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THE WHITE HOUSE

CORRESPONDENCE TRACKING WORKSHEET

C00245

INCOMING

DATE RECEIVED: SEPTEMBER 17, 1996

NAME OF CORRESPONDENT: THE HONORABLE BENJAMIN GILMAN

SUBJECT: WHITE HOUSE POLICY
REGARDING TITLE VII OF THE LIBERTY ACT OF
'96

ROUTE TO: OFFICE/AGENCY	DRAFT NAME)	ACTION		DISPOSITION	
		ACT CODE	DATE YY/MM/DD	TYPE RESP	C COMPLETED D YY/MM/DD
JOHN HILLEY		ORG	96/09/17		C 96/09/17
ANDREW SENS	REFERENCE NOTE:	RSA	96/09/17		
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COMMENTS: ADDITIONAL SIGNEES

ADDITIONAL CORRESPONDENTS: 6 MEDIA:L INDIVIDUAL CODES: 1240 1220

MAIL USER CODES: (A) R NY (B) (C)

*ACTION CODES:	*DISPOSITION	*OUTGOING
*A-APPROPRIATE ACTION	*A-ANSWERED	*CORRESPONDENCE:
*C-COMMENT/PERSON	*B-NON-SPEC-REFERRAL	*TYPE RESP-INITIALS
*D-DRAFT RESPONSE	*C-COMPLETED	*OF SIGNER
*F-FURNISH FACT SHEET	*S-SUSPENDED	*CODE = A
*I-INFO COPY/NO ACT NEC		*COMPLETED = DATE OF
*R-DIRECT ENTRY W/COPY		*OUTGOING
*S-FOR-SIGNATURE		
*X-INTERIM REPLY		

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MANAGEMENT.

#186276

Congress of the United States
Washington, DC 20515

96 SEP 9 P2:04

September 5, 1996

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

We wish to reiterate our disagreement with your decision to suspend the right of U.S. citizens to take advantage of the right of action created by Title III of the Cuban Liberty and Democratic Solidarity (*LIBERTAD*) Act of 1996 (P.L. 104-114).

The Castro regime and unscrupulous foreign companies are still conspiring to escape the reach of the *LIBERTAD* Act so that they can continue commercial ventures which exploit confiscated U.S. property and subsidize the repression of the Cuban people.

According to your July 16 certification to Congress on this issue, you intend to decide "whether to end the suspension, in whole or in part, based upon whether others have joined us in promoting democracy in Cuba." On August 16, Ambassador Stuart Eizenstat, your special representative for promotion of democracy in Cuba, stated that "we are looking for concrete, specific measures" by our allies in the interest of democracy and human rights in Cuba.

We agree that, unless your recent diplomatic initiative produces concrete and specific results in the near future, there will be no basis in law or fact for further suspending the right to bring an action under Title III. Moreover, in our view, a further suspension of Title III should not even be considered unless our trade and investment partners have:

- demonstrably increased pressure on the Castro regime to adopt political and economic liberalization;
- provided material support to genuinely independent individuals and nongovernmental organizations for use in carrying out democracy-building efforts;
- terminated all foreign assistance to the Cuban government (including nonmarket-based trade, as defined in section 106(c)(2)) of the *LIBERTAD* Act;

- ceased any form of government loans, credits, or other financing to any person for the purpose of financing transactions involving any confiscated property, the nuclear power plant at Juragua, or the intelligence facilities at Lourdes;
- encouraged their nationals to strictly condition any continuing business ventures in Cuba on practices that promote economic and political freedom, fundamental human rights, and workers' rights (including collective bargaining, direct hiring of employees, and fair wages);
- supported efforts in the United Nations and Organization of American States to hold the Castro regime accountable for human rights violations and promoted initiatives to send human rights monitors to Cuba; and
- not submitted complaints under the procedures of the World Trade Organization or the North American Free Trade Agreement regarding the implementation of the *LIBERTAD* Act.

Regarding Ambassador Eizenstat's proposal to consider "Sullivan-type principles" for Cuba, we are concerned that this initiative could unintentionally *increase* foreign investment in Cuba under conditions imposed by Castro that resist any palliative effects of foreign commerce. History has repeatedly -- and recently -- demonstrated that Fidel Castro is unwilling to reform his command economy, to respect labor rights, to allow collective bargaining, or to permit employers to hire workers without the interference of the government.

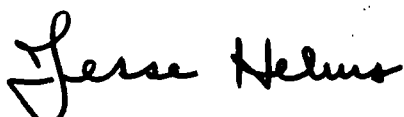
Such Sullivan-type principles would serve only as a "fig leaf" to facilitate foreign investment, which benefits the *status quo* in Cuba. As a result, such principles are inconsistent with long-standing U.S. policy and do nothing to protect the confiscated property of U.S. citizens. At the very least, unless foreign companies *demonstrably alter their own behavior* by rejecting trade and investment with Cuba until these basic principles are fully observed, an imperfect tool would be reduced to a tragic farce.

Moreover, we believe that the suggestion of possible country-specific suspensions of Title III go well beyond the intentionally narrow scope of the suspension authority. As the principal drafters of this legislation, we state that such a country-specific suspension of Title III is not permissible under the law.

The President
September 5, 1996
Page 3

We will continue to monitor the application of U.S. law closely, and we hope that this reiteration of Congressional intent will assist in clarifying future Administration deliberations with respect to Title III. We will continue to press for the full implementation of the *LIBERTAD* Act.

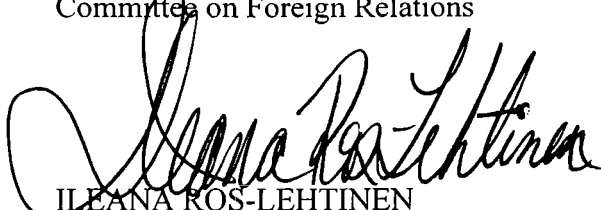
Sincerely,



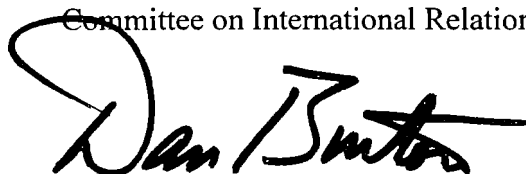
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Chairman
Committee on Foreign Relations



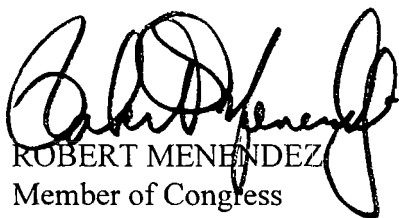
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Chairman
Committee on International Relations



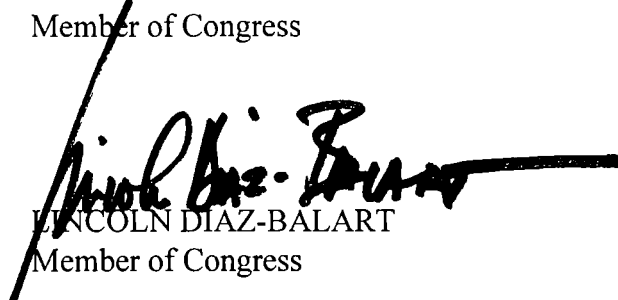
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Member of Congress



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