

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Richard Clarke to Timonty Atkin et al. re: Proposed Berger Lunch Item... (3 pages)	01/05/1995	P1/b(1)
002. email	Kathleen Cooper to Katherine O'Loughlin re: Missing Cable (4 pages)	02/10/1995	P1/b(1)
003. email	Robert Malley to James Baker et al. re: Memo to POTUS (3 pages)	02/14/1995	P1/b(1)
004. email	Malley to Kathleen Cooper re: Psych (7 pages)	02/16/1995	P1/b(1)
005. email	Malley to Morton Halperin re: GTMO (4 pages)	04/10/1995	P1/b(1)
006. email	Eric Schwartz to Cooper et al. re: [Cuban Migrants] (4 pages)	04/11/1995	P1/b(1)
007. email	Victor Rocha to Halperin re: Cayman Cubans (1 page)	04/13/1995	P1/b(1)
008. email	Rocha to Richard Feinberg et al. re: Cuba Talks (1 page)	04/18/1995	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

[01/04/1995-04/25/1995]

2011-1039-F
rs1852

RESTRICTION CODES

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

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

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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.

M S M a i l

DATE-TIME 04 January 95 10:08

FROM Rocha, Victor M.

CLASSIFICATION ~~CONFIDENTIAL~~

SUBJECT Subject: Haiti Talking Points [~~CONFIDENTIAL~~]

TO Beers, Rand R.
Clarke, Richard A.
Halperin, Morton H.
Malley, Robert
Schwartz, Eric P.

CARBON_COPY Atkin, Timothy J.
Baker, James E.
Bell, Robert G.
Blakeman, Earle C.
Brown, Dallas
Danvers, William C.
Darragh, Sean J.
Feinberg, Richard E.
Hahn, Keith D.
Herrington, David E.
Kreczko, Alan J.
Mitchell, Calvin A.
Pease, Bruce E.
Reed, James W.
Rice, Susan E.
Rocha, Victor M.
Ross, Thomas B.
Silger, Ralph
Simon, Steven N.
Spalter, Jonathan H.
Tenet, George J.
Wilhelm, Richard J.

TEXT_BODY

The President is scheduled for two Congressional Leadership meetings this week. Bill Danvers has requested talking points by noon today on Haiti among many other topics. The talking points are not to exceed half a page. I have chosen the following for submission as the most appropriate. Please review and provide me with your additions/changes or clearance soonest given the tight deadline. Thanks much,

HAITI TALKING POINTS

- With President Aristide's return on October 15, we have achieved our

DECLASSIFIED

E.O. 13526

White House Guidelines, September 11, 2006

By MS NARA, Date 7/2/16
2-11-100A-F

central goals of ousting the illegal regime from Haiti and restoring democracy. We are helping the government to reestablish ministries, rebuild the economy, reform the police and justice system, and organize parliamentary and local elections in early 1995.

- The Provisional Electoral Council was installed on December 22, 1994, and a draft electoral law is now under consideration with elections expected sometime in April.

- U.S. troops are down from over 20,000 to 6,000. Withdrawals will continue as we move toward transition to the UN Mission in the coming months. The Multinational Force has largely succeeded in its mission of establishing a secure and stable environment.

- Efforts to continue to professionalize Haiti's security forces, including the training of a new police force, are well underway.

- On December 14, 1994, we announced a wide ranging program to help revitalize the Haitian economy through stimulation of the private sector.

- We have offered a set of incentives, including temporary employment, to the remaining Haitian refugees in Guantanamo, to facilitate their prompt return to Haiti given the changed circumstances with the return of the legitimate democratic government of President Aristide.

Withdrawal/Redaction Marker

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M S M a i l

DATE-TIME 18 January 95 09:51
FROM Schwartz, Eric P.
CLASSIFICATION UNCLASSIFIED
SUBJECT Subject: FW: PANAMA HUMAN RIGHTS CONF [UNCLASSIFIED]
TO Clarke, Richard A.
Halperin, Morton H.

CARBON_COPY Atkin, Timothy J.
Beers, Rand R.
Brown, Dallas
Cooper, Kathleen H.
Darragh, Sean J.
Feinberg, Richard E.
Lennon, John E
Lindsey, Wanda
Longoria, Michael A.
Malley, Robert
Norman, Marcia G.
Rice, Susan E.
Richardson, Craig
Roundtree, Beverly J.
Schwartz, Eric P.
Simon, Steven N.

TEXT_BODY

Dick/Mort:

Susan Rice mentioned this to me yesterday -- she received a personal invitation from McCaffrey and thought I would be more appropriate.

I would be willing to do this trip, but, in view of the Cuba connection (and the possibility of my going to Geneva, possibly shortly thereafter), I'm happy to recede in favor of Rob.

What do you guys think?

Eric

From: Blakeman, Earle C.
To: Clarke, Richard A.; Halperin, Morton H.; Malley, Robert; Schwartz, Eric P.
CC: /R, Record at A1; Feinberg, Richard E.; Rocha, Victor M.; Sens, Andrew D.
Subject: PANAMA HUMAN RIGHTS CONF [UNCLASSIFIED]

Date: Wednesday, January 18, 1995 09:04 AM

Bradley Hill (011-507-82-4501) called from Southcom this AM to invite someone from NSC to attend a one-day conference on human rights issues in the migrant camps on Jan. 27. Invitees include State, DOD, UNHCR , Cuban-American groups, Americas Watch, Inter-American Dialogue, Catholic Relief Services, Lawyers Committee on Human Rights, et. al.

Southcom will pick up the tab for flight down on Jan 26, flight back Jan 28 and all expenses in between, including lodging.

We cannot send anyone from this office. If anyone is interested, can you pls let me know and go ahead and confirm with Hill at the number above? He asked that we get back to him today if possible.

Thanks

M S M a i l

DATE-TIME 18 January 95 11:11
FROM Malley, Robert
CLASSIFICATION UNCLASSIFIED
SUBJECT Subject: RE: PANAMA HUMAN RIGHTS CONF [UNCLASSIFIED]
TO Schwartz, Eric P.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Thanks. I spoke to Mort and think I'll go.

From: Schwartz, Eric P.
To: Clarke, Richard A.; Halperin, Morton H.
CC: /R, Record at A1; Feinberg, Richard E.; @GLOBAL - Global Affairs;
@DEMOCRACY - Democracy Affairs
Subject: FW: PANAMA HUMAN RIGHTS CONF [UNCLASSIFIED]
Date: Wednesday, January 18, 1995 09:51 AM

Dick/Mort:

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Eric

From: Blakeman, Earle C.
To: Clarke, Richard A.; Halperin, Morton H.; Malley, Robert; Schwartz, Eric P.
CC: /R, Record at A1; Feinberg, Richard E.; Rocha, Victor M.; Sens, Andrew D.
Subject: PANAMA HUMAN RIGHTS CONF [UNCLASSIFIED]
Date: Wednesday, January 18, 1995 09:04 AM

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Thanks

M S M a i l

DATE-TIME 23 January 95 13:45
FROM Norman, Marcia G.
CLASSIFICATION UNCLASSIFIED
SUBJECT Clearance Request [UNCLASSIFIED]
TO Hunerwadel, Joan S.
Kreczko, Alan J.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY
Request Alan's concurrence on the attached. Please e-mail Andrew at the
West Wing Desk IF OK, and cc me. If not OK please call me ASAP. Thanks.
[[T20083ES.DOC : 3358 in T20083ES.DOC]]

**ATTACHMENT
FILE DATE** 23 January 95 11:9

**ATTACHMENT
FILE NAME** T20083ES.DOC

20083
CLASSIFICATION
LOG NUMBER

January 23, 1995

ACTION

MEMORANDUM FOR NANCY SODERBERG

THROUGH JOCELYN BREELAND/RICHARD A. CLARKE

FROM: ERIC SCHWARTZ

SUBJECT: Invitation to Participate in the Carnegie
Endowment International Migration Breakfast Briefing
on February 2, 1995

I have been asked to speak at a Carnegie Endowment International
Migration Breakfast Briefing on February 2, 1995. The subject would
be our response on migration issues relating to Haiti. Because I
feel we have a good story to tell, I am eager to participate in this
event.

My remarks would be off-the-record. Rene van Rooyen, UNHCR representative in Washington, has also been asked to speak. The audience would include 25-50 immigration/refugee specialists, mostly from NGOs but also from think tanks, academia and possibly the Hill.

Concurrence by: Alan Kreczko

RECOMMENDATION

That you approve Eric Schwartz' participation in the Carnegie Endowment International Migration Breakfast .

Approve _____ Disapprove _____

M S M a i l

DATE-TIME 24 January 95 14:43
FROM Malley, Robert
CLASSIFICATION ~~SECRET~~
SUBJECT Subject: RE: CPL lunch -- 25 January [~~SECRET~~]
TO Halperin, Morton H.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

According to State (though I did not speak to the Bureau) Christopher simply intends to provide an update on the talks. It was surmised that the target would be Perry, and the message that we should stay the course, not parole excessive numbers in, and everything would stay on track. It would help to get State's second cable on the talks, which I have asked for from the bureau and am expecting sometime soon.

From: Halperin, Morton H.
To: Malley, Robert
CC: /R, Record at A1
Subject: FW: CPL lunch -- 25 January [~~SECRET~~]
Date: Tuesday, January 24, 1995 02:30 PM

See the attached. Christopher has apparently put the migration talks on the agenda for the lunch. Would you see what you can find out about what they have in mind. Be careful since it occurs to me that the Bureau may not know about it.

From: Wolin, Neal S.
To: Fried, Daniel; Laipson, Ellen B.; Rice, Susan E.; Satterfield, David M; Schwartz, Eric P.; @SENIORS - Senior Directors
CC: /R, Record at A1; Itoh, William H.; Reed, James W.; Sens, Andrew D.; Soderberg, Nancy E.
Subject: CPL lunch -- 25 January [~~SECRET~~]
Date: Tuesday, January 24, 1995 12:50 PM

The following issues will likely come up at tomorrow's CPL lunch.

TL to raise:

PA 103/Libya. Action: Clarke/Indyk

Christopher to raise:

Update on Cuba migration talks. Action: Halperin

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E.O. 13526

White House Guidelines, September 11, 2006
By M1 NARA, Date 3/28/16
2011-1039-F

Peacekeeping/War Powers. S.5/The Contract. Action:
Rice/Danvers/Kreczko
Follow-up on South Asia Trip. Action: Laipson

Perry to raise:

Security Assistance to Jordan. Action: Satterfield/Clarke

Please send me background material, by e-mail, by CLOSE OF BUSINESS today
(Tuesday). Thanks much.

M S M a i l

DATE-TIME 26 January 95 11:43
FROM Malley, Robert
CLASSIFICATION ~~CONFIDENTIAL~~
SUBJECT Subject: FW: CPL debrief: Cuba migration [~~CONFIDENTIAL~~]
TO Halperin, Morton H.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

I am working with Mike on this

From: Wolin, Neal S.
To: Halperin, Morton H.; Malley, Robert; Schwartz, Eric P.
CC: /R, Record at A1; Itoh, William H.; Sens, Andrew D.
Subject: CPL debrief: Cuba migration [~~CONFIDENTIAL~~]
Date: Thursday, January 26, 1995 11:35 AM

Chris was concerned about the flow of migrants out of Guantanamo into the US being insufficient. Perry concerned about a blow-up.

TL would like a status report on the flow of Cubans out of GITMO -- numbers, to where, under what theories, etc.

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By M NARA, Date 3/29/11
201-104-F

M S M a i l

DATE-TIME 26 January 95 15:04
FROM Wolin, Neal S.
CLASSIFICATION ~~CONFIDENTIAL~~
SUBJECT Subject: RE: CPL debrief: Cuba migration [~~CONFIDENTIAL~~]
TO Longoria, Michael A.
CARBON_COPY Cooper, Kathleen H.
Halperin, Morton H.
Lennon, John E
Malley, Robert

TEXT_BODY

yes, please. rob said he was going to send up the new version for tl. thx.

From: Longoria, Michael A.
To: Wolin, Neal S.
CC: /R, Record at A1; @DEMOCRACY - Democracy Affairs
Subject: RE: CPL debrief: Cuba migration [~~CONFIDENTIAL~~]
Date: Thursday, January 26, 1995 03:01 PM

Neal, Rob had to catch a flight to Panama---but, we have a package that addresses your original query and it may be more appropriate than what we gave Sandy (slightly different questions)--do you want it?

From: Wolin, Neal S.
To: Malley, Robert
CC: /R, Record at A1; Halperin, Morton H.; Longoria, Michael A.
Subject: RE: CPL debrief: Cuba migration [~~CONFIDENTIAL~~]
Date: Thursday, January 26, 1995 11:44 AM

Rob, you might wait, then, before launching into a new project. Inshallah, the memo for Berger will satisfy TL.

From: Malley, Robert
To: Wolin, Neal S.
CC: /R, Record at A1; Halperin, Morton H.; Longoria, Michael A.
Subject: RE: CPL debrief: Cuba migration [~~CONFIDENTIAL~~]
Date: Thursday, January 26, 1995 11:37 AM

Will do. (In the meantime, we just sent a memo up to Sandy on this issue and others that you might want to take a look at).

From: Wolin, Neal S.
To: Halperin, Morton H.; Malley, Robert; Schwartz, Eric P.

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By MI NARA, Date 3/24/06
2011-1034-F

CC: /R, Record at A1; Itoh, William H.; Sens, Andrew D.
Subject: CPL debrief: Cuba migration [CONFIDENTIAL]
Date: Thursday, January 26, 1995 11:35 AM

Chris was concerned about the flow of migrants out of Guantanamo into the US being insufficient. Perry concerned about a blow-up.

TL would like a status report on the flow of Cubans out of GITMO -- numbers, to where, under what theories, etc.

M S M a i l

DATE-TIME 27 January 95 13:50
FROM Millison, Cathy L.
CLASSIFICATION UNCLASSIFIED
SUBJECT NGA papers [UNCLASSIFIED]
TO Anderson, Marjorie
Atkin, Timothy J.
Beers, Rand R.
Blakeman, Earle C.
Brown, Dallas
Clarke, Richard A.
Darragh, Sean J.
Feinberg, Richard E.
Jensen-Moran, Jeri L.
Lindsey, Wanda
Mazzuchi, Anthony D.
McConnell, Kevin T.
Norman, Marcia G.
Rice, Susan E.
Richardson, Craig
Rocha, Victor M.
Roundtree, Beverly J.
Schwartz, Eric P.
Simon, Steven N.
Teraji, Barbara
Cathryn, Thorup L.
Turner, Veronica B.

CARBON_COPY Baker, Jane E.
Darby, Melanie B.
Gray, Wendy
Hawkins, Ardenia R.
Hilliard, Brenda I.
Joshi, M. Kay
Millison, Cathy L.

TEXT_BODY

Attached are background and talking points on Cuba and Haiti from Rob Malley for the NGA mtg. I'm not sure it was cleared with your office. Please provide comments/concurrence ASAP. Thanks.

[[NGA.DOC : 3426 in NGA.DOC]].

**ATTACHMENT
FILE DATE**

27 January 95 13:46

**ATTACHMENT
FILE NAME**

NGA.DOC

CUBA

U.S. and Cuban negotiators reached agreement on September 9 to end the massive outflow of Cuban rafters and require the Cuban government to take effective measures to prevent unsafe departure of Cuban citizens. Roughly 22,000 Cubans are now in Guantanamo. The roughly 8,600 who are in Panama will be transferred to Guantanamo by early March. A small number of Cubans have returned home voluntarily, and the Attorney General has been paroling migrants (especially children) on humanitarian grounds.

KEY POINTS

On Cuba Policy

-- U.S. policy towards Cuba has not changed: It is based on the Cuban Democracy Act (CDA) which stipulates that the economic embargo will remain in place until the Cuban government takes irreversible steps toward democracy and free markets.

On Cuban migrants

-- The steps I took last August reflect my commitment to protect the states against any massive inflow of migrants and from the economic burden it would represent.

-- It is our policy that humanitarian paroles into the United States will be determined carefully, on a case-by-case basis, and with full sponsorship requirements to minimize any burden on state and local governments.

HAITI

The departure of U.S. troops from Haiti continues. From over 14,000 at the beginning of the November, we are now down to 6,000. Further reductions are anticipated in the lead-up to the MNF-UNMIH handover, and the number should drop to about 3,000 by March 31.

KEY POINTS

-- Our involvement in Haiti has been a success story. We have restored democracy and established a safe and secure environment.

-- We can throw away what we have gained if we do not invest that last little bit that is necessary to finish the job and then bring our troops back safely.

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M S M a i l

DATE-TIME 14 February 95 11:04

FROM Pitman, James N.

CLASSIFICATION **** NO CLASSIFICATION ****

SUBJECT Subject: Cuban Migrants (UNCLASSIFIED)

TO Atkin, Timothy J.
Beers, Rand R.
Blakeman, Earle C.
Brown, Dallas
Clarke, Richard A.
Darragh, Sean J.
Feinberg, Richard E.
Jensen-Moran, Jeri L.
Lindsey, Wanda
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Mitchell, Calvin A.
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Ross, Thomas B.
Roundtree, Beverly J.
Schwartz, Eric P.
Simon, Steven N.
Spalter, Jonathan H.
Whitehouse, John W.
Wozniak, Natalie S.

CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY

SITUATION ROOM UPDATE February 14, 1995

CUBA: Migrants Reach Florida

The Coast Guard confirms at least 30 Cuban rafters reached shore in Florida somewhere between St. Petersburg and Ft. Myers. Local authorities have them in custody. An additional 18 rafters were picked up while still on rafts; they are eligible to be returned to Cuba. The Coast Guard noted that this is an unusual location for rafters to come ashore. Searches are being conducted to ensure there are no additional rafters in the area. (U) USCG telcon; AP 535

SOURCE: AP/East a0535

^PM-Cuban Rafters,0210<

^Dozens of Cubans Rafters Reported Ashore in Southwest Florida<
MANASOTA BEACH, Fla. (AP) At least 30 Cuban rafters, some suffering from severe exposure, came ashore on a southwestern Florida beach this morning and more were arriving, the U.S. Coast Guard reported.

“The information we have is that 30 plus are on the beach already, and three to five rafts are still on the ocean with more migrants on them,” said Jeff Hall, a Coast Guard spokesman at district headquarters in Miami.

The refugees started landing on the fogbound beach, about 80 miles south of the Tampa Bay area, shortly after daybreak. Hall said at least two were suffering from hypothermia, or severe loss of body heat, in the damp, cool morning air.

“Some of these people are in very bad shape,” said Lt. William Stookey, spokesman for the Sarasota County Sheriff's Office, which was helping round up the refugees for the U.S. Border Patrol.

Those suffering from exposure were being taken to a hospital in nearby Venice, while the others were herded aboard buses to keep them warm, police said.

The Coast Guard Cutter Point Countess and smaller patrol boats were helping round up those still on the water, Hall said.

APE- 02/14/95 10:14:00

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2011-1039-F
rs1852

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.

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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 27 February 95 15:21

FROM Whitehouse, John W.

CLASSIFICATION UNCLASSIFIED

SUBJECT Subject: Migrant Briefing: Cubans[UNCLASSIFIED]

TO Schwartz, Eric P.

CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY

Eric: On Friday I attended two briefings at State dealing with Migrants and/or Immigration. The first brief, and the subject of this E-mail, was chaired by Rob Malley and dealt with the Cubans at GITMO. Besides Rob and I the following attended: Phyllis C., Alex A., Shawn M., Rick H., Doug K., and Terry R..

Some of what was discussed was old news to you; e.g., UNHCR being opposed to conducting "Refugee" screening of Cubans in Cuba, albeit GITMO (country of origin). Concerns over displaced persons vice refugees. Rob indicated the Cubans had recently cancelled two scheduled meetings with UNHCR.

Rob indicated UNHCR was not opposed to assisting with the matter and the discussion yielded:

- Seek UNHCR assistance in identifying 3rd countries willing to:
 - * Accept people with "Refugee-like" characteristics
 - * Accept other category people; i.e., workers, hardship, family, etc.
 - * Conduct screening in GITMO or accept based on 3rd country screening provided it followed an agreed upon format (UNHCR).
- Screening would be for those people who are self-ID'd

Rob needed the info to produce a paper dealing with the issue. [Note: Shawn is opposed to any kind of screening as he believes it undermines the "safe haven" concept. There was also concern with terming what would be done as "screening".]

The 3rd country repatriation verses sovereignty issue was raised. Despite Mort raising it last week when the Cubans landed on the west coast of Florida, it appears State is no closer to a unified position. In regards to the Grand Cayman issue, Shawn believes their agreement with us precludes them from forcibly returning Cubans who do not want to go to GITMO. He

talked about keeping the pressure on governments to keep any who do not volunteer to return or move on. Terry on the other hand wanted the 3rd party countries to be able to do what they wanted with illegal migrants. The need for a Deputies meeting to direct a policy determination was discussed and dropped in favor of trying an NSC to State approach. Rob appeared to be the action on that.

V/R John

M S M a i l

DATE-TIME 01 March 95 10:47
FROM Cooper, Kathleen H.
CLASSIFICATION ~~CONFIDENTIAL~~
SUBJECT Concurrence, Please [~~CONFIDENTIAL~~]
TO Rocha, Victor M.
Schwartz, Eric P.
CARBON_COPY Mazzuchi, Anthony D.
Norman, Marcia G.

TEXT_BODY
Would you call or e-mail your concurrence to the attached to Kathy Cooper or Rob Malley at your earliest convenience please? Thanks.

[[1547A.DOC : 2615 in 1547A.DOC]][[1547.DOC : 2616 in 1547.DOC]]

ATTACHMENT
FILE DATE 1 March 95 10:45

ATTACHMENT
FILE NAME 1547A.DOC
~~CONFIDENTIAL~~
1547
~~CONFIDENTIAL~~
Declassify on: OADR

~~CONFIDENTIAL~~
~~CONFIDENTIAL~~

February 27, 1995

ACTION

MEMORANDUM FOR SANDY BERGER

THROUGH: MORTON HALPERIN

FROM: ROB MALLEY

SUBJECT: Cuban Migrants in Third Countries

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By MI SARA, Date 3/24/16
2011-1039-T

Certain countries in the hemisphere have suggested that they might start returning Cuban migrants to Cuba against their will. This is

the case of the Bahamas and the Cayman Islands in particular.

There currently is a difference of views within the State Department: While ARA believes we should object to any attempt to forcibly return Cuban migrants, PRM is of the view that we should not take a position on this issue, so long as the returned Cubans have been screened and determined not to be political refugees.

A clear position on this issue would help us deal with these countries.

Concurrence by: Eric Schwartz; Manuel Rocha

RECOMMENDATION

That you approve the attached Sens memorandum to the State Department, asking for their position on this matter.

Approve _____ Disapprove _____

Attachment

Tab A Memorandum from Andrew Sens to State Counterpart

ATTACHMENT FILE DATE

1 March 95 10:44

ATTACHMENT FILE NAME

1547.DOC

~~CONFIDENTIAL~~

1547

~~CONFIDENTIAL~~

Declassify on: OADR

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

MEMORANDUM FOR

KENNETH C. BRILL

Executive Secretary
Department of State

SUBJECT: Cuban Migrants in Third Countries

Please provide us by March 14 with the State Department's views on how the United States should respond to attempts by third countries to forcibly return non-refugee Cuban migrants to Cuba.

Andrew D. Sens
Executive Secretary

M S M a i l

DATE-TIME 01 March 95 14:27
FROM Malley, Robert
CLASSIFICATION UNCLASSIFIED
SUBJECT Subject: [UNCLASSIFIED]
TO Wolin, Neal S.
CARBON_COPY Halperin, Morton H.
Schwartz, Eric P.
TEXT_BODY

Item for the Berger / Tarnoff lunch:

Background

At this point, a number of Cuban migrants are scattered throughout the hemisphere. Some countries (e.g., the Bahamas) have suggested that they would return Cubans involuntarily, presumably after having screened them for refugee status. There is a division within State about what our attitude should be. ARA is of the view that we should strongly discourage countries from involuntarily returning Cubans. PRM disagrees, and believes we should be neutral, so long as the returns are effectuated consistent with international practice. So far, State has been unable to reach a unified position, and third countries have been receiving mixed signals. We agree with PRM, and would like to see State adopt this view in future communications.

Talking Points

-- As you know, there are differing views within the Administration about what position we should adopt when countries decide to return Cuban migrants to Cuba against their will. Some believe we should condemn such returns; other think we should remain neutral.

-- The situation is leading to our providing third countries with mixed messages.

-- I believe that we should take a neutral stance, and insist only that political refugees are not forcibly returned, and that the returns are effectuated in a manner consistent with international standards.

-- If the State Department agrees with this position, I think it would be helpful to send it out as an instruction to interested posts.

M S M a i l

DATE-TIME 06 March 95 09:55
FROM Schwartz, Eric P.
CLASSIFICATION UNCLASSIFIED
SUBJECT unaccompanied minors at GTMO [UNCLASSIFIED]
TO Mitchell, Calvin A.
Ross, Thomas B.
Spalter, Jonathan H.
Wozniak, Natalie S.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Here are points on the subject issue.

Regarding our response to the article on mistreatment of the children, you should speak to ODS public affairs. I would have done so, but I am leaving for Copenhagen in 15 minutes.

[[HAIT88.DOC : 2328 in HAIT88.DOC]]

**ATTACHMENT
FILE DATE** 6 March 95 9:50
**ATTACHMENT
FILE NAME** HAIT88.DOC
0251

Press Points: Unaccompanied Minors at Guantanamo Bay

Q. Why are you keeping these children at Guantanamo? Isn't it cruel?

ù The restoration of democracy in Haiti has permitted the repatriation of many thousands of Haitian migrants from Guantanamo.

ù However, the disposition of some 300 unaccompanied children at Guantanamo presents sensitive issues that we are seeking to resolve in a humane manner consistent with established international practice.

ù With this in mind, we have sought the assistance of specialists from the UNHCR and other organizations, and we are conducting case-by-case evaluations to determine the disposition that serves the "best interests of the child."

ù In some cases, especially where the child's parents or close relatives are in Haiti, this may mean that the child will be repatriated.

ù In other cases, U.S. resettlement may better meet the child's needs.

ù Under such circumstances, I understand that the Attorney General would be very willing to consider expeditiously requests for parole and U.S. entry.

ù This is a complex procedure involving time-consuming tracing of families, home-site visits and interviews with family members.

ù But we are undertaking it diligently and with a commitment to the needs of these children.

M S M a i l

DATE-TIME 06 March 95 17:54
FROM Sens, Andrew D.
CLASSIFICATION UNCLASSIFIED
SUBJECT Subject: FW: Your Tasker [UNCLASSIFIED]
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.
Whitehouse, John W.

CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY

Dick, could you add a fact sheet on the Administration Response to International Migration Concerns to your list? Thanks and if you can't make Tuesday cob, let me have them as soon as reasonably possible. I told WH Comm we would not have the complete package tomorrow.

From: Cooper, Kathleen H.
To: Sens, Andrew D.
CC: /R, Record at A1
Subject: Your Tasker [UNCLASSIFIED]
Date: Monday, March 06, 1995 04:36 PM

I spoke to Mort about the four fact sheets you want from us. He said that we do not do general migration issues -- only Cuba. That issue is covered by Dick Clarke. Therefore, the fact sheet on the Administration's response to international migration should be given to Clarke. We will take care of the other three.

M S M a i l

DATE-TIME 10 March 95 07:27
FROM Schwartz, Eric P.
CLASSIFICATION UNCLASSIFIED
SUBJECT MARCIA: URGENT!! [UNCLASSIFIED]
TO Norman, Marcia G.
CARBON_COPY Atkin, Timothy J.
Beers, Rand R.
Brown, Dallas
Clarke, Richard A.
Darragh, Sean J.
Kreczko, Alan J.
Lindsey, Wanda
Rice, Susan E.
Richardson, Craig
Roundtree, Beverly J.
Schwartz, Eric P.
Simon, Steven N.
Whitehouse, John W.

TEXT_BODY

Alan:

Document -- for your concurrence/statement of no objection. Phyllis and Seth were at the meeting where this was decided. Please get back to me this morning if you can.

Thanks.

Marcia:

After Alan concurs, please send this out asap to the participants in yesterday's meeting.

Eric

[[HAITI89.DOC : 1811 in HAITI89.DOC]]

**ATTACHMENT
FILE DATE**

10 March 95 7:24

**ATTACHMENT
FILE NAME**

HAITI89.DOC

SUMMARY OF CONCLUSIONS

UNACCOMPANIED MINORS
Interagency Working Group Meeting, 3/9

1. The "best interests of the child" determination remains the most appropriate means to resolve the issue of disposition of unaccompanied minors at Guantanamo, but the process needs to be accelerated to ensure disposition of cases without any unnecessary delays.
2. State/PRM will, on March 10, sign its cooperative agreement with Save the Children. The agreement anticipates a process that will result in continual movement of children out of Guantanamo over a three month period. It also assumes the continued cooperation and involvement of UNHCR, whose participation lends credibility to the exercise.
3. Agencies and NSC staff, at high levels, will make contact with senior officials at Save the Children to emphasize the importance of committing resources and attention to this issue to ensure disposition of cases without any unnecessary delays. State will provide, by noon Monday, March 13, names of Save officials to call and talkers for the conversations.
4. On or about April 15, we will evaluate progress in this arrangement to ensure that, by that time, a significant percentage of cases have been completed and that the process is on track. If it is not, we will consider other alternatives to meet our humanitarian goals.
5. We will use the following guidance, subject to interagency comment:
 - ù The restoration of democracy in Haiti has permitted the repatriation of many thousands of Haitian migrants from Guantanamo.
 - ù However, the disposition of some 300 unaccompanied children at Guantanamo presents sensitive issues that we are seeking to resolve in a humane manner consistent with established international practice.
 - ù With this in mind, we have sought the assistance of specialists from the UNHCR and other organizations, and we are conducting case-by-case evaluations to determine the disposition that serves the "best interests of the child."
 - ù In some cases, especially where the child's parents or close relatives are in Haiti, this may mean that the child will be repatriated.

ù In other cases, resettlement, in third countries or in the U.S., may better meet the child's needs.

ù Where U.S. resettlement would best meet those needs, the Attorney General would be very willing to consider expeditiously requests for parole and U.S. entry.

ù This is a complex procedure involving time-consuming tracing of families, home-site visits and interviews with family members.

ù But we are undertaking it diligently and with a commitment to the needs of these children.

6. In determining dates of birth where conflicting information has been provided, we will generally rely on the information provided to the UNHCR.

March 3, 1995

MEMORANDUM FOR BRUNSEN MCKINLEY, STATE/PRM
JERRY BATES, JCS/J-3
JOHN WALSH, JCS/J-5
PAT IRVIN, OSD/HRA
SETH WAXMAN, JUSTICE
PHYLLIS COVEN, INS

FROM: ERIC SCHWARTZ

SUBJECT: Unaccompanied Minors at Guantanamo

You are requested to attend a SVTS teleconference on the subject issue on Monday, March 6, 1995, from 11:00 a.m. to 12:00 noon.

State is requested to prepare for distribution by fax at the meeting a paper for review by the Deputies that will include the following information:

ù A detailed description of the procedures that are being used to determine the disposition of unaccompanied minors, including the policy goals behind the process we are using and progress toward putting the process in place.

ù An estimated time-line for completion of the process.

M S M a i l

DATE-TIME 10 March 95 12:31
FROM Schwartz, Eric P.
CLASSIFICATION UNCLASSIFIED
SUBJECT POINTS: MEETING WITH JIM PURCELL [UNCLASSIFIED]
TO Cicio, Kristen K.
Emery, Mary C.
Hall, Wilma G.
Veit, Katherine M.
Wolin, Neal S.
CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY
Attached are points for Sandy's 3:30 pm meeting.

[[PURC.DOC : 3159 in PURC.DOC]]

**ATTACHMENT
FILE DATE** 10 March 95 12:30

**ATTACHMENT
FILE NAME** PURC.DOC

1698

POINTS FOR MEETING WITH JIM PURCELL:

For your meeting with James Purcell, Director General of IOM, you should --

-- ask him about IOM's present and future assistance efforts in Haiti, and express appreciation for the work they have done.

-- express appreciation for their assistance in facilitating repatriation of smuggled aliens -- they have arranged the transport for us.

-- ask him about other issues that are occupying the time and attention of IOM.

Purcell might conceivably ask you about reimbursement to IOM of about \$1.2 million for funding of repatriations they arranged for us. You should indicate that we have every intention of meeting that commitment, but are discussing funding sources and have yet to make a final determination of which we will use.

IOM Background:

The Intergovernmental Committee on Migration (as IOM was first known), which began operations in 1952, was entrusted with the operational activities involved in the resettlement of displaced persons and refugees in post-war Europe. Throughout its history, IOM has proven its value in assisting and managing small and large-scale migrations (at times at the request of the UNHCR). IOM has recently assisted the U.S. Government on a range of refugee and migration related issues, including our in-country refugee processing program in Haiti and repatriation of smuggled aliens. Taking advantage of the expertise it gained in Haiti, IOM is now working as an AID contractee, assisting in job training and other programs.

Jim Purcell, Director General:

Jim Purcell is an American citizen, born in Nashville, Tennessee. Prior to assuming the position of Director General of IOM, he was a career federal employee (Senior Executive Service) whose last position was Director of the State Department Bureau of Refugee Programs.

M S M a i l

DATE-TIME 15 March 95 10:50
FROM Halperin, Morton H.
CLASSIFICATION ~~CONFIDENTIAL~~
SUBJECT Subject: RE: Cuban migrants [~~CONFIDENTIAL~~]
TO Blakeman, Earle C.
Feinberg, Richard E.
Jensen-Moran, Jeri L.
Malley, Robert
Mazzuchi, Anthony D.
Rocha, Victor M.
Schwartz, Eric P.
CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY

These are all good questions. I wish they had raised them before our meeting. I think Rob needs to convene a meeting and get views. I would be inclined to think we should ask the Cuban government if they will take back people who volunteer that rather than go to GTMO they want to go back to Cuba.

From: Malley, Robert
To: Halperin, Morton H.; Schwartz, Eric P.; @INTERAM - Inter-American
CC: /R, Record at A1
Subject: Cuban migrants [~~CONFIDENTIAL~~]
Date: Wednesday, March 15, 1995 10:38 AM

The Coast Guard called with questions regarding our policy vis a vis intercepted migrants. The questions boil down to the following:

1. If the CG intercepts migrants at sea clearly on their way to the US, and not claiming otherwise, should they be automatically sent to GTMO? That is now the practice. Should they be given the option of returning to Cuba? What arrangement would we need with the GOC?
2. If the CG intercepts illegal migrants at sea who clearly appear to be on their way to the US but claim to be going to Mexico, should they be sent to GTMO? (Again, should we offer option of return to Cuba?)
3. If the CG intercepts migrants at sea who make a credible claim that they were trying to reach Mexico (illegally), what should they do? GTMO?

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By mi NARA, Date 3/16/11
201-1039-F

M S M a i l

DATE-TIME 15 March 95 16:48
FROM Rocha, Victor M.
CLASSIFICATION ~~CONFIDENTIAL~~
SUBJECT Subject: RE: Cuban migrants [~~CONFIDENTIAL~~]
TO Malley, Robert
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

I think we need to bring these questions before an IWG meeting. I think they are relevant for the kind of situations the Coast Guard is going to be facing in the coming weeks.

From: Malley, Robert
To: Halperin, Morton H.; Schwartz, Eric P.; @INTERAM - Inter-American
CC: /R, Record at A1
Subject: Cuban migrants [~~CONFIDENTIAL~~]
Date: Wednesday, March 15, 1995 10:38 AM

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2. If the CG intercepts illegal migrants at sea who clearly appear to be on their way to the US but claim to be going to Mexico, should they be sent to GTMO? (Again, should we offer option of return to Cuba?)
3. If the CG intercepts migrants at sea who make a credible claim that they were trying to reach Mexico (illegally), what should they do? GTMO?

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By MM NARA, Date 3/25/16
201-10347

M S M a i l

DATE-TIME 22 March 95 10:50
FROM Danvers, William C.
CLASSIFICATION UNCLASSIFIED
SUBJECT Subject: RE: ATTACHED [UNCLASSIFIED]
TO Kreczko, Alan J.
Schwartz, Eric P.
CARBON_COPY Andricos, George M.
Baker, James E.
Breeland, Jocelyn G
Sens, Andrew D.

TEXT_BODY

We could send a letter back mentioning the long-standing WH policy and tell him we have referred the letters to State, asking them to answer.

From: Kreczko, Alan J.
To: Schwartz, Eric P.
CC: /R, Record at A1; Andricos, George M.; Baker, James E.; Breeland, Jocelyn G.; Danvers, William C.; Sens, Andrew D.
Subject: RE: ATTACHED [UNCLASSIFIED]
Date: Wednesday, March 22, 1995 10:42 AM

In my view, you are right. We would not allow Andy or anyone else at the WH to testify on these matters. we can't allow his testimony on administrative matters to become a backdoor to NSC testimony on policy issues. I see two alternatives:

--we simply write back saying in accordance with long-standing WH policy, WH staff don't testify on substantive matters (along lines of letter we recently did for Mort).

--alternatively, we treat it as a Congressional. Have the answers signed out by Leg. with appropriate intro. on why we're doing it this way.

Interested in Danvers/Andricos view.

From: Schwartz, Eric P.
To: Kreczko, Alan J.
CC: /R, Record at A1
Subject: ATTACHED [UNCLASSIFIED]
Date: Tuesday, March 21, 1995 09:15 AM

Alan:

Is it a good precedent for the NSC to be answering these questions? Wouldn't it be more appropriate for these to be referred to appropriate agencies of government? After all, Andy was not there to discuss policy, was he??

Eric

From: Breeland, Jocelyn G.

To: Feinberg, Richard E.

CC: /R, Record at A1; Andricos, George M.; Clark, Bronya H.; Mazzuchi, Anthony D.; Sens, Andrew D.; @GLOBAL - Global Affairs; @DEMOCRACY -

Democracy Affairs

Subject: FW: Testimony Follow Up [UNCLASSIFIED]

Date: Monday, March 20, 1995 01:56 PM

Richard -

Could you please provide answers to the following questions that were asked during Andy's recent budget testimony.

The questions all come from Rep. Kingston (R-Georgia). I have repeated the questions here exactly as they appeared in the transcript of the hearing. There is no lead up to these questions, no context, he just asked these questions out of the blue. In each case, Andy promised to get a considered reply.

We must have our replies to the subcommittee by the end of the month, so I would appreciate your getting us an answer by the end of this week (March 24). I have copied this message to other offices you might be interested. Please secure any clearances necessary.

Questions:

1) How much was the package to General Cedras in Haiti? The deal that he got, so to speak....how many employees did he get, how much did it cost, what kind of health care did he get, what did he get to leave with?

2) And then also you have a line that you reached an agreement to stop the flow of migrants from the sea with Cuba. How long do you think that is going to last, or do you think we don't have any problems with that?

3) And also is it your experience that the domestic policy in the United States is the most effective deterrent, instead of creating a magnet, creating a wall in terms of stopping illegal immigration? Can we do more internally through policy changes to stop immigration than we can sitting down with Castro or whoever in these countries?

Thanks. jgb

M S M a i l

DATE-TIME 22 March 95 11:30
FROM Rocha, Victor M.
CLASSIFICATION UNCLASSIFIED
SUBJECT Subject: Questions on NSC Testimony [UNCLASSIFIED]
TO Malley, Robert
Schwartz, Eric P.
CARBON_COPY Breeland, Jocelyn G
Feinberg, Richard E.
Halperin, Morton H.

TEXT_BODY

During the presentation of the NSC budget we were asked a number of questions to which we have to supply written answers. Among the questions are the following:

AND THEN ALSO YOU HAVE A LINE THAT YOU REACHED AN AGREEMENT TO STOP THE FLOW OF MIGRANTS FROM THE SEA WITH CUBA. HOW LONG DO YOU THINK THAT IS GOING TO LAST, OR DO YOU THINK WE DON'T HAVE ANY PROBLEMS WITH THAT?

AND ALSO IS IT YOUR EXPERIENCE THAT THE DOMESTIC POLICY IN THE UNITED STATES IS THE MOST EFFECTIVE DETERRENT, INSTEAD OF CREATING A MAGNET, CREATING A WALL IN TERMS OF STOPPING ILLEGAL IMMIGRATION? CAN WE DO MORE INTERNALLY THROUGH POLICY CHANGES TO STOP IMMIGRATION THAN WE CAN SITTING DOWN WITH CASTRO OR WHOEVER IN THESE COUNTRIES?

Kindly provide me or Jocelyn Breeland with the answers to these questions as soon as possible. We are researching and getting other replies to Jocelyn who is coordinating the package of answers for Andy to send to the Hill.

M S M a i l

DATE-TIME 22 March 95 13:29
FROM Rocha, Victor M.
CLASSIFICATION UNCLASSIFIED
SUBJECT Subject: Answers to Testimony Questions [UNCLASSIFIED]
TO Breeland, Jocelyn G
CARBON_COPY Brown, Dallas
Feinberg, Richard E.
Malley, Robert
Schwartz, Eric P.
Sens, Andrew D.

TEXT_BODY

Rob Malley/Eric Schwartz will be providing the answers to the two questions related to Cuban migration.

With regards to the following question:

How much was the package to General Cedras in Haiti? The deal that he got, so to speak...how many employees did he get, how much did it cost, what kind of health care did he get, what did he get to leave with?

Our answer should be:

IN NEGOTIATIONS ON THE EVE OF GENERAL CEDRAS' DEPARTURE FOR EXILE IN PANAMA, THE U.S. GOVERNMENT AGREED IN PRINCIPLE TO LEASE THREE CEDRAS FAMILY PROPERTIES FOR ONE YEAR. THE TOTAL PRICE FOR THE ENTIRE YEAR FOR ALL THREE PROPERTIES IS \$60,000, OR \$5,000 PER MONTH -- SOMEWHAT BELOW THE MARKET VALUE OF THE PROPERTIES. NO LEASE HAS BEEN SIGNED YET, PENDING CLARIFICATION OF VARIOUS PHRASES IN THE LEASE. WE ARE AWAITING A REPLY FROM CEDRAS' LAWYERS.

OTHER THAN THIS ARRANGEMENT, THE U.S. GOVERNMENT CHARTERED AN AIRCRAFT TO TRANSPORT GENERALS CEDRAS AND BIAMBY TO EXILE IN PANAMA AND ANOTHER TO TRANSPORT A FEW OF THEIR FAMILY AND ASSOCIATES TO MIAMI.

WE BELIEVE THAT BOTH THE LEASING ARRANGEMENTS AND
AIRCRAFT CHARTERS GREATLY
ASSISTED OUR EFFORTS TO FACILITATE THE ORDERLY AND
PEACEFUL DEPARTURE FROM
HAITI OF THE MILITARY LEADERSHIP, WHICH WAS VERY MUCH IN
OUR INTERESTS, IN
PARTICULAR IN THE INTERESTS OF THE SECURITY OF OUR
PERSONNEL IN HAITI.

NO OTHER ASSISTANCE WAS PROVIDED.

M S M a i l

DATE-TIME 28 March 95 10:57
FROM Malley, Robert
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Testimony Follow Up [UNCLASSIFIED]
TO Andricos, George M.
Breeland, Jocelyn G
Wright, Allison M.
CARBON_COPY Schwartz, Eric P.
TEXT_BODY

Attached are responses to questions 2 and 3 on Cuba.

[[CUBSENS.DOC : 2573 in CUBSENS.DOC]]

From: Andricos, George M.
To: Malley, Robert; Schwartz, Eric P.
CC: /R, Record at A1; Clark, Bronya H.; Darby, M. Brooke; Kreczko, Alan J.;
Sens, Andrew D.; @BREELAND (Jocelyn & Allison); @LEGISLAT-Legislative

Affairs

Subject: FW: Testimony Follow Up [UNCLASSIFIED]

Date: Monday, March 27, 1995 05:14 PM

Rob/Eric,

We need answers to questions 2 and 3 below by noon tomorrow (Tues. Mar. 28) so we can discuss them with Andy before he departs for Haiti. He has asked for all inputs by 3:00PM. We will decide at that time on the format for submitting them to the committee, ie, as part of the transcript or as a separate letter. Either way, we will need answers to the questions. Could you please respond by E-mail by noon Tuesday? Thanks.

Mike

From: Breeland, Jocelyn G.
To: Feinberg, Richard E.
CC: /R, Record at A1; Andricos, George M.; Clark, Bronya H.; Mazzuchi, Anthony D.; Sens, Andrew D.; @GLOBAL - Global Affairs; @DEMOCRACY -

Democracy Affairs

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Date: Monday, March 20, 1995 01:56 PM

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Questions:

1) How much was the package to General Cedras in Haiti? The deal that he got, so to speak....how many employees did he get, how much did it cost, what kind of health care did he get, what did he get to leave with?

2) And then also you have a line that you reached an agreement to stop the flow of migrants from the sea with Cuba. How long do you think that is going to last, or do you think we don't have any problems with that?

3) And also is it your experience that the domestic policy in the United States is the most effective deterrent, instead of creating a magnet, creating a wall in terms of stopping illegal immigration? Can we do more internally through policy changes to stop immigration than we can sitting down with Castro or whoever in these countries?

Thanks. jgb

**ATTACHMENT
FILE DATE**

28 March 95 10:55

**ATTACHMENT
FILE NAME**

CUBSENS.DOC

1) And then also you have a line that you reached an agreement to stop the flow of migrants from the sea with Cuba. How long do you think that is going to last, or do you think we don't have any problems with that?

From the outset of the migration crisis, the Administration's most immediate goal was to stop this dangerous, uncontrolled outflow and to save lives. To that end, the President ordered that Cuban migrants rescued at sea would no longer be taken directly to the U.S. but would be given safe haven at our naval base at Guantanamo Bay

and other facilities to be identified later.

The President also instructed us to seek an agreement with the Cuban government to bring an end to the outflow of rafters. We reached an agreement on September 9 under which the Cuban government pledged to take effective action to prevent unsafe and irregular departures. The agreement has worked; the outflow of migrants using rafts and other unsafe means seeking to reach the U.S. has all but stopped.

We expect the government of Cuba to abide by its commitments, as we will abide by our commitment to admit at least 20,000 residents of Cuba annually. At the same time, we continue to watch the situation closely and have regular follow-on talks with the Cuban government to review implementation of the agreement.

2) And also is it your experience that the domestic policy in the United States is the most effective deterrent, instead of creating a magnet, creating a wall in terms of stopping illegal immigration? Can we do more internally through policy changes to stop immigration than we can sitting down with Castro or whoever in these countries?

Our policy has been to use a combination of tools. The agreement with the Cuban regime commits it to take effective action to prevent unsafe and irregular departures. For our part, we have signaled clearly to Cubans that migrants rescued at sea no longer would be taken automatically to the United States, and that Cubans arriving in Florida no longer would be routinely paroled into the United States. Our message to the people of Cuba is that there are increased opportunities for legal migration to the United States under the agreement reached with the government of Cuba. We believe that the safehaven policy and the migration accord have brought us closer to the goal of a safe, legal, and orderly migration process from Cuba to the United States.

M S M a i l

DATE-TIME 04 April 95 08:01

FROM Schwartz, Eric P.

CLASSIFICATION ~~CONFIDENTIAL~~

SUBJECT Subject: FW: Deportation of Cubans [~~CONFIDENTIAL~~]

TO Atkin, Timothy J.
Beers, Rand R.
Brown, Dallas
Clarke, Richard A.
Cooper, Kathleen H.
Cressey, Roger W.
Darragh, Sean J.
Halperin, Morton H.
Lennon, John E.
Lindsey, Wanda
Longoria, Michael A.
Malley, Robert
Norman, Marcia G.
Rice, Susan E.
Roundtree, Beverly J.
Schwartz, Eric P.
Simon, Steven N.

CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY

(SIMON DISREGARD)

Rob:

It's close to the Schwartz approach, but there is too much ARA influence for my liking. I can, however, live with it, I guess.

Eric

From: Malley, Robert
To: Halperin, Morton H.; Schwartz, Eric P.
CC: /R, Record at A1; Cooper, Kathleen H.
Subject: Deportation of Cubans [~~CONFIDENTIAL~~]
Date: Monday, April 03, 1995 06:35 PM

The following was just sent out by State. I think it pretty much follows the Schwartz approach - and both ARA and PRM concurred!

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By ML NARA, Date 3/28/16
2011-0329-F

E.O. 12356: N/A

TAGS: PREL PREF CU UK BH CS

SUBJECT: RESPONDING TO HOST GOVERNMENT ON CUBAN
MIGRANTS

REF: (A) 95 SAN JOSE 1877, (B) 95 BELIZE 885

1. ADDRESSES ARE ENCOURAGED TO DRAW ON THE FOLLOWING IN
RESPONDING TO HOST GOVERNMENT INQUIRIES REGARDING
CUBAN

MIGRANTS FROM THE CAYMAN ISLANDS. SAN JOSE MAY DRAW ON
THESE POINTS IN REPLYING TO COSTA RICAN DIPLOMATIC NOTE
NO. 217-95DVM.

2.

O WE SHARE YOUR CONCERN OVER THE RECENT
ARRIVAL OF UNDOCUMENTED CUBAN MIGRANTS
FROM THE CAYMAN ISLANDS IN YOUR COUNTRY.

O AS YOU MAY KNOW, 160 CAYMANIAN-BASED
CUBANS ATTEMPTED TO REACH THE U.S. IN
FEBRUARY. FORTY-THREE WHO REACHED OUR
SHORES WERE PLACED IN IMMIGRATION AND
NATURALIZATION SERVICE EXCLUSION
PROCEEDINGS AND DETENTION FACILITIES; THE
REMAINDER WERE TRANSFERRED TO THE U.S.
SAFEHAVEN IN GUANTANAMO, CUBA.

O THE CUBANS TRAVELLED IN FOUR OVERCROWDED,
UNSEAWORTHY VESSELS. ONE BOAT, CARRYING
SEVERAL CHILDREN, SANK JUST SECONDS AFTER
ITS LAST PASSENGER WAS RESCUED BY A U.S.
COAST GUARD VESSEL.

O THESE VESSELS REPRESENTED A DANGER TO
THEIR PASSENGERS AND TO OTHER MARITIME
TRAFFIC. WE HAVE EXPRESSED OUR
DISPLEASURE TO THE BRITISH AND CAYMANIANS
OVER THESE INCIDENTS.

O WE ENCOURAGE YOU TO APPROACH APPROPRIATE
BRITISH AND CAYMANIAN OFFICIALS REGARDING
THE ARRIVAL OF CUBAN MIGRANTS IN YOUR
COUNTRY.

O THE U.S. BELIEVES THAT CUBAN MIGRATION IS
CAUSED BY THE FAILURE OF THE CASTRO REGIME
TO SATISFY THE DEMOCRATIC LONGINGS AND
MATERIAL NEEDS OF THE CUBAN PEOPLE. AS
SUCH, IT IS A PHENOMENON OF CONCERN TO ALL

COUNTRIES WHO WISH TO SEE FREEDOM AND PROSPERITY RESTORED IN CUBA.

O THE UNITED STATES REGARDS IRREGULAR CUBAN MIGRATION AS A REGIONAL PROBLEM, THE RESPONSE TO WHICH REQUIRES THE PARTICIPATION OF ALL REGIONAL PARTNERS.

O SINCE LAST SUMMER'S MIGRATION CRISIS, WE HAVE PROVIDED SAFEHAVEN TO MORE THAN 32,000 CUBANS.

O WE ARE WELL AWARE, THEREFORE, OF THE BURDEN THAT SUSTAINING CUBAN MIGRANTS CAN REPRESENT.

O THE U.S. RECOGNIZES THAT THE POSSIBLE DEPORTATION OF UNDOCUMENTED CUBAN MIGRANTS TO CUBA IS A MATTER TO BE SETTLED BETWEEN YOU AND THE CUBAN AUTHORITIES, PROVIDED THE ACCEPTED SAFEGUARDS OF THE REFUGEE CONVENTION HAVE BEEN CAREFULLY APPLIED.

O NEVERTHELESS, IN CONSIDERING THE APPROPRIATE COURSE OF ACTION TO TAKE, WE WISH TO SHARE WITH YOU THE FOLLOWING:

O AS YOU KNOW, THE CUBAN GOVERNMENT HAS HISTORICALLY MADE INVOLUNTARY REPATRIATION VERY DIFFICULT, IF NOT IMPOSSIBLE.

O THERE IS LITTLE PRECEDENT, THEREFORE, BY WHICH TO PREDICT WHAT TREATMENT MIGRANTS THUS RETURNED MIGHT RECEIVE.

O YOU SHOULD KNOW, HOWEVER, THAT LEAVING CUBA WITHOUT PERMISSION IS A CRIME UNDER CUBAN LAW PUNISHABLE BY(P TO THREE YEARS IN PRISON.

O SHOULD THE CASTRO REGIME CHOOSE TO TAKE ACTION AGAINST THESE MIGRANTS, IT WOULD HAVE AT ITS DISPOSAL THE ENTIRE REPRESSIVE APPARATUS OF OUR HEMISPHERE'S LAST DICTATORIAL STATE.

O THERE IS ALSO A STRONG POSSIBILITY THAT FORCIBLE DEPORTATIONS TO CUBA COULD CAUSE AN ADVERSE REACTION FROM POLITICAL GROUPS IN THE U.S.

CHRISTOPHER
BT
#0322

NNNN

SECT

SECTION: 01 OF 01

SSN

0322

TOR

950403142157 M1599548

FROM:
SITREPT

M S M a i l

DATE-TIME 07 April 95 19:53
FROM Malley, Robert
CLASSIFICATION ~~CONFIDENTIAL~~
SUBJECT ERMA [~~CONFIDENTIAL~~]
TO Halperin, Morton H.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Attached are the documents. Jamie Baker checked with State/L to make sure they have no problem with use of ERMA funds. Informally, they said it was technically ok, though Congress will question the legality. We will need a justification for the use of ERMA funds if we go forward. Before it goes to the President, either State should write one, or I will. If you want one over the weekend, just page me. The only change I made to the memo was to delete the sentence stating that IEF was designed for states dealing with aliens, because that risked undermining Eric's case.

You should take a look at the cover memo. Eric added a section that has Global's and Africa's concurrence, recommending a split and that ERMA not be used. He totally neglects the timing issue, which I try to point out in the memo. He suggests we get Susan Rice's concurrence, but she was gone. I think it would be far cleaner if NSC had a unified position. Perhaps you can work on Eric and/or Dick.

Reach me through systems if you need to about this or Cuba. Thanks.

[[2713.DOC : 4922 in 2713.DOC]][[2713A.DOC : 4923 in 2713A.DOC]][[2713B.DOC : 4924 in 2713B.DOC]][[2713C.DOC : 4925 in 2713C.DOC]]

ATTACHMENT
FILE DATE 7 April 95 19:38

ATTACHMENT
FILE NAME 2713.DOC
~~CONFIDENTIAL~~
2713
~~CONFIDENTIAL~~
cc: Vice President
Declassify on: OADR
Chief of Staff

~~CONFIDENTIAL~~
~~CONFIDENTIAL~~

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By MI NARA, Date 3/28/16
2011-1031-F

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE
ALICE RIVLIN

SUBJECT: Psychiatric Care for Cuban Migrants at
Guantanamo

Purpose

To determine a funding source for the psychiatric care of Cuban migrants in the United States safehaven at Guantanamo Bay.

Background

There is a need for psychiatric care for the 24,000 Cuban migrants at Guantanamo, up to 85 of whom are suffering from serious mental conditions that, if not properly treated, could prove dangerous to camp security. About 900 more Cubans have mental health conditions requiring some level of care.

To date, the Department of Defense has been responsible for providing such care by using military personnel. Because the Department feels the provision of care to U.S. personnel is suffering because U.S. mental health personnel have been diverted to Guantanamo, the Chairman of the Joint Chiefs of Staff has decided to withdraw all military psychiatric care providers from Guantanamo on April 15, 1995.

We now seek to contract these services out to a private entity. The Department of Defense is prepared to sign and manage an emergency, six-month contract, the estimated cost of which is \$7 million. However, in light of the burden it has been carrying so far at Guantanamo, DOD has indicated that it is unwilling to pay for the contract. (No funds are currently budgeted for continuing these services in FY 96 at the expiration of the 6-month contract).

Options

I. Direct DOD to Continue Paying for Psychiatric Care

While DOD would strongly oppose this option, and the Chairman of the Joint Chiefs of Staff would probably weigh in personally against it, you could direct DOD to pay for the contract. (You should note in this context the Congressionally-approved defense supplemental

includes funds to help pay the cost of maintaining the safehaven). DOD already is paying for most of the migrant-related costs (see data at Tab A), though it has been reimbursed in the recently passed DOD supplemental. The Department believes that the provision of mental care to foreign civilians is an inappropriate activity, even if reimbursed.

II. Direct the Department of State to Pay for the Contract

Under this option, the State Department would pay for the contract by drawing funds from the Emergency Refugee and Migration Assistance Fund (ERMA). There currently is \$60 million remaining in the Fund. A drawdown requires a Presidential Determination of "unexpected urgent refugee and migration needs," but the funds become available immediately.

Secretary Christopher opposes use of ERMA for this purpose because he believes funds will be needed for emergency requirements in Rwanda, Burundi, Bosnia, and Chechnya, as well as for other unforeseen emergencies. State also anticipates strong opposition on the Hill to what might be viewed as an inappropriate use of the funds and possible imposition of subsequent legislative restrictions if we were to use ERMA. Last year, the foreign affairs committees in Congress objected to use of refugee funds to reimburse DOD for migrant operations in Cuba.

III. Direct the Department of State and the Department of Justice to Split the Costs

Under this option, State would pay \$3.5 million from ERMA, and Justice would pay \$3.5 million either from the Immigration Emergency Fund (IEF), or by reprogramming amounts currently assigned to the Bureau of Prisons to the Immigration and Naturalization Service (INS). There currently is \$112 million in IEF, and funds can be drawn upon if you declare an immigration emergency and certify that fact to the designated congressional committees.

Both agencies were prepared to accept this solution in principle, however reluctantly. However, after a further examination, Justice has concluded that there is no politically acceptable way for it to contribute. Justice believes that a Presidential declaration of an immigration emergency for this purpose would be controversial, especially in States like California and Florida with serious immigration problems. A legal opinion from the Office of Legal Counsel also suggests that a certification of an immigration emergency on these facts would be difficult to justify. The Justice Department also believes that Congress would react negatively to a transfer of resources from the Bureau of Prisons to INS for this purpose, given strong congressional demand for additional INS

funding for Border Patrol. Moreover, such a transfer would require notification of Congress and involves a minimum 15 day waiting period. Given the April 15 deadline, this could create difficulties with the Department of Defense.

RECOMMENDATION

That, following option II, you sign a Presidential Determination authorizing a drawdown of \$7 million in emergency assistance funds from ERMA for the provision of psychiatric care at Guantanamo. (Attached at Tab B).

Approve _____

Disapprove _____

Attachments

Tab A Defense, State and Justice Migration Related Costs at Guantanamo

Tab B Presidential Determination

ATTACHMENT FILE DATE

7 April 95 19:50

ATTACHMENT FILE NAME

2713A.DOC
~~CONFIDENTIAL~~
2713
~~CONFIDENTIAL~~
Declassify on: OADR

~~CONFIDENTIAL~~
~~CONFIDENTIAL~~

April 7, 1995

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: MORTON HALPERIN

FROM: ROB MALLEY

SUBJECT: Psychiatric Care for Cuban Migrants at Guantanamo

As you are aware, we need to find a source of funding for the contracting of psychiatric care for the Cuban migrants at Guantanamo. Because the Chairman of the Joint Chiefs of Staff has directed his psychiatric staff to leave Guantanamo on April 15, and because DOD has indicated its objection to its continuing funding of the psychiatric care, either Justice or State should pay \$7 million for a 6 month emergency contract. Because of the time it will take to let a contract, this issue needs to be resolved urgently.

While both agencies have strong objections to covering this cost, we believe that Justice's arguments are the more compelling. Both for political and legal reasons, use of DOJ funds would prove to be enormously controversial. Use of the State Department's Emergency Refugee and Migration Assistance Fund (ERMA) would also be difficult because of humanitarian needs in Africa, but is in our view the preferred solution. Use of ERMA has the significant advantage of being available immediately, which would not be the case if non-emergency funds were reprogrammed.

OMB concurs with this recommendation, and has requested that the memorandum to the President be a joint one.

NSC Global and NSC Africa Views

NSC Global and NSC Africa believe that the costs should be split evenly between State and Justice and that State should not be requested to use ERMA funds (but encouraged to use MRA, ESF or other non-ERMA sources). They believe that Justice probably overstates the negative reaction of a relatively small Justice Department reprogramming of funds.

ERMA is the major source of remaining monies for emergency humanitarian assistance this year and -- though we are only just past mid-year -- our emergency food aid accounts are almost completely depleted with ongoing and potential emergencies in Rwanda, Burundi, Bosnia and the Caucasus.

Global and Africa would thus change the memo to support the 50-50 split option and to omit discussion of ERMA.

Concurrence by: Eric Schwartz; Jamie

Baker; Manuel Rocha
Bill Danvers

RECOMMENDATION

That you sign the attached memorandum to the President.

Attachment

Tab I Memorandum to the President

Tab A Defense, State and Justice Migration Related Costs at Guantanamo

Tab B Presidential Determination

ATTACHMENT
FILE DATE

7 April 95 19:34

ATTACHMENT
FILE NAME

2713B.DOC

Presidential Determination

No. _____

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Determination Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as Amended

Pursuant to section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as amended, 22 U.S.C. 2601(c)(1), I hereby determine that it is important to the national interest that up to \$7,000,000 be made available from the U.S. Emergency Refugee and Migration Assistance Fund to meet the urgent and unexpected psychiatric needs of Cuban migrants at Guantanamo Bay. These funds may be used as necessary to contract for the full scope of psychiatric services required by the migrants.

You are authorized and directed to inform the appropriate committees of the Congress of this determination and the obligation of funds under this authority and to publish this memorandum in the Federal Register.

ATTACHMENT
FILE DATE

7 April 95 19:8

ATTACHMENT

FILE NAME 2713C.DOC

SUMMARY OF GUANTANAMO-RELATED EXPENSES

FY 95 (to date) FY 95 (expected total)

DOJ \$12.7 million

\$34 million

State \$1.1 million

\$13 million

DOD Not available \$450 million

M S M a i l

DATE-TIME 10 April 95 17:50
FROM Cooper, Kathleen H.
CLASSIFICATION ~~CONFIDENTIAL~~
SUBJECT Urgent Concurrence [~~CONFIDENTIAL~~]
TO Baker, James E.
CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY

Jamie -- I dropped this package off to you. Rob said the only document you have not seen is 2713d. We would like to move this forward tonight. Is there any chance you could look it over quickly? Thanks.

[[2713.DOC : 4388 in 2713.DOC]][[2713A.DOC : 4389 in 2713A.DOC]][[2713B.DOC : 4390 in 2713B.DOC]][[2713C.DOC : 4391 in 2713C.DOC]][[2713D.DOC : 4392 in 2713D.DOC]]

ATTACHMENT
FILE DATE 10 April 95 17:22

ATTACHMENT
FILE NAME 2713.DOC
~~CONFIDENTIAL~~
2713
~~CONFIDENTIAL~~
cc: Vice President
Declassify on: OADR
Chief of Staff

~~CONFIDENTIAL~~
~~CONFIDENTIAL~~

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE
ALICE RIVLIN

SUBJECT: Psychiatric Care for Cuban Migrants at
Guantanamo

Purpose

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By MI NARA, Date 3/28/16
Vol H039 T

To determine a funding source for the psychiatric care of Cuban migrants in the United States safehaven at Guantanamo Bay.

Background

There is a need for psychiatric care for the 24,000 Cuban migrants at Guantanamo, up to 85 of whom are suffering from serious mental conditions that, if not properly treated, could prove dangerous to camp security. About 900 more Cubans have mental health conditions requiring some level of care.

To date, the Department of Defense has been responsible for providing such care by using military personnel. Because the Department feels the provision of care to U.S. military personnel is suffering because U.S. mental health personnel have been diverted to Guantanamo, the Chairman of the Joint Chiefs of Staff has decided to withdraw all military psychiatric care providers from Guantanamo on April 15, 1995.

We now seek to contract these services out to a private entity. The Department of Defense is prepared to sign and manage an emergency, six-month contract, the estimated cost of which is \$7 million. However, in light of the burden it has been carrying so far at Guantanamo, DOD has indicated that it is unwilling to pay for the contract. (No funds are currently budgeted for continuing these services in FY 96 at the expiration of the 6-month contract).

Options

I. Direct DOD to Continue Paying for Psychiatric Care

While DOD would strongly oppose this option, and Shali probably would weigh in personally against it, you could direct DOD to pay for the contract. DOD already is paying for most of the migrant-related costs (see data at Tab A), though it has been reimbursed in the recently passed DOD supplemental. The Department believes that the provision of mental care to foreign civilians is an inappropriate activity, even if reimbursed, and there is likely to be serious criticism from the Hill if DOD continues to incur these costs.

II. Direct the Department of State to Pay for the Contract

Under this option, the State Department would pay for the contract by drawing funds from the Emergency Refugee and Migration Assistance Fund (ERMA). There currently is \$60 million remaining in the Fund. A drawdown requires a Presidential Determination of "unexpected urgent refugee and migration needs," but the funds become available

immediately.

Secretary Christopher opposes use of ERMA for this purpose because he believes funds will be needed for emergency requirements in Rwanda, Burundi, Bosnia, and Chechnya, as well as for other unforeseen emergencies. State also anticipates strong opposition on the Hill to what might be viewed as an inappropriate use of the funds and possible imposition of subsequent legislative restrictions if we were to use ERMA. Last year, the foreign affairs committees in Congress objected to use of refugee funds to reimburse DOD for migrant operations in Cuba.

III. Direct the Department of State and the Department of Justice to Split the Costs

Under this option, State would pay \$3.5 million from ERMA, and Justice would pay \$3.5 million either from the Immigration Emergency Fund (IEF), or by reprogramming amounts currently assigned to the Bureau of Prisons to the Immigration and Naturalization Service (INS). There currently is \$112 million in IEF, and funds can be drawn upon if you declare an immigration emergency and certify that fact to the designated congressional committees.

Both agencies were prepared to accept this solution in principle, however reluctantly. However, after a further examination, Justice has concluded that such allocation would be legally questionable and politically unacceptable. Justice believes that a Presidential declaration of an immigration emergency for this purpose would be controversial, especially in States like California and Florida with serious immigration problems. Indeed, with the exception of \$6 million added in 1994 to cover potential costs associated with third country repatriation of smuggled aliens, IEF was established to deal with a potential influx of aliens. A legal opinion from the Office of Legal Counsel also suggests that a certification of an immigration emergency on these facts would be difficult to justify. The Justice Department also believes that Congress would react negatively to a transfer of resources from the Bureau of Prisons to INS for this purpose, given strong congressional demand for additional INS funding for Border Patrol. Moreover, such a transfer would require notification of Congress and involves a minimum 15 day waiting period. Given the April 15 deadline, this could create difficulties with the Department of Defense.

RECOMMENDATION

That, following option II, you sign a Presidential Determination authorizing a drawdown of \$7 million in emergency assistance funds from ERMA for the provision of psychiatric care at Guantanamo. (Attached at Tab B).

Approve _____

Disapprove _____

Attachments

Tab A Defense, State and Justice Migration Related Costs at Guantanamo
Tab B Presidential Determination
Tab C Justification

**ATTACHMENT
FILE DATE**

10 April 95 17:22

**ATTACHMENT
FILE NAME**

2713A.DOC
~~CONFIDENTIAL~~
2713
~~CONFIDENTIAL~~
Declassify on: OADR

~~CONFIDENTIAL~~
~~CONFIDENTIAL~~

April 7, 1995

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: MORTON HALPERIN

FROM: ROB MALLEY

SUBJECT: Psychiatric Care for Cuban Migrants at
Guantanamo

As you are aware, we need to find a source of funding for the contracting of psychiatric care for the Cuban migrants at Guantanamo. Because the Chairman of the Joint Chiefs of Staff has directed his psychiatric staff to leave Guantanamo on April 15, and because DOD has indicated its objection to its continuing funding of the psychiatric care, either Justice or State should pay \$7 million for a 6 month emergency contract. Because a contract needs to be signed by Wednesday, this issue needs to be resolved urgently.

While both agencies have strong objections to covering this cost, we believe that Justice's arguments are the more compelling. Both for political and legal reasons, use of DOJ funds would prove to be enormously controversial. Use of the State Department's Emergency Refugee and Migration Assistance Fund (ERMA) would also be difficult because of humanitarian needs in Africa, but is in our view the preferred solution. Use of ERMA has the significant advantage of being available immediately, which would not be the case if non-emergency funds were reprogrammed.

OMB concurs with this recommendation, and has requested that the memorandum to the President be a joint one.

NSC Global and NSC Africa Views

NSC Global and NSC Africa believe that the costs should be split evenly between State and Justice and that State should not be requested to use ERMA funds (but encouraged to use MRA, ESF or other non-ERMA sources). They believe that Justice probably overstates the negative reaction of a relatively small Justice Department reprogramming of funds.

ERMA is the major source of remaining monies for emergency humanitarian assistance this year and -- though we are only just past mid-year -- our emergency food aid accounts are almost completely depleted with ongoing and potential emergencies in Rwanda, Burundi, Bosnia and the Caucuses.

Global and Africa would thus change the memo to support the 50-50 split option and to omit discussion of ERMA.

Concurrence by: Eric Schwartz; Jamie

Baker; Manuel Rocha
Bill Danvers

RECOMMENDATION

That you sign the attached memorandum to the President.

Attachment

Tab I Memorandum to the President

Tab A Defense, State and Justice Migration Related Costs at Guantanamo

Tab B Presidential Determination

Tab C Justification

ATTACHMENT
FILE DATE

10 April 95 17:22

ATTACHMENT

FILE NAME 2713B.DOC

Presidential Determination

No. _____

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Determination Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as Amended

Pursuant to section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as amended, 22 U.S.C. 2601(c)(1), I hereby determine that it is important to the national interest that up to \$7,000,000 be made available from the U.S. Emergency Refugee and Migration Assistance Fund to meet the urgent and unexpected psychiatric needs of Cuban migrants at Guantanamo Bay. These funds may be used as necessary to contract for the full scope of psychiatric services required by the migrants.

You are authorized and directed to inform the appropriate committees of the Congress of this determination and the obligation of funds under this authority and to publish this memorandum in the Federal Register.

**ATTACHMENT
FILE DATE**

10 April 95 17:22

**ATTACHMENT
FILE NAME**

2713C.DOC

SUMMARY OF GUANTANAMO-RELATED EXPENSES

FY 95 (to date) FY 95 (expected total)

DOJ \$12.7 million

\$34 million
State \$1.1 million
\$13 million

DOD Not available \$450 million

ATTACHMENT
FILE DATE

10 April 95 17:23

ATTACHMENT
FILE NAME

2713D.DOC

JUSTIFICATION FOR PRESIDENTIAL DETERMINATION AUTHORIZING
THE USE OF
UP TO \$7,000,000 FROM THE UNITED STATES EMERGENCY REFUGEE
AND
MIGRATION ASSISTANCE FUND

Under section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as amended, 22 U.S.C. 2601(c)(1), the President may authorize the furnishing of assistance from the United States Emergency Refugee and Migration Assistance Fund (the Fund) to meet "unexpected urgent refugee and migration" needs whenever he determines it is "important to the national interest" to do so. A drawdown from the Fund of up to \$7,000,000 is required to respond to unexpected urgent needs of Cuban migrants at Guantanamo Bay, Cuba. This drawdown furthers U.S. national interest by providing support where it is urgently needed.

There are approximately 23,000 Cuban migrants at Guantanamo Bay. They are part of the large number of Cubans who fled Cuba on rafts, were rescued by the United States Coast Guard, and were brought to the U.S. safehaven at Guantanamo. The safehaven was established to prevent loss of life at sea and to forestall a massive, uncontrolled influx of Cuban migrants into the United States.

Some of the Cubans at Guantanamo are suffering from acute mental conditions that, if not properly treated, could threaten the safety of other migrants and of United States personnel. Several hundred have conditions requiring some level of care, and community-based preventive psychiatric services are required for the larger population to avoid disruption in the camps.

The Department of Defense has been responsible for providing psychiatric care but no longer can ensure such services without diverting staff and resources required to meet the overall mental

health needs of United States military personnel. The United States Government heretofore will contract these services out to a private entity. The estimated cost of an emergency, six-month contract for the provision of psychiatric care is \$7,000,000.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. email	Malley to Morton Halperin re: GTMO (4 pages)	04/10/1995	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

[01/04/1995-04/25/1995]

2011-1039-F
rs1852

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(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]

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006. email	Eric Schwartz to Cooper et al. re: [Cuban Migrants] (4 pages)	04/11/1995	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

[01/04/1995-04/25/1995]

2011-1039-F
rs1852

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]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007. email	Victor Rocha to Halperin re: Cayman Cubans (1 page)	04/13/1995	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

[01/04/1995-04/25/1995]

2011-1039-F
rs1852

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

M S M a i l

DATE-TIME 17 April 95 12:33
FROM Kreczko, Alan J.
CLASSIFICATION UNCLASSIFIED
SUBJECT Subject: RE: Haitian Migrants & Waxman Channel [UNCLASSIFIED]
TO Baker, James E.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Even in an exclusion proceeding they get to ask for asylum, no?

 e
From: Baker, James E.
To: Kreczko, Alan J.
CC: /R, Record at A1
Subject: RE: Haitian Migrants & Waxman Channel [UNCLASSIFIED]
Date: Monday, April 17, 1995 11:54 AM

ATTORNEY WORK PRODUCT

I intentionally left this vague because Waxman seemed to be hedging. Prior OLC guidance would suggest that the INA comes into play if internal waters, vice TS, is reached. This would result in deportation proceedings and asylum claims rather than exclusion proceedings. I think the facts are uncertain at this time as well as the availability of alternative legal theories based on the very particularized facts of this case. To the extent the migrants have already been taken to Krone, however, I would think alternative theories would be limited.

ATTORNEY WORK PRODUCT

From: Kreczko, Alan J.
To: Baker, James E.
CC: /R, Record at A1
Subject: RE: Haitian Migrants & Waxman Channel [UNCLASSIFIED]
Date: Monday, April 17, 1995 11:22 AM

having made it to the harbor, do they get to assert asylum claim?

From: Baker, James E.
To: Schwartz, Eric P.
CC: /R, Record at A1; Kreczko, Alan J.
Subject: Haitian Migrants & Waxman Channel [UNCLASSIFIED]
Date: Monday, April 17, 1995 10:13 AM

Eric:

Thank you for your questions this morning.

1. Per Seth Waxman, and consistent with the White House contacts policy, it is appropriate for you to discuss migrant issues, such as those involved in the incident in Miami directly with Seth Waxman to the extent those incidents involve policy issues.

2. It is also appropriate for you to talk directly with Phyllis Coven, who is in charge of international programs at INS. However, Seth reminds in light of Phyllis's new assignment that it is main Justice which sets policy, not INS. If you are seeking Justice policy views, including and in particular the AG's views, you should be communicating with Seth.

3. I advised Seth that having confirmed the appropriate channel for handling these sorts of policy issues, you were the appropriate NSC staff point of contact.

Re: the particular incident. Although a PD-27 was not convened, Seth's understanding of the case is that the boat was stopped two miles off the coast by the USCG for running light violations (or something similar) and was then brought into Miami harbor. At that point the false compartment was located with 115 migrants in it. The migrants are being processed and detained. My sense from Seth, however, is that Justice will be inclined to return the migrants to Haiti (if available) or parole them quietly in the next week. Justice will likely favor parole over detention for three reasons: (1) that is what has occurred with similarly situated Cuban migrants, which avoids a perception issue; (2) there are facility capacity problems in terms of holding this many migrants for the duration of proceedings; and (3) they may be granted bail by an IJ in any event.

Thank you.

M S M a i l

DATE-TIME 17 April 95 14:13
FROM Baker, James E.
CLASSIFICATION UNCLASSIFIED
SUBJECT Subject: RE: Haitian Migrants & Waxman Channel [UNCLASSIFIED]
TO Kreczko, Alan J.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Right, see e.g., Golden Venture -- 208 applies to persons present in the United States or at land borders or ports of entry. I do not think, however, that the USG ever conceded a right to asylum consideration if intercepted at sea, e.g., at two miles.

From: Kreczko, Alan J.
To: Baker, James E.
CC: /R, Record at A1
Subject: RE: Haitian Migrants & Waxman Channel [UNCLASSIFIED]
Date: Monday, April 17, 1995 12:33 PM

Even in an exclusion proceeding they get to ask for asylum, no?

e
From: Baker, James E.
To: Kreczko, Alan J.
CC: /R, Record at A1
Subject: RE: Haitian Migrants & Waxman Channel [UNCLASSIFIED]
Date: Monday, April 17, 1995 11:54 AM

ATTORNEY WORK PRODUCT

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ATTORNEY WORK PRODUCT

From: Kreczko, Alan J.
To: Baker, James E.

CC: /R, Record at A1
Subject: RE: Haitian Migrants & Waxman Channel [UNCLASSIFIED]
Date: Monday, April 17, 1995 11:22 AM

having made it to the harbor, do they get to assert asylum claim?

From: Baker, James E.
To: Schwartz, Eric P.
CC: /R, Record at A1; Kreczko, Alan J.
Subject: Haitian Migrants & Waxman Channel [UNCLASSIFIED]
Date: Monday, April 17, 1995 10:13 AM

Eric:

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Thank you.

M S M a i l

DATE-TIME 17 April 95 15:48
FROM Schwartz, Eric P.
CLASSIFICATION UNCLASSIFIED
SUBJECT Haitian migration guidance [UNCLASSIFIED]
TO Atkin, Timothy J.
Beers, Rand R.
Brown, Dallas
Clarke, Richard A.
Cressey, Roger W.
Lindsey, Wanda
Mitchell, Calvin A.
Norman, Marcia G.
Rice, Susan E.
Ross, Thomas B.
Roundtree, Beverly J.
Schwartz, Eric P.
Simon, Steven N.
Spalter, Jonathan H.
Wozniak, Natalie S.

CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY [[HAITI91.DOC : 3909 in HAITI91.DOC]]

**ATTACHMENT
FILE DATE** 17 April 95 15:47
**ATTACHMENT
FILE NAME** HAITI91.DOC

Haitian Migration

Background

On Sunday morning, the U.S. Coast Guard intercepted a Haitian coastal freighter in U.S. waters with 115 migrants who were hidden on board. The vessel was stopped because it had no navigational lights. Because it had already entered U.S. internal waters, the 115 Haitians will be entitled to exclusion proceedings under U.S. law.

Key Points:

ù Boat migration from Haiti has plummeted since the restoration of the democratically elected government.

ù By addressing the conditions that caused refugees to flee Haiti in such large numbers we achieved one of our major policy objectives.

ù At the same time, alien smugglers -- who appear to have been involved in this most recent incident -- will continue to prey upon Haitians as well as on other nationalities.

ù We are taking a range of measures to curb the shameful practice of trafficking in human cargo -- such as prosecution of smugglers, Coast Guard surveillance and review of ship registration procedures -- but the problem of alien smuggling is one that we will continue to confront.

ù I understand that the Haitians will be put into exclusion proceedings by the Immigration and Nationality Service.

ù They are currently being held in Miami and their disposition pending the outcome of those exclusion proceedings is under review.

M S M a i l

DATE-TIME 18 April 95 10:10
FROM Schwartz, Eric P.
CLASSIFICATION UNCLASSIFIED
SUBJECT Haiti: Unaccompanied minor points [UNCLASSIFIED]
TO

Atkin, Timothy J.
Beers, Rand R.
Brown, Dallas
Clarke, Richard A.
Cooper, Kathleen H.
Cressey, Roger W.
Halperin, Morton H.
Lennon, John E
Lindsey, Wanda
Longoria, Michael A.
Malley, Robert
Mitchell, Calvin A.
Norman, Marcia G.
Rice, Susan E.
Ross, Thomas B.
Roundtree, Beverly J.
Schwartz, Eric P.
Simon, Steven N.
Spalter, Jonathan H.
Wozniak, Natalie S.

CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY
[[HAITI92.DOC : 2644 in HAITI92.DOC]]

**ATTACHMENT
FILE DATE** 18 April 95 10:9

**ATTACHMENT
FILE NAME** HAITI92.DOC
0251

Unaccompanied Minors at Guantanamo Bay

Background

After the restoration of democracy in Haiti and the return of Haitians who were in the safe haven at Guantanamo, some 320 Haitians unaccompanied minors remained at Guantanamo Bay. Under the guidance of the UN High Commissioner for Refugees, we are seeking to resolve these cases based on a case-by-case, "best interests of the

child" determination. In some cases, this means return to Haiti; in other cases, it means entry into the U.S. The population of children at the camp -- almost all teenagers -- is now about 250, and we expect the process to be completed during the month of June. A Washington Post report today noted that our policy toward Haitian children differs from our policy toward Cuban children at Guantanamo, all of whom are being paroled into the United States.

Key Points

- ù The restoration of democracy in Haiti has permitted the repatriation of thousands of Haitian migrants from Guantanamo.

- ù However, the disposition of the unaccompanied children at Guantanamo presents sensitive issues that we are seeking to resolve in a humane manner consistent with established international practice.

- ù With this in mind, we have sought the assistance of specialists from the UNHCR and other organizations, and we are conducting case-by-case evaluations to determine the disposition that serves the "best interests of the child."

- ù In some cases, especially where the child's parents or close relatives are in Haiti, this may mean that the child will be repatriated.

- ù In other cases, U.S. resettlement better meets the child's needs and we will authorize U.S. entry for such children.

- ù This is a complex procedure involving tracing of families, home-site visits and interviews with family members, but we are doing it as quickly as possible.

- ù We think this procedure is most responsible to the needs and the interests of the children.

[Cuba Comparison]

- ù We are not undertaking such a procedure with the Cuban children as we do not believe involuntary return to Cuba is feasible option under current political conditions in Cuba.

- ù Thus, we believe the alternative that meets the "best interests" of the Cuban children is entry into the United States.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008. email	Rocha to Richard Feinberg et al. re: Cuba Talks (1 page)	04/18/1995	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

[01/04/1995-04/25/1995]

2011-1039-F
rs1852

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)]

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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]
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M S M a i l

DATE-TIME 21 April 95 16:36
FROM Schwartz, Eric P.
CLASSIFICATION UNCLASSIFIED
SUBJECT Haitian Migration Paper [UNCLASSIFIED]

TO Atkin, Timothy J.
Beers, Rand R.
Brown, Dallas
Clarke, Richard A.
Cressey, Roger W.
Lindsey, Wanda
Norman, Marcia G.
Rice, Susan E.
Roundtree, Beverly J.
Schwartz, Eric P.
Simon, Steven N.

CARBON_COPY Cooper, Kathleen H.
Halperin, Morton H.
Lennon, John E
Longoria, Michael A.
Malley, Robert

TEXT_BODY

Dick/Tim:

For our discussion.

[[HAITI94.DOC : 4195 in HAITI94.DOC]]

**ATTACHMENT
FILE DATE** 21 April 95 16:35

**ATTACHMENT
FILE NAME** HAITI94.DOC

DISCUSSION MEMORANDUM
Dealing with Future Boat Flows From Haiti

BACKGROUND

WORLDWIDE GUIDANCE ON INTERDICTIONS AND ASYLUM

A 1972 guidance, still in effect, states that a basic objective of the U.S. is to promote individual freedom and humanitarian concern for the treatment of the individual. Emphasizing the U.S.

commitment to providing asylum for refugees, the document directs that --

- ù Foreign nationals requesting asylum should be given the opportunity to have their requests considered and shall not be arbitrarily or summarily refused by U.S. personnel.

- ù USG personnel who receive a request for asylum aboard a U.S. vessel at sea should immediately contact the Department of State, provide safe protective custody to the asylum seeker and arrange transfer of the matter to INS

THE KENNEBUNKPORT ORDER: DIRECT RETURN

In 1992, the Department of State suspended application of its worldwide guidance with respect only to Haitian migrants. Under the Kennebunkport Order, all migrants were summarily returned, although the Coast Guard could retain on board an individual in immediate and exceptionally grave physical danger.

PRESIDENT CLINTON'S REVERSAL OF DIRECT RETURN

In May 1994, President Clinton ended the practice of direct return and ultimately instituted the safe haven in Guantanamo. With the return to democracy in Haiti, Haitians in safe haven were returned after screening to ensure protection of those who still had well-founded fears of persecution upon return.

CAN A DEMOCRATIC HAITI STILL PRODUCE REFUGEES?

As a matter of policy, we have never determined that democratic countries are incapable of producing refugees -- no such absolute presumption exists in our refugee or asylum law. While democratic countries are much less likely to produce refugees, they can and do. In some cases, government officials encourage or condone abuses against their opponents; in other cases, senior officials are not able to control acts of political violence by local officials or thugs. And while such acts of violence do not always give rise to valid refugee claims, they can give rise to such claims in certain circumstances.

OPTIONS

There are, in essence, two workable options under current conditions. They are workable in that each is designed to avoid the magnet effect and the kind of cutter screening that Coast Guard argues is not manageable.

1. Resume Direct Return.

There are two arguments in favor of this option. First, it is simply the best way to ensure against any significant outflows. Second, it is more defensible now than before, as Haiti is now a democracy and there will be few "refugees". Moreover, the UN should

be requested to ensure protection for any Haitian who might need it.

The arguments against it are as follows. First, we could be sending people with well-founded fears -- few though they may be -- back to face serious abuse. Second, we will once again be treating Haitians more shabbily than the rest of the world -- and in particular, worse than Cubans. Third, we will be harshly criticized by the UNHCR and by NGOs and the President will be accused of reversing his position. Fourth, our policy would contrast with the British, who have agreed to screen Haitians approaching the TCI.

2. MAINTAIN AND CONTINUE TO IMPLEMENT THE WORLDWIDE POLICY GUIDANCE

Under this option, those who expressed fears of return to Haiti would not be returned to Haiti before it was determined whether they had a well-founded fear of persecution. Those few who might be deemed to be refugees would not be returned. To prevent creating a magnet, we could hold these individuals at GTMO until we could identify a third country for resettlement or until we determined that U.S. entry was feasible. In view of current conditions in Haiti, the numbers should be manageable.

The arguments for this approach are that we would be treating Haitians like all other nationals and that we would be meeting our obligations to continue to protect refugees. The UNHCR is today demarching us on this issue at a high level in Geneva and -- in view of their efforts to encourage European governments not to return refugees -- this issue is of great importance to them.

The main argument against this approach is that it would require continued use of resources at Guantanamo for migration operations.

If we choose this model, there are three workable options we could consider:

1. Bring all boat people to Guantanamo for quick screening.

Under this option, all boat people would go through a quick procedure and those without claims would be returned. This would satisfy UNHCR.

2. Conduct some sort of quick assessment of individuals on the

cutter, bring to GTMO only those who have claims worth considering.

This would result in a much smaller number of boat people getting to Guantanamo.

3. Do not assess anyone unless they come forward and express a fear of return. Then conduct the initial assessment on the cutter and determine whether travel to Guantanamo is appropriate.

The problem with this option is that UNHCR would strongly oppose. They would argue that Haiti is still not Sweden; that those fleeing by boat are presumptive asylum-seekers (though maybe not refugees). Thus some sort of individual exploration of their situation -- even cursory -- is essential.

M S M a i l

DATE-TIME 24 April 95 10:43
FROM Malley, Robert
CLASSIFICATION UNCLASSIFIED
SUBJECT Subject: RE: Cuban Migrants; [UNCLASSIFIED]
TO Darby, Melanie B.
CARBON_COPY Atkin, Timothy J.
Beers, Rand R.
Brown, Dallas
Clarke, Richard A.
Cressey, Roger W.
Halperin, Morton H.
Lindsey, Wanda
Mitchell, Calvin A.
Norman, Marcia G.
Rice, Susan E.
Rocha, Victor M.
Ross, Thomas B.
Roundtree, Beverly J.
Schwartz, Eric P.
Simon, Steven N.
Spalter, Jonathan H.
Wozniak, Natalie S.

TEXT_BODY

The Coast Guard picked up 85 Cuban migrants in four separate incidents over the weekend. They appear to have all originated from Cuba (as opposed to the Cayman Islands or the Bahamas) and were taken to Guantanamo.

Proposed Press Guidance [If asked]

-- Pursuant to our policy, Cuban migrants picked up at sea are taken to the U.S. safehaven at Guantanamo. They will not be brought to the United States.

-- Cubans must know that the way to come to the United States is through the expanded legal migration program.

-- Taking to the sea is dangerous, illegal and will not get them to the U.S.

From: Rocha, Victor M.
To: Halperin, Morton H.; Longoria, Michael A.; Malley, Robert
CC: /R, Record at A1; Cooper, Kathleen H.
Subject: FW: Cuban Migrants; [UNCLASSIFIED]

Date: Monday, April 24, 1995 08:52 AM

FYI

From: Darby, M. Brooke

To: @GLOBAL - Global Affairs; @INTERAM - Inter-American

CC: /R, Record at A1; @WHSR - WH Situation Room; @PRESS - Public Affairs;

@EXECSEC - Executive Secretary

Subject: Cuban Migrants; [UNCLASSIFIED]

Date: Monday, April 24, 1995 08:39 AM

Nancy called in from Minneapolis where she's on travel with the President to request whatever info we have on a Cuban migrant situation that's developing.

Please e-mail over whatever updates you have asap -- including press guidance if appropriate.

M S M a i l

DATE-TIME 25 April 95 10:04
FROM Schwartz, Eric P.
CLASSIFICATION ~~CONFIDENTIAL~~
SUBJECT Subject: Haiti: boat building, AMIO agreement, etc. [~~CONFIDENTIAL~~]
TO Cicio, Kristen K.
Emery, Mary C.
Hall, Wilma G.
Veit, Katherine M.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Sandy:

I will have an interagency meeting today on Haitian migration issues. We will seek to --

begin USIA-type efforts to discourage boat building/boat departures, in particular efforts to discourage rumours (such as the one suggesting that TCI is a processing site for US entry);

look at encouraging the GOH to investigate those who organize for profit boat departures;

agree on a demarch to the GOH on new AMIO arrangements (if not an agreement):

discuss the process for dealing with future boat flows.

I will report back.

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By MI NARA, Date 2/21/16

201-1001-F