

Report Finds U.S. Agencies Distracted by Focus on Cuba **By Marc Lacey**

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Catching Americans who travel illegally to Cuba or who purchase cigars, rum or other products from the island may be distracting some American government agencies from higher-priority missions like fighting terrorism and combating narcotics trafficking, a government audit to be released Wednesday says.

The report, from the Government Accountability Office, says that Customs and Border Protection, which is part of the Department of Homeland Security, conducts secondary inspections on 20 percent of charter passengers arriving from Cuba at Miami International Airport, more than six times the inspection rate for other international arrivals, even from countries considered shipment points for narcotics.

That high rate of inspections and the numerous seizures of relatively benign contraband "have strained C.B.P.'s capacity to carry out its primary mission of keeping terrorists, criminals and inadmissible aliens from entering the country at Miami International Airport," says the audit, a copy of which was obtained by The New York Times.

The audit also called on the Treasury Department to scrutinize the priorities of its Office of Foreign Assets Control, which enforces more than 20 economic and trade sanctions programs, including those aimed at freezing terrorists' assets and restricting the proliferation of weapons of mass destruction, but has long focused on Cuba.

Between 2000 and 2006, 61 percent of the agency's investigation and penalty caseload involved Cuba embargo cases. Over that period, the office opened 10,823 investigations into possible violations involving Cuba and just 6,791 investigations on all other cases, the audit found.

Critics of the American embargo on Cuba seized on the report as evidence that Washington's policy, which began in the Kennedy administration and has grown more stringent ever since, was outdated.

"This is not good policy," said Representative Charles B. Rangel, Democrat of New York, who requested the report a year ago with Representative Barbara Lee, Democrat of California. "It's vindictive. It's stupid. It's costly. And now we find out it's a threat to our national security."

The State Department, in a statement responding to the audit, said enforcing the Trading With the Enemy Act, which prohibits Americans from spending money in Cuba

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without authorization from Washington, remained an important tool to isolate the Cuban government. Loosening the embargo, which the leading Democratic presidential candidates have called for in the campaign, would “provide increased revenue to the successor dictatorship run by Raúl Castro, and prolong its tight control over all aspects of Cuban life,” the department said.

The Bush administration’s tightening of the Cuba sanctions in 2004 appears to have discouraged many Americans from visiting the island. Manuel Marrero, Cuba’s tourism minister, acknowledged as much in a recent interview in Havana, blaming the “blockade,” as Cubans call the embargo, for scaring Americans away.

“Sooner or later, there will be justice for the people of the United States, and they will be allowed to visit and share with our people,” Mr. Marrero said.

Even with the number of American visitors down 37,000 in 2006, from 84,500 in 2003, according to the Cuban government, the United States government devotes significant resources to pursuing those who still go.

Most passengers arriving in Miami from Cuba are American citizens or residents who fly on charter flights and have American government permission to visit relatives on the island. But they are forbidden to bring Cuban products back to the United States. Still, searches regularly turn up cigars, bottles of rum and pharmaceutical items in the travelers’ luggage.

Most of the charter flights from Cuba arrive in Miami around midday, with five flights landing between 11:30 and 11:40 a.m. and additional flights in the afternoon.

As those passengers collect their luggage, most of the three secondary inspection facilities and most of the customs personnel are focused on them. As a result, the audit found, inspection of other arrivals is sometimes delayed.

Most of the Americans who visit Cuba each year do not go directly from Miami but use third countries like Canada, Mexico, Jamaica or the Bahamas. Catching them is difficult but not impossible. In some cases, American immigration officials simply observe them getting off flights from Havana at foreign airports where the United States has a presence, officials say.

Those who are caught violating the embargo are referred to the Treasury Department. Officials there say that Cuba cases, most of which involve unlicensed travel and the importation of Cuban cigars, consume a relatively small portion of staff time and do not affect enforcement of other sanctions programs.

The Treasury Department relies on warning letters and informal settlements for lower fines than on formal administrative hearings. On top of that, officials said they have recently begun focusing more of their resources on other programs and less on Cuba enforcement.

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The statistics bear that out. Between 2000 and 2005, there were 8,170 violations of the Cuba embargo, which accounted for more than 70 percent of the agency's total penalty cases.

In 2006, however, the number of cases pursued dropped significantly. That year, only 290 people were fined for violating the embargo, accounting for 29 percent of the agency's penalty cases.

Although the Treasury Department can assess civil fines of up to \$55,000 for those who violate the embargo, most penalties are considerably lower. Between 2000 and 2006, the average violation brought a \$992 fine.

In 2007, 13 people have been fined, most for under \$1,000, for ordering Cuban cigars over the Internet, an increasingly common violation. One of the largest fines went to Travelocity, the Internet travel agency, which had to pay \$182,750 for booking nearly 1,500 flights to Cuba from 1998 to 2004.

James C. McKinley Jr. contributed reporting.