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THE WHITE HOUSE

WASHINGTON

March 31, 1994

Dear Senator Wellstone:

Thank you for your letter recommending that restrictions on travel to Cuba by U.S. citizens be lifted.

As you know, my overriding interest in Cuba is to promote a peaceful transition to democracy and respect for human rights. We are pursuing a two-track policy to carry out these objectives: enhanced support for the Cuban people through licensed, private humanitarian donations and improved telecommunications; and continued enforcement of the comprehensive economic embargo against the Castro regime to encourage fundamental political and economic reforms. Both tracks are embedded in the Cuban Democracy Act (CDA) of 1992 which I strongly support.

Travel to Cuba is not prohibited by law or policy, but financial transactions incidental to such travel are regulated. We are searching for ways to increase the exchange of ideas and information between the U.S. and Cuba in order to promote democracy without compromising the integrity of our embargo policy. At the same time, absent respect for human rights and democratic reforms in Cuba, we would not want to grant the Cuban regime the economic windfall that unrestricted travel transactions would provide. I believe that the embargo continues to serve as effective leverage on the regime to change and that lifting or significantly relaxing embargo restrictions now would send the wrong signal to Cuba about our commitment to democracy.

I appreciate having the benefit of your views on this matter. Thank you again for writing.

Sincerely,

Bill Clinton

The Honorable Paul D. Wellstone
United States Senate
Washington, D.C. 20510

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THE WHITE HOUSE
WASHINGTON

Dear Senator Wellstone:

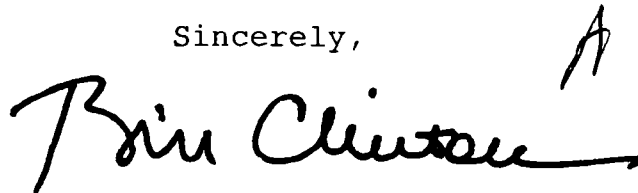
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The Honorable Paul D. Wellstone
United States Senate
Washington, D.C. 20510

THE WHITE HOUSE
WASHINGTON

March 28, 1994 **MAR 28 P 6: 36**

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE *RL*
SUSAN BROPHY *LM*

SUBJECT: Letter from Senator Wellstone on Travel
Restrictions to Cuba

Purpose

To respond to a letter from Senator Wellstone proposing that travel restrictions to Cuba be lifted.

Background

Senator Wellstone wrote to you to recommend that current travel restrictions to Cuba be lifted. Wellstone cites three reasons for his recommendation: free exchange of people and ideas foster democracy; Cuba no longer constitutes a national security threat to the United States; and the restrictions prevent Americans from exercising their constitutional rights.

Our proposed reply reaffirms our policy of seeking to promote peaceful democratic change in Cuba through a two-track policy of maintaining the economic embargo while reaching out to the Cuban people with humanitarian assistance and increased flow of information. The response also notes that there is no ban against travel to Cuba; however, financial transactions incidental to such travel are regulated.

RECOMMENDATION

That you sign the proposed letter at Tab A.

Pen

Attachments

Tab A Proposed Letter to Senator Wellstone
Tab B Incoming Correspondence

C

Chief of Staff

United States Senate

WASHINGTON, DC 20510-2303

94 FEB 4 PM 5:33

January 26, 1994

President Bill Clinton
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20050

Dear Mr. President:

I write to express my serious concerns about the current restrictions on travel to Cuba by U.S. citizens. I have been contacted by a number of constituents who support expanded travel to Cuba, and who have been engaged in direct people-to-people humanitarian exchanges there for some time.

I understand the Administration is currently reviewing this policy, and I wanted to share with you my views within the context of that formal review. I believe that the travel ban belies our commitment to intellectual freedom, undercuts our aim of promoting democratization and respect for human rights in Cuba, and infringes on important constitutional rights of Americans.

While it is true that the government of Cuba continues to hold in detention hundreds of prisoners of conscience, and to intimidate and harass certain of its peaceful opponents, many Cuban human rights advocates who have served time in Cuban prisons have appealed to the U.S. to take concrete steps to ease tensions between our two nations. This would allow them and other reform advocates the "space" in which to organize effectively in support of economic and political reform. While there are a number of important confidence-building measures which could be adopted, one step which could be taken immediately would be to allow U.S. citizens to travel freely to Cuba.

I believe the travel ban should be lifted for three reasons. First, recent events in the formerly Communist world suggest that contact with Americans and exposure to American ideas played a crucial role in the momentous changes occurring there. The free exchange of people and ideas fosters democracy, while continuing to restrict such exchanges can only benefit authoritarian regimes. I am particularly struck by the fact that authoritarian Communist governments have fallen in precisely those countries in which we and other western nations have permitted people-to-people contacts, while most of those remaining are in countries which have been denied those contacts. Continuing to restrict even modest people-to-people contacts dims prospects for broader

political and economic reform in Cuba.

Second, the specific premises of the 1984 Supreme Court decision in Regan v. Wald, which upheld travel restrictions on the grounds that Cuba represented a national security threat, have been overtaken by dramatic changes since the collapse of the former Soviet Union. In Regan, the Court relied on State Department assertions that the hard currency derived by the government of Cuba from tourism and other travel posed a threat to U.S. security because Cuba was allied with the USSR, was supporting revolution in the hemisphere, and had 40,000 troops stationed in Africa and the Mideast. Clearly, none of these national security concerns exist today.

Third, the ban chills the free exercise by Americans of their First Amendment rights to impart (and receive) information and ideas, and Fifth Amendment protections which have been repeatedly recognized by the Supreme Court as barring deprivation of the right to travel without due process of law. Any perceived benefits gained from prohibiting travel expenditures by Americans in Cuba does not outweigh the serious infringement upon the rights of Americans who wish to go to Cuba to form their own opinions and to return to share their views with their fellow citizens.

Moreover, the current regulatory scheme of requiring specific licenses for travel to Cuba, with determinations made by the Office of Foreign Assets Control that are not subject to review or appeal, seems to me to violate constitutional due process protections. It is ironic that the U.S. maintains a policy that purports to promote democracy and human rights in Cuba by limiting constitutional rights here at home.

I know that your Administration is committed to the free flow of information and ideas as a central element of our foreign policy, recognizing that such exchanges can advance rather than hinder the foreign policy purposes for which embargoes are imposed. I hope you will agree that the best way to uphold the free and unencumbered flow of ideas is to allow Americans unimpeded access to citizens of other nations, and that you will now extend this important principle to Cuba.

Thank you for your consideration. I hope you will seriously consider my concerns in the context of the Administration's ongoing inter-agency review of U.S. travel policy toward Cuba.

Sincerely,



Paul David Wellstone
United States Senator

PDW/cpm

NATIONAL SECURITY COUNCIL

ID 9401083

REFERRAL

DATE: 01 APR 94

MEMORANDUM FOR: WH STRIPPING DESK

DOCUMENT DESCRIPTION: TO: WELLSTONE, PAUL D

SOURCE: PRESIDENT

DATE: 31 MAR 94

SUBJ: LTR FM SEN WELLSTONE ON TRAVEL RESTRICTIONS TO CUBA

REQUIRED ACTION: FOR DISPATCH

DUE DATE: 04 APR 94

COMMENT:

FOR



JOHN W. FICKLIN

NSC RECORDS MANAGEMENT OFFICE