



United States Department of State

Washington, D.C. 20520

June 7, 2019

Case No. F-2014-06088

Segment: IPS-0002

Mr. Jason I. Poblete
PobleteTamargo LLP
Courthouse Square
510 King Street, Suite 350
Alexandria, Virginia 22314
(703) 566-3037

Dear Mr. Poblete:

This is in response to your request dated April 8, 2014, regarding the release of certain Department of State material under of the Freedom of Information Act (the "FOIA"), 5 U.S.C. § 552. The processing of records is ongoing and has yielded 10 more responsive documents to your request. After reviewing these documents, we have determined that one may be released in full, eight may be released in part, and one must be withheld in full pursuant to FOIA Exemptions 5 and 6, 5 U.S.C. §§ 552 (b)(5) and (b)(6).

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

The processing of your request is ongoing. We will keep you informed as your case progresses. If you have any questions, your attorney 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,

Susan C. Weetman
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

ETIC 1111

U.S. ☆ CUBA Policy Report

RELEASE IN FULL

Volume 6, Number 9

September 30, 1999

Institute for U.S. Cuba Relations
Washington, D.C. USA

PORTIONS ILLEGIBLE

BEST COPY
AVAILABLE

Ralph J. Galliano, Editor

HELMS AND GILMAN URGE LIBERTAD TITLE IV GUIDELINES COMPLIANCE-- STATE DEPARTMENT ISSUES ADDITIONAL ADVISORY LETTER

WASHINGTON -- Judging by the Congressional pressure exerted on the State Department, the request for compliance of the "Guidelines Implementing Title IV of the *Cuban Liberty and Democratic Solidarity (LIBERTAD) Act*" seems to be achieving a modicum of results. *Advisory* letters have now been sent to two European companies (Sol Melia and LTI International hotel chains) who are believed to be trafficking in confiscated property the claim to which is owned by American nationals. In accordance with a reading of its own guidelines, the State Department has asserted a cloak of "confidentiality" over the "records related to the *determination of ineligibility or excludability*" under Title IV, whereby, it has become difficult for the Congress, let alone the public, to obtain information pertaining to its enforcement actions against traffickers. The Congressional pressure comes from the chairmen of the Senate Foreign Relations Committee and the House International Relations Committee. Senator Jesse Helms, chairman of the Foreign Relations Committee, has refrained from holding confirmation hearings for Peter Romero, the *Acting* Assistant Secretary of State for Western Hemisphere Affairs, and Michael Ranneberger, the former Coordinator for Cuban Affairs whose White House nomination to become ambassador to the African nation of Mali remains on hold. In effect, the longer the State Department takes to do its job and enforce the law, the longer it will be before either Romero or Ranneberger attend their confirmation hearings. Largely through a process of calculated bureaucratic delay, the State Department has managed over the past two years to please the White House and simultaneously anger the Congressional committee chairman by blocking, within the IWC process or Interagency Working Group, any U.S. government decision with regard to Title IV enforcement. Spanish hotel firm Sol Melia, S.A. received an "advisory" letter from the State Department on July 30th (USCPR, Vol. 6, No 8) informing them that their joint venture with the Cuban government "is the subject of an investigation under Title IV and that its officers, principals, and controlling shareholders could be excluded from the United States if that company is indeed trafficking in confiscated property." The letter from chairmen Helms and Gilman addressed to Romero dated September 15th (reprinted below) emphatically states that these "matters should have been dealt with months ago." The letter concludes with a request for "any such material relating to subsequent consideration of these Title IV cases." On September 7th, a second "advisor" letter was issued by the State Department.

▪ Helms and Gilman Urge LIBERTAD Title IV Guidelines Compliance.....	1
▪ Senior Cuban Intelligence Operative Set to be Posted in Washington.....	5
▪ Mack Presses Clinton Administration on Anti-Terrorism Commitment.....	7
▪ Property Claims Won't be Resolved by Lifting Embargo Says Cuban Official.....	8
▪ Lone Star Industries Acquired by Dyckerhoff of Germany.....	9

U.S. Cuba Policy Report - Vol. 6, No. 9

HELMS-GILMAN LETTER TO ROMEROCongress of the United States
Washington, DC 20515

September 15, 1999
The Honorable Peter Romero
Assistant Secretary of State for
Western Hemisphere Affairs (Acting)
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520
Dear Mr. Secretary:

We regret the necessity of reminding you, to whom the responsibility was delegated by the Secretary of State for making determinations of excludability and visa ineligibility under Title IV of the *Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996* (Public Law 104-114), of matters that should have been dealt with months ago.

Under the law, you are required to exercise this responsibility in compliance with the "Guidelines Implementing Title IV of the Cuban Liberty and Democratic Solidarity Act," published in the *Federal Register* on June 17, 1996, and which have not been amended or superseded.

Paragraph 3 of the Guidelines states: "Determinations of ineligibility and excludability under Title IV will be made when facts or circumstances exist that would lead the Department reasonably to conclude that a person has engaged in confiscation or trafficking." (Emphasis added).

Paragraph 6(a) provides: "An alien who may be the subject of a determination under Title IV will be sent a notification by registered mail... that he/she will be denied a visa upon application or have his/her visa revoked 45 days after the date of the notification letter. The alien will be informed that divesting from a 'trafficking' arrangement would avert the exclusion." (Emphasis again added).

Paragraph 6(b) further provides that, "If no information is received within the 45 day period above that leads the Department reasonably to conclude (i) that the alien or company involved has not engaged in trafficking or (ii) that an exception to trafficking... applies, the Department will notify consular officers and the Immigration and Naturalization Service (INS) of a determination by entering the alien's name, including the names of the alien's agents, spouse, and minor children, if applicable, in the appropriate lookout system, and a visa application from the named alien will be denied or a visa revoked in accordance with the law." (Emphasis again added).

Members of our Committee staffs have been informed that on July 30th the Department of State sent a

letter to a Spanish hotel firm (identified by the *Miami Herald* as Sol Meliá) notifying that company that it is the subject of an investigation under Title IV and that its officers, principals, and controlling shareholders could be excluded from the United States if that company is indeed trafficking in confiscated property.

Indeed, an officer of that company was informed of this pending inquiry on July 2nd of this year in a telephone call by then director of the State Department's Office of Cuban Affairs, Michael Ranneberger.

Our Committee staffs have been assured by you and by Mr. Ranneberger that you were fully briefed as each of these steps were taken in this case. Logic leads to the conclusion that the July 2nd telephone call and the July 30th letter were initiated only after you, as the responsible officer, reasonably concluded that the company in question is guilty of trafficking. Moreover, Secretary of State Albright could not have been clearer when she told the Senate Foreign Relations Committee in a February hearing, "[A]uthority for implementing Title IV rests with the Assistant Secretary."

Mr. Secretary, the law, the guidelines, and the policy are clear. Once you are presented with information that leads you "reasonably to conclude" that a company is trafficking in confiscated U.S. property, you *must* to suspect that company. The law and guidelines do not permit any discretion to grant a "grace period" during which the trafficker can seek the rightful owner's permission for using such property.

As key authors of the LIBERTAD act we now insist that you faithfully execute the law. In addition, we urge that you make certain that the Department of State provide to our respective Committees the following material:

- Copies of any letters (apparently sent in lieu of notification letters under section 6(a) of the Title IV Guidelines) to hotel firms since July 1, 1999.
- Copies of any cables, memoranda, legal opinions, electronic mail messages, or other documents (including but not limited to diplomatic notes) relevant to the decision to contact these hotel firms recently, and any such material relating to subsequent consideration of these Title IV cases.

Please favor each of us with a prompt reply.

Sincerely,
Jesse Helms
Benjamin Gilman

PROPERTY OWNER SENDS LIABILITY LETTERS TO TRAFFICKERS

The *advisory* letter sent to a second company on September 7th was issued by the State Department to LTI International Hotels of Dusseldorf, Germany regarding their joint venture with the Cuban state corporation Gaviota, S.A. at the Costa Verde Beach Resort at "Playa Pesquera" near Playa Guardalavaca located in Holguin Province. While a copy of the State

U.S. Cuba Policy Report - Vol.6, No.9

SENIOR CUBAN INTELLIGENCE OPERATIVE SET TO BE POSTED IN WASHINGTON

Although Fernando Garcia Bielsa has yet to be granted a visa to enter the United States to assume permanent duties at the Cuban Interests Section in Washington, under White House pressure, the State Department has given its approval. In his letter to Secretary of State Albright, reprinted below, Senate Foreign Relations Committee Chairman Jesse Helms calls Garcia Bielsa "a notorious Cuban intelligence operative" who is "known for his support of terrorism and espionage." An official of the Cuban Communist Party Central Committee's 'America Department' (DA) from November 1975 to December 1978, Garcia Bielsa worked for the organization that trained, built, and unified active terrorist organizations throughout Latin America and the Caribbean including the MIRA (1969), FALN (1974), Los Macheteros (1974) and other Puerto Rican separatist groups hostile to the United States. From October 1977 to May 1980, Garcia Bielsa served in the Cuban Ministry of Foreign Relations where DA officials occupy key positions. Testimony by Daniel James, before the U.S. Senate Subcommittee on Security and Terrorism on March 12, 1982, revealed that in early 1974 the "FALN was organized by a Puerto Rican agent of Cuban intelligence" named Filiberto Ojeda Rios "operating under cover of the Cuban Mission to the United Nations" in New York City. MIRA, the FALN predecessor, is "credited with 35 [bombings] in New York alone in 1970." The FALN is responsible for death threats against the life of President Reagan and other high-level U.S. government officials in the 1980s. FALN and Los Macheteros acts of terrorism on U.S. soil have included: the bombing of Frances Tavern in Manhattan in 1974 injuring dozens and killing four; the 1979 attack on a U.S. Navy bus in Puerto Rico killing two sailors while injuring ten others; the destruction of nine U.S. jet fighters in San Juan in 1981; an attack on a Wells Fargo office in Connecticut netting \$7.2 million in 1983; and, numerous attacks on federal buildings in Puerto Rico from 1983-85. President Clinton announced on August 11th the pardon of 16 FALN terrorists serving prison terms. Both the Cuban Mission to the UN in New York and the Interests Section in Washington are known to be covers for Cuban intelligence and security agents who perform few traditional diplomatic functions. Garcia Bielsa's posting in Washington would permit him to occupy a new position at the Interests Section rather than to rotate with someone in an existing position in true diplomatic fashion at a time when Havana is mounting a major campaign to have the Clinton administration lift the economic and trade embargo against Cuba.

HELMS LETTER TO ALBRIGHT

United States Senate
Committee on Foreign Relations
Washington, D.C. 20510-06225

September 21, 1996
The Honorable Madeline Albright
U.S. Secretary of State
2050 C Street, N.W.
Washington, D.C. 20505
Dear Madam Secretary:

I was surprised -- a better word would be, dismayed -- at reports that the Department of State may allow a notorious Cuban intelligence operative, Fernando Garcia Bielsa, to be posted at the Cuban Interests Section in Washington -- just as 12 Puerto Rican terrorists are freed from prison and 10 Cubans go to await trial for murder and espionage in U.S. Federal court.

The American people will be outraged if and when they learn that a Cuban operative, known for his support of terrorism and espionage, is allowed to set up shop in Washington.

Is it not imperative that the views of the Federal Bureau of Investigation be respected in the decision regarding a U.S. visa being granted to Garcia?

For my personal appreciation, I am including the Foreign Relations Committee with copies of the following questions:

1. Has any representative of the Department of Justice or the FBI at any time raised objections to, or expressed concerns about, granting of a visa to Fernando Garcia Bielsa?
2. Has any representative of the Department of Justice or the FBI provided any information to the State Department regarding Garcia Bielsa's past U.S. espionage or terrorism activities? Did that information affect his contact with Puerto Rican terrorist or so-called "nationalist" groups?
3. In the wake of the 1982 Cuban spy scandal and the resulting transfer of biometric data to the Department of State provided from the United States list of the Cuban personnel whom the FBI identified as having had contact with the national spies, are any such persons in the United States today?
4. Finally, I respectfully request your personal assurance that any persons meeting contact with terrorist groups -- particularly "Third World" "nationalist" or other US-based groups -- will be excluded from entering the United States.

Many thanks and best personal wishes.

Sincerely,
Jesse Helms

U.S. Cuba Policy Report - Vol. 6, No. 9

MACK PRESSES CLINTON ADMINISTRATION ON ANTI-TERRORISM COMMITMENT

Senator Connie Mack (R-FL) continues to press the Clinton administration on its apparent commitment to fight terrorism particularly when it involves acts against American citizens abroad. Two specific cases stand out in the midst of the administration's controversial actions since the passage of the *Anti-Terrorism and Effective Death Penalty Act of 1996* (28 USC 1605 Sec. (a)(7)) that President Clinton signed into law following the February 24, 1996 showdown by Cuban MiG jets of two unarmed, civilian Brothers-to-the-Rescue (BTTR) planes flying over international waters in the Florida Straits which took four lives (see USCPR, Vol. 3, No. 3). On October 2, 1996, President Clinton directed the Secretary of the Treasury to vest Cuban assets maintained in blocked accounts for the purpose of compensating the BTTR victims' survivors. The families of the BTTR victims and of Alisa Flatow have subsequently won multi-million dollar judgments in separate U.S. federal court cases against the governments of Cuba and Iran, respectively, under the Anti-Terrorism Act. The Flatow family of New Jersey sued the government of Iran for terrorist acts that led to the death of their daughter, a student, while visiting Israel in 1995. Although the Anti-Terrorism Act amended the *Foreign Sovereign Immunities Act of 1976* allowing suits against foreign governments and their political subdivisions, another bill signed into law (the Omnibus Appropriations Act of 1999) by the president on October 21, 1998 contained a provision, Section 117, permitting victims of terrorism to execute their court judgments against the assets of terrorist states held in the United States. But, no sooner had the ink dried when President Clinton exercised his waiver

authority that same day thereby invoking "national security" effectively denying the Flatow and BTTR families from attaching Cuban and Iranian assets (see USCPR, Vol. 5, No. 11). Congressional debate over Section 117 assured "that the intent and purpose of the *Anti-Terrorism and Death Penalty Act of 1996* is dutifully implemented and is not circumvented to benefit terrorist regimes and pariah states to the detriment of American citizens." Section 117, according to the president's National

Security Adviser Samuel R. Berger, "provides that certain private claimants may execute judgments by attaching blocked assets of terrorist-list countries. It would also allow attachment of blocked diplomatic property, despite other U.S. laws and treaty obligations." Following the president's Section 117 waiver, Senators Graham (D-FL) and Mack called on the president "to reconsider his action, in the name of fighting against international terrorism." In the Postal and Treasury Department's Appropriations bills for FY 2000, Mack inserted a provision clarifying Section 117 to limit the president's power, but it was later removed. On September 28th, Mack questioned the White House's intentions on *NPR's Morning Edition*: "The message is a very confused one. Are we really committed in fighting terrorism? Is there going to be a price to pay by a country that's involved in terrorist activities? The administration wants to say yes, but their actions seem to say no," declared Mack. Following the announcement by President Clinton offering pardons to 16 Puerto Rican FALN terrorists serving prison terms, (see page 5) Mack declared, "Not only did he release 16 people in jail, he's now protecting the assets of terrorist countries."

"Not only did he
release 16 people in
jail, he's now
protecting the assets
of terrorist
countries."

Senator Connie Mack

SHORT TAKES

LONE STAR INDUSTRIES ACQUIRED BY DYCKERHOFF OF GERMANY -- Stamford, Connecticut based cement producer, Lone Star Industries, announced on September 2nd it is entering into a "definitive merger agreement" providing for its acquisition by the Dyckerhoff entrepreneurial group of Amoenburg, Germany. Dyckerhoff chairman, Peter Rohde, said the acquisition "establishes critical mass in the important North American market, and provides a strong platform for future growth." In the deal, Dyckerhoff, described as "one of the leading cement and building materials companies in Europe," will acquire Lone Star's U.S. operations along with its certified Cuban claim consisting of the cement plant located in Mariel and other Cuban properties. Lone Star chairman, David Wallace, who also serves as chairman of the Joint Corporate Committee on Cuban Claims an "organization whose membership is comprised of corporations and individuals with claims against the government of Cuba," has called for the "settlement of American claims against Cuba before trade and diplomatic relations are restored." Wallace has expressed his concerns over the EU-U.S. Agreement of May 18th 1998 charging that the agreement "grandfathers existing investment and permits further investment in unlawfully confiscated property so long as no [European] government assistance is provided." The EU-U.S. Agreement has not been approved by the U.S. Congress.

U.S. DEPARTMENT OF ENERGY CLARIFIES CLOSE AND CONTINUING CONTACT WITH CUBAN NATIONALS -- In the wake of the Chinese espionage scandal at the Department of Energy's nuclear labs, a four-page internal clarification was issued last month regarding its policy dealing with "close and continuing contact" not unlike those guidelines already in effect at other U.S. intelligence operations such as the CIA, FBI, and Defense Intelligence. Close and continuing contact which may lead to a breach of national security includes romantic relationships, personal friendships, professional friendships, and Internet communications. The countries besides Cuba include: the republics of the former Soviet Union, China, Israel, India, Pakistan, North Korea, and Taiwan.

STATE DEPARTMENT SUBMITS FIRST ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM TO CONGRESS -- Pursuant to Public Law 105-292 cited as the *International Religious Freedom Act of 1998* passed in the 105th Congress, the State Department has issued, under the Bureau of Democracy, Human Rights, and Labor where the Office of Religious Freedom is located, on September 8th, the first annual report on religious persecution in a number of countries including Cuba. The more than 1000 page report, consisting of an executive summary and 194 reports, is available on the Internet from the State Department's web site located at www.state.gov. In its fact sheet, the State Department charges that "[t]otalitarian and authoritarian regimes remain determined to control religious belief and practice." Of Cuba, it states, "the Government monitors and controls religious institutions, including surveillance, infiltration and harassment, evictions from places of worship, and preventive detentions of religious activists." (see USCPR, Vol.4, Nos.3,11). This is of particular significance following Pope John Paul's 1998 visit.

U.S. COURT OF APPEALS TO HEAR SHERRITT CASE -- The U.S. Court of Appeals for the Eleventh Circuit will hear oral arguments in *Consolidated Development Corporation, et al., Appellants v. Sherritt, Inc.* (97-5726) scheduled for Friday, November 5th at the Federal Justice Building in Miami. The Canadian resource and mining company, Sherritt, Inc., spun off its Cuba investments creating Sherritt International in order to shield itself from litigation in anticipation of the passage of the *Cuban Liberty and Democratic Solidarity (LIBERTAD) Act*, also known as the Helms-Burton Act (see USCPR, Vol. 6, No.8). Certified claimant, Consolidated, led by Alberto Diaz-Masvidal, contends Sherritt, Inc. used its oil in Cuba and swapped it for nickel later processed in the United States.

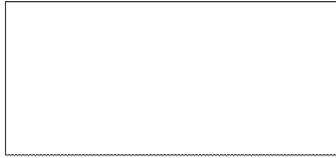
7329734

6
AKA
OOS
E

RELEASE IN PART B6

Sept. 25, 2000

200019895



B6

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 [redacted]

[redacted]

[redacted] At that briefing, officials confirmed that they had, indeed, given my father money to funnel to counter-insurgency forces.

B6

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

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 [redacted] 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.

B6

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.

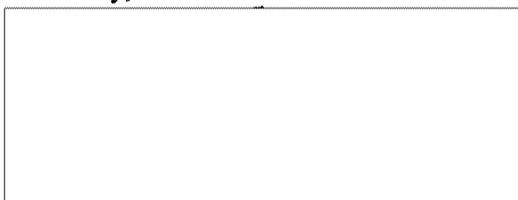
And now I am asking you.

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,



B6

FILED 2019



United States Department of State

RELEASE IN
PART B6

Washington, D.C. 20520

Dear

B6

Thank you for your March 9, 2001, letter regarding legislation enacted last year to help certain terrorism victims satisfy judgments obtained in U.S. courts against state sponsors of terrorism. You questioned why these particular victims were 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. You also asked what steps your family should take to secure its position for the receipt of funds to satisfy its claims against the Government of Cuba.

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

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. Congress then 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

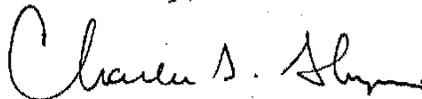
Committee on the Judiciary Subcommittee on Immigration and Claims. As they stated in their joint testimony on June 20, 2000:

[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 Alejandro, 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,



Charles S. Shapiro
Coordinator for Cuban Affairs

Enclosure:

Correspondence returned.

Drafted: L/CID:PChabora
Docs Open 91501
4/4/01 x6-8440

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

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

RELEASE IN
PART B6

DEPARTMENT OF STATE
2001 MAR -9 A 11: 51

RE: Claim CU-0697 against the Government of the Cuba
The [redacted] Family

B6

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 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, [redacted] 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?

B6

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.

Though I was born in Cuba to U.S. Parents, I (as well as three of the children) were all registered within three days of birth at the U.S. Embassy in Havana, Cuba. My oldest, [redacted] was born in the United States. These Cuban-Americans became U.S. citizens many years later.

B6

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 \$11,000,000 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]

RELEASE IN PART B6

Dear Senator Mack:

Thank you for your letter of June 14, regarding the inquiry of [redacted] with respect to a briefing held by Assistant Secretary of State for Economic and Business Affairs Alan Larson on October 14, 1998, for parties with claims against the Cuban Government, certified by the U.S. Foreign Claims Settlement Commission ("FCSC").

Subsequent to her letter to Assistant Secretary Larson, Robert Watts of the Office of Investment Affairs of the State Department Bureau of Economic and Business Affairs e-mailed [redacted] per her request, to provide her with a summary of the meeting. He explained that at the October 14 meeting, attended by about 30 claimants, Assistant Secretary Larson discussed the May 18 "Understanding with Respect to Disciplines for the Strengthening of Investment Protection" between the U.S. and the EU. He stressed that the Understanding will do more to advance the objectives of the Libertad (Helms-Burton) Act than the U.S. can do acting alone. Assistant Secretary Larson also pointed out that for the first time, the EU has joined us in advancing a unified policy that it is wrong to invest in property that was expropriated in contravention of international law. The EU has also, for the first time in Castro's reign, condemned his expropriations as violations of international law.

Under the terms of the Understanding, in order for the EU to implement its disciplines, the Administration has committed to obtaining the authority to waive the provisions of Title IV of the Libertad Act for those countries participating in the disciplines. Ambassador Larson noted in the briefing that we continue to work with Congressional staff to resolve doubts they have about the meaning of the Understanding. We want to work with the Congress to craft an amendment to Title IV of the Libertad Act that will implement the United States commitment under the Understanding in a manner that instills Congress's confidence.

[redacted] also showed concern about activities resulting from the President's January 5 announcement, such as the baseball games, and was afraid they put her claim "at risk." The claim of [redacted] which [redacted] represents, is one of the 5,911 awards, currently worth more than \$6 billion, certified by the FCSC as part of its Cuban Claims Program. The FCSC certified these awards in the anticipation that the certified claims would serve as the basis for a claims settlement negotiation with the Government of Cuba at an appropriate time. The United States remains committed to achieving a satisfactory resolution of these claims.

I hope that this information is helpful to you in your reply to
[redacted] Please do not hesitate to contact us again if we can
provide additional assistance.

Sincerely,

Barbara Larkin
Assistant Secretary
Legislative Affairs

B6

SEOIA/SEEXPO/HELMS-BURTON 98-99/Cong. On Briefing on Understanding

Drafted: EB/IFD/OIA:R Watts x 64012

Cleared: EB/IFD/OIA:W Scholz

EB/IFD:B Griffiths

L/EB:J Donoghue

L/CID:H Schildge

WHA/CCA:R Featherstone

WHA/CCA:A Claster

H:J Wilson



FT. MYERS

JUN 04 1999

June 2, 1999

Mrs. Patty Pettus
Fort Myers Regional Office
1342 Colonial Boulevard, Suite 27
Fort Myers, Florida 33907

RELEASE IN PART
B6.

Dear Mrs. Pettus,

Senator Connie Mack gave me your name back in November 1998 in response to my letter of November 9, 1998 sent to Alan P. Larson, at the Department of State.

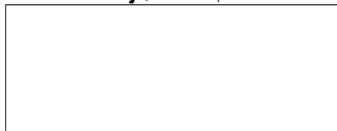
As of today's date, I have never received an answer from the U.S. Department of State concerning the meeting held in October 1998 concerning Certified Claimants against the Cuban Government.

As you can imagine my concern when I see this administration allowing such "friendly" events as ball games with the illegal government of Fidel Castro. Our claims seem to be at risk here. Senator Mack has always been very helpful in obtaining information for me and my family and I appreciate being able to contact you concerning this matter.

Any information you can obtain or suggestion of who else I should contact would be greatly appreciated. I will also mail a copy of this letter to Mr. Larson's office at the State Department.

Please contact me at your earliest convenience.

Sincerely,



cc: Alan P. Larson, Assist. Sec. of State

B6

B6

W 11-1
Rm. 6258A



United States Department of State

Washington, D.C. 20520

RELEASE IN PART B6

Dear Mr. Farr:

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

B6

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

1.701

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 *ER*
WHA/CCA: RJFeatherstone *RF*
L/WHA: IDias *ID*

JHH 6258A



United States Department of State

Washington, D.C. 20520

COMPLETED

JUN 2 1999

RELEASE IN PART B6

Dear Senator Cleland:

Thank you for your letter of April 12 concerning [redacted] family and the tragic loss of her father to a Cuban firing squad in 1961. [redacted] wrote to you to express her dissatisfaction with the settlement awarded by U.S. District Court decision in favor of the families of the Brothers to the Rescue pilots shot down over international waters by the Cuban air force in 1996 when thousands of other claims of U.S. nationals against the Cuban government remain outstanding.

We extend our heartfelt condolences to [redacted] and her family for the grief they have borne since her father's execution. We sincerely regret the additional pain caused by a State Department spokesperson's unconsidered remarks two years ago. It was not our intention to dishonor her father's memory, and we again offer her, and her family, our apologies for the emotional distress she experienced as a result of those remarks.

We hope that the following information will be useful to your office and to [redacted] in clarifying the context of the court's order. The U.S. Government has condemned Cuba's brutal act of shooting down the aircraft flown by the Brothers to the Rescue pilots. However, the Department of State does not support the judgments won by the families of the Brothers to the Rescue pilots through garnishment of payments to the Cuban telephone company for services rendered or blocked Cuban assets in the United States. Between December 1998 and February 1999, the U.S. Government filed three statements of interest in the U.S. District Court for the Southern District of Florida in Miami opposing such garnishments. Among the arguments the U.S. made in opposing such garnishments is that they would exhaust blocked Cuban assets in the U.S. and thereby unfairly diminish the chances of other U.S. claimants against Cuba from receiving compensation for their claims from blocked assets.

The Honorable
Max Cleland,
United States Senate.

2933-001

9900-2311

In 1996 the President directed ex gratia humanitarian payments of \$300,000 to each of the families of the victims from blocked Cuban assets. The President's decision was an exceptional one, intended to address the exceptional circumstances under which the four pilots died, and was in no way intended to suggest a lack of concern for the suffering of other claimants. No other payments from blocked Cuban assets in the U.S. have been made to claimants against the Government of Cuba. Cuba's assets in the U.S. remain blocked pursuant to U.S. law. Such blocking serves several important foreign policy objectives, including strengthening the hand of the U.S. Government in its efforts to resolve with a future transition or democratic government in Cuba all outstanding claims of U.S. nationals against Cuba.

Through its Cuban Claims Program conducted between 1965 and 1972, the U.S. Foreign Claims Settlement Commission (FCSC) certified the validity of 5,911 claims of U.S. nationals against the Government of Cuba. With interest, the value of these claims now totals nearly \$6 billion, an amount which dwarfs the approximately \$178 million in blocked Cuban assets in the U.S. Among these claims is the claim of [REDACTED] which the FCSC certified on June 23, 1971 in the amount of \$111,545.41, plus interest at six percent per annum from the respective dates of her various losses to the date of settlement of the claim. Also among these claims are the claims of the following members of [REDACTED] family which the FCSC has certified in the principal amounts indicated, plus interest at six percent per annum from the respective dates of the various losses to the date of settlement of the claims: [REDACTED] (\$674,965.36); [REDACTED] (\$81,545.40); [REDACTED] (\$93,545.41); [REDACTED] (\$102,545.41).

The FCSC's adjudication of these claims was intended to serve as a basis for any claims settlement negotiation with a government of Cuba that is amenable to such discussion. To date no such negotiation with the Government of Cuba has taken place, and therefore none of the claims certified by the FCSC has been settled.

B6

- 3 -

We will continue our efforts to encourage a peaceful transition to democracy in Cuba, and to seek the equitable resolution of all outstanding claims of U.S. nationals against the Government of Cuba.

Sincerely,

Barbara Larkin
Assistant Secretary
Legislative Affairs

- 4 -

Drafted By: WHA/CCA - Cbulkin/Kathie Baker 77505
SEARACCA/Consular Affairs/LTR Larkin Apr 29 (Cleland)

Cleared By: WHA/CCA - MRanneberger
WHA/CCA - Rwitajewski (ok)
WHA/CCA - GGriffin (ok)
NSC/Legal - Callen (OK)
L/CID - MMattler X68438(ok) *checked w/ NSC
L/LM - IDiaz (ok)
PA - Cbush (ok)

March 26, 1999

99 APR -6 PH 1:03



B6

Sen. Max Cleland
461 Dirksen Senate Office Building
Washington, DC
20510

RELEASE IN PART B6

Dear Senator Cleland,

Last week, the families of the men who were shot down over Cuba were granted by U.S. District Judge James Lawrence King 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 35 more years.

My father, [redacted] a U.S. citizen and former US 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.

B6

We had a private family briefing at Langley last year, a briefing arranged by the Director of Central Intelligence, whom I was fortunate to meet v [redacted]

B6

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

2311-3

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 only now that the State Department gave each of the families of the pilots \$300,000 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 78 years old and in a retirement community. I can't even begin to tell you what she has gone through since hearing of the recent cash award to the pilots' families.

Perhaps the [redacted] 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-eight years after my father's death, and given recent events, 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?

B6

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?

What do we need to do to see justice done?

Will you take a part in righting this wrong? I sure hope so. I will be happy to send you a copy of my family's Cuban Claims. If you need any further information, please let me know.

Sincerely,

A rectangular box with a thin black border, used to redact the signature of the sender.

B6