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Folder Title:
Cuban/Haitian Mass Migration etc. [1]

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Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	Richard Clarke to Haiti Migrant Task Force re: Summary and conclusions of HMTF meeting (2 pages)	05/20/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Stephen Warnath
OA/Box Number: 9578

FOLDER TITLE:

Cuban / Haitian Mass Migration etc. [1]

2011-1039-F

jm1491

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]



Cuban
Haitian
Mass Migration
etc.

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Unprecedented U.S. - Cuban agreements on migration have and will continue to have a significant impact on the number of Cuban entrants who will be permitted to enter the U.S. and resettle in Florida. It is projected that about 37,000 entrants (plus refugees) will be allowed entry into Florida within federal fiscal year 1995 (FY95), ending September 30, 1995. This number will represent a 40 percent increase over Florida's entrant totals (26,107) for the past three fiscal years combined.

Based on the terms of the U.S. - Cuban agreement and current case-load costs for entrants, it is estimated that Florida's refugee program could conceivably require an additional \$150 million during FY95 and FY96. This estimate is based on **maximum participation by all eligible refugees and entrants**. At a minimum, an additional \$61.5 million for FY95 and FY96 is needed to supplement regular program levels to meet the added demands on programs in Florida.¹

Because of the terms of the U.S. - Cuban agreement, a significant number of arrivals - and therefore demand for resources - will occur during the late stages of FY95 through the beginning of FY96 (roughly August 1995 through March 1996). Demand will be exacerbated by the nature of the federal funding process and federal funding formulas, creating a significant "dollar gap" that must be addressed with a timely influx of adequate federal funds. **Of course, funding needs will continue throughout program eligibility periods.**

Refugee programs are a recognized federal responsibility. Florida should not be asked to bear this unfair burden that would be a clear result of funding Refugee programs. Due to scarce state resources and a state Constitutional requisite for a balanced budget, it is unrealistic for the State to bear these costs, even temporarily while awaiting prospective reimbursement.

HHS/ORR has recently reprogrammed and made available to Florida \$4 million in Refugee program funding. In addition, DOJ will soon be processing a \$2 million disbursement from the Immigration Emergency fund. Furthermore, ORR recently adjusted Florida's Refugee Cash and Medical grant allocation to accommodate dramatically increasing numbers of arrivals through the 2nd quarter of FY95. The additional refugee cash and medical resources referenced on this chart anticipate future FY95 and FY96 need and are included to give an indication of prospective requests to ORR.

In reading this chart, **need** indicates additional funding over and above Florida's projected, regular refugee program funding; (-) indicates that projected federal resources should be sufficient to meet minimal projected Florida funding needs. FY96 needs assume that the largest concentration of FY95 arrivals will arrive toward the end of FY95, resulting in a program service eligibility that spans both fiscal years.

Activity	FY95 Need (in millions)	FY96 Need (in millions)	Combined FY95/FY96 Need (in millions)
Employment Training	\$10	\$19	\$29
Child Care	(-)	1	1
RCA/RMA/Health Screening	5	5	10
Medical Services	3	7	10
AFDC/Medical	1	(-)	1
Mental Health	(-)	0.5	0.5
Education (K-12/Adult)	3	7	10
TOTAL	\$22	\$39.5	\$61.5²

² This \$61.5 million total is subject to change as federal dollars, such as the \$4 million in reprogrammed HHS funds, become available to the State.



LAWTON CHILES
GOVERNOR

STATE OF FLORIDA
Office of the Governor

Mark Schlakman
The Capitol, Suite 726
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904/413-0574
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TRANSMISSION DATA:

DATE: AUGUST ⁴ 3, 1995
TIME: 10⁵⁰ AM
NO. PAGES: 3 -- INCLUDING COVER

TO:

RCVG. FAX NO:

202/ 456-7078²⁸

VOICE NO:

ADDRESSEE:

STEVE WARNATH
WHITE HOUSE DOMESTIC
POLICY STAFF -- IMMIGRATION

FROM:

SENDG. FAX NO:

904/921-6311

VOICE NO: 904/413-0574

SENDER:

Mark Schlakman
Special Counsel to the Governor

COMMENTS:

As part of any prospective accommodation package, I am also pursuing an inmate transfer -- from state to federal custody -- of at least 175 Mariel Cubans* currently incarcerated in the Florida Department of Corrections.

If such a transfer were accomplished, roughly \$25 million would not have to be expended by our state in future years. As we discussed, there are several ways to make this a very attractive component of a Cuban migration accommodation between Florida and the federal government.

Please let me know if you would like any further details. Thank you for listening.

* FL DOC has approximately 650 such inmates.

SENATE VOTING RECORD

No. 323

101st Congress
2nd Session

October 26, 1990, 9:10 p.m.
Temp. Cong. Rec. p. S-17118

IMMIGRATION ACT

BILL NO.: S. 358

TITLE: "Immigration Act of 1990"

SUBJECT: Adoption of the conference report on the bill which amends the Immigration and Nationality Act to establish an overall annual national level of immigration of 700,000 for three years after which the level would drop to an annual permanent level of 675,000; reserves, under the overall 700,000 level, 520,000 for family preference visas, 140,000 for the employment/independent category, and 40,000 for a new category to promote ethnic diversity; contains provisions to suspend or temporarily stay certain deportations; provides new enforcement mechanisms, and sets forth special provisions governing residents of Hong Kong.

NOTE: S. 358 became Public Law 101-649, approved November 29, 1990.

S. 358: Vote Nos. 104, 106-117 (101st-1st), 323 (101st-2nd).

RESULT: CONFERENCE REPORT AGREED TO

YEAS (89)				NAYS (8)		NOT VOTING (3)	
Democrats (51 or 94%)		Republicans (38 or 88%)		Democrats (3 or 6%)	Republicans (5 or 12%)	Democrats (1)	Republicans (2)
Adams	Johnston	Bond	Kassebaum	Bumpers	Armstrong	Pryor-2	Boschwitz-2
Akaka	Kennedy	Burns	Kasten	Byrd	Helms		Hatfield-2AY
Baucus	Kerrey	Chafee	Lugar	Exon	Lott		
Bentsen	Kerry	Coats	Mack		Roth		
Biden	Kohl	Cochran	McCain		Rudman		
Bingaman	Lautenberg	Cohen	McClure				
Boren	Leahy	D'Amato	McConnell				
Bradley	Levin	Danforth	Murkowski				
Breaux	Lieberman	Dole	Nickles				
Bryan	Metzenbaum	Domenici	Packwood				
Burdick	Mikulski	Durenberger	Pressler				
Conrad	Mitchell	Garn	Simpson				
Cranston	Moynihan	Gorton	Specter				
Daschle	Nunn	Gramm	Stevens				
DeConcini	Pell	Grassley	Symms				
Dixon	Reid	Hatch	Thurmond				
Dodd	Riegle	Heinz	Wallop				
Ford	Robb	Humphrey	Warner				
Fowler	Rockefeller	Jeffords	Wilson				
Glenn	Sanford						
Gore	Sarbanes						
Graham	Sasser						
Harkin	Shelby						
Heflin	Simon						
Hollings	Wirth						
Inouye							

EXPLANATION OF ABSENCE:

- 1-Official Business
- 2-Necessarily Absent
- 3-Illness
- 4-Other

SYMBOLS:

- AY-Announced Yea
- AN-Announced Nay
- PY-Paired Yea
- PN-Paired Nay

ANALYSIS OF ISSUE

Party Cohesion

Democrats—94%
Republicans—88%

Measure of Party Support on this Vote

For (89)
Against (8)
Democrats—51 or 57%
Democrats—3 or 38%
Republicans—38 or 43%
Republicans—5 or 63%

MAJOR PROVISIONS

Establishes an overall national level of immigration to include all immigration categories of 700,000 (which includes 55,000 to reduce the backlog of second preference applicants) for the first three years after which the permanent annual level would be set at 675,000.

FAMILY PREFERENCE: Reserves under the overall 700,000 level 520,000 for family preference visas for the first three years, after which it would drop to 480,000.

Establishes a floor of 226,000 for family connection visas, despite any growth in immediate relatives.

Maintains unrestricted admission of the immediate family of U.S. citizens.

Divides second preference into two categories, giving priority to spouses and minor children of permanent resident aliens.

Allocates 55,000 visas annually for a three-year period to spouses and children of legalized aliens in order to deal with the expected backlog in this preference category.

Retains the definition of the fifth preference category (brothers and sisters of U.S. citizens), along with current levels of visa numbers for that category.

Continues the admission of refugees under the Refugee Act of 1980, which requires annual consultations and limits.

EMPLOYMENT INDEPENDENT CATEGORY: Reserves 140,000 visas in each FY 1992-94 for the employment/independent category of which 40,000 each is for workers with extraordinary abilities and for workers with high abilities and advanced degrees, 30,000 for skilled workers, and 10,000 each for unskilled workers, foreign investors, and special immigrants such as ministers and entertainers.

Creates a new category to promote ethnic diversity in immigration as well as attract aliens with skills that are readily transferable to the U.S. work force providing 40,000 visas annually for the first three years which would rise to 55,000 annually thereafter.

Combines, beginning in FY 1995, the preferences for professionals, persons of exceptional merit, and persons with needed skills with the new 55,000 diversity immigrant level to create an independent system of 195,000 visas annually.

Makes 40,000 transitional visas available to applicants from certain adversely affected countries during the first three years.

Requires, as a condition of eligibility for the foreign investor category, that the individual invest at least \$1 million in enterprises which create 10 new jobs for Americans, especially in depressed rural or urban areas.

NON-IMMIGRANT VISA REFORM: Amends and increases the categories of nonimmigrants by:

- Limiting the number of H-1(b) specialty occupation nonimmigrants admitted annually to 65,000;
- Creating a new nonimmigrant classifications for entertainers and religious workers, among others;
- Expanding the E treaty trader and investors classification to include treaty traders who carry on substantial trade in services or trade in technology;
- Authorizing the Attorney General to grant F students authorization to be employed off-campus;
- Strengthening and simplifying the existing labor certification process; and
- Providing for labor attestation for certain H-1 non-immigrants.

OTHER PROVISIONS: Suspends the deportation of spouses and children of amnesty beneficiaries who were in the U.S. illegally prior to May 5, 1988.

Authorizes the Attorney General to approve temporary stays of deportation for individuals fleeing armed conflict or natural disasters.

Provides an 18-month stay of deportation for Salvadorans currently in the U.S. illegally.

Eases or eliminates prohibitions on foreigners because of their political beliefs and eases restrictions on the admission of individuals with the AIDS virus.

Imposes new enforcement provisions through enhanced border maintenance, civil penalties for document fraud, and reformed deportation proceedings; authorizes a pilot program for a forgery-proof driver's license.

Includes provisions for the treatment of criminal aliens.

Revises the exclusion provisions of the Immigration Act.

Provides for the treatment of Hong Kong as a separate foreign state effective in FY 1991; enables Hong Kong to receive 10,000 visa numbers for the first three years of the bill, after which the quota would increase to 20,000 annually; provides an additional 12,000 immigrant visas in each FY 1992-94 for managers, executives, or employees of U.S. firms in Hong Kong who would be transferred to the U.S.; and makes special provision for employees of the U.S. Mission in Hong Kong

Provides for administrative naturalization as well as citizenship for certain Philippine World War II veterans.

Considers persons who bring aliens into the U.S. to perform longshore work to be in violation of immigration law.

Requires a specially created independent Commission to report on the effects of immigration on the U.S., and to recommend, every three years, changes in the national level of immigration.

RE PRESS GUIDANCE
April 22, 1994

HAITIAN BOAT PEOPLE

Q. Does this case represent a change in the practice of direct return?

A. -- THE POLICY OF DIRECT RETURN REMAINS UNCHANGED.

-- IN THIS RESPECT, WE NOTE THAT THE COAST GUARD CUTTER FORWARD INTERDICTED A VESSEL WITH 15 MIGRANTS IN THE WINDWARD PASSAGE LAST NIGHT. THE MIGRANTS WILL BE RETURNED TO HAITI.

-- HAITIANS WHO ATTEMPT TO ENTER THE UNITED STATES BY BOAT WILL CONTINUE TO BE INTERDICTED BY COAST GUARD CUTTERS ON THE HIGH SEAS AND BE PROMPTLY RETURNED TO HAITI.

Q. Then why did you permit entry for this vessel?

A. -- AS WE HAVE INDICATED, ACTIONS BY THE COAST GUARD AND INS TO PROVIDE ENTRY FOR THE MIGRANTS ARE THE RESULT OF EXTRAORDINARY CIRCUMSTANCES IN THIS CASE. THEY REPRESENT NO CHANGE IN THE POLICY OF DIRECT RETURN OF HAITIAN VESSELS ON THE HIGH SEAS.

- 2 -

-- IN THIS CASE, THE VESSEL WAS DRIFTING CLOSE TO THE TERRITORY OF THE UNITED STATES, SOME 4.3 MILES FROM THE MAINLAND, WHILE THE COAST GUARD WAS ATTENDING TO THE SAFETY AND WELFARE OF THE PEOPLE ON BOARD, PROVIDING WATER AND OTHER NECESSARY AMENITIES. COAST GUARD OFFICERS ALSO RECEIVED REPORTS THAT MEMBERS OF THE CREW ABUSED SOME OF THE PASSENGERS AND THEIR DISEMBARKATION WILL FACILITATE INVESTIGATION OF ABUSE AS WELL AS INVESTIGATIONS AND POSSIBLE PROSECUTIONS FOR ALIEN SMUGGLING.

Q. How did the vessel get so close?

A. -- THERE WERE WIND SHIFTS AND CURRENT EDDIES THAT CAUSED THE VESSEL TO MOVE TOWARD SHORE WHILE THE COAST GUARD WAS ATTENDING TO THE SAFETY AND WELFARE OF THE PEOPLE ON BOARD.

Q. Why wasn't the vessel tethered by the Coast Guard?

A. -- THE CREW OF THE VESSEL WAS NOT COOPERATING WITH THE COAST GUARD AND THE COAST GUARD SOUGHT TO USE A MINIMUM OF FORCE IN DEALING WITH THIS INCIDENT.

- 3 -

Q. How did they evade the Coast Guard's blockade?

A. -- WE ARE INVESTIGATING THE ROUTE OF THE VESSEL.

-- WE REMAIN CONFIDENT OF OUR ABILITY TO INTERDICT THE VAST MAJORITY OF VESSELS SEEKING ILLEGAL ENTRY INTO THE UNITED STATES.

Q. Where did the vessel come from?

A. -- WE DO NOT KNOW THE POINT OF DEPARTURE. WE ARE INVESTIGATING. THE VESSEL EITHER ORIGINATED OR TRANSITED IN THE BAHAMAS.

Q. Why didn't the Bahamas try to stop its onward voyage?

A. -- WE WOULD DIRECT THIS INQUIRY TO THE GOVERNMENT OF THE BAHAMAS, TO WHICH WE ARE ASKING THE SAME QUESTION.

Q. What will happen to the migrants?

A. -- THEY WILL BE PROCESSED BY THE IMMIGRATION AND NATURALIZATION SERVICE.

- 4 -

Q. Will they be detained?

A. -- I WOULD DIRECT QUESTIONS ON THE DISPOSITION OF THE
MIGRANTS TO THE IMMIGRATION SERVICE.

Q. Will you reimburse the State of Florida for expenses?

A. -- WE ARE IN CLOSE AND CONTINUAL CONTACT WITH STATE OF
FLORIDA OFFICIALS AND WILL BE EXPLORING WAYS TO EASE
THE BURDEN THEY FACE WITH THIS POPULATION.

U.S. DEPARTMENT OF STATE
Office of the Spokesman

For Immediate Release

April 22, 1994

STATEMENT BY MICHAEL MCCURRY, SPOKESMAN

HAITIAN BOAT PEOPLE

The Coast Guard interdicted two vessels on April 21.

The Coast Guard interdicted a 65 foot coastal freighter with 411 migrants off the coast of Florida. The ship was severely overcrowded, many of the migrants were in poor physical condition and the vessel was without adequate safety equipment. All the migrants are believed to be Haitian.

The Coast Guard will be transporting the migrants to shore, where they will be provided medical screening and other processing by agents of the Immigration and Naturalization Service.

Actions by the Coast Guard and INS to provide entry for the migrants are the result of extraordinary circumstances in this case. They represent no change in the policy of direct return of Haitian vessels on the high seas. In this case, the vessel was drifting close to the territory of the United States, some 4.3 miles from the mainland, while the Coast Guard was attending to the safety and welfare of the people on board, providing water and other necessary amenities. Coast Guard officers also received reports that members of the crew abused some of the passengers and their disembarkation will facilitate investigation of abuse as well as investigations and possible prosecutions for alien smuggling.

We reiterate that direct return of Haitians from the high seas will continue.

In this respect, we note that the Coast Guard cutter Forward interdicted a vessel with 15 migrants in the Windward Passage last night. The migrants will be returned to Haiti.

Haitians who attempt to enter the United States by boat will continue to be interdicted by Coast Guard cutters on the high seas and be promptly returned to Haiti.

- 2 -

We believe that the policy of direct return is important to the safeguarding of human life on the high seas and preventing a mass exodus that would threaten the lives of thousands of Haitians. We will continue to take necessary and appropriate actions to ensure that Haitians do not depart Haiti in unseaworthy vessels. We urge Haitians who wish to seek refuge to take advantage of the U.S. in-country processing program, which has served as a safe means of departure for thousands.



Office of the Deputy Attorney General

Washington, D.C. 20530

MEMORANDUM TO: SAMUEL R. BERGER
DEPUTY ASSISTANT TO THE PRESIDENT
FOR NATIONAL SECURITY AFFAIRS

FROM: JAMIE GORELICK *ES9*
DEPUTY ATTORNEY GENERAL

SUBJECT: Detention and Parole Alternatives for
Haitian Migrants Aboard Interdicted
Freighter

DATE: April 26, 1994

Attached is a memorandum prepared by the Immigration and Naturalization Service (INS) which outlines options and recommendations concerning the disposition of the 411 Haitian migrants removed from the 65-foot freighter interdicted off the coast of Florida on April 21.

Currently these individuals are being detained at the INS Krome Detention Facility. The Public Health Service has conducted TB and AIDS screening. Initial indications are that the incidence of AIDS is very low. Of the 150 completed test results, only two are positive for HIV virus.

The INS plans to detain those involved in the suspected smuggling venture, including suspected smugglers, enforcers, known or suspected persecutors, and other criminals at the MCC in Miami -- approximately 5% of the total -- pending further investigation and prosecution by the U.S. Attorneys Office.

INS's recommendation, which we endorse, is to establish a strict regimen of parole, coordinated by the Community Relations Service, for all migrants who are not criminals and who can be placed with family members or community organizations. As indicated in the memorandum, these migrants are eligible for resettlement benefits and services.

There are three other more restrictive alternatives: in addition to detaining criminals, INS could (1) detain all the migrants pending their immigration judge hearings, most probably in INS detention facilities in Louisiana; (2) detain all migrants lacking family ties in the United States

(approximately 20% of the total); or, (3) detain all migrants except for those who are determined via a pre-screening interview to have a credible fear of political persecution as a basis for an asylum claim (this number has not been determined).

On balance, the Department believes that the INS's recommendation for establishing an orderly parole procedure for all migrants who can be placed either with family members or organizations identified by the Community Relations Service and who are not criminals, is preferable to other alternatives, which are very costly and will provoke litigation.

Please advise us at your earliest opportunity whether we may begin to implement this proposed course of action.



U.S. Department of Justice
Immigration and Naturalization Service

Office of the Commissioner

425 I Street NW.
Washington, DC 20536

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Doris Meissner
Commissioner
Immigration and Naturalization Service

SUBJECT: Detention and Parole Alternatives for
Haitian Migrants Aboard Interdicted Coastal
Freighter

On Thursday, April 21, the U.S. Coast Guard interdicted a 65-foot coastal freighter with 411 persons on board off the coast of Florida. The vessel was towed into Lake Worth, Florida on Friday and the occupants were turned over to the Immigration and Naturalization Service (INS) for processing at the Krome Avenue Detention Center. That processing includes: HIV and TB testing by the Public Health Service (PHS);¹ an INS inspection for admissibility; interviews with, and the segregation of, crewmembers and others suspected of being involved in attempted smuggling of aliens; and the issuance of charging documents to place the aliens in exclusion proceedings before an immigration judge.

Once the initial processing is completed, the INS District Director normally determines which migrants should be detained, who should be released pending resolution of exclusion proceedings, and any conditions that may be imposed on the release. Release is accomplished by way of "parole." The INS plans to detain those involved in the suspected smuggling venture and criminals at the MCC in Miami pending further investigation and prosecution by the U.S. Attorney's Office. Non-criminal detainees may be moved to other detention space outside of the state of Florida. The following is a discussion of the options for dealing with the detention and parole of the migrants.

¹ While the INS does not ordinarily conduct HIV testing of excludable aliens for the purpose of assessing parole or detention, PHS has initiated HIV testing for this population as part of the medical screening. Initial indications are that the incidence of AIDS is very low. Of the 150 completed test results, only two are positive for the HIV virus. Currently, three migrants who tested positive for TB are in quarantine.

I. Authority

Section 235(b) of the Immigration and Nationality Act, ("INA"), provides that an alien who is not clearly and beyond a doubt entitled to land shall be detained for further inquiry before a special inquiry officer [immigration judge]. However, INA §212(d)(5) authorizes the Attorney General (or her designee, typically the District Director) to permit physical access (parole) to the United States of an inadmissible alien and to establish conditions on that parole.

The Attorney General has broad authority to grant conditions of release pending completion of exclusion proceedings. Such conditions have included (1) the posting of an appearance bond, (2) demonstration of the existence of family or community ties, (3) arrangements with voluntary agencies to provide support for the alien and ensure his or her appearance at future proceedings, and/or (4) the periodic reporting of whereabouts to the local INS office. Parole is typically granted for periods of six months or a year. An intensive reporting program poses resource problems; accordingly, assistance from voluntary organizations could be sought, and, as noted below, INS has instituted such programs in the past.

A determination not to grant parole is not subject to administrative review; however, it may be challenged on abuse of discretion grounds in a federal district court.

II. Policy

The general policy of the INS since 1981 has been to detain inadmissible aliens who arrive without documentation or with false documentation. See 8 C.F.R. § 235.3. However, compliance with that policy often depends on the availability of detention space and the length of time for a determination by the INS on admissibility and any applications for relief. In the instant case, as with most exclusion proceedings, admissibility will not be a contested issue. The immigration proceedings in these cases will focus on eligibility for asylum and withholding of deportation. Based on the information that we have developed so far, this operation does not appear to involve the type of organized criminal smuggling syndicate which would implicate the Administration's policy of strict detention of smuggled aliens.

III. Categories

A. The continued detention of aliens in the following categories is plainly warranted:

1. Criminals. This would include those persons known or suspected of having been involved in criminal activity in Haiti as well as those persons who may have been involved in criminal activity in the United States;

2. Suspected Smugglers. There are eleven Haitian crewmembers all of whom are currently under suspicion for having participated in alien smuggling;

3. Enforcers. It is suspected that several passengers were used by the master of the vessel and the crew to keep order on board the vessel through physical beating and other intimidation;

4. Known or suspected persecutors. There is at least one person who was on board the vessel who has a connection to the Haitian military and one "attache." It is not clear at this point what, if any, role they may have had either as enforcers on board the vessel or in persecuting people in Haiti.

B. The release, under appropriate conditions, of persons in the following categories seems appropriate:

1. Those persons with family ties in the United States - based on the interviews that we have conducted, as many as eighty percent of the migrants are believed to have family ties in the United States;

2. Families with children - Of the twenty-seven minors, fourteen are accompanied by a parent;

3. Pregnant women - we have identified eleven pregnant women among the population;

4. Those migrants who have agreed to cooperate with the United States Attorney in the investigation and prosecution of suspected alien smuggling.

C. In addition to migrants in the foregoing categories, the population will include Haitian migrants with no community ties or family members either in the United States or among the occupants of the vessel. My plan is to direct INS that such persons be released to responsible sponsors identified by the Community Relations Service (CRS) working with voluntary agencies in Miami and elsewhere. While release with respect to this group may be criticized as creating a magnet for further boat departures, on balance, it is preferable to continued detention. Continuing detention of this population will be costly; it would invite further lawsuits; and it would be viewed as affording disparate treatment. While we must be sensitive to Florida's concerns with respect to impact, the

State of Florida receives funding specifically earmarked for resettlement and other expenses related to Haitian and Cuban migrants. Finally, we can closely supervise the parole by applying strict conditions.

In addition to the normal conditions established for parole, the INS has found it necessary in the past to impose conditions on groups of excludable aliens. For example, in 1982, Haitians released pursuant to the order of the district court in Louis v. Nelson, 544 Fed. Supp. 1004, (S.D. Fla 1982), were required to report their whereabouts on a weekly basis. Mariel Cubans are required to undergo careful scrutiny under narrowly drawn criteria, and provisional release to a "halfway house," before being re-paroled from INS custody. Parole in these instances has been successful in large part because of the involvement of voluntary agencies in Florida and elsewhere that participate in the parole and temporary resettlement of these migrants. Examples of conditions imposed by the INS include: 1) an approved sponsor; 2) an agreement to meet any special reporting conditions imposed by the INS; 3) representation of the migrant; 4) geographic limitations on travel; 5) permission from the INS prior to a change in sponsorship; 6) revocation of parole in the case of an arrest or conviction for a serious criminal offense; 7) participation in special programs as required; and 8) participation in follow-up medical programs determined by PHS. Any or all of these conditions may be applied with respect to migrants released pursuant to parole.

The categories of migrants identified in B. and C. above would be released without inquiry into the nature or strength of any possible claims to asylum that they might make. However, if a determination is made to further distinguish among the categories of migrants to be released, I would instruct the INS to conduct such an assessment. Since April, 1992, the INS has interviewed asylum applicants who are detained pending exclusion proceedings to determine whether they possess a "credible fear" of persecution. The interviews are conducted by specially trained INS trial attorneys (known as asylum pre-screening officers (APSOs)). If the applicant is found to have a credible fear of persecution on the basis of one of the five asylum grounds, the APSO will make a favorable recommendation to the District Director that the alien be paroled from detention. The "credible fear" standard is lower than the "well-founded fear" required to qualify for asylum. It has been our experience that approximately thirty percent of applicants for asylum will meet this standard.

IV. Other Considerations

An important consideration with respect to the parole of these individuals is the impact of such release on the State of Florida and any other States that may be involved in the resettlement process.² With that in mind, we have carefully examined the availability of federal funds for medical care and resettlement assistance for those Haitians who are paroled from detention by INS.

Pursuant to section 501(c) of the Refugee Education Assistance Act of 1980, Pub. L. 96-422, October 10, 1980, as amended, ("Act"), funding is made available through CRS to grantees, such as United States Catholic Conference and Church World Services, for the resettlement of Cubans and Haitians who are paroled into the United States. For purposes of eligibility for benefits under section 501 of the Act, Haitian entrants released on parole (prior to their claims being adjudicated) are treated as refugees. Refugees who are members of families with children may qualify for benefits under Aid to Families with Dependent Children (AFDC). The costs for AFDC are shared by the Federal and State government. Aged, blind, and disabled refugees may be eligible for Supplemental Security Income (SSI) benefits to the same extent as non-refugees. The full cost of this program is provided from Federal funds; however, some States provide a state-funded supplement. Refugees who are eligible for AFDC or SSI may also qualify for Medical services under the Medicaid program to the same extent as non-refugees. Medicaid costs are shared by the Federal and State governments. Accordingly, the State of Florida will incur AFDC and Medicaid costs for those migrants who are eligible.

Needy Haitian entrants who are not eligible for the categorical programs may receive Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA) for eight months. RCA and RMA are administered by the Department of Health and Human

² Governor Chiles, the State of Florida, and various State agencies have filed a suit seeking a declaratory judgment that the Federal government has failed to comply with constitutional and statutory obligations owed to Florida in relation to the enforcement of the immigration laws pertaining to undocumented aliens and in respect to Medicaid and AFDC expenditures on behalf of aliens. Florida further seeks injunctive relief directing the Federal government either to cease the policies causing the alleged breach of a duty to protect Florida from illegal immigration or to provide various measures of restitution for the current and future financial costs to Florida.

Services Office of Refugee Resettlement (ORR) under subsections 501(a) and (b) of the Act. Unlike categorical entitlement programs, the eligibility period for RCA and RMA is subject to appropriations and the federal government pays 100% of the costs. ORR currently provides benefits for eight months. The benefit level for the RCA is tied to the local AFDC payment level. The benefit level for RMA is the same as the state Medicaid system. After eight months, a Haitian entrant's eligibility for federal aid programs is the same as for other legal residents.

Targeted Assistance Funds are also available to communities with large numbers of refugees and entrants. The proposed FY' 94 allocation for Targeted Assistance to Florida is \$22.134 million. This includes \$10.6 for Jackson Memorial Hospital and \$8.4 for Dade County Schools. The proposed allocation has been published in the Federal Register. Comments were due on April 18th and a final notice of award is expected shortly.

In addition, the State of Florida receives additional social services funding to provide employment and adjustment programs to Haitian and Cuban refugees and entrants. In FY '94 the proposed social service allocation for Florida is \$5.2 million. There is no time period limiting availability for services under these programs.³ Presently, such targeted funding is available only to states where Haitian and Cuban populations reside.

V. Conclusion

It is, therefore, my recommendation that detained Haitian migrants be released consistent with the foregoing plan. In 1992, the CRS, working through grantee agencies, resettled 10,747 Haitians approved for parole by the INS after processing in Guantanamo Bay Naval Base. That number included 233 who were HIV positive. Of those resettled, approximately 75% were resettled in Florida. For those Haitians who did not have family members in the United States, CRS grantees administered resettlement programs in New Jersey, New York, Massachusetts, Connecticut, California, Nevada, Oregon, and New Mexico. The INS is working with CRS and the voluntary agencies to implement a fair and responsible release program that is humane, minimizes the impact on State and local resources, and is consistent with the responsibility of the Attorney General to administer the immigration laws.

³ For those migrants released from detention, the exclusion process (including a determination on any asylum claim) could take one year to eighteen months to complete.

DATE: 2/13/96

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INCLUDING COVER): 2

REMARKS:

Background for ^{Gov.} ~~Sen.~~ Chilez letter

DRAFT

WELFARE REFORM AND REFUGEES, ASYLEES, AND CUBAN/HAITIAN ENTRANTS

- BOTH THE HOUSE AND SENATE BILLS WOULD EXEMPT REFUGEES FROM BENEFIT RESTRICTIONS FOR THEIR FIRST 5 YEARS IN THE COUNTRY; THE SENATE BILL ALSO EXEMPTS ASYLEES (AND WE PREFER SENATE VERSION).
- NEITHER BILL ^{not the conference report} SPECIFICALLY EXEMPTS CUBAN/HAITIAN ENTRANTS FROM THE BENEFIT RESTRICTIONS.
- WE HAVE TAKEN THE POSITION THAT--
 - Cuban/Haitian entrants, and other victims of persecution (e.g., certain parolees like Cubans or Jews from the former Soviet Union) should be specifically exempted from the benefit restrictions similar to refugees and asylees. *(No Budget Impact)*.
 - Refugees, asylees, Cuban/Haitian entrants and other victims of persecution should receive an exemption from benefit restrictions for longer than 5 years, or for a reasonable period of time sufficient to allow a person to complete naturalization. *(No Budget Impact)*.
- WITHOUT THESE CHANGES--
 - Many Cuban/Haitian entrants may not be eligible for refugee services, AFDC, Food Stamps, Medicaid, and other means-tested benefits.
 - Refugees, asylees, etc. would be made ineligible for assistance for the period of time between when they were eligible to naturalize and when they actually obtained citizenship.
- MORE GENERALLY, THERE SHOULD BE NO NEW MANDATE FOR VERIFICATION OF ALIEN STATUS BEYOND THOSE PRGRAMS THAT ALREADY VERIFY (AFDC, SSI, MEDICAID, AND FOOD STAMPS), AND ANY NEW DEFINITION OF ALIEN ELIGIBILITY SHOULD CONFORM TO LAST YEAR'S ADMINISTRATION WELFARE REFORM BILL (WHICH IS A LESS RESTRICTIVE DEFINITION THAN SECTION 507 IN THE SENATE BILL, AND WOULD ALLOW CONTINUED ELIGIBILITY FOR CUBAN/HAITIAN ENTRANTS AND CERTAIN PAROLEES).
- IN ADDITION TO IT'S IMPACT ON REFUGEES, ASYLEES, AND CUBAN/HAITIAN ENTRANTS, THE HOUSE-PASSED HR. 4 WOULD DENY SSI, MEDICAID, FOOD STAMP, AND AFDC ASSISTANCE TO ABOUT 105,000 LEGAL IMMIGRANTS IN FLORIDA AND REDUCE FEDERAL OUTLAYS TO THE STATE BY NEARLY \$1.5 BILLION OVER 5 YEARS.
- STATUS OF REFUGEE JOB TRAINING (VIS-A-VIS KASSEBAUM BLOCK GRANT)? --
LAVINIA

58TH STORY of Level 1 printed in FULL format.

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April 02, 1995, Sunday, Final Edition

SECTION: OUTLOOK; Pg. C01

LENGTH: 2155 words

HEADLINE: Adrift Off Cuba; Who's Making Clinton's Policy?

BODY:

WHY NOT ease economic sanctions against Cuba in return for concrete political reforms in Fidel Castro's communist power structure?

Once again Secretary of State Warren Christopher and National Security Adviser Anthony Lake are floating word that they support such a diplomatic opening. But Christopher and Lake have favored such a move for more than a year and never been willing or able to implement it, reflecting the plain fact that Clinton administration policy toward Cuba is being made in the middle level of the bureaucracy, not in the White House. The danger of the administration's drift is an escalation of hostilities that could lead to another migration crisis or even military intervention in Cuba itself.

"Last year, there were 30,000 rafters," one Cuban official told us last week. "Next time you might see a million."

The most telling illustration of the impotence of the Clinton policymakers came in late January when a mid-level State Department official departed from his prepared testimony before a relatively insignificant House subcommittee -- and almost undid the fragile agreement that resolved the crisis of the Cuban balseros (rafters) last summer.

On Jan. 25, Michael Skol, the deputy assistant secretary of state for Latin America, testified before the Western Hemisphere subcommittee, charging the leaders of Cuba with "murder of at least 40 people, women and children." Skol claimed that orders were sent to the Cuban coast guard to sink a hijacked tugboat as it tried to leave Cuban waters for the United States. The boat, with some 71 people aboard, sank and 31 passengers were rescued. "It was first-degree murder, for it was premeditated," Skol emphasized.

But neither the National Security Council nor the intelligence community has evidence that the sinking was ordered, according to U.S. officials. Because the Cuban government insists the sinking was accidental, Skol's testimony was taken by Cuban officials as an accusation that Castro had personally ordered it and as a signal of the hardening of U.S. policy.

Skol's remarks were just one chapter in the disintegration of the Clinton administration's Cuba policy that began last September. That's when American and Cuban officials worked out the details of an agreement under which the government of Fidel Castro discourages rafters from leaving Cuba and the U.S. government processes at least 20,000 visas annually for legal immigration -- more than a six-fold increase. The Cubans also hoped to use the agreement to open discussions on a panoply of issues -- beginning with the 34-year-old U.S. trade embargo -- but Washington refused.

The Washington Post, April 02, 1995

The agreement itself seemed to be working. The immigrant flood slowed to a trickle. In October, Cuban leaders further reduced the motivation for unhappy Cubans to flee by instituting economic reforms to combat severe food shortages. By February the United States had issued visas to some 12,000 Cubans. Only the most impatient and ineligible Cubans fled northward by raft.

The measure of trust developed through the immigration accords, however, was shaken by the Skol testimony and by two other seemingly minor events.

On Jan. 15, the U.S. attorney for the Southern District of Florida decided not to prosecute Leonel Macias, who, according to Cuban authorities, had hijacked a boat last year from the Cuban port of Mariel and killed a Cuban naval officer. Yet instead of deporting Macias as a suspected criminal alien, an immigration judge ordered the Justice Department to grant him asylum.

On Jan. 21, El Nuevo Herald of Miami -- the most widely followed newspaper in the Cuban-American community -- quoted an unnamed U.S. official as saying that the U.S. government would view as acceptable an average of 10 balseros per day. Radio Marti then broadcast the statement to Cuba. The statement seemed to encourage a new wave of rafters and impugn the immigration agreement.

Then came Skol's remarks, and Cuban officials feared for the fragile equilibrium if the United States was unwilling to make the agreement work.

U.S. officials, acknowledging that another migration crisis might evolve if the agreement fell apart, quickly denied that the White House had changed policy. They argued, first, that in the Macias case, the U.S. attorney for South Florida (like all U.S. attorneys) enjoys virtual autonomy in prosecutorial decisions; the failure to prosecute did not necessarily reflect a policy change in Washington. White House officials also asserted that the unnamed official in the Nuevo Herald story was not a senior diplomat but a mid-level Immigration and Naturalization Service official who was emphasizing that the arrival of a few rafters didn't mean that the Cubans had violated the agreement.

But the implications of Skol's testimony were not so easily defused. Although a White House official insisted that U.S. policy toward Cuba had not changed, he could not explain why national security officials allowed Skol to give testimony that undermined the September accords.

When told that the administration had asserted that its policy had not changed, Ricardo Alarcon, the president of the Cuban parliament, sounded more bemused than reassured.

"Who's in charge?" he laughed.

The answer, it seems, was Sen. Jesse Helms (R-N.C.). On Feb. 9, Helms, the conservative chairman of the Senate Foreign Relations Committee introduced a bill that would inflict draconian measures on the island 90 miles from Florida. The legislation is an amalgam of measures introduced over the last two years by Democrats and Republicans supported by the Miami-based Cuban American National Foundation. (Since 1982, the foundation's PAC has given \$ 758,696 to members of Congress and its members have individually given much more.)

The bill's intention is less to isolate Castro's Cuba than to control the terms of the Washington debate. By establishing the claims of U.S. and Cuban

The Washington Post, April 02, 1995

property owners at the heart of U.S. policy, the legislation would effectively preclude consideration of other policy approaches to the island. Under the bill, according to one of Helms' aides, foreign investors would have to choose between trade with the United States and trade with Cuba.

The same day that Helms introduced his bill, Skol delivered a similar message to Baroness Janet Mary Young, the leader of a British trade delegation returning from Cuba. Skol berated her for seeking to encourage British investment in Cuba. According to State Department sources, Skol appeared irritated that Young, a Conservative Party whip and former Foreign Office minister under Margaret Thatcher, had applauded Cuban leaders for making important market reforms. Secretary of State Christopher said last summer that this sort of reform would warrant a "calibrated" response from the United States.

The baroness's trip marked the opening of an officially sanctioned "Cuba Initiative" by British business. Skol, according to one source familiar with the session, warned the baroness that, in the event of a change of governments in Cuba, the United States would not recognize investment arrangements struck with the Castro government. Skol "read the riot act to the United Kingdom," the source said.

Skol's vociferous admonition provoked the British ambassador to complain to Undersecretary of State for Political Affairs Peter Tarnoff. Such protests between the U.S. and British government are rare and serious. Tarnoff, in turn, rebuked Skol, according to State Department officials who spoke with Skol immediately afterward. Skol's defenders in the department contend that he had simply restated U.S. policy to Young. Skol declined to be interviewed for this article.

Skol's hard line emerged in the leadership vacuum on Cuba in the Clinton administration. For the past two years, officials at the National Security Council and the State Department have avoided convening inter-agency groups on Cuba for fear they might force decisions about a more explicit Cuba policy that would draw fire in Miami or on Capitol Hill.

Skol's boss, Alexander Watson, the assistant secretary of state for Latin America, has also tried to avoid making any Cuba policy. At a diplomatic dinner, a French official asked Watson when he would change the "absurd" U.S. position on Cuba. "The State Department makes foreign policy," Watson replied drily. "Cuba, I believe, falls into domestic policy."

When the Clinton administration began to consider the Helms bill earlier this month, Skol convened the inter-agency committee to evaluate it. He found himself virtually alone in the administration in his support of the bill.

Career officers objected to the bill's requirement that the administration press for a worldwide embargo on Cuba at the United Nations. Just last year the General Assembly voted 101-2 to condemn the U.S. embargo. Even Israel, the only nation that voted with the United States, has extensive trade and investment ties with Cuba.

Pentagon and senior State Department officials expressed concern that the Helms bill would punish the Russians for paying the Cubans to maintain a listening post in Lourdes, Cuba, which is used to monitor U.S. compliance with arms control treaties. U.S. arms control experts consider Lourdes to be

The Washington Post, April 02, 1995

stabilizing in the still-delicate nuclear relationship with the Russians.

Most importantly, critics said the bill would weaken the September accord and could set off another large-scale exodus of rafters.

Undeterred by the broad spectrum of objections, Skol proceeded to write testimony in support of the Helms bill. No senior officials stepped forward within the State Department to stop him. Finally the NSC instructed State that Skol could not testify. Shortly thereafter, Skol recused himself from all Cuba-related business, citing recent employment negotiations with a telecommunications firm doing business in Cuba.

If the administration did move toward normalized relations, Clinton, like Richard Nixon when he opened the door to China in 1972, would probably receive overwhelming support from business and the world -- as well as from some sectors of the Cuban-American community. Last summer, National Security Adviser Lake said privately that he was prepared to recommend that Clinton lift the embargo and accept the political consequences. But the November election results put that tightly held strategy on ice. As for taking bold steps on Cuba policy, one senior Clinton policymaker said, "That's not who we [the administration] are."

Hoping to create room to maneuver, NSC officials told reporters last month that they were about to recommend dropping two additional sanctions that Clinton had imposed last August, prohibiting visits and cash remittances to family members in Cuba. These two measures had been wildly unpopular in Miami.

This trial balloon was promptly attacked on Capitol Hill as a capitulation to Castro. Though the White House defended its staff, the mood turned from wary to scared when Helms suddenly attached his bill as an amendment to a defense appropriation bill. Though forced to withdraw it as procedurally improper, Helms made it clear that he had the votes to pass much of the bill.

The NSC then considered an alternative: a presidential commission to study the future of U.S.-Cuba relations. Former secretaries of state Henry Kissinger and Cyrus Vance were under consideration as co-chairs. The appointment of Kissinger would satisfy both Majority Leader Bob Dole and Helms, with whom Kissinger enjoys a good, if unpublicized, relationship. But a letter arrived from Helms, Dole and Florida Sen. Connie Mack, all insisting that the administration support the Helms bill. Clinton policymakers concluded that, while Kissinger would probably support an end to the embargo, the politics of such a commission would restrict, not expand, the administration's policy options.

What next on Cuba? The State Department has proven itself without the coherence to respond to developing circumstances or to discipline its own officials when they deviate from administration policy. The NSC has retreated to a position of seeking to preserve good relations with the Republicans and the fragile immigration accords. And the White House has managed to wrest control of its Cuba policy away from a deputy assistant secretary of state.

"The administration has given more attention to Cuba since Feb. 9 [when Helms introduced his bill] than in the previous two years," said one Republican congressional staffer.

The Washington Post, April 02, 1995

' But attention is not the same as a policy. Eventually, President Clinton must summon the will to do what he has postponed for 26 months -- take responsibility for the current and future relationship with Cuba.

Scott Armstrong is an independent journalist. Saul Landau is a fellow at the Institute for Policy Studies. Researcher Kurt Shaw contributed to this article.

GRAPHIC: Illustration, david suter for The Washington Post

LANGUAGE: ENGLISH

LOAD-DATE-MDC: April 02, 1995

~~Stee~~
Warnath



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OCT 11 1995

October 11, 1995
(Senate)

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 927 - Cuban Liberty and Democratic Solidarity Act
(Burton (R) IN and 43 cosponsors)

The Administration supports the central objective of H.R. 927, i.e., to promote a peaceful transition to democracy in Cuba. However, H.R. 927 contains a number of seriously objectionable provisions that would not advance U.S. interests in Cuba and would damage other U.S. interests. Therefore, the President's senior advisers would recommend that H.R. 927 be vetoed unless the following provisions are deleted or amended:

- The bill would encroach upon the President's exclusive authority under the Constitution to conduct foreign affairs, or otherwise unduly limit the President's flexibility, by purporting to require the President or the Executive branch to pursue certain courses of action regarding Cuba. Mandatory provisions should be replaced with precatory language in the following sections: 102(b); 110(b); 112; 201; 202(e); 203(c)(1); and 203(c)(3).
- The effectiveness of civil penalties as a tool for improving embargo enforcement is greatly limited by the exemption in section 102(d) for activities related to research, education and certain other purposes, and the burdensome requirement for an agency hearing for civil penalties in other cases. Section 102(d) should be amended to address this shortcoming.
- Section 103 should be amended to make the prohibition of certain financing transactions subject to the discretion of the President.
- Section 104(b), which would require withholding U.S. payments to International Financial Institutions, could place the U.S. in violation of international commitments and undermine their effective functioning. This section should be deleted.
- Sections 106 and 110(b), which would deny foreign assistance to countries, if they, or in the case of section 110(b), private entities in these countries, provide certain support to Cuba, should be deleted. Section 106 would undermine important U.S. support for reform in Russia. Section 110(b) is cast so broadly as to have a profoundly adverse affect on a wide range of U.S. Government activities.

- Section 202(b)(2)(iii), which would bar transactions related to family travel and remittances from relatives of Cubans in the United States until a transition government is in power, is too inflexible and should be deleted.
- Sections 205 and 206 would establish overly-rigid requirements for transition and democratic governments in Cuba that could leave the United States on the sidelines, unable to support clearly positive developments in Cuba when such support might be essential. The criteria should be "factors to be considered" rather than requirements.
- By failing to provide stand-alone authority for assistance to a transition or democratic government in Cuba, Title II signals a lack of U.S. resolve to support a transition to democracy in Cuba.
- Title III, which would create a private cause of action for U.S. nationals to sue foreigners who invest in property located entirely outside the United States, should be deleted. Applying U.S. law extra-territorially in this fashion would create friction with our allies, would be difficult to defend under international law, and would create a precedent that would increase litigation risks for U.S. companies abroad. It would also diminish the prospects of settlement of the claims of the nearly 6,000 U.S. nationals whose claims have been certified by the Foreign Claims Settlement Commission. Because U.S. as well as foreign persons may be sued under section 302, this provision could create a major legal barrier to the participation of U.S. businesses in the rebuilding of Cuba once a transition begins.
- Title IV, which would require the Federal Government to exclude from the United States any person who has confiscated, or "traffics" in, property to which a U.S. citizen has a claim, should be deleted. It would apply not only to Cuba, but world-wide, and would apply to foreign nationals who are not themselves responsible for any illegal expropriation of property, and thus would create friction with our allies. It would require the State Department to make difficult and burdensome determinations about property claims and investment in property abroad which are outside the Department's traditional area of expertise.

Pay-As-You-Go Scoring

H.R. 927 would affect receipts; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act (OBRA) of 1990. In view of the unpredictability of the number of lawsuits that may be brought under Title III, OMB has not yet been able to estimate the paygo effect of receipts from filing fees for such lawsuits. (However, discretionary costs to the Government from lawsuits could be significant and could place a heavy burden on the court system.)

* * * * *

~~CONFIDENTIAL~~

ALIEN SMUGGLING OF HAITIANS

- Incident Report: INS and Coast Guard
- Status of Migrants: INS
- Current/Expected Migrant Activity: CIA and INS
- Interdiction: Coast Guard
- Efforts to Deter Smuggling: State, All

DECLASSIFIED

E.O. 13526

White House Guidelines, September 11, 2006

By m NARA, Date 4/24/16

2011-1039-F

~~CONFIDENTIAL~~

Date: 09/02/94 Time: 08:59

U.S. To Offer More Cuban Immigration Using Little Known Authority

WASHINGTON (AP) U.S. strategy for dealing with Fidel Castro is to offer a sharp expansion of Cuban immigration through the little-known and curiously named ``parole'' power of the attorney general, Justice Department officials say.

Because the United States refuses to discuss the economic embargo that most rankles Castro, U.S. negotiators at the mid-level talks with Cuba taking place in New York have little else to offer. But with economic hardship this year generating the first riots of Castro's 35 years in power, the chance to let more dissidents leave the island nation may appeal to the Cuban leader.

There are three legal ways Cubans can enter the United States: on immigrant visas; as political refugees; or through the attorney general's little-known ``parole'' power.

This ``parole'' has nothing to do with people getting out of prisons. It refers to the attorney general's power under immigration law to ``parole'' or grant entry to aliens otherwise legally inadmissible.

It is an emergency power designed to serve the public interest, such as bringing in a trial witness, or to meet humanitarian concerns, like preventing harm or anguish or getting a patient to a liver transplant.

The parole power would be used in this case because there are no numerical limits on it, according to Justice Department officials who spoke Thursday on condition of anonymity. They added that raising the limits on the other two categories would require congressional approval and could risk toppling delicate balances in immigration law. Some in Congress still may object.

During the Bush administration, then-Attorney General Dick Thornburgh authorized parole into this country of up to 2,000 Russians a month when refugee limits were too low to cover all those who wanted to flee the crumbling Communist government of the Soviet Union.

But parolees get only temporary status; they must leave when the condition justifying parole ends. They cannot apply for U.S. citizenship.

Cubans, however, have an exception in law. Any Cuban who has reached this country legally or not, has cleared inspection to screen out criminals or those with communicable disease and has stayed here one year can apply for permanent resident alien status under the Cuban Adjustment Act of 1966.

That act gives the attorney general discretion to grant permanent legal status at that time. For 28 years, Cubans got legal residence then.

To deter Cubans from rafting across the Florida Straits, Attorney General Janet Reno announced last month that she would no longer automatically grant legal status to Cubans under the 1966 act. But she could resume granting it as part of a deal with Castro.

To take advantage of parole or any other legal route to the United States, the thousands of Cubans intercepted in the straits and taken to the U.S. Navy base at Guantanamo Bay, Cuba, apparently will have to return to Cuba first.

``Those in Guantanamo will not come to the United States from Guantanamo, but the processes in Cuba will be available to them,''' Reno said Thursday.

Reno has authority to decide which Cubans and how many can be paroled. Department officials say she is unlikely to grant parole

to former rafters, to avoid encouraging more. Instead, the plan is to offer parole to distant relatives of U.S. citizens. Many already are on waiting lists for visas.

Aside from parole, another legal avenue is limited only by reality, not by law. Any spouse or child of a U.S. citizen, parent of an adult U.S. citizen or orphan adopted by a U.S. citizen can automatically get a visa.

There also are visas available for more distant relatives, including adult sons or daughters and brothers and sisters of U.S. citizens, and for those with desirable skills, such as scientists, artists and athletes. But there are annual limits and waiting lists for each of nine subcategories.

The limit on these relatives is 226,000 and on skill visas is 140,000 from the entire world. Cubans are allowed 27,845 visas a year for such relatives and those with skills; so far this year, they have obtained 2,700.

The worldwide waiting list for these visas is 3.4 million, including 19,800 Cubans. These visas are granted on a first-come, first-served basis and expanding the numbers or moving Cubans ahead would require Congress' approval.

But using the parole power would get around the line and would not require action by Congress.

APNP-09-02-94 0857EDT



DEPARTMENT OF HEALTH & HUMAN SERVICES

Chief of Staff

Washington D.C. 20201

FACSIMILEDATE 11/18

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Steve Warneth

FROM: (NAME, ORGANIZATION, CITY/STATE AND PHONE NUMBER) :

Jill Hargis690-6133RECIPIENT'S FAX NUMBER: () 466-7028NUMBER OF PAGES TO SEND (INCLUDING COVER SHEET): 7

COMMENTS:

Cuban Parolees Funding Options Paper

Issue #1:

How to cover the Federal costs of assistance and services for approximately 27,300 Cuban parolees expected to arrive in the U.S. in FY 1995 under the Bilateral Agreement from Cuba and from Guantanamo/Panama.

Background/Discussion

Cuban parolees are eligible for refugee program assistance and services on the same basis as refugees. ORR reimburses States for 100% of the costs of refugee cash assistance (RCA), refugee medical assistance (RMA), and State administration. ORR also allocates funding to States to provide social services to refugee and Cuban/Haitian entrant adults. Cuban parolees, if determined eligible, may also access the aid to families with dependent children (AFDC) and Medicaid programs. HHS reimburses States for 55% of AFDC and Medicaid costs; States pay the remaining costs.

ORR also reimburses States for maintenance costs, child welfare services, and medical care for unaccompanied minors. Resettlement agencies place children requiring foster care with their local childcare-licensed affiliates in States throughout the U.S. Legal responsibility is established by local courts in such a way as to make the children eligible for the same range of child welfare and medical services as non-refugee children in that State. Any children arriving from Guantanamo and needing foster care would be resettled in this way.

A monthly average of 46.2% of Cuban parolees are expected to require cash and medical assistance in FY 1995. ORR estimates that it will be able to accommodate a maximum of 19,500 of the 27,300 expected Cuban parolees within its FY 1995 appropriation level without having to reduce cash and medical assistance to the approximately 110,000 refugee arrivals expected in FY 1995.

An additional \$5 million is needed to cover the refugee program costs for the remaining 7,800 parolees.

Options

1. Seek an FY 1995 supplemental from Congress for \$5 million to enable the refugee program to cover the costs that will not be able to be accommodated within the refugee program's current level of available funds.
2. No supplemental; absorb the full 27,300 within the refugee program at the current funding level.

With no supplemental:

- o It is likely that the RCA/RMA eligibility period would have to be reduced from the current 8-month level.
 - o In order to accommodate the additional numbers of Cuban parolees, services and assistance to the other populations served by the refugee program would have to be reduced, creating a potential conflict between groups, and causing negative reactions from States.
3. No supplemental; instead use the DOJ Immigration Emergency Fund or other emergency funding to absorb the cost of parolees that the ORR budget is not able to accommodate.

The Emergency Fund, which consists of \$35 million, may be used if the President has determined that an immigration emergency exists and has certified this fact to the Judiciary Committees of the House and Senate, or the Attorney General may provide reimbursement to State and local governments for assistance to meet urgent demands arising from the presence of aliens in a State or local government's jurisdiction.

4. No supplemental; absorb the full 27,300 at the current funding level; but stagger the arrivals from Cuba for late in the fiscal year. **Recommended.**

Florida would undoubtedly prefer staggered arrivals.

By delaying the arrival of a substantial portion of parolees from Cuba, the costs of providing assistance and services to these individuals during FY 1995 would be reduced sufficiently to enable ORR to maintain assistance and services to refugees at current levels, without reductions.

Additional support would be needed in the FY 1996 budget to accommodate the increased RCA/RMA costs that would accrue in FY 1996 as a result of late arrivals in FY 1995.

Issue #2: **Impacts and costs to States**

Background/Discussion

1. **AFDC and Medicaid:** The States' share of costs for eligible parolees is estimated at \$9.4 million.

2. **Education:** Florida, especially Dade county, is heavily impacted with foreign-born children. ORR has provided special funding, currently \$8.6 million annually, for the impact of Mariel children.
3. **Services:** Florida received a special \$6 million allocation for services in September 1994 in addition to the new arrival per capita given to all other States. This increased their core services money for refugees by 115%. The services will be in place during FY 1995.
4. **Health care:** ORR awards more than \$10 million annually to Jackson Memorial Hospital for non-entitlement care to refugees--another legacy of the Mariel boatlift. The funding offsets costs of care to indigent refugees who do not qualify for Medicaid or RMA.

Florida believes, even with the earmarked appropriations, which no other State receives, that the State is underfunded for the refugee/entrant program. Florida will react very negatively if it receives no new money. On the other hand, the other 47 States that participate in the refugee program see Florida as having an unfair advantage and will be equally unhappy if additional funding is given to Florida in a preferential way. This is especially true for California which recently lost its earmark.

Options

1. No new money, but encourage the State of Florida to reprogram its various earmarks to serve these new arrivals.
2. Use the DOJ Immigration Emergency Fund to pay Florida's costs.
3. Pay Florida's share of AFDC and Medicaid through the refugee program.

We would be setting a bad precedent that would put us at risk of legal challenges for giving preferential treatment to one State and for only one group. If ORR reimbursed Florida for its share of AFDC and Medicaid costs for Cuban parolees, it would be at the detriment of reducing assistance to refugees in all other States. It is likely that sufficient funds would not be available to continue to provide 8 months of RCA and RMA to refugees.

Issue #3**Need for Reception and Placement Services to Cubans****Background/Discussion**

Reception and placement (R & P) services enable resettlement agencies to transport refugee/entrants to resettlement sites and to provide initial lodging, basic necessities, and orientation and referral to service and assistance programs. These services are provided to Cuban and Haitian entrants through funding from the Community Relations Service/DOJ (CRS). R & P services constitute initial placement activities for only the first 30 to 90 days after resettlement in the U.S. However short in duration, these services are vital to successful initial resettlement. After initial placement, refugees/entrants are eligible for assistance and services provided through the State-administered program funded by the Office of Refugee Resettlement (ORR). R & P services include the costs of dispersing entrants without family in Florida to other locations, thereby alleviating the impact on Florida. An estimated 20% of family reunification cases break down in Florida and such cases, under certain circumstances, also are eligible to be relocated. If no basic R & P services are provided, these cases could not be dispersed nationwide.

Options

1. Fund R&P through CRS under established procedures. The estimated cost would be \$1,000 per capita or \$27.3 million if 27,300 Cubans are resettled through CRS. Provide funding through the Immigration Emergency Fund. **Recommended.**
2. Provide no funding and rely on the State and the private agencies to absorb the impact.

COST ESTIMATES FOR CUBAN PAROLEES EXPECTED IN FY 1995**Assumptions**

27,300 Cubans will be paroled into the U.S. during FY 1995. Cuban parolees are eligible under the refugee program and will be an added cost to the program.

7,800 of the parolees from Guantanamo are expected to be minor children, aged 17 and under, and their families. These families are expected to be eligible for AFDC and Medicaid and are expected to access these programs at about the same rate (46.2%) as newly arrived refugees and Cuban/Haitian entrants in general.

The remaining parolees (19,500) are expected to access the programs of refugee cash assistance (RCA) and refugee medical assistance (RMA) and the AFDC and Medicaid programs at about the same rate (46.2%) as newly arrived refugees and Cuban/Haitian entrants in general.

The parolees who will be released from safe havens (Guantanamo and Panama) are assumed to arrive at a regular monthly rate over a 4-month period beginning December 1994 - March 1995.

The remaining parolees are assumed to arrive in the U.S. at a regular monthly rate during the period from December 1994 - September 1995.

The parolees are expected to be concentrated in Florida (about 75%) and New York and New Jersey (25%).

The unit costs for RCA, RMA, AFDC, and Medicaid are based on a weighted average for Florida, New York, and New Jersey combined.

Cuban parolees are eligible to receive services under the refugee social services program.

Sixty-five percent of the approximately 170 unaccompanied children at Guantanamo are expected to join families in the U.S.; the balance will require foster care: 60 children @ \$10,625 for 10 months.

Estimated Costs for Cuban Parolees in FY 1995

		Estimated Cost (in millions)
27,300 admitted as refugees and parolees from Cuba, Guantánamo, and Panama:		
A. Refugee Resettlement Program		
Refugee cash assistance (RCA) and Refugee medical assistance (RMA) at the current 8-month eligibility period		\$20.7
Care for unaccompanied minor children		0.6
Social services resettlement costs		4.4
State program administration (17.6%)		3.6
	Subtotal	\$29.3
B. Categorical Assistance Programs		
AFDC/Medicaid benefits		18.3
State program administration (12.7%)		2.3
	Subtotal	\$20.6
C. Grand Total		
Refugee Resettlement Program		29.3
Categorical Assistance Programs		20.6
	Total	\$49.9
Federal Funds		40.5
State		9.4
D. CRS grants for R&P services		\$27.3

DISCUSSION PAPER

Disposition of Cuban Psychiatric Patients at US Safehavens

Background

Key Event: At the 13 Jan USACOM-hosted meeting to discuss the migrant movement from Panama to Guantanamo two significant issues were raised to the interagency for action. The **first** involved the continued movement of children and their families as paroles to the US. The basic planning assumption adopted by USSOUTHCOM and USACOM is that all accompanied children and their families will be out of Panama before the migrant move begins at or about 1 Feb 95. The Justice/INS/CRS view is that the planning assumption is valid.

The **second** issue concerned the disposition of the most severe psychiatric cases. USOUTHCOM wanted to move their cases soon, possibly in late January. USACOM objected because the move would saturate the current Guantanamo facilities, the degree to which still must be determined. USACOM asked for interagency assistance in bringing into the US some of the more severe cases to alleviate the immediate burden associated with the consolidation of all migrants at Guantanamo.

Case Load: The total number of psychiatric cases in both Panama and Guantanamo is relatively high and at current estimates the total number is over 900. This population represents all migrants that have exhibited some type of mental illness. JTF-160 medical staff specifically estimates the migrant population with personality disorders or other conditions with the potential to harm themselves at 400-600. Panama numbers involve more than 100. But medical authorities in both commands suggest that the “core” cases are not as high as the 900 estimate but more in the neighborhood of 100-120. These are the cases that the commands feel they need help with the most and is the key issue for discussion on Friday, 20 Jan 95.

Medically, there are several degrees of severity and risk associated with the total psychotic population. Clearly there are numerous distinctions that can be made: one is a distinction that would seek to define the population on the basis of granting parole. Does the condition warrant parole using the Oct 14 “serious and deteriorating” standard? Another distinction is one that involves the degree of severity and risk to the individual or treatment caregiver. Does the person’s

condition warrant special treatment beyond the existing capacity of US military caregivers?

Capacity: The psychiatric inpatient capability for migrants at US military commands in USSOUTHCOM and USACOM is extremely limited. The Guantanamo facility is capable of handling 20 patients who are in a *less than severe* category. JTF 160 has begun converting an old Navy brig into a temporary facility with a capacity for 57 seriously ill patients. USACOM's view is that the maximum capability ensures only minimum standards of health. Additionally, USACOM Medical Advisor asserts that the real capacity to handle severe patients is nil due to the type of 24-hr care required for the "core" cases. A "core" case being one that is assessed as organic versus environmental and that has received intense medical scrutiny and screening. The Panama facilities are also limited, US military hospitals can handle only 10 "core" cases.

Trend: There is a growing number of suicide attempts and there is increasing concern on the effects of long-term detention. JTF-160 psychiatric staff are now seeing over 90 outpatients per day. USACOM is projecting an incidence rate of 3-5% among the general population. The medical opinion on numbers is important here. Most agree that a majority of the psychiatric population is environment related. Reports from the Miami Medical Team and USACOM's Combat Stress Team focus on the problems that children have dealing with their current predicament. The military's role in handling the majority of the environment-related cases is affected by their workload handling the severe, mostly organic, "core" cases. The severe cases place a difficult burden on medical authorities.

Question

1. When and where should Panama (USOUTHCOM) send their migrant psychiatric patients?
2. How should we help Guantanamo officials deal with their migrant psychiatric population?

Issues

1. How can we balance DOD's concern for maintaining this responsibility against the precedent of bringing into the US possibly the worst element of the migrant population (in terms of cost burden to USG and individual character makeup)?
 - a. Which parole authority would psychiatric patients come under?
 - b. Who would be responsible for the patients if they were brought into the US?
 - c. What would happen if the patients require long-term (beyond 5-10 years) treatment?
 - d. Is it more expensive to treat the migrants at safehavens or in the US?
 - e. What are the possible problems if the US does not allow the psychiatric cases in?
2. What steps does the interagency need to take to first solve the immediate "core" cases problem?

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

May 2, 1995

JOINT STATEMENT

The United States of America and the Republic of Cuba have reached agreement on steps to normalize further their migration relationship. These steps build upon the September 9, 1994 agreement and seek to address safety and humanitarian concerns and to ensure that migration between the countries is safe, legal, and orderly.

Humanitarian Parole

The United States and the Republic of Cuba recognize the special circumstances of Cuban migrants currently at Guantanamo Bay. Accordingly, the two governments have agreed that the process of humanitarian parole into the United States should continue beyond those eligible for parole under existing criteria. The two governments agree that if the United States carries out such paroles, it may count them towards meeting the minimum number of Cubans it is committed to admit every year pursuant to the September 9, 1994 agreement. Up to 5,000 such paroles may be counted towards meeting the minimum number in any one year period beginning September 9, 1995, regardless of when the migrants are paroled into the United States.

Safety of Life at Sea

The United States and the Republic of Cuba reaffirm their common interest in preventing unsafe departures from Cuba. Effective immediately, Cuban migrants intercepted at sea by the United States and attempting to enter the United States will be taken to Cuba. Similarly, migrants found to have entered Guantanamo illegally will also be returned to Cuba. The United States and the Republic of Cuba will cooperate jointly in this effort. All actions taken will be consistent with the parties' international obligations. Migrants taken to Cuba will be informed by United States officials about procedures to apply for legal admission to the United States at the U.S. Interests Section in Havana.

The United States and the Republic of Cuba will ensure that no action is taken against those migrants returned to Cuba as a consequence of their attempt to immigrate illegally. Both parties will work together to facilitate the procedures necessary to implement these measures. The United States and the Republic of Cuba agree to the return to Cuba of Cuban nationals currently at Guantanamo who are ineligible for admission to the United States.

September 9, 1994 Agreement

The United States and the Republic of Cuba agree that the provisions of the September 9, 1994 agreement remain in effect, except as modified by the present Joint Statement. In particular, both sides reaffirm their joint commitment to take steps to prevent unsafe departures from Cuba which risk loss of human life and to oppose acts of violence associated with illegal immigration.

#####

MIGRANT POPULATION SUMMARY AND HISTORY

(Cubans)
For 20 Feb Report

PICTURE ONE: OCTOBER 94 *PEAK*

TOTAL CUBAN
POPULATION
32,781

PICTURE TWO: DECEMBER 94

TOTAL CUBAN POPULATION 32,205	Minimum Paroles Had Begun and Medevacs and some Vol Repats
-------------------------------------	---

PICTURE THREE: TODAY 20 FEB 95

TOTAL CUBAN POPULATION 25,711	=	Current GTMO 25,711	+	Current Panama 0
-------------------------------------	---	------------------------	---	---------------------

<u>How We Got Here</u>	
Vol Repat	1200
Third-Country	90
Paroles	5069
<u>Other</u>	<u>135</u>
Total	6494

Recent Additions: Incorporated into count

PICTURE FOUR: MAY 95 (Last of Children w/ Families) Projection Based on 500-600 per week

Parolable Pool: ~2,500 Family
 ~2,500 Medical

TOTAL CUBAN
POPULATION

20,500	Projected Demographics 97% of Population Single, Male (19-58)
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STATUS REPORT

The following is a status report on issues relating to Cuban migrants.

1. Panama Transfer

Change from Previous Report

The movement of Cuban migrants from Panama to Guantanamo is complete. Over 7400 Cubans were moved to Guantanamo without incident. The Panama camps are now closed and military personnel are being reassigned.

2. Voluntary Repatriations

Slight Change from Previous Report

- To date 468 Cubans who were at Guantanamo have returned voluntarily to Havana through "official" channels. DoD estimates that over 700 migrants have self-repatriated through the minefields or through the water.
- Of the returning Cubans from Panama over 100 have attempted self-repatriation and at this point there have been no fatalities.
- This sudden increase in across-the-fence activity appears to be related only to the returning(Panama)Cubans. At present, there are very few remaining Cubans at Guantanamo who have indicated a desire to return. New efforts are underway to ask for more volunteers, but USACOM does not expect that numbers will be significant for the time being.

3. Humanitarian Parole

Change from Previous Report

As of February 20, the total number of humanitarian paroles from GTMO and Panama into the United States was 5,069. The numbers break down into the various categories of parole as follows:

	Principals	Accompany	Total
Adult Medical	590	972	1562
Elderly	70	180	250
Medevacs	22	13	35
W/O Fam Minors	307	0	307
W Fam Minors	745	2047	2792
Other	67	56	123
Totals	1801	3268	5069

For more details on the current migration population at US safehavens see Tab A.

4. Legal Migration From Cuba

No Change From Previous Report

- The processing of migration applicants and delivery of visas is not encountering any problem. Since September 9, the number of Cubans who have been approved under the various programs (refugee, back-logged immigrant visas, relatives of immigrant visa holders) has reached roughly 9,000.
- However, remarkably few have left Cuba. State reports that roughly 2000 have entered the US. The reason has to do with the exorbitant airfare (\$990) the Cuban travel agency charges for travel to the U.S. The issue was raised at the recent talks. The US delegation warned that if a solution were not found, a large pool of frustrated migrants would be formed. Another option for Cubans is on Mexico Air through Cancun to Miami, this apparently is beginning to catch on with no specific objections raised by Cuba.

5. Parole Flow

Slight Change From Last Report

- Parole efforts have been stepped up and last week 551 arrived US. There is no real bottleneck, and agencies appear to be satisfied with this higher flow.

- There was some concern expressed by Governor Chiles through the AG that the number was too high.
- State reports that the Cubans have no objections to all children and their families coming to the US.

6. Arrangements with Cuban-American Organizations

Slight Change From Last Report

- Justice (CRS) is now operating under a proposal from the Ad-Hoc Committee through the voluntary agencies (VOLAGS).
- The concept allows for private funding of sponsorship for the paroles that includes health insurance, job placement, food, housing and education for children. Currently, the Ad-Hoc Committee is seeking donations in the South Florida area for this purpose.

7. Family Visitation

Slight Change From Last Report

Guantanamo officials are now prepared to allow family member visits to the base. AP ran a story in Monday's Wash Post announcing this (not at our request and a bit premature)--details are still being worked out with the American Red Cross and other volunteers in the Miami area. Visits could begin as early as 15 March 95.

8. Guantanamo Upgrades

Slight Change From Last Report

- Facility upgrades continue and by late April all migrants will be housed in "hard-back" tents (see Tab B for picture of typical "hard-back" tent).
- After the current phase of quality of life improvements are completed(\$35M); additional funding will be required for the following improvements:

1. Educational/Vocational	7.5M
2. Rec Equipment	0.5M
3. Self-help Program	2.0M
4. Furnishings	10.0M
5. Refrigerators	1.5M
6. Laundry Facilities	1.0M
7. Reduce Tent Occupancy	6.0M
8. Kitchen/Food Service	1.0M
Total	30.0M

- Defense envisions these improvements as the next logical step in providing reasonable living conditions for the migrant population.
- The most immediate concern involves the roughly 912 Cubans that have been diagnosed as having mental illness that requires some type of medical treatment. Additionally, there are 14 severe psychiatric patients requiring immediate hospitalization and 9 patients requiring support beyond the capability of Guantanamo. An inter-agency group has been meeting to address this issue.

Attachments

- Tab A Migrant Population Summary/History
- Tab B Picture of a "Hard-Back" Tent and Construction of a Migrant Village

Q's and A's

Q1. Are there any secret, side agreements with Cuba?

A. No.

Q2. Were any other topics discussed?

A. In the course of our conversations with the Cuban representatives, we have made clear our intention to continue with Track II efforts to increase contacts between our two people. We also explained the Administration's position on the Helms/Burton bill, which we had previously communicated to the Congress. Finally, we reiterated our willingness to respond to meaningful steps towards economic and political reform in a carefully calibrated manner. In that context, we indicated that we were following the state of the recently allowed farmers markets. If progress were to continue, we would consider appropriate steps, consistent with the Cuban Democracy Act, allowing certain sales to independent farmers in response to recent Cuban initiatives to open farmers markets. We made clear that any additional steps would have to await changes more significant than we have seen to date.

Q3. How were these discussions conducted?

A. Through diplomatic channels.

Q4. Doesn't this represent a total reversal of policy?

A. Our goal was and remains the establishment of safe, legal, and orderly migration. The Guantanamo safehaven was one element toward that goal. But, as we know, it raised significant problems -- in humanitarian terms, in financial terms, and in safety terms. This new approach permits us to find a humanitarian solution to the situation at Guantanamo without encouraging a new unsafe and uncontrolled migration, and preserving the broad legal migration program for Cubans in Cuba. The approach furthers our goal and U.S. national interests.

Q5. How will you ensure the protection of migrants who claim refugee status?

A. Any Cuban with a legitimate political asylum claim should go to the U.S. Interests Section in Havana where such claim will be processed. As for Cubans intercepted at sea, as I have said, we will take adequate measures to ensure that cases of those with a genuine need for protection will be examined before return.

I also want to emphasize that Cuba is one of the very few countries in the world in which we maintain an in-country processing center. The Cuban government has given us assurances that returnees will not suffer reprisals (including persecution, withholding of benefit or other detrimental action) for applying for refugee status. The situation of refugee applicants will be followed by U.S. officials to ensure that the Cuban government lives up to its commitment.

Q6. What form of screening will take place on the Coast Guard cutters?

A. As we have said, we will ensure that the rights of individuals to claim refugee status is fully protected and we will deal with each situation as it arises. We will develop whatever procedures are appropriate given our experience under this new program. Our firm intention is to provide each migrant who so desires an opportunity to make an asylum claim in a setting free of coercion. Beyond that, I see no purpose in getting into the details of the procedures we will be applying to ensure such protection.

Q7. Will all Cubans at Guantanamo be paroled into the U.S.?

A. The Cuban government has agreed that we could parole as many Cubans currently at Guantanamo as we deem necessary on humanitarian grounds. Cuba also has agreed to the return of migrants who would be ineligible for admission into the U.S. This would include Cubans previously deported from the U.S., Cubans with a criminal record, or Cubans responsible for acts of violence at Guantanamo.

As we have done in the case of children, the elderly and medical hardship cases, we will assess the situation of Cuban migrants on a case-by-case basis, bearing in mind the impact of paroles on state and local economies and the need for adequate sponsorship. In particular, no migrants will be brought from Guantanamo until sponsorship and resettlement assistance has been obtained through the Justice Department's Community Relations Service and the national voluntary agencies with which CRS works. That is why we have given ourselves up to a year to complete this process.

Q8: I don't really understand what you are saying about the Guantanamo population. Will people in the safe haven be returned to Cuba against their will?

A: Cubans in the safe haven who are ineligible for entry into the United States -- such as those who have serious criminal histories, who were previously removed from the United States for committing

crimes, or who committed violent acts in Guantanamo -- may be returned to Cuba.

Q9: Isn't this going to pose a great burden on the State of Florida?

A: We think precisely to the contrary. By reducing further the risk of uncontrolled migration, this program further minimizes the greatest burden on the state and its subdivisions. Moreover, migrants are brought in from Guantanamo in a manner that is quite deliberately designed to minimize the impact on Florida. No one is brought in without sponsorship arranged in advance, and migrants without direct family links in Florida are resettled elsewhere in the United States.

Of course, we are sympathetic to the burden that the State of Florida is carrying with regard to migration from Cuba, and we will be considering steps we can take to come to Florida's assistance.

Q10. Are you prepared to use force in case Cubans intercepted at sea refuse to return to Cuba?

A. The Coast Guard will apply its regular guidelines regarding the return of migrants rescued at sea. We expect that, given expanded possibilities for legal migration from Cuba and our commitment to facilitate the processing of refugee claims in Havana, Cuban migrants rescued at sea will cooperate with U.S. Coast Guard.

Q11. If Cuba is the repressive, outlaw regime our government says it is, how can you justify returning people who are fleeing for their lives?

A: This program is in no way an endorsement of the Castro regime. The United States has an obligation both to protect itself against uncontrolled and illegal immigration and to protect the rights of refugees in accordance with international law. We believe the program we are implementing today represents a significant step in furtherance of both goals.

Q12: You have said that Cubans who reach the United States illegally will be placed in exclusion proceedings, detained, and treated like illegal migrants from other countries. Does this mean you are going to go after Cubans who previously arrived illegally?

A: The vast majority of Cubans now in this country are here legally. We will treat those who are already here and have violated the terms of their admissions consistent with the policy that has been in effect until this day.

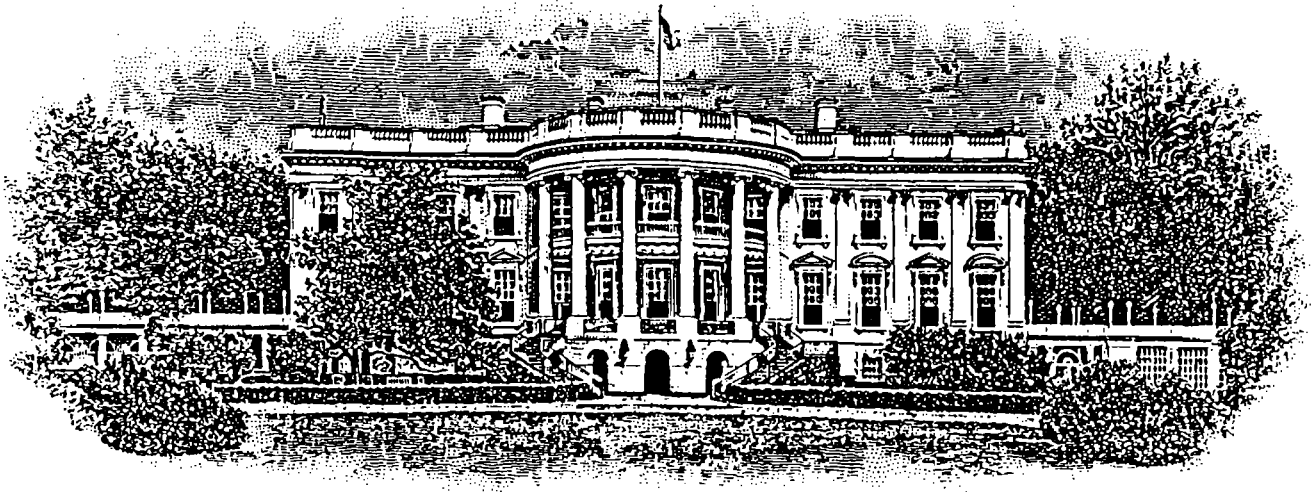
Q13: The Cuban government has long expressed interest in the return to Cuba of certain people now living in the United States who are accused of crimes in Cuba. Will you now return those people against their will?

A: Cubans who are legally in this country and who have not violated the terms of their admission will not be returned. [We have no extradition treaty with Cuba.]

Q14: Does this mean you now favor repeal of the Cuban Adjustment Act?

A: No.

The White House



DOMESTIC POLICY

FACSIMILE TRANSMISSION COVER SHEET

TO: CAROL RASCO

FAX NUMBER: _____

TELEPHONE NUMBER: _____

FROM: STEPHEN WARWATH

TELEPHONE NUMBER: _____

PAGES (INCLUDING COVER): 7

COMMENTS: Attached

① My 1-page memo

② Halperin 1-page memo for comments

③ "Cuban Migration" Discussion memo by NSC

HALPERIN
DRAFT~~CONFIDENTIAL~~

May 5, 1995

ACTION

MEMORANDUM FOR LEON PANETTA

FROM: ANTHONY LAKE
ALICE RIVLIN
CAROL

SUBJECT: Assistance to Florida for Cuban Migrants

Letters have been sent to both Governor Chiles and Senator Graham. The explicit promise made was to work urgently to determine how best we could be of assistance to Florida in meeting the requirements imposed by our recent announcement on Cuban migrants. There are currently three funding options available to provide relief to Florida. An HHS budget amendment option for FY 96 is not recommended by either Graham or Chiles and would not cover FY 95 expenses. Use of the Immigration Emergency Fund (IEF) pursuant to a presidential declaration of an "immigration emergency" is fraught with significant political and legal risks. The third option entails using the IEF without a presidential declaration. Under this option the Attorney General can provide a maximum of \$20 million in assistance in any fiscal year. The Justice Department is working with Florida to determine what specific costs they will incur as a result of the decision, but a tentative HHS assessment suggests that \$25 million is needed for Florida. The AG could authorize ~~of~~ the use of \$20 million now. The remainder of required funds could be addressed after Justice confers with Florida.

RECOMMENDATION

That you approve the use of the IEF non-declaration funds (\$20 million) and authorize OMB to ask the Attorney General to disburse funds to Florida.

Approve _____ Disapprove _____

Attachment

Tab A Discussion Memorandum

Tab B HHS Federal Funds Data Sheet/Recommendation Figures

DECLASSIFIED

E.O. 13526

White House Guidelines, September 11, 2006

By *M* NARA, Date *4/21/16*

201-1039-F

~~CONFIDENTIAL~~

Declassify on: OADR

II. Does Florida Require Additional Assistance?

Governor Chiles will be requesting additional aid for refugee assistance (which will be covered by ORR), to cover for the state's share of AFDC (which will not increase as a result of the recent accord given the demographics of the group), and for social services (which is a real cost and which HHS is assessing).

Florida already receives a disproportionate share of federal assistance for refugees/entrants. This results from several facts:

- Unlike all other nationalities, Cuban and Haitian parolees are eligible for refugee program assistance and services (which are totally federally funded) on the same basis as refugees.
- Florida is the prime beneficiary of federal targeted assistance to communities most heavily impacted by Cuban/Haitian arrivals (roughly \$19 million earmarked per year). The rest of targeted assistance is determined on a formula basis, depending on the number of refugees. (The only other State in the country to be allocated some of these funds is New York, with \$700,000). These funds typically are spent on education and health care.
- Finally, Florida received a special \$6 million allocation for services in September 94 in addition to the new arrival per capita given to all other states. This increased their core services money for refugees/parolees by 115%. The other 47 states that participate in the refugee program see Florida as having an unfair advantage - especially California which recently lost its earmark, and which receives a far greater share of illegal immigration than does Florida. (See attached data on federal assistance to Florida for Cuban/Haitians for FY 94, Tab B).

The decision to admit the 15,000 migrants at Guantanamo also is mitigated by the reduction in admissions from Cuba, and by the change in the demographic composition of entrants.

Still, Florida appears unpersuaded by the argument that costs will not increase very much given the reduction of entrants from Cuba -- both because many members appear not to have focused on the fact that we would be admitting 20,000 Cubans a year, and because those who had believe the state had not received adequate assistance to address the 20,000 admissions from Cuba per year agreed to last September in any event. Finally, they point out that the additional 10,000 migrants over the next year will add to the state's costs in terms of social services.

Moreover, a distinction with other states can be made in that the additional influx is a direct result of the United States' agreement with Cuba, as opposed to uncontrolled, illegal immigration.

(You should know that in the aftermath of the August 1994 influx, Governor Chiles submitted a request for federal assistance of about \$1 billion from the Immigration Emergency Fund. After reviewing the request, DOJ stated it was willing to provide \$1 million, a sum the Governor rejected).

III. Funding Options

1. HHS/Office of Refugee Resettlement could seek an FY 1995 supplemental and/or a budget amendment for the ORR FY 1996 request to provide Florida with additional assistance for social services due to recent Cuban arrivals. (There is a program designed for "unanticipated arrivals." The request could be for about \$20 million).

Governor Chiles and Senator Graham's offices have cautioned us against passing the buck to the Congress, and are looking for a more forward (and immediate) gesture from the Administration.

2. Use the Immigration Emergency Fund (IEF) of DOJ pursuant to a presidential declaration of an "immigration emergency" with respect to the Cuban arrivals and Congressional notification. A declaration triggered by the Cuban arrivals would be politically sensitive and might undermine the Administration's position that the decisions made with regard to Cuban paroles will ensure an orderly migration. Moreover, as our first disbursement to a state from IEF, it would likely draw the attention of states such as California, result in demands for increased immigration assistance from other states, and in a possible lawsuit from Governor Wilson. (You should note that, unlike the case of the smuggled migrants, there is no specific appropriation for this purpose).

On the other hand, this situation is distinguishable: The IEF is designed to provide funds for states or local governments that assist the Attorney General in the administration of U.S. immigration laws. In this instance, Florida would be assisting the AG in the implementation of a decision made by the federal government.

3. The Attorney General can request assistance from a State or local government in meeting urgent demands where the need for assistance arises from the presence of aliens, and she may provide funding to the state of local government from the IEF without a Presidential determination of an immigration emergency.

BY NSCCUBAN MIGRATION TO FLORIDADISCUSSION MEMORANDUMDATA

- Under the September 1994 agreement, the U.S. had committed to admit at least 20,000 Cubans a year.
- Pursuant to the new arrangement, figures over the next three years will remain the same. However, in FY 95 there will be approximately 3,000 additional Cubans admitted to the U.S., and, in FY 96, an additional 7,000. These will be almost exclusively adult males.

I. What Additional Costs Will Florida Incur as a Result of the Agreement?

- Given the demographics of the group, this added influx will not result in additional educational costs compared to what was anticipated under the September agreement, nor is it expected to cost the State much in terms of its share of AFDC or Medicaid. (Indeed, the number of children expected to be admitted in FY 96 will almost certainly diminish because of the simultaneous decrease in the number of admissions from Cuba and the new practice of returning migrants to Cuba).
- Instead, the migrants will qualify for refugee cash and medical assistance from the Office of Refugee Resettlement (ORR) for their first eight months in the U.S., which is fully federally funded. (HHS estimates that it will be able to maintain the current eight months of assistance despite the additional influx). After the first eight months, of course, migrants eligible for AFDC or Medicaid could access those funds, of which the state must cover its share.
- There will be additional costs in terms of other human social services needs (e.g., employment services, orientation, health, language training, criminal justice, etc.). Based on a very preliminary assessment by HHS, we can assume the order of magnitude will be about \$15-20 million.
- Parolees also will need reception and placement services, especially if we want them to be dispersed to locations other than Florida. However, these costs (roughly \$1,000 per capita) are currently borne by the Community Relations Services. While we will have to address the issue of funding, this will not represent additional costs to Florida.

Under this scenario, the AG can provide a maximum of \$20 million in assistance in any fiscal year. Under this option, it could be announced that the President had discussed with the Attorney General the possibility of providing funds to Florida to assist in the implementation of the decision to parole in the Guantanamo migrants, agreed that exigent circumstances existed, and that the AG should exercise her discretion, in consultation with the Governor, to provide IEF funds to Florida.

gfh The Justice Department cautions however, that even though the ~~foundation~~ for providing up to \$20 million is available that any money provided must at least meet a simple test of **actual** projected expenses. Some degree of imagination is required to find an expense category not covered by existing federal programs. Under the guide of "exigent circumstances" what are the actual costs to be borne by the State of Florida that will not be covered? The Justice view is simply that they have yet to hear of any unique state expenses, but are willing to continue the dialogue with Florida.

THE WHITE HOUSE

WASHINGTON

May 8, 1995

TO: MORTON H. HALPERIN
FROM: STEPHEN C. WARNATH *scw*
CC: CAROL H. RASCO
SUBJECT: Language for the Cuban Migrant Memo

Please include the following in your memorandum to Leon regarding assistance to Florida for Cuban migrants:

DPC stresses that each option appears to pose significant political risks for the Administration on the Hill and outside of Florida. When the Administration represented to the American people several days ago that Cuban migrants will be "fully sponsored," most Americans probably accepted this as the President's assurance that these individuals would receive substantial private financial sponsorship as a prerequisite to coming to the United States. Moreover, utilizing emergency funds, even if by the Attorney General rather than the President, may appear at odds with the Administration's stating that it has successfully imposed an orderly and regulated legal immigration upon a huge uncontrolled boat migration. Others (particularly in California) may view this as unjustifiable preferential treatment for Florida, particularly when this orderly immigration, one where we have control of the timing and level of flow, is compared to the number of illegal crossers that California absorbs. DPC strongly recommends that these and any other relevant issues involved receive a full analysis and vetting from White House offices of Political Affairs, Legislative Affairs, Intergovernmental Affairs, and Public Liaison prior to any decision. If there are any legal issues involved, particularly concerning the Attorney General's use of these funds for this purpose -- Option 3 -- then Counsel's Office should be consulted, as well. DPC recommends that any meeting with Leon, if that is viewed as helpful, be held after this analysis is completed.

DPC opposes the recommendation in the present draft to use the IEF "non-declaration" funds (or any of the three options) until this analysis has been completed. This view is further supported because the agencies need to finalize their estimates of the level of funding needed by Florida. This decision cannot be based upon tentative agency estimates. Justice appears to share this concern as well based upon the last paragraph in the NSC background memo.

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An Exile's Empire

A special report.

Wielding the Power of the Exiles, A Would-Be Successor to Castro

By LARRY ROHTER

MIAMI, May 4 — In any debate about American policy toward Cuba, few figures loom larger than Jorge Mas Canosa, considered by many in both countries to be a principal architect of the hostile, uncompromising approach toward Fidel Castro that guided Washington until the Clinton Administration announced on Tuesday that it had reached an agreement with Havana on immigration.

Mr. Mas, a 55-year-old construction entrepreneur, came to Miami 35 years ago as a penniless refugee and has amassed not only a net worth of more than \$80 million but also immense political power. Fourteen years after setting up the Cuban American National Foundation at the behest of the Reagan Administration, he is arguably the most influential of the nation's 1.5 million Cuban-Americans.

He has shaped the content of United States Government broadcasts to Cuba, has held unprecedented control over a Government-financed resettlement program for Cuban refugees, and, through three administrations, has found an open door both at the White House and on Capitol Hill.

When President Clinton announced reprisals against President Castro at the height of the Cuban refugee crisis last summer, Mr.

Mas, a Republican, was quick to claim credit for the tough new stance. But when the Administration announced that Cuban boat people would henceforth be returned, it appeared to undermine Mr. Mas's position with the White House.

Administration officials involved in the decision to alter the immigration policy said they had consulted with only two outside people, Senator Bob Graham of Florida and Gov. Lawton Chiles of Florida, both Democrats. They said they had not talked to Mr. Mas — or any other Cuban-American leader — because they feared that Cuban-Americans would mobilize their forces to block the

decision. Ultimately, it may have come down to Presidential politics. One official said that relations with Mr. Mas had always been edgy and that the White House was dubious about his support in 1996.

After the announcement, Mr. Mas realigned himself with his party and pulled his group out of a Government refugee program. Mr. Mas's political influence remains strong, especially with a Republican majority in Congress. Mr. Mas has been pushing for legislation to tighten the three-decade-old American embargo of Cuba, and he has found an ardent ally in Senator Jesse Helms of North Carolina, the new Senate Foreign Relations Committee chairman.

At an emotional rally here on April 17 to commemorate the 34th anniversary of the Bay of Pigs invasion, Senator Helms heaped praise on Mr. Mas and the Foundation and, with Mr. Mas at his side, endorsed their call for a naval blockade of Cuba.

"I'm going to do everything I can to make sure the United States stands with you," Senator Helms said.

Mr. Mas is a bulldog of a man whose explosive temper has plunged him into several lawsuits, including a libel case he lost to an estranged younger brother. He is often spotted at football and baseball games or sipping cafe Cubano and soaking up the adulation of fellow exiles in Little Havana.

Mr. Mas founded a construction company, now called MasTec, that made him a fortune laying telephone cable. Before that, he served in the United States Army and worked as a milkman, stevedore, shoe salesman and dishwasher.

Mr. Mas's Mercedes, with bodyguards, is often seen in the southwest Miami suburbs, where he lives in a walled compound. He presides over an empire that includes the Foundation, claiming 50,000 members, and a political action committee that has donated more than \$1 million to Congressional and Presidential candidates of both parties in little more than a decade.

Anticipating Mr. Castro's fall, Mr. Mas has built a power base that resembles a government in exile, to the point of bestowing medals on visiting heads of state, warning foreign governments that they will be punished if they trade with Cuba and writing a new Cuban constitution. Through the Foundation, he also runs a commission, with some of America's largest corporations as members, that has drawn up a plan to overhaul the Cuban economy once Mr. Castro goes.

He is also on a first-name basis with Latin American presidents and, through the Foundation, has even sponsored a visit to Miami by Russian President Boris Yeltsin.

Mr. Clinton, as a candidate in 1992, sought Mr. Mas's blessing by arranging to have lunch with him at a restaurant in Little Havana. Both Ronald Reagan and George Bush have also paid tribute to him.

"I salute Jorge Mas," President Bush told several hundred Republicans at a \$1,000-a-plate dinner here during the 1992 campaign. Mr. Bush called Mr. Mas, a Bay of Pigs veteran and the son of a Cuban army veterinarian, the living embodiment of Cuban immigrants' success.

Ultimately, however, Mr. Mas is said to have grander ambitions. In both Washington and Miami, it is widely assumed that he will be satisfied with nothing less than replacing Mr. Castro as Cuba's paramount leader.

"Jorge Mas Canosa is a man of enormous ambition who makes no secret of his desire to become the next Cuban president," a study published in 1993 by the Strategic Studies Institute of the United States Army War College concluded. "In many respects, Mas is a capitalist mirror image of Fidel Castro: demagogic, intolerant, dictatorial, with an enormous ego and a propensity for delivering 'thundering speeches,' exuding 'hatred and intransigence.'"

In recent years, human rights groups like Human Rights Watch/Americas, based in Washington, have criticized Mr. Mas and the Foundation for what they call "attempts to discredit" critics and opponents. In 1992, after Mr. Mas accused The Miami Herald of harboring Castro sympathizers, Human Rights Watch/Americas issued a report blaming "the dominant intransigent forces in Miami's Cuban exile community" for efforts to silence and intimidate opponents.

In 1989, after Federal Treasury agents raided the home of Ramon Cernuda, a Miami book publisher who represents Cuban dissidents critical of Foundation leaders and policies, Mr. Mas was quick to take credit for the raid and to warn other exiles of the dangers of opposing him.

"In effect, we are responsible for this and other investigations that I hope will materialize," he boasted on a Spanish-language radio station loyal to the Foundation. He also warned that he was "going to continue

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status Cubans have enjoyed for three decades as political refugees, many Cuban Americans say they see the policy changes as positive.

Alfredo G. Duran, a Miami lawyer, former chairman of the state Democratic Party, is a member of the board of the Cuban Committee for Democracy, a coalition of "moderate and progressive" business executives, academicians and other professionals who favor talks with Cuba.

"If they give the 20,000 visas, which has never happened, the policy establishes an orderly immigration process that prevents more deaths near Florida," Mr. Duran said. In the long run, he said, "it internalizes the opposition in Cuba."

Many Cuban-Americans said the Administration should next rescind restrictions imposed last year on travel and cash remittances to Cuba, then move toward easing the trade embargo, to allow exports of food and medicine and commercial and cultural exchanges that they say would force Cuba to change quicker than punitive measures would.

A widespread concern is whether the Cuban Government can be trusted not to take reprisals against the repatriated, and whether those with valid cases of persecution would be given political asylum.

The first 13 Cubans to test the policy were picked up at sea late Wednesday by a cruise ship and were turned over to the Coast Guard late Friday night.

"There's a lot of mixed feelings and emotions," said Modesto Abety, 44, a public administrator with Dade County who was born in New York City of Cuban parents. "The image of having people return to Cuba is one that people are not ready to accept. Economically this is a very hard time for the island and I'm concerned about their prospects for survival."

But he and others said this is the opportunity to shift policy on Cuba altogether.

"As long as we keep Cuban society closed we provide Castro with an excuse for a repressive system," Mr. Abety said. "To open it up would do the opposite — it would remove the United States as a boogeyman."

trying to get an investigation of Cernuda and 20 other Cernudas who are here in Miami." He added, "In other words, the holiday is over for these people and Cernuda."

During the same radio interview, Mr. Mas also said he had "taken steps with Congress, the Executive Branch and the Treasury Department" to get them to move against his rivals. In the next year, the Immigration and Naturalization Service raided Mr. Cernuda's offices, the Internal Revenue Service audited his personal and business tax returns, and state labor inspectors investigated his business.

Mr. Mas did not respond to numerous

requests for an interview to discuss his activities and plans. Last month, Jose Cardenas, a Foundation representative in Washington, said that no official of the Foundation would consent to an interview with The New York Times because the group regards the newspaper's coverage of Cuban affairs since the 1950's as sympathetic to Mr. Castro.

The Rise

A Briar Patch Of Broadcasting

Although Mr. Mas founded the Cuban American National Foundation late in 1980, the group achieved its first big political coup only in 1985, when the Reagan Administration, at Mr. Mas's urging, established Radio Marti, named for Jose Marti, the father of Cuban independence.

The idea was to provide Cuba's 11 million people with an alternative to President Castro's version of the news, even though many Cubans could already listen to commercial Spanish-language stations broadcasting from Miami. Five years later, TV Marti went on the air.

Radio Marti built a sizable audience in Cuba, but TV Marti did not. Because of global communications agreements, TV Marti broadcasts only from 3:30 A.M. to 8 A.M. and is completely jammed by Cuba. Even so, the United States has spent more than \$238 million to keep the stations going, and efforts to reduce Federal support as part of budget-cutting efforts have largely failed. This year the two stations have requested an additional \$26 million.

The Office of Cuba Broadcasting, a division of the Voice of America, runs the two Marti stations. It is supervised by a nine-member advisory board that Mr. Mas has led since 1986, when Mr. Reagan appointed him chairman. Current and former employees said Mr. Mas had often influenced the tone and content of broadcasts, the employment of station personnel and decisions to award contracts to consultants.

Radio and TV Marti are required to adhere to the same Federal guidelines of fairness as the Voice of America. But many current and former employees, as well as academic experts on Cuba and rival Cuban

exile groups here, say Mr. Mas has systematically ignored those regulations and used the stations to advance his own political agenda.

"The pattern has been disastrous," said Ernesto F. Betancourt, who was director of Radio Marti from its inception until early in 1990, when he clashed with Mr. Mas over programming and resigned, saying he had been forced out. In an interview, Mr. Betancourt contended that the collapse of governments in Eastern Europe in 1989 had led Mr. Mas and other Foundation leaders to expect a similar upheaval in Cuba.

"At that time, a basic change took place in the behavior of the Cuban American National Foundation," Mr. Betancourt maintained. "Their goal was no longer limited to the liberation of Cuba. Instead, the Foundation became a political organization whose goal was to take power after Fidel Castro."

A General Accounting Office study of TV Marti released in 1992 concluded that the station's coverage "lacked balance and did not meet established Voice of America standards." The authors expressed concern "about the extent of TV Marti's coverage of the Cuban American National Foundation."

Early last year, an Advisory Panel on Radio and TV Marti commissioned by Congress recommended that the board Mr. Mas leads not become involved in daily operations and that its members be rotated every three years. Those recommendations have

not been implemented.

The board voted recently to move the stations from Washington to Miami. Critics contend that such a move would make it easy for Mr. Mas to influence the stations even if he eventually surrendered his post.

Asked about Mr. Mas's role, Penn Kemble, deputy director of the United States Information Agency, which includes the Voice of America, said in a telephone interview: "It's doing the job right now and looking to the future that interests us, rather than expending ourselves in debates about rights and wrongs in the past."

Radio and TV Marti have been "something of a briar patch," he said, adding, "I don't doubt mistakes have been made and that there have been problems in the past. But there's also been some very impressive work done."

"Jorge cuts a wide swath," Mr. Kemble said. "He's a remarkable character, and he really played a huge role in getting these things started. I've no doubt there are things he has done that have been faulted, but there are also people who are envious of him or who have a disagreement with him and will challenge him for illicit influence or illegal conduct of one kind or another. He's a gigantic figure, and he's going to generate a lot of dispute."

The Power

Favoring Friends For Their Support

In Washington, the Cuban American National Foundation exerts its influence through its lobbying arm, the Cuban American Foundation. Both Foundations, in turn, are linked through their overlapping leadership to the Free Cuba Political Action Committee Inc. The president of that group, Domingo Moreira, a Miami seafood importer, is a member of the executive board of the Cuban American National Foundation and has been a business partner of Mr. Mas.

According to Federal Election Commission records, the Free Cuba PAC and its predecessor, the National Coalition for a Free Cuba Inc., have contributed more than \$1 million to candidates for President, the Senate and the House of Representatives in little more than a decade.

In addition, Mr. Moreira said in a 1992 interview, the directors and trustees of the parent Foundation have contributed "probably triple that amount" under their own names. Currently, the Foundation lists 126 directors and trustees.

In the Free Cuba PAC's most recent F.E.C. reports, it reported giving more than \$175,000 in 1993 and 1995 to both parties' candidates for Congress, with many donations going to members of the Congressional committees that deal with foreign relations and communications.

"Our philosophy is that we contribute to those who are friends of the Cuban cause and those opposing enemies of the Cuban cause," Francisco J. Hernandez, president of the Foundation, said in an interview in 1992. "We do not care if they are Democrats or Republicans, liberals or conservatives."

The Plan

First the Carrot, Then the Stick

Encouraged by signs of Mr. Castro's vulnerability, the Foundation began to recruit American companies in 1991 to join what it called a blue-ribbon commission to "establish a blueprint for a free-market economy in a post-Castro Cuba."

Mr. Mas said the group, advised by the investment firm Lazard Freres and with Malcolm S. Forbes Jr. as its honorary president, would provide the guidelines by which Cuba's future leaders "would deal with issues essential to the rebuilding of the economy." The group's prospectus said it would focus on subjects like selling off Cuba's state-owned enterprises to private investors, including American companies.

In asking some of the nation's largest companies to join, the Foundation explained that an initial membership fee of \$25,000 or more would entitle them to "studies of fundamental reform guidelines." But a senior Fortune 500 executive, who spoke on the condition that neither he nor his company be identified, said he had doubts about the venture.

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"The way it was presented to us," he said, recalling a meeting of Mr. Mas with the company's directors, "was that these guys were going to be the leaders of Cuba when Castro goes down and that we would be in their good graces by being part of this committee. That was the pitch, and though it was initially presented in the most patriotic of terms, it made us extremely uncomfortable."

Mr. Hernandez said last fall that "about 40" companies had joined. He and other officials and members said the group included companies specializing in tourism and communications, like Royal Caribbean Cruise Lines Ltd. and Bell South, as well as hotels, airlines, car rental companies and "tobacco interests."

"We want to help the Cuban community here in their efforts to move Mr. Castro out, and then, being a cruise line, we would like to see Cuba open," said Peter G. Whelpton, executive vice president for hotel operations for Royal Caribbean.

"We felt the Foundation is the strongest, most level-headed and best-funded group, with a solid and reasonable legal and economic platform with which to move forward when the time comes."

American companies are currently prohibited from doing business in Cuba, and Mr. Mas has warned foreign firms that have already invested on the island that they may face the seizure of their assets in Cuba when Mr. Castro falls.

The companies now doing business in Cuba "are well aware of the risk they took," Mr. Mas said at a transportation convention in Fort Lauderdale on Feb. 20. "They should not expect to profit."

The Tactics

Once Thwarted, A Step Back

After the Cuban refugee crisis last summer, the Foundation sought to revive one of its most controversial ventures, the resettlement of refugees, formerly carried out through its Cuban Exodus Relief Fund.

Almost from its inception, the Foundation has run refugee programs. At first, the effort was modest, with the costs borne by members and supporters. But in 1988, the Reagan Administration said the group could bring in up to 4,000 Cubans a year from third countries.

The Foundation promised to pay all the costs of resettling the refugees. "It is the first time that the American taxpayers don't have to pay for social services of new refugees," Mr. Mas said when the first group arrived in September 1988.

Three years later, however, the Foundation's Cuban Exodus Relief Fund was certified as a "voluntary agency," entitling it to \$588 in Federal support for each refugee it brought in. In addition, the Office of Refugee

Resettlement of the Department of Health and Human Services authorized \$1.7 million for 2,000 more Cuban refugees under another Cuban Exodus Relief Fund program.

The Foundation's refugee resettlement program came under fire from other exile groups, nonpartisan refugee-resettlement agencies and experts on Cuba, who called the special treatment accorded the Foundation highly unusual and irregular.

"I do not know of any other political organization in the United States that has ever received this kind of privilege," said Wayne Smith, the State Department's senior representative in Havana during the Carter and Reagan Administrations. "It is one they have clearly used to their advantage, saying to people, 'We can get your uncle in Madrid to the U.S. and, oh, by the way, you do support the Foundation, don't you?'"

In 1991, the Florida Department of Health and Rehabilitative Services investigated the Cuban Exodus Relief Fund and concluded that "it appears the role of the Foundation consists only in processing the refugees till they arrive at the airport." The agency said newly arriving Cubans had reported that "they have not received any orientation concerning the community or the health care system" and "no assistance was received in obtaining job training or employment from the C.A.N.F."

Although the state agency urged that the Foundation's program be audited, no audit was ever performed. When the report was made public, Foundation officials protested vehemently, and Nancy Kelly Wittenberg, the director of the state's refugee program, was asked by the Governor's staff for what she called "a letter of clarification."

"The State of Florida applauds the tremendous contribution made by the Cuban American National Foundation in their humanitarian role of uniting families separated for years by a Communist dictator," Ms. Wittenberg wrote. "The State of Florida supports the C.A.N.F. program and desires a relationship of mutual cooperation with the Foundation."

By 1993, the Cuban Exodus Relief Fund had brought more than 9,500 Cuban refugees to the United States from countries other than Cuba. That year, following budget cutbacks and complaints by other refugee-resettlement groups, Federal financing was withdrawn. Early last year, the Foundation stopped accepting applications for resettlement.

After last summer's exodus of Cuban refugees, the Foundation was unable to revive its resettlement effort. It then joined other community and exile groups in a program that has sponsored several thousand Guantánamo rafters for resettlement. But on Tuesday, the Foundation withdrew its promise to raise millions of dollars to help resettle the remaining 20,000 refugees.

Speaking of the Clinton Administration, Mr. Mas said at a news conference here: "They made this policy alone. Let them now solve the problems of Guantánamo alone."

Potential Migrant/Refugee Funding Requirements

1. Alien Smuggling. 100 smuggled Chinese migrants off the coast of Mexico. Pursuant to PDD 9 (Alien Smuggling), the U.S. policy has been to interdict smuggled aliens and, after ensuring protection for any bonafide refugees, repatriate them to their home countries.

1995 costs \$.3 to .7 million

2. Funds owed to International Organization on Migration (IOM). The U.S. is in arrears by \$1.2 million to IOM for previous third country repatriations costs it has incurred. State has paid IOM \$2 million for repatriations costs in previous years. Justice has in the past reprogrammed funds to State for third country repatriation (057 transfers) but CJS Appropriators have' stated that these are costs that are more appropriately borne by State.

1995 costs \$1.2 million

3. Future costs associated with IOM repatriations. Assuming the continuation of smuggling activities, there will be additional repatriations costs in the future.

1995 and outyear costs ?

4. Psychiatric care for Cuban detainees at Guantanamo Bay (GTMO). DOD currently provides all care for the 20,000 Cubans detained in GTMO. DOD is no longer able to use its military personnel to provide psychiatric care for detainees without affecting the provision of care to US personnel in several areas. In addition, DOD proposes to contract out these services but does not believe that funding for this is an appropriate mission of DOD. There are currently 10 severely disturbed mental patients who require 24 hour a day care and security, 75 patients who require intensive care, and up to 900 people who have mental health problems. DOD predicts that the mental health situation will deteriorate with the coming summer as women and children are paroled into the U.S. and the population at the camp becomes predominantly adult males.

1995 costs (six months, includes start up) \$8 million

1996 costs ?

5. Community Relations Service (CRS) costs of resettling Cubans in the U.S. CRS continues to incur costs associated with resettlement and family reunification services, conflict resolution, and educational programs for Cubans and Haitians at GTMO. DOJ has proposed that the INS Examinations Fee Account reimburse CRS for these expenses.

1995 costs \$11 million

Cumulative 1995 Total Costs \$21 million

Cumulative 1996 Total Costs ?

Department of Justice's Immigration Emergency Fund (IEF)

Current 1995 IEF Funding

\$112 million

The Immigration Emergency Fund was established to provide funding for immigration emergencies in the Border Patrol and other enforcement activities. IEF was first appropriated \$35 million in the 1990 Justice Department Appropriations. IEF can be drawn down only if the President declares an "immigration emergency" and notifies Congress. However, the Attorney General by her own authority may designate up to \$20 million for States to provide assistance to INS for immigration emergencies. This and past Administrations have been reluctant to declare such as an emergency. As result, no funds have ever been drawn down from the IEF.

Potential rescissions of IEF:

- | | | |
|---|------------------|--------------|
| o | House Floor | \$70 million |
| o | Senate Committee | \$50 million |
| o | Senate Floor | \$10 million |

The conference to resolve the House and Senate difference on HR 889, the Defense Supplementals and Rescissions bill is scheduled to resume on Monday, April 3rd.

1995 IEF Funding after Rescissions

\$42 to \$102 million

Negative Implications of drawing down IEF:

- 1). Rationale for declaring an "immigration emergency"? Little is happening now which would suggest that an emergency exists. The Administration in the past has been reluctant to risk such as Presidential declaration despite more significant migration or alien smuggling problems. The domestic implications of declaring an immigration emergency in light of current climate is likely to be harmful to the Administration because of our posture that alien smuggling and other migration problems are largely under control.
- 2). States would criticize the Administration for declaring an immigration emergency for less than mass migration problems to open up funding sources. California would argue that over 300,000 illegal entrants a year across the San Diego border would constitute an immigration emergency and may ask for similar Presidential designation and appropriate funding to cover its extraordinary costs, beyond the \$20 million which the States may claim from the IEF.

Department of State
Migration and Refugee Assistance (MRA)
Emergency Refugee Migration Assistance Fund (ERMA)

Refugee assistance (MRA and ERMA) are authorized under the Migration and Refugee Assistance Act of 1962, as amended.

MRA funds State's regular programs, including the U.S. admissions program and international assistance. Funding for the special costs identified above could probably be paid for from MRA funds allocated for international assistance (\$421 million in FY 1995) if they were available. However, almost all such funds have been committed to U.S. contributions to international organizations or NGOs for specific regional or global refugee/migration assistance.

ERMA is a no-year account that provides funding for "meeting unexpected urgent refugee and migration needs" which can only be made available pursuant to a Presidential Determination. There is currently \$60.3 million remaining in the fund. That will likely diminish substantially in the next few months, since we expect State to request a drawdown of as much as \$40 million to cover new emergency costs for Rwanda and Burundi.

Negative Implications of Using ERMA

(1) Strains already small emergency fund: the unfunded costs listed at the beginning exceed \$20 million for FY 1995 alone and could be higher in FY 1996 and the out years. The use of ERMA - which will probably amount to only \$20 million, after expected drawdowns for Africa - for any of these purposes would reduce the only available pot of funding for unforeseen international emergencies, such as Bosnia or Chechnya.

(2) Inappropriate use: State opposes use of ERMA for repatriation costs on the grounds that alien smuggling is an international criminal activity, and thus law enforcement. Few smuggled aliens have interest in asylum - they are economic migrants seeking to enter the U.S. for economic reasons. State also opposes using ERMA for supporting the detainees in Guantanamo, as does DoD. It is arguably a domestic immigration problem, compared to crises of displaced populations in Africa or elsewhere. DoD objects that it is not a DoD mission either. To **not** use available IEF funds would require reductions in available ERMA funding, retraction of international commitments, or further cuts in military o&m.

(3) Congress would oppose: Any funding option would generate some Congressional opposition. However, Congress has clearly rejected use of ERMA for purposes not related to what are perceived as serious humanitarian emergencies. Last summer the HFAC (both Democrats and Republicans) non-concurred in reprogramming regular refugee funding to pay for the Haitian migration emergency, because (1) it was inappropriate, and (2) available funds "should be reprogrammed to address refugee crises in regions such as Africa". They also challenged the use of ERMA for such purposes, arguing that (1) "immigration control is a mission of the Justice Department"; (2) it would be inappropriate to the purposes of ERMA/MRA; and (3) ERMA is "insufficiently funded for the global demands at hand".

Funding Options

Note: Option 1 deals with the funding requirements 1-2. Option 2 deals with funding requirements 1-3. Option 3 deals with all five funding requirements.

Option 1: Split the \$1.9M cost (arrears to IOM and costs relating to the 100 smuggled migrants) equally between State and Justice. Funding would come from non-emergency sources in Justice (e.g. INS) and State (e.g. MRA).

Total Release	\$1.9 million
Justice Portion	\$.9 million
State Portion	\$.9 million

Discussion: This option avoids the the controversy surrounding a Presidential declaration. It recognizes that third country repatriation issues is both an immigration law enforcement and a migration/refugee issue. This action would set the policy precedent that future repatriation costs would also be equally split between the two departments. State and Justice may oppose because of difficulties in reprogramming. State may oppose because it views alien smuggling as an immigration law enforcement function. Justice may oppose because of past Congressional objections to using Justice funds for repatriation.

Option 2: The President can declare an immigration emergency to open up the IEF to fund the first three funding requirements described above (current alien smuggling incident, IOM arrears, and future repatriation costs). Alternatively, funds can come from ERMA. The total drawdown would be for \$6 million. For IEF, this is the amount appropriated by Congress in 1994 to fund repatriation costs.

Total Release from IEF or ERMA	\$6 million
Immediate Drawdown	\$1.9 million
Available for the Future	\$4.1 million

Discussion: State maintains that ERMA funds will be mostly obligated for Bosnian and Rwandan migration emergencies in 1995. Justice does not oppose using IEF for repatriation because of Congressional action specifically on this issue. However, the necessary Presidential declaration has significant political repercussions for immigration affected states.

Option 3: The President can declare a broadly defined immigration emergency to open up IEF funding for a number of additional needs. Those include cost of psychiatric care for the Cuban detainees in Guantanamo Bay and the Community Relations Service costs to resettle Cubans. The 1996 funding needs for both activities are unknown at this time. It should be noted that State, DOD and non-emergency Justice resources, not discussed here, are also funding options for Cuban psychiatric care.

Total Release from IEF	\$21 million to ?
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Discussion: A Presidential declaration of an "immigration emergency" is likely to attract negative attention. However, if the decision is made to open up IEF, it could be worthwhile to drawdown as much funds as possible that are available in this account for several current needs. However, this action could deplete the level of resources available for states and for true immigration emergencies. The resulting level in IEF after drawdown will likely be within post rescission level.

Funding Options

Note: Option 1 deals with the funding requirements 1-2. Option 2 deals with funding requirements 1-3. Option 3 deals with all five funding requirements.

Option 1: Split the \$1.9M cost (arrears to IOM and costs relating to the 100 smuggled migrants) equally between State and Justice. Funding would come from non-emergency sources in Justice (e.g. INS) and State (e.g. MRA).

Total Release	\$1.9 million
Justice Portion	\$.9 million
State Portion	\$.9 million

Discussion: This option avoids the the controversy surrounding a Presidential declaration. It recognizes that third country repatriation issues is both an immigration law enforcement and a migration/refugee issue. This action would set the policy precedent that future repatriation costs would also be equally split between the two departments. State and Justice may oppose because of difficulties in reprogramming. State may oppose because it views alien smuggling as an immigration law enforcement function. Justice may oppose because of past Congressional objections to using Justice funds for repatriation.

Option 2: The President can declare an immigration emergency to open up the IEF to fund the first three funding requirements described above (current alien smuggling incident, IOM arrears, and future repatriation costs). Alternatively, funds can come from ERMA. The total drawdown would be for \$6 million. For IEF, this is the amount appropriated by Congress in 1994 to fund repatriation costs.

Total Release from IEF or ERMA	\$6 million
Immediate Drawdown	\$1.9 million
Available for the Future	\$4.1 million

Discussion: State maintains that ERMA funds will be mostly obligated for Bosnian and Rwandan migration emergencies in 1995. Justice does not oppose using IEF for repatriation because of Congressional action specifically on this issue. However, the necessary Presidential declaration has significant political repercussions for immigration affected states.

Option 3: The President can declare a broadly defined immigration emergency to open up IEF funding for a number of additional needs. Those include cost of psychiatric care for the Cuban detainees in Guantanamo Bay and the Community Relations Service costs to resettle Cubans. The 1996 funding needs for both activities are unknown at this time. It should be noted that State, DOD and non-emergency Justice resources, not discussed here, are also funding options for Cuban psychiatric care.

Total Release from IEF	\$21 million to ?
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Discussion: A Presidential declaration of an "immigration emergency" is likely to attract negative attention. However, if the decision is made to open up IEF, it could be worthwhile to drawdown as much funds as possible that are available in this account for several current needs. However, this action could deplete the level of resources available for states and for true immigration emergencies. The resulting level in IEF after drawdown will likely be within post rescission level.

TALKING POINTS

-- At 12:00 noon, the United States and Cuba will be announcing that they have agreed to modifications of the September 9, 1994 migration agreement.

-- The statement will present the broad outlines of the new agreement soon to be finalized.

-- The new agreement represents an important step towards regularizing migration procedures with Cuba, finding a humanitarian solution to the situation at Guantanamo, and preventing another uncontrolled and dangerous outflow from Cuba.

-- Our general policy toward Cuba remains committed to the Cuban Democracy Act and to its central goal - promoting a peaceful transition to democracy in Cuba. We will continue to enforce the economic embargo to pressure the Cuban regime to reform. We will continue to reach out to the Cuban people through private humanitarian assistance and through the free flow of ideas and information to strengthen Cuba's fledgling civil society as presented under Track II of the Cuban Democracy Act. And we remain ready to respond in carefully calibrated ways to meaningful steps toward political and economic reform in Cuba.

PAROLE FROM GUANTANAMO

-- The new agreement will provide for the continued humanitarian parole of migrants currently at Guantanamo after the current program has been completed. There will be about 15,000 Cuban migrants remaining at Guantanamo this summer, once we complete the parole process on the basis of existing criteria. Many of them were caught in the midst of a changing migration policy, have been living in difficult conditions, at a cost to the U.S. of \$1 million per day, and with security risks for U.S. personnel.

-- The Joint Staff has expressed its concern at the continued presence of thousands of Cuban migrants at Guantanamo.

-- As in the case of prior parole programs for children, the elderly, and medical hardship cases, we will proceed carefully, on a case by case basis. We will seek adequate sponsorship guarantees for the parolees and verify their criminal and medical backgrounds. Every effort will be made to minimize the impact of the parole program on state and local economies.

-- Beginning in September 1995 and over the following three years, Cubans paroled from Guantanamo under this agreement will count toward meeting the minimum of 20,000 Cubans which we agreed

to admit every year from Cuba under the September 9, 1994 agreement. To be concrete: We will parole into the U.S. Cubans currently at Guantanamo who do not meet existing parole criteria. In order to lessen the burden on state and local economies, we will reduce the number of Cubans allowed to migrate legally from Cuba to the U.S. over the next three years to reflect this added influx from Guantanamo. As agreed with the Cuban government, we will be able to offset up to 5,000 Cubans paroled into the U.S. under this agreement (regardless of when they are paroled) against the 20,000 we had agreed to admit legally from Cuba.

-- Cuba has agreed to take back those Cubans who would be ineligible for admission into the United States, based either on their criminal record, their medical condition, or the commission of acts of violence while at Guantanamo.

UNSAFE, IRREGULAR DEPARTURES FROM CUBA

-- At the same time, in order to ensure against a resumption of dangerous, irregular migration from Cuba to the U.S., the two countries have agreed that, effective immediately, migrants intercepted at sea by the United States and who are attempting to enter the U.S. as well as Cubans who enter Guantanamo illegally, would be taken back to Cuba. The Cuban government will continue to take appropriate steps to prevent irregular departures from Cuba, in accordance with the September 9 agreement.

-- Of course, the United States will continue to abide by its international responsibilities with regard to *bona fide* refugees, and we will take appropriate steps to ensure their protection. U.S. policy in this regard will conform as much as possible to our practices towards migrants from other countries.

-- Cuban migrants who make it to the United States will be placed in deportation proceedings, consistent with U.S. policy towards other illegal migrants.

-- We have a commitment from the Cuban government that no migrant taken back to Cuba will suffer reprisals, be prosecuted, lose any type of benefit, or be prejudiced in any manner, as a result either of an attempted irregular departure or of applying for refugee status at the U.S. Interests Section. US officials in Cuba will monitor this situation carefully.

-- U.S. officials will be at the dock upon the return of Cuban migrants to provide assistance for asylum applicants. Cuba has agreed to this procedure as well as to U.S. monitoring of the treatment of Cuban nationals who are taken back to Cuba.

-- Cubans must know that nobody leaving Cuba irregularly by boat will be resettled in the United States. The only way to come to the U.S. is through the migration process in Cuba which includes in-country refugee processing, our new lottery program, and expanded opportunities for family members of immigrant visa beneficiaries. That process is now well underway.

-- In particular, Cubans who believe they have a valid asylum claim should apply at the U.S. Interests Section. Cuba is one of only three countries in which the U.S. offers in-country processing for asylum claimants, and we are making great efforts to meet the needs of Cubans who fear persecution. The Administration has vastly increased the number of Cubans who can be admitted to the U.S. as refugees each year. It is now approximately 7,000.

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

12-Apr-1995 09:24am

TO: Carol H. Rasco

FROM: Stephen C. Warnath
Domestic Policy Council

CC: Jeremy D. Benami

SUBJECT: RE: Repatriation memo

Carol --

I just want to confirm that you have selected Option 2 which would require the President to notify Congress that he has determined that this country faces an immigration emergency. My recommendation to you and the recommendation of the OMB domestic immigration budget people is Option 1, which would find the money necessary in present budgets of the agencies and protect the President from the domestic issues of declaring an immigration emergency, particularly in the context of having denied the requests by Governors Wilson and Chiles to use these funds on the basis that they have not and are not facing immigration emergencies.

NSC and OMB international folks recommend Option 2 mainly because emergency funds have not been tapped and therefore are relatively painless source of funds for the agencies and because they don't think anyone will notice if the President declares a domestic immigration emergency. They have made this argument repeatedly and that is why there is the odd line in the decision memo on page 4 that states: " And, as reflected in our recently declared national emergency with respect to Iran, an emergency declaration need not be a highly publicized event." Simply, there is no political reality reflected in their recommendation.

I don't know whether John Angell has discussed this with Leon. In the meeting on this issue, John expressed a view that this was so obviously not an emergency that it was not a decision that required the President's or probably even Leon's attention at this point and probably was a decision that should be made by you, Alice and Tony together. As I recall, it was John's idea that the decision memo should go to the three of you. Of course Leon and the President would have to be very involved if the decision is to release a statement that declares an immigration emergency.

The money will be made available under all options. Everyone agrees on this. The only issue is whether it makes sense for the President to declare to Congress and the nation that we have an immigration emergency now because of a boat with less than 100 people on it that the Coast Guard has successfully interceded off shore and for money owed and anticipated for general repatriation costs.

If we go with Option 2 we potentially face a number of domestic implications. If we take Option 1, the money will be made available and none of the domestic issues will arise. The emergency funds will then be available for real migration emergencies that remain possible. I should add that the international folks who are pushing for Option 2 are not the ones who will have to deal with the domestic issues that may arise in the future.

Thanks Carol.

Our Season of Discontent

By Jamie Malanowski

By now the post-election interpreting is over, and, surprisingly, nearly everyone got it wrong. The pundits say the Republicans romped because they were the party of smaller government and lower taxes and were tougher on crime, and because Newt Gingrich was a brilliant strategist. Well, when haven't they been the party of smaller government and lower taxes and been tougher on crime? And Newt Gingrich has been around for years without being a genius. Why were things so different in 1994?

The answer is simple: It's the baseball strike, stupid.

Look at the facts. As analysts have pointed out, the electorate was displaying a palpable anger and disgust, and the voting bloc that most strongly swung Republican was middle-class, middle-aged white men. Now, more than anything else this year, what put the middle-class, middle-aged white man in a bad mood? The economy? The economy was in pretty good shape. The collapse of the health care plan? Please. It was the baseball strike.

Don't forget, baseball was having a terrific year. Many teams were still contending, and this year for the first time there would have been six division champs and two wild cards. In other words, fans of eight teams would have had something to cheer.

Jamie Malanowski, a senior editor of *Esquire*, is co-author of "Loose Lips," a revue that will open Off Broadway next month.

Add the fans of teams that contended but fell just short, and you'd have had a whole bunch of American guys feeling something between happy and hopeful all the way until spring training next year.

Moreover, several players were threatening to break hallowed records, giving all fans a chance to get excited. Instead, action was halted just as the blood of the middle-aged male fan was about to boil. And interrupting the male as his blood is about to boil creates a cranky, surly fellow. No one stood to gain quite as much from this mess as the frequently cranky Bob Dole and the famously surly Newt Gingrich.

Think how things might have been different. First, if it weren't for the strike, many voters would have ignored the campaign until the World Series ended. Instead, voters had nearly three months to stew over their discontents.

Second, imagine Dan Rostenkowski leading Chicago South Siders in

Why did the G.O.P. win? It was the baseball strike, stupid.

their cheers for the division-winning White Sox. Or Ann Richards, daily benefiting from how the sub-500 play of the Texas Rangers reflected on the administrative abilities of the team's co-owner, her opponent George W. Bush. Or Mario Cuomo joining the Series-winning Yankees in a ticker-tape parade up the Canyon of Heroes. Pataki who?

Once you understand the significance of the strike, certain events take on a greater clarity. In September, nothing helped the G.O.P. more

than the broadcast of Ken Burns's series "Baseball," which was awash in boatloads of nostalgia. Since nostalgia has always been a Republican sentiment, the series enhanced the G.O.P.'s appeal.

More important was Mr. Gingrich's Contract With America, which was announced at just around playoff time, when fans were not only irascible but confused. Accustomed to spending that time of the year tuned into baseball, they didn't know what to watch instead. They opened their TV Guides, where the Republicans had placed an advertisement, and saw that the G.O.P. wanted to end the marriage penalty and give tax credits for children. In other words, candy.

In retrospect, this election was decided not when Bill Clinton got *Ira Magaziner* involved in health care reform but when he failed to get Labor Secretary Robert Reich involved in a strike settlement before the World Series was canceled. Meanwhile, while most pundits are asking if this was a watershed election, I prefer to focus on something else: was it a plot?

The other day, a week after the voting, the baseball owners announced a new proposal. It doesn't include the hated salary cap, and it could have been made long before the strike. But that might have preserved a Democratic Congress, which was threatening to end baseball's cherished antitrust exemption. Is it possible the owners throw the season just to elect a Republican Congress? How would that be for a November surprise? LJ

The Children of Guantánamo

What a difference three months make. Lawton Chiles, a Democrat, has been safely re-elected as Governor of Florida; Fidel Castro is again preventing his people from setting out in rafts, and a U.S.-occupied Haiti is no longer sending forth masses of terrified refugees. As a result, the refugee question has cooled as a political issue in Florida and the Clinton Administration is testing the waters for another refugee policy U-turn.

For 28 years Cuban refugees arriving in the U.S. were automatically admitted under a double standard that distinguished them from other people fleeing government oppression and economic collapse. But in August the Clinton Administration began intercepting Cubans at sea, taking them to the Guantánamo Bay Naval Base and proclaiming that they would never be admitted to the U.S.

Pressed by Cuban-American groups, Mr. Clinton is considering allowing Cuban families with children under 17 quarantined at Guantánamo to enter the U.S. on humanitarian grounds. That category includes close to a third of the 24,000 Cubans housed at the base.

Humanitarian treatment of refugees is in the best American tradition. But admitting the Cuban families would raise a serious issue of fairness. There are 230 Haitian children under 17 housed at the same Guantánamo base. Are their families not also entitled to humanitarian consideration?

One crucial difference, of course, is that a repressive Haitian government is no longer in power, while one is in Cuba. But under law, the Haitians at Guantánamo are in exactly the same situation as the Cubans. Both groups said they feared going home. They still say so. Washington refused to uphold or even properly hear their claims, because

certifying those claims would have allowed them to come to the U.S. Instead it said: If you feel unsafe you may stay at Guantánamo, but you may not come to the U.S. Both groups have lawsuits opposing this policy. Mr. Clinton is ready to relax that rigidity for the Cubans but not the Haitians.

Under existing policy, Haitians and Cubans can voluntarily agree to return home and apply for visas to the U.S. from there. In that case, the Cubans would have much better odds of getting admitted. Under the agreement reached between Washington and Havana in September that ended the flow of raft people, opportunities for Cubans to win legal admission to the U.S. were greatly expanded. Up to 26,000 Cubans will be allowed in next year.

Yet while many of the Haitians formerly housed at Guantánamo have voluntarily returned to Haiti since the military regime was ousted, very few Cubans have done so. The simplest, most humane solution would be a one-time admission of all Cuban and Haitian families now at Guantánamo. But it is also possible for the Administration to make a principled distinction between Haitians, who can now return to a much freer country than they left, and Cubans, who still cannot. However, the long history of the political and racial double standard applied to Cubans and Haitians puts a special burden on the Administration. If it makes a distinction now, it must convincingly show that it is following fair and objective standards — that it is not simply reacting to the political power of Cuban-Americans, and the powerlessness of the Haitians.

The conditions now prevailing in Cuba and Haiti are obviously different. But the humanitarian issues raised by Cuban and Haitian children in Guantánamo are not.

Anti-immigration group challenges U.S.-Cuban pact that stopped rafters

By William E. Gibson

Fort Lauderdale Sun-Sentinel

WASHINGTON A fragile immigration agreement between the United States and Cuba, which stopped the migration of thousands of Cuban rafters this summer, has been taken to court.

An anti-immigration group filed suit in federal court on Wednesday, challenging the agreement's legality. The suit's backers hope to stop or at least delay the yearly arrival of about 20,000 legal Cuban immigrants.

The suit landed in court just as Cuban-American leaders continued their demand that Cubans held at refugee camps overseas be allowed entry to this country.

Federal officials are bowing to some of those demands. Military officials said 103 Cubans—some children and some over age 70—will arrive Thursday at Homestead Air Reserve Base from refugee camps. More "humanitarian parole" flights are expected.

Caught in the middle of the conflicting pressures, President Clinton faces a heated debate over Cuban immigration only three weeks before he travels to Miami to serve as host of the Summit of the Americas. The White House has heralded the summit as a historic gathering to knock down trade barriers and foster peace and prosperity.

Cuba was not invited. But the festering remains of the Cuban rafter crisis threaten to cast a shadow.

The lawsuit raised some fears that the Cuban agreement would get tangled up in court, delaying the processing of Cuban immigrants and aggravating tensions at refugee camps in Panama and Guantanamo Bay, Cuba.

"The agreement has been rather tenuous," said John Fredriksson of the Lutheran Immigration and Refugee Service, which helps resettle refugees. "You always have the specter of Castro saying, 'Forget it. Go ahead and put the rafts back to sea.' Then you have a big problem on your hands."

The agreement, signed on Sept. 9, ended the dangerous migration of Cubans bound for Florida. About 14,000, many of them plucked from tiny rafts, were sent to Guantanamo, and several thousand more went to Panama.

The administration under pressure from Florida leaders refused to allow the boat people to reach the state's shores.

Faced with overflowing refugee camps, the United States opened negotiations with representatives of Cuban President Fidel Castro. Cuba agreed to block more boat people from leaving, and the United States agreed to expand the flow of legal immigration to about 20,000 Cubans a year.

The Federation for American Immigration Reform, on behalf of its 1,400 members in South Florida, challenged that agreement on Wednesday by suing Attorney General Janet Reno and Doris Meissner, commissioner of the Immigration and Naturalization Service.

The suit says the immigration agreement violates federal law by giving Reno power to bring large groups of people into the country under a "parole" provision that is supposed to apply only temporarily to individuals under special conditions, such as a medical emergency.

The agreement weakens immigration law and will lead to more alien arrivals, the group says.

Asked whether the suit could prompt Castro to set off another uncontrolled illegal migration, federation spokeswoman Louisa Parker said, "Who can say what Castro may do? He may wake up tomorrow and decide to do that."

The Justice Department and State Department had no comment on the lawsuit.

Rep. Lincoln Diaz-Balart, R-Fla., who is lobbying for release of Cubans held at the refugee camps, said the suit "just seems like a symptom of the anti-immigrant feeling

in the United States. This doesn't solve anything. It just exacerbates tensions.

"I wish that these folks would work to help free Cuba, and then they wouldn't have to worry about Cuban immigration," he said.

The Miami Herald

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Let the children in

The Clinton administration is acting in the best of America's humanitarian tradition by permitting 3,000 Cuban children and their relatives detained at Guantanamo to enter the United States. This follows the administration's equally humane earlier

decision to admit detainees over age 70, persons with medical conditions untreatable at Guantanamo, and unaccompanied children.

In the Haitian camp at Guantanamo are 230 unaccompanied minors. Unlike the Cuban children, they don't have the solace of being with a parent or family member. Many of them, and many other people, think that they're unwanted because they're Haitian, and black.

U.S. officials deny, as past officials have denied since 1981, that race has any bearing on America's immigration policy. Yet the appearance that it does, and Haitians' heartfelt belief that it does, is palpable.

Attorney General Janet Reno can cure this perception by admitting these 230 unaccompanied Haitian children to the United States as soon as families or social service agencies arrange to sponsor them. This would go far toward lessening the belief among Haitians that they've been, and still are, treated unjustly. Requiring sponsors would relieve U.S. taxpayers' fears of another financial burden from immigration.

The Haitians' belief is buttressed by two U.S. Supreme Court decisions, the latter in 1991, holding that Haitians interdicted at sea do not, in fact, have rights under the U.S. Constitution. This belief and these Supreme Court rulings predate Ms. Reno's tenure as attorney general. She did not author the inequity, real or imagined, but she can end it. Admitting these 230 Haitian children on humanitarian grounds is not merely the kind thing, it's the right thing, to do.

That said, what's the right thing to do with the 20,000 or so Cubans — principally males aged 18 to 26 — who'll remain in detention once the children and up to 7,000 family members leave? Some people, Florida's Sen. Bob Graham among them, advocate allotting them some of the 20,000 visas a year promised to Cubans in the Sept. 9 U.S.-Cuba agreement that halted the exodus of rafters. There's also strong pressure from some Cuban Americans to let the

A MATTER OF FAIRNESS

It's humane to let 3,000 Cuban children and their family members come to the U.S. Humaneness also calls for admitting 230 Haitian children as well.

remaining detainees enter the United States on humanitarian grounds, in a measured, orderly flow not counted against the visa quota.

Neither solution is fully satisfying. To assign part of the visa quota to these Cubans might mean that some Cubans already await-

ing visas wouldn't get them. To parole the detainees as a special group would violate the Sept. 9 agreement and signal Fidel Castro that the American government won't keep its word. Given that signal, what motivation would Castro have to prevent another slow-motion Mariel? It's hard to discern one.

There's no fully satisfying solution except the ultimate one: That is, we'd all be better off if Castro weren't in power. Then Cubans could build a democracy — for everyone.

We also know for sure that it is inhumane and unhealthy for anyone to have no reasonable hope for freedom. So simply leaving people at Guantanamo for years and years makes little sense.

One more thing for sure: The United States cannot afford inconsistency. Its very credibility is at stake. The administration needs to craft a coherent plan to resolve the situation at Guantanamo.

U.S. credibility already is tarnished. Back on Aug. 19, you'll recall, the administration announced that detainees wouldn't be eligible to enter this country or to apply for asylum. Already the administration, justified by reasons of human decency, has altered that policy by admitting the sick, the elderly, and now the children and their family members. Its plan now should provide for individual hearings for those who remain detained. Anyone who can show reasonable fear of persecution if sent back would be eligible for U.S. political asylum, as present law already provides.

In the meantime, the administration should redouble its efforts to arrange resettlement in other countries for detainees, either Cuban or Haitian, who do not wish to return home and who do not qualify for asylum. It might also use some of the 20,000 annual visas for detainees who have sponsors.

Such a recobbled policy would satisfy no one entirely. But without it, Castro may decide to open Cuba's ports again to unrestrained emigration to Florida. That would be the least satisfying outcome of all.

they will no longer support free trade agreements, thus potentially endangering Chile's entry into NAFTA.

-- Incoming Senate Judiciary Committee Chairman Orrin Hatch and likely antitrust subcommittee chairman Strom Thurmond are looking for ways to "ease long, costly [merger-notification] rules under the 1976 Hart-Scott-Rodino act."

-- Some congressional Republicans want to charge government-sponsored enterprises, such as Fannie Mae and Freddie Mac, a fee in return for the Federal Government's implicit backing of their debt. "Supporters of the idea say the GSEs get lower interest rates on the assumption that the feds will guarantee bad debts. Fannie Mae officials contend that the proposed fees would amount to a tax on home ownership." (Business Week, 12/26)

Republican Retreats Expected To Continue. Business Week (R. Dunham) reports that after backtracking on their bold plans to cut congressional committees and staffs, as well as on promises to place welfare kids in orphanages and to reinstate the ban on abortion counseling in federally funded clinics, House Republicans can be expected to exercise similar tactical retreats on other issues. For example: "Contemplated cuts in farm subsidies may well be curbed amid strong opposition from farm-state lawmakers. Lobbying restrictions, a top priority of Sen. Bob Dole, may slip to the bottom of the House's reform list. And look for a delay in Gingrich's promised pre-July vote on school prayer." (Business Week, 12/26)

Washington Whispers: US News Reports This Week:

-- Rep. Tom DeLay of Texas, the new House Republican Whip, told a group of conservative lawmakers and members of conservative organizations -- including the Christian Coalition and Free Congress Foundation -- that the GOP is "gearing up for the 101st day" with a follow-up legislative blueprint to the Contract With America. Some of the ideas for Contract II include speeding Federal deregulation; dismantling a government agency such as the Department of Energy and pushing for fast action on social issues, particularly school prayer.

-- Alan Keyes, the black career Foreign Service officer who served as assistant secretary of state during the Reagan Administration, has formed a presidential exploratory committee and will announce his decision on a possible candidacy for the 1996 GOP presidential nomination in three months. Keyes, a staunch anti-abortion conservative and twice unsuccessful candidate in Maryland for the US Senate, says he is unhappy that Sen. Arlen Specter and Gov. Pete Wilson "are dedicating themselves to pulling the party away from its pro-life plank."

-- Over 100,000 Cubans have flooded the US Interests Section in Havana, hoping to get one of some 20,000 visas that will be given out in 1995. The wave of visa applicants has convinced US officials that deteriorating economic and political conditions still are putting extreme pressure on Cubans to leave their island nation. Both US and Cuban officials estimate that as many as two million Cubans would flee if they could. To avoid touching off another exodus of boat people, Washington is determined to deny entry to most of the 30,000 detainees in camps at Guantanamo Bay and in Panama, where hundreds of frustrated Cubans rioted recently. US officials say that with only a few exceptions for humanitarian reasons, the Cubans first must return home and then apply for the small pool of visas.

✓ The rights of Cuban refugees

Bill Clinton's ill-advised reversal of policy regarding refugees from Fidel Castro's Cuba is coming back to haunt him. Last week, a group of Cuban-American lawyers sued the federal government to stop the repatriation of those refugees and to allow them access to attorneys. And U.S. District Judge C. Clyde Atkins issued a temporary restraining order blocking the return of 23 Cubans now being held at Guantanamo Naval base.

In August, readers will recall, Mr. Clinton announced an end to three decades of preferential immigration treatment for people fleeing Fidel's cruel totalitarian regime. Up until then, Cubans entering the U.S. illegally — and those rescued at sea on their way here — were permitted to stay and were eligible for legal residency after one year here. The reasons for that policy were various — and obvious. First of all, it was taken for granted that any refugee from the nightmare of life under a communist dictatorship merited special treatment — and Mr. Castro's dictatorship was generally recognized as one of the more vicious.

Then, too, because of geographical proximity, it was relatively easy for Cuban refugees to reach U.S. shores — if they could manage to escape their island prison. And once they got here, there was a thriving Cuban-American community, including in many cases relatives and friends, to help them get settled. Indeed, Cuban refugees have settled in very nicely over the years, including most of those who came during the 1980 Mariel boatlift.

That all went by the boards last summer, when Fidel decided to see how much havoc he could wreak on U.S. immigration policy and loosened his stranglehold on emigration. As thousands of happy Cubans took to the seas in everything from inner tubes to fishing boats, Florida's Gov. Lawton Chiles threatened to prevent them physically from entering his state. And Mr. Clinton responded by creating his new policy.

So, more than 32,000 Cubans now languish in refugee tent cities, most at Guantanamo, some in Panama, in crowded tents, with overflowing toilets and inadequate medical care. They are denied access to legal counsel; they are informed they have no chance of getting to the United States and asked to "volunteer" for repatriation. Even so, only 1,000 have volunteered so far; and the lawyers suing on the refugees' behalf contend that even they cannot be considered real volunteers because of the inhumane conditions of their incarceration.

The U.S. Justice Department, in attempting to refute the suit's claim that these people are entitled to legal counsel, immigration hearings, the release of minors and medical treatment for 250 pregnant women, insists, "The Cubans in safe havens at Guantanamo do not have rights under the U.S. Constitution . . . or any other constitution."

Well, we surely were aware that they had no rights under any *other* constitution; their lack of any and all such rights in Cuba was the reason they fled and braved the perilous journey in the first place. It was the reason we welcomed them to the land of the free — at least until Mr. Clinton decreed otherwise. And it is the reason so few have "volunteered" to return from the abysmal conditions of the displaced persons camps to the tender mercies of Fidel Castro.

But as to their rights under the U.S. Constitution, at least one expert in international law disagrees with Justice's case. "Despite what the government says, the refugees detained at Guantanamo have rights," said Yale professor Harold Koh, who has now joined the suit. "When they reach shores that are subject to the exclusive jurisdiction of the United States . . . they have reached U.S. law and are entitled to the protection of U.S. law."

The legal issues will doubtless be argued and appealed back and forth for years to come. And if this suit doesn't succeed, there's always the Cuban Adjustment Act of 1966 to fall back on; the act encoded the special treatment accorded Cuban refugees, and many experts, including the act's authors, agree that the Clinton policy is an abrogation of the spirit of that law.

But there are even more profound questions involved here as well. Are Americans, for example, suddenly prepared to ignore the absolute indifference to basic human rights that is the primary staple of communism — in Cuba and in the very few other countries that haven't yet thrown off the yoke? Are we prepared to abandon refugees from that evil and declare them non-persons, with nowhere to turn? Or are we going to stand, as we have stood, as a haven of freedom and democracy, with a soft spot in our hearts for the victims of communist dictatorships?

Bill Clinton allowed narrow domestic political considerations — namely his worry that Floridians irate over a new influx of Cubans would make their displeasure known at the polls — to answer those questions for him. The rest of us may wish to look a bit deeper.

A Slow Start in Haiti

With his Presidential term interrupted by three years of enforced exile, Jean-Bertrand Aristide had ample time to think about how and where he would lead Haiti once he got back. Yet two weeks after his return, key Cabinet jobs remain vacant and the Government has offered only a vague blueprint for the remaining 16 months of its mandate.

It is obviously impossible, in such a short time, to fulfill the material hopes placed in this Government by the millions of poor Haitians who elected it, suffered for it and patiently awaited its return. All the more reason for Father Aristide to encourage thinking about longer-term economic prospects to assure people that today's sacrifices are not in vain.

Last week he did name a new Prime Minister, Smaïrc Michel, a businessman and longtime associate. But the rest of the Cabinet consists of holdovers from the caretaker Government of Robert Malval, who resigned almost a year ago. The most important ministry, justice, remains vacant.

Mr. Michel is a bridge between the President and the largely anti-Aristide business elite. The gesture is important, but Mr. Michel wields far less influence among business leaders than, for example, Mr. Malval. Without embracing people who do not share his commitment to the poor, Father Aristide needs to reach out further to progressive business leaders and members of Parliament who would work with him if he asked.

In that regard, the President's harmonious meeting Thursday with a broad spectrum of political leaders is an encouraging sign. Haiti's most urgent problems are establishing political stability, demilitarizing the streets and reconciling factions divided mainly by personalities and history, not traditional ideologies of left or right.

Meanwhile, the only other clue to the Government's intentions is a strategy statement drafted by Mr. Aristide's economic consultants who met with international financial institutions in August. The

consultants told the bankers what they wanted to hear. The statement offers the usual pieties about budgetary austerity, tariff reduction, getting government out of the marketplace and shrinking bureaucracy. Many of these goals are worthy, but the plan makes little attempt to reconcile them with Haitian realities, leaving the impression that it is intended mainly for foreign consumption, not actual application.

Given Haiti's extreme problems of mass poverty, physical intimidation and lack of legal accountability, the Government cannot just pull back and expect private institutions and markets to function as they might elsewhere.

If Haiti is to find a place in the regional economy, it must be based on a realistic appreciation of what role a country with limited resources can play. Perhaps Haiti will want to compete with other Caribbean countries as a tourist destination, or try to rebuild the export assembly industries it began to attract in the late 1980's. The Government cannot make these decisions on its own, but all are politically sensitive. By facing up to them now, the Aristide Government can smooth the way to their future acceptance and offer people some concrete hope of a better future.

The diciest problem is creating, for the first time in Haitian history, a justice system worthy of the name. That will involve hiring and training a new civilian police force almost from scratch and thoroughly reforming the courts. Meanwhile, some credible way must be found to investigate crimes committed during the dictatorship, to channel popular anger away from street vengeance. The first step is naming a respected justice minister.

The wisest strategy for Washington right now is to resist all temptation to let U.S. forces step into roles that Haitians themselves must play. For his part, Mr. Aristide can show his appreciation to President Clinton by moving as swiftly as possible to rebuild a Haiti that can stand on its own and let those 16,000 U.S. troops speedily return home.

Ripple in Florida Straits Overturned U.S. Policy



GOV. LAWTON CHILES

... was ready to act unilaterally

By Walter Pincus and Roberto Suro
Washington Post Staff Writers

In the late afternoon of Aug. 17, as the White House focused on resurrecting the crime bill, an urgent message arrived at the Justice Department from a top aide to Florida Gov. Lawton Chiles (D).

The governor, who was contending with fast-growing numbers of Cuban rafters arriving at Key West, warned Attorney General Janet Reno that he had a plan to circumvent more than 30 years of U.S. policy that welcomed all Cubans arriving in the United States as refugees. Using his executive powers, Chiles was going to declare an emergency the next morning and put incoming Cubans in quarantine at a state facility rather than allow them to be released into the streets of Miami.

Reno convinced national security adviser Anthony Lake that the administration had to move fast on the rafters, and by the evening of Aug. 18

President Clinton had changed the policy himself rather than risk a confrontation with the Florida governor.

Chiles and Reno usually are not major players in foreign policy. But a reconstruction of how the Clinton administration handled the current crisis shows that they served as catalysts for a series of fast-paced responses and paved the way for the Cuban-American talks that begin today in New York City.

Domestic politics have always influenced foreign policy, but in this case widespread fears of uncontrolled immigration powerfully and overtly shaped the administration's decision making. With no overarching national goal like the fight against communism to enforce consistency, the events this summer show how long-standing policies are now subject to drastic change to meet the demands of the moment.

Early in August Clinton determined that "no new Mariel"—referring to the 1980 boatlift in which 125,000 Cubans arrived in Florida—would serve as the guiding principle. Then on Aug. 13 a CIA report landed in the Oval Office that predicted a slow-motion Mariel in which the same number of rafters would arrive this year. Since then Clinton has remained bedeviled by the specter of Jimmy Carter, and the damning image of a president incapable of controlling the nation's borders.

The migration issue—how to keep the rafters out of Florida—immediately took precedence over the long-standing foreign policy question of how to deal with Cuban President Fidel Castro. And success until now has been measured by the results of policies in South Florida more than in Havana.

When Clinton ended the preferential treatment of Cuban refugees on Aug. 18, the new strategy flowed from the gambits that succeeded in halting the tide of Haitian boat people earlier this summer rather than any plans to hasten Castro's departure. And when he decided last weekend to negotiate with Castro, Clinton set an agenda that attempts to use immigration policy as a way to end the rafters' exodus.



ATTORNEY GENERAL JANET RENO

... persuaded Lake to move fast

Finally, although the administration developed its decisions step by step along a course that seems logical in retrospect, its public announcements attempted to send varied messages to several different audiences. These included the Cuban American community in Florida, the Cubans in Cuba, and only lastly the American public in general. As a result, the administration sometimes acted hastily in presenting its positions and created the impression of contradictory policy-making.

Clinton's simple call to prevent a new Mariel was translated for public consumption into a defiant statement repeated time and again that "Castro will not be allowed to dictate U.S. immigration policies."

Some administration officials came to regret that formulation when it became apparent that the only way to prevent an uncontrolled, Mariel-style exodus in fact was to drastically alter U.S. policies.

And, when the change was made Aug. 18, Reno rushed to announce the decision because she hoped to head off as many rafters as possible. Instead, she caught many members of the administration by surprise, going before the cameras unbeknown to most State Department officials and before any detailed explanation of the policy change could be developed.

"I was stunned to hear it when I woke up the next morning," said a key State Department expert who had not completed tasks associated with implementation of the policy. "It is hard to see how she talked the president into letting her make that statement."

In extensive interviews conducted over the past week, officials of the White House and several agencies offered the following depiction of how the administration handled the events as they unfolded:

By early August, 5,200 Cuban refugees had arrived in Florida since the start of the year compared with the 3,600 for all of 1993. Administration officials understood that it was becoming a serious problem for Castro because during the course of the summer armed hijackers had seized several ferry boats.

On Aug. 5 there was the first anti-government riot since Castro took power in 1959, but in Washington the significance of these events in Cuba was read primarily in terms of the growing numbers of Cubans arriving in South Florida.

The intelligence assessments available to U.S. policy-makers that day portrayed Castro as a leader under mounting pressure from the dissatisfaction, disorder and violence he faced at home. But U.S. analysts did not believe he faced an imminent threat to his own survival. Under such circumstances in the past Castro had encouraged flight to the United States as an outlet for dissent.

As reports of the Aug. 5 rioting arrived from Havana, administration officials decided they needed to prepare a response. News of the disturbances had galvanized the Cuban American community in Florida with hopes that at last Castro's end was near. This aroused concern in Washington that the exiles in Miami again might take to their boats as they did in 1980.

At an interagency meeting convened that afternoon at the White House, officials from the Coast Guard, the Pentagon, and the State and Justice departments agreed to activate long-standing contingency plans to preempt any repeat of Mariel. For the most part the plans involved an aggressive public relations campaign to convince the Cuban American community not to set off in boats from Florida to rescue loved ones in Cuba.

Meanwhile in Havana, Castro boldly marched through the riot scene late that afternoon and blamed U.S. policies for both the disturbance and the growing numbers of people fleeing Cuba illegally. He then delivered a warning to the Clinton administration, "they either set things in order or we will stop guarding the U.S. coasts."

Clinton responded with a demand that resonated throughout the federal government: "No new Mariel." But, by early in the second week of August it became apparent that a Cuban American boatlift was not underway but

rather it was the exodus of Cubans heading to the United States in rafts and other makeshift vessels.

Another interagency meeting was called for Aug. 11 to discuss options. Officials of the Immigration and Naturalization Service offered an idea that had been percolating around their agency since the exodus of Haitian boat people had been successfully halted in early July. The Haitians had very quickly stopped when the administration announced that they would be protected as refugees in "safe havens," such as the U.S. Naval Base at Guantanamo Bay, Cuba, but that they would be denied any opportunity to reach the United States.

If it worked with the Haitians, why not the Cubans?

In the Haitian case, safe haven actually represented a more generous policy compared to the forced repatriations that had preceded it. But, State Department officials argued that in the Cuban case, safe haven would mean reversing 35 years of policy that had welcomed virtually all who fled Castro's regime.

Whatever special status the Cubans had enjoyed before, the number of rafters seem to grow inexorably to the point that welcoming them all was becoming politically untenable. And so, at the staff level a consensus developed around the idea of applying the safe haven concept to Cubans.

Unbeknown to U.S. officials meetings also were taking place in Havana that afternoon. The next day, Aug. 12, Castro secretly ordered Cuban authorities not to interfere with people trying to leave the island. The floodgates were open.

In Florida, the pressure on Chiles was growing. He recalled in an interview that he had considered announcing emergency measures Aug. 17 but decided against it for fear of catching the Clinton administration "flat-footed." Instead he had an aide call Washington and pass the word that Chiles planned to act the next day.

On the morning of Aug. 18, Chiles protested that the administration was in "denial" over the rafters and declared a state of emergency in Florida. However, he stopped short of imple-

menting his plan to call out the Florida National Guard and put the Cubans in camps of his own.

Almost immediately, White House press secretary Dee Dee Myers and Reno herself, in response to reporters' questions, said in Washington that Chiles was overreacting. The two did so, responding defensively, even though they knew a White House "principals meeting" to discuss Chiles's concerns was already on the schedule.

Hours later the meeting was convened with Lake as chairman and included Reno, Defense Secretary William J. Perry, Undersecretary of State Peter Tarnoff, Adm. William A. Owens, representing the chairman of the Joint Chiefs of Staff, and White House Chief of Staff Leon E. Panetta.

The switch to a safe haven policy quickly gained a consensus among the officials. As one participant recalled recently, "the change was necessary to protect a basic fundamental policy of no massive influx that looked like Mariel."

The administration's senior policy-makers had crossed a line. Immigration policy had become foreign policy.

Clinton approved the switch to a safe haven approach at about 7 p.m. with the understanding that he would disclose it the next day at a news conference. Officials then began the process of informing congressional leaders, drumming up support in the Cuban American community and developing plans to implement the decision.

Reno, however, became concerned that in the course of the next 12 hours, amid rumors of a changed U.S. policy, a flood of people might set off from Cuba. She sought and got White House permission to push up the announcement.

The Washington Times

U.S. to offer use of loophole to let in more Cubans

DATE: 9-1-94

PAGE: A-15

By Bill Gertz
THE WASHINGTON TIMES

The United States will offer a proposal to expand Cuban immigration during talks today with Cuba on the refugee crisis.

Some U.S. officials say the move, which would use a loophole in immigration laws, may be illegal.

Cuba hopes to broaden the talks, set to begin at the U.S. mission to the United Nations in New York this morning, to include ways of loosening or ending the U.S. trade embargo against the island nation.

A White House official said yesterday the U.S. side will present a plan under which Attorney General Janet Reno would use a loophole to permit more than 20,000 Cubans to become U.S. residents by granting them "parole" status rather than detaining them in refugee camps.

The U.S. contingent is led by Michael Skol, deputy assistant secretary of state, who told the Associated Press the U.S. objective at the talks is to halt the exodus of refugees on rafts and makeshift boats and "increase the possibility for legal, safe migration."

A White House official said the U.S. plan is a political effort to make it appear that "legal" immigration is being expanded.

"Parole is supposed to be used in specific and individual cases, and it was never intended as a way around the legal system," said the official, who requested anonymity.

About 2,700 Cubans were granted visas in the past year. By law, the Immigration and Naturalization Service sets an annual ceiling for legal Cuban immigrants each year, now 27,845 slots.

Under the plan, the Clinton administration would ease the criteria used by the INS in screening

Cubans by expanding the definition of family to include grandparents, cousins, aunts and uncles. Currently, applicants are required to have an immediate family member who is a U.S. citizen or permanent resident.

INS policy requires that all illegal immigrants be detained, paroled or repatriated, which in the case of Cuba has not been an option.

The 1966 Cuban Adjustment Act makes Cubans who are admitted or paroled eligible for permanent residency in the United States after one year.

A House aide who specializes in immigration issues said the administration proposal for the talks raises serious legal questions.

"Clearly they do not have the authority to hand out green cards," the aide said.

The Immigration and Nationality Act sets out conditions for granting visas and permits parole in cases of emergency or in the public interest. The statute also says that when those conditions cease to exist, the person is to be returned to the country of origin.

"The implication is it's a temporary program, like bringing a kid in for a liver transplant," the aide said. "The administration is trying to say this power supersedes or trumps everything with regard to immigration law."

"But saying you can use parole as a substitute for immigration laws is wrong, and I would say illegal."

With Congress in recess, however, the administration is not expected to face any opposition on Capitol Hill over the immigration proposal, the aide said. "They're getting pretty much a free ride."

An INS spokesman said immigration policy until recently was unique for Cubans because of the

1966 Cuban Adjustment Act.

The immigration policy put in place by Miss Reno Aug. 19 means Cubans who reach U.S. shores are not granted parole.

"The only policy change here was that the ones who do make it will be detained indefinitely," the spokesman said.

Cuba's delegation to the talks — led by Ricardo Alarcon, head of the Cuban legislature — plans to expand the talks beyond the immigration crisis.

"It is our full intention to bring up the economic blockade," said Cuba's U.N. ambassador, Fernando Remirez de Estenoz Barcliela.

But Secretary of State Warren Christopher on Sunday made clear the discussions in New York will be limited to the refugee crisis, which the administration views as a scheme by Fidel Castro's government to stave off domestic unrest and pressure the United States into changing its policy toward Cuba.

The administration last week took steps to tighten the embargo by cutting off charter flights and restricting cash sent to Cuba.

Rep. Lincoln Diaz-Balart, Florida Republican, said yesterday that many Cuban-Americans are worried the administration will fall for a Castro ploy to weaken sanctions or give him financial aid.

"Castro is basically a goner if the U.S. doesn't help him out," Mr. Diaz-Balart said.

State Department spokesman Mike McCurry said the New York talks are "sensitive" and will include discussions about Cubans in camps at the U.S. naval base at Guantanamo Bay, Cuba, who want to return to other parts of Cuba.

• This article is based in part on wire service reports.

Conservatives take up sides over ways to topple Castro

By Nancy E. Roman
THE WASHINGTON TIMES

Conservatives are divided on economic and immigration issues at the forefront of debate on the exodus of Cubans fleeing Fidel Castro's communist regime.

Most conservatives — staunchly opposed to communism — rally behind the U.S. trade embargo of Cuba, hoping that isolating Mr. Castro will bring him to his knees.

But 28 years after the embargo was implemented, Mr. Castro still is in control, and Republicans — from President Nixon to State Department advisers under President Reagan — have called for lifting the embargo.

On Friday, the editorial pages of the Wall Street Journal joined those calling for an end to the embargo, which prohibits U.S. trade with and travel to Cuba but permits the sending of food and medicine to Cubans.

"The best way to stop Cubans from fleeing to America is to make them want to stay in Cuba," the Journal said. "We suspect the time has arrived, indeed, when lifting the embargo would help precisely those forces that are most likely to liberalize Cuba's economic and political power structure."

Many Republicans who support the embargo are furious with "fiscal conservatives" who they say compromise on principle for a chance to earn a dollar.

"There is an unholy alliance between the most leftist liberals who wish to do the dictator's dirty work and the fiscal conservatives who'd trade with the devil if there was a dollar to be made for this economy," said Cuban-born Rep. Ileana Ros-Lehtinen, Florida Republican.

Kim R. Holmes, senior foreign policy analyst with the Heritage Foundation, said conservatives are split between "a free-market

economist's approach and a national security approach." The Heritage Foundation embraces the latter.

Lawrence T. Di Rita, a foreign policy analyst at Heritage, wrote the foundation's policy paper on the embargo. He noted that Mr. Castro dispatched 40,000 troops to Angola at the height of the Cold War, equipped anti-U.S. regimes throughout the Western Hemisphere and allowed the Soviet Union "to bring the world to the brink of nuclear war during the missile crisis of 1962."

"I completely reject the notion that if we start trading with Castro he will become a democrat," Mr. Di Rita said.

Yet Merrick Carey, president of the Alexis de Tocqueville Institution, a free-market think tank, said he has been persuaded that lifting the embargo "would throw [Mr. Castro] completely off balance."

Mr. Carey said his think tank has not taken an official position on the embargo.

"But it would be very difficult for Castro to deal with a power influx of businessmen and trading companies and capital. He's obviously proven since 1959 that he knows how to deal with trade sanctions," he said.

Mr. Di Rita said he cannot envision trade bringing democracy to Cuba.

"We pump enough goods in there that the top blows off. How does that happen?" he asked. "He's got complete control of the army. I don't know how we stuff enough Sony Walkmans into Cuba to make a difference."

He said as the first high-profile, anti-communist Republican to call on the United States to lift the embargo, President Nixon "gave cover" to conservatives leaning toward the free-trade argument. "This is a man who opened China,"

Mr. Di Rita said. "China is doing these things, so why not try it with Cuba?"

However, Cuban-born Rep. Lincoln Diaz-Balart, Florida Republican, said China is worlds apart from Cuba regionally, politically and economically.

"Cuba is not China and it is not Vietnam," said Mr. Diaz-Balart. "Castro has never been a communist, he is a fascist who will do anything to keep in power."

Mr. Holmes, whose Heritage Foundation supported most-favored-nation trading status for China, noted that China has embraced many market reforms. For example, agriculture operates under free-market conditions there.

Elliott Abrams, assistant secretary of state for human rights from 1981 to 1985, said most conservatives still support the embargo, but that immigration has been a sore point among them for years.

"This Cuba question fits rights into the middle of that debate," he said, adding that he favors easing immigration. "We spent a lot of years condemning the Russians for disallowing the right to emigrate."

Stephen Moore, whose book "Still and Open Door" advocates open immigration, said Cubans are the reason for an economically vibrant Miami.

Nonetheless, the Federation for American Immigration Reform (FAIR) sees the thousands of Cubans waiting to enter the United States as a financial and political problem.

"The major test of an immigration policy is, 'Is it creating communities you want to raise your families in?' No one wants to raise their families in Miami," said FAIR Executive Director Dan Stein.

Date: 8/7/94 **The Miami Herald**

Page: 19A
Column: _____

More Cubans arrive illegally than legally

By NINA WHITEFIELD,
ANANDA MARQUES GONZALEZ
And ELAINE DE VALLE
Herald Staff Writers

Cuban President Fidel Castro's veiled threat to start another Mariel boatlift was the latest and most worrisome volley in a bitter war of words with Washington over immigration that goes back many years.

The issue: The United States is reluctant to grant visas to Cubans who want to immigrate legally, yet embraces illegal immigrants and almost never prosecutes even those who hijack boats and planes to reach U.S. shores.

The dispute reached crisis proportions as the number of Cubans arriving in the United States on rafts, boats and hijacked planes so far this year appeared to be outstripping the number arriving legally.

In the first six months of the fiscal year that began Oct. 1, the United States approved 1,175 immigrant visas for Cubans who wanted to join relatives in the United States and 2,079 visas for former political prisoners, dissidents and their relatives — a total of 3,254 legal immigrants.

Ahead of last year

That was ahead of the previous year's rate — 5,138 — were approved for the year that began Oct. 1, 1992 — yet fell far short of the multitudes who wanted to abandon the communist-ruled and all but bankrupt island.

U.S. State Department figures obtained Saturday showed that the number of visas issued to Cubans who wished to visit relatives in the United States — not immigrate — dropped dramatically to 9,827 in the six-month period that began Oct. 1, compared with 27,304 for the preceding 12-month period.

While the overall number of legal arrivals was falling, the number of Cubans arriving illegally on rafts, boats and other

conveyances soared to 4,972 so far this year — a record. All are allowed to stay and become U.S. residents after a year.

Worse still in the eyes of the Cuban government, U.S. officials seldom prosecute those who hijack boats or airplanes to flee the island. No Cuban hijacker has ever been convicted, and few were even prosecuted.

Hijackers acquitted

In 1980, three Cubans who seized a fishing vessel at knife-point, tied up the skipper and sailed to Florida were charged with kidnapping. Five months later, while a crowd of spectators from Miami's exile community applauded, they were acquitted.

More recently, the U.S. Attorney decided not to prosecute 13 Cubans who hijacked a 100-foot freighter, forcing the crew at knife-point to sail from Mariel to Key West in April 1991.

U.S. Attorney Kendall Coffey said his office is looking into the possibility of filing charges in two recent cases involving the hijacking of Havana ferries. "It's under consideration," he said. "I can't make any comment."

"You really have to look at the specific circumstances of each case," he said, noting that in the cases of two Cuban pilots who diverted commercial flights to Miami, prosecutors did not press charges because pilots technically cannot "hijack" their own planes.

That argument does not persuade Fidel Castro, who sees it as U.S. coddling of criminals for political value.

"If you steal a plane, steal a boat, a raft, whatever, it doesn't matter to them if people drown — what matters to them is the propaganda material," Castro said Friday night.

Embassy occupations

The immigration dispute between the United States and

Cuba began to heat up in late May with a series of occupations of foreign embassies, consulates and diplomatic residences in Havana by scores of Cubans seeking asylum and the right to leave the country.

The takeovers were viewed with uneasiness by Havana-based diplomats because the event that sparked the 1980 Mariel exodus was the influx of more than 10,000 Cubans into the Peruvian Embassy after Cuban guards had been removed.

Cuban officials also blamed Washington for those incidents.

"If the United States were giving visas, these things wouldn't be happening," Jose Luis Ponce, a Cuban government spokesman, said at the time.

Date:

8/7/94

The Miami Herald

Page: PAColumn:

For exiles, it's wait and see

By **ELIANA BELLIDO,**
MANNY GARCIA
AND **LIZETTE ALVAREZ**
Herald Staff Writers

Surprising even themselves, Miami's Cuban exiles displayed an abundance of self-restraint and patience Saturday — along busy Hialeah streets, over popular Cuban airwaves and, most importantly, across the expanse of ocean separating one home from the other.

Despite threats from President Fidel Castro to spark another Mariel boatlift following riots in Havana, Cubans here took a collective deep breath and held it. There was no frenzied rush to the marinas. No panic in the streets.

Only an outpouring of excitement and hope — maybe this time, things will be different.

"These are demonstrations that show the desperation," said Rep. Lincoln Diaz-Balart, who spent the day gauging the aftermath of the disturbances. "The struggle is entering a different stage — mass participation."

The message from leaders of the exile community was blunt. Stay home. Stay calm. Don't take Castro's bait, which would do no more than create an escape valve for his regime and increased pressure on the U.S. government.

Taping a message for a short-wave radio nation broadcast to Cuba, Cuban American National Foundation chairman Jorge Mas Canosa said that "a repeat of Mariel can't happen."

"We won't permit the exiles to dance to the music of Castro. Castro wants to turn this into an immigration problem. This is a political problem."

He also prodded Cubans on the island to follow a course of "civil disobedience." He urged them not to report to work or university classrooms Monday, but to make their presence felt on the streets of Havana.

By Saturday's end, it appeared the exile community heeded the official advice: Another boatlift was no solution.

Said Cesar Odin, Miami's city manager: "I'm very proud of the community."

For Maria Elena Cruz Varela, the dissident poet who left Cuba on a special visa just months ago, it felt odd to watch tragedy and outrage unfold in Havana from a distance. She has felt the crush of repression intensely at her home in Havana, where she was once thronged by a mob and forced to eat her writing.

Gathering place

Friends gathered at her house — "general headquarters," she called it — all day Friday and Saturday.

"I was expecting it," said Varela, who has permission to stay until at least November. "I was convinced something was going to happen at any moment."

At Stock Island in Key West, a popular jumping-off point during the Mariel crossing, fishermen geared up for the first day of lobster season. All of them knew of Castro's threat to open the island's harbors and allow out disgruntled Cubans. But none had been approached by exiles offering money for a quick boat ride to Cuba.

Even with an offer, many of the fishermen, among them Cubans with relatives on the island, said they wouldn't venture into Castro's waters.

Boatlift veteran

"I've been here for 33 years," said Antonio Diaz, 61, who brought 90 people over from Cuba during Mariel. "What am I going to go look for over there? I'm not going to look for people anymore."

Fishing boat captain Rick LaFlair lost a 60-foot boat to U.S. Customs last week around. If another exodus develops, he wants a clear go-ahead from the government.

"This time if there's something that's gonna happen, it will be done according to the law," he said.

A mate aboard the lobster boat Kazas, Roberto Curbelo, said he would be cautious about sailing south, even though two of his grown daughters still live in Cuba. "I love them," said Curbelo, who arrived in Miami

during the 1980 boatlift. "You don't know what will happen once you get there. They could shoot you, arrest you and take your boat."

At the Miami police department, Odio, Miami police chief, Donato, and Andrew, and Fire Chief Carlos Jimenez, looked over contingency plans. They braced for chaos, but the streets stayed quiet.

About 30 members of Cuban Unity, an umbrella group of grass-roots exile organizations known for its anti-Castro protests on Miami streets, met to formulate their own game plan, chief among them taking advantage of Castro's apparent vulnerability.

Unless Cuban Americans organize effectively, Castro could succeed in triggering another Mariel and getting the U.S. to negotiate with him on his terms, said Andres Varkas Gomez, Unity president.

"Another Mariel would just prolong the situation in Cuba," he said.

Herald Staff Writers: Fabiola Santiago, Gail Epstein, Alinn Matas, Bill Gato and Elaine de Valle contributed to this article.

UNCLASSIFIED
FAX TRANSMITTAL SHEET
THE NATIONAL SECURITY COUNCIL

FROM: Morton H. Halperin

Kathy Cooper

PHONE: 202-456-9241

FAX: 202-456-9240

TO:

STEVE WARNATH

FAX:

67028

PHONE:

NUMBER OF PAGES INCLUDING COVER SHEET

2

SPECIAL INSTRUCTIONS:

UNCLASSIFIED

CUBA IWG,
THURSDAY, OCTOBER 6, 4:30PM
WHITE HOUSE SITUATION ROOM

AGENDA

- | | |
|--|----------------|
| 1. LEGAL MIGRATION | (INS, STATE) |
| -- ANNOUNCEMENT | |
| -- Q'S AND A'S | |
| -- LOTTERY APPLICATION | |
| -- STATE/INS DELEGATION TO CAMPS | |
| 2. COMBINED ANNOUNCEMENT OF PROGRESS AT GUANTANAMO | (NSC) |
| 3. SHORT-TERM CONDITIONS AT GUANTANAMO | (OSD, JS) |
| 4. IMPROVEMENTS AT GUANTANAMO | (JS) |
| 5. THIRD COUNTRY RESETTLEMENT | (STATE) |
| 6. MEDICAL PAROLE | (INS, JUSTICE) |
| 7. REPATRIATION TO CUBA | (STATE) |
| 8. FUNDING | (OMB) |

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October 19, 1994

MEMORANDUM TO Steve Warnath, DPC staff x65576
Mike Longoria, NSC staff x69241
Rob Malley, NSC staff x69247
Brunsen McKinley, State/PRM 647 5822
Terry Rusch, State/PRM 663 1047
Dennis Hays, State/ARA/Cuban Affairs 647 9272
Chuck Brayshaw, State/ARA/Cuban Affairs 6479272
Luther Schriefer, OSD/Carib TskFce 703 6952520
Ray Ruga, OSD/Caribbean Task Group 703 695 2520
Mike Myers, OSD/HRA 703 693 9848
Will Stettinius, OSD/HRA 703 693 9848
Jerry Bates, JCS/J-3 703 697 4546
Rick Coffin, JCS/J-3 703 614 5988
Mike Hostage, JCS/J-5 703 695 8161
Seth Waxman, Justice/Depy AG 514 4560
Phyllis Coven, Justice/Depy AG 514 6909
Alex Aleinikoff, INS/Genl Counsel 514 1270
Chris Sale, INS/Commissioners Offc 514 1900
Jeff Weiss, Justice/CRS 301 492 5929

FROM Eric Schwartz, NSC staff

SUBJECT: Teleconference Meeting on Cuban Migration

You or your designated representative is invited to a meeting tomorrow on Cuban migration issues at 11 am. (October 20)

The meeting will be a SVTS teleconference.

The agenda for the meeting will be as follows:

I. Progress on voluntary return.

Report from State.

II. Negotiating strategy: migration talks.

State is requested to brief the interagency on the planned strategy.

III. Legal migration

Please come prepared to discuss the elements in the attached time-line.

DECLASSIFIED

E.O. 13526

White House Guidelines, September 11, 2006

By MSNARA, Date 4/24/11

2011-1034-F

~~CONFIDENTIAL~~

Declassify on: OADR

**LEGAL MIGRATION
DESCRIPTION AND TIME-LINE**

I. New Program Beneficiaries (getting to 20,000-plus)

- Parole will be offered to attached family members and unmarried sons and daughters of immigrant visa beneficiaires and approved refugees.
- We will expand in-country processing from 3000 to 6000.
- We will take all applicants on the immigrant visa waiting list as of September 9. These numbers will not count against the 20,000.
- We will operate a parole lottery requiring chosen applicants to meet four of nine criteria, one of which is that the applicant, prior to October 1, 1994, manifested a desire to immigrate to the U.S.

II. Details of the plans and time-line

October 1-14:

- USG informed Cuban-American community and Cubans in Guantanamo about details of the expanded migration plan, including information on how to apply for all of the programs excepting the lottery.
- USINT informed beneficiaries of immigrant visas in Cuba who have not chosen to immigrate that their formerly excluded relatives may now qualify. USINT has heard from 1000 beneficiaries and is scheduling interviews.
- USINT has received the computer tape of the immigrant visa waiting list and will, over the next several days, begin notifying about 1000 cases per week of their eligibility. This will go on for 1-2 months, until the supply is exhausted.

October 17

- Some 10-12 additional DOS/INS personnel arrive at USINT to process larger numbers of cases and begin to schedule interviews with all categories of parolee beneficiaires. INS and State report that this staffing level will permit during FY 95 processing of 20,000 plus the immigrant visa backlog.

October 17-October 31

- State will draft lottery announcements for Radio Marti and for Cuban publications and will ensure that they can be placed in those publications by November 1 or before.
- State/USINT will secure an appropriate mailing address for applications for the lottery.
- State will ensure adequate pencils and postcards in Guantanamo for the lottery.
- INS will contract with the "Statistica" corporation to administer the lottery.
- We will announce and promulgate the application procedures for the lottery which have been agreed interagency.

November 15 - December 15

- We will accept applications for the lottery

III. Numbers

We project (ballpark) the following numbers of approvals (cumulative, including waiting list applicants):

		Waiting list applies.
September 9 - October 31:	500	
November 1 - November 30:	1000	2000
December 1 - December 31:	1700	2000
January 1 - January 31:	2860	2000
February 1 - February 28:	4420	2000
March 1 - March 31:	5980	
April 1 - April 30:	7540	
May 1 - May 31:	9100	
June 1 - June 30:	10660	
July 1 - July 31:	12220	
August 1 - August 31:	13780	
Sept 1 - Sept 30:	15340	
Total	15340	8000
Lottery numbers		
(beginning late		
94-early 95)	4660	
GRAND TOTALS	20000	8000

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	Richard Clarke to Haiti Migrant Task Force re: Summary and conclusions of HMTF meeting (2 pages)	05/20/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Stephen Warnath
OA/Box Number: 9578

FOLDER TITLE:

Cuban / Haitian Mass Migration etc. [1]

2011-1039-F
jm1491

RESTRICTION CODES

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

P1 National Security Classified Information [(a)(1) of the PRA]
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P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
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