

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Eric Schwartz to Robert Morley re: Request from Sandy: Cuban Out-Migration (1 page)	05/19/1993	P1/b(1)
002. email	Morley to Schwartz re: Cuba: Refugee Outflows (1 page)	05/21/1993	P1/b(1)
003. email	Schwartz to Morley re: Proposed Email to SB (2 pages)	05/23/1993	P1/b(1)
004. email	Schwartz to Morley re: FYI (Ignore the Recd Section...) (2 pages)	05/24/1993	P1/b(1)
005. email	Lawrence Rossin to Richard Feinberg et al. re: Cuba/Gtmo Return? (1 page)	07/14/1993	P1/b(1)
006. email	From Feinberg re: Contingency Planning Re Cuban Emigration (2 pages)	08/23/1993	P1/b(1)
007. email	Schwartz to Clarke re: Draft Memo to Tony/Sandy (3 pages)	09/02/1993	P1/b(1)
008. email	From Schwartz re: Emigration/Immigration Contingency Planning: Cuba (3 pages)	09/03/1993	P1/b(1)
009. email	Brooke Darby to Schwartz re: Note From Nancy (3 pages)	09/06/1993	P1/b(1)
010. email	From Schwartz re: Cuba Emigration/Immigration (4 pages)	09/07/1993	P1/b(1)
011. email	From Lawrence Rossin re: Haiti Refugee Camp Options (1 page)	11/01/1993	P1/b(1)
012. email	From Schwartz re: Haiti: Migration Contingency Planning (4 pages)	11/03/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
A1-Record (Jan 93-Sept 94) ([Schwartz and Cuba...])
OA/Box Number: 570000

FOLDER TITLE:

[05/11/1993-12/09/1993]

2011-1039-F
rs1845

RESTRICTION CODES

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

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]
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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.

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

b(1) National security classified information [(b)(1) of the FOIA]
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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
013. email	From Schwartz re: Haiti: Migration Contingency Planning (2 pages)	11/04/1993	P1/b(1)
014. email	Schwartz to Roseanne Hill et al. re: Draft Contingency Plans... (3 pages)	11/08/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
 NSC Emails
 A1-Record (Jan 93-Sept 94) ([Schwartz and Cuba...])
 OA/Box Number: 570000

FOLDER TITLE:

[05/11/1993-12/09/1993]

2011-1039-F

rs1845

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NATIONAL SECURITY COUNCIL

11-May-1993 12:07 EDT

~~CONFIDENTIAL~~

MEMORANDUM FOR: SEE BELOW

FROM: Eric P. Schwartz
(SCHWARTZ)

SUBJECT: Answers to questions you asked me

Sandy:

Answers to questions you asked me in a note attached to an E-mail I sent you:

Your question: Has the problem of State not crosshatching human rights/humanitarian/refugee cables been resolved?

Answer: I think the relevant bureaus are getting the message -- prodding by NSC has made a difference -- but there is still the occasional cable that we miss. If, as Tony suggests, you have the chance to raise the issue with Peter, it would certainly further the cause.

Your question: Whatever happened to the Chinese ship being diverted to Central America?

Answer: Which one of the five might you mean?

Seriously, including the M/V Eastwood -- the ship that ended up in the Marshall Islands -- we have now had at least five ships attempt to deposit Chinese migrants. The one you referred to has entered Honduras with Coast Guard escort, where we will be providing financial assistance for repatriation processing subject to a UNHCR assesement of the group. In this instance, State/RP will foot the bill. We are preparing a separate memo on this general issue, which Randy Beers and I are working jointly.

Your question: What is the status of in-country processing in Haiti?

Answer: Short answer: The first regional center is operating in one provincial city (Les Cayes). The second center should be operational by the end of this month (in Cap Hatien). State and Coast Guard are preparing videos explaining the processing program for any migrants who are interdicted, and establishing guidelines (some of which have

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E.O. 13526

White House Guidelines, September 11, 2006

By *NS* NARA, Date *3/28/16*

2011-1039-F

already been implemented) to streamline "dock-to-embassy" procedures for cases that may be at some risk. I will request a full report from State.

Distribution:

FOR: Samuel R. Berger	(BERGER)
FOR: Mary C. Emery	(EMERY)
FOR: Wilma G. Hall	(HALL)
FOR: Kristen K. Cicio	(CICIO)
FOR: Katherine M. Mathis	(MATHIS)
FOR: James W. Reed	(REED)
CC: Records	(RECORDS)
CC: Richard A. Clarke	(CLARKER)
CC: Randy R. Beers	(BEERS)
CC: Richard E. Feinberg	(FEINBERG)
CC: Barbro A. Owens-Kirkpatrick	(OWENS)

Additional Header Information Follows

Date Created: 11-May-1993 12:06
Deletable Flag: N
DOCNUM: 006360
VMS Filename: OA\$SHARE44:ZURFHBSQZ.WPL
A1 Folder: MAY93
Message Format:
Message Status: NOTED
Date Modified: 11-May-1993 12:06
Forward Flag: YES
Read-Receipt Requested: NO
Delivery-Receipt Requested: NO
Message Priority: FIRST_CLASS

NATIONAL SECURITY COUNCIL

18-May-1993 10:19 EDT

UNCLASSIFIED

MEMORANDUM FOR:

Eric P. Schwartz

(SCHWARTZ)

FROM:

Robert B. Morley
(MORLEY)

SUBJECT:

Meeting With Rep. Rangel

Vicki Huddleston and I are meeting with Rep. Rangel this afternoon to talk about Cuba. The meeting is at his request. He will probably have a couple of questions about Haiti and the refugee issues, including Guantanamo. While I have material on the general refugee policy, I don't have much on the status of Guantanamo Haitians, which is one of Rangel's pet issues. Can you help me, including something on the status of the court case? Thanks.

CC: Records

(RECORDS)

Additional Header Information Follows

Date Created: 18-May-1993 10:16
Deletable Flag: N
DOCNUM: 006806
VMS Filename: OA\$SHARE8:ZURMEQSWF.WPL
A1 Folder: MAY93
Message Format:
Message Status: NOTED
Date Modified: 18-May-1993 10:16
Forward Flag: YES
Read-Receipt Requested: YES
Delivery-Receipt Requested: NO
Message Priority: FIRST_CLASS

Withdrawal/Redaction Marker

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OA/Box Number: 570000

FOLDER TITLE:

[05/11/1993-12/09/1993]

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NSC Emails
A1-Record (Jan 93-Sept 94) ([Schwartz and Cuba...])
OA/Box Number: 570000

FOLDER TITLE:

[05/11/1993-12/09/1993]

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NATIONAL SECURITY COUNCIL

18-Jun-1993 12:02 EDT

~~CONFIDENTIAL~~

MEMORANDUM FOR: SEE BELOW

FROM: Eric P. Schwartz
(SCHWARTZ)

SUBJECT: Contingency planning for out-migration from Haiti

To: Samuel Berger
Fr: Eric Schwartz

Subject: Small (low-key) interagency group on Haitian migration issues.

Note: I have discussed this issue with NSC/Interamerican Affairs, which agrees with the approach discussed below.

I called Bob Gelbard to ask that he put together a small group, with NSC involvement, to look quietly at contingencies if the Court decision on interdiction goes against the Government. He agreed in principle, and noted that we also need to look at the out-migration implications of sanctions, which could be very substantial (and which the draft PC paper prepared last week also addressed).

I agree with Gelbard, who had in any event planned to have a PCC meeting on the latter issue today at State.

Gelbard is, however, concerned that his role on the migration end of this issue be recognized and taken seriously within State and, in particular, by Pezzullo. Bob thus wanted some sort of official White House imprimatur (like a tasking). I explained that this would conflict with our hope for a low-key approach, and he then asked whether a Berger-Tarnoff call on this might be made to let Peter know that we felt this is important and should be done.

I think that would be a good idea, as Bob's concern that his work on the migration have an impact on policy is legitimate.

Would you be able to make a call to Tarnoff?

Distribution:

FOR: Samuel R. Berger	(BERGER)
FOR: Mary C. Emery	(EMERY)
FOR: Wilma G. Hall	(HALL)
FOR: Kristen K. Cicio	(CICIO)
FOR: Katherine M. Veit	(VEIT)
FOR: James W. Reed	(REED)
FOR: William H. Itoh	(ITOH)
FOR: Kristie A. Kenney	(KENNEY)

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E.O. 13526

White House Guidelines, September 11, 2006

By *MS* NARA, Date *3/24/16*

201-1034-F

FOR: M. Brooke Darby (DARBY)
CC: Records (RECORDS)
CC: Richard A. Clarke (CLARKER)
CC: Richard E. Feinberg (FEINBERG)
CC: Lawrence G. Rossin (ROSSIN)

Additional Header Information Follows

Date Created: 18-Jun-1993 12:01
Deletable Flag: N
DOCNUM: 010110
VMS Filename: OA\$SHARE4:ZUSRH73DR.WPL
A1 Folder: JUN93
Message Format:
Message Status: NOTED
Date Modified: 18-Jun-1993 12:01
Forward Flag: YES
Read-Receipt Requested: NO
Delivery-Receipt Requested: NO
Message Priority: FIRST_CLASS

NATIONAL SECURITY COUNCIL

21-Jun-1993 12:01 EDT

UNCLASSIFIED

MEMORANDUM FOR:

Paul Clarke (CLARKE)
Donald K. Steinberg (STEINBERG)

FROM: Eric P. Schwartz
(SCHWARTZ)

SUBJECT: Qs and As: Haitian Court case

Qs and As: Haitian migrant interdiction program

[Note to briefer: the Supreme Court today found that the Government could continue to interdict Haitians and return them to Haiti without a hearing to determine if they might face persecution upon return.]

Q. Any comment on the recent Supreme Court decision?

A. The White House has not yet had a chance to review the opinion closely, but we welcome that fact that the Court found in the Government's favor.

Q. Will this result in any change of policy?

A. The Court's decision affirmed the legality of practices we are currently engaged in, and I therefore do not anticipate any changes.

As you know, however, we have taken measures to make it easier for Haitians in Haiti to apply for refugee status, for example, by opening up regional processing centers in two cities outside of Port-au-Prince.

CC: Records

(RECORDS)

Additional Header Information Follows

Date Created: 21-Jun-1993 12:00
Deletable Flag: N
DOCNUM: 010201
VMS Filename: OA\$SHARE15:ZUSUH6CM7.WPL
A1 Folder: JUN93
Message Format:
Message Status: NOTED
Date Modified: 21-Jun-1993 12:00
Forward Flag: YES
Read-Receipt Requested: NO
Delivery-Receipt Requested: NO
Message Priority: FIRST_CLASS

NATIONAL SECURITY COUNCIL

22-Jun-1993 08:22 EDT

UNCLASSIFIED

MEMORANDUM FOR:

Lawrence G. Rossin (ROSSIN)
Kent M. Wiedemann (WIEDEMANN)

FROM: Eric P. Schwartz
(SCHWARTZ)

SUBJECT: Comments by 11 am, please, on these draft qs and as

Qs and As: Haitian migrant interdiction program

[Note to briefer: the Supreme Court yesterday found that the Government could continue to interdict Haitians and return them to Haiti without a hearing to determine if they might face persecution upon return.]

Q. Any comment on the recent Supreme Court decision?

A. We welcome the fact that the Court found in the Government's favor.

Q. Will this result in any change of policy?

A. The Court's decision affirmed the legality of practices we are currently pursuing with respect to the migrants from Haiti, and I therefore do not anticipate any changes.

Q. The dissent, written by Justice Blackmun, suggested that U.S. practice of returning Haitians was analogous to practices of European governments toward Jewish refugees. Even the majority suggested that USG practices violate the spirit of the Refugee Convention's prohibition on return.

At the same time, the President has characterized the interdiction policy as one that is temporary and continually under review.

In view of these factors, do you plan any changes in the interdiction policy?

A. We are continually attempting to balance our humanitarian concerns for those genuinely in fear of persecution with our desire to avoid a mass exodus that could cost the lives of thousands of boat people.

And while we are not now prepared to abandon the current return policy, we have already modified procedures significantly to better ensure protection of bonafide refugees.

In March, the President authorized up to \$5 million to both improve in-country processing.

Since that time, we have speeded up processing time for applicants within Haiti, we have opened two regional processing centers to make the program more accessible for those outside of Port-au-Prince, we have stepped up our effort to monitor the process of return at the dock in Port-au-Prince, and we have instituted procedures to expedite processing for returnees who are high priority cases.

Moreover, the Coast Guard has just instituted new procedures designed to inform Haitians, prior to return, of procedures for applying for refugee status in Haiti.

Q. Will you institute direct return for Chinese migrants interdicted on the high seas?

A. Our goal in any interdiction operation on the high seas is to balance carefully our humanitarian concerns for those in genuine fear of persecution with our desire to avoid large-scale illegal economic migration.

With respect to Haiti, we have done that through the direct repatriation policy combined with a broad-based effort to provide in-country refugee processing for Haitians.

How we accomplish this goal with respect to China -- where we have no such system of protection for bonafide claimants -- is a complicated issue which is the subject of careful and continuous review.

CC: Records

(RECORDS)

Additional Header Information Follows

Date Created: 22-Jun-1993 08:21
Deletable Flag: N
DOCNUM: 010255
VMS Filename: OA\$SHARE22:ZUSVBYNAU.WPL
A1 Folder: JUN93
Message Format:
Message Status: NOTED
Date Modified: 22-Jun-1993 08:21
Forward Flag: YES
Read-Receipt Requested: NO
Delivery-Receipt Requested: NO
Message Priority: FIRST_CLASS

NATIONAL SECURITY COUNCIL

22-Jun-1993 09:22 EDT

UNCLASSIFIED

MEMORANDUM FOR:

Eric P. Schwartz

(SCHWARTZ)

FROM:

Lawrence G. Rossin
(ROSSIN)

SUBJECT:

RE: Comments by 11 am, please, on these draft qs and

Eric, I clear these Q/A's but suggest that you remove the word "now" from the second tick of the third answer ("And while we are not prepared to abandon..." vice "...not now prepared ..."). We've been interdicting for ten years or so now, and there is no prospect that the underlying economic impulsion to emigrate from Haiti will change anytime soon. Nor will we abandon our policy on political grounds absent truly gross human rights degeneration there, or refusal by the GOH to accept repatriated migrants (even then, we would seek ways to keep sending them back). Therefore, I suggest we remove the word "now" and not imply in any way that we might change our policy "later." The firmest possible message should be sent to the Haitian domestic audience, as well (with this decision under our belts) to those in this country who would encourage migration.

CC: Records

(RECORDS)

CC: Records

(RECORDS)

CC: Kent M. Wiedemann

(WIEDEMANN)

CC: Richard E. Feinberg

(FEINBERG)

Additional Header Information Follows

Date Created: 22-Jun-1993 09:14

Deletable Flag: N

DOCNUM: 010269

VMS Filename: OA\$SHARE18:ZUSVDE3DH.WPL

A1 Folder: JUN93

Message Format:

Message Status: NOTED

Date Modified: 22-Jun-1993 09:22

Forward Flag: YES

Read-Receipt Requested: NO

Delivery-Receipt Requested: NO

Message Priority: FIRST_CLASS

NATIONAL SECURITY COUNCIL

22-Jun-1993 17:13 EDT

UNCLASSIFIED

MEMORANDUM FOR:

Eric P. Schwartz

(SCHWARTZ)

FROM:

Alan J. Kreczko
(KRECZKO)

SUBJECT:

RE: Attached

my own view is that it doesn't even apply to all refugees on terra firma, that it only applies to refugees who elude the border guards and make it into the country. This is exactly what Nehemiah Robinson said in his contemporaneous review of the Refugee Convention for the World Jewish Congress. This view is also consistent with the concern that was driving the Dutch, Swiss, etc. -- a mass exodus. For these countries, with contiguous land borders with Eastern European countries which could produce mass numbers of refugees, it would make no sense if the mass number of refugees was at the border, straddling the border, or just inside the border. They were not willing to accept an obligation not to turn back in such a situation. This led to the somewhat anomalous result that the refugees protection depended upon his ability to gain entry either lawfully (in which case he was protected against "expulsion") or by unlawfully eluding the border guards, (in which case he was protected against return). But, if he showed up at the border post, even though inside the border, he had no protection.

I think the Court decision leaves open a few issues which we need to focus on, most importantly the issue of territorial waters. Under the position argued by us, the Refugee Convention does not protect individuals who have entered our territorial waters, for the reasons mentioned above. However, the Court's opinion can be read as only sanctioning return from international waters. Not clear whether that is because that is what the case is about, or because the court think the Refugee Convention attaches once an individual is in our territorial waters.

The issue has very important practical implications, primarily because of Navassa Island. With respect to the continental United States, my understanding is the INA attaches, including in our territorial waters. Therefore, it is not necessary to reach the question of the Refugee Convention off, for example, Florida, because the INA precludes forcible repatriation. However, Navassa Island is not within the INA, although it is part of the United States. Therefore, the INA does not protect Haitians from repatriation if picked up in territorial waters off Navassa. Question therefore is presented as to whether as a matter of international refugee law and policy we are willing to

continue to take the position that we can forcibly repatriate Haitians picked up off Navassa Island. (I say continue, because I know of at least one case where we did so repatriate.) The issue has practical significance because Navassa is so easy to get to from Haiti. I've spoken with the SG's office, which agrees that the Opinion does not preclude us from continuing to argue that we can, consistent with the Refugee Convention, repatriate from territorial waters.

By the way, I take your message as a subtle "congratulations". The 8-1 decision should convince even Harold Koh that his indignation at our legal position, as opposed to the policy, was wildly misplaced.

CC: Records

(RECORDS)

Additional Header Information Follows

Date Created: 22-Jun-1993 16:37
Deletable Flag: N
DOCNUM: 010327
VMS Filename: OA\$SHARE43:ZUSVOLYEA.WPL
A1 Folder: JUN93
Message Format:
Message Status: NOTED
Date Modified: 22-Jun-1993 16:37
Forward Flag: YES
Read-Receipt Requested: NO
Delivery-Receipt Requested: NO
Message Priority: FIRST_CLASS

NATIONAL SECURITY COUNCIL

22-Jun-1993 18:11 EDT

UNCLASSIFIED

MEMORANDUM FOR:

Alan J. Kreczko

(KRECZKO)

FROM:

Eric P. Schwartz
(SCHWARTZ)

SUBJECT:

Attached

I'd like to visit these issues in a legal section of a PRD on refugees. I skimmed the Court decision last night and came to the same conclusion that you did about the ambiguity of the Court's decision with respect to just what "in" U.S. territory means.

I wonder about the politics within the court, in view of the decision to go right to merits on all the issues, and not discuss collateral estoppel, whether the Protocol is self-executing, or other issues that would have enabled them to avoid what I still believe is a too restrictive interpretation of the Protocol. (Again, while I take the point on the Protocol not requiring states to permit entry -- even when that is tantamount to return -- do we really believe the Protocol permits States to pick up refugees and take affirmative action to deposit them back in countries where they would face persecution?)

CC: Records

(RECORDS)

Additional Header Information Follows

Date Created: 22-Jun-1993 18:03
Deletable Flag: N
DOCNUM: 010333
VMS Filename: OA\$SHARE5:ZUSVPZ003.WPL
A1 Folder: JUN93
Message Format:
Message Status: NOTED
Date Modified: 22-Jun-1993 18:03
Forward Flag: YES
Read-Receipt Requested: NO
Delivery-Receipt Requested: NO
Message Priority: FIRST_CLASS

NATIONAL SECURITY COUNCIL

22-Jun-1993 17:13 EDT

UNCLASSIFIED

MEMORANDUM FOR:

Eric P. Schwartz

(SCHWARTZ)

FROM:

Alan J. Kreczko

(KRECZKO)

SUBJECT: RE: Attached

CC: Records

(RECORDS)

my own view is that it doesn't even apply to all refugees on terra firma, that it only applies to refugees who elude the border guards and make it into the country. This is exactly what Nehemiah Robinson said in his contemporaneous review of the Refugee Convention for the World Jewish Congress. This view is also consistent with the concern that was driving the Dutch, Swiss, etc. -- a mass exodus. For these countries, with contiguous land borders with Eastern European countries which could produce mass numbers of refugees, it would make no sense if the mass number of refugees was at the border, straddling the border, or just inside the border. They were not willing to accept an obligation not to turn back in such a situation. This led to the somewhat anomalous result that the refugees protection depended upon his ability to gain entry either lawfully (in which case he was protected against "expulsion") or by unlawfully eluding the border guards, (in which case he was protected against return). But, if he showed up at the border post, even though inside the border, he had no protection.

I think the Court decision leaves open a few issues which we need to focus on, most importantly the issue of territorial waters. Under the position argued by us, the Refugee Convention does not protect individuals who have entered our territorial waters, for the reasons mentioned above. However, the Court's opinion can be read as only sanctioning return from international waters. Not clear whether that is because that is what the case is about, or because the court thinks the Refugee Convention attaches once an individual is in our territorial waters.

The issue has very important practical implications, primarily because of Navassa Island. With respect to the continental United States, my understanding is the INA attaches, including in our territorial waters. Therefore, it is not necessary to reach the question of the Refugee Convention off, for example, Florida, because the INA precludes forcible repatriation. However, Navassa Island is not within the INA, although it is part of the United States. Therefore, the INA does not protect Haitians from repatriation if picked up in territorial waters off Navassa. Question therefore is presented as to whether as a matter of international refugee law and policy we are willing to continue to take the position that we can forcibly repatriate Haitians picked up off Navassa Island. (I say continue, because I know of at least one case where we did so repatriate.) The issue has practical significance because Navassa is so easy to get to from Haiti. I've spoken with the SG's office, which agrees that the Opinion does not preclude us from continuing to argue that we can, consistent with the Refugee Convention, repatriate from territorial waters.

By the way, I take your message as a subtle "congratulations". The 8-1 decision should convince even Harold Koh that his indignation at our legal position, as opposed to the policy, was wildly misplaced.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. email	Lawrence Rossin to Richard Feinberg et al. re: Cuba/Gtmo Return? (1 page)	07/14/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
A1-Record (Jan 93-Sept 94) ([Schwartz and Cuba...])
OA/Box Number: 570000

FOLDER TITLE:

[05/11/1993-12/09/1993]

2011-1039-F
rs1845

RESTRICTION CODES

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

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.

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

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

NATIONAL SECURITY COUNCIL

23-Aug-1993 14:51 EDT

~~CONFIDENTIAL~~

MEMORANDUM FOR:

Richard E. Feinberg

(FEINBERG)

FROM:

Eric P. Schwartz
(SCHWARTZ)

SUBJECT:

for your approval as a Feinberg/Schwartz--Lake/Berge

draft language for memo to both ? Sandy and Tony

webb hubbell called an interagency meeting last week to discuss Cuba and, in particular, planning for a migration emergency. The USG has a number of plans on the shelf, including a DOD/Coast Guard (Richard, is it these two agencies) plan to prevent Cuban-Americans from establishing a boatlift, an INS plan for handling large numbers of entrants and a DOD plan to house Cubans who make it to the U.S.

We believe that these plans need to be reviewed to ensure that no major gaps exist. We thus propose to convene a very small group from the relevant agencies to review contingency procedures. This would be a low-key meeting in which invitees would be notified by phone, the goal being to avoid leaks that might suggest we expect an immigration emergency.

We would like to obtain your approval for such a meeting before we go forward.

RECOMMENDATION

That you approve a meeting to review contingency procedures relating to a Cuban immigration emergency.

Approve _____ Disapprove _____

CC: Records

(RECORDS)

Additional Header Information Follows

Date Created: 23-Aug-1993 14:51

Deletable Flag: Y

DOCNUM: 013891

VMS Filename: OA\$SHARE17:ZUVFL89FN.WPL

A1 Folder: AUG93

Message Format:

Message Status: READ

Date Modified: 23-Aug-1993 14:51

Forward Flag: YES

Read-Receipt Requested: NO

Delivery-Receipt Requested: NO

DECLASSIFIED

E.O. 13526

White House Guidelines, September 11, 2006

By M1 NARA, Date 3/25/16

201-1034-F

Message Priority: FIRST_CLASS

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006. email	From Feinberg re: Contingency Planning Re Cuban Emigration (2 pages)	08/23/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
A1-Record (Jan 93-Sept 94) ([Schwartz and Cuba...])
OA/Box Number: 570000

FOLDER TITLE:

[05/11/1993-12/09/1993]

2011-1039-F
rs1845

RESTRICTION CODES

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

- 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.

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

- 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

01-Sep-1993 09:54 EDT

~~CONFIDENTIAL~~

MEMORANDUM FOR:

Richard E. Feinberg

(FEINBERG)

FROM:

Lawrence G. Rossin
(ROSSIN)

SUBJECT:

Cuba rafters update

1. The 8 Cuban rafters were interviewed by INS in Mexico yesterday. None was found to have a claim to refugee status (no political persecution) and all have 1 year visas from Mexico and are free to live there.
2. The next step is for the Embassy to send in a request for humanitarian parole by the Attorney General for the 8. ARA is calling the Embassy this morning to urge them to do so quickly and in the right format (lots of specific boxes need checking). The decision is with Justice in consultation with State.
3. State supports parole. INS has not been supportive.
4. I've told State that we need to be involved in the decision process and Eric Schwartz is telling INS the same thing.
5. Three considerations: Consistency, demonstration effect on other Cubans if Mexico route appears open, and the politics in South Florida. My own view is that even though strict merit doesn't support letting the 8 in the domestic politics should be controlling in this case especially with the President going down there on Friday. He isn't going to want to take tons of flak on this issue but instead will want to be able to say we let them in on humanitarian grounds after all their tribulations. Plus the fact that we have nothing to point to re USG contact with Mexico at the time it sent the rafters back to Cuba leaves the President exposed. Finally letting them in may give us some way to gain some control over the NAFTA angle, to limit the arguments of Florida congressmen who say this shows Mexico is unfit for any special relationship with the U.S.

CC: Records (RECORDS)
CC: Records (RECORDS)
CC: Eric P. Schwartz (SCHWARTZ)
CC: Barbro A. Owens-Kirkpatrick (OWENS)

Additional Header Information Follows

Date Created: 01-Sep-1993 09:21
Deletable Flag: Y
DOCNUM: 014441
VMS Filename: OA\$SHARE24:ZUVOE5C0X.WPL

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By *mi* NARA, Date *3/28/16*
1011-1039-F

A1 Folder: SEP93

Message Format:

Message Status: READ

Date Modified: 01-Sep-1993 09:54

Forward Flag: YES

Read-Receipt Requested: NO

Delivery-Receipt Requested: NO

Message Priority: FIRST_CLASS

NATIONAL SECURITY COUNCIL

01-Sep-1993 16:53 EDT

~~CONFIDENTIAL~~

MEMORANDUM FOR: SEE BELOW

FROM: Eric P. Schwartz
(SCHWARTZ)

SUBJECT: Cuban Rafterers

Memorandum

September 1, 1993

To: Anthony Lake
Fr: Eric Schwartz

Subject: Cuban rafters in Mexico

With the President heading down to Florida this weekend, I thought you should be aware of a series of events involving Cuban boat people who landed in Mexico.

THE INCIDENT AND THE USG RESPONSE

Several days ago, eight Cuban rafters showed up on Mexican shores and were deported promptly to Cuba (their boat initially included 18, but only eight survived the voyage).

After loud protests from the Cuban American Foundation to the Mexican Government, the Cubans were returned to Mexico from Cuba at the Mexican Government's expense.

INS interviewed the Cubans and determined that they were not/not refugees.

Nonetheless, INS (with strong pressure from State) "paroled" them into the country in consideration of the trauma they had suffered. Webb Hubbell approved this decision.

This issue has received considerable publicity and generated expressions of interest from several (Florida) members of Congress.

COMMENT

The politics of this issue probably made the decision of INS inevitable. Nonetheless, there the decision has troubling aspects (which I believe -- based on a conversation I had with him -- Webb Hubbell would acknowledge):

-- It reflects a lack of integrity in our refugee/immigrant processing practices: we return economic migrants and, in the case of Haiti, even refugees. But Cubans who are deemed not to be refugees can come into the U.S.

DECLASSIFIED

E.O. 13526

White House Guidelines, September 11, 2006

By MI NARA, Date 3/26/16

141-1039-F

Some may argue that humanitarian parole is justified in view of the trauma that the Cubans encountered, including the deaths of sea of some of the rafters. But how do we distinguish that from the trauma of the Chinese boat people who landed at Rockaway (where a number of them drowned while attempting to enter the U.S.).?

-- These kinds of incidents have a demonstration effect that may result in more such cases (and, unfortunately, more such deaths at sea).

As I mentioned, the politics of this issue probably made the decision inevitable, and there are no easy answers in this area.

As we pursue our immigration and refugee policy reviews, these issues will be among the most difficult we encounter.

cc: Richard Feinberg, Larry Rossin, Dick Clarke

Distribution:

FOR: W. Anthony K. Lake	(LAKE)
FOR: Mary C. Emery	(EMERY)
FOR: Wilma G. Hall	(HALL)
FOR: Kristen K. Cicio	(CICIO)
FOR: Katherine M. Veit	(VEIT)
FOR: James W. Reed	(REED)
FOR: William H. Itoh	(ITOH)
FOR: Kristie A. Kenney	(KENNEY)
FOR: M. Brooke Darby	(DARBY)
CC: Records	(RECORDS)
CC: Richard E. Feinberg	(FEINBERG)
CC: Richard A. Clarke	(CLARKER)
CC: Lawrence G. Rossin	(ROSSIN)

Additional Header Information Follows

Date Created: 01-Sep-1993 16:52
Deletable Flag: Y
DOCNUM: 014484
VMS Filename: OA\$SHARE21:ZUVOO4M0W.WPL
A1 Folder: SEP93
Message Format:
Message Status: READ
Date Modified: 01-Sep-1993 16:52
Forward Flag: YES
Read-Receipt Requested: NO
Delivery-Receipt Requested: NO
Message Priority: FIRST_CLASS

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007. email	Schwartz to Clarke re: Draft Memo to Tony/Sandy (3 pages)	09/02/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
A1-Record (Jan 93-Sept 94) ([Schwartz and Cuba...])
OA/Box Number: 570000

FOLDER TITLE:

[05/11/1993-12/09/1993]

2011-1039-F
rs1845

RESTRICTION CODES

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

- 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]
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- 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.

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

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

NATIONAL SECURITY COUNCIL

02-Sep-1993 16:24 EDT

CONFIDENTIAL

MEMORANDUM FOR:

Lawrence G. Rossin

(ROSSIN)

FROM:

Eric P. Schwartz
(SCHWARTZ)

SUBJECT:

For your concurrence

INFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM:

ANTHONY LAKE

SUBJECT:

U.S. Entry of Cuban Rrafters From Mexico

In view of your upcoming visit to Florida, I thought you should be aware of a series of events involving Cuban boat people who landed in Mexico.

I. THE INCIDENT AND THE USG RESPONSE

Several days ago, eight Cuban rafters showed up on Mexican shores and were deported promptly to Cuba (their boat initially included 18, but only eight survived the voyage).

After loud protests from the Cuban American Foundation to the Mexican Government, the Cubans were returned to Mexico from Cuba at the Mexican Government's expense.

The Immigration and Naturalization Service (INS) interviewed the Cubans and determined that they were not refugees; that is, they did not demonstrate a well-founded fear that they would be persecuted upon return to Cuba. Nonetheless, INS (with strong pressure from State) permitted them entry through the Attorney General's "parole" authority, in consideration of the trauma they had suffered. Webb Hubbell was aware of this issue as it progressed and approved the parole decision.

The issue has received considerable publicity and generated expressions of interest from several (Florida) members of Congress.

II. POLITICS OF THE ISSUE AND POLICY ON REFUGEES

DECLASSIFIED

E.O. 13526

White House Guidelines, September 11, 2006

By *M* NARA, Date *2/24/11**2011-1034-F*

The politics of this issue probably made the decision of INS inevitable. Nonetheless, there are awkward aspects to this decision.

First, it contrasts rather starkly with our practices toward Chinese (who are returned if they are denied refugee status) and Haitians (who are returned without any hearings if they are interdicted at sea). Second, these kinds of incidents have a demonstration effect that may result in more such cases (and, unfortunately, more such deaths at sea).

To be sure, there are no easy answers on these issues, which will be considered in the context of immigration and refugee policy reviews we will soon be conducting.

III. SUGGESTED COMMENTS IF ASKED ABOUT THIS ISSUE IN FLORIDA

On resolution of this issue:

- I am pleased that the Cubans were returned to Mexico and have been paroled into the United States.

On raft departures from Cuba:

- However I urge that Cubans not risk their lives in hazardous sea voyages; those who fear persecution in Cuba should contact the U.S. Interests Section for information on safe and legal means to leave Cuba.

On the decision of Mexican officials to return the rafters to Cuba without giving them refugee interviews:

- While this action was unfortunate, I do note that Mexican authorities acted quickly to ensure the return of the Cubans to Mexico.

On the disparity in policies on Cuban and Haitian refugees:

- We are trying to create the conditions in Haiti that will eliminate incentives for boat departure; we have also attempted to make it easier and faster for those within Haiti to apply for refugee status and avoid hazardous sea voyages.

CC: Records

(RECORDS)

Additional Header Information Follows

Date Created: 02-Sep-1993 16:23

Deletable Flag: Y

DOCNUM: 014605

VMS Filename: OA\$SHARE20:ZUVPNFTS6.WPL

A1 Folder: SEP93

Message Format:

Message Status: READ

Date Modified: 02-Sep-1993 16:23

Forward Flag: YES

Read-Receipt Requested: NO
Delivery-Receipt Requested: NO
Message Priority: FIRST_CLASS

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008. email	From Schwartz re: Emigration/Immigration Contingency Planning: Cuba (3 pages)	09/03/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
A1-Record (Jan 93-Sept 94) ([Schwartz and Cuba...])
OA/Box Number: 570000

FOLDER TITLE:

[05/11/1993-12/09/1993]

2011-1039-F

rs1845

RESTRICTION CODES

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

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

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

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b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

NATIONAL SECURITY COUNCIL

07-Sep-1993 07:43 EDT

~~CONFIDENTIAL~~

MEMORANDUM FOR:

M. Brooke Darby

(DARBY)

FROM:

Eric P. Schwartz
(SCHWARTZ)

SUBJECT:

General immigration issues and Cuba

Nancy:

In answer to your question...

Whatever we do in a long-term review of immigration (and, for that matter, refugees) will have to take Cuba into account. Moreover, any such review will also have to consider the subject of immigration emergencies. I'm not sure, however, that the contingency planning exercise for Cuba that Webb Hubbell was referring to -- something we need to do promptly and with great discretion -- should be folded into a broad-based, long-term review of immigration policy.

On the other hand, the fact that the immigration review (and immigration policy) is very much on the White House agenda is a strong argument that the White House should, as I suggested in a previous memorandum, be centrally involved in immigration contingency planning for Cuba.

Eric

CC: Records

(RECORDS)

CC: Records

(RECORDS)

Additional Header Information Follows

Date Created: 07-Sep-1993 07:39

Deletable Flag: Y

DOCNUM: 014755

VMS Filename: OA\$SHARE28:ZUVUB1CX7.WPL

A1 Folder: SEP93

Message Format:

Message Status: READ

Date Modified: 07-Sep-1993 07:39

Forward Flag: YES

Read-Receipt Requested: NO

Delivery-Receipt Requested: NO

Message Priority: FIRST_CLASS

NATIONAL SECURITY COUNCIL

06-Sep-1993 18:07 EDT

UNCLASSIFIED

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By *M* NARA, Date *3/26/11*
2011-1034-F

MEMORANDUM FOR:

Eric P. Schwartz

(SCHWARTZ)

FROM:

M. Brooke Darby
(DARBY)

SUBJECT:

NOTE FROM NANCY - #3

CC: Records

(RECORDS)

CC: Marcia G. Norman

(NORMAN)

NOTE FROM NANCY S: Shouldn't the Cuba review be part of this? (see attached)

NATIONAL SECURITY COUNCIL

03-Sep-1993 07:53 EDT

UNCLASSIFIED

MEMORANDUM FOR: SEE BELOW

FROM:

Eric P. Schwartz
(SCHWARTZ)

SUBJECT:

Meeting this morning on immigration issues

Memorandum

To: Anthony Lake

Fr: Eric Schwartz/Rand Beers

Subject: Meeting this morning with Mack McLarty and Carol Rasco
on Immigration

We learned from Will last night that you would be seeing Mack McLarty and Carol Rasco this morning and that the President and Vice President had decided that you and Carol would head up a White House-led immigration policy review. (We had heard the same thing informally, but have not received details.)

BACKGROUND

As we dealt with a range of pressing migration issues/events over the last nine months it became apparent that immigration might well become an important issue in this Administration.

Before the President left for Tokyo, he asked the Vice President to look into immigration issues and the VP became actively involved in the immigration issues we were confronting -- alien smuggling, abuse of asylum at ports of entry and gaps in enforcement that facilitate fraudulent entry.

The VP concluded (correctly in our view) that the full range of immigration issues should be the subject of careful review in

this Administration and that the White House should be actively engaged. (FYI, the Bush Administration White House was not particularly engaged in this issue, which is a major reason for some of the problems we now confront.)

Despite the fact that most (if not all) immigration issues primarily involve domestic agencies of government, the VP's staff strongly believed that the NSC staff ought to be centrally involved in the immigration review. They base their conclusion on the fact that we have carried most of the water on the immigration issues that the White House has thus far confronted. While we did not/not press the point, we agree with this perspective, as there will be much work to be done and it isn't clear to us that DPC has the staff to do it on their own.

If we take on this responsibility, it will involve considerable time and attention for both of us.

WHAT HAS BEEN DONE THUS FAR

Thus far, we are already moving forward on several initiatives: legislation to expedite exclusion at ports of entry (legislation has been presented to Congress), a plan to combat alien smuggling, reform of the affirmative asylum, whereby those already in the U.S. apply for asylum (INS is preparing a plan to reduce their tremendous backlog of cases and streamline procedures). In addition, we will be coordinating an interagency review of refugee policy.

We would envision each of these initiatives being folded into a broad-based and broader review of immigration policy, which would

include the issue of legal immigration and begin to tackle the thorny issue of illegal migration from the south.

Distribution:

FOR: W. Anthony K. Lake	(LAKE)
FOR: Mary C. Emery	(EMERY)
FOR: Wilma G. Hall	(HALL)
FOR: Kristen K. Cicio	(CICIO)
FOR: Katherine M. Veit	(VEIT)
FOR: James W. Reed	(REED)
FOR: William H. Itoh	(ITOH)
FOR: Kristie A. Kenney	(KENNEY)
FOR: M. Brooke Darby	(DARBY)
CC: Records	(RECORDS)
CC: Richard A. Clarke	(CLARKER)
CC: Richard L. Canas	(CANAS)
CC: Wanda D. Lindsey	(LINDSEY)
CC: Rand R. Beers	(BEERS)
CC: Eric P. Schwartz	(SCHWARTZ)
CC: Ernest J. Wilson III	(WILSON)
CC: Susan E. Rice	(RICE)
CC: Marcia G. Norman	(NORMAN)
CC: O. Ruth Stalcup	(STALCUP)
CC: Sean J. Darragh	(DARRAGH)
CC: Nicholas J. Rasmussen	(RASMUSSEN)

NATIONAL SECURITY COUNCIL

08-Sep-1993 08:23 EDT

~~CONFIDENTIAL~~

MEMORANDUM FOR:

Lawrence G. Rossin

(ROSSIN)

FROM:

Eric P. Schwartz
(SCHWARTZ)

SUBJECT:

Your memo on Haitian human rights/returnees

Larry:

Thanks for your note on Haitian migrants and human rights, along with the cable.

To me, the claim that Haitians might be victimized because they departed illegally is not the most important one. And indeed,

if you are reasonably sure that people are not being victimized due to illegal departure; and

if you have good refugee processing outside of Haiti and you are confident that you are only returning non-refugees,

then you are in pretty good shape in terms of protection concerns.

Obviously, the big worry is with respect to refugees we might be returning -- due to the policy of direct return. Those are people who, while they might not be targetted because they departed illegally, might well be targetted because they are perceived opponents of the government. Let's say that 95% of those who leave Haiti by boat are economic migrants and not refugees. That means that of every 1000 returnees, we are returning 50 persons who -- while they might not be targetted due to illegal departure -- might well be targetted for other reasons.

This is why statistics for those returned prior to the Bush order on direct return are less significant than statistics for those returned after screening outside Haiti ended. And in fact, State does have reports of people being targetted for persecution after return (again, not because they left illegally, but because they have run afoul of the government for political reasons).

CC: Records

(RECORDS)

Additional Header Information Follows

Date Created: 08-Sep-1993 08:22

Deletable Flag: Y

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E.O. 13526

White House Guidelines, September 11, 2006

By *MJ* NARA, Date *7/8/11**2011-1029-F*

DOCNUM: 014898

VMS Filename: OA\$SHARE27:ZUVVBZR77.WPL

A1 Folder: SEP93

Message Format:

Message Status: READ

Date Modified: 08-Sep-1993 08:22

Forward Flag: YES

Read-Receipt Requested: NO

Delivery-Receipt Requested: NO

Message Priority: FIRST_CLASS

NATIONAL SECURITY COUNCIL

15-Sep-1993 08:31 EDT

~~CONFIDENTIAL~~

MEMORANDUM FOR: SEE BELOW

FROM: Eric P. Schwartz
(SCHWARTZ)

SUBJECT: Cuba -- Migration Contingency Planning

Memorandum

September 15, 1993

To: Samuel Berger
Fr: Eric Schwartz

Subject: Cuba -- Immigration Contingency Planning

As I indicated in my September 9 memorandum to you (attached), State/ARA has now asked Peter to walk back from the arrangement that you and he made on who would chair a meeting to review contingency planning. My understanding is that, after Peter reviews State/ARA's concerns, he may call you.

Thus we are now stuck, as I am reluctant to schedule a meeting under these circumstances. On the other hand, I'd be happy to move forward with a meeting if you think that is the appropriate course.

Again, I think Justice, INS, HHS, and DPC equities in this issue (not to mention those of DoD and the Coast Guard) make it awkward to put State at the chair of this review.

I'd be grateful for your guidance.

Enclosure: My memo to you of September 9

Memorandum

September 9, 1993

To: Samuel Berger
Fr: Eric Schwartz

Subject: Cuba -- Immigration Contingency Planning

I explained to State/ARA that you had sought and obtained clarification from Peter on this issue, and had reached an agreement that we (NSC) will handle the immigration contingency review, bringing in Justice, DOD, JCS, State and Coast Guard for

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E.O. 13526

White House Guidelines, September 11, 2006

By *mi* NARA, Date *3/18/16*

1011-1039-P

a low-key assessment of planning. I spoke to Peter's aide, who had a similar understanding of your conversation with Peter.

State will try tomorrow morning to encourage Peter to walk back from this arrangement. They will urge him to attempt to secure your agreement to have the review conducted by State. (I learned this from people at the State Department this afternoon.)

I'm hoping Peter tells ARA tomorrow morning that they should go with what you and he agreed upon, and that I can then schedule the meeting. On the other hand, you may hear from Peter again on this.

Distribution:

FOR: Samuel R. Berger	(BERGER)
FOR: Mary C. Emery	(EMERY)
FOR: Wilma G. Hall	(HALL)
FOR: Kristen K. Cicio	(CICIO)
FOR: Katherine M. Veit	(VEIT)
FOR: James W. Reed	(REED)
FOR: William H. Itoh	(ITOH)
FOR: Kristie A. Kenney	(KENNEY)
FOR: M. Brooke Darby	(DARBY)
CC: Records	(RECORDS)
CC: Richard E. Feinberg	(FEINBERG)
CC: Barbro A. Owens-Kirkpatrick	(OWENS)
CC: Richard A. Clarke	(CLARKER)
CC: Richard L. Canas	(CANAS)
CC: Wanda D. Lindsey	(LINDSEY)
CC: Rand R. Beers	(BEERS)
CC: Eric P. Schwartz	(SCHWARTZ)
CC: Ernest J. Wilson III	(WILSON)
CC: Susan E. Rice	(RICE)
CC: Marcia G. Norman	(NORMAN)
CC: O. Ruth Stalcup	(STALCUP)
CC: Sean J. Darragh	(DARRAGH)
CC: Nicholas J. Rasmussen	(RASMUSSEN)

Additional Header Information Follows

Date Created: 15-Sep-1993 08:28
Deletable Flag: Y
DOCNUM: 015378
VMS Filename: OA\$SHARE54:ZUWCC6A9X.WPL
A1 Folder: SEP93
Message Format:
Message Status: READ
Date Modified: 15-Sep-1993 08:28
Forward Flag: YES
Read-Receipt Requested: NO
Delivery-Receipt Requested: NO
Message Priority: FIRST_CLASS

NATIONAL SECURITY COUNCIL

29-Sep-1993 13:14 EDT

~~CONFIDENTIAL~~

MEMORANDUM FOR: SEE BELOW

FROM: Eric P. Schwartz
(SCHWARTZ)

SUBJECT: Cuba: Migration Contingency Planning

Memorandum

September 29, 1993

To: Samuel Berger
Fr: Eric Schwartz

Subject: Cuba: Migration Contingency Planning

As you know, State/ARA has continued to resist NSC chairing a review on migration contingency planning for Cuba. (I understand you spoke with Alec and have a copy of the paper he sent to Tarnoff on this.) While Justice can live with State in the chair, DOD strongly prefers that NSC chair.

I think I have the makings of a workable compromise, which I have vetted with State, DOD and Justice.

You will soon be receiving a draft tasking for a Refugee and International Migration PRD, which has a section on migration emergency planning. While the overall PRD would be coordinated at NSC, the migration emergency planning section would be prepared by State (in coordination with other relevant agencies). This would 1) enable State to go forward on Cuba contingency planning as it would like to do; 2) also require, for the purposes of the PRD, for State to look at the issue of migration emergency planning more broadly; and 3) enable NSC to retain coordination on this issue with respect to the PRD.

Justice, State and DOD seem comfortable with this arrangement. May I tell State we can go forward on this basis?

Yes _____ Hold off _____

Distribution:

FOR: Mary C. Emery	(EMERY)
FOR: Wilma G. Hall	(HALL)
FOR: Kristen K. Cicio	(CICIO)
FOR: Katherine M. Veit	(VEIT)
FOR: James W. Reed	(REED)
FOR: William H. Itoh	(ITOH)

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E.O. 13526
White House Guidelines, September 11, 2006
By *NI* NARA, Date *2/24/16*
201-1039-F

FOR: Kristie A. Kenney (KENNEY)
FOR: M. Brooke Darby (DARBY)
CC: Records (RECORDS)

Additional Header Information Follows

Date Created: 29-Sep-1993 13:14
Deletable Flag: Y
DOCNUM: 016643
VMS Filename: OA\$SHARE3:ZUWQIX4ZM.WPL
A1 Folder: SEP93
Message Format:
Message Status: READ
Date Modified: 29-Sep-1993 13:14
Forward Flag: YES
Read-Receipt Requested: NO
Delivery-Receipt Requested: NO
Message Priority: FIRST_CLASS

NATIONAL SECURITY COUNCIL

25-Oct-1993 16:09 EDT

UNCLASSIFIED

MEMORANDUM FOR: SEE BELOW

FROM: Eric P. Schwartz
(SCHWARTZ)

SUBJECT: Suggested Themes: Human Rights and Foreign Policy

SUGGESTED THEMES:
HUMAN RIGHTS AND FOREIGN POLICY

TALK BEFORE THE LAW GROUP'S ADVOCATES CIRCLE
October 25

- I. INTRODUCTION: HUMAN RIGHTS AND DEMOCRATIZATION -- THE STRATEGY OF "ENLARGEMENT"
- President Clinton has indicated that human rights and democratization will be a cornerstone of U.S. foreign policy during his Administration.
 - This reflects our belief that foreign policy should reflect the fundamental values of the American people.
 - It also reflects our conviction that a world with governments that respect the democratic process and the rights of their people is far more amenable to American interests.
 - As Tony Lake said in a recent address at Johns Hopkins, "the addition of new democracies makes us more secure because democracies tend not to wage war on each other or sponsor terrorism. They are more trustworthy in diplomacy and do a better job in respecting the human rights of their people."
- II. THE CLINTON ADMINISTRATION'S VIEW OF DEMOCRATIZATION
- In its own reporting in this area, the Law Group has emphasized that democratization means more than periodic elections, and the Clinton Administration certainly subscribes to this view.
 - Democracy-building goes hand in hand with protection of human rights, and must include efforts to support the growth of independent judiciaries, free media and a variety of non-governmental organizations that monitor the practices of governments on a wide variety of issues.
 - By adopting this broad perspective on democratization and human rights, we are seeking to bridge a gap that has for too long existed between NGOs dealing with human rights and those dealing with democratization.
 - An example of this broad approach is our allocation in FY 93

of some \$120 million to the former Soviet Union for the development of an independent media, enhancing respect for the rule of law and strengthening other elements of Soviet civil society.

- Beyond this targeted assistance, our overall political and financial commitment to the transition in Russia is also crucially important, as the success of democratic reform in Russia will have far-reaching and beneficial effects on the international human rights movement.

III. OTHER EFFORTS TO PROMOTE HUMAN RIGHTS

- We are now completing an interagency policy review that envisions an integrated approach to human rights, combining efforts to support the growth of democratic institutions with traditional human rights "fire-fighting" -- that is, efforts to bring pressure to bear upon human rights violators.
- Efforts by this Administration in both these areas have already been considerable.
- In Latin American and the Caribbean, for example, we have been deeply engaged in the effort to restore the democratically elected government of President Aristide.
- In Guatemala, we responded immediately to the effort to deprive that country of democratic constitutional rule. As he has been in Haiti, the President was personally involved in the effort on Guatemala, issuing a strong statement against the "auto-golpe" which was ultimately reversed.
- Similarly, in Peru, we have worked hard to protect human rights and advance more open democratic practices. In an unprecedented arrangement to which Peruvian authorities have agreed, we have conditioned bilateral and multilateral assistance on important human rights progress in a number of areas.
- Of course, we have not confined our heightened human rights advocacy to the Western Hemisphere.
- In June, we obtained bipartisan agreement in Congress on MFN human rights conditionality for China.
- Elsewhere in Asia, we have pressed human rights issues with the Government of Indonesia. Breaking with past policy, we cosponsored a UN Human Rights Commission resolution on human rights in East Timor and the President raised human rights issues in a meeting with President Soeharto in Japan last month.
- We are also working toward the creation of a new Asian Democracy Radio Service, and issued statements from the White House condemning the military dictatorship in Burma and urging the release of opposition leader Aung San Suu Kyi.

- In Africa, we have stepped up our efforts to tie political and economic reform to levels of bilateral assistance, and have increased pressure on authoritarian regimes in Zaire, Kenya, Malawi, Sudan and Nigeria.
 - Finally, we have worked hard to maintain our ability to support the democratic process around the world, by fighting for full funding of the National Endowment for Democracy at a time when resource constraints have forced cuts in many important programs.
- IV. INTERNATIONAL INSTITUTION-BUILDING ON HUMAN RIGHTS
- This Administration is also committed to the development of international institutions dealing with human rights.
 - As it becomes more and more difficult to effect human rights progress unilaterally, use of such institutions will become more and more important.
 - John Shattuck will be travelling to Europe this month to discuss CSCE conflict resolution efforts throughout the region, which we believe offer a promising avenue to deal proactively with human rights issues in Europe.
 - In addition, we are leading the fight in the UN for the creation of a UN High Commissioner for Human Rights to oversee the work of the UN in this area.
 - And we are moving forward toward ratification of two treaties that were signed by President Carter and have languished for 12 years: the Convention Against All Forms of Racial Discrimination and the Convention Against All Forms of Discrimination Against Women.

TOUGH Qs and As

HAITIANS:

- How can we continue to directly return Haitians at a time when conditions are deteriorating in Haiti?
- A: We are monitoring the situation in Haiti closely. We do not have evidence indicating that returnees are being targeted.
- The President maintained the practice of direct return to avoid a massive boat exodus that might have resulted in the loss of thousands of lives. This would be a particularly difficult time to consider alteration of the policy in view of the delicacy of the political negotiation process.

EXPEDITED EXCLUSION:

- Isn't your legislation on expedited exclusion violative of human rights of asylum-seekers?

A: No, we believe the legislation is consistent with the standards of the International Convention on the Status of Refugees.

If we do not demonstrate that we can handle large-scale entry of migrants at our borders, we will erode support for our system of asylum. This is why the expedited exclusion legislation is important.

CHINESE MIGRANTS:

-- Aren't you treating Chinese unfairly by interdicting them and sending them back to China?

A: With respect to those we interdict, we are only sending back those who are deemed not to be refugees.

-- So why do you treat the Chinese better than the Haitians?

A: The Haiti policy is an exceptional one for exceptional circumstances. Moreover, we have in-country refugee processing in Haiti, but not in China.

BOSNIA:

-- Haven't we dropped the human rights ball in Bosnia?

A: The situation in Bosnia is tragic; for this reason, the President supported lifting the arms embargo and initiating air strikes. Unfortunately, it was not possible for us to act unilaterally and we did not obtain support from our European allies.

The U.S. has led international support for the War Crimes Tribunal for the former Yugoslavia. We have provided the War Crimes Commission with technical assistance and support, and will continue our effort to ensure that the Tribunal can carry out its mandate effectively.

We are also providing humanitarian assistance to the UNHCR, the World Food Program, the ICRC and other humanitarian organizations operating in Bosnia.

BURUNDI:

-- What have we done to respond to the coup in Burundi?

A: We have condemned the coup and suspended our development and security assistance programs, estimated at about \$16 million for FY 94.

Distribution:

FOR: Samuel R. Berger
FOR: Mary C. Emery

(BERGER)
(EMERY)

FOR: Wilma G. Hall (HALL)
FOR: Kristen K. Cicio (CICIO)
FOR: Katherine M. Veit (VEIT)
FOR: James W. Reed (REED)
FOR: William H. Itoh (ITOH)
FOR: Kristie A. Kenney (KENNEY)
FOR: M. Brooke Darby (DARBY)
CC: Records (RECORDS)
CC: Richard A. Clarke (CLARKER)
CC: Richard L. Canas (CANAS)
CC: Wanda D. Lindsey (LINDSEY)
CC: Rand R. Beers (BEERS)
CC: Eric P. Schwartz (SCHWARTZ)
CC: Ernest J. Wilson III (WILSON)
CC: Susan E. Rice (RICE)
CC: Marcia G. Norman (NORMAN)
CC: O. Ruth Stalcup (STALCUP)
CC: Sean J. Darragh (DARRAGH)
CC: Nicholas J. Rasmussen (RASMUSSEN)

Additional Header Information Follows

Date Created: 25-Oct-1993 16:09
Deletable Flag: Y
DOCNUM: 018664
VMS Filename: OA\$SHARE50:ZUXQN34BZ.WPL
A1 Folder: OCT93
Message Format:
Message Status: READ
Date Modified: 25-Oct-1993 16:09
Forward Flag: YES
Read-Receipt Requested: NO
Delivery-Receipt Requested: NO
Message Priority: FIRST_CLASS

NATIONAL SECURITY COUNCIL

26-Oct-1993 10:19 EDT

~~CONFIDENTIAL~~

MEMORANDUM FOR: SEE BELOW

FROM: Eric P. Schwartz
(SCHWARTZ)

SUBJECT: Interdiction off the Coast of Haiti

Memorandum

October 26, 1993

To: Samuel Berger
Fr: Eric Schwartz, Barbro Owens

Subject: Interdiction of 15 Haitian migrants

The Coast Guard has interdicted 15 Haitian migrants some 20 miles off the coast of Haiti. The plan is to repatriate them tomorrow morning.

The Embassy is making the normal preliminary arrangements for the repatriation, making contact with the Haitian Red Cross, the port authorities, etc. The Embassy should get a sense this morning whether there may be any problems, and will call early this afternoon.

We will meet with State this afternoon to assess the situation following the Embassy's report, and to discuss contingencies even if it looks like there will not be any problems.

We will report back to you by 3 pm.

Distribution:

FOR: Samuel R. Berger	(BERGER)
FOR: Mary C. Emery	(EMERY)
FOR: Wilma G. Hall	(HALL)
FOR: Kristen K. Cicio	(CICIO)
FOR: Katherine M. Veit	(VEIT)
FOR: James W. Reed	(REED)
FOR: William H. Itoh	(ITOH)
FOR: Kristie A. Kenney	(KENNEY)
FOR: M. Brooke Darby	(DARBY)
CC: Records	(RECORDS)
CC: Richard A. Clarke	(CLARKER)
CC: Richard L. Canas	(CANAS)
CC: Wanda D. Lindsey	(LINDSEY)
CC: Rand R. Beers	(BEERS)
CC: Eric P. Schwartz	(SCHWARTZ)
CC: Ernest J. Wilson III	(WILSON)
CC: Susan E. Rice	(RICE)

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E.O. 13526
White House Guidelines, September 11, 2006
By *M* NARA, Date *3/26/16*
1011-1034-F

CC: Marcia G. Norman (NORMAN)
CC: O. Ruth Stalcup (STALCUP)
CC: Sean J. Darragh (DARRAGH)
CC: Nicholas J. Rasmussen (RASMUSSEN)

Additional Header Information Follows

Date Created: 26-Oct-1993 10:18
Deletable Flag: Y
DOCNUM: 018731
VMS Filename: OA\$SHARE16:ZUXRER4KH.WPL
A1 Folder: OCT93
Message Format:
Message Status: READ
Date Modified: 26-Oct-1993 10:18
Forward Flag: YES
Read-Receipt Requested: NO
Delivery-Receipt Requested: NO
Message Priority: FIRST_CLASS

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
011. email	From Lawrence Rossin re: Haiti Refugee Camp Options (1 page)	11/01/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
A1-Record (Jan 93-Sept 94) ([Schwartz and Cuba...])
OA/Box Number: 570000

FOLDER TITLE:

[05/11/1993-12/09/1993]

2011-1039-F
rs1845

RESTRICTION CODES

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

- 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.

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

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

NATIONAL SECURITY COUNCIL

02-Nov-1993 08:42 EDT

~~SECRET~~

MEMORANDUM FOR:

Richard E. Feinberg (FEINBERG)
Richard A. Clarke (CLARKER)

FROM: Eric P. Schwartz
(SCHWARTZ)

SUBJECT: for your OK

Memorandum

To: Samuel Berger
Fr: Eric Schwartz/Richard Clarke/Richard Feinberg

Subject: Haiti Contingency Planning

We sent you a memorandum on Friday regarding Haitian migration contingency planning. As indicated in the memorandum, we will not be able to plan seriously regarding some of the options -- e.g., securing an area in Haiti for repatriation purposes, approaching third countries, opening Guantanamo -- without direction from the Deputies (or above).

Thus we would again recommend your agreeing to a DC meeting on this subject.

Please let us know how you want to proceed.

CC: Records (RECORDS)

Additional Header Information Follows

Date Created: 02-Nov-1993 08:41
Deletable Flag: Y
DOCNUM: 019370
VMS Filename: OA\$SHARE5:ZUXYCFPCL.WPL
A1 Folder: NOV93
Message Format:
Message Status: READ
Date Modified: 02-Nov-1993 08:41
Forward Flag: YES
Read-Receipt Requested: NO
Delivery-Receipt Requested: NO
Message Priority: FIRST_CLASS

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E.O. 13526
White House Guidelines, September 11, 2006
By *MA* NARA, Date *3/28/16*
1011-1039-F

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
012. email	From Schwartz re: Haiti: Migration Contingency Planning (4 pages)	11/03/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
A1-Record (Jan 93-Sept 94) ([Schwartz and Cuba...])
OA/Box Number: 570000

FOLDER TITLE:

[05/11/1993-12/09/1993]

2011-1039-F
rs1845

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]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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.

NATIONAL SECURITY COUNCIL

03-Nov-1993 17:13 EDT

~~CONFIDENTIAL~~

MEMORANDUM FOR:

Richard E. Feinberg

(FEINBERG)

FROM:

Eric P. Schwartz
(SCHWARTZ)

SUBJECT:

Need your concurrence, asap

November 3, 1993

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH:

RICHARD CLARKE

FROM:

ERIC SCHWARTZ

SUBJECT:

Appointment Request: Sadako Ogata, UN High
Commissioner for Refugees

Mrs. Ogata is in New York for UNHCR-related discussions at the UN General Assembly. She is eager to meet with you or Sandy to discuss winterization in the former Yugoslavia.

As you know, UNHCR has provided essential humanitarian assistance in the former Yugoslavia under the most difficult of circumstances. While UNHCR and other agencies have made substantial efforts to prepare for the winter, access and security are in disarray and it is unclear whether the operation will be sustainable. Some in the agency have urged that UNHCR consider withdrawing, and a meeting with Mrs. Ogata would provide you with the chance to express continued U.S. support for UNHCR and to encourage perseverance.

I expect that Mrs. Ogata may also wish to discuss the situation in Haiti.

During her last visit to Washington, Mrs. Ogata was not able to secure a White House meeting. At a time when UNHCR efforts are crucial to U.S. humanitarian objectives, I strongly recommend that either you or Sandy agree to see her.

(State is sending over a formal recommendation which will suggest a meeting between Mrs. Ogata and either Tony or Sandy. However, I have not yet received the request and thought I should put this

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E.O. 13526

White House Guidelines, September 11, 2006

241-1034-F By NARA, Date 3/14/14

in motion before time runs out. For scheduling purposes, the contact at State/RP is Paula Lynch, at 663-1076.)

Concurrences by: Jane Holl, Richard Feinberg

RECOMMENDATION

That you or Sandy see Mrs. Ogata on Tuesday afternoon, November 9.

Approve _____ Disapprove _____

CC: Records

(RECORDS)

Additional Header Information Follows

Date Created: 03-Nov-1993 17:13
Deletable Flag: Y
DOCNUM: 019575
VMS Filename: OA\$SHARE3:ZUXZOLZKB.WPL
A1 Folder: NOV93
Message Format:
Message Status: READ
Date Modified: 03-Nov-1993 17:13
Forward Flag: YES
Read-Receipt Requested: NO
Delivery-Receipt Requested: NO
Message Priority: FIRST_CLASS

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
013. email	From Schwartz re: Haiti: Migration Contingency Planning (2 pages)	11/04/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
A1-Record (Jan 93-Sept 94) ([Schwartz and Cuba...])
OA/Box Number: 570000

FOLDER TITLE:

[05/11/1993-12/09/1993]

2011-1039-F
rs1845

RESTRICTION CODES

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

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.

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

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

NATIONAL SECURITY COUNCIL

08-Nov-1993 09:46 EDT

UNCLASSIFIED

MEMORANDUM FOR: SEE BELOW

FROM: Eric P. Schwartz
(SCHWARTZ)

SUBJECT: Meeting Today With Rep. Steny Hoyer on Human Rights

Sandy:

I've modified somewhat the talking points I prepared for your Law Group presentation. If you think you'll need anything more, please let me know.

See you at 11:40 am.

cc: Global and Multilateral Affairs
Jeremy Rosner
Richard Schifter

TALKING POINTS: MEETING WITH STENY HOYER

- I. INTRODUCTION: HUMAN RIGHTS AND DEMOCRATIZATION -- THE STRATEGY OF "ENLARGEMENT"
 - President Clinton has indicated that democracy and human rights will be a cornerstone of U.S. foreign policy during his Administration.
 - This reflects our belief that foreign policy should reflect the fundamental values of the American people.
 - It also reflects our conviction that a world with governments that respect the democratic process and the rights of their people is far more amenable to American interests.
 - As Tony Lake said in a recent address at Johns Hopkins, "the addition of new democracies makes us more secure because democracies tend not to wage war on each other or sponsor terrorism. They are more trustworthy in diplomacy and do a better job in respecting the human rights of their people."
- II. THE CLINTON ADMINISTRATION'S VIEW OF DEMOCRATIZATION
 - Democratization means more than periodic elections.
 - Democracy-building goes hand in hand with protection of human rights, and must include efforts to support the growth of independent judiciaries, free media and a variety of non-governmental organizations that monitor the practices of

governments on a wide variety of issues.

- By adopting this broad perspective on democratization and human rights, we are seeking to bridge a gap that has for too long existed between NGOs dealing with human rights and those dealing with democratization.
- An example of this broad approach is our allocation in FY 93 of some \$120 million to the former Soviet Union for the development of an independent media, enhancing respect for the rule of law and strengthening other elements of Soviet civil society.
- Beyond this targeted assistance, our overall political and financial commitment to the transition in Russia is also crucially important, as the success of democratic reform in Russia will have far-reaching and beneficial effects on the international human rights movement.

III. OTHER EFFORTS TO PROMOTE HUMAN RIGHTS

- We are now completing an interagency policy review that envisions an integrated approach to democracy and human rights, combining efforts to support the growth of democratic institutions with traditional human rights "fire-fighting" -- that is, efforts to bring pressure to bear upon human rights violators.
- Efforts by this Administration in both these areas have already been considerable.
- In Latin American and the Caribbean, for example, we have been deeply engaged in the effort to restore the democratically elected government of President Aristide.
- In Guatemala, we responded immediately to the effort to deprive that country of democratic constitutional rule. As he has been in Haiti, the President was personally involved in the effort on Guatemala, issuing a strong statement against the "auto-golpe" which was ultimately reversed.
- Similarly, in Peru, we have worked hard to protect human rights and advance more open democratic practices. In an unprecedented arrangement to which Peruvian authorities have agreed, we have conditioned bilateral and multilateral assistance on important human rights progress in a number of areas.
- Of course, we have not confined our heightened human rights advocacy to the Western Hemisphere.
- In June, we obtained bipartisan agreement in Congress on MFN human rights conditionality for China.
- Elsewhere in Asia, we have pressed human rights issues with the Government of Indonesia. Breaking with past policy, we cosponsored a UN Human Rights Commission resolution on human rights in East Timor and the President raised human rights issues in a meeting with President Soeharto in Japan last

month.

- We are also working toward the creation of a new Asian Democracy Radio Service, and issued statements from the White House condemning the military dictatorship in Burma and urging the release of opposition leader Aung San Suu Kyi.
- In Africa, we have stepped up our efforts to tie political and economic reform to levels of bilateral assistance, and have increased pressure on authoritarian regimes in Zaire, Kenya, Malawi, Sudan and Nigeria.
- Finally, we have worked hard to maintain our ability to support the democratic process around the world, by fighting for full funding of the National Endowment for Democracy at a time when resource constraints have forced cuts in many important programs.

IV. INTERNATIONAL INSTITUTION-BUILDING ON HUMAN RIGHTS

- This Administration is also committed to the development of international institutions dealing with human rights.
- As it becomes more and more difficult to effect human rights progress unilaterally, use of such institutions will become more and more important.
- John Shattuck has just returned from Europe, where he participated in the CSCE Free Media Seminar. We believe CSCE -- and especially CSCE efforts at conflict resolution - - offers a critical avenue to deal proactively with human rights issues in Europe.
- In addition, we are leading the fight in the UN for the creation of a UN High Commissioner for Human Rights to oversee the work of the UN in this area.
- And we are moving forward toward ratification of two treaties that were signed by President Carter and have languished for 12 years: the Convention Against All Forms of Racial Discrimination and the Convention Against All Forms of Discrimination Against Women.

TOUGH Qs and As

HAITIANS:

- How can we continue to directly return Haitians at a time when conditions are deteriorating in Haiti?
- A: The President maintained the practice of direct return to avoid a massive boat exodus that might have resulted in the loss of thousands of lives. This would be a particularly difficult time to consider alteration of the policy in view of the delicacy of the political negotiation process.

Of course, our Embassy continues to monitor the situation on the ground; Embassy officials are at the pier in Port-au-Prince to assist returnees who wish to apply for refugee status, which they can do at one of three U.S. refugee processing centers in Port-au-Prince.

BOSNIA:

-- Haven't we dropped the human rights ball in Bosnia?

A: The situation in Bosnia is tragic; for this reason, the President supported lifting the arms embargo and initiating air strikes. Unfortunately, it was not possible for us to act unilaterally and we did not obtain support from our European allies.

The U.S. has led international support for the War Crimes Tribunal for the former Yugoslavia. We have provided the War Crimes Commission with technical assistance and support, and will continue our effort to ensure that the Tribunal can carry out its mandate effectively.

We are also providing humanitarian assistance to the UNHCR, the World Food Program, the ICRC and other humanitarian organizations operating in Bosnia.

Distribution:

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CC: Sean J. Darragh	(DARRAGH)
CC: Nicholas J. Rasmussen	(RASMUSSEN)

Additional Header Information Follows

Date Created: 08-Nov-1993 09:45

Deletable Flag: Y
DOCNUM: 019898
VMS Filename: OA\$SHARE47:ZUYEDZ2ZI.WPL
A1 Folder: NOV93
Message Format:
Message Status: READ
Date Modified: 08-Nov-1993 09:45
Forward Flag: YES
Read-Receipt Requested: NO
Delivery-Receipt Requested: NO
Message Priority: FIRST_CLASS

NATIONAL SECURITY COUNCIL

09-Nov-1993 12:32 EDT

~~CONFIDENTIAL~~

MEMORANDUM FOR:

Eric P. Schwartz

(SCHWARTZ)

FROM:

Lawrence G. Rossin
(ROSSIN)

SUBJECT:

crosshatch 108178 (UNHCR/Haiti)

Generally this looks OK to me as far as it goes. However shouldn't the US attendee be told to lay down a clear marker that any country that decides it will not directly repatriate migrants it may pick up had better not turn to the U.S. for assistance (except transfer to the USCG for direct return) because baby it's their problem if they do take them? That's what we discussed Saturday.

Also that maybe our rep should more actively urge against any country picking up migrants but not doing direct return as that would spur migrants to seek out Canadian or whatever ships and we could be drawn in to a humanitarian rescue operation?

Finally, a question: under terms of the 1981 exchange of notes with the Haitian government would we have the authority to take charge of migrants interdicted by a foreign navy vessel and have the USCG return them to Haiti? Or can only our vessels do the interdicting?

I will wait to hear from you before providing this directorate's clearance on subject crosshatch.

CC: Records

(RECORDS)

CC: Richard E. Feinberg

(FEINBERG)

CC: Barbro A. Owens-Kirkpatrick

(OWENS)

CC: Carlos A. Burgos

(BURGOS)

Additional Header Information Follows

Date Created: 09-Nov-1993 12:23

Deletable Flag: Y

DOCNUM: 020038

VMS Filename: OA\$SHARE24:ZUYFHXJ8K.WPL

A1 Folder: NOV93

Message Format:

Message Status: READ

Date Modified: 09-Nov-1993 12:32

Forward Flag: YES

Read-Receipt Requested: NO

Delivery-Receipt Requested: NO

Message Priority: FIRST_CLASS

DECLASSIFIED

E.O. 13526

White House Guidelines, September 11, 2006
By ML NARA, Date 3/28/16

201-1034-F

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
014. email	Schwartz to Roseanne Hill et al. re: Draft Contingency Plans... (3 pages)	11/08/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
A1-Record (Jan 93-Sept 94) ([Schwartz and Cuba...])
OA/Box Number: 570000

FOLDER TITLE:

[05/11/1993-12/09/1993]

2011-1039-F
rs1845

RESTRICTION CODES

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

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

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.

NATIONAL SECURITY COUNCIL

29-Nov-1993 15:57 EDT

~~CONFIDENTIAL~~

MEMORANDUM FOR: SEE BELOW

FROM: Eric P. Schwartz
(SCHWARTZ)

SUBJECT: Haiti Odds and Ends

Mr. Feinberg:

Three items...

Will your DC tomorrow deal with migration? Sandy promised he would talk to me today about migration contingency planning. He hasn't yet sent out the tasker.

Number 2. AID humanitarian people tell me that their effort to get fuel to PVOs may go up in smoke if the military obstructs. They say we need to do some contingency planning. There is apparently a State/AID meeting today where AID will raise the issue and report back to me. Any thoughts?

3. Jim Swing in Haiti is doing a human rights day (December 10) event. He wants a presidential statement or something, and he wants shattuck there on the day. I say fine, and told State/HA to send us a request formally. Any problems with that?

Eric

Distribution:

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CC: Lawrence G. Rossin	(ROSSIN)
CC: Richard A. Clarke	(CLARKER)
CC: Richard L. Canas	(CANAS)
CC: Wanda D. Lindsey	(LINDSEY)
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Additional Header Information Follows

Date Created: 29-Nov-1993 15:56
Deletable Flag: Y
DOCNUM: 021738

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E.O. 13526
White House Guidelines, September 11, 2006
By *ML* NARA, Date *2/24/16*
2016 1039-F

VMS Filename: OA\$SHARE10:ZUYZMSO5J.WPL
A1 Folder: NOV93
Message Format:
Message Status: READ
Date Modified: 29-Nov-1993 15:56
Forward Flag: YES
Read-Receipt Requested: NO
Delivery-Receipt Requested: NO
Message Priority: FIRST_CLASS

NATIONAL SECURITY COUNCIL

29-Nov-1993 16:04 EDT

~~CONFIDENTIAL~~

MEMORANDUM FOR: SEE BELOW

FROM: Eric P. Schwartz
(SCHWARTZ)

SUBJECT: Berger response to schwartz memo on Haiti and HR Day

Berger response to my memo urging that we do something for HR Day and that Sandy get on the stick on Haiti migration contingencies:

"NS/ES--

1) Suggest HR Day proposal involving 10-15 min Pres time max; I believe he should do something

2) Eric: will talk to you today about migration cont.

S"

Distribution:

FOR: Richard A. Clarke	(CLARKER)
FOR: Richard L. Canas	(CANAS)
FOR: Wanda D. Lindsey	(LINDSEY)
FOR: Rand R. Beers	(BEERS)
FOR: Eric P. Schwartz	(SCHWARTZ)
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FOR: Sean J. Darragh	(DARRAGH)
FOR: Nicholas J. Rasmussen	(RASMUSSEN)
CC: Records	(RECORDS)

Additional Header Information Follows

Date Created: 29-Nov-1993 16:02
Deletable Flag: Y
DOCNUM: 021742
VMS Filename: OA\$SHARE17:ZUYZMYO8B.WPL
A1 Folder: NOV93
Message Format:
Message Status: READ
Date Modified: 29-Nov-1993 16:02
Forward Flag: YES
Read-Receipt Requested: NO
Delivery-Receipt Requested: NO
Message Priority: FIRST_CLASS

DECLASSIFIED

E.O. 13526

White House Guidelines, September 11, 2006

By *M* NARA, Date *3/28/16**7016-103A-F*

NATIONAL SECURITY COUNCIL

03-Dec-1993 09:21 EDT

UNCLASSIFIED

MEMORANDUM FOR: SEE BELOW

FROM: Roseanne M. Hill
(HILLR)

SUBJECT: URGENT - Draft Haiti Press Guidance

NOTE FOR NANCY SODERBERG
DON STEINBERG
ERIC SCHWARTZ

FROM: LARRY ROSSIN

SUBJECT: Draft Haiti Press Guidance

Nancy, Don, I will be out until 10:30 or so at a doctor's appointment so if you can make any changes desired.....

Eric, please look at the last point and give Don any changes.

Thanks, Larry Rossin

HAITI - PRINCIPALS COMMITTEE MEETING

Q: Top U.S. officials met December 2 to review U.S. policy toward Haiti in the light of Haitian Prime Minister Malval's expected resignation. Has our policy changed?

A: No. The President and Administration remain fully committed to the restoration of democracy and the return of President Aristide.

We hope that Prime Minister Malval will continue his efforts to revitalize dialogue among the Haitian parties aimed at fulfilling the terms of the Governor's Island Agreement. The Agreement remains the framework for accomplishing our policy objectives.

Senior Administration officials are meeting with Prime Minister Malval during his visit to Washington to discuss ways we can assist him in his efforts.

We will maintain and enforce the UN oil and arms embargoes and our targeted asset freezes and visa bans against key individuals obstructing the Governor's Island Agreement.

We also are continuing our humanitarian assistance program and are prepared to expand it if necessary.

(IF ASKED)

Q: Will the President meet with Malval and Aristide during Malval's visit here?

A: I don't yet have anything for you on that.

(IF ASKED)

Q: Did the Principals Committee discuss the imposition of comprehensive sanctions, which President Aristide and many members of Congress have advocated?

A: We believe that our current approach to sanctions is appropriate and effective in bringing pressure on the military.

These sanctions and the naval enforcement of them are unprecedentedly strict measures in this hemisphere.

It is clear that the sanctions currently in force are bringing strong pressure on Haiti. Fuel supplies are dwindling and will soon be exhausted.

(IF ASKED)

Q: Did the Principals Committee reconsider the direct return policy for Haitian migrants?

A: No. The President is committed to maintaining the temporary policy of direct return to avoid encouraging Haitians to risk their lives by taking to the high seas in unsafe vessels.

We continue to believe that the best way to address the migration phenomenon and the factors underlying it is to restore Haitian democracy and put Haiti on the road to reconciliation, economic recovery and growth.

Distribution:

FOR: Nancy Soderberg	(SODERBERG)
FOR: Donald K. Steinberg	(STEINBERG)
FOR: Eric P. Schwartz	(SCHWARTZ)
CC: Records	(RECORDS)
CC: Natalie S. Wozniak	(WOZNIAK)
CC: Richard E. Feinberg	(FEINBERG)
CC: Lawrence G. Rossin	(ROSSIN)
CC: Barbro A. Owens-Kirkpatrick	(OWENS)
CC: Wendy E. Gray	(GRAY)
CC: Brenda I. Hilliard	(HILLIARD)
CC: Cathy Millison	(MILLISON)
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CC: Allison M. Wright	(WRIGHT)

Additional Header Information Follows

Date Created: 03-Dec-1993 09:19
Deletable Flag: Y
DOCNUM: 022151
VMS Filename: OA\$SHARE20:ZUZDDCNWU.WPL
A1 Folder: DEC93
Message Format:
Message Status: READ
Date Modified: 03-Dec-1993 09:19
Forward Flag: YES
Read-Receipt Requested: NO
Delivery-Receipt Requested: NO
Message Priority: FIRST_CLASS

NATIONAL SECURITY COUNCIL

04-Dec-1993 13:09 EDT

UNCLASSIFIED

MEMORANDUM FOR:

Lawrence G. Rossin

(ROSSIN)

FROM:

M. Brooke Darby
(DARBY)

SUBJECT:

Haiti press guidance

Sandy had a couple of edits to your press guidance yesterday:

1st Q & A, second sentence of second tick of Answer should read: The Agreement remains the framework for accomplishing our objectives.

3rd Q & A, 1st tick of Answer: insert after "sanctions": "of enforcing the UN sanctions and imposing asset/visa sanctions on targetted individuals . . "
Also add a fourth tick to that Answer to read: "90% of the goals which continue to flow despite the sanctions are food."

Thanks.

CC: Records

(RECORDS)

Additional Header Information Follows

Date Created: 04-Dec-1993 13:03

Deletable Flag: Y

DOCNUM: 022283

VMS Filename: OA\$SHARE4:ZUZEIT473.WPL

A1 Folder: DEC93

Message Format:

Message Status: READ

Date Modified: 04-Dec-1993 13:03

Forward Flag: YES

Read-Receipt Requested: NO

Delivery-Receipt Requested: NO

Message Priority: FIRST_CLASS

NATIONAL SECURITY COUNCIL

03-Dec-1993 09:21 EDT

UNCLASSIFIED

MEMORANDUM FOR: SEE BELOW

FROM:

Roseanne M. Hill
(HILLR)

SUBJECT:

URGENT - Draft Haiti Press Guidance

NOTE FOR NANCY SODERBERG
DON STEINBERG
ERIC SCHWARTZ

FROM: LARRY ROSSIN

SUBJECT: Draft Haiti Press Guidance

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We continue to believe that the best way to address the migration phenomenon and the factors underlying it is to restore Haitian democracy and put Haiti on the road to reconciliation, economic recovery and growth.

Distribution:

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CC: M. Kay LaPlante	(LAPLANTE)
CC: Allison M. Wright	(WRIGHT)

NATIONAL SECURITY COUNCIL

09-Dec-1993 15:20 EDT

UNCLASSIFIED

MEMORANDUM FOR:

Richard Schifter (SCHIFTER)
Ernest J. Wilson III (WILSON)

FROM: Marcia G. Norman
(NORMAN)

SUBJECT: Human Rights Day Event in Roosevelt Room

December 9, 1993

INFORMATION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: RICHARD CLARKE

FROM: ERIC SCHWARTZ

SUBJECT: Human Rights Day Event in Roosevelt Room

I. PROPOSED FORMAT

We will greet the invited guest at 10:00 am at the OEOB and have coffee with them. We will move to the Roosevelt Room at about 10:45 and will expect you at 11:00.

John Shattuck will say a very few words (2-3 minutes) to introduce you to our guests. We propose that you then speak very briefly (no more than five minutes) on general Administration themes relating to human rights and democracy. You would then take questions from the assembled group. Of course, John (not to mention Dick and myself) would be on hand to help on any human rights esoterica.

II. PROPOSED GUESTS

We have invited guests from the major human rights NGOs, including Amnesty International, Human Rights Watch, the International Human Rights Law Group, Freedom House and the Lawyers Committee for Human Rights. In addition, we have NGOs whose work includes (but is not solely devoted to) human rights, such as the African American Institute, the Washington Office on Latin America and the American Bar Association. Finally, we have included a few prominent individuals who have done important work in this area, such as Pat Derian and Will Marshall.

The human rights NGO community is pleased by a number of Administration initiatives on human rights and democracy, and many of those working on these issues (myself and Shattuck included) have served in human rights NGOs. As advocacy organizations, however, these NGOs have not hesitated to criticize Administration policies they believe ill-advised on human rights grounds. We certainly expect tough questions, which we have tried to anticipate in the attachments.

Concurrences by: Richard Schifter, Ernest Wilson

POSSIBLE THEMES FOR FIVE-MINUTE
TALK TO HUMAN RIGHTS NGOS

I. HUMAN RIGHTS AND DEMOCRATIZATION: THE STRATEGY OF
ENLARGEMENT

- President Clinton has indicated that democracy and human rights will be a cornerstone of U.S. foreign policy during his Administration. This reflects our belief that foreign policy should reflect the fundamental values of the American people and our conviction that a world with governments that respect the democratic process and the rights of their people is far more amenable to American interests.

II. THE CLINTON ADMINISTRATION'S VIEW OF HUMAN RIGHTS AND
DEMOCRATIZATION

- Democratization means more than periodic elections. It goes hand in hand with protection of human rights, and must include efforts to support the growth of independent judiciaries, free media and a variety of non-governmental organizations that monitor the practices of governments on a wide variety of issues.
- By adopting this broad perspective on democratization and human rights, we are seeking to bridge a gap that has for too long existed between NGOs dealing with human rights and those dealing with democratization.
- An example of this broad approach is our diplomatic and financial commitments to democracy and human rights in the Soviet Union, including the development of an independent media, enhancing respect for the rule of law and strengthening other elements of Soviet civil society.
- The success of democratic reform in Russia will have far-reaching and beneficial effects on the international human rights movement.

III. OTHER EFFORTS TO PROMOTE HUMAN RIGHTS

- In seeking to develop an integrated approach to democracy and human rights, we are combining efforts to support the growth of democratic institutions with traditional human rights "fire-fighting" -- that is, efforts to bring pressure to bear upon human rights violators.

- Efforts by this Administration in both these areas have already been considerable.
- In Latin American and the Caribbean, from Peru to Guatemala to Haiti, we have been deeply engaged in the effort to promote respect for civilian rule.
- In Asia, we have vigorously pursued human rights issues in our relations with China, and have focussed attention on other areas of human rights concern, such as Indonesia and Burma.
- We are also working toward the creation of a new Asian Democracy Radio Service.
- In Africa, we have stepped up our efforts to tie political and economic reform to levels of bilateral assistance, and have maintained pressure on authoritarian regimes in Zaire, Kenya, Malawi, Sudan and Nigeria.
- Finally, we have worked hard to maintain our ability to support the democratic process around the world, by fighting for full funding of the National Endowment for Democracy at a time when resource constraints have forced cuts in many important programs.

IV. INTERNATIONAL INSTITUTION-BUILDING ON HUMAN RIGHTS

- This Administration is also committed to the development of international institutions dealing with human rights.
- As it becomes more difficult to effect human rights progress unilaterally, use of such institutions will become more important.
- In addition, we are leading the fight in the UN for the creation of a UN High Commissioner for Human Rights to oversee the work of the UN in this area.
- And we are moving forward toward ratification of two treaties that were signed by President Carter and have languished for 12 years: the Convention Against All Forms of Racial Discrimination and the Convention Against All Forms of Discrimination Against Women.

HUMAN RIGHTS MEETING SOME DIFFICULT Qs and As

HAITI:

- Why has the Administration pressured Aristide to close off the possibility of prosecution for human rights crimes and to abandon his quest to dismiss gross abusers from the Haitian military?

A: We have not done either. The Governors Island Agreement, which President Aristide signed and which we

supported, does call on President Aristide to grant an amnesty in accordance with the Haitian Constitution, and not to oppose additional amnesty measures passed by the Haitian Parliament. We believe President Aristide signed the agreement because he believed it provided the best hope for a negotiated settlement and an end to human rights violations.

On dismissing gross abuses from the Haitian military: in our discussions with President Aristide and Prime Minister Malval on reform of the military, we have always anticipated a serious effort to screen out individuals with records of human rights abuse.

-- How can we continue to directly return Haitians at a time when conditions are deteriorating in Haiti? Moreover, when if ever do you plan to reconsider the policy of direct return?

A: The President maintained the practice of direct return to avoid a massive boat exodus that might have resulted in the loss of thousands of lives. This would be a particularly difficult time to consider alteration of the policy in view of the delicacy of the political negotiation process.

Of course, our Embassy continues to monitor the situation on the ground; Embassy officials are at the pier in Port-au-Prince to assist returnees who wish to apply for refugee status, which they can do at one of three U.S. refugee processing centers in Port-au-Prince.

BOSNIA:

-- Haven't we dropped the human rights ball in Bosnia?

A: The situation in Bosnia is tragic; for this reason, the President supported lifting the arms embargo and initiating air strikes. Unfortunately, it was not possible for us to act unilaterally and we did not obtain support from our European allies.

The U.S. has led international support for the War Crimes Tribunal for the former Yugoslavia. We have provided the War Crimes Commission with technical assistance and support, and will continue our effort to

ensure that the Tribunal can carry out its mandate effectively.

We are also providing substantial amounts of humanitarian assistance to the UNHCR, the World Food Program, the ICRC and other humanitarian organizations operating in Bosnia. As you may know, Secretary Christopher has recently announced a new U.S. initiative amounting to \$150 million.

MIDDLE EAST AND NORTH AFRICA:

-- While countries like Egypt, Algeria and Israel have confronted violence from Islamic militants, their responses have included torture, excessive use of lethal force and restrictions on association and expression. Why is the Administration "silent" about human rights abuses in these countries?

A: We have never been silent about our human rights concerns regarding these or other Middle Eastern countries.

We have long been engaged in dialogue with these countries and have urged changes in practices.

In fact, John Shattuck has recently been in the Middle East discussing human rights issues with officials and groups in many countries, including Egypt and Israel.

-- Following long-standing practice, the Bush Administration condemned deportations of Palestinians from the Occupied Territories as violations of the Fourth Geneva Convention. The Clinton Administration, however, treated Israel's deportation of 400 Palestinians to Lebanon as a mere political problem. Why wasn't the U.S. response more forceful?

A: This Administration worked tirelessly to resolve this issue and we believe that the arrangement worked out was a key factor in allowing the recent Middle East agreement to go forward.

Our legal position on the inappropriateness of such deportations remains unchanged.

CHINESE MIGRANTS:

-- Why is the Administration summarily returning Chinese migrants attempting to arrive in the U.S. by ship?

To be sure, we have great sympathy for these migrants who seek to arrive by ship, as they are victims of alien smugglers.

The conditions on these ships are deplorable, and we all have a deep humanitarian interest in deterring this trafficking in human cargo. This at times includes -- where possible and appropriate -- interdiction and

return to China in accordance with humanitarian principles.

UNHCR and other specialists have noted that the overwhelming majority of these Chinese are economic migrants and not refugees.

Nonetheless, we have developed procedures to ensure that Chinese interdicted by the U.S. Coast Guard are afforded the opportunity to make claims of refugee status.

-- Then why don't you do the same thing for Haitians?

As I have mentioned, we believe the direct return practice in Haiti is necessary to avoid a humanitarian tragedy that might result from a massive boat exodus.

This is not the situation with respect to Chinese; moreover, in Haiti, we have an in-country refugee processing program and the ability to monitor returnees. We have no such processing program in China and a far more limited capacity to monitor returns.

CC: Records

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