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DIARIO LAS AMÉRICAS

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Jueves 22 de Agosto de 1996

La Ley Helms-Burton y los Cincuenta Años en que EE.UU. Defendió la Libertad de Europa

En su visita a la Dirección de DIARIO LAS AMERICAS el martes 20 de agosto, el Embajador Especial del Presidente Clinton para el caso cubano y la Ley Helms-Burton, Stuart Eizenstat, entre varias importantes declaraciones formuladas sobre sus actividades, expresó lo siguiente: "Los Estados Unidos han pasado cincuenta años defendiendo la libertad y la democracia en Europa. Es justo que ahora, cuando los Estados Unidos tratan de combatir al régimen cubano, el único régimen opresivo que queda en el Hemisferio Occidental, Europa, integrada por países aliados nuestros, nos ayude a restablecer la libertad en la nación cubana."

El señor Eizenstat expresó a DIARIO LAS AMERICAS, en unión del prestigioso ex presidente de la Comisión de Relaciones Internacionales del Congreso estadounidense por muchos años, Dante Pasco, los motivos que lo llevan a entrevistarse con cubanos del exilio, a visitar Canadá y México y a hacer gestiones en favor de la Ley Helms-Burton en Europa, donde él tiene muy buenos vínculos por haber sido delegado estadounidense a la Unión Europea.

Mucha razón tiene el alto funcionario estadounidense para recordar esa ayuda extraordinaria, decisiva y definitiva que le dio el gobierno de Washington a Europa durante más de cincuenta años para defender su libertad cuando estaba mortalmente amenazada, primero por la Alemania de Hitler y por la Unión Soviética después. Si no hubiese habido esa participación absolutamente necesaria de los Estados Unidos en la defensa de Europa, con sus millones de soldados, con su inmensa cantidad de muertos y con una contribución astronómica para la guerra y para la paz, la Alemania de Hitler habría hecho tabula rasa con esa Europa que hoy no quiere respaldar la Ley Helms-Burton. Asimismo, después de la Segunda Guerra Mundial la Unión Soviética habría avanzado sobre toda Europa convirtiéndola en naciones satélites, como ocurrió en la Europa Central.

Los estadistas y los dirigentes europeos que realmente se sientan identificados con la causa de la libertad universal, deben pensar en la tremenda injusticia que representa no ayudar al pueblo cubano a restablecer sus instituciones democráticas y la vigencia de sus derechos humanos, todo lo cual ha sido secuestrado durante más de treinta y siete años por la tiranía totalitaria marxista-leninista de Fidel Castro.

Aunque no hubiese ese compromiso moral y político de Europa con los Estados Unidos por los mencionados cincuenta años y más de defensa estadounidense, la sola causa de la libertad y de los derechos humanos debería estimular a los europeos a hacer todo lo posible, eliminando argumentos más o menos artificiales, para que el pueblo de Cuba se reintegre al concierto de las naciones libres.

The Helms-Burton Act and the Fifty Years the U.S. Defended Europe's Liberty

During his visit to DIARIO LAS AMERICAS on Tuesday, August 20th, President Clinton's Special Ambassador on the Cuban case and the Helms-Burton Act, Stuart Eizenstat, speaking about his activities said that "The United States has been defending liberty and democracy in Europe for fifty years. It is right that now, when the United States tries to combat the Cuban regime, the only oppressive regime left in the Western Hemisphere, Europe, integrated by countries that are our allies, helps us to restore freedom in the Cuban nation."

Mr. Eizenstat, together with the distinguished former Chairman of the Foreign Relations Committee of the U.S. Congress, Dante Pasco, expressed to DIARIO LAS AMERICAS the reasons why he is meeting with some Cuban exiles, visiting Canada and Mexico, and trying to get support for the Helms-Burton Act in Europe, where he has very good relationships developed while he was an American delegate to the European Union.

The high-ranking American official is very right in recalling the extraordinary aid, crucial and definitive, that the U.S. government gave Europe for more than fifty years to defend her liberty when such liberty was threatened to death, first by Hitler's Germany, and later by the Soviet Union. Had it not been for that absolutely necessary participation of the United States in Europe's defense, with millions of troops, with huge numbers of casualties, and with astronomical financial contributions for war and for peace, Hitler's Germany would have made mincemeat of that Europe which today refuses to support the Helms-Burton Act. Likewise, after World War II, the Soviet Union would have advanced over the whole of Europe turning it into a group of satellite nations, just as it did in Central Europe.

Both European statesmen and leaders who really feel identified with the cause of universal freedom, should think about the tremendous injustice it represents not to help the Cuban people to restore their democratic institutions and uphold human rights, all of which have been done away with for more than thirty-seven years by the Marxist Leninist totalitarian tyranny of Fidel Castro.

Even if such moral and political obligation on the part of Europe toward the United States because of those fifty and more years of American defense did not exist, indeed the cause of freedom and human rights should compel the Europeans to do everything possible, eliminating more or less artificial excuses, so that the Cuban people may return to the concert of free nations.

Editorial / Miami / 8/22/96

los consejos. El nuevo alcalde ejecutivo, en

Ketty Gort seleccionada para darle la bienvenida al Presidente Bill Clinton

Por VIVIAN CRUCET

La reconocida fotógrafa de Miami Ketty Gort está entre las diez personas escogidas en Miami para darle la bienvenida al Presidente de EE.UU. cuando estuvo en Miami este jueves en visita de campaña por la Florida y a su llegada al Aeropuerto Internacional de Miami.

El primer dignatario estuvo en Tampa, Sunrise y Miami como parte de su recorrido nacional para conseguir votos. Además, según las encuestas, el Presidente Clinton se encuentra en ventaja en nuestro Estado.

Su primera escala fue en Tampa donde emitió un discurso en Hillsborough High School y tuvo un almuerzo privado antes de dirigirse a nuestra ciudad.



BILL CLINTON

Clinton llegó a Miami las 2:00 de la tarde y su visita estuvo limitada solamente a una recepción privada de recaudación en



KETTY GORT

el hotel Sheraton de Bal Harbour en la tarde del jueves. De ahí,

(Pasa a la Pág. 2B, Col. 1)

Date: 07/16/96 Time: 11:23

CIn seeking a compromise, Clinton hopes to buy enough time to

In seeking a compromise, Clinton hopes to buy enough time to persuade allies not to retaliate against the United States. Refusing to impose the sanctions could have cost him key Cuban-American votes in Florida and New Jersey, two key states in his re-election bid.

The White House planned to announce the decision this afternoon, but Republican rival Bob Dole prodded Clinton hours before the decision to enforce the sanctions against Cuba.

"President Clinton's continued indecision until the last possible moment demonstrates, once again, that this president is rudderless when it comes to standing up for American principles around the world," Dole said. "Allowing American citizens whose property was illegally stolen by the Castro regime to use American courts to seek justice is the right thing to do."

MORE

APNP-07-16-96 1130EDT

Date: 07/16/96 Time: 11:20

CWASHINGTON (AP) In a decision fraught with political and

WASHINGTON (AP) In a decision fraught with political and diplomatic consequences, President Clinton moved today to impose tough anti-Cuba sanctions that could spark a dispute with U.S. allies, an administration official said.

But the official, speaking on condition of anonymity, said Clinton would seek to temper the decision by imposing a six-month delay on lawsuits against foreign firms using property in Cuba confiscated from Americans.

MORE

APNP-07-16-96 1126EDT

Date: 07/16/96 Time: 11:24

UThe source says Clinton will order a six-month delay on lawsuits

The source says Clinton will order a six-month delay on lawsuits against foreign companies that use American property seized in Cuba. European countries have threatened retaliation for any sanctions.

APNP-07-16-96 1130EDT

Date: 07/16/96 Time: 11:22

UWashington) -- A Clinton administration source says the

(Washington) -- A Clinton administration source says the president will impose tough anti-Cuba sanctions, but on a delayed basis.

APNP-07-16-96 1128EDT

Date: 07/16/96 Time: 11:11

ASource says Clinton will invoke Cuba sanctions with six-month

Source says Clinton will invoke Cuba sanctions with six-month delay in filing lawsuits.

APNP-07-16-96 1117EDT

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Viernes 12 de Julio de 1996

Clinton Should not Suspend Title III of the Helms-Burton Act

In accordance with the Helms-Burton Act the president of the United States of America, Bill Clinton, may—but he should not—on July 15th suspend for six months the enforcement of Title III of said law which is of significant importance for this legal instrument to be really effective against the foreign businessmen or manufacturers who are doing business in Cuba with American-owned properties or companies that were confiscated by the Marxist-Leninist tyranny of Fidel Castro.

The president did the right thing when he approved the Helms-Burton Act in just reprisal to the brutal attack on February 24th against two unarmed planes of Brother to the Rescue murdering four young Cuban men. But it would not be seen in a favorable light that he suspends the application of Title III thus precluding its enforcement on November 1st. This Title III is subject to presidential suspension every six months and it is, we repeat, what could actually put pressure on the Castro tyranny for the true democratization of the tormented Cuban nation.

If the mechanisms for the legal claims can not be set into motion on November 1st against the theft of American properties by the Cuban tyranny, the effects of the mentioned law would be extremely weak although it has other aspects that are detrimental for Castro, but not to the point deserved by his international crimes and against the Cuban people.

The president must be firm and confront the pressures of the communists, of the terrorists and of the business people for whom everything revolves around their profits. These elements, as everyone knows, are vividly interested, frantically interested, in that the mentioned Title III be suspended and that no judicial action be started in the United States of America against the businessmen and entrepreneurs who have knowingly benefited from the plundering by the Castro tyranny of the properties of American citizens, among which there are also many of Cuban origin.

President Clinton has to act consistently with what he has said regarding the quest for true liberty for the Cuban people. He has to conform to what was said in Miami by Ambassador Madeleine Albright in front of 60,000 people in the Orange Bowl and he should also act consistently with what has been said by Ambassador Rabbitt, representing the Washington Government at the Organization of American States.

President Clinton must show his sincerity and his courage so that this law may achieve its goals to the benefit of the liberty and democracy of the Cubans and of his own political prestige.

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President Clinton has to act consistently with what he has said regarding the quest for true liberty for the Cuban people. He has to conform to what was said in Miami by Ambassador Madeleine Albright in front of 60,000 people in the Orange Bowl and he should also act consistently with what has been said by Ambassador Babbi representing the Washington Government at the Organization of American States.

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3 of 3

Tied in knots

The urgencies of election-year politics and an unexpected new Cuba crisis have compelled President Clinton to cut an unwise deal with Congress. The White House apparently has agreed to sign off on the Helms-Burton bill. It's allegedly crafted to tighten the embargo against Cuba in such a way that its tougher sanctions will speed Fidel Castro's demise and bring free democratic rule to Cuba. Castro's Feb. 24 destruction of two unarmed American airplanes has manipulated Mr. Clinton into adopting legislation that he had threatened to veto just a few months ago. The president's Republican rivals had carped that the sanctions that he announced against Cuba after the shoot-down were too weak. In fact, short of military force, he did about all that he unilaterally could have done without hurting the Cuban people more than the Castro regime.

Now, in agreeing to sign the Helms-Burton measure, which is emerging out of White House negotiations with House-Senate conferees, the president soon may find himself tied in knots. The principal reason is a misguided last-minute amendment that converts into law all executive orders issued pursuant to the U.S. embargo.

This would strip Mr. Clinton, and succeeding presidents, of authority to extend, revise, or cancel a given executive order. Instead, any changes would require Congress's approval. Mr. Clinton thus would yield to Congress an important presidential prerogative to set U.S. foreign policy.

The president's opportunistic endorsement of the latest version of Helms-Burton after Cuba's barbaric downing of the two Cessnas does not alter the legislation's shortcomings:

■ Its strategy of big stick, tiny carrot could cost Fidel Castro's regime some foreign investment. But it would make the Cuban people's miserable living conditions even grimmer without encouraging the sort of liberalization that existing U.S. law — namely

AN UNWISE BILL

Helms-Burton is no way to set U.S. foreign policy. The president ought to veto the legislation.

the Cuban Democracy Act — already encourages.

■ Under Helms-Burton, the strict conditions that Cuba has to meet before any U.S. administration can normalize relations with a post-Castro

government are so stringent that most American allies could not meet them as they are written. Helms-Burton thereby effectively could exclude a post-Castro Cuba from the benefits of U.S. credits, lowered trade barriers, etc.

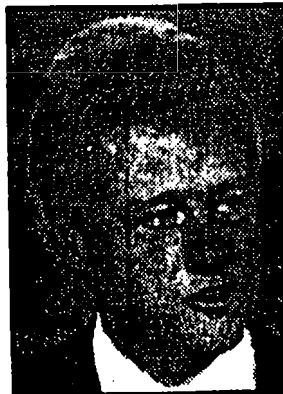
■ The bill places extraterritorial U.S. restrictions on Canadian and Mexican trade with Cuba. These strictures could imperil the terms of the North American Free Trade Agreement.

■ Finally, the bill's Title III presents constitutional and practical pitfalls. Title III seeks to dissuade foreign investors from cutting deals with Castro's regime by allowing U.S. citizens whose properties the regime confiscated to sue in federal courts the foreign corporations and governments that acquire these properties.

Title III may be unconstitutional because it permits lawsuits in U.S. courts over actions that occurred outside U.S. borders and that involved persons who were not then U.S. citizens. Worse, the bill permits U.S. authorities to deny entry to this country to any foreigner "trafficking" in these Cuban properties. Even if this proviso doesn't trash the Constitution, it easily could clog the federal courts — including the already-overburdened, Miami-based U.S. District Court for the Southern District of Florida.

As a sop, congressional conferees agreed to give the president authority to suspend the lawsuit provisions every six months. This escape clause appears to have given Mr. Clinton a pretext to support the bill.

Either way, the bill does not do what its supporters claim. The president should not support Helms-Burton based on election-year urgencies and Castro's criminal recklessness. That's no way to set foreign policy.



Clinton

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CANADA ANUNCIA REPRESALIAS CONTRA EEUU POR HELMS-BURTON

OTTAWA, JUL 16 (REUTER) - CANADA SE DECLARO HOY SATISFECHA POR LA DECISION DEL PRESIDENTE ESTADOUNIDENSE, BILL CLINTON, DE DEMORAR LA IMPLANTACION DE PARTE DE LA LEY HELMS-BURTON CONTRA CUBA, PERO DIJO QUE SEGUIRA DESARROLLANDO SU PROPIA LEGISLACION PARA COMBATIR LA LEY.

"NECESITAMOS ASEGURARNOS DE QUE ESTA DECISION NO SEA REVERTIDA UN DIA DESPUES", DECLARO A LA PRENSA EL MINISTRO CANADIENSE DE COOPERACION INTERNACIONAL, PIERRE PETTIGREW.

"EL GOBIERNO SEGUIRA CON SU DECISION DE CONTRARRESTAR LOS EFECTOS EXTRATERRITORIALES DE LA LEY PARA EL BENEFICIO DE LAS EMPRESAS CANADIENSES EN CASO DE QUE SEA REVERTIDA LA DECISION DEL PRESIDENTE", AGREGO.

PETTIGREW PRECISO QUE EL MINISTRO DE COMERCIO, ART EGGLETON, REVISARA LA DECISION DE CANADA DE PRESENTAR EL CASO ANTE UN PANEL DE SOLUCION DE DISPUTAS EN EL MARCO DEL TRATADO DE LIBRE COMERCIO (TLC) DE AMERICA DEL NORTE Y DECIDIRA CUAL SERA EL PROXIMO PASO QUE TOMARA EL PAIS.

LA FECHA MAS CERCANA EN QUE CANADA PODRIA LLEVAR LA LEY ANTE EL PANEL DEL TLC SERIA EL 29 DE JULIO.

EGGLETON DIO LA BIENVENIDA A LA DECISION DE ESTADOS UNIDOS, PERO DIJO A LA PRENSA QUE "ELLOS (ESTADOS UNIDOS) AUN NOS ESTAN APUNTANDO A LA CABEZA CON UNA PISTOLA".

ANADIO QUE LA LEGISLACION CANADIENSE PARA RESPONDER A LA HELMS-BURTON SEGUIRA SU CAMINO PARA CONVERTIRSE EN UNA LEY ESTE AÑO.

"AUN TENEMOS PREVISTO APROBAR LA LEY EN EL OTONO (AUSTRAL), PERO ESPERAMOS QUE NO SE USE NUNCA. ESTO DEPENDE DE SI LA HELMS-BURTON SE APLICA", INDICO EGGLETON.

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CUBA-EEUU-(ANALISIS)

CLINTON QUEDA BIEN CON DIOS Y EL DIABLO EN CASO CUBANO

POR ORLANDO LIZAMA

MIAMI, MESA DE REDACCION, JUL 16 (REUTER) -- EL PRESIDENTE DE ESTADOS UNIDOS, BILL CLINTON, TRATO HOY DE QUEDAR BIEN CON DIOS Y CON EL DIABLO AL TOMAR UNA DECISION DE COMPROMISO RESPECTO A LA LEY HELMS-BURTON DE SANCIONES CONTRA CUBA, DIJERON ANALISTAS.

EL MANDATARIO AFIRMO, A TRAVES DE SU PORTAVOZ, QUE AUTORIZARA A ESTADOUNIDENSES QUE SUFRIERON CONFISCACIONES EN CUBA A DEMANDAR A EMPRESAS EXTRANJERAS QUE "TRAFIQUEN" CON SUS ANTIGUAS PROPIEDADES EN LA ISLA.

PERO, POR OTRA PARTE, CLINTON POSTERGO HASTA FEBRERO LA APLICACION DEL TITULO III DE LA LEY QUE ESTABLECE LA POSIBILIDAD DE PRESENTAR LAS QUERELLAS ANTE LOS TRIBUNALES.

EL PORTAVOZ PRESIDENCIAL, MICHAEL MCCURRY, DIJO QUE LA DECISION DE CLINTON APUNTA A ALENTAR A ALIADOS EXTRANJEROS A TRABAJAR CON ESTADOS UNIDOS PARA "ACELERAR CAMBIOS EN CUBA".

CLINTON "PERMITIRA QUE EL TITULO III (DE LA LEY HELMS-BURTON) ENTRE EN EFECTO. AL MISMO TIEMPO, SUSPENDERA EL DERECHO A PRESENTAR DEMANDAS POR SEIS MESES", DIJO MCCURRY EN UNA CONFERENCIA DE PRENSA.

"DURANTE ESOS MESES LA CASA BLANCA BUSCARA NEGOCIAR CON LOS ALIADOS EXTRANJEROS PARA REFORZAR SU POLITICA CONTRA EL GOBIERNO COMUNISTA DE CUBA Y DARA TIEMPO A LAS EMPRESAS QUE TIENEN INVERSIONES A SALIRSE DE LA ISLA", DIJO UNA FUENTE LEGISLATIVA EN WASHINGTON.

"DICHO DE OTRA MANERA, NI LO UNO NI LO OTRO SINO TODO LO CONTRARIO", EXPRESO UNO DE LOS ANALISTAS EN MIAMI.

LISANDRO PREZ, PROFESOR Y DIRECTOR DEL INSTITUTO DE INVESTIGACIONES CUBANAS DE LA UNIVERSIDAD INTERNACIONAL DE LA FLORIDA, EN MIAMI, INDICO QUE CON SU DECISION EL MANDATARIO CONSIDERO LAS PRESIONES POLITICAS INTERNAS Y LA OPINION DE LOS ALIADOS COMERCIALES DEL PAIS QUE CRITICAN ABIERTAMENTE LA LEY.

"ERA UNA DECISION DIFICIL POLITICAMENTE PARA CLINTON. TENIA QUE TOMAR EN CUENTA LAS CRITICAS DE MXICO, CANADA Y LA COMUNIDAD EUROPA QUE HABIAN AMENAZADO CON TOMAR REPRESALIAS COMERCIALES MUY SERIAS", EXPRESO.

ESOS PAISES INDICARON QUE ESTADOS UNIDOS ESTARIA EN ABIERTA INFRACCION DE LAS LEYES INTERNACIONALES AL APLICAR EN FORMA EXTRATERRITORIAL LA LEY HELMS-BURTON, QUE CLINTON FIRMO A COMIENZOS DE ESTE AÑO CUANDO CAZAS CUBANOS DERRIBARON DOS AVIONETAS TRIPULADAS POR ELEMENTOS ANTICASTRISTAS EN EL ESTRECHO DE LA FLORIDA.

LA LEGISLACION, QUE ENDURECIO EL ANTIGUO EMBARGO ECONOMICO DE ESTADOS UNIDOS CONTRA CUBA, APUNTA A AHUYENTAR A LOS INVERSIONISTAS EXTRANJEROS DE LA ISLA.

LA LEY HELMS-BURTON CUBRE LOS ACTIVOS COMERCIALES CONFISCADOS TANTO A ESTADOUNIDENSES COMO A CUBANOS QUE LUEGO ADOPTARON LA CIUDADANIA ESTADOUNIDENSE.

TRAS LLEGAR AL PODER EN UNA REVOLUCION EN 1959, EL PRESIDENTE CUBANO, FIDEL CASTRO, NACIONALIZO LAS PROPIEDADES DE CASI 6.000 CIUDADANOS Y EMPRESAS ESTADOUNIDENSES.

SEGUN CALCULOS DEL GOBIERNO DE ESTADOS UNIDOS, ESOS ACTIVOS VALDRIAN ACTUALMENTE UNOS 6.000 MILLONES DE DOLARES.

POR OTRA PARTE, CLINTON CONSIDERO LA IMPORTANCIA QUE TIENEN LOS VOTOS DE LA COMUNIDAD CUBANO-AMERICANA Y ANTICASTRISTA DE LOS ESTADOS DE LA FLORIDA Y NEW JERSEY QUE PUDIERAN SER VITALES EN SUS ASPIRACIONES DE RESULTAR REELECTO EN LOS COMICIOS DE NOVIEMBRE.

"LO QUE HA HECHO CLINTON AHORA HA SIDO MEDIATIZAR LA SITUACION Y QUITARSE EL PESO DE ENCIMA. NADIE VA A QUEDAR ABSOLUTAMENTE FELIZ NI NADIE VA A QUEDAR ABSOLUTAMENTE CONTENTO", DIJO PREZ.

"CLINTON, CONSISTENTE EN SU CARACTERISTICA DE NO PERDERLAS TODAS POLITICAMENTE, ENCONTRO LA MANERA DE DEJAR ESTA DECISION PARA DESPUES DE LAS ELECCIONES", EXPRESO.

SIN EMBARGO, PREZ SEÑALO QUE DE NINGUNA MANERA LA APLICACION DE LA LEY EN FORMA INMEDIATA LE HABRIA ASEGURADO A CLINTON LA VICTORIA ELECTORAL EN FLORIDA Y NEW JERSEY.

LA COMUNIDAD CUBANO-AMERICANA EN ESTADOS UNIDOS ES MAYORITARIAMENTE REPUBLICANA Y DE TODAS MANERAS VOTARA POR EL CANDIDATO DE ESE PARTIDO EN LAS ELECCIONES, EXPRESO.

PARA RAYMUNDO RIVAPALACIO, ANALISTA DEL DIARIO REFORMA DE MXICO, LA PROTESTA INTERNACIONAL FUE UN BUEN PRETEXTO PARA QUE CLINTON TOMARA UNA DECISION A "MEDIAAGUA".

"A CLINTON LE CONVINO LA PRESION EUROPEA PARA NO APLICAR LA LEY HELMS BURTON", EXPRESO.

UNO DE LOS PRINCIPALES ASESORES DE CLINTON EN ASUNTOS DE SEGURIDAD NACIONAL, SANDY BERGER, DIJO QUE ESTA SOLUCION DESALENTARA LAS INVERSIONES EXTRANJERAS EN CUBA Y EVITARA REPRESALIAS DE GOBIERNOS AMIGOS.

"DE ESTA MANERA UTILIZAMOS EL TITULO III NO COMO UNA MAZA, SINO COMO UNA PALANCA PARA LOGRAR LA DEMOCRACIA EN CUBA",

POCO ANTES DE HACERSE EL ANUNCIO OFICIAL UN FUNCIONARIO DE LA CASA BLANCA HABIA DICHO QUE LOS PAISES ALIADOS DEBERIAN SUSPENDER SUS PROPIAS REPRESALIAS CONTRA WASHINGTON.

"YO DIRIA QUE LOS ALIADOS NO DEBERIAN PRECIPITARSE A JUZGAR PORQUE HAY UNA SUSPENSION DE SEIS MESES EN EFECTO", DIJO EL FUNCIONARIO.

EL EFECTO INMEDIATO DE LA DECISION DE CLINTON NO PARECIO SER EL BUSCADO.

EN BRUSELAS LA UNION EUROPEA DIJO QUE CONTINUA SUS PLANES DE TOMAR REPRESALIAS SI ESTADOS UNIDOS APLICA LA LEY.

AUN CUANDO SE MANIFESTO COMPLACIDA POR LA SUSPENSION DE PARTE DE LA LEGISLACION, UN COMUNICADO DE LA UE DIO QUE SU NATURALEZA DE EXTRATERRITORIALIDAD SE MANTIENE.

REUTER/ OJL EPK 1843 GMT
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UE MANTENDRA REPRESALIAS CONTRA EEUU POR HELMS-BURTON

BRUSELAS, JUL 16 (REUTER) - LA UNION EUROPEA MANTENDRA SUS PLANES DE TOMAR REPRESALIAS CONTRA LAS LEYES COMERCIALES DE ESTADOS UNIDOS CONTRA CUBA, PESE A LA DECISION DEL PRESIDENTE BILL CLINTON DE SUSPENDER POR AL MENOS SEIS MESES LAS QUERELLAS LEGALES CONTRA EMPRESAS EXTRANJERAS.

EN UN COMUNICADO EMITIDO ESTE MARTES, LA UE INDICO QUE AUNQUE ESTABA COMPLACIDA CON LA DECISION DE WASHINGTON DE SUSPENDER LA APLICACION DE LA LEY HELMS-BURTON, AUN MANTIENE LA NATURALEZA EXTRATERRITORIAL DE LA LEGISLACION.

EL TEXTO INDICO QUE LAS EMPRESAS EUROPEAS YA ESTAN SUFRIENDO LOS EFECTOS DE LAS LEYES CONTRA CUBA Y LA UE "CONTINUARA CONSIDERANDO CON URGENCIA CUAL ES LA MEJOR FORMA DE DEFENDER SUS INTERESES".

EL LUNES, LOS MINISTROS DE RELACIONES EXTERIORES DE LA UE APROBARON UNA SERIE DE MEDIDAS QUE SERIAN CONSIDERADAS SI CLINTON NO ELIMINABA EL LLAMADO "TITULO III" DE LA LEY.

CLINTON NO USO SU PODER DE VETO, PERO SUSPENDIO POR AL MENOS SEIS MESES LA POSIBILIDAD DE QUE UNA EMPRESA SEA DEMANDADA LEGALMENTE EN UN TRIBUNAL ESTADOUNIDENSE POR TENER VINCULOS CON CUBA.

REUTER/ CAF OJL 1840 GMT

SLS 14:44 07-16-96

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CUBA-EEUU-ESPAÑA

ESPAÑA SATISFECHA POR LA DECISION DE CLINTON SOBRE LEY HELMS

MADRID, JUL 16 (REUTER) - EL CANCELLER ESPAÑOL MOSTRO HOY SU SATISFACCION POR LA DECISION DEL PRESIDENTE ESTADOUNIDENSE DE POSTERGAR HASTA FEBRERO LA ENTRADA EN VIGOR DEL CAPITULO MAS CONFLICTIVO DE LA LEY HELMS BURTON CONTRA CUBA.

"DE MOMENTO HAY SEIS MESES POR DELANTE Y ESO ES UNA BUENA NOTICIA," DIJO EN RUEDA DE PRENSA ABEL MATUTES NADA MAS CONOCER LA DECISION DE CLINTON, QUE APLAZA LA POSIBILIDAD DE DENUNCIAR ANTE LOS TRIBUNALES A LAS EMPRESAS INVERSORAS EN CUBA.

"ESPERO QUE ESTE NUEVO PLAZO DE SEIS MESES NOS PERMITIRA SEGUIR PROFUNDIZANDO LAS RELACIONES CON LA ADMINISTRACION DE ESTADOS UNIDOS PARA ENCONTRAR SOLUCIONES SATISFACTORIAS PARA TODOS," AFIRMO MATUTES.

ANTE LAS PRESIONES CONTRARIAS DEL EXILIO CUBANO Y DE SUS ALIADOS EUROPEOS Y AMERICANOS, EL PRESIDENTE BILL CLINTON HA ADOPTADO, EN EL ULTIMO DIA QUE TENIA PARA HACERLO UNA SOLUCION DE COMPROMISO, SEGUN FUENTES LEGISLATIVAS.

CLINTON NO VETO LA ENTRADA EN VIGOR DEL DENOMINADO TITULO III DE LA LEY HELMS-BURTON, QUE SANCIONA A LAS EMPRESAS EXTRANJERAS INVERSORAS EN CUBA, PERO POSTERGO SU APLICACION A EFECTOS PRACTICOS.

"NO ES PARA TIRAR COHETES PERO YO CREO QUE ... REPRESENTA UNA REACCION POSITIVA DE LOS ESTADOS UNIDOS A LA ACTITUD DE FIRMEZA CONSTRUCTIVA QUE DECIDIO TOMAR AYER (LUNES) LA UNION EUROPEA", DIJO MATUTES.

SIN EMBARGO, LA UE EMITIO UN COMUNICADO EN SU SEDE EN BRUSELAS EN EL QUE DIJO QUE AUNQUE ESTABA COMPLACIDA CON LA DECISION DE WASHINGTON DE SUSPENDER LA APLICACION DE LA LEY HELMS-BURTON, AUN MANTIENE LA NATURALEZA EXTRATERRITORIAL DE LA LEGISLACION.

EL TEXTO INDICO QUE LAS EMPRESAS EUROPEAS YA ESTAN SUFRIENDO LOS EFECTOS DE LAS LEYES CONTRA CUBA Y LA UE "CONTINUARA CONSIDERANDO CON URGENCIA CUAL ES LA MEJOR FORMA DE DEFENDER SUS INTERESES".

WASHINGTON HA RECIBIDO CRITICAS FEROCES DE LA UNION EUROPEA, CANADA Y MEXICO, QUE CONSIDERAN QUE LA LEY HELMS-BURTON ES EXTRATERRITORIAL Y VIOLA ACUERDOS COMERCIALES INTERNACIONALES.

LA SUPRESION DE VISADOS A CIUDADANOS NORTEAMERICANOS O LA ELABORACION DE UNA "LISTA NEGRA" DE EMPRESAS ESTADOUNIDENSES SON ALGUNAS DE LAS MEDIDAS QUE LA UE ANUNCIO PARA RESPONDER A LA COMPLETA ENTRADA EN VIGOR DEL POLMICO CAPITULO III.

CLINTON PROMULGO LA CONTROVERTIDA LEY PARA ENDURECER EL EMBARGO ESTADOUNIDENSE CONTRA CUBA EN MARZO, POCOS DIAS DESPUES DE QUE LA FUERZA AEREA CUBANA DERRIBARA A DOS AVIONETAS DE EXILIADOS CUBANOS.

EL CAPITULO TERCERO AUTORIZA A ESTADOUNIDENSES CUYAS PROPIEDADES FUERON CONFISCADAS EN CUBA A DEMANDAR A LAS EMPRESAS EXTRANJERAS QUE NEGOCIAN CON ELLAS.

"LA SUSPENSION DE LA ENTRADA EN VIGOR DE ESTE PELIGROSO Y NEGATIVO CAPITULO III NOS DA SEIS MESES PARA CONTINUAR ESA NEGOCIACION CON ESTADOS UNIDOS PARA EVITAR UNA CONFRONTACION QUE SERIA PERJUDICIAL PARA TODOS," DIJO MATUTES.

VARIAS EMPRESAS EXTRANJERAS HAN RECIBIDO YA ADVERTENCIAS PROCEDENTES DE WASHINGTON, QUE AMENAZA INCLUSO CON RETIRAR EL VISADO A SUS DIRECTIVOS.

ESPAÑA ES EL PRINCIPAL INVERSOR EN LA ISLA CARIBENA Y LA HOTELERA SOL-MELIA HA SIDO YA ADVERTIDA POR ESTADOS UNIDOS.

EL PRESIDENTE DEL PARTIDO DEMOCRATA-CRISTIANO, JOS IGNACIO RASCO, QUE SE ENTREVISTO HOY CON MATUTES, TAMBIN RECIBIO CON OPTIMISMO LA DECISION DE WASHINGTON.

"ES UNA SOLUCION REALISTA, INTELIGENTE, PORQUE EN ESTE PROCESO SE PUEDE NEGOCIAR, ACOPLAR CIERTOS PROBLEMAS QUE HA TRAIIDO LA LEY Y A LO MEJOR HAY UNA SOLUCION SATISFACTORIA PARA TODAS LAS PARTES," AFIRMO RASCO.

"ES UN COMPAS DE ESPERA, TIENE ALGO DE SALOMONICO ESTA DECISION, PODRIA SER UN PRINCIPIO DE ENTENTE CORDIAL ENTRE LA UNION EUROPEA Y LOS ESTADOS UNIDOS," DECLARO RASCO, QUE PERTENECE A UN SECTOR MODERADO DEL EXILIO CUBANO.

REUTER/ 16Z CAF 1845 GMT

SLS 14:47 07-16-96

Cubans' mini-civil war ain't America's business

I'VE PREPARED a statement that I'm offering to President Clinton for delivery the next time that planes fly from Florida into Cuban airspace and are shot down.

It's free of charge, and maybe he won't use it. But it is better than the stuff that his speech writers have been whipping out for him.

My fellow Americans:

We have received word that another private airplane has been blasted out of the Cuban skies by Fidel Castro's warplanes. After examining the facts in this incident, I have decided what my response will be: I'm not going to do a darned thing. Nope. No further sanctions, no expressions of outrage, and no urging the United Nations to pass some kind of blah-blah resolution.

And I'm sure as heck not going to get American military forces involved in this spat.

Frankly, as president of the greatest nation in the history of the world, I have more urgent stuff to worry about than some Cubans in Miami who insist on flying where they

shouldn't be flying and where they have been repeatedly warned not to fly.

You want to get yourself killed, OK, that is your business. In my job, it's one crisis after another. So I don't need headlines and TV yelling about how we have another Cuban crisis. Especially when it really isn't a crisis, no matter what the TV yappers say.

For one thing, you have no right to violate Cuba's airspace. I don't care what kind of villain you think Castro is, or how noble you consider your cause to be. Under international law, it is his

country's airspace, and he has the right to warn you to keep out. And if you don't keep out — boom — you could be shark lunch.

For another thing, you are violating America's laws when you do it. Our government sets our foreign policy; you don't. That's why we have been quietly warning you, over and over again, to knock it off. Now, I fully realize how passionately the Cuban community in South Florida feels about Castro running what used to be their country.

Every presidential candidate fully realizes how you feel. We'd be stupid if we didn't, because we want your Florida votes and your hefty campaign contributions. That's why every presidential candidate for the last 35 years has pandered to you so shamelessly. And that's why we keep all these anti-Castro laws on the books, which make it almost impossible to establish anything resembling normal relations with Cuba.

Think about that. We had history's most terrible war with Germany, Japan, and — to a much lesser extent — with laid-back Italy. Now we're all pals.

We had another terrible war with Vietnam. Now we are shaking hands, making up and doing business with Vietnam.

Let us not forget China, with which we fought a bloody war in Korea. China is still a commie country, but we do business with it every day.

We've been shaking hands and making up with all kinds of former enemies all over the world, which is good, because doing business sure beats counting body bags. But who do we still treat like our most dreaded enemy? A puny island with a tired government and a feeble economy that isn't a threat to us or anyone else.

Why? Because hot-blooded members of the Cuban community in Florida want to bring back their good old days in Havana and expect the rest of us to go along with their mini-civil war.

I can understand that. Many of you had it very good in Cuba before Castro and his grass-roots revolutionaries took over in 1959. Many of you, or your elders, prospered as part of the wealthy class that supported Fulgencio Batista, the tinhorn dictator who ran the country.

With Batista — with his graft, corruption, gambling, prostitution, and police death squads to murder those who dared speak up — there was something for everyone, from the American Mafia to the big sugar companies to the elite class of Cubans. Something for everyone but the peasant class in the sugar fields and the students who challenged the evil that they saw. Ah, the good old days.

So when Batista grabbed his millions and ran to save his hide, so did many of those who are now living comfortably in Miami while plotting somehow to overthrow Fidel. Well, plot away. And maybe some day they'll pull it off, although I doubt it. More likely, the passage of time, Fidel's old age, and a rational foreign policy will bring Cuba into the mainstream.

But, please, don't expect the U.S. president and 250 million other Americans to get hysterical every time you pull some headline-grabbing stunt such as the airspace caper.

Imagine this: What if residents of the Chinatowns of San Francisco, New York, Los Angeles, and Chicago got a fleet of little airplanes and started buzzing into the airspace of China and were shot down? You think that I'd announce that we weren't going to buy any more cheap alarm clocks from China or sell them any more expensive computers?

No, the pilots of the little planes would be viewed as crazies. And I'd be just as crazy to support them.

So now you will declare me an enemy of freedom, you won't vote for me, and I'll probably lose Florida. Which is why that columnist in Chicago is nuts if he thinks that I'll give this speech.

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**MIKE
ROYKO**

Elio Muller:

- competing amendment
work w/ Lincoln Diaz-Balart
Bill Dawers

Initiative coming from
MOC:

To change it: disruptive
Not best interest of people
of Cuba that this move
take place

Bill Dawers:

Adv. Board to Miami

THE WHITE HOUSE

JMC Chair:

① \$

②

} Chair

THE RELATED GROUP OF FLORIDA
2828 Coral Way, Penthouse Suite
Miami, Florida 33145

FAX COVER SHEET

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COMPANY : **The White House**

FAX : **(202) 456-6218**

SENT BY : **Alicia Rufin,**
Office of Jorge M. Pérez

SPECIAL INSTRUCTIONS:

Best Regards!!

THE HERALD, THURSDAY, JULY 18, 1996

The Miami Herald

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JAMES L. KNIGHT (1909-1991)

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Associate Editor

Clinton slips the snare

On the theory that no subsequent sin is quite as damnable as original sin, President Clinton did the right thing by suspending implementation of Title III of the onerous Helms-Burton Act for six months. Title III allows U.S. citizens whose Cuban properties the Castro regime confiscated to sue, in federal court, foreigners who "traffic" in those properties.

Mr. Clinton's announcement on Tuesday brought him scathing rebuke from Republicans, unhappy regrets even from some Democrats, and a lessening (at least temporarily) of anger among U.S. allies upon whose sovereign rights the bill's extraterritorial reach intrudes.

The president wouldn't have been pickling in this self-brewed brine, of course, had he not reversed himself (again) and signed the bill after opposing it from its inception. That was his original "sin." He committed it after Cuban MiGs shot down two unarmed of Brothers to the Rescue civilian planes in international airspace near Havana on Feb. 24, killing four crewmen.

This newspaper has supported from its inception the U.S. embargo's prohibition on American companies and individuals doing business with Cuba. In fact, we supported the Senate version of Helms-Burton after the troublesome Title III was removed from it. But after Cuba's calculated murder of the four Brothers to the Rescue fliers on Feb. 24,

HELMS-BURTON WAIVER
He gains time by
postponing penalties
against U.S. allies, but this
trap won't disappear.

Congress passed the House version, which contained Title III.

President Clinton knew full well that Title III would cause key U.S. allies — Canada, Mexico, and Britain and the rest of the European Union — to

yowl in protest against its intrusion on their sovereign rights. Yet the president signed the bill anyway.

Mistaken judgment, big time, for two reasons. The United States has every right to bar its citizens and companies from doing business in Cuba. It has no right to tell other, equally sovereign governments with whom they may do business. The European Union was ready to retaliate against U.S. firms and executives doing business in Europe had Title III taken effect.

Second, many of the U.S. owners of property expropriated by Cuba have taken income-tax deductions to offset the loss. Worse, after March 12, 1998, the bill permits lawsuits by Cuban Americans who were Cuban citizens, not U.S. citizens, when Castro took their property. It will be interesting to see which U.S. appellate court will be first to rule that the U.S. Constitution does not cover acts committed by a sovereign foreign government against its own citizens outside U.S. territory.

The Constitution is reasonably elastic, but it won't stretch that far. But President Clinton's resolve on this matter ... well, that's elasticity of intergalactic reach.

BOB GRAHAM
FLORIDAUnited States Senate
WASHINGTON, DC 20510-0903

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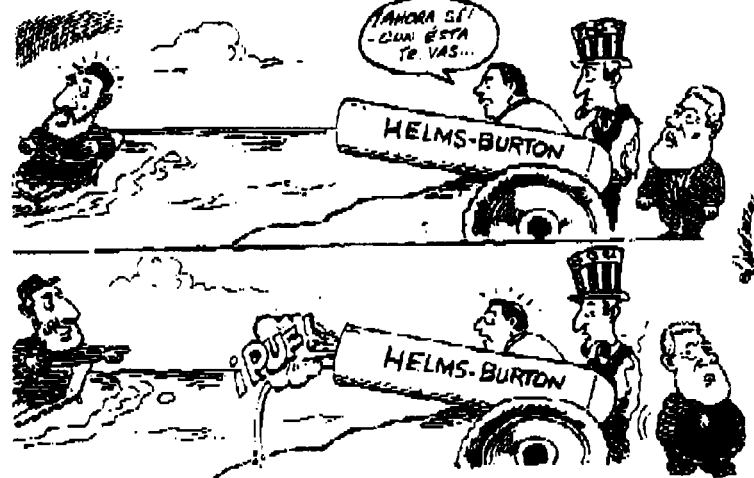
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COMMENTS

Per Kula's request.

my missed one.



Clinton y la Ley Helms-Burton



VICENTE ECHEVERRI

La decisión del presidente Bill Clinton de imponer una moratoria de seis meses a la puesta en vigor del Título III de la Ley Helms-Burton (que le otorga el derecho a ciudadanos norteamericanos de demandar en tribunales de Estados Unidos a personas o compañías que trafiquen con propiedades que les fueran confiscadas a los primeros por el actual gobierno de Cuba) ha provocado las reacciones adversas que eran de esperar, de los políticos republicanos y de la comunidad cubana exiliada, sin que lograra desactivar las críticas y amenazas de represalias de las potencias extranjeras que se oponen abiertamente a la ejecución de esta ley.

Una vez más, el presidente Clinton opta por una solución salomónica que pone en evidencia su carácter vacilante sin complacer a casi nadie. A pocos meses de las elecciones, la actuación de este rasgo del mandatario no es precisamente una carta de triunfo para sacarla a relucir. El resultado neto de su acción, al menos a corto plazo, no parece favorable para el Presidente, ni para la "política" norteamericana hacia Cuba.

Moratoria positiva

Sin embargo, juzgado con más detenimiento, podría ser que esta dilación —de seis meses o incluso de más tiempo— termine por obrar en favor de esa política, así como de los intereses de los cubanos del exilio que hoy se sienten estafados, o al menos desilusionados, por la acción presidencial. En mi opinión, esta moratoria de la Ley Helms-Burton resulta positiva en dos sentidos.

Por una parte, le concede al gobierno norteamericano un espacio físico y político para llegar a algún acuerdo con sus aliados sobre la debatible cuestión de las inversiones extranjeras en Cuba,

Una vez más, el Presidente opta por una solución que muestra su carácter vacilante, sin complacer a casi nadie.

especialmente en empresas o terrenos confiscados por el régimen de Castro. Es decir, obliga bajo amenaza y en un tiempo relativamente breve, a que países como Canadá, México y los miembros de la Unión Europea abandonen su tradicional indiferencia hacia el despótico régimen de La Habana. Puesto que sus relaciones comerciales con Estados Unidos están en juego, y puesto que es de suponer que una escalada de medidas represalias no sea del interés de nadie, es predecible que unos y otros tratarán de llegar a un acuerdo y que este acuerdo será, necesariamente, en perjuicio de Castro. Es decir, la Ley Helms-Burton y la demandada aplicación de su Título III, contribuirán, como ninguna otra acción norteamericana en el pasado, a la búsqueda de una estrategia global contra la tiranía cubana.

Por otra parte, el que un grupo de ciudadanos norteamericanos damnificados por esa tiranía no tenga la oportunidad —al menos ahora mismo— de demandar a compañías o individuos extranjeros que compran o trafican con propiedades que les fueran confiscadas en Cuba, puede tener también un efecto político positivo desde el punto de vista de la comunidad cubana exiliada. Afirmando esto porque estas querrelas judiciales que ampara el Título III de la Ley Helms-Burton son muy difícil que pudieran resolverse en los tribunales, como ya algunos expertos han llegado a reconocer, sino más bien en arreglos extrajudiciales cuyo resultado neto sería —en un gran número de casos— el avenimiento de los propietarios legítimos a aceptar una compensación monetaria de parte de las compañías que ya usufructúan sus bienes en Cuba. Es decir, un arreglo

mercantil que contribuiría a legitimar el despojo de los propietarios cubanos más de tres décadas después —aunque muchos de ellos, por no ser ciudadanos norteamericanos, o por falta de recursos, no tendrían derecho a demandar a nadie y, en consecuencia, se quedarían al margen del litigio y las compensaciones.

Inestabilidad política

Los que preferimos que se mantenga la inestabilidad política del régimen de Castro debemos alegrarnos de que no exista este expediente legal, que podría desembocar en la práctica masiva de arreglos extrajudiciales para consolidar las inversiones cubanas de un grupo de empresarios aventureros y, de paso, legitimar paulatinamente una acción política del castrismo.

No soy de los que creo que la Ley Helms-Burton, por ahuyentar de Cuba a algunos inversionistas, consiga el derrumbe del castrismo. Afirmar esto es desconocer la naturaleza y el *modus operandi* de lo que ya es la tiranía más larga de este continente, que estaría dispuesta a resistir privaciones aún mayores de las que pudieron derivarse del cumplimiento inmediato de esta ley. Sin embargo, la Ley Helms-Burton y el debate internacional que de ella se deriva y que lleva al presidente Clinton a su acción de esta semana, pueden contribuir decisivamente, aunque muchos no lo vean así hoy, a una mayor conciencia internacional del anacrónico régimen de Fidel Castro, y de la necesidad de su remoción.

Vicente Echeverri es escritor y periodista cubano.

Business Groups Urge Clinton to Disallow Suits

By Thomas W. Lippman
Washington Post Staff Writer

With the decision deadline approaching fast, some of the nation's biggest and most influential business organizations have urged President Clinton to waive enforcement of one of the most controversial parts of the new law aimed at tightening the economic noose around Cuba.

The provision, Title III of the law known as the Helms-Burton Act, would allow U.S. citizens—including Cuban Americans who were not U.S. citizens when Fidel Castro came to power on the island—to sue foreign organizations in U.S. courts if they "traffic" in seized property to which the Americans have a claim. Clinton must decide by July 15 whether to allow the controversial measure to take effect.

Major U.S. allies and trading partners, including Canada and the European Union, object strongly to the measure, which, in their view, is an effort to force them to comply with a U.S. policy toward Cuba that they do not support. But conservative politicians in this country—and many Cuban Americans in politically crucial Florida—favor the measure, which they see as a potential campaign issue this fall if Clinton decides to waive it.

The National Association of Manufacturers, the U.S. Chamber of Commerce, the National Foreign Trade Council and other groups told the president that enforcement of the measure would jeopardize U.S. economic interests abroad, invite retaliation and fail to accomplish its stated purpose.

"As an aggressive promoter of U.S. interests abroad, you should be the first to recognize what is at stake," NAM president Jerry

J. Jasinowski wrote Clinton. "The NAM strongly urges you to waive Title III of the Helms-Burton act."

The other groups, in a separate letter, said that many of their members "had property in Cuba that was expropriated by the Castro regime. Yet many of these companies . . . do not believe that Title III brings them closer to a resolution of these claims. To the contrary, Title III complicates the prospect of recovery and threatens to deluge the federal judiciary with hundreds of thousands of lawsuits."

They also said it would invite retaliation against U.S. companies abroad and "drive a wedge between the United States and our democratic allies that would significantly hinder any future multilateral efforts to encourage democracy in Cuba."

Opposition is widespread among U.S. cor-

CLINTON LIBRARY PHOTOCOPY

Over Seized Property in Cuba

porations that do business abroad, according to Robert L. Muse, a Washington lawyer who represents several of them. "We as multinational corporations are the beneficiaries of international law. Therefore we oppose any breaches of that body of law such as are contained in Helms-Burton," he said.

He and other critics of Helms-Burton have also suggested it may be unconstitutional, because it confers on U.S. citizens born in Cuba legal rights unavailable to those born in Vietnam, Iran or other countries where a hostile regime took power and confiscated property.

Until late February, the administration shared those sentiments and the president was prepared to veto Helms-Burton, named for its chief sponsors, Sen. Jesse Helms (R-N.C.) and Rep. Dan Burton (R-Ind.). But after Cuban warplanes shot down two small

aircraft operated by a Miami-based Cuban exile group, Brothers to the Rescue, the administration switched overnight to support of the bill.

The administration has begun implementing a section of Helms-Burton that bars entry into the United States of executives from companies that invest in Cuba.

Title III goes into effect unless Clinton suspends it by July 15. The president and his advisers have given few if any signals of their intentions. One White House official said he expects an "eleventh-hour decision."

Helms, to apply a little political heat of his own, plans a speech here Tuesday in which he will "explain why it is vital that this integral provision of the law be implemented and enforced," his office announced. His platform will be a conference on Helms-Burton sponsored by Pat Robertson's Regent University.

Clinton please on the Helms-Burton decision?

for six months. If he does nothing, it automatically takes effect on Tuesday.

There are strong arguments in favor of granting the extension, the paramount being that it would represent an accommodation to the concerns of our allies, a group that includes Canada, Mexico, Japan, Great Britain, France, Germany, Italy, Spain, all the countries of the Caribbean and Latin America.

These countries have complained that the United States has no right to punish their corporations that do business in Cuba. They point out that the United States complained when Arab countries told American companies they couldn't do business with them if they also did business with Israel.

Many critics of the Helms-Burton law have blamed its implementation on the supposed political clout of Miami's Cuban-American voters. Clinton himself stands accused of political pandering by agreeing to sign the measure after Cuban MiGs shot down the two unarmed Brothers to the Rescue planes in the Florida Straits last February.

This reasoning holds that Clinton would rather try for Cuban-American votes, which historically go heavily Republican, than maintain the status quo with the world trading community. Nonsense.

The fact of the matter is that Clinton has little to gain politically by letting the law take effect. From a purely mathe-

matical standpoint, the Cuban-American community's votes don't count for enough in a presidential election to warrant serious pandering, especially by a Democrat.

That may sound harsh, but it's true. By most measures, Cuban Americans will cast about 4 percent of the votes in Florida on Nov. 5. Probably three out of four of those Cuban Americans will reflexively go to the Republican candidate. To this group, it doesn't matter what Clinton does with Helms-Burton or any other matter affecting Cuba. They'll find a reason to vote against him.

"We already expect him to implement it," state Sen. Alberto Gutman told me last week, "so he won't get any more points for doing it."

That leaves just 1 percent of the Florida total vote even open to Clinton's appeal. This is the only group he risks alienating if he pulls the plug on Helms-Burton. And in reality, only a portion of them would actually leave and cast their ballots for Bob Dole.

These are numbers not worth fighting over — and certainly not worth precipitating an international crisis over.

So why will Clinton ignore diplomatic niceties and stick with the law?

I think there are several factors at work here. For starters, Clinton's antipathy toward Fidel Castro is longstanding.

In 1980, when Clinton was at the end of his first term as Arkansas' governor, Castro instigated the Mariel boatlift. Many of Cuba's worst criminals ended up in Fort Chaffee, Ark., and promptly rioted.

Clinton was defeated for re-election, in large part because his opponent saddled him with the blame for the melee. Clinton blamed the riot — and political humiliation — on Castro and now doesn't hesitate to deliver paybacks.

Many also overlook the fact that as a candidate in 1992, Clinton embraced a predecessor to the Helms-Burton bill even before then-President George Bush did. And they fail to appreciate that Clinton has personal experience with the pain of Cuban exiles through his sister-in-law, Maria Arias Rodham.

But even beyond all that, the critics miss the most important point: Clinton believes that this is good policy. And I use the word good in the moral sense.

Punishing corporations that trade with Cuba is, quite simply, the right thing to do in Clinton's mind.

This isn't just conjecture on my part. The president defended his backing of the Helms-Burton law during his trip to Miami on April 29 to speak at a party fund-raiser. His comments drew little notice at the time because they amounted to an aside in an otherwise lengthy address touting his administration's achievements.

But, in explaining why he signed the Helms-Burton bill, he outlined a philosophy of using national power — economic and military — to achieve a moral outcome in other countries. Here are his words:

"What we do now in this critical period coming out of the Cold War and moving into a global economy and a global society will have a profound impact on whether other great countries stand up for peace and freedom, whether other great countries define their greatness in terms of whether they can help people live their own lives...."

Clinton said the United States is uniquely positioned to exercise this sort of moralistic imperialism because "no one believes we wish to dominate anyone."

Of course if by strangling Cuban investment Clinton collects a few more votes from Cuban Americans this fall, that's a political reward he'll happily take. But that isn't what this is about.

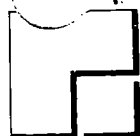
Foreign corporations and their governments may scream and shout about their unfettered right to invest in Cuba. But Clinton seems utterly determined to remind them of a higher moral duty to work for freedom against oppression.

No-brainer.

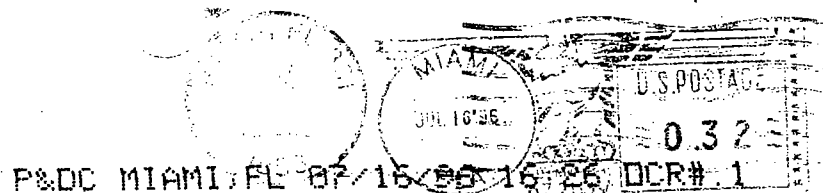
Tom Fiedler's column also appears on Thursdays on the Viewpoints page.



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7/20

Angela Valdez
FYI met

CLINTON SIGUE GANANDO PUNTOS EN ENCUESTAS

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an a los
ne entre
Como es



By Ruth Fremson

El presidente Clinton ha estado ganando puntos con la comunidad cubanoamericana últimamente por sus decisiones de firmeza en la Ley Helms-Burton. Las cartas de aviso a los comerciantes que están traficando con propiedades robadas ya han sido enviadas y las que les avisan, además, de la negación de visas de entrada a Estados Unidos. Existe un plazo e espera de 45 días para la aplicación de las sanciones.

Si hacemos un análisis sereno y sin sospechas, podremos comprobar, que Clinton ha hecho más por la libertad de Cuba que la mayoría de los presidentes republicanos que han pasado por la Casa Blanca.

No obstante, en la comunidad cubanoamericana se sigue una póliza de desconfianza hasta que pasen las elecciones y poder comprobar, si gana Clinton, que sucede entonces.

Por Mercedes Torres

PENSAMIENTOS

de Emilio Cabrera

La moral regresará al mundo cuando nos convenzamos de que el cambio que necesitamos no es hacia el futuro. Es hacia el pasado.



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CLINTON LAUNCHES CAMPAIGN TO PRESSURE CASTRO ON DEMOCRACY

(Will soon name special envoy to coordinate drive) (800)
By Alexander M. Sullivan
USIA White House Correspondent

Washington -- President Clinton is launching an international campaign to pressure Fidel Castro into moving toward democracy and a better life for Cubans.

The president will soon name a special envoy to coordinate the drive, and, using the possibility of damage suits against some foreign companies doing business in Cuba, will try to persuade other nations to join the United States in driving Havana along the path of political and economic reform.

"The time has come," Clinton said in a written statement announcing his decision on implementing Title III of the Helms-Burton Act, "for our allies and friends to do more -- to join us in taking concrete steps to promote democracy in Cuba."

The president said he will allow the provisions of Title III "to come into force. As a result all companies doing business in Cuba are hereby on notice that by trafficking in expropriated American property, they face the prospect of lawsuits and significant liability in the United States." The law allows suit in U.S. courts against firms owning or operating property confiscated by the Castro regime since it seized power in 1959.

But Clinton suspended for six months the right of U.S. nationals to actually file suit; they may prepare legal documents and take other measures short of suing, however. Clinton said he will use the period "to build support from the international community on a series of steps to promote democracy in Cuba," and when it has ended, he said he will evaluate the results of the drive and determine whether to extend the suspension for a second six-month period, or to end it.

"Our allies and friends," he said, "will have a strong incentive to make progress because, with Title III in effect, liability will be established irreversibly during the suspension period and suits could be brought immediately when the suspension is lifted. And for that very reason, foreign companies will have a strong incentive to immediately cease trafficking in expropriated property -- the only sure way to avoid future lawsuits."

Republican Senator Jesse Helms, principal sponsor of the legislation, assailed Clinton's action, calling it "all talk and no substance." He accused Clinton of capitulating to Castro and foreign business interests in suspending the right to sue, but pledged "the law will not be mitigated by the president's lack of courage."

Sandy Berger, Clinton's deputy national security adviser, told reporters the president's purpose was to "use the leverage" of Title III "in the most efficient manner to promote fundamental change in Cuba." He called the tool "not a sledgehammer but a lever."

He said the administration and Clinton's special envoy "will work vigorously" with U.S. allies "to build support for a series of steps to promote democracy in Cuba. We will make a serious good faith effort with the allies and we will see whether they will make a serious effort with us. They know that as they make that serious effort, liability is accruing."

Berger contended Clinton "substantially increases" U.S. "credibility" with the allies by suspending the right to file suit. The aim, he explained, "is to get them to join us in building a broader coalition for democracy in Cuba."

7/18

*Supposedly:
This, among
others, are the
issues I'd
like to discuss.*

Lets do it!

*Is - Has anyone
from the
MIA. friends
called to
in this?*

*I believe we
should be
brought in "at
some point
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He said the law defines "trafficking" in confiscated property in broad terms and could be interpreted to impute liability not only to owners of expropriated property but to firms who supply them with goods or services, or who otherwise maintain a business relationship.

Berger said the Clinton step could induce foreign companies "to cease trafficking in expropriated properties since they will live under the constant threat of future lawsuits. The only way in which they can be assured the suspension would not end is by ceasing to invest and to traffick in confiscated property."

Peter Tarnoff, under secretary of state, said Clinton's action is intended to focus attention of Cuba, not on recrimination between Washington and its allies. He said the disagreement among allies had "overshadowed our shared goals" of promoting fundamental change in Cuba. "These disagreements," he explained, "had the potential to prevent any real cooperation between ourselves and major countries around the world around the question of bringing about democratic reform in Cuba." He said Washington now "has new ways to combine and increase our collective ability to promote change on the island."

Berger told a questioner the companies potentially affected by U.S. lawsuits unless they divest themselves of expropriated property "have ample lawyers to figure out how to comply in a way in which they will not have a surviving liability."

NNNN

United States Senate
WASHINGTON, DC 20510-0903

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COMMENTS

Clinton slips the snare

On the theory that no subsequent sin is quite as damnable as original sin, President Clinton did the right thing by suspending implementation of Title III of the onerous Helms-Burton Act for six months. Title III allows U.S. citizens whose Cuban properties the Castro regime confiscated to sue, in federal court, foreigners who "traffic" in those properties.

Mr. Clinton's announcement on Tuesday brought him scathing rebuke from Republicans, unhappy regrets even from some Democrats, and a lessening (at least temporarily) of anger among U.S. allies upon whose sovereign rights the bill's extraterritorial reach intrudes.

The president wouldn't have been pickling in this self-brewed brine, of course, had he not reversed himself (again) and signed the bill after opposing it from its inception. That was his original "sin." He committed it after Cuban MiGs shot down two unarmed of Brothers to the Rescue civilian planes in international airspace near Havana on Feb. 24, killing four crewmen.

This newspaper has supported from its inception the U.S. embargo's prohibition on American companies and individuals doing business with Cuba. In fact, we supported the Senate version of Helms-Burton after the troublesome Title III was removed from it. But after Cuba's calculated murder of the four Brothers to the Rescue fliers on Feb. 24,

HELMS-BURTON WAIVER

He gains time by postponing penalties against U.S. allies, but this trap won't disappear.

Congress passed the House version, which contained Title III.

President Clinton knew full well that Title III would cause key U.S. allies — Canada, Mexico, and Britain and the rest of the European Union — to

yowl in protest against its intrusion on their sovereign rights. Yet the president signed the bill anyway.

Mistaken judgment, big time, for two reasons. The United States has every right to bar its citizens and companies from doing business in Cuba. It has no right to tell other, equally sovereign governments with whom they may do business. The European Union was ready to retaliate against U.S. firms and executives doing business in Europe had Title III taken effect.

Second, many of the U.S. owners of property expropriated by Cuba have taken income-tax deductions to offset the loss. Worse, after March 12, 1998, the bill permits lawsuits by Cuban Americans who were Cuban citizens, not U.S. citizens, when Castro took their property. It will be interesting to see which U.S. appellate court will be first to rule that the U.S. Constitution does not cover acts committed by a sovereign foreign government against its own citizens outside U.S. territory.

The Constitution is reasonably elastic, but it won't stretch that far. But President Clinton's resolve on this matter . . . well, that's elasticity of intergalactic reach.

Aliados de EU preparan ataque contra Ley Helms

Postergación no calmó los ánimos

Por CYNTHIA CORZO
Redactora de El Nuevo Herald

Apenas aliviados por la moratoria norteamericana a las demandas contra compañías extranjeras que operan en Cuba, países aliados de Estados Unidos avanzan en la creación de medidas para contrarrestar los efectos de la Ley Helms-Burton y penalizar a Washington.

La reciente postergación, por parte del presidente Bill Clinton, de la cláusula más controversial de la ley, la cual permite demandar a compañías extranjeras que comercien con propiedades confiscadas en Cuba, no parece haber bastado para disipar la nube de críticas que rodea el asunto.

"Positiva pero insuficiente", dijo sir Leon Brittan, comisario de Comercio de la Unión Europea.

Los gobiernos de Europa, que habían amenazado con represalias contundentes, no disimularon su alivio por la postergación, aunque no es lo que ellos querían: la abolición de la ley.

"Es una buena noticia pero no es para tirar cohetes", dijo Abel Matutes, ministro de Relaciones Exteriores de España.

La Comisión Europea expresó preocupación porque, a pesar de la postergación, las empresas extranjeras serán res-

compensación de daños y perjuicios ante los ciudadanos estadounidenses a partir del 1ro. de noviembre.

La puesta en vigor del Artículo III de la ley permite que el 1ro. de noviembre, los reclamantes notifiquen a las empresas extranjeras que, si no se retiran en 30 días, los daños a pagar podrían aumentar, hasta tres veces el valor de la propiedad.

El ministro italiano de Comercio Exterior, Augusto Fantozzi, señaló que aplazar la Ley Helms-Burton "demues-

VEA HELMS-BURTON, 12A

sus aliados vigilar derechos humanos en Cuba

Dada la postergación del Artículo III, al menos el visado de entrada y la lista negra podrían quedar pendientes hasta nuevo aviso.

La medida más factible es la presentación de una legislación, que neutralice las repercusiones extraterritoriales de la Ley Helms-Burton, la cual tendría que ser adoptada por cada miembro de la UE.

"El riesgo real permanece, continuaremos proveyéndonos con medidas necesarias para defender nuestros intereses", dijo Peter Guilford, portavoz de la Comisión Europea.

España asegura estar lista. Funcionarios gubernamentales informaron que el proyecto de ley suyo está prácticamente preparado.

Desde Madrid se unió a las críticas la voz de Eloy Gutiérrez Menoyo, dirigente del grupo moderado de exiliados Cambio Cubano, que aboga por el levantamiento del embargo a Cuba.

"Es una solución de poner un parche, no resuelve lo fundamental, que es que la Ley Helms-Burton es una ley injerencista, de la época de las cavernas", dijo Menoyo, que se reunió el miércoles con Matutes.

Agregó que la ley no sólo perjudica directamente a la población cubana sino podría provocar un endurecimiento del régimen cas-

trista, que daría al traste con el acuerdo migratorio firmado con Estados Unidos.

"La Ley Helms-Burton aprieta a 11 millones de cubanos que no tienen nada que ver con el sistema imperante", dijo Menoyo.

México lamentó la decisión de poner en vigor la ley, al advertir que, por el carácter temporal de la suspensión de las demandas, su gobierno "se reserva el derecho a tomar todas las medidas, internas e internacionales, necesarias para defender los intereses tanto de las empresas mexicanas como de sus nacionales", afirmó en un comunicado la cancillería azteca.

Hasta en el Lejano Oriente hubo repercusiones con respecto a la Ley Helms-Burton y la postergación del Artículo III. Vietnam, a quien Estados Unidos eximió de sanciones económicas que estuvieron en pie dos décadas, se unió al coro de críticas.

Japón, uno de los socios comerciales más importantes de Estados Unidos, advirtió que la ley sigue siendo un arma violatoria de la ley internacional.

En Bangkok, un funcionario canadiense instó a Washington a unirse a su país en los esfuerzos por cambiar el comunismo cubano, pero sin amenazar a La Habana con sanciones.

"Lo básico es que la Ley Helms-Burton es una mala legis-

lación y que se deberían reformar o eliminar algunas de sus disposiciones", dijo Lloyd Axworthy, ministro de Asuntos Exteriores, que agregó que está complacido por la decisión de Clinton de postergar las demandas.

Mientras los países aliados se preparan para arremeter contra la Ley Helms-Burton, Washington los instó a adoptar medidas concretas para aumentar la presión sobre el gobierno de Cuba e iniciar el camino hacia la democratización de la isla.

Nicholas Burns, portavoz del Departamento de Estado, explicó que se ha pedido a los gobiernos aliados que establezcan grupos de vigilancia de derechos humanos en Cuba, que envíen solamente ayuda humanitaria y que pongan en marcha un sistema de restricciones comerciales similar al impuesto contra Sudáfrica.

"Necesitamos lograr que nuestros aliados europeos, Canadá y México, se involucren más en el esfuerzo de promover la democracia y los derechos humanos en Cuba", dijo Burns.

El secretario de Estado Warren Christopher pasó parte del martes en conversaciones telefónicas con sus homólogos de Canadá y Europa, señaló el portavoz. Intentaba reunir apoyo para el plan de Clinton de aprovechar la moratoria de seis meses para impulsar el cambio en Cuba.

"Si ellos están tan interesados en Cuba, si realmente quieren ver que se respeten los derechos humanos y que las libertades políticas y económicas empiecen a echar raíces allí, deberían cooperar con nosotros", dijo Burns. "Si los gobiernos europeos quieren cooperar con nosotros, tienen que poner algo de su parte. Necesitamos ver una mayor medida de cooperación".

Eso parece ser lo más difícil, incluso aunque se nombre un propuesto enviado especial de la Casa Blanca, cuya misión sería aunar voluntades de los aliados norteamericanos para promover cambios en Cuba.

Guilford, el portavoz europeo, declaró que sería "poco prudente" suponer que un emisario especial de Washington lograra un cambio en la política hacia Cuba de la Unión Europea.

Washington no parecer estar dispuesto a darse por vencido, al menos por el momento.

"Pensamos que nuestros aliados se equivocan al criticar nuestra ley, que es firmemente apoyada por el Congreso y por el pueblo de Estados Unidos", dijo Mike McCurry, portavoz de la Casa Blanca. "Los amigos de Estados Unidos deberían concentrar su energía y su atención sobre Fidel Castro y sobre los medios de lograr el tipo de cambio que necesitamos ver

EU pide a

HELMS-BURTON, DE 1A

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Pero subrayó que "por la pa
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mento, no sólo contra la L
Helms-Burton sino en caso
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el futuro puedan adoptar otr
países como Libia e Irán".

La Unión Europea (UE) de
dió seguir preparando represali
contra la aplicación de la ley, p
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futuro cercano.

Un grupo de expertos jurídicos
de la Comisión Europea se re
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de los cuatro puntos identific
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Entre las medidas está la cor
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estadounidenses. También se tr
mitará la denuncia de la Le
Helms-Burton ante la Organiza
ción Mundial de Comercio
(OMC).

El Nuevo Herald
Miami, FL
"Clinton says yes, but no"
By Cynthia Corzo

The article states that President Clinton has given his support to Title III of the Helms-Burton Law (Libertad Law) but instituted a six month moratorium on lawsuits against foreign companies dealing in confiscated U.S. properties. The article also goes on to mention that the President extended an "olive branch" to the Cuban exile community by promising to name a special envoy who will work to create a "serious" agenda for the movement towards democracy in Cuba and also work to promote support for these initiatives abroad. While companies will not be allowed to file suit, they may begin to prepare their cases and foreign companies will be expected recognize responsibility for dealing in confiscated property. The article states that the moratorium was enacted in the hope that companies will withdraw from their operations involving confiscated properties in Cuba. The administration also hopes that during this time they will be able to garner international support for:

1. Increasing pressure on the Cuban regime so as to open up the system to new economic and political ideas.
2. Lending support to forces who want change on the island.
3. Promoting industrial and economic practices that will contribute to the democratization of the workforce in Cuba.

President Clinton indicated that in February he will decide whether to repeal the moratorium. If he does repeal the moratorium, Title III will take effect on Feb. 1. This decision was considered difficult by many experts, since it required bringing to extremes to some sort of common ground (Comments by George Harper, Attorney at Steel, Hector, & Davis). While Mr. Harper sees the decision as a slight step backwards, he says it was necessary in order to make a firm decision. The decision grew out of the intense pressure President Clinton encountered from various fronts. The most ardent forces from the important Cuban voting block in New Jersey and Florida; and America's European and Latin American trading partners.

Frank Calzon, representative in Washington for Freedom House, characterized the President's move as one of his "typical decisions which satisfies no one." In the short run, the compromise decision is seen as trying to calm down U.S. allies while stalling for time. But on the national front it is unlikely that it will silence Republican assaults. Presidential Candidate Bob Dole stated that the President's decision only strengthens Fidel Castro's position while prolonging the misery of the Cuban people. Others commented that the decision has created confusion which is clouding the optimism created by the establishment of Title III.

The Miami Herald
Miami, FL
"Clinton: No Cuba lawsuits for now."
By Christopher Marquis

The article speaks of the President's announcement to enact the Libertad Law (Title III) but delay lawsuits against firms that fail to liquidate their Cuban holdings till Feb. 1. Decision was said to be made under intense pressure from U.S. allies who wished to prevent future

lawsuits. The decision is said to be a two-pronged approach to build an international coalition aimed towards democracy and creating a unified international approach to dealing with Havana. Cuban American leaders, Republican backers, and even some Democrats decried the move as waffling and inadequate.

The President is said to reconsider the moratorium and review cooperation of allies after six months. President Clinton is quoted as saying that he believes that this is the best course of action achieve the isolation of the island nation, while consolidating international pressure on the regime, so as not to allow Castro the ability to manipulate the rift between the U.S. and its allies. Aides are also stated as saying that the President has promised to appoint a special envoy to promote U.S. aims. U.S. allies, like Helms-Burton supporters, are also said to be dissatisfied with the President's decision. Some, while pleased by the moratorium, promised retaliatory measures if the law goes into full effect in February.

Criticism of the President's decision on many fronts was fierce and mocking. Sen. Jesse Helms and Rep. Lincoln Diaz-Balart were particularly harsh in their commentary while Sen. Bob Graham, Reps. Bob Menendez and Robert Torricelli expressed disappointment as well. Jorge Mas' commentary was surprisingly supportive.

El Nuevo Herald
Miami, FL

"Clinton decides today: Power of lawsuits necessary"
By Cynthia Corzo

Says the dilemma of the day on Tuesday, July 16th was whether or not to allow the lawsuits under Title III to go into effect. The decision was to be announced around mid-day and many of President's advisors have different opinions about what the President was going to decide. One unidentified source was quoted as saying that it would be a last minute decision that could go either way and was certain to leave someone unhappy. The article states that the President has been pondering the decision for some time now, even taking a documents containing recommendations about the issue to Camp David during a weekend visit.

White House spokesman Mike McCurry is quoted as saying that the President is trying to arrive at a decision on two distinct questions: 1. Determining what is in our national interest? and 2. What will accelerate the transition to democracy in Cuba within the limits of the law? Deciding on a moratorium would delay lawsuits under Title III for six months, while giving Title III the go-ahead allow for lawsuits as soon as August 1st. White House sources have revealed that the President has read extensively and consulted a variety of experts on the issue.

The article makes note that for many months Pres. Clinton opposed the Helms-Burton measure, but approved it in March after the downing three cesnas owned by Cuban-American exiles searching for rafters in the Florida Straits. The decision (Helms-Burton approval), according to one unidentified White House source, was made as a punitive measure against the Cuban government. Nothing according to the source has changed. George Harper, an expert on Helms-Burton from the firm of Steel Hector & Davis, believes that the president will approve the measure because it will be hard to demonstrate the need of a postponement in terms of national security and the advancement of democracy in Cuba.

The U.S. has also been put on notice by the European Union and Canada that approval of Title III by the President will result in subsequent retaliatory measures. Canada has even gone so far as to approve measures to recuperate economic harm caused by the law. According

to Mr. Harper, the central question facing the President is what kind of a message does a yes decision on Helms-Burton say about America's position on free trade.

El Nuevo Herald

Miami, FL

"U.S.: We will stand firm until Cuba changes its ways."

This article is a compilation of fragments from Monday's White House Press Briefing by Michael McCurry. The reporter asks Mr. McCurry what the option of abstaining from applying Title III entails, whether the President will make the decision himself, and when? Mr. McCurry responds that the President Clinton has been deliberating over the decision for some time and that his options include a 6 month moratorium on legal action, suspension for 6 months of all stipulations, and suspending the power of individuals or entities to file legal motions. Malcolm Rifkind, British correspondent, then brought up the issue of a potential backlash from the European Union. Mr. McCurry responded by commenting that many U.S. allies were not in agreement with Helms-Burton, but he urged those who disagreed to "join us in confining Cuban communism to the dumpster of history."

Mr. McCurry was also questioned about signals the White House was receiving from allies about isolating Cuba. He commented that they had heard more complaining about Helms-Burton and very little action on the part of our allies to take steps to isolate the island nation. He also addressed the need of a united message reaching Havana and the need of help from our allies in delivering that message. Mr. McCurry said that the administration will stand firm until changes occur and the message of the benefits of capitalism and a democratic form of government are part of the government of the island nation.

One reporter asked whether Mr. McCurry was delivering a message that the administration was going to follow a hard line. Mr. McCurry seemed to agree with the assessment stating that Helms-Burton called for such a stance as did also the Cuban governments scandalous behavior in the downing of three civilian planes in February. When asked to comment on the short term economic interests of allies over acting correctly politically, Mr. McCurry only stated that the belief of the administration is that what is correct politically and economically is the liberation of Cuban people. That is the policy the White House is said to be following. When asked about the economic hardship of the islanders, Mr. McCurry placed the blame squarely on the shoulder of the politics of Fidel Castro and his totalitarian economy.

Office of Congressman Bob Menendez

Washington, D.C.

"Congressman Bob Menendez strongly criticizes President for 'Walking away from democracy in Cuba' by suspending Title III of the Libertad Act."

Congressman Menendez criticized the President's action stating that the President has delayed the best chance to apply economic pressure to the Castro regime. With his approval of Title III, Mr. Menendez said that President Clinton "created standing and irreversible rights for U.S. citizens, and started the clock running on.....foreign companies invested in stolen property...." Congressmen Menendez was concerned that the President was sending the wrong message emphasizing economics over democracy and profits before human rights. He also stated that "the decision puts the seal of approval of the U.S. government on profiteering of stolen

American property. Mr. Menendez went on to say that Title III is a powerful tool that can create meaningful disincentives and that the administration has prevented us from employing it for 6 months. He claims that the President's advisors have convinced him to suspend rights in the false hope that he can accomplish in this brief time what hasn't been accomplished in 37 years.

Diario de las Américas

Miami, FL

"Clinton postpones the implementation of Title III"

By Ariel Remos

The article announces President Clinton's decision to suspend the right to file a lawsuits according to the provisions of Title III in the Helms-Burton Law. It states that the President has taken this course of action in hopes of establishing better support for U.S. initiatives towards Cuba among allies. While the President suspended the rights to file suit, he did serve notice to companies trafficking in stolen property, that if they took part in the use or exchange of U.S. stolen property they would be held responsible for their actions in U.S. courts. Hopefully this warning will serve as a deterrent to firms who are investing in Cuba. The article closes by mentioning that the President will review the moratorium in six months.

Diario de las Américas

Miami, FL

"Clinton victim of manipulation, according to Díaz-Balart"

By Ariel Remos

President Clinton is portrayed in the article as having made a no-decision. Congressman Lincoln Díaz-Balart denounced the cynicism of the President in trying to confuse the American public with this decision. Díaz-Balart accused Clinton of denying Americans their right to file lawsuits and recover property illegally confiscated by the tyrannical Castro regime. The article ends with a quote from the congressman which states that once again President Clinton has allowed himself to be manipulated by hand of external pressures while forsaking the national interest.

Clinton dijo

Sí, pero no

Da luz verde al Artículo III,
pero con moratoria de seis meses

Por CYNTHIA CORZO

Redactora de El Nuevo Herald

Sí pero todavía no.

Sin satisfacer a enemigos ni amigos de la Ley Helms—Burton, el presidente Bill Clinton otorgó el martes a los ciudadanos estadounidenses el derecho a demandar a las compañías extranjeras que comercien con sus propiedades confiscadas en Cuba.

Pero las demandas no pueden ser presentadas hasta febrero ... si entonces Clinton considera apropiado levantar la moratoria.

"Ha llegado la hora de que nuestros aliados y amigos hagan más; se unan a nosotros en tomar pasos concretos para promover la democracia en Cuba", dijo Clinton desde la Casa Blanca. "Por eso hoy anuncio un curso de acción sobre el Artículo III de la Ley de Libertad para alentar a nuestros aliados a trabajar con nosotros y acelerar el cambio en Cuba".

Además, el gobierno de Clinton tendió una rama de olivo a los exiliados cubanos y se comprometió a nombrar un enviado especial, que se encargará de conseguir apoyo multinacional de los aliados para establecer una "agenda seria" a favor de la democracia en Cuba.

"Será una persona prominente y creíble tanto en Estados Unidos como internacionalmente, y aguardamos una pronta decisión sobre quién será esa persona", dijo Peter Tarnoff, subsecretario de Asuntos Latinoamericanos del Departamento de Estado.

A pesar de la moratoria en la presentación de demandas, durante los próxi-



Associated Press

Bill Clinton dijo que los amigos de Estados Unidos ahora 'tendrán fuertes incentivos' para ayudar a lograr 'progresos reales' en Cuba.

mos seis meses, las compañías extranjeras tendrán que asumir responsabilidad por ocupar propiedades confiscadas en la isla, y los reclamantes podrán contratar abogados y preparar sus casos.

Como parte de la puesta en vigor de la mencionada cláusula, llamada técni-

VEA LEY HELMS-BURTON, 6A

LEY HELMS-BURTON, DE 1A

camente Artículo III, la Casa Blanca utilizará también el plazo para trabajar arduamente en busca de apoyo internacional a una serie de pasos concebidos para promover la democracia en Cuba:

■ Aumentar la presión sobre Cuba a favor de aperturas políticas y económicas.

■ Apoyar las fuerzas que buscan cambios dentro de la isla.

■ Retener la ayuda extranjera a Cuba.

■ Promover prácticas empresariales que contribuyan a democratizar la fuerza laboral en Cuba.

Según Clinton, los amigos de Estados Unidos "tendrán fuertes incentivos" para ayudar a lograr "progresos reales" en Cuba, porque "con el Artículo III en vigor, la responsabilidad quedará establecida irreversiblemente durante el período de suspensión, y las demandas podrían ser introducidas inmediatamente si la suspensión es levantada".

Clinton señaló que en febrero decidirá si conviene poner fin a la moratoria, y afirmó que su determinación dependerá de la actitud que adopten los aliados de Estados Unidos durante este período de seis meses.

De concluir la moratoria, las demandas comenzarán a tomar su curso el 1ro. de febrero con todo el peso de la ley.

La decisión, considerada difícil por expertos y asesores presidenciales, es un esfuerzo por lograr el compromiso entre dos extremos.

"Encontró la única opción que puede considerarse una especie de compromiso", dijo George Harper, abogado experto en la Ley Helms-Burton de la firma Steele Hector & Davis. "No es algo inesperado. Retrasa un poquito tener que tomar una decisión firme".

Hay más de 100 empresas extranjeras que operan con propiedades confiscadas por el gobierno de Fidel Castro hace más de 35 años. Castro confiscó unas 6,000 propiedades estadounidenses valoradas en unos \$1,800 millones.

"Todas las compañías que hacen negocios en Cuba están notificadas de que al traficar con propiedad expropiada enfrentan la posibilidad de demandas y de obligaciones legales significativas en Estados Unidos", dijo Clinton.

Según la decisión, las compañías podrían aprovechar los seis meses para retirarse de las propiedades que ocupan en Cuba.

"Pueden sumarse a nuestros esfuerzos por acabar con la

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propiedades", dijo Clinton. "Pueden unirse a nuestros esfuerzos por promover la transición democrática en Cuba. O pueden enfrentar la total implementación".

La moratoria llegó después de intensas presiones en varios frentes. Clinton se vio entre la espada y la pared. De un lado las represalias auguradas por sus aliados; del otro el posible castigo de los votantes cubanos en Florida y Nueva Jersey en las elecciones de noviembre.

Los aliados europeos, Canadá y los vecinos latinoamericanos montaron una intensa campaña de cabildeo para lograr que Clinton aplazara la puesta en vigor de esta cláusula. Casi todos amenazaron con fuertes represalias contra Estados Unidos.

"Es una decisión típica del presidente Clinton que no satisface a nadie", dijo Frank Calzón, representante en Washington de la organización de derechos humanos Freedom House. "Para los europeos, sigue la espada de Damocles sobre su cabeza. Para los cubanoamericanos, que queremos ver un cambio en Cuba, no es suficiente".

Canadá continúa con su propósito de presentar el caso ante un panel de solución de disputas en el marco del Tratado de Libre Comercio de América del Norte (TLC). Una vista al respecto podría realizarse el 29 de julio.

nos están apuntando a la cabeza con una pistola", dijo Art Eggleton, ministro de Comercio de Canadá.

A corto plazo, el compromiso busca tranquilizar a los aliados de Estados Unidos y ganar tiempo. Pero parece poco probable que, en el patio nacional, logre silenciar a los republicanos, escasamente cuatro meses antes de las elecciones.

"Apaciguar a Fidel Castro al remover el arma valiosa del Artículo III del arsenal de sanciones envía un mensaje de apoyo estadounidense a la dictadura castroista y prolongará la miseria y el sufrimiento del pueblo cubano", dijo Bob Dole, candidato presidencial republicano.

Sin embargo, los expertos que lidian directamente con las reclamaciones consideran que no se trata de un golpe abrumador contra sus clientes.

"Este no es el peor de los casos, por lo menos ya el reloj comienza a correr", dijo Nicolás Gutiérrez, que representa a unos 80 demandantes. "A partir del 1ro. de noviembre las compañías extranjeras serán responsables por ocupar propiedades confiscadas".

Agregó que, en todo caso, los demandantes cubanoamericanos no podrían de ninguna manera dar curso a sus demandas antes de marzo de 1998 por aspectos burocráticos desvinculados de la cuestión política. Las primeras demandas en contar con vía libre

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Clinton pide que aliados presionen a Castro

LO QUE DICE LA LEY

La ley Helms-Burton, aprobada por el Congreso y firmada por el presidente Bill Clinton en marzo, consta de cuatro artículos, a saber:

■ **Artículo I:** Establece que el embargo económico contra Cuba no puede ser levantado por un presidente de Estados Unidos sin la aprobación del Congreso.

■ **Artículo II:** Autoriza al presidente a poner fin al embargo sólo cuando un gobierno democrático ejerza el poder en Cuba, y prevé la elaboración de un plan de Washington para prestar asistencia al régimen democrático de la isla.

■ **Artículo III:** Permite la presentación de demandas judiciales en tribunales de Estados Unidos contra empresas extranjeras que posean o se beneficien de propiedades de ciudadanos norteamericanos confiscadas por el régimen de Fidel Castro.

■ **Artículo IV:** Permite prohibir la entrada a Estados Unidos de ciudadanos extranjeros que hayan traficado con las propiedades confiscadas en Cuba a ciudadanos de Estados Unidos, así como a sus esposas y a los hijos menores de 18 años.

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serían las de empresas norteamericanas.

"Desde un punto de vista legal, Clinton dijo sí y no en la misma oración. Dijo que el Artículo III debería ser implementado, y a la vez indicó que su implementación debe demorar seis meses".

"Esto siembra la confusión entre mis clientes. El optimismo es fuerte, pero las posibilidades de fracaso también", comentó.

La puesta en vigor del Artículo III, explicó Gutiérrez, permite que el 1ro. de noviembre los reclamantes notifiquen a las

empresas extranjeras que, si no se retiran en 30 días, los daños a pagar aumentarían hasta tres veces el valor de la propiedad.

"Nos podemos preparar para presentar las demandas el 1ro. de febrero", afirmó Gutiérrez, cuya familia consolidó sus reclamaciones de centrales azucareros, fincas y otros negocios bajo la compañía Grupo Castaño LC.

No obstante, criticó que Clinton no tomara una acción más contundente y dejara pasar una buena oportunidad de sentar un precedente.

Clinton pide que aliados presionen a Castro

levantado un huracán de oposiciones entre los tradicionales aliados de Estados Unidos, las noticias fueron tomadas con más escepticismo que júbilo.

La Comisión Europea dijo que sus miembros estaban satisfechos con la decisión de Clinton, la cual calificó de una "victoria moral" de la Unión Europea. Pero agregó que continúan estudiando "la mejor manera de defender sus intereses" porque los aspectos "extraterritoriales" de la Ley Helms-Burton aún están en vigor.

"El presidente Clinton no ha decidido suspender el Artículo III, sino sólo la posibilidad de tomar acciones en base al Título III durante seis meses", dijeron Jacques Santer, presidente de la Comisión Europea, y Sir Leon Brittan, comisario europeo de Comercio.

Los responsables comunitarios recordaron que la Unión Europea y sus estados miembros se opusieron firme y repetidamente a una legislación que, según ellos, "viola las obligaciones internacionales norteamericanas".

Con anterioridad, los cancilleres europeos llamaron a Clinton a posponer la implementación de la cláusula de las demandas y expresaron preocupación por las partes de la ley ya aplicadas.

La decisión del martes podría eliminar, o aplazar, la letanía de represalias comerciales acordadas el lunes por los ministros de asuntos exteriores de la Unión Europea. Sigue ne pie, sin embargo, una denuncia europea de la Ley Helms-Burton ante la Organización Mundial de Comercio.

El canciller francés Herve de Charette expresó complacencia por la decisión y dijo que era un "gesto innegable hacia la Unión Europea y otros importantes socios de Estados Unidos".

El ministro español de Relaciones Exteriores, Abel Matutes, dijo que Clinton prudentemente tomó en consideración la posición de las 15 naciones que integran la Unión Europea.

"No es motivo de celebración, pero representa una reacción positiva de Estados Unidos hacia la posición de la Unión Europea", precisó.

En Canadá, también felicitaron a Clinton por la decisión, pero dijeron que seguirán avanzando su propia legislación para combatir la ley.

"Necesitamos asegurarnos de que esta decisión no sea revertida un día después", dijo Pierre Pettigrew, ministro de Cooperación Internacional. "El gobierno seguirá con su decisión de contrarrestar los efectos extraterritoriales de la ley."

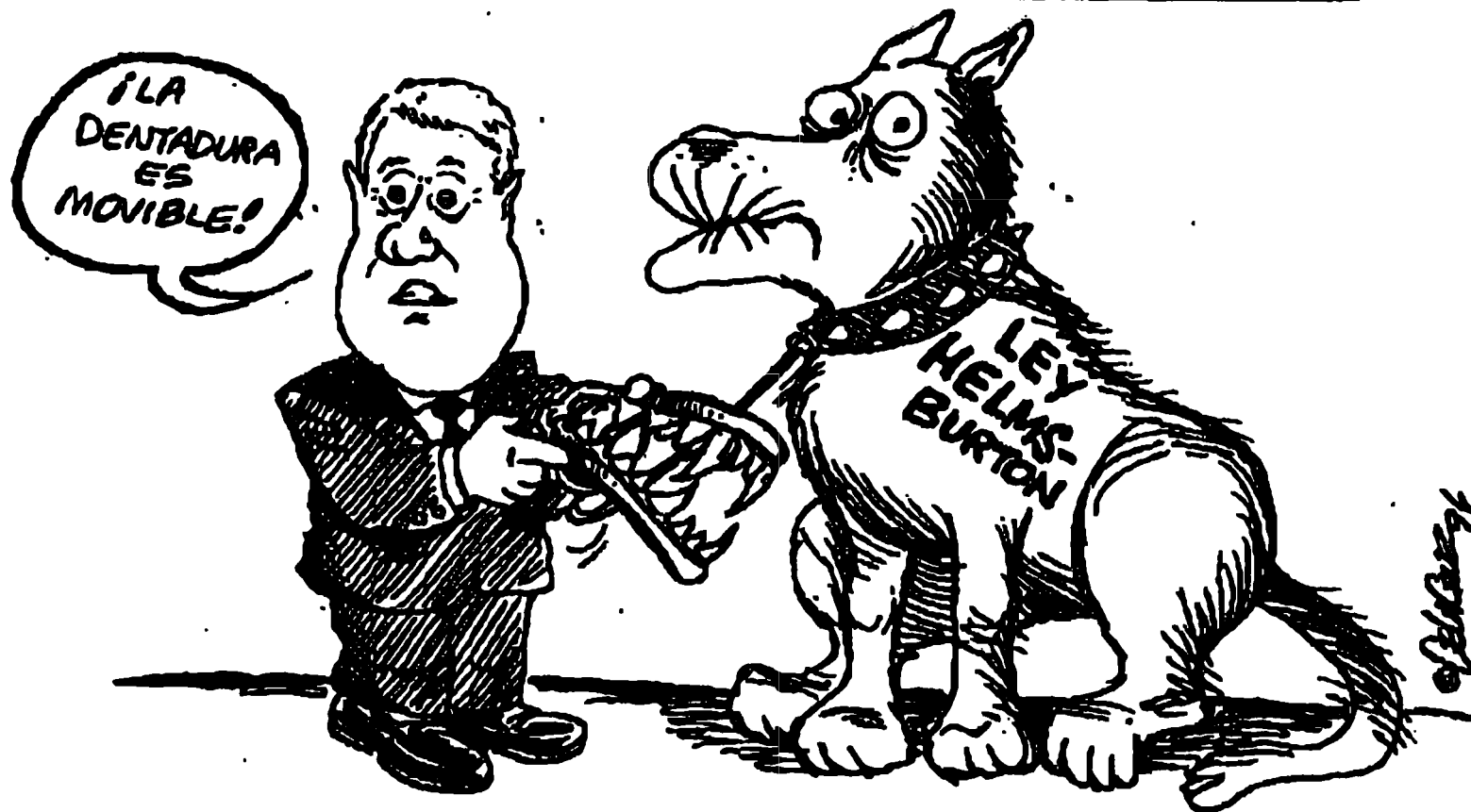
Decisión de Clinton recibe

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EL NUEVO HERALD
MIÉRCOLES 17 DE JULIO DE 1996

Clinton: No Cuba lawsuits for now

Firms are given
time to divest

■ HELMS-BURTON TIMETABLE, 6A
■ PRESIDENT ELICITS OUTRAGE, PRAISE, 6A

By CHRISTOPHER MARQUIS
Herold Staff Writer

WASHINGTON — President Clinton on Tuesday postponed the most potent and controversial provision of the Helms-Burton law, delaying for at least six months private U.S. lawsuits against foreigners "trafficking" in confiscated property in Cuba.

At the same time, Clinton put into effect a provision of Helms-Burton that makes it illegal to use or benefit from Cuban properties claimed by Americans and says that foreign firms that violate it will be held liable for damages after Nov. 1.

Firms that fail to liquidate such Cuban holdings by that date can be sued in U.S. courts, starting Feb. 1.

Clinton, who has been under intense pressure from U.S. allies to bar future lawsuits, claimed his two-pronged approach would give the United States the means to build an international coalition aimed at bringing democracy to Cuba and end divisive struggles over how to deal with Havana.

But Cuban-American leaders, Republican backers of Helms-Burton and even some prominent Democrats immediately decried the president's move as waffling and inadequate. Privately, they noted that Clinton had delayed a decision on the lawsuits until after the November election, when he might be free of electoral pressures from Cuban Americans and others.

Bob Dole, the presumed Republican candidate for president, accused Clinton of "trying to have it both ways on U.S. policy toward Cuba. He claims

PLEASE SEE CUBA, 6A

he is allowing a penalty to go into effect — civil liability for trafficking in expropriated property — but he will not allow American citizens to use American courts to seek justice."

Clinton said he would review the cooperation of European, Canadian and Latin American allies after six months, then decide whether to allow U.S. lawsuits to proceed against their companies under Title III of Helms-Burton.

"Today's action is the best way to achieve the bipartisan objectives we all share: to isolate the Cuban government and to bring strong international pressure to bear on Cuba's leaders, while holding out the very real prospect of fully implementing Title III in the event it becomes necessary," Clinton said in a statement.

"By working with our allies — not against them — we will avoid a split that the Cuban regime will be sure to exploit," he added.

The possible lawsuits affected by Tuesday's action are only those that would be filed on behalf of 5,911 claimants whose losses have been filed with the U.S. government since 1967. Other suits made possible by Helms-Burton, including those on behalf of naturalized Cuban Americans, are still scheduled to begin Mar. 12, 1998.

A roving envoy

Aides said Clinton plans to appoint a special envoy to travel to foreign capitals and underscore the importance his administration places on promoting civil society, human rights and using economic aid as leverage for political reform in Cuba. No candidate was named; the president's last special adviser for Cuba, Richard Nuccio, resigned in protest against Helms-Burton.

U.S. allies and trading partners made plain that they, like Helms-Burton supporters, felt dissatisfied.

British Foreign Secretary Malcolm Rifkind, whose government has led an international outcry against the law's "extra-territoriality," welcomed Clinton's decision to delay any lawsuits until Feb. 1 at the earliest.

"This means that there will be

We are glad that the U.S. administration have pulled back from the brink in this way," Rifkind said.

But leaders of the European Union insisted they will prepare retaliatory steps against the United States, possibly including blacklisting of U.S. companies that sue European firms or requiring visas of U.S. business travelers.

Fierce criticism

From Capitol Hill, the criticism of Clinton's action Tuesday was fierce and mocking.

"President Clinton has once again taken a firm stand on both sides of an important issue," said Sen. Jesse Helms, R-N.C., one of the principal authors of the law. "The truth is, Mr. Clinton has capitulated to [Cuban President] Fidel Castro and his foreign business collaborators, who not only condone Castro's cruel dictatorship, but want to help it flourish."

"A backbone of Jell-O," scoffed Rep. Lincoln Diaz-Balart, R-Fla. "That's what President Clinton demonstrated today."

Democrats who have figured prominently on the Cuba issue — Florida Sen. Bob Graham, Reps. Bob Menendez and Robert Torricelli, both of New Jersey, and Rep. Peter Deutch of Lauderdale — all expressed disappointment with Clinton's decision.

Clinton's foreign policy advisers, said Menendez, convinced him that foreign countries "will do in six months what they haven't done in 37 years, which is promote democracy in Cuba instead of looking at the bottom line."

One notable exception to the hail of criticism came from Jorge Mas Canosa, chairman of the Cuban American National Foundation, the most influential exile lobby. It reflected a desire by Mas to mend ties with Clinton as a hedge against his re-election, congressional sources said.

Mas told reporters Tuesday's action was "an intelligent measure by President Clinton, with which he has taken an adequate step."

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WHAT THEY SAID

"President Clinton has once again taken a firm stand on both sides of an important issue."

— **Senate Foreign Relations Committee Chairman Jesse Helms**

"President Clinton's continued indecision until the last possible moment demonstrates, once again, that this president is rudderless when it comes to standing up for American principles around the world."

— **Republican presidential candidate Bob Dole**

"A backbone of Jell-O. That's what President Clinton demonstrated today. . . . The president's action today is a dramatic historic example of appeasement at its worst. It is a demonstration of ultimate weakness by a systematically weak chief executive."

— **Rep. Lincoln Diaz-Balart, R-Fla.**

"I am outraged by President Clinton's unwillingness to stand firm in the defense of freedom and his apparent eagerness to accommodate Fidel Castro and all those who do business with his totalitarian regime."

— **Sen. Connie Mack, R-Fla.**

"It's an intelligent measure by President Clinton . . . an adequate step."

— **Jorge Mas Canosa,**

chairman of the Cuban American National Foundation

"On the positive side, there's no green light for foreigners to invest in Cuba. There's too much uncertainty. But the bad side is that President Clinton had the chance to come across as being principled and standing up to the Europeans and he didn't. . . . It disillusiones Cuban Americans who were getting ready to vote for him in Florida and New Jersey."

— **Nicolas Gutierrez, Miami lawyer representing about 80 potential claimants under Helms-Burton**

"All that's happened today is that the supreme empire has given the world a reprieve — [agreeing] not to violate its sovereignty for the next six months."

— **Cuban Foreign Minister Roberto Robaina**

"They [the U.S.] are still telling us which direction to follow. . . . It's an unacceptable way to proceed."

— **Canadian Foreign Trade Minister Art Eggleton**

"It's no cause for celebration, but it's a positive reaction from the United States to the European Union's position."

— **Spanish Foreign Minister Abel Matutes**

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HELMS-BURTON TIMETABLE

Aug. 1 — Title III of the Helms-Burton law takes effect, making "trafficking" in confiscated property in Cuba illegal. The clock begins ticking on a 90-day grace period giving foreign firms the opportunity to end such business deals.

Nov. 1 — Foreign firms that have not stopped doing business in American-claimed properties become liable for damages. If the property is valued at \$50,000 or more, they could face lawsuits from U.S. registered claimants in another three months.

Jan. 16, 1997 — The president decides whether to allow the

first lawsuits to be filed on Feb. 1. If he decides to postpone the suits, he must invoke the U.S. national interest and argue that postponement will "expedite a transition to democracy in Cuba."

Feb. 1, 1997 — Unless the president has waived the provision for another six months, the first lawsuits may be filed by any of 5,911 U.S. companies and individuals, whose claims have been on the books since 1967.

March 12, 1998 — Naturalized Cuban Americans may begin to file suits against foreigners trafficking in confiscated property in Cuba.

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Poder de demandas clave Clinton decide hoy:

Por CYNTHIA CORZA

Redactora de El Nuevo Herald

¿Permitir o no permitir las demandas? Ese es el dilema del momento.

El presidente Bill Clinton decidirá hoy al mediodía qué pasará con el Artículo III de la Ley Helms-Burton, la controversial cláusula que permitiría

demandar a compañías extranjeras que trabajen con propiedades confiscadas en Cuba.

Pocos se atreven a predecir su decisión.

"No tenemos ni idea de qué va a decidir", dijo una fuente gubernamental que pidió no ser identificada. "Es una decisión difícil. Cualquier cosa que decida

va a causar que algunas personas se sientan empujadas con el resultado".

La fuente aseguró que los propios asesores de Clinton están divididos al respecto.

"Creo que va a ser una decisión de última hora", dijo la fuente.

La cláusula permite que ciudadanos y compañías estadounidenses demanden

en Ley Helms

¿Le dará el sí?

en cortes federales a las empresas extranjeras que negocian con sus propiedades confiscadas por el gobierno de Fidel Castro hace más de tres décadas. También extiende el derecho de demandar a aquellos cubanoamericanos que no

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Clinton se debate entre el sí y el no al

ARTICULO III, DE 1A

eran ciudadanos estadounidenses cuando sus propiedades fueron confiscadas, pero que luego se nacionalizaron.

Durante los últimos días, Clinton se ha estado preparando para la decisión que enfrenta. Según Mike McCurry, portavoz de la Casa Blanca, durante el fin de semana Clinton se llevó a Camp David un documento con recomendaciones sobre la Helms-Burton.

"Lo que el presidente está contemplando es simplemente, uno, ¿qué promoverá ... el interés

nacional de Estados Unidos? y dos, ¿qué acelerará una transición a la democracia en Cuba, dentro de la ley", dijo McCurry.

Una postergación de la medida retrasaría por seis meses su puesta en vigor, suspendería el derecho legal a reclamar posesión de las propiedades o la posibilidad de individuos o entidades de entablar acciones legales en las cortes.

De no postergarse el Artículo III, entraría en vigor el 1ro. de agosto.

"No se qué va a hacer", dijo Bob Menéndez, representante demócrata por Nueva Jersey y el

cubanoamericano más influyente en la política estadounidense hacia la isla. "Tengo una esperanza de que va a permitir que la cláusula entre en vigor".

Fuentes vinculadas a la Casa Blanca aseguran que Clinton ha estudiado concienzudamente sus opciones. Ha leído mucho. Ha conversado con asesores, políticos, expertos y académicos. Entre sus asesores ha estado Madeleine Albright, embajadora de Estados Unidos en Naciones Unidas.

"El está muy consciente de que tomó la decisión de aprobar Helms-Burton como medida punitiva contra el gobierno de Cuba", dijo una fuente allegada a

la Casa Blanca. "Nada ha cambiado".

Clinton, que durante meses opuso a la Helms-Burton, dio a aprobar la ley en marzo, después que el gobierno de Clinton derribó dos aviones estadounidenses de Hermanos al Rescate en aguas internacionales, ordenando la muerte de cuatro voluntarios de esa organización derribados.

Para optar por una postergación del Artículo III, Clinton debería que demostrar que implementar la ley iría en contra de los intereses de seguridad nacional de Estados Unidos y que se

Artículo III de la Helms

perjudicial para el proceso de una transición hacia la democracia en Cuba.

"Los expertos creen que la va a aprobar", dijo George Harper, abogado experto en la Helms-Burton de la firma Steel Hector & Davis. "Va a ser difícil demostrar que posponer la fecha de implementación es necesario para la seguridad nacional y promover la democracia en Cuba".

La decisión no es fácil. Cualquiera que se tome tendrá serias repercusiones a nivel mundial. Afectará las relaciones de Estados Unidos con sus aliados europeos, con Canadá y con vecinos latinoamericanos.

La Unión Europea advirtió la semana pasada que congelará bienes estadounidenses y exigirá visas a los ciudadanos de este país que quieran visitar Europa si alguna firma europea es penalizada por invertir en Cuba.

El gobierno canadiense criticó enérgicamente la decisión y dijo que pedirá que una comisión de conflictos del Tratado de Libre Comercio para América del Norte (TLC) tome una determinación respecto a las disposiciones de la Ley que considere objetable.

Hace un mes, Canadá aprobó una ley con medidas de represalia contra la Helms-Burton que permite a los ciudadanos canadienses llevar ante los tribunales reclamos para recuperar daños económicos causados por la ley.

"Creo que ha habido muchas quejas de nuestros aliados", dijo Harper. "Pero la respuesta se puede dirigir sólo a aquellos afectados por el Artículo III. Es algo muy específico y creo que sólo casos aislados estarán sujetos a demandas".

Según Harper, la pregunta esencial es, si el Presidente decide permitir la puesta en práctica del Artículo III, ¿qué mensaje le envía al mundo sobre el compromiso de Estados Unidos con el libre comercio?

"El quiere ser un propulsor del libre comercio, quiere expandirlo; continuar el movimiento", dijo Harper. "Y su preocupación es que si no lo pospone, estará en una encrucijada".

Clinton podría salir airoso, según Harper, si deja muy en claro que su decisión proviene de un incidente aislado que surge de los problemas entre Cuba y Estados Unidos.

"Tiene que asegurarles que esto no significa un cambio en la política estadounidense hacia el libre comercio internacional", dijo Harper. "Entonces podrá sobrepasar la tormenta".

Vea conferencia de prensa en la Casa Blanca, página 5A.

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EU: Nos mantendremos

Fragmentos de la rueda de prensa llevada a cabo el lunes en la Casa Blanca por Michael McCurry, portavoz presidencial, sobre la Ley Helms-Burton y el Artículo III.

Periodista: La opción de abstenerse [de aplicar la ley] Helms-Burton, ¿en qué está? ¿Quién tomará la decisión? ¿Tendrá que aprobarla el Presidente y tendrá que decidir para mañana [hoy martes] por la noche?

McCurry: El Presidente se llevó consigo a Camp David el pasado fin de semana un documento con recomendaciones sobre el asunto Helms-Burton. En breve, la cuestión es si el Presidente debería o no invocar una abstención del Artículo III de esa ley... que podría dar lugar a una de estas tres cosas: atrasar por seis meses sus estipulaciones, suspender el derecho legal a reclamar posesión [de propiedades confiscadas], o suspender la potestad de individuos o entidades de entablar acción en las cortes...

Periodista: [El canciller británico] Malcolm Rifkind dice que la Unión Europea tomará represalias si Estados Unidos activa la Helms-Burton.

McCurry: Muchos de nuestros aliados no están de acuerdo con lo que ellos llaman "las características extraterritoriales" de esta estipulación... Pero a ellos les decimos: "Unanse a nosotros en el esfuerzo por confinar el comunismo cubano en el basurero de la Historia, donde merece estar"...

Periodista: Antes de la reunión del G-7 usted y otros funcionarios [norteamericanos] dijeron que los aliados deberían hacer algo para demostrar que están tratando de aislar a Castro y que

ustedes están buscando señales de que ellos están tratando de hacer eso. ¿Han visto indicios?

McCurry: No hemos visto muchos. Sí hemos oído quejas contra nuestra [iniciativa, la ley]... y francamente hemos oído más quejas contra ella que quejas contra Fidel Castro.

Y hemos dicho a nuestros aliados: "Lo tienen todo confundido. Ustedes deben comprender que Cuba... se ha ubicado fuera de la comunidad de naciones y rehúsa ver el cambio histórico que ocurre en tantos países anteriormente comunistas y totalitarios, [rehúsa ver] que la economía de mercado funciona, que la política democrática funciona, que ambas, de la mano, pueden cambiar la vida de un pueblo que ha sido encarcelado por el comunismo".

Y hasta que ese mensaje suene fuerte y claro, en La Habana, ojalá con la ayuda de nuestros aliados... el efecto de esta legislación queda por ver...

Continuaremos manteniéndonos firmes. Tiene que haber [en Cuba] la clase de cambio que está prevista en la Ley Helms-Burton y que también contemplaba la Ley de Democracia Cubana.

Periodista: Suena como si usted estuviera insinuando una línea dura. ¿Es esa la intención?

McCurry: Dejando aparte este asunto de la abstención, los efectos de la Ley Helms-Burton representan una línea dura hacia Cuba porque requiere que Estados Unidos tome ciertas medidas contra ciertos individuos en cuanto a sus visas y su capacidad para viajar a Estados Unidos, y ya las hemos tomado.

Hacemos esto porque es un asunto muy serio. Fue llevado a un nivel aun más serio por la conducta escandalosa del

‘Cuba no sufre a causa de la política económica de Estados Unidos o de los embargos. Sufre a manos de un sistema económico totalitario que es un fracaso total’

MICHAEL McCURRY
Portavoz presidencia

gobierno de Cuba, cuando **asesinó** dos aviones civiles, **asesinó** a cuatro personas inocentes. **la**

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fuertes hasta que Cuba cambie

reacción del Congreso, del Presidente y del pueblo ante esa atrocidad fue muy rápida.

Periodista: ¿Diría usted que ciertos de nuestros aliados ponen las ganancias inmediatas antes de los actos políticamente correctos?

McCurry: Creemos que lo que es correcto políticamente y lo que es correcto económicamente es efectuar la clase de cambio que liberará al pueblo de Cuba. Ese es el propósito de la Ley Helms-Burton y de la Ley de Democracia Cubana.

Esa es la política que hemos seguido y que francamente todo Presidente [norteamericano] ha seguido en las últimas tres décadas para llevar a cabo la clase de cambio que deseamos ver en Cuba...

Periodista: Esta gente está terriblemente hambrienta y toda-

via no han derrocado al régimen. ¿No seguirán sufriendo de hambre?

McCurry: El pueblo de Cuba no sufre a causa de la política económica de Estados Unidos o de los embargos. Sufre a manos de un sistema económico totalitario que es un fracaso total... Las fuentes del sufrimiento del pueblo cubano son las políticas terribles seguidas por el régimen de Castro...

Periodista: ¿Tiene el Presidente espacio para maniobrar...? ¿Y estará dispuesto a aceptar el castigo económico que podrían infligir los europeos, sus otros aliados?

McCurry: La latitud que tiene [el Presidente] está expresada en la ley misma. El es responsable por los intereses nacionales y por las medidas que aceleren la transición a la democracia en Cuba.

El puede asumir que los intereses nacionales sufrirán si los aliados toman represalias, pero al mismo tiempo debe tomar en cuenta lo que... promueva la clase de cambio en Cuba que deseamos. En cuanto a la abstención [de castigos], si la atrasa seis meses, hay cierta flexibilidad en cuanto a cómo se puede aplicar... y eso está definido en la ley.

Periodista: Si los aliados imponen medidas de represalia... ¿cómo actuará el Presidente... ante los inconvenientes y el dolor económico que sufrirían los ciudadanos norteamericanos?

McCurry: [El Presidente] sopesará esos factores, tal como sopesará la ira que siente el pueblo americano ante la conducta descarada del gobierno cubano y la pasión con que el pueblo americano anhela la libertad para el pueblo de Cuba...

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POSPONE Clinton la vigencia sobre el Título III

Por ARIEL REMOS



CLINTON se decide por la espera.

El Presidente Bill Clinton optó por suspender el Título III de la Ley Helms-Burton. "Estoy suspendiendo el derecho a iniciar demandas por seis meses", dijo el Presidente en su anuncio hecho en la Casa Blanca después de la una de la tarde de este martes.

"He decidido usar la autoridad que me confiere el Congreso, para maximizar la efectividad del Título III, alentando a nuestros aliados a trabajar con nosotros para promover la democracia en Cuba", expresó también justificando su decisión.

No obstante la decisión de suspender por seis meses el derecho de los ciudadanos americanos a demandar a compañías que estén traficando con sus propiedades confiscadas ilegalmente por la tiranía de Castro, el Presidente declaró: "Estoy permitiendo la entrada en vigor del Título III. Como resultado, las compañías que negocien con Cuba están notificadas de esta manera que si trafican con propiedades americanas expropiadas, se exponen a demandas e importantes responsabilidades en Estados Unidos. Esto servirá como disuasión a ese tráfico, que es uno de los objetivos de la

ley LIBERTAD".

Dijo asimismo el Presidente que al final del período de seis meses en que quedará suspendido el derecho de los ciudadanos americanos a interponer demandas, él determinará "si pone fin a la suspensión contra países o compañías que continúan traficando con propiedades confiscadas y no hayan tomado una acción satisfactoria para promover la democracia en Cuba".



Casa Blanca pide a sus aliados que se unan contra Cuba, el "basurero de la historia"

WASHINGTON (EFE).- La Casa Blanca hizo un llamamiento a sus aliados para que se sumen a EEUU en su esfuerzo por relegar el comunismo cubano al "basurero de la historia".

Preguntado sobre la respuesta de los aliados europeos contra la aplicación de una parte controvertida de la ley "Helms-Burton" contra Cuba, el portavoz de la Casa Blanca, Mike McCurry, afirmó: "Diríamos a nuestros aliados que se sumen a nosotros en el esfuerzo de confinar al comunismo cubano al basurero de la historia, donde pertenece".

At. Susana Valdez

AL CERRAR LA EDICION

Clinton víctima del chantaje, según Díaz-Balart

Por ARIEL REMOS

Tan pronto se anunció la decisión del Presidente Clinton de suspender la parte crucial de la aplicación del Título III de la ley Helms-Burton, en forma que algunos interpretaron como una especie de "decidir no decidir", el congresista Lincoln Díaz-Balart denunció "el cinismo del Presidente Clinton de querer confundir al pueblo americano con su decisión". Díaz-Balart fue al grano, precisando que Clinton suspendió por seis meses el derecho de los ciudadanos americanos a demandar judicialmente a las empresas e individuos que trafican en Cuba con los bienes que ilegalmente les confiscó la tiranía de Castro.

"Nuevamente Clinton ha permitido que el chantaje y las presiones dicten su política exterior, por encima del interés nacional", dijo Díaz-Balart.

THE MIAMI HERALD
July 24, 1996

Clinton works with, not against, our allies

Samuel R. Berger is deputy assistant to the president for national security affairs. He wrote this article for *The Herald*.

PRESIDENT Clinton has been firmly committed to bringing democracy to Cuba from the beginning of his administration. His decision last week to implement Title III of the Cuban Liberty and Democratic Solidarity (*Libertad*) Act represents another important step toward that goal — and makes the best use of the tools that this important legislation offers.

The president allowed Title III to take effect, giving American nationals an unprecedented right to sue foreign companies that profit from American-owned property confiscated by the Cuban regime. But the president also suspended for six months the right to file suit.

These twin actions make maximum use of Title III to increase pressure on the Cuban regime by working with our allies — not against them — to accelerate change. During the suspension period, the administration will ask our allies to take concrete steps to promote democracy in Cuba — pressuring the regime on human rights and economic freedom; providing aid to the forces of change within Cuba; withholding nonhumanitarian assistance to the regime; channeling humanitarian assistance to independent groups, not the Cuban government; and promoting business practices that advance human rights. The allies know that if the president is not satisfied with the progress made after six months, he can end the suspension.

By using Title III as a lever, not a sledgehammer, the president has created a compelling reason for companies to stop investing now — or live under the very real threat of a lawsuit. The incentive on our allies to work with us has increased because putting Title III into effect establishes irreversible liability, and suits could be filed immediately if the president lifts the suspension. At the same time, the president has given our allies a window of opportunity to join with us in the effort to isolate Castro's dictatorship — avoiding a rift that the Cuban regime surely would exploit.

The president's decision builds on a strong and consistent record of support for democracy in Cuba. Twice in the last two years, the administration has increased pressure on the Castro regime by tightening our tough economic embargo.

Then, when Cuban military jets shot down two unarmed American civilian aircraft on Feb. 24, brutally killing three American citizens and a Cuban U.S. resident, the president acted clearly and decisively. He won the first condemnation ever of Cuba at the U.N. Security Council. And he took strong unilateral steps against Havana, including new visa restrictions on Cubans, new limitations on the movement of Cuban officials in the United States, the suspension of charter flights to Cuba, and increased support for Radio Marti.

Most important, the president signed the *Libertad* Act and vigorously applied its provisions — giving the Treasury Department power to impose civil penalties on embargo violators; encouraging support for independent, pro-democracy groups on the island; and, through Title IV, barring U.S. entry to foreigners who are profiting from confiscated American property. This month the administration notified seven executives of a major Canadian company that they would not be allowed to enter the United States unless they stopped profiting from expropriated American property in Cuba.

Now, by choosing a smart course on the *Libertad* Act's Title III, President Clinton has stepped up the pressure on the Cuban regime while enlisting others around the world in our campaign for change. That's precisely Title III's intent. By using it wisely, the president is advancing the cause of democracy in Cuba.

The president's decision builds on a strong and consistent record of support for democracy in Cuba. Twice in the last two years, the administration has increased pressure on the Castro regime by tightening our tough economic embargo.



The Gate Crasher

Open the door to democracy Let Cuba experience economic growth

The following editorial is reprinted from *The Philadelphia Inquirer*.

AERICAN POLITICIANS have a hard time acting rationally about Cuba. So President Clinton deserves some credit for heading off a nasty confrontation with America's top trading partners. But last week's bizarre drama — in which the United States has already revoked visas to British and Canadian executives whose companies won't help isolate Fidel Castro — isn't over yet.

Clinton pulled off a precarious balancing act. First he granted U.S. citizens the right to sue foreign companies that use property seized by Cuba during its revolution 35 years ago; then he suspended such suits for at least six months.

That measure is part of the Helms-Burton Act, passed by Congress earlier this year to force other nations to cut off investment in Cuba. Furious, Canada, Mexico, and the European allies threatened legal retaliation.

The act is probably unconstitutional. It flies in the face of America's free-trade principles. It's essentially a form of economic blackmail against countries that don't agree with U.S. policy on Cuba. The administration opposed it until February, when Cuba shot down two unarmed planes piloted by exiles [and

American citizens] living in Florida.

In the emotional aftermath, Clinton signed the bill. The conventional wisdom is that he had no choice: the Cuban-exile community is powerful in Florida, a key electoral state. With an eye toward the next election, Clinton then postponed implementing the lawsuit provision until after November.

Political? Sure. But at least the president inserted common sense into a Cuban debate driven by rhetoric. During the six-month reprieve, the administration says that it will try to persuade its allies to undermine Castro by other means. These include funding Cuban human-rights groups, denying nonhumanitarian aid, and designing an investment code to expand Cuban freedoms, much as the Sullivan Principles tried to channel investment in South Africa toward ending apartheid. All these efforts make much more sense than a unilateral attempt to bludgeon allies into boycotting Cuba. And they recognize an essential fact that Congress seems to have missed:

The quickest way to bring democracy to Cuba is not to isolate the island, but to open it up to economic and political contact. That worked in the Soviet Union and Eastern Europe. It will help Cuba much more than hundreds of lawsuits against our closest trading partners.

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