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## From Revolution and Isolation to Cooperation: U.S.-Cuba Relations in the Context of the 1996 Cuban Liberty and Democratic Solidarity Act

Ngozi C. Kamalu 6721367  
Fayetteville State University, [nkamalu@uncfsu.edu](mailto:nkamalu@uncfsu.edu)

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## **Cover Page Footnote**

I hereby acknowledge support from my wife, Ms. Nkechi Margaret Kamalu and daughter, Ms. Hannah Oluchi Kamalu for allowing me the time to conduct research leading to completion of this manuscript/ project.

# **From Revolution and Isolation to Cooperation: U.S.-Cuba Relations in the Context of the 1996 Cuban Liberty and Democratic Solidarity Act**

**Ngozi Caleb Kamalu**  
Fayetteville State University

## **Abstract**

Since Cuba's independence in 1902, its relationship with the United States has been unsteady primarily because of Cuba's opposition to American hegemonic ambitions and designs, as exemplified by the 1934 Treaty of Relations and the 1902 Platt Amendment. The relations even worsened following Cuba's revolution in 1959 which swept Fidel Castro to power and resulted in Cuba's adoption of communist ideology and the nationalization of American owned businesses in 1961. In reaction to these hostile moves, the United States severed diplomatic relations with Cuba as well as imposed a trade embargo. These developments however, pushed Cuba deeper into the Soviet orbit. This paper reviews events leading to and resulting from the passage of the 1996 Cuban Liberty and Democratic Solidarity Act, also known as the Helms-Burton Act.

## **Introduction**

Over the years, American foreign relations and policy have been characterized as shifting from periods and states of revolution and isolation to cooperation. These were the cases with respect to the United States' relations with the Soviet Union, China, and Vietnam. The same is however unfolding in terms of U.S.-Cuba relations, where the situation has moved from a state of conflict to a new form of rapprochement. The Republic of Cuba is an island nation occupying an area of about 44,200 square miles. It is bounded in the north by the United States; in the south by Jamaica; in the east by Haiti; and in the west by Mexico—all across bodies of water. With its capital at Havana, the island state is ringed by the Caribbean Sea in the South; the Atlantic Ocean in the East, and the Gulf of Mexico in the west.

Following the victory of Fidel Castro's Cuban revolution in January 1959, the communist manifesto (Party platform), which formed the ideological underpinnings

of the failed revolutionary movements of 1933 and 1940 was resurrected. It should be noted that the 1940 constitution banned the commercial ownership of landed estates and also discouraged ownership of land in Cuba by foreign elements. In 1976, a new Cuban constitution was born under the tutelage of Fidel Castro. Castro, who installed a communist rule in Cuba, incorporated most of the ideological elements envisioned in the Cuban revolutionary document, the constitution of 1940. Since 1959, Cuba has remained a loyal ally of the Soviet Union. As its caretaker in the American hemisphere, Cuban oil supplies were subsidized by the Soviets until the end of the cold war in the early 1990s. Following the Iraqi invasion of Kuwait in the 1990s, the price of oil rose dramatically. This forced Cuba to reexamine her economic policy. In 1993, Cuba adopted a new economic philosophy, dubbed “dollarization” complimented by an economic form of liberalism that encouraged foreign investment and decentralized state-owned companies.

One of the cornerstones of the 1976 constitution was repression of freedom for all those who opposed the revolution. Although Cuba remained in the Soviet orbit or sphere of influence, it consistently ran an independent foreign policy outside the control of the Kremlin. In other words, Cuba’s foreign policy was dictated by its national interest. This conclusion could be drawn by virtue of its membership and active participation in the nonaligned movement.

The history of U.S.-Cuba relations has been long and unsteady. It all began in 1898 at the end of the Spanish-American War, when vanquished Spain surrendered and signed over its rights to its colonial territory, Cuba, over to the United States. Thereafter, the United States granted independence to Cuba on the ground that it retained the right to intervene in the affairs of Cuba and the other possessions if necessary or when justified, and that it be granted perpetual lease on its naval base at Guantanamo Bay. It was not until the Cuban Revolution in January 1959 by Fidel Castro and his band of revolutionaries that overthrew the government of Fulgencio Batista, and suffered under the U.S.-imposed arms embargo of 1958 that the conditions deteriorated for the worse. But, reluctantly, the United States recognized the Castro regime anyway.

Regardless, Castro in 1960 pursued a new policy of seizing private land, and the nationalization of many private multinational companies most of which were local subsidiaries of U.S. corporations, and resulting in the severance of diplomatic relations with the United States. This deep economic and diplomatic isolation eventually pushed Cuba under Castro further into Soviet orbit and resulted in expanded trade with the Soviet Union.

Although U.S.-Cuban relations never ended, it rather took on low-intensity and covert life of its own with respect to attempts to undermine, overthrow, or even kill Castro. All these attempts reached their climax in the Bay of Pigs incident of April 1961, a failed attempt by the United States to overthrow Castro using armed Cuban rebels and exiles in an operation dubbed “Mongoose.” The consequence was that Castro immediately felt the need for a powerful ally, the Soviet Union that would help provide its urgently needed security.

The new Cuban-Soviet military and diplomatic intercourse soon resulted in the establishment of Soviet missile bases in Cuba and leading to the Cuban Missile Crisis of October 1962. The danger and threat posed by Soviet military presence in

the hemisphere led President Kennedy to impose a naval blockade of Cuba in order to prevent further Soviet shipment of offensive military weapons to the island nation. The brinkmanship between Nikita Khrushchev of the Soviet Union and Kennedy ended when Nikita Khrushchev agreed to Kennedy's secret proposal to remove U.S. missiles in Turkey in exchange for American assurances that it would not invade Cuba. It is worth noting that in 1962, American Jupiter missiles were stationed in Turkey, which was well in Soviet sphere of influence. Through this "linkage" political strategy, the Soviet Union achieved a proportionate response to the missiles in Turkey while at the same time making the United States be more accommodating and flexible on other bilateral and global concerns such as the erection of the Berlin Wall in 1961.

Another explosive issue in the U.S.-Cuba relations came in April 1980 resulting from a near-collapse of Cuban economy. Thousands of dissatisfied Cubans in search of political freedom and jobs sought political asylum in the United States. Castro on the other hand, used the opportunity of the mass emigration to empty its jails filled with criminal inmates and mental- hospital patients. Cuba also adopted a lukewarm policy attitude to the plight of those who wanted to leave the Island and migrate to the United States. In this massive effort known as "Mariel Harbor Boatlift", thousands of Cubans made their way in a mass flotilla to Miami, Florida, causing great anxiety among the American populace whose jobs were up for grabs. Deafening calls then arose in United States Congress to punish Cuba for creating a refugee problem.

The incident in February 1996 resulted in the downing of two U.S. civilian "Brothers to the Rescue" aircraft accused of dropping leaflets over Cuban territory and violating Cuba's airspace was the trigger that resulted in the imposition of the Helms-Burton Act of 1996. The account by Crossette (1996) showed that Cuba claimed that the incident that resulted in the downing of 2 aircraft occurred 9 nautical miles outside Cuban airspace. Another report by the International Civil Aviation Organization (ICAO) concluded that the authorities in Cuba had earlier notified U.S. authorities of multiple violations of its airspace by the "Brothers to the Rescue" group in the previous year; and that as a follow-up to their complaints, U.S. authorities had issued public statements advising and warning the group of the potential dangers and consequences of their unauthorized entry into Cuban airspace in violation of Cuba's territorial integrity and sovereignty.

Another issue of contention between the United States and Cuba involved Elian Gonzalez who was sent back to his father in Cuba from Miami against the will of his mother and the Cuban community. Gonzalez, in the company of his mother and stepfather, had tried to escape to the United States; and were rescued by U.S. Coast Guard when their boat capsized. Elian was ordered by U.S. courts to rejoin his father in Cuba after many protracted court battles to effect his stay in the United States.

In this paper, the Helms-Burton Act and the Cuban Liberty and Democratic Solidarity Act will be used interchangeably. The purposes of the paper are as follows:

- a. Examine the nature of Cuban-American relations from Cuban independence through the Cold War to the present.

- b. Explore the events leading to the passage of Helms-Burton Act of 1996, also known as the Cuban Liberty and Democratic Solidarity Act of 1996.
- c. Analyze the provisions of the Cuban Liberty and Democratic Solidarity Act of 1996.
- d. Discuss the attitudes of subsequent U.S. administrations toward the Act.
- e. Predict the future of U.S.-Cuba relations in the context of the Helms-Burton Act of 1996.

## **History of Tangled US-Cuba Relations**

Following the Cuban revolution of January 1959, Fidel Castro established a nationalist government antagonistic to American foreign policy designs in Central America. At the root of the anti-American sentiments in Cuba was the Platt Amendment to the Army Appropriation Bill of 1901 that went into effect during the presidency of Theodore Roosevelt.

The United States fought for Cuban independence from Spain in the Spanish-American War of 1898. In the war, the United States defeated Spain, which gave up all claims to Cuba and ceded it to the United States. Cuba became independent in 1902 with Tomas Estrada Palma as its president. Following the resignation of Estrada in 1906, the United States occupied Cuba between 1906 and 1909 in the wake of a rebellion led by Jose Miguel Gomez. In 1909, Gomez became president following the election supervised by the United States. However, his government was tarnished by excessive government corruption. In 1933, Gerardo Machado was overthrown in a coup led by Fulgencio Batista, and later toppled by Fidel Castro in 1959.

In 1902, the year of Cuban independence, Congress passed the Platt Amendment which conferred on the United States, a caretaker role in Cuba. The Amendment, which later became part of the treaty between the United States and Cuba, gave the United States access to naval bases in Cuba; and the right to intervene in Cuba's internal affairs when necessary. According to Bailey (1964), the purpose of the Platt amendment was to make Cuba a quasi-protectorate of the United States. This was intended because of America's fear that Germany might secure a foothold in Cuba, thus threatening not only the isthmian lifeline, but all of Latin America, and the shores of the United States. The Platt Amendment had many provisions beyond keeping the island under U.S. protection and the right to intervene in Cuban affairs.

First, it barred Cuba from entering into any treaty that would compromise its independence or permit a foreign power like Germany to secure a base on the island. Second, it prohibited Cuba from incurring debt that could provoke foreign invasion because of its inability to pay. Furthermore, the Amendment obligated the United States to intervene in Cuba for the purpose of maintaining order and Cuban independence. Also, it allowed the United States to operate a sanitation (environmental) program of eradicating yellow fever. Finally, it forced Cuba to sell or lease sites for naval and coastal stations to America. Guantanamo thus became the principal American base. (Bailey 1996). In 1934, the Platt Amendment was repealed. By then the United States had not only intervened militarily in Cuba three

times, but had established a naval base at Guantanamo Bay, which had endured as a primary source of confrontation between the two nations during the Cold War.

By 1960, Cuban Communism had posed a menace to American dominance in Central America, with no room for reconciliation. In an exercise to reinstate his Cuban policy, on January 26, 1960, President Eisenhower released a five-point American policy toward Cuba. According to Congressional Digest (1960), Eisenhower stated that the U.S. government would:

1. Adhere strictly to the policy of nonintervention in the domestic affairs of Cuba.
2. Prevent illegal acts in territories under its jurisdiction directed against other governments.
3. View with increasing concern the tendency of the Cuban government to create the illusion of aggressive acts and conspiratorial activities aimed at the Cuban government and attributed to the United States officials or agencies.
4. Recognize the right of the Cuban government and people in the exercise of their national sovereignty to undertake those reforms which, with due regard to their obligations under international law, they may think desirable.
5. Believe that U.S. citizens had made constructive contributions to the economies of other countries by means of their investments and their work in those countries; and would continue to bring to the attention of the Cuban Government any instances in which the rights of its citizens have been disregarded.

The president stated also, that the United States government and people would continue to assert and to defend, in the exercise of their own sovereignty, their legitimate interests. He further said that it was the hope of the United States government that differences of opinion between the two governments in matters recognized under international law be subject to diplomatic negotiations. In the event that disagreements between the two governments should persist, it would be the intention of the United States government to seek solutions through other appropriate international procedures.

Shortly after these conciliatory policy statements for peaceful coexistence were pronounced, the Cuban government alienated the United States by signing an agreement for collaboration with the Soviet Union. The Treaty of Friendship and Cooperation was signed on February 13, 1960, between President Fidel Castro and Soviet first Prime Minister Anastas I. Mikoyan. Next, the two heads of government signed a contract for the purchase of Cuban sugar by the Soviet Union. In reaction to this event, the Commerce Department revoked licenses for American exportation of helicopters to Cuba. This decision went into effect, despite Cuban protests against American action.

Hence, President Eisenhower planned the infamous Bay of Pigs invasion in April 1961. He had issued orders to train a small force of Cuban exiles in March 1960 to invade Cuba and topple the Castro regime. When President Kennedy came into office, he pursued the Eisenhower plan, which later failed in 1961. The bungled Bay of Pigs invasion was not taken lightly by Cuba. To further protect itself, Cuba entered into alliance with the Soviet Union. Under this relationship, Cuba would

qualify for Soviet military protection. In the fall of 1962, the U.S. intelligence discovered that the Soviets were building secret ballistic missile sites in Cuba. The stakes were high as the American tolerance of harboring a strategic threat 90 miles away from its shores that would deny it any reaction time in the case of Soviet missile attack grew thinner.

In September 1962, American intelligence confirmed the arrival of Soviet missiles in Havana. On October 22, 1962, President Kennedy announced a “quarantine” of Cuba and threatened the Soviets with nuclear retaliation. In the dramatic confrontation, Soviet President Khrushchev agreed to American demands that the missiles be dismantled provided that Kennedy pledged not to invade Cuba. The United Nations, under the auspices of its Secretary General U Thant, verified and reported that the Russians had dismantled and shipped back the missiles. In return, Kennedy promised to lift the blockade against Cuba, and also pledged not to undertake aggressive actions against Cuba.

One ancillary international issue raised by the Cuban Missile Crisis was that of aerial intrusion. America’s violation of Cuban airspace soon became a parallel incident to the U-2 debacle over Soviet territory on May 1, 1960. It should be noted that it was the U-2 plane over-flight missions that violated Cuban airspace and took aerial photos of the entire island state that revealed the presence of Soviet surface-to-air missile sites in Cuba. In such military exercise, Cuban airspace was violated many times. Under international law principles, such over-flights are illegal and justified Cuban military responses to enforce its territorial sovereignty rights. The only defense of aerial intrusion over Cuba was made by President Kennedy, who justified his action, on the basis that the national security of the United States was threatened.

The Cuban missile crisis once again set the stage for future Soviet-American negotiations, “detente” during the Cold War. Also, the success of this superpower reconciliation at the height of the Cold War era gave impetus to the application of linkage politics as a legitimate tactic in international diplomacy. According to Stein (1980), international linkage politics occurs when a state adopts the policy of making its course of action concerning a given issue contingent upon another state’s behavior in a different issue area. As Kamalu (2001) put it, linkage politics is a means of exerting influence on each of the states involved in disputes as a result of its relatively weak position to achieve outright regional hegemony. As Wilkenfield (1973) also noted, implicit in the linkage concept is the notion that at least two distinct areas of concern exist which in certain circumstances overlap in a way that events in one sphere of influence affect events in others. From henceforth, not only did subsequent American administrations fan anti-Cuban sentiments, but they implemented policies that further kept Cuba in total political, economic, and cultural isolation.

Total isolationist goal was vigorously pursued under the administration of Ronald Reagan who saw Cuban communism as a threat to American interests in Central America and the Caribbean and vowed to contain it. One major American instrument in Cuban containment was not only to counteract its international involvement in the third world, but to build global alliance against it by either denying Cuba its potential allies or extending American military and economic



support to its enemies. In pursuit of the former objective, the United States intervened in the Caribbean Island of Grenada in October 1983. It did so under the auspices of the five members of the Organization of Eastern Caribbean States to restore order and democracy in Grenada in the wake of a coup in which Prime Minister Maurice Bishop and several of his cabinet ministers were executed. This denied Cuba a foothold in Grenada since American intervention halted the construction of an airport for military use being constructed with Cuban finances and expertise. The United States had been a vocal critic of Bishop's leanings to Cuba, although the invasion was justified on the basis that it was necessary to ensure the safety of hundreds of American medical students studying on the Island.

Also, the Reagan Administration tried to undermine the Sandinista regime in Nicaragua. The Sandinistas had overthrown Dictator Anastasio Somoza in 1979 with Cuban support and arms. Thereafter, they entered into alliance with Cuba. Despite congressional prohibition of American military assistance to Nicaraguan Contras under the provisions of the 1982 Boland Amendment, President Reagan still organized a clandestine sale of arms to Iran and then transferred their profits to the Contras. The conflict created by this covert activity between late 1985 and 1987 later came to be known as the "Iran-Contra" affair or "Iran-gate". The Boland Amendment in effect, limited U.S. government assistance to the Contras in their attempt to overthrow the Nicaraguan government, while the Iran-gate was a scandal pertaining to the sale of arms by the Reagan administration without congressional approval to Iran in order to gain release of American hostages held captive in Lebanon. Profits accruing from the deal were to be used to fund arms supplies as well as provide financial support to the Contra guerrillas fighting to overthrow the government of Nicaragua.

The Cuban-American relations deteriorated much further in the wake of Cuban rapprochement with Granada. Following Granada's independence from Britain on February 7, 1974, Sir Eric Gairy was installed as its first Prime Minister. In 1979, his government was overthrown in a coup led by Maurice Bishop that steered Granada away from the American orbit. Thereafter, Cuban influence began to grow. Signs and symptoms of the Cuban influence in Granada were evidenced by the growing reliance of Granada on Cuban doctors for the operation of its hospitals and other healthcare systems. Further complicating matters were the construction and expansion of the Granada international airport with Cuban engineering, know-how, and expertise.

On October 19, 1983, Bishop and several of his senior cabinet ministers were executed in a successful coup attempt led by Bernard Coard and General Hudson Austin. Perceived as anti-Americans and Cuban sympathizers, the Reagan administration felt that a unilateral change of government by the United States would work against long-term American national security and foreign policy interests and goals in Latin America and the Caribbean. Thus, the United States built a military coalition with many Caribbean nations to intervene in Grenada. The invasion resulted in the arrest of the coup leaders and the subsequent restoration of the 1974 Grenada's constitution pending new election which eventually took place in December 1974. The American intervention was justified on the pretext that it was a Cuban-inspired coup; and that it was intended to liberate American citizens

and students residing in the island. Finally, the invasion culminated in the installation of Herbert Blaize as Granada's new Prime Minister on December 3, 1984, along with his new National Party in Granada's general elections.

In order to build a regional alliance against Cuba, President Reagan proposed a major economic development initiative, the Caribbean Basin Initiative, which passed Congress in 1982. Among the major elements of the initiative were: increased economic aid to the region; preferential trade access to American markets by goods manufactured in the Caribbean (duty-free status); tax breaks and other incentives to American firms that invest in the Caribbean. According to this initiative, only nations that agreed to lower duties on imported or exported products (tariff) from the United States and enter into military alliance with it would benefit from this relationship. As Bernell (1994) observed, the bitter rivalry between the United States and Cuba stands out as one of the principal political disputes in the Western Hemisphere since the Cold War. This relationship has been one of mutual hostility, and distrust fueled by differences in national interest, political culture, power, and ideology, and exacerbated by geographic proximity.

### **The Cuban Liberty and Democratic Solidarity Act of 1996 (The Helms-Burton Act of 1996)**

Cuba's downing of two U.S. planes raised the ante in the Cuban-American relations. President Clinton condemned the act and received condemnation resolution from the U.N. Security Council deploring the Cuban action. Furthermore, President Clinton suspended all charter flights to Cuba indefinitely until the order was rescinded in March 1998. The presidential (executive) order imposed additional travel restrictions on Cuban diplomats in the United States. In addition, it limited visits of Cuban officials to the United States. President Clinton followed with the authorization of \$300,000 payment to each of the families of the four victims. The money was to be drawn from the account of Cuban assets frozen in the United States. On December 17, 1997, a U.S. federal judge awarded \$187.6 million to the families of the downed victims. However, Cuba refused to recognize the court's jurisdiction on the basis of sovereignty claims. The most significant impact of this incident is that the tragedy helped to unite the working relationship between a Democratic president and Republican -controlled congress. Sooner rather than the latter, a consensus on American foreign policy toward Cuba was formulated. This policy relied heavily on isolating the island nation by relying on strict economic sanction. Hence, on March 12, 1996, Congress passed the Cuban Liberty and Democratic Solidarity Act. The act, which is often referred to as the Helms-Burton Law, was named after its sponsors: Senator Jesse Helms (R-North Carolina) and Representative Dan Burton (R-Indiana).

The Helms- Burton Legislation was designed to buttress Cuban Democracy Act (CDA) already promulgated in 1992. The CDA prohibited American subsidiaries from engaging in trade with Cuba. It also penalized the entry into the United States of any vessels for the purpose of loading or unloading freight if it had engaged in trade with Cuba within the last 180 days of its passage. The primary

purpose of the Helms-Burton law was to tighten the economic screws on Cuba and forcing it to pursue a path to a democratically elected civilian government.

### **Key Provisions of the Helms-Burton Act**

According to Congressional Digest (1999), the Helms-Burton Law, as enacted on March 12, 1996, contains three salient features:

1. Title 1, Section 102 (h) of the Act codifies all existing executive orders and regulations affecting Cuba and denies American Presidents of any authority to apply waivers or modify the embargo provisions. Thus, it guarantees a long lasting sanctions policy toward Cuba even during subsequent American Administrations.
2. Title 111 of the law permits American citizens whose property were confiscated in Cuba to bring law suits against those who traffic in them in federal courts for the purpose of collecting monetary damages. It also extends the right to sue, by Cuban- Americans who acquired American citizenship after their properties were confiscated. However, it provides the president with the discretion to delay implementation of the rules for a period of six months at a time if he determines that such action would serve American national interest, and also expedite Cuba's transition to democratic rule.
3. Title IV of the legislation denies admission to the United States of all those involved in the confiscation and/ or trafficking of American property in Cuba. These include corporate officials and shareholders with controlling interests in any entities involved in the confiscating or trafficking in such property. It also includes minor, child, spouse, or agent of aliens who would be excludable under the provision. Although the provision is mandatory, it provides a waiver on case-by-case basis for travel to the United States for humanitarian medical reasons or for the purpose of defense in legal actions with respect to the said confiscated property.

### **International Reactions and the Praxis of Titles III and IV**

Many international entities, including American allies: Japan, Canada, European Union, and Mexico have reacted negatively to the implementation of the Act. In the observation of Morici (1977), the above mentioned countries have consistently maintained that the law's provisions permitting foreign persons to be sued in American domestic courts constitute a bad application of the principles of international law. In contrast, the United States claims that its actions are for the purpose of promoting its national security interest and preserving its sovereignty rights in a manner consistent with its obligations under the World Trade Organization (WTO) and the North American Free Trade Agreement (NAFTA).

With respect to Title III of the Act, President Clinton had, since its passage in July 1996 suspended for six months the right of those persons benefiting from the confiscation of American property in Cuba as provided by the Act. The first suspension was on July 16, 1996. This, according to the Clinton Administration, would put foreign companies in Cuba on notice regarding their high probability of both lawsuit and liability claims in the United States' domestic courts in the future.

He then announced in a second suspension on January 3, 1997, that he would allow Title III to go into effect on August 1, 1996, thus allowing liability for trafficking to take effect on November 1, 1996. The president had justified this second suspension on the ground that it was necessary as long as American allies continued their onward march toward democratic governance in Cuba. The president had, also, continued to suspend the rights to file Title III lawsuits at six-month intervals. In the case of Title IV of the legislation, the president banned from travel to the United States a number of executives and their families from many companies for their dubious role in confiscated American property in Cuba.

### **Pope John Paul's Visit and the Clinton Corollary**

Pope John Paul II visited Cuba in January 1998. His visit refocused world attention on the plight of Cuban population because of the effects of American sanctions. Before departing from Cuba, the Pope appealed to President Clinton to relax or lift on humanitarian basis, U.S. embargo on Cuba, particularly in the area of food and medical supplies. The Pope's comments brought back the American sanctions policy to the policy agenda of the United States by generating new heated debates on the merits and disadvantages of sanctions on Cuba. The Papal appeal, thus culminated in President Clinton's reexamination of his earlier Four-Point Cuban policy announced on March 28, 1998. Thus, a deviation from America's traditional approach was considered after a series of policy debates in Congress prior to voting on the Helms-Burton bill.

### **U.S. Congressional Debate on the Merits of American Sanctions against Cuba**

In the May 7, 1998 testimony before the Subcommittee on Trade of the House Ways and Means Committee on U.S. Economic and Trade Policy toward Cuba, Representative John Joseph Moakley (D- Massachusetts), in support of lifting Cuban sanctions, argued that "the Pope's visit has done a great deal to teach the world about Cuba; and thus has put a human face on this most mysterious and troubling nation. It is time that we lift the embargo on food and medicines and allow the Cuban People access to the best medical and food supplies. "Our Cuba policy is 38 years old and it just hasn't worked. In fact, it is a complete failure." (Congressional Quarterly, March 1999, pp 92-94).

Also, Silvia Wilhelm, Executive Director of Cuban Committee for Democracy argued that "There are countless reports that link the effects of the long standing U.S. trade embargo to conditions of malnutrition. Politics should never interfere with the health and nutrition of a people." (Congressional Quarterly, 1999, pp. 92-94). In contrast, Representative Robert Menendez (D-New Jersey) argues that: "Change in Cuba has occurred as a result of U.S. policy not in spite of it. So long as Castro dictates the terms of engagement, as he does, engagement itself will not lead to change in Cuba." (Congressional Quarterly, 1999, pp. 77-79).

In support of sanctions, Representative Ileana Ros-Lehtinen (R-Florida) noted that despite the claims of those who wish to engage with Castro, U.S. policy is

working. Ironically, far from removing or reforming the Castro government, the embargo has served as a convenient scapegoat. Without U.S. sanctions, Castro would have had more cash available to maintain and strengthen its military capabilities. America must begin now to open channels of influence with the Cuban people. Let us not be fooled by cosmetics and temporary staged shows of so-called cooperation.” (Congressional Quarterly, 1999, p. 10).

Francis J. Hernandez, President of Cuban American National Foundation (CANF), in support of sanctions against Cuba argued that “the time is now to send a message to the international community on the United States’ seriousness of purpose in pushing democracy in Cuba. (Congressional Quarterly, 1999, p. 89).

Also, Claudio Benedi, Secretary of Foreign Relations, Cuban Patriotic Board argued that sanctions against Cuba are necessary because “the current total imbalance of the Cuban economy is due to the communist system that has subjugated that country. The Helms-Burton law is for the legitimate defense of rights and freedoms of which both U.S. and Cuban citizens are deprived. The need for expulsion of current communist government of Cuba remains. Nothing has changed” (Congressional Quarterly, 1999, pp. 91-95).

On January 5, 1999, President Clinton announced a five-measure plan to augment his four-plan policy changes of March 28, 1988. The purpose of the president’s four-plan policy change was to build on the momentum of Pope’s visit to Cuba; and to help prepare the Cuban populace for a democratic transition and to support the role of the Church and other elements of civil society in Cuba. The four-point plan changes in U.S. policy toward Cuba announced by President Clinton were:

1. The resumption of licensing for direct humanitarian charter flights to Cuba, which was curtailed after the downing of two U.S. civilian planes in February 1996.
2. The resumption of cash remittances up to \$300 per quarter for the support of close relatives in Cuba, which had been curtailed in August 1994 in response to the migration crisis with Cuba.
3. The development of licensing procedures to streamline and expedite licenses for the commercial sale of medicines and medical supplies and equipment to Cuba.
4. A decision to work on a bipartisan basis with Congress on the transfer of food to the Cuban people. (Congressional Quarterly, 1999, p. 73)

Thereafter, a major revision by President Clinton was announced on January 5, 1999. This announcement was partially given impetus by the May 6, 1998 report to Congress by the U.S. Defense Intelligence Agency on Cuba’s military threat to the United States. The report proved reassuring to the United States. It concluded that Cuba has little or no motivation to engage in any military adventures except for the purpose of protecting its territorial integrity and national sovereignty; and that the island state has limited military and intelligence capability to pose any significant threat to American interests or those of its citizens. The five-point plan stipulates the following actions:

1. To broaden cash remittances to Cuba to include all U.S. residents (not just those with close relations in Cuba.) to remit up to \$300 per quarter to any Cuban family, and licensing larger remittances by U.S. citizens and non-governmental organizations to entities independent of the Cuban government.
2. To expand direct passenger charter flights to Cuba from additional U.S. cities other than the current flights from Miami to other Cuban cities other than Havana.
3. To re-establish direct mail service to Cuba, suspended in 1962.
4. To authorize the sale of food to independent entities in Cuba, such as religious groups and private restaurants; and the sale of agricultural tools to independent agents such as private farmers and farmer cooperatives producing food for sale in private markets.
5. To expand people-to-people contact (public diplomacy) through two-way exchanges among academics, athletes, scientists, and others. This measure would, also, allow the Baltimore Orioles baseball team to explore the possibility of playing exhibition games in Cuba. The Baltimore Orioles finally played the Cuban national team in April 1999 amid great public controversy in the United States. (Congressional Quarterly, 1999, p. 72)

### **The Bush Legacy and Footprint**

Upon assuming the Presidency, George W. Bush on July 16, 2002, notified the congress of his suspension of Title III of the Helms- Burton Act. Title III promotes the legal actions to be brought against for trafficking in confiscated properties in Cuba. In its final form, the act allows the president to either waive, or enforce its provision every six years. It is interesting to note that his predecessor, President Clinton chose to suspend the Title III throughout his second term in office. President Bush, however, justified his actions as being designed to promote American national interest, and expediting the transition of Cuba to multiparty democracy in the face of strong opposition from its European allies. (Washington File, July 16, 2001). Consequently, on January 16, 2002, President Bush informed the House and Senate Committees on Appropriations, the House Committees on International Relations, and the Senate Committees on Foreign Relations of his intentions to suspend for additional six months beyond Feb 1, 2002. (Washington File, January 16, 2002).

## Domestic Political Calculations

Two major political events during the Clinton and Bush Administrations had the potential to redefine the fate of the Helms-Burton Act. They were the Elian Gonzalez case of 2000 and the Carter Cuban visit of 2002. Many in the United States, especially, activists in the Cuban community in Miami, pushed for the boy to stay in the United States, in honor of his mother's wishes, but in opposition to those of Elian's maternal grandparents and father that he be brought back to Cuba. As a back drop to this case, Elian was detained by the Immigration and Naturalization Service (INS) in violation of its accord with Cuba which requires that he be denied parole and sent back to Cuba.

Following intense political debate, protests, and litigation, the court in the end decided that the Justice Department and the INS in particular should send him back to Cuba; an action that eventually brought the issues to an abrupt end. Nonetheless, deep -rooted resentment and anger on the part of Cuban- Americans manifested themselves in the November 2000, presidential elections between George W. Bush and Al Gore that eventually decided the outcome of the presidency and bound to influence future local, state, and national elections for years to come. (Washington File, June 28, 2002).

The next case with grave foreign policy impact on the Helms-Burton Act of 1996 is former President Carter's Cuba visit in 2002. This trip came amid increasing criticism of American embargo from members of Congress and business leaders who have been lobbying to break into Cuban market now dominated by the Europeans. It should be recalled that under Carter, the United States lifted travel restrictions on Cuba in 1977; and also established quasi-diplomatic mission in both countries that at least guaranteed some reasonable levels of contacts after breaking off full diplomatic relations with Cuba in 1962. The full impacts of Carter's visit to Cuba are not far-fetched. First, it led to the release of thousands of prisoners in Cuba, with Cuban- Americans allowed to travel to Cuba to visit relatives for the first time. Also, prior to Carter setting foot on Cuban soil, Cuban authorities unconditionally released Vladimiro Roca, a prominent Cuban dissident in prison two months before the completion of his five-year prison sentence. Carter also met with Roca, Oswaldo Paya and Elizardo Sanchez in the last days of his visit. In addition to Gross, the plights of other prisoners, including those of Rolando Sarruff Trujillo were raised. Trujillo who worked as an agent for American intelligence was locked up in Cuban prison for nearly 20 years. By January 2015, all dissidents in Cuban prisons were released.

Another critical impact of Carter's visit was his ability to refute charges that Cuba was developing biological weapons, and had also shared such technology with "rogue" nations; a suspicion that arose with Cuba's innovative advances in genetic engineering, and biotechnology, and other ground-breaking research which American officials believe threatened U.S. national interest and security, with respect to proliferation of both nuclear, chemical, and biological weapons. According to Cuba, these charges were mere fabrications designed to maintain American embargo and resist the revocation of the Helms-Burton Act by the U.S. Congress. Carter's transparent tour of the Cuban Center for Genetic Engineering

and Biotechnology with select members of Congress, media, and business leaders at least, brought such unfounded charges and allegations to a close. However, time will tell the full impacts of the Carter visit to Cuba on the Helms-Burton Act in particular and the U.S.-Cuba relations in general. The U.S.-Iraq war of March 2003 and its post-war challenges eventually dominated the American domestic legislation and foreign policy agenda, thereby relegating the Cuban–American relations and enforcement of the provisions of the Helms-Burton Act of 1996 and related issues to the back burner of America’s international relations. (Whitworth, 2002).

### **President Barack Obama’s Policy Initiatives in Normalizing Relations between Cuba and the United States.**

From its inception in 2008, the Obama administration announced a series of changes in U.S. policy. According to the White House Office of the Press Secretary Policy Brief of April 13, 2009, the Obama new policy rests on the following policy principles and goals:

Goal 1: To facilitate greater contact between separate family members in the United States and Cuba and increase the flow of information and humanitarian resources directly to the Cuban people. As such, the President directed the Secretaries of State, Commerce, and Treasury to take the needed steps to actualize them through the following causes of action:

- a. Lift restrictions on transactions related to the travel of family members to Cuba.
- b. Authorize U.S. telecommunication network providers to enter into agreements to establish fiber-optic cable and satellite telecommunications facilities linking the United States and Cuba.
- c. License U.S. telecommunications service providers to enter into roaming service agreements with Cuba’s telecommunications service providers.
- d. License U.S. satellite radio and satellite television service providers to engage in transactions necessary to provide services to customers in Cuba.
- e. License persons subject to U.S. jurisdiction to activate and pay U.S. and third country service providers for telecommunications, satellite radio and satellite television services provided to individuals in Cuba.
- f. Authorize the donation of certain customer-telecommunication devices without a license.
- g. Add certain humanitarian items to the list of items eligible for export through licensing exceptions.

Goal 2: To increase the flow of remittances and information, Lift all restrictions on family visits to Cuba, strengthen contacts between Cuban and American people, increase access of Cubans to resources to create opportunities, as well as promote and extend American good will to the Cuban people. These values, according to the Obama Administration would be achieved through the institution of policies and programs that include:

- a. Authorizing remittances to individuals within three degrees of family relationship (e.g., second cousins) and to allow individuals who share a



common dwelling as a family with an authorized traveler to accompany them.

- b. Remove limitations on the frequency of visits.
- c. Remove limits on the duration of a visit.
- d. Authorize expenditure amounts that are the same as non-family travel.
- e. Remove the 44 –pound limitation on accompanied baggage.
- f. Remove restrictions on the amounts and frequency of remittances to a person’s family member in Cuba.
- g. Authorize Cuba-bound travelers from the United States to carry up to \$3,000 in remittances.
- h. Establish general license for banks and other depository/ financial institutions to forward remittances.

Goal 3: To expand the scope of humanitarian donations eligible for export through license exceptions, using the following strategies:

- a. Restore clothing, personal hygiene items, seeds, veterinary medicines and supplies, fishing equipment and supplies, and soap-making equipment to the list of items eligible to be included in gift parcel donations.
- b. Restore items normally exchanged as gifts by individuals in “usual and reasonable” quantities to the list of items eligible to be included in gift parcel donations.
- c. Expand the scope of eligible gift parcel donors to include any individual.
- d. Expand the scope of eligible gift parcel for beneficiaries to include individuals other than Cuban Communist Party officials or Cuban government officials already prohibited from receiving gift parcels, or charitable, educational, or religious organizations not administered or controlled by the Cuban government.
- e. Increase the value limit on nonfood items to \$800.

Relations between Cuba and the United States still remained tenuous into the second term of Obama’s presidency, but since Fidel Castro stepped down from official leadership of the Cuban state and Barack Obama became president of the United States, both countries improved relations somewhat because of the new faces on both sides.

In April 2009, Obama, who had received nearly half of the Cuban-American vote in the 2008 presidential election, began implementing a less strict policy towards Cuba. Obama stated that he was open to dialogue with Cuba, but that he would only lift the trade embargo provided Cuba underwent political change. In March 2009, Obama signed into law a congressional spending bill which eased some economic sanctions on Cuba and relaxed travel restrictions on Cuban-Americans (defined as persons with a relative who is no more than three generations removed from that person traveling to Cuba). The executive decision further removed time limits on Cuban-American travel to the island. Another restriction relaxed in April 2009 was in the realm of telecommunications, which would allow quicker and easier access to the internet for Cuba. The loosening of restrictions in the sector would likely help to spur joint scientific research in both countries in terms of working together on issues of mutual concern, such as destruction of shared biodiversity and in medicine particularly with diseases that affect both populations.

At the 2009 Summit of the Americas, President Obama signaled the opening of a new beginning with Cuba.

Obama's overtures were reciprocated, to some degree, by Cuban President Raúl Castro, who in July 2012 agreed to hold talks with the United States. In December 2013, at a state memorial service for Nelson Mandela, Barack Obama and Raúl Castro shook hands, which symbolized yet a strong prospect for improving U.S.-Cuba relations. Beginning in 2013, Cuban and U.S. officials held secret talks brokered in part by Pope Francis and hosted in Canada and Vatican City, to start the process of restoring diplomatic relations between Cuba and the United States. In December 2014, the framework of an agreement to normalize relations and eventually end the longstanding embargo was announced by Raul Castro in Cuba and Barack Obama in the United States. Cuba and the United States pledged to start official negotiations with the aim of reopening their respective embassies in Havana and Washington.

As a symbolic gesture and part of the agreement, aid worker Alan Gross and an unnamed Cuban national working as a U.S. intelligence asset were released by the Cuban government, which also promised to free an unspecified number of Cuban nationals from a list of political prisoners earlier submitted by the United States. In return for its part, the U.S. government released the last remaining Cuban nationals in its jail. Even though reaction to this change in policy within the Cuban-American community was mixed, opinion polls indicated the thaw in relations was broadly popular with the American public.

Under the new rules implemented by the Obama administration, restrictions on travel by Americans to Cuba were significantly relaxed as of January 2015, and the limited import of items like Cuban cigars and rum to the United States was allowed, as was the export of American computer and telecommunications technology to Cuba. In April 2015, the Obama administration announced that Cuba would be removed from the United States "Terrorist Sponsor" list. The House and Senate had 45 days to review and possibly block this action and failed to act. As a consequence, the Obama Administration officially removed Cuba from the United States' list of state sponsors of terrorism. This move by President Obama marked a significant departure by the United States from the Cold War conflicts that strained Cuba-United States relations.

## **Reinstatement and Normalization of Trade Relations**

During the Obama Administration, trade relations between Cuba and the United States was reactivated. Under the Trade Sanctions Reform and Enhancement Act of 2000, exports from the United States to Cuba particularly food and medical products are allowed with the proper licensing and permissions from the U.S. Department of Commerce and the United States Department of the Treasury. The Obama administration eased specific travel and other restrictions on Cuba in January 2011. Moreover, the U.S. Congressional delegation including Patrick Leahy (D-Vermont), Chairman of the Senate Committee on the Judiciary, and Richard Shelby (R-Alabama), ranking member of the Committee on Banking, Housing and Urban

Matters; travelled to Cuba as part of a delegation of senators and representatives of the Congress of United States.

Travel and import restrictions levied by the United States were further relaxed by executive action in January 2015 as part of the “Cuban Thaw”, a historic warming of Cuba–U.S. relations that began in December 2014.

In December 2014, Presidents Obama and Castro announced the beginning of a process of normalizing relations between Cuba and the United States. The normalization agreement was secretly negotiated with the assistance of Pope Francis in meetings held in both Canada and Vatican City. It is worth reiterating that the said agreement required the lifting of U.S. travel restrictions and remittances, and U.S. banks’ access to the Cuban financial system. The agreement also required reopening of embassies in Havana and Washington, which closed in 1961 after the breakup of diplomatic relations following the establishment of Cuba’s close alliance with the Soviet Union.

### **Swapping of Prisoners**

A broad account of the release of prisoners was established by Katel (2015) who argued that most of the moves to normalize relations between Cuba and the United States had come from the American side, on the basis that the United States exclusively made most of the bidding or compromises. A list of American concessions included:

- Releasing from prison 3 members of Cuban spy ring
- Loosening restrictions on trade and travel to Cuba
- Removing Cuba from “state sponsor of terrorism” list
- Expanding the list of goods and products that can be exported to Cuba and
- Permitting U.S. travelers to use American credit and debit cards in Cuba

In return, Cuba reciprocated by:

- Freeing 53 political prisoners held in Cuba;
- Releasing USAID contractor Alan P. Gross; and
- Releasing Cuban Intelligence Officer Sarraff Trujillo accused of spying on Cuba on behalf of the CIA.

The “exchange of prisoners” process was marked by the return of Gross to the United States in December 2014. As far back as May 2012, it had been reported that the U.S. had declined a “spy swap” proposed by the Cuban government, wherein the remaining group of convicted Cuban spies in prison in the U.S. since the 1990s, would be returned to Cuba in exchange for USAID contractor Alan Phillip Gross. Gross had been imprisoned in Cuba on charges of illegally providing computer equipment, satellite phones, and internet access to Cuba’s Jewish community without a permit required under Cuban law. The prisoner swap marked a major strategic foreign policy shift by the United States towards Cuba since the

imposition of the embargo in 1962, and also removed a key obstacle to the normalization of bilateral relations between Cuba and the United States.

### **Relaxation of Travel and Trade Restrictions**

Although the Cuban trade embargo can only be ended by the U.S. Congress, the Obama administration took executive action to substantively ease restrictions on travel to Cuba by U.S. citizens, as well as restrictions on the import and export of goods between the two countries. In his 2015 State of the Union Address to Congress, Obama, in making the case to the nation called on lawmakers to lift the embargo against Cuba. In February 2015, Conan O'Brien became the first American television personality to film in Cuba for more than 50 years.

Also, in February 2015, American Major League Baseball began talks about playing spring training games in Cuba. Furthermore, charter flights between John F. Kennedy International Airport in New York City and José Martí International Airport in Havana, operated by Sun Country Airlines, began in March 2015. In May 2015, the United States gave approval for companies to offer chartered ferry service between Miami and Cuba. Similarly, the Cuban government opened the first bank account in the United States, enabling it to do non-cash business and other transactions in the United States for the first time since the embargo began.

### **Bilateral Talks and Diplomacy**

Having mutually identified the opening of diplomatic embassies in both capitals (Havana and Washington, D.C.), bilateral talks on the matter proceeded in January 2015. The U.S. delegation was led by U.S. Assistant Secretary of State Roberta Jacobson, and Josefina Vidal Ferreiro, Cuba's head of North American affairs. The talks focused on migration policy. In particular, Cuban representatives urged the United States to end its immigration privileges to Cuban refugees as governed by the Cuban Adjustment Act of 1966, also known as the wet foot, dry foot policy. According to Reynolds (2011) and Arteaga, (2008), this policy would allow any fleeing Cuban citizens U.S. residency and later citizenship, as long as they were found on U.S. soil and not at sea. The act essentially says that anyone who fled Cuba and entered the United States would be allowed to pursue residency a year later. Under the Clinton administration, the United States came to an agreement with Cuba that the former would stop admitting people found at sea. Since then, a Cuban caught on the waters between the two nations (with "wet feet") would summarily be sent home or to a third country except those who make it to shore ("dry feet") who would get a chance to remain in the United States, and later would qualify for expedited "legal permanent resident" status and would then eventually qualify for U.S. citizenship.

Uncertainty about the status of U.S. immigration policy was known to promote a surge of emigrants fleeing Cuba for the United States in order to beat the deadline for anticipated policy reforms by the American Congress through enactment or presidential executive order. It should be noted that all this was happening in the context of heated debate in the United States that the wet foot/, dry foot policy was

racially discriminatory as it allowed only Cuban immigrants and refugees to be processed and resettled in the United States in contrast to Haitians who were rounded up and sent back or repatriated to Haiti by the U.S. Coast Guard and immigration authorities. Despite Cuban objections, the United States stated that it would stand by its Cuban migration policy under the Cuban Adjustment Act. The next item of discussion in the U.S.-Cuba agenda was the issue of Cuba's listing among state "sponsors of terrorism" by the U.S. government, a matter that remained a significant sticking point, according to Cuba, arguing that its removal was a precondition to reopening embassies. Following the Obama and Castro meeting in the Summit of the Americas in Panama, Castro once again called for the reopening of the embassies between the two countries. High-level diplomats from Cuba and the United States met in Havana, Cuba, in January 2015. As a consequence, President Obama announced that formal diplomatic relations between Cuba and the United States would resume with the opening of embassies in Washington and Havana respectively; a promise that eventually came to realization on July 20, 2015.

### **Removing Cuba from the Blacklist**

Removing Cuba from the black-list – states designated as "terrorist sponsors" though important to Cuba, would legally free the U.S. government to do business with Cuba. Cuba was one of the countries on the list, the others being Iran, North Korea, and Syria. President Obama informed the U.S. Congress that he had decided to lift the designation of Cuba as a state sponsor of terrorism on the ground that:

- The government of Cuba had not provided any support for international terrorism during the preceding six-month period; and
- Cuba had provided assurances that it would not support acts of international terrorism in the future.

Under American law, the U.S. Congress could prevent the removal of Cuba's designation by passing legislation within 45 days of presidential request. If Congress failed to pass such legislation within this window or time frame, Cuba would automatically be removed from the U.S. list of "state sponsors of terrorism". However, Congress failed to act, and the lapse in congressional action on the matter eventually cleared the way for Cuba to be officially removed from the list in May 2015.

According to Schectman (2015) and Daugherty (2015), the U.S. Treasury Department's Office of Foreign Assets Control (OFAC) removed Cuban companies, boats and persons from its list of entities linked to terrorism and drug trafficking. The OFAC list sometimes referred to as the "Clinton List" prohibited individuals and organizations from doing business with the United States. The affected parties or business entities included select shipping, fishing, and tourist companies and vessels, most of which were based in and operated out of Panama.

## The Unsettled Issue of Guantanamo Bay

The issue and controversy over Guantanamo Bay still remained the thorny and unresolved threat to the full normalization of relations between the United States and Cuba. As a reminder, while attending the meeting of Latin American leaders in San José, Costa Rica, President Raul Castro insisted that the United States should return to Cuba, the Guantanamo Bay naval Base and lift the embargo on Cuba before reestablishment of relations could take place. The White House responded in dissent, indicating that any such move was out of the question. It should be noted that President Obama, right during the presidential campaign days in 2008 consistently argued that the prison at Guantánamo Bay should be closed down, but not the U.S. naval base in Guantanamo Bay. In the argument of international relations and foreign policy scholars, including Parmly (2013), Guantanamo Bay has dominated international news cycle because of the 166 detainees of the Iraq and Afghanistan prisoners of war accused of terrorist activities by the United States who went on extended hunger strike. Also, the author posited that the 3 major missions of the Guantanamo base are so critical strategically for the United States to give it up to Cuba. President Jimmy Carter had faced a similar challenge before he surrendered the Panama Canal to Panamanian control in December 1999 in compliance with the Torrijos-Carter treaty. The functions of the base include:

- Serving as detention center for U.S. detainees;
- Serving as migrant processing facility; and
- Serving as a base to ensure long-term U.S. presence in the Caribbean.

Short of recommending an outright surrender of Guantanamo Bay to Cuba, Parmly (2013) associated America's presence there as a major hindrance to U.S. foreign policy goals, interests and objectives by noting that "at the present time, to almost everyone around the world, evoking the name "Guantanamo" triggers an anti-American diatribe" (p. 80).

## Summary and Conclusion

Right from Cuba's independence, its relation with the United States has been characterized as shaky, unsteady, and at its worst, rocky. A panoply of thorny issues and tensions have underpinned U.S.-Cuba relations right from Cuba's independence in 1902 to President Obama's normalization of diplomatic relation of July 20, 2015, when the Cuban and U.S. "interests sections" in Washington and Havana were upgraded to embassies:

- The 1902 Platt amendment, which kept Cuba under American protection and right to intervene in its domestic affairs, whenever justified including granting irrevocable lease or right to the Guantanamo Bay
- The 1934 Treaty of Relations superseded the 1903 treaty and agreeing to abrogate the 1903 treaty except that Cuba agreed to continue to recognize as lawful all prior military actions taken by the United States, and affirmed with certain modifications

such as leasing of land by the United States for a naval base unless when modified or abrogated by mutual consent and as regards the Guantanamo Naval Station. Cuba affirmed its territory unless changed by mutual consent or abandoned or agreed by the U.S. and agreed to allow the base to be quarantined in time of contagion (during plague, epidemic, or pandemic disease).

- The April 1959 snubbing of Fidel Castro during his official visit to Washington by President Dwight D. Eisenhower's refusal to meet with him but Vice President Richard Nixon.
- The 1961 U.S. backing of abortive invasion by Cuban exiles in the Bay of Pigs snafu
- The 1961 CIA plans to assassinate Castro as part of "Operation Mongoose"
- 1962 Cuban Missile Crisis surrounding Soviet deployment of nuclear missiles in Cuba
- February 1962 embargo against Cuba by President Kennedy
- 1980 release of hundreds of Cuban convicts and exiles in Mariel boatlift.
- 1996 Helms-Burton Act which required that embargoes against Cuba not be lifted until Cuba holds free and fair elections and transition to a democratically elected government that excluded Fidel or Raul Castro
- 1996 U.S. trade embargo in response to Cuba's downing of two U.S. aircraft operated by Miami-based Cuban exiles
- 1999 incident in which Elian Gonzalez was repatriated to Cuba to join his father after a protracted and prolonged court battles in the United States
- December 2009 detention of Alan Gross, USAID Subcontractor in Havana accused of spying for Washington

According to Suddath (2009), the rocky relationship between Cuba and the United States goes way back before the emergence of Fidel Castro on the political scene in Cuba. In 1898 at the end of the Spanish-American War, vanquished Spain surrendered and signed over its rights to its colonial possessions or territories including Puerto Rico, Cuba, and Guam over to the United States, which later granted independence to Cuba on the condition that it retained the right to intervene in the affairs of Cuba and the other possessions if necessary or when justified, and that it be granted perpetual lease on its naval base at Guantanamo Bay. Hence, the resentment over America's colonial legacy has become one of the primary thorny features in U.S.-Cuba relations for decades.

It was not until the Cuban Revolution in January 1959 by Fidel Castro and his band of guerrillas that overthrew the government of Fulgencio Batista which had suffered under the U.S.-imposed arms embargo of 1958 that the conditions deteriorated for the worse. Reluctantly, the United States recognized the Castro regime. Even though Castro made overtures to the United States after assuming power by visiting Washington and touring Washington monuments, he was still snubbed by President Eisenhower who refused to meet with him but leaving it to then Vice President Richard Nixon and Secretary of State Dean Acheson to receive him. From henceforth, his hostility toward the United States never abated. 1960 saw the seizing of private land, and the nationalization of many private transnational (multinational) companies most of which were local subsidiaries of U.S. corporations. In addition, American products were heavily taxed to the extent that importation of American consumer products dried up. In response, the Eisenhower

Administration imposed trade restrictions on virtually every product except food and medicine. Decrying what was referred to as “Yankee imperialism,” Castro was pushed further into Soviet orbit as he expanded trade with the Soviet Union instead, hence forcing the United States to cut off all diplomatic ties with Cuba, and using Switzerland as a diplomatic intermediary or proxy. In February 1962, President Kennedy made the embargo permanent.

However, U.S.-Cuba relations never ended, but took on low-intensity and covert life, in terms of toppling the Cuban government. After the Bay of Pigs, a botched or failed attempt by the United States to overthrow Castro using Cuban exiles, the new approach called “Operation Mongoose”, a series of attempts on Castro’s life gained ground. As Suddath (2009) reported, there were at least five plots or attempts on Castro’s life between 1961 and 1963. Castro, realizing the importance of Soviet Union as “protector” and “caretaker” of Cuba, dived deeper into Soviet sphere in order to meet its security needs.

Hence, it was not a surprise to learn from U.S. reconnaissance/ spy planes of the presence of Soviet missile bases in Cuba. This event marked the beginning of the Cuban Missile Crisis. Declaring that any nuclear missile deployment in Cuba against the United States would be regarded as an attack by the Soviet Union, Kennedy imposed a naval quarantine on Cuba in order to prevent further Soviet shipment of offensive military weapons to Cuba. As the stakes were raised, President Kennedy and Soviet leader Khrushchev came to their senses and tried to avert a nuclear war. This brinkmanship, which is the tendency of political leaders to pursue dangerous policies to the limits of safety before reaching agreement found expression in “linkage politics.”

The ordeal ended when Khrushchev agreed to Kennedy’s secret proposal to remove U.S. missiles in Turkey in exchange for American assurances that it would not directly or indirectly through its proxies invade Cuba. In 1962, American Jupiter missiles were stationed in Turkey, which was well in Soviet backyard. As Swift (2007) articulated, Soviet-American agreement over the Cuban missile issue would become a cheap way for the Soviets to offset the American missile advantage; serve as a deterrence to the invasion of Cuba; a response to the missiles in Turkey, as well as make the United States more accommodating over other issues, such as the erection of the Berlin Wall in 1961.

In April 1980, as a result of a downturn in Cuban economy, thousands of dissatisfied Cubans sought political asylum in the United States. Using the opportunity to empty its jails filled with criminal inmates and mental-hospital patients, Cuba adopted a lukewarm attitude to the plight of those who wanted to leave the Island and migrate to the United States. In this massive exodus dubbed “Mariel Harbor boatlift”, thousands of Cubans made their way in a mass flotilla to Miami, Florida, and causing great anxiety among the American populace who saw it as an alien invasion. As a consequence, the United States strengthened its embargo in 1996 with the Helms-Burton Act, which applied the embargo to foreign countries that traded with Cuba. The passage of the Act was a retaliatory measure against Cuba for shooting down two U.S. civilian aircraft that entered Cuban territorial airspace in January 1996, and releasing leaflets on Cuban territory. Cuba justified her actions on the ground that they were consistent with international law



and other conventions. It should be recalled that the release of the leaflets occurred outside the 12-mile Cuban territorial limit, thus violating her territorial waters and airspace.

Since Cuba's revolution in 1959, which swept Fidel Castro to power, its communist government has been adversarial to the United States. In 1961, Cuba confiscated or expropriated U.S. owned businesses. This move prompted the United States to break off diplomatic relations with Cuba and imposed trade restrictions. The severance of ties, however, pushed Cuba into the Soviet orbit. Under Cuba-Soviet alliance, the hostility and isolation of Cuba endured for about 50 years. Under President Obama, a new chapter or page was turned in U.S.-Cuba relations. This new rapprochement or détente ended up bridging the economic and political divide between the two nations.

Over the years, many U.S. members of Congress have agreed on a basic goal of American foreign policy: to steer Cuba to a democratic change. Yet, they have differed on the appropriate means to achieve it. While some favor the use of sanctions, others favor the normalization of Cuban-American relations free of economic sanction. In the post- Cold War period, the 104th Congress (1995 and 1996) paid special attention to the Cuban Liberty and Democratic Solidarity Act, enacted in the aftermath of the downing by Cuba of two U.S. civilian planes in February 1996. The legislation, which was sponsored by Senator Jesse Helms (R-North Carolina) and Representative Dan Burton (R-Indiana), provided a number of elements to increase pressure on the Cuban government including:

- Strengthening and continuing U.S. embargo
- Inviting, organizing, and coordinating international sanctions against the Castro regime and
- Supporting transition to a democratically elected government

With the passage of the Act, Congress tightened screws on Cuba until the Papal visit. After the Pope's appeal to President Clinton, the United States showed a change of heart. Increases in humanitarian transactions with Cuba were adopted, to include contacts between the Cuban people and American citizens. Hence, the state of Cuban-American relations took on a new twist. Domestic political consideration, with respect to Cuban -American votes in Florida, a swing state in presidential elections, might have persuaded President Bush not to undermine the Helms-Burton Act, at least with executive orders. However, the visit of former President Jimmy Carter to Cuba in 2002, and the subsequent pressures by agricultural interest groups in the United States, eager to do business with Cuba posed at least, a temporary challenge to the Bush policy on Cuban sanctions.

George W. Bush's foreign policy attitude was not only to prolong the life of the Helms-Burton Act of 1996, but, to strengthen its provisions and enforcement. The rigidity and hostility of the George W. Bush's policy toward Cuba was best symbolized by America's outright rejection of Cuba's humanitarian gesture to send Cuban doctors to New Orleans, Louisiana, to assist in the rescue of victims of Hurricane Katrina in August 2005.

Under President Barack Obama, American relation with Cuba significantly improved with the exchange of goods and people between the United States and Cuba. Hence, it was not a surprise that Cuba offered to open its airspace for American over-flights in its rescue operations in Haiti after the January 2010 earthquakes. America's tacit acceptance of this goodwill gesture was another indication of a steady and improving relation between Cuba and the United States. While the relaxation of American embargo to Cuba has been incremental, it is now likely for domestic political consideration to allow a total lift of American sanction against Cuba. This is because the public opinion among young Cuban immigrants in the United States has shifted in favor of establishing contact with Cuba. Even though total lifting of embargo against Cuba would require the act of Congress of the United States, the reestablishment of diplomatic relations with Cuba under robust "public diplomacy" (communication and interaction between Cuban and American citizens that are intended to inform and influence), coupled with overwhelming public opinion in favor of U.S.-Cuban rapprochement would likely sustain this policy initiative.

Therefore, it is safe to say that although Helms-Burton Act was not completely repealed or erased during Obama's tenure because it was not undone through legislation. Nevertheless, Obama succeeded in chipping away at its provisions. But, the progress toward full restoration of diplomatic ties between the United States and Cuba appeared somewhat safeguarded when the restoration of diplomat relations came to fruition on July 20, 2015. However, the election of President Donald Trump in a divided government, where Republican Party controls both Houses of Congress and the White House appears to threaten U.S.-Cuba relations. It will be relatively easy for the president to roll back the progress made so far by Obama in furtherance of U.S.-Cuba relations. It was not possible for President Obama to lift the congressional embargo against Cuba because of the strong opposition in congress and that of many Cuban- Americans who constitute a major voting bloc in an important and swing state of Florida. Thus, President Obama relied heavily on the use of executive authority such as "executive order" to further open up U.S.-Cuba ties around trade, banking, telecommunication, agriculture, pharmaceuticals, and travel. This mode of action did not require the approval of congress. The election of President Trump constitutes a setback for U.S.-Cuba relations as his administration is set and bent on reversing all the progress and improvements made under Obama, a talking point he adopted during his election campaigns. With his presidency in a "one-party" government, it would be easy for Trump to advance legislation against Obama's Cuban foreign policy reforms. Time will tell what the future of U.S.-Cuba relations would look like. In the meantime, all we can do is to keep our fingers crossed and watch.

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