

Statement of Wayne S. Smith,
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Senate Committee on Finance,
Hearing on United States Relations With Cuba,
September 4, 2003

I have in one way or another been closely involved with U.S.-Cuban relations for over 46 years now. I was an analyst working on Cuba in the State Department's Bureau of Intelligence and Research from 1957 until 1958. I was then transferred to the American Embassy in Havana, arriving there in August of 1958, in the midst of the civil war, and serving as Third Secretary in the Political Section until we broke relations in January of 1961. I served on the Cuba Desk in the 1960's and in April of 1977 was with the first group of American diplomats to return to the island. I then served as Director of Cuban Affairs in the Department of State until July of 1979, when I was transferred to Havana as Chief of Mission, i.e., Chief of the U.S. Interests Section, which we'd opened in 1977. In 1982, I left the Foreign Service because of my serious disagreements with the Reagan Administration's policies toward Cuba, the contra war in Nicaragua, and various other policies around the world. Since then, since becoming a private citizen, I have followed Cuban affairs closely and traveled often to the island as Director of the Johns Hopkins University's academic exchange program with Cuba and as head of the Cuba project at the Center for International Policy in Washington, D.C.

I have, then, observed U.S. policy toward the Castro government since its inception. What I can say is that that policy is now woefully out of date and decidedly counterproductive. Fashioned during what were perhaps the most intense years of the Cold War to raise the cost to the Soviet Union and Cuba of their alliance and of actions the United States deemed detrimental to its interests, the policy lives on more than a decade after the Cold War ended. The Soviet Union has collapsed. Cuba no longer poses any threat to the security of the United States. But we continue to pursue the same old policy of the past 44 years as though nothing had changed.

The goals of the policy were modified somewhat over the years. At first, we insisted that Cuba cut its ties with the Soviet Union completely and halt all efforts to support other revolutions (or, as we put it, to export revolution) before the United States would remove its sanctions and begin a process of normalization. By the 1980's those conditions had been slightly modified. Now we put forward three conditions: Cuba must 1) remove its troops from Africa, 2) halt its support for revolutionary groups in Central America and elsewhere, and 3) reduce its military ties with the Soviet Union. In addition to these three foreign-policy conditions, we indicated that we would wish to see greater respect for human rights and movement toward a more democratic system. The idea, however, was that once the three foreign-policy conditions had been met, we could then begin to engage and in the process of engagement encourage progress in the other areas.

By 1992, all three foreign-policy goals had been met. All Cuban troops were out of Africa. Cuba was no longer giving support to guerrillas in Central America or anywhere else in the world. Indeed, as the result of negotiations initiated by the Central Americans themselves (and initially opposed by the Reagan Administration), fighting had ended in Central America. And as for the military ties to the Soviet Union, the latter had collapsed and the Cold War was over.

And did we begin to improve relations as we'd indicated we would do? No. We did the exact opposite. With the Cold War over and Cuba obviously open to a dialogue with us, many had expected that Bill Clinton, first as candidate and then as President, would move toward improved relations. But in the spring of 1992, hard on the campaign trail, he went to Miami, had dinner with the Cuban American National Foundation, came out with a large contribution to his campaign fund and said he liked the Cuban Democracy Act. This, he said, was the way to "put the hammer to Fidel Castro." Thus, we passed the Cuban Democracy Act which further tightened the embargo. I remember that in a debate with me on *Crossfire* in December of 1992, then-Congressman Robert Torricelli, the Act's principal proponent, stated that as the result of this legislation, the Castro regime would fall within weeks. Senator Jesse Helms made similar predictions when the Helms-Burton Act passed in 1996. Its passage, he said, meant that we could now say "adios, Fidel."

But 11 years after Mr. Torricelli's statement and six years after that of Senator Helms, the Castro government is still as firmly in power as ever, its economic difficulties notwithstanding. The Clinton Administration in fact never made any real effort to improve relations with Cuba. For its part, the Bush Administration has pursued the most hostile policy of the past two decades, with active efforts to bring about regime change. As Mr. James Cason, the present Chief of the U.S. Interests Section, stated in Miami on April 7 of this year, his primary mission in Cuba is to bring about "the rapid transition to a participatory form of government." And through USAID, the government has given millions of dollars to groups in Miami, who supposedly assist the internal opposition in Cuba. This is the kind of activity which the United States would not permit in its own territory – activity which it would call subversive.

And it will not work. For the U.S. Government to speak loudly of its material assistance to dissidents in Cuba is to undercut their nationalist credentials and make them appear as agents of the U.S. government. That cannot be helpful to them, especially given the history of U.S.-Cuban relations since 1898 (see below). I have the greatest admiration for dissidents such as Oswaldo Paya, Vladimiro Roca and Elizardo Sanchez, none of whom would or do take any assistance from the U.S. Government. I believe they have an important role to play in expanding the parameters for civil society. But the dissident movement will not, cannot, bring about regime change, even if that were their objective, which it is not. The Cuban people are not going to rise up against the present government. Hence, Bush Administration efforts at regime change are likely to bring about results exactly the opposite of those desired, as, for example, was the case with the recent crackdown against the dissident community.

And as became clear in the aftermath of the crackdown, the dissident community is thoroughly penetrated by Cuban State Security. In fact, a good percentage of the dissidents are State Security agents. Are we not, then, working with an uncertain instrument?

Even if the bull-in-the-china-shop tactics of Mr. Cason – doubtless on the orders of the Bush Administration – helped to bring it about, the crackdown was deplorable and the United States should be looking for ways to reverse it. Indeed, the United States of course wishes to see Cuba move toward a more open society with greater respect for the civil rights of its citizens. But the point is that present policy – a policy of threats, efforts to isolate and strangle the island economically and to bring about regime change – will

not advance those objectives; rather, as we have just seen, they will have the opposite effect. We could accomplish far more through the reduction of tensions and a cautious policy of engagement. There are those who say we should not trade with Cuba or allow our citizens to travel there because it is a Communist state. But during the darkest days of the Cold War, we had full diplomatic and trade relations with the Soviet Union itself and our citizens could travel there. This may not have been the key to the positive change we saw there, but it helped. And today, we trade with China and Vietnam and our citizens are free to travel to both. They are both Communist states and China's human rights record is worse than Cuba's. We believe that trade and travel in China will eventually lead to positive change. Why is that not true of Cuba as well? Why are trade and travel to Cuba so severely circumscribed? Americans believe that the travel of American citizens abroad is one of the best means of spreading the message of our democratic system. Why should it not have that effect in the case of Cuba?

There are to be sure those who say that it will not and they note that Canada, the European countries and various others have been trading with Cuba for years, while their citizens have been free to travel there. If this has not brought about democratic transformation, why should we expect that similar engagement with the United States would fare any better?

The answer to that is that the United States is in a *sui generis* situation. Historically, since 1898, it has been the principal threat to Cuba's sovereignty and independence. No matter what Canada and the European states may do, it is the United States that is the Colossus of the North, that blots out Cuba's northern horizon. Thus, so long as the United States is threatening and trying to choke Cuba economically, the Cuban government will react defensively and call for internal discipline and that all rally around the flag against the external threat. Under those circumstances, internal liberalization is highly unlikely.

Thus, to repeat, in terms of human rights and a more democratic society, we could accomplish far more by reducing tensions and beginning a careful process of engagement. The all-important first step should be the lifting of travel controls. If one wishes to let light into a closed house, one does not do it by trying to keep all the doors and windows closed. On the contrary, one throws them open. Oscar Espinosa Chepe, an independent journalist in Cuba who was arrested in the recent crackdown and is now serving a 20-year sentence, had this to say in an article published on August 1, 2002, on Cubanet, a Miami-based service for Cuba's independent journalists: "The changes that have come about in China and Vietnam, societies dominated by despotism for millennia, have been produced by contacts between peoples and by closer economic, commercial and cultural ties with democratic nations. Cuba, with Western traditions and culture and a history of ties with the United States – which have not been erased in spite of many efforts – will not be an exception. The policy of promoting people-to-people contact will also bear fruit here."

"And the efforts to defend Cubans' right to enter and leave their country freely," Chepe goes on to say, "should not be obscured by the current limitations on the right of American to travel to Cuba."

Congress should move immediately to remove or neutralize those limitations, which in addition to being a poor policy instrument violate the rights of American citizens. The Supreme Court ruled in 1967 that the U.S. Government could not ban

American citizens from traveling to any given country. Accordingly, during the Carter Administration, all controls were removed. In re-imposing them in 1982, the Reagan Administration used a round-about way, through currency controls. In effect, it took the position that while it could not ban travel to Cuba, it could ban the expenditure of money to pay for that travel. The effect of course is the same. The courts, however, will not take issue. The Executive Authority holds that currency controls are an important instrument of its foreign policy and the courts refuse to second guess the Executive in foreign policy matters. The rights of our citizens are indeed being circumscribed, but remedy will not come from the courts. Nor will it come from the Bush Administration, which, incredibly, is actually tightening travel controls, by removing whole categories, such as people-to-people exchanges, from consideration for licenses. The new regulations have been imposed without any Congressional oversight and are being implemented in a most arbitrary manner. Some get licenses, some don't, often without any logical explanation as to why. This is simply unacceptable. It is up to the Congress to right this wrong by removing or neutralizing the controls themselves. Congress represents the American people and the majority of them want travel controls lifted.

Opening travel would not only serve our foreign policy goals and protect the rights of our citizens, it would benefit the U.S. travel industry, which needs all the business it can get.

The United States stands to benefit in other ways from engagement with Cuba. American farmers need all the markets they can find, and Cuba could be an important want. They want to sell their products to Cuba, and Cuba wants to buy. Again, we can expect nothing but resistance from the Bush Administration. Opening the Cuban market to our farmers will be largely up to the Congress – and it has already begun to move, with the Trade Sanctions Reform Act of 2000. This was undercut by the Republican leadership in the Congress which added a proviso that in the case of agricultural sales to Cuba, there could not be even private financing; all sales had to be for cash. Cuba at first rejected this arrangement, but began making cash purchases in 2002 and by the end of this year, 2003, will have purchased close to \$300 million dollars from American farmers. This could be increased significantly if 1) sales could be financed, and 2) the U.S. bought at least limited amounts of seafood and agricultural products from Cuba. We could usefully purchase Cuban shellfish, citrus products, and tobacco. Cuba would then have more capital with which to purchase U.S. products. Congress has it within its power to make this happen and should begin to move in that direction. It goes without saying also that Cuba would have much more cash to buy our farm products if travel controls were lifted, another reason for Congress to do so.

There are various other ways in which the United States could benefit from closer engagement with Cuba, such as closer cooperation in the interdiction of drugs and in the fight against terrorism. Cuba has offered to sign agreements leading to that cooperation. The Bush Administration has refused. Closer cooperation in medical research would also be useful. Cuba has a highly sophisticated research facility and has gone beyond us in a number of areas. It has, for example, produced a Meningitis B vaccine which the United States still does not have. Why not have our scientists work side by side?

Why has the Bush Administration – and the Clinton Administration before it – so assiduously avoided any engagement with Cuba, or even anything that hinted at engagement? Essentially, because of the domestic political calculation that in order to

win Florida, a key swing state, a candidate must count with the votes – and campaign donations – of the Cuban-American community, who make up some 6% of the Florida electorate and who, according to the calculation, overwhelmingly favor, even demand, continuation of a hard line toward Cuba. Thus, conventional wisdom has had it that any talk of lifting travel controls or any other step toward engagement could be fatal to one's candidacy.

But does conventional wisdom any longer hold up? No. Earlier this year, for example, the White House, thinking to please the Cuban-American community, let it be known that the President was thinking of flying to Miami on May 20 to announce that in response to the crackdown in Cuba, the U.S. would reduce or eliminate the charter flights on which Cuban-Americans fly from Miami to Havana, and reduce or eliminate the remittances Cubans in the U.S. send to their families on the island (amounting to almost one billion dollars a year, Cuba's largest source of hard currency).

But to the surprise of the White House, Miami was strongly opposed. As Alfredo Duran, leader of the moderate Cuban Committee for Democracy put it: "There would have been a revolt in Miami if those measures had been put in place, for the majority of Cuban-Americans want to continue to visit their families – or at least for it to be possible – and to send money to them. In fact, they do not want any new sanctions that would make life more difficult for their families over there."

Clearly, they are not opposed to expanded travel. Moreover, a recent poll (taken by Hamilton Beattie & Staff) indicated that the majority of Cuban-Americans (55%) now say the embargo has not worked and that it is time to look for a new policy. And a February poll taken by *The Miami Herald* found that a majority of Cuban-Americans now support efforts at dialogue between Cuban-Americans and Cuban government officials.

In short, there has been a growing trend toward moderation on the part of the Cuban-American community – and it was this more moderate attitude on their part that left the President with nothing to say on May 20. He did not go to Miami; rather, he issued a *pro forma* message of solidarity with the Cuban people and the State Department expelled 14 Cuban diplomats – a rather meaningless gesture since all will be replaced. That was the extent of the U.S. response.

Meanwhile, a vocal minority of hardliners in the Cuban-American community continue to demand everything from invasion to trying Castro *en absentia* – and to heap scorn on the Bush Administration for not doing their bidding. But they are clearly fighting a losing battle – against majority public opinion, against growing agricultural and business interests insisting that the Cuban market be opened, and now against the majority in their own community.

In sum, the domestic political calculation which had until now thwarted the lifting of travel controls and other steps toward engagement with Cuba is now seen to have been overtaken by reality. The way is open to change.

