Extent

131 folders, approximately 5,611 pages

Summary

This collection includes records related to the February 24, 1996 incident involving the Cuban military and three planes of the Florida group, Brothers to the Rescue, also known as Hermanos al Rescate. The collection dates primarily between January and March 1996. The records include press releases and press clippings, statements, talking points, drafts and administrative paperwork related to memos, and timelines and chronologies related to the events of February 24, 1996. The collection also includes records related to the International Civil Aviation Organization (ICAO) investigation of the shoot down and a later dispute before the ICAO regarding overflight of the United States by Cuban commercial aircraft. This FOIA also includes drafts, discussion of, and legislative referral memoranda for the Helms-Burton Act. Also included are a selection of court filings, memoranda, and letters related to later victims compensation cases before U.S. courts.

Scope and Content Note

The materials in FOIA 2009-0342-F are a selective body of documents responsive to the topic of the FOIA. Researchers should consult the archivist about related materials. This collection contains material regarding the compensation of the families of the Brothers to the Rescue who died in February 1996. President Clinton authorized the distribution of blocked Cuban Government funds as humanitarian payments to surviving relatives in the amount of $300,000 per victim. Other Americans who had sued terrorist nations expected comparable compensation. According to the Clinton administration in 1998, such compensation was complicated due to national security concerns. Senators Lauternberg and Mack introduced legislation to limit waivers blocking compensation in 1999. The FOIA request for 2009-0342-F restricted the materials to those created, used, or dated

between January and March 1996. Archivist at the library process Staff and Office files at the folder level resulting in folders that contain records of a much wider date range. However responsive electronic materials were limited to those between January 1, 1996 and March 31, 1996. Unclassified email from the Automated Records Management system include one email concerning BTTR in 1994, and two emailed weekly reports from the Department of Transportation. Materials from the National Security Council in the collection include press releases and press clippings, drafts and administrative paperwork related to unclassified drafts of memos, and materials such as timelines and chronologies related to the events of February 24, 1996. The collection also includes records related to the ICAO investigation of the shootdown and a later, somewhat related, dispute before the ICAO regarding overflight of the United States by Cuban commercial aircraft. The collection also includes drafts, discussion of, and legislative referral memoranda for the Helms-Burton Act.

Biographical Note

On the afternoon of February 24, 1996 three airplanes belonging to the group Hermanos al Rescate, or Brothers to the Rescue (BTTR), took off from the Opa Locka, Florida airport. Though their exact intentions are unknown, it is claimed that three planes were on a mission to search the waters of the Gulf of Mexico for immigrants attempting to reach the United States from Cuba. Three Cessna 337 owned by the organization flew south crossing the 24th Parallel into the Cuban Air Defense Zone (ADZ). Their flight path took them on a route toward Havana. A little after 3:00 pm local time the airplanes were intercepted by a MiG-23 and a MiG-29 from the Cuban Air Force. After identifying the airplanes, the Cuban Air Force officers asked for, and received, permission to shoot down the “aggressive” civilian planes. Two of the three airplanes were destroyed by air-to-air missiles. The third plane piloted by José Basulto, the only one of the three to actually enter Cuban air space that afternoon, returned to Opa Locka. A search and rescue operation by both the U.S. Coast Guard and the Cuban coastal defense force failed to find survivors or wreckage. Brothers to the Rescue was formed in 1991 by Cuban exile José Basulto following the death, at sea, of a fifteen year old refugee. The organization’s website claims they assisted in the rescue of 4,200 people through the efforts of 2,400 aerial search missions. Though they have a strongly humanitarian mission, the group is

widely known to be anti-Castro and also for its mission to assist the people of Cuba to free themselves through active non-violence. These efforts of active non-violence led the Cuban government to label the organization as a terrorist organization. A number of the BTTR search flights made incursions within the 12 nautical mile limit of Cuba's air space. At least twice those flights even included dropping pro-Democracy leaflets over Havana. The Cuban government warned the United States and Brothers to the Rescue in late 1995 and again in 1996 that further incursions of its sovereign airspace might result in military action. Nevertheless the use of force against civilian aircraft brought swift condemnation by the international community. The United States, represented by Secretary of State, Madeleine Albright, was president of the UN Security Council at the time and immediately called an emergency session for February 25th. Following a lengthy discussion, the council agreed, after China gained a chance for Cuba to speak, to pass a presidential statement of condemnation. The International Civil Aviation Organization (ICAO) received a number of formal complaints on February 25th and in March opened a formal investigation into the incident. The ICAO ruled in July that the Brothers to the Rescue airplanes were shot down in international air space. Following the ICAO report, the United Nations Security Council passed resolution 1067 condemning the use of force and calling for Cuban commitments to international civil aviation treaties. Domestically, President Clinton quickly called for passage of the Helms-Burton Act (Cuban Liberty and Democratic Solidarity (LIBERTAD) Act) in retaliation. The act, which the administration previously did not support, increased economic sanctions and provided for additional embargos against Cuba. The act was passed on March 12, 1996 and became Public Law 104-114. The act has been widely derided as counter to international sovereignty and law. It proved to be a point of contention with many of America's allies including Mexico, Britain, Canada, and the European Union.

Record Type

Textual

System of Arrangement

Records that are responsive to this FOIA request were found in these collections area— Clinton Presidential Records: White House Office of Records Management (WHORM): WHORM Subject Files, Clinton Presidential Records: White House Staff and Office Files, Clinton Presidential Records: Automated Records Management System [Email], and Clinton Presidential Records: NSC Cable, Email, and Records Management System. The White House Office of Records Management (WHORM) contains a variety of series created to organize and track documents and correspondence. The WHORM Subject file was compiled by the White House Office of Records Management and is a series of categories designated by a letter/number combination. White House Staff and Office Files were maintained at the folder level by staff members within their individual offices and documents all levels of administrative activity. WHORM files are processed at the document level; whereas, Staff and Office files are processed at the folder level, that is, individual documents are not selected and removed from a folder for processing. While this method maintains folder integrity, it frequently results in the incidental processing of documents that are not wholly responsive to the subject area. The Automated Records Management System (ARMS) is a database that contains email records of the Executive office of the President. This system maintained unclassified Presidential Records email. The ARMS dataset is comprised of 6 sub-series of email records called “Buckets.” The buckets include NPR, OPD, POTUS, WHO, CEA, and Default. ARMS emails are arranged chronologically by creation date. FOIA 2009-0342-F includes WHORM records from these subject codes: CO045 Cuba, Republic of FG024-02 Federal Aviation Administration.

Access

Collection is open to all researchers. Access to Clinton Presidential Records is governed by the Presidential Records Act (PRA) (44 U.S.C. Chapter 22) and the Freedom of Information Act (FOIA) (5 U.S.C. 552, as amended) and therefore records may be restricted in whole or in part in accordance with legal exemptions.

Copyright

Documents in this collection that were prepared by officials of the United States government as part of their official duties are in the public domain. Researchers are advised to consult the copyright law of the United States (Chapter 17 U.S.C.) which governs the making of photocopies or other reproductions of copyrighted material.

Provenance

Official records of William Jefferson Clinton’s presidency are housed at the Clinton Presidential Library and administered by the National Archives and Records Administration (NARA) under the provisions of the Presidential Records Act (PRA).

Organization Names

Brothers to the Rescue, Incorporated
International Civil Aviation Organization

Geographic Place

Cuba

Topical Subjects

Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (United States)

Processed by

Staff Archivist, 2012. Previously restricted materials are added as they are released.

Last Modified Date

2014-05-06

Container List

The following is a list of documents and folders processed in response to FOIA 2009-0342-F:
Box 1
Clinton Presidential Records: WHORM: Subject File
Category Case Number
CO045 155588
CO045 155937
CO045 157835SS
CO045 159464
CO045 177367
FG024-02 171489
Clinton Presidential Records: White House Staff and Office Files
Counsel’s Office
Brothers to the Rescue: BTTR [Brothers to the Rescue] [Folder 1] [OA/ID 20839]
Brothers to the Rescue: BTTR [Brothers to the Rescue] [Folder 2] [OA/ID 20839]
Brothers to the Rescue: [Litigation Information] [OA/ID 20839]
Ruff, Charles
Brothers to the Rescue [OA/ID 17978]
Box 2
Clinton Presidential Records: White House Staff and Office Files (continued)
National Security Council
Defense Policy
Bell, Robert
Cuban Shootdown, January-March 1996 [OA/ID 1831]
Democracy/Human Rights
Malley, Robert
Cuba Shootdown [1] [OA/ID 984]
Cuba Shootdown [2] [OA/ID 984]
Cuba Shootdown [3] [OA/ID 984]
Cuba Shootdown [4] [OA/ID 984]

Cuba Shootdown [5] [OA/ID 984]
Cuba Shootdown [6] [OA/ID 984]
Cuba Shootdown [7] [OA/ID 984]
Cuba Shootdown [8] [OA/ID 984]
Cuba Shootdown [9] [OA/ID 984]
Cuba Shootdown [10] [OA/ID 984]
Inter-American Affairs
Hollis, Caryn
Cuba BTTR [Brothers to the Rescue] Legal Lautenberg [1] [OA/ID 2928]
Cuba BTTR [Brothers to the Rescue] Legal Lautenberg [2] [OA/ID 2928]
Cuba BTTR [Brothers to the Rescue] Legal Lautenberg [3] [OA/ID 2928]
Cuba BTTR [Brothers to the Rescue] Legal Lautenberg [4] [OA/ID 2928]
Box 3
Clinton Presidential Records: White House Staff and Office Files (continued)
National Security Council
Inter-American Affairs
Hollis, Caryn
Cuba BTTR [Brothers to the Rescue] Legal Lautenberg [5] [OA/ID 2928]
Cuba BTTR [Brothers to the Rescue] Legal Lautenberg [6] [OA/ID 2928]
ICAO [International Civil Aviation Organization] [1] [OA/ID 2927]
ICAO [International Civil Aviation Organization] [2] [OA/ID 2927]
ICAO [International Civil Aviation Organization] [3] [OA/ID 2927]
ICAO [International Civil Aviation Organization] [4] [OA/ID 2927]
ICAO [International Civil Aviation Organization] [5] [OA/ID 2927]
ICAO [International Civil Aviation Organization]: Cuban Overflight [1] [OA/ID 2927]
Clinton Presidential Records: White House Staff and Office Files (continued)
National Security Council
Inter-American Affairs
Hollis, Caryn
ICAO [International Civil Aviation Organization]: Cuban Overflight [2] [OA/ID 2927]
Shootdown [1] [OA/ID 3340]
Shootdown [2] [OA/ID 3340]
Shootdown [3] [OA/ID 3340]
Shootdown [4] [OA/ID 3340]
Shootdown [5] [OA/ID 3340]

Shootdown: 1998 Commemoration [OA/ID 3340]
Box 4
Clinton Presidential Records: White House Staff and Office Files (continued)
National Security Council
Inter-American Affairs
Hollis, Caryn
Shootdown: Chronology [1] [OA/ID 3340]
Shootdown: Chronology [2] [OA/ID 3340]
Shootdown: Chronology [3] [OA/ID 3340]
Shootdown: Final [OA/ID 3340]
Shootdown: NORAD Report [1] [OA/ID 3340]
Shootdown: NORAD Report [2] [OA/ID 3340]
Shootdown: Office of the Inspector General Report [OA/ID 3340]
Shootdown: [OA/ID 3340]
Legal Advisor
Sparks, John
Ex Gratia/Cuba Shootdown [OA/ID 1007]
Office of the National Security Advisor
Rudman, Mara
Legal Issues: Judgement Fund: Flatow & BTTR [Brothers to the Rescue] [1] [OA/ID 3934]
Legal Issues: Judgement Fund: Flatow & BTTR [Brothers to the Rescue] [2] [OA/ID 3934]
Legal Issues: Judgement Fund: Flatow & BTTR [Brothers to the Rescue] [3] [OA/ID 3934]
Legal Issues: Judgement Fund: Flatow & BTTR [Brothers to the Rescue] [4] [OA/ID 3934]
Legal Issues: Judgement Fund [1] [OA/ID 3934]
Legal Issues: Judgement Fund [2] [OA/ID 3934]
Legal Issues: Military Audit Legislation [OA/ID 3934]
Legal Issues: Victim’s Compensation [OA/ID 3934]
Box 5
Clinton Presidential Records: White House Staff and Office Files (continued)
Public Liaison
Cuban Affairs
Nuccio, Richard
Condolence Letter for Victims of Shootdown—Mar. 96 [OA/ID CF 827]

Helms/Burton Signing Ceremony—March 96 [CF 832]
Helms/Burton Signing Ceremony: Signing Statement [OA/ID CF 832]
Shootdown—February 1996 [1] [OA/ID CF 832]
Shootdown—February 1996 [2] [OA/ID CF 832]
Shootdown—February 1996 [3] [OA/ID CF 832]
Shootdown—February 1996 [4] [OA/ID CF 832]
Shootdown—February 1996 [5] [OA/ID CF 832]
Shootdown/International Civil Aviation Organization (ICAO) – March 1996 [OA/ID CF 832]
Smith Article – March 96 [OA/ID CF 832]
SVTS: Cuban Airspace/Radar – March 26, 1996 [OA/ID CF 827]
Clinton Presidential Records: Automated Records Management System [Email]
WHO [OA/ID 500000]
[Brothers to the Rescue. BTTR]
[11/03/1994]
Default [OA/ID 1100000]
[Brothers to the Rescue. BTTR]
[02/29/1996 – 03/07/1996]
NSC [OA/ID 1200000]
[Cuba, BTTR, Shootdown]
[02/25/1996-02/27/1996]
[02/28/1996]
[02/29/1996-03/01/1996]
Box 6
Clinton Presidential Records: NSC Cable, Email, and Records Management System
NSC Cables
Jan 1995-Dec 1996
[Cuba, BTTR, Shootdown]
[02/29/1996-03/01/1996] [OA/ID 510000]
[03/01/1996] [1] [OA/ID 510000]
[03/01/1996] [2] [OA/ID 510000]
[03/01/1996-03/02/1996] [OA/ID 510000]
[03/02/1996-03/03/1996] [OA/ID 510000]
[03/03/1996-03/04/1996] [OA/ID 510000]
[03/04/1996] [OA/ID 510000]
[03/04/1996-03/05/1996] [OA/ID 510000]
[03/05/1996] [1] [OA/ID 510000]

[03/05/1996] [2] [OA/ID 510000]
Box 7
Clinton Presidential Records: NSC Cable, Email, and Records Management System (continued)
NSC Cables
Jan 1995-Dec 1996
[Cuba, BTTR, Shootdown]
[03/05/1996-03/06/1996] [OA/ID 510000]
[03/06/1996] [OA/ID 510000]
[03/06/1996-03/07/1996] [OA/ID 510000]
[03/07/1996] [OA/ID 510000]
[03/07/1996-03/08/1996] [OA/ID 510000]
[03/08/1996-03/11/1996] [OA/ID 510000]
[03/11/1996-03/13/1996] [OA/ID 510000]
[03/13/1996-03/19/1996] [OA/ID 510000]
[03/19/1996-03/25/1996] [OA/ID 510000]
[03/26/1996-03/28/1996] [OA/ID 510000]
[03/28/1996-03/29/1996] [OA/ID 510000]
Box 8
Clinton Presidential Records: NSC Cable, Email, and Records Management System (continued)
NSC Emails
MSMail-Record (Sept 94-Sept 97)
[Cuba, BTTR, Shootdown]
[02/23/1996-02/26/1996] [OA/ID 590000]
[02/26/1996] [OA/ID 590000]
[02/26/1996-02/27/1996] [OA/ID 590000]
[02/27/1996-02/28/1996] [OA/ID 590000]
[02/28/1996-02/29/1996] [OA/ID 590000]
[02/29/1996] [OA/ID 590000]
[02/29/1996-03/01/1996] [OA/ID 590000]
[03/01/1996] [OA/ID 590000]
[03/01/1996-03/04/1996] [OA/ID 590000]
[03/04/1996] [1] [OA/ID 590000]
[03/04/1996] [2] [OA/ID 590000]
[03/05/1996-03/08/1996] [OA/ID 590000]
[03/09/1996-03/22/1996] [OA/ID 590000]

[03/23/1996-03/30/1996] [OA/ID 590000]
Box 9
Clinton Presidential Records: NSC Cable, Email, and Records Management System (continued)
NSC Emails
MSMail-Non-Record (Sept 94-Sept 97)
[Cuba, BTTR, Shootdown]
[02/26/1996-02/29/1996] [OA/ID 605000]
NSC Records Management System
[Cuba, BTTR, Shootdown]
9601232 [OA/ID 1087]
9601262 [OA/ID 1087]
NSC Records Management System
[Cuba, BTTR, Shootdown]
9601270 [OA/ID 1087]
9601301 [OA/ID 1088]
9601348 [OA/ID 1088]
9601379 [OA/ID 1088]
9601395 [OA/ID 4010]
9601445 [OA/ID 1088]
9601461 [OA/ID 1089]
9601478 [OA/ID 1089]
9601481 [OA/ID 1089]
9601512 [OA/ID 1089]
9601545 [OA/ID 1089]
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9601633 [OA/ID 1090]
9601636 [OA/ID 1090]
9601653 [OA/ID 1090]
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9601663 [OA/ID 1090]
9601664 [OA/ID 1090]
Clinton Presidential Records: NSC Cable, Email, and Records Management System (continued)
NSC Records Management System
[Cuba, BTTR, Shootdown]
9601720 [OA/ID 1090]

9602178 [OA/ID 1093]
9602807 [OA/ID 1098]