

RELEASE IN PART B1,1.4(B),1.4(D),B5,B6

From: Mills, Cheryl D <MillsCD@state.gov>
Sent: Friday, February 19, 2010 6:54 PM
To: H
Subject: FW: preliminary report - UPDATE

Classified by DAS, A/GIS, DoS on 02/29/2016 ~ Class: CONFIDENTIAL ~ Reason: 1.4(B), 1.4(D) ~ Declassify on: 02/19/2025

fyi

From: Kennedy, Patrick F
Sent: Friday, February 19, 2010 6:12 PM
To: Mills, Cheryl D
Subject: RE: preliminary report - UPDATE

Cheryl

You should have received this directly, but am pasting it in as it has the latest

Not sure that there is anything that we can do, except let time role
The Governor appears unwilling to change
Maybe the potential NYT story will slow him down

Regards

Pat

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From: Bond, Michele T
Sent: Friday, February 19, 2010 5:17 PM
To: Klevorick, Caitlin B; Toiv, Nora F
Cc: Mills, Cheryl D; Kennedy, Patrick F
Subject: FW: SITREP on orphan issue

Caitlin/Nora – although the decision has not been finalized, Gov Rendell has probably figured out that the 12 children from the Bresma orphanage will not be approved for humanitarian parole. His staff is stating that one of the orphans slated to go to the U.S. has died “within the last few days.” I understand that a child at the Bresma orphanage died within the last couple of weeks; that child, reportedly, had been matched with a French adoptive family. In any event, Gov. Rendell is pushing very hard for the USG to permit the children to travel, and dismissing our reasons for not having done so as “bureaucratic.”

Sec. Napolitano’s special assistant, Noah Kroloff, has suggested that Secretary Clinton may need to call the Governor. I sent an update on the issue this morning (at 1015); nothing has changed since. Please let me know what I could provide right now that would be helpful. Michele

From: Ryan, Evan M.
To: McGrath, Shaun L.; Marcozzi, David E.; Atkin, Thomas F.; Reed, Richard A.; Stirling, Jeffrey B.; Bailey, Kevin; Kendall, Sarah M.; Shapiro, Nicholas S.; Blinken, Antony J.
Cc: Avery, Heidi E.; McKeon, Brian P.; Munoz, Cecilia; Strautmanis, Michael

Sent: Fri Feb 19 16:59:41 2010
Subject: RE: SITREP on orphan issue

According to Noah Kroloff at DHS who spoke w a Rendell confidante, the only person who may be able to back Rendell off is Secretary Clinton. Has anyone looped Cheryl Mills in on this issue?

From: McGrath, Shaun L.
Sent: Thursday, February 18, 2010 5:35 PM
To: McGrath, Shaun L.; Marcozzi, David E.; Atkin, Thomas F.; Reed, Richard A.; Stirling, Jeffrey B.; Bailey, Kevin; Kendall, Sarah M.; Shapiro, Nicholas S.
Cc: Avery, Heidi E.; McKeon, Brian P.; Ryan, Evan M.; Munoz, Cecilia; Strautmanis, Michael
Subject: RE: SITREP on orphan issue

Adding Brian and Evan from VP's office, and Cecilia and Straut in IGA.

I just spoke to Gov. Rendell, and he is strongly urging the WH/State Dept. to allow the orphans into the US. He claims Haitian Government has signed off on it, and US is now standing in the way. He is not open to the argument that we need to follow protocols, and claims we are being bureaucratic. He says if another orphan dies, it will be on us.

I would suggest that we need a high-level principal who knows the issue to call the Governor and explain the importance of our process. Probably, at least initially, [REDACTED] Sec. Napolitano, Raj Shah at USAID, or Cheryl Mills at State. If that does not calm things down, then perhaps a call from Valerie Jarrett or VP.

B5

Governor will be coming to DC on Saturday for NGA. Best if we can resolve this quickly, if possible.

Thoughts?

END OF PASTE

From: Mills, Cheryl D
Sent: Friday, February 19, 2010 4:27 PM
To: Kennedy, Patrick F
Subject: RE: preliminary report

Interesting – thanks – need anything from me? If so let me know so I call you

From: Kennedy, Patrick F
Sent: Friday, February 19, 2010 11:51 AM
To: Mills, Cheryl D
Subject: RE: preliminary report

Cheryl

No heat yet today

There follows

#1 – section from Michelle Bond's update ["Bresma" is name of the orphanage]

#2 – piece from Pittsburgh Gazette newspaper

Regards

Pat

#1 1.4(B)
1.4(D)
B1

Bresma

USCIS staff at the Embassy are compiling information about the 12 Bresma children and will report it to USCIS-HQ for evaluation. The USCIS staff are in contact by email with Ms. McCombs but have not asked her to return to the Embassy today.

The Prime Minister affirmed to the Ambassador during their meeting this morning that he wants to stick with the current protocol governing eligibility for adoptee humanitarian parole and will not propose a separate process for the 12 Bresma children. [redacted]

We should probably anticipate that if/when the PM makes any public statement about the case (or in any private communication with those pressing for approval of the Bresma children's applications), [redacted]

1.4(D)
B1

#2

Rescue bids had political overtones linked to congressional race
Sunday, January 24, 2010
By Dennis B. Roddy, Pittsburgh Post-Gazette

The early stages of efforts to rescue 54 Haitian orphans and bring them to Pittsburgh turned into a competition with political undertones, secret meetings and a possible foretaste of a coming congressional race.

Mary Beth Buchanan, the former U.S. attorney for Western Pennsylvania, opened a bid to extract the children and the sisters from Ben Avon who ran the BRESMA orphanage in Port-au-Prince.

Ms. Buchanan, who has been openly mulling a run for the Republican nomination to challenge incumbent Rep. Jason Altmire, D-McCandless, spent four days obtaining clearance for the children to enter the United States, medical supplies for the trip down and back, physicians to escort the children and -- in the final link that did not fall into place in time -- an airplane cleared to land in Haiti.

She said the organizer of the other rescue attempt, Leslie Merrill McCombs, a senior consultant for UPMC [University of Pittsburgh Medical Center], phoned and grilled her for information, obtained a

list of the children and ended up shipping medical supplies gathered as part of the Buchanan effort on the plane that carried Pennsylvania Gov. Ed Rendell and Mr. Altmire.

However the successful rescue was organized, it had the effect of short-circuiting Ms. Buchanan's effort and shifting attention to Mr. Altmire, a former UPMC lobbyist.

Ms. Buchanan said she started on Thursday, Jan. 14, two days after the quake, by contacting Jonathan Wander, a local writer who was close with the McMutrie sisters. He put her in touch with Diana Boni, who is in charge of Haiti adoptions for Kentucky Adoption Services, the company with legal standing to file a petition for asylum on behalf of the children.

Ms. Buchanan also enlisted Valerie May, a Pittsburgh immigration lawyer. With Ms. Boni, they assembled a three-part list: BRESMA children close to final adoption; those with prospective parents but whose adoptions were in the early stages; and children with no current prospects.

Ms. Buchanan also placed a call to an old friend: Dr. Mary Carrasco, director of A Child's Place, based at UPMC Mercy hospital. Dr. Carrasco, in turn, contacted Kathy McCauley, a grants consultant who had worked for foundations in the past. Ms. McCauley's job: assemble lists of medical supplies being gathered for the flight.

The dining room table of the Buchanan home in Fox Chapel became a makeshift headquarters. Bram Reichbaum, a local blogger, assisted as Ms. Buchanan worked a telephone and computer. She needed legal clearance to remove the children. She needed an airplane.

By the end of that day, she said, Joseph Klaus, U.S. Customs port director for Pittsburgh, said his supervisors had given the go-ahead to grant humanitarian parole -- permission to enter the country as a refugee -- if the children reached Pittsburgh International Airport. By 10:57 a.m. on Friday, Jan. 15, she had an e-mail from Mr. Klaus confirming it.

Also that Thursday night, Ms. Buchanan said, she was in Ms. May's law offices Downtown when she returned a call from Ms. McCombs, a social acquaintance.

"She wanted me to know she was also working to save the orphans and she wanted to find out where I was in the process," said Ms. Buchanan, adding that she briefed Ms. McCombs.

When she offered Dr. Carrasco's contact information, she said, "I got, 'Well, I don't think I'm going to need that because this is going to be a UPMC effort.' "

Ms. Buchanan said she was thrown.

"I was frustrated at the belief this was a UPMC effort and they didn't need any others. It was clear to me that her message was UPMC wanted to handle this and they didn't want the assistance of Dr. Carrasco," she said.

Ms. Buchanan said Ms. McCombs also told her she had talked to the McMutrie family and "the family was going to fire the adoption agency."

"I tried to explain to her that the adoption agency was the legal guardian," Ms. Buchanan said.

Ms. McCombs, however, said Ms. Buchanan called and grilled her for details.

"She's very aggressively asking me what I'm doing," said Ms. McCombs. "So I told her I'd been working closely with the governor, who had been making this happen. I gave her some of the details, but not everything."

She also complained that Ms. Buchanan then gave statements to the media about the planned rescue. When next they spoke, Ms. McCombs said she raised that issue with Ms. Buchanan.

"She was extraordinarily upset with me and very, very rude on the phone. She said UPMC just wants all the credit," Ms. McCombs said.

As Jamie McMurtrie went before a Haitian judge to get clearance for the children to leave the country, Ms. Buchanan's group was lining up a plane. Officials at United Airlines in Chicago said they could provide a 160-seat airplane, but needed clearance to land in Haiti.

At the same time, lawyers at the May firm put together an application with the U.S. State Department on behalf of Ms. Boni and Kentucky Adoption Services, seeking permission to remove the children from Haiti. It included a list of names and personal data on the orphans they wanted to bring out.

Dr. Alan Russell, a surgery professor at the University of Pittsburgh who worked on the other plan, said he concluded that Ms. Buchanan's plan would not work while listening to her conversation with the McMurtrie family on the night of Friday, Jan. 15.

Dr. Russell said he did not believe Ms. Buchanan had a plane ready to land and that, despite her assurance that she had waivers for all the orphans to enter the United States, she had only 28.

"Listening in to the phone call I made an informed judgment that our team had secured both things and we needed to focus to use them. We never competed [with Ms. Buchanan], but we decided to be very careful about what we promised and we realized that the situation was so fluid that the 'facts' were changing continuously. We did not have time for local politics because the important political dance had to be played out in Port-au-Prince," Dr. Russell said later.

"I just thought it was more likely that the plan that recognized the complexity of the mission and that could bring a real congressman [versus someone who was considering running against him] and a real governor was worth working on."

On Saturday, Jan. 16, the May law firm e-mailed a copy of the application and list to Ms. Buchanan. She called the May office and asked why Ms. McCombs also had received a copy.

"Leslie McCombs had contacted the law firm the day before and told them that she was working with us to help rescue the orphans," Ms. Buchanan said.

"The McMurtrie family had asked me to contact May Law Group," Ms. McCombs responded.

Ms. Buchanan assembled her group on Sunday afternoon in a meeting room at Buchanan Ingersoll, her husband's law firm. Present, she said, were Dr. Carrasco, Chad McMutrie, a brother of the two sisters, and members of the medical team being put together by Dr. Carrasco.

During the meeting, United Airlines called Ms. Buchanan to say it could not get in the air the next day, but would try for Tuesday. Ms. Buchanan said she went home.

"[Dr.] Carrasco called me and said she had been invited to another meeting that was being held by Leslie McCombs. She said she didn't know the purpose of the meeting," she said.

Ms. Buchanan said she also spoke with Ms. Boni that night.

"She had heard a rumor there was another group trying to get a flight out of Pittsburgh on Monday into Haiti and she asked me who Leslie McCombs was."

That night, Ms. McCombs presided at a meeting at the China Palace Restaurant in McCandless. Others who attended included Mr. Altmire and officials from UPMC, Allegheny County human services officials, Catholic Charities, as well as Dr. Carrasco.

Ms. Buchanan was not among those invited. The e-mail calling the meeting made it clear: the UPMC team had a plane. The meeting ended with instructions to keep things quiet, leak nothing to the media, and be at the airport the next morning.

Early Monday morning, Ms. Buchanan received phone calls from reporters: A plane was getting ready to leave Pittsburgh International.

From South Dakota, Ms. Boni e-mailed Ms. Buchanan, seemingly furious that Ms. McCombs and her group were about to go to Haiti. Later, Ms. Buchanan said, Ms. Boni attempted to relay phone calls to the plane saying she did not approve.

"My children," she wrote to Ms. Buchanan, "are not available for publicity stunts."

As Mr. Rendell was boarding the airplane, Ms. McCombs recalled, Mr. Altmire told her "this lady from the adoption agency is trying to stop our flight and saying we're kidnapping the children."

Ms. McCombs said she called Ms. Boni to tell her that U.S. authorities were backing the mission, but said Ms. Boni did not believe her.

Shortly before noon the airplane was in the air, heading south.

Ms. Buchanan pleaded with an Allegheny County youth services official to tell her what was going on. She said he referred her to UPMC's public relations department.

Ms. May, the immigration lawyer, did not figure out until Sunday night that she was working with two separate missions.

"I believed everyone involved was working to get those children out and everyone was genuinely concerned about the welfare of the children," she said. "It became evident that there was a political dynamic to this that no one had anticipated."

Ms. Boni, reached last week, called it "unfortunate" that she was kept unaware of the mission that included Mr. Rendell and Mr. Altmire. But, she said, "regardless of how it was done, it turned out right."

From: Mills, Cheryl D
Sent: Friday, February 19, 2010 9:45 AM
To: Kennedy, Patrick F
Subject: Re: preliminary report

Any further pushing come on this?

From: Kennedy, Patrick F
To: Mills, Cheryl D
Sent: Thu Feb 18 20:04:58 2010
Subject: FW: preliminary report

Cheryl

Update on the 12/twelve "new" children

Essentially they are really "new"

Regards

pat

From: Bond, Michele T
Sent: Thursday, February 18, 2010 8:00 PM
To: Jacobs, Janice L; Kennedy, Patrick F
Subject: preliminary report

Although the Governor's office believes all of these children were "in the adoption pipeline" before the earthquake, now that we have their names and USCIS has been able to run a preliminary check about them, they have found information on only two of the orphans. Although it is preliminary, the following information raises some questions.

From: Ruppel, Joanna [mailto:]
Sent: Thursday, February 18, 2010 7:27 PM
To: Mayorkas, Alejandro N; Kielsmeier, Lauren; Whitney, Reitz; Bond, Michele T
Cc: Steve, Bucher
Subject: Fw: The 12 BRESMA children at the Embassy now

B6

Thanks, Whitney. Ali, Lauren and Michele, just keeping you informed. Please note Whitney's information regarding these cases below. It is preliminary, but it is what we know so far.

Joanna

----- Original Message -----

From: Reitz, Whitney A
To: Ruppel, Joanna
Cc: Bannis, Pius D
Sent: Thu Feb 18 19:18:20 2010
Subject: The 12 BRESMA children at the Embassy now

Joanna,

Out of the 12 children listed who are at the Embassy now, we only have ever heard of 2 of them before.

The other 10 were not on any previous list of children given to us by BRESMA, nor are they in the database in any way. BRESMA had given us a complete list of all of its children on January 18, including those that were destined for France. None of these children match with any of those on the previous list except the two, and those two were not destined for France.

We have received one e-mail from a prospective parent for one of these children just today, stating clearly that the match occurred after January 12. I expect we'll get 8 more e-mails just like this one from the others PAPs in the near term.

The two children we have heard of before were on previous BRESMA lists as "waiting children".

W.

Whitney A. Reitz

Branch Chief, Programs

International Operations Division

USCIS/RAIO

Department of Homeland Security

202-272-1684