

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Kristen Cicio to Fulton Armstrong and Robert Malley re: FW: Cuba-Migration (2 pages)	08/27/1996	P1/b(1)
002. email	William Mueller to Armstrong et al. re: USCG Information Related to 200 Missing Haitian Refugees (2 pages)	11/21/1996	P1/b(1)
003. email	Personally Identifiable Information [partial] (1 page)	01/09/1997	P6/b(6)
004. email	Malley to Kelly Letts re: Package (8 pages)	03/27/1997	P1/b(1)
005. email	Armstrong to Malley re: Cuba (5 pages)	04/02/1997	P1/b(1)
006. email	Malley to James Dobbins re: Cuban Migration (5 pages)	04/02/1997	P1/b(1)
007. email	Malley to William Danvers re: Package (5 pages)	04/02/1997	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

[08/26/1996-05/26/1997]

2011-1039-F

rs1856

RESTRICTION CODES

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

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

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

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

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.

Withdrawal/Redaction Marker

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COLLECTION:

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M S M a i l

DATE-TIME 28 August 96 10:47
FROM Malley, Robert
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Vice Admiral Redd [UNCLASSIFIED]
TO Sestak, Joseph A.
CARBON_COPY Schwartz, Eric P.
TEXT_BODY

Joe,

I think we should include the issue of Cuban migrants at GTMO -- though perhaps as an "if raised" question.

Summary: JCS is concerned about the number of Cuban migrants at GTMO. There currently are 37 Cubans, and recent weeks have seen more Cubans coming into GTMO than leaving the base. The migrants fall roughly into 2 groups: (1) Cubans with protection concerns who we are trying to resettle in third countries; (2) Cubans with prior illegal exit charges pending in Cuba who we will not return absent a firm and reliable Cuban commitment that the charges will be dropped. In addition, the Cuban military officer who hijacked a plane to GTMO remains on the base. While the NSC-chaired interagency group is seeking ways to accelerate the repatriation or resettlement of the migrants, we need to ensure that GTMO will continue to be available on an as-needed basis.

Points:

-- Understand concern about use of GTMO for Cuban migrants.

-- Policy since May 2, 1995, is to repatriate migrants or, in case they present protection concerns, resettle in third countries.

-- Have asked NSC staff to continue interagency effort to accelerate repatriation and resettlement.

-- At same time, and because it is important for deterrence purposes that the migrants not be resettled in U.S., we will continue to need GTMO to hold Cubans while we await final disposition.

To: Seaton, James B.; Witkowsky, Anne A.; @AFRICA - African Affairs;
@ASIA -

Asian Affairs; @CEE - Central/Eastern Europe; @DEMOCRACY - Dem/Human

Affairs; @EUROPE - European Affairs; @GLOBAL - Global Affairs;

@INTERAM -

Inter-American; @NESASIA - NE/South Asia; @NONPRO - Export Controls;

@RUSSIA

- Russia/Ukraine

CC: /R, Record at A1

Subject: Vice Admiral Redd

Date: Wednesday, August 28, 1996 08:01 AM

Vice Admiral Redd, the new Joint Staff J-5 who recently relieved LTG Wes Clark, will call on Tony Lake tomorrow at 2:30. If you have any issue you want to include in the prep memo for TL, please forward a short summary and proposed question (if desired) to me by 12:00 today. Thanks. r, Joe

M S M a i l

DATE-TIME 21 September 96 08:51

FROM Schwartz, Eric P.

CLASSIFICATION ~~CONFIDENTIAL~~

SUBJECT [~~CONFIDENTIAL~~]

TO Clarke, Richard A.
Dobbins, James F.

CARBON_COPY Letts, Kelly J.
Lorin, Matthew E.
Malley, Robert
Ragan, Richard F.
Schwartz, Eric P.

TEXT_BODY

Why not get PRM to throw some money at this problem?

Let me know if we can help.

Eric

WHITE HOUSE SITUATION ROOM
DIST: ARMSTRONG, BROWN, CLARKER, DOBBINS, MALLEY,
PICCONE, PYATT, RAGAN,
SCHWARTZ, SHEEHAN, WECHSLER, NSC

PREC: ROUTINE CLASS: UNCLASSIFIED DTG:202238Z SEP 96

FM: AMEMBASSY PORT AU PRINCE

TO:
RUEHC/SECSTATE WASHDC 1694

RHEVAZZ/CJTF ONE EIGHT ZERO
RULSJGA/COMDT COGARD WASHDC//G-OLE//
RUEKJCS/SECDEF WASHDC
RHEHNSC/NSC WASHDC
RUCBSAA/USCINCLANT NORFOLK VA
RUCTFOA/MARINCEN MIAMI FL
RHBCJOR/CTU FOUR FOUR POINT SEVEN POINT FOUR

DECLASSIFIED

E.O. 13526

White House Guidelines, September 11, 2006

By *ML* NARA, Date *3/29/16*
2011-1029-F

RUEKJCS/JCS WASHDC
RUDJARD/COMLANTAREA COGARD NEW YORK NY//AO/AI//
RUCBACM/USCINCOM NORFOLK VA
RUCTFOA/CCGDSEVEN MIAMI FL//OLE/CC/OII//
RUDMGRD/COGARD INTELCOORDCEN WASHINGTON DC
RUEHDG/AMEMBASSY SANTO DOMINGO 1454
RUEHBH/AMEMBASSY NASSAU 0178
RUEHUB/USINT HAVANA 0323

UNCLAS PORT AU PRINCE 007080

DEPARTMENT FOR ARA/HWG
DEPARTMENT ALSO FOR CA/FPP

E.O. 12958: DECL: N/A
TAGS: SMIG, PREL, CVIS, KFRD, HA,
SUBJECT: REPATRIATED MIGRANTS OCCUPY NATIONAL
-- OFFICE OF MIGRATION

1. SUMMARY: ABOUT TWO HUNDRED REPATRIATED MIGRANTS OCCUPIED THE GOH NATIONAL OFFICE OF MIGRATION (ONM) SEPTEMBER 12 AND 13, DEMANDING ASSISTANCE TO SEND THEIR CHILDREN TO SCHOOL. ALTHOUGH THE NUMBERS OF US COAST GUARD INTERCEPTIONS OF HAITIAN MIGRANTS TO THE UNITED STATES HAS RECENTLY DIMINISHED, MEETING THE NEEDS OF REPATRIATED MIGRANTS CONTINUES TO BE A PRESSING ISSUE FOR THE GOH. END SUMMARY.

2. REPATRIATED MIGRANTS FROM PORT-AU-PRINCE, PETIT GOAVE, DAME MAIRE, AND D'ANSE D'AINAULT TOOK OVER THE GOH NATIONAL OFFICE OF MIGRATION (ONM) SEPTEMBER 12 AND 13 DEMANDING GOVERNMENT ASSISTANCE FOR THEIR CHILDREN'S EDUCATION. ACCORDING TO MEDIA REPORTS, THE MIGRANTS WERE FURIOUS THAT THE GOH WAS CONSIDERING PAYING PENSIONS FOR THE FORMER FAHD, WHILE THE REPATRIATES' NEEDS HAVE NOT BEEN MET.

3. ONM DIRECTOR PRECIL TOLD POLOFF THAT BY SEPTEMBER 13 ABOUT 200 REPATRIATES WERE OCCUPYING THE OFFICE. THE OCCUPIERS WERE NON-VIOLENT AND LEFT AFTER TWO DAYS, BUT RETURNED ON SEPTEMBER 16 TO BLOCK THE ROAD. PRECIL NEGOTIATED WITH THE MIGRANTS, WHO GAVE HIM A DEADLINE OF SEPTEMBER 24 TO PROVIDE MONEY FOR THE CHILDREN'S EDUCATION. PRECIL SAID THAT THE GROUP IS PARTICULARLY ANXIOUS BECAUSE SCHOOL IS SCHEDULED TO START IN THREE WEEKS. HE IS HOPING FOR OUTSIDE DONOR ASSISTANCE TO THE ONM TO MEET THESE DEMANDS.

4. THIS IS THE SECOND TIME IN A MONTH THAT REPATRIATES HAVE ENGAGED IN CIVIL DISOBEDIENCE IN THE PORT-AU-PRINCE AREA. IN AUGUST A GROUP OF REPATRIATES OCCUPIED TELECO LAND AND BEGAN TO SET UP HOUSEHOLDS, WRONGLY BELIEVING THE LAND TO BE OWNED BY THE GOVERNMENT. TELECO HAS SINCE CLEARED THE MIGRANTS OFF THE LAND.

5. COMMENT: THE ACTIONS OF THE REPATRIATES DEMONSTRATE THE GOH'S CONTINUING NEED TO ASSIST IN MIGRANT RESETTLEMENT. WHILE US COAST GUARD INTERCEPTIONS HAVE DIMINISHED OVER THE PAST SIX MONTHS, MIGRANTS CONTINUE TO BE REPATRIATED FROM THE BAHAMAS, THE DOMINICAN REPUBLIC AND CUBA. THESE PEOPLE OFTEN RETURN IN DESPERATE POVERTY, AND REMAIN IN THE PORT AU PRINCE AREA, OFTEN AS SQUATTERS. IN THE CURRENT BUDGET CRISIS, THE GOH WILL CONTINUE TO NEED INTERNATIONAL DONOR ASSISTANCE TO RESOLVE THESE PROBLEMS.
SWING

SECT SECTION: 01 OF 01
SSN 7080
TOR 960920184501 M2410855

FROM:
SITREPT

M S M a i l

DATE-TIME 27 September 96 07:55
FROM Armstrong, Fulton T.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Cuba [UNCLASSIFIED]
TO Malley, Robert
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Rob: How did this happen? When you and I talked to Tony, he was adamant that no significant changes were necessary. What does #4 entail? --Fulton

From: Malley, Robert
To: Cicio, Kristen K.; Berger, Samuel
CC: /R, Record at A1; Boynton, Peter J.; Schwartz, Eric P.; @NSA - Natl Security Advisor; @CUBA - Cuban Affairs
Subject: RE: Cuba [UNCLASSIFIED]
Date: Thursday, September 26, 1996 09:06 AM

Please pass to SB

On the issue of CG assets, CG has agreed over the last few weeks to enhance its operations as follows:

1. CG will increase the area searched by its aircraft, and will focus on smaller vessels that appear to be used in alien smuggling cases. Flights will occur at least once daily.
2. CG has introduced an additional medium endurance cutter in the area.
3. CG is in the process of reaching an agreement to use a private vessel to hold intercepted migrants while they are being interviewed by the INS. This will free up its assets and allow it to beef up its operations.
4. CG also is enhancing its investigation of possible alien smuggling regarding Cubans, as last weekend's events strongly suggest such activity is taking place.

From: Cicio, Kristen K.
To: Malley, Robert
CC: /R, Record at A1; Boynton, Peter J.; @DEMOCRACY - Dem/Human

Affairs;
@INTERAM - Inter-American
Subject: FW: Cuba [UNCLASSIFIED]
Date: Wednesday, September 25, 1996 08:45 AM

Rob,

SRB notes by Suzanna Valdez para "let me see contingent press guidance" and by migration from Cuba..."once again, are we sure the CG is deploying adequate assets?"

From: Malley, Robert
To: Berger, Samuel
CC: /R, Record at A1; Armstrong, Fulton T.; Boynton, Peter J.; @NSA - Natl Security Advisor
Subject: Cuba [UNCLASSIFIED]
Date: Tuesday, September 24, 1996 08:58 AM

Please pass to SB

1. Compensation for families: You noted on our memorandum concerning compensation that we should try to get the families' agreement to a low-key WH statement at the time the payments occur.

Suzanna Valdez (OPL) and Lula Rodriguez (USIA) -- both of whom have had extensive conversations with the families -- strongly recommend against that and believe we should instead only respond if/when this goes public. They offer two reasons: First, this course of action is consistent with the families' desire for privacy. When this goes public, the WH can acknowledge the facts and state that we did not want to publicize this matter out of respect for the families; second, this is consistent with the families' (and our own) desire not to be seen as using the issue for public/political purposes.

On balance, I would tend to agree with Suzanna and Lula if only because the people most concerned with the issue (the families) are of that view.

Please let us know how you want us to handle this.

2. Migration from Cuba: There have been a number of incidents over the past few days -- a couple of boats intercepted on the high seas but also 28 Cubans who managed to evade the Coast Guard and make it into the U.S. (all are being detained and placed in exclusion proceedings except for three minor children and their parents.)

There is a serious possibility that alien-smuggling was involved, at least in the case of the 28 who made it to the U.S. Coast Guard and DOJ are

investigating these incidents and we will be holding an inter-agency meeting this week to go over this issue.

We will let you know of any decisions we reach regarding intelligence gathering or increasing CG assets in the area.

M S M a i l

DATE-TIME 27 September 96 18:24
FROM Malley, Robert
CLASSIFICATION UNCLASSIFIED
SUBJECT fax [UNCLASSIFIED]
TO Letts, Kelly J.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY
Please fax to Steve Warnath, marked "Draft"
[[WELFARE2.DOC : 4659 in WELFARE2.DOC]]

**ATTACHMENT
FILE DATE** 27 September 96 18:23
**ATTACHMENT
FILE NAME** WELFARE2.DOC

September 26, 1996

ACTION

MEMORANDUM FOR ANTHONY LAKE
CAROL RASCO

THROUGH: ERIC SCHWARTZ

FROM: ROB MALLEY/STEVE WARNATH

SUBJECT: Impact of Welfare Reform Bill on Cuban Parolees

Law prior to Welfare Bill (Fascell/Stone)

Unlike nationals from other countries, Cuban and Haitians paroled into the United States were treated as refugees, and therefore they were eligible for all benefits and services. This is of

particular importance in the case of Cubans, since our migration agreements with Cuba provide that a minimum of 20,000 Cubans will be allowed to enter the United States every year, the vast majority of whom will be paroled.

Impact of Welfare Bill on Cuban-Haitian entrants

Under the welfare reform bill, refugees are excepted during their first five years in the United States from the limitations that apply to the provision of benefits to other aliens. In other words, refugees are eligible for SSI, Medicaid, and the successor program to AFDC (the Transitional Assistance for Needy Families, or TANF) for their first five years. However, this exception does not apply to Cuban and Haitian entrants. Instead, Cuban and Haitian entrants are eligible only for assistance provided by the refugee resettlement program -- i.e., refugee cash and medical assistance for their first 8 months in the U.S. and limited refugee social services for their first five years. Concretely, this means that:

☐ Unlike refugees, entrants who are current recipients will be ineligible for Supplemental Security Income (SSI) and Food Stamps immediately after redetermination of eligibility. Their eligibility for Medicaid and TANF is at the States' option.

☐ Unlike refugees, entrants who arrive after enactment of the bill (8/22/96) will not be eligible for SSI or Food Stamps. They also will be ineligible for Medicaid or TANF for five years after their arrival.

In short, there now is a significant discrepancy between the treatment of refugees and Cuban-Haitian entrants which will be most seriously felt in Florida, New York, and New Jersey.

Options:

Option #1. Status quo; work with State officials to provide technical assistance to mitigate the impact on Cuban-Haitian entrants.

Option #2. President might be able to exercises his authority under the Immigration and Nationality Act to continue to treat Cuban-Haitian entrants in the same manner as refugees. This would have an immediate beneficial impact for Cuban-Haitians. (Note: This option would need to be cleared by lawyers at HHS, Agriculture, and DoJ).

Option #3. Propose legislation pursuant to which Cuban-Haitian entrants would be treated as refugees for purposes of public benefits. (Note: Senator Graham's attempts to modify the immigration bill in this way were unsuccessful.)

RECOMMENDATION

That we maintain the status quo (option 1).

Approve _____ Disapprove _____

That we pursue option 2 with legal counsel at HHS, Agriculture, and DoJ.

Approve _____ Disapprove _____

That we pursue option 3.

Approve _____ Disapprove _____

M S M a i l

DATE-TIME 10 October 96 18:49
FROM Armstrong, Fulton T.
CLASSIFICATION UNCLASSIFIED
SUBJECT Mas Package [UNCLASSIFIED]
TO Malley, Robert
CARBON_COPY Natoli, Kim M.
TEXT_BODY
Rob: Per our conversation. Kim stands ready to help. --Fulton
[[6803A.DOC : 4679 in 6803A.DOC]][[6803.DOC : 4680 in 6803.DOC]]
**ATTACHMENT
FILE DATE** 10 October 96 18:46
**ATTACHMENT
FILE NAME** 6803A.DOC
6803

October 10, 1996

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: JAMES F. DOBBINS/ERIC SCHWARTZ

FROM: FULTON T. ARMSTRONG/ROBERT X. MALLEY

SUBJECT: Letter to Cuban American National Foundation
Chairman Jorge Mas Canosa

Leon Panetta forwarded to you a fax from CANF Chairman Mas covering a letter to the President from Cuban migrants on a fast at Guatanamo Naval Base to press for parole into the United States.

Four of the 13 fasters have already resumed a normal diet, and the

nine remaining are taking soup and drinking "Gatorade." The Base Commander reports that none is in immediate danger of serious health complications for the fast.

The fasters and {{{ROB: GOT A NUMBER}}} others currently in Guantanamo have been found to have credible fear of persecution should they be returned to Cuba and, pursuant to the May 1995 Migration Accord, are slated for resettlement in third countries. This is a slow, tedious process, however, and some of them have been in Guanatamo for over a year -- a legitimate source of frustration. The State Department is in the final stages of arranging resettlement of 20 of them in Bolivia, perhaps as soon as November 1, and Costa Rica has privately offered to accept another five. Few other countries have offered to take these people, so ARA is preparing a strategy for another round of demarches.

In the proposed reply at Tab A, you inform Mr. Mas of the USG's efforts to resettle all of the migrants who have credible fear of persecution. Suzanna Valdez has cleared.

RECOMMENDATION

That you sign the draft response at Tab A.

Attachments
Tab A Draft Reply
Tab B Incoming Correspondence

**ATTACHMENT
FILE DATE**

10 October 96 18:42

**ATTACHMENT
FILE NAME**

6803.DOC
DRAFT

Dear Mr. Mas Canosa:

Thank you for forwarding to Leon Panetta the letter to the President from the fasters at Guantanamo Naval Base desiring parole into the United States.

I sympathize with the plight of the fasters and the other several dozen migrants in Guantanamo awaiting resettlement. They have endured much suffering.

The State Department has worked tirelessly to identify countries willing to resettle these individuals as expeditiously as possible, in accordance with the Migration Accord. We expect the Bolivian Government to give final approval to resettlement of 20 of them very soon, and another Latin American country has offered to accept five others.

Resettlement is an extraordinarily timely, tedious process, as you can appreciate. I am happy to report this progress but assure you that our resettlement efforts will continue until all migrants have new homes in countries in which they can enjoy their God-given rights and democracy.

Sincerely,

Mr. Jorge Mas Canosa
Chairman
The Cuban American National Foundation
Suite 505
1000 Thomas Jefferson Street, N.W.
Washington, D.C. 20007

M S M a i l

DATE-TIME 11 October 96 09:16
FROM Malley, Robert
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Mas Package [UNCLASSIFIED]
TO Armstrong, Fulton T.
Natoli, Kim M.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Here is my attempted redraft.

[[MAS2.DOC : 2321 in MAS2.DOC]][[MAS.DOC : 2322 in MAS.DOC]]

From: Armstrong, Fulton T.
To: Malley, Robert
CC: /R, Record at A1; Natoli, Kim M.
Subject: Mas Package [UNCLASSIFIED]
Date: Thursday, October 10, 1996 06:49 PM

<<Attached File: 6803A.DOC>>
<<Attached File: 6803.DOC>>

Rob: Per our conversation. Kim stands ready to help. --Fulton

**ATTACHMENT
FILE DATE** 11 October 96 9:15

**ATTACHMENT
FILE NAME** MAS2.DOC
DRAFT

Dear Mr. Mas Canosa:

Thank you for forwarding to Leon Panetta the
letter
to the President from the fasters at Guantanamo
Naval Base desiring parole into the United

States.

I sympathize with the plight of the fasters and the other migrants in Guantanamo awaiting resettlement.

The State Department has worked tirelessly to identify countries willing to resettle these individuals. We expect the Bolivian Government to give final approval to resettlement of 20 of them very soon, and another Latin American country has offered to accept five others.

While this represents significant progress, it remains insufficient. We will continue to make every effort to resettle migrants who have a credible fear of persecution in Cuba.

Sincerely,

Mr. Jorge Mas Canosa
Chairman
The Cuban American National Foundation
Suite 505
1000 Thomas Jefferson Street, N.W.
Washington, D.C. 20007

**ATTACHMENT
FILE DATE**

11 October 96 9:7

**ATTACHMENT
FILE NAME**

MAS.DOC
6803

October 10, 1996

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: JAMES F. DOBBINS/ERIC SCHWARTZ

FROM: FULTON T. ARMSTRONG/ROB MALLEY

SUBJECT: Letter to Cuban American National Foundation
Chairman Jorge Mas Canosa

Leon Panetta forwarded to you a fax from CANF Chairman Mas covering a letter to the President from Cuban migrants who have been fasting at Guantanamo Naval Base in an effort to press for parole into the United States.

Four of the 13 fasters have already resumed a normal diet, and the nine remaining are taking soup and drinking "Gatorade." The Base Commander reports that none is in immediate danger of serious health complications for the fast.

The fasters and 17 others currently in Guantanamo have been found to have a credible fear of persecution should they be returned to Cuba and are slated for resettlement in third countries. This is a slow, tedious process, however, and some of them have been in Guantanamo for over a year -- a legitimate source of frustration. The State Department is in the final stages of arranging resettlement of 20 of them in Bolivia, perhaps as soon as November 1, and Costa Rica has privately offered to accept another five. Few other countries have offered to take these people, so ARA is preparing a strategy for another round of demarches.

In the proposed reply at Tab A, you inform Mr. Mas of the USG's efforts to resettle all of the migrants who have a credible fear of persecution. Suzanna Valdez has cleared.

RECOMMENDATION

That you sign the draft response at Tab A.

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Tab A Draft Reply

Tab B Incoming Correspondence

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

M S M a i l

DATE-TIME 21 November 96 13:47
FROM Armstrong, Fulton T.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Migration talks [UNCLASSIFIED]
TO Malley, Robert
CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY

Señor: Looked a wee little thin, so I've suggested a number of things you might want to add. Also suggested a couple of language changes. In case you didn't get State's compendium of Talking Points yesterday, I left a copy on your chair. --Fulton

[[CU_MIGR.DOC : 3337 in CU_MIGR.DOC]]

From: Malley, Robert
To: Armstrong, Fulton T.
CC: /R, Record at A1
Subject: Migration talks [UNCLASSIFIED]
Date: Thursday, November 21, 1996 12:00 PM

<<Attached File: CUBMIGT.DOC>>

Fulton --

Attached is draft memo; not sure what else to put in.

**ATTACHMENT
FILE DATE** 21 November 96 13:44
**ATTACHMENT
FILE NAME** CU_MIGR.DOC

November 21, 1996

INFORMATION

MEMORANDUM FOR SANDY BERGER

THROUGH: JIM DOBBINS/ERIC SCHWARTZ

FROM: ROB MALLEY/FULTON ARMSTRONG (Thanks for including)

SUBJECT: United States-Cuba Migration Talks

The next round of our migration talks with Cuba will take place on December 4-5 in Havana. These will be the first talks in over a year; talks were not held last spring as a result of the February 24 shutdown.

Rob: Want to add a one-sentence overview to the effect that there are no major problems in implementation of the accords at this time, but agreements stipulate -- and both sides see value in -- periodic meetings to manage what minor difficulties have emerged. Doing so also reinforces the message to the Cuban people that both remain committed to full implementation of the accords.??? Our agenda will be as follows: ((Or maybe: Our delegation, headed by State Department Deputy Assistant Secretary John Hamilton, will have the following agenda:))

1. Implementation of the Migration Accords: The central goals of the U.S. delegation will be to ensure continued free access to returned migrants, credible arrangements for monitoring imprisoned returnees (of whom there are how many?), and an end to the harassment of monitors. (Rob: I know State likes to term the problems "harassment," but is this the right word? Impression I got from State's presentation was that harassment is not a problem for monitors but getting GOC cooperation is. Would it be accurate to rephrase the last item as "... and greater cooperation from GOC in facilitating monitoring, including lifting its unacceptable ban on the use of non-consular officers for the task.??? At a minimum, I think we should say "and to register our unhappiness over

isolated incidents of harassment of our monitors" (which is what State's talking point says). We (Lest you want Sandy to think you're going, maybe you should just say "the delegation" also will seek Cuban agreement to accept the return of Cuban migrants who enter the United States illegally and to modify the country's migration laws, which currently impose prison sentences for unauthorized entry or exit from Cuba. Rob: I think another item was: The delegation also intends to press the GOC to fulfill its agreement with Rep. Richardson to reduce exit-processing and medical fees for the many individuals granted U.S. visas but unable to pay the GOC's exorbitant charges. (??)

ROB: Just an idea ... Because the "Fraud Concerns" part is a little thin, maybe you'd want to drop numbers before paragraphs, keeping bold letters, and then break "Impl. of Migration Accords" stuff into short ticks -- which might allow a little more substantiation than if you try to keep it to one chunky paragraph. Then you could have "fraud concerns" follow behind.

2. Fraud Concerns: The U.S. delegation will raise the issue of alien smuggling from Cuba and seek case-by-case cooperation to reduce it as well as the use of altered or forged U.S. and Cuban travel documents. Rob: Probably need a sentence or two on the scope of the problem. Probably good idea to mention "seminar" on documents, with reassurance that we do not intend to share info on possible U.S. citizens/residents.

As usual, we should expect the Cuban government to raise a proposal to expand and perhaps formalize cooperation in areas such as counter-narcotics. (ROB: Seems to me that counternarco idea should go after general comments on GOC responses/objectives on migration.) (Maybe start this with something like: "We do not expect any breakthroughs on these issues; most of them were tabled in the last round of talks and have been the subject

of diplomatic exchanges since. The GOC may offer, however, piecemeal progress as it has in the past." The GOC also is certain to criticize as inconsistent with the migration accords our decisions not to return intercepted Cuban migrants who are determined to have protection concerns and to bring into the United States migrants with special circumstances (e.g., medical emergencies; family members brought in to attend funerals, etc.) They are also likely to restate their displeasure with our decision to prosecute Lt.Col. Fernandez Pupo (who hijacked an air taxi to Guantanamo in July) and the three hijackers who crash-landed in the Gulf of Mexico in the U.S. The GOC's close cooperation with us in the collection of evidence and testimony against these individuals suggests, however, that the complaints will be mostly rhetorical.

M S M a i l

DATE-TIME 25 November 96 15:19
FROM Armstrong, Fulton T.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Cuba Migration [UNCLASSIFIED]
TO Malley, Robert
CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY

Rob: Sorry for delay. Just a couple ideas. Jim wants to make sure all involved keep meetings low key, so I've added sentence to that effect.
--Fulton

[[CU_MIGR.DOC : 3843 in CU_MIGR.DOC]]

From: Malley, Robert
To: Armstrong, Fulton T.
CC: /R, Record at A1
Subject: Cuba Migration [UNCLASSIFIED]
Date: Monday, November 25, 1996 11:30 AM

<<Attached File: CUBMIGT.DOC>>

Fulton --

Thanks for your suggestions. Take another look and then I'll get it around so SB can see it on Wednesday, when he returns.

Rob

ATTACHMENT
FILE DATE 25 November 96 15:18
ATTACHMENT
FILE NAME CU_MIGR.DOC

November 24, 1996

INFORMATION

MEMORANDUM FOR SANDY BERGER

THROUGH: JIM DOBBINS/ERIC SCHWARTZ

FROM: ROB MALLEY/FULTON ARMSTRONG

SUBJECT: United States-Cuba Migration Talks

The next round of our migration talks with Cuba will take place on December 4-5 in Havana. Periodic meetings have taken place since the signing of the accords in May 1995, but these will be the first talks in over a year; talks were not held last spring as a result of the February 24 shutdown. One of our most important objectives is to reinforce with the Cuban people the message that both sides remain committed to full implementation of the accords, thereby helping reduce migration pressures. State Department intends to keep the visit as low-key as possible.

U.S. GOALS

Our delegation, headed by DAS Hamilton, will present the following agenda:

Implementation of the Migration Accords

While we generally are satisfied with Cuba's compliance with the accords, our delegation will be seeking GOC agreement to

- ☐ ensure continued free access by the U.S. Interests Section to returned migrants (or would it be clearer to say "migrants repatriated under the May 1995 accords" and greater cooperation from the GOC in this regard -- including lifting its ban on the use of non-consular officers for monitoring;
- ☐ accept the return of Cuban migrants who enter the United States illegally (vice just those intercepted at sea);
- ☐ respond promptly to information requests regarding Cuban migrants held at GTMO;
- ☐ eliminate Cuba's illegal exit and entry laws or, at the very

least, reduce jail sentences in these cases.

□ Rob: don't want to include the issue of fees charged for migrants???? I gathered from conversation with the desk that this is an important issue.

Alien Smuggling

□ The U.S. delegation will raise the issue of alien smuggling from Cuba. While we will reject any broad, formalized cooperation, we will suggest case-by-case cooperation;

□ Another area of concern is the increased use of forged U.S. and Cuban travel documents by migrants departing from or transiting through Cuba. The delegation will renew our offer to arrange a seminar for Cuban airport personnel to improve detection of fraudulent U.S. travel documents.

CUBAN GOALS (or ... "LIKELY RESULTS"??)

We do not expect a significant breakthrough on any of these issues. Most of them were tabled in the last round of talks and have since been the subject of diplomatic exchanges. However, the GOC may offer piecemeal progress as it has in the past.

The GOC will certainly criticize as inconsistent with the migration accords our decisions not to return intercepted Cuban migrants who are determined to have protection concerns -- who have numbered xxxx since May 1995 -- and to bring into the United States migrants with special circumstances (e.g., medical emergencies; family members brought in to attend funerals, etc.). Cuba also is likely restate its displeasure with our decision to admit into the U.S. for prosecution Lt. Col. Fernandez Pupo (who hijacked an air taxi to Guantanamo in July) and the three hijackers who crash-landed in the Gulf of Mexico, although the GOC's cooperation with U.S. prosecutors on the case indicates the protests will be mostly rhetorical. Finally, we should expect the GOC to seek to expand and perhaps formalize cooperation in areas such as counter-narcotics.

M S M a i l

DATE-TIME 26 November 96 09:12
FROM Malley, Robert
CLASSIFICATION UNCLASSIFIED
SUBJECT Cuba [UNCLASSIFIED]
TO Armstrong, Fulton T.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Fulton

I took most of your (very helpful) comments. Could you show to Jim and, once he has ok'd it, we can move forward so SB can see it when he returns tomorrow.

[[CUBMIGT.DOC : 2314 in CUBMIGT.DOC]]

ATTACHMENT
FILE DATE 25 November 96 15:46

ATTACHMENT
FILE NAME CUBMIGT.DOC

November 24, 1996

INFORMATION

MEMORANDUM FOR SANDY BERGER

THROUGH: JIM DOBBINS/ERIC SCHWARTZ

FROM: ROB MALLEY/FULTON ARMSTRONG

SUBJECT: United States-Cuba Migration Talks

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signing of the accords in May 1995, but these will be the first talks in over a year; talks were not held last spring as a result of the February 24 shutdown. One of our most important objectives is to reinforce with the Cuban people the message that both sides remain committed to full implementation of the accords, thereby helping reduce migration pressures. State intends to keep the visit as low-key as possible.

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- ☐ eliminate Cuba's illegal exit and entry laws or, at the very least, reduce jail sentences in these cases;
- ☐ reduce the migration fees charged by the GOC to legal emigrants.

Alien Smuggling

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CUBAN GOALS

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Cuba also is likely to restate its displeasure with our decision to admit into the U.S. for prosecution Lt. Col. Fernandez Pupo and the three hijackers who crash-landed in the Gulf of Mexico, although the GOC's cooperation with U.S. prosecutors suggests these protests will be mostly rhetorical. Finally, we should expect the GOC to seek to expand and perhaps formalize cooperation in areas such as counter-narcotics.

M S M a i l

DATE-TIME 26 November 96 17:19
FROM Malley, Robert
CLASSIFICATION UNCLASSIFIED
SUBJECT Package [UNCLASSIFIED]
TO Letts, Kelly J.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY
Jim and Fulton have cleared --
[[CUBMIGT.DOC : 4389 in CUBMIGT.DOC]]
**ATTACHMENT
FILE DATE** 25 November 96 15:46
**ATTACHMENT
FILE NAME** CUBMIGT.DOC

November 24, 1996

INFORMATION

MEMORANDUM FOR SANDY BERGER

THROUGH: JIM DOBBINS/ERIC SCHWARTZ

FROM: ROB MALLEY/FULTON ARMSTRONG

SUBJECT: United States-Cuba Migration Talks

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is to reinforce with the Cuban people the message that both sides remain committed to full implementation of the accords, thereby helping reduce migration pressures. State intends to keep the visit as low-key as possible.

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- ☐ accept the return of Cuban migrants who enter the United States illegally (vice just those intercepted at sea);
- ☐ respond promptly to information requests regarding Cuban migrants held at GTMO;
- ☐ eliminate Cuba's illegal exit and entry laws or, at the very least, reduce jail sentences in these cases;
- ☐ reduce the migration fees charged by the GOC to legal emigrants.

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M S M a i l

DATE-TIME 05 December 96 16:59
FROM Schwartz, Eric P.
CLASSIFICATION ~~CONFIDENTIAL~~
SUBJECT ~~[CONFIDENTIAL]~~
TO Malley, Robert
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Please pass to SB from Rob

Sandy,

We understand that you have before you talking points for a possible call to Rep. Menendez. The points confirm that we have been talking to the Cubans about the possibility of returning migrants who arrived illegally to our shores BUT states that we would only apply this to future cases. After reflecting about this issue last night, NSC/Democracy believes that the talking points should be slightly modified for the following reason:

Such a statement would represent a change in what the interagency -- and DOJ in particular -- previously understood to be our policy. As you will recall, the AG explicitly stated in the May 2 announcement that "Cubans who reach the US through irregular means will be placed in exclusion proceedings and treated as are all illegal migrants from other countries." We also explained that "nobody leaving Cuba irregularly by boat will be resettled in the U.S." As a result, INS has been detaining Cubans arriving illegally and placed them in exclusion proceedings in the hope of returning them to Cuba some day.

Currently, there is one Cuban with a final order of exclusion and another roughly two dozen Cubans who arrived illegally in Florida since May 2, 1995 and who we have detained and placed in exclusion proceedings.

A decision to release all Cubans currently in detention without trying to return them to Cuba would risk undermining the message we conveyed on May 2

and could undermine our enforcement and deterrence objectives. These are difficult issues that ought to be discussed interagency since DOJ has been operating under the May 2 assumption for some time.

For the time being, therefore, NSC/Dem believes we should not bind ourselves to applying the policy only prospectively without looking at the issue more closely. Jim Dobbins disagrees and believes you should state now that we

DECLASSIFIED
E.O. 13526

White House Guidelines, September 11, 2006

By *W* NARA, Date *3/26/16*

201-1039 CF

will not return any Cuban who is already in the US.

OPTIONS

-- That you tell Menendez that we will only seek to return Cubans who arrive in the future. (NSC/InterAmerican view)

Approve _____ Disapprove _____

-- That you not explicitly state to Menendez that the policy would only affect future cases, but rather indicate that it will not apply to Cubans who are already ESTABLISHED in the US -- ie, that we will not be rounding up Cubans in Miami who came here illegally. (NSC/Dem view).

Approve _____ Disapprove _____

M S M a i l

DATE-TIME 11 December 96 12:30
FROM Malley, Robert
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Cuban-Americans and welfare bill [UNCLASSIFIED]

TO Bass, Peter E.
Biernacki, Eileen V.
Cicio, Kristen K.
Dohse, Fred J.
Friedrich, M. K.
Hall, Wilma G.
Harmon, Joyce A.
Joshi, M. Kay
Kessinger, Jodi
Millison, Cathy L.
Sens, Andrew D.
Veit, Katherine M.
Wetzel, M. Jeanne

CARBON_COPY Dobbins, James F.
Schwartz, Eric P.

TEXT_BODY

Please pass to SB

Sandy,

OMB appears to have been persuaded as well, so it looks like we will not need your help.

Thanks anyway!

From: Hall, Wilma G.
To: Malley, Robert
CC: /R, Record at A1; Dobbins, James F.; Schwartz, Eric P.; @NSA - Natl Security Advisor; Berger, Samuel
Subject: RE: Cuban-Americans and welfare bill [UNCLASSIFIED]
Date: Tuesday, December 10, 1996 08:10 PM

Mr. Berger has read E-mail and noted "Rob -- I agree w/your position."

From: Malley, Robert
To: Berger, Samuel
CC: /R, Record at A1; Dobbins, James F.; Schwartz, Eric P.; @NSA - Natl

Security Advisor
Subject: Cuban-Americans and welfare bill [UNCLASSIFIED]
Date: Tuesday, December 10, 1996 12:33 PM

Please pass to SB

Sandy,

I wanted to give you a heads-up on an issue involving welfare benefits for Cuban-Haitian entrants.

-- As you will recall, the new welfare bill ends the traditional parity in treatment between Cuban-Haitians and refugees. This was done over the Administration's and parts of the Florida delegation's objection.

-- In a compromise gesture, Congress agreed to treat Cuban-Haitians slightly more favorably than it does other legal aliens. However, the legislation, which is very poorly drafted, does not make clear whether newly arriving Cuban-Haitian entrants are eligible for Medicaid benefits (as are those already residing in the US).

-- This issue is of great importance to Governor Chiles and his office has called us several times on this. Because 20,000 new Cuban migrants reach the US every year as a result of our agreement with Cuba, our office has taken the position in the interagency that we SHOULD seek to extend Medicaid eligibility to newly arriving entrants.

-- This week, OMB will be sending a technical amendments bill to Congress. At issue is whether the bill will include an amendment making clear that new Cuban-Haitian entrants are eligible for Medicaid benefits. The Director is set to decide today whether to accept the amendment or reject it on the ground that it will cost the federal government an additional \$10 million over the next five years.

-- If the Director rules against us, we might ask you to weigh in on this issue. Office of Intergovernmental affairs strongly supports our position and will weigh in as well.

Rob

M S M a i l

DATE-TIME 12 December 96 07:26
FROM Schwartz, Eric P.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Cuba Migration [UNCLASSIFIED]
TO Malley, Robert
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Saw Mark Schlactman (sp?) last night: he said Gov. supports the policy as announced May 2, will call Berger, probably in new year. You may want to pass to SRB.

Eric

From: Malley, Robert
To: Dobbins, James F.
CC: /R, Record at A1; Armstrong, Fulton T.; Schwartz, Eric P.
Subject: Cuba Migration [UNCLASSIFIED]
Date: Wednesday, December 11, 1996 07:06 PM

Jim,

You should expect a call from Doris Meisner in the next day or two about the Cuba migration issue. She has been briefed by Phyllis and will want to clarify some points.

One thing you might wish to ask her -- once all clarifications have been made -- is whether the INS director in Miami could issue a statement paralleling the one issued here that would reassure the community about the prospective nature of the policy. Simon Ferro reports that confusion still abounds and that family members of people detained at Chrome on the grounds of illegal entry are still extremely worried. He strongly believes that INS -- or some other USG agency -- needs to speak down there about what our policy is.

Rob

M S M a i l

DATE-TIME 17 December 96 07:03
FROM Schwartz, Eric P.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Cuban migrants [UNCLASSIFIED]
TO Malley, Robert
CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY

Sounds right to me, but you and Fulton ought to coordinate on e-mail to SRB. Better follow up, to ensure that Jim hasn't already called SRB on this. (Should I?)

eric

From: Malley, Robert
To: Dobbins, James F.; Schwartz, Eric P.
CC: /R, Record at A1; Armstrong, Fulton T.
Subject: Cuban migrants [UNCLASSIFIED]
Date: Monday, December 16, 1996 12:12 PM

Over the weekend, some 14 Cuban reached the US by sea. According to State/CCA, they have been placed in detention.

State has been receiving calls about whether these will be returned to Cuba pursuant to our Dec. 6 announcement. I have asked INS and State to draft some guidance and send it to us for clearance. They are proceeding on the assumption that we would:

1. Place them in exclusion proceedings.
2. Detain them or at least those who met ordinary criteria used in these cases.
3. Seek to return them to Cuba if appropriate and acceptable arrangements could be reached.

IF THIS IS NOT THE CASE, AND IF INS/STATE SHOULD BE SAYING SOMETHING FUNDAMENTALLY DIFFERENT IN PUBLIC, PLEASE LET ME KNOW ASAP

M S M a i l

DATE-TIME 17 December 96 17:45
FROM Malley, Robert
CLASSIFICATION UNCLASSIFIED
SUBJECT Cuban migrants [UNCLASSIFIED]

TO Armstrong, Fulton T.
Dobbins, James F.
Schwartz, Eric P.

CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY

Attached are draft talking points on the Cuban migrants who reached the US over the weekend for use by INS and State. Please provide comments ASAP.

Thanks

[[CUBMIG4.DOC : 4375 in CUBMIG4.DOC]]

**ATTACHMENT
FILE DATE** 17 December 96 17:44

**ATTACHMENT
FILE NAME** CUBMIG4.DOC

Cuban Illegal Migrants in Florida

Q.: What will happen to the 14 Cuban nationals who arrived in Florida on December 15?

A.: These Cubans have been placed in exclusion proceedings, consistent with U.S. policy towards other illegal migrants who reach the United States. They will undergo normal processing where they will have an opportunity to make an asylum request.

Q.: Will they be detained?

A.: As in all cases involving illegal migrants, detention decisions are made on a case-by-case basis by local INS officials.

Q.: Will they be returned to Cuba?

A.: Migrants who reach the U.S. illegally and are found to be excludable are subject to return. However, the United States and Cuba have not reached an agreement permitting such returns at this time. If and when an acceptable agreement is reached, these migrants may be subject to return. One of the conditions for the U.S. will be guarantees that the Cuban government will take no action against returnees for their irregular departure from Cuba and that the UISG will be able to monitor their situation in Cuba. Of course, Cuban migrants determined to have fears of persecution in Cuba will not be repatriated.

M S M a i l

DATE-TIME 18 December 96 07:36
FROM Dobbins, James F.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Cuban migrants [UNCLASSIFIED]
TO Kinser-Kidane, Brenda J.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

From: Schwartz, Eric P.
To: Malley, Robert
CC: /R, Record at A1; Armstrong, Fulton T.; Dobbins, James F.; @GLOBAL -
Global Affairs
Subject: FW: Cuban migrants [UNCLASSIFIED]
Date: Wednesday, December 18, 1996 06:54 AM

[[CUBMIG4.DOC : 1805 in CUBMIG4.DOC]]

While I would have preferred more unequivocal language, I won't object to this language. But its tentativeness (they "may" go back) makes it more likely that these people will also be grandfathered in if we reach an agreement with Cuba on returns -- in other words, they are less likely to go back.

I'm not quite ready to put up the red flag -- i.e., make an issue of this -- but the more we equivocate, the more likely it is that the Cuban Government will, understandably, lose patience with us on the migration issue and the more likely it is that rafting will increase.

When the boatloads start to leave Cuba this summer, Jim can play bathtub admiral; I'm going on vacation.

Eric

From: Malley, Robert
To: Armstrong, Fulton T.; Dobbins, James F.; Schwartz, Eric P.
CC: /R, Record at A1
Subject: Cuban migrants [UNCLASSIFIED]
Date: Tuesday, December 17, 1996 05:45 PM

Attached are draft talking points on the Cuban migrants who reached the US over the weekend for use by INS and State. Please provide comments ASAP.

Thanks

**ATTACHMENT
FILE DATE**

17 December 96 17:44

**ATTACHMENT
FILE NAME**

CUBMIG4.DOC

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repatriated.

M S M a i l

DATE-TIME 09 January 97 17:53
FROM Malley, Robert
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Cuba Migration [UNCLASSIFIED]
TO Armstrong, Fulton T.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Thanks for bringing it to my attention -- it is confusing to me as well.

I'm not sure why they are asking for criminal background, since we explicitly agreed at the last meeting we would not do so.

I will try to check with Cuba desk tomorrow, or at the SVTS

Thanks

From: Armstrong, Fulton T.
To: Malley, Robert
CC: /R, Record at A1
Subject: Cuba Migration [UNCLASSIFIED]
Date: Thursday, January 09, 1997 05:33 PM

Rob: This has confused me. What's our policy regarding requesting GOC info on possible criminal records? Has INS approved this approach? --Fulton

WHITE HOUSE SITUATION ROOM
DIST: ARMSTRONG, BEERS, CLARKER, DOBBINS, MALLEY,
MCCARTHY, NATOLI,
SCHWARTZ, NSC

PREC: PRIORITY CLASS: UNCLASSIFIED DTG:092038Z JAN 97

FM: USINT HAVANA

TO:
RUEHC/SECSTATE WASHDC PRIORITY 4989
RUCOGCA/COMNAVBASE GUANTANAMO BAY CU
RUCBACM/CINCUSACOM NORFOLK VA//J-5//
RUEAWJC/HQ INS WASHINGTON DC

UNCLAS HAVANA 000207

E.O. 12958: N/A

TAGS: SMIG, PREL, PREF, CU

SUBJECT: GUANTANAMO MIGRANT CASES AWAITING GOC
INFORMATION/ASSURANCES

REF: A) 96 STATE 262509; B) USINT-ARA/CCA FAX DATED
1/6/97

REFTEL A REQUESTED POST TO DELIVER TO GOC A DIPLOMATIC
NOTE CONCERNING CUBAN MIGRANTS NOW AT GUANTANAMO
NAVAL

BASE WHOSE CASES ARE PENDING INFORMATION OR ASSURANCES
FROM THE GOC. REF B TRANSMITTED A DIPLOMATIC NOTE
RECEIVED FROM GOC CONTAINING INFORMATION CONCERNING
FIVE OF THE MIGRANTS. POST MODIFIED THE TEXT GIVEN IN
REF A TO OMIT THOSE FIVE INDIVIDUALS. ON JAN. 7 POST
DELIVERED DIPLOMATIC NOTE NO. 12 TO MINREX WITH THE
FOLLOWING TEXT:

THE UNITED STATES OF AMERICA INTERESTS SECTION OF THE
EMBASSY OF SWITZERLAND PRESENTS ITS COMPLIMENTS TO THE
FOREIGN MINISTRY OF THE REPUBLIC OF CUBA.

DURING THE RECENT MIGRATION REVIEW TALKS IN HAVANA,
THE UNITED STATES DELEGATION NOTED THAT TIMELY AND FULL
INFORMATION FROM THE GOVERNMENT OF CUBA REGARDING
MIGRANTS IN TEMPORARY U.S. CUSTODY WOULD GREATLY ASSIST
THE COMPETENT AUTHORITIES OF THE UNITED STATES
GOVERNMENT IN REACHING PROMPT DECISIONS UNDER THE
MIGRATION JOINT STATEMENT OF MAY 2, 1995.

BELOW LISTED ARE A NUMBER OF CUBAN NATIONALS
CURRENTLY AT THE U.S. NAVAL BASE AT GUANTANAMO BAY,
EITHER BECAUSE THEY WERE INTERDICTED AT SEA OR BECAUSE
THEY ENTERED THE BASE ILLEGALLY. OFTEN MIGRANTS ALLEGE
THAT, IF THEY ARE RETURNED TO CUBA, THEY ARE LIABLE TO
PENAL SANCTIONS. IT IS THUS ESPECIALLY USEFUL TO KNOW
OF ANY SUCH OUTSTANDING OFFENSES AND THE CONSEQUENCE
FOR THE INDIVIDUAL ONCE RETURNED TO CUBA.

ACCORDINGLY, THE INTERESTS SECTION REQUESTS THE
FOLLOWING INFORMATION CONCERNING THE BELOW LISTED
INDIVIDUALS:

1) WHAT, IF ANY, CHARGES UNDER THE CUBAN CRIMINAL CODE
OR OTHER RELEVANT STATUTE ARE OUTSTANDING AGAINST EACH
INDIVIDUAL AND WHAT, IF ANY, PENALTY OR PENAL SANCTION
DOES EACH FACE?

2) IF THIS CHARGE RELATES TO A MIGRATION OFFENSE, SUCH
AS ATTEMPTED ILLEGAL EXIT, ILLEGAL EXIT OR ILLEGAL
ENTRY, IS THE GOVERNMENT OF CUBA ABLE TO PROVIDE

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. email	Personally Identifiable Information [partial] (1 page)	01/09/1997	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[08/26/1996-05/26/1997]

2011-1039-F
rs1856

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]

ASSURANCES THAT THE INDIVIDUAL WILL NOT BE ARRESTED
AND/OR IMPRISONED FOR THE OUTSTANDING MIGRATION-
RELATED
OFFENSE?

THIS IS A COMPLETE CURRENT LIST OF ALL CASES AT THE
GUANTANAMO NAVAL BASE FOR WHICH WE ARE SEEKING
INFORMATION AND ASSURANCES FROM THE GOVERNMENT OF
CUBA.

THE INDIVIDUALS, WITH DATE OF ARRIVAL AT THE BASE,
DATE AND PLACE OF BIRTH AND CUBAN ADDRESS. ARE:

(b)(6)

THE EMBASSY OF SWITZERLAND, UNITED STATES INTERESTS
SECTION, AVAILS ITSELF OF THIS OPPORTUNITY TO RENEW TO
THE FOREIGN MINISTRY OF CUBA THE ASSURANCES OF ITS
CONSIDERATION.

(END TEXT)

KOZAK

SECT

SECTION: 01 OF 01

SSN

0207

TOR

970109165715 M2567804

FROM:
SITREPT

M S M a i l

DATE-TIME 13 January 97 13:55 /
FROM Armstrong, Fulton T.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Letter [UNCLASSIFIED]
TO Malley, Robert
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY
Rob: Just a couple things, mostly editorial. If this is OK with you, I'll show it to Jim. --Fulton
[[0067LET.DOC : 3378 in 0067LET.DOC]][[0067PD.DOC : 3379 in 0067PD.DOC
]]
[[0067SB.DOC : 3380 in 0067SB.DOC]]

From: Malley, Robert
To: Armstrong, Fulton T.
CC: /R, Record at A1
Subject: Letter [UNCLASSIFIED]
Date: Monday, January 13, 1997 11:55 AM

<<Attached File: 0067LET.DOC>>
<<Attached File: 0067PD.DOC>>
<<Attached File: 0067SB.DOC>>

For you comments

ATTACHMENT
FILE DATE 13 January 97 13:54
ATTACHMENT
FILE NAME 0067LET.DOC

Dear Representative Kennedy:

I am writing in response to your letter regarding United States policy toward Cuban migrants.

Our policy is guided by three important objectives. The first is to provide protection to genuine refugees; the second is to promote safe and orderly migration from Cuba; and the third is to discourage unsafe departures from the island. These goals uphold our nation's proud tradition of assisting people fleeing persecution while promoting our national interest in securing our borders.

In my view, our efforts have been remarkably successful. Whether they apply at our Interests Section in Havana, are interdicted at sea, or reach our shores, Cubans are provided an opportunity to seek refuge from persecution. At the same time, more legal migrants have entered the United States from Cuba in the last two years than at any time in the past six previous years combined. Moreover, fewer migrants are being interdicted by the Coast Guard than at any time since the late 1980s. This policy has allowed the reunification of numerous families and discouraged countless numbers of individuals from risking their lives on the high seas.

Your letter focuses on the situation of Cuban migrants who succeed in reaching our shores. Over the last ten years, the United States has returned to Cuba roughly 1,500 migrants who had committed serious offenses, and we continue to press for the deportation of such criminal offenders. In addition, the United States has sought since 1995 to return Cuban nationals who enter the United States illegally, are found excludable, and are determined not to have a valid asylum claim. As you note, this was once again discussed at the recent United States-Cuba migration talks, though no agreement was reached. You should know that our conditions include commitments from the Cuban government that it will take no action against returnees for their irregular departure and that it will permit our officials

to
monitor their situation and treatment in Cuba.

Most importantly, our policy is and will remain not to return Cuban migrants found to be refugees. This is consistent with our long-standing national policy and our solemn international obligations.

Thank you for your interest in this matter.

Sincerely,

[Name/Title in Initial Caps]
[Title/Senate/House in Initial Caps]
[Organization/Position - Initial Caps]
[Address - Initial Caps]

**ATTACHMENT
FILE DATE**

13 January 97 13:52

**ATTACHMENT
FILE NAME**

0067PD.DOC
0067
cc: Vice President
Chief of Staff
Mack McLarty

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER
JOHN HILLEY

SUBJECT: Response to Representative Kennedy Letter on Cuban Migrants

Purpose

To respond to a letter from Representative Kennedy.

Background

Since 1984, the United States has returned to Cuba roughly 1,500 Cuban nationals found to have committed serious criminal offenses.

However, other Cubans who illegally sought to reach the United States were not subject to forcible return.

In the wake of the August, 1994, migration crisis and our subsequent efforts to deter unsafe and irregular migration from Cuba, the United States modified its previous policy of automatically paroling Cuban migrants seeking to reach the United States. On May 2, 1995, we announced that Cuban migrants intercepted at sea would be returned to Cuba and that those who reached the United States would be placed in exclusion proceedings.

While Cuba agreed to the return of migrants intercepted at sea -- accepting almost 500 such repatriations last year -- arrangements have not been completed for the return of those who have reached the United States.

This summer, Cuba informally indicated for the first time that it would be willing to accept Cubans who reached the U.S. illegally.

When our delegation to the migration talks last month raised the issue, the Cubans did not reject the idea but said they would need to consider it further.

In his letter, Representative Kennedy urges you not to begin deporting Cubans who have reached our shores. Your proposed response describes the Administration's overall policy on Cuban migration. It further notes that a serious effort to deter irregular migration must address the issue of Cuban migrants who reach our shores but emphasizes that any future agreement with the Cuban government will include protections for those returned to Cuba and that genuine

refugees will not be subject to deportation.

RECOMMENDATION

That you sign the attached response at Tab A.

Attachments

Tab A Proposed Response

Tab B Incoming Correspondence

ATTACHMENT FILE DATE

13 January 97 13:45

ATTACHMENT FILE NAME

0067SB.DOC

0067

January 10, 1997

ACTION

MEMORANDUM FOR SAMUEL BERGER

THROUGH: ERIC SCHWARTZ/JIM DOBBINS

FROM: ROB MALLEY/FULTON ARMSTRONG

SUBJECT: Response to Letter from Representative Kennedy

Representative Kennedy wrote to urge the President not to begin deporting Cuban migrants who reach United States soil.

Concurrence by: Bill Danvers

RECOMMENDATION

That you sign the attached memorandum to the President.

Attachment

Tab I Memorandum to the President

Tab A Proposed Response
Tab B Incoming Correspondence

M S M a i l

DATE-TIME 14 January 97 16:09
FROM Armstrong, Fulton T.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Letter [UNCLASSIFIED]
TO Malley, Robert
CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY

Rob: Jim didn't give me detailed feedback, so I'm flying with partially obscured vision (as usual). What I heard him say is that we need to include Reno quotes and make letter shorter, more focused. I've taken a stab at it, but am not sure it's any better. Attached are all three original files and the new one (0067let2). Let's talk. Sorry about confusion.

[[0067LET.DOC : 4174 in 0067LET.DOC]][[0067LET2.DOC : 4175 in 0067LET2.DOC]][[0067PD.DOC : 4176 in 0067PD.DOC]][[0067SB.DOC : 4177 in 0067SB.DOC]]

From: Malley, Robert
To: Armstrong, Fulton T.
CC: /R, Record at A1
Subject: Letter [UNCLASSIFIED]
Date: Monday, January 13, 1997 11:55 AM

<<Attached File: 0067LET.DOC>>
<<Attached File: 0067PD.DOC>>
<<Attached File: 0067SB.DOC>>

For you comments

ATTACHMENT
FILE DATE 14 January 97 14:47

ATTACHMENT
FILE NAME 0067LET.DOC

Dear Representative Kennedy:

I am writing in response to your letter regarding United States policy toward Cuban migrants.

Our policy is guided by three important objectives. The first is to provide protection to genuine refugees; the second is to promote safe and orderly migration from Cuba; and the third is to discourage unsafe departures from the island. These goals uphold our nation's proud tradition of assisting people fleeing persecution while promoting our national interest in securing our borders.

In my view, our efforts have been remarkably successful. Whether they apply at our Interests Section in Havana, are interdicted at sea, or reach our shores, Cubans are provided an opportunity to seek refuge from persecution. At the same time, more legal migrants have entered the United States from Cuba in the last two years than at any time in the past six previous years combined. Moreover, fewer migrants are being interdicted by the Coast Guard than at any time since the late 1980s. This policy has allowed the reunification of numerous families and discouraged countless numbers of individuals from risking their lives on the high seas.

Your letter focuses on the situation of Cuban migrants who succeed in reaching our shores. This is a serious matter, as any effort to discourage unsafe and illegal migration to the United States must address the issue of those aliens who are not intercepted by the Coast Guard. Thus, over the last ten years, the United States has returned to Cuba roughly 1,500 migrants who had committed serious offenses, and we continue to press for the deportation of such criminal offenders. In addition, the United States has sought since 1995 to return Cuban nationals who enter the United States illegally,

are found excludable, and are determined not to have a valid asylum claim. As you note, this was once again discussed at the recent United States-Cuba migration talks, though no agreement was reached.

You should know that our conditions include commitments from the Cuban government that it will take no action against returnees for their irregular departure and that it will permit our officials to monitor their situation and treatment in Cuba.

Most importantly, our policy is and will remain not to return Cuban migrants found to be refugees. This is consistent with our long-standing national policy and our solemn international obligations.

Thank you for your interest in this matter.

Sincerely,

[Name/Title in Initial Caps]
[Title/Senate/House in Initial Caps]
[Organization/Position - Initial Caps]
[Address - Initial Caps]

**ATTACHMENT
FILE DATE**

14 January 97 15:46

**ATTACHMENT
FILE NAME**

0067LET2.DOC

Dear Representative Kennedy:

I am writing in response to your letter expressing concern that the United States intended to deport Cuban refugees back to Cuba.

Our Cuba migration policy has two important objectives -- to

provide
protection to genuine refugees, consistent with our proud
tradition
of assisting people fleeing persecution, and to make every effort
to
ensure that migration from Cuba is safe and orderly.

This approach has been successful. More legal migrants have
entered
the United States from Cuba in the last two years than in the six
previous years combined. The Coast Guard is interdicting fewer
migrants than at any time since the late 1980s. Numerous families
have been reunited, and countless individuals have been
discouraged
from risking their lives on the high seas. Moreover, whether
they
are interviewed at our Interests Section in Havana, aboard a
cutter
at sea, or on our shores, Cuban migrants are provided an
opportunity
to seek refuge from persecution.

An important element of this policy is the ability to repatriate
Cubans who reach our shores through illegal means, are found to
be
excludable, and are determined not to have a valid asylum claim.
Over the last ten years, the United States has returned to Cuba
roughly 1,500 migrants who had committed serious offenses, and we
continue to press for the deportation of such criminal offenders.
In
August 1994, Attorney General Reno announced that Cubans
attempting
irregular means of migration would not be allowed to enter the
United
States, and nine months later she stated that "Cubans who reach
the
United States through illegal means will be placed in exclusion
proceedings and treated as are all illegal migrants from other
countries."

Since then, we have sought, unsuccessfully thus far, Cuban
Government agreement to take these individuals back. You should
know
that our conditions include commitments from the Cuban government
that it will take no action against returnees for their irregular
departure and that it will permit our officials to monitor their
situation and treatment in Cuba.

Allow me to reiterate that our policy is and will remain not to
return Cuban migrants found to be refugees. This is consistent

with
our long-standing national policy and our solemn international
obligations.

Sincerely,

**ATTACHMENT
FILE DATE**

13 January 97 13:52

**ATTACHMENT
FILE NAME**

0067PD.DOC

0067

cc: Vice President
Chief of Staff
Mack McLarty

ACTION

MEMORANDUM FOR THE PRESIDENT

**FROM: SAMUEL BERGER
JOHN HILLEY**

**SUBJECT: Response to Representative Kennedy Letter on Cuban
Migrants**

Purpose

To respond to a letter from Representative Kennedy.

Background

Since 1984, the United States has returned to Cuba roughly 1,500
Cuban nationals found to have committed serious criminal
offenses.

However, other Cubans who illegally sought to reach the United
States
were not subject to forcible return.

In the wake of the August, 1994, migration crisis and our
subsequent
efforts to deter unsafe and irregular migration from Cuba, the

United States modified its previous policy of automatically
paroling
Cuban migrants seeking to reach the United States. On May 2,
1995,
we announced that Cuban migrants intercepted at sea would be
returned
to Cuba and that those who reached the United States would be
placed
in exclusion proceedings.

While Cuba agreed to the return of migrants intercepted at sea --
accepting almost 500 such repatriations last year --
arrangements
have not been completed for the return of those
who have reached the United States.

This summer, Cuba informally indicated for the first time that it
would be willing to accept Cubans who reached the U.S. illegally.

When our delegation to the migration talks
last month raised the issue, the Cubans did not reject the idea
but
said they would need to consider it further.

In his letter, Representative Kennedy urges you not to begin
deporting Cubans who have reached our shores. Your proposed
response
describes the Administration's overall policy on Cuban migration.
It
further notes that a serious effort to deter irregular migration
must address the issue of Cuban migrants who reach our shores but
emphasizes that any future agreement with the Cuban government
will
include protections for those returned to Cuba and that genuine
refugees will not be subject to deportation.

RECOMMENDATION

That you sign the attached response at Tab A.

Attachments
Tab A Proposed Response
Tab B Incoming Correspondence

ATTACHMENT
FILE DATE

13 January 97 13:45

ATTACHMENT

FILE NAME 0067SB.DOC
0067

January 10, 1997

ACTION

MEMORANDUM FOR SAMUEL BERGER

THROUGH: ERIC SCHWARTZ/JIM DOBBINS

FROM: ROB MALLEY/FULTON ARMSTRONG

SUBJECT: Response to Letter from Representative Kennedy

Representative Kennedy wrote to urge the President not to begin deporting Cuban migrants who reach United States soil.

Concurrence by: Bill Danvers

RECOMMENDATION

That you sign the attached memorandum to the President.

Attachment

Tab I Memorandum to the President

Tab A Proposed Response

Tab B Incoming Correspondence

M S M a i l

DATE-TIME 14 January 97 17:43
FROM Malley, Robert
CLASSIFICATION UNCLASSIFIED
SUBJECT package [UNCLASSIFIED]
TO Armstrong, Fulton T.
Danvers, William C.
CARBON_COPY Letts, Kelly J.
TEXT_BODY
For you clearance:

[[8133SB.DOC : 4437 in 8133SB.DOC]][[8133PD.DOC : 4438 in
8133PD.DOC]][
8133LET.DOC : 4439 in 8133LET.DOC]]

**ATTACHMENT
FILE DATE** 14 January 97 17:21

**ATTACHMENT
FILE NAME** 8133SB.DOC
8133

January 10, 1997

ACTION

MEMORANDUM FOR SAMUEL BERGER

THROUGH: ERIC SCHWARTZ

FROM: ROB MALLEY

SUBJECT: Response to Representative Ros-Lehtinen Letter

Representative Ros-Lehtinen wrote to urge the President to stop the possible deportation to Cuba of three Cuban nationals who were intercepted in Peru. The three individuals were found in possession

of forged documents and apparently were attempting to enter the United States.

Concurrence by: Fulton Armstrong; Bill Danvers

RECOMMENDATION

That you sign the attached memorandum to the President.

Attachments

Tab I Memorandum to the President

Tab A Proposed Response

Tab B Incoming Correspondence

**ATTACHMENT
FILE DATE**

14 January 97 17:38

**ATTACHMENT
FILE NAME**

8133PD.DOC

8133

cc: Vice President

Chief of Staff

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER
JOHN HILLEY

SUBJECT: Response to Letter from Representative Ros-Lehtinen

Purpose

To respond to a letter from Representative Ros-Lehtinen regarding three Cuban nationals who were detained in Peru.

Background

Representative Ros-Lehtinen wrote to urge your to intervene to

stop
the possible deportation of three Cuban nationals who were
arrested
in Peru. The three Cubans had flown from Argentina and were
attempting to reach the United States with forged documents.
Peruvian
authorities subsequently returned them to Buenos Aires.

Your proposed response explains that we must support efforts to
crack down on alien-smuggling, while at the same time urge our
neighbors to uphold principles of refugee protection. It notes
that
we have sought and obtained assurances from Argentina that it
would
not return genuine refugees to Cuba.

RECOMMENDATION

That you sign the attached response to Representative
Ros-Lehtinen.

Attachments
Tab A Proposed Response
Tab B Incoming Correspondence

**ATTACHMENT
FILE DATE**

14 January 97 17:42

**ATTACHMENT
FILE NAME**

8133LET.DOC

Dear Representative Ros-Lehtinen:

I am writing in response to your letter regarding the case of
three
Cuban nationals who were detained by Peruvian authorities.

It is my understanding that the three individuals were attempting

to
enter the United States carrying forged identification. Because
they had previously transited through Argentina, they were
returned
to Buenos Aires.

The United States must maintain a firm stand against alien
smuggling
and support our neighbors in this endeavor. At the same time, we
must make every effort to ensure that universal principles of
refugee
protection are upheld. For that reason, the State Department has
sought assurances that these migrants would be provided with an
opportunity to claim protection and would not be returned to Cuba
if
they were determined to be bona fide refugees. Argentina's
authorities have informed us that it was not their practice to
deport
refugees.

Thank you for your interest in this matter.

Sincerely,

[Name/Title in Initial Caps]
[Title/Senate/House in Initial Caps]
[Organization/Position - Initial Caps]
[Address - Initial Caps]

M S M a i l

DATE-TIME 14 January 97 18:31

FROM Malley, Robert

CLASSIFICATION UNCLASSIFIED

SUBJECT package [UNCLASSIFIED]

TO Letts, Kelly J.

CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY

Cleared by Dobbins and Fulton. Needs Danvers clearance

[[0067SB.DOC : 4630 in 0067SB.DOC]][[0067PD.DOC : 4631 in 0067PD.DOC]][[0067LET2.DOC : 4632 in 0067LET2.DOC]]

ATTACHMENT
FILE DATE 13 January 97 11:54

ATTACHMENT
FILE NAME 0067SB.DOC
0067

January 10, 1997

ACTION

MEMORANDUM FOR SAMUEL BERGER

THROUGH: ERIC SCHWARTZ/JIM DOBBINS

FROM: ROB MALLEY/FULTON ARMSTRONG

SUBJECT: Response to Letter from Representative Kennedy

Representative Kennedy wrote to urge the President not to begin deporting Cuban migrants who reach United States soil.

Concurrence by: Bill Danvers

RECOMMENDATION

That you sign the attached memorandum to the President.

Attachment
Tab I Memorandum to the President
Tab A Proposed Response
Tab B Incoming Correspondence

**ATTACHMENT
FILE DATE**

13 January 97 11:50

**ATTACHMENT
FILE NAME**

0067PD.DOC
0067
cc: Vice President
Chief of Staff

ACTION

MEMORANDUM FOR THE PRESIDENT

**FROM: SAMUEL BERGER
JOHN HILLEY**

**SUBJECT: Response to Representative Kennedy Letter on Cuban
Migrants**

Purpose

To respond to a letter from Representative Kennedy.

Background

Since 1984, the United States has returned to Cuba roughly 1,500 Cuban nationals found to have committed serious criminal offenses.

However, other Cubans who illegally sought to reach the United States were not subject to forcible return.

In the wake of the August, 1994, migration crisis and our subsequent efforts to deter unsafe and irregular migration from Cuba, the

United States modified its previous policy of automatically paroling Cuban migrants seeking to reach the United States. On May 2, 1995, we announced that Cuban migrants intercepted at sea would be returned to Cuba and that those who reached the United States would be placed in exclusion proceedings. However, while Cuba has agreed to the return of migrants intercepted at sea, it has not accepted those who have reached the United States.

This summer, Cuba informally indicated for the first time that it would be willing to accept Cubans who reached the U.S. illegally.

When the U.S. delegation to the migration talks that were held last month raised the issue, the Cubans did not reject the idea but said they would need to consider it further.

In his letter, Representative Kennedy urges you not to begin deporting Cubans who have reached our shores. Your proposed response describes the Administration's overall policy on Cuban migration. It further notes that a serious effort to deter irregular migration must address the issue of Cuban migrants who reach our shores but emphasizes that any future agreement with the Cuban government will include protections for those returned to Cuba and that genuine refugees will not be subject to deportation.

RECOMMENDATION

That you sign the attached response at Tab A.

Attachments

Tab A Proposed Response

Tab B Incoming Correspondence

**ATTACHMENT
FILE DATE**

14 January 97 18:30

**ATTACHMENT
FILE NAME**

0067LET2.DOC

Dear Representative Kennedy:

I am writing in response to your letter expressing concern that the United States intended to deport Cuban refugees back to Cuba.

Our Cuba migration policy has two important objectives -- to provide protection to genuine refugees, consistent with our proud tradition of assisting people fleeing persecution, and to make every effort to ensure that migration from Cuba is safe and orderly.

This approach has been successful. More legal migrants have entered the United States from Cuba in the last two years than in the six previous years combined. The Coast Guard is interdicting fewer migrants than at any time since the late 1980s. Numerous families have been reunited, and countless individuals have been discouraged from risking their lives on the high seas. Moreover, whether they are interviewed at our Interests Section in Havana, aboard a cutter at sea, or on our shores, Cubans are provided an opportunity to seek refuge from persecution.

An important element of this policy is the ability to repatriate Cubans who reach our shores through illegal means, are found to be excludable, and are determined not to have a valid asylum claim. Over the last ten years, the United States has returned to Cuba roughly 1,500 migrants who had committed serious offenses, and we continue to press for the deportation of such criminal offenders. In August 1994, Attorney General Reno announced that Cubans seeking to reach the United States through irregular means would not be allowed to enter our country, and in June 1995, she stated that "Cubans who reach the United States through illegal means will be placed in

exclusion proceedings and treated as are all illegal migrants from other countries."

Since then we have sought, unsuccessfully thus far, agreement by Cuba to take these individuals back. You should know that our conditions include commitments from the Cuban government that it will take no action against returnees for their irregular departure and that it will permit our officials to monitor their situation and treatment in Cuba.

Let me reiterate that our policy is and will remain not to return Cuban migrants found to be refugees. This is consistent with our long-standing national policy and our solemn international obligations.

Sincerely,

M S M a i l

DATE-TIME 15 January 97 08:24
FROM Armstrong, Fulton T.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: package [UNCLASSIFIED]
TO Malley, Robert
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY
Rob: Beautiful piece of work. Just caught one or two extremely minor inconsistencies/typos.--Fulton
[[8133LET.DOC : 2072 in 8133LET.DOC]][[8133PD.DOC : 2073 in 8133PD.DOC
]] [[8133SB.DOC : 2074 in 8133SB.DOC]]

From: Malley, Robert
To: Armstrong, Fulton T.; Danvers, William C.
CC: /R, Record at A1; Letts, Kelly J.
Subject: package [UNCLASSIFIED]
Date: Tuesday, January 14, 1997 05:43 PM

<<Attached File: 8133SB.DOC>>
<<Attached File: 8133PD.DOC>>
<<Attached File: 8133LET.DOC>>

For you clearance:

ATTACHMENT
FILE DATE 15 January 97 7:22
ATTACHMENT
FILE NAME 8133LET.DOC

Dear Representative Ros-Lehtinen:

I am writing in response to your letter regarding the case of three Cuban nationals who were detained by Peruvian authorities.

It is my understanding that the three individuals were attempting to enter the United States carrying forged identification. Because they had previously transited through Argentina, they were returned to Buenos Aires.

The United States must maintain a firm stand against alien smuggling and support our neighbors in this endeavor. At the same time, we must make every effort to ensure that universal principles of refugee protection are upheld. For that reason, the State Department has sought assurances that these migrants would be provided with an opportunity to claim protection and would not be returned to Cuba if they were determined to be bona fide refugees. Argentina's authorities have informed us that it was not their practice to deport refugees.

Thank you for your interest in this matter.

Sincerely,

[Name/Title in Initial Caps]
[Title/Senate/House in Initial Caps]
[Organization/Position - Initial Caps]
[Address - Initial Caps]

**ATTACHMENT
FILE DATE**

15 January 97 8:22

**ATTACHMENT
FILE NAME**

8133PD.DOC
8133
cc: Vice President
Chief of Staff

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER
JOHN HILLEY

SUBJECT: Response to Letter from Representative Ros-Lehtinen

Purpose

To respond to a letter from Representative Ros-Lehtinen regarding three Cuban nationals who were detained in Peru.

Background

Representative Ros-Lehtinen wrote to urge you to intervene to stop the possible deportation of three Cuban nationals who were arrested in Peru. The three Cubans had flown from Argentina and were attempting to reach the United States with forged documents. Peruvian authorities subsequently returned them to Buenos Aires.

Your proposed response explains that we must support efforts to crack down on alien-smuggling, while at the same time urge our neighbors to uphold principles of refugee protection. It notes that we have sought and obtained assurances from Argentina that it would not return genuine refugees to Cuba.

RECOMMENDATION

That you sign the attached response to Representative Ros-Lehtinen.

Attachments

Tab A Proposed Response

Tab B Incoming Correspondence

ATTACHMENT
FILE DATE 15 January 97 8:21

ATTACHMENT
FILE NAME 8133SB.DOC
8133

January 10, 1997

ACTION

MEMORANDUM FOR SAMUEL BERGER

THROUGH: ERIC SCHWARTZ

FROM: ROB MALLEY

SUBJECT: Response to Representative Ros-Lehtinen Letter

Representative Ros-Lehtinen wrote to urge the President to stop the possible deportation to Cuba of three Cuban nationals who were intercepted in Peru. The three individuals were found in possession of forged documents and were attempting to enter the United States illegally.

Concurrence by: Fulton Armstrong; Bill Danvers

RECOMMENDATION

That you sign the attached memorandum to the President.

Attachments
Tab I Memorandum to the President
Tab A Proposed Response
Tab B Incoming Correspondence

M S M a i l

DATE-TIME 15 January 97 09:59
FROM Malley, Robert
CLASSIFICATION UNCLASSIFIED
SUBJECT package [UNCLASSIFIED]
TO Letts, Kelly J.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY
Ready to go -- Danvers and Armstrong clearance
[[8133SB.DOC : 2365 in 8133SB.DOC]][[8133PD.DOC : 2366 in
8133PD.DOC]][[
8133LET.DOC : 2367 in 8133LET.DOC]]
**ATTACHMENT
FILE DATE** 15 January 97 9:58
**ATTACHMENT
FILE NAME** 8133SB.DOC
8133

January 10, 1997

ACTION

MEMORANDUM FOR SAMUEL BERGER

THROUGH: ERIC SCHWARTZ

FROM: ROB MALLEY

SUBJECT: Response to Representative Ros-Lehtinen Letter

Representative Ros-Lehtinen wrote to urge the President to stop the possible deportation to Cuba of three Cuban nationals who were intercepted in Peru. The three individuals were found in possession of forged documents and were attempting to enter the

United States illegally.

Concurrence by: Fulton Armstrong; Bill Danvers

RECOMMENDATION

That you sign the attached memorandum to the President.

Attachments

Tab I Memorandum to the President

Tab A Proposed Response

Tab B Incoming Correspondence

ATTACHMENT FILE DATE

15 January 97 9:57

ATTACHMENT FILE NAME

8133PD.DOC

8133

cc: Vice President

Chief of Staff

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER

JOHN HILLEY

SUBJECT: Response to Letter from Representative Ros-Lehtinen

Purpose

To respond to a letter from Representative Ros-Lehtinen regarding three Cuban nationals who were detained in Peru.

Background

Representative Ros-Lehtinen wrote to urge you to intervene to stop

the possible deportation of three Cuban nationals who were arrested in Peru. The three Cubans had flown from Argentina and were attempting to reach the United States with forged documents. Peruvian authorities subsequently returned them to Buenos Aires.

Your proposed response explains that we must support efforts to crack down on alien-smuggling, while at the same time urge our neighbors to uphold principles of refugee protection. It notes that we have sought and obtained assurances from Argentina that it would not return genuine refugees to Cuba.

RECOMMENDATION

That you sign the attached response to Representative Ros-Lehtinen.

Attachments

Tab A Proposed Response

Tab B Incoming Correspondence

**ATTACHMENT
FILE DATE**

14 January 97 17:42

**ATTACHMENT
FILE NAME**

8133LET.DOC

Dear Representative Ros-Lehtinen:

I am writing in response to your letter regarding the case of three Cuban nationals who were detained by Peruvian authorities.

It is my understanding that the three individuals were attempting to

enter the United States carrying forged identification. Because they had previously transited through Argentina, they were returned to Buenos Aires.

The United States must maintain a firm stand against alien smuggling and support our neighbors in this endeavor. At the same time, we must make every effort to ensure that universal principles of refugee protection are upheld. For that reason, the State Department has sought assurances that these migrants would be provided with an opportunity to claim protection and would not be returned to Cuba if they were determined to be bona fide refugees. Argentina's authorities have informed us that it was not their practice to deport refugees.

Thank you for your interest in this matter.

Sincerely,

[Name/Title in Initial Caps]
[Title/Senate/House in Initial Caps]
[Organization/Position - Initial Caps]
[Address - Initial Caps]

M S M a i l

DATE-TIME 15 January 97 14:14
FROM Letts, Kelly J.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: package [UNCLASSIFIED]
TO Armstrong, Fulton T.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY Rob thinks you have the original of this - do you.

From: Malley, Robert
To: Letts, Kelly J.
CC: /R, Record at A1
Subject: package [UNCLASSIFIED]
Date: Tuesday, January 14, 1997 06:31 PM

[[0067SB.DOC : 3648 in 0067SB.DOC]][[0067PD.DOC : 3649 in
0067PD.DOC]][[
0067LET2.DOC : 3650 in 0067LET2.DOC]]

Cleared by Dobbins and Fulton. Needs Danvers clearance

ATTACHMENT
FILE DATE 13 January 97 11:54
ATTACHMENT
FILE NAME 0067SB.DOC
0067

January 10, 1997

ACTION

MEMORANDUM FOR SAMUEL BERGER

THROUGH: ERIC SCHWARTZ/JIM DOBBINS

FROM: ROB MALLEY/FULTON ARMSTRONG

SUBJECT: Response to Letter from Representative Kennedy

Representative Kennedy wrote to urge the President not to begin deporting Cuban migrants who reach United States soil.

Concurrence by: Bill Danvers

RECOMMENDATION

That you sign the attached memorandum to the President.

Attachment

Tab I Memorandum to the President

Tab A Proposed Response

Tab B Incoming Correspondence

**ATTACHMENT
FILE DATE**

13 January 97 11:50

**ATTACHMENT
FILE NAME**

0067PD.DOC

0067

cc: Vice President
Chief of Staff

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER
JOHN HILLEY

SUBJECT: Response to Representative Kennedy Letter on Cuban
Migrants

Purpose

To respond to a letter from Representative Kennedy.

Background

Since 1984, the United States has returned to Cuba roughly 1,500 Cuban nationals found to have committed serious criminal offenses.

However, other Cubans who illegally sought to reach the United States were not subject to forcible return.

In the wake of the August, 1994, migration crisis and our subsequent efforts to deter unsafe and irregular migration from Cuba, the United States modified its previous policy of automatically paroling Cuban migrants seeking to reach the United States. On May 2, 1995, we announced that Cuban migrants intercepted at sea would be returned to Cuba and that those who reached the United States would be placed in exclusion proceedings. However, while Cuba has agreed to the return of migrants intercepted at sea, it has not accepted those who have reached the United States.

This summer, Cuba informally indicated for the first time that it would be willing to accept Cubans who reached the U.S. illegally.

When the U.S. delegation to the migration talks that were held last month raised the issue, the Cubans did not reject the idea but said they would need to consider it further.

In his letter, Representative Kennedy urges you not to begin deporting Cubans who have reached our shores. Your proposed response describes the Administration's overall policy on Cuban migration. It further notes that a serious effort to deter irregular migration must address the issue of Cuban migrants who reach our shores but emphasizes that any future agreement with the Cuban government will include protections for those returned to Cuba and that genuine refugees will not be subject to deportation.

RECOMMENDATION

That you sign the attached response at Tab A.

Attachments
Tab A Proposed Response
Tab B Incoming Correspondence

**ATTACHMENT
FILE DATE** 14 January 97 18:30

**ATTACHMENT
FILE NAME** 0067LET2.DOC

Dear Representative Kennedy:

I am writing in response to your letter expressing concern that the United States intended to deport Cuban refugees back to Cuba.

Our Cuba migration policy has two important objectives -- to provide protection to genuine refugees, consistent with our proud tradition of assisting people fleeing persecution, and to make every effort to ensure that migration from Cuba is safe and orderly.

This approach has been successful. More legal migrants have entered the United States from Cuba in the last two years than in the six previous years combined. The Coast Guard is interdicting fewer migrants than at any time since the late 1980s. Numerous families have been reunited, and countless individuals have been discouraged from risking their lives on the high seas. Moreover, whether they are interviewed at our Interests Section in Havana, aboard a cutter at sea, or on our shores, Cubans are provided an opportunity to seek refuge from persecution.

An important element of this policy is the ability to repatriate Cubans who reach our shores through illegal means, are found to be excludable, and are determined not to have a valid asylum claim. Over the last ten years, the United States has returned to Cuba

roughly 1,500 migrants who had committed serious offenses, and we continue to press for the deportation of such criminal offenders.

In

August 1994, Attorney General Reno announced that Cubans seeking to

reach the United States through irregular means would not be allowed

to enter our country, and in June 1995, she stated that "Cubans who

reach the United States through illegal means will be placed in exclusion proceedings and treated as are all illegal migrants from

other countries."

Since then we have sought, unsuccessfully thus far, agreement by Cuba to take these individuals back. You should know that our conditions include commitments from the Cuban government that it will

take no action against returnees for their irregular departure and

that it will permit our officials to monitor their situation and treatment in Cuba.

Let me reiterate that our policy is and will remain not to return Cuban migrants found to be refugees. This is consistent with our long-standing national policy and our solemn international obligations.

Sincerely,

M S M a i l

DATE-TIME 23 January 97 09:54
FROM Malley, Robert
CLASSIFICATION ~~CONFIDENTIAL~~
SUBJECT Cuba migration [~~CONFIDENTIAL~~]
TO

Bass, Peter E.
Biernacki, Eileen V.
Cicio, Kristen K.
Dohse, Fred J.
Friedrich, M. K.
Hall, Wilma G.
Harmon, Joyce A.
Joshi, M. Kay
Kerrick, Donald L.
Kessinger, Jodi
Millison, Cathy L.
Sanborn, Daniel R. K.
Sens, Andrew D.
Veit, Katherine M.

CARBON_COPY Armstrong, Fulton T.
Dobbins, James F.
Kinser-Kidane, Brenda J.
Malley, Robert
Natoli, Kim M.
Schwartz, Eric P.

TEXT_BODY

Please pass to SRB

Sandy,

The Attorney General believes that we need to develop contingency plans in anticipation of possible future massive migrant outflow from Cuba (resulting, e.g., from Castro's death or a collapse of the regime).

As you may recall, you had quietly tasked JCS with developing such a plan in the aftermath of the shootdown -- but, faced with press rumors that the USG was engaged in such an effort and given the existing state of tension between the US and Cuba, subsequently directed that the exercise be put on hold.

The AG wants us to start thinking about ways to develop contingency plans without fueling rumours and would like your views on whether and how the interagency can begin this process.

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By M NARA, Date 3/25/16
2011-1039-F

M S M a i l

DATE-TIME 30 January 97 19:20
FROM Malley, Robert
CLASSIFICATION UNCLASSIFIED
SUBJECT INS Exercise [UNCLASSIFIED]
TO Dobbins, James F.
CARBON_COPY Kinser-Kidane, Brenda J.
TEXT_BODY

Please pass to Jim

Jim,

Attached is a draft memo to Steinberg. I will try to get DPC's and Suzanna's views on Friday.

[[INS.DOC : 4870 in INS.DOC]]

Thanks

**ATTACHMENT
FILE DATE** 30 January 97 19:18
**ATTACHMENT
FILE NAME** INS.DOC

January 28, 1997

ACTION

MEMORANDUM FOR JIM STEINBERG

THROUGH: ERIC SCHWARTZ/JIM DOBBINS

FROM: ROB MALLEY/FULTON ARMSTRONG

SUBJECT: Proposed INS Exercise in South Florida

Background

In 1994, Governor Chiles asked the federal government to undertake a thorough review of its plans for dealing with a potential mass migration from the Caribbean and, in particular, to enhance U.S. readiness by holding a series of simulation exercises. The Governor's request grew out of his serious concern with federal management of the Mariel and 1994 Cuban migration crises. In response, the Attorney General directed the Immigration and Naturalization Service (INS) to organize a series of planning and mock exercises since 1995. INS has scheduled the largest such exercise for February 25-27 in South Florida. It would involve roughly 100 representatives from various U.S. agencies and will be conducted in conjunction with Florida.

Note: Similar exercises have been held on the Southwest border.

Assumptions and Plans for the Exercise

The INS exercises are premised on current U.S. policy: (1) to seek to intercept illegal migrants; (2) to initiate refugee processing; (3) to repatriate non-refugees to their country of origin; (4) if the magnitude of the crisis were to overwhelm the processing capacity of the Coast Guard and the INS, to transfer migrants to safe-havens; and (5) in the event some migrants were to evade interception or were brought to the U.S. because of lack of space at the safe-haven, to detain them and place them in exclusion proceedings.

The February exercise is designed to focus on two of these aspects.

First, it will test the INS' ability to expand shipboard refugee processing in the event of a massive increase in the number of migrants. Twenty-five asylum officers will conduct mock interviews on board Coast Guard vessels. Second, it will test the inter-agency's plans to deal with vast numbers of migrants who reach our shores.

This portion will entail the participation of roughly 100

representatives from various U.S. agencies who will run through the different stages of onshore processing in coordination with state officials, including expanding our detention capacity nationwide and transporting the migrants to various detention centers.

Risks and Proposals to Manage Them

While the exercise is not designed to be nationality-specific, it inevitably will be perceived as directed at Cubans. This presents particular risks given the sensitivity of the Cuban migration issue both on the island and in the United States.

□ Sending the wrong message to Cubans: The focus of the exercise on the detention of migrants who reach the United States could be interpreted as signaling either an end to the interdiction/repatriation policy announced in 1995 or our expectation of an imminent mass migration. These perceptions, in turn, could increase migration pressures on the island. The risk should be minimized by an effort to downplay media coverage of the exercise and to reiterate the basic and ongoing elements of our policy both in Miami and on Radio Marti. (As a result of State and NSC/staff expressions of concern about the exercise's visibility, the Attorney General has agreed not to participate.)

□ Sending the wrong message to the Cuban-American community: The exercise is scheduled to take place a day after the one-year commemoration of the Cuban shutdown, at which time members of the Cuban-American community could well organize a flotilla. The coincidence of the events raises two concerns: First, holding an exercise predicated on the detention of Cuban migrants could be viewed as insensitive; second, Coast Guard assets might be needed to deal with the flotilla and therefore could be unavailable for the exercise. You should know that State (Tarnoff) originally to change the date but ultimately chose not to press the issue when informed that it would require significant adjustments by DOJ/INS.

We have asked Coast Guard to provide us with their views as well.

□ Sending the wrong message to Cuba: The government of Cuba could react negatively to an exercise premised on a mass migration, especially given that it has made every effort to date to prevent such an occurrence. State agrees that USINT would need to brief

the GOC ahead of time and inform it that the exercise was neither Cuba-directed, nor based on the expectation of an imminent crisis.

Our Views

Governor Chiles strongly believes that the exercise ought to take place as planned, both to bolster USG preparedness and, with memories of Mariel and 1994 still vivid, to demonstrate to South Floridians that the federal government is ready to respond to future crises. We are inclined to defer to his judgment and allow INS to proceed with the exercise. While there are risks, they are manageable if we downplay the exercise and accompany it with a strong message that (1) our current policy of interception/repatriation remains in effect, and (2) this is part of an ongoing training effort and does not signal our expectation of a mass migration.

Although feasible, changing the timing of the exercise would be difficult given the number of people involved -- both from the agencies and from the State of Florida. Unless Coast Guard communicates its preference for a change based on its concerns about a flotilla, our recommendation is to maintain the date.

State agrees with these recommendations.

OPTIONS

1. Maintain current plans.

Approve _____ Disapprove _____

2. Change the date.

Approve _____ Disapprove _____

3. Scale back the exercise.

Approve _____ Disapprove _____

4. Cancel the exercise.

Approve _____ Disapprove _____

M S M a i l

DATE-TIME 10 February 97 10:41
FROM Malley, Robert
CLASSIFICATION UNCLASSIFIED
SUBJECT Cuba -- Migrants [UNCLASSIFIED]

TO Bass, Peter E.
Biernacki, Eileen V.
Cicio, Kristen K.
Dohse, Fred J.
Friedrich, M. K.
Hall, Wilma G.
Harmon, Joyce A.
Joshi, M. Kay
Kale, Dora A.
Kerrick, Donald L.
Kessinger, Jodi
Millison, Cathy L.
Veit, Katherine M.

CARBON_COPY Armstrong, Fulton T.
Bendick, Gordon L.
Burrell, Christina L.
Danvers, William C.
Davis, William K.
Dobbins, James F.
Johnson, David T.
Kinser-Kidane, Brenda J.
Malley, Robert
Natoli, Kim M.
Rubin, Eric S.
Schwartz, Eric P.
Wozniak, Natalie S.

TEXT_BODY

Please pass to JS

Jim,

A further update on the boat carrying relatives of Morales, one of the victims of the Cuban shootdown:

-- Contrary to information we received last week, the boat never left Cuba. Instead, its passengers (relatives plus a neighbor plus the guide/smuggler) were arrested and detained by Cuban authorities. They were allowed one

phone call to the US during which they informed Morales' brother of their situation.

-- Mike Kozak has asked to see Alarcon and should meet with him later today. His points, which already were conveyed to the foreign ministry, are that (1) four of the passengers already had been granted parole in the US and should be released and allowed to leave; and (2) holding these people in detention on the anniversary of the shootdown is very likely to heighten tensions on that date. The Cuban foreign ministry's response at this point has been to point out that these individuals were related to Morales' brother who defected from the Cuban marine and that preventing their departure was necessary to discourage such defections in the future. In addition, it saw the timing of the attempted departure as a clear provocation to Cuba.

-- State has been receiving a significant number of press calls and we have prepared guidance that was provided to NSC/Press.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. email	Malley to Kelly Letts re: Package (8 pages)	03/27/1997	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

[08/26/1996-05/26/1997]

2011-1039-F
rs1856

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
005. email	Armstrong to Malley re: Cuba (5 pages)	04/02/1997	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

[08/26/1996-05/26/1997]

2011-1039-F
rs1856

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

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

RR. Document will be reviewed upon request.

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006. email	Malley to James Dobbins re: Cuban Migration (5 pages)	04/02/1997	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

[08/26/1996-05/26/1997]

2011-1039-F
rs1856

RESTRICTION CODES

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

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
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RR. Document will be reviewed upon request.

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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	Malley to William Danvers re: Package (5 pages)	04/02/1997	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

[08/26/1996-05/26/1997]

2011-1039-F
rs1856

RESTRICTION CODES

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

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
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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 22 April 97 10:13
FROM Kinser-Kidane, Brenda J.
CLASSIFICATION ~~CONFIDENTIAL~~
SUBJECT RE: Cuba - Migration [~~CONFIDENTIAL~~]
TO Armstrong, Fulton T.
CARBON_COPY Kinser-Kidane, Brenda J.
Malley, Robert
Schwartz, Eric P.

TEXT_BODY

Note for Fulton from Jim Dobbins:

"Sandy said he agreed with our recommendation and returned the memo over the weekend. JFD"

From: Dobbins, James F.
To: Kinser-Kidane, Brenda J.
CC: /R, Record at A1
Subject: FW: Cub - Migration [~~CONFIDENTIAL~~]
Date: Monday, April 21, 1997 04:53 PM

From: Malley, Robert
To: Dobbins, James F.; Schwartz, Eric P.
CC: /R, Record at A1; Armstrong, Fulton T.
Subject: Cub - Migration [~~CONFIDENTIAL~~]
Date: Monday, April 21, 1997 04:43 PM

Eric, Jim:

(I believe this ought to be raised at tomorrow staff meeting:)

As you may recall, Sandy's reaction to our memo on the return agreement with Cuba was to question State's proposed sequence (initial Kozak/Alarcon discussion; if Alarcon's reaction is positive, we would inform interested Members of our intent to go forward; we would then initiate negotiations with the GOC). SRB asked whether we shouldn't notify the Hill prior even to the first contact with Alarcon.

Our response was to explain State's rationale (they do not want to provoke Congress' reaction before knowing if Cuba is at all interested in our idea) and provide our views (Jim said he was willing to accept State's

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E.O. 13526
White House Guidelines, September 11, 2006
By *M* NARA, Date *3/23/16*
211-1234-F

recommendation but also saw the advantage of consulting with Congress first; our office and NSC/Leg recommended State's approach).

We are still awaiting SRB's response.

In my view, and given the time that has gone by, we basically have two options:

OPTION 1: Schedule migration talks now; put off any discussion of the return agreement until some time after the talks. Fulton and I believe this would work, though State for now disagrees. State believes that it will be awkward to have talks and not raise the illegal alien return question, especially since State lawyers say we must raise the issue of criminal returns for litigation purposes.

OPTION 2: Try to get a quick readout from Sandy as to how he wants consultations to proceed; rapidly begin discussions with Cubans and tell them we will be scheduling migration talks sometime in June.

The reason this is time-sensitive is that (1) we had agreed with State not to schedule migration talks before seeking to reach an agreement with Cuba on the return issue and (2) Cuba has now begun saying publicly that our failure to schedule migration talks is an indication of our lack of seriousness on this issue -- something State is quite concerned about.

M S M a i l

DATE-TIME 26 May 97 12:02
FROM Kale, Dora A.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Cuba- Migration [UNCLASSIFIED]
TO Malley, Robert
CARBON_COPY Bass, Peter E.
Braden, Susan R.
Carter, Jacqueline F.
Cicio, Kristen K.
Hall, Wilma G.
Helweg, M. Diana
Hill, Roseanne M.
Kale, Dora A.
Kerrick, Donald L.
Letts, Kelly J.
Millison, Cathy L.
Ragan, Richard F.
Rim, Julie J.
Schwartz, Eric P.
Veit, Katherine M.

TEXT_BODY

SRB has read and has marked the APPROVE box.

From: Malley, Robert
To: Berger, Samuel
CC: /R, Record at A1; Schwartz, Eric P.; @CUBA - Cuban Affairs; @NSA - Natl Security Advisor
Subject: Cuba- Migration [UNCLASSIFIED]
Date: Thursday, May 22, 1997 09:20 AM

Please pass to SRB. This e-mail has been coordinated with Interamerican

Sandy:

BACKGROUND: Last March, you approved our recommendation that Mike Kozak approach Alarcon regarding a possible agreement on the return of illegal Cuban migrants. Kozak raised the issue with Alarcon several weeks ago, but so far has not gotten a response back.

MIGRATION TALKS: In the meantime, we are fast approaching rafting season,

and the number of Cubans intercepted at sea has seen a slight increase. State believes that it is time for us to schedule the next round of migration talks in order to make clear to the Cuban government and people our determination to continue to adhere by the migration accords, and therefore help discourage further illegal departures to the US. We agree.

However, in order to avoid a blow-up in the Cuban-American community (as occurred last December), we believe that it would be better to separate this controversial issue from the equally controversial migration talks. State concurs.

RECOMMENDATION:

That State schedule the next round of migration talks. We would inform the GOC that the issue of the return of non-criminal illegal aliens will not be on the agenda of the talks.

Approve _____ Disapprove _____