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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. note	Names on two notes [8 U.S.C. 1202 (f)] (1 page)	00/00/0000	P3/b(3)
002a. memo	To: Under Secretary Pickering, Under Secretary Eizenstat; From: Alan Larson; Re: October 15 Target for US-EU Talks on Helms-Burton (3 pages)	10/06/1997	P1/b(1)
002b. list	"Building blocks" (3 pages)	10/06/1997	P1/b(1)
003. report	Cuba Trends Weekly [with Fax Cover Sheet] (8 pages)	01/13/1998	P1/b(1)
004. cable	Re: Letter from the Secretary to FM Tauran (2 pages)	01/14/1998	P1/b(1)
005. form	Fax Cover Sheet; Re: Sub-IWG on Wednesday [partial] (1 page)	12/01/1997	P3/b(3), b(7)(C)
006a. note	To: Special Assistant to the President and Senior Director for Democracy; Re: Please call ... (1 page)	00/00/0000	P3/b(3), b(7)(C)
006b. report	Caribbean Leaders (7 pages)	10/31/1997	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
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Cuba Policy

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RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

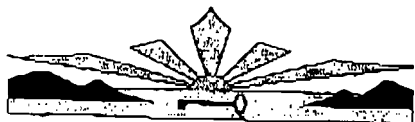
C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]



Alianza Cubana Americana
Cuban American Alliance
Education Fund, Inc.

March 14, 1998

The Honorable Madeleine K. Albright
Secretary of State
2201 C St., NW
Washington, DC 20520

Dear Madam Secretary Albright:

We endorse the University of California at Berkeley in its efforts to sponsor a "Dialogue with Cuba" conference scheduled for March 19-21, 1998. As Cuban Americans, who favor engagement, we look forward to a dialogue between the U.S. and Cuba in the spirit of American free speech and democratic ideals.

The Cuban American Alliance Education Fund favors engagement as a way to promote democratic values - democracy flourishes where diverse views are allowed to coexist. And as guarantors of our democracy, the free flow of opinions must be paramount in the life of our American academic institutions.

We urge you to grant the necessary visas, and thus allow all 21 invited Cuban scholars and professionals to be present at this historic conference.

Sincerely,

Delvis Fernandez Levy, President
Cuban American Alliance Education Fund, Inc.

c. Sandy Berger, President's National Security Advisor

The Cuban American Alliance Education fund, Inc is a national nonprofit organization that sends humanitarian assistance to Cuba, works for family reunification, educates legislators on issues affecting the welfare of Cuban Americans, and favors engagement as the best way to promote democratic values and assistance to family and friends in Cuba.

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amnesty international

CUBA

New Cases of Prisoners of Conscience and Possible Prisoners of Conscience

January 1998

SUMMARY

AI INDEX: AMR 25/01/98

DISTR: SC/CC/CO/GR

Amnesty International is concerned at a recent increase in the number of critics of the Cuban Government who have been brought to trial and imprisoned because of their peaceful attempts to exercise their rights to freedom of expression, association and assembly. Over the past two or three years, hundreds of members of unofficial groups of different kinds, including human rights defenders, have been detained for short periods and threatened with being brought to trial if they do not give up their activities or go into exile. A few have resorted to exile in the face of such pressures but until mid-1997, with a few notable exceptions, the threats of imprisonment made against those who had been released and remained in the country had not been carried out. However, in the past few months at least 24 government critics, whose cases are described in the attached document, have been imprisoned as prisoners of conscience. Most have been convicted but some are still awaiting trial. Some have been charged with offences against state security, such as "*propaganda enemiga*", "enemy propaganda", while others have been charged with offences against authority, such as "*desacato*", "disrespect", "*difamación*", "defamation", "*desobediencia*", "disobedience", or "*resistencia*", "resistance", or other kinds of common law offences. In some cases, the charges are believed to have been fabricated in order to discredit them or their organization. Trials in political cases generally fall short of international fair trial standards, particularly with regard to access to defence counsel. In cases of crimes against state security, which are tried in provincial courts, the defendant can be held for several weeks or months with little or no access to a lawyer. During this period, the detainee is often subjected to psychological pressures, including threats against his own physical integrity or that of members of his family, and coerced into signing false statements or agreeing to leave the country. In cases tried in municipal courts, the hearing can take place within a day or so of arrest and, while in theory being permitted to appoint a defence lawyer, the detainee often does not have the opportunity to do so in practice. Lawyers who take on the defence of political prisoners often face reprisals themselves for having done so.

Amnesty International believes that there are several hundred prisoners of conscience serving sentences in Cuban prisons. It is impossible to give a precise figure because the authorities do not make such information public and human rights monitoring, by either domestic or international human rights monitors, is severely limited. In fact, several of those in detention have been imprisoned because of their efforts to disseminate information about alleged human rights violations.

Some of the information provided in this document updates cases referred to in *Cuba: Renewed Crackdown on Peaceful Government Critics*, AMR 25/29/97, August 1997. The majority of the 150 people whose arrest was reported in the earlier document were released, usually after a few days or weeks and mostly without formal charge. However, in most cases they were warned that charges would be brought against them in the future if they did not give up their activities and some have been subjected to further short-term detention and harassment. At least one of those who had been detained - **Héctor Peraza Linares**, a journalist working for the independent press agency *Habana Press*, Havana Press - was effectively forced into exile after being held for three months, from 23 June until 23 September 1997, by State Security in Pinar del Río.

Amnesty International is calling for the immediate and unconditional release of the 24 prisoners of conscience whose cases are described in the attached document, as well as of all those detained in Cuba solely for peacefully exercising their rights to freedom of expression, association and assembly.

KEYWORDS: CENSORSHIP / BANNING / PRISONERS OF CONSCIENCE / ARBITRARY ARREST / TRIALS / HUMAN RIGHTS DEFENDERS / HUMAN RIGHTS ACTIVISTS / POLITICAL ACTIVISTS / EXILE / HARASSMENT / INCOMMUNICADO / DETENTION / LAWYERS / JOURNALISTS /

This report summarizes a 12-page document (5,643 words), : *CUBA New Cases of Prisoners of Conscience and Possible Prisoners of Conscience* (AI Index: AMR 25/01/98) issued by Amnesty International in January 1998. Anyone wishing further details or to take action on this issue should consult the full document.

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

amnesty international

CUBA

New Cases of Prisoners of Conscience and Possible Prisoners of Conscience



January 1998

AI Index: AMR 25/10/98

Distr: SC/CC/CO/GR

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

CUBA

New Cases of Prisoners of Conscience and Possible Prisoners of Conscience

Amnesty International is concerned at a recent increase in the number of critics of the Cuban Government who have been brought to trial and imprisoned because of their peaceful attempts to exercise their rights to freedom of expression, association and assembly. Over the past two or three years, hundreds of members of unofficial groups of different kinds, including human rights defenders, have been detained for short periods and threatened with being brought to trial if they do not give up their activities or go into exile. A few have resorted to exile in the face of such pressures but until mid-1997, with a few notable exceptions, the threats made against those who had been released and remained in the country had not been carried out. However, in the past few months at least 24 government critics have been imprisoned as prisoners of conscience. Most have been convicted but some are still awaiting trial. Some have been charged with offences against state security, such as "*propaganda enemiga*", "enemy propaganda", while others have been charged with offences against authority, such as "*desacato*", "disrespect", "*difamación*", "defamation", "*desobediencia*", "disobedience", or "*resistencia*", "resistance", or other kinds of common law offences. In some cases, the charges are believed to have been fabricated in order to discredit them or their organization. Trials in political cases generally fall short of international fair trial standards, particularly with regard to access to defence counsel. In cases of crimes against state security, which are tried in provincial courts, the defendant can be held for several weeks or months with little or no access to a lawyer. During this period, the detainee is often subjected to psychological pressures, including threats against his own physical integrity or that of members of his family, and coerced into signing false statements or agreeing to leave the country. In cases tried in municipal courts, the hearing can take place within a day or so of arrest and, while in theory being permitted to appoint a defence lawyer, the detainee often does not have the opportunity to do so in practice. Lawyers who take on the defence of political prisoners often face reprisals themselves for having done so (see below).

Amnesty International believes that there are several hundred prisoners of conscience serving sentences in Cuban prisons. It is impossible to give a precise figure because the authorities do not make such information public and human rights monitoring, by either domestic or international human rights monitors, is severely limited. In fact, several of those in detention have been imprisoned because of their efforts to disseminate information about alleged human rights violations.

Some of the information provided in this document updates cases referred to in *Cuba: Renewed Crackdown on Peaceful Government Critics*, AMR 25/29/97, August 1997. The majority of the 150 people whose arrest was reported in the earlier document were released, usually after a few days or weeks and mostly without formal charge. However, in most cases they were warned that charges would be brought against them in the future if they did not give up their activities and some have been subjected to further short-term detention and harassment (see below). A few, including **Aguileo Cancio Chong**, president of the unofficial *Partido Acción Nacionalista (PAN)*, National Action Party, released in November 1997 and **Alberto**

Perera Martínez, president of the unofficial *Comité Paz, Progreso y Libertad*, Peace, Progress and Liberty Committee, released in September 1997, were held for between three and six months before being released, apparently without charge. At least one of those who had been detained - **Héctor Peraza Linares**, a journalist working for the independent press agency *Habana Press*, Havana Press - was effectively forced into exile after being held for three months, from 23 June until 23 September 1997, by State Security in Pinar del Río. During that period he had no access to a lawyer. He was only released after paying a fine and agreeing to leave the country under threat that if he did not do so, he would be brought to trial on state security charges. On 15 December 1997 he left Cuba for Spain.

Several others of those mentioned in the earlier document were only released after they had paid a fine. It was not clear what the legal basis for the fine was in most cases. For example, **Blanca Nieve Cruz Rivera**, president of the unofficial *Frente Cívico Humanitario Frank País*, Frank País Civic Humanitarian Front, who had been detained on 11 July 1997 was only released on 29 September 1997 after payment of a fine. Earlier reports had indicated that she was facing a possible state security charge. Others who were reportedly released on payment of a fine were **Heriberto Leyva Rodríguez**, of the unofficial *Movimiento Cubano Jóvenes por la Democracia*, Cuban Youth Movement for Democracy, who was released shortly after his arrest on 13 July 1997 despite having been expected to face trial on a charge of "disrespect", and **Máximo Robaina Hernández**, a member of the unofficial *Frente Cívico Pro Derechos Humanos Máximo Gómez*, Máximo Gómez Civic Front for Human Rights, who was detained between 23 June and 24 September 1997 in San Juan y Martínez, Pinar del Río.

Amongst those who have faced further short-term detentions and continuing threats of imprisonment are: **Juan Carlos Chávez Ruiz**, of the unofficial *Movimiento Cubano Reflexión*, Cuban Reflection Movement, who was reportedly summoned by police on four occasions between September and November 1997; **María de los Angeles González Amaro**, of the *Agencia de Prensa Independiente de Cuba (APIC)*, Cuban Independent Press Agency, who was detained briefly in November 1997; **Librado Linares García**, secretary general of the unofficial *Movimiento Cubano Reflexión*, Cuban Reflection Movement, who was detained three times in September and October 1997; and **Luis López Prendes**, a journalist working for the *Buró de Periodistas Independientes de Cuba (BPIC)*, Bureau of Independent Journalists of Cuba, who was detained briefly in November 1997.

PRISONERS OF CONSCIENCE

Amnesty International believes that the following 24 prisoners are prisoners of conscience, detained solely because of their peaceful attempts to exercise their rights to freedom of expression, association and assembly, and is calling for their immediate and unconditional release:

Ana María Agramonte Crespo¹, president of the unofficial *Movimiento Acción Nacionalista*, National Action Movement, remains imprisoned at the *Centro de Reeducción de Mujeres de Occidente*, Women's Re-education Centre in Havana (the main prison for women nicknamed "Manto Negro"). She was arrested on 1 May 1997, Labour Day, after reportedly refusing to obey a police order to stay at home that day. She was tried on 16 May 1997 and sentenced to 18 months' imprisonment, charged with "disrespect" and "resistance".

Reinaldo Alfaro García², vice-president of the unofficial *Asociación de Lucha Frente a la Injusticia (ALFIN)*, Association for Struggle against Injustice, and a member of the executive of the unofficial *Partido Solidaridad Democrático (PSD)*, Democratic Solidarity Party, was detained on 8 May 1997 after reportedly calling for an amnesty for political prisoners. He is being held at the Combinado del Este Prison, Havana province, and is said to be awaiting trial on a charge of "enemy propaganda".

Bernardo Arévalo Padrón, the director of *Linea Sur Press*, an independent press agency based in Cienfuegos, was detained by State Security on 14 August 1997 in Aguada de Pasajeros and released three days later to await trial. Initial reports indicated that he was to be tried on a charge of "defamation", reportedly on the grounds that he had insulted various government officials, including President Fidel Castro, in his articles. However, at his trial on 28 November 1997, he was sentenced to six years' imprisonment for "enemy propaganda", which was confirmed on appeal. He is reportedly serving his sentence in Ariza Prison, Cienfuegos province.

Félix A. Bonné Carcasés³, a former university professor and member of the *Grupo de Trabajo de la Disidencia Interna para el Análisis de la Situación Socio-Económica Cubana*, Internal Dissidents' Working Group for the Analysis of the Cuban Socio-Economic Situation, was arrested on 16 July 1997, along with three other members of the group. As of December 1997, he was being held in Guanajay Prison, Havana province, where he is awaiting trial on charges which are believed to include "enemy propaganda" and possibly others. He is reportedly suffering from heart problems and diabetes.

Daula Carpio Mata, the provincial delegate of the unofficial *Partido Pro Derechos Humanos en Cuba (PPDHC)*, Party for Human Rights in Cuba, for Villa Clara Province was first arrested on 7 August 1997 in Santa Clara on a charge of "atentado", "assault", on the grounds that she had verbally intimidated a prison doctor at the trial of fellow PPDHC member and prisoners of

¹ See *Cuba: Renewed Crackdown on Peaceful Government Critics*, AMR 25/29/97, August 1997, for full details.

² *idem.*

³ *idem.*

conscience Israel Feliciano García⁴ in late July 1997. She was released pending trial and told to remain at home. On 9 October 1997 she was unexpectedly re-arrested and taken to Guamajal Women's Prison, Villa Clara province, to await trial. She was subsequently tried on 29 October and sentenced to 16 months' "correctional work with internment". Her sentence was ratified on appeal on 8 December 1997. Reports indicate that the prison doctor, who was one of the prosecution witnesses, may have been pressurized by State Security to testify against her. Amnesty International believes that, from the information available, there is no credible basis for the charge against her and that it was brought solely to prevent her from carrying out her peaceful political and human rights activities. She was ordered to present herself at a work centre on 12 December. She did not do so, reportedly for health reasons. She had been fasting since mid-October (see case of Roxana Carpio Mata and others below) and was said to be suffering from sharp pains in her ears and a constant headache. On 16 December she was taken from her home to Guamajal Womens' Prison, despite showing the police a doctor's note recommending she take complete rest. As of early January 1998, she was continuing her fast, reportedly consuming only coffee and water.

Roxana Carpio Mata, sister of Daula Carpio Mata (see above). When Daula Carpio was re-arrested on 9 October 1997, a group of twelve PPDHC members who were gathered together at the home of Iván Lema Romero (see below) in Santa Clara, started a fast in protest at the arrest. Their action, which involved consuming only liquids, attracted public attention because it coincided with the state funeral of Ernesto "Che" Guevara⁵, whose remains had recently been returned to Cuba from Bolivia, and many foreigners, including journalists, were in the town for the event. On 14 October police entered the house and at different times arrested 12 people, including the mother, sister and 15-year-old daughter of Daula Carpio Mata. On 23 October ten of them were brought to trial in the Santa Clara municipal court (the other two detainees, including Daula Carpio's daughter, had been released). They were charged with "*asociación para delinquir*", "associating with others to commit a crime", and "disobedience". Amnesty International believes that the action against them was taken solely to prevent them from peacefully exercising their rights to freedom of assembly, association and expression. Roxana Carpio Mata was sentenced to 18 months' imprisonment, confirmed on appeal, and initially sent to Guamajal Womens' Prison, Villa Clara province, where she continued her fast. On 20 November she was transferred to hospital where it was discovered that she was pregnant. She then reportedly gave up her fast and was returned to the same prison.

⁴ Israel Feliciano García had been sentenced in early 1997 to five months' imprisonment after refusing to pay a fine imposed on him for attending a meeting of *Concilio Cubano* in 1996. A few days before he was due to be released, a new charge of "disrespect" was brought against him. At his trial in July 1997, he was sentenced to an additional three months' imprisonment. He has since been released.

⁵ Heroe of the Cuban Revolution who had been killed by the Bolivian army in Bolivia in 1967.

Ricardo de Armas Hernández, provincial delegate of the unofficial *Partido Pro Derechos Humanos en Cuba*, Party for Human Rights in Cuba, in Matanzas, was sentenced in July 1997 to six or nine months' imprisonment after being convicted on a charge of "disrespect". He had been arrested on 14 May 1997 and taken to Agüica Prison, Matanzas. In September 1997 he was reportedly beaten up by two common law prisoners. He may have been released since then but this has not yet been confirmed.

Pascual Escalona Naranjo⁶ was arrested on 14 June 1997 in Manzanillo, Granma province, released and re-arrested on 22 July 1997. He was brought to trial on 24 July 1997 on a charge of "*peligrosidad*", "dangerousness",⁷ and sentenced to one year's imprisonment. Amnesty International believes that the charge was brought against him in reprisal for his own activities in defence of freedom of expression and association as well as the activities of his wife, Mirta Leiva, who is a correspondent for the *Agencia de Prensa Independiente de Cuba (APIC)*, Cuban Independent Press Agency.

Radamés García de la Vega⁸, vice-president of the unofficial *Movimiento Cubano Jóvenes por la Democracia*, Cuban Youth Movement for Democracy, was arrested on 30 April 1997 in Palma Soriano, Santiago de Cuba province. He was sentenced on 17 June 1997 to eighteen months' "correctional work with internment", after being convicted of "*desacato a la figura del Comandante en Jefe*", "disrespect towards the Commander in Chief" (i.e. President Fidel Castro). Initially he was permitted to remain at home because of ill health but in mid-July he began his sentence at *Prisión Correccional Pepe Blanca*, Gota Blanca Reformatory, in Palma Soriano.

Vicente García Ramos. One of twelve PPDHC members who were arrested on 14 October 1997 in Santa Clara. See the case of Roxana Carpio Mata above for background. He was sentenced to 18 months' "correctional work with internment", confirmed on appeal, which he is serving in Villa Clara Provincial Prison. He is believed to have stopped his fast.

⁶ See *Cuba: Renewed Crackdown on Peaceful Government Critics*, AMR 25/29/97, August 1997, for full details.

⁷ A section of the penal code entitled "The Dangerous State and Security Measures", under which a person can be imprisoned for up to four years if s/he is considered to have a special proclivity to commit crimes and may be about to commit an offence. See "*Cuba: Hundreds Imprisoned for Dangerousness*", AMR 25/01/94, February 1994, for further details.

⁸ *idem*.

René Gómez Manzano⁹, a lawyer and founder of the independent lawyer's group *Corriente Agramontista*, Agramontist Current, and a member of the *Grupo de Trabajo de la Disidencia Interna para el Análisis de la Situación Socio-Económica Cubana*, Internal Dissidents' Working Group for the Analysis of the Cuban Socio-Economic Situation, was arrested on 16 July 1997, along with three other members of the group. At the time of writing he is being held in Agüica Prison, Matanzas province, awaiting trial on charges which are believed to include "enemy propaganda".

Iván Lema Romero. One of twelve PPDHC members arrested on 14 October 1997 in Santa Clara. See the case of Roxana Carpio Mata above for background. He was sentenced to 18 months' imprisonment, confirmed on appeal. He started his sentence in Guamajal Prison but was later transferred to Manacas Prison, Santa Clara, Villa Clara province, where, according to reports received in early January 1998, he was continuing his fast and had been transferred to the prison infirmary.

José Manuel Llera Benítez. One of twelve PPDHC members arrested on 14 October 1997 in Santa Clara. See the case of Roxana Carpio Mata above for background. He was sentenced to 18 months' imprisonment, confirmed on appeal, which he is serving in Las Grimas Prison, Placetas, Villa Clara province. As of mid-December, he was still fasting and was said to be suffering from pains in his joints, vomiting and dizziness. Reports indicated that prison officials had unsuccessfully tried to get common prisoners to provoke him by offering them extra privileges. As of early January 1998, he had reportedly been transferred to a punishment cell for refusing to work while in prison but was continuing his fast.

Adel Sigfredo Martínez Armenteros, member of the national executive of the unofficial *Partido Democrático 30 de Noviembre "Frank País"*, Frank País 30th November Democratic Party, was arrested on 12 September 1997 in Havana and taken to the Fourth Police Unit. His mother was told the same day that he would be released on bail within three days if she paid 1,000 pesos, a large amount of money in Cuba. However, on 15 September she was told that it had been decided to bring him to trial next day at Cerro municipal court on a charge of "disrespect". He was sentenced to six months' imprisonment which he is believed to be serving in Unit 1580 (also known as "El Pitirre") in San Miguel del Padrón, Havana.

Dr Desi Mendoza Rivero¹⁰, president of the *Colegio Médico Independiente de Santiago de Cuba*, Santiago de Cuba Independent Medical Association, was detained on 25 June 1997 in Santiago de Cuba, after making statements, which were disseminated by foreign media, about an epidemic of dengue fever in Santiago de Cuba which, according to him, had caused several deaths. He reportedly accused the authorities of covering up the true

⁹ *idem.*

¹⁰ *idem.*

extent of the epidemic and of not taking sufficient measures to control it. He was brought to trial on 18 November 1997, charged with using the mass media to spread "enemy propaganda", and sentenced to eight years' imprisonment. He is serving his sentence in Boniato Prison, Santiago de Cuba province.

Cecilio Monteagudo Sánchez, a member of the unofficial *Partido Solidaridad Democrática*, Democratic Solidarity Party, in Camajuaní, Villa Clara province, was detained on 15 September 1997. He was due to be brought to trial on 25 November 1997, charged with "enemy propaganda" on the grounds that he wrote a leaflet calling on people not to vote in the local elections that were due to be held in October, but the hearing was adjourned. The prosecution are believed to be seeking a sentence of six years' imprisonment. He is believed to be held in La Pendiente Prison, Santa Clara, Villa Clara province. Also due to be tried in the same case is journalist Juan Carlos Recio Martínez (see below). As far as Amnesty International is aware, the trial has not yet taken place.

Lorenzo Páez Nuñez¹¹, president of the unofficial *Centro No Gubernamental para los Derechos Humanos "José de la Luz y Caballero"*, José de la Luz y Caballero Non-Governmental Centre for Human Rights, remains imprisoned at Guanajay Prison, Havana province. He was detained on 10 July 1997 in Artemisa, Havana, and tried the following day, together with Dagoberto Vega Jaime (see below). Both were charged with "disrespect" and "defamation" because of his attempts to disseminate to contacts in the USA information about allegations of human rights violations. Lorenzo Páez, who is also a correspondent for *Libertad*, Freedom, an independent press agency which is part of the *Buró de Periodistas Independientes de Cuba (BPIC)*, Bureau of Independent Cuban Journalists, was sentenced to 18 months' imprisonment.

Héctor Palacio Ruiz¹², president of the unofficial *Partido Solidaridad Democrático (PSD)*, Democratic Solidarity Party, and member of the national coordinating council of *Concilio Cubano*, Cuban Concilium¹³, was arrested on 9 January 1997 following an interview with a German television station in which he criticised the Cuban Government and referred to

¹¹ *idem*.

¹² See *Cuba: Prisoner of Conscience Héctor Palacio Ruiz sentenced to 18 months' imprisonment*, AMR 25/35/97, 2 October 1997, for further details.

¹³ *Concilio Cubano* is a forum of some 140 unofficial groups which was set up in October 1995. As a result of attempts to organize a national meeting in February 1996, scores of people were detained and several of the most prominent leaders imprisoned. See *Cuba: Government Crackdown on Dissent*, AMR 25/14/96, April 1996, and *Cuba: Dissidents Imprisoned or Forced into Exile*, AMR 25/29/96, July 1996, for further details.

declarations made by President Fidel Castro at the Sixth Ibero-American Summit in Chile in November 1996. On 4 September 1997 he was sentenced to 18 months' imprisonment for "disrespect" towards President Fidel Castro. He had been serving his sentence in Combinado del Este Prison, Havana, but on 29 December 1997 was transferred to Melena del Sur Prison in Havana province.

Vladimiro Roca Antunes¹⁴, a specialist in international economic relations and member of the *Grupo de Trabajo de la Disidencia Interna para el Análisis de la Situación Socio-Económica Cubana*, Internal Dissidents' Working Group for the Analysis of the Cuban Socio-Economic Situation, was arrested on 16 July 1997, along with three other members of the group. All four are awaiting trial on charges which are believed to include "enemy propaganda". At the time of writing he is being held in Ariza Prison, Cienfuegos province, and is said to be suffering from high blood pressure.

Nestor Rodríguez Lobaina¹⁵ is president of the unofficial *Movimiento Cubano Jóvenes por la Democracia*, Cuban Youth Movement for Democracy. He was arrested on 8 April 1997 and brought to trial for "disrespect", and "resistance", after criticising the Fourteenth Youth and Student Festival that was to be held in Cuba later in July and August. He was sentenced to eighteen months' imprisonment which he is serving in Combinado de Guantánamo Prison. After going on hunger strike at the time of the youth festival, he was sent to a punishment cell. In September he was reportedly badly beaten by guards on two occasions and again sent to a punishment cell for an unknown period of time. He subsequently went on hunger strike again for a short period but appears to have since given up his protest. After not receiving any family visits for four months, he was permitted a one-hour visit from his father on 25 December 1997.

Orestes Rodríguez Urrutiner, acting president (*presidente interino*) of the unofficial *Movimiento Seguidores de Chivás*, Followers of Chivás Movement, in Santiago de Cuba, was arrested in June or July 1997. He was brought to trial on 11 November 1997 on a charge of "enemy propaganda" and sentenced to four years' imprisonment which he is serving in El Manguito Prison, Santiago de Cuba.

Efraín Rodríguez Santos, a member of the *Club Pueblos Cautivos de Cuba*, an unofficial group working for peasants who were evicted from their land during the 1960s, was arrested on 12 July 1997 at his home in a rural community called Ramón López Peña in San

¹⁴ See *Cuba: Renewed Crackdown on Peaceful Government Critics*, AMR 25/29/97, August 1997, for further details.

¹⁵ *idem.* Also *Cuba: Ill-treatment of Three Political Prisoners in Combinado de Guantánamo Prison*, AMR 25/44/97, 8 December 1997.

Cristóbal, Pinar del Río province, after reportedly shouting out from his balcony "*¡Abajo Fidel!*", "Down with Fidel", and other statements which were critical of the government. He was reportedly drunk at the time of the offence. He was sentenced to 18 months' imprisonment on 24 September 1997, accused of "*desacato a la figura del Comandante Fidel Castro*", "disrespect to Commander Fidel Castro". The sentence was ratified on appeal in October 1997. His place of detention is not known.

Marta Beatriz Roque Cabello¹⁶, an economist and member of the *Grupo de Trabajo de la Disidencia Interna para el Análisis de la Situación Socio-Económica Cubana*, Internal Dissidents' Working Group for the Analysis of the Cuban Socio-Economic Situation, was arrested on 16 July 1997, along with three other members of the group. All four are awaiting trial on charges which are believed to include "enemy propaganda". In December she was transferred from the *Centro de Reeducción de Mujeres de Occidente*, Womens' Reeducation Centre, Havana, to the Marianao Military Hospital, where she was reportedly being treated for breast lumps. It is not clear whether she is still in hospital at the time of writing.

Dagoberto Vega Jaime¹⁷, an activist of the unofficial *Centro No Gubernamental para los Derechos Humanos "José de la Luz y Caballero"*, José de la Luz y Caballero Non-Governmental Centre for Human Rights, is serving a one-year prison sentence in Guanajay Prison, Havana province. He was detained on 10 July 1997 in Artemisa, Havana, and tried the following day, together with Lorenzo Páez Núñez (see above). Both were charged with "disrespect" and "defamation" because of their attempts to disseminate to contacts in the USA information about allegations of human rights violations.

POSSIBLE PRISONERS OF CONSCIENCE

Amnesty International is monitoring the following cases in order to determine whether those concerned are or may become prisoners of conscience:

Juan Escandell Ramírez is a lawyer who works for an independent lawyers' organization called the *Corriente Agramontista*, Agramontist Current. He has defended several dissidents, including prisoner of conscience Héctor Palacio Ruiz (see above), and is currently representing Félix Bonné Carcasés (see above). He has been threatened with imprisonment on several occasions in the past. After he had been briefly detained in

¹⁶ See *Cuba: Renewed Crackdown on Peaceful Government Critics*, AMR 25/29/97, August 1997, for further details.

¹⁷ *idem*.

February 1996 during the crackdown on *Concilio Cubano*¹⁸, he said that he had been told by State Security that they were intending to invent a case against him. In September 1997, he was accused of "*acoso sexual*", "sexual harassment" after a woman who had been visiting his office in San Antonio de los Baños went to the police. On 8 October 1997, he and his wife, Yanét Pico Camaraza, were summoned to the military counter-intelligence headquarters in Rancho Boyeros, Havana, and told that he was under investigation for having written an anonymous letter to an army major inciting him to take action against the government. On 20 October 1997, the couple were summoned to the headquarters of the *Departamento Técnico de Investigaciones (DIT)*, Technical Investigations Department, in Havana, where they were interviewed by two State Security officials. After one official referred to the alleged incident of sexual harassment, the other said that he was there because he wanted the couple to sign official warnings about statements they had been giving to foreign news media. In September, Yanét Pico Camaraza was briefly detained on suspicion of trafficking in marijuana but released without charge. Neither are in detention at the time of writing and so far no further action has been taken against them, though investigations of the alleged charges are believed to be continuing. Amnesty International believes that, on the basis of the information so far available, there is no credible evidence for the accusations against Juan Escandell Ramírez. It believes that he and his wife are being targeted because of his work in defence of political prisoners.

Alexander Hernández Lago was detained on 23 September 1997 when police went to his home in Pinar del Río, reportedly without a warrant, to arrest his mother because she had failed to pay a bill of 41.5 pesos for water and sewage supplies. Police reportedly forced their way into the house and beat both him and his mother. He then went into the street with a placard saying "*Ya estamos cansados de tanta arbitrariedad e injusticia, Derechos Humanos, Artículo 19, ¡Respétense!*", "We are fed up with so much arbitrariness and injustice, Human Rights, Article 19, Respect them!". He was then handcuffed, reportedly beaten again, and taken, together with his mother, to Police Unit No. 1 in Pinar del Río. He was released on 100 pesos' bail two days later. He was due to be tried on 24 November 1997, accused of "disrespect" and "assault". The outcome of the trial is not yet known and it is not clear whether he is at present imprisoned. Alexander Hernández Lago is reportedly a contributor to *Vitral*, an officially-sanctioned religious magazine published by the *Centro de Información Cívico-Religioso*, Centre for Civic and Religious Information,

Maritza Lugo Fernández¹⁹, a member of the national executive of the unofficial *Partido Democrático 30 de Noviembre*, 30 November Democratic Party, was arrested on 15 August 1997. She was subsequently brought to trial on 5 September 1997 and sentenced to two

¹⁸ See footnote 12.

¹⁹ *idem*.

years' imprisonment, charged with "*cohecho*", "bribery", on the grounds that she bribed a prison guard to smuggle money and a tape recorder into Unit 1580 Prison (also known as "El Pitirre") for another political prisoner. Following her trial she was being held under house arrest in order to recuperate from a hunger strike carried out while awaiting trial in the Women's Re-education Centre in Havana. It is not clear whether she is currently in prison. Amnesty International believes that she may have been targeted because of her peaceful political activities. Her brother, prisoner of conscience **Osmel Lugo Gutiérrez**, who is vice-president of the same group and was arrested in May 1996, is serving a prison sentence of two years and six months for "disrespect". Both were reportedly summoned by immigration officials in May 1996 and offered the possibility of leaving the country even though they had not sought permission to do so.

Luis Mario Paredes Estrada, secretary of the unofficial *Consejo Unitario de Trabajadores Cubanos (CUT)*, Unitary Council of Cuban Workers, and a member of the *Partido Democrático 30 de Noviembre Frank País*, Frank País 30th November Democratic Party, in Manzanillo, Granma province, was arrested on 4 September 1997 and was going to be tried the next day for "dangerousness". However, after he went on hunger strike, the hearing was postponed and he was released until 8 September when the trial took place. He was sentenced to one year's imprisonment. He is believed to be serving his sentence in Las Mangas Prison in Granma province. It is not clear what the precise basis for the charge was but, from the information so far available, Amnesty International believes that he may have been targeted because of his peaceful political activities.

Cecilio Ruiz Rivero, a member of the unofficial *Asociación de Lucha Frente a la Injusticia (ALFIN)*, Association for Struggle Against Injustice, was reportedly brought to trial on 24 September 1997 and convicted on charges with "disrespect", "assault" and "resistance". He is imprisoned in Quivicán Prison, Havana province, but the precise length of his sentence is not clear. He had been arrested on 14 July 1997. He had served a previous sentence of three years' imprisonment for "enemy propaganda". Amnesty International is seeking further information about the reasons for his current conviction.

OTHER CASES OF CONCERN TO AMNESTY INTERNATIONAL

Amnesty International believes that the following six PPDHC members, who were detained on 14 October 1997 together with prisoner of conscience Roxana Carpio Mata and others (see above) after they began fasting in protest at the arrest of Daula Carpio Mata, were arrested in order to prevent them from peacefully exercising their rights to freedom of assembly, association and expression. At the time of writing, most of them are not believed to be in detention. However, the organization believes that the charges against them should be dropped and that their sentences should be annulled.

José Antonio Alvarado Almeida. He was sentenced to 18 months' "correctional work with internment", confirmed on appeal, but has not started his sentence. On 22 November 1997, he was hospitalized and placed in intensive care after reportedly suffering a heart attack. On 3 December he was discharged from hospital to his home where he has continued his fast. He is said to have lost about 50 pounds [23kg] in weight. He was told to report to Villa Clara Provincial Prison on 23 December but is believed not to have done so. As of early January 1998, he was again reported to be hospitalized in an intensive care unit but was still continuing his fast.

Arélis Fleites Méndez, wife of former prisoner of conscience Israel Feliciano García²⁰. She was sentenced to 18 months' "restricted liberty" and a fine. She is no longer fasting.

Maria Felicia Mata Machado, the mother of prisoners of conscience Daula and Roxana Carpio Mata (see above). She was sentenced to 18 months' "restricted liberty" and a fine. She is no longer fasting.

Lilián Meneses Martínez. She was sentenced to 18 months' "*trabajo correccional sin internamiento*", "correctional work without internment", confirmed on appeal, but has not started her sentence. She is said to be suffering from dizziness, dry lips and an abnormally rapid heart rate (*taquicardia*) as the result of her fast which she is continuing. She was told to report to a work centre on 23 December despite having been informed earlier by the director that there was no work for women there. In late December, she was reportedly hospitalized briefly but as of early January had returned home where she was continuing her fast.

Ileana Peñalver Duque. She was sentenced to 18 months' "correctional work without internment", confirmed on appeal, but has not started her sentence. She is still fasting and is said to be suffering from memory and vision disturbance, loss of feeling in her legs and to have lost a lot of weight. She was told to report for work at the Ovideo Rivero Agricultural Production Centre on 17 December and warned that, if she continued to present medical certificates stating she was too ill to work, her sentence would be changed instead to one of imprisonment. In late December, she was reportedly hospitalized briefly but as of early January had returned home where she was continuing her fast.

Danilo Santos Méndez. He was sentenced to 18 months' "correctional work with internment", confirmed on appeal, but did not start it immediately. He continued his fast and was said to be suffering from abdominal pain and exhaustion and to have lost a lot of weight. However, as of early January 1998, he was believed to have ceased his fast. It is not clear whether he has now started his sentence.

²⁰ See footnote 4.

UNIVERSITY OF CALIFORNIA, BERKELEY

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SANTA BARBARA • SANTA CRUZ

DEPARTMENT OF ETHNIC STUDIES
508A BARROWS HALL

BERKELEY, CALIFORNIA 94720-2570

March 12, 1998

Via Fax: 202-456-9140

Mr. Robert Malley
Special Assistant to the President
The White House
Washington, DC

Dear Mr. Malley:

I write concerning the "Dialogue with Cuba" Conference which some 12 University departments have been planning for over the past year, and which will take place next week, March 19-21, with the full support of the University. Over 30 scholars, professions, artists, and writers have been invited to attend from Cuba in what we hope will become an historic, long overdue academic and cultural exchange.

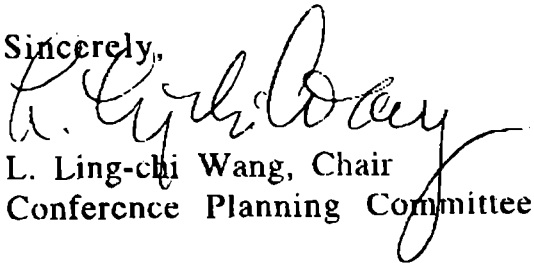
To our regret, however, the State Department has not approved visas for key members of the delegation, including such persons as leading Presbyterian theologian, Dr. Sergio Arce (who has received visas in the past), Olympic Gold Medal winner Alberto Juantorena, and Dr. Lidia Turner, President of the National Association of Cuban Teachers. Altogether, only eight of the twenty-one scholars and professionals invited have received visa approval. Last week, I personally traveled to Washington and met with officials in the State Department in charge of Cuban Affairs to present our case and review the reasons for inviting each of the speakers. In spite of a cordial reception and expression of the possibility that additional visas might be approved, the outcome, to our great shock, was the revoking of two of the previously approved ten visas early this week.

On behalf of the Conference Planning Committee of the University of California, Berkeley, we request your assistance in obtaining the

necessary visas to make the conference a significant advance in Cuban scholarship. The conference has not only attracted widespread interest, but inquiries and expressions of interest have been received from people across the nation. On the heel of the Pope's historic visit to Cuba, we believe it is appropriate to open communication and dialogue with Cuba. Because the conference will be academic, free and open, it should have the blessing of our government, and we do not think it appropriate for our government to use the visa approval process to impose censorship and stifle free expression and exchange of ideas.

I hope to be able to call you tomorrow morning so that we might discuss this important matter.

Sincerely,



L. Ling-chi Wang, Chair
Conference Planning Committee

cc: Chancellor Robert Berdahl
Dean Richard Buxbaum, International & Area Studies

Tel. 510-642-7439

Fax 510-642-6456

E-mail: LCWang@uclink2.berkeley.edu

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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

ARA Press Guidance
March 12, 1998

CUBA: UC-BERKELEY CONFERENCE VISA DENIALS

Background:

The University of California at Berkeley is sponsoring a conference entitled "A Dialogue with Cuba" March 19-21. Nineteen Cubans submitted visa applications to attend the conference as speakers and panel members. The Department granted approval to issue visas to eight of the proposed participants. Eleven, including four members of the Cuban National Assembly, were denied visas.

Q: Why were visas denied for Sergio Arce, Presbyterian theologian, and Alberto Juantorena, former Olympic record holder in track, to attend UC-Berkeley's March 19 conference, "A Dialogue with Cuba?"

A: A Presidential Proclamation of October 4, 1985, suspended further issuance of nonimmigrant visas to officers and employees of the Government of Cuba and the Communist Party of Cuba. The Department of State may grant exceptions to this restriction on a case-by-case basis. In 1997, some 250 Cubans subject to the proclamation applied for visas to attend academic events in the United States. Approximately 80 percent of those were approved.

2

The 20 percent whose applications were denied consisted primarily of high-level government officials and idealogues.

Both Mr. Arce and Mr. Juantorena are members of the Cuban National Assembly. It is standard policy under the Presidential Proclamation to deny visas to members of the National Assembly, as well as other high-ranking officials of the Government and Communist Party.

Q: But both Sergio Arce and Alberto Juantorena were allowed to travel to the U.S. in 1997. Why the change now?

A: Mr. Arce and Mr. Juantorena became members of the National Assembly in January. That is the difference from last year.

Q: What of the other denials? Why were 11 of 19 denied?

A: Two others are also members of the National Assembly. The other seven who were denied are also high-level officials in the Government and/or the

2

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Communist Party. Each case was individually reviewed and the decisions made were consistent with past practice.



**WASHINGTON
OFFICE ON
LATIN
AMERICA**

400 C Street, N.E.

Washington, D.C. 20002

Tel: (202) 544-8045

Fax: (202) 546-5288

February 12, 1998

Dear Colleague:

Knowing of your interest in U.S. policy toward Cuba, we are enclosing a recent press release and statement from the United States Catholic Conference (USCC) on the visit of Pope John Paul II to Cuba. The statement by Archbishop Theodore E. McCarrick of Newark, chair of the USCC International Policy Committee, strongly calls for a re-examination of U.S. policy toward Cuba. The statement notes that recent developments in Cuba "fall far short of the measure of a just society repeatedly outlined by the Holy Father." Nonetheless, it recognizes that the Cuban government relaxed restrictions on religious expression before and during the papal visit, and it urges the United States to respond positively to these steps.

In particular, the statement released by the USCC on February 2, 1998, **calls on the U.S. government to lift the "onerous and evidently meaningless ban on direct flights to Cuba." It also explicitly supports the current legislation in both the House and Senate to end restrictions on the sale of food and medicines to Cuba.** The following excerpts highlight the USCC's comments on the ban on food and medical sales to Cuba:

- "... only a very small part of the nutritional and health needs of the Cuban people can be met by these periodic infusions of humanitarian aid from private donors from other countries. The Cuban people need these commodities from abroad, including from the United States, without excessive prohibitions and restrictions. The demands of elementary social justice... call upon us to do what we can to alleviate the suffering of the Cuban people... Ending the restrictions on the sale of food and medicines, as legislation currently in both House of U.S. Congress calls for, would be, in our view, a noble and needed humanitarian gesture and an expression of wise statesmanship on the part of our elected leaders."
- "As far back as 1969, the Cuban bishops called for the dismantling of the trade embargo, a move that was publicly supported by the USCC in 1972. Observing that embargoes are acts of force, the bishops addressed provisions of the 1992 Cuba Democracy Act, stating that any embargo that prevents essential foods and medicines from getting to people in need is 'morally unacceptable, generally in violation of the principles of international law, and always contrary to the values of the Gospel.'"
- "In our view, therefore, it is clearly time for the United States also to take some practical steps of its own and test whether the hopes enkindled by the papal visit can lead to real improvements in relations between our two countries."

We hope this statement is useful to you in your work on U.S. policy toward Cuba. If you would like further information about U.S. policy, about the legislation now pending in Congress, or about the religious community in Cuba, please contact me at (202) 544-8045.

Sincerely,

Geoff Thale
Senior Associate for Cuba



NEWS

Department of Communications

3211 Fourth Street, NE, Washington, DC 20017-1194

DATE: February 2, 1998

FROM: David Early

O 202-541-3200

H 703-534-4775

FOR IMMEDIATE RELEASE

PAPAL VISIT TO CUBA SHOULD SPUR RE-EXAMINATION OF U.S. POLICY, BISHOPS ADVISE

WASHINGTON -- Positive steps taken by the Cuban government in anticipation of Pope John Paul II's recent visit there should be met with a re-examination of U.S. policy toward the island nation, according to a statement released today by the U.S. Catholic Conference.

"It is incumbent on us ... to take a fresh look at the issues that continue to divide us," said Archbishop Theodore E. McCarrick of Newark, "and see if it is not time for fresh initiatives to promote the goals of reconciliation among us."

Specifically, Archbishop McCarrick, who chairs the USCC International Policy Committee called on the U.S. government to lift the "onerous and evidently meaningless ban on direct flights to Cuba" and to allow the alleviation of suffering in Cuba by ending restrictions on the sale of food and medicines.

The Cuban government's relaxation of restrictions on religious expression before and during the Pope's January 21-25 visit "fall far short of the measure of a just society repeatedly outlined by the Holy Father," according to Archbishop McCarrick. "But they are steps along a better path and should be acknowledged as such. In our view, therefore, it is clearly time for the United States also to take some practical steps" which could "lead to real improvements in relations between our two countries."

Despite becoming an officially "secular" state in 1992 after three decades of being an "atheist" nation, the Cuban government continued to impose severe restrictions on the work of

more.....

religious organizations -- and on the practice of religion -- before last year. In preparation for Pope John Paul's visit, however, several concessions were made to allow for door-to-door outreach by Church officials, several outdoor Masses, and previously forbidden religious processions.

"We urge and look forward to further hopeful signs of positive developments within Cuban society that could lead toward to needed rapprochement between our two countries and reconciliation among all our peoples," said Archbishop McCarrick. "We stand with the Cuban people in their just hopes for full civic, political and religious freedom."

#

98-026

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NOTE: The text of Archbishop McCarrick's statement is attached.

Statement on Cuba in the Light of the Papal Visit
by
Archbishop Theodore E. McCarrick
Chairman, USCC Committee on International Policy

January 30, 1998

Together with other members of the USCC Committee on International Policy and staff of the Conference, I have just returned from a most moving and, I truly believe, historic event, the visit by our Holy Father, Pope John Paul II to the Church and people of Cuba. It was a visit that not only provided new hope and energy for the Church in Cuba, enabling the faithful to express their religious beliefs in a climate of ever greater freedom, but may also have marked a positive advance in the long sought for goal of reconciliation among the Cuban people, both within Cuba and with the Cubans in the diaspora. It is our hope that the visit will also mark a new phase in the relations between our two countries, so deeply in need of reconciliation.

As bishops of the Church in the United States, we feel strongly called to express our convictions about possible implications the visit may have for the conduct of our country's policy toward Cuba. No other country in the world looms as large in the minds of the Cuban people and their government as does the United States. No other country has had, and continues to have, such a turbulent and mutually hostile relationship with Cuba as does the United States. And no other country outside of Cuba itself has within it such a large concentration of Cuba's sons and daughters. It is incumbent on us, therefore, to take a fresh look at the issues that continue to divide us, and see if it is not time for fresh initiatives to promote the goals of reconciliation among us.

As a Conference, our overarching concern has been and continues to be the freedom of the Church in Cuba to exercise its threefold ministry of free and open worship, of prophetic preaching, and of Christian service to the needy. Within this essential framework of religious liberty and respect for fundamental human rights which we call upon the Cuban government to assure, we turn to the policies of our own government. The central U.S. policy issue is, of course, the decades-old economic sanctions imposed by our government against Cuba. As far back as 1969, the Cuban bishops called for the dismantling of the trade embargo, a move that was publicly supported by the USCC in 1972. It was only in the present decade, however, that circumstances have made such appeals even remotely possible.

The moral principles governing Catholic teaching on economic sanctions in general, and on Cuba specifically, are well known. The Cuban bishops have repeatedly expressed their opposition to "any kind of measure that, in order to punish the Cuban government, serves to aggravate the problems of our people." Observing that embargoes are acts of force, the bishops addressed provisions of the 1992 Cuban Democracy Act, stating that any embargo that prevents essential foods and medicines from getting to people in need is "morally unacceptable, generally in violation of the principles of international law, and always contrary to the values of the Gospel."

After the passage of the so-called Helms-Burton Act in 1996, the Cuban bishops expressed their concern that the law runs the risk of "making even more difficult the likelihood of finding peaceful means to lead to the reconciliation of all Cubans." Cardinal Jaime Ortega of Havana added that "Any economic measure that aims to isolate a country and thus eliminates the possibility of development, thus threatening the survival of people, is unacceptable."

And in his departure remarks at José Martí Airport on January 25th, Pope John Paul stressed that, in our day, "No nation can live in isolation. The Cuban people therefore cannot be denied the contacts with other peoples necessary for economic, social and cultural development, especially when the imposed isolation strikes the population indiscriminately, making it ever more difficult for the weakest to enjoy the bare essentials of decent living, things such as food, health and education. All can and should take practical steps to bring about changes in this regard."

The officials of our government repeatedly affirm their readiness to at least modify aspects of the embargo, to take some practical steps, in response to clear signs of a greater opening within the society and increased respect for basic human rights, including religious freedom. While we make no predictions on how lasting some of the expressions of openness shown by the Cuban government prior to and during the papal visit may prove to be, it is an undeniable fact that important changes did occur over this past year: allowing for the door-to-door missions conducted by the dioceses to talk about the Pope's visit, permission for a number of open-air Masses, including hitherto forbidden religious processions, granting a larger than previously allowed number of visas for foreign priests and religious to minister in Cuba, a limited amount of access to the state media, even re-instating Christmas, at least for this past year, as a national holiday, and other expressions of a more open official attitude toward the rights and freedoms of believers.

As welcome as these changes are, it is obvious that they fall far short of the measure of a just society repeatedly outlined by the Holy Father. But they are steps along a better path and should be acknowledged as such. In our view, therefore, it is clearly time for the United States also to take some practical steps of its own and test whether the hopes enkindled by the papal visit can lead to real improvements in relations between our two countries.

First of all, we call upon the President to rescind the onerous and evidently meaningless ban on direct flights to Cuba, requiring all passenger traffic and humanitarian aid to transit third countries en route to Cuba. This ban was lifted for flights related to the papal visit these past weeks, for which we are indeed grateful. But as humanitarian agencies here, such as Catholic Relief Services and Catholic Medical Mission Board, plan their next shipments of critically needed medicines and other aid to the Cuban Church's relief and development agency, Caritas Cuba, they are still faced with the excessive added costs that third country transit imposes.

Secondly, only a very small part of the nutritional and health needs of the Cuban people

can be met by these periodic infusions of humanitarian aid from private donors from other countries. The Cuban people need these commodities from abroad, including from the United States, without excessive prohibitions and restrictions. The present socio-political system, privileging those with power and ready access to hard currency but leaving great numbers of the poor with inadequate access to food and medicine, will not be changed overnight. The demands of elementary social justice, however, call upon us to do what we can to alleviate the suffering of the Cuban people, especially the poorest and most vulnerable. Ending the restrictions on the sale of food and medicines, as legislation currently in both Houses of the U.S. Congress calls for, would be, in our view, a noble and needed humanitarian gesture and an expression of wise statesmanship on the part of our elected leaders.

It is our fervent hope and prayer that the encouraging, inspiring and, we hope, transforming words spoken by the Holy Father in Cuba will continue to strengthen and give hope to the Cuban people, especially our brothers and sisters in the faith. And we pray that his powerful and eloquent calls for a more open, participative and just society, for a liberation "that reaches its fullness in the exercise of freedom of conscience, the basis and foundation of all other human rights," will be ever more heeded by the civil authorities. We urge and look forward to further hopeful signs of positive developments within Cuban society that could lead toward the needed rapprochement between our two countries and reconciliation among all our peoples.

The Holy Father summarized his goal for the visit as offering the "opportunity to strengthen not only the courageous Catholics of that country but also all their fellow citizens in their efforts to achieve a homeland ever more just and united, where all individuals can find their rightful place and see their legitimate aspirations realized." We stand with the Cuban people in their just hopes for full civic, political and religious freedom.

E- Here's an early draft
of Cuba resolution for Genera.

| Looks fine to me. Any
questions/concerns? |

SB

O F F I C E O F C U B A N A F F A I R S

U.S. Department of State
ARA/CCA, Room 3234
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Washington, D.C. 20520-6263

Phone: (202) 647-9273

FAX: (202) 736-4476

FAX HELMS-BURTON UNIT: (202) 647-7095

F A X C O V E R S H E E T

DATE: February 10, 1998

TO: NSC - Jeff De Laurentis

FROM: Velia De Pirro, Political Officer

FOR: Clearance

Information

Per Request

Action

xx

REMARKS: Jeff: here's the draft human rights resolution on Cuba. I've dropped the shutdown language. Please clear by COB on Thurs. Also, could you make sure Scott (or whoever in his shop) sees it. Thanks.

NUMBER OF PAGES, INCLUDING COVER PAGE: 1

(IF THIS TRANSMISSION WAS NOT RECEIVED IN ITS ENTIRETY, PLEASE
CALL 647-9272)

The Commission on human rights,

Recalling its resolution 1997/62 of 16 April 1997 regarding the extension of the mandate of the Special Rapporteur of the Commission to review and report on the situation of human rights in Cuba and to maintain direct contact with the government and citizens of Cuba,

Recalling also General Assembly resolution 52/143 of 12 December 1997 regarding the situation of human rights in Cuba,

Reaffirming that all member states have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights, the international covenants on human rights other applicable human rights instruments,

Considering the report on the situation of human rights in Cuba submitted to the Commission by the Special Rapporteur,

Profoundly concerned at continued violations in Cuba of human rights and fundamental freedoms enumerated in the Universal Declaration of Human Rights, such as freedoms of thought, conscience and religion, opinion and expression, assembly and association, and rights associated with the administration of justice,

1. Commends the report of the Special Rapporteur and his efforts to carry out his mandate concerning the situation of human rights in Cuba;
2. Calls upon the Government of Cuba to permit the Special Rapporteur the opportunity to carry out his mandate in full, in particular allowing him to visit Cuba;
3. Expresses particular concern that the Government of Cuba has failed to carry out its commitment to cooperate with the Commission on Human Rights, in conformity with Articles 55 and 56 of the Charter of the United Nations;
4. Calls upon the Government of Cuba to consider acceding to human rights instruments to which it is not yet a party;
5. Regrets profoundly the numerous reports of violations of human rights and fundamental freedoms described in the report of the Special Rapporteur, and urges the Government of Cuba to ensure freedom of expression and assembly and the freedom to demonstrate peacefully, including by allowing political parties

and NGO's to function freely in the country, and by reforming legislation in this area;

6. Calls upon the Government of Cuba to carry out the recommendations contained in the report of the Special Rapporteur to bring its observance of human rights and fundamental freedoms into conformity with international law and applicable international human rights instruments and to end all violations of human rights including, in particular, the detention and imprisonment as well as harassment of and threats against human rights defenders and others who are engaged in the peaceful exercise of their rights, and to grant access to the prisons by non-governmental humanitarian organizations and international human rights agencies;

7. Calls especially upon the Government of Cuba to release the numerous persons detained for activities of a political nature, including those specifically mentioned in the report of the Special Rapporteur who suffer from inadequate medical care while imprisoned or whose rights as journalists or jurists are impeded or denied;

8. Calls upon the Government of Cuba to ensure that workers' rights are safeguarded including through independent and generalized collective bargaining systems;

9. Extends the mandate of the Special Rapporteur for one year;

10. Requests the Special Rapporteur to maintain direct contacts with the Government and citizens of Cuba as specified in past resolutions of the Commission;

11. Requests that the existing mechanisms of the Commission on Human Rights continue giving attention to the situation of human rights in Cuba;

12. Invites the Special Rapporteur and the existing thematic mechanisms of the Commission to cooperate fully and exchange information and findings on the situation human rights in Cuba;

13. Requests the secretary-general to provide all necessary assistance to the Special Rapporteur;

14. Requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-third session and to report to the Commission at its fifty-fifth session on the result of his endeavors pursuant to the present resolution;

15. Invites the Government of Cuba to consider the possibility of requesting the establishment of a program of Advisory Services.

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CUBAN ASSISTANCE AND RELIEF (CARE) ACT OF 1998

The CARE Act of 1998 would authorize the delivery of donated medicine and food as well as Title II of U.S. Public Law 480 "Food for Peace" to needy Cubans. These goods would be delivered by the American Red Cross to ensure that it reaches the neediest people, specially political prisoners and their families.

- This initiative takes the opportunity of the visit to Cuba of Pope John Paul II to address the concerns of the Catholic Church and other religious and humanitarian organizations by providing aid directly to those who need it the most. It also puts the burden of accepting or rejecting such needed humanitarian aid, squarely on the Cuban regime.
- It extends a helping hand to those needy Cubans that, because of the regime's economic and political policies, cannot possibly afford to buy imported food or medicine, while preserving the commercial sanctions that constitute the foundation of U.S. policy directed to bring the benefits of economic and political freedom to all Cubans.
- The program would commence only after the Cuban regime has given public assurances that it will not interfere with the distribution and it would cease immediately if any portion of the aid is diverted to ineligible individuals or organizations (including foreign tourists, senior government officials, security and/or repressive forces, *et al*) or subverted, obstructed, or interfere with by the regime.
- Donated food and medicine can be delivered under the Libertad Act of 1996 (Helms-Burton) and the Cuban Democracy Act of 1992 (Torricelli), actually, over one billion dollars of donated assistance have been licensed under these Acts in the last five years. However, this legislation would authorize direct U.S. government assistance to needy persons, as well.
- Donated medicines and medical supplies would be subject to the same restrictions in the Cuban Democracy Act of 1992 and other export control laws.

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Crossing the Divide:

Religious and Humanitarian Perspectives on U.S. - Cuban Relations



Washington Office on Latin America

Crossing the Divide: Religious and Humanitarian Perspectives on U.S. - Cuban Relations

In anticipation of the debate about U.S. - Cuban relations, likely to be sparked by the historic visit that His Holiness Pope John Paul II will make to Cuba in January of 1998, the Washington Office on Latin America is pleased to introduce this educational packet. We hope that you will find the material in this packet useful if you are organizing discussions or events, or writing or doing other media work in connection with U.S. policy at the time of the Papal visit to Cuba. This material may also be helpful in public education, or in advocacy efforts to change U.S. policy. Please feel free to share this packet with your colleagues or to use the enclosed form to order additional packets.

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I. The Religious Community and the Papal Visit

- ***What Religious Groups Say*** in relation to the embargo and U.S. foreign policy towards Cuba, prepared by the Latin America Working Group.
- ***The Catholic Church in Cuba***, a brief history of the Church.
 - with statistics on Catholicism in Cuba and details on the Papal visit
- ***The Catholic Church and Its Position on the U.S. Embargo of Cuba***, how the United States and Cuban Catholic Churches view the embargo.
- Christian Science Monitor Article, ***"Faithful Stir in Castro's Cuba as Papal Visit Nears."***
- ***The Jewish Community in Cuba***, a brief history of the Jewish Community.
- ***The Protestant Churches in Cuba***, an overview of the relations between the Protestant Churches and the Cuban government.
- ***National Council of Churches of Christ in the USA, Statement*** by Joan Brown Campbell on behalf of the Ecumenical Delegation to Cuba, December 8, 1997.

II. U.S. and Cuba Policies

- ***A Brief History of U.S.- Cuban Relations***, an overview from 1959 to present, that outlines tensions and shifts in policy in both the U.S. and Cuba.
- ***The Current Human Rights Situation in Cuba***, with a focus on the Special Rapporteur's report to the UN High Commission of Human Rights.
- Summary of the ***Restrictions Related to the Embargo and the Helms-Burton Legislation***
On the reverse side:
- Summary of the ***Pending Legislation that Would Permit the Sale of Food and Medicine to Cuba***.
- WOLA and Oxfam America's ***Medical Myths and Facts on the Current Embargo***.
- Washington Post editorial ***"Denying Cuba Food and Medicine."***
On the reverse side:
- Chicago Tribune editorial ***"Cuba, U.S. inch closer to Change."***

III. Policy Initiatives

- Flyer on the ***Call for Healing*** -- information on how to sign on to an open letter which uses the occasion of the Pope's visit to call for healing the rift that has divided the people of Cuba and the people of the U.S., and urges that the Clinton administration lift the ban on direct flights and the sale of food and medicine to Cuba for humanitarian reasons. Also included is an order form for additional packets.
- Flyer for the Latin America Working Group's "***Lift the U.S. embargo on Food and Medicine to Cuba: An Advocacy Packet***".
- American Association for World Health summary of their report "***Denial of Food and Medicine: The Impact of the U.S. Embargo on Health and Nutrition in Cuba***".

IV. Suggestions for Public Education and Media Work

- ***Media Hints for Activists*** which include a suggestions of ways to connect the Pope's visit to your local community, the "nuts and bolts" of doing a new release, talking to reporters, visiting editorial boards and a referral list of nationally know experts on Cuba.

WHAT U.S. RELIGIOUS GROUPS SAY

American Friends Service Committee: "is profoundly disturbed by the continuation of a forced and artificial estrangement between the people of Cuba and the United States which hinders the full expression across borders of our belief in friendship, reconciliation, and development of human society...[and] calls for the lifting of the U.S. economic boycott and embargo. We are deeply disturbed by the consequences of these U.S. actions on the health and well-being of the citizens of Cuba."—AFSC Board of Directors, November 1994.

Church of the Brethren: 1985, 1992 actions call upon members to work for the restoration of "normal diplomatic and trade relations with Cuba...to end restrictions on travel to Cuba...[and] encourage communication with Cuba and dialogue between our citizens."—Church of the Brethren General Board, March 1992.

Episcopal Church: "urge[s] the United States government to (1) lift the trade embargo against Cuba, (2) remove restrictions on travel between the United States and Cuba, (3) restore full diplomatic relations between the two countries and (4) cease propaganda broadcasts."—General Convention of the Episcopal Church, 1991.

Evangelical Lutheran Church in America: "[O]ur faith calls us to love our neighbor and to work for justice, peace, and reconciliation among all peoples...[T]he economic embargo imposed by the U.S. on Cuba is causing great suffering, especially for children and the elderly...[The ELCA should] work actively toward the goal of ending the U.S. embargo against Cuba as part of its ongoing efforts to seek further reconciliation and the establishment of normal relations between the United States and Cuba."—Churchwide Assembly of the ELCA, August 1995.

Mennonite Central Committee: "resolves...to send medicine and food to Cuba..., to renew our ties and build relationships with Anabaptist and other church groups in Cuba..., to call our government leaders to pass laws which will further the above aims, and which serve to improve relations between the people of the United States and the people of Cuba by redefining Cuba, not as our enemy but as a neighbor in need."—MCC, May 1992.

Presbyterian Church (USA): Called for lifting the U.S. embargo and normalization of relations in 1969, 1972, 1977, 1982, 1990, 1993, and 1997. "God's reconciliation in Jesus Christ is the ground of the peace, justice, and freedom among nations which all powers of government are called to serve and defend." PC(USA) asked Congress to rescind the Cuban Democracy Act (1992) and the Helms-Burton Act (1996), support the reestablishment of full diplomatic relations, and to end economic sanctions.—Presbyterian Church (USA) General Assembly, 1997.

Reform Judaism: Resolved to cooperate with religious and charitable organizations to provide humanitarian relief to the people of Cuba; to encourage congregations to send food and medical supplies and to find avenues for delivery of relief supplies to the Cuban Jewish community; to urge the U.S. to lift the ban on direct flights to Cuba in order to facilitate the provision of relief.—Commission on Social Action of Reform Judaism, October 1996.

United Church of Christ: "We urge the Congress and the President to reverse the policy of the last decade and to work for friendship, trade and mutual assistance with Cuba...We urge United Church of Christ members, churches and Conferences to...undertake travel to Cuba to visit church groups and to seek knowledge, understanding and friendship with our neighbors to the South."—United Church of Christ, 1972 and 1973.

United Methodist Church: "[We are] linked in Christ with the Methodist Church of Cuba...share a common heritage and mission...are mutually responsible for the proclamation of God's love and the nurturing of neighbor-love...[We petition] the...U.S. to lift its economic embargo against Cuba by repealing the Cuban Democracy Act of 1992 as well as the 1994 additional restrictions and any other laws or measures related to the embargo against Cuba, and to seek negotiations with the Cuban government for the purpose of resuming normal diplomatic relations."—United Methodist Church General Board of Global Ministries, 1995.

United States Catholic Conference: Requests that President Clinton authorize the resumption of direct flights to Cuba, at least for the delivery of humanitarian aid. Supports renewed dialogue to promote human rights, religious liberty and democratic values. Urges the U.S. to clearly distinguish between the Cuban government and the Cuban people, and to change U.S. policies toward Cuba in order to alleviate the suffering of the Cuban people.—U.S. Catholic Conference press releases, 1997, 1996, 1995.

Crossing the Divide: The Catholic Church in Cuba

The Catholic Church has had a continuous presence in Cuba since the arrival of the Spanish colonizers in the sixteenth century, but Catholicism in Cuba developed along somewhat different lines than in much of the rest of Latin America. Church institutions were not as strong as in some other Latin American countries; churches were concentrated in the country's urban centers, and the Church had less presence in rural areas. As in many Latin American countries, a majority of priests were foreign-born rather than Cuban. Historically, while the vast majority of Cubans were baptized, the number of practicing Catholics was low.

There were important currents of change in the Cuban Church in the post-World War II era. Catholic social action groups appeared, and there was new Church outreach. Many Catholics and not a few priests participated in anti-Batista activities in the 1950s, and some were involved in Fidel Castro's July 26th Movement.

In 1959, there were over 700 priests in Cuba and some 2,200 nuns. There were 210 parishes, and numerous Catholic schools.

In the first years of the Cuban Revolution, there were severe tensions between the Church and the new government. Political disagreements led many priests and nuns to leave the country. In 1961, 131 were summarily expelled by the government. The decision to close all private schools, including Catholic schools, exacerbated the tensions. The number of priests and nuns, and the number of functioning churches, declined sharply, but the Cuban Catholic Church, including some 200 priests, remained in the country, and the Cuban Conference of Bishops continued to operate.

In the most difficult years of the 1960s and 1970s, when Cuba became a formally atheist state, there was prejudice and discrimination against practicing Christians. Nonetheless, the Church quietly persisted in its spiritual and pastoral mission.

Conditions began to ease in the mid-1980s. In 1992, the Cuban Constitution was changed. No longer an officially atheist state, hostile to religion, the constitution makes Cuba a formally secular country and expresses a commitment to religious freedom.

Since that change in 1992, religious tolerance has grown in Cuba. Prejudice and discrimination against the faithful have declined. While the Church continues to suffer some restrictions (almost no access to the media, limits on open-air Masses, etc.), its situation has changed dramatically. Interest in religious life has increased, the number of baptisms has grown substantially, and attendance at Mass has increased significantly.

The Catholic Church today plays an important role in Cuba. It ministers to the spiritual needs of the growing number of Catholics, and it ministers to the human needs of Cuban society, through the work of CARITAS, the Cuban Church's relief and development agency. The Church also plays a prophetic role as a social critic. Cardinal Ortega and the Conference of Bishops have written pastoral letters and made statements criticizing restrictions on religious and civil rights by the Cuban government and criticizing the impact of the U.S. embargo of Cuba.

In addition, the Church comprises one of the few institutions in Cuban society that is wholly independent from the Cuban state and the Communist Party. This is not to say that the Cuban Catholic Church takes a confrontational approach to the Cuban government. Rather, the Church's view of human nature and the purpose of life is different from that of the government and the Party. The Church, by its very presence, constitutes a force for greater diversity in Cuban life.

The Church is not an explicitly political force in Cuba. Some would compare Cuba's situation today to that of Poland in the early 1980s, and suggest that the Cuban Church (and the Pope's visit) might spark a revolution against the Castro government. But the comparison misses the mark. Cuba is not Poland. The Cuban Church is an institution dedicated to the spiritual, pastoral, and social needs of the Cuban people, and a force for greater tolerance and diversity in Cuban society. It does not see its role as seeking political confrontation with the government or challenging the underpinnings of Cuban society, but as helping to build the moral and communitarian spirit of the Cuban people.

Crossing the Divide: The Catholic Church and Cuba

Number of Catholic Religious and Priests by Diocese									
Archdiocese /Diocese	Cardinal	Resident Bishops	Auxiliary Bishops	Dioces. Priests	Religious Priests	Religious Brothers	Religious Sisters	Deacons	Totals
Bayamo-Manzanillo		1		6	3	3	10		20
Camagüey		1	1	12	7		34	4	62
Cienfuegos		1		7	8		15	2	33
Ciego de Ávila		1		5			9	4	19
Holguín		1		18	7	1	44	2	73
Havana	1		2	37	69	19	253	13	394
Matanzas		1		8	7		59	1	76
Pinar del Río		1		12	3		31		47
Santa Clara		1		11	6		24	6	48
Santiago de Cuba		1		10	21	3	41		76
Totals	1	9	3	126	131	26	520	32	848

Source: The Catholic Church of Cuba's Web Page (<http://www.nacub.org/religio.htm>)

Number of Sacraments Performed in Havana		
	1989	1995
Baptisms	16,604*	33,554
First Communions	643	2,485
Confirmations	259	887
Weddings	138	507

*1987 statistic

Source: Associated Press, Nov. 1, 1997

Catholic Institutions	1959	1979	1995	1996
Number of dioceses	6	7	9	10
Number of parishes	210	235	247	247
Number of churches				650
Casas de mision (unofficial prayer houses)				200
Seminaries				2
Hospitals	3 for aged, mentally ill and drug addicted			
Orphanages		1 co-administered with state		
Leprosarium		1 co-administered with state		
Catholic administrative structure:				
One cardinal, two archbishops in Havana and Santiago and 10 bishops for 10 dioceses.				

Source: Miami Herald, Nov. 9, 1997

Pope John Paul to visit four Cuban Cities

Agence France Press, Nov. 21, 1997

Pope John Paul II will visit four different cities in Cuba, including the capital Havana, when he goes there in January, according to his official programme released by the Vatican. Leaving Rome at 10:00 am on January 21, the Pope will arrive in Havana at midday.

Over the next three days he will go successively to Santa Clara, Camaguey and Santiago de Cuba, returning to Havana each evening. The Pope leaves Cuba on January 25 at 11:00 am to return to Rome.

Crossing the Divide: The Church and Its Position on the U.S. Embargo of Cuba

The Cuban Catholic Church, through difficult years, has played an important role as an autonomous voice in Cuban society. The Church has been quietly but consistently critical of restrictions on freedom of religion and of political restrictions in general.

At the same time, the Cuban Church has also been critical of the U.S. embargo on Cuba, a position shared by the Vatican and by the U.S. Conference of Catholic Bishops.

As early as 1969, the Conference of Catholic Bishops of Cuba announced its disapproval of the embargo. And in 1992, when the U.S. Congress began to consider measures to tighten the embargo, Church structures in both Cuba and the United States made statements in opposition. In that year, the Conference of Catholic Bishops of Cuba made an official declaration against the U.S. embargo, and specifically against the embargo on food and medicine, stating that “if what is intended is the destabilization of the government by bringing the civilian population, pressured by hunger and basic needs, to the point of revolt, the strategy of an embargo... becomes cruel.” The United States Catholic Conference (USCC) quickly voiced its support of the Cuban Bishops in their proclamation, and, in a letter to the Secretary of State, Archbishop John R. Roach of St. Paul and Minneapolis, declared “we call on our own government to hear the voice of the Cuban bishops, and see to it that U.S. policy not contribute to the greater suffering of the Cuban people.”

Both the Vatican and the USCC have placed their remarks about the U.S. embargo on Cuba within the context of a broader analysis of the use of embargoes. In a number of statements, Church officials have suggested the following criteria and recommendations for examining the U.S. embargo on Cuba:

- sanctions should be applied only after less coercive measures have been attempted;
- the harm caused by sanctions should be proportionate to the goals achieved, and should be targeted against those directly responsible for the injustice, not directly against the general population;
- sanctions should not be a means of war or a reprisal against a people;
- sanctions should always be temporary in nature;
- when employed, embargoes must make provision for the fundamental human needs of the civilian population;
- substantial portions of the affected population should approve of the imposed sanctions;
- sanctions should always be part of a broader diplomatic effort aimed at a political solution to the problem;
- sanctions should always be accompanied by dialogue between nations. The U.S. should appoint a special envoy to open serious dialogue with the Cuban government;

-
- The U.S. should create a mechanism that allows an independent and effective check on the humanitarian consequences of sanctions.

Church officials have specifically called for an end to restrictions on the export of food and medicine to Cuba. Beginning in 1993, Archbishop John R. Roach, then chair of the USCC's Committee on International Policy, criticized the tightening of the U.S. embargo in 1992 with the passage of the Cuban Democracy Act, and called for a lifting of barriers to the export of medicines to Cuba. In 1994, Cardinal Sodano, Vatican Secretary of State, expressed concerns over the long-term effects of an embargo on future Cuban generations:

"When, because of sanctions or other similar measures, health assistance for children diminishes, or their level of nutrition is reduced, children will carry the consequences of such measures for the rest of their lives: thus in a definitive way, future generations will be asked to pay for the wrongs, true or imagined, of those who are currently responsible."

His Eminence, Roger Cardinal Etchegaray, President of the Pontifical Council for Justice and Peace, further questioned the impact of the embargo on the Cuban population, citing the 1993 Vienna World Conference on Human Rights: "states [should] refrain from unilateral measures that could interfere with the full realization of the right of every person to enjoy a sufficient standard of living that would ensure their own health and well-being, specifying that standard of living includes food, medical care, and social services."

Most recently, the United States Catholic Conference called for the resumption of direct humanitarian flights to Cuba in a letter to President Clinton, citing the negative impact of excessive shipping costs on its humanitarian relief projects in Cuba, due to shipping through third countries.

Both the Vatican and the USCC have taken care to follow the lead of the Conference of Catholic Bishops of Cuba. The Cuban Bishops oppose an embargo as morally unacceptable, and decry its ability to worsen the economic lot of a struggling people, to blockade items essential for life, and specifically oppose the export limitations it places on food and medicine. In their public statement against the embargo, released in 1992, they state:

"Total embargoes that affect the flow of products essential for the people, including foods and medicines, indispensable for the population, are morally unacceptable, are generally in violation of the principles of international law, and are always contrary to the values of the Gospel."

The Cuban Bishops have been in close contact with the USCC since this statement's release in 1992, and their public comments have been drawn upon in numerous letters by the USCC to President Clinton and the Secretary of State.

In their criticism of the embargo, the United States Catholic Conference has suggested that "as Cuba demonstrates adherence to the universal norms governing respect for human rights, religious liberty, and democratic values, the present embargo, rather than being increased, should be progressively diminished."

The Vatican has emphasized the ways in which the embargo may be a threat to the peaceful resolution of the conflict between the U.S. and Cuba. As Roger Cardinal Etchegaray stated, the embargo runs the risk of "making even more difficult the probability of finding peaceful means that will lead to the reconciliation of all Cubans."

Faithful Stir in Castro's Cuba as Papal Visit Nears

Howard LaFranchi, Staff writer of The Christian Science Monitor

HAVANA -- As words of praise echo inside, Calia Alvarez stands outside the church in the hot tropical sun describing how discovering religion saved her from a life of solitude and empty materialism.



EXPECTING A VISITOR: Pope John Paul II will *visit* the Shrine of the Virgin de la Caridad del Cobre during his January trip. Cubans hope his first-ever *visit* will spark change, but the church is playing down the political aspect. (JOE CAVARETTA/AP)

"At about 15, I started feeling so alone, even when I was with my family. But getting into the church helped me draw closer to others," says the young musician. "Young people are very divided about the value of religion. Some of them are so busy in their quest for material things that they don't have time for any church," she adds. "But religion is what got me beyond that empty focus."

Ms. Alvarez's spiritual awakening no doubt echoes the religious experience of millions of other young people. What makes her story stand out is that it occurred in *Cuba*, where for decades religion was not only discouraged, but repressed. In the months before Pope John Paul II *visits* in January, religious *faith* is growing again on the island ruled for 39 years by communist dictator Fidel Castro.

"Since the fall of the socialist camp, we have witnessed an important growth of religion and in all the religious tendencies that had roots in *Cuba*" before the revolution, says Raúl Suárez, a Baptist minister and member of *Cuba's* National Assembly. The extraordinary growth in religion of the early '90s has tapered off, says Mr. Suárez, but the reasons for it remain the same: a search for answers in an economically difficult moment for the country; less fear of openly practicing religion; and a realization that *Cuba's* leaders no longer view religion as "irregular."

In some ways, the growth in interest in religion parallels what is taking place elsewhere in Latin America, where evangelical Protestant churches are booming. Interest is also strong in Santería, an Afro-Cuban religion, reflecting the tenacity of non-Christian religions in Brazil and other cultures.

But in many other ways *Cuba* is a case apart. Anyone under 40 here grew up in a closed society where political ideology had all the answers. Religion was not banned. But in a regime where the Communist Party controls everything from job placement to housing, religion was high risk.

Not until 1991 did the party open its ranks to religious "believers." On June 29, the Roman Catholic church was allowed to hold its first outdoor mass in 37 years. Churches are generally prohibited from holding services outside their walls, access to mass communication is outlawed, and some *faiths* remain banned.

Religion here received a huge boost when Mr. Castro *visited* the Vatican last year. And now with the pope set to make a first-ever *visit* to *Cuba*, fresh signs of religious openings are emerging.

The Catholic Church is being allowed to carry out an evangelization campaign with the goal of *visiting* every home in *Cuba* before the pope arrives. The religious meeting Alvarez attended recently in Havana's Jesús de Miramar Catholic Church drew hundreds of youths as part of an effort to prepare for the *visit*.

effort to prepare for the *visit*.

The pope's *visit* is such a focus of anticipation for Cubans hoping for dramatic change that both church and government officials are playing down its impact.

Since the loss of the Soviet Union, the Cuban government has been working to establish *Cuba* as a "normal" member of the international community. It sees the *visit* as a way to help accomplish this. "The Catholics will have an opportunity to see the pope ... but basically he comes and big deal," says Carlos Fernandez de Cossio, director of the North America section of the Cuban Foreign Ministry.

The government will welcome any mention the pope makes opposing the United States embargo on *Cuba*. It is aware of the pope's support of the Polish Solidarity movement in the 1980s. But it would likely smile on any repeat of references to failing values he made last spring in Eastern Europe, a region Havana holds up as the "disaster" awaiting a socialist country's transition to capitalism.

Church officials insist the *visit* is pastoral, not political. Some Catholic priests say the *visit* could prove so cathartic for long-frustrated believers that the huge outdoor masses being planned could boil over into antigovernment protests.

That is not the church hierarchy's view. "If there is an expectation of political change [as a result of the *visit*], there will be disappointment," says José Félix Pérez, executive secretary of the Cuban Conference of Catholic Bishops. "The pope is coming for people looking for change in their lives, for a change of the person," he says, adding, "Then as people change, society too can change."

That's not exactly the way some of the *faithful* at a recent mass at Havana's Merced Church see the *visit*. "We've seen in the past that when [the pope] went to other countries, things improved," says Rafael Concepción. "People here want the same."

The discrepancy between what people want from the church and what it offers could prove to be the Achilles' heel of *Cuba's* religious renaissance, some experts say. "A majority of Cuban believers consider the church too conservative in its defense and promotion of social change," says Enrique López, a professor of religion at the University of Havana and an active Catholic.

Despite such yearnings, the pope will not say anything during his *visit* "that could prejudice the church's action here," Professor López predicts. The church is looking to win a wider "working space" from the *visit*, he says. He also sees dovetailing interests of church and government in criticizing market reforms in Latin America and curtailing fast-growing evangelical religions. But the church is "not in any way interested in any upheaval," he says.

Cuba's Communist Party is also keenly interested in avoiding abrupt change. Yet whereas *Cuba's* regime shows some unease over what the ensuing months might bring, the church is operating on a different sense of time. As one Catholic says a priest recently told him, "When Fidel is gone, and the revolution is gone, the church will [still] be."

Crossing the Divide: The Jewish Community in Cuba

The first Jews arrived in Cuba at the beginning of the twentieth century. After the Spanish-Cuban-American War ended, Jewish immigrants, both Askenazi and Sephardic, came from the United States, Turkey and Morocco. The Jewish community continued to grow with the arrival of immigrants from Eastern Europe fleeing from World War I and post-war difficulties.

From the 1920's on, there was a steady increase of Jewish European immigrants. While Cuba became an important transit point for Eastern European immigrants awaiting admission to the United States, many of the Jews remained and established a permanent settlement in Cuba. During this time, the cultural life of the Jewish community flourished as Jewish schools and synagogues were built, community organizations and social clubs were founded, and Yiddish newsletters and magazines were created.

Cuba received more Jewish immigrants during World War II. In proportional terms, Cuba offered refuge to more Jews than any other Latin American country, more in fact, than was offered by the United States. (Despite this openness, in a well-known incident in 1939, Cuba did not permit a transatlantic steamer, the "St. Louis," to dock in Havana and sent 907 Jewish refugees back to Germany.) By 1945, the Jewish population in Cuba totaled close to 25,000. After the war, however, many of these new immigrants left for the United States or returned home to Europe.

During the 1940s and 1950s, the Cuban Jewish community prospered economically. At that time, there were 12,000 Jews living on the island, the majority of them residing in Havana. They were highly assimilated, many of them professionals.

After the Revolution in 1959, about 90 percent of Cuban Jews emigrated, most to the United States. Approximately 1,200 Jews remained in Cuba after the revolution. The economic situation for most of those who remained worsened.

The Jewish community in Cuba faced near extinction during the 1980s. There were three synagogues in Havana with very little activity, usually unable to attract more than a "minyan" (ten Jewish men necessary to hold a service). Outside of Havana, Jewish activity did not exist.

With the U.S. embargo in place, Cuban Jews were also cut off from the United States and isolated from world Jewry. Up until 1991, the government discouraged the practice of any religion until the constitution was amended and Cuba declared a secular state in 1992.

Today, despite many difficulties, Cuban Jews are undergoing a spiritual renewal and in the past five years have dramatically revived a very small but strong Jewish community. Contact with the international Jewish community has grown, and today, Cuban Jews receive international assistance from Jewish communities in Mexico, Canada and Venezuela as well as donations from the American Jewish Joint Distribution Committee and other Jewish organizations in the United States.

Presently, there are about 2,000 Jews living in Cuba. They live primarily in Havana but smaller communities exist in Santiago, Camaguay, Cienfuegos, Guantanamo, Santa Clara and Sancti Spiritu. In Havana, three synagogues continue to function. The main synagogue and community center in Havana, the Patronato, hosts various community programs including a Sunday school, a kosher kitchen, an Israeli dance group, a women's club, and holiday celebrations. There are two Jewish cemeteries in Cuba. In 1995, the conservative synagogue in Santiago de Cuba was rededicated to serve the 80 Jews in that city.

*Information from the Institute of the World Jewish Congress 1996
The Cuban Jewish Community: A Report by Dr. Jose Miller
The American Jewish Joint Distribution Committee

Crossing the Divide: The Protestant Churches in Cuba

After many years of working behind the scenes, Protestant churches are emerging as a vital religious force in Cuba. Today, Cuba has 54 Protestant and evangelical denominations, with a total of 800 pastors, 900 churches and 3,000 *casas culto*, or private homes where prayer services are conducted.

In 1941, the Cuban Ecumenical Council (now the Cuban Council of Churches) was formed. The Cuban Council of Churches brings together some 15 denominations other than Roman Catholic and six ecumenical movements.

In the first years after the Cuban Revolution, there were serious Church-State tensions. The Cuban Ecumenical Council came under great pressure in the 1960s. During this time, many Christians fled Cuba. Some pastors and priests who remained were harassed and others persecuted and sent to re-education camps.

Though tensions eased subsequently, there continued to be prejudice and discrimination against those practicing religion in Cuban society. In the words of Cuban Methodist Bishop Joel Ajo, "For the first twenty-five years of the revolution, no one was interested in having the church play a role in society." Nonetheless, the churches continued to function.

Tensions over religion began to ease in the mid-1980s. In 1991, the Cuban Communist Party changed its by-laws to permit believers to join the Party, and the following year, the Cuban Constitution was changed. No longer an official atheist state, hostile to religion, constitutional changes made Cuba formally a secular country and the government expressed a commitment to religious freedom.

Since that change, religious tolerance has grown in Cuba. Prejudice and discrimination against the faithful have declined. Church membership has increased.

Certain member churches of the National Council of Churches of Christ in the USA (NCC) and the Cuban Council of Churches have relations going back more than a century. For the past twenty five years both groups have worked closely together. According to the NCC, both councils have looked for ways to facilitate reconciliation and understanding in the context of years of suspicion because of the embargo.

In 1991, a historic conference and meeting took place between representatives of the Canadian Council of Churches, the National Council of Churches of Christ in the USA, the Latin American Council of Churches, the Caribbean Council of Churches, the Cuban Council of Churches, the World Council of Churches and the Evangelical Churches of Germany. The theme of the conference was "The Church and the Option for a More Human and Just Society." At the end of the conference the 153 attendees had a four hour meeting with Fidel Castro which was broadcasted on Cuban television. This meeting paved the way for better relations between the Protestant churches and the Cuban government.

One of the important outcomes of the 1991 meeting was the decision to send humanitarian assistance from U.S. churches to the people of Cuba through the Cuban Council of Churches. Over the

past five years, the National Council of Churches has sent food, medicine, medical supplies, school supplies and other goods to Cuba totaling 272 tons with a market value of \$7 million.

The Papal visit to Cuba has created an opportunity to raise the issue of the growth of religion in Cuba for people of all faith backgrounds. On November 25, 1997, President Castro met for nine hours with the Cuban Council of Churches. After the meeting Castro called for the prayers and efforts of Cuba's Christian citizens to help solve its economic problems. Misael Gorrin of the Council of Churches stated that Castro's comment "was an invitation from him to continue the dialogue."

Most recently Joan Brown Campbell of the National Council of Churches of Christ in the USA issued a statement on behalf of an Ecumenical Delegation that visited Cuba in December of 1997. The statement both "celebrate[s] the growth in the number of local congregations and the increase in church membership and in the number of individuals participating in church activities" while calling for an end to the embargo which "we believe is morally wrong and politically ineffective."

Today in Cuba, the Protestant churches are dedicated to the spiritual, pastoral, and social needs of the Cuban people, and are a force for greater tolerance and diversity in Cuban society.

Information sources:

"Churches Take a Step Forward on Cuba: Church World Service Humanitarian Aid Program."

Statement by Joan Brown Campbell on behalf of the Ecumenical Delegation to Cuba, December 12, 1997.

NATIONAL COUNCIL OF CHURCHES OF CHRIST IN THE U.S.A.

Statement by
Joan Brown Campbell
on behalf of the Ecumenical Delegation to Cuba

December 8, 1997
Havana, Cuba

We are an ecumenical delegation visiting Cuba at the invitation of the Cuban Council of Churches as part of an ongoing effort to strengthen the ties of friendship and understanding between our churches and our peoples.

During our short visit here, we have met with church leaders and with Cuban and U.S. government officials. We had the opportunity to visit a hospital and a home for the elderly, both of which have used some of the humanitarian assistance sent by our churches.

The U.S. and the Cuban Councils and many of our member churches have a long history of relations, some going back more than a century. In recent years we have worked to deepen our relations. Of particular importance in this regard was the gathering in 1991 of Protestant church representatives from throughout the hemisphere who came together in Havana to express their affirmation and support for the Protestant churches in Cuba.

Among the most significant outcomes of that meeting was the decision to initiate a program of humanitarian assistance from the U.S. churches to the people of Cuba through the Cuban Council of Churches. Over the past five years the National Council of Churches in the U.S.A., acting on behalf of its member churches, has sent 38 shipments of food, medicine, medical equipment, school supplies and other goods totaling 272 tons with a market value of \$7 million.

The Cuban Council of Churches has developed a very effective program to ensure that this humanitarian assistance reaches those whose needs are greatest - children, pregnant women, and the elderly. Through this work, the Cuban churches are finding new ways to serve the society in which they live, carrying out the gospel mandate to love neighbor as self.

In addition to this program of humanitarian assistance, a number of denominations have initiated or expanded exchange programs, providing opportunities for clergy and laity from each country to visit and come to know their counterparts. We believe that these exchanges will cultivate greater understanding and provide the foundation of friendship that will lead to the normalization of relations between our countries. Our experience has taught us that faith can unite where governments divide.

For many years, the National Council of Churches of Christ in the U.S.A. and its member churches have called on the governments of Cuba and the United States to resolve the differences that are serving to divide our countries. We have called for an end to the U.S. embargo against Cuba, which we believe to be morally wrong and politically ineffective. The U.S. stands almost entirely isolated from the rest of the world community in its insistence on this immoral policy.

As we reflect on our brief visit here, we would highlight five points.

First, we rejoice to witness again first hand the spirit that is vibrantly alive and moving within the churches in Cuba. We celebrate the growth in the number of local congregations and the increase in church membership and in the number of individuals participating in religious activities. Truly, the Holy Spirit is at work in Cuba.

Second, we affirm the church as it continues to discern its role within the Cuban society. We are inspired by the steadfast faith of our brothers and sisters in Cuba. We are also encouraged to note a greater openness on the part of the Cuban government to the growing expression of religious belief and to faith in action in this country. Most recently, members of local churches have begun to provide care for neglected and isolated elderly people. This direct involvement of the churches in meeting the human needs in their communities represents a new element in fulfilling their mission.

At the same time, we are deeply concerned that the ability of the Cuban churches to realize their potential in this area has been curtailed by U.S. policies that restrict our efforts to provide humanitarian assistance. During the past year and a half the number of shipments and the amount of aid that we have been able to send to Cuba has diminished substantially, primarily as a result of the decision by the U.S. government to prohibit direct flights between Miami and Havana.

Humanitarian aid now must be shipped through a third country at a cost that is as much as four times the cost of shipping directly from the U.S. In addition, because of the logistical complications resulting from the suspension of direct flights, we have had to discontinue our efforts to respond immediately to urgent needs for specific medicines. Since the flights were suspended in 1996, we have been able to send only five shipments. Two of those are arriving during these first weeks of December.

Finally, we believe that the Pope's visit will help to reinforce the growing openness and freedom of religious expression in Cuba. We believe that the Pope will encounter and celebrate as we do the depth of faith of the Cuban people.

We note with grateful thanks the growing cooperation between the Ecumenical Council of Cuba and the Roman Catholic Church of Cuba. This gift of unity will surely be a blessing to the people of Cuba.

As we prepare to return to our country, we are committed to renew our efforts to redress the injustice of U.S. policy and to help bring about more normal relations between the U.S. and Cuba. Specifically, we believe we must

REDOUBLE OUR EFFORTS TO PRESS THE U.S. GOVERNMENT TO LIFT ITS EMBARGO

INCREASE OUR HUMANITARIAN ASSISTANCE TO THE PEOPLE OF CUBA, IN PART THROUGH WORKING FOR THE RESTORATION OF DIRECT FLIGHTS BETWEEN THE U.S. AND CUBA

EDUCATE AND MOBILIZE THE MEMBERS OF OUR CONGREGATIONS ABOUT WHAT WE HAVE LEARNED AND WHAT WE ALREADY KNOW ABOUT THE REALITY OF LIFE IN CUBA WE ALSO WILL WORK TO EDUCATE THE GENERAL PUBLIC THROUGH COLLABORATIVE EFFORTS WITH U.S. BUSINESS AND GRASSROOTS ORGANIZATIONS THAT SHARE OUR CONCERNS

Most immediately, we plan to share our findings with the Vatican, with the U.S. Roman Catholic bishops, and with the U.S. government. We will communicate with the Holy Father our deep and abiding opposition to the U.S. embargo and our plans to work for the dismantling of the embargo, starting with efforts to promote the adoption of current legislation that would allow the U.S. sale of food and medicines to Cuba.

We leave Cuba with a deep sense of expectation and hope, a sense entirely appropriate to this season of Advent when the Christian community everywhere prepares for the celebration of God's overflowing expression of love. We believe firmly that the churches in Cuba will remain constant in their faith and that their witness will bear fruit for the people of Cuba and shine like a beacon for people of faith throughout the world.



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December 18, 1997

Dear Friend:

The upcoming visit of Pope John Paul II to Cuba will focus attention on Cuba, the religious community in Cuba, and U.S. - Cuban relations.

The attached packet, "Crossing the Divide: Religious and Humanitarian Perspectives on U.S.-Cuban Relations," provides material for peace and justice activists interested in discussing these issues in their communities in the coming months. The packet includes information on the role of religious institutions in Cuba today, the position that the religious community has taken on the U.S. embargo, and the state of U.S. - Cuban relations. It also includes material on several initiatives to improve U.S. - Cuban relations, and suggestions for doing local educational and media work around the Papal visit and Cuba policy.

Cuba presents a challenge for peace and justice activists. The Cuban government has maintained a commitment to meeting basic needs, such as public education and health care, that reflects a real belief in some of the key elements of social justice. At the same time, the Cuban government has fallen far short of meeting internationally accepted standards of political and human rights. Religious tolerance has grown in recent years, and discrimination and prejudice against people of faith has declined, but Cuba must do more to ensure religious freedom, and far more to ensure other human rights.

Whatever one thinks of Cuba, U.S. policy is deeply flawed. Thirty-eight years of hostility and economic embargo have done nothing to improve the human rights situation in Cuba. Instead, in recent years, the embargo has helped exacerbate the impact of Cuba's economic crisis on public health and nutrition. As the materials in the packet make clear, the religious community in Cuba has repeatedly condemned the effects of the embargo. Their words have been echoed by the U.S. Catholic Conference, by Protestant denominations, and by groups in the Jewish community as well.

We hope the information in this packet enables you to conduct fruitful local discussion about what would be a more constructive U.S. policy. We particularly urge you to look at the sections on the policy initiatives, and local media work.

Yours,

Geoff Thale

Senior Associate for Cuba

P.S. Please feel free to contact us for additional copies of this packet, or if you have other questions.

Crossing the Divide: A Brief History of U.S. - Cuban Relations

For the past 100 years, domestic and foreign policy in the United States and Cuba have been intricately intertwined. After Cuba won its independence from Spain in 1898, the United States moved in and asserted its authority. In 1901, the United States forced Cuba to include the Platt Amendment in its constitution, which stipulated that the United States could intervene in all Cuban domestic and international affairs. The amendment remained in effect until 1934. The two countries developed close economic ties, with a large number of U.S. investments and tourists heading to Cuba. In fact, only one year before the end of the Cuban Revolution and the disintegration of U.S.-Cuban relations, the island was the second largest recipient of U.S. private investments in Latin America.

Shortly after Fidel Castro came to power in 1959, United States foreign policy turned hostile toward the Cuban government. In the context of the Cold War, President Eisenhower approved a CIA plan to train a Cuban exile force to invade the island. Following the expropriation of U.S. businesses, a partial trade embargo was imposed in October of 1960 (it was made complete in April of the following year). Diplomatic relations were severed in January of 1961, and travel to Cuba was banned. These were viewed as steps that would contribute to the overthrow of the government by anti-Castro forces in Cuba.

With the failure of the Bay of Pigs invasion, by Cuban exiles in April of 1961, the prospect that the Castro government would be overthrown diminished considerably. But, given Cuba's relationship with the Soviet Union and its support for revolutionary movements in Latin America, U.S. hostility to the Castro regime remained strong. The policy of isolation remained in force, and has been the centerpiece of U.S. policy, pursued by both Democratic and Republican administrations, ever since.

U.S.- Cuban tensions declined in the early and mid-1970s. The Ford administration made some quiet diplomatic overtures. The Carter administration eased restrictions on travel to Cuba, and opened a U.S. Interest Section in Havana. But Cuban involvement in Africa, and increasing superpower tensions in the late 1970s, ended the thaw in relations. The policy of isolation was reinstated.

During the 1980s, Latin American and European governments began to break away from the Cold War consensus on Cuba. Building on contacts that had begun in the 1970s, commercial and diplomatic relations were revived, and with the end of the Cold War, they steadily grew. The superpower thaw and the subsequent end of the Cold War produced a different response in the United States. The Bush administration and many in the Cuban-American community saw the collapse of Communism in Eastern Europe as a portent of what could come in Cuba. The Bush administration sought to increase the pressure on Cuba. In February 1990, U.S. Secretary of State James Baker pointedly refused to rule out the possibility of invading Cuba.

Pressures for a tough policy on Cuba came from Congress as well. In 1991, then-Representative Robert Torricelli (D-NJ) introduced the Cuban Democracy Act. It reinforced and strengthened the embargo in order to increase economic pressure on Cuba. On May 5, 1992, President Bush signed the bill.

If the end of the Cold War led some to believe that U.S. pressure should be increased to hasten Cuba's inevitable collapse, it led others to different conclusions. Many in the policy and business communities came to think that, without the Cold War rationale, the embargo was outdated and should be replaced by a new and more constructive policy that emphasized step by step engagement and support for political change in Cuba.

In 1994, immigration issues provoked some change in U.S. policy. Cuban rafters fleeing the island in large numbers in the fall of 1994 created an immigration crisis in Florida. The desire to prevent more waves of rafters led the Clinton administration to negotiate with the Cuban government. The administration terminated its long-term policy of permitting all Cuban refugees to enter the United States, thus ending the assumption that everyone who fled the country had a valid asylum claim based on political persecution.

In February of 1995, news accounts suggested that some initial steps toward loosening travel and humanitarian aid restrictions might soon be announced. In response, Senator Jesse Helms (R-NC) introduced a bill designed to tighten the embargo on Cuba. Helms had worked closely with hardline Cuban-American groups, and the legislation he proposed reflected their displeasure with the steps being debated within the Clinton administration. The Helms-Burton bill dramatically curtailed presidential authority to relax the embargo. And the bill, by permitting the filing of lawsuits against "traffickers" in expropriated property, sought to curtail foreign investment in Cuba.

The Helms-Burton bill was stalled in the Senate, reflecting changing U.S. political dynamics about Cuba, until the downing of two private U.S. planes by the Cuban government in February of 1996. The political reaction was dramatic. President Clinton announced his willingness to sign the Helms-Burton legislation, reversing overnight the administration's opposition to the legislation. The opposition in the Senate to the Helms-Burton legislation, which had effectively filibustered the property provisions of the bill, evaporated. The hardline Cuban-American community, which had seen its influence on Cuba policy diminish, re-asserted itself as the dominant player in U.S. policy toward Cuba.

The political opening that had begun in U.S. policy toward Cuba closed again. The law, however, did include a provision permitting the president to waive for a six month period the implementation of Title III of the bill, the section that enables U.S. citizens to sue foreign investors in U.S. courts over claims that they were trafficking in the expropriated property of American citizens. President Clinton invoked that authority in July of 1996, and has continued to renew the waiver every six months.

In 1997, a crack emerged in the existing support for the embargo. The American Association for World Health released a year-long study on the negative effects the embargo has had on health and nutrition in Cuba. The report's compelling findings that the embargo has resulted in "unnecessary suffering and deaths" by severely restricting Cuba's access to needed medicines and medical supplies led to the introduction of the Cuban Humanitarian Trade Act of 1997 in the House of Representatives. This bipartisan legislation would exempt the sale of food and medicine from the current embargo. A similar bill was introduced in the Senate in October and has been endorsed by both Democratic and Republican Senators, and the U.S. Chamber of Commerce.

In the United States today, views remain strong on both sides of the Cuba debate. The Pope's planned visit to Cuba in January of 1998 has led many to believe that the United States could begin to take limited, humanitarian steps toward easing tensions. The Clinton administration has announced it may temporarily lift some travel restrictions to Cuba during the Papal visit and the growing support for exempting food and medicine from the embargo offers possibilities of relaxing restrictions. At the same time, however, hardline forces continue to pressure policy-makers not to relax any aspects of U.S. policy, even those related to humanitarian activity. At this point it remains unclear whether the U.S. will take new steps to revise its policy or will continue with its long-term effort to isolate Cuba.

Crossing the Divide: Human Rights in Cuba

Human rights are a serious problem in Cuba. Cuba has been criticized by the international community and specifically the United Nations (UN) Commission for Human Rights, for violations of fundamental freedoms. Under the current government in Cuba, some of the most systemic abuses include violations of: the rights to freedom of expression, association, assembly, privacy, and due process of law.

Most of the world has approached human rights in Cuba in a different manner than the United States. Cuba is not treated globally as a "pariah nation" but as a member of the international community. European and Latin American governments have normal diplomatic relations with Cuba while criticizing it on the human rights front.

According to Amnesty International's 1997 Annual Report on Cuba, "scores of people were arbitrarily detained for short periods or subject to harassment. Several were tried and imprisoned as prisoners of conscience or confined to specific areas of the country Some other 600 political prisoners remained in prison ... trials in political and death penalty cases fell far short of international fair trial standards."

The UN High Commission for Human Rights appointed a Special Rapporteur on Human Rights for Cuba in December of 1995. The Special Rapporteur, Mr. Carl-Johan Groth, issued a report on October 17, 1997 that stated that "no significant changes [had occurred] in the evolution of the human rights situation or in the pattern of repression engaged in or by the security forces, which have kept up an intensive campaign of harassment against all those whose attitude differs in any way from the official party line."

The UN has also been critical of U.S. policy towards Cuba. Since 1992, the UN General Assembly has voted overwhelmingly to condemn the U.S. embargo on Cuba. The UN Special Rapporteur stated in the conclusions of his October 17, 1997 report that:

"the ongoing U.S. embargo against Cuba contributes to the rigidity of the system currently in place in the country. The embargo serves as a ready pretext for keeping the population under strict control and for punishing or suppressing in various ways those who work for political change or social space for the individual. It is true, however, that the embargo is largely responsible for the tragic shortage of material goods ... and has caused the population untold hardships. This situation is viewed with concern by various sectors of United States society."

The Special Rapporteur also stated his support for the Cuban Humanitarian Trade Act of 1997, currently pending before the U.S. Congress, which would allow for the export of food, medicines and medical equipment to Cuba. "The Special Rapporteur is following the development of this bill with interest and considers its objectives commendable."

In his conclusions, Mr. Groth also called for the establishment of free trade unions, freedom of peaceful expression and association and the unconditional release of prisoners detained for reasons relating to the exercise of rights recognized in international human rights instruments.

Crossing the Divide: Restrictions Related to the Embargo and Helms-Burton Legislation

A partial U.S. embargo on trade with Cuba was imposed in October of 1960. In 1961, U.S. diplomatic ties with Cuba were severed, and the embargo was made complete. Since that time, U.S. policy has been to isolate Cuba. In its current form, the embargo includes the following elements:

- U.S. companies are prohibited from trading with Cuba.
- Food cannot not be sold to Cuba.
- Medicines and medical supplies cannot be sold to Cuba unless U.S. companies go through a very complex licensing process through the Department of Treasury Office of Foreign Assets Control. Only 28 licenses had been approved between May, 1992 and August, 1997.
- Direct flights between the U.S. and Cuba are prohibited.
- Most travel to Cuba by U.S. citizens is effectively banned. While travel itself is legal, U.S. citizens are prohibited from paying Cuba or Cuban nationals for travel-related expenses without a Treasury Department license.
- Under the Cuban Democracy Act of 1992 foreign subsidiaries of U.S. companies are prohibited from selling to Cuba, thus further limiting Cuba's access to food and medicine and raising prices.
- The Cuban Democracy Act prohibits ships that dock in Cuban ports from docking in U.S. ports for six months. This drastically restricts shipping and increases costs some thirty percent.

Following the downing of two private U.S. planes by the Cuban government the Helms-Burton legislation was passed and signed into law, in 1996. The Cuban Liberty and Democratic Solidarity (Libertad, or Helms-Burton) Act was sponsored in the House by Rep. Dan Burton (R-IN) and in the Senate by Sen. Jesse Helms (R-NC).

The stated purpose of Helms-Burton is to tighten the embargo further.

- The bill seeks to discourage investment in Cuba, thereby cutting off the flow of capital, and crippling the Castro regime.
- The bill focuses on property claims. About 5,900 U.S. citizens had property claims registered against Cuba. The bill increases the number of claimants by counting anyone whose property was confiscated, and who subsequently became a U.S. citizen. No one knows how many additional claimants are now included. The bill allows all those U.S. claimants to sue for damages any individual, company, or government body, whether domestic or foreign, that is involved in business dealings in Cuba related to property claimed by the U.S. citizen. This is intended to have a chilling effect on foreign investors in Cuba.
- The bill permits the President to waive, for a six month period, the implementation of the lawsuit provisions; President Clinton has done so three times.

Crossing the Divide: Pending Legislation that Would Permit the Sale of Food and Medicine to Cuba

HR 1951: The Cuban Humanitarian Trade Act of 1997

On June 18, 1997, a bipartisan group of Representatives in Congress introduced legislation to lift U.S. restrictions on the sale of food and medicine to Cuba. The bill would:

- lift the U.S. embargo against Cuba as it applies to the export of food, medicines, medical supplies, instruments, and equipment.
- require the President to report to Congress six months after the enactment of the bill on the export and use of U.S. food and medicine sold to Cuba.

The following 84 members of the House of Representatives have co-sponsored the legislation as of November 5, 1997:

Rep. Torres, <i>sponsor</i>	Rep. Frank	Rep. Vento	Rep. Hefner
Rep. Rangel	Rep. Davis, D.	Rep. Furse	Rep. Skaggs
Rep. Leach	Rep. Gonzalez	Rep. Stark	Rep. Conyers
Rep. Morella	Rep. Waxman	Rep. Jackson-Lee	Rep. Markey
Rep. McDermott	Rep. Dooley	Rep. Reyes	Rep. Owens
Rep. Moakley	Rep. Price	Rep. Abercrombie	Rep. Thompson
Rep. McGovern	Rep. Lewis, John	Rep. Rush	Rep. Neal
Rep. Rodriguez	Rep. Meehan	Rep. McKinney	Rep. Allen
Rep. Boucher	Rep. Campbell	Rep. Tierney	Rep. Waters
Rep. Fazio	Rep. Paul	Rep. Farr	Rep. Brown G.
Rep. Lofgren	Rep. Serrano	Rep. Yates	Rep. McCarthy C.
Rep. Towns	Rep. Velazquez	Rep. Hinchey	Rep. Sawyer
Rep. Parker	Rep. Nadler	Rep. Pelosi	Rep. Lowey
Rep. Olver	Rep. Shays	Rep. Rivers	Rep. Edwards
Rep. Miller, G.	Rep. Roybal-	Rep. DeFazio	Rep. Clement
Rep. Dellums	Allard	Rep. Payne, D.	Rep. Maloney, C.
Rep. Eshoo	Rep. Woolsey	Rep. Moran, James	Rep. Ford
Rep. Delahunt	Rep. Hall, T.	Rep. Hilliard	Rep. Kennelly
Rep. Kilpatrick	Rep. Sabo	Rep. La Falce	Rep. Fattah
Rep. Martinez	Rep. Barrett, T.	Rep. Berman	Rep. Hinosoja
Rep. Clay	Rep. Sanders	Rep. Kind	
Rep. Blumenauer	Rep. Coyne	Rep. Johnson E.	

S 1391: The Cuban Women and Children Humanitarian Relief Act

On November 6, 1997, a bipartisan group of Senators introduced legislation that would eliminate all legal barriers that impedes the President's ability to permit U.S. sales and exports of food, medicine, and medical supplies to Cuba. The bill would:

- authorize the President to allow U.S. food and drug companies to sell and export food, medicine, and medical equipment to Cuba.
- require the President to notify Congress and the general public of decisions to exercise this authority and any attached regulations that the President determines may be necessary to ensure the sale will benefit the people of Cuba.
- require the President to report to Congress assessing the impact of the bill two years after its enactment.

The following seven Senators have co-sponsored the legislation as of November 6, 1997:

Sen. Dodd, *sponsor*, Sen. Warner, Sen. Grams, Sen. Bingaman, Sen. Enzi, Sen. Bennett, Sen. Jeffords, Sen. Leahy

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MYTHS AND FACTS

*ABOUT THE U.S. EMBARGO ON
MEDICINE AND MEDICAL SUPPLIES TO CUBA*

October 1997

Prepared by



**WASHINGTON
OFFICE ON
LATIN
AMERICA**

The Washington Post

AN INDEPENDENT NEWSPAPER

Denying Cuba Food and Medicine

A DRIVE IS ON for legislation to drop the part of the general American embargo of Cuba that restricts sales of food, medicine and medical equipment. The project is way overdue. Members of both parties support the bills introduced in both House and Senate; congressional action should pick up in the next session. The U.S. Chamber of Commerce is aboard. So are humanitarian and medical groups. So are groups representing much of the Cuban American emigration, up to now a fairly unified bulwark of a hard line on Fidel Castro.

The American ban on food and medicine was enacted in the 1960s in a period of rage over Cuba and its Soviet tie. The ending of the Cold War shifted Washington's focus to Fidel Castro's internal rule, and the food-medicine embargo stayed on. It is a sordid tactic. To convert food and medicine—intended to nourish and to heal—into a political weapon tramples on American humanitarian tradition. Children, women and the elderly bear the principal impact. What little business there is to do with poor and mismanaged Cuba is diminished. The strategy behind the embargo—to drive the Cuban people to revolt and the regime to change or collapse—leaves Fidel Castro with a powerful anti-American card. The contrast with China,

a far larger, more challenging Communist country and one with which the United States conducts major commerce, is painful. These restrictions, unilaterally imposed, separate Americans from their closest allies.

The Clinton administration makes a particular, strained case for the embargo on food and medicine. It says that these items can be sold with licenses and are sent in large numbers by private American citizens and, anyway, the Cuban dictator could shop elsewhere if he chose; hence, any shortages are his responsibility. This amounts to justifying the embargo on the basis that its loopholes adequately subvert it. This is not persuasive. Such trade as there is in food and medicine faces formidable political, bureaucratic and financial obstacles. The embargo on these items, though not total, takes a toll.

The other aspects of the embargo remain in place. Many challenge their worth and efficacy, but many also still see them as anti-Castro leverage: a charged debate that has been going on for nearly 40 years. Food and medicine, in any event, are different. They go to real human beings. There cannot be many Americans left who are vindictive enough to choke the flow of these necessities to needy Cubans.

Chicago Tribune

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16 Section 1

Monday, November 24, 1997

Cuba, U.S. inch closer to change

Relations between the United States and Cuba for decades have been in a state of suspended animation, in which even minor twitches or tics take on major significance.

As the January visit to Cuba of Pope John Paul II draws closer, however, subtle but definite signals are coming from both countries that they may be slowly moving toward an end of their long, fruitless political and economic standoff.

The latest such signal came from the U.S. Senate, where on Nov. 6 four Republicans and three Democrats introduced the Cuban Women and Children Humanitarian Relief Act, a proposal to give the president authority to gradually lift the U.S. embargo on food and medicine to the island. This follows a more sweeping proposal, introduced in the House last summer by Rep. Esteban Torres (D-Calif.), that would lift the ban on food and medicine unconditionally.

President Clinton should encourage such a gradual thaw of relations with Cuba—and launch some initiatives of his own to lift the trade restrictions in place between the two countries for 36 years.

There are signs that he may, in fact, be doing so. In an interview with NBC's "Meet the Press" on Nov. 9, the president hinted that he wants to develop "an ongoing relationship" with Cuba, much like the one we have with China. "[B]ut we have to have some indication that there will be an opening up, a movement toward democracy," he added.

There also are unconfirmed reports that the administration is toying with the idea of lifting restrictions on scheduled flights to the island.

The pope's planned pilgrimage through the whole length of Cuba in January should be more than enough indication that things are indeed evolving in the island. Just 10 years ago, the outdoor masses that have taken place in preparation for the pontiff's arrival would have been inconceivable. The steady growth of churches of various denominations and of the freedom to worship without fear of ostracism or retaliation is another clear sign of change.

It's not political pluralism or freedom of the press—still a long way off in Cuba as they are in China—but it's movement that the U.S. should encourage with some moves of its own.

A lifting of the ban on food and medicine is a limited, humanitarian gesture that could begin that process. Only the most intransigent anti-Castro fringe groups could support continued punishment of the civilian population in Cuba.

The renewal of scheduled flights between the two countries—provided Cuba lifts its own travel restrictions—also could reunite Cubans on both sides and accelerate the opening up of the island.

And as the U.S. gradually chips away at its own embargo, the pressure will increase on Castro to deal with the real causes of Cuba's woes: the inadequacies and contradictions of its Communist system.



To: Interested Colleagues
From: Geoff Thale, Washington Office on Latin America
Re: **"A Call for Healing and Dialogue" Between the People of the U.S. and Cuba**

In January of 1998, Pope John Paul II will make an historic five day visit to Cuba in response to an invitation from Cuban President Fidel Castro, celebrating public Masses in four different cities throughout the island. The Papal message will not be directly political; this is a pastoral visit focusing on strengthening the life of the church in Cuba. But the presence of the Pope in Cuba will generate intense media interest in the United States, and will focus attention on the question of U.S.-Cuban relations.

The occasion of the Pope's visit to Cuba offers an opportunity to reconsider U.S. relations with Cuba from a moral and religious perspective. This is an appropriate moment for faith-based activists in the United States to call for a new approach, one that favors contact and moral and political engagement between the people of the United States and Cuba, in place of the policy of confrontation and isolation that has dominated U.S. policy for the past 38 years.

A number of religious and activist organizations in the U.S., including the Washington Office on Latin America and the Latin American Working Group, are planning to circulate a "Call for Healing and Dialogue," to be published in major newspapers in January. If you want to participate in the "Call for Healing" or are interested in more information, please fill out the form on the reverse side.

A Call for Healing and Dialogue Between the People of the United States and the People of Cuba

In anticipation of the visit to Cuba of His Holiness, Pope John Paul II, we, as leaders of religious, humanitarian, and development organizations in the United States, issue a call for a healing of the rift that has divided the people of Cuba and the people of the United States.

Years of suspicion and hostility between our governments have deformed the relationship between our countries and kept us apart. Despite the ties of family, history, and culture, our peoples have been divided.

The visit of Pope John Paul II makes clear to us the opportunities we have to rebuild the ties that bind us. The religious communities of Cuba -- Catholic, Protestant, and Jewish -- have all called for a new relationship between the people of Cuba and the people of the United States. Today, we join them in that call. Despite our differences, and whatever our criticisms, this is a time for healing.

We have a tradition of responding to those in need. As our brothers and sisters in Cuba experience economic hardship, we express our desire to lend them support and help ease their burden. In doing so, we endorse the view expressed by the Conference of Catholic Bishops of Cuba in 1992, and affirmed by the Protestant and Jewish communities, that "total embargoes that affect the flow of products essential for the people, including food and medicine, indispensable for the population, are morally unacceptable."

We call on our government to re-evaluate its policies toward Cuba, examine what can be done to heal the rift, and strengthen the ties between our people and our countries. We urge two simple steps that would help bring our peoples closer. We urge the United States government to help promote family reunification through restoring direct flights from the United States to Cuba. And to ease the hardship of the Cuban people, we request that the Clinton Administration and the Congress lift the restrictions on the sale of food, medicines, and medical supplies to Cuba. These simple humanitarian steps would have a real impact on the lives of thousands of Cubans, and would help heal the rift between our people.

— see reverse—

***Crossing the Divide:
Religious and Humanitarian Perspectives on U.S.-Cuban Relations***

The upcoming visit of His Holiness Pope John Paul II to Cuba will focus attention on Cuba, the Catholic Church and U.S. - Cuban relations.

In order to address some of the issues that will be raised by the Papal visit, the Washington Office on Latin America has prepared, ***Crossing the Divide: Religious and Humanitarian Perspectives on U.S.-Cuban Relations***. The packet provides material for peace and justice activists interested in discussing these issues in their communities in the coming months. The packet includes information on the role of the Church in Cuba today, the Catholic Church's position on the U.S. embargo, and the state of U.S. - Cuban relations. It also includes material on several initiatives to improve U.S. - Cuban relations, and suggestions for doing local educational and media work around the Papal visit and Cuba policy.

Our hope is that this packet will enable you to conduct fruitful local discussions about the role of the Church in Cuba and about more constructive U.S. policy towards Cuba.

Please mail, fax, or E-mail the following information (before January 9th) to:

Washington Office on Latin America
tel: (202) 544-8045
attn: Amy Nahley

400 C Street, NE
fax: (202) 546-5288

Washington, DC 20002
email: anahley@wola.org

- ☐ **Add my name/organization to the "Call for Healing"**
Enclosed is my contribution of: ☐ \$100 ☐ \$50 ☐ \$ _____
(Please make your tax-deductible checks payable to WOLA)
- ☐ Send me your educational packet ***Crossing the Divide: Religious and Humanitarian Perspectives on U.S.-Cuban Relations***.

Please print your name and affiliation as you want it to appear on the "Call for Healing."

Name: _____

☐ Please check here if affiliation is for
identification purposes only.

Affiliation: _____

Address: _____

Phone: _____ Fax: _____ E-mail: _____

*I agree to have my name/organization published in The Washington Post, The New York Times or any other newspaper.

Signature: _____ Date: _____

*Certain newspapers will not print sign-on ads without the written permission of all of the signers.



LIFT THE U.S. EMBARGO ON FOOD AND MEDICINE TO CUBA

An Advocacy Packet from the *Latin America Working Group*

We are pleased to offer this packet of materials to you and hope that it will assist you in advocating for a change in U.S. policy toward Cuba. We encourage you to copy and widely distribute its contents for use by others in soliciting support for the bills in Congress.

Contents:

- Talking to Your Congressperson
- Writing a Letter to Congress
- *Myths and Facts about the U.S. Embargo on Medicine and Medical Supplies*, Oxfam America and WOLA, 1997
- *Denial of Food and Medicine: The Impact of the U.S. Embargo on Health & Nutrition in Cuba*, a report from the American Association for World Health, March 1997
- A Faith Perspective on Cuba, with official statements from U.S. churches & religious groups
- Editorials from *The Washington Post* and *The New York Times*, November 1997
- Bills: S.1391; H.R.1951

✓ A camera-ready bulletin insert for use in congregations is available upon request.



To order, clip and mail the form below to: Latin America Working Group
110 Maryland Avenue NE, Box 15
Washington, DC 20002
202/546-7010

Please send me _____ copies (limit 2) of the LAWG Cuba packet. I am free to copy and distribute all or part of the packet. *To help defray costs, a contribution of \$5 per packet is requested.*

_____ Please include the camera-ready bulletin insert for my congregation.

Name _____

Organization _____

Address _____

Phone (____) _____ FAX (____) _____ E-mail _____

American Association for World Health:
Denial of Food and Medicine:
The Impact of the U.S. Embargo on Health and Nutrition in Cuba

Summary of Findings:

After a year-long investigation, the American Association for World Health has determined that the U.S. embargo of Cuba has dramatically harmed the health and nutrition of large numbers of ordinary Cuban citizens. As documented by the attached report, it is our expert medical opinion that the U.S. embargo has caused a significant rise in suffering—and even deaths—in Cuba. For several decades the U.S. embargo has imposed significant financial burdens on the Cuban health care system. But since 1992 the number of unmet medical needs—patients going without essential drugs or doctors performing medical procedures without adequate equipment—has sharply accelerated. This trend is directly linked to the fact that in 1992 the U.S. trade embargo—one of the most stringent embargoes of its kind, prohibiting the sale of food and sharply restricting the sale of medicines and medical equipment—was further tightened by the 1992 Cuban Democracy Act.

A humanitarian catastrophe has been averted only because the Cuban government has maintained a high level of budgetary support for a health care system designed to deliver primary and preventive health care to all of its citizens. Cuba still has an infant mortality rate half that of the city of Washington, D.C. Even so, the U.S. embargo of food and the de facto embargo on medical supplies has wreaked havoc with the island's model primary health care system. The crisis has been compounded by the country's generally weak economic resources and by the loss of trade with the Soviet bloc.

Recently four factors have dangerously exacerbated the human effects of this 37-year-old trade embargo. All four factors stem from little-understood provisions of the U.S. Congress' 1992 Cuban Democracy Act (CDA):

- 1) **A Ban on Subsidiary Trade**—Beginning in 1992, the Cuban Democracy Act imposed a ban on subsidiary trade with Cuba. This ban has severely constrained Cuba's ability to import medicines and medical supplies from third-country sources. Moreover, recent corporate buy-outs and mergers between major U.S. and European pharmaceutical companies have further reduced the number of companies permitted to do business with Cuba.
- 2) **Licensing**—Under the Cuban Democracy Act, the U.S. Treasury and Commerce Departments are allowed in principle to license individual sales of medicines and medical supplies, ostensibly for humanitarian reasons to mitigate the embargo's impact on health care delivery. In practice, according to U.S. corporate executives, the licensing provisions are so arduous as to have had the opposite effect. As implemented, the licensing provisions actively discourage any medical commerce. The number of such licenses granted—or even applied for since 1992—is minuscule. Numerous licenses for medical equipment and medicines have been denied on the grounds that these exports "would be detrimental to U.S. foreign policy interests."
- 3) **Shipping**—Since 1992, the embargo has prohibited ships from loading or unloading cargo in U.S. ports for 180 days after delivering cargo to Cuba. This provision has strongly discouraged shippers from delivering medical equipment to Cuba. Consequently shipping costs have risen dramatically and further constricted the flow of food, medicines, medical supplies and even gasoline for ambulances. From 1993 to 1996, Cuban companies spent an additional \$8.7 million on shipping medical imports from Asia, Europe and South America rather than from the neighboring United States.
- 4) **Humanitarian Aid**—Charity is an inadequate alternative to free trade in medicines, medical supplies and food. Donations from U.S. non-governmental organizations and international agencies do not begin to compensate for the hardships inflicted by the embargo on the Cuban public health system. In any case, delays in licensing and other restrictions have severely discouraged charitable contributions from the U.S.

Taken together, these four factors have placed severe strains on the Cuban health system. The declining availability of foodstuffs, medicines and such basic medical supplies as replacement parts for thirty-year-old X-ray machines is taking a tragic human toll. The embargo has closed so many windows that in some instances Cuban physicians have found it impossible to obtain life-saving medicines from any source, under any circumstances. Patients have died. In general, a relatively sophisticated and comprehensive public health system is being systematically stripped of essential resources. High-technology hospital wards devoted to cardiology and nephrology are particularly under siege. But so too are such basic aspects of the health system as water quality and food security.

Specifically, the AAWH's team of nine medical experts identified the following health problems affected by the embargo:

- 1) **Malnutrition**—The outright ban on the sale of American foodstuffs has contributed to serious nutritional deficits, particularly among pregnant women, leading to an increase in low birth-weight babies. In addition, food shortages were linked to a devastating outbreak of neuropathy numbering in the tens of thousands. By one estimate, daily caloric intake dropped 33 percent between 1989 and 1993.
- 2) **Water Quality**—The embargo is severely restricting Cuba's access to water treatment chemicals and spare-parts for the island's water supply system. This has led to serious cutbacks in supplies of safe drinking water, which in turn has become a factor in the rising incidence of morbidity and mortality rates from water-borne diseases.
- 3) **Medicines & Equipment**—Of the 1,297 medications available in Cuba in 1991, physicians now have access to only 889 of these same medicines—and many of these are available only intermittently. Because most major new drugs are developed by U.S. pharmaceuticals, Cuban physicians have access to less than 50 percent of the new medicines available on the world market. Due to the direct or indirect effects of the embargo, the most routine medical supplies are in short supply or entirely absent from some Cuban clinics.
- 4) **Medical Information**—Though information materials have been exempt from the U.S. trade embargo since 1988, the AAWH study concludes that in practice very little of such information goes into Cuba or comes out of the island due to travel restrictions, currency regulations and shipping difficulties. Scientists and citizens of both countries suffer as a result. Paradoxically, the embargo harms some U.S. citizens by denying them access to the latest advances in Cuban medical research, including such products as Meningitis B vaccine, cheaply produced interferon and streptokinase, and an AIDS vaccine currently undergoing clinical trials with human volunteers.

Finally, the AAWH wishes to emphasize the stringent nature of the U.S. trade embargo against Cuba. Few other embargoes in recent history—including those targeting Iran, Libya, South Africa, Southern Rhodesia, Chile or Iraq—have included an outright ban on the sale of food. Few other embargoes have so restricted medical commerce as to deny the availability of life-saving medicines to ordinary citizens. Such an embargo appears to violate the most basic international charters and conventions governing human rights, including the United Nations charter, the charter of the Organization of American States, and the articles of the Geneva Convention governing the treatment of civilians during wartime.

Media Hints for Activists

The Pope's visit to Cuba will offer an opportunity to draw media attention to the role of churches in Cuba and U.S. policy questions. It will also provide the opportunity to highlight the churches' positions on the embargo and their hopes for deeper connections between the people of Cuba and the people of the United States.

We hope that this packet will give you sufficient resources to begin some press work. You will most likely get press coverage around the Pope's visit to Cuba if you can find a local press link - a way to connect the Papal visit to your local community.

IDEAS FOR PRESSWORK:

- write or pitch (suggest and provide information for) an article in your:
 - Diocesan Newspaper
 - Local Newspapers
 - Religious Community Newsletter
 - Peace and Justice Newsletter
 - Conference Newsletter
- try to set up interviews between the press (for example, reporters or editorial boards) and local experts (see suggestions in the next column) or national experts (see the list on the page four of this document).
- the week before the Papal visit, send your newspaper a news release emphasizing:
 - local religious or community discussions/forums about Cuba
 - local support for legislation to exempt food and medicine from the embargo
 - local support for the "Call for Healing and Dialogue"

LOCAL LINKS TO THE PAPAL VISIT:

- members of your community who have participated in a humanitarian or solidarity delegation to Cuba.
- members of religious communities that may have counterparts in Cuba.
- local churches that may be taking a delegation to Cuba for the Pope's visit or sending a representative on a church delegation.
- Latin American activists who may have a good sense of the region or Cuba.
- local colleges or universities that may have academics/theologians with a specialization in Cuba or the Catholic Church in Cuba.
- Think of other creative ways that this event can connect to or impact your local community.

Please feel free to use any of the WOLA materials when doing your press work. We would greatly appreciate copies of any press coverage you receive. If you would like assistance or suggestions with your press work, please feel free to contact us. Thank you very much.

Following are some more pointers on how to do media work.

GAINING ACCESS TO THE MEDIA

Identify journalists at local papers that may be interested in covering your story. Prepare a packet of materials that can easily be sent to reporters that are interested in your issue. The media kit should have basic information such as: background information, fact sheets, quotes and endorsements on your issues, list of spokes people and organizational contacts and a news release. Please feel free to reproduce any of the materials included in this packet.

PITCHING A STORY

If you have a new angle on a story or issues, especially if it can piggy-back on recent events, it is worthwhile to call (or write) a columnist or reporter (or talk-show host) and pitch your idea. Explain why your story or idea would make a good story or column now -- why it is interesting, timely and important. In this case, given the Papal visit, any story about local connections with Cuba will be timely.

If you call, be particularly sensitive about time. Media people, especially on deadline, don't have much of it. It's a good idea to start out with a three or four sentence pitch by asking whether the call comes at a convenient time or whether another time is better. Don't argue if there is no interest in the story; go on and pitch to someone else. Follow up immediately on anything you've promised.

THE NUTS AND BOLTS OF PRESSWORK

NEWS RELEASES

News releases are short, clearly written accounts of an event, accomplishment or report. Ideally, the 5 "W's" and "H" -- who, what, when, where, why, and how -- should be covered in the first paragraph. The final paragraph describes your organization and reinforces the message of your group, possibly with a quotation from one of your spokespersons.

How to Write a News Release

1. Use regular 8.5"x 11" white paper with your organization's letterhead or its name and address typeset. One page is best and two pages is the maximum length.
2. Type the date at the top left corner of the page. Beneath it, designate "FOR IMMEDIATE RELEASE" or "EMBARGOED UNTIL RELEASE (date)." Release dates and times should be geared to media deadlines.
3. At the top right-hand corner, indicate the name and phone number of someone the media can contact for more information on the day of the release.
4. Center and underline a title.

-
5. Be brief. Use short words, sentences, paragraphs. Use active verbs that move the reader forward.
 6. Make the story factual and accurate. Proofread until the release is perfect.
 7. It can be helpful to attach extra information such as flyers, letters and relevant documents. If included write "Attached (list of documents)" at the bottom of the last page.

The news release should generally be no longer than a page and a half. If you use a second page, don't split between paragraphs. Center "more" on the bottom of the first page, if there is another page. Write an abbreviation of the headline and the page number at the top of the second page. End the release with "####".

EDITORIAL BOARD MEETINGS

Meetings with editorial boards, the movers and shakers at a newspaper who determine editorial positions on issues, may be an effective way to slant the media on your issue. Here are some points to help you organize a meeting and your approach to it. This is a particularly good moment to approach an editorial board about Cuba.

1. Develop a thorough knowledge of what stand the newspaper has taken and the stories that have been written about your issue, i.e., Cuba, Pope's visit, U.S. policy. Be sure to read the paper that day. Be prepared.
2. Timing may be important. Analyze when a supportive editorial may be most beneficial to the view that you are advocating.
3. To make an appointment, simply call the editor of the newspaper. The meeting may be with a few or several board members; if possible find out who will be there and advise who will attending from your side. If you can arrange to have a reporter present as well, you might get coverage of the issue even if no editorial is published.
4. Remember to bring summary fact sheets, other written materials on your issue and the names and numbers of experts to contact for more information. Bring enough copies for everyone.
5. Keep the number of "delegates" small, usually no more than three. A good mix includes a community person, an expert, and a respected community leader.
6. Prepare an opening statement summarizing your organization's position on your issue, the evidence that supports that position and responses to the most frequent criticisms of your issue.
7. At the meeting, present your statement and defend your positions as counter-arguments are presented. Board members may ask questions that seem hostile; don't take it as a sign that the paper is necessarily opposed to your issue. More often than not, the editors will be testing you and their potential defense of a supportive editorial position.

8. If the board decides not to run an editorial or comes out on the other side, suggest that they publish an op-ed or a letter to the editor from you group. But avoid offering such an alternative until you are sure that you've lost their support.

9. If the board does publish an editorial supporting your point of view, send a note congratulating the writer on a good editorial. Follow up the editorial with supportive letters to the editor.

LETTERS TO THE EDITOR

A letter to the editor is one of the simplest ways to counteract misinformation and to draw attention to a particular issue. If you are responding to an article or editorial, to improve the chances of having your letter published, submit it as soon as possible -- within 24 hours if possible and no more than three days after the article you are responding to appears. Refer to the article you are addressing by title and date it appeared. Stick to one point. Keep the letter as short as possible. Expose contradictions and fallacies using facts, sound reasoning and logic.

REFERRAL LIST OF EXPERTS

What follows are a few recommendations of specialists that focus on U.S. - Cuba policy issues and might be available to talk to the press. For other suggestions please contact WOLA.

Tom Quigley
United States Catholic Conference
3211 4th Street, NE
Washington, DC 20017
tel: 202-541-3184

Joy Olson
Latin America Working Group
122 Maryland Ave., NE
Washington, DC 20002
202-546-7010

Geoff Thale
Washington Office on Latin America
400 C Street, NE
Washington, DC 20002
tel: 202-544-8045

Bernice Romero
Oxfam America
1511 K Street, NW, Suite 640
Washington, DC 20005
tel: 202-783-7302

Chris Gilson
Catholic Relief Services
209 West Fayette Street
Baltimore, MD 21201
tel: 410-625-2220 ext. 3410

Eric Reuther
Office of Representative Torres
2269 Rayburn, Washington, DC 20515
tel: 202-225-5256

Cheryl Morden
Church World Service/Lutheran World Relief
110 Maryland Ave., NE
Washington, DC 20002
tel: 202-543-6336

Wayne Smith
Center for International Policy
1755 Mass. Ave, NW, Ste. 324
Washington, DC 20036
tel: 202-232-3217

The above information was adapted from the Washington Peace Letter's "Media Guide for Activists" and the Advocacy Institute's "Using the Media to Advance Your Issue."

Washington Office on Latin America

The Washington Office on Latin America (WOLA) promotes human rights, democracy, and social and economic justice in Latin America and the Caribbean. WOLA facilitates dialogue between governmental and non-governmental actors, monitors the impact of policies and programs of governments and international organizations, and promotes alternatives through reporting, education, training and advocacy. Founded in 1974 by a coalition of religious and civic leaders, WOLA works closely with civil society organizations and government officials throughout the hemisphere.

Washington Office on Latin America

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e-mail: wola@wola.org web: www.wola.org



PHOTOCOPY PRESERVATION

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9800090
RECEIVED: 07 JAN 98 15

TO: PRESIDENT

FROM: GRAHAM, LINDSEY

DOC DATE: 19 DEC 97
SOURCE REF:

KEYWORDS: TERRORISM
LEGAL ISSUES

CUBA
CO

PERSONS:

SUBJECT: RESULTS OF RULING IN ANTI-TERRORISM & EFFECTIVE DEATH PENALTY ACT
CASE RE CUBAN SHOOT DOWN

ACTION: PREPARE MEMO FOR BERGER

DUE DATE: 19 JAN 98 STATUS: S

STAFF OFFICER: SIMON

LOGREF:

FILES: WH

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION
SIMON

FOR CONCURRENCE
BAKER
BUSBY
DELAURENTIS
RUDMAN

FOR INFO
BEERS
CLARKE
DOBBINS
SCHWARTZ

COMMENTS: IF FINAL REPLY CANNOT BE PREPARED BY DUE DATE, AN INTERIM RESPONSE
MUST BE PREPARED FOR MARA RUDMAN'S SIGNATURE.

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSDRS

CLOSED BY:

DOC 1 OF 1

UNCLASSIFIED

United States Senate

WASHINGTON, DC 20510-0903

December 19, 1997

The Honorable William J. Clinton
The White House
Washington, D.C. 20500

Dear Mr. President:

JAN 5 10:51

On December 17, 1997, a United States District Court Judge issued the first ruling in a case brought under the 1996 Anti-Terrorism and Effective Death Penalty Act. This case, known as *Marlene Alejandre v. Republic of Cuba; Cuban Air Force*, raises important legal issues that warrant a prompt examination by your Administration.

I urge you to commence a timely inter-agency review to determine the most effective way to enforce the ruling of the federal court. This review is imperative to ensure that the cause of justice is served in the aftermath of air terrorism that claimed American lives.

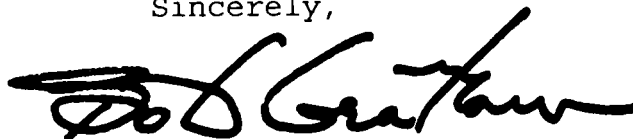
On February 24, 1996, four Cuban-Americans were murdered when their unarmed civilian aircraft were shot down in international airspace by Cuban MiG fighter jets of Fidel Castro's Air Force. Three families of these victims of terrorism filed a lawsuit in the federal court in the Southern District of Florida. U.S. District Court Judge James Lawrence King awarded damages of \$187,627,911. A copy of Judge King's ruling is enclosed.

The intent of the 1996 Anti-Terrorism Act was to make terrorist nations liable for damages if they or their agents wrongfully kill American citizens. Now that a United States Court has ruled on a case brought under this new law, our government should waste no time in enforcing the ruling of the court, as well as all other outstanding claims against the Cuban government. Delay would serve no interest, other than tyranny.

I look forward to working with your Administration and my colleagues in Congress on a bipartisan basis to achieve justice for the victims of terrorism.

With kind regards,

Sincerely,



United States Senator

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 96-10126-CIV-KING

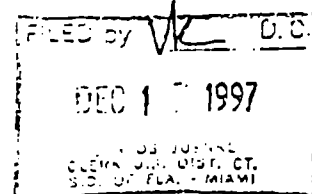
MARLENE ALEJANDRE, individually
and as personal representative
of the Estate of ARMANDO
ALEJANDRE, deceased,

Plaintiff,

v.

THE REPUBLIC OF CUBA;
THE CUBAN AIR FORCE,

Defendants.



CASE NO. 96-10127-CIV-KING

MIRTA MENDEZ, as personal
representative of the Estate
of CARLOS ALBERTO COSTA,
deceased,

Plaintiff,

v.

THE REPUBLIC OF CUBA;
THE CUBAN AIR FORCE,

Defendants.

CASE NO. 96-10128-CIV-KING

MARIO T. DE LA PEÑA and
MIRIAM DE LA PEÑA, individually
and as personal representatives
of the Estate of MARIO M. DE LA
PEÑA, deceased,

Plaintiff,

v.

THE REPUBLIC OF CUBA;
THE CUBAN AIR FORCE,

Defendants.

FINAL JUDGMENT

I. Introduction

The government of Cuba, on February 24, 1996, in outrageous contempt for international law and basic human rights, murdered four human beings in international airspace over the Florida Straits. The victims were Brothers to the Rescue pilots, flying two civilian, unarmed planes on a routine humanitarian mission, searching for rafters in the waters between Cuba and the Florida Keys.

As the civilian planes flew over international waters, a Russian built MiG 29 of the Cuban Air Force, without warning, reason, or provocation, blasted the defenseless planes out of the sky with sophisticated air-to-air missiles in two separate attacks. The pilots and their aircraft disintegrated in the mid-air explosions following the impact of the missiles. The destruction was so complete that the four bodies were never recovered.

The personal representatives of three of the deceased instituted this action against the Republic of Cuba ("Cuba") and the Cuban Air Force to recover monetary damages for the killings. One of the victims was not a U.S. citizen and his family therefore could not join in the suit. This is the first lawsuit to rely on recent legislative enactments that strip foreign states of immunity

for certain acts of terrorism. Neither Cuba nor the Cuban Air Force has defended this suit, asserting through a diplomatic note that this Court has no jurisdiction over Cuba or its political subdivisions. A default was thus entered against both Defendants on April 23, 1997 pursuant to Rule 55(a) of the Federal Rules of Civil Procedure. Because this is a lawsuit against a foreign state, however, the Court may not enter judgment by default. Rather, the claimants must establish their "claim or right to relief by evidence that is satisfactory to the Court." 28 U.S.C. § 1608(e) (1994); see Compania Interamericana Export-Import, S.A. v. Compania Dominicana de Aviacion, 98 F.3d 943, 951 (11th Cir. 1996).¹ These three consolidated cases proceeded to trial on November 13, 14, and 20, 1997, on the issues of liability and damages. Because the Court finds that neither Cuba nor the Cuban Air Force is immune from suit for the killings, and because the facts amply prove both Defendants' liability and Plaintiffs'

¹The Congressional purpose behind this section was to protect foreign states from "unfounded default judgments rendered solely upon a procedural default." Compania Interamericana, 98 F.3d at 950-51. As detailed more fully below, the abundant evidence offered at trial more than satisfies the Court that Plaintiffs are entitled to relief. Moreover, it bears mention that Cuba's default has been willful, as evidenced by its diplomatic note rejecting this Court's jurisdiction, further bolstering the entry of a default judgment. See Commercial Bank of Kuwait v. Rafidain Bank, 15 F.3d 238 (2d Cir. 1994).

damages, the Court will enter judgment against Defendants.

II. Findings of Fact

At trial, Plaintiffs presented extensive testimonial and documentary evidence in support of their claims. Because Cuba has presented no defense, the Court will accept as true Plaintiffs' uncontroverted factual allegations. See Thomson v. Wooster, 114 U.S. 104 (1885); Nishimatsu Constr. Co. v. Houston Nat'l Bank, 515 F.2d 1200, 1206 (5th Cir. 1975). The pertinent facts are as follows.

A. The Victims

Armando Alejandro was forty-five years old at the time of his death. Although born in Cuba, Alejandro made Miami, Florida his home at an early age and became a naturalized U.S. citizen. Alejandro served an active tour of duty for eight months in Vietnam, completed his college education at Florida International University, and worked as a consultant to the Metro-Dade Transit Authority at the time of his death. He is survived by his wife of twenty-one years, Marlene Alejandro, who serves as the Personal Representative of his estate, and his daughter Marlene, a college student. Both are Plaintiffs in this lawsuit.

Carlos Alberto Costa was born in the United States in 1966 and resided in Miami. He was only twenty-nine years old when the Cuban

government ended his life. Always interested in aviation and hoping to someday oversee the operations of a major airport, Costa earned his bachelor's degree at Embry-Riddle Aeronautical University and worked as a Training Specialist for the Dade County Aviation Department. He is survived by his parents, Mirta Costa and Osvaldo Costa, and by his sister, Mirta Mendez, all of whom sue on his behalf.

Mario Mañuel De la Peña was also born in the United States and was a mere twenty-four years old at the time of his death. Working toward his goal of being an airline pilot, De la Peña was in his last semester at Embry-Riddle when he was killed. During that semester he had obtained a coveted and highly competitive internship with American Airlines. Embry-Riddle granted De la Peña a bachelor's degree in Professional Aeronautics posthumously. He is survived by a younger brother, Michael De La Peña, and his parents, Mario T. De la Peña and Miriam De la Peña, both of whom are Plaintiffs in this case.

B. The Shootdown

Alejandro, Costa, and De la Peña were all members of a Miami-based humanitarian organization known as Hermanos al Rescate, or Brothers to the Rescue. The organization's principal mission was to search the Florida Straits for rafters, Cuban refugees who had

fled the island nation on precarious inner tubes or makeshift rafts, often perishing at sea. Brothers to the Rescue would locate the rafters and provide them with life-saving assistance by informing the U.S. Coast Guard of their location and condition.

On the morning of February 24, 1996, two of Brothers to the Rescue's civilian Cessna 337 aircraft departed from Opa Locka Airport in South Florida.² Costa piloted one plane, accompanied by Pablo Morales, a Cuban national who had once been a rafter himself. De la Peña piloted the second plane, with Alexandre as his passenger. Before departing, the planes notified both Miami and Havana traffic controllers of their flight plans, which were to take them south of the 24th parallel. The 24th parallel, well north of Cuba's twelve-mile territorial sea, is the northernmost boundary of the Havana Flight Information Region. Commercial and civilian aircraft routinely fly in this area, and aviation practice requires that they notify Havana's traffic controllers when crossing south through the 24th parallel. Both Brothers to the Rescue planes complied with this custom by contacting Havana, identifying themselves, and stating their position and altitude.

²A third Brothers to the Rescue, Cessna 337 aircraft also departed on the mission. That plane returned safely to the United States.

While the two planes were still north of the 24th parallel, the Cuban Air Force launched two military aircraft, a MiG-29 and a MiG-23, operating under the control of Cuba's military ground station. The MiGs carried guns, close range missiles, bombs, and rockets and were piloted by members of the Cuban Air Force experienced in combat. Excerpts from radio communications between the MiG-29 and Havana Military Control detail what transpired next:

MiG-29 OK, the target is in sight; the target is in sight.
It's a small aircraft. Copied, small aircraft in sight.

MiG-29 OK, we have it in sight, we have it in sight.

MiG-29 The target is in sight.

Military Go ahead.
Control

MiG-29 The target is in sight.

Military Aircraft in sight.
Control

MiG-29 Come again?

MiG-29 It's a small aircraft, a small aircraft.

MiG-29 It's white, white.

Military Color and registration of the aircraft?
Control

Military Buddy.
Control

MiG-29 Listen, the registration also?

Military Control What kind and colour?

MiG-29 It is white and blue.

MiG-29 White and blue, at a low altitude, a small aircraft.

MiG-29 Give me instructions.

MiG-29 Instructions!

MiG-29 Listen, authorize me . . .

MiG-29 If we give it a pass, it will complicate things. We are going to give it a pass. Because some vessels are approaching there, I am going to give it a pass.

MiG-29 Talk, talk.

MiG-29 I have it in lock-on, I have it in lock-on.

MiG-29 We have it in lock-on. Give us authorization.

MiG-29 It is a Cessna 337. That one. Give us authorization, damn it!

Military Control Fire.

MiG-29 Give us authorization, damn it, we have it.

Military Control Authorized to destroy.

MiG-29 I'm going to pass it.

Military Control Authorized to destroy.

MiG-29 We already copied. We already copied.

Military Authorized to destroy.
Control

MiG-29 Understood, already received. Already received.
Leave us alone for now.

Military Don't lose it.
Control

MiG-29 First launch.

MiG-29 We hit him! Damn! We hit him! We hit him!
We retired him!

MiG-29 Wait to see where it fell.

MiG-29 Come on in, come on in! Damn, we hit. F-----s!

MiG-29 Mark the place where we took it out.

MiG-29 We are over it. This one won't mess around anymore.

Military Congratulations to the two of you.
Control

MiG-29 Mark the spot.

.

MiG-29 We're climbing and returning home.

Military Stand by there circling above.
Control

MiG-29 Over the target?

Military Correct.
Control

MiG-29 S--t, we did tell you, Buddy.

Military Correct, the target is marked.
Control

MiG-29 Go ahead.

Military OK, climb to 3200, 4000 meters above the destroyed
Control target and maintain economical speed.

MiG-29 Go ahead.

Military I need you to stand by . . . there. What heading
Control did the launch have?

MiG-29 I have another aircraft in sight.

MiG-29 We have another aircraft.

Military Follow it. Don't lose the other small aircraft.
Control

MiG-29 We have another aircraft in sight. It's in the area
 where (the first aircraft) fell. It's in the area
 where it fell.

MiG-29 We have the aircraft in sight.

Military Stand by.
Control

MiG-29 Comrade, it's in the area of the event.

MiG-29 Did you copy?

MiG-29 OK, this aircraft is headed 90 degrees now.

MiG-29 It's in the area of the event, where the target
 fell. They're going to have to authorize us.

MiG-29 Hey, the SAR isn't needed. Nothing remains,
 nothing.

Military Correct, keep following the aircraft. You're
Control going to stay above it.

MiG-29 We're above it.

Military Correct . . .
Control

MiG-29 For what?

MiG-29 Is the other authorized?

Military Correct.
Control

MiG-29 Great. Let's go Alberto.

MiG-29 Understood; we are now going to destroy it.

Military Do you still have it in sight?
Control

MiG-29 We have it, we have it, we're working. Let us
work.

MiG-29 The other is destroyed; the other is destroyed.
Fatherland or death, s--t! The other is down also.

The missiles disintegrated the Brothers to the Rescue planes, killing their occupants instantly and leaving almost no recoverable debris. Only a large oil slick marked the spot where the planes went down. The Cuban Air Force never notified or warned the civilian planes, never attempted other methods of interception, and never gave them the opportunity to land. The MiGs' first and only response was the intentional and malicious destruction of the Brothers to the Rescue planes and their four innocent occupants. Such behavior violated clearly established international norms requiring the exhaustion of all measures before resort to

aggression against any aircraft and banning the use of force against civilian aircraft altogether.³

C. The International Reaction

The international community moved quickly and in unison to condemn the murders. The United Nations Security Council, the European Union, and the International Civil Aviation Organization ("ICAO") were among the many to issue statements deploring Cuba's excessive use of force. The French Ministry of Foreign Affairs stated that "France regrets the use of such brutal methods which nothing can justify, regardless of the circumstances, toward aircraft presenting no threat to the safety of the population." Statement of the Spokesperson of the French Ministry of Foreign Affairs (Feb. 26, 1996) (Pls.' Ex. 26(b)). Following an extensive investigation, the ICAO issued a report in June 1996 concluding that the planes were shot down over international waters. The ICAO

³These norms have been codified in various international instruments. See, e.g., Convention on International Civil Aviation, Dec. 7, 1944, 61 Stat. 1180, 15 U.N.T.S. 295 (both the United States and Cuba are parties to the Convention). The proscription on using force against civilian planes attaches even if they penetrate foreign airspace. See, e.g., Kay Hailbronner, Freedom of the Air and the Convention on the Law of the Sea, 77 Am. J. Int'l L. 490, 514 (1983) ("Even if an order to land is deliberately disregarded, a civil unarmed aircraft that intrudes into foreign airspace may not be fired upon."). Common sense dictates that the negligible threat civilian planes may pose does not justify the possible loss of life.

also adopted a resolution reaffirming the prohibition of the use of weapons against civilian aircraft in flight and declaring such practices incompatible with elementary considerations of humanity and the dictates of customary international law.

The shootdown elicited a similar reaction from the United States and even precipitated the enactment of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 28 U.S.C.A. §§ 6021-6091 (West. Supp. 1997), which includes an entire section devoted to a condemnation of the Cuban attack, see id. § 6046. Among other findings, Congress characterized the shootdown as wholly disproportionate: "The response chosen by Fidel Castro, the use of lethal force, was completely inappropriate to the situation presented to the Cuban Government, making such actions a blatant and barbaric violation of international law and tantamount to cold-blooded murder." Id. § 6046(a)(10). Finally, Congress concluded: "The Congress strongly condemns the act of terrorism by the Castro regime in shooting down the Brothers to the Rescue aircraft on February 24, 1996." Id. § 6046(b)(1).

III. Conclusions of Law

A. Jurisdiction and Liability

District courts have original jurisdiction to hear suits, not barred by foreign sovereign immunity, that are brought against

foreign states. See 28 U.S.C. § 1330 (1994). Under the Foreign Sovereign Immunities Act of 1976 ("FSIA"), 28 U.S.C.A. §§ 1602-1611 (West 1994 & Supp. 1997), a federal court lacks subject matter jurisdiction to hear a claim against a foreign state unless the claim falls within one of the FSIA's enumerated exceptions, id. § 1605; see Saudi Arabia v. Nelson, 507 U.S. 349, 355 (1993). For example, if a foreign state commits a tortious act or engages in commercial activities in the United States, it may fall into one of the FSIA's exceptions and be stripped of immunity from suit in U.S. courts. 28 U.S.C.A. §§ 1605(2), (5). Most recently, Congress crafted an additional, narrow exception to foreign sovereign immunity through the Anti-Terrorism and Effective Death Penalty Act of 1996 ("AEDPA"), Pub. L. No. 104-132, § 221, 110 Stat. 1214. AEDPA amended the FSIA to allow suits in U.S. courts against a foreign state that engages in acts of terrorism under certain specified circumstances. As a result, the FSIA now provides that a foreign state shall not be immune from the jurisdiction of U.S. courts in any case

in which money damages are sought against a foreign state for personal injury or death that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources . . . for such an act if such act or provision of material support is engaged in by an official, employee, or agent of such foreign state while acting

within the scope of his or her office, employment, or agency.

28 U.S.C.A. § 1605(a)(7).⁴ In addition, section 1605(a)(7) imposes the following requirements: (1) the U.S. must have designated the foreign state as a state sponsor of terrorism pursuant to section 6(j) of the Export Administration Act of 1979; (2) the act must have occurred outside the foreign state; and (3) the claimants and victims must have been U.S. nationals at the time the acts occurred.⁵ Id. § 1605(a)(7)(A)-(B).

The record of this trial clearly establishes that all of these requirements have been met. First, the unprovoked firing of deadly

The Court notes that it may retroactively apply AEDPA's amendments to the FSIA in this case. As part of AEDPA, the new exception to immunity was enacted on April 24, 1996. Yet the acts in question occurred in February 1996, two months before the FSIA was amended. AEDPA itself, however, addresses when its provisions are to become effective. It provides that the amendments to the FSIA "shall apply to any cause of action arising before, on, or after the date of the enactment of this Act." Pub. L. 104-132, § 221(c), 110 Stat. 1214. Therefore, the plain language of the statute evidences a clear Congressional intent to have section 1605(a)(7) apply retroactively. In cases such as this one, where "Congress has expressly prescribed the statute's proper reach[,] there is no need to resort to judicial default rules." Landgraf v. USI Film Prods., 511 U.S. 244, 271 (1994). Thus, Plaintiffs may rely on section 1605(a)(7)'s exception to immunity.

It is this last requirement that prevents the family of Pablo Morales, the fourth Brothers to the Rescue member who was killed, to take part in this suit. Pablo Morales was a Cuban national at the time of the incident.

authorization from state officials prior to the shootdown of each plane and hearty congratulations from those officials after the planes were destroyed.

Third, section 1605(a)(7)'s requirement that the foreign state have been designated as a state sponsor of terrorism has also been satisfied. Cuba was one of only seven states so designated at the time pursuant to the authority of the Export Administration Act of 1979. See 61 Fed. Reg. 12,927 (1996).

Fourth, the act occurred outside of Cuban territory. Plaintiffs have presented undisputed and competent evidence that the planes were shot down over international waters. As discussed above, the ICAO Report concluded that the planes were over international waters when they were destroyed. Congress reached the same conclusion, finding that the first plane was "18 miles from the Cuban coast" when it was shot down, and that the second plane was "30.5 miles from the Cuban coast" when it was fired upon. 22 U.S.C.A. § 6046(a)(7)-(8). These numbers place the planes well outside the twelve-mile territorial sea claimed by Cuba and permitted under international law.⁷ In addition, evidence from the

⁷The rules governing the territorial sea and its permissible boundaries can be found in the United Nations Convention on the Law of the Sea, Oct. 7, 1982, art. 3, U.N. Doc. A/CONF 62/122 (1981), reprinted in 21 I.L.M. 1261 (1982).

crew and passengers on a nearby cruise ship, the Majesty of the Seas, and private fishing vessel, the Triliner, established beyond any doubt that the civilian aircraft were flying in international air space toward Florida (and away from Cuba) when the Defendants committed this brutal act of terrorism.

Finally, Plaintiffs and three of the four murdered pilots were U.S. citizens at the time of the shootdown. De la Peña and Costa were born in the United States, and Alejandro was a naturalized U.S. citizen. Plaintiffs were also U.S. citizens when the incident took place. Consequently, the facts of this case fall squarely within the requirements of section 1605(a)(7). Indeed, this is precisely the type of action for which Congress meant to provide redress by stripping terrorist states of immunity from the judgment of U.S. courts.

Having established an exception to foreign sovereign immunity, Plaintiffs base their substantive cause of action on a different statute, also enacted in 1996, entitled Civil Liability for Acts of State Sponsored Terrorism, Pub. L. 104-208, § 589, 110 Stat. 3009 (codified at 28 U.S.C.A. § 1605 note (West. Supp. 1997)) ("Civil Liability Act"). The Civil Liability Act creates a cause of action against agents of a foreign state that act under the conditions specified in FSIA section 1605(a)(7). It thus serves as an

enforcement provision for acts described in section 1605(a)(7). If Plaintiffs prove an agent's liability under this Act, the foreign state employing the agent would also incur liability under the theory of respondeat superior. See Skeen v. Federative Republic of Brazil, 566 F. Supp. 1414, 1417 (D.D.C. 1983) (explaining that section 1605(a)(5) "is essentially a respondeat superior statute, providing an employer (the foreign state) with liability for certain tortious acts of its employees."). Because, as detailed above, Plaintiffs have presented compelling evidence that all of the relevant statutory requirements have been met, the Court finds that both the Cuban Air Force and Cuba are liable for the murders of Alejandro, Costa, and De la Peña. Cf. Rafidain, 15 F.3d at 242-43 (finding evidence sufficient to justify default judgment against foreign governmental entities); Letelier v. Republic of Chile, 502 F. Supp. 259, 266 (D.D.C. 1980) (finding evidence sufficient to justify default judgment against Republic of Chile for murder of Chilean ambassador).

B. Damages

The amount of damages that Plaintiffs may recover in this case is specified in the Civil Liability Act. It provides that an agent of a foreign state who commits an extrajudicial killing as described in FSIA section 1605(a)(7) shall be liable for "money

damages which may include economic damages, solatium, pain and suffering, and punitive damages." 28 U.S.C.A. § 1605 note. Thus, the Cuban Air Force is liable for both compensatory and punitive damages. Under the theory of respondeat superior, Cuba is liable for the same amount of damages as its agent, with the exception of punitive damages, which the FSIA prohibits against foreign states. 28 U.S.C. § 1606.⁸

1. Compensatory Damages

To support their claim for compensatory damages, Plaintiffs presented the testimony of Dr. David Williams, an expert economist. Using widely-accepted methodology, Dr. Williams calculated the present value of De la Peña's and Costa's lost wages and benefits. He also calculated the present value of Alejandro's lost wages, benefits, and services to his family. The Court finds Dr. Williams's calculations to be reasonable and therefore adopts his

⁸Section 1606 of the FSIA, which determines the extent of liability in suits against a foreign state, provides in pertinent part: "[T]he foreign state shall be liable in the same manner and to the same extent as a private individual under like circumstances; but a foreign state except for an agency or instrumentality thereof shall not be liable for punitive damages." 28 U.S.C. § 1606 (emphasis added). Thus, although punitive damages may not be assessed against the Republic of Cuba, they may be assessed against the Cuban Air Force. See Gibbons v. Republic of Ireland, 532 F. Supp. 668, 671 (D.D.C. 1982); Letelier, 502 F. Supp. at 266-67 (D.D.C. 1980).

figures for lost wages, benefits, and services.

In addition, Plaintiffs request damages for pain and suffering. The record is replete with testimony from Plaintiffs and other family members of the deceased, which attests in painful detail to the grief they have suffered as a result of the killings. The Court finds this evidence more than sufficient to justify the awards for pain and suffering that Plaintiffs request. Thus, total compensatory damages for each Plaintiff shall be awarded as follows:

To the Estate of ARMANDO ALEJANDRE:	
for loss of future income earning potential	\$1,326,525
for loss of household services	206,388
Estate of ARMANDO ALEJANDRE:	
Marlene Alejandre (Wife)	
for mental pain and suffering	7,500,000
for loss of companionship and protection	500,000
Marlene Victoria Alejandre (Daughter)	
for mental pain and suffering	7,500,000
for loss of parental companionship and guidance	500,000
Total	\$17,532,913

To the Estate of CARLOS ALBERTO COSTA:	
for loss of future income earning potential	\$5,130,704
Estate of CARLOS ALBERTO COSTA:	
Osvaldo Costa (Father)	
for mental pain and suffering	5,000,000
for loss of society and companionship	500,000
Mirta Costa (Mother)	
for mental pain and suffering	5,000,000
for loss of society and companionship	500,000

Total \$16,130,704

To the Estate of MARIO M. DE LA PEÑA:

for loss of future income earning
potential

\$5,264,294

Estate of MARIO M. DE LA PEÑA:

Mario de la Peña (Father)

for mental pain and suffering

5,000,000

for loss of society and companionship

500,000

Miriam de la Peña (Mother)

for mental pain and suffering

5,000,000

for loss of society and companionship

500,000

Total 16,264,294

2. Punitive Damages

In addition to compensatory damages, punitive damages are explicitly permitted by the Civil Liability Act.⁹ Because this is the first case to proceed to trial under this Act, however, there is no precedent to guide the Court in determining whether punitive

⁹The Court observes again that it may impose judgment and damages retroactively. First, Congress expressed its clear intent in AEDPA to allow suits against terrorist states for acts occurring before AEDPA's effective date. See infra note 4. Second, the Civil Liability Act and AEDPA's amendments to the FSIA are jurisdictional provisions, and as the Supreme Court has explained, "We have regularly applied intervening statutes conferring or ousting jurisdiction, whether or not jurisdiction lay when the underlying conduct occurred or when the suit was filed." Landgraf, 511 U.S. at 274. Finally, compensatory damages were already available against foreign states, and punitive damages were available against foreign governmental entities, long before changes to the FSIA made this suit possible. See 28 U.S.C. § 1606 (1994).

damages are appropriate in this particular case, and if so, in what amount. Thus, the Court will look both to the traditional purpose behind awarding punitive damages and to analogous federal court cases addressing the role of punitive damages in cases of egregious international human rights violations.

The purpose of punitive, or exemplary, damages has traditionally been twofold. First, they may serve as a tool to punish truly reprehensible conduct. See Paul v. Avril, 901 F. Supp. 330, 336 (S.D. Fla. 1994) (observing that exemplary damages are appropriate when defendant's actions are "malicious, wanton, and oppressive"); Michael L. Rustad, How the Common Good Is Served by the Remedy of Punitive Damages, 64 Tenn. L. Rev. 793, 799 (1997) (noting that punitive damages combat "willful and gross disregard of public safety"). In this way, the aggrieved plaintiff is given a socially acceptable avenue of retaliation, and, perhaps more importantly, the "punitive nature of exemplary awards also affords society a means of retribution for wrongs against the community interest." Judith Camile Glasscock, Emptying the Deep Pocket in Mass Tort Litigation, 18 St. Mary's L.J. 977, 982 (1987). Punitive damages are also an appropriate remedy in international law. As the Supreme Court has observed, "[A]n attack from revenge and malignity, from gross abuse of power, and a settled purpose of

mischief . . . may be punished by all the penalties which the law of nations can properly administer." The Marianna Flora, 24 U.S. (11 Wheat.) 1, 41 (1825).

The law also provides for awards of punitive damages upon the sound reasoning that they will deter others from committing similar acts. Courts reason that if a sizeable monetary sum over and above compensatory damages is assessed against the wrongdoer, he and others may be prevented from engaging in similar behavior in the future. As acknowledged in the Restatement (Second) of Torts, punitive damages are meant both "to punish [a defendant] for his outrageous conduct and to deter him and others like him from similar conduct in the future." Restatement (Second) of Torts § 908(1) (1977); see Pacific Mut. Life Ins. Co. v. Haslip, 499 U.S. 1, 15 (1991) (jury is "instructed to consider the gravity of the wrong and the need to deter similar wrongful conduct" in deciding whether to award punitive damages).

Most courts faced with gross violations of international human rights have employed the tool of punitive damages to achieve these dual purposes. By granting large exemplary awards, courts have both expressed their condemnation of human rights abuses and attempted to deter other international actors from engaging in similar practices. Most of these cases have been brought pursuant

to the authority of the Alien Tort Claims Act ("ATCA"), 28 U.S.C. § 1350, which allows aliens to sue in U.S. federal court for torts that violate "the law of nations or a treaty of the United States," and the more recently enacted TVPA, which establishes a cause of action against individuals for torture.

An early example is the seminal case of Filartiga v. Peña-Irala, 577 F. Supp. 860 (E.D.N.Y. 1984), which addressed the propriety of punitive damages under the ATCA. In Filartiga, two Paraguayan citizens brought suit against a Paraguayan general, alleging that he tortured and murdered Joelito Filartiga in retaliation for his father's political beliefs. Id. at 861. The court found that an international norm prohibiting torture was so strong and widespread as to have crystallized into a precept of international law. The court reasoned that the violation of such a norm against torture could only be vindicated by imposing punitive damages. In determining a specific amount, the court considered both the assets of the defendant and the nature of the acts at issue. The court explained:

Chief among the considerations the court must weigh is the fact that this case concerns not a local tort but a wrong as to which the world has seen fit to speak. Punitive damages are designed not merely to teach a defendant not to repeat his conduct but to deter others from following his example. To accomplish that purpose this court must make clear the depth of the international

revulsion against torture and measure the award in accordance with the enormity of the offense. Thereby the judgment may perhaps have some deterrent effect.

Id. at 866 (internal citation omitted). These considerations led the court to assess \$5 million in punitive damages against the individual general for each plaintiff. Courts facing similar claims under the ATCA have followed Filartiga's lead and awarded sizeable punitive damages.¹⁰ See Beth Stephens & Michael Ratner, International Human Rights Litigation in U.S. Courts 213-14 (1996). The TVPA, which was enacted to enhance the remedies available under the ATCA, also seems to contemplate punitive damages awards. See Xuncax, 886 F. Supp. at 199-200.

Part of the reason why punitive damages have been extensively awarded in cases brought under the ATCA is that they serve to

¹⁰See, e.g., Xuncax v. Gramajo, 886 F. Supp. 162, 199 n.45 (D. Mass. 1995) (documenting following cases: Trajano v. Marcos, No. 86-0207 (D. Haw. May 19, 1991) (\$1.25 million to victim's estate, \$1.25 million to victim's mother); Forti v. Suarez, No. 87-2058-DLJ (N.D. Cal. Apr. 25, 1990) (\$3 million to one plaintiff, \$1 million to other); Quiros de Rapaport, et al. v. Suarez-Mason, No. C87-2266-JPV (N.D. Cal. Apr. 11, 1989) (\$10 million to two victims' widows, \$5 million to victims' mother and sister); Martinez-Baca v. Suarez-Mason, No. 87-2057-SC (N.D. Cal. Apr. 22, 1988) (\$10 million to victim)); Todd v. Panjaitan, No. 92-12255-PBS, 1994 WL 827111, at *1 (D. Mass. Oct. 26, 1994) (\$10 million to only plaintiff); Paul, 901 F. Supp. at 336 (\$4 million to each of six plaintiffs); see also Hilao v. Estate of Marcos, 103 F.3d 767, 780-81 (9th Cir. 1996) (upholding \$1.2 billion in punitive damages under Philippine law).

redress conduct so heinous that it has been condemned by the world community. Punitive damages help reinforce "the consensus of the community of humankind," Filartiga, 577 F. Supp. at 863, that horrific abuses against the person will not be tolerated. Although, unlike claimants proceeding under the ATCA, Plaintiffs in this case do not have to prove a violation of international law in order to be entitled to damages, the Court finds that such an inquiry would be helpful in assessing the amount of punitive damages that should be awarded.

Like the torture in Filartiga, the practice of summary execution has been consistently condemned by the world community. A multitude of international agreements and declarations proclaim every individual's right not to be deprived of life wantonly and arbitrarily.¹¹ So widespread is the consensus against extrajudicial

¹¹International instruments proscribing extrajudicial killings, to cite only a few, include the following: Universal Declaration of Human Rights, Dec. 10, 1948, art. 3, G.A. Res. 217A(III), U.N. Doc. A/810; International Covenant on Civil and Political Rights, Dec. 16, 1966, art. 6(1), G.A. Res. 2200, U.N. GAOR, 21st Sess., Supp. No. 16, U.N. Doc. A/6316, 999 U.N.T.S. 171; American Declaration of the Rights and Duties of Man, May 2, 1948, art. I, OEA/ser.L/V/II.23, doc. 21, rev. 6 (1979). Moreover, the international community's commitment to the peaceful resolution of disputes is fundamental to the structure of the United Nations Charter and to other international instruments. U.N. Charter, arts. 1, 2, 33, 39; see also Charter of the Organization of American States arts. 24-27, 3, para. I.

killing that "every instrument or agreement that has attempted to define the scope of international human rights has 'recognized a right to life coupled with a right to due process to protect that right.'" Xuncax, 886 F. Supp. at 185 (citation omitted). The ban on extrajudicial killing thus rises to the level of jus cogens, a norm of international law so fundamental that it is binding on all members of the world community.¹² See De Sanchez v. Banco Central de Nicaragua, 770 F.2d 1385, 1397 (5th Cir. 1985) ("[T]he standards of human rights that have been generally accepted--and hence incorporated into the law of nations . . . encompass only such basic rights as the right not to be murdered, tortured, or otherwise subjected to cruel, inhuman or degrading punishment . . . and the right not to be arbitrarily detained."); Forti v. Suarez-Mason, 672 F. Supp. 1531, 1542 (N.D. Cal. 1987) ("The proscription of summary execution or murder by the state appears to be universal, is readily definable, and is of course obligatory."); Letelier, 502 F. Supp. at 673 (stating that assassination is "clearly contrary to the precepts of humanity as recognized in both

¹²As the Ninth Circuit has explained, "Jus cogens norms, which are nonderogable and peremptory, enjoy the highest status within customary international law, are binding on all nations, and can not be preempted by treaty." U.S. v. Matta-Ballesteros, 71 F.3d 754, 764 n.5 (9th Cir. 1995), cert. denied, 117 S.Ct. 965 (1997).

national and international law"); Restatement (Third) of Foreign Relations Law of the United States § 702(c) (1986) ("A state violates [customary] international law if, as a matter of state policy, it practices, encourages, or condones . . . the murder or causing the disappearance of individuals.").

Cuba's extrajudicial killings of Mario T. De la Peña, Carlos Alberto Costa, and Armando Alejandro violated clearly established principles of international law. More importantly, they were inhumane acts against innocent civilians. The fact that the killings were premeditated and intentional, outside of Cuban territory, wholly disproportionate, and executed without warning or process makes this act unique in its brazen flouting of international norms. There appears to be no precedent for a military aircraft intentionally shooting down an unarmed, civilian plane.³³ The Court must therefore fashion a remedy consistent with

³³The only conceivable parallel may be the shootdown of KAL Flight 007 by the former Soviet Union in 1983. That incident can be distinguished, however, by two key facts: First, the Soviets were arguably under the impression that the KAL plane was a military aircraft, and, second, the plane had strayed into Soviet airspace. Neither of these facts is true in this case. Despite the fact that the KAL plane was in Soviet airspace, a commentator studying the incident concluded that the lethal use of force was completely inappropriate: "'Exclusive sovereignty' over airspace above a state was not enough to justify employing force." Craig A. Morgan, The Shooting of Korean Air Lines Flight 007: Responses to Unauthorized Aerial Incursions, in International Incidents: The Law

the unprecedented nature of this act. See Filartiga, 577 F. Supp. at 865 ("The nature of the acts is plainly important."). The Court finds that Plaintiffs have proven their clear entitlement to punitive damages. Based upon this record, the Court would be shirking its duty were it to refrain from entering a substantial punitive damage award for the dual purpose of (1) expressing the strongest possible condemnation of the Cuban government for its responsibility for commission of this monstrous act, and (2) deterring Defendants from ever again committing other crimes of terrorism.

In addition to considerations of the heinousness of Cuba's act, the Court will follow the traditional approach of considering the Cuban Air Force's assets in its assessment of punitive damages. See Restatement (Second) of Torts § 908(2) (1977) ("In assessing punitive damages, the trier of fact can properly consider the character of the defendant's act, the nature and extent of the harm

that Counts in World Politics, 202, 210 (W. Michael Reisman & Andrew R. Willard eds., 1988). International consensus is clear:

[W]hen measures of force are employed to protect territorial sovereignty, whether on land, on sea, or in the air, their employment is subject to the duty to take into consideration the elementary obligations of humanity, and not to use a degree of force in excess of what is commensurate with the reality and gravity of the threat (if any).

Id. at 212-13.

to the plaintiff that the defendant caused or intended to cause and the wealth of the defendant.") (emphasis added); Rustad, supra, at 799-800 (describing punitive damages as historically "individualized, tailor-made for the financial condition of the defendant").¹⁴

Of course, it would be impossible for the Court to calculate precisely the assets of the Cuban Air Force. The record contains, however, testimony as to the value and number of the MiG fighter jets in the Cuban Air Force. Because this testimony is both uncontroverted and credible, the Court will accept it as true. The record reflects that each MiG is worth approximately \$45 million, and that the Cuban Air Force owns approximately 102 MiGs. The total value of this fleet, which is undoubtedly only a fraction of the Cuban Air Force's total assets, is therefore approximately \$4.59 billion. The Court finds that 1% of this total, or \$45.9 million, should be assessed against the Cuban Air Force for each of

¹⁴In a recent decision, the Supreme Court has explained how to determine whether an award of punitive damages may be so excessive as to violate Fourteenth Amendment due process. See BMW of N. Am., Inc. v. Gore, 116 S.Ct. 1589 (1996). The Court considered the reprehensibility of the defendant's conduct, the ratio of punitive damages to actual damages, and the civil penalties applicable to similar misconduct. To the extent that these considerations are applicable in this case, the Court is guided by them in determining its award of punitive damages.

the killings. This figure is dictated by the unparalleled nature of Cuba's actions and comports with similar judgments against individual, non-governmental defendants.¹⁵ See Haslip, 499 U.S. at 19 (upholding punitive damages award that was more than four times amount of compensatory damages). Monetary damages, in whatever amount, can never adequately express the revulsion of this Court, and every civilized society, over these callous murders. Perhaps, however, this decision may serve in some small way as a deterrent to others in the future.

Accordingly, after a careful review of the record, and the Court being otherwise fully advised, it is

ORDERED and ADJUDGED that judgment is hereby entered on behalf of Plaintiffs and against Defendants the Republic of Cuba and the Cuban Air Force for total compensatory damages of \$49,927,911. Further, judgment is hereby entered for Plaintiffs and against the Defendant the Cuban Air Force (only) as punitive damages, the sum of One Hundred Thirty Four Million, Seven Hundred Thousand Dollars (\$137,700,000).

The total compensatory and punitive damages herewith awarded to Plaintiffs are \$187,627,911, for which sum execution may issue

¹⁵See supra note 10.

forthwith against the Defendants Cuba and the Cuban Air Force and against any of their assets wherever situated.

DONE and ORDERED at the James Lawrence King Federal Justice Building and United States District Courthouse, Miami, Florida, this 17th day of December, 1997.

JAMES LAWRENCE KING

JAMES LAWRENCE KING
U.S. DISTRICT JUDGE
SOUTHERN DISTRICT OF FLORIDA

cc: Republic of Cuba
Cuban Air Force
Francisco Angones, Esq.
Roberto Martinez, Esq.
Aaron S. Podhurst, Esq.

- 10) Sen. Kent Conrad (D-ND), concerning United Nations Inspectors and Iraq,
- 11) Rep. Patrick J. Kennedy (D-RI), concerning the possible sale of helicopters to Turkey,
- 12) Sen. Ted Stevens (R-AK) and Sen. Daniel K. Inouye (D-HI), concerning the possible sale of helicopters to Turkey,
- 13) Rep. Juanita Millender-McDonald (D-CA), concerning trade with Africa,
- 14) Rep. Peter T. King (R-NY), concerning Ireland,
- 15) Rep. John Edward Porter (R-IL) and Rep. Sonny Callahan (R-AL), concerning Prime Minister Yilmaz of Turkey,
- 16) Rep. Rick Lazio (R-NY), concerning the Ecumenical Patriarchate in Turkey,
- 17) Rep. Frank Pallone, Jr. (D-NJ) and others, concerning Prime Minister Yilmaz of Turkey,
- 18) Rep. Kay Granger (R-TX) and others, concerning Prime Minister Yilmaz of Turkey,
- 19) Rep. Dale E. Kildee (D-MI), concerning CIVITAS@Bosnia and Herzegovina,
- 20) Rep. Patrick J. Kennedy (D-RI), concerning Prime Minister Yilmaz of Turkey,
- 21) Rep. Michael Pappas (D-NJ), concerning Prime Minister Yilmaz of Turkey,
- 22) Rep. Benjamin A. Gilman (R-NY) and others, concerning Panama,
- 23) Sen. Bob Graham (D-FL), concerning *Marlene Alejandre v. Republic of Cuba*,
- 24) Rep. Jay Kim (R-CA), concerning Kim Dae Jung, President-elect of Korea,
- 25) Rep. Charles B. Rangel (D-NY), concerning the Presidential Mission on Economic Cooperation to Africa,
- 26) Rep. James H. Maloney (D-CT), concerning the Siforsky Aircraft Corporation and China,

~~CONFIDENTIAL~~
NSC/RMO PROFILE

RECORD ID: 9706863
RECEIVED: 08 OCT 97 15

TO: TARULLO

FROM: LARSON, A

DOC DATE: 06 OCT 97
SOURCE REF:

KEYWORDS: CUBA

LEGAL ISSUES

PERSONS:

SUBJECT: CC TO STEINBERG RE HELMS-BURTON & OCT 15 TARGET

ACTION: PREPARE MEMO FOR STEINBERG

DUE DATE: 14 OCT 97 STATUS: S

STAFF OFFICER: DELAURENTIS

LOGREF:

FILES: PA

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION
DELAURENTIS

FOR CONCURRENCE

BUSBY
KRECZKO

FOR INFO

BEERS
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SCHWARTZ

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E.O. 13526

White House Guidelines, September 11, 2006

By AB NARA, Date 8/20/18

2016-0920-F

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSSWD

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DOC 1 OF 1

~~CONFIDENTIAL~~



United States Department of State

Washington, D.C. 20520

UNCLASSIFIED with
~~CONFIDENTIAL~~ ATTACHMENT

TO: NEC - Daniel K. Tarullo
FROM: State/EB - Alan P. Larson *AL*
SUBJECT: Helms-Burton and the October 15 Target

I need to be sure that the NSC and NEC are comfortable with our plans on Helms-Burton. The attached draft note to Tom Pickering and Stu Eizenstat summarizes the current state of play.

Procedurally, the October 15 target is shaping up as a milestone, not a deadline. We will aim for a package that could be unveiled at the US-EU Summit in early December.

On substance, we are working closely with the Congress on the property disciplines. I will see where we are after briefing key members tomorrow.

My biggest concern is to make sure that there is no objection to the "enhanced consultation" idea sketched out in the attached paper.

Please let me know if you think we need a meeting to review these issues.

cc: NSC - James Steinberg

UNCLASSIFIED UPON REMOVAL
OF CLASSIFIED ATTACHMENTS

Initials: *ASB* Date: *8/20/18*
2016-0920-F

OCT 7 10:19

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002a. memo	To: Under Secretary Pickering, Under Secretary Eizenstat; From: Alan Larson; Re: October 15 Target for US-EU Talks on Helms-Burton (3 pages)	10/06/1997	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Multilateral & Humanitarian Affairs (Busby, Scott)
OA/Box Number: 1891

FOLDER TITLE:

Cuba Policy

2016-0920-F
sb2132

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002b. list	"Building blocks" (3 pages)	10/06/1997	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
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FOLDER TITLE:

Cuba Policy

2016-0920-F
sb2132

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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

**FAX TRANSMISSION****June 26, 1997****TO: Rob Malley****FAX No.456-9140**

FROM: Peter R. Orr
Senior Advisor
Latin American and Caribbean Bureau
Agency for International Development
FAX: 202-647-4790
PHONE: 202-647-9155

SUBJECT: Parting thoughts

As you know, I am no longer AID's person on Cuba. Since I didn't get any feedback from my dissent memo to the Secretary, I'm in the process of trying to nail down a detail to one of the think tanks in town. I thought you might be interested in seeing the policy analysis proposal that I prepared for that purpose. I'm enclosing two articles that indicate that there is at least some thinking along these lines going on outside this building.

Pages

POLICY ANALYSIS PROPOSAL - CUBA

Background:

In a moment of candor, President Clinton recently acknowledged that U.S. policy toward Cuba over the last several decades has not worked. In defense, he noted that the policies of engagement practiced by other countries have also not served to stimulate democratic change on the island. In a recent conference in Guadalajara, Mexico, two ex-foreign policy officials of the first Clinton Administration, Richard Nuccio and Richard Feinberg criticized U.S. policy toward Cuba as totally reactive.

Prior to the downing of two U.S. civilian aircraft by Cuban Migs and the passage of the Cuban Liberty and Democratic Solidarity Act (aka Helms-Burton) in March 1996, the Clinton Administration attempted to energize and raise the profile of the so-called Track II of Cuba policy. The basic concept of Track II originated with the Cuban Democracy Act of 1992 and reflected a recognition of the important role that information dissemination and people-to-people contacts had had in generating impetus for democratic change in other former communist countries. Track II was also a response to critics of the embargo who maintained that the U.S. policy of isolating the regime was also serving to isolate the Cuban people from outside influences that could contribute to a democratic transition in Cuba.

In the later half of 1995, the Clinton administration had an additional reason to promote Track II as a viable means to hasten the demise of the Castro regime and lay the foundations for a peaceful transition. By emphasizing the potentially subversive nature of Track II, the Administration hoped to prevent passage of Helms-Burton and thus avoid the anticipated conflicts that the additional Helms-Burton sanctions would create between the U.S. and its allies. In an October 1995 policy speech, President Clinton unveiled new Track II measures and the initiation of U.S. funding through AID to support NGO efforts to provide informational and other support to independent elements in Cuba.

With the downing of the Brothers to the Rescue planes, the subsequent passage of Helms-Burton and the increase in repression by the Cuban regime, the Administration lost interest in Track II. While Helms-Burton did not affect the President's authority to pursue Track II initiatives within existing embargo regulations, the identification of Track II with the Administration's previous efforts to defeat Helms-Burton mitigated against any serious review of how Track II could contribute to overall Cuba policy in the post-Helms-Burton era. The Administration's senior advocate for Track II (Richard Nuccio) had also been the Administration's point person in its efforts to ward off Helms-Burton. His departure left the Administration without a senior level advocate for Track II. Significantly, the Administration's new senior level point person on Cuba, Special Envoy Stuart Eizenstat, was given a mandate that was limited to encouraging actions by other countries to promote democracy in Cuba that could be "taken into consideration" by the President in exercising his authority to waive or suspend the sanctions of Title III and potentially Title IV of Helms-Burton. Amb. Eizenstat's brief did not include Track II.

While the Administration continued to give occasional rhetorical support for Track II

2

as part of our bilateral policy toward Cuba following the passage of Helms-Burton, in reality Track II has been treated as a vestige of an earlier era. Domestically, it was associated with the failed effort to deflate support for Helms-Burton. In the new calculus, only democracy promotion (or property protection) measures undertaken by other countries could serve to ward off enforcement of the Helms-Burton sanctions that threatened to disrupt relations with European and other allies. Helms-Burton had made our relations with our allies hostage to U.S. Cuba policy, and, as a consequence, freeing the hostages became the Administration's priority. The Administration's goal of promoting a peaceful democratic transition in Cuba was now effectively subordinated to the more pressing objective of avoiding damage to our relations with our allies.

The Administration has publicly characterized Amb. Eizenstat's mission as an effort to internationalize the effort to promote a democratic transition in Cuba. The Clinton Track II policy measures of October 1995 have been cited as the type of measures that the U.S. would like to see other countries pursue. Yet at the same time, the Administration has retrenched on its own implementation of these same Track II measures. The USAID Freedom House grant that the President announced in October 1995 as the first grant to promote human rights and a democratic transition in Cuba has not yet been followed by other grants, even though section 109 of Helms-Burton confirmed congressional support for such grants. Monies planned for similar grants in FY96 and FY97 were reprogrammed for other countries, spurring congress to doubt the Administration's commitment and earmark assistance funds for this purpose. The large scale event held in Washington in Dec. 1995 to promote Track II and encourage USNGOs to undertake civil society building activities in Cuba pursuant to the new licensing regulations announced by the President was the last such USG attempt to actively promote Track II. USNGOs that have sought licenses under the new regulations have encountered delays of many months or no action at all on requests that squarely responded to the President's initiative.

Purpose of Study:

The purpose of the study is to critique U.S. Cuba policy as it is being implemented today. The study will not address the issue of whether there should or should not be a U.S. embargo of Cuba. Nor will it suggest policy alternatives at odds with the existing Helms-Burton law. It will also not take issue with the Administration's Cuba policy as publicly articulated. Rather, the study will demonstrate that the most constructive and politically least controversial aspects of Cuba policy (and Helms-Burton law) have been virtually ignored by the Administration. It will attempt to explain the misperceptions of a domestic political and foreign policy nature that are contributing to the present failure to implement important elements of stated policy. It will contrast the likely consequences of the present approach to Cuba policy with the likely consequences of a proactive and forward-looking approach to implementing stated Cuba policy.

Working Hypotheses:

1. That Washington policy makers should view Cuba policy and strategy in terms of three key relationships -- between Cubans on the island and the exile community, particularly the Cuban-American community, between the Cuban-American community and the USG, and finally between the USG and the people in Cuba.
2. That efforts by the international community to promote a democratic transition in Cuba can at best serve as a complement to U.S. efforts aimed at improving the above key relationships.
3. That Cuban fears regarding the intentions of the USG and the exile community are cultivated by the Castro regime. That these fears help sustain the present regime and will provide a difficult legacy in the early years of transition. That actual U.S. policy of internationalizing the effort to promote democracy in Cuba is premised in large part upon a perception within the foreign policy establishment that attention needs to be deflected from the problematical relationship between Cuba and the USG and between the Cuban-American exile community and the people in Cuba. That this policy of avoidance and wishful thinking needs to be replaced by a policy that actively attempts to lay the ground work for reconciliation now. That active encouragement of Track II activities by the Cuban-American community is a logical way to highlight to the Cuban people the supportive intentions of the exile community. That U.S. efforts to promote messages of reconciliation with the Cuban people, as demonstrated by the President's report "Support for a Democratic Transition in Cuba," have strong appeal within the exile community and with the people on the island.
4. That reconciliation between Cubans in exile and on the island is a fundamental condition for a successful transition. But that the key to achieving that is reconciliation between Washington and the Cuban-American community. That the relationship between the Cuban-American community and Washington has been dysfunctional for decades, characterized by mutual distrust. That Washington has fairly consistently mishandled the relationship. That the diversity of thinking within the community and the evolution of thinking has been largely ignored by the foreign policy establishment. That Washington gives attention to the most strident voices in the exile community and that there are vested political interests in maintaining an adversarial relationship between the USG and the exile community.
5. That much of the foreign policy establishment, wedded to the old paradigm of hard-line versus liberal and pro-embargo versus pro-engagement, has failed to see the opportunities for a new paradigm post Helms-Burton. That with the embargo codified, the Administration has failed to recognize that one of the major sources of skepticism within the Cuban-American community and within allied conservative elements in congress regarding Track II has been eliminated. That, in a reversal of pre-Helms-Burton stances, many pro-Helms Burton conservatives and Cuban-Americans are now pushing Track II ideas, while the Administration that trumpeted Track II prior to Helms-Burton has retrenched.

4

Methodology:

The writer will draw upon his first hand experience with the issues covered above to prepare a first draft. The study will then be expanded and revised based on input and reactions from USG officials, academics and political figures. Travel to Miami and at least one trip to Cuba will be required. The estimated duration of the study is six to eight months.

draft: PRO-USAID, 6/25/97

Publicado el jueves, 26 de junio de 1997 en El Nuevo Herald

SOREN TRIFF

hed Diálogo con el bolsillo de Castro

EU debe ayudar a los exiliados a multiplicar sus relaciones con la sociedad civil cubana.

Una encuesta del Herald vino a darnos la razón a los que decíamos que no tenemos solidaridad del pueblo de Estados Unidos porque la prensa presenta prejuiciadamente a los cubanos ante la sociedad norteamericana. Y otra señal que parece haber recibido cierta recepción en el gobierno de Clinton es nuestro consejo de que para dialogar con Castro no hay que gritarle al oído, sino susurrarle al bolsillo.

Estas dos señales deben ser reforzadas por una nueva ofensiva de cabildeo en Washington, o quizás por nuevos cabilderos, para ampliar la influencia democrática a otras partes de la sociedad cubana justo antes de la reunión entre funcionarios norteamericanos y cubanos que se ha anunciado para el mes que viene.

Casi ningún funcionario se atreve a hacer comentarios, pero es posible ver la detención y procesamiento del español Javier Ferreiro en Miami como una respuesta "calibrada" a la serie de atentados y acoso que los diplomáticos norteamericanos recibieron en La Habana desde principios de año.

Este mecanismo debe ampliarse a otras actividades sociales y humanitarias con Cuba para sacarlas del marco de la guerra fría, y "normalizarlas" realmente.

Una relación normal implicaría que todo el mundo pudiera vender pasajes para Cuba, no sólo agencias aceptadas por el gobierno cubano. Que cualquiera pudiera enviar paquetes a la isla, que todos los cubanos pudieran viajar sin restricciones. Así como artistas, académicos y periodistas de la isla reciben permiso para presentarse aquí, sus homólogos exiliados debían presentarse allá.

Hay razones para pensar que la "normalización" está diseñada para beneficiar sólo a Castro y a los empresarios yanquis.

Cuando Estados Unidos ha estado interesado, hay "normalización" enseguida; obtiene lo que desea. Así sucedió con el pacto migratorio.

Cuando grandes empresas norteamericanas quieren hacer negocios con Castro, se llega a un acuerdo. Las empresas telefónicas son un ejemplo.

Sin embargo, aún no se puede poner una carta en un buzón y esperar que en unos días esté en casa del remitente en la isla. No se puede abrir un negocio de envío de correspondencia a Cuba, no se puede enviar dinero electrónicamente a familiares y amigos. No se puede ir a entregar ayuda humanitaria directamente a los necesitados.

Los que quieren ``normalizar" las relaciones tienen que resolver estos problemas primero.

Cuando los exiliados protestan contra los envíos y viajes a Cuba, realmente están protestando contra el modo injusto de intercambio que patrocinan los gobiernos de ambos países.

Estados Unidos no debe aceptar la intolerancia cubana y resignarse a entregar el control del intercambio a Castro y a dos o tres empresarios yanquis, mientras espera por tiempos mejores.

Los nuevos cabilderos tienen que hacer hincapié en esto.

El encausamiento de personas y compañías en las que tiene intereses el régimen cubano podría ayudar a que Castro adopte una postura más razonable acerca de otros temas.

Estoy seguro de que los grupos de derechos humanos exiliados no tendrían inconveniente en abrir oficinas en la isla para entregar ayuda directamente. Creo que muchos estarían dispuestos a abrir negocios de transporte de mercancía y correo a la isla. También hay artistas dispuestos a presentar su obra en el país.

Agrupaciones profesionales médicas, que han ayudado a tantos en varios lugares del mundo, no tendrían inconveniente en ayudar a la población isleña si supiera que podrían ayudar a todos los cubanos, tanto a los que se encuentran en las cárceles como a los militantes del Partido Comunista.

Estados Unidos tiene modos de persuadir a Castro. El exilio por su parte, debe modernizar su cabildeo en Washington y obtener apoyo para participar en la sociedad cubana ahora.

Daniel Morcate escribió hace un tiempo algo que todos debemos escuchar. Hay un imperativo ético de ayudar a los que sufren en medio de la lucha. Aun si no podemos participar en ella, debemos aliviar el dolor de las víctimas. Es el mismo principio ético que sostiene la Cruz Roja de países civilizados.

Los cubanos debemos llevar ese mensaje a Washington también. En Cuba hay una lucha desigual no sólo entre opositores declarados y el gobierno, sino en el mismo seno de los ``seguidores" del régimen.

Washington debe saber que los exiliados están dispuestos a ayudar.

Pero debe exigirse reciprocidad e igualdad de derechos en el trato con Castro en temas humanitarios, no privilegios que manipula politicamente el dictador como en el caso de Pastores por la Paz.

El gobierno norteamericano tiene responsabilidad en este intercambio injusto cuando permite las acciones de Pastores por la Paz, pero acepta que Castro prohíba a organizaciones humanitarias exiliadas entregar directamente ayuda humanitaria en la isla, como en el caso del huracán Lili.

Los exiliados deben cabildar para que la prensa reconozca que ha tratado prejuiciadamente a los cubanos y ampliar su influencia en el campo de la ayuda a la sociedad cubana, que hoy domina Castro.

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Contactos



Published Thursday, June 19, 1997, in the Miami Herald

CORRESPONDENT'S LETTER BY JUAN O. TAMAYO

Will Albright make a move on Cuba policy?

CUBA IN WASHINGTON. There are two deeply held and very conflicting opinions in Washington on how Secretary of State Madeleine Albright will deal with Cuba.

One is that Albright will somehow try to move the issue off its current deadlock between U.S. sanctions that don't appear to be working and headstrong Cuban refusal to undertake political reforms.

A victim of the Nazi and later communist takeover of her native Czechoslovakia, Albright sees President Fidel Castro as a totalitarian dictator but also believes Washington has made mistakes, this side argues.

Cuba is on her Top 10 list of concerns, and she will at some time in the next 3 1/2 years of the Clinton administration try to accomplish some movement without giving Castro any unearned victories.

Nonsense, says the other side.

Albright, despite her love affair with Cuban exiles born of her gutsy condemnations of Havana for shooting down two Brothers to the Rescue airplanes, is too careful to risk her reputation on Cuba.

There is no critical mass in Washington for doing anything about Cuba, either tightening or loosening the U.S. sanctions, this side argues, and no sign Havana is in any mood to reciprocate any U.S. opening.

Too many risks for too little gain, and Albright is too savvy to overlook those red flags and launch any kind of Cuban initiative.

My bet? Albright is too dynamic to pass up the chance to undo one of the oldest Gordian knots in U.S. foreign policy.

CUBA IN HAVANA. Cuba's Communist Party members are off and running on a long series of meetings to discuss the platform for their national congress this autumn, and there's early word of complaints.

The every-five-year congress, set for Oct. 8-10, is the party's most important gathering, the time when Communists plan the future and can update membership in the elite Central Committee and Political Bureau.

With 1.2 million members in the party and the Communist Youth Union, the Communists are holding some 350,000 meetings around the island before the congress to discuss a platform drafted within the Central Committee.

Traditionally, such meetings have merely rubber-stamped the platform. But party members in Havana report that a surprising number of cadres, particularly the younger members, are openly criticizing the platform.

Members have complained that the document says little about the economic problems that Cubans face every day and offers even less in the way of solutions, party activists in Havana say.

"People are saying they don't see the government admitting anything wrong or taking any real steps to get us out of our crisis, that they are at the end of their ropes, depressed," one party member said.

No one is calling for significant changes in the government, and most agree they need to work together to improve rather than undermine the one-party system that has ruled Cuba for more than three decades, members said.

But the complaints have forced top party officials to sit up and take notice, and Jose Ramon Machado Ventura, one of the party's top administrators, has been forced to call on members to calm their tempers.

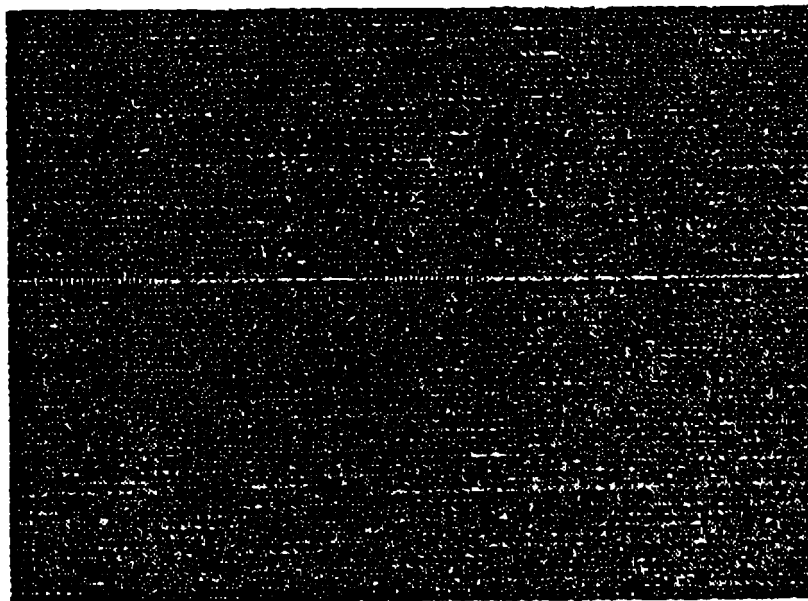
New party documents will be made public in the run-up to the Congress, Machado Ventura has assured members, and the platform now being circulated is just a draft and can be amended.

My bet? The Congress will see more young people named to the Central Committee, but policies will remain about the same unless an economic downturn forces the government to adopt more market-style reforms.



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Getting in touch with HERALDlink



meetings around the island before the congress to discuss a platform drafted within the Central Committee.

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CUBAInfo

A Publication of The Johns Hopkins University Cuba Exchange Program - Washington, D.C. Editor: Ana Radelat

BRIEFS

NEW ROUND OF U.S.-CUBA TALKS

The State Department announced, and the Cuban government confirmed, that a new round of U.S.-Cuba migration talks will be held in New York on July 16-17. The talks are purportedly kept to issues pertaining to the implementation of migration accords signed on Sept. 9, 1994 and May 2, 1995 that ended a wave of rafters from Cuba to U.S. shores and increased the number of Cubans who could emigrate legally to the United States each year. John Hamilton, Deputy Assistant Secretary for Central American and Caribbean Affairs at the State Department, will lead the 10 to 12 member U.S. delegation. Ricardo Alarcon, president of Cuba's national assembly, is expected to head the Cuban delegation. (Ana Radelat)

OUTRAGED AT ALBRIGHT

Protesters demanding an end to the U.S. embargo on Cuba repeatedly interrupted Secretary of State Madeleine Albright's speech about China at San Francisco's Commonwealth Club. Albright told the slogan-shouting protesters that there was "nothing romantic" about Fidel Castro's policies, which she described as dictatorial. "Next time I come I'll speak about Cuba," she told the protesters. (AFP, 6/25)

U.S. - CUBA RELATIONS

ATTEMPT TO LIFT SANCTIONS ON THE SALE OF FOOD AND MEDICINE TO CUBA

By ANA RADELAT

WASHINGTON (6/18) — A bipartisan group of House members is trying to end longstanding U.S. restrictions on the sale of food and medicines to Cuba.

The lawmakers argue that U.S. economic sanctions should be eased for humanitarian reasons. They are supporting a bill, introduced by Rep. Esteban Torres, D-Calif., and sponsored by 11 other House members, that would remove restrictions on humanitarian trade that the U.S. has had in force against Cuba since 1964.

"It is reprehensible that we are punishing innocent people," Torres said. Rep. James Leach, R-Iowa, insisted that "in maintaining appropriate pressure on Cuba's communist regime, it is imperative that compassion for the suffering people of Cuba not be lost."

Rep. Charles Rangel, D-N.Y., called easing U.S. sanctions "the American thing to do."

While several Cuban-American groups and Roman Catholic, Jewish, Methodist and other religious organizations support the new legislation, Cuban-American House members were quick to denounce it as a misguided effort that would strengthen Fidel Castro's government at the expense of the Cuban people. One of the lawmakers, Rep. Lincoln Diaz-Balart, R-Fla., said backers of the bill are engaged in a "disinformation campaign" that "seeks to permit aid to reach the dictatorship and medicines to be used for torture."

In an effort to prevent the misuse of U.S. medicines for any other purpose than humanitarian aid, the new legislation contains a clause banning sales in cases "in which there is a reasonable likelihood that the item to be exported will be used for purposes of torture or other human rights abuses." Other clauses prohibit the sale of medicine to Cuba that may be

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New Rental Law Stirs Reaction.....	7
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UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9704336
RECEIVED: 20 JUN 97 19

TO: MOAKLEY, JOE

FROM: PRESIDENT

DOC DATE: 17 JUL 97
SOURCE REF:

KEYWORDS: CUBA
CO

SANCTIONS

PERSONS:

SUBJECT: REPLY RE CUBAN POLICY IN LIGHT OF MFN VOTE FOR CHINA

ACTION: FOR DISPATCH

DUE DATE: 02 JUL 97 STATUS: C

STAFF OFFICER: ARMSTRONG

LOGREF:

FILES: WH

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

WH STRIPPING DESK

FOR CONCURRENCE

FOR INFO

ARMSTRONG
BUSBY
DANVERS
DOBBINS
NSC CHRON
SUETTINGER

COMMENTS: _____

DISPATCHED BY AKS DATE 7/17/97 BY HAND W/ATTCH

OPENED BY: NSTSM

CLOSED BY: NSDRS

DOC 4 OF 4

UNCLASSIFIED

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9704336

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 ARMSTRONG	Z 97062019 PREPARE MEMO FOR BERGER
002 BERGER	Z 97071016 FWD TO PRESIDENT FOR SIGNATURE
003 PRESIDENT	Z 97071622 FOR SIGNATURE
004	X 97071717 PRESIDENT SGD LTR
004 WH STRIPPING DESK	X 97071717 FOR DISPATCH

DISPATCH DATA SUMMARY REPORT

<u>DOC</u>	<u>DATE</u>	<u>DISPATCH FOR ACTION</u>	<u>DISPATCH FOR INFO</u>
003	970716		VICE PRESIDENT
003	970716		WH CHIEF OF STAFF
004	970717	MOAKLEY, JOE	STATE
004	970717	WH STRIPPING DESK	CIA
004	970717		DEFENSE

UNCLASSIFIED

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9704336
RECEIVED: 20 JUN 97 19

TO: PRESIDENT

FROM: MOAKLEY, JOE

DOC DATE: 17 JUN 97
SOURCE REF:

KEYWORDS: CUBA
CO

SANCTIONS

PERSONS:

SUBJECT: LTR RE REVIEWING CUBA TRADE IN LIGHT OF CHINA MFN VOTE

ACTION: PREPARE MEMO FOR BERGER

DUE DATE: 02 JUL 97 STATUS: S

STAFF OFFICER: ARMSTRONG

LOGREF:

FILES: WH

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION
ARMSTRONG

FOR CONCURRENCE
CARAVELLI
DANVERS
MALLEY

FOR INFO
BEERS
BOUCHARD
DOBBINS
SAMORE
SCHWARTZ

COMMENTS: IF FINAL REPLY CANNOT BE PREPARED BY DUE DATE, AN INTERIM RESPONSE
MUST BE PREPARED FOR BILL DANVERS' SIGNATURE.

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSTSM

CLOSED BY:

DOC 1 OF 1

UNCLASSIFIED

**National Security Council
The White House**

PROOFED BY: _____

LOG # 4336

URGENT NOT PROOFED: _____

SYSTEM PRS NSC INT ARS

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DOCLOG TMAA A/O _____

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
Cosgriff	_____	_____	_____
Rice	_____	_____	_____
Davies	<u>1</u>	<u>8/17</u>	<u>A</u>
Kerrick	_____	_____	_____
Steinberg	_____	_____	_____
Berger	_____	_____	_____
Situation Room	_____	_____	_____
West Wing Desk	<u>2</u>	<u>TMAA 7-17</u>	<u>D</u>
Records Mgt.	<u>3</u>	<u>8/17/97</u>	<u>D</u>
_____	_____	_____	_____

A = Action	I = Information	D = Dispatch	R = Retain	N = No Further Action
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cc:

COMMENTS:

Date July 17, 1997 ?

97 JUL 17 PM 3:35

Exec Sec Office has diskette _____

National Security Council
The White House

PROOFED BY: _____

LOG # 4336

URGENT NOT PROOFED: _____

SYSTEM PRS NSC INT ARS

BYPASSED WW DESK: _____

DOCLOG PRS A/O _____

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
<i>not</i> Cosgriff	_____	_____	_____
Rice	<u>1</u>	<u>R 7/10/84</u>	_____
Davies	_____	_____	_____
Kerrick	<u>2</u>	<u>(W) w/chg</u>	_____
Steinberg	<u>copy</u>	<u>W 7/10</u>	_____
Berger	<u>copy</u>	<u>W 7/10</u>	_____
Situation Room	_____	_____	_____
West Wing Desk	<u>3</u>	<u>PRS 7/10</u>	<u>Dusk</u>
Records Mgt.	<u>4</u>	<u>(R) 7/10</u>	<u>5/8</u>
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A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc:

COMMENTS:

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Exec Sec Office has diskette Yes

4336

THE WHITE HOUSE
WASHINGTON

Date 6/20

To: Don Kerrick

From: The Staff Secretary

Could you have a prepare
replied for the President's
signature?

Thanks,
Phil

THE WHITE HOUSE

WASHINGTON

July 17, 1997

Dear Joe:

Thank you for your letter reiterating your support for renewal of most-favored-nation status for China and sharing your views regarding Cuba policy.

As you know, the U.S. policy of support for Cuban democracy and isolation of the current Cuban regime has enjoyed bipartisan support for 36 years. That consensus has grown stronger in recent years as democracy swept through our hemisphere, with Cuba remaining the only dictatorship among the 35 nations of the Americas. Cuba's unlawful shootdown of two U.S. civil aircraft in February 1996 further strengthened the isolation of that regime. To eliminate the embargo while President Castro steadfastly clings to personal power and his failed socialist model, denying citizens even basic political rights, would not likely have the liberalizing effect that we all seek.

Our policy does not rely on pressure alone. We have energetically implemented provisions of the Cuban Democracy Act that directly benefit the Cuban people and encourage the emergence of civil society. My Administration has approved more than \$150 million in humanitarian shipments and promoted numerous exchanges between American and Cuban non-governmental organizations. We are making every appropriate effort to signal to the Cuban people our peaceful intentions and to support their democratic aspirations. Our policy of outreach recognizes that change in Cuba must come from within, led by Cubans on the island who yearn for democracy and freedom.

Again, thank you for writing. I value your thoughts on how best to promote our shared goal of a democratic Cuba.

Sincerely,

A handwritten signature in black ink, appearing to read "Brim" or "Brim" with a stylized flourish.

The Honorable John Joseph Moakley
United States House of Representatives
Washington, DC 20515

NATIONAL SECURITY COUNCIL

ID 9704336

REFERRAL

DATE: 17 JUL 97

MEMORANDUM FOR: WH STRIPPING DESK

DOCUMENT DESCRIPTION: TO: MOAKLEY, JOE

SOURCE: PRESIDENT

DATE: 17 JUL 97

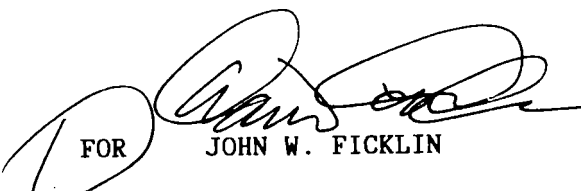
SUBJ: REPLY RE CUBAN POLICY IN LIGHT OF MFN VOTE FOR CHINA

REQUIRED ACTION: FOR DISPATCH

DUE DATE: 18 JUL 97

COMMENT:

FOR



JOHN W. FICKLIN

NSC RECORDS MANAGEMENT OFFICE

NATIONAL SECURITY COUNCIL
DISTRIBUTION RECEIPT

LOG 9704336
DATE 17 JUL 97

SUBJECT: REPLY RE CUBAN POLICY IN LIGHT OF MFN VOTE FOR CHINA
DOCUMENT CLASSIFICATION: UNCLASSIFIED

EXTERNAL DISTRIBUTION:	DATE	TIME	SIGNATURE
MOAKLEY, JOE ROOM 235 CHOB CANNON HOUSE OFFICE BUILDING WASHINGTON, DC 20515-2109	_____	_____	_____
		PRINT LAST NAME:	_____
		COPY: <u>ORIGINAL</u>	
WH STRIPPING DESK	_____	_____	_____
		PRINT LAST NAME:	_____
		COPY: <u>1</u>	

DATE, TIME, SIGN THE RECEIPT AND RETURN TO: NSC RECORDS MGNT, ROOM 379 OEOb
PAGE 01 OF 01 PAGES

JOHN JOSEPH MOAKLEY
9TH DISTRICT, MASSACHUSETTS

COMMITTEE ON RULES
RANKING DEMOCRATIC MEMBER

KEVIN RYAN
CHIEF OF STAFF
WASHINGTON

FREDERICK W. CLARK
DISTRICT DIRECTOR
BOSTON

E-mail: jmoakley@hr.house.gov
URL: <http://www.house.gov/moakley/welcome.html>



Congress of the United States
House of Representatives
Washington, DC 20515-2109

June 17, 1997

The Honorable William J. Clinton
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear President Clinton:

I know that the renewal of Most Favored Nation Status for China is a vitally important initiative for your administration. I commend your efforts to pursue an open, strategic dialogue with China that best serves the interests of this nation. Integration, and not isolation, will give the United States the influence necessary to work for respect of human rights, non-proliferation, the rule of law and religious freedom in China. Revoking this trade status, and effectively cutting off dialogue between our nations, will severely undermine our ability to work for positive change. For these and other reasons, I will support you in the extension of MFN for China.

With the strategy of engagement as a tool to achieve the goals of our national interests in mind, I want to respectfully point out the inconsistencies of U.S. policy towards Cuba. As you recall, this is an issue that I discussed with you last year at the White House during the China MFN debate. For 35 years, the United States has pursued a policy of isolationism with Cuba -- and it hasn't worked. Even after losing the patronage of the former Soviet Union, the Castro-regime has remained. The U.S. embargo on Cuba has not forced Castro out of power, it has not improved Cuba's respect for human rights and it certainly has not improved the lives of Cuban citizens. As you know, a recent study by the American Association for World Health reports that the U.S. embargo has had a drastic effect on the health of women and children in Cuba.

In fact, Fidel Castro has frequently used the U.S. embargo to justify and explain the failures of his system. Every time there is a food shortage, economic decline or crackdown on political dissidents, Castro delivers one of his famous speeches blaming the U.S. embargo for the problems. It is time for a change.

Like in China, change in Cuba will come only through open dialogue and engagement. By exposing the island to an infusion of free enterprise, democratic ideals, and people who believe in political freedom, I strongly believe that change will occur in Cuba. And it will occur much quicker in Cuba than in China. Cuba, only 90 miles off our shore, is a much smaller nation, and can embrace democracy and its ideals faster than the massive nation of China. As in the former Soviet Union and across Eastern Europe, the spirit of capitalism will flourish. With open political channels, the United States will have the opportunity to talk to Cuban officials about important issues like human rights and political openness. Such engagement will in fact allow us to increase the pressure for change in human rights and democracy. Currently, we have no avenue to pursue this goal. Additionally, our business leaders will talk about the importance of free speech and market reforms as precursors to the American investment that Cuba so desperately needs. The Cuban government will be forced to accept the change that is inevitable.

4556

☐ PLEASE RESPOND TO:
235 CANNON BUILDING
WASHINGTON, DC 20515
(202) 225-8273
FAX: (202) 225-3984

☐ WORLD TRADE CENTER
SUITE 220
BOSTON, MA 02210
(617) 565-2920
(617) 439-5460
FAX: (617) 439-5157

☐ 4 COURT STREET
TAUNTON, MA 02780
(508) 824-6676
FAX: (508) 880-3520

☐ BROCKTON FEDERAL BUILDING
166 MAIN STREET
BROCKTON, MA 02401
(508) 586-5555
FAX: (508) 580-4692

JUN 20 14:20

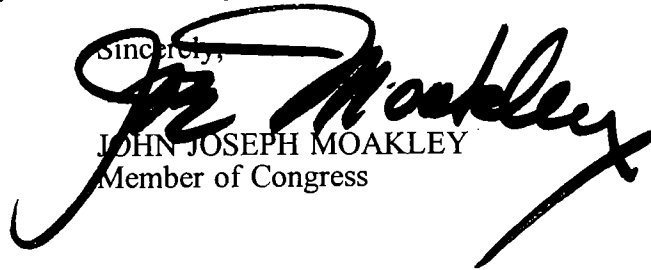
As you stated in your recent letter to me regarding China MFN,

"If we fail to engage China, we will fuel the very forces that trample human rights and flaunt international rules and regimes. Over time, if we engage China -- encouraging the evolution of the rule of law and civil society -- if contacts across borders, among people and between governments grow; if markets expand and information flows; if we make our differences clear; then there is a far greater likelihood that the roots of a more open society will gain strength in China and America's interests will be served."

I would argue that the same logical strategy is true for U.S.-Cuba relations.

Therefore, Mr. President, as we debate the important issue of China's MFN renewal, I hope that you will seriously revisit the U.S. policy toward Cuba. Certainly, if we are pursuing open dialogues with China, North Korea and Vietnam, openness with Cuba makes sense. At a minimum, engagement will force Castro to be more tolerant and will create a climate of reform. And, quite possibly, open engagement might also pave the way for an end to the reign of the Castro dictatorship that has lasted for 38 years. I appreciate your consideration of this important issue, and look forward to discussing the matter with you in the future.

Sincerely,

A large, stylized handwritten signature in black ink, which appears to read "John Moakley". The signature is written over the printed name and title.

JOHN JOSEPH MOAKLEY
Member of Congress

JJM:sl

THE WHITE HOUSE
WASHINGTON

July 16, 1997

ACTION

signed 7-17-97

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER (P) RB
JOHN HILLEY

SUBJECT: Reply to Letter from Representative Moakley on
Cuba Policy

Purpose

To reply to a letter from Representative Moakley urging that we pursue a policy of engagement with Cuba as we do with China.

Background

Representative Moakley commends your policy of dialogue and trade with China as the most effective means of promoting positive change in Beijing, noting his strong support for granting China most-favored-nation trade status. He contrasts that approach with the policy of isolation and embargo the United States has pursued toward Cuba. He states that our Cuba policy has neither forced Fidel Castro from power nor led to improved political and economic conditions on the island, and it has given Castro an excuse for his regime's failures. The Congressman urges a change in policy based on engagement and an end to the embargo.

Our proposed reply notes the bipartisan support U.S. policy has enjoyed over the past three and a half decades. It further states that Cuba's refusal to undertake political and economic reforms -- isolating Cuba as the only remaining military dictatorship in the Americas -- and its unlawful shootdown of two U.S. aircraft last year have strengthened the consensus that to lift the embargo at this juncture would not likely have the liberalizing effect that we hope for on the island.

RECOMMENDATION

That you sign the proposed reply at Tab A.

Attachments

Tab A Proposed Reply to Representative Moakley
Tab B Incoming Correspondence

cc: Vice President
Chief of Staff

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

4336

July 8, 1997

ACTION

MEMORANDUM FOR SAMUEL R. BERGER *10 F2*
THROUGH: JAMES F. DOBBINS *APR 12*
FROM: FULTON T. ARMSTRONG *APR 12*
SUBJECT: Reply to Letter from Representative Moakley on
Cuba Policy

At Tab I is a Memorandum for the President covering a proposed reply to a letter from Representative Moakley urging that we pursue a policy of trade and engagement with Cuba as we do with China.

Concurrence by: Bill Danvers; Bob Suettinger; Scott Busby
APR 12 *APR 12* *APR 12*

RECOMMENDATION

That you forward the Memorandum for the President.

Attachment

Tab I Memorandum for the President
Tab A Proposed Reply to Representative Moakley
Tab B Incoming Correspondence

THE WHITE HOUSE

WASHINGTON

Dear Joe:

Thank you for your letter reiterating your support for renewal of most-favored-nation status for China and sharing your views regarding Cuba policy.

As you know, the U.S. policy of support for Cuban democracy and isolation of the current Cuban regime has enjoyed bipartisan support for 36 years. That consensus has grown stronger in recent years as democracy swept through our hemisphere, with Cuba remaining the only dictatorship among the 35 nations of the Americas. Cuba's unlawful shutdown of two U.S. civil aircraft in February 1996 further strengthened the isolation of that regime. To eliminate the embargo while President Castro steadfastly clings to personal power and his failed socialist model, denying citizens even basic political rights, would not likely have the liberalizing effect that we all seek.

Our policy does not rely on pressure alone. We have energetically implemented provisions of the Cuban Democracy Act that directly benefit the Cuban people and encourage the emergence of civil society. My Administration has approved more than \$150 million in humanitarian shipments and promoted numerous exchanges between American and Cuban non-governmental organizations. We are making every appropriate effort to signal to the Cuban people our peaceful intentions and to support their democratic aspirations. Our policy of outreach recognizes that change in Cuba must come from within, led by Cubans on the island who yearn for democracy and freedom.

✓ Thank you Again ^{W.P. Long} for your letter. I value your thoughts on how best to promote our shared goal of a democratic Cuba.

Sincerely,

The Honorable John Joseph Moakley
United States House of Representatives
Washington, DC 20515

THE WHITE HOUSE

WASHINGTON

Dear Joe:

Thank you for your letter reiterating your support for renewal of most-favored-nation status for China and sharing your views regarding Cuba policy.

As you know, ^{the} U.S. policy of support for Cuban democracy and isolation of the current Cuban regime has enjoyed bipartisan support for 36 years. That consensus has grown stronger in recent years as democracy swept through our hemisphere, with Cuba remaining the only dictatorship among the 35 nations of the Americas. Cuba's unlawful shootdown of two U.S. civil aircraft in February 1996 further strengthened the ~~the~~ isolation of that regime. To eliminate the embargo while President Castro steadfastly clings to personal power and his failed socialist model, denying citizens even basic political rights, would not likely have the liberalizing effect that we all seek.

Our policy does not rely on pressure alone. We have energetically implemented provisions of the Cuban Democracy Act that directly benefit the Cuban people and encourage the emergence of civil society. My Administration has approved more than \$150 million in humanitarian shipments and promoted numerous exchanges between American and Cuban non-governmental organizations. We are making every appropriate effort to signal to the Cuban people our peaceful intentions and to support their democratic aspirations. Our policy of outreach recognizes that change in Cuba must come from within, led by Cubans on the island who yearn for democracy and freedom.

Thank ^{you} again for your ~~thoughtful~~ letter. I value ^{your thoughts} ~~our discussions~~ on how best to promote our shared goal of a democratic Cuba.

Sincerely,

The Honorable John Joseph Moakley
United States House of Representatives
Washington, DC 20515

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9704510
RECEIVED: 27 JUN 97 15

TO: PRESIDENT

FROM: MCGOVERN, JAMES
MOAKLEY, JOE
TORRES, ESTEBAN E

DOC DATE: 16 JUN 97
SOURCE REF:

KEYWORDS: CUBA
SANCTIONS
HUMANITARIAN ASSISTANCE

AVIATION
CO

PERSONS:

SUBJECT: LTR RE DIRECT FLIGHT SERVICE TO CUBA

ACTION: PREPARE MEMO FOR BERGER

DUE DATE: 09 JUL 97 STATUS: S

STAFF OFFICER: ARMSTRONG

LOGREF:

FILES: WH

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION
ARMSTRONG

FOR CONCURRENCE
BUSBY
DANVERS

FOR INFO
BEERS
BOUCHARD
DOBBINS
LEE
SCHWARTZ

COMMENTS: IF FINAL REPLY CANNOT BE PREPARED BY DUE DATE, AN INTERIM RESPONSE
MUST BE PREPARED FOR BILL DANVERS' SIGNATURE.

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSTSM

CLOSED BY:

DOC 1 OF 1

UNCLASSIFIED

4510

Congress of the United States

Washington, DC 20515

June 16, 1997

The Honorable William Jefferson Clinton
President of the United States
The White House
1600 Pennsylvania Avenue N.W.
Washington, D.C. 20500

JUN 25 PM 12:17

Dear Mr. President:

We are writing to respectfully request that you lift restrictions on direct flight service to Cuba for the purpose of delivering humanitarian assistance. A series of recent studies have detailed the declining health of the Cuban people, and U.S. humanitarian assistance to Cuba plays a central role in alleviating the suffering of Cuban citizens.

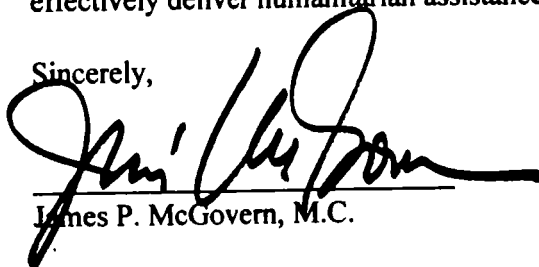
Since the shoot down of U.S. civilian planes in February, 1996, direct flights have been suspended indefinitely. While the loss of life resulting from the shoot down is indefensible, we are concerned that suspension of flights has had the unintended consequence of hindering U.S. humanitarian organizations' ability to provide assistance to Cuban citizens.

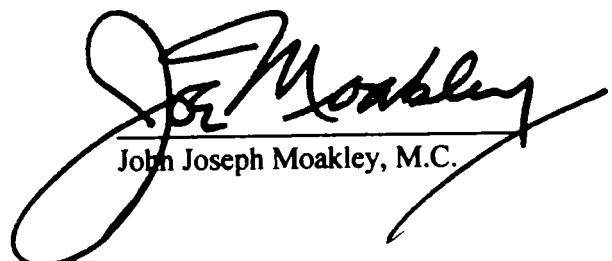
The direct flight ban has dramatically increased the transportation costs for U.S. humanitarian agencies as they must travel and transport goods through third countries. Catholic Relief Services estimates that its costs for delivering humanitarian assistance to Cuba have quadrupled since last March. Church World Service, the relief and development branch of the National Council of Churches, reports that its delivery costs have also increased significantly. These agencies face enormous challenges in the delivery of aid due to limited transportation options and the increased staff time dedicated to execution of shipments. Ultimately, the increased cost for transporting aid decreases the amount of humanitarian assistance provided to the Cuban people and hinders the ability of agencies to respond to the critical and urgent needs of the Cuban people in a timely fashion.

The disruption of direct flights directly impairs the ability of U.S. humanitarian assistance agencies to assist needy individuals inside Cuba. While limited direct flights have been permitted in the past year during extraordinary circumstances, the ongoing work of humanitarian agencies is burdened with expensive and arduous logistical constraints. As the State Department Fact Sheet of May 14, 1997, indicates, licensed humanitarian assistance to Cuba has been the greatest source of foreign aid to Cuba in the past four years. U.S. humanitarian assistance organizations also play a crucial role in increasing people-to-people contacts and strengthening independent humanitarian organizations. We applaud this work and believe that direct flights would greatly facilitate the progress of such initiatives.

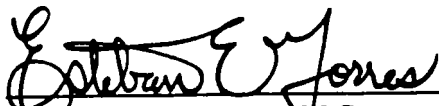
Given their commitment to people in need around the world, U.S. humanitarian assistance agencies will continue to provide licensed shipments of food, medicine, and other assistance which respond to basic human needs in Cuba. We ask that the Administration review the practical and unintended consequences of the ban on direct flights and reinstate service which will enable U.S. humanitarian agencies to effectively deliver humanitarian assistance to the Cuban people.

Sincerely,

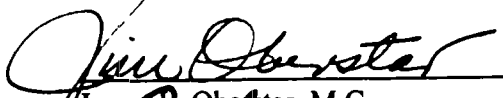

James P. McGovern, M.C.

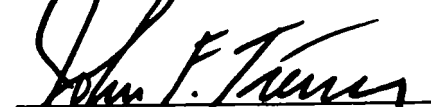

John Joseph Moakley, M.C.

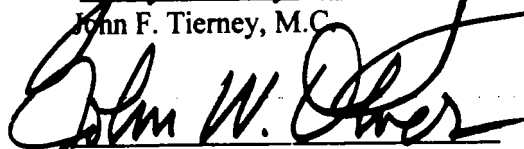
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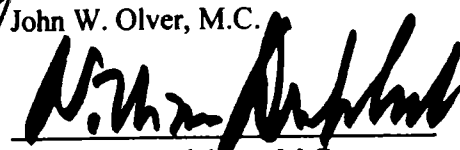

Esteban Edward Torres, M.C.


Ralph Regula, M.C.

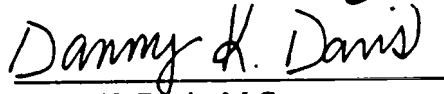

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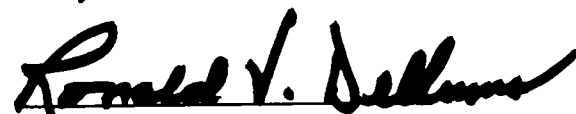

John F. Tierney, M.C.

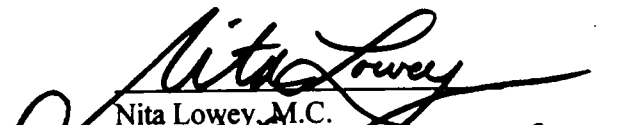

John W. Olver, M.C.


William D. Delahunt, M.C.

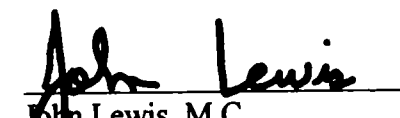

William Clay, M.C.

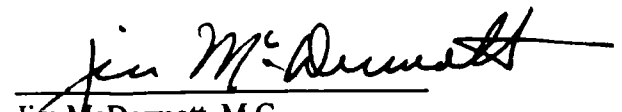

Danny K. Davis, M.C.


Ronald V. Dellums, M.C.

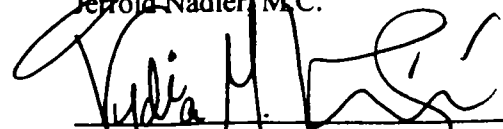

Nita Lowey, M.C.


Jesse L. Jackson, M.C.

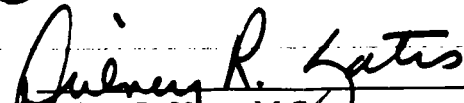

John Lewis, M.C.

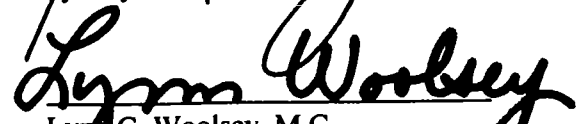

Jim McDermott, M.C.

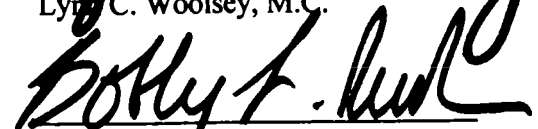

Jerrold Nadler, M.C.


Nydia M. Velázquez, M.C.

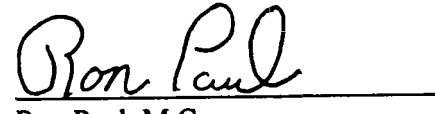

John Conyers, Jr. M.C.


Sydney R. Yates, M.C.

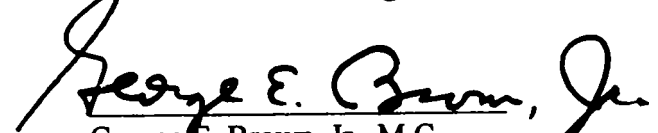

Lynn C. Woolsey, M.C.

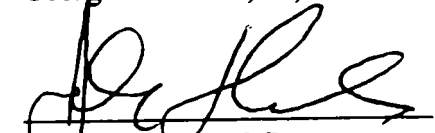

Bobby L. Rush, M.C.


Peter A. DeFazio, M.C.


Ron Paul, M.C.


Elizabeth Furse, M.C.


George E. Brown, Jr., M.C.


John Shimkus, M.C.

Letter to President Clinton
Page Two

A handwritten signature in cursive script, appearing to read "Sam Gejdenson". The signature is written in black ink and is positioned above a horizontal line.

Sam Gejdenson, M.C.

A handwritten signature in cursive script, appearing to read "Sam Farr". The signature is written in black ink and is positioned above a horizontal line.

Sam Farr, M.C.

A handwritten signature in cursive script, appearing to read "Lane Evans". The signature is written in black ink and is positioned above a horizontal line.

Lane Evans, M.C.

THE WHITE HOUSE
WASHINGTON

June 25, 1997

MEMORANDUM FOR GLYN DAVIES
NSC Executive Secretariat

FROM: SUSAN BROPHY *SB*
Legislative Affairs

SUBJECT: Presidential Correspondence

Attached are copies of letters sent to the President by various Members of Congress. Since these letters address national security issues, we would appreciate your assistance in drafting a response.

Thank you very much for your assistance. If you have any questions, please feel free to call Chris Walker at x67500.

The following is a brief description of the letter:

- 1) Rep. Walter Capps (D-CA), concerning Iran;
- 2) Rep. Louise McIntosh Slaughter (D-NY), concerning Pakistan;
- 3) Rep. Ed Bryant (R-TN), concerning China MFN;
- 4) Rep. Benjamin A. Gilman (R-NY), concerning Dr. Inge Genefke; and,
- 5) Rep. James P. McGovern (D-MA) and Rep. John Joseph Moakley (D-MA), concerning Cuba.

Enclosures

June Payrol Visit

PHOTOCOPY PRESERVATION

FACSIMILE COVER PAGE

To : Samuel Berger
Sent : 1/16/98 at 1:00:54 AM
Subject :

From : Frank Calzon
Pages : 5 (including Cover)

Bushy

Schwartz

By

FREEDOM

1319 18th St, NW, Washington, DC 20036

HOUSE NEWS

FOR IMMEDIATE RELEASE
January 14, 1997

CONTACT: NINA SHEA
202-296-5101

Cuba: Religion Still Suppressed on Eve of Pope's Visit, Freedom House Reports

Castro Must Heed Pope's Call, Says Religion Freedom Center's Nina Shea

WASHINGTON, D.C. -- As Pope John Paul II prepares for his January 21-25 visit to Cuba, Freedom House reports that the Castro regime continues its severe repression of religion and harassment of religious believers. The organization's findings are contained in a special briefing paper (attached) released today.

Nina Shea, director of Freedom House's Center for Religious Freedom, today stated, "For nearly forty years, Castro's intolerance of Christianity and religion in general has been among the worst in the world. Even though we have seen modest improvements in recent years, Roman Catholics and others encounter large-scale discrimination and can only practice their faiths in a climate of fear."

Shea noted that, when Pope John Paul II meets with Cuban leader Fidel Castro in Havana later this month, he is expected to ask that the regime allow the Roman Catholic church to provide religious education, conduct charitable work without interference, open its own radio station, receive access to state-run media, reclaim confiscated church property, and bring foreign missionaries and laymen to aid the short-staffed Cuban church.

"The real test for Castro will come after the Pope leaves," Shea stated. "The world will be watching to see if Cuba institutionalizes recent developments and reforms toward greater religious freedom."

"Unless Castro at long last allows religious education, media access for religious groups, and church construction," she continued, "it will be apparent that he cynically intended the Papal visit as a ploy for building opposition to the U.S. trade embargo and shoring up international respect for his flagging dictatorship."

Due to the possible catalyzing effect of the Papal visit, Freedom House has identified Cuba as one of five "Countries to Watch" in 1998. In the organization's annual survey of *Freedom in the World*, Cuba is among sixteen countries that received the lowest numerical rating and were identified as the "worst of the worst" for political rights and civil liberties.

For further comments, interviews, or other information, please contact Nina Shea, director of the Center for Religious Freedom, at Freedom House: 202-296-5101.

CENTER FOR RELIGIOUS FREEDOM

Nina Shea, Director

Press Briefing Paper: Religion in Cuba

General Restrictions

- As Cuba's Roman Catholics prepare for the January 21-25, 1998, visit of Pope John Paul II, religious rights on the island continue to be severely limited. Cuba's churches have been greatly weakened by nearly 40 years of the Castro regime's anti-religion policies. Although a liberalizing trend in the past decade has led to increased numbers of worshippers, discrimination and harassment based on religious belief are still widespread, and religious education, evangelization, and media access for religious groups are rarely allowed. While a number of restrictions have been eased in anticipation of the Pontiff's visit, it remains to be seen whether these improvements will become more permanent.
- Church property is controlled by the Cuban government. Open-air religious gatherings and public evangelism are prohibited, and even private meetings of religious groups are often infiltrated by the police. Cuba's Christian leaders are frequently subjected to spurious interrogations, death threats, and other forms of harsh persecution. They operate in a climate of fear and uncertainty over when they might be penalized or find their churches crushed for becoming too bold, popular, or secure.
- In spite of a 1992 anti-discrimination amendment to the constitution, Christians encounter widespread discrimination in the workplace and schools. In recent years, the island's Roman Catholic bishops have begun to call publicly for national reconciliation and a national dialogue, but the government has repeatedly rejected their requests. The Cuban constitution prohibits religious beliefs in opposition to the Communist revolution. Although an exception was granted for this year, Christmas has not otherwise been recognized as a holiday since 1970.

Chronology of Persecution

- After seizing control of Cuba nearly forty years ago, the Castro regime summarily canceled all Christian broadcasting. Two years after the take-over, all Christian publications were banned. Roman Catholic, Protestant, and other religious schools were closed, and 3500 priests, nuns, and preachers fled or were forced from the island.
- In the ensuing decade, the government's severe repression of religion included the jailing and labeling of Christian leaders and ordinary adherents as "social scum." Among those imprisoned in the island's notorious labor camps was Jaime Ortega, a young Roman Catholic priest who now serves as a Cardinal and the Archbishop of Havana. The government obstructed religious services, vandalized church property, and blocked secular educational and job opportunities for believers. School children were ridiculed for their belief in God. Secular observances honoring the "heroes" and accomplishments of the revolution replaced Christmas and Easter as holidays.

FREEDOM HOUSE

1319 18th Street, NW, Washington, DC 20036; Tel: 202-296-5101; Fax: 202-296-5078

- In 1978, Cuba's Communist Party platform called for the "progressive elimination of religious beliefs through scientific-materialistic propaganda."
- By the late 1980s, less than one percent of children were being baptized as Roman Catholic. In pre-revolutionary Cuba, this figure had been 85 percent. Today, an estimated 41 percent of Cubans are Roman Catholic, and less than 20 percent are Protestant.
- In the mid-1990s, dozens of the up to 10,000 evangelical house churches on the island were destroyed or shut down, according to American mission groups Voice of the Martyrs and Open Doors. These included Baptist, Assemblies of God, Evangelical League of Cuba, and Free Baptist Convention churches.
- In May, 1995, Orson Vila, a Pentecostal pastor and superintendent of more than 80 Assemblies of God fellowships, was arrested and sentenced to nearly two years in prison for refusing to end church services in his backyard. Under international pressure, Vila was later resented to eight months of house arrest.
- Baptist pastor and youth leader Eliezer Veguilla was arrested on February 14, 1994, and warned by state security police that if he did not "confess" to espionage he would "sleep with a bear" that night. He nevertheless resisted the interrogators' attempts to get him to admit to crimes he did not commit. The 36-year-old Veguilla was then thrown into a dark, subterranean cell at Havana's police headquarters, where he found himself face to face with a live bear. Fortunately, the bear was chained to the wall and could not reach him. This was part of a series of psychological torture tactics and death threats that Veguilla endured for 47 days until international pressure forced his release. "They couldn't tolerate my leadership among the youth, the large following that I was drawing into the many *casas culto* [house churches] that I had started," Veguilla says about the government. "Authorities would give me permission to preach to 300 and when 1000 showed up instead they were angry. My success in rallying young people for Christ was the real reason I was arrested," comments Veguilla from his exile home in Miami. As with thousands of other Christian leaders, Veguilla had to seek refuge outside his homeland in late 1995. After his arrest, he had been placed under house arrest for an indefinite period, even though he had never been before a judge or had a trial. He felt that it had become dangerous not only for himself, but for the other Christians who came to visit him. During prison interrogations, he had been shown video tapes of his religious meetings and services, even those he had attended during a short visit to the United States, thereby proving that police agents were monitoring his every step. Cuba treated him as a terrorist and subversive solely because he was a Christian leader. Veguilla's father, Leoncio, whose Christian beliefs led to his imprisonment for seven years in the 1960s, remains in Cuba as General Secretary of the Cuban Baptist Church and rector of the Baptist Theological Seminary of Havana.
- In December 1995, the Cuban government issued a resolution to prevent any Cuban or joint enterprise from selling computers, fax machines, photocopiers, or other such equipment to churches.
- In February, 1996, the Union of Communist Youth in the town of Palma Soriano expelled attorney Cesar Antonio Martinez Melero from his long-standing membership in the group due to his involvement in the Catholic Church.
- Throughout 1996, evangelical denominations reported evictions from, and the razing of, *casas culto*. The authorities warned evangelical leaders in Havana that they would impose fines ranging from 10,000 to 50,000 pesos (\$500 to \$2500), imprison leaders, and withdraw official recognition from the religious denomination itself, unless the private houses of worship were closed.
- In recent years, mainline Protestant churches, many of which have supported Cuba's existing political and social structures, have fared somewhat better than the Roman Catholic and evangelical churches. They have used their relative political favor, however, only to conduct social projects.

Recent Developments

- In recent years, Christian churches have been allowed to train and educate their leaders, and some seminaries have reopened. Limited numbers of Bibles are again being distributed. In 1992 and 1993, the Bible was the best

- In 1978, Cuba's Communist Party platform called for the "progressive elimination of religious beliefs through scientific-materialistic propaganda."
- By the late 1980s, less than one percent of children were being baptized as Roman Catholic. In pre-revolutionary Cuba, this figure had been 85 percent. Today, an estimated 41 percent of Cubans are Roman Catholic, and less than 20 percent are Protestant.
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- Baptist pastor and youth leader Eliezer Vegueta was arrested on February 14, 1994, and was told by police that if he did not "confess" to espionage he would "sleep with a bear" that night. He never confessed.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. report	Cuba Trends Weekly [with Fax Cover Sheet] (8 pages)	01/13/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Multilateral & Humanitarian Affairs (Busby, Scott)
OA/Box Number: 1891

FOLDER TITLE:

Cuba Policy

2016-0920-F
sb2132

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Washfax Receipt

Department Of State

B

005533

'98 JAN 14

Message No. _____

Classification

~~CONFIDENTIAL~~No. Pages 2From: Peter Petrihos
(Officer Name)S/S
(Office symbol)647-6548

(Extension)

7224

(Room number)

Message Description: Cable to ROME, Immediate (S/S 9800587)SUBJ: Letter from the Secretary to FM Tauran

To (Agency)	Deliver To	Extension	Room No
NSCS	Glyn T. Davies	456-9461	WHSITRM
	Executive Secretariat		
	Dobbins	Bansker	
	DeLaurentis	Butler	

MUST GO ☒NON-MUST GO ☐Remarks: Please Clear by:by: March 14 Must GOMust be sent before noon 1/14 to ensureDelivery before The Pope Departs.

NSC POC: _____

S/S Officer: _____

MLC

Peter Petrihos**CROSSHATCH**UNCLASSIFIED UPON REMOVAL
OF CLASSIFIED ATTACHMENTSInitials: ADB Date: 8/20/18

2016-0920-F

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. cable	Re: Letter from the Secretary to FM Tauran (2 pages)	01/14/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Multilateral & Humanitarian Affairs (Busby, Scott)
OA/Box Number: 1891

FOLDER TITLE:

Cuba Policy

2016-0920-F
sb2132

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OFFICE OF CUBAN AFFAIRS

**U.S. Department of State
ARA/CCA, Room 3234
2201 C Street, N.W.
Washington, D.C. 20520-6263**

**Phone: (202) 647-9273
FAX: (202) 736-4476
FAX HELMS-BURTON UNIT: (202) 647-7095**

FAX COVER SHEET

DATE: July 9, 1997

TO: IWG Papal Visit

FROM: Janice L. Jacobs

FOR: Clearance

Information

Per Request

Action

XX

REMARKS: AGENDA FOR MEETING 7/10/97

NUMBER OF PAGES, INCLUDING COVER PAGE: 3

**(IF THIS TRANSMISSION WAS NOT RECEIVED IN ITS ENTIRETY, PLEASE
CALL 647-9272)**

**INTERAGENCY WORKING GROUP ON PAPAL VISIT TO CUBA
FAX NUMBERS**

EB/EBS/ESP - Robert Maxium - 7-4064

EUR/WE - Jean Maloney - 7-3459

L/ARA - Hal Collums - 6-7784

INR/IAA - Laura Luftig - 7-5027

EB/ESC/ESP - Portia McCollum - 7-4064

AID/LAC - George Wachtenheim - 7-9671

USIS/LAC - Majorie Coffin - 619-5172

NSC - Fulton Armstrong - 456-9130

NSC - Robert Malley - 456-9140

OFAC - Serena Moe - 622-1911

OFAC - Clara David - 622-1657

OFAC - Bruce Cromack - 622-1657

JSC - A.J. Torres 703-614-8945

CG - Eric Giese - 267-4084

CG - Mike Farrell - 267-4082

IWGPAPVI

AGENDAPAPAL VISIT IWG

Thursday, July 10, 11 a.m.
ARA/CCA - Room 3234

I. LICENSING ISSUES**A. Travel to Cuba**

1. Individuals/groups
2. Cruise ship(s)
3. Direct flights

B. Goods to Cuba

1. Donations

C. Financial Contributions

1. Establishing a centralized mechanism for handling monetary contributions

II. PUBLIC OUTREACH**A. Notifying public re regs/procedures****B. Hill briefings****III. DEMOCRACY MOVEMENT FLOTILLA**

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. form	Fax Cover Sheet; Re: Sub-IWG on Wednesday [partial] (1 page)	12/01/1997	P3/b(3), b(7)(C)

COLLECTION:

Clinton Presidential Records
National Security Council
Multilateral & Humanitarian Affairs (Busby, Scott)
OA/Box Number: 1891

FOLDER TITLE:

Cuba Policy

2016-0920-F
sb2132

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Phone: (202) 647-9273
FAX: (202) 736-4476
FAX HELMS-BURTON UNIT: (202) 647-7095

F A X C O V E R S H E E T

DATE: December 1, 1997

TO: L/ARA - HAL COLLUMS (fax 6-7784)
PRM - Dave Robinson (fax 3-1061)
INS - Kathleen Thompson/Janelle Jones/Ron Whitney 5140560
COAST GUARD - MIKE FARRELL (fax 267-4082)
NSC - Scott Busby (fax 456-9140)
JEFF DE LAURENTIS (fax 456-9130)
JCS/J5/WHEM - GALE NAPOLIELLO (fax 703-614-8945)
DOJ - SUZANNE HAYDEN (fax 514-0108)

(b)(3), (b)(7)c

005

FROM: Janice Jacobs

FOR: Clearance

Information

Per Request

Action

XX

REMARKS: THERE WILL BE A SUB-IWG ON WEDNESDAY, DECEMBER 10, AT 2 P.M. IN ROOM 3234 AT MAIN STATE TO DISCUSS STOWAWAYS AND OTHER MIGRATION-RELATED ISSUES RELATED TO THE JAN 1998 PAPAL VISIT TO CUBA. AGENDA ATTACHED.

NUMBER OF PAGES, INCLUDING COVER PAGE: 2

(IF THIS TRANSMISSION WAS NOT RECEIVED IN ITS ENTIRETY, PLEASE
CALL 647-9272)

AGENDA

PAPAL VISIT SUB-IWG

Wednesday, December 10, 1997

2:00 pm

ARA/CCA - Room 3234

I. MIGRATION ISSUES

- A. Stowaways**
- B. Rafterers**
- C. Alien smuggling**

II. PUBLIC OUTREACH

- A. Use of Radio Marti/Miami media**

searacca/popeiwg3.doc

OFAC
Cases

PHOTOCOPY PRESERVATION

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9705865
RECEIVED: 28 AUG 97 07

TO: BERGER

FROM: MENENDEZ, ROBERT

DOC DATE: 15 AUG 97
SOURCE REF:

KEYWORDS: DEFENSE POLICY
CONGRESSIONAL

CUBA

PERSONS:

SUBJECT: LTR RE GOVT LONG-STANDING POLICY OF DEMOCRATIC CHANGE & ECONOMIC
EMBARGO OF CUBA

ACTION: PREPARE MEMO FOR BERGER

DUE DATE: 03 SEP 97 STATUS: S

STAFF OFFICER: BOUCHARD

LOGREF:

FILES: WH

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION
BOUCHARD

FOR CONCURRENCE
BELL
BUSBY
DANVERS
DELAURENTIS

FOR INFO
BEERS
DOBBINS
KRECZKO
RAGAN
SCHWARTZ
SEATON

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSGP

CLOSED BY:

DOC 1 OF 1

UNCLASSIFIED

ROBERT MENENDEZ
13TH DISTRICT, NEW JERSEY

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

SUBCOMMITTEES:
SURFACE TRANSPORTATION
WATER RESOURCES

COMMITTEE ON INTERNATIONAL
RELATIONS

SUBCOMMITTEES:
AFRICA
WESTERN HEMISPHERE AFFAIRS

CHIEF DEPUTY WHIP



8/27
PLEASE STAFF

Congress of the United States

House of Representatives

Washington, DC 20515-3013

August 15, 1997

REPLY TO:

☐ 405 CANNON H.O.B.
WASHINGTON, DC 20515-3013
(202) 225-7919

DISTRICT OFFICES:

☐ 911 BERGEN AVENUE
JERSEY CITY, NJ 07306
(201) 222-2828

☐ 654 AVENUE C
BAYONNE, NJ 07002
(201) 823-2900

☐ 275 HOBART STREET
PERTH AMBOY, NJ 08861
(908) 324-6212

5865

Mr. Samuel Berger
Deputy Advisor
National Security Council
The White House
Washington, D.C. 20500

Dear Sandy:

As you are aware, it has been the long-standing policy of our government to bring about democratic change in Cuba. Toward that end, perhaps our most important tool has been our economic embargo of Cuba, particularly after Cuba's loss of multi-billion dollar subsidies from the former Soviet Union.

Over the last year and a half, it has come to my attention that in November of 1993 the Cuban government, through one of its state entities (Cubaexport), was attempting to circumvent our embargo. The Cuban company sold the "Havana Club" trademark to a French spirits company (Pernod Ricard), including in that sale the U.S. "Havana Club" trademark registration. Two years later and without full disclosure, the Cuban entity applied for an OFAC license to legalize the sale of that U.S. asset. Although OFAC initially granted the license, after being fully advised of the facts, OFAC later revoked the license and, therefore, declared null and void the sale and assignment of the U.S. trademark registration.

The legality of OFAC's ultimate decision has not been affirmed by a federal court. The federal court determined that OFAC acted properly in light of the facts, laws, treaties and U.S. Constitution. Of particular interest to me was the federal court's finding that the sale and assignment of the U.S. trademark allowed money to flow to Cuba in contravention of the embargo and the interests of the United States. The over-riding policy involved is the reason I have been following this matter from the outset.

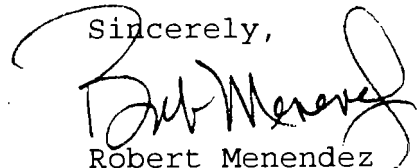
It has now come to my attention that State Department officials may be dissatisfied with OFAC's final decision and the court's ruling and may be embarking on a campaign to bring about a contrary result.

Let me be very clear. OFAC's determination to declare Cuba's transaction with the U.S. null and void and, consequently, not ratify the flow of funds to Cuba is perfectly consistent with our long-standing Cuba policy. Additionally, OFAC's decision is

AUG 27 15:18

legally correct as has been determined by the federal court in interpreting the laws enacted by Congress. Therefore, any attempt by the State Department to adversely impact OFAC's and the federal court's decisions will not only signal a lack of resolve by the State Department in carrying out our foreign policy towards Cuba but also raises separation of powers issues. Clearly, any such activity by the State Department will be viewed with great disfavor by Congress.

This Havana Club matter is still pending before our federal courts, which offer the greatest due process guarantees available to a party. As such, I strongly recommend that the State Department allow the process to work its way through that impartial forum and cease and desist from any further action in this license matter. I would appreciate a written reply to that effect.

Sincerely,

Robert Menendez
Member of Congress

RM:kgk

AMERICAN CIVIL LIBERTIES UNION OF MASSACHUSETTS
AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF MASSACHUSETTS
99 Chauncy Street Boston, Massachusetts 02111
Tel. (617) 482-3170 Fax (617) 451-0009

FAX TRANSMITTAL SHEET

TO: Scott Busby, NSC

FROM: John Reinstein

DATE: August 7, 1997

TO FAX NO.: (202) 456-9140

IF THERE ARE PROBLEMS, CALL:

TOTAL PAGES (INCLUDING THIS SHEET): 22

[COST CENTER OR CASE NO., IF APPLICABLE:]

COMMENTS:

*I've called
to get the
rest of this*

CONFIDENTIALITY NOTICE

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AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF MASSACHUSETTS
99 CHAUNCY STREET, SUITE 310, BOSTON, MASSACHUSETTS 02111

John Reinstein
Legal Director

(617) 482-3170
Fax (617) 451-0009

August 7, 1997

BY FAX (202) 456-9140

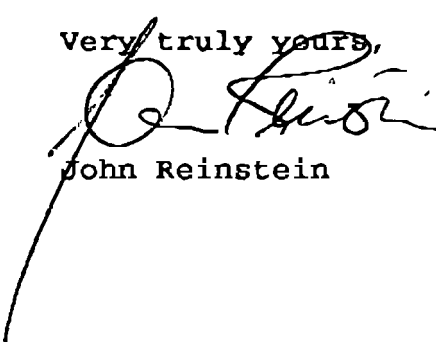
Scott Busby
Office of Democracy and Human Rights
National Security Council
The White House
Washington, D.C.

Re: Cuban Travel

Dear Mr. Busby:

I have taken the liberty of sending you the entire exchange of correspondence with OFAC and the State Department concerning the license application for travel to Cuba for the World Festival and Conference of Youth and Students. If you have any additional questions concerning this matter, please let me know.

Very truly yours,


John Reinstein

JR:acf
Encl.

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF MASSACHUSETTS
99 CHAUNCY STREET, SUITE 310, BOSTON, MASSACHUSETTS 02111

John Reinstein
Legal Director

(617) 482-3170
Fax (617) 451-0009

August 5, 1997

BY FAX (202) 622-1657

R. Richard Newcomb
Director
Office of Foreign Assets Control
U.S. Department of the Treasury
Washington, D.C. 20220

Re: 14th World Festival and Conference of Youth and Students
FAC No. C-33778-A

Dear Mr. Newcomb:

I have been representing Marazul Tours and several individuals who had applied, through Marazul, for a license to travel to Cuba for the 14th World Festival and Conference of Youth and Students. On July 25, two days before the applicants were scheduled to depart for Cuba, Robert Guild at Marazul received a letter from you informing him that the license had been denied.

It is my understanding that a number of Americans have travelled to Cuba to attend the Conference. While many are fully hosted, others are not. I appreciate the substance of the warning which you included in your letter, but I am writing to suggest that this is a case in which your forbearance in investigation and in seeking penalties would be appropriate.

According to the letter to Mr. Guild, OFAC based its decision to deny the license on a determination that the sponsoring organization, the World Federation of Democratic Youth, does not regularly sponsor meetings or conferences in other countries. This, in turn, was based solely on information, provided by the State Department, that WFDY has not sponsored a conference since the 13th International Festival and Conference of Youth and Students, which was held in Pyongyang, North Korea in 1989.

R. Richard Newcomb
August 5, 1997
Page 2

In fact, the information provided by the State Department is incorrect. My own inquiry into the matter has disclosed that WFDY has, in the past four years alone, sponsored at least seventeen international meetings and conferences, including the preparatory meetings for the Havana Conference, and it has been a sponsor of each of the previous International Festivals of Youth and Students. (A list of the meetings sponsored by WFDY since September 1993 and a schedule of the previous Festivals is attached to this letter.) Moreover, as you may recall, WFDY is not the only sponsor of the Havana Conference. It is being co-sponsored by four other organizations, the All Africa Students Union, the Asian Students Union, the Continental Organization of Latin American Students, and Democratic Youth Coordination. Each of these organizations also sponsors meetings and conferences.

I regret that we were not able to present this information in connection with the license application. From the outset, we attempted to provide whatever information was required by OFAC to allow a reasoned decision on the application. I personally offered to come to Washington with the director of the U.S. Organizing Committee for the conference to answer just this type of question. I was advised, however, that this would not be necessary. I was also told that the qualifications of the sponsoring organizations was not an issue.

The denial of the license for the Havana Conference also raises questions about the consistency of OFAC's practice with respect to the licensing of travel to Cuba for conferences. As far as we have been able to determine, there is no precedent for the determination that §515.419(a) is not satisfied where there has been a hiatus of eight years in the scheduling of an international event by a group which has held numerous conferences in the past.

Finally, the failure of OFAC to act on the license application until the last possible moment deprived those who wished to attend the conference of the opportunity to seek judicial review of the Department's decision. The license application was forwarded to OFAC nearly four months ago. When OFAC initially denied the license at the end of May, we immediately sought reconsideration and submitted

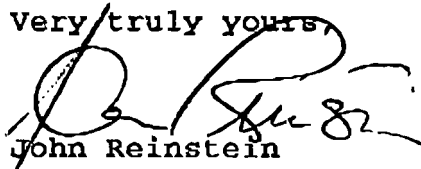
R. Richard Newcomb
August 5, 1997
Page 3

additional information. Since then we have made every effort to obtain a timely decision. One was not forthcoming.

In the course of our discussions about the Havana Conference, officials at OFAC and at the State Department separately expressed reservations about the licensing of this particular conference. Those reservations, however, were grounded on what was described to me as the "political" nature of the the conference, not on the provisions of the Cuban Assets Control Regulations. If OFAC wishes to modify its regulations to limit travel to Cuba, it certainly has broad authority to do so. While I would not endorse such an amendment, it would be preferable by far to any attempt to impose sanctions on the participants in the Festival and Conference of Youth and Students.

Thank you for your consideration.

Very truly yours,



John Reinstein

JR:acf

cc: Michael Ranneberger, US Department of State

**World Federation of Democratic Youth - WFDY
International Meetings and Conferences
Partial List 1993-1996**

Sept. 7-8, 1993	WFDY Meeting on Europe and North America (CENA)	Budapest, Hungary
Sept. 23-25, 1994	WFDY General Council Meeting	New Delhi, India
Feb. 26-27, 1994	WFDY Meeting on Europe and North America (CENA)	Lisbon, Portugal
March 5-6, 1994	Mediterranean Forum of Progressive Youth Organizations	Nicosia, Cyprus
March 12-13, 1994	Youth & Maastricht Europe: A New Racist Escalation in the European Community	Lisbon, Portugal
March 18-19, 1994	European Roundtable on Higher Education	Athens, Greece
Apr. 26, 1994	WFDY Meeting in Johannesburg to witness South African elections	Johannesburg, South Africa
May, 1994	European Forum	Madrid, Spain
May 22, 1994	WFDY Meeting on Europe and North America (CENA)	Sofia, Bulgaria
May 28, 1994	European Youth Festival	Paris, France
May 29, 1994	International Meeting in Solidarity with Cuba	Paris, France
Sept. 5-12, 1994	UN-co-sponsored International Conference on Population and Development	Cairo, Egypt
April 1995	WFDY General Assembly	Lisbon, Portugal
April 23, 1996	International Inaugural Festival Organization Meeting	Brussels, Belgium
May 20, 1996	WFDY Meeting on Europe and North America (CENA)	Lisbon, Portugal

June 15, 1996

WFDY Consultative International
Meeting on Latin America and the
Caribbean

Sao Paulo, Brazil

Sept. 1996

International Festival Preparatory
Committee

New Delhi, India

**WORLD FESTIVALS OF YOUTH AND STUDENTS
1947-1997**

1947	Prague
1949	Budapest
1950	Romania
1951	Berlin
1955	Warsaw
1957	Moscow
1958	Vienna
1963	Helsinki
1968	Sofia
1973	Berlin
1978	Havana
1985	Moscow
1989	Pyongyang
1997	Havana



United States Department of State

Washington, D.C. 20520

July 30, 1997

Mr. John Reinstein
American Civil Liberties Union
Foundation of Massachusetts
Boston, Massachusetts

Dear Mr. Reinstein:

I am writing in response to your letter of July 21 regarding the World Youth Festival in Havana.

As you know, Treasury's Office of Foreign Assets Control has affirmed the denial of the license applications to attend this event because the sponsoring organization of the Festival, the World Federation of Democratic Youth, does not satisfy the requirement in the regulations that the organization regularly sponsor such international meetings or conferences.

I would refer you to the Office of Foreign Assets Control for any discussion of the details of the decision.

Respectfully,

A handwritten signature in black ink, appearing to read "M. E. Ranneberger".

Michael E. Ranneberger

CC:

John Shattuck, Assistant Secretary of State
Steve Pinter, OFAC
Scott Busby, NSC

JUL 25 '97 08:12 MARAZUL TOURS INC. N.J.

P.3

07/24/97 18:01 202 622 1657

TREASURY OFAC

0002

DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

JUL 24 1997

C-33778-A

Dear Mr. Guild:

This is in response to your letters of June 3, 1997, and June 20, 1997, requesting reconsideration of a license denial issued by the Office of Foreign Assets Control ("OFAC") on May 30, 1997. In your application of April 11, 1997, you requested -- on behalf of approximately 50 individuals -- authorization pursuant to § 515.419 of the Cuban Assets Control Regulations, 31 C.F.R. Part 515 (the "Regulations"), to engage in transactions related to travel to attend the 14th World Festival and Conference of Youth and Students (the "Youth Festival"). In support of the application, you provided a brochure describing the conference, a letter signed by Olivier Meier, President of the International Coordinating Committee, a list of topics to be discussed at the meeting as well as a statement from each individual attesting to the individual's interest in the subject of the meeting. Following our initial denial, on June 20, you provided OFAC with the schedule of activities for the Youth Festival.

In our initial denial, based on the submission of April 11, 1997, we concluded that the application did not qualify under the licensing policy contained in § 515.419 because there was no indication of scheduled activities. For this reason, the participation in the Youth Festival was deemed to be self-directed activity on the part of the participants.

On reconsideration, we have considered not only the materials submitted in support of the initial application, but also the agenda for the Youth Festival provided in your June 20 correspondence. In addition, we have independently sought information concerning the sponsoring organization, the World Federation of Democratic Youth ("WFDY") located in Budapest, Hungary. Based on our review of all information available to us, we have determined that the Youth Festival does not qualify for licensing pursuant to § 515.560(b) as a clearly defined educational activity consistent with § 515.419. Accordingly, for the reasons discussed below, we affirm our license denial of May 30, 1997.

Section 515.419(a)(1) identifies certain activities that will be licensed pursuant to § 515.560(b) including:

2

(1) Attendance at a meeting or conference held in Cuba by a person with an established interest in the subject of the meeting or conference, provided that:

(i) The meeting or conference is organized by an international institution or association that regularly sponsors meetings or conferences in other countries; and

(ii) The purpose of the meeting or conference is not the promotion of tourism in Cuba or other commercial activities involving Cuba that are inconsistent with this part; ...

While you and others writing on your behalf have suggested that the Youth Festival is a qualifying meeting pursuant to § 515.419(a)(1), our review of available information does not support that conclusion because the sponsoring organization does not satisfy the requirement contained in § 515.419(a)(1)(i), namely, it does not regularly sponsor meetings or conferences in other countries.

The WFDY has not sponsored a conference since the last Youth Festival, held in Pyongyang, North Korea, in 1989. We do not regard sponsorship of events occurring this infrequently to satisfy the requirement that the organization regularly sponsor meetings or conferences in other countries. Nothing submitted by you suggests a pattern of regular sponsorship in other countries of meetings or conferences. To evaluate this aspect of the application, we have independently asked the Department of State to provide information to us concerning WFDY. According to information developed by the State Department, the planned Youth Festival in Havana is the first event sponsored by WFDY since 1989. For this reason, we find that the requirements of § 515.419(a)(1) are not satisfied, and, therefore, issuance of a specific license pursuant to § 515.560(b) would not be consistent with the Regulations.

Warning

In the event that any applicant or other individual engages in unlicensed travel-related transactions in order to attend the Youth Festival, OFAC may pursue available criminal and civil remedies and penalties for all violations of law.

Individuals who consider engaging in unlicensed travel transactions should be aware that § 102 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 22 U.S.C. 6021-6091, amended § 16(b) of the Trading with the Enemy Act, 50 U.S.C. App. 1-44 ("TWEA"), eliminating an earlier

AMERICAN CIVIL LIBERTIES UNION OF MASSACHUSETTS
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
OF MASSACHUSETTS

99 CHAUNCY ST., SUITE 310, BOSTON, MASSACHUSETTS 02111

Fax (617) 451-0009

Tel. (617) 482-3170

FAX TRANSMITTAL SHEET

TO: SCOTT BUSBY, NSC

FROM: JOHN REINSTEIN

DATE: 8/7/97

TO FAX NO.: 202-456-9140

IF PROBLEMS, CALL: _____

TOTAL PAGES (including this sheet): 14

Re: _____

COMMENTS:

13 add'l pages to
previous fax of 8/7, which
was interrupted.

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JUL 25 '97 08:13 MARAZUL TOURS INC. N.J.

P.5

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TREASURY OFAC

004

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limitation on the use of civil penalty authority with respect to certain travel to Cuba. Section 16 now provides that a civil penalty may be imposed on any person who violates any license, order, rule, or regulation issued in compliance with the provisions of TWEA. Section 515.701(a)(3) of the Regulations, as recently amended pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, sets the amount of that civil penalty at up to \$55,000 per violation.

Sincerely,



R. Richard Newcomb
Director

Office of Foreign Assets Control

Mr. Robert Guild
Marazul Tours Inc.
Tower Plaza
4100 Park Avenue
Weehawken, New Jersey 07087

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF MASSACHUSETTS

99 CHAUNCY STREET, SUITE 310, BOSTON, MASSACHUSETTS 02111

John Reinstein
Legal Director

(617) 482-3170
Fax (617) 451-0009

July 21, 1997

BY FAX

202-736-4476

Michael Ranneberger
Director of the Office of Cuban Affairs
Department of State
Washington, DC

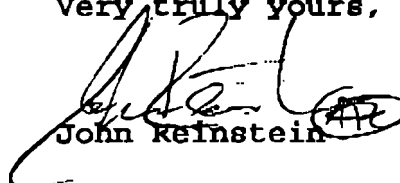
Dear Mr. Ranneberger:

I appreciated having the opportunity to speak with you Friday evening concerning the Festival and Conference on Youth and Students. When we spoke, you raised two points about the Conference which, from your perspective, weighed against the approval of the pending license applications: (1) the claims by Cuba that it would profit from the Conference; and (2) the "political" nature of the Conference agenda.

In particular, you referred to statements which have appeared in Granma and other Cuban sources to the effect that the Cubans expected to make a profit from the Conference, referring to their hosting of the Conference as "event tourism." As you know, the fee paid by Conference participants is only \$250. It is my understanding that this amount is intended to cover room and board for the ten days of the Conference, travel within Cuba, and the cost of putting on the Conference, including the travel and expenses of speakers and the cost of providing appropriate facilities. While Cuba may be claiming, for any number of reasons, that it will profit from hosting the Conference, that profit will not come from the \$250 fee paid by participants. To be sure, some Conference participants will extend their stay and will spend money on activities related to tourism. This group, however, will not include the participants from the United States who have applied for a license to travel to Cuba, as the license which has been requested does not permit them to extend their stay at either end of the Conference. This would seem to preclude any significant profit to Cuba from any travel that would be licensed.

You also restated a concern which has been expressed by officials at the Treasury Department: that the agenda of the Conference would promote political views of the Cuban government and, for this reason, the Conference was not considered to be "educational." To say that the Conference is "political" does not mean that it is not "educational." Educational programs concerning political science, political economy, or public policy necessarily involve consideration of political values. It seems to me that any attempt to distinguish between programs with "good" politics and those with "bad" politics will raise serious problems under the First Amendment. And even assuming that one could lawfully make such a distinction, it should be done in accordance with clearly delineated regulatory standards and not on an ad hoc basis framed by the subjective views of the licensing officials.

Very truly yours,


John Reinstein

JR/acf

cc: John Shattuck, Assistant Secretary of State
Steven Pinter, OFAC
Scott Busby, NSC

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF MASSACHUSETTS
99 CHAUNCY STREET, SUITE 310, BOSTON, MASSACHUSETTS 02111

John Reinstein
Legal Director

(617) 482-3170
Fax (617) 451-0009

June 23, 1997

BY FAX

Steven I. Pinter
Chief of Licensing
Office of Foreign Assets Control
Department of the Treasury
Washington, D.C. 20220

Re: 14th World Festival and Conference of Youth and Students

Dear Mr. Pinter:

I am writing on behalf of several individuals who have applied, through Marazul Tours, Inc., for licenses to travel to Cuba to participate in the 14th World Festival and Conference of Youth and Students in July.

As you know, Marazul forwarded to your office on April 11 the applications of 50 individuals who wished to participate in the conference. The application included a description of the conference and the statements of the individual applicants describing their interest in the subject matter of the conference and their involvement in formally organized student and youth activities. Each sought a license to travel to Cuba solely for the duration of the conference.

Notwithstanding the mandatory language of 31 CFR § 515.419 (a), which provides that travel "will be licensed upon submission of an adequate written application [for] attendance at a meeting or conference held in Cuba by a person with an established interest in the subject matter of the meeting or conference, the Office of Foreign Assets Control denied the application for a license because "the statements submitted by the individual applicants reflect optional self-directed activities which do not fall within the scope of clearly defined educational activities."

To be sure, the travel authorized by § 515.460 must be for "clearly defined educational purposes." That language, however, expressly includes conferences which

Steven I. Pinter

June 23, 1997

Page 2

are "consistent with § 515.419." It has, moreover, been interpreted broadly by OFAC to permit travel for a variety of conferences which had educational purposes comparable to the Festival and Conference of Students and Youth. Examples of these conferences are cited in Robert Guild's letter to Jeff Braunger requesting reconsideration of OFAC's denial of the license. Indeed, it is my understanding that the policy of OFAC has been to license travel for conferences which have broadly formulated educational purposes and which are not limited to particular professions or academic disciplines,

Based on the language of the applicable regulation and on OFAC's past licensing practice, I believe that the applicants qualify for a license to participate in the conference under 31 CFR § 515.419(a) and would not be engaged in "optional self-directed activities." The conference in Cuba has been organized by a coalition of international youth organizations which regularly sponsors the meeting in various countries. This is the fourteenth such meeting. Its purpose is to address thirteen issues of concern to youth around the world, not to promote tourism in Cuba. The applicants have an established interest in the subject matter of the conference. They are individuals who are active in youth and student organizations. Many of them hold leadership positions. They include the president of the United States Student Association, the national coordinator of the Student Environmental Action and members of such diverse groups as the Rainbow Youth Coalition, Students for Global Solidarity and the University of California Student Association.

The licenses are not sought for travel which is primarily tourist travel, and the activities of the participants in the conference are neither optional nor self-directed. It is my understanding that participants in the conference will be required to attend plenary sessions and the meetings of the working group which will focus on the issue that they have selected. These will all be held in Havana. The participants in each of the working groups will travel to a provincial site for three days where they will remain together before returning to Havana for the final sessions of the conference. There is no opportunity for participants to travel on their own during the conference and the licenses have been sought only for the duration of the conference.

Finally, I would note that the Office of Foreign Assets Control has previously licensed otherwise restricted travel to attend this conference. In 1989, OFAC issued a license (No. B-91550) through Anniversary Tours, Inc. permitting up to 100 persons to attend the 13th World Festival of Youth and Students in Pyongyang, North Korea.

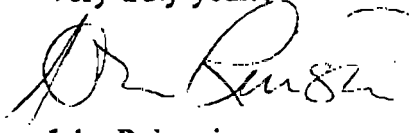
Steven I. Pinter

June 23, 1997

Page 3

When I spoke to Mr. Braunger about this matter, he indicated that Marazul's request for reconsideration would be treated as a new application and would not be reached for some time. Given the amount of time that it took to act on the initial application, I am concerned that, even if the license were granted, we would not have an answer in time to permit many of the applicants to travel to Cuba. Accordingly, I request that you promptly review Marazul's request for reconsideration of the application and grant the licenses for travel in connection with the conference.

Very truly yours,



John Reinstein

JR:acf

cc: Victor Vockerodt, Department of State
Selena Moe, OFAC
Jeff Braunger, OFAC



Marazul Tours Inc.
Tower Plaza, 4100 Park Ave.
Weehawken, NJ 07087
Tel. (201) 319-9670
Outside NJ 800-223-6334
Fax (201) 319-9009

3 June 1997

Mr. Stephen Pinter
Chief of Licensing
Office of Foreign Assets Control
U.S. Department of the Treasury
1500 Pennsylvania Ave NW, 2nd ANX
Washington DC 20220

Dear Mr. Pinter,

Re: **FAC No. C-33778**
14th World Festival & Conference of Youth and Students
Havana, Cuba
27 July-6 August 1997

Thank you for your letter dated 30 May 1997 responding to and denying the license applications of the 50 individuals we had submitted to you on April 11 and May 12, 1997.

We are concerned, however, that your denial does not respond to our specific request for these individuals to attend and participate in this international conference.

Under Section 515.419 (Travel related to educational activities), "transactions related to travel and maintenance in Cuba for the following activities will be licensed upon submission of an adequate written application:

- (I) Attendance at a meeting or conference held in Cuba by a person with an established interest in the subject matter of the meeting or conference, provided that:
 - (i) The meeting or conference is organized by an international institution or association that regularly sponsors meetings or conferences in other countries; and
 - (ii) The purpose of the meeting or conference is not the promotion of tourism in Cuba or other commercial activities involving Cuba."

We have requested many such licenses for individuals and groups of individuals to attend such conferences which have been licensed by your office including conferences and meetings of the Women's International League for Peace and Freedom - January 21-31, 1996, the International Geriatrics Congress - May 5-12, 1996, American Association of Jurists - July 7-14, 1996, Health Psychology Meeting - October 13-20, 1996, the Organization of Solidarity of the Peoples of Africa, Asia, and Latin America - November 17-21, 1996, and the Pediatric Nephrology Conference, November 17-20, 1996,

For these international conferences and for the World Festival & Conference of Youth and Students, we submitted similar letters from the international sponsors indicating that they had regularly sponsored meetings and conferences in other countries. You requested no further information from us on the World Festival & Conference of Youth and Students, but we would be happy to send the detailed program to you listing the seminars, workshops, debates and interchanges which will take place.



JUN 04 '97 14:56 MARAZUL TOURS INC. N.J.

P.3

Broadly-themed international conferences are quite common and the United States regularly attends such meetings. For instance at the International Women's Conference held in Beijing, the U.S. delegation was led by First Lady Hillary Rodham Clinton.

Licensing the participants for the World Festival & Conference of Youth and Students is also consistent with past OFAC policy. In 1989, the participants to the last World Youth Festival were licensed by OFAC for their arrangements in Pyongyang, North Korea (License No. B-91550 issued May 15, 1989).

For the past conferences listed above and for others, the only criteria listed in the regulations and which has been requested by your office has been that each applicant must demonstrate "an established interest in the subject matter of the meeting or conference". As indicated in my letters of application, the subject matter of the World Festival & Conference of Youth and Students are the issues confronting the young generation today including but not limited to:

- Efforts demanding education geared toward the 21st century and accessible to all.
- Health care for all people.
- Youth's involvement in struggles for human rights, justice and democracy.
- Anti-racism, anti-discrimination and anti-chauvinism struggles.
- Struggles for a clean and safe environment in which to grow up.
- Attempts to create sustainable economies which will provide meaningful jobs for young people.
- The involvement of young people in the struggles for peace and against imperialism and for national sovereignty and independence.
- The struggles of young women for reproductive rights and against discrimination.
- Science and technology.
- Issues affecting children.
- Culture and social communication.
- International youth and student movements.

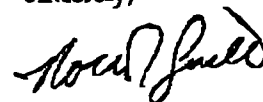
Each applicant has submitted to you a letter which indicates their past history and established interest in these issues as required by this section.

The applicants are not traveling for the purposes of tourism nor are they traveling for self-directed educational activities that are intended for personal enrichment.

We respectfully request that you re-consider the applications of these 50 individuals to attend this international conference. We further respectfully request a timely response: it has been nearly two months since our initial request and the individuals will need to make their travel arrangements very soon.

Thank you very much for your consideration.

Sincerely,



Robert Guild
Marazul Tours, Inc.

Form TPAC-2
Treasury Department
Foreign Assets Control

License No. B-91550
Date: May. 15, 1989

L I C E N S E

(GRANTED UNDER THE AUTHORITY OF SECTION 5(b) OF THE TRADING WITH THE ENEMY ACT, AS AMENDED, EXECUTIVE ORDER NO. 9193 OF JULY 6, 1942, EXECUTIVE ORDER NO. 9889 OF AUGUST 20, 1943, AND CHAPTER V, SUBTITLE B OF TITLE 31 OF THE CODE OF FEDERAL REGULATIONS)

To Anniversary Tours, Inc. . . .
330 7th Avenue, Suite 1700
New York, New York 10001
Address of Licensee

TO: U.S. National Preparatory
Committee
45 John Street, Suite 811
New York, New York 10038

Sirs:

letters of March 3 and Feb. 9, 1989,

1. Pursuant to your application of xxxxxxxxxxxxxxxxxxxxxxxxxx the following transaction is hereby licensed:

* * * * *
SEE REVERSE
* * * * *

2. This license is granted upon the statements and representations made in your application, or otherwise filed with or made to the Treasury Department as a supplement to your application, and is subject to the conditions, among others, that you will comply in all respects with all regulations, rulings, orders and instructions issued by the Secretary of the Treasury under the authority of section 5(b) of the Trading With the Enemy Act, as amended, and the terms of this license.

3. The licensee shall furnish and make available for inspection and relevant information, records or reports requested by the Secretary of the Treasury, the Federal Reserve Bank of New York, or any other duly authorized officer or agency.

4. This license expires July 31, 1989, is not transferable, is subject to the provisions of Chapter V, Subtitle B of Title 31 of the Code of Federal Regulations, and any regulations and rulings issued pursuant thereto and may be revoked or modified at any time in the discretion of the Secretary of the Treasury acting directly or through the agency through which the license was issued, or any other agency designated by the Secretary of the Treasury. If this license was issued as a result of willful misrepresentation on the part of the applicant or his duly authorized agent, it may, in the discretion of the Secretary of the Treasury, be declared void from the date of its issuance, or from any other date.

Issued by direction and on behalf of the Secretary of the Treasury.

FOREIGN ASSETS

By . . .

Richard Newcomb
Richard Newcomb
Director

The Act of October 6, 1917, as amended, provides in part as follows:

**** whoever willfully violates any of the provisions of
or regulation issued thereunder, shall, upon conviction, be

P.02 80265131221

01

FROM 08-37AM 06-04-1987 08:37AM

B-91550:

1. Anniversary Tours, Inc. and the U.S. National Preparatory Committee are hereby authorized to arrange for travel to North Korea by up to 100 persons to attend the 13th World Festival of Youth & Students to be held in Pyongyang, North Korea, July 1, 1989 through July 8, 1989.
2. This license does not authorize the booking of air passage to or from North Korea with any North Korean air carrier, or use of other North Korean international travel facilities.
3. It is a condition of this license that a report shall be filed no later than July 30, 1989 listing the number of persons for whom travel arrangements were made; a description of the air and ground transportation arrangements made; and the total amount of funds transferred to North Korea or a North Korean entity in connection with transactions performed pursuant to this license.

[illegible]



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

30 MAY 1997

FAC No. C-33778

Dear Mr. Guild:

This is in response to your letters dated April 11, 1997, and May 12, 1997, requesting authorization under section 515.419 of the Code of Federal Regulations, 31 C.F.R. Part 515 (the "Regulations"); to permit fifty individuals to engage in travel transactions in Cuba for clearly defined educational activities in attending the 14th World Festival of Youth and Students (the "Festival").

The Festival brochures states that the "Festival brings young people from all around the world to meet, exchange ideas, conduct seminars and workshops, debates and discuss issues confronting the young generation."

The Cuban Assets Control Regulations, 31 C.F.R. Part 515 (the "Regulations"), administered by the Office of Foreign Assets Control, prohibit all unlicensed economic transactions in which Cuba or a Cuban national has an interest. This prohibition includes all travel transactions unless otherwise authorized in section 515.560 of the Regulations (copy enclosed).

The statements submitted by the individual applicants reflect optional self-directed activities which do not fall within the scope of clearly defined educational activities. Sub-paragraph (b) of section 515.419 provides that travel transactions related to self-directed educational activities that are intended for personal enrichment will not be licensed. Accordingly, your request for a license to permit the fifty individuals to engage in travel transactions for the purpose of attending the Festival is hereby denied.

Sincerely,


Steven I. Pinter
Chief of Licensing
Office of Foreign Assets Control

Robert Guild
Marazul Tours Inc.
Tower Plaza, 4100 Park Avenue
Weehawken, New Jersey 07087

Enclosure

MAY 31 '97 12:18 MARAZUL TOURS INC. N.J.

P.5



Marazul Tours Inc.
Tower Plaza, 4100 Park Ave.
Weehawken, NJ 07087
Tel. (201) 319-9870
Outside NJ 800-223-5334
Fax (201) 319-8009

11 April 1997

Mr. Jeff Braunger
Office of Foreign Assets Control
U.S. Department of the Treasury
1500 Pennsylvania Ave NW, 2nd ANX
Washington DC 20220

Dear Mr. Braunger,

Re: 14th World Festival & Conference of Youth and Students
Havana, Cuba
27 July-6 August 1997

On behalf of the attached list of applicants, we are applying for a specific license pursuant to Paragraph 515.419 (1) of Title 31, Code of Federal Regulations authorizing them to engage in transactions incidental to their travel to Cuba to engage in clearly defined educational activities, specifically to attend an international conference, that is, to participate in the 14th World Festival & Conference of Youth and Students scheduled from July 27-August 6, 1997.

As indicated in the attached letter from Olivier Meier, President of the International Coordinating Committee which is composed of representatives from 12 nations and 5 international youth organizations, this is the 14th World Festival of Youth and Students. Previous meetings have taken place throughout the world including Prague, Helsinki, Vienna and Moscow.

I have attached statements from each applicant indicating an established interest in the subject of the World Festival & Conference of Youth and Students- that is, the issues of concern to young people in today's world, including but not limited to the topics listed below:

- Efforts demanding education geared toward the 21st century and accessible to all.
- Health care for all people.
- Youth's involvement in struggles for human rights, justice and democracy.
- Anti-racism, anti-discrimination and anti-chauvinism struggles.
- Struggles for a clean and safe environment in which to grown up.
- Attempts to create sustainable economies which will provide meaningful jobs for young people.
- The involvement of young people in the struggles for peace and against imperialism and for national sovereignty and independence.
- The struggles of young women for reproductive rights and against discrimination.
- Science and technology.
- Issues affecting children.
- Culture and social communication.
- International youth and student movements.

We are requesting licenses for each applicant for 11 days not counting the day of arrival and day of departure.



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OF MASSACHUSETTS
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Fax (617) 451-0009
Tel. (617) 482-3170

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TO: SCOTT BARRY, NSC

FROM: JOHN REINSTEIN

DATE: 8/7/97

TO FAX NO.: 202-456-9140

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LAST PAGE OF 22 PAGE

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P.02

MAY 31 '97 12:18 MARAZUL TOURS INC. N.J.

P.6

Please let me know if you will require any additional information. Thank you.

Sincerely,

**Robert Guild
Marazu! Tours, Inc.**



United States Department of State

Washington, D.C. 20520

July 30, 1997

Mr. John Reinstein
American Civil Liberties Union
Foundation of Massachusetts
Boston, Massachusetts

Dear Mr. Reinstein:

I am writing in response to your letter of July 21 regarding the World Youth Festival in Havana.

As you know, Treasury's Office of Foreign Assets Control has affirmed the denial of the license applications to attend this event because the sponsoring organization of the Festival, the World Federation of Democratic Youth, does not satisfy the requirement in the regulations that the organization regularly sponsor such international meetings or conferences.

I would refer you to the Office of Foreign Assets Control for any discussion of the details of the decision.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael E. Ranneberger".

Michael E. Ranneberger

CC:

John Shattuck, Assistant Secretary of State
Steve Pinter, OFAC
Scott Busby, NSC

US DEPARTMENT OF STATE
Office of the Spokesman

For Immediate Release

Updated and Revised
August 5, 1997

FACT SHEET

THE U.S. EMBARGO AND HEALTHCARE IN CUBA: MYTH VERSUS REALITY

"Our country has gone from preventive medicine...to sophisticated medicine, and today we have things that no one else has." Fidel Castro, March 1997.

SUMMARY

There is substantial misunderstanding and misinformation about the present state of healthcare in Cuba, including the accusation, which is not true, that it is U.S. policy to deny medicine or medical supplies and equipment to the Cuban people.

The healthcare available to the average Cuban has deteriorated because the Cuban government has directed its increasingly scarce resources elsewhere. While not providing basic medical needs to its people, the Cuban government has developed a closed, parallel healthcare system for the Communist Party elite, foreign "health tourists," and others who can pay for services in hard currency.

The Cuban Democracy Act of 1992 permits the exports of medicine, medical supplies and equipment to Cuba by American companies and their subsidiaries, provided appropriate end-use monitoring arrangements are in place. Since 1992 the U.S. has approved 36 of 39 license requests for medical sales. Thirty-one (31) licenses were for the commercial sales of medicines, medical equipment, and related supplies to Cuba. Five (5) licenses were for travel to Cuba by representatives of American pharmaceutical companies to explore possible sales. During the same period, the U.S. has licensed over \$227 million in humanitarian donations of medicines and medical equipment. This total does not include the millions of dollars in medicines sent to Cuban nationals in the form of gift packages from groups and individuals in the U.S.

THE IMPACT OF CUBA'S ECONOMIC CHOICES

Cuba's economy is in disarray because of the government's continued adherence to a dysfunctional economic model. This decline has directly affected the health of ordinary Cubans. Lack of chlorinated water, poor nutrition, deteriorating housing and generally unsanitary conditions have increased the number of cases of infectious diseases, especially in concentrated urban areas like Havana.

The grave economic problems in Cuba were exacerbated by the demise of the Soviet Union and the ending of the \$5 billion in subsidies that the USSR gave annually to the Cuban government. Cuba had made significant advances in the quality of healthcare available to average citizens as a result of these subsidies. However, it devoted the bulk of its financial windfall to maintaining an out-sized military machine and a massive internal security apparatus.

The end of Soviet subsidies forced Cuba to face the real costs of its healthcare system. Unwilling to adopt the economic changes necessary to reform its economy, the Cuban government soon faced a large budget deficit. In response, the Cuban government made a deliberate decision to continue to spend money to maintain its military and internal security apparatus at the expense of other priorities -- including healthcare.

According to the Pan American Health Organization, the Cuban government currently devotes a smaller percentage of its budget to healthcare than such countries as Jamaica, Costa Rica and the Dominican Republic.

HEALTHCARE IN CUBA: "MEDICAL APARTHEID" AND HEALTH TOURISM

Not everyone in Cuba receives substandard healthcare. Senior Cuban Communist Party officials and those who can pay in hard currency have access to first-rate medical services.

This situation exists because the Cuban government has chosen to develop a two-tiered medical system -- the deliberate establishment of a kind of "medical apartheid" -- that funnels money into services for a privileged few, while depriving the healthcare system used by the vast majority of Cubans of adequate funding.

Following the loss of Soviet subsidies, Cuba developed special hospitals and set aside floors in others for exclusive use by foreigners who pay in hard currency. These facilities are well-equipped to provide their patients with quality modern care. Press reports indicate that during 1996 more than 7,000 "health tourists" paid Cuba \$25 million for medical services.

Cuba's "Medical Technology Fair" held April 21-25, 1997 presented a graphic display of this two-tier medical system. The fair displayed

an array of both foreign and Cuban-manufactured medicines and high-tech medical equipment and services items not available to most Cubans. The fair showcased Cuban elite hospitals promoted by "health tourism" enterprises such as SERVIMED and MEDICUBA.

Members of the Cuban Communist Party elite and the military high-command are allowed to use these hospitals free of charge. Certain diplomatic missions in Havana have been informed that their local employees can be granted access privileges to these elite medical facilities -- if they pay in dollars.

The founder of Havana's International Center for Neurological Restoration, Dr. Hilda Molina, quit her position in 1994, after refusing to increase the number of neural transplant operations without the required testing and follow-up. She expressed outrage that only foreigners are treated. Dr. Molina resigned from her seat in the national legislature and returned the medals Fidel Castro had bestowed on her.

In 1994, Cuba exported \$110 million worth of medical supplies. In 1995, this figure rose to \$125 million. These earnings have not been used to support the healthcare system for the Cuban public. In fact, tens of millions of dollars have been diverted to support and subsidize Cuba's biomedical research programs -- money that could have been used for primary care facilities.

Another means of earning foreign exchange at the expense of providing health-care to ordinary Cubans is the government's policy of exporting its doctors to other countries. Three hundred Cuban doctors are in South Africa alone. In the early 1990's, Cuba reportedly planned to have 10,000 physicians abroad by the turn of the century.

A group of Cuban doctors who recently arrived in the United States said they were "mystified" by claims in a recent report of the American Association for World Health (AAWH) that the United States embargo is to be blamed for the public health situation in the country.

According to these doctors, "we...can categorically and authoritatively state that our people's poor health care situation results from a dysfunctional and inhumane economic and political system, exacerbated by the regime to divert scarce resources to meet the needs of the regime's elite and foreign patients who bring hard currency."

Referring to the growing disparity between healthcare provided to ordinary Cubans and that offered to tourists and high ranking Communist party members, the Cuban doctors noted that they *"wish that any one of us could provide tours to foreign visitors of the hospitals Cira Garcia, Frank Pais, CIMEQ, and Hermanos Ameijeiras, in order to point out the medicines and equipment, even the bedsheets and blankets, reserved for regime elites or dollar-bearing foreigners, to the detriment of our people, who must bring their own bedsheets, to say nothing of the availability of medicines."*

This statement is supported by the latest available trade figures for Cuba (1995). Cuba's imports totaled 2.8 billion dollars, yet only 46 million dollars -- only 1.5 percent of overall foreign purchases -- was spent on medical imports for its 11 million people. In comparison, the Dominican Republic, Cuba's neighbor, spent 208 million dollars on medical imports for its 7.5 million citizens in 1995.

U.S. SALES OF MEDICINES AND MEDICAL SUPPLIES TO CUBA

The US embargo does NOT deny medicines and medical supplies to the Cuban people. As stipulated in Section 1705 of the **Cuban Democracy Act of 1992**, the US Government is authorized to issue licenses for the sale of medicine and medical supplies to Cuba. The major requirement for obtaining a license is to arrange for end-use monitoring to ensure that there is no reasonable likelihood that these items could be diverted to the Cuban military, used in acts of torture or other human rights abuses, or re-exported or used in the production of biotechnological products. Monitoring of sales can be performed by independent non-governmental organizations, international organizations, or foreign diplomats.

Since 1992, 36 of 39 license requests have been approved for U.S. companies and their subsidiaries for sales of medical items to Cuba. Thirty-one (31) licenses were for the commercial sale of medicines, medical equipment, and related supplies to Cuba. Five (5) licenses were for travel to Cuba by representatives of American pharmaceutical companies to explore possible sales. Licenses have included such items as a liquid chromatography gradient programmer with pump and cable kit; Pentaspan (pentastarch); lab columns; filtration gels and expendables; T 380A IUDs; IMAP (fluspirilene); Thalamonal (fentanyl citrate); Depo-Provera contraception injection; Prostin VR pediatric sterile solution (alprostadiol); syringes; an Ortho cytron absolute flow cytometer; catheters; medical diagnostic kits; and fine chemicals for medical and scientific research. The total dollar figure for these licensed transactions was at least \$1,665,909. The Department of Commerce declined three requests for licenses. These exceptions to the general policy of approving commercial medical sales with appropriate end-use monitoring occurred in 1993 and 1994.

Moreover, the U.S. embargo on Cuba affects only U.S. companies and their subsidiaries and other companies whose products contain more than 10 percent U.S. content. Other nations and companies are free to trade with Cuba. Should Cuba choose not to purchase from the U.S., it can purchase medicine or medical equipment from other countries. Such third country transactions only cost an estimated 2-3 percent more than purchases from the U.S. as a result of higher shipping costs.

HUMANITARIAN ASSISTANCE

The **Cuban Democracy Act** encourages the donation of humanitarian supplies to the people of Cuba, including medicine, food, and clothing.

Since the passage of the **Cuban Democracy Act**, the U.S. has become the largest donor of humanitarian assistance to Cuba. Much of the humanitarian assistance by U.S. non-governmental organizations consists of medicines and medical equipment. The US Government has licensed more than \$227 million in humanitarian donations of medicines and medical supplies to Cuba over the last four years.

U.S. humanitarian assistance has been distributed throughout the island, including to medical clinics. Monitoring is not required for donations of medicines for humanitarian purposes to non-governmental organizations in Cuba. During 1996 and through July of 1997 the Treasury Department's Office of Foreign Assets Control (OFAC) had issued 68 licenses for delivery of humanitarian goods to Cuba and 44 for humanitarian needs assessments. During the same period the Department of Commerce approved 123 licenses for humanitarian donations; none were denied.

In addition it is believed that the single largest source of medicines used in Cuba today is the large volume of gift packages sent to Cuban nationals by organizations and individuals living in the US. These gift packages are estimated to be worth millions of dollars annually.

MEDICAL CONTACTS

In addition to providing licenses for both humanitarian assistance and commercial sales of medical items, the U.S. has issued 21 visas to Cuban medical doctors in 1997 to attend medical congresses and/or visit U.S. medical institutions. Cuban doctors have visited the Center for Disease Control, the University of Puerto Rico (BioEthics Congress), the American Academy of Orthopedic Surgeons Annual Meeting, the Johns Hopkins University/Johns Hopkins Schools of Medicine, University of North Carolina at Chapel Hill/Duke University (HIV infections), the Marmer Medical Eye Center, and the American Academy of Neurology (Parkinsons Disease). In 1996 visas were issued to some 125 researchers in the natural sciences, most of whom were doctors and biotechnologists. The doctors who traveled worked for the Ministry of Public Health in hospitals and clinics throughout Cuba.

OFAC has issued a number of licenses for U.S. medical personnel to travel to Cuba. In January of this year, ORBIS International, a non-profit, humanitarian organization dedicated to fighting blindness, received a license to conduct a three-week training program of Cuban ophthalmic professionals. The training program included hands-on training in the diagnosis and treatment of childhood eye disorders, cataracts, glaucoma and diseases of the retina. The training emphasized corneal transplants, technical skills and hands-on use of ophthalmic technical equipment.

The Disarm Education Fund, in conjunction with medical personnel from the University of Southern California's University Hospital Center for Arthritis and Joint Implant Surgery, was licensed to lecture Cuban medical staff on procedures for performing knee and hip replacement operations on Cuban civilian patients. These U.S. medical personnel also trained Cuban orthopedic physicians to perform surgical implants and in techniques for the treatment of arthritic hip and knee joints.

Personnel of the Centers for Disease Control and Prevention (CDC) have been licensed since 1994 to attend specialized medical congresses, such as the 5th Latin American Tropical Medicine Congress. CDC personnel also verified that Cuban Health Authorities performed medical examinations that complied with U.S. laws and regulations on immigrant applicants. CDC scientists discussed with their Cuban counterparts data on the circulation of vaccine related to polio virus following mass administration of oral polio vaccines; lectured on communicable diseases and surveillance in emergencies; conducted a one-week training course on influenza and laboratory procedures for typing/subtyping influenza strains; and collaborated in an extensive investigation of an epidemic of optic neuropathy in Cuba that was accepted for publication.

TECHNICAL INFORMATION FOR LICENSE REQUESTS

License applications are required for financial transactions related to travel and the shipping of commodities, whether humanitarian donations or commercial sales. Applications for travel licenses are submitted to the Office of Foreign Assets Control (OFAC) in the Department of the Treasury. License applications for commercial sale and humanitarian shipping of medical supplies are submitted to the Bureau of Export Administration, Department of Commerce. However, overseas subsidiaries of U.S. companies that require a license to sell medicine to Cuba must apply to OFAC. Please note that OFAC has a Fax-On-Demand Service with complete information, which can be reached at (202) 622-0077.

Please send Department of Commerce applications to:

Office of Exporter Services
P.O. Box 273
Bureau of Export Administration
Department of Commerce
Washington, D.C. 20230
PHONE: (202) 482-4811 FAX: (202) 482-3617

Please send OFAC applications to:

Director of the Office of Foreign Assets Control
Department of the Treasury
1500 Pennsylvania Avenue, N.W. -- Annex
Washington, D.C. 20220
PHONE: (202) 622-2480 FAX: (202) 622-1657

Licence (Cuba)

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TO: Scott Busby, NSCFROM: John Reinstein, Legal Director of the ACLUF of MassachusettsDATE: July 21, 1997TO FAX NO.: 202-456-9140IF PROBLEMS, CALL: Arthur Fenno, Legal Secretary, x318TOTAL PAGES (including this sheet): 3

Re: _____

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John Reinstein
Legal Director

(617) 482-3170
Fax (617) 451-0009

July 21, 1997

BY FAX

202-736-4476

Michael Ranneberger
Director of the Office of Cuban Affairs
Department of State
Washington, DC

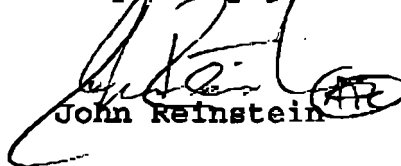
Dear Mr. Ranneberger:

I appreciated having the opportunity to speak with you Friday evening concerning the Festival and Conference on Youth and Students. When we spoke, you raised two points about the Conference which, from your perspective, weighed against the approval of the pending license applications: (1) the claims by Cuba that it would profit from the Conference; and (2) the "political" nature of the Conference agenda.

In particular, you referred to statements which have appeared in Granma and other Cuban sources to the effect that the Cubans expected to make a profit from the Conference, referring to their hosting of the Conference as "event tourism." As you know, the fee paid by Conference participants is only \$250. It is my understanding that this amount is intended to cover room and board for the ten days of the Conference, travel within Cuba, and the cost of putting on the Conference, including the travel and expenses of speakers and the cost of providing appropriate facilities. While Cuba may be claiming, for any number of reasons, that it will profit from hosting the Conference, that profit will not come from the \$250 fee paid by participants. To be sure, some Conference participants will extend their stay and will spend money on activities related to tourism. This group, however, will not include the participants from the United States who have applied for a license to travel to Cuba, as the license which has been requested does not permit them to extend their stay at either end of the Conference. This would seem to preclude any significant profit to Cuba from any travel that would be licensed.

You also restated a concern which has been expressed by officials at the Treasury Department: that the agenda of the Conference would promote political views of the Cuban government and, for this reason, the Conference was not considered to be "educational." To say that the Conference is "political" does not mean that it is not "educational." Educational programs concerning political science, political economy, or public policy necessarily involve consideration of political values. It seems to me that any attempt to distinguish between programs with "good" politics and those with "bad" politics will raise serious problems under the First Amendment. And even assuming that one could lawfully make such a distinction, it should be done in accordance with clearly delineated regulatory standards and not on an ad hoc basis framed by the subjective views of the licensing officials.

Very truly yours,


John Reinstein

JR/acf

cc: John Shattuck, Assistant Secretary of State
Steven Pinter, OFAC
Scott Busby, NSC

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006a. note	To: Special Assistant to the President and Senior Director for Democracy; Re: Please call ... (1 page)	00/00/0000	P3/b(3), b(7)(C)

COLLECTION:

Clinton Presidential Records
National Security Council
Multilateral & Humanitarian Affairs (Busby, Scott)
OA/Box Number: 1891

FOLDER TITLE:

Cuba Policy

2016-0920-F
sb2132

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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006b. report	Caribbean Leaders (7 pages)	10/31/1997	P1/b(1)

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Clinton Presidential Records
National Security Council
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Cuba Policy

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