

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: CS/HM 43 Atrocities and Genocide in Cuba

SPONSOR(S): Rules Committee, Fabricio and others

TIED BILLS: **IDEN./SIM. BILLS:**

FINAL HOUSE FLOOR ACTION: N/A Y's N/A N's **GOVERNOR'S ACTION:** N/A

SUMMARY ANALYSIS

CS/HM 43 passed the House on February 9, 2022, as amended, and subsequently passed the Senate on March 3, 2022.

Spurred by a steep increase in COVID-19 cases, significant lack of medical care and supplies, scarce resources, and a weakened tourist economy, thousands of Cuban citizens took to the streets in protest of the government on July 11, 2021. The protesters displayed discontent with the current dictatorship and pleaded for access to food, water, medicine, and electricity.

Following the July 11, 2021, protests, Cuban President Miguel Diaz-Canel responded by explicitly making a call to combat urging his supporters to take back the streets. President Diaz-Canel and the Cuban government shut down internet access to quell communications and began a disinformation campaign to counter the reports of human suffering in Cuba. Hundreds of Cubans were arrested; some were quickly convicted in trials without defense representation. Reports of physical abuse of the detainees have sparked concern for the well-being of the Cuban people.

HM 43 identifies the continued plight of the Cuban people and highlights the current injustices being carried out by the Cuban government. The memorial shows the Florida Legislature's support for the Cuban people and urges the federal government to condemn the Cuban communist leadership, assist the people of Cuba, and formally request an emergency meeting of the United Nations Security Council to address the issues and obtain authorization for action.

Legislative memorials are not subject to the Governor's veto power and are not presented to the Governor for review. Memorials have no force of law, as they are mechanisms for formally petitioning the federal government to act on a particular subject.

This memorial does not have a fiscal impact on state or local governments.

The Memorial is not subject to the Governor's veto powers.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Background

United Nations

The United Nations (UN) was founded in 1945 and currently consists of 193 member states.¹ The UN is governed by the UN Charter, an international treaty binding all UN member states.² The United States and Cuba have been members of the UN since it was founded on October 24, 1945.

The UN Security Council is a council organized under the umbrella of the UN member states. The Security Council serves to maintain international peace and security and operates as the investigatory and enforcement mechanisms of the UN.³ Among other responsibilities, the Security Council has the power to investigate any dispute that may lead to international friction, determine the existence of a threat to peace or act of aggression, call on members to apply economic sanctions and other non-forcible measures to prevent or stop aggression, and take military action against an aggressor.⁴ The Security Council is made up of 15 member states, five of which are permanent members (China, France, Russia, the United Kingdom, and the United States of America) and ten of which are non-permanent members selected for two-year terms by the UN General Assembly.⁵

Article 54

Chapter 8 (Articles 52-54) of the UN Charter provides for regional arrangements or agencies to deal with matters relating to the maintenance of international peace and security if the following conditions are met:

- The arrangements and their activities are consistent with the Purposes and Principals of the UN Charter.
- The matter being dealt with is “local.”
- The matter is appropriate for regional action.
- The regional arrangement obtains authorization from the Security Council before taking action.
- The Security Council is kept fully informed of contemplated actions or actions taken (Article 54).⁶

Communism

¹ United Nations, *About Us*, <https://www.un.org/en/about-us> (last visited Mar. 7, 2022). A full list of the 193 member states can be found at <https://www.un.org/en/about-us/member-states>.

² United Nations, *United Nations Charter*, <https://www.un.org/en/about-us/un-charter> (last visited Mar. 7, 2022).

³ United Nations Security Council, *Functions and Powers*, <https://www.un.org/securitycouncil/content/functions-and-powers> (last visited Mar. 7, 2022).

⁴ *Id.*

⁵ United Nations Security Council, *Current Members*, <https://www.un.org/securitycouncil/content/current-members> (last visited Mar. 7, 2022).

⁶ The UN Security Council Handbook: A User's Guide to Practice and Procedure (2019), <https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/the-un-security-council-handbook-by-scr-1.pdf> (last visited Mar. 7, 2022).

Karl Marx proposed his ideology of Communism in his *Communist Manifesto* in 1848.⁷ Communism is a political ideology and form of government by which the state owns the major resources in a society, including property, production, education, agriculture, and transportation.⁸ Communism seeks to eliminate the class system through redistribution of income⁹ and envisions a world without private property; rather, all property is communally owned and each person receives a portion of the property based on what he or she needs.¹⁰ A strong central government controls all aspects of economic production and provides citizens with food, housing, health care, and education.¹¹

Authoritarian regimes throughout history have typically promised a utopian society in which the working class will enjoy unprecedented prosperity. However, authoritarian regimes have historically been correlated with massive poverty and repression.¹² Documented historical injustices of authoritarian regimes include mass murder, repression, deprivations of freedoms, loss of property, and criminalization of ordinary economic activity.¹³ Joseph Stalin and Vladimir Lenin (Soviet Union), Mao Zedong (China), and Fidel Castro (Cuba) are among the most notorious communist leaders.¹⁴

Communist governments currently exist in China, Cuba, North Korea, Vietnam, and Laos.¹⁵

Cuba

On January 1, 1959, Fidel Castro led an overthrow of the Batista regime and gained control of Cuba.¹⁶ On April 16, 1961, Cuba officially began the transition to a one-party communist system. Under Castro's leadership, Cuba engaged in military and economic relations with the Soviet Union.¹⁷ Following the collapse of the Soviet Union in 1991, the Cuban economy faltered; Soviet economic subsidies to Cuba ceased, and without Soviet support, Cuba fell into an economic crisis.¹⁸ As a result, Cuba's gross national product fell by nearly one-half by 1993, exports fell by 79%, and imports fell by 75%. The standard of living of the population also declined significantly.¹⁹ Castro ruled Cuba until July 31, 2006, when he shifted power to his brother, Raul Castro. In February of 2008, Fidel Castro officially relinquished the presidency to Raul Castro.²⁰ Raul Castro maintained the presidency until 2018, when Miguel Diaz-Canel succeeded him.

The United States and Cuba

⁷ Communism, <https://www.britannica.com/topic/communism> (last visited Mar. 7, 2022).

⁸ The University of North Carolina at Chapel Hill, Center for European Studies, *Communism: Karl Marx to Joseph Stalin*, <https://europe.unc.edu/iron-curtain/history/communism-karl-marx-to-joseph-stalin/> (last visited Mar. 7, 2022).

⁹ *Id.*
¹⁰ Sarah Pruitt, *How are Socialism and Communism Different?* (November 4, 2020), <https://www.history.com/news/socialism-communism-differences> (last visited Mar. 7, 2022).

¹¹ *Id.*
¹² Ilya Somin, *Lessons from a Century of Communism* (November 7, 2017), <https://www.washingtonpost.com/news/volokh-conspiracy/wp/2017/11/07/lessons-from-a-century-of-communism/> (last visited Mar. 7, 2022).

¹³ *Id.*
¹⁴ *Communism Timeline* (July 9, 2019), <https://www.history.com/topics/russia/communism-timeline> (last visited Mar. 7, 2022).

¹⁵ Sarah Pruitt, *How are Socialism and Communism Different?* (November 4, 2020), <https://www.history.com/news/socialism-communism-differences> (last visited Mar. 7, 2022).

¹⁶ *Communism Timeline* (July 9, 2019), <https://www.history.com/topics/russia/communism-timeline> (last visited Mar. 7, 2022).

¹⁷ *Fidel Castro Biography*, <https://www.biography.com/dictator/fidel-castro> (last visited Mar. 7, 2022).

¹⁸ One World Nations Online, *History of Cuba*, <https://www.nationsonline.org/oneworld/History/Cuba-history.htm> (last visited Mar. 7, 2022).

¹⁹ *Id.*
²⁰ *Fidel Castro Biography*, <https://www.biography.com/dictator/fidel-castro> (last visited Mar. 7, 2022).

The United States' long and strained history with Cuba dates back to Fidel Castro's overthrow of the U.S.-backed Cuban government.²¹ Following Fidel Castro's revolution, and in opposition to Cuba's strong relationship with the Soviet Union, the U.S. government began imposing economic penalties and instituted a ban on nearly all U.S. exports to Cuba.²² In 1961, President John F. Kennedy expanded the sanctions and export ban into a full economic embargo, which included strict travel restrictions into Cuba.²³

Following the Bay of Pigs invasion in 1962, President Kennedy demanded that the Soviet Union remove nuclear weapons from Cuba and ordered the Navy to impose a maritime quarantine of Cuba to prevent additional weapons from reaching the island.²⁴ In 1982, President Ronald Reagan labeled Cuba a state sponsor of terrorism due to its ties to international terrorism and support of terrorist groups in Latin America.²⁵

In more recent years, the United States has shown continued support for the embargo against and strict disapproval of Castro's Cuba. In 1992, President George H.W. Bush signed into law the Cuban Democracy Act of 1992, which stated²⁶ that Cuba had repeatedly demonstrated consistent disregard for internationally-accepted standards of human rights and democratic values.²⁷ The Act noted that the Cuban government restricted the Cuban people's freedoms of speech, press, assembly, and other rights recognized by the UN's Universal Declaration of Human Rights.²⁸ Showing continued support of the embargo between the U.S. and Cuba, President Bill Clinton signed the Cuban Liberty and Solidarity Act of 1996 into law.²⁹ On December 17, 2014, under President Barack Obama, trade restrictions and sanctions were lessened with Obama's Presidential Policy Directive on United States-Cuba Normalization.³⁰ However, President Donald Trump reversed President Obama's efforts and re-classified Cuba as a state sponsor of terrorism on January 11, 2021. President Trump cited Cuba's repeated provision of support for acts of international terrorism by harboring U.S. fugitives and Colombian rebel leaders as well as Cuba's support for Venezuelan President Nicolas Maduro.³¹

July 11, 2021 Protests

Spurred by a steep increase in COVID-19 cases, significant lack of medical care and supplies, scarce resources, and a weakened tourist economy, thousands of Cuban citizens took to the streets in protest of the government on July 11, 2021.³² The protesters displayed discontent with the current dictatorship and pleaded for access to food, water, medicine, and electricity. In response to the protests, hundreds were detained, and the police staked out the homes of participants and activists, sparking widespread fear.³³ President Diaz-Canel called on government supporters to take back the streets and explicitly

²¹ Council on Foreign Relations, U.S.-Cuba Relations (July 13, 2021), <https://www.cfr.org/background/usa-cuba-relations> (last visited Mar. 7, 2022).

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ Mark P. Sullivan, *CRS Report for Congress: Cuba and the State Sponsors of Terrorism List* (Updated May 13, 2005), <https://sgp.fas.org/crs/row/RL32251.pdf> (last visited Mar. 7, 2022).

²⁶ H.R.5323 - 102nd Congress (1991-1992): Cuban Democracy Act of 1992, H.R.5323, 102nd Cong. (1992), <https://www.congress.gov/bills/102nd-congress/house-bill/5323> (last visited Mar. 7, 2022).

²⁷ *Id.*

²⁸ *Id.*

²⁹ H.R.927 - 104th Congress (1995-1996): Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, H.R.927, 104th Cong. (1996), <https://www.congress.gov/bills/104th-congress/house-bill/927> (last visited Mar. 7, 2022).

³⁰ Presidential Policy Directive: United States-Cuba Normalization (October 14, 2016), <https://obamawhitehouse.archives.gov/the-press-office/2016/10/14/presidential-policy-directive-united-states-cuba-normalization> (last visited Mar. 7, 2022).

³¹ Matt Spetalnick, Trump Returns Cuba to U.S. List of State Sponsors of Terrorism (January 11, 2021), <https://www.reuters.com/article/us-usa-cuba-terrorism-list/trump-returns-cuba-to-u-s-list-of-state-sponsors-of-terrorism-idUSKBN29G1Y9> (last visited Mar. 7, 2022).

³² Lioman Lima, Cuba Protests: Three Key Issues That Explain the Rare Unrest (July 12, 2021), <https://www.bbc.com/news/world-latin-america-57802170> (last visited Mar. 7, 2022).

³³ Ernesto Londono and Daniel Politi, 'Terror': Crackdown After Protests in Cuba Sends a Chilling Message (July 28, 2021), <https://www.nytimes.com/2021/07/28/world/americas/cuba-protests-crackdown-arrests.html> (last visited Mar. 7, 2022); see also Human Rights Watch, Case Descriptions of Protestors Detained by the Cuban Government, July 2021 (Oct. 19, 2021),

issued a “call to combat.”³⁴ Protesters reported that the Cuban government had shut down internet access and electricity to citizens and sent police to beat and arrest protesters.³⁵

In a July 15, 2021 news release, Governor Ron Desantis, along with FCC Commissioner Brendan Carr, urged President Biden to assist the Cuban people by providing internet access. Governor Desantis stated that “we are seeing on the island of Cuba people fighting against a communist dictatorship...the one thing that communist regimes fear the most is truth, and if we are able to help Cubans communicate with one another and with the outside world, that truth is going to matter.”³⁶

Legislative Memorials

Legislative memorials are not subject to the Governor’s veto power and are not presented to the Governor for review. Memorials have no force of law, as they are mechanisms for formally petitioning the federal government to act on a particular subject.

Effect of the Memorial

The memorial identifies the Cuban government’s 62 years of communist dictatorship and highlights its continued repression of the Cuban people, violence and intimidation of its citizens, and historic participation in human trafficking, child labor, and terrorist activities. The memorial urges the President of the United States and Congress to address the atrocities taking place against the Cuban people by enacting Article 54 of the UN Charter and calling for an emergency meeting of the UN Security Council to address the situation in Cuba and to assist the Cuban people.

The memorial signals the Florida Legislature’s support of the Cuban people and requests the federal government to take action to stop the atrocities taking place in Cuba. Upon adoption by both chambers, copies of the memorial will be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

<https://www.hrw.org/video-photos/interactive/2021/10/19/case-descriptions-protestors-detained-cuban-government-july> (last visited Mar. 7, 2022).

³⁴ *Id.*
³⁵ NBC Miami, ‘We Need Intervention’: South Florida Leaders Call on US to Support Cuban Protesters (July 12, 2021), <https://www.nbcmiami.com/news/local/south-florida-leaders-call-on-federal-government-to-support-cuban-protesters/2493048/> (last visited Mar. 7, 2022).

³⁶ Letter from Ron Desantis, Governor of Florida, to Joseph Biden, President of the United States of America, RE: Internet Access for Cuba (July 14, 2021), <https://www.flgov.com/wp-content/uploads/2021/07/71421-Letter-to-POTUS.pdf> (last visited Mar. 7, 2022).

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.