

Congress of the United States
Washington, DC 20515

November 2, 2012

The Honorable Hillary R. Clinton
Secretary of State
Department of State
2201 C Street, N.W.
Washington, DC 20520

The Honorable Eric H. Holder, Jr.
Attorney General
Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

The Honorable Janet Napolitano
Secretary of Homeland Security
Department of Homeland Security
Mail Stop 0150
Washington, DC 20528

Dear Secretary Clinton, Attorney General Holder, and Secretary Napolitano:

We respectfully request the immediate expulsion from the United States of Crescencio Marino Rivero; an explanation as to why convicted Cuban spy Rene Gonzalez was allowed to travel to Washington, DC; and a briefing by the consular affairs office in the U.S. Interests Section in Havana, as well as the Federal Bureau of Investigation, to examine the security vetting protocols in place that have resulted in these and other similarly disturbing mistakes resulting in granting access to and within the U.S. to such regime officials and enemies of the United States.

It has come to our attention that Crescencio Marino Rivero, an agent of the Cuban regime, a State Sponsor of Terrorism, was granted a U.S. visa in 2010 and is now residing in Miami, Florida as a permanent U.S. resident. According to reports, Crescencio Marino Rivero was a Colonel in Castro's "Ministry of the Interior" and headed the notoriously abusive prisons of Cuba's Villa Clara province. Pro-democracy activists attest that Rivero was especially ruthless in suppressing Cuba's democratic opposition with threats, beatings, and acts of repudiation, and that he subjected political prisoners to cruel and inhumane treatment. Political prisoners were reportedly denied treatment for life-threatening health conditions, and were sometimes left to die in prison. Pro-democracy activist Guillermo Fariñas described an incident where Rivero brutally ripped out his intravenous feeding tubes in a Santa Clara hospital while declaring that opposition leaders should not be helped, but instead "they needed to be killed."

As a high-ranking Colonel within Cuba's Communist party and the head of prisons where political prisoners were repeatedly neglected and abused, Rivero and his wife, Juana Ferrer, also a prominent member of Cuba's Communist Party, never should have been granted a visa and legal permanent residence as U.S. law prohibits entry to members of the Communist Party as well as any alien who participates in acts of torture. Specifically:

- Section 212(a)(3)(D)(i) of the Immigration and Nationality Act (INA) states that, "Any immigrant who is or has been a member of or affiliated with the Communist or any other totalitarian party (or subdivision or affiliate thereof), domestic or foreign, is inadmissible."

- As to torture, Section 212(a)(3)(E)(iii) of the INA, as created by the Intelligence Reform and terrorism Prevention Act of 2004, states that, "Any alien who, outside the United States, has committed, ordered, incited, assisted, or otherwise participated in the commission of any act of torture ... is inadmissible."

According to press reports, Rivero admitted "that he had not informed U.S. authorities of his position with the Cuban government" neither in Havana nor in the United States. According to Section 212 (a)(6)(C)(i) of the INA, "Any alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided under this Act is inadmissible."

Due to the fact that Rivero admitted to misleading U.S. authorities and should not have been granted a visa and permanent residence status pursuant to the aforementioned statutes, we request that proper law enforcement authorities enforce Section 237 (a)(1)(A) of the INA that states, "Any alien who at the time of entry or adjustment of status was within one or more of the classes of aliens inadmissible by the law existing at such time is deportable."

We are also very concerned that convicted Cuban spy, Rene Gonzalez, was recently granted permission to travel to Washington, DC. Gonzalez was convicted in 2001 for spying for the Castro regime against the United States, and was responsible for planning the murder of three U.S. citizens and one U.S. resident over international waters by the Cuban Air Force. It was an unconscionable threat to U.S. national security interests that a convicted spy was granted seemingly unrestricted access to our nation's capital.

Further, as Alan Gross, an innocent U.S. citizen, continues to be held hostage by the Castro dictatorship in Cuba, it is an utter disgrace that this Administration has allowed a convicted spy of a terrorist state to travel back to Cuba temporarily as well as to Washington, DC.

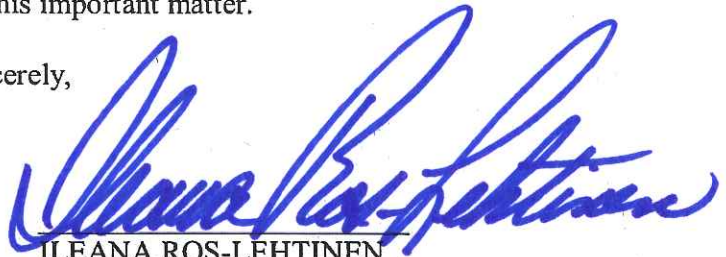
We are alarmed that this Administration has not remained vigilant in protecting the American people from the national security threat posed by the Castro regime, a U.S. designated State Sponsor of Terrorism located just 90 miles from our shores. Accordingly, within all applicable rules and regulations, we request that you expel immediately Rivero from the United States, explain the reasons that Gonzalez was granted access to Washington, D.C., and that you brief us on the security vetting procedures in place to prevent further contravention of U.S. law, foreign policy, and the security of the American people.

Thank you very much for your assistance in this important matter.

Sincerely,



MARIO DIAZ-BALART
Member of Congress



ILEANA ROS-LEHTINEN
Member of Congress