frees First Cuban Detainee at Atlanta Pen," *The Atlanta Constitution*, June 12, 1981, p. 1A; Sam Hopkins, "Feds Ordered To Free Cuban," *The Atlanta Constitution*, May 22, 1981, p. 22A; Testimony of Marvin Shoob, *Mariel Cuban Detainees: Events Preceding and Following the November 1987 Riots*, p. 122; *Soroa-Gonzales v. Civiletti* (N.D. Ga. 1981).

District Court in 1979.¹⁶⁰ After reviewing the evidence, Judge Shoob ordered Soroa's release, asserting that the INS had "abused its discretion" by refusing to reinstate his parole.¹⁶¹ "It violates every basic principle of our democracy to keep a man in a maximum security prison with no evidence to prove he has committed a non-political crime," Shoob declared. The INS appealed the decision, but the 11th Circuit Court of Appeals upheld Shoob's ruling.¹⁶² Lawyer Deborah Ebel eagerly went to the penitentiary to pick Soroa up, but Warden Jack Hanberry refused to release him, arguing the federal government had given him orders not to release any of the detainees.¹⁶³ Ebel alerted Judge Shoob, who called the prison, saying "you've got exactly 30 minutes to release him or I'm going to send a number of federal marshals out there to pick him up, and you'll be charged with contempt of court." The prison official who answered the phone said, "Judge, are you threatening me?" Shoob replied, "I'm just telling you, you're going to be sitting in jail over the weekend if you don't let him go." Fifteen minutes later, prison officials released Soroa.¹⁶⁴ Tomás and Marta Antona were waiting to take him home with them. This was a joyous occasion for the Cubans at the penitentiary, as this was the first release in months and represented the possibility of their own release.¹⁶⁵ Cubans chanted "Santa Deborah" out of opened cell windows.¹⁶⁶ Soroa told reporters that the other Cuban detainees were happy for him and hopeful that they too might gain their freedom in the future.¹⁶⁷

¹⁶⁰Bill Cutler, "The Law and Marvin Shoob," *The Atlanta Journal-Constitution*, May 19, 1985, p. M14; Bill Rankin, "Judge Marvin Shoob, revered for his independence, dies at age 94," *The Atlanta Journal-Constitution*, June 19, 2017.

¹⁶¹ *Soroa-Gonzales v. Civiletti* (N.D. Ga. 1981).

¹⁶² Sam Hopkins, "Judge Frees First Cuban Detainee At Atlanta Pen," *The Atlanta Constitution*, June 12, 1981, p. 1A & 24A.

¹⁶³ Author's interview with Deborah Ebel on October 1, 2021.

¹⁶⁴ Tracy Thompson, "Six years after flotilla, Cubans' legal status still unresolved," *The Atlanta Constitution*, June 23, 1986.

¹⁶⁵ Sam Hopkins, "Judge Frees First Cuban Detainee at Atlanta Pen," *The Atlanta Constitution*, June 12, 1981, p. 1A & 24A.

¹⁶⁶ Author's interview with Deborah Ebel on October 1, 2021.

¹⁶⁷ Sam Hopkins, "Judge Frees First Cuban Detainee at Atlanta Pen," *The Atlanta Constitution*, June 12, 1981, p. 1A & 24A.



Figure 4: Genaro Soroa Gonzales Leaves Prison With Volunteer Marta Antona, The Atlanta Constitution, June 12, 1981.

Shoob became something of an ally of the Cuban detainees held in the Atlanta Penitentiary. The judge explained that a memory from World War II influenced his handling of the Cuban detainee cases. When five young German soldiers surrendered to Shoob, his lieutenant asked Shoob what he planned to do with the prisoners. Shoob shrugged. The lieutenant forced the prisoners to lie face down and then shot them to death with an automatic rifle, declaring that the problem was solved. “The government in the Cuban case had essentially the same attitude as that lieutenant: get rid of the problem,” Shoob declared. “I learned that the simplest solution is not necessarily the most equitable.”¹⁶⁸ Between 1981 and 1983, he ordered the release of 381

¹⁶⁸ Bill Cutler, “The Law and Marvin Shoob,” *The Atlanta Journal-Constitution*, May 19, 1985, p. M14.

Cubans who lacked criminal records, but were being detained at the Atlanta federal penitentiary for lack of entry papers.¹⁶⁹

Shoob faced harassment due to his rulings in favor of the Cuban detainees, eventually requiring protection from two U.S. marshals and surveillance from the FBI. The harassment started in 1983 after Rudolph Giuliani, an associate U.S. attorney general at the time, publicly accused Shoob of releasing dangerous criminals.¹⁷⁰ Republican U.S. Senator Matt Mattingly, of Georgia, was also critical Shoob's rulings, arguing that "everybody knows they are murderers (and) rapists."¹⁷¹ Judge Shoob's home mailbox was destroyed at least fifteen times, he received threats through the mail and over the telephone, and he reported seeing strange cars in his driveway in the middle of the night. Giuliani's comments also negatively affected sponsorship, making it difficult for the Catholic Conference to find sponsors for Cubans eligible for parole because potential sponsors were frightened.¹⁷²

After representing numerous individual Cubans, the local lawyers decided to consolidate the remaining cases into one lawsuit to help more detainees at a time. The lawyers challenged detention through a class-action lawsuit based on the combined cases of *Garcia-Mir v. Smith* and *Fernandez-Roque v. Smith*. The lawsuit consisted of five claims: (1) the Cubans in detention had a "due process right to release" since they could not be deported (2) a federal statute required release after a period of time (3) most of the Mariel Cubans were entitled to asylum (4) the

¹⁶⁹ Testimony of Marvin Shoob, *Mariel Cuban Detainees: Events Preceding and Following the November 1987 Riots*, p. 122-123.

¹⁷⁰ Tracy Thompson, "Shoob: Leaks Have Made Him a Target," *The Atlanta Constitution*, September 3, 1983, p. 1A; Bill Rankin, "Judge Marvin Shoob, revered for his independence, dies at age 94," *The Atlanta Journal-Constitution*, June 19, 2017; Testimony of Marvin Shoob, *Mariel Cuban Detainees: Events Preceding and Following the November 1987 Riots*, p. 162.

¹⁷¹ Ann Woolner, "Mattingly: Bad idea to free Cubans," *The Atlanta Constitution*, August 17, 1983, p. 11A.

¹⁷² Tracy Thompson, "Shoob: Leaks Have Made Him a Target," *The Atlanta Constitution*, September 3, 1983, p. 1A; Bill Rankin, "Judge Marvin Shoob, revered for his independence, dies at age 94," *The Atlanta Journal-Constitution*, June 19, 2017; Testimony of Marvin Shoob, *Mariel Cuban Detainees: Events Preceding and Following the November 1987 Riots*, p. 162.

Cubans were “entitled to procedural due process in the decision whether to prolong their confinement” because they had a “liberty interest” (5) government abuse of discretion.¹⁷³ The plaintiffs argued that indefinite detention violated domestic immigration law of US, the US Constitution, and general due process notions because Cubans had been invited to U.S. by President Jimmy Carter. In addition, the lawyers claimed indefinite detention violated international law.¹⁷⁴ Judge Shoob ruled in their favor on several occasions, arguing that Mariel Cubans in detention had due process rights.¹⁷⁵

In response to the legal challenges to Cuban detention, Attorney General William French Smith initiated a new review of the Cuban’s cases in August 1981. Between 1981 and 1984, the federal government released eligible detainees through the Attorney General’s Review Plan. Under the review program, four two-member panels would review the files of Cuban detainees to determine whether they could be released, and send the recommendation to the Commissioner of the INS for approval.¹⁷⁶ To obtain approval for release, detainees had to prove they were “presently nonviolent,” were “likely to remain nonviolent,” and “unlikely to commit any criminal offenses in the future.”¹⁷⁷ The panels were tasked with reviewing approximately 2,500 files and conducting interviews with detainees whose files disqualified them from parole. If approved for release, detainees still had to wait for sponsors or space at halfway houses. Cubans who were ordered excluded by the INS could appeal, but it could take months or even years to

¹⁷³ Deborah Ebel’s personal papers.

¹⁷⁴ Letter from William C. Thompson to Rebecca Pryor on October 10, 1986, Cuban Detainees’ Litigation Papers, Kenan Research Center, Box 14, Folder 4.

¹⁷⁵ Deborah Ebel’s personal papers.

¹⁷⁶ A Report to the Attorney General on the Disturbances at the Federal Detention Center, Oakdale, Louisiana, U.S. Penitentiary Atlanta, Georgia, February 1, 1988, p. Mariel History 2-4.

¹⁷⁷ Juan ***** INS decision, February 18, 1982, Cuban Detainees’ Litigation Papers, Kenan Research Center, Box 9, Folder 5.

obtain another hearing. As a result of the Attorney General's plan, approximately 2,000 Cuban detainees obtained parole between August 1981 to December 1984.¹⁷⁸

Unfortunately, many Cubans approved for release spent months or even years at the Atlanta penitentiary waiting for appropriate sponsors or room at halfway houses. By June 1982, over two hundred Cubans approved for release needed sponsors.¹⁷⁹ At a conference for the Office of Refugee Resettlement, agencies noted that the Cubans who were being resettled from the Atlanta Penitentiary were generally Black, single males between the ages of twenty-five and thirty-five. Many had little education, spoke little English, and few marketable skills.¹⁸⁰ Some Americans were reluctant to sponsor Mariel Cubans at the Atlanta penitentiary because they assumed the Cubans were dangerous criminals. Government officials did little to assuage this fear, often making comments that seemed to confirm the stereotype. Tyrus Minnix, the INS's regional director, claimed some of the Cuban detainees would never be rehabilitated. When describing the difficulty of finding sponsors for those convicted of serious crimes, he asked, "do you want to take a rapist home with you?" Assuming that many parolees would commit crimes, the Atlanta Police Department told the press that they planned to photograph and fingerprint Cuban detainees in preparation for their release.¹⁸¹

The Catholic Conference of Atlanta, which assisted with the resettlement of refugees in the area and found sponsors for Mariel Cubans when they first arrived in 1980, was one organization tasked with finding sponsors for Cubans in detention at the Atlanta penitentiary.

¹⁷⁸ "A Report to the Attorney General on the Disturbances at the Federal Detention Center, Oakdale, Louisiana, U.S. Penitentiary Atlanta, Georgia, February 1, 1988, p. Mariel History 2-4.

¹⁷⁹ Brenda Mooney, "209 Cubans Need Resettlement Sponsors," *The Atlanta Constitution*, June 4, 1982, p. 26A.

¹⁸⁰ Immigration and Refugee Services of America (IRSA) Records, Immigration History Research Center Archives, Box 502, Folder 19.

¹⁸¹ Mark C. Winne, "Miami Fingerprints Cubans in Pen," *The Atlanta Constitution*, November 9, 1983, p. 6A.

Though this organization aided Mariel Cuban detainees, its employees sometimes used racist and nativist language when describing the detainees. One lawyer working for the Catholic Conference said that half of the detainees “should’ve been out yesterday, or never been in here to begin with,” but he described the rest as “animals.”¹⁸² These public statements likely deterred potential sponsors. The agency was not alone in its ethnocentric biases. During a conference on Mariel Cuban resettlement, several agencies resettling Cubans from the Atlanta Penitentiary discussed issues they had encountered. They described the characteristics of the majority as follows: an “institutionalized type of personality” resulting in “dependency, impulsiveness, and manipulation of others;” lack the “basic skills which are necessary in order to survive in a technological, urban society;” lack marketable skills; “relationships tend to be superficial, manipulative and exploitive.”¹⁸³

Cuban parolees also suffered from a shortage of spaces in halfway houses. In 1981, to meet the needs of Cubans approved for release at the Atlanta Penitentiary, Atlanta Catholic Social Services opened Casa San Miguel, a halfway house in the Westview neighborhood, located in southwest Atlanta, which could sponsor eight released Cubans at a time. Prior to Casa San Miguel, parolees who could not find placement with families in Atlanta were lodged in motels or hotels with little supervision. Reverend Jacob Bollmer, the executive director of Atlanta Catholic Social Services and diocesan director of immigration and resettlement, said that the resettlement process had been a “miserable failure” for the 100 to 150 Cuban parolees who attempted to settle in Atlanta before Casa San Miguel was established. The organization hoped

¹⁸² Susan Wells and Tracy Wilkinson, “Fate of 1,700 jailed Cuban refugees bewilders U.S. officials,” *The Atlanta Constitution*, February 8, 1981, p. 1A; Tracy Thompson, “The Penned-up Marielitos: Feds Hang Tough on Issue of Imprisoned Cubans,” *The Atlanta Constitution*, May 15, 1983, p. 1A.

¹⁸³ Immigration and Refugee Services of America (IRSA) Records, Immigration History Research Center Archives, Box 502, Folder 19.

the structured environment within the resettlement house would help parolees more effectively adjust to life in Atlanta. The program taught Cuban immigrants English, as well as practical skills such as how to open a checking account, seek legal help, and file taxes. The halfway house also provided mandatory individual counseling and group therapy. The Cuban immigrants could leave after completing the program and obtaining a job.¹⁸⁴

Casa San Miguel closed within a year due to lack of funding. But in 1983, another halfway house, Casa Esperanza, opened at the same location. It was sponsored by the Atlanta University's Criminal Justice Institute, and provided space for ten Cubans from the Atlanta Penitentiary at a time.¹⁸⁵ These local halfway houses offered an opportunity of freedom for Cuban detainees who were approved for release—but hundreds more still needed aid.

3.5 Resistance and Retaliation

During the early 1980s, the Carter and Reagan administrations faced mounting resistance to immigrant detention policies both within and outside of detention sites. Cubans, Haitians, and Central Americans challenged detention through hunger strikes, demonstrations, uprisings and even suicides and suicide attempts.¹⁸⁶ In May and June of 1980, Mariel Cubans detained at Fort Chaffee in Arkansas protested their detention, and several hundred were able to break out of the base. On June 1, about one hundred refugees threw rocks and empty bottles at state troopers and military police at the gates. Later that day, approximately two hundred broke through an entrance at the fort and began chanting “liberty!”¹⁸⁷ In September 1981, six hundred Haitians protested at

¹⁸⁴ Linda Horton, “A New Life for Refugees,” *The Atlanta Constitution*, June 28, 1982, p. 1B.

¹⁸⁵ Tracy Thompson, “Money Granted to Treat Cubans,” *The Atlanta Constitution*, November 1, 1983, p. 11A; Susan Faludi, “Cubans Leave U.S. Pen for ‘House of Hope,’” *The Atlanta Constitution*, December 14, 1983, p. 17A; Rob Levin, “Casa Esperanza: Helping Cuban newcomers to a life in America,” *The Atlanta Constitution*, September 2, 1984, p. 2D.

¹⁸⁶ Shull, “Reagan’s Cold War on Immigrants,” p. 13-14.

¹⁸⁷ Perla M. Guerrero, *Nuevo South: Latinas/os, Asians, and the Remaking of Place* (Austin: University of Texas Press, 2017) p. 74 & 90.

Krome Detention Center in Miami, Florida, chanting “Give us liberty, or we will tear the place apart!” Haitian residents and local supporters in Miami joined detainees in protesting the poor conditions within the facility. In December 1981, protests turned violent when five hundred Miami residents, many of them Haitian, stormed the gates of Krome, after hearing that several Haitian detainees had fainted from hunger. When the INS transferred Haitians from Krome to Fort Allen in Puerto Rico, three men attempted to jump out of the airplane, while nineteen women wrote an open letter to the INS threatening suicide if they were not freed. In April 1982, Haitians at Fort Allen staged a “sit-down” for eleven days, refusing to work or go back to their barracks. Salvadorans experiencing long-term detention challenged detention through litigation and hunger strikes.¹⁸⁸

INS and BOP officials often used force to restore control and punished migrant detainees for their resistance. The INS and BOP employees managing detention sites deployed tactics often used on inmates in the carceral system, such as solitary confinement, segregation, and transfers. Historian Kristina Shull argues that these measures “served the purpose of both retaliating against undocumented migrant populations and silencing them in the system.”¹⁸⁹

In addition to challenging their imprisonment through the legal system, Cubans at the Atlanta Penitentiary regularly utilized hunger strikes to resist their incarceration and gain the attention of the American public. In 1981, one Cuban started a hunger strike to protest the Cuban-Haitian Task Force’s halt to resettling Cubans with sponsors in Florida; he received approval for release and secured a sponsor in Florida, but because of the new policy, he was required to wait in prison until a new sponsor could be found. He told a priest that he wanted to die, saying, “it is better that one Cuban should die so that others might be able to live because of

¹⁸⁸ Shull, “Reagan’s Cold War on Immigrants,” p. 14-17 & 20-21.

¹⁸⁹ *Ibid.*, p. 32.

my death.”¹⁹⁰ The number of Cubans on hunger strike constantly changed making it difficult for prison officials to keep track; they often waited until a Cuban refused food for seventy-two hours to place him on the hunger strike list.¹⁹¹ If a Cuban refused food for several days, prison officials utilized force-feeding.¹⁹² Prison officials attempted to persuade Cubans to end their hunger strikes by explaining that they did not have the power to release them and promising to help them when they were approved for release.¹⁹³ Cubans gained the attention of the press and the sympathy of readers, but ultimately hunger strikes did not lead to release. Judge Marvin Shoob refused to hear the cases of Cubans participating in hunger strikes.¹⁹⁴ Despite the obstacles to success and horrors involved, refusing food was a tangible way that Cubans could protest their imprisonment.

On the afternoon of October 14, 1984, approximately fifty Cubans staged a peaceful protest in the Atlanta Penitentiary’s prison yard, brandishing signs that read “Liberty,” “Strike for Dignity, Unity,” and “Liberty or Death” made from sheets and cardboard.¹⁹⁵ The Cubans then marched into the main corridor, where guards wearing riot gear gathered up the protesters, searched them for contraband, handcuffed them, and escorted them to segregation in Cellhouse E.¹⁹⁶ One of the demonstrators in the recreation yard, Julio Moret, remembered, “we did

¹⁹⁰ Tracy Wilkinson, “Cuban begins hunger strike,” *The Atlanta Constitution*, May 3, 1981, p. 14A.

¹⁹¹ Brenda Mooney, “Only 3 Cuban Inmates Still Refusing To Eat,” *The Atlanta Constitution*, June 1, 1981, p. 1C.

¹⁹² Tracy Thompson, “Hunger Strike a Failure For Cubans at Pen,” *The Atlanta Constitution*, November 18, 1983, p. 19A.

¹⁹³ Robert Coram, “Cuban Hunger Strike Leader Breaks Fast,” *The Atlanta Constitution*, May 23, 1981, p. 1A; Robert Coram, “36 Cuban Detainees Go On Hunger Strike,” *The Atlanta Constitution*, May 29, 1981, p. 1C.

¹⁹⁴ Sam Hopkins, “Cuban Ends Hunger Strike After Warning From Judge,” *The Atlanta Constitution*, July 23, 1981, p. 4C.

¹⁹⁵ Michael Moss, “Penitentiary locks down after protest,” *The Atlanta Constitution*, October 15, 1984, p. 2E; A Report to the Attorney General on the Disturbances at the Federal Detention Center, Oakdale, Louisiana, U.S. Penitentiary Atlanta, Georgia, February 1, 1988, p. Atlanta 4.

¹⁹⁶ Atlanta Federal Penitentiary: Report of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the Committee on the Judiciary, U.S. House of Representatives, Ninety-ninth Congress, Second Session, 1986, Appendix 8.

everything the guards told us except put down our banners. Finally, when we went where they told us to go, they hit us with batons and handcuffed us. Some were kicked in the testicles.”¹⁹⁷

The warden publicly denied there was violence and described the protest as a “light demonstration,” but he responded by placing the entire penitentiary on lockdown.¹⁹⁸ Prison officials kept Cubans in their cells twenty-four hours a day, fed them cold meals in their cells, and even cut off water in Cellhouses A and B, where the Cubans were housed. Because there was no running water for several days, Cubans were forced to use meal bags as sanitary containers. American prisoners would be released from their cells on October 16, but Cuban detainees remained in lockdown.¹⁹⁹ Cuban detainees expressed their frustration over the lockdown by breaking cell windows and throwing objects out, clogging toilets and sinks, and burning sheets, towels, and clothing.²⁰⁰

To prevent further damage to cellblocks, guards confiscated all objects that could be thrown or burned, including sheets, clothing, and personal items such as books and artwork. Those who resisted confiscation were handcuffed while their cells were stripped.²⁰¹ Prison guards recruited American inmates to help guards clean out the cellblocks. One of these inmates said he and other American inmates were instructed to throw the lockers holding personal

¹⁹⁷ O.J. Keller, “‘The Joint Could Blow’: 1,800 Cubans are ‘locked down’ eight per cell in the Atlanta Federal Pen... ‘It’s hell,’ and it’s summer,” *Atlanta*, June 1985.

¹⁹⁸ Michael Moss, “Penitentiary locks down after protest,” *The Atlanta Constitution*, October 15, 1984, p. 2E.

¹⁹⁹ Michael Moss, “Penitentiary locks down after protest,” *The Atlanta Constitution*, October 15, 1984; A Report to the Attorney General on the Disturbances at the Federal Detention Center, Oakdale, Louisiana, U.S. Penitentiary Atlanta, Georgia, February 1, 1988; John Lancaster and James Alexander, “Cuban Inmates’ Protest Escalates: Cells Kept Locked for Third Day at Pen,” *The Atlanta Constitution*, October 18, 1984, p. 1A; Michael Moss, “Cuban Inmates’ Attorneys Seeking to Inspect Penitentiary,” *The Atlanta Constitution*, November 5, 1984, p. 3E; Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the Committee on the Judiciary, U.S. House of Representatives, Atlanta Federal Penitentiary, 1986, Appendix 8.

²⁰⁰ John Lancaster and James Alexander, “Cuban Inmates’ Protest Escalates: Cells Kept Locked for Third Day at Pen,” *The Atlanta Constitution*, October 18, 1984, p. 1A.

²⁰¹ John Lancaster, “Guards, Cuban Inmates Extend War of Wills,” *The Atlanta Constitution*, October 19, 1984, p. 1B. John Lancaster and James Alexander, “Cuban Inmates’ Protest Escalates: Cells Kept Locked for Third Day at Pen,” *The Atlanta Constitution*, October 18, 1984, p. 1A.

possessions down the stairs, causing several of the lockers to open. Days later, when prison officials returned the lockers, Cubans noticed that items were missing and several saw personal belongings such as photos and books in garbage cans. The warden denied deliberately destroying Cubans' personal property, and deputy warden Bill Noonan claimed that prison staff disposed of the items that were thrown on the floor because they assumed detainees did not want these items.²⁰² Prison staff withheld toilet paper and clean clothes from Cubans for days, permitting the Cubans only one shower over the course of several weeks. Prison officials also withheld mail and legal materials.²⁰³ Noonan told the public "We can stay locked down as long as it takes," and admitted to using the lockdown as a psychological tactic to weaken the detainees' resolve.²⁰⁴

Most of the studies on the detention of Mariel Cubans at the Atlanta federal penitentiary only briefly discuss the years prior to October 1984, focusing instead on the events which followed. But the early years set the stage for the events that followed, including the Atlanta prison uprising of 1987. During the first few years of detention at the Atlanta penitentiary, the prison population was constantly changing. As hundreds of Cubans were released, hundreds more took their place at the prison. By 1984, the prison population contained a mixture of Cubans who had been continuously detained since their arrival and Cubans who had been released into American society, but whose parole status had been revoked. Both groups experienced mounting frustration and hopelessness, uncertain of when or if they would be

²⁰² John Lancaster and David Secrest, "Cuban inmates returned to cells after prison riot," *The Atlanta Journal*, November 3, 1984. Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the Committee on the Judiciary, U.S. House of Representatives, Atlanta Federal Penitentiary, 1986, Appendix 8; O.J. Keller, "'The Joint Could Blow': 1,800 Cubans are 'locked down' eight per cell in the Atlanta Federal Pen... 'It's hell,' and it's summer," *Atlanta*, June 1985.

²⁰³ John Lancaster and David Secrest, "Cuban inmates returned to cells after prison riot," *The Atlanta Journal*, November 3, 1984.

²⁰⁴ John Lancaster and James Alexander, "Cuban Inmates' Protest Escalates: Cells Kept Locked for Third Day at Pen," *The Atlanta Constitution*, October 18, 1984, p. 1A; John Lancaster, "Guards, Cuban Inmates Extend War of Wills," *The Atlanta Constitution*, October 19, 1984, p. 1B.

released. Unwanted by their native country, and unwelcome by the country that they fled to, these detainees existed in a state of flux, as exiles without a home.

Cubans at the Atlanta federal penitentiary contested their imprisonment through the court system with the help of local lawyers, as well as through hunger strikes and protest. The Attorney General's plan and the efforts of local lawyers contributed to the release of hundreds, but the INS imprisoned hundreds more for minor parole violations and crimes that the immigrants had already served time for. Between 1980 and 1984, indefinite detainment and overcrowding at the outdated prison resulted in violence between detainees and incidents of self-harm.

The warden and other prison staff at the Atlanta penitentiary were not responsible for the indefinite detention of Mariel Cubans, and they could not control the outdated state of the facility or the overcrowding of the prison. But they were responsible for the poor and often inhumane treatment Cuban prisoners received. When a group of Cubans peacefully protested in the prison yard prison, officials punished Cuban detainees indiscriminately, disciplining detainees who were uninvolved in the protest as well as participants. The harsh response of prison officials to the peaceful protest on October 14 exacerbated the already tense situation within the prison, revealing that even nonviolent resistance would not be tolerated within the penitentiary.

4 “A SEETHING CAULDRON”: THE ATLANTA PENITENTIARY, 1984-1987

On the evening of Thursday November 1, 1984—only two weeks after a nonviolent protest at the Atlanta Penitentiary had been brutally quashed—guards attempted to move José Hernández Mesa from Cellblock B to the segregation unit, a unit separate from the general population that was used to punish prisoners.²⁰⁵ Hernández had been a farmer in Cuba prior to seeking political refuge at the Peruvian Embassy in Havana, and then migrating to the United States. He served two years in jail for robbing a liquor store in California before being transported to the Atlanta Penitentiary. He claimed he robbed the store because he needed money for his family, as he, his wife, and two sons, had no food and were sleeping in a car. “Even animals, when they are in the jungle and they’re hungry, they steal,” he explained to a reporter years later. “There was no way I was going to starve to death and let my children starve to death...I had never stole. I don’t like to do that. I stole because of need, because of hunger.”²⁰⁶

Now guards accused Hernández of starting the October 14 demonstration. As prison guards ushered him back to his cell to collect his things, he insisted that he was not involved in the demonstration, and asked to speak to the guards’ superiors. Correctional officer Ramiro Villegas told Hernández that “wasn’t possible,” which further agitated Hernández. As other detainees began to gather around the cell, Hernández warned Villegas that the Cuban detainees were ready to explode because of the years of abuse they had suffered.²⁰⁷

²⁰⁵ Ann Woolner, “Prison guards describe eruption of 1984 riot,” *The Atlanta Constitution*, January 8, 1986, p. 8C.

²⁰⁶ Cindy McAfee, “Refugee fears he will never be free,” *Marietta Daily Journal*, originally from *United Press International*, February 9, 1986

²⁰⁷ Ann Woolner, “Prison guards describe eruption of 1984 riot,” *The Atlanta Constitution*, January 8, 1986, p. 8C; Cindy McAfee, “Refugee fears he will never be free,” *Marietta Daily Journal*, originally from *United Press International*, February 9, 1986.

Suddenly, Hernández jumped from the second level to the ground level, knocking over a television stand and television. Cuban detainees began attacking the guards in Cellblock B, hitting them, and pelting them with various objects.²⁰⁸ One prison guard later recalled that the “atmosphere was different from any other day.” Another recounted “you have cans flying, you had metal flying, you had guys with shanks, you had parts of the television [being thrown].”²⁰⁹ The guards quickly exited the cellhouse and closed it off from the main hallway, but the Cuban detainees remained unencumbered within that section. Cuban detainees hung banners created out of bedsheets that read “Liberty” and “We are tired of jail,” and they began breaking windows and setting sheets and mattresses on fire.²¹⁰

Prison officials worked to quickly quell the uprising. Prison spokesperson Bill Noonan told reporters, “We are taking the cellblock back. If we have to use force we do.”²¹¹ Several hundred members of the penitentiary staff were called in to help end the uprising, along with local SWAT teams, and officers from a federal prison in Alabama. Around 10 p.m., guards entered Cellblock B with tear-gas canisters and began taking groups of detainees into custody and escorting them to the prison yard. American inmates said they witnessed guards beating Cuban detainees as they escorted them out of the cellblock; one prisoner saw guards hitting Cubans in the groin area with night sticks, and kicking them after they fell. After midnight, Atlanta city firefighters used fire hoses to put out the fires within the cellblock. The uprising

²⁰⁸ Ann Woolner, “Prison guards describe eruption of 1984 riot,” *The Atlanta Constitution*, January 8, 1986; A Report to the Attorney General on the Disturbances at the Federal Detention Center, Oakdale, Louisiana, U.S. Penitentiary Atlanta, Georgia, February 1, 1988.

²⁰⁹ Ann Woolner, “Prison guards describe eruption of 1984 riot,” *The Atlanta Constitution*, January 8, 1986.

²¹⁰ John Lancaster and David Secrest, “Cuban inmates returned to cells after prison riot,” *The Atlanta Journal*, November 3, 1984; John Lancaster, “Cuban Prisoners Jump Pen Guards, Renew Fiery Rioting,” *The Atlanta Constitution*, November 2, 1984, p. 1A; A Report to the Attorney General on the Disturbances at the Federal Detention Center, Oakdale, Louisiana, U.S. Penitentiary Atlanta, Georgia, February 1, 1988.

²¹¹ John Lancaster, “Cuban Prisoners Jump Pen Guards, Renew Fiery Rioting,” *The Atlanta Constitution*, November 2, 1984, p. 1A

eventually ended around 3 a.m. on November 2. Guards escorted approximately five hundred Cuban detainees from the prison yard to the gymnasium and a factory building to stay until Cellblock B could be drained and cleaned.²¹²

The Cubans' uncertainty over their fates, and the harsh response of prison officials to the peaceful protest in October, contributed to the November uprising. Dale Schwartz, one of the lawyers representing the Cubans, said of the uprising: "I was afraid this would happen... they're just so frustrated they don't care anymore."²¹³ Lawyer Deborah Ebel, attributed the uprising to the "continued uncertainty about their futures" and the treatment they received at the prison, particularly after the previous month's protest. INS deportation officer Ismael Cabrera came to a different conclusion, however, claiming that the uprising was the result of the arrival of new detainees from "the street." His conclusion failed to consider, however, the frustration Cuban detainees were experiencing after years of detention.²¹⁴

The situation for Cuban detainees in Atlanta became increasingly bleak in the years following the 1984 uprising. Cuban detainees faced possible deportation and seemingly endless detention. The Attorney General paused releases for several months and prison staff continued lockdown procedures. Cuban detainees also faced a series of legal defeats. Though Judge Marvin Shoob argued that the Cubans had constitutional due process rights, the Eleventh Circuit Court of Appeals ruled that the detainees had no constitutional protections and therefore, could be

²¹² Monte Plott and Hal Straus, "Cubans go on rampage at U.S. Pen: 527 inmates corralled after night of riots, fires," *The Atlanta Journal*, November 2, 1984; John Lancaster, "Cuban Prisoners Jump Pen Guards, Renew Fiery Rioting," *The Atlanta Constitution*, November 2, 1984, p. 1A; John Lancaster and David Secrest, "Cuban inmates returned to cells after prison riot," *The Atlanta Journal*, November 3, 1984; A Report to the Attorney General on the Disturbances at the Federal Detention Center, Oakdale, Louisiana, U.S. Penitentiary Atlanta, Georgia, February 1, 1988; "Guards beat Cuban inmates, witnesses say," *The Atlanta Journal and Constitution*, January 11, 1986.

²¹³ John Lancaster, "Cuban Prisoners Jump Pen Guards, Renew Fiery Rioting," *The Atlanta Constitution*, November 2, 1984, p. 1A.

²¹⁴ John Lancaster and David Secrest, "Cuban inmates returned to cells after prison riot," *The Atlanta Journal*, November 3, 1984.

detained indefinitely if deportation was not possible. Later, the circuit court ruled that President Jimmy Carter's speech and the Cuban/Haitian entrant status did not constitute a liberty interest. The court concluded, "[W]ith today's decision we have reached the point in this longstanding controversy where we have rejected all legal theories, constitutional and otherwise, advanced by the appellees. They have exhausted all claims for relief available...[T]hese cases have reached the terminal point and shall be DISMISSED." Despite the efforts of local lawyers, the legal struggle with the INS came to a disappointing close when the Supreme Court refused to hear their case.²¹⁵

But while Cuban detainees continued to resist within the prison walls, new allies emerged on the outside. Local activism increased in the months following the November 1984 uprising as more Atlantans became aware of the plight of the Mariel Cubans at the federal penitentiary that stood only miles from downtown. As the Cuban detainees in Atlanta resisted their incarceration within the prison, a local coalition, in support of the Cubans, formed outside the prison. Other Atlantans joined the lawyers defending the Mariel Cubans. Local activists, civil rights leaders, religious leaders, and the family members of Cuban detainees came together to amplify the voices of Cuban detainees and pressure the federal government to provide them with due process.

4.1 Lockdown

After the November uprising, prison officials reinstated lockdown procedures, keeping detainees in their cells and only allowing one shower and one hour of recreation a week—though sometimes Cuban detainees had to wait two weeks for a shower and clean bedding and clothes.

²¹⁵ Deborah Ebel's personal papers; *Fernandez-Roque et al. v. Smith*, 734 F.2d 576 (1984); *Garcia-Mir v. Meese*, 788 F.2d 1446 (11th Cir.), *cert. den.*, 479 U.S. 889 (1986).

Prison guards escorted detainees to the showers and the recreation yard in handcuffs, often strip-searching them as well. Some detainees could leave their cells once a day to receive one hot meal in the cafeteria, while others ate every meal in their cells. Prison officials did not return many of the detainee's personal items that were confiscated after the October protests.²¹⁶ One detainee told reporters "he had nothing to do since the guards took his guitar, music books, and Bible."²¹⁷ Cuban detainees could read paperback books and play cards and other games, but could not listen to the radio or watch television. Many detainees in Cellblock B sat in dark cells without sunlight because prison officials placed sheet metal over the windows that were broken during the uprising.²¹⁸

The lockdown served to maintain control within the prison, but it was also a punitive measure. When asked by reporters how long the lockdown would remain in place, Bill Noonan said at least some time into 1985, explaining, "they've already displayed belligerence, assaulted officers, torn up government property, and we're not going to put our employees at any unnecessary risk."²¹⁹ One Cuban detainee said that he believed prison officials were violating their human rights and noted that this treatment was common in fascist and communist governments, but not in democratic ones.²²⁰

²¹⁶ John Lancaster, "Cuban held at Pen: 'We don't have nothing,'" *The Atlanta Constitution*, December 6, 1984; Ann Woolner, "Jailed Cubans live in limbo, yearn for their freedom," *The Atlanta Constitution*, May 12, 1985; O.J. Keller, "'The Joint Could Blow': 1,800 Cubans are 'locked down' eight per cell in the Atlanta Federal Pen... 'It's hell,' and it's summer," *Atlanta*, June 1985.

²¹⁷ John Lancaster, "Cuban held at Pen: 'We don't have nothing,'" *The Atlanta Constitution*, December 6, 1984.

²¹⁸ John Lancaster, "Cuban held at Pen: 'We don't have nothing,'" *The Atlanta Constitution*, December 6, 1984; Ann Woolner, "Jailed Cubans live in limbo, yearn for their freedom," *The Atlanta Constitution*, May 12, 1985; O.J. Keller, "'The Joint Could Blow': 1,800 Cubans are 'locked down' eight per cell in the Atlanta Federal Pen... 'It's hell,' and it's summer," *Atlanta*, June 1985.

²¹⁹ John Lancaster, "Cuban Held at Pen: 'We Don't Have Nothing,'" *The Atlanta Constitution*, December 6, 1984.

²²⁰ Letter from Eduardo ***** to District Clerk on February 5, 1985, Cuban Detainees' Litigation Papers, Kenan Research Center, Dec 10 scans, Box 13, Folder 1.

Cuban detainees continued to protest inside the prison, though the lockdown made protesting difficult. The hunger strike was one of the only forms of resistance available to the Cubans in the penitentiary during the lockdown. Prison officials continued the practice of force-feeding to prevent detainees from starving. In September 1985, five hundred detainees were engaged in a hunger strike, and prison staff force-fed seventy Cubans in one day that month.²²¹ On October 13, 1985, thirty-three detainees signed a letter which was sent to the *Atlanta Constitution* describing their plight and telling readers it was their fifty-fifth day on hunger strike.²²² One Cuban engaged in two hunger strikes, one lasting sixty-one days, because prison officials would not let him return to a Mercer University extension course.²²³ Julio Moret, the Cuban discussed in the previous chapter, stopped eating because he believed it was the “only way the government would pay attention to our request” for release. Prison staff force-fed him, cuffing him to a bed in the prison hospital and forcing a plastic tube down his throat.²²⁴

4.2 1984 Repatriation Agreement

Cuban detainees also faced the threat of deportation. Cold War struggles between the United States and Cuba, including the 1983 invasion of Grenada, had hindered the two countries from reaching an agreement regarding the repatriation of Mariel Cubans, but Jesse Jackson traveled to Cuba during his 1984 presidential campaign, and came back with the message that Fidel Castro was open to negotiations regarding the Mariel Cuban excludables. Though Jackson’s discussions with the Cuban government were unauthorized, the Reagan administration

²²¹ Rev. Joseph A. Fahy, C.P., “Tragedy will result if Marielitos aren’t helped,” *The Atlanta Constitution*, September 14, 1985; Ann Woolner, “Hope wanes for Cubans at the Pen: Hunger strike is symbol of years of frustration,” *Atlanta Constitution*, September 15, 1985, p. 1B & 9B.

²²² Copy of Letter to *Atlanta Constitution*, October 13, 1985, Cuban Detainees’ Litigation Papers, Kenan Research Center, Box 14, Folder 2.

²²³ O.J. Keller, “‘The Joint Could Blow’: 1,800 Cubans are ‘locked down’ eight per cell in the Atlanta Federal Pen... ‘It’s hell,’ and it’s summer,” *Atlanta*, June 1985

²²⁴ Ann Woolner, “Hope wanes for Cubans at the Pen: Hunger strike is symbol of years of frustration,” *Atlanta Constitution*, September 15, 1985, p. 1B & 9B.

seized the opportunity to renew talks. After years of failed attempts, Cuba and the United States finally reached an agreement to repatriate up to 2,746 Mariel Cubans in December 1984, a month after the uprising. In return, the United States would resume normal Cuban immigration processing.²²⁵

Judge Marvin Shoob had ruled in October 1984 that the federal government could not deport Cubans without evaluating their appeals for asylum, but on January 16, 1985, the Eleventh Circuit Court of Appeals stayed the order, ruling that the United States government could deport the Cuban detainees being held at in Atlanta.²²⁶ The INS gave Cuban detainees little information about the status of their cases. Adding to the uncertainty, the INS paused releases, leading Cubans who received approval for release to question whether they too could be deported. In December 1984, the INS told one Cuban he would be released to a halfway house, but a few weeks later the INS told him to disregard the release letter.²²⁷

Cubans at the Atlanta penitentiary continued to advocate for themselves, though few resources were available to them. They wrote dozens of letters to the lawyers at the Atlanta Legal Aid Society requesting political asylum, asking about the status of their cases, and complaining of horrible conditions within the prison. These letters offer the perspective of Cubans in the Atlanta penitentiary, revealing their thoughts and feelings on indefinite detention and potential deportation. Newspaper articles offer short quotes from Cubans, but journalists

²²⁵ Lars Schoultz, *That Infernal Little Cuban Republic: The United States and the Cuban Revolution* (Chapel Hill: The University of North Carolina Press, 2009), p. 395-398; Kristina Shull, “Somos los Abandonados: Mariel Cuban Stories from Detention and Resisting the Carceral State,” *Anthurium* 17 no. 2 (2021), p. 11. Shull notes that this illustrates how Mariel Cubans were often excluded from leftist advocacy, for though Jesse Jackson criticized the Reagan administration’s detention of Haitians and Central Americans, he supported the deportation of Mariel Cubans in detention.

²²⁶ “Bar to Deporting of Cubans Stayed: Appellate Court Acts After a Judge Frees 34 in Prison,” *The New York Times*, January 17, 1985.

²²⁷ Ann Woolner, “Jailed Cubans live in limbo, yearn for their freedom,” *The Atlanta Constitution*, May 12, 1985.

crafted the stories and chose which quotes to include. The letters from Cuban detainees are particularly valuable sources, because they are written by the Cubans themselves and illustrate the desperation that Cuban detainees were feeling.

One prominent theme in the letters is fear of return to their homeland. Cubans at the Atlanta Penitentiary who had fled their country worried that they would face persecution if they returned. They believed they would be treated as political dissidents and that the Castro government would reimprison or execute them, as some had already been imprisoned in Cuba for attempting to escape the county, and others served time for challenging the communist government. One detainee requested political asylum because he served in the military under Batista and feared he would be killed upon return to Cuba.²²⁸ Another wrote that he already spent time in prison for attempting to escape in 1977, and worried that his recent conversion to Islam would place him in even greater danger.²²⁹ Particularly poignant is a drawing by one detainee titled “the future of the deported” in Spanish, displaying the skeletons of repatriated Cubans beside a figure who appeared to represent Castro claiming that the returning Cubans would be given human rights like everyone else.²³⁰

²²⁸ Letter from Roman ***** to Judge Marvin Shoob on April 12, 1985, Cuban Detainees’ Litigation Papers, Kenan Research Center, Box 13.

²²⁹ Letter from Rogelio ***** to Bill Thompson on April 24, 1985, Cuban Detainees’ Litigation Papers, Kenan Research Center, Box 13.

²³⁰ Drawing by Hugo ***** , Cuban Detainees’ Litigation Papers, Kenan Research Center, Box 13, Folder 1.

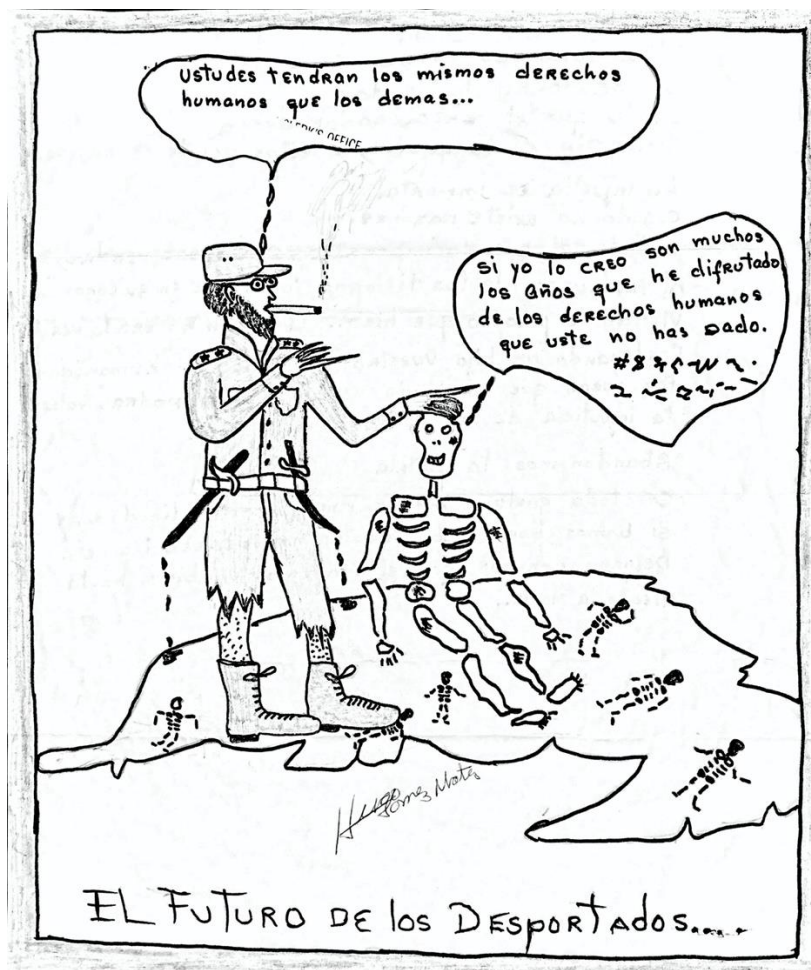


Figure 5: *El Futuro De los Deportados*, Atlanta History Center.

Attorneys representing the potential deportees used the testimony of Manuel García Díaz, a Mariel Cuban who became homesick and returned to Cuba without permission, as proof that Cuban deportees could face persecution. He and five others bought a boat and returned to Cuba on October 29, 1980. They were interrogated for twelve hours and imprisoned at State Security for fourteen days. Garcia claimed they were mentally and physically tortured, kept in a room without lights or proper ventilation, not allowed to sleep, and forced to drink water that trickled down from the ceiling. Afterwards they spent five months in Combinado del Este Prison in Havana until guards placed them on boats to be sent back to the United States. García

remembered a Lieutenant Colonel of State Security told them, “You are no longer Cubans. You will be sent back to the U.S. If you return to Cuba, you will be shot.”²³¹

Cuban detainees also feared separation from their family members, as numerous Cubans had immigrated with their family members or created families in the United States, marrying and having children. The detainees reasonably assumed they might never see their family members in America again if deported because of poor relations between the United States and Cuba, as well as the impossibility of ever legally migrating to America again. One Cuban wrote that he no longer had family in Cuba, as his mother, sister, and brother lived in America and his son was an American citizen.²³²

Several detainees preferred deportation to prison and volunteered for repatriation, one detainee citing the “torture in the walls” of the penitentiary.²³³ These Cubans knew they were on the deportation list and chose not to appeal the INS’s decision. Twenty-three volunteers returned to Cuba on one flight in May.²³⁴ One Cuban detainee wrote that he did not wish to return to Cuba, but he wanted to be sent back to Cuba without delay if the INS was going to eventually deport him, instead of waiting in prison for years only to be deported.²³⁵

The looming threat of deportation led many Cuban detainees’ relatives and friends to write to judges and government officials on their behalf. Since the INS did not inform family members of impending deportation, claiming it was not the agency’s responsibility, family

²³¹ Manuel Garcia Diaz Affidavit, Cuban Detainees’ Litigation Papers, Kenan Research Center, Box 10, Folder 4.

²³² Letter from Carlos ***** to Deputy Clerk on March 5, 1985, Cuban Detainees’ Litigation Papers, Kenan Research Center, Box 13, Folder 2.

²³³ Letter from Roman ***** to Judge Marvin Shoob on April 12, 1985, Cuban Detainees’ Litigation Papers, Kenan Research Center, Box 13.

²³⁴ Ann Woolner, “75 more Cubans flown back to their homeland,” *The Atlanta Constitution*, May 15, 1985.

²³⁵ Letter from Cecilio ***** to Bill Thompson on April 20, 1985, Cuban Detainees’ Litigation Papers, Kenan Research Center, Box 13, Folder 4.

members knew less than Cuban detainees about the status of their loved ones' cases.²³⁶ One woman wrote the district clerk's office in Atlanta, asking what was going to happen to her husband because she and their two children needed him; she claimed his only crime was shoplifting to feed their baby.²³⁷ Another woman wrote a letter begging that her husband not be sent back to Cuba, asking who would take care of her and her children if her husband was deported.²³⁸ The sadness and anxiety caused by detention and the deportation agreement are evident in the letters from family members, as they too experienced the pains of imprisonment. A wife of one of the detainees told reporters she had been trying to get her husband out of the penitentiary through legal channels but had been unsuccessful. She said, "This is a good country, but I thought this country had human rights. Where is this human rights? Now they're separating the Cubans from their families."²³⁹

Detainees who applied for stays of deportation through the INS received a form letter stating that their letter had been received but "because of the extraordinary number of applications for stay received...this office cannot respond to your application at this this time." The form letter added that the district director of INS would issue a decision at least seventy-two hours before deportation.²⁴⁰ This meant Cubans could have just three days to challenge deportation. One Cuban received a letter from the INS denying his request of a stay of deportation because he pled guilty to robbery in 1983 and an immigration judge found him

²³⁶ Interview with Duke Austin, Series VI: The Cuban Excludables, 1989-1997, Estela and Ernesto Bravo Film and Video Collection, The Tamiment Library and Robert F. Wagner Labor Archives.

²³⁷ Letter from Bonnie ***** to Deputy Clerk on March 9, 1985, Cuban Detainees' Litigation Papers, Kenan Research Center, Box 13, Folder 2.

²³⁸ Letter from Joyce ***** to Deputy Clerk on March 5, 1985, Cuban Detainees' Litigation Papers, Kenan Research Center, Box 13, Folder 2.

²³⁹ Ann Woolner, "Jailed Cubans live in limbo, yearn for their freedom," *The Atlanta Constitution*, May 12, 1985.

²⁴⁰ Letter from Louis M. Richard, District Director of the INS, to Benito ***** on February 5, 1985, Cuban Detainees' Litigation Papers, Kenan Research Center, Box 13, Folder 1.

“excludable” during a hearing in August 1983. Louis Richard, District Director of the INS, wrote, “I find that your criminal activity bars you from obtaining either form of relief [political asylum or stay of deportation] regardless of the alleged level of persecution you may face.”²⁴¹

The first twenty-three detainees were deported on February 21, 1985. They were transported from the Atlanta federal penitentiary to Dobbins Air Force Base, and from there they flew to Havana. Of the twenty-three, sixteen unsuccessfully sought a stay of deportation.²⁴² During a Radio Havana speech, Fidel Castro told the public the deportees would be treated “humanely and respectfully,” but would not be released until the Cuban government determined what crimes were committed in the United States.²⁴³ Despite Castro’s promise, Cuban detainees continued to worry, and rumors regarding the fate of the deportees circulated through the prison. One detainee wrote his lawyer in April to say that he received a letter from his family in Cuba explaining that the deported Cubans were being persecuted, and rumors were floating around that one had been killed.²⁴⁴ Five detainees wrote a letter in April asking their lawyer to find out what happened to those who were deported in March, because they heard that their families did not know where they were. The detainees wrote that one of the Cuban deportees told them he would write them when he returned to Cuba, but they had not received word from him since he left.²⁴⁵ Another Cuban detainee received a letter from his grandmother in Cuba, who told him that the Cuban government had executed two Cubans who had been repatriated.²⁴⁶ These rumors gave

²⁴¹ Letter from Louis M. Richard, District Director of the INS, to Fidel ***** on April 9, 1985, Cuban Detainees’ Litigation Papers, Kenan Research Center, Box 13, Folder 3.

²⁴² Robert L. Jackson, “U.S. Deports 1st 23 of Cuban ‘Undesirables,’” *Los Angeles Times*, February 22, 1985; Ann Woolner and Monte Piott, “Deportation of Mariel Cubans is likely to continue,” *The Atlanta Journal and Constitution*, February 24, 1985.

²⁴³ “Castro promises to treat deportees well,” *The Atlanta Journal and Constitution*, February 24, 1985.

²⁴⁴ Letter from Alexis ***** to Bill Thompson on April 11, 1985, Cuban Detainees’ Litigation Papers, Kenan Research Center, Box 10, Folder 4.

²⁴⁵ Letter from Frank ***** , Armando ***** , Luis ***** , Plasido ***** , and Potricio ***** to Bill Thompson on April 20, 1985, Cuban Detainees’ Litigation Papers, Kenan Research Center, Box 13.

²⁴⁶ Cuban Detainees’ Litigation Papers, Kenan Research Center, Box 10, Folder 5.

Cuban detainees at the Atlanta penitentiary reason to fear deportation. Atlanta reporters later learned that at least seventy-three of the repatriated Cubans were placed in Cuban prisons upon their return.²⁴⁷ One Cuban deportee, who was convicted of rape in Cuba, and assault in the United States, remembered that “we wanted the plane to just fall into the sea.” Another Cuban said that everyone on the plane wanted to die because they believed they would be imprisoned or harassed.²⁴⁸

The United States government deported a total of 201 Cubans between February and May 1985.²⁴⁹ The flight on May 14 was the last, as the U.S. government launched the American propaganda broadcast called Radio Martí to undermine the Cuban government. In response, the Cuban government suspended the 1984 immigration agreement. Exactly 2,545 Mariel Cubans remained on the deportation list.²⁵⁰

The INS paused releases after the creation of the repatriation agreement with Cuba. Though the Cuban government terminated the agreement on May 20, 1985, the INS did not resume releasing detainees who were approved for parole until the following October. In September 1985, INS District Director Louis Richard said that he received many requests for parole, but that he was too busy to go through them. He flippantly told reporters he had a “boxful of letters from people who think their darlings ought to be paroled.”²⁵¹ These comments reveal negligence and a lack of professionalism on the part of the INS, as well as an assumption that

²⁴⁷ Ann Woolner and Margaret L. Knox, “Cubans in a cruel circle of despair,” *The Atlanta Journal and Constitution*, June 22, 1986.

²⁴⁸ Ann Woolner and Margaret L. Knox, “Cubans in a cruel circle of despair,” *The Atlanta Journal and Constitution*, June 22, 1986.

²⁴⁹ Ann Woolner and Margaret L. Knox, “Cubans in a cruel circle of despair,” *The Atlanta Journal and Constitution*, June 22, 1986.

²⁵⁰ Norman Kempster, “Cuba Retaliates as U.S. Launches Radio Martí: Havana Cancels Immigration Accord, Threatens to Jam Official, Commercial Broadcast Signals,” *Los Angeles Times*, May 21, 1985; Shultz, *That Infernal Little Cuban Republic*, p. 404.

²⁵¹ Ann Woolner, “Hope wanes for Cubans at the Pen: Hunger strike is symbol of years of frustration,” *The Atlanta Journal and Constitution*, September 15, 1985.

none of the Cuban detainees were releasable. Between October 1985 and April 1986, only 130 detainees were released.²⁵² The slow trickle of releases did little for morale within the penitentiary.

4.3 Pains of Imprisonment

In the years following the November 1984 uprising, Mariel Cubans not only suffered from harsh lockdown procedures and fear of deportation, but also from verbal and physical abuse. Some prison staff hurled insults and tormented Cubans. One Cuban alleged that guards frequently made racial remarks, and on one occasion, a guard attempted to force him to eat a paper napkin.²⁵³ Another accused two guards of beating him, alleging that the guards took turns holding him while the other hit him. The case went to court, but the guards were acquitted after guards claimed that the Cuban harmed himself. During the trial, particular emphasis was placed on the victim's sexual orientation and mental condition, with the defense arguing the victim may have mutilated himself, or could have been beaten by other prisoners or guards because he was gay. They claimed that the Cuban was often raped and beaten by other Cuban detainees.²⁵⁴ A former Cuban detainee who was released in 1987, also charged that guards beat him on two different occasions for complaining about the conditions at the Atlanta Penitentiary.²⁵⁵

One Cuban detainee was killed by prison guards. During a struggle in February 1987, guards choked to death 28-year-old Santiago Peralta Ocana. Peralta was in a segregation unit at

²⁵² Cuban Detainees' Litigation Papers, Kenan Research Center, Box 10, Folder 6.

²⁵³ Letter from William H. Brookins to Allan J. Tanenbaum, Attorney at Law, regarding Rene ***** on December 9, 1985, Cuban Detainees' Litigation Papers, Kenan Research Center, Box 10, Folder 5.

²⁵⁴ Bill Montgomery, "Cuban detainee tells federal jury of beating by guards," *The Atlanta Journal and Constitution*, August 11, 1987; Bill Montgomery, "3 ex-guards on trial in alleged beating of retarded inmate," *The Atlanta Constitution*, August 11, 1987; Bill Montgomery, "Cuban tells U.S. jury he was beaten in cell by two guards in '85," *The Atlanta Journal and Constitution*, August 12, 1987; Bill Montgomery, "Ex-guards acquitted in beating of Cuban," *The Atlanta Constitution*, August 14, 1987; Bill Montgomery, "Pen guards testify they never entered inmate's cell," *The Atlanta Constitution*, August 13, 1987.

²⁵⁵ Wanda Yancey, "Cuban claims he was beaten by guards in penitentiary: Former detainee makes remarks at vigil outside prison," *The Atlanta Constitution*, August 17, 1987.

the time because he was suspected of stabbing of another detainee a year prior. After complaining about his lunch being cold, and kicking his cell door, a guard placed Peralta in a chokehold. A witness said he heard Peralta say “help me” as he was strangled to death. Prison officials initially reported that Peralta died of a heart attack, but the autopsy revealed the detainee died by strangulation.²⁵⁶

The lockdown conditions, overcrowding, and months without answers regarding parole created an environment where violence thrived. Between February 1985 and November 1987, the Atlanta Penitentiary reported five homicides and 133 cases of assault.²⁵⁷ The penitentiary reported an average of fifteen inmate-on-inmate assaults a month, which constituted over half of the total number of inmate of inmate assaults for the entire BOP.²⁵⁸ One Cuban at the Atlanta penitentiary said of the increase in violence: “with that many people held so close together all day and night, there begins to be tension.”²⁵⁹ One detainee smothered a cellmate to death with a sheet, and another strangled a cellmate to death. Both detainees claimed to be acting in self-defense. Another Cuban was stabbed ten times as a prison officer was escorting him in handcuffs from his cell to the showers. Gary Leshaw, a local attorney, questioned the prison administration’s ability to manage a penitentiary in which a detainee was able to stab his victim ten times before a staff member intervened. When questioned about the number of deaths at the institution, Warden Jack Hanberry claimed, “no other institution has the same type of inmate

²⁵⁶ Tracy Thompson, “Prison officials get 2nd autopsy on Cuban inmate,” *The Atlanta Constitution*, April 22, 1987. Tracy Thompson, “Cubans, guards trapped in cycle of violence at Atlanta Pen,” *The Atlanta Constitution*, April 19, 1987.

²⁵⁷ A Report to the Attorney General on the Disturbances at the Federal Detention Center, Oakdale, Louisiana, U.S. Penitentiary Atlanta, Georgia, February 1, 1988, p. Atlanta 5.

²⁵⁸ Atlanta Federal Penitentiary: Report of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the Committee on the Judiciary U.S. House of Representatives, Ninety-Ninth Congress, Second Session, April 1986.

²⁵⁹ Scott Thurston, “As for Cubans, the pen defies description: ‘What they are doing here they would not do to a real criminal,’” *Atlanta Journal Constitution*, June 22, 1986.

that's as volatile as Cubans," once more relying on the stereotype of Mariel criminality to explain the violence at the prison.²⁶⁰

Some Cuban detainees took out their frustration out on the prison staff. Between February 1985 and November 1987, 114 staff members were assaulted.²⁶¹ One guard claimed Cuban detainees were randomly assaulting guards, as well as throwing urine and feces at them.²⁶² In April 1987, a detainee stabbed a correctional officer in the back with an eleven-inch homemade knife. The injury was severe enough to warrant surgery.²⁶³ Other Cuban detainees responded to indefinite detention by taking their own lives or harming themselves. By February 1986, the penitentiary had reported seven suicides, 158 suicide attempts, and six thousand self-mutilation cases.²⁶⁴

Prison officials and the INS led the public to believe that the Cuban detainees who remained at the penitentiary were violent criminals who posed a danger to society. Some were convicted of violent crimes. These Cubans had already served prison sentences.²⁶⁵ Bill Thompson, a lawyer for the detained Cubans, explained that due to the precarious legal position of Mariel Cubans, "they can't be normal human beings. They have to be model citizens. They can't do anything wrong."²⁶⁶ Legally, even small offenses were grounds for detention and

²⁶⁰ Ann Woolner, "Killings show Pen officials lack control, lawyer says," *The Atlanta Constitution*, March 4, 1985; "Stabbing suspect separated from other inmates," *Atlanta Constitution*, February 19, 1986; Ann Woolner, "Cuban inmate violence at its worst in cellblock E," *The Atlanta Journal and Constitution*, August 31, 1986.

²⁶¹ A Report to the Attorney General on the Disturbances at the Federal Detention Center, Oakdale, Louisiana, U.S. Penitentiary Atlanta, Georgia, February 1, 1988, p. Atlanta 5.

²⁶² Scott Thurston, "As for Cubans, the pen defies description: 'What they are doing here they would not do to a real criminal,'" *Atlanta Journal Constitution*, June 22, 1986.

²⁶³ "Cuban indicted in stabbing of Atlanta Penitentiary guard," *The Atlanta Constitution*, May 22, 1987.

²⁶⁴ Atlanta Federal Penitentiary: Report of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the Committee on the Judiciary U.S. House of Representatives, Ninety-Ninth Congress, Second Session, April 1986.

²⁶⁵ "The Cubans' Crimes: Crimes of Cubans held in the Atlanta Federal Penitentiary," *The Miami Herald*, April 7, 1986, 6A.

²⁶⁶ Michele Cohen, "Mariel Cubans in U.S. prison yearn for chance at freedom," *Sun Sentinel*, March 31, 1986, p. 1.

deportation. INS spokesperson, Duke Austin, claimed that INS was under no obligation to “establish beyond a shadow of a doubt that he [a Mariel Cuban] committed a crime to make him deportable;” rather, it was a Cuban’s responsibility to prove that he had a right to be in the United States.²⁶⁷

Table 1: Criminal Convictions of Cubans at the Atlanta Penitentiary, 1986, Miami Herald.

Criminal Convictions	Number
Murder	5
Manslaughter	15
Rape	11
Child Molestation	11
Assault	58
Kidnapping	4
Aggravated Assault	71
Armed Robbery	6
Drug-related Crime	370
Robbery	80
Attempted Robbery	24
Breaking and Entering	20
Burglary	180
Theft/Larceny	128
Attempted Theft/Larceny	4
“Other Sexual Offenses”	8
Assault on an Officer	3
Weapons Possession	56

The Cuban detainees also faced a series of legal defeats in the years that followed the November 1984 uprising, with the Eleventh U.S. Circuit Court of Appeals striking down a number of favorable decisions from Judge Marvin Shoob. Ultimately, the circuit court ruled that Cuban detainees did not have special due process rights granted to unadmitted aliens. Attorneys representing the Cuban detainees appealed to the U.S. Supreme Court in 1986, but the court voted against hearing the case, which marked the end of the class-action lawsuit for due process.²⁶⁸

Though the circuit court voided many of Judge Shoob’s rulings in favor of the Cuban detainees, he found other ways to aid them. When the 11th U.S. Circuit Court of Appeals ruled that Cuban detainees at the Atlanta penitentiary did not have a right to government-paid lawyers, Judge

²⁶⁷ Interview with Duke Austin, Series VI: The Cuban Excludables, 1989-1997, Estela and Ernesto Bravo Film and Video Collection, The Tamiment Library and Robert F. Wagner Labor Archives.

²⁶⁸

Shoob urged the Atlanta Bar Association to spearhead an effort to find lawyers willing to volunteer their services to help the detainees file for parole.²⁶⁹ The pro bono program aided in the release of approximately two to three dozen Cuban detainees.²⁷⁰

4.4 Resistance on the Outside

As Cubans protested their detention inside the Atlanta penitentiary, resistance to the Reagan administration's detention system was mounting across the United States. Concerned citizens advocated for Cubans, Haitians, and Central Americans in detention and engaged in inside-outside organizing. Those on the outside worked with migrants inside detention facilities to draw public sympathy, and demand changes to the detention system. The 1980s also witnessed the birth of the Sanctuary Movement, which sought to provide refuge to Central Americans and prevent their deportation.²⁷¹

Prior to the 1984 uprising, resistance outside the penitentiary primarily consisted of litigation. But in the months that followed the uprising, a local movement came together. Atlanta activists joined the resistance on the outside and engaged in community organizing. Carla Dudeck and Sally Sandidge became aware of the conditions of detention through an American prisoner named Patrick O'Neill, who was serving time at the prison for participating in an anti-nuclear protest that involved the damaging of nuclear missiles. While at the prison, O'Neill was tasked with burying the Cuban detainees who passed away. Dudeck and Sandidge were involved in the Community of Hospitality, a religious group concerned with social justice, and started writing to and visiting O'Neill at the prison. O'Neill told the women about the plight of the

²⁶⁹ Ann Woolner, "Ruling: No government-paid lawyers for Cubans," *The Atlanta Constitution*, January 1, 1986. Kenan Research Center, Dec. 4 Scans, p. 630.

²⁷⁰ Ann Woolner, "Cuban Program Future Uncertain: Lack of Funds, Transfer of Inmates Cited," *Fulton County Daily Report*, November 14, 1986.

²⁷¹ Shull, "Reagan's Cold War on Immigrants," p. 19-20.

Cuban detainees and urged them to plan a vigil. Their concern for human rights led them to do something and the women started planning a vigil just before the 1984 uprising. With the help of others, Dudeck and Sandidge created the Coalition to Support Cuban Detainees in 1985, and began holding meetings and vigils at the penitentiary once a month. Dudeck also wrote to individual Cuban detainees at the Atlanta Penitentiary and produced a monthly newsletter for the detainees and their families.²⁷²

Only eight people—all Quakers—came to the first vigil outside the INS office in Atlanta.²⁷³ But the protests grew as more people became aware of the plight of Mariel Cuban detainees. The group eventually developed into a diverse coalition that consisted of spiritual leaders and parishioners, lawyers, local activists, and the family members of detainees. Father Joseph Fahy, a Catholic priest who had been ministering to the Cuban detainees, joined the coalition. Fahy was fluent in Spanish and his dissertation had focused on antislavery theology in Cuba. “The church should be in forefront of the struggle for justice for the powerless in the world,” he declared, “and who could be more powerless than the Mariel Cubans.” Prison officials revoked his visitation privileges after he started writing letters to the press. Because he could not minister to the Cubans inside, he began leading prayers via megaphone outside the penitentiary during the monthly vigils. The Cuban detainees called him Father Pepe.²⁷⁴ The coalition also included O.J. Keller, former president of the American Correctional Association and former U.S. parole commissioner. Keller compared the penitentiary to the infamous French

²⁷² Author’s interview with Sally Sandidge on September 15, 2021; Interview with Carla Dudeck and Sally Sandidge, Series VI: The Cuban Excludables, 1989-1997, Estela and Ernesto Bravo Film and Video Collection, The Tamiment Library and Robert F. Wagner Labor Archives; Carla M. Dudeck, “Protest no threat,” *The Atlanta Constitution*, February 1985, newspaper clippings AHC Jan 14 scans p. 50.

²⁷³ Morris S. Thompson, “Group Builds Support for Cuban Detainees,” *The Washington Post*, December 3, 1987.

²⁷⁴ “Padre Pepe: Priest Waging One-man Battle Against Detainee Policy,” *Creative Loafing*, September 12, 1987; Obituary of Father Joseph Augustine Fahy, *The Atlanta Journal-Constitution*, January 25, 2007, p. 10D; Noel C. Burtenshaw, “Advent 2: Confinement in Atlanta” *The Georgia Bulletin*, December 5, 1985.

penal colony on Devil's Island. Keller even traveled to Cuba for an international conference on criminology in the summer of 1987 and requested information from the Cuban government on the status of Cuban detainees who were repatriated. He found that seventy-one were in prison for crimes they committed in the United States, though they had already served their sentences. Based on this, he believed Cuban detainees could expect mistreatment if sent back to their home country.²⁷⁵ Atlanta Legal Aid Society lawyers Gary Leshaw and Bill Thompson, who were serving as legal representation for the Cubans detainees, collaborated with the coalition as well. Family members moved to the Atlanta area to be closer to their loved ones at the penitentiary and joined the coalition's monthly vigils.²⁷⁶ All of these people shared a concern for human rights and came together to amplify the voices of the marginalized Cubans.

The vigils operated as protests against the practice of indefinite detention and the poor conditions within the prison. During one vigil, protesters created a makeshift prison cell out of chicken wire to illustrate how little space Cubans had within prison cells occupied by eight.²⁷⁷ Another vigil included crosses with the names of deceased Cuban detainees who had been buried in the penitentiary's cemetery.²⁷⁸ After the Supreme Court refused to hear the Cubans' case, the coalition held a vigil to encourage the detainees. A former detainee who had obtained release joined to support his fellow countrymen still in prison.²⁷⁹ Children of the detainees participated

²⁷⁵ Frank Klimko, "'This is our Devil's Island...': Atlanta's Cuban Crisis," *Corrections Compendium*, The National Journal for Corrections Professionals, XI no. 2 (August 1986); Jim Newton, "Ex-paroles official doubts Cuba would treat deportees well," *The Atlanta Constitution*, December 2, 1987, p. 10A; Obituary of Oliver James Keller Jr., *Tallahassee Democrat*, February 15, 2008.

²⁷⁶ Michele Cohen, "Unlikely 'Saint' Has Long Held Vigil for Cubans," *Sun-Sentinel*, South Florida, December 3, 1987; Interview with Carla Dudeck and Sally Sandidge, Estela and Ernesto Bravo Film and Video Collection.

²⁷⁷ "'Prisoners' hold vigil to focus on plight of Cubans at Pen," *The Atlanta Constitution*, May 15, 1986, p. 33A.

²⁷⁸ Priscilla Painton, "Silent vigil held to protest prison violence involving detainees," *The Atlanta Constitution*, March 17, 1986, p. E1.

²⁷⁹ Charles Walston, "Marchers exhort Cubans held at pen not to abandon hope," *The Atlanta Constitution*, October 20, 1986, p. 1E.

in the vigils as well, carrying signs that read “Why is my papa still in prison?” and “we need our fathers now.” On Father’s Day in 1987, the children spoke to their fathers through a microphone set up outside the prison, one telling her father, “I hope you can come out soon. Me and the family love you and want you to come home.”²⁸⁰ Forty wives and children protested outside the penitentiary during the Fourth of July holiday weekend in 1987, dressing up as the Statue of Liberty and chaining themselves to the prison fences with paper chains. One detainee’s wife told a reporter that “the 4th of July was a time to celebrate liberty, justice, the American way, but since my husband had been detained it has been miserable...it’s no longer the American way.”²⁸¹



Figure 6: Juanita Díaz, whose husband was imprisoned at the penitentiary, is costumed as the Statue of Liberty, and children of other prisoners wear paper chains as a protest in front of the federal prison, The Atlanta Journal-Constitution, July 4, 1987.

²⁸⁰ Lynn M. Hohenstein, “Families of Cuban detainees keep vigil, offering Father’s Day messages of hope,” *The Atlanta Constitution*, June 22, 1987, p. 3E.

²⁸¹ Susan Laccetti, “Families ask freedom for detained Cubans: Protesters use paper to chain themselves to the prison fence,” *The Atlanta Journal-Constitution*, July 4, 1987.

Black civil rights activists became involved in the resistance outside the prison, viewing the fight for the rights of Mariel Cuban detainees as part of the larger struggle for civil rights in the United States. The city of Atlanta had been a key location during the civil rights movement. Atlanta was the birthplace of civil rights leaders such as Martin Luther King, Jr., and the home to the Southern Christian Leadership Conference (SCLC) and the Student Nonviolent Coordinating Committee (SNCC). Numerous civil rights activists lived in Atlanta, too. Some Black community members argued that racism contributed to the long-term detention of Mariel Cubans, as many of the detainees were people of color. Reverend Timothy McDonald, who had recently become pastor of First Iconium Baptist, located in the West End neighborhood of Atlanta, became an active member of the coalition. McDonald was the former assistant pastor at Ebenezer Baptist and had previously interned at the Martin Luther King Jr. Center for Nonviolent Social Change. During the 1980s, he was the national director of the SCLC's Operation Breadbasket, an organization that sought to improve the economic fortunes of poor African Americans.²⁸² McDonald told the press that if the Mariel Cubans "were of a lighter hue the government would not allow them to be detained for that length of time."²⁸³

In April 1987, Hosea Williams and comedian Dick Gregory protested within the prison walls, as Cuban prisoners shouted "Freedom, Freedom" from inside the penitentiary. Williams told the press that they had come to implore President Reagan and the federal government to "put an end to the un-American, inhumane atrocities that are being perpetrated upon our Cuban

²⁸² "Church History," First Iconium Baptist Church Website, <https://firsticonium.org/church-history/>; "Ebenezer will install assistant pastor Sunday," *Atlanta Daily World*, August 25, 1978, p. 2; Billy Mallard, "Candlelight vigil at penitentiary protests detention of 1,850 Cubans," *The Atlanta Constitution*, February 10, 1986, p. 3A.

²⁸³ "Committee Concern About Cuban Prisoners," *Atlanta Daily World*, April 23, 1987, p. 1&4.

brothers.” The two were arrested by FBI agents on trespassing charges.²⁸⁴ Williams had been a leader in the civil rights movement, leading hundreds of marches, including the Selma to Montgomery March. He became involved in Atlanta politics in the 1970s, becoming a state legislator and later a city councilman in 1986.²⁸⁵ Though Gregory did not reside in Atlanta, he often engaged in political activism in the city.²⁸⁶



Figure 7: John Lewis and Sally Sandidge pay a surprise visit to the Atlanta Penitentiary, Atlanta Journal-Constitution, April 18, 1987.²⁸⁷

Another local leader, U.S. Representative John Lewis, became a vocal and dedicated advocate for the Mariel Cuban detainees. Lewis likewise noted that many of the detainees were

²⁸⁴ “Hosea and Dick Gregory Trial June 4th,” *Atlanta Daily World*, April 26, 1987, p. 1; Steve Harvey, “Williams, Gregory released in D.C., arrested for picketing at Atlanta pen,” *The Atlanta Constitution*, April 23, 1987.

²⁸⁵ Ernie Suggs, “Hosea Williams: 1926-2000—A lieutenant of the civil rights movement,” *The Atlanta Journal-Constitution*, November 17, 2000.

²⁸⁶ In 1982, Gregory protested homelessness in Atlanta with Timothy McDonald, Coretta Scott King, Mayor Andrew Young, and SCLC President Joseph Lowery. Jim Galloway, “Young, Dick Gregory fast to protest plight of poor,” *The Atlanta Constitution*, December 22, 1982, p. 27A.

²⁸⁷ Though the press included Sally Sandidge in the photograph, Sandidge remembers that prison officials would not allow her to enter the prison, citing visitor restrictions. Only Carla Dudeck and John Lewis were able to tour the facility. Author’s interview with Sally Sandidge on September 15, 2021.

Black and claimed that the Mariel Cubans would not be detained at the prison if they were white. He attended the coalition's vigils and called for legislation to provide fair hearings for the Cubans. Lewis even toured the prison in April 1987 with Carla Dudeck, and witnessed first-hand the conditions of the prison. He said he was most disturbed by the "sense of hopelessness" among the detainees.²⁸⁸ Lewis's efforts on behalf of the Cubans imprisoned in his district stood in stark contrast to those of another congressman from the Atlanta area, Republican Pat Swindall. Swindall was far less sympathetic to the Cubans' plight, suggesting that the best alternative to detaining Mariel Cubans at the Atlanta penitentiary was to "put them all in a lifeboat and send them all to Cuba with life jackets on."²⁸⁹

A fellow Cuban immigrant and local deejay, Ernesto Perez, attempted to encourage the Cubans at the Atlanta penitentiary with music on WRFG, Radio Free Georgia, an alternative radio station in Atlanta.²⁹⁰ Perez had previously defended Mariel Cuban immigrants coming to the city in 1980.²⁹¹ He sympathized with the Mariel Cubans at the prison because he spent three months at a refugee camp in Florida at the age of sixteen, after arriving in the U.S. without his parents. He spent two years in a Catholic-run boys' home and obtained a degree in civil engineering from the University of New Mexico. After working on oil rigs in New Orleans for a few years, Perez went back to the University of New Mexico for a master's in environmental engineering. He moved to Atlanta in 1972. Perez worked as an environmental engineer for the

²⁸⁸ Priscilla Painton, "After pen tour, Lewis seeks probe of Cuban detention," *The Atlanta Journal-Constitution*, April 18, 1987, p. 2B. Michael Camp describes John Lewis's defense of the Mariel Cuban detainees as his "forgotten fight," writing that Lewis "seemed to view the recognition of the essential humanity and dignity of immigrants seeking safety and opportunity as part and parcel of the same set of concerns that motivated his advocacy for African American equality in the civil rights era and beyond." Michael Camp, "John Lewis's Forgotten Fight: The Mariel Cubans in Atlanta," *Atlanta Studies* (January 2021).

²⁸⁹ Ann Woolner, "Swindall suggests sending prisoners to Cuba in lifeboats," *The Atlanta Journal - Constitution*, April 19, 1986, p. 1B.

²⁹⁰ WRFG 89.3 FM is an independent, listener-supported radio station in Atlanta that promotes community voices and local artists and musicians.

²⁹¹ Michael H. Cottman, "Another Side of the Coin," *The Atlanta Constitution*, May 22, 1980, p. 5A.

federal government and hosted a radio program called Con Sabor Cubano (With Cuban Flavor) on Tuesdays, and a Latin music show on Saturdays. During the shows, Perez allowed Cuban detainees and their family members to call in and send messages to each other on the radio. Cuban detainees also sent Perez poetry to read on the air. Many Cubans listened to the programs using radios in their cells, and they made calls to him from the prison commissary. When asked about accepting calls from the imprisoned Cubans, Perez replied “how can you say no to someone who wants to let his wife and kids know he’s all right?” Cubans called the radio station even after being transferred to another facility or after being released, with one releasee calling to encourage his friends still in prison, telling them to persevere and keep listening, adding that sometimes Perez was “about all that kept me alive.”²⁹²



Figure 8: Cartoon by Scrawls, 1986, *The Atlanta Constitution*.

²⁹² Keith L. Thomas, “A voice in the night for Cuban detainees: Ernesto Perez provides link to their families,” *The Atlanta Constitution*, July 18, 1986; Carol Morello, “A Voice Cubans Can Trust,” *Philadelphia Inquirer*, December 3, 1987, p. A 12; Ron Arias, “Atlanta DeeJay Ernesto Perez Raises Spirits of Cubans Awaiting Their Fate in Federal Prison,” *People*, June 2, 1986, AHC.

As the years passed, the public, particularly the Atlanta public, became more sympathetic toward the Cuban detainees. The *Atlanta Journal-Constitution* provided regular coverage of the detention of Mariel Cubans in Atlanta, discussing the terrible conditions within the prison and the desperation of those imprisoned there. Sam Rawls, a cartoonist for the newspaper, drew political cartoons that pointed to the injustice Mariel Cuban detainees were facing. One such cartoon depicted Uncle Sam reciting the Pledge of Allegiance, but “with liberty and justice for all” was followed with a clause that read “unless you’re a Cuban in the Atlanta Pen...”²⁹³

In 1986, an Atlanta jury acquitted José Hernández Mesa and Leonel Hidalgo Díaz, the two Cuban detainees accused of starting the November 1984 uprising. The jury deliberated for less than an hour before deciding that the uprising was not the fault of the two Cuban detainees. The defense attorney emphasized the poor conditions within the prison, arguing that “the place was a seething caldron...a gasoline can.” One detainee testified that Hernández discouraged other Cubans from setting fires or destroying property but was unable to stop them. Jurors were so disturbed by what they heard during the trial, they decided to write letters to their congressmen about the plight of the Cuban detainees. One jury member told the press, “We are somewhat ashamed of our government and the way things are going for those people.” Judge Marvin Shoob, who presided over the case, observed that this was the first time a federal jury was made aware of the “basis for their [the Cubans’] detention and the conditions under which they are being detained.”²⁹⁴

²⁹³ Political cartoon by Scrawls, *The Atlanta Journal-Constitution*, April 19, 1986, p. 14A.

²⁹⁴ “Jury does U.S. a favor in Cubans’ case,” *The Atlanta Constitution*, January 21, 1986. “Two Cubans Acquitted Of Leading Jail Riot,” *New York Times*, January 17, 1986. Ann Woolner, “Jurors who acquitted 2 Cubans in ’84 riot criticize U.S. policy,” *The Atlanta Constitution*, January 17, 1986. Ann Woolner, “Cubans’ attorneys

After receiving numerous calls for investigation into conditions at the Atlanta Penitentiary from activists and lawyers, members of the U.S. House Courts and Corrections Subcommittee decided to tour the facility themselves. Democratic Congressman Robert W. Kastenmeier (Wisconsin) and two committee staff members, David Beier, and Joe Wolfe, inspected the Atlanta penitentiary in February 1986, when the Atlanta penitentiary held 1,869 Cuban detainees who were not serving criminal sentences, along with 273 American inmates. The team reported in April that the penitentiary was forty-five percent over-crowded. On the day of the visit, Cellblock E, the segregation unit, held ninety-one inmates. The penitentiary was still observing lockdown procedures, fifteen months after the October 1984 protest. Detainees in the cellblocks under full lockdown were kept in their cells twenty-three hours a day, and received their meals within the cell, while those in partial lockdown ate two meals within their cells and were escorted to the cafeteria for one meal. The prison had a library with law books, but detainees in lock down could not visit the library, though prison officials claimed they could request to check out books.²⁹⁵

Congressman Kastenmeier said of the situation in Atlanta: “This form of warehousing is brutal and dehumanizing. The Cuban detainees have no practical hope for release or return. Moreover, as we saw during our visit the conditions under which these persons live are worse than those which exist for the most dangerous convicted felons. The conditions of confinement at Atlanta do not appear to meet minimum correctional standards.” The team concluded that the

wrap up defense against charges of inciting prison riot,” *The Atlanta Constitution*, January 16, 1986. Ann Woolner, “Guards beat Cuban inmates, witnesses say,” *The Atlanta Journal and Constitution*, January 11, 1986. Ann Woolner, “Government rests case in Cuban riot trial,” *The Atlanta Constitution*, January 1, 1986; Ann Woolner, “Cuban inmate denies inciting 1984 riot at Atlanta Federal Pen,” *The Atlanta Journal and Constitution*, January 14, 1986.

²⁹⁵ Atlanta Federal Penitentiary: Report of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the Committee on the Judiciary U.S. House of Representatives, Ninety-Ninth Congress, Second Session, April 1986.

living conditions were “brutal and inhumane” and that “the conditions combined with the violence-prone nature of the detainee population presents a strong possibility of future violent confrontation.” The report recommended a number of things including renovations to the penitentiary, an end to the lockdown, an improvement in living conditions, an increase in Spanish-speaking staff, releasing those who qualify for parole, and moving some Cuban detainees to lower security institutions.²⁹⁶

Warden Jack Hanberry took offense to the report’s criticism of the situation at the Atlanta penitentiary, claiming that the complaints were made by “a few disgruntled people” and that he had fired guards who used unnecessary force. He said of the report, “They had us painted as some animalistic people. We use force when it’s necessary to the situation. I make no apology when we have to deal with someone physically in breaking up a fight or when a guard is assaulted.”²⁹⁷ Prison officials such as Bill Noonan refused to claim responsibility for the situation, arguing it was a political problem brought on by Cuba refusing to “take back its driftwood.” Gary Leshaw disagreed, arguing that prison officials exacerbated the problem by enforcing a lockdown.²⁹⁸

The government’s solutions were insufficient. The government originally created the Oakdale Federal Detention Center in Oakdale, Louisiana to temporarily hold undocumented migrants, primarily from Central America; but in October 1986, the INS announced that the facility would begin holding Cuban detainees as well. The federal government planned to keep Cubans with the most serious records at the Atlanta Penitentiary and move those who could

²⁹⁶ Atlanta Federal Penitentiary: Report of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the Committee on the Judiciary U.S. House of Representatives, Ninety-Ninth Congress, Second Session, April 1986.

²⁹⁷ Dan Baum, “Hanberry retires after nine stormy years as warden at Pen,” *The Atlanta Journal and Constitution*, July 4, 1986.

²⁹⁸ Frank Klimko, “Atlanta’s Cuban Crisis,” *Corrections Compendium: The National Journal for Corrections Professionals* XI, no. 2, August 1986.

possibly be released to the new detention center in Oakdale. While at Oakdale, detainees could receive educational and vocational training and be evaluated for release to halfway houses.²⁹⁹ Ray Rowe, the deputy warden at Oakdale explained “the purpose of using Oakdale is to put another step between Atlanta and the halfway houses to help them adjust to American society.”³⁰⁰ Officials estimated that five hundred to seven hundred Cuban detainees in Atlanta were eligible for transfer.³⁰¹ The first group of forty-five Cuban detainees were transferred from the Atlanta penitentiary to the Oakdale detention center on November 18, 1986.³⁰²

The establishment of Oakdale in Alabama allowed Cubans eligible for parole leave the Atlanta Federal Penitentiary. But the move to Oakdale threatened to extend their imprisonment, and made it seem as if it would take even longer to gain freedom. One Cuban who was transferred to Oakdale received a letter from the INS that he was eligible for release to a halfway house, but did not seem convinced, calling the papers “pocket liberty.” He had the approval papers in his pocket, but remained in detention.³⁰³ The Cuban detainees were acutely aware of the difference between receiving approval for release and actually being released. Father Joseph Fahy was also critical of the transfer of “low-risk” Cuban detainees to Oakdale. In an op-ed in the *Atlanta Constitution*, he described the move as an “incomplete solution” and questioned whether the transfer would delay the parole process for Cuban detainees.³⁰⁴ In addition, the transfer of releasable detainees to the Oakdale detention center would only temporarily reduce

²⁹⁹ Melinda Shelton, “Alien center becomes prison for Cubans,” *The Advocate*, Baton Rouge, Louisiana, October 18, 1986; “Jailed Cubans could be released,” *Miami Herald*, November 17, 1986.

³⁰⁰ Carolyn S. Carlson, “Cheerless Holidays for Cuban Detainees,” *The Albany Herald*, G.A., December 26, 1986.

³⁰¹ Gail Epstein, “Cubans get a chance for parole: Shift in U.S. policy may affect 700 at pen,” *The Atlanta Constitution*, November 8, 1986.

³⁰² “Atlanta pen to transfer first group of Cuban inmates,” *The Atlanta Constitution*, November 18, 1986.

³⁰³ Joan Treadway, “‘The Abandoned’ await their chance for a new life,” *Times Picayune*, New Orleans, L.A., August 30, 1987.

³⁰⁴ “Transfer of detainees an incomplete solution,” *The Atlanta Constitution*, December 3, 1986, p. 10A.

the number of detainees at the Atlanta prison. INS officials planned to move “dangerous” detainees from other detention centers and county jails to the Atlanta prison, leaving the overcrowding problem unsolved. INS spokesperson Duke Austin, told a reporter that “we’re going to shift the population around and what we’re going to end up with is hopefully the worst cases of individuals, who we think require maximum security, being in the Atlanta Federal Pen, and those not requiring it being held in Oakdale, La.” The Atlanta facility would hold those who could not be released until another agreement could be reached with Cuba—though such an agreement was nowhere in sight.³⁰⁵

In June 1987, the INS initiated a new standardized review system to evaluate the parole potential of Cuban detainees every six months. Approximately thirty-six hundred Cubans were detained at the time, most at the Atlanta penitentiary and the Oakdale detention center. Of the twenty-four hundred detained in Oakdale and Atlanta, less than a third were convicted of violent crimes in the United States. Approximately 125 Cubans had been in custody since their arrival, never being released into American society. 620 were convicted of crimes involving drugs. The new review system did offer some modifications favorable to the detainees; they could bring lawyers and family members to testify in front of the review panel, and they could be released to family members as well as halfway houses, whereas before, Cuban detainees could only be released to halfway houses.³⁰⁶

Though the new review plan would allow detainees to have their cases reevaluated, many distrusted the federal government after so many years in detention. When asked about the new

³⁰⁵ Scott Shepard, “Cuban refugee plan won’t prevent violence at Pen, group says,” *The Atlanta Constitution*, November 10, 1986; Gail Epstein, “Cubans get a chance for parole: Shift in U.S. policy may affect 700 at pen,” *The Atlanta Constitution*, November 8, 1986.

³⁰⁶ Marvine Howe, “Detained Cubans Get Faster Reviews,” *The New York Times*, October 24, 1987; Congressional report on riots, p. 77.

review process, one Cuban detainee said, “they have told so many lies that even when they tell the truth there is still doubt” and another said “they have played around so much with us.”³⁰⁷ By October, INS officials had evaluated the cases of 891 Cuban detainees and determined that 637 were eligible for release, but only 160 were released right away. The other 557 detainees deemed eligible for release had to remain in custody until they could be placed in a halfway house or with family members. Close to three thousand detainees were still waiting for their cases to be evaluated.

Meanwhile, Representative John Lewis of Atlanta began working on legislation which would require the INS to speed up the review process, calling the current process that gave detainees no indication of when they could be freed “unfair” and “inhumane.”³⁰⁸ Before the INS could complete the review process, the State Department reached a new repatriation agreement with Cuba. In June 1985, O.J. Keller had written that “the joint could blow,” and indeed it would in the days following the State Department’s announcement.³⁰⁹

³⁰⁷ Timothy Dwyer, “U.S. prisons a limbo for 5,000 Cubans,” *The Philadelphia Inquirer*, July 13, 1987.

³⁰⁸ Marvine Howe, “Detained Cubans Get Faster Reviews,” *The New York Times*, October 24, 1987; “INS panel urges 551 Cuban ex-felons be freed,” *The Atlanta Journal and Constitution*, October 23, 1987; Wanda Yancey, “Lewis will introduce bill requiring hearings for Cubans detained at pen,” *The Atlanta Journal and Constitution*, October 19, 1987.

³⁰⁹ O.J. Keller, “‘The Joint Could Blow:’ 1,800 Cubans are ‘locked down’ eight per cell in the Atlanta Federal Pen... ‘It’s hell,’ and it’s summer,” *Atlanta Magazine*, June 1985, 41-42 & 113-116.

5 “WE DON’T ACCEPT DEPORTATION TO CUBA”: THE ATLANTA PRISON UPRISING, 1987

On November 18, 1987 a team of Americans from the State Department flew to Mexico City to engage in talks with representatives of the Cuban government regarding an immigration treaty. To avoid leaks, only a few people in the Department of State knew about the talks. The previous year in July, negotiations failed after the *New York Times* published a story about planned talks between the U.S. and Cuba that caused Cuban representatives to distrust the American government. Members of the State Department wanted to prevent this from happening again. The Department of Justice was aware that the State Department was pursuing an agreement with Cuba but was not aware that it had made any headway in this regard. By dinnertime the next day, the American team notified the State Department that the negotiators had agreed to reinstate the 1984 immigration agreement, meaning that Mariel Cubans could now be deported to their homeland. The State Department informed the Bureau of Prisons Director on November 20 and officially announced the reinstatement of the 1984 immigration agreement at noon. But the press had already picked up the story, with a television broadcasting channel in Miami running the story at ten a.m. and the *Associated Press* reporting on the agreement an hour later.³¹⁰

Though it was public knowledge that the United States had been trying for years to reach an immigration agreement with Cuba, the agreement came as a shock to Cuban detainees and

³¹⁰ Testimony of Michael G. Kozak, Principal Deputy Legal Adviser, U.S. Department of State, Mariel Cuban Detainees: Events Preceding and Following the November 1987 Riots, Hearing Before the Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the Committee on the Judiciary, House of Representatives, February 4, 1988, p. 22-47.

their families because there was no indication that the United States was engaging in talks with Cuba at the time. The renewed 1984 immigration agreement included an unedited list of excludable Cubans from 1984, some of whom had received parole between 1985 and 1987. The INS failed to inform prison officials at Oakdale and Atlanta who or even how many detainees would be deported. The official deportation list was a secret to all except certain top officials in the American government, and had been withheld from detainees and lawyers until a detainee's deportation was scheduled. The INS had just recently initiated a new review system, through which over five hundred Cuban detainees received approval for eventual release. Many others were still waiting for their cases to be reviewed.

A day after the announcement, Cubans at the detention center in Oakdale, Louisiana stormed the front entrance with weapons and screaming "Somos los Abandonados!" ("We are the Abandoned Ones!"). Cuban detainees rebelled at the Atlanta federal penitentiary a few days later, taking more than a hundred people hostage, burning prison buildings, and demanding that they receive permission to remain within the United States. The Oakdale prison riot ended on Sunday, November 28, but the Atlanta prison uprising lasted until December 4, making it the longest prison riot in national history at the time.³¹¹

Though several scholars have examined the Oakdale and Atlanta uprisings, its local dimensions have not been fully analyzed. The uprisings at the Oakdale detention center and the Atlanta Penitentiary illustrated a crisis in national immigration and detention policies. Historical actors in Atlanta and Oakdale shaped the course and outcome of the riots. Parties involved included local politicians, activists, lawyers, journalists, residents who witnessed the uprisings, and even those working at the prisons. Because Mariel Cubans were only in Oakdale a short

³¹¹ A Report to the Attorney General on the Disturbances at the Federal Detention Center, Oakdale, Louisiana, U.S. Penitentiary Atlanta, Georgia, U.S. Dept. of Justice, Federal Bureau of Prisons, 1988.

period of time before the riots, the primary focus in this analysis will be on Atlanta, but the community response in Oakdale still reveals a great deal about the views of small town citizens on Mariel Cubans and undocumented immigrants. A retelling of the story with the communities themselves in focus also allows for a greater understanding of how local activists can challenge the government's immigration and detention policies, as well as how community members contribute to these policies. Examining the riots on the local level can shed light on community organizing and coalition building for immigrant rights and prison reform.

5.1 The Uprisings

In November 1987, when the State Department announced that the United States and Cuba had reached an agreement to reinstate the 1984 immigration treaty between the two countries, many Cuban detainees and their family members desperately sought out lawyers and supporters for answers. Atlanta lawyer Gary Leshaw said, "I've had calls all morning from wives, many of them crying."³¹² One Cuban detainee wrote Carla Dudeck, the local activist who had helped form the Coalition to Support the Cuban Detainees, begging her to do something to help.³¹³ Some of those aiding the Cuban detainees, however, agreed with the government's solution, including Rosemary Kittrell, who ran the Atlanta Bar Association's volunteer lawyer project for the Cuban detainees. After working on Cuban detainee cases for several years, she believed deportation was the "best thing for all concerned," explaining that many did not have the skills necessary to function in American society, as records revealed "most existed through a life of petty crime and many are not even literate."³¹⁴ But Carla Dudeck, Gary Leshaw, and other

³¹² Fred Grimm, "Relatives of inmates flood lawyers with calls," *The Miami Herald*, November 21, 1987, p. 23A.

³¹³ Michele Cohen, "Unlikely 'saint' has long held vigil for Cubans," *Sun Sentinel*, December 3, 1987, p. 1A.

³¹⁴ Fred Grimm, "Relatives of inmates flood lawyers with calls," *The Miami Herald*, November 21, 1987, p. 23A.

immigrant rights activists sought justice for all of the Cubans, regardless of their disadvantages and previous actions. They believed the Constitution and international law required fair hearings for each detainee prior to deportation, and this had yet not been achieved.

On the day of the State Department's announcement, Oakdale Detention Center staff circulated a prepared statement from the warden, announcing that some Cubans would be returned to Cuba, though it provided no details on how many would be deported from their facility. At the time, 440 Cuban detainees at Oakdale had received approval for release, but very few were being released each month. In August, only five Cubans received freedom; in October, thirteen were released, and in November, fourteen. Cuban detainees had no idea when they would be released and already distrusted the INS.³¹⁵ The renewed immigration agreement made many wonder if releases would be paused as they were in 1984—or worse, if they would be sent back to Cuba after receiving approval for release. One corrections officer remembered that the Cubans expressed concern over their release dates that night.³¹⁶

November 20, the day of the announcement, passed in Oakdale with only a broken window and a minor incident in the cafeteria, which began when one reportedly intoxicated Cuban detainee threw a tray at a food service staff member, which spurred several others to throw food, trays, and dishes. The next day, the Special Operations Response Team reported for duty with helmets, batons, gas masks, and tear gas canisters, clearly expecting possible violence. Oakdale staff reported that detainees were unusually quiet. Some were gathering food, wearing multiple layers of clothing, and packing up their personal belongings. Staff members heard rumors that Cuban detainees were planning to riot, but Oakdale's warden did not take the rumors seriously. Rumors of impending violence circulated the detention center on a regular basis but

³¹⁵ A Report to the Attorney General, p. Oakdale 9-13.

³¹⁶ Sherman Desselle, "Remembering the Oakdale Prison Riot," *KALB*, November 30, 2017.

had never yet materialized. He also chose not to initiate a lockdown because he worried it might instigate a riot, and Oakdale's open dormitory layout would have made a lockdown difficult.³¹⁷

The day proceeded quietly. That evening, however, more than two hundred Cubans began moving toward the front entrance with weapons. The Special Operations Response Team began launching tear gas canisters and though the team was able to prevent the detainees from escaping, Cubans threw the tear gas canisters back at the team. The Cubans then raided the Mechanical Services building, adding picks and fire axes to their arsenal of homemade weapons.³¹⁸

Cuban prisoners soon set fire to buildings at the facility and took thirty-six hostages. They warned staff members that any attempt to storm the compound would result in the death of the hostages. At one point, detainees took two hostages to the front of the facility and held machetes to their throats. In an interview following the riot, one correctional officer remembered seeing detainees hit guards in the head with fire extinguishers. The officer added that when he was taken hostage, the Cubans held a knife to his throat, and a shotgun to his ear. He recalled that the uprising evolved from "we're just tearing up the place" to "we will kill you too."³¹⁹

Though the situation in Oakdale became a full-scale prison riot, the Cuban detainees in Atlanta appeared calm. On November 20, a local television station reported the renewal of the 1984 immigration agreement with Cuba. The regional director of INS told Joseph Petrovsky, the recently appointed warden who replaced Jack Hanberry, that only about ninety-four Cubans at the penitentiary would be deported, so some staff members attempted to reassure the detainees that only a small number of Cubans at the penitentiary would be affected by the renewal of the

³¹⁷ A Report to the Attorney General, p. Oakdale 12-19.

³¹⁸ Ibid., p. Oakdale 19-20.

³¹⁹ Sherman Desselle, "Remembering the Oakdale Prison Riot," *KALB*, November 30, 2017.

treaty.³²⁰ Detainees discussed and asked questions about what they pessimistically called the “deportation agreement,” wondering who at the Atlanta penitentiary would be sent back to Cuba.³²¹ According to one Cuban detainee’s wife, some guards harassed the Cuban detainees, “telling them they were going back to Cuba, that they were undesirables.”³²² Detainees were heard insisting that they would rather die than return to Cuba. A number of the detainees were at the penitentiary during the previous immigration agreement with Cuba, and had reason to believe they were on the repatriation list.³²³

After the announcement of the immigration agreement, the INS cancelled detainee hearings for the rest of the day, leaving four Cuban detainees without information as to when or if their case hearings would be rescheduled.³²⁴ This may have sent the message to Cuban detainees that they could be deported without receiving a hearing. That afternoon Cubans bought more food, clothing, and tennis shoes at the commissary than usual, but the day proceeded without incident.³²⁵

The next day, detainees heard about the uprising in Oakdale from news reports on the radio and television, but the prison continued to operate normally. Warden Petrovsky decided not to place the prison on lockdown because he believed it was unwarranted, though like Oakdale’s warden, he also worried that initiating a lock down would produce a riot.³²⁶ Gary Leshaw told the warden that he agreed with the decision. He added that when he spoke with a group of detainees on Sunday, they told him they would “blow the roof off things” if prison officials

³²⁰ A Report to the Attorney General, p. Atlanta 9-10.

³²¹ Renaldo Smith, “The Cuban Detainee Uprising and Riot at the Atlanta Penitentiary November 23, 1987,” MA thesis, Atlanta University Center, 1988, p. 31.

³²² Art Harris, “Cubans at Atlanta Penitentiary Free Two Hostages, Hold 73; Offer of Moratorium on Deportations Ignored.” *The Washington Post*, November 25, 1987.

³²³ Renaldo Smith, p. 32; Report to the Attorney General, p. Atlanta 9.

³²⁴ Report to the Attorney General, p. Atlanta 10.

³²⁵ Ibid., p. Atlanta 10; Renaldo Smith, p. 31-32.

³²⁶ Report to the Attorney General, p. Atlanta 11-13.

locked down the prison.³²⁷ Instead, the warden decided to increase the number of staff on site. The weekend proceeded calmly, but on the morning of November 23, Cuban detainees began warning prison staff of impending danger. One detainee told his factory supervisor that the female staff should not be working that day and another told a dentist at the prison to be careful.³²⁸ A third told a guard to “go home because it is going to get mighty hot today.”³²⁹ Detainee behavior also suggested something might be amiss. Few Cuban detainees showed up for breakfast when the cafeteria opened, and there was an increase in the prisoners’ outgoing mail. Many Cubans came to work in tennis shoes rather than the required safety shoes. The warden decided to move women staff members to the administrative section in the front of the facility because it was more secure.³³⁰ Yet despite the announced repatriation agreement, the riot at Oakdale, and abundance of warning signs, officials did little to prepare for possible violence.³³¹ Warden Petrovsky would later say, “I guess we weren’t prepared, but had I locked the institution down, then I feel very confident that it would have blown up immediately, and the people would have been asking me today why I locked the institution down when the atmosphere and attitude were so good.”³³²

At approximately ten a.m., Cuban detainees set fire to the Federal Prison Industries building (UNICOR), and began taking hostages. Over the course of the uprising, the number of hostages would rise to 102, though the only fatality of the uprising occurred when a prison officer in a tower shot a Cuban detainee who was chasing another member of prison staff with a

³²⁷ Raad Cawthon, “For 11 days, Cuban unrest boiled over inside Atlanta Pen,” *The Atlanta Journal and Constitution*, December 6, 1987, p. 14A.

³²⁸ Renaldo Smith, p. 33; Report to the Attorney General, p. 15-16.

³²⁹ Renaldo Smith, p. 34.

³³⁰ Report to the Attorney General, Renaldo Smith, p. 34.

³³¹ Bert Useem, Camille Graham Camp, and George M. Camp, *Resolution of Prison Riots*, p. 22.

³³² Robert Pear, “Behind the Prison Riots: Precautions Not Taken,” *The New York Times*, December 6, 1987, p. 1.

knife. Other prison guards shot at Cubans who were carrying weapons and attacking staff members, injuring five detainees, but the shooting ceased when Cuban detainees threatened to kill their hostages.³³³

Prison officer Renaldo Smith remembered narrowly escaping by slipping out of the UNICOR building before the Cuban detainees had commandeered the structure. He watched as his fellow officers were escorted across the yard with knives against their necks. He later wrote in his criminal justice master's thesis on the riot that "though I could not countenance the violence and destruction, there was no hatred in my heart because I knew why these men had rebelled."³³⁴ Before he was taken hostage, Alfredo, a Cuban accountant at the prison's factory, had told his female office coworkers to leave earlier that morning, because he sensed something was about to happen. Soon after, he heard loud noises coming from the cafeteria, so he locked the doors to the office building. He then took off his tie and told others to do the same, hoping that this would disguise the fact that they were employees. Cuban detainees stormed the office building, locking him and others in a storage cage in the factory, but then moved these hostages to the kitchen and eventually one of the dorms.³³⁵ The captain of the guards, Doug Howington, was on the West Yard directing detainee traffic from the dining room when the uprising began. Cuban detainees took his keys, handcuffed him, and placed him in a building with the other hostages for an hour before moving him to another location. The Cubans told him they were taking over the prison to show the world what was happening to the Cuban detainees.³³⁶

³³³ Report to the Attorney General, p. Atlanta 17-18.

³³⁴ Renaldo Smith, p. 37-40.

³³⁵ Scott Henry, "Prison Riot!" *Creative Loafing*, November 21, 2007.

³³⁶ Interview with Doug Howington, Estela and Ernesto Bravo Film and Video Collection, TAM 616, Tamiment Library/Robert F. Wagner Labor Archives, New York University.



Figure 9: Smoke rises from the Cuban prison riots in Atlanta, 1987, Georgia State University

The Oakdale and Atlanta uprisings were less violent than other North American prison riots. The Santa Fe prison riot of 1980 consisted of brutal violence against guards and between inmates, resulting in the death of thirty-three prisoners. During the prison riot at Attica in 1971, three prisoners who were suspected of being informants were murdered by their fellow inmates. But the Cuban detainees approached the uprisings with the intention of preventing loss of life.³³⁷ Though the Cuban detainees used violence to take control of the prisons and threatened to kill the hostages if officials attempted to use force to quell the riot, most detainees at Oakdale and Atlanta demonstrated a desire to protect the lives of staff members and other detainees.

The Cubans at Oakdale blamed the INS for their situation, rather than their captors. In a list of demands, they clarified that the BOP and prison staff did not have “any part in this situation. They were unfortunate to be here with us when we had gotten enough of injustice.”³³⁸

³³⁷ Hamm, p. 31-34.

³³⁸ Shull, “*Somos los Abandonados*,” p. 13.

When one guard was taken hostage, a Cuban detainee told him, “Man, don’t worry, we’re not going to hurt you.”³³⁹ During the takeover at Oakdale, some detainees helped staff members escape from a burning hospital building; others attempted to free detainees trapped in the hospital and protected a staff psychiatrist from being taken hostage. Cuban detainees who assumed control of the uprising at Oakdale guarded and protected hostages from other detainees who wanted to harm them. They provided food, water, and mattresses with clean sheets and pillows for the hostages, even requesting medicine for one of the hostages. They released a mentally ill detainee who stabbed himself in the stomach, kept several mentally ill detainees locked in their rooms, and released a hostage who had been stabbed so that he could obtain medical care. Additionally, they turned the detainees who had stabbed the hostage over to BOP staff.³⁴⁰

Much like the uprising at Oakdale Detention Center, most Cuban detainees in Atlanta attempted to protect the lives of their hostages and other detainees, though they used the hostages as a bargaining tool and threatened to kill the hostages to prevent an attempt to retake the prison. One hostage who was released as a show of good faith during the riot said he believed the Cubans were willing to kill the hostages if necessary.³⁴¹ But Howington, the captain of the guards, believed that most detainees did not want to harm the hostages, and insisted that he was treated well under the circumstances.³⁴² One hostage remembered hearing a Cuban detainee say that, “[N]o one is to be hurt. Buildings can be replaced; lives cannot.”³⁴³ Leaders of the uprising

³³⁹ Michael J. Kennedy and Barry Berek, “The Weirdest Riot, ‘The Joint Could Blow’ - and It Did,” *Los Angeles Times*, December 5, 1987, p. 1.

³⁴⁰ Report to the Attorney General, Oakdale; Michael J. Kennedy and Barry Berek, “The Weirdest Riot, ‘The Joint Could Blow’ - and It Did,” *Los Angeles Times*, December 5, 1987, p. 1.

³⁴¹ “Aftermath of the Prison Siege: Concern lingers after crisis ends,” *The Atlanta Journal and Constitution*, December 6, 1987, p. 13A.

³⁴² Interview with Doug Howington.

³⁴³ Michael J. Kennedy and Barry Berek, “The Weirdest Riot, ‘The Joint Could Blow’ - and It Did,” *Los Angeles Times*, December 5, 1987, p. 1.

created a security force to protect and watch hostages, and made sure they had food and water. The Cubans also raided the commissary to obtain supplies not only for themselves, but for their hostages as well. On Thanksgiving, the detainees offered their hostages a dinner of barbecued turkey.³⁴⁴

The Cubans also ensured that the mail system remained in operation, allowing their captives to send and receive mail. One hostage wrote his wife the following on December 1: “We are and have been treated with the utmost respect and even with love of a brother at times... We are going to be ok and home soon. Contrary to what the media has said, there is more order and even peace here than ever.”³⁴⁵ Though the Cubans suffered physical abuse at the hands of prison guards in the years leading up to the uprising, when the Cubans obtained control over the prison, leaders of the uprising chose to protect their hostages.

Of course, not all the penitentiary’s employees were guilty of abusing the Cubans. and in fact many of the employees were sympathetic to the Cubans’ situation. Howington remarked that he empathized with the Cubans, and did not believe they were hard-core criminals.³⁴⁶ Alfredo, the Cuban prison factory accountant, said he believed the Cubans respected him because he “had always treated them like human beings... There was no question in my mind that many of them were criminals,” he later recalled, “but the issue for me was that they weren’t told whether they would ever get out.”³⁴⁷ This was the crux for local allies as well: the Cuban detainees deserved due process regardless of their crimes. It should also be noted that all the Cubans in detention

³⁴⁴ Robert Pear, “Behind the Prison Riots: Precautions Not Taken,” *The New York Times*, December 6, 1987, p. 1; Michael J. Kennedy and Barry Berek, “The Weirdest Riot, ‘The Joint Could Blow’- and It Did,” *Los Angeles Times*, December 5, 1987, p. 1.

³⁴⁵ Amy Wallace, “Mail from inside prison lifts spirits of hostages’ loved ones on the outside,” *The Atlanta Constitution*, December 4, 1987, p. 13A.

³⁴⁶ Interview with Doug Howington, Scott Henry, “Prison Riot!” *Creative Loafing*, November 21, 2007.

³⁴⁷ Mark Davis, “25 years later, Atlanta prison riots live on in captive’s memory: Cuban detainees took more than 100 hostages,” *The Atlanta Journal-Constitution*, November 23, 2012; Scott Henry, “Prison Riot!” *Creative Loafing*, November 21, 2007.

had already served prison terms. One hostage even advocated for the Cubans, declaring that their “plight should be heard and they should be helped so that our system of justice can prevail.”³⁴⁸

Local activist Sally Sandidge suggested that the Cubans protected the hostages because the detainees believed change was possible and believed that many Americans desired fair treatment for the Cubans in detention.³⁴⁹

The Cuban detainees demonstrated a willingness to cooperate with government officials in other ways as well. When Thomas Edward Silverstein, an extremely dangerous American inmate serving three life sentences for murdering another inmate and a prison guard, began organizing a group of twenty Cubans to take over the uprising, several detainees who believed Silverstein was “too crazy” for their purposes took matters into their own hands. On November 30, they restrained and drugged Silverstein, then turned the unconscious inmate over to guards.³⁵⁰ Cubans in Atlanta released thirteen hostages over the course of the uprising as a show of cooperation, and approximately three hundred Cubans chose to surrender to authorities during the uprising.³⁵¹

5.2 Negotiations

BOP and FBI negotiators attempted to reach a resolution with Cuban detainees, but struggled to gain their trust. After years of poor conditions, inhumane treatment, and few clear answers from the federal government, the Cubans gave little credence to American promises. The Department of Justice’s documentation of negotiations illustrates the government’s

³⁴⁸ Bill Dedman and Adam Gelb, “All 26 hostages at Oakdale released; officials not sure of effect in Atlanta: Detainees here meet with exiles,” *The Atlanta Constitution*, November 30, 1987, p. 1A & 11A.

³⁴⁹ Sally Sandidge Testimony, *Maribel Cuban Detainees: Hearing Before the Subcommittee on Immigration, Refugees, and International Law on H.R. 4330 and H.R. 4349*, July 6, 1988, p. 123-124.

³⁵⁰ Hamm, p. 19-20; Larry Copeland and Adam Gelb, “Dangerous U.S. inmate is given up,” *The Atlanta Constitution*, December 1, 1987, p. 1A & 7A.

³⁵¹ Report to the Attorney General.

dehumanization of Mariel Cubans in detention and may explain why government negotiators struggled to communicate effectively with the Cuban representatives. The FBI's psychological profile of Mariel Cubans included demeaning characterizations of the detainees such as "low average intelligence," "criminal mind-set due to time served in U.S. and Cuban prisons," "exaggerated pride in masculinity and bravado," and "minimal social skills."³⁵² Historian Kristina Shull argues that the government negotiation documents reveal the "US government's imperial gaze, as well as its raced, gendered and ableist characterizations of imprisoned Mariel Cubans."³⁵³

On November 22, the day that the uprising at the Atlanta federal penitentiary began, Attorney General Edwin Meese offered an official moratorium on deportation and a "full, fair, and equitable" review of the detainees' cases. But Cuban detainees were unconvinced. The federal government claimed it had already provided fair reviews for the Cuban detainees. How, the detainees wondered, would this time be any different? In the case of the Oakdale uprising, Steve Donziger, a member of the Coalition to Support Cuban Detainees from Atlanta who journeyed to Louisiana to offer support, proposed that government officials bring in a third-party negotiator that Cubans could trust; "there's a lot of people around that they could call if they really wanted to resolve this thing," Donziger pointed out, "and they're not."³⁵⁴

By Friday November 27, it seemed as if an agreement was close to being reached at the Oakdale Detention Center. But the detainees raised a new demand: they wanted to speak with Bishop Augustin Román, the Auxiliary Bishop of the Roman Catholic Archdiocese of Miami

³⁵² Shull, "*Somos los Abandonados*," p. 13-14.

³⁵³ *Ibid.*, p. 13.

³⁵⁴ Sidney Williams, "Priest: Cubans have been through 'living hell,'" *The Town Talk*, Alexandria-Pineville, L.A., November 24, 1987, p. D3.

(and a fellow Cuban).³⁵⁵ Bishop Román came to Miami after being kicked out of Cuba by the Castro regime in 1961. He had maintained communication with many of the Cubans in detention and their family members.³⁵⁶ In fact, Bishop Román had offered his assistance in the negotiations the day after the riot began, but the regional director of the BOP rejected his offer.³⁵⁷ Cubans at Oakdale later created banners requesting the presence of Bishop Román, saying they would release hostages and accept the agreement after the Bishop approved it.³⁵⁸ Eventually, the BOP contacted Bishop Román about coming to Oakdale and broadcasted a video in which Roman encouraged the detainees to accept the agreement offered by the BOP and FBI negotiators. Bishop Román appealed to the faith of the detainees: “I want you to demonstrate to the world the good will that every Christian should have in his heart.”³⁵⁹

But the detainees were not satisfied with a video, responding with a large sign at the front entrance reading “We want the Bishop, our lawyer, and national press inside before we sign the agreement or no agreement.” On Sunday, November 29, Bishop Roman arrived at the Oakdale detention center by helicopter and rode around the perimeter in the back of a pickup truck so that detainees could see him. Using a loudspeaker, he told the imprisoned Cubans to accept the agreement and release the hostages. Only minutes later, the detainees surrendered and began releasing hostages. They were soon transported to correctional facilities across the country. Ten of the fourteen buildings at the newly built detention center had been destroyed, but no one had been killed, and the Cuban detainee uprising in Oakdale had reached a peaceful resolution.³⁶⁰

³⁵⁵ Report to the Attorney General, p. Oakdale 36-37.

³⁵⁶ Mary T. Schmich, “Cubans Believe Bishop’s Words,” *The Chicago Tribune*, December 3, 1987.

³⁵⁷ Report to the Attorney General, p. Oakdale 27.

³⁵⁸ David White and Christopher Quinn, “Fires Break Out at Atlanta Penitentiary, Heat, Water Cut Off in Pressure Move,” *Orlando Sentinel*, November 29, 1987, p. A1.

³⁵⁹ Michael Rezendes, “Siege ends at prison in Louisiana,” *Washington Post*, November 30, 1987.

³⁶⁰ Report to the Attorney General, p. Oakdale 39-40.

The agreement that the Oakdale detainees accepted clearly stated that no changes would be made to the release status of Cubans who obtained approval and had families and/or sponsors. It promised each Cuban detainee a full, fair, and equitable review, and stipulated that Cubans with health issues would be sent to a medical facility. It also guaranteed all detainees an I-94 immigration form (admission to the country) and work permit upon release. Finally, the agreement also stipulated that the INS would not hold the Cubans without an appropriate charge, none of the detainees would be held liable for the damage to the detention center, and Cuban detainees who obtained approval to enter another country would have their cases expedited.³⁶¹

On the first day of the Atlanta uprising, Cuban detainees requested to speak to Gary Leshaw (their lawyer) and Judge Marvin Shoob (the judge who had ruled in favor of the Cuban detainees in numerous cases). Judge Shoob declined, as he did not want to have to recuse himself from future court cases. Leshaw, however, agreed to the request, and he and two FBI negotiators met with four Cuban detainees. But negotiations stalled because the Cubans kept choosing new representatives. In addition, the detainees insisted on a guarantee that they would not be deported—a promise the federal government refused to make.³⁶² After several days, the BOP/FBI team allowed Leshaw to meet with the Cubans again to discuss a proposed agreement and relay the detainees' questions and concerns to government negotiators.³⁶³ Leshaw remembered feeling torn during negotiations because he was the Cuban detainees' lawyer, but he did not want to encourage them to wait for a better deal.³⁶⁴

³⁶¹ Mariel Cuban Detainees, p. 176.

³⁶² Interview with Judge Shoob, Estela and Ernesto Bravo Film and Video Collection, TAM 616, Tamiment Library/Robert F. Wagner Labor Archives, New York University, Scott Henry, "Prison Riot!," *Creative Loafing*, November 21, 2007.

³⁶³ Report to the Attorney General, p. Atlanta 39.

³⁶⁴ Scott Henry, "Prison Riot!," *Creative Loafing*, November 21, 2007.

Government officials also brought in three Cuban Americans from Miami to help with negotiations: Armando Valladares, a writer who spent over twenty years in Cuban prisons and was U.S. ambassador to the United States Commission on Human Rights at the time; Jorge Mas Canosa, chairman of the Cuban American National Foundation; and Roberto Martin Perez Rodriguez, a former political prisoner who spent twenty-eight years in Cuban prisons. But the Cuban detainees were less than enthusiastic about their involvement. Leshaw remembered that detainees booed Armando Valladeres when they saw him. They questioned why the government brought the three Cubans there, claiming that these three had never shown any sympathy toward the imprisoned Mariel Cuban in the past.³⁶⁵ One Cuban requested Bishop Roman over the prison broadcasting system, saying "Who told them we wanted them as mediators?... Why don't they let in Bishop Roman? We have asked for him and we want him now."³⁶⁶

Local lawyer Dale Schwartz remembered seeing Cubans burning mattresses on the top floor of the prison and flames coming out of the windows. He was attempting to convince the warden to allow him to go inside and negotiate with the detainees, but the warden would not allow it. As he stood in front of the prison, a Dominos delivery driver pulled up at the prison with a stack of pizzas that the detainees had ordered. Schwartz paid for the pizzas, saying the hostages would need something to eat, and the warden consented to Schwartz's request to speak to his clients. He would later fly to Washington with Bishop Roman to meet with Attorney General Meese regarding negotiations.³⁶⁷

³⁶⁵ Robert Pear, "Behind the Prison Riots: Precautions Not Taken," *The New York Times*, December 6, 1987, p. 1; Mark Hamm, p. 23-24.

³⁶⁶ Justin Gillis, Mirta Ojito, and Martin Merzer, "Inmate minority blocks deal," *The Miami Herald*, December 1, 1987, p. 1A.

³⁶⁷ Author's interview with Dale Schwartz on August 18, 2021.

Even after Cuban detainees and the federal government reached a resolution in Oakdale on November 29, the uprising in Atlanta continued. When Cuban detainees in Atlanta heard about the agreement reached at the Oakdale Detention Center, some celebrated by waving Cuban and American flags and chanting *liberta* (freedom) atop a prison building.³⁶⁸ But others were skeptical and pessimistic about the resolution. One Cuban sent a message over the prison broadcasting system, saying that “we fear that our Cuban detainee brothers have been cheated once again.”³⁶⁹ Negotiations dragged on for several days in Atlanta.

5.3 Community Involvement

In the case of Oakdale, Cuban detainees were isolated from their support system. Few family members were able to move to Oakdale when their loved ones were transferred, and many of the activists who supported them lived in Atlanta. Few supporters were able to travel to Oakdale during the riots. According to one newspaper, only seven detainees’ families were able to move to southwest Louisiana to visit their husbands and fathers.³⁷⁰

Oakdale’s residents were far more concerned about the well-being of the hostages than they were about the detainees. One woman whose husband was taken hostage at the detention center told a reporter that President Reagan and his administration “should have just loaded them up and taken them away” instead of telling the Cuban detainees that they would be deported. During the riot, the family members of hostages gathered at the local Catholic church’s social hall, placing twenty-eight yellow ribbons on the oak tree outside—one for each of the hostages held at the detention center. Residents of the town brought potluck dishes for the families who

³⁶⁸ Renaldo Smith, p. 48.

³⁶⁹ Michele Cohen, “Inmates free one hostage, talks reportedly gaining momentum,” *Sun Sentinel*, December 2, 1987, p. 1A.

³⁷⁰ Michele Cohen, “‘Be Strong for the Children’: Cuban Inmates, Hostages’ Wives Face Own Ordeal,” *Sun Sentinel*, Fort Lauderdale, November 24, 1987, p. 5A.

were waiting for news about their loved ones. The family members of Cuban detainees, however, were not welcome at this vigil. One detainee's wife said she went to the church but the people looked at her angrily, so she left. "No news for us," she said later, "only for them. I don't know why there's no consideration with us. I'm family, too." Instead of gathering at the church, the detainees' family members gathered at a housing-project apartment.³⁷¹

As families of the hostages held a prayer service at the Catholic church, families of the Cuban detainees engaged in a twenty-four hour fast to bring about a peaceful end to the uprising. One detainee's wife described the fast as an expression of their solidarity and love, saying "we ask that God will intervene to bring about a peaceful solution."³⁷² Both groups relied on their faith in God to carry them through the uprising, but each sought God separately. These examples illustrate the divide between community members and the families of the detainees. There is little evidence of Oakdale community members demonstrating support for the Cuban detainees or their families.

The citizens of Oakdale could not understand why the Cubans would destroy such a "nice" facility. The Oakdale mayor said "the people of Oakdale were very proud of that facility. And then to go out and see it destroyed...it was hard."³⁷³ Clyde Holloway, the U.S. Representative for the district where Oakdale was located, described the town as a "small, sleepy community, unaccustomed to tension, strife and chaos." He questioned why a facility which was built to hold illegal aliens housed "criminals and mentally ill individuals." He compared the Cuban prisoners to terrorists and argued that they should not have been given amnesty for

³⁷¹ Michele Cohen, "'Be Strong for the Children': Cuban Inmates, Hostages' Wives Face Own Ordeal," *Sun Sentinel*, Fort Lauderdale, November 24, 1987, p. 5A.

³⁷² Christopher Quinn and David White, "Standoff Over at Oakdale, Cubans Accept Deal, Let Hostages Go To Families," *Orlando Sentinel*, November 30, 1987, p. A1.

³⁷³ Alberto S. Franco, "Six Months After Riot, Oakdale Prison Rising from Ashes with PM- Prison Riots-Aftermath," *Associated Press*, May 18, 1988.

burning the detention center. Holloway claimed many people in his district resented “the fact that the detainees have been provided a nicer place to live than their own, and at their expense!”³⁷⁴

The community members failed to see that a facility that was beneficial to them, in that it contributed to the local economy, could be hated by those it imprisoned. Among the Cuban detainees, the prison represented injustice.

In Atlanta, allies outside the prison helped shape the course of the uprising that occurred inside. Community members and family members showed support for the detainees. Representative John Lewis stood out in front of the prison almost every day during the first week of the uprising. One woman begged Lewis to go into the prison, saying “don’t let them kill our husbands.”³⁷⁵ Cuban detainees also requested that Lewis be included in the negotiations, but when Lewis requested to speak with the Cubans, Justice Department officials would not allow him to do so. He argued that negotiations were lengthened by the government’s refusal to include people that the Cubans trusted.³⁷⁶ Lewis had earlier pointed to racism as a contributing factor in the long-term detention of Mariel Cubans; he brought this up again during the riot, saying “if they had been white Americans, they wouldn’t have been treated this way.”³⁷⁷

Lewis and his fellow Congressman, Republican Pat Swindall of the Fourth District in Georgia, continued to voice opposing opinions on the Cubans detained in their state. A year prior, Swindall suggested that the Cubans be placed on lifeboats and sent back to Cuba. He reiterated his suggestion saying it would be “infinitely more compassionate than the judicial limbo we have put these people in.” Though he recognized the pains of endless imprisonment, he

³⁷⁴ Representative Clyde C. Holloway’s testimony, *Mariel Cuban Detainees*, p. 64-70.

³⁷⁵ “Wives at Atlanta prison fear husbands will die,” *The Orlando Sentinel*, November 24, 1987, p. A4.

³⁷⁶ “Aftermath of the Prison Siege: Concern lingers after crisis ends,” *The Atlanta Journal and Constitution*, December 6, 1987, p. 13A; *Mariel Cuban Detainees*, p. 9.

³⁷⁷ Michelle Hiskey, “Reps. Swindall, Lewis clash, once again, on the handling of Cubans,” *The Atlanta Constitution*, November 24, 1987, p. 4A.

did not want the Cubans to be released into American society. He argued that anyone familiar with the cases of the Cubans “would not want them to be released into the same society where children live.”³⁷⁸ Swindall’s views resembled those of other Republican leaders at the time. Though Swindall and John Lewis held opposing views on what should happen to the Cubans in detention, the lawmakers agreed that the Reagan administration handled the immigration pact announcement very poorly.³⁷⁹

There was a great deal of communication between the Cubans inside the prison and family members and activists outside the prison walls. Cubans used the prison’s public address system which they called Radio Mariel, to communicate with the outside world, sending messages to loved ones, voicing demands, and advocating for themselves. One Cuban yelled out to the crowd outside the penitentiary walls, “Tell them Ernesto is well. Together, we shall rise to victory.” Another detainee said, “we’re refugees from a Communist country. The U.S. should save people from communism, not send them back.”³⁸⁰ Cubans also communicated from the rooftops of the prison, waving to family members and holding up signs. Cubans raised a huge sign on the roof of the prison reading “we do appreciate very much the USA citizens [sic] support and all of it coming out from anybody in the whole world, especially from our fellow country men [sic]. Thanks. God bless you all.”³⁸¹ Other banners read, “Mr. Reagan, if you deny us freedom, you kill us;” “U.S. people don’t let Immigration deceive you anymore. Please we’re

³⁷⁸ Michelle Hiskey, “Reps. Swindall, Lewis clash, once again, on the handling of Cubans,” *The Atlanta Constitution*, November 24, 1987, p. 4A.

³⁷⁹ Larry Lipman, “Lawmakers last out at Reagan’s handling of immigration pact,” *The Atlanta Constitution*, originally from the *Journal-Constitution Washington Bureau*, November 25, 1987, p. 7A.

³⁸⁰ Justin Gillis and Mirta Ojito, “Tensions easing in Atlanta, 4 hostages released,” *The Miami Herald*, November 30, 1987, p. 15A.

³⁸¹ Justin Gillis and Mirta Ojito, “Tensions easing in Atlanta, 4 hostages released,” *The Miami Herald*, November 30, 1987, p. 15A.

not dangerous men like they say.”³⁸² These messages demonstrated the Cubans’ desires to connect with their loved ones, to voice their opinions before a public audience, and to make the American public aware of their plight.



Figure 10: Cuban prison rioters post a message on the roof of the penitentiary, 1987, Georgia State University

Atlanta residents and family members demonstrated their support by standing outside the prison gates during the uprising. Some detainees’ relatives camped out in front of the prison. One woman came as soon as she heard about the uprising, setting up a blanket on the lawn of a vacant house across the street. She explained, “we want the men to see us. We want our husbands to

³⁸² Michael J. Kennedy and Barry Berek, “The Weirdest ‘The Joint Could Blow’- and It Did,” *Los Angeles Times*, December 5, 1987, p. 1; “What the inmates’ signs in the prison say,” *The Atlanta Constitution*, November 25, 1987, p. 9A.

know we are behind them.”³⁸³ Family members used a loudspeaker outside the prison walls to send messages to their loved ones. The mother of one of the Cubans encouraged them saying, “As a mother, I bless you all and I congratulate you for your beautiful attitude you have toward the hostages.”³⁸⁴ The relatives of Cuban detainees also utilized the presence of the media to voice their concerns and elucidate the plight of their loved ones. One woman asked reporters, “Do you understand our fear?...I’ve got five children wondering if they’re ever going to see their father again.”³⁸⁵ Others explained that their husbands believed they would never see freedom again if they returned to Cuba, and they were prepared to die to avoid going back to their country.³⁸⁶ Families and community members held vigil every night across the street during the uprising.³⁸⁷ They observed Thanksgiving outside the gates of the penitentiary with turkey dinners provided by the Salvation Army. After their Thanksgiving meal, two local priests led a Catholic mass.³⁸⁸

³⁸³ Ellen Bartlett, “An unnerving wait at Atlanta’s prison walls,” *Boston Globe*, November 26, 1987, p. 22.

³⁸⁴ Justin Gillis and Mirta Ojito, “Tensions easing in Atlanta, 4 hostages released,” *The Miami Herald*, November 30, 1987, p. 15A.

³⁸⁵ Ellen Bartlett, “An unnerving wait at Atlanta’s prison walls,” *Boston Globe*, November 26, 1987, p. 22.

³⁸⁶ Doug Payne and Eileen M. Drennen, “For the women outside the walls, a feeling of hopelessness,” *The Atlanta Constitution*, November 24, 1987, p. 4A.

³⁸⁷ Testimony of Sally Sandidge, Mariel Cuban Detainees: Hearing Before the Subcommittee, July 1988, p. 123.

³⁸⁸ Cynthia Durcanin and Trish Wilson, “Captives’ kin spend holiday keeping vigil,” *The Atlanta Constitution*, November 27, 1987, p. 1A & 16A; Larry Copeland and Jim Newton, “Atlanta detainees reject plan to free 50 hostages, But Cubans release one in Oakdale,” *The Atlanta Constitution*, November 27, 1987, p. 1A & 16A.



Figure 11: Supporters of the Cuban prison riot fly flags outside the prison walls, 1987, Georgia State University

Cuban detainees and their allies used DJ Ernesto Perez's radio show to communicate as well. Perez's program had already established a system of communication with Cuban detainees. Relatives and supporters sent messages over the radio, and detainees called in. When prison officials turned off the water and heat on November 28 (because the temperature was expected to drop below twenty degrees), Perez and over two dozen of the detainees' friends and relatives went on air to beg the detainees to release hostages. The Cubans complied, releasing four

hostages; in return, prison officials turned the water back on.³⁸⁹ Gary Leshaw participated as well, joining Perez on the air and suggesting that Cuban detainees release one hostage as a gesture of good faith on Carla Dudeck's birthday. A detainee's wife seconded the request, saying "Carlos, give up somebody. Let somebody go. Do it for Gary Leshaw and for Carla Dudeck; they've been so good to us, honey. Give Carla a birthday present."³⁹⁰ The Cubans inside the prison listened. About two hundred Cuban detainees sang "Happy Birthday" to Dudeck from the roof of the prison hospital and released a hostage as a gift for her twenty-ninth birthday.³⁹¹ "I think it was real act of love," observed Dudeck's fellow coalition member Sally Sandidge, "Carla genuinely cares about these people and their families, and they genuinely care about her."³⁹²

The *Atlanta Constitution* ran many feature stories that humanized the Cuban detainees and their families. The city's most widely read newspaper offered sympathetic coverage of the uprising in Atlanta and informed readers of the plight of Mariel Cubans in detention, explaining poor conditions within the prison and the despair that the Cuban detainees and their families experienced. Journalist Lewis Grizzard urged readers to find sympathy for the Cubans, writing that "all I know is if you cage something, you change it, and its desperation grows each day it remains caged. So, find at least some understanding for the desperate souls behind those walls and the women and children who wait and weep for them outside."³⁹³

Locals weighed in on the riots as well. After hearing about the uprising in Oakdale, one man who lived in the neighborhood said he told his wife there would be trouble at the Atlanta

³⁸⁹ Keith L. Thomas, "Radio show helped free 4 here, Cubans' kin say," *The Atlanta Constitution*, November 30, 1987, p. 1A & 10A. Renaldo Smith, p. 47-48.

³⁹⁰ Strat Douthat, "Cuban Talk Show Links Prison Detainees to Outside World," *Associated Press*, December 2, 1987.

³⁹¹ Morris S. Thompson, "Group builds support for Cuban detainees; From small vigil in 1984, outside advocates have developed a national network," *The Washington Post*, December 3, 1987, p. A15.

³⁹² Michele Cohen, "Unlikely 'saint' has long held vigil for Cubans," *Sun Sentinel*, December 3, 1987, 1A.

³⁹³ Lewis Grizzard, "Even in games, desperation of inmates shows," *The Atlanta Constitution*, November 25, 1987, p. 6A.

Penitentiary too. He added that he believed the Cubans were getting a “raw deal,” and he felt compassion for them. The manager of a store close to the penitentiary argued that Mariel Cubans should not have been brought to the Atlanta penitentiary in the first place, but said “they’d rather die in the pen here than go back and I understand that.”³⁹⁴ Some local political activists saw the uprising as an opportunity to promote their own ideas, one man holding a sign with the Mao Zedong slogan “It’s Right to Rebel.”³⁹⁵

Some of those familiar with the Cubans’ unfortunate situation offered their opinions on the riot. A former Cuban detainee who obtained release and found work in the area as a car salesman came to the prison to urge his fellow Cubans to end the uprising.³⁹⁶ In addition, a Cobb County resident who served as foreman of the jury that acquitted two Cubans for starting the 1984 uprising at the penitentiary spoke to the press, hoping to bring attention to the Cubans’ suffering. He suggested that the relative calm between 1984 and 1987 was “the silence of futility.”³⁹⁷ And unlike the families of the Oakdale hostages, one hostage’s wife was sympathetic toward the Cubans, telling the press that she did not blame them for not wanting to return to Cuba and she forgave them for taking her husband captive.³⁹⁸

But not all of those gathered outside the penitentiary sympathized with the Cubans inside. The onlookers also included Atlanta residents who were in favor of deportation. One man on the street vented “we can’t let ‘em in our society to kill and steal. Send ‘em back to Castro.”³⁹⁹ At

³⁹⁴ Adam Gelb, “Cubans getting ‘raw deal,’ say Pen neighbors, Residents claim they knew trouble brewing,” *The Atlanta Constitution*, November 24, 1987.

³⁹⁵ Amy Wallace, “Prison uprising transforms street into ‘mini-city,’” *The Atlanta Constitution*, November 28, 1987, p. 1A & 16A.

³⁹⁶ “Takeover At The Atlanta Penitentiary,” *The Atlanta Constitution*, November 27, 1987, p. 14A.

³⁹⁷ Gayle White and Scott Thurston, “Frustration spurs riots, ex-jury foreman asserts: Cubans seek fair treatment, local advocate says,” *The Atlanta Constitution*, November 24, 1987, p. 5A.

³⁹⁸ Ann Hardie, “Despite prison riot, family of hostage counts blessings: Wife’s strength keeps up Ackey’s optimism,” *The Atlanta Constitution*, November 27, 1987, p. 1A & 16A.

³⁹⁹ Lewis Grizzard, “Even in games, desperation of inmates shows,” *The Atlanta Constitution*, November 25, 1987, p. 6A.

one point, violence emerged from the tension outside the prison. When one woman said the detainees had no right to be in America and should be deported, a detainee's wife struck her.⁴⁰⁰ These comments suggest that Atlanta residents held a diverse range of opinions on the Cuban detainees in their city.

5.4 A Peaceful Ending

On the evening of December 3, word spread that an agreement had been reached. That night, families and community members gathered at a nearby church and marched to the prison. About two hundred gathered for a prayer vigil outside the penitentiary, including seventy-five relatives of the Cuban detainees and one relative of a hostage. They prayed for the Cuban detainees and the hostages and applauded Ernesto Perez for facilitating communication between the detainees and their family members. At the end of the service, the participants and Cubans on the prison roof sang "We Shall Overcome," the civil rights movement most famous anthem.⁴⁰¹

Earlier that day, during the final negotiating session, Leshaw had urged the Cuban detainees to be realistic. Because they were dealing with government bureaucrats, he warned, they would be there forever if they tried to get everything they wanted.⁴⁰² Around midnight, the Cubans held a meeting in the chapel to vote on the settlement and the majority voted to accept the agreement. The Cubans finally signed the agreement and released the rest of the hostages in the middle of the night on December 4. One Cuban representative entered the room wearing

⁴⁰⁰ "Cubans Riot At The Atlanta Penitentiary," *The Atlanta Constitution*, November 25, 1987, p. 6A.

⁴⁰¹ Jim Newton and Doug Payne, "Families of Cubans and captives are jubilant at release," *The Atlanta Constitution*, December 4, 1987, p. 13A; Sally Sandidge Testimony, Mariel Cuban Detainees, p. 123.

⁴⁰² Raad Cawthon, "For 11 days, Cuban unrest boiled over inside Atlanta Pen," *The Atlanta Journal and Constitution*, December 6, 1987, p. 15A.

Cuban and American flags. With a crucifix sitting on the table, Bishop Roman was the first person to sign the agreement.⁴⁰³

The settlement, which resembled Oakdale's, included a guarantee of a full and fair review of each Cuban's case and a promise that Cubans would not be held liable for damages or prosecuted for participating in the riot.⁴⁰⁴ Of course, the government would determine what a full and fair review entailed. After witnessing the signing of the agreement, Carla Dudeck urged the Cubans to write to her and let her know where they were. She told reporters that the coalition's job was just beginning, as they had to follow the reviews of Cuban detainees and "make sure the government sticks to its part of the bargain."⁴⁰⁵

Around one a.m., the Cubans began releasing the remaining eighty-nine hostages. Some detainees hugged their hostages as they walked out of the prison compound to freedom.⁴⁰⁶ Several Cubans cheered and blew kisses to their family members from the top of the hospital annex roof. The Cuban national anthem played on the prison broadcasting system. One detainee shouted from the roof of a prison building, "without your prayers, there would have been no solution to what has been a long period of misunderstanding. We thank you from the bottom of our hearts..." Cuban detainees' relatives demonstrated high spirits over the agreement as well; one detainee's wife said she was floating on a cloud; another said she was proud of her husband and all of the detainees, and that she was glad they took over the prison because "if this hadn't happened, they would have sent them all back to Cuba." One Coalition to Support Cuban

⁴⁰³ Michele Cohen, "Atlanta Hostages Free, As Prison Siege Ends Inmates Release 89 Captives, Agreement Ensures Halt to Deportations," *Sun Sentinel*, Fort Lauderdale, December 4, 1987, p. 1A.

⁴⁰⁴ Mariel Cuban Detainees, p. 89-90.

⁴⁰⁵ "Aftermath of the Prison Siege: Concern lingers after crisis ends," *The Atlanta Journal and Constitution*, December 6, 1987, p. 13A.

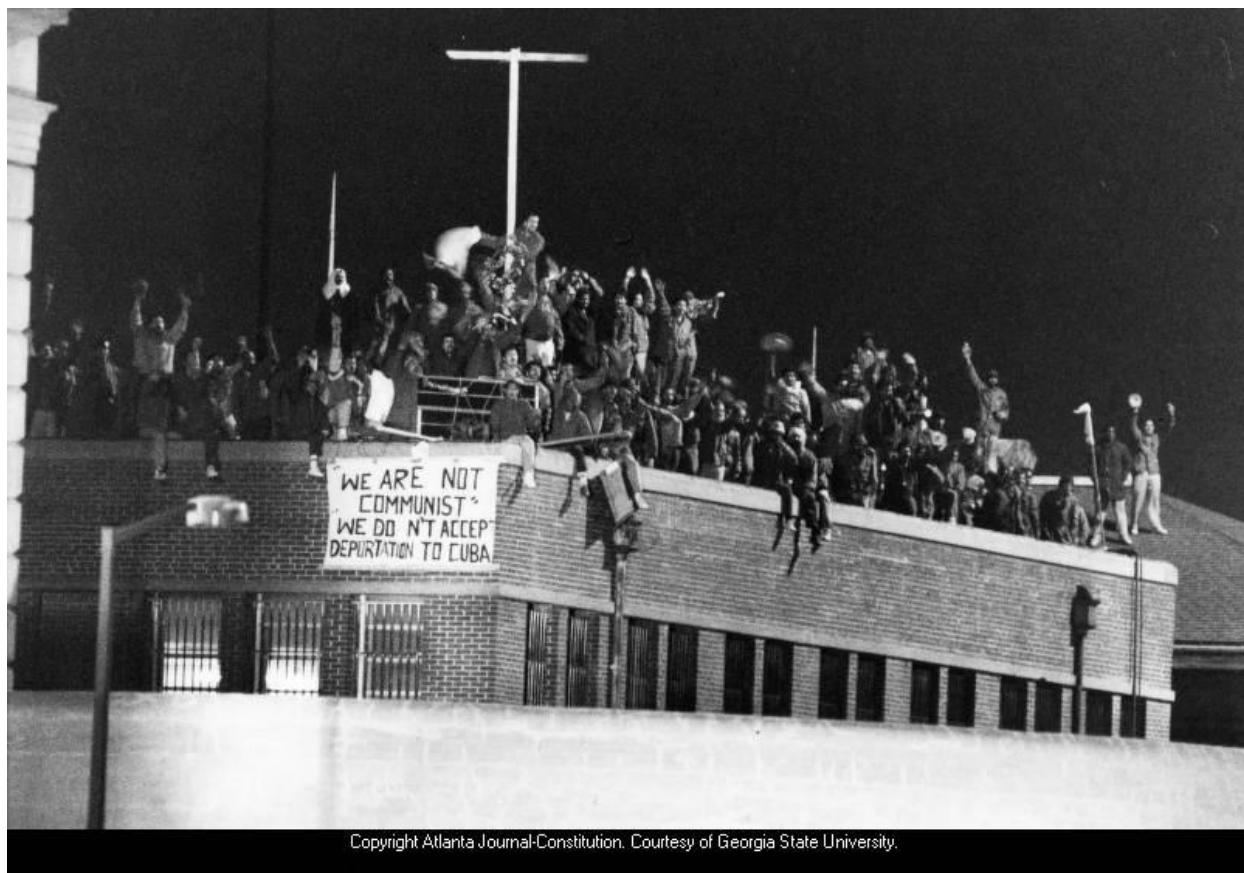
⁴⁰⁶ Raad Cawthon, "For 11 days, Cuban unrest boiled over inside Atlanta Pen," *The Atlanta Journal and Constitution*, December 6, 1987, p. 15A.

Detainees member acknowledged that though he did not condone the uprising, it accomplished more than seven years of litigation had.⁴⁰⁷



Figure 12: Cuban prison rioters come to an agreement after negotiating with the FBI, 1987, Georgia State University

⁴⁰⁷ “Riot ends, hostages go free in Atlanta,” *St. Petersburg Times*, St. Petersburg, FL., December 4, 1987, p. 1A; David Treadwell and Ron Harris, “Cubans vote end to prison revolt, Atlanta detainees agree to release hostages; details of pact withheld,” *Los Angeles Times*, December 4, 1987, p. 1.



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Figure 13: Cuban detainees celebrate after successful negotiations, 1987, Georgia State University.

For the next several years, the Department of Justice and Congress examined the causes of the uprisings. The Justice Department’s official report on the riots, submitted to Attorney General Edwin Meese in 1988, claimed that the uprisings were caused by the State Department’s announcement of the reinstatement of the 1984 immigration agreement with Cuba. The uprisings, according to the report, were “unrelated to internal prison conditions, and the lack of staff injuries may have been partly the result of detainee satisfaction with their treatment while confined.”⁴⁰⁸ During the congressional hearing of the riots, Deputy Attorney General Arnold

⁴⁰⁸ A Report to the Attorney General on the Disturbances at the Federal Detention Center, Oakdale, Louisiana, U.S. Penitentiary Atlanta, Georgia, 1988, i.

Burns testified that the prison uprisings were not due to conditions at the prisons themselves and “occurred as a direct result of external conditions outside the control of prison administrators—events that centered on international politics.”⁴⁰⁹

The State Department may have been correct that the announcement of the reinstated treaty was the spark of the uprisings, but it was not the sole cause. These statements from government officials overlook or minimize years of complaints from Cuban detainees, their families, lawyers, and activists, as well as the findings of a congressional investigation that revealed inhumane conditions within the prison.⁴¹⁰ The authors of the Department of Justice report attempted to portray an improved atmosphere within the prison, writing that there was a “dramatic” reduction of serious incidents from February 1985 to November 1987. Though serious incidents had declined, with inmates assaulted with a weapon going down from seventy-two to forty-three, homicides from three to two, and suicides from three to one, violence was nevertheless pervasive within the prison. The penitentiary had a new warden, Joseph Petrovsky, who had begun phasing out the lockdown, but the Cubans’ incarceration carried on with no end in sight. Improvements in management did not erase years of abuse and inhumane conditions.

During the Congressional hearings on the riots, Congressman Lewis of Georgia’s argued that after years without hope for freedom, justice, or due process, the State Department’s announcement simply “triggered the waiting time bomb,” and should not have come as a surprise.⁴¹¹ Leshaw likewise viewed the announcement as the last straw, explaining that for years the government told the Cubans they were not considered to be in the United States, and

⁴⁰⁹ Testimony of Arnold I. Burns, Deputy Attorney General, United States Department of Justice, *Mariel Cuban Detainees*, p. 79.

⁴¹⁰ Atlanta Federal Penitentiary, Report of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the Committee on the Judiciary, U.S. House of Representatives, Ninety-Ninth Congress, Second Session, April 1986.

⁴¹¹ *Mariel Cuban Detainees*, p. 5.

therefore they were not entitled to due process, and thus could be detained indefinitely. The government led them to believe that to be released, they had to work in the prison factory, take classes, behave themselves, and wait for approval for release. Leshaw argued that though many of the detainees had followed these instructions, only a few hundred received approval for release. The renewed immigration treaty with Cuba made the detainees fear that they would be sent back, even after doing everything the government asked of them.⁴¹² The State Department's announcement "set events on an unalterable course," Leshaw explained, "continuing a legacy of mistreatment and neglect." He added, "yet another government agency, this time the State Department, announced the prospect of mass deportations without once thinking of the necessity to take into account the individual cases of detainees who may well have already been released or had a chance to be released."⁴¹³

As the detainees adapted to the horrible prison conditions and indefinite detention, the prisons reached a delicate equilibrium. But in November of 1987, the renewal of the 1984 agreement destroyed the balance that had kept the prisons from erupting in violence.⁴¹⁴ Those Cuban detainees who had served time in Cuban prisons were aware of their inhumane conditions. According to sociologists Jack A. Goldstone and Bert Useem, prison riots may resemble revolutions, in that they can emerge even after attempts to improve prison conditions, just as revolutions can emerge after reforms, not only because the changes fall short, but also because they create instability. This theory would explain why prison conditions can be considered a long-term cause of the Atlanta prison riot, even though conditions had improved in

⁴¹² Interview with Gary Leshaw, Estela and Ernesto Bravo Film and Video Collection, TAM 616, Tamiment Library/Robert F. Wagner Labor Archives, New York University.

⁴¹³ Mariel Cuban Detainees, p. 131.

⁴¹⁴ Hamm, p. 102 & 155.

the years prior. The belief that their imprisonment was illegitimate and that a riot would demonstrate their cause to the public was central to Atlanta's prison uprising.⁴¹⁵

In 1984, the announcement of an immigration treaty with Cuba that included the deportation of over twenty-five hundred Cuban detainees deemed "excludable" had not led to a violent response from Cuban detainees, for two reasons. First, the Atlanta Penitentiary where the majority of Cubans were detained was under lockdown after the 1984 uprising; and second, Cubans and their lawyers still believed they could pursue legal recourse. With the help of local lawyers, Cuban detainees attempted to fight deportation through legal means, petitioning for political asylum and stays of deportation, but they were largely unsuccessful. Many of the Cuban deportees received stays of deportation from district judges only to have them voided by the Eleventh Circuit Court of Appeals which ruled in favor of the federal government. In 1986, their legal battle for due process and the right to remain in the United States had come to an end when the Supreme Court refused to hear their case.

The immediate cause of the uprising at the Atlanta penitentiary was the threat of deportation, though the lack of due process, prison conditions, and indefinite detention also contributed to the uprising. Historian Elliott Young argues that the government's narrative of events "ignores the long history of riots and violence at detainee camps and prisons" and the smaller uprising in 1984 set the stage for more organized and largescale uprisings in 1987.⁴¹⁶ Indeed, Cuban detainees had been resisting at detainee camps and prisons for years, protesting their detention, the government's refusal to provide due process, and horrible conditions within

⁴¹⁵ Jack A. Goldstone and Bert Useem, "Prison Riots as Microrevolutions: An Extension of State-Centered Theories of Revolution," *American Journal of Sociology* 104 no. 4 (January 1999), 1024 & 1015.

⁴¹⁶ Elliott Young, *Forever Prisoners*, p. 122 & 133.

detention sites. The 1987 uprisings at Atlanta and Oakdale were not isolated incidents unrelated to the past. Years of imprisonment, mistreatment, and protests led to this very moment.

Scholars have compared the uprisings at Oakdale and Atlanta to other prison riots in America to provide greater understanding of the causes and resolutions of riots. Perhaps one of the most useful comparisons is to Attica in 1971, one of the most notorious prison riots in American history. On September 9, prisoners took control of the Attica Correctional Facility in New York and took thirty-eight staff members hostage to protest horrible conditions and abuse.⁴¹⁷ The detainees at Oakdale and Atlanta and the prisoners at Attica shared the belief that they were being treated unfairly.⁴¹⁸ Much like the riots at Oakdale and Atlanta, the uprising at Attica was a highly organized takeover, but the prisoner counter-society at Attica fell apart during negotiations, as many prisoners stopped following the rules that were established during the beginning of the riot, returning to violence, drugs, and sexual activity. Unlike the uprisings at Oakdale and Atlanta, the Attica uprising did not end peacefully. A journalist, civil rights lawyer, and community activist worked with the prisoners to reach a resolution, but instead of waiting for negotiations to work, state officials who managed the riot grew impatient and sent in state troopers. When New York State troopers retook the prison, their indiscriminate shooting killed twenty-nine prisoners and ten guards and injured over eighty prisoners.

In 1987, the Attica rebellion was still a recent memory for many government officials and prison staff. One prison official in Atlanta told criminologist Mark Hamm “We didn’t want another Attica on our hands. We’d seen the films and read the books. We’d talked about it in training sessions and discussed it with [other administrators].”⁴¹⁹ Memories of Attica, and

⁴¹⁷ Hamm, p. 31.

⁴¹⁸ Goldstone and Useem, p. 1015.

⁴¹⁹ Hamm, p. 30-31.

theories of what went wrong there, shaped the government's handling of the Oakdale and Atlanta prison uprisings. This time Attorney General Edwin Meese and Director of the Federal Bureau of Prisons J. Michael Quinlan, waited patiently for negotiations to work, rather than sending in armed forces to break up the riots. During a press conference, Quinlan insisted that his patience was endless and that they would not attempt to enter the facilities as long as the hostages were unharmed. The lessons of Attica had been learned and their patience allowed for non-violent resolutions.⁴²⁰

According to Mark Hamm, the Oakdale, Atlanta, and Attica riots demonstrate that “significant changes in carceral control are possible through collective acts of violence.” In the short term, the riot at Attica led to improved conditions at the prison and increased freedom and opportunities for prisoners. The detainees at Oakdale and Atlanta gained a temporary moratorium on deportations, individual reviews, immunity from prosecution for damaging the prisons, and drew national attention to the plight of Mariel Cubans in American prisons.⁴²¹

In 1987, a group of marginalized immigrant detainees fought to be treated as human beings rather than as excludable aliens, to obtain the right to remain in the United States, and receive fair hearings from the federal government. They desperately desired the protections and rights granted by the United States Constitution. Remarkably, the uprisings were relatively peaceful and resulted in the promise of fair hearings for the Cubans in detention. Community members in Atlanta played a crucial role in the uprising at the Atlanta penitentiary, offering support for the Cuban detainees and promoting a peaceful resolution. The local supporters demonstrated concern for a guarantee of justice for the Cubans. Coalition members and lawyers partnered with the Cubans in their fight for due process and humane treatment in the years prior

⁴²⁰ Hamm, p.30-41; A Report to the Attorney General, Atlanta p. 24.

⁴²¹ Hamm, p. 37.

to the uprisings and this collaboration produced trust. Community allies were able to use these established connections to advance a peaceful end to the uprising.

6 THE PROMISE OF A “FULL, FAIR, AND EQUITABLE” REVIEW: NEW HEARINGS FOR CUBAN DETAINEES

In 1995, criminologist Mark Hamm wrote that the Atlanta prison riot of 1987 could be considered a success. The prison riot ended peacefully with only one fatality, the federal government recognized anew the Cuban detainees’ rights, and the detainees and their allies were able to pressure the federal government to enact a new hearing process. Indeed, due to the prison uprising, the Mariel Cubans in the Atlanta penitentiary improved their situation more than they had over the previous seven years.

But Hamm also acknowledged that despite these victories, little changed for the Mariel Cubans who had been held in the Atlanta penitentiary.⁴²² The dispersal of Cuban detainees to prisons throughout the United States made it more difficult for the detainees to organize and publicize the conditions of detention. The prisoners’ Atlanta-based allies and advocates also struggled; the local movement against detention in Atlanta fizzled out after the Cubans were removed from the city, and dedicated members of the Coalition to Support Cuban Detainees were eventually forced to abandon their work after running out of necessary funding.

In the months that followed the uprisings, hundreds of Cubans were released into American society. Over five hundred were deported, and hundreds more were placed in INS detention.⁴²³ Historian Elliot Young writes that “the Mariel detainees might have won the battle, but they and all other immigrants lost the war.”⁴²⁴ The immigrant detention system expanded during the late 1980s and 1990s, as the federal government increased funding for immigration enforcement, created laws that criminalized migration, and expanded the number of deportable

⁴²² Hamm, *The Abandoned Ones: The Imprisonment and Uprising of the Mariel Boat People* (Boston: Northeastern University Press, 1995), p. 176-177.

⁴²³ Appendix 12, Cuban Detainees and the Disturbance at the Talladega Federal Prison, p. 316.

⁴²⁴ Young, *Forever Prisoners*, p. 121.

offenses. Public concern over the “criminal alien,” in large part due to reports of Mariel Cuban criminality, led to increased policing of immigrant groups. The Mariel boatlift and the Cuban uprisings of 1987 influenced the U.S. government’s expansion of immigrant detention in the years that followed. Cubans and other immigrant groups suffered from policies created to exclude migrants.

6.1 New Review Process

The agreements ending the riots included the promise of “full, fair, and equitable” hearings for the Cuban detainees. But what would a fair hearing look like? The INS had claimed that they were providing fair hearings for detainees prior to the riots. How would these hearings be different? With the aid of Bishop Roman and Gary Leshaw, the Department of Justice developed a new system of evaluating the Cuban detainees. The federal government would provide new parole hearings with the INS for the detained Cubans. If Cuban detainees were denied parole, they could appeal to the Justice Department and receive a second review. The first review with the INS took place in person at the facilities where Cubans were held and the INS allowed detainees to use representatives. The Justice Department panel review was merely a paper review that took place in Washington, D.C.; detainees could submit a written statement but could not appear before the panel.⁴²⁵

When the United States’ and Cuban governments reached an agreement to resume deportations in November 1987, they did not alter the original deportation list. Only those on the 1984 repatriation list could be deported. But by 1988, this list was outdated. Approximately fourteen hundred Cubans who were on the list had already been released. The deputy attorney

⁴²⁵ Mariel Cuban Detainees: Hearing Before the Subcommittee on Immigration, Refugees, and International Law of the Committee on the Judiciary, House of Representatives, One Hundredth Congress, Second Session on H.R. 4330 and H.R. 4349, July 6, 1988, p. 103-107.

general maintained that if the Cuban parolees lived peacefully in the country, the INS would not consider them for deportation. This left about 1,050 Cubans on the repatriation list who could be deported, about 665 in INS custody and the remainder in BOP custody serving prison terms for crimes committed in the United States.⁴²⁶ For the prisoners who were not on the 1984 repatriation list, detention would continue until the federal government could reach a new deportation agreement or until they were granted parole. The INS promised annual parole hearings for those who remained in detention.⁴²⁷

While the INS and Department of Justice conducted the new hearings, Mariel Cubans waited in detention—though not together, and not in Atlanta. After the 1987 uprisings at Atlanta and Oakdale, the federal government would no longer concentrate large numbers of Cuban detainees at any locations. The government temporarily transferred approximately 172 Cuban detainees to Fort Gordon in Georgia where they were held for several months.⁴²⁸ The INS dispersed the rest of the Cuban detainees to federal prisons and state prisons throughout the United States. The BOP separated them from the general prison population, kept them in their cells, and did not allow them to participate in classes, work, or other prison activities. By the early 1990s, many of the Cuban detainees were housed in county jails, five hundred in Louisiana and Mississippi. As a result of Intergovernmental Service Agreements, county jails received \$46 a day per detainee from the INS, and only had to provide prisoners minimal care: two meals a day, a mattress, and a blanket.⁴²⁹ Rafael Peñalver, a Florida attorney for the Cubans, argued that keeping the Cuban detainees had “become a storage business for Southern jails.” One sheriff in

⁴²⁶ Mariel Cuban Detainees: Hearing Before the Subcommittee on Immigration, Refugees, and International Law on H.R. 4330 and H.R. 4349, July 1988, p. 23.

⁴²⁷ Cuban Detainees and the Disturbance at the Talladega Federal Prison, p. 62-64.

⁴²⁸ Letter from Gary Leshaw to Charles T. Lester, Jr. on March 15, 1988, Cuban Detainees' Litigation Papers, Kenan Research Center, Box 11, Folder 2.

⁴²⁹ Cuban Detainees and the Disturbance at the Talladega Federal Prison, p. 85 & 273.

Avoyelles Parrish, Louisiana, who Duke Austin of the INS called “our hotel keeper,” admitted that his jail had received over \$2 million from the INS for housing Cuban detainees.⁴³⁰

In the months that followed the uprisings, Cubans complained to their allies in Atlanta about poor conditions and abuse. The detainees viewed their inhumane treatment as retaliation for the Oakdale and Atlanta uprisings and claimed the prisons were in violation of the agreements that had resolved the uprisings. Both agreements stipulated that the federal government would not punish those who participated in the riots, but the Cubans believed that the government was not honoring this part of the bargain.⁴³¹ The greatest complaint among Cuban detainees was that officials kept them in lockdown after the uprisings. Government officials claimed the lockdowns were not a form of retaliation, but rather were necessary to prevent another uprising, but Cubans complained of other forms of mistreatment as well.⁴³² At Fort Leavenworth, they accused guards of beating detainees, shackling them unnecessarily, and forcing them to sleep on the floor.⁴³³ A Cuban at a parish jail in Louisiana claimed that he did not have towels or underwear, and that his cell was unheated in the winter.⁴³⁴ Another wrote, “It is a general feeling that we are not only being mistreated but also treated worse than animals.”⁴³⁵

Cubans also complained that they did not receive proper medical care. One stationed at Fort Gordon called into DJ Ernesto Perez’s radio show to report what was happening to the detainees there: he claimed that one Cuban prisoner had vomited blood for three days before

⁴³⁰ Bernard Gavzer, “Held Without Hope,” *Parade Magazine* in the *Atlanta Constitution*, March 21, 1993, p. 4-7.

⁴³¹ Young, p. 153-154.

⁴³² William Robbins, “U.S. Schedules Interviews On Fate of Cuban Inmates,” *The New York Times*, February 8, 1988; Young, p. 153.

⁴³³ Young, p. 152-153.

⁴³⁴ *Ibid.*, p. 153.

⁴³⁵ Shull, “*Somos los Abandonados*,” p. 14.

receiving medical care.⁴³⁶ In 1989, there were at least fifty-seven Cuban detainees who tested positive for HIV. It is unclear whether these Cubans received proper treatment while detained. Carla Dudeck wrote the director of the BOP requesting information on the BOP's policy regarding AIDS treatment for detainees in federal custody.⁴³⁷ The HIV epidemic became a serious issue for correctional facilities during the 1980s. In 1989, there were approximately 5,411 confirmed AIDS cases in U.S. prisons, a six hundred percent increase from 1985, when the National Institute of Justice began studying AIDs in prisons and jails.⁴³⁸ At the time, there was no standard for HIV testing within correctional facilities. Some prison systems mandated screening while others targeted high risk groups or offered voluntary testing.⁴³⁹ Some inmates did not receive the treatment they required due to lack of testing, lack of funding, and lack of knowledge on HIV and AIDS.⁴⁴⁰

Many Cuban detainees experiencing mental illness failed to receive appropriate treatment before and after the uprisings. When a Justice Department panel noted that the INS detained one Cuban for over nine years without providing treatment for a mental disorder, they ordered him released on the condition that he first receive the prescribed treatment. Lack of treatment jeopardized the chance of release for others. A Justice Department panel determined that another Cuban could not be released due to his poor mental health and would therefore be deported. The panel wrote "we question the wisdom and humanity of a policy that ensures, by withholding treatment, that the Cuban's release would not be in the public interest...[T]he decision not to

⁴³⁶ Michele Cohen, "Detainees Threatening More Protests Cubans Reported to Feel They were 'Betrayed' by U.S. Government," *Sun Sentinel*, December 17, 1987.

⁴³⁷ Letter from Carla Dudeck to J. Michael Quinlan, Director of Federal Bureau of Prisons, on September 28, 1989, Cuban Detainees' Litigation Papers, Kenan Research Center, Box 12, Folder 1.

⁴³⁸ Saira Moini and Theodore M. Hammett, "1989 Update: AIDs in Correctional Facilities," *Issues and Practices in Criminal Justice*, a publication from the National Institute of Justice, (May 1990), Forward.

⁴³⁹ *Ibid.*, p. 47.

⁴⁴⁰ *Ibid.*, p. 59-61.

treat this detainee and others similarly situated has made it more difficult for our panel to decide what is in the public interest.”⁴⁴¹

Though the federal government moved Cuban detainees out of Atlanta after the 1987 uprisings, local activists continued to advocate on their behalf. But the government’s dispersal of Cuban detainees made representing the Cubans more difficult. The Coalition to Support Cuban Detainees required increased funding to pay for staff and travel costs, which they secured from national funding organizations like the Clark Foundation and the Ford Foundation, as well as local groups like Oakhurst Baptist Church.⁴⁴² In the months that followed the uprisings, local activists Carla Dudeck and Sally Sandidge traveled to prisons across the country to represent and advocate for the Cuban detainees—as did Deborah Ebel, even though she had left the Atlanta Legal Aid Society for a private practice.⁴⁴³ Over the course of four years, lawyer Gary Leshaw estimated that he traveled to the Talladega Federal Correctional Institution about a hundred times.⁴⁴⁴ In early 1989, Sally Sandidge wrote “each week I talk to a new wife, a new mother totally shocked by the process and limbo her loved one is trapped in, someone who had just come into Immigration [sic] detention.”⁴⁴⁵

The Coalition to Support Cuban Detainees also recruited and trained lawyers, paralegals, and other individuals to represent the detainees at panel review hearings.⁴⁴⁶ Coalition members produced one manual that prepared volunteers representing the detainees and another in Spanish

⁴⁴¹ Ten Years of Mariel, U.S. Committee for Refugees and Immigrants, Immigration History Research Center Archives, Box 29, Folder 1.

⁴⁴² Coalition to Support Cuban Detainees Funding Proposal: 1989, Cuban Detainees’ Litigation Papers, Kenan Research Center, Box 11, Folder 4.

⁴⁴³ Letter from Coalition to Support Cuban Detainees to supporters, November 9, 1988, Dec 5 scans p. 272-2; Author’s interview with Deborah Ebel on October 1, 2021.

⁴⁴⁴ Cuban Detainees and the Disturbance at the Talladega Federal Prison, p. 91.

⁴⁴⁵ Letter from Sally Sandidge to Dr. Jose Mena, Due Process, Inc., on February 2, 1989, Cuban Detainees’ Litigation Papers, Kenan Research Center, Box 11, Folder 4.

⁴⁴⁶ Letter from Gary Leshaw to Bradley Hale on April 18, 1988, Cuban Detainees’ Litigation Papers, Kenan Research Center, Box 11, Folder 2.

for Cuban detainees and their families, explaining how they could prepare for case hearings.⁴⁴⁷ Because the vast majority of Cuban detainees could not hire lawyers, volunteers without law degrees served as representatives, though Dudeck asserted that any representation was better than none. The volunteers served as valuable witnesses to the hearings, and Dudeck insisted that they could have a positive impact even if they were silent.⁴⁴⁸ By February 1988, the coalition had trained six hundred volunteers across the country, and recruited law students from Emory University, University of Georgia, and Georgia State University to represent Cubans detained at Fort Gordon.⁴⁴⁹ In 1988 alone, the coalition helped provide representation for about two thousand Cubans in INS parole reviews.⁴⁵⁰

Though the new review process provided those in danger of deportation two opportunities for parole, Cuban detainees and their allies argued that for several reasons, the federal government's new two-step review failed to give Cubans a "full, fair, and equitable" hearing. First, the panels were conducted by INS employees rather than by a neutral judge. An INS employee, they argued, was more likely to be biased against those in detention than a judge with no involvement in immigration enforcement. Second, neither Cubans nor their representatives could present witnesses or cross-examine INS employees, both normal parts of a fair trial. A closing statement to the panel was the extent of the defense a representative could offer. The second review was conducted by the Justice Department; but this was merely a paper review, and Cubans could not be present to dispute the charges against them. The Justice

⁴⁴⁷ Funding Proposal for Cuban American Community, Cuban Detainees' Litigation Papers, Kenan Research Center, Box 11, Folder 3.

⁴⁴⁸ Amy Wallace, "Cuban inmates lack lawyers, backers say: Atlanta, Oakdale detainees also are far from local support groups," *The Atlanta Constitution*, January 5, 1988, p. 4A.

⁴⁴⁹ Amy Wallace, "Atlanta group recruiting counsel for Cubans: Non-lawyers sought to represent detainees at INS hearings," *The Atlanta Constitution*, February 2, 1988, p. 14A.

⁴⁵⁰ "Coalition to Support Cuban Detainees Funding Proposal: 1989," Cuban Detainees' Litigation Papers, Kenan Research Center, Box 11, Folder 4.

Department made a decision based on the paperwork submitted by the INS and a written statement by each Cuban.⁴⁵¹

A third complaint was that the federal government did not provide representation to the defendants. The INS offered a list of local attorneys, but many of the local agencies recommended by the INS were unwilling to represent the Cuban detainees. The Coalition to Support Cuban Detainees offered free representation, but Leshaw complained that the INS only informed him of cases when detainees specifically requested the coalition.⁴⁵² The INS's panel review notice, which advised defendants about their right to counsel also included misleading language, suggesting that detainees could expedite their cases if they waived representation.⁴⁵³ At several institutions, INS and BOP officials misadvised Cuban detainees that if they waived their right to representation their cases could be expedited.⁴⁵⁴ All of these problems led Leshaw to call the review system a "kangaroo court."⁴⁵⁵

The system was also terribly unorganized. On one occasion, a Cuban's file contained the mental report of another detainee.⁴⁵⁶ Some Cubans received approval for release but were later informed that they would undergo new panel reviews.⁴⁵⁷ At least twenty-three detainees received notices that their release decisions had been rescinded without explanation.⁴⁵⁸ INS officials were

⁴⁵¹ Young, p. 126; James Lemoyne, "Most Who Left Mariel Sailed To New Life, a Few to Limbo," *The New York Times*, April 15, 1990.

⁴⁵² Letter from Gary Leshaw to Patrick Korten, United States Department of Justice, on June 30, 1988, Cuban Detainees' Litigation Papers, Kenan Research Center, Box 11, Folder 2.

⁴⁵³ Letter from Gary Leshaw to Patrick Korten, United States Department of Justice, on June 30, 1988, Cuban Detainees' Litigation Papers, Kenan Research Center, Box 11, Folder 2.

⁴⁵⁴ Letter from Gary Leshaw to Randy L. Levine, Associate Deputy Attorney General on February 24, 1988, Cuban Detainees' Litigation Papers, Kenan Research Center, Box 11, Folder 2.

⁴⁵⁵ James Lemoyne, "Most Who Left Mariel Sailed To New Life, a Few to Limbo," *The New York Times*, April 15, 1990.

⁴⁵⁶ Bernard Gavzer, "Held Without Hope," *Parade Magazine* in the *Atlanta Constitution*, March 21, 1993, p. 4-7.

⁴⁵⁷ Letter from Gary Leshaw to Alan C. Nelson, Commissioner Immigration and Naturalization Service on May 25, 1988, Cuban Detainees' Litigation Papers, Kenan Research Center, Box 11, Folder 2.

⁴⁵⁸ Letter from Gary Leshaw to George W. Calhoun, U.S. Department of Justice, on January 17, 1989, Cuban Detainees' Litigation Papers, Kenan Research Center, Box 11, Folder 4.

known to claim they had received negative information regarding the Cubans in detention, though that information was not made available to the detainees or their representatives at the time of the reviews.⁴⁵⁹ The U.S. government also reserved the right to withdraw release approval if detainees did not maintain “good behavior” in detention. One Cuban received approval for release, only to have the approval rescinded for participating in a group demonstration.⁴⁶⁰

Members of the Coalition to Support Cuban Detainees were not the only advocates to complain about the new hearing process. Sister Martha Milner of Catholic Social and Community Services in Biloxi, Mississippi, a volunteer with the Mississippi Advocates for Cuban Detainees, testified in a congressional hearing that the INS’s files on detainees were sometimes incorrect, containing the records of other detainees instead. She also pointed out that the INS’s Spanish translators could not understand Cuban Spanish, and that the INS panels were “strongly prejudiced against the detainees.” Milner further complained that the INS panels attempted to confuse and intimidate the Cuban detainees, often asking intimate and voyeuristic questions about their personal lives.⁴⁶¹

Advocates for the Cubans additionally pointed out disparities and inconsistencies between INS panels. In 1990, the Lewisburg Prison Project, Inc. complained that the Cuban Review Panel operating at the U.S. Penitentiary at Lewisburg, Pennsylvania was “exceptionally severe,” denying parole to almost all who received review at the institution. One of those denied parole was an ideal candidate for release. He earned his G.E.D. while in prison, obtained a letter of recommendation from the prison counselor, found a job that he could start upon release, and

⁴⁵⁹ Letter from Joan C. Higgins, Assistant Commissioner of Detention and Deportation, Immigration and Naturalization Service to Sally Sandidge on March 31, 1989, Cuban Detainees’ Litigation Papers, Kenan Research Center, Box 11, Folder 4.

⁴⁶⁰ Notice of Decision Approved for Release for Mauro *****, June 14, 1988; Notice of Release Withdrawal for Mauro *****, Incident Report for Mauro *****, Cuban Detainees’ Litigation Papers, Kenan Research Center, Box 11, Folder 2.

⁴⁶¹ Cuban Detainees and the Disturbance at the Talladega Federal Prison, p. 48-50.

had family members in the United States who were willing to serve as sponsors.⁴⁶² The fact that he was not released suggests that the INS panel was overly harsh.

Leshaw argued that a fair hearing would include an impartial judge or panel rather than an INS employee, in which the detainee has access to the evidence against him or her and a lawyer who can cross examine witnesses. While he acknowledged that some of the Cuban detainees should not be released, he argued that American Constitutional law required that the detainees receive due process nonetheless.⁴⁶³ Attorney General Edwin Meese disagreed with the complaints of Leshaw and others, arguing that the review plan was fair and sound. He admitted, however, that the plan benefited from the participation of Leshaw and other volunteers who were providing assistance to the Cubans in detention.⁴⁶⁴

In the summer of 1988, the U.S. Congress drafted two bills to offer solutions for Mariel Cubans in detention. Though the bills never became law, they illustrate the ongoing debates in Congress regarding Cuban detainees. One bill would have limited the period of detention for excludable immigrants, except in specific circumstances; the second would have provided additional reviews with administrative law judges for Cubans who were denied release by the INS and the Department of Justice reviews. Though the first bill was created with all excludable immigrants in mind, the second bill directly pertained to Mariel Cubans; it was designed to correct the inadequacies of the current review plan and provide Cuban detainees with due process.⁴⁶⁵

⁴⁶² Letter from Karl Patten, Vice President of Lewisburg Prison Project, to Tomás Curi, Direction of the Mariel Cuban Review Plan, INS, on January 30, 1990, Cuban Detainees' Litigation Papers, Kenan Research Center, Box 12, Folder 2.

⁴⁶³ Cuban Detainees and the Disturbance at the Talladega Federal Prison, p. 80-81.

⁴⁶⁴ Letter from Attorney General Edwin Meese to Gary Leshaw on August 8, 1988, Cuban Detainees' Litigation Papers, Kenan Research Center, Box 11, Folder 3.

⁴⁶⁵ H.R. 4349 (1988) & H.R. 4330 (1988); Mariel Cuban Detainees: Hearing Before the Subcommittee on Immigration, Refugees, and International Law of the Committee on the Judiciary, House of Representatives, One Hundredth Congress, Second Session on H.R. 4330 and H.R. 4349, July 6, 1988.

Republican Congressman Patrick Swindall from Georgia sponsored the first bill. Swindall was an unlikely ally of the Cuban detainees. In the past, he advocated for sending the Cuban detainees back on lifeboats, but after the uprising at the Atlanta Penitentiary, he sought other solutions for the Cubans. Though he did not support the release of dangerous detainees into American society, he argued that they were all entitled to due process through the Fifth Amendment. Swindall explained, "I think Mr. Leshaw and I in particular have frequently had to defend ourselves being in bed with one another on this particular piece of legislation because he is certainly to the left and I think it unequivocal that I am to the right. But I do think that those philosophies merge when it comes to the process."⁴⁶⁶

Gary Leshaw and Sally Sandidge traveled to the Capitol to promote the bills, offering testimony during the hearing on the bills. As Swindall and other Congressmen feared that the bill limiting detention would allow for the release of dangerous criminals, Gary Leshaw attempted to alleviate their fears, explaining this would only prevent the long-term detention of immigrants simply for being excludable, and would still prevent the release of dangerous noncitizens. Leshaw also endorsed the second bill providing for additional reviews with administrative law judges because he believed they could serve as neutral judges and conduct fair hearings.⁴⁶⁷ The president of the American Civil Liberties Union also attended the hearing to offer his support for the proposed bills.⁴⁶⁸ Unfortunately, the proposed bills did not become law. The first moved on to the Senate but went no further; the second never moved past the House of Representatives.⁴⁶⁹

⁴⁶⁶ Mariel Cuban Detainees, p. 133.

⁴⁶⁷ Mariel Cuban Detainees, p. 99-110.

⁴⁶⁸ Mariel Cuban Detainees, p. 76-90.

⁴⁶⁹ H.R. 4349 (1988) & H.R. 4330 (1988).

Ultimately, volunteers attempted to aid Cubans as best they could within the system the government established.⁴⁷⁰

6.2 Releases and Deportations

In spite of the flaws of the government's review system, fourteen hundred Cubans received parole after the uprisings.⁴⁷¹ Prior to the uprisings, the Reagan administration claimed the Cubans in detention were too dangerous to be released into American society, but about sixty percent of the Cubans who received new INS hearings obtained parole.⁴⁷² And Cubans who did not receive parole from the INS could appeal to the Justice Department as part of the review process agreed upon by the federal government. Close to half of those who were initially denied parole by the INS were able to obtain it through a second review with the Justice Department. In 1990, forty-five percent of Cubans who received a Justice Department review were approved for release.⁴⁷³

As had been the case in the years prior to the uprisings, the release process moved very slowly. After receiving approval for release, a detainee would be placed on one of several lists: family release, halfway house release, or (if the detainee had medical or emotional problems) the Public Health Service halfway house release list. But the detainees who received approval for release far outnumbered available spaces in halfway houses.⁴⁷⁴ Only a fraction of the Cubans were approved for release to family members or other suitable sponsors; the majority required halfway houses. The United States Catholic Conference, which aided in the resettlement of

⁴⁷⁰ Letter from Gary Leshaw to Ed Kelly, House of Representatives, on March 15, 1988, Cuban Detainees' Litigation Papers, Kenan Research Center, Box 11, Folder 2.

⁴⁷¹ Shull, "*Somos los Abandonados*," p. 15.

⁴⁷² Mariel Cuban Detainees, p. 23-24.

⁴⁷³ Letter from Gary Leshaw to C. Glenn Ihrig, Executive Director, Public Welfare Foundation, on April 30, 1990, Cuban Detainee's Litigation Papers, Kenan Research Center, Box 12, Folder 2.

⁴⁷⁴ Letter from Gary Leshaw to Randy L. Levine, Associate Deputy Attorney General on February 24, 1988, Dec 5 Cuban Detainee's Litigation Papers, Kenan Research Center, Box 11, Folder 2.

Cuban detainees, did not have adequate funding to provide halfway houses for the number of Cubans approved for release.⁴⁷⁵ Instead of being released to relatives or other sponsors, Cubans were forced to wait in detention until a suitable situation in a halfway house could be found. One Cuban detainee who received his approval for release in November 1987, prior to the uprisings, was still waiting to be released in June 1988.⁴⁷⁶ Sally Sandidge said detainees were told the wait could be “as long as two years.” In July 1988, 904 Cubans who had been approved for release remained in detention, waiting for freedom.⁴⁷⁷

But the number of Cubans released under the new review plan was an improvement, and many Cubans were able to establish new lives in the United States after the 1987 uprisings. While only 233 Cubans were released to halfway houses in 1986 and 281 in 1987, 633 were released to either a sponsor or halfway house in 1988. The following year, 565 were released.⁴⁷⁸ One Cuban who served as a negotiator during the uprising in Atlanta gained his release and obtained a job at a warehouse in Chicago. He wrote Carla Dudeck to tell her she made his freedom possible and that he was anxious to aid her in “the struggle to find justice and freedom for all detainees.”⁴⁷⁹ The Department of Justice acknowledged that recidivism was not a major problem for Mariel Cubans, with only nine percent losing parole after being resettled by Catholic Relief Services.⁴⁸⁰

The federal government resumed deportations in 1988, after launching the new review process. That year, only nine Cubans were repatriated, but the government increased

⁴⁷⁵ Testimony of Nicholas Dimarzio, U.S. Catholic Conference, Mariel Cuban Detainees: Hearing before the Subcommittee on Immigration, Refugees, and International Law, July 6, 1988, p. 61-64.

⁴⁷⁶ Mariel Cuban Detainees, p. 120.

⁴⁷⁷ Mariel Cuban Detainees, p. 125 & 129.

⁴⁷⁸ Appendix 12, Cuban Detainees and the Disturbance at the Talladega Federal Prison, p. 315.

⁴⁷⁹ Michele Cohen, “A Year after Riots, Future Mostly Settled for Mariel Prisoners,” *Sun Sentinel*, November 28, 1988, p. 1A.

⁴⁸⁰ Mariel Cuban Detainees, p. 34.

deportations in the years that followed. The government deported 121 in 1989, 145 in 1990, and 274 in 1991.⁴⁸¹ The threat of deportation loomed over Mariel Cuban detainees.⁴⁸² Deportation could be a traumatic experience, especially for those who had spent time in Cuban prisons and feared a return to those institutions. Those who came to the United States as juveniles had spent most of their adult lives in America and had few connections in their country of birth. For Cuban detainees who had family in the United States, deportation could mean permanent separation. One man who was detained at the federal prison in Talladega wrote a desperate letter to Carla Dudeck, saying that he wanted her to tell the INS that he loved his children, and that if he had to leave them, he thought it would be better to hang himself. Cuban detainees had little definitive information about the Cubans who had already been repatriated—only rumors from family members still in Cuba—and they worried about what would happen to them upon return. The United States government offered few reassurances. When a Congressional committee asked for information about the repatriated Cuban detainees, the Associate Deputy Attorney General and INS Commissioner deflected the request, responding that the data was “difficult to obtain.”⁴⁸³

Deportation was traumatic for family members left behind as well. Estela and Ernesto Bravo’s 1997 documentary *The Cuban Excludables* included interviews with Cubans who were deported after the Atlanta and Oakdale uprisings and the families who were left behind in the United States.⁴⁸⁴ Two women told the filmmakers that they were not informed that their

⁴⁸¹ Appendix 12, Cuban Detainees and the Disturbance at the Talladega Federal Prison, p. 316.

⁴⁸² William Robbins, “U.S. Schedules Interviews On Fate of Cuban Inmates,” *The New York Times*, February 8, 1988

⁴⁸³ Appendix 4, Cuban Detainees and the Disturbance at the Talladega Federal Prison, p. 272.

⁴⁸⁴ *The Cuban Excludables* (1997) is a documentary filmed by Estela and Ernesto Bravo on the Mariel Cubans who were deemed excludable aliens by the federal government. The documentary includes interviews with Cuban detainees, some of whom were deported, family members who were left behind, activists, lawyers, and government officials. The raw interviews are stored at the Tamiment Library and Robert F. Wagner Labor Archive at New York University and many are digitized and available online. Estela Bravo has been criticized for her documentary on Fidel Castro called *Fidel* (2001), American critics finding her too sympathetic of Castro. A writer

husbands would be deported, and learned of their deportations when the prison sent boxes of the men's belongings. In response, the INS spokesperson Duke Austin claimed it was not that agency's responsibility to notify family members of deportations. When the filmmakers traveled to Cuba and interviewed one of the husbands who had been deported, he cried as he told them he worried he would never see his family in the United States again.⁴⁸⁵

Some detainees who faced deportation chose to end their appeals and voluntarily return to Cuba. Voluntary deportations reduced the number of repatriation cases the INS and DOJ had to review, and allowed Cuban detainees who received repatriation notices to reduce time spent in detention. Leshaw and other volunteers attempted to ascertain whether Cuban detainees were certain about their decision to forgo the appeals process by speaking with each detainee who elected to return to Cuba.⁴⁸⁶ One Cuban summarized his frustration when he wrote that he wished to return to Cuba on the next flight, and that he did not want to see any more "disgraceful American officials for any purpose whatsoever."⁴⁸⁷

6.3 Continued Resistance

Cubans continued using hunger strikes to protest detention, prison conditions, and deportation.⁴⁸⁸ The dispersal of Cubans across the United States and lockdown procedures prevented many large-scale uprisings. At the Avoyelles Parish Jail in Marksville, Louisiana, one disturbance resulted in the hospitalization of six Cuban detainees and minor injuries to several

for the *New York Times* described it as "hero worship." A.O. Scott, "Film Review; A Selective Portrait of Castro and Cuba's Revolution," *The New York Times*, October 18, 2002.

⁴⁸⁵ *The Cuban Excludables* (1997).

⁴⁸⁶ Letter from Gary Leshaw to George W. Calhoun, U.S. Department of Justice, March 23, 1989, Cuban Detainees' Litigation Papers, Kenan Research Center, Box 11, Folder 4.

⁴⁸⁷ Letter from Noel ***** on September 14, 1989, Cuban Detainees' Litigation Papers, Kenan Research Center, Box 12, Folder 1.

⁴⁸⁸ Shull, "*Somos los Abandonados*," p. 14

guards. One guard used his pet Pitbull to break up the disturbance. Forty-five Cuban detainees participated in a week-long hunger strike following the disturbance.⁴⁸⁹

The most significant act of Cuban detainee resistance after the Oakdale and Atlanta prison uprisings was the uprising at Talladega Federal Correctional Institution in Alabama on August 21, 1991. Thirty-one of the Cubans there had participated in the Oakdale and Atlanta prison uprisings of 1987. The prison in Talladega was the holding facility for Cuban detainees who had exhausted appeals and were awaiting repatriation to Cuba; thirty-two were scheduled to be flown back to Cuba the next day. Over a hundred Cuban detainees at the Talladega Federal Correctional Institution rioted in protest of the imminent deportation of these prisoners. The Cubans took eleven hostages, demanding an end to deportations and the release of all detainees at the Talladega prison. When the Cubans drafted an official list of demands, which included release and an end to repatriations, they asked that a commission be created to negotiate with the DOJ and the INS on their behalf. They specifically requested that this commission include Congressman John Lewis, Judge Marvin Shoob, and attorney Gary Leshaw—all participants in Atlanta's effort to advocate for local Mariel detainees. In addition, they requested Coretta Scott King, widow of Martin Luther King, Jr. and local civil rights activist.⁴⁹⁰

Unlike the riots of 1987, however, the Talladega uprising did not end in an agreement between Cuban detainees and the government. Negotiations proved ineffective, and on the ninth day, detainees threatened to kill their hostages one by one if their demands were not met. Federal agents stormed the cellblock the following day, releasing the hostages and taking Cuban

⁴⁸⁹ Mariel Cuban Detainees, p. 97.

⁴⁹⁰ Lee May, "Cuban Inmates Continue Tense Standoff: Immigration Officials Conduct Negotiations with Prisoners Holding 10 Hostages in Apparent Protest of Laws Requiring their Deportation," *Los Angeles Times*, August 23, 1991; Bert Useem, Camille Graham Camp, and George M. Camp, *Resolution of Prison Riots: Strategies and Policies* (Oxford: Oxford University Press, 1996), p. 39-55; Ronald Smothers, "U.S. Agents Storm Prison in Alabama, Freeing 9 Hostages," *The New York Times*, August 31, 1991; Cuban Detainees and the Disturbance at the Talladega Federal Prison, p. 260-261.

detainees back into custody.⁴⁹¹ An INS employee who was taken hostage during the uprising told historian Elliot Young that though she feared for her life, she sympathized with the detainees.⁴⁹² This sentiment was also expressed by employees at the Atlanta Penitentiary during the 1987 uprising, illustrating that some BOP employees recognized the pains of indefinite detention. The federal government deported over sixty Cuban detainees from Talladega in the days that followed the uprising.⁴⁹³

6.4 A Resolution?

After the Talladega uprising, Congress met once again to discuss possible solutions for Mariel Cuban detainees—or, as Democratic Representative William J. Hughes from New Jersey called them, “troublesome immigrants,” because they could not be deported.⁴⁹⁴ The government sought to avoid another uprising. The director of the BOP, J. Michael Quinlan, relied on sweeping descriptions, saying Cuban detainees demonstrated poor conduct and characteristics included self-mutilation, “a high degree of assaultiveness [sic],” and predatory behavior.⁴⁹⁵

Though hundreds of Cubans were released or deported after the Atlanta and Oakdale prison uprisings, the number of Cubans detained in 1991 was similar to that in 1987. There were approximately twenty-five hundred Cubans detained and an additional twenty-four hundred

⁴⁹¹ Lee May, “Cuban Inmates Continue Tense Standoff: Immigration Officials Conduct Negotiations with Prisoners Holding 10 Hostages in Apparent Protest of Laws Requiring their Deportation,” *Los Angeles Times*, August 23, 1991; Bert Useem, Camille Graham Camp, and George M. Camp, *Resolution of Prison Riots: Strategies and Policies* (Oxford: Oxford University Press, 1996), p. 39-55; Ronald Smothers, “U.S. Agents Storm Prison in Alabama, Freeing 9 Hostages,” *The New York Times*, August 31, 1991; Cuban Detainees and the Disturbance at the Talladega Federal Prison, p. 260-261.

⁴⁹² Young, p. 154.

⁴⁹³ Lee May, “Cuban Inmates Continue Tense Standoff: Immigration Officials Conduct Negotiations with Prisoners Holding 10 Hostages in Apparent Protest of Laws Requiring their Deportation,” *Los Angeles Times*, August 23, 1991; Bert Useem, Camille Graham Camp, and George M. Camp, *Resolution of Prison Riots: Strategies and Policies* (Oxford: Oxford University Press, 1996), p. 39-55; Ronald Smothers, “U.S. Agents Storm Prison in Alabama, Freeing 9 Hostages,” *The New York Times*, August 31, 1991; Cuban Detainees and the Disturbance at the Talladega Federal Prison, p. 260-261.

⁴⁹⁴ Cuban Detainees and the Disturbance at the Talladega Federal Prison, p. 2.

⁴⁹⁵ Cuban Detainees and the Disturbance at the Talladega Federal Prison, p. 4.

Cubans in local, state, or federal prisons serving sentences. Cubans leaving detention were replaced by Cubans finishing prison sentences for crimes committed in the U.S.⁴⁹⁶ But because Cuba had only agreed to accept the Cubans on the list from 1984 and no more, only 120 of the Cubans in custody in 1991 would be accepted by Cuba for repatriation.⁴⁹⁷ The rest of the Cubans in INS custody faced indefinite detention.

Republican Congressman Carlos Moorhead of California said to J. Michael Quinlan, director of the Bureau of Prisons, “either send them back to Cuba or do something...this type of situation with the hopelessness that some people have just breeds more violence and more violence and more violence. There’s no end to it unless you can in some way or another close the chapter.”⁴⁹⁸ Once again, Congressman John Lewis advocated for the Mariel Cuban detainees, submitting a letter to the Congressional committee investigating the uprising at Talladega. In his letter, he pressured the federal government to review the cases of Cuban detainees in a timely and fair manner, and to provide humane treatment to those with mental illnesses and those struggling with addiction, rather than holding them in jail indefinitely.⁴⁹⁹ Leshaw traveled to Capitol Hill for the fourth time to speak on behalf of the Mariel Cuban detainees. He, too, urged the federal government to provide proper treatment for the mentally ill, and pointed out the high number of suicides among Cuban detainees. He again begged the federal government to provide the Cuban detainees with due process in the form of fair hearings.⁵⁰⁰ But Quinlan claimed the American government did not in fact have a policy of indefinite detainment, since only six Cubans had been in continuous custody since 1980 due to significant mental health problems. He

⁴⁹⁶ Cuban Detainees and the Disturbance at the Talladega Federal Prison, p. 21.

⁴⁹⁷ Cuban Detainees and the Disturbance at the Talladega Federal Prison, p. 80.

⁴⁹⁸ Cuban Detainees and the Disturbance at the Talladega Federal Prison, p. 18.

⁴⁹⁹ Cuban Detainees and the Disturbance at the Talladega Federal Prison, p. 19-20.

⁵⁰⁰ Cuban Detainees and the Disturbance at the Talladega Federal Prison, p. 57-61.

added that though detention may seem indefinite to the Cuban detainees, “it is solely due to their own incorrigible behavior, and not due to any deliberate policy of the Government to keep them detained.”⁵⁰¹ Though he denied that the U.S. government had a policy of indefinite detention, Mariel Cubans were detained long-term with no end in sight, after serving prison terms.

Eventually, Atlanta’s involvement with Mariel detainees came to a close. Much like other local struggles for immigrant rights during the 1980s and 1990s, the Atlanta-based Coalition to Support Cuban Detainees lacked the resources to continue long-term.⁵⁰² The coalition disbanded in June 1991 after six years of advocating for Cuban detainees. Leshaw told the press “It doesn’t mean we’re going to totally disappear, but we’re not going to be able to deal with the day-to-day cases like we used to.” Nearly three thousand Cuban detainees had obtained release through the help of the organization, but unfortunately detention centers still held approximately twenty-five hundred Mariel Cubans. Leshaw admitted that they were “pretty much back to where we were at the time of the riots.” Dudeck confessed “I haven’t dealt with it well. It’s not neatly ended.” Sally Sandidge said she wanted to go picket the INS.⁵⁰³

Two years later, the *Atlanta Constitution* published an article from *Parade* called “Held Without Hope” on the Cubans who remained in INS detention. Nearly two thousand Cubans remained in INS detention, one thousand in federal penitentiaries, 670 in state and country jails, and the rest in INS facilities or mental hospitals. In a Texas jail, Rafeael Navarro lamented “I am here like a vegetable.” He finished a prison sentence for drug convictions in 1987, but remained

⁵⁰¹ Cuban Detainees and the Disturbance at the Talladega Federal Prison, p. 97.

⁵⁰² Walter J. Nicholls, Justus Uitermark, and Sander van Haperen, “Going National: How the Fight for Immigrant Rights Became a National Social Movement,” *Journal of Ethnic and Migration Studies* 46, issue 4 (January 2020), p. 705- 727.

⁵⁰³ Robert Byrd, “Coalition That Freed Thousands of Cuban Refugees Disbanding,” *AP News*, June 26, 1991; Elizabeth Kurylo, “Freedom remains elusive for Cuban detainees,” *The Atlanta Journal & Constitution*, July 7, 1991, p. 1A & 6A.

in prison five years later. Sandidge told the journalist that visiting the Cubans in detention was “like visiting people who are buried alive.”⁵⁰⁴

The status of Mariel Cuban detainees remained unresolved for over a decade. In 2005, in the case of *Clark v. Martinez*, the Supreme Court ruled seven to two that the federal government could not indefinitely detain Cubans who could not be deported. The two petitioners were Mariel Cubans who lost parole due to criminal convictions in the United States. Both were taken into INS custody and ordered removed by immigration judges, but the two remained in detention after the ninety-day removal period. The ruling was based on the earlier case of *Zadvydas v. Davis* (2001), in which the court ruled that aliens could only be detained “to a period reasonably necessary to bring about that alien’s removal from the United States.”⁵⁰⁵ The 2005 ruling resulted in the release of about 750 Mariel Cuban detainees into American society.⁵⁰⁶ The Bush administration argued before the Supreme Court that though the government was not pursuing further repatriation agreements with Cuba, those on the original 1984 repatriation list could still be deported. A representative of the Bush administration insisted “no one is looking for excludables to send back, but if one of the 2,746 gets into trouble, he’s taken to Oakdale and then put on the plane.”⁵⁰⁷

The Mariel Boatlift has continued to shape United States policy towards Cuban immigrants. During the 1990s, economic hardships in Cuba once again led many to flee on small boats to the coast of Florida. About six thousand Cubans illegally reached the United States between January and August 1994. When President Fidel Castro threatened to allow mass

⁵⁰⁴ Bernard Gavzer, “Held Without Hope,” *Parade Magazine* in the *Atlanta Constitution*, March 21, 1993, p. 4-7.

⁵⁰⁵ *Clark v. Martinez* (2005); *Zadvydas v. Davis* (2001).

⁵⁰⁶ Kristina Shull, “*Somos los Abandonados*: Mariel Cuban Stories from Detention and Resisting the Carceral State,” *Anthurium* 17, no. 2 (2021), p. 17.

⁵⁰⁷ Lars Schoultz, *That Infernal Little Cuban Republic: The United States and the Cuban Revolution* (Chapel Hill: University of North Carolina Press, 2011), p. 415.

emigration, the Clinton administration feared another boatlift like that of 1980. In August of 1994, the Clinton administration announced that they would no longer allow Cubans intercepted at sea to enter the United States, initiating the “wet foot, dry foot” policy. The INS began detaining Cubans who were picked up by the U.S. Coast Guard at Guantanamo Bay and other locations outside of the United States, and held them until they could be returned to Cuba or accepted by a third country, offering no opportunity for parole in the United States. Only those who reached American soil would be granted conditional asylum.⁵⁰⁸

In 2017, President Barack Obama announced the end of the U.S. government’s “wet foot, dry foot” policy, which also meant the end of preferential treatment for Cuban immigrants who reached American soil. Cuban immigrants would be treated like other migrants entering the country, and could face removal if they entered without a visa. In return, the Cuban government agreed to take back at least five hundred Mariel Cuban detainees.⁵⁰⁹ The normalization of relations between Cuba and the United States facilitated Cuban deportations. Former Mariel Cuban detainees continue to live in fear of deportation, as the U.S. government can deport those with criminal records.⁵¹⁰

The Mariel Boatlift did not just shape Cuban immigration policies, it also impacted the government’s policies for all immigrants. Reports of Mariel criminality spurred the creation of the Immigration Reform and Control Act and the Anti-Drug Abuse Act (IRCA) in 1986. The IRCA was best known for prohibiting the hiring of undocumented workers, and for establishing a pathway to admission for illegal immigrants. But the act also expedited deportations, and

⁵⁰⁸ María Cristina García, *Havana USA: Cuban Exiles and Cuban Americans in South Florida, 1959-1994*, p. 78-79; Carl Bon Tempo, *Americans at the Gate*, p. 199-200.

⁵⁰⁹ Frances Robles, “‘Marielitos’ Face Long-Delayed Reckoning: Expulsion to Cuba,” *The New York Times*, January 14, 2017.

⁵¹⁰ Shull, p. 17.

provided funding to states for the imprisonment of unauthorized immigrants and “Cuban nationals” convicted of felonies. The Anti-Drug Abuse Act of 1986 provided funding for collaboration between INS and local law enforcement to target noncitizens.⁵¹¹

In the years that followed the Atlanta uprising, immigration law and criminal law became even more intertwined, resulting in mass immigrant detention. Public concern over the “criminal alien,” Mariel Cubans included, led the federal government to invest in increased policing and detention of immigrants. In 1988, Congress passed the Anti-Drug Abuse Act, which made drug-related offenses an aggravated felony. Immigrants convicted of drug-related offenses faced detention after serving prison terms, and possible deportation. In 1996, the Clinton administration created the Antiterrorism and Effective Death Penalty Act, which accelerated the deportation process for immigrants with criminal convictions by limiting the writ of habeas corpus. That same year, Congress passed the Illegal Immigration Reform and Immigration Responsibility Act, expanding the list of deportable offenses to include minor crimes such as theft and shoplifting, and requiring detention for immigrants sentenced to one year or more for a criminal offense. The law also applied to non-citizens who were convicted of crimes prior to the creation of the law. The government could detain and deport immigrants for past offenses if a previously minor offense was now classified as an aggravated felony.⁵¹² These laws led to increased policing of immigrant groups and an expansion of the immigrant detention system. Noncitizens and undocumented immigrants faced detention and deportation for even minor crimes. In 2019, over half a million immigrants were taken into custody by U.S. Immigration and Customs Enforcement (ICE), the organization detaining fifty thousand a day on average. A little

⁵¹¹ Alexander M. Stephens, “Making Migrants ‘Criminal’: The Mariel Boatlift, Miami, and U.S. Immigration Policy in the 1980s,” *Anthurium* 17, no. 2 (2021), p. 11-12;

⁵¹² Lindskoog, p. 133-134.

over two hundred sixty-seven thousand were removed from the United States that year.⁵¹³ In recent years, there has been a decrease in the number of immigrants taken into custody due to COVID-19 and the Biden administration's shift in policies.⁵¹⁴

The Atlanta and Oakdale uprisings can be seen as successful acts of resistance in that they resulted in new hearings for the Cubans detainees and a degree of due process for Cubans in detention, but the gains for immigrant rights were only short-term. The new reviews drastically changed the lives of Cubans in detention, allowing them to obtain freedom and a life in the United States. In the years that followed the uprisings, however, the federal government retaliated, creating laws that targeted noncitizens and undocumented immigrants for detention and deportation. The movement for the rights of Cuban detainees that emerged in Atlanta during the 1980s demonstrates how communities can amplify the voices of immigrant detainees and aid them in their fight for justice. Unfortunately, the movement was not sustainable after the migrants were moved out of the city. The legacy of the coalition consisting of Atlanta lawyers and activists who worked tirelessly for the rights of Cuban detainees is the Cubans who obtained freedom. The Atlanta movement for Cuban detainees demonstrates what can be done when community members come together to amplify the voices of marginalized migrants and obtain goals through collaborative efforts.

⁵¹³ ICE Detention Data, FY19, <https://www.ice.gov/detain/detention-management>. ICE's fiscal year runs from October 2018 to September 2019.

⁵¹⁴ Maria Sacchetti and Arelis R. Hernández, "ICE to stop most immigration enforcement inside U.S., will focus on criminals during coronavirus outbreak," *The Washington Post*, March 18, 2020; Nick Miroff, "Biden administration orders halt to ICE raids at worksites," *The Washington Post*, October 12, 2021.

7 CONCLUSION

The year 2012 marked the twenty-fifth anniversary of the Atlanta prison uprising. The *Atlanta Journal-Constitution* printed an article reminding readers of the revolt that had occurred at their city's penitentiary in 1987. Journalist Mark Davis discussed the spark, the damages caused, and the memories of local residents and a prison employee who had been taken hostage. But the author said little about the Cubans themselves, and nothing of the Atlanta activists who had played a key role in the resolution. The author wrote "few people suspected a revolt was brewing" at the Atlanta Penitentiary.⁵¹⁵ Why have the events leading up to the uprising and the role of Atlanta residents in advocating for the imprisoned Cubans not lodged in the public's memory?

I have sought to bring the local element into relief by illuminating the interactions between Cuban detainees, their allies in Atlanta, and the immigration and criminal justice system between 1980 to the early 1990s. International, national, and local forces converged at the Atlanta Penitentiary during the 1980s. Atlanta residents were involved in the lives of Cuban detainees from the beginning of their imprisonment at the city's penitentiary. This study brings to light a strand of the story that has largely been forgotten.

This study demonstrates the ways that local residents can shape federal immigrant detention policies and the lives of immigrants in detention. Though the federal government expanded the immigrant detention system in the years that followed, in the short-term, local allies improved the detainee hearing process and helped secure freedom for hundreds of Mariel Cubans. They did this through telling the stories of those in detention and coalition building.

⁵¹⁵ Mark Davis, "25 years later, lessons linger from prison riot," *The Atlanta Journal-Constitution*, November 23, 2012, p. 1A & 19A.

Mariel Cubans and their local allies engaged in inside-outside organizing, a strategy consisting of collaboration between those inside detention sites and supporters on the outside.⁵¹⁶ Inside-outside resistance did not occur in Oakdale; nor did it occur in many other locations where Mariel Cubans were detained. Further work should be done on inside-outside organizing at detention sites to explore how communities can affect the lives of migrants in detention and federal immigration policies. More research is needed on the joint efforts of immigrants inside detention sites and American citizens on the outside to challenge the immigrant detention system.

Though current Atlanta residents are largely unaware that the federal government detained Cubans at the local penitentiary during the 1980s, or that there was a riot at the facility in 1987, this study makes clear that these events had an impact on the city and those who lived there at the time. Dozens of Atlanta residents were so moved by the imprisonment of Cuban migrants in their city that they undertook to improve conditions within the facility and obtain due process rights for the detainees. Though the Cubans were confined within the prison, they were not completely isolated and were able to communicate with those on the outside. Mariel Cubans relayed their detention experiences to those who would listen.⁵¹⁷

There is not enough scholarship on the ways that Mariel Cubans shaped the modern detention system. This dissertation is by no means a comprehensive account of the indefinite detention of Mariel Cubans during the 1980s and the expansion of the immigrant detention system. Carl Lindskoog's *Detain and Punish* provides a book-length study of how Haitian migrants prompted the federal government to reintroduce and expand immigrant detention.⁵¹⁸

⁵¹⁶ Kristina Shull uses the term “inside-outside organizing” in “*Somos los Abandonados: Mariel Cuban Stories from Detention and Resisting the Carceral State*,” *Anthurium* 17 no. 2 (2021), p. 2.

⁵¹⁷ Shull argues that Mariel Cuban storytelling is a “powerful form of resistance to detention.” p. 1.

⁵¹⁸ Carl Lindskoog, *Detain and Punish: Haitian Refugees and the Rise of the World's Largest Immigration Detention System* (Gainesville: University of Florida Press, 2018).

Though Lindskoog and other scholars argue that the Mariel boatlift also contributed to the expansion of the immigrant detention system, there is no comprehensive study on this process. The present study offers one piece of the story. Kristina Shull argues that the modern detention regime was born and continues from a “dialectic of resistance and retaliation.” As migrants and their allies resisted detention policies, the federal government responded with retaliatory tactics.⁵¹⁹ This dissertation demonstrates resistance and retaliation on a local level. It illustrates how migrants in detention and their local supporters resisted detention policies and how INS and BOP employees retaliated against Mariel Cubans for challenging detention.

Of course, one of the most important pieces of this dissertation are the immigrants themselves. This study reveals the experiences of individual migrants in detention. I have endeavored to uncover the voices of the Cuban detainees. By focusing on one detention site, I was able to examine the enforcement of detention policies on a granular level and examine how they affected immigrants in detention. The Cubans in detention suffered through years of horrible conditions and inhumane treatment. Cubans at the Atlanta Penitentiary resisted their detention through a variety of methods, including hunger strikes, litigation, peaceful protests, and violent uprisings. Many of them were unable to obtain due process or freedom in the United States. I cannot provide justice, but I hope that I have illuminated their struggles.

⁵¹⁹ Shull, “Reagan’s Cold War on Immigrants,” p. 1.

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