

MEMORANDUM

Agenda Item No. 11(A)(5)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: June 14, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution condemning President
Joseph R. Biden, Jr.'s relaxation
of sanctions against the Cuban
communist regime

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator René García.



Geri Bonzon-Keenan
County Attorney

GBK/gh



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: June 14, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(5)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(5)
6-14-22

RESOLUTION NO. _____

RESOLUTION CONDEMNING PRESIDENT JOSEPH R.
BIDEN, JR.'S RELAXATION OF SANCTIONS AGAINST THE
CUBAN COMMUNIST REGIME

WHEREAS, in 1959, Fidel Castro took power in Cuba, establishing a brutal Communist regime that has resulted in more than 6 decades of human rights violations that include, but are not limited to, thousands of politically motivated executions, the theft of private property, and shortages of basic life-sustaining materials (such as food and medicine) that have spawned generations of human misery; and

WHEREAS, more than 60 years later, through the tyranny of other dictators, human rights violations persist; for example, Cuban democracy activists such as Las Damas de Blanco (the “Ladies in White”), a group of wives and relatives of political prisoners, prisoners of conscience, and peaceful activists in Cuba, are routinely repressed, censured, beaten, and unjustly imprisoned by Cuba’s dictatorial regime; and

WHEREAS, most recently, on July 11, 2021, and in the weeks that followed, the Cuban people took to the streets, calling for an end to communism in Cuba and for access to the basic life-sustaining needs that they have lacked—food, medicine, water, and electricity—because of the failed communist policies of the Cuban regime; and

WHEREAS, in response to these protests, the government used its secret police and military apparatus to unleash a brutal program of oppression, including harassing and threatening protesters and their families, abducting and torturing protestors and those leading the civil demonstrations, and detaining and disappearing protestors; and

WHEREAS, the Cuban dictatorship’s response to the July 2021 protests have been widely condemned, including by Amnesty International, which in an August 19, 2021 report on the protests denounced Cuba’s scaling-up of “a decades-long policy of repression that criminalizes peaceful protest and imprisons and ill-treats Cubans from all walks of life simply for expressing their views”; and

WHEREAS, Amnesty International characterized the dictatorship’s “default approach” as to “criminalize nearly all those who participated in the protests, including some children”; and

WHEREAS, according to a report appearing in the British Broadcasting Channel, the Cuban dictatorship itself has admitted that more than 700 individuals who took part in the July 2021 protests had been charged with crimes, including sedition, vandalism, theft, and public disorders—most of them held in jail pending trial; and

WHEREAS, of those charged, the same report indicates that 172 people have already been tried and convicted and, for those convicted, prison sentences have ranged between 4 and 30 years in prison; and

WHEREAS, in addition to facing unjust charges and prison sentences for the exercise of the basic human rights of protest and expression, the United Nations Committee on Enforced Disappearances has denounced and requested a response from Cuban authorities regarding the disappearance of 187 Cubans; and

WHEREAS, human rights violations did not commence with the July 2021 protests: a 2020 human rights report prepared by the United States Department of State describes Cuba as an authoritarian state where there is only one legal political party, the Cuban Communist Party; and

WHEREAS, according to that report, Cuba’s repressive security apparatus—led by the Ministry of the Interior—has committed numerous human rights abuses, including human

trafficking, compulsory labor, “unlawful or arbitrary killings, including extrajudicial killings, by the government; forced disappearance by the government; torture and cruel, inhuman, and degrading treatment of political dissidents, detainees, and prisoners by security forces; harsh and life-threatening prison conditions; arbitrary arrests and detentions; political prisoners; significant problems with the independence of the judiciary; and arbitrary and unlawful interference with privacy”; and

WHEREAS, the report further notes that freedom of the press does not exist, and criminal libel laws are used against those who criticize the government; as an additional attack on the free sharing of truthful information, the Cuban government engages in internet blocking, limits academic and cultural freedom, severely restricts the free practice of religion, and restricts internal and external movement of persons in addition to restricting the right of peaceful assembly and freedom of association; and

WHEREAS, these abuses are sanctioned by the Cuban government, whose officials direct or personally conduct the aforementioned human rights abuses and fail to investigate or prosecute those persons who commit the abuses; and

WHEREAS, as if it were not enough to conduct their crimes against humanity within their own territory, the Cuban government exports its repressive practices to other countries in Latin America, such as Nicaragua and Venezuela, where victims of torture have identified Cubans as supervising their torture; and

WHEREAS, Cuba is also a safe haven for those who seek to escape the reaches of American justice, including one fugitive who executed a police officer during a routine traffic stop in May 1973; and

WHEREAS, on January 12, 2021, the United States Department of State determined that Cuba has repeatedly provided support of acts of international terrorism and the Cuban government was thereby designated as a state sponsor of terrorism; and

WHEREAS, on May 14, 2021, United States Secretary of State Anthony Blinken determined and certified to the United States Congress that Cuba is not fully cooperating with the United States' antiterrorism efforts; and

WHEREAS, consistent with the determination, the Cuban government continues to perpetrate crimes against its own people and support international terrorist groups outside of its boundaries; and

WHEREAS, against this backdrop, it is inconceivable that President Joseph R. Biden, Jr. chose to announce a partial lifting of sanctions against Cuba, as expressed by senior White House officials in a transcript of a teleconference held on May 16, 2022, to "increase support for the Cuban people and safeguard our national security"; and

WHEREAS, indeed, in the same teleconference in which President Biden's senior staff announced the Biden Administration's decision to partially lift sanctions, Biden's staff reiterated a previous "call on the Cuban government to release all political prisoners" and acknowledged that some sanctions were warranted to address the human rights abuses that occurred during and after the July 2021 protests; and

WHEREAS, ironically, almost simultaneously with the Biden Administration's announcement, the Cuban National Assembly adopted a new criminal code that preserves the death penalty for a series of politically motivated offenses, provides for lengthy periods of incarceration for persons convicted of criticizing government officials, and stymies the foreign funding of independent journalism in Cuba; and

WHEREAS, despite the acknowledged human rights abuses and the continuing actions of the Cuban government to punish political dissent, President Biden announced a reinstatement of the Cuban Family Reunification Parole Program along with an increased capacity of consular services, lifted restrictions on group people-to-people educational travel, announced increased support for Cuban entrepreneurs, lifted limitations on family remittances, and authorized donative remittances; and

WHEREAS, these measures ignore several known realities of how purported aid to Cuban people actually enriches the Cuban dictatorship; and

WHEREAS, for instance, relaxed migration rules relieve the Cuban government of dissidents, and those departed Cubans, once established in the United States, send remittances to Cuba, which enrich the Cuban government; and

WHEREAS, relaxed migration policies also directly endanger the consular corps that the United States will have to rebuild in Cuba, as it is highly suspected that the Cuban government or other hostile elements located within Cuba have launched attacks against the United States' consular corps, resulting in an ailment known as "Havana Syndrome," which manifests itself through a loss of hearing; and

WHEREAS, regarding so-called educational travel to Cuba, it is well known that such travel opportunities are thinly veiled loopholes for tourism, which enriches the Cuban government with tourist dollars and insults the exile community by putting expropriated assets to a profitable use for the Cuban regime; and

WHEREAS, further, the notion that the United States government can successfully aid Cuban entrepreneurship naïvely ignores the outcomes of similar policies pursued by President Barack H. Obama, which resulted in the Cuban dictatorship shutting down nascent businesses; and

WHEREAS, allowing investment in Cuban businesses is also a recipe for disappointments that will result in the enrichment of the Cuban dictatorship, as Cuban laws do not offer meaningful protections of private property rights, and the Cuban government frequently seizes assets, including for political reasons; and

WHEREAS, remittances are also a boon to the Cuban dictatorship, as such payments are processed through the dictatorship's own financial apparatus, which keeps the dollars, and transmits worthless Cuban currency to the intended recipients who must then spend that currency at government stores that sell merchandise at marked-up prices; and

WHEREAS, President Biden's decision to partially lift sanctions against Cubans has been met with bipartisan opposition; for instance, United States Senator Bob Menendez (D-NJ) decried the policies as "sending the wrong message to the wrong people, at the wrong time and for all the wrong reasons" and further stated that experience has shown that relaxing tourism restrictions was "foolish[]" and would not result in positive change in Cuba; and

WHEREAS, indeed, United States Representative Debbie Wasserman-Schultz (D-FL) conceded that the reinstatement of travel restrictions "may enrich the Diaz-Canel dictatorship at a time when its Kremlin paymaster faces economic ruin" and that she was "unconvinced" that such policies "will truly weaken this regime's oppressive policies"; and

WHEREAS, President Biden knows from very recent experience with the sanctions imposed on the Russian Federation for its unjustified and abusive invasion of Ukraine that economic sanctions can hobble tyrants, arguing as recently as April of this year that the "unprecedented sanctions" that his administration had imposed against the Russian Federation were "devastating their economy and their ability to move forward"; and

WHEREAS, this Board believes that the 63-year-old Cuban dictatorship deserves the same treatment,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Adopts and incorporates herein the foregoing recitals.

Section 2. Condemns the Biden Administration’s relaxation of sanctions on the Cuban communist regime.

Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to the President of the United States and the members of the Florida Congressional Delegation.

The Prime Sponsor of the foregoing resolution is Senator René García. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by

Commissioner _____ and upon being put to a vote, the vote was as follows:

Jose “Pepe” Diaz, Chairman	
Oliver G. Gilbert, III, Vice-Chairman	
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 14th day of June, 2022. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. MAG

Miguel A. Gonzalez