

Exchange Mail

DATE-TIME 03/01/2000 9:33:07 AM

FROM Patten, Wendy L. (MULTI)

CLASSIFICATION UNCLASSIFIED

SUBJECT updated Elian guidance [UNCLASSIFIED]

TO Hollis, Caryn C. (INTERAM)
Shapiro, Daniel B. (LEGIS)
Fallin, James (PRESS)
Gobush, Matthew N. (PRESS)
Hammer, Michael A. (PRESS)
Hoelzer, Jennifer I. (PRESS/INTERN)
Huff, Lindsey E. (PRESS)
Leavy, David C. (PRESS)
Stockwell, David B. (PRESS)
Thinakaran, Prabhath (PRESS/INTERN)
Williams, Mary C. (ADMIN)
Wozniak, Natalie S. (PRESS)

CARBON_COPY Avery, Dale R. (INTERAM)
Hollis, Caryn C. (INTERAM)
Merletti, Roger D. (WHSR)
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)
Vaccaro, Jonathan M. (Matt) (MULTI)
Wilcox, Richard M. (MULTI)

TEXT_BODY

A few small updates -- no major substantive changes. thanks
-- WLP

TRANSLATED_ATTACHMENT

CubanboyPG25.doc
CUBAN BOY
March 1, 2000

CONTEXT: The February 22 hearing in federal court was postponed until the week of March 6 because the judge handling the case suffered a stroke. The state court hearing set for March 6 has also been postponed due to a change in judge.

The expulsion of a Cuban diplomat in connection with charges of espionage by a Miami INS official has raised questions about the involvement of the INS official in the Elian case. While INS cannot say definitively that he had no access to files in the case, he played no role whatsoever in any of the decisions made in the matter. The PNG'd Cuban diplomat met with Elian's grandmothers during their U.S. visit. The Cuban newspaper Granma suggested that the ordered expulsion was a diversionary tactic just days before the first scheduled hearing in the Gonzalez case. State (Rubin) dismissed the allegation as nonsense.

On February 18, the INS replied to a letter from Juan Gonzalez, Elian's father, in which he asked INS to transfer custody of the child to a different uncle in Miami while awaiting his son's return. In subsequent letters, Elian's father expressed concern regarding the great uncles' alcohol consumption and two cousins' criminal records, argued that the U.S. has not complied with international law and practice, rejected the jurisdiction of the Florida court, criticized dilatory tactics by the Miami relatives, and demanded the child's immediate return. INS determined that the great uncle's home where Elian presently stays is adequate for his temporary care while a federal court reviews the INS decision, and that it would be inadvisable to move the child to a new and

unfamiliar environment. Mr. Gonzalez responded in writing, criticizing the INS refusal to transfer the child to a different uncle and renewing his request in stronger language.

Legislation to confer citizenship on the boy is pending in both houses of Congress. 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. A hearing on the Elian case will take place today before the Senate Judiciary Committee. No Administration witnesses will participate.

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 delays in the federal case?

* Justice is handling this case as expeditiously as possible. Unfortunately, there has been an unavoidable delay, but Justice is doing all they can to ensure a fair and expeditious outcome.

Was the Miami INS official who has been accused of spying involved in the Elian Gonzalez case?

* He had no role whatsoever in any of the decisions made in the Elian Gonzalez case. I'd refer you to INS for more information.

[IF ASKED] Is there any connection between the Cuban diplomat who has been expelled and the Elian Gonzalez case?

* Any questions on the Cuban diplomat should be directed to State.

What's your reaction to the INS refusal of Elian's father's request to transfer custody of the child from the current Miami relatives to his great uncle, Manolo Gonzalez?

* INS is committed to resolving this matter as quickly as possible. The child's placement with his great uncle is only temporary while a federal court reviews the INS decision. After careful consideration, INS decided that it would be inadvisable to move the child to a new and unfamiliar environment after the trauma he has already suffered. I would direct you to them for further information.

What about Elian's father's contention that the U.S. has failed to comply with international law and practice by not returning the child to his father?

* The Justice Department is working hard to defend in federal court its decision to reunite the child with his father. Since litigation is pending, I cannot comment further.

The father has also requested that Cuban government officials be allowed consular access to the child. Will the U.S. grant this request?

* INS and the State Department are looking at it.

What's your reaction to the great uncle's drunk driving record and the criminal convictions of Elian's Miami cousins?

* I have no comment. This a matter for INS and the Justice

Department, and I
refer you to them.

[IF ASKED] What's your reaction to Sister Jean O'Laughlin's
statements 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.

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

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

* As the President has said, we have not made a decision on a veto,
but would not
rule it out.

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

* 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 and Elian's
father's view
that the Florida state court does not have jurisdiction over the boy?

* 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 the INS 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.

4

3

Exchange Mail

DATE-TIME 03/06/2000 11:54:08 AM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: revised Elian guidance [UNCLASSIFIED]
TO DeRosa, Mary B. (LEGAL)

CARBON_COPY**TEXT_BODY**

they said 6th when they postponed the 2-22 hearing, but they meant week of the 6th. they finally set the date for the 9th.

- WLP

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

From: DeRosa, Mary B. (LEGAL)
Sent: Monday, March
06, 2000 11:51 AM
To: Patten, Wendy L. (MULTI)
Subject: RE: revised
Elian guidance [UNCLASSIFIED]

Thanks. I read it earlier and agree
that we shouldn't comment. How was last week?

I notice the
guidance says the hearing is on the 9th. Why did I think it was
today?

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

From: Patten, Wendy L. (MULTI)

Sent: Monday, March 06, 2000 10:53 AM
To: @PRESS - Public Affairs
Cc: @LEGAL
- Legal Advisor; @LEGISLAT - Legislative Affairs; @MULTILAT -
Multilateral
and Humanitarian Affairs; @INTERAM - Inter-American
Subject: revised
Elian guidance [UNCLASSIFIED]

<< File: CubanboyPG27.doc >>

One
change to the question of the day. LEGAL -- please send any changes
directly to @press and cc @multi (welcome back Mary!)

thanks
-- WLP

Exchange Mail

DATE-TIME 03/13/2000 10:47:22 AM

FROM Hollis, Caryn C. (INTERAM)

CLASSIFICATION UNCLASSIFIED

SUBJECT RE: Updated Guidance on Elian [UNCLASSIFIED]

TO Patten, Wendy L. (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)
Stockwell, David B. (PRESS)
Thinakaran, Prabhath (PRESS/INTERN)
Williams, Mary C. (ADMIN)
Wozniak, Natalie S. (PRESS)

CARBON_COPY Avery, Dale R. (INTERAM)
Hollis, Caryn C. (INTERAM)
Merletti, Roger D. (WHSR)
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DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
Williams, Mary C. (ADMIN)
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)
Vaccaro, Jonathan M. (Matt) (MULTI)
Wilcox, Richard M. (MULTI)

TEXT_BODY

Interam clears

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

From: Patten, Wendy

L. (MULTI)

Sent: Monday, March 13, 2000 10:28 AM

To: @PRESS -

Public Affairs

Cc: @INTERAM - Inter-American; @LEGAL - Legal Advisor;

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

Affairs

Subject: Updated Guidance on Elian [UNCLASSIFIED]

<<

File: CubanboyPG30.doc >>

no substantive changes -- dates updated.

thanks -- WLP

Exchange Mail

DATE-TIME 03/17/2000 9:39:23 AM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT latest elian guidance [UNCLASSIFIED]
TO Orfini, Michael H. (VP)

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)
Vaccaro, Jonathan M. (Matt) (MULTI)
Wilcox, Richard M. (MULTI)

TEXT_BODY

Mike -- here's the latest. As I said, this case is basically in a holding pattern until the federal judge issues a ruling. He has not given any indication of when he will rule.

thanks -- WLP

TRANSLATED_ATTACHMENT

CubanboyPG30.doc
CUBAN BOY
March 13, 2000

CONTEXT: A federal court in Miami heard arguments on March 9 on Elian's great uncle's challenge to the INS decision in this case. Judge Moore did not indicate when he would rule. Separately, Elian's father has hired Washington attorney Gregory Craig to represent him in his dealings with the INS, but this has no bearing on the federal court hearing.

On February 18, the INS replied to a letter from Juan Gonzalez, Elian's father, in which he asked INS to transfer custody of the child to a different

uncle in Miami while awaiting his son's return. In subsequent letters, Elian's father expressed concern regarding the great uncles' alcohol consumption and two cousins' criminal records, argued that the U.S. has not complied with international law and practice, rejected the jurisdiction of the Florida state court, criticized dilatory tactics by the Miami relatives, and demanded the child's immediate return. INS determined that the great uncle's home where Elian presently stays is adequate for his temporary care while a federal court reviews the INS decision, and that it would be inadvisable to move the child to a new and unfamiliar environment.

On March 6, the Miami Herald reported that Fidel Castro has accused Lazaro Gonzalez, the great uncle with whom Elian presently resides, of sexually molesting young children while he was a physical education teacher in Cuba. INS has looked into information provided by the Government of Cuba, which contained no supporting facts, and has preliminarily determined that it has no bearing on the present placement of the child. The expulsion of a Cuban diplomat in connection with charges of espionage by a Miami INS official has raised questions about the involvement of the INS official in the Elian case. INS confirms that he played no role whatsoever in any of the decisions made in the matter.

Legislation to confer citizenship on the boy is pending in both houses of Congress. 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 and want to see it carried out.

What's your reaction to last week's hearing in federal court?

* In keeping with our normal policy, we do not comment on pending litigation.

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

* This is a matter for the Justice Department to handle, and we cannot comment on pending litigation.

Does the White House support the Attorney General's and Elian's father's view that the Florida state court does not have jurisdiction over the boy?

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

What's your stance on legislation to confer citizenship or permanent resident status on Elian Gonzalez? Will you veto?

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

* As the President has said, we have not made a decision on a veto, but would not rule it out.

What's your reaction to the INS refusal of Elian's father's request to transfer custody of the child from the current Miami relatives to his great uncle, Manolo Gonzalez?

* INS is committed to resolving this matter as quickly as possible. The child's placement with his great uncle is only temporary while a federal court reviews the INS decision. After careful consideration, INS decided that it would be inadvisable to move the child to a new and unfamiliar environment after the trauma he has already suffered. I would direct you to them for further information.

What about Elian's father's contention that the U.S. has failed to comply with international law and practice by not returning the child to his father?

* The Justice Department is working hard to defend in federal court its decision to reunite the child with his father. Since litigation is pending, I cannot comment further.

What's your reaction to the great uncle's drunk driving record and the criminal convictions of Elian's Miami cousins?

* I have no comment. This a matter for INS and the Justice Department, and I refer you to them.

[IF ASKED] What's your reaction to Castro's allegation that the child's great uncle, Lazaro Gonzalez, sexually molested his young students in Cuba? Is INS investigating?

* That's just not something we would be able to comment on.

* [IF PRESSED] I would direct you to INS for further information.

[IF ASKED] Was the Miami INS official who has been accused of

spying involved in
the Elian Gonzalez case?

* He had no role whatsoever in any of the decisions made in the Elian Gonzalez case. I'd refer you to INS for more information.

[IF ASKED] Is there any connection between the Cuban diplomat who has been expelled and the Elian Gonzalez case?

* Any questions on the Cuban diplomat should be directed to the State Department.

The father has also requested that Cuban government officials be allowed consular access to the child. Will the U.S. grant this request?

* INS and the State Department are looking at it.

[IF ASKED] What's your reaction to Sister Jean O'Laughlin's statements 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.

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 the INS 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.

Exchange Mail

DATE-TIME 03/21/2000 9:13:54 AM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT Elian guidance for today [UNCLASSIFIED]
TO Gobush, Matthew N. (PRESS)
Hammer, Michael A. (PRESS)
Hoelzer, Jennifer I. (PRESS/INTERN)
Huff, Lindsey E. (PRESS)
Stockwell, David B. (PRESS)
Thinakaran, Prabhath (PRESS/INTERN)
Williams, Mary C. (ADMIN)
Wozniak, Natalie S. (PRESS)

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McClean, Matthew K. (MULTI)
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Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
Williams, Mary C. (ADMIN)
Burrell, Christina L. (LEGIS)
Lackey, Miles M. (LEGIS)
Shapiro, Daniel B. (LEGIS)
Tavlarides, Mark J. (LEGIS)
Avery, Dale R. (INTERAM)
Hollis, Caryn C. (INTERAM)
Merletti, Roger D. (WHSR)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)
Valenzuela, Arturo A. (INTERAM)

TEXT_BODY Press folks: Today's rumor that the federal judge will rule in the Elian case seems to have a bit more to it than those of previous days. We will be monitoring the situation throughout the day and

will hear from Justice as soon as they receive any decision. We would expect any guidance we prepare post-decision to be a no comment until Justice has had time to review the decision thoroughly.

thanks

--- WLP

Exchange Mail

DATE-TIME 03/21/2000 9:33:08 AM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Elian [UNCLASSIFIED]
TO Orfini, Michael H. (VP)

CARBON_COPY

TEXT_BODY Mike -- judge has JUST issued ruling, dismissing the great uncle's lawsuit, but we have no detail on the content of the ruling at this point. Our press guidance is no comment, Justice is reviewing the decision.

I'll forward AP stories to you. Justice will be sending us the decision once they receive it.

thanks -- WLP

-----Original
Message-----
From: Orfini, Michael H. (VP)
Sent: Tuesday, March
21, 2000 9:22 AM
To: Patten, Wendy L. (MULTI)
Subject: Elian [UNCLASSIFIED]

Heard
there was some movement with Federal judge throwing case back to
local authorities...

Can I get the latest press guidance from
you?

tk...also for the Hoonduras stuff

Mike

Exchange Mail

DATE-TIME 03/21/2000 10:52:45 AM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT Updated Elian press guidance [UNCLASSIFIED]
TO Gobush, Matthew N. (PRESS)
Hammer, Michael A. (PRESS)
Hoelzer, Jennifer I. (PRESS/INTERN)
Huff, Lindsey E. (PRESS)
Stockwell, David B. (PRESS)
Thinakaran, Prabhath (PRESS/INTERN)
Williams, Mary C. (ADMIN)
Wozniak, Natalie S. (PRESS)
Bash, Brooks L. (EXSEC)
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)
Scott-Perez, Marilyn L. (NSA)
Storey, Sharon V. (NSA)
Sutphen, Mona K. (NSA)
Wasserman, Elaine P. (EXSEC)

CARBON_COPY Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Kale, Dora A. (MULTI)
Mclean, Matthew K. (MULTI)
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Merletti, Roger D. (WHSR)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)
Valenzuela, Arturo A. (INTERAM)

TEXT_BODY

Please pass to Jim. Thanks.

Jim,

Attached is the current press guidance, cleared by Legal and Interam. As you'll see, we are not commenting on the decision until Justice has reviewed it and we have a better handle on the specific content of the ruling. We will update the guidance throughout the day as appropriate.

--

Wendy

TRANSLATED_ATTACHMENT

CubanboyPG31_.doc
CUBAN BOY
March 21, 2000

CONTEXT: A federal court in Miami today dismissed a lawsuit filed by the great uncle of Elian Gonzalez, in which he challenged the INS decision in this case.
The Justice Department is reviewing the decision.

Separately, Elian's father has hired Washington attorney Gregory Craig to represent him in his dealings with the INS, but this has no bearing on the federal court hearing.

On February 18, the INS replied to a letter from Juan Gonzalez, Elian's father, in which he asked INS to transfer custody of the child to a different

uncle in Miami while awaiting his son's return. In subsequent letters, Elian's father expressed concern regarding the great uncles' alcohol consumption and two cousins' criminal records, argued that the U.S. has not complied with international law and practice, rejected the jurisdiction of the Florida state court, criticized dilatory tactics by the Miami relatives, and demanded the child's immediate return. INS determined that the great uncle's home where Elian presently stays is adequate for his temporary care while a federal court reviews the INS decision, and that it would be inadvisable to move the child to a new and unfamiliar environment.

Legislation to confer citizenship on the boy is pending in both houses of Congress. 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 and want to see it carried out.

*What's your reaction to the federal judge's decision, dismissing the lawsuit filed by Elian's Miami relatives?

* We have no comment at this point. The Justice Department is

reviewing the 50
page opinion, which was just handed down this morning.

*What is the next step in this case? Will INS carry out its decision and
return
the boy to this father?

* Again, the Justice Department is reviewing the ruling. We refer you
to the
Justice Department for more information.

Does the White House support the Attorney General's and Elian's
father's view
that the Florida state court does not have jurisdiction over the boy?

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

What's your stance on legislation to confer citizenship or permanent
resident
status on Elian Gonzalez? Will you veto?

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

* As the President has said, we have not made a decision on a veto,
but would not
rule it out.

What's your reaction to the INS refusal of Elian's father's request to
transfer
custody of the child from the current Miami relatives to his great
uncle, Manolo
Gonzalez?

* INS is committed to resolving this matter as quickly as possible.
The child's
placement with his great uncle is only temporary while a federal court
reviews
the INS decision. After careful consideration, INS decided that it
would be
inadvisable to move the child to a new and unfamiliar environment

after the trauma he has already suffered. I would direct you to them for further information.

What's your reaction to the great uncle's drunk driving record and the criminal convictions of Elian's Miami cousins?

* I have no comment. This a matter for INS and the Justice Department, and I refer you to them.

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 the INS 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.

[IF ASKED] What's your reaction to Castro's allegation that the child's great uncle, Lazaro Gonzalez, sexually molested his young students in Cuba? Is INS investigating?

* That's just not something we would be able to comment on.

* [IF PRESSED] I would direct you to INS for further information.

[IF ASKED] Was the Miami INS official who has been accused of spying involved in the Elian Gonzalez case?

* He had no role whatsoever in any of the decisions made in the Elian Gonzalez case. I'd refer you to INS for more information.

[IF ASKED] Is there any connection between the Cuban diplomat who has been expelled and the Elian Gonzalez case?

* Any questions on the Cuban diplomat should be directed to the State Department.

[IF ASKED] What's your reaction to Sister Jean O'Laughlin's statements 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.

The father has also requested that Cuban government officials be allowed consular access to the child. Will the U.S. grant this request?

* INS and the State Department are looking at it.

4

3

Exchange Mail

DATE-TIME 03/21/2000 12:08:35 PM

FROM Patten, Wendy L. (MULTI)

CLASSIFICATION UNCLASSIFIED

SUBJECT RE: Updated Elian press guidance [UNCLASSIFIED]

TO Hammer, Michael A. (PRESS)
Gobush, Matthew N. (PRESS)
Hammer, Michael A. (PRESS)
Hoelzer, Jennifer I. (PRESS/INTERN)
Huff, Lindsey E. (PRESS)
Stockwell, David B. (PRESS)
Thinakaran, Prabhath (PRESS/INTERN)
Williams, Mary C. (ADMIN)
Wozniak, Natalie S. (PRESS)
DeRosa, Mary B. (LEGAL)

CARBON_COPY Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
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Naplan, Steven J. (MULTI)
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DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
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Hollis, Caryn C. (INTERAM)
Merletti, Roger D. (WHSR)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)
Valenzuela, Arturo A. (INTERAM)

TEXT_BODY Or course. Mary -- anything to add?

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

From: Hammer,
Michael A. (PRESS)
Sent: Tuesday, March 21, 2000 11:45 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 Elian press
guidance [UNCLASSIFIED]

One additional question that needs to
be addressed: can the family appeal this decision?

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

From: Patten, Wendy L. (MULTI)
Sent: Tuesday, March
21, 2000 10:53 AM
To: @PRESS - Public Affairs; @NSA - Natl Security
Advisor
Cc: @MULTILAT - Multilateral and Humanitarian Affairs;
@LEGAL - Legal Advisor; @LEGISLAT - Legislative Affairs; @INTERAM
- Inter-American
Subject: Updated Elian press guidance [UNCLASSIFIED]

<< File: CubanboyPG31_.doc >>

Please pass to Jim. Thanks.

Jim,

Attached
is the current press guidance, cleared by Legal and Interam. As
you'll see, we are not commenting on the decision until Justice has
reviewed it and we have a better handle on the specific content of
the ruling. We will update the guidance throughout the day as appropriate.

--

Wendy

Exchange Mail

DATE-TIME 03/21/2000 3:35:42 PM
FROM Wozniak, Natalie S. (PRESS)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: check fax for DOJ press statement on Elan [UNCLASSIFIED]
TO Patten, Wendy L. (MULTI)

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)
Vaccaro, Jonathan M. (Matt) (MULTI)
Wilcox, Richard M. (MULTI)
Anderson, Brooke D.
Crowley, Philip J. (PRESS)
Gobush, Matthew N. (PRESS)
Hammer, Michael A. (PRESS)
Hoelzer, Jennifer I. (PRESS/INTERN)
Huff, Lindsey E. (PRESS)
Stockwell, David B. (PRESS)
Thinakaran, Prabhath (PRESS/INTERN)
Williams, Mary C. (ADMIN)
Wozniak, Natalie S. (PRESS)

TEXT_BODY Wendy --

It's Twilight Zone down here. Only received the Q&A
and not DOJ statement.

Thanks,
Natalie

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

From: Patten,
Wendy L. (MULTI)
Sent: Tuesday, March 21, 2000 2:56 PM
To: Wozniak,
Natalie S. (PRESS)
Cc: @MULTILAT - Multilateral and Humanitarian

Affairs; @PRESS - Public Affairs
Subject: RE: check fax for DOJ
press statement on Elian [UNCLASSIFIED]

Refaxing now.

-----Original

Message-----

From: Wozniak, Natalie S. (PRESS)

Sent: Tuesday,

March 21, 2000 2:45 PM

To: Patten, Wendy L. (MULTI); Hollis, Caryn

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

Hammer, Michael A. (PRESS)

Cc: @INTERAM - Inter-American; @LEGAL

- Legal Advisor; @LEGISLAT - Legislative Affairs; @MULTILAT -
Multilateral

and Humanitarian Affairs; @PRESS - Public Affairs

Subject: RE: check

fax for DOJ press statement on Elian [UNCLASSIFIED]

Wendy --

Please

re-fax. We only received the cover sheet.

Thanks,

Natalie

-----Original

Message-----

From: Patten, Wendy L. (MULTI)

Sent: Tuesday, March

21, 2000 1:36 PM

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

(LEGAL); Shapiro, Daniel B. (LEGIS); Hammer, Michael A. (PRESS)

Cc: @INTERAM

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

- Public Affairs

Subject: check fax for DOJ press statement on Elian
[UNCLASSIFIED]

also includes brief Q&A. I have sent to Jim as
well.

Exchange Mail

DATE-TIME 03/21/2000 1:00:46 PM
FROM DeRosa, Mary B. (LEGAL)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Justice press guidance on elian [UNCLASSIFIED]
TO Patten, Wendy L. (MULTI)

CARBON_COPY

TEXT_BODY Thanks!

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

From: Patten, Wendy L. (MULTI)

Sent: Tuesday, March 21, 2000 12:49 PM

To: @PRESS - Public Affairs

Cc: @INTERAM

- Inter-American; @LEGAL - Legal Advisor; @LEGISLAT - Legislative Affairs; @MULTILAT - Multilateral and Humanitarian Affairs; Orfini, Michael H. (VP)

Subject: Justice press guidance on elian [UNCLASSIFIED]

Justice's
comment at present is as follows:

* We are in the process of reviewing
Judge Moore's decision and we will begin planning an orderly process
to reunite Elian and his father.

Also, AG doing press briefing,
previously planned on a different subject, at 1pm. Questions on
Eliau will surely be asked and my understanding is that she will
not comment further than the bullet above. Justice anticipates issuing
a press statement sometime later in the day. I've asked to see it
for guidance coordination purposes and will send it around once I
receive it. Lastly, INS Commissioner Meissner has her approps hearing
tomorrow at 2pm, so can expect plenty of Eliau questions.

thanks
-- WLP

Exchange Mail

DATE-TIME 03/22/2000 9:01:56 AM
FROM DeRosa, Mary B. (LEGAL)
CLASSIFICATION UNCLASSIFIED
SUBJECT Elian Gonzalez [UNCLASSIFIED]
TO Scott-Perez, Marilyn L. (NSA)
Sutphen, Mona K. (NSA)

CARBON_COPY Patten, Wendy L. (MULTI)
Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
Williams, Mary C. (ADMIN)

TEXT_BODY Please pass to Jim

Justice (James Costello) called last night to let us know that they did not send a letter to counsel for the Miami family yesterday. They are holding off for now because the lawyers had asked for a meeting with the Miami US Attorney, which will happen this afternoon. After that meeting Justice will assess whether to send a letter and what it should say.

Exchange Mail

DATE-TIME 03/22/2000 10:29:57 AM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: updated elian guidance [UNCLASSIFIED]
TO Shapiro, Daniel B. (LEGIS)

CARBON_COPY**TEXT_BODY**

thanks Dan. FYI we are having a small (5 person) conf call at 4:30 today to get briefed on markup of House trafficking bill by Lamar Smith (visa provision only). Word is he hacked it, such that it now would only be available to trafficking victims under 16. Hard to understand how any concern regarding fraudulent claims leads to this result (are teenagers more truthful??). You're welcome to join but don't think it's imperative. 7-2104, code 5964

ps -- i have
boxes if you still need

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

From: Shapiro,
Daniel B. (LEGIS)
Sent: Wednesday, March 22, 2000 10:15 AM
To: Patten,
Wendy L. (MULTI); Hollis, Caryn C. (INTERAM); DeRosa, Mary B.
(LEGAL)
Cc: @LEGAL - Legal Advisor; @LEGISLAT - Legislative Affairs;
@INTERAM - Inter-American; @MULTILAT - Multilateral and Humanitarian
Affairs; @PRESS - Public Affairs
Subject: RE: updated elian guidance
[UNCLASSIFIED]

Leg. clears.

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

From: Patten,
Wendy L. (MULTI)
Sent: Wednesday, March 22, 2000 10:06 AM
To: Hollis,
Caryn C. (INTERAM); DeRosa, Mary B. (LEGAL); Shapiro, Daniel B.
(LEGIS)

Cc: @LEGAL - Legal Advisor; @LEGISLAT - Legislative Affairs;
@INTERAM - Inter-American; @MULTILAT - Multilateral and Humanitarian
Affairs; @PRESS - Public Affairs
Subject: updated elian guidance
[UNCLASSIFIED]

<< File: CubanboyPG32.doc >>

Please clear
new response to question re: reaction to judge's decision.

thanks
-- WLP

Exchange Mail

DATE-TIME 03/22/2000 6:28:37 PM
FROM Hollis, Caryn C. (INTERAM)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: FRAPH docs & Elian [UNCLASSIFIED]
TO Patten, Wendy L. (MULTI)
DeRosa, Mary B. (LEGAL)

CARBON_COPY**TEXT_BODY**

Of course, State faxed it to Janelle and Brad Glassman. Would be interested in what you hear about the meeting in Maimi. State just told me that it did not go well.

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

From: Patten,
Wendy L. (MULTI)
Sent: Wednesday, March 22, 2000 6:08 PM
To: Hollis,
Caryn C. (INTERAM); DeRosa, Mary B. (LEGAL)
Subject: RE: FRAPH
docs & Elian [UNCLASSIFIED]

Caryn -- correct to assume this letter
has been passed to INS (since they are the official custodian of
the child) for follow up?

thanks -- WLP

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

From: Hollis,
Caryn C. (INTERAM)
Sent: Wednesday, March 22, 2000 6:06 PM
To: DeRosa,
Mary B. (LEGAL); Patten, Wendy L. (MULTI)
Subject: FRAPH docs
& Elian [UNCLASSIFIED]

Mary,
Has there been any movement on
this? We postponed the EXCOM we had scheduled for tomorrow until
next Wednesday. Given the current electoral crisis we will most
likely defer to State on the timing of the return, but I think we
need to get the process in motion. Anyway they keep reminding me

of all my outstanding things.

At a Wendy Sherman meeting this p.m. learned that Craig Gregg had a 1700 meeting with the AG. State also received a quite nasty note from the Cuban Interests Section that registered "their serious preoccupation with the physical and psychological health of the child...to include the possibility of his being infected with some irreversible disease." Not a helpful letter, that we hope will not be released to the public. It has not been translated but I have a copy if you want to see it.

Thanks,
Caryn

Exchange Mail

DATE-TIME 03/22/2000 8:17:50 PM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT latest elian guidance [UNCLASSIFIED]
TO Feldman, Daniel F. (MULTI)

CARBON_COPY

TEXT_BODY

TRANSLATED_ATTACHMENT

CubanboyPG32.doc
CUBAN BOY
March 22, 2000

CONTEXT: Yesterday, a federal court in Miami dismissed a lawsuit filed by the great uncle of Elian Gonzalez, in which he challenged the INS decision in this case. The boy's Miami relatives have announced their intention to appeal the ruling to the 11th Circuit Court of Appeals, and to seek an order preventing Elian's return to his father pending appeal. Although the Justice Department has not disclosed its plans for carrying out its decision, the Attorney General has stated that they will ensure the child is reunited with his father in an orderly, fair, and prompt way.

Separately, Elian's father has hired Washington attorney Gregory Craig to represent him in his dealings with the INS, but this has no bearing on the federal court case.

On February 18, the INS replied to a letter from Juan Gonzalez, Elian's father, in which he asked INS to transfer custody of the child to a different uncle in Miami while awaiting his son's return. In subsequent letters, Elian's father expressed concern regarding the great uncles' alcohol consumption

and two
cousins' criminal records, argued that the U.S. has not complied with
international law and practice, rejected the jurisdiction of the Florida
state
court, criticized dilatory tactics by the Miami relatives, and demanded
the
child's immediate return. INS determined that the great uncle's home
where Elian
presently stays is adequate for his temporary care while a federal court
reviews
the INS decision, and that it would be inadvisable to move the child to
a new and
unfamiliar environment.

Legislation to confer citizenship on the boy is pending in both houses
of
Congress. 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 and
want to
see it carried out.

*What's your reaction to the federal judge's decision, dismissing the
lawsuit
filed by Elian's Miami relatives?

* We are pleased with the decision. It affirms the INS' judgment that
this child
should be reunited with his father.

*What is the next step in this case? Will INS carry out its decision and return the boy to this father?

* This is a matter for the Justice Department to handle. We refer you to them for more information.

Does the White House support the Attorney General's and Elian's father's view that the Florida state court does not have jurisdiction over the boy?

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

What's your stance on legislation to confer citizenship or permanent resident status on Elian Gonzalez? Will you veto?

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

* As the President has said, we have not made a decision on a veto, but would not rule it out.

[IF ASKED] What's your reaction to Sister Jean O'Laughlin's statements 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.

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
the INS 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's your reaction to the INS refusal of Elian's father's request to
transfer
custody of the child from the current Miami relatives to his great
uncle, Manolo
Gonzalez?

* INS is committed to resolving this matter as quickly as possible.
The child's
placement with his great uncle is only temporary while a federal court
reviews
the INS decision. After careful consideration, INS decided that it
would be
inadvisable to move the child to a new and unfamiliar environment
after the
trauma he has already suffered. I would direct you to them for further
information.

What's your reaction to the great uncle's drunk driving record and the
criminal
convictions of Elian's Miami cousins?

* I have no comment. This a matter for INS and the Justice
Department, and I
refer you to them.

[IF ASKED] What's your reaction to Castro's allegation that the
child's great
uncle, Lazaro Gonzalez, sexually molested his young students in
Cuba? Is INS
investigating?

* That's just not something we would be able to comment on.

* [IF PRESSED] I would direct you to INS for further information.

[IF ASKED] Was the Miami INS official who has been accused of
spying involved in
the Elian Gonzalez case?

* He had no role whatsoever in any of the decisions made in the Elian Gonzalez case. I'd refer you to INS for more information.

[IF ASKED] Is there any connection between the Cuban diplomat who has been expelled and the Elian Gonzalez case?

* Any questions on the Cuban diplomat should be directed to the State Department.

[IF ASKED] What's your reaction to Sister Jean O'Laughlin's statements 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.

The father has also requested that Cuban government officials be allowed consular access to the child. Will the U.S. grant this request?

* INS and the State Department are looking at it.

4

2

Exchange Mail

DATE-TIME 03/24/2000 11:16:16 AM
FROM Feldman, Daniel F. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Elian Guidance [UNCLASSIFIED]
TO Hollis, Caryn C. (INTERAM)

CARBON_COPY

TEXT_BODY Caryn -- Sorry, but just got off a conf. call. I'm happy to update the guidance, but don't know of anything that's currently happening on the case. I'll call you in a few minutes. Dan

-----Original
Message-----
From: Hollis, Caryn C. (INTERAM)
Sent: Friday, March
24, 2000 10:42 AM
To: Feldman, Daniel F. (MULTI)
Subject: Elian
Guidance [UNCLASSIFIED]

Dan, are you going to update the guidance for today? Things are pretty volatile. State will be clearing a packet for today and the week end later this am. I will share with you for clearance. Anything we say should probably just refer to DOJ. thanks, caryn

Exchange Mail

DATE-TIME 03/24/2000 11:44:57 AM
FROM Hollis, Caryn C. (INTERAM)
CLASSIFICATION UNCLASSIFIED
SUBJECT CUBAN BOY [UNCLASSIFIED]
TO Feldman, Daniel F. (MULTI)

CARBON_COPY

TEXT_BODY Dan I updated a bit to cover what is in the press this morning. I think we'll have to do it again this afternoon and possibly on Saturday if the status changes. caryn

TRANSLATED_ATTACHMENT

Eliau 1PG_.doc
CUBAN BOY
March 24, 2000

CONTEXT: On Tuesday March 21 a federal court in Miami dismissed a lawsuit filed by the great uncle of Elian Gonzalez, in which he challenged the INS decision in this case. The boy's Miami relatives have announced their intention to appeal the ruling to the 11th Circuit Court of Appeals, and to seek an order preventing Elian's return to his father pending appeal. The Justice Department has written to the Miami relatives outlining the next steps and requesting their agreement by noon today. The Attorney General has repeated that the Justice Department will ensure the child is reunited with his father in an orderly, fair, and prompt way.

Separately, Elian's father has hired Washington attorney Gregory Craig to represent him in his dealings with the INS, but this has no bearing on the federal court case.

On February 18, the INS replied to a letter from Juan Gonzalez,

Eliau's father,
in which he asked INS to transfer custody of the child to a different
uncle in
Miami while awaiting his son's return. In subsequent letters, Eliau's
father
expressed concern regarding the great uncles' alcohol consumption
and two
cousins' criminal records, argued that the U.S. has not complied with
international law and practice, rejected the jurisdiction of the Florida
state
court, criticized dilatory tactics by the Miami relatives, and demanded
the
child's immediate return. INS determined that the great uncle's home
where Eliau
presently stays is adequate for his temporary care while a federal court
reviews
the INS decision, and that it would be inadvisable to move the child to
a new and
unfamiliar environment.

Legislation to confer citizenship on the boy is pending in both houses
of
Congress. 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 Eliau Gonzalez case? Do you support
it?

* INS determined that Eliau'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 and
want to
see it carried out.

*What's your reaction to the federal judge's decision, dismissing the
lawsuit
filed by Eliau's Miami relatives?

* We are pleased with the decision. It affirms the INS' judgment that this child should be reunited with his father.

*What is the next step in this case? Will INS carry out its decision and return the boy to this father? Any word on the response to the letter from Justice to the Miami relatives lawyers?

* This is a matter for the Justice Department to handle. We refer you to them for more information.

Does the White House support the Attorney General's and Elian's father's view that the Florida state court does not have jurisdiction over the boy?

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

What's your stance on legislation to confer citizenship or permanent resident status on Elian Gonzalez? Will you veto?

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

* As the President has said, we have not made a decision on a veto, but would not rule it out.

[IF ASKED] What's your reaction to Sister Jean O'Laughlin's statements 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.

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 the INS 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's your reaction to the INS refusal of Elian's father's request to transfer custody of the child from the current Miami relatives to his great uncle, Manolo Gonzalez?

* INS is committed to resolving this matter as quickly as possible. The child's placement with his great uncle is only temporary while a federal court reviews the INS decision. After careful consideration, INS decided that it would be inadvisable to move the child to a new and unfamiliar environment after the trauma he has already suffered. I would direct you to them for further information.

What's your reaction to the great uncle's drunk driving record and the criminal convictions of Elian's Miami cousins?

* I have no comment. This a matter for INS and the Justice Department, and I refer you to them.

[IF ASKED] What's your reaction to Castro's allegation that the child's great uncle, Lazaro Gonzalez, sexually molested his young students in Cuba? Is INS investigating?

* That's just not something we would be able to comment on.

[IF PRESSED] I would direct you to INS for further information.

[IF ASKED] Was the Miami INS official who has been accused of spying involved in the Elian Gonzalez case?

* He had no role whatsoever in any of the decisions made in the Elian Gonzalez case. I'd refer you to INS for more information.

[IF ASKED] Is there any connection between the Cuban diplomat who has been expelled and the Elian Gonzalez case?

* Any questions on the Cuban diplomat should be directed to the State Department.

[IF ASKED] What's your reaction to Sister Jean O'Laughlin's statements 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.

The father has also requested that Cuban government officials be allowed consular access to the child. Will the U.S. grant this request?

* INS and the State Department are looking at it.

Exchange Mail

DATE-TIME 03/25/2000 11:50:57 AM

FROM Stockwell, David B. (PRESS)

CLASSIFICATION UNCLASSIFIED

SUBJECT RE: CUBAN BOY [UNCLASSIFIED]

TO Feldman, Daniel F. (MULTI)
Anderson, Brooke D.
Crowley, Philip J. (PRESS)
Gobush, Matthew N. (PRESS)
Hammer, Michael A. (PRESS)
Hoelzer, Jennifer I. (PRESS/INTERN)
Huff, Lindsey E. (PRESS)
Stockwell, David B. (PRESS)
Thinakaran, Prabhath (PRESS/INTERN)
Williams, Mary C. (ADMIN)
Wozniak, Natalie S. (PRESS)
Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
Williams, Mary C. (ADMIN)
Avery, Dale R. (INTERAM)
Hollis, Caryn C. (INTERAM)
Merletti, Roger D. (WHSR)
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)
Vaccaro, Jonathan M. (Matt) (MULTI)
Wilcox, Richard M. (MULTI)

CARBON_COPY**TEXT_BODY**

Thanks.

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

From: Feldman, Daniel F. (MULTI)

Sent: Friday, March 24, 2000 6:04 PM
To: @PRESS - Public Affairs;
@LEGAL - Legal Advisor; @INTERAM - Inter-American; @MULTILAT -
Multilateral
and Humanitarian Affairs
Subject: FW: CUBAN BOY [UNCLASSIFIED]

Moderately
updated press guidance to reflect today's events (a response to DOJ's
letter of 3/23 was due by Elian's family by noon today). May need
to update guidance further over the weekend, depending on activities.
Otherwise, will plan to submit revised guidance Monday a.m.

-----Original
Message-----
From: Hollis, Caryn C. (INTERAM)
Sent: Friday, March
24, 2000 11:45 AM
To: Feldman, Daniel F. (MULTI)
Subject: CUBAN
BOY [UNCLASSIFIED]

<< File: Elian 1PG_.doc >>

Exchange Mail

DATE-TIME 03/27/2000 11:32:46 AM

FROM Feldman, Daniel F. (MULTI)

CLASSIFICATION UNCLASSIFIED

SUBJECT CUBAN BOY [UNCLASSIFIED]

TO Anderson, Brooke D.
Crowley, Philip J. (PRESS)
Gobush, Matthew N. (PRESS)
Hammer, Michael A. (PRESS)
Hoelzer, Jennifer I. (PRESS/INTERN)
Huff, Lindsey E. (PRESS)
Stockwell, David B. (PRESS)
Thinakaran, Prabhath (PRESS/INTERN)
Williams, Mary C. (ADMIN)
Wozniak, Natalie S. (PRESS)
Avery, Dale R. (INTERAM)
Hollis, Caryn C. (INTERAM)
Merletti, Roger D. (WHSR)
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)
Williams, Mary C. (ADMIN)
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)
Vaccaro, Jonathan M. (Matt) (MULTI)
Wilcox, Richard M. (MULTI)

CARBON_COPY**TEXT_BODY**

Updated press guidance (one new question re Castro's statements over the weekend). Cleared by Interam and Multilat, but not yet by Legal. If Legal has any comments, please send directly to Press. Thanks.

TRANSLATED_ATTACHMENT Elian PG March 27.doc
CUBAN BOY
March 27, 2000

CONTEXT: On Tuesday March 21 a federal court in Miami dismissed a lawsuit filed by the great uncle of Elian Gonzalez, in which he challenged the INS decision in this case. The boy's Miami relatives have announced their intention to appeal the ruling to the 11th Circuit Court of Appeals, and to seek an order preventing Elian's return to his father pending appeal. The Justice Department has written to the Miami relatives outlining the next steps and requesting their agreement by noon today. The Attorney General has repeated that the Justice Department will ensure the child is reunited with his father in an orderly, fair, and prompt way.

Separately, Elian's father has hired Washington attorney Gregory Craig to represent him in his dealings with the INS, but this has no bearing on the federal court case.

On February 18, the INS replied to a letter from Juan Gonzalez, Elian's father, in which he asked INS to transfer custody of the child to a different uncle in Miami while awaiting his son's return. In subsequent letters, Elian's father expressed concern regarding the great uncles' alcohol consumption and two cousins' criminal records, argued that the U.S. has not complied with international law and practice, rejected the jurisdiction of the Florida state court, criticized dilatory tactics by the Miami relatives, and demanded the child's immediate return. INS determined that the great uncle's home where Elian presently stays is adequate for his temporary care while a federal court reviews the INS decision, and that it would be inadvisable to move the child to a new and unfamiliar environment.

Legislation to confer citizenship on the boy is pending in both houses of Congress. 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 and want to see it carried out.

What's your reaction to the federal judge's decision, dismissing the lawsuit filed by Elian's Miami relatives?

* We are pleased with the decision. It affirms the INS' judgment that this child should be reunited with his father.

What is the next step in this case? Will INS carry out its decision and return the boy to his father? Any word on the response to the letter from Justice to the Miami relatives lawyers?

* This is a matter for the Justice Department to handle. We refer you to them for more information.

Does the White House support the Attorney General's and Elian's father's view

that the Florida state court does not have jurisdiction over the boy?

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

What's your stance on legislation to confer citizenship or permanent resident status on Elian Gonzalez? Will you veto?

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

* As the President has said, we have not made a decision on a veto, but would not rule it out.

[IF ASKED] What's your reaction to Sister Jean O'Laughlin's statements 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.

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 the INS 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's your reaction to the INS refusal of Elian's father's request to transfer custody of the child from the current Miami relatives to his great

uncle, Manolo
Gonzalez?

* INS is committed to resolving this matter as quickly as possible.
The child's
placement with his great uncle is only temporary while a federal court
reviews
the INS decision. After careful consideration, INS decided that it
would be
inadvisable to move the child to a new and unfamiliar environment
after the
trauma he has already suffered. I would direct you to them for further
information.

What's your reaction to the great uncle's drunk driving record and the
criminal
convictions of Elian's Miami cousins?

* I have no comment. This a matter for INS and the Justice
Department, and I
refer you to them.

Do you have any reaction to Cuban President Fidel Castro's
allegations that the
Miami relatives might remove Elian to a third country, infect him with
a
contagious disease or even kill him?

* I have no comment on these spurious allegations. We are confident
that the
family will comply with the law.

[IF ASKED] What's your reaction to Castro's allegation that the
child's great
uncle, Lazaro Gonzalez, sexually molested his young students in
Cuba? Is INS
investigating?

* That's just not something we would be able to comment on.

[IF PRESSED] I would direct you to INS for further information.

[IF ASKED] Was the Miami INS official who has been accused of
spying involved in
the Elian Gonzalez case?

* He had no role whatsoever in any of the decisions made in the Elian Gonzalez case. I'd refer you to INS for more information.

[IF ASKED] Is there any connection between the Cuban diplomat who has been expelled and the Elian Gonzalez case?

* Any questions on the Cuban diplomat should be directed to the State Department.

[IF ASKED] What's your reaction to Sister Jean O'Laughlin's statements 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.

The father has also requested that Cuban government officials be allowed consular access to the child. Will the U.S. grant this request?

* INS and the State Department are looking at it.

Exchange Mail

DATE-TIME 03/27/2000 4:38:09 PM
FROM Baker, James E. (LEGAL)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: DOJ Says Elian's Miami Relatives Fail to Comply with Order [UNCLASSIFIED]
TO DeRosa, Mary B. (LEGAL)

CARBON_COPY**TEXT_BODY**

Good FYI. Same reaction here.

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From: DeRosa,
Mary B. (LEGAL)
Sent: Monday, March 27, 2000 4:37 PM
To: Hollis,
Caryn C. (INTERAM); Feldman, Daniel F. (MULTI)
Cc: Schwartz, Eric
P. (MULTI); @LEGAL - Legal Advisor
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Cc: Schwartz, Eric P.
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Cc: Schwartz, Eric P.
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Subject: FW: DOJ Says Elian's Miami Relatives Fail to Comply
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Sent: Monday, March
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To: @MULTILAT - Multilateral and Humanitarian
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Elian's relatives and lawyers claimed that they had submitted their
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cooperate to return Elian to Cuba if they lost their appeal. The
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DOJ will give the family a letter tonight informing the
relatives they are not in compliance and that they will go ahead
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a0683

^PM-Cuban

Boy, 10th Ld-Writethru, a0682,860

^Justice Department says Elian's
Miami relatives fail to comply with
order

^Eds: SUBS 2nd graf

to CORRECT age, 6 sted 5

^AP Photos NY121-122, 113

^By MICHAEL

J. SNIFFEN= ^Associated Press Writer=

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Meantime, the relatives filed a court appeal

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cannot obtain a stay from

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that was not so swift

as the government had hoped and that a new letter would be sent to the family laying how the government proposed to proceed from here. Florman would not describe the government's next steps. But in Friday's letter, Reno said that if the family did not comply, it should be available for a meeting Tuesday to discuss Elian's future and that the government might change his status in this country by Thursday, which could mean INS would try to move him to different custodians while the appeal is heard.

Also today, about 100 people gathered outside the Little Havana home where the 6-year-old boy has been staying. The Democracy Movement, a Cuban exile group, has called for people to form a human chain around the home of Elian's great-uncle in case the government tries to remove him and send him back to his father in Cuba. Elian was kept home today and won't return to school out of fears that Cuba might try to force him back to the island, family spokesman

Armando Gutierrez said. In the interview broadcast on ABC's "Good Morning America," Elian drew crayon pictures of the voyage in which his mother and 10 other people drowned. He first drew a wavy line representing waves, then a leaping dolphin he has told people that dolphins protected him from sharks and boosted him up when he slipped down into the water from an inner tube.

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Exchange Mail

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FROM Feldman, Daniel F. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: DOJ Says Elian's Miami Relatives Fail to Comply with Order [UNCLASSIFIED]
TO Hollis, Caryn C. (INTERAM)

CARBON_COPY**TEXT_BODY**

caryn -- could you please fax it to me up here in my attic closet:
69396. thanks.

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From: Hollis, Caryn
C. (INTERAM)
Sent: Monday, March 27, 2000 4:40 PM
To: DeRosa,
Mary B. (LEGAL); Feldman, Daniel F. (MULTI)
Cc: Schwartz, Eric
P. (MULTI); @LEGAL - Legal Advisor
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CLASSIFICATION UNCLASSIFIED
SUBJECT RE: DOJ Says Elian's Miami Relatives Fail to Comply with Order [UNCLASSIFIED]
TO Hollis, Caryn C. (INTERAM)
DeRosa, Mary B. (LEGAL)

CARBON_COPY Schwartz, Eric P. (MULTI)
Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
Williams, Mary C. (ADMIN)

TEXT_BODY Got the fax; thanks Caryn. Mary -- once you've spoken w/DOJ, maybe the 3 of us should speak, and we can draft something for Jim.

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Message-----

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Sent: Monday, March

27, 2000 4:40 PM

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exiles, might kill the child or take
him to a third country.

^=

Exchange Mail

DATE-TIME 03/27/2000 5:13:47 PM
FROM Hollis, Caryn C. (INTERAM)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: DOJ Says Elian's Miami Relatives Fail to Comply with Order [UNCLASSIFIED]
TO DeRosa, Mary B. (LEGAL)

CARBON_COPY**TEXT_BODY**

Mary, Just sent you the CANF statement. Look at it in conjunction with the letter I see a path emerging in the muck.

-----Original

Message-----

From: DeRosa, Mary B. (LEGAL)

Sent: Monday, March
27, 2000 4:37 PM

To: Hollis, Caryn C. (INTERAM); Feldman, Daniel
F. (MULTI)

Cc: Schwartz, Eric P. (MULTI); @LEGAL - Legal Advisor

Subject: RE:

DOJ Says Elian's Miami Relatives Fail to Comply with Order [UNCLASSIFIED]

I

have not seen any letter. I don't think there is one. I think they just filed a request to expedite the appeal but, as it says below, they did not ask for any particular schedule. Despite several calls, have not heard from Justice. FYI -- I have told the sit room that they should not call Justice about this matter.

-----Original

Message-----

From: Hollis, Caryn C. (INTERAM)

Sent: Monday, March
27, 2000 4:28 PM

To: Feldman, Daniel F. (MULTI); DeRosa, Mary B.
(LEGAL)

Cc: Schwartz, Eric P. (MULTI)

Subject: RE: DOJ Says Elian's

Miami Relatives Fail to Comply with Order [UNCLASSIFIED]

No. They

filed this morning in Atlanta. There was a press piece earlier but no indication that this action was pending. I have a call into State,

Cuban Affairs, to see what they know. Mary?

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

From: Feldman,
Daniel F. (MULTI)
Sent: Monday, March 27, 2000 4:22 PM
To: DeRosa,
Mary B. (LEGAL); Hollis, Caryn C. (INTERAM)
Cc: Schwartz, Eric
P. (MULTI)
Subject: FW: DOJ Says Elian's Miami Relatives Fail to
Comply with Order [UNCLASSIFIED]
Importance: High

Mary/Caryn

-- Has anyone seen the correspondence from Elian's family to DOJ about this yet? Has there been any, or did they just file directly w/the 11th Circuit? Is there a conf. call scheduled to coordinate this?

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

From: Ehrendreich, Joel (WHSR)

Sent: Monday, March 27, 2000 4:19 PM
To: @MULTILAT - Multilateral
and Humanitarian Affairs; @INTERAM - Inter-American; @PRESS - Public
Affairs; @NSA - Natl Security Advisor; @LEGAL - Legal Advisor
Cc: @WHSR
- WH Situation Room
Subject: DOJ Says Elian's Miami Relatives Fail
to Comply with Order [UNCLASSIFIED]
Importance: High

Sit Room

spoke with Justice (Brad Glassman) regarding the news (below) that DOJ said the relatives of Elian Gonzalez failed to comply with its demands by noon today. Elian's relatives and lawyers claimed that they had submitted their appeal this morning in compliance with DOJ's demands.

DOJ says the family did not provide specific commitments that they would voluntarily cooperate to return Elian to Cuba if they lost their appeal. The relatives also did not move jointly with DOJ, as DOJ had asked Friday, in submitting the motion to expedite the appeal with the circuit court.

DOJ will give the family a letter tonight informing the relatives they are not in compliance and that they will go ahead with a previously scheduled meeting tomorrow morning, at which time they will inform the relatives that parole

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a0683

^PM-Cuban Boy, 10th Ld-Writethru, a0682,860

^Justice

Department says Elian's Miami relatives fail to comply with order

^Eds:

SUBS 2nd graf to CORRECT age, 6 sted 5

^AP Photos NY121-122, 113

^By

MICHAEL J. SNIFFEN= ^Associated Press Writer=
WASHINGTON (AP)

The Justice Department said today that the Miami relatives caring for Elian Gonzalez had failed to comply with a government demand that they promise to surrender him for return to his father if

they lose a court appeal.

Meantime, the relatives filed a court

appeal designed to meet

a government deadline, and the 6-year-old

Cuban boy described in his

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Although the relatives asked a federal appeals

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letter to Attorney

General Janet Reno did not meet the other demand

she made Friday night.

"We do not consider them in compliance with Friday's letter,"

said Justice spokeswoman Carole Florman.

"They have not agreed to provide

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Florman said the Justice Department

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Exchange Mail

DATE-TIME 03/27/2000 5:28:41 PM
FROM Hollis, Caryn C. (INTERAM)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: DOJ Says Elian's Miami Relatives Fail to Comply with Order [UNCLASSIFIED]
TO DeRosa, Mary B. (LEGAL)

CARBON_COPY**TEXT_BODY**

Mary, Note in the letter it said Lazaro won't be at the meeting.

-----Original

Message-----

From: DeRosa, Mary B. (LEGAL)

Sent: Monday, March

27, 2000 5:27 PM

To: Crowley, Philip J. (PRESS); Ehrendreich, Joel

(WHSR); @MULTILAT - Multilateral and Humanitarian Affairs; @INTERAM

- Inter-American; @PRESS - Public Affairs; @NSA - Natl Security Advisor;

@LEGAL - Legal Advisor

Cc: @WHSR - WH Situation Room

Subject: RE:

DOJ Says Elian's Miami Relatives Fail to Comply with Order [UNCLASSIFIED]

PJ

-- Just to be clear: the information the sit room received from Justice is not public yet.

To answer your question -- Justice

requested a meeting tomorrow (3/28) at 9:00 AM. Not at all clear that it will happen.

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Sent: Monday, March 27, 2000 4:47 PM

To: Ehrendreich,

Joel (WHSR); @MULTILAT - Multilateral and Humanitarian Affairs;

@INTERAM - Inter-American; @PRESS - Public Affairs; @NSA - Natl Security

Advisor; @LEGAL - Legal Advisor

Cc: @WHSR - WH Situation Room

Subject: RE:

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Do
we know what time the meeting is? Before POTUS meets press mid-morning?
Hope not.

PJ

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- Multilateral and Humanitarian Affairs; @INTERAM - Inter-American;
@PRESS - Public Affairs; @NSA - Natl Security Advisor; @LEGAL - Legal
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Cc: @WHSR - WH Situation Room
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Importance: High

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^AP Photos NY121-122, 113

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^=

Exchange Mail

DATE-TIME 03/27/2000 5:37:08 PM
FROM DeRosa, Mary B. (LEGAL)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: DOJ Says Elian's Miami Relatives Fail to Comply with Order [UNCLASSIFIED]
TO Ehrendreich, Joel (WHSR)

CARBON_COPY**TEXT_BODY**

I understand. I didn't mean to be critical of you, I just wanted press to know not to use what was in the e-mail. Looks like it's all public now anyway! As you know, we're just extra cautious when it comes to Justice.

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

From: Ehrendreich,
Joel (WHSR)
Sent: Monday, March 27, 2000 5:31 PM
To: DeRosa,
Mary B. (LEGAL)
Subject: RE: DOJ Says Elian's Miami Relatives Fail
to Comply with Order [UNCLASSIFIED]

Mary, again I apologize if
we overstepped our bounds at all. I hope you understand that we
were trying to deal directly with Justice Ops to get a quick clarification,
and it was them who had Brad call us. je

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

From: DeRosa,
Mary B. (LEGAL)
Sent: Monday, March 27, 2000 5:27 PM
To: Crowley,
Philip J. (PRESS); Ehrendreich, Joel (WHSR); @MULTILAT - Multilateral
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Boy, 10th Ld-Writethru, a0682,860

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^Eds: SUBS 2nd graf

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^AP Photos NY121-122, 113

^By MICHAEL

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Armando Gutierrez said. In the interview broadcast on ABC's "Good Morning America," Elian drew crayon pictures of the voyage in which his mother and 10 other people drowned. He first drew a wavy line representing waves, then a leaping dolphin he has told people that dolphins protected him from sharks and boosted him up when he slipped down into the water from an inner tube.

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Exchange Mail

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FROM Baker, James E. (LEGAL)
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: DOJ Says Elian's Miami Relatives Fail to Comply with Order [UNCLASSIFIED]
TO DeRosa, Mary B. (LEGAL)

CARBON_COPY**TEXT_BODY**

Reminder. Can you please make sure that Jim has an update before 9 tomorrow or that I have whatever I need to update him at Senior Staff. Thanks.

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

From: Bash, Brooks

L. (EXSEC)

Sent: Monday, March 27, 2000 5:33 PM

To: DeRosa, Mary

B. (LEGAL); Crowley, Philip J. (PRESS); Ehrendreich, Joel (WHSR);

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

@PRESS - Public Affairs; @NSA - Natl Security Advisor; @LEGAL - Legal Advisor

Cc: @WHSR - WH Situation Room

Subject: RE: DOJ Says Elian's

Miami Relatives Fail to Comply with Order [UNCLASSIFIED]

FYI,

CNN

is carrying this story. Brooks

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^AP Photos NY121-122, 113

^By MICHAEL

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WASHINGTON (AP) The Justice
Department said today that the
Miami relatives caring for Elian
Gonzalez had failed to comply with
a government demand that they
promise to surrender him for return to
his father if they lose
a court appeal.

Meantime, the relatives filed a court appeal
designed to meet
a government deadline, and the 6-year-old Cuban
boy described in his
first TV interview how the boat bringing him
and his mother from Cuba
sank. He said he doesn't believe his mother
is dead.

Although the relatives asked a federal appeals court
to set
an expedited schedule for hearing an appeal, their letter
to Attorney

General Janet Reno did not meet the other demand she
made Friday night.

``We do not consider them in compliance with
Friday's letter,"
said Justice spokeswoman Carole Florman. ``They
have not agreed to provide
written assurances they will comply
with Immigration and Naturalization

Service instructions if they do not prevail in the appeals court and cannot obtain a stay from the Supreme Court." Florman said the Justice Department had responded in court to the family's request for an expedited appeal that was not so swift as the government had hoped and that a new letter would be sent to the family laying how the government proposed to proceed from here. Florman would not describe the government's next steps. But in Friday's letter, Reno said that if the family did not comply, it should be available for a meeting Tuesday to discuss Elian's future and that the government might change his status in this country by Thursday, which could mean INS would try to move him to different custodians while the appeal is heard.

Also today, about 100 people gathered outside the Little Havana home where the 6-year-old boy has been staying. The Democracy Movement, a Cuban exile group, has called for people to form a human chain around the home of Elian's great-uncle in case the government tries to remove him and send him back to his father in Cuba. Elian was kept home today and won't return to school out of fears that Cuba might try to force him back to the island, family spokesman

Armando Gutierrez said. In the interview broadcast on ABC's "Good Morning America," Elian drew crayon pictures of the voyage in which his mother and 10 other people drowned. He first drew a wavy line representing waves, then a leaping dolphin he has told people that dolphins protected him from sharks and boosted him up when he slipped down into the water from an inner

tube.

He drew himself as a stick figure on the inner tube, and then sketched a boat with people inside. He told of the boat having engine trouble and slowly sinking, and of attempts to bail it out. Asked what happened to the boat, he said softly: "Water came in."

He drew the waves higher and higher, covering the boat. Elian insisted his mother survived. "My mother is not in heaven, not lost," he said in Spanish through his cousin Marisleysis Gonzalez, who is raising him. "She must have been picked up here in Miami somewhere. She must have lost her memory, and just doesn't know I'm here."

Marisleysis Gonzalez gently reminded him that he knows what really happened to his mother, and he gazed downward. Facing a noon deadline, Elian's Florida relatives filed a motion for an expedited appeals process to sort out the international custody dispute.

The motion asks the federal appeals court to set a schedule for arguments in the family's appeal of a federal judge's ruling affirming

the INS decision to return Elian to Cuba. A judge could set the schedule as early as this week, court officials said. It could be weeks before the case is resolved. "The court of appeals is in the best situation to determine what is fair and what this appeal needs to be heard fairly, not the Department of Justice," attorney Linda Osberg-Braun told reporters this afternoon.

Osberg-Braun said Elian's relatives had also agreed to comply with

a Justice Department demand asking them to turn over the boy to the
INS if the family loses its appeal and fails to obtain a stay of

the INS order from the Supreme Court.

Since his arrival last
November, Elian has been under the
constant glare of cameras, typically
seen playing in the front yard
of his great-uncle's home or walking
to school, but the ABC interview
was the first time he had directly
talked to the media.

In a speech Sunday in Havana, Cuban President
Fidel Castro

said subjecting Elian to the interview was ``monstrous
and sickening."

Castro confidently declared that Elian's Miami
relatives had
run out of legal challenges.

But he warned that,
rather than allow the boy's return, Elian's
Miami supporters, Cuban-American
exiles, might kill the child or take
him to a third country.

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