
Retired U.S. Army Colonel Lawrence Wilkerson Sends Letter to Obama in Support of the Five

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His last position in government was chief of staff to Colin Powell at the U.S. Department of State (2002-2005). He served 31 years in the US Army (1966-1998).

November 5, 2014
President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President,

It is time to correct an injustice that is in your power to amend. This injustice mars majorly the American system of justice, the U.S. record on human rights and, as importantly, the lives of five men whose dedication to the security of their own country against terrorist attack should be admired and respected, not punished. No doubt you have heard of these men: Gerardo Hernández Nordelo, Ramón Labaniño Salazar, Antonio Guerrero Rodríguez, Fernando González Llort, and Rene González Schwerert. The world knows them as The Cuban Five.

Two of these men are today out of prison, two more might be out in the far future, and one might never see the dawn of a free day. This latter individual, Gerardo Hernández, I tried to visit-

unsuccessfully-in the maximum security prison in Victorville, California. Though I was unable to visit him, a true and trusted colleague who accompanied me, the late Saul Landau, was able to do so and reported to me that Gerardo remains as courageous and undaunted as ever yet still puzzled over the failure to act of what is supposed to be the world's greatest democracy.

The Cuban Five suffered a gross injustice when they were arrested in 1998. After their arrests they spent 17 months in solitary confinement. Their trial took place in Miami, Florida and in 2001 they were sentenced to long prison terms. At a legal minimum, the trial through which they suffered in Miami should have been moved to another location, as change-of-venue arguments alone were not only persuasive they were overwhelming, testified to amply when the appeals court in Atlanta, voting in a three-judge panel, supported a change of venue. Later, however, this decision was reversed when the political power of George W. Bush's administration-an administration in which I served-compelled the court, voting in its entirety to reconsider the three-judge panel's decision and vote differently; they ratified the sentences of two of them, and the case of the other three were sent back to the court in Miami for re-sentencing. The court recognized that the guide of sentencing were wrongly applied and as a result reduced their prison terms.

But there is more, much more. In fact, there is the now-indisputable fact that the five were not guilty of the substantive charges brought against them in the first place. The politics surrounding the trial were in the hands of hard-line Cuban-Americans in Florida, as well as in the US Congress. Without their blatant interference with the course of justice, the trial never would have taken place. Moreover, these people spent taxpayer dollars to enlist journalists in Miami to write condemnatory articles, to influence the jury pool for the trial, and to predispose public opinion to a guilty verdict. This trial was a political payoff to hard-line Cuban-Americans and every person in the United States and across the world who pays attention to these matters, knows it. Indeed, you know it, Mr. President. This kangaroo-court trial is a blemish on the very fabric of America's democracy. It sends a clear signal to all the world-who judge us not as we judge ourselves, by how we feel about issues, but by our deeds.

You, Mr. President, cannot erase this blemish; it has lingered too long and too many years have been stolen from these men's lives by it. But you can mitigate it, you can make it less formidable. And, vitally, you can clean the reputation of our justice system, and, in the case of Gerardo and the other two men still in prison, you can free them.

The United Nations Working Group on Arbitrary Detentions, in May of 2005, declared the imprisonment of the Cuban Five to be a violation of the International Covenant on Civil and Political Rights, placing the United States alongside some of the most heinous countries on earth. The Working Group requested that the U.S. take action to remedy the situation. You, Mr. President, can do just that.

Mr. President, you said that "we need to look forward as opposed to looking backwards." But in certain instances, that is wrong and you know it. Would you have us not look back to our Civil War? To the depredations of Black slavery that led to it? To the century-long economic slavery that followed that war? To the racism of our past-a racism that still plagues us today? I think not. And you should not deny the need to look back, review and reverse this mockery of a trial.

Take action, Mr. President. Release immediately the three remaining imprisoned members of the Cuban Five. Admit publicly the gross injustice done to all of them and elaborate the reasons. Apologize to the Cuban people and to our citizens and, most of all, to the Cuban Five and their

families. Listen to “the better angels of our nature” and put the United States back on the side of justice.

Very Respectfully,

Lawrence B. Wilkerson

Colonel, US Army (Retired)
