

will report periodically to the Congress on significant developments.

William J. Clinton

The White House,
March 11, 1996.

**Remarks on Signing the Cuban
Liberty and Democratic Solidarity
(LIBERTAD) Act of 1996**

March 12, 1996

Thank you very much. Welcome to the White House. Senator Helms, Senator Gramm, Senator Mack, Senator Lautenberg, Senator Coverdell, Congressman Menendez, Congressman Torricelli, Congressman Diaz-Balart, Congresswoman Ileana Ros-Lehtinen, Congressman Deutsch, Congressman Burton, Congressman Kennedy—I hope I haven't missed any Members of Congress who are here—to the family members of those who were tragically shot down, Ambassador Albright, Assistant Secretary Watson, my fellow Americans.

We are here today around a common commitment to bring democracy to Cuba. Two and a half weeks ago, the world received a harsh reminder of why a democratic Cuba is so important, not only to us but to the people of Cuba. In broad daylight and without justification, Cuban military jets shot down two unarmed United States civilian aircraft causing the deaths of three American citizens and one U.S. resident. The planes were unarmed, the pilots unwarned. They posed no threat to Cuba's security.

This was clearly a brutal and cruel act. It demanded a firm, immediate response. On my instructions, Ambassador Albright convened the United Nations Security Council which unanimously deplored Cuba's actions. Dozens of countries around the world expressed their revulsion. Cuba's blatant disregard for international law is not just an issue between Havana and Washington but between Havana and the world.

I ordered also a number of unilateral actions. One of those steps was to have my representatives work closely with Congress to reach prompt agreement on the Cuban Liberty and Democracy Solidarity Act. Within 2 days, and with the extra efforts of our

friend, Congressman Menendez, Democrats and Republicans came together and produced a better bill. It will strengthen the embargo in a way that advances the cause of freedom in Cuba.

Today I sign it with a certainty that it will send a powerful, unified message from the United States to Havana, that the yearning of the Cuban people for freedom must not be denied. This bill continues our bipartisan effort to pursue an activist Cuba policy, an effort that began some 4 years ago with the Cuban Democracy Act.

Under the provisions of that legislation, our administration has encouraged Cuba's peaceful transition to democracy. We have promoted the free flow of ideas to Cuba through greater support for Cuba's brave human rights activists, a dramatic increase in non-governmental humanitarian aide to the Cuban people, long distance telephone service. And the more the Cuban people are free to express the freedoms and rights their neighbors enjoy the more they will insist on change.

We have also kept the pressure on Cuba by maintaining a tough embargo policy. The legislation I sign today further tightens that embargo. It sends a strong message to the Cuban Government. We will not tolerate attacks on United States citizens and we will stand with those both inside and outside Cuba who are working for a peaceful transition to freedom and democracy.

Finally let me say as I sign this bill into law, I do so in the name of the four men who were killed when their planes were shot down on February the 24th: Armando Alejandro, Carlos Costa, Mario de la Peña, and Pablo Morales. In their memory, I will continue to do everything I can to help the tide of democracy that has swept our entire hemisphere finally, finally reach the shores of Cuba.

The Cuban people must receive the blessings of freedom they have been so long denied. And I hope and believe that this day is another important step toward that ultimate goal that so many of you in this audience have worked so hard for, for so very, very long.

Thank you very much.

NOTE: The President spoke at 10:37 a.m. in Room 450 of the Old Executive Office Building. H.R. 927, approved March 12, was assigned Public Law No. 104-114.

Statement on Signing the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996

March 12, 1996

Today I have signed into law H.R. 927, the “Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996.” This Act is a justified response to the Cuban government’s unjustified, unlawful attack on two unarmed U.S. civilian aircraft that left three U.S. citizens and one U.S. resident dead. The Act imposes additional sanctions on the Cuban regime, mandates the preparation of a plan for U.S. assistance to transitional and democratically elected Cuban governments, creates a cause of action enabling U.S. nationals to sue those who expropriate or “traffic” in expropriated properties in Cuba, and denies such traffickers entry into the United States. It is a clear statement of our determination to respond to attacks on U.S. nationals and of our continued commitment to stand by the Cuban people in their peaceful struggle for freedom.

Immediately after Cuba’s brutal act, I urged that differences on the bill be set aside so that the United States could speak in a single, strong voice. By acting swiftly—just 17 days after the attack—we are sending a powerful message to the Cuban regime that we do not and will not tolerate such conduct.

The Act also reaffirms our common goal of promoting a peaceful transition to democracy in Cuba by tightening the existing embargo while reaching out to the Cuban people. Our current efforts are beginning to yield results: they are depriving the Cuban regime of the hard currency it needs to maintain its grip on power; more importantly, they are empowering the agents of peaceful change on the island. This Act provides further support for the Administration’s efforts to strengthen independent organizations in Cuba intent on building democracy and respect for human rights. And I welcome its call for a plan to provide assistance to Cuba

under transitional and democratically elected governments.

Consistent with the Constitution, I interpret the Act as not derogating from the President’s authority to conduct foreign policy. A number of provisions—sections 104(a), 109(b), 113, 201, 202(e), and 202(f)—could be read to state the foreign policy of the United States, or would direct that particular diplomatic initiatives or other courses of action be taken with respect to foreign countries or governments. While I support the underlying intent of these sections, the President’s constitutional authority over foreign policy necessarily entails discretion over these matters. Accordingly, I will construe these provisions to the precatory.

The President must also be able to respond effectively to rapid changes in Cuba. This capability is necessary to ensure that we can advance our national interests in a manner that is conducive to a democratic transition in Cuba. Section 102(h), concerning the codification of the economic embargo, and the requirements for determining that a transitional or democratically elected government is in power, could be read to impose overly rigid constraints on the implementation of our foreign policy. I will continue to work with the Congress to obtain the flexibility needed if the United States is to be in a position to advance our shared interest in a rapid and peaceful transition to democracy in Cuba.

Finally, Title IV of the Act provides for the Secretary of State to deny visas to, and the Attorney General to exclude from the United States, certain persons who confiscate or traffic in expropriated property after the date of enactment of the Act. I understand that the provision was not intended to reach those coming to the United States or United Nations as diplomats. A categorical prohibition on the entry of all those who fall within the scope of section 401 could constrain the exercise of my exclusive authority under Article II of the Constitution to receive ambassadors and to conduct diplomacy. I am, therefore, directing the Secretary of State and the Attorney General to ensure that this provision is implemented in a way that does not interfere with my constitutional prerogatives and responsibilities.