

# U.S. Inflicts Crushing Penalties against Cuba

By Tom Whitney

“The Trump administration has declared the most severe new sanctions against Cuba since President John F. Kennedy imposed an economic embargo banning all trade with the communist island in 1962.” William M. LeoGrande, a widely respected Cuba analyst, was reacting to announcements on April 17 by Secretary of State Mike Pompeo and National Security Adviser John Bolton as to new economic sanctions being imposed on Cuba.

In Washington Pompeo, following up on previous Department announcements, declared that, as of May 2, the Trump administration would indeed be implementing Title III of the Helms Burton Act of 1996. That provision enables former owners of properties nationalized by Cuba’s revolutionary government to seek damages in U.S. courts for losses they suffered.

Meanwhile in Coral Gables, Florida, Bolton indicated that U.S. citizens without family connections in Cuba will soon be barred in most instances from travel to the island. He announced that henceforth individual Cuban Americans could no longer provide family members on the island with unlimited amounts of money; they would be limited to sending no more than \$1000 every three months. Bolton also announced new sanctions were in place against Nicaragua and Venezuela.

Under Title III of the Helms Burton Act, U.S. courts may order companies from around the world to compensate former owners for their use of nationalized properties. International lending institutions, already leery of supporting ventures in Cuba, presumably will regard future loans for business projects in Cuba as risky. Diminished availability of loans would endanger an already precarious economy dependent on commercial dealings on a global scale.

A previous report, accessible here, provides additional information on potential effects of Title III and on its flawed justifications. Shortly after its enactment, the European Union, Great Britain, Mexico, and Canada prohibited companies under their jurisdictions from complying with the Helms Burton Act. Consequently, the United States delayed putting Title III into effect – until now. European countries and Canada are protesting once more.

The central criticism of the Helms Burton Act from all quarters – not the U.S. - relates to its “extraterritoriality.” The word signifies U.S. violation of the sovereignty of nations. U.S. courts may be flooded with lawsuits. According to Washington attorney Robert Muse, a specialist in legal aspects of expropriation, Title III “puts virtually every commercial enterprise on the island in question at this point and subject to a lawsuit.”

Properties for which claims are possible include: Canada’s Sherritt Corporation, hotels managed by the Melia Corporation of Spain, port facilities in Havana, and Cuba’s José Martí International Airport. Cruise ship operators and airlines using the latter two properties are at potential legal risk.

The White House reiterated that, with full activation of the law, foreign business persons “trafficking” in nationalized Cuban properties won’t be receiving visas. The administration added five entities to its list of over 200 tourist facilities off limits to U.S. visitors.

Professor LeoGrande thinks that the Trump administration, having inflicted additional punishment on Cuba, will be disadvantaged in Florida in the 2020 elections, although “activating the law may please Cuba’s former wealthy business owners.” Alluding to opinion surveys, he suggests that most Cuban Americans oppose sanctions harmful to relatives on the island.

Speaking in Coral Gables on April 17, John Bolton reminded listeners that “the Obama administration’s policies toward Cuba have enabled the Cuban colonization of Venezuela today.” He proclaimed that, “We must all reject the forces of communism and socialism in this hemisphere — and in this country.” Bolton blamed the Cuban government for attacks on U.S. diplomats in Havana.

He was referring to their experiences of auditory phenomena together with neurological symptoms. No cause has been established. Truth-telling apparently is not one of Bolton’s strengths. As under secretary of state for arms control in 2002, he falsely claimed Cuba had “provided dual-use biotechnology to other rogue states.” He later told the BBC that the U.S. was “confident that Saddam Hussein has hidden weapons of mass destruction ... in Iraq.”

On April 17, Cuba’s revolutionary government noted that, “Today ... an anniversary is celebrated [marking] the beginning of military aggression at Playa Girón (Bay of Pigs) in 1961 ... Curiously that was the date chosen by the present government of the United States for announcing ... new measures of aggression against Cuba and reinforcing its application of the Monroe Doctrine.” Bay of Pigs veterans had invited Bolton to Coral Gables to make his speech. There he declared that, “Today, we proudly proclaim for all to hear: the Monroe Doctrine is alive and well,”

The Cuban government issued “a call to all members of the international community and to U.S. citizens to stop the irrational escalation and politics of hostility and aggression.” It called upon “peoples and governments of our region” to provide backing for “the proclamation [by the CELAC alliance in 2014] of Latin America and the Caribbean as a zone of peace.” The Helms Burton Act threatens to “establish total dominion by the United States over the Cuban nation,” opined one foreign ministry official. Helms Burton “presents a big obstacle to bilateral ties,” another observed.

Cuban President Miguel Díaz-Canel stated that, “Cuba remains confident in its forces, in its dignity and also in the force and dignity of other sovereign and independent nations. But we continue believing also in the North American people, in the homeland of Lincoln.”