

FOIA MARKER

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Original OA/ID Number: 43327				
Document ID: 9909257				
Stack: v	Row: 50	Section: 2	Shelf: 11	Position: 2

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. form	re: Questions [partial] (1 page)	12/13/1999	P6/b(6)

COLLECTION:

Clinton Presidential Records
NSC Records Management
([Elia])
OA/Box Number: 43327

FOLDER TITLE:

9909257

2012-0371-F

rs2173

RESTRICTION CODES**Presidential Records Act - [44 U.S.C. 2204(a)]**

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]
- C. Closed in accordance with restrictions contained in donor's deed of gift.
- PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).
- RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9909257
RECEIVED: 27 DEC 99 15

TO: PRESIDENT

FROM: BERGER

DOC DATE: 17 DEC 99
SOURCE REF:

KEYWORDS: IMMIGRATION

LIMITED ACCESS

PERSONS: GONZALEZ, ELIAN

SUBJECT: ELIAN GONZALEZ CASE -- LIMITED ACCESS

ACTION: NOTED BY PRESIDENT W/ COMMENT

DUE DATE: 30 DEC 99 STATUS: C

STAFF OFFICER: NONE

LOGREF:

FILES: PA

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO
NSC CHRON

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSDAK

CLOSED BY: NSVJD

DOC 1 OF 1

UNCLASSIFIED

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9909257

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001

X 01010815 NOTED BY PRESIDENT W/ COMMENT

UNCLASSIFIED

—
THE PRESIDENT HAS SEEN
12-22-99

9257

THE WHITE HOUSE
WASHINGTON

✓
MEMORANDUM FOR THE PRESIDENT

FROM: SANDY BERGER

SUBJECT: Elian Gonzalez Case

Attached is the summary of the INS interview with Elian Gonzalez' father in Cuba. This document is very close-hold.

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Berger.
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12-17-99
PHOTOCOPY WJC HANDWRITING

INTERVIEW WITH JUAN MIGUEL GONZALEZ QUINTANA

On December 13, 1999, at approximately 7:30 a.m., the writer Silma L. Dimmel, Officer in Charge for the U.S. Immigration and Naturalization Service (INS) at the Havana sub office accompanied by Jeffrey DeLaurentis, U.S. Interests Section in Havana arrived at Calle Cossio #170, Cardenas, Cuba, the residence of Mr. Gonzalez Quintana to conduct an INS interview. At the residence, Mr. Gonzalez Quintana was surrounded by his parents, the parents of Mrs. Elisabeth Brotons, his present "wife" although not legally married, their son, and other family members.

I introduced myself and the Political Officer and expressed our sincerest condolences for the tragic death of Ms. Elisabeth Brotons. Mr. Gonzalez Quintana was asked if we could meet in private in order to talk freely and without interruptions. Mr. Gonzalez Quintana led us to another area of the residence where he had set a table with 6 chairs in anticipation of our visit.

Again, we expressed our deepest sympathies over the tragedy on behalf of the U.S. Government, as well as our concern for the well-being of Elian Gonzalez. I also stressed that the INS, on behalf of the U.S. Government, would like to resolve the matter pertaining to Elian as quickly as possible.

Mr. Gonzalez Quintana proceeded with reading his handwritten statement which said that he preferred not to have the interview, and that he had given his mother full power of attorney in order for her to represent him. The statement indicated, however, that he was willing to proceed with the interview, but wished that his parents be present during the entire interview. Under the circumstances, and due to the fact that this would be the only opportunity INS would have to interview him on behalf of the U.S. Government, I agreed to this. However, it was made clear to Mr. Gonzalez Quintana that the questions would be asked directly to him but that any comments from the parents would be allowed later. All parties agreed.

Mr. Gonzalez Quintana continued to read his handwritten note in which he mentioned the inclusion of a variety of documents that will be identified as attachments to this statement. Once he concluded, we began the interview. The questions presented to Mr. Gonzalez Quintana had been prepared by the INS' General Counsel office in Washington, D.C. Mr. Gonzalez Quintana was also given an attachment of five questions prepared by the General Counsel's office, translated into the Spanish language, for him to answer by circling the response without any oral presentation. He completed this immediately and without any hesitations.

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Questions:

1) Are you Juan Miguel Gonzalez Quintana? Can you present me with any identification documents?

Yes. He presented carnet de identidad #6MOOO300566.

2) Who has accompanied you to this interview?

My parents, Maria Maricla Quitana Garrido and Juan Gonzalez Hernandez.

3) Are you the biological father of Elian Gonzalez Broton?

Yes.

4) Do you have Elian's birth certificate?

Yes, also I'm submitting my birth certificate and his mother's birth certificate.

5) Is there any formal custody arrangement concerning Elian? If so, do you have any documents describing the custody arrangement? If not, did you and Ms. Brotons have an informal arrangement for Elian's custody? If so, please describe.

When we got divorced the laws in Cuba grant custody of a child to the mother. However, the boy practically lived with me since he attended school closer to my residence because she lived outside the city limits. She even decided not to register him at the school to which he was supposed to attend in order for him to stay here and my mother to take care of him while both of us worked. She (Ms. Brotons) sometimes argued with me because he spent more time with me in this residence than with her. He would sleep and eat here and spent most of his time here. He even slept with me and my present "wife" in the same bed while visiting because he's very close to me.

6) Under United States law, there are different ways to proceed with the case of an individual in Elian's circumstances. First, the individual may ask to voluntarily leave the United States and return to Cuba. Second, he may ask to remain in the United States in his current status, which will entitle him to become a permanent resident after a year. Finally, he may apply for asylum to become a legal resident of the United States. Asylum may be granted if the individual has a reasonable fear of

persecution upon his return to Cuba. As his father, which option would you choose for Elian?

Return immediately to Cuba. I was listening to the news and about the laws in the United States. Elian, at the age of six, cannot make a decision on his own. In the first place, he wasn't found on land, he was found at sea. I'm very grateful that he received immediate medical assistance, but he should be returned to me and my family. I am not allowing him to stay in the United States. As for him to get asylum, I am not allowing him to stay or claim any type of petition; he should be returned immediately to me.

7) Elian arrived in the United States on November 25. Were you aware that Elian was being taken to the United States? If so, at what point did you become aware? Did you agree to this?

No, I did not know that he was being taken to the United States. Neither he nor his mother lacked anything here. She worked in Varadero in the Hotel Paraiso as a steward and I provided for his sustenance. She did not need to go to the United States and there was no idea that she was thinking in that manner. As a matter of fact, neither her parents nor I had any idea what she had been planning and if so, would not have allowed her to go and take Elian.

For your information, on the prior Wednesday before her departure, I went to pick him up at the place where she lived; a room because she didn't live with her mother. He slept that night in this house and I took him to school on the following Thursday morning. Again, that day my brother went to pick him up at the school and he slept here that night because he (Elian) and my brother, Jose Antonio Gonzalez, had been making a kite to fly it on the next day after school. They had been working on that kite for days and Elian was very excited. When my brother returned on Friday to the school to pick up Elian, he was informed by the teacher that his mother had picked him up on Friday morning and that he didn't return to the school in the afternoon of that same day.

It seems that she (Ms. Brotons) had been planning this for some time without anybody's knowledge. My brother went to her house on Saturday and Sunday and didn't find Elian there. On Monday, my cousin, who is also Elian's Godmother, went to pick up Elian at school and again, the teacher informed her that he wasn't taken to the school on that day. She, cousin/Godmother, immediately came to the house to tell my father. I was working and they went to Ms. Brotons' house looking for Elian. On the way there, my father was stopped at a store by someone who told him that Ms. Brotons and Elian had left the country. They decided not to tell me until I returned from work in order not to worry me. My mother informed me of what had happened after my return from work.

We still didn't know where Elian was - until November 25, when people watched the news and told me that they saw a boy on television that looked like him. I asked my father to call his relatives in the United States to inquire about Elian's welfare.

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(b)(6)

Elian is a very bright boy. On the day he was found, I received a telephone call from the doctor in the United States, who provided care for Elian. It was Elian who had given the doctor his full name, date and place of birth, my name and my telephone number in Cuba where he (doctor) could reach me. The doctor needed to know of Elian's past medical record because he had told the doctor he had had surgery before.

8) Can you describe your relationship with Elian? How did that change since your relationship with Ms. Brotons ended?

In between relationships, Ms. Brotons and I spent 15 years together. We wanted a child very badly and she had a few miscarriages. When Elian was born he was a miracle to us. We got divorced in 1991, and got together again because we wanted to have a child together. Elian was born in 1993, and we were very happy. As a matter of fact, Elian's name is the construction of parts of our names: "Eli", for the beginning of her name Elisabeth and "an" for the latter part of my name, Juan. Elian is my life. He is my first son. Wherever I went, he went with me. I taught him how to swim, do karate, he has a parrot here, dogs, a bicycle and all kinds of toys. As a matter of fact, I haven't been to the barber because he isn't here since we always went together.

I always had a good relationship with Ms. Brotons. She would even bring Elian here and go to buy birthday gifts for my father. Even her present boyfriend would come here and talk to me and eat here. My parents also liked him a lot. I liked him also because he never mistreated my son whom he loved very much and I appreciated that from him. Ms. Brotons also had a good relationship with my present "wife".

9) A law firm has submitted documents to the INS in which they claim to represent Elian. This law firm has told the INS that Elian should be permitted to remain in the United States. Are you aware of this law firm? Have you ever spoken to any of these attorneys? Do you want this law firm to represent Elian's immigration interests?

No. I do not want any law firm to represent Elian.

I have heard such on television. I do not want to bring politics into this or for anyone to use Elian for political purposes. Can you believe that there should be a trial against me whereas I cannot claim my child?

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I will not accept any telephone calls from any law firm. No one has talked to me. For your information, the day after Elian was rescued, I immediately went to the Civil Registry office to obtain the necessary documents in order to reclaim my son. Please notice the dates on the birth, divorce and marriage certificate which indicate November 26, after Elian was found.

10) How often did you see Elian?

All of the time. He basically lived here, we did everything together and as already mentioned, he spent more time with me and my parents than with his own mother.

NOTE: At this point, Mr. Gonzalez Quintana excused himself and returned with an album of photographs of Elian when he was a baby and toddler with Mr. Gonzalez Quintana, his cousin and many other pictures of Elian. He also showed us pictures of Elian with his new baby stepbrother and his father as well as pictures of Elian with his grandparents and great grandmother.

11) How much time did you spend with him?

As stated, as much time as possible since we are very good friends and I miss him very much. We did everything together. I used to take him to the place where I work to use the swimming pool and we played together. He slept with me, that's how close we are.

12) Did Elian sleep at your home since your relationship to Ms. Brotons ended? If so, how often?

Yes, all of the time.

13) Did you participate in Elian's school or other activities in any way? If so, please describe your participation?

Yes, always. I attended meetings and school activities. Imagine, it was I who noticed Elian's bleeding problem and at my insistence, the doctor was contacted; that's how close we are.

14) Please describe any financial or other support that you may have provided for Elian's upbringing.

I work at the Parque Josone which is a tourist center where they have all kinds of facilities. I have been working there for over 11 years. The law requires that I pay 60 pesos (equivalent of 3 USD) a month. Instead I gave Ms. Brotons \$5.00 (USD) a month

and bought food and clothes. I even brought food to her often although I knew she didn't need it. Each time I bought something for Elian, I bought two; one for here and one for Ms. Brotons' residence.

15) Do you have any documents demonstrating your involvement in Elian's life?

Yes. I am submitting all sorts of documents which prove of my involvement in his life. I am also submitting affidavits of people which relate to my support to Elian.

16) Did you enter into marriage with Elisabeth Brotons, Elian's mother? If so, when?

Yes. I am providing the marriage certificate.

17) Did you register this marriage? If so, do you have a marriage certificate?

Yes, I am including such. Elian was born in 1993, after we were already divorced, but since we wanted to have a child together we got together again and then he was born.

18) Were you married to Ms. Brotons at the time of her death, on or about November 24th?

No.

19) If divorced, do you have a divorce decree?

Yes, I am including such.

20) Until his legal status in the United States can be determined, the Immigration and Naturalization Service has released Elian into the custody of Lazaro and Angela Gonzalez, who we understand to be family members. Can you tell us how you and Elian are related to them? Have you been in contact with them? Do you want them to represent Elian's immigration interests?

Lazaro Gonzalez is my uncle, my father's brother. He and his wife left Cuba for the United States legally over 10 years ago. They lived with us in this house and with family since I was a young child. Last August, 1998, they visited Cuba for 15 days and that's when they met Elian. They took a liking to Elian because he's such a nice boy, well behaved and well mannered; since he's such a lovable boy, they immediately liked him. Elian is very well educated.

When this whole thing started I talked to them and initially, they said that Elian should be returned immediately to me. Then all of the sudden, things changed. We had an argument over the phone because they even offered me money to leave Elian there. I do not want Elian to stay there, I want him back here in Cuba. It appears that Lazaro is under pressure. I tried to convince him rationally to let Elian return, but he says he is unable to back off because of the circumstances of what could happen.

Mr. Gonzalez Quintana's father, Juan Gonzalez Hernandez, added that his brother Lazaro told him that under the present circumstances it is impossible for him to back off because he would look bad in front of the Cuban people in Miami.

Mr. Gonzalez Quintana proceeded to say that the relatives in the United States have no rights over Elian and that they are to return him to Cuba as soon as possible.

21) You may apply for a visa to the United States to see Elian now. Visas are generally granted in situations like this. Do you wish to apply for a visa?

No, I am not interested. I want Elian to be returned as soon as possible. I do not want to speak to other people anymore. I am tired of being hounded by the press. At this moment I cannot work under these circumstances, it's impossible; I am worried for Elian.

At this point, Mr. Gonzalez Quintana's mother added that she has not returned to her job because of being distraught. She misses her grandson and wants him back immediately. The grandfather also expressed the same feelings.

Interview concluded at this point.

SUMMATION

THE PRESIDENT HAS SENT

12-22-99

It was this officer's observation that the residence where Elian lived, until the time he was removed by his mother, is very well kept, clean and that Elian has a very loving set of grandparents and father.

* Mr. Gonzalez Quintana appeared very concerned for Elian's return to him as soon as possible without further delays because ~~his~~ misses his "buddy". Mr. Gonzalez Quintana provided for the well being of Elian and his grandparents took good care of Elian after school and during visits to the residence. Mr. Gonzalez Quintana lives with his present common-law wife, baby son, his parents and his brother. Elian's grandparents on his mother's side were also present at Mr. Gonzalez Quintana residence, but were precluded from being present at the interview.

Mr. Gonzalez Quintana was very much involved in Elian's sustenance and care. He taught Elian how to swim, do karate and did many activities together, to the point that Mr. Gonzalez Quintana has not visited the barber shop since Elian's gone because they got their haircuts together.

Elian was taken care of by his paternal grandmother more so than by his mother since she resided in a very small room and not with her mother. This is one reason why Elian spent so much time with his father, grandparents, stepmother and stepbrother.

Mr. Gonzalez Quintana, his parents and maternal grandparents expressed their request that Elian return to Cuba immediately. His paternal grandparents are greatly distraught that the emptiness that Elian's not being in Cuba has left in the family. The honesty, concern and truthfulness on the part of Mr. Gonzalez Quintana was palpable as well as his caring and wanting his son be returned to Cuba. Elian's paternal grandparents also appear to be confused and distraught. The family was hurt by the death of Ms. Broton and ~~was~~ it was obvious that Elian is deeply missed by the family.

PHOTOCOPY WJC HANDWRITING

ATTACHMENTS:

1. Written responses made by Mr. Gonzalez Quintana by circling the correct answer to questions prepared by the General Counsel office.
2. Elian Gonzalez Brotons birth certificate.
3. Juan Miguel Gonzalez Quintana birth certificate.
4. Elisabeth Brotons Rodriguez birth certificate.
5. Juan Miguel Gonzalez Quintana and Elisabeth Brotons Rodriguez marriage and divorce certificate reflected on the same document.
6. Copy of doctor's note in relation to Elian Gonzalez medical report.
7. Affidavit of Lucia Zapata Ravelo attesting to the relationship between Mr. Gonzalez Quintana with his son Elian.
8. Affidavit of Elia Baro Rivas attesting the relationship between Mr. Gonzalez Quintana and his son Elian.
9. Affidavit of Mirta Estevez Perez attesting the relationship and financial support of Mr. Gonzalez Quintana on behalf of his son Elian.
10. Affidavit of Pedro Pablo Baro Fernandez attesting the relationship between Mr. Gonzalez Quintana and his son Elian.
11. Affidavit of Alba Isabel Rodriguez Garcia attesting to the mutual activities performed by Mr. Gonzalez Quintana with his son Elian.
12. Affidavit of Maribel Reyes Casas attesting to Mr. Gonzalez Quintana's participation in activities held at Elian's school.
13. Affidavit of Family Morales Delgado attesting to Mr. Gonzalez Quintana's participation in activities held at Elian's school.
14. Affidavit of Luciano Evaristo Hernandez Gonzalez attesting to Mr. Gonzalez Quintana's concern to the well being of his son Elian.
15. Affidavit of Conrado Vicente Marrero Piloto attesting to Mr. Gonzalez Quintana's participation at activities with his son Elian.

16. Affidavit of Fidel Ernesto Ramirez Torres attesting attesting to the good working relations of Mr. Gonzalez Quintana with coworkers.
17. Affidavit of Rey Paul Ramos Riera attesting that Mr. Gonzalez Quintana sought for immediate medical care for Elian.
18. Affidavit of Gilberto Gonzalez Pena attesting to Mr. Gonzalez Quintana participation to activities with his son Elian.
19. Affidavit of Milagros Severina Cortes Alfonso attesting that Mr. Gonzalez Quintana has taken his son Elian to the hospital for surgery.
20. Family Law document number 1289 which relates to the relationship between father and son.
21. Copies of Elian's school records of his work and teacher's note.
22. Affidavit of Juan Miguel Gonzalez Quintana giving power of attorney to his mother Maria Marianela Quintana Garrido to represent him.

FAVOR DE CIRCULAR LA CONTESTACION APROPRIADA

1. ¿Está atendiendo usted a esta sesión voluntariamente? Si ☒ No
2. ¿Se siente usted ^{en} el poder hablar libremente? Si ☒ No
3. ¿Ha hecho usted su propia decisión de lo que va a contestar hoy? Si ☒ No
4. ¿Le gustaría a usted que Elian regrese a Cuba a vivir con usted o que se quedara en los Estados Unidos?
- ☒ Que regrese a Cuba Que se quede en los EEUU
5. ¿Quiere usted ir a los Estados Unidos a ver a Elian ahora? Si No ☒