

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Scott Busby to Dora Kale re: FW: Please Clear: Cuban Migration Memo to POTUS (5 pages)	11/19/1999	P1/b(1)
002. email	Busby to Eric Schwartz re: FW: PLS CLR: Update for POTUS on Cuban Boy and Cuban Migration (4 pages)	12/13/1999	P1/b(1)
003. email	Michael Orfini to Richard Saunders re: FW: Double Red Dot Pckg 9026 Cuban Boy Update... (8 pages)	12/16/1999	P1/b(1)

COLLECTION:

Clinton Presidential Records
 NSC Emails
 Exchange-Non-Record (Sept 97-Jan 01) ([Scwhartz and Cuba...])
 OA/Box Number: 630000

FOLDER TITLE:

[08/06/1999-02/14/2000]

2011-1039-F

rs1865

RESTRICTION CODES

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

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

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

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.

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 8/6/99 8:16:24 AM

FROM Armstrong, Fulton T. (INTERAM)

CLASSIFICATION UNCLASSIFIED

SUBJECT FW: Package 5643: Letter on Cuban migration policy [UNCLASSIFIED]

TO Busby, Scott W. (MULTI)
Peterman, David (Brian) (DEFENSE)
Rosa, Frederick M. (TNT)

CARBON_COPY

TEXT_BODY Scott: On memo to POTUS ... I think we need to put Capuano's allegations into context. Pls see suggested changes. --Fulton

-----Original
Message-----
From: Busby, Scott W. (MULTI)
Sent: Thursday, August
05, 1999 8:41 PM
To: Armstrong, Fulton T. (INTERAM); Peterman,
David (Brian) (DEFENSE); Rosa, Frederick M. (TNT)
Cc: @MULTILAT
- Multilateral and Humanitarian Affairs; @INTERAM - Inter-
American;
@DEFENSE - Defense Policy; @TRANSNATIONAL -
Transnational Threats
Subject: Package
5643: Letter on Cuban migration policy [UNCLASSIFIED]

Gents --
Appreciate your quick clearances on the attached. I cribbed heavily
from the response Brian did to Ros-Lehtinen.

TRANSLATED_ATTACHMENT

5643 BERGER memo.doc

August 6, 1999

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Cuban Migration Policy

Attached is a memorandum to the President and a response to congressional correspondence on the above subject.

Concurrence by: Fulton Armstrong, Brian Peterman, Fred Rosa

RECOMMENDATION

That you sign the attached memorandum.

Attachments

Tab I Memorandum to the President

Tab A Proposed Response

Tab B Incoming Correspondence

1

5643

TRANSLATED_ATTACHMENT 5643 POTUS memo.doc

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER
LARRY STEIN

SUBJECT: Cuban migration policy

Purpose

Respond to a letter from Representative Michael Capuano.

Background

Representative Capuano wrote to voice his concern about the Coast Guard's June 29th interdiction of six migrants off the coast of Florida and the increase in violent incidents in our Cuban interdiction program. He argues that the problem stems from our "wet foot/dry foot" policy and urges you to reevaluate our 1995 migration accord with Cuba. Our view is that the migration accord is generally working well, and that the increase in violence is due to the increased role of organized crime in alien-smuggling and the misperception among migrants that confrontation will increase their chances for admission into the United States.

Your response cites the excellent record of the Coast Guard and indicates that it is investigating the events of June 29th. You also defend our current Cuban migration policy but note that, in light of the recent rise in alien smuggling and violence, you have asked agencies to look at ways of improving implementation of that policy.

RECOMMENDATION

That you sign the attached letter.

Attachments

Tab A Proposed Response

Tab B Incoming Correspondence

2

5643

cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT 5643 Capuano letter.doc

Dear Michael:

Thank you for your letter regarding our Cuban migration policy.

I understand your concerns regarding the June 29th incident off the coast of Florida. The images of those events, I believe, belie the Coast Guard's excellent record of protecting the lives and safety of all people at sea, while effectively enforcing U.S. immigration laws and policies. To maintain that record, the Coast Guard routinely reviews the actions of its personnel to ensure compliance with current law and procedures. Immediately after learning of the June 29th incident, the Commandant of the Coast Guard, Admiral Jim Loy, directed a full investigation of those events. The report is forthcoming and I will ask the Coast Guard to share it with you.

As to our overall Cuban migration policy, I believe that the accords of 1994 and 1995 are working. In the summer of 1994, thousands of Cubans took to the high seas, at great risk to themselves and to those who rescued them. Since the implementation of our current policy in May 1995, the number of Cuban migrants who have resorted to unsafe boat departures is significantly lower than it was in prior years. [CHECK] Nevertheless, the recent rise in alien smuggling and violent incidents at sea concerns me, and I have asked the relevant agencies to look at ways of improving the current policy.

Again, thank you sharing your views with me on this issue.

Sincerely,

The Honorable Michael Capuano
House of Representatives
Washington, D.C. 20515

Exchange Mail

DATE-TIME 8/6/99 2:45:21 PM
FROM Rosa, Frederick M. (TNT)
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Package 5643: Letter on Cuban migration policy
[UNCLASSIFIED]

TO 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)
McClean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)

CARBON_COPY 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)
Peterman, David (Brian) (DEFENSE)
Armstrong, Fulton T. (INTERAM)

TEXT_BODY Scott: Clear for TNT... Thanks, Fred

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

From: Armstrong,
Fulton T. (INTERAM)
Sent: Friday, August 06, 1999 8:16 AM
To: Busby,

Scott W. (MULTI); Peterman, David (Brian) (DEFENSE); Rosa, Frederick M. (TNT)
Subject: FW: Package 5643: Letter on Cuban migration policy [UNCLASSIFIED]

Scott: On memo to POTUS ... I think we need to put Capuano's allegations into context. Pls see suggested changes.
--Fulton

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

From: Busby, Scott W. (MULTI)

Sent: Thursday, August 05, 1999 8:41 PM

To: Armstrong, Fulton

T. (INTERAM); Peterman, David (Brian) (DEFENSE); Rosa, Frederick M. (TNT)

Cc: @MULTILAT - Multilateral and Humanitarian Affairs;
@INTERAM - Inter-American; @DEFENSE - Defense Policy;
@TRANSNATIONAL
- Transnational Threats

Subject: Package 5643: Letter on Cuban migration policy [UNCLASSIFIED]

Gents -- Appreciate your quick clearances on the attached. I cribbed heavily from the response Brian did to Ros-Lehtinen.

TRANSLATED_ATTACHMENT 5643 BERGER memo.doc

August 6, 1999

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Cuban Migration Policy

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Concurrence by: Fulton Armstrong, Brian Peterman, Fred Rosa

RECOMMENDATION

That you sign the attached memorandum.

Attachments

Tab I Memorandum to the President

Tab A Proposed Response

Tab B Incoming Correspondence

1

5643

TRANSLATED_ATTACHMENT 5643 POTUS memo.doc

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER

LARRY STEIN

SUBJECT: Cuban migration policy

Purpose

Respond to a letter from Representative Michael Capuano.

Background

Representative Capuano wrote to voice his concern about the Coast Guard's June

29th interdiction of six migrants off the coast of Florida and the increase in

violent incidents in our Cuban interdiction program. He argues that the problem

stems from our "wet foot/dry foot" policy and urges you to reevaluate our 1995

migration accord with Cuba. Our view is that the migration accord is generally working well, and that the increase in violence is due to the increased role of organized crime in alien-smuggling and the misperception among migrants that confrontation will increase their chances for admission into the United States.

Your response cites the excellent record of the Coast Guard and indicates that it is investigating the events of June 29th. You also defend our current Cuban migration policy but note that, in light of the recent rise in alien smuggling and violence, you have asked agencies to look at ways of improving implementation of that policy.

RECOMMENDATION

That you sign the attached letter.

Attachments

Tab A Proposed Response

Tab B Incoming Correspondence

2

5643

cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT 5643 Capuano letter.doc

Dear Michael:

Thank you for your letter regarding our Cuban migration policy.

I understand your concerns regarding the June 29th incident off the coast of Florida. The images of those events, I believe, belie the Coast Guard's excellent record of protecting the lives and safety of all people at sea, while effectively enforcing U.S. immigration laws and policies. To maintain that record, the Coast Guard routinely reviews the actions of its personnel to ensure compliance with current law and procedures. Immediately after learning of the June 29th incident, the Commandant of the Coast Guard, Admiral Jim Loy, directed a full investigation of those events. The report is forthcoming and I will ask the Coast Guard to share it with you.

As to our overall Cuban migration policy, I believe that the accords of 1994 and 1995 are working. In the summer of 1994, thousands of Cubans took to the high seas, at great risk to themselves and to those who rescued them. Since the implementation of our current policy in May 1995, the number of Cuban migrants who have resorted to unsafe boat departures is significantly lower than it was in prior years. [CHECK] Nevertheless, the recent rise in alien smuggling and violent incidents at sea concerns me, and I have asked the relevant agencies to look at ways of improving the current policy.

Again, thank you sharing your views with me on this issue.

Sincerely,

The Honorable Michael Capuano
House of Representatives
Washington, D.C. 20515

Exchange Mail

DATE-TIME 8/6/99 2:58:02 PM

FROM Busby, Scott W. (MULTI)

CLASSIFICATION UNCLASSIFIED

SUBJECT Press guidance on Central Americans Bill [UNCLASSIFIED]

TO Fallin, James (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 Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
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)
McClean, Matthew K. (MULTI)
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)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)

TEXT_BODY

Better late than never.

TRANSLATED_ATTACHMENT

Guidance on Central American Parity Leg_.doc
Central American and Haitian Immigration Legislation
August 6, 1999

Context: In 1997, Congress enacted the Nicaraguan and Central American Adjustment Act (NACARA), which provided permanent resident status to Nicaraguans and Cubans and lesser immigration benefits to Salvadorans and Guatemalans. It left out Hondurans altogether. In 1998, Congress passed the Haitian Refugee and Immigrant Fairness Act (HRIFA) which granted permanent resident status to certain Haitians but the class was not as broad as the class of Nicaraguans benefited by NACARA. The President has decried on several occasions the different treatment of these similarly situated migrants, most recently during his March trip to Central America. This bill follows through on his commitment to achieve equal treatment for these groups.

Q. What is the proposed Central American and Haitian Parity Act of 1999?

* If enacted, this bill would grant to Guatemalans, Salvadorans, Hondurans and Haitians the same immigration benefits accorded to Nicaraguans and Cubans by NACARA, the Nicaraguan Adjustment and Central American Relief Act of 1997. NACARA made eligible for permanent resident status Nicaraguans and Cubans who have been continuously present in the United States since December 1, 1995.

Q. Why has the President proposed this legislation?

* This bill fulfills President Clinton's commitment to right the imbalances created by NACARA by offering the same treatment to all Central Americans who fled upheaval, violence and unrest. It would provide similar benefits to Haitians who sought the protection of the United States in the early 1990's following the overthrow of a democratically elected regime.

* The enactment of this legislation would contribute to stability and development in the young and fragile democracies of El Salvador, Guatemala,

Honduras, and
Haiti. While these countries have made important strides in recent
years, they
suffer from significant unemployment and underemployment.
Repatriation of the
nationals of these countries who have longstanding ties in the United
States
would only add to the economic and political challenges facing these
societies.
The United States has invested substantial resources in establishing
democracy
and peace in these countries and this legislation will help follow
through on
this important commitment.

Q. What are the estimates of individuals that will be covered by the
proposed
legislation?

A. The following are INS' estimates of individuals covered by the
proposed
legislation:

Salvadorans 330,000 (includes 190,000 covered by NACARA section
203)
Guatemalans 220,000 (includes 50,000 covered by NACARA section
203)
Hondurans 80,000
Haitians 50,000 (does not include 50,000 covered by Haitian Relief
Act)

Total 680,000*

* These numbers do not include derivative spouses and children

Please refer technical questions about the legislation to Maria Cardona
at INS.

For further questions about the rationale, refer to State.

Exchange Mail

DATE-TIME 9/28/99 11:17:12 AM

FROM Busby, Scott W. (MULTI)

CLASSIFICATION UNCLASSIFIED

SUBJECT RE: Quick Clearance Please: FY 2000 Refugee Proposal [UNCLASSIFIED]

TO Krass, Caroline D. (LEGAL)

CARBON_COPY Baker, James E. (LEGAL)

TEXT_BODY

Yes, it is. I have drafted the package, in fact, but am awaiting (as is State/PRM) for call from Talbott to Sen Abraham (chairman of the Senate Immigration Subcommittee) to happen. This is the last piece of the statutorily required consultations.

But to help grease this process, I'm attaching the current draft of the package. I don't expect it to change much, if at all. Perhaps you could give me your edits now and I'll let you know whether there are any further changes. (Note: I don't yet have the State incoming package as they are waiting to finalize with the info on Talbott-Abraham call.)

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

From: Krass, Caroline
D. (LEGAL)
Sent: Tuesday, September 28, 1999 11:04 AM
To: Busby,
Scott W. (MULTI)
Cc: Baker, James E. (LEGAL)
Subject: FW: Quick
Clearance Please: FY 2000 Refugee Proposal [UNCLASSIFIED]

Scott:

Is this package going to come through again with an actual PD on a fast time frame due to the imminent end of the fiscal year? Jamie indicated that such a prospect was highlighted at Senior Staff.

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

From: Krass, Caroline D. (LEGAL)
Sent: Friday, July
30, 1999 1:29 PM
To: Busby, Scott W. (MULTI)
Cc: @MULTILAT -
Multilateral and Humanitarian Affairs; @LEGAL - Legal Advisor
Subject: FW:
Quick Clearance Please: FY 2000 Refugee Proposal
[UNCLASSIFIED]

Scott:
Attached are my changes (in the memo to the Pres. and one typo in the determination). I have bracketed the questions we discussed on the phone. Please send back to me for a quick look before it goes up after you have made the changes and talked to Eric. Thanks.

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

From: Busby, Scott W. (MULTI)
Sent: Thursday, July
29, 1999 8:08 PM
To: Krass, Caroline D. (LEGAL); Shapiro, Daniel
B. (LEGIS); Barks-Ruggles, Erica (AF); Weiss, Andrew S. (RUE);
Arvizu, Alexander A. (ASIA); Armstrong, Fulton T. (INTERAM);
Hurley,
C. Michael (EUR); Flanagan, Stephen J. (CEE); Camp, Donald A.
(NESA)
Cc: @AFRICA
- African Affairs; @ASIA - Asian Affairs; @CEE - Central/Eastern
Europe; @KOSOVO; @LEGAL - Legal Advisor; @LEGISLAT -
Legislative
Affairs; @MULTILAT - Multilateral and Humanitarian Affairs;
@NESASIA
- NE/South Asia; @RUSSIA - Russia/Ukraine
Subject: Quick Clearance
Please: FY 2000 Refugee Proposal [UNCLASSIFIED]

Clearance needed
by noon on Friday.

Colleagues --

Further to the draft memorandum
I circulated a couple of weeks ago, attached is the Presidential
Memorandum and package that will initiate the consultations process
on our FY 2000 refugee proposal. I urge the Africa, Kosovo and
NESA
offices to take a particularly close look at the POTUS memo as there
are important statements regarding each of your areas there.

Please
clear by tomorrow at noon, as we need to have this ready for the
President to sign upon his return from Sarajevo. Apologies for short
suspense. Thanks.

<< File: 5197 BERGER memo Refugee Admissions.doc
>> << File: 5197 POTUS memo.doc >> << File:
5197SecStateMemo.doc
>>

TRANSLATED_ATTACHMENT 7153 PD on FY 2000 refugees.doc
Presidential Determination
No. _____

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Presidential Determination on FY 2000 Refugee
Admissions Numbers and
Authorizations of In-Country Refugee Status Pursuant to Sections 207
and
101(a)(42), Respectively, of the Immigration and Nationality Act, and
Determination Pursuant to Section 2(b)(2) of the Migration and
Refugee Assistance
Act, as Amended

In accordance with section 207 of the Immigration and Nationality
Act (the "Act")
(8 U.S.C. 1157), as amended, and after appropriate consultation with
the
Congress, I hereby make the following determinations and authorize
the following
actions:

The admission of up to 90,000 refugees to the United States during
FY 2000 is
justified by humanitarian concerns or is otherwise in the national
interest;
provided, however, that this number shall be understood as including
persons
admitted to the United States during FY 2000 with Federal refugee
resettlement
assistance under the Amerasian immigrant admissions program, as
provided below.

The 90,000 admissions numbers shall be allocated among refugees of
special
humanitarian concern to the United States in accordance with the

following
 regional allocations; provided, however, that the number allocated to
 the East
 Asia region shall include persons admitted to the United States during
 FY 2000
 with Federal refugee resettlement assistance under section 584 of the
 Foreign
 Operations, Export Financing, and Related Programs Appropriations
 Act of 1988, as
 contained in section 101(e) of Public Law 100-202 (Amerasian
 immigrants and their
 family members); provided further that the number allocated to the
 former Soviet
 Union shall include persons admitted who were nationals of the
 former Soviet
 Union, or in the case of persons having no nationality, who were
 habitual
 residents of the former Soviet Union, prior to September 2, 1991:

Africa.....	18,000
East Asia.....	8,000
Former Yugoslavia.....	17,000
Kosovo Crisis.....	10,000
NIS/Baltics.....	20,000
Latin America/Caribbean.....	3,000
Near East/South Asia.....	8,000
Unallocated.....	6,000

The 6,000 unallocated numbers shall be allocated as needed to
 regional ceilings
 where shortfalls develop. Unused admissions numbers allocated to a
 particular
 region may be transferred to one or more other regions if there is an
 overriding
 need for greater numbers for the region or regions to which the
 numbers are being
 transferred. You are hereby authorized and directed to consult with the

Judiciary Committees of the Congress prior to any such use of the
 unallocated
 numbers or reallocation of numbers from one region to another.

Pursuant to section 2(b)(2) of the Migration and Refugee Assistance
 Act of 1962,
 as amended, 22 U.S.C. 2601(b)(2), I hereby determine that assistance
 to or on
 behalf of persons applying for admission to the United States as part
 of the
 overseas refugee admissions program will contribute to the foreign
 policy

interests of the United States and designate such persons for this purpose.

An additional 10,000 refugee admissions numbers shall be made available during FY 2000 for the adjustment to permanent resident status under section 209(b) of the Immigration and Nationality Act (8 U.S.C. 1159(b)) of aliens who have been granted asylum in the United States under section 208 of the Act (8 U.S.C. 1158), as this is justified by humanitarian concerns or is otherwise in the national interest.

In accordance with section 101(a) (42) of the Act (8 U.S.C. 1101(a) (42)) and after appropriate consultation with the Congress, I also specify that, for FY 2000, the following persons may, if otherwise qualified, be considered refugees for the purpose of admission to the United States within their countries of nationality or habitual residence:

- a. Persons in Vietnam
- b. Persons in Cuba
- c. Persons in the former Soviet Union

You are authorized and directed to report this determination to the Congress immediately and to publish it in the Federal Register.

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

TRANSLATED_ATTACHMENT 7153 POTUS memo.DOC

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL R. BERGER
LARRY STEIN

SUBJECT: Refugee Admissions for FY 2000

Purpose

Sign the Presidential Determination for FY 2000 Refugee Admissions.

Background

Refugee Program: The Immigration and Nationality Act requires that you determine, after appropriate Congressional consultations, the number of refugee admissions to the United States that is justified by humanitarian concerns or is otherwise in the national interest.

Program Proposal: We are recommending that you approve an overall ceiling for FY 1998 of 90,000, which includes 18,000 from Africa, 8,000 from East Asia, 17,000 from the Former Yugoslavia, 10,000 relating to the Kosovo crisis, 20,000 from the Newly Independent States and the Baltics, 8,000 from the Near East and South Asia, 3,000 from Latin America and the Caribbean, and 6,000 for a reserve that can be allocated to any region.

Highlights: A notable element of this year's Determination is another significant increase in the Africa ceiling from 12,000 to 18,000, which reflects our effort to do more in this significant refugee-producing region.

(This number was only 7,000 two years ago.) We also intend to use some of the monies appropriated to us during the Kosovo crisis to resettle those refugees who will not be able to return to Kosovo (e.g., Serbs, Roma, etc.). Finally, the ceiling for the Near East and South Asia has been doubled from 4,000 to 8,000, which will permit a significant expansion of our resettlement efforts for Afghan women at risk.

Congress: On August 12, you authorized the Secretary of State to consult with Congress on a proposed refugee admissions ceiling of 90,000, with the same regional breakdown reflected in the attached Determination. The Secretary did so in a session with the House (Representatives Hyde, Conyers and Jackson-Lee attended) and phone calls to Senators Abraham and Kennedy, Chairman and Ranking Minority Member respectively of the Senate Subcommittee on Immigration.

Representatives Conyers and Jackson-Lee and Senators Abraham and Kennedy generally support our proposal. They are especially enthusiastic about the significant increase in the Africa ceiling, given the sizeable number of refugees in that region.

While recognizing that our resettlement numbers have diminished since Cold War-era totals of well over 100,000 per annum, Chairman Henry Hyde believes we should further reduce the overall number of refugees we admit. However, these views are not shared by Democratic Members of the House, nor by Senators Abraham and Kennedy. Indeed, Kennedy and Abraham have both urged us to increase our admissions number.

Nongovernmental Organizations: State has conducted extensive consultations with the nongovernmental community and it, too, fundamentally endorses

this proposal.

While many advocacy groups would like to return to the high admissions numbers of the early 1990s, this would be difficult to accomplish given the natural decline of the two major programs of that period (Vietnam and the former Soviet Union) and current budgetary constraints. We intend to continue to work closely with these groups to orient the program toward those refugees most in need of resettlement.

Attached at Tab A is a memorandum to you from Secretary Albright that describes her consultation with Congress and recommends that you sign the Presidential Determination for FY 2000.

RECOMMENDATION

That you sign the Presidential Determination attached at Tab A.

Attachments

Tab A Presidential Determination

Tab B Memorandum from the Acting Secretary

2

7153

cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT 7153 BERGER.DOC

September 28, 1999

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Refugee Admissions for FY 2000

Attached at Tab I is a memorandum to the President recommending that the President sign the Presidential Determination on Refugee Admissions for FY 2000.

This Determination must be signed by midnight on September 30 or operations for next year's program will come to a halt.

Concurrence by: Jamie Baker, Miles Lackey

RECOMMENDATION

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

Attachments

Tab I Memorandum to the President

Tab A Presidential Determination

Tab B Memorandum from the Acting Secretary

2

7153

Exchange Mail

DATE-TIME 9/28/99 4:13:12 PM
FROM Busby, Scott W. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT Please clear ASAP: FY 2000 Refugee Determination
[UNCLASSIFIED]
TO Krass, Caroline D. (LEGAL)
Shapiro, Daniel B. (LEGIS)

CARBON_COPY Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
Burrell, Christina L. (LEGIS)
Lackey, Miles M. (LEGIS)
Shapiro, Daniel B. (LEGIS)
Tavlarides, Mark J. (LEGIS)
Busby, Scott W. (MULTI)
Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Hill, Roseanne M. (MULTI)
Kale, Dora A. (MULTI)
Naplan, Steven J. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)

TEXT_BODY Caroline, Dan --

Attached is the package for our FY 2000 refugee determination. The overall number and breakdown in the PD is consistent with the proposal that we provided to the Hill last month.

Because of the short timeline we're under (this PD must be signed by the Sept. 30), I am sending out this package for clearance despite the fact that we haven't received the final official package from State. (It's still moving up the chain of command at State.) Nevertheless, we have received a draft of the State package (on which these are based) and do not expect there to be any substantive differences between that and the draft.

TRANSLATED_ATTACHMENT 7153 BERGER.DOC

September 28, 1999

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Refugee Admissions for FY 2000

Attached at Tab I is a memorandum to the President recommending that the President sign the Presidential Determination on Refugee Admissions for FY 2000.

This Determination must be signed by midnight on September 30 or operations for next year's program will come to a halt.

This package could not move any earlier as Acting Secretary Talbott was not able to complete the statutorily required consultations with the Congress until today.

Concurrence by: Caroline Krass, Dan Shapiro

RECOMMENDATION

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

Attachments

Tab I Memorandum to the President

Tab A Presidential Determination

Tab B Memorandum from the Acting Secretary

7153

TRANSLATED_ATTACHMENT 7153 POTUS memo.DOC

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL R. BERGER
LARRY STEIN

SUBJECT: Refugee Admissions for FY 2000

Purpose

Sign the Presidential Determination for FY 2000 Refugee Admissions.

Background

Refugee Program: The Immigration and Nationality Act requires that you determine, after appropriate Congressional consultations, the number of refugee admissions to the United States that is justified by humanitarian concerns or is otherwise in the national interest.

Program Proposal: We are recommending that you approve an overall ceiling for FY 1998 of 90,000, which includes 18,000 from Africa, 8,000 from East Asia, 17,000 from the Former Yugoslavia, 10,000 relating to the Kosovo crisis, 20,000 from the Newly Independent States and the Baltics, 8,000 from the Near East and South Asia, 3,000 from Latin America and the Caribbean, and 6,000 for a reserve that can be allocated to any region.

Highlights: A notable element of this year's Determination is another significant increase in the Africa ceiling from 12,000 to 18,000, which reflects our effort to do more in this significant refugee-producing region. (This number was only 7,000 two years ago.) We also intend to use some of the monies appropriated during the Kosovo crisis to resettle up to 10,000 refugees who will not be able to return to Kosovo (e.g., Serbs, Roma, etc.). Finally, the ceiling for the Near East and South Asia has been doubled from 4,000 to 8,000, which will permit a significant expansion of our resettlement efforts for Afghan women at risk as well as for Iranian and Iraqi refugees in the region.

Congress: On August 12, you authorized the Secretary of State to consult with Congress on a proposed refugee admissions ceiling of 90,000, with the same regional breakdown reflected in the attached Determination. Acting Secretary Talbott did so in a session with the House (Representatives Hyde, Conyers and Jackson-Lee attended) and phone calls to Senators Abraham and Kennedy, Chairman and Ranking Minority Member respectively of the Senate Subcommittee on Immigration.

Representatives Conyers and Jackson-Lee and Senators Abraham and Kennedy generally support our proposal. They are especially enthusiastic about the significant increase in the Africa ceiling.

While recognizing that our resettlement numbers have diminished since Cold War-era totals of well over 100,000 per annum, Chairman Hyde believes we should further reduce the overall number of refugees we admit. However, this view is not shared by Democratic Members of the House, nor by Senators Abraham and Kennedy. Indeed, Kennedy and Abraham have both urged us to maintain our refugee numbers at high levels.

Nongovernmental Organizations: State has conducted extensive consultations with the nongovernmental community and it, too, fundamentally endorses this proposal. While many advocacy groups would like to return to the high admissions numbers of the early 1990s, this would be difficult to accomplish given the natural decline of the two major programs of that period (Vietnam and the former Soviet Union) and current budgetary constraints. We intend to continue to work closely with these groups to orient the program toward those refugees most in need of resettlement.

Attached at Tab A is a memorandum to you from Secretary Albright that describes her consultation with Congress and recommends that you sign the Presidential Determination for FY 2000.

RECOMMENDATION

That you sign the Presidential Determination attached at Tab A.

Attachments

Tab A Presidential Determination

Tab B Memorandum from the Acting Secretary

2

7153

cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT

7153 PD on FY 2000 refugees.doc
Presidential Determination
No. _____

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Presidential Determination on FY 2000 Refugee Admissions Numbers and Authorizations of In-Country Refugee Status Pursuant to Sections 207 and 101(a)(42), Respectively, of the Immigration and Nationality Act, and Determination Pursuant to Section 2(b)(2) of the Migration and Refugee Assistance Act, as Amended

In accordance with section 207 of the Immigration and Nationality Act (the "Act") (8 U.S.C. 1157), as amended, and after appropriate consultation with the Congress, I hereby make the following determinations and authorize the following actions:

The admission of up to 90,000 refugees to the United States during FY 2000 is justified by humanitarian concerns or is otherwise in the national interest; provided, however, that this number shall be understood as including persons admitted to the United States during FY 2000 with Federal refugee resettlement assistance under the Amerasian immigrant admissions program, as provided below.

The 90,000 admissions numbers shall be allocated among refugees of special humanitarian concern to the United States in accordance with the following regional allocations; provided, however, that the number allocated to the East Asia region shall include persons admitted to the United States during FY 2000 with Federal refugee resettlement assistance under section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988, as contained in section 101(e) of Public Law 100-202 (Amerasian immigrants and their family members); provided further that the number allocated to the former Soviet Union shall include persons admitted who were nationals of the former Soviet

Union, or in the case of persons having no nationality, who were habitual residents of the former Soviet Union, prior to September 2, 1991:

Africa.....	18,000
East Asia.....	8,000
Former Yugoslavia.....	17,000
Kosovo Crisis.....	10,000
NIS/Baltics.....	20,000
Latin America/Caribbean.....	3,000
Near East/South Asia.....	8,000
Unallocated.....	6,000

The 6,000 unallocated numbers shall be allocated as needed to regional ceilings where shortfalls develop. Unused admissions numbers allocated to a particular region may be transferred to one or more other regions if there is an overriding need for greater numbers for the region or regions to which the numbers are being transferred. You are hereby authorized and directed to consult with the

Judiciary Committees of the Congress prior to any such use of the unallocated numbers or reallocation of numbers from one region to another.

Pursuant to section 2(b)(2) of the Migration and Refugee Assistance Act of 1962, as amended, 22 U.S.C. 2601(b)(2), I hereby determine that assistance to or on behalf of persons applying for admission to the United States as part of the overseas refugee admissions program will contribute to the foreign policy interests of the United States and designate such persons for this purpose.

An additional 10,000 refugee admissions numbers shall be made available during FY 2000 for the adjustment to permanent resident status under section 209(b) of the Immigration and Nationality Act (8 U.S.C. 1159(b)) of aliens who have been granted asylum in the United States under section 208 of the Act (8 U.S.C. 1158), as this is justified by humanitarian concerns or is otherwise in the national interest.

In accordance with section 101(a) (42) of the Act (8 U.S.C. 1101(a) (42)) and after appropriate consultation with the Congress, I also specify that, for FY 2000, the following persons may, if otherwise qualified, be considered refugees for the purpose of admission to the United States within their countries of nationality or habitual residence:

- a. Persons in Vietnam
- b. Persons in Cuba
- c. Persons in the former Soviet Union

You are authorized and directed to report this determination to the Congress immediately and to publish it in the Federal Register.

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

Exchange Mail

DATE-TIME 10/22/99 11:37:32 AM
FROM Busby, Scott W. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT Cuban Alien Smuggling Incident [UNCLASSIFIED]
TO Armstrong, Fulton T. (INTERAM)

CARBON_COPY Armstrong, Fulton T. (INTERAM)
Avery, Dale R. (INTERAM)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)
Valenzuela, Arturo A. (INTERAM)
Busby, Scott W. (MULTI)
Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Hill, Roseanne M. (MULTI)
Kale, Dora A. (MULTI)
Naplan, Steven J. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)

TEXT_BODY

Please clear.

TRANSLATED_ATTACHMENT

Cuban Alien Smuggling Incident.doc
Cuban Alien Smuggling Incident
October 22, 1999

Context: Last night, a alien smuggling vessel carrying 8 Cuban migrants capsized reportedly in Cuban territorial waters approximately 15 miles outside Havana.

Two of the migrants drowned, the others were rescued by the Cuban Coast Guard.

The incident is receiving more attention than normal because the two victims appear to be relatives of a Cuban radio announcer based in Miami.

What can you tell us about the Florida registered vessel that capsized near Cuba

yesterday?

* Yesterday, the U.S. Coast Guard received information from the Cuban border guard that a Florida-registered vessel headed from Cuba to the United States capsized about 15 miles from Havana. Two of the Cubans aboard the vessel perished; eight survivors were rescued.

* Two of the survivors appear to be U.S. citizens who were the crewmembers aboard the vessel. They have reportedly been arrested by Cuban authorities.

* Our Interests Section in Cuba is seeking to confirm the status of the two individuals arrested and, if U.S. citizens, will seek consular access to them.

* This incident is another example of the dangers involved in alien smuggling. Our policy is aimed at discouraging such unsafe migration by boat and encouraging safe, legal and orderly migration opportunities. We provide at least 20,000 visas a year for Cubans to immigrate to the United States.

Do you have any information to suggest that there was a violent confrontation between the Cuban coast guard vessel and the alien smuggling vessel?

* We have no such information at this time.

Exchange Mail

DATE-TIME 11/10/99 10:44:26 AM
FROM Busby, Scott W. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT HUNDREDS OF HAITIANS DEPORTED BY DOMINICAN ARMY
[UNCLASSIFIED]
TO Armstrong, Fulton T. (INTERAM)

CARBON_COPY**TEXT_BODY**

Fulton -- Is there anything we can do about this?

-----Original

Message-----

From: WHSR

Sent: Tuesday, November 09, 1999 7:32

PM

To: Armstrong, Fulton T. (INTERAM); Avery, Dale R. (INTERAM);

Babbitt,

James F. (VP); Busby, Scott W. (MULTI); Feldman, Daniel

F. (MULTI);

Guarnieri, Valerie N. (MULTI); Naplan, Steven J. (MULTI);

Orfini,

Michael H. (VP); Schwartz, Eric P. (MULTI); Shannon, Thomas

A.

(INTERAM); Stromseth, Jane E. (MULTI); Vaccaro, Jonathan M. (Matt)

(MULTI);

Valenzuela, Arturo A. (INTERAM)

Subject: HUNDREDS OF HAITIANS DEPORTED

BY DOMINICAN ARMY

a4291

^BC-HAITI-DOMINICAN

^Hundreds

of Haitians deported by Dominican army

By Jennifer Bauduy

PORT-AU-PRINCE, Haiti, Nov 9 (Reuters) - Soldiers rounded

up

and trucked more than 200 Haitians out of the Dominican Republic

this

week in a deportation that Haitians called an illegal response

to
recent international criticism of the Dominican treatment of Haitian
immigrants.

“It was done totally illegally and without respect for the
rights
of those detained or for international norms,” Carol Joseph,
director
of the Haitian Migration Office, said on Tuesday.

On Monday
afternoon, Dominican soldiers took 240 Haitians
from their homes
in the Dominican Republic and dumped them over the
border in the
Haitian town of Ouanaminthe.

“We were not given any warning
by the Dominican authorities,
which would have enabled us to prepare
to receive them,” Joseph said.
Tensions over Haitian immigration
to the Dominican Republic
have been high since the Organisation
of American States issued a report
on Oct. 30 charging that the
Dominican Republic had violated human rights
by not granting citizenship
to children born in the Dominican Republic
if their parents are
illegal Haitian immigrants.

The Dominican government protested
against the criticism
and announced it would step up deportations
of illegal immigrants and
post troops along the 185-mile (300-km)
border separating the two countries.

“There is a lot of concern
about the quantity of Haitians
in the Dominican Republic. Dominican
society does not want more Haitian
beggars on the street corners,”
Silvio Herasme Pena, the Dominican
ambassador to Haiti, said.

Haiti and the Dominican Republic share the Caribbean island
of
Hispaniola, but the two countries have a long history of hostile
relations,
particularly over immigration.
Impoverished residents of Haiti,
where French and Haitian

Creole are spoken, have for years sought work in the Spanish-speaking Dominican Republic. They provide a low-paid labour force for the Dominican sugar, coffee and building industries but also form a reviled lower class.

An estimated 1 million to 1.5 million Haitians live in the Dominican Republic, a nation of 8 million people.

Deportations of Haitians, often including Dominican citizens of Haitian descent, occur regularly in the Dominican Republic, particularly after the annual sugar harvest and before presidential elections, when the ruling party fears Haitians will back opposition politicians.

Relations between the two countries reached their lowest point in 1937, when Dominican dictator Rafael Trujillo ordered the massacre of 30,000 Haitians in towns along the border.

The two countries did not establish normal diplomatic relations until three years ago.

RB-- 11/09/99 19:18:39

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Scott Busby to Dora Kale re: FW: Please Clear: Cuban Migration Memo to POTUS (5 pages)	11/19/1999	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Non-Record (Sept 97-Jan 01) ([Scwhartz and Cuba...])
OA/Box Number: 630000

FOLDER TITLE:

[08/06/1999-02/14/2000]

2011-1039-F
rs1865

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 11/29/99 11:39:32 AM

FROM Naplan, Steven J. (MULTI)

CLASSIFICATION UNCLASSIFIED

SUBJECT Cuban 5 year-old survivor GUIDANCE [UNCLASSIFIED]

TO Avery, Dale R. (INTERAM)
Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
Matthews, Sonyia (ADMIN)
Fallin, James (PRESS)
Gobush, Matthew N. (PRESS)
Hammer, Michael A. (PRESS)
Hoelzer, Jennifer I. (PRESS/INTERN)
Huff, Lindsey E. (PRESS)
Leavy, David C. (PRESS)
Williams, Mary C. (ADMIN)
Wozniak, Natalie S. (PRESS)

CARBON_COPY Armstrong, Fulton T. (INTERAM)
Avery, Dale R. (INTERAM)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)
Valenzuela, Arturo A. (INTERAM)
Busby, Scott W. (MULTI)
Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Hill, Roseanne M. (MULTI)
Kale, Dora A. (MULTI)
Naplan, Steven J. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)

TEXT_BODY Dale, Legal:

on Busby's behalf I seek your concurrence on attached guidance (as provided by State Cuba desk).

Pls advise ASAP.

thanks.

SN

TRANSLATED_ATTACHMENT

Doc1.doc

CUBAN FIVE YEAR-OLD SURVIVOR

November 29, 1999

BACKGROUND: Cuba has requested that the United States return a five-year old who survived when the boat he and 12 others were in capsized last Thursday just off the coast of Florida. The five-year old, Elian Gonzalez, was found clinging to an inner tube and was taken to the hospital to be treated for exposure. The child was later released into the custody of his relatives in Miami. On Sunday the Cuban Foreign Ministry delivered a diplomatic to USINT requesting that Elian be returned to Cuba and to his father's custody. The child's mother and step-father were on the boat and are believed to have drowned. In their public statement the Cubans criticized U.S. policy toward migrants saying that the U.S. is entirely responsible for these new and painful deaths of Cuban citizens because of the insensitive way in which illegal migration is promoted, encouraged, and rewarded from that country."

Is the US going to honor the request by the Cuban Foreign Ministry to return Elian Gonzales to Cuba?

* The child has been paroled into the custody of his relative in Miami by INS. It is our understanding that the return of the child is an issue for the courts.

Do you have a response to the allegations by the Cuban Foreign Ministry that the U.S. is responsible for the tragic death of these individuals?

* The U.S. does not in any way condone, promote or encourage illegal migration.

It is reprehensible that anyone would suggest that the U.S. is in any way responsible for these tragic deaths. We stand strong in our commitment to encouraging safe, legal, and orderly migration and urge individuals in Cuba to refrain from attempting to migrate illegally. Finally, our condolences go out to the families that have been affected by this tragedy.

1

2

Exchange Mail

DATE-TIME 12/4/99 12:32:49 PM
FROM Valenzuela, Arturo A. (INTERAM)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Case of Cuban child [UNCLASSIFIED]
TO Schwartz, Eric P. (MULTI)
Busby, Scott W. (MULTI)

CARBON_COPY Armstrong, Fulton T. (INTERAM)
Avery, Dale R. (INTERAM)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)
Valenzuela, Arturo A. (INTERAM)
Busby, Scott W. (MULTI)
Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Hill, Roseanne M. (MULTI)
Kale, Dora A. (MULTI)
Naplan, Steven J. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)

TEXT_BODY Eric, this is my concern. Pending decision of courts is there a Federal role? Does INS have nothing to do with this anymore? Would this require asking for Court order? Need to explore all legal angles.

-----Original

Message-----

From: Schwartz, Eric P. (MULTI)

Sent: Saturday,

December 04, 1999 6:13 AM

To: Valenzuela, Arturo A. (INTERAM);

Busby, Scott W. (MULTI)

Cc: @INTERAM - Inter-American; @MULTILAT

- Multilateral and Humanitarian Affairs

Subject: RE: Case of Cuban

child [UNCLASSIFIED]

I suspect there may be a risk of effort to hide the child -- especially if the lawyers are correct about the probable outcome of the custody issue; is there anything the federal government can do in that respect?

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

From: Valenzuela,
Arturo A. (INTERAM)
Sent: Friday, December 03, 1999 6:17 PM
To: Busby,
Scott W. (MULTI)
Cc: @INTERAM - Inter-American; @MULTILAT - Multilateral
and Humanitarian Affairs
Subject: RE: Case of Cuban child [UNCLASSIFIED]

Scott,
I clear, with the provisos we discussed on the phone.

-----Original

Message-----

From: Busby, Scott W. (MULTI)
Sent: Friday, December
03, 1999 5:47 PM
To: Valenzuela, Arturo A. (INTERAM)
Cc: @INTERAM
- Inter-American; @MULTILAT - Multilateral and Humanitarian Affairs
Subject: Case
of Cuban child [UNCLASSIFIED]

Arturo -- As discussed, please clear.

Sandy/Jim

--

The political temperature around the case of the 5-year-old Cuban boy, Elian Gonzalez, continues to rise. A Cuban Foreign Ministry spokesperson yesterday again demanded that the boy be returned to Cuba immediately or else the "U.S. government will be responsible for the way in which relations between the two countries could worsen." The Cubans have also issued a veiled threat that they might cancel the upcoming migration talks scheduled in Havana for December 13.

Background:

Both Elian's mother and stepfather perished at sea along with five other Cubans in an alien smuggling venture early on Thanksgiving day. When Elian was rescued by the Coast Guard, some thought him to be a U.S. citizen so he was immediately brought into the U.S. to a medical facility. His physical condition was found satisfactory and INS soon thereafter authorized his release to his extended family members in Miami. He was also granted "parolee" status, which occurs with most illegal Cubans who are released from INS custody. (Under the Cuban Adjustment Act, this means that he will eligible for permanent status within a year.)

Although his immediate release to his

extended family members was inconsistent with INS' SOP in such cases (unaccompanied minors are supposed to be taken to a child welfare agency which then determines a placement that would be in the "best interests" of the child), INS believes that had its local office followed those procedures, the result would have been the same. A welfare agency has made a visit to Elian's current home and deemed it acceptable.

Custody decision: The key decision in Elian's case will be who has custody. Elian's biological father (who was separated from Elian's mother at the time of their departure from Cuba) and grandparents in Cuba have asserted that they wish to have custody. The family members in Miami have asserted the same. We are told that a lawyer representing Elian's interests is seeking to negotiate a deal between these competing family members. If that fails, the matter will have to be resolved in the Florida state courts. The father can file a petition there even though he is not in the U.S. If it comes to that, DoJ and State experts think it likely that the father would prevail, unless he is found unfit.

Federal

role: The federal government has little role in the custody determination process. Thus, our public posture is that this is a matter for the state courts to decide. Nevertheless, if the state courts decide that Elian should be returned to his father, we may have to play a role in facilitating his return to Cuba. It is also possible that if Elian disagreed with the outcome in the state courts, he could request immigration relief, which obviously would require decisions by DoJ officials and would further delay his return.

GOC reaction:

Of course, a lengthy judicial process on this case in the U.S. is unlikely to satisfy the GOC. However, we have little choice but to explain to the Cubans that there are no other options for federal government action on this matter at this time. We will be sure to facilitate any efforts the father may wish to to represent his interests in the state proceedings.

Scott

Exchange Mail

DATE-TIME 12/7/99 10:50:05 AM
FROM Busby, Scott W. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: New guidance on migration incident [UNCLASSIFIED]
TO Armstrong, Fulton T. (INTERAM)
Avery, Dale R. (INTERAM)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)
Valenzuela, Arturo A. (INTERAM)
Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
Busby, Scott W. (MULTI)
Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Hill, Roseanne M. (MULTI)
Kale, Dora A. (MULTI)
McLean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)

CARBON_COPY**TEXT_BODY**

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

From: Busby, Scott W. (MULTI)

Sent: Tuesday,

December 07, 1999 10:50 AM

To: @PRESS - Public Affairs

Subject: FW:

New guidance on migration incident [UNCLASSIFIED]

Mike et al.

-- Here's updated guidance on the Cuban migration incident yesterday and the boy (almost nothing new on that for now).

Cleared by DoJ.

Mary, Arturo -- Provide any changes directly to Press.

-----Original
Message-----
From: Busby, Scott W. (MULTI)
Sent: Tuesday, December
07, 1999 10:17 AM
To: Valenzuela, Arturo A. (INTERAM); DeRosa,
Mary B. (LEGAL)
Cc: @INTERAM - Inter-American; @LEGAL - Legal Advisor;
@MULTILAT - Multilateral and Humanitarian Affairs
Subject: New
guidance on migration incident [UNCLASSIFIED]

Arturo, Mary
-- Please clear ASAP.

TRANSLATED_ATTACHMENT Cuban boy guidance__.doc
Cuban Boy and Migration Incident
December 7, 1999

Context: On Saturday night, Fidel Castro demanded that the U.S.
return to Cuba
within 72 hours the 5-year-old Cuban boy, Elian Hernandez, who was
rescued at sea
last week or else the Cuban people would take to the streets to insist
on his
return. Castro has also beefed up Cuban security outside the U.S.
Interests
Section in Havana. The boy currently resides in Miami with his great
uncle and
aunt. It appears that the boy's biological father is in Cuba.

There have been ongoing demonstrations outside the U.S. Interests
Section
relating to this case. The Cuban government has called for another
massive
demonstration there at 5 p.m. this evening.

Separately, the U.S. Coast Guard yesterday interdicted a private
Cuban vessel
yesterday holding 8 Cuban nationals as it entered U.S. waters. The
U.S. Coast
Guard was notified of the incident by the Cuban border guard. Two of
the Cubans
aboard the vessel are members of the Cuban navy. It appears that six
of the
individuals took the two Cuban officials hostage and took control of

the boat.

The Cuban individuals are currently aboard a Coast Guard cutter and the vessel is in tow. The disposition of the individuals and the vessel will be determined in accordance with standard operating procedures and should be finalized in the very near future. The incident is an indication of the virtue of the migration

accords and our commitment to continue our compliance with those accords.

What will happen to the Cuban vessel and the eight Cuban nationals interdicted yesterday?

* The eight individuals are currently aboard a Coast Guard cutter. The vessel is in tow.

* The individuals will be handled according to standard operating procedures. INS is interviewing the individuals to get a fuller understanding of what happened aboard the vessel and to ensure that any person who might have a fear of persecution is able to have their claim heard.

* Final disposition of the individuals and the vessel will be determined in the next few days.

* We are strongly committed to ensuring that any violations of law are dealt with appropriately.

* This case illustrates the virtue of our collaboration with the Government of Cuba on such cases and our continued commitment to implementation of the migration accords.

What is the USG reaction to Castro's latest statements about return of the 5-year-old Cuban boy?

* As in the case of any unaccompanied minor who arrives on U.S. shores, our primary concern is for the child.

* We do not accept the ultimatum issued through the press by Fidel Castro on Saturday night. This is not conducive to resolving this case in the appropriate way.

* We expect the Government of Cuba to fulfill its obligation to protect international diplomatic missions and their personnel. We would hold the Cuban government responsible for any harm to U.S. citizens or to our Interests Section that may come from the public protests called for by the Cuban government.

* We are committed to working with the family of the boy, including the father, and all relevant officials to achieve an appropriate resolution to this case.

Exchange Mail

DATE-TIME 12/7/99 2:05:52 PM
FROM Busby, Scott W. (MULTI)
CLASSIFICATION ~~CONFIDENTIAL~~
CLASSIFICATIONREASON 1.5(d)
DATECLASSIFIEDON 12/07/1999
DECLASSIFYON 12/07/2009
SUBJECT Cuban Case [~~CONFIDENTIAL~~]
TO Schwartz, Eric P. (MULTI)

CARBON_COPY

TEXT_BODY

E -- Pls clear and then send to Mary for clearance; Arturo for info.

Jim

--

Here's what we learned/agreed upon at this morning's SVTS on the case of the Cuban child:

1. INS is prepared to initiate the process of verifying the father's relationship to the child. It intends to do so by sending a letter to the father to request relevant information and documentation (proof of paternity, documents relating to marital status, etc.). It was agreed that it would be ideal if such a letter could be sent out by COB today, although Justice reserved as to whether that would be possible.

Justice/INS also believes that an interview with the father is necessary. Justice is going to consider where and how it would be best to carry out this interview and vet this with the interagency.

2. Once Justice has this information, it will make a decision as to whether it will continue the child on parole status, allow the child to withdraw his request for admission, or refer the case to an immigration judge. Justice suggested that it had relatively broad discretion in making this decision. However, it indicated that, should the father's status as father be verified, there would likely be a strong presumption in favor of returning the child to Cuba.

DECLASSIFIED
E.O. 13526

White House Guidelines, September 11, 2006

By MM NARA, Date 2/21/16

201-1034-F

3. It was agreed that we would seek to issue a statement before COB today that, among other things, would clarify in general terms the DoJ process for resolving the child's fate.

4.

It was also agreed that once Justice has the final text of a letter to the father, we would demarche the GOC to let them know how we intended to proceed with a determination in the case.

5. The

GOC demarched us this morning to request immediate return of the hijacked vessel we interdicted yesterday. The disposition of the migrants and vessel is close to resolution; INS is resolving questions about the protect status of one of the migrants. We expect to have a final decision very soon. At the very least, it appears that 7 of the 8 migrants and the vessel will be returned to the GOC in the next couple of days. This will help to defuse the situation around the status of the child.

Scott

Exchange Mail

DATE-TIME 12/9/99 6:14:32 PM
FROM Busby, Scott W. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT Clearance ASAP: POTUS memo on Cuban boy [UNCLASSIFIED]
TO Valenzuela, Arturo A. (INTERAM)
DeRosa, Mary B. (LEGAL)

CARBON_COPY Armstrong, Fulton T. (INTERAM)
Avery, Dale R. (INTERAM)
Hollis, Caryn C. (INTERAM)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)
Valenzuela, Arturo A. (INTERAM)
Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
Busby, Scott W. (MULTI)
Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Hill, Roseanne M. (MULTI)
Kale, Dora A. (MULTI)
McClean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)

TEXT_BODY

SRB would like this to him by tonight.

TRANSLATED_ATTACHMENT

8934 POTUS memo.doc

INFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER

SUBJECT: Case of Elian Gonzalez

Background: On Thanksgiving morning, six-year-old Elian Gonzalez was rescued from an inner tube by fishermen off the coast of Florida. Elian was one of three survivors of a boat holding 14 Cuban migrants that capsized at sea; Elian's mother and her mother's boyfriend were among those who perished. He was turned over to the Coast Guard, who, after conducting a medical evaluation, decided to bring him into the United States for emergency treatment. He was held in a hospital for several hours and then released by local Immigration and Naturalization Service (INS) into the custody of extended relatives in Miami. He currently resides with one of his father's uncles.

Immigration Status: As with other aliens who arrive on U.S. soil, INS considers Elian an applicant for admission to the U.S. Any such applicant must be "inspected" before the applicant can legally "enter" the United States. In this case, INS has deferred Elian's inspection until December 23. This inspection could be deferred indefinitely.

In the meantime, like almost all other Cubans who arrive here illegally, Elian has been granted immigration parole. This permits him to reside on U.S. territory even though he has not been formally admitted. Such status also brings him within the scope of the Cuban Adjustment Act of 1966, which means that he will be eligible to become a lawful permanent resident alien (LPR) a year and a day after his parole.

Procedures in the Case: The key issue in this case at present is Elian's immigration intent. Because he is a minor, it is generally assumed that Elian is not competent to represent his own wishes. The question is who can

speak for
Eliau. Ordinarily, it is presumed that a parent with lawful custody
over a minor
may speak for that minor.

Request from Father: The Cuban government has forwarded to us a
request from
Eliau's putative father that Eliau be returned to him. In response to
that
letter, INS is seeking to deliver a letter to the father that describes the
information and documents he needs to provide to establish (1)
paternity and (2)
his parental rights over the child. INS is also seeking to interview the
father
in our Interests Section in Havana on these same issues. Should the
father prove
both paternity and his custodial rights, INS believes that there would
be a
strong presumption in favor of allowing the father to speak on Eliau's
behalf.
Should the father continue to wish for Eliau's return to Cuba, INS
would deem
Eliau's application for admission to be withdrawn and he would then
be returnable
to Cuba.

Intervention by Others: At the same time, it is clear that others,
including the
great uncle with whom Eliau currently resides, also intend to
intervene on
Eliau's behalf. We have received reports that Eliau's relatives in Miami
are
preparing an asylum application on Eliau's behalf, a state court action
aimed at
establishing custody over Eliau, and a federal lawsuit to enjoin any
federal
action to remove Eliau from the U.S. However, unless it can be shown
that
Eliau's father is unfit, the Departments of State and Justice think it
unlikely
that any of these actions would ultimately be effective.

Timing: INS believes that it should be able to make a decision on
Eliau's
immigration intent soon after receiving the necessary information
from the
father. However, it is unclear how long it would take to resolve any
litigation
that may be undertaken to thwart the father's claim (should he be
successful in

establishing paternity and custody). The issues in this case are unusual and will be decided in a politically charged atmosphere. Thus, we imagine that there could be significant delay in resolving the case.

2

8934

cc: Vice President
Chief of Staff

Exchange Mail

DATE-TIME 12/10/1999 3:05:58 PM
FROM Busby, Scott W. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT PLS CLR ASAP: New Elian Gonzalez guidance [UNCLASSIFIED]
TO Valenzuela, Arturo A. (INTERAM)
Hollis, Caryn C. (INTERAM)
DeRosa, Mary B. (LEGAL)

CARBON_COPY Armstrong, Fulton T. (INTERAM)
Avery, Dale R. (INTERAM)
Hollis, Caryn C. (INTERAM)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)
Valenzuela, Arturo A. (INTERAM)
Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
Busby, Scott W. (MULTI)
Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Hill, Roseanne M. (MULTI)
Kale, Dora A. (MULTI)
McClean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)
Orfini, Michael H. (VP)

TEXT_BODY

Mary, Arturo/Karen -- thank you.

TRANSLATED_ATTACHMENT

Elian guidance 12 10 99.doc
Elian Gonzalez Case
December 10, 1999

How do you intend to resolve the Elian Gonzalez case?

* This case will be processed by the INS in a deliberate way according to the rules and procedures applicable to these types of claims.

* As I have said before, the decision here is a legal one, not a political one, and I intend to do as much as I can to keep it that way.

* The key issue is determining who speaks for the child. INS is making every effort to collect the necessary information from Elian's father and will consider all other information relevant to this issue.

* We have made clear to the Cuban government what this process entails and hope they will help us facilitate the gathering of the necessary information.

Don't you think it would be better if the boy grew up in the United States?

Of course, we would like everyone to grow up in a free country, but there are other issues present in this case. The case must be resolved in the appropriate legal manner.

Last week, the State Department said that the USG would defer to the courts on this case. Now, you are saying that INS must make a decision of its own. Are you caving into the pressure applied by the Castro government?

* No. This case is a complex one, involving issues of both children's law and immigration law. Our approach to the case has evolved as more facts have come to light.

* The courts may end up playing a role in this case, but for now, we know that INS must make an important legal decision of its own, and that is, who speaks for the child's immigration wishes.

It appears that an asylum claim will/has been filed on Elian's behalf.

Will this
change your view of the case?

* No. The central issue remains the same: who should speak for this child.

That is the decision INS must make. And that is a decision that INS will make without involvement of the White House or any other political actor.

How quickly will INS make its decision?

* This is a question better directed at the Department of Justice and INS. It is important that we respect the integrity of their decision-making process.

How can you be sure that the father is speaking of his own free will, and not responding to pressure from the Castro regime? Why don't you grant the father a visa to come to the U.S.?

* INS is doing everything possible to ensure that the father can represent his wishes freely.

* We are also prepared to consider any request the father may make to come to the United States to pursue his case.

Do you think the resolution of this case will set back the U.S. relationship with Cuba on other matters?

* This is certainly not our intention or hope.

* This is a difficult legal matter that should be resolved in the appropriate legal way; it should not be a political issue between our two governments.

* We intend to continue our cooperation with the Government of Cuba on migration and other law enforcement issues.

Exchange Mail

DATE-TIME 12/10/1999 5:46:58 PM
FROM DeRosa, Mary B. (LEGAL)
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: More on Boy [UNCLASSIFIED]
TO Hammer, Michael A. (PRESS)

CARBON_COPY Busby, Scott W. (MULTI)
Avery, Dale R. (INTERAM)
Hollis, Caryn C. (INTERAM)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)
Valenzuela, Arturo A. (INTERAM)
Busby, Scott W. (MULTI)
Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Hill, Roseanne M. (MULTI)
Kale, Dora A. (MULTI)
Mclean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)
Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)

TEXT_BODY See changes to the guidance.

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

From: Busby,
Scott W. (MULTI)
Sent: Friday, December 10, 1999 4:27 PM
To: Hammer,
Michael A. (PRESS)
Cc: @INTERAM - Inter-American; @LEGAL - Legal
Advisor; @MULTILAT - Multilateral and Humanitarian Affairs
Subject: More
on Boy [UNCLASSIFIED]

Mike -- I've added the last Q&A from earlier guidance.

TRANSLATED_ATTACHMENT Elian guidance 12 10 99.doc
Elian Gonzalez Case
December 10, 1999

How do you intend to resolve the Elian Gonzalez case?

* This case will be processed by the INS in a deliberate way according to the rules and procedures applicable to these types of claims.

* As I have said before, the decision here is a legal one, not a political one, and I intend to do as much as I can to keep it that way.

* The key issue for INS is determining who speaks for the child. INS is making every effort to collect the necessary information from Elian's father and will consider all other information relevant to this issue.

* We have made clear to the Cuban government what this process entails and hope they will help us facilitate the gathering of the necessary information.

Don't you think it would be better if the boy grew up in the United States?

* Of course, we would like everyone to grow up in a free country, but there are other issues present in this case. The case must be resolved in the appropriate legal manner.

Last week, the State Department said that the USG would defer to the courts on this case. Now, you are saying that INS must make a decision of its own. Are you caving to the pressure applied by the Castro government?

* No. This case is a complex one. * Although the courts may end up playing a role in this case, INS must make an important legal decision of its own, and that is, who speaks for the child's immigration wishes.

It appears that an asylum claim will/has been filed on Elian's behalf.

Will this
change your view of the case?

* No. The central issue remains the same: who should speak for this child.

That is the decision INS must make. *

How quickly will INS make its decision?

* This is a question better directed at the Department of Justice and INS. It is important that we respect the integrity of their decision-making process.

How can you be sure that the father is speaking of his own free will, and not responding to pressure from the Castro regime? Why don't you grant the father a visa to come to the U.S.?

* INS is doing everything possible to ensure that the father can represent his wishes freely.

* We are also prepared to consider any request the father may make to come to the United States to pursue his case.

Do you think the resolution of this case will set back the U.S. relationship with Cuba on other matters?

* This is certainly not our intention or hope.

* This is a difficult legal matter that should be resolved in the appropriate legal way; it should not be a political issue between our two governments.

* We intend to continue our cooperation with the Government of Cuba on migration, law enforcement and other issues.

Did the U.S. violate the migration accords with Cuba by bringing the child into the U.S.?

* No. This boy was in serious physical distress when he was turned over to the U.S. Coast Guard just off the Florida coast. The Coast Guard determined that he

was in need of urgent medical treatment. As in similar cases, he was brought into the U.S. for that purpose.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Busby to Eric Schwartz re: FW: PLS CLR: Update for POTUS on Cuban Boy and Cuban Migration (4 pages)	12/13/1999	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Non-Record (Sept 97-Jan 01) ([Scwhartz and Cuba...])
OA/Box Number: 630000

FOLDER TITLE:

[08/06/1999-02/14/2000]

2011-1039-F
rs1865

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 12/14/1999 6:22:43 PM
FROM Schwartz, Eric P. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT Eric Paul Schwartz [UNCLASSIFIED]
TO Kale, Dora A. (MULTI)

CARBON_COPY

TEXT_BODY

TRANSLATED_ATTACHMENT

bio.doc

Eric Paul Schwartz

Eric Schwartz is Senior Director and Special Assistant to the President for Multilateral and Humanitarian Affairs at the National Security Council in the Executive Office of the President, where he has served in several capacities since 1993. In his current position, he is responsible for development and implementation of policies relating to the United Nations, peacekeeping, and U.S. responses to complex crises; as well as human rights, humanitarian affairs and migration. He chairs the Clinton Administration's standing, high-level working groups on Peacekeeping; on Contingency Planning and on Human Rights Treaty Implementation. He has played major roles in the Clinton Administration's responses to a wide range of peacekeeping and humanitarian issues, including those relating to East Timor, Kosovo, Central Africa, Haiti, Northern Iraq, and Indochinese boat people.

From 1989 to 1993, before joining the NSC staff, Mr. Schwartz served as Staff Consultant to the U.S. House of Representatives Foreign Affairs Subcommittee on Asian and Pacific Affairs. Prior to that, he served as Washington Director of the human rights organization Asia Watch (now known as Human Rights Watch-Asia).

Eric Schwartz holds a law degree from New York University School of Law; a Master of Public Affairs degree (with a specialization in International Relations) from the Woodrow Wilson School at Princeton University; and a Bachelor of Arts degree, with honors, in Political Science from the State University of New York at Binghamton (where he became a member of Phi Beta Kappa).

He is married to Catherine M. Graham of Swansea, New South Wales, Australia, and has two daughters, Sarah, age 6, and Anna, age 3. He and his family live in Silver Spring, Maryland.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. email	Michael Orfini to Richard Saunders re: FW: Double Red Dot Pckg 9026 Cuban Boy Update... (8 pages)	12/16/1999	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Non-Record (Sept 97-Jan 01) ([Scwhartz and Cuba...])
OA/Box Number: 630000

FOLDER TITLE:

[08/06/1999-02/14/2000]

2011-1039-F
rs1865

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 02/14/2000 5:27:23 PM
FROM Tavlarides, Mark J. (LEGIS)
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Gilman Response Revisited [UNCLASSIFIED]
TO Hollis, Caryn C. (INTERAM)

CARBON_COPY Lackey, Miles M. (LEGIS)
DeRosa, Mary B. (LEGAL)
Patten, Wendy L. (MULTI)
Rosa, Frederick M. (TNT)
Duncan, John D. (INTECON/DOS)
Burrell, Christina L. (LEGIS)
Lackey, Miles M. (LEGIS)
Shapiro, Daniel B. (LEGIS)
Tavlarides, Mark J. (LEGIS)
Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Kale, Dora A. (MULTI)
McClean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Patten, Wendy L. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)
Wilcox, Richard M. (MULTI)
Bruns, Judson L. (Jay) (INTECON)
Duncan, John D. (INTECON/DOS)
Goldberg, David B. (INTECON/INTERN)
Hendricks, Lori A. (INTECON)
Lee, Malcolm R. (NEC)
Mitsler, Elaine M. (INTECON)
Samans, Richard (NEC)
Smith, Holly M. (INTECON/INTERN)

TEXT_BODY Leg clears with minor track changes.

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

From: Hollis,
Caryn C. (INTERAM)
Sent: Monday, February 14, 2000 1:05 PM
To: Lackey,
Miles M. (LEGIS); DeRosa, Mary B. (LEGAL); Patten, Wendy L.
(MULTI);
Rosa, Frederick M. (TNT); Duncan, John D. (INTECON/DOS)
Cc: @LEGISLAT
- Legislative Affairs; @LEGAL - Legal Advisor; @MULTILAT -
Multilateral
and Humanitarian Affairs; @INTECON - Economic Affairs
Subject: Gilman
Response Revisited [UNCLASSIFIED]

All, you were all correct it
was too long. Here is a redo, as always as quickly as you can.
Thanks, caryn

TRANSLATED_ATTACHMENT 0267 REDOSRB.doc

February 14, 2000

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ARTURO A. VALENZUELA

FROM: CARYN C. HOLLIS

SUBJECT: Reply to Letter from Members of Congress Regarding
Haiti

Representative Benjamin Gilman and five other Members of Congress
wrote to the
President expressing their concern and interest in reevaluating U.S.
interests in

Haiti. The letter details eight areas of interest that they contend are
crucial
for U.S. interests in Haiti. They offer to create a partnership with the
Administration to promote and protect U.S. interests in Haiti and to
move forward

on further programs after credible elections take place.

The reply accepts the offer and details steps that the Administration
has taken

in their areas of specific interest.

NSC received the incoming correspondence on January 12, 2000.

Concurrence by: Wendy Patten; Mark Tavlarides; Mary DeRosa; John
Duncan; Fred
Rosa

RECOMMENDATION

That you forward the memorandum at Tab I.

Attachment

Tab I Memorandum for the President

Tab A Proposed Response

Tab B Incoming Correspondence

1

REDO

0267

TRANSLATED_ATTACHMENT 0267REDOmemo.doc

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER
CHARLES M. BRAIN

SUBJECT: Reply to Letter from Members of Congress Regarding
Haiti

Purpose

To respond to a letter from six Members of Congress regarding Haiti.

Background

Representatives Benjamin A. Gilman (R-NY), Porter Goss (R-FL), Gary Ackerman (D-NY), Sam Gejdenson (D-CT), John Conyers (D-MI) and Senator Mike Dewine (R-OH) wrote to you requesting a reassessment of U.S. efforts in Haiti.

The letter establishes that after credible elections they are committed to work with the Administration on additional programs to promote democratic and economic

development in Haiti. It expresses specific interest in non-violence, credible elections, police professionalization, human rights training and monitoring, party strengthening, counter-drug cooperation, economic support, and a repatriation agreement.

Your reply accepts their offer of a partnership to promote national security interests in Haiti and discusses Administration initiatives that address their concerns.

RECOMMENDATION

That you sign the letter at Tab A.

Attachments
Tab A Proposed Response
Tab B Incoming Correspondence

2

0267

cc: Vice President
Chief of Staff

Dear Gary:

Thank you for your letter. I appreciate your offer to forge a bipartisan partnership to promote our significant national security interests in Haiti.

Your offer comes at a pivotal moment in Haiti's political development, and my Administration looks forward to working with you on ways to best promote U.S. policy.

As you state, free, fair, and non-violent elections are vital for peace and prosperity in Haiti. The United States is working closely with the government of

Haiti to further efforts by the Provisional Electoral Council, political parties,

and the Haitian National Police (HNP) to create an atmosphere that promotes good and secure elections. Our election assistance supports voter education by establishing voter information centers, financing candidate debates, funding radio campaign programming, printing party platforms, and training party poll watchers. I believe this commitment will strengthen civil society and political institutions, including parties, that form the bedrock of a democracy.

With the departure of the U.S. Military Support Group and the end of the United Nations Civilian Police Mission in Haiti, it is important that the Haitian people

know that the international community remains engaged. The new United Nations International Civilian Mission, made up of over 100 advisors, will

work to
improve Haitian institutional capabilities in the areas of police,
judicial
reform, and human rights. It will contribute to a strong and
independent HNP
essential to maintaining security, especially during the electoral
period, and
demonstrate our ongoing commitment to the Haitian people.

I also am deeply troubled by the flow of illicit drugs transiting Haiti
en route
to the United States. Working with the government of Haiti, we are
increasing
counter-drug cooperation in such areas as air interdiction, Drug
Enforcement
Administration operations, money laundering, and extradition.

On the repatriation issue, the United States had a repatriation
agreement with
Haiti that the government of Haiti allowed to lapse. Nonetheless, we
have been
able to continue the process of repatriating migrants interdicted at sea
through
informal arrangements. After the elections seat a new parliament, we
will be
better positioned to explore possibilities for a formal repatriation
agreement.

With the election of a new parliament, I hope to see movement on the
economic
front. Through U.S. AID and other agencies, we will continue
programs to
alleviate hunger, promote sound health and population policies,
increase access
to education, and combat environmental degradation. We will take
under
consideration the possibility of sponsoring an economic development
fund to
promote U.S. investment in Haiti.

Our mutual objectives in Haiti are clear -- free, fair, and secure
elections, and

the strengthening of democratic institutions, including the
establishment of a
fully functioning parliament.

Again, thank you for your letter. I share your commitment to
promoting and
protecting U.S. interests in Haiti.

Sincerely,

The Honorable Gary L. Ackerman
House of Representatives
Washington, D.C. 20515-160

1

2