

Exchange Mail

DATE-TIME 01/10/2000 9:43:18 AM

FROM Hollis, Caryn C. (INTERAM)

CLASSIFICATION UNCLASSIFIED

SUBJECT Cuban Boy Guidance Update [UNCLASSIFIED]

TO Gobush, Matthew N. (PRESS)
Hammer, Michael A. (PRESS)
Hoelzer, Jennifer I. (PRESS/INTERN)
Huff, Lindsey E. (PRESS)
Leavy, David C. (PRESS)
Thinakaran, Prabhath (PRESS/INTERN)
Wozniak, Natalie S. (PRESS)
Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Kale, Dora A. (MULTI)
Mclean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Patten, Wendy L. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)
Avery, Dale R. (INTERAM)
Hollis, Caryn C. (INTERAM)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)
Valenzuela, Arturo A. (INTERAM)
Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
Burrell, Christina L. (LEGIS)
Lackey, Miles M. (LEGIS)
Shapiro, Daniel B. (LEGIS)
Tavlarides, Mark J. (LEGIS)

CARBON_COPY

TEXT_BODY

All, This has been worked and coordinated with Wendy Patten from Multi.

TRANSLATED_ATTACHMENT

000110Cuban boy_.doc
CUBAN BOY
January 10, 2000

CONTEXT: INS's decision that Elian Gonzalez should be reunited with his father has met with criticism from numerous quarters. Lazaro Gonzalez, Elian's great uncle, filed a petition for temporary custody of the boy with Miami Dade Circuit Court on January 7 which will be ruled on early this week. Late January 7 Representative Dan Burton (R-IN) issued a subpoena for Elian to appear before the House Government Reform Committee on 10 February. In subsequent interviews, Burton claimed that his intent was not to have Elian testify but to keep him in the United States past the INS declared January 14 deadline. He added that his intent was to ensure that the case would be decided by a Florida court and that he would respect the decision of that court with regard to custody of Elian. A delegation from Miami, --the Mayors of Miami and Dade County, along with a lawyer for the boy and a representative from the Cuban American National Foundation---met with the Attorney General on January 7 to register their objections to the INS decision. Senator Bob Smith (R-NH) visited Elian on January 8 and announced his intention to ask the Attorney General to drop the Friday deadline. The January 10 protest planned to shut down Miami International Airport has been postponed.

What is the INS decision in the Elian Gonzalez case?

* INS determined that Elian's father, Juan Gonzalez, has sole authority to speak on his son's behalf regarding his immigration status in this case. Mr. Gonzalez has asked that his son be returned to Cuba.

Gov. Bush of Florida is appealing to the President to overturn the INS decision.

Will he do that?

* As the President has said, this was a legal, not a political decision. The decision was made by the appropriate legal authority within the U.S. government - the INS. INS followed the law and its procedures in determining that the boy's father speaks for the boy in immigration matters.

Was the decision to return Elian Gonzalez made so to appease Castro as reported in the January 6 edition of the New York Times?

* Let me repeat what the President said yesterday. This decision was a non-political decision made by the relevant officials at the Immigration and Naturalization Service in consultation with the Department of Justice based on the facts of the case and in conformity with the law and with INS rules and procedures.

Were the political implications of the decision discussed at the senior levels?

* White House officials did not seek to, nor did they, influence the outcome of this decision, which, let me reiterate, was made solely by the responsible authorities following the law and INS rules and procedures.

Are U.S. officials concerned about the reaction of the Cuban American community in Miami?

* We understand that for many this is an emotional issue, but it is our hope that the Miami community will remain peaceful in order to allow the legal process to work its course in this matter.

Representative Dan Burton (R-IN) issued a subpoena for Elian to appear before the House Government Reform Committee on 10 February; will that prevent Elian from

returning to his father by the INS deadline of January 14?

* It would be inappropriate for me to discuss this matter. I refer you to the Department of Justice.

How will the filing of the custody petition in State Court affect the INS decision?

* The Justice Department is reviewing this issue and I would I refer you to them for response.

Exchange Mail

DATE-TIME 01/10/2000 9:49:26 AM
FROM Shapiro, Daniel B. (LEGIS)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Cuban Boy Guidance Update [UNCLASSIFIED]
TO Hollis, Caryn C. (INTERAM)

CARBON_COPY Burrell, Christina L. (LEGIS)
Lackey, Miles M. (LEGIS)
Shapiro, Daniel B. (LEGIS)
Tavlarides, Mark J. (LEGIS)

TEXT_BODY Caryn -- This is fine, substantively -- no concerns. In the future, though, please try to get Leg. Affairs concurrence/clearance on anything that has a Congressional angle (i.e., in this case, Burton). Thanks.
-- Dan

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

From: Hollis, Caryn C. (INTERAM)

Sent: Monday, January 10, 2000 9:43 AM

To: @PRESS - Public Affairs;

@MULTILAT - Multilateral and Humanitarian Affairs; @INTERAM - Inter-American;

@LEGAL - Legal Advisor; @LEGISLAT - Legislative Affairs

Subject: Cuban

Boy Guidance Update [UNCLASSIFIED]

<< File: 000110Cuban boy_.doc

>>

All, This has been worked and coordinated with Wendy Patten from Multi.

Exchange Mail

DATE-TIME 01/10/2000 9:15:51 PM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT Update on Elian Gonzalez [UNCLASSIFIED]

TO Bradtke, Robert A. (EXSEC)
Crocker, Bathsheba N. (NSA)
Gire, Cynthia L. (EXSEC)
Gray, Wendy E. (NSA)
Jacobson, Tracey A. (ADMIN)
Joshi, M. Kay (EXSEC)
Millison, Cathy L. (EXSEC)
Moretz, Sheila K. (NSA)
Patterson, Pamela L. (NSA)
Rudman, Mara E. (NSA)
Sargeant, Stephen T. (EXSEC)
Scott-Perez, Marilyn L. (NSA)
Storey, Sharon V. (NSA)
Sutphen, Mona K. (NSA)

CARBON_COPY Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Kale, Dora A. (MULTI)
McClean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Patten, Wendy L. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)
DeRosa, Mary B. (LEGAL)
Valenzuela, Arturo A. (INTERAM)
Hollis, Caryn C. (INTERAM)
Shapiro, Daniel B. (LEGIS)

TEXT_BODY Please pass to Jim. Thank you.

Jim,

A Florida state court judge ruled late today that a hearing on Elian's great uncle's petition for temporary custody will take place on March 6, and that emergency temporary custody pending the March hearing is awarded to the child's great uncle.

The judge further ordered that Elian may not be removed from the court's jurisdiction, and that the great uncle may exercise whatever limited legal authority is necessary to preserve the status quo and prevent the child's removal from the jurisdiction, including the authority to speak on behalf of Elian in immigration matters.

Mary

DeRosa and I just spoke to Justice. INS is not a party to the case. Justice does not as yet have a firm view of the effect of the ruling on INS' ability to carry out its decision. They will continue to assess the court's order and to review options.

Having now read

the court's ruling, I see several factors that may come into play as this matter proceeds. First, will Elian's father become involved in the suit in state court? The father in Cuba is the lone named defendant in the action. The court offered to advance or postpone the hearing date to accommodate the father's travel to Florida and participation in the case.

Second, regardless of whether Elian's

father chooses to defend against the suit, there is an issue of service. The court noted in its order that the father was notified by telephone of the filing of the custody petition. The judge directed the great uncle to perfect service by January 24. While the order states that several forms of service are possible, including international courier service, a key question will be whether service can be accomplished and what arguments both sides make regarding the sufficiency of service.

Third,

will a court investigator seek to travel to Cuba to meet with Elian's father and relatives and to visit his home? The court stated today that it will appoint a guardian ad litem ("GAL") for Elian by separate order. As is typical in custody cases, the GAL will be authorized to investigate and evaluate the matter and to advocate the child's best interests before the court. The parties must also advise the court in writing as to whether they wish a social investigation to be ordered. Both the GAL and a social investigator could be expected to request to travel to Cuba.

As to the Burton subpoena, Justice's

Office of Legal Counsel is still reviewing its legal implications.

Finally, Justice expects that the Attorney General's written response to the lawyers for the family in Miami will be sent out tomorrow.

Wendy

Exchange Mail

DATE-TIME 01/12/2000 11:16:26 AM
FROM Hollis, Caryn C. (INTERAM)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: CUBAN BOY [UNCLASSIFIED]
TO Patten, Wendy L. (MULTI)
Gobush, Matthew N. (PRESS)

CARBON_COPY

TEXT_BODY This looks fine to me. however, i think it is time to delete the Gov Bush question.

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

From: Patten,
Wendy L. (MULTI)
Sent: Wednesday, January 12, 2000 11:04 AM
To: Gobush,
Matthew N. (PRESS); Hollis, Caryn C. (INTERAM)
Subject: CUBAN
BOY [UNCLASSIFIED]

<< File: CubanboyPG7.doc >>

matt and caryn

-- here's my draft. Caryn -- matt will be receiving a draft from jim Kennedy in White House press that we will be reviewing, but I am sending this along to get an idea of what kind of language I might want to suggest.

thanks -- WLP

Exchange Mail

DATE-TIME 01/13/2000 10:43:08 AM
FROM Shapiro, Daniel B. (LEGIS)
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: press guidance on elian gonzalez [UNCLASSIFIED]
TO Patten, Wendy L. (MULTI)

CARBON_COPY Burrell, Christina L. (LEGIS)
Lackey, Miles M. (LEGIS)
Shapiro, Daniel B. (LEGIS)
Tavlarides, Mark J. (LEGIS)

TEXT_BODY Wendy -- One minor change, and I think we should just leave it at that for now. Let's touch base every day or so in case this guidance needs updating. Thanks. -- Dan

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

From: Patten,
Wendy L. (MULTI)
Sent: Thursday, January 13, 2000 10:21 AM
To: Shapiro,
Daniel B. (LEGIS)
Subject: press guidance on elian gonzalez [UNCLASSIFIED]

Dan - here it is. question re: private bill is on second page.
thanks -- WLP

TRANSLATED_ATTACHMENT

CubanboyPG7.doc
CUBAN BOY
January 13, 2000

CONTEXT: On January 12, the Attorney General sent a letter to the attorneys for Elian Gonzalez's relatives in Miami, informing them that the INS decision regarding who speaks for the child in immigration matters stands. The letter states that the question of who speaks for a child on immigration

issues is a matter of federal law, and that, in its view, the Florida court's order has no force or effect on the INS' administration of immigration laws. The INS Commissioner has decided to extend the January 14 date for the child's return to his father in order to accommodate any federal court proceedings that might be commenced. In response to questions regarding how INS plans to effectuate the transfer of the child, the Attorney General said this morning that court processes should take their course and all parties should respect the legal process.

On January 10, the Miami Dade Circuit Court awarded emergency temporary custody of Elian Gonzalez to his great uncle, Lazaro Gonzalez, pending a full hearing on the great uncle's petition for temporary custody on March 6. The court also ruled that Elian may not be removed from the jurisdiction. Late January 7, Representative Dan Burton (R-IN) issued a subpoena for Elian to appear before the House Government Reform Committee on 10 February.

What is the INS decision in the Elian Gonzalez case?

* INS determined that Elian's father, Juan Gonzalez, has sole authority to speak on his son's behalf regarding his immigration status in this case. Mr. Gonzalez has asked that his son be returned to Cuba.

Has the Justice Department decided today that a Florida court ruling awarding temporary custody to Elian's great uncle has no impact on the INS decision? How does INS plan to carry out its decision?

* The Justice Department has decided that the INS decision regarding who speaks for the child in immigration matters stands. In the view of the Justice Department, the Florida court's order has no bearing on the INS' administration

of federal immigration laws.

* I would I refer you to the Justice Department for further information.

Does the White House support the Attorney General's view that the state courts don't have jurisdiction over the boy from Cuba?

* As we have said before, this matter is appropriately in the hands of the INS and the Department of Justice.

What about Dan Burton's subpoena, and the family's application for asylum on behalf of the boy. Do you have a view of either of those developments?

* Again, there is a legal process governing matters such as this. That process should be followed, and the INS and the Attorney General are involved in dealing with all the related legal developments in this case.

Aren't we heading toward a dramatic confrontation in which INS will have to go in and take the child from his Miami relatives?

* Again, this matter is appropriately in the hands of the INS and the Department of Justice. INS believes that its decision can be carried out without the INS taking charge of the boy, and the Attorney General continues to urge all parties to work together to resolve this matter as quickly as possible.

Congress may seek to pass legislation that confers citizenship or permanent resident status on the boy when the session begins. Will you support or oppose such a bill?

* It would be premature to comment on any action that Congress may take.

It has been reported that the Miami Dade judge has ties to an advisor

to Elian's
Miami relatives. Do you believe that this is a conflict of interest?

* It would not be appropriate for me to comment on this issue.

Do you expect that the father will come to the United States?

* We hope that he will, but that decision is up to the father, Mr. Gonzalez. The State Department has offered to facilitate the issuance of a visa for the child's father should he wish to travel here, and we continue to believe that it would be helpful in resolving this matter expeditiously.

Was the decision to return Elian Gonzalez made so to appease Castro as reported in the January 6 edition of the New York Times?

* Let me repeat what the President has said. This decision was a non-political decision made by the relevant officials at the Immigration and Naturalization Service in consultation with the Department of Justice based on the facts of the case and in conformity with the law and with INS rules and procedures.

Were the political implications of the decision discussed at the senior levels?

* White House officials did not seek to, nor did they, influence the outcome of this decision, which, let me reiterate, was made solely by the responsible authorities following the law and INS rules and procedures.

Are U.S. officials concerned about the reaction of the Cuban American community in Miami?

* We understand that for many this is an emotional issue, but it is our hope that the Miami community will remain peaceful in order to allow the legal process to work its course in this matter.

3

2

Exchange Mail

DATE-TIME 01/18/2000 10:47:39 AM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Elian update pls [UNCLASSIFIED]
TO Shapiro, Daniel B. (LEGIS)
Burrell, Christina L. (LEGIS)
Lackey, Miles M. (LEGIS)
Shapiro, Daniel B. (LEGIS)
Tavlarides, Mark J. (LEGIS)

CARBON_COPY Hammer, Michael A. (PRESS)
Gobush, Matthew N. (PRESS)
Hammer, Michael A. (PRESS)
Hoelzer, Jennifer I. (PRESS/INTERN)
Huff, Lindsey E. (PRESS)
Leavy, David C. (PRESS)
Thinakaran, Prabhath (PRESS/INTERN)
Wozniak, Natalie S. (PRESS)
Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Kale, Dora A. (MULTI)
McClean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Patten, Wendy L. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)
Avery, Dale R. (INTERAM)
Hollis, Caryn C. (INTERAM)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)
Valenzuela, Arturo A. (INTERAM)

TEXT_BODY I will, Dan, thanks. Should hear back from Justice and State soon
-- WLP

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

From: Shapiro, Daniel B. (LEGIS)

Sent: Tuesday, January 18, 2000 10:46 AM

To: Patten, Wendy L.

(MULTI); @LEGISLAT - Legislative Affairs

Cc: Hammer, Michael A.
(PRESS); @PRESS - Public Affairs; @MULTILAT - Multilateral and
Humanitarian Affairs; @INTERAM - Inter-American
Subject: RE: Elian
update pls [UNCLASSIFIED]

Wendy -- Please clear your "if pressed"
answer with us. We strongly prefer to stick to the "too early to
comment" line. Thanks. -- Dan

@press -- Please include @legis
in these discussions on the front end. We will need to be in play
on this more and more as Congress gets back in town. Thanks.

-----Original
Message-----
From: Patten, Wendy L. (MULTI)
Sent: Tuesday, January
18, 2000 10:42 AM
To: @LEGISLAT - Legislative Affairs
Subject: FW:
Eliau update pls [UNCLASSIFIED]

FYI

-----Original Message-----
From: Hammer,
Michael A. (PRESS)
Sent: Tuesday, January 18, 2000 9:08 AM
To: Patten,
Wendy L. (MULTI)
Subject: RE: Eliau update pls [UNCLASSIFIED]

Thanks
for the quick reply. Just what we thought but wanted to be sure.

-----Original
Message-----
From: Patten, Wendy L. (MULTI)
Sent: Tuesday, January
18, 2000 9:00 AM
To: Hammer, Michael A. (PRESS)
Cc: @MULTILAT
- Multilateral and Humanitarian Affairs; @INTERAM - Inter-American;
@PRESS - Public Affairs
Subject: RE: Eliau update pls [UNCLASSIFIED]

Mike
-- it is absolutely premature to comment and it would be very much
preferred not to comment on the effect of a private bill, which,

by the way, a friend in Justice Leg affairs tells me is unlikely to happen because of House rules on private bills which operate so as to require near unanimity. That, she believes, is extremely unlikely.

As regards public comment, I'll update the Q&A now and add an "if pressed" question regarding the effect of congress conferring citizenship on Elian (answer, which I'll double check with Justice: INS does not deport citizens, so it takes INS out of it).

thanks -- WLP

-----Original

Message-----

From: Hammer, Michael A. (PRESS)

Sent: Tuesday,

January 18, 2000 8:53 AM

To: Patten, Wendy L. (MULTI)

Cc: @MULTILAT

- Multilateral and Humanitarian Affairs; @INTERAM - Inter-American;

@PRESS - Public Affairs

Subject: Elian update pls [UNCLASSIFIED]

Reaction

to possible Congressional action to make him a citizen. So far, all we have said is that it's premature to comment as its only a hypothetical. Question we need answered is what would it mean if it happened. Would INS decision no longer be applicable?

Exchange Mail

DATE-TIME 01/18/2000 11:35:58 AM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Updated guidance on Cuban boy [UNCLASSIFIED]
TO Hollis, Caryn C. (INTERAM)

CARBON_COPY

TEXT_BODY yesterday in a meeting between Vicky Huddleston and alarcon. this is per charles shapiro

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

From: Hollis,
Caryn C. (INTERAM)
Sent: Tuesday, January 18, 2000 11:33 AM
To: Patten,
Wendy L. (MULTI)
Subject: RE: Updated guidance on Cuban boy [UNCLASSIFIED]

Who
and when did they speak with the Cubans about the grannies?

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

From: Patten, Wendy L. (MULTI)
Sent: Tuesday, January
18, 2000 10:39 AM
To: @PRESS - Public Affairs
Cc: @MULTILAT -
Multilateral and Humanitarian Affairs; @LEGAL - Legal Advisor; @LEGISLAT

- Legislative Affairs; @INTERAM - Inter-American
Subject: Updated
guidance on Cuban boy [UNCLASSIFIED]

<< File: CubanboyPG7.doc
>>

Justice has concerns with us making a statement regarding negotiations with Cuban govt, esp re: grandmothers, that is not coordinated with INS, Justice and State press. I have put in a place holder and expect to hear back from Justice and State this morning.

Justice
has requested that we consider putting in place a process that ensures
such coordination on elian press guidance on a daily basis. Any
thoughts about what might make sense in this regard?

thanks --
WLP

Exchange Mail

DATE-TIME 01/18/2000 8:32:02 PM

FROM Patten, Wendy L. (MULTI)

CLASSIFICATION UNCLASSIFIED

SUBJECT Update on Elian Gonzalez [UNCLASSIFIED]

TO Bash, Brooks L. (EXSEC)
Bradtke, Robert A. (EXSEC)
Crocker, Bathsheba N. (NSA)
Gray, Wendy E. (NSA)
Jacobson, Tracey A. (ADMIN)
Joshi, M. Kay (EXSEC)
Millison, Cathy L. (EXSEC)
Moretz, Sheila K. (NSA)
Patterson, Pamela L. (NSA)
Rudman, Mara E. (NSA)
Sargeant, Stephen T. (EXSEC)
Scott-Perez, Marilyn L. (NSA)
Storey, Sharon V. (NSA)
Sutphen, Mona K. (NSA)

CARBON_COPY Feldman, Daniel F. (MULTI)
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Patten, Wendy L. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)
Allen, Charles A. (LEGAL)
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Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
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Shapiro, Daniel B. (LEGIS)
Tavlarides, Mark J. (LEGIS)
Avery, Dale R. (INTERAM)
Hollis, Caryn C. (INTERAM)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)
Valenzuela, Arturo A. (INTERAM)

TEXT_BODY Please pass to Jim. Thanks.

Jim,

The lawyers for Elian's
Miami relatives have announced that they plan to file in federal
court tomorrow at 2:00p.m. They intend to conduct a press conference
immediately thereafter.

Wendy

Exchange Mail

DATE-TIME 01/18/2000 10:39:04 AM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT Updated guidance on Cuban boy [UNCLASSIFIED]

TO Gobush, Matthew N. (PRESS)
Hammer, Michael A. (PRESS)
Hoelzer, Jennifer I. (PRESS/INTERN)
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Avery, Dale R. (INTERAM)
Hollis, Caryn C. (INTERAM)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)
Valenzuela, Arturo A. (INTERAM)

TEXT_BODY

Justice has concerns with us making a statement regarding negotiations with Cuban govt, esp re: grandmothers, that is not coordinated with INS, Justice and State press. I have put in a place holder

and expect to hear back from Justice and State this morning.

Justice

has requested that we consider putting in place a process that ensures such coordination on elian press guidance on a daily basis. Any thoughts about what might make sense in this regard?

thanks --

WLP

TRANSLATED_ATTACHMENT CubanboyPG7.doc
CUBAN BOY
January 18, 2000

CONTEXT: On January 13, the INS rejected for the second time an asylum claim filed on behalf of Elian Gonzalez by his Miami relatives, again on the grounds that only the boy's father may speak for him in immigration matters. The press reports that Elian's relatives plan to file suit in federal court tomorrow to challenge the INS ruling. In an interview on Nightline last week, Elian's father stated that he has not come to Miami to retrieve his child because the U.S. government has not guaranteed him that he could pick up the boy and immediately board a plane to return home. He also made plain his frustration with the situation, stating that he "feels like breaking the necks of those SOB's in Miami, and that sometimes he would like to go to Miami with a rifle. His concern for his son was evident, as was his desire for INS to enforce its decision as soon as possible.

On January 12, the Attorney General sent a letter to the attorneys for Elian Gonzalez's relatives in Miami, informing them that the INS decision regarding who speaks for the child in immigration matters stands. The letter states that the question of who speaks for a child on immigration issues is a matter of federal law, and that, in its view, the Florida court's order has no force or effect on the INS' administration of immigration laws. The INS Commissioner

extended the
January 14 date for the child's return to his father in order to
accommodate any
federal court proceedings that might be commenced. On January 10,
the Miami Dade
Circuit Court awarded emergency temporary custody of Elian
Gonzalez to his great
uncle, Lazaro Gonzalez, pending a full hearing on the great uncle's
petition for
temporary custody on March 6. The court also ruled that Elian may
not be removed
from the jurisdiction. Late January 7, Representative Dan Burton (R-
IN) issued a
subpoena for Elian to appear before the House Government Reform
Committee on 10
February.

What is the INS decision in the Elian Gonzalez case? Do you support
it?

* INS determined that Elian's father, Juan Gonzalez, has sole authority
to speak
on his son's behalf regarding his immigration status in this case. Mr.
Gonzalez
has asked that his son be returned to Cuba.

* INS very carefully assessed the law and the facts. We believe they
handled
this case in the appropriate manner and we support their decision.

Does the White House support the Attorney General's view that the
state courts
don't have jurisdiction over the boy from Cuba?

* As we have said before, this matter is appropriately in the hands of
the INS
and the Department of Justice.

IF ASKED: Is the U.S. government involved negotiations in the
Cuban government?

* We have been talking with the Cuban government about this
extraordinary case,
and will continue to do so.

* IF PRESSED on grandmothers: Yesterday, we did discuss the question of the grandmothers coming to the U.S. with senior Cuban officials N.B. these are the facts, but what we want to say about them should be coordinated with INS/Justice and State. I expect to hear back from Justice shortly.

Congress may seek to pass legislation that confers citizenship or permanent resident status on the boy when the session begins. Will you support or oppose such a bill?

* It would be premature to comment on any action that Congress may take.

IF PRESSED: If Congress does pass legislation making Elian a citizen, would then end the INS's role in this matter?

* Again, it would be inappropriate for us to comment on potential legislation to make the boy a citizen, and on how that would affect the case.

What about Dan Burton's subpoena, and the family's application for asylum on behalf of the boy. Do you have a view of either of those developments?

* There is a legal process governing matters such as this. That process should be followed, and the INS and the Attorney General are involved in dealing with all the related legal developments in this case.

Aren't we heading toward a dramatic confrontation in which INS will have to go in and take the child from his Miami relatives?

* Again, this matter is appropriately in the hands of the INS and the Department of Justice. INS believes that its decision can be carried out without the INS taking charge of the boy, and the Attorney General continues to urge all parties

to work together to resolve this matter as quickly as possible.

What's your reaction to Juan Gonzalez's comments last week and his reluctance to come to Miami?

* Since the beginning of this matter, the State Department has offered to facilitate the issuance of a visa for him should he wish to travel here, and we have said that we thought it would be helpful, but I want to emphasize that ultimately it has to be his decision.

IF PRESSED: What is your reaction to the father's rather inflammatory remarks, saying that he sometimes wishes to come and bring a rifle?

* While his frustration over the situation is understandable, these are clearly not helpful remarks. We have done all we can to ensure that this is an orderly and lawful process and will continue to do so.

It has been reported that the Miami Dade judge has ties to an advisor to Elian's Miami relatives. Do you believe that this is a conflict of interest?

* It would not be appropriate for me to comment on this issue.

Was the decision to return Elian Gonzalez made so to appease Castro as reported in the January 6 edition of the New York Times?

* Let me repeat what the President has said. This decision was a non-political decision made by the relevant officials at the Immigration and Naturalization Service in consultation with the Department of Justice based on the facts of the case and in conformity with the law and with INS rules and procedures.

Were the political implications of the decision discussed at the senior levels?

* White House officials did not seek to, nor did they, influence the outcome of this decision, which, let me reiterate, was made solely by the responsible authorities following the law and INS rules and procedures.

Are U.S. officials concerned about the reaction of the Cuban American community in Miami?

* We understand that for many this is an emotional issue, but it is our hope that the Miami community will remain peaceful in order to allow the legal process to work its course in this matter.

3

3

Exchange Mail

.....

DATE-TIME 01/19/2000 9:37:50 AM

FROM Patten, Wendy L. (MULTI)

CLASSIFICATION UNCLASSIFIED

SUBJECT Updatad Elian guidance [UNCLASSIFIED]

TO Gobush, Matthew N. (PRESS)
Hammer, Michael A. (PRESS)
Hoelzer, Jennifer I. (PRESS/INTERN)
Huff, Lindsey E. (PRESS)
Leavy, David C. (PRESS)
Thinakaran, Prabhath (PRESS/INTERN)
Wozniak, Natalie S. (PRESS)

CARBON_COPY Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Kale, Dora A. (MULTI)
Mclean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Patten, Wendy L. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)
Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
Burrell, Christina L. (LEGIS)
Lackey, Miles M. (LEGIS)
Shapiro, Daniel B. (LEGIS)
Tavlarides, Mark J. (LEGIS)
Avery, Dale R. (INTERAM)
Hollis, Caryn C. (INTERAM)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)
Valenzuela, Arturo A. (INTERAM)

TEXT_BODY

Added question re: today's expected filing and no comment response
as per our conf call this a.m. thanks -- WLP

TRANSLATED_ATTACHMENT

CubanboyPG8.doc

CUBAN BOY

January 19, 2000

CONTEXT: Lawyers for the Miami relatives of Elian Gonzalez have stated that they plan to file in federal court today at 2:00 to challenge to the INS decision in this case. The filing will be followed by a press conference. The lawyers are expected to challenge the fact that INS has twice rejected an asylum claim filed on behalf of Elian Gonzalez by his Miami relatives, on the grounds that only the boy's father may speak for him in immigration matters.

On January 17, U.S. and Cuban officials began preliminary discussions regarding the possibility of Elian's grandmothers traveling to the U.S. In an interview on Nightline last week, Elian's father stated that he has not come to Miami to retrieve his child because the U.S. government has not guaranteed him that he could pick up the boy and immediately board a plane to return home. He also made plain his frustration with the situation, stating that he "feels like breaking the necks of those SOB's in Miami, and that sometimes he would like to go to Miami with a rifle.

On January 10, the Miami Dade Circuit Court awarded emergency temporary custody of Elian Gonzalez to his great uncle, Lazaro Gonzalez, pending a full hearing on the great uncle's petition for temporary custody on March 6. The court also ruled that Elian may not be removed from the jurisdiction. The Justice

Department has said that the state court decision has no force or effect on INS' administration of the immigration laws. On January 7, Representative Dan Burton (R-IN) issued a subpoena for Elian to appear before the House Government Reform Committee on 10 February.

What is the INS decision in the Elian Gonzalez case? Do you support

it?

* INS determined that Elian's father, Juan Gonzalez, has sole authority to speak on his son's behalf regarding his immigration status in this case. Mr. Gonzalez has asked that his son be returned to Cuba.

* INS very carefully assessed the law and the facts. We believe they handled this case in the appropriate manner and we support their decision.

We understand that the attorneys for Elian's great uncle intend to file in federal court today? What affect will this filing have on the boy's situation?

* We cannot speculate on litigation that has not yet been commenced. Once this action is filed and the matter is before the courts, it is for the Justice Department to handle, and we will not comment on pending litigation.

Does the White House support the Attorney General's view that the state courts don't have jurisdiction over the boy from Cuba?

* As we have said before, this matter is appropriately in the hands of the INS and the Department of Justice.

Is the U.S. government involved in negotiations with the Cuban government regarding the possibility of one or both of Elian's grandmothers coming to the U.S.?

* On Monday, January 17, there was a conversation with the Government of Cuba regarding the parameters of a possible visit to the U.S. by Elian Gonzalez's grandmothers. The discussions are preliminary and no official plans have been made.

Have the grandmothers been issued visas to enter the United States?

* They have not yet applied for visas. Should they do so, the State Department is prepared to expedite consideration of their applications in accordance with U.S. immigration law.

Congress may seek to pass legislation that confers citizenship or permanent resident status on the boy when the session begins. Will you support or oppose such a bill?

* It would be premature to comment on any action that Congress may take.

IF PRESSED: If Congress does pass legislation making Elian a citizen, would that end the INS' role in this matter?

* Again, it would be inappropriate for us to comment on potential legislation to make the boy a citizen, and on how that would affect the case.

What about Dan Burton's subpoena, and the family's application for asylum on behalf of the boy. Do you have a view of either of those developments?

* There is a legal process governing matters such as this. That process should be followed, and the INS and the Attorney General are involved in dealing with all the related legal developments in this case.

Aren't we heading toward a dramatic confrontation in which INS will have to go in and take the child from his Miami relatives?

* Again, this matter is appropriately in the hands of the INS and the Department of Justice. INS believes that its decision can be carried out without the INS taking charge of the boy, and the Attorney General continues to urge all parties to work together to resolve this matter as quickly as possible.

What's your reaction to Juan Gonzalez's comments last week and his reluctance to come to Miami?

* Since the beginning of this matter, the State Department has offered to facilitate the issuance of a visa for him should he wish to travel here, and we have said that we thought it would be helpful, but I want to emphasize that ultimately it has to be his decision.

IF PRESSED: What is your reaction to the father's rather inflammatory remarks, saying that he sometimes wishes to come and bring a rifle?

* While his frustration over the situation is understandable, these are clearly not helpful remarks. We have done all we can to ensure that this is an orderly and lawful process and will continue to do so.

It has been reported that the Miami Dade judge has ties to an advisor to Elian's Miami relatives. Do you believe that this is a conflict of interest?

* It would not be appropriate for me to comment on this issue.

Was the decision to return Elian Gonzalez made so to appease Castro as reported in the January 6 edition of the New York Times?

* Let me repeat what the President has said. This decision was a non-political decision made by the relevant officials at the Immigration and Naturalization Service in consultation with the Department of Justice based on the facts of the case and in conformity with the law and with INS rules and procedures.

Were the political implications of the decision discussed at the senior levels?

* White House officials did not seek to, nor did they, influence the outcome of

this decision, which, let me reiterate, was made solely by the responsible authorities following the law and INS rules and procedures.

Are U.S. officials concerned about the reaction of the Cuban American community in Miami?

* We understand that for many this is an emotional issue, but it is our hope that the Miami community will remain peaceful in order to allow the legal process to work its course in this matter.

4

4

Exchange Mail

DATE-TIME 01/19/2000 3:10:55 PM
FROM Leavy, David C. (PRESS)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: conference calls on Elian Gonzalez [UNCLASSIFIED]
TO Gobush, Matthew N. (PRESS)
Hammer, Michael A. (PRESS)

CARBON_COPY**TEXT_BODY**

yea mike should be on as wel..

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

From: Gobush,
Matthew N. (PRESS)
Sent: Wednesday, January 19, 2000 3:12 PM
To: Patten,
Wendy L. (MULTI); @PRESS - Public Affairs
Subject: RE: conference
calls on Elian Gonzalez [UNCLASSIFIED]

Yes - I would like to join
the fun. I'll plan to chime in on the call tomorrow. I'll also
give Mike Hammer the heads up. Thanks.

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

From: Patten,
Wendy L. (MULTI)
Sent: Wednesday, January 19, 2000 2:59 PM
To: Gobush,
Matthew N. (PRESS); @PRESS - Public Affairs
Subject: FW: conference
calls on Elian Gonzalez [UNCLASSIFIED]

Matt -- see below and let
me know if you would like to join us on these calls. It seems that
it would be very helpful if you could.

thanks -- WLP

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

From: Guarnieri, Valerie N. (MULTI)
Sent: Wednesday,

January 19, 2000 2:24 PM
To: Patten, Wendy L. (MULTI)
Subject: RE:
conference calls on Elian Gonzalez [UNCLASSIFIED]

I recall from when we did this on Kosovo and Mitch, that it was helpful to get NSC/Press in the loop on the phone calls as well. Particularly on an issue that has so much to do with domestic as well as intl. affairs, WH Press tends to be really interested too and NSC/Press can play a helpful liaison role with them. If you agree, you might want to talk to Matt Gobush (who, in addition to being one of the message focused people in NSC/Press also attends the regular WH communications meetings) to see what role he or NSC/Press might play in your daily calls.

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

From: Patten, Wendy L. (MULTI)

Sent: Wednesday, January 19, 2000 1:05 PM

To: DeRosa, Mary B.

(LEGAL)

Cc: @LEGAL - Legal Advisor; @MULTILAT - Multilateral and Humanitarian Affairs; Hollis, Caryn C. (INTERAM)

Subject: conference

calls on Elian Gonzalez [UNCLASSIFIED]

Mary -- in response to needs expressed from the various agencies to improve coordination on press guidance and the sharing of information on this case, State/OCA is convening daily conference calls at 9am. The first one was today and the group then decided to make it a daily thing. (I was callewd about it at 8:57). Participants are INS (Janelle and Ron), INS press, Justice press, State/OCA, State press, Caryn, me and most likely some combination of James, Brad, and OIL from Main Justice (they were not on today)

Call me if you want to discuss this idea.
The conf call # is 647-0817, pin 710832.

thanks -- WLP

Exchange Mail

DATE-TIME 01/20/2000 11:35:08 AM
FROM Leavy, David C. (PRESS)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Updated guidance on Elian [UNCLASSIFIED]
TO Patten, Wendy L. (MULTI)
Hammer, Michael A. (PRESS)
Lackey, Miles M. (LEGIS)

CARBON_COPY Burrell, Christina L. (LEGIS)
Lackey, Miles M. (LEGIS)
Shapiro, Daniel B. (LEGIS)
Tavlarides, Mark J. (LEGIS)
Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Kale, Dora A. (MULTI)
McClean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Patten, Wendy L. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)
Avery, Dale R. (INTERAM)
Hollis, Caryn C. (INTERAM)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)
Valenzuela, Arturo A. (INTERAM)
Gobush, Matthew N. (PRESS)
Hammer, Michael A. (PRESS)
Hoelzer, Jennifer I. (PRESS/INTERN)
Huff, Lindsey E. (PRESS)
Leavy, David C. (PRESS)
Thinakaran, Prabhath (PRESS/INTERN)
Wozniak, Natalie S. (PRESS)

TEXT_BODY we are fine with the points...can handle thanks.

-----Original

Message-----

From: Patten, Wendy L. (MULTI)

Sent: Thursday, January

20, 2000 11:35 AM

To: Hammer, Michael A. (PRESS); Lackey, Miles

M. (LEGIS)

Cc: @LEGISLAT - Legislative Affairs; @MULTILAT - Multilateral and Humanitarian Affairs; @INTERAM - Inter-American; @PRESS - Public Affairs

Subject: RE: Updated guidance on Elian [UNCLASSIFIED]

Just
received State guidance on the Monitor article. they plan to say
they have no comments on the President's reported remarks and refer
to the White House.

How do you all want to handle this in our
guidance today?

thanks -- WLP

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

From: Hammer,

Michael A. (PRESS)

Sent: Thursday, January 20, 2000 11:30 AM

To: Lackey,

Miles M. (LEGIS)

Cc: @LEGISLAT - Legislative Affairs; @MULTILAT
- Multilateral and Humanitarian Affairs; @INTERAM - Inter-American;
@PRESS - Public Affairs

Subject: RE: Updated guidance on Elian [UNCLASSIFIED]

Miles

- Yes, I had sent it to you on unclas. I will send again. Part
of Christian Science Monitor interview in paper today.

-----Original

Message-----

From: Lackey, Miles M. (LEGIS)

Sent: Thursday, January

20, 2000 11:26 AM

To: Patten, Wendy L. (MULTI); @PRESS - Public
Affairs

Cc: @MULTILAT - Multilateral and Humanitarian Affairs;
@LEGAL - Legal Advisor; @LEGISLAT - Legislative Affairs; @INTERAM
- Inter-American

Subject: RE: Updated guidance on Elian [UNCLASSIFIED]

Mike,

Has

anyone every found the President's comments on this?

Miles

-----Original

Message-----

From: Patten, Wendy L. (MULTI)
Sent: Thursday, January
20, 2000 10:46 AM
To: @PRESS - Public Affairs
Cc: @MULTILAT -
Multilateral and Humanitarian Affairs; @LEGAL - Legal Advisor; @LEGISLAT
- Legislative Affairs; @INTERAM - Inter-American
Subject: Updated
guidance on Elian [UNCLASSIFIED]

<< File: CubanboyPG8.doc >>

attached is updated guidance on Elian Gonzalez. Cleared by Legislat
and Legal. thanks -- WLP

Exchange Mail

DATE-TIME 01/20/2000 12:08:21 PM
FROM Lackey, Miles M. (LEGIS)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: 2pm conf call on potential Elian legislation [UNCLASSIFIED]
TO Patten, Wendy L. (MULTI)
Shapiro, Daniel B. (LEGIS)

CARBON_COPY Burrell, Christina L. (LEGIS)
Lackey, Miles M. (LEGIS)
Shapiro, Daniel B. (LEGIS)
Tavlarides, Mark J. (LEGIS)
Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Kale, Dora A. (MULTI)
McClean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Patten, Wendy L. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)

TEXT_BODY yes

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

From: Patten, Wendy L. (MULTI)

Sent: Thursday, January 20, 2000 12:08 PM

To: Shapiro, Daniel

B. (LEGIS)

Cc: @LEGISLAT - Legislative Affairs; @MULTILAT - Multilateral
and Humanitarian Affairs

Subject: 2pm conf call on potential Elian
legislation [UNCLASSIFIED]

Dan -- the number is 757-2104 PIN 1251.

Will your office be participating? thanks -- WLP

Exchange Mail

DATE-TIME 01/21/2000 9:15:53 AM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Elian Update [UNCLASSIFIED]
TO Sutphen, Mona K. (NSA)
Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Kale, Dora A. (MULTI)
McClean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Patten, Wendy L. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)

CARBON_COPY Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)

TEXT_BODY Mona -- Sure. I am on a conference call re: Elian right now, and will send you a note thereafter.

thanks -- WLP

-----Original

Message-----

From: Sutphen, Mona K. (NSA)

Sent: Friday, January

21, 2000 8:48 AM

To: @MULTILAT - Multilateral and Humanitarian
Affairs

Cc: @LEGAL - Legal Advisor

Subject: Elian Update [UNCLASSIFIED]

Wendy

-

Jim called in from Japan and asked me for an update on Elian's case. I told him that my understanding is that in the end the grandmothers decided not to travel. Can you put together an update e-mail for

him? Thanks.

Mona

Exchange Mail

DATE-TIME 01/21/2000 12:01:09 PM

FROM DeRosa, Mary B. (LEGAL)

CLASSIFICATION UNCLASSIFIED

SUBJECT RE: Update on Cuban boy [UNCLASSIFIED]

TO Sutphen, Mona K. (NSA)
Patten, Wendy L. (MULTI)
Bash, Brooks L. (EXSEC)
Bradtke, Robert A. (EXSEC)
Crocker, Bathsheba N. (NSA)
Gray, Wendy E. (NSA)
Jacobson, Tracey A. (ADMIN)
Joshi, M. Kay (EXSEC)
Millison, Cathy L. (EXSEC)
Moretz, Sheila K. (NSA)
Patterson, Pamela L. (NSA)
Rudman, Mara E. (NSA)
Sargeant, Stephen T. (EXSEC)
Scott-Perez, Marilyn L. (NSA)
Storey, Sharon V. (NSA)
Sutphen, Mona K. (NSA)
Bayley, Douglas C. (WHSR)
Blackburn, John (WHSR)
Bresnahan, Gary E. (WHSR/STP)
Broadwick, Bonnie . (WHSR)
Crowder, Stevan D. (WHSR/STP)
Erdahl, Douglas M. (WHSR)
Fuchs, Joachim D. (WHSR)
Jansen, Christian P. (WHSR)
Laskowski, Gregory J. (WHSR)
McGee, Jenny A. (WHSR)
Porterfield Patrick C. (WHSR)
Powell, Elliott (WHSR/EXSEC)
Reyes, David (WHSR)
Rogers, Elizabeth B. (WHSR)
Schrader, Joel M. (WHSR)
Sibley, Matthew W. (WHSR)
Sigler, Ralph H. (WHSR)

CARBON_COPY Avery, Dale R. (INTERAM)
Hollis, Caryn C. (INTERAM)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)
Valenzuela, Arturo A. (INTERAM)

Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
Burrell, Christina L. (LEGIS)
Lackey, Miles M. (LEGIS)
Shapiro, Daniel B. (LEGIS)
Tavlarides, Mark J. (LEGIS)
Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Kale, Dora A. (MULTI)
McClean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Patten, Wendy L. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)

TEXT_BODY

I'm working on one.

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

From: Sutphen,
Mona K. (NSA)
Sent: Friday, January 21, 2000 11:45 AM
To: Patten,
Wendy L. (MULTI); @NSA - Natl Security Advisor; @COMM - WHSR Comm
Officers
Cc: @INTERAM - Inter-American; @LEGAL - Legal Advisor;
@LEGISLAT - Legislative Affairs; @MULTILAT - Multilateral and
Humanitarian
Affairs
Subject: RE: Update on Cuban boy [UNCLASSIFIED]

will
you also do an update on the legal case/ins options? thx. m

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

From: Patten, Wendy L. (MULTI)
Sent: Friday, January
21, 2000 11:17 AM
To: @NSA - Natl Security Advisor; @COMM - WHSR
Comm Officers
Cc: @INTERAM - Inter-American; @LEGAL - Legal Advisor;
@LEGISLAT - Legislative Affairs; @MULTILAT - Multilateral and
Humanitarian
Affairs
Subject: Update on Cuban boy [UNCLASSIFIED]

Please pass
to Sandy, cc: Jim, Mara. Thank you.

From Wendy Patten through
Eric Schwartz

Sandy,

The press is now reporting that Elian Gonzalez's grandmothers will travel to New York this afternoon on a chartered plane, accompanied by representatives of the National Council of Churches. This report marks a change from earlier this morning, when CNN reported that the grandmothers had decided not to make the trip (and filmed them returning to their homes).

Background:

On January 17, U.S. and Cuban officials began preliminary discussions regarding the possibility of one or both of Elian's grandmother's traveling to the United States. Yesterday, the grandmothers applied for and were granted tourist visas through the U.S. Interests Section in Havana. The expedited consideration of the visas comported with standard practice for expedited visa requests, as well as with statements made by the State Department that it would facilitate any visa requests for Elian's family members.

Yesterday, we learned that a group of three persons, led by Rev. Bob Edgar of the National Council of Churches and including the Rev. Joan Brown-Campbell, were traveling to Cuba on a chartered flight. State contacted the GOC and they confirmed the trip and stated that the delegation intended to meet with the grandmothers and with Cuban officials.

The plane dropped
the delegation off and returned to Miami, but the plane returned to Havana today.

As of 9:30 this morning, we understood that the grandmothers had decided not to make the trip, based on press reports that showed them boarding a bus to leave Havana and stating that they were heading home, rather than to the United States. We subsequently saw another (AP) report that the grandmothers have changed their minds and intend to travel to New York today. We have no further information regarding their plans, but we are working to confirm this information and to learn more about the grandmothers plans.

Purpose

of Trip: The grandmothers indicated on their visa applications that the purpose of their trip was to pick up their grandson. The AP quotes the National Council's Edgar as saying that the grandmothers' purpose is "to make an appeal to the American people." Neither State

nor White House press guidance will speak to this issue, instead referring any questions about the purpose of the trip to the grandmothers themselves.

Reaction of Miami Relatives: According to press reports, the boy's Miami relatives indicated yesterday that they would welcome the grandmothers to visit the child, but would allow neither Cuban officials nor the National Council of Churches to participate in any visit between the grandmothers and the boy.

Meeting with Cuban

Officials Today: State will be meeting again today with officials from the Cuban Interests Section here in Washington at 3:00p.m. Such meetings have occurred frequently since the beginning of this matter. In addition to general information on the grandmothers' visit, discussions regarding the Cubans' request for consular access to the child are expected to continue at this meeting.

Exchange Mail

DATE-TIME 01/21/2000 12:18:21 PM

FROM Fuchs, Joachim D. (WHSR)

CLASSIFICATION UNCLASSIFIED

SUBJECT RE: Further Update on Cuban Boy [UNCLASSIFIED]

TO Patten, Wendy L. (MULTI)
Bash, Brooks L. (EXSEC)
Bradtke, Robert A. (EXSEC)
Crocker, Bathsheba N. (NSA)
Gray, Wendy E. (NSA)
Jacobson, Tracey A. (ADMIN)
Joshi, M. Kay (EXSEC)
Millison, Cathy L. (EXSEC)
Moretz, Sheila K. (NSA)
Patterson, Pamela L. (NSA)
Rudman, Mara E. (NSA)
Sargeant, Stephen T. (EXSEC)
Scott-Perez, Marilyn L. (NSA)
Storey, Sharon V. (NSA)
Sutphen, Mona K. (NSA)
Bayley, Douglas C. (WHSR)
Blackburn, John (WHSR)
Bresnahan, Gary E. (WHSR/STP)
Broadwick, Bonnie . (WHSR)
Crowder, Stevan D. (WHSR/STP)
Erdahl, Douglas M. (WHSR)
Fuchs, Joachim D. (WHSR)
Jansen, Christian P. (WHSR)
Laskowski, Gregory J. (WHSR)
McGee, Jenny A. (WHSR)
Porterfield Patrick C. (WHSR)
Powell, Elliott (WHSR/EXSEC)
Reyes, David (WHSR)
Rogers, Elizabeth B. (WHSR)
Schrader, Joel M. (WHSR)
Sibley, Matthew W. (WHSR)
Sigler, Ralph H. (WHSR)

CARBON_COPY Avery, Dale R. (INTERAM)
Hollis, Caryn C. (INTERAM)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)
Valenzuela, Arturo A. (INTERAM)
Allen, Charles A. (LEGAL)

Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
Burrell, Christina L. (LEGIS)
Lackey, Miles M. (LEGIS)
Shapiro, Daniel B. (LEGIS)
Tavlarides, Mark J. (LEGIS)
Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Kale, Dora A. (MULTI)
McClean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Patten, Wendy L. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)

TEXT_BODY

Message will go to Japan with the 3 PM DC time data transmission. JD

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

From: Patten, Wendy L. (MULTI)

Sent: Friday,

January 21, 2000 11:58 AM

To: @NSA - Natl Security Advisor; @COMM
- WHSR Comm Officers

Cc: @INTERAM - Inter-American; @LEGAL - Legal
Advisor; @LEGISLAT - Legislative Affairs; @MULTILAT - Multilateral
and Humanitarian Affairs

Subject: Further Update on Cuban Boy [UNCLASSIFIED]

Please

pass to Sandy, cc: Jim, Mara. Thank you.

From Wendy Patten through
Eric Schwartz

Sandy,

We have learned the following information
regarding the grandmothers' trip to the United States.

They are
boarding a chartered plane in Havana that is scheduled to depart
around 12:30 and arrive in New York (JFK) between 3:30 and 4:00p.m.
The National Council of Churches (NCC) states that it will conduct
a press conference today either at JFK or at a church in Manhattan,
depending on the time of their arrival.

The Cuban Interests Section

has confirmed that the grandmothers are coming to New York today, and stated that the NCC is handling their schedule while in the United States. The Cuban Interests Section would like the grandmothers to come to Washington, and is considering whether to encourage them to travel to Miami. Spanish language radio stations in Miami are strongly encouraging the grandmothers to come to Miami and visit the child.

We have learned from the head of our Interests Section

in Havana that Joan Brown-Campbell is attempting to contact both the Attorney General and INS Commissioner Doris Meissner to request that they meet with the grandmothers. Rep. Maxine Waters, who is in Cuba on a private trip in connection with an American medical show, is also trying to contact Justice to urge them to meet with the grandmothers.

We are meeting with the interagency at noon

and will discuss the Administration's posture toward the visit, taking care to ensure that we do not interfere with any Justice Department processes.

Exchange Mail

DATE-TIME 01/21/2000 2:14:44 PM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT Update on Elian [UNCLASSIFIED]
TO Gobush, Matthew N. (PRESS)
Hammer, Michael A. (PRESS)
Hoelzer, Jennifer I. (PRESS/INTERN)
Huff, Lindsey E. (PRESS)
Leavy, David C. (PRESS)
Thinakaran, Prabhath (PRESS/INTERN)
Wozniak, Natalie S. (PRESS)

CARBON_COPY Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Kale, Dora A. (MULTI)
McClean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Patten, Wendy L. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)
Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)

TEXT_BODY Dave et al --

Here is what we know about the grandmothers at this point. I am working on updated guidance and will send that soon.

Elian's grandmothers boarded a chartered plane in Havana that was scheduled to depart around 12:30 and arrive in New York (JFK) between 3:30 and 4:00p.m. The National Council of Churches (NCC) states (via a message on its answering machine) that it will conduct a press conference today either at JFK or at a church in Manhattan, depending on the time of their arrival.

The Cuban Interests Section has confirmed to State that the grandmothers are coming to New York today,

and that the NCC is handling their schedule while in the United States. The Cuban Interests Section would like the grandmothers to come to Washington. Spanish language radio stations in Miami are strongly encouraging the grandmothers to come to Miami and visit the child.

We have learned that Joan Brown-Campbell is attempting to contact both the Attorney General and INS Commissioner Doris Meissner to request that they meet with the grandmothers. Rep. Maxine Waters, who is in Cuba on a private trip in connection with an American medical show, is also trying to urge Justice to meet with the grandmothers. INS told us that Rep. Waters and Comm. Meissner have spoken, but that no final decision on a meeting has yet been made. INS was not aware of any conversation between Brown-Campbell and Justice as of 12:00.

Guidance to follow. thanks -- WLP

Exchange Mail

DATE-TIME 01/21/2000 2:55:14 PM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT trafficking meeting and note on Elian [UNCLASSIFIED]
TO Schwartz, Eric P. (MULTI)

CARBON_COPY Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Kale, Dora A. (MULTI)
Mclean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Patten, Wendy L. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)

TEXT_BODY Eric -- I just received a call from Loy's office inviting me to a meeting at 3pm that he is chairing on the trafficking protocol. I'm running over there now. I have not finished the note to the front office on Elian, in part because I am not entirely clear what new information since our second update you wished conveyed. Please page me if you want to discuss; otherwise I'll be back around 4:15 and we can send the note then, with any new info if the grandmothers have arrived.

thanks -- WLP

Exchange Mail

DATE-TIME 01/21/2000 5:40:39 PM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Update on Cuban boy [UNCLASSIFIED]
TO DeRosa, Mary B. (LEGAL)

CARBON_COPY

TEXT_BODY

any word from James?

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

From: DeRosa,
Mary B. (LEGAL)
Sent: Friday, January 21, 2000 12:01 PM
To: Sutphen,
Mona K. (NSA); Patten, Wendy L. (MULTI); @NSA - Natl Security Advisor;
@COMM - WHSR Comm Officers
Cc: @INTERAM - Inter-American; @LEGAL
- Legal Advisor; @LEGISLAT - Legislative Affairs; @MULTILAT -
Multilateral
and Humanitarian Affairs
Subject: RE: Update on Cuban boy [UNCLASSIFIED]

I'm
working on one.

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

From: Sutphen, Mona
K. (NSA)
Sent: Friday, January 21, 2000 11:45 AM
To: Patten,
Wendy L. (MULTI); @NSA - Natl Security Advisor; @COMM - WHSR Comm
Officers
Cc: @INTERAM - Inter-American; @LEGAL - Legal Advisor;
@LEGISLAT - Legislative Affairs; @MULTILAT - Multilateral and
Humanitarian
Affairs
Subject: RE: Update on Cuban boy [UNCLASSIFIED]

will
you also do an update on the legal case/ins options? thx. m

-----Original

Message-----

From: Patten, Wendy L. (MULTI)

Sent: Friday, January
21, 2000 11:17 AM

To: @NSA - Natl Security Advisor; @COMM - WHSR
Comm Officers

Cc: @INTERAM - Inter-American; @LEGAL - Legal Advisor;
@LEGISLAT - Legislative Affairs; @MULTILAT - Multilateral and
Humanitarian
Affairs

Subject: Update on Cuban boy [UNCLASSIFIED]

Please pass
to Sandy, cc: Jim, Mara. Thank you.

From Wendy Patten through
Eric Schwartz

Sandy,

The press is now reporting that Elian Gonzalez's grandmothers will travel to New York this afternoon on a chartered plane, accompanied by representatives of the National Council of Churches. This report marks a change from earlier this morning, when CNN reported that the grandmothers had decided not to make the trip (and filmed them returning to their homes).

Background:

On January 17, U.S. and Cuban officials began preliminary discussions regarding the possibility of one or both of Elian's grandmother's traveling to the United States. Yesterday, the grandmothers applied for and were granted tourist visas through the U.S. Interests Section in Havana. The expedited consideration of the visas comported with standard practice for expedited visa requests, as well as with statements made by the State Department that it would facilitate any visa requests for Elian's family members.

Yesterday, we learned that a group of three persons, led by Rev. Bob Edgar of the National Council of Churches and including the Rev. Joan Brown-Campbell, were traveling to Cuba on a chartered flight. State contacted the GOC and they confirmed the trip and stated that the delegation intended to meet with the grandmothers and with Cuban officials.

The plane dropped the delegation off and returned to Miami, but the plane returned to Havana today.

As of 9:30 this morning, we understood that the grandmothers had decided not to make the trip, based on press reports

that showed them boarding a bus to leave Havana and stating that they were heading home, rather than to the United States. We subsequently saw another (AP) report that the grandmothers have changed their minds and intend to travel to New York today. We have no further information regarding their plans, but we are working to confirm this information and to learn more about the grandmothers plans.

Purpose

of Trip: The grandmothers indicated on their visa applications that the purpose of their trip was to pick up their grandson. The AP quotes the National Council's Edgar as saying that the grandmothers' purpose is "to make an appeal to the American people." Neither State nor White House press guidance will speak to this issue, instead referring any questions about the purpose of the trip to the grandmothers themselves.

Reaction of Miami Relatives: According to press reports, the boy's Miami relatives indicated yesterday that they would welcome the grandmothers to visit the child, but would allow neither Cuban officials nor the National Council of Churches to participate in any visit between the grandmothers and the boy.

Meeting with Cuban

Officials Today: State will be meeting again today with officials from the Cuban Interests Section here in Washington at 3:00p.m. Such meetings have occurred frequently since the beginning of this matter. In addition to general information on the grandmothers' visit, discussions regarding the Cubans' request for consular access to the child are expected to continue at this meeting.

Exchange Mail

DATE-TIME 01/22/2000 3:50:50 PM

FROM Bayley, Douglas C. (WHSR)

CLASSIFICATION UNCLASSIFIED

SUBJECT RE: Update on Cuban Boy [UNCLASSIFIED]

TO

Porterfield Patrick C. (WHSR)
Rudman, Mara E. (NSA)
Patten, Wendy L. (MULTI)
Bash, Brooks L. (EXSEC)
Bradtke, Robert A. (EXSEC)
Crocker, Bathsheba N. (NSA)
Gray, Wendy E. (NSA)
Jacobson, Tracey A. (ADMIN)
Joshi, M. Kay (EXSEC)
Millison, Cathy L. (EXSEC)
Moretz, Sheila K. (NSA)
Patterson, Pamela L. (NSA)
Rudman, Mara E. (NSA)
Sargeant, Stephen T. (EXSEC)
Scott-Perez, Marilyn L. (NSA)
Storey, Sharon V. (NSA)
Sutphen, Mona K. (NSA)
Bayley, Douglas C. (WHSR)
Gentile, Donald J. (WHSR)
McGee, Jenny A. (WHSR)
Merletti, Roger D. (WHSR)
Powell, Elliott (WHSR/EXSEC)
Rogers, Elizabeth B. (WHSR)
Schrader, Joel M. (WHSR)
Sibley, Matthew W. (WHSR)
Sigler, Ralph H. (WHSR)
Smith, James A. (WHSR)
Bayley, Douglas C. (WHSR)
Blackburn, John (WHSR)
Bresnahan, Gary E. (WHSR/STP)
Broadwick, Bonnie . (WHSR)
Crowder, Stevan D. (WHSR/STP)
Erdahl, Douglas M. (WHSR)
Fuchs, Joachim D. (WHSR)
Jansen, Christian P. (WHSR)
Laskowski, Gregory J. (WHSR)
McGee, Jenny A. (WHSR)
Porterfield Patrick C. (WHSR)
Powell, Elliott (WHSR/EXSEC)

Reyes, David (WHSR)
Rogers, Elizabeth B. (WHSR)
Schrader, Joel M. (WHSR)
Sibley, Matthew W. (WHSR)
Sigler, Ralph H. (WHSR)

CARBON_COPY

Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Kale, Dora A. (MULTI)
McClean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Patten, Wendy L. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)
Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
Valenzuela, Arturo A. (INTERAM)

TEXT_BODY

sent to SRB via driver at 1545 EST.

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

From: Porterfield

Patrick C. (WHSR)

Sent: Saturday, January 22, 2000 2:45 PM

To: Rudman,

Mara E. (NSA); Patten, Wendy L. (MULTI); @NSA - Natl Security Advisor;
@SDO-WHSR Senior Duty Officers; @COMM - WHSR Comm Officers

Cc: @MULTILAT

- Multilateral and Humanitarian Affairs; @LEGAL - Legal Advisor;

Valenzuela, Arturo A. (INTERAM)

Subject: RE: Update on Cuban Boy

[UNCLASSIFIED]

Sent to Jim Steinberg at 1445 EST.

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

From: Rudman, Mara E. (NSA)

Sent: Saturday, January

22, 2000 2:15 PM

To: Patten, Wendy L. (MULTI); @NSA - Natl Security

Advisor; @SDO-WHSR Senior Duty Officers; @COMM - WHSR Comm
Officers

Cc: @MULTILAT

- Multilateral and Humanitarian Affairs; @LEGAL - Legal Advisor;

Valenzuela, Arturo A. (INTERAM)
Subject: RE: Update on Cuban Boy
[UNCLASSIFIED]

Please send to Sandy at home; also please send
to Jim on the road.

FYI to all: It's Judge Hoevler in Miami,
and he's excellent, though has a longstanding reputation for taking
his time in making/issuing decisions.

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

From:
Patten, Wendy L. (MULTI)
Sent: Friday, January 21, 2000 8:44
PM
To: @NSA - Natl Security Advisor
Cc: @MULTILAT - Multilateral
and Humanitarian Affairs; @LEGAL - Legal Advisor; Valenzuela, Arturo
A. (INTERAM)
Subject: Update on Cuban Boy [UNCLASSIFIED]

Please
pass to Sandy and Jim, cc: Mara. thanks.
from Mary and Wendy

Grandmothers'
Arrival in U.S. Elian's two grandmothers arrived this afternoon
in New York and subsequently held a press conference, together with
representatives of the National Council of Churches (NCC). NCC told
the press that the grandmothers will stay for a few days before hopefully
returning to Cuba with their grandson. They have no plans to go
to Miami, but do hope to see their grandson (they did not elaborate
on exactly how such a meeting might occur). The grandmothers spoke
movingly about the pain of separation from their grandson and their
desire to bring him home. Although the paternal grandmother came
across as rather angry toward the Miami family's actions and about
any legislation to confer citizenship on the boy, the maternal grandmother
nearly came to tears when talking about seeing her grandson again.
She also spoke directly to the issue of Elian's mother's wishes,
asking that Elian return to his father and grandparents so that her
daughter could rest in peace.

The grandmothers have requested
a meeting with the Attorney General and INS Commissioner Meissner.
The meeting will occur tomorrow at 1:00p.m.

INS Lawsuit As you
know, Elian's Miami relatives filed suit on Wednesday in federal

court in Miami challenging the INS decision to deny the asylum petitions that they filed in Elian's name. The suit is a motion for preliminary and permanent injunction and a petition for writ of mandamus. The relatives ask the court to preclude the INS from returning Elian to Cuba "until defendants [INS] abide by their own rules and regulations and adjudicate [Elian's] applications for political asylum."

The first judge assigned to the case -- Judge King -- recused himself today, presumably because of a potential conflict of interest (Judge King's son is a state court judge who has used the spokesman for Elian's Miami relatives as his campaign manager). According to Justice, any views of the parties on the issue of recusal were filed under seal. Judge King has not given a reason publicly for his recusal. This afternoon, Judge Hoovelin (ph) was assigned the case. Justice doesn't know much about him except that he is generally well regarded and presided over the Noriega case.

So far no schedule has been set in the matter. If it were to proceed under the normal briefing schedule for a preliminary injunction, briefing would be complete on February 9. Early next week, when Justice expects to file its first paper in the case, it will ask for an expedited schedule.

Legal Issues with Legislation Justice is reviewing a number of legal issues related to the proposed legislation to confer citizenship or lawful permanent residency on Elian. There are potentially some constitutional issues with the legislation. For example, Justice is looking at whether the legislation would cause a termination of parental rights that would amount to a deprivation of substantive due process. They are also reviewing the question of whether citizenship can be conferred on a person without his consent. They hope to have some, at least preliminary conclusions about these issues by early next week.

As regards the effect of legislation on INS' role in the case, Justice told us that legislation that confers citizenship on the child would remove INS from the matter. Justice is still reviewing the effect of legislation granting the child permanent residency on INS' role in the case.

Exchange Mail

DATE-TIME 01/23/2000 5:22:55 PM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Update on Cuban Boy [UNCLASSIFIED]

TO Rudman, Mara E. (NSA)
Bash, Brooks L. (EXSEC)
Bradtke, Robert A. (EXSEC)
Crocker, Bathsheba N. (NSA)
Gray, Wendy E. (NSA)
Jacobson, Tracey A. (ADMIN)
Joshi, M. Kay (EXSEC)
Millison, Cathy L. (EXSEC)
Moretz, Sheila K. (NSA)
Patterson, Pamela L. (NSA)
Rudman, Mara E. (NSA)
Sargeant, Stephen T. (EXSEC)
Scott-Perez, Marilyn L. (NSA)
Storey, Sharon V. (NSA)
Sutphen, Mona K. (NSA)

CARBON_COPY Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Kale, Dora A. (MULTI)
McLean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Patten, Wendy L. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)
Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
Valenzuela, Arturo A. (INTERAM)

TEXT_BODY Mara -- thanks. I'll pass that on. One of my good friends clerked for him as well -- WLP

-----Original Message-----
From: Rudman,
Mara E. (NSA)

Sent: Saturday, January 22, 2000 4:59 PM
To: Patten,
Wendy L. (MULTI); @NSA - Natl Security Advisor
Cc: @MULTILAT -
Multilateral and Humanitarian Affairs; @LEGAL - Legal Advisor; Valenzuela,
Arturo A. (INTERAM)
Subject: RE: Update on Cuban Boy [UNCLASSIFIED]

Wendy

-- if Justice wants more of a scoop on Hoeveler, they have a great easy resource to draw upon -- Sandra Cavazos, who was special assistant to Phil Heymann when he was deputy AG, was Hoeveler's clerk for the entire Noriega trial. She is now a DA in Manhattan appellate division. (I have #s if they're interested.)

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

From:
Patten, Wendy L. (MULTI)
Sent: Friday, January 21, 2000 8:44 PM
To: @NSA - Natl Security Advisor
Cc: @MULTILAT - Multilateral
and Humanitarian Affairs; @LEGAL - Legal Advisor; Valenzuela, Arturo A. (INTERAM)
Subject: Update on Cuban Boy [UNCLASSIFIED]

Please

pass to Sandy and Jim, cc: Mara. thanks.
from Mary and Wendy

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Exchange Mail

DATE-TIME 01/24/2000 4:02:24 PM
FROM Shapiro, Daniel B. (LEGIS)
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Update on Elian Gonzalez [UNCLASSIFIED]
TO Burrell, Christina L. (LEGIS)
Lackey, Miles M. (LEGIS)
Shapiro, Daniel B. (LEGIS)
Tavlarides, Mark J. (LEGIS)

CARBON_COPY**TEXT_BODY**

Wendy just called and was sufficiently contrite, pledged to do better. I've asked her to get our clearance on all of these now, as the info they contain could impact pace of legislation, Hill dynamics, etc.

Do you want to send something on the Hill situation? Not much to report -- Mack is dropping in his bill today, haven't seen text, can't come up until later in the week.

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

From: Shapiro,
Daniel B. (LEGIS)
Sent: Monday, January 24, 2000 3:55 PM
To: Patten,
Wendy L. (MULTI)
Cc: @MULTILAT - Multilateral and Humanitarian
Affairs; @LEGISLAT - Legislative Affairs
Subject: RE: Update on
Elian Gonzalez [UNCLASSIFIED]

Wendy -- An email like this MUST be cleared with @legis before it goes in. There is considerable discussion of Hill activity, and from now on everything has implications for potential legislation. -- Dan

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

From: Patten,
Wendy L. (MULTI)
Sent: Monday, January 24, 2000 3:50 PM
To: @NSA
- Natl Security Advisor
Cc: @INTERAM - Inter-American; @LEGAL -

Legal Advisor; @LEGISLAT - Legislative Affairs; @MULTILAT - Multilateral and Humanitarian Affairs; @COMM - WHSR Comm Officers
Subject: Update
on Elian Gonzalez [UNCLASSIFIED]

Please pass to Sandy, Jim, and
Mara. Thank you.

From Wendy Patten through Eric Schwartz.

Sandy,
Jim, and Mara:

I just learned from INS that Elian Gonzalez's grandmothers are planning to extend their trip by at least a day and will travel to Washington to meet with members of Congress.

As you know, they are on their way to Miami, and have just arrived (3:45). No meeting with their grandson has been arranged at this point. Conversations are expected to continue once the plane lands in Miami. The grandmothers plan to come to Washington later tonight and stay in the private home of an official from the Cuban Interests Section. Tomorrow, they will go to the Hill and meet with Sheila Jackson-Lee. We do not know whether other Hill meetings have been or will be arranged. The grandmothers may stay in Washington again tomorrow night.

As regards Justice/INS's role in arranging a meeting with Elian, the grandmothers asked the Attorney General and INS Commissioner Meissner to help in enabling them to see Elian during their meeting at Justice on Saturday. Since then, INS and Justice have been working quietly with the parties to determine whether such a meeting would be possible. We understand that the major obstacle is the location of the meeting. The Miami relatives are insisting upon meeting at their home so that the grandmothers can observe Elian's living conditions, while the grandmothers are reticent to go to the home, presumably because of concerns for their safety.

We will continue to be in close contact with INS and Justice throughout the day.

Wendy

Exchange Mail

DATE-TIME 01/24/2000 7:04:27 PM
FROM Lackey, Miles M. (LEGIS)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Elian Gonzalez update [UNCLASSIFIED]
TO Patten, Wendy L. (MULTI)
DeRosa, Mary B. (LEGAL)
Shapiro, Daniel B. (LEGIS)

CARBON_COPY Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Kale, Dora A. (MULTI)
McClean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Patten, Wendy L. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)
Burrell, Christina L. (LEGIS)
Lackey, Miles M. (LEGIS)
Shapiro, Daniel B. (LEGIS)
Tavlarides, Mark J. (LEGIS)
Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
Gray, Wendy E. (NSA)
Rudman, Mara E. (NSA)

TEXT_BODY we have both house bills if you want them

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

From: Patten,
Wendy L. (MULTI)
Sent: Monday, January 24, 2000 6:49 PM
To: DeRosa,
Mary B. (LEGAL); Shapiro, Daniel B. (LEGIS)
Cc: @MULTILAT - Multilateral
and Humanitarian Affairs; @LEGISLAT - Legislative Affairs; @LEGAL
- Legal Advisor; @RUDMAN
Subject: RE: Elian Gonzalez update [UNCLASSIFIED]

Mary

-- Looks great. Just a few things:

1. my notes say that McCollum introduced companion legislation in the House, but that there would be no vote this week, just possible hearings on a special rule. Apparently Mark Magana in White House Leg has it, so perhaps you should check with him.

2. Menendez introduced bill to confer LPR status on Elian.

Dan, is that what you have on both these points?

3. change the word "bill to OMB" to "letter to OMB" in second paragraph under leg strategy.

thanks -- WLP

-----Original

Message-----

From: DeRosa, Mary B. (LEGAL)

Sent: Monday, January

24, 2000 6:29 PM

To: Patten, Wendy L. (MULTI); Shapiro, Daniel
B. (LEGIS)

Cc: @MULTILAT - Multilateral and Humanitarian Affairs;

@LEGISLAT - Legislative Affairs; @LEGAL - Legal Advisor; @RUDMAN

Subject: Elian

Gonzalez update [UNCLASSIFIED]

Jim asked for an update on Elian to be sent to him when he arrives at the airport at 8:30 this evening (apparently sit room is sending him a package). I've tried to summarize the conference call, but welcome all comments.

Please send to

Jim S. (from Legal, Multilat, and Legislative)

Update on the

grandmothers The grandmothers are in Miami now, but it is still not clear whether they will meet with Elian, and if so where. They hope to meet with him this evening. There are conflicting reports on where the grandmothers will go after this evening. Earlier we heard that they will be coming to Washington tonight and meeting with Sheila Jackson Lee (and possibly Dodd) tomorrow, but INS is now reporting that the National Council of Churches says they will

not come to Washington.

Legislation Senator Mack introduced a bill today that would confer citizenship on Elian. He has 5 cosponsors: Lott, Helms, Torricelli, Graham, and Robb. Lott has told Daschle that there will be no vote on the legislation this week. No legislation will be introduced in the House this week.

Legislative Strategy

Maria Echaveste convened an interagency conference call this afternoon to discuss legislative strategy. General view was that we should not support offering amendments -- such as the Central American Parity legislation -- to the Elian citizenship bills. There was agreement, though, that we can make rhetorical points by contrasting the reception these other pieces of legislation have received with the attention to Elian's situation.

DOJ and State are preparing a joint letter that will not react to a specific piece of legislation, but will set out in a general way the policy concerns with the attempts to confer citizenship or lawful permanent resident status on Elian. DOJ/State said they would have this bill to OMB for circulation by tomorrow afternoon.

Legal issues with the Legislation OLC

reports that its preliminary conclusion is that there are no significant constitutional problems with legislation that would confer citizenship on Elian. The one question they are still reviewing is whether citizenship can be bestowed without consent. The argument would be that citizenship is a fundamental right that carries with it responsibilities, and a person must consent to take these on. We have conferred citizenship without consent in the past, however, mostly in the context of territorial acquisitions. OLC is still looking at whether those circumstances are so different from this one that they should not be considered valid precedents.

Exchange Mail

DATE-TIME 01/24/2000 7:15:54 PM
FROM Rudman, Mara E. (NSA)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Elian Gonzalez update [UNCLASSIFIED]
TO Patten, Wendy L. (MULTI)
DeRosa, Mary B. (LEGAL)
Shapiro, Daniel B. (LEGIS)

CARBON_COPY Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Kale, Dora A. (MULTI)
McClean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Patten, Wendy L. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)
Burrell, Christina L. (LEGIS)
Lackey, Miles M. (LEGIS)
Shapiro, Daniel B. (LEGIS)
Tavlarides, Mark J. (LEGIS)
Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
Gray, Wendy E. (NSA)
Rudman, Mara E. (NSA)

TEXT_BODY

Additonal items:

Wendy Sherman says NCC confirmed grandmothers are not/not coming back to DC, not going to Hill etc. Also that whether meeting would go forward with Elian still murky. (that was about 5pm).

Also note for Wendy Patten, I think Mary knows already -- you should not/not be calling WHLA for legislative info -- should always go to OUR legislative office, and they will take it from there, including for communications with WHLA. (Unless of course they direct you to someone at WHLA.) Need to try to keep the lines of communication straightforward here, and that means legis to legis discussions interagency,

and between NSC and WH. Thanks.

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

From:

Patten, Wendy L. (MULTI)

Sent: Monday, January 24, 2000 6:49

PM

To: DeRosa, Mary B. (LEGAL); Shapiro, Daniel B. (LEGIS)

Cc: @MULTILAT

- Multilateral and Humanitarian Affairs; @LEGISLAT - Legislative Affairs; @LEGAL - Legal Advisor; @RUDMAN

Subject: RE: Elian Gonzalez

update [UNCLASSIFIED]

Mary -- Looks great. Just a few things:

1.

my notes say that McCollum introduced companion legislation in the House, but that there would be no vote this week, just possible hearings on a special rule. Apparently Mark Magana in White House Leg has it, so perhaps you should check with him.

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bill to confer LPR status on Elian.

Dan, is that what you have
on both these points?

3. change the word "bill to OMB" to "letter
to OMB" in second paragraph under leg strategy.

thanks -- WLP

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

From: DeRosa, Mary B. (LEGAL)

Sent: Monday, January 24, 2000 6:29 PM

To: Patten, Wendy L. (MULTI);

Shapiro, Daniel B. (LEGIS)

Cc: @MULTILAT - Multilateral and Humanitarian

Affairs; @LEGISLAT - Legislative Affairs; @LEGAL - Legal Advisor;

@RUDMAN

Subject: Elian Gonzalez update [UNCLASSIFIED]

Jim asked

for an update on Elian to be sent to him when he arrives at the airport
at 8:30 this evening (apparently sit room is sending him a package).

I've tried to summarize the conference call, but welcome all comments.

Please

send to Jim S. (from Legal, Multilat, and Legislative)

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Exchange Mail

DATE-TIME 01/24/2000 7:18:50 PM

FROM Patterson, Pamela L. (NSA)

CLASSIFICATION UNCLASSIFIED

SUBJECT RE: Elian Gonzalez update [UNCLASSIFIED]

TO Rudman, Mara E. (NSA)
DeRosa, Mary B. (LEGAL)
Bayley, Douglas C. (WHSR)
Blackburn, John (WHSR)
Bresnahan, Gary E. (WHSR/STP)
Broadwick, Bonnie . (WHSR)
Crowder, Stevan D. (WHSR/STP)
Erdahl, Douglas M. (WHSR)
Fuchs, Joachim D. (WHSR)
Jansen, Christian P. (WHSR)
Laskowski, Gregory J. (WHSR)
McGee, Jenny A. (WHSR)
Porterfield Patrick C. (WHSR)
Powell, Elliott (WHSR/EXSEC)
Reyes, David (WHSR)
Rogers, Elizabeth B. (WHSR)
Schrader, Joel M. (WHSR)
Sibley, Matthew W. (WHSR)
Sigler, Ralph H. (WHSR)
Bash, Brooks L. (EXSEC)
Bradtke, Robert A. (EXSEC)
Crocker, Bathsheba N. (NSA)
Gray, Wendy E. (NSA)
Jacobson, Tracey A. (ADMIN)
Joshi, M. Kay (EXSEC)
Millison, Cathy L. (EXSEC)
Moretz, Sheila K. (NSA)
Patterson, Pamela L. (NSA)
Rudman, Mara E. (NSA)
Sargeant, Stephen T. (EXSEC)
Scott-Perez, Marilyn L. (NSA)
Storey, Sharon V. (NSA)
Sutphen, Mona K. (NSA)

CARBON_COPY Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)

Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Kale, Dora A. (MULTI)
McLean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Patten, Wendy L. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)
Burrell, Christina L. (LEGIS)
Lackey, Miles M. (LEGIS)
Shapiro, Daniel B. (LEGIS)
Tavlarides, Mark J. (LEGIS)

TEXT_BODY

Holding off sending to Jim. Driver leaves at 7:30pm.

-----Original

Message-----

From: Rudman, Mara E. (NSA)

Sent: Monday, January

24, 2000 7:17 PM

To: DeRosa, Mary B. (LEGAL); @COMM - WHSR Comm

Officers; @NSA - Natl Security Advisor

Cc: @LEGAL - Legal Advisor;

@MULTILAT - Multilateral and Humanitarian Affairs; @LEGISLAT -

Legislative

Affairs

Subject: RE: Elian Gonzalez update [UNCLASSIFIED]

Importance: High

PLEASE

HOLD OFF ON SENDING -- MARY SEE MY COMMENTS ON LAST
EMAIL.

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

From: DeRosa, Mary B. (LEGAL)

Sent: Monday,

January 24, 2000 7:17 PM

To: @COMM - WHSR Comm Officers; @NSA -

Natl Security Advisor

Cc: @LEGAL - Legal Advisor; @MULTILAT - Multilateral

and Humanitarian Affairs; @LEGISLAT - Legislative Affairs

Subject: Elian

Gonzalez update [UNCLASSIFIED]

(Please include in package to be
sent to Jim at the airport)

Please send to Jim S. (from Legal,

Multilat, and Legislative)

Update on the grandmothers The grandmothers are in Miami now, but it is still not clear whether they will meet with Elian, and if so where. They hope to meet with him this evening. There are conflicting reports on where the grandmothers will go after this evening. Earlier we heard that they will be coming to Washington tonight and meeting with Sheila Jackson Lee (and possibly Dodd) tomorrow, but INS is now reporting that the National Council of Churches says they will not come to Washington.

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DOJ and

State are preparing a joint letter that will not react to a specific piece of legislation, but will set out in a general way the policy concerns with the attempts to confer citizenship or lawful permanent resident status on Elian. DOJ/State said they would have this letter to OMB for circulation by tomorrow afternoon.

Legal issues with

the Legislation OLC reports that its preliminary conclusion is that there are no significant constitutional problems with legislation that would confer citizenship on Elian. The one question they are still reviewing is whether citizenship can be bestowed without consent. The argument would be that citizenship is a fundamental right that carries with it responsibilities, and a person must consent to take these on. We have conferred citizenship without consent in the past, however, mostly in the context of territorial acquisitions. OLC is still looking at whether those circumstances are so different from this one that they should not be considered valid precedents.

Exchange Mail

DATE-TIME 01/24/2000 7:21:06 PM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Elian Gonzalez update [UNCLASSIFIED]
TO Rudman, Mara E. (NSA)
DeRosa, Mary B. (LEGAL)
Shapiro, Daniel B. (LEGIS)

CARBON_COPY Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Kale, Dora A. (MULTI)
McClean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Patten, Wendy L. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)
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Shapiro, Daniel B. (LEGIS)
Tavlarides, Mark J. (LEGIS)
Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
Gray, Wendy E. (NSA)
Rudman, Mara E. (NSA)

TEXT_BODY Mara -- as Mary knows, INS called to confirm the same at 7pm, although they emphasized that the grandmothers' plans are very much a moving target.

thanks -- WLP

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

From: Rudman,
Mara E. (NSA)
Sent: Monday, January 24, 2000 7:16 PM
To: Patten,
Wendy L. (MULTI); DeRosa, Mary B. (LEGAL); Shapiro, Daniel B.
(LEGIS)

Cc: @MULTILAT - Multilateral and Humanitarian Affairs;
@LEGISLAT - Legislative Affairs; @LEGAL - Legal Advisor; @RUDMAN
Subject: RE:
Elian Gonzalez update [UNCLASSIFIED]

Additional items:

Wendy

Sherman says NCC confirmed grandmothers are not/not coming back to DC, not going to Hill etc. Also that whether meeting would go forward with Elian still murky. (that was about 5pm).

Also note for

Wendy Patten, I think Mary knows already -- you should not/not be calling WHLA for legislative info -- should always go to OUR legislative office, and they will take it from there, including for communications with WHLA. (Unless of course they direct you to someone at WHLA.)
Need to try to keep the lines of communication straightforward here, and that means legis to legis discussions interagency, and between NSC and WH. Thanks.

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

From: Patten,

Wendy L. (MULTI)

Sent: Monday, January 24, 2000 6:49 PM

To: DeRosa,

Mary B. (LEGAL); Shapiro, Daniel B. (LEGIS)

Cc: @MULTILAT - Multilateral

and Humanitarian Affairs; @LEGISLAT - Legislative Affairs; @LEGAL
- Legal Advisor; @RUDMAN

Subject: RE: Elian Gonzalez update [UNCLASSIFIED]

Mary

-- Looks great. Just a few things:

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thanks -- WLP

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Message-----

From: DeRosa, Mary B. (LEGAL)

Sent: Monday, January

24, 2000 6:29 PM

To: Patten, Wendy L. (MULTI); Shapiro, Daniel

B. (LEGIS)

Cc: @MULTILAT - Multilateral and Humanitarian Affairs;

@LEGISLAT - Legislative Affairs; @LEGAL - Legal Advisor; @RUDMAN

Subject: Elian

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SUBJECT Elian Gonzalez update [UNCLASSIFIED]

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Blackburn, John (WHSR)
Bresnahan, Gary E. (WHSR/STP)
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Crowder, Stevan D. (WHSR/STP)
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