

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Scott Busby to Jeffrey DeLaurentis et al. re: Cuba: Migration Issue- Launching Another Lottery (4 pages)	05/21/1998	P1/b(1)
002. email	Eric Schwartz to Busby re: FW: Repatriation of Cuban Rafterers in the Bahamas (3 pages)	06/05/1998	P1/b(1)
003. email	Busby to Schwartz re: FW: Corrected: Cuba-Haiti Migration (3 pages)	07/13/1999	P1/b(1)
004. email	Frederick Rosa to Busby and Fulton Armstrong re: FW: Corrected- Cuba Memo (6 pages)	07/14/1999	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Record (Sept 97-Jan 01) ([Scwhartz and Cuba...])
OA/Box Number: 620000

FOLDER TITLE:

[02/03/1998-07/14/1999]

2011-1039-F

rs1859

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]

Exchange Mail

DATE-TIME 2/3/98 12:25:50 PM
FROM Letts, Kelly J.
CLASSIFICATION UNCLASSIFIED
SUBJECT Package for Concurrence [UNCLASSIFIED]
TO DeLaurentis, Jeffrey J.
DeSouza, Patrick J.
Dobbins, James F.
Hofmann, Karl W.
Kinser-Kidane, Brenda J.
Lawson, Chappell H.
Piccone, Theodore J.
Abercrombie-Winstanley, Gina K.
Bendick, Gordon L.
Burrell, Christina L.
Farrar, Jay C.
Rudman, Mara E.

CARBON_COPY

TEXT_BODY Please review the attached package for concurrence. If you could clear by COB today, that would be great. Thanks.

TRANSLATED_ATTACHMENT

0314 BERGER.doc

February 2, 1998

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Response to Letter on Cubans in the Bahamas

Attached is a memorandum to the President and a proposed response

on the above
subject.

Concurrence by: Jeff Delaurentis; Mara Rudman

RECOMMENDATION

That you sign the attached memorandum to the President at Tab I.

Attachments

Tab I Memorandum to the President

Tab A Proposed Response

Tab B Incoming Correspondence

1

0314

TRANSLATED_ATTACHMENT 0314 POTUS.doc

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER
LARRY STEIN

SUBJECT: Response to letter regarding Cubans in the Bahamas

Purpose

To respond to a letter from Representative Ileana Ros-Lehtinen urging you to grant visas to Cubans in the Bahamas.

Background

Representative Ros-Lehtinen urges you to grant visas to 82 Cuban nationals in the Bahamas. She notes that these individuals intended to reach the

United States
and deserve to be reunited with their families here.

Your response explains that granting visas to these Cubans would be inconsistent with our Cuban migration policy. You point out, however, that the Government of the Bahamas has adopted procedures to provide asylum for Cubans who deserve protection under international standards.

RECOMMENDATION

That you sign the letter at Tab A.

Attachments
Tab A Letter for Signature
Tab B Incoming Correspondence

2

0314

cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT 0314 LETTER.doc

Dear Representative Ros-Lehtinen:

Thank you for your letter regarding Cuban asylum seekers in the Bahamas.

As you know, my Administration modified U.S. policy towards Cuban migration following the mass exodus in August 1994. Our goals are to discourage unsafe

boat departures and to promote the use of our in-country migration programs.

Granting U.S. visas to Cubans who land in the Bahamas would be inconsistent with this policy and would undermine our objectives.

Nevertheless, Cubans who land in the Bahamas are entitled to seek asylum there.

The Bahamas is a party to the 1951 Convention and 1967 Protocol relating to the

Status of Refugees and works with the Office of the United Nations High

Commissioner for Refugees in determining which Cuban asylum seekers are entitled

to refugee status there. Under these procedures, the Bahamas has granted asylum

to a number of Cuban asylum seekers in recent years. We believe that this

process ensures that Cubans deserving of protection under international standards are not returned to Cuba.

I appreciate your interest in this matter.

Sincerely,

The Honorable Ileana Ros-Lehtinen
House of Representatives
Washington, D.C. 20515

Exchange Mail

DATE-TIME 2/3/98 1:14:05 PM
FROM Rudman, Mara E.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Package for Concurrence [UNCLASSIFIED]
TO Abercrombie-Winstanley, Gina K.

CARBON_COPY

TEXT_BODY if you're sufficiently familiar with ros-leh. perspective on these issues, can you just clear directly for us? thanks.

-----Original

Message-----

From: Letts, Kelly J.

Sent: Tuesday, February 03,
1998 12:26 PM

To: @INTERAM - Inter-American; @LEGISLAT - Legislative
Affairs

Subject: Package for Concurrence [UNCLASSIFIED]

Please
review the attached package for concurrence. If you could clear
by COB today, that would be great. Thanks.

TRANSLATED_ATTACHMENT

0314 BERGER.doc

February 2, 1998

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Concurrence by: Jeff Delaurentis; Mara Rudman

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Tab A Proposed Response

Tab B Incoming Correspondence

1

0314

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Your response explains that granting visas to these Cubans would be inconsistent with our Cuban migration policy. You point out, however, that the Government of the Bahamas has adopted procedures to provide asylum for Cubans who deserve protection under international standards.

RECOMMENDATION

That you sign the letter at Tab A.

Attachments

Tab A Letter for Signature

Tab B Incoming Correspondence

2

0314

cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT 0314 LETTER.doc

Dear Representative Ros-Lehtinen:

Thank you for your letter regarding Cuban asylum seekers in the Bahamas.

As you know, my Administration modified U.S. policy towards Cuban migration

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Nevertheless, Cubans who land in the Bahamas are entitled to seek asylum there.

The Bahamas is a party to the 1951 Convention and 1967 Protocol relating to the

Status of Refugees and works with the Office of the United Nations High

Commissioner for Refugees in determining which Cuban asylum seekers are entitled

to refugee status there. Under these procedures, the Bahamas has granted asylum

to a number of Cuban asylum seekers in recent years. We believe that this

process ensures that Cubans deserving of protection under international standards are not returned to Cuba.

I appreciate your interest in this matter.

Sincerely,

The Honorable Ileana Ros-Lehtinen
House of Representatives
Washington, D.C. 20515

Exchange Mail

DATE-TIME 2/3/98 5:51:07 PM
FROM Farrar, Jay C.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Package for Concurrence [UNCLASSIFIED]
TO Rudman, Mara E.

CARBON_COPY

TEXT_BODY I made some slight grammatical changes - nothing more.

-----Original
Message-----
From: Letts, Kelly J.
Sent: Tuesday, February 03,
1998 4:13 PM
To: @LEGISLAT - Legislative Affairs
Subject: FW: Package
for Concurrence [UNCLASSIFIED]

Attached is a slightly revised
letter for this package. Please clear by COB today. Thanks.

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From: Letts, Kelly J.
Sent: Tuesday,
February 03, 1998 12:26 PM
To: @INTERAM - Inter-American; @LEGISLAT
- Legislative Affairs
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TRANSLATED_ATTACHMENT

0314 LETTER.doc

Dear Representative Ros-Lehtinen:

Thank you for your letter regarding Cuban asylum seekers in the Bahamas.

As you know, my Administration modified U.S. policy towards Cuban migration following the mass exodus in August 1994. We continue to believe that policies established under the September 1994 and May 1995 migration accords remain an effective tool for promoting safe, legal and orderly migration. Our goals are to discourage unsafe boat departures and to promote the use of our in-country migration programs. Granting U.S. visas to Cubans who land in the Bahamas with the intent to enter the United States would be inconsistent with this policy and would undermine our objectives.

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Sincerely,

The Honorable Ileana Ros-Lehtinen
House of Representatives
Washington, D.C. 20515

2

TRANSLATED_ATTACHMENT 0314 BERGER.doc

February 2, 1998

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Tab B Incoming Correspondence

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0314

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0314 POTUS.doc

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RECOMMENDATION

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Attachments

Tab A Letter for Signature

Tab B Incoming Correspondence

2

0314

cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT 0314 LETTER.doc

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As you know, my Administration modified U.S. policy towards Cuban migration following the mass exodus in August 1994. Our goals are to discourage unsafe boat departures and to promote the use of our in-country migration programs. Granting U.S. visas to Cubans who land in the Bahamas would be inconsistent with this policy and would undermine our objectives.

Nevertheless, Cubans who land in the Bahamas are entitled to seek asylum there.

The Bahamas is a party to the 1951 Convention and 1967 Protocol relating to the Status of Refugees and works with the Office of the United Nations High Commissioner for Refugees in determining which Cuban asylum seekers are entitled to refugee status there. Under these procedures, the Bahamas has granted asylum to a number of Cuban asylum seekers in recent years. We believe that this process ensures that Cubans deserving of protection under international standards are not returned to Cuba.

I appreciate your interest in this matter.

Sincerely,

The Honorable Ileana Ros-Lehtinen
House of Representatives
Washington, D.C. 20515

Exchange Mail

DATE-TIME 2/3/98 6:39:37 PM
FROM Abercrombie-Winstanley, Gina K.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Package for Concurrence [UNCLASSIFIED]
TO Rudman, Mara E.

CARBON_COPY

TEXT_BODY Looks fine.

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From: Letts, Kelly J.

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To: @LEGISLAT - Legislative
Affairs

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Cubans who land in the Bahamas are entitled to seek asylum there. The Bahamas is a party to the 1951 Convention and 1967 Protocol relating to the Status of Refugees and works with the Office of the United Nations High Commissioner for Refugees in determining which Cuban asylum seekers are entitled to refugee status there. Under these procedures, the Bahamas has granted asylum to a number of Cuban asylum seekers in recent years. We believe that this process provides the means to ensure that Cubans deserving of protection under international standards are not returned to Cuba.

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February 2, 1998

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Attachments

Tab A Letter for Signature
Tab B Incoming Correspondence

2

0314

cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT 0314 LETTER.doc

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Sincerely,

The Honorable Ileana Ros-Lehtinen
House of Representatives
Washington, D.C. 20515

Exchange Mail

DATE-TIME 2/3/98 7:35:31 PM
FROM Rudman, Mara E.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Package for Concurrence [UNCLASSIFIED]
TO Letts, Kelly J.

CARBON_COPY Abercrombie-Winstanley, Gina K.
Bendick, Gordon L.
Burrell, Christina L.
Farrar, Jay C.
Rudman, Mara E.

TEXT_BODY

Looks fine.

-----Original Message-----

From: Letts, Kelly J.

Sent: Tuesday, February 03, 1998 4:13 PM

To: @LEGISLAT - Legislative
Affairs

Subject: FW: Package for Concurrence [UNCLASSIFIED]

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- Inter-American; @LEGISLAT - Legislative Affairs

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Sincerely,

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House of Representatives
Washington, D.C. 20515

2

TRANSLATED_ATTACHMENT 0314 BERGER.doc

February 2, 1998

ACTION

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THROUGH: ERIC SCHWARTZ

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Concurrence by: Jeff Delaurentis; Mara Rudman

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Attachments

Tab I Memorandum to the President

Tab A Proposed Response

Tab B Incoming Correspondence

1

0314

TRANSLATED_ATTACHMENT 0314 POTUS.doc

ACTION

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FROM: SAMUEL BERGER
LARRY STEIN

SUBJECT: Response to letter regarding Cubans in the Bahamas

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RECOMMENDATION

That you sign the letter at Tab A.

Attachments
Tab A Letter for Signature
Tab B Incoming Correspondence

2

0314

cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT 0314 LETTER.doc

Dear Representative Ros-Lehtinen:

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I appreciate your interest in this matter.

Sincerely,

The Honorable Ileana Ros-Lehtinen
House of Representatives
Washington, D.C. 20515

Exchange Mail

DATE-TIME 2/17/98 10:34:17 AM
FROM Busby, Scott W.
CLASSIFICATION UNCLASSIFIED
SUBJECT Baseball players guidance [UNCLASSIFIED]
TO Rubin, Eric S.
Crowley, Philip J.
Dehqanzada, Yahya A.
Luzzatto, Anne R.
Rubin, Eric S.
Wozniak, Natalie S.

CARBON_COPY DeLaurentis, Jeffrey J.
DeSouza, Patrick J.
Dobbins, James F.
Hofmann, Karl W.
Kinser-Kidane, Brenda J.
Lawson, Chappell H.
Piccone, Theodore J.
Busby, Scott W.
Letts, Kelly J.
Malley, Robert
Ragan, Richard F.
Rossi, Christopher R.
Schwartz, Eric P.

TEXT_BODY

Here you go. Sorry for tardiness.

TRANSLATED_ATTACHMENT

cuban baseball players press guidance.doc
CUBAN BASEBALL PLAYERS
February 17, 1998

Background: In late December, the Coast Guard interdicted eight Cuban migrants on a Bahamian island and transported them to Nassau. The group included two well-known Cuban baseball players, Orlando Hernandez Pedroso (half-brother of Livan Hernandez, star pitcher and World Series MVP for the Florida Marlins) and

Alberto Hernandez Perez (no relation). On December 31, the U.S. offered "humanitarian parole" to the two ballplayers and to Noris Bosch (Orlando's common-law spouse). Bosch came to the U.S. several days later but the two baseball players stayed behind stating that they would not leave the Bahamas without the five others. The ballplayers' decision also was influenced by the fact that there is considerable financial advantage to negotiating a baseball contract from a third country, rather than doing so after entering the U.S. By staying abroad, the players can negotiate contracts as free agents, which allows them to consider offers from any team. If they had come to the U.S., they would have been subject to the annual baseball draft, which would have permitted them to negotiate only with the team that drafts them. The ballplayers and the five others obtained visas to enter Costa Rica and traveled there on January 9. They have been residing in Costa Rica since then.

Q: Will the ballplayers in Costa Rica be allowed to come to the U.S.?

A: The ballplayers are safe in Costa Rica and, as we understand it, are honing their baseball skills. To our knowledge, they have not requested authorization to come to the U.S. If they do, they will be considered for U.S. visas under the same criteria and procedures that anyone else would be.

Q: Why did the U.S. grant parole to the two ballplayers and a spouse but not to the other five members of the group?

A: Orlando Hernandez Pedroso, his common-law wife, and Alberto Hernandez Perez were given permission to come to the United States based on an urgent request from their family members in the U.S. and on the special circumstances involved with their cases. Following the defection from Cuba of Livan Hernandez, Orlando Hernandez Pedroso and Alberto Hernandez Perez were banned for life from organized

baseball in Cuba - depriving them of their livelihoods - and subjected to harassment. In addition, under normal circumstances, they would have qualified under U.S. law for visas issued to persons of extraordinary ability, including in athletics, but the restrictions imposed on them in Cuba made that impossible. The combination of these two factors warranted a grant of humanitarian parole in the ballplayers' cases. The spouse was offered parole because of her close relation to Orlando.

The cases of the remaining five members of the group were much more similar to those of many other Cubans who have arrived in the Bahamas without documents. As with such cases, they were under the jurisdiction of Bahamian immigration authorities and would have been interviewed by a representative of the UN High Commissioner for Refugees (UNHCR) who routinely travels to the Bahamas for that purpose. Had the UNHCR representative determined that they were bona fide refugees, they would in all likelihood have received asylum in the Bahamas, as have other Cubans recognized as refugees by UNHCR. The cases of these five did not present the same circumstances that warranted issuance of parole for the two ballplayers and the common-law spouse.

Q: Didn't the U.S. make an exception to its Cuban migration policy in these cases?

A: The United States government is committed to promoting safe, legal and orderly migration between Cuba and the United States. We firmly believe that policies established under the September 1994 and May 1995 migration accords with Cuba continue to be effective in promoting safe, legal and orderly migration. However, these cases involved special circumstances: the two ball players appeared to be eligible for visas to enter the U.S. based on their special

abilities but could not have obtained those visas because of the restrictions imposed on them in Cuba. Our actions in no way represent a change in our commitment to the migration accords or to our current Cuban migration policy.

Exchange Mail

DATE-TIME 2/13/98 11:14:48 AM
FROM Busby, Scott W.
CLASSIFICATION ~~CONFIDENTIAL~~
CLASSIFICATIONREASON 1.5(d)
DATECLASSIFIEDON 02/11/1998
DECLASSIFYON 02/11/2008
SUBJECT FW: Revised GTMO burden-sharing memo [~~CONFIDENTIAL~~]
TO Schwartz, Eric P.

CARBON_COPY

TEXT_BODY

My responses to your questions/comments are attached. DoD is firm in its view that it does not want to be responsible for internal security, only security at the perimeter. Shall we tell them no way, no how?

-----Original Message-----

From: Schwartz, Eric P.

Sent: Thursday, February 12, 1998 7:38 AM

To: Busby, Scott W.

Subject: FW: Revised GTMO burden-sharing memo [~~CONFIDENTIAL~~]

see
my comments/questions

-----Original Message-----

From: Busby, Scott W.

Sent: Wednesday, February 11, 1998 7:34 PM

To: Schwartz, Eric P.

Cc: Letts, Kelly J.

Subject: Revised GTMO burden-sharing memo [~~CONFIDENTIAL~~]

E -- Here's the far-too-long-awaited

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By ~~W. NARA~~, Date ~~3/23/06~~ 2011-1011-F

redraft of the GTMO burden-sharing memo (which DoD continues to be very eager to receive). This redraft incorporates comments from DOD. More significantly, it also shifts lead to DOJ lead responsibility

for running our migrant facility at GTMO. This is because State (to whom we assigned such responsibility in the last draft) claims to lack the legal authority to detain people overseas and has no expertise in doing so. We could probably cure the first problem but not the second. Thus, I do think it makes sense to give Justice the lead on this, but with a healthy financial contribution from State. Let me know what you think. Scott

TRANSLATED_ATTACHMENT Guantanamo Burden-sharing Memo.doc

MEMORANDUM FOR THE SECRETARY OF STATE
THE SECRETARY OF DEFENSE
THE SECRETARY OF THE TREASURY
THE ATTORNEY GENERAL
DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET
CHAIRMAN OF THE JOINT CHIEFS OF STAFF

SUBJECT: Burden-Sharing for Migrant Operations at Guantanamo and Other Overseas Facilities (U)

The Secretary of Defense has raised with me his concerns about the burdens borne by the Department of Defense in the funding and management of migrant operations at Guantanamo Bay Naval Base and at other overseas military bases. Although the interagency has discussed how to better share these burdens, final agreement on a new arrangement has not yet been achieved. In the interest of moving this process forward, I would like to propose the following burden-sharing scheme regarding migrant operations at Guantanamo and other overseas facilities as they relate to both Cubans and non-Cubans. (U)

1. Cubans

As you know, the absence of an agreement between Cuba and the United States permitting the return of Cuban migrants who reach U.S. soil has required that we interdict and screen Cuban migrants at sea. Those migrants who establish a credible fear of persecution or present other issues requiring further investigation are taken to Guantanamo for further processing. Defense has established and continues to maintain a virtually permanent facility to house and provide for the everyday needs of these migrants. The Department of Justice, through the Immigration and Naturalization Service, has been responsible for providing the staff and resources to determine whether these migrants require protection. The Department of State has been responsible for facilitating the resettlement of those migrants who are deemed to require protection.

(C)

Until we have an agreement permitting the return of Cuban migrants from U.S. soil, our current policy requires that we continue to have a migrant facility at Guantanamo for a small number of Cubans. We believe that the Department of Justice has the greatest expertise in detaining migrants and thus should have lead responsibility for managing this facility. This may include contracting with an outside entity. Justice will also bear all incremental what do you mean by incremental? [This is DoD's suggested, standard language. It means that the military would be reimbursed for any extra assistance (e.g., an extra security detail, etc.) it might provide to Justice in running the facility.] costs associated with the facility. However, because the vast majority of these migrants are either awaiting refugee-like screening or have been deemed to meet the international refugee definition, and thus are being held not for law enforcement but for protection purposes, we propose that the Department of State, which is ordinarily responsible for assisting overseas refugees, contribute half the cost of maintaining this migrant facility. We further propose that,

because
of Guantanamo's status as a naval base, the Department of Defense
continue to
support those activities directly related to the overall operation of the
base,
such as infrastructure (water, electricity, roads, etc.), and the overall
security of the facility. (C) Scott: does that include law enforcement
within.

I think so, do you? In DoD's view, it does not. DoD is firm in its view
that it
wants to take care of only security at the perimeter of the facility and
that the
civilian agency would take care of internal security.

2. Non-Cubans

The management and funding of interdicted non-Cuban cases has
posed serious
challenges for the interagency process in recent years. The recent
enactment of
new expedited removal procedures, however, provides us with greater
flexibility
than existed previously. As we have done in the past, we should first
seek the
prompt return of such migrants to their country of origin or to the
flag-state of
their vessels, with adequate safeguards to ensure against return of
bona fide
refugees. In the event that these migrants cannot be returned from the
interdicting vessel to the country of origin or the flag-state of their
vessel,
they will normally be brought into the United States for processing
under the new
procedures. Nevertheless, decisions on doing so will have to take into
account
litigation risks, the availability of detention space and adjudication
resources,
and the effect of such a decision on our overall deterrence message.

(C)

In cases where the interagency determines that it is not feasible or
advisable to
bring the migrants to the United States, it may be necessary to bring
them
temporarily to Guantanamo or another overseas facility. Again,
because of
Justice's detention expertise and experience, we recommend that
Justice be
primarily responsible for establishing and maintaining a facility for
such

migrants (through contingency arrangements, if necessary). Justice would also be responsible for conducting any necessary screening and funding the care, maintenance and repatriation those migrants who are found not to warrant protection. As with the proposed Cuban facility, Defense would provide the necessary infrastructure for the operation as well as overall security. State would be charged with facilitating the transport or resettlement of any persons found to require protection ~~(C)~~. It is important to note that these proposed arrangements are not intended to apply to mass migrations. In such cases, the Administration will draw upon the resources of various relevant agencies, as the President deems appropriate.

We believe this proposed burden-sharing scheme begins to address, in a manner that is consistent with the mandates of each of your agencies, the concerns that have been raised. We suggest that the interagency meet to finalize the arrangements described above. We welcome your thoughts and reactions. (U)

Samuel R. Berger
Assistant to the President
for National Security Affairs

2
~~CONFIDENTIAL~~
~~CONFIDENTIAL~~
~~CONFIDENTIAL 5114~~

~~CONFIDENTIAL~~
Classified by: Samuel R. Berger
Reason: 1.5 (d)
Declassify On: 07/25/07

Exchange Mail

DATE-TIME 3/2/98 2:13:24 PM

FROM Ford, Robert G.

CLASSIFICATION UNCLASSIFIED

SUBJECT Coast Guard Detention of Cuban Migrants [UNCLASSIFIED]

TO

DeLaurentis, Jeffrey J.
DeSouza, Patrick J.
Dobbins, James F.
Hofmann, Karl W.
Kinser-Kidane, Brenda J.
Lawson, Chappell H.
Piccone, Theodore J.
Crowley, Philip J.
Dehqanzada, Yahya A.
Luzzatto, Anne R.
Rubin, Eric S.
Wozniak, Natalie S.
Bresnahan, Gary E.
Broadwick, Bonnie .
Brooks, Jennifer M.
Campanella, Anthony
Chastain, George M.
Cosgriff, Kevin J.
Crowder, Stevan D.
Crowell, Thomas R.
Erdahl, Douglas M.
Ford, Robert G.
Glick, Bonnie L.
Harris, Karen
Harrison, Lyle M.
Higgins, David B.
Huggins, Peter
Jansen, Christian P.
Lawrence, Cynthia
McClellan, Christina L.
O'Shaughnessy, Patrick
Papadimitriou, Marianna
Payne, Raymond H.
Rathke, Jeffrey D.
Rice, Sean P.
Schrader, Joel M.
Sigler, Ralph H.
Smith, James A.
Unrue, Michael

Wright, Joseph (Larry)
Busby, Scott W.
Hill, Roseanne M.
Letts, Kelly J.
Malley, Robert
Naplan, Steven J.
Ragan, Richard F.
Rossi, Christopher R.
Schwartz, Eric P.
Rosa, Frederick M.
Busick, Paul E.

CARBON_COPY**TEXT_BODY**

Coast Guard Command Center alerted Sit Room to following information:
USCGC PADRE recovered 35 migrants this morning who had gone aground
at Anguilla Key, Bahamas; PADRE made detentions after a Coast Guard
aircraft identified the migrant vessel. The Cuban Border Guards
yesterday alerted the Coast Guard Operations Center in Miami via
telex that a migrant vessel with approximately 25 migrants onboard
had departed Cuba. The Coast Guard will transport migrants to Freeport,
Bahamas tomorrow.

Source: USCG Command Center Telecon

Exchange Mail

DATE-TIME 3/12/98 6:16:25 PM

FROM Busby, Scott W.

CLASSIFICATION UNCLASSIFIED

SUBJECT RE: Boat of Cuban Rafters Sinks Off of Miami [UNCLASSIFIED]

TO Crowell, Thomas R.
Davies, Glyn T.
Dejban, Donna D.
Friedrich, Mary K.
Helweg, M. Diana
Kale, Dora A.
Kerrick, Donald L.
Malley, Robert
Millison, Cathy L.
Scott-Perez, Marilyn L.
Storey, Sharon V.

CARBON_COPY Busby, Scott W.
Hill, Roseanne M.
Letts, Kelly J.
Malley, Robert
Naplan, Steven J.
Ragan, Richard F.
Rossi, Christopher R.
Schwartz, Eric P.
DeLaurentis, Jeffrey J.
DeSouza, Patrick J.
Dobbins, James F.
Hofmann, Karl W.
Kinser-Kidane, Brenda J.
Lawson, Chappell H.
Piccone, Theodore J.
Baldwin, Kenneth
Benjamin, Daniel
Bobbitt, Philip C.
Clarke, Richard A.
Dollar, Carolyn J.
Fung, Mark T.
Gordon-Hagerty, Lisa E.
Hawley, Leonard R.
Klein, Brian P.
McCarthy, Mary O.
Metzl, Jamie F.
Mulligan, George D.

Rosa, Frederick M.
Roundtree, Beverly
Schwartz, Eric P.
Simon, Steven N.
Wechsler, William F.
Crowley, Philip J.
Dehqanzada, Yahya A.
Luzzatto, Anne R.
Rubin, Eric S.
Wozniak, Natalie S.
Bresnahan, Gary E.
Broadwick, Bonnie .
Brooks, Jennifer M.
Campanella, Anthony
Chastain, George M.
Cosgriff, Kevin J.
Crowder, Stevan D.
Crowell, Thomas R.
Erdahl, Douglas M.
Ford, Robert G.
Glick, Bonnie L.
Harris, Karen
Harrison, Lyle M.
Higgins, David B.
Huggins, Peter
Jansen, Christian P.
Lawrence, Cynthia
McClellan, Christina L.
O'Shaughnessy, Patrick
Papadimitriou, Marianna
Payne, Raymond H.
Rathke, Jeffrey D.
Rice, Sean P.
Schrader, Joel M.
Sigler, Ralph H.
Smith, James A.
Unrue, Michael
Wright, Joseph (Larry)

TEXT_BODY

Please pass to Sandy and Jim:

The inter-agency has decided to bring all of these migrants into the United States. The remaining seven on board the vessel were determined to be either close relatives of one of the individuals previously medivaced into Miami, lawful permanent residents, or witnesses to what is believed to be an alien smuggling operation. DOJ will be investigating the case for possible prosecution.

-----Original Message-----

From: Crowell, Thomas

R.

Sent: Thursday, March 12, 1998 11:34 AM

To: Busby, Scott W.;

@NSA - Natl Security Advisor

Cc: @DEMOCRACY - Dem/Human Affairs;

@INTERAM - Inter-American; @GLOBAL - Global Affairs; @PRESS - Public

Affairs; @WHSR - WH Situation Room

Subject: RE: Boat of Cuban Rafter

Sinks Off of Miami [UNCLASSIFIED]

Please pass to Sandy and Jim:

A

quick update based on a phone call from the Coast Guard Command Center clarifying numbers. 7 people are in good condition aboard the Cutter Baranof, 2 have been medevac'd (Mt. Sinai Hospital, Miami) , 4 are awaiting medevac, 2 are dead, 1 is believed missing.

-----Original

Message-----

From: Busby, Scott W.

Sent: Thursday, March 12, 1998

11:23 AM

To: @NSA - Natl Security Advisor

Cc: @DEMOCRACY - Dem/Human

Affairs; @INTERAM - Inter-American; @GLOBAL - Global Affairs; @PRESS

- Public Affairs; @WHSR - WH Situation Room

Subject: Boat of Cuban

Rafter Sinks Off of Miami [UNCLASSIFIED]

Please pass to Sandy
and Jim:

The Coast Guard has just rescued a group of Cubans whose boat sank approximately four miles off of Miami. Two of the group are dead; one is missing; four have been brought to Miami for medical treatment; and the rest (seven in all, we think, but possibly a couple more) will remain aboard the Coast Guard cutter that rescued them. The seven will be examined by a Coast Guard doctor in the near future. If they are also found to be in need of immediate medical treatment, they will be brought to Miami, too. If not, they will be processed according to standard operating procedures (i.e., interviewed by INS and returned to Cuba unless they have a credible fear of persecution.) The Miami media are aware of the event and are covering it heavily.

Exchange Mail

DATE-TIME 3/16/98 11:39:42 AM
FROM Harris, Elisa D.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Cuba: OSD Paper on Cuban Threat to U.S. National Security
[UNCLASSIFIED]
TO DeLaurentis, Jeffrey J.
Busby, Scott W.

CARBON_COPY Busby, Scott W.
Hill, Roseanne M.
Letts, Kelly J.
Malley, Robert
Naplan, Steven J.
Ragan, Richard F.
Rossi, Christopher R.
Schwartz, Eric P.
Caravelli, John M.
Edwards, Joan K.
Harris, Elisa D.
Samore, Gary S.
Tucker, Maureen E.
DeLaurentis, Jeffrey J.
DeSouza, Patrick J.
Dobbins, James F.
Hofmann, Karl W.
Kinser-Kidane, Brenda J.
Lawson, Chappell H.
Piccone, Theodore J.

TEXT_BODY the draft is stunningly accurate. i clear, thanks!

-----Original

Message-----

From: DeLaurentis, Jeffrey J.

Sent: Friday, March

13, 1998 11:47 AM

To: Busby, Scott W.; Harris, Elisa D.

Cc: @DEMOCRACY

- Dem/Human Affairs; @NONPRO - Export Controls; @INTERAM - Inter-American

Subject: Cuba:

OSD Paper on Cuban Threat to U.S. National Security [UNCLASSIFIED]

Elisa,
Scott --

An amendment to last year's Defense Appropriations bill requires DOD to prepare an assessment of the Cuban threat to U.S. national security by 3/31. There are sections of the document on migration issues and biological warfare. Would appreciate comments/concurrence on your respective sections. Copies coming straight away. thanks, Jeff

Exchange Mail

DATE-TIME 3/23/98 11:57:45 AM
FROM Busby, Scott W.
CLASSIFICATION UNCLASSIFIED
SUBJECT Press guidance: New Group of Cuban Baseball Players
[UNCLASSIFIED]
TO Crowley, Philip J.
Dehqanzada, Yahya A.
Luzzatto, Anne R.
Rubin, Eric S.
Wozniak, Natalie S.

CARBON_COPY DeLaurentis, Jeffrey J.
DeSouza, Patrick J.
Dobbins, James F.
Hofmann, Karl W.
Kinser-Kidane, Brenda J.
Lawson, Chappell H.
Piccone, Theodore J.
Busby, Scott W.
Letts, Kelly J.
Malley, Robert
Naplan, Steven J.
Ragan, Richard F.
Rossi, Christopher R.
Schwartz, Eric P.

TEXT_BODY**TRANSLATED_ATTACHMENT**

Cuban Baseball Players (2).doc
Cuban Baseball Players
March 23, 1998

Background: On Saturday, a fishing boat picked up 9 Cuban migrants in Bahamian waters. (The group had allegedly left Cuba on March 10, but, in fact, did not leave until March 20. They were in hiding in the interim.) The group included five baseball players. It is reported that all nine migrants are in good condition. The Bahamas has since transferred these migrants to the Carmichael

detention facility in Nassau.

Q: What is the status of the nine Cubans who were found by the Bahamian authorities over the weekend?

A: The government of the Bahamas transferred the nine to a migrant facility in Nassau, where they are under the care of Bahamian immigration authorities. All are safe and being well-treated.

The Bahamas is a party to the Refugee Convention and Protocol. We are confident that, as it has in the past, it will consider any claims to asylum made by these migrants consistent with international standards and will ensure that no bona fide refugee will be returned to Cuba.

We understand that the office of the U.N. High Commissioner for Refugees will travel to Nassau to interview the nine migrants, as is routinely done for all Cuban migrants held at the Bahamian migrant facility.

Q: Will the migrants be offered entry to the U.S.?

A: No request to admit these individuals has been made to the U.S. government. There are unconfirmed reports that the group is seeking to travel to Costa Rica. If a request is made to the U.S. government, it will be considered in accordance with U.S. law and policy and the particular facts of these cases.

[If asked]

Q: If a request were made to the U.S. government, would it offer humanitarian parole to the baseball players in this group as it recently did for baseball player Orlando Hernandez and two others?

A: Orlando Hernandez and two others were offered parole into the U.S. based on the special circumstances in their cases. Those circumstances included the difficulties they had had in Cuba, their close family ties in the U.S.,

and the
fact that, but for their problems in Cuba, the two ballplayers would
have
qualified for special U.S. visas available to persons of extraordinary
ability.
We do not know the facts of the current cases and thus cannot
speculate as to how
we would treat them under current U.S. law and policy.

Exchange Mail

DATE-TIME 4/16/98 12:53:22 PM
FROM DeLaurentis, Jeffrey J.
CLASSIFICATION ~~CONFIDENTIAL~~
CLASSIFICATIONREASON 1.5(d)
DATECLASSIFIEDON 04/16/1998
DECLASSIFYON 04/16/2008
SUBJECT Cuba: OSD Report on Cuban Threat to U.S. National Security
[CONFIDENTIAL]
TO Busby, Scott W.

CARBON_COPY DeLaurentis, Jeffrey J.
DeSouza, Patrick J.
Dobbins, James F.
Hofmann, Karl W.
Kinser-Kidane, Brenda J.
Lawson, Chappell H.
Piccone, Theodore J.
Busby, Scott W.
Letts, Kelly J.
Malley, Robert
Naplan, Steven J.
Ragan, Richard F.
Rossi, Christopher R.
Schwartz, Eric P.

TEXT_BODY

Scott --

You cleared off on a classified version of this report last month. After some dealy, it will probably be sent to the Hill next week. OSD has decided to do an unclass version, mostly a distillation

of the classified. SRB was sent a copy. Not sure we can change anything at this point but wanted to run the following language by you:

"Threat of Mass Migration Currently Low"

"The threat of another government-sanctioned mass migration from Cuba is assessed as low as long as domestic political conditions remain stable.

DECLASSIFIED
E.O. 13526

White House Guidelines, September 11, 2006

By *W* NARA, Date *3/21/06*

201-10317

--
the 1994 accord indefinitely permits 20,000 Cubans per year to enter the United States, the largest legal annual number since the U.S. airlifts of 1965-71. The Cuban government uses such a safety valve to help minimize social tension prompted by the poor economy.

--
the 1995 accord, which provides for the return of illegal migrants to Cuba, also deters many Cubans from leaving unlawfully. The perception by the Cuban populace that Washington can and will repatriate most illegal migrants has sharply reduced the flow of rafters and will remain a key determinant of migration volume.

-- Moreover, mass illegal migration discourages tourism and foreign investor confidence, two factors that Havana -- now dependent on dollars from abroad -- urgently needs to keep its economy afloat.

Nonetheless, pressures for migrants to flee to the United States despite Cuban and U.S. prohibitions would increase substantially if Cuba's economy--currently growing slowly--resumed a downward spiral, if the government was perceived to relax its position on illegal departures, or in the event of sustained political upheaval."

Exchange Mail

DATE-TIME 5/18/98 3:59:22 PM
FROM Busby, Scott W.
CLASSIFICATION UNCLASSIFIED
SUBJECT Repatriation of Cubans from Bahamas [UNCLASSIFIED]
TO Schwartz, Eric P.

CARBON_COPY Busby, Scott W.
Malley, Robert
Naplan, Steven J.
Ragan, Richard F.
Schwartz, Eric P.

TEXT_BODY E -- FYI, the Bahamas began today repatriating about 240 Cubans who have been determined by UNHCR not to require protection. The first group of 64 was flown back today and may have included 3 of the 4 most recent ballplayers. The most well-known one got a visa to Japan because of his marriage to a Japanese citizen. The rest of the group will be repatriated in the next several days.

We have worked carefully with UNHCR and the USEmb in Nassau to try to be sure that all relevant RSD procedures have been followed. UNHCR has indicated that it is ok with th repatriation. However, that doesn't mean that there won't be lots of squawking in Miami and elsewhere.
Scott

FM:
AP/East
^Bahamas sends 65 Cubans home, including ballplayers<
^By
JESSICA ROBERTSON=
^Associated Press Writer=
NASSAU, Bahamas
(AP) The Bahamas sent home 65 Cuban boat people today, including three baseball players, and prepared to deport dozens more despite efforts by U.S.-based Cuban exiles to get visas for their compatriots.

The Cubans, many held for months at a Nassau detention center, left

on board a chartered Cubana de Aviacion flight. It was the first such repatriation of Cuban refugees since December.

"He was told that they were being repatriated. ... That would kill me,"

Nora Espinoza told The Associated Press about her 19-year-old son,

Abdel Alfonso Espinoza, a detainee.

She said he called her in

Miami to say that guards had read off the names of dozens of Cubans and put them on a bus.

"While I was talking to him, a guard came and took the phone away from him," Espinoza said Sunday.

Those deported included three Cuban baseball players and a coach who

defected in March, said Vernon Burrows, the Bahamas' deputy immigration

director. All had been turned down for political asylum.

Following

the deportations, the 196 remaining Cubans at the detention center

lined up quietly for roll call. All were silent.

Miami-based

baseball agent Joe Cubas, a Cuban exile, said he had been "getting

close" to acquiring visas for all the Cuban refugees at the center

outside Nassau, capital of the former British colony.

"It

would be ironic for this to happen just as we're making progress,"

he said through spokeswoman Rene Guim said. "We will plead with

the Bahamian government to give us some more time."

Hundreds

of Cuban refugees set sail from the communist-ruled nation each

year, propelled by ocean currents that carry them to the Bahamas.

Cubas started trying to get visas for all the detained Cubans after

dozens went on a hunger strike in April, objecting baseball stars

easily get asylum while ordinary Cubans are sent back home.

The Bahamas, despite a 1994 repatriation agreement with Havana, allows

refugees to move to countries that give them visas

Cubans said

one of the reasons for the delay in getting visas was

Costa Rica,

which welcomed dozens of Cubans last year, installed a

conservative

government last month.

Earlier this year, Costa Rica gave asylum

to Cuban baseball

defector Orlando Hernandez, who signed a \$6.6

million, four-year

contract with the New York Yankees.

Four

baseball players and a coach defected in March: first

baseman Jorge

Luis Toca, 23; catcher Angel Lopez, 25; second

baseman Jorge Diaz,

23; shortstop Michael Jova, 17; and pitching

coach Orlando Chinae,

41.

All were banned from Cuban baseball last year because Cuban

officials

suspected they were planning to defect.

Lopez, Diaz, Jova and

Chinae were sent home today, Burrows said.

Toca, who is married

to a Japanese citizen, was granted a Japanese

visa in April and

is currently in his wife's hometown in Fukuoka,

Japan.

The

Bahamas refused to grant political asylum to the group of

ballplayers.

The government said interviewers from the U.N. High

Commission on

Refugees did not believe the group had been victims

of political

persecution in Cuba. The last Cubans were repatriated

from the Bahamas

on Dec. 27.

APE- 05/18/98 14:13:00

Exchange Mail

DATE-TIME 5/19/98 11:44:17 AM

FROM DeLaurentis, Jeffrey J.

CLASSIFICATION UNCLASSIFIED

SUBJECT CUBA: State Contingency Guidance on Bahamian Deportation of Cubans
[UNCLASSIFIED]

TO Crowley, Philip J.
Rubin, Eric S.
Wozniak, Natalie S.

CARBON_COPY DeLaurentis, Jeffrey J.
DeSouza, Patrick J.
Dobbins, James F.
Hill, Roseanne M.
Hofmann, Karl W.
Kinser-Kidane, Brenda J.
Lawson, Chappell H.
Piccone, Theodore J.
Busby, Scott W.
Malley, Robert
Naplan, Steven J.
Ragan, Richard F.
Schwartz, Eric P.

TEXT_BODY Eric, Natalie --

I'm faxing you State's guidance on Bahama's return
of Cuban migrants in case you get any calls. Story has been reported
in the Miami Herald and popped up in a couple of wires this morning.
Jeff D.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Scott Busby to Jeffrey DeLaurentis et al. re: Cuba: Migration Issue- Launching Another Lottery (4 pages)	05/21/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Record (Sept 97-Jan 01) ([Scwhartz and Cuba...])
OA/Box Number: 620000

FOLDER TITLE:

[02/03/1998-07/14/1999]

2011-1039-F
rs1859

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]

Exchange Mail

DATE-TIME 6/4/98 5:47:06 PM
FROM Marty, Joseph H.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Clearances Please: Refugee Admissions for FY 1999
[UNCLASSIFIED]
TO Countryman, Thomas M.
Busby, Scott W.

CARBON_COPY

TEXT_BODY Looks fine to me, Scott.
Tom, if you have problems, let Scott
know. We only got 4,000 this year...

-----Original Message-----

From: Busby,
Scott W.

Sent: Wednesday, June 03, 1998 5:50 PM

To: @AFRICA -

African Affairs; @ASIA - Asian Affairs; @BOSNIA - Bosnian
Affairs:

@CEE - Central/Eastern Europe; @EUROPE - European Affairs;
@INTERAM

- Inter-American; @LEGAL - Legal Advisor; @LEGISLAT -
Legislative

Affairs; @NESASIA - NE/South Asia; @PLANNING - Strat Plan &
Comm

Cc: @DEMOCRACY

- Dem/Human Affairs

Subject: Clearances Please: Refugee Admissions
for FY 1999 [UNCLASSIFIED]

Need your clearances by COB tomorrow
(Thurs.) on this package. Numbers in this proposal are consistent
with e-mail I sent around a month or so ago. Thank you.

TRANSLATED_ATTACHMENT

3282 Berger memo.doc

June 3, 1998

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Proposed Refugee Admissions for FY 1999

Attached is memorandum to the President covering a memorandum for the Secretary of State on the above subject. The memorandum for the Secretary of State authorizes her to consult with the Congress on the FY 1999 Refugee Admissions program.

The most significant changes in this year's proposal as compared to last year's -- an increase in the numbers for Africa and decreases in the numbers for East Asia and the former Soviet Union - reflect the Administration's efforts to gradually shift the focus of the program to those who are most in need of resettlement.

The Department of State has conducted extensive consultations with the nongovernmental community in developing this year's proposal. Thus, we do not expect significant opposition.

Concurrence by: All NSC Regional Offices, Jamie Baker, Anthony Blinken, Mara Rudman

RECOMMENDATION

That you sign the attached memorandum to the President.

Attachment

Tab I Memorandum to the President

Tab A Memorandum for the Secretary of State

Tab B Incoming Materials Provided by the Department of State

1

3282

TRANSLATED_ATTACHMENT 3282 POTUS memo.doc

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL BERGER
LARRY STEIN

SUBJECT: Proposed Refugee Admissions for FY 1999

Purpose

To obtain your approval to consult with Congress on proposed refugee admissions for FY 1999.

Background

INA Requirement: The Immigration and Nationality Act requires you to determine, before the beginning of each fiscal year, the number and allocation of refugees who will be authorized to be admitted and resettled in the United States. If you so authorize, a process of formal congressional consultation will begin shortly and will lead to a Presidential Determination regarding the program for FY 1999.

Refugee Program: The Refugee Program is designed to identify and provide protection to refugees located overseas by bringing such persons to the United States and granting them permanent status here. It is distinct from the asylum

process, which permits persons who are already within the United States to seek the permanent protection of our country.

Criteria: We have traditionally based our annual allocations on criteria that include historical and familial associations between the affected population and the United States, foreign policy/national security concerns, congressional sentiment and the threats faced by the affected population. In recent years, we have increased our collaboration with the Office of the United Nations High Commissioner for Refugees (UNHCR) in identifying those persons in greatest need of resettlement.

Proposal: The Departments of State, Justice, and Health and Human Services propose a refugee admissions ceiling of 75,000 for FY 1999. Although this represents a reduction from the 1998 ceiling of 83,000, it is not significantly different than the 76,000 we expect actually to admit in FY 1998.

Regional Breakdown of FY '99 Numbers: The FY 1999 numbers would be allocated by region as follows: 12,000 for Africa; 9,000 for East Asia; 45,000 for Europe; 3,000 for Latin America and the Caribbean; 4,000 for the Near East and South Asia and 2,000 for an unallocated reserve.

There are three notable differences between these proposed regional ceilings and the projected admissions for the current fiscal year. First, there is a substantial increase from 7,000 to 12,000 of the number of slots available to Africans, a change aimed at providing greater resettlement opportunities to the region with the highest number of refugees in the world. Second, there is a decrease from 14,000 to 9,000 for East Asia. This is the result of the winding down of our in-country refugee admissions program in Vietnam. Third, our ceiling for Soviet Jews and Evangelical Christians will be reduced from 26,000 to 20,000. This decrease is the consequence of a declining applicant pool (in fact,

we will
this year resettle only 21,000 of the 26,000 included in the FY 1998
ceiling), as
well as the post-Cold War political evolution in the former Soviet
Union. State
has consulted with a broad array of non-governmental organizations,
and we do not
anticipate significant opposition to this proposal.

RECOMMENDATION

That you sign the attached memorandum to the Secretary of State
authorizing
congressional consultations on the FY 1999 Refugee Admissions
Program.

Attachments

Tab A Memorandum to the Secretary of State

Tab B Materials Provided by the Department of State

2

2

3282

cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT 3282 SecState memo.doc

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: FY 1999 Refugee Admissions Consultations

In accordance with Section 207 of the Immigration and Nationality
Act (INA), you
are authorized to consult with the appropriate committees of the
Congress
concerning refugee admissions as follows:

1. The authorization of 75,000 refugee admissions during FY 1999, which would be allocated by specific region as follows: 12,000 for Africa; 9,000 for East Asia (including Amerasians); 3,000 for Latin America and the Caribbean; 4,000 for the Near East and south Asia; 45,000 for Europe; and 2,000 for the Unallocated Reserve. The recommended level of funded admissions is equal to the level assumed in the FY 1999 budget request.
2. The authorization of an additional 10,000 refugee admission numbers to be made available for the adjustment to permanent resident status of persons who have been granted asylum in the United States.
3. The designation, pursuant to section 101(a) (42) (B) of the INS, of persons in Cuba, Vietnam, and the former Soviet Union, who if they otherwise qualify for admission as refugees, may be considered refugees under the INA even though they are still within their country of nationality or habitual residence.

cc: The Attorney General
The Secretary of Health and Human Services

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Eric Schwartz to Busby re: FW: Repatriation of Cuban Rafter in the Bahamas (3 pages)	06/05/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Record (Sept 97-Jan 01) ([Scwhartz and Cuba...])
OA/Box Number: 620000

FOLDER TITLE:

[02/03/1998-07/14/1999]

2011-1039-F
rs1859

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]

Exchange Mail

DATE-TIME 6/11/98 6:05:26 PM
FROM Allen, Charles A.
CLASSIFICATION ~~CONFIDENTIAL~~
CLASSIFICATIONREASON 1.5(d)
DATECLASSIFIEDON 05/22/1998
DECLASSIFYON 05/22/2008
SUBJECT FW: Burden-sharing in Migrant Operations [~~CONFIDENTIAL~~]
TO Busby, Scott W.

CARBON_COPY DeLaurentis, Jeffrey J.
Allen, Charles A.
Baker, James E.
DeRosa, Mary B.
Highsmith, Newell L.
Hill, Roseanne M.
Hunerwadel, Joan S.
Busby, Scott W.
Kale, Dora A.
Malley, Robert
Naplan, Steven J.
Ragan, Richard F.
Schwartz, Eric P.
Williams, Mary C.

TEXT_BODY

Scott, we clear the package proposing that Sandy send the memo to move this process along.

Since this is just a proposal for agency consideration, rather than a policy decision, John Morton is comfortable with the way you characterized the cost sharing between Justice and State. After reaching agreement on approximately 80% of this matter, he agrees that a memo such as this one is necessary to get agencies to focus on remaining differences. He said he can't guarantee smooth sailing in Justice once it is circulated, but we can work on it. He suggests that you call a meeting of the relevant players once everyone has had a chance to review the memo.

The only change is the one Jamie raised and we discussed earlier -- find a way to

DECLASSIFIED

E.O. 13526

White House Guidelines, September 11, 2006

By NY NARA, Date 3/21/16

2011-10397

describe more accurately the Cuban migrants who depart by sea, but not necessarily by boat.

-----Original Message-----

From: Busby,
Scott W.
Sent: Monday, June 01, 1998 11:22 AM
To: DeLaurentis,
Jeffrey J.
Cc: Allen, Charles A.; DeRosa, Mary B.
Subject: RE:
Burden-sharing in Migrant Operations [CONFIDENTIAL]

Jeff, Chuck
(or Mary -- don't know which of you wants to handle now that Mary's back) --

Here is a revised memo based on Jeff's and Jim Dobbins' comments. Would appreciate your clearances by COB tomorrow.

Jeff

-- While I modified references to our Cuban migration policy consistent with your comments, I retained a reference to it in first sentence of second para in Cuba section. I realized that our inability to return Cubans is what makes our Cuban migration distinct from our policy for other nationalities. Otherwise, we could apply expedited removal to Cuban interdictees the same way we say we intend to for other nationalities.

-----Original Message-----

From: DeLaurentis,
Jeffrey J.
Sent: Tuesday, May 26, 1998 7:28 PM
To: Busby, Scott
W.
Cc: Allen, Charles A.
Subject: RE: Burden-sharing in Migrant
Operations [CONFIDENTIAL]

Scott -- sorry for the delay. The actual scheme makes sense to me but the opening sentence of the first two paragraphs under "I. Cubans" is factually inaccurate. We interdict and screen Cuban migrants at sea because of the May 1995 agreement, and because of the Cuban Adjustment Act which enables them to seek asylum upon landing in the U.S. It does not have much to do with

whether we have an agreement with Cuba for Cubans who end up in the U.S. In the second para, we need a migrant facility at Gtmo to hold those for third country re-settlement, or for further processing if INS personnel deem it appropriate after preliminary interviews at sea -- not because we need an agreement permitting the return of Cuban migrants from U.S. soil. Make sense? Can you adjust the language accordingly? Jeff

-----Original Message-----

From: Busby, Scott W.
Sent: Tuesday, May 26, 1998 5:59 PM
To: Allen, Charles A.; DeLaurentis, Jeffrey J.
Cc: @INTERAM - Inter-American; @LEGAL - Legal Advisor
Subject: FW: Burden-sharing in Migrant Operations
[CONFIDENTIAL]

Need your clearances on this one.

-----Original Message-----

From: Busby, Scott W.
Sent: Friday, May 22, 1998 2:06 PM
To: Allen, Charles A.; DeLaurentis, Jeffrey J.
Cc: @LEGAL - Legal Advisor; @INTERAM - Inter-American; Williams, Mary C.
Subject: Burden-sharing in Migrant Operations [CONFIDENTIAL]

Jeff, Chuck --

This memo has been long in the works. Would appreciate your clearances. Justice, Defense, and State have all seen various versions of the memo, offered comments and are ok (we think) with the basic scheme we propose here. Since the memo is a proposal, we anticipate that there will be lots more reactions.

<< File: 5114 BERGER.doc >> << File: 5114 MIGRANT MEMO.doc >>

TRANSLATED_ATTACHMENT

5114 BERGER.doc

May 21, 1998

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Burden-sharing in Migrant Operations

Last year, in response to concerns raised by the Department of Defense, you informally circulated to Secretaries Cohen and Albright a draft memorandum proposing a burden-sharing framework for migrant operations. We received comments from DoD and State and have had extensive discussions on this issue with staff from these agencies as well as the Department of Justice. The attached revised proposal represents our best effort to resolve the competing interests of these agencies.

The critical elements of the proposal are:

- * Justice will assume lead responsibility for managing overseas migrant facilities, including the one at Guantanamo;
- * State will reimburse Justice for the costs associated with maintaining migrants deemed to require protection; and
- * Defense will be responsible for providing infrastructural support and maintaining overall security at these facilities.

All agencies have been consulted on this proposal and we anticipate all will accept or acquiesce in its basic contents.

Concurrence by: Jeff DeLaurentis, Chuck Allen

RECOMMENDATION

That you forward the attached memorandum.

Attachment

Tab I Memorandum on Burden-Sharing in Migrant Operations

2

5114

TRANSLATED_ATTACHMENT 5114 MIGRANT MEMO.doc

MEMORANDUM FOR THE SECRETARY OF STATE
THE ATTORNEY GENERAL
THE SECRETARY OF DEFENSE
THE SECRETARY OF COMMERCE
DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET
CHAIRMAN OF THE JOINT CHIEFS OF STAFF

SUBJECT: Burden-Sharing for Migrant Operations at Guantanamo
and Other Overseas
Facilities (U)

The Secretary of Defense has raised with me his concerns about the burdens borne by the Department of Defense in the funding and management of migrant operations at Guantanamo Bay Naval Base and at other overseas military bases. Although agencies have discussed how to better share these burdens, final agreement on a new arrangement has not yet been achieved. In the interest of moving this process forward, I would like to propose the following burden-sharing scheme regarding migrant operations at Guantanamo and other overseas facilities as they relate to both Cubans and non-Cubans. (U)

1. Cubans

As you know, our current policy requires that we interdict and screen Cuban migrants who depart Cuba by boat. Those migrants who establish a credible fear of persecution or present other issues requiring further investigation are taken to Guantanamo for processing. Defense has established and continues to maintain a facility to house and provide for the everyday needs of these migrants. The Department of Justice, through the Immigration and Naturalization Service, has been responsible for providing the staff and resources to determine whether these migrants require protection. The Department of State has been responsible for facilitating the resettlement of those migrants who are deemed to require protection. (C)

Until we have the ability to repatriate Cubans from U.S. soil, we will continue to need a migrant facility at Guantanamo for a small number of Cubans. We believe that the Department of Justice has the greatest expertise in detaining migrants and thus should have lead responsibility for managing this facility. (This may include contracting with an outside entity.) Justice would bear all incremental costs associated with operating and maintaining such a facility. (C)

Because many of the migrants at the facility have been deemed to meet the international refugee definition and are awaiting resettlement in a third country, we believe that the Department of State, which is ordinarily responsible for assisting and providing protection to overseas refugees, should bear the cost of maintaining these migrants. State will also continue to be responsible for facilitating the resettlement of these individuals in third countries. (C)

We further propose that, because of the terms under which we lease Guantanamo from the Cuban government and its status as a naval base, the

Department of

Defense continue to support the infrastructure on which the facility depends

(e.g., water, electricity, roads, etc.). Given the sensitivity of the U.S. presence at the base, we also believe that the Department of Defense should

continue to be responsible for maintaining the overall security of the facility.

This includes continuation of current arrangements regarding security at the

perimeter of the facility. Defense and Justice will discuss how best to manage

the immediate security of the migrants inside the facility. (C)

2. Non-Cubans

The management and funding of interdicted non-Cuban cases has posed serious

challenges for the interagency process in recent years. The recent enactment of

expedited removal procedures, however, provides us with greater flexibility than

existed previously. As we have done in the past, we should first seek the prompt

return of interdicted migrants to their country of origin or to the flag-state of

the vessels transporting them, with adequate safeguards to ensure against return

of refugees. In the event that these migrants cannot be returned to either such

country, they will ordinarily be brought into the United States for processing

under expedited removal procedures. Nevertheless, before such a decision is

made, consideration should be given to litigation risks, the availability of

detention space and adjudication resources, and the effect of such a decision on

our overall immigration policy. (C)

In cases where the interagency determines that it is not feasible or advisable to

bring the migrants to the United States, it may be necessary to bring them

temporarily to Guantanamo or another overseas facility. Again, because of

Justice's detention expertise and experience, we recommend that Justice be

primarily responsible for establishing and maintaining a facility for such

migrants (through contingency arrangements, if necessary). Justice would also be responsible for conducting any necessary screening of the migrants. As with the proposed Cuban facility, Defense would provide the necessary infrastructure for the operation as well as overall security. State would be charged with facilitating the resettlement of any persons found to require protection and with the repatriation of those migrants found not to require protection. (C)

It is important to note that these proposed arrangements are not intended to apply to mass migrations. In such cases, the Administration will draw upon the resources of various relevant agencies, including the Department of Defense, as the President deems appropriate. (U)

We believe this proposed burden-sharing scheme begins to address, in a manner that is consistent with the mandates of each of your agencies, the concerns that have been raised. We suggest that the interagency meet to define with greater specificity the arrangements described above. We welcome your thoughts and reactions. (U)

Samuel R. Berger
Assistant to the President
for National Security Affairs

3

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL 5114

CONFIDENTIAL

Classified by: Samuel R. Berger

Reason: 1.5 (d)

Declassify On: 07/25/07

Exchange Mail

DATE-TIME 8/3/98 4:05:16 AM
FROM Ford, Robert G.
CLASSIFICATION UNCLASSIFIED
SUBJECT Suspected Cuban Migrant Smuggling [UNCLASSIFIED]
TO

Busby, Scott W.
Davis, Mary K.
Hawley, Leonard R.
Kale, Dora A.
Malley, Robert
Metzl, Jamie F.
Moller, Catherine A.
Naplan, Steven J.
Ragan, Richard F.
Schwartz, Eric P.
Wippman, David
Addonizio, Elizabeth
Armstrong, Fulton T.
Dobbins, James F.
Gallucci, Gerard M.
Kinser-Kidane, Brenda J.
Piccone, Theodore J.
Bayley, Douglas C.
Bresnahan, Gary E.
Broadwick, Bonnie .
Campanella, Anthony
Chastain, George M.
Cosgriff, Kevin J.
Crowder, Stevan D.
Crowell, Thomas R.
Erdahl, Douglas M.
Ford, Robert G.
Glick, Bonnie L.
Harris, Karen
Harrison, Lyle M.
Higgins, David B.
Jansen, Christian P.
Lawrence, Cynthia
McClellan, Christina L.
McGee, Jenny A.
Papadimitriou, Marianna
Payne, Raymond H.
Porterfield Patrick C.
Rogers, Elizabeth B.

Schrader, Joel M.
Sibley, Matthew W.
Sigler, Ralph H.
Smith, James A.
Tarver, J. Sean
Unrue, Michael
Wright, Joseph (Larry)

CARBON_COPY

TEXT_BODY

USCG Command Center Petty Officer Mason informed Sit Room that Cuban Border Guards alerted USCG on 2 August at 2000 EDT to suspected migrant smuggling vessel operating out of Mistanza, Cuba. USCG dispatched Cutter Padre which intercepted suspect migrant vessel running without lights three miles off coast of Key West, FL. Two Cuban Americans and six Cuban migrants, including two children, detained.

Exchange Mail

DATE-TIME 8/14/98 5:26:12 PM
FROM Busby, Scott W.
CLASSIFICATION ~~CONFIDENTIAL~~
CLASSIFICATIONREASON 1.5(d)
DATECLASSIFIEDON 08/14/1998
DECLASSIFYON 08/14/2008
SUBJECT Papal Case rejected for U.S. resettlement [~~CONFIDENTIAL~~]
TO Armstrong, Fulton T.
Dobbins, James F.
CARBON_COPY Schwartz, Eric P.

TEXT_BODY FYI, INS called to let us know that it has decided not to grant refugee status to a Cuban former military man who was released pursuant to Pope's intervention. (He was on the Pope's release list.) While still in military, applicant was involved in an effort to steal a state-owned vessel and escape with a large group. He was convicted of piracy and attempted theft of state property and was sentenced to fifteen years of imprisonment in 1993.

INS in Havana and here has looked at the case closely and determined that the applicant was the victim of legitimate prosecution (albeit with a hefty sentence), not persecution, and thus does not meet the refugee standard. That conclusion is consistent with those reached in numerous other cases where the applicants have stolen vessels or otherwise broken the law to depart Cuba irregularly. (Remember the tugboat cases from a couple of years ago?) INS has also concluded that applicant has not faced persecution since his release. Decision makes sense to me based on what INS told me.

Nevertheless, INS and Kozak wanted us to be aware of the case because of the Papal angle. Let me know if you have thoughts/concerns.

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By ML NARA, Date 3/25/16
2016-1034-7

Exchange Mail

DATE-TIME 3/13/99 10:55:41 AM
FROM Busby, Scott W.
CLASSIFICATION UNCLASSIFIED
SUBJECT End of Hunger Strike at GTMO [UNCLASSIFIED]
TO Davies, Glyn T.
Dejban, Donna D.
Hachigian, Nina L.
Kerrick, Donald L.
Millison, Cathy L.
Moretz, Sheila K.
O'Brien, Penelope R.
Rice, Edward A.
Scott-Perez, Marilyn L.
Storey, Sharon V.
Sutphen, Mona K.

CARBON_COPY Armstrong, Fulton T.
Avery, Dale R.
Denniston, Richard L.
Gallucci, Gerard M.
Miller, Laurel E.
Thompson, Kathleen C.
Bernard, Kenneth W.
Busby, Scott W.
Denniston, Richard L.
Guarnieri, Valerie N.
Hill, Roseanne M.
Kale, Dora A.
Keenan, Josefine (Chris)
Malley, Robert
Naplan, Steven J.
Schwartz, Eric P.
Stromseth, Jane E.
Vaccaro, Jonathan M. (Matt)
Williamson, Joel E.
Wippman, David
Allen, Charles A.

TEXT_BODY Nina -- Please pass to Jim

Jim --

Just learned that Cuban migrants involved in a hunger-strike at GTMO have ended their strike. They did so shortly after receiving a letter from "Agenda Cuba" -- a Cuban NGO based in Miami -- which indicated that the group believes that the USG is committed to obtaining resettlement spots for the Cubans in the near future and that there was no value to continuing the strike.

In fact, State is close to finalizing arrangements for a number of Cuban migrants at GTMO to be resettled in Uruguay. We will continue to urge State to speed up the resettlement process as much as possible to reduce the likelihood that future such incidents might occur.

Scott

Exchange Mail

DATE-TIME 3/23/99 11:59:47 AM
FROM Wippman, David
CLASSIFICATION CONFIDENTIAL
CLASSIFICATIONREASON 1.5(d)
DATECLASSIFIEDON 03/22/1999
DECLASSIFYON 03/22/2009
SUBJECT FW: SRB Request [CONFIDENTIAL]
TO Armstrong, Fulton T.

CARBON_COPY
Armstrong, Fulton T.
Avery, Dale R.
Denniston, Richard L.
Gallucci, Gerard M.
Miller, Laurel E.
Thompson, Kathleen C.
Bernard, Kenneth W.
Busby, Scott W.
Denniston, Richard L.
Guarnieri, Valerie N.
Hill, Roseanne M.
Kale, Dora A.
Keenan, Josefine (Chris)
Malley, Robert
Naplan, Steven J.
Schwartz, Eric P.
Stromseth, Jane E.
Vaccaro, Jonathan M. (Matt)
Wippman, David

TEXT_BODY

Fulton: let's discuss this. Scott is away until Monday, but perhaps we can start pulling a group together to meet when he returns.

-----Original
Message-----

From: Sutphen, Mona K.
Sent: Monday, March 22, 1999
5:42 PM

To: @MULTILAT - Multilateral and Humanitarian Affairs;
@INTERAM - Inter-American
Cc: @LEGAL - Legal Advisor; Hachigian,

DECLASSIFIED
E.O. 13526

White House Guidelines, September 11, 2006

By MM NARA, Date 3/24/16

2011-1036-F

Nina L.

Subject: SRB Request [~~CONFIDENTIAL~~]

Fulton/Scott -

Sandy

penned a short note to you that says: "AG concerned about increased migration/alien smuggling from Haiti/Cuba. Could you pull a group together (including Justice) to discuss and make recommendations?"

Thanks.

Mona

Exchange Mail

DATE-TIME 4/22/99 12:34:52 PM
FROM Busby, Scott W.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Urgent - Refugee decision need more guidance
[UNCLASSIFIED]

TO Hammer, Michael A.
Armstrong, Fulton T.
Avery, Dale R.
Denniston, Richard L.
Gallucci, Gerard M.
Miller, Laurel E.
Thompson, Kathleen C.
Bernard, Kenneth W.
Busby, Scott W.
Denniston, Richard L.
Guarnieri, Valerie N.
Hill, Roseanne M.
Kale, Dora A.
Keenan, Josefine (Chris)
Malley, Robert
Naplan, Steven J.
Schwartz, Eric P.
Stromseth, Jane E.
Vaccaro, Jonathan M. (Matt)
Wippman, David

CARBON_COPY Bobbitt, Philip C.
Crowley, Philip J.
Gobush, Matthew N.
Gray, Wendy E.
Greenberg, Brenda L.
Hammer, Michael A.
Jones, Brian E.
Leavy, David C.
Wozniak, Natalie S.

TEXT_BODY Mike --

Just seeing now your request for further info (I've been on the Hill). I've tried to beef up description of what we're planning. Tell me what more you need.

-----Original Message-----

From: Hammer,
Michael A.

Sent: Thursday, April 22, 1999 10:31 AM

To: @INTERAM

- Inter-American; @MULTILAT - Multilateral and Humanitarian
Affairs

Cc: @PRESS

- Public Affairs

Subject: Urgent - Refugee decision need more guidance

[UNCLASSIFIED]

Importance: High

We need as much detail as you
have by 11:30 at the latest. Lockhart was pounded with question
about this this morning and he briefs at 1pm. Even if we do not
have final answers, give interim ones. Much thanks.

TRANSLATED_ATTACHMENT

Press guidance on Kosovar refugees coming in.doc
Bringing Kosovars to the United States
April 22, 1999

What will be the nature of the program under which you bring
Kosovars to the
U.S.?

With the assistance of UNHCR, the International Organization for
Migration (IOM)
and U.S. nongovernmental organizations, we will begin the process of
identifying
Kosovar refugees in Macedonia who have family members in the
United States or are
in vulnerable circumstances. We will be interviewing those people
under our
refugee standard and then those deemed eligible - and we anticipate
that most
will be - will be brought to the United States.

We are in the process of identifying the site at which we would carry
out this
processing. We are discussing it with governments in the region. If
that
shouldn't work, we may use a facility in the U.S.

These people will be brought to the U.S. as refugees. This is
effectively legal
equivalent of a person who has been granted asylum in the U.S.

They will be eligible for basic social benefits and services as is the case with other refugees who we bring here.

The Department of State, the Immigration and Naturalization Service and the Department of Health and Human Services will all play important roles in this program.

Will these people ever go home if they are admitted as refugees?

As you know, we are strongly committed to creating conditions in Kosovo that will permit these people to go home. The choice will be theirs.

Does this mean that you will not bring Kosovars to Guantanamo?

We will not be bringing Kosovars to Guantanamo at this time. They will be brought to the continental United States.

Why did you change your mind about Guantanamo? Was it because of pressure from advocacy groups?

We believe that permitting refugees to be with loved ones here in the U.S. is the most humanitarian way of handling this situation. These people have been severely traumatized and we do not think that transporting them to GTMO makes most sense.

In addition, the decision to use GTMO was made at the beginning of the huge refugee outflows from Kosovo when we felt we might need to move a large group of people on a very urgent basis. At that time, we did not believe there would be time for any processing before relocating them from the region. Although the situation is still one of urgency, we now believe that we have time to permit a more orderly process.

Why do you bring in Kosovars directly as refugees to the United States but not Cubans or Haitians?

First, we have brought substantial numbers of both Cubans and Haitians to the U.S. after they have been determined to be refugees. And we continue to do so for Cubans who qualify for refugee status under our in-country program. We will be screening Kosovars in the same way we did Haitians and continue to do Cubans.

But why don't you bring in those Cubans who are currently at Guantanamo and have been determined to require protection?

Our Cuban migration program is aimed at ensuring a safe and orderly migration flow from Cuba to the United States. Bringing Cubans to the U.S. directly from Guantanamo is inconsistent with that goal.

It is also true that the migration flows from Cuba and Haiti are a mix of people - some with political problems, but others fleeing for mostly economic reasons. Our migration policies are aimed at sorting out the refugees from the economic migrants.

In the case of the Kosovar Albanians, it's clear that virtually all of these people have fled some of the most brutal and pervasive persecution we have seen since World War II. At present, all would appear to have prima facie refugee claims under international law. It's not the same sort of mixed flow as it is with Haitians and Cubans.

Isn't this new effort inconsistent with the President's statements that he thinks our first priority is to provide protection for people in the region?

We will continue to prioritize providing protection in the region for Kosovar refugees. This priority is reflected in our decision to build refugee facilities in Albania that can hold up to 20,000 refugees. We also want to help build up the infrastructure in Albania so it can support the huge number of refugees there.

At the same time, as acknowledged by UNHCR, Macedonia can no longer sustain the numbers of refugees on its territory. It is destabilizing to that country. We believe it important that we participate in that effort.

What is the refugee standard?

A refugee is someone who has been persecuted or has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion. This standard is consistent with the international standard used by UNHCR.

What does it mean to be in vulnerable circumstances?

In certain cases, persons have difficulty remaining in refugee camps for health or other reasons. As a general matter, UNHCR recommends that these people be relocated from refugee camps and we will work with UNHCR to achieve that goal in this context.

When will this program begin and how quickly will it go?

We will be sending people from the State Department and INS as quickly as possible to evaluate the needs and begin setting up the process. We hope to move people as quickly as possible. At the same time, we will focus our efforts on those people who have family ties in the U.S. or who otherwise are in vulnerable circumstances. The speed of the effort will depend on our ability to identify such cases.

Why refugees in Macedonia, why not refugees who are now in Albania?

We are beginning our efforts in Macedonia because we feel we need to help relieve the strain there first. The political situation there is fragile. UNHCR has also focused its evacuation efforts exclusively on Macedonia. We will work closely with UNHCR in this effort.

Does this mean that you won't resettle refugees in Albania?

We will not initially focus our evacuation efforts on persons in Albania. Like UNHCR, we feel the greater need right now is in Macedonia. Nevertheless, we will continue to review the situation of refugees in Albania as it evolves.

We are also building camps in Albania that will accommodate up to 20,000 refugees in that country. This is consistent with our commitment to preserving asylum in the region as much as we can.

Doesn't bringing Kosovar Albanians to the U.S. complete Milovescic's ethnic cleansing plan?

The fact that we are now bringing Kosovars to the United States in no way diminishes our commitment to creating conditions in Kosovo that permit these people to return. We will remain steadfast in our efforts to restore peace in Kosovo, to bring an end to the horrible ethnic cleansing that is now taking place there, and to ensure conditions that will permit return.

Bringing people here to receive refuge does not prevent them from going home. We will provide maximum opportunities for people to return, including counseling, transport, etc.

Where will they go when they get in the United States?

Don't know right now, still working on the details of this program. Because we are bringing people out of the region so quickly, we may need to do more processing of their cases. Our first choice is to do this in the region. But if this is not possible, we do it at a military facility in the U.S.

How will people receive support once they get here? Will they be eligible for social or other benefits?

Yes, we have a well-developed program for refugees that will permit these people to receive benefits once they are here.

We will also be working closely with private voluntary organizations (PVOs) to carry out this program.

Will these people be eligible to apply for asylum when they get to the U.S.?

They won't need to apply for asylum because we will be admitting them as refugees. This is effectively the legal equivalent of their being granted asylum. They will eventually be able to become permanent residents if they so choose, but our intention is make it possible for them to go home.

How can I help with supporting one of these refugees?

Call 1-800-USAID-RELIEF for more information.

Exchange Mail

DATE-TIME 6/30/99 10:12:42 AM
FROM Armstrong, Fulton T. (INTERAM)
CLASSIFICATION UNCLASSIFIED
SUBJECT Guidance on Cuba-Miami Migration Interdiction Incident
[UNCLASSIFIED]

TO Crowley, Philip J. (PRESS)
Gobush, Matthew N. (PRESS)
Hammer, Michael A. (PRESS)
Huff, Lindsey E. (PRESS)
Leavy, David C. (PRESS)
Sanborn, Daniel W. (Press)
Wozniak, Natalie S. (PRESS)

CARBON_COPY Bernard, Kenneth W. (HEALTH)
Busby, Scott W. (MULTI)
Guarnieri, Valerie N. (MULTILAT)
Hill, Roseanne M. (MULTI)
Jones, Brian E. (MULTI/INTERN)
Kale, Dora A. (MULTI)
Keenan, Josefine (Chris) (HEALTH)
Malley, Robert (NESA)
Naplan, Steven J. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)
Armstrong, Fulton T. (INTERAM)
Avery, Dale R. (INTERAM)
Rice, Lillian E. (INTERAM/INTERN)

TEXT_BODY Cleared with Multilat, State and Coast Guard

TRANSLATED_ATTACHMENT

CUBA5.doc
CUBA: MIGRANT INCIDENT IN MIAMI
June 30, 1999

CONTEXT: Coast Guard's interdiction of six illegal migrants from
Cuba yesterday
- shown live on Miami television - sparked large demonstrations of

condemnation
of U.S. migration policy and Coast Guard's handling of the incident.
Much of the
reaction focused on the use of water hoses and pepper spray to prevent
the
migrants from reaching shore. (Policy of repatriating Cubans - in
place since
1995 - does not apply when migrants set foot on land.). Two migrants
made it to
the beach, and the remaining four were brought in later in conjunction
with an
investigation into the incident. Coast Guard is investigating its actions
(the
use of pepper spray is not usual approved practice), and law
enforcement agencies
are investigating the likelihood that the migrants - who arrived in
great
condition aboard a small unmotorized skiff - had been brought into
U.S. waters by
alien-smugglers.

Any comments on interdiction incident at Miami Beach?

* Coast Guard interdicted a small boat with six Cuban migrants
paddling ashore.

Two of them made it ashore, and other four were later admitted into
U.S. in
conjunction with investigation of incident.

* Coast Guard's interdiction of the boat was consistent with
longstanding U.S.

policy of preventing dangerous, illegal migration. USG is committed
to safe,

legal and orderly migration. U.S. Interests Section in Havana
processes 20,000

visas a year.

* Coast Guard - which has strong record of aiding tens of thousands
of Cubans and

others at sea - is investigating its actions as it does any time that any
level

of force is used. The use of the fire hoses, pepper spray, and other
circumstances will be investigated immediately.

* Unfortunately, migrants have been increasingly aggressive and, as
in this case,

resisted interdiction. In recent incidents, migrants threatened Coast
Guard with

machetes and threatened to throw children overboard if interdicted.

* Law enforcement agencies are also investigating conditions under
which the

migrants arrived in U.S. waters. Has all the markings of an alien-
smuggling

case.

* Refer you to Coast Guard and INS for details.

Does decision to allow the four who were successfully interdicted to enter the

United States signal a policy shift?

* No. We remain strongly committed to preventing illegal migration. Alien-smuggling is a dangerous, illegal business that exploits human tragedy.

USG is increasing efforts to interdict, investigate and prosecute smugglers.

* As on rare occasions in the past, the four individuals were allowed to enter

the United States in conjunction with the investigations into this incident.

* Refer to law enforcement agencies for additional information.

Why are Cubans who reach land treated differently from Cubans who are interdicted at sea?

* Cubans who reach land fall within the terms of the Immigration and Nationality

Act and require lengthy processing. The current U.S.-Cuban migration accords do

not cover the return of such individuals to Cuba.

* The INA does not apply to persons interdicted at sea, although we do screen

such individuals to ensure that Cubans with credible claims of persecution are not returned.

Exchange Mail

DATE-TIME 7/2/99 10:47:43 AM

FROM Lackey, Miles M. (LEGIS)

CLASSIFICATION UNCLASSIFIED

SUBJECT RE: Cuban Migrant Incident in Miami 29 June [UNCLASSIFIED]

TO Peterman, David (Brian) (DEFENSE)
Burrell, Christina L. (LEGIS)
Lackey, Miles M. (LEGIS)
Shapiro, Daniel B. (LEGIS)
Tavlarides, Mark J. (LEGIS)
Williams, Mary C. (ADMIN)

CARBON_COPY Andreasen, Steven P. (DEFENSE)
Bell, Robert G. (DEFENSE)
Bouchard, Joseph F. (DEFENSE)
Brackman, Stella S. (DEFENSE)
Kelly, Sandra L. (DEFENSE)
McCausland, Jeffrey D. (DEFENSE)
Mulligan, George D. (DEFENSE)
Peterman, David (Brian) (DEFENSE)
Pimentel, Betsy J. (DEFENSE)
vonLipsey, Roderick K. (DEFENSE)
Wasserman, Elaine P. (DEFENSE)
Armstrong, Fulton T. (INTERAM)
Avery, Dale R. (INTERAM)
Rice, Lillian E. (INTERAM/INTERN)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)
Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
Williams, Mary C. (ADMIN)
Bernard, Kenneth W. (HEALTH)
Busby, Scott W. (MULTI)
Guarnieri, Valerie N. (MULTILAT)
Hill, Roseanne M. (MULTI)
Jones, Brian E. (MULTI/INTERN)
Kale, Dora A. (MULTI)
Keenan, Josefine (Chris) (HEALTH)
Malley, Robert (NESA)
Naplan, Steven J. (MULTI)
Schwartz, Eric P. (MULTI)

Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)
Crocker, Bathsheba N.
Davies, Glyn T. (EXSEC)
Dejban, Donna D. (NSA)
Hachigian, Nina L. (NSA)
Kerrick, Donald L. (NSA)
Millison, Cathy L. (EXSEC)
Mitchell, Rebecca (Julie) J. (NSA)
Moretz, Sheila K. (NSA)
Rudman, Mara E. (CNSLR)
Sargeant, Stephen T. (EXSEC)
Scott-Perez, Marilyn L. (NSA)
Storey, Sharon V. (NSA)
Sutphen, Mona K. (NSA)
Crowley, Philip J. (PRESS)
Gobush, Matthew N. (PRESS)
Hammer, Michael A. (PRESS)
Huff, Lindsey E. (PRESS)
Leavy, David C. (PRESS)
Sanborn, Daniel W. (Press)
Wozniak, Natalie S. (PRESS)
Benjamin, Daniel (TNT)
Clarke, Richard A. (TNT)
Gordon-Hagerty, Lisa E. (TNT)
Green, Charles A. (TNT)
Hunker, Jeffrey A. (TNT)
Kranick, Paul P. (TNT/INTERN)
Liebersson, Donna P. (TNT)
Meyer, Carl J. (TNT/INTERN)
Montgomery, Mark C. (TNT)
Noss, Heather L. (TNT/INTERN)
Robinson, Jack A. (TNT)
Rosa, Frederick M. (TNT)
Roundtree, Beverly (TNT)
Simon, Steven N. (TNT)
Wechsler, William F. (TNT)
Babbitt, James F. (VP)
Black, Steven K. (VP)
Bolan, Christopher J. (VP)
Boulton, Darrien D. (VP)
Brody, Richard J. (VP)
Davidson, Leslie K. (VP)
Fuerth, Leon S. (VP)
Hilty, Joanne M. (VP)
Orfini, Michael H. (VP)
Osius, Theodore G. (VP)
Roberts, Michael W. (VP)
Saunders, Richard M. (VP)
Woolston, Ann E. (VP)

TEXT_BODY

Thanks

I talked to Diaz-Balart's staff several times about it -- this will be very helpful.

-----Original Message-----

From: Peterman,

David (Brian) (DEFENSE)

Sent: Thursday, July 01, 1999 6:27 PM

To: @LEGISLAT

- Legislative Affairs

Cc: @DEFENSE - Defense Policy; @INTERAM -

Inter-American; @LEGAL - Legal Advisor; @MULTILAT - Multilateral

and Humanitarian Affairs; @NSA - Natl Security Advisor; @PRESS -

Public Affairs; @TRANSNATIONAL - Transnational Threats; @VP - VP

Natl Security Affairs

Subject: Cuban Migrant Incident in Miami 29

June [UNCLASSIFIED]

Miles- Congresswoman Ros-Lehtinen sent identical letters to POTUS and VPOTUS on June 29th protesting the Coast Guard's tactics in interdicting six Cuban immigrants off the coast of Miami and calling for a comprehensive investigation into the matter. This e-mail is intended to provide you with background information on this incident in case there is additional Congressional inquiries.

Background:

Cuban immigrants that make it to land in the U.S. are not returned to Cuba. The Cuban Adjustment Act allows these immigrants to quickly gain residency status and work permits. This has moved the barrier preventing Cuban illegal immigration into the U.S. out to sea. Pursuant to existing U.S. law and policy, Cuban immigrants interdicted at sea are only brought into the U.S. in exigent circumstances.

On

Tuesday, June 29th, six Cuban immigrants in a row-boat sized craft were spotted off of Miami beach. When the Cuban boat was approached by the Coast Guard, the Cubans resisted interdiction knowing that if they made it to the nearby beach, they would be allowed to stay in the U.S. The Coast Guard law enforcement officers were following a strict policy to interdict these immigrants before they made it to the beach. News videotape shows the Coast Guard boat shooting water from a fire monitor in an effort to stop the boat. Eventually, all six Cubans ended up in the water. Another piece of video shows a Coast Guard person shooting pepper spray from the boat into the face of a Cuban immigrant in the water. The incident ended with two Cubans making it to the beach and being apprehended by local authorities. Four Cubans were taken into custody by the Coast Guard

and held at sea. That night, through the PD-27 process, it was decided to bring the remaining four Cubans into the U.S.

This incident was well covered and reported by the press, both locally and nationally. On Tuesday evening, demonstrators marched to Coast Guard Base Miami to protest the Coast Guard's treatment of the immigrants.

Coast Guard Action: Coast Guard Commandant Admiral Jim Loy has ordered a full investigation to determine if Coast Guard actions in this incident were appropriate. He called Reps. Ros-Lehtinen, Diaz-Balart, Menendez and Sen. Helms to promise a full and complete investigation. The State Cuba desk officer and Admiral Stillman (CG Assistant Commandant for Governmental and Public Affairs) also briefed eight members of the HIRC on the incident. All seemed to be satisfied with the Coast Guard's course of action and will await the outcome of the Coast Guard's investigation.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. email	Busby to Schwartz re: FW: Corrected: Cuba-Haiti Migration (3 pages)	07/13/1999	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Record (Sept 97-Jan 01) ([Scwhartz and Cuba...])
OA/Box Number: 620000

FOLDER TITLE:

[02/03/1998-07/14/1999]

2011-1039-F
rs1859

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]

Exchange Mail

DATE-TIME 7/13/99 10:28:41 AM
FROM Busby, Scott W. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT Cuban migration Q &As [UNCLASSIFIED]
TO Crowley, Philip J. (PRESS)
Gobush, Matthew N. (PRESS)
Hammer, Michael A. (PRESS)
Huff, Lindsey E. (PRESS)
Leavy, David C. (PRESS)
Sanborn, Daniel W. (Press)
Wozniak, Natalie S. (PRESS)
Leavy, David C. (PRESS)

CARBON_COPY

Armstrong, Fulton T. (INTERAM)
Avery, Dale R. (INTERAM)
Rice, Lillian E. (INTERAM/INTERN)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)
Bernard, Kenneth W. (HEALTH)
Busby, Scott W. (MULTI)
Guarnieri, Valerie N. (MULTILAT)
Hill, Roseanne M. (MULTI)
Jones, Brian E. (MULTI/INTERN)
Kale, Dora A. (MULTI)
Keenan, Josefine (Chris) (HEALTH)
Malley, Robert (NESA)
Naplan, Steven J. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)
Bernard, Kenneth W. (HEALTH)
Busby, Scott W. (MULTI)
Guarnieri, Valerie N. (MULTILAT)
Hill, Roseanne M. (MULTI)
Jones, Brian E. (MULTI/INTERN)
Kale, Dora A. (MULTI)
Keenan, Josefine (Chris) (HEALTH)
Malley, Robert (NESA)
Naplan, Steven J. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)
Rosa, Frederick M. (TNT)

Peterman, David (Brian) (DEFENSE)

TEXT_BODY

david -- per your request. For POTUS trip.

TRANSLATED_ATTACHMENT

Cuban migration2 temp__.doc

Cuban Migration

July 13, 1999

Background: In response to the mass migration of some 30,000 Cuban rafters in the summer of 1994, we ended our longstanding policy of automatically allowing Cubans entry into the United States and began interdicting them and taking them to Guantanamo Bay Naval Base. We negotiated two migration agreements with the Cuban government, which were aimed at discouraging unsafe boat departures and increasing possibilities for legal migration. The Cuban government provided reassurances that it would not take action against repatriated migrants, while we committed to providing visas to 20,000 Cubans each year. In May 1995, the Attorney General announced that we would continue to interdict Cuban illegal migrants and return them directly to Cuba unless they had a credible fear of persecution upon their return.

Both sides have generally fulfilled the commitments in the accords, and our repatriation policy has been essential to deterring mass migration from Cuba. Nevertheless, a surge in alien-smuggling and violence by illegal Cuban migrants in recent weeks poses new challenges to our policy of keeping migration in safe, orderly and legal channels. Several incidents are threatening to "magnetize" U.S. shores anew and have stirred criticism of our policy in Miami:

-- On June 29, after a nationally televised confrontation with the Coast Guard on a Miami beach, six Cuban migrants were allowed to enter the United States. There were large Cuban-American protests of the incident, especially the

Coast Guard's use of pepper spray against the migrants. Making things worse, Border Patrol agents later allegedly subjected the migrants to verbal abuse and forced them to pose with a picture of Fidel Castro. Both Coast Guard and the Department of Justice are investigating each incident.

-- This past weekend, a migrant perished after the boat she and 11 others were riding resisted Coast Guard interdiction, struck the cutter, and capsized. The survivors have been taken to Guantanamo to give us time to investigate the incident.

-- Yesterday, 15 migrants in a sailboat refused to comply with a Coast Guard order, doused their boat with gasoline and threatened to light it on fire if the Coast Guard tried to stop them. The Coast Guard was able to coax the migrants off their vessel. The media again covered the incident live.

It is critical that we reaffirm our commitment to enforce our immigration laws and to comply with the terms of the U.S.-Cuban migration accords. Any perception that we have loosened our policy could cause thousands more Cubans to take to the sea.

What is your reaction to recent incidents involving Cuban migrants interdicted at sea?

* My heart goes out to Cuban people. Lack basic human rights, and failed economy forces many to live in squalor. Growing number trying to enter U.S. illegally.

* Deaths at sea -- two in just the past two weeks -- underscore danger. Alien-smuggling -- unscrupulous exploitation of human misery -- is on the rise.

* Concerned at the increased use of violence by some of these migrants against our law enforcement personnel. Threats to harm themselves and other migrants

also unacceptable.

- * Have taken concrete steps over past 18 months to reach out to Cuban people on the island -- to help relieve plight caused by Castro regime's failed policies and to help prepare for democratic future.

What is U.S. policy towards Cuban migration?

- * Mass, disorderly migration is harmful to all, as shown by the recent incidents.

- * Our policy is to channel migration into safe, orderly, legal channels and discourage irregular departures by boat. Have programs that provide visas to 20,000. Will continue to vigorously enforce U.S. immigration laws.

Are you reviewing U.S. migration policy toward Cubans in light of recent incidents?

- * No, our objective as always is to deter unsafe and disorderly departure of people by boat and to promote safe migration through existing migration programs in Cuba.

- * We are committed to protecting our borders and will not tolerate the use of violence in efforts to circumvent our laws.

- * I have asked all relevant agencies to do everything we can to discourage unsafe boat departures and promote legal migration from Cuba.

What about the allegations against the Coast Guard and INS regarding the June 29 interdiction of six migrants?

- * Both Coast Guard and the Department of Justice have initiated investigations into the incidents of June 29. While we are committed to enforcing the law, we also intend to show full respect for the dignity and rights of any migrants we apprehend.

- * We deplore inappropriate behavior by U.S. officials and all

appropriate disciplinary action will be taken against those who engage in such behavior.

Do you support the Coast Guard's use of force in interdicting migrants at sea?

* The Coast Guard is entitled to use reasonable force when necessary in enforcing our immigration laws and will continue to do so.

* At the same time, in the wake of the June 29 incident, the Coast Guard has decided to limit the use of pepper spray to only those incidents in which an officer's safety is threatened.

What about the current "wet foot, dry foot" policy? Does it really make sense to permit anyone who reaches shore to stay, and to return those who don't?

* Our current agreements with the Cuban government and U.S. law permit us to return expeditiously only persons who are picked up at sea. Thus, persons picked up at sea undergo a special procedure to ensure that if they have a right to be in the United States or if they have a credible fear of persecution in Cuba, they are not returned.

* Once a Cuban reaches U.S. soil, U.S. immigration law determines the procedures by which a Cuban's case is processed.

Exchange Mail

DATE-TIME 7/14/99 12:01:47 PM

FROM Rudman, Mara E. (CNSLR)

CLASSIFICATION UNCLASSIFIED

SUBJECT Additional point for call to CG Admiral Loy [UNCLASSIFIED]

TO Sutphen, Mona K. (NSA)
Crocker, Bathsheba N. (NSA)
Davies, Glyn T. (EXSEC)
Dejban, Donna D. (NSA)
Hachigian, Nina L. (NSA)
Kerrick, Donald L. (NSA)
Millison, Cathy L. (EXSEC)
Mitchell, Rebecca (Julie) J. (NSA)
Moretz, Sheila K. (NSA)
Rudman, Mara E. (CNSLR)
Sargeant, Stephen T. (EXSEC)
Scott-Perez, Marilyn L. (NSA)
Storey, Sharon V. (NSA)
Sutphen, Mona K. (NSA)

CARBON_COPY Gray, Wendy E. (SPCHW/CNSLR)
Rudman, Mara E. (CNSLR)
Busby, Scott W. (MULTI)
Schwartz, Eric P. (MULTI)
Armstrong, Fulton T. (INTERAM)

TEXT_BODY RE: SRB call to Admiral Loy and broader follow up

Sandy--

Following
up on your request re: next steps on Cuba migration issue -- Fulton
is drafting a memo now that should spells out the situation clearly.
(He's coordinating with me and Eric/Scott at @MULTI.) I also will
have a follow up conversation with Karen T -- who was part of the
discussion with POTUS on next steps -- to let her know what already
is occurring and get her sense of what (if anything) needs to be
done beyond the public affairs strategy "tightening" already occurring
and which Fulton's memo will describe.

On the immediate front
-- we continue to think it very valuable for you to call Admiral
Loy, using the points that Eric and Fulton sent in earlier. We recommend

you add one additional point, on the public affairs side, as follows:

* Know

you've been talking to Wendy Sherman and others about tightening up some our public affairs strategy down there. Please feel free at any point to let me know what I can do to help you out on it.

Exchange Mail

DATE-TIME 7/14/99 6:38:09 PM

FROM Rosa, Frederick M. (TNT)

CLASSIFICATION ~~CONFIDENTIAL~~

CLASSIFICATIONREASON 1.5(a)(d)

DATECLASSIFIEDON 07/14/1999

DECLASSIFYON 07/14/2009

SUBJECT FW: Cuba memo -- clearance [~~CONFIDENTIAL~~]

TO Armstrong, Fulton T. (INTERAM)

CARBON_COPY Peterman, David (Brian) (DEFENSE)
Busby, Scott W. (MULTI)

TEXT_BODY Fulton: I'm inclined to clear officially, but would first like to see the memo -- below is the only the SRB transmittal unless I'm missing something... Thanx, Fred

-----Original Message-----
From: Armstrong, Fulton T. (INTERAM)
Sent: Wednesday, July 14, 1999 5:56 PM
To: Rosa, Frederick M. (TNT); Peterman, David (Brian) (DEFENSE)
Subject: Cuba memo -- clearance [~~CONFIDENTIAL~~]
Importance: High

Brian, Fred:
Lemme know asap if you want to be officially clearing. --Fulton

TRANSLATED_ATTACHMENT 5382 srb.doc

July 14, 1999

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

DECLASSIFIED

E.O. 13526

White House Guidelines, September 11, 2006

By W NARA, Date 3/28/16

211-132-1

THROUGH: ERIC SCHWARTZ/ARTURO VALENZUELA

FROM: SCOTT BUSBY/FULTON ARMSTRONG

SUBJECT: Cuba Illegal Migration Incidents

At Tab A is the Memorandum for the President that you requested regarding the recent Cuba illegal migration incidents and USG followup actions.

Concurrence by: Brian Peterman; Fred Rosa

RECOMMENDATION

That you forward the Memorandum for the President.

Attachment

Tab A Memorandum for the President

1

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~ 5382

~~CONFIDENTIAL~~

Reason: 1.5 b,d

Declassify On: 07/14/09

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. email	Frederick Rosa to Busby and Fulton Armstrong re: FW: Corrected-Cuba Memo (6 pages)	07/14/1999	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Record (Sept 97-Jan 01) ([Scwhartz and Cuba...])
OA/Box Number: 620000

FOLDER TITLE:

[02/03/1998-07/14/1999]

2011-1039-F
rs1859

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]