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NSC/RMO PROFILE

RECORD ID: 9603420
RECEIVED: 16 MAY 96 14

TO: PRESIDENT

FROM: EDWARDS, JAMES W

DOC DATE: 13 MAY 96
SOURCE REF:

KEYWORDS: CUBA MIGRATION
LEGAL ISSUES

IMMIGRATION
PRESIDENTIAL CORRESPONDENCE

PERSONS: WINTER, WILLIAM

SUBJECT: PRES OF WILLIAM CAREY COLLEGE OF MISSISSIPPI LTR RE MOISES V
GUERRA-HERNANDEZ / CUBA REFUGEE CASE

ACTION: NFAR PER MALLEY

DUE DATE: 20 MAY 96 STATUS: C

STAFF OFFICER: MALLEY

LOGREF:

FILES: WH

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO

COMMENTS: _____

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DOC 1 OF 1

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ACTION DATA SUMMARY REPORT

RECORD ID: 9603420

DOC ACTION OFFICER

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CAO ASSIGNED ACTION REQUIRED

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CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION
MALLEY

FOR CONCURRENCE
ARMSTRONG
KRECKO

FOR INFO
CLARKE
DOBBINS
FRIEDRICH
SCHWARTZ

COMMENTS:

No reply required

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DOC 1 OF 1

UNCLASSIFIED



Office of the President
William Carey College
498 Tuscan Avenue
Hattiesburg, MS 39401-5499
(601) 582-6495

May 13, 1996

The Honorable William Clinton
President of the United States
The White House
Washington, D.C. 20500-25-2000

**RE: URGENT REQUEST REGARDING
MOISES V. GUERRA-HERNANDEZ
-- A CUBAN REFUGEE**

Dear Mr. President:

The Honorable William Winter, former Governor of the State of Mississippi, recommended that I write directly to you regarding a potentially life-threatening set of circumstances involving a Cuban refugee named Moises V. Guerra-Hernandez. These circumstances may have significant potential political embarrassment for you and your administration.

Governor Winter has represented William Carey College as legal counsel during the seven year period that I have been President. Our College enrolls approximately 2,200 students in Gulfport, Hattiesburg, and New Orleans and receives significant support from the Mississippi Baptist Convention. We have graduates throughout the world in education and business, medicine and nursing, missions and Biblical studies, public and community service, and the fine arts. During the past year, Moises Guerra-Hernandez was allowed to enroll at our Gulfport campus as an art major at the College as part of a prisoner rehabilitation program with Sheriff Joe Price of Harrison County, Mississippi.

A summary of the factual circumstances as we currently understand them is outlined below.

- (1) **Mr. Guerra-Hernandez believes that he may be boarded on a plane this week -- Thursday, May 16, 1996 -- as part of deportation proceedings to Cuba, said plane which Fidel Castro has purportedly threatened to shoot down.** If such an event occurs, I believe that another international incident related to the deteriorated relationships with Cuba could occur and given many other issues which are involved, that your Presidency and leadership of our nation may be harmed.
- (2) **A total of 18 pages of information related to the file of Guerra-Hernandez is being withheld by Immigration and Naturalization Service personnel, said withholding may be contrary to the Freedom of Information Act.** Mr. Guerra-Hernandez believes that he may be the victim of a coverup delay and efforts by Immigration and Naturalization Service officials. As partial evidence of his concern, I enclose a letter from the INS Regional Director in New Orleans, Mr. John Caplinger, to Catherine Lampard-Naccari who is one of Moises' attorneys. The Guerra-Hernandez file was delayed 80 days before Ms. Lampard-Naccari received anything and then it was not complete per requirements under the Freedom Of Information Act.
- (3) **Mr. Guerra-Hernandez further believes that errors of fact may have been made in 1986 in a Federal deportation appeal proceeding in Atlanta, and that those errors are now being misunderstood and/or covered up.** A review of the transcript of those hearings as compared to the legal records in Florida will reveal that both the Federal hearing judge and attorney were in error on whether Moises had one legal conviction or two. A copy of the hearing transcript is enclosed and shows that the judge and the attorney concluded that Guerra-Hernandez had convictions on both an Accessory After the Fact charge and an Aggravated Battery charge. This material error is cause for legal action which is being initiated. Mr. Caplinger appears to have made the same error in his public statements about the Guerra-Hernandez case.

4. **Moises Guerra-Hernandez is a model for prison rehabilitation who wants to continue leading others in a ministry of painting and teaching.** As the President of William Carey College, I am strongly supportive of such a Christian ministry and the rehabilitation of prisoners. Moises is a committed Christian who has made a positive impact on the lives of many people. He has led anti-drug programs, improved the environment on the Mississippi Gulf Coast, and touched the lives of thousands of people with his religious paintings.
5. **Moises Guerra-Hernandez is an exceptional artist whose talents were nurtured as part of a rehabilitation program by Sheriff Joe Price of Harrison County, Mississippi.** Some of Moises' works have won acclaim throughout Mississippi. Last month he could not personally accept a major award in statewide competition because he was in jail in New Orleans, Louisiana.
6. **Mr. Guerra-Hernandez believes that his rights to legal counsel are being thwarted by INS officials.** He was recently moved again by INS personnel to Talladega, Alabama where deportation is now purportedly imminent. His legal counsel, Ms. Lampard-Naccari, was not informed of said move and is not able to adequately communicate with Moises at this time of crisis.
7. **Over ten weeks ago, I forwarded a legal request for reparole to Attorney General Janet Reno regarding Moises Guerra-Hernandez and I have yet to receive even the courtesy of an acknowledgement that my letter was received.** What I have received through political inquiries including Governor Winter and Senator Trent Lott are a number of letters from INS and Justice Department officials which have been fraught with misstatements, misinformation, and errors of fact based on the very files held in Federal custody related to Guerra-Hernandez.
8. **Over six weeks ago, I wrote to Vice President Gore and I have received the same lack of courtesy and non-response of any type.** With all due respect, the silence is pretty deafening on the Federal end of a government that is supposed to be more efficient in the lives of human beings.

I have never in my life written this type of letter because my style is to work actively but quietly behind the scenes to avoid public embarrassment of others when personal error, mismanagement, and poor judgement have created a human crisis. My professional career includes education, business, and government and spans nearly four decades of service in ten regional and national educational institutions in eight different states in the Midwest, East Coast, Southwest, and Southeast. It has been my privilege to teach several thousand students, provide leadership for institutions which educated tens of thousands, serve in public office and community and state leadership roles, and affirm the personal and spiritual growth of many faculty, staff, and students. Never in all of my years of professional endeavors have I been as disgusted and discouraged about the depth and breadth of apparent incompetency and lack of concern by Federal officials as I have witnessed in the case of Moises Guerra-Hernandez.

I strongly urge you to review the enclosed materials, seek answers to the questions listed on Attachment I, and vigorously pursue the truth about Moises Guerra-Hernandez, which truth now seems to be shielded by inaction and delay, political indecision, and personal vendettas against a young man whose only weapons are paint brushes and friends who believe in his God-given talent and demonstrated commitment to be a productive and responsible human being who is doing good for others. If your administration wants a role model of prison rehabilitation, you won't allow Moises Guerra-Hernandez to be deported.

Sincerely,


James W. Edwards
President and Chief Executive Officer

JE/cl

Enclosures (5 - Caplinger letter; Excerpts from Atlanta hearing; Appeal to Reno; Letter to Gore, Attachment 1)

MAY-14-96 TUE 14:16

FAX NO. 504 802 8753

P. 02

U.S. Department of Justice
Immigration and Naturalization Service
New Orleans District

NOL95000118

April 15, 1996

P.O. Box 5095
207 East 5th Avenue
Oakdale, LA 71463-5095

CATHERINE LAMPARD NACCARI
P.O. BOX 19367
NEW ORLEANS LA 70179-0367

RE: GUERRA-Hernandez, Moises
A022 803 734

Dear Ms. Lampard:

This is in response to your Freedom of Information request received February 26, 1996, wherein you seek documents from the above-named file.

The contents of the file are being released to you with the exception of eight (8) pages being partially denied and ten (10) pages being totally denied pursuant to the following FOIA b (1)(B) exemption(s):

- (b)(2) Materials related solely to the internal rules and practices of the INS.
- (b)(7)(C) Investigatory records compiled for law enforcement purposes, the disclosure of which would constitute an unwarranted invasion of the personal privacy of another person.
- (b)(7)(D) Investigatory records compiled for law enforcement purposes, the disclosure of which would reveal the identity of a confidential source or reveal confidential information furnished only by the confidential source.

One document originating with another agency has been referred to that agency for processing and direct response to you. If you should wish to contact that agency, you may do so at the following address: Refugee Mental Health Branch, Room 18-49, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857.

In the event you wish to appeal this determination, you may write to the Assistant Attorney General, Office of Legal Policy, Department of Justice, Flag Building, Suite 570, Washington, DC 20530, within 30 days of receipt of this letter. Both the letter and the envelope should be clearly marked: "Freedom of Information Act Appeal" or "Information Appeal."

Sincerely,

John B. I. Caplinger
John B. I. Caplinger
District Director

Enclosure

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
Atlanta, Georgia

File No: A 22 803 734

July 10, 1985

In the Matter of)
MOSES GUERRA HERNANDEZ) IN EXCLUSION PROCEEDINGS
Respondent.)

CHARGE: 212 (a) (9) Aggravated Battery; 212 (a) (20) No visa
APPLICATIONS: Asylum and Withholding of Deportation and
Admission.

INTERPRETER: C. Velez

APPEARANCES:

ON BEHALF OF THE RESPONDENT:

Pro se

ON BEHALF OF THE SERVICE:

Charles J. Sanders

ORAL DECISION OF THE IMMIGRATION JUDGE

The Applicant is a male native and citizen of Cuba who was seeking admission into the United States at Key West, Florida as a refugee. [He was subsequently paroled into the United States and settled in Florida where he was convicted of aggravated battery.] Thereafter, his parole was revoked by the District Director and he was detained pursuant to Section 235 (b) of the Act for a hearing to determine whether he was

*This
is wrong
wrong
wrong*

admissable into the United States or whether he should be excluded and deported. At the hearing afforded the Applicant it was determined that he had come into the United States as an intending immigrant. It was his stated intention that he came to live and work. He did not obtain an immigrant visa or valid entry documents prior to coming to this country. He has not applied for nor received adjustment of status since his arrival and therefore is excludable pursuant to Section 212 (a) (20) of the Act. This hearing has determined that the Applicant was convicted in Florida of aggravated battery and sentenced to prison for a term of two years. Aggravated battery is a crime involving moral turpitude and therefore he is excludable pursuant to Section 212 (a) (9) of the Act. At his hearing, the Applicant renewed his application for Asylum and Withholding of Deportation. Section 243 (h) (2) (b) of the Act mandates that an alien who has been convicted of a particularly serious crime shall not receive withholding of deportation. The Applicant's conviction for aggravated battery is a particularly serious crime and I would find that based upon his criminal history that he would not...that he does pose a danger to the community and therefore he is ineligible for withholding of deportation. Asylum differs from withholding of deportation in that it is discretionary in nature and based upon the Applicant's criminal history. I would find that he does not merit a favorable exercise of the Attorney General's discretion.

ORDER:

IT IS HEREBY ORDERED that the applications for asylum and withholding of deportation be and are hereby denied.

IT IS FURTHER ORDERED:

IT IS FURTHER ORDERED that the Applicant be excluded and deported from the United States.

Charles E. Auslander
Immigration Judge

U.S. Department of Justice
Executive Office for Immigration Review
Office of the Immigration Judge

Matter of

File A 22 803 734

MOSES GUERRA HERNANDEZ

In

EXCLUSION

Proceedings

Respondent.

Transcript of Hearing

Before CHARLES AUSLANDER, Immigration JudgeDate: JULY 10, 1985 Place: ATLANTA, GATranscribed by C&W ASSOC., INC At NEWPORT NEWS, VAOfficial Interpreter C. VELEZLanguage SPANISH

INS. COPY

Appearances:

For the Immigration and
Naturalization Service:MR. SANDERS(Trial Attorney)

General Attorney

(Station)

For the Respondent:

PRO SEAC

MAY 14 96 TUE 14:19

FAX NO. 504 862 8753

P. 07



U.S. Department of Justice

Executive Office for Immigration Review

Office of the Immigration Judge

RECEIVED
DEC 18 11 12 AM '85
INS-ATLANTA, GA.

Richard B. Russell Federal Building
75 Spring Street, S.W., Room 1354
Atlanta, Georgia 30303

DEC 17 1985

INSTRUCTIONS FOR BRIEFS TO THE BIA

ATTACHED IS A COPY OF THE DECISION OF THE IMMIGRATION JUDGE AND THE TRANSCRIPT OF THE HEARING. IF YOU DESIRE TO FILE A BRIEF, IT MUST BE FILED IN THIS OFFICE WITHIN TEN(10) DAYS OF THE ABOVE DATE. ONLY ONE COPY OF THE BRIEF NEED BE FILED, BUT IT MUST CONTAIN A CERTIFICATION THAT A COPY OF IT HAS BEEN PROVIDED TO THE OPPOSING SIDE.

INS. COPY

1 JUDGE FOR THE RECORD

2 Today is May 23, 1985, File A 22 803 734.

3 JUDGE TO RESPONDENT

4 Q. Sir would you tell me your name please?

5 A. Moses Guerra Hernandez.

6 Q. Mr. Guerra, I'm going to show you a document,
7 Form I-122 and ask you if you received one of these?

8 A. Yes sir, I just received it.

9 Q. All right.

10 JUDGE

11 This will go into the record as Exhibit 1.

12 JUDGE TO MR. GUERRA

13 Q. You have been brought here today for a hearing
14 to determine what your immigration status is in the United
15 States and this document tells what the Immigration Service
16 charges. That you came into this country without first
17 obtaining the proper documents and that after arriving of
18 having been convicted of a serious crime. I should tell you
19 that if these charges are proved to be true that you may be
20 found deportable from the United States, do you understand
21 this?

22 A. Yes sir.

23 Q. Now if you desire you may have an attorney with
24 you during your hearing or any continuation of it but at no
25 expense to the Government. In other words, you may have an
26 attorney with you if you were to hire one to be here or if

1 you qualify for free legal services if you seek and obtain an
2 attorney from one of the free legal services here in Atlanta,
3 or you may speak for yourself. Do you prefer to have an
4 attorney with you or would you prefer to speak for yourself?

5 A. I prefer to have an attorney, Your Honor.

6 Q. All right then. We will give you time to write
7 to an attorney. You've got the names and the addresses.

8 A. I don't have an attorney now.

9 Q. I know. We'll give you time. We'll give you
10 time to write and I don't think you will have access to a
11 telephone so it's necessary for you to write the letter.

12 A. I would like to talk by telephone.

13 Q. Well I don't know if you can but it's...we'll
14 bring you back after awhile to see what progress you've made
15 in obtaining an attorney. If there is nothing further the
16 hearing is adjourned.

17 HEARING ADJOURNED
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1 JUDGE FOR THE RECORD

2 This is July 10. 1985.

3 JUDGE TO MR. GUERRA

4 Q. Mr. Guerra, the last time you were here we
5 continued your case to allow you to find an attorney. What
6 have you done to accomplish this?

7 A. I wasn't able to find one.

8 Q. It's been almost six weeks now so we will
9 proceed and allow you to speak for yourself. In a few
10 moments the attorney for the Immigration Service will begin
11 giving me some of the documents that you see in front of him.
12 Before we place any of those into your file I'll have it
13 explained to you in Spanish what they are and what they say
14 about you and if there are inaccuracies in them, you'll be
15 given the opportunity to tell me. Also you will be given an
16 opportunity to tell your side of the story if you so desire
17 and to place any documents that you may wish to into your
18 file. The law requires that anything you say here today to
19 be under oath so would you raise your right hand, please? Do
20 you solemnly swear the testimony you are about to give will
21 be the truth, the whole truth and nothing but the truth, so
22 help you God?

23 A. Yes.

24 Q. Now, were you born in Cuba?

25 A. Yes sir.

26 Q. When you came to this country was it your

1 intention to live and work here?

2 A. Yes sir, of course.

3 Q. Before you left Cuba did you obtain any
4 documents from either American officials or Swiss officials
5 in that country which would allow you to come to the United
6 States?

7 A. No sir.

8 Q. After arriving here have you applied or have
9 you received the green card which would give you your
10 permanent residency in this country?

11 A. No sir.

12 JUDGE TO MR. SANDERS

13 Q. Mr. Sanders, do you have a conviction document?

14 A. Yes we do, Your Honor.

15 Q. Place it in front of the Applicant please?

16 JUDGE TO MR. GUERRA

17 Q. Are these your conviction documents, Mr.
18 Guerra?

19 A. Yes sir.

20 JUDGE

21 These will go into the record as Exhibit 2.

22 JUDGE TO MR. GUERRA

23 Q. This one tells me that you were charged with
24 aggravated battery. Apparently you got into a fight at a
25 bar?

26 A. Yes sir, I did.

1 Q. Whatever happened to this case?

2 A. I understand it was dismissed.

3 Q. This other one says that you hid somebody that
4 had been fleeing from a crime and they charged you with
5 accessory after the fact. You helped somebody who was
6 fleeing from a crime and they charged you with being an
7 accessory after the fact?

8 A. Accessory after the fact...

9 Q. Right.

10 A. Yes sir, that is correct. That was the first
11 case and the other one with the battery was the second case.
12 I was on probation at the time and they fined me for violation
13 of probation.

14 Q. All right. They gave you five years probation
15 for this...for the original one and then when they arrested
16 you for the aggravated battery they revoked the probation for
17 the accessory?

18 A. Yes, that's correct. They revoked my parole.
19 Then I was sentenced to five years for the second case.

20 Q. The...are you afraid to go back to Cuba?

21 A. Yes sir, sure.

22 Q. Do you wish to renew your asylum application?

23 A. Yes sir.

24 JUDGE TO MR. SANDERS

25 Q. Mr. Sanders, do you have the I-589?

26 A. Yes we do, Your Honor.

1 JUDGE TO MR. GUERRA

2 Q. Is this your signature on page four of your
3 asylum application, Mr. Guerra?

4 A. Yes sir.

5 Q. Do you swear that the information that is
6 contained in your application is the truth, the whole truth
7 and nothing but the truth, so help you God?

8 A. Yes sir, sure.

9 JUDGE

10 I will place the I-589 along with the State
11 Department opinion letter and a document which is entitled
12 motion to reopen into the record as Exhibit 3. We'll treat
13 the motion to reopen as supplementary information to the
14 application and consider it in making my decision.

15 JUDGE TO MR. GUERRA

16 Q. Tell me exactly why you are afraid of going
17 back to Cuba, Mr. Guerra?

18 A. Because I was one of those who entered the
19 embassy on April 4, 1980.

20 Q. Was that the only reason?

21 A. I was persecuted by the authorities there
22 because they knew I was against the communist system since I
23 made propaganda and I wrote derogatory remarks in many
24 places against the Government.

25 Q. Did they ever catch you and put you in jail for
26 that?

1 A. No, I never got caught for that.

2 Q. Well how do they know that you were doing it?

3 A. Because they know but they don't have no proof.

4 They can't prove it. So what I did was to get into the
5 Embassy to try to get out of there as soon as possible, you
6 know.

7 JUDGE

8 The following will be the oral decision.

9 JUDGE TO MR. GUERRA

10 Q. Was there anything else you wanted to tell me,
11 Mr. Guerra, before I make a decision in your case?

12 A. I would like to clear up those two charges.
13 Was I sentenced for both or just for one?

14 Q. You were sentenced for the one. You had
15 probation on both and they put you in jail for that. It
16 doesn't have any disposition on it. It doesn't, it...well
17 hold on. Let me look back at it again, here. It
18 does...there is an adjudication of guilt here. They do have
19 you guilty of the aggravated battery. They do. They have
20 you guilty of both of them?

21 JUDGE

22 The following will be the oral decision.

23 ORAL DECISION RENDERED

24 JUDGE TO MR. GUERRA

25 Q. Now I found, Mr. Guerra, that you did not have
26 the proper documents when you came here and that you have

1 these two convictions in the State of Florida, do you
2 understand that?

3 A. Yes.

4 Q. And I've denied your asylum application, do you
5 understand that?

6 A. Yes.

7 Q. And I've ordered you to leave the United States
8 and I presume the Immigration Service will attempt to send
9 you to Cuba, do you understand that?

10 A. Is that a serious crime.

11 Q. Do you understand that I have ordered you to
12 leave the United States?

13 A. I wish to appeal.

14 Q. All right.

15 JUDGE

16 I will note for the record that the Applicant does
17 not have the money to pay the appeal fee so I will waive it.
18 I also direct the Interpreter to assist him in filling out
19 the appeals fee...form. If there is nothing further, the
20 hearing is adjourned. There is something further.

21 JUDGE TO MR. SANDERS

22 Q. Mr. Sanders, does the Government wish to
23 appeal?

24 A. No, Your Honor.

25 Q. All right.

26 JUDGE

1 If there is nothing further now, the hearing is
2 adjourned.

3 HEARING ADJOURNED
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Office of the President
William Carey College
498 Tuscan Avenue
Hattiesburg, MS 39401-5499
(601) 582-6495

April 3, 1996

The Honorable Vice President Albert Gore
Office of the Vice President
Old Executive Office Building
Washington, D.C. 20501

Dear Vice President Gore:

This letter is written to thank you for your help in a prior action several years ago in Tennessee and to request your current assistance related to a similar circumstance in Mississippi.

In the early 1990s, a Yugoslavian foreign exchange student named Boris Zakic was about to be returned to his home country from Tennessee. Because of a then desperate situation in Yugoslavia, you graciously determined that Boris would be allowed to remain in the United States and to enroll at Union University. Your action was taken at the request of Ted Rose, an outstanding regional artist, who was at that time Chairman of the Art Department at Union.

Approximately a year after your help with Boris Zakic, I encouraged Ted Rose to come to William Carey College to join me in providing leadership for the art program on our campus in Gulfport, Mississippi. Prior to coming to William Carey College in 1989, I had previously served as Academic Vice President at Union University. That service was followed by some business and educational consulting endeavors on my part in Nashville and Franklin, Tennessee.

Boris Zakic subsequently enrolled under Ted Rose's mentorship at William Carey College. As a student at William Carey, Boris has distinguished himself by winning numerous awards throughout his college career. He is currently completing a one man show at the Meridian Museum of Art in Meridian, Mississippi. After graduating this year, Boris plans to attend graduate school at Tulane University. We believe he will bring national artistic acclaim to the United States and to the states of Tennessee and Mississippi where he was allowed and encouraged to develop his God-given talents.

Your help with Boris greatly fostered this young artist's career and possibly saved a life from the brutality that had ravaged his mother country. Ted Rose has told me and many other people in the Mid-South region of your assistance to Boris Zakic.

I am writing to again request your help for another exceptionally talented artist who is about to be deported and whom Ted Rose helped to enroll and pursue an art career at William Carey College.

Moises Guerra-Hernandez is a Cuban immigrant who arrived in the U.S. in 1980 as part of the Marial boatlift during the Carter administration. Moises, unfortunately, like many young Cubans at that time, and because of the pressures on and intricacies of the Immigration Service, was never granted his United States citizenship. To complicate the situation, Moises was later charged and involved in some legal problems. All but one of those charges were ultimately dismissed. He served time in Florida and Georgia for one conviction, which involved driving another person away from the scene of a crime (an action that Moises has consistently stated that he did unknowingly).

Because of a legal circumstance in Mississippi, during the past four years Moises Guerra-Hernandez has turned his life around through the development of his artistic talents. While being held in the Harrison County Detention Center, he was allowed to attend classes at William Carey College.

The decision by me as President to allow Moises to enroll was part of an ongoing and systematic rehabilitation program by Sheriff Joe Price and his wife, Wanda Price. Mrs. Price personally brought Moises to classes and picked him up to return to the Detention Center. Sheriff and Mrs. Price are community leaders, devoted Baptists, and committed to a strong law enforcement program and a strong rehabilitation program for inmates.

Moises Guerra-Hernandez has produced exceptional artwork and maintained a 4.0 average under the direction of Ted Rose. He has completed many works related to the Gulf Coast region, including community murals focusing on our history and environment in Biloxi and Long Beach. Many of his works are strongly spiritual in nature and were painted in the Harrison County Detention Center. He is a role model for rehabilitation in our criminal justice system.

The Immigration and Naturalization Service has determined it is necessary to deport Moises within the near future. This decision primarily goes back to circumstances that occurred over a decade ago.

As you can see from the enclosed materials, I have requested that Attorney General Janet Reno use her legal authority to re-parole Moises Guerra. I and many of this area's citizens are committed to his efforts to help others through a ministry of painting, teaching, and community service. My request to the Attorney General has been guided by the Honorable William Winter, former governor of Mississippi who has been working with Frank Hunger in the U.S. Department of Justice in Washington, D.C.

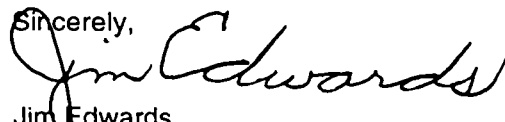
In closing, I would like to encourage you to review pages 54 and 55 of the re-parole request and to share a recent testimony from one of the female inmates in the Detention Center. While we were discussing the Easter Seals award winning painting on pages 54 and 55 by Moises, she stated:

"If you put Moises in a gymnasium with 100 members of a youth gang from South Mississippi and gave him some paint and brushes they would not paint graffiti! They would paint something honorable and uplifting – he would lead them to do that. That is the talent God has given him to rehabilitate other people who need to be productive citizens of America."

I beseech you to intervene on behalf of Moises because of his rehabilitation and his demonstrated desire to contribute to our society. I am fearful of his deportation because of the possible harm that may come to him. Given the current relations and international environment with Cuba, it is hard to imagine otherwise. Mr. Guerra has served his time, he has been rehabilitated and become an asset to our society. It would be a tremendous loss if his deportation were allowed to occur.

I would greatly appreciate your help on my re-parole request to General Reno and in determining the future of the life of Moises Guerra-Hernandez.

Thank you for your fine leadership, your vision for our future, and your lifetime of service to our nation and the world.

Sincerely,

Jim Edwards
President and Chief Executive Officer

JE/cl

cc: The Honorable William Winter
The Honorable Joe Price
Chairman Ted Rose

ATTACHMENT I

QUESTIONS FOR REVIEW ON MOISES GUERRA-HERNANDEZ MAY 13, 1996

Question #1: Why are 18 pages of the INS files on Moises Guerra-Hernandez being withheld from the Freedom of Information Act request by his attorney and why did it take 80 days for INS officials to respond to this request?

For Answers Call - John Caplinger, Regional Director of INS in
New Orleans, Louisiana
504/589-6533

Question #2: Why have INS and Department of Justice officials frequently stated that Moises Guerra-Hernandez has multiple criminal convictions when their own records and the NCIC computer system have consistently shown only one conviction which was on an Accessory After the Fact charge for driving a friend away from the scene of a knifing incident in 1981?

For Answers Call - John Caplinger, Regional Director of INS in
New Orleans, Louisiana
504/589-6533
and
Janet Reno, Attorney General of the United States
202/514-2000

Question #3: Could the answer to question #2 be related to the INS' withholding of 18 pages of Moises Guerra-Hernandez' file, which pages might show that errors may have been made in the legal proceedings which denied his requests for asylum and a deportation stay in 1985 and 1986?

For Answers Call - John Caplinger, Regional Director of INS in
New Orleans, Louisiana
504/589-6533
and
Janet Reno, Attorney General of the United States
202/514-2000

Question #4: What specific documented evidence does INS officials have which supports their frequent assertions that Moises Guerra-Hernandez has been convicted of charges of Aggravated Assault and Possession of Cocaine?

For Answers Call - John Caplinger, Regional Director of INS in
New Orleans, Louisiana
504/589-6533
and
Janet Reno, Attorney General of the United States
202/514-2000

Question #5: Why have INS border patrol officers been quoted as telling Harrison County Sheriff personnel that "We are going to get that S.O.B. Cuban away from you even if we have to come after him with guns in the middle of the night?"

For Answers Call - John Vanek in Gulfport, Mississippi
601/863-3582
and
Sheriff Joe Price
601/896-0605

Question #6: What is the legal status of various appeals on behalf of Moises Guerra-Hernandez and what rights, if any, have been violated by INS officials?

For Answers Call - Catherine Lampard-Naccari, Attorney-at-Law and
Professor at Tulane University - New Orleans, Louisiana
504/486-0220 or 504/888-8144

Question #7: Why is Moises Guerra-Hernandez a role model for prisoner rehabilitation?

For Answers Call - Sheriff Joe Price, Harrison County Detention Center
Gulfport, Mississippi
601/865-7060 or 896-0605

Question #8: Why was Moises Guerra-Hernandez encouraged and allowed to enroll as a student at William Carey College on the Coast?

For Answers Call - Chairman Ted Rose of the Art Department or
Dr. William Payne, Vice President of the Coast Campus -
Gulfport, Mississippi
601/865-1500

Question #9: Other than the brush which he uses to complete paintings of the miracles of the birth, death, and resurrection of Jesus Christ, what makes Moises Guerra-Hernandez so dangerous that he was secretly moved in Mississippi by four armed border patrolmen who were using two INS government-owned vehicles, had telephone calls for help blocked from Louisiana to Mississippi, and is currently being held in 23-hour lockdown in an Alabama jail?

For Answers Call - John Caplinger, Regional Director of INS in
New Orleans, Louisiana
504/589-6533
and
John Vanek in Gulfport, Mississippi
601/863-3582

FOR IMMEDIATE RELEASE**MAY 14, 1996****GUERRA FUND RAISER PLANNED FOR JUNE 8TH
18-PAGE GAP IN INS FILE ON REFUGEE**

A group of Gulf Coast leaders met today to plan the first of several fund raising events to establish the Moises Guerra Legal Defense Fund to help the Mississippi artist in his fight to avoid deportation to Cuba. Guerra has stated recently by telephone that he may be forced to board a flight that is headed for Cuba as early as Thursday, May 16th, despite the fact that Fidel Castro has purportedly threatened to shoot down any further planes which are returning refugees who fled from his Communist dictatorship during the 1980's.

Lee Hood, Executive Director, and Linda Hinton, President of the Board of the Gulf Coast Arts Council, are among the leaders of the group who are planning a June 8th event at Rice Pavilion in Gulfport.

"We believe that Moises Guerra is one of the most gifted artists in decades on the Mississippi Gulf Coast--especially in religious and portrait paintings," stated Hood who says that prints and T-shirts representing Moises' work will be sold to help defray legal costs.

"His work titled "God's Gift to the World" has been enjoyed by thousands of people through its' distribution to help raise money for the Mississippi Easter Seals Society", Hood concluded.

Page 2-Guerra Fund Raiser Planned For June 8th
May 14, 1996

Sheriff Joe Price explained that supporters are also concerned about an 18-page gap in the Immigration and Naturalization Service file on Guerra which was recently released under the Freedom of Information Act to Moises' immigration attorney, Catherine Lampard-Naccari of New Orleans.

"Supporters have waited 80 days to receive a file that supposedly would show that INS knew everything about Moises' legal background. Now it appears that there may have been some errors in earlier Justice Department proceedings in denying Moises immigration status and political asylum. Given all the delays that have been encountered while waiting for his entire file, you have to wonder if the INS isn't deliberately hiding something by withholding 18 pages from Moises' attorney in Louisiana."

Others who are lending support to the effort to keep Guerra as a productive American citizen and a role model for prisoner rehabilitation include: Shirley Phipps of Biloxi, Sheriff Joe Price and Wanda Price of Gulfport, Diane and Mercer Miller of Gulfport, Geo Balsly, John McDonald, and numerous art dealers and businesses from Pascagoula to Waveland, Pamela Ulrich, Jenell Tompkins, Larry Benefield, Nicky Creel, Gaston Hewes, Jr., all of Harrison County, The Rt. Rev. Jackson C. Biggers, formerly rector of the Episcopal Church of the Redeemer, Cynthia Saucier of Central Baptist Church, Alicia R. Ellis of Mississippi Coast Crime Commission Director, Dr. David Spencer, Pastor Of First Baptist Church in Long Beach, Ted Rose, Art Department Chairman at William Carey College on the Coast, and Dr. Jim Edwards, President of the College which has its main campus in Hattiesburg.

Page 3-Guerra Fund Raiser Planned For June 8th
May 14, 1996

According to Naccari and Edwards, a formal request for re-parole of Guerra is still pending with Attorney General Janet Reno in Washington, D.C.

"The request is based on the complete rehabilitation that Guerra has demonstrated under the guidance of Sheriff Joe Price and his wife Wanda. Despite some confusion and perception to the contrary, Moises is a dedicated Christian who has touched thousands of lives with his religious paintings, led other prisoners and young people on the Coast in anti-drug programs, cleaned up graffiti and the environment with his public paintings, and given away most of his works to help other people and community groups."

"Moises has committed his life to a ministry of painting and teaching. That's what the Great Commission of Jesus Christ is all about," Edwards concluded.

Sheriff Joe Price stated that despite the frustrations of delays and political indecision on the Guerra case, he and others won't stop fighting even if Moises is deported.

"This issue has gotten a lot bigger than Moises Guerra. We want to see some accountability in the justice system. Both the bureaucrats and the politicians keep avoiding the fact that errors may have been made in dealing with Moises' legal problems over the years. A lot of people are wondering what is so dangerous about a man with a paint brush who the INS keeps moving around and trying to get rid of, when literally thousands of violently criminal immigrants are still in jails that are being built and operated with our tax money."

Pkes has not been

5/14 from OVAL
TODD - TO NSC
✓ yes - no

S.



Office of the President
William Carey College
498 Tuscan Avenue
Hattiesburg, MS 39401-5499
(601) 582-6495

3420

FAX COVERSHEET

DATE: 5/14/96

TO: The Honorable William Clinton
President of the United States
White House, Washington, D.C.

FAX # 202-456-6703

FROM: Dr. Jim Edwards, President and Chief Executive Officer
William Carey College
Hattiesburg, Mississippi 39401

TOTAL NUMBER OF PAGES 25
(including this coversheet)

If you have any questions regarding this FAX or return documents,
call (601) 582-6495 or FAX # (601) 582-6494.

REMARKS: The petition to Janet Reno
is being Federal Expressed for morning
delivery tomorrow.

SENT BY: CH
TIME: 3:28 p.m.



Office of the President
William Carey College
498 Tuscan Avenue
Hattiesburg, MS 39401-5499
(601) 582-6495

96 MAY 14 P 6:12

May 13, 1996

The Honorable William Clinton
President of the United States
The White House
Washington, D.C. 20500-25-2000

**RE: URGENT REQUEST REGARDING
MOISES V. GUERRA-HERNANDEZ
-- A CUBAN REFUGEE**

Dear Mr. President:

The Honorable William Winter, former Governor of the State of Mississippi, recommended that I write directly to you regarding a potentially life-threatening set of circumstances involving a Cuban refugee named Moises V. Guerra-Hernandez. These circumstances may have significant potential political embarrassment for you and your administration.

Governor Winter has represented William Carey College as legal counsel during the seven year period that I have been President. Our College enrolls approximately 2,200 students in Gulfport, Hattiesburg, and New Orleans and receives significant support from the Mississippi Baptist Convention. We have graduates throughout the world in education and business, medicine and nursing, missions and Biblical studies, public and community service, and the fine arts. During the past year, Moises Guerra-Hernandez was allowed to enroll at our Gulfport campus as an art major at the College as part of a prisoner rehabilitation program with Sheriff Joe Price of Harrison County, Mississippi.

A summary of the factual circumstances as we currently understand them is outlined below.

- (1) **Mr. Guerra-Hernandez believes that he may be boarded on a plane this week -- Thursday, May 16, 1996 -- as part of deportation proceedings to Cuba, said plane which Fidel Castro has purportedly threatened to shoot down.** If such an event occurs, I believe that another international incident related to the deteriorated relationships with Cuba could occur and given many other issues which are involved, that your Presidency and leadership of our nation may be harmed.
- (2) **A total of 18 pages of information related to the file of Guerra-Hernandez is being withheld by Immigration and Naturalization Service personnel, said withholding may be contrary to the Freedom of Information Act.** Mr. Guerra-Hernandez believes that he may be the victim of a coverup delay and efforts by Immigration and Naturalization Service officials. As partial evidence of his concern, I enclose a letter from the INS Regional Director in New Orleans, Mr. John Caplinger, to Catherine Lampard-Naccari who is one of Moises' attorneys. The Guerra-Hernandez file was delayed 80 days before Ms. Lampard-Naccari received anything and then it was not complete per requirements under the Freedom Of Information Act.
- (3) **Mr. Guerra-Hernandez further believes that errors of fact may have been made in 1986 in a Federal deportation appeal proceeding in Atlanta, and that those errors are now being misunderstood and/or covered up.** A review of the transcript of those hearings as compared to the legal records in Florida will reveal that both the Federal hearing judge and attorney were in error on whether Moises had one legal conviction or two. A copy of the hearing transcript is enclosed and shows that the judge and the attorney concluded that Guerra-Hernandez had convictions on both an Accessory After the Fact charge and an Aggravated Battery charge. This material error is cause for legal action which is being initiated. Mr. Caplinger appears to have made the same error in his public statements about the Guerra-Hernandez case.

Page 2 - The Honorable William Clinton - May 13, 1996

4. **Moises Guerra-Hernandez is a model for prison rehabilitation who wants to continue leading others in a ministry of painting and teaching.** As the President of William Carey College, I am strongly supportive of such a Christian ministry and the rehabilitation of prisoners. Moises is a committed Christian who has made a positive impact on the lives of many people. He has led anti-drug programs, improved the environment on the Mississippi Gulf Coast, and touched the lives of thousands of people with his religious paintings.
5. **Moises Guerra-Hernandez is an exceptional artist whose talents were nurtured as part of a rehabilitation program by Sheriff Joe Price of Harrison County, Mississippi.** Some of Moises' works have won acclaim throughout Mississippi. Last month he could not personally accept a major award in statewide competition because he was in jail in New Orleans, Louisiana.
6. **Mr. Guerra-Hernandez believes that his rights to legal counsel are being thwarted by INS officials.** He was recently moved again by INS personnel to Talladega, Alabama where deportation is now purportedly imminent. His legal counsel, Ms. Lampard-Naccari, was not informed of said move and is not able to adequately communicate with Moises at this time of crisis.
7. **Over ten weeks ago, I forwarded a legal request for reparole to Attorney General Janet Reno regarding Moises Guerra-Hernandez and I have yet to receive even the courtesy of an acknowledgement that my letter was received.** What I have received through political inquiries including Governor Winter and Senator Trent Lott are a number of letters from INS and Justice Department officials which have been fraught with misstatements, misinformation, and errors of fact based on the very files held in Federal custody related to Guerra-Hernandez.
8. **Over six weeks ago, I wrote to Vice President Gore and I have received the same lack of courtesy and non-response of any type.** With all due respect, the silence is pretty deafening on the Federal end of a government that is supposed to be more efficient in the lives of human beings.

I have never in my life written this type of letter because my style is to work actively but quietly behind the scenes to avoid public embarrassment of others when personal error, mismanagement, and poor judgement have created a human crisis. My professional career includes education, business, and government and spans nearly four decades of service in ten regional and national educational institutions in eight different states in the Midwest, East Coast, Southwest, and Southeast. It has been my privilege to teach several thousand students, provide leadership for institutions which educated tens of thousands, serve in public office and community and state leadership roles, and affirm the personal and spiritual growth of many faculty, staff, and students. Never in all of my years of professional endeavors have I been as disgusted and discouraged about the depth and breadth of apparent incompetency and lack of concern by Federal officials as I have witnessed in the case of Moises Guerra-Hernandez.

I strongly urge you to review the enclosed materials, seek answers to the questions listed on Attachment I, and vigorously pursue the truth about Moises Guerra-Hernandez, which truth now seems to be shielded by inaction and delay, political indecision, and personal vendettas against a young man whose only weapons are paint brushes and friends who believe in his God-given talent and demonstrated commitment to be a productive and responsible human being who is doing good for others. If your administration wants a role model of prison rehabilitation, you won't allow Moises Guerra-Hernandez to be deported.

Sincerely,


James W. Edwards
President and Chief Executive Officer

JE/cl

Enclosures (5 - Caplinger letter; Excerpts from Atlanta hearing; Appeal to Reno; Letter to Gore, Attachment 1)

MAY-14-96 TUE 14:16

FAX NO. 504 862 9753

P. 02

U.S. Department of Justice
Immigration and Naturalization Service
New Orleans District

Rec'd. 5/1/96
CNS

April 15, 1996

P.O. Box 5095

NOL95000118

207 East 5th Avenue

Oakdale, LA 71463-5095

CATHERINE LAMPARD NACCARI
P O BOX 19367
NEW ORLEANS LA 70179-0367

RE: GUERRA-Hernandez, Moises
A022 803 734

Dear Ms. Lampard:

This is in response to your Freedom of Information request received February 26, 1996, wherein you seek documents from the above-named file.

The contents of the file are being released to you with the exception of eight (8) pages being partially denied and ten (10) pages being totally denied pursuant to the following FOIA b (1)(7) b(2) exemption(s):

- (b)(2) Materials related solely to the internal rules and practices of the INS.
- (b)(7)(C) Investigatory records compiled for law enforcement purposes, the disclosure of which would constitute an unwarranted invasion of the personal privacy of another person.
- (b)(7)(D) Investigatory records compiled for law enforcement purposes, the disclosure of which would reveal the identity of a confidential source or reveal confidential information furnished only by the confidential source.

One document originating with another agency has been referred to that agency for processing and direct response to you. If you should wish to contact that agency, you may do so at the following address: Refugee Mental Health Branch, Room 18-49, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857.

In the event you wish to appeal this determination, you may write to the Assistant Attorney General, Office of Legal Policy, Department of Justice, Flag Building, Suite 570, Washington, DC 20530, within 30 days of receipt of this letter. Both the letter and the envelope should be clearly marked: "Freedom of Information Act Appeal" or "Information Appeal."

Sincerely,

John P. Z. Caplinger
John P. Z. Caplinger
District Director

Enclosure

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
Atlanta, Georgia

File No: A 22 803 734

July 10, 1985

In the Matter of)
MOSES GUERRA HERNANDEZ) IN EXCLUSION PROCEEDINGS
Respondent.)

CHARGE: 212 (a) (9) Aggravated Battery; 212 (a) (20) No visa
APPLICATIONS: Asylum and Withholding of Deportation and
Admission.

INTERPRETER: C. Velez

APPEARANCES:

ON BEHALF OF THE RESPONDENT:

Pro se

ON BEHALF OF THE SERVICE:

Charles J. Sanders

ORAL DECISION OF THE IMMIGRATION JUDGE

The Applicant is a male native and citizen of Cuba who was seeking admission into the United States at Key West, Florida as a refugee. [He was subsequently paroled into the United States and settled in Florida where he was convicted of aggravated battery.] Thereafter, his parole was revoked by the District Director and he was detained pursuant to Section 233 (b) of the Act for a hearing to determine whether he was

This is wrong wrong wrong

MAY-14-96 TUE 14:18

FAX NO. 504 862 8753

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admissable into the United States or whether he should be excluded and deported. At the hearing afforded the Applicant it was determined that he had come into the United States as an intending immigrant. It was his stated intention that he came to live and work. He did not obtain an immigrant visa or valid entry documents prior to coming to this country. He has not applied for nor received adjustment of status since his arrival and therefore is excludable pursuant to Section 212 (a) (20) of the Act. This hearing has determined that the Applicant was convicted in Florida of aggravated battery and sentenced to prison for a term of two years. Aggravated battery is a crime involving moral turpitude and therefore he is excludable pursuant to Section 212 (a) (9) of the Act. At his hearing, the Applicant renewed his application for Asylum and Withholding of Deportation. Section 243 (h) (2) (b) of the Act mandates that an alien who has been convicted of a particularly serious crime shall not receive withholding of deportation. The Applicant's conviction for aggravated battery is a particularly serious crime and I would find that based upon his criminal history that he would not...that he does pose a danger to the community and therefore he is ineligible for withholding of deportation. Asylum differs from withholding of deportation in that it is discretionary in nature and based upon the Applicant's criminal history. I would find that he does not merit a favorable exercise of the Attorney General's discretion.

ORDER:

IT IS HEREBY ORDERED that the applications for asylum and withholding of deportation be and are hereby denied.

IT IS FURTHER ORDERED:

IT IS FURTHER ORDERED that the Applicant be excluded and deported from the United States.

Charles E. Auslander
Immigration Judge

MAY-14-96 TUE 14:19

FAX NO. 504 862 8753

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U.S. Department of Justice
Executive Office for Immigration Review
Office of the Immigration Judge

Matter of

File A 22 803 734

MOSES GUERRA HERNANDEZ

In EXCLUSION Proceedings

Respondent.

Transcript of Hearing

Before CHARLES AUSLANDER, Immigration JudgeDate: JULY 10, 1985 Place: ATLANTA, GATranscribed by C&W ASSOC., INC At NEWPORT NEWS, VAOfficial Interpreter C. VELEZLanguage SPANISH

ING. COPY

Appearances:

For the Immigration and
Naturalization Service:MR. SANDERS(Trial Attorney)
General Attorney

(Station)

For the Respondent:

PRO SE

AC

MAY 14 96 TUE 14:19

FAX NO. 504 062 0753

P.07



U.S. Department of Justice

Executive Office for Immigration Review

Office of the Immigration Judge

RECEIVED
DEC 18 11 12 AM '85
INS-ATLANTA, GA.

Richard B. Russell Federal Building
75 Spring Street, S.W., Room 1354
Atlanta, Georgia 30303

DEC 17 1985

INSTRUCTIONS FOR BRIEFS TO THE BIA

ATTACHED IS A COPY OF THE DECISION OF THE IMMIGRATION JUDGE AND THE TRANSCRIPT OF THE HEARING. IF YOU DESIRE TO FILE A BRIEF, IT MUST BE FILED IN THIS OFFICE WITHIN TEN(10) DAYS OF THE ABOVE DATE. ONLY ONE COPY OF THE BRIEF NEED BE FILED, BUT IT MUST CONTAIN A CERTIFICATION THAT A COPY OF IT HAS BEEN PROVIDED TO THE OPPOSING SIDE.

INS. COPY

MAY-14-96 TUE 14:20

FAX NO. 504 882 8753

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1 JUDGE FOR THE RECORD

2 Today is May 23, 1985, File A 22 803 734.

3 JUDGE TO RESPONDENT

4 Q. Sir would you tell me your name please?

5 A. Moses Guerra Hernandez.

6 Q. Mr. Guerra, I'm going to show you a document,
7 Form I-122 and ask you if you received one of these?

8 A. Yes sir, I just received it.

9 Q. All right.

10 JUDGE

11 This will go into the record as Exhibit 1.

12 JUDGE TO MR. GUERRA

13 Q. You have been brought here today for a hearing
14 to determine what your immigration status is in the United
15 States and this document tells what the Immigration Service
16 charges. That you came into this country without first
17 obtaining the proper documents and that after arriving of
18 having been convicted of a serious crime. I should tell you
19 that if these charges are proved to be true that you may be
20 found deportable from the United States, do you understand
21 this?

22 A. Yes sir.

23 Q. Now if you desire you may have an attorney with
24 you during your hearing or any continuation of it but at no
25 expense to the Government. In other words, you may have an
26 attorney with you if you were to hire one to be here or if

1 you qualify for free legal services if you seek and obtain an
2 attorney from one of the free legal services here in Atlanta,
3 or you may speak for yourself. Do you prefer to have an
4 attorney with you or would you prefer to speak for yourself?

5 A. I prefer to have an attorney, Your Honor.

6 Q. All right then. We will give you time to write
7 to an attorney. You've got the names and the addresses.

8 A. I don't have an attorney now.

9 Q. I know. We'll give you time. We'll give you
10 time to write and I don't think you will have access to a
11 telephone so it's necessary for you to write the letter.

12 A. I would like to talk by telephone.

13 Q. Well I don't know if you can but it's...we'll
14 bring you back after awhile to see what progress you've made
15 in obtaining an attorney. If there is nothing further the
16 hearing is adjourned.

17 HEARING ADJOURNED
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1 JUDGE FOR THE RECORD

2 This is July 10. 1985.

3 JUDGE TO MR. GUERRA

4 Q. Mr. Guerra, the last time you were here we
5 continued your case to allow you to find an attorney. What
6 have you done to accomplish this?

7 A. I wasn't able to find one.

8 Q. It's been almost six weeks now so we will
9 proceed and allow you to speak for yourself. In a few
10 moments the attorney for the Immigration Service will begin
11 giving me some of the documents that you see in front of him.
12 Before we place any of those into your file I'll have it
13 explained to you in Spanish what they are and what they say
14 about you and if there are inaccuracies in them, you'll be
15 given the opportunity to tell me. Also you will be given an
16 opportunity to tell your side of the story if you so desire
17 and to place any documents that you may wish to into your
18 file. The law requires that anything you say here today to
19 be under oath so would you raise your right hand, please? Do
20 you solemnly swear the testimony you are about to give will
21 be the truth, the whole truth and nothing but the truth, so
22 help you God?

23 A. Yes.

24 Q. Now, were you born in Cuba?

25 A. Yes sir.

26 Q. When you came to this country was it your

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FAX NO. 504 862 8753

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1 intention to live and work here?

2 A. Yes sir, of course.

3 Q. Before you left Cuba did you obtain any
4 documents from either American officials or Swiss officials
5 in that country which would allow you to come to the United
6 States?

7 A. No sir.

8 Q. After arriving here have you applied or have
9 you received the green card which would give you your
10 permanent residency in this country?

11 A. No sir.

12 JUDGE TO MR. SANDERS

13 Q. Mr. Sanders, do you have a conviction document?

14 A. Yes we do, Your Honor.

15 Q. Place it in front of the Applicant please?

16 JUDGE TO MR. GUERRA

17 Q. Are these your conviction documents, Mr.
18 Guerra?

19 A. Yes sir.

20 JUDGE

21 These will go into the record as Exhibit 2.

22 JUDGE TO MR. GUERRA

23 Q. This one tells me that you were charged with
24 aggravated battery. Apparently you got into a fight at a
25 bar?

26 A. Yes sir, I did.

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FAX NO. 504 862 8753

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1 Q. Whatever happened to this case?

2 A. I understand it was dismissed.

3 Q. This other one says that you hid somebody that
4 had been fleeing from a crime and they charged you with
5 accessory after the fact. You helped somebody who was
6 fleeing from a crime and they charged you with being an
7 accessory after the fact?

8 A. Accessory after the fact...

9 Q. Right.

10 A. Yes sir, that is correct. That was the first
11 case and the other one with the battery was the second case.
12 I was on probation at the time and they fined me for violation
13 of probation.

14 Q. All right. They gave you five years probation
15 for this...for the original one and then when they arrested
16 you for the aggravated battery they revoked the probation for
17 the accessory?

18 A. Yes, that's correct. They revoked my parole.
19 Then I was sentenced to five years for the second case.

20 Q. The...are you afraid to go back to Cuba?

21 A. Yes sir, sure.

22 Q. Do you wish to renew your asylum application?

23 A. Yes sir.

24 JUDGE TO MR. SANDERS

25 Q. Mr. Sanders, do you have the I-589?

26 A. Yes we do, Your Honor.

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1 JUDGE TO MR. GUERRA

2 Q. Is this your signature on page four of your
3 asylum application, Mr. Guerra?

4 A. Yes sir.

5 Q. Do you swear that the information that is
6 contained in your application is the truth, the whole truth
7 and nothing but the truth, so help you God?

8 A. Yes sir, sure.

9 JUDGE

10 I will place the I-589 along with the State
11 Department opinion letter and a document which is entitled
12 motion to reopen into the record as Exhibit 3. We'll treat
13 the motion to reopen as supplementary information to the
14 application and consider it in making my decision.

15 JUDGE TO MR. GUERRA

16 Q. Tell me exactly why you are afraid of going
17 back to Cuba, Mr. Guerra?

18 A. Because I was one of those who entered the
19 embassy on April 4, 1980.

20 Q. Was that the only reason?

21 A. I was persecuted by the authorities there
22 because they knew I was against the communist system since I
23 made propaganda and I wrote derogatory remarks in many
24 places against the Government.

25 Q. Did they ever catch you and put you in jail for
26 that?

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FAX NO. 504 862 8753

P. 14

1 A. No, I never got caught for that.

2 Q. Well how do they know that you were doing it?

3 A. Because they know but they don't have no proof.
4 They can't prove it. So what I did was to get into the
5 Embassy to try to get out of there as soon as possible, you
6 know.

7 JUDGE

8 The following will be the oral decision.

9 JUDGE TO MR. GUERRA

10 Q. Was there anything else you wanted to tell me,
11 Mr. Guerra, before I make a decision in your case?

12 A. I would like to clear up those two charges.
13 Was I sentenced for both or just for one?

14 Q. You were sentenced for the one. You had
15 probation on both and they put you in jail for that. It
16 doesn't have any disposition on it. It doesn't, it...well
17 hold on. Let me look back at it again, here. It
18 does...there is an adjudication of guilt here. They do have
19 you guilty of the aggravated battery. They do. They have
20 you guilty of both of them?

21 JUDGE

22 The following will be the oral decision.

23 ORAL DECISION RENDERED

24 JUDGE TO MR. GUERRA

25 Q. Now I found, Mr. Guerra, that you did not have
26 the proper documents when you came here and that you have

MAY-14-96 TUE 14:24

FAX NO. 504 882 8753

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1 these two convictions in the State of Florida, do you
2 understand that?

3 A. Yes.

4 Q. And I've denied your asylum application, do you
5 understand that?

6 A. Yes.

7 Q. And I've ordered you to leave the United States
8 and I presume the Immigration Service will attempt to send
9 you to Cuba, do you understand that?

10 A. Is that a serious crime.

11 Q. Do you understand that I have ordered you to
12 leave the United States?

13 A. I wish to appeal.

14 Q. All right.

15 JUDGE

16 I will note for the record that the Applicant does
17 not have the money to pay the appeal fee so I will waive it.
18 I also direct the Interpreter to assist him in filling out
19 the appeals fee...form. If there is nothing further, the
20 hearing is adjourned. There is something further.

21 JUDGE TO MR. SANDERS

22 Q. Mr. Sanders, does the Government wish to
23 appeal?

24 A. No, Your Honor.

25 Q. All right.

26 JUDGE

MAY-14-96 TUE 03:39 PM

MAY-14-96 TUE 14:25

FAX NO. 504 862 8753

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If there is nothing further now, the hearing is

1
2 adjourned.

HEARING ADJOURNED

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July 10. 1985



Office of the President
William Carey College
498 Tuscan Avenue
Hattiesburg, MS 39401-5499
(601) 582-6495

April 3, 1996

The Honorable Vice President Albert Gore
Office of the Vice President
Old Executive Office Building
Washington, D.C. 20501

Dear Vice President Gore:

This letter is written to thank you for your help in a prior action several years ago in Tennessee and to request your current assistance related to a similar circumstance in Mississippi.

In the early 1990s, a Yugoslavian foreign exchange student named Boris Zakic was about to be returned to his home country from Tennessee. Because of a then desperate situation in Yugoslavia, you graciously determined that Boris would be allowed to remain in the United States and to enroll at Union University. Your action was taken at the request of Ted Rose, an outstanding regional artist, who was at that time Chairman of the Art Department at Union.

Approximately a year after your help with Boris Zakic, I encouraged Ted Rose to come to William Carey College to join me in providing leadership for the art program on our campus in Gulfport, Mississippi. Prior to coming to William Carey College in 1989, I had previously served as Academic Vice President at Union University. That service was followed by some business and educational consulting endeavors on my part in Nashville and Franklin, Tennessee.

Boris Zakic subsequently enrolled under Ted Rose's mentorship at William Carey College. As a student at William Carey, Boris has distinguished himself by winning numerous awards throughout his college career. He is currently completing a one man show at the Meridian Museum of Art in Meridian, Mississippi. After graduating this year, Boris plans to attend graduate school at Tulane University. We believe he will bring national artistic acclaim to the United States and to the states of Tennessee and Mississippi where he was allowed and encouraged to develop his God-given talents.

Your help with Boris greatly fostered this young artist's career and possibly saved a life from the brutality that had ravaged his mother country. Ted Rose has told me and many other people in the Mid-South region of your assistance to Boris Zakic.

I am writing to again request your help for another exceptionally talented artist who is about to be deported and whom Ted Rose helped to enroll and pursue an art career at William Carey College.

Moises Guerra-Hernandez is a Cuban immigrant who arrived in the U.S. in 1980 as part of the Marial boatlift during the Carter administration. Moises, unfortunately, like many young Cubans at that time, and because of the pressures on and intricacies of the Immigration Service, was never granted his United States citizenship. To complicate the situation, Moises was later charged and involved in some legal problems. All but one of those charges were ultimately dismissed. He served time in Florida and Georgia for one conviction, which involved driving another person away from the scene of a crime (an action that Moises has consistently stated that he did unknowingly).

Page 2 - Vice President Gore - April 3, 1996

Because of a legal circumstance in Mississippi, during the past four years Moises Guerra-Hernandez has turned his life around through the development of his artistic talents. While being held in the Harrison County Detention Center, he was allowed to attend classes at William Carey College.

The decision by me as President to allow Moises to enroll was part of an ongoing and systematic rehabilitation program by Sheriff Joe Price and his wife, Wanda Price. Mrs. Price personally brought Moises to classes and picked him up to return to the Detention Center. Sheriff and Mrs. Price are community leaders, devoted Baptists, and committed to a strong law enforcement program and a strong rehabilitation program for inmates.

Moises Guerra-Hernandez has produced exceptional artwork and maintained a 4.0 average under the direction of Ted Rose. He has completed many works related to the Gulf Coast region, including community murals focusing on our history and environment in Biloxi and Long Beach. Many of his works are strongly spiritual in nature and were painted in the Harrison County Detention Center. He is a role model for rehabilitation in our criminal justice system.

The Immigration and Naturalization Service has determined it is necessary to deport Moises within the near future. This decision primarily goes back to circumstances that occurred over a decade ago.

As you can see from the enclosed materials, I have requested that Attorney General Janet Reno use her legal authority to re-parole Moises Guerra. I and many of this area's citizens are committed to his efforts to help others through a ministry of painting, teaching, and community service. My request to the Attorney General has been guided by the Honorable William Winter, former governor of Mississippi who has been working with Frank Hunger in the U.S. Department of Justice in Washington, D.C.

In closing, I would like to encourage you to review pages 54 and 55 of the reparole request and to share a recent testimony from one of the female inmates in the Detention Center. While we were discussing the Easter Seals award winning painting on pages 54 and 55 by Moises, she stated:

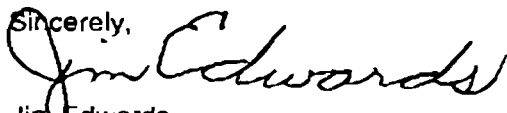
"If you put Moises in a gymnasium with 100 members of a youth gang from South Mississippi and gave him some paint and brushes they would not paint graffiti!! They would paint something honorable and uplifting - he would lead them to do that. That is the talent God has given him to rehabilitate other people who need to be productive citizens of America."

I beseech you to intervene on behalf of Moises because of his rehabilitation and his demonstrated desire to contribute to our society. I am fearful of his deportation because of the possible harm that may come to him. Given the current relations and international environment with Cuba, it is hard to imagine otherwise. Mr. Guerra has served his time, he has been rehabilitated and become an asset to our society. It would be a tremendous loss if his deportation were allowed to occur.

I would greatly appreciate your help on my reparole request to General Reno and in determining the future of the life of Moises Guerra-Hernandez.

Thank you for your fine leadership, your vision for our future, and your lifetime of service to our nation and the world.

Sincerely,


Jim Edwards

President and Chief Executive Officer

JE/cl

cc: The Honorable William Winter
The Honorable Joe Price
Chairman Ted Rose

ATTACHMENT I**QUESTIONS FOR REVIEW ON MOISES GUERRA-HERNANDEZ
MAY 13, 1996**

Question #1: Why are 18 pages of the INS files on Moises Guerra-Hernandez being withheld from the Freedom of Information Act request by his attorney and why did it take 80 days for INS officials to respond to this request?

For Answers Call - John Caplinger, Regional Director of INS in
New Orleans, Louisiana
504/589-6533

Question #2: Why have INS and Department of Justice officials frequently stated that Moises Guerra-Hernandez has multiple criminal convictions when their own records and the NCIC computer system have consistently shown only one conviction which was on an Accessory After the Fact charge for driving a friend away from the scene of a knifing incident in 1981?

For Answers Call - John Caplinger, Regional Director of INS in
New Orleans, Louisiana
504/589-6533
and
Janet Reno, Attorney General of the United States
202/514-2000

Question #3: Could the answer to question #2 be related to the INS' withholding of 18 pages of Moises Guerra-Hernandez' file, which pages might show that errors may have been made in the legal proceedings which denied his requests for asylum and a deportation stay in 1985 and 1986?

For Answers Call - John Caplinger, Regional Director of INS in
New Orleans, Louisiana
504/589-6533
and
Janet Reno, Attorney General of the United States
202/514-2000

Question #4: What specific documented evidence does INS officials have which supports their frequent assertions that Moises Guerra-Hernandez has been convicted of charges of Aggravated Assault and Possession of Cocaine?

For Answers Call - John Caplinger, Regional Director of INS in
New Orleans, Louisiana
504/589-6533
and
Janet Reno, Attorney General of the United States
202/514-2000

Page 2 - Attachment I - Questions for Review on Moises Guerra-Hernandez
May 13, 1996

Question #5: Why have INS border patrol officers been quoted as telling Harrison County Sheriff personnel that "We are going to get that S.O.B. Cuban away from you even if we have to come after him with guns in the middle of the night?"

For Answers Call - John Vanek in Gulfport, Mississippi
601/863-3582
and
Sheriff Joe Price
601/896-0605

Question #6: What is the legal status of various appeals on behalf of Moises Guerra-Hernandez and what rights, if any, have been violated by INS officials?

For Answers Call - Catherine Lampard-Naccari, Attorney-at-Law and
Professor at Tulane University - New Orleans, Louisiana
504/486-0220 or 504/888-8144

Question #7: Why is Moises Guerra-Hernandez a role model for prisoner rehabilitation?

For Answers Call - Sheriff Joe Price, Harrison County Detention Center
Gulfport, Mississippi
601/865-7060 or 896-0605

Question #8: Why was Moises Guerra-Hernandez encouraged and allowed to enroll as a student at William Carey College on the Coast?

For Answers Call - Chairman Ted Rose of the Art Department or
Dr. William Payne, Vice President of the Coast Campus -
Gulfport, Mississippi
601/865-1500

Question #9: Other than the brush which he uses to complete paintings of the miracles of the birth, death, and resurrection of Jesus Christ, what makes Moises Guerra-Hernandez so dangerous that he was secretly moved in Mississippi by four armed border patrolmen who were using two INS government-owned vehicles, had telephone calls for help blocked from Louisiana to Mississippi, and is currently being held in 23-hour lockdown in an Alabama jail?

For Answers Call - John Caplinger, Regional Director of INS in
New Orleans, Louisiana
504/589-6533
and
John Vanek in Gulfport, Mississippi
601/863-3582

FOR IMMEDIATE RELEASE**MAY 14, 1996****GUERRA FUND RAISER PLANNED FOR JUNE 8TH
18-PAGE GAP IN INS FILE ON REFUGEE**

A group of Gulf Coast leaders met today to plan the first of several fund raising events to establish the Moises Guerra Legal Defense Fund to help the Mississippi artist in his fight to avoid deportation to Cuba. Guerra has stated recently by telephone that he may be forced to board a flight that is headed for Cuba as early as Thursday, May 16th, despite the fact that Fidel Castro has purportedly threatened to shoot down any further planes which are returning refugees who fled from his Communist dictatorship during the 1980's.

Lee Hood, Executive Director, and Linda Hinton, President of the Board of the Gulf Coast Arts Council, are among the leaders of the group who are planning a June 8th event at Rice Pavilion in Gulfport.

"We believe that Moises Guerra is one of the most gifted artists in decades on the Mississippi Gulf Coast--especially in religious and portrait paintings," stated Hood who says that prints and T-shirts representing Moises' work will be sold to help defray legal costs.

"His work titled "God's Gift to the World" has been enjoyed by thousands of people through its' distribution to help raise money for the Mississippi Easter Seals Society", Hood concluded.

Page 2-Guerra Fund Raiser Planned For June 8th
May 14, 1996

Sheriff Joe Price explained that supporters are also concerned about an 18-page gap in the Immigration and Naturalization Service file on Guerra which was recently released under the Freedom of Information Act to Moises' immigration attorney, Catherine Lampard-Naccari of New Orleans.

"Supporters have waited 80 days to receive a file that supposedly would show that INS knew everything about Moises' legal background. Now it appears that there may have been some errors in earlier Justice Department proceedings in denying Moises immigration status and political asylum. Given all the delays that have been encountered while waiting for his entire file, you have to wonder if the INS isn't deliberately hiding something by withholding 18 pages from Moises' attorney in Louisiana."

Others who are lending support to the effort to keep Guerra as a productive American citizen and a role model for prisoner rehabilitation include: Shirley Phipps of Biloxi, Sheriff Joe Price and Wanda Price of Gulfport, Diane and Mercer Miller of Gulfport, Geo Balsly, John McDonald, and numerous art dealers and businesses from Pascagoula to Waveland, Pamela Ulrich, Jenell Tompkins, Larry Benefield, Nicky Creel, Gaston Hewes, Jr., all of Harrison County, The Rt. Rev. Jackson C. Biggers, formerly rector of the Episcopal Church of the Redeemer, Cynthia Saucier of Central Baptist Church, Alicia R. Ellis of Mississippi Coast Crime Commission Director, Dr. David Spencer, Pastor Of First Baptist Church in Long Beach, Ted Rose, Art Department Chairman at William Carey College on the Coast, and Dr. Jim Edwards, President of the College which has its main campus in Hattiesburg.

Page 3-Guerra Fund Raiser Planned For June 8th
May 14, 1996

According to Naccari and Edwards, a formal request for re-parole of Guerra is still pending with Attorney General Janet Reno in Washington, D.C.

"The request is based on the complete rehabilitation that Guerra has demonstrated under the guidance of Sheriff Joe Price and his wife Wanda. Despite some confusion and perception to the contrary, Moises is a dedicated Christian who has touched thousands of lives with his religious paintings, led other prisoners and young people on the Coast in anti-drug programs, cleaned up graffiti and the environment with his public paintings, and given away most of his works to help other people and community groups."

"Moises has committed his life to a ministry of painting and teaching. That's what the Great Commission of Jesus Christ is all about," Edwards concluded.

Sheriff Joe Price stated that despite the frustrations of delays and political indecision on the Guerra case, he and others won't stop fighting even if Moises is deported.

"This issue has gotten a lot bigger than Moises Guerra. We want to see some accountability in the justice system. Both the bureaucrats and the politicians keep avoiding the fact that errors may have been made in dealing with Moises' legal problems over the years. A lot of people are wondering what is so dangerous about a man with a paint brush who the INS keeps moving around and trying to get rid of, when literally thousands of violently criminal immigrants are still in jails that are being built and operated with our tax money."