



United States Department of State

Washington, D.C. 20520

July 1, 2021

Case No. FL-2014-06088

Mr. Jason I. Poblete
Poblete Tamargo LLP
Courthouse Square
510 King Street, Suite 350
Alexandria, Virginia 22314

Dear Mr. Poblete:

We refer to our letter dated June 2, 2021 regarding the release of certain Department of State (“Department”) records under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. The Department has identified two additional responsive records subject to the FOIA. We have determined that both records may be released in part.

An enclosure explains the FOIA exemptions and other grounds for withholding material. Where we have made excisions, the applicable FOIA exemptions are marked on the document. Two or more exemptions may apply to the same document. All non-exempt material that is reasonably segregable from exempt material has been released and is enclosed.

We will keep you informed as your case progresses. If you have any questions, you may contact Jeremy S. Simon at (202) 252-2528 or Jeremy.simon@usdoj.gov. Please refer to the case number, FL-2014-06088, and the civil action number, 18-cv-02335, in all correspondence regarding this case.

Sincerely,

A handwritten signature in black ink that reads "Jeanne Miller". The signature is written in a cursive, flowing style.

Jeanne Miller
Chief, Programs and Policies Division
Office of Information Programs and Services

Enclosures: As stated

The Freedom of Information Act (5 USC 552)

FOIA Exemptions

(b)(1) Information specifically authorized by an executive order to be kept secret in the interest of national defense or foreign policy. Executive Order 13526 includes the following classification categories:

- 1.4(a) Military plans, systems, or operations
- 1.4(b) Foreign government information
- 1.4(c) Intelligence activities, sources or methods, or cryptology
- 1.4(d) Foreign relations or foreign activities of the US, including confidential sources
- 1.4(e) Scientific, technological, or economic matters relating to national security, including defense against transnational terrorism
- 1.4(f) U.S. Government programs for safeguarding nuclear materials or facilities
- 1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to US national security, including defense against transnational terrorism
- 1.4(h) Weapons of mass destruction

(b)(2) Related solely to the internal personnel rules and practices of an agency

(b)(3) Specifically exempted from disclosure by statute (other than 5 USC 552), for example:

ARMSEXP	Arms Export Control Act, 50a USC 2411(c)
CIA PERS/ORG	Central Intelligence Agency Act of 1949, 50 USC 403(g)
EXPORT CONTROL	Export Administration Act of 1979, 50 USC App. Sec. 2411(c)
FS ACT	Foreign Service Act of 1980, 22 USC 4004
INA	Immigration and Nationality Act, 8 USC 1202(f), Sec. 222(f)
IRAN	Iran Claims Settlement Act, Public Law 99-99, Sec. 505

(b)(4) Trade secrets and confidential commercial or financial information

(b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product

(b)(6) Personal privacy information

(b)(7) Law enforcement information whose disclosure would:

- (A) interfere with enforcement proceedings
- (B) deprive a person of a fair trial
- (C) constitute an unwarranted invasion of personal privacy
- (D) disclose confidential sources
- (E) disclose investigation techniques
- (F) endanger life or physical safety of an individual

(b)(8) Prepared by or for a government agency regulating or supervising financial institutions

(b)(9) Geological and geophysical information and data, including maps, concerning wells

Other Grounds for Withholding

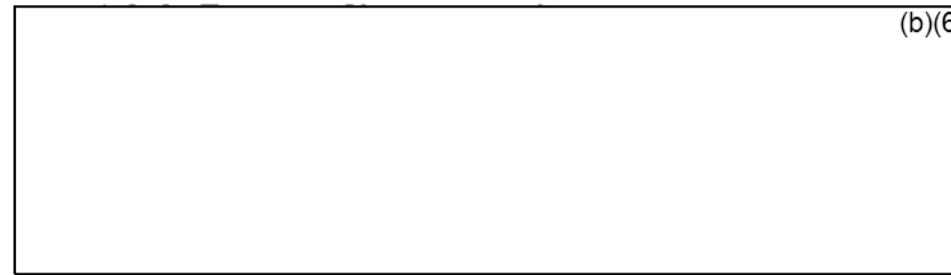
NR Material not responsive to a FOIA request excised with the agreement of the requester

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Sept. 25, 2000

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Bonnie M. Anderson



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The Honorable William J. Clinton, President of
The United States of America
The White House
1600 Pennsylvania Ave. NW
Washington, DC 20500

Dear Mr. President,

Last year, U.S. District Judge James Lawrence King granted the families of the men who were shot down over Cuba more than \$6 million of the frozen Cuban assets. My family and I do not dispute the fact that they deserve compensation for their loss. Indeed, we know the pain they have gone through.

The difference is that we've known that pain for 36 more years.

My father, Howard F. Anderson, a U.S. citizen and former U.S. Navy officer, was executed by firing squad by Fidel Castro's forces on April 19, 1961. He was the first US citizen killed in Communist Cuba. He was killed because he was an American, and because the Cubans believed he had ties to the CIA. He refused clemency, as that required him to sign a document admitting the CIA's actions in Cuba... and he refused to be a traitor or to do anything to hurt his country.

We had a private family briefing at Langley in 1998, a briefing arranged by the Director of Central Intelligence whom I was fortunate to meet when he visited CNN, where I am a Vice President. (I wish to be completely clear that I write this letter as a private U.S. citizen, not as a CNN employee.) At that briefing, officials confirmed that they had, indeed, given my father money to funnel to counter-insurgency forces.

My father was brutally executed because he was a loyal US citizen doing what his government encouraged him to do. We have lived with the pain of knowing that in the minutes before his death, most of his blood was drained from his body to be used in transfusions for Castro's forces.

We have also lived with the pain of seeing our government forget our loss. Indeed, when a US citizen was on trial in Cuba three years ago, a State Department spokeswoman was quoted by the Associated Press as saying that if he were to be executed, he would be the first American killed since Castro came to power. Incensed, I called her and provided her

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with the entire list of US citizens who have met that fate. Her embarrassment did not ease my anger and acute disappointment.

It was an outrage that my father's sacrifice had been forgotten.

Today, I am equally outraged that our claim to the frozen Cuban assets has been ignored, while newer claims are being paid. To also learn that you authorized the payment of \$300,000 to the families of the pilots from the frozen assets as a "humanitarian gesture" while having never given my family a dime, is a further injustice.

My mother was 39 years old when she became a widow, trying to raise four children. She struggled to raise us. I, the youngest, was five years old. Through her grief, she spent years documenting our claims in Cuba, fulfilling the rigorous requirements set up by our government. She was finally given an official document asserting our claim, based on the property we lost and the death of my father. (Incidentally, it is also painful to learn that my father's life was worth far less than the lives of the pilots.)

We are, therefore, among the 5,900 individuals certified by the U.S. Foreign Claims Settlement Commission who staked prior claim to the frozen Cuban assets. We ask no more than that they be paid, preferably within our lifetimes. My mother is now 79 years old and in a retirement community. I can't even begin to tell you what she has gone through since hearing of the cash award to the pilots' families.

Perhaps the Andersons have been too naïve. Perhaps we believed, as my father believed when he gave his life for his country, that justice would prevail, that fairness would win out. Perhaps our mistake is that we did not hire lawyers and sue our government. We believed our elected officials and those who vow to serve the people would do what was right... because it is right.

We do not begrudge the families of the pilots. Indeed, I am grateful in a way that they have brought this issue to the forefront. In 1978, as a young reporter for the Miami Herald, I came face to face with Fidel Castro and wrote a story that was the finalist for the Pulitzer Prize. Since then, I have been consistently deluged with requests from Hollywood to write a movie based on our tragedy. I have always resisted... in part, because, like my father, I do not want to do anything that is less than completely patriotic, anything that would embarrass my country. The other reason was that we really didn't have an end to the story.

Thirty-nine years after my father's death, and given these recent developments, I'm coming to the conclusion that perhaps that's the only way to see justice done. The ending is also becoming clear: This government that my father died for, that my brother fought for in Viet Nam, does not care... unless threatened in court.

It is unbelievable that this same government is protecting the assets of the government that killed my father. Tell me, what purpose does it serve to keep these assets frozen? To deny legitimate claims?

If there is a legal way for the assets to be dispersed to the families of the downed pilots, why weren't prior claimants notified? Why weren't our claims paid? If you felt the need and were legally permitted to make a humanitarian gesture to the families of the pilots, why not make the same gesture to my family? We deserve the same, at the very least. And I would argue that we deserve even more, as my father died doing what his government had asked of him.

What do we need to do to see justice done?

I have written to my Congresswoman and to the Senators representing Georgia. All I have received is an explanation of how the families were compensated, explanations of why our claims haven't been paid, explanations that I was not asking for since we know these facts better than anyone else. I was asking them to do something.


And now I am asking you.

Mr. President, this is a chance for you to do what is right, what should have been done decades ago. It also wouldn't hurt for the Cuban American community to see your Administration take action that actually *avored* a Cuban American. My father is such a hero in the Miami community that a street is named after him. As one of the few Cuban-American Democrats (and the only one in my family ever) I am reaching out to you, hoping this isn't – as my Republican family believes – another waste of my time.

I do have one other request, and that is to not receive a form letter reply. That would only add insult to injury.

Thank you.

Sincerely,

 (b)(6)

Bonnie M. Anderson
Daughter of Howard Frederick Anderson

Secretary Colin Powell
 Dept/ of State
 221 C Street NW
 14th Street, NW
 Washington, D.C. 20500

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 DEPARTMENT OF STATE
 2001 MAR -9 A 11:55

RE: Claim CU-0697 against the Government of the Cuba
 The Howard F. Anderson Family

Dear Secretary Powell:

I am writing to you concerning a matter of extreme importance to my family and to many other United States citizens who have long-standing legitimately filed claims against the Cuban government. I am referring to the recent award granted in Judge Lawrence King's court to the three families of the Brother to the rescue pilots shot down by the Cubans on Feb. 24, 1996.

I understand from articles in the Ft. Lauderdale Sun-Sentinel and Miami Herald that on February 16, 2001, these families received approximately \$97,000,000 paid from previously frozen Cuban bank accounts held by Chase Manhattan Bank for the deaths of these pilots. While I greatly sympathize with the families for their losses, I cannot understand why those of us who also lost family members and property cannot be treated in the same way. We are also United States citizens.

In the case of my family, I lost my husband, and my sons and daughters lost their father. We also lost our property and extensive business interests in Cuba, which had been in the family for over 45 years. Our funds in Cuba were all frozen and we were left almost penniless. My children ranged in age from fifteen to five. I was forced to go to work to support my family which also included my husband's eighty-five years old mother. Howard F. Anderson was one of the first United States citizens executed by Castro on April 19, 1961 by firing squad after attending a kangaroo court trial on trumped-up charges that even they said did not merit execution but they were going to do it anyway!

We went through the proper procedures and and filed a claim (CU-0697) which was certified by the Foreign Claims Settlement Commission on June 23, 1971, for claims dating back to 1960 and 1961. It has been our understanding all along that no monies were to be paid out of any frozen Cuban assets and/or bank accounts until all these claims could be resolved. In a letter received by my son, Gary K. Anderson, from Congressman Bill Archer, dated Feb. 2, 1998, we were advised that the total amount of frozen Cuban assets was \$148,000,000. How could our government allow over 65% of these assets to be paid out to only 3 families when there are 5,911 certified claims of U.S. nationals which were filed against the government of Cuba long before these pilots were shot down?

We quite frnkly do not understand how our government can put the claims and interests of these pilots' families ahead of those who have had claims on file for over thirty years! We know that you are not to blame, but should not the United States government consider our loss just as significant, if not more so, than that of the pilots' families? Why should their interests be put above ours especially since ours has been on file for so many years? As a matter of fact, I believe that our loss is more significant if for no other reason than that the pilots had a choice and were fully aware of the dangers they could encounter. My family had no such choice.

[Redacted] (b)(6)

Since it now appears that the United States government is releasing money from frozen Cuban assets, could you please advise me what action needs to be taken by my family and me in order to secure our position for the receipt of funds per our long-standing claim? You should know that my family's and my total claim with interest will total approximately [Redacted] (b)(6) on April 19, 2001, ~~will~~ which will be the fortieth anniversary of my husband's execution by orders of Fidel Castro.

We would all very much appreciate any help you can give us and others in seeing that we are all treated fairly and equally. Should you require more detailed information concerning the specifics of my family's situation, please contact me. I look forward to hearing from you concerning this matter.

Yours truly,

[Redacted] (b)(6)

Dorothy Anderson McCarthy/

[Redacted] (b)(6)

