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Freedom to Travel to Cuba: Reaching critical mass in Congress

By Anya Landau and Sarah Stephens

“Our 40-year policy of trying to isolate Cuba and choke it into submission with economic sanctions is in its entirety obsolete and counter-productive. Yet we stick to it so wooden-headedly that it has become something of a national embarrassment. The worst of it, the most indefensible, are the travel controls, which violate the rights of American citizens as well as being an ineffective policy instrument.”

—Dr. Wayne Smith, senior fellow, Center for International Policy, and former chief of the U.S. Interests Section in Havana

In the coming weeks, the U.S. Congress will consider legislation repealing the travel ban on Cuba. On July 15th, in an effort to affect the course of the debate, the Center for International Policy (CIP), along with three allied organizations, sponsored “The Freedom to Travel Forum and Day of Action.”

Cuban Americans from around the United States attended the conference and then lobbied their congressional representatives on Capitol Hill. The conference included senior senators and representatives from both political parties, and policy experts in fields ranging from economics to human rights.

Their testimony and comments provide a powerful indictment of the travel ban and our policy toward Cuba, and they illuminate the issues that will dominate the forthcoming debate in the Congress.

This debate comes within months of a cruel crackdown on political dissent by the Cuban government, an action that CIP deplors. Yet, in this current climate, prospects for passage of the travel legislation appear to be better than ever. Die-hard supporters of

¹ “In the land of the free, we can’t travel to Cuba. Why?” *St. Petersburg Times*, August 3, 2003.

the sanctions have petitioned the Bush administration for measures to toughen further the existing restrictions against Cuba. The administration has taken up their cause through the Office of Foreign Assets Control (OFAC), the sanctions enforcement office within the Treasury Department, which has recently reduced entire categories of licensed travel to Cuba.

But the paradoxical consequence of the Cuban government’s clampdown on dissent—and our government’s clampdown on travel to Cuba—has been a greater realization that the U.S.’s hopelessly out-of-date policy hasn’t budged the Cuban government an inch toward greater political freedom or economic reform.

Enactment of legislation to permit legal travel by Americans to Cuba is a crucial first step toward replacing the policy of trying to isolate Cuba with a more effective policy of engagement.

Americans are a pragmatic and practical people. We like things that work, that do the job, that deliver results. After forty years of Cuba policy failure, it is long past time that our government tried something else.



JULY 15, 2003: FREEDOM TO TRAVEL FORUM AND DAY OF ACTION

“It’s time we put together the great minds of our country, like those on our panels today, to come up with another approach to this problem. We really have nothing to lose but the failures of the past and everything to gain from trying a different road—like a free, peaceful, and prosperous Cuba. It’s a great goal but we won’t get there unless we’re willing to change our policy and then continue to fine-tune our strategy along the way.”

—U.S. Senator Michael B. Enzi, welcoming remarks at the Freedom to Travel Forum

On July 15th CIP, the Association of Travel-Related Professionals, the Lexington Institute, and USA Engage brought together Members of Congress, policy experts, and scores of Cuban Americans for a conference on the travel policy followed by a lobby day on Capitol Hill.

This conference successfully served several vital interests. Analysts have been debating these issues for years, and it was time to refresh the record and make these arguments anew—for the benefit of the Congress, and particularly new members. In the wake of the crackdown in Cuba, it was important to remind the press and the public that reform of U.S. Cuba policy is needed now more than ever. This policy has not served American interests and it has failed as a goad to political and economic reform in Cuba.

The timing of the forum was important because the Bush administration has recently taken steps to toughen and tighten the ban on Cuba travel. Organizations like CIP face strict limitations on their ability to sponsor trips to Cuba. Non-profits and others sponsoring so-called “people to people” exchanges are being cut off entirely from hosting delegations to the island.

The forum also successfully served as a reminder to Congress and the media that the political framework of the debate has changed. Now more than ever, there is a rising call from within the Cuban American community itself to reexamine the travel policy.

The coalescence of all of these interested parties—advocates of change and leading lawmakers behind it—drew renewed public scrutiny. With a fresh consideration of travel legislation in the offing, the conference was a kick-off for advocates of free-



“Many may ask why a conservative Republican is pushing for engagement with a Communist country. I am one of many in Congress who have taken note of the fact that our restrictions

for the past 40 years have done little to bring about change in Cuba, while the recent success of our trade engagement throughout the world is beginning to pay dividends.

“ . . . We have a couple of options: continue sitting idle or bomb Cuba—not with ordnance but with policies of engagement and Sears catalogues.

“I prefer the latter because I believe those who travel to Cuba, the U.S. business industry, our professional academics, and the American tourist can and will make a difference in Cuba.”

—Senator Larry Craig (R-ID)

dom to travel to Cuba to frame the debate in Congress in the coming months.

FORUM PARTICIPANTS STATE THE CASE FOR CHANGE

The travel ban is counterproductive:

“The more pressure we put on Cuba, the harsher conditions become in that country. The harsher life in Cuba becomes, the more we get blamed for the living conditions of a country that is rich in despair and poor in hope for a better future.” —U.S. Senator Michael B. Enzi, welcoming remarks at the Freedom to Travel Forum



Senator Michael Enzi (R-WY)

The travel ban fails to advance human rights:

“On behalf of Human Rights Watch, I would like to express my support for ending the travel ban. The ban, which contains narrow exceptions for journalists, people with relatives in Cuba, and certain other groups, has not served its stated purpose. It has in no way proved an effective tool for promoting human rights in Cuba. It has, instead, infringed the constitutional rights of U.S. citizens and limited valuable opportunities for the free exchange of ideas between Americans and Cubans.

“Human rights conditions in Cuba have deterio-

rated significantly over the course of the last year. Seventy-five people were recently convicted of violating laws that criminalize a broad range of nonviolent statements of opinion, receiving an average sentence of more than 19 years.

“Unfortunately when it comes to promoting reform in Cuba, the United States has undermined its own influence by pursuing policies condemned by the rest of the world. In its efforts to isolate Fidel Castro, it has only isolated itself. No other country in the world bans travels to Cuba, and the rest of the world sees the travel ban as a bizarre anachronism.”

–*Jose Miguel Vivanco, Executive Director, Americas Division, Human Rights Watch, remarks at the Freedom to Travel Forum*



Jose Miguel Vivanco, Human Rights Watch

“A lot of people have talked about the recent crackdown in Cuba, and how it has prompted, or should prompt, a ‘get tough’ policy with Cuba. I completely agree. *I completely agree.* It’s time to get tough with Cuba. And there’s no better way to get tough, than to have Americans export their freedom and values there.”

–*Rep. Jeff Flake (R-AZ), remarks at the Freedom to Travel Forum*

The travel ban harms the economic interests of the Cuban people:

“There’s the fact that if we open up travel to Cuba, the dollars that Americans spend there will vastly expand the small enterprise sector that exists in Cuba. This has existed since 1993: people have worked in these mostly family businesses, people have rented rooms in their homes to tourists, and people have private restaurants. The revenues from American travelers would make that sector expand many times over.”

–*Philip Peters, vice president, The Lexington Institute, remarks at the Freedom to Travel Forum*

The travel ban is inconsistent with the rest of U.S. foreign policy:

“For every country around the globe, every one, President Bush agrees with the notion that travel and

trade advances American interests, except when it comes to Cuba. At a recent address at the University of South Carolina, President Bush said:

Progress will require increased trade, the engine of economic development...Across the globe, free markets have helped defeat poverty, and taught men and women the habits of liberty.

“Why doesn’t this logic apply to Cuba? If these same policies are to work with China, North Korea and Iran, all countries to which Americans can travel freely, why won’t they work with Cuba? I think they will.”

–*Rep. Sam Farr (D-CA), prepared statement for the Freedom to Travel Forum*

The travel ban is an affront to American values:

“I believe, quite simply, that travel to Cuba is the right of every American—because the freedom to travel is the birthright of every American. Current law strips Americans of this right. It strips away our ability to communicate directly with Cubans. And at a time when it is more important than ever for communications and exchanges to increase between Cubans and Americans, the limitations on travel are being made even more restrictive. We are shutting off the free exchange of ideas.”

–*Congressman James McGovern, remarks at the Freedom to Travel Forum*

The travel ban harms U.S. economic interests:

“A significant increase of American tourists would raise the economic standard [of living] of the average Cuban, and in turn would cause a rapid increase of U.S. imports to Cuba thus strengthening companies in our country.”

–*Thomas Cooper, president/CEO of Gulfstream International Airlines, remarks at the Freedom to Travel Forum*



Thomas Cooper, Gulfstream International Airlines

“The bottom line is that the benefits to the U.S. airline industry would range from 250 million to 600 and some million dollars a year.”

–*Dorothy Robyn, author of the 2002 Brattle Group study commissioned by CIP on the economic impact of lifting travel restrictions on Cuba. The study is available online at www.ciponline.org/cuba.*

TRAVEL POLICY TIGHTENED

On March 4, 2003, OFAC announced amended regulations on travel to Cuba from the U.S. Though OFAC accepted comments on the regulations until



“Engagement, I think, is critical. After four decades of futility, I think it’s time to question very seriously whether the embargo has any chance of achieving our goals of peace and opportunity for the Cuban people. Yet, surprisingly, the crackdown struck

many people as an occasion to rise behind the embargo, rather than reconsider it. The administration’s response has been to strengthen the embargo and reduce opportunities for contact with the Cuban people. I think that’s exactly the wrong response.”

–Senator Max Baucus (D-MT), remarks at the Freedom to Travel Forum

May 23, 2003, there is no formal review process and the regulations are going into effect with no real congressional oversight.

The new OFAC regulations—which both contract and expand the flow of U.S. dollars to Cuba—appear to satisfy a political purpose with little clear grounding in policy.

Many analysts bemoan this indulgence, given the role OFAC plays and the challenges it faces in executing its responsibilities effectively.

Wynn Segall, a partner at the firm of Akin, Gump, Strauss, Hauer & Feld and an expert on the legal regime of U.S. sanctions, had this to say about OFAC and the new rules during his presentation at the forum:

“Officials at [OFAC] are very professional. They try to do the best they can with the limited resources that are available to them, but they are a small agency. What that means is that the more they focus on a particular program, the more their resources are strained, the more difficult it is for them to respond in a timely manner.

“When we’re operating in an era of \$450 billion budget deficits, it seems peculiar to me that this agency is being directed to focus so much of its energy on Cuba when it’s also charged with tasks that are at the core of the U.S. war on terrorism and other priorities that I think more Americans are concerned about. So, there’s this peculiar disconnect between the way in which U.S. policy and sanctions against Cuba are being administered and overall priorities in the United States.”



Rep. George Nethercutt, Jr. (R-WA)

THE NEW REGULATIONS:

– **Eliminate the second largest licensed category of travelers to Cuba.** The “people to people” travel exemption, codified by the U.S. Congress in 2000, combined non-credit educational activities with people to people contacts. Such exchanges have long served as a legitimate tool of foreign policy.

These new rules are a major setback for universities, non-profit groups, professional associations, museums, religious groups, American businesses, and continuing education programs.

Rep. George Nethercutt, Jr. (R-WA) was one of the primary authors of the legislation that codified into law the travel restrictions and 13 categories of licensed travel—including the “people to people” category. In his prepared statement for the forum, Congressman Nethercutt remarked that the rules change “reverses the intention of congress.”

“The vulnerability of travel regulations to the vagaries of regulator opinion demonstrates persuasively,” Rep. Nethercutt added, “why once and for all we need to take the power to restrict the free travel of Americans out of the hands of bureaucrats.”

– **Expand the travel rights of one group to score political points in Florida.** At the same time the Administration is cutting back educational travel, with the intent of reducing the flow of funds to the Cuban government, it has eased restrictions for the largest category of travelers: Cuban Americans. The new rules broaden the definition of who is a close relative, and raise the amount of cash remittances a Cuban American can carry to Cuba from \$300 to \$3,000.

– **Create a politically favored exception for “approved humanitarian trips,”** endorsing those with a political purpose consistent with Bush Administration policy—namely working with dissident groups.

Senator Byron Dorgan (D-ND), an expert on the Treasury Department and OFAC, shared similar concerns at the forum. On the Senate floor that same afternoon, he reiterated his grievances. “OFAC is supposed to look at all the money trails to track terrorists,” Senator Dorgan reminded his colleagues. “But that is not all they do.

“OFAC, as I speak today, has folks in the Treasury Department tracking American citizens who are traveling in Cuba . . . What on earth can be happening at the Treasury Department that has people in OFAC—who are supposed to be tracking terrorists—tracking little old ladies . . . and fining them \$10,000.”

Senator Dorgan referred to a real heroine of the Cuba travel saga, and a bona fide victim of the travel policy: Joan Slote, a mother, a grandmother, a breast cancer survivor, and a medal-winning bicyclist in the senior Olympics.

Slote, who has biked throughout the United States and in 20 nations overseas, made the mistake of believing a travel brochure from a Canadian tour company that erroneously stated that it was legal for Americans to travel to Cuba so long as they first passed through Mexico or Canada. Slote toured Cuba with a friend, and when they returned to the United States, she forthrightly reported to U.S. Customs that she had traveled to Cuba. Nearly three years of state-sponsored torment has ensued.

Slote was fined over \$7,000 for violating the ban on travel. Treasury and OFAC declined her initial requests to negotiate the penalty, denied her a hearing, and threatened to attach her Social Security check in order to secure payment of the fine, which has now grown to nearly \$10,000.



Joan Slote

me and others seems heartless . . . I hope others do not have to continue to suffer as I have.



Senator Byron Dorgan (D-ND)

“We Americans can make a difference in Cuba by traveling there,” she concluded. “We should have our freedom back.”

FLORIDA: THE CHANGING POLITICAL EQUATION

If the travel ban doesn’t work, doesn’t advance human rights, and harms American interests, why is it still in place? Why is Cuba the one country in the world to which the vast majority of Americans are not allowed to travel?

The greatest domestic political impediment to changing the travel policy is the perceived political power of the Cuban American community, located primarily in three Florida congressional districts and one district in New Jersey.

The conventional wisdom holds that no candidate for President can win that office without winning Florida, that no candidate can win Florida without a decisive majority of Cuban American voters, and that Cuban Americans hew to a monolithically hard-line toward Cuba and expect candidates for higher office to do the same.

In truth, this dated perception has been overtaken by a new political reality: the Cuban American community is far less monolithic than it appears. At the travel conference, poll data was provided from a June 24-July 1 (2003) survey conducted for the Southwest Voter Registration Education Project (SVREP) by the nationally-respected Hamilton Beattie & Staff survey research firm that showed how Cuban Americans are now concerned with local priorities:



Cuban Americans flew in from all over the United States to attend the forum.

“The poll shows that a clear majority of Cuban Americans, but particularly those under age 45 (where it peaked at 72%) care more about the quality of life in South Florida than about whether Fidel Castro is overthrown.”

—Alvaro Fernandez, Florida Director of SVREP

The participation of scores of Cuban Americans at the July 15th travel conference accentuated the political shift taking place in Miami. Organizations such as Puentes Cubanos and the Cuban Committee for

Democracy which are working to publicize alternative views on Cuba policy and building support in their own communities for those views have joined forces with many others to form ‘The Time is Now Coalition.’

As the moderate face of this community becomes better known, the possibilities for a new consensus behind a new Cuba policy will not be far behind.

THE LEGISLATIVE OUTLOOK

“If you believe in our constitutional rights, if you believe in the job-creating power of travel and trade, if you believe our citizens are the best ambassadors of American values, and if you agree with President Bush that economic engagement is the engine of liberty, then we need legislation to legalize travel by Americans to Cuba.”

—Congressman Sam Farr (D-CA), prepared remarks for the Freedom to Travel Forum

To legalize Cuba travel, the quickest route from Point A to Point B would involve a forthright repeal by Congress of the statutes that provide for sanctions against Cuba including travel restrictions. For years, however, neither Congressional committee with the authority to pass such a proposal—the House International Relations Committee and the Senate Foreign Relations Committee—would take it up for a vote.



“There were more than 90 Republicans last year that voted for [the Flake Amendment to the Treasury appropriations bill]. We’ve now had a member with the Florida delegation to Congress actually travel to Cuba. We’ve had mayors

from Florida, and others go as well. So the situation is changing dramatically. And it’s time to push ahead.”

—Rep. Jeff Flake (R-AZ) delivers his remarks at the Freedom to Travel Forum. In addition to introducing the Flake amendment to the Treasury Appropriations bill in 2001 and 2002, Rep. Flake introduced bipartisan legislation this year to repeal the travel ban outright. A companion bill introduced in the Senate last May has nearly 30 cosponsors.



“The Cuba Working group on the House side continues to grow. We have now some 52 members—26 democrats and 26 republicans. And our enthusiasm continues to prosper—and it was nice to see that the Senate followed our lead and created their

own Cuba working group . . . we are now working on a bicameral basis, not just simply a bipartisan basis and that will make a difference.”

—Rep. William Delahunt (D-MA), a founding member of the House Cuba Working Group, at the Freedom to Travel Forum

Beginning in 2000, some ingenious legislators led by then-Congressman Mark Sanford (R-SC) wrote legislation to achieve the repeal using a circuitous but nonetheless effective approach.

The Treasury Department, and its OFAC, administers U.S. economic sanctions against foreign nations. As an amendment to the Department’s annual appropriation law, Sanford successfully offered a prohibition on Treasury’s right to spend money on the travel ban. Congressman Jeff Flake (R-AZ) and a growing list of Republican and Democratic legislators have succeeded Sanford, who left the House and won election as Governor in South Carolina, in this effort.

In fact, the House of Representatives has adopted this language three times. But supporters of the embargo have thwarted every effort to keep the travel ban language in the Treasury Department’s appropriation and the question of repealing the ban has never reached the White House. This year could be quite different.

Advocates of repeal are better organized than before. For the first time, members in both chambers of congress have introduced identical legislation to repeal the ban on travel.² The list of House and Senate cosponsors of the legislation is growing. The House and Senate Cuba working groups—informal task forces committed to changing the travel policy—will form the nucleus of internal lobbying efforts. CIP and allied groups will lead the charge from the outside to up the pressure. Supporters in each Chamber will

² H.R. 2071 and S. 950

offer these bills as amendments to the fiscal year 2004 Treasury Department appropriation, and it is likely that both measures to lift the travel ban will pass.

In normal circumstances, when indistinguishable versions of legislation come together in a House-Senate conference, it is almost always the case that those measures become law—except in the case of Cuba. Embargo supporters, including powerful members of the House and Senate leadership, may very well rely on extraordinary parliamentary tactics to undermine the will of the majority and scuttle the travel ban repeal rather than watching the bill land on President Bush's desk.

To govern is to choose, and the choice that is likely to face President Bush this year is whether to side with the dwindling minority of hard-line Cuban Americans in Florida and their obsessive attachment to a failed forty-year policy or with growing majorities in Miami, in Florida, in the United States, and the U.S. Congress who recognize that, after forty years, it is time to try something new. ■

"I want to thank all of you who have come to Washington today to talk to Members of Congress about the importance of this issue . . . You are the reason why Members of Congress who have nothing else in common have come together on this one issue . . . It is past time the Congress and the Executive put an end to the ban on travel to Cuba."

—Rep. James McGovern (D-MA), closing remarks at the Freedom to Travel Forum



Through its Cuba Project and the Freedom to Travel campaign, the Center for International Policy has helped lead the debate on the urgent necessity of changing U.S. policy toward Cuba. CIP has been an active source of scholarly articles, policy conferences, congressional testimony, and public education activities, and is recognized nationally for sponsoring frequent fact-finding and research-oriented trips by Members of Congress, business leaders, cultural activists and others to Cuba.

THE FREEDOM TO TRAVEL FORUM AND DAY OF ACTION WAS SPONSORED BY CIP ALONG WITH THREE KEY ALLIES:

ATRIP, the Association of Travel-Related Industry Professionals, the voice of the travel industry in support of global free travel (www.atripusa.org);

The Lexington Institute, whose goal is to inform, educate, and shape the public debate of national priorities in those areas that are of surpassing importance to the future of success of democracy (www.lexingtoninstitute.org); and,

USA Engage, a broad-based coalition representing Americans from all regions, sectors, and segments of society concerned about the proliferation of unilateral foreign policy sanctions at the federal, state, and local levels (www.usaengage.org).

Participants from the U.S. Congress included: Senators Max Baucus (D-MT), Larry Craig (R-ID), Byron Dorgan (D-ND), and Michael Enzi (R-WY); also Representatives William Delahunt (D-MA), Jeff Flake (R-AZ), Sam Farr (D-CA), James McGovern (D-MA), and George Nethercutt, Jr. (R-WA).

Private sector and NGO participants included: Francisco Aruca (Marazul Charters, Inc.), Nancy Chang (Center for Constitutional Rights), David Cibrian, Esq. (Jenkins and Gilchrist), Thomas Cooper (Gulfstream International Airlines), Brent Gibadlo (ATRIP), Philip Lovejoy (Harvard Museum of Natural History), Robert Muse (Muse and Associates), Philip Peters (The Lexington Institute), Bill Reinsch (USA Engage), Dorothy Robyn (The Brattle Group), Wynn Segall (Akin, Gump, Strauss, Hauer & Feld), Joan Slotte (former gold medal cyclist in the Senior Olympics), and Jose Miguel Vivanco (Human Rights Watch).

Forum Coordinators: Anya Landau and Sarah Stephens (Center for International Policy)

The Day of Action lobby event was organized by the Latin America Working Group, the Washington Office on Latin America and Puentes Cubanos.

Transcripts of the Forum presentations can be found on the CIP website: www.ciponline.org/cuba.

For information on the campaign to end the travel ban visit: www.cubacentral.com

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