TWENTIETH CENTURY U.S.-CUBA RELATIONS AS EXPRESSED BY THE ACTS OF CONGRESS

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ABSTRACT

Cuba has held a place in the American imagination since the earliest days of the United States. The island nation lies just ninety miles south of the coast of Florida. Yet as close as the island is geographically, it is remarkably distant politically and economically. The history of the United States’ relationship with Cuba is by far as complicated and misunderstood as its relationship with any other nation. However, it is possible to examine that relationship through the legislation enacted by the United States Congress. By placing the laws enacted by Congress in their proper historical context one can closely study the relationship from at least the American perspective, and draw certain conclusions about the past and possibilities for the future.

In conducting this study it was necessary to examine several primary sources. These included drafts of the Teller and Platt Amendments of 1898 and 1902, respectively; the Trading With the Enemy Act of 1917, the Cuban Democracy Act of 1992 and the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1992. Additional primary sources included statements from the White House and Executive Orders. Perhaps the greatest insight came from interviews with the authors of the LIBERTAD Act. Ignacio Sanchez, Daniel Fisk and Domingo Moriera were gracious enough to spend several hours being interviewed for this thesis. They provided unique
insights into the intent of the legislation as well as the political and international climate during the 1990s including such organizations as the Cuban American National Foundation (CANF) and its leader, Jorge Mas Canosa. In examining secondary sources it became necessary to avoid the pitfall of presentism. It was also interesting to note that there appears to be at least as much material published in the past fifty years dealing with the possibilities of a post-Castro Cuba as there is dealing with pre-Castro Cuba. That said, there are some remarkable scholars whose publications are worthy of note. They include: Jorge Dominguez, Louis Perez, Jr., Jaime Suchlicki and Lars Schoultz.

Through this research it was possible to gain a better understanding of the role of Congress in foreign relations, specifically as it relates to Cuba. It was possible to identify the major historical periods of U.S.-Cuban relations, and how the major legislation enacted during those periods reflected the desires of the American people.

Ultimately what this thesis will state is that U.S.-Cuban relations have been greatly influenced by Congress and, while controversial, do accurately reflect American values. It will also be found that during the first half of the twentieth century, the United States dealt with Cuba in a heavy-handed manner. However, since Fidel Castro seized power in 1959, it is the United States that has held the higher moral ground.
DEDICATION

This thesis is dedicated to my beloved son Christopher Gregory, who passed away on March 27, 2008; and to my good friend Jorge Bacardi, who is alive today through the generous gift of life received from Christopher. Jorge left his home in Cuba in 1960, never to return. It is my sincere wish that one day the three of us would together breathe the air of a Free Cuba.
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CHAPTER 1

HISTORICAL OVERVIEW

By law and tradition, the executive branch of the United States government is solely responsible for the formulation and execution of American foreign policy. However, the United States government was designed with a system of checks and balances, and so the legislative branch of government, Congress, as an equal partner in government also has a voice in the formulation of foreign policy. It is the role of the Senate to ratify treaties, and approve the nominations of the diplomats and Ambassadors selected by the President. The House of Representatives funds the foreign aid distributed by the Executive branch. It is the basic role of the legislature to enact laws that give the government the authority of the American people to conduct foreign policy. The values of any civilized society should be expressed by the laws enacted by that society’s legislature. The legislation and jurisprudence can be said to validate the principles held dear and espouse the values upon which that polity stands. In short, they are the rules that hold a people together. Beyond the reflection of a country’s values, that nation’s history can be traced through its legislation. The laws enacted by the United States Congress, along with the treaties ratified by the Senate can be used as a set of historical markers that express the values of the American people, at any particular moment, from the birth of the republic to the present. These laws hold great value as part of the national historiography. A closer examination of the arguments and circumstances surrounding the passage of legislation provides an even deeper insight into the prevailing attitudes of the American people at any given time. By exploring the events surrounding the drafting
and passage of legislation, the untold story often opens itself to closer examination. The laws passed by Congress serve to define where the nation views its place in the world and how the United States declares its relationships with other nations. They are an invaluable resource in the study of history, political science, and foreign affairs. That said, they are especially useful in studying the relationship that has existed between the United States and its neighbor ninety miles to the south, the island of Cuba.

From the American perspective the relationship between the United States and Cuba, like that with the rest of Latin America, has historically been dominated by the principles of the Monroe Doctrine. President James Monroe, in his annual message to Congress on December 2, 1823, declared: “The American Continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.” The President’s address continued: “We shall consider any attempt by the European powers to extend their political; systems to any part of this [the American] hemisphere as dangerous to our peace and safety.” Any attempt at oppression or influence would be considered “an act unfriendly to the United States.” And he concluded, especially regarding Cuba, that the “true policy of the United States is to leave the new States, which Spain can never subdue, to themselves.”\(^1\) In short, European imperialism was no longer welcome in the Western Hemisphere, and would be considered affront to the security of the United States. As this thesis will illustrate, American imperialism would be another matter entirely. Since the earliest years of the nineteenth century, covetous eyes have gazed

upon Cuba, the Pearl of the Antilles. Jaime Suchlicki describes the eleven months of
British occupation of Havana as pivotal in opening trade between Cuba and the British
Empire, especially the thirteen North American colonies. “Over seven hundred merchant
ships visited the port during those months, more than the number that had visited Havana
in the preceding decade.”² Thomas Jefferson, like many of his contemporaries, felt that
Cuba would be “an interesting addition” to the United States. Scholars are prone to quote
Jefferson incompletely however, concentrating on his recognition of Cuba’s strategic
location relative to Florida. They neglect to cite the remainder of Jefferson’s comments in
the same paragraph:

    Yet, as I am sensible that this can never be obtained, even with her
own consent, but by war; and its independence, which is our second
interest, (and especially its independence of England,) can be secured
without it, I have no hesitation in abandoning my first wish to future
chances, and accepting its independence, with peace and the friendship of
England, rather than its association, at the expense of war and her enmity.³

Within the overarching context of the Monroe Doctrine, relations between the
United States and Cuba can be identified since 1898 as consisting of five major eras. It
will be the central purpose of this essay to identify the most significant pieces of
legislation, regarding Cuba, enacted by the United States Congress since 1898, and how
those Acts not only illustrated the relationship between the two nations during several of
those eras, but what they say about America, and Americans, in the twentieth century. It
will be necessary to investigate the conditions in the United States and elsewhere in the
world to gain some insight into the intent of the actors involved. Further we will see what

² Jaime Suchlicki, Cuba: From Columbus to Castro, 3rd ed. (Washington: Brassey’s (US), 1990),
44.

575-576.
lessons can be drawn to guide future American leaders and scholars as the nature of the relationship between Cuba and the United States continues to evolve.

The period from 1898 to 1934 is a period described by Louis Perez, Jr. in his book *Cuba Under the Platt Amendment*, and it would be simplistic to define that era as such. Or one might consider the early years of Cuba after Spanish domination as the post-colonial era. However, from the American perspective it could better be described as the post-Civil War Era. That is, the way of life in America at the turn of the twentieth century was still greatly influenced by the events of the American Civil War. Politically and socially, the country had not developed all that much in the generation that had passed. Realistically preceding the *Grito de Baire* and continuing until the abrogation of the Platt Amendment, this era marks the beginning of American imperialism not just in Cuba, but throughout Latin America. It represents the first foreign adventures by the United States since the war with Mexico in 1846. The war with Mexico, however, represented the pursuit of what has been taught through American textbooks as Manifest Destiny and was an expansion of America’s contiguous borders. Dealing as it did with issues of slavery and statehood, the Mexican-American War was as much about domestic issues as it was foreign. The Spanish-American War represented America’s initial foray into actual foreign adventurism and empire building. The turn of the twentieth century found a United States flexing its muscles from the Caribbean to the Pacific. Plans were being made for an isthmian canal across Nicaragua or Colombia (now Panama). Under the leadership of Assistant Secretary Theodore Roosevelt the United States Navy was expanding, and needed bases in the Caribbean to protect access to such a canal. Racial and religious attitudes were also carried over from the American Civil War.
military commanders often had direct ties to the Confederate Army. The attitudes of white Americans on race left them looking down on people of color. The Cuban army that took on the Spanish imperial government in Cuba was largely an army descendant from African slaves. As a result the Cuban allies of the American military in the Spanish-American War, or the War of 1898 when studied from the Cuban perspective, while perhaps praised privately were often scorned publicly. Sensibilities on religion also played a role in America’s entry into war in 1898. Anti-Catholic prejudice made war with Catholic Spain easier to justify to the American people. The social and political fabric of American society was still very much under the residual influence of the Civil War a generation earlier. The rush to war in 1898 has been laid at the feet of jingoes in the Congress and the yellow press. President McKinley, at first hesitant to commit American troops to the liberation of Cuba, found himself essentially forced into war and in possession of an island nation that many expected to be annexed outright. The Teller Amendment was needed to develop the consensus in Congress authorizing military intervention. It was achieved after seven days of heated debate in order to bring together the pro-recognition and anti-recognition forces in the Senate. Once the war with Spain was concluded, the United States was faced with the question of what to do with their post-war possessions. A satisfactory solution required assurances that an obedient, if not completely subservient government, one that would ensure the protection of American business and strategic interests, was established in Cuba. Thus the Platt Amendment guaranteed Cuban compliance and American hegemony until its abrogation in 1934.

President Franklin Delano Roosevelt, after abrogating the Platt Amendment, sought better relations with Latin America and opened the era of the Good Neighbor
Policy. This policy remained in effect until the Cuban Revolution in 1959. In the years between the Platt Amendment and the Cuban Revolution the focus of American foreign policy toward Cuba was commercial in nature. Under a series of corrupt leaders American commercial interests, some legitimate, some illegal, managed to thrive and prosper. Under the administration of President Fulgencio Batista mining and tourism grew, public works and infrastructure projects received attention and investment, and the cattle industry expanded.\textsuperscript{4} American tourists flocked to the island in the post WW II years to take advantage of the entertainment and nightlife available in the new hotel and casino industry; an industry under the influence of American organized crime. The most significant legislation of the era typically dealt with trade issues, the most important being sugar. Since the early years of the nineteenth century, Cuba had committed nearly all available land to the production and export of sugar. As a result the island became a captive market dependent upon agricultural imports from the United States. American industries continued to develop the island’s economy, importing Cuban sugar and exporting agricultural and manufactured goods produced in the United States. Regrettably the Good Neighbor era came to an inauspicious end on December 31, 1958, when the corrupt Fulgencio Batista fled the country for the Dominican Republic. The pro-American government ceased to exist. In its place was created a revolutionary government established by rebel leaders Fidel Castro, his brother Raul, and an Argentine physician Ernesto “Che” Guevara.

With the ouster of Batista, relations between the United States and Cuba took an irreversible turn for the worse. Instead of a democratic leadership to replace the dictator,

\textsuperscript{4} Suchlicki, \textit{Cuba: From Columbus to Castro}, 135.
many Cubans, among elite business leaders like the Bacardi and Lobo families, found that they had unknowingly supported a communist regime. The shock of the Cuban elite was matched only by the horror of the American government to find a communist state, soon to be aligned with the Soviet Union only ninety miles off its southern coast. When the Cuban government began a campaign of nationalizing and expropriating private property the American president responded with an embargo on all trade with the Cuban nation. To establish the legitimacy of its embargo the United States reached back to legislation enacted during the First World War. The Trading With the Enemy Act of 1917 was originally intended to ban trade with Germany and its allies; however, its use during the Korean conflict gave the United States government the legal precedent required to allow its use against Cuba in the ensuing Cold War years. It was during the Cold War years that Fidel Castro learned to capitalize on the enmity that existed between his regime and the America leaders. That animosity allowed Castro to play the role of the victim against the larger American adversary. The David versus Goliath metaphor has been executed expertly by Castro, as it has by dictators around the globe for years, much to his benefit both in Cuba and on the world stage.

During the Cold War years Cuba proclaimed itself a Marxist-Leninist nation, and sought to assume a leadership role throughout the Third World and among other non-aligned nations. In fact Cuba’s state-run economy was propped up through huge subsidies from the Soviet Union. Soviets purchased sugar at above market prices and subsidized Cuba with oil at costs below market. Cuba, for its part, engaged in its own overseas adventures seeking to expand its influence and ideology through support of indigenous rebel movements in Africa and Central America. The collapse of the Soviet Union and
the economic chaos it created in Cuba signaled what this essay will view as the Post-Cold War Era. Post-Cold War relations between the United States and Cuba can be viewed through the concurrent circumstances of the decline of the Soviet-Cuba relationship and the rise of South Florida politics. With many Cuban exiles settling in South Florida and New Jersey these communities took on a greater importance in election year politics. Not only did South Florida gain prominence as the home of the first Cuban-American members of Congress, it also became the key to taking the entire state’s electoral votes in presidential elections beginning with the Reagan administration. As Florida became the key to winning national office, South Florida was the key to winning the entire state, and one’s position on Cuba often as not held the key to South Florida. Both President George H. W. Bush and his successor, President William J. Clinton, campaigned on strong anti-Castro positions toward Cuba. Clinton’s victory in 1992 was due in part to the fact that he took a tougher position on Cuba than did Bush and he did so sooner. The result leaves the student of political science begging the question if Clinton’s victory was the result of his ideology (Clinton being an avowed liberal Democrat) or a greater degree of political acuity than his opponent (a conservative Republican). In fact, Clinton’s hard-line stance on Cuba stemmed both from his defeat in the Arkansas governor’s race after a riot by Mariel refugees housed in Arkansas, and his ability to grasp the importance of South Florida politics. In any event, the decade of the 1990s saw Congress, under both Democratic and Republican majorities pass two of the most controversial pieces of legislation involving U.S.-Cuba relations, The Cuban Democracy Act and the Helms-Burton Act. The CDA and H-B were both controversial not only for the domestic and international protest they generated but for the constitutional issues they raised.
Despite numerous efforts to remove Castro from power, El Commandante endures. Fidel has survived assassination plots, embargos, political and economic isolation, and at times the enmity of the liberal-democratic world. Castro has survived and even thrived largely through a cult of personality that emerged with him from the Sierra Maestra. However, not even Fidel will survive the sands of time. Eventually the Castro brothers will die. The Post-Castro Era of U.S.-Cuban relations will then commence. And what changes will that era bring will largely be determined by who and what replaces them. For since the Cuban Revolution, America’s policies have largely been in response to the conditions in Cuba and the United States. The changing of the political guard in Cuba may possibly bring about an entirely new relationship between the two nations. At the very least, it will result in a re-assessment on the part of the United States. Those possibilities, however, are too numerous, and too speculative for inclusion in this thesis. This study will retain its focus on the historical relationship between the two nations as reflected in actions of the United States Congress.

It will be the purpose of this thesis to explore the relationship between Cuba and the United States through the prism of several key pieces of legislation enacted by Congress. In doing so, we will examine the landmark legislation of each of the identified periods from the late nineteenth to the early twenty-first centuries. Specifically we will examine the Teller and Platt Amendments from the post-Civil War era, the application of the Trading With the Enemy Act of the Cold War era, and the Cuban Democracy Act and Helms-Burton legislation from the post-Cold War era. We will identify and examine the legislation itself, its authors and sponsors and their stated goals. We will seek to identify both the stated beneficiaries of the pertinent legislation and those anonymous or
unintended beneficiaries. It will be helpful to determine what parties supported or opposed each piece of legislation and for what reasons. Through the prism of hindsight it will be possible to determine the legislation’s impact as well as the unintended consequences, both positive and negative.

It will be important to place each bill in its historical context. Therefore, we will seek to analyze what was happening in the United States during the critical years of the twentieth century. What events played out in domestic affairs that influenced the United States’ relations with Cuba? What was happening politically, socially and economically? Equally important will be to determine what was happening in Cuba. Finally we will need to see what was happening elsewhere in the world that was relevant to the situation in the Caribbean. What was the national security situation for the United States? More importantly, how did it evolve through the years of the twentieth century?

By placing these bills in their historical context this essay expects to use them as those historical markers so relevant to the study of the American people. What do these laws say about the American people? What questions do they raise about concepts like American exceptionalism, and sovereignty? How true to the enlightenment principles upon which it was founded did this nation remain? And what does it say about Americans today? It is easy for the student of history to tread upon the slippery slope of presentism. And so throughout this study it will be necessary to remain mindful of the fact that Americans who lived one hundred years ago held beliefs different from those held in the modern day. But some American values are recognized to be timeless. They were handed down from the revolutionary era and are enshrined in Americas founding documents. They embrace the timeless ideals from the Enlightenment. Some of those that will be
repeated throughout this thesis include self-determination, sovereignty, the right to property and the rule of law. Throughout the years of the twentieth century America has championed the cause of these values around the globe. Much has been spent, in blood and treasure, to free many people from the yoke of tyranny and totalitarianism. America has placed itself in the ultimate leadership position as an example of good and principled governance. And yet, what we may conclude is that the actions of the United States since aiding the Cuban people in their liberation from Spain have yet to witness a just and lasting democracy on that island nation. The reasons why are as numerous and diverse as the number of scholars advancing them. Largely however, throughout the years of the twentieth century, the United States government seems to have misunderstood the Cuban people. The U.S. misunderstood them when the “better classes” failed to achieve the desired pro-American electoral results after the War of 1898; a misunderstanding of that electorate that led ultimately to the enactment of the Platt Amendment. The U.S. misunderstood the Cuban people in the immediate aftermath of the Revolution in 1959 when the Bay of Pigs invasion failed to produce the hoped-for popular rising against the Castro government. And in the years since the Bay of Pigs, the embargo has largely failed to produce regime change initially because the wealthiest, best-educated classes, representing an alternative to Castro had already left the island, and by the end of the Cold War, because Castro had consolidated his power through a dictatorial control of the government over all aspects of Cuban society. Alternatively, the regime that assumed power in 1959 has established a government that has successfully suppressed any effort at opposition and reform.
In researching this study, a vast array of work by professional scholars was examined for inclusion here. In an interesting twist, it was determined that there appears to be at least as much literature published in the past fifty years dealing with the possibility of a post-Castro Cuba as the amount of literature dealing with Cuba before Castro. The specific legislation that is analyzed here has been used as primary source material, and represents a hard, factual record as part of the history of U.S.-Cuba relations. However, both the published literature and the acts of Congress cited fail to complete the entire narrative. Also included as primary sources then are individuals who consented to interviews as part of the research for this thesis. Domingo Morier, author of Title IV of the Helms-Burton Act was interviewed by phone from his office in Miami. Both Ignacio Sanchez, author of Title III of H-B, and Daniel Fisk, the bill’s legislative draftsman were interviewed in person at their offices in Washington, D.C. The perspectives and insights of these three gentlemen greatly influenced the conclusions reached in this work.
CHAPTER 2
THE TELLER AND PLATT AMENDMENTS

The America that elected President William McKinley was still very much a product of the Civil War thirty years earlier. Socially and politically it carried the scars of division between North and South. Economically the country had suffered a series of booms and busts that continued until post-Depression reforms of the twentieth century, and by 1893 was plunged into its most severe depression to date. In 1893 agricultural exports plummeted while imports soared, factories and banks closed. Millions were unemployed and those with jobs were finding their wages slashed. According to the University of Hawaii’s Noel Jacob Kent, “It seemed to at least some within the nation’s elite that unless prosperity could be restored, the country might lurch out of control.”¹

Among the names of the nation’s elite at the time were Theodore Roosevelt, who as Secretary of the Navy would expand that service’s power and would resign his post to serve on the front lines of a war he helped to instigate; Henry Cabot Lodge, a Massachusetts senator who, as was common in that time, held anti-Catholic and racist biases and, like Roosevelt, was an ardent imperialist and war hawk; Republican Senator Orville Platt of Connecticut who would support the expansionist agenda in the Senate; Secretary of State John Hay, also a hawk, who was Ambassador to Great Britain before accepting appointment as Secretary of State; and Secretary of War Elihu Root, a Wall Street lawyer who would champion the cause of American hegemony over Latin America. “Deeply anxious about the chaos in American life, the imperial party was

¹ Noel Jacob Kent, America in 1900 (Armonk, NY: M.E. Sharpe, 2000), 9.
convinced that internal tensions might be relieved and national confidence restored through overseas expansion."²

Until the latter years of the nineteenth century there seemed to be few imperial ambitions on the part of the American government. The arrival of Commodore Matthew Perry in Japan in 1853 was only intended to open the Japanese islands to the West, not to conquer that nation. But the new political elite had begun to think otherwise. Roosevelt himself was greatly influenced by the work of Captain Alfred Thayer Mahan whose writings theorized the complimentary relationship between sea power and world conquest. He began to theorize on the possibility of a canal across Central America. “With an Isthmian canal allowing easy access to the Pacific, Roosevelt concluded, the United States could become the strongest nation in the world.”³ The war with Spain in 1898 would also fulfill the aspirations of a generation of American leaders who largely missed the Civil War and perhaps longed for their own glories. This was certainly the case with Roosevelt and Lodge. Roosevelt himself, as Secretary of the Navy, not only guided the country toward war, he resigned his post in order to serve on active duty during the hostilities. Roosevelt owed his position as Navy Secretary to his old friend and mentor Senator Lodge of Massachusetts. “Lodge had been instrumental getting Roosevelt his last two government posts,” writes Evan Thomas. “Now he went to work to get him a place that suited his talents and put him in the thick of things.”⁴

² Ibid., 8.
The thick of things seemed for the time to be located ninety miles off America’s Florida coast, where for decades Cubans had been struggling to shake off the yoke of Spanish colonialism. *Cuba Libre* had been a cause since the *Grito de Yara* in 1865, when Carlos Manuel Cespedes liberated his own slaves and enlisted them in the cause of Cuban independence in the Ten Years War. By the 1890s a new generation of Cuban leaders had taken up the cause, and with the *Grito de Baire* in 1895 Cubans like Jose Marti, Calixto Garcia, and Maximo Gomez were on the verge of victory over a weakened Spanish army. American investment in Cuba was significantly increased after the Ten Years War. American businesses took advantage of Cuban and Spanish bankruptcies to acquire sugar and mining interests. According to Suchlicki: “The depressed world price of raw sugar ruined many Cuban producers and facilitated U.S. economic penetration.” American imperialists like Roosevelt, Lodge and Root saw the opportunities in Cuba as fitting perfectly into their own vision of America’s future. The platform of the Republican Party, put forward at their 1896 convention in Saint Louis, Missouri, included the restoration of peace and the independence of Cuba, and the support for the construction of a canal across Central America. Clearly the Republican Party was championing the cause of American big business. For an isthmian canal would greatly reduce transit times and would benefit America’s navy to access the Pacific Ocean. With the help of jingoies in the Congress and the expanding influence of the yellow press America picked up the cause of *Cuba Libre*.

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5 Suchlicki, *Cuba: From Columbus to Castro*, 73.

Protestant Yankees like Lodge and Roosevelt found further justification in their march to war in the anti-Catholic attitudes widespread across the nation. Spain, like France was a largely Catholic nation. Lodge saw the war with Spain in broader historical terms; a continuation of a centuries old struggle against perceived papal intrigues. America, wrote Lodge in 1899, “has finished the work begun by the followers of William of Orange, when amid the dikes of Holland and upon the stormy waters of the English Channel, they struck at the power of Philip II even in its pitch of pride.”

Secretary Lodge clearly viewed the American experience as a continuation of the Glorious Revolution that placed Protestant William of Orange and his wife Mary on the throne of England vacated by Catholic James II. In Lodge’s opinion, “the final expulsion of Spain from the Americas…is the fit conclusion of the long strife between the people who stood for civil and religious freedom, and those who stood for bigotry and tyranny as hideous in their action as any which have ever cursed humanity.”

According to Lodge, after the Seven Years War, “America was to be English, not French.” Completely ignoring French participation in the American Revolution, perhaps what he meant was that America was to be Protestant, not Catholic. Roosevelt shared Lodge’s views. He saw Spain as an example of all that was Catholic and autocratic, while the United States embodied all that was Protestant, Teutonic and loving of liberty. “Either the Americans would displace Spain’s Catholic, monarchical, exploitative system with the democratic liberty and Protestant ethos of English civilization, or the Spanish regime would gradually infect the

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8 Ibid.
9 Ibid., 2.
Americans’ own and eviscerate their English heritage.” Anti-Catholic prejudice was not limited to Yankee blue-bloods. The anti-Catholic American Protective Association, an organization that saw its membership spike during the economic crisis of 1893-1894, was largely composed of the Protestant middle-class. At the root of American anti-Catholicism, and what partly led to America’s entry into the war with Spain, was “the premise that over the last 1,500 or so years, the descendants of certain Germanic tribes had evolved a special genius for self-governance, state building, technology, and military conquest that marked them from other ‘races.’” This same prejudice would be argued after the war to maintain Cuba’s ineligibility for inclusion into the United States. Some scholars view this anti-Catholicism as part of what McCartney argues shaped the values of America’s founding fathers: “Enlightenment rationality and Protestant Christianity…supplied the fledgling nation most directly with its sense of mission.”

This sense of America’s mission is rooted in the uniqueness known as American exceptionalism; that somehow America maintains a firmer footing on the moral high ground upon which other nations seek a place for themselves.

American exceptionalism is rooted in the uniqueness of the founding of the United States. It is the result of being the first society to successfully liberate itself from the corrupting influences of both monarchy and religion. That somehow what occurred in America had not happened organically anywhere else in the world, and thus was worthy


11 Kent, America in 1900, 97.

of export. For this reason and others American exceptionalism has guided U.S. foreign 
policy for decades. It is what Georgetown’s Francis X. Winters calls the “reckless 
rejection of other societies’ social and political customs in favor of a new political culture 
to be imported from the United States.”13 Evan Thomas asserts that the concept is found 
in the most famous quote of the war. Citing Hay’s remarks about a “splendid little war,” 
Thomas explains Hay’s comments that concluded the paragraph wherein he described the 
uniqueness of the American character. “There is a wonderfully smug assumption in those 
words, a foundation stone of American exceptionalism: that the essential American 
character is better-somehow more decent-than that of other nations.”14 McCartney 
expresses the concept of exceptionalism as American mission as such:

    The idea of American mission expresses American national identity in a distinctly operative fashion by insisting that U.S. foreign policy should reflect the nation’s norms and values, ideally defined. The belief that the United States has a special role to play in world affairs and human history has been shared throughout American history both by the makers of U.S. foreign policy and by the American people.15

    McCartney concludes that there are two camps within the American exceptionalist dogma. Exemplarists seek to influence world events through the power of America’s example, while vindicationists prefer “a more assertive engagement” in world affairs.16 Obviously, Roosevelt, Lodge and Root were squarely in the vindicationist camp.

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16 Ibid., 10-11.
As the nineteenth century drew to a close the American economy began to recover. By 1900 the national wealth was estimated at $100 billion. What was most impressive was what Kent describes as “the sheer dynamism and velocity of the American economic scene.”

In 1925 Scott Nearing and Joseph Freeman described the opening of the twentieth century as the fourth period of American economic expansion. America first opened the Northwest and Southwest territories, and in fulfillment of her Manifest Destiny crossed the Rockies and the Sierras and on to the Pacific Ocean. “Then, with the opening years of the new century, there began the fourth period of expansion—the movement of American business enterprise into regions over which the flag of the United States did not fly. This last period is ordinarily referred to as the period of economic imperialism.”

American business interests sought markets in Latin America, “whose promising markets had received special attention from U.S. secretaries of state and where American firms like W.R. Grace, Guggenheim, and United Fruit were increasingly active.”

U. S. involvement in the war with Spain was an important element in the fulfillment of such an American foreign policy in the region. Military adventurism and capitalist expansion ran concurrent with one another. Not only did victory over Spain give the United States possession of Puerto Rico and the Philippines, but also, as we will see, it made a protectorate of the island of Cuba. Commerce and politics sought the same ends, “hence the political basis for economic expansion had been laid at the same time that the economic developments of the United States provided a large fund of investible

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17 Kent, America in 1900, 17.


19 Kent, America in 1900, 134.
surplus.” In 1894 U.S. private investments in Cuba totaled $50 million. By 1906 that sum reached $160 million. According to Jorge Dominguez, much of this investment by American companies was in enterprises related to the sugar industry such as railroads and utilities. Surplus production in the United States required new markets, thus “the Caribbean region became a necessary extension of the North American economic system.” Louis Perez, Jr. explains the “policy imperatives” of this new economic paradigm. “The United States demanded open economies with free access to resources, favorable market conditions, a docile working class, a compliant political elite, and a friendly climate of investment that included minimum competition, maximum protection, and political stability.”

Since the presidency of James Buchanan, Cuba, as a part of the United States became a fixture within foreign policy discussions. “A sense of national completion seemed to depend on Cuba, without which the Union was unfinished and maybe even slightly vulnerable.” Freeman and Nearing assert that after the Civil War “the chief aim of the State Department in regard to Cuba was the extension of commercial relations with the island and the protection of commercial interests there.” During the Ten Years War the United States threatened intervention and annexation. American interest in a canal

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20 Freeman and Nearing, Dollar Diplomacy: A Study in American Imperialism, 12.


24 Freeman and Nearing, Dollar Diplomacy: A Study in American Imperialism, 249.
across Central America necessitated a naval base in the Caribbean, preferably in Cuba. Americans had reasons besides commerce and security to look for reasons to expand. The mood in the country was being driven by economic crises, growing gaps between rich and poor, racial violence manifested in scores of lynchings. “In part because they were fearful of enemies within, they went looking for enemies abroad.” Like his predecessor, President McKinley was not predisposed to intervention in Cuban affairs. Resistance to public opinion, such as that driven by yellow journalists like William Randolph Hearst, was considered an admirable presidential trait in the nineteenth century. However, with the destruction of the Maine in Havana even McKinley was unwilling to continue resisting public opinion at the expense of his political career. Despite Spain’s denial of complicity, and willingness to cooperate in a full investigation, the jingoes had won the day and the Maine disaster provided the causus belli America needed to go to war.

On April 11, 1898, President McKinley’s message to Congress requesting authorization to take measures to end the hostilities in Cuba was greeted with wild enthusiasm when read on Capitol Hill. “He asked Congress to empower him to end hostilities in Cuba,” noted Senator Henry Cabot Lodge, “and to secure the establishment of a stable government capable of maintaining order and observing its international obligations.” McKinley was not however, suggesting any recognition of the cause for which Cubans themselves were fighting. The President was not advocating Cuban

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27 Perez, Jr., *The War of 1898: The United States and Cuba in History and Historiography*, 74-75.

28 Lodge, *The War with Spain*, 35.
independence. Like many of his countrymen he too believed Cubans ill-prepared for the task of self-government. McKinley had to “look beyond the war cries and calls for revenge and ask just what would Cuba, free of Spanish domination look like? Were the Cubans, about half of whom were recently freed slaves, capable of self-governance?”

While McKinley was joined by majorities in both houses, a minority on the Senate Foreign Relations Committee included an amendment to the proposed Joint Resolution recognizing the insurgent government. The Cuban propertied elite, the *peninsulares*, had sought U.S. intervention as early as 1896, when “nearly one hundred planters, lawyers and industrialists petitioned President Grover Cleveland for North American intervention to end the crisis.” But in 1898, it was the Cuban junta in the United States, represented by Horatio Rubens, seeking not intervention to maintain the status quo, but status as a belligerent force seeking independence. In order to gain full support in both houses of Congress a compromise had to be reached between the pro-recognition faction in Congress and the anti-annexation position of the Cuban people. Article IV of the Joint Resolution was introduced by Colorado Senator Henry M. Teller.

> Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said Island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the Island to its people.

The jingo faction in Congress was alarmed at the prospect put forth by the dissident Senators calling for recognition of the insurgent government. The


31 Perez, Jr., *The War of 1898: The United States and Cuba in History and Historiography*, 21.
imperialists expected to intervene into the war, quickly rout the Spanish and lay claim to the island as a spoil of war. To do so the faction in Congress sympathetic to *Cuba Libre* had to at least be satisfied that pacification would be the sole purpose behind American intervention. Teller’s amendment satisfied the ten dissident Senators and was inserted into the Joint Resolution that passed both houses of Congress on April 18 without objection. “The Joint Resolution calmed Cuban misgivings. Persuaded that the intervention made common cause with separatist objectives, Cubans prepared to cooperate with their new allies.”

On June 14, the first U.S. troops landed at Guantanamo Bay. One month later, on July 16, the Spanish troops in Santiago de Cuba surrendered. Teller would quickly reverse his position stated in his own amendment. On September 8, in a speech made in Colorado Springs, “he came out for territorial government for Cuba which would be controlled by the United States.”

On December 20, when Senator George Vest of Missouri introduced legislation challenging the United States’ right to acquire colonies on constitutional grounds, Teller rose to object. Like Root, Lodge, Roosevelt and the other imperialists, Teller envisioned a government for Cuba that was a protectorate of the United States. “Foreign affairs would be under the complete control of the United States and all the Cubans would enjoy would be local self-government, and even that only after they had

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32 Ibid.

disenfranchised a large part of the population and complied with other conditions set by the authorities in Washington.”

The institution of slavery had a tremendous impact on both the United States and Cuba. Cuban society, through revolution, had evolved into something that closely resembled a post-racial society. Americans on the other hand were still very much aware of race, and were largely still beholden to the prejudices and attitudes that carried over from the Civil War era. Thus, countless opinions were voiced that Cubans, due to their large Afro-Cuban population were completely incapable of self-government. In 1865, when Cespedes liberated his own slaves and enlisted them in the cause of Cuba Libre he opened the door to leadership opportunities for people of color. In the 1890’s even the Cuban elite would place country before race in the effort to form an independent nation. Santiago rum producer Emilio Bacardi’s seventeen year-old son would leave the safety of his home to serve under General Antonio Maceo, the Bronze Titan. “This” writes Tom Gjelten, “was the ideal of the Cuban revolution: a young white man from a privileged background feeling honored to serve under a dark-skinned commander who was descended from slaves and had once been a mule driver. For a true revolutionary, racism was not just wrong; it was unpatriotic. Cuba Libre was to be a land governed by Cubans, for all Cubans.” Americans on the other hand looked down on their Cuban allies. Not only were racial attitudes affected by the Jim Crow status of blacks in the United States, especially in the South where large numbers of American army officers were from; but a good number of military officers had either served in the Confederate army themselves,

34 Ibid., 420.

or under former Confederate officers after the war. As Foner writes, “With so many Southerners as officers and privates in the American army, the fact that the Cuban army was composed largely of Negroes was enough to earn this contempt, regardless of the contribution made to the campaign.”

Michael Hunt writes that Americans entered the twentieth century with three images of Latins. “One, the Latin as half-breed brute, could be invoked to justify a contemptuous aloofness or a predatory aggressiveness. The second, of the feminized Latin, allowed the United States to assume the role of ardent suitor or gallant savior. The third of an infantile and often Negroid Latin, provided the justification for Uncle Sam’s tutelage and discipline.” Such racial attitudes enabled American leaders to rationalize taking advantage of the situation in Cuba in 1898. Provoked by the yellow press, they could rescue the Latin damsel from her European oppressor and then maintain control of the island through the justification of racial superiority. “Clearly, racism trumped democracy in America’s reconstituted identity, as it had throughout its history.” Or as Kent asserts, “Three centuries of racial hierarchy had made racial and cultural differences central to how Americans defined their identities and viewed the world around them.”

Never mind that after the war, many American officers came to defense of the actions and contributions of the Cuban army during the war. The whole reason that


39 Kent, America in 1900, 95.
surrender was achieved by the Americans as quickly as it was due to the fact that by 1898 the Spanish army was on the verge of defeat. The United States simply timed its entrance into the war, perhaps fortuitously, to when the Cuban forces were on the verge of victory. For their part the Cubans were severely weakened, having subsisted on a diet of fruits and vegetables for years. Language differences also complicated the relationship between the Americas and their Cuban counterparts, making orders difficult to understand. In defending the Cuban troops, General Joseph Wheeler, himself a Confederate Army veteran, cited their physical condition as a cause of the reputation they suffered as being lazy. Wheeler stated that the Cubans never failed in completing any task requested of them despite their physical condition.\textsuperscript{40} However, due to the overwhelming racial attitudes of the American military and political elite, it was easy to justify the corruption of Cuban sovereignty based on race. “If white Americans circa 1900 were in agreement on anything,” states Kent, “it was on the basic inferiority of the African descendants on their continent. Firmly embedded were slave and post-Civil War stereotypes of blacks as ‘shiftless’ and of limited intelligence. Antiblack race prejudice was widely viewed as a normal white instinct.”\textsuperscript{41}

Lodge made an interesting argument about slavery in his post war history. He laid the burden of war with Spain in 1898 at the feet of the slave power a generation earlier. Praising Cespedes and the Cubans of the \textit{Grito de Yara} for the liberation of their slaves. Lodge wrote that the Spanish-American states, “when they rose to free themselves from Spain, also freed their own slaves” and the enlistment of these same into the cause of

\textsuperscript{40} Foner, \textit{The Spanish-Cuban-American War and the Birth of American Imperialism 1895-1902}, 357.

\textsuperscript{41} Kent, \textit{America in 1900}, 110.
Cuban independence was “not only logical, but right.”⁴² At the same time he criticized American slaveholders for hanging on to the institution of slavery. Because Americans would not liberate their own slaves in 1865, they could not tolerate the existence of free blacks so near their own shores. “Lincoln,” wrote Lodge, “in the second inaugural, declared once for all that our awful Civil War was the price we paid for the sin of slavery; and the war or 1898 was the price paid at last…for having kept Cuba in bondage at the dictates of our own slave power.”⁴³ Cuba remained in bondage to Spain because nineteenth century America could not envision a free people of color.

Louis Perez, Jr. argues that America always maintained a claim of sovereignty on Cuba. No matter that that claim had not been fulfilled before 1898, the political dynamic was such that while Spain might cede sovereignty over the island, it could not be passed on to the Cubans themselves. Citing slave rebellions throughout the Caribbean region, Americans expressed a deep-seated doubt on the ability of people of color for self-government. Cuban independence “signaled a modification of sovereignty over Cuba, to which the United States was no less opposed. That a large portion of the Cuban population consisted of people of color persuaded North Americans that independence would be the prelude to chronic social strife and political disorder.”⁴⁴ Because “tropical peoples lacked the capacity or moral fiber to govern themselves,” writes Kent, they “desperately needed the long term tutelage” of the colonial systems operated by the

⁴² Lodge, *The War with Spain*, 5.

⁴³ Ibid., 6.

⁴⁴ Perez, Jr., *Cuba and the United States: Ties of a Singular Intimacy*, 42.
“Belgians in the Congo, the French in Indo-China, and the Englishmen in India.” 45 In order to maintain their claim of moral and political authority, Americans had to denigrate the contributions of the Cuban people to their own liberation. Systematically the Cubans were excluded from the surrender of Spanish troops and the post-war treaty with Spain. What started as a war of liberation concluded as a war of U.S. conquest. “The Cuban war for national liberation became the ‘Spanish-American War.’ Nomenclature that in more than symbolic terms ignored Cuban participation and announced the next series of developments.” 46 Perez explains that Americans did not in fact fight for Cuban independence. Rather, they fought to prevent the transfer of sovereignty of Cuba to any third party, including the Cubans themselves.

The American leadership expected Cuban acquiescence to American hegemony. For their part, the Cubans lobbied for recognition and independence immediately upon cessation of hostilities. General Calixto Garcia proposed a plan that included universal suffrage. 47 His suggestion was immediately dismissed. The General led a commission of Cuban leaders, including Gonzalo de Quesada and Horatio Rubens who traveled to Washington on a failed mission to petition the government there for recognition of Cuban sovereignty. Juan Gualberto Gomez of Oriente proposed the idea of a loan from the United States to the Cuban Assembly. President McKinley however, “understood the implications of a loan, for he quickly informed the Commission that a loan was out of the

45 Kent, America in 1900, 137.
46 Perez, Jr., Cuba and the United States: Ties of a Singular Intimacy, 97.
question, being prohibited by the Constitution. The President offered a gift instead, and successfully avoided *de facto* recognition of a Cuban government. Many inside the United States government took for granted that Cubans would rather be annexed into the United States than gain their own independence. This mistaken impression was often expressed in the race-based excuse for not granting recognition to Cuba. General Leonard Wood, the military governor appointed after the war, expressed dissatisfaction that the “better classes” of Cubans did not sweep the post-war municipal elections despite restricting the franchise to literate males who possessed more than $250 in property, or had served in the rebel army. The restricted suffrage plan illustrates how completely the American government misunderstood even the Cuban elite’s desire for independence. “Even with the ‘ignorant and incompetent’ citizens barred from voting, the June 1900 municipal elections brought sweeping victories for the political parties that supported Cuba’s independence and opposed annexation.”

American leaders refused to hear the voice of the Cuban people expressed at the ballot box, and for strategic reasons continued to maintain a position that justified their long-term goals. “American imperialism had found the strategy by which to rob the Cuban people of the independence to which they were clearly entitled. By repeating over and over again that the Cubans were unfit for self-government.”

What the Americans felt was called for was a reinterpretation of the Teller Amendment. By 1900 the American government had been in possession of Cuba for

48 Ibid., 399-402.
nearly two years. Corruption in the administration of the island threatened to become an election year issue for Republicans. On May 16, Senator Augustus Bacon, a Georgia Democrat and anti-imperialist, rose on the floor of the Senate to declare that United States must either erect a government in Cuba, or get out. America needed justification beyond the inability of self-governance on the part of the Cuban people. That justification would be found by insisting that “pacification” as stated in Teller’s amendment to the Joint Resolution meant the establishment of a government capable of securing American interests there. The Teller amendment specifically denied any intent on the part of the United States with regards to exercising sovereignty, jurisdiction or control unless it became necessary to pacify the island or to quell domestic disturbances. “A general consensus,” explains Perez, “soon gained official currency that the requirements of ‘pacification’ specifically involved conditions of stability.”

Pacification meant stability, stability meant capable government, and capable government meant a Cuban government compliant to U.S. interests.

By 1901 Washington was facing impatience over the situation in Cuba. The McKinley administration wanted to end the occupation of the island, but did not wish to do so without securing guarantees for the protection of U.S. interests there. Secretary Root, “sought to give hegemony legal form, something in the way of binding political relations based on the Monroe Doctrine.” In early January, Root and Secretary of State Hay were sketching out a plan that would establish a Cuban state beholden to American interests. Root acknowledged in 1901 that the Joint Resolution required the establishment

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51 Perez, Jr., *Cuba Under the Platt Amendment, 1902-1934*, 43.

52 Ibid., 45.
of such a Cuban state, followed by recognition by the United States and a treaty between the two. Such a course of action, however, would not guarantee the safety of American interests, such as naval bases or favorable commercial relations. Discussions with Senator Platt resulted in agreement that protection of American interests needed to be built into the constitution of any inaugural Cuban government. On February 28, Senator Platt’s amendment was attached as a rider to the Army Appropriations Bill of 1901. The bill was approved on March 2, 1901.

In May 1901 the delegates to the Cuban Constitutional Convention voted fifteen to fourteen to accept the Platt Amendment language for inclusion. Article I stated that “the government of Cuba shall never enter into any treaty…with any foreign power…which will impair the independence of Cuba…or permit any foreign power…to obtain by colonization or for military or naval purposes…control over any portion of said island.” Article I essentially restates the Monroe Doctrine, forbidding European powers from compromising Cuba’s relationship with the United States through either diplomatic or coercive military means. However, with its first paragraph, the Platt amendment also compromised the Cuban people’s right to exercise their sovereignty with regards to relations with other nations.

Article II forbade the Cuban government from assuming “any public debt…which, the ordinary revenues of the island…shall be inadequate.” We will see

53 Ibid., 46–47.
55 Ibid.
how in the 1920s, with the Cuban economy in shambles, Article II would open the door to intervention into Cuban affairs under Article III.

Article III gave the United States “the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris….”\(^\text{56}\) Article III would become the most controversial and unpopular paragraph of the Platt amendment. Not only would the right of intervention be a direct insult to Cuban sovereignty, but it would also expand into the most intrusive and offensive element. Intervention would lead to direct military involvement several times in the following years. The threat of intervention would be used as a tool to ensure a compliant Cuban government properly addressed domestic violence. The reasons behind intervention would be greatly increased to include the government’s financial and social well-being. For their part the Cuban political actors became adept at requesting intervention under the Platt amendment. In some cases political violence was instigated in order to increase the chances of military action or at least the threat of military action by the United States.

Article IV declared that “all Acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired there under shall be maintained and protected.”\(^\text{57}\)

Article V addressed the much needed issue of sanitation on the island. “That the government of Cuba will execute…the plans already devised…for the sanitation of the

\(^\text{56}\) Ibid.

\(^\text{57}\) Ibid.
cities on the island….” General Wood, as military governor of Santiago immediately addressed the issue of sanitation upon cessation of hostilities. As a military officer, the general clearly understood the relationship between sanitation and its effect on the good order and discipline of the army. Any military leader would understand the necessity for a clean environment, especially in the tropics, where yellow fever and smallpox were raging. “Of the 50,000 inhabitants of Santiago at the time of the surrender, 15,000 were sick…The streets of the city were filled with heaps of decomposing filth and the rotting carcasses of horses and dogs,” writes Foner. The death toll in the city was frightening. “On one day there 216 deaths in the city, and the average was about 200 per day.” Only adequate sanitation measures could control the diseases that threatened the civilian population.

Article VI unilaterally re-drew the map of Cuba to exclude the Isle of Pines from Cuban possession. However, this did not seem to be a permanent demand. Instead, “the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.” In other words, the United States would take possession of the island until its lack of strategic significance could be confirmed. At that point it could be used perhaps as a bargaining chip for a better site.

Article VII states that in order for “the United States to maintain the independence of Cuba, and protect the people thereof, as well as for its own defense, the government of Cuba will sell or lease to the United States lands necessary for coaling or naval

58 Ibid.


60 U.S. National Archives & Records Administration “Transcript of Platt Amendment (1903)”
Here was the strategic goal of the war of 1898. All other provisions of the Platt amendment were to support Article VII.

Article VIII simply affirms that the preceding seven articles will be guaranteed by the Cuban government through “a permanent treaty with the United States.”

Without Article VII and the rights to the long desired naval bases, the Platt amendment lost much of its significance. Without Cuban submission to American hegemony, there could be no naval bases. Without naval bases in Cuba there would be no projection of American power throughout the Caribbean and especially in Central America. Without the spread of American influence throughout the hemisphere, the security of the Panama Canal would not be assured, Roosevelt’s plans to build on Mahan’s theory of sea power into a world power would not come to fruition, and the money and resources spent building up the United States Navy would have been wasted. The Teller amendment simply acted to postpone the effects of the Platt amendment until after the War of 1898.

Reaction by the Cuban people to news of the Platt Amendment was widespread and angry. Anti-U.S. demonstrations were staged across Cuba. Mayors and councils appealed to the United States government to adhere to the principles of the Teller Amendment. Civic associations and veterans organizations joined in the protests. “This display of public opposition strengthened the resolve of the constituent assembly, to which the task of approving the Platt Amendment was presented, to reject the

\[61\text{ Ibid.}\]
\[62\text{ Ibid.}\]
amendment.”63 The Cuban people eventually accepted, albeit grudgingly, that the Platt Amendment was the way for the American military to end its occupation.

Once control of Cuba was secured militarily, through the surrender of the Spanish, and legally, with the inclusion of the Platt Amendment in the Cuban Constitution and Treaty of 1903, American commercial interests could take full advantage of opportunities in Cuba. “With U.S. intervention, the foreign appropriation of Cuban material and human resources was no longer realized through fiscal exploitation and commercial imbalances, as had been the case with Spain during the eighteenth and nineteenth centuries. The new method of appropriation established the direct exploitation of labor forces and natural resources by direct foreign investments as subsequent increases in Cuban trade and industrial production became reliant upon U.S. capitalism.”64 Protection of American business interests would lead to direct intervention by the United States. Frank Steinhart arrived in Cuba a sergeant in the United States Army. With the withdrawal of American forces, he remained and became the American Consul General. He also became prominent in the Havana business community by taking control of the Havana Electric Railway, Light and Power Company. Described by Nearing and Freeman as the “Cuban Rockefeller,” Steinhart was an investor in a multitude of Cuban business interests. So when the Liberal party revolted against the

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63 Perez, Jr., The War of 1898: The United States and Cuba in History and Historiography, 34.

government of President Estrada Palma, Steinhart appealed to the State Department for
direct military intervention.65

A second military intervention occurred in 1917 when the Liberal Party revolted
this time against the government of President Mario Garcia Menocal. Jorge Dominguez
asserts that the possibility of U.S. intervention under the Platt Amendment served to
thwart Cuban efforts to create an organic cohesive polity. “The possibility of United
States intervention was to become a crucial variable—and one that increased political
uncertainty—in the years to come. In future political crises, each faction, especially that in
opposition to the government, would seek United States support for its cause, thus
weakening the central government of Cuba and strengthening the opposition even
further.”66 As was the case in 1906, while the rule of law was the stated purpose for
intervention, the protection of U.S. sugar interests also became obvious. In 1906, when
the commander of the U.S.S. Marietta entered Cienfuegos harbor, “United States sugar
planters begged him to protect; the rebels also welcomed the landings as a sign of the
gradual collapse of the conservative government.”67 During the 1917 rebellion,
Washington understood that the Menocal government was unprepared to suppress the
insurgency and protect American property. U.S. Marines landed in Santiago and
Guantanamo and fanned out to protect U.S. business interests throughout eastern Cuba.
Officially on a mission to train for service in WWI, they stayed until January 1922.68

66 Dominguez, Cuba: Order and Revolution, 16.
67 Ibid., 15.
68 Ibid., 17-18.
Dominguez describes the impact the Platt Amendment had on the Cuban political system as a co-opting of the ability for an organic functioning political system to emerge. “The United States government’s intervention in the internal affairs of the republic prevented the early consolidation of a strong and capable central government in Cuba and fostered the rise and entrenchment of opposition groups by increasing political uncertainty.”  

This was the result of democracy “imposed” upon the Cuban people. The American experience was quite different; the colonies had thrown off the yoke of British tyranny, and in the resulting openness were able to create their own functioning government through the drafting and ratification of the Constitution in 1787-1788. The imposition of the Platt Amendment, especially the implications inherent in Article IV, did not allow the Cuban people to allow the same environment that America’s Founding Fathers enjoyed. Thus, says Dominguez, the “principal consequence for Cuba was the pluralization of its politics.”

Pluralization then, and its resulting political factions, led to the political violence that resulted in the early U.S. interventions. Repeatedly, either the party in power, or the opposition party seeking power, came to rely upon the threat of intervention as a means to achieve their own political aims.

Concerned about the possibility of violence in the 1920 Cuban elections, the U.S. State Department outlined a set of minimum requirements for an orderly election. President Menocal invited General Enoch H. Crowder to return to Cuba to revise the electoral code. And the general was assigned that task as well as task of remaining in Cuba to supervise the elections. Crowder’s arrival in Cuba signified the start of a new

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69 Ibid., 13.
70 Ibid., 11.
American policy. The daily functioning of the government would now fall under closer American supervision. As Nearing and Freeman assert, “Daily regulation was now substituted for armed intervention.” For two years Crowder would serve as de facto ruler of Cuba, “engaged in an intimate intervention in all of the government’s affairs.”

Management of Cuban affairs would extend to the island’s financial condition as well. Article II forbade the Cuban government from incurring any public debt that exceeded its obligations to maintain or repay. Crowder identified the political patronage system, specifically the offices associated with the national lottery system, as a source of financial insolvency. His efforts to reform the system went largely ignored. However, collapsing sugar prices led to a financial crisis in 1920. As a result of the crisis Cuba fell behind on an interest payment to the United States Treasury for an un-requested loan related to submarine chasers during WWI. The United States responded by demanding “that Cuba immediately reorganize its finances, threatening intervention as an alternative.” American appointed financial advisor, Albert Rathbone made fourteen recommendations that were enforced by General Crowder, including a loan of $50 million. The loan was made by J.P. Morgan & Company and the loan documents specifically cited Article II of the Platt Amendment as cause for the loan. Thus did Article II become intimately linked to Article III as American intervention encompassed even the financial and political life of Cuban society.

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71 Freeman and Nearing, Dollar Diplomacy: A Study in American Imperialism, 185.
72 Ibid., 188.
73 Perez, Jr., Cuba Under the Platt Amendment, 1902-1934, 200.
74 Freeman and Nearing, Dollar Diplomacy: A Study in American Imperialism, 186.
75 Ibid., 187-188.
After stepping in to guarantee a Cuban-American victory over the Spanish in 1898, the United States established hegemony over Cuba and codified that hegemony in the Platt Amendment. The Platt Amendment represents an abandonment of the principles expressed in the Teller Amendment passed to justify America’s entry into the war. Instead of fulfilling its commitment to “leave the government and control of the Island to its people,” the United States imposed a system that resulted in “debased political institutions, deformed social formations, a dependent economic relationships.”\textsuperscript{76} The Platt Amendment remained the law of the land until abrogated by President Franklin D. Roosevelt on May 29, 1934. The “Good Neighbor Policy” represented an acknowledgement on the part of the United States of the high cost of Gunboat Diplomacy. “Following the bogging down of U.S. troops in Nicaragua’s wars of the late 1920s,” write Esteban Morales Dominguez and Gary Prevost, “there was some apprehension about using U.S. soldiers to intervene in Cuba’s problems.”\textsuperscript{77} Roosevelt would withhold recognition of the government of Ramon Grau San Martin who came to power via revolution against President Machado in 1933. The United States was no longer willing to intervene militarily. “The Platt Amendment to the Cuban constitution had become an anachronism. It was no longer needed by the United States and it was resented by the Cubans except by those who might have sought intervention.”\textsuperscript{78} By then the Panama Canal was built and operating, Guantanamo Bay was an outpost of the

\textsuperscript{76} Perez, Jr. \textit{Cuba Under the Platt Amendment, 1902-1934}, 337.


\textsuperscript{78} Ibid.
United States Marine Corps, and American hegemony over the Western Hemisphere was secure.
CHAPTER 3
THE TRADING WITH THE ENEMY ACT

In the early morning hours of April 17, 1961 a flotilla of some 1,400 American-trained Cuban exiles invaded Cuba at Playa Giron on the Southern coast of the island. The planners of the invasion hoped to spark an internal uprising that would lead to the possibility of a request for U.S. intervention and ultimately the fall of the Castro regime. Tipped off by loose talk among the Cuban exile community in South Florida, the Cuban military was waiting. The invasion force was quickly detected, met with stiff resistance and defeated easily. 118 Cuban exiles and 4 Americans were killed in the fighting. 1,202 members of Brigade 2506, as the invasion force was called, were captured. Numerous invaders were executed by the Cuban government. Two weeks later, on May 1, 1961 a socialist state was declared in Cuba. The Bay of Pigs resulted in a foreign policy debacle for President John F. Kennedy, who had been inaugurated less than three months earlier. Seeking to redeem their reputations, members of the Kennedy administration would make Cuba a central component of their foreign policy for the next two years.

Two landmark speeches were made by Fidel Castro and John F. Kennedy that defined their roles both as individuals and as heads of state. On December 2, 1961 Castro, in a televised speech, declared himself a Marxist-Leninist. Eighteen months after Castro’s televised address and twenty-two months after the construction of the Berlin Wall, Kennedy declared, “Ich bin ein Berliner,” and pledged the United States to defend Berlin and the rest of the free world against communist aggression. In making their pledges, Kennedy and Castro assumed for themselves and their nations, roles that would define
the relationship between the two nations for the next fifty years and beyond. Georgetown University’s Eusebio Mujal-Leon describes the relationship between Castro and the American government as like actors in a play, each nation has learned to play their role for the benefit of the international community, and for their own domestic audiences.

After the Bay of Pigs, Kennedy would look for an opportunity to gain the advantage over Castro and the Cuban government. Operation Mongoose was a covert action program, authorized by the White House, and carried out by the Central Intelligence Agency. Beginning in November 1961, Operation Mongoose was led by Brigadier General Edward G. Landsdale, with oversight by Attorney General Robert Kennedy and Chairman of the Joint Chiefs of Staff, General Maxwell Taylor. The involvement of Robert Kennedy and General Taylor illustrates the intimacy the White House shared with the covert actions and the goals of Operation Mongoose. Like the Bay of Pigs operation, this program was designed to stimulate a popular rebellion against the Castro regime through a series of paramilitary operations and political propaganda programs. Delayed by extensive planning, and dissent within the national security community, Mongoose never reached its goals of either fomenting a popular uprising or the fall of the Castro regime. In fact, the targeted date for Castro’s demise was postponed from its original expected date in October 1962 to late 1963.¹ Then, beginning in mid-September, 1962 offensive Soviet missiles began arriving in the vicinity of San Cristobal. On October 15, Washington established their presence and the Cuban Missile Crisis

¹ Schoultz, *That Infernal Little Cuban Republic: The United States and the Cuban Revolution*, 181.
occupied the undivided attention of the Kennedy administration.\(^2\) The dire possibilities of the crisis in October served to put a damper on the ambitions of Operation Mongoose. Instead of fomenting a violent regime change through insurrection or possibly U.S. invasion, many in Washington were relieved to find a peaceful solution to the situation in Cuba. The Cuban Missile Crisis ended with an agreement between the United States and the Soviet Union; that in exchange for the withdrawal of strategic missiles by the Soviets, the United States gave assurances that there would be no invasion of Cuba. To this day, that agreement is still distrusted by many in Cuban leadership.\(^3\) Thus the United States would have to find another means of dealing with the Castro government. What could not be achieved militarily could hopefully be accomplished economically and politically.

Concurrent with Operation Mongoose, the United States government initiated an Economic Denial Program, “aimed at generating discontent, one through sabotage, and the other through economic warfare.”\(^4\) Geared toward isolating Cuba from the rest of the noncommunist world, the Economic Denial Program had its roots (like the Bay of Pigs invasion) in the Eisenhower administration. “Between May 1959 and October 1960, the Cuban government expropriated seventy thousand acres of property owned by U.S. sugar farms.”\(^5\) In July 1960, the administration suspended Cuban sugar quotas and prohibited


\(^4\) Schoultz, *That Infernal Little Cuban Republic: The United States and the Cuban Revolution*, 178.

all American exports to Cuba save food and medicine. Schoultz explains that while the quota suspension appeared to be a “tit-for-tat retaliation” for Castro’s expropriation of American properties, “the moves shared the three-step logic of Operation Mongoose: damage the island’s economy, generate discontent, and thereby undermine Cuba’s revolutionary government.” The Central Intelligence Agency had reported on May 11, 1961 that the “volume of unfavorable Latin American comment on Castro’s definition of his regime as ‘socialist’ continues to grow.” And that the Cuban government was attempting to mitigate that unfavorable opinion through good-will mission in an effort to “further Cuba’s contention that its quarrel is with the US and not with other hemisphere countries.”

The signature event in the history of U.S.-Cuba relations is not the Bay of Pigs invasion. Nor is it Roosevelt’s charge up San Juan Hill with the Rough Riders of the First Volunteer Cavalry. Nor even the Cuban Missile Crisis of October 1963. Instead, it could be argued that the event most responsible for defining the relations between the two nations was the decision by President Kennedy to place an embargo on Cuba and to give the embargo the force of law through the use of the Trading with the Enemy Act. Always protective of U.S. business interests in Cuba, the Eisenhower administration, in 1958 feared anarchy and still hoped for a rise of the “better classes” of Cuban citizens. The Miami Junta, representing the revolution’s interests in America, expressed a desire for change to a liberal-democratic system in Cuba; or so thought the powers in Washington.

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6 Schoultz, That Infernal Little Cuban Republic: The United States and the Cuban Revolution, 200.

Thus the junta was well received by an administration still optimistic that democracy would result in Cuba. Such would not be the case. In May 1959, the Cuban government enacted the Agrarian Reform Law and began the process that would lead to the expropriation of property held by U.S. corporations. On July 6, 1960 the American Sugar Bill eliminated the Cuban sugar quota. Eisenhower, while willing to suspend sugar quotas in 1960, was not willing to invoke the TWEA as it would necessarily, in his view, declare Cuba “a threat to hemispheric security.” Kennedy, however, was handed an opportunity with Castro’s December declaration that he was in fact a Marxist-Leninist. With Castro’s declaration, Colombian President Alberto Lleras Camargo requested a meeting of the Organization of American States to debate the imposition of mandatory sanctions on Cuba. The meeting was held at Punta del Este, Uruguay. With fourteen votes required, several traditional allies abstained including Mexico, Brazil, Chile and Argentina. Voting in favor of sanctions were Latin American strongmen Alfredo Stroessner of Paraguay, Nicaragua’s Anastasio Somoza and Haiti’s Francois “Papa Doc” Duvalier, who cast the deciding vote.

While the United States lobbied the delegates at the OAS conference in Punta del Este to turn the economic screws on Cuba, American citrus producers lobbied Congress in Washington to do the same. “As with the Eisenhower-era cut in Cuba’s sugar quota, Florida’s growers of other crops were especially eager to dispose of their Cuban

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9 Schoultz, That Infernal Little Cuban Republic: The United States and the Cuban Revolution, 201.

10 Ibid., 174-175.
competition, and they nudged the process along.”

Florida Senator George Smathers lobbied President Kennedy directly. Florida congressman Dante Fascell “proposed an amendment permitting the president to establish a total embargo on trade with Cuba,” which met with no resistance in the House. With the support of the Latin-American community and the Congress secured, on February 3, 1962 President Kennedy announced in Proclamation 3447 a total ban on trade with Cuba.

The Trading with the Enemy Act was enacted October 6, 1917 and signed into law by President Woodrow Wilson. The TWEA was passed in anticipation of America’s entry into the First World War. Key provisions of the Act identify the “enemy” in Section 2, to include individuals and governments of any nation with which the United States was engaged in hostilities. The Act went further and included “any corporation incorporated within such territory…or incorporated within any country other than the United States and doing business within such territory.” With the nation on the brink of war, the ban included communications such as, “any letter or other writing, book, map, plan, or other paper, picture, or any telegram, cablegram, or wireless message.” Section 4 prohibited insurance and reinsurance from conducting business without a proper license, and Section 5 (b) allowed the President to “investigate, regulate, or prohibit…any transactions in foreign exchange, export or earmarkings of gold or silver coin or bullion or currency,

\[\text{(11) Ibid., 202.}\]

\[\text{(12) Ibid.}\]


\[\text{(14) Ibid.}\]
transfers of credit in any form…and transfers of evidences of indebtedness."\textsuperscript{15} The Trading with the Enemy Act was intended to prevent German nationals, both private citizens and corporations, from receiving any goods or money from the United States. Penalties for violation of the TWEA by a private citizen in 1917 included fines up to ten thousand dollars, imprisonment up to ten years or both. For a corporation, or the director of a corporation, the penalties increased to include the forfeiture of “any property, funds, securities, papers, or other articles or documents, and any vessel, together with her tackle, apparel, furniture, and equipment, concerned in such violation.”\textsuperscript{16}

After the war, Congress repealed most wartime legislation, but kept TWEA in place. In 1933 Congress amended the TWEA and expanded its applicability to include periods of national emergency in addition to declared war. Malloy explains “the act came to be seen as an overall weapon of ‘economic warfare.’”\textsuperscript{17} It became a tool of foreign policy especially in the years of World War II and the Cold War. President Harry Truman used the TWEA during the Korean Conflict. On December 16, 1950, the president issued Proclamation 2914 which declared the existence of a national emergency. Proclamation 2914 allowed the president to invoke the TWEA against North Korea and the People’s Republic of China. Immediately following Truman’s Proclamation 2914 the Treasury Department issued a set of regulations imposing a total embargo on North Korea and China. These regulations, known as the Foreign Assets Control Regulations (FACR),

\textsuperscript{15} Ibid.
\textsuperscript{16} Ibid.
“were the first detailed regulations promulgated to impose a trade embargo on a foreign
country under Section 5(b) of the TWEA.” 18 The regulations originally established by the
Truman administration, were used as the blueprints for later regulations, and became the
legal backbone of the embargo to this day. After the war not only did TWEA remain in
effect; President Truman never rescinded Proclamation 2914, therefore it remained
available to the Kennedy administration to use against the Cuban government.
Using the FACR as a blueprint, the Treasury Department established the Cuban Assets
Control Regulations in 1963. “The CACR prohibit all unlicensed financial, commercial
and travel transactions by Americans with Cuba or its citizens. They serve the functions
of isolating Cuba, protecting Cubans from having their assets in the United States
confiscated by Cuban authorities, preserving Cuban assets for future disposition, and
denying Cuba access to dollar earnings and dollar financial facilities.” 19 Schoultz
describes Kennedy’s use of the TWEA as “the frosting on the Embargo cake: invoking
the Trading with the Enemy Act, the White House issued a blocking order that froze all
Cuban assets in the United States, including thirty-three million dollars in Cuban
government deposits in U.S. banks; much more important, the United States prohibited
anyone subject to its jurisdiction from engaging in unlicensed financial transactions with
Cuba.” 20 But the administration was not moving fast enough for those on Capitol Hill, for
in 1961 Congress passed the Foreign Assistance Act (FAA). Intended to “provide


19 Ibid., 18.

20 Schoultz, That Infernal Little Cuban Republic: The United States and the Cuban Revolution,
207.
coordinated assistance to other nations,” the FAA “sought to deny assistance to Cuba, and gave the President specific authority to impose a trade embargo against that country.” 21 Section 620(a)(1) specifically excludes assistance to “the present government of Cuba.” And Section 620(a)(2) seeks to maintain an embargo and withhold aid from Cuba until that government were “to provide equitable compensation” for properties seized after January 1, 1959. 22 Traviezo-Diaz explains however, that Section 620(a) represented “an explicit political response” to Castro’s seizure of U.S. assets, and represented a degree of impatience on the part of the administration to deal strongly with both Cuban expropriations and with the Castro regime’s intentions to spread communism throughout Latin America. 23 While the actions of Congress in passing the FAA may have been political, they were not political in the same sense of more recent actions, as this essay will illustrate later. Joaquin Roy, correctly points out that both the TWEA of 1917 and the FAA of 1961 were invoked by Kennedy to impose the embargo, even though only the FAA was specifically mentioned in Kennedy’s Proclamation 3447. 24 The Cuban exile community in the early 1960s had not yet reached the political strength they would develop and wield effectively in the latter decades of the twentieth century. Therefore, it can be concluded that Congress’s passing of the Foreign Assistance Act, while political in nature, was still a reflection of the anti-communist Cold War ideology of the period.

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22 Ibid.

23 Ibid., 15-16.

The impact of the embargo on Cuba was rapid and severe. The far-reaching effects of American power extended the embargo even to include participation by America’s allies. Louis Perez, Jr. writes: “All nations receiving U.S. Mutual Security Act economic assistance were informed that foreign aid was contingent on an end of all purchases of Cuban sugar...Between 1962 and 1963 the number of ‘Free World’ ships calling on Cuban ports declined from 352 to 59…and virtually all financial transactions between Cuba and Western Europe and international lending institutions were suspended.”

The Cuban economy, since before the Platt Amendment, had been developing through the use of American equipment know-how. More than seventy percent of Cuban exports had come from the United States. Now, with the embargo in place, access to American goods, technology, capital and all other economic and development resources were no longer available. Manufacturing and transportation were severely impacted by the inability of managers to obtain replacement parts. The Cuban Transportation Ministry reported seven thousand breakdowns a month, a quarter of all Cuban buses were idle for want of spare parts, and half of the nation’s fourteen hundred rail cars were not operating.

The embargo frustrated the efforts of the Castro government to forge an industrialization strategy in the wake of the revolution. Perez-Stable asserts that the Cuban economy was performing well in the years 1960 to 1961. Growth rates were approximately 10 percent and sugar output approximately 6.2 tons annually. In the first eighteen months after the revolution Castro could enhance the support of the clases

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26 Ibid., 250-251.
*populares* by shifting fifteen percent of national income from land owners to wage earners. The rapid industrialization strategy failed due to “improvised and chaotic” central planning, weather considerations, and the emigration of professional, technical and administrative personnel from the island.\(^{27}\) With the exodus of sixty-five hundred North Americans from the island, the “historic Cuban dependence on North American technicians was ruptured, with far-reaching and long–lasting consequences.”\(^{28}\) Clearly large numbers were leaving Cuba to escape the uncertainty of the future in a communist state, but the impact of the embargo and the economic hardship it imposed upon the Castro regime cannot be denied.

Beginning in March 1977 President Jimmy Carter issued Regulation 560 and began relaxing the restrictions imposed by the embargo. Not only were U.S. citizens free to travel to Cuba, the Treasury Department was instructed to revise the Cuban Assets Control Regulations to permit travel expenditures to Cuba to be paid in U.S. dollars. Within a month of lifting the travel ban, “a delegation of fifty-two Minnesota business leaders, including executives of General Mills, Pillsbury, Control Data and Honeywell, were knocking on doors in Havana looking for new business.”\(^{29}\) In addition to lifting the travel ban, interest sections were opened in Washington and Havana, agreements were reached on fishing rights, maritime boundaries and narcotics trafficking cooperation. Two months after Regulation 560 was issued, Congress amended the TWEA “by restricting to


\(^{28}\) Perez, Jr., *Cuba and the United States: Ties of a Singular Intimacy*, 251.

\(^{29}\) Schoultz, *That Infernal Little Cuban Republic: The United States and the Cuban Revolution*, 301-302.
wartime the president’s regulatory powers under the act."  

30 At the same time Congress grandfathered any presidential authority in effect as of July 1, 1977. However, Castro’s decision to send combat troops to Africa in early 1978 resulted in the Carter administration re-imposing the travel ban and discontinuing talks that could have led toward normalizing relations.  

31 That the TWEA was amended in 1977 is reflective of its indication as an example of United States policy toward Cuba. Criminal penalties have been stiffened since 1917 to one hundred thousand dollars and ten years in prison, while the Treasury Department may impose a fifty thousand dollar civil fine for those who violate licenses to trade with Cuba. Congress acted out of concern that the White House was too comfortable with its authority to invoke Section 5(b) by declaring a national emergency. As a result, the president’s power to declare an embargo has been extended through the use of one-year extensions. President Barack Obama most recently on September 2, 2010, exercised that extension to continue for an additional year. 

The president’s authority under the Trading with the Enemy Act met a constitutional challenge during the administration of President Ronald Reagan. In 1982 President Reagan amended Regulation 560 in an effort to limit the flow of hard currency to the island, and restricted travel to Cuba by American citizens. Aided by the American Civil Liberties Union *Reagan v. Wald* made its way to the United States Supreme Court in 1984. In a 5-4 decision, the justices ruled that the president’s exercise of Regulation

30 Ibid., 376.  

560 was constitutional. “The new peacetime/wartime distinction was therefore irrelevant, and the president retained the grandfathered power to regulate transactions with Cuba.”

Even though the Trading with the Enemy Act was enacted in 1917 in preparation for the United States’ entry into World War I, its use against Cuba fits neatly within the Cold War Era of Cuban-American relations as defined in this thesis. The use of the TWEA through the sixties, seventies and eighties clearly reflected the Cold War ideology of the United States at that time. The Cuban revolution had an unsettling effect not only on government officials in Washington, but throughout Latin America as seen in the results of the Punta del Este conference. When President Kennedy made his famous declaration before the Brandenburg Gate in 1963 he sought to place himself and the United States in the position of global leadership against the forces of communism. Kennedy’s desire to stand up to communism, and to encourage others to do so, would ultimately lead the United States to war in Southeast Asia. Despite the close proximity of the Castro regime, ninety miles to the south, after the failure of the Bay of Pigs and the Cuban Missile Crisis, there could be no further consideration of the use force against the Cuban dictator. Therefore, an economic and political solution was necessary. What Malloy describes as “economic warfare” was an attempt by the United States to deprive the Cuban people of the benefits of trade with the Western world in the hopes that they would rise up and overthrow the Castro government. But the United States government failed to accurately gauge the pulse of the clases populares, who had risen up to overthrow the regime of Fulgencio Batista only two and a half years earlier. Further,

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32 Schoultz, That Infernal Little Cuban Republic: The United States and the Cuban Revolution, 375-376.
many potential political and industrial leaders had already fled the island in the immediate aftermath of the revolution and expropriation of property that followed.

Marifeli Perez-Stable, in her history of the Cuban Revolution argues that the potential for Cuba’s economy was optimistic even in the immediate aftermath of the revolution. “The economic thesis of the July 26th Movement,” she states “had likewise professed a belief that Cuba was potentially wealthy and needed only appropriate policies to reap prosperity. These assessments, however, had never contemplated a break with capitalism.”33 The nature of Cuban-U.S. relations in the 1960s became not unlike a Greek tragedy. The Cuban revolution failed its people a prosperous future when it broke with capitalism. The United States, in response to Cuba’s socialist course, acted in a manner that took advantage of Cuba’s economic policies and at the same time allowed Fidel Castro to assume the role of victim abroad and hero at home. The “international sympathy for its victimization by American economic sanctions” is one of the reasons for the survival of the Castro regime according to Julia Sweig.34 With the embargo in place, backed by the force of law under the Trading with the Enemy Act, the dynamic between Cuba and the United States evolved into the Cuban David versus the Goliath United States. That relationship existed throughout the Cold War Era and continues to the present day.


34 Sweig, Inside the Cuban Revolution: Fidel Castro and the Cuban Underground, 186.
On October 12, 1986 the summit meeting in Reykjavik, Iceland between President Ronald Reagan and Soviet Premier Mikhail Gorbachev ended without agreement when President Reagan refused to compromise on America’s continued development of the Strategic Defense Initiative. The Soviet economy had for decades been top-heavy with defense expenditures, and the Soviets could no longer match the American defense spending. Following their defeat in Afghanistan and social upheaval at home, the condition of the Soviet economy was obvious. America’s Cold War opponent and Cuba’s patron was simply outspent by President Reagan’s re-building of the U.S. defense infrastructure. Within three years of the failed Reykjavik summit, the Soviet Union collapsed.

In the United States, the absence of America’s Cold War enemy resulted in economic prosperity as Americans enjoyed a “peace dividend.” In Cuba, long supported by Russian purchases of sugar at above-market prices and sales of oil at below-market prices, the situation looked very different. “Key markers in this process,” according to Brett Heindl, “were the fall of the Berlin Wall on November 9, 1989, and the failed coup attempt against Mikhail Gorbachev in August 1991, as well as Boris Yeltsin’s simultaneous rise to power. Facing the loss of key overseas markets for Cuban goods and increasing diplomatic isolation, things looked increasingly grim for Fidel Castro and the
A communist government in Cuba.\(^1\) Cuba had already been in the process of tighter and tighter austerity measures since 1986. By 1992 Cuba’s economy was facing serious consequences. As Schoultz explains, “It was not simply that Cuba’s economic and military aid was gone. From the 1960s to the late 1980s about 70 percent of Cuba’s trade had been with the Soviet Union, plus an additional 15 to 18 percent with the CEMA countries of Eastern Europe. Most of this trade simply evaporated between 1989 and 1992.”\(^2\) Kaplowitz further explains that the “terms of trade between the two countries as well as amounts, also changed. In July 1990, for example, it was announced that, beginning the following January, all trade between Cuba and the Soviet Union would be conducted in freely convertible currency…effectively cutting Soviet aid to Cuba in half.”\(^3\) Out of necessity, Cuba increased trade with Western nations. Roy asserts, “Cuban trade showed a steady shift from its former overwhelming dependency on the Soviet bloc to an unstoppable linkage with the market economies. While in the 1980s Cuba had conducted only 7 percent of its trade with Europe and about 6 percent with Latin America and Canada, in the mid-1990s theses partners accounted for 90 percent of Cuba’s total commerce.”\(^4\) Cuba sought to entice foreign investors into its once lucrative enterprises in natural resources, especially tobacco, nickel and sugar, along with participation in the island’s communications infrastructure. In addition to entering into joint ventures with

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\(^1\) Brett Heindl, “From Miami with Love: Transnational Political Activism in the Cuban Exile Community,” in *Foreign Policy toward Cuba: Isolation or Engagement?*, ed. Michele Zebich-Knos and Heather N. Nichol (Lanham, MD: Lexington Books, 2005), 171.

\(^2\) Schoultz, *That Infernal Little Cuban Republic: The United States and the Cuban Revolution*, 429.


\(^4\) Roy, *Cuba, the United States and the Helms-Burton Doctrine: International Reactions*, 17.
foreign companies, the Cuban government sought to market the Caribbean island as a vacation destination. Once despised, the tourism industry was now seen as a valuable source of revenue in the wake of the economic calamity brought about with the fall of the Soviet Union. According to Roy, “once disdained as one of the darkest sides of capitalism, tourism was again courted by the Cuban government, showing a steady increase from 300,000 visitors in 1990 to over 700,000 in 1995.”

The fall of the Soviet Union coincided with the rise of the Cuban-American exile community as a potent political force, especially in South Florida. The Post Cold War era is a period when America foreign policy went from being Cold War-centric toward a paradigm influenced by domestic politics. At the center of the Cuban-American political dynamic in the early 1990s was Jorge Mas Canosa. Born in 1939 in Santiago de Cuba, Mas Canosa was sent by his family to study in the United States. He returned to Cuba shortly after Batista’s fall, but left the island for good in 1960. He was a member of Brigade 2506, but did not see action at the disastrous Bay of Pigs invasion. After serving in the United States Army, Mas Canosa became a successful businessman and influential figure in South Florida politics. By the time of his death in 1997, Mas Canosa was listed as the fifth wealthiest Hispanic in the United States at $257 million. Mas Canosa was one of the original members of a Miami-based exile group, Representacion Cubana del Exilio (RECE) or Cuban Representation in Exile, selected after another nominee withdrew from consideration. In his history of the Bacardi family, Tom Gjelten explains how, in attempting to live up to its goal of acting on behalf of the entire Cuban exile

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5 Ibid., 17-18.
6 Ibid., 204.
community, “RECE proved to be a bust. It did serve, however, as a launching pad for two of the most important and controversial figures to emerge from the Cuban exile world, Jorge Mas Canosa and Luis Posada Carriles.” Whereas Posada took a military track and engaged in numerous acts of violence, Mas Canosa elected to engage the political influence of the South Florida exile community and built one of the most successful public affairs organizations of the 1980s and 1990s, the Cuban American National Foundation (CANF). According to former CANF board member, and Mas Canosa associate Ignacio Sanchez, Mas Canosa elected to channel his energies toward a democratic solution on behalf of the Cuban exile community.8

The origins of CANF can be traced to the 1980 election cycle. According to Heindl, it was then that “hardliners in the exile community made their first foray into national politics.”9 Led by Jorge Mas Canosa, the conservative elements of the Cuban-American community backed Republican Paula Hawkins in her successful bid to unseat incumbent Democrat Richard B. Stone. By the early 1980s, the administration of President Ronald Reagan sought to establish closer ties with the conservative, anti-communist Cuban exile community in Miami. In March 1981 National Security Advisor Richard Allen suggested, and was instrumental in, the formation of CANF. Modeled after the American Israel Public Affairs Committee (AIPAC), CANF never attained that pro-Israel organization’s degree of influence, but it did achieve significant results. “Under Mas Canosa’s leadership, CANF thrived and received hundreds of millions of dollars in

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7 Gjelten, Bacardi and the Long Fight for Cuba: Biography of a Cause, 275.
federal grant money, including $390,000 from the National Endowment for Democracy between 1983 and 1988 to establish the European Commission for Human Rights in Cuba to publicize human rights abuses in Cuba from its headquarters in Madrid.”

CANF was not however, an arm of the United States government. The organization also received generous contributions from corporate interests, many who had properties seized by the Castro government. But the primary goal of CANF was not necessarily in improving the lives of exiled Cuban refugees; its true aim lay in the overthrow of the communist government in Cuba, and establishing a liberal democracy on the island.

CANF leaders understood well, the importance of attempting to break the stranglehold of information held by the Cuban government. Any popular change in government in Cuba would have to be built on supplying the Cuban people with a message counter to that published by Granma and other official news outlets. In September 1983 President Reagan signed an executive order establishing the Presidential Commission on Broadcasting to Cuba. One of the Commission’s members was Mas Canosa. The purpose of the Commission was to establish what would be later known as Radio Marti. This was authorized that same year when Congress passed the Radio Broadcasting to Cuba Act. “The proposal to create Radio Marti passed the House by a three-to-one margin; the Senate did not even bother with a roll-call vote…and Radio Marti began broadcasting on Cuba’s independence day, 20 May 1985.”

From its beginning CANF worked to influence both Democrats and Republicans. Early supporters in Congress included Democratic Senator Joseph Lieberman of

10 Ibid., 170.

11 Schoultz, That Infernal Little Cuban Republic: The United States and the Cuban Revolution, 404.
Connecticut and Representative Claude Pepper, the Florida Democrat who championed the cause of Radio Marti. Like all political lobbies before and since, “CANF ensured that its interests were met through lucrative campaign contributions to important congressional leaders; between 1982 and 1992, the Free Cuba PAC donated more than $1 million to congressional candidates. CANF received the ultimate recognition when President Reagan appeared at an organization fundraiser in May 1985.”12 The growing influence of the Cuban exile community was thus well positioned to exploit the collapse of the Soviet Union. As Schoultz explains, “Cuban Americans had used the Reagan years to organize themselves for battle, and now, with the end of the Cold War, they were perfectly positioned to make their move.”13 On May 30, 1989, Florida Democrat and CANF supporter Claude Pepper passed away at 88 years of age. In the special election to fill the vacancy, Cuban-born Ileana Ros-Lehtinen “became the first Cuban American and the first Latina to be elected to Congress.”14 In 1993 Ros-Lehtinen was joined in the House of Representatives by another Cuban-born Republican, Lincoln Diaz-Balart, and by Democrat Robert Menendez. Erikson credits much of the success of the Cuban American lobby to Mas Canosa, who “through the force of his personality” was able to marshal the exile community to speak as one.15

It would be a mistake to identify South Florida as the exclusive domain of the Cuban exile community in the United States. Large numbers of Cubans settled in

13 Schoultz, That Infernal Little Cuban Republic: The United States and the Cuban Revolution, 434.
15 Ibid., 109.
northern New Jersey, in the counties of Bergen and Hudson. There are statues of Cuban patriot Jose Marti located in the cities of Newark, Elizabeth and Union City. It is from this area of the country that, in addition to Robert Menendez, Democratic Representative Robert Torricelli emerged. Robert Torricelli was first elected to the House of Representatives in 1983. By 1992 he had been named Chairman of the House Western Hemisphere subcommittee and had developed a close relationship with Jorge Mas Canosa. Torricelli’s ascent fortuitously coincided with a strategy shift on the part of CANF. Heindl explains that during the Reagan administration, CANF relied on its close relationship with the White House to pursue its agenda. Dissatisfied with the failure of President George H. W. Bush to press the Castro government in the wake of the collapsing Soviet Union, CANF turned its attention and resources to courting allies in the United States Congress. Torricelli thus became an early beneficiary of this strategy change and by 1992 had received over $26,750 in campaign contributions from Miami Cubans.\footnote{Heindl, “From Miami with Love,” in Zebich-Knos and Nicol, 175-176.} Torricelli himself was originally a liberal democrat, who had visited Cuba in November 1988 and after meeting with Fidel Castro for several hours issued a glowing statement praising the social progress of the communist regime.\footnote{Reese Erlich, \textit{Dateline Havana: The Real Story of U.S. Policy and the Future of Cuba} (Sausalito, CA: PoliPointPress, 2009), 48.}

For several years, Florida Democratic Senator Connie Mack had been introducing legislation aimed at closing the loophole in the Trading With the Enemy Act that permitted foreign subsidiaries of U.S. companies to conduct business with Cuba. Since 1975, approval for subsidiary licenses had been a nearly automatic process. In the years after the fall of the Soviet Union subsidiary trade with Cuba increased from $332 million
in 1989 to $705 million in 1990. This dramatic rise in trade caught the eye of CANF. “In 1991,” writes Schoultz, “CANF’s Mas Canosa took over the task of ensuring passage of what had come to be known as the Mack Amendment.”18 Legislation aimed at closing the loophole established by President Gerald Ford in 1975 was introduced into the House Subcommittee on Western Hemisphere Affairs, which was chaired by this time by none other than Robert Torricelli. Torricelli aide Robert Nuccio worked with Mas Canosa to craft a series of recommendations that would eventually be introduced as the Cuban Democracy Act.19 Introduced on April 29, 1992, identical bills were submitted in the House by Representative Torricelli, and in the Senate by Florida Democrat Robert Graham.

The stated purpose of the Cuban Democracy Act can be found in the eight findings listed in Section 1702. The bill clearly lays responsibility for Cuba’s economic and political situation at the feet of Fidel Castro. Castro’s name is invoked six times in the findings. Castro, according to Sec. 1702 (1) “has demonstrated consistent disregard for internationally accepted standards of human rights and for democratic values.”20 Sec. 1702 (2) states that “opposition to the Castro government” has resulted in Cuban citizens “risking their lives” to either organize democratic movements or flee the country.21 Sec. 1702 (3) accuses Castro of maintaining a military-dominated economy responsible for

18 Schoultz, That Infernal Little Cuban Republic: The United States and the Cuban Revolution, 443.
19 Ibid., 445.
21 Ibid.
decreased well-being of its citizens in order to engage in de-stabilizing, subversive activities throughout the world. Clearly, Sec. 1702 (3) accuses the Cuban government of military adventurism in Africa, Grenada, Central America and elsewhere. Sec. 1702 (4) states the Castro regime, despite political changes in the former Soviet bloc, has increased “efforts to suppress dissent through intimidation, imprisonment, and exile” of Cuban citizens. Sec. 1702 (5) points out that the fall of the Soviet Union has resulted in reduced aid to the island nation, specifically in food and oil. Sec. 1702 (6) builds on the previous point and declares that the resulting economic conditions in Cuba “provide the United States and the international democratic community with an unprecedented opportunity to promote a peaceful transition to democracy in Cuba.” Sec. 1702 (7) declares that Castro’s intransigence and continued refusal to respond positively to reform are well noted. Finally, Sec. 1702 (8) calls on the United States to lead its allies in an effort to assist in the transformation to a liberal democracy in Cuba, as they did in Eastern Europe. It would be difficult to argue that the points illustrated in Section 1702 were not, in fact, an accurate assessment of the situation as it existed in 1992. That said, the declarations made in the eight findings are an accurate reflection of American values, and not as inflammatory as some critics of the CDA might wish to argue. This would be especially true considering that America had recently constructed a coalition that defeated the Iraqi Army in a one hundred hour ground war. American exceptionalism was

22 Ibid.
23 Ibid.
24 Ibid.
coupled with the sense that the United States was standing firmly upon high moral
ground in the arena of foreign affairs.

Passage and enactment of the Cuban Democracy Act landed squarely in the
dynamic that was the 1992 presidential election campaign. Ultimately, the bill easily
cleared both houses of Congress. The Senate version was co-sponsored by Mack and
Democratic colleague Bob Graham, also of Florida, and passed the Senate with much bi-
partisan support. Torricelli’s House bill had 34 co-sponsors and easily passed, again
having bi-partisan support, with 139 Democrats joining with 137 Republicans in favor of
the bill. But as the bill was making its way through the various committees, it drew
criticism from the administration of President George H. W. Bush. In testimony before
the House Western Hemisphere Affairs sub-committee, State Department officials
expressed concerns that the United States had no right tampering with the rights of
foreign subsidies in international trade. For three years in a row, the Bush administration
opposed, on the record, the Mack Amendment. Sovereignty rights and free-trade, it was
stated, could have adverse effects should trading partners feel offended by the U. S.
position. The United States had no standing in international law, to impose its embargo
against Cuba, or any other nation without risking bitter trade disputes. Feeling himself
being painted into a corner, however, President Bush announced the implementation of
minor proposals contained in the Act.25 Bush’s Democratic opponent, contrary to the
president’s lukewarm response to the bill, took advantage of the opportunity the
administration’s position presented. There was no love lost for Fidel Castro in the eyes of

25 Schoultz, That Infernal Little Cuban Republic: The United States and the Cuban Revolution,
446-447.
Democratic presidential hopeful Bill Clinton. As Governor of Arkansas, Clinton was host to a large number of Cuban refugees who came to the United States during the Mariel Boatlift. On June 1, 1980, between two and three thousand *Marielitos* rioted at Fort Chafee, in northwest Arkansas. Four buildings on the base were burned and sixty-two injuries were reported, including five guards. Clinton’s Republican opponent in the Governor’s race, Republican Frank White, seized upon the disturbance and ran a campaign ad accusing Clinton of failing to protect the citizens of Arkansas. Clinton then lost the only election of his public career, and partially blamed Castro for his defeat.26 Candidate Clinton, for his part, speaking at Miami fundraiser enthusiastically sought to paint President Bush as soft on Cuba, and endorsed the bill. As Schoultz and Kaplowitz quote Clinton: “I think this administration has missed a big opportunity to put the hammer down on Fidel Castro and Cuba,” the governor famously proclaimed. “I have read the Torricelli-Graham bill and I like it.”27 Fearing the loss of the Cuban exile community, a traditional base for the Republican party, President Bush reversed his position and endorsed the CDA on the eve of the Republican nominating convention. Critics of the administration were pointed in their criticism arguing the White House position had less to do with circumstances in Cuba and everything to do with politics. Schoultz explains that the critics were “simply saying what everyone knew to be true—the Democrats were focused on winning Florida, and the Republicans absolutely could not

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In reversing his position on the Cuban Democracy Act, President Bush knew he risked alienating a large number of American business leaders. "He knew that few business leaders would turn against the Republicans because he supported the ban on subsidiary trade-the Cuban market was not terribly large-but Florida was another story: it was the home of hundreds of thousands of Cuban American voters, and President Bush, facing a formidable Democratic rival, knew that he could not hope to retain the White House without carrying the nation’s fourth largest state." In an act exemplifying the paradigm shift in the history of U.S.-Cuba relations from the Cold War Era to the Post-Cold War Era, President Bush signed the Cuban Democracy Act, which Congress had incorporated into the National Defense Authorization Act for Fiscal Year 1993, during a campaign stop in Miami and neglected to invite its sponsor and champion, Congressman Torricelli.

Section 3 of the Cuban Democracy Act states the official policy of the United States towards Cuba. Where the findings in Section 2 illustrate the “problem” that exists as a result of the Castro government, the statement of policy expressed in Section 3 demonstrate the “solution” to that problem. These are the action steps required to remedy the problem explained in Section 2. Clearly linking Cuba’s economic and political futures together, Sec. 1703 (1) seeks a “peaceful transition to democracy and a resumption of economic growth.” Sec. 1703 (2) enlists the “cooperation of other democratic

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28 Ibid.

29 Ibid., 448.


countries” in carrying out change in Cuba. Sec. 1703 (3) makes it clear that the United States would base future international relations on the willingness of the international community to cooperate with the CDA. Sec.1703 (4) re-affirms the Monroe Doctrine and declares the end of the Cold War as it demands that all former Soviet bloc nations immediately cease any military or technical assistance to Cuba. Recalling the first line of the previous section, Sec. 1703 (5) accuses the Castro regime of human rights violations. Sec. 1703 (6) re-affirms the embargo established under the Trading With the Enemy Act and commits to maintain it as long as Castro “continues to refuse to move toward democratization.” However, in Sec. 1703 (7) the CDA offers to gradually lift the embargo should positive developments be seen in Cuba. Among those developments sought would be free and fair elections as mentioned in Sec. 1703 (8). Again invoking the Monroe Doctrine, Sec. 1703 (9) calls for the termination of military or technical assistance from the entire international community to Cuba. Finally, the ultimate goal of the CDA is made clear in Sec. 1703 (10), citing the intent to develop “a comprehensive United States policy toward Cuba in a post Castro era.” Clearly, the framers of the CDA, by intentionally placing the blame for Cuba’s ills on Castro, by name, in Section 2 left no doubt to their goal by the end of Section 3. The Cuban Democracy Act represented a means to an end; the ultimate removal of the Castro government from power in Cuba, and the establishment of a freely elected democracy in its place.

However, it has been argued by Kaplowitz and others, that Torricelli’s close relationship

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32 Ibid.
33 Ibid.
34 Ibid.
to CANF and his ambitions to run for the United States Senate may have actually been the driving force behind his championing the CDA.\textsuperscript{35}

The teeth of the CDA were found in the sanctions language of the bill. “The President should encourage the governments of countries that conduct trade with Cuba to restrict their trade and credit relations with Cuba in a manner consistent with the purposes of this Act.”\textsuperscript{36} Sanctions could be applied to countries that continued to trade with Cuba. These sanctions were intended to put a stop to subsidiary trade with Cuba, and were the basis for the continued objections of the Bush administration toward the Mack Amendment. Under Section 6, nations continuing to trade with Cuba could be declared ineligible for foreign aid from the United States. Additionally, the CDA prohibited subsidiaries of U.S. companies located in third countries from trading with Cuba. It banned any vessel engaging in Cuban trade from entering a U.S. port for a period of 180 days after departing Cuba. Section 10 of the Act, increased the civil penalties under the Trading With the Enemy Act to fifty thousand dollars. The sanctions language of the bill was deemed most objectionable to critics.

On the other hand, the CDA included language expressing “support for the Cuban people.”\textsuperscript{37} This section became known as Track 2, an expression that has its origins in the Kennedy administration as the alternate course to the covert actions conducted during Operation Mongoose. Track 2 was intended to foster support for civic institutions inside Cuba and to assist the Cuban people in achieving some sense of a capacity for self-

\textsuperscript{35} Kaplowitz, Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba, 151.

\textsuperscript{36} Cuban Democracy Act of 1992.

\textsuperscript{37} Ibid.
governance. Under Section 5 of the bill, “Support for the Cuban People,” specifically allows “donations of food to non-governmental organizations or individuals,” and “exports of medicines or medical supplies, instruments, or equipment.”38 Very importantly, Sec. 1705 (e) permits telecommunications services between the two nations, as well as the direct delivery of mail. Broadsides, pamphlets and newspapers spread liberal democratic ideas since the earliest days of the American Revolution. It seemed only logical then, that to affect political and social change in Cuba, and to plant the seeds of an organic democratic movement, the free exchange of ideas was paramount. The Cuban people, since 1960, had largely been kept informed through the official government newspaper *Granma*. Through Section 5, the United States government also pledged support, through non-governmental organizations, “to promote nonviolent, democratic change in Cuba.”39 In 1994, under the auspices of the Cuban Democracy Act, licenses to provide direct telecommunications services to Cuba were granted to five U.S. companies. The companies were permitted to improve both satellite and cable links between the two countries for the first time since 1962. A half-million dollar federal grant was made to Freedom House, a New York based human rights organization. The grant was intended for the use of supporting pro-democracy efforts in Cuba. Unfortunately the reaction of the Castro regime to Track II was to re-enforce its hard-line position on civil rights, and a crackdown ensued. “Reformers within the Castro government who had been pushing for a gradual political and economic opening in Cuba found themselves under

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38 Ibid.

39 Ibid.
attack.”  

Scholars and professors at the University of Havana found themselves fired or arrested, and were replaced with hardliners. Critics of Track II, like Kaplowitz argue that the Cuban government’s reaction “predictably demonstrated not only its ineffectiveness but its counterproductivity.”  

And yet it remains the thesis of this study that it should be the responsibility of the United States government to hold up the beacon of hope to oppressed peoples throughout the world. The fact that Track II resulted in a crackdown by the Castro government, says more about the Castro government than it does about the merits or perceived deficiencies of the Cuban Democracy Act. This point will be made more clear as attention is turned to the second significant piece of legislation dealing with Cuba to come out of the 1990s, the Helms-Burton Act. Section 8 of the CDA permits the President to waive sanctions and even the embargo itself if it is determined that Cuba is moving toward a more open and democratic society. Specifically, “free and fair elections” under the supervision of “internationally recognized observers,” that include “opposition parties” would be considered substantive movement toward democracy on the part of Cuba. It would be further incumbent upon the Cuban government to exhibit “respect for basic civil liberties and human rights,” and to move toward “establishing a free market economic system.”  

Were the Cuban government to take such steps toward a democratic system, the United States would respond by encouraging “the admission or reentry of such government to international organizations and international financial institutions,” by providing “emergency relief” while Cuba transitioned to a free-market

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41 Ibid.

system, and ultimately would “end the United States embargo of Cuba.” While the sanctions language employs the proverbial “stick” in the CDA, Section 8 and the possibility of Cuba’s complete reintegration into the family of Western Hemisphere democracies, represents the “carrot.” Despite the arguments of critics of the Cuban Democracy Act, nothing in the language of the bill with regard to sanctions, their possible waiver, or support for a transition to a democratic, free-market system is contrary to basic American values. If anything, the CDA represents a door through which the Cuban people themselves must pass, and which only they can open.

The second significant piece of legislation affecting the relationship between Cuba and the United States is officially titled the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996. It is also known as the Helms-Burton Act, after its Republican co-sponsors, North Carolina Senator Jesse Helms, and Indiana Congressman Dan Burton. Unfortunately, it also carries numerous derogatory names that are as inaccurate as they are misleading: The Bacardi Claims Act, the Bacardi Rum Protection Act, or the Full Employment for Lawyers Act. To better understand the Helms-Burton Act it would be helpful to examine its genesis.

Ignacio Sanchez is a Cuban-born attorney who was a recent graduate of the University of Miami law school when he reluctantly joined the Cuban American National Foundation as a trustee. As Sanchez puts it, all the other trustees seemed be closer in age

43 Ibid.


45 Roy, Cuba, the United States and the Helms-Burton Doctrine: International Reactions, 52.

46 Ibid., 61.
to his father than to himself. It was through CANF that he met Jorge Mas Canosa. Sanchez at the time was active in the Cuban-American Bar Association and was exploring his interest in property rights. Specifically, he was researching the cases of Russian émigrés who fled the 1917 revolution, and who possessed assets secured in the United States. The Bolshevik government had seized the assets of businessmen, quite literally at gunpoint, after the Russian Revolution and had attempted to seize the assets of those same businessmen in the United States. The United States refused to permit the Russian government to do so on the grounds that the assets in question had been taken by force. Since then the United States has refused to acknowledge the extraterritoriality of claims to property seized by force. Western European governments were taking the same position with regards to properties seized by Nazi Germany. Sanchez’s interest was piqued when he learned that Florida had a Civil Theft Statute whereby persons trafficking in stolen property could be sued in civil court. Upon further research, Sanchez discovered that all 50 states had similar civil theft statutes. At that point Sanchez pondered the possibility of a Federal civil theft statute. And so two concepts were married; the idea of civil theft, where every state had a statute protecting private property; and the refusal of the United States to recognize the rights to property taken by force, as in the cases of Soviet Russia, Nazi Germany and Communist Cuba.47

Sanchez proposed the idea of a Federal civil theft statute to Mas Canosa who’s initial reaction was cool. Mas Canosa understood Castro’s penchant for playing the part of the victim and would seize upon the use of the civil theft concept as a propaganda tool. His initial reaction was to ask Sanchez if private homes could be excluded from the bill.

47 Sanchez, interview.
Sanchez explains that Mas Canosa favored the political implications of such a bill over the actual ramifications. What Mas Canosa envisioned was a “chilling” effect on potential investors contemplating investments in Cuba. As a result, the idea was presented to Representative Torricelli, who also favored the idea but suggested it be introduced in the following session after the 1994 elections. In the 1994 mid-term elections the Republicans swept into the majority on Capitol Hill, and the Democratic agenda seemed threatened by the Republican Revolution.

The change of power in the Congress did little to threaten the success of the bill. When presented with the idea, Jesse Helms liked it immediately. According to Helms staff member and legislative draftsman of the LIBERTAD Act, Daniel Fisk, Senator Helms was first and foremost a Southern gentleman, he was an unapologetic anti-communist, and he believed strongly in property rights. He genuinely cared about Latin America and beginning in the mid-1980s his office became the office to which many Americans with complaints about expropriated property sought support. Despite the arguments of many critics of Helms-Burton, international law does not recognize the right of a sovereign state to seize private property. In order for a sovereign state to legitimately seize the property of a private citizen, including corporate bodies, even in cases of eminent domain, that state must pay just, adequate, and effective compensation.

By 1994 the Senate Foreign Relations Committee had become aware that in the case of a change in leadership in Cuba, the United States had no coherent foreign policy in place. Committee Chief of Staff, Admiral James “Bud” Nance tasked Daniel Fisk with the job to brainstorm on the possibilities of a post-Castro Cuba. Senator Helms, at the time the ranking Republican on the committee, trusted Nance, and agreed with the idea.
Fisk sought to learn what plans and strategies existed at the time, and to develop alternatives going forward. What Fisk learned was that Cuba was seeking to replace Soviet subsidies with joint ventures involving third party corporations. The most lucrative of the joint ventures were in telecommunications, nickel mining, the timeless Cuban commodity sugar, and tourism. The Castro government sought business relationships beneficial to Cuba. What Fisk discovered was that many of these third-party joint ventures involved properties that had been expropriated by the Castro regime and were now certified claims with the Foreign Claims Settlement Commission.  

Fisk, like Ignacio Sanchez, began thinking of expropriated properties in terms of their place in Anglo-American tort law. In the absence of just, adequate and effective compensation, those properties seized by the Cuban government, after the revolution, should be considered stolen. Thus established, a third party may not knowingly profit from someone else’s wrong. From this came the concept of “trafficking” in expropriated property. The expression was deliberate and intentional. Fisk’s goals were two-fold; to advance the discussion regarding Cuba, not only at present but into the future, and to push the debate on property rights internationally.  

Ultimately the Helms-Burton Act was the result of a coalition built to use “the economic power of the largest economy in the world to force respect for property.” The idea of a lawsuit emerged. What the crafters of the LIBERTAD Act ultimately seized upon was a concept axiomatic in the corporate world. Businesspeople have a natural

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49 Ibid.
50 Ibid.
distrust of lawyers, even those on their staffs. They believed that Castro would lie about American intentions regardless of the language and intent of H-B. What Helms-Burton sought to do was to cast a chilling effect on any and all potential third-party investors contemplating Cuba. The law was left intentionally ambiguous, in order to make difficult a legal challenge to the language of the bill. If foreign businesses could not trust the Castro regime to prove legal ownership of any investment assets, and if corporate attorneys were unable to successfully defend a joint venture against the language of the LIBERTAD Act, the desired “chilling” effect could be achieved, thus threatening Castro’s ability to raise income through the “trafficking” of expropriated properties. Fisk states that the LIBERTAD Act played to “businessmen’s prejudices against lawyers,” and represented a “novel, legal and constitutional mechanism to stand up to Castro’s economic strategy.”

The LIBERTAD Act opens with a statement of problem, a solution and a rationale. It is a common device used among public affairs practitioners. The findings state that with the loss of Soviet subsidies, the Cuban economy had declined by sixty percent over a five year period. As a result the health and well being of the Cuban people had declined in like manner. Castro had gone on record as refusing any substantive political reforms that might alleviate conditions in Cuba. As a result, Cuba was led by the only non-democratic government in the Western Hemisphere. The findings continue by tying free and fair elections to any hope of improved welfare for the Cuban people, and that the totalitarian nature of the regime had caused thousands of Cubans to risk their

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51 Ibid.
lives fleeing the island. Sec.II (6) then praises Radio Marti and Television Marti for providing information that might improve the morale of the oppressed Cuban people. After stating the facts regarding the condition of the Cuban nation and people, the next five findings are an expression of American values. Both Democratic and Republican administrations had sought to “keep faith” with the Cuban people. The United States had sought to protect human rights and uphold the “democratic aspirations” of the Cuban people. Specifically this had been done through the Cuban Democracy Act and the Foreign Assistance Act upon which LIBERTAD now sought to improve. The findings language continues by calling into question the Castro government’s status as a threat to the region’s security by participation in narcotics trafficking, harboring fugitives from justice, and supporting “groups dedicated to international violence.” The findings then accuse Fidel Castro of a litany of despotic acts including torture, imprisonment and international blackmail through his use of immigration crises such as the Mariel Boatlift. They then turn to international condemnation of Cuba’s human rights record, and the efforts of the United Nations to address that record. Finally the findings turn toward the solution and rationale by comparing Cuba to Haiti, and call on President Clinton to respond in a like manner toward Cuba. In the final series of findings, authorized sanctions against oppressive governments are illustrated; specifically those imposed against Rhodesia, South Africa, Iraq, and the former Yugoslavia. They then argue that the United States led an effort to obtain an embargo against Haiti; that those efforts were successful

53 Ibid.
with the restoration of a democratically elected government there; and that what United States was willing to for the people of Haiti, it should be willing to do for the people of Cuba.  

Following Section 2’s findings are the “purposes” of the Act. They are “to assist the Cuban people in regaining their freedom;” “to strengthen international sanctions against the Castro government;” they seek to protect the national security of the United States; they call for “free and fair elections” in Cuba; to prepare U.S. policy to support a transition toward democracy on the part of the Cuban people; and finally to protect the private property of United States citizens against the illegal trafficking of their stolen property.  

The heart and soul of the LIBERTAD Act are found in the body of the Act itself. Title I is an affirmation of the embargo as a statement of U.S. policy. It re-states the intent of the United States to isolate Cuba politically and economically. Title II drafted by Senator Robert Menendez, then a Democratic Representative from New Jersey, addresses the United States’ intent toward a free and independent Cuba. In language reminiscent of the Teller Amendment, Title II states that it will be the policy of the United States to support the self-determination of the Cuban people. And to “recognize that the self-determination of the Cuban people is a sovereign and national right of the citizens of Cuba which must be exercised free of interference by the government of any other country.”

Calling for free and fair elections, Title II re-emphasizes the goals stated in

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54 Ibid.
55 Ibid.
56 Ibid.
the findings section of the Act. Title II offers to negotiate for the return of the U.S. naval Base at Guantanamo, to consider the restoration of diplomatic recognition, to remove the embargo and to assist in the economic development and political re-integration of Cuba into the world community. Joaquin Roy argues that Title II “is an open book about the ideology of the United States regarding not only Cuba, but Latin America and perhaps the rest of the world.”

In Roy’s view, a number of Cuban-Americans, not to mention Cubans themselves, likely viewed Title II as a humiliating imposition upon the very right to self-determination the opening suggested. What was being mandated was what kind of government the Cuban people could have for themselves if ever they expected to see the embargo lifted. Roy concludes, “any Cuban with a sense of history saw the obvious: the Platt Amendment had been reborn.”

Title III remains the most controversial piece of the bill. Title III establishes a civil remedy for the liability of trafficking in expropriated property. It holds liable any person or corporation who “traffics in property which was confiscated by the Cuban government on or after January 1, 1959.” Title III allowed monetary damages in the amount three times the value of the property seized by the Cuban government. At the time the bill was drafted there were 5,911 certified claims valued in excess of 1.8 billion 1960 dollars. With these claims the United States government had an espousal obligation, rather like a class action lawsuit against the Cuban government. What the LIBERTAD Act offers is a mechanism outside the Foreign Claims Settlement Commission.

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58 Ibid.

59 *Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996*. 

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claimant could either accept a fraction of the value of their property through the espousal process, or under Title III they could opt to file a suit and receive treble damages. In addition to the 5,911 certified claimants, there were countless Cuban exiles with limited proof of ownership of properties in Cuba. However, the great number of these exiles had become “tax residents” in that by virtue of the fact that they were in the United States, and paying taxes, were entitled to the same legal protections as all United States citizens. Thus Section 302 (c) states: “A United States national, other than a United States national bringing an action under this section on a claim certified under Title V of the International Claims Settlement Act of 1949, may not bring an action on a claim under this section before the end of the 2-year period beginning on the date of the enactment of this Act.” What Section 302 (c) accomplished was to extend to Cubans who were not U.S. citizens in 1959, the same protections afforded citizens and corporations. As Roy explains: “The law in effect, makes no distinction between Cuban citizens who became U.S. citizens after migrating to the United States and the original U.S. citizens (or companies) whose properties were confiscated by the Cuban regime after the Cuban Revolution.” Although Cuban nationals had to wait out a two-year waiting period, they would now be granted the same consideration as U.S. citizens, at the very least, by virtue of their status as “tax residents” as Ignacio Sanchez has explained. The reaction among the business community to the inclusion of untold numbers of Cuban claimants was largely negative. Many companies feared that the value of any possible

60 Sanchez, interview.

61 Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996.

62 Roy, Cuba, the United States, and the Helms-Burton Doctrine: International Reactions, 51
future compensation would now be diluted by adding claimants to the pool. Still other companies sought to open Cuban markets for strategic purposes. Farm states have historically opposed the embargo and have sought to keep Cuban markets open. Archer Daniels Midland, the agricultural giant, opposed the LIBERTAD Act seeking to secure Cuban sugar cane for ethanol production.\textsuperscript{63}

The issue of extraterritoriality is another major point of contention for critics of the Helms-Burton Act. As the bill made its way through the committee process, extraterritoriality was not a concern among lawmakers. It was not until Speaker of the House Newt Gingrich raised concerns that the matter required attention. Here again the scholars and authors of the Act come into dispute. Roy expertly defines both sides of the argument: “A basic principle of international law is that if a state acts illegally according to international law, the injured parties cannot initially place the matter before international tribunals, but must first file claims in the state where the damage was done.”\textsuperscript{64} Conversely: “Legislators and scholars who favor Helms-Burton claim that the expropriations and other actions of the Cuban government have had a detrimental impact on the territory of the United States. For this reason the application of extraterritoriality may be reasonable.”\textsuperscript{65} That detrimental impact was the loss of tax revenues in the United States due to the illegal actions of the Cuban government. Because both citizens and “tax residents” would be entitled to declare losses for property seized, the United States Treasury suffered an adverse effect through the illegal expropriation of the property of

\textsuperscript{63} Sanchez, interview.

\textsuperscript{64} Roy, \textit{Cuba, the United States, and the Helms-Burton Doctrine: International Reactions}, 74-75.

\textsuperscript{65} Ibid., 75.
both citizens and tax residents. Thus the international conduct of the Cuban government had an impact on the U.S. Treasury and satisfied Speaker Gingrich on the issue of extraterritoriality.\(^{66}\)

Title IV was authored by CANF Board member Domingo Moriera. The section legislates the exclusion from the United States of individuals who had confiscated the property of American citizens, or who are found to have trafficked in such property. In addition to those directly involved in the confiscation and trafficking of expropriated property, Title IV includes corporate officers of those third party joint ventures and their spouses and minor children. Moriera explained to the author, that he was aware that it was a common practice among U.S. consular officials to revoke the visas of foreign nationals as a tool to induce cooperation with American officials over a variety of circumstances. The practice, according to Moriera had been used frequently to coerce cooperation in both civil and criminal cases and was not restricted to Latin America. In particular, Moriera became aware of a case involving an Honduran citizen reluctant to cooperate with U.S. authorities. Moriera told the author that he didn’t necessarily believe the practice to be proper, but as it was apparently legal and not uncommon, perhaps it could be useful to the crafters of the Helms-Burton legislation. He suggested the idea to Ignacio Sanchez, and after consultation with the individuals involved in the legislative effort Title IV was included. Moriera regrets today the Title IV wasn’t used with greater alacrity and wisdom, yet today the principle of excluding aliens is used frequently in terrorism cases. The effect of Title IV, in excluding the families of foreign corporate officials is often neglected by critics of Helms-Burton. Both Moriera and Sanchez

\(^{66}\) Sanchez, interview.
expressed the intent of Title IV in terms of its practical application. If the children of foreign executives couldn’t attend Harvard or vacation in Disney World, they might think twice about investing in Cuba.⁶⁷

The legislative history of H-B is complex, lengthy and unnecessary for complete inclusion in this thesis. It is sufficient to state that it was not without difficulties. There was a sense among the bill’s proponents that some officials in the Clinton administration were intent upon a path of normalized relations with the Cuban government. Those proponents of normalization had many allies among the Democrats in Congress, and in the words of Dan Fisk were “willing to have a full bi-lateral relationship on the backs of the Cuban people.”⁶⁸ Corporate America too seemed reluctant to support the bill. The Archer Daniels Midland Corporation was actively lobbying in opposition, and had many friends among farm state delegations. Cloture became a serious concern. At this point a series of events came together that resulted in final passage of the Act.

Both scholars and critics quickly point to the Brothers to the Rescue shoot-down as the primary reason for the passage of Helms-Burton; the whole story is more complicated. President Clinton won the White House in 1992 partly by running to the political right of his incumbent opponent on the Cuban issue. Clinton wanted not only to win in 1996, but to win big. Cloture became a problem for the bill’s supporters, specifically over the provisions of Title III. Thus language was eventually included allowing the President to waive the offending section. What is often missed in the literature since 1996 is the fact that the bill always had enough votes for passage in the

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⁶⁸ Fisk, interview.
House. If Title III needed to be stripped from the Senate version, it could always be included when the House and Senate versions were reconciled in conference committee before final passage. Despite the protests of opponents like Senators Christopher Dodd and Nancy Kassebaum, the President’s aides had told H-B’s supporters that if a bill reached the President’s desk, he would sign it. The President’s Republican opponent in the 1996 presidential campaign, Iowa Senator Bob Dole, embraced Helms-Burton early. Clinton opposed the bill outright, refusing as did Bush, to surrender the President’s authority to conduct foreign policy.\[69\]

In October 1995 President Clinton gave an address that hinted at a relaxation of the embargo. While the President’s proposals fell within the scope of Track 2 of the Cuban Democracy Act, “the speech represented a clear departure from the more hostile U.S. policy adopted at the time of the rafter crisis, and conservatives interpreted it as an effort by Democratic soft-liners…to adopt a less hostile approach to Cuba”\[70\] Shortly after the President’s speech, Senator Dole took the unusual step of placing the bill on the Senate calendar prior to its approval by the Senate Foreign Relations Committee. Democrats responded with a filibuster that would have killed the bill until Senator Helms agreed to stripping Title III. Again, Helms knew well that the Title III provision allowing U.S. nationals to sue third-country investors would be re-introduced in conference

\[69\] Ibid.

\[70\] Schoultz, That Infernal Little Cuban Republic: The United States and the Cuban Revolution, 480.
committee.\(^{71}\) As the bill awaited amending in conference committee circumstances in the Straights of Florida propelled matters forward.

On February 24, 1996 two civilian aircraft operated by the Cuban exile group Brothers to the Rescue were shot down in international waters by Cuban MiGs, killing 4 pilots who were U.S. citizens. The organization had been flying rescue missions since 1991, using small civilian aircraft. However, some pilots had bragged about dropping leaflets over Cuban airspace. When the Cuban Air Force shot down the two unarmed aircraft world opinion quickly turned against the Castro government. In the United States opponents of the Helms-Burton Act now found themselves “politically naked.”\(^{72}\) Dodd, Kassebaum and Secretary of State Warren Christopher found themselves in the unenviable position of being among a shrinking number defending an indefensible position on the bill. The Clinton administration weighed what limited options it had, including bombing the air strips from which the attacks were launched. Fearing a mass migration of refugees, and another rafter crisis, Clinton again made it known that if the bill could be fixed he would sign it. Thus a deal was brokered that included the ability of the President to waive Title III for up to six months. In exchange for the waiver Title III was again included in the bill. “In a stroke of genius,” according to Ignacio Sanchez, Florida Republican Congressman Lincoln Diaz-Balart included language that codified the embargo. Before the passage of the LIBERTAD Act, the embargo was enforced through Executive Order. Now, through an act of Congress, the President had surrendered the authority of the Executive to the United States Congress. Clinton’s response to the

\(^{71}\) Fisk, interview.

\(^{72}\) Ibid.
Brothers to the Rescue tragedy was to codify the embargo. He wanted to win big in 1996, and could no longer risk the political fallout of opposing the bill.\textsuperscript{73}

The Helms-Burton Act was signed into law by President Clinton on March 12, 1996. In a statement issued by the White House four months later the President initiated the first waiver of Title III. However, he stated that he would allow Title III to take effect, and procedurally suspended the ability to file suit. But he did not permanently remove the teeth from the bill and reserved the right to re-assess the waiver in six months time. In a statement pleasing to the bill’s authors, the President declared “liability will be established irreversibly during the suspension period and suits could be brought immediately when the suspension is lifted. And for the very same reason, foreign companies will have a strong incentive to immediately cease trafficking in expropriated property, the only sure way to avoid future lawsuits.”\textsuperscript{74} Every President since 1996 has waived Title III. Thus its Constitutionality has never been challenged in court. Should the embargo be lifted, companies operating properties seized by the Castro regime would find that their liability under Helms-Burton would have accrued since 1996, multiplying their exposure.

International protest was swift. The Canadian government was the first to object, since Canadian firms had the most to lose. The Canadian government amended its Foreign Extra-Territorial Measures Act of 1985 to block attempts by foreign claimants

\textsuperscript{73} Sanchez, interview.

from enforcing judgments under Helms-Burton in Canada.\textsuperscript{75} The Mexican government published the Law for the Protection of Trade and Investment directed at Helms-Burton.\textsuperscript{76} Twenty-three heads of state, attending an Ibero-American summit approved a resolution rejecting the Helms-Burton Act.\textsuperscript{77} Roy argues that the Castro regime may have actually benefited from the Act as it allowed the Castro government to capitalize on the declining support for the U.S. at the United Nations.\textsuperscript{78}

While international reaction was negative, the economic impact could not be disputed. Mexican telecommunications firm Grupo Domos pulled out of a two billion dollar joint venture with Cubatel in response to the Helms-Burton passage. Canadian firms in particular were at risk. “By 1996, thirty-seven Canadian firms had opened offices in Cuba, where they were involved in thirty joint ventures with the Cuban government, including the construction of more than four thousand hotel rooms in eleven different locations.”\textsuperscript{79} Schoultz makes the point that a number of these hotels would doubtless “infringe on property that the Cuban government had seized from U.S. claimants.”\textsuperscript{80}

While international indignation over the extra-territorial nature of the Act was raised, so too was the intended specter of future liability. The President cannot, without approval from Congress, unilaterally lift the embargo on Cuba. And it will be difficult at best to

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\textsuperscript{75} Roy, \textit{Cuba, the United States, and the Helms-Burton Doctrine: International Reactions}, 88.

\textsuperscript{76} Ibid., 93.

\textsuperscript{77} Schoultz, \textit{That Infernal Little Cuban Republic: The United States and the Cuban Revolution}, 494.

\textsuperscript{78} Roy, \textit{Cuba, the United States, and the Helms-Burton Doctrine: International Reactions}, 104.

\textsuperscript{79} Ibid., 493.

\textsuperscript{80} Ibid.
\end{flushleft}
invest in Cuba today without having one’s rights compromised after a future Cuban regime change. Helms-Burton then, has tainted all future titles to property in a post-Castro Cuba.81

It is interesting to examine the Helms-Burton Act for what it is and what it is not. It is what Ignacio Sanchez calls “a celebration of American values.”82 Respect for property is so fundamental to American values that the Founders enshrined it in both the Declaration of Independence and the fourth and fifth amendments to the Constitution. Therefore, the United States Congress was correct in establishing a mechanism whereby those Americans, and even Cubans who suffered the loss of property, sometimes literally at gunpoint, might at least have some hope for justice at a future date. Jesse Helms believed that intangibles count for something in foreign affairs. In a magazine article published in 1999, Helms stated: “We become a part of what we condone.”83 And in 1996 the United States was unwilling to condone the actions of the Cuban government. Helms-Burton served notice on the international business community that the decision to invest in the Cuban regime is not without consequences. Thus the chilling effect intended by the authors of the bill has indeed been realized. Title II of the Act can be considered an appropriations bill. In exchange for meaningful progress toward a democratic government and market-oriented economy, the United States stands ready to assist the Cuban people with economic aid. What the Helms-Burton Act is not, is democracy at the

81 Sanchez, interview.

82 Ibid.

barrel of a gun. The choice remains that of the Cuban people. To say, as many academics do, that the embargo has been a failure, flies in the face of reality. One need only visit Cuba to recognize the fallacy of such an argument. Cuba today is essentially a third-world nation. However, Cuba’s continuing economic malaise is not entirely due to the embargo, now codified by Helms-Burton. Cuba has been mismanaged since 1959. The cult of personality surrounding Fidel Castro has hamstrung the island’s ability to grow into a viable economic entity. The answer to Cuba’s problems will not necessarily be found through normalized trade relations. As Daniel Fisk stated, “the extension of economic privileges do not lead to political rights.” Look no further than China for evidence of this reality.

Nor is Helms-Burton what many critics claim; a capitulation of the American political process to the interests of the South Florida Cuban exile community. It is true that that particular ethnic community learned in the 1980s to flex their political muscle. And CANF and certain corporate entities like Bacardi have played a role in the debate. But neither Helms nor Burton had sizeable Cuban constituencies. Neither legislator needed the Florida electoral votes, and neither needed CANF or CANF money to get re-elected. President Clinton, on the other hand had a significant political interest. And he alone bears responsibility for his decision to compromise the authority of his office. Bacardi is no different than any other corporate entity with an interest in business before the Congress. The actions of that company since being forced out of Cuba have been those of a responsible corporate citizen. And the Cuban exile community is no different than any other “interest group” in the United States. For example, the Jewish population

84 Fisk, interview.
of the United States is approximately 1.7% of the total population, yet Jews comprise 9.3% of the 112th Congress.\textsuperscript{85} Labor unions represent 6.9% of private sector workers, yet organized labor wields an arguably disproportionate degree of influence on Capitol Hill.\textsuperscript{86}

Finally, some consideration should be given to the question: what’s in a name? Officially titled the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, the Act is also called the LIBERTAD Act, the Helms-Burton Act and simply H-B. It should be noted that the bill could easily have been called Torricelli II, since the New Jersey Democrat was prepared to introduce it immediately after the 1994 mid-term elections. In the wake of the Republican victory of that year, a new sponsor was needed, thus Jesse Helms introduced the bill. The authors intended the bill to be known as Helms-Gilman, after New York Republican Ben Gilman, who assumed the Chair of the House Foreign Affairs Committee. Gilman declined the offer, Representative Dan Burton of Indiana co-sponsored the bill in the House instead, and it became known by its present moniker, the Helms-Burton Act.\textsuperscript{87} In a final twist, it is perhaps ironic that the bill came to be named for Senator Helms. In his autobiography, the North Carolina Senator takes pride in his role in the passage of the Foreign Affairs Reform and Restructuring Act of 1998. Helms had always been a harsh critic of the State Department and during the Clinton administration he sought to rein in what he considered a department run amok and pursuing disjointed, multiple foreign policy agendas. “To me, this was clearly a


\textsuperscript{87} Fisk, interview.
violation of the constitutional authority of the President to set foreign policy with the advice and consent of the U.S. Senate, and it had to stop.”

And so the Act wherein the President surrendered that very authority bears the name of the Senator from North Carolina.

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CHAPTER 5

CONCLUSIONS

The preceding chapters have illustrated that while the President of the United States is responsible for the formulation and execution of foreign policy the Congress does not necessarily remain mute. Through the years of the twentieth century Congress has played an active role in defining foreign policy toward Cuba, and even taken leadership in setting policy toward the island nation leaving the Executive to go along or risk electoral defeat.

This thesis has endeavored to offer a definition of the critical periods of U.S.-Cuban relations through the twentieth century, and within those periods defined and discussed the significant legislation that shaped those relations. What this thesis has attempted to demonstrate is that throughout the years of the twentieth century, Congress has acted in ways that reflect the prevailing sentiment in the United States. This is proper; it satisfies the role Congress is meant to serve. After the Spanish-American War, the social and political values expressed through the Platt Amendment represented an America still under the influence of a post-Civil War culture. Religious attitudes, specifically an anti-Catholic bias, helped drag the United States into war with Spain. Racial attitudes, prejudicial against African-Americans and other people of color, convinced American leaders that Cubans could not be trusted to govern themselves. This justification could easily be explained as a guise that concealed the true motivation behind America’s entry into the war, that being control of the Caribbean in anticipation of the construction of a canal across Central America. American exceptionalism and the
Monroe Doctrine went hand in hand from the turn of the twentieth century through its first five decades. After the Cuban Revolution of 1959, the paradigm of U.S.-Cuban relations underwent a seismic shift. Cold War concerns set the American agenda for relations with Cuba. As Cuba fell into the Soviet orbit American leaders felt threatened with the possibility of Soviet bases ninety miles off her shores. Especially after the Cuban missile crisis, fears of communist influence that had developed even before the Second World War were now manifest. Thus Congress supported the embargo established by President Kennedy and maintained by every chief executive since, and has enacted the appropriate legislation required to justify such an action. Even after the fall of the Soviet Union, and Cuba’s loss of its primary sponsor, the United States has sought to maintain the Cold War relationship maintaining the embargo and by calling for Castro’s removal. However, in the post-Cold War Era a new dynamic has entered the debate on U.S.-Cuban relations. The rise of the Cuban exile community into a powerful constituency has led to that community’s influence over presidential politics. Congress responded to the reality of this new political power, but not to the point of excluding all others. While the Cuban Democracy Act may have been the effort of the Cuban exile community, the Helms-Burton Act stood to benefit many major American business interests. In the 1990’s the country saw several presidential candidates endorse controversial legislation in part for political purposes. With the signing of the Helms-Burton Act one sitting president surrendered part of the executive’s authority in exchange for electoral votes.

What does this say about interest group politics? Interest group politics is an idea as old as the United States itself. Interest groups are not necessarily good or bad; they just are. Unfortunately the Cuban exile community seems to have been given an undeserved
reputation of possessing undue influence compared to its relative size. Likely this is a result of their position within the American electoral college. With twenty-seven electoral votes, Florida ranks fourth behind only California, Texas and New York in importance to presidential candidates. Had the Cuban exile community settled in Connecticut, or if Florida had only ten electoral votes, the arguments against this group’s influence would be quite muted. Historically ethnic and religious groups have coalesced around issues peculiar and important to their group. This should not come as surprise to any student of American history. The United States is a fabric of multi-ethnic personalities that found common ground in the New World. America is a melting pot of diverse ethnic, religious, social, economic and political interests. This country represents the only truly successful, heterogeneous democracy on the planet. The diversity of America’s population is the secret to American exceptionalism. The success of that heterogeneity is the greatest achievement of this country; the idea that diverse peoples from around the world can build a uniquely American experience where all have an opportunity to express themselves, and provide a better future for themselves and their families. That interest groups exist at all in the United States is more a result of the American experience rather than a cause of the American condition. Interest groups can be found in the United States representing an endless array of concerns from the AFL-CIO to the Business Roundtable, from the Urban League to the National Rifle Association. Interest groups symbolize the very best intentions of the first amendment. Why should there be any concern because the Cuban exile community has championed opposition to the cause of their forced departure from their homeland? In the early years of the twentieth century, business interests greatly influenced Congressional action. The Platt Amendment was inserted into the
Cuban Constitution after the “better classes” of Cubans failed to gain positions of power in the earliest Cuban elections. The Platt Amendment ensured that America’s interests, specifically America’s business interests would be protected. This was exactly the case when United States Marines were landed in direct, armed interventions in 1906 and 1917. During the Cold War years, interest group politics took a back seat to national security concerns, but after the fall of the Soviet Union the Cuban exile community gained influence thanks in part to their ability to influence national politics. The rise of an experience similar to that of South Florida politics would be simply unthinkable in Cuba after the revolution. Such a political experiment would have been ruthlessly crushed.

Congress has greatly influenced the relationship between Cuba and the United States. After the Spanish-American War, the United States established a dominant relationship with Cuba. Codified through the Platt Amendment, the relationship became one of a dominant United States asserting its influence through the threat of force. As a result, in the first half of the twentieth century saw a succession of Cuban political forces, both in power and opposition groups, seek to incite political turmoil and induce American intervention. It could even be argued, especially after of the 1940 Cuban Constitution, and the presidents elected freely under that Constitution, that Cuba held the higher moral ground between the two nations. This despite the presence of Fulgencio Batista, who represented a crony of American commercial interests and gansterismo. However, the dynamic reversed in 1959 after the revolution. Once Castro established himself as dictator, and declared Cuba a communist state, Cuba lost all claim to the moral high ground. Since the revolution, the Cuban head of state is a totalitarian dictator who rules through a cult of personality. During that same time period America has been led by a
succession of freely elected officials who govern at the will of the people and the
authority of the rule of law. The Cuban military and state security apparatus represent the
power behind the regime and assert control over the state run economy. The United
States military and intelligence community exist to serve the civilian leadership and are
supervised through strict Congressional oversight. Thousands have risked their lives to
flee Cuba. Millions have risked theirs to reach the United States.

Georgetown’s Eusebio Mujal-Leon has described the relationship between Castro
and the United States as one of actors in a play. After the Bay of Pigs that relationship
crystallized and Castro has successfully engaged the audience of world opinion while a
succession of American presidents sought to do the same; some better than others.¹
Castro has helped to write the book dictators the world over have come to use. Find a
bogeyman to blame, keep the country in fear of imminent attack, and suppress at all cost
any hint at political opposition. Castro has used the embargo to cover up for the regime’s
incompetence and inefficiency. He has used the military and state security apparatus to
spy on his own people, and suppress civil liberties and human rights. The United States in
response has failed to bring about the regime change it has wished for, but not for lack of
trying.

It can also be said the historically the United States has failed to understand the
desires of the Cuban people. The Platt Amendment was born of the need to establish
control over the Cuban polity. The “better classes” failed to emerge through the electoral
process. The leadership that did step forward was often unacceptable to the governing
authorities based upon race and economic background. Americans rushed to war in 1898

assuming a Cuban desire for annexation. Nothing was further from the collective Cuban mind. They sought independence from one imperial power, not a transfer of sovereignty to another. Half a century later, the Kennedy administration made a very similar miscalculation. In hindsight it seems odd that Kennedy thought that a popular uprising could be instigated only twenty-seven months after the revolution that brought the charismatic Castro to power. Even in the event that the Bay of Pigs invasion was successful, what leadership would have emerged? Any potential viable leadership structure had already fled Cuba in the wake of the revolution.

And yet in the later years of the twentieth century, Congress continued to enact legislation intended to bring about the demise of the Castro regime. A close examination of this legislation, and the debate surrounding it, reveals a principled approach based not upon force, but upon the principles of self-determination and respect for the rule of law. American foreign policy toward Cuba has been generally consistent and largely bi-partisan. Successive administrations and Congresses of both parties have elected not to change radically the direction of the United States toward the island. True, there have been periods where the United States began leaning toward a softer position toward Cuba. During the Ford and Carter years travel restrictions were relaxed. But these episodes proved short-lived. Generally speaking, the bi-partisan support of the adversarial relationship toward Cuba should be considered indicative of the general sentiment among U.S. voters. While many American citizens and corporations would welcome normalized relations with the island nation, few with a complete understanding of the situation are willing to accept the Castro brothers for anything beyond what they represent; a
totalitarian regime. Therefore, it must be concluded that Congress, through the laws it has enacted, has indeed accurately reflected the will of the American people.

The task of deciding what the future policy of the United States toward Cuba should be will have to be left to other scholars. This thesis has sought only to determine how the relationship evolved, as expressed through specific laws enacted by the United States. However, the examination of those laws seems to have served well the purpose of studying the intentions and motivations of the United States government throughout the twentieth century. While the specific laws enacted are themselves vital resources, the attendant historiography surrounding the legislation is of immeasurable value. What future statesmen and scholars would do well to heed, is the warning not to repeat the mistakes of the past. American exceptionalism will not necessarily cure the civil ills of the Cuban political situation in a post-Castro Era. If the United States expects to have any credibility in guiding Cuba toward a liberal democracy and free-market economy, it should avoid the temptation toward Plattist nation-building. The relationship between Cuba and the United States since the Spanish America War is well documented. Therein lie invaluable lessons toward guiding future relations between the two nations.


Holland, Max. “‘The ‘Photo Gap’ that Delayed Discovery of Missiles in Cuba,’” *Studies in Intelligence* 49, no. 4 (2005).


