

Good morning. My name is Javier Garcia-Bengochea. I am a neurosurgeon in Jacksonville, Florida and a certified claimant for property confiscated in Cuba.

My objective today is not to discuss the litany of atrocities emblematic of Cuba under a Castro, but to testify about the importance of property. It is sufficient prologue to say that in Cuba virtually everything is stolen.

My family left Cuba when I was 15 months old after Fidel Castro confiscated 386 Cuban businesses on October 14, 1960.

One of these, La Maritima Parreño, established in 1919, was the commercial shipping port and warehouses in Cuba's second largest city, Santiago, and a privately held Cuban corporation in which we had significant ownership.

La Maritima and its president, my cousin Desi Parreño, had supported the revolution in its difficult early days. Fearing arrest if he challenged what had become a dictatorship, Desi left Cuba the following day.

A Princeton graduate and valedictorian of his 1938 class, Desi was no rube. He understood the implications of the confiscations on the rule of law and order. Like my parents, he also feared civil war.

Four days later President Eisenhower initiated sanctions that became the embargo.

Eventually, Desi's brother, Alberto, an American citizen and New York lawyer would receive certification from the U.S. Treasury for his loss. Years later, Desi would quip that he literally went from "progressive" to a "conservative" overnight.

The world joined in isolating Cuba, resuming trade after eventually settling their relatively small international claims. The claims of Americans and Cuban nationals, by far the largest group, remain unsettled.

The following underscores their significance: since 2008 Cuba has confiscated billions in foreign assets and incarcerated dozens of foreign executives, some without charges. Cuba is unreformed and unrepentant. Who will be the first American arrested?

Americans dismiss the U.S. claimants to be big corporations. While corporations represent approximately 85% of the value, 90% of claimants are ordinary citizens, many who lost everything in Cuba. Time adds to rather than diminishes their loss.

Americans assume when they're permitted to invest in Cuba clear title and basic protections will be in place. Nothing could be further from the truth.

Contract sanctity, an independent judiciary and transparent regulatory and enforcement agencies do not exist there.

Every American enterprise in Cuba, including tourism, will necessarily traffic in stolen properties, including brands and trademarks, maybe that of an American.

That has certainly been my experience. The State Department, for example, has occupied a penthouse apartment since 1977 in a building I own without my permission, much less payment.

At least two groups, Smith College and The Met, have received licenses to traffic in my port property.

Countless licensed travelers have paid admission to Havana's Museum of Fine Arts to view paintings stolen off the walls of our home.

Foreign entities Fred Olsen Cruise Lines and China Harbor Engineering Company do business in the U.S. while using my stolen port.

How is that right or even legal?

The claims must be settled or there is certain to be conflict. Although Cuba is bankrupt there are ways this can be accomplished.

They can simply return the property, despite the unsavory proposition of partnering with totalitarians.

Cuba can pay with earnings from State-owned tourism, rum, art and tobacco sales.

Remittances to Cuba supporting ventures using stolen property could be taxed.

Anti-trafficking laws should be robust and enforced. Title III of Helms-Burton should no longer be waived. If a foreign terrorist who damages our property abroad can stand trial in a US court, so can foreign traffickers.

If Congress eliminates the embargo and leverage without a fair settlement then the U.S. Government should contribute.

So-called business groups such as "Engage Cuba" and the U.S. Chamber of Commerce who disgracefully lobby to lift sanctions without considering the claims should pay, as well as companies who've profited from sales to Cuba since 2003. All revenues from Cuba should be taxed to pay the claims.

The claimants can receive tax credits and, effectively, pay themselves.

A marketplace should be created to permit competitive bidding for the claims.

When change- democracy- comes, joint ventures and contracts between the regime and foreigners will be cancelled. Confiscated properties will be returned to the rightful owners. A claim is proof.

Unfortunately, American enterprises that capitulate with Cuba's dictatorship will oppose change. We've linked their success to the survival of the Castro regime.

I'll finish with an encounter in Cuba 2 years ago. Before the revolution my father was Cuba's premier neurosurgeon and considered a pioneer of modern neurosurgical training there. I was invited to speak at a neurosurgery meeting in Havana. After initially declining, I decided to attend.

Ignacio (not his real name) owned a taxi service of vintage American cars. He was an IT specialist at a foreign firm in Cuba that closed after being robbed by the regime, who overlooked turning off his internet connection. He ordered parts online from the U.S. brought in by "mules" and impeccably rebuilt his 1959 BelAir.

Upon congratulating him for his success, he expressed deep concern that as others made money and spent conspicuously, "they", the government, would confiscate everything "when it was no longer convenient for them". Unable to grow his business. He kept his money hidden at home.

In a surreal yet transcendent moment, he admitted he'd become "what you call in your country a conservative".

Ladies and gentlemen, what is past is prologue. Unless the claims are settled any American enterprise in Cuba will have the legitimacy of a drug deal. Trafficking in stolen property is not economic opportunity; it is not "pro-business" or normal; it is criminal and immoral.

Settling the claims is essential to re-establishing property rights, which are the foundation of our economy and society and the source of our prosperity. They promote competition through non-violent and lawful means and define our human rights. They are the basis for credit. There is no capitalism or economic development without these.

Ironically, a just claims settlement stands to benefit future American businesses in Cuba and burgeoning Cuban entrepreneurs more than the claimants.

It is also not hyperbole to say the strength of our relations with Cuba will directly correlate with the strength of the claims settlements. Indeed, these claims are a litmus test of government and civil society itself.

Validating the kleptocracy as we are doing will undoubtedly bring more misery, more confiscations and the prospect of sanctioning Cuba- an embargo- again. To paraphrase the prophet Isaiah, peace is the work of justice, so too is normalization.

Thank you.