

Exchange Mail

DATE-TIME 01/25/2000 10:34:40 AM

FROM Baker, James E. (LEGAL)

CLASSIFICATION UNCLASSIFIED

SUBJECT FW: Draft Guidance on Cuban Boy [UNCLASSIFIED]

TO Gray, Wendy E. (NSA)
Rudman, Mara E. (NSA)

CARBON_COPY Lackey, Miles M. (LEGIS)
Patten, Wendy L. (MULTI)
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)
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 Legal concurs as does Beth Nolan; Beth wants to ensure that Maria clears as well, which I understand is the game plan. Thank you.

-----Original Message-----
From: Patten, Wendy L. (MULTI)

Sent: Tuesday, January 25, 2000 10:11 AM
To: Hollis, Caryn C.
(INTERAM); Lackey, Miles M. (LEGIS); @RUDMAN
Cc: @INTERAM - Inter-American;
@LEGAL - Legal Advisor; @LEGISLAT - Legislative Affairs;
@MULTILAT

- Multilateral and Humanitarian Affairs
Subject: Draft Guidance
on Cuban Boy [UNCLASSIFIED]
Importance: High

Please clear
the attached guidance ASAP. Mara -- I spoke with Miles and Eric
about our stance on legislation, which I understand was discussed
this morning. We worked out the bracketed language in the first
bullet on the top of the second page, but want to clear it with through
you.

thanks -- WLP

TRANSLATED_ATTACHMENT CubanboyPG11.doc
CUBAN BOY
January 25, 2000

CONTEXT: On January 21, Elian Gonzalez's grandmothers traveled
to the U.S. to
appeal for their grandson's return to his family in Cuba. On January
22, the
grandmothers, accompanied by representatives of the National
Council of Churches,
met with the Attorney General and INS Commissioner to express their
concerns.
They asked for assistance in arranging to see their grandson, which
INS has
attempted to pursue quietly since the meeting. Yesterday, the
grandmothers flew
to Miami in hopes of seeing Elian, but they and the boy's relatives
could not
agree on a location for the meeting. The grandmothers left Miami last
night.
Sen. Mack introduced a bill to confer citizenship on the boy
yesterday, and Rep.
McCollum introduced companion legislation in the House.

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.

What's your reaction to the grandmothers' visit?

* We have said from the beginning that we believe that the presence of Elian's father or family members would be helpful, but that any decision to come here would be up to them. We continue to hope that the family will be able to get together while the grandmothers are here.

What is the next step in this case? What happens next in the federal lawsuit filed by attorneys for Elian's great uncle?

* Any questions on next steps for the grandmothers should be directed to them. As to the legal proceedings, this is a matter for the Justice Department to handle, and in keeping with normal policy, we cannot 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.

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

* It would be premature to comment on any specific bill, but as the President has said, we hope this issue will not be politicized, [and we strongly

oppose
legislation to confer citizenship on the child.]

* It would be premature to comment on any question of a veto.

What about Dan Burton's subpoena?

* 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.

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.

4

2

Exchange Mail

DATE-TIME 01/25/2000 11:37:27 AM
FROM Valenzuela, Arturo A. (INTERAM)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Draft Guidance on Cuban Boy [UNCLASSIFIED]
TO Patten, Wendy L. (MULTI)
Baker, James E. (LEGAL)
Gray, Wendy E. (NSA)
Rudman, Mara E. (NSA)

CARBON_COPY Lackey, Miles M. (LEGIS)
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)
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 Wendy, as I told you on the phone we are comfortable with this.

Arturo

-----Original

Message-----

From: Patten, Wendy L. (MULTI)

Sent: Tuesday, January

25, 2000 10:38 AM

To: Baker, James E. (LEGAL); @RUDMAN

Cc: Lackey,

Miles M. (LEGIS); @LEGAL - Legal Advisor; @MULTILAT - Multilateral

and Humanitarian Affairs; @INTERAM - Inter-American
Subject: RE:
Draft Guidance on Cuban Boy [UNCLASSIFIED]

Dave Leavy just informed
me that the President is doing his press briefing at 11:45 so they
need the guidance now. Please send your clearance asap. (thanks
for yours, Jamie)

thanks -- WLP

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

From: Baker,
James E. (LEGAL)
Sent: Tuesday, January 25, 2000 10:35 AM
To: @RUDMAN
Cc: Lackey,
Miles M. (LEGIS); Patten, Wendy L. (MULTI); @LEGAL - Legal Advisor;
@MULTILAT - Multilateral and Humanitarian Affairs; @INTERAM - Inter-
American
Subject: FW:
Draft Guidance on Cuban Boy [UNCLASSIFIED]
Importance: High

Legal
concurs as does Beth Nolan; Beth wants to ensure that Maria clears
as well, which I understand is the game plan. Thank you.

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

From: Patten, Wendy L. (MULTI)
Sent: Tuesday, January
25, 2000 10:11 AM
To: Hollis, Caryn C. (INTERAM); Lackey, Miles
M. (LEGIS); @RUDMAN
Cc: @INTERAM - Inter-American; @LEGAL - Legal
Advisor; @LEGISLAT - Legislative Affairs; @MULTILAT - Multilateral
and Humanitarian Affairs
Subject: Draft Guidance on Cuban Boy [UNCLASSIFIED]
Importance: High

<< File: CubanboyPG11.doc >>

Please clear the attached guidance
ASAP. Mara -- I spoke with Miles and Eric about our stance on legislation,
which I understand was discussed this morning. We worked out the
bracketed language in the first bullet on the top of the second page,
but want to clear it with through you.

thanks -- WLP

Exchange Mail

DATE-TIME 01/25/2000 2:33:57 PM

FROM Patten, Wendy L. (MULTI)

CLASSIFICATION UNCLASSIFIED

SUBJECT news on elian [UNCLASSIFIED]

TO Fallin, James (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)

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 CNN is already reporting the DOJ/INS action, taken just within the past hour, to send a letter to the great uncle directing him to make the child available tomorrow for a meeting with the grandmothers at a neutral location.

You should refer all inquiries to DOJ and INS press (Carole Florman is at DOJ today, not sure about Maria). Carole is working on updated guidance.

I'll send a full note shortly to you and to other relevant directorates.

thanks -- wLP

Exchange Mail

DATE-TIME 01/25/2000 3:47:52 PM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT follow up on Feinstein re: Elian [UNCLASSIFIED]
TO Lackey, Miles M. (LEGIS)
Burrell, Christina L. (LEGIS)
Lackey, Miles M. (LEGIS)
Shapiro, Daniel B. (LEGIS)
Tavlarides, Mark J. (LEGIS)

CARBON_COPY

TEXT_BODY Miles -- I was just talking to Patty First at INS OLA about something else, and she asked me to pass on to everyone here who was just on the conference call that Feinstein's office asked (belatedly) to keep their interest as expressed to Justice quiet for now.

How
should we proceed to pass this message along? Would you like to send an email? I tried to call you but am afraid you may have joined the call from home. Please let me know.

thanks -- WLP

Exchange Mail

DATE-TIME 01/25/2000 5:09:14 PM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Update on Elian Gonzalez [UNCLASSIFIED]
TO Avery, Dale R. (INTERAM)

CARBON_COPY

TEXT_BODY you have to read the last paragraph -- it's over the top

-----Original
Message-----
From: Avery, Dale R. (INTERAM)
Sent: Tuesday, January
25, 2000 5:11 PM
To: Patten, Wendy L. (MULTI)
Subject: RE: Update
on Elian Gonzalez [UNCLASSIFIED]

Her English is surprisingly good

-----Original
Message-----
From: Patten, Wendy L. (MULTI)
Sent: Tuesday, January
25, 2000 5:01 PM
To: Valenzuela, Arturo A. (INTERAM); @NSA - Natl
Security Advisor
Cc: @MULTILAT - Multilateral and Humanitarian
Affairs; @LEGAL - Legal Advisor; @LEGISLAT - Legislative Affairs;
@INTERAM - Inter-American
Subject: RE: Update on Elian Gonzalez
[UNCLASSIFIED]

that's right -- the letter is "written" from her
to the First Lady, but obviously she did not write it. The impossibility
of her having written it, however, has not stopped those who claim
to speak for her from taking out the ad, which is in very poor taste.
I have it if you want to take a look.

thanks -- WLP

-----Original

Message-----

From: Valenzuela, Arturo A. (INTERAM)
Sent: Tuesday,
January 25, 2000 4:44 PM
To: Patten, Wendy L. (MULTI); @NSA - Natl
Security Advisor
Cc: @MULTILAT - Multilateral and Humanitarian
Affairs; @LEGAL - Legal Advisor; @LEGISLAT - Legislative Affairs;
@INTERAM - Inter-American
Subject: RE: Update on Elian Gonzalez
[UNCLASSIFIED]

Wendy, unless I am missing something-- no one
can write a letter posthumously, even if purportedly.

-----Original

Message-----

From: Patten, Wendy L. (MULTI)
Sent: Tuesday, January
25, 2000 4:29 PM
To: @NSA - Natl Security Advisor
Cc: @MULTILAT
- Multilateral and Humanitarian Affairs; @LEGAL - Legal Advisor;
@LEGISLAT - Legislative Affairs; @INTERAM - Inter-American
Subject: Update
on Elian Gonzalez [UNCLASSIFIED]

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

From Wendy Patten through Eric Schwartz, cleared
by Legal.

Jim,

Mary and I spoke to Justice earlier, which
prompted our call to you.

Earlier this afternoon, INS sent a
letter to Elian Gonzalez's great uncle, Lazaro Gonzalez, directing
him to make the child available for a visit with the grandmothers
at a neutral location at 4:00 tomorrow in Miami. The great uncle
and his attorneys have until 3:30 today to notify INS of their response.
We understand that they have send a reply, which INS and DOJ are
assessing at present.

Background: INS has worked quietly to assist
the family in reaching agreement on a neutral setting for a visit
between Elian and his grandmothers since Saturday, when the grandmothers

expressly asked the Attorney General and INS Commissioner for their help in arranging such a visit, and strongly indicated their desire to visit with him alone. INS offered various options, each of which was rejected by the great uncle. INS then decided to take action today to compel the great uncle to produce the child for a meeting with his grandmothers.

Content of Letter: The letter summarizes the above background and then directs the great uncle to make the child available for a visit tomorrow at 4:00 at the private home of the President of Barry University, a Dominican order institution. The President, who is a nun, lives in a secluded area in Miami Beach and her home is gated. The letter indicates that producing the child for the visit is a condition of Elian's temporary parole into the United States. (The INS District Director has the power to set the terms of any grant of parole). The letter also makes clear that the purpose of the meeting tomorrow is simply to allow the grandmothers to visit Elian and that it will not alter the placement or care of the child with the great uncle.

Possible Scenarios: 1. The child's Miami relatives could choose to comply. 2. They would fail to comply, prompting DOJ to seek an injunction to force their compliance. 3. They would propose an alternate site for the meeting, which would then have to be analyzed and discussed with the grandmothers.

We are awaiting a copy of the INS letter and the family's response, and will send those to you as soon as we receive them.

Press Coverage:
CNN reports that the grandmothers will be interviewed on CNN tonight at 6:00. Today's Washington Times contains a full-page open letter to the First Lady, purportedly written posthumously by Elian's late mother, imploring her to prevent her son's return to Cuba. This advertisement, sponsored by the Jorge Mas Canosa Foundation in Miami, appears on page A9. We have made sure the First Lady's Office is aware of it.

Wendy

Exchange Mail

DATE-TIME 01/25/2000 5:14:57 PM

FROM Valenzuela, Arturo A. (INTERAM)

CLASSIFICATION UNCLASSIFIED

SUBJECT RE: Update on Elian Gonzalez [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)

CARBON_COPY Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Kale, Dora A. (MULTI)
Mclean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
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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

This "miracle" has a name: "The Jorge Mas Canosa Freedom Foundation."

-----Original

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Sent: Tuesday, January

25, 2000 5:01 PM

To: Valenzuela, Arturo A. (INTERAM); @NSA - Natl

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Cc: @MULTILAT - Multilateral and Humanitarian

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

@INTERAM - Inter-American

Subject: RE: Update on Elian Gonzalez

[UNCLASSIFIED]

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January 25, 2000 4:44 PM

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Cc: @MULTILAT - Multilateral and Humanitarian

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Wendy

Exchange Mail

DATE-TIME 01/25/2000 5:49:27 PM

FROM Patten, Wendy L. (MULTI)

CLASSIFICATION UNCLASSIFIED

SUBJECT Serrano letters on Elian gonzalez [UNCLASSIFIED]

TO Hollis, Caryn C. (INTERAM)
DeRosa, Mary B. (LEGAL)
Shapiro, Daniel B. (LEGIS)

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)
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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 Please clear that attached response to very overdue correspondence.
Justice has cleared, but still awaiting State clearance.

thanks
-- WLP

TRANSLATED_ATTACHMENT

9045bergermemserranoEG.doc

January 24, 2000

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: WENDY PATTEN

SUBJECT: Letter from Rep. Serrano on Elian Gonzalez Case

Attached is a memorandum to the President and proposed response to two letters from Rep. Jose Serrano concerning the matter of Elian Gonzalez.

The NSC received the initial incoming correspondence on December 14, 1999, and the second letter on January 11, 2000.

Concurrence by: Mary DeRosa, Daniel Shapiro, Caryn Hollis

RECOMMENDATION

That you sign the attached memorandum.

Attachment

Tab I Memorandum to the President

Tab A Response to Letter on Elian Gonzalez

Tab B Incoming Correspondence

1

9045

TRANSLATED_ATTACHMENT 9045POTUSltrSerranoEG.doc

Dear Jose:

Thank you for your letters regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

As you know, the Immigration and Naturalization Service announced its decision in this case on January 5. It decided that Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working hard to carry out the INS decision, which is currently being challenged in federal court.

Throughout this process, I have tried to ensure that this decision would be made according to the governing law and procedures, not politics. No interagency task force was established to determine the procedures governing this case. The Immigration and Naturalization Service, in consultation with the Attorney General, had sole responsibility for deciding the procedures to follow as well as the result.

Again, thank you for sharing with me your concerns about this compelling case.

Sincerely,

The Honorable Jose Serrano
House of Representatives
Washington, D.C. 20515

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL BERGER
CHARLES M. BRAIN

SUBJECT: Response to Letters from Rep. Serrano Concerning Elian Gonzalez Case

Purpose

To respond to two letters from Rep. Jose Serrano, expressing his concern over the handling of the Elian Gonzalez case.

Background

Rep. Serrano wrote in December to express his concern over the establishment of an interagency task force to determine the procedures INS should follow in the Elian Gonzalez case. He insists that normal procedures should be followed and the father's wishes respected. He requests that you act quickly to facilitate the return of the child to his father and family in Cuba.

Rep. Serrano wrote again in January to express his support for the INS decision in this case. Noting the intention of lawyers for the child's Miami relatives to challenge the INS decision in court, he urges you to resist attempts to delay or politicize the process and to return the child to his father as soon as possible.

Your response indicates that the Immigration and Naturalization Service and the Department of Justice are working hard to carry out the INS decision, which is currently being challenged in federal court. The response also makes clear that you have endeavored to ensure that the INS decision would be made according to

the applicable law and procedures, not politics.

RECOMMENDATION

That you sign the attached response.

Attachment

Tab A Response to Letter from Rep. Serrano

Tab B Incoming Correspondence

2

9045

cc: Vice President

Chief of Staff

Exchange Mail

DATE-TIME 01/25/2000 6:06:21 PM

FROM Patten, Wendy L. (MULTI)

CLASSIFICATION UNCLASSIFIED

SUBJECT velazquez letter on Elian Gonzalez [UNCLASSIFIED]

TO Hollis, Caryn C. (INTERAM)
DeRosa, Mary B. (LEGAL)
Shapiro, Daniel B. (LEGIS)

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)
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Hunerwadel, Joan S. (LEGAL)
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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 C, M, and D -- please clear. one of many more coming your way...

thanks
-- WLP

TRANSLATED_ATTACHMENT 0266BergermemVelazquezEG.doc

January 24, 2000

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: WENDY PATTEN

SUBJECT: Letter from Rep. Nydia Velazquez Supporting INS
Decision in the Case of
Elian Gonzalez

Attached is a memorandum to the President and proposed response to
a letter from
Rep. Nydia Velazquez expressing her support for the INS decision to
reunite Elian
Gonzalez with his father in Cuba.

The NSC received the incoming correspondence on January 12, 2000.

Concurrence by: Mary DeRosa, Daniel Shapiro, Caryn Hollis

RECOMMENDATION

That you sign the attached memorandum.

Attachment

Tab I Memorandum to the President

Tab A Letter to Rep. Velazquez on Elian Gonzalez

Tab B Incoming Correspondence

1

0266

Dear Representative Velazquez:

Thank you for your letter regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

As you know, the Immigration and Naturalization Service announced its decision in this case on January 5. It decided that Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working hard to carry out the INS decision, which is currently being challenged in federal court.

Throughout this process, I have tried to ensure that this decision would be made according to the governing law and procedures, not politics.

Again, thank you for sharing with me your concerns about this compelling case.

Sincerely,

The Honorable Nydia M. Velazquez
House of Representatives
Washington, D.C. 20515

TRANSLATED_ATTACHMENT 0266POTUSmemVelazquezEG.doc

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL BERGER
CHARLES M. BRAIN

SUBJECT: Letter from Rep. Nydia Velazquez Supporting INS
Decision in Case of
Elian Gonzalez

Purpose

To respond to a letter from Rep. Nydia Velazquez expressing her support for the decision of the Immigration and Naturalization Service to reunite Elian Gonzalez with his father in Cuba.

Background

Rep. Nydia Velazquez wrote to commend your efforts to secure the safe return of Elian Gonzalez to his father in Cuba. Her letter indicates her strong support for the INS decision in this case. She expresses her view that a father should not be denied custody of his son because of the political relationship between two countries, and that the Gonzalez case should be handled not as a political issue, but according to U.S. laws and the natural law of parent and child.

Your response indicates that the Immigration and Naturalization Service and the Department of Justice are working hard to carry out the INS decision, which is currently being challenged in federal court. The response also makes clear that you have endeavored to ensure that the INS decision would be made according to the applicable law and procedures, not politics.

RECOMMENDATION

That you sign the attached response.

Attachment
Tab A Response to Letter on Elian Gonzalez
Tab B Incoming Correspondence

2

0266

cc: Vice President
Chief of Staff

Exchange Mail

DATE-TIME 01/25/2000 6:28:19 PM

FROM Patten, Wendy L. (MULTI)

CLASSIFICATION UNCLASSIFIED

SUBJECT Letter from Mack, Lott, Nickles, Coverdell, Craig on Elian Gonzalez
[UNCLASSIFIED]

TO Hollis, Caryn C. (INTERAM)
DeRosa, Mary B. (LEGAL)
Shapiro, Daniel B. (LEGIS)

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 Please clear. Same letter as Velazquez, which Justice has cleared
(awaiting State). thanks -- WLP

TRANSLATED_ATTACHMENT 9316BergermemSenatorsEG.doc

January 24, 2000

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: WENDY PATTEN

SUBJECT: Letter from Five Senators Requesting Time to Confer
Citizenship on Elian
Gonzalez Case

Attached is a memorandum to the President and proposed response to a letter from Senators Mack, Lott, Nickles, Coverdell, and Craig requesting that Elian Gonzalez remain in the United States until Congress reconvenes so that they may confer citizenship on him.

The NSC received the incoming correspondence on December 29, 1999.

Concurrence by: Mary DeRosa, Daniel Shapiro, Caryn Hollis

RECOMMENDATION

That you sign the attached memorandum.

Attachment
Tab I Memorandum to the President
Tab A Response to Letter from Senators on Elian Gonzalez
Tab B Incoming Correspondence

2

9316

Dear Senators Mack, Lott, Nickles, Coverdell, and Craig (separate letter to each):

Thank you for your letter regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

As you know, the Immigration and Naturalization Service announced its decision in this case on January 5. It decided that Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working hard to carry out the INS decision, which is currently being challenged in federal court.

Throughout this process, I have tried to ensure that this decision would be made according to the governing law and procedures, not politics.

Again, thank you for sharing with me your concerns about this compelling case.

Sincerely,

The Honorable Connie Mack
The Honorable Trent Lott
The Honorable Don Nickles
The Honorable Paul Coverdell
The Honorable Larry Craig
United States Senate
Washington, D.C. 20510

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL BERGER
CHARLES M. BRAIN

SUBJECT: Response to Letter from Five Senators Concerning Elian Gonzalez Case

Purpose

To respond to a letter from Senators Mack, Lott, Nickles, Coverdell, and Craig concerning the Elian Gonzalez case.

Background

Senators Mack, Lott, Nickles, Coverdell, and Craig wrote to urge you to prevent INS from returning Elian Gonzalez to Cuba before they can act to pass legislation conferring U.S. citizenship on the child. They state that, while the child's future should be decided by his family and the courts, they wish to make him a citizen so that, later in life, he may choose where he wishes to live. The letter notes that the child's mother sacrificed her life in order to bring her son to freedom in the United States.

Your response indicates that the Immigration and Naturalization Service and the Department of Justice are working hard to carry out the INS decision, which is currently being challenged in federal court. The response also makes clear that you have endeavored to ensure that the INS decision would be made according to the applicable law and procedures, not politics.

RECOMMENDATION

That you sign the attached response.

Attachment

Tab A Response to Letter from Senators

Tab B Incoming Correspondence

2

9045

cc: Vice President
Chief of Staff

Exchange Mail

DATE-TIME 01/25/2000 6:37:47 PM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT Letter from Bingaman on Elian Gonzalez [UNCLASSIFIED]
TO Hollis, Caryn C. (INTERAM)
DeRosa, Mary B. (LEGAL)
Shapiro, Daniel B. (LEGIS)

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)
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 Please clear. Same text as Velazquez letter.

thanks -- WLP

TRANSLATED_ATTACHMENT 0128POTUSletBingamanEG.doc

Dear Senator Bingaman:

Thank you for your letter regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

As you know, the Immigration and Naturalization Service announced its decision in this case on January 5. It decided that Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working hard to carry out the INS decision, which is currently being challenged in federal court.

Throughout this process, I have tried to ensure that this decision would be made according to the governing law and procedures, not politics.

Again, thank you for sharing with me your concerns about this compelling case.

Sincerely,

The Honorable Jeff Bingaman
United States Senate
Washington, D.C. 20510

TRANSLATED_ATTACHMENT 0128POTUSmemBingamanEG.doc

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL BERGER
CHARLES M. BRAINSUBJECT: Letter from Senator Bingaman Concerning Elian
Gonzalez Case

Purpose

To respond to a letter from Senator Jeff Bingaman expressing his concern over the political forces unleashed by the Elian Gonzalez case.

Background

Senator Jeff Bingaman wrote to express his dismay that groups on both sides of the Elian Gonzalez issue have politicized the matter. The letter urges you to resist responding to the political storm surrounding the case so as to prevent any further harm to the child.

Your response indicates that the Immigration and Naturalization Service and the Department of Justice are working hard to carry out the INS decision, which is currently being challenged in federal court. The response also makes clear that you have endeavored to ensure that the INS decision would be made according to the applicable law and procedures, not politics.

RECOMMENDATION

That you sign the attached response.

Attachment

Tab A Response to Letter from Bingaman
Tab B Incoming Correspondence

2

0128

cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT 0128SRBmemBingamanEG.doc

January 24, 2000

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: WENDY PATTEN

SUBJECT: Letter from Sen. Jeff Bingaman Concerning the Case of
Elian Gonzalez

Attached is a memorandum to the President and proposed response to
a letter from
Senator Jeff Bingaman expressing his concern over the political storm
surrounding
the Elian Gonzalez case.

The NSC received the incoming correspondence on January 7, 2000.

Concurrence by: Mary DeRosa, Daniel Shapiro, Caryn Hollis

RECOMMENDATION

That you sign the attached memorandum.

Attachment
Tab I Memorandum to the President
Tab A Letter to Sen. Bingaman on Elian Gonzalez
Tab B Incoming Correspondence

1

0128

Exchange Mail

DATE-TIME 01/25/2000 6:52:54 PM

FROM Patten, Wendy L. (MULTI)

CLASSIFICATION UNCLASSIFIED

SUBJECT grandmothers meeting with 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 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)
Avery, Dale R. (INTERAM)
Hollis, Caryn C. (INTERAM)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)
Valenzuela, Arturo A. (INTERAM)

TEXT_BODY

Please pass to Sandy and Jim. cc: Mara. thanks.

Sandy and
Jim,

The grandmothers will be meeting with Elian Gonzalez tomorrow at the appointed hour (4:00pm) and place (private home of nun and president of Barry University in Miami Beach). Justice is still working out a few minor details, but they told me that the visit is now set. The grandmothers will have a private visit with their grandson.

thanks -- WLP

Exchange Mail

DATE-TIME 01/26/2000 9:46:50 AM

FROM Leavy, David C. (PRESS)

CLASSIFICATION UNCLASSIFIED

SUBJECT RE: statement on Elian bill for guidance [UNCLASSIFIED]

TO Patten, Wendy L. (MULTI)
Burrell, Christina L. (LEGIS)
Lackey, Miles M. (LEGIS)
Shapiro, Daniel B. (LEGIS)
Tavlarides, Mark J. (LEGIS)
Fallin, James (PRESS)
Gobush, Matthew N. (PRESS)
Hammer, Michael A. (PRESS)
Hoelzer, Jennifer I. (PRESS/INTERAM)
Huff, Lindsey E. (PRESS)
Leavy, David C. (PRESS)
Thinakaran, Prabhath (PRESS/INTERAM)
Wozniak, Natalie S. (PRESS)
Gray, Wendy E. (NSA)
Rudman, Mara E. (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)
Avery, Dale R. (INTERAM)
Hollis, Caryn C. (INTERAM)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)
Valenzuela, Arturo A. (INTERAM)

TEXT_BODY should just take what potus said yesterday from press conference...

-----Original
Message-----
From: Patten, Wendy L. (MULTI)
Sent: Wednesday,
January 26, 2000 9:25 AM

To: @LEGISLAT - Legislative Affairs; @PRESS
- Public Affairs; @RUDMAN
Cc: @MULTILAT - Multilateral and Humanitarian
Affairs; @INTERAM - Inter-American
Subject: statement on Elian bill
for guidance [UNCLASSIFIED]

what decision was made yesterday on
the bracketed language stating that we oppose (strongly?) legislation
to confer citizenship on Elian? I'm wanting to know what to put
both in today's guidance and the points for Podesta. Has this been
resolved?

thanks -- WLP

Exchange Mail

DATE-TIME 01/26/2000 9:47:52 AM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT revised Elian guidance for clearance [UNCLASSIFIED]
TO DeRosa, Mary B. (LEGAL)
Shapiro, Daniel B. (LEGIS)
Hollis, Caryn C. (INTERAM)

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

Please clear the attached press guidance asap. Also consider whether this guidance can be used for Podesta's Hill meeting today, and what additions or changes to it would need to be made for that purpose.

thanks -- WLP

TRANSLATED_ATTACHMENT

CubanboyPG12.doc
CUBAN BOY
January 26, 2000

CONTEXT: On January 21, Elian Gonzalez's grandmothers traveled to the U.S. to appeal for their grandson's return to his family in Cuba. On January 22, the grandmothers, accompanied by representatives of the National Council of Churches, met with the Attorney General and INS Commissioner to express their concerns. They asked for assistance in arranging to see their grandson, which INS attempted to pursue quietly. When efforts to reach agreement on a location for the meeting failed, INS directed the child's great uncle to make him available for a private meeting with his grandmothers today at 4:00 at the Miami Beach home of a nun who is the president of a Catholic college. In addition, Sen. Mack has introduced a bill to confer citizenship on the boy, and Rep. McCollum introduced companion legislation in the House.

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.

Congress is seeking to pass legislation that confers citizenship or permanent resident status on Elian Gonzalez. Will you veto such a bill?

* It would be premature to comment on any specific bill, but as the President has said, we hope this issue will be resolved in court, not in the Congress, and we

strongly oppose legislation to confer citizenship on the child.

* As the President has said, he has not made a decision on this question, but would not rule out a veto.

What's your reaction to the grandmothers' visit to the U.S.?

* We have said from the beginning that we believe that the presence of Elian's father or family members would be helpful, but that any decision to come here would be up to them. We continue to hope that the family will be able to get together while the grandmothers are here.

[IF ASKED] What is the purpose of today's meeting between Elian Gonzalez and his grandmothers? Is INS planning to remove the boy from his Miami relatives and allow his grandmothers to take him home to Cuba?

* No. INS has made clear to everyone involved that this is just a visit - a visit that the grandmothers requested -- and that the meeting will not change the child's present placement in the care of his great uncle.

What is the next step in this case? What happens next in the federal lawsuit filed by attorneys for Elian's great uncle?

* Any questions on next steps for the grandmothers should be directed to them. As to the legal proceedings, this is a matter for the Justice Department to handle, and in keeping with normal policy, we cannot 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.

What about Dan Burton's subpoena?

* INS and the Attorney General are involved in dealing with all the related legal developments in this case.

[IF ASKED] Are you concerned that Cuban officials are controlling the grandmothers' actions based on a Cuban consular official's contact with them Monday?

* All the officials from the Department of Justice and INS who have met with the grandmothers have been profoundly impressed by the genuineness of their desire to see Elian and to have him return to his home in Cuba.

* We believe that this case should not continue to be politicized, and we hope that the family will be able to work together to resolve this matter as quickly as possible. It is routine, however, for consular officials to meet with their citizens abroad.

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. The Attorney General continues to urge all parties to work together to resolve this matter as quickly as possible.

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.

4

2

Exchange Mail

DATE-TIME 01/26/2000 9:59:03 AM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Letter from Mack, Lott, Nickles, Coverdell, Craig on Elian Gonzalez
[UNCLASSIFIED]
TO Shapiro, Daniel B. (LEGIS)
Hollis, Caryn C. (INTERAM)
DeRosa, Mary B. (LEGAL)

CARBÓN_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

sure.

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

From: Shapiro, Daniel B. (LEGIS)

Sent: Wednesday, January 26, 2000 9:58 AM

To: Patten, Wendy L.

(MULTI); Hollis, Caryn C. (INTERAM); DeRosa, Mary B. (LEGAL)

Cc: @INTERAM

- Inter-American; @LEGAL - Legal Advisor; @LEGISLAT - Legislative Affairs; @MULTILAT - Multilateral and Humanitarian Affairs
Subject: RE:
Letter from Mack, Lott, Nickles, Coverdell, Craig on Elian Gonzalez
[UNCLASSIFIED]

Didn't the President say something yesterday at the press conference about hoping that Congress would not act until.....something

(grandmothers' visit? courts have spoken? -- I can't recall precisely). I think it would make sense to include some language to that effect in this letter. Wendy, can you take a crack at it?

-----Original

Message-----

From: Patten, Wendy L. (MULTI)

Sent: Tuesday, January

25, 2000 6:28 PM

To: Hollis, Caryn C. (INTERAM); DeRosa, Mary B.

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

Cc: @INTERAM - Inter-American;

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

Subject: Letter from Mack,

Lott, Nickles, Coverdell, Craig on Elian Gonzalez [UNCLASSIFIED]

Please

clear. Same letter as Velazquez, which Justice has cleared (awaiting State). thanks -- WLP

<< File: 9316BergermemSenatorsEG.doc

>> << File: 9316POTUSltrSenatorsEG.doc >> << File:

9316POTUSmemSenatorsEG.doc

>>

Exchange Mail

DATE-TIME 01/26/2000 9:50:06 AM
FROM Shapiro, Daniel B. (LEGIS)
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Letter from Bingaman on Elian Gonzalez [UNCLASSIFIED]
TO Patten, Wendy L. (MULTI)

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 Leg. clears with one edit in the letter.

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

From: Patten,
Wendy L. (MULTI)
Sent: Tuesday, January 25, 2000 6:38 PM
To: Hollis,
Caryn C. (INTERAM); DeRosa, Mary B. (LEGAL); Shapiro, Daniel
B.
(LEGIS)
Cc: @INTERAM - Inter-American; @LEGAL - Legal Advisor;
@LEGISLAT - Legislative Affairs; @MULTILAT - Multilateral and

Humanitarian

Affairs

Subject: Letter from Bingaman on Elian Gonzalez [UNCLASSIFIED]

Please

clear. Same text as Velazquez letter.

thanks -- WLP

TRANSLATED_ATTACHMENT 0128POTUSletBingamanEG.doc

Dear Jeff:

Thank you for your letter regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

As you know, the Immigration and Naturalization Service announced its decision in this case on January 5. It decided that Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working hard to carry out the INS decision, which is currently being challenged in federal court.

Throughout this process, I have tried to ensure that this decision would be made according to the governing law and procedures, not politics.

Again, thank you for sharing with me your concerns about this compelling case.

Sincerely,

The Honorable Jeff Bingaman
United States Senate
Washington, D.C. 20510

TRANSLATED_ATTACHMENT 0128POTUSmemBingamanEG.doc

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL BERGER
CHARLES M. BRAIN

SUBJECT: Letter from Senator Bingaman Concerning Elian
Gonzalez Case

Purpose

To respond to a letter from Senator Jeff Bingaman expressing his concern over the political forces unleashed by the Elian Gonzalez case.

Background

Senator Jeff Bingaman wrote to express his dismay that groups on both sides of the Elian Gonzalez issue have politicized the matter. The letter urges you to resist responding to the political storm surrounding the case so as to prevent any further harm to the child.

Your response indicates that the Immigration and Naturalization Service and the Department of Justice are working hard to carry out the INS decision, which is currently being challenged in federal court. The response also makes clear that you have endeavored to ensure that the INS decision would be made according to the applicable law and procedures, not politics.

RECOMMENDATION

That you sign the attached response.

Attachment
Tab A Response to Letter from Bingaman
Tab B Incoming Correspondence

2

0128

cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT 0128SRBmemBingamanEG.doc

January 24, 2000

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: WENDY PATTEN

SUBJECT: Letter from Sen. Jeff Bingaman Concerning the Case of
Elian Gonzalez

Attached is a memorandum to the President and proposed response to
a letter from
Senator Jeff Bingaman expressing his concern over the political storm
surrounding
the Elian Gonzalez case.

The NSC received the incoming correspondence on January 7, 2000.

Concurrence by: Mary DeRosa, Daniel Shapiro, Caryn Hollis

RECOMMENDATION

That you sign the attached memorandum.

Attachment

Tab I Memorandum to the President

Tab A Letter to Sen. Bingaman on Elian Gonzalez

Tab B Incoming Correspondence

1

0128

Exchange Mail

DATE-TIME 01/26/2000 10:02:38 AM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT edit to Elian guidance [UNCLASSIFIED]
TO DeRosa, Mary B. (LEGAL)
Shapiro, Daniel B. (LEGIS)
Hollis, Caryn C. (INTERAM)

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

on the question of our stance on legislation, I've change the answer slightly so as to avoid any inference that we prefer this to be settled in STATE court (which is what some hill supporters of the bill are saying is exactly what their bill is designed to do).

So I've
change that answer to read: "...we hope the challenge to the INS decision will be resolved in court, not in Congress..."

Let me

know if that works.

thanks -- WLP

Exchange Mail

DATE-TIME 01/26/2000 11:45:36 AM
FROM Shapiro, Daniel B. (LEGIS)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: letter from 21 members on Elian Gonzalez [UNCLASSIFIED]
TO Patten, Wendy L. (MULTI)
Hollis, Caryn C. (INTERAM)
DeRosa, Mary B. (LEGAL)

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 If the text is the same, I clear.

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

From: Patten,
Wendy L. (MULTI)
Sent: Wednesday, January 26, 2000 9:50 AM
To: Shapiro,
Daniel B. (LEGIS); Hollis, Caryn C. (INTERAM); DeRosa, Mary B.
(LEGAL)
Cc: @INTERAM - Inter-American; @LEGAL - Legal Advisor;

@LEGISLAT - Legislative Affairs; @MULTILAT - Multilateral and Humanitarian Affairs
Subject: RE: letter from 21 members on Elian Gonzalez [UNCLASSIFIED]

Dan
and Arturo -- are you clearing on the Serrano letter as well? thanks
-- WLP

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

From: Shapiro, Daniel B. (LEGIS)

Sent: Wednesday, January 26, 2000 9:47 AM

To: Patten, Wendy L.

(MULTI); Hollis, Caryn C. (INTERAM); DeRosa, Mary B. (LEGAL)

Cc: @INTERAM

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

Subject: RE:

letter from 21 members on Elian Gonzalez [UNCLASSIFIED]

Leg. clears.

Don't forget the letters to Dems begin "Dear 'First Name'".

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

From: Patten, Wendy L. (MULTI)

Sent: Tuesday, January 25, 2000 6:57 PM

To: Hollis, Caryn C. (INTERAM); DeRosa, Mary B. (LEGAL); Shapiro, Daniel B. (LEGIS)

Cc: @INTERAM - Inter-American;

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

Subject: letter from 21

members on Elian Gonzalez [UNCLASSIFIED]

Last one -- please clear.

Same text as all others except Serrano. All these packages are overdue, so I would appreciate it if you could clear as soon as possible -- and keep me from being #1 on the records most wanted list.

thanks
-- WLP

PS -- I know the spacing needs correction on the SRB memo, but I am unable to do it. Dora will save the day before this goes forward.

<< File: 0238POTUSletRepsEG.doc >> << File: 0238POTUSletWatersEG.doc

>> << File: 0238POTUSmemRepsEG.doc >> << File:
0238SRBmemRepsEG.doc
>>

Exchange Mail

DATE-TIME 01/26/2000 1:13:32 PM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Updated Elian press guidance [UNCLASSIFIED]
TO DeRosa, Mary B. (LEGAL)

CARBON_COPY 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)
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)
Fallin, James (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)

TEXT_BODY FYI -- one thing that needs your attention is language in Q&A re: purpose of visit today and is INS intending to allow grandmothers to take him to Cuba comes from INS statement. Please review and let me know if any problems.

thanks --- WLP

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

From: Patten,

Wendy L. (MULTI)

Sent: Wednesday, January 26, 2000 1:12 PM

To: @PRESS

- Public Affairs

Cc: @MULTILAT - Multilateral and Humanitarian

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

@INTERAM - Inter-American

Subject: Updated Elian press guidance

[UNCLASSIFIED]

Attached is the updated guidance for today.

I made only a few changes from yesterday's guidance in order to track language used in the Podesta talking points. Since you all cleared on the Podesta memo, I am assuming that you cleared on this guidance as well, but if that is not the case, please review asap and send comments directly to @press.

thanks -- WLP

TRANSLATED_ATTACHMENT CubanboyPG12.doc
CUBAN BOY
January 26, 2000

CONTEXT: On January 21, Elian Gonzalez's grandmothers traveled to the U.S. to appeal for their grandson's return to his family in Cuba. On January 22, the grandmothers, accompanied by representatives of the National Council of Churches, met with the Attorney General and INS Commissioner to express their concerns. They asked for assistance in arranging to see their grandson, which INS attempted to pursue quietly. When efforts to reach agreement on a location for the meeting failed, INS directed the child's great uncle to make him available for a private meeting with his grandmothers today at 4:00 at the Miami Beach home of a nun who is the president of a Catholic college.

Sen. Mack has introduced a bill to confer citizenship on the boy, and Rep. McCollum introduced companion legislation in the House. Rep. Rangel is sponsoring a sense of Congress resolution saying that Congress should not interfere in this case and that INS should carry out its decision to return the boy to his father, and Rep. Menendez has introduced legislation to make the child a lawful permanent resident. Action by Congress to confer citizenship or residency on the child would effectively divest INS of jurisdiction over the matter, leaving a Florida state court to resolve a custody case filed by the boy's great uncle against the boy's father in Cuba.

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.

Congress is seeking to pass legislation that confers citizenship or permanent resident status on Elian Gonzalez. What's your stance on these bills?

* As the President has said, we hope the challenge to the INS decision will be resolved in court, not in the Congress, and we strongly oppose legislation to confer citizenship on the child.

Will you veto such a bill?

* As the President has said, he has not made a decision on this question, but would not rule out a veto.

What's your reaction to the grandmothers' visit to the U.S.?

* We have said from the beginning that we believe that the presence of Elian's father or family members would be helpful, but that any decision to come here would be up to them. We continue to hope that the family will be able to get together while the grandmothers are here.

[IF ASKED] What is the purpose of today's meeting between Elian Gonzalez and his grandmothers? Is INS planning to remove the boy from his Miami relatives and allow his grandmothers to take him home to Cuba?

* No. INS has made clear to everyone involved that this is just a visit - a visit that the grandmothers requested -- and that the meeting will not change the child's present placement in the care of his great uncle.

What is the next step in this case? What happens next in the federal lawsuit filed by attorneys for Elian's great uncle?

* Any questions on next steps for the grandmothers should be directed to them. As to the legal proceedings, this is a matter for the Justice Department to handle, and in keeping with normal policy, we cannot 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.

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. But we want to see it carried out.

What about Dan Burton's subpoena?

* INS and the Attorney General are involved in dealing with all the related legal developments in this case.

[IF ASKED] Are you concerned that Cuban officials are controlling the grandmothers' actions during their visit?

* All the officials from the Department of Justice and INS who have met with the grandmothers have been profoundly impressed by the genuineness of their desire to see Elian and to have him return to his home in Cuba.

4

3

Exchange Mail

DATE-TIME 01/26/2000 5:55:05 PM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: State talking points on Elian bill [UNCLASSIFIED]
TO DeRosa, Mary B. (LEGAL)

CARBON_COPY**TEXT_BODY**

I'll send to them, and I faxed it you a little bit ago. thanks --
WLP

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

From: DeRosa, Mary B. (LEGAL)

Sent: Wednesday, January 26, 2000 5:57 PM

To: Patten, Wendy L.
(MULTI)

Subject: RE: State talking points on Elian bill [UNCLASSIFIED]

I

don't have the final (unless you've sent it to me). OK with me if
you send it.

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

From: Patten, Wendy
L. (MULTI)

Sent: Wednesday, January 26, 2000 5:53 PM

To: DeRosa,
Mary B. (LEGAL)

Subject: RE: State talking points on Elian bill
[UNCLASSIFIED]

you want to do the honors or shall I?

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

From: DeRosa, Mary B. (LEGAL)

Sent: Wednesday, January
26, 2000 5:52 PM

To: Patten, Wendy L. (MULTI)

Subject: RE: State
talking points on Elian bill [UNCLASSIFIED]

Catherine Brown said
she sent them to Justice/INS this morning. I'm not sure to whom.
I don't see a problem with us sending them to James/Brad (don't
need to have Irene do it).

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

From: Patten,
Wendy L. (MULTI)
Sent: Wednesday, January 26, 2000 5:47 PM
To: DeRosa,
Mary B. (LEGAL)
Subject: State talking points on Elian bill [UNCLASSIFIED]

Mary
-- do you know if Justice has seen these? I think there's some questionable
stuff in the Q&A (like no credible evid of persecution).

If you
don't know if they've seen it, should I check with Irene and make
sure she sends it to them?

thanks -- WLP

Exchange Mail

DATE-TIME 01/26/2000 7:02:35 PM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: letter from 21 members on Elian Gonzalez [UNCLASSIFIED]
TO DeRosa, Mary B. (LEGAL)

CARBON_COPY**TEXT_BODY**

si -- muchas gracias senora

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

From: DeRosa,
Mary B. (LEGAL)
Sent: Wednesday, January 26, 2000 6:09 PM
To: Patten,
Wendy L. (MULTI)
Subject: FW: letter from 21 members on Elian Gonzalez
[UNCLASSIFIED]

Did i get them all?

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

From: DeRosa,
Mary B. (LEGAL)
Sent: Wednesday, January 26, 2000 6:08 PM
To: Patten,
Wendy L. (MULTI); Hollis, Caryn C. (INTERAM); Shapiro, Daniel B.
(LEGIS)
Cc: @INTERAM - Inter-American; @LEGAL - Legal Advisor;
@LEGISLAT - Legislative Affairs; @MULTILAT - Multilateral and
Humanitarian
Affairs
Subject: RE: letter from 21 members on Elian Gonzalez [UNCLASSIFIED]

clear
for legal.

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

From: Patten, Wendy L.
(MULTI)
Sent: Tuesday, January 25, 2000 6:57 PM
To: Hollis, Caryn
C. (INTERAM); DeRosa, Mary B. (LEGAL); Shapiro, Daniel B. (LEGIS)

Cc: @INTERAM
- Inter-American; @LEGAL - Legal Advisor; @LEGISLAT - Legislative
Affairs; @MULTILAT - Multilateral and Humanitarian Affairs
Subject: letter
from 21 members on Elian Gonzalez [UNCLASSIFIED]

Last one -- please
clear. Same text as all others except Serrano. All these packages
are overdue, so I would appreciate it if you could clear as soon
as possible -- and keep me from being #1 on the records most wanted
list.

thanks -- WLP

PS -- I know the spacing needs correction
on the SRB memo, but I am unable to do it. Dora will save the day
before this goes forward.

<< File: 0238POTUSletRepsEG.doc >>

<< File: 0238POTUSletWatersEG.doc >> << File: 0238POTUSmemRepsEG.doc

>> << File: 0238SRBmemRepsEG.doc >>

Exchange Mail

DATE-TIME 01/28/2000 12:14:50 PM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Letter from Mack, Lott, Nickles, Coverdell, Craig on Elian Gonzalez
[UNCLASSIFIED]
TO Shapiro, Daniel B. (LEGIS)
Hollis, Caryn C. (INTERAM)
DeRosa, Mary B. (LEGAL)

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)
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 Dan -- I added a line to the second to last paragraph based on his comments (same line is in our current press guidance). Please clear.

thanks
-- WLP

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

From: Shapiro, Daniel B.
(LEGIS)
Sent: Wednesday, January 26, 2000 9:58 AM
To: Patten,
Wendy L. (MULTI); Hollis, Caryn C. (INTERAM); DeRosa, Mary B.

(LEGAL)
Cc: @INTERAM - Inter-American; @LEGAL - Legal Advisor;
@LEGISLAT
- Legislative Affairs; @MULTILAT - Multilateral and Humanitarian
Affairs
Subject: RE: Letter from Mack, Lott, Nickles, Coverdell,
Craig on Elian Gonzalez [UNCLASSIFIED]

Didn't the President say
something yesterday at the press conference about hoping that
Congress
would not act until.....something (grandmothers' visit? courts have
spoken? -- I can't recall precisely). I think it would make sense
to include some language to that effect in this letter. Wendy, can
you take a crack at it?

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

From: Patten,
Wendy L. (MULTI)
Sent: Tuesday, January 25, 2000 6:28 PM
To: Hollis,
Caryn C. (INTERAM); DeRosa, Mary B. (LEGAL); Shapiro, Daniel
B.
(LEGIS)
Cc: @INTERAM - Inter-American; @LEGAL - Legal Advisor;
@LEGISLAT - Legislative Affairs; @MULTILAT - Multilateral and
Humanitarian
Affairs
Subject: Letter from Mack, Lott, Nickles, Coverdell, Craig
on Elian Gonzalez [UNCLASSIFIED]

Please clear. Same letter as
Velazquez, which Justice has cleared (awaiting State). thanks --
WLP

<< File: 9316BergermemSenatorsEG.doc >> << File:
9316POTUSltrSenatorsEG.doc
>> << File: 9316POTUSmemSenatorsEG.doc >>

TRANSLATED_ATTACHMENT 9316POTUSltrSenatorsEG.doc

Dear Senators Mack, Lott, Nickles, Coverdell, and Craig (separate letter to each):

Thank you for your letter regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

As you know, the Immigration and Naturalization Service announced on January 5 its decision that Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working hard to carry out the INS decision, which is currently being challenged in federal court. That is the appropriate place to resolve concerns about that decision.

Throughout this process, I have tried to ensure that this decision would be made according to the governing law and procedures, not politics. I hope that the challenge to the INS decision will be decided in court, and not in Congress.

Again, thank you for sharing with me your concerns about this compelling case.

Sincerely,

The Honorable Connie Mack
The Honorable Trent Lott
The Honorable Don Nickles
The Honorable Paul Coverdell
The Honorable Larry Craig
United States Senate
Washington, D.C. 20510

Exchange Mail

DATE-TIME 01/28/2000 4:27:17 PM
FROM Hollis, Caryn C. (INTERAM)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Updated Elian guidance for Clearance [UNCLASSIFIED]
TO Patten, Wendy L. (MULTI)

CARBON_COPY

TEXT_BODY Looks fine....sorry took so long.

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

From: Patten,

Wendy L. (MULTI)

Sent: Friday, January 28, 2000 11:38 AM

To: Hollis,

Caryn C. (INTERAM); DeRosa, Mary B. (LEGAL); Shapiro, Daniel B. (LEGIS)

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

Affairs; @PRESS - Public Affairs

Subject: Updated Elian guidance
for Clearance [UNCLASSIFIED]

<< File: CubanboyPG13.doc >>

Please

clear. thanks -- WLP

Exchange Mail

DATE-TIME 01/28/2000 6:52:15 PM

FROM Patten, Wendy L. (MULTI)

CLASSIFICATION UNCLASSIFIED

SUBJECT revised guidance on Elian [UNCLASSIFIED]

TO Fallin, James (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)

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

response to question on their request for a meeting with the President is attached. please send any comments directly to @press.
thanks -- WLP

TRANSLATED_ATTACHMENT CubanboyPG13.doc
CUBAN BOY
January 28, 2000

CONTEXT: On January 21, Elian Gonzalez's grandmothers traveled to the U.S. to appeal for their grandson's return to his family in Cuba. On January 22, the grandmothers, accompanied by representatives of the National Council of Churches, met with the Attorney General and INS Commissioner to express their concerns. They asked for assistance in arranging to see their grandson, which INS attempted to pursue quietly. When efforts to reach agreement on a location for the meeting failed, INS directed the child's great uncle to make him available for a private meeting with his grandmothers on January 26 at 4:00 at the Miami Beach home of Sister Jean O'Laughlin. Following the meeting, Sister O'Laughlin stated that she now believes that the child should remain here in freedom. Also, the grandmothers have sent a letter requesting a meeting with President.

Sen. Mack has introduced a bill to confer citizenship on the boy, and Rep. McCollum introduced companion legislation in the House. Rep. Rangel is sponsoring a sense of Congress resolution saying that Congress should not interfere in this case and that INS should carry out its decision to return the boy to his father, and Rep. Menendez has introduced legislation to make the child a lawful permanent resident. Action by Congress to confer citizenship or residency on the child would effectively divest INS of jurisdiction over the matter, leaving a Florida state court to resolve a custody case filed by the boy's great uncle against the boy's father in Cuba.

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.

Congress is seeking to pass legislation that confers citizenship or
permanent
resident status on Elian Gonzalez. What's your stance on these bills?

* As the President said, we hope the challenge to the INS decision
will be
resolved in court, not in the Congress, and we strongly oppose
legislation to
confer citizenship on the child.

Will you veto such a bill?

* As the President has said, he has not made a decision on this
question, but
would not rule out a veto.

[IF ASKED] Will the President meet with Elian's grandmothers
before they return
to Cuba?

* No. The President has made clear from the beginning that he does
not want to
inject politics into this issue. The Attorney General and INS
Commissioner met
with the grandmothers, and they, of course, are representatives of the
Administration. The INS decision is being challenged in court, and it
should be
resolved there.

What's your reaction to Sister Jean O'Laughlin's comments that based
on what she
observed, she now feels that Elian should not be returned to his father
in Cuba?

* Everyone involved in this matter appreciates the role that Sister Jean
O'Laughlin played in hosting the meeting between the grandmothers
and their
grandson.

[IF ASKED] Are you concerned that Cuban officials are controlling the grandmothers' actions during their visit?

* All the officials from the Department of Justice and INS who have met with the grandmothers have been profoundly impressed by the genuineness of their desire to see Elian and to have him return to his home in Cuba.

What is the next step in this case? What happens next in the federal lawsuit filed by attorneys for Elian's great uncle?

* Any questions on next steps for the grandmothers should be directed to them.
As to the legal proceedings, this is a matter for the Justice Department to handle, and in keeping with normal policy, we cannot 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.

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. But we want to see it carried out.

What about Dan Burton's subpoena?

* INS and the Attorney General are involved in dealing with all the

related legal
developments in this case.

4

2

Exchange Mail

DATE-TIME 01/31/2000 10:13:41 AM

FROM Patten, Wendy L. (MULTI)

CLASSIFICATION UNCLASSIFIED

SUBJECT comments for OMB on elian letter [UNCLASSIFIED]

TO Rudman, Mara E. (NSA)

CARBON_COPY Gray, Wendy E. (NSA)
Rudman, Mara E. (NSA)

TEXT_BODY Mara -- have you had a chance to glance at the email and fax I sent you Friday with our comments on State's letter re: Eliau? As you heard if you were able to join the Friday conference call, Maria is anxious to get this letter revised, cleared, and out by Wed.

thanks
-- WLP

Exchange Mail

DATE-TIME 02/01/2000 2:03:32 PM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT Elian hearing date [UNCLASSIFIED]
TO Schwartz, Eric P. (MULTI)

CARBON_COPY

TEXT_BODY Eric -- the lack of clarity this morning was for good reason -- Justice does not have clarity either, but expects to have firm dates later today.

The parties are unclear as to exactly what was ordered at the last appearance before the judge, and there is apparently some disagreement over what is happening on which dates. Justice expects to have clarity later today and will call us, at which point Mary and I can send a quick note forward with the correct information.

thanks
--WLP

Exchange Mail

DATE-TIME 02/01/2000 9:11:35 PM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT Update on Elian Gonzalez Case [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)
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)
Avery, Dale R. (INTERAM)
Hollis, Caryn C. (INTERAM)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)
Valenzuela, Arturo A. (INTERAM)

TEXT_BODY
Please pass to Sandy and Jim. cc: Mara. Thanks.

From Wendy Patten

and Mary DeRosa through Eric Schwartz

Sandy and Jim,

The schedule in the Elian Gonzalez case in federal court is somewhat ambiguous at this point, but should be clarified in the next few days.

Last week, the judge set the following briefing schedule on all issues other than Justice's request for summary judgment to dismiss the plaintiff's case:

Feb. 24 -- plaintiff's reply brief
due

Mar. 2 -- Justice reply brief due
week of Mar. 6 -- hearing

At a status conference last Friday, however, the judge indicated that he recognized that the issue of whether the child has a constitutional right to have his asylum application adjudicated could be decided more quickly. (This is a question of law). On this constitutional issue only, the judge set the following schedule:

Feb. 14 -- plaintiff's
reply brief due
Feb. 18 -- Justice reply brief due
Feb. 22 -- hearing

There is some question, however, as to whether this latter schedule remains firm. Justice argued at the status conference that all the issues should be tried based on the existing record, and submitted a filing yesterday to buttress its argument that no discovery is needed. Late yesterday, the plaintiff filed his counterargument, contending that the court should allow additional evidence. The parties await a clarifying order from the judge, which said he would issue in the next few days.

Exchange Mail

DATE-TIME 02/01/2000 10:14:55 PM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT memo to SRB on all the Elian packages [UNCLASSIFIED]
TO Kale, Dora A. (MULTI)

CARBON_COPY**TEXT_BODY**

Dora -- please print and clear with Eric -- not sure if he wants the second para on who wrote the letters or not. Please make any changes on the G drive (i seem to lose documents so easily.....).

thanks
-- WLP

TRANSLATED_ATTACHMENT

SRBmemsAllCongEG.doc

February 2, 2000

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: WENDY PATTEN

SUBJECT: Letters from Members of Congress Concerning the Elian Gonzalez Case

Attached is a memorandum to the President and proposed response to nine letters from Congress on the Elian Gonzalez case.

Members who wrote, in order of receipt, are: Rep. Jose Serrano (twice), Rep. Maxine Waters (alone and subsequently with 15 co-signers), Senator Connie Mack

(co-signed by Senators Lott, Nickles, Coverdell, and Craig), Senator Jeff Bingaman, Rep. Nydia Velazquez, Rep. Bob Menendez (co-signed by Reps. Deutsch and

Patrick Kennedy), and Rep. Sheila Jackson-Lee (including letter from Elian Gonzalez's grandmothers requesting a meeting with the President).

The NSC received the incoming correspondence on dates ranging from December 27, 1999 to February 1, 2000.

Concurrence by: Mary DeRosa, Daniel Shapiro, Caryn Hollis

RECOMMENDATION

That you sign the attached memorandum.

Attachment

Tab I Memorandum to the President

Tab A Responses to Congressional Letters on Elian Gonzalez

Tab B Incoming Correspondence

2

9316

Exchange Mail

DATE-TIME 02/01/2000 10:30:13 PM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT POTUS memo on Cong letters on Elian [UNCLASSIFIED]
TO Kale, Dora A. (MULTI)

CARBON_COPY**TEXT_BODY**

Again, please prepare for Eric's signature (and keep your fingers crossed).

thanks -- WLP

TRANSLATED_ATTACHMENT

POTUSmemAllCongEG.doc

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL BERGER
CHARLES M. BRAIN

SUBJECT: Response to Letter from Members of Congress
Concerning the Elian
Gonzalez Case

Purpose

To respond to nine letters from Congress concerning the Elian Gonzalez case.

Background

Numerous members of both houses of Congress have written to express their concerns on the matter of Elian Gonzalez. Some members, such as Rep. Serrano and

Waters, support the child's prompt return to his father in Cuba. Others, such as

Senator Mack and Rep. Menendez, requested that you prevent INS from returning the

child to Cuba before they can act to pass legislation to confer U.S. citizenship or lawful permanent resident status on the boy. Still others, such as Senator Bingaman, urged you to steer clear of the political forces unleashed by this case.

Your response indicates that the Immigration and Naturalization Service and the Department of Justice are working hard to carry out the INS decision, which is currently being challenged in federal court. The response also makes clear that you have endeavored to ensure that the INS decision would be made according to the applicable law and procedures, and not politics.

RECOMMENDATION

That you sign the attached response.

Attachment
Tab A Response to Letters from Congress
Tab B Incoming Correspondence

2

9045

cc: Vice President
Chief of Staff

Exchange Mail

DATE-TIME 02/01/2000 10:54:34 PM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT POTUS memo on Elian letters - REVISED [UNCLASSIFIED]
TO Kale, Dora A. (MULTI)

CARBON_COPY**TEXT_BODY**

D-- I made changes to accommodate Jackson-Lee letter. (on my G drive as well). thanks -- WLP

TRANSLATED_ATTACHMENT

POTUSmemAllCongEG.doc

ACTION**MEMORANDUM FOR THE PRESIDENT****THROUGH: THE EXECUTIVE CLERK**

FROM: SAMUEL BERGER
CHARLES M. BRAIN

SUBJECT: Response to Letter from Members of Congress
Concerning the Elian
Gonzalez Case

Purpose

To respond to nine letters from Congress concerning the Elian Gonzalez case.

Background

Numerous members of both houses of Congress have written to express their

concerns on the matter of Elian Gonzalez. Some members, such as Rep. Serrano and

Waters, support the child's prompt return to his father in Cuba. Others, such as

Senator Mack and Rep. Menendez, request that you prevent INS from returning the child to Cuba before they can act to pass legislation to confer U.S. citizenship or lawful permanent resident status on the boy. Rep. Jackson-Lee urges you to veto any such bills, while hoping that you will meet with Elian's grandmothers. Still others, such as Senator Bingaman, urge you to steer clear of the political forces unleashed by this case.

Your response indicates that the Immigration and Naturalization Service and the Department of Justice are working hard to carry out the INS decision, which is currently being challenged in federal court. The response also makes clear that you have endeavored to ensure that the INS decision would be made according to the applicable law and procedures, and not politics.

RECOMMENDATION

That you sign the attached response.

Attachment
Tab A Response to Letters from Congress
Tab B Incoming Correspondence

2

9045

cc: Vice President
Chief of Staff