

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Alan Kreczko to James Baker re: FW Your Urgent Concurrence Requested (3 pages)	09/27/1994	P1/b(1)
002. email	Rand Beers to Eric Schwartz re: Urgent: Your Comments Requested (3 pages)	09/30/1994	P1/b(1)
003. email	Schwartz to Larry Rossin re: FW: Amio Discussion Paper (3 pages)	10/04/1994	P1/b(1)
004. email	Schwartz to Rossin re: Amio Points (2 pages)	10/05/1994	P1/b(1)
005. email	Schwartz to Kristen Cicio et al. re: Amio Agreement (3 pages)	10/07/1994	P1/b(1)
006. email	Morton Halperin to Robert Malley re: Memo to Berger (4 pages)	10/11/1994	P1/b(1)
007. email	Malley to Halperin et al. re: Cubans in Panama (2 pages)	10/14/1994	P1/b(1)
008. email	Timothy Akin to Schwartz re: Transmission from Eric Schwartz (4 pages)	10/24/1994	P1/b(1)
009. email	Dallas Brown to Richard Clarke re: EXCOMM Notes, 24 Oct (4 pages)	10/25/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
MSMail-Record (Sept 94-Sept 97) ([Schwartz and Cuba...])
OA/Box Number: 590000

FOLDER TITLE:

[09/26/1994-10/28/1994]

2011-1039-F

rs1850

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

M S M a i l

DATE-TIME 26 September 94 13:10
FROM Cooper, Kathleen H.
CLASSIFICATION ~~SECRET~~
SUBJECT Cuba Paper Redo [~~SECRET~~]
TO Baker, James E.
Hunerwadel, Joan S.
Kreczko, Alan J.
CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY
Exec. Sec. is looking for a legal clearance on the attached paper. Could someone please look this over and let us and them know if it is okay? Many thanks. Kathy. This really needs to move.

[[ACT7665.DOC : 3338 in ACT7665.DOC]]

ATTACHMENT
FILE DATE 22 September 94 12:26

ATTACHMENT
FILE NAME ACT7665.DOC
~~SECRET~~
7665
~~SECRET~~
Declassify on: OADR

CLASSIFICATION
CLASSIFICATION

September 22, 1994

ACTION

MEMORANDUM FOR ANTHONY LAKE

FROM: MORTON H. HALPERIN

SUBJECT: Cuba: Legal Migration; Cubans on
Guantanamo

Attached is a memorandum to the President seeking his approval for the suggested process for legal migration and for the handling of

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By NPS NARA, Date 3/28/11
2011-1034-F

Cubans on Guantanamo. These measures were agreed to at an informal steering committee meeting on September 21.

Concurrence by: Eric Schwartz, Manuel
Rocha

RECOMMENDATION

That you forward the memorandum at Tab I to the President.

Approve _____ Disapprove _____

Attachment
Tab I Memorandum to the President
Tab A Miami Herald Editorial

Withdrawal/Redaction Marker

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concerning wells [(b)(9) of the FOIA]

M S M a i l

DATE-TIME 28 September 94 18:33
FROM Vershbow, Alexander R.
CLASSIFICATION **** NO CLASSIFICATION ****
SUBJECT Subject: RE: MONEY: CUBA, HAITI, BOSNIA, RWANDA, ALIEN SMUGGLING
TO Schwartz, Eric P.
CARBON_COPY Beyrle, John R.
Burns, Nicholas R.
Fried, Daniel

TEXT_BODY

So Turkey and Baltic Peacekeeping are saved?

From: Schwartz, Eric P.

To: DeShazer, MacArthur; Feinberg, Richard E.; Rossin, Larry; Roth, Stanley D.; Steinberg, Donald K.; Vershbow, Alexander R.; @GLOBAL - Global Affairs;

@DEMOCRACY - Democracy Affairs; @AFFAIRS - Legaslative Affairs; @LEGAL -

Legal Advisor

Subject: MONEY: CUBA, HAITI, BOSNIA, RWANDA, ALIEN SMUGGLING

Date: Wednesday, September 28, 1994 04:01 PM

REIMBURSEMENT FOR HAITI/CUBA/RWANDA OPERATIONS
(A/K/A: THE BENEFITS OF ONE HAND OF CONGRESS/OMB NOT
KNOWING WHAT THE OTHER
HAND IS DOING)

REFUGEE MONIES

With DOD being reimbursed for Haitian/Cuban migration and Rwanda operations,
State/PRM is now relieved of the reimbursement responsibility. Here are near-term State/PRM spending plans....

Bosnia: \$18 million (all \$18 million from the MRA account)

Rwanda: 38 million (30 million from ERMA, 8 million from MRA)

UNHCR functional: \$4 million (from MRA)

This breakdown will leave State/PRM's emergency fund with \$75 million at the beginning of the fiscal year, which is where it should be.

IMMIGRATION EMERGENCY FUND MONIES

Meanwhile, the CJS appropriators -- no doubt concerned about the IEF being depleted for Haiti operations -- added \$75 million to the IEF, bringing its total to \$111 million. Of course, we need not use the IEF to reimburse DOD in view of the Defense appropriators actions.

We will preparing a request for use of some of the IEF funds for repatriation of smuggled aliens such as the Chinese.

Note to Dick/Steve: should someone do a note to Berger?

M S M a i l

DATE-TIME 29 September 94 08:52
FROM Schwartz, Eric P.
CLASSIFICATION UNCLASSIFIED
SUBJECT Subject: FW: human rights/refugee groups request for meeting
[UNCLASSIFIED]
TO Clarke, Richard A.
Halperin, Morton H.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Ba

From: Clarke, Richard A.
To: Schwartz, Eric P.
CC: /N, NonRecord at A1
Subject: RE: human rights/refugee groups request for meeting
[UNCLASSIFIED]
Date: Wednesday, September 28, 1994 08:31 PM

use eric as the sacrificial lamb!

From: Schwartz, Eric P.
To: Clarke, Richard A.; Halperin, Morton H.
CC: Beers, Rand R; Malley, Robert; Simon, Steven N.
Subject: human rights/refugee groups request for meeting
Date: Wednesday, September 28, 1994 04:04 PM

The human rights/refugee groups would like to meet at the NSC on Haiti.

Our higher ups believe (correctly in my view) that a Lake/POTUS meeting is premature, but I do think we need to see the human rights types at the Senior director level to keep them inside the tent.

Dick/Mort -- what do you think?

Eric

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M S M a i l

DATE-TIME 30 September 94 19:05
FROM Wozniak, Natalie S.
CLASSIFICATION UNCLASSIFIED
SUBJECT September 30 Haiti Talking Points [UNCLASSIFIED]

TO Atkin, Timothy J.
Baker, James E.
Beers, Rand R.
Bell, Robert G.
Blakeman, Earle C.
Clarke, Richard A.
Danvers, William C.
Darragh, Sean J.
Feinberg, Richard E.
Hahn, Keith D.
Halperin, Morton H.
Herrington, David E.
Kreczko, Alan J.
Malley, Robert
McGeath, Timothy A.
Mitchell, Calvin A.
Pease, Bruce E.
Jim Reed
Rice, Susan E.
Rocha, Victor M.
Rossin, Larry
Ross, Thomas B.
Schwartz, Eric P.
Sigler, Ralph
Simon, Steven N.
Spalter, Jonathan H.
Tenet, George J.

CARBON_COPY Sonenshine, Tara D.
Wozniak, Natalie S.

TEXT_BODY
Below ICON represents cleared Haiti talking points for your use and information, per Tom Ross.

[[HAITI930.DOC : 4924 in HAITI930.DOC]].

ATTACHMENT

FILE DATE 30 September 94 19:3

**ATTACHMENT
FILE NAME** HAITI930.DOC

HAITI

-- The situation in Haiti this past week has been calm overall, although there have been sporadic incidents of violence and looting.

-- We mourn the deaths of innocent Haitians in Thursday's grenade attack.

-- Recent events in Port-au-Prince show how fragile the situation is and will be for some time, but we must be prepared for such eventualities.

-- Our military men and women are doing an outstanding job in difficult circumstances.

-- We expect our overall force levels in Haiti to start tapering off soon, in accordance with our long-standing plans for this operation. But we will maintain levels necessary to ensure our soldiers' safety.

-- This has been a week of progress in Haiti which the troubles in Port-au-Prince the last two days should not obscure:

-- Parliament has reopened after 11 members living in the U.S. returned with our help, and is now considering amnesty and other laws important for democracy and reconciliation.

-- Port-au-Prince Mayor Evans Paul, an exile in his own country for the last three years, has returned to office.

-- After repairs and refueling by our forces, we have turned the lights back on in Cap Haitien after two years of darkness and extended the hours of electricity in Port-au-Prince.

-- 513 refugees voluntarily returned from Guantanamo.

-- We have moved to restore security in Cap-Haitien after the unrest last Sunday.

-- President Aristide has opened a transition office

in Port-au-Prince with which we are working closely.

-- State Radio and TV stations have been returned to the control of the legitimate government.

-- We are taking the necessary security precautions in Port-au-Prince and spreading our presence throughout Haiti.

-- Nonetheless, Haiti poses and will continue to pose hard challenges. Violence and looting will not end overnight.

-- We will our best to limit or stop such violence, but no one should expect that we can or will try to exercise absolute control over the entire country.

-- Our primary objective remains to effect the peaceful transition to democracy and President Aristide's return by October 15 at the latest, according to the agreement reached by

the Carter delegation September 18.

M S M a i l

DATE-TIME 03 October 94 00:09
FROM Pitman, James N.
CLASSIFICATION **** NO CLASSIFICATION ****
SUBJECT Subject: Cuba/Haiti update on minor incidents this weekend

TO Atkin, Timothy J.
Baker, James E.
Beers, Rand R.
Bell, Robert G.
Blakeman, Earle C.
Clarke, Richard A.
Danvers, William C.
Darragh, Sean J.
Feinberg, Richard E.
Hahn, Keith D.
Halperin, Morton H.
Herrington, David E.
Kreczko, Alan J.
Malley, Robert
Mitchell, Calvin A.
Pease, Bruce E.
Rice, Susan E.
Rocha, Victor M.
Rossin, Larry
Ross, Thomas B.
Schwartz, Eric P.
Simon, Steven N.
Sonenshine, Tara D.
Spalter, Jonathan H.
Tenet, George J.

CARBON_COPY Gates, Brian K.
Marmol, Madelyn P.
McGeath, Timothy A.
Murphy, Miles R.
Reed, James W.
Silger, Ralph

TEXT_BODY

The Situation Room received the following updates on Haiti and Cuba on Sunday evening, which we wanted to pass along for your information:

HAITI: A U.S. fishing vessel yesterday (Sunday, 2 October) reported a 15-18 foot boat with 20 live Haitian migrants and one dead infant aboard was

50 miles ESE of Savannah, Georgia. The migrants had been at sea for eight days. A USCG cutter picked up the migrants and a doctor onboard the vessel indicated all the migrants needed hospitalization to stay alive. The cutter transported the migrants to Savannah. INS was notified. (USCG telcon)

CUBA: In the second incident this weekend, four Cuban migrants attempted to leave Guantanamo Naval Base. Three did cross the minefields successfully; one was picked up and brought back to GTMO.

WHSR

M S M a i l

DATE-TIME 03 October 94 14:24
FROM Baker, James E.
CLASSIFICATION UNCLASSIFIED
SUBJECT Commercial Activities [UNCLASSIFIED]
TO Malley, Robert
Schwartz, Eric P.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Here is a copy of the legal subgroup's paper on commercial activities. Agencies have not yet seen the final draft. In the event, JCS or State have any further thoughts when they see the draft, I will let you know.

[[MIGRANT.DOC : 3612 in MIGRANT.DOC]]

**ATTACHMENT
FILE DATE** 29 September 94 21:34
**ATTACHMENT
FILE NAME** MIGRANT.DOC
ATTORNEY-CLIENT PRIVILEGED
FINAL 9/29/94

Establishment of Commercial Enterprises by Migrants at Guantanamo
Conclusions of the Legal Subgroup, September 20, 1994

SUMMARY

The Legal Subgroup met on September 20 to discuss the possible participation by migrants in commercial activities at Guantanamo (GTMO). The following agencies were represented: Justice (including OLC and OIL), Defense, JCS, State, Treasury (OFAC) and NSC. The group reached the following conclusions.

-- A credible legal argument can be made that some limited commercial activities undertaken by migrants at GTMO in support of the naval station and that do not affect the Cuban economy are consistent with our lease. This analysis would

apply to migrant participation in activities that are already routinely undertaken on the base; e.g., laundry, bottling plant, water salination, etc.

-- This argument would not reach participation by migrants in activities that do not contribute to the purposes of the station, that interfere with the Cuban economy (e.g., take jobs away from local Cuban workers or affect prices in Cuba), or that are solely activities undertaken by migrants for migrants. Such activities; e.g., activities generating products for export or the creation of a "free trade zone," would violate the express prohibition in the lease.

Some activities within this latter category may, however, be of such a de minimus nature as to not amount to more than a technical breach of the lease, for example, a craft shop whose product was intended solely for the consumption of other migrants.

-- In general, transactions by the USG or by U.S. citizens, residents or business entities involving payments or transfers of property in which Cuba or Cuban nationals resident in Haiti" have an interest, are prohibited without an OFAC license. Present regulations would not permit the sort of transfers necessary for conducting commercial activities at GTMO. However, with appropriate policy guidance, OFAC could license the transfer of assets for commercial activities on a general or specific basis. Such a license arrangement should include safeguards to preclude outflow to the Cuban economy.

-- OFAC regulations would apply equally to scrip, or other mediums of exchange. However, if U.S. policy is equally served by scrip or cash, the use of scrip would remove issues of economic infusions into target countries.

-- The Legal subgroup identified, but did not address, a number of other considerations that may have legal effect on commercial activities at GTMO. These considerations include: modalities for providing allowances to migrants; the formation of a "class" structure and inducements for crime; inspections for cleanliness and health; possible application of U.S. law; and, modalities for resolving labor disputes and problems.

-- Finally, the group did not address the underlying legal basis for the migrants presence at GTMO. Whether or not commercial activities at GTMO are consistent with the lease would not necessarily depend on whether the migrants presence in GTMO is itself consistent with the lease. However, some members of the group noted that any controversy generated by

commercial activities could result in further inquiry regarding the legal basis for the migrants presence at GTMO.

I. Application of the 1903 Agreement and Lease

a. Treaty Analysis

Under Article I of the 1903 Agreement with Cuba (hereinafter "Agreement", and continued in effect by the 1934 Relations with Cuba Treaty), Cuba leased "for the time required" certain areas of land and water, including Guantanamo, to the United States "for the purposes of coaling and naval stations." Article II of the Agreement makes clear that within the framework of coaling and naval station use the United States is authorized:

"... Generally to do any and all things to fit the premises for use as coaling or naval stations only, and for no other purpose."

Article III of the 1903 Lease (the "Lease") provides:

"The United States of America agrees that no person, partnership, or corporation shall be permitted to establish or maintain a commercial, industrial or other enterprise within said areas."

b. United States Practice under Lease Article III

On its face, Article III appears to prohibit any commercial or other entrepreneurial activities at Guantanamo. However, review of Article III's negotiating history and U.S. practice indicates that Article III has been read more flexibly.

In a March 4, 1964, letter from the Department of State Legal Adviser (Abram Chayes) to the Comptroller of the Currency, the State Department addressed the question whether, under the Agreement and Lease, a banking facility to provide services for the Base, its personnel and their dependents may be established at GTMO, either through the establishment of a branch office of a U.S. domestic bank or designation of a U.S. domestic bank as a financial agent of the United

State
s.

The State Department reached the following conclusions:

"The negotiating history of the 1903 Agreements reveals that Cuba insisted upon the inclusion of the Article III provision to avoid Base activities competing with local Cuban enterprises . . . In the circumstances, it is believed that it would not be contrary to the provisions of Article III of [the Lease agreement] to establish a banking facility such as that described . . . if such facility were limited to serving the disbursing needs of the Navy Department and the personal banking needs of the Base employees and their dependents , and if such facility were not available to Cuban employees who commute between the Base and communities in Cuba. In the present isolated situation of the Base, it is believed that such facilities may reasonably be considered as a necessary activity for use of the Base as a naval station within the meaning of Article II of the [Agreement] [i.e., the right to do all things necessary to fit the premises for naval station use]."

On the basis of that legal opinion, the record reflects that subsequent Department of the Navy practice has included incremental establishment of a commercial airline service, food services for foreign national employees, a commercial soft drink bottling plant, and fast food concessions -- in each instance in support of the base and base personnel. It is not clear, however, the extent to which Cuba is aware of and acquiesces in this practice.

(Note: Establishment of a bottling plant to save the USG the cost of transporting soda to GTMO shows the degree of elasticity with which the USG has interpreted "all things to fit the premises for use as a . . . naval station." On the other hand, distribution from the plant is limited to GTMO and is not intended for commercial export.)

c. Extending Existing Practice to Benefit Migrants

Establishing commercial activities for the primary benefit of migrants at GTMO would constitute a significant qualitative change in our practice and raise questions about U.S. compliance with the terms of the 1903 agreements. This would particularly be true if migrants engaged in commercial activities different from those already taking place in

support of base personnel; e.g., the bottling plant, laundry, banking and water salination, etc. Activities that can not reasonably be defended as in support of the naval station or that have an economic effect in Cuba would be contrary to the lease. (As a matter of theory, commercial exports to the United States should not have a direct effect on the Cuban economy, but may have an indirect effect through third country markets.)

Some commercial activities, such as assembly of handicrafts may be so de minimus in nature as not to amount to a material breach of Article III. Donation of manufactured or handmade items to U.S. humanitarian or charitable groups, or to organizations such as the UNHCR, however, could raise legal questions, particularly if the items are expected to assume commercial or collector's item value outside GTMO because of the circumstances under which they were produced.

In addition, there are any number of non-commercial activities in which the migrant populations could engage that would not run afoul of

Article III's prohibition and U.S. practice thereunder. Such activities might include, for example, employment training, literacy classes, and agricultural extension services.

d. Cuban Reaction

We are not aware that the Government of Cuba has challenged on legal grounds the use of GTMO as a safe haven or for other activities during the past thirty years. However, Cuba is on record that the lease itself is ultra vires and violates Cuban sovereignty. Use of GTMO for commercial activities, particularly if those activities are perceived to impinge on the Cuban economy could prompt Cuba to take a more vigorous line regarding lease adherence. The Department of State has identified at least 6 treaties of which Cuba and United States are both parties that might provide Cuba a basis to seek arbitration or other means for resolving a dispute with the U.S. over migrant commercial activities at GTMO.

II. Application of OFAC Regulations

a. Do economic sanctions provisions bar the USG or other U.S. persons from sponsoring migrant businesses at Guantanamo and paying workers who are Cuban nationals?

In general, transactions by the USG or by U.S. citizens, residents or business entities involving payments or transfers of property in which Cuba or Cuban nationals have an interest, are prohibited. Cuban Assets Control Regulations, 31 C.F.R. § 515.201; E.O. 12922 § 1(a). Cuban migrants at GTMO would fall within the class of persons whose property is "blocked" by these provisions. Thus, transfers of funds (or their equivalent in scrip), goods or services to or from Cuban nationals necessary to employing them in commercial activities at Guantanamo is prohibited without an OFAC license.

b. Can relatives in the United States send money to migrants?

OFAC's prior general license (31 C.F.R. 515.563(a)(1)) permitting funds transfers of \$300 per quarter to close relatives in Cuba was revoked on August 26, 1994. Thus, transfers to Cuban national migrants is legal only if specifically licensed by OFAC. The former Cuban family remittance policy was intended to permit limited humanitarian funds flows while preventing sizable injections into the Cuban economy. Therefore, licensing payments to Guantanamo in a system with safeguards to prevent outflow to the Cuban economy would be consistent with prior policy. Those safeguards (or a determination that they are not necessary) would need to be established by policymakers. Transfers of scrip into a scrip economy could cover this need. Generally licensing transfers of funds to benefit the program, rather than transfers to individual migrants, is another potential approach if believed capable of generating the level of funds desired for non-USG funded aspects of the program.

c. Would OFAC sanctions treat scrip differently from cash transfers?

The OFAC blocking provisions apply to "property and property interests" defined broadly

dly enough to encompass any medium of exchange. However, if the goals of the program were equally well served by scrip or cash, the use of scrip would remove issues of economic infusions into target countries.

d. What scope of licensing is possible under OFAC sanctions programs?

OFAC's director has legal flexibility to license transactions otherwise prohibited by the Cuban sanctions. A single license to DOD or other administering agency or subagency could authorize otherwise prohibited aspects of a Guantanamo program, including injections of funds from U.S. sources. Licensing such a program would require State Department consultation and, as a practical matter, a written policy determination and request for issuance of the license -- outlining the transactions to be covered.

e. Is there a possibility of running such a program without an OFAC license?

The legal interplay between the President's sanctions directives and his military directives as Commander-in-Chief has been consistently interpreted in armed conflict situations to permit DOD operations without regard to conflicting prohibitions or licensing requirements of Executive order sanctions programs. In essence, the President can exercise directly the discretionary licensing authority delegated to the Secretary of the Treasury. For example, OFAC licenses were not needed for military actions in Desert Shield and Desert Storm inconsistent with, e.g., travel restrictions and export prohibitions concerning Iraq. Whether a commercial enterprise program at Guantanamo could fit into this preemption analysis is, to some extent, a policy call on the extent to which this is a military operation and the political optics of so doing.

III. Other Legal Considerations

A number of issues in addition to U.S. compliance with the GTMO lease will

have to be considered in the context of particular commercial proposals before those proposals are approved. These issues include: (1) the type or manner of compensation to be paid to migrants; and, (2) the applicability of U.S. laws concerning minimum wages, health and safety, occupational hazard, minimum labor standards, environmental and similar matters. In addition, the policy and legal propriety of providing similar commercial activities at other safe havens (e.g., Panama and Suriname) should be considered. (Although we note that at other safe havens, the law of the host country will significantly affect our options.)

In addition, specific proposals should be reviewed in the light of applicable international law and practice governing the treatment of refugees and migrants. In this regard, it would be prudent to consider whether to consult in advance with UNHCR officials about proposed activities.

Policymakers and lawyers may also wish to consider the desirability of informing the Cuban Government of specific plans to establish commercial activities at GTMO for the primary benefit of the migrants. Such consultation might obviate Cuba's invocation of the above mentioned multilateral treaties, which otherwise might require the U.S. to respond involuntarily to dispute settlement procedures aimed at ending migrant commercial activities at GTMO.

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

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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]

M S M a i l

DATE-TIME 05 October 94 13:55
FROM Halperin, Morton H.
CLASSIFICATION ~~CONFIDENTIAL~~
SUBJECT THIRD COUNTRY RESETTLEMENT CABLE [~~CONFIDENTIAL~~]
TO Schwartz, Eric P.
CARBON_COPY Malley, Robert

TEXT_BODY

Attached is my draft of the cable. Please look over and change as you think right. Then please send to State in the appropriate way. Thanks. [[
THIRDCOU.DOC : 3362 in THIRDCOU.DOC]]

**ATTACHMENT
FILE DATE**

5 October 94 13:53

**ATTACHMENT
FILE NAME**

THIRDCOU.DOC

1. The President has approved a series of measures designed on an urgent basis to reduce the number of Cuban migrants held at Guantanamo and to improve the quality of life for those who remain.

2. Since Cubans at Guantanamo will not be processed for admission to the United States voluntary return to Cuba and resettlement in third countries are the major focus of our efforts. This cable is initiating a high level effort to persuade third countries to accept a reasonable number of Cubans for resettlement.

3. Some countries including Venezuela, Mexico, and Costa Rica, earlier expressed some willingness to accept some Cubans for resettlement linked to family reunification. For Embassies Mexico, Caracas and San Jose: Please inquire as to progress on family reunification programs for resettlement of Cubans. Embassies should underscore high level interest in resettlement and appreciation for their taking the lead on this question. Governments should be pressed to make an earlier announcement. They should be invited, if they desire, to send representatives to Guantanamo and Panama to interview potential candidates for resettlement.

4. Other actions addressees should provide, after appropriate discussions with host government, an action plan for persuading country to accept some Cuban migrants. The plan should include a target number which post believes is possible as well as a listing of needed actions to persuade government to accept Cubans. This

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E.O. 13526

White House Guidelines, September 11, 2006

By *MS* NARA, Date *3/24/11*

2011-1031-F

should include as necessary letters or calls from senior government officials and visits. It should also include what quids might be necessary including possible financial aid to assist in resettlement and relation to outstanding bilateral issues. If possible the plan should not be tied to family unification.

5. In approaching host government embassy should emphasize importance of this issue to highest levels of USG. Embassy should also note that many of the migrants are well trained professionals.

6. FYI. We would seek to resettle migrants both from Panama and Guantanamo. However, we would move migrants to resettlement country by first flying them to Panama if they are from Guantanamo.

7. Please respond with fully considered action plan and report of first approach to host government by cob 10 October.

M S M a i l

DATE-TIME 05 October 94 15:42
FROM Schwartz, Eric P.
CLASSIFICATION ~~CONFIDENTIAL~~
SUBJECT [~~CONFIDENTIAL~~] Legal migration
TO Campbell, Kurt M.
Cooper, Kathleen H.
Halperin, Morton H.
Longoria, Michael A.
Malley, Robert
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY [[TEMPHC.DOC : 3910 in TEMPHC.DOC]]

ATTACHMENT
FILE DATE 5 October 94 15:41

ATTACHMENT
FILE NAME TEMPHC.DOC
~~CONFIDENTIAL~~
~~CONFIDENTIAL~~
Declassify on: OADR

~~CONFIDENTIAL~~
~~CONFIDENTIAL~~
October 5, 1994

MEMORANDUM TO Steve Warnath, DPC staff
Mike Longoria, NSC staff
Rob Malley, NSC staff
Brunsen McKinley, State/PRM
Terry Rusch, State/PRM
Dennis Hays, State/ARA/Cuban Affairs
Chuck Brayshaw, State/ARA/Cuban Affairs
Luther Schrieffer, OSD/Caribbean Task Group
Ray Ruga, OSD/Caribbean Task Group
Mike Myers, OSD/HRA
Will Stettinius, OSD/HRA
Jerry Bates, JCS/J-3
Rick Coffin, JCS/J-3
Mike Hostage, JCS/J-5
Seth Waxman, Justice/Depy AG
Phyllis Coven, Justice/Depy AG
Alex Aleinikoff, INS/Genl Counsel
Chris Sale, INS/Genl Counsel

DECLASSIFIED

E.O. 13526

White House Guidelines, September 11, 2006

By *m* NARA, Date *3/25/16**2011-1039-F*

Jeff Weiss, Justice/CRS

FROM Eric Schwartz, NSC staff

SUBJECT Cuba: Proposal for Legal Migration

I have enclosed below the essential elements of a legal migration proposal that attempts to incorporate interagency views. I have also included annotations where relevant.

Please provide me with any agency (i.e., not individual bureau) comments by 10 am on October 6.

Again, I need no more than three sets of comments, from Justice, State and DOD.

I. CURRENT IMMIGRANT VISAS

ù INS and State will have additional officers in Havana starting on or about October 17 to begin expanded processing.

ù For current IVs, parole will be offered to attached family members, which includes family members residing in the same household and part of the same economic unit as the beneficiary and unmarried sons and daughters of beneficiaries.

ù USINT is already processing such cases.

II. IMMIGRANT VISA BACKLOG

ù We will offer parole to preference visa petition beneficiaries on the immigrant visa waiting list on September 9 whose petitions will not become current this year.

ù USINT is seeking to contact such persons now. To expedite this process, State will ask USINT about the value of public/press announcements requesting that persons on the waiting list write or visit USINT to obtain necessary forms.

III. PAROLE LOTTERY

The parole lottery will operate as follows:

ù We will announce the lottery, publicly indicate eligibility requirements and invite those who are qualified to send USINT postcards containing the following information:

Cuban ID number
Name
Marital status
Address
Date of birth
Number of unmarried, minor children
Occupation

ù Applicants will be prohibited from sending more than one card. To verify that we have not received multiple entries and reduce the population under consideration, we will randomly select several thousand cards and enter them into a computer data base. Over the course of the year (in stages), we will randomly select applicants from this list and interview them for eligibility.

ù Besides being otherwise admissible, successful applicants will have to meet five of the following ten requirements:

EDUCATION

1. Completed high school.
2. Completed college.

OCCUPATION/EMPLOYMENT

3. Employed continuously for three years.
4. Have training experience/credentials in a trade, craft or profession.
5. Willing and able to accept work in the U.S.

TIES TO THE U.S.

6. Spouse/parent/child/grandchild/grandparent/sibling in the United States.
7. Other relatives in the U.S.

ENGLISH

8. Can speak and understand English at a basic level.

OTHER FACTORS

9. Have been a member of a human rights organization, have been unable to work in my field due to my political/religious activities or beliefs and/or have suffered discrimination or harassment on the basis of political/religious activities (where such treatment appears to amount to persecution, applicants can be referred to the in-country refugee program).

10. Prior to October 1, 1994, the applicant clearly manifested a

strong intention to immigrate to the United States (this could include denied visa applicants in Cuba-proper as well as boat people now in Guantanamo).

IV. THE GUANTANAMO POPULATION

ù State and INS will deploy staff to Guantanamo to discuss/explain

the program to the Cuban populations in the camps, stressing those elements of the criteria that may apply to the Cubans there (i.e., items 9 and 10 in particular).

ù Cubans in GTMO may apply for the program while in GTMO, but their applications will not be considered until they return. For the time-being, we will not impose a deadline for applications from the camps -- Cubans in the camps who apply before the deadline promulgated in Cuba will be considered for the program after they return even if the return takes place after the deadline. We may, however, consider imposing a cut-off date at some point in the future.

M S M a i l

DATE-TIME 05 October 94 16:23
FROM Rocha, Victor M.
CLASSIFICATION CONFIDENTIAL
SUBJECT Subject: FW: [CONFIDENTIAL]
TO Feinberg, Richard E.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

From: Rocha, Victor M.
To: Schwartz, Eric P.; @CROSS - Cross Hatches
CC: /R, Record at A1; Halperin, Morton H.
Subject: RE: [CONFIDENTIAL]
Date: Wednesday, October 05, 1994 04:21 PM

I clear for the InterAmerican Directorate without changes. (Eric: Kindly check that this message is also addressed to Honduras.)

From: Schwartz, Eric P.
To: @CROSS - Cross Hatches
CC: /R, Record at A1; Halperin, Morton H.; Rocha, Victor M.
Subject: FW: [CONFIDENTIAL]ch 011510
Date: Wednesday, October 05, 1994 04:05 PM

The attached message was coordinated with Mort Halperin, which I neglected to mention. You should also run it by Manuel Rocha.

Eric

From: Schwartz, Eric P.
To: @CROSS - Cross Hatches
CC: /R, Record at A1; @DEMOCRACY - Democracy Affairs
Subject: [CONFIDENTIAL]ch 011510
Date: Wednesday, October 05, 1994 04:01 PM

Please delete all operative paragraphs and insert the following --

1. The President has approved a series of measures designed on an urgent basis to reduce the number of Cuban migrants held at Guantanamo Bay and to improve the quality of life for those who remain.

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E.O. 13526
White House Guidelines, September 11, 2006
By *MM* NARA, Date *3/15/16*
101-1039-F

2. Because Cubans at Guantanamo will not be processed for admission to the United States, voluntary return to Cuba and resettlement in third countries are the major focus of our efforts. This cable is initiating a high level effort to persuade third countries to accept a reasonable number of Cubans for resettlement.

3. Some countries, including Venezuela, Mexico and Costa Rica, earlier expressed some willingness to accept some Cubans for resettlement linked to family reunification. For Embassies Mexico, Caracas and San Jose: Please inquire as to progress on family reunification programs for resettlement of Cubans. Embassies should underscore high level interest in resettlement and appreciation for their host governments taking the lead on this question. Governments should be pressed to make an early announcement. They should be invited, if they desire, to send representatives to Guantanamo and Panama to interview potential candidates for resettlement.

4. Other action addressees should provide, after appropriate discussions with host government, an action plan for persuading country to accept some Cuban migrants. The plan should include a target number which post believes is possible as well as a listing of actions needed to persuade government to accept Cubans. This should include, as necessary, letters or calls from senior government officials and visits. It should also include what quids might be necessary, including possible financial aid to assist in resettlement and relation to outstanding bilateral issues. If possible the plan should not be tied to family unification.

5. In approaching host government embassy should emphasize importance of this issue to highest levels of USG. Embassy should also note that many of the migrants are well trained professionals.

6. FYI. We would seek to resettle migrants both from Panama and Guantanamo. However, we would plan to move migrants to resettlement country by first flying them to Panama if they are coming from Guantanamo.

7. Please respond with fully considered action plan and report of first approach to host government by cob 10 October.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. email	Schwartz to Rossin re: Amio Points (2 pages)	10/05/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
MSMail-Record (Sept 94-Sept 97) ([Schwartz and Cuba...])
OA/Box Number: 590000

FOLDER TITLE:

[09/26/1994-10/28/1994]

2011-1039-F
rs1850

RESTRICTION CODES

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

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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]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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M S M a i l

DATE-TIME 06 October 94 08:56

FROM Feinberg, Richard E.

CLASSIFICATION ~~CONFIDENTIAL~~

SUBJECT Subject: Cubans in Gtmo [~~CONFIDENTIAL~~]

TO Cicio, Kristen K.
Emery, Mary C.
Hall, Wilma G.
Veit, Katherine M.
Wolin, Neal S.

CARBON_COPY Halperin, Morton H.
Rocha, Victor M.
Schwartz, Eric P.

TEXT_BODY

NOTE TO SANDY BERGER

Yesterday while in Miami on Summit business I met with a dozen Cuban-American leaders who complained about conditions at Gtmo. They warned that the situation was volatile -- both in the camps as well as in Miami and could mar the Summit. Their recommendations included upgrading facilities but more importantly paroling in the ill, children and women (some 15 percent of the total) and creating a process which would give hope to those remaining that they would eventually be allowed in. However, City Manager Odio noted that he was not in favor of simply paroling in the 30,000 and neither Chiles nor Jeb Bush favor such an approach..

They gave me folders on 35 migrants that they said were emergency cases with a cover note to AG Reno which I've forwarded to Justice.

Mac McLarty was impressed by these concerns and concluded that we would have to find some way to alleviate these pressures prior to the Summit.

The Cuban-Americans inevitably request more statements by the President on Cuba and on the migrant problem. They particularly look for disavowals of rumors that we cut a secret deal with Castro to deny entry to those at Gtmo. However, as we think about pre-Summit events to cool the Cuban-American community in Miami, the Attorney General might be just what the doctor ordered.

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E.O. 13526

White House Guidelines, September 11, 2006

By *MS* NARA, Date *3/18/11**201-1034-F*

M S M a i l

DATE-TIME 06 October 94 10:09
FROM Schwartz, Eric P.
CLASSIFICATION UNCLASSIFIED
SUBJECT [UNCLASSIFIED]Talking Points on Haitian Migration

TO Atkin, Timothy J.
Baker, James E.
Beers, Rand R.
Brown, Dallas
Campbell, Kurt M.
Clarke, Richard A.
Cooper, Kathleen H.
Darragh, Sean J.
Halperin, Morton H.
Hunerwadel, Joan S.
Kreczko, Alan J.
Lindsey, Wanda
Longoria, Michael A.
Malley, Robert
Mitchell, Calvin A.
Norman, Marcia G.
Rice, Susan E.
Richardson, Craig
Rossin, Larry
Ross, Thomas B.
Roundtree, Beverly J.
Schwartz, Eric P.
Simon, Steven N.
Sonenshine, Tara D.
Spalter, Jonathan H.
Wozniak, Natalie S.

CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY

I have attached FYI some talking points on Haitian migration that I prepared for Sandy. I thought you might be interested in seeing them as well.
[[HAITI68.DOC : 2616 in HAITI68.DOC]]

ATTACHMENT
FILE DATE 6 October 94 9:59

ATTACHMENT
FILE NAME HAITI68.DOC

U.S. Policy Toward Haitian Migration

ù In our migration policy, we managed to accomplish what previous Administrations have failed to achieve: providing compassionate treatment and protection for those who legitimately feared return to Haiti while stemming massive outflows of those leaving simply to obtain resettlement in the United States.

ù There has been broad public approval of our approach.

ù On the one hand, our management of the boat migration flow has won us the support of states and localities that are concerned about mass irregular immigration.

ù On the other hand, our commitment to protection has earned us the praise of both the refugee advocacy community and the UNHCR.

ù While we have broken new ground in terms of U.S. refugee policy, we are hardly breaking ground internationally in adopting this approach. The international community has long recognized that third country resettlement can only be the answer for a very small percentage of the world's 20 million refugees. For most refugees, including Haitians, the best permanent solution is the one that permits them to return to their countries of origin when political conditions so permit.

ù And that process is beginning already.

ù Over the past two weeks, nearly 2000 of the 14,000 Haitians at Guantanamo have chosen voluntarily to return to Haiti.

ù This process will continue and certainly accelerate in the weeks and months to come.

POSSIBLE Q AND A

Q: What will you do with Haitians who refuse to return from Guantanamo?

A: We expect large-scale voluntary returns over the next two months. We will deal with any problems that remain when we encounter them, and will do so in a humane and responsible manner.

You may remember that fair treatment for boat people has been a guiding principle of our Haiti policy, and one which we have no intention of foregoing.

M S M a i l

DATE-TIME 06 October 94 11:22

FROM Malley, Robert

CLASSIFICATION ~~CONFIDENTIAL~~

SUBJECT [~~CONFIDENTIAL~~]Cuba - announcements

TO Schwartz, Eric P.

CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY

Attached are the two drafts - one for announcement here, the other for safehavens. Le me know what you think.

[[ANNOUNCE.DOC : 2904 in ANNOUNCE.DOC]][[ANNOUNC2.DOC : 2905 in ANNOUNC2.DOC]]

ATTACHMENT
FILE DATE 6 October 94 10:10

ATTACHMENT
FILE NAME ANNOUNCE.DOC

DRAFT ANNOUNCEMENT (FOR CUBA AND US)

The U.S. is announcing today steps that are being taken to implement the September 9 migration agreement with Cuba and to address some of the needs of Cuban migrants at Guantanamo.

Pursuant to the agreement, the US will allow a minimum of 20,000 Cubans to migrate to the US each year. This goal will be met through a variety of means:

o First, public interest parole will be offered to attached family of Cubans issued immigrant visas and Cubans granted refugee status. Attached family includes unmarried sons and daughters of the immigrant or refugee and family members who reside in the same household and are part of the same economic unit as the immigrant or refugee.

o Second, as a one-time, extraordinary measure, public interest parole will be offered to preference visa petition beneficiaries on the immigrant visa waiting list as of September 9, 1994, and to whom it would not have been possible to issue an immigrant visa by the end of FY 95 (September 30, 1995).

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E.O. 13526

White House Guidelines, September 11, 2006

By ML NARA, Date 3/24/16

2011-1034-F

o Third, the USINT will review pending and previously denied refugee cases in order to identify cases qualifying under FY 1995 expanded criteria.

o Fourth, the U.S. will be operating a new parole lottery that will substantially broaden avenues of immigration for those Cubans without direct family ties in the U.S. Candidates selected through the lottery will be entitled to bring their spouses and minor children with them to the U.S. [This random selection process is designed to benefit Cubans with strong reasons to migrate and who can become self-sufficient].

These programs are available to all qualifying Cubans. Cubans who currently are in safehavens in Guantanamo or Panama must return to Cuba to benefit from them. Personnel from the State Department and the Immigration and Naturalization Service will be available to advise Cubans at Guantanamo and in Panama as to their eligibility for immigrant, refugee and parole status and to assist them with the lottery forms. All candidates for these programs will be screened for medical, criminal, and public charge requirements of U.S. immigration law.

USINT is already in the process of identifying potential candidates for parole under the various programs and for expanded refugee processing. USINT will shortly receive the names and addresses of all those on the immigrant visa waiting list. Candidates for parole and expanded refugee processing, along with those Cubans on the waiting list, will be contacted directly by USINT. Cubans to whom it is possible to issue immigrant visas in FY 95 already are being informed by USINT of their new opportunity to bring their attached family with them to the United States. All parole, refugee, and immigrant visa cases will be handled on an accelerated basis using new streamlined procedures.

In order to speed implementation of this plan, the Immigration and Naturalization Service and the Department of State will each have in place five new officers at the USINT in Havana on or about October 17. Additional local staff has already been hired as part of the implementation process. A State Department team will arrive in Havana on October 15 to begin identifying new facilities to accommodate the expanded immigrant visa and refugee processing.

[IF FULLY WORKED OUT]: Also in fulfillment of the September 9 agreement, the U.S. and Cuba have agreed to the return of an initial group of twenty volunteers from Guantanamo to Cuba. The group is departing Guantanamo on x ... (details to be provided).

With regards to Cubans currently in safehavens, we are announcing several new developments:

First, [IMPROVEMENT LIST TO BE PROVIDED BY JCS]

Second, the Attorney General has decided to parole into the U.S. (x) Cubans with long-term medical conditions who cannot be adequately treated at Guantanamo. They will be accompanied by immediate family members who also will be paroled.

ATTACHMENT
FILE DATE

6 October 94 10:58

ATTACHMENT
FILE NAME

ANNOUNC2.DOC

DRAFT ANNOUNCEMENT (FOR GTMO)

The U.S. is announcing today a series of measures affecting Cubans in safehavens at Guantanamo and in Panama.

[IF FULLY WORKED OUT] First, an initial group of twenty volunteers from Guantanamo is returning to Cuba. [Cubans who wish to remain in safehavens can do so. Those who wish to return to Cuba should make this known, and proper arrangements will be made.]

Second, the Attorney General has decided to parole into the U.S. (x) Cubans with long-term medical conditions who cannot be adequately treated at Guantanamo. They will be accompanied by immediate family members who also will be paroled.

Third, we are expanding our legal migration program pursuant to the September 9 agreement with Cuba. A minimum of 20,000 Cubans will be allowed to migrate to the U.S. each year. Cubans currently in safehavens are eligible for the various programs but they must return to Cuba to benefit from them:

You will be offered public interest parole if you are an unmarried son or daughter of a Cuban who has been issued an immigrant visa or granted refugee status. You also will be offered parole if you belong to the family of, reside in the same household and are part of the same economic unit as, an immigrant or refugee. INS representatives will be available to counsel you as to your eligibility under this program.

You will be offered public interest parole if you were a preference visa petition beneficiary on the immigrant waiting list as of September 9, 1994, and it otherwise would not have been possible to issue you an immigrant visa by September 30, 1995. INS officials will be available to counsel you as to your eligibility under this program.

You will be offered parole if you are selected under a new parole lottery operated by the U.S. The lottery will substantially broaden avenues of immigration for Cubans without direct family ties to the U.S, who have a strong desire to migrate, and who can quickly become self-sufficient. Selected candidates will be screened for medical, criminal, and public charge requirement of US immigration law. Application forms will be available in Guantanamo and Panama, and they will be considered together with other forms, but you must return to Cuba before you can be notified and selected. If your return is delayed, you will not suffer any disadvantage in the lottery. Officials will be available to assist you with the lottery forms.

The USINT in Havana also will be reviewing pending and previously denied refugee cases in order to identify candidates qualifying under the expanded criteria. INS officials are available to advise you as to this program.

All candidates for these programs will be screened for medical, criminal, and public charge requirements of US immigration law.

The USINT in Havana is already in the process of identifying potential candidates for parole under the various programs and for expanded refugee processing. USINT will shortly receive the names and addresses of all those on the immigrant visa waiting list. Every effort will be done to notify Cubans in safehavens who are eligible for parole and the expanded refugee processing, along with those who are on immigrant visa waiting list. All parole, refugee,

and immigrant visa cases will be handled on an accelerated basis using new streamlined procedures.

In order to speed implementation of this plan, the Immigration and Naturalization Service and the Department of State will each have in place five new officers at the USINT in Havana on or about October 17. Additional local staff has already been hired as part of the implementation process. A State Department team will arrive in Havana on October 15 to begin identifying new facilities to accommodate the expanded immigrant visa and refugee processing.

M S M a i l

DATE-TIME 07 October 94 16:27
FROM Millison, Cathy L.
CLASSIFICATION ~~CONFIDENTIAL~~
SUBJECT Subject: RE: Request for Travel to Guantanamo [~~CONFIDENTIAL~~]
TO Longoria, Michael A.
CARBON_COPY Darby, Melanie B.
Gray, Wendy
Hawkins, Ardenia R.
Hilliard, Brenda I.
Joshi, M. Kay
Malley, Robert
Millison, Cathy L.
Reed, James W.
Schwartz, Eric P.
Wright, Allison M.

TEXT_BODY

Mike:

I spoke with Will Itoh regarding the attached request. He does not feel it qualifies for a Presidential Mission and recommends that it be handled by existing DOD resources. They must have planes which fly to Guantanamo on a fairly regular basis.

From: Longoria, Michael A.
To: Millison, Cathy L.
CC: /R, Record at A1; Malley, Robert; Schwartz, Eric P.
Subject: Request for Travel to Guantanamo[~~CONFIDENTIAL~~]
Date: Friday, October 07, 1994 02:30 PM

<<Attached File: 2.DOC>>

Cathy,

A Washington delegation is required to travel to Guantanamo on Monday, 10 Oct and return to Washington on Tuesday, 11 Oct passing through Miami (for a press conference). This mission is a result of an interagency working group's recommendation on how best to break the news of "legal migration" to the migrants at Guantanamo. BG Williams TF-160 has strongly urged the NSC to send the delegation to GTMO for acquainting INS, State, CRS personnel with the intricacies involved with legal migration--his primary

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E.O. 13526

White House Guidelines, September 11, 2006

By ML NARA, Date 2/28/16

2011-1039-F

concern is that the migrants do not riot--extreme sensitivity is required. DOD supports the interagency effort. Proposed travellers and itinerary follows:

Travellers

Justice: Phyllis Coven, Dep AG

INS: ? at this time

State: Dennis Hays, Cuba Desk

NSC: Mike Longoria, Assoc Dir, Democracy

DOD: ? at this time

Itinerary

Monday Pm Departure form DC to GTMO

Arrive GTMO brief cadre of State/INS/CRS/Military

on legal migration---aircraft remains overnight or returns next day

Tuesday AM Announcement within camps

Depart GTMO for Miami

Press Conference in Miami along with other Gov't Agencies

Return to DC

Rationale for Aircraft Use

--Travel to GTMO not possible by commercial air

--Interagency coordination and press announcement timing is critical

--Mission has support of interagency

Attached is detail Timing Plan on Announcements

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. email	Schwartz to Kristen Cicio et al. re: Amio Agreement (3 pages)	10/07/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
MSMail-Record (Sept 94-Sept 97) ([Schwartz and Cuba...])
OA/Box Number: 590000

FOLDER TITLE:

[09/26/1994-10/28/1994]

2011-1039-F
rs1850

RESTRICTION CODES

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

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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]
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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]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006. email	Morton Halperin to Robert Malley re: Memo to Berger (4 pages)	10/11/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
MSMail-Record (Sept 94-Sept 97) ([Schwartz and Cuba...])
OA/Box Number: 590000

FOLDER TITLE:

[09/26/1994-10/28/1994]

2011-1039-F
rs1850

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

M S M a i l

DATE-TIME 11 October 94 21:15
FROM Malley, Robert
CLASSIFICATION UNCLASSIFIED
SUBJECT [UNCLASSIFIED]Talking points
TO Danvers, William C.
CARBON_COPY Cooper, Kathleen H.
Halperin, Morton H.
Schwartz, Eric P.

TEXT_BODY

Here are talking points for tomorrow. Bill, please check with Mort and Eric if they have any changes. I had to put them together late Tuesday night and did not run them by anyone (though most come from the announcement and q's and a's) . See if you want to run them by State/Cuba or Justice. Hope all goes well. I'll be out of town all day tomorrow - so you're on your own.

The announcement will probably be at 4:00 PM at State - you should check with Sean Murphy at State, 647-5561 for final decision.

(Mort: The document is in the G-drive if you want to fiddle with it)

[[TALKPTS.DOC : 5440 in TALKPTS.DOC]]

**ATTACHMENT
FILE DATE** 11 October 94 21:10

**ATTACHMENT
FILE NAME** TALKPTS.DOC

Implementation of the Cuba/US Migration Agreement
Talking Points

On the Legal Migration Program:

- o We are announcing steps to implement the Sept. 9 agreement with Cuba and expand legal migration to a minimum of 20,000 per year.

- o This program is designed to promote safe, legal migration from Cuba to the US.

- o The program is part of the agreement under which Cuban authorities put an end to the irregular, dangerous exodus by sea. The US is offering new opportunities to Cubans who wish to come to the US.

- o At the same time, we are adhering to our policy of detaining

Cubans who arrive on our shores through irregular means.

- o The program will broaden migration opportunities for all Cubans, including those who traditionally have been unable to come to the US through the visa channel because they lack necessary family ties.

- o The program was designed to attract Cubans who will be self-sufficient in the US and who have manifested an interest in migrating to the US.

- o The program was designed so as to benefit Cubans who fit the "rafter" profile.

- o All selected applicants under all programs will eventually be screened for medical and criminal requirements. They also will be screened to verify that they will not be public charges.

- o To help in this effort and to speed up the process, we are sending in additional INS and State Department personnel to Havana.

- o We will achieve our goal through a combination of means:

- Paroling individuals who were on the immigration visa waiting;

- Increasing the number of slots available for Cuban refugees from 3,000 to a minimum of 6,000

- Expanding the interview criteria for the refugee program.

- Paroling the unmarried sons and daughters of Cubans who are issued immigrant visas or granted refugee status; paroling Cubans who are in the same household and part of the same economic unit as these immigrants or refugees.

- Operating a lottery for Cubans who wish to come to the US. Details of the lottery will be announced by November 1st.

- o Steps already are being taken to implement these programs. Cubans on the visa waiting list have been identified and are in the process of being notified. Cubans who can be paroled under the expanded family program, and those who might be eligible under the expanded criteria also are being identified and notified.

On the AG's parole authority:

- o These actions are well within the AG's parole authority. She is authorized to parole aliens into the US "for reasons deemed strictly in the public interest." Normalizing the immigration flow

between the 2 countries meets this criterion.

On Cubans at GTMO and Panama:

- o To participate in these various migration programs, Cubans must be in Cuba proper. Cubans in safehavens must return home to participate.
- o Information will be provided to Cubans at safehavens regarding the details of the various programs.
- o However, no Cuban will be either forced or even encouraged to leave. All departures will be voluntary.
- o As part of the Cuba/US talks, we made clear that no negative action should be taken against Cubans who return from the safehavens. These talks will be ongoing, with the next session later this month. The issue of treatment of returning Cubans is one that we can and will be monitoring.
- o Cubans who wish to stay in safehavens under US government protection are free to do so if they choose. The US is making every effort to improve conditions in safehavens to make them as liveable as possible. Our military is doing an outstanding job in this respect. Facilities are being upgraded, recreational activities are beginning to be available and will be improved shortly, and mail and newspapers will be delivered.
- o Together with UNHCR, we are exploring durable alternatives for Cubans in safehavens who are bona fide refugees and who fear returning to Cuba. Among these is the possibility of third-country resettlement.
- o Some Cubans with emergency medical conditions that could not adequately be treated in safehavens have been paroled into the US with immediate family. We will continue to do this on an "as needed" basis.

On Cubans at Krome and Port Isabel:

- o Cubans in these 2 facilities have been placed in normal immigration proceedings.
- o Children and their caregivers in Krome and Port Isabel have been paroled in the US.

M S M a i l

DATE-TIME 12 October 94 11:10
FROM Cooper, Kathleen H.
CLASSIFICATION UNCLASSIFIED
SUBJECT Subject: Cuba Agenda [UNCLASSIFIED]
TO Rocha, Victor M.
Schwartz, Eric P.
CARBON_COPY Norman, Marcia G.
Turner, Veronica B.
TEXT_BODY

DRAFT

CUBA MEETING

WEDNESDAY, OCTOBER 12, 1994, 2:30PM
WHITE HOUSE SITUATION ROOM

AGENDA

1. LEGAL MIGRATION (STATE, JUSTICE)
2. CONDITIONS IN GUANTANAMO (DOD)
3. THIRD COUNTRY RESETTLEMENT (STATE)
4. FUTURE OF CUBANS IN GUANTANAMO (ALL)
5. RETURNING PEOPLE TO CUBA

M S M a i l

DATE-TIME 12 October 94 13:01
FROM Schwartz, Eric P.
CLASSIFICATION ~~CONFIDENTIAL~~
SUBJECT [CONFIDENTIAL]CUBA ROADMAP
TO Campbell, Kurt M.
Cooper, Kathleen H.
Halperin, Morton H.
Longoria, Michael A.
Malley, Robert
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY [[CUBA48.DOC : 3402 in CUBA48.DOC]]

ATTACHMENT
FILE DATE 12 October 94 13:0

ATTACHMENT
FILE NAME CUBA48.DOC
~~CONFIDENTIAL~~
~~CONFIDENTIAL~~
Declassify on: OADR

~~CONFIDENTIAL~~
~~CONFIDENTIAL~~
CUBA MEETING
ROAD MAP

1. Legal Migration

Current movements: You should request a report from State on progress on moving approved Cubans under the expanded parole program. State will claim that more personnel arrives on October 17. You should ensure that the processing capacity after October 17 will enable us to meet our commitments to the Cubans.

The lottery: You should ensure agencies will be ready to announce details of the lottery no later than November 1.

Issues for the second round of migration talks: We should agree 1) to brief the Cubans in detail on our migration efforts, 2) accept reasonable suggestions from the Cubans on the nature of the lottery, 3) ensure rapid procedures for voluntary return.

2. Voluntary return

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By ML NARA, Date 5/28/16
201-1031-F

You should ask State for a report on voluntary return and, in particular, efforts to expedite the return process. We have yet to develop methods for swift, large-scale repatriation.

3. Conditions at Guantanamo

You should request a report on efforts to improve conditions. In particular, you should ask about the plan to move from tents to more permanent structures and whether we need to change the management of the GTMO operation.

You should ask about other measures that might help to forestall unrest in the camps.

4. Third country resettlement

You should request a report on responses to our demarche.

You should ask State to develop a plan to use funds to assist in third country resettlement. We should be able to announce such funding in a follow-up cable to posts. We could offer between \$1,000 and \$3,000 per person, depending on the requirements of the host country.

5. Future of Cubans at Guantanamo

DOD may push on U.S. resettlement of large numbers of Cubans from Guantanamo. You need to reassert that we are likely to have many thousands of Cubans at Guantanamo for some time and therefore need to plan in that manner.

You may want to discuss parole of small children and their families, but such action may result in a Cuban claim that we have breached the agreement. Alternatively, you could seek to put off such issues until we have had a chance to obtain a better understanding of the numbers involved. This would require a more detailed DOD survey of the population.

DOD may raise the issue of parole for those who left Cuba before

our change of policy on August 19. It may not be feasible to so parse out the population. Moreover, such a decision might well result in a Cuban claim that we have breached the agreement.

6. Public Affairs strategy

Mort can report on efforts we are making in this regard, in particular, in south Florida.

M S M a i l

DATE-TIME 12 October 94 19:32

FROM Danvers, William C.

CLASSIFICATION UNCLASSIFIED

SUBJECT Subject: Legislative update [UNCLASSIFIED]

TO Cicio, Kristen K.
Darby, Melanie B.
Emery, Mary C.
Hall, Wilma G.
Hawkins, Ardenia R.
Millison, Cathy L.
Reed, James W.
Sens, Andrew D.
Veit, Katherine M.
Wolin, Neal S.
Wright, Allison M.

CARBON_COPY Alexander, Anne D.
Anderson, Marjorie
Andricos, George M.
Atkin, Timothy J.
Beers, Rand R.
Blakeman, Earle C.
Blinken, Anthony J.
Brown, Dallas
Clarke, Richard A.
Cleveland, Carolyn E.
Danvers, William C.
Darragh, Sean J.
Feinberg, Richard E.
Funches, Christina L.
Halperin, Morton H.
Indyk, Martin S.
Jensen-Moran, Jeri L.
Kerrick, Donald L.
Laipson, Ellen B.
Lebourgeois, Julien D.
Lindsey, Wanda
Marshall, Betty A.
Maxfield, Nancy H.
Mazzuchi, Anthony D.
McIlhany, Jesika A.
Norman, Marcia G.
Rice, Susan E.
Richardson, Craig

Rocha, Victor M.
Rose, Gideon G.
Rossin, Larry
Roundtree, Beverly J.
Satterfield, David M.
Schwartz, Eric P.
Simon, Steven N.
Stephens, Kathleen D.
Teraji, Barbara
Cathryn, Thorup L.
Turner, Veronica B.
Vershbow, Alexander R.

TEXT_BODY

Note for Tony and Sandy:

We, along with State and DoJ, made a round of calls to the Hill on the implementation of the Cuba migration agreement. This included the entire Florida delegation. There was not much of a reaction.

There was a House and Senate briefing on Iraq. Both went well.

We have told House and Senate leadership (Foley and Mitchell) that they each have 5 slots for Members to go back with Aristide on Saturday. Since Aristide already invited Members, a number of those who were asked but will not be able to attend, will likely be upset. We have told them there is not much we can do since it is a question of space and security.

Rep. Gilman's office called and wanted a staffer to participate in the private sector meeting tomorrow with members of the Haitian govt. We told him it was a private meeting but that AID will try and brief him about the meeting before it takes place.

We are prepared to put together a strategy on consultations on Somalia and Korea once decisions have been made on these issues.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007. email	Malley to Halperin et al. re: Cubans in Panama (2 pages)	10/14/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
MSMail-Record (Sept 94-Sept 97) ([Schwartz and Cuba...])
OA/Box Number: 590000

FOLDER TITLE:

[09/26/1994-10/28/1994]

2011-1039-F
rs1850

RESTRICTION CODES

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

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M S M a i l

DATE-TIME 14 October 94 10:37

FROM Schwartz, Eric P.

CLASSIFICATION UNCLASSIFIED

SUBJECT Subject: [UNCLASSIFIED]President's visit to south Florida

TO Cicio, Kristen K.
Darby, Melanie B.
Emery, Mary C.
Hall, Wilma G.
Hawkins, Ardenia R.
Millison, Cathy L.
Reed, James W.
Sens, Andrew D.
Veit, Katherine M.
Wolin, Neal S.
Wright, Allison M.

CARBON_COPY Halperin, Morton H.

TEXT_BODY Memorandum to Sandy Berger
Nancy Soderberg

As I'm sure you know, the President and/or his party may be peppered with questions -- some quite detailed -- about Cuba migration policy. There are a lot of complicated issues here -- parole, medevacs, visa waiting list, refugee processing, etc.

I am generally concerned that --

- 1) Someone on the trip should know all the details, and there are quite a few;
- 2) the political people around the President be coordinated with the immigration/foreign policy work that we are doing -- statements made off the cuff can have serious policy/political implications if they are not completely accurate, if they are misinterpreted and/or if they conflict with the policy positions we are taking.

My recommendation would be that Mort (or if he cannot do it, myself) be on this trip.

M S M a i l

DATE-TIME 14 October 94 14:20
FROM Schwartz, Eric P.
CLASSIFICATION UNCLASSIFIED
SUBJECT [UNCLASSIFIED]Plan for Legal Migration

TO Atkin, Timothy J.
Beers, Rand R.
Brown, Dallas
Campbell, Kurt M.
Cicio, Kristen K.
Clarke, Richard A.
Cooper, Kathleen H.
Darby, Melanie B.
Darragh, Sean J.
Emery, Mary C.
Hall, Wilma G.
Halperin, Morton H.
Hawkins, Ardenia R.
Lindsey, Wanda
Longoria, Michael A.
Malley, Robert
Millison, Cathy L.
Norman, Marcia G.
Jim Reed
Rice, Susan E.
Richardson, Craig
Roundtree, Beverly J.
Schwartz, Eric P.
Sens, Andrew D.
Simon, Steven N.
Veit, Katherine M.
Wolin, Neal S.
Wright, Allison M.

CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY

MEMORANDUM TO SAMUEL BERGER

FROM ERIC SCHWARTZ

SUBJECT: PLAN FOR LEGAL MIGRATION

Per your request, I have attached a short description of the action plan on legal migration from Cuba. We have interagency agreement on all the

critical issues.

[[CUBA49.DOC : 3633 in CUBA49.DOC]]

**ATTACHMENT
FILE DATE**

14 October 94 14:17

**ATTACHMENT
FILE NAME**

CUBA49.DOC

**LEGAL MIGRATION
DESCRIPTION AND TIME-LINE**

I. New Program Beneficiaries (getting to 20,000-plus)

ù Parole will be offered to attached family members and unmarried sons and daughters of immigrant visa beneficiaries and approved refugees.

ù We will expand in-country processing from 3000 to 6000.

ù We will take all applicants on the immigrant visa waiting list as of September 9. These numbers will not count against the 20,000.

ù We will operate a parole lottery requiring chosen applicants to meet four of nine criteria, one of which is that the applicant, prior to October 1, 1994, manifested a desire to immigrate to the U.S.

II. Details of the plans and time-line

October 1-14:

ù USG informed Cuban-American community and Cubans in Guantanamo about details of the expanded migration plan, including information on how to apply for all of the programs excepting the lottery.

ù USINT informed beneficiaries of immigrant visas in Cuba who have not chosen to immigrate that their formerly excluded relatives may now qualify. USINT has heard from 1000 beneficiaries and is scheduling interviews.

ù USINT has received the computer tape of the immigrant visa waiting list and will, over the next several days, begin notifying about 1000 cases per week of their eligibility. This will go on for 1-2 months, until the supply is exhausted.

October 17

ù Some 10-12 additional DOS/INS personnel arrive at USINT to process larger numbers of cases and begin to schedule interviews with all categories of parolee beneficiaries. INS and State report that this staffing level will permit during FY 95 processing of 20,000 plus the immigrant visa backlog.

October 17-October 31

ù State will draft lottery announcements for Radio Marti and for Cuban publications and will ensure that they can be placed in those publications by November 1 or before.

ù State/USINT will secure an appropriate mailing address for applications for the lottery.

ù State will ensure adequate pencils and postcards in Guantanamo for the lottery.

ù INS will contract with the "Statistica" corporation to administer the lottery.

ù We will announce and promulgate the application procedures for the lottery which have been agreed interagency.

November 15 - December 15

ù We will accept applications for the lottery

III. Numbers

We project (ballpark) the following numbers of approvals (cumulative, including waiting list applicants):

Waiting list applies.

September 9 - October 31: 500

November 1 - November 30: 1000 2000

December 1 - December 31: 1700 2000

January 1 - January 31: 2860 2000

February 1 - February 28: 4420 2000

March 1 - March 31: 5980

April 1 - April 30: 7540

May 1 - May 31: 9100

June 1 - June 30: 10660

July 1 - July 31: 12220

August 1 - August 31: 13780

Sept 1 - Sept 30: 15340

Total 15340 8000

Lottery numbers
(beginning late
94-early 95) 4660

GRAND TOTALS 20000 8000

M S M a i l

DATE-TIME 14 October 94 14:29

FROM Malley, Robert

CLASSIFICATION UNCLASSIFIED

SUBJECT Subject: RE: [UNCLASSIFIED]

TO Schwartz, Eric P.

CARBON_COPY Halperin, Morton H.

TEXT_BODY

Eric, I don't know if you sent it out already or not, but in any event here are my (small) comments:

1. When you speak of "in-country processing" under the first heading, I would specify "refugee"
2. Whenever you say "Guantanamo" add "Panama" It will soon account for a third of all migrants. Even if it's not important for purposes of this memo, it is for us - so that we keep it in our minds.

From: Schwartz, Eric P.

To: @UP - APNSA Special Assistants; @GLOBAL - Global Affairs;

@DEMOCRACY -

Democracy Affairs

CC: /R, Record at A1

Subject: [UNCLASSIFIED]Plan for Legal Migration

Date: Friday, October 14, 1994 02:20 PM

<<Attached File: CUBA49.DOC>>

MEMORANDUM TO SAMUEL BERGER

FROM ERIC SCHWARTZ

SUBJECT: PLAN FOR LEGAL MIGRATION

Per your request, I have attached a short description of the action plan on legal migration from Cuba. We have interagency agreement on all the critical issues.

M S M a i l

DATE-TIME 19 October 94 13:52
FROM Schwartz, Eric P.
CLASSIFICATION ~~CONFIDENTIAL~~
SUBJECT [~~CONFIDENTIAL~~] Notification of mtg., background paper
TO Atkin, Timothy J.
Beers, Rand R.
Brown, Dallas
Campbell, Kurt M.
Clarke, Richard A.
Cooper, Kathleen H.
Darragh, Sean J.
Feinberg, Richard E.
Halperin, Morton H.
Lindsey, Wanda
Longoria, Michael A.
Malley, Robert
Norman, Marcia G.
Rice, Susan E.
Richardson, Craig
Rocha, Victor M.
Roundtree, Beverly J.
Schwartz, Eric P.
Simon, Steven N.

CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY

See two attached icons.

[[CUBA50.DOC : 3394 in CUBA50.DOC]]

[[CUBA49.DOC : 3395 in CUBA49.DOC]]

ATTACHMENT
FILE DATE

19 October 94 13:50

ATTACHMENT
FILE NAME

CUBA50.DOC
~~CONFIDENTIAL~~
~~CONFIDENTIAL~~
Declassify on: OADR

~~CONFIDENTIAL~~
~~CONFIDENTIAL~~
October 19, 1994

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By *W* NARA, Date *3/28/16*
201-1031-F

MEMORANDUM TO Steve Warnath, DPC staff x65576
Mike Longoria, NSC staff x69241
Rob Malley, NSC staff x69247
Brunsen McKinley, State/PRM 647 5822
Terry Rusch, State/PRM 663 1047
Dennis Hays, State/ARA/Cuban Affairs 647 9272
Chuck Brayshaw, State/ARA/Cuban Affairs 6479272
Luther Schriefer, OSD/Carib TskFce 703 6952520
Ray Ruga, OSD/Caribbean Task Group 703 695 2520
Mike Myers, OSD/HRA 703 693 9848
Will Stettinius, OSD/HRA 703 693 9848
Jerry Bates, JCS/J-3 703 697 4546
Rick Coffin, JCS/J-3 703 614 5988
Mike Hostage, JCS/J-5 703 695 8161
Seth Waxman, Justice/Depy AG 514 4560
Phyllis Coven, Justice/Depy AG 514 6909
Alex Aleinikoff, INS/Genl Counsel 514 1270
Chris Sale, INS/Commissioners Offc 514 1900
Jeff Weiss, Justice/CRS 301 492 5929

FROM Eric Schwartz, NSC staff

SUBJECT: Teleconference Meeting on Cuban Migration

You or your designated representative is invited to a meeting tomorrow on Cuban migration issues at 11 am.

The meeting will be a SVTS teleconference.

The agenda for the meeting will be as follows:

I. Progress on voluntary return.

Report from State.

II. Negotiating strategy: migration talks.

State is requested to brief the interagency on the planned strategy.

III. Legal migration

Please come prepared to discuss the elements in the attached time-line.

ATTACHMENT
FILE DATE

17 October 94 12:14

ATTACHMENT

FILE NAME

CUBA49.DOC

LEGAL MIGRATION
DESCRIPTION AND TIME-LINE

I. New Program Beneficiaries (getting to 20,000-plus)

ù Parole will be offered to attached family members and unmarried sons and daughters of immigrant visa beneficiaries and approved refugees.

ù We will expand in-country processing from 3000 to 6000.

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ù We will operate a parole lottery requiring chosen applicants to meet four of nine criteria, one of which is that the applicant, prior to October 1, 1994, manifested a desire to immigrate to the U.S.

II. Details of the plans and time-line

October 1-14:

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ù USINT informed beneficiaries of immigrant visas in Cuba who have not chosen to immigrate that their formerly excluded relatives may now qualify. USINT has heard from 1000 beneficiaries and is scheduling interviews.

ù USINT has received the computer tape of the immigrant visa waiting list and will, over the next several days, begin notifying about 1000 cases per week of their eligibility. This will go on for 1-2 months, until the supply is exhausted.

October 17

ù Some 10-12 additional DOS/INS personnel arrive at USINT to process larger numbers of cases and begin to schedule interviews with all categories of parolee beneficiaries. INS and State report that this staffing level will permit during FY 95 processing of 20,000 plus the immigrant visa backlog.

October 17-October 31

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ù State/USINT will secure an appropriate mailing address for applications for the lottery.

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November 15 - December 15

ù We will accept applications for the lottery

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March 1 - March 31: 5980

April 1 - April 30: 7540

May 1 - May 31: 9100

June 1 - June 30: 10660

July 1 - July 31: 12220

August 1 - August 31: 13780

Sept 1 - Sept 30: 15340

Total 15340 8000

Lottery numbers

(beginning late

94-early 95) 4660

GRAND TOTALS 20000 8000

M S M a i l

DATE-TIME 19 October 94 15:58
FROM Halperin, Morton H.
CLASSIFICATION ~~CONFIDENTIAL~~
SUBJECT Subject: RE: Cuba [~~CONFIDENTIAL~~]
TO Rocha, Victor M.
Schwartz, Eric P.
CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY

Yes. State is already working answers.

From: Rocha, Victor M.
To: Halperin, Morton H.; Schwartz, Eric P.
CC: /R, Record at A1
Subject: Cuba [~~CONFIDENTIAL~~]
Date: Wednesday, October 19, 1994 03:25 PM

We have received a copy of Havana 6939 which addresses Cuban government migration concerns. Sandy Berger has sent us a copy inquiring what's going on.

Will the issues raised in the cable be addressed at tomorrow's 11am meeting?

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By *N* NARA, Date *5/28/16*
2011-1034-F

M S M a i l

DATE-TIME 20 October 94 15:39

FROM Rossin, Larry

CLASSIFICATION UNCLASSIFIED

SUBJECT Haiti Achievements [UNCLASSIFIED]

TO Cicio, Kristen K.
Emery, Mary C.
Hall, Wilma G.
Mitchell, Calvin A.
Ross, Thomas B.
Sonenshine, Tara D.
Spalter, Jonathan H.
Veit, Katherine M.
Wolin, Neal S.
Wozniak, Natalie S.

CARBON_COPY Andricos, George M.
Atkin, Timothy J.
Baker, James E.
Beers, Rand R.
Bell, Robert G.
Blakeman, Earle C.
Blinken, Antony J.
Brown, Dallas
Clarke, Richard A.
Danvers, William C.
Darragh, Sean J.
Feinberg, Richard E.
Funches, Christina L.
Hahn, Keith D.
Halperin, Morton H.
Herrington, David E.
Kreczko, Alan J.
Malley, Robert
McGeath, Timothy A.
Pease, Bruce E.
Jim Reed
Rice, Susan E.
Rocha, Victor M.
Rossin, Larry
Schwartz, Eric P.
Sigler, Ralph
Simon, Steven N.
Tenet, George J.
Wilhelm, Richard J.

TEXT_BODY

As requested by Sandy and Tara, here are a set of points on what has been and soon will be achieved, since Aristide's return.

[[ACHIEVE.DOC : 3914 in ACHIEVE.DOC]]

**ATTACHMENT
FILE DATE**

20 October 94 15:33

**ATTACHMENT
FILE NAME**

ACHIEVE.DOC

HAITI

ù Restored democratic government faces great challenges in resuming full functioning after three years of military misrule and repression.

ù AID providing balance of payments support covering transition (refurnishing offices) underway now to help legitimate government ministers re-establish in office. Signing ceremony by Aristide and Ambassador Swing for first portion took place Wednesday, after Aristide's press conference.

ù First commercial fuel shipment landed October 19, with 150,000 barrels of gasoline, diesel and aviation fuel sufficient for three-four weeks. Distribution began October 20, expected to be 90 percent complete by Saturday. Expect prices to fall to \$3/gallon, as set by government. Next shipment possibly in 2-3 weeks.

ù USAID-funded job creation, up from 15,000 in September to 35,000 now, 50,000 over next two months plus another 15-25,000 other donors. Example: cleaning out irrigation ditches in one area, reopened 1,000 hectares of land for farming.

ù Education Minister and USAID officials Wednesday distributed school supplies (Notebooks, pencils) provided by USAID. Will be providing 250,000 sets of such supplies, 900,000 textbooks over next several weeks in distribution schedule set up with GOH Education Ministry.

ù Treasury coordinated multi-donor meeting October 7 to clear all GOH arrears to international financial institutions (\$79 million), setting stage for IFI financing for Haiti, critical to \$550 million first-year aid program. Anticipate IFI team visit end-October to develop stand-by agreement needed to underpin financing.

ù Voluntary repatriation of refugees from Guantanamo rapid and

ongoing. As of October 19, 10,788 had been repatriated, further 1,802 pending return or en route, and 7,357 remained in safe haven from total of 19,949 once safe-havened at Guantanamo.

ù Seizures of arms caches and turn-ins under the buyback programs continue. As of October 19, some 11,000 weapons, mostly small arms, machine guns and grenades but also including heavier weapons, taken into MNF custody. Since October 1, 35 company-sized arms cache raids of which 20 produced weapons and/or detainees.

ù There have been some 200 MNF detentions of Haitians for questioning, 40 still held. Hold/release decisions based on threat to MNF or Haitians or documentable serious crime. Short of such evidence, Haitian responsibility to detain. Eventually, will be Haitian responsibility to try or release all detainees, ours (who we will turn over) and theirs.

ù As of October 20: 577 International Police Monitors deployed to Haiti. Additional 100 preparing to deploy.

ù 20 Canadian police trainers arrived in Haiti October 20 to work with our Justice/ICITAP police trainers in joint training program to establish interim police force as well as, longer-term, permanent civilian police force. Anticipate beginning programs --

to include vetting of current FAd'H with GOH lead and ICM, U.S. and Canadian participation -- next week.

ù ICM (UN/OAS) human rights monitors preparing to return to Haiti. Mission Director Granderson back in Port-au-Prince, first 20 monitors to return Saturday, October 22.

ù FAd'H staff reorganization announced October 19, outgrowth of consultation between President Aristide and acting CINC MG Duperval. Further staff changes expected soon. FAd'H reorganization proceeding without incident.

ù MNF reports decreasing levels of intra-Haitian violence as of October 19, attributed to Aristide's calls for calm including in October 19 press conference. Aristide specifically included call to stop looting.

ù Naming of Prime Minister still awaited. This is Aristide's prerogative, U.S. not urging any particular candidate. Malval and his cabinet functioning in caretaker capacity, effectively so far.

ù Parliament now considering police, police academy and territorial collectivities laws.

ù UN SYG Special Representative Brahimi to visit Haiti in next few days, discuss UN planning for UNMIH, support for elections, other roles with GOH and MNF.

ù

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008. email	Timothy Akin to Schwartz re: Transmission from Eric Schwartz (4 pages)	10/24/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
MSMail-Record (Sept 94-Sept 97) ([Schwartz and Cuba...])
OA/Box Number: 590000

FOLDER TITLE:

[09/26/1994-10/28/1994]

2011-1039-F
rs1850

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]

M S M a i l

DATE-TIME 24 October 94 11:36
FROM Schwartz, Eric P.
CLASSIFICATION UNCLASSIFIED
SUBJECT [UNCLASSIFIED]
TO Parramore, Carl W.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY [[HATI73.DOC : 2862 in HATI73.DOC]]

**ATTACHMENT
FILE DATE** 24 October 94 11:36
**ATTACHMENT
FILE NAME** HATI73.DOC

Memorandum to Lake

From: Eric Schwartz

Subject: Handling Already-Approved Refugees From Haiti

Introduction

The issue of disposition of already-approved refugees from Haiti came up in a memo I sent you on a separate, but related issue, HIV-positive refugees. You questioned why we should continue to bring Haitian refugees to the United States.

I will first discuss the general issue and then describe how it relates to the HIV issue.

1. Refugees who remained in Haiti at the time of the intervention

Just prior to the intervention, we stopped accepting new cases for refugee status and suspended consideration of those cases still in train. However, there were some 1500 already approved refugees who had not yet left Haiti. There are several points to consider about this population:

- ü They were told by us that we would admit them.

ù Many made life decisions on the strength of that commitment, such as leaving jobs, selling homes and all their belongings, etc.

ù Many of those who had not left at the time of the intervention had been prevented from leaving due to the restrictions imposed by the military after the ban on flights.

ù Many of those who were approved had spent considerable periods in hiding.

II. Decision of the ExCom on this issue

At the time of the intervention, the Haiti ExCom decided to continue moving approved refugees for the time being in view of the uncertain political situation and the continuing well-founded fears that refugees might have. Although thousands of U.S. troops were entering Haiti, Cedras and Biamby were staying in place and we did not know what the future held.

The ExCom also agreed to review the situation over time and charged the State Department to inform the interagency when improved conditions in Haiti permitted suspension of this blanket movement. The ExCom decided that when this determination was made, we would move to case-by-case reappraisal of previously approved cases.

A case by case reappraisal was deemed necessary for two reasons. First, having determined in an administrative proceeding that an individual has a well-founded fear of persecution based on detailed information that the person has furnished, it is simply not appropriate to make a blanket judgement that the fear no longer exists, no matter how many troops we have in Haiti. Secondly, the ExCom decided that certain compelling humanitarian circumstances (to be defined by State and INS) might justify resettlement in a small number of cases even if the applicant no longer feared persecution.

III. Where we are now

Neither State nor Justice is now eager to move to case-by-case reappraisal. Moreover, with dozens of cities in Haiti lacking a U.S. military presence, State is in no hurry to make the required certification. Indeed, if this issue was considered by the ExCom today, they would likely decide to move the 1000 or so remaining refugees. Their reasons are as follows:

We have told these people we would resettle them and reversing our position on this issue is wrong as it would create great hardship.

In the past (e.g., Poland after Walesa was elected), we have agreed to move already approved refugees to which we had promised resettlement.

Moving approved cases is not a controversial issue and has not attracted much attention and we should have all the remaining refugees moved by the end of November. Moreover, we have plenty of refugee resettlement slots for them in the Refugee Bureau's budget.

If we cut off the program, we will be criticized by the NGO community and, quite possibly, the press and the UNHCR. If one of the approved-but-not-moved refugees does have a problem in Haiti, our failure to move that person will be the subject of inquiry.

Case-by-case reappraisal would be far more trouble than it would be worth. How, for example, could we determine whether an individual has compelling reasons that justify resettlement. More importantly, INS intends to be out of Haiti by November 30; case by case reappraisal would drag this out for many months and might create problems with the Aristide government (especially if we identified bonafide refugees).

IV. The HIV issue and Haitians

The HIV-positive question complicates consideration of this issue in view of the INS proposal to modify its waiver requirement for HIV-positive refugees. This was the subject of the attached memorandum and was what sparked your question about moving already approved refugees.

If INS modifies its waiver and we continue to move approved cases, then up to 120 HIV-positive refugees from Haiti (29 on Guantanamo and about 80 in Haiti) might be eligible for entry. (They would still have to meet still-exi

M S M a i l

DATE-TIME 25 October 94 13:53
FROM Schwartz, Eric P.
CLASSIFICATION ~~CONFIDENTIAL~~
SUBJECT Subject: [CONFIDENTIAL]
TO Atkin, Timothy J.
Beers, Rand R.
Brown, Dallas
Clarke, Richard A.
Darragh, Sean J.
Lindsey, Wanda
Norman, Marcia G.
Rice, Susan E.
Richardson, Craig
Roundtree, Beverly J.
Schwartz, Eric P.
Simon, Steven N.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Dallas:

Check with Dick, but I think this captures it....

We will defer decisions on a post-Cedras migration policy (safe haven, screening or direct return) for two weeks, so that agencies can develop options (including options for funding) more clearly. We may also be in a better position at that time to predict the likely flows from Haiti.

For many of the same reasons, and in particular to determine the success of voluntary returns, we will defer for the same period decisions on the disposition of those currently at Guantanamo who refuse to return voluntarily.

Per State's recommendation, we will recommend continued movement of refugees approved before the intervention, as we have already indicated to such persons that they would be resettled in the United States.

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
009. email	Dallas Brown to Richard Clarke re: EXCOMM Notes, 24 Oct (4 pages)	10/25/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
MSMail-Record (Sept 94-Sept 97) ([Schwartz and Cuba...])
OA/Box Number: 590000

FOLDER TITLE:

[09/26/1994-10/28/1994]

2011-1039-F
rs1850

RESTRICTION CODES

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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]

M S M a i l

DATE-TIME 28 October 94 14:28

FROM Rocha, Victor M.

CLASSIFICATION UNCLASSIFIED

SUBJECT Subject: Cuba - RE: Guidance Revisions [UNCLASSIFIED]

TO Spalter, Jonathan H.

CARBON_COPY Anderson, Marjorie
Atkin, Timothy J.
Beers, Rand R.
Blakeman, Earle C.
Brown, Dallas
Campbell, Kurt M.
Clarke, Richard A.
Cooper, Kathleen H.
Darragh, Sean J.
Feinberg, Richard E.
Halperin, Morton H.
Jensen-Moran, Jeri L.
Lindsey, Wanda
Longoria, Michael A.
Malley, Robert
Mazzuchi, Anthony D.
Mitchell, Calvin A.
Norman, Marcia G.
Rice, Susan E.
Richardson, Craig
Rocha, Victor M.
Rossin, Larry
Ross, Thomas B.
Roundtree, Beverly J.
Schwartz, Eric P.
Simon, Steven N.
Sonenshine, Tara D.
Teraji, Barbara
Cathryn, Thorup L.
Turner, Veronica B.
Wozniak, Natalie S.

TEXT_BODY

CUBA

Under KEY POINTS after the first point include the following:

- The meetings to review the implementation of the September 9 migration

agreement concluded October 26.

- The delegations discussed only the procedures each side has taken to implement the migration agreement.
- Although there will be a subsequent meeting to further discuss implementation aspects of the migration agreement, no date has been set.

Jonathan: I am sending a hard copy of the above with ink changes to your office as requested.

From: Spalter, Jonathan H.

To: Kerrick, Donald L.; Malley, Robert; Rossin, Larry; Stephens, Kathleen D.; Vershbow, Alexander R.; @EUROPE - European Affairs; @HAITI; @NONPRO -

Export Controls; @DEMOCRACY - Democracy Affairs

CC: /R, Record at A1; @PRESS - Public Affairs

Subject: Guidance Revisions

Date: Friday, October 28, 1994 12:45 PM

<<Attached File: OCT27GUI.DOC>>

Please review, and update only if necessary in pen and ink and return by hard copy to my office by 3:00pm.

We might need updates on: Korea (the POTUS letter to Kim)

Bosnia (UN resolution and close air support)

Cuba (migration negotiations?)

Ireland (Ken Clarke's critical comments)

Haiti (Cargo ships being held up, etc.)

Thanks,

JSpalter