

# Withdrawal/Redaction Sheet

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE              | DATE       | RESTRICTION           |
|--------------------------|----------------------------|------------|-----------------------|
| 001a. paper              | [Cuba Policy] (6 pages)    | 00/00/0000 | P1/b(1) VZ 04/07/2023 |
| 001b. paper              | Tab-B: Sanctions (3 pages) | 00/00/0000 | P1/b(1) VZ 04/07/2023 |

**COLLECTION:**

Clinton Presidential Records  
 WHORM Subject File-CF  
 CO045  
 OA/Box Number: CF 1680

**FOLDER TITLE:**

099101SS

2016-0920-F  
sb2103

### 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]
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- 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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~~SECRET~~

C.F.

09910155<sup>1337</sup>

00045

(N)  
Are we rescheduling  
Cuba mtg as did  
it happen?

(6)

DECLASSIFIED  
E.O. 13526

White House Guidelines, May 16, 2017  
By VL NARA, Date 8/13/2012

2020-0841-m (1.04)

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.

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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

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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

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

DECLASSIFIED

E.O. 13526

White House Guidelines, May 16, 2017

cc: Vice President  
Chief of Staff

~~SECRET~~

Declassify on: CLINTON ICADR

By: M. NARA Date: 2010-08-11

2010-08-11-m (1.05)

PHOTOCOPY

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.

# Withdrawal/Redaction Sheet

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE   | DATE       | RESTRICTION           |
|--------------------------|---|------------|-----------------------|
| 001. memo                | To: POTUS; From: Anthony Lake; Re: Consultation on Cuba Steps (4 pages) | 08/01/1995 | P1/b(1) VZ 04/07/2023 |

### COLLECTION:

Clinton Presidential Records  
WHORM Subject File-CF  
CO045  
OA/Box Number: CF 1680

### FOLDER TITLE:

123913SS

2016-0920-F  
sb2104

### RESTRICTION CODES

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THE WHITE HOUSE

WASHINGTON  
August 1, 1995

95 AUG 17 11:09:24

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 8/15/2017  
2020-0891-M (1,06)

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 \_\_\_\_\_

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|--------------------------|--|-----------------------|---|
| 001a. memo               | To: POTUS; From: Anthony Lake; Re: Response to Cuban Shootdown of U.S. Aircraft [9601232, See also vz1107 & vz1154] (10 pages) | 02/25/1996            | P1/b(1)                                 |
| <del>001b. paper</del>   | <del>Cuba Aircraft Shoot Down Timeline [9601232, See also vz1107 &amp; vz1154] (2 pages)</del>                                 | <del>00/00/0000</del> | <del>P1/b(1)</del> <b>VZ 04/07/2023</b> |
| 001c. paper              | Summary - Discussion [9601232, See also vz1107 & vz1154] (2 pages)   | 00/00/0000            | P1/b(1)                                 |
| 002. memo                | To: The National Security Advisor to the President; Re: [Options] (2 pages)  | 02/25/1996            | P1/b(1)                                 |

**COLLECTION:**

Clinton Presidential Records  
 WHORM Subject File-CF  
 CO045  
 OA/Box Number: CF 1680

**FOLDER TITLE:**

156179SS

2016-0920-F

sb2106

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## Cuba Aircraft Shoot Down

Information from US Customs indicates that two US civilian aircraft, shot down by a Cuban MiG 29, were in international airspace; the lead US plane which returned safely to Opa Locka did enter Cuban airspace as part of an operation conducted by the Florida based émigré group Brothers to the Rescue (BTTR).

The MiG 29 apparently made no effort to contact the émigré pilots, wag its wings or escort them from the area before requesting permission to fire.

The US Government has determined that this action by the Cubans was in violation of international law.

### TIMELINE

10:00 am - Noon During hours leading up to the shutdown, we know that Cuban fighter aircraft had been conducting air patrols in reaction to what they believed to be an incursion of Cuban air space. The Cuban aircraft returned to their base making no contact with any aircraft.

1:15-2:00 pm According to US customs, three BTTR aircraft took off from Opa Locka airfield in Florida.

2:57 pm The BTTR aircraft contacts the Havana civilian air traffic controller and informs them that the BTTR aircraft plan to operate south of the 24th parallel. The Cuban air traffic controller informs the air craft of danger in operating south of the 24th. BTTR aircraft made it clear that it was aware of the danger but it was flying in anyway.

3:01 pm Three BTTR aircraft operating south of 24th parallel.

3:09 pm One MiG 23 and one MiG 29 Cuban aircraft are airborne.

3:18 pm The lead BTTR aircraft (Aircraft 1; this aircraft later returned to Opa Lacka safely) is approximately 1 nm north of Cuban airspace and heading south. The other two BTTR aircraft are approximately 8 nm north of Cuban airspace and headed east.

3:20 pm The MiG 29 reported sighting of a small red, white and blue aircraft flying at a low altitude. The MiG pursued and identified the aircraft as a CESSNA-337.

3:22 pm Lead BTTR aircraft penetrates 3 nm into Cuban airspace.

3:24 pm The MiG 29 pilot requested and received permission to destroy the second aircraft. The pilot quickly noted that the aircraft had been shot down.

This occurred approximately 5 nm miles north of Cuban air space.

3:31 pm The MiG pilot noted another aircraft in sight requested permission, received permission and reported the third aircraft destroyed.

This occurred approximately 16 nm of Cuban airspace.

[This is a preliminary set of times and information. More accurate times and additional information will be available Monday.]

# Withdrawal/Redaction Sheet

## Clinton Library

| DOCUMENT NO. AND TYPE | SUBJECT/TITLE  | DATE                  | RESTRICTION                      |
|-----------------------|--|-----------------------|----------------------------------|
| <del>001. memo</del>  | <del>Rick Nuccio to NSC re: Legal issues and Cuba (1 page)</del> | <del>09/14/1994</del> | <del>P1/b(1)</del> VZ 04/07/2023 |

### COLLECTION:

Clinton Presidential Records  
Public Liaison  
Suzanna Valdez  
OA/Box Number: 6448

### FOLDER TITLE:

[Cuba Accordion Folder]: Unidentifiable

2016-0920-F  
jm1906

### 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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**MEMORANDUM**

TO: NSC  
FROM: ARA—Rick Nuccio  
SUBJECT: List of Cuban American Lawyers  
DATE: September 14, 1994

This list was assembled by Maria Dominguez, an immigration specialist, member of Governor's Free Cuba Commission, and the Krom Task Force. Luisa Maria Garcia-Toledo also contributed suggestions.

- Ester Cruz, directing attorney for the American Immigration Lawyers Association 406-576-0080
- Adys Cano, Lutheran Ministries
- Yolanda Coto, US Catholic Conference
- Maria Dominguez, St. Thomas University, Human Rights Institute 305-628-6737
- Wilfredo "Willy" Allen, Legal Immigration Counsel, Little Havana Activities and Nutrition Centers of Dade County, Inc. 305-858-0887, ext. 222; 856-6868

Simon Ferro also suggested two other names:

- Angel Castillo, Castillo et al. 305-445-0044
- Oscar Levin, Greenberg et al. 305-579-0500

My strong recommendation is that we ask Maria Dominguez to head a small delegation and ask her to pick two or three others from this list. We must then be prepared to back up Maria's choices and not allow others to veto them.

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DETERMINED TO BE AN  
ADMINISTRATIVE MARKING  
2020-0891-M (1.01)

INITIALS: vr DATE: 8/14/2012

# Withdrawal/Redaction Sheet

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE   | DATE                  | RESTRICTION                      |
|--------------------------|---|-----------------------|----------------------------------|
| 001. memo                | Robert Gaudet to Suzanna Valdez re: Personnell issue (3 pages)                  | 10/27/1994            | b(6)                             |
| <del>002. memo</del>     | <del>Richard Nuccio to Vice President re: Update on Cuba policy (2 pages)</del> | <del>06/13/1995</del> | <del>P1/b(1)</del> VZ 04/07/2023 |

**COLLECTION:**

Clinton Presidential Records  
 Public Liaison  
 Suzanna Valdez  
 OA/Box Number: 6905

**FOLDER TITLE:**

Cuba 1995 [Folder 1] [3]

2016-0920-F  
jm1905

### 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]
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MEMORANDUM

TO: The Vice President  
FROM: Richard A. Nuccio  
Special Adviser to the President and the Secretary of State  
for Cuba  
RE: Update on Cuba policy and politics for your Florida trip  
DATE: 6/13/95

Background

The President's decision of May 2 to admit most Guantanamo migrants, but to return future Cuban migrants attempting to enter the US illegally, has provoked widespread protest by Cuban Americans and some liberal (Rep. Lee Hamilton) and conservative critics (Elliott Abrams). For the first time in this Administration, Cuba policy has taken a more partisan edge with critics attacking the President personally, instead of just certain advisers to him, and prominent Cuban American leaders working to promote and fund Republican causes.

The decision has also received quiet but meaningful support from more moderate Cuban Americans (Florida polls show slightly less than a majority of Cuban Americans approve of the May 2 decision) and has been popular in Florida and nationally with those concerned about illegal immigration. Most academic and think tank critics of the Administration's overall Cuba policy applauded the May 2 decision, but did so because they believe that the migration agreement with Cuba shows that the US and Cuba can reach agreement on difficult issues and may lead to further negotiations about normalization of US relations with Cuba. The Cuban government also clearly hoped that the May 2 agreement would lead to further talks and at least the repeal of the August 20 measures adopted last year after your meeting with Governor Chiles and representatives from the Cuban American community.

A short hand way to summarize the current political dilemma for the Administration is to say that the right is angry with us for doing what the left wishes we would, but which we are not. Though we have broken fundamentally with the traditional Cuban American exile base of Cuba policy, we have not established a new constituency for our current policy. The President remains committed to the Cuban Democracy Act as the basis of our policy: maintaining a strong economic embargo, more actively seeking to support the Cuban people (including in ways that may be unpopular with the most conservative Cuban Americans), and being prepared to acknowledge meaningful economic and political reform in Cuba with "calibrated responses" on our part that would not lift the embargo but might encourage continued reform.

Over the next several months we will be trying to build greater support for our Cuba policy by demonstrating to moderate Cuban Americans that we are committed to promoting a peaceful, democratic transition in Cuba; to moderates of both parties that we

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E.O. 13526

White House Guidelines, May 16, 2017  
By [initials] NARA, Date 8/19/2012  
2020-0891-1M (1.02)

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have a flexible, agile Cuba policy capable of managing the multiple aspects of current policy and taking the initiative toward Cuba rather than merely responding to crises; and to international critics by promoting dialogue with other governments that share our concern about human rights and the promotion of a peaceful, democratic transition, but disagree with the embargo.

#### Talking Points

- The President remains committed to the goal of promoting a peaceful, democratic transition in Cuba. An effective economic embargo and a robust policy of support for the Cuban people are the principal instruments to promote such a transition.
- The President's decision of May 2 to admit most migrants being held in safehaven in Guantanamo and to return future rafters to Cuba who do not have a credible fear of return was the best of the difficult choices we faced in dealing with the humanitarian dilemma of the migrants and deterring future illegal and unsafe outflows of rafters.
- The President's decision is already saving lives. In May 1994 we picked up some 700 rafters at sea; we'll never know how many we may not have rescued. This May only 47 rafters were intercepted and only 24 returned to Cuba, most returning to their previous lives without incident. (Two incidents did occur which we monitored carefully and raised with the highest levels of the Cuban government. We believe satisfactory solutions to these two cases can be reached.)
- Whatever your position on the May 2 decision, we all face the humanitarian challenge of ensuring that the tens of thousands of Cuban migrants coming to the US this year succeed in their new home. All those of good will must work together to make sure that those coming to live with us have the language, job, and cultural skills to succeed.
- By removing the threat of migration so often used against the US in the past, we are free to concentrate more fully on the urgent and complex task of supporting the Cuban people in their struggle for a better life and for greater political and economic freedom in Cuba.