

Congress of the United States

Washington, DC 20515

July 22, 2015

The Honorable John Kerry
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Kerry:

We write to you regarding the disturbing reports that Rosa María Payá and Orlando Luis Pardo Lazo, both Cuban dissidents, were harassed and threatened at the State Department this week.

According to Ms. Payá and Mr. Lazo, when they arrived at the State Department before your press conference with Cuban Foreign Minister Bruno Rodriguez, they were identified by members of the Cuban delegation. When they entered the briefing room they were confronted by your chief spokesman, Admiral John Kirby, who requested they refrain from asking any questions or they would be forcibly removed.

As you know, Ms. Payá is the daughter of Oswaldo Payá, the prominent Cuban human rights activist who died in a highly suspicious car crash on July 22, 2012. Before his death, Mr. Payá had been relentlessly persecuted by the regime of Fidel and Raul Castro, including three years in a forced labor camp for criticizing the former Soviet Union.

According to your statement released the day after Mr. Payá's death, you seemed to indicate a genuine desire for justice, and an understanding of the likelihood of foul play; "Given the Cuban Government's ongoing harassment of Mr. Payá, an impartial, third party investigation into the circumstances surrounding the death of Oswaldo Payá is necessary."

Three years have now passed, and no such investigation has occurred. It is only natural that Ms. Payá, unable to get answers in Havana, would try to get them in Washington, D.C. While we can appreciate that such a confrontation might be somewhat awkward for you and Foreign Minister Rodriguez, it is our belief that she should have been given the opportunity to ask her question and represent the people of Cuba who have been completely shut out of the negotiations between our two countries. This would then send a clear message to the Castros that their egregious human rights record would be on the negotiating table, not shoved aside.

How very sad it would be if Ms. Payá were to find that the repressive, totalitarian tactics that have silenced so many generations of Cubans do not end at the water's edge, but have also infiltrated our own capital.

As you said in your excellent statement on Mr. Payá's death, "Cuba has lost a valiant champion for tolerance, democracy and social responsibility. Oswaldo Payá's legacy will be an enduring inspiration to Cubans seeking freedom and democratic reforms. As a boy, Mr. Payá paid a personal price for rejecting Marxism and becoming a passionate advocate for peaceful, civic action. But that only emboldened him to organize the largest pro-democratic petition drive in Cuban history, the Varela Project, and bravely deliver 11,000 signatures to the Cuban National Assembly urging a referendum on freedom of speech, amnesty for political prisoners, support for private business, and new electoral law and a general election. His courage, his character, and his commitment will be missed."

We owe it to the memory of Oswaldo Payá to elevate his case now, not to make common cause with his oppressors. We hope you will initiate a thorough investigation into the incident involving his daughter at the State Department this week, and in addition, we would like answers to the following questions as we are concerned that this episode is representative of a broader State Department policy. We request your response no later than Monday, August 3, 2015.


1. Is it standard State Department policy to pre-determine who may and may not ask questions at official press conferences?
 - 1a. If the answer to Question 1 is yes, what are your criteria?
2. Is it standard State Department policy to prevent political dissidents from asking questions?
 - 2a. If the answer to Question 2 is yes, what other dissidents have you silenced?
3. Is it standard State Department policy to threaten forcible removal in the event a dissident asks a question?
 - 3a. If the answer to Question 3 is yes, what dissidents have you forcibly removed?
4. Does the State Department have a policy of complying with foreign government requests to exclude potentially unfriendly media and questioners from press events involving those foreign governments?
5. How do the above practices in any way accord with the First Amendment?
6. Is a policy of dissident suppression inside the State Department arguably inconsistent with promotion of democracy and human rights abroad or send contradictory messages?
7. On May 12, 2015, for example, you held a joint press availability with Foreign Minister Sergei Lavrov of the Russian Federation. Were any dissidents permitted at this event?
8. On May 16, 2015, for example, you held a joint press availability with Foreign Minister Wang Yi of the People's Republic of China. Were any dissidents permitted at this event?

9. On July 3, 2015, for example, you held a joint press availability with Foreign Minister Javad Zarif of the Islamic Republic of Iran. Were any dissidents permitted at this event?


Sincerely,



Ted Cruz
United States Senator



Mario Diaz-Balart
Member of Congress



Ileana Ros-Lehtinen
Member of Congress