

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. note	Jamie Gorelick to Sandy Berger, re: [Fund] (1 page)	07/17/1994	P5 6029
002a. memo	Jamie S. Gorelick to Samuel Berger, re: [Fund] (2 pages)	07/18/1994	P5 6031 Dup.
002b. memo	Jamie S. Gorelick to Samuel Berger, re: [Fund] (2 pages)	07/18/1994	P5 6031 Dup.
003. memo	Tony Lake and Alice Rivlin to the President, re: Funding Haiti Migration/Safe Haven Operations (4 pages)	ca. 1994	P5
004. note	Jamie Gorelick to Sandy Berger, re: [Fund] (1 page)	07/17/1994	P5 6029 Dup.

COLLECTION:

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

FOLDER TITLE:

Haiti-Safe Haven, 1994-1995 [5]

Kara Ellis
2011-1045-F
ke1571

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]

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Sandy:

Eric should have already been briefed on the following, but I want to make sure that the following points are clear in any decision document with regard to costs:

1. Of the \$35 to \$36 million in the Immigration Emergency Fund, \$20 million is reserved for the states, by statute
2. The Fund was established in the wake of Mariel to help the states and INS deal with a flood of immigrants arriving en masse on our shores
3. The states think that all of the money should be reserved for them
4. The Fund is not replenished with the new fiscal year
5. The President would have to declare an immigration emergency in order to utilize that portion of the Fund not reserved to the states
6. Such a declaration is likely to raise the pitch of the already fevered demands of the states for distribution of funds to them, which we have to date denied on the ground that we do not have the sort of emergency contemplated by the statute

I think that we can justify -- as a legal matter -- using the federal portion of the Fund while not disbursing the state portion, but a political determination must be made as to whether it is worth the price, particularly with Florida and California

7. If we disburse the monies to the states, we will be left bare if there is an emergency requiring the states to help us house, feed, care for aliens; we believe that there is a significant likelihood that there will be such an emergency when there is a change of government in Haiti or in Cuba
8. The bottom line is that DOJ has no objection on the part of INS to release of these monies but (a) there are likely to be significant political costs and (b) we will be completely tapped out -- with no available replenishment -- should there be an emergency like Mariel or a flood of Haitians in boats reaching Florida. We will be very vulnerable.

Jamie

P.S. *Secure the
first*

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE		
001a. note	Handwritten note from Jamie Gorelick to Sandy Berger (1 page)	07/19/1994	P5	6030
001b. memo	Jame Gorelick to Samuel Berger, re: [Fund] (2 pages)	07/18/1994	P5	6031
002a. fax	From Eric Schwartz, re: [meeting] (1 page)	ca. 07/1994	P1/b(1)	
002b. note	Re: [migrant flow] (2 pages)	ca. 07/1994	P1/b(1)	
002c. paper	Re: [Safehaven] (3 pages)	ca. 07/1994	P1/b(1), P5	
003. cable	Re: [Haitian Refugees] (3 pages)	07/12/1994	P1/b(1)	
004. cable	Re: [safehaven] (4 pages)	07/07/1994	P1/b(1)	
005a. memo	Jamie Gorelick to Samuel Berger, et al., re: Action Items (1 page)	07/09/1994	P1/b(1)	
005b. memo	Jamie Gorelick to Seth Waxman, re: Haiti/Guantanamo Follow-up (2 pages)	07/09/1994	P1/b(1)	
005c. note	To Jamie Gorelick, re: [Guantanamo] (2 pages)	07/08/1994	P1/b(1)	
005d. memo	To the Deputy Attorney General, re: [activities] (2 pages)	07/08/1994	P1/b(1)	
005e. memo	Walter Dellinger to Alan Kreczko, re: [activities] (4 pages)	10/15/1993	P1/b(1)	

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 National Security Council
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 OA/Box Number: 3416

FOLDER TITLE:

Haiti-Safe Haven, 1994-1995 [6]

Kara Ellis
 2011-1045-F
 kel572

RESTRICTION CODES

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6030



U.S. Department of Justice
The Deputy Attorney General

Washington, D.C. 20530

7/19/97

Sandy:

I was calling
to make noted points,
for your information.

Janice

P.S.

Marcia Holis' story
is attuned to the
politics of Florida +
California on this issue.

COPY

Halt
Safe haven

→ Eric Schwartz
①

6031



Office of the Deputy Attorney General
Washington, D.C. 20530

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July 18, 1994

MEMORANDUM FOR: Samuel R. Berger
Deputy Assistant to the President for
National Security Affairs

FROM: Jamie S. Gorelick *JS*
Deputy Attorney General

Eric should have already been briefed on the following, but I want to make sure that the following points are clear in any decision document with regard to costs:

1. The entire Immigration Emergency Fund of \$35 to \$36 million can be disbursed if the President declares an immigration emergency.
2. The only lawful recipients are INS and the states. However, INS may enter into an agreement with DOD whereby DOD is "reimbursed" for services to INS, so that a transfer from INS to DOD would be lawful. See attached Memorandum from the Deputy Assistant Attorney General, Office of Legal Counsel, of this date.
3. The Fund was established in the wake of Mariel to help the states and INS deal with a flood of immigrants arriving en masse on our shores. Of the \$35 to \$36 million in the Immigration Emergency Fund, the statute provides that no more than \$20 million can be allocated to the states and localities, but the states think that all of the money should be reserved for them.
4. The Fund is not automatically replenished with the new fiscal year; the Administration requested no new funds, the Senate bill has \$8.5 million, the House none.
5. The President would have to declare an immigration emergency in order to utilize the Fund. Assuming that the Federal government does not take the entire total, such a declaration is likely to raise the pitch of the already fevered demands of the states for distribution of funds to them, which we have to date denied on the ground that we do not have the sort of emergency contemplated by the statute.

This statement is true under the present circumstances, but the AG could take up to \$20 million at the States' request even in absence of a presidential declaration.

I think that we can justify -- as a legal matter -- using a portion of the Fund while not disbursing the state portion,

In a presidentially declared emergency the entire Fund could be allocated to states & localities. \$20 million is available to states & localities, their request in the absence of a presidential declaration.

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but a political determination must be made as to whether it is worth the price, particularly with Florida and California.

6. If we disburse the monies to the states, we will be left bare if there is an emergency requiring the states to help us house, feed, care for aliens; we believe that there is a significant likelihood that there will be such an emergency when there is a change of government in Haiti or in Cuba.
7. The bottom line is that DOJ has no objection on the part of INS to release of these monies but (a) there are likely to be significant political costs to using the Fund, and (b) we are likely to be completely tapped out -- with no available replenishment -- should there be an emergency like Mariel or a flood of Haitians in boats reaching Florida. We will be very vulnerable.