
North of Havana: The Untold Story of Dirty Politics, Secret Diplomacy, and the Trial of the Cuban Five

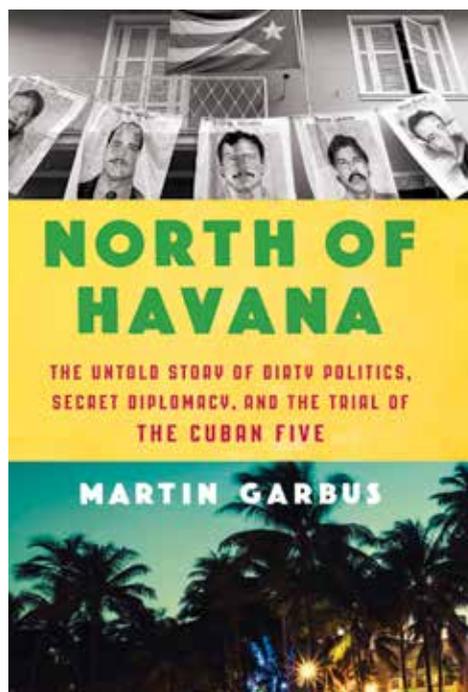
by Martin Garbus

The New Press, 2019

**A BOOK REVIEW BY
MICHAEL E. JONES**

IN 1998, ONE OF AMERICA'S most distinguished and enduring defenders of civil and political rights, Martin Garbus, published his personal account of courtroom victories, *Tough Talk: How I Fought for Writers, Comics, Bigots, and the American Way*. With an unflinching belief in the robust freedoms enshrined in the Bill of Rights, he described his fearless work defending dissidents, satirists, actors, writers, and union organizers against those public officials seeking to suppress unpopular speech and controversial causes. The book provided a behind-the-scenes look at how our civil and criminal justice systems work, and reminded us that the fate of democracy depends on the willingness of advocates like Garbus to protect us against unwarranted government intrusion and suppression.

In *North of Havana*, Mr. Garbus ventures into familiar territory with a twist of international intrigue. This book shares the story of five Cuban counterintelligence officers—known publicly as the Cuban Five—who were arrested, charged, and convicted of crimes they allegedly didn't commit. The legal process was instigated by a politically-motivated federal government administration anxious to support the anti-Castro views of the greater Miami Cuban-American community. The dramatic account of what led to their convictions and subsequent release is told by Garbus based on his review of countless trial transcripts and previously unreleased Freedom of Information Act documents. As in



Tough Talk, its central message conveys how it is possible for courageous and committed lawyers—who in this case diligently fought for the freedom of the Cuban Five—to make a difference by “battling the arbitrary or wrongful exercise of power, particularly government power.”

Garbus is one of those rare writers whose passion for fairness, due process, and justice enhances his storytelling. While not quite as gripping as a John le Carré spy thriller, this carefully researched, deeply engaging, and straightforward book details Cuban plots against America alongside American plots against Cuba. Readers learn early that Fidel Castro sent these five men to infiltrate Cuban-American exile groups in Miami. Not long after their discovery and arrest, five-year-old Elián González—the sole survivor of an attempt by his mother to leave Cuba and come to America on a homemade raft—was the center of an international media and custody frenzy. Garbus believes this untimely event helped convict the Cuban Five. Eight years later, while the Cuban Five remained incarcerated in federal prison, a U.S. government subcontractor, Alan Gross, was arrested in Havana

and charged with illegal subversive activities. Gross's crime was helping to connect Cuba's Jewish community to the Internet.

“Finally, finally, the Cuban Five got lucky,” writes Garbus, who by that time had taken over representation of the most famous “pawn” of the Cuban Five, Gerardo Hernandez, after a close lawyer friend who had served as his counsel died. By 2014, two of the jailed Cuban Five had completed their prison terms and returned home to Cuba. Gross had by then served a third of his fifteen-year solitary confinement. Garbus describes in detail the circumstances that led to President Obama commuting the prison sentence of Hernandez, an orchestrated diplomatic gesture that nearly ended in disaster. Shortly thereafter, Hernandez and the remaining two Cuban codefendants were returned to Havana. Alan Gross was simultaneously released for “humanitarian reasons” by Raul Castro.

North of Havana is an absorbing book that manages to be fascinating, meaningful, and relevant. It is not a riveting courtroom drama, nor is it meant to be. Garbus is a crusader for justice. He understands there is a difference between courts rendering a judgement and justice. He shows us that “facts matter and truth matters,” and that politics often impede the quest for justice. One of the most compelling aspects of this book is newly discovered evidence of covert activities by the U.S. government working with the mainstream Miami press to influence the outcome of the Cuban Five trial. This shocking revelation strikes at the heart of America's values of fairness, impartiality, and integrity. It is a thought-provoking “insider” examination of a true story that will make many readers feel dismayed at the misuse of the criminal justice system, but also hopeful that wrongdoings can be overcome through vigilance, advocacy, and “tough talk”—and left with the impression that Garbus is not finished fighting for the vulnerable, the oppressed, and the outcast. ✎

MICHAEL E. JONES is a former judge, professor emeritus, Fulbright recipient, Santa Fe Institute external faculty member, author of numerous books on copyrights, celebrities and artists rights, and a visual artist who creates posters for the Olympic games.