

Appendix A: THE RULES OF THE GAME

Néstor Enrique Cruz

Those of us who are naturalized citizens of the United States took an oath to the Constitution of our adopted country. Those of us who are lawyers took a further oath to the Constitution, upon admission to the Bar. Those of us who are natural-born citizens, by virtue of that fact, took an implicit oath upon birth. Those of us who are members of the Association for the Study of the Cuban Economy, therefore, in one way or another, have subscribed to the principles enshrined in that document, which is not merely a collection of words, but rather a reality for which many people have shed blood. I will not try to improve on the Gettysburg Address, since that would be impossible. I do suggest, however, that once in a while we read the best ever-written 250 words.

This introduction is the background for this short work. Upon reflection, it appears to the author that in 1994 ASCE may very well be embarking on a journey of some importance to Cuba and the United States. I suggest we start our journey within a framework akin to the Constitution, to the Rules of Ethics of the Bar, and to some basic principles subsidiary to the aforementioned, but not in any way less important. I have thought of seven, but I am sure our members can think of more.

MAJORITY RULE

Majority rule is axiomatic. It needs no further proof. There are some nuances, however, worth mentioning. ASCE is a representative, not a direct, democracy. It means that the officers, your servants, will do their best; but, it also means that they will use their independent judgment. Therefore, your representa-

tives will and must take unpopular decisions. Luckily for the members we have term limits; but, please let the officers do their work, with your input, and they will try to do right by the membership. I imagine some economists will point to principal and agent problems, to Public Choice theory, and to Arrow's impossibility theorem. However, let us not get too technical or too pessimistic. We are small, we are friends and colleagues, and we are as far away from each other as the next phone. Therefore, let me postulate the Cruz Law (please ask me about the Cruz Curve and the Cruz Circle during question and answer): In a small organization composed of people of good will working for a worthy goal Public Choice theory does not apply, with my apologies to Professor Buchanan of George Mason University, seven miles away from my office.

FREEDOM OF DISSENT

The officers do want plenty of dissent. That is guaranteed by the First Amendment. The officers, however, do not want stridency because it is not polite and we want to be "nice" to each other, or as our member Emilio Cueto, Esquire would spell it: "nais." Worthy dissent is responsible. José Martí put it: "Liberty is not license." Oliver Wendell Holmes, one of the author's favorite U.S. Supreme Court justices put it: "Do not shout FIRE! in a crowded theater." He was, of course, speaking symbolically. Words are powerful and because of the Second Law of Thermodynamics they can reduce to rubble an edifice which might have taken years to build.

DUE PROCESS OF LAW

Due Process exists in one way or another in every civilized country or organization. All it means is that everyone has the opportunity to be heard at least once. Because of my personal preference for arbitration instead of litigation, I think once is enough provided the hearing is fair and impartial, and the decision-maker gives a concise statement of the reasons for his or her decision. Let us make ourselves heard; but, let us also respect the finality of decisions so we do not get bogged-down in fights that benefit no one. Obviously, there will be decisions of such importance that the hearing process will take longer, but finality is indispensable to a well-run country or organization.

CIVILITY

Most lawyers, including the author, are argumentative fools some of the time. Believe or not, however, the Bar is making a concerted effort to reintroduce civility to the practice of law. It will be difficult, but the problem is too generalized to blame only lawyers. Please remember what Paul Krugman said about Laura Tyson last year at Anaheim. Also remember the temper tantrums of many athletes. So, let us be good sports.

INCLUSIVENESS

Inclusiveness, in our context, means several things, but at a minimum I would suggest it means total respect for the views of those with whom we do not agree and a rebuttable presumption that every member of ASCE acts in good faith according to his or her own world-view. I am assuming, however, that we are working towards a constitutional democracy in Cuba, with room for private initiative, a goal conceded even by many ex-communist leaders in Eastern Europe and Russia. The best person to illustrate this principle is our out-going President, Dr. Jorge Pérez-López, always willing to compromise, to take the middle of the road, and to recognize that extremes are pernicious. Let do as he does. He does it very well.

SIMPLICITY

The late Irving Younger, Samuel S. Leibowitz Professor of Trial Technique at Cornell Law School, wrote an article in 1976 published in the *American Bar Association Journal* (Volume 62, May issue, at page

632) titled "In Praise of Simplicity," which was truly pioneering. Economists will appreciate this law review article, especially econometricians, because he invokes the principle of parsimony, which, I understand is quite important in multiple regression in order to get an honest RSQUARED. I prefer to remember the aforementioned principle as Occam's Razor, because I first encountered it in philosophy class in college. It is also my understanding that Milton Friedman, one of my favorite economists along with Samuel Bowles (I will let the reader figure out that apparent contradiction), believes heartily in Occam's Razor. The point, of course, is that the legal profession, which sometimes takes as a first principle that the Law and everything connected with it ought to be as complicated as possible, is finally realizing that complex law is not law at all, but rather a recipe for unpredictability, instability, uncertainty, and, of course, eventually, anarchy. There is definitely such a thing as too much law and it is my observation, based on the Cruz Principle, that our country is now on the diminishing marginal returns part of the curve. I would, therefore, suggest that in running ASCE we keep operations simple, non-bureaucratic, and agile. By all means let us not run things as the government does. I do believe in government, perhaps in big government for certain things, but I do not believe in complicated, non-entrepreneurial government.

HUMILITY

Dr. Alicia Juarrero is a professor of Philosophy in the Washington area. She has done a great deal of good work in the philosophical underpinnings of law and democracy, including publishing her findings in respected law reviews like that of the University of Texas Law School. She also happens to be a trusted friend and colleague of many ASCE members. One of her fine observations is that for democracy to work there must be humility on the part of all members of the polity. The author is not precisely sure how this would apply in practical terms to the operations of ASCE, but certainly there is a lot of truth to her observation in that one often finds awesome the ability of many who are more competent than oneself.

This short work is a call for unity within diversity. The thought is not original. E PLURIBUS UNUM is written on the seal of the United States.

Appendix B: AUTHORS AND DISCUSSANTS

José F. Alonso is a Senior Economic Researcher with the United States Information Agency, Radio Martí Program. He has a B.A. degree and an M.A. in Economics from Catholic University of America, where he completed all the academic requirements towards a Ph.D. in International Economics (1974). From 1972 to 1985 he served as international economist and commodity analyst in sugar, gold, metal machinery and other commodities at the International Price Division, U.S. Bureau of Labor Statistics. He conducted numerous studies of the Cuban economy, particularly the sugar industry, health sector, and monetary and fiscal affairs. He has published numerous articles and analyses of Cuba's economy, included in the *Free Market Cuba Business Journal* and other publications.

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Appendix C: ACKNOWLEDGEMENTS

We want to take this opportunity to acknowledge the continued financial support provided to ASCE's activities by the following sponsoring members:

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Appendix C: Acknowledgements

Echevarría, Oscar E.	BME INTERFUNDING	Caracas, Venezuela
Falcoff, Mark	American Enterprise Inst.	Washington, DC.
Falk, Dr. Pamela S.		New York, NY.
Fernández, Carlos J.	KPMG Peat Marwick	Miami, FL.
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Gutiérrez, Alfredo	Morgan Guaranty	Sao Paulo, Brazil
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López, Roberto I.	Citrus Products, Inc.	Tampa, FL.
Loredo, Jorge	Intel Medical Systems	Miami, FL.
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Roca, Rubén	The Rouse Company	Columbia, MD.
Rodríguez, José Luis	Trans-Tech-Ag. Corp.	Ft. Lauderdale, FL.

Appendix C: Acknowledgements

Rodríguez, Ricardo	Smith Barney	New York, NY.
Rodríguez-Vázquez, Claudio	Sparrow Trading, Corp.	Coral Gables, FL.
Sabater, Julio	Universal Comm. Enterp.	Elizabeth, NJ.
Sánchez, Federico F.	Interlink Group	San Juan, PR.
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Sanguinety, Jorge	Development Technologies, Inc.	Miami, FL.
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