

# Clash looms on titles to properties in Cuba

Some Cuban Americans are contemplating the possibility of reclaiming their properties and their heritage when or if it is ever possible to return to Cuba.

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PHOTO COURTESY JOSE PANEDA

HOME SWEET... HUH?: Jose Paneda, a Cuban-American in Miami, hopes someday to reclaim this family home in the Vedado neighborhood of Havana. The building currently houses the National Center for Sex Education, run by Raul Castro's daughter, Mariela.

Lourdes Sampedro Pañeda remembers the grand marble entrance, the tiled interior courtyard with splashing fountain and the gracious staircase of her beloved childhood home in Vedado, an upscale section of Havana.

Sampedro Pañeda's sister, a nun, had an opportunity to see the old Havana homestead a few years ago. The marble had been stripped, not a tile was left in the courtyard, but the emotional draw remained -- even if the faded mansion now goes by a new name: the National Center for Sex Education, an institute run by Raúl Castro's daughter, Mariela.

"If a family was living in there, I would be reluctant, but belonging to the government? I want it back," Sampedro Pañeda said. "Five girls and one boy -- we were all born in that house that was [built] by my grandfather. It should be in the family, not as much for the value as for sentimental reasons."

As Cuban Americans dig up decades-old plans to file property claims, expecting a power shift in their homeland to lead to democracy once Fidel and Raúl Castro are gone, Sampedro Pañeda's family members may be better off than most. They have a thick sheaf of papers brought secretly out of Cuba that they say details their ownership of the property, before Fidel Castro. That's exactly the sort of proof that helped establish claims in Eastern European countries after communist regimes failed.

## BUSH'S VIEW ON CUBA

President Bush fired a warning shot at exiles recently when he outlined his view of Cuba's future. He said Cubans on the island must be allowed to determine their own form of government, "then Cuban Americans can take an interest in that country and redress the issues of property confiscation."

His remarks came shortly after the administration's Commission for Assistance to a Free Cuba issued a report in July, warning that "no issue will be more fraught with difficulty and complexity . . . than the status of property rights and confiscated properties."

Raúl Castro's assumption of provisional power may not be the broad opening for democracy that Cuban Americans are looking for, but for many families, it reinforces the feeling that it's time to reconsider -- and reconfigure -- plans laid decades ago.

"Whether it's five months or five years, the beginning of the end is here," said Nicolas Gutiérrez, a Miami attorney who says a quarter to a third of his practice is now devoted to property reclamation issues. "I have original owners, mostly in their 70s and 80s, and lately children and grandchildren are becoming more involved."

Gutiérrez said his older clients still want to go back, "although with age and health, that becomes less likely," he said. "And the newer generations, they see themselves as the ones who will help rebuild Cuba. . . . It'll be a lot of work for lawyers at some point."

The scion of a Cuban sugar mill family, Gutiérrez is now president of the National Association of Sugar Mill Owners of Cuba and has been setting up limited-liability corporations for families that hope to pursue claims in the event of a new, democratic Cuban government. The corporations would shield the family assets in the case of a court dispute, he said.

Starting in the early 1960s, Castro expropriated property worth millions of dollars from U.S. companies and the Cuban people -- assets estimated to be worth in the billions. American citizens and companies were able to file claims with the Foreign Claims Settlement Commission. The claims remain unsettled.

The United States responded with a trade embargo and in 1996 followed with the Helms-Burton Act, which tightened the embargo, seeking to punish those who do business with the communist regime.

But none of that has helped Cuban Americans reclaim ancestral homes or family businesses taken from them by the Castro regime. For them, time has added complexity to an issue that once seemed as simple as plain theft. The island's population has increased, and many homes have been subdivided into apartments where people have now lived for years. Most homes have fallen into expensive disrepair, commercial buildings have been torn down and land has gone fallow.

Wary of their image on the island, many Cuban-American leaders have been choosing their words carefully, saying over and over that they do not want to put Cubans out on the streets.

#### **'KNOW WHAT IT'S LIKE'**

In a "statement to the Cuban people," the Cuban American National Foundation says it is "vehemently opposed to any intent to displace Cuban families from their homes or parcels of land in which they reside or work," proposing to transfer title to those already living in the homes.

Added Ninoska Pérez Castellón, a Miami Cuban radio host and spokeswoman for the conservative Cuban Liberty Council: "I know what it's like to lose what you have, and I wouldn't want that for anyone else. . . . And if people go back, they're going back to claim -- what? They've probably done better for themselves here, 10 times over."

To Carlos Saladrigas, who leads the moderate Cuba Study Group in Miami, the debate is best framed in terms everyone can understand.

"I believe the fear of losing a home is one of the biggest fears, and it can slow down change," Saladrigas said. "This is not a time to be pressing these claims. Most likely, the old houses we remember might be a little smaller than we thought they were. But the really important thing is that the Cuban people have

suffered greatly, and we have to make sure that change is not going to bring more suffering to them but actually bring relief."

Some Cuban Americans, especially the younger generations, don't care to reclaim property after so much time, particularly if it penalizes those who remained.

"Most of the people I talk to aren't interested in putting people out on the streets when they've been living in a home for decades," said Tania Mastrapa, who began a Miami-based firm, Mastrapa Consultants, to help people prepare for restitution claims. "In those cases, they may be more interested in some sort of compensation with money or other land. But there's no way every single person will be happy with the outcome."

The trick, she said, will be finding "a balance between economics and justice."

Mastrapa, a Cuban American whose family lost property to the Castro regime, favors restitution efforts in part because she sees them as a healing process.

"It's not necessarily motivated by greed," she said. "Many people pursue claims out of a sense of familial duty. I know my grandfather taught me everything about the old family farm and cattle ranching."

## **RECLAIMING A LEGACY**

Isabel Blanco, a Cuban American born and raised in the United States, grew up intimately familiar with the details of her family's interrupted life in Cuba: the escape through Mexico in the early 1960s; the pharmaceutical company taken over by the government; the assets frozen; and how her mother, stopped at the airport, had to "donate" her coat to the Cuban revolution.

"I've heard that coat story at least a hundred times," Blanco said.

But her father died 10 years ago at 81, leaving her and her brother feeling a new responsibility to pursue some sort of claim in Cuba if the time were right.

"It was pretty much assumed that we were going to get our property back or get some kind of restitution," she said. "It was an unspoken assumption that we would do it if he was gone."

A single mother of two girls who works as a financial analyst, Blanco sees a future Cuba through a lens of both business and culture.

"Maybe they can structure a deal where people get a condo on the beach in exchange for land, or some other type of exchange," she said. "I wouldn't want to kick anyone out. I'd like to see an arrangement where there's peaceful coexistence. And I'd like to offer my services to help carry out the dream of my parents' generation."

But for many older exiles, the dream is still alive, with a few minor modifications.

Arturo J. Riera, president of the Association of Cattlemen of Cuba, said he would return to the island at age 67 -- but keep his house in Miami, too.

"If there was any possibility I could help, I would," he said.

“My great-grandfather and my great-great-grandfather died fighting the Spaniards. We had 6,600 acres stolen from us. We would like the chance to work that land, help rebuild Cuba.

“So, I would do it not just for economic reasons but for patriotism. . . . I am Cuban by chance and American by choice.”