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The Mariel Refugee and the New York Criminal Court

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ABSTRACT: In the spring of 1980, the Mariel Boat Lift brought refugees from Communist Cuba to the shores of Florida. Most refugees came seeking political freedom, but many were sent by the Cuban Government directly from its prisons and mental institutions. Literal rejects of their own society, they arrived in this country and spent many months interned in refugee camps. As they moved out into local communities, their behavioral problems began to come to the attention of local authorities. This paper describes the "Marielitos" seen in the Forensic Psychiatry Clinic for the Criminal and Supreme Courts of New York between mid-1980 and mid-1985. It explores how their reactions to their new environment may be affected by their past psychiatric and criminal histories, their language barrier, and the stress of the emigration experience.

KEYWORDS: psychiatry, Mariel Boat Lift refugees, human behavior

In early 1980, dissatisfied with political and economic conditions under Fidel Castro's communist government, a group of Cuban citizens sought political asylum on the grounds of the Peruvian Embassy in Havana. By early April, with the Cuban Government refusing to guard the embassy gates, 10 000 men, women, and children had crowded onto the grounds. Once Castro announced that these "antisocial elements" were free to leave, at least 10 potential host countries in Europe and South and Central America, and including the United States, acted quickly to arrange for an airlift to transport the refugees to safety. Complications arose and the airlift was canceled by Cuba almost as soon as it began.

On 22 April, two small boats sailed from the coast of Florida to Cuba. They were not stopped by the Cuban Government, and returned to Florida with about 40 refugees on board. By 29 April, 3 weeks after the takeover of the Peruvian Embassy, the U.S. Coast Guard estimated that approximately 2500 to 3000 boats had left Florida for the port of Mariel, Cuba. Most were hired by Cuban-Americans to bring back friends and relatives. Over the next 5 months, the U.S. Government tried many techniques to halt what became known as the Mariel Boat Lift. Blockades, confiscation of boats, storms at sea, sunken ships, and lost lives made no difference. It was not until 27 September, 5 months after the first arrivals, that the Cuban Government unilaterally put an end to the boat lift by sending away all boats that remained in the Mariel Harbor. Approximately 125 000 refugees had been deposited on the shores of Key West, Florida [1].

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Between the summer of 1980 and the end of 1984, the Forensic Psychiatry Clinic for the Criminal and Supreme Courts of New York County received referrals for psychiatric evaluation on 54 men who had emigrated to the United States on the so-called Freedom Flotilla. Preliminary review of the data seemed to indicate that this group was suffering from stress related emotional disorders.

They had left a situation in which the deteriorating economy had created high unemployment, the political situation had become increasingly repressive, and any attempts at resistance had resulted in incarceration [2]. They had traveled to America under abysmal conditions, with overcrowding, shortages of food and water, bad weather, and considerable risk. Upon arrival they had been incarcerated for months in refugee camps, experienced frustration at delays in obtaining clearance for their release, poor living conditions (overcrowded, barracks-type residences), and lack of control over their situation. They also faced a language barrier, and citizens who resented their use of local resources. Given what is known about stress and its causes, it appeared that this was a population which had been subjected to a multitude of stress producing situations.

It further appeared that the emigres had responded to the stress around them in predictable ways [3]. Available information on the interviewed defendants indicated that they were aggressive (many charged with offenses against people), had problems with drug and alcohol abuse, tended to be self-destructive, were mostly unemployed, and had a history of psychiatric treatment in this country. That this was stress related was supported by the insistence by the Federal Government that they had screened out all career criminals and chronically mentally ill individuals and had kept them in custody, only allowing those Mariel refugees who could be productive members of society to enter the country [4].

On closer inspection of the case histories, the above assumptions turned out to be less than accurate. As will be seen from the data developed below, the Marielitos interviewed at the Forensic Psychiatry Clinic included just those groups which the Federal Government had supposedly screened out, and they have caused many of the kinds of problems which were predicted of them.

The first reports that Castro was emptying his jails and insane asylums on to the boats at Mariel came in May 1980. Boat captains told of being forced to load their vessels with prisoners. It was reported that boats were allowed to bring back only one family member, and that at least 70% of their passengers must be from among the mentally ill, the criminals, or undesirables waiting to leave Cuba. Initial Federal screening indicated that, throughout the summer, about 1% of the incoming population were suspected felons or psychiatric patients. By the time the boat lift ended, about 2000 refugees had been classified as "hardened criminals," mostly through their own admission. Of the total population, Federal officials claimed that about 20% (24 000) had come from Cuban jails, but that most of these were incarcerated for so called "antirevolutionary" offenses, crimes which were political in nature and not punishable here [4].

There is no dispute over the fact that there were some extremely dangerous individuals included on the boats. About 2000 Marielitos who were determined to be felons and hardened criminals never left Federal detention [5]. They remain incarcerated in Federal prisons, and as late as November 1985 the Senate approved the spending of \$7.1 million to establish a permanent Federal prison for criminals from Mariel [6]. Also unargued is the notion that jails in the United States are like rest homes compared with Cuban prisons. Marielitos here tend to dominate the jail population; they are considered to be among the most violent and the most vicious of all prison inmates.

Those refugees released into the community by the Federal Government quickly became part of what South Florida officials called a refugee crime wave. By September 1980, according to the *Atlantic Monthly* [7], U.S. jails held almost 1800 Cubans for crimes including murder, rape, armed assault, armed robbery, and sodomy. At least 400 were undergoing psychiatric evaluations. In October 1981, *New York Magazine* reported that there had been

438 arrests of Marielitos in New York City in the 18 months since the boat lift [8]. *U.S. News and World Report* presented the following data in January 1984 for the time from mid-1980 through 1983: in New York, 7000 arrests; in Miami, over 3200 Marielitos arrested for 14 000 crimes; in Las Vegas, 550 out of 3000 Mariel residents considered career criminals, and held responsible for 23 out of the last 100 homicides; in Los Angeles, 1 precinct arrested 183 refugees during an 8-month period in 1983 [4].

Turning to the more specific information on the refugees evaluated at the Forensic Psychiatry Clinic for the Criminal and Supreme Courts of New York for evaluation for competency to stand trial and presentence investigations, all 54 were male, and all required the use of a Spanish interpreter to complete the interview. Table 1 shows the ages of the defendants, both at the time of the interview and at the time of emigration in the summer of 1980. Over 70% were under the age of 30 (91% under 40) at the time they arrived in the United States. At the time of their psychiatric evaluations, 55% were under 30 (85% under 40). Three quarters of the evaluations were done while the defendants were incarcerated (Table 2); only 14 defendants were seen while out in the community on bail or on released-on-own-recognizance (ROR) status. Competency to stand trial examinations were done for 38 of the men; presentence probation evaluations were done for 25 of them (9 men had both types of evaluation).

Other available demographic data include education (Table 3), marital status (Table 4), and family background. These men were mostly uneducated, over 50% having less than the

TABLE 1—Age of defendant.

Age	Number (%) at Emigration	Number (%) at Evaluation
Under 20	10(18%)	3(5%)
20-29	29(54%)	27(50%)
30-39	10(18%)	16(30%)
40-49	4(7%)	6(11%)
Over 50	1(2%)	2(4%)
Total	54(100%)	54(100%)

TABLE 2—Status of defendant.

Type of Case	In Jail	On Bail
Competency case	23(43%)	6(11%)
Probation case	8(15%)	8(15%)
Both	9(17%)	0(0%)
Total	40(75%)	14(25%)

TABLE 3—Educational background.

Educational Level	Numbers (%)
No formal education	3(5%)
1-6 years	27(50%)
7-9 years	14(26%)
10-12 years	12(22%)
Over 12 years	1(2%)
No information	1(2%)
Total	54(100%)

TABLE 4—*Marital status.*

Marital Status	Number (%)
Single	36(67%)
Single; common law	10(18%)
Married	4(7%)
Divorced	6(11%)
Separated	8(15%)
Total	54(100%)

equivalent of a grammar school education and only 2% known to have finished the equivalent of our high schools. They were primarily single. Most (nine) of those who reported being either married or in common-law relationships had left their spouses and families behind in Cuba. In all, over 90% of the group had no ties of this type in the United States. Many had left children behind in Cuba—54% stated that they had fathered children at some time. The same proportion reported that they had not come from an intact home themselves.

Thirty out of fifty-four defendants provided reasons for joining the "Freedom Flotilla" (Table 5). These reasons should be viewed with the understanding that most of the men had been questioned many times before, by immigration officials and by medical and psychiatric personnel, and they knew the "right" answers. Still, 30% of the total population admitted that they had been sent to the boats directly from jails or mental hospitals (some from psychiatric facilities in jails).

Nearly half (48%) of the men interviewed reported a general medical problem in one of the following categories (Table 6): asthma or other respiratory functions (9%), reproductive (in-

TABLE 5—*Stated reason for emigration.*

Stated Reason	Whole Group (%)	Data Group (%)
Preferred U.S. politics	9(17%)	9(30%)
Sent from mental hospital	7(13%)	7(23%)
Sent from jail	9(17%)	9(30%)
Came with family	4(7%)	4(13%)
Problems in Cuban Army	1(2%)	1(3%)
No data	24(44%)	...
Total	54(100%)	30(100%)

TABLE 6—*General medical problems.*

Medical Problem	Number (%)
Asthma/respiratory	5(9%)
Reproductive (V.D., etc.)	6(11%)
Cardiac	2(4%)
Hepatitis	1(2%)
Hemorrhoids	2(4%)
Seizure disorder	2(4%)
Ulcer	1(2%)
Multiple	7(13%)
None reported	28(52%)
Total	54(100%)

cluding venereal disease) (11%), cardiac (4%), hepatitis (2%), seizure disorder (4%), hemorrhoids (4%), ulcers (1%), and multiple ailments (including those above and hypertension and diphtheria) (13%). This is consistent with reports from the refugee camps, where asthma and venereal disease were the two most common presenting complaints for the health services [9,10].

Data were available also on the self-reported incidence of alcohol and drug use and abuse (Table 7). Nearly one quarter of the refugees by their own admission were abusers of either alcohol, drugs, or both, even though substance abuse is a diagnostic category which classifies someone as ineligible for admission to this country (see below, in discussion of psychiatric diagnoses). Alcohol or drugs are often used by people in stressful situations as a means of either helping them to ignore the presence of the stress or making them feel they are more capable of controlling the situation [11]. They can modify a person's perception of the difficulties he faces so that he no longer recognizes the need to feel stressed. Out of 13 men who admitted to abusing either alcohol or drugs, 5 stated that this abuse had either begun or become exacerbated since they had entered the United States.

Self-destructive behavior is another indicator that a person is feeling the effects of stress [11]. In 40% of the cases reviewed, there was some indication of suicidal risk (Table 8). Closer examination of the records showed, however, that for many of these men their problems were of a long standing, deeply (and in most cases psychiatrically) rooted nature. The 13 men who had made unsuccessful suicide attempts all had lengthy histories of psychiatric treatment in Cuba, including contacts which began as early as childhood and adolescence, attempted suicides, and hospitalization with electroconvulsive therapy (ECT) and other forms of treatment. The one man who successfully committed suicide while in the custody of the N.Y.C. Department of Correction was not obviously predictable. He denied any history of treatment in Cuba, stated that he had no suicidal ideation, and although he said that he had been briefly hospitalized following an attempt to jump off the George Washington Bridge as a protest against nuclear war, was considered psychiatrically competent to proceed to trial when evaluated at the Forensic Psychiatry Clinic. Only 1 of the men reported suicidal ideation brought upon by the stress of his emigration. He denied that he had ever had psychi-

TABLE 7—*Alcohol and drug abuse.*

	Drugs	Alcohol	Both
Abuser	3(5%)	6(11%)	4(7%)
User	2(4%)	16(30%)	6(11%)
Denies	14(26%)
No data	3(5%)
Total	5(9%)	22(41%)	27(50%)
Total of both	54(100%)

TABLE 8—*Indication of suicide risk.*

Successful suicide	1(2%)
Attempts while incarcerated	8(15%)
By history of suicide attempts	5(9%)
Suicidal ideation	6(11%)
Per court order	2(4%)
No indication	32(59%)
Total	54(100%)

atric treatment, but stated that shortly after arriving in this country he had felt lonely and depressed and had thought about killing himself, but had taken no action.

The incidence of traumatic head injuries has been connected to mental illness. More than one third of the men in this group reported such traumatic head injuries, either as children or as adults (Table 9).

More than half of the emigres interviewed reported a history of psychiatric hospitalization in Cuba. Another 15% said that they had seen a psychiatrist or other therapist on an outpatient basis. In the short time they had been in this country, 35% had been hospitalized for psychiatric treatment (Table 10).

The regulations concerning the admission of emigrants to the United States were, in 1980, fairly clear on the concept of mental illness. After the boat lift, the U.S. Public Health Service convened medical boards to perform psychiatric evaluations of those individuals who had been certified as having a Class A psychiatric condition, which would preclude their admission to this country [12]. This meant that they were suffering from one of the following *Diagnostic and Statistical Manual of Mental Disorders (DSM III)* diagnoses: mental retardation, organic mental disorders, organic brain syndromes, schizophrenic disorders, paranoid disorders, psychotic disorders not elsewhere classified, affective disorders with psychotic features, antisocial personality disorders, paraphilia, substance abuse disorders.

Psychiatric diagnoses were obtained on 43 of the 54 men evaluated at the Forensic Psychiatry Clinic (Table 11). It is true that the listed psychiatric disorders might not be readily discernible at all times, or that some, such as the substance abuse disorders or paraphilia, might be transient and others such as paranoid disorders could be concealed from an interviewer. There were 11 men for whom no mental disorder was diagnosed. The most commonly found Axis I psychiatric diagnosis was atypical psychosis, with 14 of the men considered to be in this category. This was followed by adjustment disorders (7), schizophrenia (6), substance abuse (5), and depression and psychosexual disorders (2 each). There were 4 defendants with only Axis II Diagnosis, 1 each with a conduct disorder, mixed personality disorder, passive aggressive personality, and schizotypal personality. In addition, 8 defendants presented with both Axis I and Axis II diagnoses. Strict compliance with legal technical criteria would have prohibited 29 of these 54 men from entering the United States.

TABLE 9—Traumatic head injuries (34 [63%] had no history of head injury).

Resulting Symptomatology	Injury as a Child	Injury as an Adult
No symptoms	4(7%)	6(11%)
Headaches	2(4%)	3(5%)
Fainting/dizziness	1(2%)	0(0%)
Seizures	3(5%)	0(0%)
Memory loss	0(0%)	1(2%)
Total	10(18%)	10(18%)

TABLE 10—Psychiatric record.

	In Cuba	In United States
Outpatient	8(15%)	11(20%)
Inpatient	24(44%)	13(24%)
Both	6(11%)	6(11%)
None/unknown	16(30%)	24(44%)
Total	54(100%)	54(100%)

TABLE 11—*Psychiatric diagnosis.*^a

Axis I Diagnosis		Axis II Diagnosis	
Schizophrenia		Personality disorder	
paranoid type	1	antisocial	3
chronic type	5	mixed type	6
Depression		passive aggressive	1
major depressive episode	1	schizotypal	1
atypical depression	1	Conduct disorder	1
Paranoid disorders			
atypical	3		
Psychotic disorders			
atypical psychosis	14		
Substance use disorders			
cannabis	1		
alcohol, episodic	1		
mixed type	3		
Psychosexual disorder			
exhibitionism	1		
atypical paraphilia	1		
Adjustment disorder			
with depressed mood	2		
with anxiety	1		
with mixed emotional features	4		
No mental disorder			
no diagnosis/competent	9		
adult antisocial behavior	2		

^aEight defendants presented both Axis I and Axis II diagnoses:

- 3 atypical psychosis and antisocial personality disorder.
- 2 atypical psychosis and mixed personality disorder.
- 1 atypical depression and mixed personality disorder.
- 2 schizophrenia and mixed personality disorder.

Once they did enter this country, what became of them? As stated above, most of these men were poorly educated and had left their immediate families behind in Cuba. Although many had worked in Cuba, most found it difficult to secure employment in America. Table 12 shows the employment histories where known. Sixty percent were either on public assistance or not employed. Construction jobs, which had been plentiful in Cuba, are regulated by the unions in the United States, and work on the docks is also unionized here. Farm work is not a part of metropolitan living. The refugees found themselves competing with American citizens for jobs which were scarce to begin with. In many areas, the Marielitos were resented for trying to take jobs from local residents. Their language barrier further interfered with their ability to find work.

Many of the men, possibly as a result of the nature of the sponsorship program, found housing with friends or relatives (Table 13), but this was frequently only a temporary arrangement. Although 43% lived with friends, relatives or spouses immediately prior to arrest, 17% lived alone, and 15% were undomiciled.

Another mechanism which people use for dealing with stress is the technique known as displacement [11]. If the cause of stress can not be confronted directly, then aggressive behavior may be redirected toward a more vulnerable target. The most familiar example is the man who has a bad day at the office and comes home to take it out on his family.

When they came to the Forensic Psychiatry Clinic, the Marielitos had been charged for the most part with very serious crimes against other people (Table 14). Of the 54 men, 42% were charged with murder, attempted murder, or assault. Other offenses against individuals

TABLE 12—*Financial resources.*

Resource	Employment in Cuba	Income in United States
Public assistance	...	23(43%)
Not employed	...	9(17%)
Construction	16(30%)	0(0%)
Factory	6(11%)	3(5%)
Restaurant	0(0%)	3(5%)
Farm/field work	3(5%)	0(0%)
Stevedore/marine work	4(7%)	0(0%)
Mechanic	2(4%)	0(0%)
Odd jobs	0(0%)	4(7%)
Other	8(15%)	2(4%)
Unknown	15(28%)	10(18%)
Total	54(100%)	54(100%)

TABLE 13—*Prearrest residence.*

Alone	9(17%)
With spouse (including common law)	5(9%)
With relative	9(17%)
With friend	9(17%)
Undomiciled	8(15%)
Unknown	14(26%)
Total	54(100%)

TABLE 14—*Presenting criminal complaints.*

Criminal Complaint	Charged	Convicted
Assault/reckless endangerment	13(24%)	9(17%)
Attempted murder	5(9%)	2(4%)
Murder/manslaughter	5(9%)	4(7%)
Burglary/criminal trespass	7(13%)	4(7%)
Criminal mischief	1(2%)	1(2%)
Arson	2(4%)	1(2%)
Larceny	2(4%)	2(4%)
Robbery	5(9%)	5(9%)
Theft of services	3(5%)	1(2%)
Criminal possession/criminal sale of a controlled substance	1(2%)	2(4%)
Public lewdness	2(4%)	2(4%)
Criminal possession of a weapon	8(15%)	9(17%)
Unconvicted		12(22%)
pending	...	2(4%)
dismissed	...	3(5%)
dismissed: Article 730: not fit	...	2(4%)
sealed	...	3(5%)
parole revoked, warrant ordered	...	1(2%)
deceased	...	1(2%)
Total	54(100%)	54(100%)

made up an additional 27% of the charges, including robbery, public lewdness, criminal mischief, and theft of services. Most of the crime victims were strangers to the defendants (39% of all crimes). Friends and acquaintances made up an additional 22%, and peace officers another 7% (Table 15). In 68% of the cases, the Marielitos were convicted of the same crime with which they were originally charged (or of attempting to commit that crime). For the more serious offenses of murder/manslaughter, attempted murder, and assault, 14 out of 23 defendants were convicted as charged (Table 16).

Was this aggressive behavior stress related? Although most (76%) of the Marielitos denied ever having spent time in a Cuban prison, many of the men admitted to having a prior arrest record, both in Cuba (22 out of 54) and in the United States (31 out of 54) (Table 17). Their

TABLE 15—*Victim of crime.*

Target of Crime	Number (%) of perpetrators
Person	
stranger	21(39%)
acquaintance	9(17%)
friend	3(5%)
peace officer	4(7%)
Property	14(26%)
Unknown	3(5%)
Total	54(100%)

TABLE 16—*Serious offenses.*

	Charge Against Defendant		
	Assault	Attempted Murder	Murder/ Manslaughter
Convicted of:			
assault	8	1	0
attempted murder	0	2	0
murder/manslaughter	0	0	4
robbery	1	0	0
criminal possession of a weapon	0	2	0
Dismissed	2	0	0
Dismissed: not fit	1	0	0
Sealed	0	0	1
Parole revoked, warrant ordered	1	1	0
Total	13	5	5

TABLE 17—*Criminal history: prior arrest record.*

	In Cuba	In United States
No prior arrests/record denied	19	15
Unknown	13	8
One prior arrest	17(77%)	11(35%)
2-5 priors	4(18%)	15(48%)
Over 5 priors	1(5%)	5(16%)
Total	22(100%)	31(100%)

TABLE 18—*Sentences imposed.*

Probation	8(15%)
Time served	2(4%)
Imprisonment	
less than 1 year	8(15%)
1 year	3(5%)
1-3 years	3(5%)
1½-4½ years	5(9%)
2 years	1(2%)
3-9 years	1(2%)
5-15 years	6(11%)
8-24 years	1(2%)
15 years to life	1(2%)
Discharged	1(2%)
Dismissed	5(9%)
Pending	4(7%)
Unknown	4(7%)
Deceased	1(2%)
Total	54(100%)

denial of prior incarceration may be related to their being accustomed to denying any connection to the Cuban prison system in interviews with immigration officials so as to not damage their chances to enter this country. Most Marielitos declared steadfastly that if they had been arrested at all in Cuba, it had been as a political prisoner, and not for any criminal behavior.

Sentences imposed by the Courts were severe (Table 18). Approximately 54% were sentenced to imprisonment, with terms ranging from less than 1 year to 15 years to life. Only 15% of the refugees were granted probation, and in only 5 cases were the charges dismissed (some of these because the defendant was not competent to stand trial). The modal sentence (15%) was less than 1 year, and the median term was 1½ to 4½ years. However, 8 defendants (15%) were sentenced to terms of more than 5 years in jail.

In the final analysis, it appears that the stress of the Freedom Flotilla was not the only factor influencing the Mariel refugees interviewed at the Forensic Psychiatry Clinic. Early histories of psychiatric illness, criminal behavior, economic and social hardships, family difficulties, and poor educational background may have combined to produce a group who were less capable of coping with the transition to a new life. Many had not asked to be put on the boats to begin with. If they had, it was because they had an image of America as a land of prosperity and democracy. The realities they faced on arriving included physical hardship, emotional tension, economic difficulties, and restriction of freedoms. They may have reverted to familiar behavior patterns as a way of alleviating the stress which they were feeling in their new environment. In this way, they fulfilled the worst expectations of local authorities and became the "bandidos" we expected them to be.

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