

U.S. Probe Could Boost Moore Movie **by Kathie Klarreich**

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Michael Moore will never get a standing ovation from the Bush Administration, but he certainly won't complain about the free publicity he's getting for his newest documentary, SiCKO. Free publicity for an adversary may not have been the government's intention, but that has certainly been the effect of the investigation Washington has launched against Moore just one week before the movie's slated premiere at the Cannes Film Festival.

Last March, six months after his initial request for travel documents, the award-winning documentary filmmaker visited Cuba. There, he filmed a segment of SiCKO, his movie focusing on the failing U.S. health-care industry. For the segment, Moore had taken along ten 9/11 first-responders who have been suffering respiratory problems ever since.

Now, the Treasury Department's Office of Foreign Assets Control (OFAC) has opened an investigation on whether the filmmaker violated the U.S. embargo of Cuba, sending him an official Requirement to Furnish Information within 20 days. Failure to answer or comply could result in fines of tens of thousands of dollars. Could there be a better way to promote a movie at Cannes?

The government declined to comment, saying only that OFAC issues hundreds of letters each year asking for additional information when possible violations have occurred. In a typical year, 20,000 to 30,000 Americans travel to Cuba illegally; only 1,000 are caught. The Center for Constitutional Rights has represented 425 such people over the last 10 years, and only four were fined.

"On its own terms, the ban is a failed policy," said Shayana Kadidal, a CCR lawyer. Not only has it failed to choke the Castro regime, he argues, but it has ensured that the U.S. will have little influence over the country's transition when Castro dies. A recent Florida International University survey found that, for the first time, even a majority of Cuban-Americans in Miami believe the travel ban should be lifted.

Still, the travel ban is backed by considerable government resources: OFAC, whose primary mission is counter terrorism, designates 15% of its staff to enforcing Cuba travel restrictions - more employees than those tracking Iraqi terrorists or those assigned to locate the missing assets of Saddam Hussein.

Currently the ban excludes anyone other than full-time journalists, media, government officials, members of international delegations, full-time professionals and family

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members from spending any money in Cuba. But even individuals with a right to visit Cuba often experience long delays after they file their request. "Delay is tantamount to denial," said Bill Martinez, one of Moore's legal advisors.

Martinez refused to comment on his client's defense strategy, saying only that his legal team was going to be careful and deliberate in its response.

His camp moved quickly to ensure that a master copy of SiCKO was transferred to a safe house outside the country. It also tapped a bevy of lawyers, including David Boies, veteran counsel in Bush v. Gore.

Meanwhile the Weinstein Company, which is producing SiCKO, is enjoying the free ride. "It's like the Bush Administration had Mickey Mouse as part of their investigative team," said Chris Lehane, a Weinstein Company consultant. Weinstein also took over the production of Moore's 2004 award winning documentary Fahrenheit 9/11 when Disney dropped the project.

Fahrenheit 9/11

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