

**MEMORANDUM**

**TO:** Relevant U.S. Government Officials and Agencies (DOJ / FBI / DHS / State / NSC)

**CC:** Selected members of Congress; EU External Action leadership (as applicable)

**FROM:** Santiago A. Alpízar, Esq., President — Cuba Demanda Inc.

**DATE:** January 2026

**RE:** Legal Implications of Presidential Message on Cuba–Venezuela “Security Services” and Oil Flows; Recommended U.S. Actions; and Constitutional “Deal” for Peaceful Transition in Cuba (Cuba Demanda)

**I. Executive Summary**

A public message attributed to President Donald J. Trump states that: (i) Cuba historically received oil and money from Venezuela in exchange for security services; (ii) Cuban personnel died in recent fighting; (iii) Venezuela no longer requires Cuban protection; (iv) the United States will protect Venezuela; and (v) “no more oil or money” will go from Venezuela to Cuba.

This memorandum clarifies the **real and legally grounded implications** of that message. The statement is not a statute, Executive Order, treaty, or military order; it does not itself authorize hostilities. Its practical legal significance is best understood as a signal of **sanctions escalation, enforcement posture, and interagency action**.

This memorandum also integrates the internal Cuban constitutional “deal” advanced by **Cuba Demanda Inc.**, which proposes a lawful transition via the Cuban Constitution: a national petition and sustained civic action invoking **Articles 3, 56, and 128(k)** and related fundamental rights provisions, to compel the government to declare a State of Emergency and transition to a provisional government and free elections.

**II. Legal Characterization of the Presidential Message**

A presidential public statement is a foreign policy signal. Standing alone, it creates no new legal duty for third parties. However, it may reasonably trigger:

- Treasury/OFAC enforcement escalation;
- DOJ sanctions-evasion prosecutions and forfeiture;



- DHS/Coast Guard interdiction priorities;
- FBI counterintelligence tasking;
- Diplomacy with allies to tighten restrictions.

Therefore, the message should be treated as **policy guidance**, not as legal authorization for force.

### **III. Immediate U.S. Actions Lawfully Available (Non-Military)**

#### **A. Sanctions / Economic Enforcement**

The most direct meaning of “no more oil or money going to Cuba” is lawful escalation of:

- sanctions designations against Cuban state-controlled entities benefitting from Venezuelan oil;
- sanctions on shipping, insurers, brokers, and intermediaries facilitating the flows;
- aggressive compliance advisories and enforcement penalties.

#### **B. Criminal Enforcement and Seizures (DOJ)**

DOJ may lawfully prioritize:

- sanctions evasion;
- money laundering;
- wire fraud and false statements;
- conspiracy and forfeiture actions.

#### **C. Maritime Interdiction and Security Operations (Non-War)**

The U.S. may lawfully increase:

- Coast Guard interdictions;
- counternarcotics enforcement;
- sanction-linked interdiction of U.S.-jurisdictional flows.

### **IV. Military Force: What Would Be Required Legally**

The message does not itself authorize a military operation against Cuba. Any military action requires separate, strictly bounded legal predicates:



- **Article II self-defense** (urgent protection of U.S. persons/forces; proportional and necessary);
- War Powers Resolution compliance;
- or a **new Cuba-specific AUMF** for sustained hostilities;
- and under international law, **UN Charter Article 51** self-defense or collective self-defense.

## **V. Complementary Peaceful Solution: “Cuba Demanda” Constitutional Deal**

Cuba Demanda Inc. is pursuing a parallel, lawful pathway inside Cuba that reduces the need for external force and provides the international community a constitutionally grounded solution.

### **A. Legal foundation in Cuban constitutional law**

The “Denuncia y Demanda Constitucional” invokes the Cuban Constitution (2019), including:

- **Art. 1** (“with all and for the good of all”);
- **Art. 3** (sovereignty resides in the people; right to defend constitutional order);
- **Arts. 41, 46, 47** (inviolable rights, life and integrity, solidarity);
- **Arts. 54 and 56** (freedom of thought and peaceful assembly/demonstration);
- **Art. 78** (right to dignified public services);
- **Art. 128(k)** (President’s power to declare State of Emergency / Disaster).

### **B. Demands (core “deal” terms)**

Cuba Demanda proposes the following constitutional demands:

1. Immediate declaration by the President under **Art. 128(k)** of a **State of Emergency / Disaster**, acknowledging humanitarian collapse and governance breakdown;
2. Public recognition that sovereignty resides in the people (**Art. 3**) and release of political prisoners;
3. Immediate opening for direct humanitarian aid through non-party channels;
4. Formation of a **Provisional Transitional Government** to preserve public order and call **free, plural, verifiable elections within 12 months.**

This constitutes a legally grounded internal roadmap consistent with democratic norms and international legitimacy.



## **VI. Recommended U.S. Government Response Incorporating the “Deal”**

The U.S. posture can be strengthened legally and diplomatically by aligning external pressure with an internal constitutional transition path:

1. Support for civic sovereignty demands under Cuban constitutional provisions;
2. Conditioning any future relief measures on verified steps: emergency decree, prisoner release, humanitarian access, and election timeline;
3. Reinforcing that U.S. actions are designed to protect security and human life while encouraging a Cuban constitutional solution.

## **VII. Conclusion**

The presidential message supports escalation of sanctions and enforcement; it does not itself authorize force. The most credible comprehensive strategy is:

- aggressive lawful U.S. enforcement action (sanctions, interdictions, DOJ/FBI work);
- international isolation measures with allies; and
- internal constitutional restoration of sovereignty under **Arts. 3, 56, and 128(k)**, as articulated in Cuba Demanda’s Denuncia y Demanda Constitucional.