

Exchange Mail

DATE-TIME 04/18/2000 10:10:15 AM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT updated Elian guidance for clearance [UNCLASSIFIED]
TO Hollis, Caryn C. (INTERAM)
DeRosa, Mary B. (LEGAL)

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)
Williams, Mary C. (ADMIN)
Burrell, Christina L. (LEGIS)
Lackey, Miles M. (LEGIS)
Shapiro, Daniel B. (LEGIS)
Tavlarides, Mark J. (LEGIS)
Feldman, Daniel F. (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)
Williams, Mary C. (ADMIN)
Anderson, Brooke D. (NSCCOMM)
Crowley, Philip J. (PRESS)
Gobush, Matthew N. (VP)
Hammer, Michael A. (PRESS)
Hoelzer, Jennifer I. (PRESS/INTERN)
Leklem, Erik J. (NSCCOMM/PRESS/INTERN)
Stockwell, David B. (PRESS)
Wozniak, Natalie S. (PRESS)

TEXT_BODY

caryn and mary -- please review, esp. first two questions, which

are new.

thanks -- wlp

TRANSLATED_ATTACHMENT CubanboyPG43.doc
CUBAN BOY
April 18, 2000

CONTEXT: Pediatrician Irwin Redlener, one of three child mental health professionals advising the INS, has written, on his own initiative, a strongly-worded letter to the INS, urging that Elian Gonzalez be removed from the Miami home immediately because the home is psychologically abusive and the child is in imminent danger to his physical and emotional well-being.

Elian Gonzalez's Miami relatives defied INS instructions to deliver the boy to Miami's Opa Locka airport at 2:00 p.m. Thursday, April 13. As a result, INS informed Lazaro Gonzalez by letter that parole care of the child had been transferred from him back to the INS. Also April 13, the relatives' attorneys sought and received from the U.S. Court of Appeals for the 11th Circuit a stay, barring the child's removal from the U.S. until such time as the federal appeals court rules on their motion for a temporary restraining order, which would prohibit his return to Cuba and his transfer to any person under the control of the Cuban government. The Justice Department held off on action to remove the boy from the Miami home pending the stay. In its response to the relatives' motion filed on Friday, April 14, the Justice Department not only asked the court to deny the relatives' request but also asked the court to order Lazaro Gonzalez to hand over the child to INS. The 11th Circuit could rule as soon as today. In other legal action, the Miami-Dade County court threw out Lazaro Gonzalez's custody action, a further blow to the Miami relatives' efforts to prevent Elian's transfer to his father. Separately, attorneys for the Miami relatives filed a

suit in federal court in D.C., seeking to bar Elian's return to Cuba based on several international human rights instruments. A hearing in this matter is scheduled for tomorrow.

On Thursday, April 13, the Attorney General reiterated the offer of a meeting between family members contained in the INS letter to Lazaro Gonzalez. The letter acknowledges the family's request for a meeting with Juan Miguel Gonzalez, the boy's father, and invites them to accompany Elian on the flight to Washington to meet with him. If the family members resolve the matter, said Ms. Reno, then the government will step aside. If, however, they cannot reach agreement, the parole custody and care of the boy will be transferred to the boy's father, who has been in Washington since April 6. A family agreement seems particularly unlikely in light of allegations, made late last week by the Miami relatives, that Juan Miguel Gonzalez abused his late wife and Elian. On 60 Minutes on April 16, Juan Miguel Gonzalez denied the allegations, instead insisting that his Miami relatives were abusing the child through actions such as recording a video of him saying he did not want to return to Cuba.

The catalyst for these events was a federal district court decision dismissing a lawsuit filed by Elian's great uncle, Lazaro Gonzalez, in which he challenged the INS decision in this case. The great uncle subsequently appealed this decision to the U.S. Court of Appeals for the 11th Circuit, which set an expedited hearing schedule, with arguments to be held on May 11.

What's your reaction to Dr. Redlener's assessment that the home where Elian is staying is "psychologically abusive" and that he should be removed immediately?

* The INS and Justice Department take the advice of Dr. Redlener and the other experts very seriously. As we have said, we believe this child should be reunited with his father as soon as possible.

[IF ASKED] What's your reaction to Richard Cohen's op-ed in today's Washington Post, arguing that if Juan Miguel Gonzalez were Elian's mother, the boy would have already be returned?

* We have continually maintained that this case is about the bond between a parent and child. The Justice Department is doing all it can to reunite this parent and child in an orderly and prompt way, and is prepared to enforce the law.

If the federal appellate court issues a restraining order preventing the child's return to Cuba, will INS transfer the boy to his father's care? If the court rules he cannot be transferred to anyone under the control of the Cuban government?

* Justice and INS will need to assess any court ruling in detail and make decisions at that time. Beyond that, we cannot comment on pending litigation.

If the family's request for a temporary restraining order is denied by the federal court of appeals, do you think the Miami relatives will turn the boy over voluntarily?

* The relatives have said consistently that they will abide by the law. We hope and expect that they will keep their word and comply with INS instructions.

* We urge the family to cooperate in a peaceful transition so that it causes the least disruption for this boy as possible. We believe the relatives in

Miami
care for this child, and we're hopeful they will make this transition as
smooth
as possible for Elian. It's time to bring this situation to an end for the
sake
of this child.

Lazaro Gonzalez and his family defied INS' instructions to turn over
the boy last
Thursday. Are you going to give Justice permission to send in the
U.S. Marshals
if they continue to refuse to hand the boy over?

* As the Attorney General has said, the Justice Department will
enforce its order
fairly and promptly, and we support her. This is about the rule of law,
and we
must enforce the law.

Are you concerned that if the family does not turn him over
voluntarily, and a
court order must be executed to effectuate the transfer, there might be
violence
in Miami?

* We understand that for many this is an emotional issue, but we
believe that the
Miami community will remain peaceful and respect the law and legal
decisions made
in this case.

What's your reaction to the Miami relatives' allegations that Juan
Miguel
Gonzalez physically abused Elian and his late mother?

* The Justice Department has given the relatives ample opportunity to
come
forward with any credible information concerning Juan Miguel
Gonzalez's fitness
as a parent. They have not done so.

Do you think the father really wants to return to Cuba, or is he unable
or
unwilling to speak freely?

* Under our law, the father is free to apply for asylum if he wishes.

It's our understanding that he has said clearly that he wants to return to his country.

* He has had numerous meetings alone with his attorney and also met with the Attorney General and INS Commissioner without any Cuban officials present.

Can the Justice Department prevent Juan Miguel Gonzalez from returning to Cuba immediately after he gets custody of the boy?

* This issue is before the federal court of appeals right now, so I would not comment on it.

What's your reaction to the dismissal of the state court custody action?

* We're pleased with the decision. It upholds the longstanding principle that immigration matters are exclusively reserved to the federal government by the Constitution.

What's your reaction to the federal suit filed by the Miami relatives yesterday, alleging that the child's return to Cuba is barred by several international human rights treaties?

* We will not comment on pending litigation.

Why did you wait so long to act? In retrospect, do you think the government should have taken steps earlier to resolve this case?

* We have tried to make this process as nondisruptive for the child as possible. Justice has followed a very deliberate and careful process because of what the boy went through. It is now in power Lazaro Gonzalez and his family to make process peaceful and nonconflictual for Elian, and we urge them to do so.

Does the White House's role change now that Elian's father is here in Washington?

* The Justice Department and State Department continue to play their respective leading roles in this matter. Of course, we continue to be in close touch with Justice and State on this important issue.

[ONLY IF ASKED] How do you respond to allegations that you are using this case as a tool to improve relations with Cuba?

* Our only objective is to see that the INS decision in this case is carried out in accordance with the law.

4

4

Exchange Mail

DATE-TIME 04/18/2000 10:53:33 AM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION CONFIDENTIAL
CLASSIFICATIONREASON 1.5(d)
DATECLASSIFIEDON 04/03/2000
DECLASSIFYON 04/04/2010
SUBJECT RE: Pkg 2237 -- Update on Elian Gonzalez Case [CONFIDENTIAL]
TO Joshi, M. Kay (EXSEC)
Feldman, Daniel F. (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)
Williams, Mary C. (ADMIN)

CARBON_COPY

Bartlett, L. June (EXSEC)
Bash, Brooks L. (EXSEC)
Bradtke, Robert A. (EXSEC)
Crocker, Bathsheba N. (NSA)
Gire, Cynthia L. (EXSEC)
Gray, Wendy E. (NSA)
Hilliard, Brenda I. (EXSEC)
Joshi, M. Kay (EXSEC)
Kale, Dora A. (NSA)
Millison, Cathy L. (EXSEC)
Moretz, Sheila K. (NSA)
Rudman, Mara E. (NSA)
Scott-Perez, Marilyn L. (NSA)
Siberell, Justin H. (NSA)
Storey, Sharon V. (NSA)
Sutphen, Mona K. (NSA)
Wasserman, Elaine P. (EXSEC)
Bartlett, L. June (EXSEC)
Bash, Brooks L. (EXSEC)
Bradtke, Robert A. (EXSEC)
Gire, Cynthia L. (EXSEC)
Gray, Wendy E. (NSA)
Hilliard, Brenda I. (EXSEC)
Jacobson, Tracey A. (ADMIN)

DECLASSIFIED E.O. 13526
White House Guidelines,
September 11, 2006

By MA NARA, Date 7/16/16
2012-0371-1

Joshi, M. Kay (EXSEC)
Joshlyn, Gay L. (ADMIN)
Millison, Cathy L. (EXSEC)
Powell, Elliott (WHSR/EXSEC)
Wasserman, Elaine P. (EXSEC)

TEXT_BODY

Kay -- talked to Eric. This is OBE'd. The Elian case is such a moving target right now that any memo we would do would be OBE'd between the time we sent it forward and the time it hit POTUS' desk.

thanks
-- WLP

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

From: Joshi, M. Kay (EXSEC)

Sent: Tuesday, April 18, 2000 9:38 AM

To: @MULTILAT - Multilateral
and Humanitarian Affairs

Cc: @UP - APNSA Special Assistants; @EXECSEC
- Executive Secretary

Subject: RE: Pkg 2237 -- Update on Elian Gonzalez
Case [CONFIDENTIAL]

Eric: was this ever done? We are still holding
this package in the hold bin. A redo was requested two weeks ago.
Let us know. Thanks.

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

From: Joshi,

M. Kay (EXSEC)

Sent: Monday, April 03, 2000 11:29 AM

To: @MULTILAT

- Multilateral and Humanitarian Affairs

Cc: @UP - APNSA Special
Assistants; @EXECSEC - Executive Secretary

Subject: Pkg 2237 --

Update on Elian Gonzalez Case [CONFIDENTIAL]

Jim Steinberg sent
the subject package back with a note: redo/update. Attached is
the document. Please update as soon as possible and return via e-mail.
Thanks.

<< File: 2237POTUSmemo.doc >> << File: 2237JSMemo.doc
>>

Exchange Mail

DATE-TIME 04/18/2000 11:24:06 AM
FROM Feldman, Daniel F. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT elian [UNCLASSIFIED]
TO Schwartz, Eric P. (MULTI)

CARBON_COPY Patten, Wendy L. (MULTI)

TEXT_BODY eric -- i realize that no day is a particularly good one for federal agents to descend into a crowd of hundreds/thousands of cuban-american protesters to grab elian, but i really hope that someone at justice recognizes that april 19 (tmw) is: (1) the anniversary of waco; (2) the anniversary of the oklahoma bombings; (3) the anniversary of the end of the bay of pigs invasion; and (4) the first night of passover and its requisite proximity to good friday and easter (with all the religious symbolism that may entail for this child that many already refer to as christ-like). i don't know what to propose in its stead if the 11th circuit rules today or tmw, but i can guarantee you that if a single person is injured tmw, there will be countless stories in the press comparing the days events to past anniversaries of april 19th, and the date will take on even greater significance for those who decry the "jack-booted thugs" of the fed. govt., as well as, perhaps, the religious right.

Exchange Mail

DATE-TIME 04/18/2000 11:38:12 AM
FROM DeRosa, Mary B. (LEGAL)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: updated Elian guidance for clearance [UNCLASSIFIED]
TO Patten, Wendy L. (MULTI)

CARBON_COPY**TEXT_BODY**

Honestly, I don't see how there is time for you to do a memo, have it cleared by us and approved by execsec in time to catch a 1:00 plane. We need more time than that.

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

From: Patten,
Wendy L. (MULTI)
Sent: Tuesday, April 18, 2000 11:23 AM
To: DeRosa,
Mary B. (LEGAL)
Subject: RE: updated Elian guidance for clearance
[UNCLASSIFIED]

No -- I've been avoiding doing the memo thinking if I decide not to go then no need. I guess I'll whip it up just in case -- but then the court will rule once I get it done!

yes,
HLS would cover my travel -- WLP

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

From: DeRosa,
Mary B. (LEGAL)
Sent: Tuesday, April 18, 2000 11:16 AM
To: Patten,
Wendy L. (MULTI)
Subject: RE: updated Elian guidance for clearance
[UNCLASSIFIED]

No more idea, other than that I can't *&^%#ing believe that it's taken this long. I would certainly hope that we'll hear something this afternoon. Of course, if you decide not to go, it will guarantee that nothing will happen.

Did you ever do a

travel memo? Who would be paying for your flight?

-----Original

Message-----

From: Patten, Wendy L. (MULTI)

Sent: Tuesday, April

18, 2000 11:06 AM

To: DeRosa, Mary B. (LEGAL)

Subject: RE: updated

Eliau guidance for clearance [UNCLASSIFIED]

trying to decide if

I should fly up to HLS this afternoon. would have to take 1pm flight.

I am leaning against. What do you think? any more feel for when
court will rule???

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

From: DeRosa, Mary

B. (LEGAL)

Sent: Tuesday, April 18, 2000 10:59 AM

To: Patten,

Wendy L. (MULTI); Hollis, Caryn C. (INTERAM)

Cc: @INTERAM - Inter-American;

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

- Multilateral and Humanitarian Affairs; @PRESS - Public Affairs

Subject: RE:

updated Eliau guidance for clearance [UNCLASSIFIED]

Looks good.

-----Original

Message-----

From: Patten, Wendy L. (MULTI)

Sent: Tuesday, April

18, 2000 10:10 AM

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

B. (LEGAL)

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

@LEGISLAT - Legislative Affairs; @MULTILAT - Multilateral and

Humanitarian

Affairs; @PRESS - Public Affairs

Subject: updated Eliau guidance

for clearance [UNCLASSIFIED]

<< File: CubanboyPG43.doc >>

caryn

and mary -- please review, esp. first two questions, which are new.

thanks

-- wlp

Exchange Mail

DATE-TIME 04/19/2000 2:36:32 PM

FROM Patten, Wendy L. (MULTI)

CLASSIFICATION UNCLASSIFIED

SUBJECT Elian Gonzalez update [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)
Kale, Dora A. (NSA)
Millison, Cathy L. (EXSEC)
Moretz, Sheila K. (NSA)
NSA Email
Rudman, Mara E. (NSA)
Scott-Perez, Marilyn L. (NSA)
Siberell, Justin H. (NSA)
Storey, Sharon V. (NSA)
Sutphen, Mona K. (NSA)

CARBON_COPY

TEXT_BODY Please let Jim know that the 11th Circuit will rule any minute now
(the Court told Justice 2:30).

thanks -- Wendy

Exchange Mail

DATE-TIME 04/19/2000 3:07:23 PM
FROM Laskowski, Gregory J. (WHSR)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Decision on Elian Gonzalez Case - 19 April 2000 [UNCLASSIFIED]
TO Jarosinski, Frank J. (WHSR)

CARBON_COPY**TEXT_BODY**

MISTAKE!!!!!!!!

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

From: Jarosinski,
Frank J. (WHSR)
Sent: Wednesday, April 19, 2000 3:06 PM
To: @INTERAM
- Inter-American; @LEGAL - Legal Advisor; @NSA - Natl Security Advisor;
@PRESS - Public Affairs
Cc: @WHSR - WH Situation Room
Subject: Decision
on Elian Gonzalez Case - 19 April 2000 [UNCLASSIFIED]

Federal
Appeals Court upheld court order keeping Elian Gonzalez in the United States. Decision bars anyone from removing the boy from the United States. It is not known if this prevents Elian's father from retrieving him and returning to Washington.

d5784

^BC-FL--Cuban Boy,

6th Ld, ^BULLETIN

^Precede MIAMI

^Court upholds court order in

Elian dispute

ATLANTA (AP) A federal appeals court Wednesday upheld a court

order keeping Elian Gonzalez in the United States, extending the longrunning

custody dispute over the 6-year-old boy

the government wants to return

to his father.

The 11th U.S.

Circuit Court of Appeals panel barred anyone from attempting to remove the boy from the country. There was no immediate reaction from the Justice Department or from attorneys representing the boy's Miami relatives. The court order, issued last week, had delayed government efforts to bring Elian to Washington to meet his father, who wants to return with him to Cuba.

Exchange Mail

DATE-TIME 04/19/2000 3:08:51 PM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT 11th Circuit ruling in Elian Gonzalez case [UNCLASSIFIED]
TO Hollis, Caryn C. (INTERAM)
DeRosa, Mary B. (LEGAL)
Patten, Wendy L. (MULTI)

CARBON_COPY

TEXT_BODY Here are my notes from the CNN reporter's reading of the decision:

injunction
prohibiting his departure from US pending appeal. Court found that

balance of equities weighs heavily in favor of injunction pending
appeal prohibiting his removal from US. Court announced its intent
to hear oral argument, and noted potential inconsistencies between
INS's present position and its own regulations and guidelines and
plain lang of statute

Not clear INS considered all relevant factors,
esp child's separate and own interests in seeking asylum. INS never
spoke to or interviewed Elian in making this determination. We remain
unconvinced that asylum app filed by Lazaro on Elian's behalf was
ineffectual under the law

Any and all persons acting for or on
behalf of Elian enjoined from removing Elian from U.S., and all officers,
agents, and employees of USG (?) and DOJ enjoined to take all reasonable
measures to prevent his departure from US.

Exchange Mail

DATE-TIME 04/19/2000 7:44:09 PM
FROM DeRosa, Mary B. (LEGAL)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: update on Elian Gonzalez [UNCLASSIFIED]
TO Patten, Wendy L. (MULTI)
Hollis, Caryn C. (INTERAM)

CARBON_COPY Avery, Dale R. (INTERAM)
Hollis, Caryn C. (INTERAM)
Merletti, Roger D. (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)
Williams, Mary C. (ADMIN)
Feldman, Daniel F. (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)
Williams, Mary C. (ADMIN)

TEXT_BODY This is excellent. A few suggestions.

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

From: Patten,

Wendy L. (MULTI)

Sent: Wednesday, April 19, 2000 6:51 PM

To: Hollis,

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

Cc: @INTERAM - Inter-American;

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

Subject: update on Elian Gonzalez [UNCLASSIFIED]

C and

M -- please review. thanks -- WLP

Please pass to Sandy,
Jim, and Mara. Thanks.

From Wendy Patten
Cleared by Legal and
Interam

Sandy,

Here's a summary of the day's events:

1.
11th Circuit injunction --

Today's court order prohibits Elian's departure from the U.S. pending appeal, which is set for oral argument on May 11. It further prohibits any persons acting on Elian's behalf from removing him from the U.S., and directs the USG to take such reasonable and lawful measures as necessary to prevent Elian's removal from the U.S.

Noting that the appeal likely would be moot if Elian were removed from the U.S. pending the appeal, the court found that balance of equities weighs heavily in favor of granting the injunction. Rather than determining the likelihood of success on the merits, the court only had to find that the Miami relatives had presented a "substantial case" on the merits. Most important, the court expressly declined to reach the issue of custody during pendency of the appeal.

The court cited several factors that suggest difficulties that INS must overcome in order to prevail in this case. First, it noted potential inconsistencies between, on the one hand, INS's present position and, on the other hand, INS's own regulations and guidelines and the plain language of the statute, which states that "any alien" may apply for asylum. Second, it seemed troubled by the fact that INS never interviewed Elian in determining that he was too young to apply for asylum on his own behalf. Third, it questioned whether INS had considered all relevant factors, especially the child's separate and own independent interests in seeking asylum. Fourth, even assuming INS correctly determined that an adult must apply for asylum on Elian's behalf, the court was not convinced that the asylum application filed by Lazaro Gonzalez was ineffectual under the law. (It is worth noting that the Court reviewed Plaintiff's appeal briefs in considering

this injunction, but not the government's -- because we have not yet filed our briefs.)

2. reuniting Elian with his father --

The order does not, by its terms, bar the INS from removing Elian from the Miami relatives and reuniting him with his father. We do not know whether or when the Justice Department plans to act. The Attorney General told reporters this afternoon that the order does not preclude her from placing the child in his father's care. She also said "we will take the course of action most appropriate under the circumstances," but did not give any additional details about her plans. We understand that the Attorney General and the President will discuss the matter in Oklahoma City.

Greg Craig gave a strongly-worded statement in which he called upon the government to act immediately to return Elian to his father. He said that nothing in the order weakens the father's legal or moral claim to custody and that it is unconscionable to wait one day longer to act. If the government does not act immediately to remove him from Lazaro Gonzalez and return him to his father, he said, "it will be responsible for the harm that continues to be inflicted upon Juan Miguel's beloved son."

3. D.C. District Court case --

The plaintiffs last week filed a new case in the district court in DC, seeking to prevent Elian's transfer to his father or removal to Cuba on the grounds that such action would violate U.S. obligations under several human rights instruments. They sought a TRO and a permanent injunction. This morning, the Miami relatives withdrew their request for a TRO in this matter today, but they are continuing to pursue this suit., which alleges that Elian's removal from the U.S. would violate U.S. obligations under several human rights instruments.

Exchange Mail

DATE-TIME 04/19/2000 8:25:26 PM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT elian gonzalez update [UNCLASSIFIED]
TO Bash, Brooks L. (EXSEC)
Bradtke, Robert A. (EXSEC)
Crocker, Bathsheba N. (NSA)
Gray, Wendy E. (NSA)
Jacobson, Tracey A. (ADMIN)
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Kale, Dora A. (NSA)
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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)

Williams, Mary C. (ADMIN)

TEXT_BODY

Please pass to Sandy, Jim, and Mara. Thanks.

From Wendy Patten
Cleared
by Legal and Interam

Sandy,

Here's a summary of the day's events:

1. 11th Circuit injunction --

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Noting that the appeal likely would be moot if Elian left the U.S. pending the appeal, the court found that balance of equities weighs heavily in favor of granting the injunction. Elian's father has said he would remain in the U.S. through the appeal, and a decision preventing the appeal from becoming moot is hardly surprising, nor does it undermine the central issues at stake in the case. Most important, the court expressly declined to reach the issue of custody during pendency of the appeal. Also of note, the court did not determine the likelihood of success on the merits; it only had to find that the Miami relatives had presented a "substantial case" on the merits.

The court, however, cited several factors that suggest difficulties that INS must overcome in order to prevail in this case. First, it noted potential inconsistencies between, on the one hand, INS's present position and, on the other hand, INS's own regulations and guidelines and the plain language of the statute, which states that "any alien" may apply for asylum. Second, it seemed troubled by the fact that INS never interviewed Elian in determining that he was too young to apply for asylum on his own behalf. Third, it questioned whether INS had considered all relevant factors, especially the child's separate and independent interests in seeking asylum. Fourth, even assuming INS correctly determined that an adult must apply for asylum on Elian's behalf, the court was not convinced that the asylum application filed by Lazaro Gonzalez was ineffectual under the law. (It is worth noting that the Court reviewed Plaintiff's appeal briefs in considering

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2. reuniting Elian with his father --

The order does not, by its terms, bar the INS from removing Elian from the Miami relatives and reuniting him with his father. The Attorney General told reporters this afternoon that the order does not preclude her from placing the child in his father's care. She also said "we will take the course of action most appropriate under the circumstances," but did not give any additional details about her plans. We understand that the Attorney General and the President will discuss the matter in Oklahoma City.

Greg Craig gave a strongly-worded statement in which he called upon the government to act immediately to return Elian to his father. He said that "nothing in the order weakens the father's legal or moral claim to custody" and that it is "unconscionable" to wait one day longer to act. If the government does not act immediately to remove him from Lazaro Gonzalez and return him to his father, he said, "it will be responsible for the harm that continues to be inflicted upon Juan Miguel's beloved son."

3. D.C. District Court case --

The plaintiffs last week filed a new case in the district court in DC, seeking to prevent Elian's transfer to his father or removal to Cuba on the grounds that such action would violate U.S. obligations under several human rights instruments. They sought a TRO and a permanent injunction. This morning, the Miami relatives withdrew their request for a TRO in this matter, but they are continuing to pursue this suit.

Exchange Mail

DATE-TIME 04/20/2000 10:50:15 AM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT updated elian guidance for clearance [UNCLASSIFIED]
TO Hollis, Caryn C. (INTERAM)
DeRosa, Mary B. (LEGAL)

CARBON_COPY Avery, Dale R. (INTERAM)
Hollis, Caryn C. (INTERAM)
Merletti, Roger D. (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)
Williams, Mary C. (ADMIN)
Burrell, Christina L. (LEGIS)
Lackey, Miles M. (LEGIS)
Shapiro, Daniel B. (LEGIS)
Tavlarides, Mark J. (LEGIS)
Feldman, Daniel F. (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)
Williams, Mary C. (ADMIN)
Anderson, Brooke D. (NSCCOMM)
Crowley, Philip J. (PRESS)
Gobush, Matthew N. (VP)
Hammer, Michael A. (PRESS)
Hoelzer, Jennifer I. (PRESS/INTERN)
Leklem, Erik J. (NSCCOMM/PRESS/INTERN)
Stockwell, David B. (PRESS)
Wozniak, Natalie S. (PRESS)

TEXT_BODY

Caryn and Mary -- please review. thanks -- WLP

TRANSLATED_ATTACHMENT CubanboyPG45.doc
CUBAN BOY
April 20, 2000

CONTEXT: Yesterday, the Federal Court of Appeals for the 11th Circuit in Atlanta issued an injunction, preventing Elian Gonzalez's removal from the U.S. pending its decision on the Miami relatives' appeal, which is set for oral argument on May 11. While the court suggested that a 6-year-old might have the right to apply for asylum against the wishes of a parent, this ruling is preliminary and does not necessarily predict the outcome of the full appeal. The ruling also comes prior to the filing of the Justice Department's brief in the appellate case.

The 11th Circuit panel did not rule on who should have custody of Elian pending appeal. Parole custody of Elian was revoked by INS after the Miami relatives defied INS instructions to deliver the boy to Miami's Opa Locka airport at 2:00 p.m. Thursday, April 13. The Justice Department held off on action to remove the boy from the Miami home pending an emergency stay issued by the 11th Circuit on April 13. Following yesterday's ruling, the Attorney General announced that the court's order does not preclude her from placing the boy in his father's care pending appeal. Juan Miguel Gonzalez's attorney, Greg Craig, delivered a strongly-worded statement in which he called upon the government to remove Elian from the Miami home and return him to his father immediately. Craig referred to a letter from pediatrician Irwin Redlener, one of three child mental health professionals advising the INS, stating that the Miami home psychologically abusive and the child is in imminent danger to his physical and emotional well-being. Craig said that if the government failed to remove Elian, it

would be
responsible for the harm that continues to be inflicted on the boy.

In other legal action, the Miami-Dade County court threw out Lazaro Gonzalez's custody action on April 13, a blow to the Miami relatives' efforts to prevent Elian's transfer to his father. Separately, attorneys for the Miami relatives filed a suit in federal court in D.C. last week, seeking to bar Elian's return to Cuba based on several international human rights instruments.

Last night on Nightline, an attorney for the Miami relatives stated that Lazaro Gonzalez was willing to bring Elian to meet with Juan Miguel Gonzalez, but would not agree to turn the boy over to him. A family agreement seems particularly unlikely in light of allegations, made late last week by the Miami relatives, that Juan Miguel Gonzalez abused his late wife and Elian. On 60 Minutes on April 16, Juan Miguel Gonzalez denied the allegations, instead insisting that his Miami relatives were abusing the child through actions such as recording a video of him saying he did not want to return to Cuba.

What's your reaction to the appellate court's ruling preventing the child's return to Cuba pending appeal?

* The injunction prevents the boy from being removed from the U.S. during the appeal. It does not prevent him from being reunited with his father, which is the most important issue in this case.

[IF ASKED] The ruling seems to indicate that INS is wrong on the law, and that even a six-year-old has the right to apply for asylum against the wishes of a parent. Are you concerned that Justice may lose the appeal?

* This was a preliminary ruling on a request for an injunction to prevent the boy's removal from the U.S. while the 11th Circuit considers the appeal. The

court has not yet considered all the briefs in this case or heard oral argument, so I think we cannot prejudge the result. Beyond that, we will not comment on pending litigation, or what the court might do.

Will INS act to transfer the boy to his father's care? Are you going to give the Justice Department permission to send in the U.S. Marshals if the Miami relatives continue to refuse to hand the boy over?

* As the Attorney General has said, the Justice Department is considering the course of action that is appropriate under the circumstances.

* We continue to believe it is time to reunite this child with his father. We urge the family to cooperate in a peaceful transition so that it causes the least disruption for this boy as possible. We believe the relatives in Miami care for this child, and we're hopeful they will make this transition as smooth as possible for Elian.

Are you concerned that if the family does not turn him over voluntarily, there might be violence in Miami?

* We understand that for many this is an emotional issue, but we believe that the Miami community will remain peaceful and respect the law and legal decisions made in this case.

What's your reaction to Dr. Redlener's assessment that the home where Elian is staying is "psychologically abusive" and that he should be removed immediately?

* The INS and Justice Department take the advice of Dr. Redlener and the other experts very seriously. As we have said, we believe this child should be reunited with his father as soon as possible.

[IF ASKED] Do you agree with Dr. Redlener's view that the home is psychologically abusive?

* We defer to the experts on this issue.

Why are you trying to send Elian back to Cuba while at the same time condemning the deplorable human rights conditions in Cuba?

* The Elian Gonzalez case is about the bond between a child and his father. This child needs to be reunited with his father because that is what the law - and fundamental principles of family - require.

* We simply cannot take the position that because the government of a country denies its citizens human rights, parent in that country must lose their right to raise their child.

What's your reaction to the federal suit filed by the Miami relatives last week, alleging that the child's return to Cuba is barred by several international human rights treaties?

* We will not comment on pending litigation.

Cuban television has shown images of a home and school where Elian would live for several months after his return. Some have called this a reeducation camp. Does this give you cause to reconsider sending Elian back to Cuba?

* As the Attorney General has said, the focus of this case is on the role of the boy's father in raising him. This father has been very involved in raising his son, and it's time for them to be reunited so that he can continue to do so.

Why did you wait so long to act? In retrospect, do you think the government should have taken steps earlier to resolve this case? Do you think the

Attorney
General has been too hesitant?

* The Justice Department has followed a deliberate and careful process in order to reunite this child with his father safely and with as little disruption as possible. It is in the power of Lazaro Gonzalez and his family to make this process safe and nonconflictual for Elian, and we urge them to do so.

What's your reaction to the Miami relatives' allegations that Juan Miguel Gonzalez physically abused Elian and his late mother?

* The Justice Department has given the relatives ample opportunity to come forward with any credible information concerning Juan Miguel Gonzalez's fitness as a parent. They have not done so.

Do you think the father really wants to return to Cuba, or is he unable or unwilling to speak freely?

* Under our law, the father is free to apply for asylum if he wishes. It's our understanding that he has said clearly that he wants to return to his country.

* He has had numerous meetings alone with his attorney and also met with the Attorney General and INS Commissioner without any Cuban officials present.

What's your reaction to the dismissal of the state court custody action?

* We're pleased with the decision. It upholds the longstanding principle that immigration matters are exclusively reserved to the federal government by the Constitution.

What is the White House's role in the matter at this juncture?

* The Justice Department and State Department continue to play their

respective
leading roles in this matter. Of course, we continue to be in close
touch with
Justice and State on this important issue.

[ONLY IF ASKED] How do you respond to allegations that you are
using this case
as a tool to improve relations with Cuba?

* Our only objective is to see that the INS decision in this case is
carried out
in accordance with the law.

4

4

Exchange Mail

DATE-TIME 04/26/2000 6:29:56 AM
FROM Stockwell, David B. (PRESS)
CLASSIFICATION UNCLASSIFIED
SUBJECT Cuban Boy [UNCLASSIFIED]
TO Patten, Wendy L. (MULTI)

CARBON_COPY Feldman, Daniel F. (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)
Williams, Mary C. (ADMIN)
Anderson, Brooke D. (NSCCOMM)
Crowley, Philip J. (PRESS)
Gobush, Matthew N. (VP)
Hammer, Michael A. (PRESS)
Hoelzer, Jennifer I. (PRESS/INTERN)
Leklem, Erik J. (NSCCOMM/PRESS/INTERN)
Stockwell, David B. (PRESS)
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)

TEXT_BODY Wendy: I reworked your guidance a bit to remove the notion that Senator Graham is guiding administration actions. See if this works.
CUBAN
BOY
April 26, 2000

What assurances are you seeking from the Cuban government -- should Elian return to Cuba -- that he would not be used as propaganda, would not be placed in a special school, and would return to his "normal" life?

* Elian Gonzalez cannot

return to Cuba until the federal court injunction is lifted.

* From

the beginning, we have tried to de-politicize this case, and we have spoken to Cuban officials in Havana, Geneva, and Washington about the need to do so.

* Officials from the State Department met with representatives of the Cuban Interests Section yesterday in Washington and voiced concern on how Elian would be treated in the event he returns to Cuba. We will continue to discuss with Cuban officials Elian's treatment should he return to Cuba.

Exchange Mail

DATE-TIME 04/26/2000 1:50:12 PM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION ~~CONFIDENTIAL~~
CLASSIFICATIONREASON 1.5(d)
DATECLASSIFIEDON 04/26/2000
DECLASSIFYON 04/27/2010
SUBJECT RE: draft elian update [CONFIDENTIAL]
TO Feldman, Daniel F. (MULTI)

CARBON_COPY**TEXT_BODY**

it does. we're following up on it

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

From: Feldman,
 Daniel F. (MULTI)
 Sent: Wednesday, April 26, 2000 1:46 PM
 To: Patten,
 Wendy L. (MULTI)
 Subject: RE: draft elian update [CONFIDENTIAL]

halting
 flights over wye seems a little excessive, no?

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

From: Patten, Wendy L. (MULTI)
 Sent: Wednesday,
 April 26, 2000 1:43 PM
 To: Patten, Wendy L. (MULTI); DeRosa, Mary
 B. (LEGAL)
 Cc: @LEGAL - Legal Advisor; @MULTILAT - Multilateral
 and Humanitarian Affairs
 Subject: RE: draft elian update [CONFIDENTIAL]

DECLASSIFIED E.O. 13526
 White House Guidelines,
 September 11, 2006

By MI NARA, Date 7/1/01

1012-0371-6

I
 just found out from Charles Shapiro that Ramirez is coming in at
 1:30 to talk to him (he does not know about what precisely). so
 if we want Jim to be able to weigh in we need to get this to him
 asap. This version contains Caryn's edits. thanks -- WLP

-----Original

Message-----

From: Patten, Wendy L. (MULTI)

Sent: Wednesday,

April 26, 2000 1:33 PM

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

Mary B. (LEGAL)

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

@MULTILAT - Multilateral and Humanitarian Affairs

Subject: draft

elian update [CONFIDENTIAL]

Please review.

Please pass to

Jim. cc: Mara. thanks.

Jim,

We convened a SVTS at midday
today to discuss three issues:

1. visits to Wye by CUBINT officials

Officials

from the Cuban Interests Section must seek State's permission (through the Office of Foreign Missions) to travel beyond a 25 mile radius of D.C. if they intend to travel within 72 hours. If the request is made more than 72 hours in advance of the travel and does not involve meeting public officials, they need only notify State of their plans. We could impose further conditions on CUBINT travel even outside of 72 hours, but would need to inform them of the new restrictions via a dip note.

Yesterday, State granted permission to a group of 6-7 officials from the Cuban Interests Section to visit Wye this morning. (The visit has taken place). Pending with State are two additional requests:

- * a CUBINT official and his wife to leave DC today at 4pm and spend the night
- * Head of CUBINT Ramirez and three others from his staff to leave DC late this afternoon. The request does not make clear if they wish to spend the night. State is calling CUBINT to get a more legible copy of the request.

We

share Justice/INS concerns about visits by large groups, and strongly oppose overnight visits. The groups discussed whether we should inform the GOC that we will be limiting numbers of officials who can visit Wye and banning overnight stays, but did not reach conclusion because Justice is presently wrestling with these issues in its reply brief (due 3:30 today) to the 11th Circuit on the relatives' request for an injunction. The Miami relatives seek to bar Elian from being taken to any place with diplomatic immunity, and are requesting safeguards

preventing contact with GOC officials, diplomats, and doctors and psychiatrists "with instructions to re-indoctrinate him." James Castello was to consult with the litigators and then contact State with Justice's views.

State will be discussing the issue, as well as the two pending requests for travel today, with Pete Romero and Wendy Sherman. I asked them to ensure they consult with James Castello at Justice and with us before making any final decisions on the pending requests.

2. FAA ban on flights over Wye

The FAA ordered a ban on overflights at Wye in order to ensure privacy for Elian and his father. Justice had asked for the order to be held until they could consult with the Attorney General on the issue. State press also has concerns about how such limitations would be perceived. We will follow up on this issue.

3. arrival of teacher and cousin

The kindergarten teacher and Elian's 11-year-old cousin who were previously issued visas are arriving today. They will enter the US on an Aeromexico flight from Mexico City to New York. They will spend tonight in DC and travel to Wye tomorrow. They have been issued visas valid for 3 months.

4. visas for schoolmates

USINT/Havana has not received visa requests for the 4 schoolmates and accompanying family members who will be approved for travel if they are otherwise eligible for visas. The visas will be valid for maximum two weeks. State will coordinate with INS to ensure that INS, at the port of entry, gives them permission to visit for only two weeks.

Exchange Mail

DATE-TIME 04/26/2000 2:01:25 PM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Elian press guidance [UNCLASSIFIED]
TO Crowley, Philip J. (PRESS)

CARBON_COPY Anderson, Brooke D. (NSCCOMM)
Crowley, Philip J. (PRESS)
Gobush, Matthew N. (VP)
Hammer, Michael A. (PRESS)
Hoelzer, Jennifer I. (PRESS/INTERN)
Leklem, Erik J. (NSCCOMM/PRESS/INTERN)
Stockwell, David B. (PRESS)
Wozniak, Natalie S. (PRESS)
Feldman, Daniel F. (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)
Williams, Mary C. (ADMIN)

TEXT_BODY thanks, PJ. this is helpful. I'll give you a call to follow up
-- WLP

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

From: Crowley, Philip J. (PRESS)

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

To: Patten, Wendy L.
(MULTI)

Cc: @PRESS - Public Affairs; @MULTILAT - Multilateral and
Humanitarian Affairs

Subject: RE: Elian press guidance [UNCLASSIFIED]

Happy
to chat with you about this.

I think the bottom line here is that
we should be in a mode of affirmatively producing guidance when our
equities are in play, as opposed to when the story is political,

as it has largely been since last Friday. But, to take yesterday as a point, both the issue of our dialogue with the Cuban Interest Section on assurances and the question of visas for the playmates are factual national security and diplomatic issues that we would need from you. Other information and perspective is always welcome, regarding technical points such as whether Cuban diplomats have access to the Gonzalez family, etc.

Outside that realm, WH Press is getting the political aspects from others.

On process, we talk to our State PA colleagues several times a day and ask questions of them, just as we ask questions of you -- largely to compare notes on whether we are saying the same things. Part of our role here is to ensure that State, WH, Defense and others in the national security realm are on the same page. Beyond that, I don't know specifically what you are referring to in getting questions from different places within WH Press.

Let me know what we need to fix and we'll fix it.

PJ

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

From: Patten, Wendy L. (MULTI)

Sent: Wednesday,
April 26, 2000 10:38 AM

To: Crowley, Philip J. (PRESS)

Cc: @PRESS

- Public Affairs; @MULTILAT - Multilateral and Humanitarian Affairs

Subject: Elian

press guidance [UNCLASSIFIED]

PJ et al. --

There appears to be a breakdown in the process of crafting WH press guidance on the Elian matter. I'd love to talk to you about it when you get a chance this morning.

As you know, NSC has had the lead in preparing Elian guidance since the case began, and I have been the person responsible for doing it since I came on board on January 3. Over the weekend, however, the guidance was clearly being written elsewhere; I did not receive any calls regarding guidance. Then, on Monday morning, I came in and prepared guidance as I always do, and turned on the TV to discover that Lockhart was in the middle of briefing. I was not informed by NSC press that early guidance was needed, so I therefore

concluded that someone else in the WH had taken over responsibility for handling the guidance. I came to your office Monday morning to ask for clarification as to who was now responsible for Elian guidance. You said you would speak to WH press about it and get back to me.

Late yesterday, we discussed the idea that I could do press guidance "as needed" -- whenever there was a question. I think, though, that this morning's events demonstrate that this approach is not the best. Questions will need immediate answers, which are difficult to produce if I am not working on guidance on a regular basis. After you and I worked out the Q&A on GOC assurances about Elian's treatment after his return, I got on the 9am conference call on Elian guidance. (We have had these calls to coordinate guidance with State and Justice/INS since January). A State staffer had to jump off the call in order to field a call from WH Press, asking what POTUS should say on the issue of assurances about Elian's treatment in Cuba. (!)

Needless to say, this doesn't make much sense. My role has been to be in close touch with State and Justice to monitor the situation and then craft guidance. State should not have to provide the same information twice to two different parts of the WH press operation, and I have plenty of other work to do if guidance from me is no longer needed.

It seems that we need to sit down with WH press asap and clarify roles and responsibilities. I am more than happy to continue to prepare guidance; I am also quite happy to have someone else do it. The present lack of clarity, however, is not workable.

Please give me a call when you get a chance and we can figure this out.

thanks -- WLP

Exchange Mail

DATE-TIME 05/02/2000 9:10:05 AM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT updated elian guidance [UNCLASSIFIED]
TO DeRosa, Mary B. (LEGAL)
Hollis, Caryn C. (INTERAM)

CARBON_COPY Avery, Dale R. (INTERAM)
Hollis, Caryn C. (INTERAM)
Merletti, Roger D. (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)
Williams, Mary C. (ADMIN)
Burrell, Christina L. (LEGIS)
Lackey, Miles M. (LEGIS)
Shapiro, Daniel B. (LEGIS)
Tavlarides, Mark J. (LEGIS)
Feldman, Daniel F. (MULTI)
McClean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Patten, Wendy L. (MULTI)
Schwartz, Eric P. (MULTI)
Smith, Peter D. R. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)
Wilcox, Richard M. (MULTI)
Williams, Mary C. (ADMIN)
Anderson, Brooke D. (NSCCOMM)
Crowley, Philip J. (PRESS)
Gobush, Matthew N. (VP)
Hammer, Michael A. (PRESS)
Hoelzer, Jennifer I. (PRESS/INTERN)
Stockwell, David B. (PRESS)
Wozniak, Natalie S. (PRESS)

TEXT_BODY

only very minor changes. thanks -- WLP

TRANSLATED_ATTACHMENT CubanboyPG51.doc
CUBAN BOY
May 2, 2000

CONTEXT: Several visitors arrived from Cuba last week to spend time with Elian Gonzalez and his family at the Wye River Plantation. On April 26, a kindergarten teacher and Elian's 10-year-old cousin arrived in DC, and on April 27, four of Elian's schoolmates and a parent of each arrived in the U.S. to spend two weeks with Elian and his family. The Gonzalez family pediatrician also arrived on April 27, but came with 3 boxes of medicine that were confiscated by US Customs at the port of entry because the doctor is not licensed to practice medicine in the State of Maryland. She was allowed to keep a small amount of medicine for personal use. Other visas requests remain pending.

Cuban diplomats in the U.S. may visit Wye as they wish, provided that they notify the Department of State 72 hours in advance. If the travel will occur within the next 72 hours, they must request State's permission. While State has granted such time-excepted requests for travel to Wye by Cuban diplomats and their children, State has not authorized overnight stays. State has informed the Cuban Interests Section that one of its officials remained at the Wye home overnight without permission and therefore will not be allowed to return to Wye. We have urged the Cuban Interests Section to exercise restraint regarding the number of persons and length of visits. Discussions between State and Cuban officials continue on this score.

Congressional hearings on the INS raid to transfer Elian Gonzalez to his father's care have been postponed indefinitely. In court action yesterday, Juan Miguel Gonzalez and the Miami relatives each filed briefs with the Federal Court of Appeals for the 11th Circuit in Atlanta. Oral argument is set for May

11. On April 27, the court rejected a request by the Miami relatives to restrict Elian's meetings with Cuban officials, psychologists, and physicians, grant access to him by the physician treating him in Miami and by "his" lawyers, and appoint an independent official to decide with whom Elian should meet. The court accepted the Justice Department's offer of regular reports from physicians and a social worker hired by INS. The court continued its order that Elian may not be taken to any place with diplomatic immunity, a request that was not opposed by the Justice Department. On April 19, the 11th Circuit issued an injunction, preventing Elian Gonzalez's removal from the U.S. pending its decision on the Miami relatives' appeal. While the court suggested that a 6-year-old might have the right to apply for asylum against the wishes of a parent, this ruling is preliminary and does not necessarily predict the outcome of the full appeal.

Are you concerned about Cuban diplomats spending a lot of time at Wye with Elian?

* The State Department is discussing with the Cuban Interests Section guidelines for travel by Cuban diplomats. They agreed with us that the Gonzalez family needs some time alone.

* Over the weekend, the State Department approved social visits by several children of Cuban diplomats, along with parental escorts.

* We direct you to the State Department for further information. Will you issue visas to the others who have requested them, including Cuban physicians?

* We have issued visas to four of Elian's schoolmates, and a parent of each. They are arrived last week and will visit with Elian and his family for up to two weeks. Elian's 10-year-old cousin, his former kindergarten teacher,

and the
Gonzalez family pediatrician, who were previously granted visas, also
arrived
last week. The remaining visa requests are under review.

[IF ASKED] Why is a Cuban pediatrician here to see Elian and his
family?

* A visa was previously granted to the Gonzalez family pediatrician at
the same
time as visas were granted to Juan Miguel Gonzalez, his wife, and
their infant
son.

* The pediatrician was issued a visa to visit the family and cannot
practice
medicine in the state of MD without a license to do so. However, she
could serve
as a consultant to a licensed MD physician who could provide
whatever care Elian,
his infant brother, or any other person staying with the Gonzalez
family might
require.

* We direct you to the State Department for further information.

[ONLY IF ASKED] Did the Customs Service seize medicine from the
pediatrician
upon her arrival?

* In accordance with applicable regulations, U.S. Customs Service
confiscated
controlled substances that were clearly not for personal use.

Cuban television has shown images of a home and school where Elian
would live for
several months after his return. Some have called this a reeducation
camp.
Does this give you cause to reconsider sending Elian back to Cuba?

* As the Attorney General has said, the focus of this case is on the
role of the
boy's father in raising him. This father has been very involved in
raising his
son, and we are glad that they have been reunited so that he can
continue to do
so.

What assurances are you seeking from the Cuban government -- should Elian return to Cuba -- that he would not be used as propaganda, would not be placed in a special school, and would return to his "normal" life?

* Elian Gonzalez cannot return to Cuba until the federal court injunction is lifted.

* From the beginning, we have tried to de-politicize this case, and we have spoken to Cuban officials in Havana, Geneva, and Washington about the need to do so.

* Officials from the State Department have met with representatives of the Cuban Interests Section in Washington and voiced concern on how Elian would be treated in the event he returns to Cuba. These conversations have been constructive. We will continue to discuss with Cuban officials Elian's treatment should he return to Cuba.

Do you think the father really wants to return to Cuba, or is he unable or unwilling to speak freely?

* Under our law, the father is free to apply for asylum if he wishes. It's our understanding that he has said clearly that he wants to return to his country.

* He has had numerous meetings alone with his attorney and also met with the Attorney General and INS Commissioner without any Cuban officials present.

The 11th Circuit's ruling seems to indicate that INS is wrong on the law, and that even a six-year-old has the right to apply for asylum against the wishes of a parent. Are you concerned that Justice may lose the appeal?

* This was a preliminary ruling on a request for an injunction to prevent the boy's removal from the U.S. while the 11th Circuit considers the appeal. The court has not yet considered all the briefs in this case or heard oral argument, so I think we cannot prejudge the result. Beyond that, we will not comment on pending litigation.

Why are you trying to send Elian back to Cuba while at the same time condemning the deplorable human rights conditions in Cuba?

* The Elian Gonzalez case is about the bond between a child and his father. This child needs to be reunited with his father because that is what the law - and fundamental principles of family - require.

* We simply cannot take the position that because the government of a country denies its citizens human rights, parents in that country must lose their right to raise their child.

What is the US government doing about the altercation outside the Cuban Interests Section in Washington?

* The matter is being investigated by the Washington DC police department.

Why did you wait so long to act in reuniting Elian with his father? In retrospect, do you think the government should have taken steps earlier to resolve this case? Do you think the Attorney General was too hesitant?

* The Justice Department followed a deliberate and careful process in order to reunite this child with his father safely and with as little disruption as possible. It is very unfortunate that Elian's Miami relatives made the enforcement action necessary by their intransigence in handing the boy over to his father voluntarily.

What is the White House's role in the matter at this juncture?

* The Justice Department and State Department continue to play their respective leading roles in this matter. Of course, we continue to be in close touch with Justice and State on this important issue.

How do you respond to allegations that you are using this case as a tool to improve relations with Cuba?

* Our only objective is to see that the INS decision in this case is carried out in accordance with the law.

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Exchange Mail

DATE-TIME 05/05/2000 11:44:30 AM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: updated Elian guidance [UNCLASSIFIED]
TO Avery, Dale R. (INTERAM)

CARBON_COPY

TEXT_BODY no -- I'll have to look -- WLP

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

From:
Avery, Dale R. (INTERAM)
Sent: Friday, May 05, 2000 11:43 AM
To:
Patten, Wendy L. (MULTI)
Subject: RE: updated Elian guidance [UNCLASSIFIED]

Wendy--

Did you see the "Tom the Dancing Bug" cartoon on Elian in the Post's Weekend section today? (I'm probably the hundredth person to ask you that, but ... who knows? Maybe I'm the only one for whom the weekend section is a first-thing Friday morning priority...)

-----Original

Message-----

From: Patten, Wendy L. (MULTI)
Sent: Friday, May
05, 2000 11:34 AM
To: @PRESS - Public Affairs
Cc: @INTERAM - Inter-American;
@LEGAL - Legal Advisor; @LEGISLAT -
Legislative Affairs; @MULTILAT
- Multilateral and Humanitarian Affairs
Subject: updated Elian guidance
[UNCLASSIFIED]

Exchange Mail

DATE-TIME 05/09/2000 10:15:25 AM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT updated elian guidance [UNCLASSIFIED]
TO Anderson, Brooke D. (NSCCOMM)
Brown, Katherine A. (PRESS/INTERN)
Crowley, Philip J. (PRESS)
Gobush, Matthew N. (VP)
Hammer, Michael A. (PRESS)
Hoelzer, Jennifer I. (PRESS/INTERN)
Stockwell, David B. (PRESS)
Wozniak, Natalie S. (PRESS)

CARBON_COPY Feldman, Daniel F. (MULTI)
McLean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Patten, Wendy L. (MULTI)
Schwartz, Eric P. (MULTI)
Smith, Peter D. R. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)
Wilcox, Richard M. (MULTI)
Williams, Mary C. (ADMIN)
Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
Scharfen, Jonathan R. (LEGAL)
Williams, Mary C. (ADMIN)
Burrell, Christina L. (LEGIS)
Lackey, Miles M. (LEGIS)
Shapiro, Daniel B. (LEGIS)
Tavlarides, Mark J. (LEGIS)
Walldorff, Rebecca L. (LEGIS)
Avery, Dale R. (INTERAM)
Hammer, Michael A. (PRESS)
Hollis, Caryn C. (INTERAM)
Merletti, Roger D. (INTERAM)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)
Valenzuela, Arturo A. (INTERAM)

TEXT_BODY

Updated dates, etc. No substantive changes.

TRANSLATED_ATTACHMENT CubanboyPG53.doc
CUBAN BOY
May 9, 2000

CONTEXT: On May 5, the Miami Herald reported that at least two dozen Cuban diplomats and their family members have visited Elian Gonzalez since he moved to Wye Plantation and states that the Miami relatives feel he is being reindoctrinated on U.S. soil. Cuban diplomats may visit the Gonzalez family at Wye as they wish, provided that they notify the Department of State 72 hours in advance. If the travel will occur within the next 72 hours, they must request State's permission. While State has granted such time-excepted requests for travel to Wye by Cuban diplomats and their children, State has not authorized overnight stays. We have urged the Cuban Interests Section to exercise restraint regarding the number of persons and length of visits. Discussions between State and Cuban officials continue on this score.

Several visitors have traveled from Cuba to spend time with Elian Gonzalez and his family at the Wye River Plantation. On April 26, a kindergarten teacher and Elian's 10-year-old cousin arrived in DC, and on April 27, four of Elian's schoolmates and a parent of each arrived in the U.S. to spend two weeks with Elian and his family. The Gonzalez family pediatrician also arrived on April 27, but came with 3 boxes of medicine that were confiscated by US Customs at the port of entry because the doctor is not licensed to practice medicine in the State of Maryland. She was allowed to keep a small amount of medicine for personal use. Other visas requests remain pending.

Congressional hearings on the INS raid to transfer Elian Gonzalez to his father's care have been postponed indefinitely. In court action, the Miami relatives'

appeal of the federal district court's decision will be argued in the Federal Court of Appeals for the 11th Circuit in Atlanta on Thursday, May 11. On April 27, the court rejected a request by the Miami relatives to restrict Elian's meetings with Cuban officials, psychologists, and physicians, grant access to him by the physician treating him in Miami and by "his" lawyers, and appoint an independent official to decide with whom Elian should meet. The court accepted the Justice Department's offer of regular reports from physicians and a social worker hired by INS. The court continued its order that Elian may not be taken to any place with diplomatic immunity, a request that was not opposed by the Justice Department. On April 19, the 11th Circuit issued an injunction, preventing Elian Gonzalez's removal from the U.S. pending its decision on the Miami relatives' appeal. While the court suggested that a 6-year-old might have the right to apply for asylum against the wishes of a parent, this ruling is preliminary and does not necessarily predict the outcome of the full appeal.

Are you concerned about Cuban diplomats spending a lot of time at Wye with Elian?

* The Gonzalez family, which must remain here until the 11th Circuit injunction is lifted, is living in a foreign country and they do not speak English. It is customary for consular officials to visit their nationals and provide assistance.

* What's most important is that this boy has been reunited with his sole surviving parent, and the time they are spending together will help them to become a strong family again.

* We direct you to the State Department for further information.

Will you issue visas to the others who have requested them, including

Cuban
physicians?

* We have issued visas to four of Elian's schoolmates, and a parent of each. They are arrived last week and will visit with Elian and his family for up to two weeks. Elian's 10-year-old cousin, his former kindergarten teacher, and the Gonzalez family pediatrician, who were previously granted visas, also arrived last week. The remaining visa requests are under review.

[IF ASKED] Why is a Cuban pediatrician here to see Elian and his family?

* The pediatrician was issued a visa to visit the family. She cannot practice medicine in the state of MD without a license to do so. However, she could serve as a consultant to a licensed MD physician who could provide whatever care Elian, his infant brother, or any other person staying with the Gonzalez family might require.

* When she arrived, the Customs Service confiscated certain medicines that were not for her personal use. They will not be returned to her until she departs the United States.

* We direct you to the State Department for further information.

Cuban television has shown images of a home and school where Elian would live for several months after his return. Some have called this a reeducation camp. Does this give you cause to reconsider sending Elian back to Cuba?

* As the Attorney General has said, the focus of this case is on the role of the boy's father in raising him. This father has been very involved in raising his son, and we are glad that they have been reunited so that he can continue to do so.

What assurances are you seeking from the Cuban government -- should Elian return to Cuba -- that he would not be used as propaganda, would not be placed in a special school, and would return to his "normal" life?

- * Elian Gonzalez cannot return to Cuba until the federal court injunction is lifted. He cannot be taken to a place with diplomatic immunity.

- * From the beginning, we have tried to de-politicize this case, and we have spoken to Cuban officials in Havana, Geneva, and Washington about the need to do so.

- * Officials from the State Department have met with representatives of the Cuban Interests Section in Washington and voiced concern on how Elian would be treated in the event he returns to Cuba. These conversations have been constructive. We will continue to discuss with Cuban officials Elian's treatment should he return to Cuba.

Do you think the father really wants to return to Cuba, or is he unable or unwilling to speak freely?

- * Under our law, the father is free to apply for asylum if he wishes. It's our understanding that he has said clearly that he wants to return to his country.

- * He has had numerous meetings alone with his attorney and also met with the Attorney General and INS Commissioner without any Cuban officials present.

What is the White House's role in the matter at this juncture?

- * The Justice Department and State Department continue to play their respective leading roles in this matter. Of course, we continue to be in close touch with Justice and State on this important issue.

[IF ASKED] Did the White House press the INS to change its position in this case in early December, after INS had said the matter should be resolved by a family court, in order to prevent a Cuban migration crisis?

* No. White House officials did not seek to, nor did they, influence the INS decision in this case. It was made by the responsible authorities following the law and INS rules and procedures.

How do you respond to allegations that you are using this case as a tool to improve relations with Cuba?

* Our only objective is to see that the INS decision in this case is carried out in accordance with the law.

The 11th Circuit's ruling seems to indicate that INS is wrong on the law, and that even a six-year-old has the right to apply for asylum against the wishes of a parent. Are you concerned that Justice may lose the appeal?

* This was a preliminary ruling on a request for an injunction to prevent the boy's removal from the U.S. while the 11th Circuit considers the appeal. The court has not yet considered all the briefs in this case or heard oral argument, so I think we cannot prejudge the result. Beyond that, we will not comment on pending litigation.

Why are you trying to send Elian back to Cuba while at the same time condemning the deplorable human rights conditions in Cuba?

* The Elian Gonzalez case is about the bond between a child and his father. This child needs to be reunited with his father because that is what the law - and fundamental principles of family - require.

* We simply cannot take the position that because the government of a country denies its citizens human rights, parents in that country must lose their right to raise their child.

What is the US government doing about the altercation outside the Cuban Interests Section in Washington?

* The matter is being investigated by the Washington DC police department.

Why did you wait so long to act in reuniting Elian with his father? In retrospect, do you think the government should have taken steps earlier to resolve this case? Do you think the Attorney General was too hesitant?

* The Justice Department followed a deliberate and careful process in order to reunite this child with his father safely and with as little disruption as possible. It is very unfortunate that Elian's Miami relatives made the enforcement action necessary by their intransigence in handing the boy over to his father voluntarily.

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Exchange Mail

DATE-TIME 05/10/2000 11:01:01 AM
FROM Hollis, Caryn C. (INTERAM)
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: updated Elian guidance for clearance [UNCLASSIFIED]
TO Patten, Wendy L. (MULTI)

CARBON_COPY

TEXT_BODY Wendy, Added one change about the visas for the classmates which were extended by two weeks.

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

From: Patten,
Wendy L. (MULTI)
Sent: Wednesday, May 10, 2000 10:15 AM
To: Hollis,
Caryn C. (INTERAM); DeRosa, Mary B. (LEGAL)
Cc: @INTERAM - Inter-American;
@LEGAL - Legal Advisor; @MULTILAT - Multilateral and
Humanitarian
Affairs; @PRESS - Public Affairs
Subject: updated Elian guidance
for clearance [UNCLASSIFIED]

Please review. thanks -- WLP

TRANSLATED_ATTACHMENT

CubanboyPG54.doc
CUBAN BOY
May 10, 2000

CONTEXT: The Cuban government issued a statement yesterday complaining that Elian's grandparents are ready to travel to Washington to visit him, but have been denied visas. The grandparents have not been denied visas; the requests are under review.

Several other visitors have traveled from Cuba to spend time with Elian Gonzalez and his family at the Wye River Plantation. On April 26, a

kindergarten teacher
and Elian's 10-year-old cousin arrived in DC, and on April 27, four of
Elian's
schoolmates and a parent of each arrived in the U.S. to spend two
weeks with
Elian and his family. Their visas have been extended for an additional
two weeks.
The Gonzalez family pediatrician also arrived on April 27, but came
with 3 boxes
of medicine that were confiscated by US Customs at the port of entry
because the
doctor is not licensed to practice medicine in the State of Maryland.
She was
allowed to keep a small amount of medicine for personal use. Other
visas
requests remain pending.

In court action, the Miami relatives' appeal of the federal district
court's
decision will be argued tomorrow in the Federal Court of Appeals for
the 11th
Circuit in Atlanta. On April 27, the court rejected a request by the
Miami
relatives to restrict Elian's meetings with Cuban officials,
psychologists, and
physicians, grant access to him by the physician treating him in Miami
and by
"his" lawyers, and appoint an independent official to decide with
whom Elian
should meet. The court accepted the Justice Department's offer of
regular
reports from physicians and a social worker hired by INS. The court
continued
its order that Elian may not be taken to any place with diplomatic
immunity, a
request that was not opposed by the Justice Department. On April 19,
the 11th
Circuit issued an injunction, preventing Elian Gonzalez's removal
from the U.S.
pending its decision on the Miami relatives' appeal. While the court
suggested
that a 6-year-old might have the right to apply for asylum against the
wishes of
a parent, this ruling is preliminary and does not necessarily predict the
outcome
of the full appeal.

On May 5, the Miami Herald reported that at least two dozen Cuban
diplomats and
their family members have visited Elian Gonzalez since he moved to

Wye Plantation
and states that the Miami relatives feel he is being reindoctrinated on
U.S.
soil. Cuban diplomats may visit the Gonzalez family at Wye as they
wish,
provided that they notify the Department of State 72 hours in advance.
If the
travel will occur within the next 72 hours, they must request State's
permission.
While State has granted such time-excepted requests for travel to Wye
by Cuban
diplomats and their children, State has not authorized overnight stays.
We have
urged the Cuban Interests Section to exercise restraint regarding the
number of
persons and length of visits. Discussions between State and Cuban
officials
continue on this score.

Have you denied visas to Elian's grandparents? If not, will you issue
them
visas?

* The State Department has not denied their requests for visas. They
just
applied for visas last Friday (one applied only on Monday) and their
requests are
currently being reviewed by the State Department.

* I would direct you to the State Department for more information.

[IF ASKED] Will you issue visas to the others who have requested
them, including
Cuban physicians?

* We have issued visas to four of Elian's schoolmates, and a parent of
each.
They arrived last week and will visit with Elian and his family for up
to a
month. Elian's 10-year-old cousin, his former kindergarten teacher,
and the
Gonzalez family pediatrician, who were previously granted visas, also
arrived
last week. The remaining visa requests are under review.

[IF ASKED] Why is a Cuban pediatrician here to see Elian and his
family?

* The pediatrician was issued a visa to visit the family. She cannot practice medicine in the state of MD without a license to do so. However, she could serve as a consultant to a licensed MD physician who could provide whatever care Elian, his infant brother, or any other person staying with the Gonzalez family might require.

* When she arrived, the Customs Service confiscated certain medicines that were not for her personal use. They will not be returned to her until she departs the United States.

* We direct you to the State Department for further information.

Are you concerned about Cuban diplomats spending a lot of time at Wye with Elian?

* The Gonzalez family, which must remain here until the 11th Circuit injunction is lifted, is living in a foreign country and they do not speak English. It is customary for consular officials to visit their nationals and provide assistance.

* What's most important is that this boy has been reunited with his sole surviving parent, and the time they are spending together will help them to become a strong family again.

* We direct you to the State Department for further information.

The 11th Circuit's ruling seems to indicate that INS is wrong on the law, and that even a six-year-old has the right to apply for asylum against the wishes of a parent. Are you concerned that Justice may lose the appeal?

* This was a preliminary ruling on a request for an injunction to prevent the boy's removal from the U.S. while the 11th Circuit considers the appeal. The court has not yet considered all the briefs in this case or heard oral

argument,
so I think we cannot prejudge the result. Beyond that, we will not
comment on
pending litigation.

Cuban television has shown images of a home and school where Elian
would live for
several months after his return. Some have called this a reeducation
camp.
Does this give you cause to reconsider sending Elian back to Cuba?

* As the Attorney General has said, the focus of this case is on the
role of the
boy's father in raising him. This father has been very involved in
raising his
son, and we are glad that they have been reunited so that he can
continue to do
so.

What assurances are you seeking from the Cuban government --
should Elian return
to Cuba -- that he would not be used as propaganda, would not be
placed in a
special school, and would return to his "normal" life?

* Elian Gonzalez cannot return to Cuba until the federal court
injunction is
lifted. He cannot be taken to a place with diplomatic immunity.

* From the beginning, we have tried to de-politicize this case, and we
have
spoken to Cuban officials in Havana, Geneva, and Washington about
the need to do
so.

* Officials from the State Department have met with representatives
of the Cuban
Interests Section in Washington and voiced concern on how Elian
would be treated
in the event he returns to Cuba. These conversations have been
constructive. We
will continue to discuss with Cuban officials Elian's treatment should
he return
to Cuba.

Do you think the father really wants to return to Cuba, or is he unable
or

unwilling to speak freely?

* Under our law, the father is free to apply for asylum if he wishes. It's our understanding that he has said clearly that he wants to return to his country.

* He has had numerous meetings alone with his attorney and also met with the Attorney General and INS Commissioner without any Cuban officials present.

What is the White House's role in the matter at this juncture?

* The Justice Department and State Department continue to play their respective leading roles in this matter. Of course, we continue to be in close touch with Justice and State on this important issue.

[IF ASKED] Did the White House press the INS to change its position in this case in early December, after INS had said the matter should be resolved by a family court, in order to prevent a Cuban migration crisis?

* No. White House officials did not seek to, nor did they, influence the INS decision in this case. It was made by the responsible authorities following the law and INS rules and procedures.

How do you respond to allegations that you are using this case as a tool to improve relations with Cuba?

* Our only objective is to see that the INS decision in this case is carried out in accordance with the law.

Why are you trying to send Elian back to Cuba while at the same time condemning the deplorable human rights conditions in Cuba?

* The Elian Gonzalez case is about the bond between a child and his father. This

child needs to be reunited with his father because that is what the law
- and
fundamental principles of family - require.

* We simply cannot take the position that because the government of
a country
denies its citizens human rights, parents in that country must lose their
right
to raise their child.

What is the US government doing about the altercation outside the
Cuban Interests
Section in Washington?

* The matter is being investigated by the Washington DC police
department.

Why did you wait so long to act in reuniting Elian with his father? In
retrospect, do you think the government should have taken steps
earlier to
resolve this case? Do you think the Attorney General was too
hesitant?

* The Justice Department followed a deliberate and careful process in
order to
reunite this child with his father safely and with as little disruption as
possible. It is very unfortunate that Elian's Miami relatives made the
enforcement action necessary by their intransigence in handing the
boy over to
his father voluntarily.

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Exchange Mail

DATE-TIME 05/11/2000 10:07:26 AM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT updated Elian guidance [UNCLASSIFIED]
TO DeRosa, Mary B. (LEGAL)
Hollis, Caryn C. (INTERAM)

CARBON_COPY

Avery, Dale R. (INTERAM)
Hammer, Michael A. (PRESS)
Hollis, Caryn C. (INTERAM)
Merletti, Roger D. (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)
Scharfen, Jonathan R. (LEGAL)
Williams, Mary C. (ADMIN)
Burrell, Christina L. (LEGIS)
Lackey, Miles M. (LEGIS)
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Tavlarides, Mark J. (LEGIS)
Walldorff, Rebecca L. (LEGIS)
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Naplan, Steven J. (MULTI)
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Crowley, Philip J. (PRESS)
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Hammer, Michael A. (PRESS)
Hoelzer, Jennifer I. (PRESS/INTERN)
Stockwell, David B. (PRESS)
Wozniak, Natalie S. (PRESS)

TEXT_BODY

Please send any comments directly to @press. thanks -- WLP

TRANSLATED_ATTACHMENT

CubanboyPG55.doc
CUBAN BOY
May 11, 2000

CONTEXT: The Cuban government issued a statement on May 9 complaining that Elian's grandparents are ready to travel to Washington to visit him, but have been denied visas. The grandparents have not been denied visas; the requests are under review.

Several other visitors have traveled from Cuba to spend time with Elian Gonzalez and his family at the Wye River Plantation. On April 26, a kindergarten teacher and Elian's 10-year-old cousin arrived in DC, and on April 27, four of Elian's schoolmates and a parent of each arrived in the U.S. to spend two weeks with Elian and his family. Their visas have been extended for an additional two weeks. The Gonzalez family pediatrician also arrived on April 27, but came with 3 boxes of medicine that were confiscated by US Customs at the port of entry because the doctor is not licensed to practice medicine in the State of Maryland. She was allowed to keep a small amount of medicine for personal use. Other visas requests remain pending.

In court action, the Miami relatives' appeal of the federal district court's decision will be argued tomorrow in the Federal Court of Appeals for the 11th Circuit in Atlanta. On April 27, the court rejected a request by the Miami relatives to restrict Elian's meetings with Cuban officials, psychologists, and physicians, grant access to him by the physician treating him in Miami and by "his" lawyers, and appoint an independent official to decide with whom Elian

should meet. The court accepted the Justice Department's offer of regular reports from physicians and a social worker hired by INS. The court continued its order that Elian may not be taken to any place with diplomatic immunity, a request that was not opposed by the Justice Department. On April 19, the 11th Circuit issued an injunction, preventing Elian Gonzalez's removal from the U.S. pending its decision on the Miami relatives' appeal. While the court suggested that a 6-year-old might have the right to apply for asylum against the wishes of a parent, this ruling is preliminary and does not necessarily predict the outcome of the full appeal.

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Are you concerned that Justice may lose the appeal that was argued this morning?
The 11th Circuit's ruling on the injunction seems to indicate that INS is wrong on the law, and that even a six-year-old has the right to apply for asylum against the wishes of a parent.

* This was a preliminary ruling on a request for an injunction to

prevent the
boy's removal from the U.S. while the 11th Circuit considers the
appeal. The
court had not considered all the briefs in this case or heard oral
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which just occurred this morning. We cannot prejudge how the court
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* The Justice Department followed a deliberate and careful process in order to

reunite this child with his father safely and with as little disruption as possible. It is very unfortunate that Elian's Miami relatives made the enforcement action necessary by their intransigence in handing the boy over to his father voluntarily.

4

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Exchange Mail

DATE-TIME 05/11/2000 11:26:23 AM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: updated Elian guidance [UNCLASSIFIED]
TO Smith, Peter D. R. (MULTI)

CARBON_COPY**TEXT_BODY**

hi -- sorry -- was in a meeting. Only redo if something changed. Also, I will update if dates are wrong (e.g. "yesterday report released" and no longer yesterday) and send that withouth clearing it with others. Otherwise your guidance stands.

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

From: Smith,
Peter D. R. (MULTI)
Sent: Thursday, May 11, 2000 10:26 AM
To: Patten,
Wendy L. (MULTI)
Subject: RE: updated Elian guidance [UNCLASSIFIED]

wendy:
question when you get a sec: do you only issue new guidance if there's something changed or new? in your case i see there are new developments (elian three sets grandparents issue).

the guidance request summary
this morning listed "humanitarian coord policy" but there really isn't any new fallout or anything new to report right now. does the guidance i issued monday still stand with them, or do i have to reissue it w/o any new adds or changes? thanks in advance for your thoughts.. pdrs

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

From: Patten,
Wendy L. (MULTI)
Sent: Thursday, May 11, 2000 10:07 AM
To: DeRosa,
Mary B. (LEGAL); Hollis, Caryn C. (INTERAM)
Cc: @INTERAM - Inter-American;
@LEGAL - Legal Advisor; @LEGISLAT - Legislative Affairs; @MULTILAT

- Multilateral and Humanitarian Affairs; @PRESS - Public Affairs
Subject: updated
Elian guidance [UNCLASSIFIED]

<< File: CubanboyPG55.doc >>

Please
send any comments directly to @press. thanks -- WLP

Exchange Mail

DATE-TIME 05/12/2000 10:52:20 AM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT updated Elian guidance [UNCLASSIFIED]
TO DeRosa, Mary B. (LEGAL)
Hollis, Caryn C. (INTERAM)

CARBON_COPY Avery, Dale R. (INTERAM)
Hammer, Michael A. (PRESS)
Hollis, Caryn C. (INTERAM)
Merletti, Roger D. (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)
Scharfen, Jonathan R. (LEGAL)
Williams, Mary C. (ADMIN)
Feldman, Daniel F. (MULTI)
McClean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Patten, Wendy L. (MULTI)
Schwartz, Eric P. (MULTI)
Smith, Peter D. R. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)
Wilcox, Richard M. (MULTI)
Williams, Mary C. (ADMIN)
Anderson, Brooke D. (NSCCOMM)
Brown, Katherine A. (PRESS/INTERN)
Crowley, Philip J. (PRESS)
Gobush, Matthew N. (VP)
Hammer, Michael A. (PRESS)
Hoelzer, Jennifer I. (PRESS/INTERN)
Stockwell, David B. (PRESS)
Wozniak, Natalie S. (PRESS)

TEXT_BODY

Mary -- please have a look at the first q and a.

thanks --
WLP

TRANSLATED_ATTACHMENT CubanboyPG56.doc
CUBAN BOY
May 12, 2000

CONTEXT: The Miami relatives' appeal of the federal district court's decision was argued yesterday in the Federal Court of Appeals for the 11th Circuit in Atlanta. While the court did not set a date for its ruling, it could rule as early as next week, at which point the losing party could seek rehearing before the full court or ask the Supreme Court to hear an appeal. On April 19, the 11th Circuit issued an injunction, preventing Elian Gonzalez's removal from the U.S. pending its decision on the Miami relatives' appeal. While the court suggested that a 6-year-old might have the right to apply for asylum against the wishes of a parent, this ruling is preliminary and does not necessarily predict the outcome of the full appeal. The court subsequently ordered that Elian may not be taken to any place with diplomatic immunity, a request that was not opposed by the Justice Department.

The Cuban government issued a statement on May 9 complaining that Elian's grandparents are ready to travel to Washington to visit him, but have been denied visas. The grandparents have not been denied visas; the requests are under review. Several other visitors have traveled from Cuba to spend time with Elian Gonzalez and his family at the Wye River Plantation. On April 26, a kindergarten teacher and Elian's 10-year-old cousin arrived in DC, and on April 27, four of Elian's schoolmates and a parent of each arrived in the U.S. to spend two weeks with Elian and his family. Their visas have been extended for an additional two weeks. The Gonzalez family pediatrician also arrived on April 27, but came with 3 boxes of medicine that were confiscated by US Customs at the port

of entry
because the doctor is not licensed to practice medicine in the State of Maryland.
She was allowed to keep a small amount of medicine for personal use.
Other
visas requests remain pending.

On May 5, the Miami Herald reported that at least two dozen Cuban diplomats and their family members have visited Elian Gonzalez since he moved to Wye Plantation and states that the Miami relatives feel he is being reindoctrinated on U.S. soil. Cuban diplomats may visit the Gonzalez family at Wye as they wish, provided that they notify the Department of State 72 hours in advance. If the travel will occur within the next 72 hours, they must request State's permission. While State has granted such time-excepted requests for travel to Wye by Cuban diplomats and their children, State has not authorized overnight stays. We have urged the Cuban Interests Section to exercise restraint regarding the number of persons and length of visits. Discussions between State and Cuban officials continue on this score.

Are you concerned that Justice may lose the appeal that was argued yesterday?
The 11th Circuit's ruling on the injunction seems to indicate that INS is wrong on the law, and that even a six-year-old has the right to apply for asylum against the wishes of a parent. Some of the judge's questions yesterday leaned in that direction.

* We cannot prejudge how the court will rule. Judges ask many questions of both sides during oral argument. Beyond that, we will not comment on pending litigation.

* As to the injunction, this was a preliminary ruling that dealt only with a request for an injunction to prevent the boy's removal from the U.S. while the

11th Circuit considers the appeal.

Have you denied visas to Elian's grandparents? If not, will you issue them visas?

* The State Department has not denied their requests for visas. They just applied for visas last Friday (one applied only on Monday) and their requests are currently being reviewed by the State Department.

* I would direct you to the State Department for more information.

[IF ASKED] Will you issue visas to the others who have requested them, including Cuban physicians?

* We have issued visas to four of Elian's schoolmates, and a parent of each. They arrived last week and will visit with Elian and his family for up to a month. Elian's 10-year-old cousin, his former kindergarten teacher, and the Gonzalez family pediatrician, who were previously granted visas, also arrived last week. The remaining visa requests are under review.

[IF ASKED] Why is a Cuban pediatrician here to see Elian and his family?

* The pediatrician was issued a visa to visit the family. She cannot practice medicine in the state of MD without a license to do so. However, she could serve as a consultant to a licensed MD physician who could provide whatever care Elian, his infant brother, or any other person staying with the Gonzalez family might require.

* When she arrived, the Customs Service confiscated certain medicines that were not for her personal use. They will not be returned to her until she departs the United States.

* We direct you to the State Department for further information.

Are you concerned about Cuban diplomats spending a lot of time at Wye with Elian?

* The Gonzalez family, which must remain here until the 11th Circuit injunction is lifted, is living in a foreign country and they do not speak English. It is customary for consular officials to visit their nationals and provide assistance.

* What's most important is that this boy has been reunited with his sole surviving parent, and the time they are spending together will help them to become a strong family again.

* We direct you to the State Department for further information.

Cuban television has shown images of a home and school where Elian would live for several months after his return. Some have called this a reeducation camp. Does this give you cause to reconsider sending Elian back to Cuba?

* As the Attorney General has said, the focus of this case is on the role of the boy's father in raising him. This father has been very involved in raising his son, and we are glad that they have been reunited so that he can continue to do so.

What assurances are you seeking from the Cuban government -- should Elian return to Cuba -- that he would not be used as propaganda, would not be placed in a special school, and would return to his "normal" life?

* Elian Gonzalez cannot return to Cuba until the federal court injunction is lifted. He cannot be taken to a place with diplomatic immunity.

* From the beginning, we have tried to de-politicize this case, and we have spoken to Cuban officials in Havana, Geneva, and Washington about

the need to do
so.

* Officials from the State Department have met with representatives of the Cuban Interests Section in Washington and voiced concern on how Elian would be treated in the event he returns to Cuba. These conversations have been constructive. We will continue to discuss with Cuban officials Elian's treatment should he return to Cuba.

Do you think the father really wants to return to Cuba, or is he unable or unwilling to speak freely?

* Under our law, the father is free to apply for asylum if he wishes. It's our understanding that he has said clearly that he wants to return to his country.

* He has had numerous meetings alone with his attorney and also met with the Attorney General and INS Commissioner without any Cuban officials present.

What is the White House's role in the matter at this juncture?

* The Justice Department and State Department continue to play their respective leading roles in this matter. Of course, we continue to be in close touch with Justice and State on this important issue.

[IF ASKED] Did the White House press the INS to change its position in this case in early December, after INS had said the matter should be resolved by a family court, in order to prevent a Cuban migration crisis?

* No. White House officials did not seek to, nor did they, influence the INS decision in this case. It was made by the responsible authorities following the law and INS rules and procedures.

How do you respond to allegations that you are using this case as a tool to improve relations with Cuba?

* Our only objective is to see that the INS decision in this case is carried out in accordance with the law.

Why are you trying to send Elian back to Cuba while at the same time condemning the deplorable human rights conditions in Cuba?

* The Elian Gonzalez case is about the bond between a child and his father. This child needs to be reunited with his father because that is what the law - and fundamental principles of family - require.

* We simply cannot take the position that because the government of a country denies its citizens human rights, parents in that country must lose their right to raise their child.

What is the US government doing about the altercation outside the Cuban Interests Section in Washington?

* The matter is being investigated by the Washington DC police department.

4

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Exchange Mail

DATE-TIME 05/12/2000 11:44:14 AM
FROM Hollis, Caryn C. (INTERAM)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: updated Elian guidance [UNCLASSIFIED]
TO Patten, Wendy L. (MULTI)

CARBON_COPY**TEXT_BODY**

Looking it over... no. interam clears. 1200 SVTS is on

-----Original

Message-----

From: Patten, Wendy L. (MULTI)

Sent: Friday, May

12, 2000 11:43 AM

To: Hollis, Caryn C. (INTERAM)

Subject: RE:

updated Elian guidance [UNCLASSIFIED]

do you want me to tweak
the guidance? if so, how? thanks

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

From: Hollis,

Caryn C. (INTERAM)

Sent: Friday, May 12, 2000 11:42 AM

To: Patten,

Wendy L. (MULTI)

Subject: RE: updated Elian guidance [UNCLASSIFIED]

Wendy

pediatricians visa was not extended but the other were. I really
don't think we need to get so down in the weeds, but it is out there
because Castro is complaining about it.

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

From: Patten,

Wendy L. (MULTI)

Sent: Friday, May 12, 2000 10:52 AM

To: DeRosa,

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

Cc: @INTERAM - Inter-American;

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

Affairs; @PRESS - Public Affairs
Subject: updated Elian guidance
[UNCLASSIFIED]

<< File: CubanboyPG56.doc >>

Mary -- please
have a look at the first q and a.

thanks -- WLP

Exchange Mail

DATE-TIME 05/18/2000 10:54:44 AM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT updated Elian guidance [UNCLASSIFIED]
TO Anderson, Brooke D. (NSCCOMM)
Brown, Katherine A. (PRESS/INTERN)
Crowley, Philip J. (PRESS)
Gobush, Matthew N. (VP)
Hammer, Michael A. (PRESS)
Hoelzer, Jennifer I. (PRESS/INTERN)
Stockwell, David B. (PRESS)
Wozniak, Natalie S. (PRESS)

CARBON_COPY Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
Scharfen, Jonathan R. (LEGAL)
Williams, Mary C. (ADMIN)
Cooper, Colby J. (ADMIN)
Feldman, Daniel F. (MULTI)
Mclean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Patten, Wendy L. (MULTI)
Schwartz, Eric P. (MULTI)
Smith, Peter D. R. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)
Wilcox, Richard M. (MULTI)
Williams, Mary C. (ADMIN)
Avery, Dale R. (INTERAM)
Hammer, Michael A. (PRESS)
Hollis, Caryn C. (INTERAM)
Merletti, Roger D. (INTERAM)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)
Valenzuela, Arturo A. (INTERAM)

TEXT_BODY

Updated guidance on young pioneers and reindoctrination issue.

PJ/Mike/David -- please note that State and Justice appear to be sending different messages on this issue. Justice (Carole F) is quoted in the WT as saying there's nothing inappropriate about Elian receiving schooling arranged by his govt. State will be saying they are "concerned" about behavior by GOC and will talk to Cubans about it. (Originally they had planned to say the behavior was inappropriate and they were going to protest with the GOC but then toned it down). We haven't been getting any Elian questions of late, so maybe this isn't a problem, but call me if you have concerns and we can try to work it out.

thanks -- WLP

TRANSLATED_ATTACHMENT CubanboyPG57.doc
CUBAN BOY
May 18, 2000

CONTEXT: Several papers have reprinted photographs that appeared May 16 in the Cuban press, showing Elian Gonzalez in Maryland wearing his "Young Pioneer" uniform. The Cuban press has proclaimed that Elian is being provided a Cuban education under Communist principles while staying at Wye River. Yesterday, the Miami Herald showed a picture of Elian in his Young Pioneer uniform (complete with blue scarf) and he has also been shown on video pledging allegiance to the Revolution. Today's Washington Times features the photo on the front cover. Cuban-American groups claim that Elian is being reindoctrinated into Cuban communism on U.S. soil.

Are you concerned that Elian Gonzalez is being reindoctrinated into Cuban communist thinking at Wye?

* Elian is receiving schooling while he and his family await the conclusion of the court proceedings. It is certainly important for him to continue his education.

* [IF PRESSED] The State Department continues to engage in dialogue with the

Cuban government over Elian's situation.
4

4

Exchange Mail

DATE-TIME 05/18/2000 10:56:23 AM
FROM Hollis, Caryn C. (INTERAM)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: updated Elian guidance [UNCLASSIFIED]
TO Patten, Wendy L. (MULTI)
Anderson, Brooke D. (NSCCOMM)
Brown, Katherine A. (PRESS/INTERN)
Crowley, Philip J. (PRESS)
Gobush, Matthew N. (VP)
Hammer, Michael A. (PRESS)
Hoelzer, Jennifer I. (PRESS/INTERN)
Stockwell, David B. (PRESS)
Wozniak, Natalie S. (PRESS)

CARBON_COPY Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
Scharfen, Jonathan R. (LEGAL)
Williams, Mary C. (ADMIN)
Cooper, Colby J. (ADMIN)
Feldman, Daniel F. (MULTI)
McLean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Patten, Wendy L. (MULTI)
Schwartz, Eric P. (MULTI)
Smith, Peter D. R. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)
Wilcox, Richard M. (MULTI)
Williams, Mary C. (ADMIN)
Avery, Dale R. (INTERAM)
Hammer, Michael A. (PRESS)
Hollis, Caryn C. (INTERAM)
Merletti, Roger D. (INTERAM)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)
Valenzuela, Arturo A. (INTERAM)

TEXT_BODY Interam clears...

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

From: Patten, Wendy
L. (MULTI)
Sent: Thursday, May 18, 2000 10:55 AM
To: @PRESS -
Public Affairs
Cc: @LEGAL - Legal Advisor; @MULTILAT - Multilateral
and Humanitarian Affairs; @INTERAM - Inter-American
Subject: updated
Elian guidance [UNCLASSIFIED]

<< File: CubanboyPG57.doc >>

Updated
guidance on young pioneers and reindoctrination issue.

PJ/Mike/David

-- please note that State and Justice appear to be sending different messages on this issue. Justice (Carole F) is quoted in the WT as saying there's nothing inappropriate about Elian receiving schooling arranged by his govt. State will be saying they are "concerned" about behavior by GOC and will talk to Cubans about it. (Originally they had planned to say the behavior was inappropriate and they were going to protest with the GOC but then toned it down). We haven't been getting any Elian questions of late, so maybe this isn't a problem, but call me if you have concerns and we can try to work it out.

thanks
-- WLP

Exchange Mail

DATE-TIME 05/18/2000 11:12:12 AM
FROM Hollis, Caryn C. (INTERAM)
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Cuba: Elian's Classmates [UNCLASSIFIED]
TO Valenzuela, Arturo A. (INTERAM)

CARBON_COPY**TEXT_BODY**

Arturo, this is what I intend to send down to Jim the morning any comments?

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

From: DeRosa, Mary B. (LEGAL)

Sent: Thursday, May 18, 2000 11:02 AM

To: Patten, Wendy L. (MULTI);

Hollis, Caryn C. (INTERAM)

Subject: RE: Cuba: Elian's Classmates
[UNCLASSIFIED]

I clear. I don't really have a view about the visa extension.

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

From: Patten, Wendy

L. (MULTI)

Sent: Wednesday, May 17, 2000 7:12 PM

To: Hollis,

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

Subject: RE: Cuba:

Elian's Classmates [UNCLASSIFIED]

see my changes. Mary -- obvious question -- do you agree with STate on visa extension question? I do, but haven't heard Justice's reasons and could be talked out of it. also, should we find out when the call is and ask to join? It would surely be helpful to me, but defer to you.

thanks --

WLP

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

From: Hollis, Caryn C. (INTERAM)

Sent: Wednesday, May 17, 2000 7:00 PM
To: Patten, Wendy L. (MULTI);
DeRosa, Mary B. (LEGAL)
Subject: Cuba: Elian's Classmates [UNCLASSIFIED]

Wendy,
Mary, Please clear I want to get this down tonight or at latest early
in the morning. thanks, caryn

Please pass to Jim from Caryn.
Cleared by Multi and Legal.

Jim,

At the Wendy Sherman Cuba
policy meeting, the issue of I-94 (I WOULD SAY VISA EXTENSIONS --
NOT SURE JIM WILL KNOW WHAT I-94 IS) extensions for the four Cuban
children and their parents was raised. As you recall, these children
and their family members came to the United States to provide playmates
for Elian Gonzalez. Originally on two week tourist visas, these
were extended for an additional two weeks. The extensions WILL run
out next Wednesday.

INS and Justice may want to grant another
extension, BUT State strongly disagrees. It believes that the time
has come to rotate this group of four children out and grant visas
to a second group of four. We agree.

The Cubans set up a school
for Elian and the children at Wye, something State asked them not
to do. This morning the Miami Herald ran a photo of Elian in his
Pioneer uniform that appeared in Cuban press on May 16. The Cuban
media proclaimed that Elian is being provided with a Cuban education
under Communist principles while staying at Wye. Bob Menendez is
outraged and reportedly will call Madeleine to demand that the teacher's
visa be pulled. The teacher is here on a 90-day visa. State will
call Greg Craig and summoning the head of the Cuban Interests Section
to tell them it is inappropriate behavior and has the potential to
damage Juan Miguel's case.

Wendy Sherman will hold a "serious"
conference call on the VISA I-94 extension matter later this week
with Doris Meisner AND James Costello CASTELLO and she would like
you to participate.

Caryn

Exchange Mail

DATE-TIME 05/18/2000 12:17:59 PM
FROM Hollis, Caryn C. (INTERAM)
CLASSIFICATION UNCLASSIFIED
SUBJECT Visa extensions for Elian's Classmates [UNCLASSIFIED]
TO Crocker, Bathsheba N. (NSA)
Gray, Wendy E. (NSA)
Kale, Dora A. (NSA)
Moretz, Sheila K. (NSA)
Rudman, Mara E. (NSA)
Scott-Perez, Marilyn L. (NSA)
Siberell, Justin H. (NSA)
Storey, Sharon V. (NSA)

CARBON_COPY Bartlett, L. June (EXSEC)
Bash, Brooks L. (EXSEC)
Bradtke, Robert A. (EXSEC)
Gire, Cynthia L. (EXSEC)
Gray, Wendy E. (NSA)
Hilliard, Brenda I. (EXSEC)
Jacobson, Tracey A. (ADMIN)
Joshi, M. Kay (EXSEC)
Millison, Cathy L. (EXSEC)
Powell, Elliott (WHSR/EXSEC)
Wasserman, Elaine P. (EXSEC)
Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
Scharfen, Jonathan R. (LEGAL)
Williams, Mary C. (ADMIN)
Cooper, Colby J. (ADMIN)
Feldman, Daniel F. (MULTI)
McLean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Patten, Wendy L. (MULTI)
Schwartz, Eric P. (MULTI)
Smith, Peter D. R. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)
Wilcox, Richard M. (MULTI)
Williams, Mary C. (ADMIN)
Avery, Dale R. (INTERAM)
Hammer, Michael A. (PRESS)

Hollis, Caryn C. (INTERAM)
Merletti, Roger D. (INTERAM)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)
Valenzuela, Arturo A. (INTERAM)

TEXT_BODY

Please pass to Jim from Caryn. Cleared by Arturo, Multi and Legal.
Thanks

Jim,

At the Wendy Sherman Cuba policy meeting, the issue of visa extensions for the four Cuban children and their parents was raised. As you recall, these children and their family members came to the United States to provide playmates for Elian Gonzalez. Originally on two week tourist visas, these were extended for an additional two weeks. The extensions will run out next Wednesday.

INS and Justice may want to grant another extension, but State strongly disagrees. It believes that the time has come to rotate this group of four children out and grant visas to a second group of four. We agree.

The Cubans set up a school for Elian and the children at Wye, something State asked them not to do. The Miami Herald ran a photo of Elian in his Pioneer uniform that appeared in Cuban press on May 16. The Cuban media proclaimed that Elian is being provided with a Cuban education under Communist principles while staying at Wye. Bob Menendez is outraged and reportedly will call Madeleine to demand that the teacher's visa be pulled. The teacher is here on a 90-day visa. State will call Greg Craig and summon the head of the Cuban Interests Section to tell them it is inappropriate behavior and has the potential to damage Juan Miguel's case.

Wendy

Sherman will hold a "serious" conference call on the visa extension matter later this week with Doris Meisner and James Castello and she would like you to participate.

Caryn

Exchange Mail

DATE-TIME 05/23/2000 2:01:57 PM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT Elian request to move from Wye to DC [UNCLASSIFIED]
TO Hollis, Caryn C. (INTERAM)

CARBON_COPY

TEXT_BODY Mary, Eric, Arturo - please review. thanks -- WLP

Please pass
to Jim, cc: Mara. Thanks.

From Wendy and Caryn
Through Eric
and Arturo
Cleared by Legal

Jim,

Juan Miguel Gonzalez has
asked his attorney if he could move his family to a less remote location.
The Cubans (Interests Section? CHECK) told the Marshals Service

Exchange Mail

DATE-TIME 05/24/2000 10:52:51 AM
FROM Stockwell, David B. (PRESS)
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: revised Elian guidance for clearance [UNCLASSIFIED]
TO Brown, Katherine A. (PRESS/INTERN)

CARBON_COPY

TEXT_BODY use this

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

From: Patten, Wendy L. (MULTI)

Sent: Wednesday, May 24, 2000 10:46 AM

To: Hollis, Caryn C. (INTERAM);

DeRosa, Mary B. (LEGAL)

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

Legal Advisor; @MULTILAT - Multilateral and Humanitarian
Affairs;

@PRESS - Public Affairs

Subject: revised Elian guidance for clearance
[UNCLASSIFIED]

Caryn and Mary -- this is all still up in
the air. Justice press is referring people to Greg Craig. May become
clearer before Joe briefs. Let me know if this works for now.

thanks
-- WLP

TRANSLATED_ATTACHMENT

CubanboyPG58.doc
CUBAN BOY
May 24, 2000

CONTEXT: Several papers are reporting that Elian Gonzalez, his
family, and his
visitors from Cuba are moving from Wye Plantation to the northwest
Washington
estate of the Youth For Understanding Global Exchange. Press reports
suggest

that members of the entourage are bored and would prefer a less isolated location. The Marshals Service is providing security for the family and ensuring that they do not violate a federal court injunction prohibiting them from taking Elian out of the country or to a location with diplomatic immunity. We are not certain whether or when the move will take place. Elian's father's attorney, Greg Craig, has approached the INS to express the family's interest in moving to DC, but we cannot confirm that any final decision has been made.

What's your reaction to the move by Elian Gonzalez and his entourage from their rural location in Maryland to northwest Washington?

* At this point, we cannot confirm that they are moving or when any move would take place.

* Refer you to Juan Miguel Gonzalez' attorney, Greg Craig, for more information.

4

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Exchange Mail

DATE-TIME 05/24/2000 7:59:28 PM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT cong correspondence on Elian for clearance [UNCLASSIFIED]
TO Hollis, Caryn C. (INTERAM)
DeRosa, Mary B. (LEGAL)
Shapiro, Daniel B. (LEGIS)

CARBON_COPY Avery, Dale R. (INTERAM)
Hammer, Michael A. (PRESS)
Hollis, Caryn C. (INTERAM)
Merletti, Roger D. (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)
Scharfen, Jonathan R. (LEGAL)
Williams, Mary C. (ADMIN)
Burrell, Christina L. (LEGIS)
Lackey, Miles M. (LEGIS)
Shapiro, Daniel B. (LEGIS)
Tavlarides, Mark J. (LEGIS)
Walldorff, Rebecca L. (LEGIS)
Banbury, Anthony N. (MULTI)
Feldman, Daniel F. (MULTI)
McClean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Patten, Wendy L. (MULTI)
Schwartz, Eric P. (MULTI)
Smith, Peter D. R. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)
Wilcox, Richard M. (MULTI)
Williams, Mary C. (ADMIN)

TEXT_BODY Caryn, Mary, Dan -- please clear. thanks -- WLP

TRANSLATED_ATTACHMENT 2232 Arme y-Elia n.doc

Dear Representative Arme y:

Thank you for your letter regarding the Elia n Go nza lez case. I appreciate hearing your views and agree that respect for the rule of law must always be of paramount concern.

When the INS took measures to reunite Elia n with his father, it acted to secure compliance with its lawful and appropriate directives and to ensure that the fundamental bond between a parent and child would be protected. Let me assure you that the Justice Department has not impeded a full judicial review of the matter. The legal challenge to the INS decision that Juan Miguel Go nza lez has sole authority to speak for his son in immigration matters is proceeding through the federal courts, while Elia n remains in the United States in his father's care.

Again, thank you for writing and for sharing your views about this boy's case.

Sincerely,

The Honorable Dick Arme y
House of Representatives
Washington, D.C. 20515

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TRANSLATED_ATTACHMENT 2232POTUSmemo.doc

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER
CHARLES M. BRAIN

SUBJECT: Letter from Members of Congress on Elian Gonzalez Case

Purpose

Respond to a letter from four members of Congress requesting that INS refrain from removing Elian Gonzalez from his Miami residence and returning him to Cuba.

Background

Representatives Arme y, DeLay, Hastert, and Watts wrote to urge you to instruct the Attorney General not to remove Elian Gonzalez by force from his Miami relatives' residence and return him to Cuba. They contended that a Florida family court should determine disposition of this case case.

In your reply, you indicate that, in acting to reunite Elian with his father, INS upheld the rule of law and the fundamental bond between a parent and child. You also emphasize that the Justice Department has not impeded full judicial review of the case, which is proceeding through the federal courts while Elian remains

in his father's care in the United States.

RECOMMENDATION

That you sign the attached response.

Attachment

Tab A Reply to Members of Congress on Elian Gonzalez Case

Tab B Incoming Correspondence

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cc: Vice President

Chief of Staff

TRANSLATED_ATTACHMENT 2232SRBmemo.doc

May 22, 2000

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: WENDY PATTEN

SUBJECT: Letter from Members of Congress on Elian Gonzalez Case

Attached is a memorandum to the President and proposed response to a letter from

Representatives Arme y, DeLay, Hastert, and Watts on the Elian Gonzalez case. We

held this response pending the reunification of Elian and his father and a solid

indication about whether Congress would hold hearings to review the INS

reunification action.

The NSC received the incoming correspondence on March 30, 2000.

Concurrence by: Mary DeRosa, Caryn Hollis, Dan Shapiro

RECOMMENDATION

That you sign the attached memorandum at Tab I.

Attachment

Tab I Memorandum for the President

Tab A Response to Members of Congress

Tab B Incoming Correspondence

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