

OPEN NINTH:
CONVERSATIONS BEYOND THE COURTROOM
BORN IN 100 FIRES (CIENFUEGOS)
EPISODE 15
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HOSTED BY: FREDERICK J. LAUTEN

(Music.)

>> Welcome to Episode 15 of "Open Ninth: Conversations Beyond the Courtroom" in the Ninth Judicial Circuit Court of Florida.

And now here's your host, Chief Judge Frederick J. Lauten.

>> **JUDGE LAUTEN:** Good afternoon. I'm here with Circuit Judge Jose Rodriguez, who's served as a judge in our circuit since 1987, if my research is correct.

So, Judge Rodriguez, I believe you're the judge with the greatest or the longest seniority currently serving actively. Is that the case?

>> **JUDGE RODRIGUEZ:** I believe that's correct. This coming May 18th will be 30 years that I've been riding this pony.

>> **JUDGE LAUTEN:** That's great. I can tell the listeners that I've had the privilege of trying cases in front of you as a lawyer when you were on the county bench, and now serving alongside of you as a colleague, which is a great pleasure.

>> **JUDGE RODRIGUEZ:** And I will tell you that when you practiced in front of me as a lawyer, I sat back, watched, and enjoyed and wondered. I wish every one of these young lawyers followed your -- well, your

mentorship and what you --

>> **JUDGE LAUTEN:** Thank you.

>> **JUDGE RODRIGUEZ:** -- and what you demonstrated, your knowledge and respect for the law.

>> **JUDGE LAUTEN:** So, Judge Rodriguez, I know a lot of local folks identified you and your relationship to UCF --

>> **JUDGE RODRIGUEZ:** Yes.

>> **JUDGE LAUTEN:** -- where you went as an undergraduate. And I know you got your law degree from Florida State University.

But you have a fascinating life's journey, and I thought maybe we could spend a few minutes talking about it so we could share it with our -- with our listeners.

So why don't you tell our listeners where you were born.

>> **JUDGE RODRIGUEZ:** I was born in Cienfuegos, Cuba. The translation of the city's name is "100 Fires." Don't ask me how it got that name. That's just a wonderful name. And it's in the south central portion of the island.

My family had been there since, um, pretty much the formation of -- of the island, and -- as it was being populated by the Spanish.

My family on my father's side is partly French, partly Spanish; my mom, well, Spanish and Lord knows whatever.

But we came. My father wound up getting a safe conduct out through the Colombian Embassy because he was involved in counter-revolutionary or political crimes. And with a 20-year sentence after being tried in absentia, it was pretty much a foregone conclusion that we -- if we stayed, there was going to be, um -- well, we were not going to be safe there.

>> **JUDGE LAUTEN:** And how big is your family?

>> **JUDGE RODRIGUEZ:** Well -- my, gosh, it depends --

>> **JUDGE LAUTEN:** Your definition. How about --

>> **JUDGE RODRIGUEZ:** -- how exactly --

>> **JUDGE LAUTEN:** -- immediate family and extended family.

>> **JUDGE RODRIGUEZ:** Immediate family, mom, dad, and my brother. There were four of us. But we lived in a house that was a two-story house. And downstairs, my grandmother, another uncle, aunt, and a cousin lived. So that was the typical high-rise arrangement.

My mother had three brothers. Um, we say that two of them were lawyers and the third was one the

black sheep of the family because he was a pediatrician.

>> **JUDGE LAUTEN:** Wow.

>> **JUDGE RODRIGUEZ:** Just kidding.

But yeah. We grew up in a family where education was, um, the thing to do. There was no -- there were no other options.

But I came when I was nine years old --

>> **JUDGE LAUTEN:** I was just going to ask you that question. How old were you when you left Cuba?

>> **JUDGE RODRIGUEZ:** Nine.

>> **JUDGE LAUTEN:** And when you left, how much of the family went? Did you-all leave at the same time; by all, immediate, extended family? Why don't you tell our listeners.

>> **JUDGE RODRIGUEZ:** It's kind of like the *Sound of Music* but not everybody leaving -- because everybody left at the same time. We were the first ones. Again, my dad was a fugitive of justice --

>> **JUDGE LAUTEN:** Did he leave before you did?

>> **JUDGE RODRIGUEZ:** He did, but only by a couple of months.

>> **JUDGE LAUTEN:** Okay.

>> **JUDGE RODRIGUEZ:** He left in February of '61, and we left in May. He left in February because,

again, the Colombian Embassy was able to give him a safe passage out. He got back to the United States two days after the Bay of Pigs Invasion had been launched.

And from what my dad told me, as we were sitting in Miami between a mango and avocado tree in our backyard, Dad would tell me, that, yeah, that they were working and conspiring with the CIA. It was -- I -- obviously the reason that they felt that he was plotting against the government.

He was, um -- it was very interesting from the point of view of the number of times that he had to escape capture. There were about three times that he documented -- or he told me where he had been, at one point, getting a haircut and he saw the militiamen, *los milicianos*, coming after him after they had been at the barbershop and recognized who he was. At the point he got the feeling that he had been recognized, he got up out of the chair and left, and as he turned the corner, he saw them coming back for him.

I was an eight-year-old -- because I turned nine in April. But this was while I was still eight. I remember militiamen coming to arrest my dad after the sentence had been handed down. I had -- I don't know whether it was the measles or the chickenpox. I know

I had one of them.

But I was at home. And I remember my mother pulling a picture of St. John Bosco, and out from under it, a bag comes. And she says to me, here. Take this. Do not let them take it away. And puts it under my pillow.

I had no idea what it was until after the militiamen came and went. I just knew it was something that I had to protect, be quiet, and not give any idea that I was hiding something.

It turned out that it was money. But the militiamen came, and even went into the refrigerator, looking for papers and documents that might point to my father's participation in the conspiracy. So it's pretty raw for an 8-year-old to see folks with the rifles coming through.

>> **JUDGE LAUTEN:** Right. What was your dad's occupation?

>> **JUDGE RODRIGUEZ:** My dad was a lawyer.

>> **JUDGE LAUTEN:** All right.

>> **JUDGE RODRIGUEZ:** Yep. I'm a third generation.

>> **JUDGE LAUTEN:** So he comes to America.

>> **JUDGE RODRIGUEZ:** Yep.

>> **JUDGE LAUTEN:** Was he bilingual or was he

bilingual then?

>> **JUDGE RODRIGUEZ:** No.

>> **JUDGE LAUTEN:** So didn't speak the language?

>> **JUDGE RODRIGUEZ:** Not a lick.

>> **JUDGE LAUTEN:** Wasn't authorized, then, to practice law?

>> **JUDGE RODRIGUEZ:** Nope, he was not. But he was part of the *Colegio Nacional de Abogados de Cuba* (in exile); in other words, Cuban National Bar Association (in exile). And he and a group of others were successful in petitioning the Supreme Court of Florida to provide an opportunity after lawyers who had practiced and who were either known to practice or had been published in *Gazette*, the *Official Gazette*, as having had been licensed to practice in Cuba, that those individuals would be able to qualify to take courses that would allow them eventually to take the bar and practice if they passed.

>> **JUDGE LAUTEN:** And did that happen for your dad?

>> **JUDGE RODRIGUEZ:** No. My dad -- my dad and two -- and the two lawyer uncles, one of them had complications from diabetes and was not able to complete the course. The other one completed the course, and he took the bar several times

unsuccessfully. And my father never -- never attempted because his English was rather weak.

>> **JUDGE LAUTEN:** So did you speak English when you arrived in the United States?

>> **JUDGE RODRIGUEZ:** Absolutely. I knew how to say John is a boy; Mary is a girl. That's about it. And then in the airport I learned to say tomorrow.

>> **JUDGE LAUTEN:** So help me out. Nine years old, what grade were you?

>> **JUDGE RODRIGUEZ:** I was -- I had completed the third grade, but my mother thought it was a good idea -- my mother had a PhD in education, so she thought it was a good idea so that -- *Pepito*, in other words, that's my nickname, so I would learn English, so I would please repeat third grade. That was pretty traumatic.

Because as a kid, I was used to performing well and usually being at the top of the class. But at this point, I am having to repeat the third grade. Now, why? So that was one of the trauma.

The other one was I didn't understand a lick of what was going on in class. So I would get checks in self-control because I was trying to get from Elena over here and Maria over here and Francisco over here, what is she saying, what are we doing?

>> **JUDGE LAUTEN:** So, boy, you talk about immersion into a language.

>> **JUDGE RODRIGUEZ:** Mm-hmm.

>> **JUDGE LAUTEN:** You were completely immersed into the English language and the American culture.

>> **JUDGE RODRIGUEZ:** Absolutely.

>> **JUDGE LAUTEN:** How quickly were you able to learn English?

>> **JUDGE RODRIGUEZ:** I would say it was about six months.

>> **JUDGE LAUTEN:** Amazing.

>> **JUDGE RODRIGUEZ:** Remember, when you're a kid, you're a sponge. And I had the help of television. And I could tell you about Groucho Marx, *You Bet Your Life; Concentration*, Hugh Downs -- you name it. That is how I learned English. Watching -- particularly that summer, watching television, particularly the game shows, was very effective.

>> **JUDGE LAUTEN:** Well, I can't imagine what it's like to leave one culture and arrive in a completely different culture where you don't speak the language. But I do know about your intellectual abilities, and I know you went to high school in Miami with my -- one of my best friends in life, Margarita Delgado, who I met at Rollins College, who's gone on to all kinds of

accomplishments and achievements, including winning Emmy -- Emmys for her work in costume design. And she speaks very highly of you and remembers you from high school as a real performer.

So tell me a little bit about high school, and then we'll jump ahead.

>> JUDGE RODRIGUEZ: Well, Maggie and I had the privilege and the honor of representing Miami Senior High in the *Miami Herald* Silver Knights Award for high school students. They were recognition of performance and excellence and service in high school.

Maggie and I were two of four individuals that were nominated from Miami High to win a runner-up Silver Knight. If you come to my office, I still have that runner-up Silver Knight trophy there.

But I was a member of the debate team, and I eventually was a captain. And we came in second and fourth in the state my senior year. And we were Dade County champions.

>> JUDGE LAUTEN: Fabulous. So did you know because of your father's profession or your debate skills, did you know you wanted to be lawyer at a young age?

>> JUDGE RODRIGUEZ: Nope. I did not want to be a lawyer. I wanted to be a marine biologist, which is

why I learned French. Because I was going to be on the Calypso with Jacques Cousteau and all of his family. And I was going to understand what was going on. I didn't want anybody to be speaking behind my back in French and not understand.

So after three years of high school French and the equivalent of two in college, I -- I can -- I can survive and I can survive well.

>> **JUDGE LAUTEN:** Fabulous. That's great.

I'm going to loop back a little bit.

>> **JUDGE RODRIGUEZ:** Mm-hmm.

>> **JUDGE LAUTEN:** Because you mentioned your extended family. Did all of your extended family leave? Did some remain in Cuba? Did everybody come to the States?

>> **JUDGE RODRIGUEZ:** Everybody came or has passed away. My grandmother on my father's side, my paternal grandmother, did not come; nor did his aunt, his sister. They stayed. They passed away there.

We also had some cousins -- and, again, my dad's aunts did not make it over here. They have since passed away.

Um, all of my cousins, my mother had -- remember -- three brothers, everybody came. And the story, particularly of the black sheep of the family,

the pediatrician, is extremely compelling because he had a 33-foot boat that was taken by the government and given to some fishermen. The fishermen were friends.

At one point, they decided -- this was December, I believe it was December 8th or 9th of the year where they decided they were going to make a run for it. And they were going to get into the boat, they were going to go ahead and put their family in there, and they were going to go to the Grand Cayman Islands. When you look at where Cienfuegos is and the Grand Cayman, it's not far. And, quite frankly, it was British territory, so they could ask for political asylum there.

Well, as it happened, they wound up going out of the harbor. And as it turned out, the rudder on the, um, boat fails. So they are rudderless out in the ocean. Eleven ships go by, merchant ships go by, none of them but the last one comes to the rescue. And that is after they light on fire a -- on top of an oar, a gasoline-filled towel.

So it -- with such good luck that the ship that rescues them is a West German ship, not an East German ship.

>> JUDGE LAUTEN: Wow.

>> **JUDGE RODRIGUEZ:** The ship was going to Nicaragua, and if you look at the map, that's a long way to row. As it turns out, the day that they're rescued at sea is *nochebuena*, Christmas Eve, the 24th. So they'd been out at sea all those days, and they miraculously are rescued the day before Christmas.

>> **JUDGE LAUTEN:** Wow. Wow. That's quite a story. That's amazing.

>> **JUDGE RODRIGUEZ:** Mm-hmm.

>> **JUDGE LAUTEN:** Have you ever returned to Cuba? Do you have any desire to return to Cuba? What are your thoughts?

>> **JUDGE RODRIGUEZ:** The answer is, no, I haven't and, yes, I do.

>> **JUDGE LAUTEN:** All right.

>> **JUDGE RODRIGUEZ:** There are a number of reasons. I would love -- I know my hometown, Cienfuegos, has a University there. I would love to teach there. You know from my involvement in the circuit judge's conference and the Advanced College of Judicial Studies that I have an affinity for teaching; also that I teach as an adjunct at Barry Law School. I would love to teach in -- at the University of Cienfuegos.

I am an undergraduate major in communications from the University of Central Florida, where, by the way, I also met my wife, who is also an attorney. And I would love to go back there. Precisely also because I would love to see the house where I was born.

>> **JUDGE LAUTEN:** Sure.

>> **JUDGE RODRIGUEZ:** And, no, unfortunately I have not made the time to go. That's my fault.

>> **JUDGE LAUTEN:** Now, I think I know the answer to this, but I want to be clear. So you are fluent in Spanish and in English?

>> **JUDGE RODRIGUEZ:** Yes, sir.

>> **JUDGE LAUTEN:** Are you more comfortable in one language than the other or are they both completely just interchangeable for you?

>> **JUDGE RODRIGUEZ:** You know, it depends on what language I am speaking. Yesterday, I did a radio interview for a Spanish-language radio, and it -- it was seamless. It's just a matter of -- there is an automatic switch. There is an automatic switch.

That's why I -- I hang out with the interpreters quite a bit because there is a -- there are certain things that are funny when you are bilingual that otherwise they would go right over -- right over your head. And it's just like -- we're that weird. We're

just that unique, I guess.

>> **JUDGE LAUTEN:** Your wife speaks Spanish.

>> **JUDGE RODRIGUEZ:** Yes.

>> **JUDGE LAUTEN:** Tell me a little bit about the household growing up. Did you -- around your children -- and I'm gonna give you a chance to talk about your beautiful children. Mostly English, mostly Spanish, did you mix it up 50/50?

>> **JUDGE RODRIGUEZ:** It was whatever came out. I was primarily Spanish-dominant. Ana was primarily English. Ana came when she was a year and a half from Argentina, so her language skills are based on whatever her grandmother from Spain, from Asturias, Spain, which she was used to.

Their accent in Argentina, as in Spain, is different than ours in the Caribbean. So there were a number of very funny incidents that because of how one idiomatic expression was used in one region or another, it gave cause for a -- you know, a double-take.

Annie, our daughter, and son both are lawyers --

>> **JUDGE LAUTEN:** Congratulations, by the way.

>> **JUDGE RODRIGUEZ:** Thank you. Thank you.

And Annie is fluent in Spanish and in English. She is, of course, English-dominant, having grown up

here. Michael -- Michael understands. Especially if you're calling him out, he'll know and he will respond. But I don't think he is as, um, comfortable as the rest of us are.

>> **JUDGE LAUTEN:** So if you went back to Cuba to teach, you could teach in Spanish with no difficulty?

>> **JUDGE RODRIGUEZ:** Not a problem at all.

>> **JUDGE LAUTEN:** Yet when you're out at Barry or UCF, you teach in English --

>> **JUDGE RODRIGUEZ:** Absolutely.

>> **JUDGE LAUTEN:** -- without a problem?

In court, is it fascinating for you, since you speak Spanish, is it interesting to have litigants who are talking Spanish in front of you, that you may or may not know what they are saying no matter what language they're speaking?

>> **JUDGE RODRIGUEZ:** Where it's really a kick is when you have someone that speaks French or Creole, because when I say a couple of words in French -- see, with a name like Rodriguez and a name like Jose, sometimes it's expected that there may be the Spanish under there.

>> **JUDGE LAUTEN:** Sure. Right.

>> **JUDGE RODRIGUEZ:** But the French, that's not at all.

And there is one particular case when a lawyer who knew that I spoke French in a guardianship case told his client, did you know the judge speaks French? And all of the sudden her -- her feeling of welcome totally -- totally changed, simply because we said hello and a couple of words in French. And it just made her feel more comfortable.

But, yeah, it's interesting to watch the reactions. And some folks that don't assume that I speak Spanish, when I say a couple of words, they'll say, oh, *pero hablo espanol*; oh, but he speaks Spanish.

So I think it is a tool to make folks feel comfortable and not estranged from the process.

>> JUDGE LAUTEN: And, of course, you have personal experience from a young age of being at a place and a location where, because of language challenges, you don't completely comprehend what's going -- so I can imagine emotionally what a litigant, a witness, anyone who's in our courthouse who doesn't speak fluent English, the emotional difficulties that that presents.

>> JUDGE RODRIGUEZ: I've certainly been there. And, um, again, the customs. I can tell you that when I came in third grade, um, all of us through third

grade or through even -- were able to go home for lunch. The only kids that stayed at school were the ones that had the "they're not wanted by their family," so they stayed at school.

Um, when we came to the United States, you could not -- you were not allowed to go home.

>> **JUDGE LAUTEN:** Right.

>> **JUDGE RODRIGUEZ:** Even though I lived a block and a half away from school, I could not go home for lunch. That was a trauma.

Then they fed you milk. Milk. Are you kidding? Not chocolate milk? Not milk with sugar? I came from a -- from a sugar-producing country, and there's no sugar in the milk? Having to drink -- oh, no. That stuff? No. So --

>> **JUDGE LAUTEN:** Fascinating. Little things that mean a lot.

>> **JUDGE RODRIGUEZ:** Oh, my goodness. Peanut butter. Wait a minute, that's not butter. It smells like peanut, but it doesn't look like anything that's edible.

>> **JUDGE LAUTEN:** I had a friend who moved to America from Italy, and I -- I hope I get this right. Apparently the word for salt in Italy is spelled s-a-l-e. And they got here and they saw all around

the neighborhood for sale, and they thought that everyone in the neighborhood was selling salt --

>> **JUDGE RODRIGUEZ:** Salt.

>> **JUDGE LAUTEN:** -- when it was really their house. So it is those little things that amount to a lot.

Well, let me ask you a question. I don't know if this is difficult for you to discuss. If it is, you can tell me and we can move on. But, of course, there was a momentous event in the history of Cuba last year, which is Fidel Castro passed away.

What thoughts and feelings do you have about his passing and its impact on Cuba, in particular, but mostly on you and your family?

>> **JUDGE RODRIGUEZ:** We -- yeah, it's difficult to speak about it. But I think that I have come to terms with it. Number one, one never wishes any other person, any other human being, from a Christian-heart standpoint, ill or death. His time has come. He has been called. And my hope is that it will provide us with an opportunity for reconciliation.

It is important because I think that the Cuba that the older folks pine for is long gone and will never be what they imagine.

I think that we have grown up differently. I

doubt that there will be anyone who has gone through the process of acculturation, of learning and understanding and living and enjoying the comforts and the freedoms here that would want to go back and live there.

The conditions there still are dire. They are not a first-world country. So from a purely understanding -- or attempting to understand human comfort, I don't think that it would be a place where you would want to go back and live. Visit? Certainly. Improve? Hopefully.

Hopefully there'll be a lot of Havana Home Depots there. Because from what I understand, the need for paint, the need for fixes, the need for helping the folks -- and it's not about the government. Most of the anger and most of the viciousness is leveled at the government.

Okay. My father used to say, you know, the government has won -- and he would warn me, don't tell anybody any of this in Miami or around because they'll not understand. But what we should do is we should bombard Cuba with hams and cheese. Come on, Dad, hams and cheese? Yeah. Because the people who are too worried about their daily existence and where they're going to get their next meal are not going to be ready

to battle, nor have the strength to battle for freedom, to battle for justice, and to battle for those things that we take for granted, you know?

And I think he's right. The moment that we start adopting the "we're going to give, and we're going to give until it hurts" because it will help the people, we don't care about the government -- you know, it's like, imagine if there were a number of Home Depots in Havana or throughout the island, if you put Mother Teresa there, do you think she would care about whether or not the government had any benefit from it or would it be the people? And that's what we have to focus. If we focus on the people and in limiting or minimizing their misery, I think reconciliation will follow.

But if we want to, say, sell advertising on radio, shock radio, or radio stations that all they do is vilify the government and -- then, you know, by all means, we will wind up having those folks earn their living that way. I think there's a better way.

>> JUDGE LAUTEN: Well, Judge Rodriguez, I want to thank you for very close to 30 years of service to the citizens of the Ninth Judicial Circuit, Orange and Osceola County.

You have a fascinating life story. You bring

diversity to our bench when we need it and an understanding of different cultures, and I want to thank you for your years of service to all of the citizens of this city. Thank you very much.

>> **JUDGE RODRIGUEZ:** Thank you, Judge Lauten. It's a privilege to serve with you.

>> Thank you for listening to "Open Ninth: Conversations Beyond the Courtroom," brought to you by Chief Judge Frederick J. Lauten and the Ninth Judicial Circuit Court of Florida.

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