

# Withdrawal/Redaction Sheet

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	Bob Nash to Leon Panetta, Erskine Bowles, and Harold Ickes re: Cuba Broadcasting Board (Non-selection) (3 pages)	11/14/1995	b(6)
002. memo	Bob Nash to Leon Panetta, Erskine Bowles, and Harold Ickes re: Cuba Broadcasting Board (Non-selection) (3 pages)	11/14/1995	b(6)
003. notes	re: Cuba Broadcasting Board (Non-selection) (2 pages)	05/13/1996	b(6)
<del>004. memo</del>	<del>Anthony Lake to President Clinton re: Consultation on Cuba steps (5 pages)</del>	<del>08/01/1995</del>	<del>P1/b(1) VZ 04/07/2023</del>
<del>005. memo</del>	<del>Anthony Lake to President Clinton re: Cuba policy (17 pages)</del>	<del>03/14/1995</del>	<del>P1/b(1) VZ 04/07/2023</del>

**COLLECTION:**

Clinton Presidential Records  
 Chief of Staff  
 Harold Ickes  
 OA/Box Number: 9157

**FOLDER TITLE:**

Cuba - General

2016-0920-F  
jm1876

### 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]

WHITE HOUSE STAFFING MEMORANDUM

DATE: August 2 ACTION/CONCURRENCE/COMMENT DUE BY: August 3

SUBJECT: Consultation on Cuba Steps

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	McGINTY	<input type="checkbox"/>	<input type="checkbox"/>
PANETTA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NASH	<input type="checkbox"/>	<input type="checkbox"/>
McLARTY	<input type="checkbox"/>	<input type="checkbox"/>	QUINN	<input type="checkbox"/>	<input type="checkbox"/>
ICKES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RASCO	<input type="checkbox"/>	<input type="checkbox"/>
BOWLES	<input type="checkbox"/>	<input type="checkbox"/>	SOSNIK	<input checked="" type="checkbox"/>	<input type="checkbox"/>
RIVLIN	<input type="checkbox"/>	<input type="checkbox"/>	STEPHANOPOULOS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
EMANUEL	<input type="checkbox"/>	<input type="checkbox"/>	TYSON	<input type="checkbox"/>	<input type="checkbox"/>
GEARAN	<input type="checkbox"/>	<input type="checkbox"/>	WEBSTER	<input type="checkbox"/>	<input type="checkbox"/>
GIBBONS	<input type="checkbox"/>	<input type="checkbox"/>	WILLIAMS	<input type="checkbox"/>	<input type="checkbox"/>
GRIFFIN	<input type="checkbox"/>	<input type="checkbox"/>	<u>Fuerth</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HALE	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
HERMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
HIGGINS	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
LAKE	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
LINDSEY	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
MIKVA	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
McCURRY	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

REMARKS: Please provide any comments directly to this office by August 3. Thanks.

RESPONSE:

UNCLASSIFIED UPON REMOVAL OF CLASSIFIED ATTACHMENTS  
Initials: YL Date: 8/5/2002  
2020-0708-111

~~CONFIDENTIAL~~

THE WHITE HOUSE

WASHINGTON  
August 1, 1995

95 AUG 17 9:24

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE ✓  
SUBJECT: Consultation on Cuba Steps

DECLASSIFIED  
E.O. 13526  
White House Guidelines, May 16, 2017  
By VL NARA, Date 8/5/20  
2020-0208-M (1.01)

Purpose

To seek your approval for the initiation of consultations with the Congress and the Cuban-American community on Cuban issues, undertaking other Cuban-related action for which consultation would be more limited.

Background

I. Support for the Cuban People

In the aftermath of the May 2 migration decision, we agreed with Senator Graham to consult with him and others prior to taking any new steps concerning Cuba. In recent discussions with Graham, he indicated he could support some initiatives to promote a peaceful, democratic transition in Cuba ("track two" of the Cuban Democracy Act). We believe it is time to begin consultations with the Congress, the Cuban American community and other interested constituencies on a series of initiatives aimed at expanding contacts with the Cuban people, supporting non-governmental activities outside Cuban government control, and encouraging forces that could contribute to a more peaceful and democratic transition on the island. We would make clear that these were preliminary consultations, and that no decision had been made.

- Licensing News Bureaus -- The Administration would grant licenses to U.S. commercial news organizations to open news bureaus in Cuba and would allow Cuban news organizations reciprocal rights. (This would be subject to the Cuban government allowing a broad spectrum of U.S. news organizations to operate bureaus). There is fairly widespread support for this initiative, including from conservative Cuban-Americans and Rep.\* Torricelli, and Graham has told us he does not understand why we have not already moved on this. Senator Helms has added reciprocal news bureaus to his legislation on the condition that the Cuban government accept

Radio and TV Marti correspondents in Havana. We should be able to overcome Helms' objection either by adding a Voice of America correspondent to our USIS mission in Havana or, as Graham has argued, by pointing out that Radio and TV Marti would benefit from the operation of wire services in Havana.

- Licensing Western Union -- The Administration would grant Western Union a license allowing it to operate the transfer of remittances from the U.S. to Cuba. Of course, this would concern only remittances permitted under current regulations. Both Sen. Graham and Rep. Torricelli have indicated their support for this.
- Licensing NGO activities in Cuba -- The Administration would begin granting licenses to U.S. NGO's that wish to provide support for independent activities and organizations in Cuba; e.g., human and labor rights organizations, environmental groups and centers for market economics.
- USG support for Freedom House initiative in Cuba -- The Administration would grant funds to Freedom House to provide Cubans with books and other materials about democratic systems and free market economies. Direct USG funding of activities in Cuba is a more controversial step, and therefore we would begin with this specific proposal. Because Freedom House is a conservative institution on Cuban issues, it would be a good first candidate for breaking the barrier to USG funding of on-island activities. Similar projects were conducted by Freedom House in Eastern Europe prior to the fall of the Berlin Wall.
- Permit Once-a-Year Cuban-American Family Travel -- The Administration would permit travel by Cuban-Americans with close relatives in Cuba once a year without requiring a specific license. Specific licenses would be required only if more than one trip per year were sought. Prior to the August changes, Cuban-Americans could travel to Cuba as often as they wanted to visit close relatives without needing to obtain a license. Under regulations adopted last August, licenses are now granted to Cuban-Americans to visit relatives in Cuba only in cases of "extreme hardship," such as serious illness of a family member in Cuba. The Office of Foreign Assets Control (OFAC), in charge of licensing, is being overwhelmed by requests for humanitarian licenses and simply cannot process them in a timely fashion. A backlog of some 1800 requests has developed. In a number of cases, Cuban-Americans have been unable to reach the island prior to their relative's death.

- Revise the Regulations on Educational, Research, and Religious travel -- The Administration would revise the regulations to ensure that genuine research, educational and religious travel to Cuba is permitted. If we are to increase contact between Cubans and Americans and expand the free exchange of information, we should license travel by people who have a legitimate religious or educational interest in Cuba, e.g., people who wish to gather information on the situation in Cuba and on U.S.-Cuban relations. At the same time, we would maintain the existing bar on tourist travel.

## II. Other Cuba-Related Steps

We also recommend other steps regarding U.S.-Cuba relations for which broad consultation would be inappropriate. These include beginning a process of cooperation with Cuba in areas of mutual interest, as was done with regard to migration issues. Consultation with Senator Graham would precede any decision.

- **Drug Cooperation** -- Cuba and the United States would negotiate an agreement involving DEA and Coast Guard to enhance our ability to control smuggling into the United States.
- **Military to Military Contacts** -- Under a DOD proposal, military attaches would be permitted to talk to their Cuban counterparts in carefully selected third countries. Such contacts have been recommended by the Rand Corporation and would help to add to our scarce body of information about the thinking of this important actor in Cuba, which will likely play a key role in any future transition and in a new democratic Cuba.
- **Cuban Broadcasting Board** -- For reasons of professional journalism as well as political considerations, we believe it is imperative to reform the President's Advisory Board on Cuba Broadcasting. The current thinking on options ranges from replacing the entire board but not its chair, Jorge Mas, to replacing Jorge as chair but inviting him to remain on the board as a member, to waiting for Cuba Broadcasting to be folded into a broader VOA board. We would like to consult with a few of your closest supporters in the Congress and the Cuban American community before making a specific recommendation to you.

III. Implementation and Timing

After we consult on the issues in Sections I and II, we will return to you with a decision memo recommending the specific measures to be adopted. During the consultations we will also develop an implementation plan for announcing the decisions. Representative Torricelli advises us to implement those actions he has recommended (news bureaus and Western Union) during the August Congressional recess, and that is probably a good time to make the announcements about any of the other decisions you reach that are to be publicized.

Secretary Christopher has been briefed on the contents of this memorandum and agrees with its recommendations.

RECOMMENDATION

That you approve the initiation of consultations on steps to support the Cuban people, along the lines outlined above.

Approve \_\_\_\_\_

Disapprove \_\_\_\_\_

That you approve consultations with Senator Graham regarding the specific steps in section II.

Approve \_\_\_\_\_

Disapprove \_\_\_\_\_

~~SECRET~~

Document No. 101688

WHITE HOUSE STAFFING MEMORANDUM

DATE: 3-15 ACTION/CONCURRENCE/COMMENT DUE BY: 3-16

SUBJECT: REVISED CMOBA POLICY MEMO

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	QUINN	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PANETTA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RASCO	<input type="checkbox"/>	<input type="checkbox"/>
McLARTY	<input type="checkbox"/>	<input type="checkbox"/>	RUBIN	<input type="checkbox"/>	<input type="checkbox"/>
ICKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SEGAL	<input type="checkbox"/>	<input type="checkbox"/>
BOWLES	<input type="checkbox"/>	<input type="checkbox"/>	STEPHANOPOULOS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
RIVLIN	<input type="checkbox"/>	<input type="checkbox"/>	TYSON	<input type="checkbox"/>	<input type="checkbox"/>
EMANUEL	<input type="checkbox"/>	<input type="checkbox"/>	WEBSTER	<input type="checkbox"/>	<input type="checkbox"/>
GEARAN	<input type="checkbox"/>	<input type="checkbox"/>	WILLIAMS	<input type="checkbox"/>	<input type="checkbox"/>
GIBBONS	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
GRIFFIN	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
HALE	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
HERMAN	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
LAKE	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
LINDSEY	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
MIKVA	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
McCURRY	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
McGINTY	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

UNCLASSIFIED UPON REMOVAL OF CLASSIFIED ATTACHMENTS  
Initials: VR Date: 8/15/2022  
2020-0208-m

RESPONSE:

~~SECRET~~

JOHN D. PODESTA  
Assistant to the President  
and Staff Secretary  
Ext. 2702

CLINTON LIBRARY PHOTOCOPY

THE WHITE HOUSE

WASHINGTON

95 MAR 14 P 7: 56

March 14, 1995

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE ✓

SUBJECT: Cuba Policy

DECLASSIFIED  
E.O. 13526  
White House Guidelines, May 16, 2017  
By VL NARA, Date 8/5/2012  
22-0208-m (1.02)

Purpose

To seek your approval for a set of modifications of our Cuban policy which are designed to promote a rapid and peaceful transition to democracy by increasing contact with the Cuban people while maintaining the economic embargo. The rationale for this approach would be articulated in a speech by Secretary Christopher (or another senior State Department Official). In that context, we would announce modifications of the limits on remittances and travel to Cuba announced in August.

Background

The introduction of the Helms' legislation on Cuba (which calls for tightening the economic embargo and planning for a transition to democracy), and the plans for congressional hearings on Cuba policy, require us now to articulate our policy and to indicate whether we have any plans to modify the restrictions which we imposed in August on travel and remittances.

Overall Cuba Policy

Our objective in dealing with Cuba is to prevent a new mass migration and to try to speed the process of peaceful transition to democracy. We want to avoid a collapse of central authority and civil violence into which we might be drawn.

I do not recommend a radical change in policy such as a lifting of the economic embargo. Although there is considerable support for such a move in the hemisphere and in this country, the likely adverse consequences outweigh any possible gains. A decision to terminate the embargo now would be viewed as a major shift in the policy which you announced during the campaign and have supported and articulated as President. Moreover, it is by no means clear that lifting the embargo would contribute to our objectives in Cuba. Indeed, a strong case can be made that it would legitimize the Castro regime and hence delay a transition and make violence more likely.

There is little reason to believe that an offer on our part to discuss lifting the embargo, or even a unilateral lifting of the embargo, would lead to substantial political reforms in Cuba. The Castro regime continues to faithfully observe the migration agreement and to send signals through many channels that it would welcome a dialogue with your Administration, but Castro has made it clear that he is not considering any fundamental political reforms and is not prepared to discuss movement toward democracy with us. He is resigned to approving modest economic changes including opening of agricultural markets.

While we do not recommend a broad shift in policy, such as lifting the embargo, some changes are warranted. The revised policy recommend in this memorandum would retain the framework of the Cuban Democracy Act which calls for (a) maintaining the embargo until there are irreversible steps toward democracy and free markets and for (b) increased contact with the Cuban people under the so-called Track II. This memorandum seeks your approval of a number of steps which would constitute a more vigorous implementation of Track II and of a speech to be delivered by Secretary Christopher or Under Secretary Peter Tarnoff explicating this policy. (A copy of the current draft of the speech is at Tab A.)

The speech would stress the continuity of our policy and its roots in the Cuban Democracy Act. At the same time, it would announce steps to increase contact with the Cuban people and our intention to respond to concrete actions by the Cuban government which moves Cuba irrevocably toward democracy and free markets. (Both are integral elements of the CDA.) The speech would also lay out our response to the Helms bill by indicating our support for planning for a transition to democracy and our concern about efforts to expand the embargo by pressing other countries in ways that would be self-defeating. (We are doing a detailed analysis of the legislation and we will send a memo to you shortly on it.)

The speech would begin by making clear the failure of the Castro regime and would contrast the lack of democracy with conditions throughout the hemisphere. It would state our intention to accelerate our efforts to seek international condemnation of human rights abuses in Cuba, and reiterate that Castro's dialogue must be with the Cuban people rather than with the United States. It would reaffirm that we will not lift the embargo without irrevocable steps to democracy and free markets. The speech would articulate the view that an increased flow of information, such as stepped up TV broadcasting by TV Marti, and contact with the Cuban people can speed the process of transition as it did in Eastern Europe.

In this context the speech would announce a number of specific changes in how we implement our basic policies, in addition to the modifications in the August restrictions described below. The major modifications in our policy included in the speech are:

- Support for increased private humanitarian assistance to private groups in Cuba;
- Permitting increased assistance for former political prisoners and human rights groups in Cuba;
- Permitting all legitimate travel to Cuba for educational, humanitarian and religious purposes with safeguards to prevent tourism;
- Offer to permit the sale of seed and fertilizer to independent farmers in Cuba if there is further progress toward a free agricultural market as a means to demonstrate the specific meaning of "calibrated" response as described in the Cuban Democracy Act.

#### Travel and Remittances

A centerpiece of this new approach is promoting and expanding the free exchange of information and ideas with the Cuban people. In order to achieve this goal, we recommend a set of changes in current regulations that are described below. These changes would partially undo the restrictions on travel and remittances which we imposed in August and would in other ways facilitate an exchange of people and ideas.

Apart from any expectations that the Cuban government might have, there are several reasons why we should adjust the regulations as they relate to travel and the flow of information.

First, there were some serious unintended and unforeseen consequences of the restrictions which were implemented in August. As the Interest Section has pointed out, the new rules have made it much more difficult for Cubans to come to the United States for educational purposes. Family visits from Cuba to the United States have been severely curtailed. Travel to Cuba for religious and educational purposes has also become more difficult. We have received complaints about these actions from, among others, the National Council of Churches, our Interest Section in Havana, and Congressman Berman.

Second, the restrictions on travel and remittances have proven difficult to administer and have caused real hardships. Because the Treasury has so many pending license requests, it has been unable to get to them quickly. As a result, some people have not been able to travel to Cuba in time to respond to real humanitarian emergencies such as a request to visit a dying relative. Moreover, a number of academics and intellectuals have

been circumventing the regulations, either by traveling through third countries, or by openly defying the law and challenging us to prosecute them. Absent a change in the travel restrictions, we will either have to ignore blatant legal violations or engage in highly unpopular prosecutions.

Finally, the August changes have been interpreted as signaling our desire to curtail all exchanges with Cuba. We need to find a way to demonstrate that we did not have such an intention.

As spelled out more fully in the attachment at Tab B, with the support of the Department of State, I recommend the following changes in existing regulations:

First, we should remove a variety of restrictions that were put in place at the time of the migration crisis -- beyond the reductions in remittances and travel by Cuban-Americans that were specifically included in the August announcement. We made these other changes because of the feeling in State and Treasury that, if we were to drastically reduce the opportunities for travel by Cuban-Americans we needed to curtail travel by researchers and free lance journalists, and others traveling for religious, educational or humanitarian purposes.

The changes we propose would simply restore the status quo ante on these various restrictions which were neither raised nor discussed in your August meeting with Governor Chiles and Cuban-American leaders.

The second step would be more controversial and would deal directly with remittances and travel by Cuban-Americans.

The regulations would be altered to permit travel by Cuban-Americans with close relatives in Cuba once a year without requiring them to get a specific license. Additional trips would require a specific license based on humanitarian considerations. Prior to the August changes, anyone with close relatives could travel to Cuba as often as he or she wanted without getting a specific license. Now travel is permitted for urgent humanitarian purposes only, and only with a specific license.

We would justify this move in light of our experience in handling the new procedures. Treasury currently has over 700 pending applications for travel to Cuba for severe humanitarian reasons. It does not have the capacity to respond in a reasonable time and people are literally dying before their relatives can get permission to go. The Treasury Office which handles these licenses (OFAC) has told us that it is totally overwhelmed and cannot handle the existing program. It has urged the restoration of the general license for travel.

On remittances, we recommend, with the support of the State Department, a more modest change in procedures. Treasury would grant specific licenses for remittances for a specified humanitarian purpose. The license would authorize either a single transfer or quarterly transfers to deal with a continuing humanitarian need such as an elderly relative. There would be a presumption that quarterly payments would not exceed \$150 per quarter. Prior to the August changes, there was a general license permitting anyone to send remittances of \$300 per quarter without a requirement to demonstrate need. Now remittances are permitted only with a specific license to be granted in urgent humanitarian circumstances; in practice, however, Treasury has been preoccupied with travel requests and has not processed any requests for licenses for remittances.

We considered recommending a general license at half the previous level, i.e. \$150 per quarter. There is merit to that approach in that it would be easy to administer and would move us further towards restoring the pre-August status quo. The downside is that attention and controversy would focus on this one action rather than the overall change laid out in the speech. In contrast to the changes in travel rules, a general license for remittances does not have the support of either State or Treasury. On balance, we recommend a more modest step with the view that if it turns out not to be administratively workable we can modify it after several months.

With the migrations crisis resolved and the agreement being honored, Castro no doubt hopes that we will restore the pre-August status quo. Cuban-Americans probably expect some change in light of the problems that Treasury is having in implementing the new rules. Some wanting to travel to visit relatives will quietly approve of the changes, but we no doubt can expect criticism from the community. Congress will be split, but we can expect criticism from those representing the Cuban community.

Third, we should clarify the rules relating to licensing humanitarian, educational, and religious travel to Cuba. The regulations currently do not articulate a standard, meaning that many licensing decisions are left to the agencies' discretion. Educational and religious institutions have been criticizing us for refusing to license certain group travel. We need not fundamentally change the regulations. Rather, we need to articulate a more precise standard so that we approve all bona fide trips for these purposes without permitting tourism.

Fourth, we would announce a willingness to license permanent news bureaus in Cuba and the United States for journalists from the two countries.

## Consultation

In response to calls generated by the news stories reporting the preparation of this memorandum, we have reassured members of Congress and Cuban-American leaders that we were considering only modest changes consistent with the Cuban Democracy Act. We have not discussed the specific recommendations in the memorandum with anyone outside the executive branch. We recommend that we consult with Senator Graham in advance of locking in specific decisions. We believe that he would honor a request for confidentiality and would give us a good sense of what the reaction is likely to be in Florida and among Cuban Americans. Just before the speech was given we would inform the Core Group of your Cuban-American supporters and key members of Congress. We would have people in Miami ready to talk to the press and key leaders as the speech is delivered.

## RECOMMENDATIONS

Subject to consultation with Senator Graham,

That you approve the changes on remittances and travel and flow of information.

Approve \_\_\_\_\_

Disapprove \_\_\_\_\_

That you approve the articulation of these modifications of the policy in a speech along the lines outlined above.

Approve \_\_\_\_\_

Disapprove \_\_\_\_\_

## Attachments

- Tab A Draft of Cuba Speech
- Tab B Memorandum on Regulations
- Tab C Washington Post Op-ed

## Speech Draft

Throughout the world, peoples and governments are embracing democratic change. One by one, old dictatorships and tyrannies are giving way. As President Clinton told the nations of the world on September 26, 1994, "more nations have chosen democracy than ever before, more have chosen free markets and economic justice, more have embraced the values of tolerance and liberty and civil society that allow us all to make the most of our lives."

Close to home, in this hemisphere, where dictatorships once prevailed in Latin America, elected civilian executives now negotiate daily with elected parliaments. From Chile to Mexico, from Central America to Argentina, democratic reform is enriching people's lives. This past December freely elected leaders from 35 nations gathered in Miami to celebrate the benefits of democracy and economic liberalization in the first ever Summit of the Americas.

Today there is new respect for human rights. Free elections are the norm. Free markets are taking hold. Although there is much work to be done even in those countries which have chosen the path of democracy, only one nation in our hemisphere has resisted the historic currents of political and economic progress: Cuba.

Until recently, Haiti also resisted that trend. Now, democracy is being restored to Haiti. All of Haiti's people again have the opportunity to rebuild their lives after years of despair, to create a nation in which the rule of law has supplanted the rule of fear; a nation able to take its place in the growing community of democratic developing states; a nation able to cooperate with the international community; a member of the family of nations, not an outcast.

Now is the time for the people of Cuba to have a new chance as well. Caught in a tyranny built with Soviet support to fight cold war battles, most Cubans seek a peaceful transition to democracy.

For thirty-six years now, Cubans have lived under one-party rule. When Fidel Castro first came to power in 1959, he promised the Cuban people that there would be elections within 18 months. They are still waiting because Castro has chosen instead to rule through oppression and repression. He has denied Cubans their most basic rights. They cannot speak freely. They cannot organize freely. They cannot choose their representatives. They have no recourse against governmental abuse.

At the same time, the people of Cuba stood helplessly by as their economy collapsed, suffocated by the state's centralized control over all aspects of life. Meanwhile, their national resources were squandered on a bloated military machine and a massive security apparatus.

Now, absent the six billion dollars in annual Soviet aid that once kept its economy afloat, Cuba is in a dramatic free fall. The regime has lost its allies, its subsidies, its lifeline. Basic foods are severely rationed. Milk is available only to children under seven. Factories are closing. Power outages are commonplace. Cubans can buy a single shirt, a single pair of shoes, and a single pair of pants a year. Foreign trade has declined by 75 percent.

Today Cuba is a country at a dead end -- political, social, and economic. A lack of hope has produced the desperate flight of thousands of Cubans from their home country. Men, women, even young children crossed treacherous seas in flimsy rafts to reach our shores. Tragically, many lost their lives. These brave people are proof of a failed ideology, a bankrupt system, and a regime whose time has passed.

From the onset of the migration crisis last summer, the President's most immediate goal was to stop irregular and dangerous migration and save human lives. To that end, we took several steps on August 20, 1994.

First, we announced that those fleeing Cuba would be rescued and taken to safe havens for protection, but would not be granted access to the United States.

Second, we announced a series of measures to further limit the ability of the Cuban government to accumulate foreign exchange in order to perpetuate its grip on power.

And third, we sought from the Cuban government an agreement to take reasonable measures to facilitate legal migration and prevent dangerous departures by sea.

The agreement reached with the government of Cuba on September 9, 1994, was a result of these firm measures. Migration from Cuba to the United States is now proceeding in a safe, legal, and orderly manner. Cuba has taken effective action to prevent its nationals from departing in irregular and dangerous ways. And we will ensure that legal immigration from Cuba increases to at least 20,000 a year. The agreement meets our immigration objectives and protects our national interests.

But now that we have overcome the migration crisis, we will return to pursuing our fundamental goal: peaceful transition to democracy and respect for human rights in Cuba.

For decades, there has been a consistency regarding American government policy towards Cuba, namely we have no hostile intent toward the Cuban people. The United States poses no military threat to Cuba. The United States will not allow U.S. soil to be used to support military or paramilitary actions against Cuba. The future of Cuba is for Cubans to decide. We will support Cuban democrats just as we did those working for freedom in the former Soviet bloc.

Moreover, if Cuba takes the steps its people know are necessary to end the monopoly power of the communist party, to open up the command economy, and to protect non-violent dissent, we are ready to begin to improve relations in return. What we will not do is lift the embargo in order to let Fidel Castro continue to wield power against the will of his people.

This is a policy rooted in the Cuban Democracy Act which Congress adopted almost three years ago, with strong bi-partisan support. The Bush Administration endorsed the Act, as did President Clinton. The goal of the Cuban Democracy Act was to end the anachronism of communist dictatorship in Cuba by combining our long-standing economic embargo with new support for the Cuban people in the form of humanitarian assistance, flows of information, and increased contacts among private citizens of our two nations.

This goal drives the Clinton Administration's policy towards Cuba, and is the spirit in which we will approach current legislative proposals in both Houses. There are aspects of these bills that we can and will support, for they are consistent with the language and philosophy of the Cuban Democracy Act, and because they will help Cuba peacefully move towards democracy. They include tough international pressures against the Castro government, encouraging the holding of free and fair democratic elections in Cuba, and providing a policy framework for United States support to the Cuban people in response to the formation of a transition or a democratically elected government in Cuba.

At the same time, we believe that there are provisions in these bills that will hinder rather than hasten a democratic transition in Cuba. By working together, we can make the necessary changes to ensure that what we do serves our common objectives.

But there is a central aspect of our policy and of the Cuban Democracy Act on which these legislative proposals are silent.

That is what has come to be known as Track II -- the principle that there is value to contact and communication with the Cuban people, that by reaching out today we will nurture and strengthen the fledgling civil society that will be the backbone of the democratic Cuba of tomorrow. Exchanges between our people, the dissemination of news, visits to Cuba by human rights or religious organizations -- we have no stronger allies in the struggle to promote peaceful change in Cuba.

One need only look to the extraordinary changes that have swept the world, from the implosion of communism in the former Soviet Union to the expansion of democracy and free markets throughout Europe and Latin America. None of this could have happened without our determined, bipartisan efforts to open up channels of communication with the people living under oppression. As history has taught us time and again, out of the first taste of freedom will come an insatiable appetite for democracy.

Because the Clinton Administration strongly supports both Track I and Track II of the Cuban Democracy Act, here is what we intend to do to reaffirm and strengthen both. First, we will maintain our embargo. The embargo was and is the right policy because it puts pressure on the Cuban government to begin to meet the economic and political needs of its people. The Cuban people are suffering -- not due to the U.S. embargo -- but as a result of the absence of democracy, of meaningful economic reform, and of respect for human rights.

Second, we will extend our reaching out to the Cuban people whose street demonstrations and escape by sea mark their despair and their determination to demand peaceful changes. We will step up efforts to help the people of Cuba cope with their daily needs and move peacefully towards a democratic future.

The steps we are announcing today combine tough sanctions against the Cuban regime with broader engagement with the Cuban people, and offer encouragement for a transformation in Cuba. Change does not require endless talking by American and Cuban negotiators. It requires only the Cuban government paying heed to the Cuban people.

Here are additional steps that we will be taking to show the Cuban people that we stand by them in this unusually important time. We will promote humanitarian assistance. We will encourage donors to offer humanitarian goods and services directly to the Cuban people. To ensure that this assistance actually gets to the people who need it, the assistance will be channeled only through private volunteer organizations and international agencies.

We will actively support Cuba's transition to democracy, respect for human rights, and a market economy. The United States will seek international condemnation of Cuba's human rights record and encourage international human rights groups to go to Cuba and monitor and report on human rights abuses. We will provide support to political prisoners and their families, to human rights advocates, and to others punished for their beliefs. We will accelerate planning for assistance to the Cuban people under a transition or democratic government. We will propose the creation of an OAS fund for free elections in Cuba to which the United States stands ready to donate \$1 million. We will request that the United Nations and the OAS agree to monitor free elections in Cuba. And we will request that international financial institutions undertake studies to prepare for a transition towards a market economy in Cuba. Membership and funds would be forthcoming only to a Cuba that has taken significant, irreversible steps towards democracy.

Finally, we will expand contacts between the people of our two nations. The United States will maintain increased broadcasting to Cuba as announced by the President on August 20, 1994. We will permit American news organizations to establish permanent bureaus in Cuba. Both of these initiatives will have tremendous benefits for the Cuban people, by meeting the Cuban people's hunger for uncensored information and by permitting wider reporting of events in Cuba. We will facilitate transfers of remittances to Cuba for strictly humanitarian purposes. We will issue visas for individuals working for the protection of human rights and democratic freedoms. We will permit the payment of travel expenses both to that end and to enable other non-immigrant travel by Cubans to the United States. And we will facilitate individual travel to Cuba for family and genuine educational, religious, news gathering, and research purposes, within reasonable limits.

There are those who will always criticize us for not doing enough or doing too much about Cuba. Some demand that we institute a military blockage of the island. Others demand that we engage in comprehensive negotiations to normalize relations with Cuba without insisting on a transition to democracy. Such extreme measures are contrary to U.S. national interests and depart dramatically from the responsible policies worked out by the past nine U.S. administrations. The firm and realistic path laid out in the Cuban Democracy Act is in the best interests of both the Cuban and American peoples. It is the path of active engagement with the people of Cuba in the pursuit of peaceful democratic change.

Our policy is clear. We will not lift the embargo unless and until significant movement is made toward democracy. The Cuban Democracy Act spells this out plainly; it says: "We will reduce the sanctions in carefully calibrated ways in response to positive developments in Cuba."

Calibration means what it says. To modest steps on the path towards democracy, we will respond with modest steps. To major steps on the path towards democracy, we will respond with major steps. Introduce reforms. We will watch carefully what happens, and then we will take equivalent measures. Take real and irreversible steps to democracy, human rights, and economic reform, and we will take steps to loosen the trade embargo and expand the relations between our two nations.

Tonight, in this spirit, let me offer a specific example to the government of Cuba: Authorize genuinely free farmers' markets, small businesses to operate freely and a free trade in the full range of agricultural produce and we will permit the sale of seeds, fertilizer, and farm tools directly to these newly independent farmers.

But there are many ways in which Cuba could make a start. Engage in the dialogue among Cubans called by the Catholic church. Allow the Inter-American Commission on Human Rights to visit Cuba. Let in the United Nations Special Rapporteur on Human Rights. Invite monitors from the OAS or the UN to observe your upcoming municipal elections. Release political prisoners, legalize the non-violent opposition, and allow Cubans abroad to return to Cuba without penalties. To all of these, we will respond with concrete and appropriate steps.

To real change, we offer real responses. That is the peaceful path to a democratic Cuba, prosperous, sovereign and free.

Our purposes in Cuba are the same as throughout the Western Hemisphere: To support democratic forces and to create conditions for democracy to emerge, take root, and become strong. The international effort to restore the democratic government of Haiti proves that commitment. It is an effort grounded in success: Democracy is now the norm across the Western Hemisphere. In advancing the cause of democracy and helping to bring prosperity to the region, we are working with a stronger and more democratic OAS and other friends of freedom. We are now asking other nations in the hemisphere and beyond to make clear to Fidel Castro that he must move decisively to respect human rights, uphold the rule of law, and rejoin the community of democratic nations.

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We believe that Cuba should follow the course of its neighbors in Central America, South America, and the Caribbean. The United States stands ready to help the people of Cuba do this soon, and peacefully. We await the day when we will be able to welcome Cuba into the democratic community of nations and to work with a freely elected government of Cuba.

TAB B: Sanctions

This tab spells out in more detail the proposal to move back from the new remittances and travel restrictions imposed in August and described briefly in the decision memorandum. With the support of the State Department, I suggest the following changes in existing regulations:

1. Restore the general license allowing remittances necessary to permit Cubans who receive non-immigrant visas to come to the United States.

In altering the regulations so as to implement the decisions you made, we unintentionally removed the authority for remittances to cover the fees which Cubans need to pay to come for a visit to the United States. This action was not discussed with Cuban-American groups at the time. Our Interest Section in Havana has warned that this action is interfering with our program of bringing independent-minded Cubans to the United States. Unless we make this change most tourist and educational travel will end.

2. Restore the general license for professional researchers traveling to Cuba; restore to pre-August status rules relating to travel by journalists and other travel under Track II of the Cuban Democracy Act.

In developing new regulations we thought it necessary to make it somewhat harder for others to go to Cuba since we were drastically reducing the ability of Cuban-Americans to travel. These changes have been severely criticized by the academic and intellectual community, by the National Council of Churches and other groups, as well as by Congressman Berman. In commenting on an op-ed piece criticizing these changes you asked whether we should respond favorably. (A copy of the Washington Post op-ed with your annotation is attached at Tab C.) In addition, the Latin American Studies Association (LASA) has announced that it would be openly violating the law by organizing monthly trips to Cuba without seeking prior licenses, and with the expectation of imprisonment. Other groups have been defying the law, either directly or by traveling through third countries, and the Justice Department is faced with the uncomfortable choice of not enforcing the law or engaging in highly visible and unpopular prosecutions.

We think modifications to improve the situation can be made quietly without provoking much controversy in the Cuban-American community. (Though you should know that Jorge Mas and some Members of Congress from Florida have urged us not to remove any

of the new restrictions.) The modifications we propose are as follows:

a. The requirement that researchers working on Cuba receive a specific license to travel has been widely criticized as a restriction on legitimate intellectual activity. We believe we should restore the general license for professional researchers that was in place prior to the August changes.

b. The new regulations also limit the general license to certain journalists -- those who are regularly employed. We are thus barring people who wish to travel to Cuba to do research on a free-lance article, to make a documentary film, etc. We should restore the pre-August regulations to permit such travel.

c. The current regulations say that travel for humanitarian or educational and religious purposes will be allowed for persons demonstrating "a compelling need." The compelling need standard is new, and was not raised or discussed in your August meetings. We should restore the specific license standard to its pre-August status.

d. In altering the regulations in August, Treasury inadvertently removed the authority to transfer funds in order to license a copyright or trademark in Cuba. If Americans file such requests they are honored by the Cuban government. We have received requests to restore this authority so that American rights are protected and Treasury recommends making this change.

3. Permit under a general license one trip per year for visits to close family members; permit additional trips for humanitarian purposes with a specific license. Permit remittances with a specific license either for a single transfer or for quarterly transfers based on humanitarian need. There would be a presumption that quarterly payments would not exceed \$150.

We can justify these moves on several grounds. First, we would note that the requirement to grant individual licenses for remittances and travel has heavily burdened the Treasury OFAC Office and diverted it from its primary duty of enforcing the Cuban and other embargoes. Treasury now has some 700 requests for licenses for urgent humanitarian travel to Cuba. They take precedence over all other requests, and in effect, are preventing the office from performing its other duties. Treasury has urgently asked for relief saying it cannot administer this program without a very large increase in staff. Second, we can note that one of the reasons to impose the new restrictions was to retaliate for Castro's action in encouraging people to leave and to be sure that dollars were not used to purchase rafts.

With the agreement in place and being observed, some loosening of the new rules is in order.

4. Clarify the existing regulations for travel for educational, humanitarian and religious purposes so as to permit all legitimate travel for these purposes while preventing tourism.

The regulations do not define educational, religious and humanitarian purposes, and decisions often are left to the agencies' discretion. In practice, we refuse to license many legitimate requests and are being frequently criticized for this and for the absence of any standards. In particular, Treasury has been denying licenses for travel for educational purposes when it is initiated by an institution as opposed to individuals. Some religious travel also has been hindered on similar grounds. We believe that, without altering the requirement for a specific license, we should articulate a standard that guards against abuse but allows all travel for bona fide educational, religious, or humanitarian purposes. We could thereby expand exchanges so as to promote democracy without incurring serious costs in our relations with the Cuban-American community.