

Draft – For Professors, Faculty Program Leaders

Chief of Records
ATTN: Request for Comments
Office of Foreign Assets Control
Department of the Treasury
1500 Pennsylvania Ave., NW
Washington, D.C. 20220

Re: OFAC, Treasury; FR Doc 04-13630

Dear Sirs:

I (we) urge that the “Interim Final Rule” amending the Cuban Assets Controls Regulations, Part 515 of chapter V of 31 CFR, be rescinded with respect to U.S. educational programs in Cuba. The proposed regulations violate academic freedoms in a number of ways and do so altogether arbitrarily. I (we) see no rational justification for them.

First of all, they would do away with study programs of less than ten weeks in duration. Most study abroad programs today are inter-sessions or summer courses, usually lasting from two to six weeks. That does not mean, however, that they cover less material or are less intensive. On the contrary, most academic institutions try to pack as much material into the shorter courses as into semester-long programs. It should be up to the academic institutions, not the federal government, to determine the length and structure of a study program.

To decree that study courses in Cuba cannot be of less than ten weeks in duration is in effect to bring educational programs virtually to an end, for that would mean that students would have to withdraw from their own universities for at least a semester. Few can afford to do so and recent surveys underscore this trend.. Study programs in Cuba – and in other countries – add to the students’ curriculum in pursuit of a degree; they do not substitute for it. They widen the students’ knowledge of other cultures, but it should not be necessary to withdraw from their own universities in order to benefit from that experience. This is a matter in which the U.S. government should not interfere – and in which it has no reason to interfere.

I (we) note that the President’s Commission for Assistance to a Free Cuba offered several reasons for the changes – but none that stand up to the most rudimentary examination.

It was said, for example, that shorter study programs encourage abuse and become “disguised tourism.” There is no evidence that I (we) are aware of to substantiate that charge. I (we) have observed many (a number of) such programs and found them all to be most professional, with students closely supervised by their

accompanying professors and regularly attending class. Further, if students in fact engaged in “disguised tourism” during the shorter study programs, how would longer programs prevent that?

With the same skewed reasoning, the Commission said the Cuban government “had often used the visits by U.S. education groups to cultivate the appearance of international legitimacy and openness to the exchange of ideas.”

But how would longer programs give less an appearance of legitimacy than shorter programs? And is it not an exchange of ideas that we wish to encourage? But by moving to close off academic exchanges with Cuba, the U.S. government, not the Cuban government, is the one preventing such an exchange of ideas. Surely this is not a position in which our government should place itself.

The proposed regulations would also interfere with the right of colleges and universities to determine whom they admit to their courses, dictating that admission could only be granted to students currently enrolled at that particular institution. But it is standard procedure for universities and colleges to allow students from other institutions to enroll in special courses. The new restriction serves no useful purpose and interferes with the individual institution’s right to implement standard admissions policies.

Finally, the proposed regulations would also limit participation to a “full-time permanent employee” of the licensed institution. But this ignores the ways in which many colleges and universities employ specialists to teach their courses. In many cases, part-time or adjunct faculty have long-term associations with a given institution of higher learning and are considered integral – even indispensable -- members of the faculty. To bar their participation in study programs to Cuba would impose stifling and totally unacceptable restraints on the ability of institutions of higher learning to staff their programs related to Cuba. Again, there appears to be no rational reason to impose this restriction.

The issues I (we) have discussed here only begin to point up the more general impediments to academic freedoms that the proposed regulations embody. The U.S. government has no right, or justification, to so interfere with legitimate educational and research activities. Further, this goes against majority public opinion. It will be remembered that last fall, both houses of Congress, reflecting the wishes of public opinion, voted to approve amendments aimed at preventing implementation of travel controls to Cuba. The approved amendments, however, were then removed in blatant violation of established congressional rules and in the face of a majority vote. The measures herein under discussion follow that same pattern. They ignore the wishes of the majority and will drastically reduce travel for educational purposes – exactly what the American public, and certainly what the academic community, do not want.

I (we) will therefore end as I (we) began: by urging that these new measures be rescinded. If they are not, we in the academic community will seek other remedies.

Sincerely

Name
Title
University