The Confluence of Domestic and International Interests:
U.S. Policy Toward Cuba, 1998–2001

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This article examines the confluence of forces at work to shape U.S. policy toward Cuba since the late 1990s. Our approach examines four key factors involved in policymaking toward Cuba in this period: (1) the entry of new interest groups into the Cuba policy process and an “entrepreneurial” Congress; (2) the executive’s constitutionally based interests; (3) bureaucratic interests; and (4) pressure from outside the United States. We examine U.S.–Cuba policy by describing each determinant in isolation and then by looking at the dynamic interaction among them, showing how they are linked together. In doing so, we argue that an analysis including multiple factors better explains U.S. policy toward Cuba than one that focuses on a single factor such as the power of the Cuban-American community.

Keywords: U.S. foreign policy, Cuba, embargo

At the start of Bill Clinton’s second term, U.S. policy toward Cuba appeared frozen in a Cold War time warp. The president recently had signed the Helms-Burton Act, codifying all the existing executive orders on the embargo and seemingly closing off the possibility for any new initiatives. Only Congress could change the embargo by writing new legislation, and it was hardly in a conciliatory mood toward Cuba. In the second year of George W. Bush’s administration this policy freeze seems as cold as ever, with pro-embargo forces confident that the president supports a tough policy against the Castro government (DeYoung, 2001a; Marquis, 2001a). Thus at first glance it would seem that U.S. policy toward Cuba has stayed roughly the same since Clinton signed Helms-Burton.

Explanations for the impressive stability of the embargo policy often focus on the political power of the Cuban-American lobby in Florida, New Jersey, and Washington, D.C. (e.g., Mead, 2001; Smith, 1998; Kiger, 1997; Brenner and Kornbluh, 1995). Their contribution to Bush’s Florida success in the 2000 election reinforces a single-factor analysis that emphasizes the importance of this ethnic group in determining U.S. policy toward Cuba (Economist, 2001). In a similar way, the stability of U.S. policy toward Cuba from 1960 to 1990 was often
explained by the single factor that U.S. officials, for the most part, viewed Cuba through a Cold War lens and often as a pawn of the Soviet Union (Smith, 1987).

However, the political dynamics that underlie U.S.–Cuba policy today have changed in important and interesting ways. President Clinton used his executive authority to allow some shifts in the embargo policy to facilitate people-to-people contacts. Congress acted in 2000 and 2001 to permit the sale of food and medicine. And even the Bush administration permitted the sale of food to Cuba in 2001, after Hurricane Michelle devastated the island, and waived enforcement of Title III of the Helms-Burton Act. Across the political spectrum editorial writers, academic associations, business and labor leaders, farm associations, and even Cuban-American groups have called for a change in U.S. policy. Despite the seemingly firm resolve of President Bush to maintain a tough embargo against Cuba, the compelling momentum that developed after 1998, to lift U.S. sanctions on food and medicine and to engage rather than to confront this long-time adversary, makes change rather than stability more probable. The seeming continuity of the general embargo policy thus obscures small but significant policy modifications, as well as even greater changes in the relative importance of different domestic and international factors in the making of Cuba policy. Similarly, a singular focus on the political power of Cuban-Americans in analyzing Cuba policy obscures the actual dynamics of the process in this case.

We propose that an alternate approach better captures this dynamic. Lindsay and Ripley argue,

[T]he post–cold war environment has changed the nature of policy priorities and has required organizational adaptation and refocusing. Formerly peripheral organizational players are now at the core. The central players of the past no longer exclusively determine the agenda. Trade, commercial, financial, economic, and even regulatory issues now play a much larger independent role in U.S. policy than they did in the bipolarized world of the cold war. (1997:36)

Indeed, the Executive is today more fragmented, foreign policy is more complicated and diverse, and Congress is both more engaged and also more open to political forces in foreign policy than perhaps ever before (Hersman, 2000:10–14; see also Henehan, 2000; Lindsay, 1994; Nacos et al., 2000; Scott, 1998; Shapiro et al., 2000). U.S. policy toward Cuba since 1998 illustrates the kind of political dynamics behind contemporary foreign policy to which so many analysts point and which indicates the need for an alternate explanation to the single-factor analysis that rests on the alleged power of the Cuban-American community.

The alternate explanation focuses on four other significant factors that have shaped U.S. policy toward Cuba in recent years: (1) the relatively new entry of business and farm interests into the Cuba policy process; (2) the executive’s constitutionally based interests; (3) bureaucratic interests; (4) pressure from outside the United States. The multifaceted nature of the forces shaping the policy now, mostly domestic and some foreign, makes this case a useful model for understanding the politics of U.S. foreign policymaking since the end of the Cold War. The study here first provides an overview of the policy steps that the Clinton administration took following passage of the Helms-Burton Act and the wrangling over Cuba policy that played out in the White House and in Congress during this period. It then examines U.S.–Cuba policy by describing each of the four factors in isolation and then by looking at the interaction among them, showing how they are linked together. Ultimately, we argue, the case demonstrates that analysts need multiple explanatory perspectives to fully comprehend the politics behind Cuba policy and the politics of foreign policymaking in general.

1 The authors wish to thank an anonymous reviewer for providing this phrase.
(N)Ever Changing Cuba Policy

When the Soviet Union effectively pulled out from Cuba in 1991, domestic supporters of a continued embargo seized the opportunity to step up pressure on the Cuban government. Notably, Senator Connie Mack (Republican-Florida) sponsored legislation that would have restored a prohibition on third-country subsidiaries of U.S. corporations from trading with Cuba.2 President Bush vetoed the trade bill that included the Mack Amendment, in part because it angered U.S. allies who saw the law as an extra-territorial infringement on their sovereignty. But the restriction re-emerged in 1992, in the Cuban Democracy Act (CDA) sponsored by then Rep. Robert Torricelli (Democrat-New Jersey) and backed by the Cuban American National Foundation (CANF). The CDA also included “Track II” provisions designed, as Torricelli envisioned it, to “wreak havoc” on the Cuban society through means other than the embargo, by fomenting discord through dissident organizations and media (Torricelli, 1993). The Bush administration initially opposed the CDA, but when presidential candidate Bill Clinton endorsed it, President Bush signed it into law (Murray, 1992; Fiedler, 1992).

Then in 1994 the United States abruptly changed its policy of allowing Cuban exiles to gain asylum if they were rescued in international waters. Deteriorating economic conditions in Cuba led to a “rafter” crisis in August and September when more than 25,000 people used makeshift crafts in efforts to reach U.S. territory. Clinton ordered that they be housed at Guantanamo Naval Base on Cuba and he declared that they would not be permitted to enter the United States. In 1995, in the wake of potential riots at Guantanamo, the exiles there were allowed to come to the United States and a new order stipulated that Cubans rescued in international waters would thereafter be returned to Cuba. At the same time, internal reviews in the Executive Branch began to examine whether the United States should begin a new course in its relations with Cuba. This in part prompted Senator Jesse Helms (Republican-North Carolina), the new chair of the Senate Foreign Relations Committee, and Rep. Dan Burton (Republican-Indiana), the new chair of the House Subcommittee on Western Hemispheric Affairs, to draft legislation tightening the embargo (see Kiger, 1997; Nagin, 1998).

The Helms-Burton legislation was awaiting House-Senate conference action in January 1996 when the Cuban exile group Brothers to the Rescue began a series of provocations against Cuba. That month some of the group’s planes dropped propaganda leaflets over Havana. On 24 February, despite warnings that intrusions would meet a military response, a Brothers’ mission again violated Cuban airspace. Cuba responded by shooting down two of the planes in international waters (Kiger, 1997; Nagin, 1998). Helms and Burton acted quickly when international and domestic denunciations of Cuba followed, and Clinton signed the Helms-Burton Act—the formal name is the Cuban Liberty and Democratic Solidarity Act (LIBERTAD)—in March 1996.

Until Helms-Burton, the various U.S. trade sanctions against Cuba that constituted the embargo derived from several grants of authority the Congress had handed to the president. President Dwight Eisenhower was the first to use this authority, in October 1960, to impose a partial embargo that prohibited the export of most goods to Cuba. Subsequent presidents issued executive orders that altered particular sanctions pursuant to this authority. The Helms-Burton Act codified all executive orders in effect on 1 March 1996, and thus appeared to diminish executive power by denying the president any ability to modulate the

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2 President Ford relaxed the embargo in 1975 to allow U.S. subsidiaries located in third countries to trade with Cuba (see Kaplowitz, 1998; Kinsky and Golove, 1993).
embargo in pursuit of U.S. foreign policy goals (LeoGrande, 1998:80–81).3 But in 1998 and 1999 President Clinton announced two series of steps that attempted to ease some parts of the embargo while reasserting presidential authority in this domain (Clinton, 1998, 1999). These steps seemed outside the bounds that Helms-Burton had established; they also seemed to try to shift the terms of the policy debate away from a focus on Fidel Castro and toward a focus on the Cuban people. Within the year the shift was apparent: the Treasury Department streamlined licensing procedures for U.S. and Cuban citizens traveling between the two countries and authorized charter flights to Cuba from New York and Los Angeles; U.S. officials announced they were seeking ways to improve coordination with Cuba over drug enforcement; the State Department allowed an expansion of educational, cultural, humanitarian, religious, journalistic, and athletic exchanges. The first evidence of this change came in the spring of 1999, when the Baltimore Orioles and a Cuban all-star baseball team played exhibition games in Havana and Camden Yards. The administration also issued regulations that permitted the sales of food to entities independent of the Cuban government, such as religious groups and private restaurants, and sales of agricultural “inputs” to private farmers and farmers in cooperatives raising food for sale in private markets.

At the same time, though, President Clinton foreclosed the option of forming a bipartisan commission to review Cuba policy, which some saw as a precursor to a move to end the embargo altogether. Clinton may have been trying to give something to the forces he was clearly disappointing with this conciliatory move. The words of one State Department official suggest a calculus of that sort: “We did not want to use up political capital in naming a commission that would probably not be effective. . . . We felt it was more realistic to split the difference” (Hoagland, 1999:A25). Later reports suggested that electoral politics also played a prominent role in the decision to reject the commission idea. Senator Graham and Vice-President Gore recognized that the commission would be doing its work in the middle of the 2000 presidential campaign, and that the Democratic nominee would be hard-pressed to overcome the presumed Cuban-American backlash in the pivotal state of Florida (Ferreira and Fabricio, 1999).

The ground under the embargo was shifting. In proposing to license the sale of food to the private restaurants that have proliferated in Havana, and farm equipment, seed, and fertilizer to private farmers, the administration created a large hole in the embargo that U.S. vendors might use to market many products in Cuba. It also provided an incentive for corporations to lobby the administration in ways that would then enable U.S. officials to justify further relaxation of the embargo, and legitimacy to those efforts. The announcement thus opened the door to new pressures that became evident very quickly (DeYoung, 1999; Robinson, 1998). In addition, the changes were made unilaterally, without any demand that the Cuban government meet conditions or reciprocate. In contrast, Clinton policy in his first term called for “calibrated responses” by the United States in reaction to demands that the Cuban government improve its human rights record. Indeed, reciprocity had governed U.S. policy since the 1970s.

Blinded by the Track II rhetoric that Clinton used in his announcements, Cuban officials strongly rejected the opening, which they claimed was a new form of “imperial aggression.” It took three months, for example, for them to finalize plans for the Orioles baseball games after Secretary of State Madeleine Albright suggested they were intended to fulfill Clinton’s destabilization goals. Cuba was uncomfortable also with the particulars of Clinton’s proposal, because

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3 The president is permitted to issue a waiver of Title III, which gives a person who was a U.S. citizen on March 1, 1996, the right to make claims against an entity—such as a foreign corporation—that engages in commerce involving nationalized property that had been owned by the U.S. citizen. President Clinton invoked the waiver every six months; President George W. Bush has exercised the waiver as well.
they offered a way for small entrepreneurs to gain capital and to potentially gain political power within Cuba. Because of Cuba’s tepid response to these initiatives, Clinton’s moves had little practical impact beyond adding legitimacy to opposition to the embargo. Thus while momentum was moving in the direction of dismantling sanctions, it had not yet coalesced around a viable vehicle.

In 1999 Senator John Ashcroft (Republican-Missouri) offered one such vehicle, which survived a Senate parliamentary move to kill it by a resounding tally of 70–28. The Ashcroft amendment to an agricultural spending bill would have lifted the food and medicine embargo against Cuba, and prohibited the president from imposing unilateral agricultural or medical sanctions against a foreign country (Ashcroft, 1999; Pomper, 1999). By the end of June, there were fourteen anti-sanctions pieces of legislation pending in the House and eleven in the Senate. Of those, six were Cuba-specific (DeYoung, 1999).

While prominent nonagricultural business organizations such as the U.S. Chamber of Commerce offered support for the Ashcroft amendment, House conferees—prodded by their Republican leaders—were able to strike it from the final bill. But in the spring of 2000 the House Appropriations Committee approved a similar measure, offered by George R. Nethercutt (Republican-Washington). The final version of the Nethercutt Amendment that Clinton signed into law is weaker than the Ashcroft legislation, because it prohibits U.S. entities from extending credit to Cuba for the sale of food and medicine—a compromise added at the urging of the Cuban embargo hardliners (Seattle Post–Intelligencer, 2000). But it does allow cash sales of food to Cuba that can be financed through third countries such as Mexico. The legislation, an amendment to the $75 billion agricultural appropriations bill, also permits exporters of food products to travel to Cuba with a general license. Throughout the summer of 2000, House Republican leaders had attempted to prevent passage of the amendment. They were responding largely to two “entrepreneurial” members—Lincoln Diaz-Balart (Republican-Florida) and Ileana Ros-Lehtinen (Republican-Florida)—who were devoted to maintaining the Cuban embargo (see Tierney, 1994:104). The House expressed its frustration by passing (by a 301–116 vote) an unconventional measure that would have left the embargo in place while prohibiting the executive branch from enforcing it with respect to food and medicine. The Republican leadership heard the message, and just before adjournment in September it brokered a deal to pass the Nethercutt amendment with added restrictions on travel to Cuba. Notably the agreement came on the same day that eight prominent Republicans, including former Secretary of Defense Frank Carlucci and former member of the Republican National Committee, Clayton Yeutter, issued a public call for an end to the embargo on food and medicine (Gedda, 2000).

During the first eight months of 2001 the momentum to relax the U.S. embargo continued apace. In April, rice growers and several members of Congress traveled to Cuba, hoping to encourage Castro to purchase food under the terms of the 2000 amendment, which he had denounced. The Miami Herald reported that

Joy King, spokeswoman for Nethercutt, one of the sponsors of the bill, said the Washington congressman was interested in keeping the momentum going. “He is going down there to plead the case, that ‘if you meet us part way, we will keep moving.’” King said. “That will give him motivation to come back here and propose more legislation.” (Bussey, 2001)

In July the House did approve legislation to lift nearly all restrictions on travel to Cuba, by a vote of 240–186. The Senate was expected to take up the measure in

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4 The law also denies the president any discretion to create new categories of people eligible for licenses to travel to Cuba. New categories can be created only by new legislation.
September. Meanwhile, fighting among members of the CANF’s board of directors weakened the organization’s influence, as did the decision of the Latin Grammy Awards Committee to move the ceremony from Miami to Los Angeles because it feared disruptions from anti-Castro exiles who planned protests against the presence of Cuban performers (Pressley, 2001a, 2001b).

The September 11 terrorist acts halted this momentum largely because Cuba is one of the seven countries on the State Department’s “Terrorism List.” According to the Office of Counterterrorism’s 2000 report, the rationale for Cuba’s inclusion on the list was that “Cuba continued to provide safehaven to several terrorists and U.S. fugitives . . . . Havana also maintained ties to other state sponsors of terrorism and Latin American insurgents” (U.S. State Department, 2000). Members of Congress were wary that their efforts to lift the embargo at that point could be used by electoral opponents to allege that they supported terrorism (Personal interviews, 2001). This concern was reinforced two weeks after September 11 when the FBI arrested the Pentagon’s principal Cuba analyst on charges that she was a Cuban spy (Marquis, 2001b). However, the demonization of Cuba was short-lived. By the end of September a prominent group of U.S. citizens publicly called for Cuba’s removal from the terrorist list (Sullivan, 2001). Several groups also circulated reports on Capitol Hill that vitiated the allegations against Cuba. As one analyst from the Center for International Policy noted, “Cuba is not ‘harboring’ [Basque separatists living in Cuba]. They came there originally as the result of an agreement between the Felipe Gonzales Government in Spain and Havana. For its part, the present Spanish government has made no effort to extradite any of the Basques living in Cuba today” (Landau and Smith, 2001).

Nature also contributed to a softening of the U.S. position when Hurricane Michelle devastated Cuba in early November. The Bush administration responded by offering disaster relief aid to Cuba, but the Cuban government rejected the offer. Instead, it sought to purchase food from the United States using expedited procedures that would circumvent restrictions in the Trade Sanctions Reform and Export Enhancement Act of 2000. Under pressure from humanitarian groups, and as the UN General Assembly voted 167–3 against the U.S. embargo, the Bush administration relented and permitted the sales (DeYoung, 2001b). Though the initial deals were small, U.S. grain producers forecast that this crack in the embargo would open a gulf (Marquis, 2001c). Indeed, in mid-December the Senate approved an amendment by Tom Harkin (Democrat-Iowa) to the Agriculture, Conservation, and Rural Enhancement Act of 2001 (S. 1731) that allows private U.S. financing of agricultural trade with Cuba, and which would overturn restrictions in the 2000 law on such credit.

By the end of 2001 U.S. policy toward Cuba had changed only modestly. But the pieces were in place to begin a major transformation, because the most important shift already had occurred in the politics behind Cuba policy. The confluence of forces that contributed to crafting that policy had become far more complex than is sometimes recognized. Below we try to sort through and identify the important actors and forces involved in this process.

Factors Shaping Cuba Policy

New Groups Join the Fray

Since the 1980s the Cuban American National Foundation has been a central player in crafting Cuba policy. Founded in 1981 at the urging of Reagan administration officials, it quickly built a web of relationships in the executive branch that extended into Central America and Africa policy as well as Cuba policy. It also had bipartisan ties with several influential members of Congress who sponsored CANF-backed legislation (see, e.g., Haney and Vanderbush, 1999; Kaplow-
But CANF’s influence began to wane during the early part of Clinton’s first term. Insiders report that it had little role, for example, in the drafting of Helms-Burton (Vanderbush and Haney, 1999:387–408). After the November 1997 death of CANF leader and founder Jorge Mas Canosa, and a 1998 New York Times story about CANF links to terrorist Luis Posada Carriles and other exiles indicted for plotting to assassinate Castro (Bardach and Rohter, 1998), the organization appeared to lose much of its clout on Capitol Hill. Meanwhile, business, church, and academic groups opposed to the embargo became more actively involved in this area, as did Cuban-Americans who supported a dialogue with Cuba (LeoGrande, 2000:38–41). When the Pope openly criticized U.S. sanctions during his January 1998 visit to Cuba, these groups increased their efforts. Americans for Humanitarian Trade with Cuba, an organization of prominent former U.S. officials and corporate leaders founded in January 1998, gained former House Ways and Means Committee chair Sam Gibbons (Democrat-Florida) as a member soon after the Pope’s visit (Marquis, 1998a; Jacobson, 1998:300). The U.S. Catholic Conference, which had opposed the U.S. embargo since 1972, once again asked the U.S. government to take a fresh look at its Cuba policy (Marquis, 1998b). USA*Engage, a group of more than 600 companies founded in 1997 to promote engagement and trade, rather than economic sanctions with rival nations, called for a reappraisal of U.S. policy toward Cuba. In the academic and journalistic communities a wave of anti-embargo rhetoric and activity continued to grow. Editorials from newspapers across the political spectrum criticized the embargo.

In October 1998 former Republican Secretaries of State Henry Kissinger, George P. Shultz, and Lawrence Eagleburger, and Senators John Warner (Republican-Virginia) and Christopher Dodd (Democrat-Connecticut) led a bipartisan group in proposing that Clinton create a commission to review U.S. policy toward Cuba. In the background, the Council on Foreign Relations had organized a task force that was expected to issue a report with recommendations for significantly relaxing the embargo (Aronson and Rogers, 1999).

On the other side, Senator Helms, Reps. Diaz-Balart, Ros-Lehtinen, and Robert Menendez (Democrat-New Jersey), and CANF, condemned the call for a commission. For the remainder of 1998 the possibility of a bipartisan commission became the central focus of opponents and supporters of the embargo, because both sides believed it would be a vehicle the president would use to weaken the embargo. Supporters of the embargo reportedly feared that a commission would provide a cover for Clinton to relax the embargo. They directed their efforts at influencing Gore to oppose the idea. With images of Florida’s electoral votes dangling before him, Gore reportedly weighed in strongly against a commission after learning that it could not complete its work until late in 1999, well into the 2000 electoral season (Brenner, 1999; Ferreira and Fabricio, 1999).

By rejecting the commission and offering a relaxed embargo to business and political leaders, President Clinton simultaneously tried to satisfy pro-embargo interests while mollifying critics of Cuba policy. But his January 1999 announcement itself opened the door to more interest groups’ pressure on both the legislative and executive branches. In a sense, the Clinton Administration did what the Reagan administration had done in fostering the power of CANF—it tried to expand the scope of conflict to change the balance of political power (Schattschneider, 1960: ch. 1). By re-framing the debate to focus on trade he brought new and powerful groups into the process of shaping Cuba policy and made the administration itself vulnerable to pressure. This enabled the administration, and the Congress, to assert that it was responding to legitimate “pressures” as it changed the policy. The Clinton administration began this process of expanding the circle of debate, seeking to find counterpressures to embargo hard-liners, early on (Rieff, 1996:73); this process began to bear fruit in 1998—
2000. For example, twenty members of the American Farm Bureau, which came out against the embargo for the first time in January 1999, received permission to visit Cuba in May of the same year. Upon their return, the group’s president, Dean Kleckner, testified before the Senate that the “embargo or sanction does long-term harm to farmers and the agricultural economy” (Alvarez, 2000; Radelat, 1999).

In re-framing the issue as one of trade instead of national security or human rights, Clinton facilitated anti-embargo forces to acquire their most significant source of influence: the electoral interests of farm state senators and representatives. Republican Midwestern and Western farm state senators such as Robert Bennett (Utah), Christopher Bond (Missouri), Sam Brownback (Kansas), Ben Nighthorse Campbell (Colorado), Larry Craig (Idaho), Peter Fitzgerald (Illinois), Rod Grams (Minnesota), Chuck Grassley (Iowa), Don Nickles (Oklahoma), and George Voinovich (Ohio) provided the key support for the Ashcroft Amendment. Similarly, the Nethercutt amendment garnered support from farm state House Republicans. “I need to stand up for the farmers in my district,” Nethercutt stated plainly (DeYoung and Pianin, 2000). In the wake of falling global commodity prices and the U.S. growing trade deficit with the rest of the world, the agro-industry made a case for trade with Cuba that was increasingly difficult to refute.

Nethercutt’s success was fueled by the conjunction of several events. Pharmaceutical companies added their voice to the chorus against the embargo in 2000. House passage of permanent normal trading relations with China, a communist country whose human rights record was worse than Cuba’s, vitiates the logic of some arguments put forth by embargo proponents. The changed circumstances became most evident when Senator Helms, the arch Castro foe and author of LIBERTAD, tacitly dropped his opposition to easing the embargo. In March 2000 he allowed the Senate Foreign Relations Committee to authorize sales of food and medicine to Cuba (Chicago Sun-Times, 2000).

Enter Elián González; literally. When the six-year-old boy was saved off the Florida coast in November 1999, the American public attached his face instead of Castro’s to its image of Cuba. The seeming irrationality of Cuba policy was now personified by the difficulty of reuniting a sympathetic little boy with his father. In addition, the stalemate further damaged the credibility of the anti-Castro lobby, which defied public sentiment in trying desperately to keep the six-year-old Cuban boy from returning to Cuba. Elián made it easier for legislators to vote against the Cuba lobby and for a rapprochement with Cuba (DeYoung, 2000).

The end of the Cold War has generated a relative decline in the importance of traditional security interests, and as a result it appears to have opened the door to greater interest group activism over foreign policy (see, e.g., Uslander, 1995). The pattern of politics over Cuba policy validates this observation. As Cuba ceased to be a security issue, the farm lobby felt comfortable in advocating an end to the embargo. It combined with former government officials who represented global corporations to transform much of the debate about the Cuban trade sanctions from one centered around Cold War themes articulated through ethnic politics to one focused on international trade. But when security concerns re-emerged as a result of the September 11 terrorist acts, these new groups receded to the shadows. Uslander’s observation is further reinforced by the way in which Cuba policy then unfolded in late 2001, because the security issue was short-lived and so trade was restored as the fulcrum of debate in Congress on Cuba policy.

The Executive’s Interests

Since at least World War II, presidents have zealously guarded the executive’s pre-eminence in foreign policy (see, e.g., Fisher, 1999:246–260; Koh, 1990; Mayer, 2001). Clinton’s signing of LIBERTAD was a significant departure from usual
presidential behavior: he not only approved a tightened embargo, but appeared to give away a large measure of presidential prerogative to Congress at the same time. Senator Helms asserted that he meant LIBERTAD to be “Clinton Proof” (Helms, 1996). The president’s steps since 1996 can be seen at least in part as an effort by Clinton to regain institutional power not just as a domestic actor but as an international actor who must negotiate with foreign governments and implement trade policy. Here his domestic political standing and his international standing are intimately linked.

To waive Title III, the president must determine and report that the waiver is in the national interest of the United States and will expedite a transition to democracy in Cuba. The bill’s drafters calculated that Clinton could not use the waiver given how difficult it would be to show that progress toward a transition was being made (Vermillion, 1999). That Clinton invoked it at each six-month interval speaks to his institutional interest in regaining lost ground for the presidency. Even more significant, his January 1999 initiative went well beyond what even he suggested would be tolerated by LIBERTAD. A senior National Security Council advisor explained the basis for the changes by asserting publicly that

Helms-Burton codified the embargo and at the same time, it codified the President’s licensing power. That is, it codified a process by which there was an embargo to which exceptions could be granted on a case-by-case basis by the President. (Dobbins, 1999)

This interpretation gives the president the capacity to license virtually any trade with Cuba. According to Dan Fisk, who helped draft LIBERTAD as a staff member of the Senate Foreign Relations Committee, the administration relied on the nonbinding “sense of the Congress” in the law that they interpreted as permitting the president to tinker with rules on travel and remittances. They argue this implies that the president can make adjustments by executive order to these areas and across the full range of Cuba policy (Fisk, 1999).

This institutional interest reportedly led Secretary of State Warren Christopher to advocate privately that President Clinton veto LIBERTAD (Kiger, 1997:54). For similar reasons the Clinton administration later opposed the Nethercutt Amendment, although the president ultimately did not veto the agriculture appropriations bill in which the amendment resided. One official, who asked to remain anonymous, explained, “Nethercutt would take away the president’s freedom to use trade sanctions. For example,” he said, “Clinton would have been prevented from sanctioning Pakistan after it exploded a nuclear device in 1998” (Personal interview, 2000). The price for regaining presidential prerogative was a relaxation of the embargo, which was the only way he could assert executive authority in this area and thus to seize back terrain necessary to be a more effective domestic and international political leader.

Remarkably President Bush continued the Clinton practice of extending the waiver on Title III, despite his outspoken championing of the Helms-Burton Act and pressure from Cuban-Americans to whom he owed a debt because of their strong support in the 2000 election. In part he signed the waiver in July 2001 because he sought to retain the limited prerogative for the executive that the act afforded with Title III (Gedda, 2001).

**Bureaucratic Interests**

Inside the administration, opinions on Cuba varied from one agency to another, and at times within an agency. In some instances these differences reflected the
interests of a particular agency, and so the conflict over Cuba policy might be
described as a classic case of bureaucratic politics (see Allison and Zelikow, 1999;
Ripley, 1995). In general, though, the battle lines reflected other factors not
neatly encompassed by that model.

One fault line occurred within the State Department itself. While Secretary
of State Albright reportedly supported the idea of a presidential commission,
she also was sensitive to the predilections of Senator Helms. Thus her com-
ments to the press in January 1999 nearly scuttled the plans for baseball games
between the Cuban national team and the Baltimore Orioles. In subsequent
negotiations to finalize the games, State Department officials took their cue
from her and were so rigid that only the last-minute intervention of Assistant
to the President for National Security Affairs Sandy Berger saved the games
(Armstrong, 1999). The Office of Cuban Affairs had had numerous conflicts
over U.S. policy toward Cuba in prior years with the State Department’s Bureau
of Human Rights and Humanitarian Affairs. The human rights bureau had
sought to relax the embargo as a way of promoting openness in Cuba, which it
believed would improve human rights conditions on the island; Cuban affairs
tended to take a hard-line stance seemingly in deference to Helms.

At the same time, Under Secretary of State for Economic Affairs Stuart
Eizenstat had become the lead administration advocate in forging a common
front with European allies over sanctions against Cuba. This had become an
important mission because U.S. trading partners had expressed anger over the
extra-territorial provisions of the Helms-Burton Act. Eizenstat sought to
maintain a consistent anti-Cuban position because it strengthened his hand in ne-
gotiations with the allies. The allies’ concerns, though, highlighted an important
disagreement within the administration over the general direction of U.S. for-
eign policy that could not be neatly compartmentalized along agency lines.
While there was general support in the Clinton administration for the promo-
tion of free trade, many disagreed over the nature of the world order that was
necessary to achieve this goal. For example, Treasury Secretary Robert Rubin
emphasized the primacy of stable markets and advocated intervention mainly
for that purpose. But the Office of Foreign Assets Control in the Treasury
Department supported sanctions as a weapon in the U.S. arsenal, even when
these destabilized trade regimes. The Commerce Department generally pur-
sued its traditional role of promoting trade for U.S. corporations, but Eizenstat
began his campaign for Cuba sanctions while he was Under Secretary of
Commerce.

Within the national security community there were conflicts over whether
Cuba was a threat that could justify larger budgets, or a potential partner in the
fight against drug trafficking, which some saw as one of the most important
threats to the United States. In 1994 National Security Adviser Anthony Lake
characterized Cuba as a “rogue” state (Lake, 1994:45), and in 1998 Secretary of
Defense William Cohen initially held back a report that asserted Cuba posed
only “a negligible threat to the U.S. or surrounding countries” (Myers, 1998). But
officials in the Drug Enforcement Agency were reporting at this time that Cuba
was providing assistance in the apprehension of drug traffickers and in 1999 U.S.
officials announced they were openly seeking ways to coordinate their anti-
narcotics efforts with Cuba (Kornbluh, 2000).

In short, individuals and agencies within the executive branch sought alliances
in Congress, with other states, as well as among themselves in pursuit of Cuba
policies that reflected narrow personal goals, agency interests, and particular
constructions of U.S. international interests in the face of increasing globalization.
These constructions in part reflected a version of reality about inter-
national conditions, and they reflected domestic interests both of the people
involved and of their institutions to operate effectively.
As the United States attempted to isolate Cuba internationally over the last forty years, the effort had the perverse effect of isolating the United States. Even before the extra-territorial provisions of the 1992 Cuban Democracy Act generated annual UN General Assembly votes against the U.S. embargo, U.S. allies had voted with their feet by trading with Cuba. Their criticism only escalated with the Helms-Burton Act. But this international pressure had an effect only when it began to express itself through interests based in the United States.

External Pressures

International forces put pressure on the administration to change U.S. policy throughout 1998, beginning with Pope John Paul II’s visit to Cuba in January. In a series of masses across the island, the pontiff found common ground with Castro in a critique of global capitalism’s blind market forces, and he pointedly called for an end to “oppressive economic measures—unjust and ethically unacceptable—imposed from outside the country” (Fainaru, 1998). Of course, the Pope’s remarks had U.S. domestic implications because of its impact on the U.S. Catholic community, including those of Cuban descent.

Cuba reacted to the Pope’s plea for greater freedom by releasing more than 300 political prisoners, relaxing travel restrictions on priests, and permitting some church broadcasts. The Pope’s visit further undermined international acquiescence in the embargo, and several South American countries signed trade pacts with Cuba over the following months. Caribbean countries gave Castro a hero’s welcome at a summit in which the region’s leaders signed a free trade agreement (Perry, 1998; Reuters, 1998; XINHUA, 1998).

Meanwhile, Cuba’s economic performance undermined the rationale of the unilateral sanctions. Embargo proponents argued that the impact of the embargo had been vitiated during the Cold War by Soviet support of Cuba, so that its effect could not be accurately assessed for thirty years. But by 1999 Cuba had been without Soviet subsidies and the trade arrangements of the Council of Mutual Economic Assistance for nearly a decade. Its gross domestic product had declined by nearly 40 percent from 1989 to the mid-1990s (Zimbalist, 2000:17). But in 1996 the economy began to grow again (Pastor, 2000:33; U.S. International Trade Commission, 2001:3–26). In effect, it had weathered the embargo without aid and had established new trading partners. The largest of these—Mexico, Canada, and Spain—were making investments that could close U.S. investors out of future opportunities in the Cuban market.

Mexican and Canadian trade with Cuba also had the potential of undermining either the North American Free Trade Agreement (NAFTA) or the embargo itself. Thorough enforcement of LIBERTAD, which Sen. Helms was demanding, required the U.S. denial of visas to officials of Canadian corporations “trafficking” in Cuban property that had been nationalized from U.S. citizens. These denials would conflict with NAFTA provisions prohibiting such restraints on trade. While Mexico and Canada largely limited themselves to rhetorical denunciation of the LIBERTAD, the Canadian parliament did pass a law in 1996 making it illegal for a Canadian corporation to adhere to the terms of Helms-Burton. But the law has never been invoked. Yet in order to assuage U.S. trading partners, President Clinton used his authority under Title III of Helms-Burton to delay the ability of U.S. citizens to sue foreign corporations for engaging in commerce with allegedly confiscated property in Cuba, and he did not vigorously enforce Title IV provisions that required him to deny visas to officers of such corporations.

At the same time, the Clinton administration agreed to demands from the European Union (EU) not to enforce the Helms-Burton Act against European companies (Cooper et al., 1998). The administration had been involved in negotiations with European allies over LIBERTAD’s sanctions since 1996. In 1997 it
agreed to seek changes in the law to eliminate extraterritorial provisions in return for an EU promise to curtail trade with Cuba. But its failure to obtain congressional approval of the changes renewed the EU’s criticisms of U.S. policy (Smith, 1999). At stake was the very basis of the World Trade Organization (WTO). The administration responded to attacks on Libertad with the assertion that the WTO charter allowed trade sanctions for “national security” reasons. If left standing, this stratagem would open a loophole in the WTO through which any country could ignore the new global trading regime when it suited their interests—an approach U.S. allies wanted to discourage.

European trade partners of the United States argued that the extraterritorial elements of the Helms-Burton and the 1992 Torricelli Bill fundamentally conflicted with the free trade goals of the WTO. Significantly, their views were articulated by corporate leaders in the United States such as retired Chrysler Chairman Lee Iacocca and real estate developer Mort Zuckerman, and the major corporations that supported Americans for Humanitarian Trade with Cuba and USA*Engage (see Kiger, 1997). Officials of U.S.-based global corporations thus conveyed international pressures. Critical articles and editorials in the major print media, including business-oriented publications such as The Economist and Wall Street Journal, reflected a frustration with what business chiefs saw as an outmoded policy (Economist, 1995; Wall Street Journal, 1994; Chicago Tribune, 1994). Reportedly pressure from European allies, presumably conveyed in part by U.S. multinational corporations, influenced President Bush to waive Title III of the Helms-Burton Act in July 2001 (Johnson, 2001).

**Understanding Cuba Policy**

In the aftermath of the Cold War, U.S. international security concerns in Cuba have declined relative to domestic political issues in the making of policy toward the island (LeoGrande, 1998; Vanderbush and Haney, 1999; Waller, 1996). To be sure, domestic politics mattered during the Cold War as well. When more than 100,000 Cubans arrived in Florida during the Mariel boatlift in 1980, for example, the question of the U.S. relationship with the Castro regime was infused with domestic political interests related to immigration. The importance of the Cuban-American community as voters and funding sources in the electoral arena has grown through the 1980s and 1990s as well. These relationships between domestic politics and foreign policy are quite straightforward. President Carter (or then-Governor Clinton) would pay electoral costs if the arrival of Cubans in the country engendered a backlash against immigration. And a political candidate would gain votes and funding in Florida or New Jersey, if she or he supported a hard-line policy toward Cuba. The story we tell of Cuba policy at the end of the 1990s demonstrates an increasingly complicated confluence of domestic and international interests in the policymaking process.

A central aspect of the complexity that we highlight is the enhanced congressional involvement in foreign policymaking. The domestic political interests of members of Congress in areas that might benefit from the export of agricultural products to Cuba are new additions to a field that already included senators and representatives with large Cuban-American constituencies. Declining global commodity prices helped to prompt new efforts to find markets for products ranging from rice to apples. The role of international forces also included U.S. economic and political relationships with allies in Europe and the Americas, although that pressure seemed most evident within the executive branch. For business groups in the United States, the Cuban embargo represents an opportunity to challenge the wider use of economic sanctions as a foreign policy tool. Within a context shaped by global developments and domestic political pressures, the executive
and legislative branches are engaged in an ongoing struggle to protect their respective institutional interests with regard to policy toward Cuba. Congressional activism on Cuba policy should not come as a total surprise. Lindsay and Ripley observe that Congress tends to leave decision making on “strategic” issues to the executive (Lindsay and Ripley, 1993:18–22), but by the 1990s the Cuba case had largely ceased to be a strategic issue as Cuba had withdrawn its forces from Africa and the Soviet Union (and later Russia) was curtailing its support to Cuba. Further, in the 1990s Congress was more willing to involve itself in even strategic issues. Nevertheless, the scope of congressional involvement in this case is striking, and the fact that the Hill is now perhaps the important locus for Cuba policy is similarly noteworthy (Fisk, 2001:93–107).

While not suggesting that the embargo policy is likely to be dropped entirely in the near future, we do argue that Cuba policy today has a quality of indeterminacy that Helms-Burton would seem to have precluded. The Clinton reforms and the legislative actions in Congress suggest an underlying fluidity in policy toward Cuba. The possibility of shifting alliances among public and private sector actors with various electoral, economic, and institutional interests indicates the difficulty of explaining why the embargo policy toward Cuba continues to exist well after the original national security concerns have disappeared. It has been tempting in the past to attribute policy continuity to domestic politics, particularly the strength of CANF, and the electoral importance of Florida. While the 2000 presidential election in Florida reminds us of the significance of Cuban-Americans in southern Florida, we argue that policy is formed a much more complex interaction of domestic and global factors.

One conceptual derivation we might draw from this look at the dynamics behind Cuba policy deals with the concept of “Intermestic” politics. When Bayless Manning coined the term “intermestic” in 1977 to describe policies that are not exclusively international or domestic in nature it was an idea that ran a bit ahead of its time (Manning, 1977). By and large, policies were rooted in either the international or domestic realm, but Manning pointed to the blurring of the lines between these realms that was emerging. Today it is an idea that is behind the times; rarely can policy be contained in one category. If one were to resurrect this concept, our findings suggest that it is not the issue that is “intermestic,” as Manning meant it, but rather the factors that shape policymaking. That is, U.S. presidents act both as domestic political actors and as international figures. In this case, President Clinton acted as a domestic player (how do I respond to Congress and interest groups and hold onto presidential power in this area?) and as an international figure (how do I work with allies and respond to the Pope’s visit to Cuba?). Congress and the myriad of interest groups involved were similarly “intermestic” actors: simultaneously domestic and global figures.

This raises a second, related point, concerning what this case suggests about the “two-level game” construct that is often helpfully used by foreign policy analysts (LeoGrande, 1998; Putnam, 1988). The idea behind a two-level game is that a chief of government (COG) must simultaneously deal with a foreign and a domestic audience when crafting policy. This case of Cuba policy shows how complicated this process can be and perhaps challenges the conceptualization of the model. The COG in this case needed to satisfy at least two sets of international actors (the opponent, namely, Cuba, and U.S. allies who sought an end to the embargo but not necessarily on Cuba’s terms) and at least two sets of domestic actors (Cuban-Americans and the new groups we discuss above—and these actors had opposing agendas). The two-level game construct tends to focus on only one external actor and one unified internal actor. The case of Cuba policy would seem to suggest that policymaking is more complicated than that, and that perhaps the two-level game model needs to be revised. Second, the two-level game approach emphasizes the centrality of the COG, in the U.S. case
presumably the president, in determining policy, but here Congress was at least an equally important actor, especially after Helms-Burton. Again, this presents a challenge to the two-level game construct.

A final word about the nature of this case may be in order: how unique is the case of Cuba policy? We argue that while the complicated dynamics that underlie Cuba policy may be more pronounced in this case than in others, the evidence—at least pre–September 11—suggests that this pattern is more the norm than the outlier. Two recent edited volumes that include numerous case studies of American foreign policy since the end of the Cold War show that across a wide range of cases—from classic security issues like arms control to “new” issues like human rights and global economics—new actors have become increasingly important in the policy process, particularly Congress and interest groups (Carter, 2002; Scott, 1998). This trend began before the end of the Cold War and it intensified after 1991 across the spectrum of U.S. foreign policy. When read with these other studies, the dynamics behind Cuba policy that we identify, while striking, seem well within the new norm.

We would argue that this trend is likely to endure, and key to its endurance is the recognition that these trends began before the end of the Cold War. Vietnam, Watergate, and the Civil Rights movement, among other things, contributed to a fairly new American policy landscape—the backdrop of U.S. foreign policy. Congress and interest groups became increasingly engaged in foreign policy during the late 1970s and the 1980s. The end of the Cold War served to buttress this trend, not start a new one (see Hersman, 2000; Lindsay and Ripley, 1997; Uslander, 1995). And so we are skeptical that a new overriding threat like that of nuclear war with the Soviet Union could come to dampen the level of activity around foreign policymaking, because it itself did not totally do so even when it existed. However dangerous the world may be after September 11, 2001, such danger is unlikely to shut down entirely this new world of American foreign policymaking.

That is not to say that there cannot be temporary setbacks for these “new” actors, and the foreign policy process since the attacks of September 11, 2001 would seem to suggest that at least in terms of waging the “war” on terrorism the presidency has a strong hold on power—and is seeking to strengthen that hold. Nevertheless even in this case we see the closing down of the process as temporary. On foreign policy beyond the war in Afghanistan we see a wide range of actors vying for power. And even the war effort seems porous and open to influence deep inside the bureaucracy and outside the executive. So while the president may enjoy some temporary pockets of relative power over foreign policymaking, we argue that the “new normal” looks a lot like the dynamics behind Cuba policy we discuss above. Today policymakers find themselves continuously trying to balance their domestic and international interests, and they do so in an increasingly complex political environment. Cuba policy provides a useful case on which to base further efforts to probe this reality.

References


