

Draft – For Department Heads, Deans, Provosts

R. Richard Newcomb Esq., Director
Office of Foreign Assets Control
United States Department of Treasury
1500 Pennsylvania Ave., N.W. (Annex)
Washington, D.C. 20220

Dear Mr. Newcomb:

On June 13, 2004 your Office promulgated a set of restrictions that greatly curtails the educational activities in Cuba of U.S. institutions of higher learning. In so doing you have diminished significantly the academic freedom of institutions such as ours. It follows that the actions taken by your Office ought to be rescinded before they become effective on June 30.

Specifically, your Office amended 31 C.F.R. §515.565 to require students who study in Cuba under a U.S. academic institution's license to be enrolled in a degree program at that licensed institution. As a result, students may no longer study under the license of an educational institution other than their own – even if their own institutions will accept the other licensed institution's program for degree credit. Your Office further decreed that educational programs in Cuba must “include a full term” and in “no instance” can such programs be shorter than ten weeks if they are offered as part of a course at a U.S. academic institution. This means that colleges and universities can no longer offer courses in Cuba of durations that they deem appropriate. Instead they must offer courses of an arbitrarily decreed minimum of two and a half months' length.

Your Office's rule changes regarding educational activities in Cuba are a direct product of the recent *Report to the President* of the Commission for Assistance to a Free Cuba. As you know, the recommendations of that *Report* that you are now implementing are to be found in the Chapter titled “*Hastening Cuba's Transition.*” In that Chapter, the Commission asserted: “A large number of programs [of] a short duration allow for limited interaction with the Cuban people...Such travel does not promote a genuinely free exchange of ideas between Cubans and American students...Requiring that educational licenses be granted only to the programs engaged in full-semester study in Cuba would support U.S. goals of promoting the exchange of U.S. values and norms in Cuba.”

Quite simply, it is not the prerogative of the U.S. government to put U.S. educational programs in direct service to any Administration's foreign policy. That is a role reserved to qualified educators at academic institutions. The intrusion of your Office into the historic freedoms of academe is unprecedented

and unacceptable per se. As academics, it is our right and function to develop and implement curricula that meet *our* institutional standards and pedagogical objectives.

The foreign component of U.S. education has never been greater as colleges and universities individually and in collaboration with one another conduct thousands of overseas programs in response to their students' needs in a period of rapid globalization. It is startling that your Office would even attempt to dictate the nature and duration of those programs. If you do not rescind your recently promulgated rules that impinge so grievously on the freedoms of U.S. higher education, you may be sure that we will seek appropriate remedies elsewhere.

Yours sincerely,

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