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FBI says crashed Cuban plane probably hadn't been hijacked

Immigration officials unsure what to do with 8 survivors

KEY WEST, Fla. (AP) — The FBI said yesterday the Cuban plane that crashed in the Gulf of Mexico doesn't appear to have been hijacked, but the agency is withholding a final determination until it questions eight survivors still aboard the cargo ship that rescued them.

A ninth survivor, Rodolfo Fuentes, 36, was in a Key West hospital, where he was interviewed by U.S. authorities yesterday. He was airlifted from the Panamanian-flag freighter Chios Dream with severe head and neck injuries. Doctors said he is in stable condition and doing well.

"We still need to interview the people on the ship before we can rule out a hijacking," said Judy Orihuela, an FBI spokeswoman in Miami. "At this point, it doesn't appear to be a hijacking, but until we interview them we can't be sure."

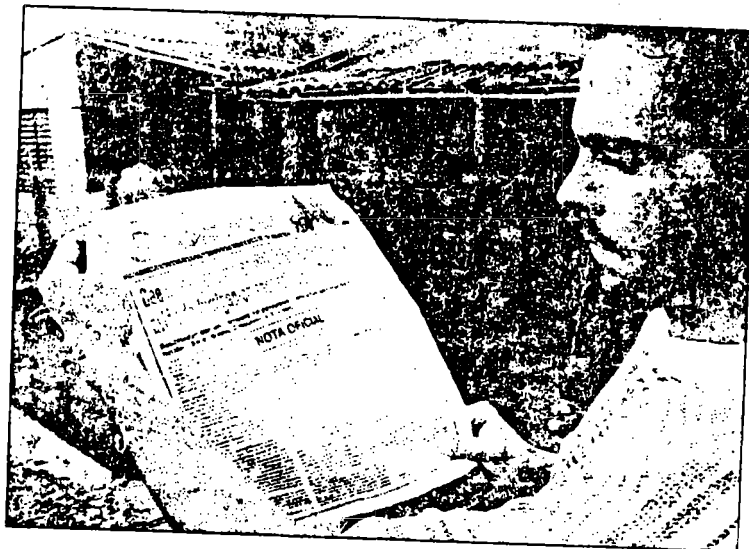
She said details of the Fuentes interview are being withheld until authorities finish the investigation.

Once the FBI determines if the plane was hijacked or flown from Cuba voluntarily, immigration officials will be able to determine whether the survivors should qualify for asylum in the United States. U.S. authorities have returned hijackers to Cuba for prosecution and have prosecuted some in this country.

A Coast Guard cutter is waiting near the rescue ship to take the survivors from the freighter for interviews as soon as the sea calms.

"If they pass the credible fear test, they will be taken to Guantanamo Bay (the U.S. base at the eastern end of Cuba). If they do not, they will be repatriated to Cuba," said Maria Cardona, a spokeswoman for the Immigration and Naturalization Service.

The credible fear test requires would-be immigrants to demonstrate a fear of persecution in their home country "based on nationality, race, religion, political opinion



Ramon Perez Venero, a neighbor of pilot Lenin Iglesias, reads about the crash of Mr. Iglesias' crop-dusting plane in the Cuban paper Granma.

or membership in a particular social group."

U.S. law lets Cubans apply for residency if they reach U.S. soil. Ordinarily, those who are picked up at sea are returned to Cuba, but authorities said it was too early to say what would be done.

When asked about the status of Mr. Fuentes, Miss Cardona noted that he is now on U.S. soil and eligible to stay.

A hospital executive said he had been told the eight survivors might be brought to a Key West hospital for evaluation to determine whether they should be admitted.

"The Coast Guard had told me earlier that they had a plan to bring in the eight people," said Ron Bierman, chief executive of the Lower Keys Medical Center. "Now they say they haven't made a decision yet. My hope is they give us some indication with reasonable amount of time to make arrangements."

A doctor from the nearby Carni-

val Cruise ship Tropicale initially treated the survivors onboard the freighter. In addition to Mr. Fuentes' injuries, one woman had a broken collarbone and another had a severe leg cut, Carnival spokesman Andy Newman said.

The Cuban government had said the pilot reported to the control tower that he was being hijacked and that the plane, a Russian-built government crop-duster, was en route to Florida with a group of adults and children.

A statement from the Cuban government, published yesterday in the Communist Party daily Granma, said that pilot Lenin Iglesias Hernandez apparently first took off in the plane at 7:35 a.m. Tuesday from a small airstrip for what appeared to be a routine crop-dusting flight. It said he flew to another airport, picked up a group of people waiting at the end of a runway, then took off again at 8:35 a.m.

Democratic senators use rules to protest judge-nominee stall

By Cheryl Wetzstein
and Audrey Hudson
THE WASHINGTON TIMES

Entertainment-media leaders were ready to face questions yesterday from the Senate Judiciary Committee about children and violent media.

But the executives were excused before they could take their seats at the hearing table after Senate Democrats, led by Sen. Carl Levin of Michigan, invoked a little-used rule that stopped all Senate hearings.

The Democrats acted to protest the Senate Judiciary panel's inaction on judicial nominees for U.S. Court of Appeals, aides said.

Too few nominees have been voted on, they said. So at about 11:30 a.m. yesterday, Mr. Levin, Sen. Charles S. Robb of Virginia and other unidentified Democrats, objected to a routine request to allow senators to conduct business off the Senate floor two hours after the daily session has begun.

If even one senator objects to the request, all hearings and other legislative activities must stop for the day.

Senate Judiciary Committee Chairman Orrin G. Hatch, Utah Republican, was waiting to hear from Jack Valenti of the Motion Picture Association of America, Hilary Rosen of the Recording Industry Association of America, and Doug Lowenstein of the Interactive Digital Software Association, when he learned that the hearings were canceled. He had no

choice but to adjourn and excuse the witnesses.

Mr. Hatch later told The Washington Times that it was sad that an important hearing had to be cut short "just because three senators are upset about their own judges."

"It's discouraging when we have a really good hearing set up that could make a difference and resolve problems surrounding the moral disruption of our children," Mr. Hatch said.

Many people in the entertainment industry are serious about solving problems with marketing adult entertainment to underage children, he said. But some senators aren't, and by shutting down the hearing, they "just laughed" about the problem, he said.

"I'm used to the rules around here and they have every right to [stop hearings]," Mr. Hatch said.

"I have to say that Senator Levin, for one, has indicated he would use everything in his quiver to get his cousin on the court," he added, referring to Judge Helene White, a nominee for the 6th Circuit Court of Appeals.

A spokeswoman for Mr. Levin said yesterday that Judge White, one of two Michigan judges awaiting confirmation hearings, was nominated by the White House in January 1997.

"Over two years later, in April 1999, Judge White was married to a cousin of Senator Levin," the spokeswoman said. "Court of Appeals appointments are White House appointments, and unlike District Court nominees, are not

selected by senators," she added.

Mr. Robb joined Mr. Levin in yesterday's objection because he is concerned about vacancies on the 4th Circuit Court of Appeals, his spokeswoman said.

Mr. Hatch disputed these assertions, saying that 773 judges have been confirmed during the Clinton administration, compared with 783 confirmations when President Reagan was in office.

Several nominees are "very controversial" and FBI background checks are incomplete on many of the nominees, he said.

"[Democrats] would rather play politics than do what's right," Mr. Hatch added. "Had they not pulled these tricks at the end, they may have gotten more than Reagan."

Yesterday's action by the Democrats was the second tactic used this week. On Monday, Senate Minority Leader Tom Daschle, South Dakota Democrat, blocked a unanimous consent agreement to allow a full Senate vote on four of Mr. Clinton's judicial nominees to draw attention to the Judiciary Committee's failure to confirm other Clinton nominees.

Yesterday's Judiciary Committee hearing was in response to a Federal Trade Commission (FTC) report that found the entertainment industry is marketing violent videos, music, movies and video games to underage children.

The committee was considering whether Congress should pass an antitrust exemption to allow entertainment companies to create a "code of conduct."

THE ~~WHITE~~ HOUSE

9/20

TO: Maria Echaveste
Jake Sievert
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FR: Sean 67074

RE: This was faxed to
us by the USCB.
As updates occur,
we will continue
to forward around.

cc: Kris Balderston

Coast Guard News

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****WORKING DRAFT****

Release No. 09-16
 Contact: Public Affairs Office

Sept. 20, 2000
 For Immediate Release

Transfer of survivors from downed plane delayed

The transfer of eight survivors from the downed aircraft 60 miles west off the coast of Cuba, is scheduled to take place this morning has been delayed until tonight at 8 p.m. The delay is due to rough weather on scene, consisting of four- to eight-foot seas and winds gusting to 25 knots.

Once the transfer from the Motor Vessel *Chios Dream* to the Coast Guard Cutter *Courageous* is completed, FBI and immigration officials will conduct interviews to determine the status of the survivors.

The *Chios Dream* recovered the nine survivors and one deceased male from the water, 240 miles southwest of Key West, Fla.

The Coast Guard Cutter *Courageous* will continue to provide safe, comfortable care for the survivors until a U.S. Government decision is made.

-uscg-

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THE WHITE HOUSE

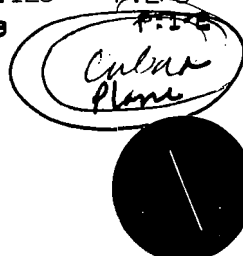
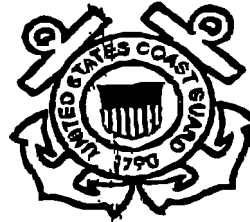
9/21

TO: Maria Echaveste
Jabe Siewert
Nancy McFadden
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Mara Rudman
cc: Kris Balderston
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67074

RE: This is the release
the USCG put out
yesterday.

Coast Guard News

Seventh Coast Guard Public Affairs Office
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Release No. 09-17
Contact: Public Affairs Office

Sept. 20, 2000
For Immediate Release

Medevac of remaining survivors from downed plane underway

The Coast Guard, with concerns for the medical condition of the remaining survivors, has decided to medically evacuate the eight Cubans to Coast Guard Group Key West for further transfer to Florida Lower Keys Hospital today. The medevac is scheduled to be completed at approximately 10 p.m.

A Coast Guard helicopter crew flew a Navy flight surgeon to the *Chios Dream* about 2 p.m. today to further evaluate the condition of the survivors. The flight surgeon's recommendations are that the eight survivors are stable but should be seen by medical personnel once the *Chios Dream* reaches Key West Fla.

The Coast Guard Cutter *Nantucket* from Station Key West was dispatched to the *Chios Dream* to transfer the survivors to awaiting Emergency Medical Services Personnel.

The Coast Guard Seventh District Command center received a call yesterday from Miami Center at approximately 10:40 a.m. of a plane, an Antonov AN-2, that had been allegedly hijacked in Cuba and was headed west towards the Yucatan Peninsula.

At 10:50 a.m., the Coast Guard Command Center received another report from the U.S. Customs Service that the plane may have gone down in the water, 60 miles southwest of Marquesas Key, Fla. There were reportedly 18 people on board. The Coast Guard immediately responded with all available assets.

The Coast Guard Cutter *Monhegan*, a 110-foot patrol boat homeported in Key West, Fla., arrived on scene at 1 p.m. The Coast Guard Cutter *Nantucket*, a 110-foot

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TO: 913052928739

P: 2/2

patrol boat from Key West, and the Cutter *Courageous*, a 210-foot ship from Panama City, Fla., were also diverted to the area.

A Coast Guard HU-25 Falcon jet from Air Station Miami arrived on scene at 12:15 p.m. and completed its first search area with no results. A C-130 from Air Station Clearwater also was sent to the scene, while three HH-65 Dolphin and one HH-60 Jayhawk helicopter were sent to Naval Air Station Key West and placed on a ready-launch status to respond to any sightings from the planes.

Also at 12:15 p.m., the Coast Guard received a report of a second possible search site where the plane might have gone down. The C-130 was diverted to this location, latitude 22-32 N, longitude 85-32 W, where the pilot had first reported the alleged hijacking.

At approximately 12:30 p.m., the *Chios Dream* called the Coast Guard reporting they had found survivors and wreckage in the water. They recovered the nine survivors and one deceased victim approximately 60 miles west of the west end of Cuba, at latitude 22-20 North and longitude 85-35 West. The Coast Guard C-130 continued to remain on scene to coordinate Coast Guard operations and communications with the *Chios Dream*.

The nine survivors included three men, three women and three children. The one deceased was a male adult. Reports from the survivors indicated that no others were on board the downed plane - that there were only 10, not 18 as had been originally reported.

Chios Dream then rendezvoused with the Carnival Cruise Ship *Tropicale*. The *Tropicale* was 15 miles away from the *Chios Dream*'s location and agreed to transfer the ship's doctor to the *Chios Dream* where he examined and stabilized the survivors until the Coast Guard helicopter arrived. From his reports, one male survivor who had severe head and neck trauma should be medically evacuated. The Coast Guard HH-60 Jayhawk helicopter arrived on scene at approximately 9:15 p.m., performed a hoist of the injured man, and flew him back to Key West Airport and landed at 10:35 p.m., where he was transferred by ambulance to Florida Lower Keys Hospital.

At 10:30 p.m., the Coast Guard Cutter *Nantucket* arrived on scene. At 11:15 p.m., a four-member boarding team from the *Nantucket* boarded the *Chios Dream*, where they conducted search and rescue debriefs throughout the night.

The *Courageous* is a 210-foot medium endurance cutter from Panama City, Fla.

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Los Angeles Agrees to Changes for Police

By TODD S. PURDUM

LOS ANGELES, Sept. 20 — Bowing to the inevitable, Los Angeles city officials have agreed to accept a federal court agreement that would require a series of long-sought changes in police management and training to head off a threatened civil rights lawsuit over what the Justice Department has called a systemic pattern of abusive conduct by officers here.

The City Council voted 10 to 2 on Tuesday to accept a binding federal consent decree, after Mayor Richard J. Riordan rescinded his threat of a veto and Police Chief Bernard C. Parks reluctantly dropped his opposition. Mr. Riordan won office in 1993 on a pledge to expand the police department and did so, only to find himself over the past year facing the threat of the lawsuit, plus a separate local investigation into police corruption and evidence-tampering that amounts to the worst such scandal in decades.

The agreement, which has yet to be given final approval by the Justice Department and a federal court, would require the department to collect data on the race of people stopped by officers in an effort to determine the extent of racial profiling, install a computerized tracking system to track complaints and disciplinary actions against officers, strengthen the civilian board of commissioners that oversees the police and create a special department unit to investigate shootings and use of force by officers.

"I think it's just terrific as a first step to police reform," said Erwin Chemerinsky, a constitutional law professor at the University of Southern California and the author of a report for the police union that recommended accepting the consent decree and adopting similar changes.

"My only caution is that it's just a first step," Professor Chemerinsky said. "I think it's very important that this not be the occasion for declaring victory and moving on, because there's a lot it doesn't do."

Indeed, police conduct has been a major civic and political issue here at least since the videotaped beating of the motorist Rodney G. King in 1991 and a subsequent inquiry by Warren M. Christopher, which recommended broad changes in police

management, some of which, like the tracking system for problem officers, have been delayed and argued over since. One goal of the threatened lawsuit, which federal officials announced in May, has been to force such changes now.

Bill Lann Lee, assistant attorney general for civil rights, expressed satisfaction at the vote. "This is yet another positive step, and we look forward to working with the negotiating team to reach a final agreement," Mr. Lee said in a statement.

The Justice Department has been conducting its inquiry since 1996, centering on excessive use of force by officers. It is operating under a 1994 federal law inspired by the King beating and the 1992 riots sparked by

judge. But Mr. Riordan, a Republican, and Mr. Parks had bitterly resisted any measure that smacked of ceding local control and resisted collecting data on racial profiling. Mr. Riordan agreed to support an agreement as long as it included language aimed at ensuring that city officials would retain management of the department, that paperwork for officers would be minimized and that the consent decree would expire after five years unless the Justice Department sought to extend it.

Officially, the department reports to a board of civilian commissioners appointed by the mayor, but it has long enjoyed an unusual degree of autonomy and regularly resisted civilian oversight. Voters approved creation of the office of an inspector general, recommended by Mr. Christopher's commission, to review department conduct, but the first two incumbents in that post complained that the department resisted requests for documents and data.

"The real question about the consent decree is will Parks comply," said Joe Domanick, the author of "To Protect and to Serve," a 1994 history of the department. "Because it goes against his entire professional and temperamental grain. But I do think it'll have to be a bit different now, because if the chief doesn't comply, then the monitor can take the department to federal court and order him to comply."

Among elements the Justice Department has said would be part of an agreement are tightened controls of the police units that monitor gangs, stricter guidelines for the use of confidential informants and a campaign of "community outreach" aimed at restoring public confidence.

Since last fall, the city has been shaken by a police corruption scandal that came to light after a rogue former officer in an antigang unit confessed to shooting an unarmed suspect and leaving him paralyzed, then testifying falsely at trial to send him to jail. More than 100 convictions have been thrown out by judges and prosecutors and 20 officers have left active duty. Officials say they expect more than 250 lawsuits to be filed by people wrongly accused of crimes, with potential legal costs to the city running into the hundreds of millions of dollars.

Monitoring for a force accused of corruption and brutality.

the acquittal of officers in the case.

The law authorizes federal prosecutors to go to court to force changes in the operations of local departments if it finds a "pattern and practice" of misconduct. Los Angeles would be the largest city to come under such supervision but the Justice Department has already reached consent decrees with police departments in Pittsburgh and Steubenville, Ohio, and with the New Jersey State Police, where the aim was to bar racial profiling in traffic stops by troopers. The United States attorney's office in Brooklyn has amassed what officials call evidence of systemwide problems in the New York Police Department's handling of brutality complaints, and the office is pressing New York for changes with the threat of a similar suit.

The city attorney and a majority of the Democratic-controlled City Council here, many of whose members have been seeking changes in the police department for years, had favored a consent decree, which would be overseen by an independent monitor and supervised by a federal

Survivors of Cuban Plane Crash May Apply for U.S. Residency

By RICK BRAGG

MIAMI, Sept. 20 — Eight Cuban survivors of a plane crash in the Gulf of Mexico were being taken today to Key West for medical evaluation, a move that is likely to allow them to remain in the United States.

United States Coast Guard officials decided late this evening to take the eight Cubans to hospitals in Key West so they could be treated for their injuries and evaluated by doctors, a spokesman for the Immigration and Naturalization Service said.

Once the eight Cubans set foot on United States soil, they can legally apply for political asylum. A ninth survivor is already being treated in Key West for head and neck injuries, and is expected to be moved, perhaps as early tonight, to be with friends and relatives in Miami.

The decision to allow the Cubans off a Coast Guard vessel and onto American soil was made according to what Greg Gagne, a spokesman for the immigration agency, called medical necessity.

Ten people in all were inside the small crop-duster plane when it took off from western Cuba on Tuesday and then crashed into the Gulf of Mexico. The crew of the cargo ship Chios Dream pulled all 10 from the water, including one man with serious head injuries who was flown to a hospital in Key West for treatment at a hospital and one man who was killed in the crash.

Earlier reports from American authorities had led many here in Miami's Cuban-American community to believe that the eight remaining passengers, none of them with life-threatening injuries, would not be transferred to American soil any-

time soon — or at best, that they would be taken to the United States Naval Base at Guantanamo Bay, Cuba, where their requests for political asylum would be heard. But Coast Guard officials apparently decided that all eight of the remaining crash survivors needed medical attention.

The decision at least appears to head off another confrontation between the Clinton administration and Miami's Cuban-Americans, who had clashed over the Elián González custody case.

"The Coast Guard has decided to go ahead and medically evacuate the remaining eight Cuban migrants from the Chios Dream," Petty Officer Scott Carr said, referring to the cargo ship. "We made the recommendation that all the people would

be brought in to the hospital so they could be checked out medically."

The survivors were transferred from the cargo ship to the cutter Nantucket. Once on land, they were to be taken to Florida Lower Keys Hospital, Petty Officer Carr said.

Earlier in the day, Representative Lincoln Diaz-Balart and Representative Ileana Ros-Lehtinen, both Re-

publicans from South Florida, and the politically powerful Cuban American National Foundation sent letters to the Clinton administration asking that the nine survivors be granted political asylum.

"Certainly they will face persecution in Cuba for their involvement in such a high-profile and risky attempt to flee the island," wrote Mr. Diaz-Balart and Ms. Lehtinen, referring to early news reports that the plane was hijacked from an airfield in Cuba.

The plane circled the Chios Dream and crashed about 50 miles west of

Cuba and 150 miles east of the Yucatan peninsula.

The injured man, who identified himself to hospital officials as Rodolfo Fuentes, 36, suffered a concussion, and was airlifted to a Key West hospital. He was interviewed today by the authorities.

Relatives in Miami said Mr. Fuentes was traveling with his wife, Lilliana Ponzao, 36, and their son, Andy, 6.

Coast Guard officials had not released the name of the dead man.

The Federal Bureau of Investigation said today that the Cuban plane did not appear to have been hijacked, as Cuban officials said the pilot had reported, but the agency was withholding a final determination until it

questioned the other survivors.

Once the F.B.I. determines whether the plane was hijacked or flown from Cuba voluntarily, immigration officials will be able to determine if the survivors should qualify for asylum.

A statement from the Cuban government, published today in the Communist Party daily Granma, said that the pilot, Lenin Iglesias Hernandez, apparently first took off in the plane at 7:35 a.m. on Tuesday from a small airstrip for what appeared to be a routine crop-dusting flight.

The statement said he flew to another airport, picked up a group of people waiting at the end of a runway, then took off again at 8:35 a.m.

Cuba

NETHERCUTT COMPROMISE LEGISLATION

- Would require the President to provide 60 day advance notice to Congress AND obtain a joint resolution of approval BEFORE imposing sanctions;
 - This means, for example, that the President would need to make public his intent and wait months before he could gain Congressional approval if he decided to impose these sanctions on the Taliban.
- Prohibits any trade financing on exports to Cuba or Iran; Prohibition on financing could prohibit some current financing of people-to-people initiatives with Cuba;
- Prohibits travel to Cuba related to “tourist activities,” but definition of “tourist activities” is extremely broad and could pull in travel currently permitted, such as for medical emergencies, travel related to lawsuits, and perhaps family travel.
- Would terminate all existing sanctions immediately, and any new sanctions after a period of two years;
- The list of exceptions that would permit the President to impose sanctions is too narrow – does not, for example, include when there is a risk of hostilities;
- The commodity definition for food and medical devices is extremely broad – could include cotton, wood, and even possibly fertilizer and some equipment – think about its application again in the context of providing this material to the Taliban;
- Terrorism provisions would require us to impose sanctions/licensing regime on North Korea – for which we have just lifted sanctions – and Syria, for which we do not currently have trade sanctions. Also requires stricter licensing regime in some respects than current food and medicine policy for Iran;
- Would prevent any additional easing of import sanctions on Iran – without a change in law -- even if Iran takes positive steps to improve its behavior;
- Applies sanctions to all countries on the terrorism list as of June 1, 2000. This does not permit lifting of the sanctions if the countries are removed from that list – takes away an incentive for countries to improve their behavior.