

News

Suing for Access to Cuba

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A group of students and professors announced plans Thursday to sue federal officials to make it easier for scholars to teach and learn in Cuba. The suit, to be filed next week in federal court, contends that travel regulations implemented by the Bush administration in 2004 have impeded academic freedom. It will name U.S. Treasury Department Secretary John W. Snow as a defendant, since his department is in charge of enforcing embargo rules set forth by the administration.

Co-plaintiffs include a group of about 450 academics in 45 states, known as the [Emergency Coalition to Defend Educational Travel](#), along with Wayne W. Smith, an adjunct professor of Latin American studies at Johns Hopkins University; John W. Cotman, a professor of political science at Howard University; and two undergraduates at Hopkins, Jessica Kamen and Adnan Ahmad.

"Academic exchanges and the research they embody have been virtually cut off," Smith said Thursday at a National Press Club briefing, during which the lawsuit was announced. "Really, there's been a devastating effect on the freedom of American scholars to go to Cuba and do research."

While some notable past lawsuits challenging U.S. travel embargo rules have failed, Robert L. Muse, the attorney representing the parties, is confident that focusing on academic freedom adds a unique strength to the argument. He said that several regulation changes made in 2004 by officials with the Department of Treasury's Office of Foreign Assets Control, or OFAC, violate what Supreme Court Justice Felix Frankfurter called the "four freedoms" of a university -- the freedom to determine who may teach; what may be taught; how it should be taught and who may study.

Muse also cited a May 19 [Miami Herald](#) article, which indicated that the Bush administration may be considering tighter restrictions on trips made to Cuba by U.S. academic and religious groups. Some policymakers have argued that such restrictions are necessary to limit American spending in the Communist nation.

Regulations have already dramatically hampered student academic freedoms, according to the plaintiffs. For instance, the office required that educational programs in Cuba could in "no instance include fewer than 10 weeks of study in Cuba." Many travel abroad intersessional programs are much shorter, often lasting less than three weeks.

Kamen, who expects to graduate in 2007 from Johns Hopkins with degrees in political science and Spanish, is currently taking a class taught by Smith, called "Cuba and U.S. Decision-Making." She had planned to take a for-credit course in Cuba before the 2004 rules, but now, if she is to graduate on schedule, she will not be able to do so.

The Treasury Department also placed restrictions on the types of professors who could teach Cuban programs, with only "full-time permanent employee[s]" of OFAC licensed academic institutions being able to legally do so. OFAC issues long-term licenses to U.S. institutions on a case-by-case basis. Some academics have questioned this process and have requested more information on how the office makes its decisions. The regulation also bars a professor at one university from teaching a course in Cuba offered by a different university.

"Howard University has been negatively impacted," Cotman said Thursday. "We used to have at least four strong programs on Cuba that can't operate anymore." Cotman has conducted extensive research on Cuba's foreign relations as they involve regional integration efforts in the Caribbean.

Cotman added that educators at the Howard University School of Law had been developing a partnership with the University of Havana that was quashed by the new regulations.

Although Smith had worked for decades in a number of capacities with governmental programs pertaining to Cuba, he can no longer teach Cuban exchange courses at Johns Hopkins because he's an adjunct. He continues to direct the exchange program.

"It's a blatant violation of my academic freedom," said Smith, who also chairs Emergency Coalition to Defend Educational Travel. "I want to get back there and teach."

An official with the Department of Treasury said not to expect comment on the lawsuit until it is officially filed. He said that it is unknown at this point whether OFAC regulations will be further tightened.

— **Rob Capriccioso**