



International Policy **BRIEF**

News and analysis from the staff of the Center for International Policy

Report on the Conference to Call for the Elimination of Restrictions on Academic and People-to-People Travel to Cuba

**Sponsored by The Emergency Coalition to Defend Education Travel and
The Center for International Policy**

In the Holeman Lounge of the National Press Club
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Introduction

In 2003 the Bush administration cancelled the cultural travel provisions created by President Clinton in 1999 “to reach out to the Cuban people.” And in 2004 it imposed such severe conditions on academic programs in Cuba offered by accredited U.S. colleges and universities as to make them virtually impossible to continue. Exchange programs at most colleges and universities were simply shut down. Both these measures blatantly violated the Free Trade in Ideas Act of 1994, which expresses the sense of Congress that the “president should not restrict travel for educational purposes between the United States and any other country.” The purpose of this conference on March 9 was to call for the immediate elimination of these Bush administration restrictions.

ECDET Chairman **Wayne S. Smith** opened the conference by noting that though it is often said that Cuba policy doesn’t change because Cuba does not rank high among

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President Obama's priorities, it is in fact a bellwether of U.S. policy toward Latin America as a whole. President Lula de Silva of Brazil has stated that without a more sensible U.S. policy toward Cuba, Latin American states will find it difficult to believe that the U.S. is capable of effective leadership. This message was reiterated at the Summit of the Americas in Trinidad and Tobago last April by Lula and by other Latin American leaders. However, despite eliminating the restrictions on remittances and Cuban-American travel a year ago, President Obama to date has not taken the additional step—the easiest one— of removing restrictions on academic and people-to-people travel. Latin Americans are deeply disappointed: If the U.S. can't even remove these restrictions, what can it be expected to do? In their frustration over this and other issues, Latin American countries met in Cancun in February and formed a new multinational organization that excludes the United States and Canada.

Smith went on to note that the tragic death of dissident Orlando Zapata Tamayo has prompted some to say this is not the time to lift restrictions. However, as Anya Landau French pointed out in a recent piece in the *Washington Post*, Cuban dissidents do not agree with U.S. policy, contending that the sanctions harm the people more than the government of Cuba. Efforts in Congress to remove U.S. restrictions on travel and food exports are “not driven by love for Fidel or Raul Castro,” she said, “but by advancing the national interest at a time when America needs job growth and export opportunities and by a belief we can do far more good in Cuba by reaching out to rather than isolating the people.”

Further, said Wayne Smith in closing his presentation, hunger strikes on the part of political prisoners are not unique to Cuba. It was not so long ago - in fact, under the

Bush administration - that we were reading about guards at the Guantanamo Naval Base force-feeding prisoners who were on hunger strikes, usually protesting abuses. While Zapata's death should be condemned, he concluded, it is not a reason to maintain travel restrictions on Cuba.

"No one has been more deeply involved in legal efforts to change and improve Cuba policy," Smith noted in introducing the next speaker, **Robert Muse**, of Muse and Associates, who began his presentation by describing the decline in academic travel to Cuba since the Bush administration instituted its policies. Until 2004 some 200 U.S. universities offered courses in Cuba to 2000 students a year on such subjects as politics, history, and health care. Today about 10 universities offer courses, with only 63 students participating this year. This policy change came about because the Bush administration thought it was looking at a tough reelection and was concerned about Florida. Cuban-American activists exploited the anxiety by attacking Bush inactivity vis-à-vis Cuba in his first term. In response, the administration set up the President's Commission for Assistance to a Free Cuba, making it clear that its recommendations would be punitive toward Cuba. One central objective was said to be hastening democracy, and to accomplish that the administration moved to cut off access to U.S. hard currency. It instituted tight requirements on academic travel: 1) each program had to be a full semester in duration (thus preventing participating students from graduating on time) 2) students could only attend programs run by the colleges in which they were enrolled, and 3) only full-time teachers at a university could participate. These requirements eviscerated the programs. To justify its actions, the administration accused U.S. academic

programs in Cuba of widespread currency violations, even though not one academic institution had been sanctioned-or even accused.

ECDET was formed in response to this policy, Robert Muse noted, and a lawsuit instigated to counter it. However, the suit did not succeed. Not a single U.S. university would agree to be a plaintiff, probably fearing loss of federal grant aid. It is a very sad commentary on academic institutions and their feelings of vulnerability that they are unwilling to challenge regulations that go to the heart of academic freedom. The legal challenge was based on the First amendment, protecting academic freedom, and the Fifth Amendment, protecting foreign travel. But, when the suit came before Judge Laurence H. Silberman of the D.C. Court of Appeals, a Reagan appointee, he maintained that denying academic freedom was a small price to pay to protect the president's prerogative to deprive Cuba of hard currency to hasten democracy. By Robert Muse's calculation, the 2000 students who traveled to Cuba per year under the previous regulations spent an average of \$1,000 each there, a total of \$2 million. Contrast that with the \$2 billion a year Cuban Americans were paying out in travel and remittances. To say that spending one-tenth of the total in any way affected the hard currency equation is an absurdity.

Congress showed little interest in the issue either, despite the Berman Act, which prohibits the president from cutting off travel for purposes of education, Muse said. Now we are back where we began, with the Executive Branch. Democrats—Carter in 1977, then Clinton—liberalized travel to Cuba; it would take no longer than five seconds, a stroke of the pen, for President Obama to do likewise. A deplorable political calculus is at play. It is time to demand that this be changed.

William LeoGrande, Dean of the School of Public Affairs at American University, was the next speaker. He noted that in Secretary of State Hillary Clinton's recent trip to Latin America she emphasized President Obama's interest in a new relationship marked by equality, mutual respect, and multinational cooperation. Obama's inauguration coincided with the 50th anniversary of the Cuban revolution. During the presidential campaign, Obama called U.S. Cuba policy a failure and vowed to begin a new policy of engagement. Latin Americans are skeptical. Cuba is very important symbolically; yet, in our policy so far they see the same old paternalism that has dogged relations for decades. Many attendees at last April's Trinidad Summit of the Americas said they would not participate in another summit without Cuba. The OAS has lifted the suspension of Cuba imposed in 1962, conditional upon Cuba accepting the guiding principles of the OAS, including the Inter-American Democratic Charter. Thus far, Cuba has shown no interest in doing so. Recently the members of the Rio group and CARICOM established a new hemispheric group, excluding the United States and Canada. The members call this new organization "complimentary" to the OAS, but it is a clear expression of frustration with U.S. policy.

Obama has taken some positive steps toward Cuba, noted LeoGrande, by allowing unlimited Cuban-American remittances and family travel and by opening talks on migration and direct mail service—as well as by toning down Bush's regime-change rhetoric. Cuban-Americans are now free to exercise their constitutional right to travel while other U.S. citizens are not. Educational travel can be restored with an executive order. Now, LeoGrande noted, "Americans can travel to North Korea despite its effort to

develop nuclear weapons; to Iran, whose leader denies the Holocaust; and to Sudan despite Darfur; but not to Cuba.”

Obama wishes to move slowly, but what we have now is a formula for going nowhere. There will always be conservative Cuban-Americans to raise objections to even the slightest change in policy, and there will be events to disrupt the process (such as the death of dissident Orlando Zapata, or the arrest of U.S. AID contractor Alan Gross). Some people argue that Cuba policy does not change because the political costs are too high. But doing nothing has costs also, souring U.S.-Latin American relations, and in the curtailment of the constitutional rights of U.S. citizens. In the past, the Supreme Court has ruled that this right can be abrogated when there is a compelling national security threat. It is very hard to make that argument today in the case of Cuba. Ten presidents have failed to untangle the Gordian knot of U.S. relations with Cuba. “Obama should have the courage to just cut it,” LeoGrande concluded.

“Don’t you feel like you’ve heard this debate before?!” asked **Vic Johnson** of NAFSA, the next speaker, expressing the frustration of many at the conference. The debate has never been about Cuba but about the politics of Cuban Americans, he said; it’s about catering to a constituency and carrying Florida in the next election. President Obama has tried to move beyond the politics, setting in motion a process that focuses on Cuba and abandoning the myth that isolating the Castro government will make it fall. Obama’s intent was to promote change while managing common problems and to sweep away numerous restrictions. Unfortunately, “the momentum seems to have slowed, and he is far from completing the reset. “

Academic travel did not make last spring's basket of changes, Johnson lamented, and now the administration has reverted to saying Cuba must take actions to earn them. But academic travel is for the U.S., not Cuba! The number of Americans studying in Cuba has dropped 90% since the restrictions went into effect. There is no policy rationale for this at all. Not only does it muddy the message to Latin America of a new day, but it denies our students the chance to know a society in transition, and undermines our credibility throughout the world. The reason for this is simply politics, but the political calculus has changed; Cuban-Americans are no longer a monolithic group. And while with 60 votes in the Senate every Democrat had a veto, that is no longer the case. It may be harder for Senator Menendez to threaten to block legislation. We must complete the transition to a national interest-based Cuba policy now.

As President Obama said to a group of students in Turkey, "exchanges can break down walls." They can and do, Johnson added.

Gareth Jenkins, a British national with long experience in Cuba as an investor and a tour director, debunked the accusation, prevalent in Washington, that U.S. academic and cultural groups visiting Cuba could meet only with Cubans selected by the Cuban government. Nothing could be further from the truth. Working with David Parry of Academic Travel Abroad, Jenkins used informal networks to set up meetings with artists, writers, architectural historians, city planners, musicians, scientists, educators, practitioners of the spiritist religion Santería, and many other Cubans across the island to give visitors the broadest and richest possible exposure to the Cuban people, their culture, and their country. The very successful programs were highly substantive, tightly packed with events, and carefully organized in compliance with OFAC regulations.

U.S. participants, who came from all backgrounds and political viewpoints, greatly enjoyed and profited from the chance to interact with Cubans in relaxed settings. Everyone who took part found these educational trips excellent vehicles for promoting understanding.

David Parry, the chairman of Academic Travel Abroad, spoke about its 60-year history of organizing educational trips, beginning with taking a group to study the Marshall Plan in 1950. In 1956 they took the first groups to the Soviet Union to learn about the communist system, in the mid-1970s to China, and in the 1990s to Cuba. Today they continue to be active around the world, including in Vietnam and, soon, Aleppo, Syria, where they are beginning a program to teach Arabic.

The idea of people-to-people educational travel originated with President Eisenhower. It is a large and vital part of non-traditional education, and it satisfies Americans' eagerness to learn and to understand about the world. The Cuba trips gave Americans a brief window on a country that sometime in the future will have close ties with the U.S. They should be continued.

Questions from the audience began with the observation that Cuba seems to thrive on hostility with the U.S. William LeoGrande replied that it certainly survives well, but he believes it is not true that Cuba does not want normal relations. What it wants is relations on its own terms, and the price the U.S. offers is often too high to pay. It will not change its regime to accommodate U.S. wishes. Raul does not bash the Yankees as much as Fidel did; instead he urges Cubans to work harder and stop blaming the embargo for all problems.

Elaine Scheye, of Global Advisory Services spoke of the large number of new drugs and vaccines coming out of Cuba, with many patented by the U.S. She said that academic research and exchanges are vitally important and proposed bringing medical schools and centers into the ECDET fold. We need to develop collaborative partners with the Cubans, share data, and be free to attend each other's conferences, she said. This collaboration will save lives. As we debate health care reform, we have much to learn from Cuba, such as its emphasis on primary care. She suggested that promoting medicine as a point of engagement can improve bilateral relations.

Another conference attendee asked about the strategy for moving forward to lift the restrictions. Wayne Smith noted in reply that ECDET had sent a letter to President Obama shortly after his inauguration urging that he lift the restrictions. He did not respond. And so, we have now addressed Secretary Clinton and organized this conference. This is but the beginning of the process. Everyone must make clear that the current situation is untenable. The offending regulations go against the law and must be removed.

John McAuliff of the Fund for Reconciliation and Development said we need to be much more aggressive in pressing for the removal of these restrictions. And it isn't realistic to expect that our lifting travel restrictions will or should result in Cuba releasing all its prisoners. Expectations must be proportional.

McAuliff noted that Assistant Secretary of State Arturo Valenzuela has said that we should open up communications, nation to nation, people to people. For academic travel, the calendar requires this be done immediately, no later than April. At the one-year anniversary of Obama's initial reforms, we want the rest of the package. And just as

Obama allowed unlimited Cuban-American travel and remittances, we should press not to go back to the Clinton policy but to a policy of unrestricted travel by all 501C3 organizations.

Panelists also discussed the political obstacles to changing the policy. Although the working level people at the State Department appear to favor it, the policy people appear not to. Robert Muse said that resistance is centered in the White House, where the Latin America office is weak. Now they are doing the electoral calculations. Senator Menendez was complicit in this even before health care entered into the equation. “The reality,” noted William LeoGrande, “is do you want to have a big fight with Senator Menendez with so much else going on?” Are they willing to take the heat? Mid-level people are trying to make changes below the political radar. The problem with changes in the regulations is that they have to be announced. Robert Muse pointed out that PAC funding has converted many Democrats to pro-embargo positions. The obstacles to change are formidable, he said. Change requires a seriousness of purpose that he hoped we are up to.

David Guggenheim, senior fellow at the Ocean Foundation, spoke of the work he has been doing with Cuba over the past decade. Degradation of the oceans affects both health and the economy. Cuba has healthy coral reefs. We can learn valuable lessons from the Cubans. In collaboration with Cuban and Mexican environmentalists, his group has drafted an exciting 10-year plan of action to protect the Gulf of Mexico and Western Caribbean. However, the next generation of scientists must be brought into this; students must be engaged and trained. Student exchanges are a cornerstone to success.

Guggenheim said he was heartened by State's willingness to help with visas to bring in Cubans for the next meeting in Sarasota, Florida.

Wayne Smith closed the conference by calling on all participants and all ECDET members to raise their voices and demand the elimination of restrictions on academic and "people-to-people" travel. Both not only violate our rights, they are counterproductive in terms of U.S. values and objectives. And they could be eliminated with the stroke of a pen. It is time for the Obama administration to use that pen – now!

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