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The Song Remains the Same: Cuban and Cuban-American Reactions to the New US Government Regulations

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Introduction: Yet Another Push for Regime Change?

For more than forty-five years, the United States has been unsatisfied with the regime in Cuba. Using overt military force, covert action, diplomatic isolation, and economic sanctions, the United States government has tried to enact regime change on this Caribbean island. The most recent manifestation stems from the recommendations of the Commission for Assistance to a Free Cuba. As the Commission’s report notes in its Forward, “President Bush formed the U.S. Commission ... to explore ways [the US] can help *hasten* and ease Cuba's democratic transition (U.S. Commission, 2004, emphasis added). In the official mission of the Commission, the first objective of the group was to identify ways to bring about regime change in Cuba (Mission and Members, 2003). Thus, the official purpose of the new regulations enacted in 2004 is to destroy the current government of Cuba.

Some critics of the United States government’s decades-long policy toward Cuba argue that rather than regime change, US policy fosters regime maintenance. That is, the hostility of the United States government creates a power set of conditions that facilitate the continuation of the Castro regime. Shortcomings in living standards and attainment of revolutionary goals can be laid at the feet of the US embargo. The Cuban leadership is able to equate support for the

revolution with patriotism. Furthermore, opposition to the regime – heralded by the US government – is cast as “anti-nationalistic.” Opponents of Castro in Cuba fully understand the situation. Letters were written by opposition figures and delivered to the US Interest Section, rejecting the new measures. Yet in the United States, public policy toward the island seems firmly centered on deepening the hardline against the regime.

This paper assesses the impact of the measures on domestic politics in Cuba and the United States. We begin by establishing the status of US-Cuban relations during the 1990s and early part of the 2000s. We then turn to the May 6th announcement by President George W. Bush and a review of the actual policy changes enacted in May 2004. The reasons behind the altered policies – both stated and implied – are then explored. Next we examine the impact of these new regulations on Cubans and Cuban-Americans. Drawing upon interviews conducted in Cuba as well as survey data from Cuban-Americans, we investigate whether or not the goals of the policy have been or are likely to be achieved. We conclude with a short discussion concerning the most recent responses of the Cuban government. The evidence is clear: both US policy and Cuban policy hurt individual Cubans, most of whom are not supportive of the new regulations. Most unusually, even parts of the Cuban-American community expresses discontent with the new regulations. While the current policies seem to be firmly in place, the desired outcome – regime change – appears as remote as previously.

So, where does US foreign policy toward Cuba seem likely to go? All of the rhetoric suggests a continuation of the Bush Administration’s hardline toward the Castro regime. In her confirmation hearing, Secretary of State Rice called Cuba one of the “outposts of tyranny” in the world. As such, the United States was required to not rest until every person under such a regime had finally won their freedom. The Secretary also articulated an active role for the United States government in defeating such tyranny (Rice, 2005). The Cuban government has also hardened its rhetoric, calling the United States a gross violator of human rights and warning of US attempts to subvert national sovereignty in Cuba and Venezuela.

Yet there is behavior that contradicts all of this bellicose language. US governors and other elected officials travel to Cuba frequently, seeking to increase the trade between the two countries that has grown since the late 1990s. These elected officials are greeted warmly in Cuba and frequently feted around the country. It is important to remember that the new regulations did nothing to stop the sale of agricultural products that has been allowed for several years now. Polls indicate that more Americans support trade with Cuba than support the embargo (Chicago Foreign Relations Council, 2004). In addition, in February 2005, 20 Senators (10 Republicans and 10 Democrats) co-sponsored legislation to expand and facilitate the sale of US goods to Cuba. All of this suggests that a change in policy is possible. However, past history implies that incremental change at the margins is most likely, while both states await the inevitable transition in leadership that will occur when Fidel Castro dies.

US Policy Toward Cuba: Taking Stock After the Fall of Communism

After the demise of socialism in Eastern Europe and the end of Soviet subsidies, many anticipated a quick transition from communism in Cuba as well. In 1992, then President George

H. W. Bush stated that “[t]he Castro dictatorship cannot and will not survive” (Bush, 1992). The US government adopted some measures to help speed along the process.

Senator Torricelli sponsored the Cuban Democracy Act. Passed in 1992, it aimed to tighten economic sanctions against Cuba by forbidding foreign subsidiaries of US companies from doing business on the island. However, the act also “authorized the president to implement a range of measures to promote exchanges and contacts between Americans and Cubans” (Council on Foreign Relations, 1999). Measures taken under the act included restored direct phone service between the two countries, the opening of news bureaus in Havana, and an easing of travel restrictions for scholars, artists, and others. The “*balsero* crisis” in 1992, when Castro permitted Cubans to leave the island in rafts led the United States and Cuba signed immigration accords under whose terms 20,000 Cuban citizens are allowed to emigrate to the United States each year, including up to 5,000 Cubans per year who qualify as political refugees. The accords also call for Cubans attempting to enter the United States irregularly to be returned to Cuba.

In 1994 Senator Helms and Representative Burton sought to further pressure the Cuban regime with the *Libertad* legislation. Commonly known as Helms-Burton, the law had four key sections. First, the legislation sought to codify the embargo (which up to that time had been in effect under an executive order). Helms-Burton also spelled out those circumstances that had to take place in order for the embargo to be removed. The law also called for compensation for nationalization of both Americans and Cubans (now residing in the US) who lost property - with interest! In addition, the legislation called for penalties against non-US companies that did business in Cuba, including the denial of US visas for key businessmen.

Yet, the US government also engaged in some constructive engagement with Cuba. In 1998 direct charter flights were reinstated between the US and Cuba. The US government granted permission for Cuban-Americans to send remittances to family members on the island. In 2000, the U.S. Congress passed legislation which allowed certain exceptions from U.S. embargo on Cuba for agricultural and medical exports. Since that time, trade from the US to Cuba has increased: since December 2001, when agricultural trade began, Cuba has purchased more than \$700 million. However, the legislation requires that all transactions are on a cash-and-carry basis, which limits the amount of sales.

The 1990s saw a large increase in legal links between the United States and Cuba. US students traveled to the island to participate in exchange programs. Travelers went to Cuba as part of educational trips sponsored by organizations like Global Exchange. Cuban-Americans flew to the island to visit family members and friends. Businessmen journeyed to Havana and the provinces to make contacts and sign trade deals.

The reversal of these policies began incrementally. First, in March 2003, the Office of Foreign Assets Control (OFAC) issued new regulations that limited educational travel to Cuba to degree-granting institutions only. This effectively ended the “people-to-people” educational trips that had been taking place for several years. These new restrictions proved to be a precursor to the regulations announced in May 2004.

The Commission for Assistance to a Free Cuba and Its Recommendations

In October 2003, President Bush established the Commission for Assistance to a Free Cuba. Secretary of State Colin Powell was named its chair. Members consisted of representatives from:

The Departments of State, the Treasury, Defense, Justice, Interior, Agriculture, Commerce, Labor, Health and Human Services, Housing and Urban Development, Transportation, Energy, Education, Veterans Affairs, and Homeland Security, the United States Agency for International Development, National Security Council, Environmental Protection Agency, Office of Management and Budget, United States Trade Representative, and the Office of National Drug Control Policy. Its mandate focused on five different areas: bringing about a peaceful, near-term end to the dictatorship; establishing democratic institutions, respect for human rights, and the rule of law; creating the core institutions of a free economy; modernizing infrastructure; and meeting basic needs in the areas of health, education, housing, and human services (Mission and Members of the Commission). When announcing the Commission, President Bush stated that

Clearly, the Castro regime will not change by its own choice. But Cuba must change. So today I'm announcing several new initiatives intended to hasten the arrival of a new, free, democratic Cuba. (Bush, October 10, 2003)

When the Commission delivered its report, the President accepted its recommendations fully. In keeping with its mission, there were several difference aspects to the Commission's plan of action.

In order to hasten the fall of the Castro regime, the Commission called for several different new regulations. A number of them dealt with the Cuban-American community. Those wishes to travel to Cuba for family visits have to apply for specific licenses. They may only visit Cuba once every three years. New arrivals from Cuba must wait three year to visit. Authorized per diem has been decreased from \$164 to \$50 per day. Family visits are only permitted to see immediate family, which is stipulated as "grandparents, grandchildren, parents, siblings, spouses, and children" (Commission Recommendations). Regulations concerning remittances have also be revised. In keeping with the travel restrictions, remittances are allowed only for permitted family members, none of whom can be Cuban Communist Party members or Cuban government officials. Cuban-Americans are still permitted to send \$300 per quarter to those who are qualified to receive the money. With regard to gift parcels, rules were amended to limit: (1) eligible recipients to immediate family members (as identified by the Commission); (2) the frequency of non-food gift parcels to once per month per household; and, (3) the types of non-food items that may be included in gift parcels. Gift parcels to Cuban Communist Party members and Cuban government officials are prohibited. The Commission also recommended greater emphasis on law enforcement and "sting operations against 'mule' networks and others who illegally carry money" (Commission Recommendations).

Those beyond the Cuban-American community were also targeted. From the perspective of the US government, action needed to be taken “to deny resources and legitimacy to the Castro regime” and to “eliminate abuses of educational travel programs through tighter regulations” (Commission Recommendations). The educational activities permitted under academic licenses was amended to authorize only full semester programs of study in Cuba by degree-granting institutions for certain students (it must be within their major). In practice, the educational licenses of most universities and colleges in the United States are not being renewed, thereby making even semester-long exchanges impossible (LASA 2004, Cuba Section Meeting).

The Commission also recommended actions aimed at people within Cuba. The President is authorizing “up to \$36 million to carry out democracy-building activities, support for the family members of the political opposition, and to support efforts to help youth, women, and Afro-Cubans take their rightful place in the pro-democracy movement.” Furthermore, the Commission proposed “up to \$18 million for regular airborne broadcasts to Cuba and the purchase of a dedicated airborne platform for the transmission of Radio and Television Mart into Cuba.” And, the Commission also suggested that the US government spend “\$5 million for public diplomacy efforts to disseminate information abroad about U.S. foreign policy, including Castro's record of abusing human rights, harboring terrorists, committing espionage against other countries, fomenting subversion of democratically-elected governments in Latin America, and other actions which pose a threat to United States national interests.” (Recommendations of the Commission)

Some components of the new regulations focused exclusively on the Cuban government. For instance, the Commission called for the US government to “neutralize Cuban government front companies by establishing a Cuban Asset Targeting Group made up of law enforcement authorities to investigate and identify new ways hard currency moves in and out of Cuba.” The Commission’s recommendations include targeting “regime officials for visa denial if they (1) are or were involved in torture or other serious human rights abuses or (2) provided assistance to fugitives from U.S. justice” (Recommendations of the Commission). In practice, the US government has been broadly refusing visa requests for any Cubans that work for the state, including academics who had traditionally traveled to the US for scholarly purposes (LASA 2004, Cuba Section Meeting).

All of the above measures are seen as mechanisms for quickening the demise of the Castro regime. With an eye towards what it considers to be an “inevitable” regime change, the Commission requested the creation of the Transition Coordinator in the State Department. The job of the Coordinator is to “facilitate expanded implementation of pro-democracy, civil-society

building, and public diplomacy projects and to continue regular planning for future transition assistance contingencies” (Commission Recommendations). It is important to note that the Commission’s recommendations include plans to assist the transition to “democracy and a free market economy”(Commission Recommendations). Most of the plans, though, are vague commitments to “create the core institutions of a free economy,” “modernize infrastructure,” “build a strong democracy based upon democratic institutions, the rule of law, and respect for human rights,” and “recover and safeguard its environmental assets” – among other objectives (Commission Recommendations).

Why Change Policy Toward Cuba?

Most of the ambitious foreign policy plans of the current US administration focus on the Middle East. Why, then, did the Bush administration initiate this significant reformation of US policy toward Cuba? What assumptions are behind the policy? What objectives are desired?

Taking the administration at its own words, clearly one goal was to effect regime change. The government assumed that average Cubans desire change and welcome efforts on the part of the US to weaken the current Cuban government. When asked about the anticipated reaction of Cubans to the new regulations, the State Department official charged with day-to-day oversight of the Commission, Asst. Secretary of State Noriega, was quite firm in his vision.

On the perceptions on the island, I think that they will -- that people on the island, to the extent that the word can get out on this through a more robust Radio and TV Marti, and all that, and the word of mouth will be that, "The United States is thinking about the future, *our friends in the United States are thinking about the future, our friends in the United States are working with others in the world to help us.* We need to do that. We need to step forward. We need to prepare ourselves. We need to associate with other Cubans who want a free Cuba." And I think that will be the message of solidarity that will reach the island, and that will be very important. (Press conference, May 6, 2004 - Asst. Sec of State Roger Noriega, emphasis added)

The government consistently argues that the measures target the Cuban Communist Party and members of the Castro regime. These are unjust, illegal, despotic tyrants who do not enjoy the trust or favor of the Cuban population. The measures are not seen as hurting average Cubans, rather, they are presented as

... a strategy that encourages the spending of money to help organizations to protect dissidents and to promote human rights. It is a strategy that encourages a clear voice of the truth being spoken to the Cuban people through radio and TV Marti. It is a strategy that will prevent the regime from exploiting hard currency of tourists and of remittances to Cubans to prop up their repressive regime. It is a strategy that says we're not waiting for the day of Cuban freedom, we are working for the day of freedom in Cuba (Bush, May 6, 2004)

No surprisingly, others offered more cynical interpretations of the goals of the new regulations. Most of these assessments focused on the 2004 presidential election. Given the pivotal role played by the state of Florida in the 2000 presidential election as well as the existence of a crucial group of single-issue voters in the state—Cuban-Americans—certain domestic US political objectives were assumed. As leading scholars on Cuba and US-Cuban relations noted, domestic politics frequently plays a role in determining US policy toward the island.

Changes in our policy towards Cuba have historically corresponded with U.S. elections. ... it is nothing more than a “symbolic policy,” a political tool used to ensure the Republican vote from Cuban-Americans residing in the all important swing state. These latest measures are in response to weakening support for President Bush among Cuban-Americans. According to a recent poll, while 64 percent of the Cuban-Americans in Miami voted for Bush in 2000 only 56 percent intend to in 2004. This represents a potential loss of 30,000 votes in a state that was supposedly won by Bush with a margin of 500 votes. (Smith and Patel, 2004)

This cynical view of the measures adopted was further strengthened by what the new regulations

did not prohibit. As one major think tank on Latin America stated:

it is notable that the new policy does not limit the per diems of business people going on agricultural sales-related trips, or take other measures that would limit U.S. agricultural sales to Cuba; the Administration doesn't want to jeopardize the President's standing with the agricultural export community or in farm states (Farley and Thale, 2004)

Thus, researchers are left with two diametrically opposed interpretations. Did the policy seek change in Cuba or reelection in the United States? To assess the efficacy of the new regulations, we must examine the impact of the regulations both in Cuba and among Cuban-Americans. Did (or will) the recommendations of the Commission achieve either its stated or assumed goals?

Assessing the Impact of the New Regulations

We will now turn to how Cubans and Cuban-Americans have reacted to the changes enacted in May 2004. Are Cubans viewing it in line with Asst. Secretary Noriega's prediction? Did more Cuban-Americans vote for President Bush as a result of the measures? To determine these answers we sought information from Cubans in Cuba and Cuban-Americans, primarily in Florida. Interviews with Cubans and press conferences, published interviews, and other scholarly reports were used to assess how Cubans responded to the new regulations. We drew predominantly on surveys and opinion polls for the collecting of information about Cuban-American views on the new rules.

We traveled to Cuba almost two months after the new regulations had been announced. Both of us had traveled to Cuba previously and had numerous contacts within the country. A formal survey of opinion was not possible. However, a wide variety of people were questioned over the course of a month about their impressions of the new regulations. Some of those questioned were previous acquaintances, others were strangers. Some openly expressed criticism of the current government in Cuba, so this was not a survey exclusively of those who were either afraid of the regime or unwaveringly supportive. Both males and females were asked their opinions. People who worked in the tourism sector as well as those unconnected to travelers were queried. All of the interviews took place in Havana, but a number of the respondents were not natives of the city and could address the question of how provincial Cubans might respond. All of the Cubans we talked to were aware of the new rules and all had opinions about them.

Reactions of Cubans in Cuba

It must be stated at the beginning that the Cubans we spoke to were overwhelming negative about the new regulations. News reports from various sources confirm that this is the most commonly expressed reaction to the new rules (see, for instance, Frank and Lapper 2004). Some

were dismissive of its impact. “Family will always find a way to visit” was a commonly expressed opinion. Others, though, felt that the new regulations would decrease the number of Cuban-Americans visiting the island. In the opinion of these people, the economy of the island would suffer somewhat. However, several were quick to point out that Cuban-Americans were not the main source of tourism.

Almost every Cuban we spoke to was critical of the US definition of qualified family members. “The US is not like Latin America – our family ties are not limited to the immediate family.” The idea that aunts and uncles were not family was roundly rejected. Limiting family visits to once every three years was also seen as intrusive and cruel. It is ironic that an Administration perceived to be representative of family values in the United States was commonly viewed as anti-family in Cuba.

Cubans did not seem to think that this was a clarion call to rise up against the regime. Those that were critical of the regime saw the new regulations as counter-productive. In an interview published in Salon.com, Miriam Leiva, vice president of an independent journalists’ society in Cuba and wife of prominent (and jailed) dissident Oscar Espinosa Chepe, opposed the new regulations.

Did the Bush administration ask for the opinion of internal dissidents when the Commission for Assistance to a Free Cuba crafted its report? No. Will the measures hurt the Castro regime? No. Instead, the Cuban people will suffer from the effects of the measures and more political dissidents could be sent to prison (“Whose country is it, anyway?” May 24, 2004)

Other dissidents were equally dismissive. In response to the Commission, Oswaldo Paya, a leading dissident in Cuba, said it was up to Cubans, not the US, to bring about change in the country. At the US Interest Section, two other Cuban dissidents, Manuel Cuesta and Eloy Gutierrez Menoyo, presented a letter of protest over the Commission’s recommendations. Cuesta said that the US had “no right to set the pace of a transition in Cuba”. Gutierrez Menoyo stated that “This is a total interference that does not benefit the building of democracy in Cuba ... the US plan (is) tantamount to incitement to armed conflict” Another important Cuban opponent to the Castro regime, Elizardo Sanchez, described the proposals as “totally counterproductive and clearly involve meddling” from abroad (quoted in “Cuban Dissidents Attack Bush Plan,” May 10, 2004). Thus, our own research, reporting of others, and leading dissidents in Cuba all suggest that Asst. Secretary of State Noriega was not correct in predicting that Cubans would embrace the regulations as an opportunity to end the Castro regime. Were calculations about Cuban-American approval of the new measures equally off?

The Response of Cuban-Americans

Old Policy, New Times? Implications for Changing US Policy Toward Cuba

The situation in Cuba is intriguing. Castro is aging; his recent fall symbolized his looming mortality. A change in leadership (if not regime) is inevitable. However, the policy of the US toward Cuba does not necessarily hurt Castro. Increasingly, problems within Cuba and the need for stringent vigilance against dissidents can be justified by US hostility. US actions in Iraq further strengthen Castro's charges that an invasion by the US is possible. This enables the government to equate regime support with Cuban patriotism; by contrast, opposing the regime suggests anti-patriotic attitudes. In some ways, one can suggest that Castro is assisted, not weakened, by US policy.

The growth of ties between Cuba and other countries also undercuts the impact of US regulations. The European Union has improved economic and diplomatic ties with Cuba since the release of dissidents last spring. Cuba has also reached out to other Caribbean countries. Most interestingly, China and Cuba have enacted a number of economic, political, diplomatic, and military exchanges. Globalization has facilitated these ties; US policy has not yet adapted to the new circumstances of the global arena. Cuba is still 90 miles from the US; the distance between Cuba and other countries, though, has diminished.

The situation in the US is also unusually. The executive branch has clearly signaled a harder approach to Cuba; this is in keeping with its overall foreign policy. Yet, the Congress of the United States is sending opposing signs. In 2004, both houses of Congress voted to lift the travel ban. This provision, however, was removed from the bill in conference at the request of the White House. Congressional disapproval is growing. For example,

U.S. Sens. Max Baucus, D-Mont., Pat Roberts, R-Kan., Byron Dorgan, D-N.D., and Arlen Specter, R-Pa., who had previously supported a strengthening of sanctions against Havana, have become leading advocates in Congress for the removal of trade and travel restrictions on Cuba. Baucus and Roberts, who had voted for Helms-Burton, now argue that the Cuban embargo is a "hopelessly ineffective tool" and that agricultural exports to the island "help U.S. farmers, feed hungry people and spread the seeds of democracy." (*Orlando Sentinel*, March 15, 2005)

Moves in Congress to officially lift the travel ban and end the embargo are gaining ground. Work

to overturn the new regulations are also taking place.

Research indicates that the Cuban-American community is also changing. Breaking survey data into different cohorts based on year of arrival in the US shows a marked difference between early and later arrivals in terms of their support for the embargo and ties to Cuba. The growth of a “moderate” Cuban community, with the goal of better relations to Cuba, testifies to this transition. Could the leading popular force behind “hardline” relations be diminishing?

While the new regulations suggest a return to a Cold War relationship between Cuba and the US, other factors push the two in a different direction. The changing Cuban-American community, increased US business interests in Cuba, the growth of foreign business interests in Cuba – all of these elements conspire to bridge the gap between Cuba and the US. What the next years will bring lies more within the sphere of US domestic politics, though. How much political capital do the different actors want to expend on opposing or maintaining current policy? What kind of “electoral connection” exists? Clearly, the evidence indicates a growing possibility for a new era in US-Cuba relations. However, the willingness of the Bush Administration to pursue its own vision in foreign policy is well established. The struggle over US-Cuban relations lies in the political calculus of the relative strength of ideologues and pragmatists. So far, ideologues have been winning.