

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the Clinton Presidential Library Staff.

Folder Title:

Haiti-Safe Haven, 1994-1995 [3]

Staff Office-Individual:

Multilateral & Humanitarian Affairs-Schwartz, Eric

Original OA/ID Number:

3416

Row:	Section:	Shelf:	Position:	Stack:
40	6	4	2	V

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	Draft memo, re: [Safehavens] (8 pages)	ca. 1994	P1/b(1), P5
002. chart	Migrant Count (1 page)	08/02/1994	P1/b(1)
003. form	Sea Signal Situation Report (1 page)	08/07/1994	P1/b(1)
004. form	Sea Signal Situation Report (1 page)	08/07/1994	P1/b(1)
005. form	Sea Signal Situation Report (1 page)	08/08/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Multilateral & Humanitarian Affairs (Schwartz, Eric)
OA/Box Number: 3416

FOLDER TITLE:

Haiti-Safe Haven, 1994-1995 [3]

2008-1184-F
kel569

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9405490
RECEIVED: 07 JUL 94 17

TO: BYRD, ROBERT C
ET AL

FROM: PRESIDENT

DOC DATE: 17 AUG 94
SOURCE REF:

KEYWORDS: HAITI
IMMIGRATION

CO

PERSONS:

SUBJECT: PRES LTRS RE HAITIAN MIGRATION ISSUES

ACTION: PRESIDENT SGD LTRS

DUE DATE: 11 JUL 94 STATUS: C

STAFF OFFICER: SCHWARTZ

LOGREF:

FILES: WH

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTION

FOR CONCURRENCE

FOR INFO

DANVERS
NSC CHRON
SCHWARTZ

COMMENTS:

DISPATCHED BY MBN DATE 8/17 BY HAND W/ATTCH

OPENED BY: NSGP

CLOSED BY: NSMBN

DOC 4 OF 4

UNCLASSIFIED

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9405490

DOC ACTION OFFICER

001 ROSSIN
001
001 SCHWARTZ
002 LAKE
003 PRESIDENT
004

CAO ASSIGNED ACTION REQUIRED

Z 94070717 PREPARE MEMO FOR LAKE
Z 94070816 ACTION TRANSFERRED
Z 94070816 PREPARE MEMO FOR LAKE
Z 94081211 FWD TO PRESIDENT FOR SIG
Z 94081621 FOR SIGNATURE
X 94081719 PRESIDENT SGD LTRS

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTION

003 940816
003 940816
004 940817 BYRD, ROBERT C
004 940817 DICKEY, JAY
004 940817 GINGRICH, NEWT
004 940817 MACK, CONNIE
004 940817 ROTH, TOBY
004 940817 SHAW, E CLAY
004 940817 WH STRIPPING DESK

DISPATCH FOR INFO

VICE PRESIDENT
WH CHIEF OF STAFF

UNCLASSIFIED

National Security Council
The White House

rec'd 8/15
7:15PM

PROOFED BY: _____ LOG # 5490
URGENT NOT PROOFED: _____ SYSTEM (PRS) NSC INT
BYPASSED WW DESK: _____ DOCLOG _____ A/O _____

SEQUENCE TO HAS SEEN DISPOSITION

Reed	<u>4</u>	<u>ADS</u>	
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Itoh			
Soderberg			
Berger		<u>Natl Sec Advisor</u>	
<u>HR</u> Lake	<u>5</u>	<u>has seen</u>	
Situation Room			
West Wing Desk	<u>6</u>	<u>8/16</u>	<u>TO PODESTA</u>
NSC Secretariat			

A = Action I = Information D = Dispatch R = Retain N = No Further Action

CC: _____

COMMENTS:

Exec Sec Office has diskette ly

National Security Council
The White House

PROOFED BY: _____ LOG # 5490
URGENT NOT PROOFED: _____ SYSTEM (PRS) NSC INT
BYPASSED WW DESK: _____ DOCLOG SP A/O _____

SEQUENCE TO HAS SEEN DISPOSITION

Reed			
Sens	<u>1</u>		<u>Review</u>
Itoh			
Soderberg			
Berger			
Lake			
Situation Room			
West Wing Desk	<u>2</u>	<u>SP 8/17</u>	<u>D</u>
NSC Secretariat	<u>3</u>		

A = Action I = Information D = Dispatch R = Retain N = No Further Action

CC: _____

COMMENTS:

Date Aug 17, 1994 ?

Exec Sec Office has diskette _____

National Security Council
The White House

PROOFED BY: _____

LOG # 5490

URGENT NOT PROOFED: _____

SYSTEM PRS NSC INT

BYPASSED WW DESK: _____

DOCLOG SP A/O _____

	SEQUENCE TO	HAS SEEN	DISPOSITION
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Sens			
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Berger			
Lake			
Situation Room			
West Wing Desk	<u>2</u>	<u>JB 8/12</u>	
NSC Secretariat			
<u>Schwartz</u>	<u>3</u>		<u>FFA</u>

A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc: _____

COMMENTS:

Exec Sec Office has diskette lys

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9405490
RECEIVED: 07 JUL 94 17

TO: PRESIDENT

FROM: BYRD, ROBERT C

DOC DATE: 01 JUL 94
SOURCE REF:

KEYWORDS: HAITI

CO

PERSONS:

SUBJECT: LTR TO PRES FM SEN BYRD RE INCREASING NUMBER OF HAITIANS SEEKING
REFUGE IN US

ACTION: PREPARE MEMO FOR LAKE

DUE DATE: 11 JUL 94 STATUS: S

STAFF OFFICER: SCHWARTZ

LOGREF:

FILES: WH

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTION
SCHWARTZ

FOR CONCURRENCE
CLARKE
DANVERS
HALPERIN
ROSSIN

FOR INFO
FEINBERG
KENNEY

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSGP

CLOSED BY:

DOC 1 OF 1

UNCLASSIFIED

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9405490
RECEIVED: 07 JUL 94 17

TO: PRESIDENT

FROM: BYRD, ROBERT_C

DOC DATE: 01 JUL 94
SOURCE REF:

KEYWORDS: HAITI

CO

PERSONS:

SUBJECT: LTR TO PRES FM SEN BYRD RE INCREASING NUMBER OF HAITIANS SEEKING
REFUGE IN US

ACTION: PREPARE MEMO FOR LAKE

DUE DATE: 11 JUL 94 STATUS: S

STAFF OFFICER: ROSSIN

LOGREF:

FILES: WH

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTION
ROSSIN

FOR CONCURRENCE
CLARKE
DANVERS
HALPERIN
SCHWARTZ

FOR INFO
FEINBERG
KENNEY

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSGP

CLOSED BY:

DOC 1 OF 1

UNCLASSIFIED

THE WHITE HOUSE

WASHINGTON

August 17, 1994

Dear Mr. Chairman:

Thank you for your letter regarding Haitian migration issues.

On July 6, we announced modifications in our practices that addressed each of your concerns while maintaining the principle of protecting Haitians who legitimately fear return to conditions of repression in Haiti.

The problem we faced at the time was complex and compelling: how to provide protection for people who legitimately feared returning to Haiti while avoiding massive outflows of those leaving simply to resettle in the United States.

By ending U.S. resettlement of Haitian boat people while establishing temporary safe havens for those who fear return, we have sought to accommodate both these concerns. As you may know, outflows have diminished considerably, and we have now negotiated safe haven agreements with three governments in the region and have offers from four others.

While this safe haven strategy is novel to the United States, it is not unprecedented. The international community has long recognized that third country resettlement can be the answer for only a small percentage of the world's 20 million refugees. For most refugees, including Haitians, Cambodians, Burmese and many others, the best "durable solution" is one that permits them to return to their countries of origin when political conditions so permit.

In taking this action, we recognize that while we cannot resettle all of the world's refugees, we can and should maintain basic commitments to protect those fleeing persecution until conditions permit their return. This approach is true to our values, our ideals and our interests.

Thanks again for offering me the benefits of your views on this important matter.

Sincerely,

Bill Clinton

The Honorable Robert C. Byrd
United States Senate
Washington, D.C. 20510

THE WHITE HOUSE

WASHINGTON

August 17, 1994

Dear Representative Dickey:

Thank you for your recent letter regarding Haiti.

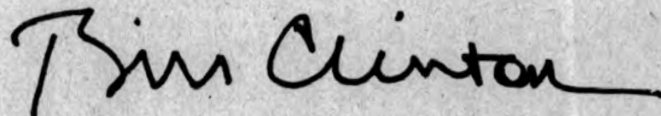
I share many of the concerns you raised in your letter and, like you, do not believe we should seek to "control" Haiti. At the same time, we have important interests at stake in Haiti, including the need to encourage a politically stable environment that limits the likelihood of large outflows of refugees. For this reason, I have encouraged a vigorous multilateral effort aimed at restoring democratic government in Haiti.

We have a strong interest both in avoiding massive outflows of those leaving simply to resettle in the U.S. and in providing protection for those who have legitimate fears of return due to political repression. By ending U.S. resettlement but establishing temporary safe havens for those who fear return to Haiti, we sought to accommodate both these concerns. As you may know, outflows have diminished considerably since announcement of this safe haven approach on July 6, and we have now negotiated safe haven agreements with three governments in the region and have offers from four others.

In taking this action, we are recognizing that while we cannot resettle all of the world's refugees, we can and should maintain basic commitments to protect those fleeing persecution until conditions permit their return. This approach is true to our values, our ideals and our interests.

Thanks again for offering me the benefits of your views on this important matter.

Sincerely,

A handwritten signature in dark ink, reading "Bill Clinton". The signature is fluid and cursive, with a long horizontal stroke at the end.

The Honorable Jay Dickey
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

August 17, 1994

Dear Representative Gingrich:

Thank you for your letter regarding processing of Haitians outside of Haiti.

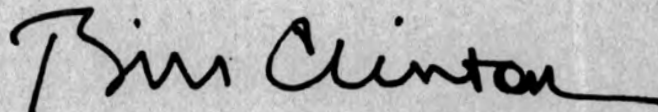
I read with interest your comments supporting a "safe area" in Haiti. We appear to agree that Haitians in need of protection ought not to be returned to the jurisdiction of the de facto regime; the safe haven approach announced by Bill Gray last month is designed to accomplish this goal.

While we share the goal of protection for those who have reason to fear return to Haiti, I have a number of concerns about the specific proposal you advocate, safe haven on Haitian territory.

First, the resources required to establish a workable Haiti safe area operation might far exceed the levels at Guantanamo and third country safe havens we are considering. Moreover, while I appreciate that the location you suggested -- Ile de la Gonave -- was selected with a view toward minimizing the use of force to secure it, the actions you suggest would, nonetheless, require the use of substantial force. Moreover, by implying that a use of U.S. or multi-national force should be limited to such a narrow objective, we could send a misleading signal to the Haitian military. Similarly, I do not believe it useful to imply that the establishment of a safe haven would constitute even an interim solution to the Haitian crisis; our objective is the restoration of democracy in all of Haiti.

I appreciate hearing your views and am gratified that you share my concerns about the need to protect vulnerable Haitians.

Sincerely,

A handwritten signature in black ink, reading "Bill Clinton". The signature is fluid and cursive, with a long horizontal stroke at the end.

The Honorable Newt Gingrich
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

August 17, 1994

Dear Senator Mack:

Thank you for your letter regarding Haitian migration issues.

On July 6, we announced modifications in our practices that addressed each of your concerns while maintaining the principle of protecting Haitians who legitimately fear return to the conditions of repression in Haiti.

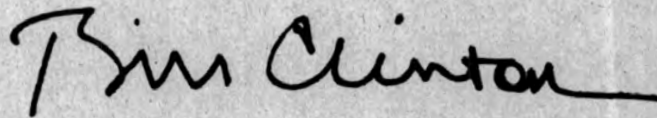
The problem we faced at the time was complex and compelling: how to provide protection for people who legitimately feared returning to Haiti while avoiding massive outflows of those leaving simply to resettle in the United States.

By ending U.S. resettlement of Haitian boat people while establishing temporary safe havens for those who have reason to fear return to Haiti, we have sought to accommodate both these concerns. As you may know, outflows have diminished considerably, and we have now negotiated safe haven agreements with three governments in the region and have offers from four others.

In taking this action, we recognize that while we cannot resettle all of the world's refugees, we can and should maintain basic commitments to protect those fleeing persecution until conditions permit their return. This approach is true to our values, our ideals and our interests.

Thanks again for offering me the benefits of your views on this important matter.

Sincerely,

A handwritten signature in dark ink, reading "Bill Clinton". The signature is fluid and cursive, with a long horizontal stroke at the end.

The Honorable Connie Mack
United States Senate
Washington, D.C. 20510

THE WHITE HOUSE

WASHINGTON

August 17, 1994

Dear Representative Roth:

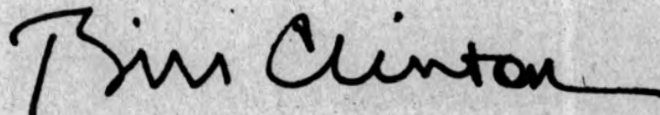
Thank you for your recent letter concerning Haiti.

- The safe haven approach to Haitian boat people that we adopted last month addresses many of the concerns raised in your letter. In particular, it discourages large outflows of those leaving simply to resettle in the United States while it continues to provide protection for Haitians who fear return under current circumstances.

I am, however, reluctant to reinstitute direct return as you recommend in your letter. Under current conditions in Haiti, direct return has dire human rights and humanitarian implications. Since the end of last year, human rights abuses have increased substantially, with hundreds of politically motivated killings. Our policy of protection helps to ensure that we do not return those at serious risk of death, torture or imprisonment due to their political beliefs and activities.

Thanks again for offering me your views on this important issue.

Sincerely,

A handwritten signature in dark ink, reading "Bill Clinton". The signature is written in a cursive, flowing style with a long horizontal line extending from the end of the name.

The Honorable Toby Roth
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

August 17, 1994

Dear Representative Shaw:

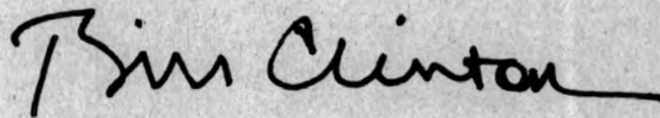
Thank you for your recent letter concerning Haiti.

The safe haven approach to Haitian boat people that we adopted last month addresses many of the concerns raised in your letter. In particular, it avoids large outflows of those leaving simply to resettle in the United States while it continues to provide protection for Haitians who fear return under current circumstances.

I am, however, reluctant to reinstitute direct return as you recommend in your letter. Under current conditions in Haiti, direct return has dire human rights and humanitarian implications. Since the end of last year, human rights abuses have increased substantially, with hundreds of politically motivated killings. Our policy of protection helps to ensure that we do not return those at serious risk of death, torture or imprisonment due to their political beliefs and activities.

Thanks again for offering me your views on this important issue.

Sincerely,

A handwritten signature in dark ink, reading "Bill Clinton". The signature is written in a cursive, flowing style with a long horizontal line extending from the end of the name.

The Honorable E. Clay Shaw
House of Representatives
Washington, D.C. 20515-0922

THE WHITE HOUSE

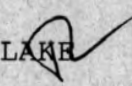
WASHINGTON

August 16, 1994

94 AUG 16 P8:19

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE 

SUBJECT: Letters from Members of Congress on Haitian Migration Issues

Purpose

To respond to letters from Members of Congress on Haiti.

Background

Prior to our adoption of the safe haven approach to Haitian boat people on July 6, several Members of Congress wrote to express concern about the upsurge in boat departures.

The attached replies -- geared to the orientation of the particular Senators or Congressmen -- describe the safe haven approach we adopted and note that it addresses most of the concerns raised by the Members.

RECOMMENDATION

That you sign the letter to Members of Congress at Tab A.

Tab A Letters to Members of Congress
Tab B Incoming Correspondence

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

5490

August 8, 1994

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: RICHARD A. CLARKE *ES for MAC*
FROM: ERIC SCHWARTZ *ES*
SUBJECT: Letters from Members of Congress on Haitian
Migration Issues

I have attached a memorandum to the President and suggested responses on the subject issue.

Concurrence by: Larry Rossi *LR*

RECOMMENDATION

That you sign the attached memorandum to the President at Tab I.

Attachments

Tab I Memorandum to the President
Tab A Letters to Appropriate Congressmen
Tab B Incoming Correspondence from Members of Congress

ROBERT C BYRD WEST VIRGINIA CHAIRMAN

DANIEL K INOUE HAWAII
ERNEST F HOLLINGS SOUTH CAROLINA
J BENNETT JOHNSTON LOUISIANA
PATRICK J LEAHY VERMONT
JIM SASSER TENNESSEE
DENNIS DECONCINI ARIZONA
DALE BUMPERS ARKANSAS
FRANK R LAUTENBERG NEW JERSEY
TOM HARKIN IOWA
BARBARA A MIKULSKI MARYLAND
HARRY REID NEVADA
J ROBERT KERREY NEBRASKA
HERB KOHL WISCONSIN
PATTY MURRAY WASHINGTON
DIANNE FEINSTEIN CALIFORNIA

MARK O HATFIELD OREGON
TED STEVENS ALASKA
THAD COCHRAN MISSISSIPPI
ALFONSE M DAMATO NEW YORK
ARLEN SPECTER PENNSYLVANIA
PETE V DOMENICI NEW MEXICO
DON NICKLES OKLAHOMA
PHIL GRAMM TEXAS
CHRISTOPHER S BOND MISSOURI
SLADE GORTON WASHINGTON
MITCH MCCONNELL KENTUCKY
CONNIE MACK FLORIDA
CONRAD BURNS MONTANA

JAMES H ENGLISH STAFF DIRECTOR
J KEITH KENNEDY MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, DC 20510-6028 4: 48

July 1, 1994

The President
The White House
Washington, D.C.

Dear Mr. President:

I am disturbed by reports that Haitians in steeply growing numbers are being encouraged to flee Haiti in dangerously unseaworthy boats in the expectation of a good chance at gaining refugee status and entrance into the United States. The New York Times reported on June 28, 1994, that over 1,800 Haitians had been picked up in four days (June 24-27, 1994), a number exceeding the total picked up in the first four months of this year combined. The Washington Post of June 29, 1994, reported that 1,486 Haitians were intercepted at sea on Monday, June 27th, alone. This flood tide must be immediately discouraged so as not to overwhelm our processing ships, and to deter further thousands of Haitians from believing they can acquire easy refugee status in the United States.

I am puzzled as to the immediate present cause of this tremendous upsurge in Haitians seeking refugee status in the U.S. Further, I am surprised to read in the same New York Times article that "one in three Haitians processed have been granted refugee status" and that that "compares with an acceptance rate of one in 20 for Haitians who sought refugee status in the 12 previous months." While this may be only one ingredient causing the upsurge of Haitians taking to the sea, surely this high rate of granting refugee status must be considered as an important factor. I urge you to review the rate of granting refugee status and to ensure that it is lowered to a percentage that does not encourage emigration.

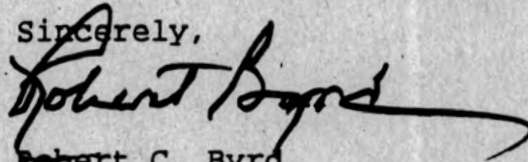
I also note reports that you have decided to reopen the Haitian refugee center on Guantanamo Bay, Cuba. While it is understandable that you need increased processing facilities, it would seem highly advisable to find every way to dampen the expectations of Haitians for gaining refugee status by returning them rapidly and visibly to Haiti.

All of this effort on our part, including additional maritime and onshore processing centers, adds substantial costs to our already-overburdened discretionary spending budget. Furthermore, those increasing numbers of Haitians granted refugee status will compete for jobs with American citizens, and have an effect on both unemployment in our southern states and the demand for unemployment compensation and other social programs. At a time when our budget resources are under severe constraints, we can ill afford these incremental strains such as are caused by the Haitian migration today.

During our meeting at the White House on March 16, 1993, I was impressed with your policy toward Haiti, and encouraged you to hold firm to it. As I wrote to you at that time, I still believe that a strong and visible Coast Guard presence is needed to deter a flood of Haitians from fleeing to the U.S. Your revised policy is not working, and I believe that it will ultimately prove to be disastrous.

Thank you for your consideration of my views on this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert C. Byrd", with a long, sweeping flourish extending to the right.

Robert C. Byrd
Chairman

RCB:dd

Dickey

TO: PRESIDENT

FROM: DICKLEY, JAY

DOC DATE: 08 JUL 94

SOURCE REF:

KEYWORDS: HAITI
CO

IMMIGRATION

PERSONS:

SUBJECT: URGE PRES TO REFRAIN FM INVADING HAITI & REQUEST STRICTER
IMMIGRATION POLICIES

ACTION: PREPARE MEMO FOR LAKE

DUE DATE: 21 JUL 94 STATUS: S

STAFF OFFICER: ROSSIN

LOGREF:

FILES: WH

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTION
ROSSINFOR CONCURRENCE
CLARKE
DANVERS
HALPERIN
SCHWARTZFOR INFO
FEINBERG
KENNEYSCHWARTZ*NSC/s -
Transfer action
to ERIC Schwartz**L Rossin 7/19*

COMMENTS:

Being combined w/5490 - per Eric Schwartz

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OPENED BY: NSDRS

CLOSED BY:

DOC 1 OF 1

UNCLASSIFIED

JAY DICKEY

4TH DISTRICT, ARKANSAS

COMMITTEES

AGRICULTURE

SUBCOMMITTEES

GENERAL FARM COMMODITIES

SPECIALTY CROPS AND NATURAL RESOURCES

ENVIRONMENT, CREDIT, AND
RURAL DEVELOPMENT

NATURAL RESOURCES

SUBCOMMITTEES

NATIONAL PARKS, FORESTS, AND
PUBLIC LANDS

OVERSIGHT AND INVESTIGATIONS

SMALL BUSINESS

SUBCOMMITTEES

REGULATION, BUSINESS
OPPORTUNITIES, AND TECHNOLOGY

MINORITY ENTERPRISE, FINANCE
AND URBAN DEVELOPMENT



Congress of the United States

House of Representatives

1338 Longworth Building

Washington, DC 20515

(202) 225-3772

July 8, 1994

DISTRICT OFFICES

PINE BLUFF

100 EAST EIGHTH AVE.

ROOM 2521

PINE BLUFF, AR 71601

(501) 536-3378

(800) 223-2220

HOT SPRINGS

100 RESERVE

SUITE 201

HOT SPRINGS, AR 71901

(501) 623-9800

EL DORADO

101 S. JACKSON, SUITE 201

EL DORADO, AR 71730

(501) 862-0236

President Bill Clinton
1600 Pennsylvania Avenue N. W.
Washington, D. C. 20500

Dear Mr. President:

The United States is a land of "liberty and justice for all." An open door to "all" of the world will worsen an already hemorrhaging U. S. domestic problem. Every ounce of energy the U. S. government possesses should be expended to strengthening the United States. What price must the United States pay to control the Haitian crisis?

Many refugees already in our nation are receiving shelter and safety, food and care. By rescuing the hundreds, our U. S. personnel placed their lives in danger by overcrowding their own ships. We've given enough. As far as military intervention is concerned, to sacrifice any American life for any one of theirs is asking too much. Under what authority do we have to interfere with their government, no matter how wrong or devious it is? Enough is enough.

To divert our energies and resources to control Haiti is an exercise in futility. Its political philosophy will not be changed by the intervention of the United States. The United States needs buffers to protect her borders. We should increase the size of our own border patrols, as well as strengthen our Immigration and Naturalization policies. These, Mr. President, are not my sole perceptions. These

views reflect an overwhelming representation of the people in
the Fourth District of Arkansas.

Sincerely yours,

A handwritten signature in dark ink, appearing to be "Jay Dickey", written over the closing "Sincerely yours,".

Jay Dickey

sg

Gingrich

TO: PRESIDENT

FROM: GINGRICH, NEWT

DOC DATE: 18 MAY 94
SOURCE REF:

KEYWORDS: HAITI
CO

REFUGEES

PERSONS:

SUBJECT: LTR TO PRES FM REP GINGRICH RE HAITIAN REFUGEES PROCESSING

ACTION: PREPARE MEMO FOR LAKE

DUE DATE: 21 MAY 94 STATUS: S

STAFF OFFICER: ROSSIN

LOGREF:

FILES: WH

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTION
ROSSIN

FOR CONCURRENCE
CLARKE
HALPERIN
SCHWARTZ

FOR INFO
FEINBERG

*NSC/S Transfer
to ERIC Schwartz
for action.
L Rossin 5/19*

COMMENTS: Being combined w/5490- per Eric Schwartz

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSGP

CLOSED BY:

DOC 1 OF 1

NEWT GINGRICH
SIXTH DISTRICT, GEORGIA

THE REPUBLICAN WHIP

WASHINGTON OFFICE:
2428 RAYBURN HOUSE OFFICE BLDG.
WASHINGTON, DC 20515-1006
(202) 225-4501



3823 ROSWELL ROAD
SUITE 200
MARIETTA, GA 30062
(404) 565-8388

3938

Congress of the United States

House of Representatives

May 18, 1994

President Bill Clinton
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Mr. President:

I am extremely concerned about the methods, cost, and safety of your Administration's plans to charter two Ukrainian passenger ships, the MV GRUZIYA and the MV IVAN FRANCO, for at sea processing ships for the Haitian refugees. Despite the charter of these foreign ships, we currently have no method of accommodating, at sea, the thousands of expected Haitian citizens who might attempt to travel to the United States. Additionally, the fulfillment of your pledge to allow each Haitian boat person a full hearing to determine if they are a political refugee places a potentially tremendous burden on the federal agencies involved, especially the Coast Guard and Navy.

However, my most significant concern involves the safety of both the Haitian citizens and American personnel. The boarding of the passenger ship from small boats; the interior security, and the significant health hazards that will be present in the cramped quarters of a vessel make this selection totally unsuitable for this mission. The requirement to provide fresh water in sufficient quantity may be an additional burden since these ships will not be able to manufacture their own should they be stationed at anchor in a harbor. I am especially concerned about the very real need to provide crowd control in a highly compartmented ship and the potentially explosive and tragic results of an unruly or uncooperative demonstration by the Haitian refugees who are not found to be fully qualified for political refugee status.

More disturbing is the overall effect that these long term commitments will have on the morale, military readiness, and deployability of U.S. Naval forces. As overseas commitments increase, defense budgets decline, and the time out of homeport rises dramatically, I believe that we risk seeing some of our most talented personnel depart in frustration, further hollowing out Naval forces.

Moreover, the amount of time needed to provide a full safety net of Naval vessels around the coast of Haiti will divert these

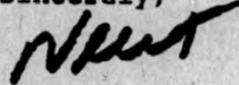
President Bill Clinton
May 18, 1994
Page 2

units from deployment preparations, joint training requirements, and necessary maintenance. The hidden costs of interdicting, providing for safety at sea, and assuming responsibility for the thousands of boat people who will see your "at sea" policy as an invitation to depart Haiti may be significant.

I strongly urge the Administration to consider the proposal put forth by Representative Porter Goss that would create a "safe haven" for political refugees on Haitian soil. The island of L'Ile de la Gonave could be utilized to provide a base for the Aristide government on Haitian soil and to provide a safe haven for refugees without endangering U.S. personnel.

I look forward to being of assistance. However, I hope that you will seriously reconsider your "at sea" processing policy.

Sincerely,



Newt Gingrich

NG:jkh

Mack

TO: PRESIDENT

FROM: MACK, CONNIE
ET AL

DOC DATE: 28 JUN 94
SOURCE REF:

KEYWORDS: HAITI
CO

IMMIGRATION

PERSONS:

SUBJECT: LTR TO PRES FM SEN MACK ET AL RE IMMIGRANTS LEAVING HAITI

ACTION: PREPARE MEMO FOR LAKE

DUE DATE: 11 JUL 94 STATUS: S

STAFF OFFICER: ROSSIN

LOGREF:

FILES: WH

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTION
ROSSIN

FOR CONCURRENCE
CLARKE
DANVERS
HALPERIN
SCHWARTZ

FOR INFO
FEINBERG
KENNEY

COMMENTS:

*NSC/3-
P/s transfer
action to Eric
Schwartz.
L Rossin 7/8
Being Combined w/5490 - per Eric Schwartz*

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CLOSED BY:

DOC 1 OF 1

United States Senate

WASHINGTON, DC 20510-0904

June 28, 1994 34 JUL 6 AM : 56

The Honorable Bill Clinton
The White House
Washington, D.C. 20500

Dear Mr. President:

We want to express our deep concern over what appears to be an explosion of immigrants leaving Haiti. According to the Haiti Task Force, the number of Haitians intercepted at sea has skyrocketed over the last few days. In the last 24 hours, 1,139 Haitians have been picked up and are awaiting processing. Unconfirmed reports have indicated that as many as 27% of those processed over the last week have been accepted as refugees.

Mr. President, we believe current policy has exacerbated this dilemma and we ask that your administration respond to the following questions as soon as possible.

First, what is being done to ensure that those granted refugee status are being resettled in a variety of locations, not just the State of Florida?

Second, what other nations have agreed to help process and resettle refugees and what proportion of those intercepted are actually being processed and accepted by those countries?

Third, has the Administration relaxed its standards regarding the entry into the United States of Haitians carrying communicable diseases such as tuberculosis or HIV?

Fourth, if it is your policy to admit these people, who will pay for their health care costs?

Fifth, given that the USN Comfort is at or near its maximum capacity, what plan do you have in place to process Haitians once the Comfort is no longer available?

Sixth, what are you doing, in a proactive way, to head off what appears to be the beginning of a mass exodus from Haiti?

Seventh, at what point will you activate the Mass Immigration Emergency Plan?
Specifically, what do you consider to be the trigger point for activation of the Plan?

Sincerely,

Camie March

~~_____~~

Don Mills

Glenn Shaw Jr.

Tom Lewis

Bob McCall

Cliff Sears

Porter Jones

De Werra

William K. Funder

Brief

Mike Bilirakis

Chas. T. Carady

THE WHITE HOUSE

WASHINGTON

July 6, 1994

MEMORANDUM FOR WILLIAM ITOH

FROM: SUSAN BROPHY *SB*
LEGISLATIVE AFFAIRS

SUBJECT: CONGRESSIONAL MAIL

Attached is a copy of the letter sent to the President from Senator Connie Mack (R-FL) and others, concerning Haiti. I would appreciate your assistance in drafting a response.

Thank you very much for your assistance. If you have any questions, please feel free to call LeeAnn Inadomi at x7500.

Enclosure

Stacy

THE WHITE HOUSE

WASHINGTON

June 29, 1994

MEMORANDUM FOR WILLIAM ITOH
NSC Executive Secretariat

FROM: SUSAN BROPHY *SB*
SUBJECT: Presidential Correspondence

Attached are copies of letters sent to the President from various members of Congress.

Since these letters address national security issues, we would appreciate your assistance in having drafts written.

Thank you very much for your assistance. If you have any questions, please feel free to call LeeAnn Inadomi at x7500.

The following is a brief description of the letters:

- 1) Connie Mack (R-FL) and others, concerning Haiti;
- 2) Dick Swett (D-NH), concerning SIVAM project in Brazil;
- 3) Bob Torricelli (D-NJ), concerning Haiti..

Attachments

Roth

TO: PRESIDENT

FROM: ROTH, TOBY

DOC DATE: 25 MAY 94
SOURCE REF:

KEYWORDS: HAITI
CO

REFUGEES

PERSONS:

SUBJECT: LTR TO PRES FM REP ROTH RE REINSTATING POLICY OF RETURNING HAITIAN
REFUGEES WHO UNLAWFULLY SEEK ASYLUM

ACTION: PREPARE MEMO FOR LAKE

DUE DATE: 13 JUN 94 STATUS: S

STAFF OFFICER: ROSSIN

LOGREF:

FILES: WH

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTION
ROSSIN

FOR CONCURRENCE
CLARKE
HALPERIN
ROSNER
SCHWARTZ

FOR INFO
FEINBERG
KENNEY

COMMENTS:

Being combined w/5490 for Eric Schwartz

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OPENED BY: NSJDA

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DOC 1 OF 1

TOBY ROTH
FIFTH DISTRICT
WISCONSIN

2234 RAYBURN BUILDING
WASHINGTON, D.C. 20515

TRAVEL AND TOURISM CAUCUS
SPORTSMEN'S CAUCUS
RURAL CAUCUS
GRACE CAUCUS

CHAIRMAN, TASK FORCE ON
SOCIAL SECURITY



United States
House of Representatives

May 25, 1994

4587
FOREIGN AFFAIRS COMMITTEE
ECONOMIC POLICY, TRADE AND ENVIRONMENT
ASIAN AND PACIFIC AFFAIRS
BANKING, FINANCE AND
URBAN AFFAIRS COMMITTEE
GENERAL OVERSIGHT AND
INVESTIGATIONS
ECONOMIC GROWTH AND
CREDIT FORMATION

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

Dear Mr. President:

I urge you to reinstate the policy of returning Haitian refugees who unlawfully seek asylum in this country.

The civil strife that now engulfs Haiti is unquestionably tragic and deplorable. However, we must not allow these events to determine our immigration and refugee policies. I strongly supported your stand to repatriate Haitians who sought American asylum illegally. However, you have now reversed course. Your latest decision to begin processing Haitian asylum claims constitutes a reversal of the firm but necessary stand you once took on this issue.

This new policy will open the floodgates to waves of Haitian refugees. By providing false hope for Haitians and encouraging them to risk the unsafe voyage to America, your new stance will exacerbate a very serious problem. The United States already takes in more immigrants than any other nation in the world. Haiti itself ranks fifth among all nations in terms of immigrants entering our country. The consequences of this openness to immigration have been considerable. This uncontrolled immigration has placed severe strains on this country and its taxpayers.

For this reason, we must stem the flow of Haitian refugees, not encourage it. If we allow them to enter the United States under special conditions, tens of thousands more will follow with hopes of gaining entry. Economically, the United States can no longer afford to grant asylum to each and every person seeking greater economic opportunity.

Our country was built by people who fled persecution and poverty to come to seek their economic and political freedom in America. As the freest, most prosperous nation on Earth, we have a special responsibility to be open to immigration. But this responsibility cannot be unlimited.

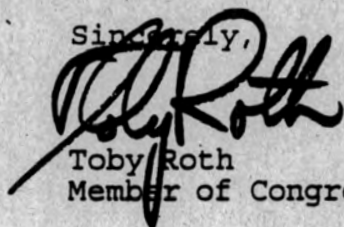
The United States must also be mindful of the increasingly limited resources we have to deal with our own pressing needs. Our immigration and refugee policies must be tempered by the realization that we must take care of our own people and our own problems first for a change.

34 MAY 26 1994
P12:09

The President
May 24, 1994
Page 2

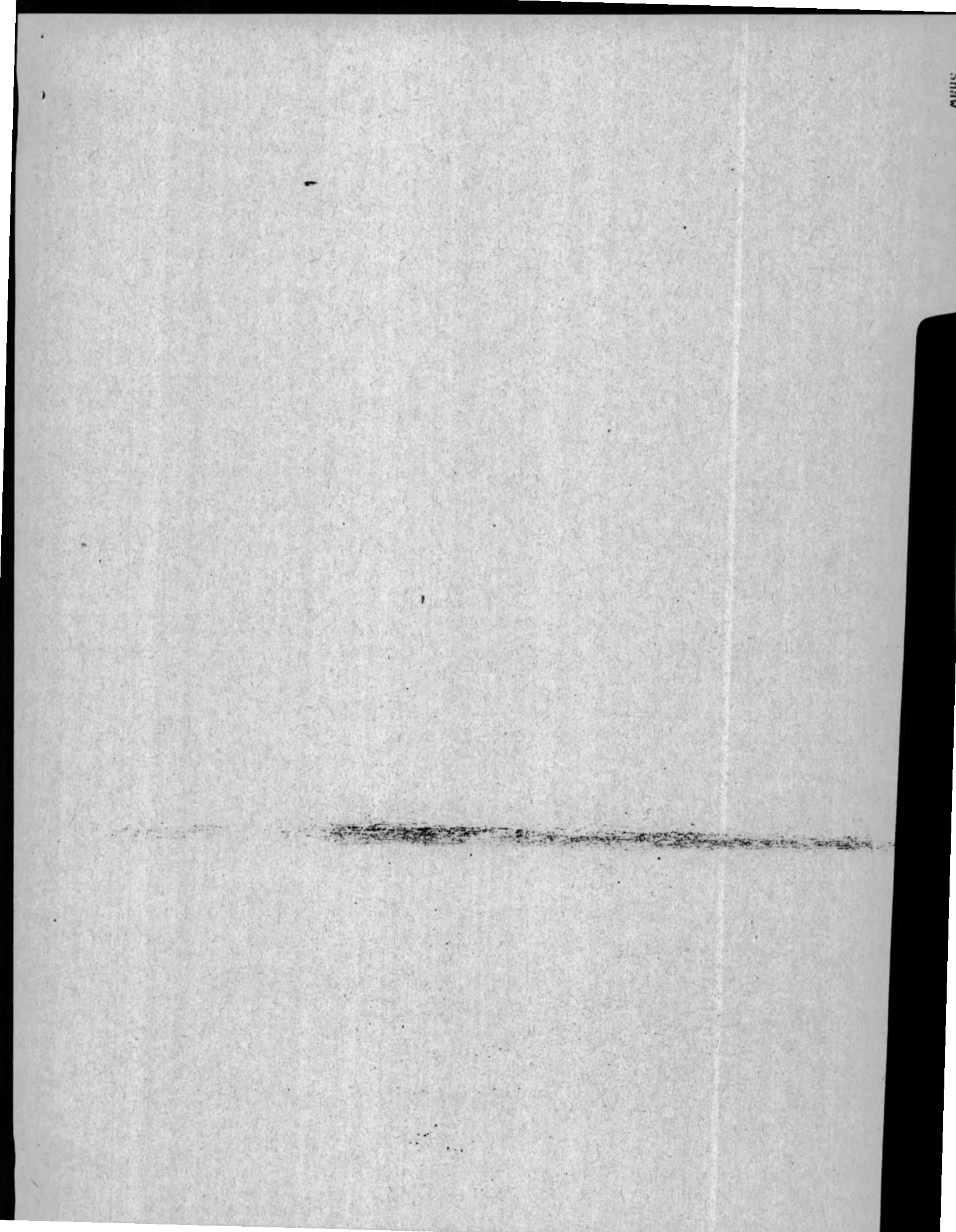
Mr. President, I urge you to change your position regarding Haitian refugees. We cannot place further burdens on the American taxpayer by allowing this massive Haitian immigration to occur.

Sincerely,

A handwritten signature in dark ink, appearing to read "Toby Roth". The signature is stylized with a large, looping "T" and "R".

Toby Roth
Member of Congress

TR:ipv



UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9405499
RECEIVED: 07 JUL 94 18

TO: PRESIDENT

FROM: SHAW, E-CLAY

DOC DATE: 01 JUL 94
SOURCE REF:

KEYWORDS: HAITI
CO

REFUGEES

PERSONS:

SUBJECT: REQUEST ADMIN CHANGE POLICY RE HAITIAN REFUGEES

ACTION: PREPARE MEMO FOR LAKE

DUE DATE: 11 JUL 94 STATUS: S

STAFF OFFICER: SCHWARTZ

LOGREF:

FILES: WH

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTION
SCHWARTZ

FOR CONCURRENCE
CLARKE
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FOR INFO
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COMMENTS:

Being compiled w/5490 - per Eric Schwartz

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DOC 1 OF 1

UNCLASSIFIED

E. CLAY SHAW
220 DISTRICT, FLORIDA

2267 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-3026

DISTRICT OFFICE:

1512 EAST BROWARD BOULEVARD
SUITE 101
FORT LAUDERDALE, FL 33301
(305) 522-1800

DADE & PALM BEACH COUNTIES
TOLL FREE
830-7428



5499

COMMITTEE
WAYS AND MEANS
SUBCOMMITTEES
TRADE
HUMAN RESOURCES

Congress of the United States
House of Representatives
Washington, DC 20515-0922
July 1, 1994

Mr. Bill Clinton
The White House
Washington, D.C. 20500

Dear Mr. President:

As the events over the past week clearly illustrate, the Administration's new policy of processing Haitians at sea has put the United States on a collision course with a self-imposed disaster.

Processing Haitians at sea is not a realistic solution to a problem that requires a fundamental change in the Haitian government. Tightening sanctions has created a desperate situation in Haiti, and opening the doors of asylum has already lead to an overwhelming amount of Haitians fleeing Haiti.

It is time to reinstitute the policy of interdiction and repatriation, as it remains the only workable solution. Under this policy, Haitians are not encouraged to flee nor do they endanger themselves by doing so.

With one in three Haitians applying for asylum now being admitted to the U.S. to pursue their claim, your Administration sends a message to the people of Haiti to risk their lives at sea in hopes of being picked up by our Coast Guard. This policy recently ~~caused the death of thirty Haitians who drowned when their overcrowded boat capsized.~~

Mr. President, I am gravely concerned that if the growing number of Haitians continue to flee, and I am confident they will, our resources will be quickly overwhelmed and you will be tempted to proceed with a U.S. military invasion of Haiti as your only available option. Please resist.

Internal opposition is growing in Haiti and now is not the time to risk the lives of young Americans to get embroiled in a situation from which the US cannot be extricated. I strongly encourage you to reinstitute the policy of repatriation because an invasion of Haiti will require a US commitment lasting years rather than months.

Sincerely,

E. Clay Shaw
E. CLAY SHAW, JR.

THE WHITE HOUSE

WASHINGTON

July 6, 1994

MEMORANDUM FOR WILLIAM ITOH

FROM: SUSAN BROPHY *SB*
LEGISLATIVE AFFAIRS

SUBJECT: CONGRESSIONAL MAIL

Attached are copies of letters sent to the White House from several members of Congress.

Since these letters address national security issues, I would appreciate your assistance in drafting a response. The letters are as follows:

- 1) Clay Shaw (R-FL), concerning Haiti; and
- 2) John Kerry (D-MA), concerning the United States' Generalized System of Preferences program.

Thank you for your assistance. If you have any questions, please feel free to call LeeAnn Inadomi at x7500.

Enclosure



4587
ID# 067446

THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

INCOMING

DATE RECEIVED: JUNE 15, 1994

NAME OF CORRESPONDENT: THE HONORABLE TOBY ROTH

SUBJECT: URGES THE PRESIDENT TO REINSTATE THE POLICY
OF RETURNING HAITIAN REFUGEES WHO UNLAWFULLY
SEEK ASYLUM IN THIS COUNTRY

ROUTE TO: OFFICE/AGENCY	(STAFF NAME)	ACTION		DISPOSITION	
		ACT CODE	DATE YY/MM/DD	TYPE RESP	C COMPLETED D YY/MM/DD
PATRICK GRIFFIN		ORG	94/06/15		C 94/06/15
WILLIAM ITOH	REFERRAL NOTE:	RSA	94/06/15		/ /
	REFERRAL NOTE:		/ /		/ /
	REFERRAL NOTE:		/ /		/ /
	REFERRAL NOTE:		/ /		/ /
	REFERRAL NOTE:		/ /		/ /

COMMENTS: _____

ADDITIONAL CORRESPONDENTS: MEDIA:L INDIVIDUAL CODES: 1240 _____
MAIL USER CODES: (A) R WI (B) _____ (C) _____

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

REFER QUESTIONS AND ROUTING UPDATES TO CENTRAL REFERENCE
(ROOM 75,OEOP) EXT-2590
KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING
LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS
MANAGEMENT.

SCANNED

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	Draft memo, re: [Safehavens] (8 pages)	ca. 1994	P1/b(1), P5

COLLECTION:

Clinton Presidential Records
National Security Council
Multilateral & Humanitarian Affairs (Schwartz, Eric)
OA/Box Number: 3416

FOLDER TITLE:

Haiti-Safe Haven, 1994-1995 [3]

2008-1184-F
ke1569

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

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RR. Document will be reviewed upon request.

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- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]



Bureau of Population, Refugees, and Migration

Room 5824

Department of State
Washington, D. C. 20520

fax: (202) 647-8162

Handwritten: ~~cc~~ Mark -
Safehave

DATE:

8/25/94

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Name:

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NOTES:

S/GAH - Jon Plebani x 71375

L/HRR - Michele Klein-Solomon

Bridgetown - Mr. Tain Tompkins, 809-429-5246

Parama - For Amb Brunson McKinley, 507-25-0949

NOC - Eric Schwartz, 456-9360

WASHINGTON & CHRISTIAN

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THE SOUTHERN BUILDING
805 FIFTEENTH STREET, N.W.
WASHINGTON, D.C. 20005
(202) 962-3070
TELECOPIER: (202) 971-8204

1) DK
2) Bmek

FAX TRANSMITTAL SHEETDATE: August 23, 1994 TIME: 3pmTO: Honorable Ambassador McKinley AT: STATE DEPT.FROM: Washington: Christian TELEPHONE NO.: (202) 962-3070RECEIVING FAX NUMBER: (202) 647-8162NUMBER OF PAGES, INCLUDING THIS COVER PAGE: 14MESSAGE: FOR Your ReviewCLIENT NUMBER: 2001 OPERATOR: Kimberly Smith

PLEASE CALL (202) 962-3070 REGARDING ANY PROBLEMS

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MEMORANDUM OF UNDERSTANDING
BETWEEN THE
GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF ANTIGUA AND BARBUDA
FOR
THE ESTABLISHMENT WITHIN THE TERRITORY OF
ANTIGUA AND BARBUDA
OF FACILITIES TO PROVIDE TEMPORARY PROTECTION FOR
NATIONALS OF HAITI FLEEING THEIR COUNTRY
UNDER THE AUSPICES OF
THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF ANTIGUA AND BARBUDA (hereinafter *the Party or Parties*).

Aware of the deterioration in the human rights situation in Haiti following the overthrow of President Jean Bertrand Aristide on the Thirtieth (30th) Day of September, Nineteen Hundred Ninety-One (1991);

Conscious of the fact that many nationals of Haiti are fleeing their country;

Desirous of establishing a temporary protection facility in Antigua and Barbuda available to nationals of Haiti who are fleeing their country;

Pursuant to a request from the United Nations High Commissioner for Refugees and in support of the effort to restore democracy in Haiti;

HAVE AGREED AS FOLLOWS:

ARTICLE ONE
SCOPE

1. The Government of the United States of America and the Government of Antigua and Barbuda shall cooperate in establishing, constructing and operating a temporary protection facility (hereinafter *the Facility or Facilities*) in the territory of Antigua and Barbuda under the auspices of the United Nations High Commissioner for Refugees (UNHCR) (hereinafter *the Operation*) in order to house nationals of Haiti (hereinafter *Nationals*) fleeing their country.

2. Said Facility shall remain in operation for a period not less than eighteen (18) months; the facility shall remain in operation for the full term of this agreement even if Nationals never arrive at the Facility.

3. While the Facility may never be used, the Government of Antigua and Barbuda shall assume that the Facility will be used from the first day that payment, as specified in Article Four (4) Paragraph One (1) *infra*, is remitted to the Government of Antigua and Barbuda.

4. At the end of the eighteen (18) month term, the Government of the United States of America may request renegotiation of terms and conditions for an additional term for use of the Facility in response to a continuing need to house Nationals. Antigua will not unreasonably withhold its consent to operate the facility if so requested by the Government of the United States of America.

ARTICLE TWO FACILITIES

The Government of the United States of America, or its designated contractor, may establish, maintain and operate, in cooperation with the UNHCR, a reception center at the V.C. Bird International Airport, necessary temporary protection facilities and required support facilities at a site mutually agreed upon by the Parties [hereinafter *the Designated Territory*]. The Government of the United States of America may also take other actions, as specified in this Memorandum of Understanding, as are necessary to the Operation.

ARTICLE THREE PURPOSE OF THE FACILITIES

The sole purpose of the Facilities will be to provide temporary protection for Nationals fleeing their country.

ARTICLE FOUR COSTS OF THE FACILITY

1. The Government of the United States of America shall pay to the Government of Antigua and Barbuda a non-refundable lump sum payment of Five Million United States Dollars and Zero Cents (USD \$5,000,000.00), within thirty (30) days of the execution of this Memorandum of Understanding or, prior to the utilization of the Facility, whichever event occurs first.

2. The Government of the United States of America shall bear all costs directly attributable to the operation of the Facility including the costs of establishing, maintaining, dismantling and closing the Facility as well as, all costs directly attributable to the medical care,

food, waste disposal, public utilities, transportation, repairs and religious activities of the Nationals while residing at the Facility. In order to receive reimbursement for any and all costs incurred by the Government of Antigua and Barbuda associated with the activities stated in this paragraph and the Operation as a whole, the Government of Antigua and Barbuda shall submit to the Government of the United States of America, a request for reimbursement (hereinafter a *Request*), the Government of the United States of America shall remit payment for such a Request to the Government of Antigua and Barbuda, within twenty-one (21) days of receipt of a Request.

3. Subject to the limitation in Article Twenty-One (21) *infra*, the Government of the United States of America shall reimburse the Government of Antigua and Barbuda for all costs that the Government of Antigua and Barbuda incurs as the result of its hosting the Facility as long as, such costs are directly attributable to the Operation. In order to receive reimbursement for any and all costs associated with the activities stated in this paragraph, the Government of Antigua and Barbuda shall submit to the Government of the United States of America, a Request, the Government of the United States of America shall remit payment for such a Request to the Government of Antigua and Barbuda, within twenty-one (21) days of receipt of a Request.

4. The Government of Antigua and Barbuda shall provide the necessary real property for the Operation in exchange for compensation as specified in Article Four (4), Paragraph One (1).

ARTICLE FIVE TRANSPORT AND ARRIVAL OF NATIONALS

1. The Government of Antigua and Barbuda authorizes officials of the Government of the United States of America to enter its territory including: access to national airspace, the territorial sea and international waters of the territory of Antigua and Barbuda in order to transport to the Facilities, Nationals, who are rescued or interdicted at sea and for other purposes consistent with this Memorandum of Understanding. The Parties will coordinate the logistics of the routes and security for transportation of the Nationals to the Facility.

2. All Nationals shall arrive in aircraft operated either by the Government of Antigua and Barbuda or, its designee or, by the Government of the United States of America.

3. Upon arrival in Antigua and Barbuda, all Nationals shall be processed through a reception area that is separate and apart from the current immigration processing area at the V.C. Bird International Airport. The Government of Antigua and Barbuda shall assist in operating said reception area by providing security and other immigration services. The costs of constructing and operating said reception area shall be paid for by the Government of the United States of America. It is fully understood and agreed by the Parties that no immigration of

Nationals into the territory of Antigua and Barbuda shall commence until the facility contemplated in this paragraph is constructed and is operational and payment set forth under Article Four (4) has been received by the Government of Antigua and Barbuda.

4. Once processed through immigration, all Nationals shall be transported to the location of the Facility via watercraft from a specially constructed docking facility. The cost for constructing and operating said docking facility shall be paid for by the Government of the United States of America. It is fully understood and agreed by the Parties that no immigration of Nationals into the territory of Antigua and Barbuda shall commence until the facility contemplated in this paragraph is constructed and is operational.

ARTICLE SIX **SECURITY OF THE FACILITIES**

1. The Government of the United States of America shall, in cooperation with the UNHCR, provide for the general security, good order and discipline of the Nationals at all stages of the Operation. The Government of the United States of America shall bear all costs of providing such security.

2. Law enforcement officials from the Government of Antigua and Barbuda may cooperate with the authorities of the Government of the United States of America in maintaining general security, good order and discipline in the facility. The Government of the United States of America shall bear all costs for Antiguan participation in these activities. Accordingly, if citizens of Antigua and Barbuda are requested to assist in facilitating the security of the Operation, the Government of Antigua and Barbuda shall submit to the Government of the United States of America, a Request; the Government of the United States of America shall remit payment for such a Request to the Government of Antigua and Barbuda, within twenty-one (21) days of receipt of such a Request.

3. The Government of the United States of America shall transfer to the custody of the Government of Antigua and Barbuda, any National or Facility personnel who is suspected of committing a criminal act under the laws of Antigua and Barbuda, following his or her entry into Antigua and Barbuda, pursuant to this Memorandum of Understanding; in this instance, the Government of Antigua and Barbuda shall have jurisdiction and may take action under the laws of Antigua and Barbuda. All costs associated with housing, feeding and prosecuting any National or Facility personnel charged or convicted under the laws of Antigua and Barbuda shall be reimbursed to the Government of Antigua and Barbuda by the Government of the United States of America; the Government of Antigua and Barbuda shall submit to the Government of the United States of America, a Request for the costs specified in this paragraph, the Government of the United States of America shall remit payment for such a Request to the Government of Antigua and Barbuda, within twenty-one (21) days of receipt of a Request.

4. The Government of the United States of America agrees to furnish, at no cost to the Government of Antigua and Barbuda, one large Coast Guard vessel in order to assist the Government of Antigua and Barbuda in patrolling its waters.

ARTICLE SEVEN **ACCESS TO THE FACILITIES**

Both Parties will undertake to ensure transparency in the operation of the Facilities and, to this end, will make timely and reasonable arrangements for appropriate access to the facilities by:

- (1) Persons designated by the Government of Antigua and Barbuda and the Government of the United States of America as observers, and
- (2) Members of the press.

ARTICLE EIGHT **ACCESS TO MEDICAL FACILITIES**

1. The Government of the United States of America shall, within the Designated Territory, construct a hospital in order to house and care for the Nationals; this medical facility shall be designed to provide routine as well as emergency medical service. The Government of the United States of America shall maintain this medical facility consistent with international health care standards.

2. Access, by Nationals, to the hospital in Antigua and Barbuda, outside of the Designated Territory, will be available on an emergency medical basis only. Any National requiring emergency off-Facility-site medical care, shall be under the escort of United States and Antigua and Barbuda officials. The Government of the United States of America shall pay for all actual costs for use of off-Facility medical sites and hospital. The Government of Antigua and Barbuda shall submit to the Government of the United States of America, a Request for costs specified in this paragraph, the Government of the United States of America shall remit payment for such a Request to the Government of Antigua and Barbuda, within twenty-one (21) days of receipt of a Request.

3. The definition of "emergency" for purposes of Paragraph Two (2) of this Article shall be determined by both Parties working through the joint committee as established in Article Twenty (20) Paragraph One (1) *infra*. The agreement of the Parties shall be contained in a protocol which will determine those "emergencies" which entitle Nationals to be transported to the hospital outside of the Designated Territory.

4. It is fully understood and agreed by the Parties that in contracting for professional medical staff, the Government of the United States of America will first seek to employ medical and dental care professionals from Antigua and Barbuda before contracting with health care professionals from other territories.

ARTICLE NINE
THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

The Parties shall cooperate with the UNHCR in the performance of its duty of providing international protection and seeking permanent solutions to the problems of the Nationals.

ARTICLE TEN
ENVIRONMENT

1. The Parties shall take all reasonable care to protect the natural environment in the conduct of the Operation. In this regard, the following measures shall be adopted with regard to the disposal of waste:

- (1) No solid waste from the Facility will be disposed of within the sovereign territory of Antigua and Barbuda.
- (2) The Government of the United States of America shall be responsible for contracting and payment of costs for solid waste disposal.
- (3) Antigua shall not be liable for any damages arising from the disposal of solid waste generated at the facility.
- (4) Processing and disposal of sewage waste from the facility shall be performed at the facilities owned and operated by the Government of Antigua and Barbuda. Prior to opening the Facility, the Government of the United States of America shall perform the necessary capacity assessment of Antigua and Barbuda's sewage facilities in order to ensure that the facilities are adequate and are able to perform adequately given the projected increase in use; should enhancements and/or alterations be needed in order to establish the capacity needed to accommodate the additional service demands, the Government of the United States of America shall bear all costs for such enhancements and/or alterations.

2. The Government of the United States of America herein provides the Government of Antigua and Barbuda with the appropriate level of assurances that the Government of the United States of America will take all necessary and appropriate steps to ensure that it meets all environmental and air quality standards in the disposal of solid waste. The Government of the

United States of America will further hold the Government of Antigua and Barbuda harmless against all suits and claims by third parties in connection with breaches of the natural environment of Antigua and Barbuda.

ARTICLE ELEVEN **STATUS OF PERSONNEL**

1. The Government of Antigua and Barbuda shall accord to personnel of the Government of the United States of America assigned to the Operation (hereinafter *United States Personnel*) the privileges and immunities equivalent to those provided to personnel of comparable rank of the Embassy of the United States of America.

2. It shall be the responsibility of the United States Personnel to respect the laws of the Government of Antigua and Barbuda and to abstain from any activity inconsistent with the spirit of this Memorandum of Understanding. The Government of the United States of America shall take all necessary measures to that end.

3. The Government of Antigua and Barbuda shall permit the United States Personnel to enter and exit the territory of Antigua and Barbuda upon presentation of identification from the Government of the United States of America which shall include the following: military identification, passport or other reasonable identification. Passports and visas shall not be required for entry to and/or exit from Antigua and Barbuda.

ARTICLE TWELVE **FREEDOM OF MOVEMENT**

The Government of Antigua and Barbuda shall permit vehicles of the Government of the United States of America and of United States Personnel to move freely within the territory of Antigua and Barbuda in pursuit of their official duties. Nothing in the Article shall be construed to authorize the transport of Nationals in United States vehicles and/or by United States Personnel except as provided for in Articles Five (5) and Eight (8) of this Memorandum of Understanding.

ARTICLE THIRTEEN TAXATION

1. The Government of the United States of America shall be exempted from the payment of any sales, use or other taxes as well as any other charges levied by agencies of the Government of Antigua and Barbuda.

2. The Government of Antigua and Barbuda shall exempt United States Personnel from any taxes, fees or other charges on income received from the United States of America.

ARTICLE FOURTEEN IMPORTS, EXPORTS AND ACQUISITION

The Government of Antigua and Barbuda shall allow, free from duties, fees, dues, internal taxation or other assessments, the importation or exportation of products, property, materials or equipment imported into or acquired in the territory of Antigua and Barbuda by or on behalf of the Government of the United States of America or United States Personnel. The Government of Antigua and Barbuda also authorizes the Government of the United States of America to bring in and send out mail, free from any charge, and to establish a post office for this purpose, within the Designated Territory.

ARTICLE FIFTEEN CLAIMS

1. Both Parties shall waive any and all claims against each other (other than contractual claims) for damage, loss or destruction of the other's property arising from activities to which this Memorandum of Understanding applies except for claims arising out of a breach in environmental standards and/or claims arising out of acts of gross negligence on the part of the Government of the United States of America in connection with its operation of the Facility.

2. With respect to claims against the United States, other than contractual claims and those waived pursuant to paragraph one (1) of this Article, the Government of the United States of America, in accordance with its legal authorities, shall pay just, fair and reasonable compensation in settlement of meritorious claims arising out of acts or omissions of United States Personnel or, which are otherwise attributable to Facility related activities of the Government of the United States of America. These claims shall be expeditiously processed and settled by United States authorities in accordance with the governing law set forth in Article Twenty (20) Paragraph Six (6) *infra*.

ARTICLE SIXTEEN
PUBLIC UTILITIES, COMMUNICATIONS AND SUPPORT SERVICES

1. The Government of the United States of America may use water, electricity and other public utilities and facilities on terms and conditions, including rates or charges, no less favorable than those available to other commercial users in like circumstances unless, otherwise agreed to in writing. The Government of Antigua and Barbuda shall, upon written request, assist the United States authorities in obtaining water, electricity and other public utilities and facilities; all costs associated with Antiguan participation in this paragraph shall be paid for by the Government of the United States of America. The Government of Antigua and Barbuda shall submit to the Government of the United States of America, a Request, the Government of the United States of America shall remit payment for such a Request to the Government of Antigua and Barbuda within twenty-one (21) days of receipt of a Request.

2. The Government of the United States of America shall be authorized to use its own communications networks, communications electronics, installations, radio frequencies, transportable equipment and organic communication systems in order to accomplish the specific purposes of the Operation except in cases where such use will interfere with existing communications and radio frequencies within Antigua and Barbuda.

3. Should it become necessary, the Government of the United States of America may also be authorized by the Government of Antigua and Barbuda to use communication networks, communications electronics, installations, radio frequencies, transportable equipment and organic communication systems of Antigua and Barbuda. The Government of Antigua and Barbuda shall facilitate the use of the United States communications facilities. All costs associated with communications in this paragraph shall be paid for by the Government of the United States of America.

4. As may be required, the Government of Antigua and Barbuda will provide or arrange for additional support services as may be requested by the Government of the United States of America on written terms agreed to by officials of the Government of the United States of America who are authorized to contract in Antigua and Barbuda.

ARTICLE SEVENTEEN
USE OF TRANSPORTATION FACILITIES

Vehicles, vessels and aircraft of the United States shall not be subject to the payment of landing or port fees, pilotage charges, navigation or overflight charges, tolls or other such charges including light and harbor dues while in the territory of Antigua and Barbuda. Vessels owned or operated by the United States shall not be subject to compulsory pilotage at ports in Antigua and Barbuda.

ARTICLE EIGHTEEN LICENSING

1. The Government of Antigua and Barbuda shall waive any requirements for licensing and credentialing of health care or other United States Personnel who are properly credentialed under United States law and regulation as long as such Personnel works solely within the territory of the Facility. However, it is fully understood and agreed to by the Parties, that the Government of the United States of America shall first contract to hire medical personnel from Antigua and Barbuda before engaging health care professionals licensed and residing in the United States to work at the Facility.

2. The Government of Antigua and Barbuda shall exempt United States Personnel who are licensed under United States law or regulation from holding a driver's license issued by authorities of Antigua and Barbuda. Service vehicles owned or operated by the United States shall be exempted from any licensing, registration or insurance requirements for the duration of the Operation. Said vehicles must be issued special identification which shall be furnished to United States officials by the Government of Antigua and Barbuda.

ARTICLE NINETEEN ENHANCEMENTS TO DIPLOMATIC RELATIONS

1. The Government of the United States of America shall reopen its Embassy in Antigua and Barbuda within ninety (90) days of the execution of this Memorandum of Understanding; the Embassy shall be staffed with, at the very least, a Charge D' Affairs who shall have the authority to issue visas and carry out other activities consistent with normal bilateral relations.

2. Said Embassy will have an indefinite term of operation but shall be in operation for a period of not less than three (3) years; any future decision to change the Embassy's status shall be subject to the same evaluation process that was utilized during the Embassy's closure in 1993/1994.

3. The Government of the United States of America will maximize, consistent with United States law and regulations, the use of Antiguan and United States minority owned companies and labor for the provision of goods and services to be imported into Antigua or acquired in Antigua on behalf of the United States for the proper and efficient operation of the Facility.

4. The Government of the United States of America shall arrange an appropriate signing ceremony in the District of Columbia, United States of America, between the Government of the United States of America and the Government of Antigua and Barbuda.

ARTICLE TWENTY

FINAL PROVISIONS

1. The Parties agree to establish a joint committee for consultations in order to examine any matter relating to the implementation of this Memorandum of Understanding; said committee shall be responsible for monitoring the operations of the Facility and the Parties' compliance with the terms of this Memorandum of Understanding.

2. Any disagreements regarding the interpretation of this Memorandum of Understanding which cannot be resolved by said committee of Paragraph One (1) of this Article, shall be resolved through diplomatic channels.

3. This Memorandum of Understanding shall enter into force upon signature; until executed, it is fully understood by the Government of Antigua and Barbuda that the United States could still select another country to host the Facility; it is also fully understood by the Government of the United States of America that, until this Memorandum of Understanding is executed by the Government of the United States of America, the Government of Antigua and Barbuda could withdraw its offer to host the Facility.

4. Any modifications or amendments to this Memorandum of Understanding shall be by mutual consent and in writing by the Parties.

5. In the event that any one or more of the provisions contained in this Memorandum of Understanding shall, for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Memorandum of Understanding but, this agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

6. This Memorandum of Understanding shall be subject to and governed by the laws of the District of Columbia, United States of America.

7. This Memorandum of Understanding cannot be assigned in whole or in part without the express prior written consent of the Parties.

8. In the case of a breach by either Party of the terms or conditions of this Memorandum of Understanding, either Party shall have thirty (30) business days to cure the breach. Written notice of the breach shall immediately be sent via certified mail by the Party alleging the breach, to the Party against whom the breach is alleged. In the case of the notice of breach to the Government of Antigua and Barbuda, notice shall be sent as follows:

The Honorable Prime Minister
The Prime Minister's Office
Government of Antigua and Barbuda
St. Johns, Antigua - West Indies

In the case of the notice of breach to the Government of the United States of America, notice shall be delivered as follows:

Honorable Ambassador
Embassy of the United States of America
Bridgetown, Barbados - West Indies

9. This Memorandum of Understanding represents the complete understandings between the Parties and is not subject to any oral representation not included herein. All understandings or agreements inconsistent herein shall be void and of no legal force or effect.

10. This Memorandum of Understanding may be executed in multiple copies, each of which have the same full force and binding effect as if it were an original.

11. The undersigned by the placing of their signatures below represent that they are vested with the requisite authority to execute this Agreement and bind the Parties hereto.

12. This Memorandum of Understanding shall remain in effect for eighteen (18) months as stated in of Article One (1) Paragraph Two (2); the Government of the United States of America may terminate this agreement for any reason or for no reason, upon ninety (90) days written notice by certified mail to the Government of Antigua and Barbuda as set forth below. Upon termination of this Memorandum of Understanding, the Government of the United States of America shall pay any and all outstanding expenses accrued or incurred by the Government of Antigua and Barbuda during the development, construction or dismantling of the Facility and/or of the Operation. In the case of notice to terminate by the Government of the United States of America, ninety (90) days prior written notice shall begin immediately upon delivery as follows:

The Honorable Prime Minister
The Prime Minister's Office
Government of Antigua and Barbuda
St. Johns, Antigua - West Indies

13. Upon termination of this Memorandum of Understanding, the Government of the United States of America shall be granted a reasonable time within which to terminate the Operation and close the Facilities however, termination of the Operation and dismantling of the Facilities by the Government of the United States of America shall not exceed sixty (60) days.

ARTICLE TWENTY-ONE LIMITATIONS

1. Performance of all obligations and commitments of the Government of the United States of America in this Memorandum of Understanding are subject to the availability of appropriated funds. Nothing in this Memorandum of Understanding may be read as implying that the Congress of the United States will, at a later date, appropriate funds sufficient to meet commitments of the Government of the United States of America under this Memorandum of Understanding, however, any substantial breach of commitments made by the Government of the United States of America due to a lack of sufficient funds, shall provide a reasonable basis for the Government of Antigua and Barbuda to terminate this agreement before the expiration of the eighteen (18) month period by sending notice as follows:

Honorable Ambassador
Embassy of the United States of America
Bridgetown, Barbados - West Indies

2. Nothing in this Memorandum of Understanding will confer any rights or interests enforceable at law or otherwise on non-Parties to this Memorandum of Understanding.

DONE at the District of Columbia, United States of America, this ____ day of August, 1994, in duplicate.

Signature

Signature

Print Name
For The Government Of The
United States of America

Print Name
For The Government Of
Antigua and Barbuda

ARTICLE EIGHTEEN

LICENSING

1. The Government of Antigua and Barbuda shall waive any requirements for licensing and credentialing of health care or other United States Personnel who are properly credentialed under United States law and regulation as long as such Personnel works solely within the territory of the Facility. However, it is fully understood and agreed to by the Parties, that the Government of the United States of America shall first contract to hire medical personnel from Antigua and Barbuda before engaging health care professionals licensed and residing in the United States to work at the Facility.

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NEWS

FROM THE U.S. COMMITTEE FOR REFUGEES

Hand

Safe Haven



FAX COVERSHEET

Date: August 1, 1994

From: Bill Frelick

To:

PHOTOCOPY PRESERVATION

Alex Aleinikoff and Paul Virtues, INS, 514-0455
Hans Petter Boe, IOM, 862-1879
Jesse Bunch, InterAction, 667-8236
Ahpaly Coradin, Ronald Aubourg, Johnny McCalla, NCHR, 212-867-1668
Scott Busby, Susan Kinsley, Rene von Rooyen, UNHCR, 387-9038
Rev. Richard Ryscavage and Shep Loman, USCC/MRS, 541-3399
Betsy Hitzgerald, Pam Lewis, Terry Rusch, B. McKinley, DOS, 663-1061
Robert Rubin, SFLC, 415-543-0296
Guy Victor and Steve Forester, HRC, 305-758-2444
Dan Kesselbrenner, NLG, 617-227-5495
Nick Rizza, AIUSA, 415-291-8722
Pat Rengal, Carols Salinas, Jim O'Dea, AIUSA, 546-7142
Robert DeVecchi, IRC, 212-551-3180
Shappie Abramowitz, IRC, 232-7376
Jeanne Butterfield, AILA, 463-6325
Laura Murphy Lee and Lucas Guttentag, ACLU, 212-221-5937
Harold Koh, SCHR, 203-432-8292
Carol Wolchok, ABA, 331-2220
Angela Kelly, NIF, 544-1905
Laura Huneck and Arthur Helton, OSI, 212-489-8455
Marty Venick, HIAS, 212-645-2961
Michael Myers, DOD, 703-693-7588
Eric Schwartz, NSC, 395-1199
Janella Miller and Angela Moore, IHRIG, 232-6731
Abby Price, CWS, 543-1297
Lionel Rosenblatt, RI, 828-0819
Susan Brook, LIRS, 783-7502
Victoria Sharp, DW, 212-459-8489
Don Hammond, World Relief, 914-268-2271
Ralie Deffenbaugh, LIRS, 212-683-1329
Wade Anderson, NAACP, 638-5936
Greta Tovar, HRW/A, 371-0124
Steve Vale-Loehr, IR, 607-272-6694
Randall Robinson, TA, 797-2382
Stephanie Marks, LCHR, 212-967-0916
Niels Frenzen, PC, 213-385-9089
Marianne Leach, CARE, 296-8695
Mitzi Schroeder, ICMC, 393-2908
Rob McChesney, JRS, 462-0400
Rick Swartz, SA, 797-9856
Michael Hill, USCC, 541-3313
Cheryl Little, Ester Cruz, Miran Sa, FRLS, 305-758-4726
Terry Tinker, Kathleen Sullivan, IRA, 224-5128
Michael Ratner, CCR, 212-614-6499
Mary Lou McCluchieon, Beth Morley, Rebecca Giland, ARC, 847-4486
Nancy Mallin, RV, 832-5616
Leila Meita, RPG, 667-5034
Kate Lawler, LCHR, 543-5999
Barbara Arnwine, LCCRUL, 842-2171
Ron Murica, ORR, 401-5487
Elizabeth Ferris, CWS, 212-870-1297
Susan Forbes-Martin, CIR, 673-5354
Kathleen Thompson, INS, 633-1068

I couldn't locate faxes for Tom Wenski and Burgess Carr. I hope people can give me their numbers or pass this along to them.



U.S. COMMITTEE FOR REFUGEES

1717 Massachusetts Avenue, N.W., Suite 701
Washington, D.C. 20036
Tel: (202) 347-3507 Fax: (202) 347-3418

SAFE HAVEN FOR HAITIAN REFUGEES:

SITE VISIT, GUANTÁNAMO NAVAL BASE,

JULY 27, 1994

Bill Frelick

Senior Policy Analyst, U.S. Committee for Refugees

THESE OBSERVATIONS ARE BASED ON A LIMITED VISIT OF 4.5 HOURS IN WHICH PRIVATE MEETINGS WITH REFUGEES WERE NOT PERMITTED. IN FACT, NGO INTERVIEWS WITH HAITIAN REFUGEES WERE MONITORED AND VIDEOTAPED BY U.S. OFFICIALS. OBSERVATIONS, TESTIMONIES, AND CONCLUSIONS, THEREFORE, MUST BE CONSIDERED PRELIMINARY AND POSSIBLY COMPROMISED BY THE CONDITIONS OF THE VISIT.

THIS ACCOUNT REPRESENTS ONLY THE VIEWS OF BILL FRELICK, AND DOES NOT REPRESENT THOSE OF ANY OF THE OTHER 21 NONGOVERNMENTAL REPRESENTATIVES WHO VISITED GUANTÁNAMO (GTMO) ON JULY 27, 1994 (ALTHOUGH IT BENEFITS FROM THEIR OBSERVATIONS AND INSIGHTS).

RECOMMENDATIONS:

1. Camp residents must be able to communicate with the outside world, especially with their families in Haiti and the United States.
2. Assuming that the Haitians currently at GTMO will not soon be moved to another safe haven site, its orientation must be switched from short-term "transit" to medium-term "safe haven." Thus far, the authorities at GTMO have generally succeeded in providing the basic human requirements of water, sanitation, shelter, protection, food, and medicine. Now, however, they--in cooperation with newly arriving NGOs--must strive to meet the crucial social, psychological, educational, and spiritual needs of the residents. This is not only a requirement of humanitarianism, but an imperative for maintaining camp morale, upon which order and security hinge. NGOs should be granted wide access to provide social services, as well as continuous monitoring of conditions and processing.
3. Great care should be taken to ensure that the manner in which the availability of voluntary repatriation is presented to the refugees is done in a neutral fashion. Voluntary repatriation should not be promoted over safe haven, but simply presented as an option for those who want to return. While the authorities at GTMO appear to have succeeded in making the content of the message neutral, the frequency and manner in which the voluntary repatriation option is presented by the military inside the safe haven camps is viewed by some refugees as creating a pressure to repatriate. U.S. military and civilian government personnel should avoid conveying to the refugees that they have any preference that the Haitians opt for voluntary repatriation rather than remaining in safe haven.

4. Given that only a small fraction of the refugees who opt for safe haven are being placed "on hold" as a result of not having articulated a fear of return, the screening interviews should be limited to determining if there are grounds relating to criminality or having persecuted others that might make a person ineligible for refugee protection. If the Immigration and Naturalization Service (INS) continues to rely on interviews to determine that Haitians' reasons for seeking refuge are not frivolous or based on personal convenience, it should reassess how these interviews are conducted. It should review the hiring choices and roles of interpreters from the International Organization for Migration (IOM). Refugees leveled serious allegations of political bias against some IOM interpreters. Their interviews should be limited to the questions on the written questionnaire, unless an INS officer needs further clarification about a response. To ensure accuracy, IOM interpreters should fill out the questionnaire as each question is being asked (rather than waiting until the end of the interview).

5. Urgent attention must be paid to conditions of Administrative Segregation in "the brig." Based on the reports of other NGO observers who witnessed conditions of detention, these conditions appear to be inhumane and to violate basic due process rights.

6. Several recommendations relating to the question of voluntary repatriation are made in section IV of this report. Among them, (a) the initial orientation/counseling session about voluntary repatriation/safe haven ought not to take place in the same hanger where the other processing activities occur, but rather in a quieter place and, preferably, with smaller groups in a pedagogical manner more appropriate for communicating to a Haitian audience, and (b) UNHCR personnel should be stationed at the Hunt Camp (where persons opting for voluntary repatriation stay before their departure) in order to be available for further counseling and to facilitate rapid transfer to the safe haven camps of persons who change their minds.

7. Other recommendations on camp conditions relating to matters such as soap, food, location of camps on the tarmac, recreational space, and medical attention (and communication) can be easily inferred from the observations below. A more detailed discussion of the issue of voluntary repatriation appears in section IV.

OBSERVATIONS**I. ACCESS****A. Positive**

1. The group was accorded full access to every location we requested to visit.
2. The military were professional and courteous in their treatment of the NGO representatives.

B. Negative

1. The NGO monitors arrived at GTMO at 1:00 pm, although we had been scheduled to arrive at 9:30 am.
2. We had a total of 4.5 hours to visit the refugee camp/facilities, and another half hour to meet with the commanding officer of the Joint Task Force (JTF), Brig. Gen. Michael J. Williams.
3. We were not able to speak privately with the refugees. INS, State Department, and military personnel monitored all interviews, including military videotaping of our interviews.
4. Several key Haitian camp leaders were detained in Administrative Segregation the day before the NGO visit, including the elected leader of Camp Two. Camp authorities said that they were detained for coercing people to join a hunger strike. Whatever the reason, the effect was to remove some of the more articulate leaders from the camp and, quite possibly, to make the second-tier leaders who we did interview less candid than they might otherwise have been.

II. OBSERVATIONS OF CAMP CONDITIONS**A. Positive**

1. The camp was clean and orderly, as were most of the residents and their clothing.
2. Residents said they were generally treated respectfully and with dignity by the military.
3. Residents described camp security as good. People (including women) said that they felt safe and secure at night and during the day.
4. The military do not carry weapons. Their interventions in cases of altercations were described as "civilized."
5. Movement within each camp is free (except for women going into the "single men's" area--there is no "single women's" area--single women stay in the "family" area).
6. Each camp has an elected leadership, as well as tent leaders. Camp leaders said they were able to voice their complaints to the camp authorities.

7. Certain camp cooking and cleaning functions are being organized and performed by the camp residents themselves, and in one camp (Six), some education efforts reportedly have been started by the refugees themselves. (I only had time for brief visits to Camps Two and Seven, and watched residents queuing for supper at Camp One.)

8. Water in the camp has improved, both in quality and quantity. At first, it was reported as being red and smelly. Now it is clear, and there is enough for showering and cleaning. Some refugees continued to say, however, that the water caused cramping.

9. No problems with sanitation were reported.

10. Family groups live together. (Common law marriages are recognized.) The segregation of residents that does occur, appears to be appropriate.

FROM OTHER NGO OBSERVERS:

11. The set up at the camp hospital generally appears to meet the medical needs of the residents at this point in the life of the camp.

B. Negative

1. Residents, by camp, are held incommunicado. They have no means of communicating with the outside world, or even between camps at GTMO. Some of the refugees who still claim a fear of persecution upon return are opting for voluntary repatriation in order to let their families in Haiti know that they are still alive.

2. There is an almost total lack of camp activities. "We have nothing to keep us occupied," said one camp leader. Among the activities that are not present:

a) classes for adults or children--literacy classes would be particularly welcome and useful;

b) self-help groups based on sharing of skills, talents among refugees themselves;

c) organized sports/game activities, especially for children;

d) small-scale food preparation to allow families to prepare their own meals;

e) small garden plots that could be tended by refugees themselves;

f) music (instruments, radios);

g) artisan projects such as crafts, sewing, painting, both as a way of building skills and giving refugees meaningful activities and social outlet, as well as a way to generate a bit of income;

h) a camp newspaper written by refugee journalists themselves;

i) a camp "library" (i.e., any availability of books and newspapers--especially from Haiti).

3. Lack of clear information (or understanding of information).

a. Residents often do not understand "safe haven," especially as opposed to "transit"--which is how GTMO is still defined to them;

5

b. On health issues, refugees do not know, for example, that condoms are available;

c. Rumors are rife. For example, when sick people are taken to the hospital, family are not allowed to visit. Sometimes--such as cases of active TB--the sick are not returned to their original camp, but are kept in isolation. Residents draw the conclusion that they have died. Camp authorities say there have been 4 deaths in the camp. Some residents believe that the number of deaths is 10 times that number. Such misperceptions have serious ramifications. One man gave as his reason for choosing voluntary repatriation: "We can die slowly here or quickly in Haiti."

4. The camps are built mostly or entirely on concrete tarmacs. There is little or no grass. The surface of the tarmacs is hot and uncomfortable. There is inadequate space for recreation, walking.

5. Complaints about medical treatment were common. Residents said that regardless of the nature of the health complaint, the treatment was always, "Drink water and take a white tablet." They said they were not told what the tablet was. There were allegations that persons who did not feel better after taking the white pills were refused further medical treatment. Refugees alleged that some deaths have occurred as a result of lack of medical attention. Communication between medical personnel and camp residents seems to be poor.

6. Residents said that there is not enough soap for personal use or for clothing.

7. There were frequent complaints about the quality of the food. The "humanitarian" MREs (yellow packages) were termed inedible by some, and alleged to be the cause of diarrhea. (Camp medical staff said that diarrhea was not a common complaint.) There is a lack of salt. Cooked meals are not prepared in ways Haitians are used to (ex., the main meals have a bean/rice base, which are served dry, rather than in the Haitian style, which is wet/gravy).

8. Paper and pencils are completely absent, as are envelopes (and stamps).

9. Refugees requested donated clothing and shoes, but said that they would need to be evenly distributed. They complained that on one occasion when an inadequate number of shirts were distributed, it caused conflict.

10. Camp perimeters are surrounded by rolls of concertina razor wire, creating a prison-like atmosphere.

FROM OTHER NGO OBSERVERS:

11. Camp Hunt, where people awaiting voluntary repatriation are held, was described as being in worse condition than the other camps--no sheets, worn tents, overgrown area.

12. Conditions at the "brig" where administrative segregation occurs were described as deplorable, and due process appeared to be lacking. Persons in Administrative Segregation are kept in a small cage with high-powered lights shining on them; among other problems noted by those who visited the brig, the detainees are not informed of the charges under which they are being held nor are they told how long they will be detained.

13. The TB isolation unit at Camp Bulkeley was described as overcrowded.

14. There is a lack of pre-natal and well-baby care.

III. PROCESSING OBSERVATIONS (See IV, on Voluntary Repatriation)

A. Positive

1. In their initial orientation, refugees are no longer told that in-country refugee processing is available for them should they return to Haiti and wish to be resettled in the United States.
2. UNHCR personnel said that they were satisfied that repatriation has been voluntary, and other NGO observers who monitored UNHCR interviews with persons opting for voluntary repatriation were impressed with the thoroughness of the interviews.
3. People choosing voluntary repatriation are allowed to change their minds up to the last minute (although there were mixed accounts about what would happen if someone had a change of heart aboard a cutter going back to Haiti).
4. Almost everyone who requests safe haven gets it. There are about 85-90 cases "on hold" where there is a question about whether they have articulated a fear of return or if they may have persecuted others or been involved in criminal activity.
5. No persons "on hold" have yet been forcibly repatriated. (A group of 8 accused of murdering people on the boats have been involuntarily returned.)
6. "On hold" people are not segregated in the camps.
7. Persons opting for voluntary repatriation are given 24 hours in the Hunt Camp before being placed on a cutter.

B. Negative

1. Many questions/allegations were raised about the interpreters from IOM (International Organization for Migration), which works under contract to the State Department and conducts interviews for the INS:
 - a) Allegations were made that specific interpreters were involved with the junta/FRAPH;
 - b) Interpreters were said to ask provocative and intimidating questions, leading the applicants to believe that they were pro-military;
 - c) Interpreters were said to make inappropriate, even threatening remarks, during interviews;
 - d) Questioning by interpreters was considered overly detailed, as would be expected in a full-scale refugee determination hearing. They did not stick to the questionnaire;
 - e) Some refugees said that they did not believe that the IOM interpreters wrote down the responses to the questions as they were given by the applicants.
2. The initial orientation briefings describing the safe haven/voluntary repatriation options are conducted in groups of 30 in a large, noisy hanger, where many other activities, including the IOM interviews, are taking place. It is hard for people to hear what is being said. Some clearly were not paying attention.

IV. THE ISSUE OF VOLUNTARY REPATRIATION

During the orientation and screening procedures, the content of the messages appears to present well the options of safe haven or voluntary repatriation. However, given the noise and confusion in the hangar where these orientation sessions take place, the message may not be well understood by the audience. The orientation sessions should be presented in a separate tent in as small groups as possible. It might also be advisable to make the orientation session in a pedagogical style more appropriate for a Haitian audience (i.e., less lecture, more interactive).

UNHCR appears to be doing a good job of interviewing persons opting for voluntary repatriation to ensure that their decisions are freely made, according to other NGO observers who monitored these interviews.

Giving persons opting for voluntary repatriation a 24-hour waiting period to consider their decision is also positive. However, NGO representatives who visited the Hunt Camp where the repatriates are sheltered described conditions there as worse than the other locations, and recommended 1) that UNHCR have a presence there and 2) that persons changing their mind be removed immediately from that camp.

Refugees gave conflicting accounts about whether they were being pressured to repatriate. In Camp Seven, refugees said that the army comes in with megaphones "every day, around the clock" asking for people who want to return to Haiti, and refugees said they felt pressure. In Camp Two, some refugees said this occurred, but others denied that it did.

Gen. Williams said, "We don't harangue them to voluntarily repatriate. Every morning, we do ask, 'Does anyone want to go home?'" We were told by refugees that the military asks this at 6 am, and comes through the camp again at night with flashlights asking the same thing. Notices informing refugees of the availability of voluntary repatriation also appear in the shower area, as well as in the camp newspaper, which is produced by a military unit called MIST (Military Systems Information Team, which has succeeded the "psy-ops" team which operated at GTMO in 1991-1992).

Repeatedly providing information about the availability of voluntary repatriation appears to promote voluntary repatriation among a population which has already been accepted for safe haven on the basis of having articulated fears of return. Providing neutral information about the availability of freely chosen voluntary repatriation is appropriate, and the content of the information about voluntary repatriation seemed neutral and factual as presented at the INS/UNHCR orientation sessions, and in the way it appears on written notices (such as appears in *Sa K Pase*, the camp newspaper). The content of the message is not the problem: it is the frequency of the message in the camps that has made it appear to some of the camp residents as something more than neutrally provided information. As the camp radio station comes on line, this concern will be even greater.

I question the appropriateness of promoting voluntary repatriation at GTMO, given human rights conditions in Haiti, and also given that some of the people opting for voluntary repatriation appear to be genuine refugees who still have a well-founded fear of persecution, but who nevertheless are choosing to return because they have been cut off from all contact with their families. The isolation of the GTMO population from the outside world--and especially from their families in Haiti--creates a coercive backdrop for the decision to repatriate. I would not go so far as to say that there is coerced repatriation of refugees from GTMO, but I would say that genuine refugees who ought not to be repatriating are now choosing repatriation because of their need to make contacts with their families who still do not know if they are dead or alive. This isolation must be rectified immediately by establishing mail and phone links to the outside world.

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THE JOINT STAFF

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DIRECTORATE & OFC SYM

NAME

FAX NUMBER

DAILY HAITI MIGRANT COUNT (020400Z AUG 94)

SUBJECT

DNS NUMBER

SIGNATURE OF INDIVIDUAL TRANSMITTING FAX

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Clinton Presidential Records
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Multilateral & Humanitarian Affairs (Schwartz, Eric)
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FOLDER TITLE:

Haiti-Safe Haven, 1994-1995 [3]

2008-1184-F
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NATIONAL COUNCIL OF THE CHURCHES OF CHRIST IN THE U.S.A.
WASHINGTON OFFICE

110 Maryland Ave., NE
Washington, DC 20002

Telephone: (202) 544-2350
Fax: (202) 543-1297

TO: Eric Schwartz
NSC

FAX #: 395-1199

FROM: Abigail M. Price

DATE: 8/2

RE: _____

of pages including this cover sheet: 3

Please confirm receipt to (202) 544-2375.



NATIONAL COUNCIL OF THE CHURCHES OF CHRIST IN THE UNITED STATES OF AMERICA

Church World Service

475 RIVERSIDE DRIVE, ROOM 626, NEW YORK, NY 10115-0050

IMMIGRATION AND REFUGEE PROGRAM Elizabeth Ferris, *Director* Tel. (212) 870-3300 Room 664

July 31, 1994

Honorable William H. Gray
Special Advisor to the President
Department of State
Room 7524
2201 C Street, NW
Washington, DC 20520

Dear Mr. Gray:

As the director of Church World Service Immigration and Refugee Program (CWS/IRP), I am writing you regarding our primary concern arising from our participation in the July 27, 1994 NGO mission to the Guantanamo Naval Base safe haven camp. We were greatly pleased to see the administration follow through with the assurance that the process of safe haven would be kept transparent and accessible and we do not wish to see anything endanger that policy. The CWS/IRP participant on the NGO mission was our Washington Representative, Abigail M. Price, who has had previous experience working with Haitian refugees and U.S. military personnel on Guantanamo Naval Base, Cuba. She reported that physical conditions on the Camp were generally satisfactory and U.S. military personnel were both responsive and courteous. She felt that both were evidence of a willingness to accomplish much needed improvements on the Camp. We feel it is imperative to bring to your attention an issue which is of particular concern to us and which demands your attention immediately.

Time is of the essence in addressing disciplinary policies and conditions of detention presently in place with regard to the Administrative Segregation Facility. Ms. Price observed during her visit to this facility Haitian nationals being held in steel cages. Each cage estimated at 8 feet in width, 9 feet in length and between 10 and 12 feet in height held 5 Haitian nationals. According to information provided by U.S. military personnel an "LSI" (Letter of Segregation Instruction) which set forth the Camp rules had been published in the Camp newsletter. Infractions of the Camp rules result in removal of the individual to the Administrative Segregation Facility. The first two days of an individuals confinement to this facility involves being placed in these cages. While we appreciate that the military must be able

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Miami Office: Roseann Micallef, Director 701 S.W. 27th Avenue, Suite 707, Miami FL 33135 - (305) 541-8040/41

FAX 212-870-2132

to separate and segregate individuals who are a threat to themselves or to others, we feel certain that you would agree that such cages are in fact a danger to those individuals incarcerated within, they fail to meet domestic or international standards and fly in the face of the concept of humane treatment.

At this time we respectfully request that the military of their own volition make more humane arrangements to meet security needs and that these cages be removed. The JTF is utilizing informal disciplinary procedures which do not appear to have been designed in accordance with procedural safeguards set forth in Haitian Centers Council v. Sale, 823 F. Supp at 1048, or UN General Assembly Resolution 43/173, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, A/43/889 (attached hereto). It is our hope that this situation will be remedied within the week. In addition, we request the opportunity to meet with you or your designated representatives to commence discussion surrounding the detention of Haitian nationals in an Administrative Segregation Facility. We look forward to speaking with you in the immediate future.

Respectfully Yours,

Elizabeth Ferris

Dr. Elizabeth Ferris
Director
Church World Service
Immigration & Refugee
Program

cc: Alexander Aleinikoff
Kofi Asomani
Phyllis Coven
Richard Fienberg
Leon Fuerth
Gerda Lane
Brunson McKinley
Michael Myers
Eric Schwartz
Julia Taft
Rene van Rooyen



Hanki - SM

United States Department of State

Washington, D.C. 20520

BUREAU OF POPULATION, REFUGEES, AND MIGRATION
FAX MESSAGE COVER SHEET
FAX TELEPHONE: (202)663-1061

DATE:

-8/3

PLEASE DELIVER THE FOLLOWING PAGES TO:

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Eric Schwartz

Office:

NSC

Fax Telephone:

395-1199

THIS MESSAGE IS FROM:

Name:

Hazel M. Reitz

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TODAY'S Press Guidance FYI - FINAL Version

PRM PRESS GUIDANCE
August 3, 1994

HAITI: INTERDICTION OF HAITIAN BOAT PEOPLE

Q. Could you give us an update of interdictions and processing statistics?

A. INTERDICTIONS

- THERE WERE NO INTERDICTIONS OF HAITIAN BOAT PEOPLE YESTERDAY.**
- THE TOTAL NUMBER OF HAITIANS PICKED UP SINCE SHIP BOARD PROCESSING BEGAN ON JUNE 15 IS APPROXIMATELY 21,150.**

Q. Do you see this as a downward trend in the outflow of boat people?

- A. -- THE NUMBERS HAVE BEEN MUCH LOWER FOR THE PAST SEVERAL WEEKS.**
- WE ARE ENCOURAGED THAT FEWER HAITIANS FEEL THE NEED TO RISK THEIR LIVES BY TAKING TO SEA IN SMALL, UNSEAWORTHY BOATS.**

- 2 -

Q. To what do you attribute this decrease in the outflow?

A. -- I DO NOT WANT TO SPECULATE BUT THE MESSAGE MAY BE TAKING HOLD IN HAITI THAT THE OPTIONS FOR HAITIANS WHO LEAVE BY BOAT ARE EITHER TEMPORARY PROTECTION IN A SAFEHAVEN OR VOLUNTARY REPATRIATION, AND NOT REFUGEE STATUS IN THE U.S.

-- HOWEVER, WITH THE CONTINUING DETERIORATION OF THE HUMAN RIGHTS SITUATION, WE CANNOT DISCOUNT THE POSSIBILITY OF AN INCREASED OUTFLOW IN THE FUTURE.

-- WE CONTINUE TO APPEAL TO THOSE HAITIANS WHO FEAR PERSECUTION TO APPLY TO THE IN-COUNTRY REFUGEE PROCESSING PROGRAM.

U.S. Department of State
Bureau of Population, Refugees, and Migration

HAITIAN MIGRANT POPULATIONS
As of August 3, 1994

Total Population at Guantanamo Naval Base	15,883
Approved Refugees pending transport to U.S.	163
Granted Safehaven Status	15,469
Pending Voluntary Repatriation	251
Pending Processing	0
Aboard USCG and USN Vessels	1
En Route to GTMO for Initial Screening	1
En Route to Port au Prince from GTMO	0
Admitted to U.S. (Approved Refugees)	422
Medical Evacuations to U.S.	4
Repatriated	4,844
Repatriated from USNS Comfort	1,138
Voluntarily Repatriated from GTMO	3,706
TOTAL INTERDICTIONS	21,154

PRM:HTI-201

Status as of: 08/03/94
08:06

U.S. Department of State
Bureau of Population, Refugees, and Migration

STATUS OF HAITIAN BOAT PEOPLE
Cumulative Processing Report
June 15 - August 2, 1994

Processed for Safehaven Status at Guantanamo Naval Base (7/6/94-present)

Total Processed*		19,175 **
Approved	82%	15,808
Requested Voluntary Repatriation	18%	3,367
Pending Processing		1
Ashore at Guantanamo Naval Base		0
En Route to Guantanamo Naval Base		1

Processed for Refugee Status aboard USNS Comfort (6/15/94-7/15/94)

Total Interviewed		2,283
Approved	26%	585
Pending Final Processing/Transport at GTMO		163
Admitted to U.S.		422
Denied	74%	1,698
Transferred to GTMO		560
Repatriated		1,138
Medical Evacuations to U.S.		4

*Results are based on initial processing decisions. Total does not include those migrants who originally requested safehaven status and then requested voluntary repatriation.

**Difference in processing results between August 1 and August 2 reflect a reconciliation in statistics.

PRM:HTI-202

Status as of: 08/03/94

08:47

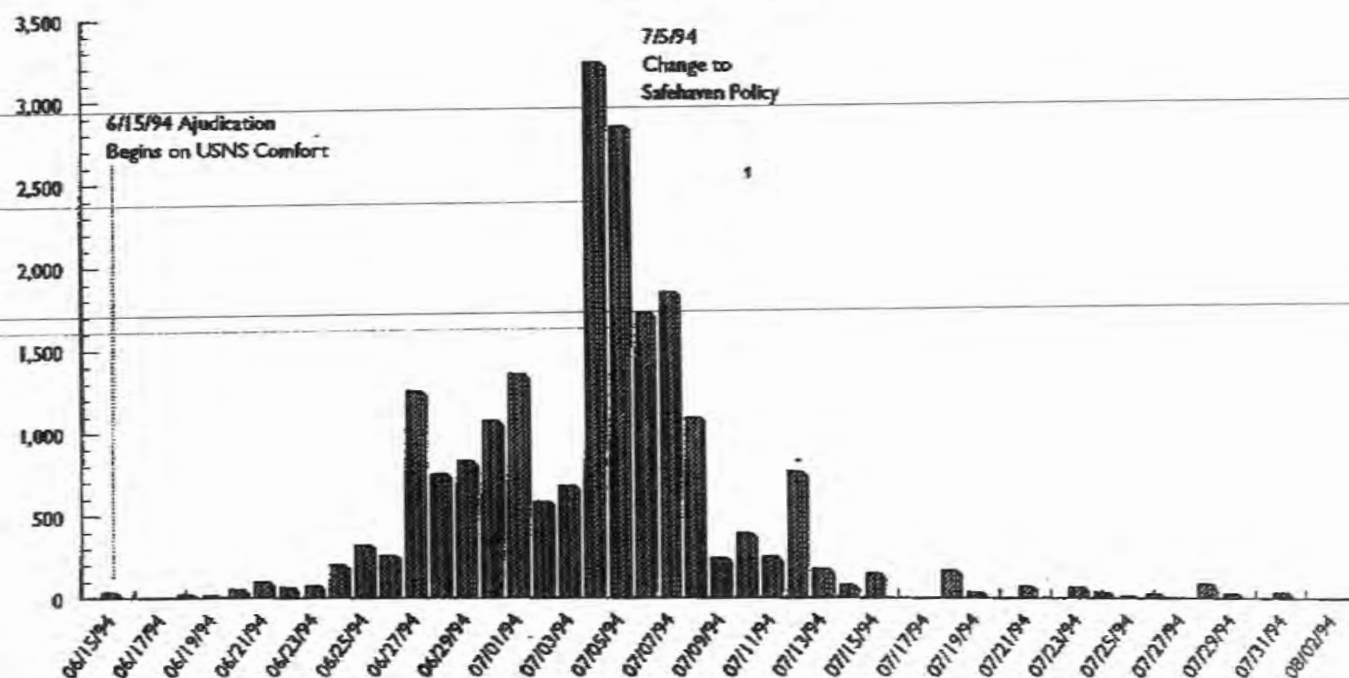


U.S. Department of State
Bureau of Population, Refugees, and Migration

DAILY INTERDICTIONS OF HAITIAN BOAT PEOPLE

by U.S. Coast Guard and U.S. Navy

6/15/94 - 8/2/94



PRM:HIT-103
08/03/94

PRM PRESS GUIDANCE
AUGUST 3, 1994

HAITI: TEMPORARY PROTECTION FOR HAITIAN BOAT PEOPLE

Q. Could you run through the numbers of those interviewed at Guantanamo for safehaven or voluntary repatriation?

- A. -- ALL OF THE HAITIAN BOAT PEOPLE AT GUANTANAMO, WITH THE EXCEPTION OF THE 1 HAITIAN PICKED UP MONDAY, HAVE BEEN PROCESSED FOR EITHER VOLUNTARY REPATRIATION OR FOR TEMPORARY PROTECTION.**
- SOME 15,800 HAVE BEEN APPROVED FOR TEMPORARY PROTECTION.**
- 3,957 HAVE VOLUNTEERED TO RETURN TO HAITI. 3,706 OF THESE HAVE ALREADY BEEN REPATRIATED AND A FURTHER 251 ARE AWAITING REPATRIATION TO HAITI.**

(Note: 2,283 of the total number interdicted since June 15 were processed aboard the USNS Comfort for refugee status in the U.S. Of these 585 were approved for admission to the U.S., 1,138 were repatriated to Haiti, and 560 were transferred to Guantanamo to apply for safehaven).

- 2 -

Q. How many Haitians are presently at Guantanamo?

**A. -- APPROXIMATELY 15,900 HAITIANS ARE PRESENTLY AT
GUANTANAMO. THESE INCLUDE:**

**15,469 APPROVED FOR SAFEHAVEN;
163 APPROVED REFUGEES FROM THE COMFORT WHO
ARE AWAITING DEPARTURE FOR THE U.S.; AND
251 HAVE REQUESTED REPATRIATION TO HAITI.**

PRM PRESS GUIDANCE
August 3, 1994

STATUS OF SAFE HAVEN PROPOSAL

Q: Are plans to transfer boat people from Guantanamo to other safe haven sites on hold?

- A. -- IT IS STILL VERY MUCH OUR INTENTION TO MOVE FORWARD WITH THE ESTABLISHMENT OF SAFE HAVEN FACILITIES IN OTHER NATIONS. NEWS STORIES THAT INDICATE WE HAVE ABANDONED SAFE HAVEN ARE WRONG.**
- ON MONDAY WE SIGNED A MEMORANDUM OF UNDERSTANDING WITH SURINAME.**
- WE ARE CAREFULLY CONSIDERING OUR SAFE HAVEN OPTIONS AND EXPECT TO MAKE A FINAL DECISION SHORTLY.**

-2-

HAITIAN BOAT PEOPLE: NEGOTIATIONS WITH OTHER COUNTRIES

Q. Where are you in the search for temporary protection sites with other countries in the region?

A. -- SURINAME HAS AGREED TO PROVIDE A SAFEHAVEN SITE FOR HAITIAN BOAT PEOPLE. A MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENTS OF THE U.S. AND SURINAME WAS SIGNED ON AUGUST 1 FOR SAFEHAVEN FACILITIES FOR UP TO 2,500 HAITIANS.

-- A MEMORANDUM OF UNDERSTANDING WAS SIGNED ON JULY 15 WITH THE GOVERNMENT OF THE ISLAND OF ST. LUCIA (LU-sha) FOR SAFEHAVEN FACILITIES FOR UP TO 5,000 HAITIANS.

-- WE HAVE SIGNED A MEMORANDUM OF UNDERSTANDING WITH THE GOVERNMENT OF DOMINICA (domln-EE-ka) FOR THE TEMPORARY PROTECTION OF UP TO 2,500 HAITIANS.

-- WE HAVE AGREEMENTS IN PRINCIPLE WITH THE GOVERNMENTS OF ANTIGUA AND GRENADA FOR SAFEHAVEN SITES, BUT MEMORANDA OF UNDERSTANDING HAVE NOT BEEN SIGNED.

- 3 -

- FIVE CENTRAL AMERICAN GOVERNMENTS (NICARAGUA, HONDURAS, COSTA RICA, GUATEMALA, EL SALVADOR) AND PANAMA PUBLISHED A DECLARATION ON JULY 23 INDICATING THEIR REGIONAL DETERMINATION TO EXPLORE SAFE HAVEN POSSIBILITIES ON THEIR TERRITORIES WHERE APPROPRIATE.
- WE ARE INITIATING DISCUSSIONS WITH THESE COUNTRIES THROUGH OUR EMBASSIES.
- THE INCOMING GOVERNMENT OF PANAMA HAS EXPRESSED ITS WILLINGNESS TO OFFER A SAFE HAVEN FOR HAITIAN BOAT PEOPLE AFTER SEPTEMBER 1.
- THE U.S. GOVERNMENT AND OUR PARTNER IN THE SAFE HAVEN POLICY - THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR) - GREATLY APPRECIATE THE COOPERATION OF THESE COUNTRIES IN THIS REGIONAL HUMANITARIAN EFFORT.
- DECISIONS ON OPENING SAFE HAVENS WILL BE MADE AT A LATER DATE. THE REDUCED RATE OF DEPARTURE BY BOAT PEOPLE IS A FACTOR IN THE CALCULATION OF HOW MANY SITES TO OPEN AND WHEN.

- 4 -

Q. What are the plans for the Turks and Calcos Islands given the new policy change?

A. -- THE CONSTRUCTION OF THE GRAND TURK SITE IS COMPLETED.

-- WE MAY USE THE GRAND TURK FACILITY AS THE INITIAL PROCESSING SITE WHERE HAITIAN BOAT PEOPLE WILL BE INTERVIEWED FOR TEMPORARY SAFEHAVEN OR FOR VOLUNTARY REPATRIATION. NO ONE WILL BE INTERVIEWED FOR ADMISSION TO THE U.S.

-- THE MEMORANDUM OF UNDERSTANDING BETWEEN THE U.S. AND TCI HAS BEEN REVISED TO REFLECT THE CHANGED NATURE OF THE OPERATION.

-- WITH THE DECLINE IN THE NUMBER OF HAITIANS LEAVING BY BOAT, A DECISION ON WHEN TO OPEN THE PROCESSING OPERATION ON TCI HAS NOT YET BEEN MADE.

-- IN THE MEANTIME, THE FACILITY ON GRAND TURK ISLAND WILL REMAIN ON 48-HOUR STANDBY STATUS.

PRM PRESS GUIDANCE**August 3, 1994****HAITI: IN-COUNTRY REFUGEE PROCESSING**

Q. Could you provide an update on the In-country refugee processing program?

- A. -- AS OF JULY 29, OVER 61,000 PRELIMINARY QUESTIONNAIRES HAVE BEEN RECEIVED SINCE THE BEGINNING OF THE IN-COUNTRY PROGRAM IN FEBRUARY 1992.**
- MANY OF THESE APPLICANTS DO NOT MEET THE ELIGIBILITY REQUIREMENTS OF THE PROGRAM AND ARE NOT PROCESSED FURTHER.**
- INS OFFICERS HAVE INTERVIEWED NEARLY 17,900 PEOPLE AT THE THREE IN-COUNTRY REFUGEE PROCESSING CENTERS.**
- OF THIS NUMBER, 4,621 (26 PERCENT) HAVE BEEN APPROVED BY INS FOR ADMISSION TO THE UNITED STATES AS REFUGEES AND SOME 13,200 HAVE BEEN DETERMINED NOT TO BE REFUGEES.**

- 2 -

Q. Now that Air France has suspended flights how do you intend to get approved refugees out of Haiti?

- A. -- WE ARE WORKING TO RESOLVE QUICKLY THE PROBLEM OF MOVING TRAVEL READY REFUGEES AND THE INCREASING NUMBERS OF OTHER REFUGEES BEING APPROVED FOR ADMISSION TO THE UNITED STATES.**
- WE HAVE SECURED ALL THE NECESSARY UN SANCTIONS APPROVALS FOR LANDING CHARTER FLIGHTS IN HAITI, BUT THE DE FACTO AUTHORITIES, SO FAR, HAVE NOT GRANTED AUTHORIZATION FOR THE CHARTERS TO LAND.**
- IT IS CLEARLY IN THE INTEREST OF THE DE FACTO AUTHORITIES TO ALLOW REFUGEES TO LEAVE AND WE EXPECT THAT THE NECESSARY AUTHORIZATIONS WILL BE FORTHCOMING.**
- THERE MAY BE OTHER WAYS TO MOVE TRAVEL READY REFUGEES, BY LAND OR SEA.**
- THE DE FACTO HAITIAN AUTHORITIES WOULD BE WELL ADVISED TO COOPERATE WITH US IN MAKING THE NECESSARY ARRANGEMENTS.**

Q. Were any U.S.-approved refugees bumped from any of the Air France flights out of Haiti last week?

- A. -- YES. A NUMBER OF U.S.-APPROVED HAITIAN REFUGEES SCHEDULED TO DEPART ON THE JULY 27 AIR FRANCE FLIGHT WERE BUMPED.**

-3-

Q. Has there been an increase in the number of applicants at the incountry processing program?

A. -- YES. THERE HAS BEEN AN INCREASE IN THE NUMBER OF APPLICANTS FOR REFUGEE PROCESSING.

-- IN ORDER TO DEAL WITH THIS INCREASE AND TO SPEED UP THE INTERVIEW PROCESS, INS HAS SENT 6 MORE INTERVIEWERS TO PORT AU PRINCE.

-4-

Q. What is the situation at the refugee processing site in Port au Prince?

- A. -- THE PROCESSING SITE IS OPERATING NORMALLY AND THERE HAVE BEEN NO FURTHER INCIDENTS.**
- EMBASSY PERSONNEL ARE MONITORING THE SITUATION CLOSELY AND HAVE EXPANDED THE SECURITY PRESENCE AT THE PROCESSING SITE.**
- CONCERNING THE INCIDENT MONDAY, EMBASSY PERSONNEL REPORT THAT SHORTLY BEFORE 6:00 A.M. SOME 6 OR 7 HAITIAN POLICE AND ATTACHES APPEARED AT THE FACILITY AND BEAT A NUMBER OF THE HAITIANS AWAITING FOR THE REFUGEE PROCESSING FACILITY TO OPEN.**
- AFTER ABOUT 15 MINUTES THE DE FACTO GOVERNMENT POLICE/ATTACHES ARRESTED 3 OF THE HAITIAN APPLICANTS AT THE FACILITY AND DEPARTED.**

-5-

-- WE REMAIN DEEPLY CONCERNED ABOUT THIS INCIDENT AND DEPLORE THIS ACTION BY THE DE FACTO GOVERNMENT. THIS IS JUST ANOTHER EXAMPLE OF THE DECLINING HUMAN RIGHTS SITUATION IN HAITI.

-- WE CALL ON THE DE FACTO REGIME TO PERMIT HAITIAN REFUGEE APPLICANTS UNIMPEDED ACCESS TO THE THREE REFUGEE PROCESSING SITES.

Q. Are approved Haitian refugees being denied admission to the U.S. because they have tested HIV positive.

Q. -- THE QUESTION OF THE ADMISSION OF HIV POSITIVE APPROVED REFUGEES IS ONE WITH WORLDWIDE IMPLICATIONS.

-- UNDER U.S. LAW, HIV IS AN EXCLUDABLE MEDICAL CONDITION. THOSE WHO TEST POSITIVE MUST OBTAIN A WAIVER BEFORE BEING BROUGHT TO THE UNITED STATES.

-- A CASE BY CASE WAIVER PROVISION IS INCLUDED IN U.S. LAW. HIV POSITIVE REFUGEES WHO HAVE SPONSORS IN THE U.S. WILLING TO ACCEPT RESPONSIBILITY FOR THEIR MEDICAL CONDITION RECEIVE THE WAIVER. HOWEVER, THIS IS A LENGTHY PROCESS.

-6-

-- WE CURRENTLY HAVE UNDER EXTENSIVE REVIEW WAYS
TO RESOLVE THIS PROBLEM AND EXPECT A DECISION
SHORTLY.



United States Department of State

Washington, D.C. 20520

Office of the Legal Adviser

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COMMENTS:

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MEMORANDUM OF UNDERSTANDING
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF PANAMA,
AND
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
FOR
THE ESTABLISHMENT WITHIN THE TERRITORY OF
THE REPUBLIC OF PANAMA
OF FACILITIES TO PROVIDE TEMPORARY PROTECTION FOR
NATIONALS OF HAITI FLEEING THEIR COUNTRY

The Government of the Republic of Panama and the Government of the United States of America (hereinafter referred to as "the Parties"):

Conscious of the fact that many Nationals of Haiti are fleeing their country;

Aware of the deterioration in the human rights situation in Haiti following the overthrow of President Aristide on the 30th of September 1991;

Desirous of establishing a temporary protection facility in the Republic of Panama available to Nationals of Haiti who are fleeing their country; and

In cooperation with the United Nations High Commissioner for Refugees and in support of the effort to restore democracy to Haiti

Have agreed as follows:

Article 1
Scope and Purpose

It is the purpose of this agreement to provide for the possible cooperation of the Parties in establishing and operating a temporary protection facility in the Republic of Panama [under the auspices of the United Nations High Commissioner for Refugees ("UNHCR")] for nationals of Haiti fleeing their country (hereinafter referred to as "the operation").

D R A F T
8/11/94

~~Article 2~~
Facilities

The Government of the United States may establish, maintain, and operate[, in cooperation with UNHCR,] a reception center and any necessary temporary protection facilities and required support facilities at a location in the Republic of Panama identified on the attached map [or at another location agreed to by the Parties] (hereinafter referred to as "the facilities"), and may take other actions as are necessary to the operation.

Article 3
Transport of Nationals of Haiti

The Government of the Republic of Panama authorizes personnel of the Government of the United States of America (hereinafter referred to as "United States personnel") to enter the territory, including national airspace and the territorial sea and internal waters, of the Republic of Panama to transport to the facilities [up to 5,000, unless otherwise agreed] nationals of Haiti rescued or interdicted at sea and for other purposes consistent with this Memorandum of Understanding ("MOU"). [The Parties will coordinate concerning routes and security for such transportation of nationals of Haiti.]

Article 4
Termination of Facilities

The United States will ensure that all nationals of Haiti transported to the Republic of Panama pursuant to this MOU depart from the territory of the Republic of Panama within 6 months from the entry into force of this MOU, unless otherwise agreed by the Parties.

Article 5
Maintenance of the Facilities

1. The Government of the United States of America[, in cooperation with UNHCR,] shall provide for the basic health and welfare of the nationals of Haiti within the facilities and ensure they do not constitute a threat to the health and welfare of the people of the Republic of Panama. In this regard, the Government of the Republic of Panama authorizes the Government of the United States of America to apply its own regulations and procedures.

2. Health care or other United States personnel working in Panama in connection with the operation who are properly credentialed under United States law and regulations shall not be subject to the licensing regimes of the Republic of Panama.

3. Persons found to have serious illnesses shall not be transported to Panama but shall be maintained at Guantanamo, Cuba or other location outside Panama where proper medical care is available. The Government of the United States of America will transfer any national of Haiti who is found to be pregnant while in Panama to Guantanamo, Cuba or other location outside Panama where she will receive medical care in connection with the birth of the child.

Article 6 Security Arrangements

1. The Government of the United States of America shall[, in cooperation with the UNHCR,] provide for the general security, good order, and discipline of the nationals of Haiti at all stages of the operation. In this regard, the Government of the Republic of Panama authorizes the Government of the United States of America to apply its own regulations and procedures, including with respect to measures necessary to maintain security, and to investigate any offenses committed by or against nationals of Haiti within these facilities. It shall be the responsibility of the United States of America to take all necessary measures to ensure that the Haitian nationals remain within the facilities, and do not enter other parts of the Republic of Panama without the express consent of the Government of the Republic of Panama.

2. The Government of the United States shall, upon the request of the Government of the Republic of Panama, transfer any national of Haiti in the facilities suspected of committing a criminal act against the law of the Republic of Panama pursuant to this MOU to the custody of the Government of the Republic of Panama for the exercise of criminal jurisdiction.

Article 7 Access to the Facilities

Both Parties will undertake to ensure transparency in the operation of the facilities and, to this end, will make timely and reasonable arrangements for appropriate access to the facilities by:

- i) persons designated by the Government of the Republic of Panama and the Government of the United States of America as observers, and
- ii) members of the press.

The United Nations High Commissioner for Refugees

The Parties shall cooperate with the UNHCR in the performance of its duty of providing international protection and of seeking permanent solutions to the problems of refugees.] It is understood that the Haitian nationals present in Panama pursuant to this MOU will acquire no status under the immigration laws of the Republic of Panama and the Republic of Panama shall acquire no obligations towards them under international law.

Article 9
Costs

1. The Government of the United States shall bear the necessary costs directly attributable to the operation, including the costs of establishing, maintaining, and closing the facilities.

2. The Government of the United States of America will reimburse in accordance with its constitutional processes the Government of the Republic of Panama for directly attributable costs it has incurred in the operation. The Committee established in Article 13 will meet expeditiously to develop a plan for these anticipated costs.

3. The Government of the United States of America shall maximize, as appropriate and consistent with United States law, use of local labor and local contracts in support of the operation.

Article 10
Environment

The Government of the United States shall take reasonable care to protect the natural environment of the Republic of Panama in the conduct of the operation. In this regard, appropriate measures shall be adopted with regard to the disposal of all waste.

Article 11
Status of Activities and Participants

1. The Panama Canal Treaty of 1977 and the Agreement in Implementation of Article IV of the Panama Canal Treaty shall apply to the activities of the Government of the United States of America and United States personnel in the Republic of Panama in connection with the operation, except as otherwise provided in this MOU.

It is the duty of the personnel participating in this operation to respect the laws of the Republic of Panama and to abstain from any activity inconsistent with the spirit of this MOU.

Article 12
Final Provision

1. The Parties agree to establish a Committee for consultation on any matter relating to the implementation of this MOU. [UNHCR will be represented on the Committee.]

2. Any disagreements regarding the interpretation of this MOU that cannot be resolved by the Committee referred to in paragraph 1 shall be resolved through diplomatic channels.

3. This MOU shall enter into force upon signature.

4. Any modifications or amendments to this MOU shall be by mutual consent, in writing, of the the Parties.

5. This MOU shall remain in force for 6 months, or as otherwise agreed by the Parties, unless either Party has, by one month's written notice, indicated its intention to terminate this MOU.

6. Upon termination, the Government of the United States of America shall be granted a reasonable time within which to terminate the operation and close the facilities.

DONE at Panama City, Republic of Panama, this ____ day of September 1994, in duplicate, in the English and Spanish languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA

FOR THE GOVERNMENT OF THE
REPUBLIC OF PANAMA

FOR THE UNITED NATIONS
HIGH COMMISSIONER FOR REFUGEES

J-3 *Marti-Sofka*
**JOINT OPERATIONS
DIVISION**

Unclassified fax: COM (703) 695-3792/DSN: 225-3792

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OA/Box Number: 3416

FOLDER TITLE:

Haiti-Safe Haven, 1994-1995 [3]

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RESTRICTION CODES

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- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
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