

THE SECRETARY OF STATE  
WASHINGTON

MAY - 8 2002

Dear Senator Dorgan:

Thank you for your letters of April 17, April 22, and May 2 expressing concerns about the denial of visas to senior officials of Alimport, the Cuban agricultural import agency. Understanding the importance of this issue to you and your constituents, I am pleased to respond to your concerns.

As you know, the Administration is committed to encouraging a rapid and peaceful transition to a democratic government in Cuba. A series of statutory and policy prescriptions, including economic sanctions, travel restrictions, and limited opportunities for direct donations or sales of food and medicines, are tools to encourage such a transition in Cuba.

Central to U.S. policy is the reality of the Government of Cuba, which continues to be hostile to the United States. Cuba remains on the Department's list of state-sponsors of terrorism, in part based on the fact that Cuba harbors fugitives from justice in the United States. Furthermore, Cuba continues to violate internationally accepted standards of basic human rights. In fact, the U.N. Commission on Human Rights recently called upon Cuba to make progress in respect of human, civil and political rights.

I would like to specifically address your question about the recent denial of visas to Mr. Pedro Alvarez, President of Alimport, and other Cuban government officials who wished to travel to the United States on a marketing visit. They were denied visas pursuant to the Presidential Proclamation of October 4, 1985, which suspended the entry into the United States of Cuban government officials and members of the Communist Party in Cuba. That proclamation was issued in accordance with section 212(f) of the Immigration and Naturalization Act. Application of the Proclamation may be waived in certain instances, but in interagency consultations, the Administration determined that it was not in the policy interest of the United States to do so in this case. We regret

The Honorable  
Byron Dorgan,  
United States Senate.

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that due to a miscommunication between the Department and the U.S. Interests Section in Havana, some of the visas were mistakenly issued, requiring the extra step of cancellation. At no time had the Administration decided to issue visas to Mr. Alvarez and his associates. In fact an interagency coordination group had already decided that the Proclamation would not be waived with respect to Mr. Alvarez.

As you are aware, Mr. Alvarez and other Cuban government trade officials have visited the United States on previous occasions, most recently in August 2001. The visa request in 2001 was in response to an invitation by ADM Rice, Inc., to tour agricultural areas in the United States with the objective of furthering Mr. Alvarez' understanding of U.S. crops, facilities, and practices. In August 2001 and on previous occasions, it was determined that a waiver of the Presidential Proclamation suspending entry into the United States of Cuban government officials and members of the Cuban Communist Party was appropriate. Further, the Department then did not consider these "marketing visits" in the sense that sales would be made. Indeed, prior to a 180-degree policy shift by the Cuban government after Hurricane Michelle in November 2001, that government's policy, as articulated by Fidel Castro, was that Cuba would not purchase "even one grain of rice" from the United States.

Decisions concerning application of the Presidential Proclamation to Cuban officials are made on a case-by-case basis at the time of a visa application, and in light of current policy interests. In prior visits, Mr. Alvarez and his colleague Ms. Maria de la Luz B'Hamel of the Ministry of Foreign Trade have lobbied to undermine the U.S. embargo by seeking to enlist farm-state support, arguing that elimination of the embargo would produce significant benefits for U.S. farmers. In various appeals to American groups they have argued that sanctions hurt farmers, and appealed for the easing of financial restrictions, a simpler licensing process and the creation of two-way trade between Cuba and the United States.

Beyond these activities, several events since August 2001 have prompted a reevaluation of our policy toward Cuba. First, in the wake of the tragic events of September 11, Cuba's reaction was hostile to U.S. efforts to respond to terrorism. This was best illustrated by Cuban government statements that the war in Afghanistan is "fascistic and militaristic" and the Cuban Foreign Minister's remarks at the UN General Assembly, when he accused the United States of intentionally targeting

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Afghan children for death and Red Cross hospitals in Afghanistan for destruction. Also in September, five agents of the Cuban Government were sentenced for conspiring to spy against the United States. One of these five also was convicted and sentenced for conspiracy to commit murder. Further, on September 21, 2001, Ana Belen Montes, a senior analyst in the Defense Intelligence Agency, was arrested for spying for Cuba against the United States. She subsequently entered a guilty plea in March 2002.

These incidents clearly reaffirm Cuba's hostility to the United States and the threat it represents to our national security. As a result, Administration policy considers visits by senior Cuban officials at this time to be inappropriate and detrimental to the national interest.

With respect to the Trade Sanctions Reform and Export Enhancement Act of 2000, the Department has been following the law and will continue to do so. The law permits the Cuban government to purchase, on a cash basis, or with financing by third country financial institutions, agricultural commodities from the United States. It is also the Administration's judgment that marketing visits, such as that proposed for Mr. Alvarez, are not necessary to conclude purchases of U.S. agricultural commodities. Just in the last six months, more than \$40 million in sales have been finalized and, according to the press, another \$50 million are apparently in process, all without a single marketing visit by a Cuban official. This demonstrates the Cuban regime's strong motivation to complete these sales, particularly taking into account that the Cuban government has chosen to use its limited foreign exchange reserves in these transactions.


Before closing, I want to make clear that we do not discourage sales of agricultural commodities to Cuba as permitted by law, despite the Cuban regime's implacable hostility to the United States and our strong desire to encourage a democratic transition in Cuba. Representatives of American firms who wish to arrange trade permitted by law can request specific licenses from the Department of Treasury that allow travel-related transactions for visits to Cuba. Applications for visas by Cuban officials who may be ineligible under the 1985 Presidential Proclamation are considered on a case-by-case basis. The Department recognizes that sanitary and phytosanitary visits may be needed so that sales can be completed. Visas have been issued to such personnel in the past and such visa applications, as are presently pending with the

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U.S. Interests Section or are received in the future, will be carefully considered.

We hope this information has been helpful to you, and we would be pleased to brief you or your staff on this, if that would be useful.

Sincerely,



Colin L. Powell