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**U.S.-CUBA RELATIONS: ANALYSIS OF
POST-COLD WAR FAILED RAPPROCHEMENT**

by

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June 2019

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**U.S.-CUBA RELATIONS: ANALYSIS OF POST-COLD WAR
FAILED RAPPROCHEMENT**

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ABSTRACT

The United States and Cuba have long had a contentious relationship. Following Fidel Castro's revolution, the antagonism was bolstered by the Soviet Union's support for Cuba. After the collapse of the Soviet Union and the end of the Cold War, it was predicted by some that the end of Castro's regime was near and the United States would be there to help with democratization of Cuba. Instead, Castro has managed to stay in power and the U.S. and Cuba have failed to achieve rapprochement. This thesis analyzes the Balsero rafter crisis of 1994, the use of Guantanamo Bay (and subsequent controversy) as a detention center for enemy combatants from the Afghanistan conflict, Obama's normalization of diplomatic relations with Cuba, and finally the enactment of the Cuban Liberty and Democratic Solidarity Act (LIBERTAD), otherwise known as Helms-Burton. In doing so, the aim is to determine whether culture, structure, or the actions of individual leaders factored more predominately into the outcome of the four events.

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LIST OF ACRONYMS AND ABBREVIATIONS

ACLU	American Civil Liberties Union
CANF	Cuban-American National Foundation
CIA	Central Intelligence Agency
EU	European Union
FARC	Revolutionary Armed Forces of Colombia
GRIT	Gradual Reciprocation in Tension Reduction
JCCCC	Joint Corporate Committee on Cuban Claims
MCA	Military Commissions Act
NAFTA	North American Free Trade Agreement
NGO	Non-Governmental Organization
PCC	Cuban Communist Party
USAID	United States Agency for International Aid
WTO	World Trade Organization

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I. INTRODUCTION

The United States and Cuba have long had a contentious relationship. Cuba's reliance on the Soviet Union after Castro's Cuban Revolution resulted in a United States foreign policy towards Cuba that has remained relatively unchanged for decades, to include the continued U.S. embargo of Cuba. Although the fall of Communism in the Soviet Union ushered in the end of Cuba's thirty years of influence in Latin American politics, with minor exceptions, the stance toward Cuba from the U.S. has not changed. This is despite the view that Cuba has been weakened without support from the Soviet Union and no longer poses a threat to the United States.¹

The fall of the Soviet Union, the end of the Cold War, and the continued weakening of Cuba poses several questions that have not been fully answered. Why have the U.S. and Cuba not achieved rapprochement after the Cold War? If anything, with the exception of President Obama's attempt at normalizing diplomatic relations, what were the efforts by both Congress and Presidents to move relations away from rapprochement? Have the actions of administrations since the end of the Cold War matched the rhetoric towards Cuba? Have there been back-channel efforts towards normalization as a normal state of affairs or in times of crisis? How has the continued status quo relationship been influenced by the structure of the bureaucratic system and the parochial interests of governmental organizations? How have cultural influences such as public opinion or societal and political groups been able to influence Presidents and their administrations? And finally, does any of that matter and have U.S.-Cuba relations been solely the result of the leader in the seat? In essence, has U.S. foreign policy been dictated by internal factors such as public opinion, societal groups, governmental bureaucracy, or individual leaders?² Or, has U.S.

¹ Larry Wohlers, "Trying to Legislate Foreign Policy: The Story of Helms-Burton" (National War College, 1996), 1, <https://doi.org/10.21236/ADA443804>.

² Juliet Kaarbo, Jeffrey S. Lantis, and Ryan K. Beasley, "The Analysis of Foreign Policy in Comparative Politics," in *Foreign Policy in Comparative Perspective: Domestic and International Influences on State Behavior* (Washington, D.C.: CQ Press, 2002), 13–21.

foreign policy been influenced more by external factors such as external political pressure?³

Starting with President Clinton as the first post–Cold War president and moving through the administration of President Obama, this thesis conducts an analysis of each administration’s response to pivotal moments. The pivotal moments include: President Clinton’s handling of the Cuban *Balsero* rafters crisis of 1994; the initiation of Guantanamo Bay as a prison for detainees of the war on terrorism and the controversy that followed as used for President Bush; and President Obama’s attempt at normalizing relations is used for the third case study. Finally, an in depth look at the passing of Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, commonly referred to as the Helms-Burton Act is conducted as the last case study.

The logic for using President Clinton’s as the first administration is the fact that it removes the influence of the Soviet Union and the Cold War on U.S. policy towards Cuba. President George H.W. Bush was not used because the Cold War and the fall of the Soviet Union occurred during his presidency. Additionally, any views he might have had otherwise may have been influenced by the fact that he was head of the CIA during the Cold War as well as Vice President for President Reagan.⁴ Removing as many Cold War influences as possible better helps to answer why status quo policies were largely maintained post–Cold War. This draws on the idea that in order for an outcome to change the input must be changed and asks why there was no change. In doing so, this thesis draws on literature that deals with comparative studies of successes and failures of rapprochement and apply those ideas to the U.S.-Cuba policy to analyze current barriers to rapprochement.

This introductory chapter, consisting of five sections, lays out the course for the rest of the thesis. Included in the five sections are a brief history, significance, literature review, hypothesis discussion, and research design. The history section briefly details Cuba’s history from the discovery of the island by Columbus, through the U.S. hegemonic

³ Kaarbo, Lantis, and Beasley, 10–12.

⁴ “George H.W. Bush—the 11th Director of Central Intelligence—Central Intelligence Agency,” accessed February 18, 2019, <https://www.cia.gov/news-information/featured-story-archive/2018-featured-story-archive/george-h-w-bush2014the-11th-director-of-central-intelligence.html>.

period leading up to the revolution by Castro, and Castro's acceptance of Marxist-Leninism and Soviet support.

The significance section argues that this is a unique period in Cuba's history with the fact that for the first time since the 1959 revolution, a Castro is no longer the head of state. Nor is the top leader someone who participated in the ousting of Batista.⁵ Additionally, in a national referendum, Cuba voted to approve a new constitution previously approved by Cuba's parliament.⁶

The literature review brings in arguments about whether or not an individual has the ultimate say in the outcome of events, or if there are other factors in play such as culture and structure. Does Congress have more power or are the members of Congress subject to the interests of their constituents? What is media's role in determining outcomes? Additionally, the concept of gradual steps towards rapprochement versus fighting for parochial interests and how the two viewpoints seem to be at odds with each other is discussed.

The hypothesis and research design sections follow the literature review. These two sections discuss the two hypothesis that are tested. The research design section details how Chapters II and III follow this introductory chapter and provide a detailed discussion of four pivotal events across the presidencies of Clinton, Bush, and Obama. Chapters II and III frame the discussion to set up Chapter IV's analysis and testing of the two hypotheses.

A. BRIEF HISTORY

Cuba was under the influence of colonialism and imperialism for much of its history.⁷ Spain claimed Cuba as a colony upon discovery of the island by Columbus in

⁵ Congressional Research Service, "Cuba: U.S. Policy in the 115th Congress" (Congressional Research Service, January 15, 2019), 6.

⁶ Geoff Thale and Teresa Garcia Castro, "Cuba's New Constitution, Explained," Washington Office on Latin America, February 26, 2019, <https://www.wola.org/analysis/cubas-new-constitution-explained/>.

⁷ Ernesto Domínguez López and Helen Yaffe, "The Deep, Historical Roots of Cuban Anti-Imperialism" *Third World Quarterly* 38, no. 11 (September 26, 2017): 2517, <https://doi.org/10.1080/01436597.2017.1374171>.

1492.⁸ After the Spanish-American War, the island became a U.S. protectorate and would become a model for U.S. neo-colonialism.⁹ Under the auspices of Manifest Destiny and the Monroe Doctrine, the U.S. concluded that it was in its best interest to secure a base in the region and that Cuba, like much of what is Latin America today, was considered as territory under U.S. influence and not European powers.

Hegemonic influence was reinforced shortly after the Spanish-American war via the Platt Amendment of 1903, which allowed the U.S. to use military force in Cuba if it was deemed necessary and gave the power to the U.S. to implement Cuba's foreign policy.¹⁰ The amendment, though repealed in 1934, became part of the Cuban Constitution and was used three times by the U.S. between 1906 and 1921.¹¹

Early on, U.S. industry and companies held major stakes in the Cuban economy. By 1895 the U.S. had invested \$95 million in Cuba, controlled two-thirds of Cuba's sugar production by the 1920s and by 1955, 90% of the electric and telephone services, 50% of public railways and 40% of the sugar production was controlled by U.S. investors.¹²

The time period between 1925 and 1959 was characterized by democratically elected presidents that became progressively dictatorial and repressive.¹³ Military leader Fulgencio Batista who had been governing from behind the scenes was elected in 1940. Two presidents followed him during a timeframe defined by violence and corruption. Batista came back to power via a 1952 coup and he himself became a harsh dictator, which set the stage for Castro in 1959.¹⁴

Castro's first attempt to wrest power from Batista occurred in 1953 when he attacked the Santiago military barracks. After a short jail time, Castro was exiled in Mexico

⁸ López and Yaffe, 2517; Congressional Research Service, "Cuba: U.S. Policy in the 115th Congress," 5.

⁹ López and Yaffe, "The Deep, Historical Roots of Cuban Anti-Imperialism" 2520.

¹⁰ López and Yaffe, 2519.

¹¹ Congressional Research Service, "Cuba: U.S. Policy in the 115th Congress," 5.

¹² López and Yaffe, "The Deep, Historical Roots of Cuban Anti-Imperialism" 2519–20.

¹³ Congressional Research Service, "Cuba: U.S. Policy in the 115th Congress," 5.

¹⁴ Congressional Research Service, 5.

where, to commemorate the date of the Santiago attack, he organized the 26th of July Movement. Castro returned to the Sierra Maestra Mountains in Cuba in 1956, garnered support with fellow resistance groups, and forced Batista to flee Cuba on January 1, 1959. Castro would remain in power for 52 years when he retired due to failing health.¹⁵

Shortly after coming to power, Fidel aligned with the Soviet Union and adopted a Marxist-Leninist ideology to ensure Soviet support.¹⁶ Castro rode a wave of revolution in the 1960s in which the Cuban model had broad appeal throughout much of Latin America.¹⁷ Though not as prominent, Cuba's influence on the world stage in the 1970s was still discernable as evidenced in Brazil's evolution to a repressive state and establishment of other "state terror regimes" in response to the revolutionary threat still present in Latin America.¹⁸ Cuba ratified a new constitution in 1976 that effectively ended Castro's ability to rule by decree and established the Cuban Communist Party (PCC) with Castro as head of the Political Bureau.¹⁹ The period from the 1980s into the 2000s witnessed the waning of Castro's revolutionary influence to the point where, with the exception of Haiti and Cuba, Latin America was under civilian control accomplished via mostly free, fair, and open elections.²⁰ Although still president, Fidel stepped down from power in 2006 due to poor health upon which time Fidel ceded power to Raúl, who was first vice president at the time. In 2008, Fidel refused to be nominated as president of the Council of State, verifying his withdrawal from politics and tenure as head of the Cuban government.²¹ While president, Raúl Castro carried out market-oriented policy and economic reforms but failed to achieve any kind of sustainable economic growth. By 2017

¹⁵ Congressional Research Service, 5–6.

¹⁶ Jorge I. Domínguez, "The Formative Years," in *To Make a World Safe for Revolution: Cuba's Foreign Policy* (Harvard University Press, 2009), 8–33.

¹⁷ Thomas C. Wright, *Latin America in the Era of the Cuban Revolution* (Westport, UNITED STATES: Greenwood Publishing Group, Incorporated, 2000), 232, <http://ebookcentral.proquest.com/lib/ebook-nps/detail.action?docID=3000630>.

¹⁸ Wright, 233.

¹⁹ Congressional Research Service, "Cuba: U.S. Policy in the 115th Congress," 6.

²⁰ Wright, *Latin America in the Era of the Cuban Revolution*, 233–34.

²¹ Congressional Research Service, "Cuba: U.S. Policy in the 115th Congress," 6.

Raúl had backtracked on some of his reforms.²² With the election of Miguel Díaz-Canel Bermúdez, April 19, 2018, marked the first time since 1959 that a Castro and someone not involved with the revolution was the head of the Cuban government.²³

B. SIGNIFICANCE

Identifying the major factors behind U.S. foreign policy towards Cuba after the Cold War is significant for several reasons. First, the election of President Miguel Díaz-Canel began the first Cuban administration not headed by a Castro for the first time since 1959. Additionally, President Díaz also represents a generational shift of leaders to those who came to power post-Cuban Revolution.²⁴ Although Raúl Castro is expected to cede power to Díaz as head of the PCC, this is also the first time that the head of the Cuba's government is not the concurrent leader of the PCC.²⁵

Additionally important is the fact that National Assembly of People's Power, Cuba's parliament, has approved a new constitution,²⁶ replacing the Cold War-era constitution.²⁷ The national legislature voted on a version that has language slightly different from the original version proposed to the public. The final version included language keeping the Communist Party as the guiding body with the aim of "advancing toward communism" and removal of language specifically allowing for marriage between two people which would have codified the legalization of gay marriage. However, since the new constitution does not explicitly state that marriage is between a man and a woman,

²² Mark P Sullivan, "Cuba After the Castros," CRS Insight (Congressional Research Service, April 17, 2018), <https://fas.org/sgp/crs/row/IN10885.pdf>; Congressional Research Service, "Cuba: U.S. Policy in the 115th Congress," 7.

²³ Congressional Research Service, "Cuba: U.S. Policy in the 115th Congress," 7.

²⁴ Congressional Research Service, 7.

²⁵ Congressional Research Service, 7.

²⁶ Sarah Marsh and Nelson Acosta, "Cuban Lawmakers Approve New Constitution Which Heads to Referendum," *Reuters*, December 22, 2018, sec. World News, <https://www.reuters.com/article/us-cuba-constitution-idUSKCN1OL0OF>.

²⁷ Kirk Semple, "Lawmakers in Cuba Vote to Approve Constitution," *New York Times*, July 23, 2018, Late Edition edition, sec. A, [https://www-lexisnexis-com.libproxy.nps.edu/hottopics/lnacademic/?verb=sr&csi=6742&sr=HEADLINE\(Lawmakers+In+Cuba+Vote+To+Approve+Constitution\)%2BAND%2BDATE%2BIS%2B2018](https://www-lexisnexis-com.libproxy.nps.edu/hottopics/lnacademic/?verb=sr&csi=6742&sr=HEADLINE(Lawmakers+In+Cuba+Vote+To+Approve+Constitution)%2BAND%2BDATE%2BIS%2B2018).

it still opens the door for gay marriage.²⁸ Despite removal of key topics, the new constitution does legitimize private business, recognized the value of direct investment, implements the role of a prime minister, and imposed term limits and age limits for the presidency.²⁹ February 24, 2019, marked the first time over forty years where the Cuban people were allowed to express their opinion when, in a national referendum, the constitution was voted on and approved.³⁰

The path to rapprochement between the U.S. and Cuba has been largely uphill and on rocky roads. However, with younger leadership taking the reins of Cuban government and a new constitution that acknowledges the need for change in Cuba, the next few years might be vital to rapprochement if the two nations can come to the table. With the requirement that Cuba improve its record on human rights “and other goals” as a precondition towards rapprochement,³¹ as long as Cuba acts in line with the new constitution and makes solid steps towards improving conditions within Cuba, rapprochement may be possible. Either way, many analysts agree that any change in U.S. policy will be slow, if at all since not all leaders within Cuba, possibly Díaz himself, are pro-reform.³² On the other hand, change might need to be dramatic since multiple small approaches have not worked in the past.³³ However, using an analysis of the pivotal events of post–Cold War relations, current and future administrations can apply lessons learned from these events to help lead towards rapprochement for U.S. and Cuba. More importantly, any revelations that lead to rapprochement with Cuba can have effects in other areas of the world such as relations with Iran, a country that is not only totalitarian and with an internationally condemned human rights record, but also a significant threat to U.S. national security.

²⁸ Marsh and Acosta, “Cuban Lawmakers Approve New Constitution Which Heads to Referendum.”

²⁹ Marsh and Acosta.

³⁰ Thale and Castro, “Cuba’s New Constitution, Explained.”

³¹ Congressional Research Service, “Cuba: U.S. Policy in the 115th Congress,” 36–37.

³² Congressional Research Service, 7.

³³ William M. LeoGrande and Peter Kornbluh, *Back Channel to Cuba: The Hidden History of Negotiations between Washington and Havana* (UNC Press Books, 2015), 410–13.

In a post–Cold War era that saw the democratization of most of Latin America, it is surprising that a country so close to the U.S. would remain obstinately Communist. Author Susan Eckstein observed that the Cold War never ended from the Cuba’s perception of U.S.-Cuba relations.³⁴ From the opposite vantage point of U.S. perception, the same can be said.

Therefore, this thesis will aim to show why, after the removal of Soviet and Cold War influence, and with democratization across much of Latin America during the same period, the U.S. and Cuba continued Cold War–era policies. Additionally, while many authors have discussed in detail the same four events that this thesis examines, this thesis investigates whether the most influential factor which shaped the events were individual leaders, structural, or cultural.

C. LITERATURE REVIEW

There are several fields of thought concerning foreign policy and rapprochement. A common approach is to do comparative case studies to determine patterns.³⁵ Another angle is to look at the process that two states go through in ‘breaking the ice’ to achieve the goal of rapprochement.³⁶ Armstrong offers three case studies of rapprochement similar to the U.S.-Cuba case in the sense that they are ongoing instances of mutual antagonism and offer few cases of realistic attempts at improving relations.³⁷ Also offered are several propositions which Armstrong synthesized from the successful cases of rapprochement, and can be applied to the U.S.-Cuban case.³⁸ Others look at the interests of agencies within a state and how in the name of defending these interests, that agencies might actually work to prevent rapprochement. The following literature review identifies these ideas.

³⁴ Susan Eva Eckstein, *Back From the Future: Cuba Under Castro*, 2nd ed. (Princeton University Press, 1994), 118.

³⁵ Kaarbo, Lantis, and Beasley, “The Analysis of Foreign Policy in Comparative Politics,” 2–3.

³⁶ Tony Armstrong, *Breaking the Ice: Rapprochement Between East and West Germany, the United States and China, and Israel and Egypt* (Washington, D.C.: U.S. Institute of Peace Press, 1993). Especially the introductory chapter and chapter 5.

³⁷ Armstrong, 5.

³⁸ Armstrong, 134.

Additionally, the effect on foreign policy of individual leaders, Congress, interest groups, public opinion, parochialism, and the media is reviewed.

Jentleson defined foreign policy and the politics involved as the process whereby strategy and choices are made concerning international relations.³⁹ Kaarbo, Lantis and Beasley echo Jentleson by defining foreign policy as an analysis of an area of inquiry which connects the study of domestic politics with international relations.⁴⁰ When comparing foreign policies, they argued that it is important to find patterns in order to get a general understanding of the factors that influence state behavior, not just specific policy. Their research was comparative because it involved comparing two or more states or a single state during multiple time periods to determine differences and similarities.⁴¹

Often though, it seems that foreign policy does not just apply to the international spectrum. Increasingly, domestic influences interact with foreign policy to help shape ideas or promote a particular foreign policy. The idea of policies being “intermestic” was first argued by Manning.⁴² Manning used the example of the oil embargo of the 1970s and argued that events that played out on the international stage often had domestic implications and thus, were simultaneously international and domestic, or intermestic.⁴³ Russo and Haney continued the intermestic argument and applied it to the U.S.-Cuba case.⁴⁴ Issues that are intermestic also apply to the individual and leadership aspect of the U.S.-Cuba relations as they are perceived as being less dependent on presidential leadership.⁴⁵

³⁹ Bruce W. Jentleson, *American Foreign Policy: The Dynamics of Choice in the 21st Century* (Norton, 2004), 69.

⁴⁰ Kaarbo, Lantis, and Beasley, “The Analysis of Foreign Policy in Comparative Politics,” 2.

⁴¹ Kaarbo, Lantis, and Beasley, 5–6.

⁴² Bayless Manning, “The Congress, the Executive and Intermestic Affairs: Three Proposals,” *Foreign Affairs* 55, no. 2 (1977): 306–24, <https://doi.org/10.2307/20039647>.

⁴³ Manning, 308–10.

⁴⁴ Philip A. Russo and Patrick J Haney, “Intermestic Politics and Homeland Security,” in *The Domestic Sources of American Foreign Policy: Insights and Evidence*, ed. James M. McCormick (Rowman & Littlefield Publishers, 2012), 285–99.

⁴⁵ Eugene R. Wittkopf, Christopher M. Jones, and Charles W. Kegley, *American Foreign Policy: Pattern and Process*, 7th ed. (Cengage Learning, 2007), 363.

Individuals or leaders at the top of government inevitably control the authority to make foreign policy.⁴⁶ Presidents are often the individuals that are the leaders concerning foreign policy.⁴⁷ However, it can be any individual with some sort of leadership capacity that has the capability of shaping foreign policy.⁴⁸ Regardless of the various executive branch actors that play a role in foreign policy, the president is the principal decision-maker.⁴⁹ Concerning the pendulum of power, it is argued that individuals tend to be able to press for more power in fluid or crisis situations and conversely, non-crisis situations generally involve a more comprehensive group of policy actors.⁵⁰

Congress also plays a significant role in foreign policy but to varying degrees of effectiveness and influence. This is partly explained by each house of Congress having its own foreign affairs committees, each of which have to agree on any bill passed through Congress.⁵¹ Additionally, because individuals in Congress have to engage the executive, media, interest groups, and their constituents, it can be difficult to gain consensus and therefore successful policy implementation.⁵² Additionally, Congress must have a collective willingness to act.⁵³ Furthermore, Congress and its various individuals and committees often come into conflict over what foreign policy should be adopted. This results from each entity fighting for its own parochial interests in the form of its identity

⁴⁶ Kaarbo, Lantis, and Beasley, "The Analysis of Foreign Policy in Comparative Politics," 18.

⁴⁷ Jentleson, *American Foreign Policy*, 42.

⁴⁸ Daniel L. Byman and Kenneth M. Pollack, "Let Us Now Praise Great Men: Bringing the Statesman Back In," *International Security* 25, no. 4 (2001): 107–46. While each of their case studies explores the differences in how heads of state reacted to their respective situations, the hypotheses they developed based on the case studies refer to individuals. Thus, individuals for the purpose of this thesis will apply not only to presidents but to any individual that has the capacity to influence or shape foreign policy.

⁴⁹ Jentleson, *American Foreign Policy*, 42, 45. The president as the decider is discussed on 42. The role of advisors and who among 'the big four' is discussed on 45.

⁵⁰ Wittkopf, Jones, and Kegley, *American Foreign Policy*, 363; Byman and Pollack, "Let Us Now Praise Great Men," 142. These two authors provide the basis for the second hypothesis contained later in this chapter.

⁵¹ Bernard Cecil Cohen, *Democracies and Foreign Policy: Public Participation in the United States and the Netherlands* (Univ of Wisconsin Press, 1995), 87.

⁵² Wittkopf, Jones, and Kegley, *American Foreign Policy*, 415.

⁵³ Wittkopf, Jones, and Kegley, 419.

and organizational mission.⁵⁴ To make things even more difficult, in order to get re-elected, Congress is obligated to support the often-short term fluctuations of their constituents' parochial interests.⁵⁵

Another of the many variables that Congress must be cognizant of is that of interest groups. Interest groups are defined as formally organized groups of constituents who share common societal outlooks or goals, which unite with the goal of influencing policy.⁵⁶ Despite being formalized groups, interest groups lack a formal role in the policy process.⁵⁷ Regardless, elected officials, especially those in Congress, have to be perceptive and responsive to interest groups, especially when campaign contributions are involved.⁵⁸ There is also the perception that because the general public does not have a full knowledge of the multitude of interest groups and therefore do not have full access or visibility of the interest group's actions, said groups work secretly behind closed doors to influence foreign policies that fit their goals.⁵⁹ Regardless of perceptions, interest groups dovetail both direct methods with officials and indirect methods via media and other forms of communication.⁶⁰

Whichever method an interest group implements, it has to be effective in its means in order to influence foreign policy. Jentleson points out several methods by which interest groups can be effective in influencing policy makers and Congress specifically. Interest groups lobby legislators at each stage of a bill's passage through Congress, they attempt to influence elections, they take a direct method of influencing executive branch agencies and departments, and lastly, they attempt to influence who gets appointed to significant foreign

⁵⁴ Kaarbo, Lantis, and Beasley, "The Analysis of Foreign Policy in Comparative Politics," 19.

⁵⁵ Wittkopf, Jones, and Kegley, *American Foreign Policy*, 436–37.

⁵⁶ Jentleson, *American Foreign Policy*, 49.

⁵⁷ Cohen, *Democracies and Foreign Policy*, 129.

⁵⁸ Cohen, 129.

⁵⁹ Wittkopf, Jones, and Kegley, *American Foreign Policy*, 300.

⁶⁰ Cohen, *Democracies and Foreign Policy*, 139.

policy positions.⁶¹ Wittkopf, Jones, and Kegley developed a list ways in which interest groups are influential:

- Interest groups exert greater impact on domestic than on foreign policy issues
- Influence during crisis is rare as the president has enormous power to shape public opinion and receives little effective challenge from others.
- Influence by interest groups is most effective through Congress, especially when congressional interest in a policy increases.
- Influence is more effective when the affected policy influences a narrow segment of society
- Groups that are interested in a single topic have more influence
- Efforts by interest groups that pursue inaction or policies that are status quo are more effective than those that pursue a change in policy.⁶²

Even if interest groups are able to take advantage of the list above and lobby the correct congressional committees, because foreign policy power is so diluted amongst those who have ability to affect policy change, it is remarkably difficult for interest groups to have leverage amongst policy makers.⁶³ Since interest groups cover the gamut of policy issues, this means that some lose while others win, which results in interest groups that are both effective and ineffective. Thus, there is not a simple measure of an interest groups success when attempting to influence foreign policy.⁶⁴

Taking into account the difficulty of measuring interest group effectiveness, McCormick argued that ethnic interest groups tend to be the most effective.⁶⁵ Defined as groups whose interest is derived from either their own or their ancestor's country or region of origin, ethnic interest groups effectiveness lies in the fact that they have a single focus

⁶¹ Jentleson, *American Foreign Policy*, 52–53.

⁶² Wittkopf, Jones, and Kegley, *American Foreign Policy*, 302–3.

⁶³ Cohen, *Democracies and Foreign Policy*, 141.

⁶⁴ Cohen, 151.

⁶⁵ James M. McCormick, "Ethnic Interest Groups in American Foreign Policy," in *The Domestic Sources of American Foreign Policy: Insights and Evidence* (Rowman & Littlefield Publishers, 2012), 69.

and are highly motivated.⁶⁶ McCormick cites the Cuban American National Foundation as one of the most influential ethnic groups in the US,⁶⁷ the action of which are discussed in later chapters.

Another influence on foreign policy is that of media. Among others, Jentleson asked the question of how much influence do the media have?⁶⁸ Cohen defined influences of media as a twofold process: 1) the media brings foreign policy to “outsiders,” which shapes their knowledge as well as the extent to which they choose to participate in the policy making process; and 2) the media are articulate and the most informed outside the process of policy making.⁶⁹ Jentleson defined the three modes in which the media influence policy and public opinion as agenda setting, shaping public opinion, and directly influencing policy makers.⁷⁰ The agenda setting role of media is echoed by Cohen in which media imposes upon officials perspectives and priorities that they ordinarily would not be exposed to.⁷¹ Additionally, media fulfills the roll as a mirror of public opinion.⁷² In other words the media influences or even creates public opinion and affects the behavior or decisions of policy makers.⁷³

Baum and Potter agreed, arguing that the “media influence nearly every aspect of the relationship between public opinion and foreign policy.”⁷⁴ Baum and Potter argued further that the relationship is a foreign policy marketplace. The marketplace consists of the public as consumers on the demand side and leaders providing content on the supply side. In the middle, the media acts as information traders between the two parties. The

⁶⁶ McCormick, 70.

⁶⁷ McCormick, 74–76.

⁶⁸ Jentleson, *American Foreign Policy*, 59.

⁶⁹ Cohen, *Democracies and Foreign Policy*, 100.

⁷⁰ Jentleson, *American Foreign Policy*, 61–62.

⁷¹ Cohen, *Democracies and Foreign Policy*, 123.

⁷² Cohen, 124.

⁷³ Wittkopf, Jones, and Kegley, *American Foreign Policy*, 305.

⁷⁴ Matthew A. Baum and Philip B.K. Potter, “The Relationships Between Mass Media, Public Opinion, and Foreign Policy: Toward a Theoretical Synthesis,” *The Annual Review of Political Science* 11 (2008): 40, <https://doi.org/10.1146/annurev.polisci.11060406.214132>.

media is forced to strike a balance in providing information that the public desires to consume while still being deferential to the leaders to maintain access to the supply of information. Finally, an equilibrium develops between these three competing forces.⁷⁵ The previous argument notwithstanding, it is also argued that it is questionable whether or not media is able to determine public opinion or foreign policy and instead plays a mediating role.⁷⁶

Public opinion itself can be described as pyramidal, with a very thin top section being filled by active participants of foreign policy discussion (both in and out of government), the larger middle of attentive public, and the very large base of the general public consisting of the disinterested or ignorant.⁷⁷ Within this pyramid, are five fundamental ways in which public opinion influences policy.⁷⁸ The manner in which public opinion influences policy include: parameter setting, centripetal pull, impact on Congress, affecting diplomatic negotiations, and presidential elections.⁷⁹ Parameter setting imposes limits on the range of policy options available to individuals. Centripetal pull draws individuals to the center when forced to build coalitions. Impact on Congress is in the form of polls and a general assessment of whether or not the public is concerned about a particular foreign policy. Public opinion can affect diplomatic relations because anyone negotiating on behalf of the public back home must be cognizant of what is an acceptable end-state to the negotiation. Finally, through presidential elections, public opinion has considerable electoral impact on foreign policy issues via the voting box.⁸⁰

Armstrong asked how nations, which had been locked in a decades long pattern of adversarial if not occasionally violent relations, have been able to break the ice and make cooperation the rule rather than hostility.⁸¹ In doing so, Armstrong researched the

⁷⁵ Baum and Potter, 56.

⁷⁶ Wittkopf, Jones, and Kegley, *American Foreign Policy*, 305.

⁷⁷ Cohen, *Democracies and Foreign Policy*, 55–56.

⁷⁸ Jentleson, *American Foreign Policy*, 67.

⁷⁹ Jentleson, 67–79.

⁸⁰ Jentleson, 67–69.

⁸¹ Armstrong, *Breaking the Ice*, 3.

international circumstances of rapprochement and what situations promoted a successful rapprochement.⁸² Additionally, he applied the concept of Graduated Reciprocation in Tension Reduction (GRIT).⁸³ GRIT was developed by Charles Osgood to provide a way for the two nuclear superpowers, the U.S. and Soviet Union, to avoid war or for one to be forced to surrender to the other. Osgood argued that the “way out” of conflict was in the approach of one power taking the initiative in reducing threats instead of continuing to make threats thereby increasing tension.⁸⁴ Instead, the idea was suggested of “an arms race in reverse” whereby an atmosphere of mutual trust is gradually enabled via consistent tension reducing steps.⁸⁵ Furthermore, Armstrong researched how formal negotiations played a role in breaking the ice and found merit in the use of high level control and back channel negotiations to reduce bureaucratic and interest group friction.⁸⁶ Armstrong ultimately concluded that the most successful blueprint for breaking the ice is with the “identification of signals, gestures, and partial agreements that both communicate a desire for rapprochement,” which if they are consistent, “should break the ice sufficiently to allow negotiations on the normalization of relations to occur.”⁸⁷ Additionally, Armstrong concluded that even though GRIT was not fully implemented by the actors in his case studies, the underlying principles of GRIT were used to reduce hostilities and show commitment by the governments involved, which led to rapprochement.⁸⁸

Echoing Armstrong, Kupchan also argued that “reciprocal concessions are bold and courageous investments in peace.”⁸⁹ Kupchan centered the defense of his argument

⁸² Armstrong, 20.

⁸³ Armstrong, 23–24.

⁸⁴ Charles Egerton Osgood, *An Alternative to War or Surrender*, 3rd ed. (University of Illinois Press, 1962), 85–86.

⁸⁵ Osgood, 6, 86–88. Overall, Chapter 5 provides the best in depth descriptions on the ins and outs of GRIT.

⁸⁶ Armstrong, *Breaking the Ice*, 27.

⁸⁷ Armstrong, 139.

⁸⁸ Armstrong, 137.

⁸⁹ Charles A. Kupchan, “Enemies Into Friends: How the United States Can Court Its Adversaries,” *Foreign Affairs* 89, no. 2 (2010): 121.

around debunking three assertions used to counter any attempts of rapprochement. The three assertions Kupchan debunks are: 1) The U.S. lessens its power and debases its values by attempting rapprochement with autocratic regimes; 2) Any pursuit of rapprochement with an adversary surrenders any chances of the autocratic government changing its ways and; 3) That a precursor to any rapprochement is economic interdependence.⁹⁰ Kupchan concluded that “rapprochement usually takes place in fits and starts” and that any improvements will be “slow and incremental”⁹¹

Darnton countered the theory that carefully planned gestures and reciprocal accommodation are effective to break the pattern of mistrust. Instead, Darnton argued that those efforts failed more often than not because of parochial interests within bureaucracies.⁹² Agencies have a vested interest in policies associated with rivalry that they have fought for and will act to prevent cooperation.⁹³ Darnton found that these agencies will only change their stance on a policy when two conditions are met: “first, the emergence of an alternative mission for those agencies in the form of a common foe, and second, state resource constraints that force budgetary tradeoffs among policy priorities.”⁹⁴ Until these conditions are met, agencies will lobby allies within the legislature and if they are a weak agency, will even use sabotage such as leaks of information and stalling as a tool to prevent leaders from achieving their goals.⁹⁵ Armstrong posited that Darnton’s parochial interest argument can be circumvented by high level and back-channel negotiations.⁹⁶

⁹⁰ Kupchan, 130–32.

⁹¹ Kupchan, 133–34.

⁹² Christopher Darnton, *Rivalry and Alliance Politics in Cold War Latin America* (JHU Press, 2014), 2.

⁹³ Darnton, 26.

⁹⁴ Darnton, 26.

⁹⁵ Darnton, 37–38.

⁹⁶ Armstrong, *Breaking the Ice*, 131.

Regarding U.S.-Cuba relations, Pérez argued that U.S. policy towards Cuba has outlived its Cold War relevance designed to respond to a threat that no longer exists.⁹⁷ He argued that institutional lobby groups such as the Cuban-American National Foundation (CANF), though successful and influential, do not sufficiently explain a U.S. policy toward Cuba that has largely failed to achieve its purpose, most notably the inability to effect regime change.⁹⁸ That being said, after Castro came to power, the U.S. had reason to impose its exclusionary policy towards Cuba. After taking power, Castro nationalized U.S. owned property and businesses to a toll of \$1.5 billion. As a result, Cuba went from being a place frequented by tourists in search of “risqué amusements” to a much different place post revolution.⁹⁹ Establishing a Communist satellite state, stationing Soviet nuclear missiles and combat troops, and building intelligence gathering and submarine maintenance bases further challenged U.S. strategy of “balance of power” and “spheres of influence.”¹⁰⁰

Pérez illustrated that the U.S. sanctions, though having a slight positive intended effect of internal dissent, were ineffective on a larger scale due to the unintended negative consequences on the Cuban middle class. Normatively speaking, the middle class identified best with U.S. values and were the people upon which the defense of U.S. interests was reliant.¹⁰¹ A lack of coherent and cooperative policy led to relaxed U.S.-Cuba immigration policy, which allowed for a brain drain from Cuba. However, the brain drain was counterproductive to the U.S. sanctions as it acted as a relief valve of frustration in Cuba because those who were able to simply left Cuba.¹⁰²

Finally, Pérez conceded that blaming Cuban economic and social woes solely on U.S. sanctions is not the whole story as factors internal to Cuba are partly responsible.

⁹⁷ Louis A. Pérez, “Fear and Loathing of Fidel Castro: Sources of U.S. Policy toward Cuba,” *Journal of Latin American Studies* 34, no. 2 (2002): 228.

⁹⁸ Pérez, 228.

⁹⁹ Pérez, 231.

¹⁰⁰ Pérez, 232–34.

¹⁰¹ Pérez, 248.

¹⁰² Pérez, 249.

However, the U.S. is in moral conflict by attempting to force submission of Cuba, who is determined to maintain its national sovereignty, while at the same time condemning Cuba for its over-reaching use of internal security. It is therefore cynical of the U.S. to condemn the suppression of civil liberties when, as Pérez argued, it is the US's policy that has forced Cuba to maintain a strong security state.¹⁰³ Pérez concluded that due to history and geography, "Cuba and the USA cannot escape each other."¹⁰⁴ García echoed Pérez when she observed that with Cuba less than one hundred miles away, it was inevitable that Cuba and the large influx of emigrés would play a large part in U.S. politics.¹⁰⁵

Pérez's and García use of geography and the inevitability of the U.S. and Cuba having relations, for good or bad, speaks to Spykman's use of geography and its effect on a state's foreign policy. Spykman's main points to his argument were the factor of size and factor of location.¹⁰⁶ Spykman argued that a state's relative size, as long as the state is effective in terms of its political and economic integration to its area, will be a general expression of its strength comparable to other states in terms of foreign policy.¹⁰⁷ His location argument contended that a state's location, not only in relation to oceans and other land masses, but also regionally in relation to each other, is the most essential factor when determining its foreign policy.¹⁰⁸ In fact, no matter what else might influence a state's foreign policy, dealing with geography will be a basic reality.¹⁰⁹ With both size and location in mind, it should be no surprise that the U.S. and Cuba have a lopsided power struggle given the relative difference in size and location of the two states.

Using Spykman's argument that state size matters, segues into asymmetrical dyad rivalry. Rasler, Thompson and Ganguly argued that asymmetrical dyads, to include the

¹⁰³ Pérez, 252–53.

¹⁰⁴ Pérez, 253.

¹⁰⁵ María Cristina García, *Havana USA: Cuban Exiles and Cuban Americans in South Florida, 1959–1994* (Berkeley: University of California Press, 1996), 168.

¹⁰⁶ Nicholas J. Spykman, "Geography and Foreign Policy, I.," *American Political Science Review* 32, no. 01 (February 1938): 28–50, <https://doi.org/10.2307/1949029>.

¹⁰⁷ Spykman, 31.

¹⁰⁸ Spykman, 39–40.

¹⁰⁹ Spykman, 50.

U.S. and Cuba, can become rivalries if the powerful state acts as though the weaker state threatens the powerful state while concurrently the weaker state acts as if its capabilities are more powerful and is a threat to the stronger state.¹¹⁰ In other words, the US, in this case the stronger power views Cuba as a threat. Simultaneously, Cuba, the weaker power, grandstands and projects a strength that it is actually not capable of.

While some of the literature, to include Pérez, speaks to a negative antagonistic relationship between the U.S. and Cuba, Leogrande and Kornbluh took a different approach. Together, they researched the use of back channel diplomacy and what happened when the U.S. and Cuba met behind closed doors and sometimes at the top-secret level. They concluded that every president, Republican and Democrat, regardless of outward expressions, all followed a theme of back channel diplomacy, which revealed a hitherto unknown fifty-year record of negotiations and bi-lateral dialogue.¹¹¹ Leogrande and Kornbluh chronicled all four events covered later in this thesis.¹¹²

D. HYPOTHESIS

Byman and Pollack asked whether or not individuals matter to the affairs of nations and concluded with a “resounding ‘yes’”.¹¹³ With the conclusion that individual leaders matter in the conduct of foreign policy, this thesis tests two of Byman and Pollack’s hypotheses. The first is that “individuals set the ultimate and secondary intentions of the state.”¹¹⁴ While acknowledging that other factors such as domestic politics and culture can shape a state’s intentions,¹¹⁵ this thesis tests whether individuals have indeed been able to “transcend these factors” and exercise more control over the outcomes of pivotal U.S.-

¹¹⁰ Karen Rasler, William R. Thompson, and Sumit Ganguly, *How Rivalries End* (University of Pennsylvania Press, 2013), 4.

¹¹¹ From the abstract for William M. LeoGrande and Peter Kornbluh, *Back Channel to Cuba: The Hidden History of Negotiations between Washington and Havana* (UNC Press Books, 2015).

¹¹² LeoGrande and Kornbluh. Chapters 7, 8 and 9 cover the Clinton, Bush, and Obama administrations.

¹¹³ Byman and Pollack, “Let Us Now Praise Great Men,” 133.

¹¹⁴ Byman and Pollack, 134.

¹¹⁵ Byman and Pollack, 134.

Cuban moments. In order to test this hypothesis, this thesis examines the four events from President Clinton to President Obama to determine if indeed individual leaders were able to overcome the various opposing factors. Part of testing this hypothesis determines whether politics is truly in command as is often the case according to Kupchan.¹¹⁶

The second hypothesis, derived from combining Wittkopf, Jones, and Kegley, with Byman and Pollack, tests whether “individuals are more important when circumstances are fluid” and conversely less influential in less dynamic situations.¹¹⁷ Byman and Pollack argued that individual leaders, unlike unwieldy institutions and bureaucracies, are able to act tenaciously and forcefully and therefore, assume greater influence over events. Wittkopf, Jones, and Kegley agreed and stated further that in less dynamic situations the single individual leader played less of a roll to a larger group of individuals. To test this hypothesis, this thesis examines the four events and determines the extent to which individuals were able to counter any rival propositions or proposals.

Prior to analysis, the literature suggests that the contributions of individual leaders have a greater influence on the three factors during the decision-making processes for three of the four case studies. The main outlier to this pre-analysis prediction is the Helms-Burton case study, where it is predicted that structural influences played more heavily in the decision-making processes. However, post analysis shows that individual leaders as the strongest influence in only two of the three case studied. Post analysis shows the Guantanamo Bay case study shift from individual leaders to structure as the main factor influencing the decision-making process.

E. RESEARCH DESIGN

Stephen Van Evera identified seven principle missions that can be achieved when completing a thesis.¹¹⁸ This thesis draws on a combination of two of Van Evera’s missions.

¹¹⁶ Kupchan, “Enemies Into Friends,” 133.

¹¹⁷ Wittkopf, Jones, and Kegley, *American Foreign Policy*, 363; Byman and Pollack, “Let Us Now Praise Great Men,” 142.

¹¹⁸ Stephen Van Evera, *Guide to Methods for Students of Political Science* (London: Cornell University Press, n.d.), 89–94.

The first being his mission of theory-testing, which evaluates already existing hypotheses by using evidence from case studies.¹¹⁹ The second is Van Evera's historical evaluative mission which evaluates the factual or speculative beliefs that guided individuals during the pursuit of their policies.¹²⁰

Using the theory-testing mission, this thesis tests the two hypotheses by Byman and Pollack and Wittkopf, Jones, and Kegley as discussed in the previous hypothesis section. To reiterate, the first hypothesis is that "individuals set the ultimate and secondary intentions of the state"¹²¹ and "individuals are more important when circumstances are fluid" and conversely less influential in less dynamic situations.¹²² The historical evaluative mission is applicable to this thesis because at its core, this thesis is a historical case study of four major events across three U.S. presidential administrations. Van Evera argued that the historical evaluation type of exploration of political science is little admired by many in the political science field, yet that the lack of recognition is a "misguided bias."¹²³ Van Evera's argument of misguided bias is especially true when there are new literary works that shed a fresh light on historical events and allow for a new understanding which therefore may be evaluated differently today than they were just a few years ago. Two examples are Leogrande and Kornbluh's *Back Channel to Cuba: The Hidden History of Negotiations between Washington and Havana* and Rhodes' *The World as It Is: A Memoir of the Obama White House*. Both books explored what happened behind closed doors during back-channel negotiations between the U.S. and Cuba. *Back Channel to Cuba* is a more extensive work that chronicled the back-channel negotiations between Havana and every presidential administration from Eisenhower to Obama. *The World as It Is* provided Ben Rhodes' account during his time in the Obama administration. This thesis draws on his back-channel negotiations with Cuba to release USAID worked Alan Gross and normalization of relations between the U.S. and Cuba.

¹¹⁹ Van Evera, 90.

¹²⁰ Van Evera, 92.

¹²¹ Byman and Pollack, "Let Us Now Praise Great Men," 134.

¹²² Byman and Pollack, 142; Wittkopf, Jones, and Kegley, *American Foreign Policy*, 363.

¹²³ Van Evera, *Guide to Methods for Students of Political Science*, 92.

In addition to Rhodes' memoir, additional memoirs will be used by authors such as Hillary Clinton, President Bush, and Donald Rumsfeld. Using memoirs, although introducing a potential for bias to the memoirs author, allows for an in depth look into what the individuals were thinking and doing concerning the events being researched. A record of what presidents said in speeches when talking about the events in question will be analyzed and will be especially useful in the sense that they are evidence straight from the actual president in question. Public opinion polls will play into the research to analyze whether or not individual's decisions or speeches reflected public opinion or if these decisions were in any way shaped by polling data. Finally, key congressional committee hearings will also be utilized as they allow for a record of what was being said to congressional members concerning the events this thesis is analyzing.

This introductory chapter is followed by three more chapters. Chapter II details the historical events of the Balsero rafter crisis during the Clinton Administration, the decision to use Guantanamo Bay for the holding of detainees and subsequent controversy during the Bush administration, and lastly, the normalization of relations and re-opening of U.S. and Cuban embassies during the Obama administration.

Chapter III analyzes how the Helms-Burton Act came to be codified into law. Clinton, who had been opposed to the Helms-Burton Act, switched his opinion on February 24, 1996, when two planes flown by Brothers to the Rescue, a Cuban-American humanitarian organization were shot down by Cuban Mig-29 fighters.¹²⁴ A detailed look into what the impetus for the original writing of the bill will be addressed as well as what amendments that had been taken out of the bill before February 24, made their way back in after the shooting down of the planes.

Chapter IV is the full analysis and assimilation of chapters two and three. Each event is broken down behind the backdrop of the several political science theories explored in the literature review. Were public opinion, interest groups, and other cultural influences strong enough to have an effect on individuals? Did individuals or organizations succumb

¹²⁴ Peter Morici, "The United States, World Trade, and the Helms-Burton Act," *Current History* 96, no. 607 (February 1997): 87.

to parochial interests¹²⁵ or were the individuals in the driver's seat and shaping events to their desired outcome?¹²⁶ Additionally, was there a gradual breaking of the ice as Armstrong argued¹²⁷ as effective or was there a sudden shift in policy? Asking these questions will allow a testing of the two hypotheses and add to the literature as to why the U.S. and Cuba have not had a full rapprochement since the end of the Cold War.

¹²⁵ Darnton, *Rivalry and Alliance Politics in Cold War Latin America*.

¹²⁶ Byman and Pollack, "Let Us Now Praise Great Men."

¹²⁷ Armstrong, *Breaking the Ice*.

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II. CLINTON'S BALSERO CRISIS, BUSH'S GUANTANAMO BAY, AND OBAMA'S NORMALIZATION WITH CUBA

Prior to the Cuban Revolution, the U.S. and Cuban economies were deeply interwoven. Leading up to 1959, approximately 80% of Cuba's imports were from the US. Cuba also relied on foreign direct investments, technological development, and financial lines of credit from the US. In return, Cuba sent to the U.S. 60% of its exports.¹²⁸ In 2015, trade from the U.S. to Cuba amounted to only \$180 million. If trade were to be fully opened between the two countries, that number is estimated to be as high as \$2.2 billion in exports to Cuba.¹²⁹ Despite this possible economic advantage of normalizing trade, the U.S. and Cuba have yet to fully normalize relations and achieve rapprochement.

In this chapter, circumstances leading up to three major events between the U.S. and Cuba are chronicled. The first event is the *Balsero* (Spanish for rafter or ferryman) crisis of 1994. The Balsero crisis is significant in that it closely mirrored the *Maríel* rafter crisis which occurred during President Carter's administration. Two important variables were present during each crisis; that of Governor and then President Bill Clinton being intimately involved in both situations¹³⁰ and the fact that Fidel Castro was complicit in allowing, if not outright forcing his citizens, to make the dangerous journey to the US.¹³¹ Pivotal to the negotiations between the U.S. and Cuba to solve the Balsero crisis were back-channel talks.¹³²

The second part of this chapter chronicles the use of Guantanamo Bay as a detainee facility for enemy combatants captured in the war on terrorism. It argues that until September 11, 2001, there had been efforts within Congress to remove barriers to trade

¹²⁸ Larry Nackerud et al., "The End of the Cuban Contradiction in U.S. Refugee Policy," *The International Migration Review* 33, no. 1 (1999): 183, <https://doi.org/10.2307/2547327>.

¹²⁹ U.S. Chamber of Commerce, "Oppose Unilateral Economic Sanctions," U.S. Chamber of Commerce, August 2017, <https://www.uschamber.com/issue-brief/oppose-unilateral-economic-sanctions>.

¹³⁰ William J Clinton, *My Life* (Alfred A. Knopf, 2004), 275–78, 282, 615.

¹³¹ Morris Morley and Chris McGillion, *Unfinished Business: America and Cuba After the Cold War, 1989–2001* (Cambridge University Press, 2002), 71–75.

¹³² LeoGrande and Kornbluh, *Back Channel to Cuba*, 2015, 285; Clinton, *My Life*, 284.

with Cuba and how those efforts came to a halt.¹³³ Furthermore, it discusses how the decision to use the facility at Guantanamo Bay came about as the “least worst place”¹³⁴ and details some of the controversy that surrounded the facility.¹³⁵ The final section of this chapter discusses the partial opening to Cuba by President Obama. On December 17, 2014, Obama announced that steps were to be taken between the U.S. and Cuba towards increased travel, commerce, and a normalization of relations.¹³⁶ Once again, back channel talks between the U.S. and Cuba were pivotal leading up to Obama’s landmark announcement.¹³⁷

Overall, this chapter addresses the theme of the individual’s role in each case study. For instance, each president in question had pre-presidential opinions on Cuba that may have played into their decision-making process. Additionally, there were a multitude of significantly important individuals surrounding each president ranging from their respective Secretaries of State, advisors, speech writers, and others who either influenced or were influenced by each president. These secondary individuals were able to play key roles in negotiations and without their ability to navigate through the politics or gain the trust of their counterparts, events might have played out differently.

¹³³ “Congressional Record” 147 (July 25, 2001): H4598-4610; Jessica F. Gibbs, *U.S. Policy towards Cuba: Since the Cold War*, Routledge Studies in U.S. Foreign Policy (Milton Park; Routledge, 2011), 119.

¹³⁴ Donald Rumsfeld, *Known and Unknown: A Memoir* (Penguin Books, Limited, 2011), 566.

¹³⁵ Among the several sources discussing the controversy of Guantanamo include George W. Bush, *Decision Points* (Crown Publishing Group, 2010); Rumsfeld, *Known and Unknown*; Rui Wang, “Assessing the Bush Administration’s Detention Policy for Taliban and Al-Qaeda Combatants at Guantanamo Bay in Light of Developing United States Case Law and International Humanitarian Law, Including the Geneva Conventions,” *Arizona Journal of International and Comparative Law* 22, no. 413 (Summer 2005), [https://www.lexisnexis.com/hottopics/lnacademic/?verb=sr&csi=146210&sr=AUTHOR\(Wang\)%2BAND%2BTITLE\(Assessing+the+Bush+Administration%27s+detention+policy+for+Taliban+and+al-Qaeda+combatants+at+Guantanamo+Bay+in+light+of+developing+United+States+case+law+and+international+humanitarian+law%2C+including+the+Geneva+Conventions\)%2BAND%2BDATE%2BIS%2B2005;LeonardCutler,Bushvs.ObamaDetaineePolicyPost-9/11:AnAssessment,”StrategicStudiesQuarterlySummer2010\(2010\):26.](https://www.lexisnexis.com/hottopics/lnacademic/?verb=sr&csi=146210&sr=AUTHOR(Wang)%2BAND%2BTITLE(Assessing+the+Bush+Administration%27s+detention+policy+for+Taliban+and+al-Qaeda+combatants+at+Guantanamo+Bay+in+light+of+developing+United+States+case+law+and+international+humanitarian+law%2C+including+the+Geneva+Conventions)%2BAND%2BDATE%2BIS%2B2005;LeonardCutler,Bushvs.ObamaDetaineePolicyPost-9/11:AnAssessment,”StrategicStudiesQuarterlySummer2010(2010):26.)

¹³⁶ Barack Obama, Statement by the President on Cuba Policy Changes, December 17, 2014, <https://obamawhitehouse.archives.gov/the-press-office/2014/12/17/statement-president-cuba-policy-changes>.

¹³⁷ Ben Rhodes, *The World as It Is: A Memoir of the Obama White House* (Random House Publishing Group, 2018).

A. CLINTON AND THE BALSERO CRISIS

Precipitated by the Cuban economic crisis known as the “Special Period,” July 1994 marked the start of a rise of Cuban refugees to the US, which led to the Balsero crisis.¹³⁸ To better understand the Balsero crisis and the response by President Clinton, a quick history of the Mariel crisis of 1979–1980 and the Haitian refugee dilemma of 1993 is in order.

During his presidency, Carter removed the U.S. embargo on U.S. travel to Cuba, which resulted in over 100,000 Cuban-Americans visiting Cuba during 1979. The high number of visitors brought to the island for the first time in a generation a mass of cash and stories of success in the US.¹³⁹ Cubans, wanting to show their discontent, began breaking into Latin American embassies within Havana in an attempt to seek asylum.¹⁴⁰ In an effort to squash any dissent, Castro decided it would be easier to kick out any “undesirables” and political prisoners.¹⁴¹ All told, as many as 120,000 Cubans, many with mental health issues or criminal records sailed from Mariel Harbor to Florida seeking asylum.¹⁴²

By May 1980 approximately 20,000 *Mariels* were being held at Fort Chafee, Arkansas on orders of President Carter. While governor of Arkansas, Clinton was forced to deal with the inevitable restlessness of the corralled Cubans. Events culminated in 1,000 Cubans walking through the gates whose guards did not attempt to stop from leaving.¹⁴³ After some rocks being thrown at state troopers, the troopers responded with warning shots over the heads of the Cubans, which convinced the group to head back to Fort Chafee.¹⁴⁴ Republican gubernatorial opponent Frank White took advantage of the Fort Chaffee

¹³⁸ LeoGrande and Kornbluh, *Back Channel to Cuba*, 2015, 280.

¹³⁹ Robert A. Pastor, *Exiting the Whirlpool: U.S. Foreign Policy Toward Latin America and the Caribbean*, 2nd ed. (Westview Press, 2001), 56.

¹⁴⁰ Pastor, 56.

¹⁴¹ Clinton, *My Life*, 274.

¹⁴² Clinton, 274; Pastor, *Exiting the Whirlpool: U.S. Foreign Policy Toward Latin America and the Caribbean*, 56.

¹⁴³ Clinton, *My Life*, 276.

¹⁴⁴ Clinton, 276.

incident and beat Clinton's bid at re-election in 1980. Clinton based part of the blame on the Mariel rafters and the events at Fort Chaffee.¹⁴⁵

By the time Governor Clinton became President Clinton, Haiti was having its own refugee trouble following the ousting of President Aristide via a military coup.¹⁴⁶ Within the first four days of July 1994, almost 6,000 Haitians risked the dangerous waters between Haiti and Florida, increased from 5,600 during the month of June. In contrast, only 2,000 Haitians attempted the journey in all of 1993.¹⁴⁷ Many of these Haitian refugees were housed at the detention facility in Guantanamo Bay;¹⁴⁸ most though were returned to Haiti.¹⁴⁹

Despite the fact that most Haitians were returned to Haiti and many others interned temporarily in Cuba, Cubans began exercising their own exodus with the hopes of reaching the US.¹⁵⁰ Violence ensued when ferries and tugboats were hijacked, including a tugboat that was rammed by a Cuban patrol boat resulting in the loss of 37 lives.¹⁵¹ Despite the attempts of Cuban police to quell the riots, they became the largest anti-government protests in Cuba since 1959. The violence eventually resulted in a Cuban naval officer being killed during the hijacking of another ferry.¹⁵²

Whereas the policy with Haitian refugees was to try to repatriate them, send them to accepting countries or Guantanamo, Cuban refugees had enjoyed 35 years of virtually

¹⁴⁵ Clinton, 282, 287.

¹⁴⁶ The military coup and the ousting of Aristide is discussed in detail to include the response by President Bush's and Organization of American States in Pastor's, *Exiting the Whirlpool: U.S. Foreign Policy Toward Latin America and the Caribbean*, 100; Morley and McGillion briefly chronicle the Haitian refugees in *Unfinished Business*, 70.

¹⁴⁷ Morley and McGillion, *Unfinished Business*, 70–71.

¹⁴⁸ Philip Brenner and Peter Kornbluh, "Clinton's Cuba Calculus," *NACLA Report on the Americas* 29, no. 2 (1995): 37, <https://doi.org/10.1080/10714839.1996.11725776>.

¹⁴⁹ Douglas Jehl, "U.S. Sending Back Haitian Refugees Despite New Plan," *New York Times*, May 17, 1994, sec. World, <https://www.nytimes.com/1994/05/17/world/us-sending-back-haitian-refugees-despite-new-plan.html>.

¹⁵⁰ Morley and McGillion, *Unfinished Business*, 71.

¹⁵¹ Morley and McGillion, 71.

¹⁵² Morley and McGillion, anti-government protests were discussed on page 71 and the killing of the naval officer on 73.

certain acceptance as political refugees into the US, largely as a part of an anti-Communist agenda.¹⁵³ The Cubans, knowing their chances were high of staying in the U.S. if they were able to escape Cuba, continued to leave Cuba in ever increasing numbers. On August 15, 1994, Castro angered at the fact that the U.S. refused to repatriate the alleged killer of the naval officer, made good on his threats to no longer stop Cubans from leaving the island.¹⁵⁴

To put things into perspective, in 1990 the U.S. Coast Guard rescued 467 refugees.¹⁵⁵ Two days after Castro made his proclamation which sparked the Balsero crisis, 547 rafters were saved by the U.S. Coast Guard within a 24 hour period, more than all of 1990.¹⁵⁶ Four days later that number was a new record for 745.¹⁵⁷ In 1993, there were 3,656 refugees rescued at sea.¹⁵⁸ At the height of the exodus there were 2,338 and 2,886 rafters rescued on August 22nd and 23rd respectively. All told, as many as 30,000 attempted to leave Cuba during the few months of the Balsero crisis.¹⁵⁹ The unprecedented number of refugees forced the U.S. Coast Guard to undertake its largest naval mobilization since 1945.¹⁶⁰

President Clinton, determined not to allow Castro to dictate U.S. immigration policy declared there would be “no new Mariel.”¹⁶¹ According to Masud-Piloto, Clinton announced that Cuban rafters would now be detained at a “safe-haven.” Under the 1966 Cuban Adjustment Act, any Cuban already in the U.S. would be allowed to receive asylum.

¹⁵³ Nackerud et al., “The End of the Cuban Contradiction in U.S. Refugee Policy,” 176–77.

¹⁵⁴ Morley and McGillion, *Unfinished Business*, 73.

¹⁵⁵ Ted Henken, “Balseros, Boteros, and El Bombo: Post-1994 Cuban Immigration to the United States and the Persistence of Special Treatment,” *Latino Studies* 3, no. 3 (2005): 398, <https://doi.org/10.1057/palgrave.lst.8600159>.

¹⁵⁶ Morley and McGillion, *Unfinished Business*, 73.

¹⁵⁷ Daniel de Vise and Elane de Valle, “Cuban Balseros Helped Change the Political Flavor of Florida,” *Miami Herald*, August 3, 2004, <https://www.cubanet.org/htdocs/CNews/y04/sep04/03e12.htm>.

¹⁵⁸ LeoGrande and Kornbluh, *Back Channel to Cuba*, 2015, 280.

¹⁵⁹ de Vise and de Valle, “Cuban Balseros Helped Change the Political Flavor of Florida.”

¹⁶⁰ Gibbs, *U.S. Policy towards Cuba*, 64.

¹⁶¹ Morley and McGillion, *Unfinished Business*, 72.

Additionally, the U.S. embargo was intensified to discipline Castro for allowing his citizens to engage in the dangerous migration.¹⁶²

Initially, Panama was chosen as the safe haven to send the Balseros. However, using Panama quickly became too costly, exceeding \$170 million.¹⁶³ Additionally, akin to Fort Chafee, the Cubans sent there became restless and started riots within the camps. Combined with the growing cost, the Clinton administration realized that holding the Cubans in camps, by this point most of whom were sent to Guantanamo, was not an acceptable nor desired end-state.¹⁶⁴

Despite the policy of detaining the rafters instead of allowing entry to the US, the flow of Balseros did not end.¹⁶⁵ U.S. officials knew that the only real way to stop the flow of migrants was on the beaches of Cuba. With this in mind, Presidents Clinton and Castro began, what was at the time, the most complex series of secret back-channel talks between Cuba and the US.¹⁶⁶

In his memoir, President Clinton summed up these negotiations which was essentially the result of one conversation between himself and García Márquez, a personal friend of Castro. Clinton told Márquez that Castro had already cost him one election, referring to the gubernatorial race and the Mariel crisis, and that Castro can't have two. That same message was relayed through President Salinas of Mexico to Castro and, "not long afterward, the United States and Cuba reached an agreement."¹⁶⁷

In reality, there was much more to the negotiations. The negotiations included a secret meeting with President Carter, coordinated through Max Lesnick and Alfredo Guevara. Lesnick had fought with Castro in the revolution but came to the U.S. shortly

¹⁶² Felix Roberto Masud-Piloto, *From Welcomed Exiles to Illegal Immigrants: Cuban Migration to the U.S., 1959–1995* (Rowman & Littlefield, 1996), 140–41.

¹⁶³ Nackerud et al., "The End of the Cuban Contradiction in U.S. Refugee Policy," 180.

¹⁶⁴ Nackerud et al., 180.

¹⁶⁵ LeoGrande and Kornbluh, *Back Channel to Cuba*, 2015, 284.

¹⁶⁶ LeoGrande and Kornbluh, 284–85.

¹⁶⁷ Clinton, *My Life*, 615.

thereafter. Alfredo Guevara was a close friend of Castro.¹⁶⁸ On August 27, Castro met with Carter. Carter, just before the meeting was to occur, was notified of an alternative plan, and was therefore prevented from achieving any accord with Castro. That alternative plan was to use President Salinas of Mexico as an intermediary between Clinton and Castro.¹⁶⁹

With the help of President Salinas, on September 1, President Clinton laid out his terms of allowing at least 20,000 Cuban visas per year as long as Cuba stopped the flow of migrants and allowed the Cubans being held at Guantanamo Bay to return home safely, if they chose to do so.¹⁷⁰ Castro countered with his requirement that Clinton rescind his announcement that the U.S. would terminate travel, telephone calls, and remittances to Cuba, and that Clinton would agree to future discussions on removing the embargo.¹⁷¹ Eventually, on the 6th of September, it was agreed that Cuba would stop the flow of migrants and Clinton would rescind the restrictions in sixty days.¹⁷²

While this agreement ended the current Balsero migrant crisis, it did not end the problem of what to do with the 20,000 Cubans detained in Guantanamo. Thus began several more months of secret talks between Peter Tarnoff, Undersecretary of State for Political Affairs and Ricardo Alarcón, former Cuban Vice Minister of Foreign affairs. The two had worked together during the Carter administration and kept in contact. The secret talks culminated in the May 2nd joint statement between the U.S. and Cuba, which became known as the “wet foot-dry foot” policy.¹⁷³ The joint statement agreed that any Cubans caught at sea or those found to have illegally entered Guantanamo Bay would be returned to Cuba without fear of reprisal. Additionally, those currently being held at Guantanamo, if eligible would be gradually paroled into the US. Those ineligible would be allowed back

¹⁶⁸ LeoGrande and Kornbluh, *Back Channel to Cuba*, 2015, 285.

¹⁶⁹ LeoGrande and Kornbluh, 287.

¹⁷⁰ LeoGrande and Kornbluh, 292.

¹⁷¹ LeoGrande and Kornbluh, 293.

¹⁷² LeoGrande and Kornbluh, 294.

¹⁷³ LeoGrande and Kornbluh, 297–99.

into Cuba.¹⁷⁴ This statement effectively ended three decades of “automatic political asylum” to the U.S. for “Cubans fleeing postrevolution [sic] Cuba.”¹⁷⁵

B. BUSH AND GUANTANAMO BAY

President George W. Bush, came into office with a “deep disdain for Communist Cuba” and did not view reaching out to Cuba as advantageous.¹⁷⁶ Bush continued the status quo embargo because he argued that Cuba lacked basic property rights. Lacking an opening in its economic and political system, trade with Cuba would only “enrich Fidel Castro and his cronies” and his “totalitarian regime.”¹⁷⁷ Despite a Republican president arguing against trade with Cuba, there were still Republicans who, prior to September 11, 2001, had made efforts to increase economic ties with Cuba. Jeff Flake (R-AZ), authored an amendment to an appropriations bill that was approved but was later removed in conference.¹⁷⁸

Further attempts to improve trade faced a new hurdle when the attacks of September 11 increased allegations that Cuba was a sponsor of state terrorism. This argument was bolstered when it was revealed that Ana Belen Montes, the same intelligence analyst that had drafted an assessment which described Cuba as no longer a military threat, had been a Cuban spy for 16 years.¹⁷⁹

¹⁷⁴ William J Clinton, “Joint Statement With the Republic of Cuba on Normalization of Migration,” The American Presidency Project by Gerhard Peters and John T. Woolley, May 2, 1995, <https://www.presidency.ucsb.edu/documents/joint-statement-with-the-republic-cuba-normalization-migration>.

¹⁷⁵ Walt Vanderbush and Patrick J. Haney, “Policy Toward Cuba in the Clinton Administration,” *Political Science Quarterly* 114, no. 3 (1999): 400, <https://doi.org/10.2307/2658203>.

¹⁷⁶ Condoleezza Rice, *No Higher Honor: A Memoir of My Years in Washington* (New York: Crown/Archetype, 2012), 311.

¹⁷⁷ George W. Bush, “Remarks Announcing the Initiative for a New Cuba,” May 20, 2002, <https://www.presidency.ucsb.edu/documents/remarks-announcing-the-initiative-for-new-cuba>.

¹⁷⁸ Gibbs, U.S. *Policy towards Cuba*, 118–19.

¹⁷⁹ Gibbs, 119.

The Bush administration used terrorism as a tool to waylay opposition to the embargo despite the Pentagon no longer considering Cuba a threat.¹⁸⁰ In fact, Cuba was one of the first countries to express condolences and offer help to the U.S. Nor was there an objection by Castro to the use of Guantanamo as a detainee facility. Although, Leogrande and Kornbluh do concede that the quick offer of help could have been due to fear of unilateral action by the U.S. after Bush's "either you are with us, or you are with the terrorist" speech.¹⁸¹

The actual decision to use Guantanamo involved several aspects. The impetus to find a secure facility to keep detainees captured in Afghanistan was the Battle of Qala-i-Jangi from November 25 to December 1, 2001. Fighting began when approximately 600 Taliban and al-Qaeda prisoners, using weapons that were smuggled into the fortress, started a riot. Among the dead was CIA agent Johnny "Mike" Spann, the first U.S. casualty in Afghanistan.¹⁸² The riot showed that the U.S. needed a secure facility to hold captured enemy combatants.¹⁸³ Complying with a military order by President Bush in November 2001, Secretary of Defense Rumsfeld considered Fort Leavenworth, Kansas, Alcatraz, a ship permanently stationed in the Arabian Gulf, and bases in the Pacific and Indian Oceans.¹⁸⁴ Using any facilities on U.S. soil such as Guam were ruled out to prevent invocations of U.S. constitutional rights by detainees.¹⁸⁵ Additionally, confining detainees overseas meant that detainees could be held indefinitely and the U.S. government had no requirement to provide due process and other traditional procedures since Cuba maintained

¹⁸⁰ LeoGrande and Kornbluh, *Back Channel to Cuba*, 2015, 347. On a side note, it is unclear to the author, nor was the author able to find evidence that the opinion of the Pentagon of Cuba no longer being a threat to national security was influenced by the report authored by the spy Ana Belen Montes.

¹⁸¹ LeoGrande and Kornbluh, 346.

¹⁸² Charles M. Sennott, "The First Battle of the 21st Century: Returning to the Site of America's Earliest Casualty in Afghanistan," *The Atlantic*, May 5, 2015, sec. Global, <https://www.theatlantic.com/international/archive/2015/05/war-afghanistan-spann-qala-i-jangi/392402/>.

¹⁸³ Bush, *Decision Points*, 166.

¹⁸⁴ Rumsfeld, *Known and Unknown*, 566.

¹⁸⁵ Bush, *Decision Points*, 166.

territorial sovereignty.¹⁸⁶ In the end, Secretary Rumsfeld quipped that Guantanamo was the “least worst place.”¹⁸⁷

Rumsfeld also argued that there was a precedent set when both Carter and Clinton used Guantanamo to house refugees and that those same refugees were not afforded the legal rights of U.S. citizens because they were neither U.S. citizens nor on U.S. soil. Furthermore, Bush administration lawyers determined there was no requirement to provide access to U.S. courts, which was also the same for previous refugees.¹⁸⁸

Almost immediately, the use of Guantanamo became a controversial subject. Early pictures of detainees in transit showed the detainees in restraints, covered goggles, face masks, and ear muffs.¹⁸⁹ Attorney General John Ashcroft defended the measures taken as protection for the troops stationed at Guantanamo and U.S. Southern Command spokesman said that the measures are only taken when the detainees were being moved.¹⁹⁰

Controversy continued when Justice Department lawyers Jay Bybee and Jon Yoo prepared a memo approving of the following aggressive interrogation techniques:

- prolonged solitary confinement, including isolation in total darkness
- deliberate exposure to extremes of heat and cold
- threats of attack from unmuzzled dogs
- forced nakedness
- short shackling in painful stress positions for extended periods
- denial of food and water

¹⁸⁶ Cutler, “Bush vs. Obama Detainee Policy Post-9/11: An Assessment,” 65.

¹⁸⁷ Rumsfeld, *Known and Unknown*, 566.

¹⁸⁸ Rumsfeld, 567.

¹⁸⁹ Wang, “Assessing the Bush Administration’s Detention Policy for Taliban and Al-Qaeda Combatants at Guantanamo Bay in Light of Developing United States Case Law and International Humanitarian Law, Including the Geneva Conventions,” 416.

¹⁹⁰ Bob Franken, “Ashcroft Defends Detainees’ Treatment,” News, CNN.com, January 22, 2002, <http://www.cnn.com/2002/US/01/21/ret.detainees/?related>.

- repeated body cavity searches.¹⁹¹

The memo, which was to be approved by Secretary Rumsfeld was quickly rescinded after backlash, but the Bybee-Yoo strategy continued to influence policy.¹⁹² Many considered “aggressive interrogation techniques” as torture and Crotty argued that the “state advocacy of the use of torture... was both extraordinary and illegal.”¹⁹³ Alleged 9/11 mastermind Khalid Shaikh Mohammad’s former lawyer cited declassified documents which showed that Mohammad was subjected to “183 sessions of waterboarding, 180 hours of sleep deprivation, and threats to kill his family.”¹⁹⁴

A hearing by the House Committee on Armed Services was held to address the allegations of use of torture. Committee Chairman Duncan Hunter started the hearing and argued that the detainees were treated fairly, had access to medical care, and proper nutrition. Importantly, detainees had the right to a lawyer, which uniformed soldiers do not get under the Geneva Conventions.¹⁹⁵ Representative Ike Skelton and Brigadier General Jay Hood echoed those comments and argued that although there were many terrorists being held at Guantanamo, they all deserved to have their cases heard.¹⁹⁶

President Bush realized that Guantanamo was a “propaganda tool for our enemies and a distraction for our allies.”¹⁹⁷ Bush wanted to close the facility but in a way that did not compromise security.¹⁹⁸ Even during his first term, the numbers of detainees being brought to Guantanamo was almost completely ended as Bagram became the preferred

¹⁹¹ John Yoo’s *Crisis and Command: A History of Executive Power from George Washington to George W. Bush* as cited by Cutler, “Bush vs. Obama Detainee Policy Post-9/11: An Assessment,” 66.

¹⁹² Cutler, 66.

¹⁹³ William Crotty, “Policy and Politics: The Bush Administration and the 2008 Presidential Election,” *Polity* 41, no. 3 (2009): 290.

¹⁹⁴ Jason D Wright, “The Sin of Torture & Guantánamo Bay,” January 10, 2015, <https://www.amnesty.org/en/latest/campaigns/2015/01/the-sin-of-torture-guant%25C3%25A1namo-bay/>.

¹⁹⁵ Curt Weldon, “Detainee Operations at Guantanamo Bay-Hearing Before the Committee on Armed Services-House of Representatives-One Hundred Ninth Congress” § Committee on Armed Services (2005).

¹⁹⁶ Weldon.

¹⁹⁷ Bush, *Decision Points*, 180.

¹⁹⁸ Bush, 180.

detention facility.¹⁹⁹ Secretary Rumsfeld worked towards that end, ordering a report to him every two days that showed him how more detainees were going to be transferred to their own country.²⁰⁰ By the end of Bush's second term, the number of detainees held at Guantanamo dropped from almost 800 to less than 250.²⁰¹ As of January 2018, that number had dropped to 41.²⁰²

C. OBAMA'S NORMALIZATION WITH CUBA

Early on, President Obama had expressed a willingness to work with and directly engage Cuba on a multitude of issues from democratic reforms, migration, and drug trafficking.²⁰³ "I didn't come here to debate the past," [Obama] said. "I came here to deal with the future"²⁰⁴ After 50 years of status quo with Cuba, Obama believed that the U.S. policy had failed and change was needed towards a new beginning.²⁰⁵

Initially, it seemed as though Obama would follow through on his statements. In a 2009 memorandum to the Secretary of State, Secretary of Treasury, and Secretary of Commerce, Obama lifted travel restrictions and remittances, authorized several allowances for telecommunications providers to ink deals with Cuba, and expanded the scope of humanitarian donations eligible to be sent to Cuba.²⁰⁶ Overall, Obama's decrease in restrictions did not have much effect in terms of actual exports to Cuba. Trade peaked in President Bush's last year in office at \$711.5 million. A large drop followed which can also be attributed to the global recession. 2015 showed the lowest numbers during Obama's

¹⁹⁹ Cutler, "Bush vs. Obama Detainee Policy Post-9/11: An Assessment," 77.

²⁰⁰ Rumsfeld, *Known and Unknown*, 568–69.

²⁰¹ Bush, *Decision Points*, 180.

²⁰² Amnesty International, "After 16 Years, Close Guantánamo's Detention Center Once and For All," January 11, 2018, <https://www.amnesty.org/en/latest/news/2018/01/usa-after-16-years-close-guantanamos-detention-center-once-and-for-all/>.

²⁰³ Hillary Rodham Clinton, *Hard Choices* (New York, N.Y.: Simon and Schuster, 2014), 248.

²⁰⁴ Quote by Barack Obama in which a source is not provided by Clinton, 248.

²⁰⁵ From Barack Obama's editorial "Our Main Goal: Freedom in Cuba," *Miami Herald*, August 21, 2007 as cited in LeoGrande and Kornbluh, *Back Channel to Cuba*, 2015, 368–69.

²⁰⁶ Barack Obama, "Memorandum on Promoting Democracy and Human Rights in Cuba," The American Presidency Project, April 13, 2009, <https://www.presidency.ucsb.edu/documents/memorandum-promoting-democracy-and-human-rights-cuba>.

terms in office with a slight increase in the last two years of Obama as president, as shown in Figure 1.²⁰⁷

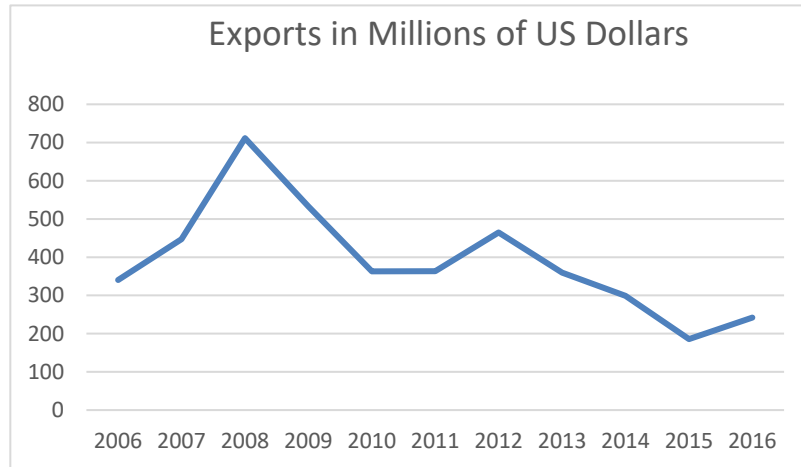


Figure 1: U.S. Exports to Cuba from 2006 to 2016²⁰⁸

In reality, by the end of 2009, Obama’s Cuba policy was more prohibitive than both President Carter’s and Clinton’s.²⁰⁹ Despite changes made by Obama, overall Cuban policy would remain largely unchanged until late into Obama’s second term. For example, it was not until 2014 that Obama ordered a review of Cuba’s status as a sponsor of state terrorism.²¹⁰ Then in 2015, Obama submitted the statutorily required report and certifications to rescind Cuba’s status as a sponsor of state terrorism.²¹¹ The “Country Reports on Terrorism” argued that the decision to remove Cuba from the list of state sponsors of terrorism was supported by Cuba’s strengthening of its counterterrorism laws, steps taken to distance itself from other sponsors of terrorism, Cuba’s work towards anti-money laundering and financing of terrorism. Additionally, Cuba hosted internationally

²⁰⁷ Data provided by U.S. Census Bureau, “Trade in Goods with Cuba,” Foreign Trade, accessed March 19, 2019, <https://www.census.gov/foreign-trade/balance/c2390.html>. Analysis provided by author.

²⁰⁸ Adapted from U.S. Census Bureau.

²⁰⁹ LeoGrande and Kornbluh, *Back Channel to Cuba*, 2015, 372.

²¹⁰ U.S. Department of State, “Country Reports on Terrorism” (U.S. Department of State, June 2016), 257.

²¹¹ U.S. Department of State, 283–84.

recognized peace negotiations between the Government of Colombia and the Revolutionary Armed Forces of Colombia (FARC).²¹² The delay or lack of action until late into President Obama's presidency was from the perception that Cuba was not an urgent problem that Cuba did not necessitate the attention of policy makers.²¹³

Additionally, the U.S. Agency for International Development (USAID) which is self-described as an organization that "leads international development and humanitarian efforts to save lives, reduce poverty, strengthen democratic governance and help people progress beyond assistance"²¹⁴ continued to conduct covert operations within Cuba.²¹⁵ The telecommunications that Obama discussed in his 2009 address included efforts to provide anti-government bloggers within Cuba material support.²¹⁶

One line of effort included Alan Gross and a USAID program to provide NGO's in Cuba's Jewish community with cell phones, flash drives, laptops, and satellite communications technology, which allowed a virtually undetectable wireless network outside of Cuban government control.²¹⁷ Gross's operation did not go unnoticed by Cuban law enforcement and it came "as no surprise that the Cuban regime would lock up an American for distributing communications equipment."²¹⁸

In 2010, there was an attempt at negotiating a release for Gross as part of restructuring the USAID plan for Cuba. A deal seemed to have been agreed upon by Senator John Kerry (D-MA) and Cuban Foreign Minister Bruno Rodríguez. However, Senator Robert Menendez (D-NJ) raised objections and the Obama administration did not

²¹² U.S. Department of State, 284.

²¹³ LeoGrande and Kornbluh, *Back Channel to Cuba*, 2015, 372.

²¹⁴ USAID, "Who We Are," February 16, 2018, <https://www.usaid.gov/who-we-are>.

²¹⁵ LeoGrande and Kornbluh, *Back Channel to Cuba*, 2015, 375.

²¹⁶ LeoGrande and Kornbluh, 375.

²¹⁷ Desmond Butler, "AP IMPACT: USAID Contractor Work in Cuba Detailed," *Bloomberg Businessweek*, n.d., 6.

²¹⁸ Representative Ileana Ros-Lehtinen (R-FL) as quoted by William Booth and Mary Beth Sheridan, "Cuba Detains American Government Contractor," *Washington Post*, December 13, 2009, sec. Wire, <http://search.proquest.com/usnews/docview/351798964/abstract/C1A3DAF209194B44PQ/1>.

have the political will to go against the senior Cuban American senator's objections.²¹⁹ Thus, Cubans lost trust in the Obama administration and the White House, which only wanted to use official channels for negotiations. The White House was frustrated that Cuba had not reciprocated Obama's loosening of travel and remittances to Cuba.²²⁰ Most importantly, with Gross still in Cuban captivity, there could be no real movement on the U.S. side.²²¹

After President Obama was re-elected, he felt that he had more room to negotiate with Cuba and if he were going to do anything, he wanted to "do as much as we can all at once."²²² Ben Rhodes, Deputy National Security Advisor for Strategic Communications and speech writer for President Obama teamed up with Ricardo Zuniga, leading expert on Cuba within the State Department to begin talks with Cuba. Two topics of discussion that came up during negotiations involved Edward Snowden and his attempt to get to Venezuela via Havana and requesting negotiation assistance from the Pope. Their first meeting with Cuban officials occurred in Canada with a delegation that included Alejandro Castro, Raúl Castro's son; a sign that Cuba was serious about negotiations.²²³

The first meeting ended with minimum objectives having been met. Rhodes and Zuniga succeeded in establishing a channel with Cuba, built a back-channel relationship, and they agreed to meet with the Cuban delegation again within a few weeks.²²⁴ Importantly though, Rhodes built a personal rapport with Castro. The second meeting, also in Canada ended with some small steps being taken towards larger agreements. These included artificial insemination of the wife of a Cuban prisoner being held in the U.S. and

²¹⁹ LeoGrande and Kornbluh, *Back Channel to Cuba*, 2015, 379.

²²⁰ LeoGrande and Kornbluh, 379–81.

²²¹ John Kerry, *Every Day Is Extra*, 1st ed. (New York, N.Y.: Simon and Schuster, 2018), 426; LeoGrande and Kornbluh, *Back Channel to Cuba*, 2015, 382.

²²² Barrack Obama as quoted by Rhodes, *The World as It Is*, 264.

²²³ Rhodes, 211–13.

²²⁴ Rhodes, 216.

improvements in Gross's living conditions to include a new room, Spanish lessons, and printer access.²²⁵

At the same time of the second meeting, Edward Snowden, the man famous for leaking NSA and CIA secrets to the Guardian, was trying to make his way to Venezuela via Havana. Using the rapport that Rhodes had developed with Castro, Rhodes gave a one on one message to Castro from President Obama. Obama's message via Rhodes to both Castro's was that any political room that Obama might have towards renewed relations "will be gone" if Cuba aided Snowden.²²⁶ A news report later showed that Snowden was stuck in a Moscow airport because Havana refused to aid in his transfer to Venezuela and Rhodes took that as a signaling message that Cuba meant business when it came to improved U.S.-Cuban relations.²²⁷

From there the story heads to the Vatican. In September 2013, Senator Dick Durbin (D-IL) suggested the idea of approaching the Pope to help broker a deal with Cuba.²²⁸ Several months later, in March of 2014, an hour-long meeting between the Pope and President Obama was conducted at the Vatican. The Pope agreed to help and followed up by having Cardinal Jaime Ortega from Havana hand deliver letters to both Obama and Castro.²²⁹ In a final meeting in Toronto, Rhodes, Zuniga and Alejandro Castro's Cuban delegation agreed upon final points before they all met back at the Vatican with the Pope.²³⁰

According to Rhodes, the Vatican meeting achieved its objectives. Both sides agreed to exchange Alan Gross and a U.S. intelligence asset that had been imprisoned in Cuba for nearly two decades for the remaining three Cuban prisoners being held in the US.

²²⁵ Rhodes, 263.

²²⁶ Rhodes, 263.

²²⁷ Rhodes, 263.

²²⁸ William LeoGrande and Peter Kornbluh, "Fidel Castro Has Died. Here's an inside Look at Cuba's Crazy Back-Channel Negotiations with Obama.," Mother Jones, accessed March 21, 2019, <https://www.motherjones.com/politics/2015/08/secret-negotiations-gross-hernandez-kerry-pope-obama-castro-cuba/>.

²²⁹ LeoGrande and Kornbluh; Rhodes, *The World as It Is*, 286.

²³⁰ Rhodes, *The World as It Is*, 288–89.

Additionally, they agreed to announce the commencement of the process of normalizing relations, including diplomatic relations. Fifty-three political prisoners were to be released by the Cubans. Lastly, within the confines of the Helms-Burton Act, the U.S. agreed to further ease restrictions on travel and commerce with Cuba.²³¹

On December 17, 2014 President Obama gave an address to the nation on the new policy towards Cuba. During the speech, Obama let the world know that Gross and the intelligence asset were safe in the US.²³² The intelligence asset was later identified as Rolanda Sarraff Trujillo.²³³ Trujillo was the spy that led to the prosecution of Cuban spies including Ana Montes²³⁴ and the same Cuban prisoners now being sent back to Cuba as part of negotiations.²³⁵ Obama also announced that he directed Secretary of State Kerry to review Cuba's status as a sponsor of state terrorism and "steps to increase travel, commerce, and the flow on information to and from Cuba."²³⁶ In the end, it was the back-channel negotiations and the release of Alan Gross which enabled Obama to follow through on his initial plan of reaching out to Cuba.

²³¹ Rhodes, 300.

²³² Obama, Statement by the President on Cuba Policy Changes.

²³³ LeoGrande and Kornbluh, "Fidel Castro Has Died. Here's an inside Look at Cuba's Crazy Back-Channel Negotiations with Obama."

²³⁴ LeoGrande and Kornbluh.

²³⁵ Obama, Statement by the President on Cuba Policy Changes.

²³⁶ Obama.

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III. HELMS-BURTON ACT

While Chapter II analyzed three important events across three presidencies, Chapter III takes a different approach and focuses solely on the passage of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996. Otherwise known as the Helms-Burton Act after its two main authors, Jesse Helms (R-NC) and Dan Burton (R-IN), the act followed closely after the Balsero crisis of 1994.

By the 1990s, no longer receiving Soviet support, Cuba had plummeted into a deep economic depression and was no longer perceived by some as a national security threat, including Helms himself.²³⁷ Although Helms never explicitly stated that Cuba was no longer a threat, he shifted from strategic motivations and arguing against the Communist and national security threat of Cuba, and instead made the moral the argument to use Cuba's weakness as justification to further pressure Castro's "tyrannical" regime which forces suffering upon the Cuban people.²³⁸ To counter protests against continuously ineffective methods of isolating Cuba, Helms argued that Helms-Burton would have the desired effect of ending Castro's power precisely because the Soviet Union was no longer propping up the Cuban government. Helms argued further that since the Soviet Union was removed from the equation, it was time to end the "calibrated steps" towards recognizing Cuba and that Castro needed a "final push."²³⁹ In February of 1995, Helms introduced his bill that he argued would do just that.²⁴⁰

The rest of this chapter chronicles events and arguments surrounding the Helms-Burton Act and is divided into five sections. The first section discusses the initial catalyst

²³⁷ Wohlers, "Trying to Legislate Foreign Policy: The Story of Helms-Burton," 1–2; Claiborne Pell and Lee H. Hamilton, "The Embargo Must Go," *Washington Post*, September 8, 1994, sec. A19, <http://search.proquest.com/docview/751175688/abstract/5CE757C5D79C41BAPQ/1>; Jesse Helms, "Castro Needs a Final Push," *Washington Post*, May 4, 1995. Pell and Hamilton argued the claim that Cuba was no longer aggressively challenging U.S. interests and that embargo should be incrementally lifted.

²³⁸ Wohlers, "Trying to Legislate Foreign Policy: The Story of Helms-Burton," 2; Helms, "Castro Needs a Final Push."

²³⁹ Helms, "Castro Needs a Final Push."

²⁴⁰ Wohlers, "Trying to Legislate Foreign Policy: The Story of Helms-Burton," 2.

of support leading to the up to the debate of the bill. Second, the debate of the bill follows to include a breakdown of each title of the bill. The controversial Title III is discussed as well as parts of the bill that were borrowed from previous legislation attempts. The second section then discusses the final push and failure to achieve cloture in October which led to the bill losing momentum. The third section details how the shooting down of the Brothers to the Rescue flight on February 24, 1996, provided supporters in Congress the overwhelming push to finalize the bill into law in March of 1996. Lastly, domestic and international opposition to the act is detailed followed by a discussion of the aftermath of the passage of Helms-Burton and the codification of the U.S. embargo of Cuba into law.

A. LEADING UP TO THE BILL

The November 1994 mid-term elections marked a landslide victory for the Republicans. The turnover in both the House and the Senate marked the first time since 1954 that the Republicans gained the majority in both chambers of Congress.²⁴¹ Jorge Mas Canosa, Cuban exile and chairman of the prominent Cuban American National Foundation (CANF) wasted little time in attempting to capitalize on what he saw as an advantageous situation. On November 15, Canosa sent a letter to several Latin American embassies whose governments allowed for economic ties with Cuba.²⁴² The same warning which both the UK and Germany had previously received, cautioned that any investors who made deals with confiscated property in Cuba will eventually be forced to atone for “their collaboration with a totalitarian system” and that those investments will be held until a method is devised to ensure the “equitable return of the forfeited properties to their rightful owners” in a post-Castro Cuba.²⁴³ Upon submission of the bill he co-authored, Helms echoed Canosa’s sentiment and stated that legal action can be taken against companies that

²⁴¹ R W Apple, “The 1994 Elections: Congress - News Analysis - How Lasting a Majority?,” *New York Times*, November 10, 1994, Late Edition (East Coast) edition, sec. A.

²⁴² Joaquín Roy, *Cuba, the United States, and the Helms-Burton Doctrine: International Reactions* (University Press of Florida, 2000), 29; “Countries Warned to Stay out of Cuba,” *St. Petersburg Times*; *St. Petersburg, Fla.*, December 22, 1994, sec. National.

²⁴³ “Countries Warned to Stay out of Cuba Series.”

conduct business with any properties formally held by U.S. interests, and were subsequently confiscated by Cuba.²⁴⁴

Even before the submission of the bill by Helms, opposition from the likes of Senator Claiborne Pell (D-FL) and Lee H. Hamilton (D-IN), made it obvious that there were two camps to the Helms-Burton debate, largely along party lines. Those whose goal was to further isolate Cuba in the hopes that isolation would end Castro's regime²⁴⁵ and those who argued that the better and proven way to deal with a communist state was to "intensify and broaden our engagement with [Cuba's] people" enabling an erosion of the totalitarian state through openness.²⁴⁶

Breaking the two camps into either Republican or Democrat, looking at the final votes from both the House and the Senate show that overall, Republicans were mostly in the isolationist camp, while the Democrats were split almost evenly. In the House, 97% of the Republicans voted yes for the final version versus 54% of Democrats. 88% of the Senate Republicans voted yes versus 57% of Democrats. The number of 'present' or 'non-votes' were inconsequential as even if all of them had voted either yes or all no, they would not have been enough to switch the overall vote.²⁴⁷

B. DEBATING THE BILL

The Helms-Burton Act is comprised of four titles which borrowed elements of previously failed legislation attempts. Introduced in early 1995, a final push to pass the bill before the end of the year came about between October 12 and 18. During these days, there were several failures at cloture as well as the failed attempt of adopting three amendments to the bill. To avoid confusion concerning the timeline of the debate of the bill and passing

²⁴⁴ Roy cites the dispatches for AP and other news agencies for February 9, 1995 in *Cuba, the United States, and the Helms-Burton Doctrine*, 29.

²⁴⁵ Helms, "'Castro Needs a Final Push.'"

²⁴⁶ Pell and Hamilton, "The Embargo Must Go."

²⁴⁷ Data compiled by author from "U.S. Senate: U.S. Senate Roll Call Votes 104th Congress - 2nd Session - Vote 22," United States Senate, March 5, 1996, 22, https://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=104&session=2&vote=00022; "Cuban Liberty and Democratic Solidarity Act - U.S. House of Representatives Final Vote Results for Roll Call 47," Pub. L. No. H.R. 927 (1996), <http://clerk.house.gov/evs/1996/roll047.xml>.

into law, the following explanation of the bill concerns the final version that was codified into law.

“Title I-Strengthening International Sanctions Against the Castro Government” had several elements to it. Title I prohibited the funding of “loan [s], credit, or other financing” to be knowingly extended for the purpose of “financing transactions of any confiscated property” that was once owned by a U.S. national (section 103 (a)) and opposition to the membership of international financial institutions by Cuba (section 104).²⁴⁸ There was also the conversion to UHF of Television Marti, the television station broadcasting into Cuba (section 107(a)).²⁴⁹ Support for human rights and democratic groups was authorized in the form of books, humanitarian assistance, visits and permanent deployment of “independent international human rights monitors in Cuba” and elections (section 109 (a)(1-4) and (b)(1)).²⁵⁰ Lastly, Title I condemned the criminal shooting down of the Brothers to the Rescue flights, actions which were ordered by Castro (section 116).²⁵¹

“Title II-Assistance to a Free and Independent Cuba” addressed such issues as assistance for Cuban people (section 202), requirements in order to terminate the economic embargo of Cuba (section 204), and the settlement of outstanding U.S. claims to confiscated property in Cuba, which required the Secretary of State to submit a report on the assessment of property disputes in Cuba (section 207). This included the estimated number and dollar amount of claims (section 207 (a)(1), an evaluation of assistance that the U.S. could provide to a transitional government in Cuba to resolve property issues (section 207 (a)(3), and an assessment of any role the U.S. can play in assisting in the adjudication of settlement claims within Cuba (section 207 (a)(4)).²⁵²

²⁴⁸ Dan Burton, “H.R.927 - 104th Congress (1995-1996): Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996,” Pub. L. No. 104–114 (1996), <https://www.congress.gov/bill/104th-congress/house-bill/927/text>.

²⁴⁹ Burton, H.R.927 - 104th Congress (1995-1996): Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996.

²⁵⁰ Burton.

²⁵¹ Burton.

²⁵² Burton.

“Title III-Protection of Property Rights of United States Nationals” allowed any person or company three months to divest themselves of any property that was confiscated by the Cuban government on or after January 1, 1959, or they shall be liable to the U.S. national who was the rightful owner to that property prior to confiscation (section 302(a)(1)).²⁵³ There were also delineations to which proof of ownership could be certified (section 303).²⁵⁴ Title III became a contentious portion of the bill due to its extraterritoriality and potential conflict provoking violations of international law.²⁵⁵

Finally, “Title IV-Exclusion of Certain Aliens Who Have Confiscated Property of United States Nationals or Who Traffic in Such Property” laid out the guidelines for the Secretary of State and the Attorney General to deny visas to and entry to the U.S. of persons who have trafficked in any property that was confiscated by Cuba. The title included anybody who has personally confiscated or “directed or overseen the confiscation of” property (section 401 (a)(1)), any “corporate officer, principal, or or shareholder” of an entity involved with confiscated property (section 401 (a)(3), and any “spouse, minor child, or agent” of anyone that would be excluded under the previous paragraphs of section 401 (section 401 (a)(4)).²⁵⁶

During the process of writing the bill, Helms gave the job of reviewing previous “anti-Castro proposals” to Dan Fisk, a staff member of the Senate Foreign Relations Committee.²⁵⁷ Gibbs wrote that Fisk found multiple previously failed proposals that were introduced but never made it to becoming public law,²⁵⁸ which directly contributed to the writing of Helms-Burton. Two notable proposals are H.R. 5295 and H.R. 5297, both of which were submitted by Cuban-American Representative Lincoln Diaz-Balart (R-FL). H.R. 5296 “To Oppose Cuba’s admission as a member of international financial

²⁵³ Burton.

²⁵⁴ Burton.

²⁵⁵ Roy, *Cuba, the United States, and the Helms-Burton Doctrine*, 57.

²⁵⁶ Burton, H.R.927-104th Congress (1995-1996): Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996.

²⁵⁷ Gibbs, *U.S. Policy towards Cuba*, 73.

²⁵⁸ Gibbs, 74–75.

institutions” later became section 104 of Helms-Burton.²⁵⁹ Additionally, H.R. 5297 “To deny visas to aliens involved with the foreign expropriation of property of United States persons” was initially introduced as part of Title III, but in the final bill became Title IV.²⁶⁰

After passing the House with a vote of 294–130,²⁶¹ the bill seemed to languish in the Senate. Giscard contributed this to the fact that the Clinton administration was worried that the extraterritorial nature of the bill would inflame U.S. allies and partners.²⁶² Unable to fully deny support for or against the bill, Richard Nuccio, Special Advisor to the President and Secretary of State for Cuba, claimed that he was unsure whether President Clinton did or did not support Helms-Burton.²⁶³ In fact though, President Clinton had stated publicly his concerns about Helms-Burton.²⁶⁴ Either way, once Helms-Burton made it to the Senate, the Senate failed two times to achieve cloture between October 12 and 17, 1995.²⁶⁵ At this point the bill seemed unable to achieve cloture until October 18,

²⁵⁹ Gibbs, 76; Lincoln Diaz-Balart, “H.R.5296 - 103rd Congress (1993-1994): To Oppose Cuba’s Admission as a Member of International Financial Institutions.,” Pub. L. No. H.R.5296 (1994), <https://www.congress.gov/bill/103rd-congress/house-bill/5296>.

²⁶⁰ Gibbs, U.S. *Policy towards Cuba*, 76; Lincoln Diaz-Balart, “H.R.5297 To Deny Visas to Aliens Involved with the Foreign Expropriation of Property of United States Persons.,” Pub. L. No. H.R.5297 (1994), <https://www.congress.gov/bill/103rd-congress/house-bill/5297/text>.

²⁶¹ “Final Vote Results for Roll Call 683,” Congress.gov, September 21, 1995, <http://clerk.house.gov/evs/1995/roll683.xml>.

²⁶² John C Giscard, “U.S.-Cuba Relations: Revisiting the Sanctions Policy” (Naval Postgraduate School, 2002), 37; Donna Rich Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba* (Lynne Rienner Publishers, 1998), 180.

²⁶³ Quote by Nuccio in an interview with Morley and McGillion, *Unfinished Business*, 91.

²⁶⁴ Daniel W Fisk, “Cuba and American Public Opinion,” *Cuba in Transition* 9 (1999): 315.

²⁶⁵ “U.S. Senate: U.S. Senate Roll Call Votes 104th Congress-1st Session-Vote 488,” United States Senate, October 12, 1995, https://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=104&session=1&vote=00488; “U.S. Senate: U.S. Senate Roll Call Votes 104th Congress-1st Session-Vote 489,” United States Senate, October 17, 1995, https://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=104&session=1&vote=00489.

when Helms agreed to remove Title III provisions that allowed litigation against foreign corporations who trafficked in confiscated property.²⁶⁶

The next day saw three motions to table Amendments 2934, 2906, and 2908 all of which passed.²⁶⁷ Amendment 2934 was submitted “to protect the constitutional right of Americans to travel to Cuba.”²⁶⁸ Both 2906 and 2908 would have struck wording from Senator Bob Dole’s (R-KS) original Amendment 2898 to “Title I-Strengthening International Sanctions Against the Castro Government.”²⁶⁹ With those amendments tabled, the Senate passed the Helms-Burton Act on October 19 with a vote of 74–24.²⁷⁰ However, even with Title III removed and without further Clinton administration support, the bill did not go to conference until December 14, where still, nothing was agreed upon until February 28, 1996,²⁷¹ four days after the shooting down of the Brother’s to the Rescue planes by Cuba.

²⁶⁶ Jefferson Morley, “Shoot down: ‘You Are Authorized to Destroy the Plane,’” *Washington Post*, May 25, 1997, 91, <http://search.proquest.com/docview/1444650806/abstract/921A294DACBA4DEBPQ/1>; “U.S. Senate: U.S. Senate Roll Call Votes 104th Congress-1st Session-Vote 491,” United States Senate, October 18, 1995, https://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=104&session=1&vote=00491.

²⁶⁷ “U.S. Senate: U.S. Senate Roll Call Votes 104th Congress-1st Session-Vote 492,” United States Senate, October 19, 1995, https://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=104&session=1&vote=00492; “U.S. Senate: U.S. Senate Roll Call Votes 104th Congress-1st Session-Vote 493,” United States Senate, October 19, 1995, https://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=104&session=1&vote=00493.

²⁶⁸ “104th Congress, 1st Session Issue: 141, No. 160-Daily Edition,” *Congressional Record-Daily Edition* 141, no. 160 (October 18, 1995): S15248–49. Paul Simon, “S.Amdt.2934 to S.Amdt.2936 to S.Amdt.2898 to H.R.927 - 104th Congress (1995-1996),” Legislation, Congress.gov, October 19, 1995, <https://www.congress.gov/amendment/104th-congress/senate-amendment/2934>.

²⁶⁹ Christopher J. Dodd, “S.Amdt.2908 to S.Amdt.2936 to S.Amdt.2898 to H.R.927-104th Congress (1995-1996),” legislation, October 19, 1995, <https://www.congress.gov/amendment/104th-congress/senate-amendment/2908>.

²⁷⁰ Morley and McGillion, *Unfinished Business*, 91; “U.S. Senate: U.S. Senate Roll Call Votes 104th Congress-1st Session-Vote 494,” United States Senate, October 19, 1995, https://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=104&session=1&vote=00494.

²⁷¹ “Actions-H.R.927-104th Congress (1995-1996): Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996,” Congress.gov, March 12, 1996, <https://www.congress.gov/bill/104th-congress/house-bill/927/all-actions>.

C. BROTHERS TO THE RESCUE

Veteran of the Bay of Pigs and Brothers to the Rescue director and founder, José Basulto and other Brothers pilots had been flying missions over the waters between Cuba and the U.S. in search and rescue efforts since 1991.²⁷² When a small boat or raft was found, the pilot would notify the U.S. Coast Guard of the location.²⁷³ Although the Brothers mission was humanitarian in nature, Basulto had a strong anti-Castro sentiment, to include an actual assassination attempt against Castro.²⁷⁴ Overtime, the Brothers mission changed to an effort to challenge the Castro regime more directly by doing overflights of Cuba while dropping anti-Castro leaflets.²⁷⁵ The overflights continued despite Cuban protests and back-channel efforts between the White House and Cuban officials to stop the overflights.²⁷⁶

Days before the fateful flight, Castro had cracked down and arrested members of the dissident and human rights group Concilio Cubano, arresting members, “independent economists, and independent journalists” (section 116(14)).²⁷⁷ On February 24, 1996, “acting on standing orders” to avert another overflight of Cuban airspace, two Cuban MiG-29’s, after failing to follow “international protocols for warning, intercepting, and escorting unarmed civilian airplanes,” fired heat seeking missiles, shooting down two of the three Brothers airplanes.²⁷⁸ The four dead pilots and crew members were Pablo Morales, Carlos Costa, Mario de la Pena, and Armondo Alejandre (section 116(12)).²⁷⁹ Unable to ignore the public outcry, the downing of the Brothers was the “spark” that reignited movement of

²⁷² LeoGrande and Kornbluh, *Back Channel to Cuba*, 2015, 305.

²⁷³ LeoGrande and Kornbluh, 305.

²⁷⁴ LeoGrande and Kornbluh, 305–6. Basulto fired 20mm cannon shells from a boat off the coast of Havana into a hotel where he believed Castro would be dining.

²⁷⁵ TV interview with Basulto, Stephen Stock, “Docs Show Cuban Shoot Down Was Expected,” CBS-4 Miami, November 29, 2009, as cited by LeoGrande and Kornbluh, 306.

²⁷⁶ For greater detail see LeoGrande and Kornbluh, 304–10.

²⁷⁷ Burton, H.R.927-104th Congress (1995-1996): Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996; LeoGrande and Kornbluh, *Back Channel to Cuba*, 2015, 313.

²⁷⁸ LeoGrande and Kornbluh, *Back Channel to Cuba*, 2015, 313.

²⁷⁹ Burton, H.R.927-104th Congress (1995-1996): Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996.

the bill when there was no solution in conference.²⁸⁰ Meeting again in conference on February 28, the House and Senate filed its report on March 1, and the Senate voted the bill into law with an overwhelming majority with a vote of 74–22.²⁸¹ The House subsequently agreed to the conference report 336–86 with one present vote.²⁸² President Clinton was presented the bill and despite the fact that many of his cabinet members “were shocked to learn that Helms-Burton codified the U.S. economic embargo,” Clinton signed into law Public Law No. 104–114 on March 12, 1996.²⁸³

D. OPPOSITION TO HELMS-BURTON

Opposition to Helms-Burton came throughout the year as it was making its way through Congress.²⁸⁴ One notable dispute to Helms-Burton came on the day that the Senate voted to pass it. Representative Jack Reed (D-RI) condemned Castro’s downing of the Brothers flights but objected to the bill based on his argument that it would only “succeed in further isolating the Cuban people, raising tensions, and endangering a peaceful transition to democracy” and urged his “colleagues to oppose H.R. 927.”²⁸⁵ Reed also argued that isolation had not ended the Castro regime and was also inconsistent with the policy of ending the Cold War and the implementation of a peaceful transition to market economies and democracy in Eastern Europe. Additionally, Reed submitted to congressional record Louise F. Desloge’s Washington Post Article, “The Great Cuban

²⁸⁰ Roy, *Cuba, the United States, and the Helms-Burton Doctrine*, 30; Giscard, “U.S.-Cuba Relations: Revisiting the Sanctions Policy,” 38.

²⁸¹ Roy, *Cuba, the United States, and the Helms-Burton Doctrine*, 31; “U.S. Senate: U.S. Senate Roll Call Votes 104th Congress-2nd Session-Vote 22.”

²⁸² Cuban Liberty and Democratic Solidarity Act - U.S. House of Representatives Final Vote Results for Roll Call 47, 47.

²⁸³ Citation of the shock of cabinet level officials originally reported by Richard A. Nuccio, “Cuba: A U.S. Perspective,” in *Transatlantic Tensions: The United States, Europe, and Problem Countries*, ed. Richard N. Haass (Brookings Institution Press, 1999), 27n.9; Also see in Roy, *Cuba, the United States, and the Helms-Burton Doctrine*, 34.

²⁸⁴ Among the multiple sources available, Roy quotes Jorge Dominguez, leading Cuba expert and Ernesto F Betancourt, former director of Radio Martí in Roy, *Cuba, the United States, and the Helms-Burton Doctrine*, 29–30.

²⁸⁵ Jack Reed, “CONFERENCE REPORT ON H.R. 927, CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY (LIBERTAD) ACT OF 1996” (1996), <https://congressional.proquest.com/congressional/docview/t17.d18.c45830ca070014f8?accountid=12702>.

Embargo Scam: A Little-Known Loophole Will Allow the Richest Exiles to Cash In.”²⁸⁶ Desloge argued that only the richest of Cubans who owned property at the time of original confiscation would be able to sue the current holders or traffickers of the property based on the 1959 \$50,000 minimum value. Very few Cubans had \$50,000 in 1959. Furthermore, Helms-Burton favored large companies like Bacardí that formally had vast holdings in Cuba.²⁸⁷

Before passage, arguments arose that Helms-Burton had provisions that would be offensive to U.S. allies and have grievous ramifications on the roles between Congress and the executive branch and for U.S.-Cuban relations.²⁸⁸ President Clinton initially opposed the bill based on his belief that the extraterritorial nature would precipitate a negative reaction from U.S. partners and allies.²⁸⁹ Secretary of State Warren Christopher argued the administrations objections based on “the extent to which passage would limit the president’s autonomy in conducting foreign affairs, constrain the United States’s ability to assist a transition government in Cuba, burden the U.S. court system with lawsuits filed against foreign companies that have invested in properties nationalized since 1959, and invite widespread repudiation from and trade barriers by major U.S. allies.”²⁹⁰

Echoing Desloge’s argument that U.S. rum interests will sue foreign competitors already having business ties with Cuba, the Helms-Burton Act was dubbed the “Bacardí Claims Act” due to Bacardí’s considerable holdings that were confiscated.²⁹¹ In addition to Bacardí, other large companies had an interest in claims in properties confiscated by Cuba. However, despite Desloge’s argument, many large U.S. companies opposed Helms-

²⁸⁶ Reed.

²⁸⁷ Louis F Desloge, “The Great Cuban Embargo Scam: A Little-Known Loophole Will Allow the Richest Exiles to Cash In,” *Washington Post*, March 3, 1996.

²⁸⁸ Gibbs, U.S. *Policy towards Cuba*, 73.

²⁸⁹ Giscard, “U.S.-Cuba Relations: Revisiting the Sanctions Policy,” 37.

²⁹⁰ Former Secretary of State Christopher Warren quoted in a no longer available CubaINFO, 7, No. 5, April 6, 1995, 3–4 by Kaplowitz, *Anatomy of a Failed Embargo*, 183.

²⁹¹ Ken Silverstein, “The 1995 Lobbying Hall of Shame,” *Multinational Monitor* 17, no. 1 and 2 (February 1996), <https://www.multinationalmonitor.org/hyper/mm0196.12.html>; Roy, *Cuba, the United States, and the Helms-Burton Doctrine*, 52.

Burton. The Joint Corporate Committee on Cuban Claims (JCCCC), an association whose members comprised over half of the U.S. companies with previously certified claims, opposed Helms-Burton because of the expansion of potential claimants. Companies such as Exxon, Texaco, Borden, Coca-Cola, ITT, Goodyear, Sears Roebuck, and United Brands, all members of JCCCC, opposed Helms-Burton either to protect their right to restitution or to ensure they were able to corner a piece of the Cuban market if it were to open.²⁹²

Helms-Burton was seen as a law that went counter to already established international trade agreements. The EU quickly filed a complaint against Helms-Burton with the WTO.²⁹³ The foreign governments involved with the complaint did not argue against U.S. claims that entitlement claims for confiscated property were due. Instead they argued that it was the responsibility of the Cuban government to fulfill those claims, not the foreign companies making use of the confiscated property.²⁹⁴

Additionally, because of the nature of the law, it was seen as a secondary boycott.²⁹⁵ To contrast, a primary boycott, the type of which is generally used, is one in which state A prohibits trade and investment by its own nationals in state B.²⁹⁶ A secondary boycott occurs when “state A says that if X, a national of state C, trades with state B, X may not trade with or invest in A. In other words, X is required to make a choice between doing business with or in A, the boycotting state, and doing business with or in B, the target state, although under the law of C where X is established, trade with both A and C is permitted.”²⁹⁷

A secondary boycott related to Bacardí, a company that supported Helms-Burton, because as a non-US company, it was originally unable to file as a claimant for its property.

²⁹² January 14, 1999 Interview between Joaquín Roy and Ingacio Sánchez, attorney for Bacardí and former director of CANF in *Cuba, the United States, and the Helms-Burton Doctrine*, 53; Morley and McGillion, *Unfinished Business*, 101.

²⁹³ Morici, “The United States, World Trade, and the Helms-Burton Act,” 87.

²⁹⁴ Morici, 87.

²⁹⁵ Morici, 87.

²⁹⁶ Andreas F. Lowenfeld, “Congress and Cuba: The Helms-Burton Act,” *The American Journal of International Law* 90, no. 3 (July 1996): 429, <https://doi.org/10.2307/2204066>.

²⁹⁷ Lowenfeld, 429–30.

Helms-Burton would have allowed Bacardí subsidiaries in the U.S. to sue Pernod Richard, a French firm that had holdings in Cuba and a joint venture with Havana.²⁹⁸ Pernod Richard produced Havana Club, a competitor to Bacardí which used property confiscated from Bacardí.²⁹⁹ Therefore, the secondary boycott would have allowed Bacardí to sue Pernod Richard, forcing Pernod Richard to either discontinue its holdings in Cuba, or no longer conduct business in the US, despite the fact that it was legal in France to conduct business in both the U.S. and Cuba.

In terms of international opposition, Meron and Vagts argued that there seemed to be a general consensus among foreign governments that Title III provisions allowing U.S. nationals to file lawsuits against those who trafficked in confiscated property violated international laws.³⁰⁰ Foreign governments were not contesting U.S. nationals' claims to restitution, instead they argued that Cuba is solely responsible for paying back any money due.³⁰¹

The possibility of permitting U.S. nationals to sue Mexican and Canadian firms ran counter to the North American Free Trade Agreement (NAFTA), which promised to provide protection to investors.³⁰² Canada responded by threatening legislation of its own that would have been similar to Title III. The Godfrey-Miliken Law would have allowed the heirs of the United Empire Loyalists to recover land appropriated by the U.S. government after being forced to flee as a result of the 1776 revolution.³⁰³ Additionally, the "American Liberty and Democratic Solidarity (Loyalty) Act" as the law was going to be called, would have allowed those with proven lines of descent to prosecute U.S. citizens

²⁹⁸ Gibbs, U.S. *Policy towards Cuba*, 76.

²⁹⁹ "Havana Club," Pernod Ricard, créateurs de convivialité, October 27, 2016, <https://www.pernod-ricard.com/en/brands/our-brands/havana-club/> simply confirms for the reader that the company Pernod Ricard produces a competitor rum to Bacardí; Gibbs, U.S. *Policy towards Cuba*, 76.

³⁰⁰ Theodor Meron and Detlev F. Vagts, "The Helms-Burton Act: Exercising the Presidential Option," *The American Journal of International Law* 91, no. 1 (1997): 84, <https://doi.org/10.2307/2954144>.

³⁰¹ Morici, "The United States, World Trade, and the Helms-Burton Act," 87.

³⁰² Morici, 88.

³⁰³ David L Mitchell, "Sanctions Against Cuba: A Flawed U.S. Policy" (US Army War College, 2000), 9, <https://apps.dtic.mil/dtic/tr/fulltext/u2/a377581.pdf>.

who currently benefited from confiscated estates for “restitution, compensation, and interest” which may have amounted to billions of dollars. Mexico and Great Britain threatened to enact related legislation.³⁰⁴

E. AFTERMATH OF HELMS-BURTON

In order to circumvent international pressure, Clinton quickly enacted his authority to suspend the Title III provisions allowing litigation against companies involved with the trafficking of confiscated property.³⁰⁵ Suspension of the controversial provisions of the Helms-Burton was authorized in section 306(b)(1) and (2) “for a period of not more than 6 months if the President determines and reports in writing to the appropriate congressional committees.”³⁰⁶ Until President Trump announced that he would not continue the suspension of Title III in April of 2019, it had been completed every six months since President Clinton for nearly 25 years.³⁰⁷

It seems the unilateral nature of Helms-Burton has only succeeded in altering trade patterns while not having its intended effect on Cuba. Without international support for Helms-Burton, Cuba has taken advantage of secondary trade sources.³⁰⁸ Lowenfeld predicted that Helms-Burton would not “bring about liberty and democracy in Cuba.”³⁰⁹ Considering that by 2019, Cuba had seen two peaceful transfers of power from Fidel to Raúl and then to Díaz-Canel, combined with Cuba’s new constitution with the goal of continuing Cuba’s communist party and single party government, it would be hard to argue that Helms-Burton succeeded in bringing about regime change and human rights to Cuba.

³⁰⁴ Mitchell, 9.

³⁰⁵ Gibbs, *U.S. Policy towards Cuba*, 93; Mitchell, “Sanctions Against Cuba: A Flawed U.S. Policy,” 9.

³⁰⁶ Burton, H.R.927-104th Congress (1995-1996): Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996.

³⁰⁷ Niraj Chokshi and Frances Robles, “Trump Administration Announces New Restrictions on Dealing With Cuba,” *New York Times*, April 17, 2019, sec. World, <https://www.nytimes.com/2019/04/17/world/americas/cuba-trump-travel-lawsuits.html>.

³⁰⁸ Mitchell, “Sanctions Against Cuba: A Flawed U.S. Policy,” 9.

³⁰⁹ Lowenfeld, “Congress and Cuba,” 434.

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IV. ANALYSIS OF CULTURE, STRUCTURE, AND INDIVIDUAL LEADERS

A. INTRODUCTION

This final chapter consists of six sections: culture, structure, individual leaders, synthesis and verdict, hypothesis testing, and conclusion. The first three sections look through the lens of the three factors of culture, structure, and individual leaders. Culture, structure, and individual leaders are each broken down, corresponding to one of four case studies. For example, Culture/Balsero Crisis has items such as the influences (or not) of Mas Canosa and CANF and likewise down the list. The same tests are then applied to structure and individual leaders.

Prior to analysis, the literature suggests that the contributions of individual leaders have a greater influence on the three factors during the decision-making processes for three of the four case studies. The main outlier to this pre-analysis prediction is the Helms-Burton case study, where it is predicted that structural influences played more heavily in the decision-making processes. Table 1 shows a pre-analysis prediction of where each factor contributes to each case study.

Table 1: Pre-Analysis Prediction of Which Factor Most Influences the Decision-Making Process

Prediction Prior to Analysis			
	Culture	Structure	Individual Leaders
Balsero Crisis			X
Helms-Burton Act		X	
Guantanamo Bay			X
Obama's Normalization			X

The synthesis and verdict section compiles each case study and weighs each factor while determining which argument is strongest. The fifth section tests the two hypotheses: H1-individuals set the ultimate and secondary intentions of the state; and H2-individuals are more important when circumstances are more fluid and conversely less influential in

less dynamic situations. These two hypotheses are borrowed from Wittkopf, Jones and Kegley and Byman and Pollack. Testing the hypotheses aims to determine if there were any concrete changes in policy because of individuals or if a policy change occurred; was it due to cultural or structural factors? Lastly, the conclusion wraps up final thoughts on U.S. policy towards Cuba and recommends possible future research.

B. CULTURAL FACTORS

The idea or concept of culture entails a wide range of processes, topics, and ambiguities, so difficult to actually explain that only a “wise person would begin to pontificate about it” let alone attempt to write about it.³¹⁰ Nonetheless, entire books have been written about culture. For the purposes of this thesis, culture represents media, political lobby groups, businesses, and public opinion that have factored into the decision-making processes for the Balsero Crisis, enactment of Helms-Burton, the use of the detention facility at Guantanamo Bay, and the normalization of U.S.-Cuba relations by President Obama.

1. Balsero Crisis

Early in President Clinton’s first term, there was evidence that he was willing to bow to the demands of one of the more influential anti-Castro groups, the Cuban American National Foundation (CANF). During Clinton’s first year, Clinton attempted to appoint a Cuban-American lawyer, Mario Baeza, as Assistant Secretary of State for inter-American affairs.³¹¹ However, Mas Canosa and CANF, angered that they were not consulted about the appointment, swiftly marshalled its opposition to Baeza, which CANF viewed as an anti-embargo supporter.³¹² Clinton ended up removing Baeza’s name from the top of the

³¹⁰ Chris Jenks, *Culture* (London, United Kingdom: Routledge, 1993), 1, <http://ebookcentral.proquest.com/lib/ebook-nps/detail.action?docID=165073>.

³¹¹ Walt Vanderbush and Patrick J. Haney, “Policy Toward Cuba in the Clinton Administration,” *Political Science Quarterly* 114, no. 3 (1999): 395, <https://doi.org/10.2307/2658203>.

³¹² Vanderbush and Haney, 396.

list of possible appointees which was seen as evidence that Clinton would not be able to go against the status quo policy.³¹³

Media quickly picked up on the story of the Balsero Crisis.³¹⁴ As the number of rafters grew, a change in policy came quickly.³¹⁵ On August 18, Attorney General Janet Reno announced that any rafters picked up at sea would no longer be allowed automatic entry into the U.S. and instead would be transferred to Guantanamo Bay.³¹⁶

The following evening, while President Clinton was celebrating his birthday, Canosa and several Miami-Cubans met with Clinton to agree to terms which would guarantee CANF's support for the new policy. After a short meeting, Clinton agreed to the end to cash remittances, family visits (with an allowance for exceptional circumstances), restrictions on gift parcels and humanitarian donations, an end to licenses for researchers and journalists to travel to Cuba, and longer broadcast hours combined with a strengthening of broadcasting signal of TV and Radio Martí.³¹⁷ The change in refugee policy as well as the strengthening of restrictions against Cuba, both inferred that this was a win for Canosa because it "epitomized the symbiotic relationship between policymakers and lobbyists" while showing that Clinton was willing to listen to CANF and make policy changes based on their inputs.³¹⁸ Additionally, the decision saw a shift in policy decision making away from the State Department, where it stood during the Bush administration and "ran counter to those bureaucratic advocates of a shift toward engagement with the Castro regime."³¹⁹

³¹³ Vanderbush and Haney, 396.

³¹⁴ Ted Henken, "Balseros, Boteros, and El Bombo: Post-1994 Cuban Immigration to the United States and the Persistence of Special Treatment," *Latino Studies* 3, no. 3 (2005): 410, <https://doi.org/10.1057/palgrave.lst.8600159>.

³¹⁵ Jessica F. Gibbs, *U.S. Policy towards Cuba: Since the Cold War*, Routledge Studies in U.S. Foreign Policy (New York, N.Y.: Routledge, 2011), 64.

³¹⁶ Morris Morley and Chris McGillion, *Unfinished Business: America and Cuba After the Cold War, 1989–2001* (New York, N.Y.: Cambridge University Press, 2002), 74.

³¹⁷ Gibbs, *U.S. Policy towards Cuba*, 66–67.

³¹⁸ Gibbs, 67.

³¹⁹ Morley and McGillion, *Unfinished Business*, 74–75.

However, the policy shift did not end the flow of migrants. It was apparent that Clinton and his administration had to do more to staunch the flow and the only way to do that was convincing Castro to stop the rafters on the beaches of Cuba.³²⁰ Thus began the most “intricate” use of back-channel negotiations to date between the U.S. and Cuba that would result in the adoption of the wet foot-dry foot policy.³²¹ It was during these back-channel negotiations that Canosa and CANF began to lose influence within the Clinton administration. Both Canosa and key Cuba specialists were kept out of the loop to prevent leaks of the negotiation.³²² Clinton’s unilateral change in U.S. policy toward Cuba, forced a splinter between Canosa, CANF, and the White House. With Canosa isolated from the “decision-making loop” it became apparent that he was no longer guaranteed access to the Clinton administration.³²³ Canosa was angered by the fact that neither he nor other Cuban-Americans were consulted about such a landmark change in policy.³²⁴ Canosa declared the split as irreversible.³²⁵

2. Helms-Burton

As it became more apparent that Canosa was no longer a guest that was welcomed by the White House,³²⁶ Canosa and CANF were purposely excluded from the drafting of the bill due to the perception that Canosa would create complications.³²⁷ Despite this, Helms and the authors wanted CANF to lobby legislators in case they needed more votes

³²⁰ William M. LeoGrande and Peter Kornbluh, *Back Channel to Cuba: The Hidden History of Negotiations between Washington and Havana* (Chapel Hill, North Carolina: UNC Press Books, 2015), 284.

³²¹ LeoGrande and Kornbluh, 285, 299.

³²² Philip Brenner and Peter Kornbluh, “Clinton’s Cuba Calculus,” *NACLA Report on the Americas* 29, no. 2 (Sept-Oct1995): 33, <https://doi.org/10.1080/10714839.1996.11725776>.

³²³ Vanderbush and Haney, “Policy Toward Cuba in the Clinton Administration,” 400.

³²⁴ Henken, “Balseros, Boteros, and El Bombo,” 401.

³²⁵ Brenner and Kornbluh, “Clinton’s Cuba Calculus,” 34.

³²⁶ Vanderbush and Haney, “Policy Toward Cuba in the Clinton Administration,” 404.

³²⁷ Patrick J. Kiger, *Squeeze Play: The United States, Cuba, and the Helms-Burton Act* (Washington, D.C.: Center for Public Integrity, 1997), 47.

to achieve cloture.³²⁸ CANF showed that they still had some influence, at least with members of the House. Two days after meeting with a delegation of House Democrats, Representative Gephardt (D-MO) and others endorsed the bill which subsequently easily passed in the House.³²⁹

U.S. businesses, which would have benefitted with trade to Cuba, were slow to respond.³³⁰ Lack of response from the business community was attributed to several factors. First, business historically took a back seat to the White House and followed the lead. When sanctions were eased by an administration, businesses took advantage and conducted operations with Cuba. When sanctions were re-tightened, they quietly divested their interests and waited until the next easing of sanctions.³³¹ Businesses did not fully comprehend the significance of the bill because their understanding of the bill was limited.³³² Additionally, there was a fear of reprisals by both the Cuban-American community and the media.³³³ Finally, there was the view that there was no hope of the bill passing and if it did, that it would be subject to presidential veto.³³⁴

In fact there had been a threat of presidential veto.³³⁵ Clinton even testified before Congress, citing his objections to the bill. Everything changed after the shooting down of the Brothers to the Rescue planes. After the Brothers shootdown election year politics forced Clinton to sign Helms-Burton into law.³³⁶

³²⁸ Morley and McGillion, *Unfinished Business*, 83.

³²⁹ Kiger, *Squeeze Play*, 54; Gibbs, *U.S. Policy towards Cuba*, 82.

³³⁰ Morley and McGillion, *Unfinished Business*, 92.

³³¹ Donna Rich Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba* (Boulder, Colorado: Lynne Rienner Publishers, 1998), 187.

³³² Morley and McGillion, *Unfinished Business*, 92.

³³³ Morley and McGillion, 92.

³³⁴ Morley and McGillion, 92.

³³⁵ Gibbs, *U.S. Policy towards Cuba*, 83.

³³⁶ William J Clinton, *My Life* (New York, N.Y.: Alfred A. Knopf, 2004), 701.

3. Guantanamo Bay

After some consideration of using other locations, Secretary of Defense Rumsfeld decided Guantanamo Bay was the “least worst place” to keep enemy combatants.³³⁷ In an attempt at transparency regarding the use of the facility, media and human rights groups were quickly outraged when pictures showed detainees captured in Afghanistan as enemy combatants wearing covered goggles, restraints, faces masks, and earmuffs.³³⁸ The pictures quickly galvanized support from human rights groups both in the U.S. and internationally.³³⁹

In the U.S., the *New York Times* was effective in keeping the public aware of the mistreatment of detainees. Additionally, the ACLU was able to obtain FBI memos about interrogation techniques through Freedom Of Information Act requests. However, none of the cultural institutions had any clout with the Bush administration.³⁴⁰ Human rights groups such as Amnesty International were also effective in keeping Guantanamo Bay an important issue. However, the use of terms like *gulag* to refer to Guantanamo Bay did not resonate well with the public and Bush was able to steer the policy debate back at Amnesty International’s reputation and judgement.³⁴¹ Although the media attention combined with activist groups may have been successful in applying pressure to the Bush administration to reduce the scope of interrogation techniques,³⁴² Guantanamo Bay is still in use.

Nemish offered several reason why Guantanamo Bay is still used as of this writing. The main cultural reason is the perception that any change in world opinion would not be

³³⁷ Donald Rumsfeld, *Known and Unknown: A Memoir* (New York, N.Y.: Penguin Books, Limited, 2011), 566.

³³⁸ Rumsfeld, 567.

³³⁹ Mark C. Nemish, “To Close or Not to Close: Guantanamo Bay:” (Air Command and Staff College, 2009), 5, <https://doi.org/10.21236/ADA539847>.

³⁴⁰ David P Forsythe, “American Policy Toward Enemy Detainees in the War on Terrorism,” in *American Foreign Policy in a Globalized World*, ed. David P. Forsythe, Patrice C. McMahon, and Andrew Hall Wedeman (New York: Routledge, 2006), 203–4.

³⁴¹ Forsythe, 205.

³⁴² Forsythe, 205.

reflected in the closing of Guantanamo Bay. Any claims to inhuman treatment or conditions for detainees will follow any facility that houses the detainees.³⁴³

Concerning public opinion, the polls are pretty straightforward. A 2009 poll showed that if Guantanamo Bay was closed 75% of U.S. voters were “somewhat concerned” that dangerous terrorists would be freed.³⁴⁴ By 2011, 60% agreed that military tribunals should be used for suspected terrorists.³⁴⁵ In 2016, it was viewed by most that Guantanamo Bay should stay open.³⁴⁶ And by 2017, 53% of voters said that Guantanamo Bay should not be closed and that “55% of voters agreed that new terrorism suspects should be sent there” compared to 32% of voters who said that U.S. jails should be used.³⁴⁷

4. Obama’s Normalization

President Obama campaigned on allowing the continuation of family travel and remittances. As opposed to John Kerry, who in 2004 only carried 25% of the Cuban-American vote, Obama garnered 35% in 2008.³⁴⁸ The strategy of engaging Cuba worked in part because of a demographic shift in Cuban-American politics. Regime change in Cuba was less important to the younger generation of Cuban and instead they were more interested in maintaining ties with family and better U.S.-Cuba relations.³⁴⁹ Additionally,

³⁴³ Nemish, “To Close or Not to Close,” 12.

³⁴⁴ Rasmussen Reports, “75% Worried That Gitmo Closing Will Set Dangerous Terrorists Free,” Rasmussen Reports, August 25, 2009, http://www.rasmussenreports.com/public_content/politics/general_politics/august_2009/75_worried_that_gitmo_closing_will_set_dangerous_terrorists_free.

³⁴⁵ Rasmussen Reports, “Most Voters Still Support Guantanamo Prison, Military Tribunals for Terrorists,” Rasmussen Reports, March 14, 2011, http://www.rasmussenreports.com/public_content/politics/general_politics/march_2011/most_voters_still_support_guantanamo_prison_military_tribunals_for_terrorists.

³⁴⁶ Rasmussen Reports, “Most Voters Still Say No to Closing Guantanamo,” February 25, 2016, http://www.rasmussenreports.com/public_content/politics/current_events/cuba/most_voters_still_say_no_to_closing_guantanamo.

³⁴⁷ “Most Favor Sending New Terror Suspects to Guantanamo,” Rasmussen Reports, July 12, 2017, http://www.rasmussenreports.com/public_content/politics/general_politics/july_2017/most_favor_sending_new_terror_suspects_to_guantanamo.

³⁴⁸ William M. LeoGrande, “Making-Up Is Hard to Do: Obama’s ‘New Approach’ to Cuba,” *NACLA Report on the Americas* 44, no. 4 (August 2011): 38.

³⁴⁹ Philip Brenner and Teresa García Castro, “A Long Legacy of Distrust and the Future of Cuban-US Relations,” *Social Research: An International Quarterly* 84, no. 2 (August 25, 2017): 464.

there was a shift from conservative lobby groups to moderate lobby groups due to the fact that the conservative groups had no influence on Obama.³⁵⁰

Public opinion polls showed that Obama was supported by much of the American public. Overall in 2009, 52% favored renewing ties with Cuba with liberal Democrats being the highest percentage at 73%.³⁵¹ Overall, 2015 had the highest favorable polls in twenty years for Cuba across topics of overall opinion, re-establishing relations, and ending the embargo.³⁵² While Obama had a supportive public, no evidence could be found directly linking public opinion with Obama's push for normalization of relations. Swift argued the opposite, that in fact the rise in positive opinions of Cuba were bolstered by Obama's announcement that he wanted to work on normalizing diplomatic relations with Cuba.³⁵³

C. STRUCTURE

To varying degrees, the structure of the bureaucratic system has affected the decision-making process in all four events. Whether it is from one official overriding another's decision based on election politics, or a president having to work within the guidelines of a law already in place, or how constituencies in particular regions factored into events, the following section analyzes how structure played into each situation's decision-making process. To help determine whether the actions by individuals represented structure over individual action, the distinction will be made whether or not they were acting of their own accord or if they were representing a group. For instance, the Cuban-American legislators are considered as part of the structure argument vice the individual argument because often times they worked together within Congress.

³⁵⁰ Canberk Koçak, "Interest Groups and U.S. Foreign Policy towards Cuba: The Restoration of Capitalism in Cuba and the Changing Interest Group Politics," *Class, Race, and Corporate Power* 4, no. 2:7 (2016): 15, <https://doi.org/10.25148/CRCP.4.2.001664>.

³⁵¹ Pew Research Center, "Americans Favor Carbon Cap, Gays in the Military and Renewing U.S.-Cuba Ties," Pew Research Center, March 25, 2009, <https://www.people-press.org/2009/03/25/americans-favor-carbon-cap-gays-in-the-military-and-renewing-us-cuba-ties/>.

³⁵² Art Swift, "Americans' Opinion of Cuba Highest in Nearly 20 Years," Gallup.com, February 19, 2015, <https://news.gallup.com/poll/181625/americans-opinion-cuba-highest-nearly-years.aspx>.

³⁵³ Swift.

1. Balsero Crisis

During the Balsero Crisis, Clinton had to factor not only his “future electoral prospects to a swift solution” to the migration problem, but also that of Florida governor Lawton Chiles. Florida’s public services were under pressure and there were rumblings of an anti-immigrant response within the Miami community.³⁵⁴ Those factors combined did not help Chiles gubernatorial race against Republican opponent Jeb Bush and threatened to turn the election into a mandate on immigration.³⁵⁵ With election politics in mind, Attorney General Reno, former Dade County chief prosecutor during the Mariel crisis, understood that a quick decision was needed.³⁵⁶ Additionally, the Pentagon had to make sure there was no military confrontation between U.S. and Cuban forces.³⁵⁷ Change came quickly after a meeting with high level officials including Reno, where the decision was made to return refugees to Guantanamo.³⁵⁸

After the 1994 mid-terms, Clinton faced a “hostile Republican Congress” making Florida’s role in the 1996 election even more vital.³⁵⁹ Furthermore, the election’s switch in majorities predicated the change of leadership of the Senate Foreign Relations Committee from Claiborne Pell (D-RI) to Senator Helms. Congress as a whole moved to a more conservative stance on Cuba setting up the passage of Helms-Burton.³⁶⁰

2. Helms-Burton

Structural implications to the authoring and passage of Helms-Burton were evident from the beginning. The initial group of authors headed up by Dan Fisk, a staff member of the Senate Foreign Relations Committee, consisted largely of aides to Cuban-American legislators including Diaz-Balart (R-FL), Ros-Lehtinen (R-FL), and Menendez (D-NJ).

³⁵⁴ Morley and McGillion, *Unfinished Business*, 72–73.

³⁵⁵ Morley and McGillion, 72.

³⁵⁶ Gibbs, U.S. *Policy towards Cuba*, 64.

³⁵⁷ Morley and McGillion, *Unfinished Business*, 73.

³⁵⁸ Gibbs, U.S. *Policy towards Cuba*, 64.

³⁵⁹ LeoGrande and Kornbluh, *Back Channel to Cuba*, 296.

³⁶⁰ Gibbs, U.S. *Policy towards Cuba*, 69.

Those same legislators were also the most strongly opposed to any lifting of or easing of sanctions against Cuba. Furthermore there was a shift of control over Cuban policy from the White House to the Hill where these members of Congress supplanted control of policy from the executive and CANF.³⁶¹ Meanwhile, a stacking of the deck took place in the House Western Hemisphere Subcommittee. Not wanting a critical view of the bill, its hearing was filled with witnesses who were supportive of the bill's passage.³⁶²

Although the bill passed relatively easily in the House, there was stiff opposition in the Senate. Senator Pell, before being succeeded by Helms, wrote an editorial with Representative Hamilton (D-IN) in the *Washington Post* opposing any policy that continued the embargo and instead called for a progressive lifting of the embargo. They based their argument on evidence that engagement works better with Communist states as the U.S. was doing with Vietnam and China.³⁶³ Opponents put up enough of a fight that cloture was not achieved until Helms agreed to remove Title III.³⁶⁴

Structural opposition came from the international community in the form of a fierce British campaign lobbying against Helms-Burton.³⁶⁵ Additionally, arguing that Helms-Burton ran counter to the North American Free Trade Agreement, Mexico and Canada threatened to bring their case to the WTO.³⁶⁶ As a show of final opposition, Representative Reed (D-RI) submitted Louise F. Desloge's *Washington Post* article opposing the bill to congressional record.³⁶⁷

³⁶¹ Vanderbush and Haney, "Policy Toward Cuba in the Clinton Administration," 406.

³⁶² Gibbs, *U.S. Policy towards Cuba*, 92.

³⁶³ Claiborne Pell and Lee H. Hamilton, "The Embargo Must Go," *Washington Post*, September 8, 1994, sec. A19, <http://search.proquest.com/docview/751175688/abstract/5CE757C5D79C41BAPQ/1>.

³⁶⁴ Morley and McGillion, *Unfinished Business*, 91.

³⁶⁵ Brenner and Kornbluh, "Clinton's Cuba Calculus," 39.

³⁶⁶ Peter Morici, "The United States, World Trade, and the Helms-Burton Act," *Current History* 96, no. 607 (February 1997): 88; Brenner and Kornbluh, "Clinton's Cuba Calculus," 39.

³⁶⁷ Jack Reed, "Conference Report on H.R. 927, Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996" (1996), <https://congressional.proquest.com/congressional/docview/t17.d18.c45830ca070014f8?accountid=12702>.

Facing domestic and international opposition, Helms-Burton passed the Senate in its weakened form after the removal of Title III and languished in conference until the Brothers flight tragedy reenergized support. The day after the shooting, Representative Dan Burton (R-IN), sponsor and co-author of the bill organized a strategy meeting with Diaz-Balart, Menendez, Ros-Lehtinen, Representative Robert Torricelli (D-NJ), and Representative Patrick Kennedy (D-RI) with the goal of putting Title III back into the bill before sending it to President Clinton. Diaz-Balart also fought for codification of the embargo to which the group agreed.³⁶⁸

Election politics continued to play a role after passing through conference when the final bill was brought to Clinton. Clinton and many of his cabinet members were “shocked” to see the codification of the U.S. embargo against Cuba.³⁶⁹ Despite objections, policy experts were overruled by presidential advisors George Stephanopoulos and Leon Panetta based on “political and reelection concerns.”³⁷⁰

Leogrande argued that Clinton, who had stated publicly his policy of a “calibrated response” would not likely have submitted himself to such congressional control of policy in other areas such as Russia or the Middle East.³⁷¹ Indeed, Clinton himself acknowledged that signing the bill had been “good election-year politics, but it undermined whatever chance I might have if I won a second term to lift the embargo in return for positive changes within Cuba.”³⁷² Though Clinton and later presidents were legally able to waive provisions of Title III that allowed lawsuits against foreign companies, they were unable to sidestep Congress with the codification of the embargo.³⁷³

³⁶⁸ Vanderbush and Haney, “Policy Toward Cuba in the Clinton Administration,” 404.

³⁶⁹ Richard A. Nuccio, “Cuba: A U.S. Perspective,” in *Transatlantic Tensions: The United States, Europe, and Problem Countries*, ed. Richard N. Haass (Washington, D.C.: Brookings Institution Press, 1999), 27n.9.

³⁷⁰ Vanderbush and Haney, “Policy Toward Cuba in the Clinton Administration,” 405.

³⁷¹ William M. LeoGrande, “From Havana to Miami: U.S. Cuba Policy as a Two-Level Game,” *Journal of Interamerican Studies and World Affairs; Beverly Hills* 40, no. 1 (Spring 1998): 81.

³⁷² Clinton, *My Life*, 701.

³⁷³ Vanderbush and Haney, “Policy Toward Cuba in the Clinton Administration,” 408.

3. Guantanamo Bay

The decision to house enemy combatants somewhere other than Afghanistan came after the Battle of Qala-i-Jangi which occurred in late 2001. In this battle, Taliban fighters, using weapons smuggled into the prison started a riot turned all-out battle in which the U.S. suffered its first casualty of the war, Johnny “Mike” Spann.³⁷⁴ After some debate, Bush decided to use Guantanamo Bay to detain enemy combatants as a way to skirt the structural confines of constitutional protections that would have normally been afforded prisoners of war had they been brought to the U.S.³⁷⁵ Additionally, since Cuba maintained sovereignty over the island, any detainees held in Guantanamo Bay were determined by the Bush administration as not having habeas corpus rights. In turn, the administration used this argument to be able to hold detainees indefinitely, without charges, and lacking procedural due process.³⁷⁶

Structural challenges to the implementation of President Bush’s policies came in the form of legal challenges to the policy of denying habeas corpus and the use of coerced testimony in three main cases: *Rasul v Bush*; *Hamdan v. Rumsfeld*; and *Boumediene v Bush*. *Rasul V Bush* challenged Bush’s stance on habeas corpus and the Supreme Court determined that jurisdiction of Guantanamo Bay was held by the U.S. and therefore habeas is a right to the detainees, enabling them to contest their detention.³⁷⁷ *Hamdan v. Rumsfeld* determined that the Combatant Status Review Tribunals, established after *Rasul*, ran counter to the Geneva Conventions and the U.S. military’s Uniform Code of Military Justice. Thus, the U.S. Supreme Court declared the tribunals invalid.³⁷⁸

³⁷⁴ Charles M. Sennott, “The First Battle of the 21st Century: Returning to the Site of America’s Earliest Casualty in Afghanistan,” *The Atlantic*, May 5, 2015, sec. Global, <https://www.theatlantic.com/international/archive/2015/05/war-afghanistan-spann-qala-i-jangi/392402/>.

³⁷⁵ George W. Bush, *Decision Points* (New York, N.Y.: Crown Publishing Group, 2010), 166; Leonard Cutler, “Bush vs. Obama Detainee Policy Post-9/11: An Assessment,” *Strategic Studies Quarterly* Summer 2010 (Summer 2010): 66.

³⁷⁶ Cutler, “Bush vs. Obama Detainee Policy Post-9/11: An Assessment,” 65.

³⁷⁷ Linda A. Malone, “The Legal Dilemma of Guantanamo Detainees from Bush to Obama,” *Criminal Law Forum; Dordrecht* 23, no. 4 (2012): 349, <http://dx.doi.org/10.1007/s10609-012-9184-2>.

³⁷⁸ Malone, 349.

In response to *Hamdan*, Congress established Public Law 109-366 titled Military Commissions Act of 2006 (MCA). MCA effectively stripped the rights of any “court, justice, or judge” to represent “an alien detained by the United States” who has been determined as an “enemy combatant” on behalf of that aliens right to habeas corpus (section 7 (e)(1)).³⁷⁹ *Boumediene v Bush* determined that it was not within the constitutional authority of Congress to eliminate habeas rights for detainees.³⁸⁰ However, despite successful legal challenges and calls for Guantanamo Bay to be shut down as a detention facility,³⁸¹ Guantanamo Bay continues to operate as a detention facility.

The fight to keep Guantanamo Bay open also played out in Congress. Debating the 2010 fiscal year military budget, there was support for renovating a super-maximum-security prison in Illinois to “house a limited number of prisoners.”³⁸² Republicans fought the budget citing that it would take \$200 million and eight to ten months to retrofit the existing prison. In the end, Democratic leaders refused to allocate the funds to do so.³⁸³ The congressional battle on funding and location support Nemish’s arguments as to why Guantanamo is still being used. If Guantanamo were to be closed, the release of detainees is out of the question because of the valuable intelligence that some of them might have, meaning they would have to be housed on U.S. soil. Additionally, Guantanamo Bay had already been upgraded to meet the standards for detaining enemy combatants. These upgrades cost approximately \$54 million.³⁸⁴

³⁷⁹ Mitch McConnell, “Public Law 109-366 - 109th Congress (2005-2006) Military Commissions Act of 2006,” Pub. L. No. 109-366 (2006), <https://www.congress.gov/109/plaws/publ366/PLAW-109publ366.htm>.

³⁸⁰ Malone, “The Legal Dilemma of Guantanamo Detainees from Bush to Obama,” 349.

³⁸¹ Human Rights Watch, “US: Landmark Supreme Court Ruling on Detainees,” Human Rights Watch, June 12, 2008, <https://www.hrw.org/news/2008/06/12/us-landmark-supreme-court-ruling-detainees>.

³⁸² Cutler, “Bush vs. Obama Detainee Policy Post-9/11: An Assessment,” 70.

³⁸³ Cutler, 70.

³⁸⁴ Nemish, “To Close or Not to Close,” 12.

4. Obama's Normalization

Although Obama campaigned on engaging Cuba, Obama faced several structural challenges to normalization of relations with Cuba. The first came in the form Helms-Burton. Early in his presidency Obama eased restrictions and remittances, authorized several allowances for telecommunications providers to ink deals in Cuba, and expanded the scope of humanitarian donations eligible to be sent to Cuba.³⁸⁵ However, because of regime change in Cuba as the stated objective of Helms-Burton, it undermined Obama's goals of normalizing relations with Cuba.³⁸⁶ A report issued by the U.S. Government Accountability Office echoed the constraints of Helms-Burton, concluding that Obama would only be able to remove bits of the active restrictions unless Cuba works towards democracy.³⁸⁷ Additionally, there was only so much that Obama could do since Cuba was on the Department of State's list as state sponsor of terrorism. Cuba's status as such was not questioned until Obama ordered the statutorily required review in December of 2014.³⁸⁸

Even though Obama campaigned on a more liberal easing of restrictions towards Cuba, election politics played heavily into his calculus on when he could act. Even with the "political wind" at his back, Obama was unwilling to take any real action towards Cuba going into a difficult reelection.³⁸⁹ This was especially true before the mid-term where Obama was asked to stay his hand by Florida Democrats so as not to hurt them in the

³⁸⁵ Barack Obama, "Memorandum on Promoting Democracy and Human Rights in Cuba," The American Presidency Project, April 13, 2009, <https://www.presidency.ucsb.edu/documents/memorandum-promoting-democracy-and-human-rights-cuba>.

³⁸⁶ Brenner and Castro, "A Long Legacy of Distrust and the Future of Cuban-US Relations," 469.

³⁸⁷ Raul Moncarz, "The Obama Administration and Latin America: A 'New Partnership for the Americas,'" *Global Economy Journal* 10, no. 1 (January 19, 2010): 4–5, <https://doi.org/10.2202/1524-5861.1610>.

³⁸⁸ U.S. Department of State, "Recommendation to Rescind Cuba's Designation as a State Sponsor of Terrorism," U.S. Department of State, April 14, 2015, <http://www.state.gov/j/ct/rls/other/des/266534.htm>.

³⁸⁹ LeoGrande, "Making-Up Is Hard to Do," 42.

upcoming election.³⁹⁰ Additionally, there was not enough Congressional support in the House to bring a vote on the constitutional right to travel to Cuba to the floor.³⁹¹

Lastly, Alan Gross was still in jail during Obama's first term. On the verge of possibly reaching a deal to release Gross, congressional opposition waylaid negotiations.³⁹² At the time, the White House only wanted to use official channels for negotiations which ensured that Gross would stay in Cuban custody for the time being.³⁹³ With Gross still in a Cuban jail, there could be no normalization of relations or further easing of restrictions.³⁹⁴

D. INDIVIDUAL LEADERS

It goes without saying that individuals are involved in each of the four events this thesis is concerned with. When evaluating the effectiveness of individual leaders, this last section is concerned with situations in which only an individual could have been influential such as back channel negotiations. This section leaves out the actions of individuals if they were involved with an overall group such as the Cuban-American legislators in Congress which often worked together to achieve their goals. This section does not go into the fine details that previous chapters have already completed, but instead highlights the actions or opinions of the presidents or other individuals involved in each case study.

1. Balsero Crisis

Two main individuals were instrumental in shaping the outcome of the Balsero Crisis. First is President Clinton with his determination not to allow Castro to dictate U.S. immigration policy and declared there would be "no new Mariel."³⁹⁵ To start, Clinton used his "executive power to authorize the interception and detainment of the Cuban

³⁹⁰ LeoGrande, 41.

³⁹¹ LeoGrande, 40.

³⁹² LeoGrande and Kornbluh, *Back Channel to Cuba*, 379.

³⁹³ LeoGrande and Kornbluh, 381.

³⁹⁴ John Kerry, *Every Day Is Extra*, 1st ed. (New York, N.Y.: Simon and Schuster, 2018), 426; LeoGrande and Kornbluh, *Back Channel to Cuba*, 382.

³⁹⁵ Morley and McGillion, *Unfinished Business*, 72.

migrants.”³⁹⁶ Later, conversations with a personal friend of Castro’s, he declared that “Castro has already cost me one election. He can’t have two.”³⁹⁷

However, Clinton unilaterally deciding to send refugees to Guantanamo Bay, did not solve the problem of the refugees already being held at Guantanamo Bay. The problem of solving the refugee problem in Guantanamo Bay fell to Peter Tarnoff.³⁹⁸ Between January and May of 1995, Tarnoff held secret negotiations with Ricardo Alarcón, his Cuban counterpart and someone with whom Tarnoff already had a working relationship, dating back to the Carter administration.³⁹⁹ During these negotiations, Tarnoff was critical in forging the deal in which the Cubans held at Guantanamo Bay would either be allowed into the U.S. or back into Cuba without reprisal from the Cuban government. After negotiations Clinton decided that the U.S. would allow at least 20,000 Cuban visas per year and rescind his termination of travel to Cuba, telephone calls, and remittances which stopped the flow of migrants.⁴⁰⁰ It was also agreed that any Cuban caught at sea would be sent back to Cuba and any Cuban who made it to shore would be allowed into the U.S., a policy which came to be known as the wet foot-dry foot policy.⁴⁰¹

2. Helms-Burton

Kaplowitz argued that that it was certain that Clinton shared the goal of presiding over the end of Castro’s regime and believed in some of the overall objectives of the Helms-Burton legislation. Clinton’s greatest apprehension and objection to the bill was the extraterritorial nature and limits on presidential powers it would have imposed when passed.⁴⁰² After a meeting with several Latin American heads of state, Clinton acknowledged that many in Latin America agreed that something needed to be done about

³⁹⁶ Larry Nackerud et al., “The End of the Cuban Contradiction in U.S. Refugee Policy,” *The International Migration Review* 33, no. 1 (1999): 178, <https://doi.org/10.2307/2547327>.

³⁹⁷ Clinton, *My Life*, 615.

³⁹⁸ LeoGrande and Kornbluh, *Back Channel to Cuba*, 297.

³⁹⁹ LeoGrande and Kornbluh, 297.

⁴⁰⁰ LeoGrande and Kornbluh, 292–93.

⁴⁰¹ LeoGrande and Kornbluh, 297–99.

⁴⁰² Kaplowitz, *Anatomy of a Failed Embargo*, 183.

Cuba. However, there was no consensus on what that course of action should be.⁴⁰³ After the bill was passed into law, Clinton made clear in a press conference that some of his concerns were answered with the final draft of the legislation which gave the office of the president some flexibility within the law, but that the shooting down of the Brothers flight played heavily into his signing of the bill into law.⁴⁰⁴

Despite what Clinton said about the law after it was passed, during the debate of the bill, some that worked for him were unclear where he stood on the bill. Special Advisor to the President and Secretary of State for Cuba, Richard Nuccio, felt that he was in a ‘no man’s land’ where he was the President’s point man in garnering opposition to Helms-Burton, but the President never made clear to Nuccio where he actually stood on the bill.⁴⁰⁵

Whereas Clinton seemed to waffle back and forth, on the other side of the debate, there was no question where Jesse Helms stood on the bill. To Helms, it was clear that nobody in the White House was giving a second thought about Cuban policy.⁴⁰⁶ Helms was convinced that all Castro needed was a final push which his bill would provide.⁴⁰⁷ The Senator also did not care if Castro was “vertical” or “horizontal” when he left.⁴⁰⁸ When it came to who was in the driver’s seat and leading the process for passage of Helms-Burton, Helms was in charge and everyone else was following his lead.⁴⁰⁹

⁴⁰³ William J Clinton, “The President’s News Conference in Miami,” The American Presidency Project by Gerhard Peters and John T. Woolley, December 11, 1994, <https://www.presidency.ucsb.edu/documents/the-presidents-news-conference-miami>.

⁴⁰⁴ William J Clinton, “The President’s News Conference With Chancellor Helmut Kohl of Germany in Milwaukee,” The American Presidency Project by Gerhard Peters and John T. Woolley, May 23, 1996, <https://www.presidency.ucsb.edu/documents/the-presidents-news-conference-with-chancellor-helmut-kohl-germany-milwaukee>.

⁴⁰⁵ Interview with Richard Nuccio on May 20, 1999 by Morley and McGillion, *Unfinished Business*, 91.

⁴⁰⁶ Morley and McGillion, 83.

⁴⁰⁷ Jesse Helms, “Castro Needs a Final Push,” *Washington Post*, May 4, 1995.

⁴⁰⁸ Brenner and Kornbluh, “Clinton’s Cuba Calculus,” 38.

⁴⁰⁹ Confidential interview with Congressional Cuba specialist conducted by Morley and McGillion, *Unfinished Business*, 83.

3. Guantanamo Bay

Initially, the decision to use Guantanamo Bay and the follow-on controversy appeared to have been heavily influenced by individual leaders' actions or comments. However, deciding on Guantanamo Bay appears to have been based less on individual opinion. While Rumsfeld did agree that frontline troops should not be administering to the care of detainees and that they would be put to better use in the counterterrorism mission, the actual decision to use Guantanamo Bay was due to the fact that there was no better place to put enemy combatants. New facilities could not be built, no other agency wanted the detainees, and the Afghan government would not have been able to deal with them.⁴¹⁰ In fact, Rumsfeld argued to have as few enemy combatants sent to Guantanamo Bay as possible and those that were sent needed to be high value assets that would have important intelligence.⁴¹¹

Regarding Guantanamo Bay, President Bush made comments supporting the decision to keep the facility. In a commencement speech to the U.S. Coast Guard Academy, Bush pointed out that actionable intelligence was gleaned from interrogations at Guantanamo Bay were. Interrogations led to several terrorist plots being broken up by both British and U.S. authorities to include the blowing up of passenger planes flying to the U.S. and another aviation attack in Los Angeles targeting the Library Tower.⁴¹² Vice President Cheney offered his opinion that he didn't feel that the U.S. was truly hurt in terms on international opinion and that those who advocated for shuttering the facility "don't agree with our policies anyway."⁴¹³

⁴¹⁰ Rumsfeld, *Known and Unknown*, 565–66.

⁴¹¹ Rumsfeld, 568.

⁴¹² George W. Bush, "Commencement Address at the United States Coast Guard Academy in New London, Connecticut," The American Presidency Project by Gerhard Peters and John T. Woolley, May 23, 2007, <https://www.presidency.ucsb.edu/documents/commencement-address-the-united-states-coast-guard-academy-new-london-connecticut-2>.

⁴¹³ Jim VandeHei and Josh White, "Guantanamo Bay to Stay Open, Cheney Says; Vice President Defends Treatment of Prisoners at Facility for Alleged Terrorists: [Final Edition]," *Washington Post*, June 14, 2005, sec. A.

Even after winning legal cases against Bush and his administration, there was little that individuals could say or do to close the facility down. In 2008, Kenneth Ross, then executive director at Human Rights Watch, declared the legal victories as “a landmark victory for justice” and that the “*Boumediene* decision so undermines Guantanamo’s distorted system that it should sound the camp’s death knell.” Ross argued further that it sent “a clear signal to the Bush administration” that the administration could no longer hold detainees indefinitely without charge.⁴¹⁴ Regardless of strong opposition to the facility, Guantanamo Bay is still open as of May 2019.

4. Obama’s Normalization

Concerning Cuba, a U.S. president’s stance and leadership is crucial when shaping policy and strategy which sometimes requires back-channel negotiations.⁴¹⁵ Key political actors such as President Obama, Ben Rhodes, Ricardo Zuniga, and Pope Francis were individuals central to Obama’s normalization of relations with Cuba.⁴¹⁶

To start, Obama’s personal stance on Cuba helped win his first term by garnering 35% of the Cuban-American vote while also carrying Florida: a feat that the previous democratic candidate, John Kerry, was unable to do.⁴¹⁷ Obama moved to restore ties quickly by reestablishing “cultural and academic linkages” which President Bush had severed during his presidency.⁴¹⁸ Even Senator Menendez, longtime opponent to anything resembling an opening with Cuba, was unable to have much effect in countering Obama’s policy.⁴¹⁹

President Obama likely would have moved quicker with his policy changes but for two reasons: tough electoral challenges and the imprisonment of Alan Gross. In his second

⁴¹⁴ Human Rights Watch, “Landmark Supreme Court Ruling.”

⁴¹⁵ Vicki Huddleston and Carlos Pascual, *Learning to Salsa: New Steps in U.S.-Cuba Relations* (New York, N.Y.: Brookings Institution Press, 2010), 10, <http://ebookcentral.proquest.com/lib/ebook-nps/detail.action?docID=513995>.

⁴¹⁶ Brenner and Castro, “A Long Legacy of Distrust and the Future of Cuban-US Relations,” 463.

⁴¹⁷ LeoGrande and Kornbluh, *Back Channel to Cuba*, 368.

⁴¹⁸ LeoGrande and Kornbluh, 370.

⁴¹⁹ LeoGrande and Kornbluh, 372.

term Obama decided to go for the “big bang” and “do as much as we can all at once.”⁴²⁰ However, with Gross still in a Cuban jail, Obama was not inclined to go further than he already had with easing restrictions until Gross was released.⁴²¹ Obama knew he could not move on his policy until Gross was freed.

In order to secure the release of Gross, Obama appointed Deputy National Security Advisor for Strategic Communications and speech writer Ben Rhodes and leading Cuba expert Ricardo Zuniga as his point men in heading up secret back-channel negotiations with Cuba’s representative Alejandro Castro, Raúl Castro’s son.⁴²² After a series of meetings in which Rhodes and Zuniga were able to gain the confidence of Castro, the administration was looking for a way to seal the deal. It was decided that Pope Francis, being from Argentina, was a key person who would be able to add his particular weight and legitimacy to any U.S.-Cuba agreement.⁴²³ Following an hour-long meeting between the Pope and President Obama at the Vatican, Pope Francis agreed to help broker the deal.⁴²⁴ The final agreement between the U.S. and Cuba secured the release of both Gross and Rolanda Sarraff Trujillo, a U.S. intelligence asset, 53 political prisoners within Cuba, and three Cubans held by the U.S. Obama agreed to work within the confines of Helms-Burton to further ease restrictions on travel and commerce and ordered Secretary of State John Kerry to review Cuba’s status as a state sponsor of terrorism.⁴²⁵ Without key leadership and negotiation skills of Obama, Rhodes, Zuniga, and Pope Francis, normalization of relations and the release of Gross may never have occurred.

⁴²⁰ Ben Rhodes, *The World as It Is: A Memoir of the Obama White House* (New York, N.Y.: Random House Publishing Group, 2018), 264.

⁴²¹ LeoGrande and Kornbluh, *Back Channel to Cuba*, 382.

⁴²² Rhodes, *The World as It Is*, 211–13.

⁴²³ William LeoGrande and Peter Kornbluh, “Fidel Castro Has Died. Here’s an Inside Look at Cuba’s Crazy Back-Channel Negotiations With Obama,” *Mother Jones*, accessed March 21, 2019, <https://www.motherjones.com/politics/2015/08/secret-negotiations-gross-hernandez-kerry-pope-obama-castro-cuba/>.

⁴²⁴ LeoGrande and Kornbluh; Rhodes, *The World as It Is*, 286.

⁴²⁵ Rhodes, *The World as It Is*, 300; Barack Obama, Statement by the President on Cuba Policy Changes, December 17, 2014, <https://obamawhitehouse.archives.gov/the-press-office/2014/12/17/statement-president-cuba-policy-changes>; LeoGrande and Kornbluh, “Fidel Castro Has Died. Here’s an Inside Look at Cuba’s Crazy Back-Channel Negotiations With Obama.”

E. SYNTHESIS AND VERDICT

This section synthesizes the previous sections and comes up with a verdict on which of the three factors: culture, structure, or individual leaders, had a greater impact on the four events discussed in this thesis. It looks at the prediction prior to analysis and determines if any changes occurred.

To determine the strength of each factors impact on events, a system was devised with four effects on an outcome. Represented by Table 2, the four effects are contributing to a direct change in policy (Direct Change represented by a star icon), a policy change but having no influence (Change/No Influence represented by a triangle), having influence but no direct change in policy (Influence/No Change represented by a circle), and having no influence nor change in policy (No Influence/No Change represented by a diamond).

Table 2: Breakdown of Influence by Factor and Subset for Each Case Study

Breakdown of Influence by Factor and Case Study Subset			
	Culture	Structure	Individual Leaders
Balsero: Rafters	▲	★	★
Balsero: Wet Foot-Dry Foot	▲	▲	★
Helms-Burton: Bill to Law	▲	★	★
Helms-Burton: Embargo Codification	▲	★	▲
Guantanamo: Decision to Use	▲	★	▲
Guantanamo: Continued Use	●	●	●
Obama's Normalization	▲	▲	★
★ Direct Change ▲ Change/No Influence ● Influence/No Change ◆ No Influence/No Change			

For the Balsero Crisis the policy changes are twofold: the first being the initial decision to send the rafters to safe havens and Guantanamo Bay; and the second of initiating the wet foot-dry foot policy. The Helms-Burton policy shift is concerned with writing the bill into law and the decision to add Title III back into the finalized draft and codification into law of the embargo. The use of Guantanamo Bay as a detention facility is also concerned with two policy shifts. The first being that decision to use the facility and the second being the decision to keep the facility active despite controversy. Finally, normalization of relations with Cuba is concerned with factors directly leading to the

release of Alan Gross, since his imprisonment was the main impediment to Obamas desire to shift U.S. policy to one of engagement.

The Balsero Crisis ended with mixed results. Culturally, CANF and Canosa were unable to influence the actual decision to send the rafters to safe havens. However, Canosa was able to influence Clinton post policy shift. The end of cash remittances, family visits, gift parcels and humanitarian donations, an end to license for researchers and journalists travel to Cuba, and the increase in strength and length of broadcast hours for Radio and TV Martí all came at the behest of Canosa in return for CANF's support of the policy shift. Additionally, CANF and Canosa were completely left out of the decision to implement the wet foot-dry foot policy. Therefore, culture earned two triangles for Change/No Influence. Structurally, election politics won the day and played the largest influence into policy decision-making for deciding to use safe havens. Concerned about election politics, Reno and others were forced to decide quickly on a solution to the rafters. Therefore, structure earned a star for Direct Change. There was no influence structurally to the wet foot-dry foot policy earning a diamond. Individual leaders had the largest discernable impact on the Balsero Crisis. This argument considers President Clinton's preconceived notion of what a huge influx of Cubans meant to him personally, declaring there would be no new Mariel. Additionally, Clinton unilaterally used his executive privilege to authorize the interception and detainment of refugees. Additionally, the wet foot-dry foot policy would not have been possible without the back-channel negotiations conducted by Peter Tarnoff. The individual leader's aspect earned two stars for Direct Change.

Helms-Burton saw a policy change but no influence from culture. Even though CANF had a small role in garnering support, there was no actual input to the writing of the bill. Therefore, culture earned a triangle for Change/No Influence in both columns. Structure earned two stars for Direct Change. The first star for is the Cuban-American contingent within Congress and their role in writing the bill and fighting to get Title III placed back in after the Brothers flights were shot down. Additionally, that same contingent fought to add codification of the embargo. Although Clinton did not want to sign the bill as it was presented to him, election politics forced him to. Individual leaders earned a star for Direct Change due to Senator Helms fighting hard for his bill and being in the driver's

seat as the bill made its way through the approval process. However, a triangle is earned for adding Title III back in before and codification of the embargo because it was mainly the Cuban-American contingent in Congress that made that fight.

Culturally, the decision to use Guantanamo Bay as a detention facility for enemy combatants earned a triangle for Change/No Influence solely due to the fact that the decision to hold enemy combatants in Guantanamo Bay was decided with little outside influence. Concerning the decision to shut Guantanamo Bay down, human rights groups and most of the media were opposed to the facility and were effective in keeping the anti-Guantanamo Bay narrative the limelight. However, the facility is still being used. Therefore, culture earned a circle for Influence/No Change. Structurally, a star for Direct Change is earned due to the fact that Guantanamo Bay was chosen largely due to the fact that the Bush administration felt that keeping detainees at Guantanamo Bay meant that they would be free from constitutional constraints such as habeas corpus. Regarding the decision to shut Guantanamo Bay down, the lawsuits brought forth were influential in changing detainee policy. However, since the facility is still in use, structure earned a circle for Influence/No Change. Individual leaders earned a triangle for Change/No Influence for the decision to use Guantanamo Bay. During analysis, although individual leaders ended up making the decision to use Guantanamo Bay, they were making the decision based on structural considerations. Individual leaders earned a circle for Influence/No Change. Even though people like Kenneth Ross from Human Rights Watch were extremely outspoken against Guantanamo Bay and fought to have the facility shutdown, they were ineffective.

Obama's normalization earned triangles for Change/No Influence for both culture and structure. The release of Alan Gross was the only major impediment outside of Helms-Burton. However, since the president is able to control much of the policy outside the control of the codified embargo, this section concerns itself only with the events leading to the release of Gross. This is of importance because while Gross was still in a Cuban prison, there could be no negotiations for normalization of relations. Therefore, culture and structure both earn Change/No Influence. Culture or structural factors play no part in Gross's release. Individual leaders earn a star for Direct Change. As evidenced, without key individual leaders like President Obama, Rhodes, Zuniga, and Pope Francis willing to

go all the way and free Gross, there likely would not have been any room for Obama to normalize relations with Cuba. Table 2 depicts where each factor stands before final analysis.

Looking at Table 2 and determining whether culture, structure, or individual leaders had a greater impact quickly shows a trend. First, in the column for culture, one sees that there are only icons for Change/No Influence or Influence/No Change. Culture either ended up having influence on policy makers but were ineffectual in policy change, or there was change in policy yet culture had no influence on said change. Therefore, culture quickly becomes the weakest factor having any influence on policy decision-making. Second, Obama's normalization row only has one star for Direct Change in the individual leaders column. With structure and culture having a triangle for Change/No Influence, it is easy to make the argument that individual leaders had the most impact in shaping policy. With the release of Alan Gross, the four main individuals involved were able to earn the trust of their counterparts and bring Cuba to the negotiating table in a way that has rarely happened between the U.S. and Cuba. Additionally, with Obama stating openly to Rhodes to "think big," that gave Rhodes the authority and legitimacy of the Office of the President to speak on his behalf. The factor for individual leaders easily has the strongest argument for Obama's normalization of relations.

The next event to have only one star for Direct Change is Guantanamo Bay in the structure column. Additionally, that star is for the decision to use Guantanamo Bay. Structure played heavily into that decision for Bush and his administration which was trying to find a place to put enemy combatants outside the confines of U.S. law and constitutional protections. Additionally, the right half of each column for Guantanamo Bay representing the decision to shut the facility down contain circles for Influence/No Change. While structurally, there were arguments and successful lawsuits that might have been influential in shaping public opinion, there was no policy shift as evidenced by the fact that Guantanamo Bay is still being used by the U.S. as a detainee facility. Therefore, structure wins as the factor having the most influence on policy decision-making for the use of Guantanamo Bay.

The Balsero Crisis and Helms-Burton each had three stars for Direct Change. Starting with the Balsero Crisis, while election politics did play a role in sending the rafters to a Guantanamo Bay, individual leaders played a larger role during the crisis writ large. At any time President Clinton could have chosen not to use his executive power to change Cuban immigration policy. Additionally, back-channel negotiations with Peter Tarnoff helped put an end to the crisis as well as bring about the wet foot-dry foot policy. Therefore, individual leaders factored most heavily into the Balsero Crisis.

Helms-Burton showed that structure played a more pivotal role in shaping the decision-making process leading to an outcome of policy change. While individual leaders, especially Helms, was effective in getting the bill written and passed through the Senate, regarding the re-addition of Title III and codification of the U.S. embargo, there was no single individual who played a pivotal role. Therefore, individual leaders were less effective than the structural processes imposed by the Cuban-American contingent in Congress. For example, the Cuban-American legislators negotiated both Title III and codification after the Brothers planes were shot down by Cuba. Taking everything into account, structure had the biggest influence in decision-making process with a policy change. Table 3 depicts the result of the final analysis. The Balsero Crisis and Obama's Normalization were both most influenced by individual leaders whereas structure was the factor that most influenced Helms-Burton and Guantanamo Bay.

Table 3: Final Analysis of Factors on Each Case Study

Final Analysis of Factors on Each Case Study			
	Culture	Structure	Individual Leaders
Balsero Crisis			X
Helms-Burton Act		X	
Guantanamo Bay		X	
Obama's Normalization			X

F. HYPOTHESIS TESTING

This section aims to test the hypotheses: H1-individuals set the ultimate and secondary intentions of the state; and H2-individuals are more important when circumstances are more fluid and conversely less influential in less dynamic situations. For the purposes of this thesis, fluid situations will be discussed as crisis events when testing H2. Whereas the pre-analysis prediction showed only Helms-Burton as being more structurally influenced, post-analysis shows the Guantanamo Bay case study shifted from individual leaders to structure as the main factor influencing the decision-making process. Additionally, the fact that Helms-Burton stayed in the structure column is interesting considering the argument that it had crisis elements to it after the Brothers incident.⁴²⁶ According to H2, there should have been a shift from structure to individual leaders.

The Balsero Crisis is a full confirmation of both H1 and H2. The Balsero Crisis was indeed a crisis situation. In this situation individual leaders were able to set the intentions of the state by Clinton's use of executive power to send the refugees to safe havens and by Tarnoff's ability to negotiate a settlement to the crisis with the Cubans.

Helms-Burton is a little more interesting in the fact that with the shooting down of the Brothers planes, it was a situation that had both crisis and strategic elements to it.⁴²⁷ This event was unable to confirm either H1 or H2. First, structural factors were more influential in the decision-making process. Second, in what was considered an event that had crisis elements to it, the strength of the individual to shape the outcome was reduced and structural factors prevailed, effectively removing individual leaders from the decision-making processes that were examined by Table 3.

The events surrounding Guantanamo Bay were unable to confirm H1 because structure had the stronger argument for impacting the decision-making process. H2 was partially confirmed because even though individuals were not more important, the second half of the hypothesis states that in less fluid situations, the individual impact is lessened.

⁴²⁶ Vanderbush and Haney, "Policy Toward Cuba in the Clinton Administration," 404.

⁴²⁷ Vanderbush and Haney, 404.

Therein lies the partial confirmation. The Guantanamo Bay situation was not considered a crisis. It was a long-lasting situation with many aspects to include slow moving court cases. With this less dynamic aspect of the situation, individuals were indeed less important, confirming the second half of H2.

Obama's normalization is another partial confirmation. H1 was fully confirmed because individuals were able to set the tone of what the state wanted to accomplish. Obama was open about engaging with Cuba and concerning the release of Gross he was willing to go for the "big bang"⁴²⁸ However, H2 was partially confirmed for reasons opposite to that of Guantanamo. For normalization to occur, Gross had to be released but the need for his release was a less dynamic nor crisis situation since he has already been in a Cuban jail for an extended period of time. Additionally, individuals were the factor that played most importantly into the decision-making process. Therefore, the second half of H2 is not confirmed, resulting in a partial confirmation of H2. See Table 4 for overall results.

Table 4: Results of Hypothesis Testing

	H1 Confirmed	H2 Confirmed	H1 Not Confirmed	H2 Not Confirmed
Balsero Crisis	X	X		
Helms-Burton Act			X	X
Guantanamo Bay		Partial	X	
Obama's Normalization	X	Partial		

G. CONCLUSION

The four case studies of Cuba policy are enlightening in several aspects. Importantly, in the two subsets that involved back-channel negotiations between U.S. and Cuban officials, the outcome was what can be accepted as a positive conclusion. For

⁴²⁸ Rhodes, *The World as It Is*, 264.

example, in both the Balsero Crisis and the release of Gross, extensive use of back-channel negotiations was used bringing both events to an end. In both subsets, executive power was invoked in terms of President Clinton's decision to no longer allow automatic entry of Cuban refugees and President Obama's decision to work within the confines of Helms-Burton. Passage of Helms-Burton and the case of Guantanamo Bay were on the opposite side of the spectrum in a sense that neither were conducted with Cuban involvement nor were any back-channel negotiations needed. An interesting conclusion can be made arguing that when the U.S. and Cuba engaged there was a result of cooperative relations and an outcome that both sides agreed upon.

Based on the findings of this thesis, several policy recommendations are submitted. First, for the most part, the U.S. has shown an unclear commitment to pursue a policy of rapprochement with Cuba. Additionally, Cuba has a history of welcoming high-profile U.S. citizens such as Rhodes and Presidents Carter and Obama.⁴²⁹ Therefore, it is recommended that the U.S. pursue a consistent policy of rapprochement with Cuba.

Second, structurally speaking, the Helms-Burton Act and its codification of the U.S. embargo against Cuba is the largest impediment to rapprochement with Cuba. As Kaplowitz argued, Helms-Burton's main goal of regime change in Cuba is extremely unlikely.⁴³⁰ U.S. forced regime change in Cuba is even less likely considering the fact that Cuba has undergone two peaceful transitions of power. Additionally, incremental approaches as those applied by Presidents Carter, Clinton, and even Obama did not work.⁴³¹ Once President Obama decided he wanted to make large changes, there was true policy change concerning the U.S. stance towards Cuba. With these considerations on mind, it is recommended that members of Congress put forth a comprehensive bill addressing U.S. foreign policy towards Cuba to include an overturning of Helms-Burton. This bill would need to address more actions on Cuba's part concerning its human rights abuses rather than being concerned with regime change in Cuba. Additionally, while

⁴²⁹ Tony Armstrong, *Breaking the Ice: Rapprochement Between East and West Germany, the United States and China, and Israel and Egypt* (Washington, D.C.: U.S. Institute of Peace Press, 1993), 147.

⁴³⁰ Kaplowitz, *Anatomy of a Failed Embargo*, 206.

⁴³¹ LeoGrande and Kornbluh, *Back Channel to Cuba*, 412.

overturning the embargo of Cuba, the new bill would need to fully address economic conditions within Cuba and encourage change within Cuba rather than attempt coercive measures to make Cuba change.

Lastly, full diplomatic relations were severed for long enough as to foster a habit of bureaucratic misunderstandings between the U.S. and Cuba.⁴³² Furthermore, Cuba desires to conduct diplomatic relations with the U.S. on equal terms and is concerned about any U.S. infringement on its national sovereignty.⁴³³ Therefore, it is recommended that the U.S. bolster its efforts to conduct diplomatic relations with Cuba, paying special attention to any issue that might be construed as the U.S. imposing its hegemonic will on Cuba's sovereignty. This last line of effort would be especially helpful in conveying to Cuba any bills put forth in Congress as previously recommended.

One suggestion for further research considering the three factors of culture, structure, and individual leaders and their effects on the decision-making process would be Iran. There are multiple similarities in U.S. foreign policy between Cuba and Iran.⁴³⁴ Applying the findings from this thesis that both structure and individual leaders influenced the foreign policy decision-making process with Cuba to Iranian case studies, can help determine if the same findings apply. If so, the U.S. can continue to use the same factors to get continued cooperative relations.

⁴³² LeoGrande and Kornbluh, 414.

⁴³³ LeoGrande and Kornbluh, 415.

⁴³⁴ For more information on the similarities between Cuba and Iran, ranging from U.S. backed dictators prior to each states revolution, multiple U.S. sanctions, and post revolution brain drain see Tony Armstrong, *Breaking the Ice: Rapprochement Between East and West Germany, the United States and China, and Israel and Egypt* (Washington, D.C.: U.S. Institute of Peace Press, 1993), 147.

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