



United States Department of State

Washington, D.C. 20520

August 2, 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 July 1, 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 three additional responsive records subject to the FOIA. We have determined one record may be released in full and two 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 each 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, F-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

F. 1. 13 2/3



United States Department of State

Washington, D.C. 20520

Dear Ms. Anderson:

The White House forwarded me your September 25, 2000 letter to President Clinton concerning your father's death and the United States Government's failure to compensate your family. You asked why certain terrorism victims with judgments obtained in U.S. courts against state sponsors of terrorism might be able to obtain payment from blocked assets, while the 5,911 claims of U.S. nationals certified by the Foreign Claims Settlement Commission have not yet been paid. I apologize for the delay in response.

We are deeply sympathetic to you for the loss of your father, and to the many others who have suffered losses due to actions of the Government of Cuba.

Your letter asks that we not provide an explanation of why you have not been paid, as you already know these facts better than anyone else. Nevertheless, it may be useful to describe legislative developments from last year. As you know, the families of the Brothers to the Rescue victims won a civil court judgment under the state sponsor of terrorism provisions of the Foreign Sovereign Immunities Act, and the court ordered substantial compensation. Since the time you wrote to the President, Congress passed a law, the Victims of Trafficking and Violence Protection Act of 2000, directing payment of certain amounts of that compensation from blocked Cuban government funds. The law was designed to benefit only those claimants who won judgments under certain statutes in defined time periods. No similar law or other authority exists that would permit payments from blocked Cuban accounts to persons other than such judgment holders.

While the Department of State appreciated the motives behind last year's legislative efforts to compensate victims of state-sponsored terrorism, in testimony on a prior version of the legislation, we voiced concerns about using blocked funds to satisfy only particular judgments and about the inequities concerning other claimants, such as the FCSC claimants.

Treasury Deputy Secretary Stuart E. Eizenstat, Defense Department Under Secretary for Policy Walter Slocombe, and State Department Under Secretary for Political Affairs Thomas Pickering raised this issue before the House Committee on the Judiciary Subcommittee on Immigration and Claims. As they stated in their joint testimony on June 20, 2000:

[The FCSC] has certified 5,911 claims of U.S. nationals against the Government of Cuba, totaling approximately \$6 billion with interest, dating back to the early 1960s. . . . [T]hese include the wrongful death claims of family members of two individuals whom the Cuban Government executed after summary trial for alleged crimes against the Cuban state. Other claims relate to the Castro Government's seizure of homes and businesses from U.S. nationals. These claimants have waited over 35 years without receiving compensation for their losses. This bill will not help them at all. . . . Satisfaction for the judgments in the Alejandre, Flatow, and [Terry] Anderson cases would come at the expense of all other claimants against Cuba and Iran, both past and future.

We believe that all the FCSC claimants deserve justice, including compensation. Settling such claims with the Cuban government remains one of our principal policy objectives, and we look forward to the day when all FCSC claimants against the Cuban government are compensated.

We hope this information is helpful. Please let us know if we can be of further assistance.

Sincerely,

[Redacted signature box] (b)(6)

Charles S. Shapiro
Coordinator for Cuban Affairs

Enclosure:

Correspondence returned.

Drafted: L/CID:PChabora
Docs Open 91131
4/9/01 x6-8440

Cleared: L/CID:MClodfelter-ok
L/CID:LGrosh-ok
L/DL:LJacobson-ok
L/WHA:PDiRosa/EPelofsky-ok
WHA/CCA:KWhitaker-ok
H:TFaulkner-ok



United States Department of State

Washington, D.C. 20520

Dear Mr. Farr:

Thank you for the letter from your constituent, William R. Cameron, in which he inquired about filing a claim with regard to land that had been expropriated by the Cuban government.

Property in Cuba confiscated from U.S. citizens was the subject of an extensive claims settlement program run by the U.S. Foreign Claims Settlement Commission (FCSC) under the 1964 Cuban Claims Act. Between 1967 and 1972, the Commission conducted a Cuban Claims Program, which certified the substance and value of claims made by U.S. nationals against the Government of Cuba. In 1972, the FCSC completed its work, which encompassed a total of 5,911 certified claims that would serve as the basis for any claims settlement negotiation with a Government of Cuba amenable to such discussions. No such negotiation has yet taken place.

Your constituent or an heir to the claim in question may wish to contact the FCSC to learn whether the claim to this property was certified, and if so, the value assigned to the claim. Contact information for the FCSC is indicated below:

Foreign Claims Settlement Commission
600 E Street, N. W. Suite 6002
Washington, D.C. 20579

Telephone: 202-616-6975

As you may be aware, the Department is vigorously implementing Title IV of the Cuban Liberty and Democratic Solidarity (Libertad) Act, also known as the Helms-Burton Act. Under Title IV, aliens who the Secretary of State determines have, after March 12, 1996, confiscated or trafficked in

The Honorable
Sam Farr,
House of Representatives

confiscated property in Cuba, a claim to which is owned by a U.S. national, shall be denied visas and excluded from the United States. The Department is seeking information on the use of confiscated property for the purpose of applying Title IV sanctions where appropriate. We would welcome any available information on the current use of the claimed property from either your constituent, or the heir to the claim. Contact information is indicated below:

Department of State
Bureau of Western Hemisphere Affairs
Office of Cuban Affairs - Helms-Burton Unit
Washington, D.C. 20520-6258

Telephone: 202-647-9389
FAX: 202-647-7095

I hope that this information is helpful to you and your constituent.

Barbara Larkin
Assistant Secretary
Legislative Affairs

Enclosure:
Correspondence returned
(Attachment was not with letter)

Drafted:
WHA/CCA: KBaker, 77505
05/27/99: seacca/searahb/letters01

Cleared:
WHA/CCA: MERanneberger
WHA/CCA: RJFeatherstone
L/WHA: IDias

WHA Press Guidance
June 2, 1999.

CUBA: FILES CLAIM AGAINST UNITED STATES

Background: (For Briefer Only)

The press on Tuesday reported that the Government of Cuba has filed a \$181.1 billion compensation claim against the United States in a local Cuban court. Granma, in publishing the legal demand yesterday, said the claim was filed on "behalf of 3,478 Cubans killed and 2,099 injured by Washington's aggression."

Q:

Any reaction to Cuba's claim filed in Cuban courts against the United States for \$181 billion?

A:

(b)(5)

Drafter:WHA/CCA:WVockerodt x7-9272 06/02/99

SEARACCA/1999 Press/June3 Cuban Claim

Cleared:WHA/CCA:MRanneberger

L/WHA:MPeay (ok)

L/CID:MMattler (ok)

L/DL:LJacobson (ok)

P:LArreaga (ok)

C:SSnyder (ok)

PA:LRodriguez (ok)

NSC:PFarmstrong (ok)