

The Never-Ending Cold War: The United States, Cuba, and LASA's Battle for Academic Freedom

things you do not do. You do not have death squads and you do not torture. Suddenly, there was the shock of the United States not practicing what it preached. These were polls about what elites think about the United States, they were not polls of mass public opinion. And the big change was there. Then, it struck me that we are in fact entering a period when we are dealing with our exchanges between Latin America and the United States on a much more equal basis than we ever had before. I think part of that is due to the work of LASA's pioneers. ■

U.S.-Cuban Relations and U.S.-LASA Relations

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Imagine that an extraterrestrial creature hovers over planet earth in order to observe U.S. relations with neighboring countries. The extraterrestrial beams back the following information to its space ship: On the border between the United States and Mexico, the armies of Mexico and the United States face each other every day, engage in routine contact, and have developed a professional, cooperative relationship that seeks to anticipate problems or, if necessary, to resolve them. Moreover, the security forces of the United States and Mexico on land, sea, and air cooperate to prevent the emigration from Mexico to the United States of those Mexican citizens who lack the proper documents to enter the United States lawfully. Mexico works hard and effectively on its own to prevent such emigration. The United States interdicts most Mexicans who seek to cross the border illegally and returns them to Mexico, which accepts them without fail. We all know, of course, that not even Star Trek ever presented such a fantasy.

And yet, those behaviors are part of the routine relations between the armed forces of Cuba and the United States, respectively, around and inside the U.S. base at Guantánamo. This relationship evolved in the early 1990s seeking to avoid an accidental military conflict and subsequently to prevent cross-border migration. In the current decade, the procedures first developed a decade earlier became one means to seal the U.S.-Cuba land border. The United States did not

want its prisoners to get out from the base, and Cuba did not want to receive such prisoners in any event. Similarly, the U.S. Coast Guard and Cuba's *guardafronteras* have developed a professional relationship surrounding the Cuban archipelago but especially in the Straits of Florida. They engage in search and rescue missions, interdict illegal migration between the two countries and, when appropriate, the Coast Guard returns the interdicted Cubans back to Cuba. Elements of this bilateral migration relationship date to 1984, when President Ronald Reagan authorized such U.S. government cooperation with President Fidel Castro's government. The current Bush administration has enforced the policy even at domestic political cost in important segments of the Cuban-American community, including the contrary views of Cuban-American Republican members of Congress from Florida.

Such security relations are but one example of various instances of good relations between the Bush and Castro governments. Every six months, on schedule and without fail, President Bush has waived Title III of the Helms-Burton Act, which had been potentially an explosive generator of property compensation disputes between U.S. citizens and firms and international investors and traders engaged with Cuba, and arguably the most punitive feature of this U.S. statute. Consistent with an agreement reached between the United States and the European Union in 1998, moreover, the Bush administration has enforced Title IV of Helms-Burton lightly and only by exception; under this provision, the United States was to deny visas to executives of international firms that "traffic" with Cuba. In late 2001, in addition, the United States began to export agricultural products to Cuba and has become Cuba's principal international supplier of such products, for which Cuba

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pays cash. For most practical purposes, except for occasional fireworks as the instruction earlier in 2006 to the Sheraton Hotel in Mexico City not to house Cubans for a business meeting with U.S. executives, Helms-Burton has been effectively neutered. In short, on several major dimensions of bilateral relations, the United States and Cuba exhibit either improved relations during the Bush administration or no adverse change.

There are two exceptions to this benign description of U.S.-Cuban bilateral relations during the current decade. First, the Bush administration makes much more “anti-Castro noise” than had been the norm even for Republican presidents in the past. An example during the second Bush administration has been the appointment of a U.S. government coordinator for the Cuban transition, which the Cuban government can easily caricature as a kind of U.S. Viceroy or Proconsul for Cuba, evoking memories of U.S. intervention in Cuba a century ago under the Platt amendment.

Second, the Bush administration has hit hard the set of policies that touches on individual travel. Since late 2002 and especially since mid-2004, it has greatly constrained the possibilities for cultural and educational travel between the United States and Cuba. It has adopted a mountain of paperwork to discourage even those whom the regulations formally authorize to travel. It has greatly impaired the capacity of Cuban-origin persons on both sides of the Straits of Florida to visit each other, and it has capriciously narrowed its definition of what constitutes a Cuban family to limit the number of people who can receive lawful remittances.

Even these Bush administration policies are at times paradoxical. It is formally wrong,

for example, for a fine arts museum to take its patrons to Havana but it is fine for agribusiness exporters to visit the same city. The Bush administration is willing to anger the hundreds of thousands of Cubans who have arrived in the United States over the past dozen years who cannot visit their friends and relatives with the frequency that they would wish, risking that Cuban-Americans would shift away from voting Republican in the future, certain that for near-term elections these recent arrivals from Cuba do not yet vote and that the earlier-arrival Cubans broke long ago with their families so they are much less interested in such visitation.

This is the wider context for U.S.-LASA relations. The Bush administration came gradually to the conclusion, now firmly defined for both the Las Vegas and the San Juan International Congresses, that a large number of Cubans should not be allowed to enter the United States to congregate in one spot as guests of an association that, notwithstanding its academic mission, it sees as a “Cuba solidarity organization.” To make it clear that the problem is with the number of Cubans, the Congress as the venue, and LASA itself, the U.S. government has granted visas to about half of the Cuban academics who have requested visas to visit U.S. universities between the last two LASA congresses to engage in research or teaching at U.S. universities and colleges. After the Las Vegas LASA Congress, the first visas were issued within days of the conclusion of that meeting. Some Cuban scholars who got visas at that time had not been able to receive a U.S. visa for over two years. Some visas have already been granted to Cuban academics following the San Juan LASA Congress.

I join our Cuban academic colleagues and the many LASA members who have

protested this violation of our academic freedoms, including the freedoms of U.S. scholars to associate with, learn from, and work with Cuban colleagues at our international congress. This is shameful and damnable behavior on the part of the U.S. government. If this analysis is correct, however, neither shame nor condemnation will change Bush administration visa policies in time for the next LASA Congress. Indeed, our protests are, in some sense, welcome by Bush administration political strategists because it makes it easier for them to demonstrate publicly how “tough on Castro” they are. This massive collective denial of visas for LASA is one of the very few concrete, public, readily understandable, anti-Castro political acts that the Bush administration can communicate to the part of the Cuban-American community that demands such policies from the U.S. government. LASA protests, necessary as they are, help the Bush administration with regard to the domestic U.S. politics that it most cares about with regard to Cuba questions.

It is ironic that the Bush administration, contrary to its preferences, feels compelled to cooperate with the Cuban government. And it is ironic that the protests we should make against the Bush administration’s disregard for our academic freedom also help the Bush administration politically with its right-wing Cuban-American constituents, the only Cuban-origin people about whom it cares.

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The Center for Cuban Studies

by SANDRA LEVINSON

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First of all, for those of you who don't know about the Center for Cuban Studies, I should explain that when the Center began in 1972, the idea was to place the Center within a university setting. Most of the people who started the Center, and who were involved in its founding, were academics. But, 1972 was a time when there was a lot of Cuban exile violence directed against what were perceived as pro-Cuba supporters. In the case of the Center, which did not even exist at the time, the concern was that violence was also directed at anything that was going to relate to contemporary Cuba and to the regime of Fidel Castro. Therefore, it was impossible to place the Center within an academic setting. No university would take us, although a lot of universities were interested and many departments were interested. But when there were consultations with the university lawyers, they all said, "Don't do it, we'll be blown up." And so the Center started as an independent, non-profit, tax exempt organization in 1972. And, sure enough, eight months later we were blown up. I was there. I thought that it was not a good idea to put a huge bomb in the Center while the executive director was present at the site.

From the very beginning, the Center was concerned and interested in educational exchange, and, specifically, academic exchange. We have always existed in this kind of "Never Never Land" that is a non-institutional academic exchange. So, from the beginning, what we did was to reach out to professionals. Our very first trip to Cuba was one organized with lawyers.

And through the years, as the regulations changed about who could travel to Cuba, under what circumstances people could travel to Cuba, etc., we always tried to work within the regulations that were increasingly more restricted by the Treasury Department. So what we have done over the years was to try to aid and assist academic institutions to write applications to the Treasury Department. I remember in the case of Stanford, which is my Alma Mater, that I was very interested in helping Stanford travel to Cuba. We actually wrote the application to Treasury, worked with the people at Stanford so that they would get a license. The license was denied on a Thursday night, the trip was supposed to take place on Tuesday. Between Thursday and Monday morning I looked up all the Congressional delegates and went through all the Congressional directories. I found every Congressperson who had graduated from Stanford and called them. By Monday morning the Treasury department was calling and saying "Call off your dogs, we'll give them the license." But that kind of combination of working within the confines of academia and fighting politically for what we were trying to accomplish has always been what we do. We sued the Treasury department for the right to include original art as part of the definition of informational material so that people could go to Cuba, purchase art, as well as photographs, books, magazines, music, etc., all of the other definitions of informational materials.

Because the Center for Cuban Studies has always existed outside the University setting, we've never had really the advantages of working within the universities for academic research. But we have done a lot to encourage educational exchange. I think that one of the problems now is that people really think that you cannot go to Cuba. And yet, for the most

part, the same people for whom we have reached out can go. It's just more difficult. For example, the Center for Cuban Studies does not have its own license any longer. For the period that covered the Clinton administration to the moment when the Bush administration got its act together, we were able to organize academic research trips, yet they were at the same time the kinds of trips that anyone could go on. Thus, if we had an art and architecture trip, you did not have to be an architect to go on that trip. Now, we can only organize a trip related to architectural research, and only the people doing their own individual research as architects are allowed to go.

Another aspect of our work which we have encouraged people to do is to say to academics that it is important to do research in Cuba, and that you can do research in Cuba. Personally, I'm very good at thinking of research projects for somebody. So if you say, I am a so-and-so, I'm a sociologist and I'm interested in old people and I've done this research here and there, I can in five minutes give you a whole research project which can be accomplished in Cuba. That's important because there are a lot of things people would like to do in Cuba, but if they do not know you, the Cubans themselves put up obstacles. And it is very important that when you are organizing your research to go, you think that it is important to continue doing that particular kind of research. It would not only be harmful to you and to the academic institutions from which you come if you curtailed your research, but it is equally harmful to put Cuba aside because it is difficult to travel there. It is also very unfortunate for the Cubans. It is unfortunate for the Cuban academics not to have our input and not to have our ideas, and to not know what is going on here in the United States academically. So, I think that the

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intimidation tactics of the government create a very unfortunate mindset. And I have seen it over and over again. People call and simply say, "I know I can't go to Cuba now, but do you think there is a chance," or "What is going to happen to me if I go to Cuba illegally?" It is a wonderful question to ask on the telephone when calling us directly. Of course, my most professional voice comes out and says, "Well, you know of course that if you travel illegally you are subject to a fine of at least \$7500, and I would not want to in any way encourage you to do that. Bye!" Anyway, I think that this is a subject that all of us have been thinking about for the last several years, in particularly with the Bush administration. But I also think that we would not be working with Cuba if we were not some kind of eternal optimists who always see the bottle half-full rather than half-empty, and I would hope that we will all continue to fight against those barriers put up by this administration.

THE NEVER-ENDING COLD WAR continued...

Suing the U.S. Government

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In addition to being the Senior Fellow at the Center for International Policy and adjunct professor/ the director of the Cuban exchange program at Johns Hopkins, I am the co-chair of ECDET—the Emergency Coalition for the Defense of Educational Travel. We have over the past year been moving forward with litigation against the government of the United States. I have provided a full report on this litigation at the Cuba Task Force meeting at the San Juan Congress. Here, I will only add that we expect to file suit in Federal Court very soon.

It has been a long and difficult course. The universities have not come forward courageously to act as plaintiffs. At this point we have three—hopefully we have three. They are St. Thomas University (St. Paul, Minnesota) which is absolutely steadfast, and I would like to take my hat off to them. The second one is Duke University, which so far is solid and I think they will be with us, and, the third, my own University, John Hopkins, of which I am less certain. I think they will act as plaintiffs. But the fact is, John Hopkins receives more federal money than any other university in the United States, and I am sure that is a matter of concern. And it should be a matter of concern, but it should not be the deciding factor.

Our academic freedoms, as defined by the Supreme Court, are being flagrantly violated by these new regulations and the administration full well knows it. We sent an emissary over to talk to Dan Fisk. Fisk went through these new regulations carefully, and pointed out how they step-by-step violate the Supreme Court's

definition of academic freedom. The Supreme Court's definition—this is from 1957, a decision made in that year—is that the academic institution will decide without any interference from the government, at whatever level, what courses can be taught, how they will be taught, who can teach them, and who can take them. At the present moment, the regulations implemented recently interfere with all that. Their reply in essence was, "Well, if you think so, take us to court." They have violated the Supreme Court's definitions and they know that, but it's a moot point unless we stand up to them. I am not impressed so far with the willingness of the academic community to stand up to them. The faculties of course want to do something about it. But when it comes to the administrative leadership of the universities, they have, unfortunately, other concerns and reservations.

I hadn't seen much of a battle for academic freedom in LASA until the Executive Council resolved that LASA should not hold any more of its International Congresses in the United States so long as the U.S. government continues to deny entry to invited scholars from Cuba and other countries. And that is the reason for the resolution. What about us? LASA has said absolutely nothing about these violations. They have not assisted in any way our efforts to bring the litigation forward, and now they completely leave that out of the resolution. The resolution has to do with the denial of visas. It has nothing to do with the fact that our academic freedoms are being systematically violated by the government, and we need to do something about that. LASA needs to support that.

When we move forward with our litigation, how does it look if LASA has protested the fact that visas were not granted, but it has

¡Más político que cultural! o ¿Cómo llegó en Chile una mujer a la Presidencia?

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not said a word about the fact that the academic freedoms of scholars and institutions based in the United States are being denied as well? I think it is a mistake. I hope it is simply an oversight that can be corrected. I have talked about this with Sheryl Lutjens, Co-chair of LASA's Section on Scholarly Relations with Cuba, and she thinks it can be. We can add to the resolution, or come up with a new resolution, but I think that LASA has to take a position on these denials of academic freedom. I think we have a very strong case. It will take a while; these court cases always go on for a year or two. Fortunately we have the money to be a plaintiff. We do not have to put up any money. We have a fund provided by the Reynolds Foundation, and we can move forward. I hope we can be filing the suit shortly.

Another problem is that our lawyer, really an excellent lawyer, one of the most experienced in dealing with Cuban matters, is doing this on more or less a pro-bono basis. As a consequence, he gives it the time that he can, and it has taken him much longer than I would have hoped to draw up the complaint. But it is almost done. And this is something we must address. We must stand up to it more forthrightly than LASA has so far. Again I say LASA, but I think that most of the LASA members would agree 100 percent on this and want to stand up to the government. It somehow has not been smart to not deal with it, but it can be corrected. ■

La elección de Michelle Bachelet como presidenta de Chile, el pasado 15 de enero, ha generado gran interés político y periodístico en el mundo. Es sin duda un hito histórico: se trata de la primera mujer en alcanzar la más alta magistratura de su país. Su modelo no parece calzar con la trayectoria política habitual de otras representantes que ocuparan cargos similares en la región. Esta mujer de izquierda fue elegida en las urnas, a partir de una trayectoria política propia, y sin tener parentesco con algún hombre político notable. Los efectos de esta elección en cuanto a la equidad de género están por verse. Pero sí existe la esperanza de conseguir avances en aquellas áreas que continúan obstaculizando el ejercicio pleno de los derechos femeninos, la misma no se sustenta en el simple hecho de que llegara una mujer a la presidencia. Tiene que ver con en el incipiente quiebre de la hegemonía masculina en el ejercicio del poder, en la apelación a las electoras como base política, y en las medidas iniciales que parecen atender, en alguna medida, los problemas que impiden avanzar hacia una senda de mayor equidad.

Gran parte de la sorpresa causada por la elección de Bachelet se refiere a su condición de género y a su particular historia de vida. Esto la hace una rareza en un contexto político y social, señalado como uno de los más conservadores del continente. ¿Cómo pudo una mujer marcadamente de izquierda, separada y agnóstica, ser electa Presidenta de un país aparentemente tan conservador? La mayoría de los análisis de difusión masiva lo han presentado como evidencia de los cambios que vive el país; un paso más en un largo recorrido hacia un mayor progreso, desarrollo e igualdad. Transformaciones que se supone inciden en modificar el rol de las mujeres en la sociedad y en la política, en una creciente

disminución en la centralidad de la Iglesia Católica en la vida del país y en mayor autonomía de los ciudadanos *vis-a-vis* las élites políticas. Si bien esto no es del todo ajeno a la verdad, estos cambios culturales tampoco explican en sí mismos el triunfo en las urnas de la candidata de la *Concertación de Partidos por la Democracia*. Dichas variaciones son necesariamente de largo plazo, ocurren a ritmos discontinuos y en diversas esferas, siendo sus efectos a menudo contradictorios y dispersos.

Un análisis comparado de la situación de las mujeres en la región y de las actitudes de los/las latinoamericanos/as respecto al rol de éstas en la política muestra que Chile se mueve efectivamente en un sentido liberalizador; pero, en ningún caso, ha avanzado a un ritmo o en un grado mayor que países como Argentina o Uruguay. Por ello, es difícil atribuir a estos elementos una incidencia causal respecto de modificaciones repentinas y coyunturales en la correlación de fuerzas electorales, especialmente en un sistema como el chileno con baja volatilidad electoral, con resultados en las urnas altamente consistentes y predecibles.

Nuestro argumento es que el triunfo de Bachelet puede ser entendido de mejor forma como el resultado de un proceso *político* que confluye y se refuerza con transformaciones culturales en curso. La victoria de la *Concertación* para un cuarto mandato consecutivo es, ante todo, un resultado *político*; que su candidata haya sido una mujer es tan *político* como *cultural*. Sin embargo, tanto la contendencia de su victoria como la correlación de fuerzas sociales y políticas que se construye para apoyarla, están íntimamente ligados a cambios culturales. Una mirada más matizada de la coyuntura actual debe reconocer la preeminencia de la