

U.S.-Cuban Relations During the Clinton Administration

by

Soraya M. Castro Mariño

Although any policy with regard to Cuba means relatively little to the United States, the implications of any policy for the island are enormous. In Cuba, every nuance and component of U.S. policy has a profound consequence for a variety of domestic constituencies. U.S. politics constitute a major determinant in the implementation of both foreign and domestic policy.

The breakdown of the bipolar system of international relations disengaged Cuba from the East-West axis. Consequently, by 1989, perceptions of the island had changed, and for the first time since the 1962 missile crisis most U.S. officials recognized that Cuba was not a threat to U.S. national security. The new context offered excellent political opportunities for a review of Cuba policy, the apparently most controversial issues on the U.S.-Cuban agenda having been ironed out by history. However, despite the end of the cold war, U.S. Cuba policy remained an anachronistic survival of that period. Lack of vision and courage on the part of the Clinton administration and the Cuban-American right wing's willingness to use all its political capital to maintain a tight blockade¹ held this policy in place.

The disappearance of the Soviet Union had a critical impact on Cuba. The island had to undertake an economic overhaul to be able to face the internal challenges brought about by changes in international relations.² It faced heavy economic pressure and declining importance in the system of international relations. The right wing of the Cuban-American community seized the opportunity to pursue various strategies to tighten the blockade and to increase tension between Cuba and the United States. It understood the situation as ideal for trying to destroy the Cuban Revolution and prompted congressional initiatives to this end. A group of legislators backed by the Cuban-American National Foundation (CANF), the fiercest anti-Cuban lobby, forced the debate on the Cuban issue. Moreover, they turned this issue into a domestic one by a putative link with the vote in the key states of Florida and New Jersey.

Soraya M. Castro Mariño has a doctorate in law and is a senior researcher at the Center for U.S. Studies in Havana. She is coauthor of *Cuba: Derechos humanos* (1991).

LATIN AMERICAN PERSPECTIVES, Issue 125, Vol. 29 No. 4, July 2002 47-76
© 2002 Latin American Perspectives

Against this background, an initiative was taken that, instead of fostering a policy change in tune with the end of the cold war, intensified pressure to cause the Cuban Revolution to collapse in the short term. The 1992 Cuban Democracy Act, also known as the Torricelli Act, was designed to strengthen the economic blockade and place more pressure on the island. It also included elements designed to foster internal changes on the island, referred to as "Track 2." The Torricelli Act eventually became the formula for forcing the debate on Cuba into U.S. electoral campaigns, as demonstrated by the enactment of the Cuban Liberty and Democratic Solidarity Act in 1996, commonly referred to as the Helms-Burton Act.

Both the George H. W. Bush Republican administration and the William Clinton Democratic one followed the cold war policy of embargo and enmity toward Cuba. Under the first, the two countries maintained a relatively low level of conflict and even managed to sit at the bargaining table to schedule the withdrawal of South African troops from Namibia and Cuban troops from Angola. However, under the administration of President Clinton, a climate of crisis permeated the decision-making process. During noncrisis interludes, a whole new range of players and interest groups came to influence U.S. policy toward the island. These included nongovernmental organizations and private voluntary organizations with an interest in sending humanitarian aid to the island, think tanks, business groups, environmental organizations, and public health groups as well as a diverse representation of Cuban-Americans. They all advised improvement of economic and diplomatic relations. Nonetheless, U.S. policy toward Cuba continued to accommodate traditional patterns of hostility and confrontation from conservative constituencies in the Cuban-American organizations. Evidence will be examined to support the hypothesis that it is domestic politics that has been the driving force in U.S. policy toward Cuba. U.S. policy toward Cuba is irrational because it does not correspond to Cuban reality. There is no Cuban threat, and a blockade to achieve newly stated goals of "bringing democracy" to Cuba is inadequate. This article attempts to explain this seeming irrationality.

THE LOW-PROFILE POLICY

William Clinton's major foreign-policy appointments augured well for Cuba. Experts well aware of contemporary international realities were brought in: Anthony Lake and Samuel Berger to head the National Security Council (NSC), Christopher Warren as secretary of state, Strobe Talbott as deputy secretary, Peter Tarnoff as undersecretary of state, Richard Feinberg (then chairman of Inter-American Dialogue) as NSC special assistant for

Latin America, and the academician Morton Halperin to handle democracy affairs in the NSC, among others. However, the new administration stuck to a Reagan-Bush-period political discourse and linked eventual improvement in relations to changes in Cuba's political and economic system. This had been on the agenda of U.S. policy makers since 1983, but it had taken on a new life with the assumption that Cuba would not survive under the new political and economic scenario.

The initial tendency was to assess and interpret structural political and economic changes in the island as simple cosmetic touches aimed at securing greater state control—an asymmetrical relationship between politics and the economy. Consequently, a demand for change in Cuba's political system and leadership was emphasized, with no consideration for Cuban political culture or national identity. The new administration rhetorically argued that there would be no policy change with regard to Cuba until the precepts of democracy were in place, including respect for human rights and free elections. However, it declared its intent to inform the Cuban government in advance of any U.S. military maneuver to be conducted close to Cuban borders, something unusual since the days of the Carter administration. Statements about Cuba from both the president's office and the State Department stressed that the United States had no intention of intervening in the island. Reportedly, the purpose of its policy was to foster a peaceful transition to democracy. This assertion was expressly made to erase or at least ease Cuba's perception of an external threat, since such a threat was understood by the United States to be one of the essential devices in the Cuban government's ability to survive.

It was emphatically declared that U.S. policy would continue to be one of diplomatic, political, and trade isolation of the Cuban government and that the embargo would remain as an instrument of pressure. Meanwhile, the United States would be "giving a hand" to the people of Cuba with humanitarian assistance. According to statements made by the then assistant secretary for inter-American affairs, Alexander Watson (1993), this concept reflected the spirit of the Torricelli Act, which would become the cornerstone of U.S. policy toward Cuba. Certain changes in the policy of hostility were emphasized, in particular, the possible donation of food to nongovernmental organizations (NGOs) or individuals in Cuba and the possible export to Cuba of drugs and/or medical supplies. What was not stressed was that the Torricelli Act limited those exports to what the U.S. government could verify on site was to be used for the desired purposes—an infringement of Cuban sovereignty. In addition, the U.S. government said that, in line with its goal of building bridges and reaching out to the Cuban people, it was interested in increasing government-to-government telecommunication links. To this end, the administration authorized companies to negotiate the establishment of

efficient and appropriate telephone communications with the island and allowed for the granting of licenses to representatives of such companies to visit Cuba for contract negotiations.

The Torricelli Act had reinforced the objective of putting an end to the Cuban revolutionary process given the economic situation prevailing on the island. It tightened the blockade to the point of prohibiting American subsidiaries in third countries from trading with Cuba. However, the need for the United States to implement a more proactive policy in which everything would depend on the Cuban government's concessions was beginning to take shape more clearly. All through 1993, statements by Alexander Watson (1993) and his deputy Michael Skol (1993) suggested that efforts to achieve policy objectives toward Cuba were not to be confused with an improvement in relations with that country.

The right wing of the Cuban community in the United States was most concerned about statements made by government officials on the eventual indictment, under the Neutrality Act, of any person involved in violence against Cuba from U.S. territory.

By the end of 1993, the debate on Cuba and U.S. Cuba policy vis-à-vis the New World Order and favorable changes on the island moved within four schools of thought:

1. Maintaining the status quo: adjusting existing policy on a case-by-case basis with a view to prolonging Cuba's political, diplomatic, and economic isolation. Among advocates of this policy were top officials connected with executive-branch policy making.

2. Increasing hostility: dismantling the Cuban system by whatever means, including military intervention, as the price Cuba had to pay for challenging the United States. Outspoken supporters of this line were Representatives Lincoln Díaz Balart, Ileana Ros-Lehtinen, and Robert Menéndez and the CANF.

3. Communication or constructive engagement: a partial modification of the embargo and a possible broadening of the framework of government-to-government communication in tune with a gradual progression toward democratization in Cuba. Paramount in this group were the powerful think tanks, such as Inter-American Dialogue, the Center for Strategic and International Studies, and the Institute for Strategic Studies of the U.S. Army War College.

4. Relative normalization of relations: eliminating the blockade, which had not achieved its goal of changing the Cuban government, as a way of swaying Cuban society by exposing the people of Cuba to democratic and

free-market influences. This line of thought was shared by some academicians and scattered liberal Democratic voices in Congress.

The logic of hostility was favored, and little consideration was given to counterproposals. This derived from a perception of Cuba's internal situation as a time bomb: the "economic crisis and the illegitimacy of a pre-industrial, antiquated political and economic system" would not withstand the thrust of history. By the end of 1993, the goals of the low-profile policy with regard to Cuba may be described as follows: to achieve a peaceful transition to U.S.-defined democracy in Cuba as early as possible; to mitigate the suffering of the Cuban people during the transition through donations of food to NGOs and individuals and possibly the export or sale of medicines, even to the Cuban government, under the conditions mentioned above; to maintain the diplomatic, political, and economic isolation of the Cuban regime as well as the blockade as a way of pressuring for democratic reforms and respect for political human rights; to continue Radio Martí and TV Martí broadcasts with the official purpose of promoting the flow of U.S. ideas to the Cuban people; to inform the international community of alleged human rights abuses in Cuba; to improve conditions to ensure that the people of Cuba and the United States might communicate freely; to keep in force the ban on tourist or business travel to Cuba and allow travel only on humanitarian, educational, or religious grounds; and to increase the exchange of informational material and promote academic and sports exchange, as set forth in Track 2 of the Cuban Democracy Act.

These basic policy goals coincided with the results of studies by powerful think tanks such as the Inter-American Dialogue (1992), the National Defense Research Institute or Rand Corporation (González and Ronfeldt, 1992), the Center for Strategic and International Studies (Preeg, 1992), and the Institute for Strategic Studies of the U.S. Army War College (Shulz, 1993). Some universities were also involved with the subject; Florida International University published a \$500,000 study, "Cuba in Transition," commissioned by the State Department's Information and Research Office and the Agency for International Development (Florida International University, 1993). Notwithstanding ideological diversity or nuances on very specific aspects, there was consensus on the following points:

1. U.S. policy goals with regard to Cuba should not change because they were meant to force Cuba into a post-Castro society through a change in its political and economic system. To this end, the embargo, as an instrument of economic pressure, had to be maintained for its political effectiveness. The

elimination of some embargo measures was not ruled out as long as it proved instrumental to exerting a more active influence on changes taking place on the island.

2. The Cuban issue had to be internationalized through multilateral diplomacy, including the United Nations and its agencies, the Organization of American States (OAS), the European Parliament, and the Latin American Parliament.

3. In line with U.S. interests, the free flow of information to Cuba should be increased and a bridge-building policy implemented, as this would make it easier to develop a civil society adjusted to democratic standards.

4. The United States should not promote a violent transition scenario in which it would have to abandon its foreign-policy priorities. It should not compromise its future political objectives in a post-Castro Cuba by an intervention that would fuel anti-United States sentiment.

5. The United States should recognize that no matter how serious the economic crisis turned out to be, the Cuban government had some room to maneuver.

THE RAFTERS' CRISIS, THE IMMIGRATION AGREEMENTS, AND TRACK 2

In the summer of 1994 Cubans reacting to the economic crisis in their nation began to try to enter the United States by means that jeopardized their survival. Known as the rafters' crisis, this dramatic increase in attempts to take advantage of the extended U.S. policy toward Cuban immigrants (accepting *all* Cuban immigrants arriving in the United States and granting them resident status at the discretion of the attorney general) led the United States to modify that policy. The immigration accords signed by the governments of Cuba and the United States in the aftermath of the 1994 rafters' crisis resolved security and humanitarian concerns and established that migration between the two countries had to be legal, safe, and orderly (see Schneider, 1995: 1206; Kirschten, 1995: 1198). The September 1994 agreement committed the United States to admit up to 20,000 Cuban immigrants every year. Another agreement, signed on May 2, 1995, settled the situation at the Guantánamo naval base; the Cuban immigrants camping at this U.S. Navy facility were to proceed to the United States in accordance with immigration laws, up to 5,000 of them to be included in the 20,000 figure. The May 1995 agreement also stipulated that, as of that date, Cuban immigrants who were intercepted at sea or gained entry to the Guantánamo naval base would be

returned to Cuba. By virtue of the 1994 and 1995 agreements, U.S.-Cuban immigration relations returned to some standard for the first time since 1959.

For the United States, a solution to this problem was a matter of national interest because the country was in the process of restricting Third World immigration. Since U.S. national interests were involved, it was possible to develop the May 1995 agreement through secret negotiations, bypassing normal procedures and excluding the State Department's Cuban Affairs Office staff. This suggested that the issue was highly sensitive for the administration. The result was the resignations of the director of the State Department's Cuba Bureau, Dennis Hays, and the deputy director, Nancy Mason, and the creation of a White House-level post of special advisor to the president and to the secretary of state on Cuban affairs. Richard Nuccio assumed this post.

After the rafters' crisis and its negotiated solution, some U.S. policy makers articulated the need for a policy conception that would use instruments under the Cuban Democracy Act such as Track 2, which had not been implemented because of the predicted end of the Cuban Revolution (Reiff, 1996: 73-83). This need was linked to a belief on the part of an influential group in the White House and the State Department that the economic blockade was insufficient to overthrow the Cuban Revolution and that a situation of economic despair could trigger large-scale emigration. Other instruments of policy, those of persuasion, would act directly upon Cuban society. It is evident that this concern was related to the fact that Cuba had survived the predicted collapse of the revolutionary process. At the same time, the island had not been able to escape economic adjustments that would ultimately lead the country onto a new path toward its reinsertion into the world economy. Economic readjustment and, above all, the ability of the island to meet the challenge despite U.S. pressure caused the United States to adopt a new logic in its policy toward Cuba.

Richard Nuccio favored the blockade as an instrument of pressure on the Cuban government and advocated the strengthening of Track 2, including the building of people-to-people bridges and the encouragement of the development of a civil society in Cuba. In an interview with the *Washington Times* on July 30, 1995, he indicated that the U.S. government's policy toward Cuba had three main components: (1) the most complete economic embargo being enforced by the United States anywhere in the world; (2) "support for the Cuban people" (Track 2 elevated to the level of a doctrine), including the greatest possible amount of nongovernmental contact, such as long-distance telephone communications, stronger relations with emerging nongovernmental organizations in Cuba, approaches through academic circles in different fields of science and the military, and certain humanitarian donations under

the provisions of the Cuban Democracy Act; and (3) responding “in carefully calibrated ways” to “positive developments which were to happen in Cuba.” Before resigning as special advisor for Cuban affairs because of his involvement in the leak of CIA links with murders in Guatemala, Nuccio said that the quid pro quo mechanism envisaged the possibility that reform-minded elements might exist in the Cuban government and could eventually convince the highest authority to introduce reforms, putting an end to the Cuban government’s argument that the United States was the obstacle to change in bilateral relations. Commenting on this Janus-faced policy, William LeoGrande (1997: 211) noted that “the policy was intended to undermine the Cuban government’s authority” and “Washington was unable to resist trying to orchestrate Track Two contacts to maximize their subversive effect.” At the same time, the immigration talks showed that, in the presence of major concerns or interests and a real political will to negotiate on the part of the administration, lobbies could be overridden. Consequently, as Brenner and Kornbluh (1995: 33) observed, “The momentum created in the aftermath of the May 2 immigration accord, the pressure from the international community to end an anachronistic Cold War policy, and events in Cuba itself all presented an opportunity to fundamentally rethink the imperial approach that has dominated U.S. policy for 35 years.”

EFFORTS TO FORCE THE DEBATE TO THE RIGHT

Hard-liners in the Cuban-American community had been left in disarray by the immigration accords. The CANF had entered a period of political panic that was unprecedented since its inception in 1981. Right-wing sectors of the U.S.-based Cuban community founded a coalition known as the Committee of United Cuban Exiles that included, among others, Brigade 2506, Cuba Independiente y Democrática, the Valladares Foundation, the CANF, and Unidad Cubana (Chardy, 1995). The Committee, together with Brothers to the Rescue and the Democracy Movement, sponsored flotillas that sailed around and flew over the island in a dangerously provocative and flagrant violation of Cuban borders and organized “civil disobedience” actions against the Clinton Administration.

However, the administration declared in many forums that the May 2, 1995, agreement did not mean a change of policy and that it was consistent with the framework of the Cuban Democracy Act. The Cuban-American right wing, in particular the CANF, decided to defend its uncompromisingly militant positions from the conservative, Republican-majority U.S. Congress. The CANF, afraid of losing its long-standing political leverage as

representative of the Cuban community before the U.S. government, used the passage of the Helms-Burton Act as an offensive spearhead vis-à-vis some other Cuban-American groups that advocated a dialogue with Cuba. With the legislative elections in November 1994, the Republicans had achieved a majority in Congress with a highly ideological and conservative agenda. The new context in which debate over Cuban policy took place in Congress in 1995 almost put an end to the “constructive engagement” and “relative normalization” schools of thought. This made it possible for the right and, particularly, the CANF to move a number of anti-Cuban proposals through the legislature. The lobby activated representatives and senators whose campaigns had been financially supported by its political action committee³ (Fechter, 1998).

The Clinton administration was at the time involved in an intense confrontation with the Republicans on the budget and domestic and foreign policy. From the beginning, it had tried to cut a deal with the sponsors of the Helms-Burton Act by agreeing in principle with the purpose of the draft. Its objective was to avoid unnecessary friction with the small but well-organized right in Miami and, at the same time, with Congress over an issue that was not a political priority. For years, U.S. policy toward Cuba had been held hostage by domestic factors. The linkage of the Cuban issue to the U.S. electoral process explained by the expected impact of the Cuban vote in Florida and New Jersey, and the influence of the Cuban far-right lobby induced a relative disconnection of the Cuban case from general U.S. foreign-policy objectives. In a preelection year, on the basis of the idea of “encouraging Cuba’s peaceful transition to a free society,” President Clinton announced an executive order on October 6, 1995, at a meeting held by Freedom House, that would make U.S. policy on Cuba more “flexible” around the fringes (Corzo, 1995). He proclaimed the following measures: (1) allowing Cuban immigrants residing in the United States to travel to Cuba once a year for humanitarian emergencies without applying for a special license from the Treasury Department; (2) authorizing the exchange of news bureaus between Cuba and the United States (U.S. media interested in opening offices on the island would have to apply for two licenses from the Treasury Department, one to negotiate their presence in Havana with Cuban authorities and another to open an office if negotiations were successful); (3) permitting shipments of donations to NGOs in Cuba, including those active in humanitarian, educational, environmental, and human rights affairs; and (4) agreeing to have money transfers made for visa procedures or emergencies through Western Union, which would be allowed to open offices in Cuba.

The October 1995 executive order was flimsy. It did not even remove the restrictions issued on August 20, 1994, in particular the one that prohibited

Cuban-Americans from traveling to the island or sending remittances to relatives without a license from the Treasury Department. This illustrated the ambivalence that governed President Clinton's moves with regard to Cuba policy and the lack of will to make substantial changes. The contradiction between his campaign advisers and his foreign-policy advisers increased. Once again, the dilemma was whether to turn the policy toward Cuba into a foreign-policy issue or keep it as a variable asset in the domestic and electoral process.

Notwithstanding President Clinton's indecision, the Cuban-American right wing was convinced that it had to force, by any means possible, its involvement in U.S.-Cuban developments. The hard-liners perceived Track 2 of the Torricelli Act and the secret talks leading to the May 1995 immigration accords as signals of its declining role in shaping U.S. policy toward the island. Furthermore, from mid-1995 to February 1996, a number of contacts with Cuba made by other U.S. sectors were to increase the right's fear of losing its leading role and, practically, its *raison d'être* in the political debate on Cuba.

GREATER EMPHASIS ON CUBA

The irrational persistence of a policy that had not brought the expected results and the imperative of shifting course for the sake of America's own political interests were the subject of many editorials in major U.S. dailies and news magazines, among them the *Wall Street Journal*, the *Washington Post*, the *New York Times*, the *Los Angeles Times*, *USA Today*, the *Journal of Commerce*, the *Chicago Tribune*, *Time*, and *U.S. News and World Report*. Most academic sectors and think tanks studying Cuban reality advocated isolation of the Cuban government until democratic changes were introduced in the island, but at the same time they urged efforts to influence Cuban society by means of exchanges of information and ideas, academic and cultural exchanges, increased travel to the island, and so forth. This urge strengthened the small White House group that was bent on giving priority to such methods.

It was then that, from June 15-18, 1995, a number of participants in the Inter-American Dialogue traveled to Havana. The delegation issued a report in September 1995 under the title *Cuba in the Americas: Breaking the Policy Deadlock* that proposed lifting all restrictions on travel and money remittances to Cuba while maintaining the embargo as a bargaining chip in U.S. policy (Inter-American Dialogue, 1995). Assuming that a dialogue was the best option for resolving the historic Cuba–United States conflict, the report

said that it would be politically unwise to adopt the Helms-Burton bill, arguing that such a punitive legislative measure would hurt the Cuban people, weaken civil society in the island, and set back democratization (Inter-American Dialogue, 1995). It advocated the conviction of perpetrators of violent acts against Cuba and the termination of TV Martí for violating international telecommunications agreements. Another study, commissioned by the U.S. Department of Defense, "The Military and the Transition in Cuba," was made public in April 1995. The analysis, made by U.S. experts on Cuba and the former Soviet Union, asserted that the people of Cuba and the Cuban military seemed prepared to give Fidel Castro the leeway necessary to walk the path toward a mixed economy and favored a reduction of the economic blockade against Cuba.

In May 1995 the former Carter administration official Robert Pastor visited Havana with a proposal that Jimmy Carter himself hold private meetings with representatives of the U.S.-based Cuban community and the Cuban government to foster a dialogue. This suggestion was very diplomatically rejected. The initiative was understood by experts as a sign that the U.S. political establishment was promoting a possible dialogue through the Carter Center in Atlanta (Alfonso, 1995).

It must also be considered that, unmistakably, what was happening in Cuba or the perception thereof was having an impact on U.S. policy toward Cuba. Gradual economic change in Cuba was a fact, beyond any philosophical arguments about its causes. The Cuban government's economic and political decisions were not usually considered in the drawing up of U.S. policies toward Cuba, whereas the northern neighbor's intentions have always been pondered in designing the Cuban national project.

In a pragmatic move, Cuban government officials met with Cuban emigrants. In addition, the then-Minister of Foreign Affairs Roberto Robaina attended a June 16-18, 1995, seminar on participant democracy in the Cuban province of Cienfuegos, sponsored by the Bavarian Hans Seidel Foundation. In connection with that event, President Fidel Castro also had a three-hour talk with the leader of Cambio Cubano, Eloy Gutiérrez Menoyo, at the International Conference Center. A second conference, "The Nation and Emigration," was held in Havana and was considered a sign of the Cuban government's desire to normalize relations between Cubans residing abroad and their country of origin.

One of the major concerns for hard-liners from the Cuban community was the overwhelming rush to Cuba by U.S. businessmen. During 1994 and the first quarter of 1995, 250 executives and representatives of 174 U.S. companies, under license from the Treasury Department, had traveled to Cuba to explore business opportunities in the event of a lifting of the embargo. In

1995, Cuban officials met with 1,300 U.S. executives and signed 40 noncompulsory letters of intent. One of these letters of intent covered a US\$10 billion investment. Another investment proposal made by a group of 12 hotel chains amounted to US\$2 billion (Falk, 1996: 16). Executive officers from Eli Lilly, Merck, Marriott, Hyatt, Radisson, Johnson and Johnson, and AT&T visited Havana to study future trade opportunities. Other U.S. companies that showed interest were ESSO, AMOCO, Chiquita, Nabisco, Chase Manhattan, Carlson Companies, Revlon, Consolidated Cigar Aficionado, General Motors, Dow Chemical, Texaco, Sears, JCPenney, Kmart, and Radio Shack.

Particularly important was that some 60 top American executives flew to Cuba on October 6, 1995, on a private fact-finding mission organized by Time, Inc., to gather information on Cuban business possibilities. The delegation, the largest group of U.S. businessmen welcomed in Cuba during the period, met with President Castro. Before the trip it had met with Leon Panetta, the White House chief of staff, and several foreign-policy advisers to President Clinton and received their approval (Nagin, 1998: 31). Business interest in Cuba continued to intensify after Castro's visit to New York for the UN 50th anniversary in fall 1995. It appeared that the U.S. business sector might become a pressure group for the total lifting of the economic, trade, and financial restrictions imposed by the U.S. government on Cuba. The precedents of China and Vietnam were not irrelevant despite the differences between these two countries and the island.

The beginning of 1996 saw more contacts between various sectors of American society and Cuban officials. In January, two important groups of legislative assistants traveled to Havana, sponsored, respectively, by the Center for International Policy, a liberal think tank, and the conservative U.S.-Cuba Foundation, headed by Gary Jarmin. A third delegation of religious leaders, academicians, and businessmen from companies including Reebok, Gillette, and First Boston Bank, led by the Massachusetts Representative Joseph Moakley, also visited Havana. In late January, New Mexico Democratic Representative Bill Richardson, former U.S. representative to the United Nations and secretary of energy, and Calvin Humphrey, a counsel to the House Intelligence Committee, met with President Castro and other senior officials to discuss three basic topics: the Cuban government's figure for immigration to the United States, the release of a number of prisoners in Cuba, and the status of "fugitives" from U.S. justice allegedly residing in Cuba. According to Carl Nagin, during this meeting Castro brought up the issue of overflights by Brothers to the Rescue, which had violated Cuban airspace on January 9 and 13 by dropping antigovernment flyers (1998: 30-35). Concerns about these overflights had also been expressed to Scott Armstrong, "who had close ties to several National Security Council officials" (1998:

33). The Cuban side understood that they “had ‘reached an understanding’ that the flights would be stopped” (1998: 35). Later on, in an interview with CBS News on April 30, 1996, Fidel Castro said “that one of his emissaries had received promises from the ‘highest level’ of the U.S. government that there would be no more incursions into Cuban airspace” (1998: 35).

On February 5 through 9, a joint delegation from the Center for International Policy and the Center for Defense Information met with the Cuban minister of the armed forces, Raúl Castro Ruz, and General Ulises Rosales del Toro. They discussed military matters and the potential problems that the Juragua nuclear plant might pose to the United States if construction were resumed. They also talked about the Cuban government’s concerns about overflights by Brothers to the Rescue. On their return, the U.S. delegation was debriefed at the State Department and by Defense Intelligence Agency officials, where it warned that if the U.S. government did not stop the overflights an incident was going to occur (Nagin, 1998: 33). On February 9, Richardson again went to Cuba and returned to the United States with three former Cuban political prisoners to the United States. The gesture was considered positive by the State Department, although it stressed that the Clinton administration had not asked the congressman to do so. In mid-February, a delegation of experts on energy and environmental safety from the Natural Resources Defense Council met with President Castro in Havana. Among the visitors were Robert Kennedy Jr. and Michael Kennedy, nephews of the late President John F. Kennedy. Also during that month another business delegation led by the former president of the World Bank, A. W. Clausen, and the director of the World Affairs Council, David Fischer, visited the island to explore the potential of the Cuban market.

Thus, by February 1996, the appearance was that a major turning point that would lead to a decline in the influence of right-wing Cuban-Americans on U.S. policy was in the making. They felt that the central political role they had traditionally played was slipping through their fingers and feared that the momentum being generated by business interests could lead to an end of the embargo.

THE RIGHT MAINTAINS THE UPPER HAND

In the midst of these developments, actions by right-wing Cuban-Americans against the island, particularly the violation of Cuba’s air and maritime space, intensified. Again, the Cuban government reacted by declaring that it would not allow such provocations (Robaina, 1996a; 1996b). In the meantime, in early February, a number of policy makers involved in Cuban

affairs quit their jobs. They were Alexander Watson, assistant secretary of state for inter-American affairs, and his deputy, Anne Patterson; Richard Feinberg, NSC special assistant for Latin America; and Morton Halperin, NSC special assistant for democracy affairs. This unquestionably created an institutional void in the Clinton administration.

On February 24, 1996, Cubans shot down two Brothers to the Rescue planes that were, according to the Cuban government, in violation of Cuba's air space—an assertion contested by the International Civil Aviation Organization (1996). This action became the pretext for allowing the political forces favoring reinforced hostility to prevail. It is incredible that the U.S. government, aware of the risks of overflights, did nothing to avoid a crisis. The episode had significant security implications for both the United States and Cuba and the whole of the Caribbean. Security structures in U.S.-Cuban relations are very fragile. Small players such as the well-organized right wing of the Cuban-American community can influence not only bilateral relations but also an issue associated with national and regional security.

On February 26, Clinton asked Congress to pass a law seeking immediate compensation for the dead pilots' relatives. He declared his intention to work with Congress to pass the then-pending Helms-Burton bill, ordered an expansion of Radio Martí, and prohibited direct charter flights between Cuba and the United States. At the same time, he requested, through the U.S. representative to the United Nations, that a special session of the UN Security Council be convened to condemn Cuba's action (Weekly Compilation of Presidential Documents, 1996). A leak to the *Miami Herald* in October 1996 revealed that at the time of the shoot-down Clinton had requested the Pentagon to assess two possible response options, namely, a massive air strike and a missile attack against the San Antonio air base from which the MIGs had flown (*The Independent*, October 2, 1996). The Pentagon, however, had advised against such measures and recommended extreme caution. This demonstrates that U.S. national security criteria do not always coincide with the wishes of the extreme right.

The Democratic administration, not to be perceived as "weak," decided to back the Cuban Liberty and Democratic Solidarity (Helms-Burton) Act, which called for sanctions against Cuba and/or third countries dealing with it. The new legislation dictated the terms under which any future Cuban government was to be recognized by the U.S. government and made bilateral relations dependent on the resolution of property claims under U.S. law. Furthermore, it undermined the president's authority to change a particular course of action, subordinating him to Congress in the realm of foreign policy (U.S. Congress, 1996). On March 12, 1996, the president signed the Helms-Burton

Act. On the same day, coincidentally, the Republican primaries were held in the state of Florida. The presidential decision to promulgate the most anti-Cuban legislation in the history of the Cuba–United States conflict, a codification of the blockade into a rule of law, was, short of a military option, the most drastic step possible following the aircraft shoot-down. The incident had provided Clinton with an excuse not to veto the Helms-Burton Act, a step that would have been overridden by the Republican Congress. Also, on the eve of the presidential elections, it made it possible for him to undercut Cuban extremists' charges that he was changing the policy of hostility toward Cuba.

The Helms-Burton Act, like the Torricelli Act, was passed in an election year. Both events were influenced by a fear that the president would be accused of weakness toward "Castro's Cuba." In both cases the government failed to address real U.S. foreign policy considerations (see Huntington, 1997: 28-49). U.S. actions against Cuba went beyond Cuba itself and compromised the U.S. conduct of international relations, principles and practices in contemporary international law, and the rights and duties of states in trade and commerce.

Unlike the Cuban Democracy Act of 1992, which focused on trade, the new legislation targeted the financial area in order to limit Cuba's reinsertion into the world market. Cuba instituted incentives for foreign capital investment, reshuffled its institutions, and drafted new legislation. Additionally, it had introduced transparency into its external finances to facilitate debt renegotiation. From this point on, the U.S. Congress attempted several legislative maneuvers to hinder the Cuban reform, which was difficult enough to begin with.

The Helms-Burton Act did not go into effect in its entirety. Title III, providing for civil judicial procedures in U.S. courts to claim seized property, did not enter into force until August 1, 1996, after President Clinton had decided to implement the law and at the same time delayed legal action on July 16.⁴ It allowed the president to postpone the implementation of Title III every six months and/or delay its enforcement for six months after signing it into effect. Therefore, under the pressures of an election year, Clinton chose the technicality of putting it into effect while postponing until after he had left office the right to file claims in U.S. courts for any property seized after 1959.

His reelection aspirations and fear of being accused by the right of not maintaining a strong policy toward Cuba led Clinton to disregard requests to postpone the implementation of Title III. Important business groups, including the National Association of Manufacturers, the Chamber of Commerce of the United States, and the National Council on Foreign Trade, were among those filing such requests. This decision by President Clinton was characteristic:

trying to make a good impression on various sectors, no matter how contradictory their interests might be. At the same time, he tried to avoid a trade dispute with major U.S. trading partners that had opposed the Helms-Burton Act.

The name "Helms-Burton" referred to the then-heads of the Senate Foreign Relations Committee and the House Sub-Committee for the Western Hemisphere, respectively. The law was a compilation of punitive anti-Cuban measures introduced late in 1994 by the Cuban-born legislators Lincoln Díaz Balart, Ileana Ros-Lehtinen, and Robert Menéndez. It violated principles basic to international law such as the self-determination of nations, sovereign equality among states, the illegitimacy of the use of or threat of the use of force (including economic coercion), and noninterference in the internal affairs of states. It had three major objectives aimed particularly against Cuba: (1) to tighten the economic siege and hamper the process of economic transformation in Cuba; (2) to render improved relations between Cuba and the United States impossible by creating practically insurmountable obstacles to the solution of mutual problems; and (3) to bring Cuba back to the status it had early in the twentieth century, when the United States dictated the destiny of the Cuban nation.⁵

The spirit and the letter of this legislation demonstrated the essential conflict existing between Cuba and the United States: sovereignty versus domination. That ideological aversion to socialism as a political and social model was only an excuse was revealed by the fact that the United States had achieved commercial and diplomatic understandings with China and Vietnam. As the Harvard professor Jorge Domínguez (1997: 58) wrote:

The Helms-Burton Act is quite faithful to the theme of the Monroe Doctrine and the Roosevelt Corollary. It claims for the United States the unilateral right to decide a wide array of domestic policies and arrangements in a nominally sovereign post-Castro Cuba. In the Monroe Doctrine, the United States asserted its right to specify which system of government was acceptable in the Americas. In the Roosevelt Corollary, the U.S. government claimed the additional right to stipulate specific economic and other policies and specifically to redress the nonpayment of debts.

The law attempted to undermine the present system of international relations, in which the destiny of the Cuban nation had become a test case for a new proposal. As Domínguez (1997: 58) put it, the Helms-Burton Act "rediscovers the ideological brio of Imperialism. At the end of the twentieth century, as in centuries past, the United States is demanding the right to set the framework for the political and economic system it would tolerate inside Cuba."

CUBA: FOREIGN OR DOMESTIC AGENDA?

Paradoxically, the opposition of U.S. allies to the extraterritorial character of the Helms-Burton Act created favorable conditions for the return of the Cuban issue to the U.S. foreign-policy agenda, overshadowing domestic considerations in policy making regarding the island. However, trade is a top priority on the U.S. foreign-policy agenda. It might, in the medium term, take the Cuban issue off of the domestic agenda, away from the electoral logic and political expediency of special-interest groups based in Miami or Union City, and into a foreign-policy debate. Nevertheless, the very existence of this legislation is an impediment between two neighboring nations that for ideological and emotional reasons are still involved in a cold war. The hard-liners prevailed: Helms-Burton intended to undermine trade and to reduce sources of foreign exchange or investment in the island.

There was and is a pressing lack of consensus in the U.S. Congress, even among Republicans, on whether international trade should be an instrument of foreign policy. The debate flows mainly between Helms-style isolationists and free-trade-oriented conservative Republicans. The free-trade orientation of U.S. conservative Republicans is in open conflict with the Helms-Burton Act and, in general, with U.S. unilateral economic sanctions. This conservative sector, which has pushed significant agreements such as the North American Free Trade Agreement (NAFTA) and the proposed Free Trade Agreement of the Americas (FTAA), is now trying to figure out to what extent the U.S. government is entitled to apply a policy of protectionism, based on alleged national security or foreign-policy demands, to the detriment of free-trade policies.

After February 1996, U.S. policy with regard to the island was to maintain the status quo and implement the Helms-Burton Act, even in the face of European resistance. This reached its peak on February 20, 1997, when the European Union (EU) decided to challenge the Helms-Burton Act and asked the World Trade Organization (WTO) to name a dispute panel on that legislation. The complaint at the WTO was suspended in April 1997 after the then-president's special representative for the promotion of democracy in Cuba, Stuart Eizenstat, promised the EU that the administration would ask Congress to amend the controversial act (Marquis, 1997). On April 11, 1997, the same day that Eizenstat announced the understanding with the EU, the office of Senator Jesse Helms released a statement in which he insisted on the full implementation of the Helms-Burton Act, including Titles III and IV. The EU decided to suspend its case for a year to allow for a negotiated settlement. At the same time, the United States threatened to invoke Article 21 of the WTO, arguing that the implementation of the Helms-Burton Act was a matter of

national sovereignty and interest. A general precedent was close to being established, undermining the ability of the WTO to keep trade borders open. This was not clearly in the interest of the United States, especially in the heat of a domestic debate on the use of unilateral economic measures as foreign-policy instruments.

Negotiations between the EU and the United States took more than a year. In fact, it was a long and tense dispute over U.S. threats of sanctions against European companies if they failed to follow U.S. policy toward Cuba and a major irritant to transatlantic ties. Finally, the United States and the EU came to an agreement as a way of relaxing tensions before the EU–United States summit that was to be held on May 18, 1998. The understanding was just a piece of the resolution of a larger quarrel, a contentious trade dispute involving U.S. sanctions on foreign companies (Lippman, 1998a). The issue of U.S. sanctions on European companies involved in energy projects in Libya and Iran was a real priority for European countries such as France and Italy. The Cuban issue was not as important as the controversy over oil investments, and therefore the questionable Helms-Burton Act could not be allowed to threaten a more general agreement of mutual interest (Vincent, 1998).

The proposed Multilateral Agreement on Investment (MAI) was similarly held hostage to the Helms-Burton Act. Although the MAI, like the proposed transatlantic trade agreement, faced a number of other significant hurdles, its conclusion would not have been possible without a settlement of the dispute over the Helms-Burton Act. The EU had strongly opposed the U.S. sanctions, which it considered illegal under world trade agreements, and had threatened to sue the United States and to impose sanctions on U.S. companies in retaliation. The pre-1998-summit understanding helped the United States avoid a major conflict with Europe. The EU agreed to establish “disciplines,” a concept introduced for the first time and with an international reach, to bar future use of expropriated property and deter investment in expropriated property, including in Cuba (European Union Commission, 1998). The so-called disciplines were supposed to ensure an outright ban on future investment in expropriated property, the setting up of an international property claims registry, and special treatment of countries with a pattern or practice of expropriation. Moreover, the disciplines would be applied retroactively (European Union Commission, 1998: 1-5).

The U.S. executive branch, for its part, agreed to add waiver authority to Title IV of the Helms-Burton Act as the president had for Title III. Under Title IV, the government is required to deny visas to executives or their families working for foreign companies that profit from the disputed property. However, the president cannot waive visa denials; only the U.S. Congress can amend the law. Under the new U.S.-EU agreement, the U.S. administration

was only under the obligation to amend Title IV (European Union Commission, 1998: 5). Since this amendment was linked to the disciplines and these would be permanent, the U.S. executive branch would need to have a waiver included in Title IV. So far as disciplines and the promotion of investment protection are concerned, the understanding is not a legally binding commitment for Europe; while it “constitutes a political arrangement reflecting the participants’ intention to apply these disciplines on a policy basis, the participants will make a joint proposal in the Multilateral Agreement on Investment (MAI), which upon entry into force, will be an agreement binding under international law” (1998: Annex A, 7).

The EU’s decision to wait for the fulfillment of a promise made by the U.S. administration overlooked the fact that in U.S. decision making the only authority that can pass or amend legislation is the U.S. Congress. Helms reacted negatively to the news of the agreement. “It will be a cold day in you-know-where before the E.U. convinces me to trade the binding restrictions in the Helms-Burton for an agreement that legitimizes their theft of American property in Cuba,” he said. Representative Lincoln Díaz Balart said that the administration “should not assume this has the support of Congress” (Balz, 1998).

THE POPE’S VISIT

Pope John Paul II’s visit to Cuba January 21-25, 1998, was to have a lasting impact on the island and on U.S.-Cuban relations. The visit highlighted the failure of U.S. policy toward Cuba. The pope criticized the U.S. embargo, saying, “The Cuban people . . . cannot be denied the contacts with other peoples necessary for economic, social, and cultural development.” He called for “the world to open to Cuba, and for Cuba—with all its ‘magnificent possibilities’—to open to the world” (Weiner, 1998). All of Latin America had condemned the U.S. embargo on Cuba. U.S. European allies had refused to go along with it, and Canada had gone out of its way to counter U.S. efforts to cut off all contact between Cuba and the outside world. During the Second Summit of the Americas in Chile, the Cuban issue was discussed. Canadian Prime Minister Jean Chrétien had visited the island in April 1998. Barbados—in the name of the Caribbean region—called for Cuba’s complete reintegration, and Brazilian President Fernando Henrique Cardoso described Cuba’s presence as essential to the idea of a unified American continent. In 1998 the Dominican Republic and Guatemala announced that they had reestablished diplomatic relations with Cuba. Spain reassigned its ambassador to Havana in April, putting an end to a diplomatic crisis that had begun

in 1996. Moreover, on April 21, 1998, Mexico called for Cuba to be readmitted to the OAS.

Meanwhile, the balance of power in U.S. politics was beginning to shift away from the Cuban-American hard-liners. For the first time since the introduction of the Helms-Burton Act, U.S. efforts to isolate Havana had come under sustained attack. An important U.S. trend was the erosion of conservative support for traditional U.S. Cuba policy. The *National Review*, the *Wall Street Journal*, and the *Washington Times* all editorialized against it. The U.S. Chamber of Commerce was lobbying aggressively in favor of the sale of food and medicine to Cuba. Nearly 700 companies, trade associations, and farm organizations had joined USA Engage, a new movement aimed at eliminating unilateral U.S. economic sanctions against Cuba and other countries around the world. Members and supporters included the U.S. Chamber of Commerce, the National Association of Manufacturers, Eastman Kodak, General Motors, Goodyear, and Honeywell. Some economists estimated that U.S. trade with the island, if the ban were lifted, would increase “to \$3 billion a year and rise to \$7 billion within a few years” (Jones and Rich, 1988: 8).

U.S. cardinals had made it clear that they saw the pope’s visit as the first engagement of a long campaign, and they were determined to press for more change in U.S. policy. Boston’s Cardinal Bernard Law called for a bipartisan presidential commission to recommend changes in U.S. policy and urged a rapid end to all restrictions on the sale of food and medicine to the island. The papal visit to Cuba also highlighted fault lines in Congress, the business community, and the religious sector over the U.S. blockade. The Brookings Institution held three major seminars on Cuba in 1998, and the Council on Foreign Relations established a task force on Cuba and subsequently published two reports (Aronson and Rogers, 1999; 2000).

The decline of broad conservative support for the blockade left Miami’s hard-liners almost alone, and they began to be concerned about the gathering momentum in favor of a softening of the blockade. They were also affected by a vacuum of leadership after the death of the chairman of the CANF, Jorge Mas Canosa, in 1997. Critics in Miami of the hard-line policy became far more visible. About 200 Cuban-Americans from the Miami area went to Washington in April 1998 to lobby Congress to end the blockade on food and medicine. A parallel process was taking place in Dade County. Under the 1994 immigration agreements, a new wave of Cubans was legally arriving in Miami, having left the island without political resentment or social distress. Their concerns were more like those of other immigrants from Latin America, and “fighting communism in Cuba” was not among their priorities. Although second- and third-generation Cuban-Americans’ approach to Cuba differs from that of their parents or grandparents, they have, as Lisandro

Pérez (1999) has pointed out, elected to remain silent or simply to endorse the current policy, and therefore demographic change has not translated into a change of policy in Miami. The issue of U.S.-Cuban relations is also being discussed in circles and by groups that have never been involved before. Growing numbers of corporate leaders, labor union officials, politicians, and business associations have taken a stand against the trade ban.

In the aftermath of the pope's visit, a House bill sponsored by former Representative Esteban Torres (D-Calif.) that would allow the sale of food to Cuba and remove many of the restrictions on the sale of medicine and medical supplies was introduced in the International Relations Committee, a committee controlled by blockade supporters. In the Senate, a similar bill, sponsored by Senator Christopher Dodd (D-Conn.), the ranking minority leader of the Foreign Relations Committee, was introduced that would have authorized the president to allow the sale of medicine and medical equipment to Cuba. The bills garnered the support of about 25 percent of members of Congress, including both Republicans and Democrats. Backing for these bills came from organizations ranging from the Roman Catholic Church and other religious groups to the U.S. Chamber of Commerce. Americans for Humanitarian Trade with Cuba (AHTC), a bipartisan coalition focusing solely on restoring the sale of U.S.-produced food and medical supplies to Cuba, also backed the bills. It was joined by U.S. leaders from business, government, labor, medical, religious, and humanitarian communities as well as by some groups of the Cuban-American community representing a broad spectrum of motivations and interests. The prominent banker David Rockefeller, the former treasury secretary Lloyd Bentsen Jr., the former deputy secretary of defense Frank Carlucci, and the former NATO supreme commander General John J. Sheehan supported the Dodd and Torres legislation.

The momentum for action was so strong after the pope's visit that Senator Helms and the CANF, in order to preempt sweeping changes that would have opened up trade with Cuba, put forward a bill aimed at undercutting these efforts. The plan marked the CANF's first policy initiative after the death of Mas Canosa. It was clear that its leaders were eager to reassert a presence in Washington (*Washington Post*, February 6, 1998). However, their proposal caused a rare rift among hard-line Cuban-American leaders. The three Cuban-American members of Congress all rejected the plan, saying that it was unnecessary and confusing and that it invited criticism of the embargo (Ros-Lehtinen, Díaz Balart, and Menéndez, 1998). They feared that even a slight change could turn the blockade policy around.⁶

After the pope's visit, Clinton and his administration undertook the daunting task of trying to defend his policy in the face of reality. Administration officials had had no plans for dealing with Cuba before the pope's visit, and

they were caught flat-footed as many sectors of American society lashed out at the embargo. Despite pleas from Pope John Paul II, many humanitarian groups, members of the U.S. Congress, European, Canadian, and Latin American leaders, the United Nations, and the U.S. Chamber of Commerce, neither Congress nor President Clinton seemed prepared to relax any part of an obsolete policy.

Since the start of the Clinton administration, U.S. officials had stated that significant actions by the Cuban government would be followed by carefully calibrated responses by the U.S. government. The Cuban government facilitated the pope's visit and allowed live TV broadcasts of his mass. It released scores of prisoners. Churches were allowed to flourish. Cuba-watchers looked to the United States for a response. Two months later, on March 20, 1998, William Clinton announced the resumption of licensing of direct humanitarian charter flights to Cuba, the establishment of new licensing arrangements to permit Cuban-Americans and Cuban families living in the United States to send humanitarian remittances to Cuba, and the streamlining and expediting of the issuance of licenses for the sale of medicines and medical supplies and equipment to Cuba (*Chicago Tribune*, March 25, 1998; *Los Angeles Times*, March 26, 1998; USIA, 1998).⁷

These steps were very modest, merely restoring humanitarian provisions in effect when Clinton took office but suspended in 1994 and in 1996. This underlined that U.S. Cuba policy had had no rationale and was only intended to maintain the status quo in order to mollify a small group of right-wing Cuban-American activists in Florida. Officials insisted that the moves did not signal a weakening of the long-standing U.S. embargo on trade with Cuba, which they said remained the cornerstone of efforts "to isolate and undermine the regime of President Fidel Castro" (Lippman, 1998a). They pointed to the four elements of U.S. policy: "pressur[ing] the Cuban government through the embargo and the Libertad Act; support[ing] . . . the Cuban people; encouraging a multilateral effort to promote democratic change; and maintaining the safety and legality of migration" (USIA, 1998). In other words, U.S. Cuba policy was still stuck somewhere in the cold war era.

Twenty days after these measures were approved, the Defense Department announced its conclusion that for the first time since the 1962 missile crisis Cuba constituted no threat to U.S. national security. The report, required by an amendment to the Defense Department Authorization Act introduced by Florida Senator Bob Graham in 1997,⁸ portrayed "Cuba's Revolutionary Armed Forces as a severely diminished military" and downplayed "the risks posed by chemical or biological weapons" (U.S. Department of

Defense, 1998). It also said that the chances of another mass exodus from the island were reduced. The then-chief of the U.S. Southern Command in Miami, Marine General Charles Wilhelm, said that the Cuban “armed force has no capability whatsoever to project itself beyond the borders of Cuba, so it’s really no threat to anyone around it. . . . It does not even begin to resemble the Cuban armed forces that we contemplated in the ’80s” (Marquis, 1998). Current and former Pentagon officials said that they had no evidence of high-level Cuban complicity in drug running to the United States. They did not think Cuba had “weaponized” biological agents against the United States, and they said that the best way to deal with the Juragua nuclear plant was to provide cooperation and scrutiny under the International Atomic Energy Agency (U.S. Department of Defense, 1998: 4). Prepared in coordination with the Defense Intelligence Agency, the CIA, the National Security Agency, the National Security Council, and the State Department, the assessment said that Cuba posed “a negligible threat to the U.S. or surrounding countries” (1998: 1).

By September 1998, former secretaries of state Henry Kissinger and Lawrence Eagleburger, citing a need for “an objective analysis” of U.S. policy toward Cuba, were urging President Clinton to authorize the creation of a bipartisan commission (Law Office: Baker, Donelson, Bearman and Caldwell, 1998). On October 13, Senator John W. Warner led an initiative, with the support of 24 of his Senate colleagues, recommending that the president establish a national bipartisan commission to review U.S. Cuba policy (U.S. Senate, 1998). Senator Warner’s initiative was backed by Kissinger, Eagleburger, former secretary of state George Shultz, former secretary of defense Frank Carlucci, former assistant secretary of state Harry Shaldermann, and former senator Malcolm Wallop. They said that a comprehensive study of Cuba policy was needed because none had been made since 1960, when the United States first began restricting trade with Cuba. Warner’s letter to the president recommended that the commission study such issues as Cuba’s risk to U.S. national security, compensation for U.S. businesses with properties confiscated in Cuba, and the domestic and international impact on the U.S. economy of the embargo against Cuba (U.S. Senate, 1998).

The three Cuban-American representatives, Ros-Lehtinen, Díaz Balart, and Menéndez, as well as Senators Robert Torricelli and Bob Graham, immediately began to lobby against the proposed bipartisan committee. Ros-Lehtinen and Díaz Balart branded it as the “Gore Commission” in an attempt to put pressure on the possible 2000 presidential candidate.

RECENT DEVELOPMENTS IN U.S.-CUBAN RELATIONS

This moment could have been an opportunity to review overall U.S. policy toward Cuba, but the president would have needed a moral conviction to try it. Unfortunately, Clinton showed a lack of consistency and commitment when required to support a position not in tune with what he perceived as the prevailing political trend. In addition, he had other problems as he became only the second president in U.S. history to be impeached. On January 5, 1999, in a politically cautious move, President Clinton announced that the administration had rejected the senators' proposal of a bipartisan commission on U.S. Cuba policy. At the same time, he announced "the relaxation of some U.S. restrictions" on Havana that revealed Washington's desire merely to nibble around the edges of the Cuba policy and clear away a massive bureaucratic backlog. Most of the announced changes come under Track 2 of the 1992 Torricelli Act, which allowed people-to-people contacts. The measures included a study by the United States Information Service of alternative broadcast sites to improve reception of Radio Martí and TV Martí in Cuba and an increase in public diplomacy programs to inform Latin America and the European Community about "the reality in Cuba today." Clinton also announced the reestablishment of direct mail service between the United States and Cuba. Other changes aimed at "facilitating people-to-people contact" were the authorization of the transfer of US\$300 quarterly by any U.S. citizen to any Cuban family (except for senior-level Cuban government and Communist Party officials), in addition to the ongoing remittances from Cuban-Americans. Direct flights from U.S. cities in addition to Havana for licensed travelers were approved, and flights from New York began in December. Approval of food sales to entities independent of the Cuban government such as religious groups or private restaurants could be applied for on a case-by-case basis. The *New York Times* (January 6, 1999) editorialized:

The pity is that the Clinton Administration has been hesitant about seizing this opportunity. The steps it has proposed, including the visit by the Orioles and a return engagement in America by the Cuban national baseball team, fall well short of the change in direction that is now politically sustainable in Washington. . . . Mr. Clinton must go beyond useful tinkering with an outdated policy. He must lead the way to a more promising approach based on deeper American engagement, not continued isolation.

Analyzing these measures, Wayne S. Smith, chief of the U.S. Interests Section in Havana between 1979 and 1982, declared in the *Los Angeles Times* (January 10, 1999): "What had been called for was a thorough review of policy that would lead to sweeping changes. What we got instead was a series of

unimportant small steps, some impractical, others a timid augmentation of what we are already doing, but none that alter policy in any significant way.”

President Clinton did not seem interested in reviewing the Cuban question from another perspective. From a cost-benefit perspective, the predominant consideration seemed to be that a policy review concerning Cuba would hurt presidential candidate Albert Gore in New Jersey and Florida in the 2000 elections. Once again, domestic politics and a blurred vision on foreign policy were setting the tone. No potential candidate in the 2000 elections wanted to anger a segment of Cuban-American voters. Politicians, policy experts, academicians, business people, humanitarian groups, and other Cuba experts who advocated improved relations with Havana dominated intellectual debates, but their influence was not translated into the political arena. The president could not have anticipated the new immigration crisis that would polarize the state of Florida even more: the case of the boy Elián González Brotón.

In the post-cold war period, U.S. Cuba policy suffered from incoherence and disarticulation not only at the conceptual but also at the practical level. The three major crises of the period—the 1994 rafters’ crisis, the 1996 shoot-down of two Brothers to the Rescue planes, and the 1999 crisis around Elián González—were characterized by the absence of coordinating structures and a power vacuum at the highest level of U.S. decision making, particularly the National Security Council. In all three instances, the fragility of the structure of the bilateral relations became quite evident.

The linkage of the Cuban issue to elections in Florida and New Jersey and the political influence of the strongest lobby, the CANF, caused a relative isolation of the Cuban issue from overall U.S. foreign-policy objectives, as the plight of six-year-old Elián González so dramatically illustrated. The case, which seemed to be a clear-cut one of immigration policy and parental rights, swiftly became fodder for U.S. politicians both in Congress and on the presidential campaign trail. Yet the debate over Elián also underlined that the CANF was no longer an unchallenged power. The growing debate over Washington’s policy toward Cuba now extended beyond the right wing of the Cuban-American community. In 2000 the House of Representatives and the Senate overwhelmingly approved two proposals by Representative George R. Nethercutt (R-Wash.) and then-Senator John D. Ashcroft (R-Mo.) aimed at lifting the embargo on food and medicines, including the possibility of U.S. private-sector financing to purchase those products.⁹ But the Republican leadership in the House, under whip Tom DeLay of Texas, backed by the three Cuban-American legislators, inserted “compromise language” that banned public and private financing and codified the existing ban on travel to the island into law. Subsequently, the main idea of selling food and medicines

was modified into an act that blocked the easing of the embargo (DeYoung, 2000). Nevertheless, congressional representatives, business associations, churches, humanitarian groups, academicians, and even the Republican governor of Illinois, George Ryan, all underscored the irrational persistence of maintaining a policy that had not produced the expected results and the imperative need to shift the course prevailing in the scarcely existing U.S.-Cuban relations for the sake of America's own political interests. But the political muscle of the new actors advocating a change of policy was yet to be tried.

The lack of a long-term articulated strategy—one that would see beyond immediate circumstances—on the part of the Clinton administration and the general assumption that the island would have to modify its political system both contributed to the manipulation of the Cuban issue by single-issue right-wing groups. These groups used the U.S. political process and manipulation of the Congress to perpetuate their particular interests. Over the years, they became expert at effectively inserting themselves into the U.S. political game. However, this political craftiness might not be enough to counter the shift in U.S. public opinion, especially within the business community, the Catholic Church, and humanitarian groups. The deep process of transformation of the international system, the new actors advocating a change of policy toward the island, weaker leadership within the CANF, and demographic changes in the Cuban community in Miami suggested that the time might have been right for this shift in U.S. public opinion to be translated into a change in policy.

CONCLUSION

While policy making in Cuba has always taken U.S. politics into serious consideration, Cuba has not been, in the short or medium term, a political priority for the United States. For more than 40 years, this fact has constrained the debate on U.S. Cuba policy, and, consequently, those showing very specific interests in the Cuban issue have traditionally monopolized the discussion. A reassessment of the Cuban issue, placing it in a world context, is imperative for the establishment of constructive relations between the two nations. Globalization, with its contradictory processes of economic integration and the marginalization of states, nations, and social groups, has made it essential to face the genuine universal problems of underdevelopment, pollution, migration, drug trafficking, proliferation of weapons, human smuggling, and new challenges to national, regional, and international security.

The geographic, economic, political, and cultural space that Cuba and the United States share cannot be ignored. Therefore, agreement on subjects of common interest is a short-term must both for security reasons and to cut short a long list of outstanding issues, some over 100 years old. Common sense and new international and domestic conditions, beyond any symbolism or political personalization, demand a common will to overcome bilateral and regional problems. Between the United States and Cuba it would be possible to deal successfully with issues of the environment, immigration, and drug trafficking.

Under international law, negotiations in the medium term would prove sensible. They might address issues such as the claims and counterclaims of the two governments, the status of the Guantánamo naval base, and the lifting of economic sanctions and restoration of normal trade relations. This would open the way for consular and diplomatic relations. The legal regulatory framework of the Helms-Burton Act makes any move toward negotiation conditional on a change of government in Cuba and the implementation of a number of mandates stipulated by U.S. law without regard for the desires of the Cuban people. For most Cubans on the island, sovereignty and independence are basic values. Thus, the intent to restore U.S. domination in Cuba violates a fundamental Cuban national interest. Wisdom and the will to negotiate, as well as consideration of both countries' history, vocation for independence, national interests, and regional security, will be required for rational coexistence to be achieved.

NOTES

1. I adopt the definition given in *Webster's Collegiate Dictionary*. The action taken by the United States against Cuba is both a blockade and an embargo, with embargo defined as "an order of government prohibiting the departure of commercial ships from its ports" while a blockade constitutes "any restrictive measure designed to obstruct the commerce and communications of an unfriendly nation."

2. In 1991-1994, Cuba underwent a painful reality check as the foreign underpinning of its economy vanished. General economic activity fell by 29 percent between 1989 and 1993.

3. The Center for Public Integrity studied the Cuban-American National Foundation (CANF's) lobbying in 1996 and concluded that it was among the most effective and most feared on Capitol Hill. The Washington-based center monitors campaign tactics and ethical issues. The study, which focused on the Helms-Burton Act's passage, found that CANF officials and related groups had contributed US\$4.4 million to federal election campaigns since 1979.

4. See the Cuban Liberty and Democratic Solidarity Act of 1996, Title III, Section 302 (U.S. Congress, 1996). The act allows U.S. nationals to sue for money damages in U.S. federal court persons who "traffic in property confiscated in Cuba." It extends the right to sue to Cuban-Americans who became U.S. citizens after their properties were confiscated or nationalized.

5. See the Cuban Liberty and Democratic Solidarity Act of 1996, Title II, Assistance to a Free and Independent Cuba (U.S. Congress, 1996). On January 28, 1997, the U.S. government published a program titled "Support for a Democratic Transition in Cuba." This plan is an integral part of the Helms-Burton Act, which under section 202 (g) of Title II stipulates that it will be applied only when a transition government is in power in Cuba and after that government takes appropriate measures to return to U.S. citizens all property nationalized and confiscated after 1959. The document sets the terms for hypothetical aid, but during the so-called transition period diplomatic and trade relations will not be resumed. It states that "for the time being, no country, no international organization or institution is in position to make specific commitments to give funds to support transition in Cuba."

6. On May 14, 1988, the Senate Foreign Relations Chairman, Jesse Helms (R-N.C.), the entire GOP leadership, and several Democrats introduced legislation to authorize US\$100 million over four years in humanitarian aid to the Cuban people, while urging stepped-up U.S. government support for "democratic opposition groups in Cuba." It also urged the administration to commence "freedom broadcasting" through Radio and TV Martí from Guantánamo Bay and "suitable sites around Cuba." In addition to humanitarian aid, the bill called for "democracy assistance"—communications equipment, printing presses, photocopiers, and other items that internal opposition groups need to spread prodemocracy messages. The Reagan Administration had provided such assistance to Poland during the 1980s. A similar bill was introduced by Helms and Joseph Lieberman in the 107th Congress.

7. By the beginning of 1999 no medicine had arrived in Cuba on a sale basis, and the relaxation of the policy was questioned not only by the Cuban government but also by U.S. scholars.

8. Defense Department Authorization Act (PL 105-85). As signed into law, section 1228 called for the secretary of defense to conduct, by March 31, 1998, a review and assessment of Cuban military capabilities and the threat to U.S. national security posed by Cuba and of the contingency plans developed by the secretary to counter any threat posed by Cuba to the United States.

9. Liberal Democrats, the pharmaceutical industry, and Republicans from farm states optimistic about selling food and medicine to Cuba constituted the coalition.

REFERENCES

- Alfonso, Pablo
 1995 "En marcha el dialogo de Carter." *El Nuevo Herald*, September 21.
- Aronson, Bernard W. and William D. Roger
 1999 *U.S.-Cuba Relations in the 21st Century*. Council on Foreign Relations Independent Task Force.
 2000 *U.S.-Cuba Relations in the 21st Century*. Council on Foreign Relations Independent Task Force.
- Balz, Dan
 1998 "U.S. eases stand on Cuba, Iran sanctions: Helms condemns, Europe hails move." *Washington Post*, May 19.
- Brenner, Philip and Peter Kornbluh
 1995 "Clinton's Cuba calculus." *NACLA Report on the Americas* 29 (September/October): 33-40.
- Chardy, Alfonso
 1995 "Ex-rivals unite for rafters." *Miami Herald*, May 13.

- Corzo, Cynthia
1995 "Nuevos pasos alientan cambio pacífico en la isla, dice Clinton." *El Nuevo Herald*, October 7.
- DeYoung, Karen
2000 "Embargo foes feel let down on Cuba." *Washington Post*, October 9.
- Domínguez, Jorge
1997 "U.S. Cuban relations: from the cold war to the colder war." *Journal of Interamerican Studies and World Affairs* 39 (3): 49-73.
- European Union Commission
1998 "Understanding with respect to disciplines for the strengthening of investment protection." *European Union News*, May.
- Falk, Pamela
1996 "Eyes on Cuba: U.S. business and the embargo." *Foreign Affairs* 75 (2): 16.
- Fetcher, Michael
1998 "Cubans learn politics quickly." *Tampa Tribune*, March 14.
- Florida International University
1993 *Cuba in Transition*. Miami.
- González, Edward and David Ronfeldt
1992 *Cuba Adrift in the Post-Communist World*. Santa Monica: Rand/National Defense Research Institute.
- Huntington, Samuel
1997 "The erosion of American national interests." *Foreign Affairs* 76 (5): 28-49.
- Inter-American Dialogue
1992 *A Report of the Inter-American Dialogue Task Force on Cuba: Cuba in the Americas—Reciprocal Challenges*. Washington, DC: Aspen Institute.
1995 *Cuba in the Americas: Breaking the Policy Deadlock*. Washington, DC: Aspen Institute.
- International Civil Aviation Organization
1996 *Report of the Investigation Regarding the Shooting Down of Two U.S. Registered Private Civil Aircraft by Cuban Military Aircraft on 24 February 1996*.
- Jones, Kirby and Donna Rich
1988 *Opportunities for U.S.-Cuba Trade: A Study by the Cuban Studies Program of the Johns Hopkins University, School of Advanced International Studies*. Washington, DC: Johns Hopkins University.
- Kirschten, Dick
1995 "Guantanamo SI; Otherwise NO." *National Journal*, May 13.
- Law Office: Baker, Donelson, Bearman, and Caldwell
1998 "Letter to Honorable John Warner signed by Howard Baker Jr., Frank Carlucci, Henry Kissinger, William Rogers, Harry Shladermann, and Malcolm Wallop." Washington, DC.
- LeoGrande, William M.
1997 "Enemies evermore: U.S. policy towards Cuba after Helms-Burton." *Journal of Latin American Studies* 29: 211-221.
- Lippman, Thomas W.
1998a "Politicians at odds on sanctions as policy." *Washington Post*, May 19.
1998b "U.S. to ease some curbs against Cuba." *Washington Post*, March 20.
- Marquis, Christopher
1997 "Europe, U.S. make Cuba deal." *Miami Herald*, April 12.
1998 "Pentagon wants U.S. military to work with Cuba." *Miami Herald*, March 27.

- Nagin, Carl
1998 "Annals of diplomacy: backfire." *The New Yorker*, January 26, 30-35.
- Pérez, Lisandro
1999 "Reproducción generacional del discurso tradicional." *El Nuevo Herald*, January 17.
- Preeg, Ernest
1992 *Cuba and the New Caribbean Economic Order*. Washington, DC: Center for Strategic and International Studies.
- Reiff, David
1996 "Cuba refrozen." *Foreign Affairs* 75 (July-August): 73-83.
- Robaina, Roberto
1996a "Interview." *Prensa Latina*, March 19. (Foreign Broadcast Information Service-LAT-96-055.)
1996b "Statement by Roberto Robaina, Minister of Foreign Affairs of the Republic of Cuba, to the resumed 50th session of the UN General Assembly;" March 6.
- Ros-Lehtinen, Ileana, Lincoln Díaz Balart, and Robert Menéndez
1998 "Existing laws on aid to Cuba are clear, fair." *Miami Herald*, February 9.
- Schneider, William
1995 "Immigration politics strikes again." *National Journal*, May 20.
- Shulz, Donald E.
1993 *The United States and Cuba: From the Strategy of Conflict to Constructive Engagement*. Washington, DC: U.S. Army War College, Department of Defense.
- Skol, Michael M.
1993 Lecture to the Women's National Democracy Club Educational Foundation, November 18.
- U.S. Congress
1996 "The Cuban Liberty and Democratic Solidarity Act of 1996." P.L. 104-14, 110 Stat. 785.
- U.S. Department of Defense
1995 *The Military and the Transition in Cuba*. Washington, DC.
1998 *Defense Department Report: The Cuban Threat to U.S. National Security*. Washington, DC.
- USIA (United States Information Agency) Worldnet DIALOGUE
1998 "Background briefing with State, Commerce and Treasury Department officials regarding implementation of March 20 measures on humanitarian flights, family visits, U.S. and monetary remittances for Cuba." Washington Television and Film Service, May 13.
- U.S. Senate
1998 "Letter to the Honorable William Jefferson Clinton, President of the United States, by 24 Senators." October 13. Washington, DC.
- Vincent, Mauricio
1998 "Castro advierte que ningún entendimiento entre la UE y EE. UU. puede realizarse a costo de Cuba." *El País*, May 25.
- Watson, Alexander
1993 "The Cuban Democracy Act: one year later." Foreign Affairs Committee of the House of Representatives, 18 November. *U.S. Department of State Dispatch*, December 6.
- Weekly Compilation of Presidential Documents
1996 "Remarks announcing sanctions against Cuba following the downing of Brothers to the Rescue airplanes." 32 (March 4): 381.
- Weiner, Tim
1998 "A pope vs. embargo." *New York Times*, January 21.