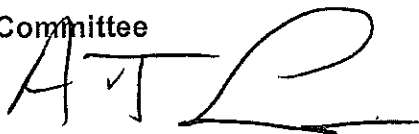


MEMORANDUM

TO: NYSBA Executive Committee
FROM: A. Thomas Levin
DATE: March 20, 2013



RE: Cuba Travel Proposal – update

In December 2011, in my capacity as Vice Chair – Special Projects for the NYSBA International Section (ILS), I submitted a proposal that the NYSBA Executive Commission authorize ILS, on behalf of NYSBA, to seek necessary approvals from government agencies for one or more trips to Cuba, as authorized by law. It was proposed that these trips be planned for no earlier than mid-2012 or 2013, and that participation in the trips be limited to NYSBA members who are United States citizens, and who belong to ILS or otherwise hold NYSBA leadership positions.

At the January 2012 meeting of the Executive Committee, I was authorized to proceed to prepare an application to the United States Treasurer Department Office of Foreign Assets Control (OFAC) for a specific license for the proposed travel, and to submit that application to the Executive Committee for its review and approval prior to filing.

Due to various extraneous circumstances, that application was not prepared. In the event, it would not have made any difference because shortly after that January 2012 Executive Committee meeting OFAC ceased to process such applications, and only recently has resumed processing. The current backlog is such that specific license applications are not likely to be acted upon for several months.

In the intervening time period, some of the relevant circumstances have changed, and several other Bar Associations have conducted authorized trips to Cuba.

As a result, we now submit a revised proposal to the Executive Committee, for authorization to proceed with planning of one or more trips using a licensed travel provider's general license to conduct People to People Cultural Exchanges, instead of applying for a specific license for a particular NYSBA itinerary. As explained below, this is the path being followed by many other Bar Associations which recently have conducted or sponsored Cuba travel.

Background Information

For many decades US citizens have been restricted in their right to travel to and/or spend money in Cuba. All activities are subject to the regulations and restrictions of the Office of Foreign Asset Control (OFAC).

In the twentieth century, Cuba travel was generally not permitted except in rare instances. Commencing in the early 2000s, OFAC policy and regulations loosened, to permit limited Cuba travel under either a General License or a specific license.

A General License is a category of travel open to anyone meeting specific qualifications and traveling for specific limited purposes. A General License does not require specific review or approval of a particular itinerary, trip or traveler.

In contrast, a specific license permits travel on a specified itinerary, for even more limited purposes. This license is available only for the particular travelers to whom the license is issued, and only for the particular itinerary specified and approved in the license.

In the early 2000s, OFAC recognized a category of General License for "professional research", open to members of any licensed profession for an itinerary consisting solely of programs and events related to research in their licensed professional field. Travelers under this General License were required to limit their itinerary to activities related to the purpose of the travel, and upon their return were required to publish information and articles regarding their travel and the programs in which they participated. During that period of time, OFAC allowed use of this license for travel by attorneys, provided that all travelers were all attorneys (not spouses, other family members, or non-lawyer employees) and further provided the travel program met all the foregoing other requirements of the General License.

In 2003, I was invited to participate in such a General License trip to Cuba with other Bar leaders under the auspices of the ABA International Section and organized by Cuba Cultural Travel, a Cuba travel provider licensed by OFAC. The nine participants met in Miami, and traveled to Havana via chartered air authorized by OFAC (and operated by Continental Airlines)

As a result of the success of that trip, and the interest it generated among professional colleagues, the participants in that trip undertook to organize other trips using the same licensed travel provider and following a virtually identically itinerary. In 2005 and 2006, NYSBA authorized five such trips, assiduously following all of the license requirements both during and after completion of travel. Due to changes in travel requirements imposed by Cuba, these trips went through Cancun, Mexico, but otherwise were virtually identical to the 2003 ABA trip. These trips also generated some income to NYSBA from fees for

participation in these trips, and also generated membership for the International Section.

Several months after those trips were completed OFAC reinterpreted the rules governing travel by US citizens to Cuba, and applied that reinterpretation retroactively. For this reason, and also due to a related issue regarding Cuba Cultural Travel's assistance provided in Cuba, resulted in several OFAC investigations into completed State and local Bar Association trips, including NYSBA's trips.

As they pertained to NYSBA, the OFAC review centered upon two issues:

(a) In its reinterpretation of the regulations, OFAC concluded that the General License category for "professional research" should be limited to travel by academics engaged solely in academic research. However, after review of the activities and participants in the NYSBA trips, and all of the other trips conducted through Cuba Cultural Travel, OFAC apparently was satisfied that the trips complied with the restrictions and requirements in effect at the time of the travel, and took no action against any of the involved Bar Associations or trip participants. (It must be acknowledged that a former OFAC General Counsel who assisted NYSBA in responding to the investigations has advised that OFAC does not formally close its investigations even when it does not take action, and as a result the files regarding the NYSBA trips technically remain open, although now dormant for nearly ten years.)

(b) The OFAC regulations required use of a licensed Cuba travel provider to make all travel, hotel and meeting arrangements, and to coordinate and supervise the movement of the group from place to place. Cuba Cultural Travel's principal made all these arrangements for each group for which he organized travel. After completion of our trips, OFAC reinterpreted its rules to add a restriction that while the travel provider could accompany the group in its travel, the provider could not attend the programs, even to provide translations or facilitate communications with the Cuban lecturers, unless the travel provider also was a licensed member of the involved profession. In all of the travels described above, and many others, it had been customary for the Cuba Cultural Travel principal to attend the programs and provide assistance as an interpreter. After its reinterpretation of the regulations, OFAC raised this issue with the travel provider and threatened proceedings to rescind his travel license. He concluded that in light of these and other newly imposed OFAC restrictions it was not worth it to him to maintain his license, and he voluntarily surrendered it. (He since has applied for, and received, a new license, and using that new license has organized and conducted several trips under the current OFAC regulations. The current regulations now permit him to attend the events on the itinerary.)

Even though no action was taken against NYSBA or any other Bar Association which conducted travel under the OFAC General License, the OFAC actions had

the intended chilling effect, and the various Bar Associations were reticent to authorize further such trips.

With the passage of time, and in light of still more liberal changes in OFAC regulations, US government policies, and interpretations regarding commerce and travel with Cuba, there are now new opportunities to conduct such programs.

Several Bar Associations (including the National Bar Association, the Nevada Bar Association, the Chicago Bar Association, the Beverly Hills Bar Association and the Long Island Hispanic Bar Association) recently have conducted trips to Cuba, without incident.

The current OFAC rules permit "People to People" trips under General License, provided that the itinerary consists primarily of interaction between the travelers and the Cuban public. This category, and the long standing Humanitarian and Religious categories, are now the principal General License categories used for many US citizens to conduct authorized travel to Cuba. (The Professional Research category remains available, but purportedly only for academic research.)

Due to these changes in OFAC policy, Cuba Cultural Travel applied for and again received a travel provider license and it now is authorized to organize and conduct Cuba travel. It has done so for many groups without incident, including lawyer groups and others (professional and non-professional).

NYSBA is eligible to sponsor People to People trips under the General License category, and could do so without concern or reservation. However, it is assumed that a NYSBA sponsored trip should be focused on legal subjects, include legal-related contacts in Cuba, and focus on legal issues to the maximum extent feasible. Otherwise, such trips are not justifiable under NYSBA's mission, and would not be any different from trips presently available from a variety of sources.

ILS therefore prefers that any Cuba travel under NYSBA ILS auspices be limited to NYSBA members and be focused on legal issues to the maximum possible extent. This requires organizing such travel through a provider familiar with the regulations and with significant contacts in the Cuban legal community.

Accordingly, I have discussed with Cuba Cultural Travel an itinerary which would qualify for a People to People license under current OFAC regulations. Using Cuba Cultural Travel contacts and my personal contacts in Cuba we have devised an itinerary which will include substantial contact with the Cuban professional, governmental and academic legal community along with other cultural activity. This itinerary has been used by other Bar Associations without incident.

To demonstrate the value of sponsoring such travel, we ask that the Executive Committee consider the endorsement recently given by a Past President of the Beverly Hills Bar Association upon the conclusion of their most recent Cuba trip, in February 2013:

"The Beverly Hills Bar Association and I have been associated with Michael Sykes of Cuba Cultural Travel for more than 8 years.

I attended the first Legal Study trip he arranged for the Bar many years ago and have wanted to return to Cuba ever since.

I finally had the opportunity leading a People to People trip there a few weeks ago. It surpassed even my expectations.

Michael delivers not only what I asked for, but more. Every day contained highlights we could not have imagined, such as a convoy of 1950 and 1960 brightly colored American classic convertibles taking us to dinner with the tops down, Cuban music blaring down the Malecon. No one will ever forget that.

Aside from the special meetings with attorneys, architects, professors, journalists and Cuban officials he arranged, we had fantastic meals at some of the best paladars in the country, and private concerts of music and dance.

Another highlight was a trip to a tobacco plantation where we were serenaded during a fantastic lunch with a view of the mountains, sky and the animals roaming the plantation. I can't explain how special the trip was.

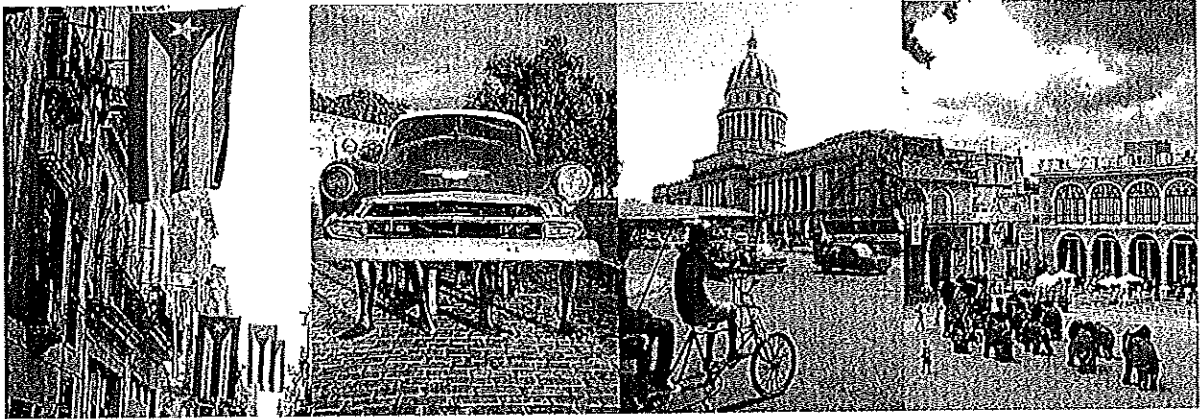
At my request, he arranged a fantastic cooking demonstration on the top floor of our hotel and every day our group toasted Cuba Cultural Travel, Michael and me for arranging such a great experience for them. Every day topped the last!!!

*Nancy Knupfer
Past-President
Beverly Hills Bar Association (2008-2009)"*

Samples of itineraries, for differing lengths of time, are submitted with this proposal, along with a report of the recent Chicago Bar Association trip.

Accordingly, ILS requests that the NYSBA Executive Committee authorize ILS to proceed to plan one or more People to People General License trips to Cuba, each for 20-22 people, in compliance with OFAC regulations. ILS also recommends that participation in these trips be limited to NYSBA members who are admitted to practice law in New York, so that the travel clearly will fall within NYSBA's mission to its members.

Sample Itineraries



Havana, Cuba

Beverly Hills Bar Association
A People to People Educational exchange
Itinerary
January 29-February 6, 2013

Day 1: Tuesday January 29

Morning

Departing from Los Angeles International Airport (Tom Bradley)
CTS Charter/United Airlines Flt# XXX
Checking in 8:00 AM departing LAX at 10:30 AM arriving in Havana at 7:00 PM

It is mandatory that all tourists entering Cuba purchase health insurance and emergency evacuation coverage. As part of your trip price, this has been purchased on your behalf.

Arrive in Havana. Clear immigration and customs and baggage, a process that takes about an hour and a half. Upon arriving in Havana, a Cuban representative will welcome the group and transferred to hotel. All rooms include a safe deposit box free of charge. Breakfast is complimentary and served between 7:00 and 10:00 AM.

Check into **Hotel Parque Central**. This five star hotel is considered the finest hotel in Havana and perfectly located in the central part of Havana.

Hotel Parque Central
Neptuno, esquina Prado y Zulueta, Havana, Cuba, Havana 10100, Cuba
Tel. 53 7 860 6627

Free time to unpack and freshen up.

Evening

Welcome dinner at **El Gijones**. Noted for excellent Cuban fusion cuisine and generous portions, you are sure to be happy with your experience. This dark mahogany dining room is located in Centro Havana a nice walk from Parque Central.

Return to the hotel.

(D)

Day 2: Wednesday January 30

Complimentary breakfast is served at the restaurant in the lobby level from 7am to 10am.

Morning Walking tour of **Havana Vieja**. Meet in the lobby and make sure to wear comfortable shoes!

We will walk down Obispo Street, a pedestrian promenade, stopping at some of the most significant buildings like the Art Deco Style La Moderna Poesia, the Ambos Mundos Hotel, and the banks of the former Havana Wall Street.

Visit the **Taller de Grafica Experimental**, We will be welcomed by artist **Yamilis Brito**. The Taller is more than Havana's printmaking workshop. It is a studio, a school and most of all, an art institution that preserves and develops the sophisticated art of print making with relative freedom of spirit and form. We will be welcomed by artist **Yamilis Brito** and several fellow printmakers that belong to the guild. The artists will display their works and be available for personal exchanges. Yamilis will facilitate a question and answer segment with the artists.

Visit **Plaza de la Catedral** and the **Catedral de San Cristobal de La Habana**.

Visit the **Wilfredo Lam Center**. We will be welcomed by curator **Nelson Herrera**. The Wilfredo Lam Center of Contemporary Art is a cultural institution dedicated to the study, research and promotion of contemporary visual arts from developing countries in Africa, Latin America, Asia and the Caribbean. An extensive and valuable collection of contemporary visual artworks allows the Center to exhibit regularly in Cuba and abroad.

Visit the **Plaza de Armas**, a scenic tree-lined plaza formerly at the center of influence in Cuba. It is surrounded by many of the most historic structures in Havana as well as important monuments.

Visit **Palacio de los Capitanes Generales**. The palace currently houses the **Museo de la Ciudad** and was the former residence of the Spanish Captains.

Visit the **Castillo de la Real Fuerza**, a massive fortress built between 1558 and 1577.

Visit the **Plaza de San Francisco**, a cobbled plaza surrounded by buildings dating from the 18th Century, dominated by the baroque **Iglesia & Convento de San Francisco** dating from 1719.

Afternoon Lunch at **Hostal Conde de Villanueva**. This restaurant is located inside the hotel of the same name, a tastefully restored 18th-century mansion with rustic colonial charm and a beautiful courtyard. Relax and enjoy your lunch here before continuing with the afternoon activities.

Visit the **Plaza Vieja**. This plaza is the oldest plaza in Havana, dating from the 16th century.

Visit the **Fototeca de Cuba**. National Photographic archive, where the director, **Nelson Ramirez** will welcome the group. Established in 1986, the FOTOTECA DE CUBA contains the widest and most valuable archive of Cuban photos. Its permanent exhibition displays the work of Cuba's photographic heroes such as Raúl Corrales, Alberto Korda, Osvaldo Salas, Ernesto Fernández and Mario García Joya. Nelson will be joined by fellow photographers who help us understand the professional challenges of being an artist in Cuba, government censorship issues, and building professional relationships without the use of the internet.

Visit the studio of photographers **Carlos Otero Blanco, Enrique Roffenberg** and **Ljudmila & Nelson**. Walk back to the hotel at your own leisure (20-min walk).

Evening Depart for an early evening visit to **Castillo del Morro**, a magnificent fortress and lighthouse guarding the entrance to Havana harbor.

Seafood dinner at **Paladar Dona Carmela**. Delight in excellent Cuban cuisine on the patio garden. You'll feel at home with the friendly service and ocean breeze. After dinner we will visit **La Cabaña fortress** to attend the cannon ceremony.

Return to the hotel.

(B,L,D)

Day 3: Thursday January 31

Morning Attend a private dance performance of the **Compania Irene Rodriguez**. We will receive a warm welcome by **Irene Rodriguez** and her company at the **Centro Andaluz**. Irene is considered by many to be the finest flamenco dancer in Cuba. Irene will introduce the dancers, many of whom speak English; describe the history of her own dance career and formation of her independent dance company; and discuss the cultivation of artistic talent in Cuba, opportunities and challenges of being a professional dancer, and the arts more generally in Cuba. The individual Cuban dancers will then tell their own stories, giving us a glimpse of life as a dancer in Cuba.

Visit the **Museum of Cuban Art**. The museum is dedicated exclusively to Cuban Art from the earliest days of colonialism to the latest generation of Cuban artists.

Lunch at **El Neptuno**. This simple Italian restaurant offers wonderful pizzas and pastas. The building was designed by Roberto Gottardi and is just steps from the hotel.

Afternoon **Organizacion Nacional de Bufetes Colectivos.**

A Cuban Law Collective that offers various legal assistance and representation to Cuban citizens, legal aliens and Cuban residents living abroad, for the means of arbitration, court hearings, customs, registry and other State institutions. Topics included: the structure of the Cuban legal system, lawyer regulation, dispute-settlement procedures and a description of typical cases handled by the Law Colectivo. Host: Sra. Nuris Pinero Sierra (Director, Bufete de Servicios Especializados)

Evening Remainder of the evening and dinner on your own.

(B,L)

Day 4: Friday February 1

Morning Witness the process and all that goes into making world-renowned cigars, during our visit to the Visit the Partagas Cigar Factory.

Miguel Coyula will take us on a tour of modern architecture in Western Havana. Few people realize the important place Havana holds as a treasure trove of 20th Century architecture. Miguel Coyula will highlight some of the best examples to be found in this incredibly diverse area of the city, including the **University of Havana** and the **Christopher Colon Cemetery**.

Meeting at the **Union Nacional de Juristas de Cuba**. We will receive a lecture on the structure of Cuban law, including a segment of time dedicated to an open exchange between American and Cuban counterparts. Topics will include the Cuban Constitution and the National Assembly. Open exchange between BHBA and Cuban Attorneys.

Afternoon Lunch at **El Aljibe**. Cuban food at its best; the roasted chicken soaked in orange garlic sauce is a favorite.

2pm The **United States Interests Section** or **USINT Havana** represents U.S. interests in Cuba. It is staffed by United States foreign service personnel employed by the U.S. Department of State. USINT Havana and its counterpart for Cuban interests in Washington, D.C. are formally sections of the respective Embassies of Switzerland. They operate independently of the Swiss in virtually all but protocol respects. Cuba and the U.S. do not have formal diplomatic relations, however, their respective Interests Sections function as de facto embassies. The head of the mission will speak to us about the role of the USINT and present day US/Cuban relations. (1:30 pm check in required)

Evening Dinner at **Café Del Oriente**. The luxuriously decorated dining rooms offer the conscientious diner a taste of nineteen-fifties, pre-revolutionary Havana. Excellent service, an International menu that includes a number of Cuban dishes and the fine selection of wines makes this a memorable dining experience.

(B,L,D)

Day 5: Saturday February 2

Morning Shabbat services at Patronato

Visit the **Patronato del la Casa de la Comunidad Hebrea**. We will be received by lifelong resident of Havana and active leader within the Jewish community, Adela

Dworkin, who talk to us about the history of Jews in Cuba and what it has been like for the Jewish community since the revolution. The Patronato was once Havana's upscale shul, built by affluent Cuban Jews in the early 1950s. Today, the synagogue is affiliated with the Conservative movement in the USA. It currently serves as the focal point for most Jewish activities in Havana.

Afternoon Lunch at the whimsical home of artist **Jose Fuster** who has made a major contribution to rebuilding and decorating the fishing town of Jaimanitas, in the outskirts of Havana, where he lives. Jaimanitas is now a unique work of public art where Fuster has decorated over 80 houses with colorful ornate murals and domes. Jose and his son Alex have invited friends and neighbors to share and discuss the public art projects and the impact on Jaimanitas and beyond.

Visit the **National Museum of Decorative Arts** that houses permanent and temporary exhibitions of the most colorful samples of European and Asian applied arts, ceramics, antiquities, paintings and sculptures of the 19th and 20th century.

Evening Dinner at **Paladar Le Chansonnier** one of the most progressive and stylish restaurants in Havana.

(B,L,D)

Day 6: Sunday February 3

Morning Visit **Parque Trillo**, a park in Centro Habana that is popular with followers of the **Santeria** religion. Our host and guide will be Cuban scholar **Elias Aseff**, who will explain the role of African religion and culture in Cuba and the importance of Santeria in everyday life. He will also explain how Afro Cuban religion has influenced the evolution of Cuban culture.

A short walk away from Parque Trillo is the home of a **Babalao**, (Yoruba Priestess) who will receive the group and explain via Elias the religious deities and elaborate alters in her home. The home is very large and many visitors pass thru during the day to give offerings.

Afternoon Enjoy a traditional Cuban lunch overlooking the Straits of Florida, at **La Barraca** restaurant at the historic **Hotel Nacional de Cuba**. Sit under the *palapas*, feel the ocean air and dine on traditional Cuban fare.

Demonstrative lecture on **Cuban Music** at Bar Asturias by Prof. **Alberto Faya** and **María Córdova**. Married since 1973, both have been working together as musicians, professors and researchers within the Cuban musical world. Both have obtained national awards due to their work in the field of music and musicology. They will be joined by a quartet of musicians who will take us on a musical journey thru the history of Cuba. This will be an interactive experience, with the audience encouraged to engage the lecturers and musicians.

Evening Free. Dinner on your own.

(B,L)

Day 7: Monday February 4

Morning

Day trip to **Vinales Valley**. Considered by many to be the most beautiful place in Cuba, the **Vinales Valley National Monument** holds stunning landscapes. The area is also famous for being the premier tobacco growing area in the world.

Our first visit will be to a private farm in the valley owned by the large family of **Concha and Paco Ramirez**. The descendants of Concha and Paco have farmed the same plot of land for many generations and their land is involved in the production of a multitude of fruits, vegetables, grain and tobacco. Members of the family will give us a tour of this beautiful 40 acre farm before bringing us back to the farmhouse.

Afternoon

Lunch will be a **community event** on their private farm, organized by the extended family of Concha and Paco Ramirez.

On our return to Havana we visit small country town where a remarkable man named **Mario Pelegrin** has created a charming community project dedicated to local children. In this tranquil setting, a collection of rustic cabins provide a home for amateur art programs. Local children are provided with the space and resources needed to allow their creative juices to flow in the areas of music, dance, theatre and art. This wonderful program gives local kids the opportunity to have fun while learning new skills. We will have an opportunity to interact with the group and discuss the program and our experiences.

Evening

Return to Havana. **Dinner** on your own.

(B,L)

Day 8: Tuesday February 5

Morning

Lecture by Prof. Carlos Alzugaray Treto on **U.S./Cuba Relations**. Professor Alzugaray was the Former Cuban Ambassador to the European Union and former Director of the Institute of Foreign Relations. Professor Alzugaray will be accompanied by several English speaking students from Institute of Foreign Relations. Professor Alzugaray will then lead a question and answer session with the group and we have time for open dialogue and exchange.

Visit **La Finca Vigia**. Formerly the home of Ernest Hemingway, today it still houses his expansive collection of books. It was here where he wrote two of his most celebrated novels: *For Whom the Bell Tolls* and *The Old Man and the Sea*. Please keep in mind that there are restrictions on passage to preserve the house in the intact state that Hemingway left it.

Lunch and afternoon on your own.

Evening Farewell dinner at **La Guarida**. One of the best restaurants in Havana and famous not only for its delectable dining, but also as the location for the film "Strawberry and Chocolate." It is housed on the third floor of a large, old town house carrying the charming ambience of the 1920s.

(B,D)

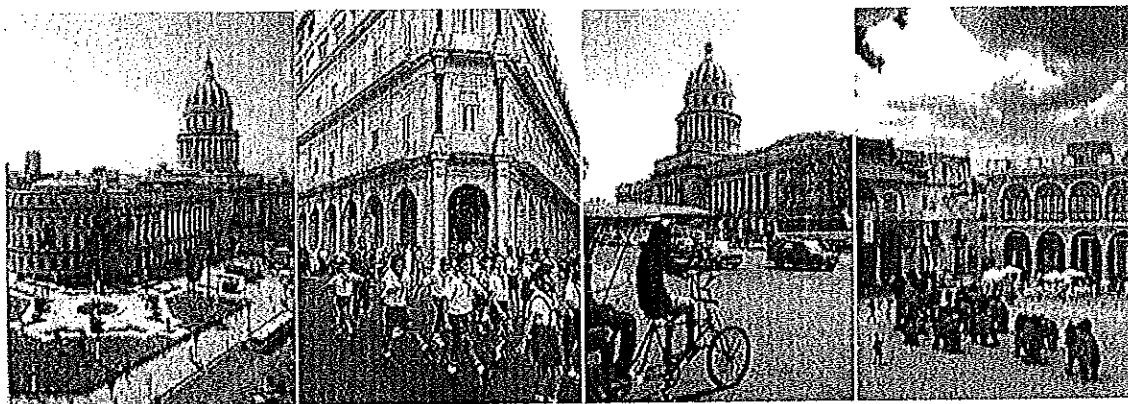
Day 9: Wednesday February 6

Hotel check out, 8:30 am departure from hotel
CTS Charter/United Airlines Flt# XXX
Checking in 9:30 AM departing Havana at 12:05 PM arriving in LAX at 2:00 PM

*Tips may be given to your Cuban guide and driver at this time.

*All passengers will be responsible for paying the Cuban airport departure tax of \$25 CUC.

(B)



Havana, Cuba

Suggested Itinerary for 6 nights 7 days

Day 1

Charter flight from JFK to Havana. Depart JFK at 4:30 PM arrive in Havana at 8 PM

Upon arriving in Havana, a representative will welcome the group and accompany us to the Hotel Parque Central in Havana Vieja.

Hotel Parque Central – 5 stars

Neptuno, esquina Prado y Zulueta, Havana, Cuba, Havana 10100, Cuba

Tel. 53 7 860 6627

Complimentary breakfast is served at the restaurant in the lobby level from 7 am to 10 am.

Day 2

10:00 am

Backstage tour of the Garcia Lorca Theatre also referred to as The Great Theatre of Havana (*Gran Teatro de La Habana*),

Officially opened in 1838, the theatre is located in the former *Palacio del Centro Gallego*. Today it is the permanent headquarters of the Cuban National Ballet and the main stage for the International Ballet Festival of Havana.

Attend a private dance rehearsal of the **Spanish Ballet of Cuba**. We will receive a warm welcome by Prima Ballerina **Irene Rodríguez**, who will introduce us to the dancers and discuss the cultivation of artistic talent in Cuba.

11:00 am

Architecture walking tour guided by Architect **Maria Elena Marlin**.

Visit the **Centro Asturiano**, erected in 1885 and currently housing the People's Supreme Court. Visit to the **Capitolio Nacional**, a fabulous monumental building similar to the US Capitol. Visit to the former **Centro Gallego**, built in 1915 by Belgium architect Paul Belau.

Walk along the **Paseo de Martí (el Prado)**, a tree lined pedestrian promenade leading to the sea.

Visit the home of Cuba's former president **Jose Miguel Gomez** and the lavish **Palacio de los matrimonios**.

12:30 pm

Lunch at **Sociedad Agrupacion Castropol**.

- 2:30 pm** Walk to the **Museo de la Revolucion, (Presidential Palace)** and the **Granma Memorial**
- 3:00 pm** Tour the **Museum of Cuban Art** led by curator **Nelson Herrera**.

The museum is dedicated exclusively to Cuban Art, and our tour will take a chronological path from the earliest days of colonialism to the latest generation of Cuban artists.
- 4:00 pm** Visit the **Baccardi building**, one of the best kept Art Deco structures in the country.
- 4:30 pm** Return to the hotel.
- 6:30 pm** Depart for an early evening visit to **Castillo del Morro**, a magnificent fortress and lighthouse guarding the entrance to Havana harbor.
Seafood dinner at **Dona Carmela** followed by a visit to **La Cabaña** fortress to attend the cannon ceremony.
- 10:00 pm** Return to the hotel

(B,L,D)

Day 3

- 9:30 am** **Lecture on Cuban History** in the conference room on mezzanine level. The timeline of our lecture will span from the Pre-Columbian times to the Spanish American War.
- 11:00 am** Guided walking tour of **Havana Vieja**.
Visit the **Plaza de Armas**, a scenic tree-lined plaza formerly at the center of influence in Cuba. It is surrounded by many of the most historic structures in Havana as well as important monuments.
Visit the **Palacio de los Capitanes Generales**. The palace currently houses the **Museo de la Ciudad** and was the former residence of the Spanish Captains.
Visit to **Palacio del Segundo Cabo**, a former palace incorporating Moorish, baroque and neo-classical elements.
Visit the **Castillo de la Real Fuerza**, a massive fortress built between 1558 and 1577.

Visit the **Plaza de la Catedral** and the **Catedral de San Cristobal de La Habana**
- 12:00 pm** Visit the **Wilfredo Lam Center**

The Wilfredo Lam Center of Contemporary Art is a cultural institution dedicated to the study, research and promotion of contemporary visual arts from developing countries in Africa, Latin America, Asia and the Caribbean. An extensive and valuable collection of contemporary visual artworks allows the Center to exhibit regularly in Cuba and abroad. We will have a chance to interact with local artists on a one to one basis and get their views on life and art.
- 12:30 pm** Visit the **Taller de Grafica Experimental**,

The Taller is more than Havana's printmaking workshop. It is a studio, a school and most of all, an art institution that preserves and develops the sophisticated art of print making with relative freedom of spirit and form. We will meet with several print makers.
- 1:00 pm** Lunch at **Paladar Dona Eutimia**. Traditional Cuban favorites in a cozy home setting.

- 2:30 pm** Visit the **Plaza de San Francisco**, a cobbled plaza surrounded by buildings dating from the 18th Century, dominated by the baroque **Iglesia y Convento de San Francisco** dating from 1719.
Visit the **Plaza Vieja**. This plaza is the oldest plaza in Havana, dating from the 16th century.
- Visit the **Elementary School** Escuela Primaria Angela Landa and meet with school director Gladys Sonia García Marcel who will take us on a short tour of the school and describe the Cuban system of education. We will get a chance to meet both students and teachers and sit in on a English class.
- 3:30 pm** Visit **Galería La Casona**. Meeting with director Alejandro Machado.
- Centro de Arte La Casona was beautifully restored in 1979. Under the direction of art entrepreneur Luis Miret Pérez, La Casona is devoted mainly to solo exhibitions, but also has catalogues of leading contemporary Cuban artists. The complex also houses the Tienda de Ediciones Artísticas (a small serigraphy shop) and the Galería Diago, specialising in Afro-Cuban folk art.
- 4:00 pm** Visit the **Fototeca de Cuba**, National Photographic archive, where the director, Nelson Ramirez will welcome the group.
- Established in 1986, the *Fototeca de Cuba* contains the widest and most valuable archive of Cuban photos. Its permanent exhibition displays the work of Cuba's photographic heroes such as Raúl Corrales, Alberto Korda, Osvaldo Salas, Ernesto Fernández and Mario García Joya.
- 4:30 pm** Visit the **Iglesia de la Merced –(Church of Mercy)** Dating back to 1637 when the "Monks of Mercy" began construction on a church that would require over 100 years of effort. This magnificently ornate cathedral, cloaked in a patina of time, serves as potent reminder of the immense influence the church once held in Cuba.
We will be received by Fr. Gilbert Walker, originally from Chicago, who will talk about the various community activities and charities that the church supports. Father Walker will introduce us to some of the residents who are benefactors of the outreach programs and we will have short question and answer session.
- 5:30 pm** We will return back to the hotel in a small fleet of **Coco-Taxis**
- 7:30 pm** Dinner at **El Gijones** – recently opened in the former American Club, the restaurant exudes the prestige and ornate décor of Havana's golden age.
- (B, L, D)
- Day 4**
- 10:00 am** Visit the **Partagas Tobacco Factory**
- 11:30 am** Visit the **Instituto Superior de Arte (ISA)** One of the few major architectural projects completed in Cuba in the early 1960s, this remarkable post-revolution campus is the premier school in Cuba for students studying music, visual arts and performing arts. English speaking students will be assigned to us and we will break into small groups to better enjoy a personalized tour of the school.
- 1:00 pm** Lunch at the whimsical home of artist **Jose Fuster**, who has made a major contribution to rebuilding and decorating the fishing town of Jaimanitas in the outskirts of Havana, where he lives. Jaimanitas is now a unique work of public art where Fuster has decorated over 80 houses with colorful ornate murals and domes. We have asked Jose to invite some of his neighbors over to join us for lunch.

- 3:00 pm Artist studio visit TBD
- 4:00 pm Visit to the **Christopher Colon Cemetery**.
This elaborate necropolis covers nearly 8% of the City of Havana, and contains an endless sea of poignant memorials, architectural jewels and human interest stories. Following this visit we will return to the hotel.
- 5:00 pm Return to the hotel.
- 7:30 pm Dinner at **Meson de la Flota** (20 mins. walking) Located in Havana Vieja, this Spanish inspired restaurant is the leading venue in Havana for Flamenco dancing.

(B,L,D)

Day 5

- 9:00 am Considered by many to be the most beautiful place in Cuba, the **Vinales Valley National Monument** holds stunning landscapes and jaw dropping vistas. The area is also famous for being the premier tobacco growing area in world.
Our first visit will be to a farming cooperative known as **Cooperativa Moncada** in the Vinales Valley. The cooperative is involved in the production of many fruits and vegetables and provides members with the benefit of modern equipment and combined expertise.
Lunch will be a community event, organized by local families who will join us.
- 5:00 pm Return to Havana. Reminder of the evening and dinner on your own.

(B,L)

Day 6

- 10:00 am Visit to the **University of Havana**
Meet with professor of History and Law **Dr. Dello Carrera**, who will lead us on a short tour of the campus and explain the fascinating 400 years of history associated with the institution. We have asked Dr. Carrera to invite several of his students to join us on a stroll thru the campus.
- 11:00 am Visit to the **Patronato del la Casa de la Comunidad Hebrea**
We will be received by lifelong resident of Havana and active leader within the Jewish community, **Adela Dworkin**, who talk to us about the history of Jews in Cuba and what it has been like for the Jewish community since the revolution.
The Patronato was once Havana's upscale shul, built by affluent Cuban Jews in the early 1950s. Today the synagogue is affiliated with the Conservative movement in the USA. It currently serves as the focal point for most Jewish activities in Havana. We will meet with members of the congregation in the conference room and have a discussion on Judaism in Cuba. We will then retire to the dining hall for coffee and a discussion on religion in Cuba.
- 12:00 pm Visit the historic **Hotel Nacional de Cuba** and enjoy a traditional Cuban lunch overlooking the Straits of Florida, at La Barraca.

Remainder of the afternoon is free – A schedule of local cultural events will be provided.
- 7:00 pm Farewell Dinner at **La Guarida**

(B,D)

Day 7

8:00 am

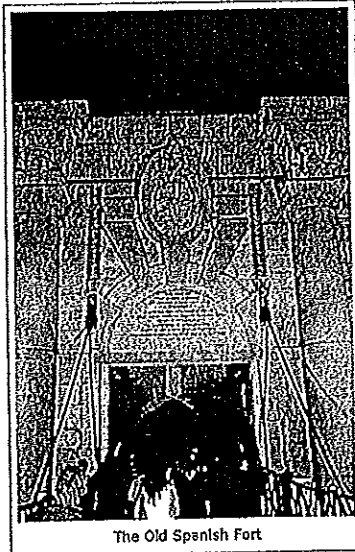
Hotel check out.
Airport transfer
Flight departs at 11:30 AM - Arrives at JFK at 2:30PM



GAVEL TALK

Thoughts from the President of The Chicago Bar Association

Wednesday, December 1, 2010
Report from Cuba - Day 1



The Old Spanish Fort

Yesterday, 32 members of the Chicago Bar Association arrived in Havana, Cuba. Our delegation includes CBA Offices Aurora Abella-Austriaco and Dan Cotter, Justice Anne Burke and Alderman Edward Burke, Appellate Court Justice Joy Cunningham, and several judges of the Circuit Court. We traveled here to meet with and learn from Cuban lawyers, law professors and judges about the Cuban legal system. The trip has already been eye opening.

Our first evening, we observed the Canon Ceremony at the old Spanish fort, which guarded Havana Harbor during Cuban colonial times. Today, we began our meetings with a panel discussion by the President of the Union of Cuban Jurists, Dr. Ramon de la Cruz Ochoa, Dr. Dello Carreras Cuevas, a former Attorney General of Cuba who now practices as a criminal defense lawyer, and Dr. Mayda Goite Pierre, Professor of Law and Assistant Dean of the Law School of the

University of Havana. We had a far-ranging discussion, which included the Cuban ethics code, the structure of the Cuban Courts and how lawyers in Cuba are compensated for providing services. (There is a set schedule of fees prescribed by the Ministry of Justice, and each firm charges the same amount for each type of service).



At the Old Spanish Fort are from left, Dan Cotter, Judge Clare McWilliams, Beth McMeen, me and Justice Anne Burke

Of particular interest to me, we discussed the state of the death penalty in Cuba. There are many similarities between Illinois and Cuba on that issue. While both jurisdictions have the death penalty, Cuba has had a moratorium on executions since 2003, like Illinois. There have been only a few death sentences imposed in Cuba since 2003. Recently, a published interview with former President Fidel Castro quoted Castro as

saying, "I believe that the death penalty is not a solution." This prompted Dr. Cuevas, who is opposed to the death penalty to say, "we count Fidel in our group."

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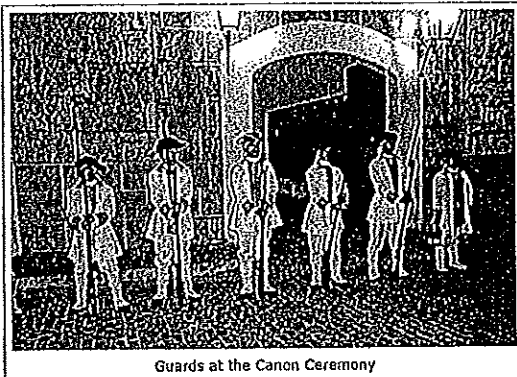
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This afternoon, we met with Josefina Vidal, head of the North American Section of the Cuban Foreign Ministry. Senora Vidal, in my opinion, recited for us the "party line" on the U. S. foreign policy toward Cuba. While many in our group share her view that the U. S. should drop the travel ban and economic embargo, she clearly was sent to speak with us about the government's position on all matters bearing upon the relationship between our two countries. Nonetheless, she was a dynamic speaker, and it was very interesting to hear the Cuban side of U.S./Cuban foreign policy.



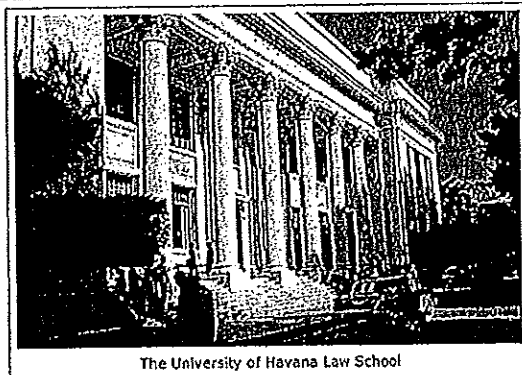
Guards at the Canon Ceremony

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We'll keep reporting this week as Internet connections allow. Hasta Manana from Cuba!



Justice Anne Burke
and Dr. Dello Carreras Cuevas,
Profesor Emeritus, Universidad
de la Habana



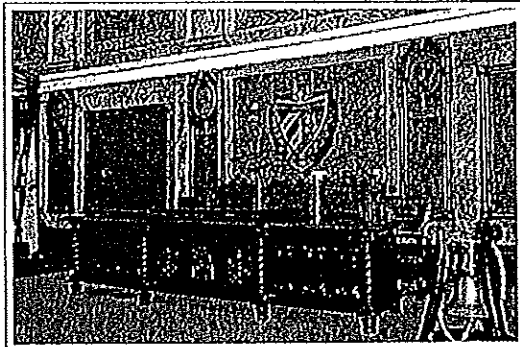
The University of Havana Law School

Posted by Terri L. Mascherin at 9:36 AM

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Inside the Law School

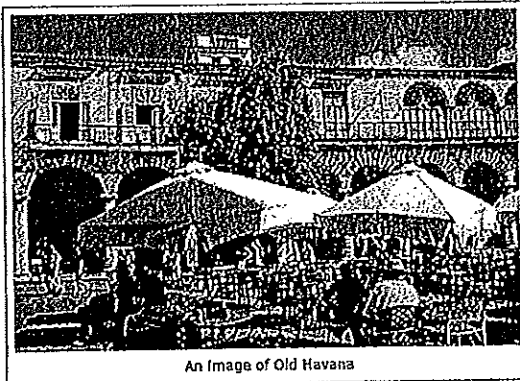
GAVEL TALK

Thoughts from the President of The Chicago Bar Association

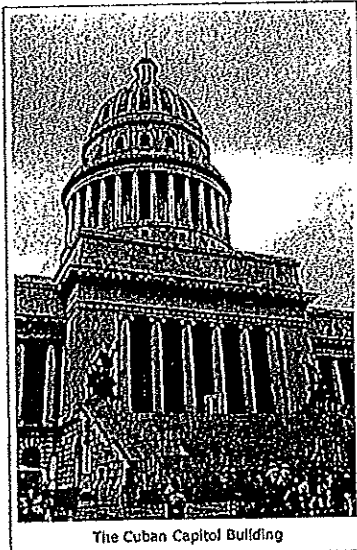
Thursday, December 2, 2010
Report from Cuba - Day 2

Today we had a day filled with meetings with different members of the bar, the courts and the Cuban National Assembly of Peoples' Power.

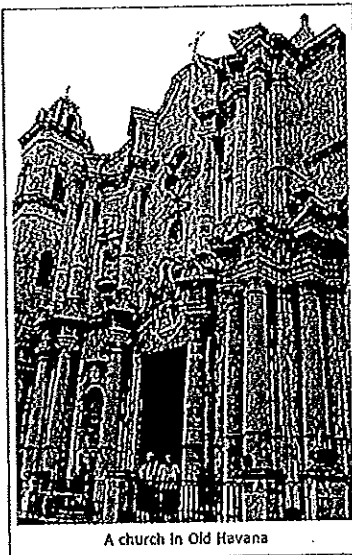
We started off with a panel of constitutional law scholars and practitioners, discussing the Cuban Constitution. We learned that the Cuban Municipal, Provincial and National Assemblies are elected by popular election from neighborhood "electorates," which each nominate a candidate. There are no political parties involved in Cuban elections, although at the National level, approximately 2/3 of the members of the Cuban National Assembly of Peoples' Power are members of the Communist Party.



An Image of Old Havana



The Cuban Capitol Building



A church in Old Havana

We asked whether the Cuban Constitution provides for any individual rights. The discussion on that issue was among the more interesting discussions of the day, at least in my opinion. At first, one of the scholars told us that the Constitution establishes rights to association, of free expression, of freedom of religion, and equality. Then, another scholar said, of course, in view of the fact that Cuba has

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been "under attack" since 1951, it is necessary for the people to tolerate certain restrictions on those rights. To quote him, "Our system has to place controls on how to exert political rights. So long as there is that much hostility [toward Cuba from the United States] we cannot be as free as we would be otherwise. If you are under attack from your neighbor you cannot live a normal life." Indeed, the Cuban Constitution protects free speech, but only "free speech consistent with the objectives of the socialist society."

That session was followed by a session with three members of the National Assembly (the equivalent of our House of Representatives and Senate combined). The session was dominated by Dr. Jorge Lezcano Perez, who gave us a whopping dose of party line about the "power of the people" in Cuba. Among other things, Dr. Perez said that the supreme power in Cuba rests in the National Assembly, and the Cuban President has no significant powers.



Justice Anne Burke of the Illinois Supreme Court (second from left) and Justice Joy Cunningham of the Illinois Appellate Court visited with several Cuban judges.

In the afternoon, we had a wonderful discussion with several Cuban judges, led by Dr. Armando Torres, President of the Provincial Court for the Province known as City of Havana. Also joining that discussion was a prominent criminal lawyer, Jorge Bodes Torres, assistant to the Minister of Justice. We had a very free question and answer session, with questions ranging from criminal procedure to the caseload of the Cuban courts to how judges are selected to what rights Cuba protects in intellectual property. Of much interest to me, the judges told us that in a criminal case, by law a statement by the defendant is not sufficient evidence to support a conviction -- it must be corroborated by other evidence. We also learned that during interrogations, criminal suspects in Cuba have the right to remain silent, and once a decision is made whether to keep the suspect in custody, the right to a lawyer. We also learned that, while the prosecution must share its evidence with the defense pretrial in a criminal case, there is no right to pretrial discovery in civil cases.

Following our session in the afternoon, Tom Sullivan, Dan Cotter and I made a visit to the Presbyterian Church in Havana, where we delivered over-the-counter medicines that members of our group brought with us to donate to the church. The church was in a very poor-looking neighborhood, but the sanctuary was beautiful.

Tonight we visit a private enterprise restaurant in a home -- part of Raoul Castro's capitalist reforms. Hasta manana, CBA!

Posted by Terri L. Mascherin at 7:37 AM

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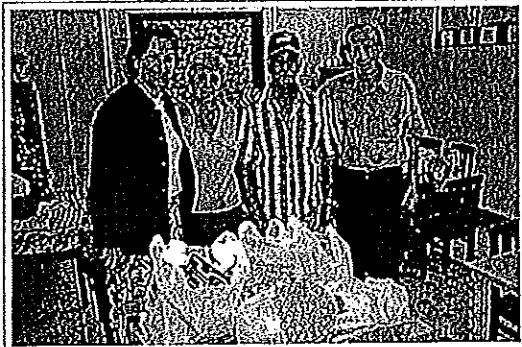
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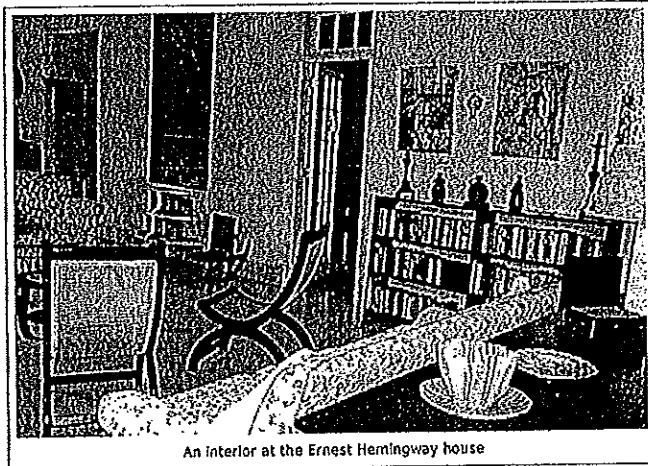


Donating medicine at the Presbyterian church in Havana

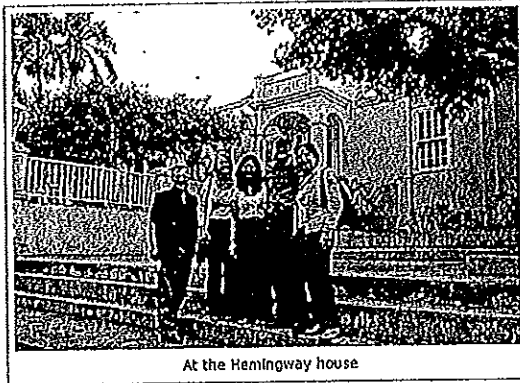
GAVEL TALK

Thoughts from the President of The Chicago Bar Association

Friday, December 3, 2010
Report from Cuba - Day 3



An interior at the Ernest Hemingway house



At the Hemingway house

Today was the most interesting day so far. This morning we visited Hemingway's House, which is in a small village outside Havana. But that wasn't the interesting part. This afternoon we met with a young Economics professor from the University of Havana, Dr. Omar Everleny. Dr. Everleny is one of the primary architects of the proposed plan recently announced by President Raul Castro to

lay off 1 million Cuban state workers and to expand the possibilities available to start free-enterprise small businesses and cooperatives. We all left the meeting thinking if Cuba can pull this off, Dr. Everleny deserves to win the Nobel Prize for Economics.

Dr. Everleny is an out-spoken critic of socialist economics. As he put it, socialism is "interesting, but theoretical, and depends upon the creation of a new type of man who doesn't exist." For 50 years, he told us, Cuba has had socialism and inefficiency. Until 1989, when the Soviet system collapsed, the inefficiency was invisible because the Cuban economy was supported by the former Soviet states. But now, economic growth is declining steadily, and by his calculation while "official" unemployment is only 1%, fully 25% of the Cuban work force is unproductive.

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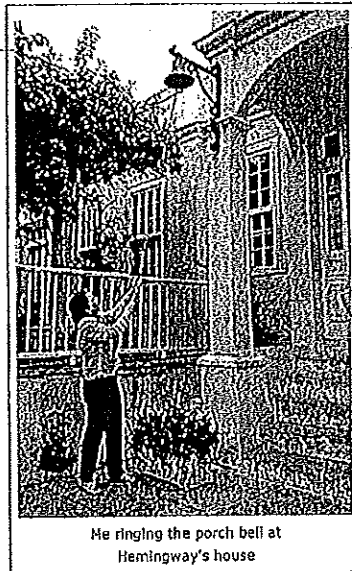
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Hence, the plan to lay off 1 million Cuban workers. If the plan is adopted, each entity that employs workers will be required to assess job performance and lay off the bottom performers in its work force. Government "businesses" will be streamlined to increase efficiency, services will be consolidated and, as he put it, "whole Ministries will disappear -- government doesn't have to run business, just regulate it." At the same time, the Cuban government will allow the creation of small businesses and cooperatives in many fields in which free enterprise is not currently allowed. The free enterprise businesses will be able for the first time to hire employees outside of the family, and if they earn 50,000 pesos or more a year, will be required to keep formal books and records (thus creating a need for accountants, because currently no businesses must report on their financial status or transactions). The role of cooperatives will also be expanded if the plan is adopted.



He ringing the porch bell at Hemingway's house

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Free enterprise entities will pay taxes on income at percentages up to 40%, but the average business is expected to be in the 25-30% tax range. They will also be required to pay social security taxes for the workers who they employ. The taxes will be used, in part, to provide social services to those "particularly vulnerable persons" who are laid off.



Alderman Ed Burke and Justice Anne Burke at the Old Fort in Havana

Quoting Raul Castro, Dr. Everleny told us, "We have to erase forever the notion that Cuba is the only country in the world where one can live without working." Dr. Everleny believes it is significant that Raul, "one of the Revolutionary Generation," is supporting these reforms. He believes that Raul does not want to leave the legacy of the country being worse off after his generation than before the revolution. Dr. Everleny stressed that this plan has just been announced, and discussion is just beginning about it, so many elements of the plan remain to be fleshed out. But President Castro will take the plan to the National Assembly of the Peoples' Power for discussion in December, and to the Communist Party in April 2011.

Dr. Everleny firmly believes that the Cuban economy must be changed if it is to survive. "If we have to keep thinking in terms of perfect equality [as in the Socialist economy], that will lead to

failure." "Poverty distributed is more poverty."

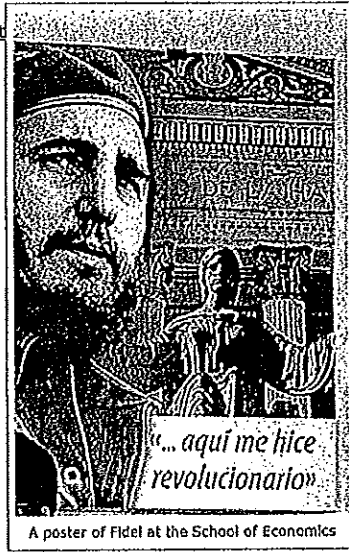
The reforms sure sound like capitalism to me. It was refreshing to hear Dr. Everleny's views. I think that everyone who attended the meeting left with the feeling that we had observed a little bit of history being made.

Posted by Terri L. Mascherin at 9:28 AM

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A poster of Fidel at the School of Economics

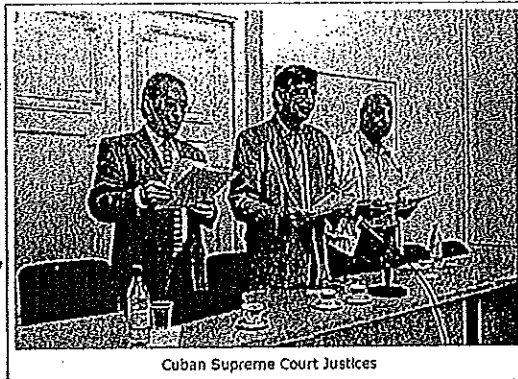
GAVEL TALK

Thoughts from the President of The Chicago Bar Association

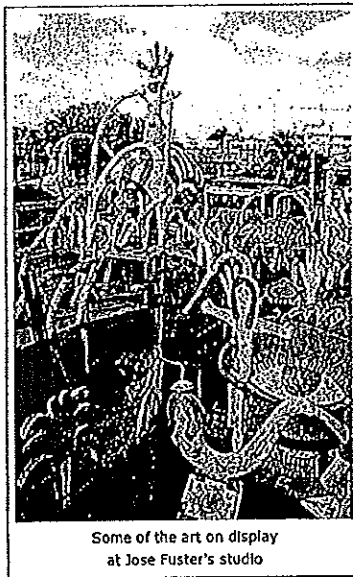
Monday, December 6, 2010

Report from Cuba - Day 4

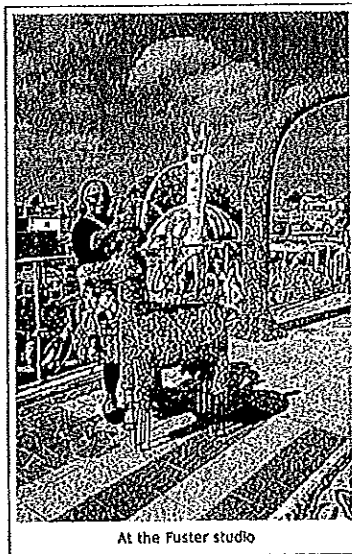
Well, we certainly saved some of the best for last in our visit to Havana! We started the day today with a session with three members of the Cuban Supreme Court -- three Judges who sit in the divisions of that court that hear economic and commercial cases. They were very open about their judicial system, and we discussed how disputes over international transactions, environmental disputes and what they call "collective" disputes -- the closest thing Cuban law has to class actions -- are handled.



Cuban Supreme Court Justices



Some of the art on display at Jose Fuster's studio



At the Fuster studio

A couple points were of particular interest to me. First, they explained that under Cuban environmental law, the person or entity who builds near an environmental hazard, and not the owner of the hazard, is responsible for protecting residents or workers at the new development from the environmental impacts of the hazard. Second, the judges explained to us that there is a void in Cuban law with regard to consumer protection. As a result, the only recourse consumers have when they are injured is to bring an administrative action charging that a person or entity has violated a regulation. Third, the judges told us that, in anticipation of the new economic reforms that will be implemented

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next year (see yesterday's blog on that topic), it will be necessary for Cuba to completely revamp its commercial code.

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Artist Jose Fuster, second from left,
with Aurora Abella-Austriaco, me, and Beth McMeen

After the Supreme Court session, many of us visited the studio of a Cuban artist, Jose Fuster. Fuster works in ceramic tile, sculpture and oil paintings. He has decorated his home and all of the surrounding homes in the neighborhood with beautiful sculpture covered with mosaics, as shown in these pictures. Several of us purchased examples of his artwork to bring back to Chicago with us.

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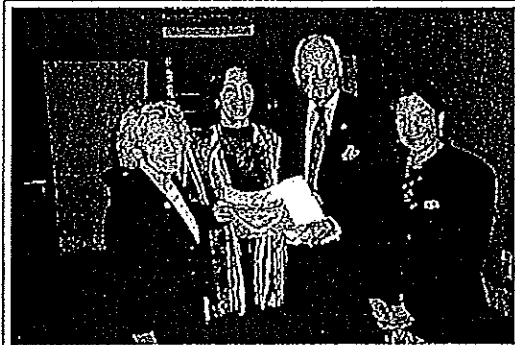
This afternoon, Alderman Ed Burke, Supreme Court Justice Anne Burke, Professor Alberto Coll of DePaul Law School and I met with the Vice Mayor of Havana, Noralma Tabares, in the official residence of the Mayor of Havana. Alderman Burke delivered to Senora Tabares a letter from Tom Ricketts proposing a baseball exchange between the Chicago Cubs and one of the professional baseball teams in Havana. Senora Tabares was very interested in the proposal, and Alderman Burke promised to follow up with the Cuban Ministry of Foreign Affairs upon our return to Chicago. Senora Tabares is a very impressive and warm woman. Trained as an architect, she was formerly in charge of urban development for the City of Havana. She is also an avid baseball fan, and we promised her a front-row seat in Wrigley Field for the exchange.



About to enjoy lunch

The meeting was one more indication to us that the people of Havana are very interested in normalizing relations between the United States and Cuba (as are all the members of our delegation, as a result of the wonderful experiences we have had and the friendships that we have made here in Havana). We have learned throughout this week that we as lawyers and judges have much more in common with the lawyers and judges of Cuba than we have differences. We have also found that the people of Havana are friendly, warm and giving. It has been a tremendous privilege to visit Cuba, particularly at this crucial time of changes in the nation's economic and political systems. We hope that our visit to Havana is only the first step in establishing relations between the people of Havana and the people of Chicago.

This weekend, we all return to Chicago. We promise you that we will hold seminars and report to you what we have learned about Cuban lawyers and the Cuban legal system. Adios, Havana!



From left, Justice Anne Burke, Vice Mayor of Havana
Noralma Tabares, Alderman Ed Burke, and me.



A group shot from the closing dinner

Posted by Terri L. Mascherin at [1:00 PM](#)

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