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# THE MARIEL CUBAN PROBLEM

## EXECUTIVE SUMMARY

In 1980, the largest Cuban migration to the United States took place between the months of April and October. These Cuban immigrants have come to be known as the "Mariel" Cubans. Among the Mariel refugees who entered the United States were a relatively small proportion of prisoners, ex-prisoners, and individuals with psychiatric histories.

In New York State, the "Mariels" comprised almost two-thirds of the Cuban-born inmates under the custody of the Department of Correctional Services (DOCS) on December 31, 1990. Despite their notoriety, there are no comprehensive sources regarding the "Mariels". The purpose of this report is to provide background information regarding the origin of the Mariel migration and the reasons why the "Mariels" are viewed as being somehow different from other Cuban-born inmates.

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# INTRODUCTION

In 1980, the largest Cuban migration to the United States took place between the months of April and October. These Cuban immigrants have come to be known as the "Mariel" Cubans. Among the Mariel refugees who entered the United States was a relatively small proportion of prisoners, ex-prisoners, and mental patients. This refugee subgroup has been the source of a public policy dilemma from the time of their arrival.

On December 31, 1990, there were 633 inmates under the Department's custody who claimed Cuban birth. Four hundred-two (402) of those Cuban inmates (or 64 percent) had been verified as Mariel Cubans by the United States Immigration and Naturalization Service (INS). According to Bureau of Justice statistics, the New York State prison system has more Mariel Cubans under custody than any other state with the exception of Florida (Bureau of Justice Statistics, 1991).

Since there is such a large proportion of Mariel Cubans in the New York State Cuban-born prison population, it is important to document their history in the United States and to explain why they have come to be viewed as somehow different from their non-Mariel Cuban-born counterparts. This report is designed to be an information paper that describes the origin and nature of the Mariel problem. Therefore, the report is general in nature and provides a descriptive analysis of the Mariels experience at the national, as opposed to the state level.

# CUBAN MIGRATION TO THE UNITED STATES

Cuban migration to the United States is a relatively recent phenomenon, essentially beginning with Fidel Castro's rise to power in 1959 (Portes and Bach, 1985). Immediately following the Revolution, supporters of the former government sought and were granted political asylum in America. They viewed their presence in America as a temporary exile while they developed support for a re-taking of Cuba. After the ill-fated Bay of Pigs invasion in 1962, the Cuban presence in America took on a permanent nature (Clark, 1975).

Since 1959, Cuban migration to the United States has taken place in several waves. The United States government welcomed these new immigrants and established a Cuban refugee center in Miami, Florida to assist the new arrivals with the formalities of immigration processing and provided financial as well as other support services. Although these Cuban immigrants were not formally defined as such, they were generally viewed as political refugees thereby justifying the development of the processing and financial support structures (Pedraza-Bailey, 1985; Boswell and Curtis, 1984).

As a result of government policies at the federal, state, and local levels, a fairly cohesive Cuban-American community emerged that served as a support group for newly arriving Cuban immigrants. Moreover, in each of the migration waves preceding the Mariel Exodus, the American Government assumed a proactive role in the development of orderly transportation and processing procedures with the Cuban Government. In sum, prior to the Mariel Exodus, Cuban migration to the United States was supported by a formal policy of the American Government that provided both financial and resettlement assistance (Pedraza-Bailey, 1985).

The resettlement experiences of the Mariel Cubans, however, was not as positive as were the experiences of previous Cuban immigrants. Problems of sponsorship, employment, and an unstable political relationship between the Cuban and American governments plagued the Mariels from the beginning

(DiMarzio, 1988; Portes, Clark, and Manning, 1985). The financial and resettlement assistance that had been a long standing policy of the American Government was simply not as strong as it was for earlier Cuban immigrants (Portes and Stepick, 1985).

This lack of public policy support was partially the result of an economic recession which had two effects. First, it decreased public support for allowing large numbers of immigrants into the country (Bach, 1980). Second, the faltering economy served to link the economic support for Cuban immigrants with the need to provide support for other immigrant groups. The amount of financial resources required for such an effort was considered to be prohibitive (Clark, Lasaga, and Reque, 1981).

Another problem unique to the Mariel migration was that a small proportion of the Mariel group consisted of persons with histories of criminal convictions and mental illness. It was this sub-group of Mariels that received a considerable amount of attention in the popular media and presented a social control dilemma for the United States (Hunt, 1980; Note, 1981).

The social control problem created by the criminal and mentally ill Mariels was how to balance individual liberty interests with the government's duty to protect the community. The problem arose because government options were limited by circumstances over which it either had no control or had lost control (Boswell and Curtis, 1984).

Under normal conditions, the problem could have been avoided in two ways. First, under U.S. Immigration Law, criminals and the mentally ill are defined as excludable aliens, and would not be granted visas allowing them to legally enter the United States. They would have been screened in Cuba and most likely denied permission to come to America (Carliner, 1977). In the Mariel Exodus, however, the American Government was unable to screen the immigrants prior to departure from Cuba. Second, had criminals and the mentally ill illegally entered the United States, they probably would have been deported back to Cuba upon apprehension by the U.S. Immigration and Naturalization Service following an administrative review (Carliner, 1977). This was not an option during the Mariel Exodus because a repatriation agreement with Cuba did not exist that would allow for the return of the criminals and mentally ill.

Therefore, the criminals and mentally ill who entered during the Mariel migration would remain in America until a repatriation agreement could be signed with Cuba. Given that relations between the United States and Cuba were unstable, it was unlikely that a repatriation agreement would be signed anytime soon.

Consequently, the American Government had to decide what to do with a potentially dangerous group of individuals. Incarceration was the option that was chosen because it would effectively neutralize their threat to society, and protect the safety interests of the community (Federal Bureau of Prisons, 1988). Because these individuals had not been convicted of a crime in the United States, their incarceration was civil in nature, and amounted to preventive detention. Moreover, because repatriation was an unlikely option for the forseeable future, the duration of incarceration of these Mariels was indefinite (Klimko, 1986; DiMarzio, 1988).

## THE DEVELOPMENT OF POLITICAL AND ECONOMIC CONSTRAINTS

To better understand the problem facing the American Government, it is useful to examine both the origins of the migration and the number of refugees involved in the flotilla. The political nature of the migration coupled with the size and composition of the migration placed constraints on the ability of the American Government's ability to control the situation and strained the social control mechanisms designed to deal with immigration matters.

## THE ORIGINS OF THE MARIEL MIGRATION

The Mariel Exodus began simply enough when a small group of Cubans seeking political asylum drove a bus through the main gate of the Peruvian Embassy in Havana, Cuba on March 28, 1980 (Nichols, 1982). During the process of forced entry through the Embassy gate, Cuban guards stationed outside of the Embassy opened fire on the bus. One of the bullets ricocheted off of the bus and killed a soldier. The Cuban government asked the Peruvian Embassy to extradite the gate crashing Cubans so they could be prosecuted. Instead, the Peruvians granted the refugees political asylum, thereby infuriating the Castro regime (Clark, Lasaga, and Reque, 1981).

In response, suspecting that as many as a few hundred additional dissidents would also seek political asylum at the Peruvian Embassy if given the chance, the Cuban Government publicly announced the withdrawal of its military guard from the front of the Embassy. This action was designed to overcrowd the Embassy compound thereby creating severe logistical problems for the Embassy (e.g., food, water, sanitation, etc.) and publicly embarrassing the Peruvians (Fernandez and Narvaez, 1987).

However, the Castro government grossly underestimated the number of people that would take advantage of the situation at the Peruvian Embassy. Within twenty-four hours, approximately 11,000 Cubans had entered the compound and requested asylum. Consequently, rather than placing the Peruvian government in an embarrassing position, Castro unwittingly placed himself in the unenviable position of exposing to the world, the extent of political and economic dissatisfaction that existed in Cuba (Clark, Lasaga, and Reque, 1981).

Castro's immediate reaction was to label the would-be exiles taking refuge in the Peruvian Embassy as social scum that Cuba would be happy to get rid of (Azicri, 1981-1982). Despite initial stalling by the Cuban Government, international pressure forced Castro to allow the departure of the 11,000 asylees. Contrary to Castro's assertions, most of the asylees were actually working class people, not socioeconomic marginals (Bach, Bach, and Triplett, 1981-1982).

This presented another potentially embarrassing situation for Castro. When these asylees actually arrived in other Latin American countries, it would become apparent that they were not social misfits at all. Rather, they were precisely the people that the Cuban Revolution was supposed to help. Therefore, in an effort to redirect world attention, Castro offered Cuban-Americans an opportunity to come to Cuba and pick up their relatives (Boswell and Curtis, 1984).

The point of departure for Cubans wishing to leave for the United States was a small port about 20 miles west of Havana called Mariel. It is from this port that the Mariel Exodus derived its name. Unlike prior waves of Cuban migration to the United States, the Mariel Exodus was not coordinated between the Cuban and American governments (Pedraza-Bailey, 1985). Rather, large numbers of Cuban-Americans bought, rented, and hired boats to make the trip to Mariel in an effort to pick up their relatives. This was not done with the approval or support of the American Government which meant that Cuban-Americans were risking criminal prosecution by bringing illegal aliens into the United States (Hunt, 1980).

Therefore, contrary to formal diplomatic procedure, the individuals leaving Cuba had not been interviewed by U.S. State Department personnel prior to their departure, nor were they granted entry visas that would allow them to legally enter the United States (Bach, 1980; Bach, Bach, and Triplett, 1981-1982). Normally, the investigations conducted as part of the visa granting process are an initial step in determining whether potential immigrants and refugees are admissible under the U.S. Immigration Law. The departure

from standard procedure meant that persons who might normally be denied permission to enter the United States could not be investigated until they arrived in America (U.S. Immigration and Naturalization Service, 1987; Steel, 1985).

Castro used this opportunity to rid Cuba of its anti-social elements and social burdens. He included in the boatlift, individuals who had served or were serving prison terms (for either political or criminal offenses), individuals who had histories of mental illness, and according to some reports even lepers (Boswell and Curtis, 1984; Pedraza-Bailey, 1985). Consequently, it was not uncommon for Cuban-Americans to be forced to take prisoners, or the mentally or physically ill in their boats as a condition for being allowed to take the relatives they initially came to retrieve (Clark, Lasaga, and Reque, 1981).

It is clear then, that the political maneuvers of the Cuban Government precluded any United States involvement in screening potential immigrants, resulting in the inclusion of individuals who would likely have been excluded under normal processing conditions. In addition, events proceeded so rapidly that the American Government was unaware of the size or composition of the flotilla. Therefore, the need for alternate screening and processing strategies was not known until the Mariels began to arrive in southern Florida (Bach, 1980).

## THE SIZE AND COMPOSITION OF THE MIGRATION

Between the months of April and October 1980, an estimated 124,779 Cubans entered the United States as part of the Mariel Exodus. Official Department of State statistics indicate that the number of monthly arrivals were as follows: April - 7,655; May - 86,488; June - 20,800; July - 2,629; August - 3,939; September - 3,258; and October - 10 (Clark, Lasaga, and Reque, 1981).

To put these figures in perspective, it has been estimated that approximately one percent of the total Cuban population fled Cuba via the Mariel boatlift (Boswell and Curtis, 1984). Moreover, the largest Cuban migration prior to the Mariel Exodus occurred in 1962, when the annual migration was estimated to have been 73,632 people (Clark, Lasaga, and Reque, 1981). Therefore, during the month of May, 1980, more Cuban immigrants entered the United Sates than in any preceding year (Portes, Clark, and Manning, 1985).

The size of this migration had serious economic implications for the United States Government. For example, one of the first policy dilemma's facing the Carter administration at the early stages of the boatlift concerned the immigration status of the immigrants. Since they had not been pre-inspected by the U.S. State Department and no visas had been granted, the Cubans could not legally enter the United States. If they did enter the United States under these conditions, then their legal status would be that of illegal alien and they would all be subject to deportation (Steel, 1985; Fragomen, Del Rey, and Bell, 1989).

The legal status of the Cuban immigrants, therefore, became a difficult political question. One option was to avoid the problem all together and turn them away upon arrival; not permitting them to enter the United States. In fact, this was the intended effect of the naval blockade ordered by President Carter. However, since they could not return to Cuba, and no other country offered to accept them, turning them away in their overcrowded boats was a potential death sentence. For this reason, and because the United States Coast Guard was informally assisting flotilla boats in distress, the blockade option was dropped (Clark, Lasaga, and Reque, 1981).

On the other hand, if President Carter chose to classify the Cubans as refugees under the 1980 Refugee Act (i.e., immigrants seeking political asylum as opposed to economic opportunity), then the Cubans would be entitled to financial refugee assistance from the federal government (Peterson, 1984). Un-

fortunately, the American Government felt that assigning the refugee classification would be a dangerous precedent to set given the size of the migration. Simply stated, the federal government didn't want to encourage other large scale migrations from additional countries (Bach, 1980).

The refugee classification also seemed like a dangerous precedent to set for another reason. The country was still suffering the effects of a recession and public support for the provision of economic assistance to immigrants was weak at best (Bach, Bach, and Triplett, 1981-1982). In addition, boatloads of Haitian immigrants had also been arriving in southern Florida around this time (Note, 1981; Portes, and Stepick, 1985). On the one hand, granting refugee status to one group and not the other would be difficult to justify. On the other hand, the Federal Government appeared to be unwilling to commit itself to the economic responsibility that would result from proclaiming either or both of the groups as refugees. Therefore, economic constraints influenced the political decision to classify the Mariels as parolees as opposed to refugees (Bach, 1980; Violet, 1990).

Under U.S. Immigration Law, the parole status is only a temporary admission status granted to aliens who appear to be inadmissible (U.S. Immigration and Naturalization Service, 1987). This was not, however, the first time that the parole status was applied to Cuban immigrants. Between 1959 and 1974 approximately two-thirds of the 640,237 Cuban immigrants who entered the United States did so under the parole status (Clark, 1975). Therefore, given this precedent and the successful adjustment of previous Cuban immigrants, the assignment of the parole status did not in itself constitute differential treatment of the Mariels relative to previous Cuban immigrants (Bach, 1980). However, the parole status decision was a product of a crisis management approach. The effect of the decision was economic, and it was the failure of the Federal Government to accept economic responsibility as it did for previous Cuban immigrants that represented differential treatment of the Mariels relative to the treatment accorded to earlier immigrants (Pedraza-Bailey, 1981-1982).

Also, before the size of the flotilla was known, existing support organizations assumed responsibility for assisting in the processing and settling of the immigrants. For example, the initial group of Cuban exiles arriving in southern Florida from the port of Mariel were assisted by local government agencies (Dade County and the cities of Miami and Hialeah), volunteers from the Cuban-American community, the Federal Cuban Refugee Center, and other volunteer agencies (Clark, Lasaga, and Reque, 1981). The Cuban Refugee Emergency Center in Coral Gables, Florida registered approximately 2,000 of the first Mariel Cubans to reach the United States. Many of the 2,000 refugees had been involved in the incident at the Peruvian Embassy (Bach, 1980; Bach, Bach, and Triplett, 1981-1982). Had the size of the flotilla been in the thousands rather than exceeding one hundred thousand, these processing procedures would have probably sufficed.

However, in May 1980, as the magnitude of the boatlift was becoming apparent, the Federal government took over the operation of refugee reception. The agency which was given the task of directing the flow of incoming refugees was the Federal Emergency Management Agency (FEMA). Under FEMA's direction, arriving Mariels were detained in newly established processing centers. The purpose of this administrative detention was to screen, interview, and register the Cubans and then place them with willing sponsors in the community (Clark, Lasaga, and Reque, 1981).

Most of the refugees were admitted into the United States following a brief detention and initial screening in government processing camps. However, there was a group of hard-to-sponsor Mariels whose detention was more long-term (Fernandez, 1984). In addition, the U.S. Immigration and Naturalization Service refused to admit approximately two-thousand Mariels, deeming them unfit due to mental illness or criminal records (Washington Crime News Services, 1988a).

This number was probably an underestimate for two reasons. First, the screening questions posed by INS relied upon self-report data, and the veracity of the responses of the criminals and mentally ill is questionable (Nichols, 1982). Second, serious crimes were reportedly committed by Mariels already released into American communities. On the basis of these reports a contrasting estimate offered by some placed the number of criminals at 5,000 (Boswell and Curtis, 1984).

Further support for the allegation that the number of criminals involved in the Mariel Exodus was underestimated by federal officials are estimates of the number of Mariels under custody in state prison facilities. For example, in February 1983, the state of Florida had reported that there were 281 Mariel Cubans incarcerated in the Florida Department of Corrections and 1,079 Mariels under state probation supervision in Dade and Broward counties (Florida Department of Corrections, 1983). By federal fiscal year 1990, there were 710 Mariel Cubans incarcerated in Florida's State Department of Corrections (Bureau of Justice Assistance, 1990).

In addition, on a national level, recent figures indicate that for federal fiscal year 1988-1989 there were 2,358 INS verified Mariel Cubans in state correctional facilities across the United States. In federal fiscal year 1989-1990, the number was 2,483 (Bureau of Justice Assistance, 1990), and in federal fiscal year 1990-1991, the number had risen to 2,560 (Bureau of Justice Assistance, 1991). While it must be noted that the state and federal figures regarding criminal Mariels do not cover exactly the same time periods, the sum of these two numbers (2,560 + 2,000) is more than twice the number of Mariels (2,000) originally denied admission to the United States.

The actual number of criminals included in the Mariel migration, therefore, ranged between one and one-half and four percent of all Mariels entering the United States (Fernandez, 1981-1982). While this percentage was relatively small, it must be remembered that this population sub-group required a greater amount of processing resources than non-criminals because of the potential threat they posed to the community (Washington Crime News Services, 1988c). Also, if one focuses on the raw numbers, it would take three to four large (e.g., 1,500 bed) prison facilities to incarcerate 5,000 criminals without overcrowding each facility. Consequently, a strategy for dealing with this unique sub-group had to be developed.

## POLITICAL AND ECONOMIC PRESSURES AND THE RISE OF CRISIS MANAGEMENT

The discussion to this point has shown that the inability of the United States Government to control the size and composition of the Mariel migration led to the collapse of established processing procedures. The magnitude of the flotilla gave rise to the decision to use short-term administrative (preventive) detention to facilitate the screening, interviewing, registering, and community placement of the Mariels. In addition, approximately 2,000 Mariels were identified as either criminals or mentally ill and were to remain in federal custody indefinitely.

Normally, immigrants subject to preventive detention are placed in INS detention centers. However, INS detention centers are not typically designed to handle either large numbers of detainees, or high security risk detainees. Since both of these attributes were characteristics of the deportable Mariels the use of federal correctional facilities was made necessary. Therefore, even though the Mariel detention was civil in nature, they were incarcerated in facilities developed for use by the criminal justice system (Federal Bureau of Prisons, 1988).

Given the great deal of publicity given to the types of crimes that Mariels already released into the community had been committing (e.g., murder, rape, robbery), the decision to further detain identified criminals was certainly consistent with the social control goals of INS (Nowicki, 1987). However, the investigation, charging, and administrative review process associated with ordering an alien to be deported was less than expeditious in the case of the Mariels (Klimko, 1986).

In 1981, the Federal Bureau of Prisons (FBOP) consolidated most of the detainees at the maximum security United States Penitentiary in Atlanta, Georgia. This consolidation move was done for two reasons. First, it was the American Government's intention to deport the detainees as soon as possible, and consolidating them would facilitate the organization of a large scale deportation effort. Second, it was a tacit admission that the detention of the Mariels might be anything but short term (Federal Bureau of Prisons, 1988).

The consolidation decision also indicated that, given the dangerousness of some of the detainees, government officials felt it was wise at this point to assume a prison management perspective with regard to the Mariel incarceration. Consolidation, from a prison management perspective, was based on the theory that more effective management of the "Marielitos" could be achieved by dealing with them as a homogeneous group as opposed to intermingling them among the Federal criminal population (Washington Crime News Services, 1988a).

At first glance, the rationale for consolidation appears reasonable. However, by the mid-1980's the Atlanta prison was becoming overcrowded. In addition to the Cubans awaiting INS decisions regarding their immigration status, the prison population was augmented by the return to Federal custody of Marielito's who had been convicted of criminal offenses in states and localities (see Florida Department of Corrections, 1983). Moreover, the deteriorating physical condition of the aging penitentiary raised questions concerning the conditions under which the Mariels were being confined (Klimko, 1986).

In response to the overcrowding problem in Atlanta, FBOP and INS decided to use the Federal Alien Detention Center in Oakdale, Louisiana exclusively for Cubans. Therefore, in 1986, FBOP transferred 987 low security level Cuban inmates from the prison in Atlanta to the detention center in Oakdale. This left approximately 1,400 Cuban detainees in the Atlanta Penitentiary. In addition to the Cubans, a small cadre of American prisoners were also assigned to both facilities to perform maintenance and administrative work (Federal Bureau of Prisons, 1988).

In the mean time the administrative review process that determined the immigration status of individual Mariels was slow moving (Klimko, 1986). The Mariels were, in essence, caught in a legal limbo. As parolees, they could be administratively detained for up to a year at a time, however, many had already been incarcerated for at least six years (Smaka, Nicol, and Keller, 1983). Moreover, the United States had repeatedly tried to work out a repatriation agreement with the Cuban Government with varying degrees of success. Therefore, even if a Mariel was ordered deported by an administrative judge, they were likely to be incarcerated until a repatriation agreement could be agreed upon. Consequently, Mariels with deportation orders still faced indefinite incarceration (Washington Crime News Services, 1988c).

In addition to the uncertain length of confinement, the conditions of confinement were also an important issue at the Atlanta Penitentiary. Overcrowded conditions led to a small disturbance in November 1984, when 50 Cuban prisoners took over a cell block and started a fire. The seige ended, without any injuries, after six hours of negotiations. However, after order was restored, the inmates were locked down for twenty-four hours a day for the next eighteen months (Klimko, 1986; Federal Bureau of Prisons, 1988).

It is important to note that the federal prison in Atlanta was an aging structure that was actually slated to close prior to the advent of the Mariel problem (Klimko, 1986). The prison was overcrowded even after the transfer of almost 1,000 detainees to the Federal Detention Center at Oakdale, Louisiana because portions of the Atlanta facility were unusable due to construction (Washington Crime News Services, 1988a).

The situation reached a critical stage, when a repatriation agreement was established with the Cuban Government in November 1987, and the American Government made another questionable decision. The U.S. Attorney General publicly announced the agreement only a few hours after informing the Federal Bureau of Prisons that repatriation would soon begin. This gave the wardens at the Oakdale Federal Detention Center and the Atlanta Prison very little time to inform their detainees and to respond to a possible negative reaction (Bosarge, 1987).

Moreover, the Federal Government made no special efforts to communicate the terms of the repatriation agreement to the Mariels, nor did they try to explain the implications of the agreement as it applied to the detainees. This failure to consider the reactions of the Mariels proved to be a major policy blunder on the part of the American Government for the Mariels already perceived their treatment to be unfair. This perception was based upon the indeterminate nature of their confinement as well as the lack of progress with the review of their immigration status (Washington Crime News Services, 1988b).

Not only did the wardens at Oakdale and Atlanta have little time to develop strategies for dealing with the Mariels' reaction to possible repatriation, they were also constrained by the characteristics of their respective facilities when choosing a response strategy. For example, a typical strategy for dealing with a potential mass disturbance in a prison setting is to lock the inmates in their cells until tensions have subsided (as Atlanta had done in 1984). A lockdown of the entire facility was not a viable strategy in Oakdale however, because it was a low-medium security facility which housed the inmates in dormitories, not cells. A lockdown under those conditions would have placed detention center staff in jeopardy. Neither was this a viable strategy in Atlanta due to ongoing construction and the fact that locking mechanisms did not function on a number of cells (Federal Bureau of Prisons, 1988).

Consequently, when the inmates at Oakdale and Atlanta were informed of the repatriation agreement, tensions rose. On November 21, 1987, in direct response to the announcement of the repatriation agreement, more than 1,000 Cubans took control of the Federal Detention Center at Oakdale. Efforts to negotiate with the detainees on November 22 failed to produce any results. On November 23, approximately 1,400 Cubans took over the Federal Penitentiary in Atlanta (Note, 1988).

After several days of negotiations with the detainees at Oakdale and Atlanta (who had virtually destroyed both facilities), the crisis was resolved without any deaths. On November 29, the Oakdale detainees ended their siege, and on December 3, the Atlanta detainees also ended their siege. The product of the negotiations with the detainees was an eight point agreement that promised to delay deportation and immigration hearings. In essence, the extreme reaction of the detainees not only bought some time, it secured a more thorough and expeditious review of their cases (Note, 1988).

## CONCLUSION

The origin of the Mariel Exodus was shaped by a series of complex international political maneuvers. One result of these maneuvers was the creation of a social control problem in the United States centering around a small, but predatory group of ex-prisoners and former mental patients.

The United States Government had difficulty in addressing this social control problem in part because it could not reach a repatriation agreement with the Cuban Government. Therefore, the U.S. Government was unable to deport aliens that it likely would have deported under different circumstances. This meant that either the U.S. Government would have to release these deportable aliens into American communities, or detain them in secure facilities until such time that they could be deported.

The Federal Government chose to detain the deportable Mariels and eventually consolidated them in two facilities operated by the Federal Bureau of Prisons; a maximum security facility in Atlanta, Georgia, and a medium security facility in Oakdale, Louisiana. In November 1987, the U.S. Attorney General announced that a repatriation agreement had been signed with the Cuban Government. As a direct result of this announcement, inmates at the Atlanta and Oakdale facilities rioted, and controlled the Oakdale prison for nine days and the Atlanta prison for eleven days.

In summation, the Mariel Cubans were different from previous Cuban immigrants in two ways. First, the Mariel immigrants in general, did not enjoy the same political and financial support upon entry into the United States as previous Cuban immigrants had been afforded. Second, the presence of ex-prisoners and individuals with psychiatric histories among the Mariel immigrants cast the entire migration in a negative light.

In addition, the violent and predatory nature of the crimes committed by Mariels who had entered American communities prior to the Federal Government's identification of the "criminal" problem, made the Mariel criminals a group to be feared. Unfortunately, the predatory behavior exhibited by this small proportion of troublesome individuals has had the effect of making the term "Mariel Cuban" synonymous with "dangerous individual". This is particularly true for law enforcement and correctional professionals whose only exposure to Mariel immigrants has typically been through contact with the criminal minority of the Mariel migration.

As a result of the Federal Government's handling of the Mariel Exodus, the states felt that they were unfairly being required to accept the financial burden of incarcerating Mariel criminals who were a federal responsibility in the first place. The states argued that if the U.S. Government had properly screened the Mariel immigrants from the beginning of the migration, then the criminal sub-group would not have been released to American communities and would have remained under federal jurisdiction. Since the Federal Government failed to prevent the release of dangerous individuals into the communities, the states should receive federal reimbursement for housing convicted Mariel criminals in the states' prison systems.

In 1985, the states succeeded in convincing the Federal Government to compensate them for incarcerating Mariel criminals. In that year, the United States Congress established the Mariel Cuban Reimbursement Program. The program, which is still active, is administered by the Bureau of Justice Assistance, an agency within the U.S. Department of Justice. Under the Mariel Cuban Reimbursement Program, states receive federal monies to compensate them for costs incurred while incarcerating Mariel criminals. New York State has been participating in this program since its inception. As of federal fiscal year 1990-1991 New York State was second only to the state of Florida with regard to the number of Mariel Cubans incarcerated in a state prison system. Details of the reimbursement program and New York State's experience with the program will be the subject of a future Department report.

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