

**THE KENNEDY - KHRUSHCHEV PACT OF 1962  
A POLICY ANALYSIS**

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## PART I

### INTRODUCTION

In 1962, to bring an end to what became known as the October Missile Crisis, President John F. Kennedy and Premier Nikita Khrushchev reached an understanding today known as the Kennedy-Khrushchev Pact by which the Soviet Union agreed not to use Cuba in an offensive capacity and, as a quid pro quo, the United States promised to guarantee the Castro regime's security from foreign armed interference. Today, 20 years after its formulation, the status of the treaty and the practical ability of its continued observance is in question.

The withdrawal of Soviet missiles from Cuba was hailed as a major foreign policy triumph for President Kennedy. This contrasted sharply with the humiliating defeat he suffered only 18 months earlier at the hands of Castro in the Bay of Pigs where a Cuban exile force, armed and trained by the C.I.A., was crushed within 72 hours after reaching Cuban shores due to the failure of the President to commit adequate air protection as had been apparently promised. Though many experts have suggested that it is unlikely that the Soviet Union would have risked nuclear war over Cuba in October 1962, it was then accepted as basic truth that the world had been brought to the brink of nuclear destruction. Yet, the world does not seem today to be any further from the danger of nuclear destruction than it was in October of 1962. The proliferation of nuclear arms and nuclear arms producing capabilities have grown to the point that nuclear weapons have been effectively relegated to the role of political weapons. Indeed, the bomb has made the world safe for conventional and nonconventional warfare.

Armed conflicts rage throughout the world today. Wars are being fought in Cambodia, Afghanistan, Iran, Lebanon, Ethiopia, Mozambique, Angola and throughout Central America. Subversive movements threaten the stability of democratic allied nations such as Costa Rica, Panama, Colombia, Venezuela and Peru. The stability of other governments considered allies, though they also may be dictatorial, is being threatened by revolutionary movements such as in the Phillipines, Chile, South Africa, and South Korea. Closer, and much more critically important to the United States, is Mexico where the economic debacle threatens to cause a major social upheaval, a possibility that responsible Mexican observers and government officials readily admit.

A constant state of acute tension has been the common denominator characterizing the nature of United States-Cuba relations since the Castro regime came to power in 1959. The self-generating dynamics of this relationship has been such that overt and covert armed force between these governments, directly and indirectly, has frequently erupted with varying levels of intensity and visibility over the last quarter century.

From its inception the so called "Cuban Revolution" has become synonymous with the exportation of and support for armed violence not just primarily in the Western Hemisphere, as originally feared, but also in such unlikely regions as Africa, the Middle East and Asia, regions where Cuba has no traditional or legitimate interests.

A more natural and advantageous economic relationship could be carried on by Cuba with the United States. Such a relationship is clearly a much more desirable alternative to the political, economic and military ties that presently

maintain Cuba subordinated to the interests of the Soviet Union. Yet, the Castro government has chosen to remain within the full influence and control of the Soviets, a choice that reflects the priority given by the Castro regime to the preservation of political power to the exclusion and expense of the general welfare of the Cuban people, regional peace, stability and democracy.

Still considered as historical fact within academic official circles is the mythical assertion that a negative attitude and open hostility on the part of the United States towards radical or even reformist regimes in Latin America left no alternative for Fidel Castro but to seek the protection of the Soviet Union.

The historical record is rather clear on the issue as to why and how Fidel Castro steered the Cuban nation towards a compromising and disadvantageous relationship with the Kremlin. Apologizing for Castro could never justify the resulting establishment of a Soviet-style totalitarian state in Cuba. The falsity of the assertion that Castro was forced to become a Soviet surrogate is further underscored by developments during the 1970's in the wake of the spirit of "detente" initiated during the Nixon Administration. Furthermore, the notion that Castro had no alternative but to turn to the Soviet Union during the early 1960's becomes irrelevant in light of much more significant and undeniable facts of recent vintage.

On February 15, 1973, the United States and Cuba signed and entered into force an "Agreement Against the Hijacking of Aircraft and Vessels and other Offensives" (hereinafter referred to as the "Piracy Act"). Soon thereafter, on \_\_\_\_\_, 1975 at an Organization of American States (hereinafter referred to as the "OAS")

Conference the United States announced its new policy of not opposing the re-establishment of economic or diplomatic relations between Cuba and the other Latin American governments. On May 30, 1977, the Carter Administration and the Cuban government agreed to open an "Interest Section" at their respective capitals. Though this was only a step short of formal diplomatic ties, the Interest Sections operated at the functional equivalents of fully accredited embassies. Restrictions on trade with Cuba were lifted such that foreign subsidiaries of U.S. corporations began conducting trade with Cuba. Frequent news items regarding cultural exchanges and sports events between Cubans and Americans seemed to herald the complete thawing of the not always "cold war" between Cuba and the United States.

Thus, based on a superficial observation, at least as late as 1978 there was little doubt that the turbulent course of U.S.-Cuban relations may have been coming to an end. Shortly after his return from addressing the U.N.'s General Assembly, Castro himself stated at a rare Havana press conference that "...the revolution is now institutionalized and irreversible." A clear message to the U.S. government and to other Castro foes that it was time to accept the status quo as evidenced by his regime's stay in power in face of the many difficulties confronted throughout the years.

However, the underlying reality was that the trend towards normalization of relations began to fizzle almost as soon as the effort had been initiated. The Cuban state became more openly aggressive than ever before in spite of the meaningful overtures of various U.S. presidential administrations. This renewed period of Cuban aggression was particularly surprising and disconcerting given the fact that since 1967 when Ernesto "Che" Guevara was killed in Bolivia and that in 1968 anti-Castro guerrilla forces had been defeated the

Cuban regime had turned inward in an effort to make its economic system work. To be sure, the Cuban economic system had shown signs of improvement during the mid 1970's. This fact must have been of little consolation to U.S. officials of having the task before them of having to deal with an unpredictable Cuban regime. The current era of Cuban aggression has been dramatically demonstrated by the massive commitment of Cuban troops and advisors throughout the world. Cuba's massive foreign expansion began in Angola in 1975 where today are stationed 26,000 regular troops and 5,000 civilian "advisors". The following year, 15,000 ground troops were committed to the fighting in Ethiopia where a marxist military dictatorship has been using them as shock troops in an effort to put down local ethnic minorities. This has shown the little sensitivity on the part of the Castro regime as it has greatly contributed to the displacement of millions of civilian peasants in a region of Africa already severely afflicted by drought. In addition to these major military interventions, western intelligence sources have time and time again confirmed the presence of at least troops and advisors in such unlikely places, as far as Cuban interests ought to be concerned, as in Mozambique, Sierra Leone, Lybia, South Yemen, Iraq, Syria, Afghanistan and Vietnam among several others. However, two most recent events have conclusively prevented the "normalization" of U.S.-Cuba relations. First, the toppling of the Somoza dictatorship in 1979 by the Sandinista guerrillas with the support and direction of the Cuban military amply demonstrated the Castro regime's willingness and capacity to effectively challenge a professional, U.S. supported military and its government. Even advocates of improved U.S.-Cuba relations were taken back if not shocked, by Cuba's military involvement in Central America, an involvement which would clearly be a major block toward an improvement of those relations. Observers noted correctly, and some with seeming surprise, that it would not be in Cuba's short or long term

interests to create a sour distance between itself and the only country, given its resources and geographic proximity, that could pull Cuba out of chronic and now deepening economic disaster. The second event took the form of the massive Mariel exodus during the Spring and early Summer of 1980. By allowing over 125,000 Cubans to leave the U.S. in such a short period and in such a disorganized manner, and especially by forcing some 10,000 hard core criminals among the refugees, Castro alienated U.S. public opinion, which under a more favorable atmosphere he may have been able to influence to his own benefit.

Most recently, throughout the Western Hemisphere and with unprecedented openness and degree of support, the Castro regime is actively promoting and supporting revolutionary movements in Venezuela, Colombia, El Salvador, Guatemala, Honduras and Peru. Furthermore, countries that heretofore have been relatively free of political violence, such as Panama and Costa Rica feel threatened and have openly denounced the Cuban government even though relations with it had also been improving during the 1970's.

Thus, both regional contenders, the United States and Cuba, are playing for the highest stakes in many parts of the world but most importantly, in Central and South America. In these regions of vital importance to the United States and its allies, the developing drama still leaves undetermined whether peace and democracy is to prevail over violence and dictatorship.

All these developments twenty years after the formulation of the Kennedy-Khrushchev Pact squarely raise the question whether the agreement can today continue to serve as part of a basis for structuring a policy towards Cuba, the region and other related parties.



It is the objective of this policy analysis to offer an alternative basis for developing what is both realistic in the context of our imperfect world as well as consistent with the noble goals of the democratic experiment.

## PART II

### U.S. - CUBA - U.S.S.R. RELATIONS:

1959-1962

The intense nationalistic ground swell that followed the 1959 fall of the Batista dictatorship set the stage for a foreign policy by the new Cuban regime that as a cornerstone would have the exploitation of anti-American sentiment. Anti-Americanism was not new to the Cuban political scene, it having been a by-product of the Platt Amendment imposed upon the Cuban Constitution of 1902 by the U.S. following its military intervention in 1898 in the Cuban War of Independence. Fidel Castro would merely prove to be its most adroite manipulator and longest surviving beneficiary.

The American public and the press were generally supportive of the changes in regimes in Cuba. However, the news of summary trials during early 1959 of hengers of the old regime were received with much criticism in the U.S. press. In fact, though the trial procedures blatantly failed to meet acceptable standards of impartial justice they were nonetheless extremely popular with the populace. Castro was quick to accuse the U.S. State Department of being the mastermind behind what he portrayed to be an anti-Cuban campaign. Castro's revolution now had its devil and he was its prime defender.

The deterioration of relations between Cuba and the United States beginning on January 1, 1959 through January 3, 1961 and the parallel growth of relations between the Soviet Union and Cuba between January of 1960 through October of 1962

has been the subject of much analysis and heated debates. A wide range of theories have been proposed, each with varying degrees of credibility, in an effort to explain the shift of allegiance of Cuba from the so called "Free World" over to the Communist camp. At one extreme we have those who have suggested that Communist agents working from within the U.S. State Department manipulated events in Cuba so as to place another Communist, Fidel Castro in power. At the other extreme we have those who believe that Castro was a romantic rebel who brought himself within the protection of the Soviet Union in order to carry out radical reforms for the benefit of the Cuban people. Regardless of the relative merit of each of those opposing views, a clear pattern is established by the events that took place during the first 30 months of the Castro regime which show a twofold objective: 1) To consolidate political power, and 2) to carry out radical economic reform.

The consolidation of political power was, naturally, of the utmost importance. Beginning during the early months of 1959 the need to purge principal figures from the ranks of the Revolutionary Government became evident at the highest levels. "Those figures were the liberal men of good will", as described by British Professor Hugh Thomas, who reflected the best and the brightest of the Cuban establishment that had always opposed Batista and had ultimately closed ranks behind Castro's organization. Prime Minister Jose Miro Cardona, a renowned jurist, was replaced in February 1959 by Castro himself. President Manuel Urrutia, a judge who fled to exile during the Batista regime, was ousted in July of the same year only a few weeks after the resignation of four other cabinet ministers. Felipe Pazos, president of the National Bank of Cuba resigned in November and Rufo Lopez-Fresquet resigned in March of 1960. These latter ministers were perhaps the most widely respected and talented Cuban economists of the time.

Not ignoring the importance of maintaining the personalistic nature of the force that succeeded in guaranteeing his ascent to power, Castro purged the rank and file of his own creation, the Rebel Army. The opportunity for massive cleansing of non-Castroite officers and rank and file members presented itself when Commander Huber Matos, perhaps showing a measure of naivete, protested the appointment of members of the Moscovite Popular Socialist Party (PSP) to key posts in the armed forces and the government. The resignation and subsequent imprisonment of Matos during October of 1959 gave Castro the welcomed pretext in order to purge all persons suspected of being "counter-revolutionaries" and replacing them with Castroites or Communists, though preferably usually the former types.

By the end of 1959 Castro had brought under his control the large Cuban Federation of Labor (CTC); he had broken the back of the always strong and popular Federation of University Students (FEU) and by September of 1961 at literally shipped to Spain a majority of priests then remaining in Cuba. The Cuban press was neutralized as an opposition force using classical totalitarian measures ranging from selective censorship of specific stories or writers to mob intimidation of the entire news staff. Though five pro Batista newspapers were confiscated during January of 1959 it was not until July of 1959 that a full fledged systematic campaign was launched against the independent press and electronic media. The crucial break between the government and the press arose from the promulgation of the Code of Social Defense which prescribed the death penalty for a host of offenses and acts "...against the powers of the state". By December of 1960 the Castro regime had prevailed in the struggle for control of the mass media. On that month Cuba was no longer to have any domestic source of independent news or opinions, the last and all media organ now having been consolidated under the key state ministries.

The struggle for political power which began in January of 1959 was paralleled by the struggle to consolidate economic power under the auspices of the state. The consolidation of economic power began in May 1959 when the Revolutionary Government established the National Institute of Agrarian Reform (INRA) which in effect was a government within a government by virtue of the power and authority vested in it over other governmental structures. Through INRA the road towards socialization of the Cuban economy began. Aside from the placing of Castroites and Communists in key posts in the government and other institutions, the creation of INRA was the single most important signal to non-Castroite and democratic elements within Cuba that the Cuban Revolution was running off its originally intended course. Through INRA a collision with the United States was inevitable in so much as measures to nationalize the various components of the economic systems necessarily included an affected those components that were American owned or controlled. To be sure, it appears that serious opposition on the part of the United States government to the Cuban government came not so much from the regime's domestic undemocratic measures as much as those measures affecting U.S. economic interests. Fear of a full alignment between the Cuban state and the Soviet bloc was only an extreme manifestation of a legitimate concern on the part of the U.S. Government for its economic interests not only in Cuba but especially throughout the Western Hemisphere.

Although many U.S. owned agricultural interests were affected from the outset in May of 1959, it was not until 1960 that the economic transformation became more systematic. The Cuban Telegraph Company was nationalized in March of 1960; hotels and other tourist ventures in June of 1960; the three oil refineries, all U.S. owned, in July 1960; the Cuban Electric Company in August 1960; banks and insurance companies

in September of 1960; the remaining enterprises such as mills, factories, stores, laboratories, service industries and rental properties were brought under the government fold by December of 1960. To be sure, 95% of Cuba's private sector, both foreign and domestic had been brought under state ownership and control by exactly December 8, 1960. The Cuban economy had been transformed in two years.

The consolidation of Fidel Castro's personal power and that of his regime over Cuba were paralleled by a growing economic and military relationship with the Soviet Union. In February of 1960, First Deputy Premier Anastas Mikoyan visited Havana with much public attention during which a 425,000 ton sugar sale to the Soviets and the extension of a 100 million dollar credit and technical assistance program were announced.

The Mikoyan visit and the resulting trade agreement confirmed the suspicion of many Cubans that Castro was moving towards an alliance with the Soviet Union. An already substantial exile population in Miami began growing even more rapidly. In March of 1960 President Dwight D. Eisenhower agreed to allow the C.I.A. to draft plans for a Cuban invasion on the island. In July of 1960 in retaliation for the seizure of the three oil refineries, President Eisenhower also suspended the remainder of the sugar quota for that year. The refineries had been seized because their owners refused to refine Soviet oil. In December of 1960 the sugar quota was shut off for the first quarter of 1961. In response Castro ordered the drastic reduction of U.S. diplomatic personnel in Havana. On January 3, 1961 Washington formally cut off all diplomatic ties and recalled all its personnel on the island.

In April of 1961 Castro forces, with newly arrived Soviet military equipment defeated a force of some 1,500 Cuban exiles trained and armed by the C.I.A. The aftershocks of the invasion signaled the coming of qualitative changes in the character of the U.S.-Cuban-Soviet triad.

For Castro, the invasion's defeat afforded him not only a great propaganda victory at home but allowed him to fully justify the course traced thus far by the revolutionary process. At the funeral of the "heroes" of the Bay of Pigs battles Castro unequivocally declared the "socialist" nature of the Cuban Revolution. Following this victory, the regime's intelligence apparatus moved swiftly to crush all centers of urban resistance. In the countryside incipient centers of guerrilla activity were cut off from the rest of the country and the peasants living within those regions were relocated to other areas of the country. For the Soviets, the defeat of the U.S. supported force was convincing proof to them that they could bully their way within 90 miles of the U.S. Having at the U.N. threatened military intervention on behalf of Cuba's defense, they convinced President Kennedy and his advisors that to provide the air support necessary to secure the success of the invasion could trigger a major war in other parts of the world such as in Europe or the Koreas. To use President Nixon's description, the Soviets pushed the sword in, and finding no obstacle felt secure in the belief that they could continue to thrust.

For the United States, the failure to follow through on a commitment in the face of world denunciation and at the risk of a major war, possibilities that were surely anticipated when the invasion plan was originated and subsequently approved, represented a fundamental lack of determination on the part of the U.S. to defend its vital interests.

The Soviet decision to place nuclear missiles in Cuba must be seen in light of the aftermath of the Bay of Pigs as set forth above.

Even after the April 1961 victory, the Castro regime was not as securely entrenched to the extent necessary to satisfy Castro's and Moscow's sense of impending doom. After all, the U.S. was still the utmost world economic and military power, a growing and aggressive Cuban exile community was within striking distance, and the Island of Cuba was not itself drifting any closer to the Eurasian land mass.

The attempt to place nuclear missiles in Cuba will be seen specifically in light of the superior strategic capability of U.S. forces over those of the Soviet Union. By October of 1962 the U.S. military had an operational triad offensive capacity: land based solid fueled Minuteman nuclear missiles, large and modern bomber forces, and an extremely devastating nuclear submarine fleet. Accordingly, by placing nuclear missiles in Cuba within 18 months after the Bay of Pigs the Soviet Union accomplished two major goals: 1) It placed itself in a position to negotiate over U.S. nuclear missiles in Turkey and 2) It effectively narrowed the nuclear gap by placing nuclear missiles at the U.S. "soft radar underbelly" and within minutes of major U.S. population, industrial and military centers.

Finally, the October Missile Crisis must be seen against a background of Sino-Soviet rift and their competition for control over revolutionary movements and regimes in the underdeveloped world. By extracting from the U.S. a promise not to allow armed aggression against Cuba in exchange for the withdrawal of the missile bases, the Soviet Union proved to be a reliable and capable ally for nations struggling against "Western imperialists".



### PART III

#### THE KENNEDY - KHRUSHCHEV PACT

Ten letters were exchanged between President Kennedy and Premier Khrushchev during a period commencing on October 22, 1962 and terminating on October 28, 1961. Together these letters constitute what has been commonly called the "Kennedy-Khrushchev Pact" as in fact no formal treaty as such, or much less one having Congressional approval, was ever adopted. What follows below is a summary of the operative portions of those letters.

#### (1) OCTOBER 22, 1961: LETTER FROM PRESIDENT KENNEDY

From the outset of his communications, President Kennedy emphasizes that the placing of missiles in Cuba is a grave development. The President expresses his concern that the Soviet Government might not appreciate the "determination to act" on the part of the United States. He then adds his belief that the Premier is a sane man who clearly understands that a nuclear war can not be won by either side.

In a short and separate paragraph the President reminds the Premier that following their earlier meeting in Vienna he, the President, has continuously expressed his own desire to find through peaceful negotiations a solution to the problems that they may confront.

Finally, the letter ends noting that the administration's policy, as enunciated a few hours earlier on national television, have full Congressional support. The President signs off with a reassertion of his determination to prevent any security threats to "this hemisphere".

(2) OCTOBER 23, 1962: LETTER FROM PREMIER KHRUSHCHEV

In his initial response the Soviet Premier makes the following points:

1. the "measures" (in reference to the naval quarantine) constitute a serious threat to world peace;
2. the "measures" are a "gross" violation of the United Nations Charter;
3. the quarantine is in violation of international law governing free navigation on the high seas; and
4. the "measures" constitute a "naked interference" in the internal affairs of Cuba.

In closing his short first reply, Premier Khrushchev affirmed the weapons in Cuba were defensive in nature as they were intended to deter attacks against Cuba "by any aggressor".

(3) OCTOBER 23, 1962: LETTER FROM PRESIDENT KENNEDY

President Kennedy accuses the Soviet Union of initiating the chain of events culminating in the crisis by having sent "offensive" weapons to Cuba.

The President expresses his concern that both leaders proceed with "prudence". He further advises the Premier to instruct his ships' captains to observe the terms of the "quarantine".

(4) OCTOBER 24, 1962: LETTER FROM PREMIER KHRUSHCHEV

Premier Khrushchev states that he does not interpret the "quarantine" to be such as is understood by international law. Rather, he acknowledges that the measures taken are in effect an ultimatum which is unacceptable.

The Premier then responds with what is in effect a counter-ultimatum: given the advent of modern weaponry, the Soviet Union will do no less than fully reject the "arbitrary demands" of the United States. Accordingly, the Soviet Government instructed the captains of its ships on route to Cuba to obey instructions forthcoming from U.S. naval forces.

(5) OCTOBER 25, 1962: LETTER FROM PRESIDENT KENNEDY

In a short reply of his own, President Kennedy noted that only in September of the same year he had communicated to the Soviet Government that sending offensive weapons to Cuba would be considered a "matter of the highest gravity" and that in return Soviet representatives, publicly and privately, had given "explicit guarantees" that no offensive weapons were being sent to Cuba.

The President re-emphasizes that the Soviets were at fault in initiating the crisis and provoking the U.S. response to the attempt to introduce nuclear missile bases in Cuba.

(6) OCTOBER 26, 1962: LETTER FROM PREMIER KHRUSHCHEV

Premier Khrushchev begins his letter with a lengthy appeal to world peace and to his conviction that it is in the mutual interest of both world powers to exercise restraint and proceed with reason as circumstances required.

The Premier denies that the weapons sent to Cuba are offensive in nature. He proposes that "any weapon" can be characterized as "offensive" or "defensive" depending on its intended ultimate objective. As is applicable to the use of missiles, he adds, a missile can only be considered an offensive weapon if a missile attack is to be followed by land invasion intended to occupy territory. As regards Cuba specifically, the missiles there can not be characterized as offensive weapons because neither Cuba nor the Soviet Union have the capacity or can effectively prepare a land invasion of the U.S. from Cuban territory; if no land invasion can be launched from Cuba, to launch a missile attack for the singular purpose of causing destruction can not be offensive because as a practical matter it would only succeed in provoking a similarly destructive retaliatory attack from the U.S.

Premier Khrushchev reiterates that war can not be an alternative to the "peaceful co-existence" that is necessary to narrow the various differences between the capitalist and communist worlds.

The Premier then asserts that there are no atomic weapons aboard the ships bound for Cuba explaining that all weapons needed by Cuba for its defense are already there. He urges President Kennedy to try to understand "his position" and not to allow his actions to be determined by "passions".

Premier Khrushchev communicates that he has received an appeal from U-Thant, Secretary General of the United Nations and which contains a proposal that the U.S. not commit "acts of piracy" upon Soviet ships in exchange for a proposal that the Soviets refrain from further weapons shipments to Cuba. He states that the proposals are acceptable to the Soviet Government and that they could serve as the basis for further negotiations leading to the eventual resolution of the crisis.

Premier Khrushchev then declares his "sincere sympathies" for the Cuban people's desire to carry out a revolution in the face of foreign aggression just as the Soviet Union had done. He makes references to President Kennedy's admission at the Vienna conference to the effect that the Cuban exile invasion at the Bay of Pigs had been a mistake and would not be attempted again but, however, he also makes reference to promises made by President Kennedy to Cuban exiles that he would again provide them with the necessary support to overthrow the Cuban government. The Premier states that it is the threat of U.S. support for Cuban exiles that was the primary motivator in providing increased military assistance to Cuba.

At this point in the letter Premier Khrushchev sets forth the initial terms of the pact that would be ultimately consented to by President Kennedy. He asks for assurances from the U.S. government that it would not take part in an attack against Cuba and would act to prevent that others take similar action. In return, he offered to withdraw Soviet "military specialists" and Soviet missile bases already in Cuba.

This letter closes with an appeal to the need to avoid nuclear war and with an expression in his belief that the President shares similar views and sentiments.

(7) OCTOBER 27, 1962: LETTER FROM PREMIER KHRUSHCHEV

Premier Khrushchev states his own "great satisfaction" with President Kennedy's response to the appeal from U-Thant. He stresses that avoiding contact between Soviet ships and U.S. naval forces is only a first step towards the ultimate goal of normalization and stability among and for each of the affected parties.

The Premier admits that he appreciates the President's concern with the security of the U.S. because the Soviet Union itself is surrounded by American missiles in England, Italy and Turkey. He points out that there is an inequality of perceptions when the U.S. demands for itself security from nuclear attacks forthcoming from nearby territories yet fails to recognize a similar security concern and need on the part of the Soviet Union or Cuba. This constitutes an irreconcilable state of affairs and as a resolution the following points are proposed:

1. missile bases in Cuba will be withdrawn;
2. U.S. missiles in Turkey will be withdrawn;
3. onsite inspection to determine compliance with these promises, subject to the approval of the governments of Turkey and Cuba;
4. the Soviet Union will respect the territorial and governmental sovereignty of Turkey;

5. the U.S.S.R. or nearby territories will not be used as a staging area for those who may wish and plan aggression against Turkey;
6. the U.S. or nearby territories will not be used as a staging area for those who may wish and plan aggression against Cuba;
7. neither the Soviet Union nor the U.S. will interfere, or allow others to interfere, in the internal affairs of Turkey and Cuba, respectively;

(8) OCTOBER 27, 1962: LETTER FROM PRESIDENT KENNEDY

President Kennedy communicates acceptance of the terms outlined in the above letter further specifying that the withdrawal of the missile bases will be done under the supervision of the United Nations and there will be a promise not to re-introduce those bases into Cuba.

The U.S. would terminate the quarantine and obtain assurances from other hemispheric nations that no attacks against Cuba would be launched from their respective territories.

(9) OCTOBER 28, 1962: LETTER FROM PREMIER KHRUSHCHEV

The Premier commends the President for having reflected in his letter of October 27, 1962 an appreciation of the responsibility demanded of him as President.

The Premier communicates that the dismantling of missile bases in Cuba had been ordered.

Khrushchev advises that a "pirate ship has bombarded Havana" and observes that the attack must have been launched by Cuban "escapees" who otherwise have no territory or funds from and with which to carry out such attacks. He further observes that the attack could not have gone unperceived by American ships patrolling the Caribbean. He cites this event as an example of the "continuing threat" faced by Cuba.

Premier Khrushchev re-emphasizes the point made in his letter of October 27, 1962 wherein he specifically demanded that Cuba's security from attacks from not only the U.S. but also from other hemispheric territories must be guaranteed.

(10) OCTOBER 28, 1962: LETTER FROM PRESIDENT KENNEDY

President Kennedy acknowledges the Premier's public announcement that the missile bases will be dismantled and welcomes that message as "an important contribution to peace".

The President confirms that his own letter to the Premier on October 27, 1962 and the Premier's response thereto represent "firm compromises between our respective governments".



PART IV

CUBAN AND SOVIET VIOLATIONS OF THE PACT

"For they have sown the wind,  
And they shall reap the whirlwind;"

Hosea 8:7

The continued observance of all the terms of the KKP by the United States must be dependent on the nature of its observance by Cuba and the Soviet Union.

If atomic weapons have become "political weapons" as recently observed by former Secretary of Defense, Robert McNamara, and if advances in technology have made the placing of missiles in Cuba less demanding (if not obsolete) in relation to equalizing the strategic balance between the superpowers, then the focus on the nature of the observance must be on the manner in which Cuba has been used by the Soviet Union in an offensive role.

Supporters of continued observance of the KKP assert that the Soviets have observed what they believe to still constitute the critical terms of the KKP: not re-introducing nuclear weapons in Cuba. Among the proponents of this view is Wayne S. Smith, former Chief of the U.S. Interest Section in Havana, yet, in 1970 the Soviets completed a submarine base in Cienfuegos Bay capable of servicing nuclear submarines and in

effect did so until 1974. Pressure from the Nixon Administration compelled the Soviet to desist from that use but the facilities remain and they remain during this post Watergate era, a period of history that has been a credible witness to Soviet-Cuban armed aggression and adventurism in all reaches of the globe.

Most recently, during the Carter Administration, there was the confrontation over the "Soviet combat brigade" stationed in Cuba. While the confrontation came quickly to be perceived by the public and media to have been a Carter pre-election offensive to appear tough before the Soviets, the substance of the confrontation was and is ominous. It has been confirmed that the Soviet combat brigade was previously stationed in East Germany and Czechoslovakia where it was charged with the security of nuclear warhead deposits and mobile missile launchers. The brigade in Cuba is stationed at a Soviet constructed military facility at Punta Movidá ("mobil point" in Spanish) and is connected by railway to the Cienfuegos shipyards.

In addition, between three and six airports in Cuba have been modified to receive the "Backfire" bomber. Also, Cuba has been supplied with Mig 23 fighter bombers which when equipped with the proper pylons and extra fuel tanks are capable of delivering nuclear bombs throughout the Caribbean basin and most of the U.S. territory.

Yet, aside from the actual or even potential violations of the terms of the treaty prohibiting the placing of nuclear weapons in Cuba, there is still the matter of the offensive use of the Cuban surrogate by the Soviet Union. Massive Cuban intervention in Ethiopia and Angola are the most prominent examples of the blatant character of the offensive nature of that use. At the same time, Cuba has become a source

of support and training for PLO, IRA and The Colombian M-19 militants. Thousands of Latin American and African "students" are in Cuba for years to receive the training necessary to become the leaders of subversive organizations in their respective countries. One of such covert training camps is "The Ernesto Che Guevara School", located in the province of Pinar del Rio, near the town of San Cristobal. At this time, Cuban military advisors and Soviet weapons shipped via Cuba are being used to impose a Soviet backed dictatorship over Nicaragua; the Salvadorean guerrillas are by product beneficiaries of that effort on behalf of the Sandinista regime.

Mr. Smith observed in a September 23, 1983 article which appeared in several U.S. newspapers that "... the kinds of conventional weapons sent to Central America such as AK-47s and even tanks, are not covered by the 1962 agreement". Premier Khrushchev would disagree if he were to apply the definition adopted by the Premier in his October 26, 1962 letter to President Kennedy which stated that the offensive or defensive characterization of any weapon is dependent on the purpose of its intended use.

## PART V

### THE RIGHT OF SELF-DETERMINATION

The world is very different now,  
For man holds in his mortal hands  
The power to destroy all forms of human poverty,  
And all forms of human life.  
Yet, the same revolutionary beliefs,  
For which our forebearers fought,  
Are still at issue around the globe today.  
That is, the belief that the rights of man,  
Come not from the generosity of the state,  
But from the hand of God.

President John F. Kennedy  
Inaugural Address  
January 18, 1961

The use of force as a means of effecting political change while at the same time asserting that the higher motives of the actors can not excuse what would otherwise be strictly a matter of criminal conduct and responsibility. It is the position of the Abdala Cuban Movement that the right of the Cuban People or any other people to effect fundamental political changes in their respective countries can not be compromised by third parties under the guise of legality and world order on one hand versus criminality and subversion on the other.

Virtually all governments in power today can not escape tracing the roots of their political legitimacy to some form of violent change agent or process in their societies.

The French Government has its roots in the French Resistance Movement of World War II. The American Revolution was first fought by "militiamen" who refused to wear red and white garb and beat their drums in an open field while engaging similarly posed British troops. In proposing that political violence per se is not illegitimate, that is to say, that it does in fact have a moral/historical basis supported by elements of the positive laws, focus must also be made on the nature of the regime sought to be changed. In the case of the French and American political systems there are legally recognized means to effect changes, even fundamental ones, in a peaceful and open manner. Alternatively, the Cuban political system does not offer such methods for effecting changes by its own people. Therefore, given the absence of meaningful procedures for effecting changes in Cuban society and government as they exist today, the Castro regime has itself legitimized alternate methods for effecting such changes.

This proposition is in part premised on the fact that the KKP does not work for the benefit of U.S. interests as intended by the Kennedy Administration. On the other hand, there are forms of political violence that can not be justified while others certainly can and must be accepted given the fact that we live in an imperfect world where neither domestic nor international law can pretend to establish absolute standards or even any standards that would be equally acceptable and observable by all.

The purpose of this Part V is to set forth the legal and moral/historical basis for the right of self determination.

## A. Legal Basis

The KKP stands in contradiction to a long body of official foreign policy declarations and formally adopted international treaties.

The cornerstone of American foreign policy towards Latin America during the Nineteenth Century was the "Monroe Doctrine" enunciated by President James Monroe who intended thereby to set a standard to limit the degree of involvement of the U.S. in the affairs governing relations among the European powers while at the same time warning those powers that the newly established Latin American republics could not become the subject of a new colonialism in the power vacuum generated by the desintegration of the Spanish Empire.

The growing economic and military stature of the United States during the same century, specifically as reflected in the formulation of the concept of "Manifest Destiny," perhaps made it inevitable that the United States itself would eventually become actively involved in the enforcement of the Monroe Doctrine. Thus, in 1898 the United States used the doctrine as a legal justification for militarily intervening on behalf of Cuban rebels during the Cuban War of Independence against Spain.

While continued enforcement of the Monroe Doctrine during the first half of the Twentieth Century could today be seen, and not without scant supporting evidence, as a cover for United States' own political, economic and military advances in Latin America, the post-World War II era introduced an overriding factor in the interpretation of that doctrine.

The rise of the Soviet Union as a world power in a class of its own with the United States after 1945 gave new impetus to the idea that the Western World constituted the only genuine experiment in democracy and that the rise of a Communist World was indeed its greatest threat.

On the basis of this reality the newly constituted Organization of American States in 1948 adopted the Rio Treaty. With this treaty a legally binding international commitment was established for the defense of the hemisphere against "extracontinental powers". Of course, there was no doubt then or now that the Soviet Union was the intended object of dissuasion by the treaty's signatories.

Specifically as regards Cuba, on two occasions the United States Congress has acted to set a legal foundation to authorize the use of force against the Castro regime. In response to the growth of Soviet influence and control over Cuba during the early 1960's and with particular reference to the attempted emplacement of nuclear missile bases there, the United States Congress adopted the "1962 Joint Resolution" authorizing the President to take whatever steps are required to overthrow the Castro regime.

Most recently, in 1982, reflecting its opposition to the new era of armed aggression beginning in Angola in 1975 and continuing today throughout Latin America, the U.S. Senate adopted the Symms Amendment whereby the use of force against the Castro regime is again authorized.

Aside from its own foreign policy declarations and legally binding international treaties, the United States as a member of the United Nations is bound by specific resolutions and conventions promulgated by the consensus of that world body.

The commitment of the United Nations to the concept of "human rights" is evident from the time of its inception.

In 1948, the General Assembly of the United Nations adopted the "Universal Declaration of Human Rights". The general concept of "human rights" has been further elaborated in various contexts in a host of policy statements and agreements involving racism, slavery, labor, economic and cultural rights, children and the right of political asylum.

The United Nations gave parallel attention to the concept of "self determination". This concept was conceived as the collective expression of each and every human right. It is the latter half of the Twentieth Century's code word for "independence" as expressed during the prior century.

In 1960, the United Nations General Assembly adopted Resolution 1514 entitled "On the Granting of Independence to Colonial Countries and People". Resolution 1514 initiated an effort by the United Nations that continues through the present to refine the concept.

While the definitional aspects of the right of self determination has been a point of controversy in the world community, the United Nations has notwithstanding consistently addressed the issue.

In December of 1973, the United Nations General Assembly adopted Resolution 3103 entitled "Basic Principles of the Legal Status of Combatants Struggling Against Colonial and Alien Domination and Racist Regimes". This resolution makes it intent clear when stating that "Armed conflict involving the people against colonial and racist regimes are to be regarded as international armed conflicts..."



In December of 1974, the United Nations General Assembly adopted Resolution 3314 entitled "Definition of Aggression" which specifically excludes as "terrorist" such activities involving force on behalf of self determination directed against colonial or racist regimes.

In 1977, the United Nations amended the Geneva Conventions of 1949 by adopting Protocol I and Protocol II. Article One, Section 4 of Protocol I excludes from coverage "armed conflict in which people are fighting against colonial domination and alien occupation... in the exercise of their right of self determination...." Protocol II specifically states that exempt from the classifications of terrorist activities are such events as "riots, internal disturbances, and isolated or sporadic acts of violence".

Note must also be made in examining these international conventions that they do not constitute blind authorizations. Specifically included in the definition of what acts or conduct are terrorist and punishable are such acts as torturing, the taking of hostages, and airplane highjackings.

#### B. Moral/Historical Basis

The notion that political legitimacy derived from God served as the basis for political legitimacy and governmental authority for monarchical regimes until relatively recent human history. The "Divine Rights" of kings concept of political authority began to erode with the religious crisis that shook the Christian world beginning over five centuries ago. However, not until the emergence of the political philosophies of the Seventeenth and Eighteenth centuries that the legitimacy

and sovereignty of monarchical rulers directly and explicitly challenged. Writer/philosophers such as Jean Jacques Rousseau and John Locke elaborated a theory of government based on the concept of a "social compact". Government as such, said these men who were to become the intellectual authors of the American and French revolutions, is the natural result of human society and exists to strive for its general welfare. Accordingly, the legitimacy of any government must necessarily derive from the support of the people. Therefore, under this new conception of the state, a person seeking to effect changes upon that government could no longer be viewed and treated as a heretic or a traitor. Rather, the evolving jurisprudence of the Nineteenth Century recognized the legitimacy of the political offender as distinguished from the criminal responsibility to be accorded criminals in general. Thus, a new term for the latter group took form: the "common criminal".

In line with the new doctrines, extradition treaties began to exclude persons accused of any crime or offense of a purely political character. Internally, Western countries, with Czarist Russia being no exemption, began according political prisoners special privileges consistent with their status apart from the general prison populations.

Twentieth Century forms of totalitarian states have reduced the status of the political offender to that of the worst criminal. In those societies, where utopian absolutes govern the structures and policies of the state, the political offender is but an imperfectable by-product of human history fit only to be gassed or liquidated.

### C. Conclusions

Modern technology and the undeniably armed offensive character of Soviet-Cuban militarism have made the Kennedy-Khrushchev Pact obsolete as well as null and void. For those who choose to adopt an opposing viewpoint, it must be clear in spite of their assessment, parallel to the KKP alleged practical viability an account must be made of the right of the Cuban people to their self determination. Viewed in the context of this right, there are specific types of conduct and actions that can not be justified. Concurrently, however, there are the so called "Neutrality Laws," for example, which having their jurisprudential base in Seventeenth Century colonialism, can not become the cover for the protection of dictators. The world is undergoing a moral crisis and to remain neutral is to invite the rise of a terrestrial totalitarian inferno upon mankind.