

Guantanamo Bay; Memo to W: Finally we agree on something, by Jorge I. Domínguez

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TO: George W. Bush

FROM: Fidel Castro

I am writing to express my deep gratitude to you. Tears welled up in my eyes when I read how you defended yourself before the U.S. Supreme Court in the litigation regarding the incarceration and treatment of prisoners held in the U.S. Guantánamo Bay naval base, the longest-standing visible symbol of U.S. imperial aggression against Cuba. On your behalf, the Solicitor General of the United States argued that all of Guantánamo, including every square inch on which your base sits, is sovereign Cuban territory. I could not have written a better defense of the argument that every patriotic Cuban believes.

In *Shafiq Rasul et al. vs. George Bush* and in *Fawzi Khalid Abdullah Fahad al Odah et al. vs. United States of America*, your lawyers argued that U.S. courts lack jurisdiction to consider challenges to the detention of foreign nationals who were captured abroad in connection with operations in Afghanistan and are being detained at the Guantánamo base.

Why? Because under the pertinent 1901 and 1934 deals that the United States imposed on Cuba, the United States still "recognizes the continuance of the ultimate sovereignty of the Republic of Cuba" (Article III) over your base area. U.S. courts have no jurisdiction, your lawyers argue, because these foreign nationals are being detained outside sovereign U.S. territory.

Text in Spanish

The details of the case amaze me. Actual U.S. control over the base, the executive branch argues before the Supreme Court, does not in the least impair Cuba's legitimate claim of sovereignty over the base. I was also amazed to learn, in the words of the U.S. district court, that one of the issues not in dispute between the litigants is that "Guantánamo Bay is not part of the sovereign territory of the United States."

Moreover, I was ready to sing the national anthem when I discovered that your lawyers believe that the Spanish-language text of the original deal is more authoritative than the English text. Somewhat disingenuously, the Solicitor General states that the 1903 "Agreement was executed in both English and Spanish" and that these are two "authoritative texts."

I'm told that you were an excellent student of history at Yale College and thus you know that the key text was written in English and translated into Spanish. It's what we Cubans know as the Platt Amendment, the forerunner of the 1996 Helms-Burton Act. Indeed, until the 1920s, English was the controlling language whenever a dispute appeared between texts in the two languages. Only thereafter did Spanish-language texts become equally authoritative.

Thus I was surprised to read that your lawyers relied on the Spanish-language text to clarify a possible ambiguity in the English-language text. What does Cuba's "ultimate" sovereignty mean in the imposed so-called agreement? Your opponents claim that it means only "eventual" Cuban sovereignty.

Your vast knowledge of Spanish no doubt helped you to clue in your lawyers that the Spanish text says ``soberanía definitiva."

Cervantes' heart is beating faster because your brief next quotes the Diccionario Salamanca to make the point that this means that Cuban sovereignty over the base is not subject to change, now or ever. "Ultimate" should not be read as eventual but as basic and fundamental sovereignty.

Rumor reaches me that the U.S. State Department is not always in the loop when your White House makes decisions. Did Colin Powell know that history has been turned on its head and that henceforth we'll rely on the Spanish-language text whenever the English is ambiguous? I promise not to tell the French!

Wait, there is more. The Solicitor General's brief also asserts that the agreement text makes it clear that it is the executive branch's "understanding that the United States will not always [emphasis in original] occupy Guantánamo." This gives me an incentive to live much, much longer, for it means that Guantánamo one day will be Cuban in every respect.

Flying the Cuban flag

Dearest W, I'm touched, really moved. I knew deep in my heart that you and I are soul mates. We are both children of Don Quixote who love to tilt at windmills. We have ordered our governments to collaborate closely around the perimeter of your base in my Guantánamo because you do not want your prisoners to escape, and I do not want them roaming in the rest of Cuba either -- ah, that phrase has such a nice ring to it, affirming the unbroken continuity of a Cuban sovereignty, a soberanía definitiva, that surely includes Guantánamo.

By the way, one more little favor. Given that you believe that Guantánamo is already today under Cuban sovereignty, would you mind flying the Cuban flag high over the U.S. base, perhaps a bit higher than the Stars and Stripes?

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Jorge I. Domínguez, director of Harvard University's Weatherhead Center for International Affairs, inexplicably found this secret letter lying on his desk.