

FOIA MARKER

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Folder Title:

HIV Refugees [2]

Staff Office-Individual:

Legal Advisor-Derosa, Mary

Original OA/ID Number:

3410

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. memo	Anthony Lake and Samuel Berger, re: [HIV positive Haitians at Guantanamo Bay, Cuba] (6 pages)	03/30/1993	P1/b(1)
001b. memo	Eric Schwartz to Anthony Lake and Samuel Berger, re: My visit to Guantanamo Bay, Cuba (9 pages)	03/29/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Legal Advisor (Derosa, Mary)
OA/Box Number: 3410

FOLDER TITLE:

HIV Refugees [2]

2007-1550-F
ke2041

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P1 National Security Classified Information [(a)(1) of the PRA]

P2 Relating to the appointment to Federal office [(a)(2) of the PRA]

P3 Release would violate a Federal statute [(a)(3) of the PRA]

P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]

P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]

P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

b(1) National security classified information [(b)(1) of the FOIA]

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b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

NATIONAL SECURITY COUNCIL

31-Mar-1993 19:58 EDT

UNCLASSIFIED

~~w/ CONFIDENTIAL~~ ATTACHMENTS

MEMORANDUM FOR: SEE BELOW

FROM: Eric P. Schwartz
(SCHWARTZ)

SUBJECT: HIV-positive Haitians: additional information receive

Tony/Sandy:

As you know, the judge in the New York Federal District Court identified two subgroups of Haitians as the subjects of his order: those with T-Cell counts of 200 or below and those with T-Cell percentages of 13% or below. His order suggests that all of the first and some of the second are not now receiving "adequate" medical care at Guantanamo.

In the memo to the President on this issue, two options with respect to these Haitians were presented:

- Option 1: bring them all into the U.S.;
- Option 2: bring in all of those in the first subgroup, who are identified at one point in the memo as AIDS sufferers; and bring in only those within the second subgroup who are deemed, after a case-by-case review, to require care not now available at Guantanamo.

Since drafting the memo, I have obtained information relevant to these options. I've spoken directly with (and received written materials from) doctors from the National Institutes of Health and the Center for Disease Control, and also obtained additional information from Guantanamo medical personnel via the Justice Department. I've learned that:

- NIH and CDC make little or no distinction between the two subgroups (i.e., T-Cell of 200 and below, and T-Cell percentage of 13% and below) for "case definition" purposes. Both subgroups are considered to have AIDS, a fact of which I was not aware when I first prepared the memo. Moreover, NIH and CDC doctors told me they could not understand the basis of the distinction between the two subgroups made by the government doctor during the trial. It was this distinction upon which the judge relied in making his order. (I am continuing to try to determine the basis of the distinction made by the government doctor.)
- Based on comments by the infectious diseases specialist at

Guantanamo, any case-by-case review of the second subgroup is likely to result in decisions to allow all of the second subgroup to come into the United States.

The implication of these two points is that the second option may not turn out to be any different than the first. This, of course, would be relevant to any conversation you might have with the President on the issue.

Distribution:

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