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THE PRESIDENT HAS SEEN

11/1 Cuba
OFF
9:20

THE WHITE HOUSE
WASHINGTON

October 31, 1994 94 OCT 31 P 8:26

MEMORANDUM FOR THE PRESIDENT
THROUGH JOHN PODESTA
COPY: LEON PANETTA
GEORGE STEPHANOPOULOS
HAROLD ICKES
DEE DEE MYERS
FROM: JOEL KLEIN
CLIFF SLOAN
SUBJECT: Decision in Guantanamo litigation

The trial judge in the Guantanamo litigation today granted the plaintiffs' request for a Temporary Restraining Order. The Order provides (1) that the U.S. Government must not deny lawyers "reasonable and meaningful access to the detained refugee plaintiffs"; (2) that the U.S. government must not repatriate to Cuba any "detained plaintiff refugees" (including the 23 who were scheduled to return earlier this week) until counsel and information have been provided to them; and (3) that both sides must submit, within 5 days, a plan for the visitation of the lawyers.

We expect to file an emergency appeal tomorrow.

If there are press inquiries, it is appropriate to refer them to the Department of Justice because this involves a pending case.

Very interesting
must be a
very interesting
part of the
litigation.

Agree
but this is a
very complicated
case. Briefing
needed.

Arba meeting 10/18/94

Arba
- agreed

① 2 Arba meeting + status is main

- Best report now that in Arba area
is main that BC has done -

Ch 51
Ch 23

Cuba
- gannet

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

October 14, 1994

Statement by the Press Secretary

The President today announced a series of immediate humanitarian steps relating to Cubans in safehavens in Guantanamo and Panama.

First, the Attorney General will parole into the United States chronically ill persons who cannot be adequately cared for in the camps.

Second, she will parole into the United States unaccompanied young children now in the safe havens.

Third, she will parole into the United States migrants over 70.

In each case, we will insure that those paroled in have appropriate sponsors.

Fourth, the Administration will conduct a review of the status of all children in the camps.

Fifth, we have launched a major effort to persuade other countries to accept some of the Cuban migrants.

Sixth, although much remains to be done, significant improvements have been made in the camps including providing better food, inaugurating mail and telephone service, and improving sanitary conditions. Attached is a fact sheet showing the time table for improvements.

The administration shares the deep concern of the Cuban-American community for the well-being of all the Cubans in safehavens. The root cause of these problems is in Cuba. The administration is dedicated to pursuing policies which will lead to a rapid and peaceful movement to democracy in Cuba.

#

FACT SHEET

IMPROVEMENTS AT GUANTANAMO

There are five tiers of improvement categories:

- I. Infrastructure/facilities
- II. Food/clothing/medicine
- III. Personal communications
- IV. Education/recreation
- V. Other/administrative

INFRASTRUCTURE/FACILITIES

Water: Running water is now available in all Haitian and Cuban camps. Water has always been available for consumption, but construction of the last piping system for running water was completed on 9 October. Each migrant is provided safe drinking water and sufficient water for daily hygiene.

Tents: All migrants have shelter, but dust is still a problem in the Cuban camps. As some migrants leave, camp officials can close some camps and build hard stands for other tents going up. The Haitian camps are located on hard surfaces (runways) and dust is not as bad in this location. Many steps have been taken to reduce dust. One measure that has had some success is the spreading of a soil stabilizer, another measure has been to plant surrounding ground cover. These are temporary measures until all tents are hardened to include concrete or wooden flooring. Projected completion of the hardening project is 15 November.

Sanitation facilities: There is currently one latrine for every 30 migrants. Cleaning is now done once every three days; by October 24 cleaning will be done once every day. Plans are now being developed to have permanent latrine facilities. The construction of sewer piping systems is slowed by the small geographic area and by

limited treatment capacity. Follow-on plans include expanding existing treatment facilities.

Camp areas: Each camp has an area for recreation. Half-court basketball and volleyball courts are being constructed, projected completion 24 October. Additionally, baseball diamonds and soccer fields are being built for common use.

FOOD/CLOTHING/MEDICINE

Milk: A preliminary supply of milk has been provided along with specialized milk for babies with digestive problems (*Infamil* with Iron, *Similac*). Follow-on supplies will be provided and sustained.

Food: Every effort is being made to develop a varied menu. There are now enough food stocks to allow the announcement of 2-day menus. Two new kitchens have been built. Each migrant receives 2 hot meals and one MRE (Meal Ready to Eat) per day. Migrants take part in food preparation and as a result of greater food stocks the resulting menu has become more Cuban and Haitian friendly. Examples include the Haitian fare *Paella* and a Cuban recipe for *Arroz con Pollo* on Sundays.

Clothing: Thanks to the efforts of many government and non-government organizations each migrant has spare clothing and shoes and ball-type caps for those that need sun-protection during the day. Over 35,000 pairs of shoes were purchased for the migrants and all have been distributed.

Medicine: There have been no outbreaks/illnesses of any serious nature within the last month. Hygiene is improving daily and preventive care is being developed by camp doctors. There are estimates of up to 250 pregnant women in the camps. Pre-natal and post-natal facilities are being built to assist new and expectant mothers with the care and feeding of their children. Special milk/formula and other infant needs are being stocked.

PERSONAL COMMUNICATIONS

Mail: Limited postcard service has been available through the American Red Cross. A DoD/US Postal Service team traveled to Guantanamo last week to arrange regular letter service to begin in October. Initial service will include only

letter/post card mail. By early November details of package delivery will be announced.

Phones: 95 phone lines have been established solely for use by Cuban and Haitian migrants. All phones are operational.

EDUCATION/RECREATION

Educational facilities/supplies: Primary education is currently provided through the 6th grade level. Supplies for crayons, notebooks and school books in Spanish and Creole were provided with DoD funds.

Newspaper Deliveries: Daily newspaper delivery service should begin on 20 Oct.

Radio Service: There were over 1000 radios supplied to the migrants in September and more are being scheduled for delivery. Additionally, the radios are able to pick up *Radio Marti* during the evening hours and DoD has been producing additional broadcasts through a temporary station called *Radio Esperanza*.

Other Media: Camp leaders are also given the opportunity to produce their own print media for the camps.

Recreation: The Cubans have asked for basketball areas and 6 are now being constructed, expected completion is 20 October 94. Each camp will have a recreation tent by 12 Oct. Other facilities are being planned and constructed that include baseball diamonds and soccer fields, as previously mentioned. Special activities for children are also being implemented. Currently, there is a program to transport children and their parents or their caregivers to playground areas around the base. More playground facilities are being built within the family camps for greater access. Recreation tents are being stocked with supplies of games, cards, dominos and other related materials.

OTHER

Administrative: Mr. Guarione Diaz, a Cuban-American and President of the Cuban American National Council, was appointed Ombudsman to help assist in the U.S. Government's effort to improve camp conditions. He has been instrumental in coordinating relief activities and supplies from the Cuban-American population.

Camp Leadership for the Migrants: Each camp has selected a small group of camp leaders and representatives to voice their concerns over the conditions in the camps. The leaders' recommendations are followed as much as practical. Camp leaders hold regular meetings with migrants in their areas and during these forums give updates from governmental agencies.

Cigarettes: Small shipments of cigarettes have been arriving in Guantanamo during the last two weeks. Other priority items such as milk for babies, clothes, shoes and other food stocks were delivered first. The Administration is working with the Cuban-American community in Miami for a large donation of cigarettes which DOD will arrange to have transported and distributed in the camps.

Camp Visits: Guantanamo has been visited by the Archdiocese of Miami, scores of press, US government officials, non-governmental organizations, and many others in an effort to assist migrants. Information will be released in November about how private citizens can arrange visits to Guantanamo. The first priority is to get those assigned duty to help the migrants.

Donated Goods/Services: The US Government welcomes all donations of goods and services for the migrants in Guantanamo. The State Department has contracted the services of World Relief to accept and distribute donated goods to the migrants.

To Donate Goods, contact: Peggy Gilbert, World Relief, (914) 268-4135.

To Donate Services, contact: Mr. Guarione Diaz, Ombudsman for Cubans at the Camps, (305) 642-3484.

To be filed



The Governor of Puerto Rico

*Cuba
- general*

over

October 13, 1994

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

Dear Mr. President:

Perhaps because Puerto Rico has endured more than its own share of hardship over the centuries, the hearts of our people are invariably moved by the suffering of others – especially when those in need are incapable of helping themselves.

In that spirit, it was with profound sorrow that we recently learned of the plight of scores of Cuban children currently in United States custody at the Guantánamo Bay Naval Station in Cuba.

As of September 30, 1994, according to the Cuban American National Foundation, approximately 200 of the Cuban refugees at Guantánamo Bay were both younger than 12 years of age and also unaccompanied by any parent or legal guardian.

Under even the best of circumstances, a refugee experiences severe stress. But it is difficult to imagine the emotional burden being borne by these boys and girls – some of them mere infants – who are subsisting in strange surroundings, separated from parents or guardians who may themselves be deceased.

We realize that you lament this tragic situation as deeply as we do, and we sympathize with the dilemma it poses for the Federal Government.

What has prompted me to write this urgent letter is the realization that your fellow citizens in Puerto Rico may be uniquely positioned to serve the national interest and the cause of human brotherhood by helping to alleviate the anguish of these youngsters.

Post-It™ brand fax transmittal memo 7671		# of pages •
To: <i>Marsha Hale</i>	From: <i>Wanda Rubiano</i>	
On: <i>FYI</i>	Co.	
Dept.	Phone #	
Fax # <i>(202) 452-6220</i>	Fax #	

The President
The White House
October 13, 1994

If relocated to Puerto Rico, the aforementioned refugees would encounter a familiar climatic, topographical, cultural and linguistic environment. It would, of course, not be home — but it would surely be a setting less disorienting than the one they confront today.

Moreover, I have no doubt that countless families in Puerto Rico — including many who are natives of Cuba — would welcome these boys and girls with open arms.

So it is that I place myself at your disposal, should you desire to explore the feasibility of seeking a more suitable site in which to house unaccompanied Cuban children presently interned at the Guantánamo Bay Naval Station.

Looking forward to hearing from you if we can be of assistance in any way, I join Maga in extending warmest wishes to you and Mrs. Clinton.

Sincerely,



Pedro Rosselló
Governor of Puerto Rico

Harold,

This is the PR letter.

Gov. Chiles is OK with
the plan as described by
Mort.

1- elderly

2- sick

3- Children no parents

(under 300 people).

Chiles wants the statement to
include Consultation with him if
possible — and that we will
continue to consult with him as we take on
the other issues.

Clinton Experiment Poses Shift on Human Rights

By Roberto Suro
Washington Post Staff Writer

Faced with the seemingly unstoppable exodus of Cuban rafters the Clinton administration has proposed an unprecedented experiment with immigration policy that is certain to arouse controversy in Congress and the courts, and could well fail to deter the flight.

Ironically, the administration's best hope for success is to prompt the Cuban government itself to stop the departures by blocking boat people from leaving—potentially a large-scale violation of human rights.

In talks with a Cuban delegation that began in New York on Thursday, American officials have offered to let sharply higher numbers of Cubans enter the United States under the attorney general's sweeping powers to "parole" anyone into the country. Secretary of State Warren Christopher explained last Sunday what was expected of the Cubans in return.

"We're quite prepared to consider lawful migration, perhaps enhanced lawful migration, if they're prepared to stop the unlawful migration," Christopher said.

This bargain—creating a new program of legal immigration in exchange for some kind of crackdown on rafters—is the Clinton administration's only initiative to stop the flow of Cubans now that it is clear they will keep going to the sea even though they are headed for an encampment at the U.S. naval base at Guantanamo Bay.

Such an arrangement would appear to run counter to a central tenet of U.S. foreign policy—protection of an individual's right to emigrate.

The Universal Declaration of Human Rights adopted by the United Nations General Assembly in 1948 declares unequivocally: "Everyone has the right to leave any country, including his own," and that statement was used to bludgeon communist governments all through the Cold War.

But that principle has been over-

shadowed by concern over uncontrolled immigration.

The U.S. proposal in the New York talks marks the first time Washington has offered to use parole to close a deal with another government, and not because the newcomers were judged particularly deserving.

Since the 1950s thousands of people have been admitted to the United States under the parole power. The most prominent cases have involved refugees in emergency situations such as the admission of Hungarians after the failed 1956 revolt, Vietnamese after the fall of Saigon in 1975 and Cubans during the 1980 Mariel boatlift. But in every case parole was offered because the people receiving this extraordinary benefit were specifically deemed worthy of it.

The first potential parolees are 19,800 Cubans who have already qualified for immigrant visas because they have close family relatives in the United States but who are stuck on worldwide waiting lists that can take 10 years to clear. As a group, these Cubans are no different from the 3.4 million people from other countries who are also on the lists.

Rick Swartz, a Washington attorney who represents Haitian and Chinese refugee groups, said, "This use of parole would be certain to provoke lawsuits from both pro-immigrant ethnic groups angry that the Cubans are getting special treatment and anti-immigrant groups angry that the administration is circumventing the statutory limits on immigration." Indeed, the Federation for American Immigration Reform, a group that advocates tighter limits, has already threatened to sue.

A large-scale use of parole also is likely to prove controversial in Congress, which specifically restricted the practice in the Refugee Act of 1980 and established a complex system of numerical caps and visa preference categories for legal immigrants in the Immigration Act of 1990.

"Parole is a long-standing sore point between the executive, which has often interpreted it broadly over the past 40 years, and Congress, which has sought to rein it in," said David Martin, a professor at the University of Virginia law school. "Consultation has traditionally been the means to resolve some of these tensions."

No formal consultations were held on Capitol Hill before the talks with the Cubans, congressional officials said.

Simply opening the doors through paroles is no guarantee the rafters' exodus will stop.

"I know of no instance in which increased legal immigration has been used effectively to curb an influx of illegal immigrants," said Demetrios Papademetriou, director of immigration policy programs at the Carnegie Endowment for International Peace, a Washington think tank. "A lot of peo-

ple would actually argue that it could have the opposite effect, that the sight of many people leaving with visas might actually stimulate those who can't get visas to make illegal trips."

Although some of the rafters may qualify for the new program, administration officials acknowledge that most probably would not. Instead of substituting one form of migration for another, the Clinton plan is designed to satisfy demands for increased legal immigration pressed by Cuban President Fidel Castro, who has often encouraged the departure of dissatisfied citizens as a means of defusing dissent. Then, having placated Castro, the administration would count on him to take measures to keep the rafters from leaving.

Human Rights Watch, a research and advocacy organization, noted in a letter to President Clinton sent Wednesday that Castro has a brutal record of punishing Cubans who committed the crime of "illegal exit from the country," and that the United States should welcome his decision to let the rafters leave freely.

"We urge you to acknowledge that the goal of restricting immigration, while legitimate, must not be pursued by countenancing or promoting the violation of human rights," the letter said.

This would not be the first time the United States compromised the right to leave. In recent years that simple principle has been bent in international agreements designed to fight hijacking and immigrant smuggling. Moreover, the right to leave does not translate into a right to enter.

But, this would be the first time that the United States has encouraged another government to explicitly limit the right of its people to travel when they are not otherwise committing a crime.

"This area of human rights was shot through with hypocrisy," Martin said, because aside from exceptional events like the Mariel boatlift Western nations could count on communist countries to prevent huge numbers of their citizens from fleeing.

"We could preach the right to leave because no one ever called our bluff," Martin said.

This summer Castro called the bluff for the first time since the Cold War ended, and the administration folded.

Cuba
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SATURDAY, SEPTEMBER 3, 1994 THE WASHINGTON POST

Cuban-Americans Caution on Talks

By VERNON SILVER

Special to The New York Times

MIAMI, Sept. 2 — Members of a conservative Cuban-American group warned congressmen and a Clinton Administration envoy Thursday night that Cuban areas of Miami would "explode" if talks with Fidel Castro's Government produced concessions to Havana.

The meeting, in a private banquet room at a restaurant in Coral Gables, was set up by the Cuban American National Foundation, a powerful group of exiles that has worked closely with the White House to tighten sanctions against Cuba while conceding that the refugees flowing from the island should be detained rather than admitted to the United States.

Among the guests were Richard Nuccio, a senior adviser at the State Department's Bureau of Inter-American Affairs, and Representative Robert G. Torricelli, a New Jersey Democrat who is chairman of the House Subcommittee on Western Hemisphere Affairs.

Speaking across a long banquet table, the foundation's president, Francisco J. Hernandez, warned that there would be unrest if the talks in New

York involved discussion of lifting the United States embargo against Cuba. He said Cuban-American leaders in Miami needed assurances that the talks would be limited to immigration issues.

"If this community does not get satisfaction and a clear message from this Administration," Mr. Hernandez said, "I don't think all the leadership at this table is going to hold anybody back."

As recently as last weekend, Cuban exile groups were able to mobilize 20,000 people in a peaceful protest demanding stronger United States action against President Castro's Government. Miami also has a long history of political meetings and demonstrations that have turned violent.

The message from both the foundation and Cuban-American officials in local government was essentially a demand for a trade-off. After making the sacrifice of supporting the detention of their countrymen at the American naval base in Guantánamo Bay, Cuba, the Cuban-American leaders want the talks in New York to do nothing less than weaken Mr. Castro's Government.

"As much as we support the policies of the Clinton Administration," Mr. Hernandez said, "we certainly need a clearer message and a clear understanding of how far those negotiations are going to go, or you will see a different community."

At Mr. Hernandez's side was the Dade County manager, Joaquin G. Avino, who warned the group from Washington, "I am telling you that this community will simply explode if a truce is negotiated with Cuba — completely, completely explode."

'Trying to Be a Bridge'

Central to their concerns, the exile leaders said, is a perception that the White House is torn between different strategies urged by the State Department and the National Security Council. Specifically, they said they worried that some Administration officials saw the episode as an immigration crisis rather than an opportunity to drive the final nail into the Cuban Government's coffin.

Mr. Nuccio, who was dispatched by Washington to keep in touch with sentiment among Cuban-Americans in Miami, assured the gathering of about 30 leading exiles that he was "trying to be a bridge" between the National Security Council, the State Department and the White House. As for Mr. Castro's Government, he said, "We're seeing the final throes."

Mr. Torricelli, who sponsored the bill that strengthened the embargo a year and a half ago, said, "I know there is concern in the community about the discussions that are taking place." But he assured the group, "The Administration senses the uniqueness of the moment."

"This is the day you've talked about for years," Mr. Torricelli told the exile leaders as they sipped sangria in the elegant Cuban restaurant

under the watchful eye of half a dozen security men. "We are witnessing the end of the Cuban dictatorship."

Miami's city manager, Cesar Odio, responded by saying that to keep the peace in Miami, "people have to be made believers that this is the end."

Representative Robert Menendez, a Cuban-American Democrat from Union City, N.J., said he did not yet believe that the Administration was intent on taking a hard line with Cuba. "I'm concerned that the President has enormous pressure on him to change his policies," he said. "I would not for one moment at this crucial time let my guard down."

Mr. Menendez, along with Mr. Torricelli and Representative Porter J. Goss, a Republican from Florida's west coast, attended the dinner after spending the day at the Guantánamo Bay base. Representatives Lincoln Diaz-Balart and Ileana Ros-Lehtinen, both Republican Cuban-Americans from Miami, also traveled to Guantánamo on Thursday and went to the restaurant, but did not stay for the dinner.

Jorge Mas Canosa, the chairman and top official of the Cuban American National Foundation, did not go to the restaurant. But several other members of the foundation's board of directors attended along with representatives of a couple of smaller exile groups.

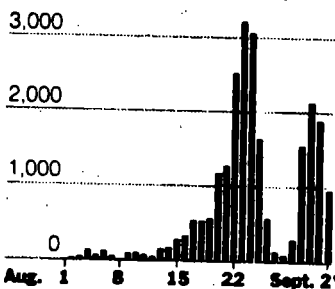
Among them was Jose Basulto, who founded the pilots' group Brothers to the Rescue three years ago to search the Florida Straits for Cubans fleeing on rafts. At the dinner, he cited the resolution of the Cuban missile crisis of 1962 as an instance in which the United States left the Cuban people in the lurch by not invading Cuba.

"In the missile crisis, Kennedy and Khrushchev negotiated away the freedom of the people of Cuba," Mr. Basulto said. "We want Cuba to be free, and boy are we going to raise hell if this is another goof by an Administration."

TALLY

Fleeing Cuba

Cuban refugees picked up by the Coast Guard each day.



*As of 5 P.M. Eastern time.

Sources: Immigration and Naturalization Service, United States Coast Guard