WESTERN HEMISPHERE IMMIGRATION
AND
UNITED STATES FOREIGN POLICY

EDITED BY
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U.S. immigration policy toward Cuba since Fidel Castro led his forces into power in January 1959 has been the joint outcome of general U.S.-Cuban relations, related to migration only indirectly. The general relations were shaped by the East-West rivalry over Cuba in its strategic and in its ideological dimensions. The resulting U.S.-Cuban migration relations might typically be described as antagonistic cooperation: for opposed and often hostile reasons each government chose a migration policy that best suited the interests of the other. This is the chapter's central argument. From 1960 to 1980 this jointly arrived at migration policy promoted the migration of nearly one million Cubans to the United States but concentrated the flow in three migration episodes. Thus the U.S.-Cuban migration experience differs from that of societies of steady migration to the United States (such as Mexico) and from those from which few migrants come.¹

Plausible alternatives do not explain equally well either U.S. immigration policy toward Cuba or U.S.-Cuban migration relations. For example, U.S. immigration policy toward Cuba has rarely been set by the United States alone; the Cuban government, time and again, has forced the U.S. government to surrender to Cuba some U.S. sovereign prerogatives to set U.S. immigration policies. Moreover, common sociological explanations for migration, such as the political, economic, and social attraction of the United States (or many Cubans ("pull" explanations), or the negative experiences as a result of the revolution in Cuba for so many who came to the United States ("push" explanations), help to explain the fact of Cuban migration to the United States but not its timing, manner, and policy context.

¹ I am grateful to all project participants for their helpful comments along the way, and also to George Lodge, Rafael Hernández, and Robert Pastor for comments on an earlier draft. Remaining errors are mine alone.
Explanations that focus on organizational missions, on U.S. legislative-executive relations, and on U.S. electoral politics are less important, although they help to explain how U.S. immigration policy toward Cuba changed from its anticomunist immigration-accepting ideology toward a greater restrictiveness, more in accord with the operating values of other U.S. immigration policies. Bureaucratic politics explanations, namely, disputes among agencies within the executive branch over policymaking and implementation, mattered only by exception.


The chapter is organized thematically; a summary of the overall argument is available in the concluding section. Each section considers a theme and a set of arguments that cut across all the policy episodes. Within each thematic section the policy episodes are treated chronologically. Although the chapter is informed by the sociology of Cuban migration, that is not its focus.

The first section examines the many factors that "pushed" Cubans to emigrate and that "pulled" them into the United States. The next section seeks to explain the broad outlines of U.S. policy toward migration from Cuba. It calls attention to the ideological and strategic factors that, together, in the 1960s fostered a U.S.-Cuban migration-accepting policy at odds with the more restrictive characteristics of general U.S. immigration policy. The section also explores the change in U.S. strategic judgments with regard to this migration-accepting policy, which would become an important explanation for why U.S. migration policy toward Cuba became more restrictive.

The third section seeks to understand why emigration from Cuba to the United States was episodic, yet continuous; it argues that the Cuban government's decisions are the best explanation for the beginning and ending of the migration episodes. The following section on U.S.-Cuban migration diplomacy focuses on two more specific topics: the role of private parties in negotiations over migration and the delegation of part of U.S. immigrant determination policy to the Cuban government. More generally,

The Historical Record: Push-and-Pull Explanations

Upon revolutionary victory in 1959 many associates of the deposed President Fulgencio Batista's government, and others who soon objected to the new government's policies, emigrated. However, also because of regime change, some Cubans living abroad returned to Cuba; as a result, Cuba had a positive migration balance in 1959. In the same year many Cuban emigrants, including Batista, settled in third countries, a fact evident in U.S. government data showing many fewer Cuban arrivals in fiscal year 1959 than Cuba reports emigrants (see Table 1).

By the end of 1960 opposition to the Cuban government had grown, and so did emigration. The Cuban government expropriated most of the means of production and most services owned by Cubans and by foreigners; it took over all the mass media and it banned opposition parties and movements. Cuba aligned with the Soviet Union. Conflict with the United States escalated; diplomatic relations were broken in January 1961. In April 1961 a U.S.-sponsored exile brigade landed at Cuba's Bay of Pigs (Playa Girón), unsuccessfully seeking to overthrow the Cuban government. Later in 1961 the Cuban regime proclaimed itself Marxist-Leninist. Also in 1961


3. All references to conditions in Cuba are from Jorge I. Dominguez, Cuba: Order and Revolution (Cambridge, Mass.: Harvard University Press, 1978), and Jorge I. Dominguez, Cuba: Internal and International Affairs (Beverly Hills: Sage Publications, 1982).
Table 1. Cuban Migration to the United States

<table>
<thead>
<tr>
<th>Year</th>
<th>Gross Emigration from Cuba</th>
<th>Cuba’s Migration Balance</th>
<th>Cuban Arrivals in U.S. (FY)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1959</td>
<td>73,724</td>
<td>12,345</td>
<td>26,527</td>
</tr>
<tr>
<td>1960-62</td>
<td>281,239</td>
<td>-196,111</td>
<td>188,796</td>
</tr>
<tr>
<td>1963</td>
<td>39,122</td>
<td>-24,992</td>
<td>42,929</td>
</tr>
<tr>
<td>1964-65</td>
<td>32,063</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1965-73</td>
<td>383,305</td>
<td>-359,879</td>
<td>343,507</td>
</tr>
<tr>
<td>1974-76</td>
<td>26,673</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1980</td>
<td>-141,742</td>
<td></td>
<td>124,769</td>
</tr>
<tr>
<td>1981-85</td>
<td>-55,866</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1986-88</td>
<td>-21,270</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1959-88</td>
<td>796,264</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


Notes: Columns for gross emigration from Cuba and for Cuba’s migration balance refer to calendar years. Cuba’s migration balance is equal to gross emigration from Cuba minus gross immigration into Cuba. Columns on Cuban arrivals in the United States refers to fiscal years from 1 July to 30 June (up until 1977, and then from 1 October to 30 September). The numbers for gross emigration for the rows 1959-81, 1959-85, and 1959-88 are my (very low) estimates.

Although some return migration continued, Cuba reports a gross emigration exceeding ninety thousand people per year from 1960 to 1962. Most of these came to the United States; some fifty thousand Cubans may have settled in other countries (see Table 1). Migration relations were interrupted at the time of the October 1962 missile crisis. A modest illegal outflow, almost all to the United States by boat across the Florida Straits, continued through 1965. (Most Cubans entering the United States in fiscal year 1963 did so in calendar year 1962.)

In the early 1960s the Cuban economy collapsed for domestic and external reasons. Economic performance was poor; in 1962 the government adopted drastic rationing measures. Political, military, religious, and economic conflicts continued. By the end of 1966 the government’s counterinvasion campaign had succeeded. In the late 1960s the government launched an effort to remake Cuban society radically and to greatly increase sugar output (which earned about four-fifths of foreign exchange). It expropriated most activities apart from a minority of agriculture—even street vendors became part of a state firm. For a time the bars were closed. People were supposed to work overtime "voluntarily" without pay, to sacrifice themselves for the homeland and the revolution. From 1965 to 1970 sugar output was supposed to double. By 1970 the economy was in shambles; Castro publicly accepted the blame.

On 6 November 1965 the United States and Cuba signed a migration agreement to bring Cubans to the United States. The agreement established an airlift paid for and operated by the United States; it lasted from December 1965 to April 1973. Most Cuban emigrants came from the United States; about forty thousand went to other countries. From 1966 through 1971 gross emigration exceeded fifty thousand people per year. After 1973 the United States continued to receive some illegal migrants from Cuba, but most Cuban immigrants to the United States came from third countries, especially Spain (see Table 1). In 1977, for the first time since 1959, Cuba’s negative migration balance fell below one thousand and U.S. immigration from Cuba was just above three thousand (mostly from third countries).

During the first half of the 1970s, Cuba’s economy recovered well, thanks also to domestic and external factors. By the mid-1970s a new constitution and other procedures had reduced arbitrariness and developed what the government called “socialist legality.” Repression of mainline Roman Catholic, Protestant, and Jewish groups subsided, though it persisted against some sects and cults. Social engineering was deemphasized; more orthodox social and economic policies were adopted. This process was interrupted in 1979 and 1980, when economic decline, common crime and other social alienation, political repression, and sexual intolerance toward
homosexuals joined to produce a crisis. In 1980 the Cuban government permitted and promoted a sudden emigration of Cubans to the United States, mostly illegally by boat from Mariel harbor. Over fifteen thousand Cubans emigrated to other countries. Except for hardship cases (including those of former political prisoners) and some illegal and third country flow, U.S.- Cuban migration flows have been modest since 1981 (see Table 1).

From 1959 through 1980 the United States received nearly eight hundred thousand Cubans. About 8 percent of the people of Cuba had emigrated by 1970, and over 10 percent had done so by 1981. The fact of massive Cuban migration to the United States since 1959 is a textbook example of "push" and "pull" factors in the sociology of migration: many Cubans were expelled by conditions in Cuba and were attracted to those in the United States. Had the two governments not interfered beyond normal migration rules, a large, steady wave of Cubans would have arrived in the United States every year. That migratory flow, however, was stopped in 1962, restarted in 1963, stopped again in 1973, restarted again in 1980, and stopped once more later in 1980. Thus international social forces alone provide a necessary but not a sufficient explanation for the actual pattern of migration.

In December 1984 the United States and Cuba signed an agreement to provide for orderly migration from Cuba to the United States; in May 1985, however, Cuba suspended the agreement in retaliation for the initiation of regular broadcasts to Cuba by the U.S. Radio Martí Program of the Voice of America. In November 1987 the United States and Cuba agreed to reinstate the migration agreement. However, the U.S. government has implemented its side of this agreement quite slowly, for reasons to be explored later.

Probably few Cuban immigrants, however, have ever been "refugees" in a strict sense, namely, those facing "persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion." For example, a 1962 survey of 202 Cuban male heads of household, living in Miami, and registered with the Cuban Refugee Program, showed that only half of the immigrants reported experiences of imprisonment, fear of imprisonment, persecution, or loss of job or property. Most others gave "political" reasons, such as opposition to the Cuban government or to communism, but were not fleeing for their lives, nor from war, nor under the threat of imminent persecution.

The high percentage of "political" reasons given as a factor for emigration has remained nearly constant. Better than three-fourths of large samples of Cuban immigrants arriving in 1973 and in 1980 said that politics was the main factor for emigration. Nonetheless, two-thirds of those sampled in 1980 said they had never been in jail, and only one-fifth claimed to have been political prisoners. Scholars in Cuba studied a sample of 5,264 emigration documents filled out prior to departure from Mariel: 55 percent had never been in jail and only 5 percent had been imprisoned for crimes against the state's security. Although overall differences between these studies on the frequency of jail experience are modest, the studies differ significantly concerning the frequency of political imprisonment. Immigrants in the United States are likely to underreport imprisonment for common crimes and to overreport political reasons for imprisonment, while the Cuban government is more likely to record crimes as "common" rather than as political. Because there were only about 1,100 political prisoners in Cuba on the eve of the Mariel exodus, most of the reported political prison experiences were in the past. The proportion of Cuban 1980 immigrants who could meet the strict definition of "refugee" was probably well below half.

Politics was at the heart of every wave of emigration from Cuba; that made these migrants different from Mexicans or Dominicans. But fewer than half the Cubans, even in the early 1960s, were fleeing from persecution, though they were expelled by the regime ruling their homeland and attracted to that in the United States. These political judgments combined with their views about their economic opportunities in both countries. Thus while their political motivations were real enough, and part of the "push" and "pull" process of migration, they were not the result of direct persecution.

Foreign Policy Explanations: Strategy and Ideology

"I want you to make concrete my concern and sympathy for those who have been forced from their homes in Cuba," President John F. Kennedy told the U.S. Secretary for Health, Education, and Welfare (HEW) within a week of his inauguration. That launched a major program to help Cubans newly arrived in the United States "and to assure them that we shall seek to expedite their voluntary return as soon as conditions there facilitate that." The day after the landing of the Cuban exile invasion seeking to overthrow the Cuban government at Playa Girón, Bay of Pigs, President Kennedy informed the Soviet government: "For months there has been evident and growing resistance to the Castro dictatorship. More than 100,000 refugees have recently fled Cuba into neighboring countries. Their urgent hope is naturally to assist their fellow Cubans in their struggle for freedom." Thus President Kennedy summarized the ideological and strategic pillars of his policy toward Cuban migration. On the one hand, two ideological values in the United States shaped a migration-accepting policy toward Cuba. First, the United States is open to those "yearning to breathe free"; its willingness to receive those seeking freedom highlights the country's moral worth. To be sure, U.S. immigration laws since 1924 have been more restrictive than the words inscribed on the Statue of Liberty suggest. There has also been little public support for an open immigration policy. In order to suspend the restrictive U.S. laws to allow Cubans to migrate to the United States, a second necessary component of the migration ideology was needed in the form of anticommunism. The fact of migration called attention to the Cuban regime's failure; that the latter was communist, and a Soviet ally, "proved" the superiority of one type of regime over another. The resulting U.S. policies made exceptions for Cubans that were denied to other comparably situated migrants.

On the other hand, the concentration of large numbers of Cuban exiles in the United States became a strategic tool to overthrow the Cuban government and thus render Cuban migration to the United States only a temporary stay. The exile flow was ideologically worthwhile and strategically, it was hoped, self-liquidating by ridicing the United States of the Cuban government and thereby of Cuban migrants. In April 1961 the exile invasion failed, however; by mid-1963 the Kennedy administration had come to view exile organizations as ineffective and often counterproductive. But the ideology still shaped policies that eased the adaptation of the first wave of Cubans to the United States and that also lured successive waves to come.

On 3 February 1961 President Kennedy established the Cuban Refugee Program (CRP). "I hope that these measures will be understood," said the President, "as an immediate expression of the firm desire of the people of the United States to be of tangible assistance to the refugees until such time as better circumstances enable them to return." The Cuban Refugee Program, born bristling in ideology, was a comprehensive and successful organizational response to the first U.S. experience as the country of first asylum for those calling themselves refugees from communism. Growing out of the Cuban Refugee Emergency Center, established by the Eisenhower administration in December 1960, the CRP anticipated later developments in U.S. health, education, and welfare policies. The program provided reception, resettlement, welfare payments, job and language training, help in a job search outside of Miami, educational support (including subsidized college loans), and health care services, well above what was available to U.S. citizens and residents or to other migrants to the United States. Its scope cannot be explained as derived from existing U.S. government programs. The difference between existing programs and CRP is one measure of ideology's programmatic importance.

The immigration law treatment of the Cubans in the early 1960s was also exceptional, and it is explained best by ideology. Until the United States and Cuba broke diplomatic relations on 3 January 1961, most Cubans entered

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16. Ibid., pp. 55, 85.
the United States with a nonimmigrant visa issued by the U.S. embassy in Havana. Upon later request in the United States they were granted "involuntary indefinite departure" status. After the break in relations Pan American continued twice daily commercial flights between Havana and Miami, and the Dutch airline, KLM, continued twice weekly commercial flights, although those arriving in 1961 and 1962 typically had no U.S. visas. When Cubans purchased tickets, Pan Am and KLM forwarded each request for a visa "waiver" to the U.S. government; boarding was allowed only for those with waivers. They were placed on indefinite "parole" six months after arrival. Only 1,013 people were rejected for visa waivers in 1961 and 1962 (about 1 percent of all applicants). Thus in order to delegitimize the Cuban government, the U.S. government promoted virtually unrestricted migration from Cuba, suspending parts of U.S. immigration statutes because there were "refugees from communism."

The migration flow was cut off because of the missile crisis. On 22 October President Kennedy imposed a blockade of Cuba. To protect itself, Cuba closed all airports to commercial traffic. But once the crisis was over the first tensions appeared between the strategic and ideological goals of U.S. immigration policy toward Cuba. The U.S. government did not permit the resumption of commercial flights. Instead, it sacrificed the ideological goal of having Cubans "vote with their feet" against communism by emigrating to the United States in order to promote the strategic goal of isolating the Cuban government.

The U.S. government continued its earlier trade embargo and tried also to stop transportation between Cuba and other countries. In 1962 KLM stopped flying between Havana and Miami; during 1963 Spain's Iberia Airlines also stopped flying to Cuba. Lobbying in favor of a resumption of Havana-Miami flights by Monsignor John McCarthy, of Catholic Relief Services, and others failed. Nonetheless, one ideological goal concerning migration survived because it was consistent with the strategic goal of isolating Cuba. The Program Director for the International Rescue Committee chided the U.S. government in December 1963 for continuing to "grant visa waivers to eligible Cubans" in the absence of commercial flights between Cuba and the United States "but, at the same time, [to] declare them invalid if their holders reach a country of temporary asylum." That is, the U.S. government fueled the discontent of potential migrants inside Cuba by granting waivers and also by not providing the physical or legal means for them to enter the United States. The U.S. government knew that about 350,000 people still in Cuba had visa waivers.

Ideological and strategic factors, therefore, best explain the U.S. government's response to Cuban migration in the early 1960s. The ideology affirmed the values enshrined in the Statue of Liberty, bolstered by anticommunism. The strategy sought to embarrass and delegitimize the Cuban government; at first also to overthrow it, and later to isolate it. By 1963, however, the strategic usefulness of migration had begun to decline, though its ideological utility would endure.

Decisions from 1965 to 1973

The U.S. government's response to the Cuban decision in the autumn of 1965 to promote emigration to the United States reactivated ideological concerns. At the signing of the new Immigration Act next to the Statue of Liberty, President Lyndon Johnson responded to Prime Minister Fidel Castro's challenge of five days earlier, which had opened Cuba's Camarioca port to anyone who came by boat to take relatives to the United States. Having referred to the traditions of liberty in both U.S. immigration policy and in the unfolding U.S. combat presence in Vietnam, Johnson stated: "I declare this afternoon to the people of Cuba that those who seek refuge here in America will find it. The dedication of America to our traditions as an asylum for the oppressed is going to be upheld." The President set no limit on the new Cuban migration. He said: "The lesson of our times is sharp and clear in this movement of people from one land to another. Once again, it stamps the mark of failure on a regime when many of its citizens voluntarily choose to leave the land of their birth for a more hopeful home in America. The future holds little hope for any government where the present holds no hope for the people. And so we Americans will welcome these Cuban people." Cuba had unilaterally reversed U.S. migration policy. Cuban migration to the United States, on U.S. flag carriers, resumed. But the U.S. government used the outflow to embarrass the Cuban government, and it raised the ideological states to generate support in the United States for President

18. Ibid., pp. 41, 61, 73, 89.
Johnson’s policies toward Cuba and toward migration. It turned some past critics into supporters. Montignor John McCarthy, who had become Immigration Director for the National Catholic Welfare Conference, told a congressional committee that the Cuban migration program "has brought a dramatic awareness to our American public of the devastating effects of a totalitarian regime." It reflected potential critics such as Senator Edward Kennedy, chairman of the Senate subcommittee on refugees: "The Cuban refugee program is first and foremost an essential humanitarian act by the American people. But I also hope it shows to all people the willingness of this Nation to help those in need who stand with the United States for personal freedom and democratic development in the Western Hemisphere.

The decision brought bipartisan support. The ranking Republican minority member on the House Subcommittee on Immigration, Arch Moore, Jr., questioned U.S. Undersecretary of State George Ball about President Johnson’s policy. Moore noted that the President “accepted the challenge thrust at him” by Castro Ball agreed: “I think that we had no option but to take the course which the President took... and I think it has been extremely well received around the world.” Representative Moore concurred: “I don’t think he had any choice.”

Policy tensions soon arose, this time on how to assess the impact of migration policy on Cuba. Did U.S. migration-accepting policies weaken or strengthen the Cuban regime? The issue surfaced concerning a major objective of the Cuban Refugee Program: resettlement of Cubans outside of Miami to reduce that city’s burden. In June 1963 Representative Arch Moore asked CRF Director John Thomas whether the program “contains an indoctrination of these people to encourage them to resettle rather than hold to their original hope of returning to Cuba.” Thomas denied it and argued the practical case for resettlement. The next year Representatives Michael Feighan, chairman of the House Subcommittee on


Immigration, sympathized with the Cubans’ “quite natural” effort “to resist dispersing of their group through resettlement programs out of Florida” that would reduce their ability “to contribute to the emancipation of their homeland.” Representative Moore argued that the “United States today was systematically making a dispersal of the Cuban refugees,” which serves to “telegraph to the world once and for all that the United States has surrendered this island of Cuba to the thugs who have got hold of it now.”

The critics of resettlement on ideological and strategic grounds were correct. The resettlement program needed to reduce Miami’s burden and to integrate Cubans into U.S. society, made it less likely that Cuban exiles would fight the Cuban government. Thus the U.S. government cooperated unintentionally with the Cuban government.

In 1966 the Johnson administration, supporting passage of the Cuban Adjustment Act, was challenged about its migration policy toward Cuba. The act would allow Cubans admitted or paroled since January 1959 to apply for permanent residence, without having to leave the United States and register as immigrants. Existing law required that those who had entered the United States from neighboring countries with nonimmigrant visas had to leave the United States in order to apply for an immigrant visa; a burdensome and costly process. The new act would change the law for Cubans only, retaining a distinction, stemming from the anticommunist ideology, between migrants from Cuba and from other Western Hemisphere countries.

Undersecretary of State George Ball argued as follows: “Passage of this bill should not and would not be taken as an indication that we believe that the Castro regime is here to stay... this special help to Cuban refugees is being given for purely humanitarian and practical reasons.” In passing the bill, Ball argued that the United States would “be demonstrating to the world our sympathy for peoples who do not want to live under totalitarian regimes.” The bill was also ideologically valuable: “a contribution to creating a constant vision of the United States as a nation which practices what it preaches.”

Republican Representative William Cahill challenged Ball: “Are we not accepting as refugees in the United States the very people who... would be leading that revolution in Cuba? And are we not taking from Cuba today the real leaders of Cuba, the ones that Castro wants to get out of Cuba, are
we, therefore, not depriving [Cuba] of the real leadership that will be
necessary to foster a revolution to restore the country to a democracy?”
Ball replied that “for the United States to deny the possibility of these people
leaving and coming to this country would be more discouraging in their
efforts to bring about a free regime than almost anything we could do.”29

The same debate blossomed inside the State Department. Contrary to
Ball, Deputy Assistant Secretary for Inter-American Affairs (ARA) Robert
Sayre testified, also in 1966: “It has been the policy of the Castro
government ever since it came to power to export its opposition,” except for
political prisoners so far.30 Thus permitting emigration from Cuba strength-
ened the regime. But by 1970 ARA had come back to support the main
position of the Executive branch that permitting migration from Cuba
weakened the regime. Deputy Assistant Secretary Robert Hurwitch testi-
fied: “Experience has indicated that as long as hope for escape to freedom
exists, people living under oppression resist committing themselves to the
regime’s goals but when escape routes are sealed, accommodation to the
inevitable becomes the prevailing attitude.” He cited the building of the
Berlin wall as the beginning of the East German regime’s consolidation.
Hurwitch concluded: “The [Cuban] refugee airlift, a route to freedom,
foreshadows the certainty of accommodation to communism by the Cuban
people.”31

In fact the critics of the policy of accepting any Cubans were correct: the
U.S. government cooperated with the Cuban government by importing its
opposition. Enabling Cubans in the United States to stop being exiles by
becoming permanent residents, and eventually citizens, reduced the incentive
to overthrow the Cuban government. These strategic arguments were
sacrificed to ideological ones. Accepting Cubans contributed to a “consistent
vision” of the United States in the world and it fueled a type of discontent
within Cuba. The latter had become just an ideological goal, however,
because (unlike in the early 1960s) it no longer threatened the Cuban regime
and because a comparable case could now be made that blocking emigration
fueled yet another type of discontent in the country. The U.S. strategic
choice between these two discontent-promoting policies had become indeter-
minate; the answer most consistent with traditional U.S. anticommunist
immigration ideology was, however, migration-accepting, and this was the
policy adopted by the Johnson and Nixon administrations.

In short, by 1970 the strategic case for Cuban migration had weakened.
The ideological case was about to be questioned not because of flagging
anticommunism but because of an increasing reluctance to take so many
migrants, even those fleeing “the Reds.”

Decisions in 1980

President Jimmy Carter’s response to President Fidel Castro’s decision on 20
April 1980 to open Mariel harbor to Cuban-Americans who came by boat
to pick up their relatives, unilaterally suspending U.S. immigration policy,
was also ideological. On 9 April Carter first commented on the sudden entry
of several thousand Cubans seeking asylum in the Peruvian embassy in
Havana: “We see the hunger of many people on that island to escape
political deprivation of freedom and also economic adversity. Our heart
goes out to the almost 10,000 freedom-loving Cubans who entered the
Peruvian embassy. Once the Mariel exodus began, U.S. government officials,
including the President, asserted that the boatlift was contrary to U.S. law
and policy, but this fact was easily lost in the cascade of ideological
commentary. The White House’s first public response to the boatlift was
Vice President Walter Mondale’s statement on 27 April: “There is no better
proof of the failure of Castro’s revolution than the dramatic exodus which is
currently taking place.”32

On 5 May, in the midst of his fight for reelection, Carter noted: “We’ll
continue to provide an open heart and open arms to refugees seeking
freedom from Communist domination and from economic deprivation,
brought about primarily by Fidel Castro and his government.” The
President continued: “We are the most generous nation on Earth in
receiving refugees and I feel very deeply that this commitment should be
maintained.” Even on 14 May, as Carter announced a policy to discourage
boat trips to Cuba and to pursue, instead, a new, hoped-for airlift
agreement, he reiterated: “Tens of thousands of Cubans are fleeing the
repression of the Castro regime.” Therefore “the United States will welcome
Cubans, seeking freedom, in accordance with our basic laws.”33 Campaign-
aging for reelection in the fall, Carter still stressed his convictions: “I think of
all the human problems that I’ve had since I’ve been in the White House, this
has been the most severe for me personally.” He noted: “My parents and
grandparents were immigrants.”34

4, 12, 17–18.
31. U.S. Congress, House, Committee on Foreign Affairs, Subcommittee on Latin American
33. Ibid., II:926, 916.
34. Ibid., 3:2155.
Public officials had turned more restrictive on immigration, however. The Cuban exodus posed the ideological dilemma starkly: Should the United States exclude even “refugees from communism”? Senate Judiciary Committee chairman, Edward Kennedy, who was running against Carter for the presidency, argued: “All Americans want to open their arms and hearts to the homeless and to see that families are reunited. However, we cannot welcome refugees if there is no order to their movement, no screening to help them, and no funds to support them.” The ranking Republican on the Judiciary Committee, Senator Strom Thurmond, saw “a picture of people seeking freedom, a people seeking to get away from oppression, a people who have been persecuted... On the other hand, America cannot take everybody who wishes to come here.” Republican candidate Ronald Reagan’s campaign manager, Senator Paul Laxalt, agreed that Cubans “are the unfortunate victims of a tyrannical Communist regime,” but he wondered whether “the current refugees come for political or economic reasons,” though on balance, he thought, “Cuba’s loss will be our country’s gain.”

As it became evident that many of these Cubans were common criminals who had been released from Cuban prisons, attitudes turned even more restrictive. Republican Senator Alan Simpson, an architect of the effort to overhaul U.S. immigration law, summarized the country’s response to the Cuban (and the Haitian) boat people: “There is so much guilt, there is so much racism, there is so much compassion fatigue.” On 5 November Carter reflected on his election defeat: “The refugee question has hurt us badly. It wasn’t just in Florida, but it was throughout the country. It was a burning issue. It made us look impotent when we received these Cuban refugees from Cuba.” But even then he argued: “I don’t see anything we could have done differently or better.” Carter’s Cuban migration-accepting policy may have helped to cost him the presidency, but he followed it because he thought it was right and because the other alternative—trying to stop the boatlift physically—was too dangerous and even costlier.

There was also a strategic consideration. Unlike their predecessors, 1980 Cuban migrants were not classified as refugees but as “entrants (status pending),” coupled with the Haitians who had been arriving in recent years. This conditional exercise of the government’s parole authority allowed Cubans and Haitians to remain in the United States and made them eligible for certain benefits but, according to Ambassador Victor Palmieri, U.S. Coordinator for Refugees, it would “not provide the status or benefits accorded to those admitted as refugees or granted political asylum.” The State Department opposed granting the Cubans (and the Haitians) group parole, or classifying the Cubans as refugees, in order not to give others an “invitation to rush to our shores.” For the first time since 1961 the U.S. government reduced the economic incentives that had induced past Cuban migration, depriving the Cubans of the symbolic status of “refugees from communism.”

The 1980 decisions to accept the Cubans were governed, above all, by President Carter’s ideology. The policy environment was poisoned, however, by the breakdown of the earlier ideological consensus on migration from Cuba, as well as by other factors. Among the latter, most significant was the view that this U.S. policy “cooperated with the enemy,” taking from Cuba those that its government most wanted to see gone. For these reasons, and to reduce the incentives to further illegal migration, U.S. migration policy toward Cuba turned restrictionist for the first time ever.

Decisions in 1984–1985

The Reagan administration’s first innovation in migration policy toward Cuba was to decouple anticommunist ideology from strategy. In March 1981 Secretary of State Alexander Haig made clear that this administration shared anticommunist beliefs about Cuban migration with its predecessors: Cuba’s “able citizens [were] driven from their homes not for a want of patriotism but from the sheer intolerance of their self-appointed rulers.” This would no longer mean, however, that the United States would take them. The overriding U.S. strategic objective was to control its borders and to deny others the means to set U.S. immigration policy. The U.S. government stopped issuing immigrant visas to all Cubans until and unless the Cuban government were to take back several thousand Cubans who had come in 1980 through Mariel harbor but had been found excludable from the United States under the immigration laws—the “Mariel excludables.” Moreover, in July 1981 Assistant Secretary of State for Inter-American Affairs, Thomas Enders, made clear that it had become U.S. government policy to stop the Cuban (and Haitian) flow across the Florida Straits, even interdicting boats on the high seas and, yes, turning them back to Cuba.

The Statue of Liberty shed a tear.

40. U.S. Department of State, American Foreign Policy: Current Documents, 1981
The denial of all migration from Cuba became a policy tool. In May 1984 James Michel, Deputy Assistant Secretary of State for Inter-American Affairs, argued that the Cuban government used emigration as an "outlet...to relieve social strains within Cuba," sending out those "less supportive" of the regime. Thus a U.S. policy that blocked emigration from Cuba deprived its government of a means for consolidation. Michel recognized that this policy meant "a cost to individuals as well, and we regret that." This ideologically costly policy, Michel noted, had a strategic goal: to force the Cuban government to take back the Mariel excludables. The United States had ceased processing immigrant visa applications from Cuba, Michel argued, because "we know of no other policy that we could maintain that would preserve the opportunity for a possible negotiated return of the Mariel excludables." The Department of State also opposed a bill to permit the renewal of issuing U.S. immigrant visas to Cubans in Havana because such a unilateral step would weaken its bargaining leverage. Some members of Congress from both parties were taken aback. Representative Barney Frank (D-Mass.) said that this policy was "holding innocent people hostage." Representative Hamilton Fish, ranking Republican on the Judiciary Committee, argued that "we are penalizing the wrong people." The administration stuck to its policy.

In fact, the position Michel espoused in 1984—to negotiate with Cuba over the return of the excludables—meant that the Reagan administration had overcome its ideological inhibitions to negotiate with Cuba. The administration's approach to Cuba had been punitive. After the Mariel episode, in December 1980 and January 1981 the Carter administration had held talks with Cuba over migration; agreement was reached on most points, including Cuba's agreement to take the excludables. Cuba delayed formally signing the agreement until the Reagan administration took office, perhaps to persuade the new White House of the utility of negotiations. Cuba miscalculated: the Reagan administration was not interested. For four years the Reagan administration's hostility to Cuba prevented it from negotiating over the return of the excludables. Nor was the administration willing to act on the U.S. government's commitment of 1980 to process for entry some fifteen hundred former political prisoners still in Cuba. Decoupling strategy from anticomunism safeguarded a part of the administration's ideology but it guaranteed policy failure: the excludables remained in U.S. jails, the former political prisoners remained in Cuba, and Cuba's general foreign policies remained unchanged.

Then, in December 1984, the United States and Cuba signed a migration agreement. Cuba would take back 2,746 persons whom the United States had found excludable. The United States also "will resume issuance of preference immigrant visas to Cuban nationals residing in Cuba up to the number of 20,000 each year" and it would accept former Cuban political prisoners and their families, beginning with 3,000 people in fiscal year 1985. Cuba agreed to allow the United States to increase the consular staff in Havana so that U.S. officers could screen prospective Cuban migrants consistent with U.S. law. Each government, for its own antagonistic reasons, had chosen to cooperate with the other.

This decision had four ideologically significant features. First, the Reagan administration negotiated with Cuba as its equal. Second, only the former political prisoners were to be considered refugees. Most future immigrants from Cuba would be treated no differently than those from other countries. The immigration status of the Cubans fell further: they would not be entitled to the resources of the Refugee Act, nor to those available to the 1980 "entrants." The agreement sought the "normalization of immigration procedures between the two countries"—a wording that Cuba may have thought meant more than it said but which was unprecedented in U.S.-Cuban migration relations because it was so contrary to anticomunism. Third, the agreement did not provide formal protections for the human rights of the excludables being returned to Cuba, although Michael Kozak, Deputy Legal Adviser for the U.S. Department of State, sought and received some informal assurances on these matters from Cuban Deputy Foreign Minister Ricardo Alarcon. President Castro, on his own, gave similar public assurances. Fourth, in U.S. Federal District Court the Reagan administration opposed proceedings to entitle some of these Cubans to remain in the United States because it sought to deport them forthwith; Kozak testified.

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for the U.S. government that the administration believed Cuba would respect the human rights of the returnees. The agreement, in short, emphasized the strategic objectives of getting Cuba to agree to procedures to prevent future Camarocita or Mariel incidents in which the Cuban government, in effect, had taken charge of U.S. immigration policy, and to get Cuba to accept the excludables. The agreement enabled the U.S. government to choose whom to accept from Cuba. The cost was in anticomunism, although the agreement was in line with traditional U.S. migration policy by once again accepting Cuban migrants. Reagan administration policy was consistent only in that it always decoupled ideology from strategy. But whereas in 1981 the main ideological value being sacrificed was migration acceptance, in 1984 it was anticomunism.

On 20 May 1985, however, the U.S. Radio Martí Program of the Voice of America began regular broadcasts to Cuba. The justification for this program was to advance the Reagan administration's more general anticomunist ideological goals. The Cuban government, interested in "normalization" of more than migration relations, felt betrayed by what it considered U.S. aggression; it suspended the agreement.

Decisions in 1987

In 1984 the Reagan administration had reached a policy turning point when it decided to pursue its strategic objective of repatriating Mariel excludables, deterring new Mariel or Camarocita episodes, and taking away from Cuba the unilateral power to set U.S. immigration policy, even if that required negotiations with Cuba as a sovereign equal and the sacrifice of some of the administration's ideological objectives: future migrants from Cuba would not be "refugees from communism." This conceptual framework remained in place during Reagan's second term; it made it easier to fashion policy to respond to Cuba's suspension of the migration agreement. Between 1984 and 1987 the policy novelty was, in the words of Kenneth N. Skoug, Jr., Director of the U.S. State Department's Office of Cuban Affairs, that "resumption of the migration agreement remains the key to any improvement in our bilateral relationship." Migration was no longer just one important item on a long agenda in U.S.-Cuban relations—it had become "the key" item.

The U.S. government responded to the Cuban government's suspension of the migration agreement by returning to its 1984 strategy of not issuing immigrant visas to Cubans. In addition, on 4 October 1985, Presidential Proclamation 5777 suspended the entry as nonimmigrants of officials and employees of the Cuban government and of the Cuban Communist party. As Kenneth Skoug has noted: "Since virtually every Cuban, if employed at all, is an employee of the state or the party or both, this proclamation facilitated the Department of State in inhibiting travel sought by the Cuban authorities." 46 Not even a janitor could get a U.S. nonimmigrant visa. Moreover, on 25 August 1986, Presidential Proclamation 5317 suspended entry into the United States of Cuban nationals located in any country (except those who were immediate relatives of U.S. citizens) in order to stop the practice of emigrating from Cuba to third countries and from there to the United States. Finally, the U.S. government made it clear to the Cuban government that it was willing to negotiate for the purpose of reinstating the migration agreement but not to cancel the Radio Martí Program. 47

U.S. policy succeeded. On 20 November 1987 both governments announced that the migration agreement had been reinstated exactly as it had been agreed to in 1984. The U.S. Radio Martí Program continued, though both governments agreed to further talks concerning broadcasting from one country to the other and problems of radio interference. 48 Of course, the same strategic and ideological costs and benefits from the 1984 migration agreement applied to the 1987 reinstatement. However, in 1987 the U.S. government had the additional gain of having persuaded the Cuban government that the latter's strategy, coupling migration with other issues for the sake of registering gains over such other issues, would not succeed. After 1987 as in 1984 the U.S. government publicly defended the Cuban government's human rights record with regard to excludables returned to Cuba. The State Department's Office of Asylum Affairs has repeatedly been called upon in court proceedings to give its view concerning the likely fate of each excludable being considered for return to Cuba. The office's April 1990 standard, routine memorandum noted that it "has no independent factual material about this specific applicant." It then went on to say: "The Department of State has no reason to believe that any Mariel Cuban will be persecuted upon his return to Cuba because he has been part of the Mariel


47. Ibid., p. 4.

group. . . . we have received assurances from the Government of Cuba that those who are returned to Cuba in the future under the agreement will not be mistreated.

In conclusion, U.S. foreign policy factors explain why the U.S. government accepted so many Cubans, suspended many other U.S. immigration policies, and generously eased the Cuban migrant's incorporation to life in the United States. Ideological factors—the values enshrined in the Statue of Liberty along with anticommunism—explain U.S. decisions to accept Cubans in 1960, 1965, and 1980, and to treat them well. Ideology was not a factor in the decisions to end the migratory flows in 1962 and 1973, but the breakdown of the ideological consensus mattered in 1980, and ideology was a key to the suspension of the 1984/1985 agreement. Strategic factors help explain why the United States accepted Cubans in 1960, 1984, and 1987, but they do not explain why they were accepted in 1965 nor in 1980. Strategic factors were also paramount in the U.S. decision to suspend commercial flights in 1962, and they shaped the turn toward restrictionist policies in 1980, but they did not matter in the 1973 and 1985 termination cases. Therefore, both ideology and strategy have mattered for U.S. decision-making, but ideology has mattered more; only in the 1980s did these strategic factors become increasingly important. However, neither of these U.S. foreign policy factors explain well the specific timing of the various episodes. For that we turn elsewhere.

The Cuban Government as a U.S. Policymaker

The best explanation for the timing of the first three migration episodes is the Cuban government's decisions. Its record of Cubans' treatment, economy, and politics is one constant explanation for emigration. In 1960 to 1962 emigration responded to the change in regime. Cuba's decision to prevent emigrants from taking their savings made it more necessary for the U.S. government and private relief agencies to help the Cuban immigrants in the United States. The Cuban government, too, has had to face up to the obverse side of the same dilemmas just discussed: Does emigration contribute to strengthening or weakening its consolidation? Over time, its changing response to this question explains the stop-go nature of migration relations.

Cuba's initial decision was to allow emigration. In contrast to the East German government's decision in 1961 to build a wall across the city of Berlin to prevent emigration, the Cuban government chose to export the opposition in order to consolidate the regime, even at the cost of economic and social dislocation. The latter occurred because so many emigrants in 1959 to 1962 were professionals and managers. The interruption of flights to the United States in 1962 posed problems of internal order in Cuba because many hundreds of thousands still wanted to leave. Castro said that he understood the U.S. migration-preventing policy as "based on the hope of an internal uprising taking place in Cuba." Nevertheless, the Cuban government's own attitude toward emigration changed, too: all citizens would need an exit permit, besides their passport, to leave Cuba.

In the fall of 1965 Cuba's decision to open Camarotea port and to encourage Cuban-Americans to come by boat to pick up their relatives forced the United States to take Cuban migrants. The United States would not have changed its policy had Cuba not forced the issue. The Cuban government made four strategic judgments. First, its own consolidation seemed assured. In the autumn of 1965 the Communist party was formally established and its Central Committee selected. The economy had also performed better in 1962. Renewed emigration was not expected to create new internal problems. Second, by 1965 the counterrevolution had been defeated. Castro stated that he did not think that there would be many potential counterrevolutionaries among the new emigrants; family reunification and economic motivations loomed larger. Third, the government calculated the magnitude of the likely emigration as equal to the number who had requested permission to leave as of 1962: 150,000 people. Finally, Cuba's unilateral suspension of U.S. immigration laws would embarrass the U.S. government.

On 28 September 1965 Castro announced the opening of Camarotea port. He argued (inaccurately) that his government "had never placed any obstacles for anyone" who wanted to emigrate. The policy was that "whoever wanted to leave should do so." He said that "in the long run, instead of inflicting a damage . . . the United States" had taken from this

country many lumpenproletarians and many lazy people.” The interruption of emigration was not his government’s fault but that of the United States “exclusively,” for it “had prevented departures or returns.” He accused the U.S. government of promoting departures from Cuba of people without exit permits. To stop these illegal departures, Castro said, Camarioca was the answer.53 Two days later he announced that Cuba would assign two planes, free of charge, to take would-be emigrants to the United States (in fact, the United States would eventually provide the aircraft and pay for all costs of travel).54

The Cuban government soon had second thoughts. The number of emigrants was much larger than it expected. Its new emigration policy indirectly cooperated with U.S. government ideological goals: the fact of so many emigrants enabled the U.S. government to point to the outflow as proof that the Cuban government had failed. The Cuban government was just as torn as the U.S. government: emigration exportation the opposition but it created domestic turmoil. While the two governments negotiated over a migration agreement to replace the disorderly departures from Camarioca port, the Cuban mass media argued against all departures. Newspapers gave prominent coverage to Cubans whose relatives had come to Camarioca from the United States to pick them up but who refused to emigrate. Cuba’s premier black poet, Nicolás Guillén, published an article condemning black Cubans who sought to emigrate.55

Suspicion was not enough. On 21 October Castro announced that young males eligible for military service, between the ages of fifteen and twenty-six, could not depart. On 7 November Cuba announced that it would not pardon prisoners convicted for “counterrevolutionary crimes” but that it would consider exchanging some of them for prisoners convicted “for their revolutionary conduct” in Central and South American countries. Cuba also announced that technical personnel could emigrate only if and when a suitable replacement could be found. Even so, Castro defended his new policy: “This revolutionary society is purging itself...this is a society for free men...who freely wish to belong to it.” He added, correctly, that “we do not explain anyone...and, incorrectly, that “we do not wish to campaign that people should not leave.”56

54. Ibid., 1 October 1965, p. 2.

In May 1966 Castro cut off further registrations for emigration. He complained that the U.S. government had limited the rate of emigration, so that people had to wait for months in Cuba even after they had stated their wish to emigrate. The registrations were cut off, he said, to prevent placing more people in his “limbo.”57 In fact, in the fall of 1963 the rate of emigration had been agreed to by both governments in accord with Cuba’s low expected emigration figures.58 The emigration continued at the original agreed upon rate.

Cuba adopted other migration-discouraging measures. Those who applied to emigrate lost their jobs, were branded as enemies, and were required to work in agriculture, often far from their homes and at lower pay, in conditions that at times resembled imprisonment.59 By mid-1971 Castro worried again about the “brain drain” and other costs.60 In August Cuba announced that it would process the lists of those already registered but that the airlift would end then. In September Castro made it clear that he did not envisage a continuing emigration from Cuba to the United States. He warned the United States against promoting further emigration from Cuba because he might again open a port like Camarioca.61 Although the U.S. government urged Cuba to “permit the airlift to continue until all those Cubans who have asked to be reunited with their families in the United States have left Cuba on the airlift, including those whose names were submitted by relatives in the United States,” the airlift ended on 6 April 1973.62 In short, the 1965 to 1973 episode began and ended in Cuba, shaped by its government’s changing strategy. The timing of “U.S. policy” to accept Cubans in 1965 through an airlift agreement, and to end the agreement in 1973, is best explained with reference to Cuban decisions as mediated through U.S. government ideology.

In 1980 Cuba’s domestic circumstances differed from those in 1965. In the months preceding Mariel harbor’s opening, the economy was in recession, dashing the hopes for economic growth stemming from the recovery earlier in the 1970s. Political discontent increased. Like 1965, however, external conditions were favorable. Cuba no longer feared exile.

61. Ibid., 29 September 1971, p. 3.
attacks based in the United States and it relished embarrassing the U.S. government by again unilaterally suspending its immigration laws. Although U.S.-Cuban relations had improved during the Carter administration's first year, by 1979 they had deteriorated again over the nature of Soviet-Cuban military relations and over Cuban military operations in Angola and in Ethiopia.

On 8 March 1980 President Castro warned that he might open a port, as had been done in Camarina in 1965, to permit emigration. He blamed the United States for the increased frequency of efforts to leave Cuba illegally. Efforts to seek asylum in Latin American embassies had also intensified in preceding months. On 1 April a bus load of Cubans broke into the Peruvian embassy, despite shooting by Interior Ministry guards. On 4 April the Cuban government announced the withdrawal of its guards at the embassy. Within forty-eight hours a press editorial reported that, "as expected," three thousand people had entered the Peruvian embassy. Thousands more entered the embassy soon thereafter. As in 1965 the Cuban government underestimated the number of those who wished to emigrate and, in 1980, it lost control of the situation for a few weeks.

On 14 April Cuba authorized departures from the Peruvian embassy through Costa Rica for Peru, and it warned the United States again that it was considering a Camarina-like ploy. Several Latin American and western European governments were ready to join the United States to accept those at the Peruvian embassy. The flights through Costa Rica embarrassed the Cuban government, however; Costa Rica's president greeted the emigrants as heroes. On 18 April Cuba closed the airlift through Costa Rica. Having heard Castro's references to Camarina, some Cuban-Americans had come to Cuba by boat to pick up their friends and relatives. As in 1965 they would cooperate with their enemy. On the evening of 20 April the Cuban government opened Marbel harbor: "We have removed the guards protecting the Florida peninsula." The Cuban government promoted departures. Castro acknowledged that people imprisoned for common crimes (excepting crimes of blood, including murder) "were given the option of going [to the United States] if they wanted" or remaining in jail—no wonder so many chose emigration! With regard to murderers, Castro said: "I admit there are some who may have gone by mistake, but very few. But this was by no means due to a political decision." The policy's purpose was to demonstrate that "those going to the United States were antisocial elements, lumpen and scum," and to cleanse the country from such people. Having "reduced in number" the alleged antisocials, Castro argued, "we are left with the strong pairs" of the people. The government also promoted the departure of many dissidents not in prison. Committees for the Defense of the Revolution pressured those who the regime wanted to emigrate. Assemblies were called to denounce them; violence broke out at times. Some committees held contests for the best antigay sexual posters.

Cuban scholars report that about 45 percent of Mariel emigrants had prison records, although only a quarter of those with prison records came directly from prison. Excluding those convicted for crimes against state security and other offenses that would not be crimes in the United States (for example, seeking to emigrate without a permit, unauthorized foreign exchange transactions, etc.), about 27 percent of Mariel emigrants had served in prison for common crimes; among those with prison records 40 percent were for robbery and theft but only 5 percent for murder. From the evidence of these scholars I calculate that about eight thousand common criminals came directly from Cuban prisons to the United States through Mariel. This Cuban policy, even if the number of murderers was that small, was an act of aggression against the people of the United States.

Cuba refused to negotiate over the U.S. proposal to establish a new airlift, unless other outstanding issues between the two governments were negotiated as well. Other governments, perceiving the Mariel problem as one in U.S.-Cuban relations, backed away from the cooperation first evident over the Peruvian embassy incident. By the summer of 1980 the Cuban government had accomplished its goal: the U.S. migration-accepting consensus toward Cuba had broken down and the Mariel migrants were being portrayed as savages in the U.S. press. Many of those whom the Cuban government wished to induce to emigrate had left. But the Cuban government began to fear a further worsening of its relations with the United States. Castro worried, too, about the departures of highly trained professional personnel: "We cannot let them leave right away." The government was considering making them pay for their years of free education before allowing them to emigrate (in fact, unlike in the early 1960s, fewer technicians emigrated in 1980 than expected from their share of the

labor force; Cuba only lost 0.03 percent of its technicians through 
Martel). A rash of hijackings and a U.S. initiative turned the tide. Beginning on 10 
August 1980, nine aircraft were hijacked by Mariel migrants seeking to 
return from the United States to Cuba. On 16 September Cuba announced it 
would punish further hijackings. On 17 September another aircraft was 
hijacked from the United States to Cuba by Mariel migrants; Cuba arrested 
them, turned them over to U.S. authorities, and announced this fact 
publicly. This Cuban response was made easier by the U.S. government's 
earlier response to the assassination on 12 September of a Cuban diplomat 
posted to the United Nations in New York; the U.S. government expressed 
its condolences, condemned that terrorist act, promised to prosecute those 
responsible, and offered to increase U.S. protection for Cuban diplomats.13 

Concerned by this burst of hijackings and anxious to repair its relations 
with the U.S. government, on 25 September Cuba closed Mariel harbor. 
United States government officials made clear that Mariel harbor was shut 
down because of the "unilateral decision of the Cuban government," not 
because of bilateral negotiations nor because of successful U.S. interdiction 
efforts on the high seas. The Cuban government had chosen to cooperate 
with its enemy. In short, in 1980 as before the timing of "U.S. policy" to 
accept, and then to stop accepting, Cubans is best explained as the result of 
Cuban decisions as mediated by the U.S. government's ideology. 
The 1984/1985 episode, however, does not follow this pattern. The 
timing of the 1984 agreement is best explained as the result of U.S.-Cuban 
diplomacy in the context of a U.S. presidential election. Similarly, 
the agreement's suspension on 20 May 1983, though a Cuban decision, was 
also a response to the beginning of Radio Martí's broadcasts and thus is best 
explained in the context of bilateral relations. The 1987 reinstatement of 
the migration agreement is also best explained as an outcome of U.S.-Cuban 
relations; nonetheless, the fact that Cuba's economy went into a recession in 
1986/1987 no doubt increased domestic discontent and reminded the 
Cuban government of the utility of exporting the unhappy to the United States.

72. Gramma Weekly Review, 22 June 1980, p. 3; Hernández and Geonis, "Retorno del 
U.S. Congress, House, Committee on the Judiciary, Subcommittee on Immigration, Refugees, 
House, Committee on the Judiciary, "Refugee Admissions and Resettlement Program: Fiscal 

As in the discussion of ideology, so too here: the trends in the 1980s 
differ from those of the previous twenty years. The Cuban government had 
become much less willing and able to set unilaterally U.S. immigration 
policy toward Cuba.

U.S.-Cuban Migration Diplomacy

Two features of U.S. immigration policies toward Cuba have resulted from 
the interaction of U.S. and Cuban policies: the role of private parties 
-especially Cubans in the United States-and the delegation of part of U.S. 
immigrant determination policy to the Cuban government. For this analysis 
we will consider also two more limited U.S.-Cuban migration agreements 
from 1963 and 1978.

Private parties as foreign policy agents have been significant in all major 
migration episodes except the first, and also in the 1963 and 1978 migration 
episodes. The pattern was set after the Bay of Pigs (Playa Girón) invasion. 
Castro offered to release the captured invasion prisoners provided the 
United States paid ransom. President Kennedy refused. Asked, however, 
about a private committee raising $62 million for ransom, which included 
retired General Lucius Clay and one of his sisters-in-law, Kennedy replied: 
"I am not informed about it, ... [but] I certainly sympathize with the basic 
desire" of getting the prisoners out.16 Although the first ransom effort did 
not succeed, the second one did, thanks to James B. Donovan, counsel to 
the Cuban Families Committee, who negotiated with the Cuban government. 
The U.S. Department of State's official position was that "throughout all of 
his discussions with Cuban authorities, Mr. Donovan acted solely in a 
private and humanitarian capacity. . . . [he] was not acting as an agent of 
the U.S. government."17

Donovan was only technically not a U.S. government agent. Three years 
later Senator Robert Kennedy testified, based on "my own experience," that 
"there was a commitment by the U.S. government to obtain the release 
of these men. It happened thanks to "an intensified effort at the highest 
level of the Government." Cuban interpreted Donovan's mission as official 
because the ransom trips were used also for two other U.S. pur-

75. Public Papers of the Presidents of the United States: John F. Kennedy, 1962 
76. House Judiciary Subcommittee no. 1, "Study of Population and Immigration Problems" 
poses. Donovan negotiated as well for the release of U.S. citizens imprisoned in Cuba. Moreover, the U.S. Department of State, through the Swiss embassy in Havana, negotiated with Cuba to permit the repatriation aboard the ransom vessels of U.S. citizens and their families remaining in Cuba.

The Cuban government took advantage of the wider use of the ransom flights and ships to insist that "on each ship on which we were bringing American citizens and immediate dependents, that 50 percent of the capacity be Cuban nationals, not necessarily relatives of these American citizens." Cuba accepted the U.S. order of priority for both the U.S. and the Cuban "shares" of the ransom flights: U.S. citizens and their families first, then Cuban relatives of U.S. citizens already in the United States and the Cuban parents of minors already in the United States. Other Cubans would come under family reintegration and humanitarian auspices; to promote their exit, the Cuban government demanded its share. Cuba also agreed to allow U.S. Immigration and Public Health Service inspectors to go to Havana to examine the refugees prior to embarkation. The United States settled for principles and procedures, but Cuba controlled the outcome. Over 64 percent of the 7,847 emigrants in the ransom trips were Cubans not related to U.S. citizens and not parents of minors.78

The Cuban government applied these lessons to its 1965 initiative. First, in the absence of a Donovan, Castro called upon Cubans in Miami to come to pick up their relatives. They cooperated with their enemy: their boat trips to Camarotica left the U.S. government no choice but to give in to Cuba's wish that migration relations resume. Second, the Memorandum of Understanding negotiated between the United States and Cuba through the Swiss embassy, signed on 6 November 1965, created two "master lists." One was composed in Cuba from among those who requested departure; another was composed in the United States from those identified by their relatives and friends. The "joint consolidated list" was to serve as the basis for embarkation lists. At Varadero airport U.S. Immigration and Public Health Service personnel would screen passengers before embarkation. The U.S. government would provide and pay for the air transport.79

Just as Cuba had manipulated the 1963 migration episode, so too with the airlift began in 1965. As of July 1970, about 77 percent of the 234,753 people on the Cuban master lists had arrived in the United States compared to only about 8 percent of the 105,960 on the U.S. master lists; only 20 percent of the parents claimed by Cuban minors in the United States had arrived.80 When Cuba announced in 1971 that the airlift would end because there were few names left on the lists, that referred only to the Cuban lists. Over 100,000 were left stranded in Cuba when the airlift ended.

In 1978 the U.S. government negotiated with Cuba over the emigration of many Cuban political prisoners, anticipating their imminent release, and also of persons of dual nationality. The Carter administration was at first reluctant, however, to admit that it had been negotiating with Cuba, and it was slow to act as Cuba began to release the prisoners. Castro returned to the patterns of 1963 and 1965; he turned the release of the prisoners into a gesture to Cubans in the United States. On 6 September he announced that Cuba had released 48 prisoners convicted for crimes against the state's security but that the U.S. government was delaying giving them immigration visas. (The U.S. government feared that Cuba also would send common criminals and spies.) Castro said he would release some 3,600 political prisoners; he invited a number of Cuban-Americans to come to Cuba to discuss this and other issues with him. The first meeting took place on 20 November.81

Just as in 1965 Castro again called on Cuban-Americans to force Washington's hand. But unlike his antagonistic use of Cuban-Americans in 1963 and 1965, this "Dialogue" looked for better relations. Also in contrast to 1965, the U.S. government had already agreed to take the political prisoners so that: only its speed of response was in question. United States citizens and their dependents began arriving on 14 September. On 22 September President Carter announced the fact and the scope of the negotiations. Political prisoners began arriving on 21 October—all before the Dialogue's first meeting.82

In November 1978 the U.S. Special Political Parole Program for Cuban political prisoners and their families was authorized. By early April 1980 the United States had taken 10,000 people, but some 1,000 political prisoners, already released by the Cuban government, and their families still remained

in Cuba. Political prisoners (and their families) released by the Cuban government before August 1978 were not part of the November agreement, but the United States had indicated that it would also process them for immigration on a case-by-case basis; none had arrived in the United States as of April 1980. The Office of the U.S. Coordinator for Refugee Affairs had budgeted to take 7,000 of these as refugees in the remainder of fiscal year 1980; given Peruvian embassy events, on 15 April (five days before Mariel harbor opened) the office raised the number of Cuban refugees expected in FY1980 to 10,500 and in FY1981 to 12,000.83

When in March President Castro first mentioned that he was considering reopening a port like Camarones, the State Department instructed the U.S. Interests Section in Havana to oppose it because the United States would take thousands of Cubans under the newly approved Refugee Act that would go into effect 1 April. The State Department believed that the Cuban government would be pleased.84 However, though Castro may have wanted to normalize immigration, he probably did not welcome the use of the Refugee Act because of its ideological features. The slow U.S. implementation of the November 1978 decisions, and the lack of normal means for Cuban migration to the United States, are part of the diplomatic background to the Mariel crisis.

Thus in 1980 the Cuban government turned to cooperative Cuban-Americans, as it had in 1978, 1965, and 1963, to force Washington's hand. As during the 1965–73 airlift, the Cuban government shaped the decisions about who would leave, but this time it copied its procedure from 1963; its authorities negotiated with each boat captain what proportion of the returning passengers (averaging about one-third) would be identified wholly by the Cuban government.85 As the State Department put it, Cuban-Americans “had found it necessary to cooperate with . . . Fidel Castro at his bidding in order to pursue the goal of family reunification . . . [and] continued long after it became obvious that the Cuban government was controlling the exodus entirely to its own advantage.”86

85. Interviews in Cuba and in Miami, August 1980.

The Diplomacy of the 1984 Agreement

The December 1984 U.S.-Cuban migration agreement was designed to avoid the use of private parties and to increase U.S. government control over immigration from Cuba. Nonetheless, the agreement was reached at a particular moment thanks to a private party. Diplomacy itself also explains how and when the agreement was reached. It was the first time since 1962 that the U.S. government decided to take Cubans without being forced to do so by Cuba.

In May 1983 the U.S. Department of State told the Cuban Interests Section in Washington that the United States wanted Cuba to take the excludables and that, if Cuba did so, the United States "would be prepared to reestablish normal immigration procedures" in Havana. In June Cuba rejected "unilateral solutions" but said that it would discuss the "reestablishment of standards which would permit normalization of migration conditions between both countries," including what to do about "persons who, having committed illegal acts within the territory of the two countries, travel illegally to the other." There was more sparring over whether there would be negotiations (the Cuban preference) or whether Cuba simply comply with the U.S. request. Finally, in March 1984 the United States said that it was "prepared to meet with Cuban representatives" to talk about the excludables and about "normal migration." In May Cuba replied that it viewed the U.S. position "positively" but wished to postpone discussions until after the U.S. elections.87

In classic fashion, a private party intervened: in June 1984 the Reverend Jesse Jackson visited Cuba during his campaign for the presidency; he had been briefed by the State Department. Jackson and Castro agreed that Cuba would "immediately enter into a process of negotiation to reach an agreement that will regulate immigration between our two countries and thus facilitate this [family] reunification process and the return to Cuba of those excludables." Talks began on 12 July in New York.88 At first Cuba said it would only take those who would return voluntarily; it also wanted to check each case. The United States wanted Cuba to accept a categorical exclusion. In the end the United States agreed to turn over a list

of names, and the information it had on each, and Cuba agreed to take the whole list. The United States also granted Cuba a normal annual immigration quota of twenty thousand. Cuba was pleased because this meant treatment just like that for any other country. Both sides proposed pereambles that would give their side of the history, and both later agreed to drop them. Although there was much haggling over words, both sides made concessions.

In short, Jackson's election year intervention explains why talks began in July, not sooner and not later. The diplomatic process explains why talks were required and what they accomplished: Cuba agreed to the return of exclatables only when the United States agreed to a negotiating process, and to textual language, that recognized Cuba's sovereign equality. The agreement was a U.S. success because Cuba agreed to take the exclatables; the main U.S. "concession"—to take twenty thousand normal Cuban immigrants per year under the terms of U.S. law and subject to prior U.S. screening—was something the U.S. government also wanted in order to make another Camilo Cienfuegos unnecessary. Cuba wanted ease of emigration to rid the society of those at odds with the regime. But, above all, President Castro and other Cuban officials called attention to the proper conduct of the talks, and to the text's tone, as a key reason for why Cuba agreed to take the exclatables. Now Cuba's emigrants would be just that, and no longer refugees; even the Reagan administration defended Cuba's human rights record in court. Both countries had discovered their joint interests finally ending the Mariel episode. Cuba's hopes to transform this new political climate into further agreements ended when Radio Martí went on the air.90 The 1984 migration agreement illustrated unprecedented learning by both sides to their joint benefit.

The Diplomacy of Reinstating the 1987 Agreement

When in May 1985 the Cuban government suspended the migration agreement, it announced other retaliatory actions, including the suspension of "all trips by citizens of Cuban origin living in the United States to Cuba, except for those authorized on strictly humanitarian grounds." That is, consistent with the long-standing role of private parties as elements in


U.S.-Cuban migration relations, punishment was meted out to Cuban-origin persons presumably because Cuban-Americans had been the staunchest supporters of Radio Martí. Cuba cut the number of Cuban-American visitors from about eight hundred per month to about one hundred per month. Moreover, the Cuban government raised the specter of another Mariel. Cuba announced that it "reserves the right to reconsider the cooperation it has been unilaterally providing to the government of the United States in the struggle against illegal exits from the country."91 Cuba's policy and conduct over the next two years continued to emphasize the role of private parties.

In January 1985 a delegation of U.S. bishops visited Cuba, including the president of the U.S. Catholic Conference and the archbishops of Boston and San Antonio. They presented a list of 145 political prisoners whom they asked the Cuban government to release. From that point negotiations over prisoner release, and the emigration of prisoners and their families to the United States, took on a semiofficial character involving the U.S. and Cuban Roman Catholic bishops as intermediaries between the two governments. In January 1986 the undersecretary Jacques Cousteau presented the Cuban government with another list with the names of 30 political prisoners. In September 1985 the Cuban government agreed to release all of the prisoners on the bishops' lists and to let them emigrate to the United States; subsequently Cuba agreed to release those on Cousteau's list. The U.S. government did not wish to permit migration from Cuba until the Cuban government reinstated the migration agreement; the U.S. government insisted on obtaining extensive and detailed documentation on each case, which resulted in long delays. The first 112 former political prisoners and their relatives flew to Miami only in September 1986; another 30 arrived in the United States in August and September 1987.92

Cuba also sought the mediation of individual members of the U.S. Congress. In October 1986 Cuba released the last prisoner it had held since the failed 1961 Bay of Pigs invasion to an aide of Senator Edward Kennedy.93 The U.S. government, too, knew that Cuba put high stock in these semiofficial relations. Many individual members of the U.S. Congress, and members of their staff (including Senator Kennedy's), visited Cuba during this period or had other contacts with Cuban officials; they conveyed

the view that Cuba should reinstate the migration agreement, and they made it clear that Democrat and Republicans agreed on this point. These private messages made a difference; the Cuban government acknowledged as much in November 1987 when it announced its reinstatement of the agreement. In short, between 1985 and 1987 private parties again had an important role; on balance they helped to convince the Cuban government of the need to undo its May 1985 decision and to reinstate the migration agreement.

Diplomats also made a difference. In July 1986 a round of talks was held in Mexico City. It was preceded by leaks to the press that made it appear that the Cubans were backing down on their demands on Radio Martí; however true that may have been, it embarrassed the Cuban side. The talks failed. In July 1987 the U.S. Coordinator of Cuban Affairs, Kenneth Skouge, proposed less formal, confidential, face-to-face talks between the heads of delegations to break the impasse. The meeting was eventually held in November, in a third country, with only two persons present from each side; this meeting created the conditions to reinstate the agreement. It fell eventually to the Cuban negotiators to persuade President Castro to change his mind.

Both in 1984 and in 1987 diplomacy and diplomats mattered. Both times there was thorough staff background work to brief the negotiators. Both times the level of professionalism at the talks was very high. Both times the negotiators were skilled. They, too, are part of the explanation for the policy trajectory.

Policy Implementation: Political and Organizational Explanations

How, then, did U.S. immigration policy toward Cuba change from migration-accepting to migration-rejecting? And how did Cubans stop being considered refugees to become undesirable immigrants? How did U.S. immigration policy toward Cuba eventually converge with the more restrictive operating values embedded in the Immigration Act? To explain these changes we turn to domestic U.S. politics.

processed all applications related to the airlift. The Immigration and Naturalization Service processed the refugees and performed security checks. The FBI also performed security checks on specified individuals. The Department of Customs inspected the refugees and enforced the Neutrality Laws to prevent Cuban-American use of the airlift for acts of violence. The Public Health Service inspected the refugees at Cuba's Varadero airport and in Miami. The Voice of America, the Defense Intelligence Agency, and the Central Intelligence Agency interviewed refugees for their own purposes. The General Services Administration maintained the buildings and facilities for the refugees and the program. The Federal Aviation Agency worked with Cuban air controllers on the airlift and on preventing the illegal movement of aircraft. The Federal Communications Commission monitored refugee radio station broadcasts and controlled clandestine stations. The CRP kept Cuban refugee groups at bay. Even in the early years, it did not make available the names of refugees to organizations "that might want to solicit their membership or encourage them to belong to the organization to return to Cuba." Nonetheless, Cubans in the United States remain the single most disruptive group to the policy process. Their understandable desire to bring out the Bay of Pigs invasion prisoners, and their relatives, helped to shape U.S. policy in 1963. Their equally compassionate, if reckless, response to the opening of Camarioca port in 1963 forced the U.S. government to change its policy.

The Cuban migration-accepting policy had much congressional support because most members of Congress shared its anticommunist premises. On key issues Congress deferred to the Executive. For example, the chairman of the House Judiciary Subcommittee on Immigration, Michael Feighan, explained why the Cuban Adjustment Act had not been passed before 1966. Easing the Cubans' adjustment of status from parolee to permanent resident "has been under consideration by this subcommittee for years," but the subcommittee decided the issue "had foreign policy implications which we felt should be determined by the Department of State and the Administration, and not by us." There is little evidence of bureaucratic disarray, even though some circumstances might have provoked it. For example, between January 1961 and October 1962, the system of "visa waivers" was in effect. The State Department made the main determination; INS had the power of nonconcurrence. There was no problem admitting 95,056; nonconcurrence occurred in only 1,013 cases and, even so, no major disputes arose. Similarly in 1963, during the ransom of the Bay of Pigs prisoners and the negotiated departure of a few thousand others, the State and Justice Departments cooperated: State wanted policy involvement, Justice wanted security checks. And when HEW asked State that priority be given to the Cuban parents of children who had arrived alone in the United States, State concurred and so negotiated it with Cuba. This cooperation was made easier because it responded to key operating values in U.S. immigration policy: restrictive security checks and family reunification.

Even in moments of stress and confusion the clear ideological mandate combined with a routine sense of organizational mission to yield a coherent response. Such was the case of the Coast Guard's handling of the Camarioca boatlift in 1963. The U.S. government, and the Coast Guard specifically, warned Cuban-Americans that traveling to Camarioca by boat to pick up illegal migrants violated U.S. law, was hazardous, and jeopardized reaching an agreement. The Coast Guard's behavior, however, was consistent with a restrictive policy but with its own sense of organizational mission: to search for, and rescue, those in distress at sea. The Coast Guard cooperated with the boats returning from Camarioca. That these were "refugees from communism" probably made it easier for the Coast Guard to follow its organizational instincts. The passage of H.R. 15183, the Cuban Adjustment of Status Act of 1966, illustrates how various factors converged to facilitate policymaking. Ideological factors helped to mobilize the State Department and the Congress to ensure passage, while the key House subcommittee was well disposed but had wanted for the State Department to move first. The State Department finally moved for passage, in part for organizational reasons: in the past Cuban parolees who wanted to regularize their situation had to go to a third country to petition for a regular immigration visa; however, U.S. consular offices abroad did not have the staff to handle so many immigrant visa applications from persons who lived outside their consular districts. The private relief agencies that worked with the CRP to resettle Cubans also lobbied hard; Monsignor Bryan Walsh had a major role in the bill's drafting. The sociology of the Cuban migration helped as well. A central argument for the bill was that nonresidents (including parolees) were barred from professional practice (medicine, dentistry, teaching, etc.) in many

100. Ibid., p. 128.
states; because so many Cubans were professionals, this argument was relevant. And the social class of many Cuban migrants helped too. As Congressman Frank Cheff, the ranking Democrat on the Judiciary Subcommittee on Immigration, put it: "they come from good stock."

The one interagency dispute that surfaced with regard to this act's passage was resolved thanks to its ideological context: it enabled the U.S. government to make an exception for the Cubans, and only for them. Several bills had been introduced that went beyond the provisions of H.R. 15183. Some would have extended benefits to Cubans who arrived before 1959; others would have benefited migrants from all neighboring countries. The State Department supported H.R. 15183, but it also indicated that it "supports the objectives of these [broad] bills," probably because it would have improved U.S. relations with other neighboring countries and because it would have solved the consular overload problem definitively. The Justice Department, however, opposed all bills other than H.R. 15183, arguing that it "perceives no justification" for the broader bills. Justice supported H.R. 15183's "granting of an exemption to Cubans from the proscription against natives of other western hemisphere countries as to eligibility for adjustment of immigration status while in the United States...because of the upheaval in their native country causing them to flee." In short, the one clear interagency dispute turned out not to matter for the Cubans, though it did for other nationals, thanks to the ability of the State and Justice Departments, to congressional and church applause, to agree that these "good stock" refugees from communism deserved exceptional treatment under the laws.

The Breakdown of Policy Consensus in 1970-1971

On 4 June 1970 Representative Otto Passman, chairman of the House Foreign Operations Appropriations Subcommittee, moved to appropriate $112 million for the CRP, including $800,000 to reimburse the State Department for the continuing airlift costs to bring Cubans to the United States: "We should receive them with open arms." Representative William Clay (D-Mo.) moved to delete the $800,000: "No longer can this policy be touched or obscured in refugee terminology. The real refugees of Cuba left in the early 1960s when they had to flee for sanctuary." Instead, "what we have now in our Cuban refugee policy is a direct subordinating of the welfare program of an alien nation." Moreover, it is "grossly unfair to impose strict limitations and requirements on the numbers of immigrants we will accept...and to exclude Cubans from that same criteria." He went on: "The policy toward Cuban refugees was instituted as an emergency measure. That emergency condition no longer exists." In addition, "we ought to stop bringing Cuban rejects to this country when we have so many of our own problems." Besides "there are Mexicans in the western part of this country who would like to have some of their relatives come in and be reunited with them," but the fact that the Cubans were charged against the Western Hemisphere immigration quota on a preferential basis reduced the possibility of family reunification for the Mexicans. Clay insisted: "Are we going to be selective about the kinds of oppression we are concerned about? Or are we going to admit the people of Haiti or Brazil who want to escape oppression in their countries on the same basis as we admit the refugees from Cuba?" The Clay amendment failed by five votes, thanks especially to the hard work of Representative Dante Fascell (D. Miami), but the consensus on Cuban migration broke down at last.

On 29 June 1971 Senator Allen Ellender, Appropriations Committee chairman, moved to cut off all funding for the airlift: "It is time to halt the program, not because we are against the Cubans...but because they ought to come through the regular channels...I frankly believe that we have done enough." The Florida senators rallied others to the support of the CRP. Ellender withdrew his motion. The U.S. government was saved by the Cuban government—cooperating with its enemy—from the embarrassment of congressional defeat. In August Cuba announced that the airlift would be terminated soon, thereby defusing the issue in the U.S. Congress.

The U.S. Congress tends to restrict Executive branch discretion when it thinks that the latter has been unresponsive to Congress on particular issues. Conversely, the more responsive the Executive is to the Congress, the more discretion the Congress is likely to delegate to the Executive (I will refer to this as "interbranch factors"). In this case the Congress made its will known, and with Cuba's assist the Executive responded.

In March 1972 no funds were requested for the airlift's continuation.

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Howard Palmieri, CRP Director, added: "We are, in response to senatorial desires and direction, working on a phasing out plan" for the entire CRP, ending specialized programs and transferring other costs to the states.110 The Congress cut the CRP budget request for fiscal year 1973 by 10 percent, but when the administration requested the next year slashing the CRP program nearly in half from its previous request, the Florida congressional delegation was able to slow down the CRP's phasing out. For FY1974 the Congress appropriated 40 percent more than the Executive requested; for FY1975 it appropriated 15 percent more. Finally, in 1977 Executive and Congress agreed on the CRP's final six-year phasing out. The CRP had cost cumulatively about one and a quarter billion dollars, or about $1,900 per Cuban migrant since 1959.111

On the eve of the Mariel episode the Executive and Congress had completed a policy cycle. In the 1960s the ideological context of U.S. immigration policy toward Cuba mobilized congressional support and facilitated interagency coordination. The policy consensus broke down in the early 1970s when the Congress urged the Executive to treat Cubans no differently than other similarly situated migrants and, consequently, to dismantle the CRP. President Carter's effort in 1980 to recapture the long-faded migration-accepting consensus was at best difficult to accomplish.

Mariel 1980

Two factors unrelated to Cuba had a major impact on how the Mariel Cubans were treated: the Haitian emigration and the enactment of the Refugee Act that went into effect on 1 April 1980. The Refugee Act repealed the automatic treatment as refugees for those emigrating from communist countries; they would have to prove a well-founded fear of persecution. Victor Palmieri, the U.S. Coordinator for Refugees, argued that "the strict standards for asylum would prevent many of the Cubans and Haitians from qualifying for admission." The new act, moreover, required case-by-case decisions in refugee admissions. Group parole was not contemplated; it was strategically undesirable because it might stimulate a larger migration flow.112

This act's passage illustrates how the logic of an organizational process can have unexpected consequences. The act went into effect when it did simply as the result of the timing of congressional debates unrelated to Cuba. Its case-by-case procedure did not envisage a Mariel-like exodus. Its mandate to treat similarly situated migrants similarly challenged the old anticomunist ideology but replaced it only with Cartesian reason. It narrowed the options available to any president. That the act went into effect on the eve of an immigration crisis, without the bureaucracy having learned first how to operate under it, compounded the problem.

In the 1970s the Haitians had been arriving on a steady though manageable flow (some fifteen thousand in seven years). Before the Refugee Act of 1980, Cubans and Haitians were treated differently. As Ambassador Palmieri put it: "The Haitians were here as illegal arrivals. The Cubans were here under an authorized refugee program. The Cubans were fully funded by the Congress . . . The Haitians were not funded at all." Beginning on 1 April 1980, however, "Cubans and Haitians [are] arriving here as undocumented aliens, essentially in the same status under the new Act."113 The Haitians and the Cubans did not qualify as refugees as a group under the new act and were thus denied their resources. The conjunction of the new act with the Haitian flow, Cuban migration expulsion policies, and the changed U.S. ideological context explain the downgrading of the Cubans from heroic refugees to mere undesirables.

Carter administration policies also changed during the crisis. On 5 May, as noted, the President welcomed the Cubans with an "open heart and open arms"; on 14 May he was announcing sanctions against those bringing Cubans from Mariel. The change made a difference in the field. In late April the Department of Health and Human Services (HHS) provided refugee-level services to the first 2,600 Cuban arrivals; on 2 May the White House told HHS to discontinue the services.114 On 20 June the U.S. government confirmed that the Mariel Cubans would not be considered refugees but "entrants (status pending)," coupled with the Haitians. They would have

access to some federal resources but less than was available for refugees. 116 
This was a triumph for the advocates of the Haitians, who had never had such support, but a setback for the Cubans who had always had more. 
The administration's organizational disarray was at times evident even within the same statement. For example, on 14 May Carter declared the boatlift illegal and threatened civil fines and criminal prosecution. He would enforce U.S. law and he instructed the Coast Guard to "urge" boats en route to Cuba to return to the United States without picking up passengers. Nonetheless, Carter argued still for accepting the Cubans and pledged that they would be treated "with decency, fairness, and humanity." 117 Faced with conflicting messages, each agency followed its own sense of organizational mission. 

The U.S. Coast Guard, as Rear Admiral John Costello testified, focused on "safety which has been the paramount issue in our minds out there. Law enforcement is a secondary issue in our mind." The Coast Guard decided that "trying to turn [boat people] and send them to Cuba ... is impossible." Moreover, "prior to the fourteenth of May, there was no effort made to shut off southbound" because the Coast Guard had no orders to do so. 118 Its own sense of organizational mission did not so incline it. The Coast Guard had to be ordered to stop the flow of boats from the United States to pick up migrants in Cuba, and until the very end of the Mariel episode, it refused to turn back to Mariel the boats carrying Cubans on the high seas. As U.S. Attorney General Benjamin Civiletti told the Senate Judiciary Committee on 19 September 1980: "The judgment of the Navy and the Coast Guard is that an attempt to return at sea a boat ... does great risk to their safety. It is not my judgment. It is the judgment of the experts who are out there." 119 

The sense of organizational mission at the Immigration and Naturalization Service was different, and so was its behavior. David Crossland, Acting Commissioner of INS, reported that: "Since April 23, when the first boat docked at Key West carrying Cubans, INS has issued a notice of intention to fine to each boat captain." The Immigration and Naturalization Service intensified its punitive and deterrent activities as the weeks passed. 120 

There were also interagency disputes. The Central Intelligence 

120. House Judiciary Subcommittee on Immigration, "Caribbean Migration," pp. 82, 104. 

Agency and the State Department had differed on the likelihood of a Camarote-like crisis. In January 1980 the CIA's Cuba Analytic Center warned that the "Castro regime may again resort to large-scale emigration to reduce discontent caused by Cuba's deteriorating economic condition." The State Department, ignoring the reporting of its own Interests Section in Havana, instead believed "that the reopening of Camarote did not seem imminent" because it thought that Cuba would be satisfied with the procedures about to become available through the Refugee Act. 121 The CIA followed its mandate to monitor possible Cuban government misbehavior; the State Department was proud of its crafting of the Refugee Act and looked forward to administering it through the Office of the U.S. Coordinator for Refugee Affairs. 

There was also an interagency dispute about whether to designate the Cubans and the Haitians as refugees. The Department of Health and Human Services stood alone in favor, opposed by the White House staff, the Departments of State and Justice, and the Office of Management and Budget. Health and Human Services had already changed the old CRP into a new Office of Refugee Resettlement. Its mission was to care for refugees; it could act best if it had authority to use the funds available under the Refugee Act. Health and Human Services had also been an advocate for the Haitians, and the President's 20 June 1980 decision formally linking the status of the Cubans and the Haitians responded in part to HHS concerns. The department also became the first supporter within the administration of the Florida congressional delegation's efforts to provide funds to pay for services for the Mariel Cubans and the Haitians, eventually embodied in the Fasell-Stone amendment enacted into law in October 1980. 122 

The Cuban-American boatlift cooperation with Castro seemed safe at first: Cubans had always received preferential treatment as refugees, and the President of the United States was welcoming the new ones. Even when U.S. policy changed, Cuban-Americans remained determined to bring their relatives and friends out, even if they had to defy U.S. law. The numbers show the depth of their feeling. Despite the sanctions announced on 14 May, another 65,000 Cubans entered the United States illegally thereafter; and even though U.S. government policy turned even more restrictive on 5 June, another 10,000 arrived between 8 June and the end of September. 123
The behavior of some of the Mariel Cubans complicated matters. The riot of 1,000 Mariel Cubans at Fort Chaffee on 1 June rocked the U.S. government and probably accounts for the tightening of migration restrictions on 5 June. Moreover, some 24,000 had reported prior prison experiences; although in the end only 1,771 of these were detained in prison pending extradition hearings, the fear spread that a vast criminal underworld had entered the United States.124

The congressional response to the Mariel crisis was shaped by the earlier breakdown of the ideological consensus, by the national election campaign under way, and by constituency pressures. In June 1980, 63 percent of the public favored admitting fewer Cuban refugees; 57 percent believed that "Cuban refugees will turn out to be a bad thing."125 Senator Edward Kennedy was challenging Carter for the Democratic party presidential nomination. Kennedy chaired the Judiciary Committee and had long had a caring and constructive interest in immigration policy toward Cuba. His election appeal emphasized the Carter Administration's alleged incompetence. On 12 May Kennedy charged: "We are concerned today about the chaos surrounding thousands of boat refugees. "The crisis grew "increasingly out of control, with no decisive action or leadership capable of meeting the challenge."126 Perhaps the President's 14 May turn toward a more restrictivist policy was related to the elections. Carter's policy and competence came under assault from many members of Congress from both parties.127

Typical of the Republican attacks was that of Judiciary Committee member Senator Thad Cochran who found "a total breakdown of leadership by the Administration," arguing that there "really has been a zig-zag policy on refugees."128

In turn, the Florida congressional delegation defended constituent interests, seeking increased funding to pay for the costs of managing the crisis at the state and local level. Led by Representative Dante Fascell and Senator Richard Stone, the delegation pushed through Congress an amendment to the Refugee Education Act of 1980 to force the federal government to reimburse states and locally. The Fascell-Stone amendment was a masterful compromise. It still denied Mariel Cubans and Haitians the status of refugees, but it provided funding, including reimbursement to the states, as if they were. It defined the beneficiaries as those who had arrived by 10 October 1980, when the law was enacted; therefore no commitments were made to future migrants. The amendment succeeded because it had well-defined and limited goals. The Executive at first opposed the amendment for the same strategic reasons that led to the initial denial of refugee status: it did not wish to provide economic incentives to other migrant waves. Later or the Executive endorsed the amendment because Florida was an election battleground and because NIH needed the funds to do its job. The cut-off date served some deterrent purposes and, more importantly, on 25 September Cuba had closed Mariel.129

The issue of Carter administration "incompetence" is difficult to assess, for much of the disarray stemmed from the President's ideology, up to recently more widely shared and which many of his critics in Congress still said they supported. The disarray also stemmed from the President's compassion toward the plight of Cubans and of Cuban-Americans, evident as well in the political prisoner agreement of 1978. And yet the U.S. government's response was, indeed, slow, confused, and incompetent. The government should have heeded the early warnings from its own personnel. It should have moved sooner to reestablish an orderly migration agreement with Cuba, conscious of the Camaroqui precedent and the Johnson administration's successful diplomacy; emigration pressures were visible since late 1978. Carter should not have baited Castro at the time of the Peruvian embassy incident. The administration's initial response to the Mariel exodus was slow; the first boat arrived on 21 April, but the Federal Emergency Management Agency (FEMA), which got operational responsibility to manage the crisis, did not send its first team to Miami until 27 April. Created to handle natural disasters, FEMA had no experience dealing with migration crises. It only opened its processing center on 3 May; the President waited until 6 May to declare an emergency, at last releasing some $10 million. By 30 April, 6,333 Cubans had already arrived; over 30,000 had arrived by 10 May.130 After 5 June performance improved, with all agencies having adopted restrictive policies. By mid-September 1980, 89 percent of the 124,535 Cubans who had arrived had been resettled—a good accomplishment under most difficult conditions.131

In sum, whereas in 1965 the only "wild card" was the behavior of the Cubans on both sides of the Straits of Florida, organizational, electoral, and

127. House Judiciary Subcommittee on Immigration, "Caribbean Migration."
interbranch factors help to explain the policy implementation process after the collapse of the earlier ideological consensus: the shift of U.S. policy toward Cuba from migration-accepting to migration-rejecting, the downgrading of the Cubans from the status of refugees, and the application of restrictive policies to keep them out. Organizational processes explain the enactment of the (otherwise commendable) Refugee Act at an inopportune time, while the lack of clear presidential policy guidance allowed government agencies to follow their own sense of mission. Electoral factors lay in part behind each of the two key restrictive decisions (14 May and 5 June); they also accelerated the breakdown of the policy consensus. Interbranch politics shaped the move away from special treatment for the Cubans beginning in 1970/1971 and culminating in the Refugee Act; congressional initiative was also decisive to pass the Fasell-Stone amendment on full funding. Bureaucratic politics, understood as interagency disputes, mattered some, though less in the foreign policy than in the domestic policy aspects of the crisis. Nonetheless, all of these explanations are subordinate to the overarching foreign policy factors: the trends in U.S. migration ideology and strategy and in Cuban policies. The organizational, electoral, and interbranch factors operated as they did because of the ideological shift, and they were forced to operate so because of the Cuban government's decisions.

The 1984 Migration Agreement

Why did the Reagan administration negotiate with Cuba? And how did the Mariel Cubans finally come to approximate other Cubans in the treatment received under U.S. laws? The main reason for the decision to negotiate was the effective articulation of bureaucratic support by the State Department and by INS in the context of a presidential election. And the main reason for the "normalization" of the Mariel Cubans was legislative stalemate.

In June 1982 Rudolph Giuliani, Associate Attorney General, testified concerning "15,000 to 20,000 [Cuban] criminals who now run around our streets." In December 1982 there were 2,555 Cubans in U.S. prisons (at a cost of $10,000 per prisoner per year), about half of them in state prisons. In January 1983 INS forecast that 10 percent of all Mariel Cubans "may be convicted of crimes serious enough" to make them eligible for exclusion from the United States, even if they had been released soon after arrival. That is, the number of excludables was rising monthly: Mariel Cubans who had been released as "enemies (status pending)," but who committed serious crimes, were becoming excludable by their actions in the United States.132


Some Mariel Cubans in prison were rowdy. According to INS, they had to be kept in maximum security conditions; that was costly in space and in funds. By 1984 the Mariel excludables were costing the federal government an estimated $40 million per year merely for their incarceration (this does not include costs incurred by state and local authorities). Equally worrisome, the state of Florida was out of prison space; it had begun to release from its prisons Mariel Cubans convicted of minor crimes.133 The Immigration and Naturalization Service argued that the burden on the United States of Mariel Cubans with criminal records or histories, in or out of prison, was intolerable.

For its part, since 1981 the State Department's Office of the Coordinator for Cuban Affairs (CCA) had been seeking to get Cuba to address U.S. concerns. Migration talks were a good vehicle because the public, the Congress, the courts, and INS also worried about Cuban migration. This salience enabled CCA to deflect some Cuban-American lobbyists who wanted no negotiations with Cuba and some, especially in Florida, who wanted no more Cubans. Cuba agreed to talk about the excludables and demanded in return normal migration relations. Because the United States also found this useful to discourage another Mariel, reunite families, and rescue political prisoners, the agreement was judged to be "cost free." To CCA's delight Cuba also agreed to describe the talks as limited only to migration topics. The subject of Radio Martí never came up.134

State and INS worked well together. They had shared a restrictive attitude toward Cuban migration since at least 1980 when they had jointly fought against classifying the Cubans as refugees.135 They could readily think about future Cuban immigrants just as immigrants. Their only disruptive during the talks was that INS wanted Cuba to agree in advance to accept all those whom INS might find excludable in the future. Cuba rejected that, and the State Department did not press it.136

In short, each for its own organizational reasons, State and INS led the


Reagan administration to the impossible: negotiation with Castro's government and treatment as an equal at the cost to anticommunist ideology. The decision to negotiate with Cuba was contrary to the administration's overall strategy toward Cuba and can only be explained with reference to these factors. This bureaucratic lobbying succeeded in a presidential election year, and not before, because the Reagan administration felt vulnerable to the charge that it could make peace with no one. State, INS, and the Cuban government worked in a friendly and professional manner to implement the agreement during its six months in operation. The agreement's breakdown is explained wholly in ideological terms: Radio Marti went on the air and Cuba suspended the agreement. The improved legal situation of the Mariel Cubans in the United States was unrelated to the fate of U.S.-Cuban relations. The Reagan administration proposed to the Congress to keep the 1980 Cuban/Haitian entrants linked in their legal status, changing those who had acceptable records to "temporary residents," though under conditions still less favorable than those of refugees. After five years they could petition to become permanent residents. The Congress's unwillingness to approve this change led the administration to decide in 1984 that the Mariel Cubans were eligible for the more generous benefits of the Cuban Adjustment Act of 1966, just as their predecessors.

And so it was that the Mariel Cubans were at last decoupled from the Haitians. This was also consistent with a general Reagan administration policy, helpful to the Mariel Cubans, which de facto returned to pre-1980 definition of a refugee: someone "fleeing from communism." Ideology again defined the entry of Cubans to the United States under exceptional conditions in U.S. immigration law.

Implementing the Migration Agreement (1987–)

The consensus in the United States on the need to persuade Cuba to reinstate the migration agreement was so strong after 1985 that little prevented the implementation of such a policy. Some U.S. academics protested the presidential proclamation that denied nonimmigrant visas to Cuban academics (among others). Moreover, early in 1987, frustrated by the lack of progress, some Cuban-Americans lobbied the U.S. Congress for legislation to force the Executive branch to issue visas in Havana and in third countries to Cuban nationals, independent of what the Cuban government did or failed to do, and to overturn thereby the policy of not issuing immigrant visas that was the key U.S. strategy to change Cuba's behavior. The agreement's reinstatement in November 1987 rendered this effort moot.

The main concerns regarding the migration agreement's implementation surfaced immediately after its reinstatement. One set of problems emerged in U.S. prisons. On 21 November 1987, excludable Cubans seized the Oakdale prison in which they were held; on 23 November the same happened in Atlanta's maximum-security prison, where Cuban inmates held the facility for seven days. At the time fewer than 150 Mariel Cubans had been in prison in the United States uninterruptedly since 1980 for crimes they had committed in Cuba prior to arrival in the United States. All other Mariel Cubans had been paroled. In November 1987, however, about 7,600 Mariel Cubans in federal or state prisons as a result of crimes they had committed in the United States after their initial release. Of the almost 2,400 at Oakdale and Atlanta, about one-fourth had been convicted of crimes of violence (81 of murder). To settle the prison riots, the U.S. Department of Justice agreed to modify and expedite its procedures to consider the possibility that each potential Mariel excludable might, in fact, be allowed to remain in the United States. By August 1988, 60 percent of all Cuban detainees in federal custody had been released.

In short, the riots appear to have forced the U.S. government to forgo its preference of attempting to deport all Mariel Cubans who had committed crimes in the United States. Instead, to ensure the security of federal and state prisons and to safeguard the human rights of Mariel Cubans, many Mariel Cubans who had not committed violent crimes have been released again. Moreover, contrary to U.S. government hopes that federal prisons might be emptied of Mariel Cubans, the lengthy review process greatly delayed most deportations. A second problem with the migration agreement's implementation stems from the agreement itself. Cuba agreed to accept 2,746 persons identified by


name on a list of excludables, Cuba pointedly did not agree in advance to substitutions of other names for names on that list. As then Deputy Foreign Minister Ricardo Alarcón (Cuba’s chief negotiator for the agreement) explained in November 1987, Cuba would take “those identified on the list we agreed on, and no one else.”

From December 1984 to May 1985 the United States returned 201 Mariel Cubans to Cuba (in November 1987 Cuba still held in prison a quarter of these people). By March 1990 the grand total of Mariel Cubans returned to Cuba since 1984 was 330, rising to 502 by January 1991. According to George Calhoun, director of the Justice Department’s Mariel Cuban review program, in August 1988 only about 500 of the remaining 2,545 persons on the list were still in federal custody. The agreement would need to be renegotiated for Cuba to agree to take excludables beyond those 500 (for example, as of early 1991 only about 200 excludables in U.S. prisons were still subject to repatriation to Cuba according to the 1984 agreement). Cuba is probably most concerned not with a once-only round of deportations of a large group of criminals, but instead the effect of any U.S. action on Cuba’s status as a haven for political refugees. Cuba might be induced into such a negotiation if the benefits from the agreement were clear. The part of the migration agreement most likely to benefit Cuba is the orderly emigration of some of its people to the United States. In 1987 the Cuban economy was in recession—one that continued into the early 1990s. Moreover, in late 1987 and early 1988, in part responding to international pressures to improve its human rights performance, the Cuban government changed its penal code in order to reduce the number of actions that were considered crimes, the number of crimes that required imprisonment, and the length of time that had to be served for crimes that required imprisonment. As a consequence, there were more people out of prison in Cuba, to some degree at odds with the government, whom the government wanted to see emigrate.

The implementation of the migration agreement’s procedures on migration proceeded slowly, however. The agreement contemplated that 3,000 former political prisoners might go to the United States right away and that normal migration could reach 20,000 persons per year. From 1980 to 1984 some 40,000 Cubans had requested U.S. immigrant visas from the U.S. Interests Section in Havana. When the migration agreement was in effect in 1983, however, very few Cubans emigrated; in 1983 Cuba’s net emigration was only 8,164 people. After the agreement’s November 1987 reinstatement fewer than 20,000 Cubans confirmed to the U.S. Interests Section their wish to migrate to the United States. From November 1987 to 30 September 1988 (end of the first U.S. fiscal year under the agreement), 2,650 former prisoners and their families, and some 4,600 normal migrants, had left for the United States. The rate of normal migration that year was thus only about one-quarter of what Cuba had expected; the rate of normal emigration fell to about 3,000 Cubans per year over the next two years, or less than one-sixth of Cuba’s U.S. immigration quota. In 1988 and 1989 the U.S. Interests Section in Havana on average turned down 500 immigration requests per month. The rate of political prisoner emigration was also slow; Cuba had begun to see its release of political prisoners from jail to synchronize with the rate of U.S. acceptance of such persons. In addition the U.S. government had rejected immigration requests from about 700 Cubans who claimed to have been political prisoners on the grounds that their crimes had not been demonstrably political and nonviolent; the former prisoners heatedly dispute the U.S. government’s decisions.

On the other hand, Cuba continued to place obstacles to some emigration. When the United Nations Human Rights Commission sent a delegation to Cuba in 1988, 66 percent of the complaints the commission received pertained to obstacles to emigration. Of the 1,400 such complaints filed, the Cuban government had granted exit permits only to 400 (these, however, had not received immigration visas from other countries). According to the Cuban government, it restricts emigration mainly for three categories of persons: “recent graduates in highly specialized careers”, “relatives of traitors”, or “a specialist for whom there is no replacement” who has “to wait until a replacement has been found.” There are also some delays for those who have been in highly responsible positions.

Despite the obstacles it places to some emigration, the Cuban government entered the 1990s with a preference to facilitate, rather than to hinder,

143. Granma Weekly Review, 6 December 1987, p. 3.
emigration. It may be prepared to accept more excludables from the United States if the United States were to allow immigration from Cuba at the rate envisaged in the agreement. The delays stem from the necessarily careful screening of immigration visa petitions—the weight of organizational procedures as an explanation for policy nonimplementation. Were such delays to continue indefinitely, however, Cuba may become more reluctant to agree to take excludables beyond those named in 1954, which would weaken the agreement’s value to the United States.

More seriously, however, in the late 1980s the deterioration in Cuba’s economic and social circumstances led to increased pressures to emigrate from Cuba. These pressures became evident in two ways. First, an increasing number of Cubans sought to cross the Florida Straits in makeshift boats. From 1983 through 1988 the U.S. Coast Guard typically rescued from 20 to 60 Cubans in the waters between the United States and Cuba. The number of Cubans rescued rose to 391 in 1989 and to 914 in the first half of 1991. Second, the U.S. government changed one aspect of its visa policy. From 1981 to 1988 the median number of tourist visas per year that the United States issued to Cubans was below 5,000. In 1989 the U.S. government issued 23,246 tourist visas to Cubans, and in 1990 it issued 34,893 such visas. United States officials knew that a fair proportion of these Cubans stayed in the United States illegally beyond the time specified for their visit.148

The U.S. government’s decision to grant tourist visas and not to prosecute those who overstay in some way relieves the emigration pressures inside Cuba and provides a time-tested migratory outlet for discontent among Cubans. Nevertheless, the net effect of U.S. migration policies toward Cuba in the early 1990s stimulated the illegal or, at best, semilegal entry of Cubans into the United States, courting yet again the possibility of a major international migration crisis.

Conclusions and Prospects

U.S. immigration policy toward Cuba was shaped by the tenor of general U.S.-Cuban relations, including the U.S. government’s responses to the Cuban government’s emigration decisions. The “Cuban question,” including migration, has been salient for U.S. policy since 1959. The specific importance of Cuban migration as a burden increased after 1970; since

epidemic decisions to permit and promote emigration generally served its
government's interests; thus U.S. migration-accepting policies typically
helped the Cuban government. It was therefore likely that the strategic case
to reject the migrants sent out by a hostile government became stronger as
time passed. Only since 1984, as the return of the excludables and the
deterrence of a future Mariel acquired preeminence, has the strategic judgment called for accepting more Cubans.

In 1980 President Carter's articulation of the old ideology no longer
worked; it was also undermined by the demography of many Mariel emigrants. The breakdown of the policy consensus allowed the full blossoming of organizational, electoral, and interbranch factors that turned the 1980 migration crisis into a policy nightmare. Before 1980, and especially in
the 1960s, the clear ideological goals and presidential mandate had made
for high interagency coordination and, until 1970, strong congressional
backing. Interbranch factors began to acquire importance in 1970; Florida's
congressional delegation and, especially, Representative Dante Fascell
played a decisive role. Electoral incentives explained the turn toward
restriction in 1980 and toward negotiations in 1984. Organizational
processes and sense of mission were unusually significant in 1980 and were
important explanations for the change of policy leading to the 1984
migration agreement. Interagency disputes mattered only in 1980, and even
then they were secondary factors.

Public indifference to Cuban migration before 1980 let the U.S. govern-
ment set the agenda. The public sense of crisis about Cuban migration
crystallized only in 1980. Then, through the Congress and the election
process it contributed to innovation: the adoption for the first time of
restrictive policies toward Cuban migrants and the Mariel Cubans' loss of
the status of refugees. But the loss of that status was in the works before the
crisis, thanks to erosion of the policy consensus on "Cuban exceptionalism"
that led to the Refugee Act of 1980; for the first time Cubans had to prove
political persecution like everybody else. The final decision to end their
refugee status in 1980 responded, however, to a strategic judgment: how
not to give incentives to more Cubans to come. That decision was confirmed
in the 1984 agreement, when public concern over negotiations generally
and over the return of the Cuban excludables enabled the State Department and
INS to lead the Reagan administration to an election year bargain with
Cuba.

Two interest groups have mattered. One is the Roman Catholic church,
the main voluntary agency engaged in resettlement, which has long lobbied
for an open door toward Cuban migration and humane treatment upon
arrival. The church was especially significant in the drafting of the 1966
Cuban Adjustment of Status Act. The second, more loosely defined interest

group was the Cuban community in the United States. They had little
impact on policy, however, except during a crisis. Even in 1984 and 1987,
despite the high access of some Cuban-American groups to the Reagan
administration, they could not stop the negotiations that led to the
migration agreement or its reinstatement. Nonetheless, in a crisis the
willfulness of Cuban-Americans to defy U.S. law to get their friends and
relatives out of Cuba gave them policy leverage in 1963, 1965, 1978, and
1980. (Similarly, the willingness of the Mariel Cuban prison inmates to riot
gave them enormous though temporary policy leverage.) The Cuban-
American community's curious dilemma is that its self-appointed leaders
reject the negotiations with the Cuban government that best ensure the
departure of former political prisoners and promote family reunification,
which are two of the community's top goals, because those leaders give
precedence to their hostility to the Cuban government.

The future of U.S.-Cuban migration relations still looks troubled. The
Cuban economy stopped growing in 1986; in the late 1980s and early
1990s it entered a profound crisis. The Cuban government's economic
policies became increasingly austere. Cubans began again to hijack boats to
cross the Florida Straits and sought asylum in embassies in Havana. Conscious of these pressures, in late 1987 the migration agreement was
reinstated; Cuba tacitly accepted Radio Martí. However, the implementation
of the migration agreement proceeded quite slowly. As a result in part, since
1989 illegal crossings of the Florida Straits became more frequent and the
many more Cuban tourists who received visas to visit the United States
tended to overstay illegally. From time to time Cubans still break into
embassies in Havana in search of asylum (most dramatically so in mid-1990
into Spain's embassy in Havana). To achieve U.S. goals—normal, legal
migration from Cuba to the United States to make another Mariel unneces-
sary, and a renegotiation of the migration agreement's list to insert the
names of other excludables to be repatriated from the United States to
Cuba—the U.S. government needs to expedite its immigration visa proce-
dures. Only then will Cuba gain enough to be willing to renegotiate and
only in that way will another crisis similar to Camagüey and Mariel be
avoided.

The migration agreement remains a sound policy for its limited purposes,
with two exceptions. A better agreement would provide for formal proce-
dures to protect the human rights of the excludables while they remain in
the United States (to prevent renewed rioting) and after they arrive in Cuba

149. Raúl García Buchaca, Laudés Cervantes, and Rafael Hernández, "La Fundación
Nacional Cubano-Americana y la cooperación anticubana en los Estados Unidos," Cuadernos de
(to prevent double jeopardy—being imprisoned in Cuba for crimes committed in the United States, even though they have completed their jail term in the United States, because the imprisonment for such crimes is longer under Cuban law). A better U.S. policy would also provide special funding to metropolitan Miami, for it will bear the brunt of renewed immigration from Cuba. If the Cubans are normal immigrants, Miami would not receive the funding that it would get if the Cubans were classified as refugees. The U.S. government should recognize that Cuban immigrants burden Miami in the short- to medium-term, even if in the long run they have contributed impressively to Miami's development.

In sum, typically for antagonistic reasons, the history of migration relations between the U.S. and Cuban governments is marked by their occasional, often unintended, cooperation, formal (1965, 1978, 1984, 1987, and, indirectly, 1963) or informal (1959–1962, 1980). The United States welcomed Cuban migration even into the 1980 crisis as a sign that the Cuban government had failed and in the early 1960s as an instrument to overthrow it. The Cuban government welcomed emigration at the beginning of each main episode in order to export the opposition or to cleanse the society of those it disliked. The two governments also cooperated to end the migration flows in 1962 and in 1980 and, indirectly, in 1973. Even the Cuban government, and many of the exiles it created, have cooperated (1963, 1965, 1978, and 1980) to enable many other Cubans to emigrate. The time has come for nonantagonistic cooperation by making the migration agreement work effectively to serve the interests of both governments as well as the interests of many Cubans to move freely in search of the lives they want in a society of their choice.