

# Fact Sheet

## The Fight for the Right to Travel to Cuba

### Chronology

The U.S. has had restrictions on travel to Cuba for most of the past 50 years. While the Constitutional right to travel was technically won in a 1958 Supreme Court decision, the U.S. government and others have tried to prevent us from traveling through a variety of legal, extra legal, and illegal means. Since the beginning, people have fought back vigorously and continuously for our right to travel to Cuba.

In the 1950's the US government attempted to curtail our right to travel through passport controls (either by not issuing a passport to certain persons – Paul Robeson was the most famous) or – when that method failed to survive court challenges – by listing countries in the passport which were ‘invalid’ for travel. When this method also failed in court, the government switched from ‘travel controls’ to ‘currency controls’. The current restrictions on travel to Cuba come under the Treasury Department - and not the State Department- because they have to do with the spending of money by US citizens, residents, and corporations. Of course, these ‘currency controls’ are just a back door method to restrict our right to travel.

**1958 Kent v Dulles - Freedom to Travel established as a Fifth Amendment guarantee.**

Jan 1, 1959 U.S. backed dictator Batista flees. **Victory of the Cuban Revolution**

Oct, 1959 American Society of Travel Agents Convention takes place at Hotel Nacional in Havana. Plane piloted by CIA agents and originating in Florida strafes Havana killing 2 and wounding 45.

**1961 US restricts travel to Cuba via passport controls.**

African American journalist William Worthy challenges the passport controls and wins in 1964.

**1963 US restricts travel to Cuba via currency controls under the general US economic blockade.**

Student groups travel to Cuba 1962, 1963 and 1964. Leaders indicted and case goes to Supreme Court in 1967.

Attorney General Robert Kennedy secretly recommends ending the travel restrictions as ‘inconsistent with traditional American liberties.’”

1964 Supreme Court Justice William O. Douglas: “Freedom of movement is the very essence of our free society... Once the right to travel is curtailed, all other rights suffer. From 1965: “The right to know, to converse with others, to consult with them, to observe social, physical, political, and other phenomena abroad as well as at home gives meaning and substance to freedom of expression and freedom of the press.”

**1969 Student and civil rights activists initiate an educational solidarity project to defy the restrictions and cut sugar cane side by side with Cuban workers. More than 9,000 people since then have traveled with the Venceremos Brigade in yearly contingents without ever requesting a license from the government.**

1972 Center for Cuban Studies organized to bring academic and cultural groups to and from Cuba. Center is bombed in 1973. 1199 Hospital Workers union hall also bombed for exhibition called ExpoCuba and a worker is injured.

1975 Miami Airport bombed in response to US policy change allowing third country subsidiaries of US companies to do business with Cuba

**Oct 6, 1976 Bomb explodes on Cubana civilian flight taking off from Barbados killing all 73 passengers.** CIA-trained bomber Orlando Bosch is now an honored member of the Miami community openly supported by the first President Bush and his sons. CIA-trained bomber Luis Posada escaped from prison in Venezuela and later helped CIA efforts to supply Nicaraguan Contras in the 1980's. In the 1990's, Posada says he received funds from leaders of the Cuban American National Foundation to coordinate the bombing of hotels in Cuba. Sentenced in Panama for ‘arms violations’ related to a 2003 assassination plot against the Cuban President, then pardoned by Panamanian president. Illegally returns to US. Currently indicted for lying on his immigration forms about the bombings of Cuban hotels, but living free in Miami Florida.

**1977 President Jimmy Carter lifts the restrictions on travel.**

Young Cuban Americans in the Brigada Antonio Maceo travel to Cuba as an act of friendship and reconciliation.

1978 - 600 young people from the US attend the World Youth Festival in Havana

- Meeting in Havana, representatives of Cubans living abroad in the United States, Spain, Puerto Rico, and Mexico establish a Dialogue with the Cuban Government. Cuban American leaders establish the Committee of 75 and travel agencies are initiated to coordinate the travel of Cuban Americans to visit their relatives. 125,000 do so in the next year and

regular charter service is established between Miami and Havana.

**1979 Carlos Muniz, president of Viajes Varadero travel agency in Puerto Rico, and member of the Committee of 75, is assassinated in San Juan. Eulalio Negrin, another member of the Committee of 75, is assassinated in Union City, NJ**

**1982 President Ronald Reagan re-imposes the travel restrictions.**

Law firm of Rabinowitz, Boudin, Standard, Krinsky and Lieberman – which had originally litigated the Kent v Dulles suit in 1958 - brings suit on behalf of Professor Ruth Wald, the Center for Cuban Studies, and other plaintiffs to end the restrictions, a case finally lost by a 5-4 Supreme Court decision in 1984. The majority rule that foreign policy concerns of the executive branch could override our Fifth Amendment right to travel.

1985 Subpoenas demanding the names of all Marazul Tours clients who had traveled to Cuba is fought and won by the Center for Constitutional Rights, the National Lawyers Guild, and the National Conference of Black Lawyers.

1986 Marazul is bombed and would be bombed again in 1989 and 1996. Mackey International, Airline Brokers Company and other travel agencies in Miami are also bombed over these years.

**1992 Cuba Democracy Bill (Torricelli Bill) passed by Congress to further restrict travel and increase effects of the economic blockade as Cuba's economy bottoms out in the wake of the collapse of her trading partners in the socialist world.**

- Pastors for Peace initiates the first of annual US-Cuba Friendship Caravans demanding the right to travel to Cuba to deliver humanitarian supplies and refusing, on principal, to apply for ‘permission’ from the US government. In 1993, Pastors for Peace mounts a 23 day hunger strike and world wide campaign which wins the release of a school bus and supplies. In 1996 participants risked their lives in a 94-day Fast for Life successfully demanding the release of 400 computers for the Cuban Ministry of Public Health..

- In a series of attacks coordinated by Luis Posada (see above) bombs explode at a number of Cuban hotels resulting in the death of an Italian tourist.

- 1993 Global Exchange and other organizations launch the Freedom to Travel challenge sending eight delegations without licenses for the next three years. The government responds by freezing Global Exchange's account. The former head of the US Interests Section in Havana, Wayne Smith, initiates a similar campaign bringing unlicensed academics to Cuba beginning in 1994.
- 1996 Freedom to Travel Campaign v. Newcomb: 9<sup>th</sup> Circuit Court rules the court will not intervene in foreign policy decisions and maintains travel restrictions.
- 1996 Helms Burton Bill tightens and codifies travel restrictions giving only Congress the power to eliminate them.**
- 1997 900 unlicensed young people defy the restrictions to attend the World Youth Festival in Havana, in the largest single travel challenge. No one is fined.**
- 1998 - Pope John Paul II visits Cuba and calls for an end to the restrictions and US economic blockade.
- 1999 - **5 Cuban agents (the Cuban 5) who had been sent to the US to monitor the activities of groups in Miami who were attacking Cuba – are convicted of being unregistered Cuban intelligence agents and conspiracy and one is also convicted of conspiracy to commit murder (re the shutdown of 2 'Brothers to the Rescue' planes in 1996). Information passed on from the 5 to Cuba – and from Cuba to US authorities – included imminent threats to the charter flights between Miami and Havana.**
- 2000 President Clinton modifies restrictions allowing increased travel – but only under licenses.**
- 1982-2003 Hundreds of universities, colleges and high schools, professional and cultural organizations, religious institutions and groups, and thousands upon thousands of individuals flood the Treasury Department with applications for travel - many enlisting the aid of their congressional representatives. Over 750 universities and colleges receive licenses.
- 2000 Nethercutt Amendment allows limited food and medicine sales to Cuba, but also further codifies travel restrictions.
- 2001 The House of Representatives votes to withhold funds for the enforcement of the travel restrictions.
- 2002 \*OFAC (Office of Foreign Assets Control) fines more than 100 travelers \$1000 each. OFAC fines 74-year grandmother \$8500 for bicycling in Cuba. Hundreds of others have cases pending before OFAC.  
 \*350 Cuban Americans meet in Florida to demand a new Cuba policy and an end to the restrictions.  
 \*Over 150 citizens and elected officials representing 37 cities and 17 states met with their counterparts in Cuba as part of the US-Cuba Sister Cities Association Conference. In response, OFAC sends Requirements to Furnish Information (subpoenas) to members of the US-Cuba Sister Cities Association alleging they organized an "illegal" conference in Cuba.  
 \*Nobel Peace Prize recipient and former President Carter travels to Havana for discussions with the aim of a new Cuba policy and calls for ending the travel restrictions as a first step.  
 \*National Summit on Cuba – sponsored by the American Farm Bureau, Americans for Humanitarian trade with Cuba, the World Policy Institute, USA\*Engage, and other conservative, centrist and liberal organizations – meets in Washington and calls for ending the restrictions.
- 2003**
- **In 2003, approximately 210,000 people from the US traveled to Cuba, 180,000 'legally' under licenses (including 110,000 visiting relatives and 35-40,000 under now eliminated People to People Educational Exchange licenses) and around 30,000 without permission (i.e. licenses) from the government.**
  - March 24: OFAC announces elimination of People to People Educational Exchange licenses, the second largest category (after family visits) of Americans traveling to Cuba – and affecting some 40,000 travelers annually.
  - Jul: 200 people travel to Cuba without a license in 1<sup>st</sup> Travel Challenge organized by Pastors for Peace Friendship Caravan and the Venceremos (We Shall Overcome) Brigade.
  - Aug: US prevents Grammy-nominated Cuban musicians from traveling to the ceremonies.
  - Sep 9 + Oct 23: House votes 278 to 188 and Senate 59 to 36 to remove funding of the enforcement of travel restrictions. Congressional leadership eliminates these amendments from final bill sent to the President.
  - UN votes 179 to 3 against the US embargo of Cuba, the highest vote in the 12 years the resolution has been debated.
  - Oct 10: President Bush announces a further crack down on travel to Cuba: Between Nov 10 and Jan 10, over 500 agents of the Department of Homeland Security are specially trained to interrogate over 44,000 legally licensed passengers on flights to Cuba; several religious licenses revoked, many are denied.
  - **Dec 29: Head of Cuba Desk at US State Department says legal travel to Cuba must now be 'focused and directed and aimed at US policy goal to achieve a rapid transition' in Cuba.**
- 2004
- Mar 3: OFAC declares 'research' cannot be conducted at Cuban conferences and requires special OFAC permission.
  - Apr 29: Associated Press story reveals OFAC has 2 agents assigned to track down money of Osama bin Laden and 22 agents assigned to Cuban embargo violations. There were 93 enforcement investigations and \$9,425 in fines for terrorism financing violations since 1994; compared with 10,683 enforcement investigations and \$8 million in fines for Cuban embargo violations between 1990 and 2003.
  - **May 6: "Commission for Assistance to a Free Cuba" 500 page report calls for peaceful overthrow of the Cuban government and economic system: <http://www.state.gov/p/wha/rt/cuba/commission/2004/c12237.htm>. The recommendations regarding new travel restrictions welcomed by the President and go into effect June 30<sup>th</sup>. They included:**
    - Limit family visits to once every 3 years and by individual application for a specific license only 3 years after prior trip. There is no provision included for travel in case of severe illness or accident.
    - Limit definition of family members to immediate family only and limit visit to 14 days.
    - Eliminate almost all college and university programs to Cuba
    - Eliminate all high school programs ■ Eliminate clinics and workshops provision
    - Eliminate the 'concept' of 'fully hosted travel' (for persons who are fully hosted guests of Cuban institutions or organizations). This new provision directly eliminates the 'right to travel' by delinking the rationale of controlling the use of US funds.
  - May 14: Largest march in Cuban history protests Commission report calling for Regime Change in Cuba
  - May 20: National Day of Protest against the new travel restrictions called by more than 20 national organizations. In Miami, 500 Cuban Americans attend a press conference to announce opposition to the new restrictions.
  - **July 19: Two hundred U.S. citizens assert their Constitutional and democratic rights to travel to Cuba in Travel Challenges sponsored by the Venceremos Brigade, Pastors for Peace, and the African Awareness Association, crossing the border in McAllen, Texas and in Buffalo, New York). Unprecedented media coverage including articles in more than 300 newspapers, and dozens of TV and radio stations.**
  - October: OFAC issues Requirement to Furnish Information demands to Venceremos Brigade and Pastors for Peace.

- 2005
- Administrative Law Judges begin issuing financial penalties against unlicensed travelers to Cuba.
  - Conferences (March 5 NYC / April 26+27 DC / June 10+11 Mobile A) demand right to travel to Cuba.
  - **July: Travel Challenges by Venceremos Brigade, Pastors for Peace, Cesar Chavez Labor Challenge + Seattle Women's Challenge. Challengers cross the border into the US (Buffalo NY + Texas) on Aug 1. Donated computers are seized by Customs + 130 Caravanistas and 60 Brigadistas receive OFAC letters demanding information + threatening fines.**
  - Sep: U.S. judge decides CIA-trained terrorist Luis Posada (see above) will not be extradited to Venezuela to stand trial for the 1976 Cubana bombing.
  - \$1.5 million in fines are collected by OFAC against unlicensed travelers to Cuba in 2005.
- 2006
- Feb: OFAC issues Penalty Notices to 8 brigadistas saying travel challengers do "substantial harm to the sanctions program". U.S. denies visas for 55 Cuban scholars to attend LASA Congress in Puerto Rico.
  - June: Secretary of State Rice releases second report from so-called Transition Commission. President agrees with all recommendations including formation of federal Task Force to investigate bringing criminal charges against those deemed to be organizers of travel challenges.
  - June 17-July 17 Pastors for Peace 17<sup>th</sup> US-Cuba Friendship Caravan - Travel Challenge
  - July 2-17 Venceremos Brigade 37<sup>th</sup> Contingent to Cuba - Travel Challenge
- Within weeks all Brigadistas and Caravanistas receive letters from OFAC demanding information and threatening fines. In four years, more than 600 people have participated in these travel challenges and more than 325 have received OFAC letters. Each challenger has refused to provide any information to OFAC and has demanded a public hearing.
- Bush's policies are rejected at the polls and Democrats win control of House and Senate. Congressman Jose Serrano calls for change in national Cuba policy.

**Between 2003 and through 2006, 1,000 individuals were fined \$1.8 million for travel to Cuba offenses. Hearings before 3 Administrative Law Judges were held regularly in Washington for Cuba travel cases.**

- 2007
- **Travel Challenges in July by Venceremos Brigade and IFCO Pastors for Peace**
  - No OFAC letters sent to brigadistas or caravanistas.**
  - The Justice Dept brought charges against 2 people who had obtained a religious license for a phony church and under which more than 6,500 Cuban Americans traveled from Miami under the 'watchful eye' of OFAC. No action has even been contemplated against the travelers.
  - **Nov: Government Accountability Office publishes report on effects of Bush travel restrictions**
  - OFAC reports that attempt to strictly enforce the travel restrictions against Pastors and the Venceremos Brigade had resulted in 'a public relations and enforcement dilemma.'**

- 2008
- Travel Challenges in July by Venceremos Brigade and IFCO Pastors for Peace
  - Again, no OFAC letters sent to brigadistas or caravanistas.

**Between 2003 and 2008, nearly 1,000 people have participated in the challenges. Between 2003 and through 2006, more than 400 received Requirements to Furnish Information (RFI's) letters from OFAC. OFAC determined that the travel challengers "do substantial harm to the sanctions program." Each challenger responded through an attorney that she/he would not answer any questions on the OFAC questionnaire and requested a hearing in DC.**

**In all of 2007 and 2008 only 5 individuals were fined by OFAC for travel violations to Cuba. No hearings have been held since 2006.**

- **Nov: Barack Obama elected President.**

- 2009
- Congress passes Omnibus Spending Bill including amendment forbidding funds allocated for OFAC to be used for enforcement of Bush's restrictions on Cuban American travel to visit their 'immediate' relatives only once every three years. President Obama's OFAC responds by issuing General License for Cuban American travel once every 12 months to visit 'close' relatives. This is the first action to broaden travel to Cuba in 10 years.
  - HR 874 and S 428 "Freedom to Travel to Cuba" bills introduced in the House and the Senate to eliminate all restrictions on travel to Cuba.
  - Justice Department indicts Luis Posada for lying to authorities about his role and knowledge of hotel bombings in Cuba – which killed an Italian tourist – in the 1990's.
  - April 3-7: Members of the Congressional Black Caucus led by Congresswomen Barbara Lee visit Cuba and meet with President Raul Castro and former President Fidel Castro. Call for an end to the embargo and the travel ban and respect for Cuba's sovereignty.
  - April 13: Prior to meeting with Latin American heads of state – excluding Cuba - President Obama announces 'new beginning' of US-Cuba relations and orders opening of un-restricted travel by Cuban Americans to visit their close relatives. Revised restrictions are finally issued in September.
  - April 14: Federal Judge in Miami declares the Florida Travel Act unconstitutional. The state law sought to punish charter companies for arranging legal travel to Cuba. The court found that Florida had attempted to adopt its own foreign policy.
  - April 17-19 Summit of the Americas meets in Trinidad. Every country of Latin America urges President Obama to end the embargo and travel ban to Cuba.
  - **July-August 40<sup>th</sup> Anniversary Contingent of the Venceremos Brigade (145 members) and 20<sup>th</sup> Anniversary Pastors for Peace Caravan to Cuba (130 members) challenge the travel ban and demand the right for travel for all to Cuba.**

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